

**THE UNITED KHASI – JAINTIA HILLS
AUTONOMOUS DISTRICT COUNCIL
(MANAGEMENT AND CONTROL OF
FORESTS)
ACT, 1958**

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**THE UNITED KHASI – JAINTIA HILLS
AUTONOMOUS DISTRICT
(MANAGEMENT AND CONTROL OF
FORESTS) RULES, 1960**

(As Amended)

**THE UNITED KHASI – JAINTIA HILLS
AUTONOMOUS
DISTRICT (MANAGEMENT AND
CONTROL OF FORESTS) ATC, 1958.**

(As Amended)

Khasi Hills Autonomous District Council, Shillong

The 24th January, 1959

No. TAD/R/25/53.—In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India the following Act of the District Council of the United Khasi – Jaintia Hills Autonomous District which received the assent of the Governor of Assam is published below for general information :--

THE UNITED KHASI – JAINTIA HILLS AUTONOMOUS DISTRICT (MANAGEMENT AND CONTROL OF FOREST) ACT, 1958

(Received the assent of the Governor on 22nd January 1959)

(UNITED KHASI – JAINTIA HILLS ACT I OF 1959)

(Published in the Assam Gazette on 22nd January 1959)

An Act

To provided for the management and control of forests in the United Khasi – Jaintia Hills Autonomous District

Preamble: -- Whereas it is expedient to make laws relating to the Management and Control of Forests in the areas of the Autonomous United Khasi Jaintia Hills District within the jurisdiction of the District Council as specified in the Sixth Schedule to the Constitution of India.

It is hereby enacted by the District Council in the Ninth Year of the Republic of India as follows:--

1. Short title, extent and commencement: -- (1) This Act shall be called the United Khasi – Jaintia Hills Autonomous district (Management and Control of Forests) Act, 1958.

(2) It extends to the whole of the United Khasi – Jaintia Hills Autonomous District as define in sub- paragraph 20 of the Sixth Schedule to the Constitution of India.

(3) it shall come into force at once.

2. Definition and interpretation: -- In this Act, unless there is any thing repugnant in the subject matter or con text otherwise requires:--

1[(a) “District Council” means the District Council of the “Khasi Hills Autonomous District”]

(b) “District Fund” means the District Fund of the Khasi – Jaintia Hills Autonomous District constituted under paragraph 7 of the Sixth Schedule to the Constitution of India and “District” means the Autonomous District of the United Khasi – Jaintia Hills;

(c) “Dolloiships” means those areas in the Jowai Subdivision known as “British Dolloiships” prior to the commencement of the Constitution of India. They are nineteen in number as shown in Appendix I;

(d) “Durbar” means the customary Durbar of the Syiem, Lyngdoh, Sirdar, Dolloi Wahadar, or head as the case may be;

(e) “Executive Committee” means the Executive Committee of the District Council of the United Khasi – Jaintia Hills Autonomous District, and the terms “Chief Executive Member” and “Member of the Executive Committee” shall be construed accordingly;

1. Substituted by the Fourth Amendment Act, 1987

2 [(f) “Forest” means and shall be deemed to be a forest, if in the area, there are reasonable number of trees, say, not less than twenty five trees per acre, reserved or any other forest produce growing on such area, which have been or are capable of being exploited for purposes of business or trade.]

3 [(g) “Forest Officer” means any person appointed by name or is holding office by or under the Executive Committee and includes the Chief Forest Officer, an Assistant Forest Officer, Forest Ranger, Deputy Forest Ranger, Forester, Assistant Forester, Forest Guard or any person or agent discharging the function of a Forest Officer under this Act or any rule thereunder;

4 [(h) “Forest produce “ includes:--

(1) Those which are found in or brought from a forest namely:-- Timber, charcoal, caoutchouc, rosin, bark, myrabolam.

(2) Trees, plants not being trees including grass, creepers, reeds, canes, orchids; and

(3) Skin, tusks, horns, bones lacs and silk cocoons found in or brought from a forest.

5 [(i) “Forest offence” means an offence punishable under this Act or any rule thereunder;

6 [(j) “Government” means the Government of Assam;

7[(k) “He” – The pronoun “He” and its derivatives are used so as to include any person whether male or female.

2 Inserted by the Amendment Act, 1960.

3, 4,5,6,7, Renumbered by the Amendment Act, 1960 and the third Amendment Act, 1980.

8 [(l)] “Magistrate” means a magistrate of the first class or second class and includes a magistrate of the third class when he is specially empowered by the Executive Committee to try forest offence 9[-----]

10[(m)] “Prescribed” means prescribed by rules under this Act;

11[(n)] “Rangbah kur” means the representatives of a family clan or (group of) joint clans;

12[(o)] “Reserved Forest” means any area which is a reserved forest 13[as define in sub-paragraph (2) of paragraph 3 of the Sixth Schedule to the Constitution of India;]

14[(p)] “Reserved trees” are such trees as may be reserved by the order of the District Council;

15[(q)] “River” includes also streams, canals and other channels natural or artificial;

16[(r)] “Raid” means a distinct unit within the Syiemship, Dolloi, Lyngdohship, Sirdarship, or Wahadadarship composed of one or more villages;

17[(s)] “Syiemship” means those areas known as “Khasi State” prior to the commencement of the Constitution of India. They are twenty five in number as shown in Appendix II,

18[(t)] “Sirdarships” means those areas in the Shillong Subdivision known as ‘British Sirdarship’ prior to the commencement of the Constitution of India. They are thirty-one in number as shown in Appendix III;

19[(u)] “Tree” includes palms, bamboos, slums, brushwood and canes;

8, & 10,11,12,14, 15, 16, 17, 18, *Renumbered by the Amendment Act, 1960 and the Third Amendment Act, 1980.*

9 *Omitted by the Second Amendment Act, 1979.*

13 *Substituted by the Amendment Act, 1960.*

20[(v)] “Timber” includes trees where they have fallen or have been felled, and all woods, whether cut of or fashioned or hollowed cut for any purpose.

21[(w)] “This Act” means the United Khasi – Jaintia Hills Autonomous District (Management and Control of Forests) Act No 1 of 1959, as amended.)

3. Classification of Forest: -- The forests to which this Act applies are classified under the following categories:--

(i) (a) **Private Forest:**-- There are forests belonging to an individual or clan or join clan which are grown or inherited by him or them in recognized private lands (Rikynti);

(b) **Law- Ri – Sumar:** --These are forests belonging to and individual clan or joint clans (which are grown (or inherited) him or them in a village or common raj land.

(ii) **LawLyngdoh, LawKyntang, Law Niam:** -- These are forests set apart on religious purpose and hitherto managed or controlled by the Lyngdoh on other person or person to whom the religious ceremonies for the particular locality or village or villagers are entrusted.

Explanation: -- Lyngdoh in this particular respect is a religious head and not the administrative head mentioned in section 2 (s).

19, 20 & 21 Renumbered by the Amendment Act, 1960 and the Third Amendment Act, 1980.

(iii) **Law- a dong and Law- Shnong:** -- These are village forests hitherto reserved by the villagers them-selves for conserving water, etc; for the use of the villagers and managed by the Sirdar or headmen with the help of the Village Durbar.

(iv) **Protected Forests:** -- These are areas already declared protected for the growth of trees for the benefit of the local inhabitants and also forests that may be declared by rules under this Act.

(v) **Green Block:** -- These are forests belonging to an individual family clan or joint family clans and raj lands already declared as Green Block Government for aesthetic beauty and water supply of the town of Shillong and its suburbs and also forests that may be so declared by rules under this Act.

(vi) **Raid Forests:** -- These are forests 22[looked after] by the heads of the Raid under the 23[management] of the local administrative head. 24[.....]

25[(vii)] **District Council Reserved Forests:** -- These are forests that may be so declared by the Executive Committee under this Act or the rules made – thereunder.

(viii) **Unclassed Forest:** -- These are forests hitherto known as Unclassed State Forests before the commencement of the Constitution of India directly managed and controlled by the Government including any other forest (s) not falling within any of the above classification].

22, 23, 24 Substituted and deleted by the Amendment Act, 1960.

25 Substituted and added by the Amendment Act, 1960.

4. Management and Control:-- (a) Private Forest and Law-Ri-Sumar shall be managed by the owners thereof subject to the rules that may be frame by the 26[Executive Committee] from time to time in the general interest of the forestry of the district.

