

NOTIFICATION

No.FFE-B-E(3)-31/2001-I

Dated: Shimla-2, the 19th February, 2011.

Whereas, the Expert Committee constituted by the State Government in compliance of interim order dated 12.12.1996 of the Hon'ble Apex Court in Writ Petition (C) 202 of 1995 titled – T.N. Godaverman Vs Union of India and others decided that the 'compact wooded block' above 5 ha which are not recorded as 'forest' in the revenue record shall be treated as 'forest'.

2. And Whereas, during the hearing of Civil Appeals No. 8133, 8134 and 8135 of 2003 on 01.02.2010 in the Central Empowered Committee constituted by the Hon'ble Supreme Court of India in Writ Petition (C) 202 of 1995 titled – T.N. Godaverman Vs Union of India and others, it was suggested by the Central Empowered Committee that the definition of 'Forests' as defined by the State of Himachal Pradesh needs further clarification by way of certain definable parameters.

3. And Whereas the Central Empowered Committee vide its recommendations dated 7th September, 2010 communicated to the Hon'ble Apex Court that the CEC is in agreement with the definition of the 'compact wooded block' decided by the State and recommended that the Civil Appeals No. 8133, 8134 and 8135 of 2003 may be decided with the direction that the State of Himachal Pradesh will notify the definition of 'compact wooded block' decided by it immediately.

4. And Whereas on the recommendations/ Report of the Central Empowered Committee, the Hon'ble Supreme Court of India on 22/11/2010 in the above matter has passed following order:-

"The CEC vide its report dated 7th September, 2005 inter alia observed that it will be appropriate that the State of Himachal Pradesh notifies the definition of Compact Wooded Block as decided by the Himachal Pradesh Forest Department.

Learned counsel for the State of H.P. submits that so far the State did not issue any such Notification. In such circumstances, we direct the State of H.P. to examine the issue and issue appropriate Notification accepting the said definition of Compact Wooded Block as has already been decided by the Forest Department. The appropriate Notification in this regard shall be issued within three months from today."

5. Now therefore, in compliance of the above order of the Hon'ble Apex Court, the definition of 'forest'/'compact wooded block' is notified as under:-

1. "If the private area is notified under Indian Forest Act, 1927 or other Act or is entered as van/ban/vani/jungle in the revenue record it will be treated as forest."

2. For other type of areas not recorded as indicated in point 1.

There are two components under this definition:-

Compactness of the area above 5 Ha. and

Woodiness in this area above 5 Ha.

(a) **Compactness** of an area above 5 Ha would be an area of private land with itself or in contiguity with other adjacent private khasras only

(b) **Woodiness** in this area of above 5 Ha would be as defined below:-

Accordingly, the definition in different agro-climatic zones would be as under:-

i) **Temperate areas:-** These areas consisting of conifer forests of deodar, fir, spruce, kail, and of oaks rhododendrons and other broad leaved species will be defined as under:-

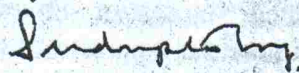
"A compact wooded private area of more than five hectares constituted by itself or in contiguity with private khasras of one or more than one land owners and having more than 400 trees of natural origin and not of plantation origin per hectare of Class-III and above in this compact wooded block will constitute a forest."

ii) **Sub-tropical areas:-** These areas consisting of chil, khair and other broad leaved forest species will be defined as under:-

Chil forests:- The above definition for temperate area will hold good in these forest.

Khair and other broad leaved species: "A compact wooded private area of more than five hectares constituted by itself or in contiguity with private khasras of one or more than one land owners and having more than 800 trees of natural origin and not of plantation origin per hectares of less than class III or for a mixed crop (mature and young) the trees being worked out by taking one mature tree equal to two young trees and vice versa in this compact wooded block will constitute a forest".

By Order



Principal Secretary (Forests) to the
Government of Himachal Pradesh

Endst. No. FFE-B-E(3)-31/2001-I Dated: Shimla-171002, the 19/02/2011
Copy forwarded for information and necessary action to --

1. The Private Secretary to his Excellency Governor of H.P. Shimla-2.
2. The Private Secretary to Hon'ble Chief Minister H.P. Shimla-2.
3. The Principal Chief Conservator of Forests, HP, Shimla-1 with 10 spare copies.
4. The Principal Chief Conservator of Forests, Wildlife, HP, Shimla-1 with 10 spare copies.
5. The M.D. HPSDFC, Kasumpti, Shimla-9.
6. The Joint Secretary (Law) to the GoHP, Shimla-2.
7. All the Deputy Commissioners in Himachal Pradesh.
- 8.
9. All the Addl. Principal CCFs / CFs and Conservators of Forests/Divisional Forest Officers in H.P.
10. The Controller, HP Printing & Stationery Department Ghora Chowki, Shimla-5 for publication in Rajpatra (Extra ordinary).
11. The Director, Information & Public Relation, H.P. Shimla-2.
12. Guard file (50 copies).

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Deputy Secretary (Forests) to the
Government of Himachal Pradesh

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