Proceedings of the meeting of the Sub-Committee constituted on 18.6.79 for restriction of export of timber outside the State held on 22nd June, 1979 in the Committee Room of the Assembly building.

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Present :

1. Shri B.B. Lyngdoh, Chief Minister
2. Shri W. Syiemiong, Speaker
3. Shri Fuller Lyngdoh Mawsil, Minister i/c Forest
4. Shri P.G. Kyndiah, Leader of the Opposition
5. Shri W.A. Sangma, M.L.A.
6. Shri M.H. Mujaw, M.L.A.
7. The Chief Executive Member, Khasi Hills District Council
8. The Secretary, Forest
9. The Chief Conservator of Forest
10. The Under Secretary(II), Meghalaya Legislative Assembly.

The Sub-Committee discussed at length the various aspects connected with the problem of timber export outside the State. After careful considerations the Sub-Committee unanimously adopted the following measures for immediate implementation :-

1. It has been agreed that the District Council, Khasi Hills will impose royalty on pine timber, firewood etc. at 1/4 of the existing market rate of the produce. And accordingly the existing scheduled of rates of royalty be revised by the Khasi Hills District Council.

2. Movement of trucks carrying timber in the whole State to be restricted at night and allowing them to ply only between sunrise to sunset.

3. The District Councils to issue transit permit to be valid only within the State. For export of timber outside the State, the transit permit will be issued by the Forest Department of the State Government which will maintain a check Gate at the exit points.

4. The meeting also decided to appoint some honorary officers drawn from the public leaders and Church Leaders, etc. Apart from these, there should be arrangements for frequent surprise checking by senior officers of the Forest Department and Police Department and frequent transfer of gate checkers.

5. Railway authority to be instructed not to book any consignment of timber if the transit permit issued by the State Government is not produced.

6. In view of forging of the hammer seal of the District Council, Khasi Hills, a new hammer seal may be used and this hammer seal to be changed from time to time to avoid forging and duplication.

7. For export of timber the minimum size should be 1 ft X 1 ft square to be specified and on checking if the size is found to be less than the specification the material may be forfeited forthwith at the check-gate.

8. It has also been agreed that the Government Department will curtail to the maximum consumption of charcoal for heating purposes in the different offices of the State Government.

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The Sub-Committee decided that the above measures be implemented immediately for the District of East and West Khasi Hills for the time being.

The Chief Conservator of Forest disclosed that the Department had some films depicting the devastating effect of denudation on forest. This film had earned high appreciation in Delhi when it was screened. The Sub-Committee desired that the Forest Department arrange a show of this film in the Assembly premises on Tuesday, the 26th June, 1979 at 3 O'clock where all M.L.As will be invited.

The next meeting of the Committee will be held on the 28th June, 1979 in the office Chamber of the Speaker.

Minutes of the meeting held on the 13th June, 1979 in the Speaker's Chamber on the need to regulate the export of timber outside the State.

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Present :-

1) Shri W. Syiemiong, Speaker
2) Chief Minister, Meghalaya
3) Minister, Forest, Meghalaya
4) Shri P.R. Kyndiah, M.L.A.
5) Shri M.N. Majaw, M.L.A.
6) Capt. W.A. Sangma, M.L.A.
7) Shri Rowell Lyngdoh, M.L.A.
8) Shri B.G. Momin, M.L.A.
9) Chief Executive Member, Khasi Hills.
10) Secretaries/Law/Forest/District Council Affairs
11) Chairman, Forest Development Corporation
12) Managing Director Forest Development Cor.
13) Chief Conservator of Forest, Meghalaya.

At the outset, Shri W.Syiemiong, Speaker, told that the purpose of convening this meeting was to discuss a very serious problem, i.e. depredation of forests of the State. Stating the gravity of the situation, he warned that unless some positive steps were taken expeditiously to control this want on depredation of forests, in a few years time there would be a sharp ecological imbalance which would have a very adverse effect on the State economically and otherwise. He therefore strongly felt that the Government should come forward with some legislation to prevent this manage. In the same breathe he however hastened to add that he was quite aware of the difficulties fraught with this question, viz, the probable opposition from the vested interests, the private ownership of the forest enjoying special protection under the Sixth Schedule and so on and so forth. But he pointed out that every day on average 50 to 60 truck loads of timber were going outside Khasi Hills only let alone Garo Hills and Jaintia Hills and at this rate if the forests were denuded, a time would come when people might have to hear the echo of Brazil or Sahara. He therefore maintained that imposition of some kind of restrictions brook no delay at least for preventing the export of timber through the G.S. Road. Further, he informed that only 1/10th of the forests consumed in the State and the rest were exported outside the State.

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Participating in the discussion Capt. W.A. Sangma tol that he was one with the convener of the meeting in grasping t seriousness of the issue. Making a particular reference to Garo Hills, he told that in Garo Hills almost 75% of the land was under jhum cultivation with the result of wanton felling of trees. He recalled that when he was the Chief Minister of the State he wanted to bring a Bill on the analogy of Himachal Pradesh to prevent depredation and export of timber from the State but ultimately this Bill could not be brought for obvious reasons. He told that destruction of forests had many disastrous side effects, viz, drying up of the water sources, annihilation of forest animals and fishes in the river. But the people were ignorant of all these dangers. He therefore felt that the Government should start a vigorous campaign and publish literatures on the disastrous effects of the denudation of forests. In this connection he suggested that the District Council should also take some initiatives and put some conditions on felling of trees. For example, he mentioned that in future the condition should be like this that for felling of one tree at least 5 trees should be planted.

Shri P.R. Kyndiah, however, maintained that before going into the details of the problem, some basic factors should be recognised. While he appreciated the Speaker's approach that there should be an all-party concensus in tackling this problem, he observed that they were not the ultimate authority to pass a decision without taking others into confidence, who were likely to be effected by this decision. Moreover, the question of forest was very much linked up with the ownership of the land also. He therefore, felt that there should be wide circulation of the proposed measures.

Prof. M.N. Majaw, however, viewed the whole problem from a slightly different angle in that he pointed out that the question was based on the elementary principles of economics, i.e. demand and supply. No amount of legislation could check it entirely. For example, per day at least 200 bags of charcoals

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were being brought from his constituency alone. Now unless the consumption of charcoals was not reduced, the burning of forest for making charcoals could not be controlled. He, therefore, suggested that the consumption could be minimised if the Government decided to stop purchasing charcoals for State Government offices during winter season. He further pointed out that the Government was the largest purchaser of charcoals. Secondly, he pointed out that the proposed nominal tax of only 7 paise under Meghalaya Finance (Sale Tax) Bill would have no bearing upon the felling of trees. He therefore suggested that a higher rate of tax only could discourage the selling of timber. Another measure he suggested was that there should be regular transfer of forest guards because prolonged posting in the same place created vested interest. He also agreed with the suggestion of Capt W.A. Sangma that for each felling of tree there should be plantation of 4 or 5 trees.

When a spokesman of the Forest Deprtment mentioned that there was a great lucrative market of timber, especially for barged timber outside India, Speaker intervened and advised that those technical details need not be raised in this meeting because the purpose of the meeting was to prevent depredation of forest.

Taking part in the discussion, Shri B.B. Lyngdoh, Chief Minister, told that he was equally concerned about this issue but he, at the same time, mentioned some practical difficulties in bringing about a complete stoppage of timber export. Because, in the meantime there might be some persons who have entered into contracts to supply timber and some might be in the process of supplying. Alternatively, the Chief Minister also suggested that he would again look into the structure of the Finance Tax on timber and if possible it would raised upto 15%.

The Chief Executive Member of the Khasi Hills District Council agreed that there should be restriction on export of timber and for that matter the District Council had passed so many rules and regulations but those could not be enforced. He suggested that the State Government should cooperate with the

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District Council in enforcing those restrictions. But he disagreed with the suggestion that there should be a total ban on timber export. He pointed out that the main source of revenue of the District Council was forest.

Shri Maham Singh, Minister for Revenue, criticised the performance of the Forest Department. He informed that even in the prohibited reserved areas there were indiscriminate felling of trees, and even he was surprised to see in Mohendraganj truck loads of timbers that were being smuggled out to Bangladesh but there was nobody to check them.

At this stage Speaker once again reminded that before convening this meeting he had considered threadbare this whole issue and he was quite aware that there would be all kinds of charges and counter-charges which could not be a substitute for solution of the problem. He therefore suggested that the meeting should adopt the following measures for the time being :-

i) To have seasonal ban on felling of timber.

ii) To have regional ban of felling of timber

iii) Government to stop purchasing charcoal for the offices during winter season where electricity could be provided.

iv) Rate of tax (Finance Tax) to be raised from 7% to 50%.

The Chief Conservator of Forest suggested that there should be Government Depot of timber and certain specification should be fixed so that immature trees could not be sold for export.

Shri S. N. Phukan, Secretary, Law informed that the Government of India had issued certain regulations for preserving forest and those regulations had already been sent to the Department concerned. In the next meeting those regulations might be examined and seen whether those were in line with the proposed measures.

The Committee then agreed in principle that deforestation should be stopped and unanimously adopted that there should be a sub-committee to go into these relevant questions and submit their findings to the next meeting of the Committee. The Sub-Committee was constituted with the following members :-

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1) The Chief Minister
2) The Minister of Forest
3) The Leader of the Opposition
4) Shri M.N. Majaw
5) Shri W.A. Sangma
6) Secretary and Official of the Forest Deptts/Corporation.

It was further decided that since the initiative was taken from the Assembly, the Secretary of the Meghalaya Legislative Assembly and the Hon.Speaker also to be on the Sub-Committee

The meeting decided the the Sub-Committee be held on 22nd June, 1979 and the full Committee to sit on the 28th June, 1979.

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12

U/O. No. LL.305/79/
Dated Shillong, the 5th June, 1980.

Secretary, Forest Deptt. U/O.,

Subject:- The Meghalaya Forest (Removal of timber) (Regulation) Bill, 1980.

A fair copy of the draft Bill as finalised in the meeting on 3.6.80 is sent herewith.

Clause 8 is a new addition made by us.

'A' As discussed in the meeting the statement of objects and reasons may be prepared from your end and the same may also be shown to us.

'B' A Financial Memorandum may also have to be furnished. In case the Bill will invlolve additional expenditure, the recommendation of the Governor for the consideration of the Bill by the legislature under Article 207(3) of the Constitution shall also have to be obtained by you.

The Bill may come within the purview of Part XIII of the Constitution and therefore the Bill will also require the previous sanction of the President for introducing or moving the Bill in the State legislature under the proviso to Clause(b) of Article 304 of the Constitution. However, this constitutional requirement may be cured if the Bill after it is passed by the legislature is assended to by the President.

Sd/- R.D. Rymmai,
Deputy Secretary to the Govt. of Meghalaya,
Law Department.

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THE MEGHALAYA FOREST (REMOVAL OF TIMBER) (REGULATION) BILL, 1980

ARRANGEMENT OF CLAUSES

Clause 1 — Short title, extent and commencement.

Clause 2 — Definations.

Clause 3 — Removal of Timber outside the State.

Clause 4 — Application for licence and its disposal.

Clause 5 — Licence fee and period of its validity.

Clause 6 — Appeal

Clause 7 — Penalty

Clause 8 — Power to direct submission of report or return.

Clause 9 — Power to enter, search, arrest and detain.

Clause 10 — Searches and arrest how to be made.

Clause 11 — Production of persons arrested and things seized.

Clause 12 — Report of arrest and seizure.

Clause 13 — Erection of check-post.

Clause 14 — Penalty for refusal to produce things or furnish information.

Clause 15 — Power to compound offence.

Clause 16 — When Court to take cognizance of offence.

Clause 17 — Bar of suit in Civil Courts.

Clause 18 — Suit, etc. against authority Officers or persons acting in good faith.

Clause 19 — Officer and person to be public servants.

Clause 20 — Effect of other laws.

Clause 21 — Exemption.

Clause 22 — Power to make rules.

The Meghalaya Forest (Removal of Timber) (Regulation) Bill, 1980.

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B I L L

to regulate and control removal of timber outside the State for the preservation of Forests and to prevent their indiscriminate destruction and for matters connected therewith and incidental thereto.

Be it enacted by the Legislature of Meghalaya in the Thirty-first Year of the Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Meghalaya Forest (Removal)of Timber) (Regulation) Act, 1980.

(2) It shall extend to the whole of the State of Meghalaya.

(3) It shall come into force at once.

Definitions.

2. (1) In this Act, unless the context otherwise requires:

(a) "competent authority" means such authority as the State Government may, by notification appoint for the purpose of exercising the powers and functions of a competent authority under this Act and the rules made thereunder for the whole or any part of the State;

(b) "prescribed" means prescribed by Rules made under this Act;

(c) "State" means the State of Meghalaya;

(d) "State Government" means the Government of Meghalaya;

(e) "Schedule" means a Schedule to this Act:

(f) "Trading Depot" means any place or premises used for keeping, storing or stocking timber for the purpose of trade or otherwise of the timber outside the State.

(2) Words and expressions used, but not defined in this Act and defined in the Meghalaya Forest Regulation (Assam Regulation 7 of 1891 as applied in Meghalaya) shall have the meanings respectively assigned to them in that Regulation.

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Removal of timber outside the State.

3. (1) No person shall remove or cause to be removed, for the purpose of trade or otherwise, any timber outside the State, and no Trading Depot shall be set up or established at any place without a licence from the competent authority:

Provided that no such licence shall be granted by the competent authority, -

(a) in respect of timber the size of which is below the minimum size prescribed for such timber; and

(b) in respect of timber of such categories or species of trees or groups thereof specified in the Schedule to this Act.

(2) The State Government may, by notification, add, modify, amend or cancel any item in the Schedule to this Act.

(3) Every notification issued under the foregoing sub-section shall have effect on the date of its first publication in the official Gazette and shall be laid as soon as may be after its publication before the House of the Legislative Assembly of the State.

Application for Licence and its disposal.

4. (1) Every application for grant of licence under this Act shall be made to the competent authority through the District Council concerned in such form and on payment of such fee as may be prescribed.

(2) In granting or refusing licence under this Act the competent authority shall take into account all or any of the following matters according to the circumstances of each case, namely:-

(a) Whether the application is recommended by the District Council or not;

(b) Whether the applicant holds any trading licence from the District Council;

(c) Whether the applicant holds any other licence under this Act;

(d) Whether the applicant is a registered dealer and posseses a certificate of registration under any tax Law of the State;

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(e) Whether the applicant is a resident of the State;

(f) Whether the timber for which application for licence is made is for the personal use of the applicant;

(g) Whether the grant of lincence to the applicant would promote the interest of the tribals resident in the State, economically or otherwise;

Provided that a licence shall be refused if the applicant -

(a) is not a citizen of India, or

(b) has been convicted by a competent Court of an offence involving moral turpitude unless a period of five years, or such less period as the Government may allow in any particular case, has elapsed since his release, or

(c) has violated any provision of any Act, Regulation or Rule made by the State or any District Council, or is a defaulter in the payment of any tax or revenue of the State or any District Council, or

(d) has been debarred from taking up any business transaction or contract work by any Government, or any Company or Corporation, owned, controlled or managed by any Government.

(3) Every order granting or refusing a lincence under this Act shall be in writing, and in case of refusal shall contain reasons therefor.

(4) Every application for lincence under this Act shall be disposed of by the competent authority as early as possible and not later than six months from the date of receipt of the application by the competent authority unless the competent authority for reasons to be recorded in writing extends the period by such further period for periods as it may consider necessary and if no order is passed within the period or periods so extended it shall be deemed that licence has been granted.

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Licence fee and period of its validity.

5. (1) The fee payable for a licence granted under this Act, the conditions of the licence, the route or routes the timber are to be transported outside the State, and the period of validity of the licence, shall be such as may be prescribed which shall also be specified in the licence:

Provided that the licence fee, the conditions of the licence and the period of its validity may vary for different categories of timber:

Provided further that such period shall not exceed twelve months and the amount of fee shall not exceed one thousand rupees.

(2) The licence fee shall be paied in such manner as may be prescribed.

(3) Every licence granted under this Act may be renewed on the expiry of the period of its validity by the competent authority in such manner and on payment of such fees as may be prescribed.

Appeal

(4) The provisions of Section 4 shall apply in case of application for renewal under this Section.

6. Any person aggrieved by any order passed by the competent authority under sections 3 and 4 may, within a period of sixty days from the date the order is communicated and on payment of such fee, not exceeding fifty rupees, prefer an appeal to such authority as the State Government may, by notification, appoint in this behalf and its order shall be final:

Provided that the appellate authority may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

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Penalty

7. Any person who contravenes any of the provisions of Section 3, shall, on conviction, be punished with imprisonment which may extend to one year, or, with fine which may extend to two thousand rupees, or, with both and the Court trying the offence may further order that the timber in respect of which the offence was committed and the vessel, vehicle or animal with which the offence was committed shall be confiscated to the State Government.

Power to direct submission of report or return.

8. The competent authority may direct any person holding any licence under this Act to submit such report or return and in such form and manner as may be prescribed.

Power to enter search, arrest and detain.

