

THE KERALA RESTRICTION ON CUTTING AND DESTRUCTION OF VALUABLE TREES RULES, 1974

(Section 14)

IN exercise of the powers conferred by Section 14 of the Kerala Restriction of Cutting and Destruction of Valuable Trees Ordinance, 1974 (1 of 1974), the Government of Kerala hereby make the following rules namely:-

1. (a) These rules may be called the Kerala Restriction on Cutting and Destruction of Valuable Trees Rules, 1974.

(b) They shall come into force at once.

2. (i) Applications for permission for cutting or/and destruction of valuable trees shall be made to the 'authorised officer', having jurisdiction over the area.

(ii) every application to the authorised officer referred to in sub-rule (i) of this rule made by an owner or any other person specifically authorised by him in that behalf shall contain the following particulars and be accompanied by the following documents:-

location, name, survey No. and the area in hectares containing the valuable trees;

the purpose for which the trees are proposed to be felled;

a certificate to the effect that the boundaries of the area have been demarcated clearly on the ground;

a statement in duplicate containing a list, enumerating the valuable trees proposed to be felled, numbered serially, indicating the species and girth at breast height, namely 1.4 metre from the ground level;

a certificate to the effect that all trees included in the list have been serially numbered by chisel in a conspicuous manner at the base of the tree and at breast height;

a location sketch indicating the position of the standing trees in the area showing also the marketing number, the distance between one tree and the next one and the approximate direction from one tree to the next one; and

a certificate of ownership and possession of the land or trees from the concerned Tahsildar.

(iii) Every application to the authorised officer for permission for cutting or/and destruction of valuable trees made by the owner or any other person specifically authorised by him in that behalf shall contain the following information in addition to those specified in items (a), (c), (f) and (g) of sub-rule (ii) of Rule 2 namely:-

a statement in duplicate containing a list enumerating the valuable trees proposed to be cut or destroyed numbered serially, indicating the species and girth at breast height.

a certificate to the effect that all trees included in the list have been serially numbered by chisel in a conspicuous manner at the base of tree; and

the necessity for the cutting or destruction of the trees.

3. 1[Except in the case of a department of the State Government or the Central Government, every applicant] for permission to cut valuable trees, shall pay a fee of Rs. 25 per tree, by chalan remittance into the nearest Government Treasury, credited to Forest revenue as the authorised officer may direct.

4. If an authorised officer to whom an application has been made under Rule 2, requires any further particulars about the ownership of the trees, he shall obtain such information direct from the Tahasildar of the Taluk concerned. The Tahasildar shall supply the information called for by the authorised officer within 14 days from the date of the receipt of the requisition. Delay on the part of the Tahasildar in supplying the information shall be reported by the authorised officer to the concerned District Collector for suitable action.

5. (i) On receipt of an application for permission for cutting or destruction of valuable trees under Rule 2 authorised officer shall, after calling for such other information as may be required, personally inspect the area, verify the survey boundaries mentioned by the applicant or his agent and convince himself of the correctness of the boundaries of the land and the ownership thereof. The marked trees shall be inspected with the aid of location sketch, girth and height of the trees furnished in the application.

Note.- If the application is for cutting trees, a portion of the stem shall be blazed to expose the heartwood in the case of rosewood and sandalwood trees and sapwood in the case of teak trees at 1.4 metre above ground level and the range hammer mark affixed on the heartwood or sapwood, as the case may be in the presence of the authorised officer.

(ii) if the authorised officer is satisfied that the applicant is entitled to get permission, he shall issue the same not later than a month. He shall allow such time as may, in his opinion, be necessary for the cutting or destruction of the trees subject, however to a maximum limit of three months from the date of according sanction.

(iii) No sanction of the authorised officer is required for the collection of fallen or broken branches, green or dead stumps of any valuable trees.

6. (1) In granting permission for the cutting of valuable trees, the authorised officer shall have due regard to the following:-

(a) no green rosewood tree shall be permitted to be felled unless its girth at breast height exceeds 2.50 metre;

(b) no green teak tree shall be permitted to be felled unless its girth at breast height exceeds 1.85 metre;

(c) no green sandalwood tree shall be permitted to be felled;

(d) all dead trees may be permitted to be felled;

(e) all trees, irrespective of the girth at breast height standing dangerous to building, telephone lines, electric lines or any other structures shall be permitted to be felled;

2[)ee) all trees standing in plantations which cause hindrance to the growth of rubber, coffee or tea shall be permitted to be cut, irrespective of their girth:

Provided that no permission under this clause shall be given unless the application for permission is accompanied by a certificate from the Rubber Board or Coffee Board or Tea Board as the case may be, that the tree in respect of which permission is applied for causes such hindrance];

(f) all trees causing obstruction to the construction of any permanent building or to the formation of any public road shall be permitted to be felled; and

(g) all hollow trees shall be permitted to be felled.

