

**THE HIMACHAL PRADESH FOREST PRODUCE (REGULATION
OF TRADE) RULES, 1982**

(Issued and published in Hindi in R.H.P. Extra, dated 19-2-1983 P. 203-2143).

ARRANGEMENT OF RULES

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**FOREST FARMING AND ENVIRONMENTAL CONSERVATION
DEPARTMENT**

NOTIFICATION

Shimla-171002, the 6th January, 1983

No. Fts. (A) 3-2/81.- In exercise of the powers conferred by section

17 (1) of the Himachal Pradesh Forest Produce (Regulation of Trade) Act 1982 and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to make the following rules named as Himachal Pradesh Forest Produce (Regulation of Trade) Rules, 1982, the same having been previously published in (Extra-ordinary) Himachal Pradesh, Rajpatra, dated 14th July, 1982.

1. Short title and commencement.- (1) These rules may be called the Himachal Pradesh Forest Produce (Regulation of Trade) Rules, 1982.

(2) These rules shall come into force at once.

2. Definitions.- In these rules, unless the context otherwise requires,--

- (1) 'Act' means the Himachal Pradesh Forest Produce (Regulation of Trade) Act, 1982 (Act No. 1 of 1982);
- (2) 'Divisional Forest Officer' means the Forest Officer in charge of a territorial forest division;
- (3) 'felling programme' means the programme as formulated under provisions of section 4 of the Himachal Pradesh Land Preservation Act, 1978;
- (4) 'section' means a section of the Act;
- (5) 'form' means a form appended to these rules; and
- (6) all other words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

3. Procedure for issuance of transit permits [Section 4 (c)].- Application for issue of permit under clause (c) of section 4 shall be made in Form No. 1 and shall be submitted to the Divisional Forest Officer who shall, after making such enquiries as he deems fit, issue permit under sections 41 and 42 of the Indian Forest Act, 1927 and the rules made thereunder by the State Government:

Provided that where the Divisional Forest Officer has reasons to believe that,---

- (a) the forest produce extracted is in excess of what should have been obtained from the number and volume of trees sold; or
- (b) the forest produce is from unauthorised sources, he may reject the application partially or in toto.

4. Procedure for purchase of forest produce offered for sale by owners (Section 5).- (1) The owner shall apply in Form No. II in duplicate to the Agent offering for sale the forest produce enclosing all documents in proof of his being owner of the forest produce and specifying the year during which the area from which forest produce is intended to be extracted and sold is due

for felling under the felling programme.

(2) The Agent, on receipt of application, shall forward the original to the Divisional Forest Officer concerned with a simultaneous reference to the Tehsildar and in the case of Sub-Tehsil to the Naib-Tehsildar of the area concerned for demarcation of the area in which the forest produce is intended to be sold by the owner and offered for sale to the Agent. A copy of the request made to the Tehsildar/Naib-Tehsildar will also be endorsed to the owner with directions to get the area demarcated.

(3) The demarcation of the area from which the forest produce is intended to be extracted and sold will be carried out by the Revenue Officer not below the rank of Naib-Tehsildar in the presence of Range Officer of the area concerned and nominee of the Agent:

Provided that where Naib-Tehsildars are not posted, the demarcation of the area will be carried out by the Field Kanungos.

(4) It will be the responsibility of the owner or his legally authorised representative to get the area demarcated expeditiously to enable the Agent to fell and convert the trees within time.

(5) The trees will be marked silviculturally by the Range Officer/the Deputy Ranger/the Forester as per instructions issued by the Divisional Forest Officer, concerned from time to time.

