The 20th August, 1976.

No.MFG.23/2/72-76: - In exercise of powers conferred by Section 11 of the Meghalaya Tree (Preservation) [1]Act , 1976, the Government of Meghalaya is hereby make thefollowing rules namely: -

THE MEGHALAYA TREES (PRESERVATION) RULES, 1976.

1.Short title, extent and commencement: -

(1)These rules may be called the Meghalaya Tree (Preservation) Rules, 1976.

(2)They shall extend to the areas where the Actis in force.

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

(1)Conservator of Forests - means the Conservator of Forests, Meghalaya.

(2)Divisional Forest Officer - means the Divisional Forests Officer, Khasi Hills Division.

(3)

Form - means the form appended to these rules.

(4)Act- means the Meghalaya Tree (Preservation) Act, 1976.

(5)Words and expressions used but not defined in these rules but defined in the Act shall have the meaning respectively assigned to them respectively in the Act.

3.Application: Application how to be made :-

(1)An application for permission to fell a tree or trees shall be made to the Divisional Forest Officer in

Form No.I.

(2)The application shall be submitted in duplicate and a Court Fee stamp of Rupees three and paise thirty shall be affixed to one copy thereof.

Application to be acknowledged:-(3) On receipt of an application referred to insub-rule (I) duly stamped with proper fee the Divisional Forest Officer shall issue awritten acknowledgement in

(4)The Divisional Forest Officer shall maintain a register of receipt and disposal of the applications in

Form No. III.

4.Grant of or refusal of permission –

(1)On receipt of an application referred to under Rule above, the Divisional Forest Officer may cause such enquiry as he deems fit and call for a report from such forest officer not below the rank of forester within 7 (seven) days from the date of receipt of such application.

1 Substituted by the Meghalaya Tree Preservation (First Amendment) Rules, 1977. Earlier the word “Ordinance” wherever it occurs in Rules and the forms appended thereto the word “Act” shall be substituted.

(2)The enquiry referred to under sub -rule (1) above shall be completed within 10 (ten) days from the date of order and a detailed report thereof submitted to the Divisional Forest Officer, in

Form No. IV.

(3)In case the Divisional Forest Officer is not satisfied with the report referred to the sub-rule (2) above, he may cause a second enquiry before passing any order on the application.

(4)The Divisional Forest Officer on receipt of the report referred to under sub –rule (2) and/or (3) above shall accord such permission to fell the tree or trees or shall reject the application.

Form No. VI stating the reasons therefore.

5.Appeal: -

(1)Any person aggrieved by the order of the Divisional Forest Officer refusing permission under sub-rule (4) and (6) of Rule 4 may prefer an appeal to the conservator of Forests. within 30 (thirty) days from the date of receipt of such order by the applicant.

(2)The appeal petition shall be submitted in duplicate and a court fee stamp of Rs.11 only shall to be affixed on one submitted copy thereof and the same submitted directly to the Conservator of Forests.

(3)The duplicate copy of the appeal petition shall be submitted through the Divisional Forest Officer who shall forward the same to the Conservator of Forests with his comments within 7 (seven) days from the date of receipt thereof.

(4)The appeal petition shall contain a copy of the order of the Divisional Forest Officer against which the appeal is preferred.

(5)On receipt of the appeal petition submitted through the Divisional Forest Officer, the Conservator of Forests may call for such, further report from the Divisional Forest Officer or cause an enquiry about the case if he so deems fit.

(6)The Conservator or Forests may allow a personal hearing to the aggrieved party and record his statement before passing orders.

6.Seizure and seized articles: -how to be disposed –

(1)Seizure of any tree or produce thereof or any articles under Section 6 (1) of the Rules shall be reported to the Divisional Forest Officer within 24 hours of such seizure in

Form No. VII in duplicate. On receipt of the report the Divisional Forest Officer shall arrange for the custody of the seized trees or articles.

(2)The Divisional Forest Officer on receipt of the seizure report, shall forward a copy to the report forthwith to the District magistrate.

(3)Any property confiscated under Section 5 shall be disposed off by the Divisional Forest Officer by Public Auction or any other way he deems fit. The sale proceeds thereof shall be duly credited to Government account.

(4)A record of all materials seized and their disposal shall be maintained by the Divisional Forest Officer in F.D.

Form No. 3.

7.Offence reports how to be drawn –

(1)A report about any person or persons committing an offence punishable under the Rules shall be submitted to the Divisional Forest Officer in

Form No. VIII.

(2)The report referred to under sub-rule (I) above shall include:

(a) A copy of the seizure report referred to under Rule 6 (1)

(b) A detailed offence report in Form IX.

8.Offence report how to be disposed –

(1)The Divisional Forest Officer on receipt of the offence report referred to in Rule 7 shall cause such enquiry to find if a prima facie case exists and if so shall forward the offence report to the Magistrate with an application for issue of process in

Form X.

