



**Royal Government of Bhutan
Ministry of Agriculture
Department of Forests**

**FOREST AND NATURE CONSERVATION RULES
OF BHUTAN**

**FIRE MALE DOG YEAR
2006**

TABLE OF CONTENTS

CHAPTER I.....	1
INTRODUCTION	1
1. PRELIMINARY.....	1
2. DEFINITIONS	1
3. INTERPRETATION.....	5
4. OFFICIAL PROCEDURES AND NOTIFICATIONS.....	5
5. SCHEDULES, FORMS AND ANNEXES.....	5
6. PERMITS, CERTIFICATES OR OTHER AUTHORIZATIONS ISSUED UNDER THESE RULES	5
CHAPTER II	7
FOREST MANAGEMENT PLANNING AND PLAN IMPLEMENTATION	7
7. FOREST MANAGEMENT PLAN	7
CHAPTER III.....	9
GOVERNMENT RESERVED FOREST.....	9
8. DECLARATION OF GOVERNMENT RESERVED FORESTS	9
9. ALLOTMENT OF LAND, LAND RIGHTS AND USER'S RIGHT IN GOVERNMENT RESERVED FOREST.....	9
10. ACTIVITIES ON ALL LANDS ALLOTTED FOR PRIVATE USE	12
11. TAKING OF FOREST PRODUCE.....	12
12. COMPENSATION AND ALTERNATIVE LAND RIGHTS	13
13. COMPENSATION FOR ACQUIRED LANDS	13
14. PROHIBITED AND RESTRICTED ACTIVITIES	13
15. ACTIVITIES FOR WHICH NO PERMIT SHALL BE REQUIRED.....	16
16. FORESTRY LEASE	17
17. MUNICIPAL AREA	20
18. RESIN TAPPING	20
19. FISHING.....	22
CHAPTER IV.....	25
SOCIAL AND COMMUNITY FORESTRY	25
20. SOCIAL AND COMMUNITY FORESTRY	25
21. ASSISTANCE.....	25
PART A - PRIVATE FORESTS.....	25
22. LAND ELIGIBLE FOR REGISTRATION AS PRIVATE FORESTS	25
23. EFFECT OF REGISTRATION.....	26
24. CANCELLATION OF REGISTRATION.....	26
25. ROYALTIES, PERMITS AND AGREEMENT/MANAGEMENT PLAN	26
26. OFFENCES IN PRIVATE FORESTS	27
PART B - COMMUNITY FORESTS	27
27. SELECTION OF POTENTIAL COMMUNITY FOREST AREAS.....	27
28. ESTABLISHMENT OF A COMMUNITY FOREST.....	28
29. REVIEW AND APPROVAL	30
30. EFFECT OF CERTIFICATION AS A COMMUNITY FOREST	30
31. RESPONSIBILITIES OF THE COMMUNITY FOREST MANAGEMENT GROUP	31
32. CANCELLATION OF THE COMMUNITY FOREST CERTIFICATE	31
33. ADMINISTRATIVE RESPONSIBILITIES AND POWERS OF THE CFMG.....	32
34. MANAGEMENT AND USE OF FOREST RESOURCES/ PERMITS AND ROYALTIES	34
35. POWER OF THE DEPARTMENT	35
36. OFFENCES RELATING TO COMMUNITY FORESTS.....	35
PART C – OTHER FORESTS.....	36
37. INDUSTRIAL AND INSTITUTIONAL FOREST	36

38. HOMESTEAD FOREST.....	37
39. GOVERNMENT RESPONSIBILITIES AND OFFENCES.....	37
40. TECHNICAL ASSISTANCE.....	38
CHAPTER V	39
TRANSPORT AND TRADE OF FOREST PRODUCE.....	39
41. GENERAL	39
42. USES OF TIMBER	39
43. PRINCIPLES	43
44. MARKING OF TIMBER.....	43
45. AUCTION.....	45
46. MOVEMENT OF TIMBER	47
47. TIMBER MOVEMENT FORMS	47
48. RECORDS TO BE MAINTAINED	48
49. EXAMINATION OR INSPECTION OF FOREST PRODUCE IN TRANSIT OR IN TRADE.....	49
50. SPECIFICATION FOR FINISHED WOOD PRODUCTS	50
51. MUSHROOM BILLETS.....	52
52. ALLOTMENT OF BURRS.....	52
53. TRANSIT OF SEMI FINISHED/FINISHED WOOD PRODUCTS IN THE COUNTRY	53
54. TRADE AND TRANSIT OF NON WOOD FOREST PRODUCE (NWFP)	53
55. COLLECTION, TRADE AND TRANSIT OF BOULDERS, STONE, SAND, GRAVEL, ROCKS, PEAT AND SURFACE SOIL.	55
56. USE AND TRANSIT OF FOREST PRODUCE IN RURAL AND URBAN AREA.....	57
57. OFFENCES UNDER THIS CHAPTER	57
CHAPTER VI.....	59
PROTECTED AREA MANAGEMENT	59
58. DECLARATION OF PROTECTED AREAS	59
59. ADMINISTRATION OF ACTIVITIES IN PROTECTED AREAS	60
60. PERMITS UNDER OTHER CHAPTERS	60
61. PROHIBITED ACTIVITIES WITHIN PROTECTED AREAS	60
62. OFFENCES UNDER THIS CHAPTER.....	63
CHAPTER VII	64
WILDLIFE CONSERVATION	64
63. PROTECTION OF WILDLIFE	64
64. PROHIBITED ACTIVITIES	64
65. JUSTIFIED TAKING DUE TO THREAT OF HARM TO PEOPLE OR TO PROPERTY	65
66. TRADITIONAL USES OF CERTAIN WILD PLANTS AND OTHER SPECIES	66
67. FISHING.....	67
68. OFFENCES UNDER THIS CHAPTER.....	67
CHAPTER VIII.....	68
SOIL AND WATER CONSERVATION.....	68
69. CLEARING AND CULTIVATION OF PRIVATE LAND	68
70. GRAZING.....	70
71. POLLUTION PREVENTION	71
72. FOREST FIRES AND FIRE PROTECTION.....	71
73. OFFENCES UNDER THIS CHAPTER	72
CHAPTER IX.....	73
ENFORCEMENT AND PENALTIES.....	73
74. POWERS OF FOREST OFFICERS.....	73
75. OFFENCES UNDER THIS CHAPTER	73

76. OFFICIAL MISCONDUCT	73
77. IMPERSONATING A FOREST OFFICER.....	74
78. SEIZURE AND CONFISCATION.....	74
79. PROCEDURES FOR COMPOUNDING OFFENCES	75
80. ACTIONS CONSTITUTING AN OFFENCE UNDER MORE THAN ONE PROVISION	76
81. TYPES OF PENALTIES THAT MAY BE ASSESSED UNDER THIS CHAPTER.....	76
82. PENALTIES OR OFFENCES LISTED UNDER THESE RULES	76
83. ABETTING IN THE COMMISSION OF A FOREST OFFENCE	84
84. PENALTIES FOR UNLISTED OFFENCES	84
85. SUBSEQUENT OFFENCES	84
86. CANCELLATION OR SUSPENSION OF PERMIT OR LICENSE/STOPPAGE OF SUPPLY OF ANY FOREST PRODUCE	84
87. DEBARRING FROM FOREST ACTIVITIES.....	85
88. CONTROL OF ENCROACHMENT AND EVICTION OF ILLEGAL SETTLEMENTS	86
89. REWARD FOR INFORMING CONCERNING OFFENDERS OR OFFENCES	87
CHAPTER X	88
SUPPLY OF SUBSIDIZED TIMBER FOR RURAL HOUSE CONSTRUCTION, REPAIR/RENOVATION/EXTENSION AND OTHER RURAL PURPOSES	88
90. AREAS ELIGIBLE FOR SUBSIDIZED TIMBER	88
91. APPLICANTS ELIGIBLE FOR SUBSIDIZED TIMBER.....	89
92. FORMS OF TIMBER TO BE ALLOTTED	89
93. PERIODICITY OF ENTITLEMENT	90
94. QUANTITY OF SUBSIDIZED TIMBER FOR RURAL CONSTRUCTIONS	90
95. ROYALTY ON TIMBER FOR RURAL HOUSE CONSTRUCTION/ REPAIRS/ RENOVATION.....	92
96. SUBSIDIES ON TIMBER FOR RURAL HOUSE CONSTRUCTION.....	92
97. PROCEDURE TO BE FOLLOWED.....	92
98. SUBSIDIZED TIMBER FOR OTHER RURAL CONSTRUCTIONS	95
99. SUBSIDIZED TIMBER FOR OTHER PURPOSES IN RURAL AREAS.	95
CHAPTER XI.....	97
SUPPLY OF OTHER FOREST PRODUCE IN RURAL AREAS	97
100. DEFINITION OF AREA FOR SUPPLY OF OTHER FOREST PRODUCE.....	97
101. SUPPLY OF FIREWOOD IN RURAL AREAS.....	97
102. SUPPLY OF FLAG POLES IN RURAL AREAS.....	97
103. SUPPLY OF SAND, STONE AND BOULDER IN RURAL AREAS	97
104. SUPPLY OF FENCING POST IN RURAL AREAS	98
105. SUPPLY OF NON-WOOD FOREST PRODUCTS (NWFP) IN RURAL AREAS	98
106. APPLICATION FOR OTHER FOREST PRODUCE	98
107. PENALTIES FOR OFFENCES.....	98
108. MONIES OWED TO THE GOVERNMENT	98
CHAPTER XII	99
MISCELLANEOUS PROVISIONS.....	99
109. AMENDMENT	99
110. COORDINATION AMONG CHAPTERS - EFFECT OF INDIVIDUAL PERMITS	99
111. PRIOR NOTIFICATIONS	99
112. VALIDITY	99
ANNEXURE – 1	100
ANNEXURE – 2	102
ANNEXURE – 3	103
ANNEXURE – 4	106

ANNEXURE - 5	107
ANNEXURE – 6	110
ANNEXURE – 7	111
ANNEXURE – 8	112
ANNEXURE – 9	113
ANNEXURE – 10.....	114
ANNEXURE – 11.....	115
ANNEXURE – 13.....	117
ANNEXURE – 14.....	118
ANNEXURE – 15.....	119
ANNEXURE – 16.....	120
ANNEXURE – 17.....	121
ANNEXURE – 18 (A)	122
ANNEXURE – 18 (B)	126
ANNEXURE –18 (C)	129
ANNEXURE – 19 (A)	131
ANNEXURE – 19 (B)	132
ANNEXURE –19 (C)	133
ANNEXURE – 20 (A)	134
ANNEXURE – 20 (B)	135
ANNEXURE – 21.....	136
ANNEXURE - 22	138
ANNEXURE - 23	141
ANNEXURE - 24	144
ANNEXURE 25	145
ANNEXURE 26	146
ANNEXURE - 27	147
ANNEXURE 28	150
ANNEXURE - 29	151
ANNEXURE -30.....	152
ANNEXURE - 31	154
ANNEXURE - 32	155
ANNEXURE - 33	156
ANNEXURE - 34	157
ANNEXURE – 35.....	158
ANNEXURE 36	159

ANNEXURE - 37..... 161

ANNEXURE - 38..... 165

ANNEXURE - 39..... 166

ANNEXURE - 40..... 167

ANNEXURE - 41..... 168

ANNEXURE - 41 (CONTINUED)..... 169

ANNEXURE - 42 (A) 170

ANNEXURE - 42 (B) 174

ANNEXURE - 43 177

ANNEXURE - 44..... 178

ANNEXURE - 45 179

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FOREST AND NATURE CONSERVATION RULES OF BHUTAN, 2006

List of Forms

Annexure No.	Title of Form
1.	Application for Registration of Private/Institutional/Industrial Forest
2.	Private/Institutional/Industrial Forest Ownership Certificate
3.	Application to Establish Community Forest
4.	Community Forest Ownership Certificate
5.	Terms and Conditions of Auction
6.	List of Forestry Hammers
7.	Timber Release Order Cum Certificate of Origin (TROCO)
8.	Stump to Depot Timber Movement Order
9.	Internal Timber Movement Order (Other than Subsidized Timber)
10.	Export Timber Movement Order
11.	Imported Timber Movement Order (ITMO)
12.	General Forest Produce Movement Order
13.	Details of Auction Lots
14.	Assessment of Cull Percentage of the Lots
15.	General Auction List
16.	Bid Price Statement
17.	Report on Auction Result
18.	a. Inspection Report on New Land Allotment
	b. Inspection Report on Registered Land
	c. Report on Field Situation of the Land
19.	a. List of Animals and Schedules of Fine
	b. List of Birds and Schedules of Fine
	c. List of Trophies of Animals and Birds and Schedules of Fine
20.	A List of Totally Protected Animals and Birds Listed In Schedule – I
	b. List of Totally Protected Plant Species Listed In Schedule - I
21.	Inspection Report on Sand, Stone, Boulder and Gravel
22.	Application Form for Subsidized Timber for New Construction or Reconstruction of Rural House
23.	Application Form for Subsidized Timber for Repair/Renovation/Extension of Rural House
24.	Application Form For Other Forest Produce For Rural Consumption
25.	Transit Permit for Import of Non-Wood Forest Produce (NWFP)
26.	Certificate For Possession Of Animal Or Parts
27.	One Day Fishing Permit
28.	Forest Offence Registration
29.	Forest Offense Case Compounding Order Sheet
30.	Seizure List
31.	Royalty Deposition And Marking Permit Of Subsidized Timber
32.	Free Grant Permit
33.	Transit Permit For Firewood (For Rural Use)
34.	Records Of Subsidized Timber Supplied For Rural Home Construction/Repair

35. Movement Order For Finished Wood Products For Export
36. Application Form For Subsidized Timber For Other Rural Construction Purpose
37. Forestry Clearance For Clearing Corridors/Forest Land
38. Transit Permit For Subsidized Timber
39. Conditions for Trade of Pipila
40. Application Form For Allotment Of Land From Government Reserved Forest to Government Institution
41. Land Acquisition Form For Land Required By Government i. Institution
42. a. Agreement Deed for Lease of Forest Land – Plantation/Pasture Development
43. b. Agreement Deed for Lease of Forest Land – Non Plantations
44. Registered Tserre land Left Uncultivated for More Than 12 Years
45. License for Fishing with Rod and Line
46. Movement Order for Finished Wood Products
- Transit Permit of Firewood (Commercial Purpose)

5/11/17

FOREST AND NATURE CONSERVATION RULES OF BHUTAN, 2006

In exercise of the powers and duties conferred under the Forest and Nature Conservation Act of Bhutan, 1995, the Ministry of Agriculture, Royal Government of Bhutan hereby promulgate the Forest and Nature Conservation Rules of Bhutan, 2006.

All government notifications, circulars, orders and earlier rules are hereby superseded by the Forest and Nature Conservation Rules, 2006 with effect from September 1st 2006.

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Royal Government of Bhutan
Ministry of Agriculture
Department of Forests

1st Edition 2000
2nd Edition 2003
3rd Edition 2006

CHAPTER I

INTRODUCTION

1. Preliminary

The Forest and Nature Conservation Rules of Bhutan, 2006, shall apply to the whole of Bhutan unless otherwise a provision specifically referred to or is limited to one or more specific regions of the country. These Rules shall come into force with effect from 1st Sept. 2006 and shall supersede all relevant rules and regulations, notifications, circulars and instructions existing as of July 31, 2006.

2. Definitions

These rules shall be called the Forest and Nature Conservation Rules of Bhutan, 2006. In these Rules, the terms defined in Section 3 of the Forest and Nature Conservation Act of Bhutan, 1995 shall have the meanings expressed in that Act; and the new terms defined in the Rules shall have the meanings as given below:

- (1) **“Act”** shall mean the Forest and Nature Conservation Act of Bhutan, 1995, as may be amended from time to time.
- (2) **“Agro Forestry”** shall mean inter cropping of forest crop with agricultural crops in the private registered land and considered as a type of private forest.
- (3) **“Biological Corridor”** shall mean an area set aside to connect one or more Protected Areas for movement of animals and birds.
- (4) **“Buffer Zone”** shall mean an area set aside as a cushion within the Protected Area boundary.
- (5) **“Catchment Area”** shall mean a geographical area draining into a given waterway, lake or reservoir.
- (6) **“Certificate of Origin”** shall mean any printed document/order in a prescribed format, issued to a person or a company or industry or Government/private organization authorizing him to remove/collect/ operate/ displace/use/take any forest produce from its original source for a given/specific purpose/destination as permissible under the Act or these Rules.
- (7) **“Civil Official”** shall mean Dzongdag, Drangpon, Dungthrim, or any other Person specifically empowered by the Royal Government of Bhutan to try forest offenses under the Act.
- (8) **“Community Forest”**, as per Chapter I Section 3 of the Act, shall mean any area of Government Reserved Forest designated for management by a local community in accordance with the provisions under Rule 28.
- (9) **“Community Forest Management Group”** shall mean a group constituted in accordance with Rule 29 (1) for the management of Community Forest.

(10) **“Compensation”** shall mean monetary payment made to the Royal Government of Bhutan for loss incurred by way of illegal taking, felling, damaging collection etc. of forest produce from the Government Reserved Forest without obtaining written approval/permission from the Ministry or Department.

(11) **“Core Zone”** shall mean a fully protected zone within a Protected Area, designated in accordance with Technical Regulations, in which human related activities are not permitted, except for regulated research and monitoring programs.

(12) **“Critical Watershed”** means any area critical for protecting the supply of water for drinking, irrigation, flood control, hydro electric project or related purposes, which has been declared to be a “Critical Watershed” by the Royal Government as per the Forest and Nature Conservation Act, 1995.

(13) **“Dzongkhag Park/Sanctuary”** shall mean an area declared under Article 9 Section 2 of the DYT Chathrim, 2002 & set aside for recreational use and protection of areas of special scenic beauty or biodiversity. It is outside the National Parks, Wildlife Sanctuaries & Strict Nature Reserves defined under Protected Areas in the Act and Rules issued there under.

(14) **“Department”** shall mean the Department of Forest or any other Department of the Royal Government of Bhutan that may in the future, take over its responsibilities as provided in Section 3(d) of the Act.

(15) **“Fair Market Value”** shall mean the equivalent to the average of the auction price of forest produce, of the same or equivalent type and grade, over the last three auctions conducted by the Department/Timber Producing Agencies. When prior auction information is not available (as for most types of forest produce), the value shall be estimated by a committee appointed by DFO/PM of the area.

(16) **“Fine”** shall mean a sum of money imposed as penalty by the Department for breaking provisions of the Forest and Nature Conservation Act of Bhutan, 1995 and the Rules made there under.

(17) **“Finished Products”** shall mean any forest product wherein the making process is completed and is ready for use such as furniture set, door parts, window parts, panels, pharmaceutical ornaments etc.

(18) **“Forest”** shall mean any land or water body, whether or not under vegetative cover, to which no person has acquired a permanent and transferable right of use and occupancy, regardless of whether such land is located within or outside the forest boundary pillars, and includes land registered in a person's name such as Tsandrog (grazing land) or Sokshing (woodlot for collection of leaf litter.)

(19) **“Forest Management Unit”** shall mean a geographic area of Government Reserved Forest designated pursuant to these Rules for scientific management of forest.

(20) **“Forest Officer”** shall mean any person appointed by the Royal Government to carry out any provision of these Rules.

(21) **“Forest Produce”** shall include any of the following whether or not brought from the Forest.

(a) trees, and all parts or products of trees, including timber, firewood, burs, charcoal, bark, wood-oil, resin, latex, or natural varnish, katha or kutch;

(b) wild plants and all parts or products of wild plants, including flowers, seeds, bulbs, roots, fruits, leaves, grasses, creepers, reeds, orchids, bamboo, cane, fungi, moss, medicinal plants, herbs, leaf-mould, or other vegetative growth, whether alive or dead,

(c) wild animals (including fish and other aqua fauna) and the parts or products of wild animals, including the skin, hides, feather, fur, horn, antler, tusk, bone, bile, musk, honey, wax, lac; and boulders, stone, sand, gravel, rock, peat and surface soil.

(22) **“Government Reserved Forest”** shall mean all forests in Bhutan except areas that have been removed there from as described in Rule 8.1 & 9.1.

(23) **“Head of the Department”** shall mean the Head of the Department of Forests appointed by the Government.

(24) **“High Forest”** shall mean trees raised by means of natural seeding and when the crown cover of the forest is 40% and more.

(25) **“Livestock”** shall mean any domestic animals or birds, and shall include wild animals and birds which have been domesticated, and their descendants, so long as the original taking of the wild animal or bird from the wild was permissible in accordance with these Rules.

(26) **“Local Authority”** shall mean any of the following civil officials: Dzongdag, Drangpon, Thrompon, Gup, Chhimi, Maangme, Town Representatives or any person appointed by one of the foregoing officials or the Department to be authorized to assume the duties of “local authority”.

(27) **“Local recreational area”** shall mean an area declared under Article 8(13) of the GYT Chathrim 2002 and set aside for local recreational use and protection of areas of special scenic beauty or biodiversity. It is outside the National Parks, Wildlife Sanctuaries and Strict Nature Reserves defined under protected areas in the Act and Rules issued thereof.

(28) **“Lops and Tops”** shall mean small wood less than 10 cm in diameter over bark after delimbing and bucking.

(29) **“Management Plan”** shall mean a plan prepared in accordance with sections 5 and 21(b) of the Act, and Chapter II of these Rules, and shall include all forestry management plans including those related to forest management units, protected area management, community and private forestry, reforestation and other activities and categories of forest land.

(30) **“Ministry”** shall mean the Ministry of Agriculture or any other Ministry that may become responsible for forestry.

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(31) **"Non-Wood Forest Produce"** shall mean resin, varnish, katha, kutch, plants, flowers, seeds, bamboo, bulbs, roots, fruits, leaves, barks, grasses, creepers, reeds, orchids, cane, fungi, moss, medicinal plants, herbs, leaf-mould, or other vegetative growth, whether alive or dead; wild animals (including fish) and parts or products of wild animals, including the skin, hide, feather, fur, horn, antler, tusk, bone, bile, musk, honey, wax and lac, insect; and boulders, stone, sand, gravel, rocks, peat and soil.

(32) **"Person"** shall mean any individual, corporation, civil or religious association, or monastery, and shall include any agency or department of the Royal Government, or any other entity recognized under the laws of the Kingdom of Bhutan.

(33) **"Primary Timber"** shall mean all kinds of unprocessed wood including sawn timber or as may be notified by the Ministry from time to time.

(34) **"Protected Area"** shall mean an area, which has been declared to be a national park, conservation area; wildlife sanctuary, wildlife reserve, nature reserve, strict nature reserve, research forest, critical watershed or other Protected areas, in accordance with Chapter VI of these Rules.

(35) **"River Buffer"** shall mean the areas within 100 feet of the bank or edge of any river, stream, watercourse, water source or lakes;

(36) **"Rules"** shall mean The Forest and Nature Conservation Rules of Bhutan, and shall include (unless the context requires otherwise) all technical regulations, schedules, forms, orders, procedures, Official Notifications, and government circulars issued, adopted or ratified in accordance with the Act and these Rules.

(37) **"Social/Private Forestry"** means planting and or nurturing of trees and/or other forest crop on private registered lands, within the 25acre land ceiling such as Kamzhing, Tserre and Pangzhing lands and registered under the Social Forestry Rules.

(38) **"Sokshing"** shall mean a part of the Government Reserved Forest registered in the name of an individual with the right only for collection of leaf litters required for producing farm manure.

(39) **"Taking"** shall mean, with respect to any tree, animal or other forest produce and include the collection, felling, hunting, shooting, fishing, killing, capturing, trapping, or otherwise taking possession of such tree, animal or other forest produce.

(40) **"Technical Regulation"** shall mean standard codes of forestry practices, manuals, guidelines, plans prepared or issued by the Department from time to time.

(41) **"Timber"** shall mean any tree or trees, whether standing or fallen, regardless of whether converted to logs, lumber, firewood, or any other form, and shall include branches, stumps, roots, lops and tops.

(42) **"Transit Permit"** shall mean a document or Form, written or printed in the format prescribed under Chapter V of these Rules, which is issued for the purpose of authorizing the legal possessor or recognized agent to transport any forest produce within or outside the country.

(43) **“Watershed”** shall mean a region of land that is crisscrossed by smaller waterways that drain into a large body of water.

(44) **“Wildlife”** shall mean all mammals, aves, reptiles, amphibians, fishes, invertebrates, and micro-organisms that are not domesticated.

3. Interpretation

(1) Gender

All words referring to the masculine gender (such as “he” or “his”) shall be deemed also to refer to the feminine gender and vice versa

(2) Number

All words referring to the singular shall be deemed to refer to the plural, and vice versa.

4. Official Procedures and Notifications

(1) Procedures and Administrative Matters

Where necessary, particularly with regard to temporary or short-term measures, the Ministry or the Department may issue Official Notifications concerning procedures and administrative matters mandated by or as necessary or appropriate for implementation of these Rules.

(2) Royalty Schedule

Royalty rates for forest produce shall be notified by the Ministry from time to time.

5. Schedules, Forms and Annexes

Unless otherwise specified in these Rules, the Ministry may amend such schedules, forms and annexes as are or shall be necessary or appropriate in the implementation of these Rules.

6. Permits, Certificates or Other Authorizations Issued under these Rules

Unless otherwise provided in these Rules, any permit, certificate, or other authorization issued pursuant to these Rules may be issued by the local Forest Officer. The Department may issue any permit under these Rules, so long as it notifies the DFO/PM or other office or person who is authorized to issue the type of permit.

(1) Adoption of Forms

In addition to any forms contained in these Rules the Department may propose to the Ministry to adopt specific forms for any permit, certificate or other authorization described, referred to or allowed in these Rules, as well as application forms and other forms that are required, necessary or useful under these Rules. The Ministry may revise any forms annexed to or adopted under these Rules, from time to time. Once a form is specified, the Department shall print the form to be used by the authorized officers/Agencies.

(2) ***Requirements applicable to All Permits, Certificates and Authorizations***

The following provisions shall apply to all permits, certificates, and other authorizations issued under these Rules:

(2.1) *Form*

Any permit that is required under this Chapter shall be valid only if it is written or printed and registered with the Department.

The form of such permit shall be as follows:

- (a) wherever a permit form is specified or has otherwise been adopted in furtherance of these Rules, the permit shall be in the form specified;
- (b) where no form has been specified as described above, or where it is not appropriate to use the prescribed form for some reason, the permit
 - i. Shall specify in detail all requirements contained in or adopted under these Rules, including the purpose, conditions, validity, possibility of extensions, location, issuing authority, name of the permit holder and other relevant matters; and
 - ii shall not be effective until it has been reviewed, classified and approved by the Ministry.
 - iii. unless otherwise provided in these Rules or in the permit itself, there shall be at least three copies of each permit.

(2.2) *Schedule of Permit Fees*

Nu.10/- per Permit shall be charged, as per the provision under section 6 (d) of the Act, as fee for issue of Permit or Transit Permit, both for commercial and concessional purposes unless it is a free grant permit.

(2.3) *Renewal or Extension of validity of permit or Transit Permit or working period*

- (a) Forest Produce Obtained Through Other Than Auction: The renewal or extension of any permit or transit permit or working period for the internal purposes, shall be allowed with a maximum of up to three times and not more than 30 days of period at a time.
- (b) For auction materials
For auction materials, it shall be referred to Rule 44 (3) and Annexure-5.
- (c) Transit of Forest Produce from Bhutan to Bhutan through Foreign Territories

Forest Produce movement from one place to another place in Bhutan through Indian Road shall be permitted. In the event the purchaser is found to have sold such timber in the Indian Territory, it shall be treated as an offense in violation of Rule 42 (1) (c) and shall be dealt with as per Rule 84 (5) (c) & (d).

CHAPTER II

FOREST MANAGEMENT PLANNING AND PLAN IMPLEMENTATION

7. Forest Management Plan

7.1 *Administrative Responsibility for Preparation of Forest Management Plans*

The Ministry shall issue administrative responsibility to the Department for the preparation, and adoption of Management Plans with regard to respective type of forest. The Agency charged with administrative responsibility for respective forest category should ensure that all Management Plans required by law are prepared, adopted, and implemented.

7.2 *Drafting of Management Plans*

(1) *Participation and Comment /Consultation*

The agency responsible for the preparation of the Management Plan may consult the following in the preparation process:

- (a) local residents, local authorities, and other members of the public;
- (b) persons operating forest-related businesses and other operations,
- (c) government officials in other agencies, divisions, and ministries;

(2) *Guiding Principles and Forest Management Plans*

Wherever a management plan allows the taking of forest produce, such taking shall be planned on a sustained yield basis.

7.3 *Review, Recommendation and Approval*

(1) *Review and Recommendation of the Management Plans*

The Department shall review and comment on the Management Plan. The DYT shall endorse the FMU area proposed by the Department. The Management Plan for the FMU shall be prepared and presented by the Department to the DYT for endorsement. The Department shall forward the Management Plan to the Ministry for approval.

(2) *Approval of the Management Plan*

Forest Management Plan shall be complete and given full permanent effect when it is approved by the Head of the Ministry.

(3) *Operational Plans*

The Department shall be responsible for the preparation and approval of the operational plans.

7.4 *Implementation of Forest Management Plans*

After the plan is approved by the Ministry, the responsibility for timber harvesting and regenerating along with its allied activities such as road construction and maintenance will be entrusted to the Government approved timber producing agencies under the overall

implementation authority of the DFO/PM. The Department shall issue guidelines on the classification of Logging Contractors and minimum requirements to be fulfilled.

7.5 *Forest Management Committees*

There shall be the following two Forest Management Committees, which shall oversee and advise the Department and the DFO/PM regarding implementation of Forest Management Plans in the Forest Management Units:

(1) National Level Forest Management Committee

The National Level Forest Management Committee shall be chaired by the Head of the Department and shall be composed of not less than 7 persons who shall be appointed to this Committee by the Head of the Department.

(2) FMU Level Forest Management Committee

The FMU level Forest Management committee shall be chaired by the DFO/PM and shall comprise of not less than 7 members appointed by Head of the Department which will deal with issues related specifically to the FMU.

7.6 *Monitoring and Control*

For monitoring and control, the guidelines prescribed by the Department from time to time shall be adopted.

7.7 *Evaluation*

Based on monitoring carried out pursuant to Rule 7.6 above, the Department shall, on a regular basis, evaluate the effectiveness of implementation of the Management Plans. The Department shall issue an evaluation schedule and such procedures, as it shall deem necessary regarding the evaluation process.

7.8 *Offences under this Chapter*

Any lessee of Government Reserved Forest and the operator of any industrial facility, for which a Management Plan is required by these Rules, following notification by an authorized officer that a Management Plan is required for such activities, takes or processes forest produce without there being an approved Forest Management Plan, shall be guilty of an offense.

Any person not complying with the provisions of this chapter in the implementation of the Management Plan shall be guilty of an offense and punishable under Rule 84.

CHAPTER III

GOVERNMENT RESERVED FOREST

8. Declaration of Government Reserved Forests

All forests (as defined in the Act) in Bhutan as of the effective date of these Rules are hereby declared to be Government Reserved Forests.

(1) Areas excluded or removed from the Government Reserved Forest

Any forest area shall cease to be a Government Reserved Forest only by direction of His Majesty the King, or of the National Assembly, pursuant to Section 8 (c) of the Act.

(2) Areas added to the Government Reserved Forest

Unless otherwise provided in these Rules or by any proclamation or declaration of the National Assembly or His Majesty the King,

(a) any land which shall hereafter come to meet the description of Government Reserved Forest under Rule 2(18), be a part of the Government Reserved Forest from the date of such event.

(b) in the event of any land being acquired by the Government for forestry purposes as set forth in Rule 12, such land shall be considered Government Reserved Forest from the date of such acquisition.

9. Allotment of land, land rights and user's right in Government Reserved Forest

(1) Land Allotment to Private Individuals

(1.1) Authority

Land under Government Reserved Forest shall be allotted to a person only if there is a Kasho from His Majesty the King. After the forest land is allotted for any other purposes, that area should be demarcated with boundary fixed after carrying out the cadastral survey. Boundary will be fixed by the land owner with assistance from the department.

The Department shall dispose off forest produce from the allotted land in one of the following ways:

- (i) by allotting such forest produce to the person (allottee) for his domestic use in rural areas;
- (ii) by allotting such forest produce to the neighboring households for domestic use in rural areas (but not for commercial purposes);
- (iii) by harvesting such forest produce to be disposed off by the Department pursuant to Chapter V of these Rules.

(1.2) Inspection and Clearance

The DFO/PM or authorized representatives of the Department shall inspect the land in question as per the prescribed format given in Annexure – 18 (a), (b) and (c). These reports in duplicate copies, along with two copies of sketch maps should be submitted to the Head of the Department for final Forest clearance. Issuance of Forest Clearance Certificate by the Department shall not be construed as would automatically result in Land allotment. All prescribed formalities shall have to be followed, prior to approval of land allotment.

(1.3) Criteria

The following criteria shall apply to decisions regarding new land allotments under this Rule:

- (a) no allotment of land shall be allowed within the Protected Areas except to the local residents;
- (b) no allotment of land within catchments areas or areas containing high forest shall be made;
- (c) where possible, land allotments should be made nearby to the existing inhabited area;
- (d) land allotments shall not be allowed within 600 feet uphill or 300 feet downhill of any motor roads except forest and farm roads if there are trees as per section 14 (a) (i) of Forest and Nature Conservation Act, 1995. In case of flat area, 300 feet on both side of the road shall be considered in place of 600' uphill and 300' downhill of the road. Allotment can however be considered if the area is degraded (less than 10% forest cover) and the gradient is less than 45° or 100%, with the road buffer of 50 feet on both side of any road except forest and farm roads.
- (e) The slope of the land to be allotted should not exceed 45° or 100%.
- (f) Land allotment within 100 feet of the bank or edge of any river, stream, watercourse or water source shall not be considered.
- (g) If the Kasho for land allotment reveals the boundaries within 600 feet uphill or 300 feet downhill of the road, the allotment shall be done as per Kasho.

(2) Procedure to allot land from the Government Reserved Forest to Government Institutions

(2.1) Written application

Government Institution (applicant) should apply for government land to the Department in writing through the concerned Dzongkhag Administration. The application to the Department should be accompanied by a format that will contain the basic information on the proposed land. The format will be available with the Dzongkhag Administration, a copy of the format is annexed as Annexures 40 and 41.