(b) Law Lyngdoh, Law Kyntang, Law Niam, shall be managed by the Lyngdoh or person or persons mentioned in Section 3 (ii) above in accordance with the customary practice in vogue subject to the rules that may be framed by the 27[Executive Committee] from time to time.

(c) Law Adong and Law Shnong shall be managed by the Sirdar or headmen mentioned in Section 3 (iii) above in accordance with the customary practice in vogue subject to the rules that may be frame by the 28[Executive Committee] from time to time.

(d) Protected Forests shall be 29 [looked after] by the local administrative heads in accordance with the rules framed by the 30 [Executive Committee].

(e) Green Blocks shall be 31 [looked after] by the owners in accordance with the rules framed by the 32[Executive Committee].

(f) Raid Forest shall be managed by the heads of the Raid under the 3[management] of the local administrative heads subject to the rules to be prescribed by the 34[Executive Committee].

35[(g)] District Council Reserved Forests shall be owned, managed and controlled by the Executive Committee].

26,27,28,29,30,31,32,33,34,35 Substituted and added by the Amendment Act, 1960

36[(h) Unclassed Forests shall be directly managed and controlled by the Executive Committee.

4 – A. Whenever there is no unanimity among the joint owners or a dispute arises as to the right of ownership over any Private Forest, Law- Ri-Sumar or over any portion of forest included within a Green Block, or whenever a territorial dispute arises between the different local administrative units over any Raid Forest, or any other forest, the Executive Committee may, in order to avoid waste, damage and complications thereof which in its opinion are detrimental or likely to be detrimental to the interest of the forest in general and the parties concerned in particular. take over the management of such forests until the matter has been finally settled and shall managed them during such period in accordance with the provisions of this Act and the rules made thereunder as far as practicable.]

5. Removal of forest produce:-- No timber or forests produce shall be removed for the purpose of sale, trade or business from Protected Forest, Green Blocks, Raid Forests, 37[Unclassed Forests and District Council reserved Forests] without the order in writing of the Forest Officer of the District Council 38[.....]

6. Reserved Trees: -- The Executive Committee may 39[by notification in the Assam Gazette] declare certain trees to be reserved trees in addition to the following:--

- | | |
|-------------------|---------------------|
| 1. Diengblei. | 5. Diengbai. |
| 2. Diengnganblei. | 6. Dieng-agar. |
| 3. Niar-iong. | 40[7. Dienglaaram.] |
| 4. Niar-lieh. | 41[8. Diengbai.] |

36, 37, 38,39,40,41 Substituted, inserted and deleted by the Amendment Act, 1960.

7. Restriction on the felling of trees --- Subject to Section 6 above 42[.....] no tree shall be felled in any forests mentioned in sub-sections 43[(i) (a) (b), (ii), (iii), (iv), (v), (vi), (vii) and (viii)] of Section 3 without the previous sanction of the Chief Forest Officer of the District Council or any officer duly authorised by him in writing.

44[Provided that no tree below 1.37 metre in girth at breast height shall be felled]

45[Provided however that the Executive Committee may by expressed order in writing, relax conditionally or unconditionally the operation of the foregoing proviso, in the case of special circumstances such as in the case of thinning in congested parches of young trees or in consideration of a planned re-afforestation and/or regeneration or in consideration of any other ground which could not be avoided provided that such ground shall be expressed in writing.]

8. Rates of Royalty: -- The Executive Committee may make rules fixing the rates 46[and realisation] of royalty for each class of trees, timber or forest produce which shall be published in the Assam Gazette:

47[Provided-

(i) That all royalty realized shall be credited to the District Fund.

(ii) That the royalty on timbers of the Reserved trees from Raid Forest, Unclassed Forests, Protected Forests shall be half the full rates in respect of persons living in the neighbouring area of the forests concerned where the timber is/are needed for their own domestic use, that is 'for building purpose only. The Executive Committee may, however, relax this provision in case of timbers needed for public utility.

42 Deleted by the Amendment Act, 1960.

43, 44 Inserted by the Second Amendment Act, 1979.

45 Inserted by the Third Amendment Act, 1980.

46, 47 Inserted by the Amendment Act, 1960.

(iii) That no royalty shall be charged for the removal of timbers from Raid Forest. Unclassed Forest except reserved trees by the members of the Raid for their own domestic use of public purpose.

(iv) That the District Council shall annually give to the Syiemships a share of royalty at a percentage to the prescribe by it].

9. No tree shall be felled or removed from Law Lyngdoh, Law Kyntang, Law Niam except for purposes connected with religious functions or ceremonies recognized and sanctioned by the Lyngdoh or other persons in accordance with Section 4 (b).

10. No tree shall be felled or removed from Law Adong except for genuine purposes of the village as may be sanctioned by the Sirdar or headmen in accordance with Section 4 (c)

11. All timbers or forest produce removed from Private Forests and Law-Ri-Sumar shall be liable to payment of 48[.....] royalty prescribed for such timber or forest produce under Section 8 above, 49[at a percentage as may, by notification, be fixed by the executive Committee] when exported beyond the District or when brought to Shillong in vehicles for purposes of trade.

50[.....]

12. Control over ferrying and transit of Forest produce: -- (1)
The control of all rivers and their banks as regards the floating of timber as well as the control of all forest produce in transit by land or water is vested in the Executive Committee which may make rules, e.g, to regulate the transit of any forest produce.

(2) Such rules, may, among other matters---

(a) Provided for the stoppage, reporting, examination and marking of forest produce in transit, in respect of which there is reason to believe that any money is payable to the District Council or to which it is desirable for the purpose of this Act to affix a mark;

48. Deleted by the Second Amendment Act, 1979.

49. Inserted by the Second Amendment Act, 1970.

50. Deleted by the Amendment Act, 1960.

(b) Establish revenue stations to which forest produce is to be taken by the person in charge of it for examination or for realisation of such money or in order that such mark may be affixed to it and prescribe or authorise a Forest Officer, subject to such control as aforesaid to prescribe the conditions under which forest produce is to be brought to, stored at and removed from such revenue station;

(c) Provide for the management and control of such revenue stations and for regulating the appointment and duties of persons employed there at.

51 [(d)] Regulate the establish of saw mills or saw pits or workshops using or consuming timbers and prohibit, absolutely, or subject to conditions as may be specified in a permit which may be issued by the Executive committee for a particular or local area or for the whole Autonomous District in general, the establishment of saw mills or saw pits or workshop using or consuming timbers and including the converting cutting, burning, concealing, marking or super marking of timber, the altering or effacing of any mark on the same and possessions or carrying of marking hammers or other implements used for marking timber].

(e) Regulate the use of property marks for timber and the registration of such marks authorise the refusal or cancellation of the registration on any property marks, prescribe the time for which the registration of property marks is to hold good, limit the number of such marks which may be registered by any one person and provide for the levy of fees for such registration.

(3) The Executive Committee may direct that any rules made under this Section shall not apply to any specified class of timber or other forest produce or to any specified local area.

51 Substituted by the Third Amendment Act. 1980.

13. Powers to regulate felling of trees etc: -- The Executive Committee shall have power to:--

(a) regulate or prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spread of fires;

(b) regulate or prohibiting the felling, cutting, girdling, marking, lopping, tapping or injuring by fire or otherwise of any trees, the sawing, conversion and removal, and the collection and removal of other forest produce;

(c) regulate or prohibit the boiling of catechu or the burning of lime or charcoal;

(d) regulate or prohibit the cutting of grass and pasturing of cattle and regulate the payment, if any, to be made for such cutting or pasturing;

(e) regulate the sale of free grant of forest produce; and

(f) prescribe or authorise any forest officer to prescribe subject to the control of the Executive Committee, the fees, royalties, or payments for forest produce, and the manner in which such fees, royalties, or other payments are to be levied, in transit or partly in transit or otherwise.

14. Penalty for infringement of restrictions: If any person infringes the provisions of Sections 5 and 11 he shall be punished with a fine which may extend to two ⁵²[thousand] rupees, and in default of payment of fine, he may be liable to imprisonment which may extend to two months.

⁵³[Provided that the Chief Forest Officer may compound an offence under this section where the value of the timber involved does not exceed rupees one thousand].