(6) The marking list duly signed by Marking Officer, the Revenue Officer, giving the demarcation and the nominee of the Agent will be submitted by Marking Officer through Range Officer, where he himself is not the Marking Officer, to the concerned Divisional Forest Officer along with following certificates:-

(a) that the demarcation has been carried out by a Revenue Officer not below the rank of a Naib-Tehsildar (or Field Kanungo, where the Naib-Tehsildar is not posted) and that the marking has been carried out by the Forest Ranger/the Deputy Ranger/the Forester of the Forest Department and in presence of nominee of the Agent and that the correctness of the demarcation/markings to their entire satisfaction has been duly recorded on the marking lists;

(b) that the trees have been marked silviculturally as per rules/instructions on the subject;

(c) that no trees have been enumerated/marked from the Government forests;

(d) that the trees have been marked after having scrutinized all relevant revenue records, applications and affidavits of the landowners and after following the prescribed procedure for demarcation/markings;

(e) that the area, from where these trees have been marked for sale are due for felling during.....as per approved 10 years felling programme of the.....Division;

(f) that the trees for which the sanction has been sought for are standing in privately owned malkiyati areas of the applicant landowners and no trees have been marked from the surplus area under the Himachal Pradesh Ceiling on Land Holdings Act, 1972 or areas vested with Government under the provisions of the Himachal Pradesh Village Common Land (Vesting and Utilisation) Act, 1974.

(7) The Divisional Forest Officer on receipt of marking list, demarcation and marking certificates may, if he deems fit to do so, inspect the area and the marking for verification.

(8) On satisfaction of the Divisional Forest Officer he may issue the felling order in the name of the owner in Form No. III with copies to the Range Officer concerned and the nominee of the Agent.

(9) The price of trees offered for sale will be paid by the Agent as per price fixed under section 7 of the Act.

5. Constitution and procedure for conducting the business of the Committee (Section 6).- (1) The State Government shall publish the names of the members of the Advisory Committee constituted under section 6 in the Official Gazette. For each such Committee, there shall be a Chairman-cum-Convener.

(2) The composition of the Committee shall be as under:-

(a) the Divisional Forest Officer of the concerned
Division ..Chairman-cum-Convener.

(b) the representative of the Deputy Commissioner
of the area .. Member

¹[(c) two Pradhans of the Gram Panchayat of the area

¹ Subs, vide N t. No. Fts (A) 3-5/83 dated 14-6-1984 published in R.H.P. dated 5-9-1987 P. 693.

due for felling under the approved 10 years felling Programme formulated under Section 4 of the Himachal Pradesh Land Preservation Act, 1978 .. Member]

(d) The representative of the Agent .. Member

(3) Every meeting of the Committee, shall be presided over by the Chairman-cum-Convener.

(4) The Chairman-cum-Convener shall fix the date, time and place of the meeting of the Committee and intimate the same in writing to all the members of the Committee.

(5) The Advisory Committee shall ordinarily hold its meeting at the headquarters of the Division for which it is constituted. Three members of the Committee shall constitute the quorum.

(6) The minutes of the proceeding shall be reduced to writing and the same shall be approved by the Chairman-cum-Convener. Such approval shall be taken as final and authentic proof of the Committee's recommendations.

(7) The Committee, having regard to the following factors, shall advise the State Government regarding the price at which the forest produce shall be purchased by the State Government or its Agent in each Division during each financial year, namely:---

(a) the weighted average of last three years Government auctions of standing trees, if any, or rates charged in the Divisions concerned from the Himachal Pradesh State Forest Corporation Private Ltd., in respect of Government lots;

(b) the general trend of the market depending upon the latest auctions, if any;

(c) the price variation to be allowed vis-a-vis the basic rate calculated on above factors, depending upon the proximity of the area to road side, quality and quantity of the forest produce being offered for sale; the mode and cost of transportation; the cost of extraction of forest produce; and

(d) any other factors which the Committee may consider relevant.

(8) A copy of the minutes of the meeting of the Committee shall be sent along with the advice to the Chief Conservator of Forests through the concerned Conservator of Forests of the Circle, who in turn shall forward the same to the State Government immediately.

6. Fixation of price by the State Government (section 7).- (1) The State Government, after consideration of the advice of the Committee, shall fix the price at which the forest produce shall be purchased at various places by it or by its agent from the owners of the forest produce.

(2) The price so fixed shall be published in the Official Gazette and shall remain in force upto the end of each financial year.