9. (1) Any Forest Officer not below the rank of Forest Ranger and Police Officer not below the rank of Sub-Inspector of Police, who from his personal knowledge or from information received and after such enquiry as may consider necess-ary, has reason to believe that any person has committed an offence under this Act, may -

(a) enter and search, at all reasonable time, any premises, land, vehicle or vessel in the occupation of such person;

(b) require such person to produce for his inspection the licence or any other documents granted by the competent authority or any books of account or other document that may have any bearing on such offence;

(c) seize any timber in respect of which the offence was committed and any books of account or other documents relating such timber and may also detain and seize any animal, vessel or vehicle with which the offence was committed;

(2) It shall be lawful for any of the officers referred to in sub-section (1), to stop and detain any person committing an offence under this Act or abetting in the commission of such offence and such officer may arrest without warrant any such person:

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Provided that the Officer making such arrest may release such person on his furnishing his name and address and otherwise satisfies such Officer that he will duly answer any summon or other proceedings which may be taken against him.

Searches and arrest how to be made.

10. All searches and arrests under this Act shall be conducted and made, as far as may be, in accordance with the procedure laid down in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

Production of persons arrested and things seized.

11. Every person detained or arrested under any of the provisions of this Act, shall be taken or produced before the nearest Magistrate having jurisdiction with a report containing full particulars of the person arrested or articles seized and the circumstances under which the arrest or seizure was affected, within 24 hours of such arrest or seizure, exclusive of the time necessary for the actual journey from the place of arrest to the Court of the Magistrate.

Report of arrest and seizure.

12. Any Forest or Police Officer making an arrest or seizure under this Act shall forthwith make a full report of all the particulars of such arrest or seizure to his immediate superior Officer.

Erection of Check posts.

13. (1) The State Government may, by notification, set up and erect, in such manner as may be prescribed, check-posts and barriers at any place in the State with a view to prevent any unlawful removal or transportation of timber outside the State.

(2) Every person transporting timber shall, at any Check-post or barrier referred to in sub-section (1) and before crossing such check-post or barrier, produce before the Officer-in-charge of the check-post or barrier such document as may be prescribed.

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(3) The Officer-in-charge of the check-post or barrier may, for the purpose of satisfying himself that the provisions of this Act and the Rules made therein are not being contravened intereept, detain and search any animal, vehicle or vessel.

Penalty for refusal to produce things or furnish information.

14. Whoever -

(i) willfully refuses or is unable to produce licence or document or wilfully refuses or fails to give such information which under the provisions of this Act or the Rules made there under he is required to produce or to give, or otherwise furnishes information which he knows or believes to be false or does not believe to be true, or

(ii) forcibly resists arrest or attempts to evade arrest or obstructs any Forest of Police Officer to enter or search or to affect arrest or seizure under the powers conferred by this Act or the Rules made there under

shall be guilty of an offence against this Act, and he shall, on conviction, be punished with fine which may extend to one thousand Rupees or with imprionment for a term which may extend to six months or with both.

Power to compound offence.

15. (1) The Divisional Forest Officer of the Division concerned may accept from any person, against whom a reasonable suspision exists that he has committed any offence punishable under this Act, such sum of money as may be prescribed, by way of composition of the offence which such person is suspected to have committed.

(2) On payment of such sum of money to the Divisional Forest Officer, the suspected person, if in custody, shall be discharged and no other proceeding shall be taken against him in respect of the offence compunded.

(3) The provisions of this section shall apply also where a prosecution or an appeal against conviction of offence under this Act is pending, and in such a case the composition of such offence under this section shall have the effect of the acquittal of the accused with whom an offence has been compounded.

When Court to take cognizance of offence.

16. No Court shall take cognizance of any offence under this Act, -

(1) except on the complaint made by an Officer authorised by the State Government in this behalf; and

(2) unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

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Bar of suit in Civil Courts.

17. No suit shall be brought in any civil court to set aside or modify any order made under this Act.

Suit,etc. against authority officers or persons acting in good faith.

18. No suit, prosecution or legal proceeding shall lie against any authority, officer or person for anything which is in good faith done or intended to be done under this Act.

Officer and person to be public servants.

19. Every person or officer, appointed under, or exercising any power conferred by and under this Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

Effect of other laws.

20. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Meghalaya Forest Regulation (Assam Regulation 7 of 1891 as applied in Meghalaya) or the Rules made thereunder.

Exemption.

21. The provisions of this Act, shall not apply to removal of timber outside the State by or on behalf of the State Government under the provisions of the Meghalaya Forest Regulation.

Power to make rules.

22. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the form and conditions of licence under Sections 3 and 5 and the fees payable therefore;

(b) the form and manner in which application for licence under Section 4 may be made and the fees payable therefore;

(c) the fees payable for appeal under Section 6;

(d) the form of register, reports or return to be maintained and submitted by the licensee;

(e) the conditions for storing, stocking and the manner of marking the timber to be removed outside the State ;

(f) the manner in which the inspection of timber and of document maintained by licensee shall be carried out;

(g) the routes by which the timber shall be transported outside the State ;

(h) the terms and conditions for setting up or estabdishment of trading depot ;

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Power to make rules.

22. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) to prescribe the minimum size of timber under Section 3;

(b) the form and conditions of licence under Sections 3 and 5 and the fees payable therefor;

(c) the form and manner in which application for licence under section 4 amy be made and the fees payable therefor;

(d) the fees payable for appeal under section 6;

(e) the form of register, report or return to be maintained and submitted by the licensee;

(f) the conditions for storing, stocking and the manner or marking the timber to be removed outside the State;

(g) the manner in which the inspection of timber and of document maintained by licensee shall be carried out;

(h) the routes by which the timber shall be transported outside the State;

(i) the terms and conditions for setting up or establishment of trading depot;

(j) the manner in which the right of access to document and the right to entry conferred by Section 9 may be exercised;

(k) the manner in which checkpost and barrier may be set up and erected and the form of document under Section 13;

(l) the procedure and manner for payment of fees under the Act and of composition money under Section 15 and the amount of composition p le for composition of offences under Sectio 15;

(m) any other matter which is to be or may be prescribed.

(3) The power to make rules under this Section shall be subject to the condition of previous publication.

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(3)

MINUTES OF THE MEETING HOLD IN THE CHAMBER OF THE MINISTER OF FORESTS ON 4th MAY, 1981.

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Member Present:

As per list in the Annexeure A.

1. Copy of the Minutes of the previous meeting held in this connection were read out to them in Khasi.

2. Minister explained to them the implication of the minutes and necessity of enforcing the previous resolution.

3. Shri D.Talang suggested that the agenda for discussion are to be split into two:-

(a) Relief to the contractors who have already converted the timber into squares and to the contractors who have already purchased the forest before hand.

(b) The effects which the previous decisions have upon the local timber merchants.

4. Mr.W.Sna informed that the moment the tree is felled lots of seedlings also came up. In Jaintia Hills even the erstwhile barren hills have been coverdd again with green forests because the people are so enthusiastic in planting trees. He expressed in detail the hardship caused to the member of the contractor association by the impunge and arbitrary order of the Govt. He said that all the contractors of Jaintia Hills were badly effected by the Assam Movement during last year. The order passed by the Govt. has again effected each and every one of them. By not allowing the small size timber to move, the incentive of tree planting in Jaintia Hills has been lost. People plant trees with a hope of harvesting them during their life time. Now, ~~& during their life time~~. Now, due to this order they have lost all their interest in tree planting. Therefore, the decision of the Committee is impracticable. Shri Ben Biam explained about the role played by timber trade in improving the economy of the people. Shri K. Suchiang informed the Minister that he has purchased forest worth Rs.10 lakhs in Mawdoh, Nongstoin and most of the trees are hardly 4ft.girth at breast height. These forests were purchased about 5 years back. Therefore it is not possible to have even a single piece of big size timber from the whole forests. He prayed time for the implementation of the decisions of the Committee.

Minister informed that about one years time have already been allowed to them to clear the converted timber. He categorically made it clear to the contractor that the private forest owner will be very happy with the orders because it will act as a handle for them to terminate the contract and pro[illegible] their own forests.

Shri D.Talang informed that under the agreement signed with the private forest owners most of the lease will continue for a long time. Therefore he prayed time for the implementation of the decision.

Minister asked them whether the payment has been made all at the time or by installment. The contractors informed him that for the foresfs they have already taken possession, they have already paid the amount also earlier.

Mr.Q.Ekhar wanted to know whether the decision was meant only for Khasi Hills or for all the Districts in the State. He further went to say that even the private forest owners are not happy with the orders because their borrowing power is lost. According to his experience, a tree of 1 ft.squares at the bottom will be hardly 7 inches squares at the top. Therefore it is not practicable to impose a total ban on movement of small size timber.

....2/-

Minister wanted to know their views about the size acceptable to all, He also hinted at the possibility of considering a percentage of small size also. According to his personal opinion, the Minister also felt that 12 inches squares as a minimum size is not practicable.

Mr.G.Lyngdoh of Wahiajor expressed his personal experience in which, time and again, people came and approached him for the purchase of young forests.

Shri D.Talang again insisted on consideration to be given for the forests that were already purchased in the pasf. He felt that poor people will be mostly affected with this order. He also pointed out the problem of disposing the thinning material in time to come from the vast areas that have beenm planted in Jaintia Hills during the last 10-15 years. He suggested that in the working rules, a provise be given to protect the poor and petty forest owners so that they will be able to dispose of their small size timber to meet their need of roofing their houses etc.

Minister felt that the most practical size at stump height will be 9 inches squares. Percentage of small size timber below this will be allowed after conducting a proper exercise by the department. This is for the forests to be operated in future only. For the timber that have been already been purchased, he has agreed to consider the case sympathetically. Therefore, the Minister asked all the contractors to furnish the list of the converted timber immediately for verification by compefent authority. For the forest that were purchased but not converted, he advised them not to convert them till a decision is made to this effect. Minister also asked them to submit copies of the deed executed by them for the forest already purchased.

Mr.W.Sna insisted on a free movement as usual.

Minister stated that a practicable size is to be adopted after consulting with the District Council concerned.

Shri D.Talang expressed his difficulty is furnishing the list of small size timber that have already beon converted because of the onset of the sowing season. Therefore little time be given for this also.

Most of the contractors were of the opinion that the restriction of timber movement between sunset and sunrise will affect those truck owners who borrowed money from the Bank at the time of purchasing their truck. Butthe Minister was of the opinion that all evils took place at night and that was one of the reasons why this ban has to be imposed. Nevertheless, he sympathised with these problems of the contractors and assured them that hem will look into this and pass necessary relief order.

The meeting ended with a word of thanks from the contractors.

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MRL/3.6.81.

(4) 48

MINUTES OF THE MEETING OF TIMBER CONTRACTORS OF JAINTIA HILLS HELD IN THE OFFICE CHAMBER OF THE CHIEF MINISTER ON 4TH AUGUST, 1981.

...

Members present:

Official

1. Chief Minister, Meghalaya.
2. Forests Minister, Govt. of Meghalaya.
3. Secretary Forests, Govt. of Meghalaya.
4. Chief Conservator of Forests, Meghalaya.
5. Conservator of Forests, Meghalaya.

Timber Contractors

1. Roskil Challam.
2. U Melington Pale.
3. U Edling.
4. U M.Dkhar.
5. U D.Talang.
6. U W.Sna.
7. U Dwell.
8. Sd/- Illegible.
9. U Kren.
10. U J.Suchiang.
11. U Kolin Siangshai.
12. U J.Jyrwa.
13. Sd/- Illegible.
14. U Phre Pasi.
15. U Wensaia
16. U Ralem Law.
17. U Lakhon Bareh.
18. U K.Phawa.

DRAFT

The Timber Dealers of Jaintia Hills met the Chief Minister on 4.8.81 to discuss about various problems faced by them because of the restrictions on timber movement imposed by the State Govt. The Minister incharge Forests, Meghalaya explained the positions. He said that the forest owners in Meghalaya leased out their forests to timber contractors for working all trees therein. These include trees of large dimension as well as the smaller ones. The timber dealers invest money on the forests and want to extract as much timber as possible from them. Transp[illegible] in Meghalaya is entirely road the best and the trucks carrying timber from remote places in Jaintia Hills if not allowed to move on the Shillong Gauhati Road after sunset do faced difficulties as in such case, the trucks cannot make one return trip in a day. This problem has already been under consideration by the Govt. and was discussed with the contract in a meeting held on 4.5.81 in the Minister Forest's Chamber. Certain decisions were taken in that meeting and the timber dealers were asked to furnish copies of the sales deeds and agreements executed by them with various forest owners so that the Govt. can study the problem in fuller detail and modify the orders accordingly. The timber dealers have

...2/-...

so far not furnish the information sought.

The Chief Mi-nister desired that the information sought by the Govt. should be submitted by the timber dealers within a specified time. The Govt. then in consultation with the Law Deptt. will take appropriate action to relax the rules to the extent possible keeping the interest of the State in view.

It was also pointed out in the meeting that the Saw Millers of Meghalaya have also approached the Forests Minister and the meeting was held with them recently in which the saw millers informed that the saw milling industry is facing hardship for want of raw material as all the timber produced in Meghalaya is being exported out in log form. This is a genuine problem faced by the saw millers and Govt. is keen to help them also as a local small scale industry. It was therefore proposed that a combine meeting of the Saw Millers, the Timber Dealers and the Dist. Council Authorities should be called so that some decisions can be arrived at which will satisfy both the timber dealers as well as the saw millers. The restrictions on night movement of timber trucks on the G.S.Road may be relaxed till the rules under the Meghalaya (Removal of Timber) (Regulation) Act are finalised and publish.

Shri Roskil Challam raised the point that in the agreement on restrictions of movement of undersized timber, the Jaintia Hills Dist. Council was not a party. Jaintia Hills has a seperate Dist. Council and it is not under the jurisdiction of the Khasi Hills Dist. Council. Government's imposition of restrictions on timber trade is unjustified and amounts to infringement of private rights of owners of forests. The Jaintias are lovers of forests and they all agree that forests should be preserved but the restrictions put by the Govt. do not appear to have considered the right of the private forests owners.

The Chief Minister explained that the timber contractors have taken timber trade as their profession. They should themselves, of their own interest see that the profession last for the lifetime if all forests are felled without any regulation, the contractors themselves will ultimately lose their profession. The Govt. do not propose to interfere with the private rights but aimed to bring in some discipline in working of the forests whether they are private forests or community owned forests or State forests. Removal of timber from the forest areas has to be regulated so that the forests can be perpetuated. In this, the owners of the forests and the Govt. will have to work jointly so that the resources can be conserved and properly utilised.

Shri W.Sna, President of the Forest Contractors Association of Jaintia Hills also xx felt that the new Act as published in the Gazette 2nd July,1981 is an infringement of private rights as it aims to bring a complete ban of working of forests. The Secy. Forests explained that t the Act does not banned working of forests but aims only to bring some restrictions which are necessary in the interest of the State as a whole.

Shri D.Talang, explained that the owners do not always want to fell the small trees, they also want the trees to grow mature so that they fetch better value but sometimes circumstances compelled them to work even smaller trees to meet their needs. The private forest areas is a wealth the xxxxxxx owners possessed and they want to utilise it at the time of need.

...3/-..

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The Chief Minister informed that the Govt. may find ways and means to meet such needs by providing help to save immature trees from being felled. Some suitable scheme may perhaps be taken up for this purpose. All these can be discussed in a meeting as already proposed and decisions regarding the relaxation needed may be arrived at and these may then be accommodated to the extent possible in the rules now being framed under the Meghalaya (Removal of Timber) (Regulation) Act.

The timber traders insisted that the Govt. Act must recognise the right of the private forest owners on their forests. Failure to do so will act as a disincentive to land owners to maintain their forests. They also requested the Govt. that the restrictions on movement of timber may not be enforced now till the meeting proposed is held.

The Secretary proposed that the meeting may be held in the second week of September and requested all timber traders to give their views within the current month and also supply copies of all the deeds requested earlier so that Govtl may have the time to study them properly and come up with concrete proposals in the meeting.

The meeting ended with a few words of thanks from the Chief Minister.

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GOVERNMENT OF MEGHALAYA
OFFICE OF THE CHIEF CONSERVATOR OF FORESTS : MEGHALAYA : SHILLONG.

No.MFG.51/4/70(Pt.A) Dated Shillong, the 5th March, 1982.

Issued on .....

From: The Chief Conservator of Forests,
Meghalaya, Shillong.

To: The Secretary to the Govt. of Meghalaya,
Forest Department.

Sub: The Meghalaya Forest (Removal of Timber)(Regulation) Act, 1981.

Ref: Govt. letter No.FOR.50/80/152 dated 6.2.82 and the D.O. letter No.FOR.50/80/154 dated 27.2.82.