15. Penalty for infringement of restriction—If any person infringes the provisions of Section 7 he shall be punished with imprisonment for a term which may extend to 3 months or with fine which may extend to Rs. ⁵⁴[3000] or with both:

⁵⁵[Provided that the Chief Forest Officer may compound an offence under this section when the value of trees felled does not exceed rupees one thousand]

16. Penalty for infringement of restrictions – If any person infringes

the rules or directions made and issued by the Executive Committee under Section 13 he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to Rs. ⁵⁶[3000] or with both;

⁵⁷[Provided that the offence may be compounded by the Executive Committee on realisation of a compound fee which may extend to Rs. ⁵⁸[3000].

⁵⁹[16-A. On receipt of an offence report, it shall be the duty of the Chief Forest Officer to forward without delay such offence report, over which he has no power to compound, to a magistrate as may be empowered the Executive Committee, by a notification in the official Gazette, to try such offences and pass such orders or do such acts in accordance with the provisions of this Act and the rules made thereunder.]

17. Seizure of property liable to confiscation: -- (1) When there is reason to believe that a forest offence has been committed in respect of any forest produce, such produce together with all tools, boats and vehicles used in the commission of such alleged offence may be seized by any forest officer.

(2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized and shall, as soon as may be, make a report of such seizure to the magistrate, having jurisdiction to try the person accused of the offence on account of which the seizure has been made, through his official superior:

Provided that when the forest produce with respect to which such offence is believed to have been committed is the property of the District Council and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

^{52, 53, 54, 55, 56, 57 58, 59, Substituted and inserted by the Second Amendment Act, 1979.}

18. Execution of bond for the release of seized properties:--

Any Forest Officer of a rank not inferior to that of a Forester who or whose subordinate has seized any tools, boats or vehicles under Section 17 may release the same on the execution by the owner or the person in charge thereof of a bond for the production of the property so released if and when so required before the magistrate having jurisdiction to try the offence on account of which the seizure has been made.

19. Trial of the accused and disposal of property: Upon the receipt of any such report the magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

20. Confiscation on conviction:-- (1) When any person is convicted of a forest offence all forest produce which is not the property of the District Council and in respect of which such offence has been committed and all tools, boats and vehicles used in the commission of such offence, shall be liable, by order of the convicting court to confiscation,

(2) such confiscation may be in addition to any other punishment prescribed for such offence.

21. Disposal of confiscated property:-- When the trial of any forest offence is concluded is concluded, any forest produce in respect of which such offence has committed shall, if it is the property of the district council or has been confiscated, be taken possession of by a Forest Officer specially empowered in this behalf, and, in any other case shall be disposed of in such manner as the court may order.

22. Custody of seized property when offender is not known or absconds:-- (1) When the offender is not known or cannot be found, the magistrate enquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by a Forest Officer specially empowered in this behalf, or to be made over to such Forest Officer or other person as the magistrate may consider fit or entitled to the same.

Provided that no such order shall be made till the expiry of one month from the date of the seizure of such property, or without hearing the person, if any which he may produce in support of his claim.

(2) The magistrate shall either cause a notice of any application under sub-section (1) to be served upon any person whom he has reason to be interest in property seized, or publish such notice in any way which he may think fit.

23. Disposal of perishable property seized:- The magistrate may not withstanding anything herein before contained, direct the sale of any property seized under Section 17 which is subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property if it has not been sold.

24. Appeals:- Any person claiming to be interested in the property seized under Section 17 may, within one month from the date of any order passed by a magistrate under Section 20, Section 21 or Section 22 present an appeal therefrom to the Court to which order made by such a magistrate are ordinarily appellable.

25. Disposal of seized property after appeal:- When an order for the confiscation of any property has been passed under Section 20 or 22 and the period limited by Section 24 for presenting an appeal from such order has elapsed, and no such appeal has been presented or when, on such an appeal being presented, the appellate court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall vest in the District Council free from all encumbrances.

26. Power to release seized property and withdrawal of charges:- Nothing herein before contained shall be deemed to prevent any Forest Officer or other Officer empowered in this behalf by the Executive Committee from directing, at any time, the immediate release of any property seized under Section 17 which is not the property of the District Council and the withdrawal of any charge made in respect of such property.

27. Punishment for malicious seizure:- (1) Any Forest Officer who vexatiously maliciously seized any property on pretence of seizing property liable to confiscation under this Act shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

(2) Any fine so-imposed, or any portion thereof, shall, if the convicting court so direct, be given as compensation to the person aggrieved by such seizure.

28. Punishment with intent to cause damage or injury: Whoever with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as define in the Indian Penal Code:-

a) knowingly counterfeits upon any trees or timber or mark used by forest officers to indicate that such tree or timber is the property of the district Council or of some person, or that it may unlawfully be felled or removed by some person, or

b) unlawfully affixes to any tree or timber a mark used by forest officer, or

c) alters, defaces or obliterates any such mark placed on any tree or timber by, or under the authority of, a forest officer, or

d) alters, moves, destroyed or defaces any boundary mark of any forest or waste land to which any provisions of this Act apply, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 600 or with both.

29. Power to arrest without orders or warrant: (1) Any forest officer may without order from a magistrate and without warrant, arrest any person reasonably suspected of having been concerned in any forest offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence or give a name or residence which there is reason to believe to be false or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under this Section shall without unnecessary delay, take or send the person arrested before a magistrate having jurisdiction in the case within a period of 24 hours

of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate.

30. Duty of Forest Officers to prevent commission of forest offence – It shall be the duty of every forest officer to prevent and any such officer may interfere for the purpose of preventing, the commission of any forest offence.

⁶⁰[30 – A. All Forest shall be deemed to be public servants within the meaning of Indian Penal Code].

31. 1) The Executive Committee may, by notification in the Gazette, empower a forest officer by name or as holding an office-

a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest offence other than an offence specified in Section 27 or Section 28, a sum of money by way of compensation for an offence which such person is suspected to have committed; and

b) when any property has been seized as liable to confiscation to release the same on payment of the value there of as estimated by such officer.

2) On the payment of such sum of money or such value or both as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released and no further proceedings shall be taken against such person or property.

3) No Forest Officer shall be empowered under this Section unless he is a Forest Officer who is in receipt of a monthly salary amounting to at least Rs. 100 and the sum of money accepted as compensation under clause (a) of sub-section (1) of this Section shall in no case exceed the sum of rupees fifty.

⁶⁰ Inserted by the Fourth Amendment Act, 1987.

32. Compensation in addition to punishment – (1) When any person is convicted of felling, cutting, girdling, marking, lopping or tapping trees, or of injuring them by fire or otherwise in contravention of this Act or of any rule thereunder, the convicting court may, in addition to any other punishment which it may award, order that person to pay to the District Council such compensation, not exceeding ten rupees for each tree, with the offence was committed, as it may deem just.

(2) If the person convicted of the offence committed is the agent or servant of another person, the convicting Court may, if after hearing that other person is satisfied that the commission of the offence was a consequence of his instigation, or of any neglected or default on his part, order him instead of the person who committed the offence, to pay the compensation, referred to in sub-section (1) of this Section.

(3) An appeal from any order under sub-section (1) or sub-section (2) of this Section shall lie to the court to which orders made by convicting court are ordinarily appealable.

33. Forfeiture of lease, licence or contract on the commission of a forest offence :- When the of any holder of any lease, licence or contract whatsoever granted by or on behalf of the District Council or any of the purpose of this Act, commits an offence against this Act or any rule thereunder, or when any such offence is committed by an agent or servant of the holder of any such lease, licence or contract and the Executive Committee is satisfied that the commission of the offence was a consequence of the instigation of such holder or of any neglect or default on his part, the Executive Committee may, by order in writing, declare the lease, licence or contract to be forfeited in whole or in part with effect from a date to be specified in the order not being prior to the date or the commission of the offence.

34. Powers to make rules for improvement of forest:- The Executive Committee may, from time to time, frame rules not inconsistent with the provision of this Act; more effectively on all or any of the following matters:-

- (a) The improvement and management of the forests;
- (b) The collection of royalty on timbers and forest produces;
- (c) Providing uniforms to such forest officers as the Executive

Committee may deem fit;

(d) Any other matter connected with the improvement, management, control and administration of forest.]