7. Payment of advances for areas covered by felling programme (section 8).- In case where the area is due for felling during the subsequent years according to the felling programme and the owner is in urgent need of money, he may offer for sale his forest produce to the Agent and may apply for advance of money in Form No. IV. The terms and conditions of such advance are as under:-

(a) advances shall be paid only in the cases where areas are due for felling within next year according to the felling programme;

(b) the owner shall have to mortgage the land along with the standing trees thereon in favour of the Agent;

(c) the advance shall be limited to 25% of the price as fixed for the current financial year for the silviculturally available trees likely to be removed after one year on the basis of enumeration list as may be prepared co-jointly by authorised officer of the Divisional Forest Officer and the nominee of the Agent after demarcation of the area through the Revenue Department as provided under rule 4(3);

(d) the responsibility for the protection of the tree shall rest with the owner;

(e) in case of failure of the owner to part with the trees or refund of amount with interest during the year when the area is due for felling, the Agent shall be at liberty to file a suit for recovery of advances and other incidental expenses along with interest thereon; and

(f) the agent may charge interest on advances so paid under sub-rule (c) above on the rates as may be fixed by the State Government from time to time.

8. Disposal of forest produce (section 9).- (1) The Agent shall sell the forest produce through its depots under sub-rule (2) by open auction or by supplies to Government and other Departments.

(2) The Agent shall also open depots for local sales of the forest

produce as may be specified by the State Government from time to time.

9. Terms and conditions for grant of permit (section 19).- (1) The Divisional Forest Officer of the concerned Division will be the authorised officer for the insurance of a permit under sub-section (1) of section 19.

(2) The application in Form No. V for issue of permit under sub-section (1) of section 19 of the Act shall be submitted to the Divisional Forest Officer who shall after making such enquiries as he may deem fit, issue permit in Form No. VI:

Provided that where the Divisional Forest Officer has reason to believe---

(a) that the extracted forest produce purchased for the purpose of further sale before the commencement of the Act is not genuine or bona fide;

(b) that the forest produce procured by the applicant was from unauthorised source; or

(c) that the orders for demarcation and marking for extraction of forest produce were not issued prior to the commencement of the Act; he may reject the application.

(3) The forest produce in respect of which application for permit under sub-rule (2) above has been rejected may, after opportunity of being heard has been given to the applicant, be seized by the Divisional Forest Officer concerned.

(4) Any person aggrieved by the order of the Divisional Forest Officer made under sub-rule (2) may prefer an appeal to the Conservator of Forests of the Circle concerned within thirty days from the date of rejection order made under sub-rule (2) and the orders passed thereon by the Conservator of Forests shall be final.

10. Procedure of recovery of advance [section 19 (2)].- (1) Application for recovery of advance, if any, paid to the trader before the commencement of the Act shall be made in Form No. VII to the Divisional Forest Officer concerned.

(2) Upon receipt of the application, the Divisional Forest Officer shall issue a notice fixing place, date and time for hearing the applicant (s) for purpose of enquiry.

(3) The Divisional Forest Officer for purpose of satisfying himself about the genuineness of the transaction may summon witnesses, documents,

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representatives of the Agent, any other evidence which in his opinion is necessary to arrive at a just decision about the genuineness of the transaction and to determine the amount of advance.

(4) After expiry, the Divisional Forest Officer may pass such order for the payment of such money as he considers genuinely required to be reimbursed to the trader.

(5) The Divisional Forest Officer shall forward his decision to the Agent or his nominee directing him to pay such amount of money.

(6) Upon receipt of orders of the Divisional Forest Officer, the Agent or his nominee shall pay the amount as determined by the Divisional Forest Officer to the traders and shall enter into an agreement deed with the owner for recovery of such advances and thereupon the forest produce, for which the transaction had been made by the owner with the trader, will pass on to the Agent.