Sir,

I am herewith submitting two copies of the rules under the above mentioned Regualtion as desired by Government. I am as much anxious as Government that this Act should be applied so that we could control unauthorised movement of timber. I had only pointed out the difficulties as under 3(1)(a)while licence is required for movement of timber, it has been provided under the same Section at (b) that no licence shall be granted by the competent authority in respect of timbers specified in the Schedule to this Act. The main timbers that go out from the State in large quantity are Sal and Pine which needs to be controlled. Since we do not have a market for all sizes of timbers within the State unless we have some authority under the Act to grant licences for trade or establishment of a Trading Depot, there may be a difficulty in operating the Act. Under Section 3(2) the State Government can add, modify, amend or cancel any item in the Schedule but cannot the provision itself. I am quite aware that this Section 3 does not include State Government as under Section 21 exemption has been given for removal of timber outside the State by or on behalf of the State Government.

However, if Government feels that amendment can be made by Government and Notification issued in this respect, the rules can be applied.

With regard to the staff required for implementation of this Act this is being worked out and will be submitted lated. In the current year's budget we have no fund at all.

The Secretariat File No.FOR.74/81/Pt has already been returned to the Secretariat on 16th February, 1982.

Yours faithfully,

(P. S. Ingty)
Chief Conservator of Forests, Meghalaya.

Meghalaya Forests (Removal of Timber)(Regulation)Rules 1982.

....

No. In excercise of the powers conferred by Section 22(i) of the Meghalaya Forest (Removal of Timber) (Regulation)Act 1981 the Government of Meghalaya hereby makes the following rules.

Chapter I

Preliminary.

1. Short title, extent and commencement.
(1) These rules may be called the Meghalaya Forest (Removal of Timber)(Regulation) Rules 1982.
(2) They shall extend to whole of the State of Meghalaya.
(3) They shall come into force with effect from the date of their notification in the Meghalaya Gazette.

2. Definitions.
In these rules, unless the context otherwise requires:
(i) Act means the Meghalaya Forests (Removal of timber) (Regulation) Act 1981.
(ii) The Divisional Forest Officer (D.F.O.) means any Officer so designated and shall include Asst. Conservator of Forests or Deputy Conservator of Forests when incharge of territorial Forest Divisions under the control of the State Forest Department.
(iii) All other terms and expressions used in these rules but not defined shall have the same meaninos respectively asigned to them in the Act.

Application for licence - how to submit.

3.(a) Application for removal of timber outside the State shall be submitted in form No. 1 appended to these rules, to the Divisional Forest Officer, under whose territorial jurisdiction the forests from where the timbers are proposed to be removed to outside the State, through the District Council of the respective District.
(b) Application for establishment of a "Trading Depot" shall be submitted in form No.II appended to these rules in the manner as described under (a) above.
(c) All application under this rule shall be submitted in duplicate and the original copy of which shall bear non-judicial stamp of Rs.3.30 Paise only.

...2/-..

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Application how to be disposed.

4. (a) The Divisional Forest Officer, on receipt of the application mentioned in the Rule 3 above shall issue an acknowledgement in Form No.III appended to these Rules.

(b) The Divisional Forest Officer shall cause an enquiry in the manner he deems proper and upon his full satisfaction shall issue; as the case may be :

i. Permission to remove timber ~~for~~ trade outside the State stating specifically the species, total quantity and the minimum size of logs or timber allowed to be transported, and the area from which such timber are allowed. The validity of the licence shall ~~not exceed one year~~, subject to the provision of renewal for another year. The licence shall be issued in Form No. IV appended to these rules.

ii. The licence for the establishment of a Trading Depot shall be issued in the Form No.V appended to these Rules. Location of the Depot and its boundary shall be clearly mentioned in the licence granted. The validity of the licence shall be upto the following 31st March - but shall be renewable for further periods ending on 31st March on application.

(c) Application for renewal of the licences under (i) and (ii) above shall be submitted 30 days before the expiry of the licence in Form No.VI appended to these Rules.

(d) The Divisional Forest Officer, on causing the enquiry on receipt of the application referred under sub-rule(a) above, if not fully satisfied, may refuse issue of licence for reasons to be recorded in writing.

Orders granting or refusing issue of licence shall be communicated within 180 days from the date of receipt of the application.

(e) If final order granting or refusing the application is not issued to the applicant, the applicant shall be within rights to assume that the order has been issued in his favour and shall be entitled to take such action he thinks fit for establishment of the Trading Depot or exporting timber outside the State as applied for by him and no action shall lie on him on this account. He will however have to give a written intimation to the Divisional Forest Officer to the effect that he has assumed that,

...3/-..

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as the prescribed time limit has expired, the order is deemed to have been received.

Linence fee - how to be paid.

5. The following fees shall be leviable for issuing an renewal of the licences:

For issue of a licence in form No.IV Rs.250/- if the applicant belongs to any Scheduled Tribe recognised in the State of Meghalaya or Rs.500/- for others.per 100 Cum. of timber proposed to be exported or part thereof. For renewal of the above - Rs.150/- and Rs.300/- respectively per 100 Cum. of timber to be exported subject to the maximum of Rs.1000/- in both cases ~~or part thereof~~. For issue of a licence in the Form No. V. Rs.250/- if the licencee is a scheduled tribe recognised in the State of Meghalaya or Rs.500/- if otherwise. For renewal of the above licence Rs.100/- and Rs.200/- respectively per 1000 Sq.Metre of depot area or part thereof subject to a maximum of Rs.1000/- in both cases.

Appeal against orders of D.F.O. - how to dispose.

6. (a) An applicant being agrieved by the orders issued by the D.F.O. may prefer an appeal to the Chief Conservator of Forests - whose orders on the same shall be final and binding on him.

(b) An appeal referred to above shall be preferred within sixty days frim the date of communication of the order appealed against. The appeal petition shall bear a non-judicial stamp of Rs.10/- only and shall accompany a deposit at call receipt of Rs.50/- only as the appeal fees., without which no appeal shall be heard.

Appeal fees how dealt.

(c) The appeal fees referred to above shall be forfeited to the Govt. in the event of the appeal being rejected and shall be credited to Govt. as Misc. revenue of the Forest Department.

In the event of the appeal being granted the fees paid shall be adjusted towards licence fees payable by the applicant.

Records to be Maintained and furnished by the licence holder.

7. Registers in forms No.VI and VII appended to these rule shall be maintained by the licence holders for export of timber and maintaining trading depots respectively and the abstract copies of the registers showing monthly transaction of timber shall be submitted within the 7th day of the month following to the Divisional Forest Officer concerned. The format to be used for the submission of the monthly returns shall be as per Form VI(a) and VII(a).

...4/-...

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8. The licence holder shall have a seperate property hammer registered with the Divisional Forest Officer for use on timbers dealt by him either for stocking in the trade depot or exported out of the State. The facimile of the hammer shall be approved by the DFO and shall contain the Licence No. of the licence holder. Usual fees as prescribed under the relevent forest acts and rules shall be leviable for registration of the hammer referred to under this rule.

9. The Divisional Forest Officer or his authorised forest officer shall ~~be entitled~~ to check the registers and stock of timber and verify the same during any reasonable time ~~during the working~~ hours at any frequency as he deems fit and necessary, and the licencee shall be bound to produce such documents, registers and assist the forest officer in checking and verification works.

10. Any forest produce found within the depot premises or in possession of the licencee, uncovered by legal Transit Pass, permit or challan or any other valid document authorising such possession shall be liable to be confiscated to the Govt. besides making the licencee liable to any legal action under relevant rules in force.

11. Every consignment of timbers meant for export outside the State shall be checked by a forest officer not below the rank of Forester Grade I and an Export Transit Pass issued for the produce of approved size and species. No timber shall be allowed to cross the State boundaries for export trade unless accompanied by the transit pass referred to above.

12. The boundary of the trading depot shall be demarcated and maintained by the licence holder and the licence holder shall be liable to answer for any timbers lying within 100 metres of the boundary so demarcated and recorded in the licence, provided that such area is not covered by a seperate licence issued to other licence holders.

13. The lowest minimum size of timber which will be allowed to be exported shall be as follows.

For all timber in the round form;	30 Cm in diametre.
For all rough Squares	20 Cm x 20.Cm.

Form No. I

(Rule 3 (a)) C.F. Rs.3.30

From:

To

The Divisional Forest Officer
_____ Division
_____

Through Chief Forest Officer
_____ Hills Dist. Council
_____.

Sub: Removal of timber outside the State.

Sir,

I intend to transport the timbers particulars of which are furnished below to _____ (name of place outside State) ~~for trade~~ purposes.

Necessary permission for the same may kindly be issued.

All necessary particulars are furnished below:-

1. Name of Applicant and permanent address:

2. Description of timbers intended to be exported:

Sp.	Size	Quantity

3. Origin of the Forest produce:

(i) Name of the forest areas from where collected.

(ii) How acquired - (reference may be given to valid permit, settlement orders etc).

4. Period during which the forest produce is proposed to be exported.

5. The route through which to be exported and name of the established Forest Check Gate through which it will cross the State Boundary.

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Form No.II
Rule 3(b)

C.F.F.3.30p

From:-

To:- Divisional
~~Deputy~~ Conservator of Forests Office
_____ Division
_____

Through Chief Forest Officer,

_____ D/C
_____

Subject:- Establishment of a Trading Depot for Timber: Permission for.

Sir,

I intend to establish a trading depot for timber at a place mentioned below. All necessary particulars are furnished below.

Necessary permission may kindly be accorded.

1. Name & address of applicant _____.

2. Description of the proposed timber Depot. _____

(i) Location _____
(Village Town etc.)

(ii) Bounded by :- North _____
East _____
South _____
West _____

(iii) area - of the proposed Depot:
(in case of irregularly shaped land area may be furnished accordingly approximate average length & average width)

Length _____ M.
Width _____ M.
Area _____ Sq.M.

3. Quantity of Timber proposed to be stocked in the depot.

Maximum _____ Cm.
Minimum _____ Cm.
Average monthly _____ Cm.

....2/-

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4. Is the depot meant for local sale or for export to outside the state. _____

5. Owner ship of the proposed Depot land ____
If the land does not belong to the applicant has permission for its proposed use been taken from the owner.

(attach copy of documentary proof)

6. From where the timber is going to be procured for stocking in the Timber Depot - Indicate authority for procurement and mode of procurement.

7. Period for which the Depots is proposed to be maintained.

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FORM NO. ~~III~~ Part of I & II
Rule 4(a)

NO. _____

From: Dt. _____

Deputy Conservator of Forests

_____

Division _____

To:

_____

_____

_____

Sir,

Your application in Form I/II for establishment of a timber Trading Depot/licence for export of Timber dated _____ has been received in this office on _____ day of ___ _____ 198 .

Yours faithfully,

Deputy Conservator of Forests
_____Divisions

*****

FORM NO IV

RULE 4 (b) i.

Licence for export of timber outside the State.

Subject to provisions of Meghalaya Forest (Removal of timber)(Regulation)Act, 1981 and Rules framed there under this licence is hereby granted to.

Name : _____

Address : _____

_____

for export of timber outside the State for the period from _____ to 31.3.198_, as per details mentioned below.

Species	length	Girth Size	Volume	Remarks

Total volume_____Cum.

NOTE

(1) Details to be furnished species wise and where length/ size cannot be assessed maximum no. of each species allowed to be transported outside the State may be mentioned).

(2) Timbers of size below the prescribed limit and species included the Schedule of the Act are not allowed to be transported outside.

Licence fee of Rs. _____realised vide Pt.No._____ dated _____.

...2/-

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Facimal of of the depot hammer approved -

Dated _____
the _____ 198_.

Deputy Conservator of Forests,
_____ Division,
_____.

The licence is renewed upto 31st March 1981 on realisation of a licence fee of Rs._____only vide Rect.No._____dated _____198__.

Dated _____

the _____198_.

Deputy Conservator of Forests,

Note:

The licence shall be surrendered within 15 days from the date of expiry to the issuing office.

Form No.V

89/84

Licence for establishment of a
Timber Trading Depot.

(Rule 4(6) ii)

Subject to provision of Meghalaya Forest (Removal of Timber) (Regulation) act 1981. This licence is hereby granted to

Name _____

Address _____

For the period from _____ to 31.3.198 to establish a trading depot for timber at

Location _____

at

Covering an area of more or less _____ Sq Metres bounded by on the North _____

East _____

South _____

West _____

and is allowed to trade on timber subject to the provisions of Meghalaya Forest (Removal of timber)(Regulation) Rules 1982 from the said premises.

Licence fee of Rs._____ realised vide Receipt No._____ Dt_____.

~~Deputy Conservator~~ Dcf of Forests,

Licence is renewed upto 31st March 198_____ on realisation of renewal fees of Rs._____ vide Rt.No_____198_____

Dated_____
the _____ 1981.

Deputy Conservator of Forests,

Note:
Licence shall be surrendered within 15 days from the date of expiry to the issuing office.

....

Form No. VI

Rule 7

Register of Export of timber to outside the State

Date	Receipt					Date	Disposal				Balance Stock of the date
	Particulars of Timber			From where received	Ref to TP/Challan No.		Particulars of Timber			Where sent	Ref to T.Pass issued.	
	Species	Size	Vol.				Spp.	Size	Vol			
1	2	3	4	5	6	7	8	9	10	11	12	13

Form No. VI (A)
(Rule 7)

Export of Timber Return for the month ending _____ 198

Name of Licence Holder _____ Licence No. _____

Quantity of Timber Received during the month.					Quantity of Timber exported during the month			Closing balance at the end of the month	
Species	Size	Volume			Species	Size	Volume	(Col 5-8	Remarks
		Opening stock at the beginning of the month	Receive during the month	Total of Col. 3 + 4					
1	2	3	4	5	6	7	8	9	10

Certified that the information furnished above are correct to the best of my knowledge and belief.

Dated _____
the _____

Note:- (1) Entries should be made species wise.
(2) To be submitted to the D.C.F. concerned not later than 7th day of the following month.

_____
Signature of Licence Holder.

FORM NO.VII

REGISTER OF RECEIPT AND DISPOSEE OF TIMBER

DATED 6 .

Date	Receipt						Disposal								
	Particulars of timber				From where received	Ref. to T.P/ chalan No& date	Date	How disposed.	Particulars of timber disposed				How disposed.	Reference to T.P. No.& date	Balance stock at the end of the day	Remarks
	Species	length	girth size	volume					Species	length	Girth size	Volume				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1																	

FORM NO. VII(a)

Abstract of Stock Register

(Rule 7) For the month of _____ 198

(To be submitted not later than 7th day of the following month)

Depot Licence No._____ Name of Licence holder _____

Specie	Opening stock on Ist of the month (Volume)	Quantity Received during the month (Volume)	Total of Col.2 and 3.	Quantity disposed during the month.	Closing stock of the month (Col.4 - 5)	Remarks.
1	2	3	4	5	6	7

Dated _____

The _____

Certified that the return is correct to the best of my knowledge.

....

Signature of the Licence holder.

Pages 65 c to 89 c being duplicates of 80 to 94 c removed and handed over to Secy on 18/5 in meeting at C3's chamber.

[illegible] 18/5

(COPY)

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US(F)

Let CCF examine further and give his views.

Sd/-
14/6

CONFIDENTIAL (7)

U/O No.LL.305/79/32
Dated Shillong, the 11th June, '82.

SECRETARY FOREST DEPARTMENT U/O

Sub : Draft Bill to amend the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981.

A draft Bill as desired wide your endorsement U/O in file No.FOR.50/80 is sent herewith together with a Financial Memorandum. A Memorandum on Delegated Legislation and the statement of Objects and Reasons may be given from your end.

We are, however, of the view that the difficulty faced by the Department may be overcome by issuing a notification cancelling the required items from the Schedule under Section 3(2) while at the same time may prescribe the minimum size of such timbers for which no licence should be granted under proviso (a). Hence no amendment is necessary on this account. This point may be raised in Assembly. The effect of the proposed amendment Bill is that it will limit the scope of the Act for minimum size of timbers may now be prescribed only in respect of the timbers specified in the Schedule and no longer in respect of any and every timber as can be done under the existing provision. This point may also be raised in the Assembly.

A point may also be raised why cannot the minimum size be specified in the Act itself in respect of the few trees in the Schedule.

Sd/-
D. R. Rymmai,
Deputy Secretary to the Govt. of Meghalaya,
Law Department.

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U/O No.MFG.51/4/70/PtA
Dt. 1st June, 1982.

Secretary Forests U/O.,

Your endorsement on Law Department's U/O No.LJ.201/80/3 of 29.5.82.

The draft rules and forms retyped after due varification and placed below in triplicate for your necessary action.

Chief Conservator of Forests,
Meghalaya, Shillong.

MEGHALAYA FORESTS/(REMOVAL OF TIMBER) (REGULATION) RULES, 1982.

No. In exercise of the powers conferred by Section 22 of the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981 the Government of Meghalaya hereby make the following rules, namely :-

The Meghalaya Forest (Removal of Timber) (Regulation) Rules, 1982.

CHAPTER I

Preliminary

1. Short title, extent and commencement. (1) These rules may be called the Meghalaya Forest (Removal of Timber) (Regulation) Rules, 1982.

(2) They shall extend to whole of the State of Meghalaya.

(3) They shall come into force at once.

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

(a) 'Act' means the Meghalaya Forests (Removal of Timber) (Regulation) Act, 1981.

(b) 'Competent authority' means that Competent Authority appointed by the Government under Section 2(a) of the Act.*

(c) 'Form' means a form appended to these Rules.