⁶²[35. No suit or legal proceedings shall lie against the Executive Committee or the officers for anything done or purported to have been done in good faith under this Act and in pursuance of any lawful notice or order issued under this Act and the rules made thereunder]

APPENDIX I (Vide Section 2 (c))

1. Amwi. Dolloiship
2. Darrang Dolloiship
3. Jowai Dolloiship
4. Lakadong. Dolloiship
5. Mynso Dolloiship
6. Maskut Dolloiship
7. Nongbah Dolloiship
8. Nongtalang Dolloiship
9. Nongkhlieh Dolloiship
10. Narpuh Dolloiship
11. Nartiang Dolloiship
12. Nongjingi Dolloiship
13. Raliang Dolloiship
14. Rymbai Dolloiship
15. Satpator Dolloiship
16. Shangpung Dolloiship
17. Sutnga Dolloiship
18. Shilliangmyntang Dolloiship
19. Saipung Sirdarship

⁶¹ Inserted by the Fourth Amendment Act, 1987.

⁶² Inserted by the Second Amendment Act, 1979.

APPENDIX II
(Vide Section 2 (s))

1. Bhowal Syiemship
2. Khyrim Syiemship
3. Cherra Syiemship
4. Jirang Syiemship
5. Myllem Syiemship
6. Langrin Syiemship
7. Maharam Syiemship
8. Mawsynram Syiemship
9. Myriaw Syiemship
10. Mawiang Syiemship
11. Malaisohmat Syiemship
12. Nongkhlaw Syiemship
13. Nongstoin Syiemship
14. Nongspung Syiemship
15. Nobosohphoh Syiemship
16. Rambrai Syiemship
17. Lyniong Syiemship
18. Mawphlang Syiemship
19. Sohiong Syiemship
20. Wahadarship Syiemship
21. Dwara Syiemship
22. Mawdon Sirdarship
23. Mawlong Sirdarship
24. Nonglwai Sirdarship
25. Pamsanngut Sirdarship

APPENDIX III
(Vide Section 2 (t))

1. Byrong Sirdarship
2. Jyrngam Sirdarship
3. Laitlyngkot Sirdarship
4. Laitkroh Sirdarship
5. Lakading Sirdarship
6. Myrdon Sirdarship
7. Mawmluh Sirdarship
8. Mawbeh Larkhar Sirdarship
9. Mawthang Sohkhylung Sirdarship
10. Mawsmal Nongthymmai Sirdarship
11. Marbisu Sirdarship
12. Mynteng Sirdarship
13. Nongbah Sirdarship
14. Nongpoh Sirdarship
15. Nongkroh Sirdarship
16. Nongjri Sirdarship
17. Nongriat Sirdarship
18. Nongshluid Sirdarship
19. Nongriangsi Sirdarship
20. Nonglang Sirdarship
21. Nonglyngkien Sirdarship
22. Nonglait Sirdarship
23. Ramdait Sirdarship
24. Saitsohpen Sirdarship
25. Synnei Sirdarship
26. Sinai Mawshynrut Sirdarship
27. Sohbar Sirdarship
28. Tyrna Sirdarship
29. Tynrong Sirdarship
30. Tynriang Sirdarship
31. Umniuh Tmar Sirdarship

B. DOWERAH.

Dy Secy. To the Govt of Assam Tribal Areas Deptt.

**THE UNITED KHASI JAINTIA HILLS
AUTONOMOUS
DISTRICT (MANAGEMENT AND CONTROL
OF FORESTS)
RULES, 1960

(As Amended)**

The 22nd August, 1960

No. DC. XIV---A/1/60.—In exercise of the powers conferred by Section 34 of the United Khasi-Jaintia Hills Autonomous District (Management and Control of Forests) Act, 1958 (Act No. 1 of 1959), hereinafter called the “Principal Act” the executive Committee with the approval of the Governor having been duly received, is pleased to make the following rules for the purpose of management and control over those forests as envisaged in the aforesaid Act, namely:-

THE UNITED KHASI-JAINTIA HILLS AUTONOMOUS DISTRICT (MANAGEMENT AND CONTROL OF FORESTS) RULES 1960

1. Short title, extent and commencement:--

(a) These Rules shall be called the United Khasi-Jaintia Hills Autonomous District (management and Control of Forest) Rules, 1960.

(b) They shall have the like extent as the Principal Act.

(c) They shall come into force with effect from the date the Principal Act came into force.

2. Definition:-- In these Rules, unless there is anything repugnant in the subject and unless the context otherwise requires, words and expressions used in the Principal Act and not define in these Rules have the meaning as assigned to them in the Principal Act, and further the following words and expressions as respectively assigned hereunder:--

(i) “Act” means the United Khasi-Jaintia Hills Autonomous District (Management and Control of Forest) Act, 1958;

(ii) “Forest”—An area shall be deemed to be a forest within the meaning of the Principal Act if there are a reasonable number of trees, say, not less than 25 trees per acre reserved or unreserved or any other forest produce growing on such area, which have been or are capable of being exploited for purposes of business or trade.

(iii) “Section” means a section of the Act;

CHAPTER I

RULES FOR REGISTRATION OF FORESTS

Registration of Private Forest and Law- Ri-Sumar

(Section 4 (a))

3. With the commencement of the Act, the Chief Forest Officer or any other Officer especially empowered by the District Council, in this behalf, shall call upon the Syiems, Sirdars, Dollois, or any other local administrative heads to submit by a prescribed date a list of all Private Forests and Law-Ri-Sumar within their respective jurisdictions-stating the name and addresses of persons owning such forests together with the boundaries and such other particulars of the forests as may be required to be furnished.

4. On receipt of such lists, the Chief Forest Officer shall notify the owners of Private Forests and Law-Ri-Sumar to submit, by a date to be fixed the particulars in respect of forests owned by them together with a map of the areas, as prescribed in Appendix I and any other particulars as the Chief Forest Officer deems necessary.

5. On receipt of the necessary particulars furnished by each owner, the Chief Forest Officer shall publish the lists of all Private Forests and Law-Ri-Sumar at the offices of the District Council as well as at the offices of Syiem, Dollois, Sirdars or any other local administrative head within whose jurisdiction such forests are situated and at such other places as he may consider necessary, calling for objections or claims with regard to the ownership , area, boundaries and other particular of such forests.

6. The Chief Forest Officer, as soon as possible, on receipt of any claim or objection shall either himself, or depute an officer not below the rank of Ranger, to enquire into such objections and claims and other particulars of the forest after due notice to the parties and pass such orders as he may think fit:

Provided that if the claims or objections involve any question or right or title with regard to the area, boundary or ownership of such forests, the parties shall be referred to the appropriate court of law, and if no action is taken by the parties within a period of three months, the Chief Forest Officer shall proceed with the enquiry in accordance with the procedure hereinafter provided.

7. An appeal against the order of the Chief Forest Officer shall lie to the Executive Committee whose order shall be final.

8. On completion of the enquiry under Rule 6 or disposal of any appeal, or civil proceeding if any as the case may be the Chief Forest Officer shall enter into a Register to be maintained for the purpose all the Private Forests and Law-Ri-Sumar with the particulars as set forth in Rule 4 of these rules and also make a final publication of such Forest in the manner as prescribed in Rule 5.

9. The order of the Chief Forest Officer on the final registration of Private Forest and Law-Ri-Sumar shall not be called in question except in competent court of law, and the entry in respect of any such forest shall be modified only according to the order or decree passed by such court.

10. Any change in the ownership, area, boundaries or the particulars of Private Forest and Law-R-Sumar taking place by reason of transfer, inheritance, gift or otherwise shall be reported by the registered owners thereof or persons claiming right or interest on such forests by virtue of any valid transaction, to the Chief Forest Officer, within 3 months from the date of such changes taking place, and the Chief Forest Officer shall there upon make necessary changes in respect of such forests in the register after such enquiry as he deems necessary:

Provided that an appeal against the order of the Chief Forest Officer shall lie to the Executive Committee and its order on such appeal shall be final.

Registration of Law Lyngdoh, Law Kyntang, Law Niam, Law Adong and Law Shnong

(Section 4 (b) & (c))

11. The above rules shall apply mutatis mutandis for registration of Law Lyngdoh, Law Kyntang, Law niam, Law Adong and Law Shnong and, in each case, the person in charge of management of such forest shall be called upon to furnish the necessary information in respect thereof.

