


12

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ANDAMAN AND



निकोबार राजपत्र
NICOBAR GAZETTE

असाधारण
EXTRAORDINARY

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ANDAMAN AND NICOBAR ADMINISTRATION

Port Blair

NOTIFICATION

13/87 No. E. (T)/27/25. In exercise of the powers conferred by section 32 of the Indian Forests Act, 1927 (Act XVI of 1927) read with notification of Govt. of India in the Ministry of Home Affairs No. 69/49/50-AN dated the November, 1951, the Lieutenant Governor (Administrator), Andaman and Nicobar Islands has been pleased to make the following rules for 'Protected Forests' in the Andaman and Nicobar Islands Namely :

1. (i) These rules may be called the Andaman and Nicobar Islands Protected Forests, Rules, 1986.
(ii) They shall come into force from the date of their publication in the Gazette of Andaman & Nicobar Administration.
2. In these rules, unless there is anything repugnant in the subject or context :-
 - (a) 'the Act' means the Indian Forests Act, 1927 (Act XVI of 1927) as amended from time to time;
 - (b) 'Forest' means protected Forest, declared under section 29 of the Act.
 - (c) 'Government' means Andaman & Nicobar Islands Administration and or Union Govt. of India;
 - (d) 'Lieutenant Governor' means the Lieutenant Governor for the Union Territory of Andaman & Nicobar Islands; and
 - (e) 'Section' means a section of the Act.
3. (i) Except as provided in these rules, no persons shall cut, saw convert or remove or cause to be cut, sawn, converted or removed, any tree or timber, or collect manufacture or remove or cause to be collected, manufactured or removed any forest produce, in or from a forest.
(ii) The cutting, sawing, conversion or removal of trees or the collection, manufacture or removal of forest produce in or from a Forest may be permitted under and in accordance with the terms and conditions of a licence or a permit issued in this behalf under these rules.
4. Licences under these rules may be granted in the following cases:
 - (i) To bonafide inhabitants of villages in the vicinity of forest and to the persons residing in Port Blair Municipal area who are in occupation of agricultural land duly allotted to them by the appropriate authorities of the Andaman and Nicobar Administration and who are not entitled for the timber free of royalty under sub-rule (ii) of rule 4 of these rules; licence shall be issued by the Divisional Forest Officer or his nominee, subject to the payment of royalty of such timber as fixed by the Government from time to time and subject to the terms and conditions of the said licence, to cut, saw, convert or

13

2

remove trees and other forest produce except those declared to be reserved under sub-section (a) of Section (30) of the Act, for their 'bonafide' domestic use only.

Application for issue of licence for removal of timber on payment for construction of new houses shall be made to the Divisional Forest Officer through the Tehsildar or other Revenue official authorised for the purpose by the Government, who shall certify that the applicant is a bonafide agriculturist entitled to get timber on payment under this sub-rule and that he does not already possess a house and that he has got land allotted in his name for the construction of a new house. Applications for repairs to a house may be made to the Divisional Forest Officer concerned through the Tehsildar or other revenue official authorised by the Government who shall certify that the applicant is a bonafide agriculturist eligible for timber on payment under this sub-rule and that the requirement of timber for repairing his house is genuine. The following are the limits up to which the timber may be removed by a licensee :

- [a] 15 (Fifteen) cubic metres of timber in round for construction of a new house once.
- [b] 6 (Six) cubic metres of timber in round for repairs to a house once in five years, and
- [c] One cubic metre of timber in round for construction of a dinghi and/or manufacturing of agricultural implements to be used solely for domestic purpose and not for trade once in five years.

A fee of Rs. 5.00 (Rupees five only) shall be charged for each permit to be issued, in addition to the royalty that may be chargeable. The permit fee shall be deposited in advance with the Range Officer having jurisdiction. The choice of the locality from where the licensee shall extract the timber shall rest with the Divisional Forest officer who shall mark the timber or get the same marked through his nominee. The area where the tree would be marked shall however as far as possible be close and nearest to the residence of the permittee/licensee. The Licensee shall accept the tree marked by the Divisional Forest Officer or his nominee and extract the entire quantity of timber that will be available from the marked tree so felled after the same is marked by the Divisional Forest Officer or his nominee.

The Licensee shall have to deposit the full royalty for the timber in advance, any quantity required in excess of the above limits will be sanctioned by the Chief Conservator of Forests in consultation with the Dy. Commissioner on the merits of the case.

[ii] To occupiers of agricultural land including settlers settled under colonisation scheme who reside in villages outside the Port Blair Municipal area, to religious, cultural, recreational and educational institutions and to village panchayats, licences shall be granted by the Divisional Forest Officer or his nominee, free of royalty to cut, saw, convert, remove trees, other than those declared to be reserved under sub-section (a) of section 30 of the Act, for their bonafide domestic use only.