(2.2) Field Verification

Upon receipt of the application with the format from the concerned Dzongkhag Administration, the Ministry will either reject the application and inform the applicant

through the Dzongkhag Administration accordingly or depute an investigation team. The investigation team will consist of the area DFO/PM, Land Record officer of the concerned Dzongkhag Administration and Representative of Dzongkhag Environment Committee. Depending on the nature of the proposed development on the site, the Ministry will request the participation from other relevant Ministries and agencies on case by case basis. The verification team shall use and fill up the prescribed land acquisition format (Annexure - 40), which will contain site information and technical views of the team.

(2.3) Submission of field verification report.

The Verification Team shall submit its findings and recommendations to the Department by DFO/PM after endorsement by the Dzongda. The team will use Annexure - 41 to record and submit its views based on field observation. The concerned Range Officer/Park Ranger will submit details of the area to the investigation team.

(2.4) Submission of case to Government/CCM.

Department will submit findings/recommendation of the team and views of the Department on the land to the Ministry for further submission to the CCM.

(2.5) Conveying the CCM's/Government's Decision

The Ministry shall convey the final decision of the CCM to the applicant through the concerned Dzongkhag Administration. Through a copy of this letter, the DFO/PM shall be instructed to demarcate the exact area with the Department of Survey and Land Records. In case the CCM orders for additional information, the Ministry shall reactivate the team and submit the case to CCM for the applied purpose.

(2.6) Demarcation of Lands

If the CCM has approved the proposed land allotment and upon request by the applicant, DFO/PM and a Surveyor from the Department shall jointly demarcate the proposed site in presence of the applicant. The exact area approved shall be demarcated and forest boundary pillar placed.

(2.7) Registration of Land

The team shall submit demarcation of the mapped area to the Ministry through the respective Dzongkhag Administration for registration.

(2.8) Release of Land

The DFO/PM shall release the land to the applicant after the land is registered.

(2.9) Disposal of Forest Produce

The DFO/PM shall take necessary actions on the disposal of the forest products on the proposed land as per the prevailing forestry rules and regulations.

(2.10) Terms and Conditions

The applicant shall abide by any terms and conditions directed by the government in ensuring serenity of the location, the life of flora and fauna, protection of highways or local sacred places, preservation of water sources and channels, etc. The DFO/PM and the NEC Secretariat shall monitor compliance of these terms and conditions and report on any non-compliance to the concerned agency. This monitoring shall be conducted for a minimum of 5 years from the start of the activities on the land and monitoring mechanism shall be developed jointly by the DFO/PM, NEC Secretariat and the applicant.

(2.11) Scope of Procedure

The procedure shall apply to all the cases of government land acquisition from the Government Reserved Forest irrespective of the size of land, nature of intended purposes and location required by Government Institutions.

The procedure shall apply to the following activities in the Government Reserved Forest:

- Alignment of irrigation channel
- Permanent selection for township, resettlement and industrial estate.
- Permanent site selection for hydropower projects.
- Permanent site selection for educational institutions.
- Permanent site selection for establishment of governmental field offices
- Temporary infrastructure development excluding temporary labour camp along the road and land on lease.

(3) Road Construction, Transmission lines, Water channels, Cable lines, any survey line etc. through Government Reserved Forest

Forestry clearance should be processed as per Annexure - 37. The forestry clearance in GRF is issued only for constructional rights. Ownership of the land will rest with the government. DoF will have access in any road constructed in the GRF for forestry related activities. If tree felling is involved, making shall be done by the Department before felling the trees and disposal of forest produce shall be as per Rule 9 (2.9).

(4) Offense under this Rule

Clearing, fencing or breaking up of any land for cultivation or for any other purposes or removing any forest produce not pursuant to a permit or rules is an offense and shall be subject to the penalty prescribed under Rule 84 of Chapter IX.

10. Activities on All Lands Allotted for Private Use

All matters relating to the use of allotted lands, which might impact the forest cover, soil, water conservation, or otherwise affect the Government Reserved Forests, may be regulated by the Department as necessary under these Rules and under Chapter VIII, of these Rules.

11. Taking of Forest Produce

- (1) No person may take any forest produce from Government Reserved Forest, except for his own domestic use as per general entitlement or without a permit, unless that area has been

designated as a Forest Management Unit, and a Management Plan has been prepared for that area, pursuant to Chapter II of these Rules. However, if an epidemic breaks out, removal of affected trees or other forest produce have to be done even in the area not covered by approved management plan in order to control the spread of pest or diseases. Salvage of epidemic affected trees or other forest produce shall be carried out as per the approval issued by the Head of the Department.

(2) The DFO/PM shall not issue permits for or otherwise allow the taking of forest produce on an adhoc basis. Royal Command pertaining to trade of pipla shall be dealt as described under Chapter V.

(3) No person may fell or remove any standing tree from Government Reserved Forest, even with a valid permit, unless such tree is marked at its base with the impression of a valid marking hammer, as required under Chapter V of these Rules.

12. Compensation and Alternative Land Rights

In the event that any land is acquired by the Ministry or Department for forestry purposes, as provided in Section 9 of the Act, the term “Benefit of the Country” (for purposes of applying Ka. 6.8 of the Land Act,) shall be defined to include land acquired for any of the following purposes:

- (1) for the improvement of public health and hygiene;
- (2) for the prevention of landslide and soil erosion;
- (3) for the rehabilitation of critical watershed and protection thereof;
- (4) for the conservation of wildlife and biodiversity, and natural ecosystems;
- (5) for the preservation of scenic areas; and
- (6) for any other forest protection and management purpose.
- (7) for any land fulfilling the criteria under Rule 70(6).

On acquiring such land with proper approval of the Ministry, the Department shall issue notification with copies to the concerned Dzongkhag authority, Department of Survey and Land Records and the Thram owner. The Department shall process for allotment of substitute land, subject to approval from His Majesty the King or payment of cash compensation, according to the choice of the landowner.

13. Compensation for Acquired Lands

In the event that the land is acquired or requisitioned under this Rule for government purpose, compensation or substitute for the land shall be given as per government’s compensation scheme/land substitute procedure in place from time to time.

14. Prohibited and Restricted Activities

(1) Prohibited Activities

The following activities are prohibited in Government Reserved Forests, except permitted by the Department, in an emergency or in compliance with any applicable Forest Management plan for the area:

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- (a) disposal of any waste or pollutants in a water source or watercourse, or undertaking any other activity that may pollute a water source or watercourse;
- (b) blockage, storage, disturbance or diversion of any river, stream, irrigation channel, waterfall, underground water source or any other water source or watercourse;
- (c) fire burning including camp fires that may damage, destroy, or endanger trees, wild plants and animals;
- (d) burning lime or charcoal or conducting any other manufacturing process;
- (e) using dynamite or other explosives for any purpose;
- (f) taking up permanent or long-term residence;
- (g) Destruction, damaging, or defacement of any structure, fence, marker, dam or anything else constructed, placed or planted by the Department or under the direction of the Department;
- (h) Marking or felling of trees within 600 feet uphill and 300 feet downhill of any motor road except forest road (Section 14 (a) (i, ii, iii of Act, 1995). If the land is flat felling is restricted within 300' on either side of any motorable roads except forest road and farm road;
- (i) marking or felling of trees within 100 feet of the bank or edge of any river, stream, watercourse or water source.
- (j) felling or marking trees within a river buffer;
- (k) felling any tree without proper markings.
- (l) Felling and taking any timber from any place where the slope is greater than 45° unless authorized under an approved management plan or by the Head of the Department.

These restrictions shall apply in addition to the prohibitions and restrictions under any other Chapters of these Rules.

(2) *Restricted Activities*

- (2.1) Unless a written permission is granted by the Ministry in accordance with these Rules, no person may undertake any of the following activities in the Government Reserved Forests.
- (a) Construction of roads of any type and irrigation channels.
- (b) Clearing line or corridor for transmission line for electricity, telephone etc.

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(2.2) Unless a written permission is granted by the Department in accordance with these Rules, no person may undertake any of the following activities in the Government Reserved Forests.

- (a) felling, girdling, lopping, tapping, uprooting or injuring of any tree;
- (b) harvesting or removing any timber or other forest produce (including stones, boulders, and sand) or quarrying;
- (c) collection of any specimen of trees, climbers, shrubs, medicinal plants/items or ornamental plants/items;
- (d) disposal of garbage or other waste material;
- (e) construction or placement of any permanent or temporary structure, fences, marker or other device;
- (f) destruction, damaging, or defacement of any structure, fence, marker, dam, or anything else constructed, placed or planted by the Department;
- (g) willful or other damage to forests due to poor maintenance or mismanagement of irrigation channels and roads;
- (h) taking up temporary residence.

(3) Activities on Private Lands

Except to the extent permitted under Chapter IV and V of these Rules or in accordance with a permit or license issued by the Department, no person may undertake any of the following activities on private lands:

- (a) felling, girdling, lopping, tapping, uprooting or injuring of any tree;
- (b) harvesting or removing any timber or other forest produce (including stones, boulders, and sand) or quarrying;
- (c) collection of any specimen of tree species, climbers, shrubs, medicinal plants/items or ornamental plants/items.

(4) Activities which may be limited by Regulation

- (a) The Department may, by issuance of guidelines, limit or prohibit the following activities or impose permit or other requirements:
 - (i) hiking or using motor vehicles within any Government Reserved Forest, except on a road or track constructed with the approval or at the direction of the Department;
 - (ii) photography or video or sound recording within a Government Reserved Forest;

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- (iii) conducting any research within any Government Reserved Forest;
 - (iv) activities such as, resin tapping, grazing, goat rearing, etc. in the Government Reserved Forest.

(b) Any individual/party interested to establish trekking routes and camps shall submit the proposal to the DYT through the concerned Dzongkhag Administration. The Dzongkhag Administration, in collaboration with the Department of Forest, Department of Tourism and other concerned agencies and stakeholders, shall carry out the feasibility study on such proposals. The DYT shall take decisions on the proposals based on feasibility and viability. The Dzongkhag Administration shall be responsible for development of guidelines and for declaration of routes and camps.

(5) Other Permit Requirements

Permission shall not be granted for the activities that are prohibited or restricted under other Chapters of these Rules, or under other laws, unless the permission specifically so states, and is in full compliance with all requirements of such other Chapter or law.

15. Activities for which no permit shall be required

The following activities may be undertaken in Government Reserved Forests without a permit, for his own domestic use in rural areas, provided they are conducted in compliance with all of the requirements of these Rules and technical guidelines issued by the Department, from time to time:

- (1) collection of
 - (a) leaf-mould, fodder and broom, within the limits described in Ka. 8-5 of the Land Act of 1979; for domestic consumption in rural areas;
 - (b) “sang-shing”(leafy branches for religious and traditional offering of smoke);
 - © Mushrooms, ferns, flowers, fruits, leaves, for domestic use only;
 - (d) climbers for fencing in rural areas for bonafide domestic purpose;
 - (f) dry firewood (from nearby forest) for bonafide domestic purpose;
 - (g) Red, black and white coloured soil, sand, stones and mud from within 2 km radius of the collector's residence for domestic uses provided transportation by mechanical device is not involved;
 - (h) *Elseoltzia* sp. for use as varnish in rural areas for bonafide domestic purposes;
 - (i) any type of flowers, fruits and leaves found in the wild state (unless specifically prohibited pursuant to Chapter VII of these Rules) when collected and used for domestic rural purposes by the person collecting, and his family.

- (2) collection of sand, stone, and boulders from a construction site or within a 50 feet radius of a construction site, where such material is to be used on the site itself.
- (3) transportation of plant species (other than totally protected plants given in Schedule I of the Act) for decorative or ornamental purposes by the person transporting the species, permitted only for domestic use.

Commercial harvesting of edible forest products shall not be permitted without resource availability assessment and approved management plan. GYT and local communities shall monitor commercial harvesting of edible forest products. Members of the Community Forest Management Group shall have the right to protect and harvest edible forest products within the Community Forest.

16. Forestry Lease

- (1) The Ministry may lease any part of GRF to any government agency/organization for sustainable operations such as mining, pasture development, etc, who shall then further lease to the proponent(s) and made fully responsible for the implementation of the terms and conditions specified in the Lease Agreement.
- (2) The Ministry may lease certain parts of the Government Reserved Forest for a fixed period of time to any person for raising industrial plantations, protection from environmental degradation, or for any other type of improvement works or other purposes. Field inspection report shall be submitted through Annexures 18(a) and 18(c).
- (3) Any lease arrangement or other permission to a private individual corporation, group, industrial operation, or other leasing of Government Reserved Forest shall be supported by a written lease agreement as per Annexure 42 (a) for plantation purpose and Annexure 42 (b) for non plantation purpose which shall be signed by the authorized representative of the Ministry.
- (4) Where any lease or other permission described in this Chapter is entered into;
- (a) if the area under lease is covered by a Management Plan, the lease shall require the lessee to comply with the Management Plan;
- (b) if the area is not covered by a Management Plan, the lessee must prepare such a plan to the satisfaction of the Department, and cannot begin operations until such plan is approved by the Ministry.
- (5) The trade and transport of forest produce from the leased property, management, operation, and payment of royalties and rents, shall be covered in the Lease agreement and the applicable management plan. Anything not covered in the agreement and the management plan shall be dealt as per the provisions of these rules.

- (6) The Ministry under the provision of these Rules shall appoint a committee to select the forests for leasing. The selection committee shall identify, examine and recommend the forests for leasing to an interested party according to the purpose specified above.
- (7) Only Bhutanese Nationals shall be eligible for taking the forestland on lease.
- (8) Government Reserve Forests shall be leased for a maximum period of 30 years. However, if a lessee who develops the leased forestland satisfactorily, the Ministry may extend the lease period and amend the agreement accordingly.
- (9) The lessee shall develop the leased forest immediately after entering into the lease agreement. If he/she fails to develop the leased forest within two years, the lease shall be cancelled.
- (10) The Department shall provide technical assistance for preparing a management plan of the leased forests and also provide necessary technical assistance during the process of establishment of the leased forest as and when needed.
- (11) The lessee shall be responsible for the maintenance and protection of the leased forest and shall comply with the rules and regulation of the Department affecting its protection, management, and utilization.
- (12) Following activities shall not be allowed inside the leased forest:
 - (a) use the land in any manner other than as prescribed in the management plan;
 - (b) sell, mortgage, or otherwise alienate the forest;
 - © sub-leasing;
 - (d) shifting cultivation or permanent cultivation;
 - (e) mining, hunting, and unauthorized recreational activities;
 - (f) building houses or huts for purposes other than the management of the lease.
- (13) All trees/plants/grasses planted by lessee in the leased forest shall be lessee's property. The lease rent for the forestland shall be as follows:
 - (a) Nu. 200.00 per acre per annum for the forestland in rural areas for plantation or pasture development purposes.

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- (b) Nu. 1000.00 per acre per annum for the forest land for industrial and other purposes and
 - (c) Nu. 0.25 per square feet per annum for forestland in semi urban areas (as defined in Rule 97).

The lessee shall pay lease rent before the end of the first month of each year.

- (14) Unless covered by the forest Management Plan, the standing trees in the leased forest shall remain to be the property of the Department. Lessee shall not have any rights on these trees. The Department shall dispose these trees off according to the prevailing rules and regulations for timber sales.

- (15) The Department may charge for the technical assistance or for any incentives provided to the lessee.

- (16) The lessee shall have to pay the regular royalty of all the forest produce according to the prevailing rules and regulations of the Department.

- (17) The Ministry reserves the right to terminate the lease agreement if the lessee does not comply with the conditions of the lease agreement.

- (18) The lessee shall not be allowed to utilize the forest produce in a way that may be detrimental to the soil and water resource of the land leased. Except for harvesting of fuel wood and fodder from thinning, and the removal of non-wood forest produce and cash crop, lessee shall not be allowed to use the forest produce commercially, unless it is covered by the management plan.

- (19) Any damage, theft, hazard to trees planted under leased forest programme shall be reported immediately to the nearest Forest Office of the Department. The cases of offenses of theft and damage in the leased forest shall be equally treated as forest offenses committed in the Government Reserved Forests and shall be punished according to the Act and the provisions of these Rules.

- (20) The concerned Divisional Forest Officer/Park Manager shall be responsible to realize the Lease-rent, monitor and submit an evaluation report to the Department describing the status of the leased forest programme in his Division at the end of each financial year.

- (21) Offences
Any person who

- (a) undertakes any activity prohibited in this Rule;
- (b) undertakes any activity for which a permit is required under this chapter without or in violation of a permit;
- © undertakes any activity, where he fails to meet the requirements of the Management Plan;

- (d) acts in violation of the provisions of the terms of a forestry lease to which he is a subject;
- (e) cut and clear trees in leased forest (including newly allotted, used and abandoned or otherwise) or land allotted as substitute without informing the Department,

Shall be guilty of an offense under this Chapter and punishable under Rule 84.

17. Municipal Area

(1) Forest areas for urban development purpose

If any part of Government Reserved Forests is required for urban development purpose, the existing land acquisition procedures of the government have to be completed.

(2) Municipal Forests

Permit shall be needed for felling and transportation of trees planted by the Municipal Authority within the area designated as Municipal Forests and shall be treated same as Government Reserved Forests. The provisions of chapter V of these Rules shall govern transportation of forest produce both outside and within the Municipal area.

(3) Forest Area within Municipal Boundary

Both planted and natural forests within the Municipal area shall be protected by the concerned City Corporations/Municipal Authorities. However, the responsibility to manage and regulate the use of forest produce from forest areas falling within city/municipal areas will rest with the Department of Forests.

18. Resin Tapping

Resin Tapping shall be discouraged as far as possible due to potential negative impact on the environment. However as and when written permission for the resin tapping is granted by the Ministry, the following guidelines shall be followed for resin tapping operations in Chir pine forests:

- (1) Only trees above 30 cms. diameter at breast height (dbh) shall be tapped for resin.
- (2) No tapping shall be done during the 4 winter months i.e. from November to February.
- (3) Trees between 30 cm to 70 cm dbh shall have only one blaze, and trees over 70 cm dbh shall be tapped with two blazes per tree per year.
- (4) The initial blaze for each channel shall be 20 cm. above the ground level so as to provide enough space for hanging the resin pot/cup.

- (5) The width of each blaze should be 10 cm. Its initial length should not exceed 10 cm and its depth 2.5 cm under bark.
- (a) The resin-tapping blaze should be cleaned and freshened regularly every three days. Frequency of freshening shall be higher during hotter months and lesser during colder months.
- (b) At each freshening the length of the blaze may increase by 5 cm, so in 8 months the total length of the blaze should not exceed 50 cms.
- (6) Chemical treatment of the blazes with acid solution should be done during freshening. The maximum level of concentration of acid shall not exceed 20% solution of sulphuric and nitric acids in equal quantities in water in the form of spray.
- (7) In the first year's tapping, the total height of the blaze shall not exceed 50 cms. The 2nd year's blaze shall be made above the 1st year's blaze with maximum length of 40 cms. Thereafter, each year, a height of 40 cms shall be tapped till the end of the 5th year. So by the end of the 5th year the total length of the channel shall not exceed 210 cms.
- (8) The spacing between two channels should be 11 cms.
- (9) Every taper should have the following equipment at the site:
- (a) Galvanised iron lips, two types are in use, viz
- (i) The inserted type, 15 cm x 5 cm
- (ii) The nailed type, 10 cm x 8 cm
- (b) Nails, 4 to 5 cm long, containing 450 to 500 numbers per kg.
- (c) Adzes
- (d) Double scribe,
- (e) Channel board
- (f) Lip and nail puller
- (g) Lip Chisel
- (h) Mallet
- (i) Freshening gauge
- (j) Scraper spoon
- (k) Wooden spoon
- (l) Pots with lids
- (m) Collecting bucket with strainer
- (n) Ladder for fifth-year tapping.

Only very sharp adze shall be used for making the blaze and for freshening. The resin cup, lip, nail and tin should be free from rust. While transferring the resin from the pot to the tin, care should be taken to see that no water, dust etc.

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enter the tin. The base of the tree should be swept of all pine needles and chips upto a radius of 2 metres.

- (10) Tapping to death is not permitted unless a written permission is granted by the Department. The tapper will abide at all costs by the tapping technique promulgated by the Department.

- (11) Any taper who acts in violation or deviation of the provisions of this Rule shall be guilty of an offence and shall be levied fine, minimum of which shall be Nu.500/- and may extend up to Nu.1,500/-, per blaze and the tapping area shall be suspended from tapping up to five years.

19. Fishing

Without possession of a valid fishing license, fishing/ catching of fish in any stream, river, pond or lake is strictly prohibited. The Department may declare certain rivers and lakes out of bound for fishing.

(1) *Fishing License*

Fishing License shall be issued by the Department and/or an authorized Forest Officer of the area as per Annexure - 27 for one day and Annexure - 43 for other than one day on payment of the prescribed fees as under:

Duration	Fee Nu.
a) for one day	- Nu. 500.00
b) for one month	- Nu. 1500.00
c) for 6 months	- Nu. 3000.00
d) for one year	- Nu. 5000.00

(2) *Restriction*

- (a) Trout fishing shall be prohibited during the months of October, November and December every year.
- (b) Fishing of any type of fish is prohibited on 8th, 10th, 15th, 25th and 30th of each Bhutanese month. Fishing is also banned on the following religious occasions;
- (i) Lhabab Dhuechen.
 - (ii) Zhabdung Kuchoe.
 - (iii) Yar-ngo and Mar-ngo Dhuezang.
 - (iv) Dukup Tshezhi or fourth day of sixth month of Bhutanese Calendar.
 - (v) Chhothruel Dawa or the first month of Bhutanese Calendar.
 - (vi) Saga Dawa or the fourth month of Bhutanese Calendar.

Silence

(3) Prohibition

Fishing by the following means is strictly prohibited:

- (a) Fishing by poisoning or using dynamite in rivers, streams, ponds or lakes.
- (b) Building dams for diverting rivers/streams to trap the fish.
- (c) Fishing by firearms, closed nets, large nets or splashing or laving of waters.
- (d) Fishing with live bait, traps and snares.

(4) Size of Fish

Catching trout, which are less than eight inches in length, is strictly prohibited. If caught it should be released back into water.

(5) Restricted Area

Fishing within one km of a Goenpa, Temple, Dzong or Shedra/Gomdra and within twenty meters of the national highways is strictly prohibited. In addition, the Ministry may notify specific areas prohibiting fishing for ecological reasons.

(6) Requirement

The License holder shall carry his Fishing License with him at the time of fishing and produce it on demand by any Police Officer or a Forest Officer/Staffs of the Department.

(7) Use of License

The License holder shall not transfer or endorse his Fishing License in favour of any other person.

(8) Use of Fish

The License holder shall not sell, barter or loan his catch of fish. The License is issued only for his own consumption.

(9) Damaged By Flood Water

It is illegal for any person to collect live fish found along the riverbeds, which are displaced by floodwater. However, dead fish may be allowed to be collected by any person for their own consumption only. Such collections are to be done under the supervision of forestry staff

(10) Breach of Rules

The offences under this Act shall be cognizable and bailable and Police Officers/Forest Officers are authorized to arrest any person who is found committing a breach of any of the provisions of these Rules.

(11) Offence

- (a) Whoever commits an offence under any of the above provision except under Rule 19(2) (b) and 19 (3) (a, b, c and d) shall be liable to a fine, minimum of which shall be Nu.1000/- and may extend up to Nu. 3000/- or imprisonment, which may extend upto one month or both in addition to compensation at fair market value of the fish killed or injured and confiscation of any equipments/tools etc. involved in the offence.
- (b) In case of fishing by Prohibited means under Rule 19(3) (a), (b), (c) and (d), the fine shall be minimum of Nu. 5000/- and may extend up to Nu. 15,000/- or imprisonment, which may extend up to three months or both in addition to compensation at fair market value of the fish killed or injured and confiscation of any equipments/tolls etc. involved in the offence.
- (c) Whoever commits an offence under Rule 19(2) (b) of this Rule shall be liable to a fine, minimum of which shall be Nu.1500/- and may extend up to Nu. 5000/-, or imprisonment, which may extend up to 2 months or both in addition to compensation at fair market value of the fish killed or injured and confiscation of any equipments/tolls etc. involved in the offence.
- (d) After the case has been compounded the fish in custody shall be released.
- (e) Breach of any of the Provisions of these Rules shall render the License holder liable to cancellation of his Fishing License in addition to the penalties provided under these rules.

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CHAPTER IV

SOCIAL AND COMMUNITY FORESTRY

20. Social and Community Forestry

Forestry activities may be undertaken on private or in a Community Forest, only in full compliance with the provisions of this chapter. Relevant provisions of these Rules shall govern all other forestry activities.

21. Assistance

Upon request of the landowner or Community Forest Management Group, the Dzongkhag Forest Officer (DzFO) and DFO/PM shall provide technical assistance on sustainable management of forests.

PART A - PRIVATE FORESTS

22. Land Eligible for Registration as Private Forests

All Private Forests covered under Rule 2(37) shall be registered pursuant to this Chapter. For this purpose, a “private forest” shall constitute planting and or nurturing of trees and/or other forest crops growing on private registered lands in the categories of kamzhing, tshoesa, and pangzhing within the 25-acre land ceiling, but shall exclude chhuzhing and those categories of registered private land outside the 25-acre ceiling, such as khimsa, ngulthog dumra, tsamdog, soksling and chilgi zhing.

(1) Procedures for Registration

- (a) Landowners wishing to register Private Forest and Agro Forest shall apply to the concerned Dzongkhag Administration through the Gup by completing three copies of the Form prescribed under Annexure - 1. These forms can be obtained from the Gups, the Dzongkhag Forestry Sub-Sector, or the nearest Forest Office
- (b) After reviewing the application, the Gup shall forward two copies of the application to the Dzongkhag Administration certifying that the designated land is registered in the name of the applicant.
- (c) The Dzongkhag Administration shall review the application and the Dzongkhag Forest Officer (DzFO) will carry out field investigation to:
 - (i) Confirm the extent of the land and trees or other forest crops mentioned in the application.
 - (ii) Prepare a map indicating boundaries of the area proposed for Private Forest as per thram record and cadastral map.
Conduct inventory of naturally growing and planted species within the proposed Private Forest area.

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- (2) The Dzongkhag administration shall forward the application with comments and recommendation to the DFO/PM for consideration and recommendation
- (3) Upon receipt of the application from the Dzongkhag the concerned DFO/PM shall review the details for acceptance or rejection. If the details as presented in the application are found correct, the DFO/PM shall carry out field verification, and if the criteria set for establishment of private forest have been fulfilled, the Divisional Forest Officer/Park Manager shall recommend the case to the concerned Dzongkhag Administration for registration of the proposed private forest.
- (4) The Dzongkhag Administration and DFO/PM shall issue the Private Forest Certificate to the applicant in the Form prescribed under Annexure - 2. A copy of this Form shall be attached to the Certificate.

23. Effect of Registration

Upon issuance of a Private Forest Certificate for a particular land area:

- (1) All trees and plants, within the registered Private Forest shall be property of the landowner.
- (2) Private Forest land shall continue to have the same land category status as registered in the Thram.
- (3) Registration under this chapter shall not affect the tax status of the land so registered and shall continue to pay the Land Tax without alteration.
- (4) Registration under this Chapter shall not affect or eliminate any requirements of other laws, including the laws governing minerals, timber export, etc.
- (5) Land within private forest shall be maintained as forest for a minimum of 20 years. Trees/wild plants shall be planted or harvested as per the management plan.
- (6) Taking of any protected plants or animals, as described in Chapter VI shall not be permitted under this rule (except to the extent permitted under that Chapter), unless such plants or animals can be proven to have been planted or bred by the landowner.

24. Cancellation of Registration

Any landowner holding a Private Forest Certificate may cancel that certificate with written permission from the Department, and surrender the certificate to the Dzongkhag Administration.

25. Royalties, Permits and Agreement/Management Plan

(1) General

- (a) The Department shall not levy any royalty on trees or wild plants, whether planted or naturally grown, except the protected species under Chapter VI, from Registered Private/Agroforest for own use.

- (b) Sales taxes at the prevailing government rates shall be levied on trees or wild plants, whether planted or naturally grown, from Registered Private/Agroforest for purposes other than own use.
- (c) Tree marking and permit is required prior to felling of trees or harvesting of wild plants from private lands, Private forest or Agro forest.

(2) *Transportation*

The owner of a Private Forest shall be permitted to transport forest produce from the Private Forest within Bhutan provided:

- (a) the owner obtains a transit pass, or otherwise complies with the requirements under Chapter V. A transit permit shall be issued only if the holder can prove to the satisfaction of the Forest Officer that the harvested produce is from his Private Forest. For this purpose, timber that has been verified and marked by a Forest Officer, prior to being taken from the Private Forest shall be permitted.
- (b) the owner complies with all the regulations regarding transportation of forest produce, as set forth in or adopted under Chapter V of these Rules.

(3) *Agreement and Management Plan*

Management plan approved by DFO/PM shall be required for all private forests, whether planted or naturally grown. An agreement to abide by prescriptions of the management plan must be signed by the private forest owner, DFO/PM and Dzongkhag.

(4) *Export*

Export of timber from private forest is not allowed.

26. *Offences in Private Forests*

Except pursuant to a special permit or Technical Regulations issued under Chapter VII, all plant species listed under Schedule I of the Forest and Nature Conservation Act, 1995 are protected and any offence committed under this shall be punishable as per rule 84, unless it is proven to have been planted by the landowner. However, taking, injuring or killing of any wild animals within the private forest is prohibited.

PART B - COMMUNITY FORESTS

27. *Selection of Potential Community Forest Areas*

- (1) Any area of Government Reserved Forest, in and around villages and human settlement including government land situated in the interspaces between registered private land, suitable for management by a Community Forest Management Group (CFMG), may be designated as Community Forest, pursuant to the procedures described in this chapter. However, plantations raised by the Department shall not be included in the Community Forest.

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- (2) An area may be considered “suitable for control and management by a CFMG”, if it meets the following criteria:
- (a) it is in and around settlement of the CFMG;
 - (b) It satisfies at least one of the following criteria:
 - (i) the area has potential to meet local requirement of forest produce for the CFMG.
 - (ii) the area plays a role in protecting soil, water, and genetic resources;
 - (iii) the area is suitable for community management through sustainable management and utilization of the forest resources, protection of natural regeneration, and through plantations;
 - (iv) the area is traditionally used and managed by the community, if applicable,
 - (c) the local households are willing and able to form and cooperate as a CFMG to manage the forest in accordance with these Rules;
 - (d) the size of the CF will depend on the availability of the area in and around villages of the CFMG and the forest area allocation shall not exceed more than 2.5 ha per household. However, for the purposes of management of NWFP, the area allocation may be more than 2.5 ha per household depending upon availability of the land.
 - (e) the timber/any forest produce requirement of CFMG will be met from the Community Forest when it becomes operational and to the extent silviculturally available (as described in CF plan). However, CFMG shall continue to avail those forest products, which are not available in the CF from GRF following normal procedure. Where CFMGs are able to meet their timber requirements from the CF, kidu timber shall not be entertained from the GRF for the said CFMG.

28. Establishment of a Community Forest

In order to establish a Community Forest, the applicants must form a Community Forest Management Group and submit an application for designation of a Community Forest to the Dzongkhag administration. These documents must comply with the comments and requirements of the Department as prescribed in the following sub-sections.

(1) Formation of a Community Forest Management Group (CFMG)

Any group of at least ten households willing to establish, control and manage a GRF as a Community Forest in accordance with these Rules, may form a CFMG, by meeting the following requirements:

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- (a) All individuals and households with traditional claim to forest produce from the proposed Community Forest area shall be provided full opportunity to join the CFMG.
- (b) The group shall select its initial management committee and a Chairperson.
- (c) The CFMG shall prepare and adopt a by-law which shall include the following:
- (i) the name of the CFMG;
 - (ii) the objectives of the CFMG;
 - (iii) a list of households in the CFMG (showing the household numbers, Thram numbers, and the name of the household representatives);
 - (iv) a list of the initial members of the CFMG's Management Committee.
 - (v) the requirements and procedures for becoming a member of the CFMG;
 - (vi) the rights and responsibilities of members;
 - (vii) the size of the CFMG's management committee, and the rights and responsibilities of the committee and its members;
 - (viii) the procedures for selection of management committee members, including their time in office;
 - (ix) the procedures for allocation and utilization of forest produce from the Community Forest;
 - (x) the procedures for control, management and utilization of CFMG funds;
 - (xi) the procedures for resolving disputes; and
 - (xii) rules and procedures for all decisions concerning the collection, management and expenditure of the funds of the CFMG
- (d) Should there be any requirement for amendment in the bylaws for addressing the sustainable forest management of the Community Forest, prior approval of the Department is required.

(2) *Selection of Area*

DzFO, DFO/PM and CFMG together shall select a suitable forest area as specified under rule 27(2).

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(3) *Preparation of Management Plan*

In consultation and collaboration with CFMG, DzFO shall prepare a Community Forest Management Plan, in accordance with the Technical Regulations.

(4) *Submission of Application*

The CFMG shall submit application, including the management plan and by-laws to the Head of Department for approval through the Dzongkhag, DFO/PM.

(5) *Procedure*

The process for application and registration of a Community Forest shall be as under:

- (a) The CFMG shall apply for the establishment of the Community Forest by submitting the application Form prescribed under Annexure – 3 through the DzFO) to the Dzongda. A copy of the application shall be forwarded to the Divisional Forest Officer/Park Manager for information and joint inspection with the DzFO).
- (b) Upon receipt of the application from the Dzongkhag the concerned DFO/PM shall review the details. If the details as presented in the application are found correct, the DFO/PM shall carry out field verification, and if the criteria for establishment of community forest have been fulfilled, the Divisional Forest Officer/Park Manager shall recommend the case to the concerned Dzongkhag Administration for preparation of the management plan for the proposed community forest area.
- (c) In case the area of the community forest to be handed over lies within the boundaries of two or more Dzongkhags, or two or more territorial forest divisions, the DFO/PM and the Dzongda through whom the application has been submitted, shall be entitled to hand over the forest area as a community forest, after obtaining the consent of the neighboring DFO/PM or Dzongda. The concerned DFO/PM and Dzongda shall be responsible for any and all assistance to the said community forest.