Registration of Protected Forests and Green Block

(Section 4 (d) & (e))

12. When in the opinion of the District Council, it is necessary to constitute any forest or area not forming part of any of the forests defined in Section 3 (i) (a), (b), (ii) and (iii) of the Act, into a protected Forest or Green Block, in the general interest of the forestry of the district or any purposes ancillary thereto, it shall cause a survey and demarcation of such area and collection of such other details as to the nature and occurrence of any forest produce standing thereon, as may be consider necessary.

13. On completion of such survey and demarcation, District Council shall issue a notice calling for objections and claims against the constitution of the area into a Protected Forest or a Green Block, as the case may be, within a period of not less than 60 days.

The notice shall be issued in such form as the District Council may from time to time prescribed.

14. On receipt of objections and claims, if any, the District Council shall depute the Chief Forest Officer or any other officer not below the rank of a Sub-Deputy Collector or an Assistant Revenue Officer, to enquire into such objections and claims and submit a report embodying his findings.

a) The Executive Committee of the District Council after examining the report of the officer making the enquiry and after such further enquiry as it may think fit to make, shall by an order determine the area to be constituted into a Protected Forest or Green Block and declare the same, by publication in the official Gazette, setting forth the boundary, location and other necessary particulars of the area, as a Protected Forest or a Green Block, as the case may be.

(b) Upon such publication the owners of those forests, without prejudice to the rights, titles, interests in respect of such areas shall not fell, remove, dispose or sell, destroy or exploit the trees therein without the permission of the District Council, which permission may be given in accordance with these rules in the interest of the protection and re-generation of these forests.

Registration of Raid Forests

(Section 4 (f))

15. With the commencement of the Act and before or after enforcement of the rules made thereunder, the Chief Forest Officer shall call upon all Syiems, Wahadar, Sirdars, Dollois or any other local administrative heads to submit by a prescribed date a list of all Raid Forest situated within their respective jurisdictions with the particulars as given in Appendix II.

16. On receipt of the lists of Raid Forests together with the details as required to be furnished under Rule 15, the Chief Forest Officer shall publish such list at such places and in such manner as will ensure wide publicity, calling for claims and objections within period of not less than 60 days.

Provided that if no such list is furnished by any of the agencies called upon to do so within the prescribed period, the Chief Forest Officer shall cause a list of Raid Forests in any particular area to be prepared after such enquiries as he may consider necessary.

17. On the expiry of the period of 60 days or as soon as possible thereafter, the Chief Forest Officer shall himself, or depute an officer not below the rank of a Ranger, to enquire into such claims

and objections, if any, received as well as to verify the information furnished in respect of each Raid Forest, after due notice to the parties interested and other local administrative heads concerned.

18. (a) On completion of the enquiries, the Chief Forest Officer, shall submit a report embodying his finding on the claims and objections, if any, filed and also on the accuracy or otherwise of the particulars of the Raid Forest furnished by Syiems, Sirdars, Dollois and other local administrative heads to the Executive Committee, for orders.

(b) The Executive Committee shall after examination of the report and such further enquiry as it may consider necessary, pass final orders in respect of each Raid Forest affirming or revising the particulars recorded, and cause final publication of the lists of Raid Forests in the official Gazette or in such other manner as the Executive Committee may prescribe.

19. All Raid Forests shall be entered in Registered to be maintained for the purpose with the necessary particulars.

20. Entries in the Register in respect of any Raid Forest shall not be called in question except in a competent court of law.

Chapter II

RULES FOR THE MANAGEMENT OF FORESTS

Management of Private Forest and Law-Ri-Sumar

(Section 4 (a).)

21. No owner of, or any person having any valid interest or right over, any private forest or Law-Ri-Sumar shall dispose of by sale, mortgage, lease, gift, barter or otherwise any reserved or unreserved trees or any other forest produce except with the previous approval of the Chief Forest Officer who may be authorised in this behalf;

Provided that any lease executed by owners of Private Forest with contractors shall be subject to review or revision by the Executive Committee which shall have power to alter, modify the terms or conditions of the lease.

22. Whenever before or after completion of registration of the Private Forests or Law-Ri-Sumar as provided for in Chapter I of these rules, any owner or person having any valid right or interest over such forests, who wishes to dispose of by sale, mortgage, lease, gift, barter or otherwise any reserved or unreserved trees or any other forest produce growing on such forest, shall apply to the Chief Forest Officer, stating the particulars as given in Appendix III and such other terms and conditions of the transaction as the Chief Forest Officer may ask for.

23. Such application shall be submitted through the Syiem, Sirdar, Dolloi or any other local administrative heads, as the case may be, who shall forward the same to the Chief Forest Officer with his comment thereon together with a certificate about the right, title or interest of the applicant over such forest and the names and address of other persons, if any, having share or interest therein.

24. On receipt of the application the Chief Forest Officer may, after such enquiry as he may consider necessary, accord approval to the disposal of trees or other forest produce subject to:--

(a) a limit in number and girth class and other restrictions on disposal based on silvicultural principles, in the case of trees;

(b) a quantitative limit in the case of the other forest produce;

Provided that where the transaction involves sale of more than 100 trees at a time or where the duration of the agreement or lease exceeds one year, the order of the Chief Forest Officer shall be subject to the approval of the Executive Committee.

(c) The Chief Forest Officer may, for reasons to be recorded in writing, reject any application or accord approval subject to such conditions as he may deem fit to impose.

25. An appeal against the order of the Chief Forest Officer shall lie to the Executive Committee.

26. The applicant, on receipt of approval under Rule 24, shall submit a draft of the agreement in respect of the transaction, to the Chief Forest Officer, the parties shall execute the agreement and deposit a copy of the signed in the office of the Executive Committee, District Council.

27. No tree shall be felled or removed unless a Forest Officer of the District Council has marked such trees in accordance with any direction which the Chief Forest Officer may issue in this behalf after realising costs for marking at such rates as the Executive Committee may fix from time to time.

28. No timber after conversion shall be removed from tree sites unless it has been piece-marked by a duly registered property hammer of the owner of the Forest and accompanied by a certificate of origin granted by him in the form as prescribed hereinafter under these Rules. Such timber shall also be marked by the registered property hammer of the purchaser or lessee working the forests.

29. No timber extracted from a private forest or Law-Ri-Sumar shall be taken outside the jurisdiction of the District Council or to the town of Shillong, for purposes of sale, trade or business, unless such timber has been to a revenue station established by the District Council and royalty or any other dues payable on such timber under this Act or any other law for the time being in force, has been paid in full and a Transit Pass in the prescribed form (Appendix VIII) granted by the officer in charge of the Revenue Station authorising movement of such timber.

30. The above rules shall apply, with effect from the date they come into force, to all transactions involving disposal of reserved or unreserved trees or any other forest produce from any private forest of Law-Ri-Sumar concluded before such date, and shall be binding on the parties to such transactions.

Management of Law Lyngdoh, Law Kyntang and Law Niam

(Section 4 (b))

31. (a) No timber or forest produce from Law Lyngdoh, Law Kyntang and Law Niam shall be removed for sale, trade or business but if any timber or forest produce is required for religious purposes, a free permit for the purpose shall be obtained from the Chief Forest Officer or any forest officer authorised by the Executive Committee on his behalf on application by the Lyngdoh or other person or persons to whom the religious ceremonies for the particular locality or village or villages are entrusted with the recommendation of the Lyngdoh through the local administrative heads.

(b) The Chief Forest Officer or the authorised Forest Officer of the District Council shall grant a free Permit in the form as prescribed in Appendix IV specifying therein the quantity of the timber or other forest produce and the particular part of the forest from which such timber or forest produce shall be removed:

Provided that no trees shall be felled unless they have been marked by an Officer of the District Council.

Management of Law Adong and Law Shnong

(Section 4 (c))

32. No trees in Law-Adong and Law Shnong Forest shall be felled or removed except with the previous permission of the Chief Forest Officer provided that such timber is required for any bona fide public purpose undertaken by the villagers.

The Chief Forest Officer in granting such permission shall specify the quantity of timber to be removed and have the required numbers of such trees marked for the purpose. Such permission may be granted in the form as prescribed in Appendix IV.

33. If any person infringes any of these rules he shall be punished with a fine not exceeding Rs. 300 and in default of payment of fine to imprisonment which may extend to three months.