(d) All other terms and expressions used in these rules but not defined shall have the same meaning respectively asigned to them in the Act.

3. Application for licences. (1) Application for removal of timbers outside the State shall be submitted in form No.I to the Competent authority under whose territorial jurisdiction the forests from where the timbers are proposed to be removed are situated.

* The Divisional Forest Officers-in-Charge of territorial Divisions have been appointed competent authorities vide Govt. Notification No._____dated _____1982.

TWO -

(2) Application for establishment of a "Trading Depot" Shall be submitted in form No.II in the same manner as provided under sub-rule (1).

(3) Applications under sub-rules (1) and (2) shall be submitted through the District Council of the concerned autonomous District wherever so required under the Act.

(4) All applications under this rule shall be made in duplicate and the original copy of which shall bear a court fee stamp of Rupees Three and thirty paise only.

4. Disposal of applications and grant of licences.

(1) The Competent authority on receipt of the application under rule 3, shall immediately acknowledge receipt of the same and subject to the provisions of the Act, cause an enquiry to be made in a manner he deems proper.

(2) If the Competent authority is satisfied that a licence may be granted shall -

(a) for removal of timber outside the state for trade or otherwise, issue a licence in form No.IIII and the species, sizes, total quantity of the logs or timbers the area from where the timbers are to be removed and the route by which the same are to pass in the state shall be stated in the licence. The licence granted under this clause shall be valid for a period not exceeding one year and may for a like period be renewed,

(b) for establishment of depot, issue a licence in form No.IV which shall be valid upto the 31st of March next following and may for a like period be renewed.

(3) Where grant of licence under these Rules is refused the competent authority shall record the reasons therefor.

(4) If no final order is passed on an application by the competent authority within six months from that date of its receipt it shall be deemed that licence has been granted.

(5) Application for renewal of the licence shall be made in form No.V and submitted a t least thirty days before expiry of the licence.

5. Licences not to be granted. Not withstanding anything contained in these Rules the Competent aut ority shall not grant any licence for removal outside the state in respect of timbers of the following sizes, namely :-

THREE/-

(i) all timbers in round form which are less than 30 c.m. in diameter.

(ii) all rough square timbers which are less than (20 x 20) square c.m. in cross sectional area:

Provided that in case of Carpinus vaminea no licence shall be granted where timbers in the round form are less than 20 c.m. in diameter, and where in sawn form are less than (15 x 15) square c.m. in the base area.

6. Appeal against orders of Competent authority. (1) Any applicant being aggrieved by the orders of the competent authority may prefer an appeal to the Chief Conservator of Forests whose orders on the same shall be final.

(2) The appeal shall be preferred within sixth days from the date of communication of the order appealed against. The appeal petition shall bear a court fee stamp of Rupees ten only and shall accompany a Bank deposit-at-call receipt of Rupees Fifty only as the appeal fees without which no appeal shall be heard.

(3) The appeal fees referred to above shall be forfeited to the Government in the event of the appeal being rejected and shall be credited to Government as Miscellaneous revenue of the Forest Department.

In the event of the appeal being granted the fees shall be adjusted towards licence fees payable by the applicant.

7. Licence Fees . (1) For issue of licence under these Rules fees at the following rates and in court fee stamps shall be paid namely :-

Category of Licence	Amount
(i) For a licence in form No.III (Removal of timbers).	Rupees Five hundred per 100 cubic meter or part thereof subject to a maximume of Rupees One thousand.
(ii) For a licence in form No.IV (setting up of a trading depot).	Rupees Five hundred per 100 square meter of the area covered by the depot or any part thereof subject to a maximum of Rupees One thousand.

FOUR/-

(iii)	For renewal of licence referred in item (i)-	Rupees three hundred.
(iv)	For renewal of licence referred in item (ii).	Rupees two hundred.

(2) Members belonging to Scheduled Tribes recognised as such in the State of Meghalaya shall pay half of the amounts specified in column two of sub-rule (i) provided, however, that the maximum of Rupees One thousand shall also apply in their case.

8. Records to be maintained and furnished by the licence holder- Every licences shall maintain the registers as in forms No.VI and No.VII for export of timber and maintaining trading depots respectively and abstract from the registers showing monthly transaction of timber shall be submitted with the 7th day of month following to the Competent Authority. The format to be used for the submission of the monthly returns shall be as per form No.VI-A and No.VII-A.

9. Property hammer. The licencee shall have a separate property hammer registered with the Competent authority for use on timbers dealt by him for the trade depot. The facimile of the hammer shall be approved by the Competent Authority and all contain the Licence number of the licence holder. Usual fees as prescribed under the relevent forest Acts and rules shall be leviable for registration of the hammer referred to under this rule.

10. Verification by the Competent authority - The Competent authority or an officer not below the rank of a forester and authorised by him shall have the right to check and verify the registers and the stock of timber at any reasonable time during the working hours and the licencee shall be bound to produce such documents, registers and render all assistance to the officer in checking and verification of the timbers.

FIVE/-

11. Stocking of any other timber :- Any timber or forest produce found in the depot or within 100 meters from the boundaries thereof or in possession of the licencee and not covered by valid Transit Pass, permit or Challan or any other valid document shall be liable to be confiscated to the Government besides making the licencee liable to any other action under the law.

12. Export Transit Pass:- Every consignment of timbers meant for export outside the State shall be checked by a forest officer not below the rank of Forester Grade I and an Export Transit Pass issued. No timber shall be allowed to cross the State boundaries unless accompanied by the Export Transit Pass.

13. A ~~gazetted~~ forest officer not below the rank of A.C.F. shall be competent to accept ~~Compensation~~ at sum of money for the offence compensated* not exceeding twice the prescribed royalty value of the forest produce, subject to a minimum amount of Rs 50/- only, in respect of which a reasonable suspicion exists that an offence ~~has been~~ under these rules have been committed; ~~by way of Compensation of the offence~~. Such Compensation shall be in addition to ~~other~~ Royalty & other dues payable on the forest produce.

Vs. 157

Vs 18

Meghalaya Forests (Removal of timber) (Regulation) Act, 1981
Act 12 of 1981.

Financial implications on enforcing the provisions of the Act and the Rules made thereunder, shall be as follows.

I. Recurring Costs:

(a) Setting up of the enforcement Ranges - one each for 3 territorial division of Khasi, Garo and Jaintia Hills.

Staffing Pattern :-

Each Range will have the following staff :

Forest Ranger as incharge of the Range	1
Range Assistant	1
Foresters - attached for checking the authorised depots etc.	2
Forest Guard - attached to Range	1

(b) Establishment of Check Gates on all exit routes of the State - there shall be 14 gates in all at the following places :

On the National Highways: (1) Jorabat, (2) Ratacherra/Baleswar, (3) Dainadubi and (4) Bajengdoba.

On other exit roads : (5) Garampani, (6) Umsiang, (7) Athiabari, (8) Paham, (9) Khanduli, (10) Mendipathar, (11) Tikirkilla, (12) Adokgiri, (13) Kharkuta and (14) Medhipara.

The gates on the National Highways shall be opened for 24 hours of the day and shall be manned by one Forester and three gate men.

The gates on the other places will remain closed between sunset and sunrise and shall be manned by one Forester and 2 gate men each.

(a) Cost of establishment : (For ~~one~~ 11 Ranges).

(i) Salary inclusive of all allowances	47,000/-
(ii) Travelling Allowances L.S.	6,000/-
(iii) Office Expenses - Stationery, Forms, Stores and misc.contingent charges including accomodation for office.	20,000/-
Total for one Range	73,000/-
For three such ranges for 3 Divisions	2,19,000/-

.....2/-

(b) For Gate Staff :

(i)	Pay and allowances for 14 Check Gates Foresters	1,26,000/-
(ii)	-do- for 32 Gate Men	2,40,000/-
(iii)	Travelling allowances of Gate staff L.S.	30,000/-
(iv)	Contingency charges for the gates - cost of lighting arrangements, movement of seized timber etc. Rs.2500/- per gate for 14 gates.	35,000/-
	Total (b)	4,31,000/-
Total Recurring Cost :-	(a) and (b)	6,50,000/-

II. Non Recurring Cost :

(a)	Cost of accomodation for the staff :- (For Ranges).	
(a)	Cost of 3 Office Buildings @ 50,000/-	1,50,000/-
(b)	Cost of 3 R.O.'s Quarters @ 75,000/-	2,25,000/-
(c)	-do- 3 R.A's " @ 50,000/-	1,50,000/-
(d)	-do- 6 Foresters " @ 50,000/-	3,00,000/-
(e)	-do- 3 Forest Guards " @ 35,000/-	1,05,000/-
(f)	-do- of erecting 13 gates @ 1000/-	14,000/-
(g)	Semi-permanent type quarters for the Gate staff 32 + 14 = 46 units @ 15000/- per unit.	6,90,000/-
(h)	Cost of creating fenced in storage depot for seized and confiscated timber at each gate 4 Nos. 10000/- + 10 Nos. @ 5000/- each.	90,000/-
	Total Non-Recurring Cost :- ...	17,24,000/-

Note :- The capital component of expenditure will be phased out over a period of 3 years. Till the construction of permanent quarters for the Staff, hired accomodation will be arranged and rents paid from the recurring expenditure.

DHK/-
5/6/82.

13. COMPOSITION FEE :

1. Any offence under the Act may be compounded by an Officer authorised by the Government under Section 15 of the Act, on payment of a sum of money equal to double the amount of royalty value of the timber in respect of which the offence has been committed subject to a minimum of Rs.50/- (Rupees Fifty) only.

2. The Composition Fee payable under sub-rule (1) above, shall be in addition to the royalty and other dues payable on the timber.

FORM NO. I

[RULE 3 (I) OF THE MERTR RULES, 1982.]

From :

_____

_____

To

The Divisional Forest Officer
(TheCompetent Authority under the MFRTR Act, 1981)
_____ Division.

Subject :- REMOVAL OF TIMBER OUTSIDE THE STATE.

Sir,

I intend to transport the timbers particulars of which are furnished below to _____ (name of place outside the State) for trade purpose.

Necessary permission for the same may kindly be issued.

All necessary particulars are furnished below :-

1. Name of Applicant and permanent : address.

2. Description of timbers intended : to be exported

Sp.	Size	Quantity.

3. Origin of the Forest produce :
(i) Name of the forest areas from where collected.
(ii) How acquired - (reference may be given to valid permit, settlement orders etc).

4. Period during which the forest : produce is proposed to be exported.

5. The route through which to be : exported and name of the establishment Forest Check Gate through which it will cross the State Boundary.

Yours faithfully,

(_____)

ACKNOWLEDGEMENT

The application dated _____ (in form I) from _____ for a licence to export timbers outside the State has been received in this Office on _____.

SEAL OF
OFFICE.

Divisional Forest Officer,
(The Competent authority under the MFRTR Act,1981)
Division _____.

.....

FORM- II

[RULE 3(2) OF THE MFRTR RULES, 1982]

From : _____

_____

To

Divisional Forest Officer,
(The Competent Authority under the MFRTR Act, 1981)
_____ Division.

Sub : ESTABLISHMENT OF A TRADING DEPOT FOR TIMBER: REMISSION FOR.

Sir,

I intend to establish a trading depot for timber at a place mentioned below. All necessary particulars are furnished below.

Necessary permission may kindly be accorded.

1. Name and address of applicant: _____

2. Description of the proposed timber Depot. : _____

   (i) Location : _____ (Village Town etc.)

   (ii) Bounded by :North _____
   East _____
   South _____
   West _____

   (iii) Area of the proposed Depot (in case of irregularly shaped-land area may be furnished accordingly approximate average length and average width).
   Length _____ M.
   Width _____ M.
   Area _____ Sq.M.

3. Quantity of Timber proposed to be stocked in the depot; : Maximum _____ Cm.
   Minimum _____ Cm.
   Average monthly _____ Cm.

4. Is the depot meant for local sale or for export to outside the state. : _____

5. Owner-ship of the proposed Depot: _____
   land. If the land does not belong to the applicant has permission for its proposed use been taken from the owner.
   (attach copy of documentary proof).

7. Period for which the Depot is proposed to be maintained. : _____

Yours faithfully,

(_____)

.....

ACKNOWLEDGEMENT.

The application dated _____(in form II) from _____ for a licence to establish a timber licence depot at _____ has been received in this office on _____.

SEAL OF OFFICE

Divisional Forest Officer,
(The Competent Authority under the MFRTR Act,1981)
Division _____.

FORM NO. III

[RULE 4(2) (a) OF THE MFRTR RULES, 1982]

Licence for export of timber outside the State.

Subject to provisions of Meghalaya Forest (Removal of timber) (Regulation) Act, 1981 and Rules framed there-under this licence is hereby granted to.

Name : _____

Address : _____

_____

for export of timber outside the State for the period from _____ to 31.3.198___ as per details mentioned below. The route through which the timbers may be transported shall be _____.

Species	Length	Girth / Size	Volume	Remarks

Total Volume _____ Cum.

NOTE :

(1) Details to be furnished species wise and where length/ size cannot be assessed maximum No. of each species. allowd to be transported outside the State may be mentioned).

(2) Timbers of size below the prescribed limit and species included the Schedule of the Act are not allowed to be transported outside.

Licence fee of Rs._____ realised vide Rt.No._____ dated _____.

...2/-

Facimal of the Depot hammer approved -

Dated _____

the _____ 198___.

Divisional Forest Officer,
(The Competent Authority under the MFRTR Act, 1981)
_____Division.

The licence is renewed upto 31st March, 1984 on realisation of a licence fee of Rs._____ only vide Rect.No._____ dated _____ 198____.

Dated _____

the _____198___.

Divisional Forest Officer,
(The Competent Authority under the MFRTR Act,1981).

Note : The licence shall be surrendered within 15 days from the date of expiry to the issuing office.

FORM NO. IV.

[RULE 4(2) (b) OF THE MFRTR RULES, 1982]

Licence for establishment of a Timber Trading Depot.

Subject to provision of Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981. This licence is hereby granted to

Name _____

Address _____

For the period from _____ to 31.3.198 to establish a trading depot for timber at

Location _____

at

Covering an area of more or less _____ Sq.Metres bounded by on the North _____

East _____

South _____

West U _____

and is allowed to trade on timber subject to the provisions of Meghalaya Forest (Removal of Timber) (Regulation) Rules 1982 from the said premises.

Licence fee of Rs._____realised vide Receipt No._____

Dt._____.

Divisional Forest Officer.

Licence is renewed upto 31st March, 198__ on realisation of renewal fees of Rs._____ vide Rt.No._____198____

Dated _____

the _____1981.

Divisional Forest Officer.

Note : Licence shall be surrendered within 15 days from the date of expiry to the issuing office.

FORM NO. V.

[RULE 4(5) OF THE MFRTR RULES, 1982_7

From :

_____

_____

To

The Divisional Forest Officer,
(The Competent Authority under the MFRTR Act,1981),
_____Division.

Sub : RENEWAL OF TRADING/DEPOT LICENCE NO._____.

Sir,

I hereby apply for renewal of the licence No._____ _____ of _____ for transporting timbers outside the State/ for establishing a trading depot for timbers for a further period of one year ending on 31st March, 19____.

The following changes may kindly be incorporated in the licence.

The licence is enclose herewith for necessary action.

Yours faithfully,

(_____)

_____

...

FORM NO.VI

[RULE 8 OF THE MFRTR RULES, 1982]

Register of Export of timber to outside the State.

Date	Receipt					Date	Disposal					Balance Stock of the data.
	Particulars of Timber			From where received.	Ref to TP/Challan No.		Particulars of Timber			Where sent	Ref to T.Pass issued.	
	Species	Size	Volume				Spp.	Size	Vol			
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM NO. VI-A

[RULE 8 OF THE MFRTR RULES, 1982]

Export of Timber Return for the month ending _____ 198

Name of Licence Holder _____ Licence No. _____

Quantity of Timber Received during the month.					Quantity of Timber exported during the month			Closing balance at the end of the month	
Species	Size	Volume: Opening stock at the beginning of the month.	Receive during the month	Total of Col. 3 + 4	Species	Size	Volume	(Col 5-8	Remarks.
1	2	3	4	5	6	7	8	9	10

Dated _____
the _____

Certified that the information furnished above are correct to the the best of my knowledge and belief.

_____
Signature of Licence Holder.

NOTE : (1) Entries should be made species wise.
(2) To be submitted to the Divisional Forest Officer concerned not later than 7th day of the following month.

FORM NO. VII

[RULE 8 OF THE MFRTR RULES, 1982]

REGISTER OF RECEIPT AND DISPOSED OF TIMBER

DATED _____.

Receipt							Disposel							
Date	Particulars of timber				From where received	Ref. to T.P/ challan No & date.	Date	How disposed.	Particulars of timber disposed				How disposed.	Reference to T.P. No. &date	Balance stock at the end of the day	Remarks.
	Species	Length	girth size	volume					Species	length	girth size	Volume				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

FORM NO. VII-A

[RULE 8 OF THE MFRTR RULES, 1982]

Abstract of Stock Register For the month of _____ 198

(To be submitted not later than 7th day of the following month)

Depot Licence No._____ Name of Licence holder _____

Specie	Opening stock on Ist of the month (Volume)	Quantity Received during the month (Volume)	Total of Col.2 and 3.	Quantity disposed during the month.	Closing stock of the month (Col.4 - 5)	Remarks.
1	2	3	4	5	6	7

Dated _____

The _____

Certified that the return is correct to the best of my knowledge.