FORM-I

**FORM OF APPLICATION FOR TRANSPORT OF FOREST
PRODUCE
UNDER RULE 3(1) TO THE DIVISIONAL FOREST OFFICER**

1.	Name, father's name and address of applicant. If it is a registered firm or company, registered number, year of registration, the name and address of person holding a power of attorney (a copy of power of attorney be enclosed).	
	In case of Himachal Pradesh State Forest Corporation name of authorised officer of the Corporation/Division.	
2.	Detail/Description of forest produce for which export is required (species-wise, size-wise list of timber/billets, in case of timber--10 copies).	
3.	Source of obtaining forest produce (quote felling order in case of trees).	
4.	Whether payment has been made to the owners in full? If not, the unpaid balance.	
5.	Place from and to which forest produce is required to be transported.	
6.	Mode of transport.	
7.	Period for which permit is required.	

8.	Route by which the forest produce is to be transported.	
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Place.....

Date.....

*Signature/thumb-impression
of the applicant*

FORM II

[See rule 4 (1)]

FORM OF APPLICATION FOR SALE OF FOREST PRODUCE

To

.....
(Give designation of Agent or his nominee to whom the forest produce is offered for sale).

I,son of.....r/o.....hereby offer for sale the standing trees/forest produce which are standing on my privately owned land. The detailed particulars are as under:-

1. Name of owner, father's name with full address ..
2. Name of village where forest produce is owned with Khata/Khatauni/Khasra No. and area of each khasra and kind of land (enclose copy of latest Jamabandi and Tatima).
3. Detail/Description of forest produce offered for sale ..
4. Name of Range/Block/Beat in which forest produce, offered for sale, is located ..
5. Year when area is due for felling under 10 years felling programme under section 4 of the Himachal Pradesh Land Preservation Act, 1978.

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Place.....

Signature/thumb-impression of the

Date.....

applicant/owner.

Verification/Attestation of President of Gram Panchayat or Lambardar.

FORM III
[See rule 4(8)]

FORM OF FELLING ORDER

Division.....

Shri.....son of Shri.....resident of Village.....Tehsil.....District.....(Himachal Pradesh) (Give full address of owner) is permitted to fell the trees as per details given below through.....(Give details/designation of the Agent or his nominee).

Name of Village	Khasra No.	Area	Kind of land	Species	Details of trees I, II, III, IV, V	Volume
1	2	3	4	5	6	7

(Note.-Give Khasra-wise detail of trees).

1. Name/designation of Marking Officer ..
2. Description of marking Hammer used ..
3. Date of demarcation and marking ..
4. Name/designation of Revenue Officer who gave demarcation ..
5. Name/designation of authorised officer/nominee of Agent who associated in demarcation and marking
6. Period of validity of felling order ..
7. Any other conditions imposed by the Divisional Forest Officer concerned ..

(Signature)
Divisional Forest Officer,
.....Forest Division.

(Seal of office to be affixed).

No..... Dated.....

Copy forwarded to:-

1. Shri.....s/o Shri.....resident of(give full address of owner) with reference to his application dated addressed to.....
2. Range Officer.....for information and necessary action with reference to his report No..... dated.....
3. Agent or his nominee for information and necessary action with reference to his letter No.....dated.....

Divisional Forest Officer,
.....Forest Division.

FORM IV

(See Rule 7)

APPLICATION FOR ADVANCE AGAINST SALE OF FOREST PRODUCE IN SUBSEQUENT YEAR

To

.....

.....

(Give designation of the Agent/Officer to whom the produce is offered for sale).

I,hereby offer for sale of standing trees/forest produce which are standing on my privately owned land and are due for felling during the year.....as per approved felling programme under section 4 of the Himachal Pradesh Land Preservation Act, 1978 and request for an advance of Rs.....

The full particulars are as under:-

1. Name of owner, father's name with full address ..

2. Name of village where forest produce is owned with Khata/khatauni/Khasra number and area of each Khasra and kind of land (enclosed copy of latest Jamabandi and Tatima) ..
3. Detail/Description of forest produce offered for sale ..
4. Name of Range/Block/Beat in which forest produce offered for sale is located ..
5. Year when area is due for felling under felling programme under section 4 of the Himachal Pradesh Land Preservation Act, 1978 ..
6. Estimated No. of trees likely to be removed during the year of felling ..
7. Amount of advance requested for ..
8. Reasons for seeking advance ..
9. Whether willing to mortgage land with trees against the amount of advance and execute mortgage deed ..

Place.....