Provided that any Forest Officer who is in receipt of a monthly salary of not less than Rs. 100 may compound the offence and the sum of money to be realized on compound fee shall not exceed Rs. 50.

34. Without prejudice to any action taken or liable to be taken under the preceding rule, the Chief Forest Officer may, in addition, suspend any operation involving cutting, felling conversion or removal of any timber from any forest until the disposal of the criminal proceedings instituted, or till such time as the person engaged in such operation has complied with any direction of the Chief Forest Officer or the Executive Committee, as the case may be, in pursuance of the rules.

Management and Control of protected forest and Green Blocks

(Section 4 (d) and (e))

35. Whenever in the opinion of the Executive Committee, it becomes necessary to dispose of any reserved or unreserved trees or any other forest produce in any Protected Forest or Green Block comprising Raid land only the Executive Committee shall authorise the Chief Forest Officer to arrange for disposal thereof by auction, tender or negotiation and on such terms and conditions as may be prescribed.

36. The Chief Officer, on receipt of the order of the Executive Committee, shall issue a notice setting forth therein the description, number or quantity of any tree or forest produce, the amount of earnest money and security to be deposited and such other terms and conditions of the sale as he may consider necessary and fixing a date on which auction shall be held or tender submitted:

Provided that in the event of any settlement by negotiation, the Chief Forest Officer shall submit his recommendations with regard to the party, rate and other terms and conditions of settlement to the Executive Committee for orders, and the Executive Committee may pass such orders as it may think fit.

37. All sales by auction or tender shall be subject to the approval of the Executive Committee except where the District Council by a

special order empowers the Chief Forest Officer to approve sales upto a specified limit of the bid value:

Provided that any appeal against the order of the Chief Forest Officer shall lie to the Executive Committee whose order on such appeal shall be final.

38. The District Council may, by a resolution passed in a session, fix the proportion according to which the revenues derived from a Green Block comprising Raid land only shall be divided between the District Council and the Syiem or any local Administrative Head, as the case may be.

Management of Raid Forests

(Section 4 (f))

39. The Chief Forest Officer either on his own motion or on the recommendation of the Syiem Wahadar, Lyngdohs, Dollois or any other local administrative head within whose jurisdiction any Raid Forest is situated, may from time to time determine upto the limit of the royalty value of trees amounting to Rs.500, the number and class of any tree or quantity of any forest produce, standing on such Raid Forest, for disposal in the interest of the revenue of the District Council in general and of the Syiemship, Wahadarship, Lyngdohship or Sirdarship and Dolloiship in particular.

Provided that the Chief Forest Officer, with the previous approval of the Executive Committee, shall be competent to reject any recommendation for disposal, from any Syiem, Sirdar, Dolloi or any other local administrative head concerned when in his (Chief forest Officer) opinion such disposal is premature or detrimental to the general interest of the forestry of the District.

40. Sale of trees or other forest produce from a Raid Forest shall be by auction, tender or negotiation or in such other manner as the Executive Committee, may from time to time, determine in each case.

41. (a) In case of any sale by auction or tender, the Chief Forest Officer shall issue a notice setting forth the particulars as given in Appendix V and other terms and conditions as the Chief Forest Officer may think fit to add.

(b) The notice shall be served in such manner as will ensure the widest publicity.

(c) In case of any settlement by negotiation, the Chief Forest Officer shall put up his recommendations as to the party, rates of royalty, duration of the agreement and other terms and conditions of settlement, to the Executive Committee for orders along with the recommendations or comments of the local administrative heads concerned on such proposal for settlement.

42. The Executive Committee may pass final order in such proposal for settlement.

43. The Chief Forest Officer shall be competent to approve all sales by auction all sales by auction or tender subject to such financial limit in the bid value as may be prescribed by the Executive Committee from time to time: Provided that an appeal against the order of the Chief Forest Officer in respect of sale or settlement approved by him shall lie to the Executive Committee whose order on such appeal shall be final.

44. The financial limits to be fixed by the Executive Committee under Rule 43 shall generally be with reference to the outright value of any sale but when any sale or settlement is based on royalty, royalty-cum-monopoly or tree rate basis, the outright value shall be computed on the basis of the approximate outturn of timber or forest produce, as the case may be, in respect of the particular transaction for the purpose of determining the jurisdiction of the agencies authorised to approve the sale or settlement.

45. On approval of any sale or settlement, an agreement in a form to be prescribed for the purpose embodying all the terms and conditions of sale or settlement shall be executed by an Officer of the District Council specially authorised in this behalf as vendor on one hand as first party and the vendee on the other hand as second party.

46. (a) All contracts validly executed prior to the enforcement to these Rules and subsisting on the date of such enforcement and relating to disposal of any forest produce in a Raid Forest-whether by way of sale, lease, mortgage, gift, exchange or otherwise, shall be subject to these Rules and notwithstanding any thing contained in such contracts, the Chief Forest Officer shall determine the number and class of trees or the quantity of any forest produce that may be extracted thereunder.

(b) No forest produce extracted under any such contract shall be removed from the forest except on payment of such royalties as may for the time being in force for such forest produce and except in compliance with the Rules in Chapter III and IV.

Chapter III

RULES FOR THE REMOVAL OF FOREST PRODUCTS FROM RAID FOREST AND RESTRICTIONS IN FELLING, ETC.

(Section 5, 7 and 11)

47. Save as provided in these rules or under the Act, no trees, reserved or unreserved, shall be felled, cut, girdled, tapped or injured by fire or otherwise, no timber shall be sawn, converted or removed and no other forest produce collected and removed except under and subject to the conditions of a Trade Permit as prescribed in Appendix VI or of a Home Consumption Permit as prescribed in Appendix IV, as the case may be, or under the terms and conditions of a sale by auction, tender or lease, as may be sanctioned by the Chief Forest Officer or any other competent authority under the District Council, from any Green Block comprising Raid land and Protected Forest or Raid Forest:

Provided that in case of Green Blocks comprising of or within private forest, viz., Green Block Nos. II, III, IV, and V around the town of Shillong, the rights and title of the owners of such lands shall not be distributed except that owners of such forests requiring to cut trees therefrom for their own domestic use shall seek for permission to do so through their respective 'Rangbah Kurs' to the Chief Forest Officer who on receipt of such application duly recommended and approved by the recognized 'Rangbah Kur', and

on being satisfied of the genuineness of the requirements, will issue a 'Home Consumption Permit' free of charge and will then depute a Forest Officer to mark the trees for felling and removal in accordance with the 'Home Consumption Permit'.

48. Trade Permits are non-transferable and shall ordinarily be issued for any period not exceeding twelve months but the period of any such permit may be extended upto a further maximum period of twelve months at the discretion of the Chief Forest Officer and on payment of a fee which shall not exceed 25 percent of the royalty on the forest produce to be removed under the permit. The Chief Forest Officer may, however, remit the fee altogether in cases in which he considers this justified.

49. Forest produce removed under a trade permit shall be charged royalty at such rates and realised in such manner as may be prescribed by the Executive Committee from time to time.

Any alterations in the Schedule of rates of royalty shall be notified in the official gazette of State Government from time to time and copies of such notification shall be posted on the notice boards of the District Council Office, all Forest Range Office and revenue and check Stations under the control of the District Council.

50. A Home Consumption Permit for timber from reserved trees from any Raid Forest (in the Form as prescribed in Appendix IV) may be granted to any person living in the neighbourhood of Raid Forest for domestic use, i.e., building purposes only, by a Forest Officer in charge of a Range, for any quantity subject to any limit as may be fixed by the Executive Committee, at half the full rates of royalty in force for the time being, to be realised in such a manner as may be prescribed in the Permit.

51. Home Consumption Permits are not transferable and shall be issued for a period not exceeding six months but the Chief Forest Officer may extend the period for a further period of six months on payment of such fee as he may think fit to impose.

Provided that the Chief Forest Officer may in his discretion remit the fee altogether in any particular case.

52. Royalty at half the full rate as prescribed under Section 8, or in such proportion in cases where trees are sold on tree rate or outright basis, as the Executive Committee may determine in each case, shall be payable on timber or forest produce only removed from Private Forests or Law-Ri-Sumar in vehicles going outside the district of United Khasi-Jaintia Hills or to the town of Shillong, for the purposes of trade or business.