_____

Signature of the Licence Holder.

HK/-
11/5/82.

INCONSIDERATE ACTS OF MEGHALAYA GOVERNMENT ON PRIVATE FORESTS.

Through News Papers we are freed (forced) to write about the inconsiderate acts of Meghalaya Government by implementing Rules and Regulations on Private Forests in the State.

The Government of Meghalaya has adopted Rules and Regulations that the owners of the Private Forests are no longer able to operate their undersized pine trees. This action of the Government has greatly affected the timber contractors as royalty has been paid in advance but the period of operation takes many years to complete. On these matters where the timber contractors are victimised, the Government will be able or not to help the timber contractor to recover for what they have lost especially when nowadays some of them have stopped their business.

Again, these Rules and Regulations made by the Government will seriously affect the citizens of the State which at the sametime they are the forest and land owners, as most of them leased out their forests not only that trees are matured but due to financial difficulties. Hence the question of matured or unmatured does not arise, but the owners can act whenever necessary. It seems that the Government is making Rules and Regulations without prior consideration of future problems that may arise.

In fact, the owners derived their benefits from the forests after they have maintained properly and protected from fire hazzards. A forest originally having hundred trees brings out thousand members (numbers) after it was leased out. The private owners want to retain the pine trees in order to derive more benefit. In these poor conditions, will the private owners vote again these inconsiderate MLAs in the next election, where they will renew again these inconsiderate Rules and Regulations ?

Actually, on these serious matters, we have the Syiems, Dolois, Lyngdohs and Wahadadars and it is their responsibility to see the well-being of their people (subjects) in the State.

These Rules and Regulations has implemented by the Govern-ment by construction of Checkgates throughout the road length upto Burnihat and at the sametime power has been given to the District Council to implement these Rules and Regulations.

....2/-

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To Counteract these Rules and Regulations, the Association of Timber Contractors and private owners in Jaintia Hills strongly condemned in their meeting. Fortunately the Jaintia Hills District Council understood the problems that will arise and no implementation has been carried out. But in Khasi Hills District Council where the head of the Council is a law maker, these rules and regulations are implemented and now-a-days both the timber Contractors and privates are the victims and at the sametime they tried their best to by-pass the District Council which has realised a very heavy royalty on timbers from private forests that make them unable to pay.

Conclusively, the Government and District Council having their own reserved forests, prohibited forests, Green blocks Governments unclassed State Forests can fix and rate of royalty and Rules and instead of strictly enforcing the rules in the unclassed State Forests where valuable trees are being destroyed by shifting cultivators have enforced them on the public at large.

Reporter

(Davelin Talang)
Wahjajer Jowai.

....

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GOVERNMENT OF MEGHALAYA
OFFICE OF THE CHIEF CONSERVATOR OF FORESTS:MEGHALAYA:SHILLONG.

N O T I C E

NO.MFG.51/4/70/Pt.A. Dated Shillong, the 26th November, 1982.

It is hereby notified for the information of all concerned particularly all persons dealing in timbers in Meghalaya that the State Government have promulgated the Meghalaya Forests (Removal of Timber) (Regulation) Act, 1981 vide Notification No. LL.305/79/23 dated 2.6.81 and the Rules made thereunder vide Notification No.FOR.30/80/237 dated 10.8.1982 in the matter of exporting timber of certain notified species and sizes outside the state.

Interested persons may contact either the office of the undersigned or the Divisional Forest Officers at Shillong, Tura or Jowai for detailed information.

Sd/-P.S.Ingty,
Chief Conservator of Forests,
Meghalaya, Shillong.

Memo No.MFG.51/4/70/Pt.A. Dated Shillong, the 26th November, '82.

Copy to :-

1. Director of Information and Public Relations for wide publicity.
2. Director of All India Radio, Shillong for favour of publishing this in English and local language programmes.
3. All Conservator of Forests and Deputy Conservator of Forests for wide publicity.
4. All Deputy Commissioners and Sub-Divisional Officers of the State for information and wide publicity.
5. Secretary Executive Committee, Khasi Hills/Jaintia Hills/ Garo Hills District Councils for information and necessary action.

Chief Conservator of Forests,
Meghalaya, Shillong.

ET/

GOVERNMENT OF MEGHALAYA
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS ::GARO HILLS DIVN.TURA.:
:::::::

MEMO NO.A/24/iv/Timber Removal Act/ 66 Dt.Tura, the 24 thJan/83.

From: The Deputy Conservator of Forests;
Garo Hills Division, Tura.

To

The Chief Conservator of Forests;
Meghalaya ; Shillong.

Sub: Meghalaya Forest Removal of timber(Regulation)Rules 1982 and implementation thereof.

Ref: This Office letter No.A/24/iv/Timber Removal Act/1049 dt. 8-12-82.

Sir,

In continuation to this Office letter cited above; I have the honour to say that reference has already been made to the Garo Hills District Council vide this Office letter No.B/24/iv/9359 dt. 8-12-82 requesting them to furnish the undersigned with details of exit points etc. within U.S.F connecting Assam through which timber can be extracted to Assam so that the same can be reported to you for action; but no reply to that extent has yet been received from the Garo Hills District Council. I have again reminded the Secretary, Garo Hills District Council, to favour me with the above information as early as possible.

Since the Timber Removal Act has already been given the force of Law and the undersigned has been vested with the functions of regulating the exportion of timbers outside the State; difficulties in implementation of the Rules framed thereunder have already been explained vide my above letter under reference.

The Garo Hills District Council is administring a vast area of Forests and almost all the exit points fall within the U.S.F where there are no Checkgate to prevent unlawful exportation of timbers outside State.

Contd..2/--

3040 42
2nd Feb 1983

In absence of infrastructure; the undersigned has a very limited scope to control such a vast area under U.S.F. with so many exit points except the exit points falling within the Reserve Forest areas. In this connection, it may be mentioned that at present the following checkgates are situated in Reserve Forest areas under the control of the undersigned.

1. Dainadubi checkgate- on Baghmara Damra Road.
2. Rongjeng Checkgate - On Rongjeng -Nongstoin Road.
3. Darugiri Checkgate- On Baghmara Damra Road.
4. Songkhama Checkgate- Songsak Mendipather Road.
5. Khera checkgate- Rongrenggiri Songsak road.
6. Holloidanga checkgate-Phulbari-Tikrikilla Road.

At present there is no operation in any other Reserve Forest by coupe holders except in Rongrenggiri R.F. and out of these , only Shri. Nasiruddin Ahmed of Goalpara having coupe No.9/1 of 81-82 containing 100 trees and M.F.D.C. having 10 coupes containing 500 trees are transporting the timber outside Meghalaya.

Exportation of timbers from whatsoever source outside State through the above checkgates may be controlled in accordance with the Removal of Timber Act Regulation 1982 by issuing licences etc. for the timber going outside the State. Since no response from Garo Hills District Council has yet been notified in this direction, implementation of the Rules at the above checkgates controlled by the undersigned will be effective only partly in the District. Since it is apprehended that this half hearted implementation of the above Rules in the case of our checkgates may have repurcussions on the policy making decisions from your end, I am of the opinion that your approval for effecting the implementation of above Rules is very much required.

Contd...3/--

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I am therefore , to request you to kindly favour me with your instructions whether the stoppage of timber going outside Meghalaya on the strongth of T.Ps issued from Garo Hills District Council should be done at our checkgates for obtaining the required licences and whether the licence in the case Meghalaya Forest Development Corporation timbers and the timbers from other coupeholders from our Reserve Forest being taken outside the State, should also be issued.

Further, the Removal of Timber Act does not specify whether the rules can be exampted for sawn timber being taken outside the State by purchasers, if any, from our Darugiri Saw Mill. Kindly favour me with instructions regarding issue of license for the same also. From Darugiri Saw Mill, as well as saw Mills at Mendipather sleeper supplies to Railways are also effected on the strength of allotment from Forest Utilisation Officer's side, kindly let me know whether these also will come under the purview of issue of license.

Yours faithfully,

(R. Vasisht,)
Deputy Conservator of Forests;
Garo Hills Division,Tura.

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(10)

U.O.No MFG.51/4/70 (Pt .A) I

Dated Shillong , the 12th June, 1984.

Special Secretary , Forests, U/O

Sub: Meghalaya Forest (Removal of Timber) (Regulation) Act,1981, and rules thereunder- Implementation of

Ref : U.O.No FOR.50/80/279 Dated 11th June,1984.

A revised amendment , alongwith a Statement of objects and Reasons , which donot seem to have been included as well as the revised " Memorandum of delegated Legislation" , all of which has been after discussion with the Secretary, Law Department and Joint Secretary , Law department , Govt. of Meghalaya, is enclosed herewith. It is requested that immediate action ~~is taken~~ to move for amendment during the current session may kindly be taken .

(P.S.Ingty)

Adviser, Forests& Wildlife,
Meghalaya .

Copy to the Chief Conservator of Forests, Meghalaya with refeeence to our discussion .

THE MEGHALAYA FOREST (REMOVAL OF TIMBER)(REGULATION) (AMENDMENT) BILL, 1984 .

A

BILL

to amend the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981.

Be it enacted by the Legislature of Meghalaya in Thirty-Fifth Year of the Republic of India as follows:-

Short title extend and commencement.

1.(1) This act may be called the Meghalaya Forest (Removal of Timber) (Regulation) (Amendment) Act,1984.

(2) It shall extend to the whole of the State of Meghalaya.

(3) It shall come into force at once.

Amendment of Section 3 of Act 12 of 1981.

2. In the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981, in Section 3, for the existing provisos (a) and (b) to sub-section (1), the following shall be substituted, namely :-

" Provided that no such license shall be granted by the competent authority in respect of timber the size of which is below the minimum size prescribed for timber of such categories or species of trees or groups thereof specified in the Schedule to this Act."

STATEMENT OF OBJECTS AND REASONS

For better implementation of the Act it is necessary to regulate export of ~~xxxxxxx~~ undersize timber by amending the Act, Hence the Bill .

FINANCIAL MEMORANDUM

The Bill involves no expenditure from the Consolidated Fund of the State.

MEMORANDUM OF DELEGATED LEGISLATION

The proviso proposed vide clause 2 of the Bill enables the State Government by rules to prescribe the minimum size of timbers which can be removed outside the State for the purpose of trade or otherwise under a license granted under the provision of t the Act and prohibits granting of such license in respect of timbers which are below the prescribed minimum size. It is not practcable to prescribe minimum size of timbers of all categories and species of trees or groups mentioned in the Schedule as the use varies from time to time and these being matters of detail the same may be appropriately dealt with by rules. Hence , the delegation of legislative power is not excessive and is of a normal character.

(DRAFT)

FOR.50/80

CABINET MEMORANDUM

Subject:- The Meghalaya Forest (Removal of Timber) (Regulation) (Amendment) Bill, 1984.

The objective of bringing about the Meghalaya Forest (Removal of Timber)(Regulation)Act, 1981 includes inter-alia to regulate sale of timber outside the State so that it would indirectly put a check on felling of small size trees from all categories of Forests (Government Reserve Forests, Govt. Protected forest and unclassed forests including the forests under the District Councils). Accordingly, the Act was enacted. As per provision contained in sub-section (b) of section 3 of the Act, the species of timber included in the Schedule thereof are prohibited for removal outside the State. While sal and pine are the most important species of our forests, there are other species which include the plywood timbers, the sleeper timbers and timber used for cabinet making, house construction etc. and these have been included in the Schedule. The trade on all the other timbers in the Schedule will be totally prohibited as there is no competent authority declared in the Act who can issue licence for their removal for establishment of trading depots. The entire evergreen sleeper supply is based primarily on the scheduled species. The total prohibition on the trade of these species will adversely affect the sleeper supply business because the supplying contractors will have to establish trading depots which will not be permissible as per the existing Act.

The repurcussion expected from the Dist. Councils, Forest Departments has been considered, as it will be primarily District Council's timber which will be involved in the control measure suggested. In the case of Garo Hills District Council, the bulk of the timber trade now is of non-sal species which are scheduled species. Prohibiting the trade of such species will adversely affect the Forest Department activities of the Garo Hills Dist. Council. Hence, serious objections are likely to come from that end. In Khasi and Jaintia Hills too, there is sizeable amount of trade on scheduled species other than pine and sal. The affect of total prohibition on trade of such timber has also been taken into consideration

Contd...2/-

Therefore it is considered that the present proposal to amend the said Act is to allow controlled trading on all species of timber available by way of limiting the size of timber irrespective of those included in the schedule to the Act and other species not included therein.

The extract of existing provisions of section 3 on which the Act is proposed to be amended and the schedule thereof are enclosed herewith.

The draft amendment Bill with the Statement of objects and reasons, Financial Memorandum and the Memorandum on Delegated Legislation are enclosed herewith.

The approval of the Cabinet to the draft amendment Bill for placing before the State Legislature is, therefore, sought.

Special Secretary
Forest Department.

....

EXTRACT OF SECTION 3 OF THE MEGHALAYA FOREST (REMOVAL OF TIMBER) (REGULATION) ACT, 1981.

Removal of timber outside the State.

3. (1) No person shall remove or cause to be removed for the purpose of trade or otherwise, any timber outside the State, and no Trading Depot shall be set up or established at any place without a licence from the competent authority.

Provided that no such licence shall be granted by the competent authority:-

(a) in respect of timber the size of which is below the minimum size prescribed for such timber; and

(b) In respect of timber of such categories or species of trees or groups thereof specified in the Schedule to this Act.

(2) The State Government may, by notification, add, modify, amend or cancel any item in the Schedule to this Act.

(3) Every notification issued under the foregoing sub-section shall have effect on the date of its first publication in the Official Gazette and shall be laid as soon as may be after its publication before the House of the Legislative Assembly of the State.

SCHEDULE

[See Section 3 (1) (b)]

Serial No.	Local (Common) Name	Commercial Name	Scientific Name
1.	Dieng Soh Risang	Indian Horn Beams	Carpinus Vaminea
2.	Tik, Teak, Segun	Teak	Tectona Grandis.
3.	Dieng Laphiang gippokn Gamari	Bol Gamari	Cmelina Arborea
4.	Dieng Rai, Tita Sapa	Champ	Michelia Champaca
5.	Bola, Dieng Bilat Bolseng	Nola	Morus laevigata
6.	Nabar Dieng Ngai	Mesua	Messva ferrea
7.	Sal, Dieng Blei, Bol Sal	Sal	Shoreu robusta
8.	Mundhani	Mundani	Acrocarpus fraxi-ni folius.
9.	Amari, Lali	Amari	Amoora Wallichii
10.	Cham, Sam	Chaplash	Artocarpus, Chapla sha.
11.	Bireh, Dieng Lieng	Bireh	Detula alnoides
12.	Bogipoma, Diengbti, Tyrneng, Bol Derek	Chiekrassy	Chikrassia tabularis.
13.	Khokan, Dieng Bai	Lampati Khokan	Duabanga grandi-flora.
14.	Karai	Karal	Kayea floribunda
15.	Badam	Badam	Mansonia Dipikai
16.	Holok, Diengmaras Rakseng	Hollock	Terminallam Myrio-carpa
17.	Poma, Dieng Bti	Toon	Toona Ciliata.
18.	Kadam	Kadam	Anthacephalus, Kadamba
19.	Pine Khasi Pine Dieng Kseh	Pine	Pinus Kesiya
20.	Gogra, Dieng Ngan	Gogra/Chilauni	Schima Khasiana/ Schima Naltichii

THE MEGHALAYA FOREST (REMOVAL OF TIMBER) (REGULATION) (AMENDMENT) BILL, 1984.

A
BILL

to amend the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981.

Be it enacted by the Legislature of Meghalaya in Thirty- fifth year of the Republic of India as follows :-

Short Title extent and commencement

(1) This Act may be called the Meghalaya Forest (Removal of Timber) (Regulation) (Amendment) Act, 1984.

(2) It shall extend to the whole of the State of Meghalaya.

(3) It shall come into force at once.

Amendment of Section 3 of Act 12 of 1981.

2. In the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981, in Section 3, for the existing provisos (a) and (b) to sub-section (1), the following shall be substituted, namely :-

"Provided that no such license shall be granted by the competent authority in respect of such timber including timber of the categories or species of trees or groups specified in the Schedule to this Act, the size of which is below the minimum size prescribed for such timber"

STATEMENT OF OBJECTS AND REASONS

For better implementation of the Act it is necessary to regulate export of undersize timber by amending the act, Hence the Bill.

Minister-in-charge.

FINANCIAL MEMORANDUM

The Bill involves no expenditure from the Consolidated Fund of the State.

