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# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY AUTHORITY

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GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
FOREST DEPARTMENT

## NOTIFICATION

The 7th May, 2002

**No.FRM/88/2001/77.**--In compliance with the directions of the Hon'ble Supreme Court of India in its order dated 12th May, 2001 in W. P. (Civil) No. 202 of 1995 and in exercise of powers conferred under sections 40 and 72(c) of the Assam Forest Regulation, 1891 (Regulation VII of 1891), the Governor of Assam is pleased to make the following Rules for controlling the felling and removal of trees from non-forest lands in the manner hereinafter appearing.

### Short title and commencement :

1(a). These rules may be called 'Assam (Control of felling and removal of trees from non-forest lands) Rules, 2002'.

1(b). These rules shall be applicable to the whole of Assam in respect of non-forest land as defined in 2 (c) below.

1(c). These rules shall come into force with effect from the date of their publication in the official gazette.

### Definitions :

2. In these rules, unless there is anything repugnant in the subject or context.

(a) "Govt." means Government of Assam ;

(b) "Forest" means

- (i) Reserved Forest or Protected Forest or any other areas legally constituted as forest ;
- (ii) Any area recorded as "Forests" in Government records maintained by the Forest Department or any other Government departments ; and
- (iii) Land to be treated as deemed forest as per Supreme Court Orders dated 12.12.96. A continuous patch of 10 ha. or more having not less than 200 naturally grown trees per ha. on an average.

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- (c) "Non-forest land" for the purpose of these Rules means area which is not "forest" as per 2(b) above.
- (d) "Plantation" means a continuous patch of two ha. or more having tree plantations. This will not include trees planted along farm bunds and species such as rubber, areca nut etc. and the shade trees in tea-garden areas.
- (e) "Rules" means Assam (Control of felling and removal of trees from non-forest land) Rules, 2002.
- (f) Other expressions as defined in the Assam Forest Regulation, 1891 (Regulation VII of 1891) shall be followed for the purpose of these Rules.

**Registration of tree plantations :**

3.1. Tree plantations raised in non-forest areas by an individual or institution or non-government organisation or any other non-government agency shall be registered with the Divisional Forest Officer in the manner as shall be prescribed in this behalf by the Principal Chief Conservator of Forests.

3.2. While registering a plantation, it shall be ensured that the applicant is the legal title holder, and it is a non-forest land as per 2 (c) above.

3.3. The Divisional Forest Officer shall prepare and make available a certificate of such registration, in a manner as prescribed by the Principal Chief Conservator of Forests.

3.4. The registration certificate shall normally be issued within 60 days of the receipt of complete application by the Divisional Forest Officer.

3.5. The plantations of tree species not requiring felling permission need not be registered.

3.6. The title holder shall have to pay a fee of Rs.100/- per ha. per year for late registration of his plantation, if he does not register his plantation within the time frame as prescribed by the Principal Chief Conservator of Forests

**Tree species not requiring felling permission :**

4.1. For felling and conversion of trees of the following species from non-forest areas, no felling permission from the Forest Department under these rules is needed :

Aam (*Mangifera indica*), Jamun (*Syzygium cumini*), Kathal (*Artocarpus integrifolia*), Eucalyptus, Poplar, all species of home grown bamboo, Leteku, Paniol and Madhuriam (*Psidium guajava*).

4.2. The State Government may add or delete species in 4.1 above with prior approval of the Central government.

**Permission for felling of trees :**

5.1. The permission for felling of trees from non-forest areas including from registered plantations shall be granted following the provisions as prescribed by the Principal Chief Conservator of Forests, Assam, issued with prior approval of the Forest Department.

5.2. Permission for felling of trees for self-consumption shall normally be granted within 30 days from the date of receipt of application, complete in all respects, by the Divisional Forest Officer. In such cases no Transit Passes shall be issued against the operated trees. Permission for felling of trees in other cases shall normally be granted within 60 days from the date of receipt of applications, completed in all respects, by the Divisional Forest Officer.

5.3. In case of registered plantations felling permission shall normally be granted within 30 days.

**Transit of timber :**

6. The transit of timber from non-forest land shall be regulated as per the provisions of relevant acts/rules/regulations/guidelines regarding movement of timber or timber products.

**Confiscation of trees felled in violation of Rules/Guidelines :**

7.1. Timber obtained from trees felled in violation of these instructions, shall be seized and confiscated to the 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 government royalty of the timber. The Principal Chief Conservator of Forests may restrict / prohibit the issue of Transit Passes in such cases.

7.2. The seizure of timber as per 7.1. above is without prejudice to any action or penalty as prescribed under the relevant acts/rules.

**Penalty :**

8. For violation of the provisions of these Rules, appropriate penalties may be imposed on any person(s) as per the procedure contained in Chapter VIII of the Assam Forest Regulation, 1891 (Regulation VII of 1891) and rules or orders thereunder.

L. RYNJAH  
Principal Secretary to the Government of Assam  
Forest Department