

Nagaland Tree Felling Regulation, 2002

[27 February 2002]

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Whereas, by interim order dated 12.5.2001 passed in WP (C) No.202 of 1995, the Hon''ble Supreme Court had directed, interalia, that guidelines/rules be framed regarding felling of trees from non-forest areas including in respect of plantations on non-forest areas; Therefore, in pursuance of the directions of the Hon''ble Supreme Court referred to in the above said order dated 12.5.2001 and in exercise of all the enabling powers vested in the State, the Government of Nagaland hereby makes the following regulations as follow:-

1. Section 1 :-

- (i) These regulations shall be called the "Nagaland Tree Felling Regulation, 2002"
- (ii) These shall extend to the whole of Nagaland in respect of felling of trees from Non-Forest areas including tree plantations on Non-Forest areas.
- (iii) These shall come into effect from the date of notification.

2. Registration Of Tree Plantations :-

(i) Tree plantations raised in private and community holdings but not covered by working schemes shall be registered with the local Divisional Forest Officer in the manner as may be prescribed in this behalf.

(ii) Registration of such plantations shall be made on the basis of a certificate issued by the respective village council authority as to the ownership and rights.

(iii) The Divisional Forest Officer shall prepare and make available a certificate of such registration to the registered owner with copies to the village council, Conservator of Forest and Principal Chief Conservator of Forest

3. Procedure For Permission For Felling Of Trees From Registered Plantation :-

(i) Applications for permission for felling of trees shall be made to the Divisional Forest Officer

(ii) Application shall contain the species, number and quantity of trees to be felled and the same be accompanied with a copy of registration certificate.

(iii) The Divisional Forest Officer shall prepare and make available a certificate of such registration, which shall inter-alia include a location map/sketch of the plantations, to the registered owner with copies to the village level body, Conservator of Forests and Principal Chief Conservator of Forests.

(iv) The registered owner shall be informed of the outcome of his application within a period of 60 days from the date of filing his application.

(v) Permission shall be issued by the Divisional Forest Officer and copy of such permission shall be transmitted to the respective Village Council.

4. Tree Species Not Requiring Felling Permission :-

All horticultural tree species will not require permission for felling, from Non Forests Area including plantation of such spp, excluding the following species:

a) Aam (Mangifera indica)

b) Wild apple

1. Restriction of Permission:

(i) No permission for felling shall be allowed except in respect of

registered plantations or in respect of felling of isolated Trees as provided in this Regulation.

(ii) Permission shall not be granted where the Trees are less than 5 years old.

2. Permission for felling of isolated Trees in Non-Forest Areas like Homestead/Farm Houses etc.

(i) Permission for felling of isolated trees from Non-Forest Areas like homestead/farm houses etc, subject to the maximum of five trees per applicant, shall be granted by the Divisional Forest Officer.

(ii) Application along with the certificate of ownership issued by the Village Council shall be made to the Divisional Forest Officer through the respective Range/Beat Officer, who shall make a verification report of the trees.

(iii) The Divisional Forest Officer shall forward proposal to the Conservator of Forest of the respective circle, who shall in turn forward the same to PCCF for obtaining approval of the State Government.

(iv) Applicant shall be informed of the outcome of his application within 60 days of the date of filing such application.

(v) Permission shall be issued by the Divisional Forest Officer and a copy of such permission shall be transmitted to the respective Village Council, Range/Beat Office.

5. Section 5 :-

6. Section 6 :-

7. Removal Of Felled Trees :-

(i) No trees/timber shall be removed from the felling site without Transit Pass issued by the Officers of the Forest Department authorised under the relevant Nagaland Transit Rules.

(ii) Transit Pass shall be issued in accordance with the permission and on realisation of dues and fees payable to the State Government.

8. Consequence Of Violation Of Regulations :-

Any tree/timber felled, transported and converted in contravention of these regulations or any order made thereunder, shall be liable to be seized and the same be released to the lawful claimant after payment of a fine determined at the rate of 30% of the value of the Royalty at the rate in force at the time of seizure.

Provided that wherein claim of ownership has been made in respect

of the seized Timber in transit within a reasonable time, it shall open to the State Government to dispose of such seized timber and the proceeds thereof may be returned to the lawful claimant after deducting all the expenses

9. Seizure Of Trees Felled In Violation Of Rules/Guidelines

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(i) Timber obtained from trees felled in violation of these instructions shall be deemed to have been seized to the State Government. However, the Divisional Forest Officer shall be at liberty to release the timber obtained from such trees, to the legal title holder(s), after recovery to an amount equal to 200% of the royalty for the tree/timber.

(ii) The seizure of timber as per 9.1 above is without prejudice to any action or penalty leviable under the relevant acts or rules.

10. Revision :-

The State Government may at any time call for and examine the records relating to any order passed or proceeding taken under these regulations by another/other authorities for the purpose of satisfying itself as to the legality or correctness of such order or proceedings and may pass such order as it may deem fit.

11. Section 11 :-

In pursuance of the Supreme Court order Dated 12th May 2001, concurrence of the Ministry of Environment & Forests was obtained vide Ministry's letter No.8-180/NEC/2001/Pt.II Dated 7th January 2002.

12. Section 12 :-

This supercedes Government Notification of even number Dated 7th July, 2000 issued earlier in this regard

Sd/-

Dr. S.C.Deorni,

Commissioner & Secretary to the Government.