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KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

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GOVERNMENT OF KERALA

Forest and Wildlife (B) Department

NOTIFICATION

G. O. (P) No. 56/2011/F&WLD. Dated, Thiruvananthapuram, 7th December, 2011.

S. R. O. No. 786/2011.—In exercise of the powers conferred by sub-section (1) of section 15 of the Kerala Promotion of Tree Growth in Non-forest Areas Act, 2005 (46 of 2005), the Government of Kerala hereby make the following rules, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Promotion of Tree Growth in Non-forest Areas Rules, 2011.

(2) They shall come into force at once.

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2. *Definitions.*—In these rules unless the context otherwise requires.

- (a) 'Act' means the Kerala Promotion of Tree Growth in Non-forest Areas Act, 2005 (46 of 2005);
- (b) 'Authorised Officer' means an officer not below the rank of Forest Range Officer appointed to be authorised officer under sub-section (2) of the section 6 of the Act;
- (c) 'Cardamom Plantation' means an area registered as Cardamom Plantation and predominantly cultivated with cardamom and properly maintained as cardamom plantation;
- (d) 'Coffee Plantation' means an area registered as Coffee Plantation and predominantly cultivated with coffee and properly maintained as Coffee Plantation;
- (e) 'Form' means form appended to these rules;
- (f) 'Mangrove area' means a wetland which predominantly supports mangrove species;
- (g) 'Notified area' means any non-forest land notified under sub-section (3) of section 6 of the Act and includes all the mangrove areas cardamom or coffee plantations which are deemed to be notified under the said sub-section;
- (h) 'Plantation' means an aggregate of artificially regenerated tree species in a block of not less than 0.1 hectare in extent;
- (i) 'Section' means section of the Act;
- (j) 'Timber' means timber as defined in the Kerala Forest Act 1961 (Act 1 of 1962) and shall include firewood.

3. *Declaration to be filed for cutting a specified tree or transportation of timber of a specified tree from any non-forest land to any other place.*—

(1) Where a specified tree, other than sandalwood, standing on a non-forest land is to be cut or any timber of any such tree is to be transported, the owner of such tree shall, before cutting the tree

transporting the timber, as the case may be, file before the Authorized Officer having jurisdiction over the area, a declaration in Form No. I in duplicate either directly or by registered post with acknowledgement due.

(2) Declaration filed as per sub-rule (1) shall be dealt with in accordance with the provision of sub-section (6) of section 6 of the Act.

(3) On receipt of a declaration filed under sub-rule (1), the Authorized Officer shall forthwith issue a copy of the declaration acknowledged by him under his signature and seal.

(4) The acknowledged copy shall accompany the timber during its transport.

4. Procedure for obtaining prior permission for cutting and transporting any specified tree from a notified area.—(1) An Application for permission to fell, uproot or burn or cause to be felled, uprooted or burnt any such tree for which permission is required under section 6 of the Act or for transport of any timber of such specified species shall be made in duplicate in Form No. II appended to these rules to the Authorized Officer having jurisdiction over the area.

(2) On receipt of an application under sub rule (1), the Authorized Officer shall inspect the area and cause necessary enquiries and satisfy himself that the facts mentioned in the application are genuine.

(3) If the Authorized Officer after conducting the inspection is satisfied that the applicant is entitled to get permission, he shall issue permission for cutting the specified tree in Form No. II itself.

(4) Where timber of a specified tree cut under sub-section (3) of section 6 of the Act, is to be transported from a non-forest land within the notified area, the owner of such timber shall file a declaration in duplicate in Form No. II either directly or by registered post with acknowledgement due, to the Authorized Officer having jurisdiction over the area.

(5) On receipt of the declaration, the Authorized Officer shall duly acknowledge, receipt of the same and shall conduct necessary inspection of the timber. He may also conduct necessary enquiry on the information furnished by the owner in the declaration and record his opinion thereon.

(6) The Authorized Officer upon being satisfied on the genuineness of the contents in the declaration, if found permissible, may issue a permit for the transportation of the timber to the owner in writing in Form No. III, which shall accompany the timber during its transportation.

(7) An application seeking prior permission for cutting as well as transport of the trees under this rule shall be disposed of within twenty days from the date of receipt of the application.

5. *Conditions for granting permission for cutting of trees under subsection (3) of section 6 of the Act.*—In deciding whether permission under subsection (3) of section 6 of the Act, may be issued to fell, uproot or prune specified tree, the Authorized Officer shall have due regard to the following matters, namely:—

- (i) plantations of fast growing species like Eucalyptus, Casuarina, Bamboo, Reed etc., shall be allowed to be cut after they attain a minimum age of five years;
- (ii) plantations of other forest tree species shall be allowed to be cut or fallen after they attain a minimum age of ten years;
- (iii) thinning in plantations of forest tree species shall be allowed as per the silvicultural requirements of the species;
- (iv) rosewood trees shall be allowed to be cut or fallen after attaining a minimum girth of 150 cms. at 1.4 meters above ground level;
- (v) teak trees wherever grown, other than in plantations, shall be allowed to be cut or fallen after attaining a minimum girth of 60 cms. at 1.4 meters above ground level;
- (vi) trees of other forest tree species wherever grown, other than in plantations, shall be allowed to be cut after attaining a minimum girth of 75 cms. at 1.4 meters above ground level;
- (vii) all dead trees may be permitted to be cut or converted;
- (viii) all trees which constitute a danger to life or property, buildings, telephone lines, electric lines or any other structure shall be permitted to be felled irrespective of their girth or maturity;