29. *Review and Approval*

- (1) The Department shall review all documents submitted, and may require changes in these documents, if necessary.
- (2) Upon satisfaction, the Department in compliance with the procedures set forth under this Chapter, shall issue “Community Forest Ownership Certificate” to the CFMG as per Annexure - 4.

30. *Effect of Certification as a Community Forest*

- (1) Upon issuance of the Community Forest Certificate, all forest produce from the Community Forest shall be the property of the CFMG unless restricted under Section 37.

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- (2) Forest produce from the Community Forest may be extracted by the members of the CFMG for their own use and for sale on a sustainable basis.

31. Responsibilities of the Community Forest Management Group

- (1) Under the overall supervision of the Dzongda and with the technical and organizational support of the DzFO and the DFO/PM, each CFMG shall be responsible for the control and management of its Community Forest, in accordance with the approved management plan.
- (2) The responsibilities of the CFMG shall include the following:
- (a) to protect, develop, sustainably utilize and equitably distribute forest resources, and the income generated from those resources;
 - (b) to protect wild animals and mineral resources in conjunction with the Department and other relevant organizations;
 - (c) to protect and safeguard the forest from fire, in conjunction with the Dzongkhag Administration and other relevant organizations;
 - (d) to afforest degraded or barren area within CF and reforest areas that are damaged or destroyed by fire or from natural disasters;
 - (e) to ensure transparency and accountability in the management of the forest and affairs of the CFMG.

32. Cancellation of the Community Forest Certificate

- (1) In the event the members of the CFMG decide to do so in accordance with its by-laws, the Community Forest Certificate shall be cancelled immediately as of the date that it:
- (a) gives notice of this decision to the Dzongkhag Administration and the DFO/PM; and
 - (b) surrenders the Certificate to the Department through the Dzongkhag Administration.

The Dzongkhag Administration and the DFO/PM reserve the right to enquire into the reason for this decision, and to ensure that no offense has been committed, as outlined under these Rules.

- (2) If the number of member households in the CFMG drops below 10 or the group otherwise ceases to meet the requirements of Rule 28, the Dzongkhag Administration shall notify the CFMG that it's certificate shall be cancelled.
- (3) In the event the DFO/PM and the Dzongkhag Administration jointly determine that a CFMG:

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- (a) is unable to manage the Community Forest according to its management plan or otherwise meet its responsibilities as set forth in Rule 32, or
- (b) has engaged in activities in contravention of the provisions of the Act, or these Rules, or by laws or the management plan, the DFO/PM and the Dzongkhag Administration shall suspend the rights and privileges of the CFMG to control, manage and utilize the concerned forest area, and shall inform the Department of the decision.
- (4) Upon notification of the suspension, the Department may appoint an independent review team, which shall report its findings and recommendations to the Department for its final decision.

33. Administrative Responsibilities and Powers of the CFMG

The CFMG shall be responsible to undertake the following activities, and shall be authorized with the powers specified:

- (1) The CFMG will request the DFO/PM to mark trees in accordance with the relevant provisions of Chapter V. For this purpose, the CFMG shall have its own marking hammer, registered with the DFO/PM under these Rules.
- (2) The DzFO shall issue such permits as required or allowed under these Rules. For this purpose, the CFMG shall have its own stamp, seal, and/or permit, forms relating to extraction of forest produce from the Community Forest, which shall be approved by and registered with the DFO/PM in accordance with these Rules.
- (3) The CFMG shall have the right and privilege either
- (a) to take legal action against any person, who, without authorization collects, uses, removes, damages, or destroys forest produce from the Community Forest, whether a member of the CFMG or not; or
- (b) to report such offenses (or other offenses under these Rules) to the concerned Forest Officer.
- (4) All monies of the CFMG shall be deposited in a separately maintained account in the name of the CFMG. Monies governed under this rule shall include, but are not limited to, the following:
- (a) monies earned by or accrued through, or acquired, for activities in the Community Forest;
- (b) all proceeds of the sale, transfer, distribution or other transactions involving forest produce from the Community Forest;

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- (c) all amounts (including all cash received, as well as the encashed value of all in-kind payments) received as fines for violations or compensations;
- (5) Money from the CFMG's fund may be used to cover any and all expenditures that may be borne by the CFMG in discharging its responsibilities, as set forth in this Chapter, and for all Community Forest development activities in accordance with the Management Plan.
- (6) If the amount of the CFMG's fund exceeds the above expenditures and contingency fund, the savings may be used for community development.
- (7) The CFMG shall maintain records of all financial transactions, including all income generation, distribution, expenditures, bank records, and other financial matters, and make these records available for inspection by members and other relevant organizations.
- (8) The CFMG shall maintain records of all forest management activities and operations, including forest protection and development activities, afforestation, cultivation, planting, harvesting, transit, permit issuance, and other actions. Such records shall be made available to the DFO/PM, and DzFO.
- (9) The CFMG shall prepare and submit a financial report of its activities to the Dzongkhag Administration with a copy to the DFO/PM, within one month of the end of the fiscal year. The report shall contain the following information:
- (a) activities completed as prescribed under the Management Plan;
 - (b) quantity of each type of forest produce harvested;
 - (c) quantity of forest produce sold to persons and entities other than the CFMG and its members, and the amount of proceeds of those transactions;
 - (d) summary of financial accounts for the year (income, expenditure, and the disbursement of profits);
 - (e) such other information concerning the operations, activities and management of the Community Forest as the Department or the Government shall require.
- (10) The CFMG shall conduct at least one general meeting of the members each year, to review the annual report, plan activities, and discuss and decide other issues relevant to the control and management of the Community Forest.
- (11) The CFMG shall be responsible to take measures to prevent illegal activities including violations of the Management Plan, within the Community Forest.

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34. Management and Use of Forest Resources/ Permits and Royalties

The CFMG shall be authorized to undertake the following activities with regard to the management and use of forest resources within the Community Forest:

(1) Forestry Activities

The CFMG shall carry out forestry activities such as enrichment plantation, reforestation etc as per Department's standards. The Department will approve choice of species for plantation in the Community Forest. In addition, the activities should meet the following criteria to the satisfaction of the Department:

- (a) the planting and use of the crops meets local needs or interests;
- (b) the plantings are designed in a manner consistent with approved practices or Management Plan to prevent and improve soil and water conservation;
- (c) the plantings are located in and help restore degraded areas of the Community Forest;
- (d) the plantings do not adversely affect the crown cover, native biodiversity, and the general production of forest produce.

(2) Harvesting

The CFMG may harvest (or authorize or direct the harvest of) forest produce from the Community Forest on a sustained yield basis within the prescriptions of the Management Plan.

- (a) Any member of the CFMG may harvest and extract forest produce from the Community Forest in accordance with the Management Plan, these Rules and decisions of the CFMG and its management committee.
- (b) Any person who is not a member of the CFMG may not extract any forest produce from the Community Forest, unless he obtains permission from the CFMG and/or the management committee, in accordance with the by-laws and other Rules adopted by the CFMG with regard to non-members' use of forest produce from the Community Forest.

(3) Royalties and Permits

No royalties shall be levied with regard to such harvesting where the harvest is conducted or permitted by the CFMG for personal use by the member households of the CFMG, provided such harvesting is done as per Management Plan prescriptions.

(4) Sale of Forest Produce

- (a) The CFMG may set prices for the sale of forest produce to members of the CFMG.

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- (b) When the amount of forest produce harvested from the Community Forest in accordance with the Management Plan exceeds the requirements of the members of the CFMG, the CFMG may sell (or authorize its members to sell) the excess produce to persons, agencies or in the market.
- (i) The prices shall be as set by the CFMG.
 - (ii) The Department shall impose sales tax as per the prevailing government rules and regulations from time to time.

(5) ***Transportation***

- (1) No person, whether a member of the CFMG or not, shall transport forest produce from a Community Forest without a transit permit, obtained in accordance with Chapter V.
- (2) The CFMG and its members shall be permitted to transport and sell timber and NWFP from the Community Forest within Bhutan, provided that:
 - (a) the timber has been properly marked, in accordance with these Rules and Management Plan of the CFMG; and,
 - (b) the CFMG members comply with all regulations regarding transportation of forest produce, as set forth in or adopted under Chapter V of these Rules.

35. Power of the Department

Notwithstanding the powers of the CFMG as described in Rule 34, should there be a government interest/need, the Department is fully empowered to take action with regard to both forestry and other developmental activities in part or whole of the Community Forest. In addition, the Department is specifically empowered to:

- (1) take action against violators of the Act, Rules or Management Plan, regardless of whether requested by the CFMG or not;
- (2) inspect, monitor, review the records of and otherwise supervise the activities of the CFMG, and take action (including revocation of the CFMG's certificate, where warranted under these Rules) against the CFMG or any of its members who may be acting in violation of the provisions of the Management Plan or any provisions under this chapter;
- (3) establish record-keeping and financial reporting obligations.

36. Offences Relating to Community Forests

Except with specific permission from the Department, any person undertaking the following activities within a Community Forest shall be guilty of an offense:

- (1) any forest use or other activity in violation of the Management Plan;

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- (2) selling, leasing, mortgaging, or otherwise alienating all or any part of the Community Forest;
- (3) killing, injuring, or otherwise taking any of the protected plant or animal species as defined under Chapter VII, except in accordance with that Chapter;
- (4) disposing of any waste or other potentially polluting substance in a water source or watercourse, or doing any other activity that may pollute a water source or watercourse;
- (5) blocking, storing, or diverting any river, stream, irrigation channel, waterfall, or any other water source or watercourse;
- (6) leaving any fire burning in a manner that may damage, destroy, or endanger trees, wild plants or animals;
- (7) except with a license or permit pursuant to these Rules, the following activities shall not be permitted within a Community Forest:
- (i) burning lime or charcoal or conducting any other manufacturing process
 - (ii) clearing, breaking up, or otherwise using or preparing the land for permanent cultivation, shifting cultivation, or other land uses;
 - (iii) blasting, building houses, huts, roads, fences, enclosures, or other structures;
 - (iv) taking of mineral resources (boulders, stone, rocks, gravel, soil, peat soil and minerals);
 - (v) disposal of garbage and other waste material; and
 - (vi) setting fire unless permitted by the Management Plan.

PART C – OTHER FORESTS

37. Industrial and Institutional Forest

- (a). This Rule shall be applicable to the planted/naturally grown forests in the registered land of industrial and institutional establishments, Dzongs, Monasteries, schools, hospitals and other Government and Private Institutions and shall be treated at par with Private Forest. Such types of forests shall be registered with Department of Forests. If not registered with the Department, it will be treated at par with Government Reserved Forests.
- (b). Provisions of Rule 25(3) shall be followed with regard to Agreement & Management Plan requirements.

- (c). The Department shall not levy any royalty on trees or wild plants, both natural/planted by the Institution, in the Registered institutional/ industrial forest for own use.
- (d). Sales taxes shall be levied on trees or wild plants, whether planted or naturally grown, from the Registered Institutional/Industrial Forest for purposes other than own use.
- (e). Permit is required to harvest trees and wild plants from the registered Institutional/Industrial forest.
- (f). Transportation of forest produce shall be governed by the provisions of Chapter V of this rule.
- (g). Export of timber from such forest is not allowed
- (h). Marking by Department is compulsory prior to any felling.
- (i). Property hammer of the Institutional/Industrial Forest must be registered with the Department.
- (j). Taking of any protected plants or animals, as described in Chapter VI shall not be permitted under this rule (except to the extent permitted under that Chapter), unless such plants or animals, are proven to have been planted, or bred by the institution or the industry.

38. Homestead Forest

Control over the forest produce of the registered land under homestead (Khimsa) shall be at par to that of Private Forest.

39. Government responsibilities and offences

(1) Private Forests

- (a) The DzFO may inspect the condition of Private Forests and may require any person who claims any rights or exemption under Part A of this Chapter to produce his Private Forest Certificate, and prove his compliance with the requirements of this Chapter
- (b) After the end of each fiscal year, the DzFO shall prepare and submit an evaluation report on Private Forests in the Dzongkhag providing one copy to the DFO/PM, and another copy to the Department HQ.

(2) Community Forests

- (a) The DFO/PM and the DzFO shall be responsible for conducting regular monitoring and evaluation of each Community Forest.

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- (b) The DFO/PM, DzFO and the Dzongkhag may inspect the community forest from time to time
- (c) After the completion of each Ten Year Plan period, the DzFO shall prepare and submit a status report and evaluation on Community Forests in its Dzongkhag. It shall submit one copy to the DFO/PM, and another to the Department HQ. The evaluation report shall emphasize inputs, outputs, social and environmental issues and impacts.

40. Technical Assistance

- (1) Upon request of the CFMG or private /industrial/institutional forest certificate holder, the DzFO shall provide technical and organizational assistance for the management of Private Forests and Community Forests.
- (2) The DFO/PM and Social Forestry Division shall provide the following with regard to Private and Community Forest:
 - (a) subject matter advice and support to the Dzongkhag and the Renewable Natural Resource extension staff; and
 - (b) technical advice and support to the Dzongkhag Forestry staff
- (3) The DzFO shall provide such assistance as may be necessary to the CFMG in developing and adopting its constitution and by-laws.
- (4) DzFO shall prepare a Community Forest Management Plan, in accordance with the Technical Regulations adopted under Chapter II.

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CHAPTER V

TRANSPORT AND TRADE OF FOREST PRODUCE

41. General

A citizen of the Kingdom of Bhutan may take part in trading of forest produce, so long as such participation complies fully with these Rules. The sale of timber from Government Reserved Forests shall be conducted through open auctions, where:

- (1) Only Bhutanese Citizens shall be allowed to participate in the auction;
- (2) The buyer shall be allowed to decide on usage of the timber within the country;
- (3) Export of timber in either log form, sawn timber form or as firewood is banned. However, the Ministry may allow export of timber after complying with the provisions of Rule 46 (2) (g).
- (4) Timber price shall be determined by market forces based on demand and supply.

42. Uses of Timber

The Department (or any particular Agency or Entity, which has been specifically designated for this task) shall be the only organizations authorized to supply timber for uses as stated below. The supply of such timber, unless stated specifically otherwise, shall be made only with the approval of the Head of the Department/Ministry.

(1) *Supply of firewood*

- (a) In Urban areas, firewood to the Armed Forces, Monk Bodies and other Institutions shall be supplied by FDCL subject to payment of royalty and issue of permit by the Department. Supply of firewood to government institutions in rural areas where FDCL service is not available, permit will be issued by Department/Ministry on payment of Royalty at commercial royalty rate. The firewood should be transported through Annexure - 46.
- (b) Where firewood supply through FDCL is not feasible or in the absence of FMU, the DFO/PM is authorized to allot the firewood on permit basis on payment of royalty at commercial rate.
- (c) Collection of lops and tops shall be carried out from the Forest Management Units only for a period of one year after completion of the operation by implementing agencies. Meeting the domestic fuel wood demands shall be the first priority and only thereafter the industrial and other commercial collections shall be considered. However where there are no FMUs, the DFO/PM shall designate an area for supply of firewood and such designated area should be approved by Head of the Department and handed over to FDCL for all types of operations.
- (d) To reduce consumption of firewood in the country, the Ministry shall initiate suitable measures/actions in consultation with other Ministries. The area to be allowed for

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collection of firewood shall be decided by the Management Plans. Indiscriminate allotment of areas for collection of firewood shall be avoided.

(2) *Commercial/Project Construction in remote location(s)*

Timber for project construction/commercial purposes such as government buildings, shops, restaurants, hotels, guesthouses in remote location shall be supplied as follows on realization of commercial royalty after joint field verification of timber requirement with the Department.

- (a) Timber for such construction shall be supplied on standing tree basis, at commercial rate of royalty prescribed under Rule 4 (2). Up to 150 cft of sawn timber or 100 poles can be supplied by the DFO/PM on thinning basis. Up to 1000 cft of swan timber or equivalent will be approved by the Head of Department and if the requirement is more than 1000 cft sawn or equivalent, approval of the Ministry is required.
- (b) Remote locations/areas for the purpose of Rule 42 is defined as any location from the nearest motorable road involving a minimum half-day walk with back load.

(3) *Timber for construction of Monasteries/Dzongs and other religious construction*

Timber for new construction/re-construction/renovation/repair of Monasteries, Dzongs and other religious structures shall be supplied only on approval of the work by the Chairman of the National Commission for Cultural Affairs or any designated Agency. The Ministry shall approve timber for such constructions. The following rules shall be applicable for supply of timber for such works:

- (a) For renovation/repair of Monasteries/Dzongs and other religious structures:
 - i. in urban areas timber shall be supplied through open Market System
 - ii. in rural areas, timber shall be supplied at the royalty rates applicable for rural house construction after joint field verification of timber requirement with the Department..
- (b) For new construction/re-construction of Monasteries/Dzongs and other religious structures:
 - i. in urban areas timber shall be supplied through open Market System
 - ii. in rural areas, timber shall be supplied at the royalty rates applicable for rural house construction after joint field verification of timber requirement with the Department.

(4) *Trees required as raw materials for production of handicraft items*

- (a) Raw materials for the handicraft items of wooden material shall be supplied on standing tree basis, subject to the payment of royalty at commercial rate and endorsement of raw material requirements by the Dzongkhag Administration.

5/11/20

- (b) The demand for trees as raw materials for handicraft items shall be reviewed from time to time by the Department/Ministry and if the demand becomes high, the raw materials shall be supplied through open auction systems. DFO/PM is authorized to approve 1 number of tree/occasion and Head of the Department can approve up to 5 numbers of tree/occasion for such purpose. If the requirement is above 5 numbers, approval of the Ministry is required.

- (c) Sale of finished products from the above raw material shall be allowed only upon production of the original permit issued by the Department for collection of the raw material.

(5) ***Supply of flag posts***

The Territorial Divisions or Parks/ Sanctuaries shall allot the flag post as per following conditions:

- (a) Flag posts shall be supplied on allotment basis for religious ceremonies on realization of royalty at rural rate in case of death of person including the urban area and at commercial rate for other religious activities.
- (b) The maximum numbers of flag post to be supplied is fixed at 108 Nos. (One hundred eight numbers) only per household per occasion
- (c) Department shall identify specific forest areas for supply of flag posts. Further the Department shall identify areas for flying flags, where people can re-use existing flag posts.
- (d) To reduce the use of flag posts, hosting areas should be identified at strategic locations and facilities created for stringing of flags.
- (e) Flag posts for other purposes which is not covered in the above Sub Rules shall be approved and allotted by the DFO/PM:
- i) at commercial royalty rate
 - ii) minimum quantity possible
 - iii) such use should be discouraged as far as possible.

(6) ***Forest Produce for Chadree***

- (a) DFO/PM is authorized to sanction forest produce required for “Chadree” on payment of commercial royalty. The maximum quantity that can be sanctioned by the DFO/PM per Chadree shall be as follows:

Flag posts	:	100 (one hundred) Nos.
Tsim/Dangchung	:	100 (one hundred) Nos.
Bamboo	:	1000 (one thousand) Nos.
Timber	:	300 (three hundred) cft in sawn form or equivalent in other forms.
Gibsy	:	50 (fifty) Nos.

Action taken by DFO/PM on this subject shall be reported to the Department Headquarters. If the quantity of forest produce required is more than specified under Rule 42(6), it should be referred to the Head of Department for approval.

- (b) However permit for Spruce, Hemlock and Fir species shall not be issued for use as Gibsy.

(7) Forest Produce for Emergency (Local Level as well as National Level)

In case of requirement of forest produce for emergency cases such as urgent replacement of public bridge, national Kureem, firewood including special class species for cremation and immediate rural requirement of the victims of natural calamities, the DFO/PM is authorized to sanction the allotment of forest produce on payment of royalty at appropriate rate only on confirmation of the emergency from the concerned authority. The maximum quantity of forest produce that can be allotted by the DFO/PM per occasion shall be as follows:

Purpose	Forest produce	Quantity
Repair of public bridge	Timber	200 (two hundred) cft in sawn timber form or equivalent in other forms
National Kureem	Firewood	3 (three) truckloads
Cremation	Firewood	Either 4 (four) cubic meter of non special class firewood or 1 (one) cubic meter of special class and 3 (three) cubic meter of non special class firewood.

However, this is not to permit any forest produce on free of royalty except under Rule 15. Action taken by the DFO/PM on the above shall be reported to the Department. If the quantity of forest produce required is more than specified under Rule 43(7), it should be referred to the Head of Department for approval.

(8) Forest Produce Requirement for the Developmental Activities, which are carried out Through Contribution by Rural Community

In rural areas, for construction of Community School, out-reach clinic, irrigation channel and wooden bridge, Ministry shall consider allotment of timber in the form of sawn or log or standing tree on realization of royalty at rural rate provided such activities are carried out through contribution by the rural community. However, this shall be considered only on production of endorsement from Dzongkhag Authority and joint field verification of timber requirement with the Department.

Supply of timber to Armed Forces

Supply of timber to Armed Forces for various constructions shall be made through open auction system. In remote locations timber shall be supplied as per rule 43(2).

43. Principles

Every allotment regarding Allotment of Forest Produce for Special Purpose shall specify the procedures and conditions of such allotment, including the exact type and status of the forest produce allotted and the location from which it shall be taken, and the documentation and verification of such allotment. In every such decision the following provisions shall apply:

(1) *Log and Sawn Timber Preferred Over Standing Trees*

Whenever possible, the allotment should be of sawn timber or in logged form.

(2) *Place of Allotment of Timber*

In specifying the place of allotment (in which the recipient shall take possession of the allotted forest produce), preference shall be given to allotment at the road-head, depot or sawmill. As far as possible, the allotment of standing trees shall be avoided.

(3) *Transit Period*

- (i) he issuing authority may decide the validity period, but not exceeding 3 months initially.
- (ii) The validity of the permit or transit permit for auction materials not exceeding 30 days at a time that may be extended for a maximum of 3 times on payment of fees prescribed in the Terms and Conditions of auction as given in Annexure - 5. For other than auction materials Rule 6 (2.3) (a) is applicable

(4) *No Credit*

No forest produce shall be supplied or allotted or released on a credit basis.

44. Marking of Timber

(1) *General*

- (a) Felling or removing of standing trees without having tree marking hammer impression at the base of the tree is an offense even if there is a valid permit and the offender is liable to be penalized under Rule 57.
- (b) In case of supply of timber in standing form, for specific use, the time schedule for tree marking and timber operation shall be fixed, according to the need and convenience.
- (c) The Department shall provide timber marking hammers to the DFO/PM with clear indications of the Dzongkhag (in abbreviated form) to indicate the sources/Dzongkhag from where the timber has originated.
- (d) Field Offices will maintain detailed marking lists of trees and poles marked for various purposes.

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(2) *Departmental Hammer*

- (a) The marking hammers shall be produced by the Department with any type of metal and shapes etc. for identification and proper use of timber.
- (b) The face of hammers shall include the Code Number indicating the origin and the serial number in addition to the Code Number for the purposes indicated under.

(3) *Design and Usage of Hammers*

The designs of the hammers to be used are given in Annexure - 6. The usage of different types of hammers shall be as follows:

- (a) The standing tree marking hammer shall be used for marking the standing tree for harvesting. Different hammers shall be used for rural allotment and auction sales from the Government Reserved Forest, and standing trees from private forests and community forests shall also be marked with different hammers.
- (b) Passing hammer shall be used for marking harvested timber and for transporting the timber from stump site to the depot/rural house construction site. Different hammer marks shall be used for rural and auction purposes. Timber from Private Forests and Community Forests shall be marked with different hammers.
- (c) Sale hammer shall be used for marking the timber confirming the sale in the auction.
- (d) Seizure hammer shall be used for confirming seizure of timber for violation of rules and regulations and such timber shall be released/disposed only on confirmation of the release by means of a release hammer.
- (e) Export hammer shall be used for marking the timber confirming export, authorized by the Ministry.
- (f) Import hammer shall be used for marking timber imported from outside the country, authorized by the Department.

(4) *Possession of the Department/Government Hammer*

- (a) Any person who possesses a Government hammer without authorization or without having made any report and found using the Government hammer shall be guilty of an offense punishable with a fine, minimum of which shall be Nu.30,000/- and may extend up to Nu. 100,000/-, or imprisonment which may extend up to one year or both in addition to compensation equivalent to the market value of the forest produce so acquired by illegal means, through forging or false authorization.

- (b) If government hammers are given to any unauthorized person or taken away by unauthorized person due to negligence of the official with whom custody of the hammer rests shall be subjected to disciplinary actions by Head of the Department.

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(5) Restriction

Under the provision of Section 14(b) of the Act, no trade and transit of timber shall be considered or allowed if the timber in question are without any hammer impressions, i.e. the impression of the passing hammer of the Department or any other Authorized Agency.

If any timber on transit is found without hammer impression, whether covered by a valid permit or not, shall be taken as an offense and liable for a fine, minimum of which shall be Nu.1000/- and may extend to Nu. 3,000/-, in case of forest produce with valid permit. But in case the transit is with invalid permit or is without a permit, the offender shall be punishable with a fine, minimum of which shall be Nu.15000/- and may extend up to Nu. 50,000/-, or imprisonment up to six months or both and the timber/forest produce shall be seized/confiscated.

45. Auction

(1) Proposal for conducting the auction

Whenever a reasonable volume of timber is available at the depots/auction centers, the respective authorized Government Agencies shall submit a proposal to the Head of the Department for conducting the auction. The proposal shall include the following information:

- (a) Place of Auction
- (b) Date of Auction
- (c) Total quantity and type of timber to be auctioned
- (d) Lot-wise details
- (e) Present market conditions
- (f) Reserve price for each lot
- (g) Estimated sale price and value
- (h) Any other relevant information

Based on the proposal received from the authorized Government Agencies and prevailing market condition of timber within the country, the Head of the Department shall decide for conducting the auction.

(2) Auction procedures

The following procedures shall be followed for conducting auctions by the authorized Government Agencies:

(a) Place of Auction

Auctions shall be conducted at prescribed locations, approved by the Department. Generally, such auctions are to be conducted at various locations in the country, to reduce transportation cost and to ensure availability of timber to the local consumers. Depending on the Forest Management Units, at least one auction center shall be identified for each Dzongkhag for auctioning the timber.

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(b) Notice of Auction

The authorized Government Agencies shall issue notice of auction through advertisement in the local and national media and other mass communication methods available, DYT/GYT meetings etc. The notice of auction should be issued at least two weeks prior to the date of auction.

(c) Lot Formation

As far as possible, timber shall be auctioned in small volume, to encourage small consumers to take part in the auction. The authorized Government Agencies shall decide on lot size, with the approval of the Department.

(d) Auction Committee

The authorized Government Agencies shall form auction committee comprising the following members:

- (i) Concerned Divisional Forest Officer;
- (ii) Representatives of the Timber Producing Agency
- (iii) Representative of the Dzongkhag Administration;
- (iv) Representative of the Department of Revenue & Customs;
- (v) Representative of the Ministry of Trade & Industry; and
- (vi) Any special invitees.

The quorum for the Auction Committee meeting shall be four (4) members present. The Auction Committee is empowered to finalize the sale price up to the reserve price less 5%, fixed for each lot, which shall have been approved by the Head of the Department. The Committee members shall select the Chairman of the Auction Committee.

(e) Terms and conditions of auction

The standard terms and conditions applicable for auction is given in Annexure - 5. Any additional terms and conditions to be incorporated, depending on the situation and circumstances, shall be proposed by the Authorized Government Agencies. The same shall be incorporated in the terms and conditions, after approval by Head of the Department.

(f) Reserve price for timber with cull

Timber with cull shall be assessed by a Technical Committee comprising the concerned DFO/PM, the representative of the authorized Government Agencies and Representative of the Department Headquarter (wherever required) as per Annexure - 14. The objective of ascertaining the cull percentage is to make adjustments in the reserve price. Based on the assessment carried out by the Technical Committee, the reserve price shall be proposed by the authorized Government Agencies to the Head of the Department for approval.

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(g) *Unsold timber and rejected timber*

The timber lot, which could not be sold in the auction, shall be included in the next immediate auction. The timber, which could not be sold in two consecutive auctions, shall be referred to the Head of the Ministry with full details for export purpose through auction.

(h) *Auction Report*

The authorized Government Agencies shall submit a report on the auction conducted to the Head of the Department in the format prescribed in Annexure - 17.

46. Movement of timber

The Department through its units such as the Divisional Forest Office, Range Office, Check Post etc. shall be responsible to monitor movement of timber within the country. To facilitate smooth movement of timber and to avoid misuse of rural timber for other purposes, the following procedures shall be adopted:

- (1) the authorized Government Agencies shall issue Timber Release Order cum Certificate of Origin (TROCO) in the prescribed form on realization of the full auction value. Purchaser shall have to deposit the full auction value for the lot, prior to issuance of TROCO,
- (2) for one lot only one TROCO shall be issued,
- (3) the TROCO shall also identify the source of timber and shall serve as the Certificate of Origin,
- (4) the authorized Government Agencies shall issue Internal Timber Movement Order (ITMO) for each truckload of timber released to the purchasers against the TROCO,
- (5) the Department shall place forestry staff in each sawmill and issue ITMO,
- (6) any timber movement within the country shall be accompanied with the following documents:
 - (a) a copy of TROCO/Imported Timber Movement Order,
 - (b) original invoice/cash memo of the private agencies selling timber and,
 - © Internal Timber Movement Order issued by the Department

47. Timber Movement Forms

To facilitate smooth movement of timber within the country, the following Annexure shall be used:

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Annexure	Name of Annexure	Purposes/Remarks
7	Timber Release Order Cum Certificate of Origin	To confirm sale of timber in the auction and to certify the origin of timber.
8	Stump to Depot Timber Movement Order	To facilitate timber movement from stump to depot.
9	Internal Timber Movement Order (Other than Subsidized timber)	To facilitate timber movement within the country, such as, Depot to Depot in same the Dzongkhag or Depot to Depot in different Dzongkhags.
10	Export Timber Movement Order	To facilitate and identify timber for export purpose based on specific approval of the Ministry.
11	Imported Timber Movement Order	For facilitating movement of timber imported from other countries.
12	General Forest Produce Movement Order	To facilitate movement of non-timber forest products, such as sand, stone, boulders, etc.
38	Transit Permit for Subsidized Timber	To facilitate movement of subsidized timber.

- (a) The above forms are mandatory statutory forms to be used for timber movement. Timber Movement not accompanied with relevant statutory forms shall be liable to seizure.
- (b) Import of timber in any form shall be permitted as per form prescribed under Annexure - 11 for timber provided it is supported with proper and valid documents clearly specifying the origin/source. Under no circumstances illegal timber shall be allowed to be imported.
- (c) The Department shall charge a fee of Nu. 50/- per truckload of timber in any form and non-wood forest produce which are imported from other countries carried by trucks.

48. Records to be maintained

The following records shall be maintained and report submitted to the appropriate authority by the authorized Government Agency, particularly for the auctions conducted:

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Annexure No.	Name of Annexure
13	Details of Auction Lots
14	Assessment of Cull Percentage of the Lot
15	General Auction List
16	Bid Price Statement
17	Report on Auction Result

49. Examination or inspection of forest produce in transit or in trade

(1) Forest produce offered in trade

Any forest produce offered in trade may be inspected at any time in accordance with this Rule. Any Forest Officer, Police Officer or any other authorized officer may enter in any property or premises at any reasonable time, as necessary to examine such produce and determine whether it is legally possessed and offered in trade in accordance with the Act, or the Rules or any other relevant laws of Bhutan.

(2) Forest produce in transit

Any forest produce that is in transit and any person, animal or vehicle carrying such forest produce may be stopped and examined at any time and in any place by any Forest Officer or Police Officer. Such Officer may detain, examine and check such forest produce, and any person, animal or vehicle transporting the same, and all relevant documentation, in order to determine whether such forest produce is legally in the possession of the transporter, and is being transported legally and in accordance with the Act, or the Rules or any other relevant laws of Bhutan.

(3) Check posts and check gates

(a) Establishment of forest check post/check gates

The Department shall establish at such places as it deems fit, forest check posts, or check gates at any time for the purpose of checking or controlling any forest produce in transit.

(b) Duty to report

Any persons carrying any forest produce by means of vehicle or animal or persons, on arrival to a forest check post, shall report to the In-charge of the check post and furnish the detail information including the copies of the permit for the purpose of examination/checking.

(c) Time

The movement of forest produce through forest check posts may take place as per the following time schedule:

Winter 7 A.M - 6 P.M.
Summer 6 A.M - 7 P.M.

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(d) *Damage to Forest Check Gate*

If a forest check gate is damaged wholly or partly by a person or persons, or by his animals or vehicles, the concerned party shall undertake replacement of the gate without any delay.

Failure to replace the gate so damaged shall be deemed to be in violation of section 10(a) of the Act and may be punished under section 10 (b) of the Act. The fine amount, for this purpose, shall be a maximum of Nu. 5,000/-.

(e) *Authority*

Check post In charges/forest staffs on duty are authorized to check on any person or pack animals or vehicles (including Armed Forces) whether carrying forest produce or not.

(f) *Record/Report*

The staff at the check post shall have various/s/adequate register books to record the details of movement of forest produce through the check gate/check post and at the end of every month; abstract of the report shall be submitted to the DFO/PM through the Range Officer.

(4) *Procedure for export of finished wood products*

(a) The exporter shall inform the concerned Forest Officer about the products to be exported and scheduled date of loading, at least one week in advance.

(b) The Forest Officer shall inspect finished wood products particularly their conformity with the technical specification and source of wood. The Forest Officer after verification of the finished wood product to be exported, issues "Movement Order for Finished Wood Products for Export" as per Annexure - 35.

(c) Based on the "Movement Order for Finished Wood Products for Export" issued by Forest Officer, the Regional Trade Office and Regional Revenue & Customs Office, would process the certificate of origin and the export declaration form respectively. In other words the Regional Trade Office and the Regional Revenue & Customs Office shall not process export of finished wood product without " Movement Order for Finished Wood Product for Export" issued by Forest Officer.

(d) The forest check posts shall be responsible to check the movement of finished wood products and maintain necessary records prescribed under these rules.