53. If any person infringes any of these rules he shall be liable to be punished with a fine which may extend to two hundred rupees and in default of payment of fine to imprisonment which may extend to two months:

Provided that any Forest Officer in receipt of a monthly salary of not less than Rs. 100 may compound the offence and the sum of money imposed as compound fee shall in no case exceed Rs. 50, in addition to any royalty or other dues payable on any timber forming the subject of the offence.

Chapter IV**TRANSIT RULES****(Section 12)**

54. All forest produce brought by land or water shall, for purposes of check, halt at their respective revenue stations established by the District Council from time to time in accordance with these rules.

55. No forest produce shall be removed unless covered by a pass which shall be in the form of:--

(i) a permit issued by a duly authorised Forest Officer under the rules relating to the Protected Forest, Green Block Forest allowing the holder to remove forest produce from a specified locality; or

(ii) a certificate of origin in the form prescribed in Appendix VII in the case of forest produce from private forest or law-Ri-Sumar. Such certificate must be issued by the owner of such land or his duly authorised agent and must bear such signature or stamp of the owner or his agent as has been previously registered in the Chief Forest Officer's Office, and such certificate shall be produce by the holder at the revenue station specified therein to be dealt with as noted hereafter;

Note:- The certificate of origin shall be issued in all cases whether the owner himself or any other person removes the produce.

Or

(iii) a transit pass in the form prescribed in Appendix VIII issued by a Forest Officer, authorised by the Chief Forest Officer, in token of full payment of all amounts due to the District Council on account of the forest produce covered by it. In special cases, the Chief Forest Officer may permit the issue of transit passes by any person duly authorised by him.

56. The place mentioned in Appendix IX to these rules, and such others as may from time to time be prescribed by the District Council, shall be the revenue stations for the purposes of these rules.

57. (a) All forest produce in transit covered by a permit or a certificate of origin shall be taken to the nearest revenue station staffed by the District Council on the route of extraction; except in cases provided for in Rule 58 by the person or persons in charge of such forest produce and detained there for examination, measurement, or counting and marking, if necessary, by the Officer in charge of the revenue station.

(b) No forest produce in transit taken to a revenue station shall be moved within such station between sunset and sunrise without the permission of the officer in charge of the revenue station nor shall such forest produce be moved away from the revenue station until a transit pass as prescribed in these rules has been issued by him.

(c) In the case of forest produce in transit covered by a permit or a certificate of origin and intended to be exported beyond the district within which it has been collected, a transit pass as prescribed hereinbefore shall be obtained by the person in charge of such forest produce from the duly authorised Forest Officer in charge of a revenue station in exchange for the permit or the certificate of origin, and such forest produce shall not be booked or removed by road or a boat unless covered by such transit pass. When the destination of such forest produce is within the district, the permit or certificate of origin shall be endorsed by the duly authorised officer in charge of the revenue station in token of full payment of all amounts due to the District Council and such endorsed permit or certificate of origin shall be deemed to be the transit pass required under these rules:

Provided that it shall be within the power of the Officer in charge of a revenue station to refuse to grant a transit pass or endorse a permit or a certificate of origin if he has reason to believe the permit or certificate of origin covering the forest produce to be false or if full payment of all amounts due to the District Council in respect of the forest produce has not been made.

58. Should the person or persons in charge of any forest produce in transit desire to stop, land, cutup, convert or utilize any such produce before taking the same to a revenue station, he or they shall obtain the permission in writing of the officer in charge of the nearest revenue station. Such Officer shall, if he deems fit to grant the permission proceed in respect of the forest as if it had been taken to a revenue station.

59. All amounts due to the District Council whether as royalty, or on any other account, in respect of any forest produce in transit shall be paid in such manner as ordered by the Chief Forest Officer.

60. All forest produce in transit may stopped and inspected at any Forest Officer and all persons in charge of such forest produce shall be bound to produce the permit, the certificate of origin or the transit pass covering such forest produce when called upon to do so by the Forest Officer.

61. Except with the previous sanction in writing of the officer in charge of the nearest revenue station, and under conditions imposed by the Chief Forest Officer with the approval of the Executive Committee, no person shall establish or convert timber at a sawmill or sawpit within one mile of the cold season bed of any river used for the transport of timber. Such sanction or conditions may, with the approval of the Chief Forest Officer, be rescinded or modified by the Office in charge of the revenue station by giving six months' notice in writing. This rule applies only to the establishment of regular sawmills or sawpits and does not apply to the casual sawing of timber grown on private land or inside forest coupes sold under the order of any competent authority under the District Council.

62. All traders wishing to transport timber (except bamboo and cane) from the forests, shall have their property marks registered in the office of the Chief Forest Officer in the manner hereinafter prescribed and all their timber in transit shall bear their registered property marks. No transit pass shall be issued for such timber in transit unless it bears a registered property mark.

63. (a) For the registration of a property mark a written application should be submitted to the Chief Forest Officer and a sketch of the proposed mark together with a written description, and a fee of Rs. 20 shall be sent with the application.

(b) No fee shall be charged for the registration of a property mark which has already been registered by the Divisional Forest Officer, United Khasi-Jaintia Hills and is still in force.

(c) The registration of a property mark shall hold good for three years from 1st April preceding the date of its first registration whether it has been registered in the office of the Divisional Forest Officer, United Khasi-Jaintia Hills or the office of the Chief Forest Officer.

(d) A certificate in the form prescribed in Appendix X shall be granted for the registration of property mark.

64. The Chief Forest Officer may refuse to register any property mark or cancel one already registered for of the following reasons:-

(i) If he considers that the mark resembles too closely any Government mark or marks used by the District Council or any property mark previously registered in favour of another person;

(ii) If the applicant or holder does not possess or, in the opinion of the Chief Forest Officer, is not likely to possess timber requiring to be marked with a property mark;

(iii) If on account of the conviction for any forest offence, or for any other reason which seems to the Chief Forest Officer to be sufficient, the holder or the applicant is not considered to be a fit person to be entrusted with such mark.

65. No timber which is in transit or intended for transit shall be marked except with a registered property mark, and no one shall supermark, alter or efface any mark on such timber, and the possession or carrying of hammers or other implements used for the impression of marks which have not been registered in the manner herein before prescribe is strictly prohibited.

66. The booking or moving of timber in logs or rough hewn, sawn timber or any other forest produce by road, railway, aeroplane or boat is prohibited unless such forest produce is accompanied by a transit pass issued under these rules.

67. Any person infringing any of the above rules may be punished with imprisonment which may extend to three months, or with fine which may extend to three hundred rupees, or with both.

[Executive Orders relating to the Transit Rules]

68. The Chief Forest Officer should satisfy himself before registering the signature or stamp of an owner of private land or his agent under Rule 55 (ii) that the applicant is on behalf of himself or a clan own's Private Forest or Law-Ri-Sumar, as the case may be. A facsimile of the registered signature or stamp should be supplied to all revenue stations.

69. A stock of forms of certificate of origin must be kept at all revenue stations and should be issued freely to all applicants whose signature or stamps have been registered charging 12np for 2 copies, unless the Officer in charge has reason to believe that the applicant has no legitimate use for such forms.

70. If the officer in charge of a revenue station has not sufficient reason to refuse to grant a transit pass in exchange for a certificate of origin or to endorse such certificate under the proviso of Rule 57, but is not satisfied that the certificate is true, he should grant the transit pass or endorse the certificate of origin and the institute enquiries.

71. It should be made widely known that persons who want to extract forest produce from private lands must take out a certificate of origin in the prescribed form and that copies of the form, if required, can be obtained from the nearest revenue station.

72. A register should be maintained at each revenue station showing the date of arrival of all consignments of forest produce and the date of release and all other necessary particulars. A trader may submit a copy of the arrival report of the consignment of forest produce giving the necessary details direct to the office of the Chief Forest Officer. The Officer in charge of the revenue station will countersign this

copy. The Chief Forest Officer should make use of these reports to check the accuracy of the entries in the register.

73. All timber or other forest produce transported by road or water shall be brought to the nearest of the revenue stations, staffed by the District Council, United Khasi-Jaintia Hills on the route of extraction, for examination and for payment of the amounts, if any, due to the District Council, United Khasi-Jaintia Hills thereon or on any other account.

CHAPTER V

MISCELLANEOUS --- PROVISIONS

74. Notwithstanding anything provided herein before the Executive Committee may specify certain categories of forest produce as "Minor Forest Produce" and exempt the same from the operation of these rules and prescribe separate instructions governing exploitation and removal thereof.