Signature/Thumb impression of the applicant.

Verification by President, Gram Panchayat or Lambardar of the area.

FORM V**[See Rule 9(2)]****FORM OF APPLICATION FOR PERMIT UNDER SECTION 19(1)**

To

The Divisional Forest Officer,
.....Division.

I,.....son

of.....,

r/o

.....(Give full address) have purchased the forest produce the detail of which is enclosed, from Shri..... son of....., r/o.....(Give full address) for purpose of further sale/have extracted forest produce the detail of which is enclosed, after permission of Divisional Forest OfficerDivision vide his letter No..... dated.....have obtained order of demarcation and marking of tree in village.....Khasra No..... from Divisional Forest Officer.....Division on (date)vide his letter No..... dated.....before the commencement of the Himachal Pradesh Forest Produce (Regulation of Trade) Act, 1982. It is, therefore, requested that I may be accorded permission to sell/transport/convert/fell and convert the forest produce/trees under section 19 (1) of the Himachal Pradesh Forest Produce (Regulation of Trade) Act, 1982.

*Signature/Thumb-impression
of the applicant.*

Place.....

Date.....

Note.- (1) Score out whichever is not applicable.

(2) Enclose detail of forest produce for which permit is required.

FORM VI

[See Rule 9(2)]

**FORM OF PERMIT TO SELL/CONVERT/FELL AND CONVERT,
FOREST PRODUCE AS REQUIRED VIDE SECTION 19(1)**

Division.....

Permit No.....

Dated.....

Shri.....son of Shri.....
....., r/o.....(Give full address) is permitted to sell/convert/fell and convert the forest produce trees as per details given below, which after due enquiry under rule 9(2) of the Himachal Pradesh Forest Produce (Regulation of Trade) Rules, 1982 have been verified that the purchase was effected for further sale/has felled the trees/or orders for demarcation and marking were issued on..... before the commencement of the Act.

Description/detail of forest/timber for which permission is valid.

The permit is valid upto.....

Divisional Forest Officer,

.....Division.

Place.....

Date.....

Note.- (1) No permission is to be granted beyond 30th November, 1982.

(2) In case of permission for transport of forest produce which has been converted prior to commencement of Act, export permit will be issued as per form prescribed under sections 41 and 42 of Indian Forest Act, 1927 and rules made thereunder.

No.....

Dated.....

Copy forwarded to Shri.....s/o
Shri.....,r/o.....(Give full address) in whose favour permit
is to be issued with reference to his application dated.....

2. Copy to Range Officer.....for information and necessary
action.

3. Agent or his nominee for information and necessary action.

Divisional Forest Officer,
.....Division.

FORM VII

[See rule 10(1)]

FORM OF APPLICATION FOR REFUND OF ADVANCE PAID TO TRADER BEFORE COMMENCEMENT OF THE ACT

1. Name of owner, father's name with full address (who had entered into a contract for sale of forest produce to purchaser/trader).
2. Name of trader/purchaser/father's name with full address or firm (who had entered into a contract with owner for purchase of forest produce).
3. Detail/description of forest produce for sale and purchase of which the contract was executed (give full detail i.e. Village, Khata/Khatauni,

Khasra Nos., area and kind of land where standing trees were committed to be sold to purchase/trader).

4. Date of entering into contract (enclose a copy of agreement deed duly attested by a Magistrate).

5. Names of witnesses to the contract

6. Amount of advance obtained by owner from purchaser/trader.

7. Amount of advance repaid by owner to the purchaser.

8. Balance amount of advance payable by owner to the purchaser/trade for which request is made.

9. Detail of evidence/names of witnesses with full address (if any) who are required to be produced to establish claim of advance received by owner and paid by purchaser.

10. Any other information to be furnished in support of claim.

Signature/Thumb impression of the owner.

Place.....

Date.....

Signature of Purchaser trader.

Note.- (i) Enclose affidavit(s) duly attested by the Magistrate 1st Class in support of claim.

(ii) Enclose an attested/photostat copy of agreement deed.

(R.H.P., Extra dated 19-2-1983, P. 215-224.)