- (ix) all trees causing obstruction to any permanent building or to the formation of any public road shall be permitted to be felled;
- (x) pruning of trees required for agricultural operations shall be allowed in deserving cases on condition that the girth of the branch to be cut shall not exceed thirty cms. at the biggest end and the main stem of the trees shall not be damaged during lopping or pruning;
- (xi) twice the number of trees of the same species or those of other suitable species shall be required to be regenerated by the applicant;
- (xii) the permission for felling shall not be refused if the tree constitutes a danger to life or property or if the tree is wind fallen or for the bonafide construction of a residential house thereon.

6. *Procedure for cutting, removal and disposal of sandalwood trees in non-forest area.*—Cutting, removal and disposal of sandalwood trees shall be done only by the Forest Department in the manner given below:—

- (i) Trees which are dead, fallen or constitute danger to life and property shall be extracted by the Forest Department at the request of the owner of the non-forest land;
- (ii) All trees causing obstruction to any permanent building or to the formation of any public road shall be extracted by the Forest Department;
- (iii) Application for extraction of such trees shall be made in Form No. IV to the Authorized Officer having jurisdiction over the area;
- (iv) The Authorized Officer if satisfied with the contents of the application shall cause the tree to be extracted, transported and sold as per the procedure in chapter VI A of the Forest Act, 1961 and the rules issued thereunder.
- (v) The entire sale proceeds, after deducting the actual expenses incurred for cutting, removal, extraction and sale of the sandalwood shall be paid to the owner of the sandalwood tree within one month from the date of realization of sale value.

- (vi) Five times the number of sandalwood trees cut or fallen shall be regenerated and nurtured by the owner of the non-forest land.

7. *Procedure for cutting, removal and disposal of specified trees standing on non-forest areas, owned, controlled or vested in Local Self Government Institutions.*—(1) The custodian of the non-forest areas owned, controlled or vested in Local Self Government Institutions, shall submit to the Authorized Officer an application in Form No. V for felling and transportation of specified tree proposed to be cut or fallen therefrom, giving full particulars of the land such as location sketch and survey sketch and details of the trees.

(2) On receipt of such application, the Authorized Officer shall, within seven days from the date of receipt of the application, refer the same to an Advisory Committee consisting of the following members, namely:—

- (a) The Mayor of a Municipal Corporation or a Chairperson of a Municipality or the President of a Grama Panchayat in whose jurisdiction the tree proposed to be felled is standing;
- (b) The Authorized Officer having jurisdiction over the area;
- (c) One or more representatives of reputed Non-governmental Organizations nominated by the Government for each district;
- (d) One representative of the Department of Agriculture not below the rank of Assistant Director of Agriculture nominated by the Principal Agriculture Officer in-charge of the district.

(3) The Committee shall inspect the trees proposed to be cut or fallen and the land on which the trees are standing and shall take a decision on the application submitted by the custodian of the land and record the reasons thereof.

(4) The decision of the Committee shall be taken as far as possible unanimously or by majority of the members inspecting the field and shall be communicated to all the members irrespective of the fact that whether they were present or not during the inspection.

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(5) Three members will constitute the quorum of the Advisory Committee.

(6) The Authorized Officer shall communicate the decision of the Committee to the applicant within a week from the date of inspection granting or rejecting the permission to fell the tree or transport the timber.

(7) The Advisory Committee shall insist the custodian of the land to plant and nurture at least equal number of saplings of local tree species in the same or nearby locality.

(8) The timber and firewood obtained from the felling of such trees shall be disposed of by the custodian of the land after having got a valuation statement prepared by the Authorized Officer who shall assess the value taking into account the seigniorage rate of such trees published by Government from time to time.

8. *Appeal.*—(1) An appeal to under sub-section (8) of section 6 of the Act shall be preferred before the Divisional Forest Officer/Wildlife Warden having jurisdiction over the area, within thirty days of the order of the Authorized Officer, giving reasons for preferring the appeal along with a copy of the order against which the appeal is preferred.

(2) The Divisional Forest Officer/Wildlife Warden shall cause necessary enquires and after hearing all the parties pass appropriate orders within thirty days from the date of receipt of the appeal and the decision thereon shall be final.

By order of the Governor,

SAJEN PETER,
Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

Section 15 (1) of the Kerala Promotion of Tree Growth in Non-forest Areas Act, 2005 (46 of 2005) enables the Government to make rules for carrying out the purpose of the Act.

The notification is intended to achieve the above object.