50. *Specification for finished wood products*

Only finished wood products shall be allowed for export. The specification/description of the finished wood products that shall be allowed for export are given below:

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Sl.No.	Finished Products	Technical Specification
1.	Particle board	
2.	Plywood	
3.	Broom Handle	
4.	Lathe Turned Railings	
5.	Tables, Chairs, Showcase, Wardrobe, Sofa-sets, Wooden Almirah. Dressing Tables, Meat-safe and other such finished furniture	
6.	Packing boxes (Apple and Orange) (maximum thickness of the planks 1/2"	Maximum size 22"x13"x12" and width 5").
7.	Photo frames	Max – width of decorative portion 2", max. thickness 1 1/2" – can be of any length. Should be with full decoration/design
8.	Saw dust	Obtained from Sawmill operation
9.	Block Board	
10.	Knock down furniture & components	Furniture should be in fully finished form and ready for assembling
11.	Decorative bits with design profiles	
	a) Round bits	Maximum 1" diameter – can be of any length – should be with decoration/design.
	b) Half round bits	Maximum 1" diameter – can be of any length – should be with decoration/design.
	c) Corner decorative bits	Maximum width of two sides 2" and 3rd side with decoration/design – can be of any length.
	d) Ceiling decorative bits	Maximum width 2" – maximum thickness 1", one side planed and one side decorated/ designed - can be of any length.
	e) Top decorative bits	Maximum width & thickness 2" and one side moulded/decorated, can be of any length.
12.	Skirting	Maximum width 4", maximum thickness 1", one side grooved – can be of any length.

The Ministry may review the list from time to time depending on the need. The Forest Officer after ensuring that the finished wood products are in conformity with the technical specification shall issue "Internal Movement Order for Finished Wood Products" (Annexure – 44) to facilitate internal movement of finished wood products.

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51. Mushroom Billets

DFO/PM shall supply mushroom billets as per the following specifications and conditions:

(1) *Specification of billets*

Length	- 1 meter
Diameter	- 2" to 6" Or Girth- 6" to 18"

(2) *Species of wood*

Oaks and Alder

(3) *Conditions*

- (a) Mushroom billets shall be produced from standing pole or branch lopped from the tree
- (b) Allotment of billets shall be done as minimum as possible
- (c) Allotment shall be done from unrestricted area to avoid damage to forest and the environment
- (d) Allotment of billets shall be considered in phased manner if the requirement of the unit is considerably huge.
- (e) Lopping shall be allowed only from the trees selected by the staff of Department.
- (f) Felling of poles or lopping of trees for billets shall not be allowed from road side as mentioned under Rule 14 (1) (h) and water catchment area.

(4) *Quantity*

Divisional Forest Officer/PM can supply up to a maximum of 500 billets to an individual. Requirement of more than 500 billets shall be submitted to Head of the Department.

(5) *Royalty*

Mushroom billet shall be supplied on realization of royalty at commercial rate.

52. *Allotment of burrs*

Allotment of burrs for making wooden cups, etc. shall be done with the approval of the Ministry on payment of royalty at commercial rate on the following condition:

- (a) One permit holder shall get the permit for a maximum of not more than 50 (fifty) burrs for an individual.
- (b) One permit holder shall not be allowed to collect in more than one Dzongkhag at a time. Collection will be permitted only from the respective Dzongkhag.

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(c) Collection of burs shall be without felling the trees.

(d) The permit holder should produce the original copy of the permit for allotment of burs and show to the check post when the burs and products of burs are on transit.

(e) Permit holders not observing these clauses shall be penalized as per this rule.

53. Transit of semi finished/finished wood products in the country

(1) Commercial purpose

Transit of any semi finished wood products like doorframe, window frame, wall panels, half curved wood from the account of timber supplied for commercial purposes shall be allowed upon issue of transit permit on completion of conducting verification of origin/source of wood.

(2) Rural purpose

Transit of semi finished wood products produced from the timber allotted at subsidized rates for rural use shall not be permitted except from stump to construction site.

(3) Personal home use

Transit of finished products such as furniture for both commercial and personal home use purposes should be transported through Annexure - 44 when they are transported from one place to another within Bhutan or Bhutan to Bhutan through a foreign territory. In order to obtain the transit permit from the Department one should produce relevant documents such as:

(i) TROCO and ITMO if timber for making furniture was bought in auction or

(ii) TROCO, ITMO and original invoice of sawmill if the timber for making the furniture was bought from sawmill or

(iii) TROCO, ITMO and original invoice from furniture house if the furniture was bought directly from the furniture house.

54. Trade and transit of non wood forest produce (NWFP)

Trade and transit of NWFP shall be allowed with valid permits/ transit permits as per the following regulations:

(1) Domestic use

Requirement of any NWFP, except sand, stone, boulder and gravels, for domestic use shall be sanctioned by DFO/PM on proper verification and on payment of royalty at rural rate provided it does not fall under Rule 15 and 66 (1).

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(2) Commercial purpose

(a) Request for any unrestricted species of NWFP, except sand, stone, boulder and gravel, for commercial purposes including raw material for production of handicraft items, Sang-dzay, Poe (incense), Palang, Bangchung, Baskets etc. the allotment shall be approved by the Department/Ministry, if it does not fall under Rule 66 (2) and (3). Allotment of such items under proper approval of the Ministry shall be done on realization of royalty at the rate prescribed under Rule 4 (2) provided it does not fall under Rule 15. However, sanction for such purposes on adhoc basis shall be as minimum, as possible. Such supply shall be covered by proper feasibility studies.

(b) Sale of finished products from the above raw material shall be allowed only upon production of the original permit issued by the Department for collection of the raw material.

(c) Bamboo/Cane/Cane shoot

Collection and movement of bamboo/cane/cane shoot shall not be permitted without payment of royalty and valid permit issued by the DFO//Park Manager.

(3) Medicinal items for indigenous hospital/pharmacy

On receipt of official requisition from the Head of the Institute of Traditional Medicine Services, the sanction for allotment of forest produce required as raw material for indigenous medicine shall be processed by the Department and allotment of the same shall be done by the DFO/PM on ensuring the sustainability of these species. Royalty shall be levied at commercial rate. However, if any restricted species is required the case shall be forwarded to the Ministry. Small quantity of forest produce required as raw material for indigenous medicine, by the village Dungshtos shall be sanctioned by DFO/PM at commercial royalty provided it does not fall under Rule 15 and 66 (1).

(4) Trade of pipla

As per the prescription in the Annexure - 39 of this rule the people of Mongar, Pemagatshel, Samdrup-Jongkhar and Zhemgang Dzongkhags are allowed to collect pipla free of royalty from their respective Dzongkhags and sell them to FCB offices of the region.

(5) Bamboo/Cane/Cane shoot

Collection and movement of bamboo/cane/cane shoot shall not be permitted without payment of royalty and valid permit issued by the DFO//Park Manager.

(6) Import and export of NWFP

(a) Import of NWFP

By this rule import of any NWFP is permitted provided it is supported with proper and valid documents clearly specifying the origin/source. Under no circumstances illegal items of

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NWFP shall be allowed to be imported. The importer will first apply to the Department for approval to import the NWFP. The DFO/PM/Department after scrutiny of relevant documents may permit the import and ask Range Officer/Park Ranger to issue the permit (Annexure - 25).

(b) Export of NWFP

- (i) From government land
Only the Ministry shall decide the export of any items of NWFP from Government Reserved Forests.
- (ii) From private land
NWFP, which are from private land/private forest/nursery, shall be allowed to export with proper transit permit issued by the Department on completion of proper verification.

55. Collection, trade and transit of boulders, stone, sand, gravel, rocks, peat and surface soil.

(1) Requirement

For surface collection of boulders, stone, sand, gravel, rocks, peat and surface soil, as defined in Section 3(g)(iv) of the Forest and Nature Conservation Act, 1995, procedure prescribed below shall be strictly followed, prior to commencement of operations. This requirement shall be in addition to and not instead of the requirement of Section 19 and 27 (1) of Chapter III and Section 52 of Chapter IX of the Mines and Minerals Management Act of 1995 and no permit under that act shall eliminate the requirement of this Rule. The concerned DFO/PM shall submit field report to the Head of Department in the format provided in Annexure - 21. The Department of Forests through its units such as Divisional Forest Office/Park Office, Range Office/Park Range, Check Post, etc. shall be responsible to monitor movement of sand, stone, boulder and gravel, within the country.

(2) Quarry or Mine

Forestry clearance shall be required before a quarry or mine is allotted for operation. If felling of trees is involved, marking shall be done by the Department of Forests before felling the trees. Disposal of forest produce shall be done as per the prevailing Rules.

(3) Surface collection for export

For export of boulder, sand, gravel, rocks, peat and surface soil, either from government land or from private land, approval of the Ministry of Agriculture shall be required.

(4) Surface collection for use within the country

(a) Surface collection for applicant's own use:

The Parks/Sanctuary and Territorial Divisions may permit surface collection of sand, stone, boulder and gravel from unrestricted area for the applicant's own use. Permit shall be issued

5/11/25

for a maximum quantity of 20 (twenty) truck loads per occasion on payment of royalty at prescribed rate provided this does not fall under Rule 15 and Rule 103.

This is applicable to both government and private land and in case of private land, the consent of land owner shall also be required. In the event such products are used for other than applicant's own use, it shall be treated as an offence or misuse of forest produce under these Rules.

(b) Surface collection for purposes other than Applicant's own use:

Only individual/firm with valid trade license shall be allowed for surface collection for purposes other than applicants' own use.

(i) From Government land

Surface collection of boulders, stone, sand, gravel, rocks, peat and surface soil from government land shall be permitted for trading by the Bhutanese individual or community, provided that the allotment of area for such collection is done through open auctions based on the availability of land in unrestricted areas. The successful bidder shall pay royalty at commercial rate besides the bid amount.

(ii) From private land

Permit for surface collection of boulders, stone, sand, gravel, rocks, peat and surface soil from private land for trading by Bhutanese individual or community shall be issued by the DFO/PM only on fulfilling all the following conditions:

- The registration of the land is confirmed as per Rule 69(3)
- Environmental clearance issued by Head of the Department
- The location is outside 1 KM radius from Dzongs, monasteries, towns, and other important centers such as bridges, cultural sites, conservation sites etc.
- Clearance from DOR is obtained, if the area falls within 50 feet on either side of the road.
- NOC obtained from the landowner, if the applicant is other than the landowner.
- Clearance from concerned organization is obtained if the area is near by any structures like power transmission line, building, etc.
- Such surface collection does not affect the protected areas or other restricted areas.

On completion of these formalities, the permit shall be issued on payment of royalty at commercial rate. Maximum period of working time shall be six months at a time and extension of the validity shall be considered only on reviewing the impact to the local environment due to such operations.

(5) *Collection of sand, stone, boulder and gravel for commercial purpose shall not be permitted from registered tsando and Sokshing, unless the Ministry specifically sanctions it.*

(6) *Collection of sand, stone, boulder and gravel is not permitted from any riverbed in order to protect aquatic environment.*

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- (7) *Any trading or transaction in boulders, stone, sand, gravel, rocks, peat and surface soil without following the prescribed Rules shall be treated as offence under these Rules.*

56. Use and transit of forest produce in rural and urban area

(1) Rural to urban/commercial area

Timber or any other forest produce initially allotted for rural use purpose involving government subsidy shall not be allowed to be transported/shifted or used in urban areas or commercial purposes even by paying the difference in royalty or market rate.

(2) Urban to rural area

Any Bhutanese citizen wishing to use any forest produce initially acquired for commercial purpose shall be allowed to transport/shift to other places for rural use under transit permit without involving the refund of any royalty or payment from the government.

57. Offences under this chapter

(1) General violations

In addition to offenses described under other sections, any person who commits the following acts shall be guilty of an offense and punishable under Rule 82;

- (a) trades in forest produce without a valid transit permit;
- (b) trades in forest produce:
 - (i) that was illegally obtained, and
 - (ii) that was acquired for purposes other than trade,
- (c) trades in forest produce by barter or other unapproved method or in violation of the regulations,
- (d) imports or exports forest produce without or in violation of required permits,
- (e) violates an agreement under which he obtained forest produce free of royalty,
- (f) trades in or transports timber without first obtaining all permits required under these Rules, or violates any term, condition or requirement of such permit,
- (g) fells a tree without marking by an authorized Forest Officer even if he possesses a valid permit,
- (h) transports timber without hammer impressions (whether covered by a valid transit permit or not),
- (i) alters, defaces, or forges government or other authorized hammer impressions,

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- (j) trades in any non-wood forest produce (NWFP) for commercial purposes, (unless or to the extent that such taking was permitted by any of these Rules or otherwise due to special circumstances),
- (k) without a permit, collects any seed, fruit or wildlings for which a permit is required,
- (l) fails to pay any required royalty for the collection of forest produce, including traditional items,
- (m) fails to report to any forest check post or check gate, or fails to properly and correctly disclose the amount and nature of the forest produce in transit,
- (n) avoids or fails to report to any checkpoint at the entry of forest produce into Bhutan (including when the forest produce is transported from a location in Bhutan to another location in Bhutan, and passes through foreign territory/territories in transit), or transports any load over such a route where a different volume of forest produce is found upon re-entry into Bhutan than was recorded prior departure,
- (o) transports or moves forest produce, including industrial products or cottage industrial items, during any time period in which such movement is restricted by these Rules or any local order or,
- (p) regulates the provision of any transit permit or other permission in contravention to the provisions of these Rules,
- (q) either:
- (i) intentionally or recklessly causes damage to a forest check post or check gate; or
- (ii) negligently causes any damage to a forest check post or check gate, and having admitted to doing so or have been found guilty thereof, fails to undertake the repair or replacement of the damaged check post or check gate, including damage caused by the person's animals, vehicles, equipment.

(2) *Misuse of forest produce*

Any deviation from the prescription in a permit for the trade or transit of forest produce shall be considered as misuse/illegal.

(3) *Misuse of timber marking hammer/documents*

Any person who

- (a) is in possession of a government marking hammer without authorization,
- (b) uses an authorized marking hammer in violation of authorization,
- or;
- (c) forges or otherwise illegally affixes timber harvesting authorization marks in violation of these Rules shall be guilty of an offense and punishable under Rule 82.

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CHAPTER VI

PROTECTED AREA MANAGEMENT

58. Declaration of Protected Areas

The Ministry shall declare the protected areas from time to time as deemed necessary. In the case of designation and protection of areas of special scenic beauty or bio diversity as Dzongkhag Parks and sanctuaries or creation and designation of local recreational areas around villages except in Protected Areas, the DYT/GYT as the case may be, shall decide on the area identification, feasibility studies (supported by the Department), declaration, approval of Management Plans and Monitoring & Evaluation. Management Plan implementation shall be carried out by the Dzongkhag Administration/Geog, as the case may be. However, National Parks, Wildlife Sanctuaries and Strict Nature Reserves declared by the Government will be managed centrally by the Department.

(1) Regulations

The Department shall adopt regulations specifying

- (a) the procedures for designation of a Protected Area, and
- (b) the procedures to be undertaken following declaration of a protected area, including the preparation and implementation of a management plan for the protected area and the specification of core zones, buffer zones and other zoning within the protected area.

(2) Designation

If the Department determines

- (a) that any area is of biological significance to Bhutan, or the world at large,
- (b) that a specific habitat area may be under threat, and its protection is in the national interest, or
- (c) that an area is, otherwise, worthy of protection or conservation because of hydrological or watershed reasons,

The Department may initiate the process of declaring that area to be a protected area, in accordance with the regulations described above, by presenting a proposal and preliminary report to the Government. For each such area, the Ministry shall prepare such documentation as shall be necessary to establish the protection of the area under the Act or these Rules, or any other laws of Bhutan.

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59. Administration of activities in protected areas

(1) All activities

- (a) Once an area has been declared to be a protected area, all activities within such area shall be governed by this Chapter and all Technical Regulations, notices, procedures, schedules and other documents adopted hereunder. In the event that any activity under any other chapter or any other law is proposed, the requirements and approvals under this Chapter must be met before other permissions under such other chapter or law shall be sought.
- (b) Permits must be obtained by all foreigners including tourists to enter any protected areas, and pay entry permit fee amount fixed by the Ministry from time to time.
- (c) All foreigners including tourists must declare all food that is either canned or wrapped by non-biodegradable materials at all entry points of the protected areas. These materials must be brought back out of the protected areas, and a declaration form, to this effect must be completed when exiting the protected area.
- (d) Protected area staff shall inspect the individuals or groups during trekking within the protected areas for compliance of the rules.

(2) Habitat management

Habitat management in furtherance of the conservation management plan of the protected area shall be allowed in all zones, only by the Department and persons acting at the request or in the employment of the Department. For these purposes, the term “habitat management” may include culling species for sanitation and conservation purposes, as required by or in accordance with the Conservation Management Plan of the protected area.

60. Permits under other chapters

- (1) If any activity within a protected area is regulated under this Chapter, no permit given under any other Chapter or law shall be valid within a protected area, unless the activity involved also meets all requirements of this Chapter.
- (2) The Department shall adopt such procedures for coordination with other chapters of these Rules as shall be necessary to ensure compliance with this Chapter.

61. Prohibited activities within protected areas

(1) General prohibitions

The following activities shall be prohibited within any protected area, except with a written permit or authorization:

- (a) any construction, including motor roads, buildings, fences, or any physical structures;
- (b) settlement and cultivation;

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- (c) commercial harvesting ;
- (d) grazing;
- (e) any research, except that is contemplated by the management plan for the area;
- (f) firewood collection;
- (g) taking wildlife of any kind;
- (h) fishing, except in accordance with Technical Regulations relating to fishing permits and licenses, pursuant to Chapter III Rule 20.
- (i) littering as a result of camping, trekking and picnicking.
- (j) blasting except by noiseless devices
- (k) collection of plant species
- (l) filming
- (m) visiting parks by foreigners/tourists
- (n) quarrying and mining
- (2) ***Grazing permits***

Grazing permits within protected areas may be issued only for traditional grazing, who must, comply with all regulations under Chapter VIII of this Rule.

(3) ***Special provisions regarding research***

In any zones within a protected area, research may be permitted only

- (a) with written permission from the Department and
- (b) subject to and in cooperation with the requirement of regular monitoring by the Department.

(4) ***Special provisions regarding wildlife***

- (a) no wildlife may be taken from any core zone.
- (b) taking of wildlife within any other zone of a protected area may be permitted only in compliance with the conservation management plan for that protected area.
- (c) where a species is protected, a permit under this Rule to take that species within a protected area shall be given only after the applicant has first obtained permission to

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take such species. The Department may adopt a protocol for addressing both requirements in the same permit.

- (d) fishing within a protected area shall be permissible only pursuant to a valid permit obtained in accordance with Technical Regulations governing fishing adopted under Rule 19 and only in specifically designated fishing areas.

(5) *Specific prohibitions in specified zones or conditions*

- (a) The following activities shall be prohibited within a core zone, except by Forest Officers, and only following the determination that the activity is necessary to accomplish the objectives of nature conservation and the conservation of the protected area.

- (i) any kind of construction, including motor roads, buildings, fences, or any physical structures;
- (ii) settlement or cultivation;
- (iii) any logging, commercial or non-commercial;
- (iv) grazing by livestock except in special cases relating to traditional or other necessary local use, only after determination by the Department that such an exception shall not be a violation of the Conservation Management Plan of the protected area;

- (v) collection of firewood and non-wood forest produce;

- (vi) undertaking any forestry activities;

- (b) The following activity shall be prohibited in any other zone within a protected area, except by Forest Officers, and only following determination that the activity is necessary to accomplish the objectives of nature conservation and the zone designation of the protected area.

- (i) settlement or cultivation except in a multiple-use zone for local residents;
- (ii) commercial logging without a permit obtained under this Chapter in addition to such other permits and licenses as may be required under other Chapters;
- (iii) collection of firewood, except by a resident of the local area for personal domestic use;
- (iv) undertaking any forestry activity without a permit.

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62. Offences under this chapter

Any person who, within a protected area,

- (1) conducts research or collects specimens without permission, or who refuses to allow or cooperate with monitoring of such research by the Department;
- (2) takes wildlife or plant species without a permit; and
- (3) any activity undertaken in contravention of prohibitions listed under Rule 62 (1) and (2) shall be guilty of an offense punishable under these Rules.

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CHAPTER VII WILDLIFE CONSERVATION

63. Protection of wildlife

Unless specifically permitted or exempted in this Chapter, all taking of wildlife in Bhutan is regulated under this Chapter.

(1) Regulations

The Department shall adopt such Technical Regulations as shall be necessary to implement this Chapter, and to prevent the deterioration of wildlife population in Bhutan.

(2) Totally protected species

Regardless of any provision of these Rules or of any schedules, Technical Regulations or other documents, all species listed in Annexure – 20(a) shall be totally protected throughout their range.

(3) Protection of other species

All other species of wildlife are also protected and may not be killed, injured, destroyed, captured, collected, or otherwise taken, except in accordance with this Chapter, or with special authorization issued under this Chapter.

64. Prohibited activities

(1) Taking protected wildlife

No person shall:

- (a) hunt, kill, injure, destroy, capture, trade, use or in any way take any plants and animals listed in the schedule I of the Forest and Nature Conservation Act 1995, or their parts and products, anywhere in the Kingdom of Bhutan, except in accordance with this Chapter;
- (b) hunt, take, remove, destroy, poison or injure any wildlife, whether listed in Schedule I or not, or set any traps or snares, except with and in accordance with a permit;
- (c) fish in any stream, river, pond, lake, canal, channel or dam except with and in accordance with a valid license.

(2) Possession of protected wildlife

- (a) No person shall be in possession of any plant listed in the Schedule I of the Act, or any wild animal, if such specimen was taken in violation of Rule 61. This Rule shall include live or dead specimens, or any parts thereof, including bones, organs, skins,

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furs, feathers, eggs, fruits or other parts, whether taken, destroyed, or captured in Bhutan or elsewhere.

- (b) It shall be the obligation of the person in possession of any specimen of plants and animals to prove that it was legally taken from the wild. A copy of the permit for the taking shall be the evidence thereof.
- (c) The person in possession of any trophies or specimen (animals or plants or their parts) shall apply to the Department for certification of his/her right to possess them as per Annexure - 26. This certificate shall be considered only if it is proved that such collection is not made in connection with poaching not permitted by this Rule. Otherwise such trophies or specimen shall be seized and confiscated.

(3) *Captive breeding or cultivation*

- (a) No animal or plant listed in the schedules shall be taken from the wild for purposes of commercial breeding or cultivation in a private facility, except where the taking occurs with a permit from the Department under this Chapter.
- (b) The holder of a permit under Rule 64(3) (a) shall be required to prove or certify that any specimen possessed or sold by such person have been taken with valid permit or are offspring produced in such facility.
- (c) For purposes of this Rule, the term “commercial” shall refer to any activity undertaken in connection or with the intent of the ultimate sale, barter, exhibition, or other activity obtaining financial benefit from the species, its offspring, or any parts, eggs, or fruits thereof.

65. Justified taking due to threat of harm to people or to property

(1) *Totally protected species*

- (a) A person, who discovers any totally protected wildlife on his land, may use non-lethal means to attempt to scare the offending animal into the forest. Such person shall not attempt to kill or poison such animal, even if it threatens, kill or lifts livestock.
- (b) A person whose life or safety is directly threatened by an animal or animals that is totally protected under these Rules may use lethal means, only for purposes of self defence.
- (c) In the event that an animal is killed under this provision, the provisions of Rule 65 (1) (b) and 65 (3) shall apply.
- (d) In particular, endangered species listed in Schedule I shall not be killed, poisoned, or injured in the agricultural field, even if they lift livestock. If in case animal of protected species get into traps meant for animals of other species, the case should be immediately reported to the nearest forest office. The case will be verified by a committee to be formed by DFO/PM under the Chairmanship of DFO/PM.

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(2) Other species

A person who discovers any animal that is protected under Rule 63(3), above, on his land may kill such animal, only if necessary, to prevent destruction of his property, livestock, or crops. No legal action shall be initiated against any individual if proven that the wild animal under the category has been killed in his own agricultural field. However, statement of Chiwog Tshogpa shall be accepted in case the animal was shot in private land while destroying crops/lifting livestock and later died in government land within 200 m from the boundary of the agricultural land.

(3) Procedures following justified taking

- (a) A person who discovers any animal that is protected under Rule 64(3) on his land may kill such animals, only if necessary, to prevent destruction of his property, livestock, or crops. The person shall report such killings to the nearest forest office immediately. No legal action shall be initiated against any individual, provided it is proven that the wild animal under the category has been killed in his own agricultural field. However, statement of Chiwog Tshogpa shall be accepted in case the animal was shot in private land and later died in government land.
- (b) The trophy and not the carcass, of the kill should be surrendered to the nearest Forest Office,
- (c) The use of poisoned bait to kill animals for whatsoever reason is totally prohibited.
- (d) Crop depredation by livestock shall be dealt under Ka 11.1 to Ka.11. 10 of the Land Act of 1979.
- (e) The Department may adopt regulations or schedules specifying the form or the report required under this Rule and any required procedures for surrendering the animal or trophy within a month.

66. Traditional uses of certain wild plants and other species

This Rule shall govern the collection and use of those species listed as “species for traditional use”. This Rule may be amended to include other species that are determined to be of important traditional use in Bhutan.

(1) Non – commercial use

The harvesting of totally protected wild plants shall not be permitted.

(2) Commercial uses

Commercial harvesting of wild plants shall be conducted only with a harvesting permit, issued by the Department, on payment of royalty at commercial rate; and such permits if required under Chapter V for the trade and transit of forest produce shall be obtained.

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(3) Threatened populations

Commercial harvesting permits under this Rule shall not be granted as to any species whose population is considered threatened as a result of the current level of harvesting.

67. Fishing

Catching of fish in any stream, river, pond, or lakes is strictly prohibited without possession of a valid fishing license. Fishing license shall be issued by the Department and Forest Officers of the area on a prescribed form on payment of the prescribed fees pursuant to Rule 19.

68. Offences under this chapter

Unless specifically permitted under or in accordance with this Chapter, the killing, taking, injuring, destroying, capturing, possessing, and trading and/or using of wildlife and plants, or their parts and products, regardless of whether such animal was taken, destroyed, or captured in Bhutan or elsewhere is an offense and punishable under Rule 82.

Any person who attempts to kill, injure, poach, fell, cut, debark, dig, uproot, collect etc. in the Government Reserved Forests shall be guilty of an offence and subject to a minimum fine of Nu. 1500.00 and may extend up to Nu. 5000.00

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CHAPTER VIII

SOIL AND WATER CONSERVATION

69. Clearing and cultivation of private land

(1) Application

The Department shall entertain the application for forest clearance only if such cases are forwarded to the Department by the Dzongkhag Administration authenticating the ownership and survey record of the land in question.

(2) Inspection and clearance

The DFO/Park Manager shall inspect the land in question, as per the prescribed format given in Annexure 18(b) and (c). These reports, in duplicate copies, along with 2 copies of sketch maps should be submitted to the Head of the Department for final clearance.

(3) Cadastral survey

The area must be registered in the thram with cadastral map and boundaries will be fixed physically on the ground.

(4) Forest produce

Trees grown on the registered land for which clearance is sought can be disposed off by the Department, either by allotting them to the land owner or the neighboring households for their domestic use as per rules or salvaged as may be decided by the Department.

No person may fell or remove any standing tree from private registered land other than Registered Private Forest even with a valid permit, unless such tree is marked at its base with the impression of a valid marking hammer.

(5) Land clearance

The applicant shall obtain community/Dzongkhag and forest clearance prior to clearing of the land for the said purpose. Field inspection report as per Annexure 18(b) & (c) along with community/Dzongkhag clearance shall be submitted to Head of the Department for issuance of forest clearance.

(6) Criteria for forest clearance

The following criteria should be followed while processing the forest clearance for cultivation in the private registered land.

- (a) Land located within the protected area, catchment area and area containing dense forest may be avoided. Dense forest is when the area has forest with crown cover of 40% and more.

(b) The land should be near the existing inhabitation, as far as possible. The land should not be in the middle of high Government Reserved Forest.

(c) Land clearance or operations under the following situations shall not be permitted as per Rule 9 (1.3).

(i) Within 600 feet uphill and 300 feet downhill of the motor road except forest and farm road if there are trees in the area as per section 14 (a) (i) of Forest and Nature Conservation Act of Bhutan, 1995. In case of flat land 300 feet on either side of the road will be considered in place of 600 feet uphill and 300 feet downhill of the road.

(ii) 100 feet on either side of the banks or edge of the rivers or streams or water course or water sources kept as riparian reserve for conservation and,

(iii) Land with greater than 100% slope (45°).

(7) *Tseree*

Tserree cultivation is banned and shall not be permitted under these Rules. Offenders will be penalized as per Rule 82 (8) and other relevant penal provisions of these Rules.

(8) *Mining or quarrying*

For the mining or quarrying within the private registered land, Rule 56 shall be followed.

(9) *Sokshing*

(a) The owner of Sokshing having proper Thram shall be permitted to remove only leaf litters, and leaf-mould from the Sokshing without permit. No felling shall be permitted within Sokshing, except with prior permission from the Department. The permission may be accorded only if required to improve the Sokshing, after verification of the fact by the concerned DFO/PM. Any products taken out in the process of improving and developing the Sokshing shall be allotted to the Thram holder against the valid permit.

(b) Department shall not take up forest clearance if the land is in Sokshing unless directed by Kasho.

(c) In accordance with Ka 3.5 of the Land Act, Sokshing cannot be converted for any other land use.

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70. Grazing

These Rules observe the following under the purview of Section 30 of the Act.

(1) Grazing in Government Reserved Forest

Livestock grazing in the Government Reserved Forest may be allowed as long as the following regulations are complied with:

- a) The Department as per Section 30(b) of the Act can stop the grazing in specified location for a specified period.
- b) Grazing is restricted in an area, which is fenced for natural regeneration or plantation area with or without fencing for a given period or till the seedlings are well established.
- c) The Department, if required under this chapter, shall issue orders to effect the grazing in the forest on rotational basis at any time as per the plans prescribed under chapter II of these Rules.
- d) Livestock trespassing in the Government Reserved Forest shall be treated as per Section 30 (c) of the Act. However, this chapter shall not affect the existing path, "tsalam" and "chulam", traditionally used during the migrating season provided such paths are not within the fencing established by the Government.

(2) Goat rearing

Browsing by goats influence vegetative degradation and the control on their rearing is imperative for normal forest health. The goat rearing shall be regulated as under:

- (a) As per resolution No. 10 of the 35th session of the National Assembly, the non-nationals shall not be allowed to rear goats.
- (b) Bhutaneese nationals are allowed to rear four goats per house for domestic use and they shall be kept tethered in the vicinity of houses and stall fed and shall not be allowed to enter plantation areas or forests or let loose on highways.
- (c) Penalty- Any person found guilty in contravention of the said rules shall be liable to the following penalties:
 - (i) The stock of goats belonging to non-nationals shall be confiscated and disposed off by open auction. In addition, the owners shall pay the following fines for different heads of goats found in their possession:
 - (ii) Nu. 10.00 per day per goat subject to maximum of Nu. 500.00 on the day of checking.
 - (ii) The goats in excess of the prescribed number belonging to nationals shall also be liable to same penalty as mentioned above.

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(3) ***Grazing in registered "tsandrog"***

- (a) The Department may impose ban on grazing in a registered "tsandrog" for a specified period if there is a good reason to believe that such steps are required to safeguard the land from degradation.
- (b) As per the provision of Ka 8.2 of the Land Act, registered Tsandrog cannot be converted for any cultivation purposes except in case of Kasho from His Majesty the King.

71. Pollution prevention

The Department may adopt such regulations, as it shall deem necessary for the protection of the soil and water and the prevention, minimization or remediation of any erosion, pollution, or contamination thereof.

72. Forest fires and fire protection

(1) *Duty to prevent and control forest fires*

Every citizen of Bhutan is duty-bound to report any information relating to forest fires and their causes, and to take all reasonable steps to prevent, put out any uncontrolled fire, and to identify the culprit.

(2) *Limitations on the use and setting of fires in or near Government Reserved Forests*

No person shall set any fire in

- (a) Government Reserved Forest, Community Forest or any other forested lands;
- (b) Any area adjoining the areas where the setting of fire poses a threat to the areas, listed in (a) above

(3) *Controlled campfires*

Anyone may make a controlled campfire without a permit, provided he does so only:

- (a) within an area in which such fires are permitted; and
- (b) in accordance with all relevant safety regulations.

(4) *Regulations*

The Department shall adopt regulations specifying the responsibilities and procedures for the prevention, control, and suppression of forest fires, and the use of fires in Government Reserved Forests. These regulations shall specify the nature of the duty of members of the community to participate in the prevention and suppression of forest fires, and to report and mitigate actions causing and/or increasing the risk of forest fires.

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(5) Replanting

Where the culprit causing a forest fire near a village is not apprehended, it shall be the duty of the residents of that village to replant the burnt areas and to maintain those plantings, under supervision of the Department. The regulations of this operation shall be as follows:

- (a) Survey of the actual area damaged and planting materials estimated;
- (b) Identification of the community involved;
- (c) Drawing of agreement;
- (d) Preparation of detailed reforestation plan, which shall be approved jointly by the community, Dzongkhag Administration, and the Department, for implementation; and
- (e) Supervision of the planting activities shall be done by the DzFO and monitored by the DFO/PM

73. Offences under this chapter

Any person who undertakes the following activities shall be guilty of an offense under this Chapter and punishable under Rule 82:

- (1) builds or sets a campfire in a Government Reserved Forest, except in a place in which such fires are allowed and in accordance with all rules relating to campfires,
- (2) builds or sets any other type of fire in a Government Reserved Forest, or in an area which adjoins a Government Reserved Forest and where the setting of fire poses a threat to the Government Reserved Forest, without a permit,
- (3) clears private land for cultivation or any other purposes without obtaining land clearance certificate from the Department, and
- (4) causes or increases the erosion, diversion, contamination or pollution of any water or soils, except by virtue of any actions taken in compliance with government procedures for the elimination or minimization of such harms.