(2) In granting permission for the destruction of valuable trees, the authorised officer shall have regard to the following:-

(a) Plants of valuable trees which are not marketable and causing obstruction to the construction of any permanent building or to the formation of any public road shall be permitted to be destroyed;

(b) side branches of rosewood and teak trees of girth up to 30 cm. at biggest end shall be permitted to be lopped;

(c) side branches of sandal wood trees of girth up to 10cm. at the biggest end shall be permitted to be lopped.

7. (1) only such of the marked rosewood and teak trees which have been permitted to be cut as per the list attached to the sanction order shall be cut, and the cutting shall be subject to the following conditions:-

(a) the trees shall be cut above or below the chisel mark at stump height;

the timber or logs extracted should bear at one of the end surfaces the serial number of the trees from which it was obtained and the sequence of the log in the tree denoted by letter A,B,C etc.;

if during the course of felling, any unmarked valuable tree is damaged has fallen neither the tree felled nor the tree damaged shall be removed without the previous permission of the authorised officer who shall before according permission satisfy himself that the damage was inevitable; and

separate sanction of the authorised officer shall be obtained for removing trees which have accidentally fallen or are injured during the course of felling of the marked trees.

(2) Only such of the marked sandalwood trees which have been permitted to be cut as per the list attached to the sanction order shall be cut, and the cutting shall be subject to the following conditions:-

on uprooting the trees the pit shall not be covered and shall be left in tact until inspection. A stake bearing the tree number shall be fixed in each pit;

the trees may then be cleaned to remove sapwood taking care to preserve the hammer mark. If the tree is billeted the billets shall be so numbered as to enable reformation and checking by the authorised officer. Each tree shall be weighed after cleaning and the weights recorded. If it is billeted each billet shall be weighed separately and also all the billets of the same trees together. The uprooted trees shall be kept as near the pits as possible to facilitate checking. On completion of cleaning, the applicant shall submit a list showing the tree number, its original measurements, the number of pieces obtained with measurements and weight and the total weight of all the pieces obtained from each tree.

The transport of felled materials shall be subject to the provisions in the Timber Transit Rules in force from time to time.

The authorised officer may grant extensions beyond the period of sanction to a maximum period of three months in all in every deserving cases, where he is satisfied that the delaying carrying on the work was beyond the control of the owner. The total period of validity of the sanction including the period of extension shall not exceed six months.

Application for extension of the period sanctioned shall be sent sufficiently early and unless such application is received by the authorised officer at least one week before the date of expiry of the validity of the sanction, such application shall be summarily rejected.

Every application for extension of the period of validity of sanction beyond six months from the date on which it was first issued shall be treated as an application for a fresh sanction and shall be dealt with accordingly.

8. Only such of the valuable trees which have been permitted to be destroyed as per the list attached to the sanction order shall be destroyed and the destruction shall be subject to the following conditions:-

the main stem of the valuable trees shall not be damaged during the course of lopping;
and

the cut end of the side branches shall be tarred.

9. On receipt of an application under Rule 2 for cutting or destruction of the valuable trees, the authorised officer shall eliminate from the list furnished by the applicant in his application such of the trees which are not permissible as per the provisions in sub-rule (i) and (ii) of Rule 6, and shall not permit the cutting or destruction of such trees.

10. If the authorised officer has reason to believe that any person to whom permission for cutting or destruction of valuable trees under the Kerala Restriction on cutting and Destruction of Valuable Trees Ordinance, 1974 has been granted has in his application furnished particulars which are materially incorrect or has contravened any provisions of these rules or the conditions under which the permission was granted he may cancel such permission immediately or modify the same.

11. All Forest Officers not below the rank of forest Guard, all Revenue Officers not below the rank of Village Officer and all Police Officers not below the rank of a Sub Inspector shall have power to enter any land for the purpose of inspection or securing compliance with these rules.

APPOINTING AUTHORISED OFFICERS FOR THE PURPOSES OF THE ORDINANCE

(Section 3)

Notifications

(1)

Under Section 3 of the Kerala Restriction on cutting and Destruction of Valuable Trees Ordinance, 1974 (1 of 1974), the Government of Kerala hereby appoint the Divisional Forest Officers in charge of the territorial divisions to be authorised officers for the purposes of the said Ordinance within their respective jurisdictions.

(Notification No. G.O. (MS) 29/74/AD dt/ 07/02/1974)

(2)

Under Section 3 of the Kerala Restriction on Cutting and Destruction of Valuable Trees Act, 1974 (7 of 1974), the Government of Kerala hereby appoint the Divisional Forest Officers in charge of the special divisions to be authorised officers for the purposes of the said Act, within their respective jurisdictions.

(Notification No. G.O. (p) 225/75/Agri. dt. 01/08/1975, published in K.G Ex. No. 433 dt. 02/08/1975.)