MEMORANDUM ON DELEGATED LEGISLATION

The proviso proposed vide Clause 2 of the Bill enables the State Government by rules to prescribe the minimum size of timbers which can be removed outside the State for the purpose of trade or otherwise under a license granted under the provision of the Act and prohibits granting of such license in respect of timbers which are below the prescribed minimum size. It is not practicable to make provision in the Bill itself as to the minimum size of timbers of all categories and species of trees or groups specified in the Schedule to the Act of otherwise as the use varies from time to time andthese being matters of detail the same may be appropriately dealt with by rules . Hence, the delegation of legislative power is not excessive and is of a normal character.

F.R.50/80

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CABINET MEMORANDUM

Subject:- The Meghalaya Forest (Removal of Timber) (Regulation) (Amendment) Bill, 1984.

The objective of brining about the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981 aims at regulating the sale of timber outside the State so that it would indirectly put a check on felling of small size trees of all categories of forests (Government Reserve Forests, Government Protected forest and unclassed forests including the forests under the District Councils). Accordingly, the Act was enacted. Sub-section (1)(b) of section 3 of the Act provides that the species of timber included in the Schedule thereof are prohibited for removal outside the State. Section 3 and the Schedule thereof are reproduced below :-

Extract of Section 3 of the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981.

Removal of timber outside the State.

2. "No person shall remove or cause to be removed for the purpose of trade or otherwise, any timber outside the State, and no Trading Depot shall be set up or established at any place without a licence from the competent authority.

Provided that no such licence shall be granted by the competent authority :-

(a) in respect of timber the size of which is below the minimum size prescribed for such timber; and

(b) in respect of timber of such categories or species of trees or groups thereof specified in the Schedule to this Act.

(2) The State Government may, by notification, add, modify, amend or cancel any item in the Schedule to this Act.

(3) Every notification issued under the foregoing sub-section shall have effect on the date of its first publication in the Official Gazette and shall be laid as soon House of the Legislative Assembly of the State".

3. The following are the category of trees under the Schedule -

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Sl. No.	Local(Common) Name	Commercial Name	Scientific name
1.	Dieng Soh Risang	Indian Horn Beams	Carpinus Vaminea
2.	Tik, Teak, Segun	Teak	Tectona Grandis
3.	Dieng Laphiang, qippok, Gamari	Bol Gamari	Gmelina Arborea
4.	Dieng Rai, Tita Sopa	Champ	Michelia Champaca
5.	Bala, Dieng Bliat, Nolseng	Bola	Morus Laevigata
6.	Nahar Dieng Ngai	Mesua	Mesua ferrea
7.	Sal, Dieng Blei, Bol Sal	Sal	Shorea Pabusta
8.	Mundhani	Mundani	Acrocarpur fraxini-folius
9.	Amari, Lali	Amari	Amoora Wallichii
10.	Cham, Sam	Chaplash	Artocarpus Chapla-sha
11.	Birch, Dieng Liang	Birch	Betula alnoides
12.	Bogippma, Diengbti, Tyrneng, Bol Berek	Chikrassy	Chikrassia tabularis
13.	Khekan, Dieng Bai	Lampati Khokan	Duabanga grandi-flora
14.	Karal	Karal	Kayea floribunda
15.	Badam	Badam	Mansonia Dipikai
16.	Holok, Diengmaras Baksang	Hollock	Terminalia Myriocarpa
17.	Poma, Dieng Bti	Toon	Toona Ciliata
18.	Kadam	Kadam	Anthocephalus Dadamba
19.	Pine, Khasi Pine, Dieng Kseh	Pine	Pinus Kesiya
20.	Gogra, Dieng Ngan	Gogra Chilauni	Schima Khasiana/ Schima Wallichii.

4. Under Proviso (b) of Section 3(1) of the Act the removal trading and removal of the above species of trees specified in the Schedule thereof is totally prohibited. Sal and pine are also included therein.

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5. Sal and pine are the most important species of our forests. There are other species which include the plywood timbers, the sleeper timbers and timbers used for cabinet making, house construction etc. and these have been included in the Schedule. The trade on sal and pine and all the other timbers in the Schedule will be totally prohibited and there would be no competent authority declared under the Act who can issue licence for their removal. The entire every green sleeper supply is based primarily on the scheduled species. The total prohibition on the trade of these species will adversely effect the sleeper supply business because the supplying contractors will have to establish trading depots, but the species of tree for which trading is to be carried on are not persmissible as per existing Act.

6. Because of the total prohibition under the existing Act, the repurcussion is likely to come up from the District Councils, the most to be adversely effected are the timber of the District Councils. Garo Hills District Council, the bulk of the timber trade now is of non-sal species which are scheduled species. Prohibiting the trade of such species will adversely effect the Forest Department activities of the Garo Hills District Council. In Khasi and Jaintia Hills too, there is sizeable amount of trade on scheduled species other than pine and sal. The total prohibition on trade of such timber will block the timber business of the District Councils and thus reduce their revenue earning capacity. So the need to amend this flaw in the existing Act.

7. In the circumstances stated above the amendment to the existing provision contained in provisos (a) & (b) of Section 3(1) of the Act is proposed to remove this flaw and keep open the trading and removal of commercial species of treses but limiting the size of timbers for transport outside the State through the registered Timber Depots only, so that the total prohibition is removed thereby. In the meantime, the control measure on movement of timbers outside the State will put a check indirectly on the indicriminate felling of small size trees in the Government Forests and all classes of Forests in the State.

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Therefore the present proposal to amend the said Act is to allow controlled trading on all species of timber available by way of limiting the size of timber irrespective of those included in the schedule to the Act and other species not included therein.

The draft amendment Bill with the statement of objects and reasons, Financial Memorandum and the Memorandum on Delegated legislation are enclosed herewith.

The approval of the Cabinet to the draft amendment Bill for placing before the State Legislature is, therefore, sought.

Special Secretary
Forest Department
Shiklong.

OK/1285

THE MEGHALAYA FOREST (REMOVAL OF TIMBER) (REGULATION) (AMENDMENT) BILL, 1984

BILL

to amend the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981.

Be it enacted by the Legislature of Meghalaya in Thirty-fifth year of the Republic of India as follows :-

Short title extent and commencement.

(1) This Act may be called the Meghalaya Forest (Removal of Timber) (Regulation) (Amendment, Act, 1984.

(2) It shall extend to be whole of the State of Meghalaya.

(3) It shall come into force at once.

Amendment of Section 3 of Act 12 of 1981.

2. In the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981, in Section 3, for the existing provisos, (a) and (b) to sub-section (1), the following shall be substituted, namely :-

"Provided that no such license shall be granted by the competent authority in respect of such timber including timber of the categories or species of trees or groups specified in the Schedule to this Act, the size of which is below the minimum size pescribed for such timber"

STATEMENT OF OBJECTS AND REASONS

For better implementation of the Act it is necessary to regulate export of undersize timber to amending the Act, Hence the Hill.

Minister-in-Charge

FINANCIAL MEMORANDUM

The Bill involves no expenditure from the Consolidated Fund of the State.

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MEMORANDUM ON DELEGATED LEGISLATION

The proviso proposed vide clause 2 of the Bill enables the State Government by rules to prescribe the minimum size of timbers which can be removed outside the State for the purpose of trade or otherwise under a licence granted under the provision of the Act and prohibits granting of such licence in respect of timbers which are below the prescribed minimum size. It is not practicable to make provision in the Bill itself as to the minimum size of timbers of all categories and species of trees or groups specified in the Schedule to the Act or otherwise as the use vari s from time to time and these being matters of detail the same may be appropriately dealt with by rules. Hence, the delegation of legislative power is not excessive and is of a normal character.

FOREST OWNERS & TIMBER PRODUCERS ASSOCIATION
EAST AND WEST KHASI HILLS DISTRICTS
SHILLONG.

****

Ref. FOTPA/86/3 Date - 19th Feb. 1986.

To

The Chief Conservator of Forests,
Government of Meghalaya,
Shillong.

Subject:- Prayer to withdraw/halt partial implementation of the Meghalaya(Removal of Timber) Regulation Act, 1981, by the Deputy Conservator of Forests, Khasi Hills Division.

Reference:- Your Press Note in the issue of "The Implanter" dated 8.2.86.

Sir,

2. The Minutes of the discussion held in the office Room of the Deputy Chief Minister on 1.2.82, copy of which was forwarded to us by the Government vide letter No.FOR.167/82/27 dated 7.10.83.

While referring to the Press Note and Minutes of the discussion held on 1.2.82 on the subject noted hereinabove, I on behalf of the Forest Owners and Timber Producers Association humbly beg to represent as follows:-

1. That you are well aware that under the provisions of the Sixth Schedule to the Constitution of India, the Khasi Hills District Council has been exclusively vested with the Powers to manage and control the forests that fall within the jurisdiction of the District Council wotwithstanding the fact that the subject "Forests" falls within the ambit of the State List as provided in the Seventh Schedule to the Constitution of India.

2. That all the Private Forests are purely under the jurisdiction of the District Council, and the State has no right to encroach upon the constitutional rights of the District Council over the Private Forests. The Meghalaya Forest (Removal of timber) Regulation Act, 1981 and the rules thereunder is not applicable to the timbers extracted from the Private Forests. The said Act is meant for the timbers operated from the forests under the jurisdiction of the State Government.

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FOREST OWNERS & TIMBER PRODUCERS ASSOCIATION SHILLONG

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3. That the District Council accordingly had enacted an Act and Rules in 1958, which has been amended from time to time, and our Association has been bound by the same and has been operating the forests in conformity with the directions and instructions of the District Council.

4. That it is needless to mention that the various forests other than the Government Reserve Forests have been the main, and in mostcases the only, source of income of the Khasis owning and/or living in and around the said forests.

5. That it is further known to the Government that the income from the forest produce within the jurisdiction of the District Council constitutes the major source of revenue for the District Council.

6. That I further beg to point out that in view to grant relief to the already backward Khasi Tribe the Government of Meghalaya as well asthe Central Government have granted various exemptions in respect of payments of taxes and other dues. The District Council has also exempted all tribals from paying any amount towards Trading Licenses.

7. That the quantity of forest produces within the jurisdiction of the District Council is such that the same has to find a market outside the State of Meghalaya and while exporting the same the District Council earns major revenue by way of royalty.

8. That the Government of Meghalaya in 1982, felt that it had become necessary to regulate sale of timber outside the State so that it would ~~directly~~ indirectly put a check on indiscriminate felling of trees from all categories of forests within the State. It is known that over 90 percent of the forests are under the control of the District Councils, a fair percentage of which is under Private ownership. The Government, in pursuance to the National Forest Policy, which envisages that 60% of the total area in the Hills should be covered by forests as against the present 35% in Meghalaya, enacted the Meghalaya Forest (Removal of Timber) Regulation Act, 1981, and framed Rules thereunder in 1982, whereby removal or trading of timber of specified sizes outside the State could be effected only after obtaining a license from the competent authority. Section 3(1)(b) of the Act, however, clearly implies a total ban on removal or trading in timber and forest produce inasmuch as the Schedule to the Act covers all varieties of trees thrive in Meghalaya for which no license shall be granted.

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FOREST OWNERS & TIMBER DEALERS ASSOCIATION SHILLONG 253

9. That we humbly beg to state that the said Act in seeking to totally ban the removal and sale or trading in timber outside the State is violative of Articles 16 and 19 of the Constitution of India aswell as the Directive Principles as enshrined in the Constitution in as much as the ban will deprive the forest owners and operators as well as their dependents from earning their livelihood as forests alone are their source of income.

10. That we further state that the said Act is arbitrary and illegal inasmuch as the total ban sought to be impossed will not help the Government achieve the objective of increasing the forest area from 35% to 60% as per the National Natial Forest Policy. The objectice can be achieved only by increasing the area of forests in the Hill Area by fresh afforestation.

11. That we humbly state that the Forest Owners who are sought to be affected by the enforcement of the said Act have all along been making attempts to grow more trees and increase their respective areas as it is in their own interests to see that they have more trees to increase their source of income.

12. That the impugned Press Note on 8.2.86 and the illegal actions of the Deputy Conservator of Forests, Khasi Hills Division on 24.1.86 and 7.2.86, of which we have already informed in writing, is violative of Articles 14 of the Constitution of India as well as the commitment of the then Deputy Chief Minister on 1.2.82 in as much as the said Act is sought to be illegally enforced only in the Shillong Range of Khasi Hills, District alone and not in the entire State of Meghalaya.

13. That in any event the enfrocement of the said Act without prior notice, as committed earlier, isviolative of the basic principles of natural justice and fair play. Besids, requiring the operators of the forests and depots to obtain Trading Licenses without giving any corresponding benefits, in view of the total ban as per Section 3(1)(b), is unknown to law, justice and equity.

14. That the forest operators, mostly Tribals, having already been exempted from obtaining any Trading License by the District Council in view of the national policy as well asthe Directive Principles asenshrined in the Constitution of India, all being illegally sought to be taxes by the Government through the impugned Act.

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FOREST OWNERS & TIMBER PRODUCERS ASSOCIATION SHILLONG

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15. That I further beg to state that even in respect of trees (timber) which do not fall within the purview of the Schedule XX to the Act, which do not in fact exist, the provisions of Rule 5 of the Rules, in providing the minimum sizes of all timbers, whether in round form or rough square timbers, renders most portions of felled trees unsaleable inasmuch as all trees narrow down at the top whereby the top portions that do not meet the minimum size as per the Rules, cannot be sold- a situation surely not contemplated by the legislators.

16. That in any event the sale of timber being banned by the said impugned Act, besides adversely affecting the forest owners and dealers of timber will also deprive the District Council from earning its major royalty/revenue, which in turn will only end in the total collapse of the District Council.

17. That in view of the above statements I humbly submit that the said impugned Act and the Rules thereunder sought not to be enforced or given effect to in the best interest of the Tribals of Meghalaya as well as the sacred institution of the District Council duly constituted under the Constitution of India, and all the timbers seized on 24.1.86 and 7.2.86 be released in the vent that we do not get a reply within 28.2.86, we humbly submit that we will be compelled to seek redress in the Court of Law.

In the above premises we humbly pray that the Government, upon perusal of the instant representation and upon hearing the parties, may be pleased not to give effect to the various provisions of the Meghalaya (Removal of Timber) Rulation Act, 1981 and the Rules thereunder and/or be pleased to have the said impugned Act withdrawn forthwith.

And for this we shall remain ever grateful.

Yours faithfully

G.H.Syiemlieh 19-2-86

(G.H.SYIEMLIEH)
President

Copy to :-

1. Minister-in-charge, Forests etc. Govt. of Meghalaya., Shillong
2. Secretary to the Govt. of Meghalaya, Forest Deptt., Shillong.
3. The Chief Executive Member, Khasi Hills District Council, Shillong.

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No.FOR.50/80/Pt.II/
Government of Meghalaya
Forest Department

Shillong, the 18th March, 1986.

From : Shri L. Roy, M.C.S.,
Deputy Secretary to the Govt.of Meghalaya.

To : The (Members attended the meeting).

Subject:- The Meghalaya Forest (Removal of Timber) (Regulation) Actm 1981.

Sir,

I am directed to forward herewith a copy of the proceeding of the meeting on Implementation of the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981, held in the office Chamber of Shri A.M.Sangma, Minister In-charge Forest at 11 A.M. on 8th March 1986 for your information and necessary action.

Yours faithfully,

Deputy Secretary to the Govt.of Meghalaya,
Forest Department.

Shri Rol Marghi
Conservator of Forest (HQ)

7537-44

Proceedings of the meeting on Implementation of the Meghalaya Forests (Removal of Timber) (Regulation)Act, 1981 held in the office chamber of Shri A.M. Sangma, Minister incharge Forest at 11 AM on 8th March 1986.

Members present:-

1. Shri A.M. Sangma, Minister incharge Forest ... Chairman.
2. Shri K.D. Shira, Chief Executive Member Garo Hills District Council
3. Shri H.S. Shylla, Executive Member Khasi Hills District Council
4. Shri H.N. Sungoh, Deputy Executive Member Jaintia Hills Autonomous District Council
5. Shri R.C. Marak, Deputy Executive Member Garo Hills District Council
6. Shri T. Aonok, Special Secretary, Forests Department Government of Meghalaya
7. Shri D.R. Rymmai, Secretary Law Department Government of Meghalaya
8. Shri N. Goswami, Chief Conservator of Forests, Meghalaya
9. Shri A. Wahlang, Conservator of Forests (Wild Life)
10. Shri F. Suchiang, Conservator of Forests (Social Forestry)
11. Shri R.O.L. Nongbri, Conservator of Forests (HQ)
12. Shri S.B. Singh, Managing Director, FDCM.
13. Shri V.K. Nautiyal, Planning Officer, Forests
14. Shri P.S. Rynjah, D.F.O. Khasi Hills Division, Shillong
15. Shri T.T.C. Marak, D.F.O., Garo Hills Division, Tura
16. Shri C. Budnah, D.F.O. Jaintia Hills Division, Jowai
17. Shri G.F. Snullai Additional Marketing Manager, FDCM
18. Shri A. Lyngdoh D.F.O.(SF), Nongstoin
19. Shri G. Laloo, Chief Forest Officer, Jaintia Hills District Council
20. Shri L. Roy, Deputy Secretary, Forest Department Government of Meghalaya
21. Shri E. Iawphniaw
22. Shri G.H. Syiemlieh
23. Shri K.K. Singh Phanbuh
24. Shri A. Chakravorty.