75. Notwithstanding anything contained in any contract entered into by a local or administrative head of any forest with any party prior to the enforcement of these Rules and subsisting on the date of such enforcement, any term thereunder which is found to be inconsistent with these Rules shall be void to the extent of such inconsistency.

GENERAL

76. Any party aggrieved with any order of the Chief Forest Officer under these rules shall appeal to the Executive Committee within 30 days from the receipt of such orders, and the order of the Executive Committee shall be final.

APPENDIX I**(Rule 4)**

- (i) Approximate area (in acres);
- (ii) Boundaries and location;
- (iii) Nature of the Forest standing on the land the approximate number of
each category of reserved trees and other forest produce;
- (iv) Area under cultivation, if any;
- (v) The names and addresses of persons to whom the forests or any part thereof sold, the terms of sale or lease including the price of rates of royalty and the nature of such lease or sale, as the case may be.

APPENDIX II**(Rule 15)**

- (i) Location of Forest stating the name of the village;
- (ii) Approximate area in acres;
- (iii) Boundaries together with a map of the area;
- (iv) Nature of the Forest specifying the approximate number of each category of reserved and unreserved trees and other forest produce;
- (v) Area currently under cultivation or jhumming;
- (vi) Whether forest produce growing within the area has been disposed of by lease, sale, barter, gift or otherwise to any person or any other encumbrance or right has been created on such forest in favour of any person or clan;

(vii) In the event of any transactions having taken place as indicated in item (vi), the following further details shall be furnished:--

(a) The name and address of the party or parties to whom the forest produce has been disposed or in whose favour any right or encumbrance has been created;

(c) Rates of royalty or other consideration charged on the forest produce;

(d) Total number of trees or quantity or other forest produce worked out and removed and the balance of the trees and other forest produce still to be worked out under the terms of the lease or agreement;

(e) A true copy of the lease or agreement.

APPENDIX III

(Rule 22)

(i) Name of the Private Forest or Law-Ri-Sumar;

(ii) Name of Syiem, Doloi or any other local administrative head within

whose jurisdiction such Forest is situated;

(iii) Boundaries of the Forest,

(iv) Class and number of trees proposed to be disposed of;

(v) Prize of rates or royalty;

(vi) Name and address of purchaser;

(vii) Period of agreement or lease by which the trees or forest produce are sought to be disposed of;

(viii) Whether the timber or any other product from trees or forest produce sought to be disposed of will be consumed locally or taken outside the jurisdiction of the District Council, United Khasi-Jaintia Hills or brought to Shillong for purposed of sale, trade or business.

APPENDIX VI**(Rule 31 (b) and 32)**

FOREST DEPARTMENT UNITED KHASI JAINTIA HILLS
DISTRICT COUNCIL

Home Consumption Permit

Book No.....

Permit No.....

Name

Residence.....

Forest from which Remarks extracted	Date of expiry of the permit	Description of forest produce	Maximum Number of quantity that can be removed
1	2	3	4
5			

Dated.....

Officer issuing the permit

NOTICE

1. The forest produce extract under this permit shall not be sold, mortgage, bartered or transferred by gift.
2. This permit is non-transferable except to a member of the same house, and shall not allow of more than one person at a time collecting the produce in the forest except with the permission of the Officer issuing the permit.
3. The holder of this permit shall make his own arrangement with the Syiem for extracting forest produce from his territory.

APPENDIX V**(Rule 41 (a))**

- (i) Number and description of trees showing girth class, etc.;
- (ii) Amount of earnest money to be deposited;
- (iii) Amount of Security and methods of payments of the bid value;
- (iv) Duration of the working period;
- (v) Nature of rates to be quoted in case of tender;
- (vi) Eligibility of bidders including concessions if any, admissible to be tribal bidders.

APPENDIX VI

(Rule 47)

**FOREST DEPARTMENT
UNITED KHASI – JAINTIA HILLS DISTRICT COUNCIL.**

Trade Permit for Timber and other Forest Produce

Book-----

Permit no. -----

Name-----

Residence-----

Forest	Date of expiry of grant	Description of timber or other forest produce	Number of quantity	Rate	Amount Remarks
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Rs. nP.

The Signature and designation
of the issuing Officer.

APPENDIX VI (Contd...)**Reserve**

Conditions under which this permit is issued---

- (1) This permit must be in the possession of the person removing forest produce under it and must be produced by such person whenever called upon to do so by a Forest Officer.
- (2) Only trees marked with a District Council, Khasi Hills hammer may be felled and converted. Timber must not be removed from the place where the tree is felled nor sold or otherwise disposed of till it has been marked with the hammer of the District Council, United Khasi—Jaintia Hills.
- (3) All timber and other forest produce must be removed from the forest within the time granted in this permit.
- (4) This permit must be returned to the nearest Forest Officer within one month of the date of its expiry.
- (5) Breach of any of the above conditions will render this permit liable to be cancelled and the timber and other forest produce confiscated notwithstanding any other penalties incurred by the permit holder under the United Khasi-Jaintia Hills Forest Act I of 1959 or rules issued thereunder.

I understand and accept the above conditions.

Signature of the permit
holder.

APPENDIX VII**(Rule 55 (ii))**

Certificate or origin for private timber or other forest produce.
(1) Name, caste, residence and father's name of the owner of the land where the forest produce covered by this certificate was derived
(2) Name of village or estate where the timber or other forest produce was cut
(3) Description of timber or other forest produce.
(4) Amount of timber or other forest produce.
(5) Name, caste, father's name and residence of person in-charge of timber or other forests produce
(6) Destination to which the forest produce is to be conveyed
(7)

Dated

The Owner or Agent.

APPENDIX VIII**(55 (iii))****Transit Pass**

UNITED KHASI – JAINTIA HILLS DISTRICT

Forest Department, United Khasi-Jaintia Hills District Council

Book No. _____ Permission is hereby granted
to _____ of _____
for the removal of the following forest Produce from
_____ to _____ by _____

(1) Locality where collected _____

(2) Number and date of permit of certificate of origin on which the
pass is granted

APPENDIX VIII (Contd...)

Kind of produce	Number of pieces, packages or bundle	Measurem ents, Cubic contents or weight	Hammer or other marks	Rate	Amount paid
					Rs. nP.

----- STATION-----

Date of issue-----

Issuing Officer.

Date of expiry-----

Designation-----

Note :- Any person removing timber or other forest produce without a transit pass in this form in contravention of any rules made under Section 5, United Khasi –Jaintia Hills Forest act I of 1959, is liable to a fine of Rs. 2000 and in default of payment of fine to imprisonment upto two months.

APPENDIX IX

(Rule 56)

LIST OF REVENUE AND CHECK STATION

(1) Shillong (2) Nongpoh (3) Umling, (4) Byrnihat, (5) Garbhanga, (6) It-Shyrwat, (7) Mawlai Gate, (8) Jorabat Gate, (9) Demsang (Myllem Syiemship), (10) Umtyngngar, (11) Mawngap (Mawphlang Lyngdohship), (12) Amjong, (13) Lyngkhat, (14) Hat Shimaw (Khyrim Syiemship), (15) Dawki, (16) Muktapur, (17) Jaiakhola, (18) Kuliang, (19) Umkiang, (20) Jowai (Jaintia Sub-division), (21) Rani (Jirang Syiemship), (22) Ranibari (Nongspung Syiemship), (23) Kyrshai (Ramrai Syiemship), (24) Bagli, (25) Moheshkhola (Nongstoin Syiemship), (26) Madanring, (27) Cheragaon, (28) Mawpyllun (Langrin Syiemship), (29) Balat (Maharam Syiemship) (30) Chirakatta (Bhowal Syiemship), (31) Rangku (Mawdon Sirdarship), (32) Jatap (Shella Wahadar Confederacy), (33) Bholaganj (Cherra Syiemship).

APPENDIX X
(Rule 63 (d))

Certificate of Registration of Property Mark

----- Division

It is hereby certified that
 Son of, caste
 Resident of..... Thana.....
 District.....has this day duly registered his property
 mark of the sketch shown below for the transport of forest produce
 within the district of.....

This certificate is to hold good upto.....

T. CAJEE.
 Chief Forest Officer,
 United Khasi-Jaintia Hills District Council, Shillong.