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CHAPTER IX

ENFORCEMENT AND PENALTIES

74. Powers of Forest Officers.

In accordance with Chapter IX of the Act, Forest Officers shall exercise the following powers:

- (1) to answer questions and provide information concerning the Act, or Rules or their implementation or enforcement;
- (2) to require production of, and to inspect any license, permit, or other document which any person is required to have in his possession;
- (3) to require any person who has or may have forest produce in his possession to declare such forest produce for inspection, or to allow inspection to confirm that no such forest produce is in his possession;
- (4) to exercise the power of Police Officer under Police Act to;
 - a. search and seize any vehicle, tools, livestock, weapon or thing which he believes was used to commit an offence under the Act or any forest produce which he believes was taken in violation of the Act;
 - b. enter and search any land, building, premises or structure in which he believes that evidence of having committed an offence is to be found;
 - c. stop, detain, search and arrest any person whom he suspects of having committed an offence under the Act;
 - d. to take or send the accused before the Court of Law or officer-in-charge of the nearest Police station as the Department deems fit;
- (5) such other powers as are necessary to effectuate the terms of these Rules; and
- (6) to compound forest offenses.

75. Offences under this chapter

Any person who

- (1) abets in the commission of any forest offense
- (2) obstructs or hampers any Forest Officer or other authorized person from carrying out duties specified under the Act, these Rules, or any regulations adopted pursuant to these Rules, shall be guilty of an offense.

76. Official misconduct

Any person representing the Department or otherwise authorized to act officially under the Act or these Rules, who

- (1) abuses or misuses the power to fix or determine the value, price or royalty to be charged for timber or other forest produce, or the applicant's qualification for full or partial exemption from the payment of royalties, fees, or other payments under these Rules;
- (2) abuses the power to grant or authorize permits under these Rules, by granting permits to persons or organizations who do not meet the criteria for such permit, or failing to impose the terms, conditions and requirements generally applicable to such permits;
- (3) acquires or arranges the acquisition of forest produce for government purposes from sources other than the Department or an Agency or Corporation duly authorized by the Department to do so;

Shall be guilty of an offense and personally liable for a penalty which may include imprisonment for not more than 3 months or a fine, minimum of which shall be Nu. 3000/- and may extend up to Nu. 10,000/-, or both, in addition to the payment of compensation equivalent to the market value of the forest produce involved in such activity, as estimated by the Department, in accordance with Section 19 of the Act as well as such disciplinary action as the Department, Ministry or Government shall take against him.

77. Impersonating a Forest Officer

Any person impersonating, or usurping the authority of a Forest Officer or other authorized officer under the Act, or these Rules, or any regulations adopted pursuant to these Rules, shall be guilty of an offense. The penalty for such offense shall be a fine, minimum of which shall be Nu. 5000/- and may extend up to Nu. 10,000/- or imprisonment up to three months or both, in addition to the penalty for any other violation conducted in conjunction with such impersonation.

78. Seizure and confiscation

In connection with the exercise of powers to apprehend violators under these Rules, the offence case will be registered under Annexure - 28 and authorized officers may seize or confiscate forest produce which appears to have been illegally taken or the proceeds thereof, possessed, transported or otherwise illegally used under the Act or these Rules, as well as seizure or confiscation of any tools, weapons, livestock, vehicles or other property used in connection with such violation.

- (1) Any forest produce (including timber), proceeds of sale, vehicles, tools, weapons, livestock or other property seized or confiscated by forest officers or otherwise in accordance with the Act or these Rules shall be recorded in the prescribed form, (Annexure - 30) a copy of which shall be given to the concerned person as a receipt. All seized or confiscated items shall be held in subject to strict inventory and restricted access requirements. The seized livestock and items of perishable nature can be released on proper execution of the undertaking by owner supported by surety when the case is under further investigation by the Department or under process in the Court of Law. In the event any items once seized and released on undertaking by the

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owner is missing by the time confiscation order is received from DFO/PM, the owner shall pay the value estimated by a committee appointed by DFO/PM in lieu of confiscating the item.

- (2) In the event that an accused who is sent before the Court of Law is convicted or acknowledges guilt in the Court of Law, the court may confiscate the seized property (Annexure - 30) and may sell and dispose of any of the items in accordance with relevant law. The proceeds of such sale shall be applied first to the recovery of amounts due to the Department or authorized groups or Corporations from that person (to the extent permitted under general laws of Bhutan) with the rest to be disposed off under these Rules or other relevant law.

- (3) In the event that the accused is ultimately found not guilty of such violation, or the case is dropped for any reason apart from acknowledgment of guilt, the seized property shall be returned to the person from whom it was seized. A forest officer or the Department, acting pursuant to this authority shall not be liable for the deterioration or damage of any of the goods seized in accordance with the Act or these Rules.

79. Procedures for compounding offences

- (1) By the authority conferred under Section 33 of the Act, any Forest Officer of the rank of Range Officer/Park Ranger and above shall be authorized to compound offenses depending upon the degree and frequency of offence.

- (2) Department shall adopt the following measures while compounding offences:

- (a) Each time an offence is compounded, a full report shall be drawn and submitted to the Department;

- (b) Compounding shall include:

- (i) Realization of fine for the breach of the Act and listed under relevant sections of the Rules; and

- (i) Realization of compensation at fair market value of the forest produce involved in the offence; and

- (iii) Compounding on the fair market value depending on the degree and frequency of offence. Rule 85 shall govern on subsequent offences.

- (c) Compounding shall not be permitted where the accused has committed more than three prior offences under the Act. The accused shall be sent before the Court of Law; and

- (d) The case shall be compounded only where the accused agrees in writing to have his offence compounded.

- (3) The measures may state that no compounding shall be possible for certain offenses listed therein. It may also place additional limitation on compounding.

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- (4) As per Section 33 (b) of the Act, "no one except a Court of law may impose the punishment of imprisonment".
- (5) Prior approval of DFO/PM is required for compounding an offence.
- (6) Annexure - 29 should be used as the Forest Offence Case compounding order sheet.
- (7) In case the offender fails/refuses to settle the case with the Department within a period of one week the case shall be forwarded to the Court.

80. Actions constituting an offence under more than one provision

- (1) Unless otherwise provided in these Rules, where the same action constitutes an offence under more than one chapter or provision, such action shall subject the offender to punishment under whichever provision provides the greater penalty as per Section 36 (a) of the Act.
- (2) This provision shall not prevent the assessment of penalties for multiple violations, stemming from different actions, even when occurring at the same time.

81. Types of penalties that may be assessed under this chapter

In applying the penalty provisions of these Rules, the following types of penalties may apply:

- (1) imprisonment for the period stated with regard to the particular offense, if any;
- (2) fines, in the amounts that are specified with regard to the particular offense;
- (3) unless otherwise stated in the specific penalty provision, where the offense involves the taking of any forest produce or other items, illegally:
- (a) seizure or confiscation of anything illegally taken, or the proceeds from the sale thereof;
- (b) payment of compensation at the fair market value for anything illegally taken, damaged or destroyed shall be levied on the form/type of forest produce at the time of seizure;
- (c) an increased fine depending upon the degree and frequency of forest offence as specified under relevant provisions of these rules; and
- (4) unless otherwise stated in the specific penalty provision, where the offense involves the use of any property, animals, tools or other items in committing the offense, confiscation of any equipment, vehicle, livestock, tools or other items used or involved in commission of the offense, in accordance with Rule 78.

82. Penalties or offences listed under these Rules

Any action or inaction that is listed, as an offence under various chapters of these Rules shall be punishable as follows:

(1) Penalties related to Forest Management Plans

In addition to any other applicable penalties under these Rules, if any lessee, licensee or industrial forest operation has been notified that he is in violation of the lease agreement or of the Management Plan, and has failed to correct such violation within a reasonable time following such notification, in addition to any other penalties for which the violator may be liable hereunder, the Department may cancel such person's lease or other permission, and/or may impose fine and compensation for the violation and damages.

(2) Penalties regarding general activities in the Government Reserved Forests

(a) Any violation that is described under Section 10(a) of the Act or the provisions of these Rules shall be punishable as per Section 10 (b) of the Act with imprisonment for not more than 5 years or a fine, minimum of which shall be Nu.5000/- and may extend up to Nu. 50,000/-, or both, in addition to confiscation of anything illegally taken or the proceeds from the sale thereof or compensation at fair market value for anything taken illegally, damaged or destroyed and confiscation of any equipment, vehicle and tools used to committing the offence.

(b) Any violation of a provision requiring a permit for an activity which is not covered under Rule 82(2)(a) is punishable with imprisonment, which may extend up to 3 years or a fine, minimum of which shall be Nu.5000/- and may extend up to Nu. 50,000/-, or both in addition to compensation at fair market value.

(3) Activities on private lands

Any offence under the Act or these Rules if committed on private lands (including Private Forest lands) and not specifically permitted in accordance with the Act or these Rules shall be punishable with fine minimum of which shall be Nu. 5000 and may extend up to Nu.50000 in addition to compensation at fair market value.

(4) Activities in community forests

(a) The penalty for illegal activities in the community forest shall be as if the activities were conducted on the Government Reserved Forest, except:

- (i) following confiscation of anything illegally taken, or the proceeds from the sale thereof, (if such items are not to be returned to the person from whom they have been confiscated) they shall become the property of the CFMG. Money receipt of the CFMG should be used in case of realizing fines;
- (ii) where payment is realized at fair market value for trees and wild plants (other than totally protected species) illegally taken from or damaged or destroyed in the community forest, such payment shall be contributed to the CFMG;
- (iii) where payment is realized at fair market value for trees and wild plants and minerals which are not to be marketed by the CFMG, payment shall be made to the Government.

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- (b) The penalty to any CFMG, for selling, leasing, mortgaging, or otherwise alienating all or any part of the community forest may include cancellation of the community forest certificate and reversion of the CF back to GRF.

(5) ***Penalties for trade and transit offenses***

The penalties for offenses involving illegal trade in and transit of forest produce, as provided in Chapter V of these Rules, shall be as follows:

- (a) for offences involving, trade in illegally obtained produce, trading without a permit, trading in a manner not permitted by law and any activity which is defined in these Rules as misuse of forest produce.

The penalty shall be:

- (i) imprisonment up to 6 months; and
- (ii) confiscation of the forest produce, or the proceeds of the sale thereof and seizure or confiscation of any equipment, vehicle, livestock, tools or other items used or involved in commission of the offense, OR
- (iii) seizure or confiscation of the forest produce, or the proceeds of the sale thereof and seizure or confiscation of any equipment, vehicle, livestock, tools or other items used or involved in commission of the offence; and
- (iv) fine a minimum of which shall be Nu. 5,000.00 and may extend up to Nu. 50,000.00 and
- (v) Compensation at fair market value of the forest produce involved;
- (b) for failure to obtain proper permits or approvals or to comply with the required procedures in the importation of any forest produce, the penalty shall be:
- (i) as to forest produce that is regulated or controlled under Chapter VII: imprisonment which may extend from 2 months and up to 5 years or a fine, minimum of which shall be Nu.5000/- and may extend up to Nu. 50,000/-, or both, in addition to the fines and penalties for violations of provisions under Chapter VII and Rule 82(6) and (7);
- (ii) for all other seized forest produce, shall only be released upon payment of fine ranging from Nu. 5000 to Nu. 50,000 and compensation equal to 50% of the market value of the forest produce so imported, or as estimated by the Department.
- (c) for violation of any agreement under which the offender obtained forest produce on concessional rate or free of royalty, a fine, minimum of which shall be Nu.15000/- and may extend up to Nu. 50,000/-, or both, in addition to compensation at fair market value of the forest produce involved;

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- (d) for movement of forest produce “including industrial product or cottage industrial items” during any time period in which such movement is restricted by these Rules, any local order or regulation, or the provision of any transit permit or other permission, a fine of Nu. 1000 in addition to any penalty for misuse of forest produce which may apply;
- (e) for transporting timber without a hammer impression, or without a valid permit, a fine, minimum of which shall be Nu.5000/- and may extend up to Nu. 50,000/-, in addition to compensation at fair market value of the forest produce involved;
- (f) for failure to report to forest check post or check gate and to properly declare all forest produce in transit, a fine, minimum of which shall be Nu.5000/- and may extend up to Nu. 50000/- in addition to compensation at fair market value of the forest produce involved;
- (g) for avoiding or failing to report to any checkpoint at the entry of forest produce into Bhutan (including when the forest produce is transported from one location to another location within Bhutan, and passes through foreign territory), or for transporting any load over such a route where a different volume of forest produce is found upon re-entry into Bhutan than was recorded upon prior departure, the penalty shall be fine, minimum of which shall be Nu.5,000.00 and may extend up to Nu. 50,000.00 and compensation equal to 200% of the market value of the forest produce involved in the violation;
- (h) for false declaration of forest produce or misrepresenting one’s qualifications for any full or partial exemption from royalties, or any special permit as required under these rules , a fine, minimum of which shall be Nu.15000/- and may extend up to Nu. 50,000/- in addition to compensation at fair market value of the forest produce involved;
- (i) for commercial taking of restricted non-wood forest produce a penalty of not more than 6 months of imprisonment or a fine, minimum of which shall be Nu. 5000.00 and may extend up to Nu. 50,000.00 and compensation at fair market value of the forest produce transported, or both in addition to confiscation of the produce involved;
- (j) for failure to meet the requirements governing the collection, transit and trade of forest produce, where the purpose of those activities was the recognized use of such forest produce in traditional medicine, the offender shall be subject to the same penalties applicable to trade of such forest produce. In all instances of illegal collection of forest produce for these purposes, the person in charge of the illegal collection shall be considered the offender for purposes of assessing such penalty;
- (k) For:
- (i) collection of seeds, fruits and wildlings without permit ; and

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- (ii) failure to pay royalties in connection with the trade in (k)(i) above, including traditional items, a penalty on the seized forest produce in question, shall not be released until full payment of a fine of Nu. 1000 in addition to compensation at fair market value of the forest produce involved.
- (l) for refusal or inability to produce a copy of the certificate of ownership, transit permit or other permit, penalties in accordance with laws relating to the powers of civil officials;
- (m) for forging, altering, or tampering with any permit issued under these Rules, the penalty shall be imprisonment up to one year or a fine, minimum of which shall be Nu.15000/- and may extend up to Nu. 50,000/-, or both
- (n) for possession of a government marking hammer without authorization, use of an authorized marking hammer in violation of his authorization, or forgery or other action illegally affixing timber harvesting authorization marks in violation of these Rules, a penalty of imprisonment up to one year or a fine, minimum of which shall be Nu.15000/- and may extend up to Nu. 50,000/-, or both, plus compensation at fair market value and confiscation and
- (o) for felling tree/trees without marking by an authorized Forest Officer even if he possesses a valid permit, a penalty of imprisonment up to six months or a fine, minimum of which shall be Nu.5000/- and may extend up to Nu. 50,000/-

(6) Protected area offenses

The penalties for offenses involving impermissible activities in protected areas, as provided in Chapter VI shall be as follows:

- (a) for conducting research without valid permit from the Department (or collecting specimens for such research) in a protected area or for violation of such permission, including refusal to allow or cooperate with monitoring by the Department, a penalty of imprisonment up to one year or fine, minimum of which shall be Nu.15000/- and may extend up to Nu. 50,000/-, or both, plus confiscation of all research equipment used in such activities;
- (b) for taking wildlife from a core zone, or any other zone of a protected area without a permit, a penalty of imprisonment up to 5 years, or a fine, minimum of which shall be Nu.60000/- and may extend up to Nu. 200,000/-, or both;
- (c) for constructing any road, fence, building or other structure in a core zone/any other zone without written permission, a penalty of imprisonment up to 6 months, or a fine, minimum of which shall be Nu.15000.00 - and may extend up to Nu. 50,000, or both, plus the cost of demolition of the structures so constructed, in addition to seizure of the materials and equipment used in the construction;

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- (d) for illegal settlement or cultivation in a core zone a penalty of imprisonment up to 6 months or a fine, minimum of which shall be Nu.15000/- and may extend up to Nu. 50,000/-, or both, plus the fair market value of trees and forest produce damaged as a result of illegal settlement or cultivation. The offender shall also be subject to whatever penalty is applicable for illegal settlement within the Government Reserved Forest;
- (e) for felling in a core zone, a penalty of imprisonment for not more than 5 years or a fine, minimum of which shall be Nu.10000/- and may extend up to Nu. 50,000/-, or both, in addition to confiscation of anything illegally taken or the proceeds from the sale thereof or compensation at fair market value for anything taken illegally taken, damaged or destroyed and confiscation of any equipment, vehicle and tools used in committing the offense;
- (f) for illegal logging in any other zone of a protected area, a penalty of imprisonment up to 6 months, or fine, minimum of which shall be Nu.15000/- and may extend up to Nu. 50,000/-, or both, plus confiscation of the illegally logged timber or any equipment, vehicle, livestock, tools or other items used or involved in commission of the offense, or the proceeds of any sale or other transaction involving such timber in addition to compensation at fair market value;
- (g) for illegal livestock grazing within a core zone, except by traditional grazers with proper permission under chapter VII (and such other provisions that may apply), fine, minimum of which shall be Nu.150 per animal and may extend to Nu. 500 per animal;
- (h) for collecting firewood or non-wood forest produce in a core zone a penalty of imprisonment for not more than 5 years or a fine, minimum of which shall be Nu.7000/- and may extend up to Nu. 50,000/-, or both, in addition to confiscation of anything illegally taken or the proceeds from the sale thereof or compensation at fair market value for anything taken illegally taken, damaged or destroyed and confiscation of any equipment, vehicle and tools used to committing the offense;
- (i) for collecting firewood or non-forest produce in other zones of the protected area (except by a resident of the local area), imprisonment for not more than 5 years or a fine, minimum of which shall be Nu.5000/- and may extend upto Nu. 50,000/-, or both, in addition to confiscation of anything illegally taken or the proceeds from the sale thereof or compensation at fair market value for anything taken illegally taken, damaged or destroyed and confiscation of any equipment, vehicle and tools used in committing the offense.

(7) ***Penalties for offenses related to protected species***

The penalties for violation related to protected species shall be as follows:

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- (a) for the un-permitted taking, injuring, destroying, capturing, and trade and/or use of wild animals and plants, or their parts and products, (regardless of whether such animal was taken, destroyed, or captured in Bhutan or elsewhere) a penalty of imprisonment which may extend up to five years or fines prescribed in Annexure 19 (a), (b) & (c) combined or as the case may be in addition to confiscation and payment of compensation at fair market value; and
- (b) illegal harvesting and marketing of species having traditional uses, as described under Rule 66, fine, minimum of which shall be Nu.1500/- and may extend upto Nu. 5,000/-, plus confiscation of all specimens, or forest produce so harvested.

(8) *Penalties for offenses related to forest fires, soil and water conservation*

The following penalties shall be applicable for offenses under Chapter VIII:

- (a) for clearing private land without obtaining forest clearance a punishment of imprisonment for not more than one month or fine, minimum of which shall be Nu.5000/- and may extend up to Nu. 50000/-, in addition to payment of compensation at fair market value for trees removed without permit from the private land;
- (b) for the thram owner's failure to report to the Department or not obtaining a forest clearance before using or reusing the unused land or once used and abandoned later, fine minimum of which shall be Nu. 1500/- and may extend up to Nu. 5000/-, in addition to compensation at fair market value for trees removed without permit, as estimated by the Department;
- (c) for the tserree kept uncultivated for 12 years or more, the thram shall be cancelled, and the land shall be reverted back to GRF as per Rule 69(7);
- (d) where clearance of the land includes the removal of trees from private land without a permit, commercial royalty on the trees so taken shall be levied or compensation equal to the market value of the trees, and an additional fine, minimum of which shall be Nu. 1500/- and may extend up to Nu. 5000/-;
- (e) for any operation inside Sokshing which results in a violation as described above, fine, minimum of which shall be Nu.5000/- and may extend up to Nu. 50000/-, in addition to compensation equal to the fair market value of the forest produce removed or damaged as estimated by the Department;
- (f) for grazing in the restricted areas (plantations, catchment, scenic areas etc.), a fine of Nu. 150 – 500 per livestock head and compensation equivalent to fair market value of forest produce damaged or destroyed. In case the owner is not caught, livestock will be impounded and disposed in open auction; and

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- (g) for causing or setting forest fire, if the culprit is apprehended he will be penalized as per Section 10(b) of the Act and if the culprit is not apprehended the case shall be dealt as per Rule 72(5).

(9) *Penalties for interfering with the Department or Forest Officers on the performance of their duties*

In addition to prosecution of culprits under other relevant sections, the following violations are punishable with the following fines:

- (a) for resisting, assaulting or ignoring checking or inquiry conducted by any Forest Officer or other person duly authorized under these Rules, impersonating an authorized officer, or otherwise interfering with or obstructing such officer or authorized person in the performance of his duties, imprisonment up to 18 months, or a fine, minimum of which shall be Nu.30000/- and may extend up to Nu. 50000/-, or both;
- (b) for resisting search, inspection or seizure by an authorized forest officer, a fine, minimum of which shall be Nu.5000/- and may extend up to Nu. 50,000/-, or imprisonment up to 18 months or both;
- (c) for obstruction or hampering of any forest officer or other authorized person from carrying out duties specified under the Act or these Rules, a fine, minimum of which shall be Nu.5000/- and may extend up to Nu. 50,000/-, or imprisonment up to 18 months or both;
- (d) for counterfeiting and altering forestry hammer impressions: a fine, minimum of which shall be Nu.15000/- and may extend up to Nu.50,000/-, and imprisonment up to one year;
- (e) for defacing and obliteration of forestry hammer impressions: a fine, minimum of which shall be Nu.15000/- and may extend up to Nu. 50,000/-, plus the costs of re-establishing the markings, as compensation and imprisonment up to one year;
- (f) for shifting/removing forest boundary pillars: a fine, minimum of which shall be Nu.15000/- and may extend up to Nu. 50,000/-, plus compensation of the costs of survey and re-fixing;
- (g) for alteration, destruction and defacing forest boundary pillars: a fine, minimum of which shall be Nu.15000/- and may extend up to Nu. 50,000/- or imprisonment up to 6 months or both plus compensation of the costs of fixing and survey; and
- (h) for forgery of permits, documents, or records: a fine, minimum of which shall be Nu.15000/- and may extend up to Nu. 50,000/-, or imprisonment of up to six months or both; and
- (i) no forest officer shall be liable for anything done by him in good faith for purposes of enforcing the Rule or otherwise acting in the course of duty.

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83. Abetting in the commission of a forest offence

If there is sufficient proof to charge that any person has abetted in the commission of a forest offense, the officer asserting such violation shall draw up an offense report against the person as if the abettor has committed the offense, irrespective of whether or not the actual offender has been apprehended and charged and shall be dealt as per the provisions of these Rules.

84. Penalties for unlisted offences

- (1) Any person guilty of an offense under the Act or these Rules where no specific penalty for such offense is stated in the Act or the Rules shall be subject to a fine, minimum of which shall be Nu.5000/- and may extend up to Nu. 20,000/-, or imprisonment for not more than three months or both;
- (2) The officer citing or compounding such violations shall immediately report the situation to the Department. The Department shall immediately review such report, to ensure that the alleged activities constitute an offense and that the penalty amount is appropriate. Until he receives a directive from the Department, such officer shall hold any sums collected in compounding such offense in a separate fund or account, and shall not take any percentage pursuant to applicable Rules.

85. Subsequent offences

- (a) If convicted of a second offense, the offender may be subject to increased penalties of up to 3 years imprisonment or fine a minimum of which shall be Nu. 30,000.00 and may extend up to Nu. 50,000.00 and compensation at fair market value of anything illegally taken or damaged followed by compounding at 100% on the fair market value of the particular offense;
- (b) If convicted of a third offense, the offender may be subject to increased penalties of up to 6 years imprisonment or fine a minimum, which shall be Nu. 50,000.00 and compensation at fair market value of anything illegally taken or damaged followed by compounding at 200% on the fair market value of the particular offense; and
- (c) Where prison sentence is included, any subsequent offense for which imprisonment is specified in the Act, or these Rules, by a person who has been already convicted three times shall be deemed to be non-bailable and non-compoundable.

86. Cancellation or suspension of permit or license/stoppage of supply of any forest produce

- (1) When a permit or license holder, engaged in any forest activity is suspected to be involved in any forest offense case, the local forest officer shall serve a notice to the said person to suspend any type of work in progress forthwith. Any person who violates these Rules shall be punishable with a fine of Nu. 5,000/- or imprisonment of up to three months or both, for each act or each day during which the suspended person continues to act in violation of such notice, and shall forfeit all forest produce harvested, transported or otherwise involved in such violation;

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- (2) If the permit or license holder is convicted of the offense, the permit or license shall be canceled in addition to punishment according to other sections of the Act. All future acts of such person shall be penalized in accordance with the Rules applicable to persons without permits or licenses;
- (3) Where any holder of a license is found to have repeatedly failed to meet his obligations under the said permit or license or the laws or rules relating to such permit or license, the Department may suspend such permit or license until the holder has
- (a) remedied all conditions of violation, or
 - (b) paid full compensation for any damage to the forest or for the time expended by Department employees in remedying such damage.

In the event that a permit or license continues to be suspended for more than 4 weeks, due to the holder's failure to meet the above requirements, it shall be canceled.

- (4) Whenever and wherever a forest offender is caught and case is under trial/ review, supply of any forest produce to the offender shall not be allowed till the case is settled.

87. Debarring from forest activities

(1) *Permit and license holders*

Any person who has been convicted of any offense under these Rules or whose permit or license has been cancelled of these Rules, may, at the discretion of the Head of the Department, be permanently or temporarily barred from engaging in forest activities as specified below, where such person has been the holder of a permit or license for commercial activity or has been otherwise engaged in a commercial activity:

- (a) where the offense relates to totally protected plants and animals under Chapter VII of these Rules not less than five years.
- (b) where the offender has been convicted more than 3 times of an offense for which these Rules allow a prison sentence shall be minimum of ten years.
- (c) where the offender is a permit or license holder who has repeatedly failed to operate in compliance with his permit or license, resulting in its suspension under Rule 85(c), shall be imprisoned not exceeding three years.
- (d) where the value of forest produce involved in the offense exceeds Nu. 50,000 the imprisonment shall not be less than 5 years.
- (e) where no prison sentence is stated in these Rules for the offense:
 - (i) following third offense: 2 years imprisonment.
 - (ii) following fourth offense and thereafter: 5 years imprisonment.

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(2) *Loggers/logging contractors and forestry workers*

- (a) when any logger/logging contractor or other forest worker has been found guilty of or admitted repeatedly failing to comply with the Act or these Rules, the DFO/PM may issue a notice debarring/blacklisting such person from engaging in forest activities for a specified time or indefinitely, depending on the gravity of the offense and the number of violations.

- (b) all contractors who engage forest workers shall be responsible for verifying the past history of all such persons before putting them to work at logging or other forestry activities.

88. *Control of encroachment and eviction of illegal settlements*

(1) *Control of encroachment*

- (a) Geogs shall require cadastral maps from the Department of Survey and Land Records for verification of the land ownership.

- (b) To ensure that illegal construction does not occur on government land, Thram should be verified as per Annexure - 22 by the Gup.

- (c) Ka 3.3, Ka 6.16, Ka 8.1 and Ka 8.2 of the Land Act, 1979 shall be implemented by the GYT in collaboration with the Department to control encroachment in Tsando.

- (d) Ka 3.3 of the Land Act, 1979 shall be implemented by the GYT in collaboration with the Department to control encroachment in Sokshing.

- (e) On receipt of report of encroachment on government land the Department shall implement Ka 12.1 and 12.2 of the Land Act, 1979 in addition to implementation of the relevant provisions of the Act.

- (f) If any structures such as buildings, footpath, road, water channel etc. are constructed/built/created in the GRF without prior written permission of the Department/Ministry, the offender shall restore the land to its original state in addition to penalty specified under rule 82(2). Cost of such restoration/dismantling of such illegal structures shall be borne by the offender and such facilities created illegally shall not be permitted for use. The Department shall stop such uses by way of constructing gate, trenching or any other method deemed suitable by the Department.

(2) *Eviction of illegal settlements*

- (a) When a case of illegal settlement within the Government Reserved Forest is detected, an offense report shall be drawn up in the name of the offender and notice served to the offender to vacate the land. In the event the offender refuses to vacate after serving three notices, the case shall be forwarded to the Royal Court of Justice for issuing eviction order.

- (b) Unless the land is vacated, property removed, and fines and compensation paid within 90 days following issuance of the notice, any crop, building, or other property shall be seized and disposed off by the Royal Court of Justice in the best manner possible and

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such persons shall be subject to a further fine of up to Nu. 20,000/- or imprisonment up to six months or both.

89. Reward for informing concerning offenders or offences

(1) *Reward for informing general forest offences:*

The first person, other than an employee of the Department, who provides information regarding forest offenses, shall be rewarded as follows:

- (a) only the first person whose information is recorded shall be eligible for such rewards;
- (b) the payment of reward is subject to apprehension of culprits and fine and compensation or from the proceeds of sale of the seized assets. Rewards shall be paid only out of those funds;
- (c) the reward shall not exceed one half of the maximum fines plus the value of confiscated property and shall be limited to Nu. 10,000/- in case of an individual, and Nu. 20,000/- in case of a group. The payment of the rewards shall not be calculated from the royalty component.
- (d) splitting of maximum fine, plus the value of confiscated property for the purpose of calculating the rewards specified under this Rule shall not be permitted.

(2) *Reward for all wildlife related offences:*

The first person, including employee of the Department, that provides information regarding wildlife offenses shall be eligible for 100 % reward of fine and compensation.

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CHAPTER X

SUPPLY OF SUBSIDIZED TIMBER FOR RURAL HOUSE CONSTRUCTION, REPAIR/RENOVATION/EXTENSION AND OTHER RURAL PURPOSES

90. Areas eligible for subsidized timber

- (1) Subsidized timber for rural house construction shall be supplied throughout the country, except in the following areas:
 - a. Urban areas covered under township categories A, B & C as declared by the Government from time to time, and
 - b. Sub-urban areas:
 - (i) falling within 3 Km radial distance from the declared boundary of the Municipal Area, in the case of Category A towns,
 - (ii) falling within 2 Km radial distance from the declared boundary of the Municipal Area in the case of Category B towns and
 - (iii) falling within 1 Km radial distance from the declared boundary of the Municipal Area, in the case of Category C towns.
- (2) Notwithstanding the provisions of Rule 90(1) (b) above, subsidized timber shall be supplied in sub-urban areas defined above for rural house construction/repair, subject to fulfilment of all the following conditions:
 - (a) The applicant is a native of the area,
 - (b) The timber requirement is for bonafide rural house construction,
 - (c) The rural house to be constructed with subsidized timber is for the personal dwelling of the applicant and his family, and
 - (d) The land on which the rural house is to be constructed is inherited and not purchased by the applicant.
- (3) The Dzongkhag Administration and DFO concerned shall jointly identify and demarcate the sub-urban areas, based on the above criteria and submit to the Ministry for approval.
- (4) The radial distance referred under Rule 90(1) (b) shall refer to the ground distance by the most direct route from the declared boundary of the Municipal Area.

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91. Applicants eligible for subsidized timber

- (1) Subsidized timber for construction of rural house shall be allotted only if an applicant fulfils the following criteria:
 - (a) The applicant is the Head of Gung (household), in whose name the land on which construction will take place is duly registered, or
 - (b) The applicant is the official owner of the land on which the rural house is proposed to be constructed. In the case of applicant, who have inherited land on which the house is proposed to be constructed, but pending transfer of ownership, application for allotment of subsidized timber should be endorsed by the GYT, or
 - (c). The applicant belongs to migrant community for whom Tsandrog is considered as their “Phazhi”.
- (2) The rural house to be constructed with subsidized timber is for the personal dwelling of the applicant and his family.
- (3) All other categories of applicants, including the landless category, shall not be eligible for subsidized timber. Subsidized timber shall not be allotted for construction of shops, restaurants, hotels and other constructions which are meant for commercial purposes.

92. Forms of timber to be allotted

- (2) Timber for rural house construction/repair, renovation & extension/other rural construction shall be allotted on log form or sawn timber form or standing tree basis based on the choice of the applicant. However, allotment in combination of various forms shall not be permitted. All forms for timber allotted above including prayer flag poles and fencing posts should be transported through Annexure – 38.
- (2) Once an applicant has decided to opt for allotment of timber on standing tree basis, he has to choose between sawing at the saw mill and pit sawing/axe chopping. If he chooses sawing at the saw mill or mobile sawmill then he shall be allotted up to 8 Nos. of Drashings only. On the other hand, if he chooses not to bring the timber to the saw mill, he shall be allotted up to 10 Nos. of Drashing.
- (3) An applicant can opt for Drashing in lieu of Cham size trees. In such a case, up to 8 Drashing trees will be allotted in lieu of 80 Cham size trees entitled per applicant.
- (4) An applicant can change his decision from sawing at the saw mill to pit sawing, but the number of trees allotted shall remain at the original level of up to 8 trees. An applicant will not be allowed to change his decision from pit sawing to sawing at the saw mill or use of mobile sawmill once more than 8 Nos of Drashing have been allotted.

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- (5) Trees allotted for shingles are strictly meant for conversion into Shingleps for roofing. Such conversion should take place in the forest itself and transportation in the form of logs from the forest to the site of construction or saw mill shall not be permitted.
- (6) Dangchungs will be allotted only if CGI sheet or other roofing materials (other than shingles) is not used.
- (7) Trees allotted for Chams, Tsims and Dangchungs shall not be allowed to be brought to the saw mill for sawing.
- (8) If an applicant applies for additional timber over and above the quantity prescribed, he shall buy the additional timber from the open market or at commercial royalty for maximum of 2 standing trees for remote locations where there is no road or sawmill.
- (9) Sawing of subsidized timber allotted in log or standing tree basis shall be carried out under strict supervision of the forestry personnel with prior permission from the Department.

93. Periodicity of entitlement

- (1) Subsidized timber for new construction/reconstruction of rural houses shall be supplied once in 25(twenty-five) years.
- (2) Subsidized timber for repair/extension/renovation of rural houses shall be supplied once in a block period of 5(five) years. In case of shingles (Shingleps), standing trees shall be supplied once in 3 to 5 years depending on the climatic condition of the locality.
- (3) Any unutilized quantity of allotted timber of a given block period shall lapse at the end of the block period and shall not be carried forward.