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25. Shri B.P. Bajoria
26. Shri L.K. Kharkongor
27. Shri S. Gangbral
28. Shri P. Maheshwani
29. Shri Sampuran Singh
30 Shri Inderpal Singh
31. Shri Iskot
32. Shri John Kharkongor
33. Shri Marding Kharkongor
34. Shri Win Karumnuid.

The meeting started with introductory remarks from the Minister.

2. Shri T. Aonok, Special Secretary, Forests then explained the background leading to the enactment of the Meghalaya Forests (Removal of Timber) (Regulation) Act 1981. He explained that this Act does not infringe upon the rights of the District Council over privately owned forests of the State as enshrined in the Constitution of India. He further stated that this Act does not seek to infringe upon the rights to fell trees from private forests, and that it is attracted only when timber is sought to be removed outside the State. He pointed out that Forests are now on the Concurrent List of subjects and that the State Government is facing pressure from the Government of India to check the indiscriminate felling of trees in the State. However, this Act has some lacunae which need to be removed by amendment which is being processed now by the Department. As an interim measure the Department is processing a notification to modify the schedule under the Act. The present meeting has been called to open a dialogue with and obtain the cooperation of the District

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Councils and the timber producers which will be helpful in the implementation of the Act.

3. Shri Goswami CCF Meghalaya, then explained the effect and implications of the contemplated notification on the Section 3 sub section 2 of the Act which is under preparation by the Department. With the publication of the notification as many as 18 number of species out of 20 listed in the schedule will be removed from the purview of this Act. He said that these are in fact the main commercial species in the State and with their removal from the schedule there will be no check on their movement.

4. Shri G.H. Syiemlieh then enquired about the size which will be allowed to be removed outside the State and pointed out that the top portion should not be wasted. Snri Goswami then explained about the provisions of the rules under which the size of timbers permissible for removal outside the State have been specified.

5. Shri E. Iawphniaw questioned the very locus standi of the Act itself as applied to private forest which fall under jurisdiction of the District Council. He pointed out Article 19 of the Constitution of India in which the right to acquire, hold and dispose of property is a fundamental right. He said that the spirit of the Act seeks to check the disposal of property and, therefore, is an infringement upon the fundamental right of the tribals. He said that the tribals are very attached to their forests.

6. Shri D.R. Rymmai, Secretary Law, then pointed out that the right to acquire, hold and dispose of property is no longer a fundamental right and it is only a legal righ

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according to the amendment of the Constitution. Shri Rymmai also stated that this Act aims at restricting removal of timber outside the State and not at felling of trees in private forest as such. He also pointed out that application for license is to be done through the District Council and this shows that the Councils are being taken into confidence and their co-operation sought for the implementation of this Act.

7. Shri H.S. Shylla, Executive Member Khasi Hills District Council informed the meeting that the Khasi Hills District Council has an Act which directly controls indiscriminate felling of trees. He appreciates the implementation of this Act because, according to him, it seems indirectly to control felling of trees. However he said that this is not very convenient because a timber producer does not know that he has contravened any law until he has started removing the timber outside the State. He said further that aims of the State Act and the District Council Act is ultimately the same but there is some lack of co-ordination and understanding in their implementation. He requested State Government to examine if it is possible to keep the Act in abeyance for sometime so that the contractors who have already been leased out some forest areas, paid the money to the District Council do not incur loss because of restriction on movement of the size of timber. He quoted an instance where some Contractors have leased out forests for Rs. 50 lakhs within the Shillong range only. These people will not be able to take out the timber before the start of the monsoon if the Act is implemented. He advocated that status quo may be maintained for the expiry of the current permit issued.

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8. Shri Aonok pointed out that the Constitutional validity or otherwise of this Act is a question which this meeting is not competent to examine. He further suggested that it would be more fruitful to discuss the practical aspect of the implementation of this Act.

9. Shri H.N. Sungoh, Deputy Executive Member Jaintia Hills District Council, also felt that the Act be kept in abeyance for sometime that though the Jaintia Hills District Council does not issue permits for forest areas.

10. Shri K.D. Shira, Chief Executive Member Garo Hills District Council said that there is no problem as far as Garo Hills District Council is concerned because, according to him, they allow working only of trees up to 4ft 6 inches girth and not below that. Piece marking is done in the forest itself so there is no problem about implementing this Act. Regarding taking of depot license, however, Shri Shira said that it might be difficult for his contractors because they take out permit for operation of only a few trees at a time and making of a depot may be not/feasible as the timber is taken straight from the forest to a market outside the State. C.C.F. clarified it is not obligatory to take depot license in that case. Shri Aonok pointed out that there should not be any problem if the contractors came up with the application for license for removal of trees in which permits are issued by the District Council. Shri Goswami C.C.F. said that the Khasi Hills District Council in their Act must have fixed a minimum size of logs

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and wanted to know what that size was. Shri H.S. Shylla, Executive Member Khasi Hills District Council however, was not ready with the figures as he is not incharge of forests. Shri Goswami, then said that the State Act was framed in 1980 during which time square logs of 8" X 8" seemed to be the minimum size in the market. However, he said that if at present the minimum size has become smaller such smaller size may be prescribed as the minimum size permissible and the Act may then be enforced vigorously.

11. Shri B.P. Bajoria said that, timber merchants are not greedy people and that they also have a social responsibility and understand the consequences of complete destruction of the forest at the present rate of exploitation. He, however, objects to the discriminatory implementation of the Act in Shillong range only. He pleaded that if the Act is to be implemented, it should be implemented over the whole State.

12. Shri T. Aonok then summed up the discussion and said that the District Councils, would inform the Government about the minimum size of timber permited under their respective Acts. Meanwhile, the Government will examine the question of keeping the Act in abeyance. He stated that another meeting will soon be convened as a follow-up of this meeting.

13. There was the question about a depot license. Shri Bajoria and Shri Syiemlieh stated that the competent or licensing authority under this Act should be the District Council and not the DFOs.

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Shri Iawphniaw expressed the opinion that the District Council have more understanding about the attachment of the tribals to their forest and the the District Councils should be made the competent authority for issue of license under this Act. Shri B.P. Bajoria and Shri G.H. Syiemlieh said that it is necessary to educate the people about the bad effects of indiscriminate deforestation and the benefit of afforestation before we implement this Act. Shri T. Aonok, then pointed out that another objective of this Act is to encourage forest based industry within the State. These will generate employment and encourage local enterpreneurs.

Decisions taken in this meeting are that another meeting should be held soon to discuss (1) the minimum size of timber which will be allowed for removal outside the State and (2) the competent authority to issue timber depot license under this Act. Meanwhile the status quo will continue for sometime. Only the representatives of the District Councils will be invited to the next meeting to be called by the State Government.

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No.FOR.50/80/Pt.II/
Government of Meghalaya
Forest Department

Shillong, the 18th March, 1986.

From : Shri L. Roy, M.C.S.,
Deputy Secretary to the Govt.of Meghalaya.

To : The (Members attended the meeting).

Subject:- The Meghalaya Forest (Removal of Timber) (Regulation) Actm 1981.

Sir,

I am directed to forward herewith a copy of the proceeding of the meeting on Implementation of the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981, held in the office Chamber of Shri A.M.Sangma, Minister In-charge Forest at 11 A.M. on 8th March 1986 for your information and necessary action.

Yours faithfully,

Deputy Secretary to the Govt.of Meghalaya,
Forest Department.

Shri Rol Marghei
Conservator of Forest (HQ)

7537-44

Proceedings of the meeting on Implementation of the Meghalaya Forests (Removal of Timber) (Regulation)Act, 1981 held in the office chamber of Shri A.M. Sangma, Minister incharge Forest at 11 AM on 8th March 1986.

Members present:-

1. Shri A.M. Sangma, Minister incharge Forest ... Chairman.
2. Shri K.D. Shira, Chief Executive Member Garo Hills District Council
3. Shri H.S. Shylla, Executive Member Khasi Hills District Council
4. Shri H.N. Sungoh, Deputy Executive Member Jaintia Hills Autonomous District Council
5. Shri R.C. Marak, Deputy Executive Member Garo Hills District Council
6. Shri T. Aonok, Special Secretary, Forests Department Government of Meghalaya
7. Shri D.R. Rymmai, Secretary Law Department Government of Meghalaya
8. Shri N. Goswami, Chief Conservator of Forests, Meghalaya
9. Shri A. Wahlang, Conservator of Forests (Wild Life)
10. Shri F. Suchiang, Conservator of Forests (Social Foresery)
11. Shri R.O.L. Nongbri, Conservator of Forests (HQ)
12. Shri S.B. Singh, Managing Director, FDCM.
13. Shri V.K. Nautiyal, Planning Officer, Forests
14. Shri P.S. Rynjah, D.F.O. Khasi Hills Division, Shillong
15. Shri T.T.C. Marak, D.F.O., Garo Hills Division, Tura
16. Shri C. Budnah, D.F.O. Jaintia Hills Division, Jowai
17. Shri G.F. Snullai Additional Marketing Manager, FDCM
18. Shri A. Lyngdoh D.F.O.(SF), Nongstoin
19. Shri G. Laloo, Chief Forest Officer, Jaintia Hills District Council
20. Shri L. Roy, Deputy Secretary, Forest Department Government of Meghalaya
21. Shri E. Iawphniaw
22. Shri G.H. Syiemlieh
23. Shri K.K. Singh Phanbuh
24. Shri A. Chakravorty.

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25. Shri B.P. Bajoria

26. Snri L.K. Kharkongor

27. Snri S. Gangbral

28. Shri P. Maheshwani

29. Snri Sampuran Singh

30 Shri Inderpal Singh

31. Snri Iskot

32. Snri John Kharkongor

33. Shri Marding Kharkongor

34. Shri Win Karumnuid.

The meeting started with introductory remarks from the Minister.

2. Shri T. Aonok, Special Secretary, Forests then explained the background leading to the enactment of the Meghalaya Forests (Removal of Timber) (Regulation) Act 1981. He explained that this Act does not infringe upon the rights of the District Council over privately owned forests of the State as enshrined in the Constitution of India. He further stated that this Act does not seek to infringe upon the rights to fell trees from private forests, and that it is attracted only when timber is sought to be removed outside the State. He pointed out that Forests are now on the Concurrent List of subjects and that the State Government is facing pressure from the Government of India to check the indiscriminate felling of trees in the State. However, this Act has some lacunae which need to be removed by amendment which is being processed now by the Department. As an interim measure the Department is processing a notification to modify the schedule under the Act. The present meeting has been called to open a dialogue with and obtain the cooperation of the District

Contd...3/-

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Councils and the timber producers which will be helpful in the implementation of the Act.

3. Shri Goswami CCF Meghalaya, then explained the effect and implications of the contemplated notification on the Section 3 sub section 2 of the Act which is under preparation by the Department. With the publication of the notification as many as 18 number of species out of 20 listed in the schedule will be removed from the purview of this Act. He said that these are in fact the main commercial species in the State and with their removal from the schedule there will be no check on their movement.

4. Shri G.H. Syiemlieh then enquired about the size which will be allowed to be removed outside the State and pointed out that the top portion should not be wasted. Snri Goswami then explained about the provisions of the rules under which the size of timbers permissible for removal outside the State have been specified.

5. Shri E. Iawphniaw questioned the very locus standi of the Act itself as applied to private forest which fall under jurisdiction of the District Council. He pointed out Article 19 of the Constitution of India in which the right to acquire, hold and dispose of property is a fundamental right. He said that the spirit of the Act seeks to check the disposal of property and, therefore, is an infringement upon the fundamental right of the tribals. He said that the tribals are very attached to their forests.

6. Shri D.R. Rymmai, Secretary Law, then pointed out that the right to acquire, hold and dispose of property is no longer a fundamental right and it is only a legal righ

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according to the amendment of the Constitution. Shri Rymmai also stated that this Act aims at restricting removal of timber outside the State and not at felling of trees in private forest as such. He also pointed out that application for license is to be done through the District Council and this shows that the Councils are being taken into confidence and their co-operation sought for the implementation of this Act.

7. Shri H.S. Shylla, Executive Member Khasi Hills District Council informed the meeting that the Khasi Hills District Council has an Act which directly controls indiscriminate felling of trees. He appreciates the implementation of this Act because, according to him, it seeks indirectly to control felling of trees. However he said that this is not very convenient because a timber producer does not know that he has contravened any law until he has started removing the timber outside the State. He said further that aims of the State Act and the District Council Act is ultimately the same but there is some lack of co-ordination and understanding in their implementation. He requested State Government to examine if it is possible to keep the Act in abeyance for sometime so that the contractors who have already been leased out some forest areas, paid the money to the District Council do not incur loss because of restriction on movement of the size of timber. He quoted an instance where some Contractors have leased out forests for Rs. 50 lakhs within the Shillong range only. These people will not be able to take out the timber before the start of the monsoon if the Act is implemented. He advocated that status quo may be maintained for the expiry of the current permit issued.

contd...5/-

8. Shri Aonok pointed out that the Constitutional validity or otherwise of this Act is a question which this meeting is not competent to examine. He further suggested that it would be more fruitful to discuss the practical aspect of the implementation of this Act.

9. Shri H.N. Sungoh, Deputy Executive Member Jaintia Hills District Council, also felt that the Act be kept in abeyance for sometime that though the Jaintia Hills District Council does not issue permits for forest areas.

10. Shri K.D. Shira, Chief Executive Member Garo Hills District Council said that there is no problem as far as Garo Hills District Council is concerned because, according to him, they allow working only of trees up to 4ft 6 inches girth and not below that. Piece marking is done in the forest itself so there is no problem about implementing this Act. Regarding taking of depot license, however, Shri Shira said that it might be difficult for his contractors because they take out permit for operation of only a few trees at a time and making of a depot may not be feasible as the timber is taken straight from the forest to a market outside the State. C.C.F. clarified it is not obligatory to take depot license in that case. Shri Aonok pointed out that there should not be any problem if the contractors came up with the application for license for removal of trees in which permits are issued by the District Council. Shri Goswami C.C.F. said that the Khasi Hills District Council in their Act must have fixed a minimum size of logs

contd...6/-

and wanted to know what that size was. Shri H.S. Shylla, Executive Member Khasi Hills District Council however, was not ready with the figures as he is not incharge of forests. Shri Goswami, then said that the State Act was framed in 1980 during which time square logs of 8" X 8" seemed to be the minimum size in the market. However, he said that if at present the minimum size has become smaller such smaller size may be prescribed as the minimum size permissible and the Act may then be enforced vigorously.

11. Shri B.P. Bajoria said that, timber merchants are not greedy people and that they also have a social responsibility and understand the consequences of complete destruction of the forest at the present rate of exploitation. He, however, objects to the discriminatory implementation of the Act in Shillong range only. He pleaded that if the Act is to be implemented, it should be implemented over the whole State.

12. Shri T. Aonok then summed up the discussion and said that the District Councils, would inform the Government about the minimum size of timber permited under their respective Acts. Meanwhile, the Government will examine the question of keeping the Act in abeyance. He stated that another meeting will soon be convened as a follow-up of this meeting.

13. There was the question about a depot license. Shri Bajoria and Shri Syiemlieh stated that the competent or licensing authority under this Act should be the District Council and not the DFOs.

conta...7/-

Shri Iawphniaw expressed the opinion that the District Council have more understanding about the attachment of the tribals to their forest and that the District Councils should be made the competent authority for issue of license under this Act. Shri B.P. Bajoria and Shri G.H. Syiemlieh said that it is necessary to educate the people about the bad effects of indiscriminate deforestation and the benefit of afforestation before we implement this Act. Shri T. Aonok, then pointed out that another objective of this Act is to encourage forest based industry within the State. These will generate employment and encourage local enterpreneurs.

Decisions taken in this meeting are that another meeting should be held soon to discuss (1) the minimum size of timber which will be allowed for removal outside the State and (2) the competent authority to issue timber depot license under this Act. Meanwhile the status quo will continue for some time. Only the representatives of the District Councils will be invited to the next meeting to be called by the State Government.

(DRAFT)

From: The Chief Conservator of Forests,
Meghalaya, Shillong.

To: The Secretary to the Govt. of Meghalaya,
Forest Department.

Sub: Meghalaya Forest (Removal of Timber)(Regulation) Act, 1981.

Sir,

While framing rules under the provision of Section 22 of the above mentioned Act, the following difficulties are experienced.

Section 3(I) of the Act provides that removal of timber from Meghalaya to outside the State is permissible only under licences to be granted by competent authorities. In the proviso of this Section two Conditions are laid down.

1. Licences cannot be used for timbers of sizes below a specified limit.
2. Licences cannot be used for timbers of species mentioned in the Schedule appended to this Act.

The Schedule includes most of the major timbers, species available in this State, as such, it appears no timber of the major species available in this State can be allowed to be transported outside. The intention of the Act was to control movement of timber of these species, prohibiting export of timber of sizes below the prescribed limit. The wordings of Section 3(I), mainly the provision below the Section have been so made that the Act is not possible to be enforced.