FORM I

[See Rule 3]

Declaration to be filed for cutting a specified tree or transporting timber of a specified tree from a non-forest land and non-notified area

1. Name and address of the applicant :
2. Sy. No. and extent of the field or fields on which the tree or trees proposed to be cut, uprooted or burnt stand :
3. Name of the Village/Taluk/Block and District where the land on which the trees stand or the timber lie :
4. Proof of ownership of the trees/ timber :
5. Number of trees to be cut :
6. List showing the species of tree/s proposed to be cut or list of logs to be transported, as the case may be, with Girth, Breadth, Height of the tree/s (1.4 m from ground level) :
7. Quantity of timber :
8. Reasons for seeking permission to cut the tree/s :
9. Place to which timber to be transported and purpose :

Place:

Signature of the Declarant.

Date:

DECLARATION

I hereby declare that the information furnished above is true to the best of my knowledge and belief. I also undertake to comply with the conditions subject to which the permission may be granted by the Authorized Officer.

*Signature of the Declarant.***For Office use only**

1. Date of receipt of the declaration by the Authorized Officer
2. Opinion of the Authorized Officer
3. Orders of the Authorized Officer

Place:

Date:

No.

Date:

Authorized Officer.



FORM II

[See Rule 4 (1) and (4)]

Form of Declaration to be filed for obtaining permit for transporting timber of specified trees cut under Section 6 (3) of the Act from a non-forest land with in the 'notified areas'

1. Name and address of the applicant :
2. Sy. No. and extent of the field/s on which the tree/s proposed to be cut, uprooted or burnt stand :
3. Name of the Village/Taluk/Block and District :
4. Proof of ownership of the timber :
5. List showing the logs to be transported (to be numbered serially) :
6. Purpose for which the timber is proposed to be transported :
7. Place to which timber to be transported :
8. Details of the order passed by the Authorized Officer for cutting the trees under section 6(3) (original order to be produced) :

Place:

Signature of the Declarant.

Date:

DECLARATION

I hereby declare that the information furnished above is true to the best of my knowledge and belief. I also undertake to comply with the conditions subject to which the permission may be granted by the Authorized Officer.

*Signature of the Declarant.***For Office use only**

4. Date of receipt of the declaration by the Authorized Officer
5. Opinion of the Authorized Officer
6. Orders of the Authorized Officer

Place:

Date

No.

Date

Authorized Officer.

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(Duplicate to be retained by the issuing officer)

Permit No. Forest Division

Transport Permit for the Transport of timber of specified trees within the notified area in non-forest land

- 1. Name and residence of the person to whom permit is issued :
- 2. Description of produce :
- 3. Quantity :
- 4. Marks :
- 5. When obtained :
- 6. Destination :
- 7. Route (specify the name of Forest Watch Station/ Checking Station on the route) :
- 8. Period or time of validity :
- 9. Remarks :

Signature of the Authorized Officer

Name:

Designation:

(Office Seal)

FORM IV

[See Clause (iii) of Rule 6]

Declaration to be filed for cutting, removal and disposal of sandalwood trees in non-forest areas

1. Name and address of the applicant :
2. Sy. No. and extent of the field/s on which the sandalwood tree/s proposed to be felled or uprooted stand :
3. Name of the Village/Taluk/Block and District where the land on which the tree/s stand or the sandalwood/lie :
4. Proof of ownership of the trees sandalwood :
5. Number of tree/s to be cut :
6. List showing the sandalwood trees proposed to be cut with Girth, Breadth, Height of the tree (1.4 m from ground level) :
7. Quantity of sandalwood :
8. Reason/s for seeking permission to cut the tree/s :

Place:

Signature of the Declarant.

Date:

DECLARATION

I hereby declare that the information furnished above is true to the best of my knowledge and belief. I also undertake to comply with the conditions subject to which the permission may be granted by the Authorized Officer.

Signature of the Declarant.

For Office use only

7. Date of receipt of the declaration by the Authorized Officer
8. Opinion of the Authorized Officer
9. Orders of the Authorized Officer

Place:

Date:

No.

Date:

Authorized Officer.

FORM V

[See Rule 7 (1)]

Declaration to be filed for felling or transporting timber of specified tree/s from a non-forest area owned, controlled or vested in Local Self Government Institutions

1. Name and address of the Institution :
2. Sy. No. and extent of the field/s on which the tree/s proposed to be cut, uprooted or burnt stand :
3. Name of the Village/Taluk/Block and District where the land on which the trees stand or the timber lie :
4. Proof of ownership of the trees/timber :
5. Number of trees to be cut :
6. List showing the species of tree/s. proposed to be cut or list of logs to be transported, as the case may be with Girth, Breadth, Height of the tree/s (1.4 m from ground level) :
7. Quantity of timber :
8. Reason/s for seeking permission to cut the tree/s :
9. Place to which to be transported. :

Place:

Signature of Head of Institution.

Date:

DECLARATION

I hereby declare that the information furnished above is true to the best of my knowledge and belief. I also undertake to comply with the conditions subject to which the permission may be granted by the Authorized Officer.

*Signature of Head of Institution.***For Office use only**

10. Date of receipt of the declaration by the Authorized Officer
11. Opinion of the Authorized Officer
12. Orders of the Authorized Officer

Place:

Date:

No.

Date:

Authorized Officer.