Applications for issue of permit to cut timber free of royalty shall be submitted through Tahasildar or other Revenue official authorised by the Government who shall certify that the person concerned is a bonafide agriculturist entitled for timber free of royalty under this sub-rule, and that he does not already possess a house/his house is in bad state requiring repairs and that he has got land allotted in his name for the construction of a house/on which the house needing repairs is standing. The following are the limits of the quantity of timber which may be issued to a villager or a village panchayat or any of the institutions mentioned above, free of royalty, for their bonafide use and not for trade :-

- [a] 15 (Fifteen) cubic metres of timber in round for construction of a new house only once.
- [b] 6 (Six) cubic metres of timber in round for repairs to a house once in five years, and
- [c] One cubic metre of timber in round for construction of dinghi and/or manufacture of agricultural implements to be used solely for domestic purposes and not for trade once in five years.

A fee of Rs. 5-00 (Rupees five only) shall be charged for each permit to be issued, but no royalty is to be charged. The permit fee shall be deposited in advance with the Range Officer having jurisdiction. The choice of the locality from where the licencee shall extract timber shall rest with the Divisional Forest Officer who shall mark the timber or get the same marked through his nominee. The area where the tree would be marked shall however as far as possible be nearest to the village of the permittee/licencee. The Licencee shall accept the tree marked by the Divisional Forest Officer or his nominee and extract the entire quantity of timber that will be available from the marked tree so felled after the same is marked by the Divisional Forest Officer or his nominee.

(iii) Licences to the bonafide agriculturists in possession of agricultural land residing outside Port Blair Municipal area to extract Minor Forest Produce free of royalty on a permit issued by the Range Officer concerned as per the following limit per family.

- [a] Firewood — Two cords per year
- [b] Bamboo — Five hundred numbers per year
- [c] Ballies — One hundred numbers per year
- [d] Posts — Twenty numbers per year.
- [e] Thatching leaves (including Dhani-Palm & Pandanus leaves) — Two thousand number per year.
- [f] Canes — Two hundred numbers per year.

A fee of Rs. 5-00 (Rupees Five only) shall be charged for each permit to be issued, but no royalty is to be charged. The permit fee shall be deposited in advance with the Range Officer having jurisdiction.

(iv) Licences for trade purposes and for purposes other than those covered by above Sub-rule shall be issued by the Divisional Forests Officer at rates of royalty as are fixed by the Govt. from time to time.

5. (i) Collection of minor forest produce required for public functions such as Republic Day, Independence Day, Ghandhi Jayanti or for other Public functions shall be allowed free of royalty, subject to the permission of the Chief Conservator of Forests in each case on the applications of the Department concerned. Collection of minor forest produce required for other departmental work shall be allowed only after payment of royalty at the rates prescribed by the Govt. from time to time in this behalf.

(ii) For the purpose of sub-rule(i) Chief Conservator of Forest may allow free grant up to the value of Rs. 500/- in each case, as authorised under Govt. of India, Ministry of Food and Agriculture No. 6-18/59 F.11 dated 7-9-1959. Cases beyond the competency of the Chief Conservator of Forests shall be referred to the Lt. Governor for sanction.

6. The application for grant of licences/permits for the removal of timber under 4 shall be addressed to the Divisional Forest Officer concerned as per the procedure prescribed under the respective sub-rules of Rule 4. After satisfying himself regarding the bonafides of the applicant (i.e. whether he is a genuine agriculturist or head of village panchayet or the office bearer of the Institution as the case may be and quantity of timber actually required on the recommendation of local Tehsildar and Range Officer the Divisional Forest Officer) concerned shall order for issue of licences/permits by the Range Officer concerned. After the grant of licence/permit the licencee/permittee should fix a day with the Range Officer concerned or his representative on which to meet him in the Forests. The Range Officer or his representative shall mark the trees in the forests according to the instructions issued from time to time by the Divisional Forest Officer, enter the number of trees, in the licence/permit and authorize the licencee/permittee to fell trees and remove, the timber after measurement by the Range Officer or his sub-ordinates in rank not below than that of a Forest Guard. For removal of minor Forest Produce e.g. Ballies, posts, Thatching Leaves and Canes by Villagers either free or on payment,

14

applications should be made to the Range Officer concerned except for cases referred to under rule 5, who will ascertain the bonafide of the applicant and their actual requirement by a reference to the Tahsildar concerned. Permits for such Minor Forest Produce shall be issued by the Range Officer having jurisdiction on payment of a permit fee of rupees Five only Plus Royalty where leviable.