I, therefore, feel and suggest that the proviso below Section 3(I) may be amended as follows;

"In respect of timber the size of which is below the the minimum size prescribed for such timber, of such category or species of trees or of groups thereof specified in the Schedule to this Act."

The Law Department may kinldy be moved to take appropriate action for bringing in an Amendmentof this Act to the effect mentioned above. As the Act is of very vital importance for controlling movement of timber from out of this State, it may kinldy be seen if the Amendment can be brought in the next Assembly.

Yours faithfully,

(P.S.Ingty)

Copy forwarded to the Secretary, Law Deptt., for favour of information. This has a reference to the discussion in the Meeting of the Forest Contractors of Meghalaya held on

Registered No. N. E.–771

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The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No.52 Shillong, Tuesday, June 2, 1981, 12th Jyaistha 1903 (S. E.)

PART II

GOVERNMENT OF MEGHALAYA

ORDERS BY THE GOVERNOR

LAW DEPARTMENT

NOTIFICATION

The 2nd June 1981

No.LL.305/79/23—The following Act of the Meghalaya Legislative Assembly which received the assent of the President is hereby published for general information.

THE MEGHALAYA FOREST (REMOVAL OF TIMBER) (REGULATION) ACT, 1981

(Act 12 of 1981)

ARRANGEMENT OF SECTIONS

Sections

1 Short title, extent and commencement.

2 Definitions.

3 Removal of Timber outside the State.

4 Application for licence and its disposal.

5 Licence fee and period of its validity.

Sections

6 Appeal.

7 Penalty.

8 Power to direct submission of report or return.

9 Power to enter, search, arrest and detain.

10 Searches and arrest how to be made.

11 Production of persons arrested and things seized.

12 Report of arrest and seizure.

13 Erection of check-posts.

14 Penalty for refusal to produce things or furnish information.

15 Power to compound offence.

16 When Court to take cognizance of offence.

17 Bar of suit in Civil Courts.

18 Suit, etc, against authority Officers or persons acting in good faith.

19 Officer and person to be public servants.

20 Effect of other laws.

21 Exemption.

22 Power to make rules.

23 Schedule.

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Meghalaya Act 12 of 1981

THE MEGHALAYA FOREST (REMOVAL OF TIMBER) (REGULATION) ACT, 1981

(As passed by the Assembly)

[Received the assent of the President on the 29th May, 1981]

(Published on the *Gazette of Meghalaya*, Extraordinary, dated the 2nd June, 1981)

An

Act

to regulate and control removal of timber outside the State for the preservation of forests and to prevent their indiscriminate destruction and for matters connected therewith and incidental thereto.

Be it enacted by the Legislature of Meghalaya in the Thirty-second Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Meghalaya Forest (Removal of Timber) (Regulation) Act, 1981.

(2) It shall extend to the whole of the State of Meghalaya.

(3) It shall come into force at once.

Definitions

2. (1) In this Act, unless the context otherwise requires:

(a) "competent authority" means such authority as the State Government may, by notification appoint for the purpose of exercising the powers and functions of a competent authority under this Act and the rules made thereunder for the whole or any part of the State;

(b) "prescribed" means prescribed by Rules made under this Act;

(c) "State" means the State of Meghalaya;

(d) "State Government" means the Government of Meghalaya;

(e) "Schedule" means a Schedule to this Act;

(f) "Trading Depot" means any place or premises used for keeping, storing or stocking timber for the purpose of trade or otherwise of the timber outside the State.

(2) Words and expressions used, but not defined in this Act and defined in the Meghalaya Forest Regulation (Assam Regulation 7 of 1891 as applied in Meghalaya) shall have the meanings respectively assigned to them in that Regulation.

Removal of timber outside the State.

3. (1) No person shall remove or cause to be removed for the purpose of trade or otherwise, any timber outside the State, and no Trading Depot shall be set up or established at any place without a licence from the competent authority:

Provided that no such licence shall be granted by the competent authority:—

(a) in respect of timber the size of which is below the minimum size prescribed for such timber; and

(b) in respect of timber of such categories or species of trees or groups thereof specified in the Schedule to this Act.

(2) The State Government may, by notification, add, modify, amend or cancel any item in the Schedule to this Act.

(3) Every notification issued under the foregoing sub-section shall have effect on the date of its first publication in the official Gazette and shall be laid as soon as may be after its publication before the House of the Legislative Assembly of the State.

Application for Licence and its disposal.

4. (1) Every application for grant of licence under this Act shall be made to the competent authority through the District Council concerned in such form and on payment of such fee as may be prescribed.

(2) In granting or refusing licence under this Act the competent authority shall take into account all or any of the following matters according to the circumstances of each case, namely:—

(a) Whether the application is recommended by the District Council or not;

(b) Whether the applicant holds any trading licence from the District Council;

(c) Whether the applicant holds any other licence under this Act;

(d) Whether the applicant is a registered dealer and possesses certificate of registration under any tax Law of the State;

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(e) Whether the applicant is a resident of the State ;

(f) Whether the timber for which application for licence is made is for the personal use of the applicant ;

(g) Whether the grant of licence to the applicant would promote the interest of the tribals resident in the State, economically or otherwise :

Provided that a licence shall be refused if the applicant—

(a) is not a citizen of India, or

(b) has been convicted by a competent Court of an offence involving moral turpitude unless a period of five years, or such less period as the Government may allow in any particular case, has elapsed since his release, or

(c) has violated any provision of any Act, Regulation or Rule made by the State or any District Council, or is a defaulter in the payment of any tax or revenue of the State or any District Council, or

(d) has been debarred from taking up any business transaction or contract work by any Government, or any Company or Corporation, owned, controlled or managed by any Government.

(3) Every order granting or refusing a licence under this Act shall be in writing, and in case of refusal shall contain reasons therefor.

(4) Every application for licence under this Act shall be disposed of by the competent authority as early as possible and not later than six months from the date of receipt of the application by the competent authority unless the competent authority for reasons to be recorded in writing extends the period by such further period or periods as it may consider necessary and if no order is passed within the period or periods so extended it shall be deemed that licence has been granted.

Licence fee and period of its validity.

5. (1) The fee payable for a licence granted under this Act, the conditions of the licence, the route or routes the timber are to be transported outside the State, and the period of validity of the licence, shall be such as may be prescribed which shall also be specified in the licence :

Provided that the licence fee, the conditions of the licence and the period of its validity may vary for different categories of timber :

Provided further that such period shall not exceed twelve months and the amount of fee shall not exceed one thousand rupees.

(2) The licence fee shall be paid in such manner as may be prescribed.

(3) Every licence granted under this Act may be renewed on the expiry of the period of its validity by the competent authority in such manner and on payment of such fees as may be prescribed.

(4) The provisions of Section 4 shall apply in case of application for renewal under this Section.

Appeal.

6. Any person aggrieved by any order passed by the competent authority under sections 3 and 4 may, within a period of sixty days from the date the order is communicated and on payment of such fee, not exceeding fifty rupees, prefer an appeal to such authority as the State Government may, by notification, appoint in this behalf and its order shall be final :

Provided that the appellate authority may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Penalty.

7. Any person who contravenes any of the provisions of Section 3, shall, on conviction, be punished with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or, with both and the Court trying the offence may further order that the timber in respect of which the offence was committed and the vessel, vehicle or animal with which the offence was committed shall be confiscated to the State Government.

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Power to direct submission of report or return.

8. The competent authority may direct any person holding any licence under this Act to submit such report or return and in such form and manner as may be prescribed.

Power to enter, search, arrest and detain.

9. (1) Any Forest Officer not below the rank of Forest Ranger and Police Officer not below the rank of Sub-Inspector of Police, who from his personal knowledge or from information received and after such enquiry as he may consider necessary, has reason to believe that any person has committed an offence under this Act, may—

(a) enter and search at all reasonable time any premises, land, vehicle or vessel in the occupation of such person ;

(b) require such person to produce for his inspection the licence or any other documents granted by the competent authority or any books of account or other document that may have any bearing on such offence ;

(c) seize any timber in respect of which the offence was committed and any books of account or other documents relating such timber and may also detain and seize any animal, vessel or vehicle with which the offence was committed ;

(2) It shall be lawful for any of the officers referred to in sub-section (1), to stop and detain any person committing an offence under this Act or abetting in the commission of such offence and such officer may arrest without warrant any such person :

Provided that the Officer making such arrest may release such person on his furnishing his name and address and otherwise satisfies such Officer that he will duly answer any summon or other proceedings which may be taken against him.

Searches and arrest how to be made.

10. All searches and arrests under this Act shall be conducted and made, as far as may be, in accordance with the procedure laid down in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

Production of persons arrested and things seized.

11. Every person detained or arrested under any of the provisions of this Act, shall be taken or produced before the nearest Magistrate having jurisdiction with a report containing full particulars of the person arrested or articles seized and the circumstances under which the arrest or seizure was affected, within 24 hours of such arrest or seizure, exclusive of the time necessary for the actual journey from the place of arrest to the Court of the Magistrate.

Report of arrest and seizure.

12. Any Forest or Police Officer making an arrest or seizure under this Act shall forthwith make a full report of all the particulars of such arrest or seizure to his immediate superior Officer.

Erection of check-posts.

13. (1) The State Government may, by notification, set up and erect, in such manner as may be prescribed, check-posts and barriers at any place in the State with a view to prevent any unlawful removal or transportation of timber outside the State.

(2) Every person transporting timber shall, at any check-post or barrier referred to in sub-section (1) and before crossing such check-post or barrier produce before the Officer in-charge of the check-post or barrier such document as may be prescribed.

(3) The Officer-in-charge of the check-post or barrier may, for the purpose of satisfying himself that the provisions of this Act and the Rules made therein are not, being contravened, intercept, detain and search any animal, vehicle or vessel.

Penalty for refusal to produce things or furnish information.

14. Whoever—

(i) wilfully refuses or is unable to produce licence or document or wilfully refuses or fails to give such information which under the provisions of this Act or the Rules made thereunder he is required to produce or to give, or otherwise furnishes information which he knows or believes to be false or does not believe to be true, or

(ii) forcibly resists arrest or attempts to evade arrest or obstructs any Forest or Police Officer to enter or search or to affect arrest or seizure under the powers conferred by this Act or the Rules made thereunder,

shall be guilty of an offence against this Act, and he shall, on conviction, be punished with fine which may extend to one thousand rupees or with imprisonment for a term which may extend to six months or with both.

Power to compound offence

15. (1) An Officer duly authorised by the State Government in this behalf may accept from any person, against whom a reasonable suspicion exists that he has committed any offence punishable under this Act, such sum of money as may be prescribed, by way of composition of the offence which such person is suspected to have committed.

(2) On payment of such sum of money to the Officer mentioned in sub-section (1) the suspected person, if in custody, shall be discharged and no other proceeding shall be taken against him in respect of the offence compounded.

(3) The provisions of this section shall apply also where a prosecution or an appeal against conviction of offence under this Act is pending, and in such a case the composition of such offence under this section shall have the effect of the acquittal of the accused with whom an offence has been compounded.

When Court to take cognizance of offence.

16. No Court shall take cognizance of any offence under this Act,—

(1) except on the complaint made by an officer authorised by the State Government in this behalf ; and

(2) unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

Bar of suit in Civil Courts.

17. No suit shall be brought in any civil court to set aside or modify any order made under this Act.

Suit, etc, against authority, Officers or persons acting in good faith.

18. No suit, prosecution or legal proceeding shall lie against any authority, officer or person for anything which is in good faith done or intended to be done under this Act.

Officer and person to be public servants.

19. Every person or officer, appointed under, or exercising any power conferred by and under this Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

Effect of other laws.

20. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Meghalaya Forest Regulation (Assam Regulation 7 of 1891 as applied in Meghalaya) or the Rules made thereunder.

Exemption.

21. The provisions of this Act, shall not apply to removal of timber outside the State by or on behalf of the State Government under the provisions of the Meghalaya Forest Regulation.

Power to make rules.

22. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) to prescribe the minimum size of timber under Section 3 ;

(b) the form and conditions of licence under Sections 3 and 5 and the fees payable therefor ;

(c) the form and manner in which application for licence under Section 4 may be made and the fees payable therefor ;

(d) the fees payable for appeal under Section 6 ;

(e) the form of register, report or return to be maintained and submitted by the licensee ;

(f) the conditions for storing, stocking and the manner of marking the timber to be removed outside the State ;

(g) the manner in which the inspection of timber and of document maintained by licensee shall be carried out ;

(h) the routes by which the timber shall be transported outside the State ;

(i) the terms and conditions for setting up or establishment of trading depot ;

(j) the manner in which the right of access to document and the right to entry conferred by Section 9 may be exercised ;

(k) the manner in which checkpost and barrier may be set up and erected and the form of document under Section 13 ;

(l) the procedure and manner for payment of fees under the Act and of composition money under Section 15 and the amount of composition payable for composition of offences under Section 15 ;

(m) any other matter which is to be or may be prescribed.

(3) The power to make rules under this Section shall be subject to the condition of previous publication.

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SCHEDULE

[*See* Section 3(1) (b)]

Serial No.	Local (Common) Name	Commercial Name	Scientific Name
1	Dieng Soh Risang ...	Indian Horn Beams.	Carpinus Vaminea.
2	Tik, Teak, Segun ...	Teak ...	Tectona Grandis.
3	Dieng Laphiang, Bol gippok, Gamari.	Gamari ...	Gmelina Arborea.
4	Dieng Rai, Tita Sopa ...	Champ ...	Michelia Champaca.
5	Bola, Dieng Bliat, Bolseng	Bola ...	Morus Laevigata.
6	Nahar Dieng Ngai ...	Mesua ...	Mesua ferrea.
7	Sal, Dieng Blei, Bol Sal ...	Sal ...	Shorea Robusta.
8	Mundhani	Mundani ...	Acrocarpus fraxinifalius.
9	Amari, Lali	Amari ..	Amoora Wallichii.
10	Cham, Sam	Chaplash ...	Artocarpus Chaplasha.
11	Birch, Dieng Lieng ...	Birch ...	Betula alnoides.
12	Bogipoma, Diengbti, Tyrneng, Bol Derek.	Chickrassy...	Chikrassia tabularis.
13	Khokan, Dieng Bai ...	Lampati Khokan.	Duabanga grandiflora.
14	Karal	Karal ...	Kayea floribunda.
15	Badam	Badam ...	Mansonia Dipikai.
16	Holok, Diengmaras Rakseng.	Hollock ...	Terminalia Myriocarpa.
17	Poma, Dieng Bti ...	Toon ...	Toona Ciliata.
18	Kadam	Kadam ..	Anthocephalus Dadamba.
19	Pine, Khasi Pine, Dieng Kseh.	Pine ...	Pinus Kesiya.
20	Gogra, Dieng Ngan ...	Gogra/Chilauni	Schima Khasiana/Schima Wallichii.

D. R. RYMMAI,
Dy. Secy. to the Govt. of Meghalaya,
Law Department.

SHILLONG: Printed and published by the Superintendent, Govt. Press,
(Ex. Megh. Gazette) No.103—621+150—2-6-81.

1. **IGF (MOEF) ISSUES ORDERS ALLOWING TRANSPORTATION OF LEGAL TIMBER FROM GARO AND JAINTIA DISTRICT COUNCILS**

The Inspector General of Forests, MOEF has issued an order allowing the transportation of legal timber from the District Councils of Garo and Jaintia in Meghalaya, before inventorising and dealing with illegal timber as ordered by the Hon'ble Sp. Ct..

HPC in its reports has pointed out Meghalaya having huge quantity of univentorised timber lying in the District Council areas.

This order of the IGF (MOEF) violates para 7(c) of the Sp. Cts. Order dated 15-1-98 which states as under:

"The State Govts. shall ensure disposal of illegal timber before permitting the conversion / disposal of legal authorised timber available with the wood based industries."

(Note: In the said order the term "State Govt." would include District Councils also.)

Under these circumstances we may suggest removal of para 35 by way of modification of the said order of the Court which states:

"For the proper and effective implementation of these orders, the Ministry of Environment and Forests will have the liberty to issue suitable directions consistent with the order."

2. You would recall about the suggestion that movement of any timber from North Eastern states should only be through Railways and not trucks. See the enclosed newspaper report about 18 truckloads of illegal timber from Arunachal seized in Assam, justifying the need for restricting the modes of transportation of timber.

CLIPPING FROM ASSAM TRIBUNE
DT. 14. 4. 98.

18 truckloads of illegal timber seized

From Our Correspondent

DIBRUGARH, April 13: Acting on a secret tip-off, police of armed policemen, led by DSP HK Nath today seized 18 truckloads of illegally felled timber from the Brahmaputra river bank here. All the timber were from forests in Arunachal Pradesh, claim the police.

As the police team reached the spot, six trucks, loaded with timber were ready to move into clandestine saw mills in the city. The rest of the timber were being rafted in by motorised boats. Only one truck driver could be arrested by the police, as the rest managed to escape. The police are yet to identify the indentors of the vast quantity of illegal timber.

The police here is aware that a well organised group of timber smugglers has of late been camping in the city.