94. Quantity of subsidized timber for rural constructions

- (1) The maximum quantity of subsidized timber for new construction/reconstruction of rural houses shall be in either of the following forms:

Option	Type of timber	Quantity	Remarks
A.	Sawn timber form	2,500 cft	Sawn timber in specific sizes based on the requirement of individual allottees to be supplied
B.	Log form	4,000 cft	
C.	On standing tree basis		
i.	Trees (Girth 4'1" & above) for Drashing	8 Nos or 10 Nos	Upto 8 Nos. shall be allotted if the logs are to be brought to the sawmill for sawing. Otherwise, upto 10 trees will

Option	Type of timber	Quantity	Remarks
			be allotted.
ii.	Trees (Girth 4'1" & above) for shingles	5 Nos	Strictly for conversion to Shingleps and to be allotted only if CGI sheet or other roofing materials (other than shingles) is not used.
iii.	Cham sized trees (Girth 3' to 3'11")	80 Nos	If an applicant opts for Drashing instead of Cham sized trees, upto 8 Nos. of Drashing will be allotted in lieu of 80 Cham sized trees.
iv.	Tsim (Girth 1' to 2')	80 Nos	An applicant using CGI sheet roofing can opt for 2 Drashing in lieu of 80 Tsims
v.	Dangchung (Girth below 1')	100 Nos	To be allotted only if CGI sheet or other roofing materials (other than shingles) is not used.

- (2) Subsidized timber shall be supplied up to the maximum limits specified below for repair/renovation/extension of rural houses, in either of the following forms:

Option	Type of timber	Quantity	Remarks
A.	Sawn timber form	650 cft	Sawn timber in specified sizes based on the requirement of allottees to be supplied.
B.	Log form	1000 cft	
C.	On standing tree basis		
i.	Trees (Girth 4'1" & above) for Drashing	3 Nos	
ii.	Cham sized trees (Girth 3' to 3'11")	10 Nos	The applicant may opt for two Dashing instead of 10 Cham sized trees.
iii.	Tsim (Girth 1' to 2')	15 Nos	
iv.	Dangchung (Girth below 1')	20 Nos	
v.	Trees (Girth 4'1" and above) for shingles	5 Nos	Depending on the climatic conditions of the locality, trees for shingles shall be supplied once in 3-5 years strictly for Shinglep roofing only.

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95. Royalty on timber for rural house construction/ repairs/ renovation

Royalty rates applicable on timber for rural house construction/repair/renovation shall be as follows:

Sl.No.	Type of timber	Girth	Rate
1	Volume basis		
a.	Sawn timber		Nu. 1/- per cft
b.	Logs		Nu. 0.80 per cft
2	Standing trees basis		
a.	Trees	4' 1" and above	Nu. 40/- per tree
b.	Cham-sized tree	3' to 3' 11"	Nu. 30/- per tree
c.	Tsim	1' to 2'	Nu. 12/- per tsim
d.	Dangchung/poles	Below 1'	Nu. 4/- per Dangchung

96. Subsidies on timber for rural house construction

The Ministry shall decide the level of subsidy to be provided on the timber for rural house construction, from time to time, depending on the prevailing situation and circumstances.

97. Procedure to be followed

- (1) An applicant for construction of new house/reconstruction in the rural area shall submit application in the prescribed form (Annexure - 22). Application for subsidized timber for repair/renovation/extension of the rural house in the prescribed form (Annexure - 23).
- (2) The following procedures shall be followed for allotment of subsidized timber:
 - (a) The applicants should obtain prior construction approval from the concerned Dzongkhag Administration in order to apply for subsidized timber.
 - (b) Application form for rural timber allotment along with construction approval from the Dzongkhag Administration should reach the office of the Gup latest by the cut-off-date fixed by the DYT concerned. Upon receipt of the application, the Gup shall ensure that the applicant has understood the Rules as well as various options available to him and his decision based on the above.
 - (c) The Gup shall then forward all the collected applications with his recommendations/comments to the Dzongkhag Administration, within one month from the cut off date fixed by DYT for submission of the applications to the Gup.
 - (d) The Dzongkhag Administration shall approve the allotment after ensuring that the application is in order and is accompanied by the construction approval issued by the concerned Dzongkhag Administration. It shall then forward all

the approved applications with the construction approval to the nearest forest office (Range Office/DFO/PM) within two months from the cut-off date fixed by the DYT for submission of applications to the Dzongkhag Administration by the Gup. To avoid duplication of subsidized timber supply, the Dzongkhag Administration shall maintain adequate records of subsidized timber supplied, in the format prescribed in Annexure - 34 . The Dzongkhag Administration shall submit a report on the total quantity of rural timber allotment approved to the Ministry of Agriculture on an annual basis.

- (e) If the applications are handed over to the Range Office, the staff of Range Office accepting the applications shall immediately hand carry all the approved applications to the office of the DFO/PM.
- (f) The DFO/PM shall ensure that all the requirements for supply of subsidized timber have been fulfilled, while compiling the approved applications. The DFO/PM shall plan and prepare timber allotment programme, after which marking order shall be issued by the DFO/PM within two months from the cut-off date fixed by DYT, for receiving the approved applications by the staff of the nearest forest office.
- (g) The RO/Park Ranger shall complete the issue of permit and marking of trees and poles based on silvicultural principles as per approval within three months from the cut-off date fixed by DYT for issuing allotment orders by the DFO/PM.
- (h) In case of allotment of timber in the log form or sawn timber form, the allotment order shall be issued by DFO/PM to the concerned agencies like FDCL for logs and private sawmills identified for rural purpose for sawn timber. The validity of the permit for timber lifting from the saw mills shall be in accordance with the allotment order issued by the DFO/PM.
- (3) The DFO/PM shall maintain records of subsidized timber supplies and ensure that duplication of allotment is avoided, in the format prescribed in Annexure - 34. The DFO/PM shall submit a report to the Ministry of Agriculture on the quantity of rural timber issued, on yearly basis.
- (4) The Department shall identify one or more sawmills as required in each Dzongkhag exclusively for supplying the subsidized timber. Such sawmill shall perform as rural sawmill for a period of one year after which it will be either re-tendered or agreement renewed depending on the need felt by the Department. The selected sawmills shall not be allowed to deal with commercial timber. The selected sawmills shall be responsible to:
 - a. saw the produce from standing trees allotted
 - b. saw the logs if supply is made in log form and
 - c. supply sawn timber for specific sizes for rural house construction including sawn chams, if the supply is made in sawn form

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All timber transactions of the selected sawmills shall be closely monitored by the Department to ensure that the subsidized timber do not get mixed with commercial timber. The Department through tender procedure shall fix the rate for sawn timber and sawing charges.

- (5) The selected sawmills shall be supplied timber in log form by the Department for conversion into sawn timber. The recovery rate shall be fixed at 70% and 60% for conifer and broad-leaved species respectively, on true volume basis. The selected sawmill shall be allowed to sell/market off-cuts and others as by products in accordance with the provisions of the Forest and Nature Conservation Act of Bhutan 1995 and the Rules made there under.
- (6) Special class of timber shall not be allotted for rural house construction. In case where special class of timber is to be allotted due to silvicultural reasons, such allotment shall be made only after obtaining the approval of the Ministry. Royalty at commercial rate shall be charged for such allotment.
- (7) “Rural Marking & Rural Passing” hammers prescribed in Annexure - 6 shall be used for marking and passing rural timber. The timber supplied in sawn form and sawn timber obtained from conversion of logs shall also have “Rural Passing” hammer impression to avoid misuse
- (8) The timber to be supplied for rural house construction on standing trees basis shall be extracted from the forest within a maximum period of three years and within one year for logs and sawn timber from the date of allotment. After utilization, the applicant shall obtain a certificate from the Gup and submit to the DFO/PM/Ranger stating that the timber supplied at subsidized rates have been utilized for the rural house construction. The civil authorities and forestry officials shall check the utilization of the timber from time to time. Maximum period of three years allowed for timber extraction shall be counted from the date of issue of permit.
- (9) If the timber supplied for rural house construction is not extracted from forest or lifted from depot/sawmill within a maximum period specified in rule 97(8), the quantity not extracted or lifted from the forest shall lapse and no further extension of time will be allowed.
- (10) Under no circumstances, the subsidized timber allotted for rural house construction/repair/renovation/extension shall be allowed to be brought to urban areas or for processing purpose or for any commercial purposes or constructions even by paying the difference in royalty. Any surplus timber available with the allottees, should be declared to the DFO/PM, who in turn will arrange for purchasing the surplus timber by the Timber Producing Agencies at a reasonable cost of production.
- (11) Loaning of subsidized timber allotted for rural house construction shall be allowed only from rural to rural area within the same Chiwog, under the strict supervision of the Department.

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The civil authorities and the Department shall ensure that adequate records are maintained at the Dzongkhag Administration and at the DFO/PM Office to avoid duplication of allotment and allotment in excess of the quantity prescribed.

98. Subsidized timber for other rural constructions

- (1) Other rural constructions shall include construction of shed for livestock, storehouse, farm guard shed/watch tower, toilet and machinery shed.
- (2) An applicant shall be entitled for timber allotment for the above construction once in three years.
- (3) The maximum quantity of subsidized timber to be considered for allotment shall be as follows:

Option A – log form

200 cft logs with one tree for shingles, 6 tsims and 10 dangchungs.

Option B – sawn form

130 cft sawn timber with one tree for shingles, 6 tsims and 10 dangchungs.

Option C – standing tree basis

2 Nos trees for drashing/shingles with 4 chams, 10 tsims and 20 dangchungs.

The applicant shall be entitled to choose one of the above options and not combination of the options.

- (4) The actual quantity of timber required, subject to the ceiling prescribed, shall be approved by the Department after verification.
- (5) Royalty prescribed for rural house construction shall be applicable for the timber allotted for other rural constructions.
- (6) Timber allotted for other rural construction in any form shall not be permitted to be brought to the sawmill for sawing.
- (7) Application for allotment of subsidized timber for other construction in rural areas shall be submitted in the prescribed form (Annexure - 36).

99. Subsidized timber for other purposes in rural areas.

- (1) Subsidized timber shall be provided for wooden water channel, wooden water tank (Wa), agriculture implements including Khaney, Nyashing, etc., religious instruments like drums, drum holder, etc., printing blocks, lepsing, sokshing for chorten and statues, domestic furniture including chag-gam, chhoesham, etc., and redi and khorlo.

- (2) The actual quantity of timber required shall be approved by the Department after verification on a case-by-case basis, subject to maximum quantity of 1(one) tree and 10(ten) poles.
- (3) Royalty prescribed for rural house construction shall be applicable for the timber allotted for above purposes.
- (4) Timber allotted for other purpose in rural areas in any form shall not be permitted to be brought to the saw mill for sawing.
- (5) Application for allotment of subsidized timber for other purposes in rural areas shall be submitted in the prescribed form (Annexure - 36).

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CHAPTER XI

SUPPLY OF OTHER FOREST PRODUCE IN RURAL AREAS

100. Definition of area for supply of other forest produce

The definition of areas for the purpose of supply of other forest produce shall be in accordance with the provisions of Rule 90.

101. Supply of firewood in rural areas

- (1) Dry firewood and lops and tops to be collected and transported by men or animals shall be supplied free of royalty.
- (2) Any type of firewood to be collected and transported by mechanical devices shall be levied royalty at commercial rates.
- (3) The entitlement for firewood in the rural areas shall be as follows:
 - (i) One truckload equivalent (8 cubic meters of stack volume) per family per year in areas with electricity connection.
 - (ii) Two truck loads equivalent (16 cubic meters) per family per year in areas without electricity connection.
- (4) Trees for firewood shall be marked on the basis of silvicultural principles.
- (5) Royalty on firewood to be supplied as per the entitlement prescribed in Rule 101(3) above shall be charged at 50% of the royalty applicable for rural house construction.
- (6) For firewood requirement in excess of entitlement prescribed in Rule 101 (3) above, royalty at commercial rate shall be charged.

102. Supply of flag poles in rural areas

- (1) Flag poles up to 108 Nos, per occasion, shall be supplied in rural areas.
- (2) Royalty shall be charged at 50% of the royalty applicable for rural house construction, depending on the sizes of the poles.
- (3) For supply of flags poles in excess in 108, royalty shall be charged at commercial rates.

103. Supply of sand, stone and boulder in rural areas

- (1) Sand, stone and boulder, which are to be transported by men or animals shall be supplied free of royalty.
- (2) Supply of sand, stones and boulder, which are to be transported by mechanical devices, shall be charged royalty at commercial rates.

104. Supply of fencing post in rural areas

- (1) Fencing posts up to 50 (fifty) numbers shall be supplied for fencing post purposes at subsidized rates.
- (2) Royalty on poles, which would produce 50 (fifty) fencing posts, shall be levied at the rate applicable for rural house construction, depending on the size of poles.
- (3) For allotment of fencing posts in excess of 50 (fifty) numbers, commercial rate of royalty shall be levied.

105. Supply of non-wood forest products (NWFP) in rural areas

- (1) NWFP, other than the items covered in Schedule 1 of the Act, for domestic consumption (personal use) shall be supplied free of royalty.
- (2) Supply of NWFP for other purposes shall be made on approval of Department unless from CF.

106. Application for other forest produce

Application for allotment of other forest produce shall be submitted in the prescribed form (Annexure - 24).

107. Penalties for offences

Any trading or transaction in subsidized timber and other forest produce in rural areas without following the rules prescribed under Chapter XI and Chapter XII shall be treated as an offence under these Rules. Such offences shall be liable for penalties prescribed under Rule 82.

108. Monies owed to the government

- (1) No forest officer shall sell any forest produce or reach into an agreement with anyone without realizing government dues.
- (2) Any forest officer who creates an outstanding balance of government dues shall be deemed to have violated these Rules and shall be subject to disciplinary action in addition to recovery of such dues.
- (3) All money payable to the Government, if not paid within 60 days, shall carry a penalty of 20% per annum from the day it was due.
- (4) If the amount along with the interest is not paid within 90 days, the case shall be forwarded to the Court of Law.

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CHAPTER XII

MISCELLANEOUS PROVISIONS

109. Amendment

The Ministry may amend the provisions of these Rules and Schedules annexed to or adopted under these Rules from time to time.

110. Coordination among chapters - effect of individual permits

The issuance of any permit, license or other permission pursuant to this chapter shall not eliminate, alter or supersede any other requirements under the Act, these Rules or any other law of Bhutan. The applicant shall still be required to obtain all proper licenses under all Sections of all such provisions.

111. Prior notifications

Except as discussed herein, all prior notifications relating to matters examined in these Rules are revoked unless ratified or re-adopted by the Department.

112. Validity

In the event that one or more provisions of these Rules are, for any reason invalidated, the remaining provisions shall continue in full force and effect.

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ROYAL GOVERNMENT OF BHUTAN
.....**DZONGKHAG ADMINISTRATION**

**APPLICATION FOR REGISTRATION OF PRIVATE/INDUSTRIAL/INSTITUTIONAL
FOREST**

To: Dasho Dzongdag

Dated:

..... Dzongkhag.

Sir,

I am/we are interested in registering a Private/Industrial/Institutional Forest on my/our private registered land. Details of my/our land to be considered as Private/Industrial/Institutional Forest are as follows:

1. Details of applicant:

a	Name:.....	b	House No.....
c	Thram No:.....	d	Chiwog:
e	Village:	f	Geog:
f	Dungkhag:	h	Dzongkhag:

2.

Details of registered land applied for registration as Private/Industrial/Institutional Forest:

a	Location	b	Land category
c	Area (acres):	d	Land boundaries
e	Thram No	f	Name of Thram holder
g	Status of registered land		
(i)	Under cultivation	(ii)	Uncultivated but without high forest:.....
(iii)	No. of years left uncultivated:	(iv)	With high forest:
(v)	Near inhabitation:	(vi)	Area covered by naturally grown forest: .....Ac).
(vii)	Area to be planted:.....(Ac)		

3. Proposal

- (a) Items of forest produce to be raised or to be nurtured in Private/Industrial/Institutional Forest
.....
.....
.....
- (b) Purpose – (Timber forest, firewood forest, fodder, medicinal plants, canes, bamboos, other forest)

4. Reason/justification for changing the land use:

.....

Yours faithfully,

(Applicant)

I certify that the land specified in the application by of
..... village, Geog for establishment of a
Private/Industrial/Institutional Forest is privately owned land registered in his thram.

Name of the Gup :

Geog:

Signature:

Date:

I have reviewed this application in the field. The details provided in the application are found to be correct/incorrect and in accordance with the Private/Industrial/Institutional Forest Rules. A sketch map of the proposed Private/Industrial/Institutional Forest area is included with this application. All planted or naturally growing trees have been listed by species and numbers with this application as required under Chapter IV of Rules.

I recommend/do not recommend that the Dzongkhag authority issue a Private/Industrial/Institutional Forest Certificate to the applicant.

Name of the Dzongkhag Forest Officer :

Dzongkhag :

Signature:

Date:

I have reviewed the application and satisfied that the details provided in the application are true and that the land qualifies for registration as a Private/Industrial/Institutional Forest. I recommend/do not recommend, that the Dzongkhag Authority issue a Private/Industrial/Institutional Forest Certificate to the applicant.

Name of Divisional Forest Officer/Park Manger:

Territorial Forest Division/Park/Sanctuary :

Signature:

Date:

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ROYAL GOVERNMENT OF BHUTAN
.....DZONGKHAG ADMINISTRATION

PRIVATE/INDUSTRIAL/INSTITUTIONAL FOREST OWNERSHIP CERTIFICATE

Ownership Certificate No. :

In accordance with the Forest and Nature Conservation Rules, 2006, it is certified that Mr./Mrs./MS.....of..... Village, Geog, Dzongkhag is the owner of the Private/Industrial/Institutional Forest in his/her/their privately registered land shown in the attached map and as described below. A list of the tree species and number on the land is attached.

Plot No.	Thram No.	Location	Land Category	Area (acres)			Boundaries
				Planted	Naturally grown	Total	
A							
B							
C							
D							

This certificate will not be valid without an attached copy of completed FORM under Annexure – 01 (Application for Registration of Private/Industrial/Institutional Forest).

Signature of Dasho Dzongdag: Signature of DFO/PM:.....

Dzongkhag: Territorial

Division/Park:.....

Date : Date:.....

OFFICIAL SEAL

OFFICIAL SEAL

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ANNEXURE – 3

ROYAL GOVERNMENT OF BHUTAN
.....DZONGKHAG ADMINISTRATION

APPLICATION TO ESTABLISH COMMUNITY FOREST

Dasho Dzongdag

Sir,

In accordance with the Forest and Nature Conservation Rules 2006 and being desirous of establishing a Community Forest for the purpose of managing it through protection, development, and sustainable utilization, on behalf of the Community Forest Management Group of Villages(s) consisting of households, I the Chairman of the Community Forest Management Group would like to submit this application for your consideration with a request to allocate the following area (sketch map attached) to our Community Forest Management Group as a Community Forest.

a) Geog:

b) Description of the Government Reserved Forest land proposed for establishment of Community Forest:

(1) Name of the forest:

(2) Boundary description:

N

S

E

W

(3) Estimated area: acres

Name of the CFMG Chairman:

Signature:

Date :

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Annexure 3 (Continued)

COMMUNITY FOREST MANAGEMENT GROUP MEMBERSHIP

Sl. No.	Name of Household Representative	House No.	Thram No. (If applicable)	Signature

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Annexure 3 (continued)

I have reviewed the application and recommended/do not recommend, that the Dzongkhag Forestry Sector and the Territorial Forest Division/Parks/Sanctuary evaluate the area applied for and the qualification of the Community Forest Management Group to manage it.

Signature of Dasho Dzongdag:
Dzongkhag:
Date:

We have evaluated the area applied for and the qualifications of the group to manage it according to the criteria established in the Forest and Nature Conservation Rules of Bhutan 2006. We recommend/do not recommend, the application for establishment of the Community forest be approved.

Name of Dzongkhag	Name of the
Forest Officer:	Range Officer/Park Ranger:.....
Signature:	Signature:.....
Date :	Date:

I have reviewed the application and I am/I am not satisfied, that the details provided in the application are true and that the area is suitable for Community Forest Management. I accept/do not accept the application and recommend/do not recommend its acceptance by the Dzongkhag Authority.

Name of DFO/PM:
Territorial Division/Park/Sanctuary
Signature:
Date:

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ROYAL GOVERNMENT OF BHUTAN
.....DZONGKHAG ADMINISTRATION
CUMMUNITY FOREST OWNERSHIP CERTIFICATE

Community Forest Certificate No. :
..... Community Forest Management Group
..... Geog
..... Dzongkhag

In accordance with the Forest and Nature Conservation Rules , we are pleased to award this Certificate establishing (Name of forest) as Community Forest described below and in the attached sketch map and placing it under the control and management of the Community Forest Management Group (membership list attached). This Certificate is subject to compliance with the management plan for the Community Forest approved by the Head of the Department vide letter No. dated

- a) Location:
b) Area :acres
c) Boundaries:
.....
.....
.....
.....

Officials awarding certificate

Signature of Dasho Dzongdag
Dzongkhag:
Date:

Signature of DFO/PM
Territorial Division/Park/Sanctuary:.....
Date:

S. Wang

TERMS AND CONDITIONS FOR AUCTION

1. All interested purchasers are required to deposit an amount of Nu. as earnest money at the entrance of auction hall and get their names enlisted to qualify themselves for participating in the sale. This amount of earnest money shall be refunded to the purchaser at the end of close of the sale or as and when the bidder declares that he/she is no longer interested to participate in the auction.

2. Sale

This sale is open only to bonafide Bhutanese citizens.

3. Inspection of lots

Interested purchasers are requested to inspect the lots and scrutinise the contents of the sale list before purchase and satisfy themselves completely regarding the quality and quantity of the produce they intend to purchase. Under no circumstances any complaint about the produce shall be entertained after the sale is accepted by the authority concerned.

4. Authority of Auction Committee

The Auction Committee is not bound to accept the highest sale price offered for lot/lots and also not bound to assign any reasons for the acceptance or rejection of the sale price offered.

5. Payment

The payment shall be made by the purchaser in the form of demand draft drawn in favour of - Bank deposit counter foil and cheque shall not be accepted.

6. Schedule of payment

20% of the sale value shall be realized at the fall of hammer/acceptance of the against each lot and the balance 80% shall have to be deposited by the purchaser, as indicated in the settlement order, based on the sale value of the lot. The Timber Release Order Cum Certificate of Origin shall be issued after receiving the full sale value of the sold lot.

7. Material to remain at the risk of purchasers

After the date of signing the agreement, the materials shall remain at the depot at the risk of the purchaser. All other additional taxes shall be payable to the concerned authority by the successful purchaser.

8. Consequence of non-payment

Failure to deposit 20% sale value as provided in clause 5 shall render the sale invalid and the purchaser shall be debarred from further participation in the auction. The lot/lots so affected shall be resold at the discretion of the committee. Advance of 20% sale value shall be forfeited in case the

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purchaser fails to deposit the balance the 80% within the time given in the settlement order and the sale shall be treated as cancelled.

9. Removal of timber

No timber shall be removed from the lot/lots until Timber Release Order Cum Certificate of Origin of the timber is obtained from the concerned issuing authorities.

10. Illegal activities

The purchaser or his employees shall be liable to be punished under the Act and any other laws of the Kingdom for any illegal act committed by them.

11. Suspension and penalty

In case of any illegal activities done or being done by the purchaser or his employees, the seller reserves the full authority to issue a suspension order against the activities of the defaulter till the investigation of the case is completed and thereafter to penalize the contractor if necessary in the event the contractor is proven guilty of offence.

12. Settlement of disputes

In case of any disputes, the decision of the Head of the Department/Ministry shall be final and binding on both the parties.

13. Purchaser's agent

Name and address of any person appointed by the purchaser as his agent/agents be reported to the seller along with their specimen signature duly attested by the purchaser for approval. The seller shall have the discretion to approve or reject such appointment.

14. Representation

On bidder cannot represent more than one party per timber lot.

15. Compensation

No claim for any compensation whatsoever shall be entertained for any loss due to natural calamities at any stage.

16. Lifting of timber

The timber auction is to be lifted by the purchasers within 30 days from the date of auction. In case of genuine problems, the lifting period may be extended from the time given in settlement order in the following manner, if the purchasers apply for extension>

- a. First 30 working days on realization of extension fee of 1% of the value of the un-lifted materials.
- b. Further 30 working days on realization of extension fee of 3% against the value of the un-lifted materials.

All other taxes as applicable for time to lift the timber within 90 days from the date of auction, the seller shall forfeit the sale value deposited by the purchaser and the sale shall be cancelled.

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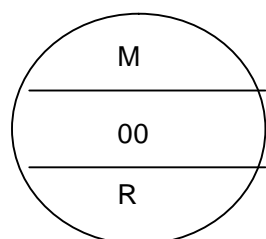
17. All other taxes applicable from time to time in Bhutan shall have to be paid by the purchaser at the time of lifting of timber in the offices authorized to collect such taxes.

18. The purchaser shall not be allowed to export the timber purchased through the auction either in Log form or in sawn timber form or as firewood.

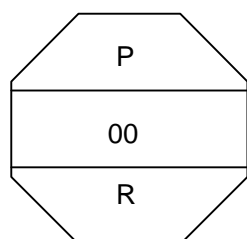
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ANNEXURE – 6

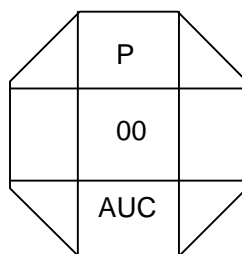
LIST OF FORESTRY HAMMERS



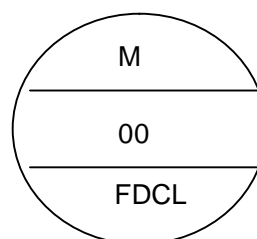
RURAL MARKING



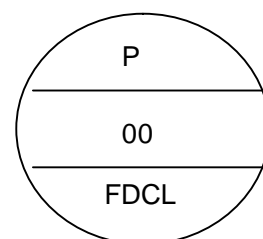
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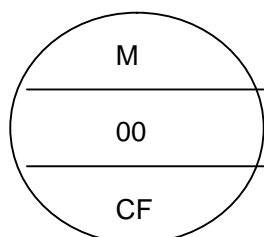
AUCTION PASSING



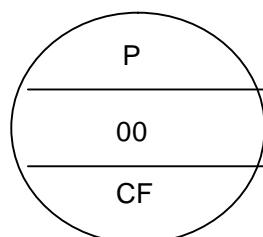
FDCL MARKING



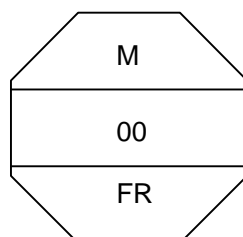
FDCL PASSING



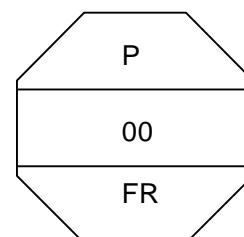
COMMUNITY FOREST
MARKING



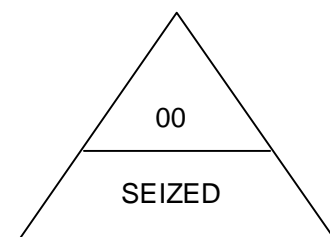
COMMUNITY FOREST
PASSING



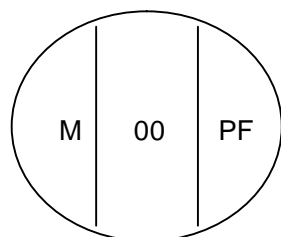
FULL ROYALTY
MARKING



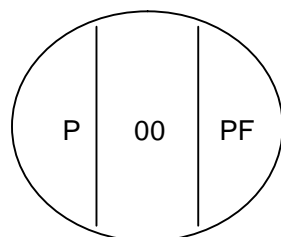
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PASSING



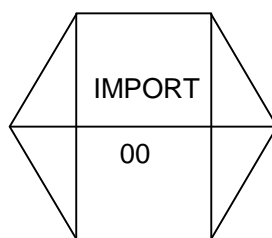
SEIZURE



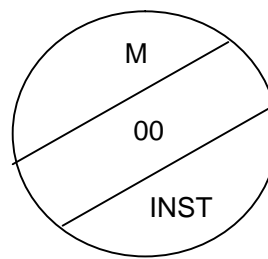
PRIVATE FOREST
MARKING



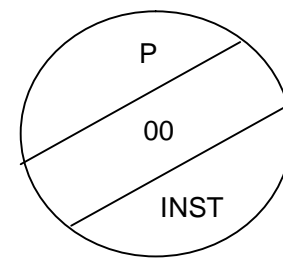
PRIVATE FOREST
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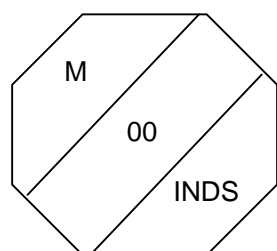
IMPORT



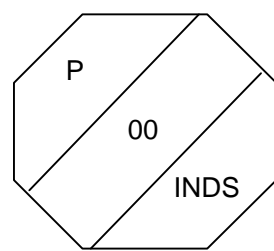
INSTITUTIONAL
MARKING



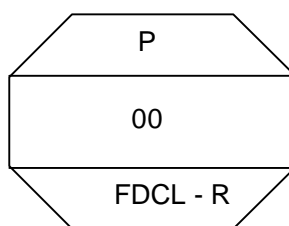
INSTITUTIONAL
PASSING



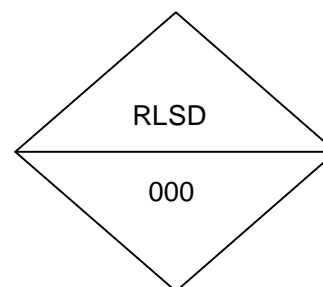
INDUSTRIAL MARKING



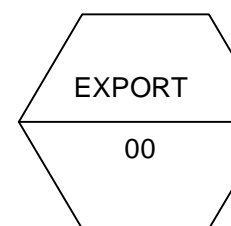
INDUSTRIAL PASSING



FDCL RURAL
PASSING



RELEASE



EXPORT PASSING

Required under Rule 47 & 48 of the Forest and Nature Conservation Rules of Bhutan – 2006

Book No. 00001

Page No. 01

ANNEXURE – 7

ROYAL GOVERNMENT OF BHUTAN

MINISTRY OF AGRICULTURE

Department of Forests

Timber Release Order Cum Certificate of Origin (TROCO)

Reference

Please supply the following forest produce

To M/S

Mode of supply: through auction

Purpose:

Sl.No.	Lot No.	Code	Type	Quantity	Unit	Value(Nu)	Remarks
		Total value					
		Tax					
		Grand Total					

Value paid vide Receipt No. Page No. Date

Source of Timber: Location/Name of depot

Depot Code Validity:

.....

Date of issue

Copy to:

- 1.
- 2.
- 3.

Signature of Issuing Authority

Seal

IMPORTANT: This form plus Invoice of agency from whom purchased and ITMO are the 3 mandatory statutory forms required for Movement of COMMERCIAL TIMBER. Movement of Commercial Timber not accompanied with this statutory form with vehicle(s)/animal(s) on demand by Forestry Officials/Staffs shall be liable to seizure or confiscation of vehicle(s)/animal(s) along with the forest produce and shall invoke other penal provisions of these rules.

Book No. 00001

Page No. 01

ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests
Stump to Depot Timber Movement Order

From: FMU.....Coupe/Compartment No..... Cable Crane Line No.....

To: Name of the DepotTruck No.....Driver's Name.....

Sl. No.	Type of Produce	Log No.	Measurement details	No. of pieces	Volume (cft)
	Total:				

Date:

Signature of driver

Issued & handed over by:

Name.....

Name.....	Name.....	Name.....	Name.....
Record In-charge	Record In-charge	Producing Agent	FMU Incharge

Production Unit	Marketing Rule	Company	FMU
Signature & Date	Signature & Date	Signature & Date	Signature & date

IMPORTANT: This form is mandatory statutory form required for timber movement. Timber movement not accompanied with this statutory form with vehicle(s)/animal(s) on demand by Forestry Officials/Staffs shall be liable to seizure or confiscation of vehicle(s)/animal(s) along with the forest produce and shall invoke other penal provisions of these rules.

Required under Rule 48 of the Forest and Nature Conservation Rules of Bhutan – 2006

Book No.00001

Page No.01

ANNEXURE – 11

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests**

Imported Timber Movement Order

Import License/Authority Reference.....

Name of the importer

Address

Purpose of import Imported from.....

Invoice and challan details..... Destination

Sl. No.	Type of Produce	Species	Measurement details	No. of Pieces	Volume
Total					

Date:

Vehicle No. Name &Signature of driver.....

Total vol. Authorized for import Balance available.....

Signature of issuing authority
Seal

IMPORTANT: This form is mandatory statutory form required for movement of imported timber. Imported Timber Movement not accompanied with this statutory with vehicle(s)/animal(s) on demand by Forestry Officials/Staffs shall be liable to seizure or confiscation of vehicle(s)/animal(s) along with the forest produce and shall invoke other penal provisions of these rules.

Shree

Required under Rule 47 of the Forest and Nature Conservation Rules of Bhutan – 2006

Book No.00001

Page No.01

ANNEXURE – 12

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests**

General Forest Produce Movement Order

.....Division/Park.

.....Range.

Name of permit holder

Address.....

Destination.....

Purpose (Rural/Commercial):

Name of area	Description of forest produce	Quantity	Rate	Amount Nu. Ch.		Remarks
			Total Nu.			

Ngultrums (in words).....

Date of issue

Date of expiry.....

Signature of issuing authority
Seal

IMPORTANT: This form is mandatory statutory form required for movement of General Forest Produce. Movement of General Forest Produce not accompanied with this statutory form with vehicle(s)/animal(s) on demand by Forestry Officials/Staffs shall be liable to seizure or confiscation of vehicle(s)/animal(s) along with the forest produce and shall invoke other penal provisions of these rules.

ANNEXURE – 13

Lot No. Location Species Type

Total CFTOR total Cu.mt. Total No. of pcs.....

Sl. No.	Size	Species	CFT or Cu.mt.	Sl. No.	Size	Species	CFT or Cu.mt.

Date:

Name and Signature of the Measurement In charge

.....