7. The timber and other forest produce extracted against licences and permits issued under rule 4(i) (ii) and (iii) are meant for bonafide domestic use of the permittee/licensee and the official use of the Panchayat or the permittee/licensee institution only and not for sale, barter or gift and shall not be allowed to be exported outside Andaman & Nicobar Islands. In the event of any person found trading in such timber or to her Forest produce or exporting them outside Andaman and Nicobar Islands, the timber and other forest produce in question shall be confiscated to the Govt. under orders of the Magistrate having jurisdiction and the person in question shall be debarred from getting timber and other forest produce on payment of royalty or free of royalty in future.

8. The holder of a licence or a permit for removal of timber or other forest produce from a forest shall be bound to produce such licence or permit and also the timbers and other forest produce removed against such licence, or permit for examination on demand by a Forest Officer not below the rank of a Forest Guard. Failure to Produce such licence or permit or timber and other Forest produce removed from forest on such demand shall for the purpose of clause (b) of the sub-section (i) of Section 33 of the Act be deemed to be an infringement of these rules.

9. (i) The Divisional Forest Officer, may, for the purpose of bulk extraction of commercial timber from a forest, for supply to the Department, cause trees in the Forest to be marked or areas therein to be demarcated in sections/coupes in any locality according to a felling programme for the time being in force where such programme does not exist, in the manner as may be considered necessary and decided by the Divisional Forest Officer, in such forest and get the commercial timber extracted through the best advantage to the Government either departmentally or through contractors by inviting tenders or auction through Co-operative Societies or other comparable local bodies, if any authorised by the Lieutenant Governor by negotiation at rates prevalent in the same locality or in a comparable area as may be considered by the Conservator of Forests having jurisdiction to be expedient for particular areas:

(ii) The normal method of outright disposal of commercial timber from a forest for trade purposes shall be by auction or tender;

Provided that in case of small quantities of felled timber in remote localities, the Divisional Forest Officer may dispose of such timber by negotiation at rates not lower than those fixed from time to time by the Government, in each case, to prevent deterioration and consequential loss to Government.

(iii) The Divisional Forest Officer may extract or cause to extract non-commercial timber in such quantities as are in demand from time to time either departmentally or through tender or through Co-operative Societies or similar bodies in the manner stated in sub-rule (i) Non-commercial timber standing on forest areas proposed to be given up for purposes other than forest and not required by the Forest Department, the Divisional Forest Officer shall dispose of such timber by auction or tender provided that in case where there is poor response to such action or tender, the Divisional Forest Officer may sell such standing non-commercial timber in small lots to any local entrepreneur by negotiation at rate not less than the highest prevailing rate for adjoining or comparable areas after obtaining the approval of the Conservator of Forests having jurisdiction.

(iv) Every action taken by the Divisional Forest Officer under sub-rule (i), (ii) and (iii) shall be under properly executed Agreement and for the purpose of clause (g) of Sub-section (i) of section 33 of the Act, the violation of the terms and conditions of such agreement shall be deemed to be an infringement of the rules.

10. If the Conservator of Forests having jurisdiction is, at any time, of opinion that the supply of any kind of forest produce in an area is sufficient only to meet local requirement he may, by an order in writing, prohibit the removal of such forest produce beyond the limits of any locality specified therein and such forest produce shall not be removed beyond such limits.

11. The Divisional Forest Officer may grant temporary licence in the forest area upto 2 hectare with the approval of the Conservator of Forests having jurisdiction to the contractor who has been allotted any work in the forests concerned for keeping his labourers and equipments on payment of licence fee of Rs. 5.00 (Rupees Five only) and payment of land rent of Rs. 5.00 (Rupees Five only) per ha. per annum or part thereof of such licence will be for one year only at a time and the grant of such licence shall not confer on the licensee/permittee any right on or over the land. The licensee shall be responsible to ensure that no encroachment by any of his workers and others takes place in or outside the area allotted and for the purpose of the Section 33 of the Act, any encroachment by him or by his staff, employees or workers shall be deemed to be an infringement of the rules.
12. No Forest area shall be allotted by any Government Department/Agency for non-forestry purposes without obtaining prior approval of Government of India through the Forest Department as required and provided in the Forest (Conservation) Act, 1980 (Act No. 69 of 1980) if so and for any other Act as is/may be applicable from time to time.
13. The Scheduled Tribes of Andaman and Nicobar Islands shall collect their actual requirement of Forest produce from the Forest for their bonafide domestic use without any restriction.
14. Any infringement of these rules shall be punishable under Section 33 of the Indian Forest Act.
15. (i) The rules issued vide Administration Notification No. 13/66/Tim/18-A Vol. I (J) dated 29th January, 1966 and published in the Extra ordinary issue of the Andaman and Nicobar Gazette No. 9 on the same date and all subsequent amendments as made thereunder from time to time are hereby repealed.
- (ii) Notwithstanding such repeal all action or proceedings taken or initiated under the repealed rules shall continue to be proceeded as if those rules have not been repealed.

By order,
Sd/-

Secretary (Forest)
Environment & Forests
Andaman & Nicobar Administration.