(2)In case the Divisional Forest Officer on enquiry is satisfied that no prima facie case exists he may drop the offence report and order for release of seized property if any.

9.Record of offences detected -A register of all offences detected under the Act shall be maintained by the Divisional Forest Officer in

FORM NO.I

Rule 3(1)

(Meghalaya Tree (Preservation) Rules, 1976).

To,

The Divisional Forest Officer,
Khasi Hills Division, Shillong.

Sub: Felling of trees within the Municipal area/Cantonment area: permission for.

Sir,

I, Shri/Shrimati……. request the favour of your kindly permitting me to fell burn uproot/lop/cut/thetrees particulars of which are mentioned below. I shall be responsible for any damage that may be caused during felling /burning/uprooting/lopping/cutting the trees and shall compensate for any such damage.

*Strike out whichever is not applicable.

1.Name of applicant in full: ……...
2.Full postal address: …….
3.Detailed information about the trees felling of which is applied for.

(i)Number of trees…….....

(ii)Species …….....

(iii)Location of the trees :

(a)Land holding/House No …….

(b)Ward ……...

(c)Road/Locality …….

(d)Patta No…….. in the name of……. ……

4.Ownership of the land/trees…….

5.If applicant is not the owner, whether owners written consent obtained (enclosed in original)……....

6.Reasons for felling: (Mark appropriate reason) –

Dead Dying Diseased

Wind fallen

Has become dangerous to life and property

Any other reasons (give details):

The particulars furnished above are true to the best of my knowledge and belief.

Dated ……

The……. (Signature of the applicant)

No. ……....Dated……..

Form No.II

Rule 3(3)

From: The Divisional Forest Officer
Khasi Hills Forest Division,
Shillong.

To: Shri/Shrimati…….
……..

Sir/Madam,

Your application dated…….. for felling of……. …….. trees in……. areas has been received in this office on …….. day of ……..20…….

Yours faithfully,
Divisional Forest Officer,
Khasi Hills Division, Shillong.

Form No. III Rule 3(4)

Meghalaya Tree (Preservation) Rules, 1976.

Register of receipt and disposal of applications for felling trees under Section 3 (1)

Serial No.	Name and address of applicant	Date of receipt	No. and date of acknowle-dgement	Application for		No. & Date of calling report	Date of receipt of enquiry report	Order of the D.F.O. with date	Order communicated to applicant vide No.	Remarks
				No. Species and size of trees	Location and reasons for felling					
1	2	3	4	5	6	7	8	9	10	11

Form No. **IV**

Rule 4 (2)

Meghalaya Tree (Preservation) Rule, 1976

No ……. Dated……

To,

The Divisional Forest Officer,
Khasi Hills Division, Shillong.

Sub: Application for felling of trees submitted by Shri/Shrimati…….

Ref: Your order vide…….dated……...

Sir,

I have conducted the necessary enquiry on the aforesaid application in the presence of the applicant/applicant's representatives on……..... My report is as follows.

(1)The particulars furnished by the applicant about the trees have been found correct/not correct on the following points.

(2)The trees are standing……metres away from the existing properties/proposed construction duly permitted by the municipality/cantonment authority.

The description of the trees and their royalty values are given on the reverse.

(3)In my opinion the felling/lopping/uprooting/cutting/damaging the trees is necessary/unnecessaryfor the following reasons.

and I recommend/ do not recommend their felling/lopping/uprooting/cutting/damaging for…….*

(Give full reasons)

Description of the trees of felling is recommended.

Signature and designation.

Tree No.	Species	G.B.H.	Approx, length of of utilizable bole & volume of timber.	Approx. quantity of firewood

Royalty calculation

Form No. **V**

Rule 4 (5)

Meghalaya Tree (Preservation) Rule, 1976

No ……. Dated……

To,

The Divisional Forest Officer,
Khasi Hills Division, Shillong.

To: Shri/Shrimati……

……

Sir/Madam,

With reference to your application for felling of trees dated……and acknowledged vide this office letter No……dated……I am hereby according permission for felling/burning/lopping/cutting/uprooting of …….. trees standing at ……

This permission is subject to the following conditions namely:-

1. You will arrange for felling of the trees.
2. You will be responsible for any damage caused in felling the trees and shall compensate for such damage to the aggrieved party.
3. This permission does not bind the Divisional Forest Officer or his subordinates responsible for any damage whatsoever caused during felling*.

*includes lopping/uprooting/burning/cutting/and damaging.

Yours faithfully,
Divisional Forest Officer,
Khasi Hills Division, Shillong.

Form No. VI

Rule 4 (6)

Meghalaya Tree (Preservation) Rule, 1976

No …….

From: Divisional Officer,
Khasi Hills Forest Division, Shillong.

Dated……

To Shri/Shrimati……

Sub: Falling of trees.