Silber

Required under Rule 45 (2) (f) of the Forest and Nature Conservation Rules of Bhutan – 2006

ANNEXURE – 14

**AUTHORISED TIMBER PRODUCING AGENCY
ASSESSMENT OF CULL PERCENTAGE OF THE LOT**

Sl. N o.	Location	Lot No.	Type of produ ce	Vol. In cft.	Cull% & names of the Committee Members					Aver age & final cull%	Remark s
					I	II	III	IV	V		
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											

Signature with date

Signature

AUTHORISED TIMBER PRODUCING AGENCY
General Auction List
(To be circulated as auction notice with terms and conditions)

Sl. No.	Lot No.	Location	Species	Type	Pieces	Cft.	OR cu.mt.	Remarks
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								

Silang

Required under Rule 45 of the Forest and Nature Conservation Rules of Bhutan – 2006

ANNEXURE – 16

**AUTHORISED TIMBER PRODUCING AGENCY
Bid Price Statement**

Division/Sec..... Place of Auction Date of Auction

Reserved Price based on

Sl. No.	Particulars	Lot					Remarks
		1	2	3	4	5	
1	Lot No.						
2	Location						
3	Species						
4	Type						
5	Pieces						
6	Cft. OR						
7	Cu. mt.						
8	Cull%						
9	Actual rate/Price						
10	Reserved amt.(9-8) x (6 or 7)						
11	1st highest Bid amt.						
12	(+) (-) % Difference						
13	1st Bidders' name						
14	2nd Bidders' name						
15	Withdrawn or sold recommended for sale						

Signature of the committee members (1) (2) (3)

4) (5) (6) (7) (8)

Required under Rule 45 (2) (h) of the Forest and Nature Conservation Rules of Bhutan – 2006

ANNEXURE – 17

**AUTHORISED TIMBER PRODUCING AGENCY
Report on Auction Result**

- Division.....Auction place Auction Date
- A. Total volume put for sale (cft)
- B Total volume as per reserved price: Nu.
- C. Total volume sold (cft)
- D. Total value of Nu.
- E. Total Loss/Profit Nu.
- F. Auction rate

Sl. No.	Broad leaf or conifer	Class	Type	Unit	Max. (Nu.)	Average (Nu.)	Remarks
1	Broadleaved	Special	Log	Cft.			
2	“	“	Sawn	Cft.			
3	“	A	Log	Cft.			
4	“	A	Sawn	Cft.			
5	“	BCDE	Log	Cft.			
6	“	BCDE	Sawn	Cft.			
7	Conifer	Special	Log	Cft.			
8	“	“	Sawn	Cft.			
9	“	A	Log	Cft.			
10	“	A	Sawn	Cft.			
11	“	BCDE	Log	Cft.			
12	“	BCDE	Sawn	Cft.			
13	Broadleaved	Special	Pole	Cft.			
14	“	A	Pole	Cft.			
15	“	BCDE	Pole	Cft.			
16	Conifer	Special	Pole	Cft.			
17	“	A	Pole	Cft.			
18	“	BCDE	Pole	Cft.			
19	Broadleaved	All	Hakari (round)	Cft.			
20	“	All	Hakari (splitted)	Cu.mt.			
21	Conifer	All	Hakari (round)	Cft.			
22	“	All	Hakari (splitted)	Cu.mt.			
23	Broadleaved	All	Firewood	Cu. mt.			
24	“	All	Firewood	Cu. mt.			
25	“						

No.

Dated:

Signature & Seal

Silang

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
DEPARTMENT OF FORESTS**

INSPECTION REPORT ON NEW LAND ALLOTMENT

This land inspection report shall include details of the land in question, details of the applicant and purposes/use of this land.

1.Forest Division/Park/Sanctuary
2.Forest Range/Park Range
3. Details of applicant:
 - (a) Name:.....
 - (b) House No.:
 - (c) Thram No.:
 - (d) Chiwog:
 - (e) Village:
 - (f) Geog:
 - (g) Dungkhag:
 - (h) Dzongkhag:
4. Land prayed for the purpose of (land category/land use):
5. Reasons for applying for new land allotment:
 - (a) New allotment:
 - (b) Land substitution for land acquired by Govt.:
 - (c) Land reverted back to Forest:
 - (d) Land swapping :
 - (e) Location, in case of (b), (c) & (d) above
Dzongkhag :
Geog:
Village :
Thram :
Area (Ac) :
6. Reference to :
 - (a) Kasho (if any) :
 - (b) Letter No. :datedof the Ministry
 - (c) Letter No.dated.....of Dasho Zimpon
 - (d) Letter No.dated.....of DoF.

(e) Letter No.....dated.....of DFO/PM,
.....Division/Park.
(f) Letter No.....dated.....of.....

7. Details of land in question:

(a) Location	(b) Area.....(Ac)
(c) Slope (degree).....	(d) Outside or inside Municipal area
(e) Aspect	(f) Suitability of the land

8. Important observations (tick YES or NO against each of the following points):
The land in question is

(a) Dense forest.....	(b) Outside catchment area.....	(c) Outside forest plantation.....
(d) Outside Sokshing area	(e) Outside registered Tsando	(g) Inside FMU if Yes, is the applicant native resident within FMU?
(h) Inside Protected area..... if Yes, is the applicant native resident within Protected area	(i) Is it nearby existing habitation if Yes, is there still a chance of creating dotted settlement?.....	(j) within 600' uphill and 300' downhill of any road except forest and farm roads .....or within 600' uphill and 300' downhill of any road without dense forest.....
(k) Is it nearby existing habitation if Yes, is there still a chance of creating dotted settlement.....	(l) Outside road right of way (50 feet) of any motor roads except forest and farm roads	(m) Slope with less than 45°
(m) Within 100' on either side or edge or bank of any river, stream, Lake watercourse or water source.....		

Silang

9. Details of Forest Produce within the land in question:

Sl No	Forst produce	Quantity (Nos)	Commercial value (Nu)	Remarks
1	Trees (3' girth and above)			
2	Poles (1' to 2'11" girth)			
3	Poles (less than 1' girth)			
4	Sapling			
5	Seedling			
6	Others			
7				
8				
9				
	Total:			

10. Sketch map with 2 copies attached.

11. 2 copies of field report on situation of land in question.

12. Inspection Officer's remarks/views:-

.....

13. Details of Inspection Officer

(a) Name (b) Designation

© Place (d) Date

Signature.....

Recommendation of the DFO/PM

Office No.Dated.....

Forwarded to the Head of the Department with the following recommendations:

Recommended for issuing forestry clearance

OR (b) Recommended for review of point No.....above.....

OR (c) Recommended for not to issue forestry clearance

Signature of the Divisional Forest Officer/Park Manager,.....Division/Park/Sanctuary

Office Seal

Date

.....

Place.....

Note:

1. **Issuance of Forest Clearance Certificate by the Department is not a substitute for land allotment to a private individual.**
2. **Although Forest Clearance Certificate is issued by the Department, the land in question shall be handed over to the applicant only on production of land allotment order followed by demarcation of the allotted land with boundary pillars by the land owner.**
3. **In case of allotment of land as land substitution, the land surrendered by the individual should be first taken over by the Department.**

S. M. S.

ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
DEPARTMENT OF FORESTS

INSPECTION REPORT ON REGISTERED LAND

This land inspection report shall include details of the registered land in question, details of the applicant and purposes/use of the land.

- 1 Forest Division/Park/Sanctuary
- 2 Forest Range/Park Range
3. Details of applicant
 - (a) Name: (b) House No.:
 - (c) Thram No.: (d) Chiwog:
 - (e) Village: (f) Geog:
 - (g) Dungkhag: (h) Dzongkhag:
4. Forest clearance required for the purpose of cultivation or construction or other land use.....
5. Reference to :
 - (a) Kasho (if any):
.....
 - (b) Letter No.:dated:of MoA
 - (c) Letter No.:dated:of Dzongkhag
 - (d) Letter No.:dated:of
6. Details of the land in question
 - (a) Land category as per thram (Chhuzhing/Kamzhing/Pangzhing/Tseree/Reezhing or.....)
 - (b) Location (c) Slope (degree).....
 - (d) Area in acres (e) Outside or inside Municipal area
.....
 - (f) Aspect (g) Suitability of the land
7. Important observations (tick YES or NO against each of the following points)

The land in question is :-

 - (a) Under cadastral thram or (b) High forest: (c) Outside water catchment
certificate from Deptt. of areas:
Survey and Land
Records.....

- (d) Outside forest plantation: (e) Outside Sokshing area (f) Outside registered
 Tsandro

 (g) Inside FMU..... if (h) Inside Protected (i) Is it nearby existing
 Yes, is the applicant native area..... if Yes, is habitation if Yes,
 resident within FMU the applicant native resident is there still a chance of
 within Protected area creating dotted
 settlement.....
 (j) within 600' uphill and 300' (k) Outside road right of way (l) Slope less than 45°
 downhill of any road except (50 feet) of any motor roads
 forest and farm roads except forest and farm roads
or within 600' uphill
 and 300' downhill of any road
 without dense forest.....
 (m) Within 100' on either side or edge or bank of any river, stream, Lake watercourse or water
 source.....

8. Details of forest produce within the registered land in question:

Sl.No	Forest produce	Quantity (Nos)	Commercial value (Nu)	Remarks
1	Trees (3' girth and above)			
2	Poles (1' to 2' 11" girth)			
3	Poles (less than 1' girth)			
4	Sapling			
5	Seedling			
6	Others			
7				
8				
9				
	Total:			

9. Sketch map with 2 copies attached.

10. 2 copies of field report on situation of registered land.

Sl. No.

11. Inspection Officer's remarks/views:-

Silkhaf

12. Details of inspection officer

Details of

(a) Name (b) Designation.....

(c) Place (d) Date (e) Signature.....

13. Recommendation of the DFO/PM :

Office No..... Dated.....

Forwarded to the Head of the Department with the following recommendations:

- a. Recommended for issuing forestry clearance or
- (b) Recommended for review of point No.above..... OR
- (c) Recommended for not to issue forestry clearance

Signature of the Divisional Forest Officer/Park Manager,

.....Division/Park/Sanctuary

Office Seal: Date Place

Silkhaf

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
DEPARTMENT OF FORESTS**

REPORT ON FIELD SITUATION OF THE LAND

This field report on land situation shall provide information in addition to the inspection report of Annexure – 18 (a) or 18 (b).

1. Condition of land
 - 1.1 Dense forest
 - 1.2 Degraded forest
 - 1.3 Land with profuse regeneration
 - 1.4 Barren land
 - 1.5 (Others).....
2. Topography (Tick the correct field situation)
 - 2.1 Very steep slope (above 60°)
 - 2.2 Steep slope (46 to 60°)
 - 2.3 Gentle slope (45 to 20°)
 - 2.4 Flat land (19° and below)
3. Land situation
 - 3.1 Catchment area
 - 3.2 Inside Protected area
 - 3.3 Inside FMU
 - 3.4 Inside plantation area
 - 3.5 Within traditional restriction
 - 3.6 Inside Sokshing
 - 3.7 Inside registered Tsamdo land
 - 3.8 Inside Community Forest
 - 3.9 With 600' uphill & 300' downhill of any motor road except forest and farm road.
 - 3.10 Within the vicinity for Dzong/Town.
 - 3.11 Near Monastery/Monuments/ Town/Dzong
 - 3.12 Within 100' on either side of river, stream, lake, water course or water source.
 - 3.13 Near habitation
 - 3.14 Dotting settlement
 - 3.15 Within any restricted area
 - 3.16 Outside or inside Municipal area
 - 3.17 This land is covered under "Kasho".
4. Status of land
 - 4.1 New allotment
 - 4.2 Cadastral tharm or Registered thram.....
 - 4.3 Land category.....
 - 4.4 Land cultivated previously.
 - 4.5 Land is never cultivated in the past.
 - 4.6 Land area over grazed
 - 4.7 Erosion prone area (low/medium/high)
 - 4.8 Erosion starting in the area.
 - 4.9 Land covered under Kasho

5. Inside or outside forest boundary (if any boundary lines are seen and this information is only for the use within the Department).
6. Any other conflicting claims/views:
.....
.....
.....
7. Whether the applicant is from same Dzongkhag (Yes or No):
8. Details of applicant are shown in Annexure – 18 (a) or (b).

9. Inspection Officer's remarks/views.....

10. Details of Inspection Officer are shown in Annexure – 18 (a) or (b).

Inspection Officer's Signature Dated: Place

Name and Signature of Witness

Date Place

Shree

LIST OF ANIMALS AND SCHEDULES OF FINE FOR KILLING WILD ANIMALS

Sl. No.	Scientific Name	Common Name	Status	Fine in (Nu.)
1.	<i>Rhinoceros unicornis</i>	Rhinoceros	Endangered	50,000
2.	<i>Sus sylvanicus</i>	Pigmy hog	Endangered	2,000
3.	<i>Elephas maximus</i>	Elephant	Endangered	50,000
4.	<i>Caprolagus hispidus</i>	Hispid hare	Endangered	1,000
5.	<i>Budorcas taxicolor</i>	Takin	Endangered	15,000
6.	<i>Panthera uncia</i>	Snow Leopard	Endangered	50,000
7.	<i>Panthera tigris</i>	Tiger	Endangered	50,000
8.	<i>Ailurus fulgens</i>	Red (Lesser) Panda	Endangered	10,000
9.	<i>Panthera pardus</i>	Leopard	Endangered	10,000
10.	<i>Nycticebus cougang</i>	Slow loris	Endangered	10,000
11.	<i>Neofelis nebulosa</i>	Clouded leopard	Endangered	20,000
12.	<i>Moschus moschiferus</i>	Musk deer	Endangered	25,000
13.	<i>Pseudois nayour</i>	Blue sheep		10,000
14.	<i>Bos gaurus</i>	Gaur/Mithun		10,000
15.	<i>Bubalus bubalis</i>	Wild buffalo		10,000
16.	<i>Cervus unicolor</i>	Sambar		10,000
17.	<i>Capricornis sumatraensis</i>	Serow		5,000
18.	<i>Petaurista petaurista</i>	Flying squirrel	Endangered	5,000
19.	<i>Manis crassicaudata</i>	Indian Pangolin	Endangered	5,000
20.	<i>Axis axis</i>	Chital		5,000
21.	<i>Ursus sp./Selenarcos sp.</i>	Bear		20,000
22.	<i>Presbytis Gaei</i>	Golden Langur		10,000
23.	Others			10,000

LIST OF BIRDS AND SCHEDULES OF FINE BIRDS

Sl. No.	Scientific Name	Common Name	Status	Fine in (Nu.)
1	<i>Grus nigricollis</i>	Black Necked Crane	Endangered	5000
2	<i>Cissa sp.</i>	Blue Magpie	Endangered	1000
3	<i>Ithaginis cruentus</i>	Blood pheasant	Endangered	3000
4	<i>Lophophorus impejanus</i>	Monal Himalayan	Endangered	5000
5	<i>Tragopan spp.</i>	Pheasant	Endangered	5000
6	<i>Crossoptilon crossopt</i>	Tibetan Eared pheasant	Endangered	3000
7	<i>Catreus wallichi</i>	Cheer pheasant		3000
8	<i>Pavo cristatus</i>	Pea fowl		3000
9	<i>Sarcogyps calvus</i>	Red headed vulture	Endangered	5000
10	<i>Ictinaetus malayensis</i>	Black Eagle	Endangered	5000
11	<i>Corvus corax</i>	Raven		5000
12	<i>Buceros bicornis</i>	Great Pied Hornbill		3000
13	<i>Tockus spp</i>	Hornbill		3000
14	<i>Anthraceroceros coronatus</i>	Pied Hornbill		3000
15	<i>Leptopilos spp</i>	Stork		3000
16	<i>Lophura leucomelanus</i>	Kalij Pheasant		3000
17	<i>Gallus gallus</i>	Red jungle fowl		5000
18	<i>Phalacrocorax spp</i>	Cormorant		3000
19	<i>Docula badia</i>	Imperial pigeon		1,000
20	<i>Aceros nipalensis</i>	Rufous Necked Hornbill	Endangered	3000
21	<i>Arborophila mandellii</i>	Chestnut breasted partridge		2000
22		White bellied heron	Endangered	5,000
23	Others			1000

Required under Rule 64 & 82 of the Forest and Nature Conservation Rules of Bhutan – 2006

ANNEXURE –19 (C)

LIST OF TROPHIES OF ANIMALS AND BIRDS AND SCHEDULE OF FINE AMOUNT

Sl. No.	Trophies	Fines (Nu.)
1	Rhino horn	50,000 per piece
2	Elephant tusk	50,000 per piece
3	Musk	30,000 per piece
4	Tiger skin	50,000 per piece
5	Tiger bone	50,000 per set
6	Snow Leopard skin	50,000 per piece
7	Leopard skin	15,000 per piece
8	Bear bile	20,000 per piece
9	Bear skin	20,000 per piece
10	Skin of smaller cats	2,000 per piece
11	Takin skin	5,000 per piece
12	Takin head and horn	10,000 per piece
13	Gaur (Bison) skin	1,500 per piece
14	Gaur (Bison) head and horn	2,000 per piece
15	Wild Buffalo skin	1,500 per piece
16	Wild Buffalo head and horn	2,000 per piece
17	Sambar deer skin	1,000 per piece
18	Sambar deer head and antler	3,000 per piece
19	King cobra skin	3,000 per piece
20	Python skin	3,000 per piece
21	Otter skin	1,000 per piece
22	Pheasant feathers	500 per piece
23	Other trophies/parts i.e. skins, feather, etc. of animals not listed above.	500 per piece/set

Required under Rule 63 of the Forest and Nature Conservation Rules of Bhutan – 2006)

ANNEXURE – 20 (A)

LIST OF TOTALLY PROTECTED ANIMALS AND BIRDS LISTED IN SCHEDULE – I

Sl. No.	Common Name	Scientific Name
1	Asian Elephant	<i>Elephas maximus</i>
2	Clouded Leopard	<i>Neofelis nebulosa</i>
3	Golden Langur	<i>Presbytis geei</i>
4	Musk Deer	<i>Moschus chrysogaster</i>
5	Pangolin	<i>Manis emssicaudata</i>
6	Pigmy Hog	<i>Sus sylvanicus</i>
7	Snow Leopard	<i>Panthera uncia</i>
8	Takin	<i>Budorcas taxicolor</i>
9	Tiger	<i>Panthera tigris</i>
10	Wild Buffalo	<i>Bubalus bubalis</i>
11	Black Necked Crane	<i>Grus nigricollis</i>
12	Monal Pheasant	<i>Lophophorus impejensus</i>
13	Peacock Pheasant	<i>Polyplectron bicalcaratum</i>
14	Raven	<i>Corvus coras</i>
15	Rufous-Necked Hornbill	<i>Aceros neplalensis</i>
16	Golden Mahseer	<i>Toftor</i>
17	Spotted Deer	<i>Axis axis</i>
18	Gaur	<i>Bos gaurus</i>
19	Leopard	<i>Panthera pardus</i>
20	Leopard Cat	<i>Felis benalensis</i>
21	Himalayan Black Bear	<i>Selenarctos thibetanus</i>
22	Red Panda	<i>Ailurus fulgens</i>
23	Serow	<i>Capricornis sumatraensis</i>
24	White bellied heron	

Required under Rule 63 of the Forest and Nature Conservation Rules of Bhutan – 2006

ANNEXURE – 20 (B)

LIST OF TOTALLY PROTECTED PLANTS SPECIES LISTED IN SCHEDULE – I

Sl. No.	Dzongkha Name	English Name	Botanical Name	Fines (per kg or per piece) in Nu.
1	Agar/agaru	Eagle Wood/Indian Aloe Wood	<i>Aquilaria agalocha</i>	100,000.00
2	Pang-gen-metog	Gentianes	<i>Gentiana crassuloides</i>	50,000.00
3		Snow down Lily	<i>Lloydia hummensis</i>	25,000.00
4	Tsher-ngeon meto	Blue Poppy	<i>Meconopsis grandis</i>	50,000.00
5	Hashing	Himalayan Yew	<i>Taxus baccata</i>	50,000.00
6	Bhreeng-geera-dza	Ginseng	<i>Panax pseudoginseng</i>	50,000.00
7	Yar-tsa-Goen-bup	Chinese caterpillar	<i>Cordyceps sinensis</i>	10 per piece

5/11/06

ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests

INSPECTION REPORT ON SAND, STONE, BOULDER AND GRAVEL

- 1Division/Park/Sanctuary
- 2Forest Range/Park Range
3. Details of the applicant
 - (a) Name: (b) Full address:
.....
 - (c) Dungkhag: (d): Dzongkhag:
4. Quarry or surface collection
- 5 Purpose/Utilization
 - (a) Applicant's own use (b) Other than applicant's own use (c) Export
- 6 Location
 - (a) Name of the area (b) Village:
 - (c) Geog : (d) Dungkhag
 - (e) Dzonkghag
- 7 Status of the land (proposed site)
 - (a) Government Land (b) Private land
 - (c) In case pf private land
 - (ii) Name of the thram holder
 - (i) Thram No.
 - (iii) Relation of applicant and thram holder
.....
 - (iv) Land category.....
 - (vi) Whether under cultivation or not
 - (v) Total area in acre
.....
 - (vii) Certificate of civil authority confirming the ownership and boundary of the land attached here.

8 Details of the proposed site

- (a) Area(Ac) (b) Slope gradient (deg)..... (c) Distance from roadkm
 (d) Distance from inhabitation (e) Site surrounded by
 (f) Area with dense forest or not (g) Length of feeder road (if required).....km
 (h) Distance from Monasteries/bridges.....km (i) Visible from the national highway/town/dzongs.....

9. Details of forest produce

	Forest Produce	Quantity	Commercial Value (Nu.)
(i)	Trees (3' and above girth)		
(ii)	Poles (upto 2'11" girth)		
(iii)	Seedlings		
(iv)	(Others)		
(v)	(Others)		

10. Suitability/feasibility of the site for quarry/surface collection

11. Sketch map attached

12. Remarks of the Inspection Officer

13. Details of Inspection Officer

- (a) Name (b) Designation
 (c) Office (d) Signature

Office Seal

Place Date

14. Review

DFO/PM

Recommended/not recommended

**APPLICATION FORM FOR SUBSIDISED TIMBER FOR NEW CONSTRUCTION OR
RECONSTRUCTION OF RURAL HOUSE**

Part A – To be filled in by the Applicant

- a. Name of the Applicant
- b. Village
- c. Geog
- d. Dzongkhag
- e. Thram No.
- f. Land holding (acreage):(Ac)
- g. Gung No.
- h. House No. (Under the Thram/Gung)
- i. Is the applicant head of Household? (Yes/No)
- j. Location of construction
- k. Any previous allotment for new construction (Yes/No).....

If yes, details of the timber allotted (year of allotment and their utilization)

Timber form	Quantity	Year of allotment	Utilized for what purpose
Drashing	Nos		
Shinglep	Nos		
Cham	Nos		
Dangchung	Nos		
Tsim	Nos		
Log form	Cft		
Sawn form	cft		

1. Details of timber required:

(i) Standing form

Drashing.....

Shinglep.....

Cham.....

Tsim.....

Dangchung.....

Shing

OR

(ii) Sawn timbercft

OR

(iii) Log form.....cft

m. Mode of sawing : Pit sawing/sawing at rural sawmill

n. Type of roofing : CGI Sheet/Shingle

I hereby certify that the details given above are true to the best of my knowledge. In case of any false or wrong information, I am liable to be penalized under the Forest & Nature Conservation Act 1995 and the Rules made there under.

Signature

Signature of applicant

Date

Part B: To be filled in by Gup

I.....Gup of.....Geog. hereby certify that:

- (i) I have verified the details of the applicant and found to be true and correct
- (ii) Timber requirement is genuine and for bonafide new house construction/re-construction
- (iii) The applicant has not availed concessional timber for new house construction/re-construction during the last 25 years.
- (iv) The proposed construction site is not in Chuzhing/Weland/Sokshing/Tsando/other Government Reserved Forest.

I hereby recommend for allotting concessional timber to the applicant as per the requirement and the entitlement.

Name, Signature & Seal of Gup

Part C: To be filled in by Dzongkhag Administration

Ref No.

Date:

The details of the applicant have been verified with the records maintained at the Dzongkhag Administration and found to be correct. The timber requisitioned above has been noted in the relevant records and approved for allotment.

Verified by:

Approved by:

Dzongkhag Forest Officer

.....Dzongkhag

Dasho Dzongdag

Signature with seal

(Enclosed herewith the construction approval from Dzongkhag Administration)

Part D: Allotment order (to be filled in by the DFO/PM)

Ref No.

Date:

Supply following quantities of timber in favor of Mr/Mrs.....holding
thram No.....of VillageGeog
.....Dzongkhag..... Sawn timber.....cft

Or

a. Log form.....cft

Or

b. Standing form

Drashing.....

Shinglep.....

Cham.....

Tsim.....

Dangchung.....

In case the allotment is in standing form, the timber extraction should be completed within 3 years from the date of this order.

Official seal

Name and signature of DFO/PM

.....Division/Park

To:

The Divisional Manager/Range Officer/FMU Manager/Park

**APPLICATION FORM FOR SUBSIDISED TIMBER FOR
REPAIR/RENOVATION/EXTENSION OF RURAL HOUSE**

Part A – To be filled in by the Applicant

- a. Name of the Applicant
- b. Village
- c. Geog
- d. Dzongkhag
- e. Thram No.
- f. Gung No.
- House No.(under the Thram/Gung).....
- h. Is the applicant head of the Household? Yes/No:
- i. Location of construction
- j. Any previous allotment for repair/extension during the last 3 to 5 years? Yes/No:
- k. If yes, details of the timber allotted (year of allotment & their utilization)

Timber form	Quantity	Year of allotment	Utilized for what purpose
Drashing	Nos		
Shinglep	Nos		
Cham	Nos		
Dangchung	Nos		
Tsim	Nos		
Log form	Cft		
Sawn form	cft		

l. Details of Timber required:

- (i) Standing form
- Drashing.....
- Shinglep.....
- Cham.....
- Tsim.....
- Dangchung

OR

- (ii) Sawn timber.....cft

OR

- (iii) Log form.....cft

- m. Mode of sawing : Pit sawing/sawing at sawmill
n. Type of roofing : CGI sheet/shinglep

I hereby certify that the details given above are true to the best of my knowledge. In case of any false or wrong information, I am liable to be penalized under the Forest & Nature Conservation Act 1995 and the Rules made there under.

Name, Signature of applicant

Date

Part B: To be filled in by Gup

I.....Gup of.....Geog, hereby certify that:

- (i) I have verified the details of the applicant and found to be true and correct
- (ii) Timber requirement is genuine and for bonafide rural house repair/renovation/extension.
- (iii) The proposed construction site is not in Chuzhing/Wetland/Sokshing/Tsamdo/other Government Reserved Forest.

I hereby recommend for allotting concessional timber to the applicant as per the requirement and the entitlement.

Name, Signature & Seal of Gup

Date

Part C: To be filled in by Dzongkhag Administration

Ref No.

Date:

The details of the applicant have been verified with the records maintained at the Dzongkhag Administration and found to be correct. The timber requisitioned above has been noted in the relevant records and approved for allotment.

Verified by:

Approved by:

Dzongkhag Forest Officer

.....Dzongkhag

Dasho Dzongdag

Signature with seal

Part D: Allotment order (to be filled in by the DFO/PM)

Ref No.

Date:

Supply following quantities of timber in favour of Mr/Mrs.....

Holding Thram No.....of village/geog/Dzongkhag.....

- a. Sawn timber.....cft OR
- b. Log form.....cft OR
- c. Standing form
- Drashing.....
- Shinglep.....
- Cham.....
- Tsim.....
- Dangchung.....

Silang

In case the allotment is in standing form the timber extraction should be completed within 3 years from the date of this order.

Official seal

Name and signature of DFO/PM
.....Division/Park

To:

The Divisional Manager/Range Officer/FMU Manager/Park Ranger

APPLICATION FORM FOR OTHER FOREST PRODUCE FOR RURAL CONSUMPTION

Part A : To be filled in by the Applicant

- a. Name of the Applicant
- b. Village
- c. Geog
- d. Dzongkhag
- e. Thram No.
- f. Gung No.
- g. No. of house (under the Thram/Gung)
- h. Details of other forest produce requirement:
- (i) Firewood.....
- (ii) Fencing Post/poles.....
- (iii) Flag Poles.....
- (iv) Others (excluding timber).....

I hereby certify that the details given above are true to the best of my knowledge. In case of any false or wrong information, I am liable to be penalized under the Forest & Nature Conservation Act 1995 and the Rules made there under.

Signature of applicant
Date

Part B: To be filled in by Gup

I.....Gup of.....Geog, hereby certify that:

- (i) I have verified the details of the applicant and found to be true and correct
- (ii) Other forest produce requirement is genuine and applied for bonafide purpose/reason

I hereby recommend for allotting concessional timber to the applicant as per the requirement and the entitlement.

Name, Signature & Seal of Gup
Date

Part C: To be filled in by the Range officer/Divisional Forest Officer/Park Manager/Park Ranger

Details of supply:

- 1.....
- 2.....
- 3.....

Required under Rule 54(6) (a) of the Forest and Nature Conservation Rules of Bhutan – 2006

Original
Book No. 00001

Page No. 01
ANNEXURE 25

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests
Transit Permit for Import of Non-wood Forest Produce (NWFP)**

Office of the DFO/PM/RO/PR. Division/Park/ Range

1. Name & address of the permit holder
2. Name, quantity and descriptions of the NWFP items in transit.
.....

3. Movement from (name of entry check point)..... To
4. Purpose

5. Reference of documents revealing the origin or sources.....

6. This transit permit is valid up to (date)
.....

7. Permit fee of Nu 10/permit as specified under Rule 6 (2) (2.2) of Forest and Nature Conservation Rules of Bhutan, shall be charged for the import of NWFP in addition to royalty.

8. Issued at

RO/PR/Officer In charge

...../Range/Check gate

Dated:.....

Original copy for permit holder
Duplicate copy for Accounts rule
Triplicate copy for office record.

IMPORTANT: This form is mandatory statutory form required for movement of **IMPORTED** NWFP. Movement of **IMPORTED** NWFP not accompanied with this statutory form with vehicle(s)/animal(s) on demand by Forestry Officials/Staffs shall be liable to seizure or confiscation of vehicle(s) or animal(s) along with the forest produce and shall invoke other penal provisions of these rules.

Silang

Required under Rule 64 (2) (c) of the Forest and Nature Conservation Rules of Bhutan – 2006

Original
Book No. 00001

Page No. 001

Annexure 26

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests**

Certificate for Possession of Animals/Plants or their parts

Reference No.

Dated:

This is to certify that Mr./Mrs.....(address)

.....
.....
.....(holder of this certificate) is permitted to possess the following plants/animals or parts under Rules 64(2) (c) of Forest and Nature Conservation Rules of Bhutan, 2006.

.....
.....
.....
.....
.....

This is issued based on verification done and authentication submitted vide (letter No.)
.....

Dated by DFO/Park Manager,Division/Park.

Date:

(Official Seal)

Head of the Department

Silang

ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests

Office of the

Reference No.

Dated:

ONE DAY FISHING PERMIT
(Fishing with rod & line only)

1. Details of the permit holder:
 - a. Name:.....
 - b. Full address:.....
2. One day fishing permitted on (dated) Name/Names of the area permitted for fishing
4. An amount of Nu. 500/- (five hundred Ngultrum) only as fee paid vide government receipt No. Dated.
5. Fishing rule under Rule 19 of the Forest & Nature Conservation Rules of Bhutan, 2006 is reproduced at the back of this permit & this permit holder shall strictly adhere to this rule.

Divisional Forest Officer
.....Division

OR

Office Seal

Park Manager
.....Park/Sanctuary

OR

Range Officer/Park Ranger
.....Range

IMPORTANT: This form is a mandatory statutory form required to be carried during permitted fishing. If the permit holder fails to produce this permit on demand by Forestry Officials/Staffs/or any authorized person(s), fishing equipment and other tools involved in fishing shall be liable for confiscation and shall invoke other penal provisions of these Rules.

Silang

Rules on fishing

19. Fishing

Without possession of a valid fishing license, fishing/ catching of fish in any stream, river, pond or lake is strictly prohibited. The Department may declare certain rivers and lakes out of bound for fishing.

(1) Fishing License

Fishing License shall be issued by the Department and/or an authorized Forest Officer of the area as per Annexure - 27 for one day and Annexure - 44 for other than one day on payment of the prescribed fees as under:

Duration		Fee Nu.
a) for one day	-	Nu. 500.00
b) for one month	-	Nu. 1500.00
c) for 6 months	-	Nu. 3000.00
d) for one year	-	Nu. 5000.00

(2) Restriction

(a) Trout fishing shall be prohibited during the months of October, November and December every year.

(b) Fishing of any type of fish is prohibited on 8th, 10th, 15th, 25th and 30th of each Bhutanese month. Fishing is also banned on the following religious occasions;

- (i) Lhabab Dhuechhen.
- (ii) Zhabdung Kuchhoe.
- (iii) Yar-ngo and Mar-ngo Dhueyang.
- (iv) Dukup Tsheszi or fourth day of sixth month of Bhutanese Calendar.
- (v) Chhothhruel Dawa or the first month of Bhutanese Calendar.
- (vi) Saga Dawa or the fourth month of Bhutanese Calendar.

(3) Prohibition

Fishing by the following means is strictly prohibited:

- (a) Fishing by poisoning or using dynamite in rivers, streams, ponds or lakes.
- (b) Building dams for diverting rivers/streams to trap the fish.
- (c) Fishing by firearms, closed nets, large nets or splashing or laving of waters.
- (d) Fishing with live bait, traps and snares.

(4) Size of Fish

Catching trouts, which are less than eight inches in length, is strictly prohibited. If caught it should be released back into water.

(5) Restricted Area

Fishing within one km of a Goenpa, Temple, Dzong or Shedra/Gomdra and within twenty meters of the national highways is strictly prohibited. In addition, the Ministry may notify specific areas prohibiting fishing for ecological reasons.

(6) Requirement

The License holder shall carry his Fishing License with him at the time of fishing and produce it on demand by any Police Officer or a Forest Officer/Staffs of the Department.

(7) Use of License

The License holder shall not transfer or endorse his Fishing License in favour of any other person.

(8) Use of Fish
The License holder shall not sell, barter or loan his catch of fish. The License is issued only for his own consumption.

(9) Damaged By Flood Water
It is illegal for any person to collect live fish found along the riverbeds, which are displaced by floodwater. However, dead fish may be allowed to be collected by any person for their own consumption only. Such collections are to be done under the supervision of forestry staff

(10) Breach of Rules
The offences under this Act shall be cognisable and bailable and Police Officers/Forest Officers are authorised to arrest any person who is found committing a breach of any of the provisions of these Rules.

