

अण्डमान तथा निकोबार प्रशासन
ANDAMAN & NICOBAR ADMINISTRATION
पर्यावरण एवं वन विभाग
(DEPARTMENT OF ENVIRONMENT & FORESTS)

Port Blair, dated the 20th December, 2016

OFFICE ORDER No. 7/7

Prior to the direction contained in the order dated 10/10/2001 and 23/11/2001 of the Hon'ble Supreme Court in the IA 502 of 1999 in WP(C) No 202 of 1995 imposing ban on cutting of naturally growing trees, the Department vide No. FS/G/15/162 dated 04.11.1987 had allowed removal of commercial trees including Padauk standing on the allotted land by the individuals for raising commercial plantations and the commercial timber derived therefrom was allowed to be retained by the title holder after payment of royalty to the Government. It was also provided in the said letter that in case the land owner was unwilling to retain the commercial timber derived from the trees so felled, the Forest Department shall take over the timber within one year after paying the extraction charges to the title holder, which was further reiterated in the Circular issued vide No TIM/261 dated 05.02.1996 of the Department of Environment & Forests.

The Hon'ble Supreme Court of India in its order dated 10/10/2001 and 23/11/2001 in IA No. 502 of 1999 in WP(c) No. 202 of 1995 (TN Godavarman Thirumalpad – Vs- UOI & Others) had directed that no naturally growing trees will be cut by any one and further directed the UT Administration to formulate Appropriate Regulations to regulate the felling of trees on Non Forest lands in its order dated 07.05.2002.

Accordingly, the Administration had submitted a Draft Regulation on Removal of trees from Revenue Land to the Central Government which is yet to be approved. However, pending approval of the Draft Regulation, the dangerous trees posing threat to life and property standing on revenue land/ private land/ land belonging to any institution/ individual are being allowed to be removed by the Sub-Divisional Magistrate (SDM) under section 133 of Cr.PC without realizing the value thereof.

The A&N Administration in a meeting held on 09.09.2013 had further decided that private individual shall remove the dangerously standing trees from his /her own land at his cost and such tree/timber, after its removal, shall not be deposited with the Forest Department irrespective of its nature/type/kind/species and the individual/agency shall be free to dispose it as deemed fit by him/her. However, in a subsequent meeting held on 11.09.2014, it was also decided that on receipt of the application for allowing removal of trees posing threat to life and property, the SDM shall get the

trees jointly verified by the representatives of Revenue and Forest Department and after being satisfied before granting permission for removal of such trees under section 133 of Cr.PC .

The Department of late have received a large number of requests from local inhabitants for allowing removal of trees and utilization of timber for bonafide use of all categories of trees including Padauk wind fallen trees and issuance of TP for their transportation. However, pending disposal of SLP No 16127&16128 of 2010 (Lt. Governor & Ors Vs Shanti Rani Mistry &Ors) moved by the Administration against the order dated 29.10.2009 of the Division Bench of Hon'ble Calcutta High Court for realization of royalty from naturally grown commercial trees from the Revenue Land, the Department of Environment & Forests of late had been allowing transportation and conversion of timber derived from the dangerously standing trees based on the permission granted by SDM under section 133 of Cr.PC and on the request made by the individual for his/her personal bonafide use by the land owner on obtaining an undertaking for payment of the royalty in due course when asked to do so .

The issue has been carefully examined in its entirety taking into consideration the Circulars issued in the past and the stand taken by the Administration in the Apex Court in the aforesaid SLP as also the directions issued by the Apex Court in IA 502 of 1999 in WP 202 of 1995 from time to time, it has now been decided that the Department of Environment & Forest shall realize royalty amount on timber derived from the trees posing threat to life and property by the order of the SDM upon its removal including the timber derived from the wind fallen trees or fallen due to the situation beyond the control of the individual at the rates mentioned below until further orders:

Sl.No	Species	Royalty rate per cum (in Rupees)
1	Ornamental timber (logs of mid-girth 100 cm. and above)	
	a) Padauk	5760
	b) Other ornamental Timber	3024
2	Hard wood (Logs of mid-girth 100 cm. and above)	
	a) Gurjan	1800
	b) Other Hard Wood	792
3	Soft Wood (Logs of mid-girth 100 cm. and above)	
	a) Papita	331
	b) Other Species	403
4	Non Commercial (logs of mid-girth 100 cm. and above)	
	All Species	403
5	The royalty rates of logs having mid girth between 60 to 99 cm will be 50% of the above rates as fixed in the past. Lops and Tops below 60 cm girth will be treated as Firewood.	