Ref: Your application dated……...for felling*
office letter No……..dated.,……

Dear Sir/Madam,

The undersigned regrets his inability to accord permission to fell the trees for the following reasons:

……

Yours faithfully,

Divisional Forest Officer,
Khasi Hills Division, Shillong.

Form No. VII

Rule 6 (1)

Meghalaya Tree (Preservation) Rule, 1976

No …… Dated……

From: …….

…….Forest Range/Beat

……Shillong.

To

The Divisional Forest Officer,

Khasi Hills Forest Division,

Shillong.

Sir,

I have the honour to report that this day I seized the following property of ……... son of …….of village/ward No……Thana…….. ……..for an offence committed in the ……. punishable under Section 5 of the Meghalaya Tree (Preservation) Act, 1976.

1……

2……

3……

Yours faithfully

...……...

……..Range/Beat

No……..

Dated……Copy forwarded to the District Magistrate, Khasi Hills, Shillong.

Yours faithfully,

Divisional Forest Officer,

Khasi Hills Division, Shillong.

FORM NO. VIII
RULE 7 (I)
Meghalaya Tree (Preservation) Rules,1976.

Offence Report No …… Dated
…….. Nature of offence
…….
……..
Dated and hour of detection …….

Place of occurrence ……..
By whom detected ……
Offence is punishable under section 5 of Meghalaya Tree (Preservation) Rules, 1976.

Name of the accused				
Name	**Father's name**	**Place of residence**		
		Village	**Thana**	**District**
1	2	3	4	5
Name of Witnesses				
Name	**Father's name**	**Place of residence**		
		Village	**Thana**	**District**

Full Report of the Facts Enclosed

Forest Department, Meghalaya, Khasi Hills Division,
Offence Report No…….Dated…….
Memo No……dated…….
Forwarded to the District Magistrate, Khasi Hills, Shillong with an application for issue of process and the following documents:-
……..
……..
……..

Divisional Forest Officer,
Khasi Hills Division, Shillong.

FORM NO. IX

Rule 7 (2) (b)

Meghalaya Tree (Preservation) Rules, 1976.

Offence Report No……,dated…….....
……..Beat/Range.

Full report of all the facts in detail.

(To be framed not later than the day after occurrence)

……
……..……Beat/range.

Statement of the accused

Signature of accused

FORM NO. X

Rule 8 (1)

Meghalaya Tree (Preservation) Rules, 1976.

Forest Department::Meghalaya

Khasi Hills Division: Shillong

Memo No…… Dated……..

From: The Divisional Forest Officer,
Khasi Hills Forest Division,
Shillong.

To The District Magistrate,
Khasi Hills District, Shillong.

CASE STATUS VERSUS…….

Re: Offence U/S 3 read with Sec. 5 of the Meghalaya Tree (Preservation) Act, 1976.

Sir/Madam,

Whereas the marginally noted persons have committed an offence specified in the accompanying offence report and whereas the facts can be proved by the evidence of witnesses named therein, I have the honour to request that the Court will issue process against the accused and try the case as under such section of the Meghalaya Tree (Preservation) Rules, as may deem applicable.

Name of accused.

Yours faithfully,

Divisional Forest Officer,
Khasi Hills Division, Shillong.

FORM NO.XI Rule 9 Meghalaya Tree (Preservation) Rules, 1976.

Register of offences detected under section 6 (1) of the Ordinance.

Serial No.	Date of detection	Nature of offence	Place of occurrence	Name of detecting officer with designation	No. and date of seizure	Date of receipt of seizure report	No. and date of forwarding S.R.to
1	2	3	4	5	6	7	8

Action by Divisional Forest Officer			No. and date of registration of the case in Court	Order of the Court with date	Seized property how disposed	Value (if any realised)	
Result of Divisional Forest Officer's enquiry (if any)	Date and order of Divisional Forest Officer dropping the case Rule 8	No. and date of forwarding the case to the Court Rule 8(1)					
11	12	13	14	15	16	17	

F. D. FORM No. 3 Rule

6

(4)

FOREST DEPARTMENT,

MEGHALAYA……...DIVISION

Forest produce and other property seized and disposed of during the month of…….20……..

Forest produce or other property seized		Locality where stored or person to whom entrusted	Property released and date of release	Property made over third parties and date of making over.	Property confiscated to Govt. by order of Court and brought on to stock with date of	Property sold and date of sale	Amount realised by sale
Date of seizure	Description						
1	2	3	4	5	6	7	8

Necessary particulars of items in column 9 will be brought forward in the next month's form and shown in red ink in column 1, 2 and 3.

P. C. MISRA, Secretary to the

Govt. of Meghalaya, Forest, etc., Department

THE UNDERLINED TEXT INDICATES THE INSERTION/SUBSTITUTION OF THE SUBSEQUENT AMENDMENTS TO THE MEGHALAYA TREES (PRESERVATION) RULES, 1976., AMENDED AND UPDATED UPTO THE YEAR - 1976.