(11) Offence
(a) Whoever commits an offence under any of the above provision except under Rule 19(2) (b) and 19 (3) (a, b, c and d) shall be liable to a fine, minimum of which shall be Nu.1000/- and may extend upto Nu. 3000/- or imprisonment, which may extend upto one month or both in addition to compensation at fair market value of the fish killed or injured and confiscation of any equipments/tools etc. involved in the offence.

(b) In case of fishing by Prohibited means under Rule 19(3) (a), (b), (c) and (d), the fine shall be minimum of Nu. 5000/- and may extend upto Nu. 15,000/- or imprisonment, which may extend upto three months or both in addition to compensation at fair market value of the fish killed or injured and confiscation of any equipments/tools etc. involved in the offence.

(c) Whoever commits an offence under Rule 19(2) (b) of this Rule shall be liable to a fine, minimum of which shall be Nu.1500/- and may extend upto Nu. 5000/-, or imprisonment, which may extend upto 2 months or both in addition to compensation at fair market value of the fish killed or injured and confiscation of any equipments/tools etc. involved in the offence.

(d) After the case has been compounded the fish in custody shall be released.

(e) Breach of any of the Provisions of these Rules shall render the License holder liable to cancellation of his Fishing License in addition to the penalties provided under these rules.

silva

Required under Rule 78 of the Forest and Nature Conservation Rules of Bhutan – 2006

Book No. 00001

(Original)

Page No. 001

ANNEXURE 28

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests**

FOREST OFFENSE REGISTRATION

Case No. Dated:.....

1. Name and address of the offender
2. Detail/nature of offense.....
3. Place and period of commission of offense.....
4. Offense detected on (date) by (address)
5. Signature with legal stamp of offender (accused) who has accepted the offense

(Signature with legal stamp)

6. Name, address and signature of witness.....

7. Case settlement

7.1 Case compounded under the compounding case No.dated of
..... Range/Park Range Division/Park
OR

7.2 Forwarded to Court of Justice Dzongkhag.

a. Verdict of the court

b. Verdict document filed in file No. of Division/
Park/Range

Range Officer/Park Ranger

..... Range/Park Range

Note:

If there are more than one offender in this case, the group leader's address should be under lined in 1 above and addresses of the other members should be noted on the back side of this page.

Original copy for court or with compounding case form as the case may be whereas duplicate copy is to be issued to offender and triplicate copy kept as office record.

Silang

Required under Rule 79 of the Forest and Nature Conservation Rules of Bhutan – 2006

Book No. 00001

(Original)

Page No.001

ANNEXURE - 29

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests**

FOREST OFFENSE CASE COMPOUNDING ORDER SHEET

Case No. (Corresponding to case No. under Forest Offense Registration of
Division/Park/Range)

1. Name and Address of Offender
2. Detail/nature of forest offense (original copy of the forest offense registration under Annexure – 28, page No. dated is attached here).
3. Details of penalty:

Penalty	Amount (Nu)
Fine	
Compensation at fair market value of the forest produce involved	
Repeated conviction (Rule 85) – 2nd or 3rd time	
TOTAL	

4. Vehicle(s)/animal(s)/Materials/forest produce/tools/implements etc. seized as per seizure list under Annexure 30 on page No. Book No. dated are:-
 - a) hereby confiscated or
 - b) released to the accused
5. The case is compounded as the case is accepted and agreed by the accused and also based on the application put up by the accused expressing his/her willingness to compound and settle the case.
6. The list of items seized and confiscated/realized in connection with this offense case can be seen as per Annexure 30(page/book No.) attached here.
7. Signature with legal stamps
 - a. Accused
 - b. Witness (Name & Address).....

Date :

Compounded by
RO/PR

..... Range

Note:

Original copy issued to the accused person

Duplicate copy remains as office record.

Approved by
DFO/PM

.....Division/Park

Required under Rule 78 (1) of the Forest and Nature Conservation Rules of Bhutan – 2006

Book No. 00001

(Original)

Page No. 001

ANNEXURE -30

5/11/17

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests
SEIZURE LIST**

Case No. (Corresponding to case No. under Forest Offense
Registration of Division/Park/Range)

1. Name and Address of Offender
.....
2. Detail/nature of forest offense
.....
.....
3. List of material/forest produce/tools/implements seized from the accused
 - a.
 - b.
 - c.
 - d.
 - e.
4. Signature with legal stamp of the accused after he agrees with the list of seized items shown above.

(Name and signature of the accused with legal stamp)

5. Name, address and signature of the witness with legal stamp.
.....

Seized by

Dated.....

DFO/PM/RO/PR.....Division/Park/Range

6. Subsequent office order -

a. Following seized items are confiscated by the Department or as per verdict issued by the court
vide reference No.

i).....

ii).....

iii).....

b. Following seized items released to the accused person as per compounding order sheet

No. Dated.....of Division/ Park/Range.

c. Acknowledged by the accused for items confiscated or/and realized as detail shown above.

Signature with legal stamp

d) Name, address and signature of witness (with legal stamp)

Dated.....

DFO/PM/RO

.....Division/Park/Range

Note: For subsequent orders, the original and duplicate copies should be collected and filled in and returned to the respective authorities/ persons. If in case copies cannot not be collected, photocopy of the triplicate should be issued to the accused.

S. M. S.

Required under Rule 97 of the Forest and Nature Conservation Rules of Bhutan – 2006

Book No. 00001

(Original)

Page No.01

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests**

ANNEXURE - 31

Silber

ROYALTY DEPOSITION AND MARKING PERMIT OF SUBSIDIZED TIMBER

1. Name and Address of permit holder.....
.....
2. Name of the forest area.....
.....
3. Destination

4. Details of subsidized timber

Sl. No.	Description	Quantity	Royalty rate	Amount Nu.	Ch.	Remarks
1						
2						
3						
4						
5						
			Total:			

(Ngultrum (in words))

5. Validity of the permit up to (dated)after which no extension shall be permitted.
6. Acknowledgement of the permit holder (Signature)

Dated.....
RO/PR/ FMU In-charge

..... Range/FMU

Original copy issued to the applicant
Duplicate copy for accounts rule
Triplicate copy remains as office record
IMPORTANT: This form is mandatory statutory form required for marking of
SUBSIDISED TIMBER. Marking shall not be given in the absence of this form.

Required under Rule 15 of the Forest and Nature Conservation Rules of Bhutan – 2006

Book No. 00001
Page No.01

(Original)

ANNEXURE - 32

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests**

FREE GRANT PERMIT

1. Name and Address of free permit holder.....
2. Name of the forest area/sawmill/depot.....
3. Destination
4. Details of forest produce

Sl. No.	Description	Quantity	Royalty rate

(Ngultrum in words)

5. Validity of the permit is up to (dated)after which no extension shall be permitted.
6. Acknowledgement of the permit holder (Signature)

Dated.....

RO/PR/FMU Incharge

..... Range/FMU

Original copy issued to the applicant.

Duplicate copy remains as office record

Silky

Required under Rule 101 of the Forest and Nature Conservation Rules of Bhutan – 2006

Book No. 00001

(Original)

Page No.01

ANNEXURE - 33

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests**

TRANSIT PERMIT FOR FIREWOOD (FOR RURAL USE)

1. Name and Address of permit holder.....
2. Name of the forest area.....
3. Destination.....
4. Details of firewood
 - (a) Lops and tops and dry firewood collected and transported by men or animals (Rule 101 (1)) on free of royalty; OR
 - (b) Firewood collected and transported by mechanical devices (Rule 101 (2)) at commercial rate of royalty; OR

Sl. No.	Description	Quantity	Rate	Amount Nu. Ch.		Remarks
			Total:			

(Ngultrum (in words).....)

- (c) Firewood collected from marked trees (Rule 101(5)) at 50% of the royalty rate applicable to rural house building timber.

Sl. No.	Description	Quantity	Rate	Amount Nu. Ch.		Remarks
			Total:			

(Ngultrum (in words).....)

5. Validity of the permit
6. Acknowledgement of the permit holder (Signature).....

Dated.....

RO/PR/FMU In-charge
..... Range/FMU

Original copy issued to the applicant

Duplicate copy for accounts rule in case of above para 4 (b and c)

Triplicate copy remains as office record.

IMPORTANT: This form is mandatory statutory form required for movement of RURAL FIREWOOD. Movement of RURAL FIREWOOD not accompanied with this statutory form with vehicle(s)/animal(s)/person(s) on demand by Forestry Officials/Staffs shall be liable to seizure or confiscation of vehicle(s) or animal(s) along with the forest produce and shall invoke other penal provisions of these Rules.

Required under Rule 97(3) and 97(12) of the Forest and Nature Conservation Rules of Bhutan –2006

Book No. 00001

Page No. 001

ANNEXURE - 34

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests**

**RECORDS OF SUBSIDIZED TIMBER SUPPLIED FOR RURAL HOUSE CONSTRUCTION
(REGISTER)**

1. Range/Park Range.....
2. Description as per Annexure 22 approved by Dzongkhag Administration

Sl. No.	Name of applicant	T. No	Village	Gewog	Permit No. with date	Description and quantity of timber							Purpose	Remarks
						Drashing	Shinglep	Cham	Tsim	Dangchung	Log (cft)	Sawn (cft)		

Note: Separate register for each Geog to be maintained.

5 March

Page No. 001

ANNEXURE - 35

5 March

MOVEMENT ORDER FOR FINISHED WOOD PRODUCTS FOR EXPORT

References	:	.....	Date
Name	:	..... of	Exporter
Address	:	.....
Name	:	..... of	Consignee
Address	:	.....	M/S
Address	:	.....	Country

Sl.No.	Particulars of Finished Wood Products	Quantity	Remarks

Vehicle No.

Seal

Signature of Issuing Authority

ANNEXURE 36
**APPLICATION FORM FOR SUBSIDED TIMBER FOR OTHER RURAL CONSTRUCTION
PURPOSE**

Part A – To be filled in by the Applicant

- a. Name of Applicant
- b. Village
- c. Geog
- d. Dzongkhag
- e. Thram No.
- f. Gung No.
- g. House No. (under the Thram/Gung).....
- h. Details of other construction (covered under Rule 98 (1) or 99(1))
- i. Details of timber requirement:
- i. Log formcft
 - ii. Sawn formcft
 - iii. Standing form
 - Drashing
 - Shinglep
 - Cham
 - Tsim
 - Dangchung
- j. Other
- details.....

I hereby certify that the details given above are true to the best of my knowledge. In case of any false or wrong information, I am liable to be penalized under the Forest & Nature Conservation Act 1995 and the Rules made there under.

Name & Signature of the applicant

Date

Part B: To be filled in by Gup

- I.....Gup of.....Geog, hereby certify that:
- i. I have verified the details of the applicant and found to be true and correct
 - ii. Timber requirement is genuine and for bonafide rural house repair/renovation/extension.
 - iii. The proposed construction site is not in Chuzhing/Soksling/Tsandro/ Reserved Forest..

I hereby recommend for allotting concessional timber to the applicant as per the requirement and the entitlement.

Signature & Seal of GYT Chairman

Date:.....

Part D : Allotment order (To be filled in by the DFO/PM)

No.....

Date:

To

Divisional Manager,Division, DFCL
..... Sawmill Manager (selected as rural sawmill)
Range Officer/Park Ranger.....Range/Park Range
FMU In charge,FMU

Supply following quantities of timbers in favour of Mr/Mrs

Holding Thram No.....of village..... geog.....
Dzongkhag

I Sawn formcft

Or

II Log formcft

Or

III Standing form

Drashing.....
Shinglep.....
Cham.....
Tsim.....
Dangchung.....

In case of allotment in standing form the timber extraction should be completed within 3 years from the date of this order.

Official seal

Name and signature of DFO/PM
.....Division/Park

Silang

Part – II (Undertaking by the Proponent/applicant)

On receipt of the approval for clearing forest land, we will undertake the felling of tree/pole as per following terms and conditions:

- a. Trees/ Poles will be felled only after they are formally marked by the Department (as required under Rule 11 (3) of Rule.
- b. The stumps of trees/poles will not be more than 6” from the ground on uphill side and no stump with barber’s chair will be left behind.
- c. The trees/poles felling will be carried out systematically and trees/poles felling direction be always uphill or side ways as far as possible to avoid damage to the adjacent trees/poles. No felling of any trees/poles shall take place in haphazard manner to avoid damaging the local environment.
- d. Cost of clearing the land will be borne by the Proponent/applicant.
- e. The proponent/applicant has no right to own the felled trees/poles or any materials in the corridor/cleared forest land.
- f. Clearing of land within important water catchment area shall be as per the Act and the Rules.
- g. Proponent shall arrange to obtain clearance from Dzongkhag Administration if the private registered land is involved.
- h. The Proponent shall obtain NEC clearance in addition to forestry clearance and also clearance from other organizations as the case may be before clearing the land.
- i. In the event the applicant fails to the terms and conditions or fails to follow the provisions of the Act and Rules, the matter will be dealt according to the law of the country.
- j. The Department shall have full authority to use the road constructed through Government Reserved Forest/Government Land.

Signature with legal stamp of the applicant

Signature and Address of Witness

Part – III (Inspection Report to be submitted along with Annexure 18(c))

No. (Division/Park) Dated.....

1. Details of corridor passing through prohibited/protected/restricted areas (if any

5/11/20

2. Details of forest produce falling along the alignment

Sl No	Forest produce	Quantity (Nos)	Commercial value (Nu)	Remarks
1	Trees (3' girth and above)			
2	Poles (1' to 2' 11" girth)			
3	Poles (less than 1' girth)			
4	Sapling			
5	Seedling			
6	Others			
	Total:			

3. Inspection Officer's remarks/views:

.....
.....
.....
.....

4. Inspection Officer's signature and designation

5. Recommendation of the Division/Park (recommended for consideration or rejection as per the reason given below)

.....
.....
.....

6. Sketch map of the area is attached herewith.

Submitted to the Headquarter, DOF for further processing

DFO/Park Manager
..... Division/Park

Part – IV (Approval or Rejection)

No. (of DOF Headquarter) Dated.....

This is forwarded to the Ministry of Agriculture with the following comments/recommendations:

.....
.....
.....

.....
.....

- a. The felled trees/poles will be allotted to local villagers on production of approval from the Dzongkhag Administration for house construction/renovation and repair/other rural construction or prayer flags or fencing posts in rural areas.

OR

- b. To be operated by Forestry Development Corporation Limited.

Recommended for approval/rejection

Head of the Department
Department of Forest

Honorable Secretary
Ministry of Agriculture

His Excellency the Minister
Ministry of Agriculture

Dated:

ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
DEPARTMENT OF FORESTS

5/11/17

TRANSIT PERMIT FOR SUBSIDISED TIMBER

1. Purpose – New construction/reconstruction/repair/renovation/extension
2. Reference to allotment order/GPPMO No. of DoF.....
3. Initial form of timber allotment:
 - a. Standing form for pit sawing
 - b. Standing form for sawmill sawing
 - c. Log
 - d. Sawn timber
4. Transit of timber from (tick the correct one):
 - a. Stump to construction site
 - b. Stump to pit sawing site
 - c. Stump to sawmill
 - d. Pit sawing site to construction site
 - e. Depot (Government or private) to sawmill
 - f. Sawmill to construction site
 - g. Division/Park to Division/Park
5. Details of timber in this transit

Sl. No.	Form of timber	species	Measurement details	No. of Pieces	Volume In Cft.
Tota l:					

Passing hammer impression:(Yes/No)
Balance available:(No. of pieces)(cft)
Vehicle Number: Vehicle type:
Name of the driver:
Date and time of passing: Date Time
This transit permit is valid upto

Signature of Issuing Authority
Seal
IMPORTANT: This form is mandatory statutory form required for movement of SUBSIDISED TIMBER. Movement of SUBSIDISED TIMBER not accompanied with this statutory form with vehicle(s)/animal(s)/Person(s) on demand by Forestry Officials/Staffs shall be liable to seizure or confiscation of vehicle(s) or animal(s) along with the forest produce and shall invoke other penal provisions of these rules.

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests**

CONDITIONS FOR TRADE OF PIPLA

1. In order to enhance their income, the local people of Zhemgang, Mongar, Pennagatsel and Sandrup-Jongkhar are allowed to collect pipla growing on small trees for sale free of Royalty.
2. They will not be allowed to sell pipla anywhere except to the Food Corporation of Bhutan.
3. Trees shall not be felled for the purpose of collecting pipla.
4. The local people are not allowed to collect pipla from the areas under the National Park or disturbed areas.
5. (This is as per the Royal Command issued by His Majesty the King on 25th day of the 9th month of Water Bird year of Bhutanese Calendar).
6. Involving of middle men in trading the pipla is not allowed.
7. The concerned Dzongdags shall endorse and forward the applications to the Department.
8. The Head of Department/DFO/PM will issue the Free Grant Permit depending on to whom the applicant approaches.

5/11/17

ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests

APPLICATION FORM FOR ALLOTMENT OF LAND FROM GOVERNMENT RESERVED
FOREST TO GOVERNMENT INSTITUTIONS

(To be filled up by the Applicant)

1. Name of and full address of the applicant:
 - 1.1 Name of Agency/Organization :
 - 1.2 Dzongkhag :
 - 1.3 Geog :
 - 1.4 Village :
2. Details of land applied for:
 - 2.1 Location and name of the area :
 - 2.2 Area in acre :(Ac)
 - 2.3 Applied purpose(s):.....

Signature of Applicant: Date:

3. Views of the Dzongkhag:
 - a) Recommendation for further assessment: ☐
 - b) Not recommended for further assessment: ☐

4. Reasons for the above recommendation:
.....
.....
.....

5. Dzongdag (Signature and Seal):
Dated:

ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE

Department of Forests

LAND ACQUISITION FORM FOR LAND REQUIRED BY GOVERNMENT
INSTITUTIONS

(To be filled up by the Verification Team)

1. Forest type:
 - 1.1 Dense forest
 - 1.2 Degraded forest
 - 1.3 Land with profuse regeneration
 - 1.4 Barren land

2. Forest Produce:

Sl.No.	Items	Quantity	Value in Nu.	Remarks
1	Trees			
2	Poles			
3	Seedlings			
4	Other (specify)			

3. Topography

- 3.1 Very steep (above 60°)
- 3.2 Steep slope (46° - 60°)
- 3.3 Gentle slope (below 45°)
- 3.4 Flat land (below 20°)

4. Land attributes:

- 4.1 Catchment area
- 4.2 Under or nearby any National Park/Protection/Restricted area:
- 4.3 Over grazed area
- 4.4 Erosion prone area:
 - a. Very high intensity:
 - b. Medium intensity:
 - c. Low intensity:
- 4.5 Outside or inside Government Reserved Forests:
- 4.6 Inside "Sokshing":
- 4.7 Inside "Tsamdo":
- 4.8 Land surrounded by:
.....
- 4.9 Within 600' up-hill and 300' down-hill of the National Highway:
- 4.10 Near Monastery/Monuments:

.....
4.11 Traditional restriction:
.....

5. Adequacy of the area for the applied purposes including the future scope of expansion

ANNEXURE – 41 (CONTINUED)

6. Will the applied purposes have any adverse implications on the surrounding environment?

6.1

6.2

6.3

7. Any other observations:

8. Sketch map attached: Yes/No

9. Field inspection report (Annexure 18(c)) attached herewith: Yes/No

10. Recommendation of the team based on the above observation:

10.1 Recommendation for issuing clearance:

10.2 Not recommended for issuing clearance:

Signature of Verification Team:

Date:

1. Divisional Forest Officer:

2. Dzongkhag Land Record Officer:

3. Representative(s) of Dzongkha Environment Committee:

i.

ii.

iii.

OR

4. National Environment Commission

Verified by the Dzongdag: Initial/Seal

Date:.....

ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests

**AGREEMENT DEED FOR LEASE OF FOREST LAND – PLANTATION/PASTURE
DEVELOPMENT**

(For the purpose of raising industrial plantation)

On this day of of month, year between the Ministry of Agriculture represented by the Department of Forests, on behalf of the Royal Government of Bhutan on the one part, hereinafter referred to as the Lessor and (full address of the Lessee including their successor, heirs, assigns, etc) hereinafter, referred to Lessee having registered at

WHEREAS

1. The Department of Forests, Ministry of Agriculture is the custodian of Government Reserved Forests of Bhutan and the Ministry of Agriculture is empowered by the Forest and Nature Conservation Act of Bhutan, 1995 and the Rules made there under to lease out part of Government Reserved Forests to an individual or an organization for a specific purpose.
2. The applicant namely means the person(s), firm or company, group of firms or joint venture.
3. NOW THIS INDENTURE WITNESSETH AND IT IS HEREBY AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

On this day of Of Month, year Whereas the Department of Forests, Royal Government of Bhutan on the one part (hereinafter called the Lessor which include the officers appointed by the Royal Government of Bhutan to carry out the purposes of this deed) has agreed to lease out acres of degraded forest land at Under Range Division to (full address of the lessee on the other part (hereinafter called the Lessee which term also include their successor, heirs, assigns etc.) as delineated in the maps and described in terms and conditions provided hereunder for production of raw materials for their industrial unit or factory.

- (i) That, the forest being leased out is acres for the specific purpose of production of raw materials for lessee and said leased forest shall continue to be Government Reserved Forest, and shall revert back to the Department of Forests without paying any compensation whatsoever to the lessee on account of any infrastructures and plantations etc. left on the land as soon as the purpose for which the land being leased is over.
- (ii) That, immediately after the lease agreement has been executed, the lessee shall prepare management plan to the satisfaction of the Department of Forests. The operation in the leased forest shall be allowed only after the management plan has been approved by the Ministry of Agriculture.
- (iii) That, the lease shall be for a period of years (in words) commencing from the date of actual release of forest land and upon expiring of this period, the lease agreement shall be renewed if required for a specific period of years after revising the lease rent, agreement and such other terms and conditions as may be considered necessary, if the Ministry is satisfied that further extension is required as the lessee has developed leased forest satisfactorily.
- (iv) The lessee shall develop the leased forest immediately after entering into lease agreement. If the lessee fails to develop the leased forest within two years the lease shall be cancelled.
- (v) The Department of Forests shall provide technical assistance for preparing the management plan of the leased forests and also provide technical assistance during the process of establishment of the leased forest as and when needed and requested by the lessee.
- (vi) The Department of Forests may charge a fee for the technical assistance or for any incentives provided to the lessee by it.
- (vii) That, in case of termination of the lease before expiry of the lease period, the lessee shall be allowed one year time to remove already felled materials from the leased forest land and if lessee fails to do so within the time period allowed, the left over materials remaining within the leased forest land shall lapse to the lessor.
- (viii) That, the lessee shall pay lease rent to the lessor @ Nu. 200 per acre per annum before the end of the first month of the year.
- (ix) That, the lessee shall not use the leased forest land for any other purposes other than for raising plantations and shall not sell, sub-let, mortgage, cultivate, and use for hunting, mining and for any other unauthorized recreational activities without prior knowledge, permission of the Department of Forests in writing.
- (x) That, the lessee shall raise plantations, after the extraction of forest produce, and also carry out all other works related to plantations and timber production at his own expenses, in leased area/forest, under the technical guidance of the Department of Forests.

- (xi) That, the lessee shall carry out soil conservation and river protection works at his own cost as and when directed by the Department of Forests.
- (xii) That, the lessee shall have no objections to the entry of the forestry personnel in the plantations or leased forest for purposes of inspection of forest and forestry operations.
- (xiii) That, the lessee shall have no objections to the execution of any national development works, within the leased area/forest, like road construction, transmission lines erection, water channels construction etc. if required in the national interest.
- (xiv) That, the detail working procedure, in the leased forest, shall be governed by the following guidelines:
 - 1. Trees, poles, etc. shall be marked by the staff of Department of Forests. After the felling of trees is completed, prime logs shall be handed over to Forestry Development Corporation Limited based on the MOU drawn between the lessee and Forestry Development Corporation Limited. The concerned Divisional Forest Officer shall supervise the operation.
 - 2. The Forest Official shall issue permit to lessee for extraction of firewood for their factory on payment of royalty. The royalty shall be as per the government schedule of royalty rate, which may be subject to revision from time to time.
 - 3. Tree with girth of 2'11" and below and length 3 feet and below shall be considered as firewood. Other than the specified sizes of firewood as mentioned above the forestry officials shall consider only the defective logs as firewood after physical verification.
 - 4. After the logging operation is completed, lessee shall obtain forest clearance from the Department of Forests in order to take up plantation works.
 - 5. All the non wood forest products inside the leased forest shall remain the property of Royal Government of Bhutan.
 - 6. Allotment of coupe for felling or any other activity in the leased forest shall be as per the management plan.
 - 7. Only marked trees/poles shall be felled and such felling shall not cause any damage to any standing trees, poles or to any sound logs lying at the site.
 - 8. Sanctioning of felled trees shall be made as per the specification given by the Department of Forests from time to time.
 - 9. Firewood shall be transported only after numbering/digiting the logs at the site.
 - 10. No firewood or logs shall be left at the site of operated coupe.
 - 11. Choice of species for raising plantation and its planting technique shall be as per the approved management plan.
 - 12. The lessee shall be responsible for the maintenance and protection of the leased forest and shall comply with the rules and regulation of the Department of Forests affecting its protection, management and utilization.

13. Unless covered by the forest management plan, the standing trees in the leased forest shall remain to be the property of the Department of Forests. Lessee shall not have any rights to these trees. The Department shall dispose these trees according to the prevailing rules and regulations.
14. The lessee shall not be allowed to utilize the forest produce in a way that may be detrimental to the soil and water resource of the land leased unless it is covered by the management plan.
15. Any damage, theft, hazard to trees planted in the leased forest shall be reported immediately to the nearest Forest Office. The cases of offenses of theft and damage in the leased forest shall be equally treated as forest offenses committed in the Government Reserved Forests and shall be punished according to the Forest and Nature Conservation Act 1995 and the provision of Forest and Nature Conservation Rules of Bhutan.
16. The concerned Divisional Forest Officer shall be responsible to realize the lease rent, monitor and submit the evaluation report to the Department describing the status of the leased forest in his/her Division at the end of each financial year.

17. Offenses:

- a. That if the lessee fails to observe any of the terms and conditions laid down herein and under Rule 16 of the Forest and Nature Conservation Rules of Bhutan, the lease can be terminated by the lessor. The lessee shall not be entitled to any compensation on account of such termination of the lease agreement.
- b. Violation of the terms and conditions mentioned above shall be considered as forest offence and shall be dealt as per the Forest and Nature Conservation Act, 1995 and Forest and Nature Conservation Rules of Bhutan.
- c. The Ministry of Agriculture reserves the right to terminate the lease agreement if the lessee does not comply with the conditions of the lease agreement after verification by the Department of Forests.
- d. In case of dispute the arbitration and decision of the Head of the Ministry of Agriculture shall be final and binding.

Signature(s) with Legal Stamp

LESSEE

WITNESS

1.

2.

LESSOR

WITNESS

1.

2.

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests**

**AGREEMENT DEED FOR LEASE OF FOREST LAND – NON PLANTATION
(For purposes other than plantation)**

This agreement is made on this day of Of month, year
..... between the Ministry of Agriculture represented by the Department of Forests, on behalf
of the Royal Government of Bhutan on the one part, hereinafter referred to as Lessor and
..... (full address of the
lessee).....on the
other part hereinafter, referred to Lessee having registered
at.....

WHERE AS

1. The Department of Forests, Ministry of Agriculture is the custodian of Government Reserved Forest of Bhutan and the Ministry of Agriculture is empowered by the Forest and Nature Conservation Act of Bhutan, 1995 and Rules made there under to lease out Government Reserved Forest to an individual or an organization for a specific purpose.
2. The applicant namely
..... means the
person(s), firm or company, group of firm or joint venture.
3. NOW THIS INDENTURE WITNESSETH AND IT IS HEREBY AGREED AND
DECLARED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:
 - a. The Department of Forests shall lease out a total of acres of degraded
Government Reserved Forest from under
..... Range, under Forest Division as
delineated in the maps to (full address of the applicant)
.....
described in terms and conditions provided hereunder for the specific use by the applicant.
 - b. The lessee shall prepare a development plan of the leased areas to the satisfaction of the lessor
and cannot begin operations until the Ministry approves the plan.
 - c. This forest area shall be leased for a period of years. However, if
the lessee develops or protects leased forest areas satisfactorily, the Ministry may extend the
lease period and amend the agreement accordingly.

- 5/11/17
- d. The lessee shall develop the leased forest areas immediately after entering into lease agreement. However, if the lessee fails to develop the leased forest areas as per approved developmental plans within two years the lease shall be cancelled.
 - e. The lessee shall be responsible for maintenance and protection of the leased forest areas and shall comply with the rules and regulations of the department affecting its protection, management and utilization.
 - f. Construction of temporary huts for laborers in the adjoining Government Reserved forest shall not be permitted.
 4. The existing naturally growing standing trees in the forest shall remain the property of the department. The lessee shall not have the right on these trees. The department shall dispose these trees according to the prevailing rules and regulations.
 5. Any forest produce inside the leased forest areas, not allotted to the lessee, shall remain the property of the department (including boulders, sand, gravel etc.)
 6. A lease rent of Nu. 1000/- (One thousand Ngultrum only) per acre per annum (or as revised by the Ministry from time to time) shall be deposited to the respective Forest Division Headquarter. This rent shall be paid before the end of the first month of the year.
 7. Any infrastructure development inside the leased area shall commence with prior permission from the Department of Forests.
 8. Following activities shall not be allowed inside the leased forest:
 - (a) Use the land in any manner other than as prescribed in the development plan.
 - (b) Sell, mortgage or otherwise alienate the forest areas.
 - © Sub-lease
 - (d) Shifting cultivation or permanent cultivation.
 - (e) Mining, hunting and unauthorized recreational activities.
 - (f) Building houses or huts for the purpose other than the management of the leased areas as per the plan prescriptions.
 9. The lessee shall pay compensation for any loss or damage that may be caused by development of leased areas to any land or property, whether belonging to the government or any private party as per government rules.
 10. The lessee shall comply with the immigration rules of Bhutan in recruiting laborers.
 11. The lessee shall carry out soil conservation works and river protection works at the cost of lessee as and when directed by the department.
 12. That, the lessee shall have no objections to the entry of the forestry personnel in the plantations or leased forest for purposes of inspection of forest and forestry operations.

13. The lessee shall hand over the leased areas to the Department of Forests or surrender on the expiry of agreement as follows.
 - a. All the areas under leased forest shall be planted with specific tree species.
 - b. All infrastructure developed for managing the leased area shall be removed or surrendered as a property of the Department.
14. The Lessee shall have no objection in execution of development works of greater importance to the nation in the leased areas, if deemed necessary by the Department of Forests.
15. The Lessee shall operate within the leased areas strictly in accordance with the provision of the Forest and Nature Conservation Rules of Bhutan and the approved plan.
16. The Ministry of Agriculture reserves the right to terminate the lease agreement if the lessee does not comply with the terms and conditions of the lease agreement. Under such circumstances Government shall not pay any compensation to the lessee for any infrastructure being developed by the lessee.

Signature(s) with Legal Stamp

Signature

LESSEE

LESSOR

WITNESS

WITNESS

1.

1.

2.

2.

5/11/17

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
DEPARTMENT OF FORESTS**

LICENCE FOR FISHING WITH ROD AND LINE

License No.....

Date of issue:

1. Name of the License holder:
2. Address:
3. Status:
4. Locality:
5. Validity:
6. License Fee (Nu) :

Divisional Forest Officer
.....Division

IMPORTANT: This license is a mandatory statutory license required to be carried during permitted fishing. If this license holder fails to produce this permit on demand by Forestry Officials/Staffs/Police personnel, fishing equipment and other tools involved in fishing shall be liable for confiscation and shall invoke other penal provisions of these Rules. The Permit holder shall strictly comply with the provision of Rule 19.

Silence

Page No. 01
ANNEXURE – 44

INTERNAL MOVEMENT ORDER FOR FINISHED WOOD PRODUCTS

Sl.No.	Particulars of finished wood products	Quantity	Remarks

Signature of Issuing Authority

IMPORTANT: This form is mandatory statutory form required for movement of **FINISHED WOOD PRODUCTS**. Movement of **FINISHED WOOD PRODUCTS** not accompanied with this statutory form with vehicle(s)/animal(s)/person(s) on demand by Forestry Officials/Staffs shall be liable to seizure or confiscation of vehicle(s) or animal(s) along with the forest produce and shall invoke other penal provisions of these rules.

Required under Rule 42(1) (a) of the Forest and Nature Conservation Rules of Bhutan – 2006

Book No. 00001

(original)

Page No.01

ANNEXURE - 45

**ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
Department of Forests
PERMIT/TRANSIT PERMIT OF FIREWOOD (COMMERCIAL USE)**

1. DFO/PM's approval letter No... ..dated:
2. Name and address of permit holder
3. Name of the FMU/forest area.....
4. Division/Park/Range
5. Destination
6. Firewood supplier/contractor's name and address
7. Details of firewood

Sl. No.	Description	Quantity (T/L)	Rate	Amount Nu. Ch.		Remarks
			Total:			

Ngultrum (in words)

8. Validity of the permit up to (dated
9. Acknowledgement of the permit holder

(Signature)

Range Officer/Park Ranger

..... Range

Original copy issued to the applicant/consumer

Duplicate copy for accounts rule under Territorial Division/Park HQ

Triplicate copy remains as office record.

IMPORTANT :

This form is mandatory statutory form required for COMMERCIAL FIREWOOD movement. COMMERCIAL FIREWOOD movement not accompanied with this statutory form with vehicle(s)/animal(s)/ on demand by Forestry Officials/Staffs shall be liable to seizure or confiscation of vehicle(s) or animal(s) along with the forest produce and shall invoke other penal provisions of these rules.

Required under Rule 44(3)(a)

Book No. 0001

Page No. 001

ANNEXURE - 46

ROYAL GOVERNMENT OF BHUTAN
MINISTRY OF AGRICULTURE
DEPARTMENT OF FORESTS

TREE MARKING BOOK

Location:

1. (if outside FMU)

2. (FMU)

i. Block:

ii. Compartment:

iii. Sub-compartment:

iv. Coupe:

3. National
Park/Sanctuary

Tree sl.No	Species	Girth	DBH	Length of clean bole	Ht. of tree

Date of marking:Signature of marking officer:

