

**Chittagong Hill Tracts Watershed Co-Management Project (CHTWCA)
UNDP-CHTDF
Rangamati, Chittagong Hill Tracts**

**Supported by
USAID**

**Sustainable Forest Management
in
the Chittagong Hill Tracts**

**Submitted by an Independent Expert
Commissioned by UNDP
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GLOSSARY & ACRONYMS

SCOPE OF STUDY & RESEARCH METHODOLOGY

EXECUTIVE SUMMARY

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The Chittagong Hill Tracts Regional Council (CHTRC), under the leadership of the Chairman of the CHTRC, the Hon'ble Jyotirindra Bodhiprioyo Larma - under whose leadership, along with Hon'ble Prime Minister Sheikh Hasina's, the CHT Accord of 1997 was signed - proved to be a vital conduit in providing policy support and advice. The CHTRC's representative participated at the first major regional consultation on Forest Management in the CHT, which was organized by UNDP-CHTDF, and held in Rangamati on 7 June 2015 (annexed to this report).

The 7 June Consultation was participated in by all major stakeholders, including the Bangladesh Forest Department, forest-dependent communities, Jote owners and timber merchants, CHT-specific institutions and leading members of civil society and local

NGOs. Many of the recommendations coming forth from this meeting have been incorporated in this study, and the proceedings of the consultation are annexed to the report. The report writer thanks all the institutions, organizations, networks and their representatives in this regard.

The Hill District Councils (HDCs), which are the major legally mandated bodies for the management and administration of forests other than Reserved Forests (RFs) in the CHT, came forward with their wholehearted cooperation, including during the regional consultation on 7 June.

The traditional institutions of the CHT, including the Chakma, Bohmong and Mong Circles, and the Headmen and Karbaries within these Circles, including their networks and associations, proved to be a very strong ally in the process. The three circles are currently implementing a sub-project on Mauza Reserves or Village Common Forests (VCFs) under the CHTWCA project, which is hoped and expected to rationalize and strengthen the management of VCFs in the CHT. These institutions' enthusiastic cooperation at the regional consultation and through the sharing of vital data and information on the VCFs, and in providing key recommendations on the management of VCFs and on the revisions to the CHT Forest Transit Rules, has helped enrich the study.

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Raja Devasish Roy
Rajbari, Rangamati
Chittagong Hill Tracts
Bangladesh
31 March 2016

GLOSSARY & ACRONYMS

| | |
|-------------|---|
| AC (Land) | Deputy to UNO charged with revenue duties at upazila level. At present, most upazilas in CHT have no ACs (Land). UNOs carry out such functions. |
| ADC | Additional Deputy Commissioner. The ADCs are deputies to the DCs. The ADC (Revenue) generally acts as FSO during process of notification of a new RF |
| BADC | Bangladesh Agriculture Development Corporation, an autonomous government agency. |
| BATB | British American Tobacco Bangladesh, a part of the British American Tobacco plc |
| BCCSAP | Bangladesh Climate Change Strategy and Action Plan |
| BIPNet-CCBD | National network of indigenous peoples in Bangladesh on Climate Change and Biological Diversity |
| BFD | Bangladesh Forest Department. A department headed by the Chief Conservator of Forests (CCF) under the Ministry of Environment & Forests (MOEF). |
| BO | Beat Officer |
| CBD | Convention on Biological Diversity |
| CCF | Chief Conservator of Forest |
| CF | Conservator of Forest |
| Chara | Bengali term for tributary of a river or stream. Also spelt chhara or sora (esp. Chakma) |
| Chief | In the CHT, this generally means the Chiefs of the three Circles of the three rajas, Chakma Raja, Bohmong Raja and Mong Raja. However, the title 'chief' in Bangladesh is also affixed to several government functionaries (e.g., Chief Conservator, Chief of Staff, Chief Justice, Chief Judicial Magistrate, etc.). |
| CHT | Chittagong Hill Tracts. The region comprises the districts of Rangamati Hill Tracts, Bandarban Hill Tracts and Khagrachari Hill Tracts (not to be confused with "Chittagong", the coastal district to the west of the CHT, also containing Bangladesh's major port city, also called "Chittagong"). Among other places formerly having the same appellation of "Hill Tracts" were the <i>Arakan Hill Tracts</i> (now part of Chin State, Myanmar/Burma) and the |

Kachin Hill Tracts (now part of Kachin State, Myanmar/Burma).

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| Circle | Originally a unit of revenue administration. The better-known circles are those territories headed by the three hereditary Chiefs or Rajas. However, areas administered by Conservators of Forests are also known as Circles. A Chief's' Circle is also a judicial unit in addition to being an administrative and revenue unit. |
| CHT | Chittagong Hill Tracts |
| CHTCWA | Chittagong Hill Tracts Watershed Co-Management Activity, a project of the UNDP, supported by USAID. |
| CHTDB | Chittagong Hill Tracts Development Board. A statutory development agency, originally led by civil or military officials, but nowadays led by an indigenous leader or official. |
| CHTRC | Chittagong Hill Tracts Regional Council, the premier CHT-level statutory self-government body |
| CHT Reg. | CHT Regulation 1900 |
| CSO | Civil society organization |
| DAE | Department of Agriculture Extension |
| DC | Deputy Commissioner. The DC is the premier civil administration representative of the national government at the district level. Earlier titles of the senior-most official of the CHT were Assistant Commissioner, and yet earlier, Superintendent. |
| DFO | Divisional Forest Officer |
| DOE | Department of Environment |
| ECB | Engineering Corps of Bangladesh (Bangladesh Army) |
| EIA | Environment Impact Assessment |
| EPADC | East Pakistan Agriculture Development Corporation. Predecessor-in-Interest of BADC. |
| FA | Forest Act 1927 |
| FA 1927 | Forest Act 1927 |
| FDO | Forest Department Official |

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| Fringeland | Seasonally surfaced bed of the Karnafuli reservoir (“Kaptai Lake”) used for wet-rice farming not involving irrigation or ploughing (except marginally) |
| FSO | Forest Settlement Officer. Officially specially entrusted with quasi judicial functions in a process of creation of reserved forests |
| GIS | Geographic Information System |
| GOB | Government of Bangladesh |
| GPS | Global Positioning System |
| HDC | Hill District Council, the premier district-level self-government unit |
| HDLGC | Hill District Local Government Council. The former name of the Hill District Council prior to the amendment to the District Councils laws in 1998. |
| Headman | The chief or head of a mauza in the CHT, nominated by a Circle Chief and appointed by a Deputy Commissioner |
| Horticulture Development Board | A development agency established in 1973 to implement the horticulture-oriented <i>CHT Development Project</i> (discontinued since the mid 1970s) |
| IDP | Internally Displaced Person. The CHT Task Force on Refugees & Displaced Persons only recognizes persons of tribal origin as IDPs. |
| IP | Indigenous peoples. The GOB dislikes the term and uses other terms, including “Small Ethnic Communities”, Small “Ethnic Groups”, Ethnic Minorities”, etc. However, the term “indigenous” is used in the CHT Reg. 1900 and some Finance laws (1960s-2000s) and the term “Adibashi” is used in the Cultural Institutes Act 2010. |
| IPO | Indigenous peoples’ organization |
| Jhiri | Bengali term for sub-stream or small water channel on sloping land |
| Jum | Also spelt Jhum (Northeast India) or Joom (British period). Upland rain fed cultivation method. Neutral term: Swidden. Acceptable term: Shifting Cultivation. Pejorative term: Slash and Burn. |
| JSS | Parbotto Chottogram Jana Samhati Samiti/Samity. Largest political party of the indigenous peoples of the CHT. The 1997 Accord was negotiated and signed under its leadership. |

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| Karbari | Traditional chief or head of one or more villages or hamlets. Several villages comprise a mauza. Karbaries are appointed by the Circle Chiefs or Rajas. |
| LGED | Local Government Engineering Department |
| Mauza | Also spelt ‘mouza’. A territorial and revenue unit within the national revenue and land administration structure, common all over Bangladesh. In the CHT, it is also an administrative and a judicial unit under a Mauza Headman. |
| MOA | Ministry of Agriculture |
| MOCHTA | Ministry of Chittagong Hill Tracts Affairs |
| MOEF | Ministry of Environment & Forest |
| MOF | Ministry of Food |
| MOL | Ministry of Land |
| MOPA | Ministry of Public Administration |
| MPFLR-CHT | Movement for the Protection of Forest and Land Rights in the CHT, a leading CSO in the CHT |
| New RFs | Lands that were notified as “reserved forests” after the independence of Bangladesh, particularly in the 1990s |
| Old RFs | Lands that were notified as “reserved forests” during British colonial rule (1860-1947). Some boundary and name changes happened in the Pakistani period (1947-1971). |
| Para | Bengali term for hamlet or small village |
| PF | Protected Forest |
| Raja | Bengali, Chakma and Tanchangya term for king, ruler or chief. Alternative term for <i>Circle Chief</i> . |
| Ranya | A former jum (Chakma); contains some crops. Feeding ground for wild animals |
| REDD | Reducing Emissions from Forest Destruction & Degradation; a major mitigation component for developing countries under UNFCCC |
| REDD+ | A more comprehensive, participatory & rights-oriented version of REDD that includes conservation, sustainable management of forests and enhancement of forest carbon stocks |

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| RF | Reserved Forest |
| R&H | Roads & Highways Department |
| RO | Range Officer |
| SDO | Sub-Divisional Officer. Officer in charge of sub-divisions (since upgraded into districts in CHT). UNOs carry out functions of former SDOs. |
| SF | Social Forestry/Social Forests |
| SIA | Social Impact Assessment |
| Superintendent | Originally, <i>Superintendent of Hill Tribes</i> or <i>Hill Superintendent</i> . Title of senior-most government official in the CHT in early 1860s and early 1900s (replaced by Assistant Commissioner, and eventually, Deputy Commissioner). |
| TAC | Technical Advisory Committee (of CHTCWA under MOCHTA) |
| Taungya | Agroforestry system of raising tree plantations through Jum cultivation. Also name of a CHT-based NGO, which did pioneering work on VCFs in the CHT. |
| UNFCCC | United Nations Framework Convention on Climate Change |
| UNO | Upazila Nirbahi Officer. Charged with administration of an upazila (sub-district). |
| UN-REDD | One of REDD+ components under UNFCCC implemented by UNDP |
| USF | Unclassed State Forest |
| VCF | Village Common Forest, a term increasingly used to denote Mauza Reserves and other forests in CHT outside the reserved and protected forests. |
| VF | Village Forest |
| VF Rules | Village Forest Rules |
| WPA 2012 | Wildlife (Protection and Safety) Act 2012. Also known as Wildlife (Conservation and Security) Act 2012. |
| WSIA | Watershed Impact Assessment |

Zamindar

Owners of landed estates in the plains regions of
Bangladesh prior to their acquisition by government in
1951.

SCOPE OF STUDY & RESEARCH METHODOLOGY

Broad Objectives

The broad objective of this study is to support UNDP's project entitled *Chittagong Hill Tracts Watershed Co-Management Activity (CHTWCA)* in the "development of Technical Documents for Policy Consultation, Dialogue and Advocacy for Sustainable Forest and Environment Management in the Chittagong Hill Tracts (CHT)", as mentioned in the Terms of Reference (TOR) of this assignment.

Specific Objectives:

Review Report on Laws, Policies, Governance & Management of Forests and Environment

The specific objectives of the assignment are: (a) A review report on existing policies, legal frameworks and governance on CHT forest and environment management, including recommendations for ways forward to ensure effective forest and environment management and conservation in the CHT; and (b) The development of a Strategy or Strategies on policy-level interventions for the Village Common Forests (VCFs) and Reserved Forests (RFs) in the CHT, based on the study findings and subsequent consultations at the regional and national levels.

Scope of Study

Details of the scope of this study are described in the introductory paragraph above. The study has been prefaced by the historical background of land and forest management in the CHT, including major legal, administrative, developmental, political and demographic events that have shaped decision-making and practices, both by government agencies and by local communities and their leaders.

It is also well to explain *what issues are not included* in this study. For example, when discussing "resources" of the CHT forests, the discussion will not include issues on (a) inventory of forests; (b) the statistics of forest produce that are marketed; (c) the extent of revenue raised by the government from forestry; and (d) the size of the forest economy and the income that accrues to the people of CHT from forest produce (including from plantations raised by the government or by local farmers).

Some generic and some specific recommendations have been included in this study, including in chapters X to XIV. However, specific problems and challenges related to the content and/or operationalization context of several laws and policies, including practices in the nature of "policy", are spread over in the various chapters preceding the analytical and recommendatory chapters.

Recommendations for specific law and policy reform, operationalization of existing and future laws and policies, and adoption of new programmes and projects, or revisions thereto, may of course also be gleaned from these chapters, although attempts have been made in Chapters XII and XIII, and tables and other annexes related thereto, to provide ideas to policymakers (GOB and its CHT-specific entities), the UN system

(particularly UNDP) and development partners of GOB (USAID, EC and other bilateral and multilateral development partners of GOB).

However, since the first draft was submitted in August 2015, comments have come forth from UNDP and USAID, and the author has tried his utmost to incorporate the suggestions and recommendations. This includes (a) the addition of a new chapter (new Chapter XII) on *Proposed Amendments to the Forest Act 1927 & the Views of the CHT-Specific Institutions, Forest dependent Communities & Civil Society* (this chapter narrates the recent dialogues and consultations on draft laws prepared by MOEF, including on amendments to the Forest Act 1927 and the CHT Forest Transit Rules 1973); (b) a new sub-chapter to the old Chapter XII (now Chapter XIII), titled *Roadmap for Law, Policy & Programmatic Review* [Chapter 13(7)]; (c) tables supplementing the new Chapter 13.7, namely. Tables 27, 28, 29, 30, 31 and 32 series; and (d) new appendices, namely Appendices 29 through to 34, annexing the MOEF's drafts on the proposed amendments to the Forest Act 1927 and the proposed new CHT Forest Transit Rules, along with the suggestions on the aforesaid draft laws by the CHTRC and other CHT-specific institutions (HDCs and traditional institutions) and CHT civil society.

Methodology

The study is based upon a combination of desk research and consultations with stakeholders. The major stakeholders include indigenous peoples and other forest-dependent communities, foresters and other government officials, representatives of the CHT-specific councils (CHT Regional Council and Hill District Councils), traditional institutions (Circle Chiefs, Mauza Headmen & Village Karbaries), representatives of NGOs, human rights activists and other members of civil society, including their leading organizations and networks. In addition, the views of UNDP, and the major funding agency for the CHTWCA project, USAID, have also enriched this work with the aforesaid two agencies all out cooperation and helpful criticisms, suggestions and recommendations.

EXECUTIVE SUMMARY

This study on *Sustainable Forest Management in the Chittagong Hill Tracts (CHT)*, is *centred around* the sustainable management of two types of forests in the CHT, namely, the reserved forests (RFs), which are managed by the MOEF, through the BFD, and the *mauza reserves* or “village common forests”, better known by their now popular acronym, “VCFs”, which are managed by indigenous village communities under the supervision of traditional Mauza Headmen and Village Karbaries.

The *focus* of the study is on legal and policy reforms. Therefore, quite predictably, the study contains detailed suggestions and recommendations on what reforms are necessary to the laws to facilitate greater sustainability to the patterns of management of the RFs and the VCFs. However, since laws do not operate in a vacuum, without linkages to policies – formal and informal – and programmes, particularly of governmental agencies, commensurate attention has also been given to policies and programmes.

The study makes some broad conclusions with regard to legal, policy and programmatic reform in the case of the two types of forests, RFs and VCFs.

In the case of the RFs, the study recommends the following, among others: (a) basic reforms to the Forest Act 1927, including to “de-colonize” it; (b) reforms to other national and CHT-specific laws; (c) formulation of Village Forest Rules to facilitate participatory management of portions of RFs through assignment of rights to RF residents village communities; (d) change of attitudes and perspectives of the BFD on forest management, to shift away from a “policing” orientation, to participatory modes of management involving forest dependent communities; (e) the discontinuance of the expansion of the area of reserved forests, and the de-reservation of RFs declared in the 1990s-2000s; and (f) the de-reservation of small and isolated expanses of RFs, including those flooded by the Karnafuli Reservoir (“Kaptai Lake”) and those RFs created in the 1990s and 2000s, both of which are “unviable” as sustainable units for conservation and management.

In the case of the VCFs, major legal amendments are not deemed necessary. Instead, the study recommends the supplication of the major laws with policy guidelines and executive orders, including the formal registration or other recognition of VCFs by the HDCs, as was done on one occasion by the Rangamati HDC (see Appendix 20). Attention to the tenurial security and livelihood security of the VCF-dependent communities is regarded as a necessary corollary to sound management.

With regard to the *opportunities and challenges facing the sustainable management of both types of forests*, namely, RFs and VCFs, the study concludes that the negative impacts of population rise, including population transfer, livelihood insecurity issues, the impacts of environmentally disruptive “development” projects and other matters need to be accounted for, to guide the path of sound management. Moreover, it has

been emphasized that forest management be integrated with watershed management at both micro levels (such as VCFs) and macro levels (which crisscross administrative, geographical and ecological zones).

The detailed recommendations and suggestions, along with analyses of existing and former laws and policies, are contained in Chapters IX through to XIV. Among others, the continuing legacies of the “colonialist” model of forestry is critiqued as being undemocratic and unsustainable, being rooted in economic and strategic needs of the then British empire, to the exclusion of the rights and needs of the inhabitants of the forests and adjacent areas.

The existing legal regime is described in detail (in Chapter IX), while tracing the evolution of the laws since the British colonial period, and the discussion actually goes beyond a description to incorporate a critical analysis of the contents of the laws and the manner of their application.

This is followed by an analytical summary of the present National Forest Policy, its development from the policies of the past (Pakistan and British periods) and an examination of the strengths and weaknesses of the draft National Forest Policy of 2015, which is still under process of finalization (Chapter X).

A brief overview of the major international instruments and processes related to forest management, including multilateral human rights and environmental treaties that Bangladesh is a party to, and the processes related to environment, forests and Climate Change, including the REDD+ and UN-REDD processes, is also included in the discussion (in Chapter XI).

Detailed attention is given to the provisions of the currently proposed amendments to the major legal instrument on forest management since British times to today, the Forest Act of 1927. The views of the major CHT stakeholder on the proposed reforms, including that of both CHT-specific institutions – the CHTRC, the HDCs and the traditional institutions – and of forest dependent communities and their major spokespersons, namely, civil society networks and organizations, are also provided (Chapter XII).

Finally, the major challenges on sustainable forest management in the CHT are identified and discussed, with a minute analysis of provisions of existing laws, the provisions that need reform, why reforms are necessary, and the process that should be followed to secure the desired reforms.

The discussion is oriented around a human rights, humanitarian and ecological perspective, to ensure that the contents and process of reform are in conformity with national and international norms on human rights, equality and non-discrimination. The discussion is supplemented with proposals for a “roadmap”, or more precisely, “roadmaps”, toward reform.

Since forest administration necessarily entails not just laws (which includes customary laws), but also policies *and* practices rooted in written documents and unwritten practices in the nature of “tradition”, a multidisciplinary approach is followed here, oriented around legal regimes but also encompassing administrative and other practices. These discussions are contained in the last but final chapter, Chapter XIII.

The concluding chapter – Chapter XIV – focuses upon capacity building needs, to raise the capacities of all major “stakeholders”, namely, government officials, CHT-specific institutions (CHTRC, HDCs and traditional institutions) and non-governmental actors, particularly the forest dependent communities, along with NGOs and CSOs

In order to provide a historical entrenchment to the discussion, the historical development of the Forest Department, the laws related to land and forests, the different categories of forests, political and social developments, the bane of deforestation and forest degradation plaguing the CHT, and the features of the unique CHT administrative system, are also traced, in the beginning of the report, namely, in Chapters I through to VIII.

The chapters in the study are supplemented with tables, figures and appendices, which are given in an annexe. Attempts have been made, as far as possible, to cross-reference the various chapters and sub-chapters, and to relate the narrative discussion with detailed recommendations and other analysis contained in the documents annexed to the report.

I. INTRODUCTION

This study on sustainable management of forests in the Chittagong Hill Tracts (CHT) looks at the challenges facing two broad categories of forests in the Chittagong Hill Tracts, namely, the reserved forests (RFs), administered by the Bangladesh Forest Department (BFD), and the mauza reserves or village common forests (VCFs), managed by rural indigenous communities in the mauzas of the CHT, outside of the BFD-managed reserved forests. However, forest management in a holistic manner will not be possible without taking into account the developments affecting other categories of lands and forests in the region, although anything beyond a basic discussion of such corollary but closely related matters is beyond the scope of a study of this nature. The study would also be incomplete without an understanding of the historical basis or bases of forest management in the CHT, the related institutional structures and legal regimes, changes in the patterns of land use and its growing integration into the market, population rise and demographic changes, and the resultant impact of the aforesaid developments on forest management and resource use, affecting almost all categories of forests, including the RFs and VCFs, in similar or dissimilar ways. These related matters are therefore, touched upon, where deemed relevant, although not elaborately discussed, throughout the study.

Chapter II starts with a historical background to forest management in the CHT. It discusses what it calls the “conflict of traditions” in the reserved forests (RFs); the traditions or conventions of the Forest Department (BFD) and that of the indigenous communities living in forest areas. It contrasts the indigenous concepts of land and forests with that of the BFD, with its orientation towards sovereign state rights. It discusses the widely misunderstood concept of land availability in the CHT and seeks to expose the myth of the CHT as a land of plenty and an open frontier of bountiful resources. It traces the changes in the land use and ownership patterns from subsistence jum farming and natural forest dependency, to market-oriented modes of land use: wet rice farming, commercial tree plantations and fruit orchards. It also analyses the fetters to livelihood security and equitable land use caused or exacerbated by the Kaptai Dam of 1960 and the population transfer programme of the 1980s.

Chapter III provides a description of the various legal and functional categories of forests, some of which overlap with RFs and VCFs.

Chapter IV narrates the phenomena of acute deforestation, forest degradation, biodiversity loss and the depletion of water resources in the CHT.

Chapter IV also discusses the controversial issue of jum or swidden cultivation and the myths and misconceptions harboured by the BFD and policy planners concerning the links between jum cultivation, soil erosion and deforestation, and highlights some of the contributions of jum cultivation to biodiversity conservation and enhancement. The gender implications of deforestation are also touched upon in this chapter.

Chapter V describes the major reserved forests (RFs) in the CHT, along with the history of their notifications, the growth of “production forestry” and industrial plantations, the creation of new reserved forests in the 1990s and 2000s amidst strong local opposition,

and the little known but vast contribution of indigenous jum cultivators to the growth of the teak and other tree plantations of the BFD through the innovated jum method known as “Taungya”.

Chapter VI describes the Mauza Reserves or village common forests (VCFs) managed under the supervision of Mauza Headmen and Village Karbaries, and the background to the innovation of this community-led mode and model of forestry. The chapter also discusses the role of NGO-led projects on sustainable and equitable VCF management along with the potential role of the current UNDP-led CHTWCA project to support VCF and RF management.

Chapter VII describes the major categories of forests other than RFs and VCFs, including the Protected Areas and the so-called unclassified state forests or “USFs”.

Chapter VIII is devoted to the institutional and administrative arrangements related to forest management in the CHT and describes, in some detail, the roles of the different institutions in the CHT, namely, the BFD, the Deputy Commissioners, the Hill District Councils and the traditional institutions of the Circle Chiefs (Rajas), Mauza Headmen and Village Karbaries.

Chapter IX focuses on the major legal instruments related to forest administration in the CHT. It provides an analytical account of the Forest Act 1927 and its “colonialist” moorings and legacies, which continue to violate the indigenous peoples’ customary land and resource rights. The chapter analyzes the concept of Village Forestry in reserved forests, comparing the relevant provisions of the 1927 Act with similar laws in Odisha and Maharashtra states of India. This is followed by a discussion on the Rules relating to the *transit* of forest produce, which have continued to bedevil tree farmers and timber merchants, among others. Chapter IX also provides a critical assessment of the laws on Social Forestry or “Social Afforestation” and an overview of the major legal instruments relevant to forest management, including the Wildlife Protection law of 2012, the CHT Regulation 1900 (which functions in the nature of a constitutional and regulatory supra regime for the CHT), and the Hill District Councils Acts of 1989, which set out the mandates of this most crucial district-level institution’s role in administration and development. The chapter ends with a discussion on the status of customary land and forest rights under the CHT legal regime and its interface with written statutory law.

Chapter X describes the most important forest related formal policy documents, including the National Forest Policy 1994, the Forestry Master Plan and a number of important sectoral and other policies, along with the provisions of the draft National Forest Policy of 2015, along with these documents’ implications on the rights of forest dependent communities.

Chapter XI briefly touches upon international law, including the treaties ratified by Bangladesh that have a direct bearing on forests, biodiversity, Climate Change and indigenous peoples, and the processes related to such instruments, including Bangladesh’s engagement in such processes.

Chapter XII discusses the provisions of the proposed amendments to the Forest Act 1927 [the Draft Forest (Amendment) Act 2015] and the views and concerns of some of the most important non-BFD stakeholders of the CHT in this regard.

Chapter XIII discusses some of the most crucial challenges in forest management in the CHT and the possible ways forward through law and policy reform, and programmatic interventions. In the process, it also draws attention to the views of indigenous peoples and other forest dependent communities contained in formal declarations adopted at various meetings and conferences. It discusses some of the limitations of law and policy, both with regard to their contents, and with regard to their operationalization, including acts in violation of law and policy, either through non-compliance and acts not authorized by law and policy. It makes references to specific laws, such as the Forest Act 1927 and its subsidiary laws, the HDC Acts 1989, the CHT Regulation 1900 and customary land and forest laws. The chapter proposes the adoption of “roadmaps”, with specified deadlines and the identification of the actors and their roles, on laws, policies and programmes. In order to obtain clear ideas on implementable or “action-oriented” proposals, the chapter needs to be read in conjunction with other parts of the report, particularly chapters IX, X, XI and XII.

The last chapter of the report, Chapter XIV, contains some concluding observations, including on the capacity raising of the major stakeholders, including government officials, the CHTRC and the HDCs, the traditional institutions and civil society organizations (including NGOs) and networks.

The narrative part of this report – Chapters I through to Chapter XIV – is supplemented with an annexe - which contains tables, figures and appendices.

The tables contain data on laws, policies, population, land, soil, forests, deforestation, Protected Areas, Mauza Reserves (VCFs), biodiversity, Forest & Land Administration, proposed forestry models and “roadmaps” on law, policy and programme review.

There are two figures. One on the process of obtaining a Timber Extraction & Export Permit (“Transit Pass”), and the other, on the organogram of the BFD at CHT level.

There are several appendices, including on Acts, Rules, Orders, correspondences, policies, Citizens’ Declarations, draft laws of the MOEF, proposals of the CHTRC on forest related laws, and proceedings of recent forest related consultations and other meetings in the CHT, including specific recommendations on reforms to draft laws prepared by MOEF and currently under a formal process of consultation initiated by the MOEF.

II. HISTORICAL BACKGROUND

2.1 Reserved Forests & the Conflict of Traditions

A basic understanding of the historical settings in which the current pattern of forest management in the CHT has emerged – including for the reserved forests (RFs), mauza reserves or village common forests (VCFs) and related categories of forests and other lands - is essential to obtain an in-depth understanding of the current challenges faced in forest management in the region.

While future management patterns may well be partially or substantially different from the current and past patterns in forest management, legal, policy and programmatic interventions, however well planned, may yet fail to produce the desired goals on account of the historical legacies of laws, policies, structures and practices. Some of these practices seem to have a tendency to linger; well beyond what current legal and political regimes, social realities, environmental changes and economic exigencies would suggest. Among such practices are those based upon perspectives, attitudes and assumptions, which have distinct historical roots; in other words, tradition. Or at least practices or conventions in the nature of tradition. That is one of the major lessons that the history of forest management in the CHT imparts to any but the most casual observer, both for the period before the independence of Bangladesh, in 1971, and for the period after independence (1971 to today).

That traditions - or conventions, norms and practices in the nature of tradition - play a crucial role in explaining current behavioural patterns of some of the most important actors or “stakeholders” involved in forest management and use today - such as the Bangladesh Forest Department (BFD) and the indigenous peoples - is borne out in the way that these actors behave, in several relevant spheres. Nowhere are such ‘traditional’ roles more explicit than in the case of the reserved forests.¹

The BFD, for example, has attempted to ‘manage’ the reserved forests by using its legally sanctioned tool, the Forest Act of 1927, bequeathed by the British Indian government, following “conventional” forest management practices that are rooted in the British colonial mode that was called “scientific management” of forests.² It was as if time had stood still, and armed Forest guards could enforce penal sanctions, backed by an efficient police and judiciary, which are sanitized from current political, social and environmental realities, as was the case during British and Pakistani rule, at least in the case of the reserved forests.³

¹ The overwhelming majority of the inhabitants of the reserved forests in the CHT belong to indigenous peoples, except to some extent in the Matamuhri Reserve, and to a lesser extent, very small pockets of the southern and southwestern fringes of the Kassalong Reserve.

² Guha and Gadgil (1988: 7) write: “The framework of the 1878 [Forest] Act provided the underpinnings of the scientific management of forests. A logical corollary of the combined operations of law and “scientific management” was, however, sharp restrictions on customary use [of forests]. For, rationalized timber production could only be ensured through the strict regulation of traditionally exercised rights...” (Brackets added).

³ Prior to the de-reservation of the Maini Reserve in the first quarter of the 20th century, the British Indian Army was to be deployed to eject “encroachers” from the reserve. However, they were dissuaded through the mediation of the then Chakma Chief, Raja Bhuvan Mohan Roy. The paramilitary force, East Pakistan Rifles, was actually deployed to expel “encroachers” from the Reingkyong Reserve in early 1971. Due largely to interventions by the then members of the national and provincial legislative assemblies (respectively, Raja Tridiv Roy, and Manobendra Narayan Larma), and the onset of the Bangladesh War of

A group of scientists from the Asiatic Society of Pakistan had visited the southern CHT, including the Reingkhong RF, and on the basis of its information, some of the settlements therein had been forcibly destroyed by the government. One of the members of the group had noted the following:

“[The] para which existed on the shore of the [Reingkhong] Lake for the previous five years was no more there. The authority had given them extreme punishment, which meant burning down the para. They and all other intruders had been completely ousted from the Reserve or nearly so... That was the happiest news I heard for some time... We take this opportunity to congratulate the Forest Deptt. for this action which saved a beautiful forest and an extremely valuable fauna. The intruders always claimed that they were from the area affected by the Kaptai Dam. This was a very weak point for the Government.”⁴

Political, social and economic realities of today do not suggest that such ‘policing’ functions are viable today in the manner of the colonial period. On the contrary, the currently prevailing paradigm of human rights standards would suggest that such behaviour would be publicly intolerable today, judicially unenforceable, internationally rebuked upon, and hence, all things considered, unviable, from legal, moral and practical considerations.

Similarly, the indigenous inhabitants of several of the reserved forests, including both the original inhabitants and later migrants (including those displaced by the Kaptai Dam, population transfer and armed conflict), have been using, and at times “misusing”, the resources of the reserved forests based upon their own needs, priorities and assumptions. Some of these practices are based upon traditional customs, while others are innovations and adaptations in response to ever-changing exigencies. But, none of these practices has been specifically recognized by the government, although a strong case may be made to argue that such customs, practices, etc. are not devoid of legal status, and certainly merit humanitarian understanding.

It could be argued, from political, and even juridical, considerations, that such customary practices are an integral part of the CHT legal system. According to the CHT Regulation 1900, enactments applicable to the hill region – including the Forest Act 1927 – are required to be *consistent* with the Regulation and rules framed thereunder.⁵ However, when the concerned notifications during the British period had converted these forests from customarily owned and used lands into “reserved forests” - considered as the exclusive domain of state-controlled land - no reference was made to those customs and practices. Consequently, virtually every conceivable form of land use in such “forests” was thus rendered into a punishable crime.⁶ Unless and until a liberal

Liberation, the force withdrew, but not before some violence could ensue. See: Webb & Roberts (1976: 19) and Schendel et al (2006: 206).

⁴ Husain (1967: 164) cited in Schendel et al (2000: 206).

⁵ Section 4(1), CHT Regulation 1900.

⁶ The pattern of management in the somewhat less penal sanctions-oriented protected forests (believed to have been notified between 1960s-90s) largely mirrors the example of the reserved forests. The procedural formalities concerning notice and resolution of claims upon such lands prior to final proclamation – which

and community-friendly interpretation is provided to such legal documents, at least at the operational level, through legal reforms or judicial directives or otherwise, the legality of the indigenous peoples' and communities' practices based upon traditional customs and practices remain, at best, a 'moot point'.

Thus came about a "conflict of traditions" that would be untouched by any serious attempt to bring about a compromise between them, including in the Chittagong Hill Tracts Accord of 1997, or any legal reform in its aftermath. The flirtation with "social afforestation" programmes – implemented on a small part of the reserved forests, and perhaps protected forests and some parts of the "USFs" as well - may well have acted as a catalyst in a possible way out of the ongoing impasse. Had these programmes been sufficiently "social" in their essence, rather than their name, that might have been the case. But that was not to be. The control-obsessed orientation of the BFD came to the fore again, demonstrating a manifestation of the 'colonialist' paradigm of forest management, reminiscent of the "scientific management of forests" of the time of the British colonial administration, on account of the prevalence of convention or "tradition" in the sense referred to above.⁷

2.2 Management of the Non-Reserved Forest Lands: Tradition versus Market

With regard to the remaining parts of the CHT outside of the reserved forests and protected forests, the situation was different; markedly so in the case of some categories of lands, and only partially so, in the case of others.

Where it coincided with the constantly accelerating pattern of private ownership over lands – market centres and hubs, towns and peri-urban centres, rural settlements (including those granted to Bengali migrants or "settlers" from the plains in the 1980s), plough lands and "fringe-lands", and even orchards and plantations raised by residents and non-residents (including those leased out to non-resident lessees in the 1980s and 90s) - the legal regime and management patterns were, and still are, starkly different. Here, exchange-oriented ownership paradigms prevailed, and it was the market, rather than tradition, which largely, if not solely, set the tone and pattern of land use. However, the prevailing political unrest and armed conflict in the region (1970s-90s), and consequent displacement (creating internally displaced persons or 'IDPs'), and population transfer (bringing in government-sponsored Bengali migrants or "settlers" from outside the CHT in the 1980s), also affected such patterns to a significant extent.

In a generic sense, apart from the reserved forests, protected forests and the privately owned lands, there are two categories of lands in which customary practices or "traditions" preponderate.⁸

are more stringent for the protected forests than the reserved forests - were even more perfunctorily observed, than was perhaps the case for the reserved forests, at the time notification.

⁷ In this chapter, by "traditional" or "conventional" forest management is meant the "scientific management" of forests employed by the British Indian government, through the use of annexationist Forest laws that denied or marginalized customary use regimes, and employed policing and penal laws to protect the newly demarcated forests to apprehend and punish "encroachers". See, e.g., Guha & Gadgil (1988) and Lynch & Talbott (1993). See also, footnote 2.

⁸ Two kinds of lands, without formal lease or settlement, among others, are nevertheless managed and used in the nature of private landholdings in the CHT. These include, firstly, individual plots of land, which a mauza headman has recommended for settlement, but for which no formal settlement has yet been obtained, and secondly, the quantity of land included within the "boundaries" of a settled plot, which is in excess of the area for which the government has granted settlement or lease.

These are, *firstly*, the ‘mauza reserves’ or “village common forests” (VCFs). These are managed substantively through traditional rules and customs, which have been provided with explicit, if largely undefined, statutory recognition.⁹

The *second* category includes the jum (swidden), grazing and grassland commons of the indigenous communities, which were left to be managed by the Mauza Headmen, under the generally benign supervision of the concerned authorities.¹⁰ The latter category of ‘commons’ could be freely converted into privately owned lands. The process of such conversion, however, has varied.

Where it concerned indigenous people and ethnic Bengali permanent residents, the Deputy Commissioner (DC) used to grant “settlements”, based upon express recommendations of the concerned mauza headman. This process continued from 1860 to 1989. Since 1989, and particularly after amendments were made to the District Councils laws in 1998 (immediately after the CHT Accord of 1997), the prior consent of the Hill District Councils (HDCs) was required before settlements, leases, transfers and compulsory acquisitions could be made.¹¹ However, where it concerned “settlements” to Bengali migrants from the plains (largely in the 1980s), or in the case of commercial “leases” to non-resident individuals and companies (1970s-90s), the involvement of the Headmen and Chiefs was dispensed with (this was in the period before the 1997 Accord, allegedly in violation of the provisions of the concerned statute; Rule 34 of the CHT Regulation).¹²

2.3 The “Khas” Lands and the “State Forests”

The last mentioned category of lands – i.e., those apart from the RFs and VCFs – is managed by an occasionally conflicting, or at least often incompatible, layer of statutory regimes applicable to “forests” and “khas lands”, co-existing with a heterogeneous motley of tribal and clan-oriented customs and practices, some of which are expressly or implicitly recognized by statutory law, including the CHT Regulation 1900.

The epithet “forest” can bring forth, if so invoked, whether judiciously or otherwise, the state’s prerogative to (a) regulate extraction and transit of forest produce (exercised, contextually, by the BFD and the DCs, with the HDCs’ legally sanctioned roles yet to be seen in practice); and (b) to convert the status of such lands into a protected or reserved forest (by invoking the Forest Act of 1927) or a ‘protected area’ (by invoking the Wildlife

⁹ Through Rule 41A of the CHT Regulation 1900, and subsidiary executive guidelines.

¹⁰ The manner of use of these customarily used lands may be regulated under the CHT Regulation 1900 (see, especially Rules 41, 42, 45, 45A & 45B).

¹¹ The grants of settlements were generally only made with the concurrence of the mauza headmen. Two notable exceptions were in the case of the government-sponsored Bengali settlers (1980s) and non-resident individual and corporate lessees (1980s-90s). Settlements and leases of lands in the CHT have been frozen since 1989, except for a limited category, including lands required for state enterprises and installations and for educational and religious institutions. The freezing order was reiterated in 2001. See: Memo No. Pachhim (Pa-1), Pa-Jela/Misc/85/2000-280 dated 23 October 2001 from the Senior Assistant Secretary, Ministry of Chittagong Hill Tracts Affairs to the chairmen of the Hill District Councils and the Deputy Commissioners, as reproduced in CHTRC (2010: 538).

¹² For a detailed analysis of the alleged illegalities of the population transfer programme of the late 1970s-1980s, and its impact upon the receiving local population, see: Roy (1997c, 2000b), Roy (1998: 72-79), Roy, RCK (2000: 107-121) and Adnan (2004: 47-53).

laws; now the Wildlife Safety and Protection Act 2012). It is this generic category of untitled lands that the government – primarily, but not exclusively, the BFD - refers to as “unclassified state forest” or “USF”. These terms, particularly “USF”, and the control by the state over the concerned lands that they implicitly connote, are vociferously challenged by indigenous peoples, sometimes backed by the CHT-specific indigenous-led institutions – the traditional institutions, the HDCs and the CHT Regional Council (CHTRC) - from conceptual, legal and political bases.

The origin of the phrase “unclassified state forest” is unclear, at least from the standpoint of law. According to Dr. Mohiuddin Farooque, “it is doubtful whether any forest can be legally classified as USF, since this terminology does not appear in any legal text”.¹³ It is perhaps based upon the declaration in, 1871, of 5,670 square miles of the CHT, as “government forest”, in accordance with section 2 of the Government Forests Act of 1865 (Act VII of 1865).¹⁴

As apparent, the then colonial government distinguished between “government forest” and other forests and lands. However, the aforesaid declaration based on the 1865 Act did not necessarily seek to extinguish or otherwise invalidate customary and other rights, both of communities and of individuals. This is apparent from a proviso to section 2 of the Act, which qualified that “such notification shall not abridge or affect any existing rights of individuals or communities.”

This safeguard on custom-based community land and resource rights was to be severely eroded after the Forest Act 1865 was replaced by the Forest Act 1878, with the latter too being ultimately replaced by the Forest Act 1927. However, a sanitized and reduced version of the safeguard survives in the Forest Act of 1927, in the context of the creation of a protected forest (PF), albeit precariously.¹⁵

2.4 Indigenous Concepts on Lands & Forests

Unlike in the case of the government, to the indigenous inhabitants of the CHT, the distinction between “forest” and other lands was not quite so clear. Thus, a study on the CHT VCFs explains the understanding of forested and other lands as held by the CHT peoples that is based upon functional perspectives, which does not see lands belonging to mutually exclusive categories of “forest” and “non-forest” land slotted into water-tight compartments:

“Prior to such declaration there was no formal distinction between forest and other lands. The entire region of the CHT was then used by its eleven indigenous peoples for their homesteads, their swidden or jum plots and as a repository of natural resources for their domestic use, and to a limited extent, for trade with market settlements in the coastal region of Chittagong. These forested lands were rotationally cropped for swiddens of jum whereby each plot of cultivated land was left for fallow for several years. Therefore, although *juming* involves the clearing of forest growth (except large trees), the land regenerates itself into a forest again within the fallow period, to be *jumed* again or to be left as a forest. Therefore, the factual

¹³ Farooque (1997: 45).

¹⁴ Rizvi (1970: 174).

¹⁵ Section 29, Forest Act 1927.

distinction between *jum* lands and forest lands is merely a transitory phase depending upon the use of land at any given time. Thus, in many cases, the same lands were both forest and swidden lands.”¹⁶

2.5 The Forest Domain & Shared Sovereignty

When the British first annexed the CHT into Bengal in 1860, the larger parts of the CHT were ruled by the Chakma and Bohmong kings or *rajās*, while smaller tribal, clan and village Chiefs and chieftains exercised authority over their relatively smaller spheres of influence. The Mong Raja was recognized as a recorded landowner prior to 1860, but official recognition as a CHT raja or Chief was to come only after 1860.¹⁷

Between 1880-83, about a fifth of the CHT was declared as reserved forests.¹⁸ The population of these areas, particularly those bordering the territories of the then independent “Lushai” and “Shendu” tribes, was believed to be scarce, particularly on account raids of these tribes into CHT territory.¹⁹ Therefore, from about the middle of the 18th century to the late 19th century (by which time the Lushai country within present-day Mizoram state of India had been “subjugated” by the British), the actual location of permanent or semi-permanent indigenous settlements, and the internal movements of their inhabitants within the CHT, is at best a matter of conjecture.²⁰ Given that governmental information on remote settlements is even today far from perfect (there is little or no reliable official statistics on the inhabitants of “remote” areas, both within and outside the reserved forests), to assume that governmental information about settlements in the reserves of the 1880s was reliable, let alone accurate, would be gravely fallacious.

Although the reserved forests were, and still are, nominally within the tribal jurisdiction of one or other of the Chiefs of the “circles” (earlier on, “territorial circles”; as the chiefdoms of the CHT rajās were then called), the administration of these lands was placed solely in the hands of the new Forest Department. Thus these lands were effectively taken outside the jurisdiction of the Chiefs, and consequently, the *Superintendent of Hill Tribes* or *Hill Superintendent* (later Deputy Commissioner) too, with the latter being legally charged with the supervision of the administration of the Chiefs and sub-chiefs.

¹⁶ Roy & Halim (2013: 100, 101).

¹⁷ Hutchinson (1978: 12), Roy (2000a: 46).

¹⁸ Loffler (2012: 56). In the District Gazetteer, published soon after the 1901 Census (Allen et al, 2012), the area of RFs is recorded as 1,385 square miles (and “Unclassed” forests as 3,753 square miles) out of a total area of 5,138 square miles. In 1976, records show 1, 244.50 square miles of RFs, 24% of total area of 5.093 square miles: Webb & Roberts (1976: 1, 2). The phrase “unclassified forest” rather than “unclassified state forest” is to be noted. According to the current author’s estimate, the present area of the reserved forests in the CHT covers between 27-28% of the CHT (see Tables 13, and 14, 14A, 14B, 14C and 14D, in the annexe).

¹⁹ Loffler (2012: 56). Loffler states that the people known as “*Lakher* or *Maara, Poi* and others” were then referred to as “Shendu”. “Lushai” is one of the tribes recognized in the HDC and CHTRC Acts of 1998. In Mizoram State, India, the formerly known Lushai are known as *Mizo*.

²⁰ The American geographer, Dr. David E. Sopher, who conducted field research in the CHT in 1960-61, wrote, citing Stevenson (1944: 13): “For a century before [the last quarter of the 19th century], terrorizing raids for the purpose of taking heads, slaves, and booty were frequently undertaken by Mizo and Kumi tribes living to the east and south of the Hill Tracts”. Sopher (1964: 118) similarly cites Lewin (1870: 190, 299), stating that much of the valley lands of the CHT around the 1860s were “a broad tract of depopulated and deserted country”.

Prior to British annexation, the Chakma and Bohmong *rajas* controlled the major trading routes between the CHT and plains Chittagong.²¹ They exacted tolls on forest produce leaving the hill region, which they saw as their prerogative.

Soon after the British advent in the hill region in the 1860s, the management of these toll stations was to be taken over by the colonial authorities.²² In the beginning, the Chiefs were allowed to administer these stations, but not for long.²³ When the Forest Department ultimately took over the forest toll collection, the government sought to compensate the income of the Chiefs from these taxes by a remission of their dues to the government from the tax collected by them on swidden cultivation (later called Jum Tax or Jum Rent), which survives to this day.

Roughly half of the chiefs' average annual incomes from these toll stations were earmarked for remission, which, in the time of the Chakma regnant queen, Rani Kalindi, in the first half of the 19th century, came to 2,286 rupees. The Chakma, Bohmong and Mong Chiefs are even today entitled to this annual remission of Taka 1,143, Taka 823, and Taka 153, respectively, under the heading, "Good Conduct Allowance".²⁴

The Chiefs' and Headmen's roles in other aspects of forest management were manifested in different ways. As in so many other forest-dependent indigenous societies elsewhere in the world, the Chiefs were entitled to the haunch of the larger game, including deer, sambhur (sambur, sambar: *Rusa unicolor*) and wild boar, collected through the Headmen and Karbaries.²⁵ Other such manifestations include an order of the Deputy Commissioner in 1955, which forbade the issuance of permits (at one time called "royalty permits"), for extraction of forest produce in "USFs", without the concurrence of the concerned Chief and Headman (Appendix 15).²⁶

The remaining four-fifths of the CHT that was not taken over for reserved forests was left under the administration of the Chiefs under the guidance of the District Officer (at first Superintendent and later, Deputy Commissioner or Assistant Commissioner).

At first, private title in land was not a concept with which the indigenous peoples were familiar. This changed with the introduction of sedentary plough cultivation, which made its feeble beginnings in the early part of the 19th century, with large to medium-sized estates held by the Chiefs, leading sub-chiefs (Dewan, Roaza, Amu, etc.) and their relatives. But it was not until the early or mid 20th century, that plough cultivation

²¹ Brauns & Loffler (1990: 30).

²² Rizvi (1970: 174).

²³ Ibid.

²⁴ The remission for reduced income from toll stations were later titled *Good Conduct Allowance*, and fixed vide Government of Bengal's Order No. 30332 dated 15.03.1926. These were referred to in later correspondences, including DC, CHT's Memo No. 251/T, dated 17.07.1976 and DC, Rangamati Hill Tracts' Memo dated 07.05.2012: Chakma Raja's Archives, Rajbari, Rangamati.

²⁵ The records of the chiefs' courts show cases filed to collect such exactions of tribute, and in default, the payment of fines, if necessary with executive support of the District Magistrate, including from tribals employed by the government.

²⁶ DC's Standing Order contained in Memo No. 1925(21)/G, dated, 30 April 1955 (Appendix 15).

ultimately took hold in the hill region.²⁷ However, the private titles held by ordinary villagers were not to be acquired on a large scale until the 1950s, when major reforms to the land laws took place. The process accelerated further in the late 1960s and early 70s, particularly on account of the state-owned and state-run Agriculture Development Corporation, EPADC/BADC's *Chittagong Hill Tracts Development* project. This project facilitated easy access of local farmers to land titles for 5-10 acre hillside plots and soft-term loans, particularly to those affected by the Kaptai Dam.

Until 1989, the administrative and legal regimes were fairly straightforward and clear-cut. The RFs were managed solely by the Forest Department, invoking the Forest Act of 1927 and subordinate rules.²⁸ The only exceptions were when it involved development matters, in which the local government bodies played a role, or where it involved major crimes ("felonies"), necessitating the involvement of the police and criminal courts, or customary law matters involving the jurisdiction of the traditional institutions. The remainder of the CHT was administered by the Deputy Commissioner, and contextually, in conjunction or in consultation with, the Chiefs and Headmen.

The main legal instrument was the CHT Regulation 1900, which expressly or implicitly included customary laws, practices and usages, which were interpreted by the traditional leaders, including through the provision of formal advice – orally or in writing – to the Deputy Commissioner, which was, and still is, a legally-mandated component of the CHT administration.²⁹ Although electoral representation was introduced in the CHT in the 1950s and 60s – for the legislatures in 1954 and for the local government bodies in the early 1960s – these elected officials and parliamentarians had, and still have, no direct role in land and forest management.

2.6 The Kaptai Dam & Its Impact on People, Lands & Forests

The Kaptai Dam was one of the worst man-made disasters perpetrated on the people of the CHT. Commissioned in 1960, with the financial support of the US government, full flooding was reached by 1962, and the dam inundated between 400 to 600 square miles of valley lands, and displaced more than 100,000 people, predominantly lowland wet-rice farmers within the Chakma Circle, and marginally within the Mong Circle.³⁰ Most of the displaced people were Chakma, although a small number of Bengali farmers descended from 19th century Bengali migrants, were also affected. About 54,000 acres, or two-fifths of the best plough lands in the Karnafuli river's widest valley area, were permanently lost, including more than 70 square miles of RF land (more than half the size of the Sangu RF and more than three times the size of Sitapahar RF).³¹

Among the directly affected people, an estimated 10,000 families were plough cultivators of the valley, while 8,000 families were jumias of the valleys and adjacent

²⁷ Loffler (2012: 62, 63); Sopher (1963, 1964).

²⁸ Among the most important of such rules were the CHT Forest Transit Rules 1973 (earlier, CHT Forest Transit Rule 1942) and the Chittagong and Chittagong Hill Tracts Reserved Forests Fire Protection Rules 1958.

²⁹ Roy (2000a: 46, 47).

³⁰ Roy, R. T (2010: 175-177); Ali (1993:179).

³¹ Ishaq (1975: 100, 126).

uplands.³² Of the estimated 85,000 people who lost lands, 70,000 were Chakma, with 46,000 of them being plough cultivators of the valley.³³ While some, but by no means all, of the plough cultivators, received some compensation (which was grossly inadequate according to some estimates),³⁴ the jumias went totally uncompensated.

About one-third of the lost lands were replaced by de-reserving parts of the southern Kassalong RF, which was mostly lowland.³⁵ Between 10,000 to 40,000 disgruntled Chakmas – both jumias and plough cultivators – emigrated to India, with most of them now being stateless refugees in Arunachal Pradesh, India, despite court orders granting them Indian citizenship.³⁶

The direct loss of RF lands was only 70 square miles (42,960 acres), but forested portions of the mauza lands, including VCFs, were also lost, although no reliable study on the extent of such loss has been done to date. Several parts of the Kassalong and Reingkhong RFs were converted into isolated islands, cut off from the larger forested portions of the RFs. Needless to mention, their conservation and protection became an insurmountable challenge, prompting international forestry experts to suggest that they be de-reserved. These experts, Webb & Roberts, concluded: “These islands are too small to form economic forestry units and should be de-reserved and be utilized for agricultural production”.³⁷

Such advice was not to be heeded, and in fact, the opposite has been done: to create several more tiny units of RFs in the 1990s, with many more still awaiting a process of reservation today. Webb & Roberts did not specify the location and extent of these “island” RFs. But given today’s technology, available through the use of satellite images and portable remote sensing tools, it is a fairly easy task to locate them. In any case, the point is that the loss of *resources* within RFs, if not the land itself, was many times worse than the official figures would suggest.

The indirect consequences of the Kaptai Dam led to even further losses of RF and other forested lands. Within a few years of the dam, 45 square miles of the Kassalong RF was to be de-reserved to rehabilitate displaced plough cultivators, both Chakma and Bengali.³⁸ Less than a decade later, another 21 square miles from the same RF was to be

³² Ishaq (1975: 126).

³³ Loffler (2012: 63, 64).

³⁴ Roy, R. T (2010: 176).

³⁵ Sopher (1963: 348).

³⁶ Roy, R. T (2010: 177, 178), Roy (1997a: 38). By judgment dated 17 September 2015, the Supreme Court of India (Anil R. Dave & Adarsha Kumar Goel, JJ), in *Committee for Citizenship Rights of Chakmas in Arunachal Pradesh & Others v. State of Arunachal Pradesh & Others* (Writ Petition No. 510 of 2007), directed the “Government of India and the State of Arunachal Pradesh to finalise the conferment of citizenship rights on eligible Chakmas and Hajongs” and to comply with other directions “for protection of their life and liberty and against their discrimination in any manner...”. <http://www.indiaenvironmentportal.org.in/files/Chakma%20and%20Hajong%20Tribals%20Arunachal.pdf> [Accesses 26 March 2016].

³⁷ Webb & Roberts (1976: 29, 34).

³⁸ See, chapter 2.6, for details.

de-reserved to accommodate government-sponsored Bengali settlers from outside the CHT.

Thus, directly and indirectly, more than 136 square miles or 86,463 acres of RFs were to be lost. More losses to biodiversity and forest produce were to follow, particularly in the Reingkyong RF, on account of un-rehabilitated environmental refugees of the dam, many of whom were also lured into the RF, by the Forest Department itself, to create plantations through the Taungya method, perhaps the cheapest form of plantation labour anywhere in the world!

In his meticulously researched book on 'Migration, Land Alienation & Ethnic Conflict in the CHT', Dr. Shapan Adnan has written thus about the impact of the Kaptai Dam:

“The destructive consequences of the Kaptai project have continued to plague the people of the CHT up to the very present. The loss of some of the most productive lands, combined with the uprooting and displacement of people, increased demographic and economic pressure, leading to impoverishment and insecurity.”³⁹

A large number of displaced people - both jumias and former plough cultivators – had no other recourse but to take up, in desperation, jum cultivation on whichever category of lands they could find. This obviously includes those hapless people that Webb & Roberts labelled “encroachers” that had “strayed” into the Reingkyong RF.⁴⁰ Ironically, the former plough cultivators’ ancestors had forsaken jum for the plough, with much hesitation and deprecation, under British colonial persuasion or prompting, about a century or so ago!

2.7 Land Scarcity in the CHT

The Kaptai Dam had driven home one point, that screamed across to policy-makers and CHT residents alike: that natural resources were getting scarcer and scarcer, while population was rising at geometrical rates, and therefore, that livelihood strategies had to change. But resource constraints were not a new thing for the CHT.

Given the acute shortage of plains and valley lands conducive to intense irrigation-oriented agriculture, British policy-level experts, if not all the district administration officials, realized, as early as in the second decade of the 20th century, that jum cultivation would remain vital for the economy of the CHT. A senior British official, F. D. Ascoli, on special duty in the CHT, had concluded the following:

“It is not possible to understand the economic development of the Hill Tracts, unless the fallacy that the cultivation of hillsides by juming must be abolished, is dispelled It is not possible to estimate the area still available for plough cultivation, but it is certain that it alone would not be sufficient to support the mass of the jumia population ... It must be accepted that juming will continue, and that the greater portion of the population must be supported by hillside cultivation.”⁴¹

³⁹ Adnan (2004: 24).

⁴⁰ Webb & Roberts (1976: 19).

⁴¹Ascoli (1918: 14).

Sensing the increasingly unfavourable ratio between the existing population and available resources (there were no industries in the region at the time, and are still scarce today), under Ascoli's recommendation, immigration into the CHT was tightened.⁴² These restrictions were to be relaxed, if not totally undone, by amendments to the CHT Regulation 1900, in 1971 and in 1979,⁴³ although somewhat reversed again, after the CHT Accord, through amendments, in 1998, to the Hill District (Local Government) Council Acts of 1989.⁴⁴

2.8 The Forestal Report (1966)

The relative scarcity of resources, viz-a-viz the region's population, was not to be highlighted again until the early 1960s, through the report of Canadian soil scientists belonging to a company called the *Forestal Forestry and Engineering International Limited*, known in knowledgeable circles simply as "Forestal". Forestal's report was an eye opener for policy-makers, eventually setting the tone for various developmental and forestry interventions. Although some of the Forestal experts' recommendations, and more importantly, their assumptions, may not hold true today, particularly due to their failure to take social and cultural factors into consideration, the data generated by them is nevertheless almost as relevant today, as it was, half a century ago. This is especially so in the field of forestry and horticulture.

Forestal did extensive surveys of the CHT soils, except as far is known, in the reserved forests. Their findings highlighted the natural limitations of the soil varieties in the CHT, on account of the relatively young age of the CHT land surface and its steep slopes, despite its relatively low altitude (the mountain ranges are on average only about 300 metres or 1,000 feet above mean sea level, but that belies the rugged and undulating nature of the terrain, with 80% of the CHT lands being categorized as "hilly" or "mountainous").⁴⁵

The Forestal Report concluded that only 3.1% of the CHT, graded as "Class A" land (74,466 acres or about 121 square miles), was suitable for *all-purpose agriculture*, denoting intensive irrigation-oriented agriculture.⁴⁶ Conversely, the study found that 72.9 % of the CHT, graded as "Class D" land (1,816,993 acres or 2,960 square miles), was suitable only for *afforestation*.⁴⁷ In between were, "Class B": 2.7% (67, 871 acres or 110 square miles), suitable partly for *terraced agriculture* and partly for *fruit gardening* (horticulture); "Class C": 14.7% (366,622 acres or 597 square miles), suitable mostly for *horticulture* and partly for *afforestation*; and "Class C-D": 1.3% (32,024 acres or 52

⁴² See, e.g., Rule 52 of the CHT Regulation, which severely restricted entry into the CHT by "non-natives" (reportedly repealed in 1930), and Sub-Rule 13 of Rule 34 of the Regulation (which restricts the acquisition of land title in the CHT by non-residents). For a comparative law, which is still valid in various states in Northeast India, see: Inner Line Regulation 1873 (Regulation 5 of 1873).

⁴³ See, Roy (1997c) and Roy (1998: 71-90).

⁴⁴ See, particularly, section 64 of the Hill District Councils Acts of 1989 (as amended in 1998), and the preambles to the HDC Acts 1989 (as amended in 1998) and the CHTRC Act 1998, which refer to "backward tribal-inhabited special [areas]".

⁴⁵ Asian Development Bank (2001: 6).

⁴⁶ Forestal (1966: Appendix 1, Vol. 2).

⁴⁷ Ibid.

square miles), a composite of class “C” and class “D” lands, suitable mostly for afforestation, but partly for *horticulture*, after terracing of the slopes.⁴⁸ Two tables on the soils of the CHT based upon the Forestal Report and subsequent soil surveys are annexed to this report (Tables 7 and 8).

2.9 Horticulture Projects of Jum Control Division, EPADC/BADC & CHTDB

Based on the Forestal report, from the late 1960s to this day, many projects and programmes have been undertaken by different government agencies on horticulture and forestry, including the EPADC/BADC, the CHT Horticulture Development Board (formed in 1973, and now defunct), the Department of Agriculture Extension, the CHTDB, and the BFD, among others.

Projects on horticulture – basically orchards with mixed species of trees, particularly fruit trees – were introduced in the mid-1960s by a new branch of the Forest Department called the *Jum Control Division* (JCD). As its name suggests, this Division’s job was “to woo farmers away from jum cultivation into sedentary mixed orchard farming”.⁴⁹ Jumming, which had been regarded by the government and the Forestal Report as “unscientific” and “wasteful”, was recommended by the “experts” to be phased out by starting horticulture projects involving jumias.⁵⁰ However, the project was, as described in more detail in chapter 7.1, a dismal failure, on account, among others, of lack of relevant knowledge and experience on the part of the JCD, and the planters, particularly, the former.⁵¹ Unknown to the farmers hitherto involved in them (many of whom still stayed on or near the project sites), the lands were at first declared as protected forests, and later, some of them were converted into reserved forests between the 1960s to the 1990s, while others remain under a process of reservation until today.

After the JCD’s imbroglio with jumias-turned-horticulturists, another government agency, the CHT Development Board (CHTDB) – then led by the military commander of the Chittagong region - initiated its own brand of horticulture projects, again with jumias, through its *Joutha Khamar* (Joint-Farm or Collective Farm) programme, in the late 1970s and early 80s. But this time, counter-insurgency imperatives, aimed at isolating indigenous guerrillas from their main support base, the indigenous villagers, was the prime, if not the sole, objective.

Yet again, the sedentarization of “nomadic” farmers was sought to be achieved. This project too, largely failed, as evident from the breaking away of such settlements at various stages of the project cycle. Strategic exigencies, rather than ecological or market factors, primarily determined the location of such settlements. Consequently, on account of the choice of sites divorced from water and other natural resources access, many such farms, cynically dubbed “concentration camps”, failed to sustain.⁵² The only exceptions are a number of rubber plantation projects, which survive today, largely on account of

⁴⁸ Ibid.

⁴⁹ Roy (2004a: 36).

⁵⁰ Ibid.

⁵¹ Sattar (1995: 10, 12), Roy (1998: 62, 63), Roy (2004a: 36, 37).

⁵² Roy (1998:96).

subsidies received from the CHTDB, although in most cases, the plots concerned are yet to be transferred to the planters, as was agreed, reminiscent of the JCD's reneger against the orchard growers in the *Protected Forest* orchards of the 1960s.

However, where the JCD and the CHTDB had failed, the *CHT Development Project* of EPADC/BADC- which was launched earlier, in 1969 - had succeeded, at least to a great extent, being somewhat of an anomaly among state-led development interventions in the forestry and agriculture sectors in the CHT over the last five decades or so.⁵³ There were several reasons behind EPADC/BADC's relative success and the JCD's and CHTDB's failures.

Firstly, in the EPADC/BADC project, the planters were given a lot of facilities that were not present in the JCD and CHTDB projects, or at least not to its extent. This included titled land (the lands were generally chosen by the farmers but the title documents were facilitated by the project staff and handed over to the farmers), easy access to low interest loans (again, the government-owned Agriculture Bank's loans were given out, and monitoring of field staff, mostly local hill people, was efficient, by both locally-recruited and national government senior officials. Conversely, in the JCD and CHTDB projects, tenurial security was absent or weak (the promised land titles, in the case of the JCD, were reneged upon), credit facilities were absent or unreliable, and with regard to the inclusion of local staff, there was some difference between the JCD and CHTDB projects. In the case of the JCD, the decisions were largely made by forestry officials with no understanding of local cultural and social norms or of the environment. In the CHTDB's case, indigenous officials were involved, but decision-making was retained by senior government officials – civil and military – and not by locals.⁵⁴ Corruption was a problem too, in both cases, although the military officials were not implicated in them.

Secondly, and consequent upon the first differentiation, whilst in the EPADC/BADC project the planters were in control of their orchards, in the JCD and CHTDB-managed plantations, particularly the former, the planters were treated largely like wage labourers, perhaps a hangover from the Taungya plantation programmes in the Forest Department's tree plantations.⁵⁵ Ultimately, lack of capital and credit facilities, marketing problems (lack of storage, value-addition and marketing facilities) created problems even for the EPADC/BADC farmers. However, many of the farmers previously involved within the EPADC/BADC project are now running their own orchards reasonably successfully. On the other hand, most of the farmers involved in the JCD and CHTDB farms became more impoverished.

2.10 The Farmers' Tree Plantations

By the 1970s, and particularly the 1980s, optimum or near-optimum levels of horizontal expansion of wet-rice cultivation had been reached in the CHT (intensification through double and triple-cropping has its challenges in the CHT due to shortage of ground water and surface-water irrigation problems). Therefore, in addition to fruit gardening, more

⁵³ Roy (2004a: 36, 37), Roy (1998: 62, 63).

⁵⁴ Roy (1998: 94-96). Crucial information on these projects was obtained long before this study, from the late Kushal Dewan, a former senior official who worked at different times, for EPADC/BADC, DAE and CHTDB.

⁵⁵ Roy (2004a: 37).

and more farmers took to creating tree plantations (teak or *Tectona grandis* Linn, gamar or *Gmelina arborea*, koroi or *Albizia spp.*, chapalish or *Artocarpus chaplasha*, etc.) for sale, particularly in the Karnafuli reservoir area.⁵⁶

This was to spread to other parts of the region in less than a decade. On account of their traditionally handed-down knowledge of jum cultivation, as also the experience of their fellow hill people in the Forest Department's Taungya plantations, indigenous farmers - later also followed by Bengali farmers to an extent - raised their own plantations on lands recorded in their names, and later, even on customarily held lands. Compared to the barren hills of the reserved forests, the mauza lands started to become green again. The major problem here was the cumbersome Forest Transit Rules, which had to be followed in order to extract timber and export them to the major markets in the plains (explained graphically in Figure 1 in the annexe). Of course, ecological, biodiversity and watershed management issues were also there, but this will be discussed elsewhere in the report.

The complex process of obtaining the necessary extraction and export licence or permit bred innumerable delays and corruption. Farmers had to wait months, or even years, to obtain the necessary permit, particularly if their plantations were located far from the district headquarters, where the senior BFD and other district-level officials were located. This has led to a serious disincentive to tree farming. Simplification of the permit process has been a recurrent demand of local plantation owners and timber merchants alike, as was resoundingly voiced at the recent consultation held in Rangamati in June 2015. Although the genetic bases of such plantations would not gladden the heart of a biodiversity enthusiast, compared to the BFD's mono plantations of teak, *Agor* (*Aquilaria* species) or pulpwood, there was generally far more species diversity in the farmers' plantations. These issues will be elaborated further when the Forest Transit Rules of 1973 and the Forestry Master Plan are discussed in more detail (see chapters 9.5 and 10.3).

2.11 The Forestal Paradigm Revisited

Although the soil survey findings and several recommendations of Forestal on forestry and tree farming are quite relevant today, five decades later, yet it is well to be aware about the limitations of Forestal's data and the shortcomings of other aspects of what we shall call the "Forestal Paradigm".

Firstly, it is unclear whether the data is representative of the entire CHT, including the reserved forests, or a substantial part of them. Therefore, more basic follow-up studies may be necessary, including for the *reserved forests*, which may have been excluded.

Secondly, the area under *settlements* now would be well above 5.3%, which was the estimated percentage in 1964-66.

Thirdly, the different categories of the soils within the CHT land surface are obviously not contained in compact or contiguous blocks. Therefore, depending on the gradient of the slopes, the elevation of the land, the direction (east-west-north-south) and other geo-physical variables, the aforesaid soil categories are bound to cut across administrative,

⁵⁶ Roy (1997a: 40, 41).

tenurial and watershed boundaries in an erratic manner. Consequently, large-scale projects on agriculture have inevitably faced difficulties, unless such variables were accounted for. However, where traditional and local knowledge was given due regard, problems were far fewer. It is for these reasons that experts on hill and mountain soil have advised the government to take care to follow *hill and mountain perspectives* and *hill and mountain specificities*.⁵⁷

Fourthly, macro or micro level climatic changes (e.g., precipitation patterns, temperature, moisture levels) and human-induced developments (deforestation, agriculture, forestry and horticultural interventions, or a combination of any one or more of the above), may well require a reassessment of the relative applicability of the data to the different categories of lands and soils concerned.

2.12 Demographic Changes

One of the biggest challenges facing forest and land management in the CHT has been the drastic rise in the region's population. Population density has increased on account of two major factors. The first is the lowering of death rates and increase in life expectancy rates. Moreover, the occupational changes from predominantly subsistence-oriented jum cultivation, hunting, trapping and gathering, to other modes of livelihood, have produced larger surpluses – at least in some cases – and therefore also supported a larger population.⁵⁸ The second factor has been the phenomenal growth of the CHT population, at times almost geometrically, on account of immigration from the plains regions of Bangladesh sponsored by the government in the 1980s.

Historically, four major events facilitated such rise of the migrant population. *Firstly*, the restrictions on entry of “non-natives” into the region were lifted or relaxed from 1900 to 1930.⁵⁹ *Secondly*, the arrival of Muslim refugees from Assam, particularly in the 1950s, was welcomed and facilitated by the government.⁶⁰ *Thirdly*, the independence of Bangladesh in 1971 and its aftermath saw unrestricted immigration, particularly in the north-western Khagrachari district.⁶¹ *Fourthly*, the population transfer programme of the late 1970s and early 1980s, which also coincided with a change to the CHT laws on land ownership, added to the toll.⁶² Table 5 in the annexe shows the comparative figures for the CHT population from 1872 to 2011, along with estimates for the tribal and non-tribal population.

The huge rise in the CHT population created direct and indirect pressures on the forested lands, particularly the rise through the population transfer programme of the 1980s, which has been minutely documented by Dr. Shapan Adnan.⁶³ The direct impacts

⁵⁷ Partap (1995), Khisa (1995).

⁵⁸ For the occupational changes in the CHT, including traditional occupations, see Roy (2000c).

⁵⁹ Roy (2004a: 30, 31).

⁶⁰ Roy (1998: 70).

⁶¹ Roy (1998: 71), Adnan (2004: 46).

⁶² Roy (1997c), Roy (1998: 64-67, 71-90), Roy, RCK (2001: 107-121), Adnan (2004: 47-67).

⁶³ See, Adnan (2004), especially chapters 4 to 9.

included de-reservation of RF land, illegal logging, use and sale of firewood, by both indigenous peoples and Bengali migrants, and indirectly, by causing dislocation, which in turn led to a rise in the population of the settlements in RF and other forest-adjacent lands (see chapters 4.2 and 4.3).

2.13 Major Reforms in Land Ownership Laws & Self Governance (1979-1998)

The CHT laws on land ownership underwent major changes in the 1930s, in 1961, in 1971, and then in 1979. In 1930 or about that time, Rule 52 of the Regulation, which strictly regulated the entry of “non-natives” into the region, ceased to apply to the region.⁶⁴ In 1971, the DC’s authority to settle up to 25 acres of land to residents of the CHT was decreased to 10 acres, while grants of lands to outsiders were allowed, with some restrictions but with fewer ceilings on the quantity of land.⁶⁵ In 1979, the restrictions on settlements and leases to non-residents were lifted, and although land transfers were still restricted,⁶⁶ non-residents could now acquire *long-term leases* for residential, industrial and commercial purposes. Disregarding the restrictions that still remained, leases for residential agricultural plots on all grades of land were granted on a massive scale to ethnic Bengali migrants from the plains in 1979 and in the early 1980s.⁶⁷ The aforesaid developments had major disruptive impacts on forest management in the CHT.

Grants of settlements were frozen in 1989, after the Hill District (Local Government) Councils were established. This was reiterated in 2001.⁶⁸ Over the last decade or so, settlements have only been granted for a limited category, including lands required for government projects, and for educational and religious institutions.

⁶⁴ The CHT District Gazetteer states that restrictions to the entry of non-natives were revoked or relaxed in 1930 (Ishaq, 1975: 256). This has been cited in subsequent versions of the Regulation - e.g., in CHTRC (2010: 212), Roy & Chakma (2010: 130) - but no confirmed notification has been located. Given that amendments to the Rule were made in 1934, as apparent from footnoted references on amendments to the Rule - (CHTRC, 2010: 212, Roy & Chakma, 2010: 130) - the Gazetteer’s account is most likely inaccurate. According to general legislative and legal practices, a law ceases to have effect if it is “repealed” or “cancelled”, but it is not common to find references to legal instruments being “deleted”.

⁶⁵ Roy (1998: 63, 64), Roy (2004: 30, 31).

⁶⁶ See Rule 34 (13), CHT Regulation 1900.

⁶⁷ See: Roy (1997c) and Adnan (2004).

⁶⁸ Memo No. Pachhim (Pa-1), Pa-Jela/Misc/85/2000-280 dated 23 October 2001 from the Senior Assistant Secretary, Ministry of Chittagong Hill Tracts Affairs to the chairmen of the Hill District Councils and the Deputy Commissioners, as reproduced in CHTRC (2010: 538).

III. OVERVIEW OF FOREST CATEGORIES

Forests in Bangladesh, including the Chittagong Hill Tracts, may be categorized in various ways.

Firstly, they may be categorized on the basis of their geo-physical environments, which may account for such factors as climatic conditions, geographical and soil categories, the typology of flora and fauna and so forth.

Secondly, there are the categories expressly named by the enabling laws concerned, which also lay down a formal process of notification to confer such status on the lands concerned and the manner of their administration and management. In the case of some, such as reserved forests (RFs) and protected forests (PFs), the enabling law - the Forest Act of 1927 - also lays down the *penal sanctions* involving prosecution and punishment for related "Forest offences". These may be regarded as the *legal* categories of forests.

Thirdly, there are the categories of forests according to classifications made by the BFD, on account of functional considerations, and whose status is not strictly legal. We may regard them as *functional* categories of forests (discussed further in chapter 3.2).⁶⁹ *Unclassed State Forest* (USF) belongs to this group. Land upon which *Social Afforestation* programmes are undertaken by the BFD also belongs to this category ("Social Forests" or SFs). SFs may also overlap with one or more of the legal categories mentioned above.

Fourthly, there are those categories of forests where the focus is on conservation, and hence may be regarded as the *conservation* categories.⁷⁰ Conservation areas that are managed solely by the government, or co-managed by government and non-governmental individuals or groups, are known as *Protected Areas* under the Wildlife (Protection and Safety) Act 2012 (see Table 16).⁷¹ This group includes forests declared as *National Parks* and *Sanctuaries*. This category may on occasion overlap with the legal categories mentioned above. For example, the Kaptai National Park is part of the Sitapahar RF, while the Pablakhali Game Reserve, a Wildlife Sanctuary, is situated within the Kassalong RF.

Fifthly, there is the special category of *Mauza Reserves*, also known as village common forests (VCFs). These occur only in the CHT and their status is not sanctioned by a national law, as is the case with the 2nd to the 4th categories mentioned above, but by a regional or local statute: the CHT Regulation 1900. However, the draft Forest Policy of 2015 refers to them, under the generic category of "community conserved areas" or "CCAs" as "village/mauza common forests".⁷² These largely natural forests are managed

⁶⁹ "Functional" category is not a formally recognized category. This phrase is used here to aid easy comprehension and to avoid confusion.

⁷⁰ "Conservation" forest is not a formally recognized category. The phrase is used here to aid easy comprehension and to avoid confusion. The phrase "protected area" is apt to cause confusion with "protected forest" except among BFD and forestry experts. There are, and may continue to be, conservation forests that are not within the category of protected forests and protected areas.

⁷¹ Section 2(43) of the Wildlife (Protection and Safety) Act 2012, 'protected areas' are: (a) *National Parks*; (b) *Community Conservation Areas*; (c) *Safari Parks*; (d) *Eco Parks*; (e) *Botanical Gardens* (declared under sections 13, 17, 18 and 19); (f) *Special Biodiversity Conservation Area* (established under section 22); (g) *National Heritage*; and (h) *Kunjaban* (declared under section 23).

⁷² Paragraph 2.5, (Draft) Forest Policy 2015.

by indigenous communities of one or more villages or hamlets, and the CHT Regulation vests the legal responsibility of managing and protecting the same upon the Headman of the mauza concerned.

3.1 Geography of the CHT Lands & Forests

3.1.1 Major Features of the CHT Terrain

The CHT land mass has undergone fundamental changes over the last two centuries on account of population movements, particularly since the region's annexation to Bengal in 1860. The importance of these human interventions has been noted in descriptions of the CHT terrain by Dr. David E. Sopher, a prominent American geographer, who did field research in the region in the early 1960s, as quoted below:

"Only a small part of the valleys lying between the ranges in the Hill Tracts is level land; the greater part is a highly dissected terrain of steep-side hillocks, often less than a hundred feet in height. Despite their moderate relief, such areas are to be classed ecologically together with the hill ranges. Because these are not very high, having an elevation of about 2,000 feet, the climate of the hills is much the same as that of the coastal plain. However, striking contrasts and distributional discontinuities appear in the vegetation of the hills, suggesting that differences in the human use of the land have had important effects on the landscape."⁷³

"The hills are an expression of simple folding in youthful sedimentaries; the resultant ridges, 1500 to 2000 feet high... are seven to ten miles apart in the north of the [region]. Although the Karnafuli cuts across the grain of the mountains, forming gorges, most of its tributaries are subsequent streams. Soft and poorly compacted sandstones, shales, and mudstones form the underlying material of the hills. The main ridges are flanked by many low cuestas, corrugated by stream erosion; and intricately dissected horizontal benchlands of older alluvium, economically a part of the hill lands, fill much of the larger valleys. Flat lands of recent alluviation constitute, therefore, a very small fraction of the [region]."⁷⁴

At the time of its inclusion within Bengal in 1860, the CHT was still densely forested. A British District Officer of the early 20th century had this to say about the general nature of the CHT surface:

"... a tangled mass of hill, ravine and cliff covered with dense trees, bush and creeper jungle. The intervals between the smaller hill ranges are filled with a mass of jungle, low hills, small water-courses, and swamps of all sizes and description, and these are so erratic in their configuration as to render any uniform description impossible... Of wild barren scenery the district possesses little or none; but from the summits of the main ranges the view of the apparently boundless sea of forest is grand in the extreme. Viewed from these points, the lower jungle almost assumes the appearance of level green plains, while in reality it is one of the most difficult countries to pass through that can be imagined."⁷⁵

⁷³ Sopher (1964: 107).

⁷⁴ Sopher (1963: 339). Sopher's term "district" has been replaced with "region". When Sopher wrote, the CHT constituted one undivided district. Since then, it has been trifurcated into the districts of Bandarban, Khagrachari and Rangamati, and since 1998, the three districts together are regarded as the "CHT region".

⁷⁵ Ishaq (1975:1).

3.1.2 Forestry, Geographical & Botanical Categories

Following the conventional paradigm of forestry as practiced in South Asia, the BFD has its own classification of forest categories, which are sometimes an admixture of natural categories with functional or legal categories. Thus there are three broad categories of forests in Bangladesh: (a) *Mangrove forests*, also known as “Tidal Mangrove Forests”; (b) *Hill forests*, also known as “Tropical Evergreen or Semi-Evergreen” or “Mixed Evergreen” forests; and (c) *Sal forests*, also known as “Moist or Dry Deciduous Forests”.⁷⁶ A fourth category of “village forests” is also mentioned, but that is not a geobotanical category.⁷⁷ The forests of the CHT belong to the second category mentioned above. Incidentally, the CHT has been included within the region of the *Indo-Burma Biodiversity Hotspot*.⁷⁸

3.1.3 Botanical Resources of the Hill Forests

Dr. David E. Sopher, writing in 1963, gave a generic description of the CHT forests, as quoted below:

“Vegetation distributions at present are largely controlled by man. The Reserved Forests shelter some tracts of fairly dense monsoon forests... containing deciduous, semi deciduous, and broadleaf evergreen species. The commercially valuable *garjan* (*Dipterocarpus spp.*) serves to label the forest in this region. Tall bamboo dominates some parts of the Reserved Forests, perhaps because of previous use of the land for *jhum* cultivation (shifting agriculture). *Jhum* is done on virtually all hill lands outside the Reserves... Where population pressure necessitates a very short *jhum* cycle and concomitant accidental burning of slopes becomes a commonplace, the vegetation cover is a brushland of small bamboo, cane, and coarse grass, with scattered slender trees. A succession to *Imperata* grassland is found especially on the flat ridgetops and on the dissected older alluvium of valleys such as those of the lower Kassalong, and the Bara Harina. In such situations, *jhuming* is abandoned. Most of the wider valley floors outside of the Reserved Forests had been converted to wet-rice farmland by 1960.”⁷⁹

Mahbulul Alam describes the hill forests, including those in the CHT, as follows:

Most of the hill forests are characterized as mixed evergreen type where tropical evergreen plant communities are mixed with tropical deciduous trees, in association with diverse herbs, shrubs and bamboos. Among the dominant trees, *Dipterocarpus turbinatus*, *Anisoptera scaphula*, *Syzium grande* and *Artocarpus chaplasha* are most common.”⁸⁰

A leading Bangladeshi geographer, Haroun Er Rashid, has described the CHT forests in the following manner:

⁷⁶ Alam (2009: 151, 152); Gain (2006: 26).

⁷⁷ Of the BFD's 4 major categories: (i) Mangrove forests; (ii) Hill forests; (iii) *Sal* forests; and (iv) Village Forests, the fourth, is obviously not a separate category from geo-physical considerations. See Alam (2009: 151, 152) citing the Bangladesh Forest Department {<http://www.bforest.gov.bd/agro.php> [Accessed 25 April 2009]}.

⁷⁸ Khan (2013: 171).

⁷⁹ Sopher (1963: 339).

⁸⁰ Alam (2009: 152). The local or Bengali names are as follows: *Dipterocarpus turbinatus*: Kali-Garjan; *Anisoptera scaphula*: Boilam; *Syzium grande*: Jaam family; and *Artocarpus chaplasha*: Chapalish.

The [CHT] forests are of two types, tropical wet evergreen and tropical mixed deciduous and evergreen. The Kassalong R.F. is dominated by Garjan (*Diptero carpaceae*) species and is therefore largely mixed evergreen. On the eastern sides of the slopes, particularly in the upper reaches, one can find evergreen forests with Chapalish (*Artocarpus chaplasha*), Chundul (*Tetrameles nudiflora*) and Telsur (*Hopea odorata*) in the first storey, Pitraj (*Aphanamyxiz polystachia*) and Toon (*Cedrela toona*) in the second storey and Horina (*Panicovia rubiginosa*) etc. in the third storey. This is essentially the mix of forest types in the various Reserved Forests. In many areas there is a thin covering of trees, consisting of Civit (*Swintonia floribunda*), Chakrasi (*Chukrassia tabularis*), Banderholla (*Duabanga sonneratoides*) etc. These areas are often protected by the local people as their “mouza forest”. Efforts should be made to increase *mouza* forests and give them strict legal protection.”⁸¹

One of the district officers of the CHT, and perhaps the first Deputy Commissioner of the region, Captain T. H. Lewin, left a rich account of the produce of the CHT forests, including voluminous lists.⁸² This included the (a) *tree species*, with particular mention of species with special modes of use by locals; (b) *medicinal plants* used by the hill people; and (c) species of *bamboo and cane*.⁸³ Of cane and bamboo, Lewin wrote the following:

“The cane is the hill man’s rope; with it he weaves baskets, binds his house together, and throws bridges over the otherwise impassable hill torrents...”

“The bamboo is literally his staff of life. He builds his house of the bamboo; he fertilizes his fields with its ashes; of its stem he makes vessels in which to carry water; with two bits of bamboo he can produce fire; its young and succulent shoots provide a dainty dinner dish; and he weaves his sleeping mat of fine slips thereof. The instruments with which his women weave their cotton, are of bamboo. He makes drinking cups of it, and his head at night rests on a bamboo pillow; his forts are built of it; he catches fish, makes baskets and stools, and thatches his house with the help of the bamboo. He smokes from a pipe of bamboo; and from bamboo ashes he obtains potash. Finally, his funeral pyre is lighted with bamboo. The hill man would die without the bamboo, and the things he finds hardest of credence is, that in other countries the bamboo does not grow, and that men live in ignorance of it...”⁸⁴

Very large parts of the CHT forests, particularly the Kassalong RF, consist of bamboo brakes. Bamboo also makes up a large part of the Reingkhong, Matamuhri and Sangu RFs.⁸⁵

3.1.4 Zoological Resources of CHT Forests

As in the case of botanical resources, the CHT forests are also rich in zoological resources. At one time the CHT had mega levels of biological diversity. Even up to the

⁸¹ Rashid (2013: 9, 10).

⁸² Lewin (2011: 15-17).

⁸³ Lewin (2011: 15-17, Appendices A, B and C).

⁸⁴ Lewin (2011: 16, 17).

⁸⁵ Anon (1963), De Milde et al (1985) and GoB (1993d) cited in Chakma (2013: 138).

late 19th century, the *Indian* and the *Sumatran* Rhinoceroses were in existence and the Bengal Tiger was in abundance.⁸⁶ However, in the 20th century, several of these species have become extinct in the CHT. Table 21 in the annexe, lists those species that are known or feared to be extinct or severely endangered.

Going by research findings of a prominent Bangladeshi Zoologist, Monirul H. Khan, it would seem that several species of wildlife, hitherto thought to be extinct within Bangladesh, are still surviving in the CHT, but probably under severe threat.⁸⁷ These include the Bengal Tiger (*Panthera tigris*), Leopard (*Panthera pardus*), Clouded Leopard (*Neofelis nebulosa*), Indian Bison (*Bos gaurus*), at least one of the two species of bear occurring in the CHT (*Ursus thibetanus*, *Helarctos malayanus*) and at least one of the two species of Hornbill (*Buceros bicornis*, *Aceros undulates*), among others, as have been reported to project staff of the UNDP's CHTWCA project. Table 22, in the annexe lists some of the rare species of fauna that was reported to have been sighted recently in the CHT.

3.1.5 Water Resources in CHT Forests

3.1.5.1 Surface Water

Among the major water resources in the CHT are the rivers Karnafuli (Bor Gaang), Chengi (Sengei/Chingri/Chengri), Maini (Meyoni), Sangu (Ree Khyong Gree) and Matamuhri (Mamuri). Their total length has been estimated at 1,400 kilometres or 869 miles.⁸⁸ In addition to the aforesaid rivers, "upland communities rely predominantly on relatively shallow subsurface flows from the local springs. The monsoon rain is the main source of surface water in the region."⁸⁹ During the rainy season, surface water gets contaminated by agro-chemical waste (use of fertilizers in both jums and lowlands has risen), domestic wastes and silt, through silt run-off (which is very high on account of the sloping lands and shallow topsoil).⁹⁰

3.1.5.2 Ground Water

It has been said that on account of the "folded tertiary formations" of the geology of the CHT, access to groundwater in the CHT is far more limited than in the plains of Bangladesh.⁹¹ The hydro-geological conditions of the CHT, along with its high altitude, means that installation of tube wells and ring wells is too costly for most people to be able to afford.⁹²

3.2 Legal Categories of Forests

Under the Forest Act 1927 – which is the major law governing the management and protection of forests in Bangladesh – there are three major categories of forests. These

⁸⁶ Khan (2013: 171). Sudatta Bikash Tanchangya, General Secretary of MPFLR-CHT, told this author, in February 2016, that his parents and elders had told him of sightings of at least one species of Rhinoceros in the CHT unto the 20th century.

⁸⁷ Khan (2013: 172-177).

⁸⁸ ADB (2010), cited in Easher (2013: 233).

⁸⁹ Easher (2013: 233).

⁹⁰ Easher (2013: 235).

⁹¹ NGO Forum (2010) cited in Easher (2013: 233).

⁹² NGO Forum (2010) cited in Easher (2013: 235).

are: (i) *Reserved Forests* (RFs);⁹³ (ii) *Protected Forests* (PFs);⁹⁴ and (iii) *Village Forests*.⁹⁵ Three other types of forests are legally recognized, according to the Private Forest Ordinance 1959, namely (iv) *Vested Forests*; (v) *Controlled Forests* and (vi) *Private Forests*.⁹⁶ In addition, (vii) *Acquired Forests* (also known as notified forests) are recognized under the East Bengal State Acquisition & Tenancy Act 1950 (this law applies to all parts of the country except the CHT).⁹⁷ Only RFs and PFs occur in the CHT.

3.2.1 Reserved Forests

In addition to *National Parks* and *Sanctuaries*, reserved forests (RFs) are among the categories of forests that entail strict penal sanctions for unauthorized entry into and use of their produce. RFs are declared through formal proclamations concerning “forest-land or wasteland or any land suitable for afforestation which is the property of Government or over which the Government has proprietary rights”.⁹⁸

There are five major reserved forests in the CHT, and a sixth large one was de-reserved. All were created during the British colonial period. These include the *Maini* reserve in 1875 (de-reserved in the 1910s), followed by the *Matamuhri*, *Kassalong*, *Sangu*, *Reingkhong* and *Sitapahar* reserves from 1880 to 1883.⁹⁹ Smaller reserves, including the *Maini Headwater* RF, the *Subalong Headwater* RF and the *Thega* RF have been amalgamated with larger RFs (see chapter 5.2). Then there is, and were, the very small RFs. The *Barkal* RF and the *Rangamati* RF (both less than one square mile). The *Rangamati* RF was lost to the Karnafuli reservoir and to the largest market settlement in the CHT, *Reserve Bazar*.

New RFs were created after the independence of Bangladesh, finally notified between the 1990s to the 2000s, although the preliminary notification process started at various periods, particularly in the early 1990s, and in some cases, a decade or so earlier. According to information provided by the office of the Conservator of Forests (CF), Rangamati Circle, there are at least 36 new RFs within the Rangamati Forest Circle (not to be confused with the indigenous “Chiefs’ Circles”), spread across 33 or more mauzas within the Khagrachari, Rangamati and Bandarban districts. Their total area is 69,035.53 acres (about 108 square miles). Some of them are as tiny as 30 acres (206 Daldali mauza, Khagrachari) and 115 acres (100 Wagga mauza, Rangamati, and 247 Jugalchari Mauza, Khagrachari)! Therefore, the Daldali and the Wagga-Jugalchari RFs are hardly one-twentieth and one-fifth the size of the Barkal RF, respectively!

⁹³ See sections 3-28 (Chapter II), Forest Act 1927.

⁹⁴ See sections 29-34 (Chapter IV), Forest Act 1927.

⁹⁵ See section 28, Forest Act 1927.

⁹⁶ For a discussion of the definition of these three types of forests, see Farooque (1997: 44-46).

⁹⁷ Farooque (1997: 45) provisionally includes Unclassed State Forest (USF) within this category but at the same time casts doubt over upon its formal legal status. See also, Lahiry (2002: 13-17).

⁹⁸ Section 3, Forest Act 1927. The phrase “any land suitable for afforestation” was added to section 3 through section 2 of the Forest (Amendment) Act 1990. The corresponding sections of the Forest Act in India do not contain this phrase.

⁹⁹ See further, ADB (2001: 24) and chapter 5.1 for details. The Maini RF was de-notified in the second decade of the 20th century and now forms the Dighinala Upazila within Khagrachari district, which forms an annexe to the Chakma Circle.

Except in the case of a few senior-level BFD officials and other forestry experts, the number and extent of the new RFs in the CHT are known to very few. Information on the rest of the new RFs in Bandarban district within the Chittagong Forest Circle are being collected and collated, and the information on these too need to be shared with policy-makers, CHT-specific institutions and the general public.

3.2.2 Protected Forests (PFs)

“[Any] public forest which has not been reserved”, may be declared as a Protected Forest (PF).¹⁰⁰ As in the case of the RFs, a declaration of a PF (protected forest) must be preceded by notifications, and the rights of “[government] and of private persons ... [must be] enquired into and recorded at a survey or settlement, or in such other manner as the Government thinks sufficient”.¹⁰¹ However, the process of constituting a PF is “less cumbersome” than for RFs.¹⁰² Creation of a PF is generally “a preliminary measure to prevent wanton destruction of trees or wastes where no decision has been taken for its use, or to protect forests of inferior growth where introduction of stringent forest law would be unnecessary”.¹⁰³ However, on account of an amendment to the concerned legal provisions in 1989, penal provisions akin to those applicable for RFs have been made applicable for PFs.¹⁰⁴

Despite this, the basic safeguard against the “[abridgement] of any existing rights of individuals or communities” - which was contained in the Forest Act 1865 but watered down in the 1878 Act (which totally ignored the rights of communities) – somehow makes a precarious existence in the 1927 Act in regards to the process of creation of a protected forest.¹⁰⁵

The area of protected forests (PFs) in the CHT is small. In 1976, it was estimated to cover about 34,688 acres or 54.20 square miles (Table 11). However, a large part of these PFs was converted into RFs in the 1990s, although exact details are not available (see chapter 7.1.). The BFD often treats PFs as an intermediate category between “USFs” and RFs, although the legal provisions of the 1927 Act give no such indication.

3.2.3 Village Forests

A Village Forest (VF) has been defined as “a reserved forest for which additional or different regulatory roles may be made and applied to a community level of rights and interests”.¹⁰⁶ The Forest Act 1927 provides that the government may form a *Village*

¹⁰⁰ Farooque (1997: 56). Farooque defines “public forest” as “any forest under the ownership of the State” (ibid).

¹⁰¹ Section 29(3), Forest Act 1927.

¹⁰² Farooque (1997: 56).

¹⁰³ Farooque (1997: 57).

¹⁰⁴ Farooque (1997: 57).

¹⁰⁵ See Section 2 of the Forest Act 1865, section 28 of the Forest Act 1878 and section 29 of the Forest Act 1927 (as applicable in Bangladesh). In the Forest Act 1927, and its modified versions, as applicable in several states of India (such as Odisha), the reference to “rights of village communities” is retained, but without the stronger language of safeguards against “abridgement”. See, e.g., section 33(3) of the Orissa Forest Act 1972 (Appendix 5).

¹⁰⁶ Lahiry (2002: 15).

*Forest, within a reserved forest, by “[assigning] to any village community the rights of Government to or over any land which has been constituted into a reserved forest”.*¹⁰⁷ The Act provides further that the government may make rules “for regulating the management of village forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.”¹⁰⁸ No rules for Village Forests have yet been framed, and hence this provision has lain dormant in the statute books. However, the corresponding provisions of the Bangladeshi Forest Act as contained in the near-identical Forest Acts applicable in several states or provinces of India have been effected and supplemented with Village Forest Rules, such as in Odisha and Maharashtra (see Chapter 9.2.2 and Appendices 10 and 13).

3.3 **Functional Categories of Forests**

Among what has been termed as a functional category of forests in the CHT (as mentioned earlier in this chapter) are the “social forests” (SFs) and the so-called “unclassified state forests” (USFs). As mentioned earlier, SFs are not a legal category of forests, but the lands with forest cover, excluding RFs, PFs and privately owned lands, are generally referred to as “USFs” by the BFD.

3.3.1 **Social “Forests”**

The government may establish a social forestry programme on any land that is: (a) government property; or over which (b) the government has “proprietary rights” or (c) on any land that has been assigned (by an individual or other entity) to the government through voluntary written agreement for “afforestation, conservation or management through social forestry”.¹⁰⁹ A Social Forestry programme is established when “the Government, by one or more written agreement assigns rights to forest produce or rights to use the land ... to persons assisting the government in management of the land”.¹¹⁰

These provisions on Social Forestry were supplemented with rules passed under the Act, known as the *Social Afforestation Rules 2004* (“Shamajik Bonayon Bidhimala 2004”; it is explained below why the phrase “Social Afforestation” is being used here rather than “Social Forestry”). Bases on this rule, several programmes on social forestry/social afforestation (hereafter “SF”) were launched, particularly in the plains districts, on various categories of lands and for various species of trees and plants. The extent of SF lands in the CHT is very small.

3.3.2. **The “Unclassed State Forests”**

“Unclassed State Forests” (USF) have been defined, by Dr. Mohiuddin Farooque, a noted scholar on Forest laws, as “those state forests which have not been notified by the

¹⁰⁷ Section 28 (1), Forest Act 1927.

¹⁰⁸Section 28 (2), Forest Act 1927.

¹⁰⁹ Section 28A (1), Forest Act 1927. This provision on Social Forestry was introduced in 2000 through the Forest (Amendment) Act 2000. For a critical discussion of this Act and the (then proposed) Social Forestry Rules, see Gain (2001), including Roy & Halim, 2001a.

¹¹⁰ Section 28A(2), Forest Act 1927.

Government as reserved, protected, controlled or vested forest”.¹¹¹ In other words, “USFs” include *unnotified* forests, which belong to the state (by definition excluding private forests). In 1976, an Asian Development Bank expert estimated the area of “USFs” in the CHT as 3,850 square miles, and noted: “[in] this area, the tribal people are allowed to practice [jum] or shifting cultivation and to extract any forest produce (fuelwood, bamboo and house construction poles and timber)”.¹¹² Table 11 in the annexe provides the area of the “USFs” in the CHT, along with RFs and PFs as estimated in 1976.

One of the identifying criteria of USFs, according to Farooque, is that the management of the concerned lands is not vested upon the BFD.¹¹³ Farooque concludes: “it is doubtful whether any forest can be legally classified as USF, since this terminology does not appear in any legal text”.¹¹⁴

3.4 Conservation Forests

Among the categories of specially conserved forests, known, as “protected areas”, are *Eco Parks, National Parks, Safari Parks, Botanical Gardens, Sanctuaries and Community Conservation Areas*. Eco Parks and Sanctuaries are the most important, in terms of size. Eco Parks are natural habitats of flora and fauna that are meant to enable tourists to visit and are formally notified as such in accordance with the Wildlife (Protection & Security) Act 2012.¹¹⁵ There are 2 Botanical Gardens, 9 Eco Parks and 1 Safari Park in the plains regions of Bangladesh, with none in the CHT.¹¹⁶

National Parks generally contain a larger extent of territory than Eco Parks, being meant to enable visitors to enjoy scenic views and wildlife, which are also formally notified in accordance with 2012 Act.¹¹⁷ Table 16 in the annexe provides a list of the different *Protected Areas* that are recognized under the Wildlife (Protection & Security) Act 2012. Established in 1999, the Kaptai National Park, with an area of 5,464 hectares (13, 501.84 acres or 21 square miles) within Rangamati district, is one of the 17 National Parks within Bangladesh, and its third largest.¹¹⁸

Among other specially protected conservation areas in the CHT is the Pablakhali Wildlife Sanctuary (about 420 sq. km or 42, 087 hectares) within Rangamati district, being the second largest sanctuary in Bangladesh after the Sundarbans (West) Sanctuary.¹¹⁹ Declared as a *Game Reserve* in the 1960s, and as a *Wildlife Sanctuary* in

¹¹¹ Farooque (1997: 45).

¹¹² Webb & Roberts (1976: 3).

¹¹³ Webb & Roberts (1976: 3).

¹¹⁴ Webb & Roberts (1976: 3).

¹¹⁵ See, definitions section and section 19 of the Act. This Act repealed the Bangladesh Wild Life (Preservation) Order, 1973 (President’s Order No. 23 of 1973).

¹¹⁶ Official website of Bangladesh Forest Department: <http://bforest.gov.bd/index.php/protected-areas> [Accessed 18 May 2015].

¹¹⁷ See, definitions section and section 17 of the Act.

¹¹⁸ Official website of Bangladesh Forest Department: <http://bforest.gov.bd/index.php/protected-areas> [Accessed 18 May 2015].

¹¹⁹ See Tables 16 and 17.

1983, a large part of the area has been converted into human settlements. The only other protected area in the CHT is the *Matamuhri Wildlife Sanctuary*. Table 17 in the annexe gives details of the aforesaid three *Protected Areas* in the CHT.

3.5 Village Common Forests (VCFs) or Mauza Reserves

Village common forests (VCFs) are the community managed natural forests that are located within the boundaries of mauzas of the Chittagong Hill Tracts (CHT) outside of the reserved forests (RFs). The phrase and its acronym (“VCF”) gained currency among CHT villagers and among forestry practitioners and researchers after project interventions were started by the Rangamati-based NGO, Taungya, in the 2000s, to support VCF management by the concerned communities in Rangamati and Bandarban districts.¹²⁰

VCFs are called “mauza reserves” by the CHT Regulation 1900, which vests the responsibility of their management and protection on the Mauza Headmen.¹²¹ In practice, the Village Karbaries – who are deputies to the headmen – are more directly involved with the VCFs’ management. This was astutely noticed by the district authorities in the 1960s, and guidelines issued to support the practice specifically mentioned the Karbaries too, in addition to the primary duty-bearers, the Mauza Headmen, as provided by law.¹²²

Prior to Taungya’s interventions, only a few of the VCFs had formalized committees with elected office-bearers. Now, several of them have committees, including women (which was hitherto unknown).

VCFs can be predominantly of bamboo brakes, such as in the Chakma Circle, but many others also have trees and other vegetation, in all three of the Chiefs’ Circles. Almost all the VCFs contain streams and other water bodies, with at least one, and sometimes more than 7 streams. Some of the VCFs are rich in wildlife.

According to information provided by the respective offices of the three Circle Chiefs, the total number of VCFs in the three circles is 311. Their total area is 30,776 acres (see Table 18). The break-up is as follows: Bohmong Circle: 110 (total area: 9,894.25 acres), Chakma Circle: 146 (total area: 16,561.5 acres); and Mong Circle: 55 (4,320 acres).¹²³

According to the aforesaid sources, the largest VCFs in each circle are: 1,500 acres (*Targu Chora Mauza Reserve*; 276 Targu Mauza, Bohmong Circle, Bandarban.); 800 acres (*Baamer Hazasori Mauza Reserve*, 148, Bhushanchara Mauza, Chakma Circle, Rangamati); and 300 acres (*Goainchari Mauza Ban*, 216 Goainchari Mauza, Mong Circle, Khagrachari). Table 20 in the annexe provides details on the above.

¹²⁰ The phrase and its acronym were coined by the chairperson of Taungya, Raja Devasish Roy, Chakma Chief, and its adviser, Dr. Sadeka Halim, Department Sociology, Dhaka University. See: Roy (2002a), Roy & Halim (2001b, 2003), Halim & Roy (2006), Baten et al (2010), Jashimuddin & Inoue (2012a, 2012b).

¹²¹ Rule 42, CHT Regulation 1900.

¹²² DC, CHT’s Standing Order, contained in Memo No. 2384 (40) dated 3 August 1965. Copy reproduced in Appendix 17.

¹²³ The cooperation of the offices of the Mong Raja, Bohmong Raja and Chakma Raja, with regard to VCF data, is acknowledged with thanks. The data is preserved in the Office of the Chakma Raja.

The Chakma Circle has the highest number of large VCFs (over 100 acres), with more than three times the number of VCFs of the other two circles. In terms of area too, the extent of large VCFs in the Chakma Circle is twice that of the Bohmong Circle and four times that of the Mong Circle (see Table 18). The smallest VCFs are: 45 acres (Mong Circle, Khagrachari), 2 acres (Chakma Circle, Rangamati) and 2 acres (Bohmong Circle, Bandarban). Small VCFs of less than 25 acres are the highest in the Bohmong Circle.¹²⁴

¹²⁴ See Table 18.

IV. THE DEPLETION OF FOREST RESOURCES

4.1. Deforestation

The developments mentioned in Chapter II caused untold pressures on the natural resources of the CHT, leading to deforestation and forest degradation of a scale hitherto unknown. At the time of its annexation into British Bengal in 1860, the CHT contained some of the densest and most biodiverse forests in the world. The declaration by the British Indian government in 1871 of 5,670 square miles out of the total area of the then CHT's 6,888 square miles as "government forest" is a clear indication of the expanse of forest land in the region.¹²⁵

Deforestation, forest degradation and other loss of forest cover have plagued Bangladesh over the last several decades, visibly accelerating after independence from Pakistan in 1971. It has been estimated that the decline of "forest land" was around 2.1% annually, over the last three decades.¹²⁶ In the 1980s, the rate of deforestation was around 3.3% annually.¹²⁷ The Forestry Master Plan estimated that between 1964 to 1985 "growing stock [had] decreased from 23.8 million m³ to 19.8 million m³" in the reserved forests of the CHT.¹²⁸ The annual rate of deforestation in Bangladesh as a whole is said to have reduced, from about 2.1 % in 1960-80 to about 0.2% in 1990-2010.¹²⁹ It is, however, not known how reliable this data is, particularly on the sharp decline in the rate over recent years. Moreover, it is not known what the specific situation of the CHT, and its reserved forests, is, in relation to the overall data for the whole country, or the changes, if any, for all of Bangladesh and the CHT, since the above estimate was made.

The conversion of natural forests into plantations for industries (primarily teak, followed by pulpwood) and firewood has no doubt accelerated forest degradation even if that is not regarded as "deforestation" by most foresters. The Forestry Master Plan identified several major causes of deforestation in Bangladesh, including the CHT, along with agriculture land clearing (principally "shifting cultivation"), including "uncontrolled and wasteful commercial logging", illegal felling and fuelwood collection, among whose symptoms or direct causes were poverty, landlessness, economic underdevelopment, inappropriate forest policies and regulations, lack of land use policies, uncertainties in the land tenure system, and socio-political instability.¹³⁰ It concluded that the GOB was "unable to solve the problem by restrictive covenants and punitive legislation".¹³¹ Table 15, in the annexe, lists the direct and indirect causes ('symptoms or effects of a wider malaise') of deforestation in Bangladesh, including the CHT, as identified in the Forestry Master Plan.

¹²⁵ Rizvi (1970: 174).

¹²⁶ http://en.banglapedia.org/index.php?title=Forest_and_Forestry [Banglapedia: Accessed 17 May 2015].

¹²⁷ Data of Forestry Master Plan cited in Roy & Gain (1992:22).

¹²⁸ GOB (1993a: 70)(Forestry Master Plan).

¹²⁹ Jashimuddin & Inoue (2012a: 138-139).

¹³⁰ Jashimuddin & Inoue (2012a: 138-139).

¹³¹ Jashimuddin & Inoue (2012a: 138-139).

4.2 Onslaughts on the Kassalong Reserve

The Kassalong RF was severely affected by four major events or series of events over the last half-century. These are (a) the commissioning of the Kaptai Hydro-Electric Dam in 1960 (which permanently inundated large tracts of the forest and led the government to de-reserve areas to rehabilitate evacuees or displacees of the Dam);¹³² (b) the de-reservation of the Gulshakhali area to create mauzas for government-sponsored Bengali migrants from the plains in the 1980s;¹³³ (c) the creation of settlements by hill communities displaced by the GOB-JSS conflict in the 1970s and 80s; and (d) the resettlement of government-sponsored Bengali migrants (from the plains district outside the CHT) in the CHT, particularly in areas adjacent to RFs and other forested areas, in the 1980s.¹³⁴

It has been estimated by the Wildlife Biologist, S. U. Choudhury, who cites the BFD, that of the 117,000 hectares of natural forests of trees and bamboo remaining in the Kassalong RF in 1963, only about 73,000 hectares (about two-thirds) were left by 1983.¹³⁵ This shows, an approximate decline of 10% every ten years.¹³⁶ At this rate, less than 50% of the forest cover that was intact in 1983 is estimated to have remained over the last three decades since 1983.¹³⁷ However, if we account for the intensive logging by the government-owned BFIDC, especially after new roads into the heartland of the major reserves were completed (Baghaihat in the Kassalong RF and Alikwadang, near Matamuhri and Sangu RFs), the rise of population by further settlements of displaced people, and the freer movement of people and goods after the cessation of the internal conflict in the CHT that spanned the 70s to the 90s (ended through the CHT Accord of 1997), the status of forested lands is possibly far worse than estimated by Choudhury. Reports of field visits by community leaders and development workers in the middle and southern portions of the Kassalong RF over the last decade - and which is common knowledge among both locals and BFD personnel - state that few signs of dense forest cover are visible in the southern parts of this forest, the largest RF in the CHT.

4.3 Deforestation in the Reingkhong Reserve

W.E. Webb & R. Roberts, forestry experts commissioned by the Government of Bangladesh and the Asian Development in the mid-1970s, estimated that 65% of the Reingkhong RF was destroyed by “jumias straying into the forest”.¹³⁸ Regarding remedial measures taken by the government, they noted the following:

¹³² Sopher (1964). The new mauzas are: 375 Bangaltali, 376 Tintilla, 377 Rupakari, 378 Marishya, 379 Baghaichari, 380 Sijak, 381 Battali, 382 Uluchari and 383 Khedarmara, now within in Baghaichari upazila, covering a total area of about 45.5 square miles (about 27,900 acres). The areas of the mauzas are cited from records of the Office of the Chakma Raja, which are based on official documents of the Government of Bangladesh.

¹³³ The new mauzas are: 385 Aamtali, 386 Gulshakhali, 387 Gadosora, 388 Rangipara & 390 Kalapagojya, with a total area of 20.82 square miles (12,777 acres). The source of the mauza areas is Office of the Chakma Raja.

¹³⁴ See further, Chapter 2.12.

¹³⁵ Chowdhury (2013: 89).

¹³⁶ Chowdhury (2013: 89).

¹³⁷ Chowdhury (2013: 89).

¹³⁸ Webb & Roberts (1976: 19). See also, Saha (2013: 84, 85).

“An attempt was made to forcibly evict 1,600 families from this Reserve in 1971 and to settle them elsewhere outside the Reserve. This attempt was brought to an end by the war of liberation and the families have again returned to encroach on the Reserve, followed by a further number. Over 2,000 families are estimated to be jhuming in this Reserve.”¹³⁹

However, what Webb & Roberts’ report fails to explain is, that the vast majority of these people were displaced by the Karnafuli Reservoir (‘Kaptai Lake’) created by the Kaptai Dam, and had no other available recourse to survive and make a living.¹⁴⁰

Increased land scarcity caused by the population transfer programme of the 1980s – through which an estimated 250,000 to 450,000 Bengali migrants from the plains were resettled in the CHT – exacerbated the issue even further.¹⁴¹ In the last four decades, the situation of the Reingkhong Reserve is probably worse than what Webb & Roberts had estimated in 1976.

4.4 Depletion of the Sangu & Matamuhri Reserves

As in the case of the Kassalong and Reingkhong Reserves, the situation with regard to deforestation for the Sangu and Matamuhri Reserves, both within Bandarban district, is as bad, if not worse, particularly in the case of the Matamuhri. According to some accounts, as much as 90% of the forest resources of the Matamuhri Reserve are believed to have been destroyed.¹⁴² However, local BFD officials dispute this. One local BFD official has reportedly estimated the loss in the Matamuhri reserve to be around 30%.¹⁴³

In 1990, when a leading Swiss anthropologist, Dr. Lorenz Löffler, with long years of research in the CHT, had visited the hill region after a gap of thirty years (restrictions on foreigners’ entry into the CHT had been an off and on policy decision), he expressed his shock to see “bare hills devoid of any larger tree or any bamboo, so needed in the local economy – quite a contrast to the luxuriant green cover [he] had seen thirty years ago”.¹⁴⁴ Regarding the Sangu, Löffler had noted the following: “it is still not reached by any road and hence [is] rather inaccessible”.¹⁴⁵ This situation does not hold true any longer. The Sangu, along with the Matamuhri are now accessible.

Roads to link the Sangu and Matamuhri Reserves happened as a result of recommendations of forestry experts. Among forestry projects streamlined in 1976 to be funded by the Government of Bangladesh and the Swedish International Development Agency (SIDA) was one for the BFIDC called the *Sangu-Matamuhri Extraction Project* (“BFDC 1”), about which the following is recorded:

¹³⁹ Webb & Roberts (1976: 19).

¹⁴⁰ Roy (2002a: 27).

¹⁴¹ Adnan (2004: 47, 52).

¹⁴² Chakma (2013: 93, 95).

¹⁴³ Chakma (2013:95).

¹⁴⁴ Löffler (1991:2).

¹⁴⁵ Löffler (1991:10).

This scheme aims at the extraction of forest produce from the Sangu and Matamuhri Reserved Forests in the extreme south-east portion of the Chittagong Hill Tracts. To date, these Reserves have been virtually untapped due to the lack of access roads. The scheme envisages the construction of 30 miles of all weather road to link up the timber extraction area near [Alikwadang] with the existing Chittagong-Cox's Bazar highway. The scheme calls for the annual extraction of 90,000 tons of saw and veneer logs, 20,000 tons of pulpwood and 150,000 tons of bamboo. Construction of the link-up road would have a multi-purpose function and would serve to give all year access to potential agricultural/horticultural land in the Matamuhri valley and to facilitate access to the upper Sangu."¹⁴⁶

This road, as in the case of the new road at Baghaihat, within the Kassalong Reserve in Rangamati district, opened up the Matamuhri and the Sangu forests to both extraction by the BFIDC and forays by illegal loggers and fuelwood collectors. Therefore, the construction of new roads is seen by many locals and environmentalists to be a major cause of deforestation. A senior leader of the Bawm people, Zuam Lian Amlai, also associated with the Movement for the Protection of Forest and Land Rights in the CHT (MPFLR), is reported to have said: "none can save the reserved forests unless the government shows strong will and commitment, and cancels the road construction projects that run through the forests".¹⁴⁷ But Amlai was talking about yet newer roads than the Alikwadang road.

The situation of the Sangu reserve, at least at its extreme south near the Myanmar (Burma) border seems to be somewhat more intact than in the case of the Matamuhri, but the situation is far from good. The number of BFD-created plantations here are absent or few. Perhaps this is another reason for its having been spared as bad a fate as the Matamuhri. But it may be a matter of time before the remaining natural forest stands are plundered. Already, the local BFD officials had estimated that 30% of the forest had been "worn out", but this time, holding jum cultivation responsible for the loss.¹⁴⁸ In fact, unsustainable juming has also taken a huge toll, both on the Sangu, and particularly the Matamuhri, with regard to wildlife.¹⁴⁹ However, as in the case of the Reingkhayong and Kassalong RFs, which became havens of refuge for marginal farmers affected by the Kaptai Dam, conflict or population transfer, the jumias in the Matamuhri, and especially the Sangu, too have suffered similar depredations. Many have even permanently emigrated to Myanmar (former Burma).

4.5 The Marginalization of the VCFs

The setting aside of the VCFs or mauza reserves in the CHT, perhaps starting from about the second quarter of the 20th century, needs to be understood from the context of resource crises affecting traditionally forest-dependent communities caused by their loss of access to forest lands. This loss of access, as mentioned before (see chapter II), was due to several developments, including the growth of rural and urban settlements, market and growth centres, conversion of forestlands into plough lands, and the declaration of their former forest commons as reserved forests.

¹⁴⁶ Webb & Roberts (1976: 20).

¹⁴⁷ Chakma (2013: 95).

¹⁴⁸ Chakma (2013: 97).

¹⁴⁹ Chakma (2013: 97).

In an overview of sustainable resource use and indigenous peoples' rights in South and Southeast Asia, Dr. Marcus Colchester wrote about the negative impacts of unsound government policies on land and forests upon the sustainability of resources use by indigenous peoples. Many of his observations, such as the one quoted below, apply to the CHT situation as well. Colchester wrote:

“The denial of communal land rights, and fragmentation of territory into individually owned plots, undermined the traditional systems of resource management. Systems of shifting cultivation, in particular, have suffered... On the one hand, confining shifting cultivation to small parts of once extensive territories has reduced or even eliminated periods of fallow, leading to soil exhaustion, accelerated erosion, and poverty. On the other hand, even when access to land has not been physically limited, lack of land security had promoted mismanagement by undermining traditional concepts of custodianship and resource allocation.”¹⁵⁰

When the reserved forests were first notified in the CHT – whether they were retained as Headwater Reserves of natural stand or converted into teak plantations – the notifications expressly clarified that “no rights and privileges [were] granted [within the reserve]”, and hence, these former commons became totally off limits to the indigenous people.

Apart from fulfilling the social, cultural, ecological and spiritual needs of indigenous village communities, the VCFs were repositories of forest produce for their “domestic purposes”, in other words, their livelihood security needs, as mentioned in the concerned rule in the CHT Regulation and ancillary executive orders.¹⁵¹ Needless to mention, it was those among the villagers that did not have access to plough lands or other sources of livelihoods, or at least such dependence was insufficient for their family welfare, who were dependent most upon the VCFs, to obtain food, water, house-building material and cash income.

Let us now examine the factors that facilitate the protection and enhancement of the area of the VCFs, on the one hand, and those that create hindrances towards the protection and expansion of the same.

With regard to setting aside of a new VCF, or the enlargement of the area of an existing one, the concerned rules and orders do not seem to put any limitations, provided that the land is within the boundaries of a mauza, and hence, is under the jurisdiction of a Headman.

Rule 41A of the CHT Regulation (included in the CHT Regulation in July 1939), refers to “an area or areas” of mauza reserves, but does not specify any size.¹⁵² The DC’s Order of 3 August 1965 on mauza reserves refers to “approximately 100 acres per mouza in one

¹⁵⁰ Colchester (1995: 65).

¹⁵¹ The reference to “domestic purposes” is mentioned in Rule 41A(a) in the CHT Regulation 1900 and re-echoed in the DC, CHT’s Standing Order vide Memo No. 2384 (40) dated 3 August 1965 (Appendix 17). The proviso to section 3 of the CHT Forest Transit Rules 1973 (Appendix 8) refers to “*bona fide* home consumption”. Similar terminology also occurs in the former CHT Transit Rules of 1942.

¹⁵² Rule 41A(b), CHT Regulation 1900 (see Appendix 1).

block or more”. The order also forbade “extraction in the area by anybody other than the mouza people for their own use and that too with the permission of the headmen”, backed by penal sanctions, if reported to the DC.¹⁵³ The concerned rule authorized the headman, (a) to prohibit the removal of forest produce “by non-residents of the mouza for any purpose”; (b) to exclude any area from the juming area; (c) to prevent cattle grazing; and (d) to prevent “newcomers from cutting [jums]” (see Appendix 17).

In sum, the concerned Rule of the CHT Regulation, supplemented with the aforementioned executive order, provided ample scope to both create new VCFs, expand the area of existing ones, and to take recourse to penal measures, if so required, to protect the forest. In addition to the aforesaid provisions, which may be regarded in the nature of formal policy support, at least at the level of the CHT, another factor that facilitated the setting aside of VCFs was the village communities’ livelihood and other needs. The question was, could the communities’ welfare needs prevail against the needs, or sometimes the greed, of individuals, or the market, whether of indigenous or exogenous origin.

The VCF communities had to meet innumerable challenges, in the form of pressures from individual residents and non-residents. The rising population, from births and immigration, caused tremendous pressures upon impoverished residents to cultivate jums or to otherwise use the VCF land for plantations and orchards. On the other hand, it was not easy for a Headman, especially when the armed conflict was ongoing (mid-1970s-1997), to deal with newcomers, particularly government-sponsored Bengali migrants, on account of political, social and cultural contexts. Sale of timber and firewood alone caused tremendous pressures on the VCFs and other mauza lands.

Many VCF areas shrank in size and number, and also qualitatively.¹⁵⁴ Jashimuddin & Inoue see the causes of degradation of the VCFs in the same vein as the overall degradation of forests in the CHT as mentioned in Chapter II. In particular, they recognized four major factors behind such degradation.

First, they mention what they call the “nationalization of forests” through the creation of reserved forests, which restricted the access of villagers to forests that were hitherto conserved by the community according to their rules and norms, thereby preventing encroachment by outsiders.¹⁵⁵

Second, they point to rises in conflicts between governmental authorities and indigenous communities regarding access to resources, and the failure of the Forest Department to protect the forests, exacerbated by the remoteness of the areas and “inefficient human and logistical resources” (of the BFD).¹⁵⁶

¹⁵³ Ibid.

¹⁵⁴ Jashimuddin & Inoue (2012b: 122, 123).

¹⁵⁵ Jashimuddin & Inoue (2012b: 126).

¹⁵⁶ Jashimuddin & Inoue (2012b: 126).

Third, they see the weakening of the “traditional democratic local governance system” through the replacement of traditionally community-selected leaders with state-appointed ones (implying the ‘hereditization’ of the offices of Headman and Karbari).

Fourth, Jashimuddin & Inoue cite various developments – such as those already mentioned in chapter II – including population rise, internal displacement, sedentary agriculture, monoculture teak plantations, commercial extraction, illegal logging, the Kaptai Dam, expanded road networks and market facilities, and intensive swidden cultivation with shortened fallow periods, among others.¹⁵⁷

4.6 **Loss of Biodiversity**

Deforestation has plagued the CHT landscape in different forms, enveloping different categories of lands, particularly forests, as discussed in chapters 4.1 to 4.5 above. Some of the major causal factors, such as the Kaptai Dam (chapter 2.6) and the spread of wet-rice farming, orchards and plantations (chapters 2.7, 2.12, 2.13), among others, have been outlined. Other major factors, such as production forestry and industrial plantations, along with forest industries, will be analyzed further (see chapters 5.2.2 and 5.2.4). Monoculture plantations, including of teak, pulpwood, rubber and tobacco, have added to the toll (discussed in chapters 4.6 and 5.2).¹⁵⁸ A Canadian researcher, Patricia Marchak, wrote in a generic manner about the ill effects of plantations, which apply quite aptly to the CHT context:

“Plantations are monoculture, and the lack of biodiversity is of concern. They typically have sparse canopies and so do not protect the land; they cause air temperatures to rise, and they deplete, rather than increase, the water-table. They are generally exotic to regions. While the initial planting may be free of natural pests and diseases, that situation will not last, and plantation regions may not be in the position to combat scourges yet to arrive”.¹⁵⁹

On a matter of scale, plantations – particularly mono plantations - have been largely created by governmental agencies, such as the BFD (teak and pulpwood) and the CHTDB (rubber). Writing about the “Analysis of Continuance of [the] Taungya System of Planting and Related Issues”, a former Conservator of Forests has written thus:

“Artificial regeneration with teak seed constituted monoculture plantation than heterogeneous multi-storied tropical forest. The old Forester at that time could not visualize in correct perspective the hazard associated with monoculture teak plantation. Firstly jungle clearing followed by drying up and complete burnings was the pre-requisite operation for successful teak plantation and provision for bumper field crop in ash rich soil under deciduous plantation exposed to eroding agencies and unabated top-soil loss remains unnoticed and economic loss did not attract the attention of the Forester. Secondly many delicate species disappeared in the process and a serious blow to biodiversity was initiated unnoticed and unknown to

¹⁵⁷ Jashimuddin & Inoue (2012b: 126).

¹⁵⁸ Gain (2006: 126-148, 163).

¹⁵⁹ Marchak (1997: 10) cited in Gain (2006: 172).

Forester, when the utility of genetic and land-based resources could not be perceived in correct perspective.”¹⁶⁰

Regarding other, particularly “exotic” (non-indigenous) species, Sattar wrote:

“Recently technique of growing Eucalyptus is gaining momentum as fast growing species with spectacular growth in initial stage of formation. Attempt for *Acacia mangium* in recent past discarded for heart rot. In case of exotic species like Eucalyptus undergrowth appears to be not appearing profusely to provide shield against soil erosion and mixed planting with indigenous species could not break through multi-dimensional problems by appropriate research back up.”¹⁶¹

The *Chittagong Hill Tracts District Gazetteer*, a governmental publication from the British period, as in other districts of the then British Indian empire, records the following about the ill effects of teak plantation:

“[Unfortunately], teak is a very exacting species. It taxes the soil too much and, in addition, pure plantation of teak is also liable to be attacked by defoliators and teak-canker insects. Teak being a deciduous species, it also increases fire hazard. In order to get rid of some of these bad aspects of pure teak plantation, some sort of mixture of pure evergreen species with teak, will improve the quality. With this end in view, a system called Natural Regeneration Plot system (N.R.P.) has been developed in the Chittagong Hill Tracts. Under this system, a strip of natural forests is left all around the clear-felled area. The clear-felled area is regenerated with teak. The older trees left in the N.R.P. areas, disperse seeds in the area planted with teak thus results a mixture of indigenous ever-green species and teak obtained in the plantation area. The useless trees, the injurious undergrowths and the dead and deceased trees are removed from the N.R.P. at the time of main-felling in the clear-felling area. This is done to prevent the spread of injurious undergrowths and to stop further regeneration of useless species in the newly regenerated areas.”¹⁶²

Despite the not-so-happy experiences with teak, at least as far as biodiversity and soil erosion is concerned, non-governmental actors, including CHT residents, are catching up in market-oriented plantations, such as for teak (although farmers’ plantations are more biodiverse than the BFD’s) and rubber. Tobacco (funded largely by the British American Tobacco Bangladesh, BATB, a part of British American Tobacco plc, and its non-local partners) is also adversely affecting soil and biodiversity.

While plantations, particularly mono plantations, have been one of the major factors behind forest degradation in the CHT, horticulture - many fruit tree species are exotic, rather than indigenous, and are therefore not a haven for either local flora or fauna - and agriculture - including jum cultivation, depending on the context - have also contributed to biodiversity loss.¹⁶³

¹⁶⁰ Sattar (1995: 9).

¹⁶¹ Sattar (1995: 15).

¹⁶² Ishaq (1975: 106).

¹⁶³ Conversion of a forest into a wet-rice field or terrace is usually permanent degradation, while fruit orchards may be semi-permanent, while a jum field generally reverts back into a forest (of secondary, tertiary or other growth), when left to fallow. Juming can *only* be done on forested land.

On account of the aforesaid factors, the biological diversity of the region has taken a huge toll. This covers both flora and fauna, upon land, and in the rivers and other water bodies. Although the CHT is considered to be within the *Indo-Burma Biodiversity Hotspot*,¹⁶⁴ to what extent it will now qualify, as a biodiversity “hotspot”, if the matter was strictly examined, remains an open question.

4.6.1 Threats to Floral Diversity

Detailed and extensive studies on CHT flora, and threats thereto, are few. The negative impacts upon floral diversity vary, depending on whether it is tree plantations or other forms of agriculture, horticulture or agro-forestry. However, one aspect of plant diversity has been rendered a considerable degree of attention, namely, plants used for traditional medicine.

A project titled *Survey and Identification of the Medicinal Plants of the Chittagong Hill Tracts* was launched under the sponsorship of the Ministry of CHT Affairs (MOCHTA) in 2003. A senior official of the Bangladesh National Herbarium, Dr. Sarder Nasir Uddin, was involved in the study, which uncovered a huge wealth of knowledge about medicinal plants and their use by traditional healers known as “boiddo” (“boidaya”; sic!).

The aforesaid study found that the traditional healers engaged in the treatment of 301 different ailments, using 2,295 different prescriptions, based on 700 indigenous plant species.¹⁶⁵ The study concluded the following, with regard to threats to the plant species:

“A large portion of medicinal plants is being collected from the wild or imported. The demand for medicinal plants as well as herbal medicine has been increasing sharply and that has lured the local medicinal plant collectors. They usually collect medicinal plants indiscriminately and in an unsustainable way from the wild that has led to the rapid depletion of a number of medicinal plant species. Some have become threatened and others have become vulnerable.”¹⁶⁶

While the aforesaid study is of much value in gathering data about medicinal plants in the CHT and their use, along with the allegedly “indiscriminate” and “unsustainable” collection by local healers, the extent of local use and external use, the links in the marketing chain, and exact location of the plants, have not been explored in depth. These matters merit further attention, in order to enable policy-makers, in partnership with the local leadership, to both enable the continuance of the practice of traditional healing, and yet take measures to eradicate or prevent unsustainable use and facilitate both *in situ* and *ex situ* conservation, with the free, prior and informed consent of the concerned peoples and communities.

¹⁶⁴ Khan (2013: 171).

¹⁶⁵ Nasir Uddin (2013: 159).

¹⁶⁶ Nasir Uddin (2013: 166).

4.6.2 **Wildlife under Threat**

Dr. M Monirul H Khan, a professor of Zoology at Jahangirnagar University, concludes that the diverse habitats of different wildlife species in the CHT have led to the sustenance of the rich variety of wildlife in the CHT. He writes:

“Originally, luxuriant evergreen and mixed evergreen forests characterized by a continuous high canopy covered most the of the CHT. Bamboo groves, bushy plants, reeds and grasses covered rest of the CHT. The area has a number of rivers and streams as well as wetlands and lakes, making the area suitable for water-loving species”.¹⁶⁷

The Kaptai Dam, as mentioned earlier, had swallowed up a lot of forests (chapter 2.6). Describing its effects on wildlife, Schendel et al have written:

“Most of the best forest valleys were drowned and although the water rose slowly, considerable loss of wildlife occurred. Many Elephants, Tigers and various species of deer which escaped drowning were unable to retreat across the 3,000-foot ridge of the Lushai Hills to the east, and therefore moved either north to Assam, or west across the Kassalong river to Tripura.”¹⁶⁸

The Dam had also dammed, and thereby perhaps “damned”, the river Karnafuli.¹⁶⁹ However, on the plus side of the ledger is the Dam’s contribution towards “a good habitat for waterbirds, reptiles and amphibians”.¹⁷⁰ While detailed studies on reptiles and amphibians are not known to have been done, the number of migratory birds – including two or three species of ducks – has gradually risen over the years. Khan also refers to what he calls the *microhabitats* of fauna, including “caves, gorges, rocky areas, waterfalls and narrow streams” in the region.¹⁷¹

Mono plantations, especially of teak, have been a major factor in the loss of habitat of wildlife. As asserted by Sudatta Bikash Tanchangya, General Secretary of the MPFLR-CHT, “How many birds have you seen resting atop a teak tree or a Eucalyptus tree”? A publication on the CHT authored by a CHT-born sociologist-anthropologist, a German anthropologist (with long years of field research in the CHT) and a Dutch historian (who is regarded as a leading expert on Bangladesh and Paschim Banga) recorded the following about the impacts of teak monoculture, citing two world-renowned wildlife experts’ field-based observations on CHT wildlife:

“A monoculture of Teak, however desirable commercially, is a death-knell to wildlife conservation. No species of deer or monkey can find food in such vegetation, and they are forced to abandon the area. In the absence of deer, Tigers and Leopards turn to preying on cattle and goats around the villages

¹⁶⁷ Khan (2013: 172).

¹⁶⁸ Schendel et al (2000: 147).

¹⁶⁹ Roy, R. T (1972: 31).

¹⁷⁰ Khan (2013: 173).

¹⁷¹ Khan (2013: 173).

and are therefore shot... Tigers and wild Indian Elephants had become rare and the Marsh crocodiles had all been killed ...Obviously, what had once been planned as a major jungle reserve had now lost all prospect of fulfilling its proper function.”¹⁷²

However, the current situation on the whole suggests that many floral and faunal species have recently become extinct, or are severely endangered, adding to the disappearance of such visible land species as rhinoceros. The impact upon fauna, including land animals and birds has been the most visible. Prof. Khan has provided an extensive list of species in the CHT, including mammals, reptiles and birds, some of which are vibrant, while others are extinct, endangered or under threat of extinction (see Tables 21 and 22 in the annexe).

The Bangladeshi ornithologist, Ronald R. Halder, confirms that 470 species of birds are recorded as belonging to the region.¹⁷³ However, several species are reported to be threatened, including the White-winged Duck (*Cairina scutulata*), the Great Hornbill (*Buceros bicornis*), the mountain Hawk Eagle, the Pin-tailed Green Pigeon, the Wedge-tailed Green Pigeon, the Crested Tree Swift and the Great Slaty Woodpecker.¹⁷⁴

Among the threats to wildlife, apart from deforestation in general and over-exploitation of natural resources, Khan has mentioned the following: mass settlement of people from the plains, expansion of monoculture plantations, jum cultivation, communities’ lack of animal and fish protein, and food insecurity.¹⁷⁵ Khan does not blame the traditional hunting of the indigenous people, but condemns “overhunting”.¹⁷⁶ He explains: “The hill people, especially the children, do not get enough animal protein due to isolation, overall food insecurity and difficulty (or less practice) of fish culture, poultry rearing and cattle rearing. Therefore, hunting is rather essential for the hill people until the substitute is made available.”¹⁷⁷

Khan laments the small number of protected areas in the CHT (Pablakhali Wildlife Sanctuary, Kaptai National Park and Sangu Wildlife Sanctuary) and calls for the establishment of a “strong network of protected areas”.¹⁷⁸ However, the ground realities in the CHT do not suggest that mere declarations of new protected areas – thereby bringing in the protective patrolling by armed Forest wardens and the threat of strong penal measures (under the Wildlife Act of 2012) – would be sufficient. Reports of locals do not suggest that the status of wildlife in the Pablakhali Sanctuary is at all healthy. The Kaptai National Park may be well guarded by wardens on account of its peri-urban location, but its biodiversity had been so devastated in the past (it was suggested that it be de-reserved on account of its heavily denuded state in the 1970s), that there is not

¹⁷² Mountfort & Hosking (1969: 105, 106), as cited in Schendel et al (2000: 147-148).

¹⁷³ Halder (2013: 186).

¹⁷⁴ Halder (2013: 186).

¹⁷⁵ Khan (2013: 179, 180).

¹⁷⁶ Khan (2013: 180).

¹⁷⁷ Khan (2013: 180).

¹⁷⁸ Khan (2013: 181).

that much to protect and conserve. The status of the Sangu Sanctuary may be relatively better, on account of its remoteness, but it will be a fallacy to assume that protected areas are the *panacea* for wildlife preservation as assumed in the National Forest Policy of 1994.

If the condition of the Sangu Sanctuary is better than that of the Pablakhali Sanctuary, it is perhaps the region's remoteness and the local communities' symbiotic relationship with forests, rather than state-led protective measures that are responsible for the relatively higher state of conservation. In this regard, consensual decisions of local communities to protect certain species – such as tiger, leopard, elephant, bison, bear and other endangered species – may be far more effective than state-led penal sanctions (which would be inefficacious in remote areas any way). There are encouraging signs to show that local communities are nowadays far more conscious of this issue than ever before. However, the matter still evades necessary support from both national and CHT-based institutions.

Khan mentions that in the case of elephants, “crop-raiding” creates conflict with human settlements, but he notes that “relatively less [indigenous] people are killed by elephants than settlers, because the [indigenous] people have better knowledge of elephant behaviour and movement pattern, and they try not to block the corridors”.¹⁷⁹ Referring to the plainspeople re-settlement programme of the government, Khan concludes: “The coming of plains land people who had no traditional knowledge of leading a life in hills became disastrous for the forests and wildlife of their surroundings. Today, no good natural forest exists in and around the settlement areas”.¹⁸⁰

4.7 Depletion of Water Resources

The co-relation between deforestation, forest degradation and depletion of water resources is such a widely understood phenomenon among rural communities in the Hill Tracts that it requires no opinion from “experts” to confirm it.

The problem of water scarcity during the dry season is particularly acute for communities living on ridgetops – such as that of the Bawm and Pangkhua –to have to travel farther and farther to collect water for household needs. *Saikat Para*, a Bawm hamlet within Ruma mauza in Bandarban district, located above 2,000 feet from mean sea level and arguably the highest settlement in Bangladesh, has been having acute water shortage problems over the last two decades.

When surface water gets contaminated during the rainy season, CHT communities suffer severe hardships. This is because access to ground water is limited in several parts of the region due to its high depth and the presence of stones, making the sinking of tube wells and ring wells unaffordable for most communities. Accessing potable water at such times is near impossible. The impact on women is harder, as traditionally it is women from most communities who have to bear the burden of fetching water. The failure of several collective farm or *Jautha Khamar* projects of the CHTDB in the 1980s was also caused by the drying up of fresh water sources.

¹⁷⁹ Khan (2013: 173-174).

¹⁸⁰ Khan (2013: 180).

4.8. **Jum Cultivation and the Ills of the Forests**

4.8.1 **“Jum Bashing” and the Underlying Myths**

Swidden or jum cultivation has been held responsible for various ills associated with forests, including forest degradation, deforestation, soil erosion and depletion of water resources in the CHT. Such a view is held foremost by government agencies, particularly the BFD, but also by others, including some forestry experts, national and international. The different sources of such opinion include the Forestry Master Plan,¹⁸¹ reports of forestry experts commissioned by the government and the Asian Development Bank,¹⁸² and others,¹⁸³ with some identifying juming as the “primary cause” of deforestation.¹⁸⁴

This phenomenon, which we might jargonistically refer to, as “swidden-bashing” or “jum-bashing”, is not confined to Bangladesh. It has become somewhat of a tradition among societies that have little or no understanding of swidden or jum cultivation, whether this is in Asia, Africa or South and Central America. The observation of a German anthropologist from the late 1960s, who mentioned the case of Thailand, as cited in a special edition on *Shifting Cultivation* published by the Danish NGO, IWGIA, in 2005, sums up such a perspective:

“Here swidden farming has proved to be one of the preferred phenomena for the fixation of social prejudices. From the perspective of Bangkok, the centre of social, economic and political life in Thailand, situated in the middle of a cultural landscape with wet rice field, gardens, plantations, canals, roads and railway tracks, the swidden farming in faraway parts of the country is dismissed as primitive, irrational, bad and harmful. The reason, advantage and benefit of this form of agriculture remain unknown. On the contrary, stereotypes are reasserted by pointing at the ‘enormous destruction’ to the country’s eco system caused by swidden farming. Damage to forests, erosion, threat to water resources are given as the immediate results. Such qualitative statements however lack quantitative confirmation; qualitative conjectures correspond to a remarkable lack of quantitative information”.¹⁸⁵

Following through the aforesaid observation, Dr. Christian Erni, a Swiss anthropologist with decades of experience on indigenous peoples’ issues in South and Southeast Asia, wrote:

“Decades of research on virtually every aspect of shifting cultivation have generated sufficient evidence to prove that its sweeping condemnation by government bureaucrats, politicians or professionals is based on insufficient and erroneous information, or quite simply myth ... In countries ... such as Malaysia, Philippines or Indonesia, policies on shifting cultivation reflect the same approaches and the same underlying prejudices and misunderstandings and attitudes. As the nation-states in South and Southeast Asia grow stronger,

¹⁸¹ GOB (1993a: 70)(Forestry Master Plan).

¹⁸² Webb & Roberts (1976: 19).

¹⁸³ Saha (2013: 84, 85), Mohammad (2013: 56),

¹⁸⁴ Ishaq (1975: 104).

¹⁸⁵ Karl Erich Weber, cited in Erni (2005: 5).

the implementation of existing restrictive and repressive state policies against shifting cultivation has become more effective. For the indigenous peoples in these countries, it has become yet another battle front for survival".¹⁸⁶

4.8.2 **Jum Cultivation & Soil Erosion**

The aforesaid observations are substantially applicable to the case of the Chittagong Hill Tracts as well. A related misconception, at least in a generic manner, is that, swidden cultivation is responsible for soil erosion to an undesirable level. While this may be true for cultivation of steep slopes, which applies to any form of cultivation on such terrain, and in fact more so for plough and hoe methods, the extent of soil erosion from swidden cultivation is generally far less than for other forms of cultivation. This is because, while swidden or jum cultivation involves the planting of seeds by "dibbling" a small hole, ploughing or hoeing causes far more soil disturbance.¹⁸⁷ This phenomenon, was astutely understood by an adviser to the Planning Commission of India, who observed, way back in the 1950s:

"It is a mistake to assume that shifting cultivation in itself is unscientific land use. Actually, it is a practical approach to certain inherent difficulties in preparing a proper seedbed in steep slopes where any disturbance of the surface by hoeing or ploughing will result in washing away of the fertile topsoil. The tribal people, therefore, take care not to plough or disturb the soil before sowing."¹⁸⁸

Similar findings have been recorded for other parts of the world, including in Thailand and other parts of Southeast Asia,¹⁸⁹ and Latin America. Studies in Latin America, including Brazil, from 1974 to 1983, concluded the following:

"Nutrient stocks in the soil did not decline greatly during the period of cultivation, but there was a decline in phosphorus which may have been responsible for crop-productivity decline. Following abandonment, the productivity of native vegetation increased rapidly. The native plants were apparently better able to adapt and acquire phosphorus than crop plants."¹⁹⁰

The fact that it took several decades for the Chakma people to take up plough cultivation in the CHT in the 19th and 20th centuries – which involves ploughing and hoeing – can perhaps at least partly be explained by a regard for *avoiding* soil erosion. In his Masteral thesis, Amarendra Lal Khisa from the CHT mentioned that the transition from jum cultivation to plough cultivation was delayed among the Chakmas because of a traditional belief that it is "a sin to overturn mother earth with a plough".¹⁹¹ The Mandi

¹⁸⁶ Erni (2005: 5).

¹⁸⁷ Roy (1997b: 36).

¹⁸⁸ Bhowmick (1990:83).

¹⁸⁹ See, e.g., Laungaramsri (2005).

¹⁹⁰ Marchak (1995: 164), cited in Gain (2000: 23).

¹⁹¹ Khisa (1963: 50), cited in Roy (1997b: 36).

or Garo people in the Madhupur tract in greater Mymensingh have a similar belief: that the earth will bleed if the soil is cut with a hoe or plough.¹⁹²

However, it would be incorrect to say that jum cultivation in the CHT does not cause *any* soil erosion. The question is how much, and how can it be avoided as much as possible, including by avoiding juming on the steeper slopes, controlling forest fires, keeping long fallows, and taking other soil-conservation measures. It is therefore well to realize that there is a plurality of systems of swidden cultivation, and that wasteful “pioneering” types of cultivation may be distinguished from those that follow more sustainable “rotational” patterns.¹⁹³

4.8.3 Jum Cultivation & Forest Degradation, Deforestation and Biodiversity Loss

In the case of deforestation too, jum cultivation can be regarded as a driver of deforestation, but only where such cultivation is done in an irresponsible manner, and not all forms of jum cultivation *per se* (and there are indeed many such forms). There is, however, no substantial evidence to indicate that jum cultivation is the ‘primary’ agent of deforestation.¹⁹⁴ It has been said that “security measures” for ‘jungle clearing’, and particularly illegal logging by cartels based in the cities outside the CHT, “who are impelled by pure profit backed by an almost limitless demand in the market, pale into insignificance the extent of deforestation caused by swidden farmers in the reserved forests....”.¹⁹⁵ Monoculture, particularly of teak plantations but also including other species, the direct and indirect impacts of the Kaptai Dam, logging by the BFIDC, facilitated by new roads, demographic changes, including population transfer and internal displacement – as discussed earlier - are far more substantive agents or drivers of deforestation.

There are a number of basic assumptions or premises underlying the perspectives on jum cultivation being a primary or other cause of forest degradation or deforestation. Some of these premises are sound, while others are distorted or misinformed. One such premise is that the land upon which juming is done is a “forest”. Leaving aside for the moment the legal definitions of forests and controversies surrounding such terminology (see chapters 7.3, and 9.1.3), this premise is not baseless. For, jum cultivation being a rain-fed form of cultivation that depends on ash from burned vegetation as a source of fertilizer and pesticide, it necessarily involves *some* form or level of destruction of forest produce. But whether that amounts to forest “degradation”, is a different issue.

“Degradation” of forests may be defined in different ways. The UN agency, FAO, has defined it thus:

“Forest degradation is different from deforestation. Degradation is used to mean the destruction or reduction in quality of specific aspects of forests. Prolonged degradation can wipe out a forest. Degradation can result in a

¹⁹² SanjeebDrong, General Secretary, Bangladesh Adivasi Forum, in a televised interview in Dhaka in the early 2000s.

¹⁹³ Roy et al (2012: para 11).

¹⁹⁴ Roy (1997b: 36).

¹⁹⁵ Roy (1997b: 36).

decrease in tree cover, changes in their structure or a reduction in the number of species that can be found there.”¹⁹⁶

From such a perspective, it would seem that some level of forest degradation is inevitable in the case of jum cultivation. The more important question is what is the extent of such degradation, and does it amount to “deforestation”? The answer to such questions would depend on the circumstances. In the case of degradation, several factors, including the size of the jum plots in relation to the surrounding plots and the extent of their forest cover, the length of the fallow period, the distance of the jumed plot from surface and ground water sources, etc. are important factors that would throw more light on the issue. These circumstances would indicate if the “degradation” is of a small or large scale, and even whether, judged over a long period of time involving healthy regeneration, if the human intervention of jum can be regarded as forest “degradation” at all.

FAO has defined “deforestation” thus:

“Deforestation is when humans remove or clear large areas of forest lands and related ecosystems for non-forest use. These include clearing for farming purposes, ranching and urban use. In these cases, trees are never replanted.”¹⁹⁷

Thus, a necessary ingredient of deforestation is the scale of things, whether the area of the concerned lands is large or small. Moreover, implicit in the understanding of deforestation, is that there is no re-planting to retain tree cover. We may add natural regeneration to “re-planting”. Thus a thorough assessment of the matter would involve looking into a large expanse of territory containing not just the jumed lands, but also the jum lands left for fallow (called “ranya” in Chakma).

However, perhaps even more pertinent to understanding the relationship between jum cultivation and deforestation or forest degradation is what is meant by the term “forest”. If by the term “forest” one means primary or “pristine” forests, one would get one type of answer. If one included secondary, tertiary or other subsequent growth-related forests, one would get a different answer. What is important for our purpose is to obtain a clear understanding that jum cultivation needs to be distinguished from other forms of agriculture, horticulture and mono tree plantation. The latter generally lead to *permanent forest degradation or deforestation, while jum cultivation, by its very nature, requires regeneration*. Thus a plantation or wet-rice field or high market value plantation (teak, rubber, plywood, etc.) is unlikely to revert back to a forest, at least for a very long time. In the case of mono plantations of teak, the severe ill effects on the soil were acknowledged in official records in the 1970s, if not before.¹⁹⁸ On the other hand, jumias will require regeneration of their jumed land, if for no other reason but to revert back to it for another harvest of jum, as juming cannot be done intensively – seldom over one year - in order to ensure a good yield of rice and other food and marketable crops.

¹⁹⁶ *Global Forests Assessment 2000*, FAO 2001: <http://eschooltoday.com/forests/what-is-forest-degradation.html> [Accessed 10 July 2015].

¹⁹⁷ <http://eschooltoday.com/forests/what-is-deforestation.html> [Accessed 10 July 2015].

¹⁹⁸ Ishaq (1975: 106).

Discussing the concept of a forest in “pristine nature” versus a forest as a “human landscape”, the famous Indian ecologist, Madhu Sarin, said the following:

“In both settled and shifting cultivation, people face conflicts with wildlife and destroy the natural vegetation to grow their food crops. The problem is that conservationists consider only jhum cultivation as intruders into nature because they still have forests, whereas they do not expect settled farmers to conserve wildlife or natural biodiversity, because they do not have any. In actual fact, the opposite is true: settled cultivation has been responsible for the permanent destruction of forests, wildlife habitats and biodiversity.”¹⁹⁹

Sarin prefaced her remarks with some crucial observations on the myth of the “pristine nature” constructed by some, which distorted a proper understanding of the relationship between forests and human interventions:

“[Pristine] nature is a mythical natural condition as most landscapes have already been transformed and changed by human beings over centuries. Let’s not forget that valuable agro-biodiversity has also been created through centuries of human interaction with pristine nature. According to my understanding, one of the major gifts of jhum over the centuries has been this contribution of agro-biodiversity and the indigenous knowledge that produced it. Who is to decide that these species are less important than the mythical pristine nature that is sought by placing curbs on jum? Surely Jhumias should have a say in determining what biodiversity needs to be conserved, and how?”²⁰⁰

Among the leading experts on jum or swidden cultivation in Asia is Dr. Dhrupad Choudhury of ICIMOD, who made similar observations to Sarin about jum cultivation. Choudhury provides a deeply insightful approach towards forest management that does not necessarily regard jum cultivation as a destructive agent. Here are some extracts of his views on the subject:

“Shifting cultivation promotes a series of landscape successions which, left undisturbed, would “climax” to conditions very close to the primary forests that you talk about. At landscape level, this results in a mosaic of secondary forests with predominantly native species. This matches wildlife needs and increases diversity. This point should be made clear to policy makers and conservationists.”

“The counter argument, that of the destructive nature of shifting cultivation, is age-old. My answer is that shifting cultivation has become destructive because of ill-conceived policies and inappropriate interventions in favour of sedentarization, which reflect a complete ignorance of traditional land management.”

“True, shifting cultivation causes changes in forest cover, but it does not cause deforestation to the same extent as conversion to settled agriculture; it allows forest fallows to regenerate. This makes shifting cultivation a forest management practice at the landscape level, rather than *just* agriculture.”²⁰¹

¹⁹⁹ Kerkhoff & Erni (2005:27).

²⁰⁰ Kerkhoff & Erni (2005:27).

²⁰¹ Kerkhoff & Erni (2005:25-28).

4.8.4 **Jum Fields & Fallow Jum Fields as Sanctuaries for Wildlife**

As discussed in chapter 2.4, swidden cultivators do not generally distinguish “forests” from jum lands as mutually exclusive categories of lands or landscapes. In fact, wildlife - including elephants, bison, deer, wild boar, birds, etc. - whose habitats or migration corridors are located within or adjacent to jum fields, do likewise.²⁰² This is as true for the CHT as well as for other tropical or sub-tropical regions where juming is done. Wild elephants, wild bison (also known as Gobo, Goyal or Mithun/Mithan: *Bos gaurus*), several species of deer, wild boar and numerous species of birds are frequent visitors to jums and former jums (Ranya) and the rich store of stories, lullabies and other songs, poetry, etc. are testimony to these visitors: both as pests, and as welcome guests.²⁰³

The close links between jum cultivation and biological diversity have been documented in several parts of the world. In a report to the United Nations Permanent Forum on Indigenous Issues on *Shifting Cultivation and the Socio-Cultural Integrity of Indigenous Peoples* in 2012, three members of Forum wrote thus:

“It is evident that areas of the highest biological diversity often coincide with areas with a rich mixture of languages and cultures, and that knowledge of plants and animals is reflected in the languages of indigenous peoples and their communities. In this regard, it is documented that the decline of swidden cultivation is often accompanied by the loss of languages, biodiversity, cultural traditions and social norms — a loss which threatens the very identity and integrity of indigenous peoples.”²⁰⁴

In the current context of Bangladesh’s participation in the UN-REDD process, the question of whether or not jum cultivation is one of the “drivers of deforestation”, and if so, to what extent, will certainly inform the debate surrounding the issue in Bangladesh’s progress in the UN REDD and REDD+ processes.

4.9 **Deforestation, Forest Conservation & Gender Implications**

There are numerous villages in the CHT that suffer from water shortage caused by deforestation. Saikat Para in Ruma mauza (one of the highest settlements in Bangladesh), situated at more than 2,000 feet above sea level, and which has been suffering from acute water shortage for over a decade, is a stark example. In such cases, it is the women who suffer the most, as they have to bear the heaviest burden of water collection and collection of fuelwood and fodder.²⁰⁵

Deforestation also adversely affects forest-dependent communities’ supply of food, fodder and house-building material (poles, grass, leaves, vine, etc.), which is supplied from forests. In its stead comes market-dependency, and related exposure to social and other denigration, including violence against women.

Part-subsistence household economies become market-dependent, and the members, particularly the women, get subjected to the myriad ways of exploitation. The family-

²⁰² Kerkhoff & Erni (2005:25-24).

²⁰³ Roy et al (2012: paras 19, 20).

²⁰⁴ Roy et al (2012: para 21).

²⁰⁵ Roy & Halim (2001a: 25, 26).

level leading role that many women hitherto played in forest-dependent economies often become subverted in a male-dominated market world. All of these developments have had negative impacts upon the role and status of women from such communities.

While it is important to understand the different ways in which deforestation affects men and women it is also important to understand the different roles played by men and women in forest conservation. Based upon numerous discussions that the author has had with VCF communities in the CHT, it appears that in certain respects women possess a nuanced understanding of vegetation, and wildlife, which is different to, and often deeper, than that of the menfolk in their communities. This is primarily on account of the length of time women spend in forest areas – particularly to fetch water and collect food items – which is often greater than that of the men, except in some cases of hunting, trapping and fishing (but in these activities too, it often involves both men and women, together or separately).

V. THE RESERVED FORESTS

5.1 The Major & Minor Reserved Forests

Official records from the first few years of the 20th century show that the area of the reserved forests in the CHT was 1,385 square miles, out of a total area of 5,138 square miles (with 3,753 square miles of “unclassified” forests).²⁰⁶ Their respective areas were as follows: *Kassalong* (spelt: Kasalang): 763 square miles; *Matamuhri* (spelt: Matamuhari): 251 square miles; *Reingkyong* (spelt: Rankhiang): 215 square miles; *Sangu*: 145 square miles; and *Sitapahar*: 11 square miles.²⁰⁷ The aforesaid estimates are reproduced in Table 9 in the annexe.

However, these RFs were originally notified in the 19th century, from the 1880s to 1883: the Matamuhri, in 1880;²⁰⁸ the Kassalong,²⁰⁹ and the Sangu,²¹⁰ in 1881; the Reingkyong in 1882;²¹¹ and the Sitapahar, in 1883.²¹² An extension to the Sitapahar Reserve was notified later, enlarging the area. The original Sitapahar Reserve and the Extension Sitapahar (also known as “Rampahar”) were amalgamated in 1945.²¹³ However, there were other RFs of a substantial size. Some were de-reserved, e.g., the *Maini Reserve*, which was the first reserve in the CHT, created in 1875.²¹⁴ Some of the other RFs were amalgamated with other, and currently existing, RFs, including the *Maini Headwater Reserve*,²¹⁵ the *Subolong Headwater Reserve*,²¹⁶ and the *Thega Reserve*.²¹⁷ The Maini Headwater Reserve was later amalgamated with the Kassalong reserve.²¹⁸ The Thega

²⁰⁶ Allen et al (2012: 412).

²⁰⁷ Ibid.

²⁰⁸ Notification dated 17 November 1880, as mentioned in CHT Regulation 1900, and reproduced in CHTRC (2010: 228).

²⁰⁹ The *Kassalong Reserve* was originally notified by Notification No. Nil dated 23 April 1881. Its area was modified by Notification No. 4624 For, dated 23 August 1911 and No. 10855 For, dated 27 November 1923.

²¹⁰ Notification dated 25 August 1881, as mentioned in CHT Regulation 1900, and reproduced in CHTRC (2010: 228).

²¹¹ The *Reingkyong Reserve* was originally notified as a reserved forest by Notification No. Nil dated 15 May 1882, as published in the Calcutta Gazette on 17 May 1882 (spelt “Ranghiang”).

²¹² The Sitapahar Reserve was originally notified by Notification No. Nil dated 12 June, 1883, as published in the Calcutta Gazette dated 20 June 1883.

²¹³ By Notification No. 6184S dated 12 December 1945, as published in the Calcutta Gazette dated 3 January 1946, the combined area of the *original* and the *extension* reserves, covering 22.08 square miles, were together notified as the *Sitapahar Reserved Forest*, with “no rights and privileges granted”.

²¹⁴ Ishaq (1975: 109).

²¹⁵ The *Maini Headwater Reserve* was notified by Notification No. 1344 T.R. dated 12 October 1923. Its area was modified by Notification No. 3545 For, dated 21 March 1925 and Notification No. 19052 For, dated 6 October 1937.

²¹⁶ The *Subolong Headwater Reserve* was notified by Notification No. 1343-T.R. dated 12 October 1923 (see CHTRC, 2010: 227), and its area was subsequently amended by Notification No. 8982 For, dated 15 July 1932.

²¹⁷ The *Thega Reserve* was notified by Notification No. 1342 T.R. dated 12 October 1923, as published in the Calcutta Gazette on 12 October 1923. See CHT Regulation 1900 as reproduced in CHTRC (2010: 227).

²¹⁸ By Notification No. 106T dated 1 July 1940, the areas of Maini Headwater Reserve and the Kassalong Reserve were amalgamated and together named the *Kassalong Reserve* (area: 995.895 square miles; 637,756.40 acres).

and Subalong Reserves were amalgamated with the Reingkhong Reserve.²¹⁹

There are other reserved forests in the region, which may be regarded as “minor” RFs. Among these is the Barkal Reserve.²²⁰ Another well-known minor RF, the *Rangamati Reserve*,²²¹ or most of it, was lost to the Karnafuli Reservoir created by the Kaptai Dam between 1960-1962, and its remainder converted into settlements, including *Reserve Bazar*, the largest market centre in the CHT.

In 1976, the area of the minor RFs was estimated to be 23.50 square miles or just 1.89 % of the total reserves in the region.²²² All of the larger reserves were notified during the British period. The total area together, of the major and minor reserves, was estimated in 1976 to cover 1,244 square miles or about 24% of the total area of the region (5,093.75 square miles). Table 11 in the annexe shows the comparative areas of the different major reserves in the CHT as estimated in 1976. The area of the RFs since then has changed, as discussed later (see chapter 5.3 and Tables 12, 13, 14 and 14-A-B-C-D).

During Pakistani rule (1947-1971), in the early 1960s, an area of 45.50 square miles (27,900 acres) from the southern part of the Kassalong Reserve was de-reserved to create mauzas to rehabilitate internally displaced persons (IDPs) of the Kaptai Dam.²²³ In the 1980s, after the independence of Bangladesh, when the internal conflict was raging in the CHT, a few more new mauzas were created from the southern Kassalong Reserve to accommodate government-sponsored Bengali migrants from the plains districts (20.84 square miles or 13,335 acres) on lands hitherto occupied by hill people.²²⁴

New reserves were not to be created again, until after the independence of Bangladesh, in 1971, between the 1970s to the 1990s. Their exact extent is not known to the general public, and estimates range from 116,880 acres to 140,341.31 acres (183 to 219 square miles, respectively).²²⁵ Thus, the total area of the RFs in the CHT today would stand, at

²¹⁹ By Notification No. 6458 For, dated 28 July 1948, as published in the Dacca Gazette on 2, 9, 16, 23 and 30 September 1948, the three adjoining reserved forests (*Reingkhong Reserve*, *Thega Reserve* and *Subalong Headwater Reserve*) were amalgamated and together known as *Reingkhong Reserved Forest* (294.59 square miles; 188,537.60 acres, with “no rights and privileges granted”).

²²⁰ The *Barkal Reserve* is one of the smallest of the old reserves (from British times). It is 0.91 square miles. It was notified by Notification No. 7647 For dated 29 August 1921 (published under section 19 of the Indian Forest Act 1878) and subsequently amended, firstly, by Notification No. 12532 For., dated 10 December 1925 and secondly, by Notification No. 104T dated 1 July 1940; see, CHTRC (2010: 227).

²²¹ The *Rangamati Reserve* was notified by Notification No. 7646 For dated 29 August 1921, published under section 19 of the Indian Forest Act 1878. Its area was amended by Notification No. 697 T.R. dated 22 October 1925 and by Notification No. 9555 For dated 28 July 1932 (excluding an area of 3.168 acres or 0.395 square miles for the Mahalchari Road). The Notification No. 105T dated 1 July 1940 confirmed its area as 0.395 square miles. See, CHTRC (2010: 227).

²²² Webb & Roberts (1976: 2).

²²³ These mauzas, now part of Baghaichari upazila, are: 375 Bangaltali, 376 Tintilla, 377 Rupakari, 378 Marischya, 379 Baghaichari, 380 Sijak, 381 Battali, 382 Uluchari, 383 Khedarmara and 384 Sarboatali.

²²⁴ These mauzas are: 385 Aamtali, 386 Gulshakhali, 387 Gadosora, 388 Rangipara (Baghaichari upazila), & 390 Kalapagojya (Langadu upazila). See also, Roy (2004a: 42).

²²⁵ The smaller figure was reportedly estimated by an official of the Forest Department, while the higher figure was cited by a representative of the CHT-based civil society network, the Movement for the Protection of Forest and Land Rights in the CHT (MPFLR-CHT). See Gain (2002: 59).

either 889,704.80 acres or 1,390.16 square miles (following the BFD estimate) or 913166.11 acres or 1,426.82 square miles (following the estimate of the MPFLR estimate). Subsequent to the aforesaid estimates, information provided by the Conservator of Forests, Rangamati Circle in June 2015 shows a total of 36 new reserves, within 33 mauzas spread over all three districts, covering an area of 69,035.53 acres or about 108 square miles (Tables 14A, 14B and 14C). This estimate, however, does not include the new RFs in the remainder of the CHT, i.e., the part of Bandarban district that is included within the Chittagong Forest Circle.

Tables 9 through to 14, in the annexe, provide data on the size of the reserved forests at different times. Tables 9 and 10 give the areas for the early 1900s and 1976, respectively. Table 11 gives a 1976 estimate of the reserved, protected and “unclassified state” forests. Table 12 shows the areas of old, new and proposed reserved forests in the 1990s. Tables 13 and 14 provide slightly different estimates on the extent of new and proposed reserved forests in the 1990s, along with de-reserved areas, as provided by a governmental and a non-governmental source. Tables 14A, 14B, 14C and 14D give details of the new reserved forests within the Rangamati Forest Circle, which were finally notified between 1996 to 2008.

Although the legal status of all reserved forests is the same, whether notified during the British period or afterwards, the situation on the ground with regard to possession and control varies upon the period of reservation. The status of the reserved forests of the British period is not questioned except from “political considerations” that are critical of the British government’s “annexationist” institutional structure and legal regime perpetrated by its Forest laws.²²⁶ The status of the reserved forests of the Bangladesh period, on the other hand, was, and still is, fiercely resisted by local communities, including through litigation and civic resistance mobilizations. Obviously, forest-dependent communities of current times are far more aware about their rights than those of the British and Pakistani periods (when they had little or no opportunity to resist reservation). With such a view, the colonial-era RFs are distinguished from those notified after the independence of Bangladesh. Inhabitants of the CHT often refer to the former as “old RFs” and the latter as “new RFs”. This practice will be followed in the remainder of the report.

5.2 The Old Reserved Forests

5.2.1 Headwater Reserves & Other Reserves for Conservation of Rivers

It has been said about the old reserved forests that, “[these] areas were created as reserves between 1875 and 1882 with the intention being to protect the catchment areas of the major rivers in the area”.²²⁷ In particular, some of the reserves were named *Headwater Reserves*, especially to protect the sources and watersheds of a number of rivers and major tributaries. These include the *Maini Headwater Reserve*, *Subalong Headwater Reserve* and the *Thega Reserve*, named respectively, after the rivers Maini, Subalong and Thega. These relatively small reserves were later amalgamated with

²²⁶ Roy & Halim (2001a: 14-16), Roy & Halim (2013: 100-103).

²²⁷ Webb & Roberts (1976: 2).

larger reserves.²²⁸ The Maini Reserve (not to be confused with the Maini Headwater Reserve) was de-reserved in the 1910s and now forms the Dighinala Upazila within Khagrachari District, but whose earlier name was *Maini Valley*, regarded as an adjunct or annexe to the Chakma Chief's Circle.

5.2.2 Production Forestry & Industrial Plantations

During the British period (1860-1947 in the case of the CHT), apart from conservation, “production forestry” aimed at raising revenue earnings for the government, and providing a source for raw materials needed by the shipping and railroad industries, was also a major goal of management of the reserved forests (although neither trains nor large ships have ever reached the CHT!). Conservation efforts in the post-colonial period were patently weaker, particularly after the independence of Bangladesh in 1971. At present, there are only three officially sanctioned protected areas in the CHT, namely the Pablakhali Game Reserve, the Kaptai National Park and the Sangu Wildlife Reserve.

Of course, the VCFs may also be regarded as conservation areas, particularly where extraction is prohibited or only done sustainably. The question of whether these VCFs – or at least the better conserved ones among them - should be declared as *Community Conservation Areas* under the Wildlife (Protection & Security) Act 2012, is a debatable issue. At the Regional Consultation on Forest Management, organized by the UNDP-CHTDF and held in Rangamati on 7 June 2015, BFD and retired BFD participants were enthusiastic about such a development, while indigenous participants seemed cautious and even sceptical, obviously fearing loss of “control” to the BFD, and their ultimate notification as RFs, PFs or Protected Areas of the nature of Eco Parks, National Parks and Sanctuaries.

In large parts of the RFs of the British period, natural forests gradually came to be replaced with plantations or ‘planted forests’. The process started in the 1870s. In 1871, the first “planted state forest” or “plantation forest” in the CHT, and one of the first in Bangladesh, was created at Sitapahar, near Kaptai, by planting teak saplings imported from Myanmar (teak is not indigenous to the CHT).²²⁹ The method used was “*Taungya*”, a word of Marma, Rakhine or Burmese (Myanmarese) origin, related to *swidden* or *jum* cultivation. This technology was first used in Myanmar (former Burma) and introduced in the CHT by British foresters in the 1870s.²³⁰

It has been stated earlier that the status of settlements within the old reserves at the time of their notification is far from clear (see chapter II). Information about remote settlements was scanty, and unreliable. Moreover, many of the settlements near the present borders with India and Myanmar (former Burma) were subject to marauding raids of indigenous peoples from across the border.²³¹ Therefore, the false assumption

²²⁸ The Maini Headwater Reserve was later amalgamated with the Kassalong Reserve, while the Subalong Headwater Reserve and the Thega Reserve were amalgamated with the Reingkhong Reserve.

²²⁹ Jashimuddin & Inoue (2012: 140). See also, Ishaq (1975: 101) and Rizvi (1970: 175).

²³⁰ Sattar (1995: 7, 8).

²³¹ Lewin (1870: 190, 299), Sopher (1964: 118), Loffler (2012: 56).

on the scarcity of settlements within much of the then new reserves of the British period was based partly on the lack of knowledge on the part of the then authorities, and partly, a fiction perpetrated by control-hungry foresters seeking new frontiers. Even then, the British foresters did not hesitate to use and exploit the cheapest form of labour possible to create plantations, by using swidden cultivators or jumias, and by employing the jum method to plant trees. This method was to be used by the BFD up to the 1980s, or perhaps even the 1990s, to create plantations within reserved and other forests.

5.2.3 Jumias & the Taungya Plantations

A study on the CHT RFs commissioned by the Asian Development Bank and the Government of Bangladesh in 1976 reported: “[the] Reserved Forests are now being managed with a view to progressively eliminate the existing heterogeneous stand and replace it with plantations of more durable, faster-growing species. To date the principal species used in such plantations within the Reserved Forests has been teak”.²³²

Most of the aforesaid plantations were created by swidden or jum farmers. An Asian Development Bank-led study of 2001 on possible development interventions in post-Accord CHT states: “To meet the labour shortage in teak plantations, [the] Taungya (forest villager) system [was] introduced. Under this system several families of indigenous people were allowed to settle within RF – where they, in fact, previously practiced limited [jum] – to work in the plantations for labour wages.”²³³

The Taungya system has been defined as an innovative form of agroforestry based upon swidden or jum cultivation whereby “the forest service proposes to farmers that they use forest plots to grow seasonal crops in association with trees during the first years of a plantation’s existence”.²³⁴ Describing the use of Taungya system to reforest areas within the “cut-over” areas of the RFs by BFIDC, Webb & Roberts wrote the following:

“The plantations are established by the taungya method. After the merchantable timber has been removed from an area by BFIDC, the Forest Department allow the tribal people to practice a modified form of juming on the area. This method is known as the taungya system. The jumias burn the area and plant their jum crops. However, they are required to plant trees also. The Forest Department provide the tree seedlings of the desired species, instruct the jumias as to how to plant and tend them and pay them a standard wage for all time spent on the forestry work. The jumias tend the trees for one year, harvest their food crops which are intergrown with the trees and the next year, when the tree saplings are too large and give too much shade for most food crops, they move on the next area from which the merchantable timber has been remove.”²³⁵

²³² Webb & Roberts (1976: 3).

²³³ Asian Development Bank (2001: 33). Incidentally, the Rangamati-based NGO, which conducted the first known project on Village Common Forests or Mauza Reserves in the CHT, is called *Taungya*, which is an indigenous-innovated tree planting technology.

²³⁴ Kiriinya (1994: 3).

²³⁵ Webb & Roberts (1976: 15).

5.2.4 Forest Industries & the FIDC

The Pakistani government, which succeeded the British Indian government (1947-1971), largely followed the policies of its colonial predecessor, with the addition of a new dimension, namely “forest industries”, through which was started the production of timber-based finished products (including furniture & boards) and more intense logging through a new government-owned corporation better known by its acronym, “PFIDC” (Pakistan Forest Industries Development Corporation). The PFIDC’s successor, the BFIDC, continued its logging operations in the reserved forests, including where the cut-over area was replanted through the Taungya method.

The scale of logging by FIDC was taken to new heights after the independence of Bangladesh in 1971. Use of motorized vehicles and other mechanized tools, along with other new technology, and the linking of hitherto inaccessible parts of the major reserved forests with the national highway system (particularly Baghahat in Rangamati and Alikwadang in Bandarban, following specific recommendations of the Forestry Master Plan) played a major part in this. This set the scene for unrestricted logging, particularly for teak, the most highly prized timber in Bangladesh, including through clear-felling of heterogeneous forests, causing wanton wastage of tree and other vegetative species that did not have a ready market, and consequently destroying the habitats of wildlife too.²³⁶

5.3 The New Reserved Forests

The total area of the new RFs is disputed, at least among the general public, primarily because the entire process of notification as reserved forests has not been completed and the government has been less than transparent, both in giving notice to those affected and to publicly share information about this process.²³⁷ This, however, excludes the cooperation extended by the offices of the CCF and the CF, Rangamati Circle, in relation to this study, and for other overtures made in the context of the Bangladesh’s UN *REDD-Readiness Phase* dialogues with indigenous peoples’ and forest-dependent communities’ networks and organizations.

The process of notification started in the late 1970s and continues to this day. According to the civil society group, the Movement for the Protection of Forest and Land Rights in the CHT (MPFLR-CHT), as cited in a publication of the environment-oriented NGO, SEHD, a total of 217,790.30 acres, spread over 83 mauzas of the three hill districts, were primarily notified (under section 4 of the Forest Act), out of which, 140,341.31 acres were finally notified as RFs (under section 20 of the Act), between 1990 to 1998 (and with an additional area of 77,449.99 acres under process of reservation).²³⁸ On the other hand, according to a senior official of the Ministry of Environment & Forests (MOEF) as cited in the aforesaid publication, the figures for the primary notification and final notification were, respectively, 208,148 acres and 116,880 acres (and by implication,

²³⁶ Jashimuddin & Inoue (2012a: 139, 140).

²³⁷ However, during the current process of consultations on forest management initiated by CHTDF-UNDP, the office of the Chief Conservator of Forests, including its Circle Headquarters in Rangamati, were generous in sharing information on government forests and plantation programmes.

²³⁸ Gain (2002: 59).

with 91,268 acres under process of reservation) (see Tables 12 to 14D).²³⁹This includes the *Protected Forests* (PFs) as well (see Table 11).

The Office of the Conservator Forests, Rangamati Circle, has kindly shared data – basically gazette notifications of the government - on the reserved forests within his circle that were finally notified over the last two decades. The Rangamati Forest Circle includes all of Khagrachari and Rangamati districts and a small part of Bandarban district. These notifications – issued from 1996 to 2008 – concern 30 mauzas in the three districts, with some mauzas having more than notification. Together, they make up an area of 67,835.53 acres, with 27,855.92 acres in Rangamati, 16,804.21 acres in Khagrachari and 23,175.40 acres in Bandarban (see Tables 14A, 14B, 14C and 14D, respectively). Some of the reserves are as small as 30 acres, in 206 Daldali mauza, and 115 acres in 100 Wagga mauza (Tables 14C and 14B, respectively), and the largest one covers 9,153.40 acres in 343 Alikhyong mauza in Bandarban district (Table 14D).

The fate of the remaining areas under process of final notification is uncertain, largely depending upon the acceptance or rejection by the FSO (exercised in practice by a deputy to the DC) of claims made by inhabitants of the areas.

The process of reservation – from primary notification (under section 4 of the Forest Act 1927) to final notification (under section 20 of the Act) - involves a lengthy, complex and laborious series of publication of formal notifications, issuance of written or verbal notice to affected people, site visits, hearings and other steps, in accordance with the procedure laid down in the Forest Act 1927. This usually takes several years, culminating in a final notification following the acceptance or rejection of claims put forward by affected people by a specially-designated government official with quasi judicial powers known as the *Forest Settlement Officer* or 'FSO' (which is generally exercised by the ADC-Revenue). Thus the primarily notified area is usually larger than the area finally notified as a reserve, with parts of the proposed area being excluded from reservation.

²³⁹ Gain (2002: 59).

VI. THE MAUZA RESERVES OR VILLAGE COMMON FORESTS (VCFs)

6.1 Legal Provisions & Terminology

VCFs are referred to as “Mauza Reserves” in the CHT Regulation 1900. Rule 41A of the Regulation vests the responsibility of managing and protecting such forests upon the Mauza Headmen. The Rule came into operation by an amendment to the CHT Regulation in 1939.²⁴⁰ The provisions of this Rule were supplemented by a directive of the Deputy Commissioner, CHT, in 1965 (see Appendix 17).²⁴¹ The concerned memo mentioned both the Headmen and the Karbaries, although only headmen are mentioned in Rule 41A. An area of at least 100 acres was to be set aside for a reserve. Mauza residents were to be allowed to use its resources with the permission of the headman concerned, who was asked to report encroachments to the SDOs (precursors of UNOs), so that offenders could be punished. Such governmental initiatives have been patently missing since the independence of Bangladesh in 1971.

In addition to *Mauza Reserve* and *VCF*, these forests are known in different names by different ethnic and linguistic groups in the CHT, such as “mauza service” or “service” in Chakma Circle and “Para Baan” in the Bohmong Circle.

6.2. The Indigenous Innovation of Village Common Forests²⁴²

With the beginning of British rule in the CHT in 1860, the indigenous people not only lost their right of access to a quarter of the entire area of the region (which came to be categorized as reserved forests), but at about the same time, large forested areas were also converted into plough lands, which yielded high taxes to the revenue-hungry colonial government. Further reduction of access to forests was to follow in the wake of the Kaptai Dam in the 1960s and the population transfer or “transmigration” programme of the 1970s, but we shall come to that later. To return to the British period, the indigenous villagers who lost access to their former commons now found themselves with little choice but to devise new methods of sustainable use of their now-scarce common lands. The result was an innovation based upon their traditional resource management patterns to retain forest cover for long-term use. This gave birth to the village common forests (VCFs) of today, which are not allowed to be cultivated for jum or otherwise by the communities themselves, on the strength of sanctions and religious taboos. The maintenance of VCFs was combined with approaches to prevent a shortening of the fallow periods on lands that were left outside of the VCFs. The latter proved to be even more difficult due to population rise and other causes, as we shall discuss in more detail below. This in turn also affected the efficacy of the VCF-protection measures, along with other constraints that were now faced by CHT villagers.

The current pattern of VCF management in the CHT involves only semi-structured or unstructured methods. In some cases, VCF management involves the entire adult population of a particular village. In some cases, village communities have formed unincorporated associations with restricted membership and elected office-bearers and

²⁴⁰ Notification No. 7848 E. A. dated the 15th July 1939 published at page 1723 Part I of the Calcutta Gazette dated the 20th July 1939.

²⁴¹ Deputy Commissioner, Chittagong Hill Tract’s Standing Order issued through Memo No. 2384 (40) dated 3 August 1965. The order also encouraged selective planting. See Appendix 17.

²⁴² The contents of this sub-chapter (Chapter 6.2) have been reproduced, verbatim, from Roy & Halim (2013: 103, 104).

even reduced their use and resource-sharing practices into formalized rules. However, the unstructured models are more common, and these are usually centred around the leadership of the *karbaries* (singular: *karbari*) and the *mauza headmen*. These headmen in the more than 350 mauzas of the CHT are nominated by the *Chiefs* or *rajas*, but formally appointed by the deputy commissioners. The far more numerous *karbaries* are traditionally nominated by the villagers and appointed by the Chiefs. These offices have now become largely hereditary and are confined to men only, except to a limited extent in the case of headmen.

The aforesaid innovative practices did not escape the astute notice of the British administrators. Although, on the one hand, the British continued to deny access to the indigenous people to the reserved forests, they realized that unless these village forests were protected, villagers may have no recourse but to permanently migrate into or otherwise utilize the resources of the reserved forests which had come to be regarded as the exclusive property of the state to the exclusion of indigenous peoples and other forest dwellers. Thus, through an amendment to rule 41 of the CHT Regulation of 1900 in July 1939, the government recognized a category of "mauza reserve" that was to be identified, demarcated and protected by the mauza headmen

6.3 Taungya's Project Interventions

The Rangamati-based NGO, Taungya, undertook two successive projects to facilitate VCF management and protection, supported by the Danish governmental development agency, Danida. The first phase started in May 2003 and concluded in April 2005. The second phase, along with associate NGOs Mrochet and Tah Zing Dong in Bandarban, started in May 2008 and concluded in December 2010. Taungya's interventions facilitated (a) the protection of existing VCFs; (b) the revival of degraded VCFs; (c) the formation and organizational strengthening of VCF committees;²⁴³ (d) inclusiveness in community participation in VCF committees (promotion of gender and class equity); (e) the sustainable use of VCF resources; and (f) the facilitation of formal recognition of individual VCFs through a process of registration or other documentation.²⁴⁴ At the end of Taungya's second project on VCFs, information was received about the existence of nearly 100 VCFs in Rangamati district and nearly 50 VCFs in the Bandarban district.²⁴⁵

Following in the footsteps of Taungya, a few other local NGOs that now have, or have had, project interventions on VCFs, apart from Mrochet and Tah Zing Dong, are Biram, Humanitarian Foundation, Trinamool and Hill Flower. The major funders have been Danida (up to the 2000s) and ArannaykFoundation (supported by USAID) from 2008 to the present.

²⁴³ Under the NGO, Taungya's encouragement and facilitation, several VCF committees registered themselves as incorporated bodies, including through the Department of Cooperatives. However, the registration status of the VCF organizations could not be sustained, in most cases, if not all, on account of the burden faced in keeping accounts and documents, as stipulated by the concerned laws and rules.

²⁴⁴ Halim & Roy (2006), Roy & Halim (2001a, 2001b, 2003, 2013). Only one VCF in the CHT was formally recognized (in this case, by the Rangamati Hill District Council). See Appendix 20.

²⁴⁵ Information provided by Maung Hla Myant, Project Coordinator, CHTWCA project, Chakma Circle and former Project Coordinator, CCRNR Project, Taungya, on 15 July 2015.

Prior to Taungya's interventions, VCF committees formed by the villagers themselves were very few in number. As a result of Taungya's interventions, VCF communities in the project area – largely in Rangamati district and partly in Bandarban district – formed committees where there were none. Some of these committees were registered with the Department of Cooperatives. Women's role as full voting members and as office-bearers in the executive committees was virtually unheard of. That has changed to a great extent. In some cases, Headmen and Karbaries were closely involved with the new committees. However, the aforesaid traditional leaders' roles continued to be crucial, whether they were formally part of a VCF committee or not, on account of their legally sanctioned roles as laid down in the CHT Regulation and ancillary governmental guidelines.

6.4 **The UNDP-Traditional Circles' Watershed Co-Management Project**

After the current project of UNDP on *Watershed Co-Management Activity* started in 2014 and administered by the offices of the three Chiefs, information on several more VCFs has been obtained.²⁴⁶ Tables 18, 19 and 20 in the annexe, provide basic information on VCFs in the three Chiefs' Circles of the CHT. The project has various components, including on protection of the VCFs, capacity-raising of the communities and traditional institutions, mapping of the forests and their water resources, and the promotion of legal and administrative measures to strengthen the legal status of these forests.

6.5 **Biological Diversity in the Village Common Forests**

There is much diversity with regard to floral species in the VCFs, the extent of forest cover, density, canopy cover and relative growth. One study by Baten et al (2010) on 12 VCFs within Rangamati and Bandarban districts, found a preponderance of bamboo brakes in Rangamati, with greater floral and faunal diversity in Bandarban.²⁴⁷ It is true that the major floral species in a large number of VCFs of the Chakma Circle within Rangamati district is bamboo. However, the nature and extent of floral and faunal diversity in both Bandarban and Rangamati are probably far more varied in the VCFs outside the study area, than the aforesaid study might suggest. Several VCFs are also repositories of medicinal plants.²⁴⁸

A recent study of VCFs in Bandarban district by a Bangladeshi and a Japanese academic, Jashimuddin & Inoue (2012), found much plant diversity along with "larger valuable tree species that are not found in other forests".²⁴⁹ Another study of 12 VCF areas within Rangamati and Bandarban districts by leading academics and forestry specialists in Bangladesh, Baten et al (2010), found that the number of floral and faunal species was "more in number than government managed reserve forests in CHT".²⁵⁰

²⁴⁶ The present project on VCFs, a part of UNDP's CHTWCA project, is managed by the offices of the three Circle Chiefs, whose territories are known as "chiefs' circles". The circles' borders do not coincide with the three districts. The Mong Circle is wholly within Khagrachari district. The Chakma Circle includes a small part of Khagrachari district that is not included within the Mong Circle, and all of Rangamati district except a small portion of the Rangamati district to the south of the river Karnafuli. The Bohmong Circle includes all of Bandarban district and a small part of Rangamati district to the south of the Karnafuliriver.

²⁴⁷ Baten et al (2010: 9).

²⁴⁸ Jashimuddin & Inoue (2012a: 154).

²⁴⁹ Jashimuddin & Inoue (2011) cited in Jashimuddin & Inoue (2012a: 154).

²⁵⁰ Baten et al (2010: 9).

Focused and methodologically sound studies on faunal diversity in the CHT, apart from the studies mentioned above, are few. The recent studies on VCF management in the CHT (Roy & Halim, 2006, Baten et al, 2010, Jashimuddin & Inoue, 2012) did not delve into the state of wildlife beyond a basic level. Moreover, they only covered a small number of the total VCFs in the CHT, with little focus on Khagrachari, including both the Mong and Chakma Circles. Therefore, reliable studies on a larger scale, while accounting for the different macro and micro eco-zones (elevation, gradient of slopes, directions, soil diversity, etc.) are required.

The presence of species of vegetation and their preponderance – e.g., tree, bamboo, vine, creeper, grass, etc. – depends upon various conditions, both natural and human-induced, which determine species diversity. These include elevation, gradient of the slopes, soil conditions, location (east, west, north, south), the presence of water bodies, the livelihood needs of the steward community, the customs, practices and usages of the community, their folklore, spiritual traditions, etc. Such floral diversity is also inextricably linked to faunal diversity. There is already substantial evidence, which suggests that interventions of forest-dependent communities - which necessarily involve swidden cultivators or jumias (swidden can only be done on forested land) – can actually enhance biological diversity. These too need to be looked into, so that the conditions that enhance, rather than deplete, biological diversity, are encouraged. The CHTWCA project aims to facilitate biodiversity conservation through the VCF committees and the traditional institutions and biodiversity mapping is expected to commence soon, as a major first step in this regard.

6.6 VCFs & Water Resources

The VCFs are rich in water resources. Several tributaries of the major rivers, and tributary streams of the aforesaid river-tributaries, along with the smaller “jhiris”, either flow through the VCFs or have their headwaters located within them, particularly in the relatively larger ones. The water from these sources is used for drinking, for other household use and for irrigation. These surface water sources are especially crucial for the sustenance and welfare of the forest-adjacent communities of the CHT because, although the CHT ground water is known to be arsenic-free, unlike in several parts of the plains regions, the relative depths of the ground water and the presence of stone often make it prohibitively expensive for hill communities to access ground water through tube wells and ring wells.

According to information received by the UNDP-supported CHTWCA projects of the three circles, virtually every VCF within the 664 known VCFs of three circles has at least one stream (sora/chara). Some of them have more than five to seven streams. Information has been obtained about the presence of a total of 333, 204 and 109 streams, respectively, in the Chakma, Bohmong and Mong Circles. Correspondingly, 221, 193 and 204 hamlets or villages (paras) are dependent upon the aforesaid water resources. The aforesaid projects’ activities include data collection on the volume of water contained in these streams, at different times of the year, and threats to the conservation of the streams and their headwaters. The projects seek to raise awareness about the streams among the communities and facilitate forest and water conservation plans and activities.

6.7 VCFs & Jum Cultivation

Village Common Forests (VCFs) or Mauza Reserves are inextricably linked with jum or swidden cultivation. Most forests in tropical and sub-tropical areas, including the Chittagong Hill Tracts, are not “primary” forests but are forests of secondary, tertiary or other subsequent growth, and not “pristine” forests (see chapter 6.9). This includes both the reserved forests (see chapters 2.4 and 2.5) and the VCFs. In a study on CHT VCFs commissioned by the Wildlife Trust of Bangladesh - which it calls “Community Conserved Areas” or “CCAs” - data collected on 75 VCFs in Rangamati district and 24 VCFs in Bandarban district show only a very few whose “establishment” date back to the period before 1950s, with only one dating to the 1920s and about half a dozen dating from the 1950s, with the rest dating back to the 1970s, 80s and 90s.²⁵¹

It is obvious that in the case of most, if not all, of the VCFs, the lands were jumlands left for fallow prior to their being set aside as VCFs. But of course, the opportunity to set aside areas of former jum fields or “ranya” for VCFs depends upon various factors, some of which are beyond the control of village communities, including population increase, consequent impoverization and livelihood insecurity, among others (see chapter 4.5).

²⁵¹ Islam (2012: 186-193).

VII. OTHER FORESTS (FORESTS OTHER THAN RESERVED & MAUZA FORESTS)

The major categories of forests other than reserved forests and Mauza Reserves (VCFs) in the CHT include *Protected Forests*, *Conservation Forests*, *“Unclassed State Forests”* and *“Social Forests”*. The following discussion provides a brief description of these categories.

7.1. Protected Forests

As in the case of reserved forests, protected forests are also established through formal notifications. However, while reserved forests may be established over “forest-land” and “waste-land”, and since 1990, also over “any land suitable for afforestation”,²⁵² protected forests are restricted to “forest-land” and “waste-land”. In both cases, the government must either own the land or have a “proprietary right” on the land. In the latter case (protected forests), the government may dispense with the requirement of inquiry and record at the stage of notification where the lengthy time required may “endanger the rights of Government”.²⁵³

Nevertheless, an important safeguard on individual and community rights, which occurred in the Forest Act 1865, continues to be part of the 1927 Forest Act, but only where it concerns the process of declaration of a protected forest. The relevant provision, concerning the dispensing with inquiry and record – as mentioned above - is not to “abridge or affect any existing rights of individuals or communities”.²⁵⁴ However, although penal sanctions against unauthorized use of forest produce from protected forests were previously less stringent than for reserved forests, an amendment to the Forest Act in 2000 has rendered some offences for protected forests punishable with the same sanction of imprisonment of not less than six months, and up to five years, as applicable for the reserved forests.²⁵⁵

There are a number of important differences between reserved forests and protected forests. *Firstly*, the administration of the lands in an RF is vested upon the BFD, while the administration of lands in the PFs is not necessarily so vested. In the plains districts, the DCs administer these lands. In the CHT, the HDCs – in conjunction with the DCs and the traditional institutions – administer the lands. The *second* distinction is that, entry into and otherwise proscribed activities within an RF may be carried out *only if they are specifically allowed by the BFD*. Conversely, in the case of PFs, *all activities are allowed unless specifically forbidden*. The proscribed activities usually concern unauthorized use of ‘reserved’ species of trees or other flora or of the land.

The extent of protected forests (PFs) in the CHT is quite small. In 1976, it was estimated that PFs covered just 34,688 acres (about 54 square miles).²⁵⁶ In the 1990s, a large part

²⁵² Amendment to section 3 of the Forest Act 1927 by section 2 of the Forest (Amendment) Act 1990 (Act VIII of 1990).

²⁵³ Section 29(3), Forest Act 1927.

²⁵⁴ Section 29(3), Forest Act 1927.

²⁵⁵ Compare the provisions of section 26 of the Forest Act 1927 (offences concerning reserved forests) with section 33 of the Act (offences concerning protected forests). The enhanced punishment in the case of protected forests was added by section 9 of the Forest (Amendment) Act 2000 (Act X of 2000).

²⁵⁶ Webb & Roberts (1976: 13), Sattar (1995: 10).

of these lands was converted into RFs (see chapter 5.3), although their exact extent is not known to the public. The remainder of the PF lands, which have not been finally notified as RFs, are known to be under process of reservation.

Among the better-known PFs in the CHT are those that were included within a fruit orchard project implemented by the then newly created Jum Control Division (JCD) of the Forest Department.²⁵⁷ This Division was set up in 1962, whose major aim was to “manage the area to provide alternative employment to jhumias with [the] pious hope to settle permanently as orchard and cultivators”, and to facilitate terraced cultivation, permanent tree cover growth, and plantation of “species suitable for use as industrial raw material such as match industry, plywood and kapok (cotton)”, besides fruit orchards.²⁵⁸ The *CHT District Gazetteer* states, “[the] Jhum Control Division is supposed to raise trees in those areas which have been heavily *jhumed* in the past”.²⁵⁹ One of the major areas of such concentration was within the Kaokhali and Bilaichari upazilas, with a large part of the former having been converted into RFs in 1999 (see Table 14A).²⁶⁰

The arrangement or understanding between the department and the orchard growers was that the ownership of the lands would be eventually transferred to the latter.²⁶¹ This is well attested by government records and written views of former foresters. A former senior BFD official named M A Sattar, wrote: “[it] was also decided that the areas dedicated for orchard and terraced cultivation [under the Jum Control Division project], on successful completion, will be handed over to the Deputy Commissioner for permanent settlement, preferably with people deployed in the operation of the scheme.”²⁶² The CHT District Gazetteer similarly notes that these areas “when brought under economic trees, like fruit trees, are then to be handed over to the tribal peoples.”²⁶³

This was never done. The project was a failure and the sites were mostly abandoned. This was due largely to marketing difficulties and the ignorance on the part of both the Forest Department officials and the hill farmers on how to plant and tend trees that neither had ever done before (the choice of species was made by officials). Sattar recorded the following about this mismanaged project:

“All operations as per scheme provision supervised by Forestry Personnel adopting regimented forestry system in growing fruit trees without proper organizing people and no efforts were made for attitudinal change. The

²⁵⁷ One of the DFOs’ designations in Rangamati Circle is *DFO Jum Control*, although function-wise, the official has little or nothing to do with the title. Similarly, there is a *DFO USF*, a *DFO Pulpwood*, etc. In practice, the DFOs’ responsibilities are more territorial (the circles being divided into divisions under a DFO) than functional.

²⁵⁸ Sattar (1995: 10, 11).

²⁵⁹ Ishaq (1975:99).

²⁶⁰ These areas include mauzas 130 Baroodgola, 131 Ballalchara, 122 Kutubdia, 21 Ultachari, 95A Betbunia and 95 Kashkhali, within the Rangamati hill district. These lands were supposed to have been handed over to the farmers. See: Ishaq (1975: 99), Sattar (1995: 10-12), Loffler (2012: 67).

²⁶¹ Sattar (1995: 10, 12), Roy (1998: 63).

²⁶² Sattar (1995: 11).

²⁶³ Ishaq (1975:99).

forest plantation in the lower tier of the hierarchy of Forestry Sector made some success in traditional way and [the] area earmarked for terracing and fruit garden [was] in fact converted into forest plantation and the jhumia families had to vacate the area ...

... The investigation committee for appraisal of the scheme concluded that ... [there were] “lapses in planning, management and implementation of rehabilitation of the people. As the area [was] declared as protected forest for safe investment the area [was] gradually transferred to Forest Department to increase the area for forest plantation driving out the jhumias.”²⁶⁴

Lorenz G Loffler, a Swiss anthropologist who undertook research in the CHT in the 1950s and 60s, wrote the following about the JCD project:

“Under the instructions of forestry officials, [the hill farmers] were instead forced to plant quick-growing timber, bananas, pine-apple, cashew nuts, guava, papaya and citrus fruits. According to official calculations, after a few years the people should have received a good income from these products; but following the first harvest there were in fact no markets for the products. Having grown no paddy and receiving no money to buy it, the people began to starve; so whoever could manage left the controlled area and went in search of a new area in which to make his living.”²⁶⁵

There is no publicly available information to indicate at what stage of the plantation project the lands were declared as protected forests (PFs). However, what is more or less certain is that there was neither knowledge nor consent on the part of the concerned farmers and the local leaders regarding such categorization. Similarly, when some of same former orchard lands – by then converted into PFs – were re-categorized as RFs in the 1990s, neither the inhabitants of the areas concerned, nor the CHT leaders, were either informed or consulted. In fact information on the former protected forests seems to be a closely guarded secret. Apart from linking the matter to “investment”, Sattar’s above-quoted observation does not throw any light behind the rationale and justification for such categorization and re-categorization.

Lands within 95 Kashkhali mauza and 95A Betbunia mauza were part of the JCD’s orchard-turned-PF lands. A large part of these lands was notified as RFs in the 1990s (see Appendix 14B). It is surprising that this should be the case, when the Local Government Council (Amendment) Acts of 1998 (Acts IX, X and XI of 1998) were passed – as a consequence of the 1997 Accord – the law clearly stipulated that PFs would be within the jurisdiction of the HDCs. Thus this process went against the letter and spirit of the 1997 Accord and the 1998 amendments to the District Councils laws. Moreover, the clear absence of notice to the affected people was also clearly a violation of basic fundamental rights under the Constitution of Bangladesh, and the *principle of Natural Justice*, which is an integral part of the Bangladeshi legal system.

Some of the communities living within these former PFs have recently petitioned the Forest Settlement Officer (FSO) in Rangamati (ADC-Revenue) – to exclude their lands from the proposed reservation process (i.e., for the lands not already converted into

²⁶⁴ Sattar (1995: 12).

²⁶⁵ Loffler (2012: 67).

RFs.²⁶⁶ Earlier, their representatives, along with others from proposed new RFs, had petitioned the authorities, including the concerned ministers of successive governments, to exclude these lands from the reservation process.²⁶⁷ These demands were summarily rejected.

Despite their changed legal status, the BFD has not, however, managed to secure possession of a large part of the aforesaid PF/RF lands, allegedly due to non-cooperation from the district administration regarding the location and boundaries of the lands and on account of the stiff resistance from local communities living in these areas.²⁶⁸ In some cases, it has been said that the district administration had sided with the affected people, responding to their entreaties. Whatever might be the legal status of such lands, where possession and effective use of these lands is concerned, the situation in most cases is, in limbo.

The state of the protection of the resources of the plantations in the PFs is generally said to be as bad as in the case of the PFs. Punitive sanctions on misappropriation of the protected species in PFs have been gradually strengthened, as the Forest Act of 1927 was amended since its application to the CHT.²⁶⁹ However, these penal sanctions did not seem to lead to prevention of theft, if at all, similarly to the situation in the RFs. The fact is that, in both cases, RFs or PFs, the local communities seem to have little or no stake in protecting resources that they do not regard as their own.

7.2. Conservation Forests (Protected Areas)

There are three conservation forests in the CHT, which were declared as Protected Areas under the prevailing Wildlife Protection law. These are the *Pablakhali Wildlife Sanctuary*, the *Kaptai National Park* and the *Sangu Wildlife Sanctuary* (see Tables 16 and 17).

The Pablakhali Wildlife Sanctuary was declared as a *Game Reserve* in the 1960s, and as a *Wildlife Sanctuary* in 1983. A large part of the area has been reportedly converted into human settlements, including by government-sponsored migrants from outside the CHT, who came to the CHT under governmental auspices in the 1980s. Hill communities too have moved into the area during the unrest prevailing in the 1970s and 80s (some were inhabitants thereof even at the time of its declaration as a sanctuary, although some of them have left the area since, on account of the then ongoing conflict). Although BFD documents contain records of a large number of floral and faunal species within the sanctuary, reports of local communities suggest otherwise.

The Kaptai National Park is, in terms of supervised monitoring by the BFD, in a far better situation than the Pablakhali and Sangu sanctuaries. One advantage for the BFD

²⁶⁶ This information was received from mauza headmen from Rangamati district, including Shanti Bijoy Chakma, Secretary, CHT Headmen's Network, in March 2015.

²⁶⁷ Roy (2002a: 29). It has been reliably learned that the same demand was repeated to successive MOEF ministers from 2002 to 2012.

²⁶⁸ In the vast majority of cases, the people affected by the reservation process belong to indigenous groups, although a small number of ethnic Bengali people, mostly farmers descended from British-period migrants - and not newly resettled migrants of 1980s - were also affected.

²⁶⁹ See sections 29, 33 and 33 of the Forest Act 1927.

in this case is its location. The Park is situated very close to the upazila headquarters of Kaptai, and within an hour's driving distance from Rangamati town, the headquarters of the CHT. However, the floral diversity of this Kaptai forest was reportedly affected by plantations and deforestation prior to its declaration as a National Park. Although some regeneration of this former plantation is known to have taken place, its status with regard to floral and faunal diversity is not known, although a rare and threatened species of wild dog (*Cuon alpinus*) is known to be located within it.

The Sangu Sanctuary was until recently, inaccessible by road. But recent road building has made it, along with the rest of Sangu and Matamuhri reserves, vulnerable to logging and other disruptive acts (see chapter 4.4). It is obvious that, without the wholehearted cooperation of local communities, the wildlife within this sanctuary, along with those in the other two Protected Areas, will continue to be threatened.

7.3. "Unclassed State Forests"

According to official records, in 1871, an area of 5,670 square miles within the CHT was declared as a "government forest", in accordance with the Government Forests Act 1865 (Act VII of 1865; Section 2).²⁷⁰ The then area of the CHT was 6,888 square miles.²⁷¹ Thus 82.31%, or more than four-fifths of the CHT was regarded as forest land, belonging to the state. A large part of these lands was later re-notified as "reserved forest" under the Indian Forest Act 1878 (which replaced the Government Forests Act of 1865).

It is a matter of conjecture whether all or some of these lands within the category of "government forests", which were not notified as special categories of forests or were converted into privately owned lands, continued to be regarded as "unclassed state forest". The phrase "unclassed forest" is referred to, in a *Gazetteer* of Eastern Bengal and Assam dating from the first decade of the 1900s, in which an area of 3,753 square miles within the CHT is alluded to that category, although the phrase "state" is absent ("unclassed state forest").²⁷²

Section 1 of the 1865 Act defined "government forests" as "land covered with trees, brushwood or jungle, as shall be declared in accordance with ... this Act...". Section 2 provided for the gazettal of such a notification, but added a proviso that "such notification shall not abridge or affect any existing rights of individuals or communities" (such strong safeguards on private and community rights were to be severely watered down in subsequent amendments to the Forest Laws, as discussed hereafter).²⁷³

The Government Forests Act 1865 is no longer valid, having been replaced, consecutively, by the Forest Act of 1878 and subsequently, the Forest Act of 1927. The 1878 Act continued the practice of vesting of management of public lands upon the government, and some of these safeguards survived unto its successor law, the (Indian) Forest Act of 1927.²⁷⁴ The 1878 Act referred to three classes of forests, reserved forests,

²⁷⁰ Rizvi (1970: 174).

²⁷¹ Rizvi (1970: 174).

²⁷² Allen et al (2012: 412).

²⁷³ Lynch & Talbott (1995: 37).

²⁷⁴ Farooque (1997: 20, 21).

protected forests and village forests, which categories are retained in the subsequent 1927 Act, but with no reference to “government forests”.

Despite the retention of some safeguards on local community rights, the 1878 Act nevertheless weakened community-based systems and strengthened the state’s authority. An authoritative study on community based forest management systems and their interface with laws in Asia and the Pacific concluded that the Forest Act of 1878 – most of whose provisions were reiterated in the Forest Act of 1927 - “paved the way for the state to assert control over most Indian forests”.²⁷⁵ Rights were thus relegated to revocable “privileges”.²⁷⁶

Nevertheless, even as revocable privileges, rather than as absolute rights, the scope for the continuance of the exercise of rights of pasture and other rights over forest produce within reserved forests was retained in the 1927 Act. Moreover, the 1927 Act specifically referred to ‘shifting cultivation’, which was not mentioned in the 1878 Act. Another remaining safeguard on community rights is retained in the context of the creation of a protected forest, which stipulates that individual and community rights may not be “abridged” (see chapter 7.1). Therefore, despite its “annexationist” orientation, the provisions on the recording of rights of swidden (jum) cultivators and others over forest produce during a process of reservation indicate that such rights could co-exist with the ‘absolutist’ rights of the state, albeit of subordinate nature.²⁷⁷ The same is the case for the protected forests, and even more strongly so. The challenge, however, is to ensure that these safeguards are respected in practice, as the rights of communities have been wantonly disregarded, in spite of the aforesaid legally recognized safeguards, such as in the case of the protected forests under the Jum Control Division’s orchard project (see chapter 7.1).

The 1927 Act – the major enabling law regarding forests that is still valid – makes no mention whatsoever to “state forests’ (or unclassified state forests) or “government forests” although it refers to “forest-land”, “waste-land” and “land suitable for afforestation” (all of which could be converted into a reserved forest).²⁷⁸ Nor do other forest-related laws mention “USF”, including the Private Forests Ordinance 1959 and the Wildlife (Security and Protection) Act 2012.

In 1875, William Schlich, the Conservator of Forest, Bengal, had suggested that two classes of forests be created, viz., “reserves” (managed by the Forest Department, and “district forests” (managed by the Deputy Commissioner/Superintendent).²⁷⁹ However, it does not seem that this suggestion was acted upon, as this terminology was not

²⁷⁵ Lynch & Talbott (1995: 37).

²⁷⁶ Lynch & Talbott (1995: 37). For a scathing critique of the 1878 Act, which is regarded as a law safeguarding “state monopoly over forests”, see Guha & Gadgil (1988: 6).

²⁷⁷ See Roy & Halim (2013: 100-103), Guha & Gadgil (1988) and Lynch & Talbott (1995: 32-38), for a critique of the “annexationist” and “colonialist” orientations of Forest laws of South Asia.

²⁷⁸ See Section 3, Forest Act 1927 for the terms “forest land”, “waste land” and “land suitable for afforestation”, and Farooque (1997: 46-54), for a discussion of the aforesaid terms. See sections 12-15, Forest Act 1927 for the process of recording of rights to swidden cultivation (jum) and other rights to forest produce.

²⁷⁹ Sir William Schlich, K. C.I.E., brought about some major changes in Forest Management in Bengal, including the CHT, as cited in Rizvi (1970: 174, 175).

reflected in the Indian Forest Act 1878, which recognized only reserved, protected and village forests (the same terminology and almost identical procedural and other provisions were to be retained in the subsequent law, the Indian Forest Act of 1927, known as the “Forest Act 1927” in Bangladesh and by several different titles in the different states of India).

Therefore, the term “USF”, implying a “state forest” or a “government forest” has no legal validity today, at least not in the sense of an absolute right of the state to the exclusion of the rights of all others. Therefore, even if the government can validly claim jurisdiction over “USF” lands as some category of “forest” land based upon the earlier status of “government forest”, such right cannot be regarded as an absolute right since such declaration did not annul, and in fact, to the contrary, it had declared that individual and community rights in such forests were not to be “affected” or “abridged”(section 2, Act VII of 1865).

In the case of the CHT, the phrase is used loosely, by government officials, particularly from the BFD, to refer to forested lands other than RFs and PFs. Conceivably, the VCFs would also be considered as part of the USFs. However, such a perspective is challenged, by several CHT authorities, including the CHT Regional Council, the Hill District Councils, and the traditional institutions, which have concurrent and contextually varied jurisdiction over these lands.

What the BFD regards as USF is generally treated by the Deputy Commissioners (DCs) as a category of state-owned land, which is available to be settled or leased out as “khas” land, in accordance with the concerned legal provisions.²⁸⁰ The indigenous people of the CHT, on the other hand, consider the same lands to be their common property, following ancient customs and usages.²⁸¹ The applicability of the concept of *khas* land in the CHT is also challenged by some on the ground that *khas* lands only occur in the plains regions of Bangladesh wherein the then provincial government of East Bengal became vested with the titles of untitled lands of former landowning *zamindars* by virtue of the East Bengal State Acquisition & Tenancy Act 1950 (which does not apply to the CHT). The lands whose possession and title were retained by the zamindars in their ‘khas’ (literally meaning “own”) possession were later recorded as *khas*, but this time in the name of the then provincial government of East Bengal, now succeeded to by the Government of Bangladesh.

Conversely the Hill District Councils (HDCs) can quite legitimately claim jurisdiction over the so-called USFs or “khas lands”, by virtue of the Hill District Councils Acts 1989 (which does not, however, specifically refer to “USF”). The HDCs exercise overriding authority over *all lands* within their districts, whenever settlements, leases, compulsory acquisitions and other transfer of lands are concerned, except in the case of reserved forests and a few other categories of lands whereupon state installations, institutions and enterprises are located.²⁸² This blanket authority is not precluded by any qualification of the concerned lands as “forests” (classed or unclassed) since the law

²⁸⁰ See, Rule 34, CHT Regulation 1900.

²⁸¹ Roy (2000b: 88).

²⁸² Section 64, Hill District Councils Acts 1989, as amended in 1998.

clarifies that such authority is to be exercised “notwithstanding the provisions of any other law for the time being in force”.²⁸³ Moreover, the aforesaid 1989 Acts – as amended in 1998 after the signing of the CHT Accord of 1997 – also expressly include *Forests* as a subject under their jurisdiction.²⁸⁴

Whatever might be the actual legal status of the “USFs”, the role of the BFD over these lands is largely restricted to two major functions: one, to provide licences for extraction of timber and their export to areas outside the CHT in accordance with the CHT Forest Transit Rules 1973; and two, to seize unauthorized transit of forest produce for which a licence has not been issued. It is noteworthy that the total area of the CHT coincides with the total area of “USFs”, indicating that, to a forester, all lands belong to some category or the other of “forest” (see Table 11). In addition, the BFD has responsibilities under the Wildlife Protection Act 2012, to protect wildlife, particularly within the Protected Areas, and prosecute offenders, although this function is not very visible in the CHT.

The overall state of biodiversity in the so-called USFs has seen a huge level of deterioration on account of the numerous developments referred to in chapter II. The only reasonably large extent of natural forest cover in the “USFs” is restricted to the mauza reserves and in the remote highlands along the international frontiers, where it has not been adversely affected by too intensive juming. With regard to tree cover, however, the growth of the local farmers’ teak and mixed species plantations – often interspersed with naturally propagated non-selective tree and other vegetative species – may not please a biodiversity proponent, but it probably adds to the value of carbon sequestration as one of the ways to mitigate global warming, as promoted by the UN Framework Convention on Climate Change (UNFCCC). Moreover, some believe that plantations – depending on the species variety and the steepness of the slopes, etc. – may promote soil preservation.

BFD-initiated plantation projects, including *Forestry Sector Projects* or “FSPs”, have been undertaken in the USFs after the initiation of the Forestry Sector Master Plan (1995-2015). This was also in consonance with the provisions of the National Forest Policy of 1994, which referred to reforestation or afforestation in the “USFs”, including social forestry (a similar provision has been retained in the draft Forests Policy of 2015; see chapter 10.2). However, the state of management, protection and proper utilization of these plantations is a serious case of policy failure. In the long run, integrated watershed management measures need to be initiated, to stem biodiversity depletion and soil erosion, among others, but these too are unlikely to succeed unless they are community-led and community-managed.

7.4 “Social Forests”

Although the applicability to the CHT of the provisions on Social Forestry or Social Afforestation – through section 28A, Forest 1927 & Social Afforestation Rules 2004 - is contested by people from the CHT, along with some of their institutions, the BFD deems the same to apply all over the country(see further, chapter 9.3). The CHT Regional

²⁸³ Section 64(1), Hill District Councils Acts 1989, as amended in 1998.

²⁸⁴ Section 22 and Schedule One and clauses 6(b) and 6(e), Hill District Councils Acts 1989, as amended in 1998.

Council, which is mandated by law to advise the Government on legislating affecting the CHT, has complained that it was not adequately consulted about its provisions prior to enactment.²⁸⁵ Nevertheless some feeble attempts were made by the BFD to introduce the concept, and commensurate programmes, in the region, but after opposition to it, including from the civil society network, the MPFLR-CHT, the department probably felt it sanguine to restrict its SF activities to small parts of the CHT, including within the new RFs.

According to a newspaper report of 2000, one such programme was undertaken within the Matamuhri RF by the Lama Forest Division of the Chittagong Forest Circle, involving 250 hectares (617 acres) of “degraded forest land”.²⁸⁶ 250 families of jumia families (swidden cultivators) were reportedly rehabilitated therein with assurances of receiving 60% of the income from the produce of the SF land.²⁸⁷ Another press report from 2006 mentions an SF programme within the Matamuhri RF by the Lama Forest Division involving indigenous *Mro* villagers along with ethnic Bengali participants.²⁸⁸

Information provided by the office of the Conservator of Forests, Rangamati Circle, shows that SF programmes within the Rangamati Circle include “participatory plantations” for Agor (*Aquilaria* family) trees (1,304 acres), Bamboo (457 acres) and Cane (395 acres). It is however, unclear what the status of these lands is. They might well include a combination of new RF, PF and “USF” lands.²⁸⁹

The relatively small extent of SF programmes in the CHT, in comparison to the plains regions, is known to be due to two major factors, among others. Firstly, the CHT Regional Council is known to be of the view that the ‘Social Afforestation Rules 2004’ (SF Rules of 2004) do not apply to the CHT since the council was not consulted about their application to the CHT.²⁹⁰ Secondly, the relations between the BFD and local communities – particularly of forest-dependent indigenous villagers – was strained to such an extent, on account of large-scale prosecution of villagers (both actual offenders and innocent villagers), that local communities probably suspected the motive of the BFD behind these programmes.

Moreover, in areas outside the RFs, CHT communities have two options of forestry (in the wider sense, including both natural forests and plantations) in which they are decidedly more in “control. Firstly, in the case of titled lands, villagers can create their own market-oriented plantations or *JoteBagan* of teak and *Gmelina arborea* (“gamar”),

²⁸⁵ Khan et al (2004: 120).

²⁸⁶ *The Daily Inquilab*, Dhaka, 21 April 2000, page 24, *Dinkal*, 27 February 2006 as reproduced in Mandal & Banik (2006: 25, 29).

²⁸⁷ *The Daily Inquilab*, Dhaka, 21 April 2000, page 24, *Dinkal*, 27 February 2006 as reproduced in Mandal & Banik (2006: 25, 29).

²⁸⁸ *Desh Bangla*, 18 February 2006, as reproduced in Mandal & Banik (2006: 28).

²⁸⁹ Information provided by Md. Shamsul Azam, Conservator of Forests, Rangamati. His kind cooperation is acknowledged with thanks.

²⁹⁰ According to section 53 of the CHTRC Act 1998, the CHTRC and the HDCs is to be consulted regarding any legislation on the CHT. According to section 79, HDC Acts 1989, the HDCs also have a prerogative of being consulted if proposed legislation is deemed to cause hardship to people, including tribal people.

which are replenished with various species of Koroi (*Albizia* family) and other vegetation by both human interventions and nature (droppings of birds, windblown seeds, pollination, e.g.). Secondly, for natural forest lands used on a community basis based upon customary law, they can manage their own *Mauza Reserves* or “VCFs”, under the supervision of the Mauza Headmen, as discussed earlier.

In the case of Jote Plantations, no land transfers are concerned, except to obtain title for the land (“settlement” of “groveland” under Rule 34 of the CHT Regulation).²⁹¹ If it concerns VCF lands and other lands used on a customary basis, these may be used under the generally benign management of the Mauza Headmen, whose functions are supervised concurrently by the Deputy Commissioners, Circle Chiefs and the Hill District Councils (the latter, so far in theory). These community lands (also regarded as “USFs” or “Khas land” by government functionaries) may be used for swidden or jum cultivation,²⁹² grasslands (*Grass Kholas*),²⁹³ and pastures (*Grazing Lands*),²⁹⁴ among others.

In contrast, for SF lands, if it concerns privately owned lands, landowners would have to *assign* the lands to the government, which in turn would *re-assign* it to “beneficiaries assisting the government”. Thus for SFs, the land ownership regime is more complex than in the case of the VCFs and Jote lands.

In the case of the SF programmes on RF land – where no customary rights were expressly acknowledged, as clarified by the phrase “no rights and privileges are granted”, in the notification themselves concerning the larger reserves at least – there was less reluctance. Quite understandably, the BFD gradually downplayed its promotion of SF in the so-called “USFs” and managed to start some SF programmes on RF lands.

Another reason for the relatively lukewarm acceptance of *Social Afforestation* (it is explained below why the phrase “Social Afforestation” is being used here rather than “Social Forestry”) is that the Social Afforestation Rules of 2004 – under which the programmes were managed – effectively provided for only one aspect of forestry, namely ‘afforestation’, i.e., implicitly, the planting of trees.

Of the major types of programmes provided in the Rules are: (a) Woodlot and Agroforestry;²⁹⁵ (b) *Sal forest*;²⁹⁶ (c) *Strip Plantation*;²⁹⁷ (d) *Planting on Char*

²⁹¹ The process of settlement of lands in the CHT has been frozen since 1989, based upon instructions from the government. However, settlement of limited categories of lands – including for religious and educational institutions – are allowed by the Ministry of Chittagong Hill Tracts Affairs on a case by case basis, upon conclusion of necessary formalities at the district level. For the latest order from the Ministry of CHT Affairs dated 23 October 2001, see CHTRC (2010: 538).

²⁹² Rules 41, 42, CHT Regulation 1900.

²⁹³ Rules 45 & 45A, CHT Regulation 1900.

²⁹⁴ Rule 45B, CHT Regulation 1900.

²⁹⁵ Rule 20(2)(a), Social Afforestation Rules 2004.

²⁹⁶ Rule 20(2)(b), Social Afforestation Rules 2004.

²⁹⁷ Rule 20(2)(c), Social Afforestation Rules 2004.

&Foreshore;²⁹⁸ (e) *Planting* in the Barind tract;²⁹⁹ (f) *Plantations* & natural forest.³⁰⁰ Of these, only categories (b) and (f) seem to envisage forest management not involving planting.

Although the enabling law, section 28 of the 1927 Act, refers to “social forestry”, the title of the Rules framed in 2004 (and amended in 2010) refers to “shamajik bonayon” in Bengali, meaning “social afforestation”. The contents of the aforesaid Rules too reflect the clear orientation towards ‘afforestation’, implying *planting* or *plantation*, to the exclusion of ‘forestry’ in the broader sense, since forestry in its usual sense would also include the management of existing natural forests.

The sustainability of the SF programmes seems to be dependent on cash income from the sale of the produce of the land during the “thinning” of trees, the “lopping” off of tree branches, and the harvesting of the mature timber, upon the attainment of maturity by the trees. Thus, where lands under the SF programmes are composed largely of species that cannot be “thinned” often (e.g., long-rotation trees, non-timber forest produce, or heterogeneous forests or plantations with few commercially valuable species of tree or other produce), the programme would not provide much of an income to the participants (called “beneficiaries”). As for income from the sale proceeds of mature trees, its level, and the periods within which it accrues, would depend upon the varying maturity periods of trees, their quantity and size, and the relative market prices for each species, size and quantity, etc. Thus, except for income-generating interventions of the concerned NGO through its *micro credit* programmes, the livelihood security of the participants would be quite a gamble indeed!

Moreover, the participants or “beneficiaries” of the programmes seem to have several onerous responsibilities (e.g., growing trees, tending to the forest/plantation, carrying out the advice or instructions of the BFD official concerned, and so forth), while the major decision-making powers – viz., the selection of sites, participants and species, and whether, when and how to “thin”, “lop” or market the trees, etc. - appear to have been retained unilaterally by the BFD. It is perhaps these weaknesses, among others, that have led critics to label the programme “top-down” and at the expense of “beneficiaries”.³⁰¹ Corruption too seems to be a problem in some programmes studied by researchers.³⁰²

The applicability of these observations - which are largely or predominantly based upon findings in the plains districts – to the CHT context, needs to be examined in detail. However, until such a review is done, it is reasonable to suppose that many of those observations would be applicable to the CHT in a future scenario. Moreover, they actually raise even more serious questions about their suitability for the CHT, given the CHT’s different history of self-rule and legal regimes, land ownership and use patterns,

²⁹⁸ Rule 20(2)(d), Social Afforestation Rules 2004.

²⁹⁹ Rule 20(2)(e), Social Afforestation Rules 2004.

³⁰⁰ Rule 20(2)(f), Social Afforestation Rules 2004.

³⁰¹ Rasul & Karki (2007: 17, 19), Jashimuddin & Inoue (2012a: 150, 156).

³⁰² See Roy & Halim (2001a); Rasul & Karki (2007: 17, 19), Jashimuddin & Inoue (2012a: 150, 156).

and the aftermath of the armed conflict and the CHT Accord.³⁰³ Unless fundamental structural and/or attitudinal changes are brought about within the BFD – signs of which are as yet faint, and constitute the exception rather than the rule - the current paradigm of BFD-led Social Afforestation shows little promise for the CHT, and also raises serious questions about its long-term viability for the plains regions too.

In areas outside the RFs, CHT communities have two broad options of forestry (including plantation or “commercial forestry”), namely, to resort to managing forested lands within the Mauza-Circle areas as Village Common Forests (VCFs) or Mauza Reserves, if it is not titled land, and to set up their own *Jote Plantations*, if it concerns lands to which their members have individual title. In both of these cases, CHT communities have more control and ownership. Therefore, it is not surprising that the current model of SF does not seem attractive to them, at least in the areas outside the RFs.

The successful implementation of SF programmes in RF areas, where land rights are seldom, if ever, acknowledged, may yet be possible, if the dispute over the application of the existing SF Rules to the CHT is resolved. This may be done, among others, by framing CHT-specific SF rules in consultation with the CHT Regional Council, the Hill District Councils, the traditional institutions and representatives of forest-dependent communities. This was a strong recommendation at the *Regional Consultation on Forest Management in the CHT*, organized by CHTDF-UNDP at Rangamati, CHT on 7 June 2015, involving different stakeholders, including CHT-specific institutions, representatives of forest-dependent communities, district-level officials of the BFD, UNDP officials and prominent forestry experts.³⁰⁴ Another recommendation from the same consultation was to *confine Social Forestry to selected portions of the reserved forests only*. In other words, the current model of SF was not deemed appropriate in the other parts of the CHT, which the BFD regards as USFs.

If new CHT-specific SF Rules are to be framed, the current emphasis on “afforestation” (“bonayon”) through plantations ought to be broadened to include both afforestation (through plantation and plantation mixed with natural or “assisted” regeneration) *and* management of natural forests, without involving planting of selected market-oriented species.

Another alternative, particularly for the RFs, is to introduce the elements of the current SF programmes (under section 28A) that are found to be appropriate for the CHT RFs, if at all, along with other positive experiences of participatory and equitable co-management of forests, by framing *Village Forest Rules* under section 28 of the Act. The framing of Village Forest Rules in consultation with the CHTRC, HDCs, traditional institutions and relevant communities was a strong recommendation of the 7 June consultation meeting.

³⁰³ The CHT Accord was signed between the Government of Bangladesh and the Parbatto Chottogram Jana Samhati Samiti (“JSS” or “PCJSS”) on 2 December 1997. The Accord laid down various provisions on the cessation of the conflict and the strengthening of the CHT self-government system and contains specific provisions on framing of new legislation and amendments to existing laws. The CHT Regional Council Act 1998 and the Hill District Councils (Amendment) Acts 1998 are part of this package.

³⁰⁴ The aforesaid consultation on 7 June 2015 was held to both obtain the views of all major forest-related stakeholders of the CHT and as a preparatory exercise to prepare for national level consultations that were scheduled to have been held in 2015 but which did not eventuate.

A third alternative is to amend the existing SF Rules to the CHT context or contexts, in consultation with the CHT Regional Council and other rights-holders and “stakeholders”. This, however, may involve such fundamental changes to the concept of Social Afforestation, as contained in the SF Rules of 2004 – such as on management of lands other than plantations or “planted forests”, involvement (or non-involvement) of NGOs, involvement of CHT-specific institutions (HDCs and traditional institutions), income arrangements for participants where the income from sale of forest produce would be absent or very meagre (such as where no commercially valuable forest species are concerned) etc. – that it might be well to frame a new set of rules altogether! Table 26 in the annexe provides an overview of the different permutations for undertaking participatory and equitably co-managed programmes on forestry in the RFs and “USFs”.

VIII. INSTITUTIONAL & ADMINISTRATIVE ARRANGEMENTS

8.1 The Bangladesh Forest Department

8.1.1 Structure of BFD in the CHT

The Bangladesh Forest Department (BFD) is the specialized agency of the government, under the Ministry of Environment and Forests (MOEF), which deals with forest-related matters. The senior-most officials of the BFD at the CHT-level are the Conservators of Forests (CFs), who each head a forest “circle”.³⁰⁵ All of Rangamati and Khagrachari districts and a part of Bandarban district are under the CF of the Rangamati Circle, while the part of Bandarban district outside of the Rangamati Circle, is included within the Chittagong Circle, along with Cox’s Bazar district. The CFs report to the Chief Conservator of Forests (CCF) through one of the Deputy Chief Conservators of Forests (DCCFs).

Under the CFs are the following officials in descending order of hierarchy: Deputy Conservators of Forests (DCFs), Sub-Divisional Forest Officers (SDFOs), Assistant Conservators of Forests (ACFs), Forest Rangers (of 3 grades), Foresters and Forest Guards.³⁰⁶ Most of the aforesaid officials are based at district headquarters, who only travel to rural areas under their charge if urgently required – such as to verify timber extraction and export and transit permit applications - except the junior-level officials at the level of Forest ‘ranges’ and ‘beats’. Figure 2 in the annexe shows the organogram of the largest forest circle in the CHT, the Rangamati Circle.

8.1.2 Responsibilities & Functions of BFD

The major responsibilities of the BFD include: (a) management of government forests; (b) protection and conservation of protected areas; (c) undertaking Social Forestry (SF) activities; (d) involvement of the public in SF programmes and in conservation of protected areas; (e) implementation of scientifically sound, economically viable and biologically sustainable forestry management programmes; and (f) implementation of the forestry-related policies of the government.³⁰⁷

8.1.2.1 Management of Reserved Forests by the BFD

From a broad perspective, the BFD deals with two types of forests in the CHT. They are the reserved forests (RFs) on the one hand, and forests or plantations in the areas outside the RFs, on the other. The BFD’s role in the RF and non-RF areas is quite different. In the case of RFs, the lands are directly under its departmental administrative control, particularly on account of the fact that it is the BFD that personifies the government, which “owns” the land of RFs. Rights of any, other than the government, are not legally recognized therein, with some very notable exceptions (such as under SF programmes).

³⁰⁵ “Circle” is a term inherited from the British colonial period. It denotes a unit of revenue jurisdiction. Thus the territories of the CHT rajas or chiefs are also called “circles” as are other units under the Department of Taxes and the Department of Forests. Previously, the unit under the civil administration below the level of *sub-division* used to be also called a “circle”.

³⁰⁶ Khan et al (2004: 113).

³⁰⁷ Khan et al (2004: 111).

There may be three exceptions to unfettered governmental control of RF lands, including in the CHT, but which are more conceptual than real. This is because the exceptions may occur only if the government, or the BFD, exercises its respective legally mandated discretion to allow that to happen (which has not been seen in practice). Nevertheless, these are discussed below with the aim of future preparedness for all concerned.

The *first* exception would be if any rights to swidden (jum) cultivation, or over pasture or forest produce within an RF, were recorded prior to final notification of the land as an RF.³⁰⁸ *Secondly*, this may happen if a part of RF land is included within a Social Forestry (SF) programme.³⁰⁹ A *third* exception would be if *Village Forests* (VFs) are formed within RFs and rights over such forests are *assigned* to any village community.³¹⁰ The first and third scenarios have not eventuated as yet, and the second scenario exists only in a limited manner.³¹¹

Apart from the three exceptions mentioned above, the rest of the RFs are solely administered by the BFD, with no involvement of other agencies or individuals. However, the outward manifestations of such 'administration' and 'management' - including permanent physical presence of BFD staff, knowledge of the state of flora and fauna and other resources, monitoring of activities within such forests and related activities - is generally of such a nature that it would not be an exaggeration to say that the BFD acts like an absentee landlord who only visits his/her domain on rare occasions. The role of the BFD in the RFs is fettered by the large extent of territory, their relative 'remoteness' (e.g. motorable roads do not exist in most parts of the RFs, particularly the Reingkyong RF, northern Kassalong RF and southern portions of the Sangu RFs), and the absence of focused interest, which generally only seems to coincide with the presence of plantations with easily marketable tree species.

Thus if one were to, if somewhat 'reductionistically', divide the BFD's functions into "management" and "protection" roles, the management roles are only visible when plantation projects are concerned. That is one of the few times that inhabitants of RFs would actually see a BFD official. On the other hand, the protection role is generally only manifested when the BFD prosecutes alleged offenders of theft and pilferage offences in the case of the RFs, which too is generally restricted to the areas in which plantations are concentrated.

The number of prosecutions on theft from BFD-managed forests and plantations had reached such alarming proportions in the 1980s and 90s that accused persons' names were allegedly randomly selected from electoral registers of areas in which the theft of trees took place, resulting sometimes in the prosecution of individuals that had died well before the date of the alleged incident!³¹² One study on land and forest rights in the CHT concluded: "That does not mean, however, that the actual offenders were being

³⁰⁸ Sections 10, 12-15, Forest Act 1927.

³⁰⁹ Section 28A, Forest Act 1927, Social Afforestation Rules 2004.

³¹⁰ Section 28, Forest Act 1927.

³¹¹ See, e.g., newspaper reports reproduced in Mandal & Banik (2006: 25, 28, 29).

³¹² Roy & Gain (1993: 23), Roy (2002a: 27).

prosecuted. It merely suggests that prosecutions took place.”³¹³ The spate of prosecutions reached alarming proportions in the 1990s,³¹⁴ continued for nearly another decade, up to 2007, when a caretaker administration discontinued the practice of arbitrary criminal prosecutions. Reportedly, the number of prosecutions began to rise in the post-2008 period, but thankfully not to the extent of the 1990s.

Needless to mention, the aforesaid incidents of mass prosecution seriously strained the relationship between the inhabitants of forests and forest-adjacent settlements, and led to public mistrust of the BFD. This is perhaps another reason, along with the notification process of the new RFs, why the SF programmes of the BFD (which saw a huge rise in the plains),³¹⁵ were looked upon with suspicion in various parts of the CHT. In an otherwise positive account of the prospects of SF in Bangladesh, Khan et al (2004) noted the following based upon a stakeholders’ consultation in Bandarban in November 2003:

“The FD’s latest attempts (since 1980s) towards notification and declaration of new Reserved Forests have further embittered FD’s relationship with the indigenous communities, who claim customary rights to most of these lands.”

“There is a feeling among [a] considerable number of peoples that they may lose [their] land by participating in the FD-promoted SF programs, as they anticipate that these lands may eventually be taken over by the FD by declaring those as Reserved Forest.”³¹⁶

However, this was not the first time that a critical review of the policing functions of the BFD and its detrimental impact on public relations was brought to the notice of the government. Almost three decades ago, a forestry specialists’ report had warned the government in the following words:

“The policing function of the Forest Department in preserving forest land in the reserves is one which, by its very nature, arouses resentment among the hill tribes, who desperately want and need the same land for their subsistence farming. Forcible eviction from the reserve compounds this feeling of resentment. It is not enough to offer a viable alternative to the [jumias] – the value of forests must be explained to them through a continuing and carefully planned extension program.”³¹⁷

8.1.2.2 **Management of Forests other than Reserved Forests by BFD**

The role of the BFD in the management of forests other than RFs is quite limited, and restricted largely to plantations raised by it: during planting and its preparatory stages and for general protective supervision afterwards. Some of these plantations are included within PFs, while others form part of the areas under various stages of being

³¹³ Roy (2002a: 27).

³¹⁴ A local NGO estimated that about 70% of all criminal cases in the Magistrate’s Court in Rangamati in 1998 concerned forest-related offences. See, Roy (2002b: 140).

³¹⁵ For studies and reports that see SF programmes, in whole or in part, as a successful model of participatory forestry, see: Khan et al (2004) and Mandal & Banik (2006).

³¹⁶ Khan et al (2004: 80).

³¹⁷ Webb & Roberts (1976: 29, 30).

finally notified as RFs. It is not known whether and to what extent the BFD plantations, if at all, are located in non-RF areas outside of the PFs and proposed RFs.

The most prominent and highly visible role that the BFD plays in the non-RF areas is in providing the mandatory permits required for extraction of timber and its export outside the CHT. These permits – known as Free Permits or “Jote Permits” – are licences granted to private owners of lands that contain timber-quality trees. The permit process includes representatives of the Deputy Commissioner (DC) and the Mauza Headman, but the BFD plays the lead role.

The overwhelming impression among the general public in the CHT about the BFD is that of an administrative agency with quasi-police functions. In order to develop a genuinely respectful and trusting relationship between the BFD and the general public will require major changes to the BFD’s activities to reorient itself to become partners with communities in conservation, regeneration and protection, apart from plantation. A study sponsored in 2001 by the Asian Development Bank to support post-conflict development interventions in the CHT after the signing of the CHT Accord made the following recommendation about reorienting the BFD.

“The Bangladesh Forest Department should refocus its mandate towards the more internationally accepted and legitimate role as a technical service body – and away from the quasi-police force that it has become. A huge body of evidence – demonstrable over many decades – currently suggests that the FD is neither equipped to manage forests or to dispense justice. It remains an open question as to how long it will take the Bangladesh citizenry to actually develop any confidence in this service. A refocused forest service will facilitate enhancing its technical capacity, improve forestry’s contribution to alleviating poverty, and – overall – improve the sustainability of the country’s forestland and environmental resources. The mechanisms for re-targeting the FD’s sights on these more appropriate objectives must be elaborated collaboratively by regional and local authorities, local indigenous populations and representatives of the CHT population at large.”³¹⁸

8.2 **The Deputy Commissioner & Forest Management**

The role of the District Officers in the CHT – including the Deputy Commissioners and their forerunners or precursors, the Hill Superintendents or Superintendents of Hill Tribes – generally, and in forest management, has undergone several changes since the CHT was annexed to Bengal and recognized as a ‘district’ within Bengal in 1860.

8.2.1 **The Deputy Commissioner’s Roles in Reserved Forest Areas**

The imperial Forest Department, and its successors, the Department of Forest during the Pakistan period and the present-day Bangladesh Forest Department (BFD), have been quite ‘territorial’ about their forest domains. Therefore, by and large, these District Officers had virtually no role in the management of the reserved forests. However, on account of their judicial authority as District Magistrates (which they still exercise to an extent) and as the highest civil judges of the district (withdrawn in 2008), they wielded considerable authority, particularly where civil and criminal cases involving the RFs were concerned.

³¹⁸ Asian Development Bank (2001: 35).

8.2.2 The Deputy Commissioner's Role in Non-Reserved Forest Areas

However, it is in the areas outside of the RFs that the role of the DCs was, and still is, significant, including over land and forest-related issues.³¹⁹ This is particularly manifested, in four major functions, among others, as described below.³²⁰

Firstly, as the head of the *District Collectorate*, the DC exercises authority over administration of lands that include separate categories of forests, whether *legal* (e.g., PFs) or *functional* (e.g., SFs). These include functions involving settlements, leases, compulsory acquisitions and transfers of land, including ancillary 'revenue' and 'survey' functions, such as the demarcation of lands and the assessment of land revenue.³²¹ Moreover, the DC supervises the functions of ADCs (Revenue), who attain quasi-judicial powers when they act as FSOs in the process of reservation of lands for RFs. However, these *Collectorate* functions in the CHT are not as unfettered as in case of the plains districts, being circumscribed by the roles of the HDCs and the traditional institutions.

Secondly, apart from regulating the work of the Upazila Nirbahi Officers (UNOs) – who largely mirror the DC's role in their smaller spheres at upazila levels – the DC has supervisory authority over the Mauza Headmen, who are formally appointed by her/him in consultation with the concerned Circle Chief.³²² Apart from being directly vested with the management of the *mauza reserves* and untitled lands under the customary regimes, the Headmen play a crucial role in advising the DC and other authorities on various land-related matters. These include advice to the DC on land settlements and transfers, advice to the DC and the BFD on the location of Jote lands (for Extraction & Export Licences), and advice to the UNO/AC-Land and/or DC, on the issuance of succession certificates in accordance with the personal or family laws of the people or community concerned.

Thirdly, the DC has a role in issuing permits for extraction of forest produce and stones, among others, including *royalty* permits for forest produce, over untitled mauza lands or "USFs" (this is exercised on the basis of the CHT Regulation 1900 and not the Forest Act or the Forest Transit Rules).

Fourthly, the DC used to function as the chair of the district-level *Forest Committee*. These committees used to include representatives of the BFD, the Bangladesh Army, and representatives of timber merchants. The committee used to deal with issues of theft of timber and other forest produce and the process of providing *Timber Extraction and Export Licences*. It appears that, based on an application of the *Tribal Jote Owners and*

³¹⁹ See further: Martin (2004) and Roy (2000a: 46, 47).

³²⁰ See Deputy Commissioners' *Charter of Duties* as contained in the Cabinet Division's Memo No. CD/ DA-1/4(2)/83 (PT.11)-465 DT.10-11-83: http://old.cabinet.gov.bd/view_fa.php?page=dip_charter&print_version=1 [Accessed 29 May 2015].

³²¹ See, e.g., CHT Regulation 1900, especially section 7 and rules 12, 34, 34A, 37, 43, 44, 45, 50(3) and 51A, and the CHT Land Acquisition Regulation 1958.

³²² According to Rule 48, CHT Regulation, the authority of appointment is vested upon the DC, but in practice, in all but a few cases, it is the nominee of the Circle Chief, who is ultimately appointed. Thus the Chief's consultative prerogatives in this regard are real rather than formal, as also attested by rulings from the Supreme Court of Bangladesh.

Timber Merchants' Association, the Supreme Court had declared in 2007 or thereabouts, that the status and functions of the aforesaid committee was illegal and void, since the committee was not mentioned in the relevant Forest laws, and therefore stayed the operation of its activities.³²³ Table 23 in the annexe describes the role of the DC in relation to forests other than reserved forests in the CHT.

8.3. The Hill District Council & Forest Management

The Hill District Councils' precursors, the Hill District Local Government Councils (HDLGCs or LGCs), which were established in 1989,³²⁴ were given authority over *Land* and *Forests*, although the extent of their authority was much narrower than their successors', the Hill District Councils (HDCs). The HDCs were established in 1998, following an amendment to the Local Government Council laws of 1989, as stipulated in the CHT Accord of 1997. The Schedule of the HDC Acts (the HDLGC Acts 1989 as amended in 1998), now include several forestry related subjects, including *Land* and *Forests*.³²⁵

Although the HDCs are decidedly more powerful than the HDLGCs, for a limited period of a week or more, the BFD in Rangamati district was transferred to the HDLGC, as one of the departments within its jurisdiction. The agreement of transfer was soon revoked, the government being presumably advised by the BFD officials that this was not desirable.³²⁶ However, it set a precedent that a district level autonomous body could exercise administrative authority over the centrally administered Forest Department.

Despite the strengthening of the HDCs in 1998 - by adding all forms of land transfers within their jurisdiction, including compulsory acquisitions, which could not take place without their prior approval or consent – the BFD was not transferred to the HDCs. Therefore, HDCs today have no direct authority over the BFD, and hence no scope for a direct role in the management of the RFs. Nevertheless, the HDCs are vested with crucial powers on the management of forests *outside the* RFs. The HDC Acts expressly vest the councils with authority over all lands outside the RFs, with some specific exceptions, as mentioned below.

Firstly, no settlement, lease, compulsory acquisition or other transfer of land may be made without the prior consent of the concerned HDC.³²⁷ Thus this is in the nature of the power of veto over any proposed land grants of lands through titling (freehold settlements or leases), compulsory acquisition, or transfer of titles ("mutation"). The

³²³ Information received from participants, including representatives of the *Tribal Jote Owners and Timber Merchants' Association*, at a Consultation on Forest Management organized by the Chakma Circle in Rangamati on 5 July 2015.

³²⁴ The Local Government Councils were established in 1989 in accordance with Acts XIX, XX and XXI of 1989, following an agreement between the Government of Bangladesh and tribal leaders of the CHT (but not including the JSS, who were then underground).

³²⁵ See section 22, 64 and Schedule 1 (clauses 6a and 6e), Hill District Councils Acts 1989 (Acts IX, XX and XXI of 1989) as amended in 1988 (by Acts IX, X and XI of 1998).

³²⁶ Information provided by Goutam Dewan, first chairperson of the Rangamati Hill District Local Government Council and currently the leader of two major civil society organizations in the CHT, the *CHT Citizens Committee* and the *Movement for the Protection of Forest and Land Rights in the CHT* (MPFLR-CHT).

³²⁷ Section 64(1)(a) deals with settlement, lease, sale and "other transfer". Section 64(1)(b) deals with acquisition and other transfer at the behest of the government.

actual land grants, acquisitions or transfers are sanctioned by the DCs, but since the passing of the LGHDC Acts in 1989 and their amendments in 1998 (now called the HDC Acts), the aforesaid authority of the DC is now subject to the authority of the HDC to provide or withhold consent, as the case might be. The HDC Acts 1989, as amended in 1998, expressly clarify that the HDC's authority is supreme by including the phrase "irrespective of the provisions of any other law for the time being in force".³²⁸

Secondly, the authority of the HDCs over land administration has been supplemented by providing these councils some limited authority over land administration officials at upazila and mauza levels.³²⁹

Thirdly, the First Schedule to the HDC Acts 1989 (as amended in 1998) include (a) *Development and Protection of Forests other than Reserved Forests*;³³⁰ and (b) *Protection of Forests in Rural Areas*.³³¹

Fourthly, chairpersons of the HDCs have the authority to *Control and Regulate Jum Cultivation* (swidden or "shifting" cultivation). This authority was hitherto vested upon the DCs, and was only recently transferred to the HDC chairpersons by an amendment to Rules 41 and 42 of the CHT Regulation 1900 in 2013.³³²

The role of the HDCs over the first of the four matters mentioned above, namely, on land grants, acquisitions and transfers, started to be exercised by the councils soon after the concerned legal amendments and notifications were effected, and continues until today. However, the HDCs' role over the other three matters mentioned above - (a) supervision of land administration officials (including over the Mauza Headmen); (b) protection of forests other than reserved forests; and (c) control and regulation of jum cultivation – is yet to be seen in practice. It is not known whether any one or more of the HDCs have adopted any resolutions on the matter, if at all. The framing of Rules by the GOB in consultation with the concerned HDC,³³³ and the framing of Guidelines ("Probidhan"), by the HDCs,³³⁴ could facilitate the exercise of such authority.³³⁵ However, in the case of

³²⁸ Section 64(1), Hill District Councils Acts 1989 (as amended in 1998).

³²⁹ These officials include (a) AC (Land), who is a deputy of the UNO vested with land and revenue matters at upazila level; (b) Amin, Surveyor and Kanungo (land and revenue officials subordinate to the AC-Land); and Headmen. See section 64(2), Hill District Councils Acts, 1989 (as amended in 1998).

³³⁰ Section 22 and clauses 6(b) of the First Schedule to the Hill District Councils Acts, 1989 (as amended in 1998).

³³¹ Section 22 and clauses 6(e) of the First Schedule to the Hill District Councils Acts, 1989 (as amended in 1998).

³³² As amended by SRO No. 106-Law/2013 of the Ministry of Chittagong Hill Tracts Affairs dated 23 April 2013 as published in the Bangladesh Gazette (Extra), dated 25 April 2013. This amendment was supplemented by instructions to the DCs by the aforesaid ministry's Memo dated 4 December 2014 (See Appendix 22).

³³³ Authority to frame rules ("bidhi") is vested upon the government in consultation with the HDC concerned (section 68, Hill District Councils Acts 1989).

³³⁴ Section 11, Hill District Councils Acts 1989.

³³⁵ Regulations ("probidhan") may be framed by the HDCs in accordance with section 69. Sub-sections (a) and (f) may be particularly relevant. However, the government can advise the HDCs or issue directives ("onushashon") if it disagrees with the council.

Jum Cultivation, the HDCs can now assert their authority by adopting resolutions and issuing Executive Orders, until such time as Rules and Guidelines are framed.

The combination of the HDCs' authority (i) to regulate Jum Cultivation (Rules 41, 42, CHT Regulation), (ii) to supervise the work of the Headmen {Section 64(1)(b), HDC Acts 1989} and (iii) to administer and manage forests other than reserved forests (Section 22 and Clauses 6b and 6e of the First Schedule, HDC Acts 1989), allow them ample scope to play a major role in forest management. Table 24 in the annexe describes the expected role of the HDCs in the management of forests other than reserved forests, as mandated by law.

8.4. The Traditional Institutions & Forest Management

The traditional system of administration in the CHT includes three tiers of authority: *Karbari* at the level of the village or hamlet; *Mauza Headman* or *Headman* at the level of mauza, which usually consists of several villages or hamlets, and *Circle Chiefs* or 'Rajas' at the level of the three Chiefs' territories known as Chiefs' Circles', which comprise a total of 379 mauzas. Table 25 in the annexe gives an overview of the traditional authorities in the CHT along with their major functions in relation to land and forest management and administration.

The traditional system – with some variations depending on the level (village, mauza or circle) – has an important role in management and administration of lands, including forests, which encompass administrative, revenue and judicial functions. Some of these functions are exercised autonomously, particularly in the judicial sphere, while others are carried out in tandem with state functionaries, such as on the management of lands regulated by customary laws, practices and usages, including those considered as "USFs" or "khas" lands. In addition, the traditional institutions exercise a consultative prerogative whereby they advise the government at various levels on the subject matters within their respective jurisdictions.

8.4.1 The Circle Chief

There are three circles in the CHT, which in order of size are the *Chakma Circle*, the *Bohmong Circle* and the *Mong Circle*. The Circle Chiefs' position is hereditary, although the Bohmong Chief's succession (the heir must always be a senior male member of the royal family) is more complex than that of the other two. The Chakma and the Mong royal families simply follow the *Law of Primogeniture*, with the eldest son of the previous incumbent succeeding.³³⁶ All three incumbents at the moment are male, although there were instances when women have held the positions of Chief, Acting Chief and Assistant to the Chief, in the Chakma and Mong Circles.³³⁷

³³⁶ For the content and status of the laws of succession of the Bohmong & Mong royal families, which reached the Supreme Court of Bangladesh, see, respectively, *Aung Shwe Prue Chowdhury v. Kyaw Sain Prue Chowdhury & Others*, 50 DLR, AD, 1998, 73; *Rajkumari Unika Devi v. Bangladesh & Others*, 9 BLC, AD, 2004, 181. See also, Roy (2004b: 141, 142).

³³⁷ Chakma Rani Kalindi, in the mid 18th century, served as the regnant Chakma queen, despite British governmental reluctance to formally accept her status in writing, except in the nature of a Regent. Rajkumari Nanoomah served as a full Mong Chief, in the 1940s and 50s, Rani Nihar Bala served as Acting Mong Chief in the 1980s and 90s, and Chakma Rani Arati Roy served as Assistant to the Chakma Chief in the 1960s.

The three Circle Chiefs have four broad types of functions that are relevant to land and forest management: *administrative, judicial, supervisory* and *advisory or consultative*.

Firstly, the Chiefs exercise direct administrative functions in their capacity as *ex officio* Headmen of the *Khas Mauzas*.³³⁸ For these mauzas, their functions are identical to those of other Headmen.³³⁹

Secondly, they carry out functions in the nature of judges' and magistrates', as *Courts of Original or First Instance* in their Khas Mauzas, and as *Courts of Appeal*, to hear appeals from the decisions of the Mauza Headmen.³⁴⁰ It is noteworthy that the CHT Regulation specifically bars the district-level courts of original jurisdiction or "first instance" – Courts of the Joint District Judges – from trying family and other customary law matters that are triable by the Circle Chiefs and Mauza Headmen.³⁴¹

Thirdly, they have extensive supervisory functions in overseeing the work of the Mauza Headmen (land and forest management, judicial, consultative, etc.,) and the Village Karbaries, directly, or through the Headmen.

Fourthly, the Chiefs are mandated by law or policy arrangements, whereby they have the prerogative of providing formal advice to the DCs,³⁴² the HDCs,³⁴³ the CHT Development Board (CHTDB),³⁴⁴ and the Advisory Committee of the Ministry of CHT Affairs (MOCHTA).³⁴⁵

Fifthly, the Chiefs are also *ex officio* members of the CHT Land Disputes Resolution Commission, an independent statutory body with quasi-judicial functions. This commission, although dysfunctional since its inception in 1999, and mired in controversy over the concerned enabling statute's inconsistency with the CHT Accord of 1997, nevertheless has much potential in resolving land-related disputes, including over forest lands, although it is unclear whether this will include the reserved forests.³⁴⁶

The second, third and fifth types of functions mentioned above are crucial for forest management, particularly the second and third (supervising and guiding the Headmen's administrative and judicial work), and the fifth (in deciding, along with others, disputes over lands and forests, particularly those that are managed in accordance with customary law, including VCFs or Mauza Reserves). Moreover, their third function, which

³³⁸ Rule 47, CHT Regulation 1900.

³³⁹ In the case of the current incumbents, the Chakma and the Bohmong Rajas hold *khas mauzas*, but the Mong Raja does not.

³⁴⁰ Rules 40 and 48, CHT Regulation 1900, section 66, Hill District Councils Acts 1989 (Acts XIX, XX and XXI of 1989).

³⁴¹ Section 8 (4), CHT Regulation 1900.

³⁴² Rule 39, CHT Regulation 1900.

³⁴³ Section 26, Hill District Councils Acts 1989 (Acts XIX, XX and XXI of 1989).

³⁴⁴ Section 11 (c), CHT Development Board Act 2014 (Act VIII of 2014).

³⁴⁵ Clause 19 of Part D ("Gha"), CHT Accord, 1997.

³⁴⁶ Roy (2014).

involves their consultative prerogatives with government, enable them to facilitate the initiation and monitoring of projects and programmes, at district, regional and national levels, in varying degrees, depending upon the context.

8.4.2 **The Mauza Headman**

The Mauza Headmen's functions mirror those of the Circle Chiefs at the level of the mauzas: administrative, judicial, supervisory and advisory. In practice, one may consider that just as the Rajas are the Circle-level chiefs, the Headmen are the mauza-level chiefs. On account of the bar against the governmental civil courts' ordinary civil jurisdiction (but not criminal or civil revisional jurisdiction), at the level of the mauzas, the Headman's decision in her/his *judicial* capacity is final, unless overturned by the appellate authority – the Circle Chief – or the revisional authority – DC (and theoretically, the Hill District Council). Their *supervisory* authority in overseeing the work of the Village Karbaries is crucial, especially regarding the management of VCFs and other customarily held lands. This is in addition to their appellate authority to hear appeals against the decisions of the Karbaries.

The Headmen's *advisory* or *consultative* prerogatives, based on statutes, executive orders, guidelines and practices, have in practice attained the status of norms and conventions. Thereby, land grants, transfer of land titles, issuance of timber permits or licences, and issuance of succession certificates, are not generally granted by the concerned authorities - usually the DC, and contextually, the HDC - without first obtaining a recommendation from the Headman concerned. In the case of the *Consultative Committee* of the CHT Development Board, the law expressly provides that, a Headman from each district will be appointed by the government as its member, in consultation with the concerned Circle Chief.³⁴⁷

Furthermore, in matters of setting aside a plot as a Mauza Reserve, management and protection of the Reserve, allocation of lands for customary and consecutive use by residents as jum plots, residents' use of mauza grasslands, grazing lands and other lands, it is the Headman whose decision rules supreme, unless otherwise directed by his superior authorities (Chiefs, DCs and HDCs). The Headman's land administration role also extends to the collection of revenue for privately titled lands, irrespective of the ethnicity and other status of the titleholders, and to provide land grants for homestead plots to hill people.

Most of the CHT lands have not been formally surveyed by land administration officials, and hence, where such un-surveyed lands are concerned, even titled plots cannot generally be identified without the help of the Headman. Since the CHT has no *Tehsilders* (mauza-level officials in the plains, who assist the UNOs and ACs-Land in land and revenue functions), the Headmen are the only representatives of government (as also of the tribal system) at the mauza level, with detailed knowledge about lands and resources, titled or customary. Their role is particularly important in managing the VCFs and in advising the district administration and Hill District Councils on land title grants and land title transfers, among others.

³⁴⁷ Section 11 (e), CHT Development Board Act 2014 (Act VIII of 2014).

8.4.3 The Village Karbari

The word *Karbari*, a Chakma word, means “man of business”. The Karbari is actually a village chief and acts as a deputy to the Headman. His - and less frequently, her - jurisdiction usually includes one village or hamlet, but in some instances may include several of them. He or she is appointed by the Circle Chief, in consultation with the Mauza Headman. In many instances, the position has become hereditary or quasi hereditary, but it need not be so. At present nearly 100 out of more than 1, 300 Karbaries in the Chakma Circle are women. The Mong Chief has publicly declared that he will appoint at least one woman Karbari in each of his 100mauzas.

The Karbari carries out several of the functions of the Headman at the level of his/her smaller territory, which can range from one hamlet to seven or eight. His/her functions are generally less formal than that of the Headman, and include little documentary work, unlike in the case of the Headman. However, in most cases, the Headman acts only in consultation with the concerned Karbari, particularly in large mauzas, as it is the Karbari that possesses detailed knowledge of the untitled lands and their related customs and the identity of the rights-holders. Since surveys have not been conducted in most mauzas, the Karbari’s knowledge on lands under his/her jurisdiction is generally more accurate and extensive than any other CHT official. Registered documentation occurs only in the case of titled lands, which are a small fraction of the total area of lands in the CHT, and even in this case, only a small part thereof has been surveyed. In the case of the un-surveyed lands, the land registers in the offices of the DCs, UNOs, Chiefs and Headmen – usually copies of the same documents – contain only a specific “Holding Number” against the name of each privately titled landholder, along with vaguely and often imprecisely described boundaries.

With regard to the management of VCFs or Mauza Reserves, it is generally the Karbari rather than the Headman under whose leadership customarily held mauza lands are set aside for a new VCF. The management and protection of VCFs - although nowadays mostly community-managed, with elected committees in several cases – formally rests with the Karbari, after the Headman. This is acknowledged in a formal *Standing Order* of the Deputy Commissioner.³⁴⁸ It is also the Karbari who plays the most vital role in managing other untitled lands used by mauza communities for jums, grasslands, grazing lands and other community commons. Used rotationally, it is these formerly-used jum lands and other commons, which are converted into VCFs. Once declared as a mauza reserve or VCF, they are no longer available for jum cultivation and even for collecting bamboo shoot and other traditional forest food items, except with the permission of the Karbari, or the VCF Committee, if there is one.

Also important is the Karbari’s semi-formal role as an adjudicator, mediator and arbitrator, involving the resolution of all types of disputes (except major criminal offences), including those over VCFs and other community commons. The Karbaries, along with the Headmen, are looked upon as the “learned persons” of the community, and “therefore command community respect especially within the social sphere”.³⁴⁹ It has been said: “it is the Karbari to whom villagers will turn to in times of crisis and

³⁴⁸ DC’s Standing Order on Mauza Reserves contained in Memo No. 2384 (40) dated 3 August 1965 (see Appendix 17).

³⁴⁹ Martin (2004: 77).

calamities. This role is even more prominent in the remote areas where “governance” as is known in more accessible parts of the country is patently absent”.³⁵⁰ Table 6 in the annexe mentions the different categories of settlement and leases granted in the CHT, along with the role of the different institutions mentioned above.

³⁵⁰ Martin (2004: 78, 79), Roy (2009b: 87, 88).

IX. THE LEGAL REGIME

The laws governing forest lands, forest produce and wildlife thereon, the status of the different categories of lands upon which such forests are located and so forth, are too numerous to identify and discuss in a study of this nature beyond a basic level. What follows, therefore, is a focused discussion on only those laws that are directly related to the day-to-day administration and management of forests in the CHT. Thus narrowed down, the most important statutes in this regard are: (a) the Forest Act 1927 and rules framed thereunder; (b) the Wildlife (Safety & Protection) Act 2012; (c) the CHT Regulation 1900 and rules framed thereunder; and (d) the Hill District Councils Acts 1989. The matter of the status and contents of customary laws will be discussed later, in chapter 9.9. It is pertinent to mention here that several statutes on the CHT expressly or implicitly acknowledge customs, practices and usages on lands and forests, and a discussion of the laws would be partial and reductionist without accounting for the interplay of the customary regime. No doubt an in-depth discussion of customary law is beyond the scope of this study, but nevertheless, an attempt has been made to provide a broad overview of the subject.

The following is a discussion of key features of the aforesaid laws, both statutory law and customary law, in relation to the management of forests. In the process, the strengths and weaknesses, and where deemed appropriate, challenges, in the manner or process of their application, will also be analyzed. Tables 2 and 3, in the annexe, describe the most important laws related to the administration of lands and forests in the CHT, along with major challenges in the way of their application. Table 2 mentions the major legal provisions on land and forest administration, while Table 3 gives an overview of the contents of important laws related to the management of forests, along with major challenges with regard to their operationalization or implementation.

9.1. The Forest Act 1927

The Forest Act 1927 is the major law regarding the administration and management of forests in Bangladesh. Barring the amendments made to it during the Pakistan period (1947-1971) and after independence of Bangladesh in 1971 (1973, 1974, 1990, 2000, etc.), it is essentially same law that Bangladesh inherited from Pakistan and Pakistan inherited from British-ruled India, namely, the Indian Forest Act of 1927, which still applies, in amended form, in Pakistan and India, apart from Bangladesh.

The first law on forests in undivided British India was the Government Forests Act 1865 (Act VII of 1865), which was replaced by the Indian Forest Act 1878 (Act VII of 1878), which in turn was replaced by the Indian Forest Act 1927 (Act XVI of 1927). The focus of all three laws was upon vesting the management of forested lands upon a specialized arm of the government, namely, the Department of Forests. A major difference, however, is distinguishable between the 1865 Act and its successor laws of 1878 and 1927. This is in regards to the safeguards on “existing rights of individuals or communities”, which were decidedly stronger in the 1865 Act.³⁵¹ The classification of forests into three legally recognized categories - reserved forests, protected forests and village forests - was initiated by the 1878 Act and retained in the 1927 Act. The 1927 Act essentially

³⁵¹ Lynch & Talbott (1995: 37).

reproduces the basic concepts on forest management and protection occurring in the 1878 Act.

As will be discussed in more detail later – in chapter 9.7– according to the CHT Regulation 1900 (section 4), laws mentioned in the schedule of the Regulation apply to the region only “so far as they are not inconsistent with this Regulation or the Rules for the time being in force in the Chittagong Hill Tracts”.

There are several aspects of the 1927 Act that are pertinent to the subject matter of this study. A “bird’s eye view” of this instrument is provided below.

9.1.1 Overview of the Forest Act 1927 and its Application to the CHT

A cursory glance at the contents of the Forest Act 1927 can hardly fail to note the orientation and focus or foci of the statute on “control” dynamics, as outlined below:

(a) *Control over lands*: This is glaringly manifested by the numerous provisions on (i) the process of creation of reserved forests (sections 1 to 26), those on (ii) “control over forests and lands not being the property of government” (sections 38A, 38B, 38C, 38D) and on (iii) “management” of jointly owned land, forest or forest produce (section 80);

(b) *Control over certain species of trees, minerals, etc.*: This is the sole purpose of (i) the provisions on the establishment of protected forests (sections 29 to 34; sections 35 to 38 having been repealed),³⁵² those (ii) on the “control and collection of timber and other forest produce” (sections 41 to 51); and (iii) those on the levy of “duties on timber and other forest produce” (sections 39, 40);

(c) *Penalties and procedure*: The provisions, as laid down in sections 52 to 79, concern procedures on the imposition of penalties and related matters;

(d) *Other Related Matters*: The remaining sections contain provisions that deal with matters related to the above, such as: (i) share in forest produce (section 81); (ii) recovery of money and lien (sections 82, 83); on (iii) bonds (section 85); and on (iv) requisition and acquisition of lands (section 84).

Therefore, out of the 81 sections of the 1927 Act that are operative, an astoundingly low number of sections – namely sections 1, 2, 27, 28 and 28A - deal with matters other than *control over land or produce, money, penalties and procedures* related to the above subject (hereafter “control of property and related procedures” or “control-oriented provisions”).

Section 1 of the Forest Act deals with the title of the Act and section 2 with interpretation of clauses. Therefore, only the remaining three sections, or less than 4% of the entire sections of the Act, deal with subjects other than control of property and related procedures: section 27 with *de-reservation* of a reserved forest, section 28 with *Village Forests* and section 28A with *Social Forestry*.

³⁵² Sections 35 to 38 were repealed in 1959 by the Private Forests Ordinance, 1959.

An analysis of the trends in the amendments to the Forest Act 1927 made in relatively recent times, after independence of Bangladesh, such as in 1990,³⁵³ and in 2000,³⁵⁴ shows that they dealt largely with procedural matters or with the strengthening of penalties related to control over property. The only notable exception is section 28A, inserted in 2000, to introduce the concept of *Social Forestry* (see Table 1).

9.1.2. Protection through Penalization

As described above, a very substantive part of the 1927 Act deals with penalties for infringement of the Forest Act. Section 26, in particular, practically makes all forms of land use in RFs a crime punishable with imprisonment for six months to five years, with new restrictions added to the already substantive arsenal in 2000, including *clearing up, breaking up, cultivation and attempted cultivation*, of lands.³⁵⁵ Similarly, unauthorized use of lands within PFs are also punishable with up to six months' imprisonment, and since 2000, the same penalty applies to lands used for SF programmes as well.³⁵⁶

However, the ground realities clearly indicate – as mentioned in chapters 8.1.2.1 and 8.1.2.2 above – that prosecuting real or alleged offenders has not effectively dealt with the problem of theft or other unauthorized use of RF and PF land. In the case of SF lands, if “beneficiaries” already have a stake in the produce of the SF lands, then one may question whether penal sanctions were necessary in the first place. If the property over SF lands, or at least their produce, were more soundly vested upon SF participants, they could conceivably use the ordinary law of the land to protect their own property!

A basic survey of areas of RFs (and perhaps PFs too) that have been subjected to “theft” and “pilferage” and commensurate criminal prosecutions suggests that *the security of the RF (and PF) produce actually has a positive, rather than an inverse, relationship with criminal prosecutions*. In other words, where prosecutions are numerous, the state of the RF (and PF) land is almost always deforested, denuded or degraded. Such evidence from the ground raises serious questions about the efficacy of criminal sanctions.

Given the relative inefficacy of the role of penal sanctions in protecting the RFs and PFs, the rationale behind the creation of a new category of “other forests”, as proposed in the draft Forest (Amendment) Act 2015,³⁵⁷ which would also entail criminal sanctions for prohibited activities similarly to RFs and PFs, is seriously questionable.

³⁵³ Through Act VIII of 1990.

³⁵⁴ Through Act X of 2000.

³⁵⁵ Inserted by section 4, Forest (Amendment) Act 2000 (Act X of 2000), amending section 26 of the Act. See also, Roy & Halim (2001b: 17).

³⁵⁶ Section 33, Forest Act 1927.

³⁵⁷ Proposed new section 2(4)(B), draft Forest (Amendment) Act 2015 reads: “[*other forest*] means forest declared by the Government as forest under sub-section (1) of section 34A of this Act”. The proposed new section 34A reads: “Other forests – (1) The Government may, by notification in the official Gazette, declare the provisions of this Chapter, as far as it is applicable to any waste-land or char land or forest plantation, or naturally originated forest, which is not included in a reserved forests or protected forest but which is the property of Government, or over which the Government has ownership right, or to the whole or part of the forest-produce to which the Government is entitled. (2) The waste-land, char land or forest plantation comprised in any such notification shall be called as other forests”.

9.1.3 **The Legacy of Annexationism & the Colonialist “Wastelands” Paradigm**

9.1.3.1 **“Forest Lands” & “Waste Lands”**

The original section 3 of the 1927 Act - prior to its amendment in 1990 - was basically identical to the provisions of section 3 of the 1878 Act, which vested overriding authority to the state to convert into a reserved forest any “forest-land or waste-land which is the property of government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled”. Thus the provision dealt with “forest-lands” and “wastelands”.

Neither forest land nor waste land has been defined in the 1927 Act. According to Dr. Mohiuddin Farooque, the process of creation of a reserved forest needs to follow the similar process of creation of a protected forest (section 29) wherein it is mentioned that such declaration must be preceded by a recording of the concerned land as “forest land” or “waste land” in a survey or settlement.³⁵⁸ Thus Farooque provides a somewhat restricted or narrow understanding of forest land and wasteland.

The term “waste land” is defined in laws other than the Forest Act 1927, such as the Cultural Waste Land (Utilization) Ordinance 1959 and the Acquisition of Waste Land Act 1950. In sum, these Acts include within this category those lands that have not been cultivated over the previous two to five years.³⁵⁹ The aforesaid laws on wastelands are not included within the schedule to the CHT Regulation 1900 and so it would appear that the aforesaid concepts would not apply automatically in the context of lands in the CHT.

9.1.3.2 **“Land Suitable for Afforestation”**

In 1990, a third category of lands - in addition to forest lands and wastelands - have been added to the category of lands that can be converted into a reserved forest. This category is “any land suitable for afforestation”.³⁶⁰ Thus, any limitations that the terms “forest land” and “waste land” might have, as fetters towards the creation of a reserved forest, would presumably be covered by the newly-inserted all-encompassing term. Dr. Farooque suggested that the meaning of the term would depend upon the “expert opinion of FD” whether the concerned land was suitable or not for afforestation.³⁶¹ Therefore, the subjective opinion of the BFD would conceivably be sufficient to decide what land can or cannot be converted into a reserved forest. In other words, *the “annexationist” perspective first imbedded into the Forest Act 1878 - and reproduced in the Forest Act 1927 - has been widened even further.*

9.1.3.3 **Property Rights & Proprietary Rights of Government over Land or Forest Produce**

In addition to falling into one of the three categories of lands mentioned above - forest land, waste land or land suitable for afforestation - in order to create a reserved forest, the government must (i) either own the land; or (ii) possess “proprietary right” over the

³⁵⁸ Farooque (1997: 47).

³⁵⁹ Farooque (1997: 47).

³⁶⁰ Amendment of section 3 of the Forest Act 1927 through section 2 of the Forest (Amendment) Act 1990 (Act VIII of 1990).

³⁶¹ Farooque (1997: 48).

land; or (iii) be entitled to the forest produce contained on the land.³⁶² Farooque states that even if any land belongs to any one of the three categories of lands mentioned above, if it concerns land belonging to a private owner, such land cannot be converted into a reserved forest.³⁶³ In the earlier part of the 20th century, the Calcutta High Court had declared that if the concerned land is part of “permanently settled land”, it is “private property” and hence it would be illegal to declare it as a reserved forest.³⁶⁴ In a case in the High Court of East Pakistan in 1962, it was decided that it is illegal to constitute a reserved forest out of land regarding which rent has been paid.³⁶⁵

9.1.4. **The Denial of Customary & Other Rights in Reserved Forests**

It has been mentioned that it is questionable whether the mandatory provisions concerning the constitution of a reserved forest as contained in the applicable law –the 1878 Act and the 1927 Act (their provisions are practically identical in this regard) - were properly observed at the time of reservation during the British colonial period. The same question was raised with regard to the process of reservation after the independence of Bangladesh as well. One such matter is now pending in the High Court Division of the Supreme Court of Bangladesh with regard to the reservation process in a mauza of the Bohmong Circle.³⁶⁶

With regard to the provision of notice concerning the proposed creation of a reserved forest, until 1973, after the preliminary notification of the intention of the government to create a reserved forest was issued, the Forest Settlement Officer was obliged to take certain steps, to provide due notice to the would-be-affected people. This provision, as contained in section 6, prior to its amendment in 1973, was as follows:

“When a notification has been issued under section 4, the Forest Settlement-Officer shall publish in the local vernacular in every town and village in the neighbourhood of the land comprised therein, a proclamation-

(a) Specifying, as nearly as possible, the situation and limits of the proposed forest;

(b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(c) fixing a period of not less than three months and not more than four months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount particulars of the compensation (if any) claimed in respect thereof.”

³⁶² Section 3, Forest Act 1927.

³⁶³ Farooque (1997: 48).

³⁶⁴ AIR 1923, Cal 377 (DB) as cited in Choudhury (1989: 4).

³⁶⁵ *Haji Hafizuddin Sikder v Province of East Pakistan*, 12 PLR, 724 (also published in 1961 All W.R. HC, 532). See: Choudhury (1989: 5).

³⁶⁶ Writ Petition No. 252 of 1996 in the Supreme Court of Bangladesh (High Court Division). More recently, in 2014, another writ petition was filed challenging the reservation process by the Bangladesh Environment Lawyers' Association (BELA) and the MPFLR-CHT.

There is, however, no evidence to suggest that local inhabitants were given notice, during the reservation process of the 1970s-2000s, which is anywhere near the standard provided in the aforesaid section 6. Reliable reports suggest, on the contrary, that there are innumerable communities and individuals in the CHT today in the affected areas, who are *even now* unaware that the land that they live in, have traditional access to, or otherwise use, has been proposed to be converted, or, even *finally converted*, into a reserved forest.³⁶⁷ Amendments to section 6 in 1973-74, replaced the term “local vernacular” with “Bengali”.³⁶⁸ This was obviously a great disservice and discriminatory conduct towards forest-resident, forest-dependent and forest-adjacent peoples and communities in the CHT, whose mother tongue is not Bengali.

Farooque emphasizes adherence to equitable principles by the FSO in the process of reservation, particularly when dealing with disadvantaged groups of forest dwellers, as quoted below:

“It has been the clear intention of the 1927 Act to settle various claims on their legal merits and not with reference to any special objects which were in view when it was proposed to constitute a forest [as] a reserve. The rights must be actually existing or ‘prospective wants’, vested in an individual or person, or in a definite body [of] persons, such as a number of co-owners, or a village community.”

“Failure to prefer claims under sec. 6 or whose existence has not been known by the FSO during inquiry shall be extinguished unless the claimant satisfies the FSO, before the final notification issued under sec. 20, that he had sufficient cause for not preferring such claim in accordance with that section. Where the land does not fall within the categories mentioned in sec. 3, rights on land do not become extinguished even if the claim is not filed within [a] notified period of time.”

“[If] the FSO had the knowledge of the existence of rights upon inquiry, whether the holders of rights applied under sec. 6 or not, the FSO can not avoid them without considering the merits. The provision may suffice to defend the rights of ignorant or illiterate forest dwellers who often fail to submit claims in due procedure and time. Because, the existence of such inhabitants in the forest, if they are long term dwellers, would be quite visible upon inquiry. Hence, these rights have to be duly considered as per law and equity whether they come forward with claims under sec. 6 or not...”³⁶⁹

9.1.5. **The Applicable Land Acquisition Law: The 1982 Ordinance or the 1958 Regulation?**

With regard to the compulsory acquisition of lands during the process of creation of a reserved forest, the law referred to is the Acquisition of Immovable Property Ordinance 1982 (II of 1982), which replaced the Land Acquisition Act 1894, in an amendment in 1990.³⁷⁰ However, the aforesaid Ordinance of 1982 does not apply to the CHT. In its

³⁶⁷ Information provided by Goutam Dewan and Sudatta Bikash Tanchangya, Chairperson, and General Secretary, respectively, of the Movement for the Protection of Forest and Land Rights in the CHT (MPFLR-CHT) at a consultation on *Forest Management in CHT* held at the Chakma Raj Office, Rangamati on 6 July 2015.

³⁶⁸ See, Acts VIII of 1973 and Act LIII of 1974.

³⁶⁹ Farooque (1997: 51). See also: Instructions 6 and 8, Article 25, Forest Manual, 1960 and *State of Uttar Pradesh v Avaidh Nath*, AIR 1977 All 192, p. 194, IND (as cited in Farooque, 1997, p. 67).

³⁷⁰ Section 4, Forest (Amendment) Act 1990 (Act VIII of 1990).

stead, the CHT Land Acquisition Regulation 1958 applies. Therefore, if any land acquisition process is conducted in the CHT in accordance with the 1982 Ordinance, the process is liable to be *ultra vires* and illegal. Possible harmonization of the conflicting laws may necessitate an amendment of the concerned provision – section 11 of the Forest Act – to make a reference in the case of the CHT to the applicable acquisition law, the CHT Land Acquisition Regulation 1958.³⁷¹ Following the provisions of the CHT Regional Council Act 1998, this will entail consultations between the Government of Bangladesh and the CHT Regional Council.

9.2 Provisions on Village Forests (Section 28, Forest Act 1927)

9.2.1 Village Forests and the Forest Act 1927

Formally sanctioned use of RF lands has been rarely allowed in Bangladesh. Among the rare exceptions are those involving Social Afforestation projects conducted on RF lands. In such cases, otherwise illegal activities are “deemed to have been done with permission in writing of the Forest-Officer”, and hence will not amount to an offence under the Act, which it would otherwise have.³⁷² There is no evidence to suggest that the provisions of the Forest Act 1927 on *Village Forests* have ever been invoked. The provisions on Village Forests in this Act are identical to the corresponding provisions of the Forest Act 1878.³⁷³

Section 28 of the 1927 Act allows the government to form *Village Forests*, within the boundaries of a reserved forest. This section contains three sub-sections. The *first* sub-section defines what a Village Forest is. The *second* sub-section provides for rule making, to supplement the bare definitional section contained in the first sub-section. The *third* sub-section provides a unique status to Rules framed under this section, to ensure that in the case of conflict between the Rules and the remaining provisions of the Act, it is the Rules that are to prevail.

According to Section 28(1), a *Village Forest* is formed when the government “[assigns] to any village community the rights of Government to or over any land which has been constituted into a reserved forest”. Since section 28 (1) - the definitional sub-section - only provides, very broadly, that a Village Forest is to be formed through assignment, the details of what such an assignment connotes, have been left to be elaborated through Rules to be framed under Section 28(2).

These Rules are to provide how to (a) regulate the management of village-forests; (b) prescribe the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture; and (c) the duties of the assignee village community with regard to the “protection and improvement” of such forest.

³⁷¹ The constitutional validity of the CHT Land Acquisition Regulation 1958 is currently under challenge in the Supreme Court of Bangladesh (High Court Division) and has reached the stage of final hearing.

³⁷² Section 28B (1), Forest Act 1927. See also, section 26 of the Act.

³⁷³ The provisions of section 28, Forest Act 1927, are identical to the provisions of section 27 of the Forest Act 1878.

The framing of VF Rules, to make co-management arrangements between the BFD and RF communities in the CHT, has been a long-standing demand of forest-dwellers, including its major spokesperson in the CHT, the MPFLR-CHT.³⁷⁴ In 2008, the MOEF is known to have assigned a Joint Secretary to start the process of framing the draft *Village Forest Rules*, but no progress has been made on the matter since then.

In some states or provinces of India, *Village Forest Rules* have been framed, such as in Odisha and in Maharashtra (see Appendices 10 and 13 in the annexe). India being a federal state, with *Forests* being under the jurisdiction of the State governments, each state legislates its own Forest Act. However, essentially, the provisions of the Forest Acts in different states range from almost identical to very similar, at least with regard to the provisions of Village Forests, Protected Forests and Reserved Forests. It has been mentioned before that essentially, the Forest Acts that apply to Bangladesh and in India, are almost identical, both being based upon the Indian Forest of 1927, which in turn, is substantively a reproduction of the Forest Act 1878. However, after independence from Britain in 1947, the Indian Forest Act 1927 applies in slightly modified form in different states. Some states have renamed the modified law after their states' names (such as in Odisha), while others continue to refer to it in its original name, the Indian Forest Act 1927. For example, the Maharashtra Forest Act 1927 basically reproduces the Indian Forest Act 1927 (see Appendix 3).

9.2.2 Village Forest Rules in India: Odisha & Maharashtra States

In Odisha State in eastern India, formerly known as Orissa, the *Orissa Village Forest Rules 1985* govern the management of village forests.³⁷⁵ These rules were framed in accordance with the Orissa Forest Act 1972, which draws upon the Indian Forest Act of 1927, although the numbering of the sections is different from the 1927 Act. The provisions of the Orissa Forest Act, under which the aforesaid Rules were passed, are virtually identical to the corresponding provisions of the Bangladeshi version of the Forest Act 1927.³⁷⁶

Compared to the Maharashtra Rules, the Orissa Rules are simpler. The role of the Forest Department is perhaps somewhat stronger in the case of the latter, as is evident from the department's role with regard to *Reconsideration of the Resolutions of the Village Forest Committee* (Rules 3 and 7) and with regard to the *Drawing Up of Management Plans* (Rule 11). Moreover, the offences and penalties applicable to Reserved Forests are applicable to the Village Forests in Odisha (Rule 15, read with section 27 of the Orissa Forest Act 1972), but not so in the case of Maharashtra.

³⁷⁴ Discussions with Goutam Dewan and Sudatta Bikash Tanchangya of MPFLR-CHT, June-July, 2015.

³⁷⁵ Framed in accordance with sections 31, 42 and 82 of the Orissa Forest Act 1972 (Act 14 of 1972) and gazetted through S.R.O. No 717/85 dated 29 September 1985; http://www.odisha.gov.in/forest_environment/Forest_Act/pdf/Rules/12TOVFR1985.pdf [Accessed 6 July 2015].

³⁷⁶ The relevant provisions of the Orissa Forest Act 1972 on Village Forests are identical to the relevant provisions of the Forest Act 1927 applicable in Bangladesh (see Appendix 5 and Appendix 2, respectively). These concern *Power to Make Rules for Village Forests* {section 31 in the Orissa Act and section 28(2) in the Bangladeshi Act}, *General Rule-Making Powers of the Government* {section 82(d) in the Orissa Act and section 76 (d) of the Bangladeshi Act} and *Enquiry into and Settlement of Rights* {section 32 of the Orissa Act, section 29(3) of the Bangladeshi Act}.

An important element of the Orissa Rules that could provide ideas for contextual replication in Bangladesh is the exemption of the application of the concerned *Transit Rules* in the case of the Village Forests. Rule 14 of the Orissa Rules provide that: “The Orissa Timber and Other Forest Produce Transit Rules, 1980 shall not apply in cases of forest produce from a village forest and a permit issued under Rule 8 shall be deemed to be a transit permit for the purpose of these rules”. Rule 8 provides for a permit for extraction and transit to be issued by the Village Forest Committee, through the prescribed form, with the counter-signature of the Forester.

The *Maharashtra Village Forest Rules 2014* were passed in accordance with the Indian Forest Act 1927 as modified for application to Maharashtra.³⁷⁷ The notification that gazette these Rules make specific reference to sections 26, 28, 30, 32, 34 and 76 of the Act, which are, for all practical purposes, virtually identical with the corresponding provisions of the Forest Act 1927, as valid in Bangladesh.³⁷⁸ Apart from the features mentioned below, there is, however, one major difference between the Maharashtrian and the Bangladeshi Acts, in that, *while the provisions on Village Forests in Bangladesh are to only apply to Reserved Forests, the provisions on Village Forests in Maharashtra apply to both Reserved Forests and Protected Forests.*³⁷⁹

A Forest Management Committee called the *Van Vyavsthapan Samiti* is formed in accordance with applicable local government laws and a Forest Officer not below the rank of Forester acts as its secretary and *Member-Technical*.³⁸⁰ There is also a *Range Forest Committee* headed by the concerned Assistant Conservator of Forests,³⁸¹ which supervises the work of the former. Additionally, a *Forest Development Agency*, formed by the *State Forest Development Agency of Maharashtra*, has the ultimate authority to approve concerned plans and to supervise the aforesaid two committees.³⁸² There is no explicit reference to *Forest Transit Rules* in the *Maharashtra Village Forest Rules*. In its stead, it appears that the decision of the *Van Vyavsthapan Samiti* is sufficient to harvest trees and “minor forest produce” (non-timber forest produce or “NTFT”) and dispose off the same.³⁸³

³⁷⁷ Framed in accordance with sections 26, 28, 30, 32, 34 and 76, Indian Forest Act 1927 and gazetted through No. ABB-2010/CR-189/F-9 dated 5 March 2014; <http://fra.org.in/document/Maharashtra%20Village%20Forest%20Rule.%202014.pdf> [Accessed 7 July 2015].

³⁷⁸ The provisions of sections 26, 28, 30, 32, 34 and 76 of the Indian Forest Act 1927, in its application to Maharashtra State, and the identically-numbered sections of the Forest Act 1927, as applicable to Bangladesh, are, barring minor amendments made to either or both Acts, practically identical. The aforesaid sections deal with the following: *Acts Prohibited in Reserved Forest* (s. 26), *Formation of Village Forests* (s. 28), *Reservation of Trees in Protected Forests* (s. 30), *Rule-Making for Protected Forests* (s. 32), *Exemption from Prohibition of Acts in Protected Forests with Permission of Forest-Officer in Writing, etc.* (s. 34) and *General & Specific Powers of Government to Make Rules* (s. 76).

³⁷⁹ Section 28, Forest Act 1927 (for Bangladesh), and Rule 1(2), Maharashtra Village Forest Rules 2014 (for Maharashtra).

³⁸⁰ Rules 3-7 and 17, Maharashtra Village Forest Rules 2014.

³⁸¹ Rules 12, 13 and 17, Maharashtra Village Forest Rules 2014.

³⁸² Rules 16 and 17, Maharashtra Village Forest Rules 2014.

³⁸³ Rules 6(b), 6(c) and 6(e), Maharashtra Village Forest Rules 2014.

The Orissa Rules were passed before the passage of the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, which made ground-breaking changes to the enabling Forest law of 1927 and moved away, at least to a significant extent, from the “annexationist” and “territorial” concept of forestry that was inherited from the colonial period. Moreover, these Rules also date from a period before the passage of the federal *Panchayats (Extension to Scheduled Areas) Act, 1996* (hereafter “PESA” Act or law), under the framework of which, states with a large presence of indigenous people or “scheduled tribes” in *scheduled* areas recognized under the 5th Schedule to the Constitution of India (which applies in states other than in Northeast India), enacted their own state-level PESA laws on local self-government involving members of scheduled tribes. In contrast, The Maharashtra Rules were passed after the Forest Dwellers Rights law and the PESA law. Thus judged, the Orissa Village Forest Rules may appear to be less “democratic” and more “statist” in their orientation than the Maharashtra Rules.

The Maharashtra Rules make references to *Joint Forest Management Areas*, an Indian innovation on forest management partnerships between Forest Departments in different states and forest-dependent communities based on agreements, but without any specific legislation on the subject, unlike in the case Social Forestry in Bangladesh. Thus it is said that, until the passage of the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006*, India took a “soft law” approach to implement social or participatory forestry, on the basis of agreements on “Joint Forest Management” (JFM), while Bangladesh followed the “hard law” route, by amending the Forest Act 1927 to introduce provisions on Social Forestry.

9.3 The Social Afforestation Rules 2004

9.3.1 Background to Legislation on Social Forestry

The Social Afforestation Rules 2004 were framed four years after the concept of Social Forestry was introduced into the Forest Act 1927 with the inclusion of the new section 28A. Much of the new provisions were drawn from the BFD’s experience in what was known in Bangladesh as “Participatory Forestry”, which had continued for more than a decade, based upon voluntary agreements and other arrangements between the BFD and participants in jointly managed forestry programmes. Until 2000 these arrangements were not strictly mandated by the existing Forest Act (somewhat like the case of “JFM” in India), although it is not known whether any legal challenges were raised in courts of law about the programmes’ legal basis.

In this regard, from a legal perspective, the BFD’s programmes were based on “soft laws”, such as the government’s Forest Policy, which had gradually taken a shift towards more “participatory” modes of forestry, particularly in areas outside of the reserved forests. Until then, a “hard law” option of actually amending the enabling law, the Forest Act of 1927, was not a high policy imperative. In this regard, as mentioned above, neighbouring India took a “soft law” approach through its JFM programmes. The only “hard law” that was passed in India in the forestry sector was the Scheduled Tribes and Other Forest Dwellers’ Act, which was aimed at the formal recognition of the customary and other rights of scheduled tribes and other forest-dwellers.

Bangladesh went in another direction. In Bangladesh's case, from about the mid 1970s or so, the government had obtained some international loans and grants, and was expecting large volumes of loans from the Asian Development Bank (ADB), and perhaps the World Bank. Thus the formalized introduction of Social Forestry in the 1927 Forest Act may be regarded as an exercise in providing a legal cover to social forestry programmes to be funded from international loans. In other words, the 2000 amendments on Social Forestry - but not necessarily the amendments on strengthening of control and penal provisions, which also coincided with the legislation on Social Forestry - were based on "lenders' prescriptions", at least to a significant extent. The ADB was involved in the forestry sector in Bangladesh for a long time, supporting the BFD's Forestry Sector Projects ("FSP") through loans and related grants, and through the provision of "expert advice" on policy revision and legislation. One such exercise was the adoption of the Forestry Master Plan, also supported by UNDP, and another was the 2000 amendment to the Forest Act and the consequent drafting of the Social Afforestation Rules of 2004.³⁸⁴

Unlike India, where formal legislative changes to the Forests regime were initiated by tribal rights and environmental lobbies, and were primarily aimed at strengthening tribal and other forest-dwellers' rights, the development of the Forest Act in Bangladesh was oriented around "production forestry"; to enhance supply of timber and to raise the government's and the private sector's incomes from forestry as an *economic* sector. The "conventional" forestry elements within the BFD took this opportunity to strengthen the "control" imperatives of the BFD and further streamline the penal and related provisions, which, however, sometimes even subverted the industrial and market objectives, and ran counter to forest dependent communities' rights as well (see chapter 9.1).

The international funding spree that had reached or was expected to reach its zenith, had however started faltering in the late 1990s and early 2000s. On the one hand, the controversial *Tropical Forestry Action Plan* (TFAP), to be funded by the World Bank, UNDP and regional development banks (the ADB in the case of Asia), had run into problems, on account of major disagreements between lobbies of timber traders and environmentalists (Gain, 2001).

The introduction in 2000 of the provisions on Social Forestry in the 1927 Act, may, however, be regarded to some extent, as an exception to this trend, at least at the conceptual level. But the same cannot be said about the 2004 Social Afforestation Rules. While some of the provisions of the 2000 Act have been criticized as being insufficiently "social", the criticism is actually far more valid when we look at the Rules passed in 2004, to supplement the provisions of the Act.

The first draft of the Rules was framed in 2000 ("Draft 2000 Rules"). After a process of vetting, the Rules were finally passed in 2004 ("2004 Rules"), and amended later, in 2010. Essentially, there is little difference between the Draft 2000 Rules and the finally adopted 2004 Rules. However, while the Draft 2000 Rules envisaged programmes on six types of lands to be involved in social forestry programmes, the 2004 Rules provided for

³⁸⁴ Roy (2002a: 35). See also: GOB (1993a, 1993b, 1993c, 1993d, 1995).

eight types. Three new types of lands were added in the finally adopted version, while one category was dropped, viz., “Unclassed State Forests” or “USFs” of the CHT. The exclusion of the CHT “USFs” category indicates the opposition faced from inhabitants of the CHT to the legislation on social forestry. At a press conference at the National Press Club in 2001, representatives of CHT forest-dependent communities, including the MPFLR-CHT, rejected the 2000 amendments and the Draft 2000 Rules on the ground that the same would violate forest dependent communities’ rights and would fail to bring forth sustainable forest management.³⁸⁵

Despite its other shortcomings, the 2000 amendment introducing section 28A on *Social Forestry* had at least some openings to introduce programmes that were substantively participatory in nature. However, the 2004 Rules did not carry through the spirit of Social Forestry that could have been developed through appropriately framed rules.

9.3.2 Assessing the “Social” and “Forestry” Elements of the Social Afforestation Rules 2004

Not accounting for the minor criticisms levelled against the 2004 Rules, read in conjunction with the section 28 of the Forest Act, the substantive criticism of the concept is that it lacks elements of the two major components of Social Forestry as implicit in its title, namely, the “forestry” element and the “social” element.³⁸⁶

9.3.2.1 Forests versus Plantations

The critique of the “forestry” element is based on the premise that the SF programmes as envisaged by the 2004 Rules are predominantly about plantations and not about natural forests. The arguments goes that while plantations may well be regarded as a part of “production forestry”, if the envisaged programmes totally or substantively disregarded the natural forests, then they could not be called “forestry” encompassing all its different elements, including production, along with management, protection *and* conservation.

Even a cursory glance at the eight types of SF programmes mentioned in the 2004 Rules cannot fail to register the emphasis on ‘afforestation’ in the sense of planting, which are unambiguously connoted by the Bengali words “brikkhoropon” (tree planting) and “bonayon” (afforestation). Six out of the eight categories include “Tree Plantation Fund” as a mandatory fund to which income from the programme must be deposited. Two of the eight categories expressly mention “tree planting” (categories “c” and “d”). Others deal with “plantation” (category “f”), and “woodlot and agro-forestry” (category “a”), again implying planting. The three remaining categories (“e”, “g” and “h”) refer to “afforestation”, i.e., planting. Forest management not involving planting is directly mentioned only in category “f”, which refers to “natural forest” but is lumped together with “plantations except Sal forest”. Conceivably, category “b” on *Protection and Development of Sal Forests* could include the management of natural Sal forests.

The other element in the SF Rules that indicates the dominance of the “plantation” paradigm is the dependence of the “beneficiaries”,³⁸⁷ for their livelihood security, upon

³⁸⁵ Gain (2001: iii).

³⁸⁶ Roy & Halim (2001b).

³⁸⁷ According to Dr. Sadeka Halim, Professor of Sociology at Dhaka University (who did her Ph.D. at McGill University, Canada on *Social Forestry in Bangladesh*), the term “beneficiary” is disrespectful, and “top-

the sale of the produce of the SF land. Obviously, if the participants (“beneficiaries”; sic!) are to obtain a reasonable income from the sale of the produce of the SF land, through “thinning” at the intermediate stages and from sale of forest produce after the attainment of maturity (20 years for Sal species, 20 years for natural forests, 10-40 years for the other categories), the trees in SF lands would have to be composed predominantly of species that have a high market value. On the other hand, if high-market-value species of trees are either absent or scarce, the participants’ income from the SF land would be negligible. This would work as a serious disincentive for prospective participants, including for preservation and protection. If their stake in protecting the land is low, as in the case of the CHT RFs, they might well not be motivated enough to protect the land, at best, and actually get themselves embroiled in pilferage from the lands concerned, at worst!

Thus the biggest dilemma in the SF programmes, yet unresolved, is how to strike a balance between the livelihood security needs of the SF programme participants and yet fulfil the needs of conservation and enhancement or protection of biological diversity.

Therefore, it may be concluded that the livelihood security dependence of the SF programme participants solely or predominantly upon the sale of the SF land produce inherently raises the dilemma of a choice between over-dependence on marketable tree species – thereby undermining biodiversity and other ecological needs of forestry – or conversely, highlighting conservation and biological diversity needs - and thereby compromising the livelihood security needs of the participants.

9.3.2.2 The “Social” Element

The “social” element of the SF Rules has been undermined or compounded to a substantial degree by providing *onerous responsibilities* upon the SF programme participants, to plant trees and protect the land and the trees, *and* – for the management committee composed largely by the SF participants – to “carry out the duties as assigned from time to time by the Forest Department”.³⁸⁸

Conversely, several important *decision-making powers* on important matters have not been entrusted upon the SF participants but have been *retained by the BFD*. These include: (a) selection of NGOs facilitating the programme (Rule 8); (b) determination of the maturity of (tree) species (Rule 15); (c) “thinning” and “lopping” {Rule 18(e)}; (d) marketing of SF produce {Rule 16(g) and 18(i)}; (e) resolution of disputes between SF participants and the BFD {although there is a provision on appeal to the Upazila chairperson or the Upazila Nirbahi Officer (Rule 25)}; and (f) cancellation of SF agreements on account of “neglect of duties” by participants {Rules 16(j) and 18}.

In order to truly “socialize” SF programmes, more decision-making powers need to be entrusted to the participants of SF programmes and to have the BFD concentrate on providing expert advice and guidance, where so required, as an extension agency, rather than as an administrative body. Some of the positive elements of *Community Forestry* programmes in Nepal, JFM and Village Forest programmes in India, and the experience

down”, and should have been discarded in favour of “participants” (Discussions in 2001, including in public functions attended by this author).

³⁸⁸ Rule 11 (f), Social Afforestation Rules 2004.

of CHT villagers in their VCFs, might offer viable alternative solutions to the challenges faced in the current SF programmes in Bangladesh.

9.3.3 Assessing the Non-BFD Stakeholders' Interest

It has been stated in Chapter 9.3.2.1 above that the SF programmes under the SF Rules 2004 have a strong orientation towards plantation, or “production forestry”. Judged from the premise that secure incomes would facilitate secure livelihoods for the participants, and thereby help ensure that the participants, for their own interest, would successfully plant, protect and otherwise manage the SF lands, the emphasis on plantation has its own logic and rationale. Therefore, if the quantum of monetary income that would accrue to the participants at various stages of the SF programme, from planting, thinning to final harvesting, is substantive, the assumption is that the SF programme would be a success. However, given that the income of the SF participants would range from meagre, to moderate, to substantive – depending upon the varying market value of the SF produce during harvesting and thinning (provided that “rent-seeking” does not siphon off a large part of the income) – the success of the different programmes with different species of trees and other produce would also vary. In other words, if the SF produce contained species with low market value, and few opportunities of thinning, the participants’ income from SF programmes would be negligible.

Of course, there is another element in the SF programmes that may provide livelihood security to the participants, apart from their income from the SF produce, namely, income-generation activities facilitated through the micro credit operations of NGOs (to be raised by the NGO concerned from its own funds), training and other services.³⁸⁹ Therefore, if the participants’ income from such NGO-facilitated income generation activities is sound, this would also help ensure livelihood security, and consequently, sustainable SF programmes, or so the understanding goes.

However, the success of income generation activities cannot be guaranteed, as their success, or failure, may depend upon several socio-economic factors, particularly if not related directly to the SF land, that have little or nothing to do with the success of the SF programme in terms of efficient planting and tending of trees and their protection. *In other words, even where an SF programme is successful, or is likely to be successful (from the point of view of plantation forestry), it might yet fail on account of livelihood insecurity issues, which would hamper the participants’ expected role.*

In the case of natural forests of heterogeneous stand, the likelihood of high income from thinning and harvesting would in most cases be much lower than for SF lands that contain fast growing and high market value tree species. Therefore, it is quite understandable why the SF Rules have such a high orientation towards planting, and implicitly, planting of fast-growing species with high-market value. *Concerns of biological diversity and eco system services of forests in such a case would either be a non-issue or a marginal issue at best.*

³⁸⁹ Rules 19, 21, Social Afforestation Rules 2004.

Based on the above analysis, it would appear that the currently envisaged SF programmes under the 2004 Rules would not be suitable for management of natural forests. The question that arises then is what is the way forward for possible SF programmes involving natural forest protection and/or regeneration?

The answer probably lies in a complete paradigm shift from the current SF programmes to ensure livelihood security of “those assisting the government ...” even in the case of natural forests of primary, secondary or other growth. In the case of plantation or production-oriented forestry, the current paradigm may be of limited value, particularly on denuded or degraded government forest land, but here too the strengthening of the “social” element - as discussed above (if not the “forestry” element) - would be necessary to ensure success.

In the case of the natural forests, the government could explore the possibilities of subsidizing the income of SF programme participants, particularly since the income from thinning and harvesting of SF produce would likely be negligible for them. *This would require a wholesale shift of focus, to discard the plantation-oriented focus of the 2004 Rules by either drastically amending the Rules’ provisions, or to frame new rules altogether, expressly for natural forests and other forests or plantations, which do not contain high market value tree species. Yet another alternative, which is applicable only to the reserved forests, is for the government to frame an appropriate Village Forest (VF) model or context-appropriate Village Forest models.* The following chapter therefore discusses the similarities and differences between social forestry (SF) and village forestry (VF), so that ideas from both models may be drawn upon, for future VF and/or SF models.

9.4 Comparison between Village Forestry & Social Forestry

There are four major differences between the concept of Village Forestry (VF) and the concept of Social Forestry (SF) as provided in the Forest Act of 1927, as discussed below.

Firstly, the assignment of rights in VFs is to be made by the government to a “village community”, i.e., a group or other collective entity, while the assignment of rights in SFs is to be made, by the government, to “persons”, i.e., individuals.

Secondly, the assignment in the case of VFs concerns “rights to or over any land”, while the assignment for SFs is about “rights to forest produce or rights to use the land”. The implicit broadness of the phrase in the case of VFs is noteworthy.

Thirdly, VFs are restricted to *RF land* only, whereas SFs may be on *three classes of lands*: (a) lands owned by the government; (b) lands over which the government has “proprietary rights” (i.e., rights that are less than full ownership rights); and (c) lands that are assigned by others to the government. Thus the possibility of SF assignments on RF lands, are not ruled out, although in practice, most SF programmes in Bangladesh have been carried out on non-RF lands.

Fourthly, the provisions on exemptions from the application of penal and other provisions that would otherwise apply to RF lands (and PF lands) are broader in the case of VFs than SFs. In the case of SFs, penal sanctions (mentioned in sections 26 and

34) will not apply, as a legal fiction is created to imply that SF activities are acts done “with permission in writing of the Forest-Officer”, which exempts from criminal prosecution acts that would otherwise amount to “acts prohibited in a reserved forest” (see section 26).

Conversely, a similar exemption from penal and other provisions that would otherwise apply to RFs is phrased in a far broader way in the case of VFs. While in the case of SFs, only the penal sanctions (under sections 26 and 34) would be inapplicable, in the case of VFs, other provisions of the entire 1927 Act would be inapplicable, depending on whether such provisions are compatible, or not, with the VF Rules.

In a rare departure from the general legal practice of subsidiary laws having to conform to the enabling law, Section 28(3) of the 1927 Act provides that all the provisions of the Forest Act 1927 relating to reserved forests would apply to village forests, but only “so far as they are not inconsistent with the rules so made”. Incidentally, among other Bangladeshi laws of such nature, or perhaps even the only other comparable Bangladeshi law in this regard, which provides that the application of an Act must be consistent with a subsidiary law, i.e., rules framed under it, is the CHT Regulation 1900.³⁹⁰ The CHT Regulation provides, at section 4 (1), that enactments specified in the Schedule of the Regulation shall apply “so far as they are not inconsistent with this Regulation or the Rules for the time being in force thereunder”.

9.5 The CHT Forest Transit Rules 1973

9.5.1 Basic Features of the CHT Transit Rules

The CHT Forest Transit Rules 1973, along with other Transit Rules applicable to other regions of Bangladesh, are framed in accordance with section 76 of the Forest Act 1927. The Rules apply “in respect of all timber or other forest produce” from (a) reserved and protected forests; (b) land owned by the government other on reserved and protected forest; and (c) private land.³⁹¹

Transit Rules set out the procedure that must be followed in order to extract timber and other non-timber forest produce and export them from one part of the country to another, hence “transit”. Previously the number of such Rules was high. Now only a few set of rules apply to different parts of the country, including the CHT. The CHT Transit Rules of 1973 are based upon the CHT Transit Rules of 1942. Substantially, the CHT Rules are similar to the Rules applicable elsewhere, but perhaps in some respects at least, the CHT Rules, or at least the manner of their application, is perhaps more complex than those of other regions.

The CHR Rules of 1973 are proposed to be replaced by a new set of rules and a draft of the rules prepared by the MOEF, known as the draft CHT Forest Transit Rules 2010 (in Bengali), and the MOEF has already consulted the CHTRC on it, whereupon the CHTRC sent its written proposals to the MOEF. This matter is discussed further in Chapter XIII (particularly chapters 13.4.2 and 13.7.1). Copies of the draft 2010 Rules, and the views

³⁹⁰ For an elaborate discussion of this law and its status, see: Roy (2009: 21-24), Roy & Chakma (2010: 16-22), Roy (2010b: 29-32).

³⁹¹ Section 1 (2), CHT Forest Transit Rules 1973.

of CHT-specific institutions, forest dependent communities and civil society on the said draft Rules, are annexed hereto (Appendices 30 and 33, respectively).

9.5.2 **Unique Feature of the CHT Transit Rules**

There is another unique feature of the CHT Rules, in that indigenous residents' use of non-timber forest produce is exempted from the requirement of a permit. A proviso to Rule 2 of the 1973 Rules states: "Member of the hill tribes residents in the Chittagong Hill Tracts may cut and remove firewood or other minor forest produce (with the exception of such as may be declared as prohibited) free of royalty from the unclassed state forests for *bona fide* home consumption only."

9.5.3 **Purpose of Transit Rules & the Cumbersome Process of the 1973 Rules**

There are two main purposes behind the framing of Transit Rules. One: it enables the government to ensure that trees or other forest produce are only harvested when they are mature. Two, they help ensure that the forest produce from government owned forests – particularly reserved forests – are not illegally extracted in the name of the permits and licences meant for forest produce from lands not owned by the government. The Rules therefore apply even in the case of privately titled owned lands, irrespective of who the owner is. These permits are generally known as *free permits* or "jote permits" in the CHT.

The process of obtaining a Jote Permit, following the procedure laid down in the CHT Forest Transit Rules 1973, is long, cumbersome, laborious and expensive (on account of "rent-seeking" or illegal payments). A study on CHT lands in 2004 described this as the "infamous" system, which is "so complicated that it breeds corruption and thereby prevents ... farmers from getting a fair price for their produce".³⁹² According to this study, the process involved about 15 steps, including endorsements by various authorities on *proforma* documents ("A" Form and "D" Form), verification of the land title, field identification of the *jote* plot, physical verification of trees, branding and other marking of the trees prior to and after extraction, and so forth. Figure 1 in the annex shows the various steps involved in obtaining a *Jote Permit*.

9.5.4 **Ban on Permits in Mauzas Adjacent to Reserved Forests, Protected Forests & Proposed Reserved Forests**

There is one provision in the CHT Forest Transit Rules 1973, among others, which causes hardship to *bona fide* jote owners. This is the provision, at Rule 3(2), which stipulates: "no permits shall be issued from mauzas adjoining the reserved and protected forests and mauzas proposed for reservation". This is a very broad formulation. Had it mentioned only the portions or parts of the mauza that abutted an RF, PF or proposed RF, the area under such a "catch all" phrase would have been easily identifiable, especially if a specific distance from the boundary of the RF, PF or proposed RF had been mentioned. But even in such a case, the area that would thereby be off limits for jote permits would perhaps run into tens of thousands of acres or hundreds of square miles! And there are several large mauzas in the CHT, parts whereof abut an RF, PF or proposed RF, with the rest of the mauza being situated miles away from these forest land categories.

³⁹² Roy (2004a: 39).

Now, the number of mauzas abutting even the old RFs probably would run into the scores. Adding to that the PF-adjacent mauzas, the figure would probably doubled. As for the mauzas with new RFs and proposed new RFs, whose number, according to the MPFLR-CHT is 83,³⁹³ the total number of mauzas that are “adjacent” to an RF, PF or proposed RF would run into more than half of the 380 odd mauzas in the CHT, even while accounting for the mauzas that included more than one of the three categories mentioned. In such a case, if the 1973 Rules’ prescription were to be followed literally, Jote Permits would be limited to only a miniscule portion of the lands that farmers have created plantations on, over the last half century or so. The alternative is to depend upon the mercy of the BFD officials who gave some leeway to the manner in which they acted upon this prohibition. This, among others, can breed corruption, or conversely, lead to the denial of permits for bona fide *jote* owners. *Given that the CHT is among the few regions in the country that is situated above the “flood plains”, and can hence support tree plantations, this would severely curtail the supply of timber from the CHT to the rest of the country.*

9.5.5 Transit Passes as Evidence of Non-Theft from Government Forests

According to one *jote* landowner, the essence or rationale of the permit process following the procedure laid down in the Transit Rules is basically equivalent to saying; “I didn’t steal this timber from the reserved forests”. It is argued that since the major portion of the reserved forests has been denuded anyway, the risks of theft from them is minimal, and therefore creates an unnecessary hurdle against bona fide *jote* owners and works as a serious disincentive to engage in *jote* farming *and* trade in timber.

9.5.6 Conservation & Plantation Zones; Restricted & Exempted Species & Areas

In the long run, the most prudent policy would be for the government to zone the CHT into distinct areas where different species of trees and other forest produce are located.

Conservation areas would in such case be separated from plantation areas. Plantation areas themselves may be divided into sub-zones, and a reasonable understanding reached between the government and local farmers or other planters as to what species occur in government-owned forests or are planted therein, and what species are to be planted by non-governmental actors. There are certain species of timber or bamboo that do not grow naturally in the CHT, including teak and “exotic” (or imported) species of trees, jackfruit, and certain species of bamboo, like *Bhajya* (*Bamboosatuldo*), for example. These could be exempted from the permit process, and in the case of teak, the government could move away from itself planting teak, as recommended by forestry experts, both on account of the species’ slow growth,³⁹⁴ and on account of its vulnerability to pests and disease and its harm to ecology and biological diversity.³⁹⁵

9.5.7 Exempted Species & Areas in Kerala State, India

Such a policy imperative, as suggested above, is not just a *utopian* idea, which is unimplementable. If one looks at various other parts of the world, many such examples of law and policy on forest produce transit exist. The most relevant are perhaps those from neighbouring India, which basically shares more or less the same legal framework on forests as Bangladesh does.

³⁹³ Gain (2006: 109).

³⁹⁴ Webb & Roberts (1976 33).

³⁹⁵ Ishaq (1975: 106).

In Kerala State, for example, in accordance with the *Kerala Forest Produce Transit Rules 1975* (passed in accordance with the Kerala Forest Act 1961 or Act 4 of 1962), several species of timber are exempted from the requirement of Transit Passes, including Cashew (*Anacardium occidentale*), Gulmohr (*Delonix regia*), Mahogany (*Swietenia macrophylla*), Acacia (*Acacia auriculiformis*), Asshatta/Bot (*Ficus religiosa*, *Ficus bengalensis*), Jacaranda (*Jacaranda mimosaeifolia*), Mango (*Lager stroemia*), Tamarind (*Tamarindus indica*) and Koroi (*Albizia procera*) (See Appendix 9).³⁹⁶ Similarly, the Kerala Rules also exempt certain specified areas from the ambit of the Rules.³⁹⁷ These Rules allow the State government “by notification in the Gazette [to] exempt any species of trees or any area within the State” from the requirement of obtaining a Transit Pass, to import or export “timber or other forest produce ... for the purpose of giving incentive to grow trees on private lands”.³⁹⁸

Among other issues related to the Transit Rules is the question of who is to issue permits for furniture produced from local timber. A BFD official participating at the Regional Consultation on Forest Management in the CHT held in Rangamati on 7 June 2015, suggested that the BFD was not aware on what basis the Deputy Commissioners were issuing licences or permits for such furniture, since this was not expressly covered by the 1973 Rules. This issue needs to be covered in the future revision of the Transit Rules. A related question that arises is, if *Forests other than Reserved Forests* is now a subject under the jurisdiction of the HDCs, rather than the DCs, *should it not be the HDCs that issue licences for such furniture and not the DCs?* Previously, DCs used to issue permits for timber and other forest produce from untitled lands in “USFs”, called “Royalty Permits”. Should this process too be revised, involving the HDCs, in conjunction with the BFD and the Mauza Headmen (who are the only local officials with ground knowledge of the mauza lands and forests)? The CHTRC and local timber merchants and jote owners have made suggestions to such effect.³⁹⁹

The 1973 Rules cater for “domestic use” of “minor forest produce” by “hill tribes”, but there is no specific mention of the Mauza reserves of VCFS. Produce of such forests, including that of Jote lands, could be voluntarily registered with the BFD, and branded and marked prior to their attainment of maturity. This could produce several “short-cuts” in the now laborious process of obtaining a permit, whether “Free Permit” for the Jote lands, or “Royalty Permit”, for the so-called “USFs”.

Produce of the “USFs”, including both “major” forest produce (timber) and “minor” forest produce (bamboo, rattan, cane, etc., also known as “non-timber forest produce or “NTFT”), do enter the market, legally or otherwise. This is so well known that it can hardly be called even an “open secret” (it’s no “secret”). Therefore, there is no justification to limit such exceptions to “domestic” use only.

³⁹⁶Proviso to Rule 4(a), Kerala Forest Produce Transit Rules 1975 (See Appendix 9).

³⁹⁷ Proviso to Rule 4(a), Kerala Forest Produce Transit Rules 1975 (See Appendix 9).

³⁹⁸Rule 3(2), Kerala Forest Produce Transit Rules 1975 (See Appendix 9).

³⁹⁹ Recommendations at the consultation workshops held in Rangamati on 7 June 2015 (hosted by UNDP-CHTDF) and on 22 July 2015 (hosted by the MPFLR-CHT).

9.6 **The Wildlife (Protection & Safety) Act 2012**

The Wildlife (Protection and Safety) Act 2012 repealed the previous law on the subject, the Bangladesh Wildlife (Preservation) Order 1973 (President's Order No. 23 of 1973). The 2012 Act attempts to rationalize the penal measures, provide for several formally-recognized categories of protected areas (including new categories) under governmental management and co-management (collaboration between governmental and non-governmental entities), formalize the participation of experts in the apex national body, the *Wildlife Advisory Board*, and vest the responsibilities of *Forest Wardens* upon the senior-most and specially-designated officials of the BFD.

Admittedly, the 2012 Act provides a larger scope than before for the participation of non-governmental actors, including experts in the Wildlife Advisory Board,⁴⁰⁰ and local communities and “minor ethnic communities” in *Co-Management Committees*.⁴⁰¹ It also creates various categories of protected areas. However, the Act also strengthens penal sanctions, particularly in some of the categories of protected areas, including *Sanctuaries, Safari Parks, Eco Parks, Botanical Gardens* and *Wild Animal Breeding Centres*.⁴⁰²

Before the passage of the 2012 Act, representatives of indigenous peoples and other forest-dependent communities had petitioned the government and members of parliament to exclude provisions on penal sanctions for using trophies of wildlife and for traditional use of non-threatened species of wildlife as food. Such entreaties went unheeded, except to bring forth a small reference to “small ethnic-community”, providing members of this group exemption from seizure of trophies that are part of their “tradition, heritage or... daily life”.⁴⁰³ Another oblique reference to indigenous peoples, this time termed as “minor ethnic-community living in the forests” is in the context of co-management of sanctuaries, etc.⁴⁰⁴ Despite such mention, with a narrow construction of the other provisions of the Act, it could mean that indigenous peoples’ traditional hunting, trapping and gathering activities may be subjected to criminal prosecution. Therefore the real and potential areas of conflict between the provisions of the 2012 Act – in its application to the CHT –and the letter and spirit of the CHT Regulation and other CHT-specific laws – such as the HDC Acts 1989 (as amended in 1998) and the CHT Regional Council Act 1998, may need to be harmonized by appropriate legal and policy reform.

9.7 **The CHT Regulation 1900**⁴⁰⁵

9.7.1 **The Status of the CHT Regulation**

The CHT Regulation 1900 belongs to a broad category of special regulations that were framed by the former British Indian empire for application to territories within

⁴⁰⁰ Section 3, Wildlife (Protection & Safety) Act 2012.

⁴⁰¹ Section 21, Wildlife (Protection & Safety) Act 2012.

⁴⁰² Sections 14, 15, 16 17, 19, 22, Wildlife (Protection & Safety) Act 2012.

⁴⁰³ Section 33 (1), Wildlife (Protection & Safety) Act 2012.

⁴⁰⁴ Section 21 (1), Wildlife (Protection & Safety) Act 2012.

⁴⁰⁵ This sub-chapter draws generously from Roy (2010a) and Roy (2010b).

Bangladesh, India and Myanmar (former Burma) inhabited by indigenous peoples. These laws include the Inner Line Regulation (Regulation V of 1873), the Chin Hills Regulation (Regulation V of 1896) and the *Daman-i-Koh Rules*.⁴⁰⁶

In 1989, based upon a political agreement between the government and indigenous leaders other than the JSS in the year before (1988), four statutes were passed in parliament for the CHT. Three practically identical laws - Acts XIX, XX AND XXI of 1989 - set up three district-level “local government councils” (whose powers and functions were to be subsequently enhanced, in 1998, after the signing of the 1997 Accord). Another law - Act XVI of 1989 - purported to repeal the CHT Regulation, and consequently, by implication, extend all Bangladeshi laws to the CHT, which were hitherto inapplicable to the region. However, the law retained the system of Chiefs and Headmen, along with their justice administration and a few other roles, but obviously in a more restricted manner.

Although the HDLGC laws were immediately put into effect, Act XVI was not activated. With the signing of the 1997 Accord, provisions were made in the accord, and in the CHT Regional Council Act 1998 the following year, that the CHTRC would advise the Government of Bangladesh to remove inconsistencies between the CHT Regulation and the Hill District Council Acts, 1989.⁴⁰⁷ Similar provisions were also included in the HDC Acts of 1989, which were amended in 1998. Act XVI was, however, never expressly repealed, but remains in “cold storage”, and the question of its activation, and consequently, the repeal of 1900 Regulation, became a non-issue. The 1900 Regulation’s amendment, as deemed necessary by the CHTRC, rather than its repeal, was provided for in the 1997 Accord and in the CHT Regional Council Act of 1998.

In 2005, in a case before a High Court Divisional bench of the Supreme Court, the court declared the CHT Regulation 1900 to be a “dead law”.⁴⁰⁸ Subsequently, a special bench was constituted to hear all related matters together and the Government, the CHTRC, Circle Chiefs and Headmen appealed against the decision.⁴⁰⁹ Pending the conclusion of the hearings (which is yet to be taken up), the effect of the judgment was stayed. The Regulation, therefore, continues to be valid law, until and unless decided otherwise by the government, or by a competent court of law.⁴¹⁰

9.7.2 Contents of the CHT Regulation

The CHT Regulation 1900 retains the special legal and administrative status of the CHT and expressly or implicitly recognizes a wide body of customary laws on land, forests and other natural resources, along with customary personal laws (family law). Until 1989, it was single most important legal instrument for the CHT. It “lays down a detailed

⁴⁰⁶ Roy (2010a: 13).

⁴⁰⁷ Section 52, CHT Regional Council Act 1998.

⁴⁰⁸ *Rangamati Food Products vs. Commissioner of Customs & Others*, 10 BLC, 2005, 525.

⁴⁰⁹ These cases are; Writ Petition No. 9513 of 2005 (*S.P. Marma vs. Deputy Commissioner, Rangamati and Others*), Writ Petition No. 3686 of 2004 (*Anil Kanti Chakma and Others vs. Additional Divisional Commissioner, Chittagong and Others*) and Writ Petition No. 149 of 2003 (*Ulha Su Pru Choudhuri vs. Anaram Tripura*).

⁴¹⁰ See also, an official memo on the validity of the CHT Regulation (Appendix 19).

policy for the general, judicial, land, and revenue administration of the region and defines the powers, functions and responsibilities of various officials and institutions... [It] stipulates the manner and extent of the application of other laws to the region, many of which apply only to the extent that they are not inconsistent with the Regulation.”⁴¹¹

The 1900 Regulation consists of three main segments: *firstly*, the 20 sections, that may be considered to be the “framework of the [Regulation]”; *secondly*, the Schedule of Laws, wherein specific laws are appended to the Regulation; and *thirdly*, 54 Rules passed in accordance with the enabling provision (section 18), which “contain substantive matters on the CHT administrative system”.⁴¹² The most crucial provisions that deal with land and forest-related matters are to be found in the Rules, rather than in the sections or any law mentioned in the Schedule, apart from the Forest Act 1927 and the CHT Land Acquisition Regulation 1958.⁴¹³ It has been said, that “[the] status and importance of the rules are apparent when we look at the schedule, which includes laws that apply to the CHT only to the extent of their consistency with the Regulation and the rules framed thereunder”.⁴¹⁴

Thus the Forest Act of 1927 is one of the laws that was included in the schedule of the Regulation. Several other laws were extended to the CHT, from time to time, since 1900. Among these, the most important with regard to land and forest related matters are the CHT Land Acquisition Regulation 1958, the Land Titles (CHT) Ordinance 1984 (Ordinance 2 of 1985), the Hill District Councils Acts 1989 (Acts XIX, XX and XXI of 1989), the CHT Regional Council Act 1998 (Act XII of 1998) and the CHT Land Disputes Resolution Commission Act 2001 (Act LIII of 2001). In order to understand the status and the nature and extent of the applicability of the seemingly confusing labyrinth of laws to the region, the different laws applicable to the CHT must be *read in conjunction with-* or “read with” (in lawyer’s jargon) - the CHT Regulation. It is also well to bear in mind that according to the Acts XIX, XX and XXI of 1989, the HDCs have authority over forests and lands, but the Forest Act has not been correspondingly amended to reflect the new role of the HDCs in forest management. Moreover, unlike several other subjects and departments whose district-level offices have been transferred to the HDCs, forest and land have not been transferred. Protected Forests are implicitly within the direct jurisdiction of the HDCs, but in practice no such role in administering them has been seen to be played by the HDCs until today.⁴¹⁵

9.7.3 The CHT Regulation’s Provisions on Mauza Reserves

The most directly relevant provision of the Regulation on forests is Rule 41A, which deals with *Mauza Forests*, as has been discussed in detail in chapter 6.1. Other provisions on land in the Regulation are those pertaining to (a) *settlements and leases* (Rule 34), *natural watercourses* (Rule 34A), *jum cultivation* (Rules 34B, 41 and 42),

⁴¹¹ Roy (2000a: 44).

⁴¹² Roy (2010a: 26).

⁴¹³ Rules 34, 34A, 34B, 34C, 41, 41A, 42, 45, 45A, 45B and 50 of the CHT Regulation 1900 are the most directly relevant for land and forest matters.

⁴¹⁴ Roy (2010a: 27).

⁴¹⁵ Through section 64 and First Schedule [clause 6(b) & 6(e) of Acts XIX, XX and XXI of 1989, the HDCs have been given authority over all categories of lands and forests, with some exceptions, including reserved forests. Thus implicitly, protected forests are within the jurisdiction of the HDC.

grasslands (Rules 45 and 45A), *grazing lands* (Rule 45B) and *resumption of land and homestead plots of hill people* (Rule 50). Table 2 in the annexe gives an overview of the major provisions of CHT laws on the administration of lands and forests. Table 3 gives an overview of important laws related to the management of forests in the CHT and related challenges.

Several of the aforesaid laws deal with customary uses of lands and forests, most of which are not defined in the statutes. Therefore, in order to understand land and forest administration and management in the CHT, it is important to also understand the implications of the interplay of customary laws on lands and forests with the different statutes of relevance. This is discussed in chapter 9.9 below.

9.8 **The Hill District Councils Acts 1989**

The most important provisions of the Hill District Councils Acts of 1989 relating to lands and forests have been discussed in Chapter 8.3, while dealing with the role of the HDCs in forest management. However, for the sake of easy reference, some of these are reiterated here.

9.8.1 **Provisions on *Forests other than Reserved Forests***

The provisions of the Hill District Councils Acts 1989 that deal directly with forests are clauses 6(b) and 6(e) of the First Schedule read with Section 22. Section 22 states that the functions of the HDC shall be those that are mentioned in the First Schedule.

The Schedule contains 33 subject matters, some of which coincide with governmental departments of the same name at the district level, while others do not. Some of these district level departments and agencies, whose area of authority coincide with the subject matter concerned, have been partially “transferred” by the national government to the councils, enabling the council to have administrative, if not policy-related, authority, over the concerned departments’ functions (e.g., Department of Agriculture Extension, Department of Education, Department of Public Health Engineering, etc.). In the case of other agencies, whose mandates coincide with that of the HDC, the government has taken a policy decision not to “transfer” the district-level departments or agencies to the HDC.

One of the 33 subject matters is *Development and Protection of Forests other than Reserved Forests* (clause 6b, Schedule I). Another is *Protection of Forests in Rural Areas* (clause 6e, Schedule I). However, as mentioned in chapter 8.3, other than for a very short period in 1989, when the BFD was transferred to the then HDLGC, the government has chosen not to transfer the BFD to the HDC.

While the “transfer” of the BFD to the HDCs may be one of the ways, and decidedly the preferred mode of exercise of authority on forests by the HDCs (at least as far as the HDCs, the CHTRC and other CHT institutions and civic groups are concerned), there may be other ways in which to operationalize the concerned provisions (discussed further in chapters XI, XII and XIII). The important thing is that the HDC’s role in forest management, other than in the case of the reserved forests, is now entrenched by law, which was hitherto not the case. Earlier, the Deputy Commissioner was the only non-BFD authority that dealt with non-RF forests, which the BFD calls “USF”.

9.8.2 Provisions on Supervision & Control over Functions of Headmen, Etc.

Another crucial provision of the HDC Acts related to forest management is that which concerns the HDCs' authority to "supervise and control" the functions of specific revenue and land administration officials, namely, Headman, Chainman, Amin, Surveyor, Kanungo and AC (Land), all of whom have important revenue and land administration functions (including survey, demarcation, provision of advice on land settlements and leases, etc.). In particular, the supervisory authority over the Headmen can be translated into effective support to the Headmen in their management of the Mauza Reserves (VCFs). This, in combination with the HDCs' authority over Jum Cultivation – through Rules 41, 42 CHT Regulation 1900 - provides a unique opportunity to the HDCs to supervise Jum Cultivation, which is closely related to VCF and other mauza forest management, since most VCFs are actually previously jumed lands left for fallow, and juming can only be done on lands with forest cover (see further, chapters 4.8, 5.2.3, 6.5 and 6.7).

9.9 Customary Laws on Land & Forests

Like several other Asian (and other) countries with a *Common Law* tradition, including India, Pakistan and Malaysia, Bangladesh practices a form of legal pluralism. One aspect of such a pluralistic regime is the co-existence of statute law (written laws formalized in a legal instrument) and customary law.

The definition of law in the Constitution of Bangladesh includes "custom or usage having the force of law in Bangladesh".⁴¹⁶ There are two major categories of customary law in Bangladesh. Firstly, there are the *personal laws*, basically family law principles that deal with marriage, inheritance and related matters, which are governed by the ethnic or religious affiliation of the individual concerned.⁴¹⁷ Secondly, there is a body of unwritten custom-based or customary laws pertaining to lands, including lands categorized as "forests".

Customary personal laws of the indigenous peoples of the CHT have been accorded a very high status in Bangladesh.⁴¹⁸ Customary laws have been upheld in the highest courts of the country. The Appellate Division of the Supreme Court of Bangladesh, in two separate cases concerning, respectively, the succession to the Bohmong Chiefship, and succession to the Mong Chiefship, held that in the absence of statutory provisions to the contrary, the customary laws of the concerned Circle would govern such succession, and that they must be followed by the government.⁴¹⁹ In a more recent case before the High Court Division of the Supreme Court, again the court upheld the customary law of the people concerned – in this case the Marma community of the Mong Circle – ruling that the customary law of the Marma people of the Circle would govern cases of succession, and hence directed the concerned District Court to decide the disputed matter of succession afresh, in consultation with the concerned Circle Chief and Mauza Headman,

⁴¹⁶ Article 152 of the Constitution of Bangladesh states that "law" means "any Act, ordinance, order, rule, regulation, bye-law, notification or other legal instrument, and any custom or usage, having the force of law in Bangladesh".

⁴¹⁷ Roy (2009a: 19), Roy (2011: 107).

⁴¹⁸ Roy (2004b).

⁴¹⁹ *Aung Shwe Prue Chowdhury v. Kyaw Sain Prue Chowdhury & Others*, 50 DLR, AD, 1998, 73, and *Rajkumari Unika Devi v. Bangladesh & Others*, 9 BLC, AD, 2004, 181, respectively.

and in accordance with Marma customary law.⁴²⁰The last-mentioned case also enabled the women litigants in the case to succeed to landed property, which they would have been unable to, if the lower court's ruling that Hindu laws would apply to Buddhists, had been upheld by the High Court.

The aforesaid cases, however, dealt with customary personal law. The situation with regard to customary land and resource rights of the indigenous peoples is somewhat different, and very few cases on the latter issues have reached the apex courts of the country. It has therefore been said: "the case of customary resource rights [of the indigenous peoples] is more problematic, although not bereft of formal recognition."⁴²¹

In a study on customary land rights in the Chittagong Hill Tracts, the status of customary land and resource rights – which includes rights over "forests – was thus summed up:

"The customary land and resource rights regime in Bangladesh includes aspects of substantive law – i.e., the content of laws, whether based on oral customary traditions or statutes that expressly or implicitly acknowledge custom-based rights – and procedural law in both land management and land dispute resolution. Thus conflicts based upon competing legal regimes over lands categorized as forests within Bangladesh – e.g., customary law versus 'colonialist' Forest law regimes – show a clear subordination of customary regimes to 'statist' interpretations of Forest laws."⁴²²

9.9.1 Customary Rights and the Reserved Forests

One of the clearest manifestations of the 'subordination' of customary land rights to real or perceived exigencies of state interests occurred during the process of creation of the larger reserved forests during the British colonial period in the 1870s and 80s. In none of these reserves were customary rights over jum or swidden lands, grazing lands or other customary rights recognized, either under the Forest Act 1865 (although this law had contained strong protective provisions on community rights) or the Indian Forest Act 1878 (though weaker than the 1865 Act on customary rights, nevertheless contained some safeguard provisions, which are also retained in the 1927 Act). This was the case both during the reservation process (when customary rights that could have been formally acknowledged by the FSO, but were not), and thereafter (e.g., when otherwise illegal acts could be condoned by a Forest Officer "by permission-in-writing").

The same situation prevailed in the post-1880s period, whether during British rule or afterwards. During British rule – e.g., in 1945 when the original Sitapahar and its extended RF were amalgamated – the notification categorically declared: "no rights and privileges granted" (see Chapter 5.1). During Pakistani rule, in 1948, when the Reingkhong, Thega and Subolong Reserves were amalgamated, the same phrase on the denial of rights and "privileges" was recorded (see Chapters 5.1 and 5.2). During the reservation process under Bangladesh in the 1990s, the process was perhaps even more non-transparent and "steam-rolled", judged from the perspective of progressive dispensations in constitutional stipulations on property rights and procedural fairness

⁴²⁰ *Abrechai Mog v. District Judge, Khagrachari & Others*, 19 BLC, 2014, 258.

⁴²¹ Roy (2011: 108).

⁴²² Roy (2011: 108, 109).

(*Principle of Natural Justice* in Bangladesh and several other Commonwealth and *Common Law* countries and *Due Process*, in the USA).

The same denial of customary rights has followed the process of creation of protected forests and regarding the non-exercise of discretion to allow otherwise proscribed activities within reserved forests, both during Pakistani rule (1947-1971) and in the period after Bangladesh gained its independence from Pakistan (1971 to today). Despite express provisions of the Forest Act 1927 allowing certain types of land use with the “permission-in-writing of a Forest Officer”, no such concessions have ever been formally made. The dormant status of the provisions on Village Forests adds even further evidence to such law and policy neglect.

9.9.2 Customary Rights in Forests other than Reserved Forests

Turning now to the so-called “USFs”, the situation is somewhat different here. In such cases, one can perhaps distinguish between “BFD regimes” and “District regimes”. In the former case, some customary rights have been expressly recognized in the Transit Rules, but these concern only rights over “minor forest produce” (excluding timber) and only for “bona fide domestic use” (excluding sale). In the case of the latter, one sees a somewhat more conciliatory approach, such as when the rights over “USFs” are concerned, as evident from the Deputy Commissioner, CHT’s Order on permits for “USFs” in which the obtaining of consent of the Circle Chiefs and Headmen was made mandatory prior to permission being granted by the DC (Appendix 15).

Moreover, customary rights over forests are also implicitly recognized in the CHT Regulation provisions on Mauza Reserves, as discussed earlier. In addition, customary rights over jum, grasslands, grazing lands and other resources are also exercised, generally without major fetters.

9.9.3 Customary Rights in Post-Accord Laws

As discussed earlier, customary law on land, including forests, is an integral part of the CHT Regulation, and related administrative orders, guidelines and practices. In the period after the signing of the CHT Accord, two specific legislative measures have provided more direct recognition to the customs and practices of the indigenous peoples, as mentioned hereafter.

The first of these measures concerns the CHT Land Disputes Resolution Commission Act 2001 (Act LIII of 2001). This law was passed to provide a firm legal footing to the functions of the CHT Land Disputes Resolution Commission (hereafter “CHT Land Commission”), a quasi-judicial body that was formed to provide “quick, inexpensive, fair and sustainable remedies” to land disputes in the region in accordance with “laws and customs” (“Ain o Riti”) of the CHT.⁴²³ The functions of this commission have been mired in controversy and disagreements between indigenous leaders and the Government of Bangladesh.⁴²⁴ It would appear that unless amendments are made to this law to harmonize it with the provisions of the CHT Accord of 1997, the necessary consensus to

⁴²³ Roy (2014: para 20). Section 6(1)(a), CHT Land Disputes Resolution Commission Act 2001 (Act LIII of 2001).

⁴²⁴ Baer (2011: paras 33-38).

start the commission's deliberations might be indefinitely delayed.⁴²⁵ However, conceptually at least, the commission is a possible venue to resolve many lingering land disputes in the CHT, including those concerning forests. It has also been said that it is potentially a *role model* for other jurisdictions in the world, provided that its legal and other shortcomings are addressed.⁴²⁶

The second post-1997 legal measure concerns an amendment to the CHT Regulation in 2003, through the CHT Regulation (Amendment) Act of 2003 (Act XXXVIII of 2003). This transferred the powers of administration of civil and criminal justice – hitherto vested upon civil servants at the district and divisional levels – to judicial officers under the *Ministry of Law, Justice and Parliamentary Affairs* in consultation with the Supreme Court of Bangladesh. However, the amendment clarified that the civil courts concerned were obliged to try matters in accordance with “the existing laws, customs and usages of the districts concerned”.⁴²⁷ This change was not meant to affect the existing functions of the traditional Chiefs and Headmen in dispensing justice on tribal customary laws, and hence such matters were expressly excluded from the jurisdiction of the new civil courts.⁴²⁸

⁴²⁵ Roy (2014: para 23).

⁴²⁶ Roy (2014).

⁴²⁷ Section 4(4), CHT Regulation (Amendment) Act 2003 (Act XXXVIII of 2003), amending section 8, of the CHT Regulation 1900.

⁴²⁸ Section 4(4), CHT Regulation (Amendment) Act 2003 (Act XXXVIII of 2003), amending section 8, of the CHT Regulation 1900.

There is a considerable amount of literature on Forest policies of Bangladesh. Among such writings, particularly those of the period *after* the formulation of the current Policy of 1994, an article on the *Evolution of Forest Policies in Bangladesh*, by Mahmudul Alam, stands out for its analytical summing up of the core issues and challenges.

According to this writer (Alam, 2009), the current National Forest Policy of 1994 is based upon earlier Forest Policies, including from the time of the British period and the Pakistani period. The 1994 Policy draws upon several basic elements from the Forest policies of 1894, 1955, 1962, and the immediately previous one, the policy of 1979.⁴²⁹

Citing the writings of I. A Qazi (1994) and B. Shahbaz, T. Ali and A. Q Suleri (2007), Alam notes that the 1894 Policy “recognized the importance of forests as a resource with the potential to yield significant economic returns”.⁴³⁰ A crucial development of the 1894 Policy was the passage of the Forest Act of 1927, administration of state forests for the benefit of the public, the recognition of different categories of forests, and, perhaps most importantly, “management of state forests to yield state revenue”.⁴³¹ These legacies of seemingly irreconcilable goals have continued to linger, to this day.

Alam criticizes the Pakistani Policy of 1955 for various shortcomings, including the neglect of hill forests and watersheds.⁴³² The next policy, that of 1962, appears to have been an improvement, including on intangible benefits from forestry, preservation and “scientific management” of forests and the use of approved management plans, and soil conservation.⁴³³ It had two other important features, which may be regarded as negative, at least from the perspective of conservation and human rights, namely, the encouragement of “fast growing species with shortened rotation to boost forest production”, and the neglect of local communities’ rights.⁴³⁴

The first Forest Policy of independent Bangladesh, of 1979, seems to have continued the major thrusts of the 1962 Policy. It focused, among others, on (a) restructuring of the BFD; (b) horizontal expansion of forests; (c) optimum forest extraction; and (d) the setting up of new forest-based industries.⁴³⁵ Goals (b) and (c) appear to have continued to the present day. In any case, Alam concludes that this policy “had only some generalized and somewhat vague directions”.⁴³⁶

⁴²⁹ Alam (2009 156).

⁴³⁰ Alam (2009 156).

⁴³¹ Alam (2009 156, 157).

⁴³² Alam (2009 157).

⁴³³ Alam (2009 157).

⁴³⁴ Alam (2009 157).

⁴³⁵ Alam (2009 157).

⁴³⁶ Alam (2009 157).

10.1. **The National Forest Policy 1994**

The National Forest Policy 1994 amended the National Forest Policy 1974. The 1994 Policy has three main sections or parts following the introductory paragraphs. The introductory section refers to the (then draft) *Forestry Master Plan (1995-2015)*, which strongly recommended the need of a 'Policy Review' to amend existing laws and policies.⁴³⁷ Thus the shift from the 1974 Policy to the 1994 Policy may be regarded as a direct result of the Forestry Master Plan, with the Plan continuing to function, if informally, as a necessary and crucial component of the 1994 Policy with regard to its operational contexts, at least in some very important aspects of afforestation and reforestation programmes.

The first part is titled *Preconditions for the Development of the Forestry Sector*, followed by *Objectives of the National Forest Policy* in the second part, with the final and third part consisting of *Statements of the National Forest Policy*. It is the *Statements* section that outlines or identifies the operative elements of the policy.

Commenting on the Policy of 1994, Alam states that "it [marked] a major departure from commercialization to recognition of rights and participation of people".⁴³⁸ Among the policy's main features that Alam mentions, are (a) "horizontal expansion to bring 20 per cent of the land area under forest by 2015"; (b) public and NGO participation; (c) special attention on USFs in the CHT; and (d) the importance of biological diversity and Protected Areas.⁴³⁹

The emphasis on biological diversity and protected areas is a clear indication of Bangladesh's integration into the international and global forums dealing with biodiversity and conservation (The Convention on Biological Diversity, which was adopted in a follow up to the Rio Earth Summit of 1992, had been ratified by Bangladesh).

The declaration of *Protected Areas* in the CHT was a direct result of this policy, and perhaps one of the few goals of the 1994 Policy that was reportedly achieved, at least on paper (however, the setting up of a Protected Area does not necessarily mean that the area's wildlife and flora are necessarily protected!). Similarly, the expansion of the area of the reserved forests in the CHT in the 1990s is also clearly a direct result of the 1994 Policy's imperatives on "horizontal expansion of forests".

However, as in the case of a mere legal declaration of an area as a Protected Area, the mere declaration of an area as a reserved forest, does not necessarily mean that the flora and fauna within such a "forest" are necessarily protected better than before. The situation on the ground in the CHT, both in the case of the Protected Areas and in the case of the reserved forests, particularly the latter, clearly shows that policy goals have been achieved only on paper, but the ultimate objectives of such goals, namely, to protect the flora and fauna of such lands, has not only failed, but has in the process

⁴³⁷ Government of Bangladesh et al (1993c: 2).

⁴³⁸ Government of Bangladesh et al (1993c: 2).

⁴³⁹ Alam (2009 157, 158).

created conflicts and compromised the BFD's reputation and relationship with the general public.

Of course, logistical shortcomings faced by the BFD, and the absence of strong political support, were also strong causal or contributory factors in this context. Nevertheless, the gaps between law and policy, on the one hand, and ground realities, on the other, particularly in the case of the management and protection of the reserved forests, should have been a pointer for the *Protected Areas*, but it does not seem that the issue has been accounted or provided for, either at policy or programmatic levels.

Perhaps Alam's strategy to encourage the BFD to improve its public orientation has led him to describe the 1994 Policy in kinder words than he otherwise would have. However, the huge gaps between *formal* policy goals and *actual* policy goals is implicit in his analysis, where he guardedly comments, in the case of employment opportunities, poverty alleviation and augmenting of national income, as follows:

“Even though the addressing of these issues remains incomplete and superficial, this is a welcome departure because, contrary to the traditional belief that poverty compels people to plunder forests, effective use of forest resources is intended to make a dent on poverty”.⁴⁴⁰

Alam's "SWOT Analysis", i.e., analysis of *strengths, weaknesses, opportunities* and *threats* (see Table 4), identifies several crucial strengths and weaknesses of the 1994 Policy.⁴⁴¹ Among the strengths, Alam mentions (a) people's participation; (b) participation of NGOs, and (c) gender sensitivity, while the weaknesses that he mentions include (d) lack of a "bottom-up" approach in policy formulation; and (e) neglect of Climate Change issues.⁴⁴² Among the threats to implementation, Alam mentions (f) corruption of forestry staff; (g) lack of collaboration between implementing agencies; (h) conflict among cross-sectoral policies; and (i) lack of technically sound manpower.⁴⁴³

Several of Alam's observations are relevant in the vase of the CHT too. Some of these matters will be revisited in Chapter XI, in the discussion on major challenges with regard to policy formulation and policy implementation. However, one of his major observations for the future is extremely appropriate for the CHT. This is with regard to the need for flexibility to adapt to the local situation.⁴⁴⁴ The CHT context is fundamentally different from that of other parts of Bangladesh in various ways as the foregoing chapters should demonstrate to anyone familiar with both the CHT and the other regions of Bangladesh. In any case, Alam's observation on the issue is quoted herewith for the sake of completeness.

⁴⁴⁰Alam (2009: 159).

⁴⁴¹ Alam (2009: 159).

⁴⁴² Alam (2009: 159).

⁴⁴³ Alam (2009: 159).

⁴⁴⁴ Alam (2009: 162).

“Forest policy should be flexible enough to be adapted according to the local situation so that ... forest management can be planned taking into consideration prevailing realities.”⁴⁴⁵

10.2. The (Draft) Forest Policy 2015

The Government of Bangladesh is preparing to adopt a new Forest Policy and the draft of a proposed policy is now available to the general public (see Appendix 25). The layout of the draft 2015 policy is far more coherent than that of the 1994 Policy. The latter’s different sections were quite confusing as regards policy objectives and goals and the manner of policy operationalization. The draft policy, in contrast, sets out the different chapters of the policy quite rationally, namely: (a) context; (b) purpose; (c) challenges; (d) objectives; and (e) strategy.

The draft of the new policy contains several new features *and* features occurring in the previous policy of 1994. Some of these are set out below, in separate paragraphs, along with some observations, so as to highlight the relevance to the CHT context.

10.2.1 Reiteration of Previous Policy Provisions

The provisions of the draft 2015 Policy include the following provisions, which are based upon the 1994 Policy.

“The state forestland cannot be diverted for non-forestry purposes without taking prior approval from the Prime Minister’s office with vetting from the office of the President of Bangladesh.” (Para 6.1)

This provision is practically a reiteration of Statement 18 of the 1994 Policy, except with the additional reference to the President, in addition to the Head of Government (Prime Minister).

Without any further guidelines, this may practically amount to a virtual ban on de-reservation. It leaves the matter to the discretion of the Prime Minister, as the President acts upon the advice of the Prime Minister for most matters. The severe complications related to even the de-reservation of tiny portions of RFs, for establishment of primary schools (which is a basic human right), illustrates the difficulties in operationalization of such a provision.⁴⁴⁶ Conversely, a Prime Minister wishing to convert forest lands to “non-forest” use could unilaterally act in an undesirable manner.

It is unclear whether this seemingly broad prohibition on “non-forestry purposes” would include agriculture, horticulture (growing “fruit-bearing trees” mentioned in para 10,2), agro-forestry, and even social forestry (which can include agro-forestry). The same is the case for shifting cultivation (jum cultivation) and grazing, which are provided for in the 1927 Act in the provisions related to reserved forests.

⁴⁴⁵ Alam (2009: 162).

⁴⁴⁶ Officials of UNDP-CHTDF have stated that, despite concerted support from different sections of the Government of Bangladesh and civil society leaders, the proposed permission from the prime minister, to “de-reserve” small portions of different reserved forests in the CHT containing schools managed by local communities with the support of the Hill District Councils and UNDP, to enable the Department of Primary Education to include the schools within the list of *government primary schools*, is still pending, on account of legal complications, among others, despite the alleged expression of strong support from Prime Minister Sheikh Hasina herself!

The theoretical, and operationally contextual question here is, does the Policy trump law, or the other way around? For, normally, legal provisions in statutes (“hard laws” made by parliament) generally enjoy a higher status than Policies (which are executive-made “soft laws”). However, given the dysfunctionalities in Bangladesh on the *Rule of Law*, where the Head of State or of Government is concerned, the matter is tantamount to being considered a “no-go” zone, as far as the MOEF and the BFD executives are concerned, where it concerns de-reservation of a reserved forest, for example.

“Climate resilient reforestation and social forestry in unclassified state forests, and coastal areas including newly accreted mud-flats and charlands will be given priority by involving local community.” (Para 5.5)

This provision is basically a rewording of the provisions of Statement 2 of the 1994 Policy, although it may be noted that the reference to the CHT “USFs” was dropped from the finally adopted SF Rules 2004, although the draft SF Rules of 2000 had contained a separate category of SF programmes for “USFs in the CHT”. Thus, this indicates a disconnect between law and policy imperatives, and the lack of careful consideration to achieve a harmonized impact of related laws and policies.

The aims of reforestation and social forestry are mentioned in the case of the “unclassified state forests” only. Given that more than a quarter of the CHT consists of RFs, which are under direct BFD administration, and which have been heavily deforested and degraded, it would make more sense to focus on reforestation in the reserved forests, through social forestry (as appropriate for the CHT), along with Village Forestry, in consultation with CHT-specific institutions and forest dependent communities. *The involvement of the CHT-specific institution and adherence to the CHT-specific laws, including customary laws, concerning policy formulation affecting the CHT was emphasized at the 7 June consultation in Rangamati.*

Forestry programmes in the “USFs” have led to much conflict and displacement. These lands (“USFs”), are jointly managed by the HDCs, the DCs and the traditional institutions. It would be best to leave forestry issues on “USF” lands to be dealt with by the HDCs – the legally mandated body on non-RF lands – in conjunction with the Mauza Headmen, with the BFD providing technical and extension services, as required.

“Laws, rules, regulations and administrative orders relating to the forestry sector will be amended and if necessary, new laws and rules will be promulgated in consonance with the forestry policy goals and objectives.” (Para 16.1)

This provision provides ample scope for necessary legal amendments, including to the Forest Act 1927, the Social Afforestation Rules 2004, and the framing of Village Forest Rules under Section 28 of the Act, among others. The 7th June Consultation on forest management in the CHT that was held in Rangamati had made a strong call for dialogues with forest-dependent communities, including indigenous peoples, in the concerned legal review processes.

10.2.2 New Provisions

The draft Forests Policy of 2015 has a number of new provisions that are pertinent for the CHT, and which are not based upon the earlier policy, as discussed below.

“Integrated watershed management approach with gainful participation of local community will be developed and implemented in hill forests and headwater reserves”. (Para 5.4)

The aim of this provision is irrefutably desirable for the benefit of all concerned. However, in order to ensure success, the role of inclusive and participatory mechanisms is indispensable. Facilitating such a mechanism or process remains a continuing challenge for the BFD. The reference to “headwater reserves” is probably an unintended hangover from the pre-independence period, when headwater reserves had their separate status, distinct from other reserves. These headwater reserves were amalgamated with other (non-headwater) reserves, more than half a century ago (see chapter 5). Nevertheless, the goal of preserving headwaters – whether still categorized as special headwater reserves or not – is definitely worthy of support.

As regards “hill forests”, this is a generic term that includes all the CHT forests, along with those in the Chittagong and Cox’s Bazar districts and in the Sylhet Division. Perhaps the replacement of the phrase “Headwater Reserves” with “Reserved Forests, including former Headwater Reserves, and other headwater areas” would be more specific, unequivocal and operationally unambiguous and decidedly more operational.

“Technical assistance and facilitation will be provided for community conserved areas (CCAs) including village/mauza common forests and other biodiversity conservation initiatives of indigenous community.” (Para 2.5)

Technical support to such community managed forests where provided with the free, prior and informed consent of the communities concerned, elicited much support in the 7th June 2015 regional consultation and a related follow-up consultation of the Chakma Circle held in Rangamati on 5-6 July 2015. However, fears were expressed about the nature and extent of BFD involvement in community-managed forests, including VCFs, no doubt based upon previous negative experiences of BFD-led programmes in the CHT (creation of new RFs, Pulpwood plantations on mauza areas, etc.). Therefore, a qualification along the lines of “without affecting existing legal and administrative regimes” or words to that effect, could dispel unnecessary fears among the VCF communities and others in the CHT.

“Silvi-horticultural practices with focus on fruit bearing tree species will be promoted for adequate nutrition for rural poor including indigenous community, women and children.” (Para 10.2)

The inclusion of the rural poor, including indigenous communities, women and children is a laudable goal. The question is, what process will be followed? Will it be participatory enough? And, on whose land? In the case of the CHT, a reference to the involvement of the CHT-specific institutions (CHTRC, HDCs, traditional institutions, etc., as appropriate) would be appropriate.

“Private tree felling and timber transit will be facilitated as private tree growing expands for meeting wood and non-wood demand for industry.” (Para 10.3.)

Given the severe hardships faced by Jote owners and *bona fide* timber merchants in the CHT, this is a most welcome development in the proposed policy. The views of the aforesaid two groups of major stakeholders in the CHT have been sidelined and ignored in the recent past, to the extent that they had to seek recourse in the Supreme Court of Bangladesh, to obtain redress (which they received, to a great extent, in the case of the hitherto high-handed conduct of the *District Forest Committee*). The views of the CHT Regional Council – which is mandated by law to advise the government on *any* legislation concerning the CHT – have been often ignored, including in the process of drafting new CHT Transit Rules. However, the office of the Chief Conservator Forests has recently demonstrated conciliatory and receptive overtures towards participatory methods of policy formulation and operationalization. This remains a test case in the very new future with regard to actual policy formulation and implementation.

“Protection of forest ecosystems services, including but not limited to water yield, carbon, eco-tourism, wildlife and biodiversity, will be taken up by following payment of ecosystem services principle and other evolving valuation methods.” (Para 15.5)

This is a welcome inclusion, in consonance with Bangladesh’s international obligations and commitments in the processes related to Climate Change (particularly, UN-REDD), and the Convention on Biological Diversity, including its Nagoya Protocol on Biodiversity. In addition to UNDP’s REDD+ initiative, wherein the BFD and indigenous peoples of Bangladesh (including through BIPNet-CCBD) are engaging, the possibilities of bilateral REDD, as long as the programme is done with the free, prior and informed consent of the concerned peoples, may be explored further.

The provisions on the equitable sharing of the benefits from traditional knowledge and genetic resources - as provided in articles 8J and 10C of the Convention on Biological Diversity and its related *Working Groups* - provide a firm basis to share benefits of BFD-initiated plantations in reserved forests, including with communities that contributed with the Taungya method (which is an innovated form of traditional knowledge and practice). Capacity raising of indigenous communities ought to be regarded a necessary prerequisite in this context.

This provision offers ample opportunities to use Climate Change-related funds – such as from the two Trust Funds managed under the aegis of the MOEF – to reward forest-inhabiting communities for their role in forest and watershed protection and management and in supporting their livelihood security and capacity-raising needs.

Moreover, REDD+ initiatives facilitated by UNDP can be a very appropriate window of bringing forth “win-win” government-community partnerships on law and policy revision and operationalization of equitable co-management initiatives with the free, prior and informed consent of the peoples and communities concerned. Recent dialogues initiated by BIPNet-CCBD - the leading national Bangladeshi network of indigenous peoples on Climate Change and Biodiversity – with the BFD, with the active facilitation of UNDP, show promising gains. The Office of the CCF has agreed with BIPNet-CCBD to dialogue on the future CHT Transit Rules and other forestry related matters. These initiatives need to be supported, facilitated and sustained, by all concerned.

10.3. **The Forestry Master Plan**

The period for which the Forestry Master Plan was adopted, has expired, or is about to expire, in 2015. Its flaws need to be identified, analyzed and excluded, and its strong points replicated, whether in a future Master Plan, or other policy-level mega plan. The often-contradictory provisions of the previous Plan have led, at the operational level, to disproportionate emphasis on extraction and economic benefits at the cost of human rights, ecology and biodiversity goals. The operationalization of this document – both during the phase of substantive funding and other support from the Asian Development Bank, UNDP and bilateral donors and in the period after the funding spree ran dry – need to be analyzed to guide future policy imperatives. The debacles of its operationalization suggest, among others, that “nit-picking” from over-ambitious policy goals can lead both to the disharmonized application of policy and the subordination of longer-term goals to short-term economic benefits, much of which had anyway evaded the state coffers but had found their way into the pockets of unscrupulous profiteers that excluded both the state and the forest-dependent communities.

10.4. **Related Sectoral & Other Policies**

The National Forest Policy is no doubt the most directly applicable formal Policy instrument with regard to forest management in the country. However, several other government policies are also extremely relevant in this context. These include the National Environment Policy (1992), the Bangladesh Climate Change Strategy and Action Plan (2009)⁴⁴⁷, the National Women’s Development Policy (2011), the National Water Policy (1998/1999) the National Agriculture Extension Policy (1995), the National Food Policy (2006), the National Livestock Policy (1992), the National Industrial Policy (2010), the National Land Use Policy (2001) and the 6th Five Year Plan.

The Sixth Five Year Plan contains several crucial issues relevant to the people of the CHT, particularly the indigenous peoples. The period of this instrument will conclude by 2015 and the Seventh Five Year Plan is expected to be adopted soon. It is important to ensure, at the very least, that the coverage of such issues, along with operationalization safeguards and budgetary support, are not of a level that are lower than that contained in Sixth Five Year Plan, and its precursors, the Poverty Reduction Strategies (PRSPs).⁴⁴⁸

Bearing in mind the “conflicts among cross-sectoral policies” that were referred to by Alam (Alam, 2009: see Table 4), which had hindered policy goals in the forestry sector, it is well to help ensure that the goals of the forestry sector are not subverted or counter-balanced by imperatives of other sectors (as the Industries sector and revenue-earning imperatives had undermined the Forestry sector goals concerning conservation through the Forestry Master Plan and successive Forest policies).

⁴⁴⁷ Substantively the Bangladesh Climate Change Strategy and Action Plan 2009 is identical to the Bangladesh Climate Change Strategy and Action Plan (2008). The latter instrument was adopted during the tenure of the last Interim Caretaker Government of Bangladesh, in which this author’s responsibilities included that of a State Minister for the Ministry of Environment & Forest.

⁴⁴⁸ See, Roy (2009a: Chapter 6.4) for the evolution of the PRSPs with regard to indigenous peoples’ rights.

It is therefore important to ensure that important stakeholders have a say in policy formulation and policy implementation. However, given the marginalized status of indigenous peoples, including those in the CHT, their influence over national policy formulation has been marginal at best, despite concerted efforts by political, social and human rights groups among indigenous peoples to have their voices heard at the national levels. This is in spite of their concerted efforts to voice their views and concerns, consistently, and often with coherence, precision and clear articulation (see the three *Citizens' Declarations* annexed hereto at Appendices 26, 27 and 28).

In a recent study on *National Policies Relating to Indigenous Peoples of Bangladesh*, Prashanta Tripura, a prominent Bangladeshi anthropologist and development analyst, concluded:

“With regard to national policies in various sectors, there seem to be no special measures that aim to address the problems faced by indigenous communities, especially those living in remote areas, the problems of which cannot be solved through the usual programmes that were designed with the Bengali-populated plains regions in mind.”⁴⁴⁹

⁴⁴⁹ Tripura (2013: 31, 32).

XI. INTERNATIONAL INSTRUMENTS & PROCESSES

Bangladesh is a party to several international treaties related to forests, environment and Climate Change. These include the Convention on Biological Diversity (including the Nagoya Protocol), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the UN Framework Convention on Climate Change (including the Kyoto Protocol), the Ramsar Convention, and the Ozone Treaties.

In addition, a number of human rights treaties are particularly relevant to the CHT, on account of the indigenous people of the region, who are variously defined in national and regional laws.⁴⁵⁰ These include the ILO Convention No. 107 on Indigenous and Tribal Populations (ILO Convention No. 107), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Elimination of Discrimination against Women (CEDAW).

In addition, there are several processes related to one or other of the aforesaid treaties, such as REDD+ under UNDP auspices (UN REDD). UNFCCC REDD is still a controversial issue for indigenous peoples, but if the conflicts, such as on carbon trading, are resolved, this may also be promising. REDD through bilateral development partnerships could also bring in desirable interventions, as long as the free, prior and informed consent (FCIP) is ensured. Three of these processes in particular have a direct bearing upon forest management in the CHT. These are the ILO Convention No. 107, the Conference on Biological Diversity, and REDD+. These are briefly mentioned below.

11.1 Convention on Biological Diversity

The provisions of the Convention on Biological Diversity (CBD), particularly article 8j, on the use of traditional knowledge, innovations and practices and the equitable sharing of the benefits of such knowledge, and article 10c, on the sustainable use of the components of biological diversity, are very relevant for indigenous peoples' rights and biodiversity. The Nagoya Protocol – a sub-treaty or “protocol” related to this convention – has many crucial provisions that seek to facilitate the implementation of the provisions of the convention, including those on access and equitable benefit-sharing. Engagement in the CBD process and the national-level compliance with its provisions, are crucial for both biodiversity and indigenous peoples' rights.

⁴⁵⁰ The indigenous peoples of Bangladesh are referred to in varying terminology in different legal and policy documents. At the national level, without distinguishing between the peoples in the CHT and elsewhere in Bangladesh, these terms include (a) “tribes, minor races, sects and communities” (Article 23A, Constitution of Bangladesh); and (b) “small ethnic groups” and “adibashi” (Small Ethnic Groups Cultural Institutes Act, 2010). For the plains districts outside the CHT, the terms used include (c) “aboriginal castes and tribes” (East Bengal State Acquisition and Tenancy Act 1950). In the case of the CHT only, the terms include (d) “indigenous hillmen” and “indigenous tribe” (CHT Regulation 1900), (e) “indigenous hillman” (Income Tax Ordinance, 1984), and, (f) “upajati” (CHT Regional Council Act, 1998 and Hill District Councils Acts 1989).

11.2 **REDD+ and UN-REDD**

Indigenous peoples' engagement in international processes show divergent views on UNFCCC REDD, among others, because the concept is still evolving, and on account of fears of "carbon trading", which has distanced a considerable section of indigenous peoples in different countries from the concept.⁴⁵¹

REDD+ initiatives are obviously more acceptable to indigenous peoples than UNFCCC's REDD, since REDD+ goes beyond the carbon-based orientation of REDD and includes conservation, sustainable management of forests and forest carbon stock enhancement. The REDD+ induced process under UNDP, known as UN-REDD, has various windows for facilitating state-community partnerships on reducing emission of carbon through forests in developing countries.

Indigenous peoples' representatives, particularly from Asia, have been closely participating in the processes of REDD within UNFCCC and UN auspices. The recent national-level dialogues in Bangladesh on REDD+ and UN-REDD, including those facilitated by UNDP, show sincere efforts by the BFD and by indigenous peoples and communities to close the gap and produce "win-win" partnerships to sustainably manage the country's forests and to settle differences through dialogues and discussion. The initiatives of the indigenous peoples' national network on Climate Change and Biodiversity – the BIPNet-CCBD – in its dialogues with the BFD, with facilitation by UNDP, show promising signs of state-people alliances to deal with deforestation, carbon sequestration, biodiversity conservation and livelihood security issues of forest-dependent communities.

If sustained, the REDD+ initiative under UNDP could help improve BFD-indigenous peoples relations to deal with many of the pressing forestry-related issues in the Chittagong Hill Tracts and elsewhere in Bangladesh. Copies of the Bangladeshi indigenous peoples' declarations related to REDD+, along with representations made to the government on forestry and REDD+ related issues are hoped to be included in the revised version of this study, prior to or during the national consultations on forestry issues to be organized by the Ministry of Chittagong Hill Tracts Affairs (MOCHTA), in conjunction with the Ministry of Environment and Forests (MOEF), with UNDP facilitation.

11.3 **ILO Convention No. 107**

The ILO Convention on Indigenous and Tribal Populations, 1957 – Convention No. 107 – is the only international treaty ratified by Bangladesh on the subject of indigenous-tribal peoples. The convention deals with several issues related to forests, including the collective and custom-based rights of indigenous peoples to lands. Some of the convention's provisions are compatible with the provisions of the laws applicable to the CHT. These include articles 11 to 14, which deal with land rights, including customary rights, and safeguards against land alienation. The spirit and ambit of these safeguards are also reflected in many comparable provisions on customary land rights and safeguards against land alienation expressly or implicitly provided for or acknowledged

⁴⁵¹ See Kari-Oca II Declaration of 2012, adopted by indigenous peoples in Rio de Janeiro, Brazil, parallel to the Rio+20 Earth Summit; <http://www.redd-monitor.org/2012/06/20/kari-oca-ii-declaration-indigenous-peoples-at-rio-20-reject-the-green-economy-and-redd/> [Accessed 31 July 2015].

by CHT laws.⁴⁵² It has therefore been said that “the presence of several [CHT-specific] laws shows that the situation is at par with... the provisions of Convention 107”.⁴⁵³ Initiatives to support the implementation of the government’s obligations under this convention can help promote indigenous-governmental relations, which is vital to bringing forth effective co-management partnerships on forestry.

⁴⁵² See, especially, sections 4(1) and 8(3), and Rules 34(13), 41, 41A, 42, 45, 45B, 50(1) of the CHT Regulation 1900; sections 22, 64 and Clauses 6, 23, 24, 33 of the First Schedule, HDC Acts 1989; and section 6(1) of the CHT Land Disputes Resolution Commission Act 2001.

⁴⁵³ Roy (2009a: xvii).

**XII. PROPOSED AMENDMENTS TO THE FOREST ACT 1927
& THE VIEWS & CONCERNS OF CHT-SPECIFIC INSTITUTIONS,
FOREST DEPENDENT COMMUNITIES & CIVIL SOCIETY**

The Forest Act 1927 has been amended several times in its application to Bangladesh (and former East Pakistan), with major amendments in the Bangladesh period being made in 1990 (Act VIII of 1990) and 2000 (Act X of 2000). In November 2010, a draft amendment bill was approved by the cabinet and sent to parliament soon afterwards. However, the bill was not passed, among others, on account of protests by indigenous peoples' and forest dependent communities, claiming that the law would adversely affect their rights and that sustainable forest management in areas inhabited by them would not be achieved. Representatives of MPFLR-CHT, Bangladesh Adivasi Forum and other indigenous leaders met members of the Parliamentary Standing Committee on Environment & Forest on several occasions, including to hand over memoranda with detailed demands on the draft. One of the demands was to reject the proposed creation of a new type of "notified forest", which concept lingers to this day, as evidenced by the draft Forest (Amendment) Act 2015 which refers to the new category of "other forest" (see further, Chapter 12.1 below).

With the coming into power of the present Awami League-led government in 2014, the MOEF started a fresh process to table a new bill, known as the draft Forest (Amendment) Act 2015. The CHTRC sent its views to the MOEF in September 2015.⁴⁵⁴ However, several important stakeholders, including the traditional institutions and forest-dwellers were not consulted by the CHTRC. At the initiative of the MPFLR-CHT, and with the cooperation of MOCHTA, the three traditional circles were included among the stakeholders to be consulted by MOCHTA.

Accordingly, representatives of the Chakma Circle and some of the HDCs attended two inter-ministerial consultation meetings hosted by MOEF in Dhaka, on 27 December 2015,⁴⁵⁵ and on 14 January, 2016.⁴⁵⁶ An informal Table of Recommendations was submitted on behalf of the traditional institutions and forest dependent communities at the 27 December meeting. These recommendations had emerged from a consultation organized by the Chakma Circle, in association with MPFLR-CHT and BIPNet-CCBD, in Rangamati on 24 December 2015, which was supplemented with another workshop, on 28 January 2016. The last-named workshop was also attended by representatives of the CHTRC and some of the HDCs, and consensus was reached on the major issues (see Appendix 33).

The following meeting of the MOEF on the same matter was to be held on 1 March 2016, in which members of the CHTRC were to have attended, but the meeting was cancelled

⁴⁵⁴ As communicate to the Secretary, MOEF, through the CHTRC's Memo No. 29.232.000.04.16.09 (Part) 2012 - 1736, dated 14/09/2015.

⁴⁵⁵ At the 27 December 2015 Consultation on the proposed Forest (Amendment) Act 2015 hosted by MOEF at the Bangladesh Secretariat in Dhaka, this writer, in his capacity as the Chakma Circle Chief, represented the Chakma Circle, accompanied by the President and General Secretary of MPFLR-CHT, respectively, Goutam Dewan and Sudatta Bikash Tanchangya (also Member Secretary of BIPNet-CCBD). Representative of MOCHTA and HDCs of Khagrachari attended the meeting, among others.

⁴⁵⁶ At the 14 January 2016 Consultation at the MOEF, the Chakma Circle was represented by Sudatta Bikash Tanchangya. Representatives of HDCs of Khagrachari and Rangamati also attended, along with others.

at the last minute. The meeting of 14 January 2016 was earlier scheduled to be held on 17 January, but was “preponed” at the last minute.⁴⁵⁷ Similarly, the 1 March meeting was to have been held on 29 February (or a day or two earlier), postponed to 1 March, and then arbitrarily cancelled. A notice for the following meeting, on 5 April 2016, was issued, by the MOEF’s letter dated 27 March, but this too was postponed indefinitely, two days later, by letter dated 29 March, as communicated to the Chakma Chief!

Such haphazard re-scheduling of meetings have vexed the CHT-specific institutions (which is far away from the capital city of Dhaka), whose representatives had gone to great lengths to prepare for such meetings and travel to Dhaka, only to hear of its last minute cancellation, or fail to be represented at all at the meetings. It appears that, on the basis of consultations involving the traditional institutions, CSOs (primarily the MPFLR-CHT and BIPNet-CCBD and the CHT Headmen’s Network) and representatives of the CHTRC and HDCs, a broad consensus was reached on the most important issues, which reflected the views of the Chakma Circle as communicated to the MOEF at its aforesaid consultation meeting of 27 December 2015.

Among the issues that were raised at the December 2015 and January 2016 meetings on the proposed amendments to the Forest Act 1927 were several issues of concern to the forest dependent peoples of the CHT, the most important of which are mentioned below.⁴⁵⁸

12.1 **New Category of *Other Forests***

A new category of forest, to be called “Other Forest” is proposed to be added to the existing formal category of forests that includes reserved forests (RFs) and protected forests (PFs).⁴⁵⁹ If this is done, the following, among other, negative implications on the rights of inhabitants of the concerned areas is likely.

Firstly, the process of identification and categorization of areas to be designated as *other forests* will be contrary to the Principle of Natural Justice (*Due Process*), as the process will involve even less formalities on notice to affected people and communities to enable them to adequately defend their rights than is the case with the process of designation of RFs and PFs. In the case of both RFs and PFs, due notice was not given to numerous affected communities, during the British period (when the major RFs were declared), the Pakistani period (when the PFs were declared) and after independence of Bangladesh, when new RFs were created and some of the PFs were re-categorized as RFs (19980s to the present).

Secondly, and in a manner, a corollary to the point mentioned above, the new provision might facilitate arbitrary declaration of new areas – now outside the direct jurisdiction

⁴⁵⁷ As communicated to the Chakma Chief by the MOEF’s PaBaMa (Ba: Sha: -1)18/2010 (Part – 1)/07, dated 07/01/2016.

⁴⁵⁸ This account is based upon the author’s own experience of attendance at the MOEF’s meeting on 27 December 2015 and discussions with Mr. Sudatta Bikash Tanchangya. See also, recommendations of the consultation organized by the Chakma Circle and MPFLR-CHT at Rangamati on 24 December 2015 (Appendix 30).

⁴⁵⁹ Sections 3(c), 13 and 14, draft Forest (Amendment) Act 2015, proposing the addition of new sections 2(1A), 2(4B), 2(4C), 2(4D), 34A and 38C to the Forest Act of 1927.

of the BFD – as government-controlled forests. Bluntly put, the BFD but “needs to point its fingers at some land, and it will become an other forest”.⁴⁶⁰

Thirdly, penal sanctions will be imposed on violation of the legal provisions applying to such other forests, as is the case with RFs, PFs and SFs. Despite the presence of a huge arsenal of penal sanctions for protection of RFs and PFs, the penal sanctions have largely failed to prevent deforestation and other unauthorized use of the resources of such forests, both in the CHT and elsewhere in the country. Therefore, the rationale behind using penal sanctions to protect such forests is largely misconceived.

Representatives of the Chakma Circle at the aforesaid consultations of the MOEF in December 2015 and January 2016 pointed out these anomalies. They also drew attention to fact that the proposed changes would be contrary to CHT laws, including the CHT Regulation 1900, the Hill District Councils Acts of 1989 and the CHT Regional Council Act of 1998, along with land and other rights based on customs, practices and usages of the CHT.

12.2 **Forest Official to hold office of Quasi Judicial *Forest Settlement Officer* in Violation of Principle of Natural Justice (*Nemo Judex in Sua Causa*)**

The draft law sought to amend existing provisions to categorically provide for the appointment of more than one person to exercise the powers of a Forest Settlement Officer (FSO), who exercises quasi-judicial powers under the 1927 Act, particularly during the process of settlement of disputes over lands proposed to be included within a proposed reserved forest.⁴⁶¹ The existing law contains contradictory provisions.⁴⁶² It was pointed out that the concerned provisions – both of the existing law and the proposed amendment - are contrary to the Principle of Natural Justice, one major element of which holds that a person exercising authority, particularly judicial or quasi-judicial authority, cannot have any interest in the result of the proceedings, and if he or she does, that is arbitrary, and hence, illegal (*Nemo Judex in Sua Causa*: “No Man a Judge in His Own Cause”). The implication is that, if a BFD official acts as an FSO, she/he would be acting both as a complainant and as a judge, and therefore act in a biased manner in violation of basic constitutional tenets of Bangladeshi law, including the Principle of Natural Justice. The proposal was to qualify the concerned provision by stating that an FSO “must be a judicial officer and not a Forest Officer”. A counter proposal was to retain the existing provisions but to qualify them through appropriate provisos. Examples of comparable laws in India were also cited which forbade FDOs from acting as FSOs.⁴⁶³

⁴⁶⁰ Statement made by a local leader at a consultation on the proposed Forest (Amendment) Act 2015 in Rangamati on 24 December 2015 (who wishes to remain anonymous).

⁴⁶¹ Sec 3 of the draft Forest (Amendment) Act 2015, proposing the addition of new section 2(2A), to the Forest Act 1927.

⁴⁶² Section 2(2) of the Forest Act refers to “any person”, indicating a single individual, while section 4(3) refers to “any number of officers not exceeding three”. Section 4(3) also stipulates that more than one of the FSOs can be an FDO (person holding “forest-office”).

⁴⁶³ The Orissa Forest Act 1972 (at section 4), for example expressly bars a Forest Department official from exercising the powers of a Forest Settlement Officer.

12.3 Extinction of Rights in New Reserved Forests in Violation of the Principle of Natural Justice (*Audi Alteram Partem*)

Another proposed amendment seeks to limit the opportunities of persons affected by a proposed creation of a reserved forest to put forward their views before an FSO. Under the existing law, during the course of creation of a new reserved forest, where an affected person fails to prefer a claim before the FSO,⁴⁶⁴ or where the FSO fails to acquire any knowledge about the affected person's rights through his inquiry,⁴⁶⁵ as long as the final reservation (under section 20) has not taken place, that person's rights will nevertheless not be extinguished if he or she "satisfies the Forest Settlement-officer that [she/he] had sufficient cause for not preferring such claim within the period fixed" (3-4 months).⁴⁶⁶ If the proposal is carried through, even where the affected person did not receive due notice of the proposed reservation, or the FSO, for whatever reason, failed to acquire knowledge about the rights of that (affected) person, the concerned right will be extinguished.⁴⁶⁷ This would amount to a violation of the Principle of Natural Justice, a major element of which holds that an affected person must be heard before her or his rights are affected adversely (*Audi Alteram Partem*; "Hear the Other Side"). In US jurisprudence this is known as the *Due Process* principle, also enshrined in the US Constitution.⁴⁶⁸ Representatives of the Chakma Circle emphasized at the 27 December and 14 January meetings at the MOEF Conference Room that there were several instances during the process of reservation in the CHT that affected people even today are unaware of the reservation process of the 1990s, with several having learnt about their lands having been reserved or under process of reservation a full two decades after the preliminary notifications were issued by MOEF in the 1990s!

12.4 Removal of 30-Year Limit on Reservation of Trees or Tree Species in Protected Forests

The 2015 draft law contains a provision related to the existing provisions on protected forests (PFs). Under the current law, where any portion of a PF, which contains trees or classes of trees, has been declared as "closed" (reserved), the period of such closing cannot exceed 30 years.⁴⁶⁹ However, a proposed amendment seeks to delete the reference to the 30-year limit.⁴⁷⁰ Representatives of the Chakma Circle at the aforesaid December-January meetings at MOEF argued that this proposal would adversely affect the rights of inhabitants of PFs, including rights based on customary law. They also pointed out that this was out of line with comparable provisions in India, where the limit of 30 years' reservation was still retained.⁴⁷¹

⁴⁶⁴ Section 6 (c), Forest Act 1927.

⁴⁶⁵ Section 7, Forest Act 1927.

⁴⁶⁶ Section 9, Forest Act 1927.

⁴⁶⁷ See, sections 6, 7 and 8, draft Forest (Amendment) Act 2015 and sections 6, 9 and 20, Forest Act 1927.

⁴⁶⁸ 5th and 14th Amendments to the Constitution of the United States of America.

⁴⁶⁹ Sections 30(b), Forest Act 1927.

⁴⁷⁰ Section 10, draft Forest (Amendment) Act 2015 proposing amendments to section 30(b) of the Forest Act 1927 by deleting the reference to the phrase, "not exceeding thirty years".

⁴⁷¹ See, e.g., section 30(b), Maharashtra Forest Act 1927.

12.5 Ban on Lease of Forest Areas

The introduction of this provision appears to be an effort to prevent the transfer of government forest land to others through leases.⁴⁷² There is no express bar to leases in the Forest Act 1927. In fact, the exercise of various rights over government forests are currently sanctioned, including (a) the practice of *shifting cultivation* [section 10(3)(b)], (b) rights of *pasture* or to *forest produce* [section 15 (2)(c)], (c) a declaration that a reserved forest or any part thereof has *ceased to be a reserved forest* (section 27), (d) the *assignment of rights over reserved forest land to village communities* (section 28) and (e) the assignment of rights to *forest produce* or rights to *use the land* under a social forestry programme (section 28A).

The spirit of the aforesaid proposal seems to be in line with the provisions of the National Forest Policy of 1994,⁴⁷³ and the draft Forest Policy of 2015,⁴⁷⁴ which prevent the use of state forest land for “non-forestry purposes”, with the only difference being that the 1994 Policy requires the sanction from the Head of Government, while 2015 proposal adds the vetting of the President to the “prior approval” of the Head of Government (Prime Minister) (see chapter 10.2.1).

The aforesaid proposal is unacceptable to the CHT people as there may conceivably be many contexts in which government forest land may be required to be leased to entities other than the BFD, such as to the Department of Education (for the establishment of schools), to the Department of Health (for establishing hospitals and health centres), as well as to CHT institutions for various purposes.

12.6 Terminology: Ethnic Minority vs. Indigenous Peoples

The participants at the December and January meetings in Rangamati also took objection to the phrase “ethnic minority”.⁴⁷⁵ It was pointed out that the phrase could include members of non-Bengali groups who were not indigenous to the CHT and other parts of Bangladesh, and who were not forest dependent communities. It was suggested that the term ‘indigenous’ was the correct term, which, along with its equivalent terms in English and Bengali, was already a part of Bangladeshi law.⁴⁷⁶

⁴⁷² Section 25 of the draft Forest (Amendment) Act 2015 proposing the insertion of new sections 84A and 84B into the Forest Act 1927.

⁴⁷³ Statement 18, National Forest Policy 1994. See also, Chapter 10.2.1.

⁴⁷⁴ Para 6.1, draft Forest Policy 2015. See also, Chapter 10.2.1.

⁴⁷⁵ Sections 25, draft Forest (Amendment) Act 2015.

⁴⁷⁶ Rules 1 and 52 of the CHT Regulation 1900 refers to “indigenous Hillman” and “indigenous tribe”, as also the Finance Acts and several correspondences of the National Board of Revenue [(i) Central Board of Revenue, Memo C. No. 5(3)-ST/65 dated, 06.04.1967; (ii) National Board of Revenue Memo C. No. 4(6) Kar-5/77/589 dated, 04.09. 1980 (iii) National Board of Revenue, Memo 4(6)/Kar-5/77/28 dated 10.03.1988; (iv) Board of Revenue Notification No. 8/Income Tax/92 dated 17.10.1992; (v) National Board of Revenue Memo No. 6(57) Kar-3/94/114 dated 15.12. 1994; and (vi) National Board of Revenue Notification No. 7(Income Tax)/94 as circulated through Memo No. 6(54) Kar-3/94 dated 02.01.1995]. Section 97 of the East Bengal State Acquisition and Tenancy Act, 1950 (Act 28 of 1950) refers to “aboriginal”. Rule 6(2)(e) of the Social Afforestation Rules, 2004 and section 2(2) of the Small Ethnic Groups Cultural Institutes Act, 2010 (Act 23 of 2001) refers to “Adibashi”.

XIII. MAJOR CHALLENGES IN FOREST MANAGEMENT IN THE CHT & WAYS FORWARD THROUGH LAW & POLICY REFORM

The discussions in the preceding chapters have shown that there are several challenges towards the achievement of sustainable forest management in the CHT, including in its ecological, human rights and inter-generational aspects. Some of these challenges are outlined here, based upon divergent views of different stakeholders, state and non-state, but with priority to the views and perspectives of forest-dependent peoples and communities, without whose direct and consensual participation, sustainable forest management in the CHT, particularly in the reserved forests and in the Mauza Reserves or village common forests (VCFs), will remain elusive.

Views of indigenous peoples and other forest-dependent communities have often been articulated in numerous representations to government, interactions with the press and media, and occasionally recorded in research work by others. On occasions, representatives of the aforesaid groups have made formal statements or Declarations, adopted at crucial local, regional and national-level consultations, workshops, conferences and other meetings.

Three such Declarations, which have important implications for forest and land rights of indigenous peoples, are annexed to this report. These are: (a) the *Rangamati Declaration* 1998; (b) the *Dhaka Forests Declaration 2001* and (c) the *Rangamati Land Declaration* 2002 (Appendices 26, 27 and 28).

The *Rangamati Declaration* was adopted by civil society representatives, of both hill people and Bengali residents, of the three hill districts, soon after the signing of the CHT Accord of 1997. It contains several recommendations, including on the resolution of land disputes, reform of the Forest Act 1927, recording of VCFs in the name of the communities, conservation of biological diversity and on the eradication of discrimination against women in all spheres (including in inheritance laws) and for the empowerment of women.

The adoption of the *Dhaka Forests Declaration* included indigenous peoples' representatives and prominent members of national-level environmental and human rights NGOs and leading researchers. Among others, the Declaration called for amendments to the Forestry Master Plan, the National Forest Policy and the Forest Act of 1927, condemned the draft of the draft Social Forestry Rules, called for the integration of gender equity in all forest-related laws, policies and programmes, the acknowledgement of and the equitable sharing of the benefits arising from indigenous knowledge systems, and recommended measures for the joint management of government managed forests.

The *Rangamati Land Declaration* was adopted largely by human rights and developmental organizations' representatives of the CHT, with the support of the CHT Regional Council and the traditional institutions. Among the recommendations of the Declaration was the transfer of Land Administration to the HDCs, amendment of the CHT Land Commission law, the revocation of notifications on new reserved forests, the co-management of reserved forests, the legal recognition of customary land rights of

indigenous peoples (including over reserved forest areas), the elimination of gender-based discrimination in land management and enhanced women's participation in decision-making processes

Returning to the issue of recommendations in this report, it may be noted that *some of the foregoing chapters, particularly chapters IX, X, XI and XII, have analyzed the major conceptual and operational aspects of law and policy related to forests*. In certain contexts, the discussions include a scrutiny of particular aspects of law or policy, along with observations and recommendations. The following discussion also contains specific recommendations, and in some respects, it raises issues that need to be resolved, particularly at policy-making levels. *Therefore, the issues discussed in the remainder of this chapter (chapter 13.1, 13.2 and 13.3) need to be read in conjunction with the related issues discussed in chapters IX, X, XI and XII, and before*. These may be dealt at appropriate policy dialogues. A national level consultation involving the MOCHTA and MOEF, along the lines of the 7 June regional consultation was supposed to have been held, since the summer of 2015, but is yet to happen. A consultation of this nature could provide crucial inputs towards legal, policy and programmatic reform, such as those proposed in this report. Law and policy reform, and operationalization, are a continuing process, rather than a "one-off" event, and therefore strategic planning is required to design and implement realistic "road maps".

13.1 The Discarding of "Me Only" and "Absentee Landlords" Perspectives by Major Actors

One of the most fundamental challenges is for the major actors in forest management and use in the CHT, especially in the case of the reserved forests, to discard the "me only" perspective.

Such a perspective is particularly relevant in the case of the government, personified primarily by the BFD, but also including policy-makers and CHT-level government officials, civil, military and para-military. On the non-state side, the most important actors are the forest-dependent indigenous communities (represented contextually by the CHT-specific institutions, indigenous peoples' organizations and networks, citizens' groups, etc.). It needs to be realized that forest management is a "multi-stakeholder game", in which a "win-win" strategy is the only way out. Such a strategy will require compromises, and changes in perspectives to focus on the longer-term goals and objectives. For the state – personified primarily by the BFD – it must be accepted that long-term policy achievements are impossible without local participation. Vice versa, the local communities must also realize that an understanding with state agencies, primarily the BFD, is indispensable, especially in the case of the reserved forests, but also in the case of forest produce extraction, transportation and transit issues related to the VCFs and locally owned Jote lands.

Along with the "me only" perspective is what this author would term the "absentee landlord syndrome". In the case of the government, the most poignant example is that provided by the BFD through its obsession with expanding the areas under its control – such as through expansion of the area of RFs, the creation of Protected Areas and the creation of teak and plywood plantations – whilst it has utterly failed to protect the areas that have been under its direct and almost exclusive jurisdiction for more than a century! Calling a piece of land a reserved forest or a Protected Area, even with the force of penal sanctions, has not prevented deforestation and degradation. *This is equivalent*

to a night guard asking for the responsibility of guarding several buildings whilst he has utterly failed to protect the one building that he has been charged with previously!

On the side of some well to do local people and some influential non-resident individuals and companies, a similar obsession is seen in acquiring titles over large swathes of land to create “plantations”, or industries, or orchards, which are often left unutilized, or used in a way that is totally harmful to the local ecology and the livelihood needs of impoverished local communities. Both these tendencies need to be guarded against, both for the interests of ecological concerns and for the livelihood needs of local communities.

13.2 The Limitations of Law & Policy

Judged from operational perspectives, formally adopted Law and Policy instruments may be the most important sources of “policy”, but decidedly not the only sources. In the wider sense, both “laws” and “policies” often include subsidiary laws and executive orders. Looked at from an even wider perspective, longstanding practices, which have been conventionalized to a significant extent, may well have the same or similar impact as formal policies. Hence, these practices also need be regarded to be within the broad fold of “policy”.

Formal legal and policy instruments almost never prioritize the competing values of goals and objectives, which can be, and often are, counter-productive (as exemplified by the provisions of the National Forests Policy of 1994 and the Forestry Master Plan, among others). This may be even more so in the case of “informal” policy, which either does not have a written form, or is dispersed in various documents with no systematic or rational collation. The general public, and even lower level officials of the concerned governmental agency, such as the BFD, may be wholly or largely ignorant about such informal policy matters. Ultimately, operationalization or non-operationalization of laws and policies, can be, and often is, left at the discretion of an official, who is unaided by express and detailed policy instructions, to help her/him choose the path of action. Two broad examples are cited. One, of acting in literal adherence to law or policy; and another, of acting beyond the provisions of express provisions of law or policy.

The CHT Forest Transit Rules 1973 do not mention the quantity of timber for which extraction and export permission (“Transit Pass”) is to be granted, for any stipulated period of time. Yet, BFD officials in the CHT maintain, in practice, a certain limit on the quantity of timber for which Transit Passes are issued, over a certain period of time. *This is an example of the exercise of a non-policy decision* or at least a decision that is not based on written, and therefore, publicly knowledgeable, law or policy. Should such quantity be specified in the Rules or Policies? Or should it be left as an informal policy matter to be decided by officials from time to time? If the latter, how are the members of the general public, and particularly *Jote Owners* and timber merchants, expected to know about the manner of the exercise of such discretion?

Of course, citizens may invoke the formal *Right to Information* to elicit the information if the concerned official is unable or unwilling to provide it. But such matters are time-consuming and need sustained efforts. Now, if the concerned decisions are not based upon instructions or advice based upon formal law or policy, are such decisions legal and valid in the first place? And if they were without legal basis, how would one obtain a remedy easily and with little time or effort? Such instances could easily lead to

undesirable disputes, litigation and even conflict, all of which are acceptable only if they remain within “tolerable” limits, and which too is subjective.

Conversely, there can be, and there often are, cases of non-exercise of decisions which are mandated by law or policy. The discretion of a Forest officer, e.g., to allow certain acts within reserved forests – such as to graze cattle -by “permission-in-writing, without which such acts would be illegal, is almost never exercised.⁴⁷⁷ Thus in this case the Forest Policy provisions on the virtual ban on “non-forest use” of “state forest-lands”, except with the permission of the Head of Government,⁴⁷⁸ may likely have prevented the exercise of the discretion of a Forest officer which has been vested upon her or him by law. Thus here is a situation where there is, at least apparently, a conflict between law and policy. Which should prevail in such cases. Law? Or policy?

Is it therefore the provisions of the Forest Policy that prevent the exercise of discretionary powers that are sanctioned by law? Is not law superior in status to policy? If so, should the policy be revised and amended to conform to the law? Or should it be the other way round? Would the exercise or non-exercise of authority vested by law stand the scrutiny of the Supreme Court in a hypothetical case before it? These are questions that need to be raised, and answered, if a clear, coherent and transparent tradition of *Rule of Law* is to be established, and predictable and consistent practices developed and sustained with regard to forest management.

Another example of the non-exercise of a legally permissible discretion concerns the case of a Forest Settlement Officer (FSO) during a process of declaration of a reserved forest. During such process, the FSO can “record an order, continuing to such claimants a right of pasture or to forest-produce ...”.⁴⁷⁹ This discretionary authority has never been invoked, as far as is known, in the case of the CHT, from 1927 to this day.

Yet another example, this time, of non-application of law, is given. Following the prescriptions of the Forest Act 1927 on the prohibited activities in reserved forests,⁴⁸⁰ should the BFD have prosecuted every single action that was an infringement of the law, such as for “clearing “ or “breaking up” of land, which is prohibited by section 26 of the Forest Act 1927? Surely, the jails in the CHT would have been over-populated if the BFD had indeed successfully prosecuted and incarcerated all or most of the offenders that violated the concerned legal! The fact is, they did not do so, except in some cases, with the extent varying in different periods, the nature of the offences concerned, and the scale or extent of such occurrences.

Now, one may question, what was it that guided such a decision to not prosecute? Was this based partly on account of informal “policy” directives of superior authorities (about which the general public was ignorant), or was it based upon the prudence, commonsense, humanitarian consideration or self-interest of the BFD official concerned

⁴⁷⁷ A similar exemption from penal sanctions is provided for acts done “under any rule made by the Government”. See: 26(2)(a) of the Forest Act 1927.

⁴⁷⁸ Statement 18 of the 1994 Forest Policy and paragraph 6.1 of the (Draft) Forest Policy 2015.

⁴⁷⁹ As provided in section 15(2)(c), Forest Act 1927.

⁴⁸⁰ See, section 26 of the Forest Act 1927, Statement 18 of the 1994 Forests Policy and Para 6.1 of the Draft Forest Policy of 2015.

(at Beat, Range, Division or higher levels)? And in the cases where the BFD did resort to prosecution, why did they do so, and to the extent or in the manner that they did, at different periods of time? Do policy documents give any guidance on the factors behind the exercise or non-exercise of such legal and policy provisions? The answer is, formal policy provisions do not contain answers to most, if not all, of the aforesaid questions. Therefore, it appears that there is no consistency of such actions and omissions, and this does not bode well for long term efforts to protect the forests concerned, with the cooperation of the local communities and other concerned actors and “stakeholders”.

The aforesaid issues need to be raised, debated and resolved, if forest management practices in the CHT, or elsewhere in the country, are to be predictable, and transparent, in conformity with constitutional and other legal provisions.

13.3 The Process of Law & Policy Review

The revision of laws and policies are relevant only if such laws and policies are to be adhered to, in practice. However, assuming that the substance of such laws and policies will be followed, or at least that they will guide the government, and consequently, other non-governmental actors, some views are expressed with regard to the *process* of reforms to such laws and policies.

13.3.1 The Process of Law Reform & the Legal Requirements of Consultation with CHTRC and HDCs

In terms of the applicable laws, particularly the CHT Regional Council Act 1998 and the Hill Districts Councils Act 1989, the CHTRC and the HDCs need to be consulted on law-making for the CHT, and the concerned districts, as the case might be. This legally mandated process needs to be followed, both for the sake of adherence to the *Rule of Law*, and, for even more practical considerations, namely, the acceptance of and support for the law, on the part of local stakeholders, primarily the indigenous communities inhabiting the concerned lands and their peripheries.

The very marginal operationalization of Social Afforestation programmes in the CHT illustrates the challenges faced in operationalizing programmes based on law or policy that lack public support and confidence. The CHTRC and the HDCs had no role in the framing of the 2004 Social Afforestation Rules. The major demands of the MPFLR-CHT and other environmental groups to amend the Rules were rejected. The forest-dependent communities, led by the MPFLR-CHT, in turn rejected the paradigm of social forestry as envisaged in the Rules and the consequent programmes. And that did not produce any wholesome result for the government, or anyone, for that matter. This is a crucial lesson to be grasped.

13.3.2 Humanitarian, Human Rights & Practical Considerations: Consultation with & Consent of Forest-Dependent Communities

The many failures of the government in implementing legal and policy measures on forest management in the CHT were due, largely, if not exclusively, to the non-cooperation of the direct stake-holders, particularly, the forest-dependent communities. This has been manifested, time and again, such as in the efforts to prevent “non-forest” use of the reserved forests, among others. It was repeated in the process of implementing the Social Afforestation programmes. It was also the end product, at least so far, of the process to create new reserved forests in the 1990s, as the BFD has been unable to take possession of much of these lands. Thus, these factors alone, without going into the question of the legal and humanitarian bases of such interventions,

demonstrate that widespread public rejection of forestry programmes will render such efforts largely ineffectual, if not totally a failure, unless the coercive force of law were to be invoked, as was the case for the Reingkyong RF in the late 1960s and early 70s (It has been argued, in Chapter II, that interventions of a like nature would be absolutely inadvisable in current times, for various reasons). Thus practical considerations too suggest that the views of the forest-dependent communities and other such stakeholders can and should be incorporated into law and policy provisions, to the extent possible.

13.4 Reform of Major Laws & Non-Discriminatory Approaches

The provisions of various laws related to forest management, including the Forest Act 1927 (including its subsidiary laws), and contextually also, the Wildlife Protection Act 2012, the Environment Protection Act 1995 (reforms where to are not discussed herein) and the CHT Regulation 1900 may require scrutiny, revision, reform and effective operationalization.

In any such process of reform, the goals of the process need to be pegged on to certain standards and principles. The basic principle should be the international norm of *Equality and Non-Discrimination*, based upon a context-appropriate, vulnerability-sensitive and disadvantaged status-sensitive approach, which ensures equality in process and substance, and where necessary, with affirmative action “props”, to ensure the inclusion of the excluded and weak, including women, members of numerically small ethnic groups, inhabitants of reserved forests and remote areas, groups with marginal incomes, and persons with disability. The basic principle of non-discrimination has been enshrined in the International Convention on the Elimination of Racial Discrimination (CERD), ratified by Bangladesh, and in the Constitution of Bangladesh, since its promulgation in 1972.⁴⁸¹

There are two basic sets of standards, in addition to the principle of Equality and Non-Discrimination, on the basis of which, and judged against the standards of which, legal and policy reform should be initiated, monitored and sustained. One of these is the Chittagong Hill Tracts Accord of 1997,⁴⁸² which may anyway be regarded in the nature of a policy document, since the Government of Bangladesh, particularly the current coalition government under Prime Minister Sheikh Hasina, is publicly committed to its implementation. The other set of standards are the provisions of the human rights and environment-related treaties that Bangladesh is a party to, including those mentioned in chapter XI.

13.4.1 De-Colonializing the Forest Act

The main thrust of the Forest Act 1927, as discussed above in chapter 9.1, is on the process of creation of reserved forests, on penal provisions related to reserved, protected and “social” forests, on drift timber and so forth, with no formal acknowledgement of the rights of forest-dwellers and forest dependent communities, other than as revocable licences. However, these provisions on the granting of such

⁴⁸¹See, particularly, articles 2A, 8, 13, 14, 15, 16, 17, 19, 23 A, 27, 28, 29, 31, 40 and 41.

⁴⁸² For a detailed discussion of the status of implementation of the CHT Accord of 1997, see: Roy (2007), Roy (2008), Roy (2009) and Baer (2011).

licences: (a) by an FSO during a process of reservation,⁴⁸³ (b) through a Forest officer's "permission-in-writing";⁴⁸⁴ and (c) "under any rule made by government",⁴⁸⁵ have never been invoked.

The proposed revision of the Forest Act through amendments, whose contents are now under discussion in an inter-ministerial committee chaired by the Secretary of MOEF, unfortunately contain several provisions that suggest a continuation of the *policing and territorial* concept of forestry and contrary to the participatory elements of existing law and policy provisions (discussed in chapter XII above).

The developments in India with the adoption of *the Scheduled Tribes and Other Traditional Forest Dwellers' (Recognition of Forest Rights) Act 2006* are an example of an effort to move away from the control and penal-obsessed orientation of the Forest Act 1927, which India and Pakistan inherited from the British Indian empire, as did Bangladesh. These developments in India could offer eye-opening ideas for Bangladesh.

In addition, the Forest Act 1927, in its application to the CHT, needs to be cross-referenced to the CHT-specific laws, particularly the CHT Regulation 1900 and the HDC Acts 1989 (see chapters XII, 13.4.1, 13.4.2, 13.4.3 and 13.4.4 below).

13.4.2 Village Forest Rules, Forest Transit Rules & Social Forestry Rules

Among the most important forest-related subsidiary laws under the Forest Act 1927 are the Social Afforestation Rules 2004 (discussed in detail in chapter 9.3) and the CHT Forest Transit Rules 1973 (discussed in chapter 9.5). The issue of the possible adoption of Village Forest Rules, in accordance with section 28 of the Forest Act, has also been discussed in detail (chapter 9.2).

The challenges with regard to the contents and operationalization of the Social Afforestation Rules and the CHT Transit Rules, discussed, respectively, in chapters 9.3 and 9.5, may provide several ideas on the provisions that require reform, and changes in the manner of application of the Rules.

The same is the case for a future Village Forest Rules for the reserved forests of the CHT. The aforesaid chapters also gave some details of the related provisions contained in Village Forest Rules and Transit Rules in some states of India (Kerala, Maharashtra and Odisha States: see Appendices 9, 10 and 13). The provisions of the aforesaid Rules from the concerned Indian states (there may well be several more in other states) provide many sound ideas on how possible reforms may be initiated for Bangladesh, including the Chittagong Hill Tracts. These are actual examples of laws in operation, and not "theoretical" concepts conjured up by researchers. Of course, there may be contextual differences, and those can certainly be accounted for and accommodated in any future reform and operationalization processes.

Among these, the issue of the Forest Transit Rules is perhaps the most pressing for the forest dependent communities, local tree farmers (Jote Owners) and local timber

⁴⁸³ Sections 15(2)(a) and 15(2)(c), Forest Act 1927.

⁴⁸⁴ Sections 15(2)(a) and 15(2)(c), Forest Act 1927.

⁴⁸⁵ Sections 15(2)(a) and 15(2)(c), Forest Act 1927.

merchants. Several drafts of proposed new Transit Rules for the CHT have been under discussion since 2008. The latest draft – known as the Draft CHT Forest Transit Rules 2010 (Appendix 30) – was shared by MOEF with the CHTRC, which sent its written proposals, after consultations with Jote owners and local timber merchants on 15 September 2011 (Appendix 31). The aforesaid proposals were refined further in a consultation involving forest dependent communities, representatives of CHT-specific institutions and civil society held in Rangamati on 3 March 2016. A copy of the amended proposals of civil society, which was agreed to by representatives of the CHTRC and some of the HDCs, is annexed to this report (Appendix 34).

The civil society resolution of 3 March 2016 endorsed several proposals already made by the CHTRC. In addition, it drew attention to the following, among other matters. Firstly, with regard to *documents of land titles*, it was proposed that it should be the chairperson of the HDC, rather than the DC or UNO, who should certify the documents, and that title records (“Jamabandi/Khatian”) should replace survey maps, as most of the CHT had not undergone a cadastral survey.

Secondly, it was proposed that *specific time frames* be set, and proposed time frames lowered, to ensure that there was no unnecessary delay in the processing of the permit/licence.

Thirdly, it was suggested that *disputes over land titles* should be resolved by the chairperson of the HDC, rather than by the DC.

Fourthly, the number of permits, and quantity of timber for which permits could be issued, *on an urgent basis* by lower level officials (Range Officers) should be increased manifold.

Fifthly, the transit of timber furniture outside the CHT, which was proposed to be brought under the jurisdiction of the DFO (currently exercised both by the DC and by the DFO), was now proposed to be dealt with by the chairperson of the HDC. In the case of intra-CHT transit, including for NTFT, it was proposed that the Mauza Headman should be the permission granting authority.

Sixthly, it was proposed that a number of species of trees be excluded from the ambit of the Transit Rules, following the example of the Kerala Forest Transit Rules 1975.

13.4.3 Supplementing the Hill Districts Council Acts

The relevant provisions of the Hill District Councils Acts 1989 on land and forests have been discussed in chapter 9.8. In this case, the emphasis, at least in the short run, should be on the framing of “soft law”: subsidiary *Rules* (by the Government, in consultation with the concerned Council), *Regulations* (by the concerned Councils) and the issuance of necessary *Executive Orders* and/or *Policy Guidelines* (by the MOCHTA, the HDCs, the DCs, and perhaps also by the CHT Regional Council, which has supervisory and coordinating authority over the HDCs and the general administration). Such Rules, Regulations, Guidelines or Council Resolutions could address several pressing issues on forest and land administration in the CHT, including safeguards to protect the tenurial security of the VCF communities. The HDC, Rangamati took the pioneering step to recognize the custom-based rights over a mauza reserve or VCF in 2008 (see Appendix

20). This precedent needs to be followed by its current successor council and the two other councils in Khagrachari and Bandarban.

For the short term, reforms to the HDC Acts 1989 themselves are perhaps not necessary. However, it would be prudent to attempt to streamline, or “harmonize”, the provisions of the Forest Act 1927 (in its application to the CHT) and the CHT Regulation 1900, including their respective subsidiary Rules and Regulations, with the provisions of the HDC Acts, since the latter is the most recently passed law based upon the CHT Accord of 1997.

13.4.4 Reforming the CHT Regulation 1900

The CHT Regulation 1900 contains, among others, various provisions on the “regulation” of already existing custom-based land and forest ownership and use practices and usages. Drawing upon the provisions of the CHT Accord of 1997, the Regulation has been amended twice: once in 2003, to establish civil and criminal courts independent of the civil bureaucracy (formerly civil servants acted as civil and criminal judges and magistrates), and once again in 2014, to transfer authority on control and regulation of jum cultivation from the Deputy Commissioners to the chairpersons of the HDCs.

There is no reason why more such amendments should not be made. The CHT Regional Council Act 1998, at section 52(2), expressly provides the following: “If there is any inconsistency found in the Chittagong Hill Tracts Regulation, 1900 and other connected Rules and Ordinances, along with the Hill District Councils Act 1989 (Acts 19, 20 and 21 of 1989), then that inconsistency shall be removed in consultation with the Regional Council and its recommendation”.

In particular, the CHT Regulation provisions on settlements, leases and transfers of land and land use (Rules 34, 43, 45A, 45B and 50: see Appendix 1), could be cross-referenced with section 64 of the HDC Acts 1989 (see Appendix 6) and other relevant provisions. Similarly, the provisions of the CHT Land Acquisition Regulation 1958 – which is annexed to the 1900 Regulation – needs to be harmonized with the provisions of section 64 of the HDC Acts. The 1958 Regulation’s draconian provisions on unfettered *Eminent Domain* powers vested upon the Deputy Commissioner, including to dispense with notice during compulsory acquisition (framed during a Martial Law regime in Pakistan) are now under challenge in the Supreme Court.⁴⁸⁶ Dispensing with notice to the affected people in such cases would amount to a violation of the basic principle of *Natural Justice*, which is a fundamental principle of Bangladeshi law and several other “Common Law” countries.⁴⁸⁷ The government would do well to pre-empt a possible censure by the court and amend this Regulation to democratize it, in consonance with the Constitution of Bangladesh and within the spirit of the CHT Accord of 1997 and the principles of international human rights standards.

⁴⁸⁶ For a critique of the *Eminent Domain* principles facilitating unilateral and oppressive acquisitions of land by states South and Southeast Asia, see Roy (2012: 70-72). The CHT Land Acquisition Regulation 1958 was framed during the Martial Law regimes under President General Iskander Mirza, aided by General (later Field Marshal) Md. Ayub Khan, to facilitate the acquisition of privately held lands that would be inundated by the Kaptai Dam.

⁴⁸⁷ The comparable principle of Natural Justice in common law jurisdictions are known as the “Due Process” clause in the USA, in accordance with the Fifth and Fourteenth amendments to the US Constitution.

13.5 Policy Revision & Reform

Along with the reform of *statutory laws*, including rules, regulations, orders, etc., a revision of the relevant *Policy* instruments will be indispensable to bringing forth sustainable forest management, including co-management for the government owned forests, particularly the reserved forests.

Major issues concerning the national level policy instruments, including the National Forest Policy 1994 and the draft Forest Policy of 2015, have been discussed in detail in chapter X, including areas where policy provisions require reform, or contextual and appropriate manner of operationalization. Apart from the inclusion of CHT-appropriate provisions in the proposed new Forest Policy and the proposed 7th Five Year Plan, attempts need to be made to harmonize other national level Policy instruments in which CHT and indigenous issues have either not been included or included only in insignificant, and occasionally, pejorative, ways.⁴⁸⁸ Demands were made at the 7 June Consultation in Rangamati to include provisions on policy and budgetary support for the Mauza Reserves or VCFs (the draft Forest Policy of 2015 already makes a reference to the VCFs).

13.6 Promoting the Customary Regimes

Chapter 9.9 above has outlined the differing status of customary land and resource rights in the reserved forests, where such rights are virtually denied, and in other parts of the CHT, where they enjoy a relatively high status, but yet with unjustified curbs and minimalization. Since such rights are generally closely related to inter-generally sustainable and ecologically sound land and forest-use patterns, their promotion will benefit both the state and the forest-dependent indigenous peoples and communities.

These rights are also closely related to the concerned peoples' traditional knowledge, innovations and practices that are conducive to the maintenance of biological diversity, as acknowledged in the Convention on Biological Diversity, Agenda 21 – adopted at the first Earth Summit in Rio de Janeiro in 1992 - and in the Forest Principles appended to the Rio Declaration. Other declarations emerging from indigenous peoples' own international processes, parallel to the relevant United Nations processes, have also brought forth clearly articulated visions and priorities of indigenous peoples, including in the *Kari-Oca Declaration 1992*,⁴⁸⁹ the *Kimberley Declaration 2002*,⁴⁹⁰ the *Kari-Oca II Declaration 2012*,⁴⁹¹ and the *Alta Outcome Document 2013*.⁴⁹² The words of wisdom emanating from the aforesaid global-level processes (which also included representation from Bangladesh, including the CHT) and captured in the aforesaid Declarations, need to be taken on board too.

⁴⁸⁸ See, Tripura (2014).

⁴⁸⁹ See <http://www.tebtebba.org/index.php/all-resources/category/92-unced-conference> [Accessed 31 July 2015].

⁴⁹⁰ https://sustainabledevelopment.un.org/content/dsd/dsd_aofw_mg/mg_indipeop_declarations.shtml [Accessed 31 July 2015].

⁴⁹¹ <http://www.redd-monitor.org/2012/06/20/kari-oca-ii-declaration-indigenous-peoples-at-rio-20-reject-the-green-economy-and-redd/> [Accessed 31 July 2015].

⁴⁹² http://www.un.org/esa/socdev/unpfii/documents/wc/AdoptedAlta_outcomedoc_EN.pdf [Accessed 31 July 2015].

Customary laws, including on forests and other lands and resources thereon, already have a strong footing in the CHT laws. The challenge is to sustain the enabling conditions to facilitate their free exercise, for the benefit of the peoples and communities concerned, and for the interests of forest conservation and biodiversity protection and enhancement. Subsidiary legal support – in Rules, Regulations, Guidelines, Policies and Executive Resolutions and Orders – and commensurate budgetary and programmatic support are extremely crucial in this regard. In some respects, such as for the VCFs, these measures are more urgent than amendments to major laws.

13.7 Roadmap for Law, Policy & Programme Review: Key Institutions & Bodies

Although somewhat presumptive at this stage to suggest a structured timeline for law, policy and programmatic revision, particularly on Law and Policy Review, the following paragraphs nevertheless attempt to provide a “roadmap” towards such review, involving all relevant actors.

The ultimate responsibility in taking forward such a process, particularly on Law and Policy matters, will necessarily vest upon the most directly relevant national institutions, namely, MOCHTA and MOEF. The exact timing of such a process or processes will also ultimately depend upon these two nodal agencies. However, the roles of other actors in such a process are also very crucial, including sub-institutions of the aforesaid two ministries, and civil society organizations and networks. Among the former are the BFD (under MOEF) and the CHTRC, the HDCs and the traditional institutions (under MOCHTA).

Among the aforesaid three CHT-specific institutions, the central role of the CHTRC needs to be borne in mind, both on account of its being the premier regional institution, and on account of its legally sanctioned consultative role in legislation. In addition, the roles of the HDCs are crucial, including on account of their administrative roles in land and forest management (Protected Forests, USFs and Jum Cultivation) and on account of the mandatory requirement of obtaining their consent on land settlements, land transfers and compulsory land acquisitions.

Likewise, the roles of the traditional institutions (particularly Circle Chiefs and Mauza Headmen) are very important, particularly in the case of the mauza reserves (VCFs) and other customary commons (Jum lands, non-VCF forest areas within mauzas, grasslands and grazing lands) and tree plantations (Jote Lands).

Among the latter - i.e., civil society bodies - going by the active role they have played in recent years, the roles of the following are particularly relevant, namely, BIPNet-CCBD (at the national level) and the MPFLR-CHT (at the national and regional levels). BIPNet-CCBD has gained crucial experience in dealing with forest and Climate Change related issues at both international levels (participating in Climate Change processes, including REDD+, and in the Biodiversity Convention processes) and at national levels. It has also developed a close working relationship with the BFD through engagements in the REDD+ process, and dialogues between BIPNet-CCBD and the BFD are ongoing, including on reforms to the CHT Forest Transit Rules in particular, and on laws, policies and programmes in the forestry sector, in general.

Similarly, the role of the MPFLR-CHT is crucial, among others, on account of its long involvement in engaging at national and regional levels on forestry sector law and policy matters, and on account of its leadership role among, and influence over, indigenous peoples and forest-dependent communities. The very marginal extent of Social Afforestation programmes in the CHT was caused, or contributed to, by the MPFLR-CHT's rejection of the Social Afforestation laws and programmes, which the organization deems to be unsuitable in its current framework for the CHT.

In the same vein, the role of the representative bodies of the traditional institutions, including the CHT Headmen's Network and the district and/or Circle-level Headmen's Associations, should be considered in a serious manner. Other lesser known organizations, including of Village Karbaries and the newly formed CHT Women Headmen's and Karbaries' Network, should also be regarded as key stakeholders. Without the active support of the aforesaid voluntary bodies, the success of any government-led forestry programme may be compromised and rendered ineffective.

Lastly, but certainly not the least, is the real and potential role of UNDP and other UN agencies and the role of the development partners of GOB (USAID and other bilateral development agencies, and multilateral lending agencies like the World Bank and the Asian Development Bank). The aforesaid development partners of Bangladesh can also play a crucial role in the review process, particularly for programmatic issues, through funding imperatives, but also in the process of Law and Policy review, in their role as facilitative agencies. Several of these agencies have Indigenous Peoples and Forestry policies, like the World Bank and the ADB. The prestige of the United Nations, and the expertise of its agencies, funds and programmes, particularly UNDP, but also including FAO, WFP, IFAD, UNICEF and UNEP, and others, can also play a positive role in this process. UNDP's close involvement with REDD+ processes can be a major catalyst in this regard.

13.7.1 Roadmap for Law Review: Major Instruments & Subordinate ("Minor") Laws

Among the major laws that may be reformed to facilitate CHT-appropriate reform are both major instruments, including the CHT Regulation 1900 (only the Sections and not the Rules), Forest Act 1927, the Wildlife (Safety & Protection) Protection Act 2012 and the CHT Land Commission law of 2001. Amendments to these instruments will require either the passage of a bill in parliament, or the passage of an ordinance by the President when parliament is not in session, but which must be ratified by parliament at a subsequent session (a regular feature of the process of major legislation in Bangladesh).

With regard to amendments to the Forest Act 1927, a process is ongoing at the time of writing of this report (discussed in chapter XII above). Once the ongoing inter-ministerial consultations are concluded, the MOEF is expected to send a proposed draft for approval by cabinet and then to parliament. It is important that the major CHT stakeholders, including the CHT-specific councils, the traditional institutions and the CSOs (including the MPFLR-CHT and BIPNet-CCBD) are a part of the consultations. Some of these stakeholders obtained an opportunity to attend two of such inter-ministerial consultations hosted by the MOEF, on 27 December 2015 and 14 January 2016. Their continuing engagement in such processes is extremely crucial towards ensuring that the forthcoming amendments to the 1927 law do not adversely affect the rights and interests of the forest dependent communities.

With regard to amendments to the substantive parts of the CHT Regulation (including sections and major Act and Regulations appended to it), there seems to be no specific time-bound agenda specified by the major actors concerned, namely the GOB and the CHTRC, although the removal of inconsistencies between the Regulation and the HDC Acts is mentioned both in the CHT Accord of 1997 and in the CHTRC Act 1998.

Since legislation on the CHT, in general, and on amendments to the CHT Regulation in particular, necessary involves the CHTRC – which is mandated to advise the GOB in this regard – the major initiatives need to be taken by the CHTRC.

Among the most important land and forest-related matters are (a) the overlapping and concurrent jurisdictions of the DCs, HDCs and the BFD, over Land and Forest matters and (b) the draconian provisions of the CHT Land Acquisition Regulation 1958.

The matter of the DCs' near-arbitrary authority over land and forest matters (excluding the RFs) needs to be addressed. Some of these matters may be addressed by amending the Rules under the CHT Regulation, which will be mentioned below in chapter 13.7. But other matters may need to be addressed by amending the sections of the CHT Regulation, which provide unrestricted authority to the DC, which run counter to the exercise of authority of the HDCs in land-related matters, and, to a lesser extent, the authority of the BFD with regard to forest-related matters, particularly in the so-called "USF" areas (Circle-Mauza lands outside the RFs).

Many of these provisions, and particularly the provisions of the CHT land Acquisition regulation 1958, are contrary to the letter and spirit of the CHT Accord of 1997 and the Accord-resultant laws (CHTRC Act and HDC Acts), and are out of step with the *Principles of Natural Justice* (similar to the American *Principle of Due Process*), regarding insufficient notice to those affected by compulsory acquisition and the absence of appeal and review opportunities by those adversely affected.

In contrast, amendments to legal instruments that are generally known as "subordinate laws" or "delegated laws", in legal and administrative jargon, generally require a far less stringent process of enactment, and these may be done by ministries, generally with the vetting of the Ministry of Law, Justice and Parliamentary Affairs, without involving the cabinet, parliament and president.

Among these subordinate or delegated laws are the CHT Regulation 1900 (only the Rules and not the Sections). Foremost among these are the Rules related to land and Forest matters. The MOCHTA has recently amended the Rules regarding Control and Regulation of Jum Cultivation and Collection of Jum Tax (Rules 41, 42), excluding the subject from the jurisdiction of the DC and transferring the same to the chairperson of the HDC.

Similar measures may be taken with regard to other matters, particularly the process of providing land grants (settlements, leases, etc.), which, following the letter and spirit of the HDC Acts 1989 (particularly section 64), are a matter which ought to be dealt with by the HDCs, and not the DCs.

Other important subsidiary laws that require amendments are the CHT Forest Transit Rules 1973, the Social Afforestation Rules 2004 and Village Forest Rules, all of them being a subsidiary matter under the Forest Act 1927.

A tabular rendering of a proposed *Law Review Roadmap* is contained in Tables 27 and 28 series in the annexe, with Tables 27A, 27B, 27C and 27D dealing with major laws, and Tables 28A, 28B, 28C and 28D, dealing with minor or “subordinate” laws.

13.7.2 Roadmap for Policy Review

The process of the review of policies is somewhat similar to the process of subordinate laws and generally do not require endorsement of cabinet, parliament and the president, except in limited circumstances, perhaps such as in the case of the Five Year Plans. Among the most important policies, particularly those that are currently in the process of reform, or are likely to be adopted or reformed soon are the National Forest Policy, the Forestry Master Plan, the 7th Five Year Plan and the developments related to UN REDD.

Tables 29 series in the annexe outlines some of the necessary processes and likely time frames on a possible *Policy Review Roadmap*, including revisions to the Forestry Master Plan, the National Forests Policy, the National Environment Policy, other relevant sectoral policies, and inputs into the 7th Five Year Plan (which will revise the current 6th Five Year Plan).

13.7.3 Roadmap for Programmatic Review

Reviews of existing programmes and the adoption of new programmes that directly deal with, or have a bearing on forest, environment and watershed management issues may involve both executive and implementation agencies, and funding agencies, whether governmental, non-governmental or inter-governmental, whether bilateral or multilateral. An exhaustive discussion of the issue, particularly with regard to future programmes, is beyond the scope of this study, and beyond the expertise of the report writer.

It will hopefully suffice here to mention that an exhaustive treatment of the subject matter will require in-depth analyses of the sectoral priorities and exigencies of the Ministry of Finance and the Ministry of Planning of the government (much will also depend upon the contents of the 7th Five Year Plan and the annual budgets of the GOB), the annual or other periodical negotiations between the GOB and its “donors” and “lenders”, the priorities of major funders, including bilateral development partners of Bangladesh (“donors”) and the multilateral lending agencies, including the World Bank and Asian Development Bank (which are related to the annual and other negotiations between GOB and its funding partners).

As for the existing programmes that are related to, or have openings for, forestry, environment, watershed management and Climate Change issues in the CHT, again, much would depend upon the source of the funds, i.e., whether they are funded with the GOB’s own resources or are based upon loans or grants from non-Bangladeshi funding agencies (bilateral or multilateral, lenders or grant providers).

Nevertheless, going by existing projects and programmes in the forestry and related sectors in the CHT and those that support, or impinge upon, forestry issues (e.g., road building, tourism, industry and mono plantation projects), the major programmes include forestry programmes and projects of the GOB, Climate Change related projects funded by the Trust Funds under the MOEF, proposed programmes under UN REDD and other REDD+ processes, along with other large land-use programmes and projects implemented by major development agencies of the GOB, with GOB or external funding, and capacity building projects involving one or other of the major “actors” in the forestry sector. Tables 31A and 31B in the annexe provides some outlines of a possible Programme Review Roadmap in this regard.

XIV. CONCLUDING OBSERVATIONS: CAPACITY RAISING OF MAJOR STAKEHOLDERS

Bringing forth the required changes in the relevant laws, policies and programmes will require political will on the part of the government and willingness on the part of forest-dependent communities and other major non-governmental stakeholders to engage in formal and informal dialogues.

In the case of the reserved forests, there is no alternative but to forge co-management initiatives involving the government and the forest-dependent indigenous peoples in a partnership that is mutually respectful and equitable. In the case of the Mauza Reserves or VCFs and other forested lands outside the RFs, the best strategy may be to leave forest management substantively in the hands of the forest-dependent indigenous communities, led by the traditional institutions of Karbari, Headman and Chief.

The formal CHT legal regime already caters to the customary regime to a substantial degree. The remaining fetters can and should be removed. Therefore, in the non-reserved forest lands, including the VCFs, what is more important than formal law reform, is policy, programmatic, extension and budgetary support for capacity-raising and livelihood security.

Thus, capacity raising of all relevant actors should be one of the most important priorities on the agenda of the government, the private sector and UN agencies, amongst others. Efforts in this direction should include direct support to the traditional institutions and to the VCF committees and other civil society organizations and networks. The raising of their organizational capacities will definitely pay rich dividends for sustainable forest management. At present, these institutions and organizations virtually receive no support from governmental and UN sources, whereby the efficacy of their role in sustainable forest management is being compromised.

Similarly, the capacities of the BFD personnel need to be enhanced. Capacity enhancement of the BFD should not be restricted to logistical, manpower and budgetary support. The needs of attitudinal changes have to be addressed.⁴⁹³ Therefore, rather than focusing solely on the conventional training of foresters – involving coercive Forest Protection roles, methods of making forest inventories, timber assessment, measurement, extraction and transit processes – social skills from sociological disciplines need to be inculcated, in order to facilitate a mutually respectful and beneficial relationship with forest-dependent communities.

The old and out-dated quasi-police orientation of the Bangladesh Forest Department needs to be discarded in favour of community-friendly approaches. It ought to be emphasized that, to have a huge area of the country, including the CHT, documented as a “forest” in land records, is not good enough. The definition of “forest” needs to be transformed from the static “what the government calls a forest is a forest” to

⁴⁹³ In her Ph.D. dissertation on Social Forestry in Bangladesh at McGill University, Canada (unpublished), based on field research on Social Forestry programmes in Bangladesh, Prof. Dr. Sadeka Halim (Department of Sociology, University of Dhaka and former Information Commissioner of Bangladesh) observed that junior BFD officials were more open to participatory methods of forest management than their senior colleagues.

orientations drawn from biological diversity, landscape, environment, Climate Change and cultural contexts. That can only happen if the forest-dependent indigenous peoples' and communities' worldviews and cultural traditions are treated with respect.

Although Capacity Building or Capacity Raising activities are undertaken both by government agencies, such as through training and orientation programmes and through participation at foreign, national and local conferences and workshops, *and* by donor organizations and non-governmental actors, such as on training and other workshops and consultations, the aforesaid activities are nowhere near the level of support required, and often ignore crucial sectors, both on account of funding constraints and on account of disproportionate focus on competing themes and sectors.

The following paragraphs discuss some of the crucial capacity raising needs of the different actors mentioned above, and the likely role that governmental, non-governmental, UN, donor and lending agencies can play, in this regard.

14.1 Capacity Raising of Government Officials

The Capacity-raising of the organs and agencies of the GOB, both that deal with forestry and related sectors and issues (such as the MOEF and its agencies) and those that deal with the CHT institutions of governance and development (particularly the MOCHTA, but also including the civil servants posted at district and sub-district levels, along with several other national and sub-national line agencies of the GOB), has important positive and negative implications on forestry and related issues for the CHT. This report writer would not like to go so far as to propose a “roadmap” in this regard, but would like to certainly “flag” this issue as a crucial one.

In the case of the BFD, some of the imperatives in this regard have already been briefly mentioned in above in this chapter, where the need to re-orient the BFD from its “policing” tradition to that of a facilitative agency offering expert extension services (such as to the indigenous forest dependent communities and tree planters) was highlighted.

In the case of other government personnel posted in the CHT or who deal with CHT issues at divisional and national levels, similar orientation to CHT specificities, including its unique self government system with its primacy of customary institutions, laws and practices, would greatly enhance synergy in the institutional interplay concerning forestry and related development and governance sectors. Formal training in the civil and military training institutions at national levels, orientation before and during the posting of governmental personnel in the CHT (also including military and para-military forces), could reap several benefits for sustainable forestry in the CHT. On a smaller scale, the training and orientation programmes conducted by ILO, in partnership with MOCHTA, on the ILO Convention No. 107 on Indigenous and Tribal Populations of 1957, may be regarded as a singular best practice in this regard.

The Capacity-Raising component of UNDP's former project on the CHT, implemented by UNDP-CHTDF, had several activities in this regard, seeking to enhance the relevant capacity of MOCHTA, and the key relevant governance and development agencies in the CHT, including the sub-MOCHTA institutions (CHTRC, HDC and traditional institutions) and non-governmental actors (NGOs).

This component is no longer “on the cards”, with the downgrading of the UNDP-CHTDF, based on donor and GOB exigencies (to put it briefly, and without “pointing fingers” and indulging in a “blame-game”). This report writer would like to emphasize that the expected goals of this initiative were far from the stage of achieving maturity, when it was discontinued. At least some of its major components need to be re-introduced, at least in the case of the traditional institutions and NGOs, who have little or no access to funds for raising their capacities, after the “wrapping up” of the Capacity Building component of UNDP’s project. This gap needs to be filled, by the GOB, from its own funds, and better still, with at least some level of support from its development partners, including UNDP, USAID, the European Commission and other major bilateral and multilateral development agencies.

Tables 32A and 32B in the annexe contains some specific proposals on the manner of capacity raising of relevant government officials and key institutions, including MOCHTA, MOEF and the BFD.

14.2 Capacity Raising of Regional & District Councils

Despite the provisions of the CHT Accord of 1997 and the post-Accord laws on the CHTRC and the HDCs, the aforesaid councils are yet to play their expected role in the administration of the CHT and particularly with regard to land and forest administration (the HDCs to play an administrative role and the CHTRC to supervise the HDCs and other CHT institutions).

The failure or refusal of the GOB to devolve adequate authority to the HDCs on Land and Forests (which are legally mandated subjects under the HDCs) is a major impediment in this regard. However, this may be a primary cause of the weak role of the HDCs in land and forest administration and management, but not the sole cause. The lack of capacity of the HDCs with regard to land and forest matters is also a major factor behind such a state of affairs. Such shortcomings are apparent in two aspects of the HDCs current pattern of functions.

Firstly, the HDCs have been unable to formulate regulations on the matters under their jurisdiction (Land & Forest), along with their inability to have the GOB pass requisite rules to “flesh out” the provisions of the enabling laws. Positive changes in this regard will require both strategic framing of regulations and executive orders (which can be exercised with reasonable freedom) and proactive lobbying with the GOB to frame rules and to issue executive orders to facilitate the coordination of the activities of the district and sub-district administration officials and the BFD. Retired GOB officials can be easily hired as consultants to help them.

Secondly, the HDCs do not have the concerned personnel with the requisite knowledge and training to facilitate their desired role. This shortcoming can be overcome in two, among other ways. One way is to have BFD officials seconded to them under “lien” from the BFD. The other is to hire staff with necessary expertise (e.g., retired BFD and other GOB officials or other land and forestry experts) from their own funds (their earnings from local taxes and rates, e.g.).

Table 32B in the annexe contains some specific proposals on the manner of capacity raising of the CHTRC and the HDCs.

14.3 Capacity Raising of Traditional Institutions

Among all the CHT-specific institutions, the traditional institutions are the ones that are the ones that are most directly related to the administration and management of forests and other customarily held lands, but they are also the ones that receive the least logistical and financial support from the government. Consequently, they are not only under-funded but under-staffed. This has had severely negative consequences on their service delivery, including in terms of justice administration and the management and administration of customary forests and other collectively used lands.

Among the only logistical and administrative support that they had recently received was from the Capacity Building component of CHTDF-UNDP's CHT project, whose support has been sharply toned down in recent times. The support that they receive from UNDP, with the financial backing of USAID is virtually the only backing that they currently receive with regard to their administrative functions, apart from the meagre honoraria and shares of land and other revenue earnings.

With regard to the management of the VCFs and other collectively used lands – jum lands, grasslands, grazing lands and other untitled mauza lands – they play the most “hands-on” role in land and forest management in the CHT. It is therefore crucial that their roles are facilitated with logistical, manpower and other related support. Unless their role receives the necessary support, the management of VCFs and other community lands are bound to deteriorate.

The enhancement of the area of VCFs and the strengthening of community support for the conservation of the VCFs and other community lands is the direct result of the capacity building support that they recently received through CHTDF-UNDP. It is therefore crucial that such support be revived, strengthened and expanded.

At a *Scoping Workshop* held at the Chakma Raj Office on 16 and 17 November 2011, with the support of UNDP-CHTDF, representatives of clients and other service receivers of the aforesaid office strongly urged the concerned authorities to provide financial, logistical, manpower and infrastructural support to the office to facilitate better service delivery to the general public.

Table 32C in the annexe contains some specific proposals on the manner of capacity raising of the traditional institutions.

14.4 Capacity Raising of Civil Society Organizations & Networks (inc. NGOs)

The role of civil society organizations and networks – including local NGOs and mass-based organizations, including the MPFLR-CHT and the CHT Headmen's Network– has been crucial in raising awareness about environmental and human rights issues in the CHT. The role of these organizations and networks in strengthening the capacities of the traditional institutions and local communities, including through their training programmes, has played a vital role in the promotion of human rights – including women's rights – and the mainstreaming of forest and environmental issue in the CHT. These organizations and networks have received some support in recent years from

MJF, ALRD and a few other national NGOs, but the financial support has been sporadic and piecemeal. In order to promote forest and land issues in the CHT, the role of these organizations need to be sustained and strengthened. They fill up the much-needed gap that unfortunately remains due to the neglect of the government.

Table 32C in the annexe contains some specific proposals on the manner of capacity raising of NGOs, CSOs and other key stakeholders concerning forests.

References & Bibliography

Adnan, S, 2004. *Migration, Land Alienation and Ethnic Conflict: Causes of Poverty in the Chittagong Hill Tracts of Bangladesh*, Research & Advisory Services, Dhaka.

Alam, M, 2009. 'Evolution of Forest Policies in Bangladesh: A Critical Analysis', *International Journal of Social Forestry (IJSF)*, 2009 2(2), 149-166.

Ali, S.M, 1993. *The Fearful State: Power, People and Internal War in South Asia*, Zed Books, London.

Allen, B. C, Gait, E.A, Allen, C. G. H & Howard, H. F, 2012. *Gazetteer of Bengal and North-East India*, Mittal Publications, New Delhi.

Anon. 1964. *Chittagong Hill Tracts Forest Inventory Survey (1961-63); Kassalong and Reingkyong Reserved Forests, Vol. 1*, Forestal, Canada, Project No. F 334 (cited in Khisa, 2013 at p. 138).

Ascoli, F. D, 1918. *Report on the Administration of the Chittagong Hill Tracts*, (Enclosed in a Memo from F. D. Ascoli, Officer on Special Duty, to the Chief Secretary of Bengal, dated 4 April, 1918), Chakma Raja's Archives, Rangamati.

Asian Development Bank, 2001. *Chittagong Hill Tracts Region Development Plan*, Report No. 4: Natural Resources and Forestry (ADB TA No. 3328 – BAN – CHT REGION DEVELOPMENT PLAN), Rangamati.

Asian Development Bank, 2010. *Chittagong Hill Tracts Study on Potential for Integrated Water Resources Management: Promoting Effective Water Management Policies and Practices – Phase 5*, Dhaka.

Baer, L. A, 2011. *Study on the Status of Implementation of the Chittagong Hill Tracts Accord of 1997*, UN Doc: E/C.19/2011/6.

Baten, A. B, Khan, N. A, Ahammad, R & Missbahuzzaman, K, 2010. *Village Common Forests in Chittagong Hill Tracts, Bangladesh: Balance between Conservation and Exploitation*, Unnayan Onneshan, Centre for Research & Action on Development, Dhaka.

Bhowmick, P. K, 1990. 'Shifting Cultivation: A Plea for New Strategies', in D. N. Majumdar (ed.), *Shifting Cultivation in Northeast India*, Vol. I, Omsons Publications, New Delhi, pp. 79-86.

Brauns, C. D & Loffler, L. G, 1990. *Mru: Hill People on the Borders of Bangladesh*, Birkhauser, Verlag, Basel.

Chakma, B, 2013. 'Sangu and Matamuhri Reserve Forests in Peril' in P. Gain (ed.), *The Chittagong Hill Tracts: Man-Nature Nexus Torn*, Society for Environment & Human Development (SEHD), Dhaka, pp. 93-97.

Chittagong Hill Tracts Regional Council (CHTRC), 2010. *Parbotto Chottogram Ain Shonghita* (CHT Laws Compendium), Rangamati.

Choudhury, A, 1989. *The Forest Act, 1927*, New Warsi Book Corporation, Dhaka.

Choudhury, J. K., Undated. National Forest Policy Review: Bangladesh: <http://www.scribd.com/doc/27047634/national-forest-policy-review-bangladesh#scribd> [Accessed, 18 May 2015].

Chowdhury, S. U, 2013. 'Kassalong Reserved Forest' in P. Gain (ed.), *The Chittagong Hill Tracts: Man-Nature Nexus Torn*, Society for Environment & Human Development (SEHD), Dhaka, pp. 89-91.

Colchester, M, 1995. 'Indigenous Peoples' Rights and Sustainable Resource Use in South and Southeast Asia' in R. H. Barnes, A. Gray & B. Kingsbury (eds.), *Indigenous Peoples of Asia*, Association for Asian Studies, Inc., Michigan, pp. 59-75.

De Milde, R, Shaheduzzaman, M & Chowdhury, J.A, 1985. *The Kassalong and Reingkhong Reserved Forests in the Chittagong Hill Tracts; Assistance to the Forestry Sector*, Bangladesh, FAO/UNDP Project, BGD/79/017, Field Document No. 10 (cited in Khisa, 2013 at p. 138).

Easher, T. H., 2013. 'Water – Scarce in the CHT' in P. Gain (ed.), *The Chittagong Hill Tracts: Man-Nature Nexus Torn*, Society for Environment & Human Development (SEHD), Dhaka, pp. 233-251.

Erni, C, 2005. 'Editorial: Shifting Cultivation and Indigenous Peoples in Asia', in Erni, C (ed.), *Shifting Cultivation, Indigenous Affairs, Issue 2/05*, International Work Group for Indigenous Affairs (IWGIA), Copenhagen, 2005, pp. 4,5.

Farooque, M, 1997. *Law and Custom on Forests in Bangladesh: Issues & Remedies*, Bangladesh Environmental Lawyers Association (BELA), Dhaka.

Forestral Forestry and Engineering International Limited, 1966. *Chittagong Hill Tracts: Soil and Land Use Survey (1964-66)*, Vancouver.

Gain, P, 2000. 'Life and Nature at Risk' in P Gain (ed.), *The Chittagong Hill Tracts: Life and Nature at Risk*, SEHD, Dhaka, pp. 1-41.

Gain, P (ed.), 2001. *Critique: The Forest (Amendment) Act 2000 and the (draft) Social Forestry Rules, 2000*, Society for Environment & Human Development (SEHD), Dhaka.

Gain, P, 2002 [1998]. *The Last Forests of Bangladesh*, Society for Environment & Human Development (SEHD), Dhaka.

Gain, P, 2006. *Stolen Forests*, Society for Environment & Human Development (SEHD), Dhaka.

Government of Bangladesh, Ministry of Environment & Forests, 1993a. *Forestry Master Plan, Main Plan, 1993/2012, Volume 1*, Asian Development Bank, Manila, March, 1993.

Government of Bangladesh, Ministry of Environment & Forests, 1993b. *Forestry Master Plan, Five Year Action Plan, Volume 2*, Asian Development Bank, Manila, March, 1993.

Government of Bangladesh, Ministry of Environment & Forests, 1993c. *Forestry Master Plan, Executive Summary, Volume 3*, Asian Development Bank, Manila, March, 1993.

Government of Bangladesh, Ministry of Environment & Forests, 1993d. *Forestry Master Plan, Statistical Data*, ADB TA No. 1355-BN.UNDP/FA BGD/88/025 (cited in Khisa, 2013, at p. 138).

Government of Bangladesh, Ministry of Environment & Forests, 1995. *Development Perspectives of the Forestry Sector Master Plan, Bangladesh*, Asian Development Bank, Manila, November, 1995.

Guha, R. C & Gadgil, M, 1988. *State Forestry and Social Conflict in British India: A Study in the Ecological Bases of Agrarian Protest*, Technical Report No. 51, Indian Institute of Science, Centre for Ecological Sciences, Bangalore, January 1988.

Halder, R. H, 2013. 'Birds of the Chittagong Hill Tracts' in P. Gain (ed.), *The Chittagong Hill Tracts: Man-Nature Nexus Torn*, Society for Environment & Human Development (SEHD), Dhaka, pp. 185-189.

Halim, S (Undated). 'Neither Sustenance Nor Security: Women and Forestry in Bangladesh'; [http://c"alternatives.org/resource/pdf/Neither%20Sustenance%20Nor%20Security-Women%20and%20Forestry%20in%20Bangladesh.pdf](http://c) [Accessed 10 July 2015].

Halim, S & Roy, R. D, 2006. 'Lessons Learned from the Application of Human Rights-Based Approaches in the Indigenous Forestry Sector in the Chittagong Hill Tracts, Bangladesh: A Case Study of the Village Common Forest Project implemented by *Taungya*' (U. D. Bannerjee, ed.), UNDP/RIPP, Bangkok.

Hutchinson, R. H. S, 1978. *An Account of the Chittagong Hill Tracts*, Bengal Secretariat Book Depot, Kolkata.

Ishaq, M, 1975 [1971]. *Bangladesh District Gazetteers: Chittagong Hill Tracts*, Ministry of Cabinet Affairs, Establishment Division, Dhaka.

Islam, A. I, 2012 (ed.). *Community Conserved Areas in Chittagong Hill Tracts of Bangladesh*, Wildlife Trust of Bangladesh (WTB), Dhaka.

Jashimuddin, M & Inoue, M, 2011. 'Management of village common forests in the Chittagong Hill Tracts of Bangladesh: Historical background and current issues in terms of sustainability', *Open J. Forest.* (in press).

Jashimuddin, M & Inoue, M, 2012a. 'Community Forestry for Sustainable Forest Management: Experiences from Bangladesh and Policy Recommendation', *FORMATH*, Vol. 11 (2012), pp. 133-166.

- Jashimuddin, M & Inoue, M, 2012b. 'Management of Village Common Forests in the Chittagong Hill Tracts of Bangladesh: Historical Background and Current Issues in Terms of Sustainability', *Open Journal of Forestry*, 2012, Vol. 2, No. 3, 121-137.
- Kerkhoff, E & Erni, C (eds.), 2005. 'Shifting Cultivation and Wildlife Conservation: A Debate' in C. Erni (ed.), *Shifting Cultivation, Indigenous Affairs, Issue 2/05*, International Work Group for Indigenous Affairs (IWGIA), Copenhagen, 2005, pp. 22-29.
- Khan, M. M. H, 2013. 'The Chittagong Hill Tracts: The Haven of Wildlife under Threat' in P. Gain (ed.), *The Chittagong Hill Tracts: Man-Nature Nexus Torn*, Society for Environment & Human Development (SEHD), Dhaka, pp. 171-182.
- Khan, N.A, Choudhury, J. K, Huda, K. S & Mondal, M.I, 2004. *An Overview of Social Forestry in Bangladesh*, Forestry Sector Project, Government of Bangladesh, Dhaka.
- Khisa, A. L, 1963. *Shifting Cultivation in the Chittagong Hill Tracts* (unpublished Master's thesis), Department of Geography, University of Dhaka, Chakma Raja's Archives, Rangamati.
- Khisa, S. K, 1995. 'The Prospect of Sloping Agricultural Land Technology for Replacing Swidden Agriculture in Chittagong Hill Tracts', paper presented at the *National Workshop on Development Experiences and Prospects in Chittagong Hill Tracts*, jointly organized by Special Affairs Division, Government of Bangladesh and ICIMOD (Kathmandu) and hosted by the CHT Development Board, at Rangamati on 23-25 January 1995.
- Khisa, S K, 2013. 'Bamboo Resources' in P. Gain (ed.), *The Chittagong Hill Tracts: Man-Nature Nexus Torn*, Society for Environment & Human Development (SEHD), Dhaka, pp. 131-153.
- Kiriinya, C. K, 1994. 'The Rise and Fall of Taungya: Lessons from Kenya', *Agroforestry Today*, 6(3), International Centre for Agroforestry, Nairobi.
- Lahiry, A. K, 2002. *The Green Earth and Her Forestry Practices and Laws(National and Global)*, Environment Series 2, published by Anwar Faridi, Dhaka.
- Laungaramsri, P, 2005. 'Swidden Agriculture in Thailand: Myths, Realities and Challenges' in C. Erni (ed.), *Shifting Cultivation, Indigenous Affairs, Issue 2/05*, International Work Group for Indigenous Affairs (IWGIA), Copenhagen, 2005, pp. 6-13.
- Lewin, T. H, 1870. *Wild Races of South-Eastern India*, London.
- Lewin, T. H, 2011 [1869]. *The Hill Tracts of Chittagong and the Dwellers Therein: With Comparative Vocabulary of the Hill Dialects*, Khudra Nrigoshthir Cultural Institute, Khagrachari (First Published: Bengal Printing Company Limited, Calcutta, 1869).
- Loffler, L. G, 1991. *Ecology and Human Rights: Two papers on the Chittagong Hill Tracts, Bangladesh*
- Lynch, O. J & Talbott, K, 1993. *Balancing Acts: Community-Based Forest Management & National Law in Asia and the Pacific*, World Resources Institute, Baltimore.

- Mandal, I. M & Banik, H, 2006. *Patrikar Drishtite Bangladeshe Shamajik Bonayoner Shafollo* (The Success of Social Forestry in Bangladesh from the Perspective of Newspapers), Forestry Sector Project, Bangladesh Forest Department, Ministry of Environment & Forests, Dhaka.
- Marchak, P. M, 1995. *Logging the Globe*, McGill, Queen's University Press, cited in Gain (2006).
- Martin, P. A, 2004. *Institutional Capacity Building: A Review of the CHT Institutions of Governance*, Chittagong Hill Tracts Development Facility, UNDP, Rangamati, March 2004.
- Mountfort, G & Hosking, E, 1969. *The Vanishing Jungle: The Story of the World Wildlife Fund Expeditions to Pakistan*, Collins, London.
- Nasir Uddin, S, 2013. 'Traditional Use of Medicinal Plants in the Chittagong Hill Tracts' in P. Gain (ed.), *The Chittagong Hill Tracts: Man-Nature Nexus Torn*, Society for Environment & Human Development (SEHD), Dhaka, pp. 155-169.
- NGO Forum, 2010. *Healthy Living in the Hills* (cited in Gain, 2013, at p. 234).
- Partap, T, 1995. 'Hill Perspective: Sustainable Development Imperatives', paper presented at the *National Workshop on Development Experiences and Prospects in the Chittagong Hill Tracts*, jointly organized by Special Affairs Division, Government of Bangladesh and ICIMOD (Kathmandu) and hosted by the CHT Development Board at Rangamati, on 23-25 January 1995.
- Rashid, H. E, 2013. 'Geography and Environment' in P. Gain (ed.), *The Chittagong Hill Tracts: Man-Nature Nexus Torn*, Society for Environment & Human Development (SEHD), Dhaka, pp. 1-13.
- Rasul, G & Karki, M, 2007. *Participatory Forest Management in South Asia: A Comparative Analysis of Policies, Institutions and Approaches*, Talking Points, 5/07, International Centre for Integrated Mountain Development (ICIMOD), Kathmandu.
- Rizvi, S. N. H, 1970. *East Pakistan District Gazetteers: Chittagong*, Services and General Administration Department, Dhaka.
- Roy, D, 2012. 'Indigenous Peoples and International Human Rights: Plural Approaches to Securing Customary Rights' in S. Chao & M. Colchester (eds.), *Human Rights and Agribusiness: Plural Legal Approaches to Conflict Resolution, Institutional Strengthening and Legal Reform*, Forest Peoples Programme and Sawitwatch, Moreton-in-Marsh and Bogor, pp. 61-78.
- Roy, D & Halim, S, 2001a. 'Valuing Village Commons in Forestry: A Case from the Chittagong Hill Tracts', in Q. I. Chowdhury (ed.), *Chittagong Hill Tracts: State of the Environment*, Forum of Environmental Journalists of Bangladesh (FEJB), Dhaka, September 2001, pp. 11-44.
- Roy, R. C. K, 2000. *Land Rights of the Indigenous Peoples of the Chittagong Hill Tracts, Bangladesh*, International Work Group for Indigenous Affairs (IWGIA), Document No. 99, Copenhagen.

Roy, R. D, 1997a. 'Forests, Forestry and Indigenous People in the Chittagong Hill Tracts', *Earth Touch*, No. 3, February 1997, Society for Environment & Human Development (SEHD), Dhaka, pp. 34-46.

Roy, R. D, 1997b. 'Jum (Swidden) Cultivation in the Chittagong Hill Tracts, Bangladesh' in A Gray (ed.), *Indigenous Affairs*, No. 1, IWGIA, Copenhagen, pp. 34-37.

Roy, R. D, 1997c. 'The Population Transfer Programme of the 1980s and the Land Rights of the Indigenous Peoples of the Chittagong Hill Tracts' in S. Bhaumik, M. Guhathakurta, & S. B. Ray Chaudhury, (eds.), *Living on the Edge: Essays from the Chittagong Hill Tracts*, South Asia Forum for Human Rights, Kathmandu (1997), pp. 167-208.

Roy, R. D, 1998 [1995]. 'Land Rights, Land Use & Indigenous Peoples in the Chittagong Hill Tracts' in P. Gain (ed.), *Bangladesh: Land, Forest and Forest People*, Society for Environment & Human Development (SEHD), 2nd ed., pp. 53-118.

Roy, R. D, 2000a. 'Administration', in P Gain (ed.), *The Chittagong Hill Tracts: Life and Nature at Risk*, SEHD, Dhaka, pp.43-57.

Roy, R. D, 2000b. 'The Land Question and the Chittagong Hill Tracts Accord', in V. T. Corpuz et al (eds.), *The Chittagong Hill Tracts: The Road to a Lasting Peace*, Tebtebba Foundation, Baguio City, pp. 31-54.

Roy, R. D, 2000c. 'Occupations and Economy in Transition: A Case Study of the Chittagong Hill Tracts', in *Traditional Occupations of Indigenous and Tribal Peoples*, ILO, Geneva, pp. 73-122.

Roy, R. D, 2002a. *Land and Forest Rights in the Chittagong Hill Tracts*, Talking Points, 4/02, International Centre for Integrated Mountain Development (ICIMOD), Kathmandu, June, 2002.

Roy, R. D, 2002b. 'Sustainable and Equitable Resource Management in the Chittagong Hill Tracts' in N. A Khan, M. K. Alam & S. K. Khisa (eds.), *Farming Practices and Sustainable Development in the Chittagong Hill Tracts*, Chittagong Hill Tracts Development Board, Government of the People's Republic of Bangladesh, pp. 135-154.

Roy, R. D, 2004a. *Background Study on the Chittagong Hill Tracts Land Situation*, CARE-Bangladesh, Rangamati, June, 2004.

Roy, R. D, 2004b. 'Challenges for Juridical Pluralism and Customary Laws of Indigenous Peoples: The Case of the Chittagong Hill Tracts, Bangladesh' in *Arizona Journal of International and Comparative Law*, Vol. 21, No.1, Spring, 2004, pp. 113-182.

Roy, R. D, 2009a. *The ILO Convention on Indigenous and Tribal Populations, 1957 (No. 107) and the Laws of Bangladesh: A Comparative Review*, PRO 169, International Labour Standards Department, ILO Geneva and ILO Office in Dhaka.

Roy, R. D, 2009b. 'The System of Traditional Administration in the Chittagong Hill Tracts', in M. Chakma, P. Roy & S. Chakma (eds.), *Chakma Rajpunyah 2003*, Chakma Rajpunyah Celebration Committee, Rajbari, Rangamati, Bangladesh, December, 2009, pp. 79-107.

Roy, R. D, 2010a. 'Introduction to the Chittagong Hill Tracts Regulation, 1900' in R. D. Roy & P. Chakma (eds.), *The Chittagong Hill Tracts Regulation, 1900 (Regulation No. 1 of 1900)*, Association for Land Reform and Development (ALRD), Dhaka, 2010, pp. 9-29.

Roy, R. D, 2010b. 'Introduction', in R. D. Roy, P. Chakma & S. Lira (eds.), *Compendium on National and International Laws & Indigenous Peoples in Bangladesh*, Shrabon Prokashani, Dhaka, (ISBN: 978-984-8827-37-6), 2010, pp. 15-60.

Roy, R. D, 2011. 'Asserting Customary Land Rights in the Chittagong Hill Tracts, Bangladesh: Challenges for Legal and Juridical Pluralism' in M. Colchester & S. Chao (eds.), *Divers Paths to Justice: Legal Pluralism and the Rights of Indigenous Peoples in Southeast Asia*, Asia Indigenous Peoples Pact (AIPP), Forest Peoples Programme (FPP), The Centre for People and Forests (RECOFTC), Rights and Resources Initiative (RRI), Chiangmai, pp. 106-125.

Roy, R. D, 2014. *Study on best practices and examples in respect of resolving land disputes and land claims, including consideration of the National Commission on Indigenous Peoples (Philippines) and the Chittagong Hill Tracts Land Dispute Resolution Commission (Bangladesh) and the Working Group on Indigenous Populations/Communities of the African Commission on Human and People's Rights, the UN Permanent Forum on Indigenous Issues, UN Doc E/C.19/2014/4, dated 27 February, New York: United Nations.*

Roy, R. D & Chakma, P (eds.), 2010. *The Chittagong Hill Tracts Regulation, 1900 (Regulation No. 1 of 1900)*, Association for Land Reform and Development (ALRD), Dhaka.

Roy, R. D, Chakma, P & Lira, S (eds.), 2010. *Compendium on National and International Laws & Indigenous Peoples in Bangladesh*, Shrabon Prokashani, Dhaka, (ISBN: 978-984-8827-37-6).

Roy, R. D & Gain, P, 1999. 'Indigenous Peoples and Forests in Bangladesh' in Minority Rights Group International (ed.), *Forests and Indigenous Peoples of Asia*, Report No. 98/4, London, 1999, pp. 21-23.

Roy, R. D & Halim, S, 2001a. 'A Critique to the Forest (Amendment) Act of 2000 and the (draft) Social Forestry Rules of 2000' in P. Gain (ed.), *The Forest (Amendment) Act, 2000, and the (draft) Social Forestry Rules, 2000: A Critique*, SEHD, Dhaka, pp.5-45.

Roy, R. D & Halim, S, 2001b. 'State versus People: The Forest Laws of 2000', the *Daily Star*, Dhaka, 2 June 2001.

Roy, R. D & Halim, S, 2003. 'Protecting Forest Commons through Indigenous Knowledge Systems: Social Innovation for Economic & Ecological Needs in the Chittagong Hill Tracts, Bangladesh', *The Journal of Social Studies*, Special Issue on Environment (101st Issue), Centre for Social Studies, Dhaka, July-December, 2003, pp. 16-60.

Roy, R. D & Halim, S, 2013. 'Valuing Village Commons in Forestry: A Case from Chittagong Hill Tracts' in P. Gain (ed.), *The Chittagong Hill Tracts: Man-Nature Nexus Torn*, Society for Environment & Human Development (SEHD), Dhaka, pp. 99-119.

Roy, R. D, Xavier, B & M'Viboudoulou, S. W, 2012. *Study on Shifting Cultivation and the Socio-Cultural Integrity of Indigenous Peoples*, UN Doc: E/C.19/2012/8, dated 24 February, 2012.

Roy, R. T, 1972. 'Echoes of the Past', in Roy, R. T, *They Simply Belong*, A Rahim, Rawalpindi, pp. 29-31.

Roy, R. T, 2010. *The Forgotten Melody: Memoirs*, PPA Publications, Islamabad, 2nded.

Saha, P. S., 2013. 'Major Reserved Forests of the CHT: Reingkhong Reserved Forest' in P. Gain (ed.), *The Chittagong Hill Tracts: Man-Nature Nexus Torn*, Society for Environment & Human Development (SEHD), Dhaka, pp. 83-91.

Sattar (Conservator of Forests), M. A., 1995. 'Jhumias Settlement Schemes of Local Forest Department: With Major Focus on Proper Village Land Use Planning and Implementation', paper presented at the *National Workshop on Development Experiences and Prospects in Chittagong Hill Tracts*, jointly organized by Special Affairs Division, Government of Bangladesh and ICIMOD (Kathmandu) and hosted by the CHT Development Board at Rangamati on 23-25 January 1995.

Schendel, W. V, Mey, W & Dewan, A. K, 2000. *The Chittagong Hill Tracts: Living in a Borderland*, White Lotus Press, Bangkok.

Sopher, D. E, 1963. 'Population Dislocation in the Chittagong Hills', in *The Geographical Review*, Vol. LIII, No.3, July 1963, New York, pp. 337-362.

Sopher, D. E, 1964. 'The Swidden/Wet-Rice Transition Zone in the Chittagong Hill Tracts', in *Annals of the Association of American Geographers*, Vol. 54, 1964, pp. 107-126.

Stevenson, H. N. C, 1944. *The Economics of the Central Chin Tribes*, London (cited in Sopher, 1964).

Tripura, P, 2014. *Research on National Policies Relating to Indigenous Peoples of Bangladesh*, Maleya Foundation and Centre for Integrated Programme and Development (CIPD), Dhaka.

Webb, W. E & Roberts, R, 1976. *Reconnaissance Mission to the Chittagong Hill Tracts, Bangladesh: Report on Forestry Sector*, Vol. 2, Asian Development Bank, Manila.

Annexe

Tables

Table 1
Provisions of the Forest Act 1927

| Subject | Provisions | Major Sections | Related Sections | Remarks |
|--------------------------|---|----------------|--------------------------|--|
| <i>Reserved Forests</i> | | Ch II | | |
| | Process of Reservation | 04-20 | | |
| | Proceedings by the FSO | 06-17 | | |
| | Appeal to Div. Com. | 17-18 | 11, 12, 15, 16, 19 | |
| | Revision by Govt. of Arrangements by FSO on (a) Conferring Right of Pasture & Forest Produce to Other Forest-Tract: Sec. 15(2)(a); (b) Exclude Forest Land for benefit of Claimants: Sec.15(2)(b); (c) Continuance of Rights to Pasture or Forest Produce | 22 | 15, 18 | Within 5 Years of Notification under S. 20 |
| | Offences relating to RFs | 26 | | |
| | De-Notification of RF | 27 | | |
| <i>Village Forests</i> | | | | |
| | Formation of Village Forest | 28(1) | | |
| | Rules for Management of VF | 28(2) | | |
| <i>Social Forestry</i> | Social Forestry on Govt Land or Private Land Assigned to Govt | 28A(1) | | |
| | Assignment by Govt | 28A(2) | | |
| | Rules of Social Forestry | 28A(4) | | |
| <i>Protected Forests</i> | | Ch IV | | |
| | Notification as a Protected Forest | 29 | | |
| | Enquiry & Record thru Survey & Settlement or Other Manner | 29(3) | | |
| | Enquiry & Record kept pending "without [abridging] or [affecting] ... rights of individuals of communities" | 29(3) | | |
| | Reservation of Trees or Class of Trees | 30(a) | | |
| | Suspend Rights up to 30 Years, if Remaining Lands allow Exercise of Rights | 30(b) | | |
| | Prohibit Quarrying, Land Clearing, etc. | | | |

Table 2
Major Provisions of Land & Forest Related Laws in the CHT
(Apart from the Forest Act and Related Rules)

| Subject Matter | Legal Provision |
|--|--|
| Settlements & Leases (General) | Rule 34, CHT Regulation; Section 64, HDC Acts 1989 |
| Homesteads Plots of Hill People | Rule 50 (1 and 2), CHT Regulation |
| Jum Cultivation | Rules 34B, 41, 42, CHT Regulation |
| Mauza Reserves (VCFs) | Rule 41A, CHT Regulation |
| Collection of Taxes | Rules 42,43,45, CHT Regulation; Section 65, HDC Acts |
| Resumption of Land for Public Purposes | Rule 50, CHT Regulation |
| Compulsory Acquisition of Lands | CHT Land Acquisition Regulation, 1958 |
| Role of HDCs in Land Administration | Sections 22, 64, Schedule I, HDC Acts, 1989 |
| Survey & Land Records | CHT Land Khatian Ordinance 1984 |
| Water Courses | Rule 34A, CHT Regulation |
| Grasslands | Rules 45, 45A, CHT Regulation |
| Grazing Lands | Rules 45B, CHT Regulation |
| Resolution of Land Disputes | CHT Land Commission Act 2001 |

Source:

Adapted from Raja Devasish Roy, *Background Study on the Chittagong Hill Tracts Land Situation*, CARE- Bangladesh, Rangamati, June, 2004, p. 24

Table 3

**Overview of Important Laws related to Management of Forests in CHT & Challenges
(Contents & Application)**

| Law | Provision | Content | Status | Challenge |
|------------------------|---|---|--|---|
| FA 1927 | Major Enabling Law on Forests | Penal Orientation | Invoked for (a) creating Reserved Forests, (b) Regulating Timber Transit; and (c) Criminal Prosecution | Participatory Forest Management Weak Not Harmonized with CHT Reg. 1900 & HDC Acts 1989 |
| VF Rules | S. 28, FA 1927 provides for framing of Rules on VFs | Formation of Village Forests in RFs & Assignment of Rights Villages Community | Not Framed | Framing VF Rules in consultation with CHTRC & Others |
| SF Rules 2004 | Framed under S. 28A, FA 1927 (intro: 2004); Amended in 2010 | Creating Plantations on Degraded Forest Land | a. Forest-Dependent Communities' Views ignored before enactment; b. Application to CHT questioned by CHTRC & Forest-Dependent Communities | Resolving Dispute over Application & Considering Adoption of Separate Rules for CHT |
| CHT Transit Rules 1973 | Regulates Extraction & Export of Timber from CHT | Complex Rules, Facilitate Delays & Corruption & Lead to Disincentives to Local Tree Farmers | Draft Rules under process of Consultation with CHTRC & Other Stakeholders | Narrowing Differences of Perspectives between BFD, Tree Growers & Timber Merchants |
| WPA 2012 | Protection of Wildlife | Notification of Protected Areas & Penalties for Infringements | Forest-Dependent Communities' Views Ignored before Enactment | Partial Amendments to suit CHT Context |
| CHT Reg 1900 | Major Enabling Law on CHT Administration | Mauza Reserves & Other Customary Lands Managed by Headmen under Supervision | Often Ignored by Policy Makers, esp. Customary Rights | Harmonizing provisions with HDC Acts 1989 |
| HDC Acts 1989 | Enabling Law for HDCs | Management of Lands & Forests | Forest & Jum related Issues Unaddressed | Transferring Land & Forest to HDC Formation of Policies & Guidelines |

Table 4
SWOT (Strengths, Weaknesses, Opportunities and Threats)
Analysis of Existing Forest Policy of Bangladesh

| Strengths | Weaknesses | Opportunities (To Improve) | Threats (In Implementation) |
|--|--|---|--|
| <p>* Recognizing the importance of people's participation in several of its provisions.</p> <p>* Directives to extensive utilization of vacant and bare land area for forestry purposes.</p> <p>* Recognizing the importance of NGO involvement in forestry management.</p> <p>* Recognition of gender role in forestry sector</p> | <p>* Policy was not formulated in a bottom-up manner. This is why local people's views were not properly reflected.</p> <p>* Climate change implications of forestry in Bangladesh are not addressed at all.</p> | <p>* Recognition and encouragement of extensive research on forestry issues.</p> <p>* Directives to increase the capacity of forestry research organizations and public universities.</p> | <p>* At current pace it is difficult to obtain a 20% forest land area under forest cover by 2015.</p> <p>* Corruption of forestry staff (Muhammed <i>et al.</i> 2008).</p> <p>* Lack of proper collaboration among implementation agencies.</p> <p>* Conflict among cross-sectoral policies (Choudhury, 2008)</p> <p>* Lack of technically sound manpower.</p> |

Source:

Reproduced from: M. Mahbubul Alam,
'Evolution of Forest Policies in Bangladesh: A Critical Analysis',
International Journal of Social Forestry (IJSF),
2009 2(2), pp. 149-166, at p. 159

Table 5

**Tribal, Non-Tribal & Total Population of Chittagong Hill Tracts
1872-2011 (Census Reports)**

| Census Year | Tribal Pop | Non-Tribal Pop | Total CHT Pop | Tribal % of CHT Pop | Non-Tribal % of CHT Pop |
|-------------|------------|----------------|---------------|---------------------|-------------------------|
| 1872 | 61,957 | 1,097 | 63,054 | 98.26 | 01.74 |
| 1901 | 116,063 | 8,762 | 124,825 | 92.98 | 07.02 |
| 1951 | 261,538 | 26,150 | 287,688 | 90.91 | 09.09 |
| 1961 | 265,704 | 119,375 | 385,079 | 69 | 31 |
| 1974 | 372,526 | 135,67 | 508,199 | 73.3 | 26.70 |
| 1981 | 441,774 | 309,918 | 751,692 | 58.77 | 41.23 |
| 1991 | 501,144 | 473,301 | 974,445 | 51.43 | 48.57 |
| 2001 | 592,977 | 738,989 | 1,331,966 | 45 | 55 |
| 2011 | 845,541 | 752,690 | 1,598,231 | 53 | 47 |

Source:

Raja Devasish Roy, *The ILO Convention on Indigenous and Tribal Populations, 1957 (No. 107) and the Laws of Bangladesh: A Comparative Review*, International Labour Standards Department, ILO Geneva and ILO Office in Dhaka, 2016 (forthcoming).

NB: Figures for Census Years 1872, 1901, 1951, 1981 & 1991 were collected from Shapan Adnan, *Migration, Land Alienation and Ethnic Conflict: Causes of Poverty in the Chittagong Hill Tracts of Bangladesh*, Research & Advisory Services, Dhaka, 2004, at page 243. The source for the 2001 Census is Bangladesh Bureau of Statistics, *Statistical Year Book of Bangladesh, 2010*, Dhaka, June 2011 (Table 2.03, page 33; Table 2.15, page 49). The concerned figures have been tabulated by aggregating and disaggregating them, as required. The figures for the 2011 Census have been obtained from Bangladesh Bureau of Statistics, *Population and Housing Census (2011), Community Report 2012* (Table C-12), Dhaka, 2012. Nyo Hla Maung, of Maleya Foundation is thanked for his kind assistance in this tabulation.

Table 6
Categories of Settlements & Leases

| Use of Land | Identity of Lessee | Nature of Grant | Granting Authority | Approving Authority | Amount (Acres) |
|--|---|-----------------|--------------------|---------------------|-----------------|
| Homestead (Rural) | Hillman | Freehold | Headman | | Up to .30 acre |
| Residential Purposes | Deserving Persons | Leasehold | DC | HDC | Unspecified |
| Homestead (Urban) | Deserving Persons | Leasehold | DC | HDC | Up to .30 acre |
| Plough Cultivation | a. Hillmen Residents b. Non-Hillmen Residents | Freehold | DC | HDC | Up to 5 acres |
| Grove Plantation (Fruit Trees & Other Trees) | a. Hillmen Residents b. Non-Hillmen Residents | Freehold | DC | HDC | Up to 10 acres |
| Rubber or Other Commercial Plantation | a. Hillmen Residents b. Non-Hillmen Residents c. Any Person | Leasehold | DC | HDC | Up to 25 acres |
| Rubber or Other Commercial Plantation | a. Hillmen Residents b. Non-Hillmen Residents c. Any Person | Leasehold | Div. Com | HDC | 25-100 acres |
| Rubber or Other Commercial Plantation | a. Hillmen Residents b. Non-Hillmen Residents c. Any Person | Leasehold | GOB | HDC | Above 100 acres |
| Industries | Deserving Industrialist | Leasehold | DC | HDC | 5-10 acres |

Source:

Adapted from Raja Devasish Roy, *Background Study on the Chittagong Hill Tracts Land Situation*, CARE- Bangladesh, Rangamati, June, 2004, p. 24

Table 7

Soil Distribution in the Chittagong Hill Tracts

| Parent Material | Location | Soil Series | Percentage of CHT Area |
|--|---|--|------------------------|
| Hill Soils | | | |
| Consolidated Shales Sandstones and Siltstone (Surma-Tipam) | Higher Hill Ranges | Sandy Loam Silty Clay Loam | 70% |
| Unconsolidated Sandstone & Siltstone (Dupi-Tila Sands and Clays) | Lower Hill Ranges | Sandy or Silty Loam Sandy Clay Loam | 26% |
| Alluvial Soils | | | |
| Slope Run-off Stream-borne Sediment | High River Banks Terraces Valley Bottoms Floodplains | Silt Loam layered with Sandy Loam Silty Clay Loam Layered with Clay | 4% |

Source:

Adapted from Forestal (1966) and Brammer (1986) as cited in
Asian Development Bank, *Chittagong Hill Tracts Regional Development Plan*,
Final Report No. 4, Rangamati (2001), p. 8

&

Reproduced in Raja Devasish Roy,
Background Study on the Chittagong Hill Tracts Land Situation,
CARE- Bangladesh, Rangamati, June, 2004, p. 11

Table 8
Classification of Areas in the Chittagong Hill Tracts
according to
Soil Type & Suitable Mode of Cultivation (1964-66)
(Excluding Reserved Forests)

| Class | Slope (Percentage) | Total Area (in Hectares) | Percentage of CHT Area | Types of Land Use | Land Use Limitations |
|-------|-----------------------|-----------------------------|---------------------------|---|----------------------------|
| A | < 5 | 30,969 | 3.1 | All-Purpose Agriculture | Few Limitations |
| B | 5 - 20 | 27,488 | 2.7 | Terrace Agriculture | Moderate Limitations |
| C | 20 - 40 | 148,482 | 14.7 | Mostly Horticulture & Partly Forestry | Severe Limitations |
| D | > 40 | 735,882 | 72.9 | Only Forestry | Very Severe Limitations |
| C-D | 40 - 50 | 12,970 | 1.3. | Horticulture & Forestry | Complex of C and D |
| | | 53,535 | 5.3 | Settlement & Water | |
| Total | | 1,009,326 | 100 | | |

Source:

Forestral Forestry and Engineering International Limited,
Chittagong Hill Tracts: Soil and Land Use Survey (1964-66),
 Vancouver (1966), Vol. 2, Appendix, and H.Brammer, *Reconnaisoance Soil and Land Survey,*
Chittagong Hill Tracts: 1964-65, Soil Research Institute, Dhaka, 1986, p.206 (with Maps)

as cited in

Asian Development Bank, *Chittagong Hill Tracts Regional Development Plan*,
 Final Report No. 3 ("Agriculture and Marketing in the CHT"), Rangamati (2001), p. 26

and reproduced in

Raja Devasish Roy, *Background Study on the Chittagong Hill Tracts Land Situation*,
 CARE- Bangladesh, Rangamati, June, 2004, p. 12

Table 9
Areas of Major Reserved Forests
in the Chittagong Hill Tracts in Early 1900s

| Name of Reserve | Area (Sq. Miles) | Area (Sq. Km) |
|-----------------|---------------------|------------------|
| Kassalong | 763 | 1,976 |
| Reingkhyong | 215 | 557 |
| Matamuhri | 251 | 650 |
| Sangu | 145 | 375 |
| Sitapahar | 11 | 28 |

Source:

B. C Allen, E A Gait, C. G. H. Allen & H. F. Howard (eds.),
Gazetteer of Bengal and North-East India,
Mittal Publications, New Delhi, 2012, p. 412

Table 10
Area of Major Reserved Forests
in the Chittagong Hill Tracts
(1976 Estimate)

| Reserved Forests | Location | Area (Sq. Mi) | Area (Acres) | Area (Sq. Km) |
|-------------------------|------------------|------------------|-----------------|------------------|
| Kassalong | Northeastern CHT | 635 | 406,542 | 1,645 |
| Reingkyong | East-Central CHT | 298 | 190,521 | 772 |
| Matamuhri | Southeastern CHT | 157 | 100,467 | 407 |
| Sangu | Southeastern CHT | 131 | 83,612 | 339 |
| 4 Major RFs Combined | | 1,221 | 781,440 | 3,162 |
| Minor RFs | Central CHT | 23.50 | 15,018 | 61 |
| Total (Old RFs) | | 1,244.50 | 786,160 | 3,223 |

Source:

W. E. Webb & R. Roberts,
Reconnaissance Mission to the Chittagong Hill Tracts, Bangladesh:
Report on Forestry Sector, Vol. 2, Asian Development Bank, Manila, 1976, p. 13.

Table 11
Area of Reserved, Protected & “Unclassed State Forests”
in the Chittagong Hill Tracts
(Estimated in 1976)

| Type of Forest | Area (Acres) | Area (Square Miles) |
|------------------------|-----------------|------------------------|
| Reserved Forest | 796,000 | 1,243.75 |
| Protected Forest | 34,688 | 54.20 |
| Unclassed State Forest | 2,463,000 | 3,846 |
| Totals “Forests” | 3,260,000 | 5,093.75 |

Source:

W. E. Webb & R. Roberts, *Reconnaissance Mission to the Chittagong Hill Tracts, Bangladesh: Report on Forestry Sector, Vol. 2*,
Asian Development Bank, Manila, 1976, p. 13

Table 12

Areas of Old, New & Proposed Reserved Forests in the CHT in the 1990s

| Category of RF | Area (Acres) | Area (Sq. Miles) | Area (Sq. Km) |
|---|--------------|------------------|---------------|
| Old RFs | 786,550 | 1,228.98 | 3,183 |
| Proposed New RFs (MPFLR-CHT Estimate) | 217,790.30 | 340 | 880 |
| Proposed New RFs (BFD Estimate) | 208,148 | 325 | 841 |
| Finally Notified New RFs (MPFLR-CHT Estimate) | 140,341.31 | 219 | 567 |
| Finally Notified New RFs (BFD Estimate) | 116,880 | 182 | 471 |
| New RFs under Process (MPFLR-CHT Estimate) | 77,449.99 | 121 | 313 |
| New RFs under Process (BFD Estimate) | 91,268 | 142 | 367 |

Source:

W. E. Webb & R. Roberts, *Reconnaissance Mission to the Chittagong Hill Tracts, Bangladesh: Report on Forestry Sector*, Vol. 2, Asian Development Bank, Manila, 1976, p. 13

R. D. Roy, *Land and Forest Rights in the Chittagong Hill Tracts*, Talking Points, 4/02, International Centre for Integrated Mountain Development (ICIMOD), Kathmandu, June, 2002, pp. 20, 42

P. Gain, *The Last Forests of Bangladesh*, Society for Environment & Human Development (SEHD), Dhaka, 2002 [1998], p. 59

Table 13

Areas of Old & New Reserved Forests in CHT
(With adjustments for Increases & Decreases from 1976-1998)
(Based on Estimate of BFD)

| Reserved Forest | Area (Sq. Mi) | Area (Acres) | Percentage of CHT Area (5,093.75 sq. mi) (3.26 million acres) | Date | Source |
|---|---------------|--------------|---|-------|----------------------------------|
| 4 Major RFs Combined | 1,221 | 781,440 | 23.97 | 1976 | Webb & Roberts (1976:2) |
| Minor RFs | 23.50 | 15,018 | .46 | 1976 | Webb & Roberts (1976:2) |
| Total (Old RFs) | 1,244.50 | 786,160 | 24.43 | 1976 | Webb & Roberts (1976:2) |
| De-Reservation for Bengali Settlers in Kassalong RF | 20.84 | 13,335.20 | .41 | 1980s | Roy (2004: 42) |
| New RFs | 182.63 | 116,880 | 3.59 | 1990s | Estimate of BFD Gain, (2002: 59) |
| Total RF Area (Old+ New RFs) | 1,390.16 | 889,704.80 | 27.29 | | |

Source:

W. E. Webb & R. Roberts, *Reconnaissance Mission to the Chittagong Hill Tracts, Bangladesh: Report on Forestry Sector*, Vol. 2, Asian Development Bank, Manila, 1976, p. 13

R. D. Roy, *Land and Forest Rights in the Chittagong Hill Tracts*, Talking Points, 4/02, International Centre for Integrated Mountain Development (ICIMOD), Kathmandu, June, 2002, pp. 20, 42

P. Gain, *The Last Forests of Bangladesh*, Society for Environment & Human Development (SEHD), Dhaka, 2002 [1998], p. 59

Table 14
Areas of Old & New Reserved Forests in CHT
(With adjustments for Increases & Decreases from 1976 to 1998)
(Based on Estimate of Movement for the Protection of Forest & Land Rights in the CHT)

| Reserved Forest | Area (Sq. Mi) | Area (Acres) | Percentage of CHT Area 5,093.75 Sq. Miles 3.26 million acres | Date | Source |
|-------------------------------------|---------------|--------------|--|-------|--|
| 4 Major RFs Combined | 1,221 | 781,440 | 23.97 | 1880s | Webb & Roberts (1976:2) |
| Minor RFs | 23.50 | 15,018 | .46 | 1880s | Webb & Roberts (1976:2) |
| Total (Old RFs) | 1,244.50 | 786,160 | 24.43 | 1880s | Webb & Roberts (1976:2) |
| De-Reservation for Bengali Settlers | 20.84 | 13,335.20 | .41 | 1980s | New Mauzas created from Kassalong RF: Mauzas No. 385 Amtali, 386 Gulshakhali, 387 Gadosora, 388 Rangipara & 390 Kalapagojya: (Roy, 2004: 42) |
| New RFs | 219 | 140,341.31 | 4.30 | 1990s | Estimate of the Movement for the Protection of Forest & Land Rights in the CHT (Gain, 2002: 59) |
| Total RF Area (Old+ New RFs) | 1,426.82 | 913166.11 | 28.01 | | |

Source:

W. E. Webb & R. Roberts, *Reconnaissance Mission to the Chittagong Hill Tracts, Bangladesh: Report on Forestry Sector*, Vol. 2, Asian Development Bank, Manila, 1976, p. 13

R. D. Roy, *Land and Forest Rights in the Chittagong Hill Tracts*, Talking Points, 4/02, International Centre for Integrated Mountain Development (ICIMOD), Kathmandu, June, 2002, pp. 20, 42

P. Gain, *The Last Forests of Bangladesh*, Society for Environment & Human Development (SEHD), Dhaka, 2002 [1998], p. 59

Table 14A
New Reserved Forests within Rangamati Forest Circle
(Within 3 Hill Districts)
(1996-2008)

| Notification Number & Date | District | Area (Acres) |
|--|-------------|-----------------|
| 1.Pabama (Sha-1) 15/94/238, dated 15/05/1998 2. Pabama (Sha-3) 15/94/26, 27, 28, 29, dated 09/01/2008 / 31/07/2007 | Khagrachari | 16,804.21 |
| 1. Pabama (Sha-3) 15/94/341, dated 18/06/1996 2. Pabama (Sha-3) 32/96/649, dated 24/09/1998 | Rangamati | 27,855.92 |
| Pabama (Sha-3) 15/94/239, dated 15/05/1998 | Bandarban | 23,175.40 |
| Chittagong Hill Tracts (CHT) | | 67,835.53 |

Table 14B

**New Reserved Forests within Rangamati Forest Circle
Rangamati Hill District
(1996 - 2008)**

| District | Sl. No (Notification) | Notification & Date | Sl. No (Mauza) | Mauza | Area (Acres) |
|--------------------|--------------------------|--|-------------------|--------------------|-----------------|
| Rangamati | 19 | 1. Pabama (Sha-3) 15/94/341, dated 18/06/1996 2. Pabama (Sha-3) 32/96/649, dated 24/09/1998 | 15 | 100 Wagga | 115.00 |
| Rangamati | 20 | Do | 16 | 326 Pekua | 1,830.79 |
| Rangamati | 21 | Do | 17 | 335 Dhanuchhari | 3,689.33 |
| Rangamati | 22 | Do | 18 | 336 Arachhari | 3,093.80 |
| Rangamati | 23 | Do | 19 | 331 Gainda | 3,000.00 |
| Rangamati | 24 | Do | 20 | 328 Powaitthu | 1,000.00 |
| Rangamati | 25 | Do | 21 | 327 Chingkhyong | 2,000.00 |
| Rangamati | 26 | Do | 22 | 333 Ghilachhari | 3,300.00 |
| Rangamati | 27 | Do | 23 | 329 Kaptai | 3,500.00 |
| Rangamati | 28 | Pabama (Sha-3) 54/97, dated 01/03/1999 | 24 | 95A Betbunia | 2,760.00 |
| Rangamati | 29 | Pabama (Sha-3) 54/97, dated 01/03/1999 | 25 | 95 Kashkhali | 3,567.00 |
| Total (Rangamati) | | | | | 27,855.92 |

Table 14C

**New Reserved Forests within Rangamati Forest Circle
Khagrachari Hill District
(1996 - 2008)**

| District | Sl. No (Notification) | Notification & Date | Sl. No (Mauza) | Mauza | Area (Acres) |
|---------------------|--------------------------|--|-------------------|-------------------|-----------------|
| Khagrachari | 1 | Pabama (Sha-3) 15/98/238, dated 12/05/1998 | 1 | | |
| Khagrachari | 2 | Pabama (Sha-3) 15/94/238, dated 12/05/1998 | 2 | 265 Bangalkati | 990.71 |
| Khagrachari | 3 | Do | 3 | 255 Maschhari | 1,312.5 |
| Khagrachari | 4 | Do | 4 | 239 Jurmaram | 2,500.00 |
| Khagrachari | 5 | Do | 5 | 238 Gasban | ??? |
| Khagrachari | 6 | Do | 6 | 252 Thalipara | 1,500.00 |
| Khagrachari | 7 | Do | 7 | 251 Changrachhari | 149.00 |
| Khagrachari | 8 | Do | 8 | 250 Lemuchhari | 1,500.00 |
| Khagrachari | 9 | Do | 9 | 257 Nunchhari | 3,652.00 |
| Khagrachari | 10 | Do | | 204 Alutila | 1,200.00 |
| Khagrachari | 11 | 1.Pabama (Sha-1) 15/94/238, dated 15/05/1998 2. Pabama (Sha-3) 15/94/26, 27, 28, 29, dated 09/01/2008 / 31/07/2007 | 10 | 204 Alutila | 500.00 |
| Khagrachari | 12 | Do | | 206 Daldali | 30.00 |
| Khagrachari | 13 | Do | 11 | 206 Daldali | 189.00 |
| Khagrachari | 14 | Do | 12 | 199 Bailachhari | 450.00 |
| Khagrachari | 15 | Do | | 200 Taimatai | 500.00 |
| Khagrachari | 16 | Do | 13 | 200 Taimatai | 916.00 |
| Khagrachari | 17 | Do | | 247 Zugalchhari | 1,300.00 |
| Khagrachari | 18 | Do | 14 | 247 Zugalchhari | 115.00 |
| Total (Khagrachari) | | | | | 1,6804.21 |

Table 14D

**New Reserved Forests within Rangamati Forest Circle
Bandarban Hill District
(1996-2008)**

| District | Sl. No (Notification) | Notification & Date | Sl. No (Mauza) | Mauza | Area (Acres) |
|-------------------|--------------------------|--|-------------------|----------------|-----------------|
| Bandarban | 30 | Pabama (Sha-3) 15/94/239, dated 15/05/1998 | 26 | 319 Rajbila | 2,950.00 |
| Bandarban | 31 | Do | 27 | 330 Hnara | 3,995.00 |
| Bandarban | 32 | Do | 28 | 347 Mrunkuong | 436.00 |
| Bandarban | 33 | Do | 29 | 343 Alikhyong | 9,153.40 |
| Bandarban | 34 | Do | 30 | 344 Kokhyong | 1,795.00 |
| Bandarban | 35 | Do | 31 | 345 Nowapatang | 2,446.00 |
| Bandarban | 36 | Do | 32 | 346 Mrokhyong | 2,400.00 |
| Total (Bandarban) | | | | | 23,175.40 |

Table 15

**Major Causes of Deforestation in Bangladesh
as identified in the Forestry Master Plan (1994-2015)**

| Direct Causes | Indirect Causes (Factors behind Direct Causes) |
|---|---|
| Agriculture Land Clearing (including Shifting Cultivation) | Poverty |
| Land Use Changes | Landlessness |
| Encroachments | Economic Underdevelopment |
| Grazing, Fire | Inappropriate Forest Policies & Regulations |
| Commercial Logging | Lack of Land Use Planning |
| Illegal Felling | Uncertainties of Land Tenure |
| Fuelwood Collection | Socio-Political Instability |

Source:

Government of Bangladesh, Ministry of Environment & Forest,
Forestry Master Plan, Main Plan, 1993/2012, Volume 1,
Asian Development Bank, Manila, March, 1993, p. 70

Table 16

**List of Protected Areas recognized by
Wildlife (Protection and Safety) Act 2012**

| Protected Areas | Definition (SectionNo.) | Declaration (Section No.) | Status of Land | Management |
|---|------------------------------------|--------------------------------------|--|---|
| <i>Sanctuary</i> ★ | 2(1) | 13(1) | Government Land | Chief Warden (or Delegated Official) |
| <i>National Park</i> | 2(14) | 17(1) | (a) Government Forest (b) Government Land | Chief Warden (or Delegated Official)) |
| <i>Community Conservation Area</i> | 2(7) | 18 (1,2,3) | (a) Individual Land (b) Community Land | (a) Co-Management Committee (b) Warden (Concerned) |
| <i>Safari Park</i> | 2(39) | 19 | Government Forest | Chief Warden (or Delegated Official) |
| <i>Eco Park</i> | | 19 | Government Forest | Chief Warden (or Delegated Official) |
| <i>Botanical Gardens</i> | 2(6) | 19 | | Chief Warden (or Delegated Official) |
| <i>Special Biodiversity Conservation Area</i> | | 22 | Any Land | Chief Warden (or Delegated Official) |
| <i>National Heritage</i> | | 23 | Any Land | |
| <i>Kunjaban</i> | | 23 | Any Land | |
| <i>Memorial Tree</i> | | 23 | Any Land | |
| <i>Sacred Tree</i> | | 23 | Any Land | |

★ Sanctuaries may be called Wildlife Sanctuary, Bird Sanctuary, Elephant Sanctuary, Wetland-Dependent Animal Sanctuary, Marine Protected Area, etc.

Table 17
Protected Areas in the Chittagong Hill Tracts

| Name & District | Type | Area (Hectares & Acres) | Area (Sq. Mi & Sq. km) | Date of Notification | Remarks |
|-----------------------|--------------------|----------------------------|------------------------------|----------------------------|---|
| Sitapahar, Rangamati | National Park | 3,026 ha 7,477 acres | 30.26 sq km 11.70 sq mi | 1974 | The 1974 notification was superseded by the 1999 notification, renaming "Sitapahar" as "Kaptai" |
| Kaptai, Rangamati | National Park | 5,464 ha 13,502 acres | 54.64 sq km 22 sq mi | 09/09/1999 | The different figures for Sitapahar & Kaptai may be an error or it may denote that the 1999 declaration increased the size of the National Park |
| Pablakhali, Rangamati | Wildlife Sanctuary | 42,087 ha 103,999 acres | 420.87 sq km 162.50 sq mi | (a) 1962 (b) 20/09/1983 | The 1962 notification was superseded by the 1983 notification |
| Sangu, Bandarban | Wildlife Sanctuary | 2,332 ha 5,763 acres | 23.50 sq km 09 sq mi | 06/04/2010 | |

Source:

Bangladesh Forest Department:

<http://www.bforest.gov.bd/index.php/protected-areas>

(Accessed 2 June 2015)

Bangladesh Forest Department cited in J. K. Choudhury,

National Forest Policy Review: Bangladesh (undated):

<http://www.scribd.com/doc/27047634/national-forest-policy-review-bangladesh#scribd>

(Accessed, 18 May 2015)

Table 18
Number & Sizes of Village Common Forests (Mauza Reserves)
in the Chakma, Bohmong & Mong Circles
Chittagong Hill Tracts

| Category by Size (Acres) | Chakma Circle | | Bohmong Circle | | Mong Circle | | Grand Total | |
|--------------------------------|---------------|-----------------|----------------|-----------------|---------------|-----------------|---------------|-----------------|
| | No of VCFs | Area (Acres) | No of VCFs | Area (Acres) | No of VCFs | Area (Acres) | No of VCFs | Area (Acres) |
| Small VCFs (2-25) | 22 | 275.5 | 60 | 822.5 | 18 | 226 | 100 | 1,324 |
| Medium VCFs (26-99) | 52 | 2,476 | 30 | 1,372 | 18 | 844 | 100 | 4,692 |
| Large VCFs (100 -1500) | 66 | 13,810 | 20 | 7,700 | 18 | 3,250 | 104 | 24,760 |
| Incomplete information | 06 | 0 | 0 | 0 | 01 | 0 | 07 | 0 |
| Total | 146 | 16,561.5 | 110 | 9,894.5 | 55 | 4,320 | 311 | 30,776 |

Source:
Offices of the Chakma Raja, Bohmong Raja & Mong Raja
Chittagong Hill Tracts

Data Analyzed & Tabulated by:
Maung Hla Myant
Project Coordinator
CHTWCA Project, UNDP-CHTDF
Chakma Circle
Chittagong Hill Tracts

Table 19
**Number of Village Common Forests (Mauza Reserves),
 Hamlets (Paras) & Streams (Soras)**
in the Chakma, Bohmong and Mong Circles

| Circle | No of VCFs | Area (In Acres) | No of Hamlets (Paras) | No of Streams (Soras) |
|---------------|-------------------|----------------------------|----------------------------------|----------------------------------|
| Chakma | 146 | 16,561.5 | 221 | 333 |
| Bohmong | 110 | 9,894.5 | 193 | 204 |
| Mong | 55 | 4,320 | 204 | 109 |
| Total | 311 | 30,776 | 618 | 646 |

Source:

Offices of the Chakma Raja, Bohmong Raja & Mong Raja
 Chittagong Hill Tracts

Data Analyzed & Tabulated by:
 Maung Hla Myant
 Project Coordinator
 CHTWCA Project, UNDP-CHTDF
 Chakma Circle
 Chittagong Hill Tracts

Table 20

**Number of Large Village Common Forests (Mauza Reserves)
& Number of Streams within the Large VCFs
in the Chakma, Bohmong and Mong Circles**

| Circle | No. of Large VCFs (100 -1500 acres) | Total No. of Streams (Soras) within Large VCFs |
|---------------|--|---|
| Chakma | 66 | 173 |
| Bohmong | 20 | 39 |
| Mong | 18 | 43 |
| Total | 104 | 255 |

Source:

Offices of the Chakma Raja, Bohmong Raja & Mong Raja
Chittagong Hill Tracts

Data Analyzed & Tabulated by:
Maung Hla Myant
Project Coordinator
CHTWCA Project, UNDP-CHTDF
Chakma Circle
Chittagong Hill Tracts

Table 21

**List of Extinct & Severely Endangered Species
of Faunain Chittagong Hill Tracts**

| Status | Species Name (English) | Species Name (Scientific) | Last Date Sighted |
|---|---------------------------|----------------------------------|-------------------------------|
| Extinct | | | |
| | Banteng | <i>Bos javanicus</i> | 1930s |
| | Wild Water Buffalo | <i>Bubalu sarnee</i> | 1940s |
| | Sumatran Rhinoceros | <i>Diceror hinus sumatrensis</i> | Late 19 th century |
| | Indian Rhinoceros | <i>Rhinoceros unicornis</i> | Late 19 th century |
| | Swamp Deer | <i>Cervus duvaucelii</i> | 1950s |
| Extinct (Unconfirmed) or Severely Endangered | | | |
| | Sloth Bear | <i>Melursus ursinus</i> | |
| | Green Peafowl | <i>Pavo muticus</i> | |
| | Rufous-necked Hornbill | <i>Aceros nipalensis</i> | |
| | White-winged Duck | <i>Cairina scutulata</i> | |

Source:

M. M. H, Khan, 'The Chittagong Hill Tracts: The Haven of Wildlife under Threat'
in P. Gain (ed.), *The Chittagong Hill Tracts: Man-Nature Nexus Torn*,
Society for Environment & Human Development (SEHD), Dhaka, 2013, p. 178

Table 22

**List of Rare Species of Fauna
Sighted Recently in the Chittagong Hill Tracts**

| Type of Species | Species Name (English) | Species Name (Scientific) | |
|-----------------|---------------------------------|----------------------------------|---------------------------|
| Mammal | Asian Elephant | <i>Elephas maximus</i> | |
| | Indian Bison | <i>Bos gaurus</i> | |
| | Bengal Tiger | <i>Panthera tigris</i> | |
| | Leopard | <i>Panthera pardus</i> | |
| | Clouded Leopard | <i>Neofelis nebulosa</i> | |
| | Asiatic Black Bear | <i>Ursus thibetanus</i> | |
| | Sun Bear | <i>Helarctos malayanus</i> | |
| | Hoolock Gibbon | <i>Hylobates hoolock</i> | |
| | Hog Deer | <i>Axis porcionus</i> | |
| | Sambhur | <i>Cervus unicolor</i> | |
| | Hodgson's Giant Flying Squirrel | <i>Petaurista magnificus</i> | |
| | Reptile | Burmese Python King | <i>Python moluras</i> |
| | | Reticulated Python | <i>Python reticulatas</i> |
| Cobra | | <i>Ophio phagus hannah</i> | |
| Flying Lizard | | <i>Draco maculatus</i> | |
| Bird | Great Hornbill | <i>Buceros bicornis</i> | |
| | Wreathed Hornbill | <i>Aceros undulates</i> | |
| | Grey Peacock Pheasant | <i>Polyplectron bicalcaratum</i> | |
| | Indian Courser | <i>Cusorius coromandelicus</i> | |

Source:

M. M. H, Khan, 'The Chittagong Hill Tracts: The Haven of Wildlife under Threat'
in P. Gain (ed.), *The Chittagong Hill Tracts: Man-Nature Nexus Torn*,
Society for Environment & Human Development (SEHD), Dhaka, 2013, pp. 172-177

Table 23

**Role of Deputy Commissioners related to
Forests other than Reserved Forests**

| Role or Function of DC | Advisory Role (if any) | Concurrent or Supervisory Role of Other Authority |
|--|---------------------------------|--|
| Providing Settlement, Lease, Acquisition, Transfer over Land | Headman (Advice) | HDC (Consent) |
| Supervising Headmen | | Circle Chiefs HDCs |
| Royalty Permits | Circle Chiefs Headmen BFD | |
| Chair of District Forest Committee (Currently Dysfunctional) | | |

Table 24
Role of Hill District Councils
in the Management of Forests Other than Reserved Forests

| Role or Function of HDCs as per Law | Status of Exercise of Legal Authority | Remarks |
|---|--|--|
| Providing or Withholding Consent on Settlement, Lease, Acquisition & Other Transfer of Land | Exercised | |
| Supervising Functions of AC (Land), Amin, Surveyor and Headman | Not Exercised | May require Legal Amendments and/or Executive Orders to facilitate Exercise of Authority |
| Development and Protection of Forests other than Reserved Forests | Not Exercised | Framing of Rules & Regulations may facilitate Exercise of Authority |
| Control & Regulation of Jum Cultivation | Not Exercised | Guidelines & Council Resolutions could provide framework for Exercise of Authority |

Table 25

**Major Land & Forest Related Functions
of the Traditional Institutions of the CHT
& Supervisory Mechanisms for the Mauza-Circle Areas**

| Category of Land | Authorities & Their Functions | | | | |
|--|-------------------------------|--------------------------------|-------------------------|-------------------|----------------------|
| | Karbari | Headman | Chief | DC | HDC |
| Mauza Forests (VCFs) | Management | Management & Protection | Supervision | Supervision | Supervision |
| Forests other than VCFS | Facilitation | Management & Allocation | Supervision | Supervision | Supervision |
| Free Permits (Jote Land Plantations) | Facilitation | Certification & Identification | Supervision | Supervision | Supervision |
| Timber/Bamboo Royalty Permits For "USFs" | Facilitation | Recommendation/ Consent | Supervision/ Consent | Permission | Supervision |
| Permits for other "USF" Resources | Facilitation | Recommendation/ Consent | Supervision/ Consent | Permission | Supervision |
| Jum Lands | Management & Allocation | Supervision | Supervision | Supervision | Control & Regulation |
| Grasslands | Facilitation | Management & Allocation | Supervision | Supervision | Supervision |
| Grazing Lands | Facilitation | Management & Allocation | Supervision | Supervision | Supervision |
| Private Orchards & Plantations Settlements | Facilitation | Recommendation | Supervision | Settlement/ Lease | Consent or Veto |
| Homesteads (Hillpeople) | Facilitation | Settlement/ Lease | Supervision | Supervision | Supervision |
| Land Title Transfer | Assistance | Recommendation | Supervision | Mutation | Consent or Veto |
| Fringeland | Assistance | Allocation | Supervision | Certification | Supervision |
| Fringeland Tax | Assistance | Collection | Collection/ Supervision | Supervision | Supervision |
| Groveland Tax | Assistance | Collection | Collection/ Supervision | Supervision | Supervision |
| Jum Tax | Assistance | Collection | Collection/ Supervision | Supervision | Supervision |
| Succession/ Inheritance | Facilitation | Recommendation | Supervision | Certification | |
| Demarcation/ Survey | Facilitation | Assistance | Supervision | Certification | |
| Wildlife Hunting, Gathering, Trapping | Management | Supervision | Supervision | Supervision | |

Table 26

**Possible Permutations on Social Forestry & Similar Models of Forestry
suitable for Reserved Forests in the Chittagong Hill Tracts**

| Model | Modifications (if any) | Process | Remarks |
|--|--|--|---|
| SF Model of 2004 (Plantation-Oriented) | Amend process to involve CHT institutions and Organizations other than NGOs and Upzailas | Consult CHTRC, HDCs, Traditional Institutions & Forest Dependent Communities | NGOs & Upazilas are the only non-BFD counterparts of BFD in plains. This needs to be broadened to fit the CHT context & include CHT-Specific Institutions |
| Amended SF Model of 2004 (Plantation & Natural Forests) | Include Non-Plantation Alternatives for Natural Forests by framing Amended CHT Model of SF | Consult CHTRC, HDCs, Traditional Institutions & Forest Dependent Communities | |
| New Model of SF (Appropriate for CHT) | Frame New SF Model based on S 28A, FA 1927 | Consult CHTRC, HDCs, Traditional Institutions & Forest Dependent Communities | |
| Village Forestry Model | Frame VF Rules based on S 28, FA 1927 | Consult CHTRC, HDCs, Traditional Institutions & Forest Dependent Communities | |

Table 27A

**Major Laws Review Roadmap I
Draft Forest (Amendment) Act 2015**

| Role of Focal Agencies | Role of Other Governmental or Non-Governmental Agencies | Role of UNDP and/or USAID and Other Donors | Time Frame | Remarks |
|--|--|--|------------|--|
| MOEF (inc. BFD) | MOCHTA CHTRC HDCs BIPNet-CCBD MPFLR-CHT | * Facilitate GOB-Stakeholder Dialogues (March-June 2016) | | |
| * To Conduct Consultations with All Stakeholders, inc. Forest Dependent Communities & Representative Organizations & Networks (March to June 2016) | * BIPNet-CCBD may utilise its on-going dialogues with BFD * MOCHTA may scrutinise CHT-relevant aspects of Draft Bill, involving CHTRC & other CHT Stakeholders in the process | * Facilitate Capacity-Raising of Non-Governmental Stakeholders (March-June 2016) * Encourage GOB to respect its responsibilities under International Treaties (CBD, Redd+ Process, C-ILO-107, etc.) & Domestic Arrangements (Constitutional Stipulations & CHT Accord), in general, and to expressly reflect them in new legislation, in particular | 2016 | * Although the time frame is shown as 2016. A more realistic time frame will depend upon MOEF's plans of submitting the proposed FA (Amendment) Bill to cabinet and parliament * Specific Proposals on the Previous Bill were submitted to GOB & MOEF Parliamentary Standing Committee by BIPNet-CCBD & MPFLR-CHT in 2010 |
| Impediments, Obstacles, Challenges & Opportunities | | | | |
| <p>Among the major <i>challenges</i> in bringing forth amendments to make forest management more participatory, sustainable & biodiversity-oriented may call for the demonstration of a “win-win” formula (<i>Opportunities</i>). Such a formula should assure the MOEF/BFD that its leading role in forest management (esp. in RF Areas) would not be compromised. At the same time, the effective incorporation of “participatory” elements is vital. This will require a shift from the current “territorial” and “policing” orientation of the BFD, to effective “co-management” (<i>Impediments</i>), which substantively involves indigenous peoples & their forest-dependent communities. Such a formula, as mentioned above, was patently missing in the Draft Bill, and in the current Forest Act 1927.</p> | | | | |

**Table 27B
Major Laws Review Roadmap II**

**Amendments to
Wildlife (Protection & Safety) Act 2012**

| Role of Focal Agencies | Role of Other Governmental or Non-Governmental Agencies | Role of UNDP and/or USAID & Other Donors | Time Frame | Remarks |
|---|---|--|----------------------------|---|
| MOEF (inc. BFD) | MOCHTA CHTRC BIPNet-CCBD MPFLR-CHT | * Facilitate GOB-Stakeholder Dialogues * Facilitate Capacity-Raising of Non-Governmental Stakeholders | 2016 to 2017 | <p>* Amendment of WPA 2012 is “not on the cards” of GOB</p> <p>* WPA 2012 was passed & applied to CHT without consulting CHTRC & forest dependent communities</p> <p>* IPs & Forest Dwellers wish to safeguard traditional & sustainable forest produce use and prevent arbitrary criminalization of traditional sustainable activities.</p> <p>* VCF Communities are concerned their control and management of VCFs may be threatened by declaration of VCFs as “Community Conserved Areas” (particularly on account of Rule-Making by MOEF on Terms of Co-Management Committees & Roles of Forest Warden)</p> |
| <p>* To Conduct Consultations with All Stakeholders, inc. Forest Dependent Communities & Representative Organizations & Networks</p> <p>* To clarify that the proposed recognition of Mauza Reserves (VCFs) as CCAs will not adversely affect community control & management</p> | | | | |
| Impediments, Obstacles, Challenges & Opportunities | | | | |
| <p>The WPA makes very brief references to IPs (“small ethnic communities”), namely, in the context of (a) IPs’ inclusion in Co-Management System for Sanctuaries [Section 21(1); and (b) Exemption of IPs’ possession of trophies which are a part of tradition or heritage or daily use from ambit of Seizure of Trophies, etc. Proviso to Section 32(1). (<i>Impediments</i>)</p> <p>The existing provisions of the WPA are considered inadequate by IPs and forest dwellers (a) to prevent arbitrary misuse of penal provisions against IPs; (b) to effectively include IPs in Co-Management activities of Sanctuaries, etc. and (c) generally, to include them in protection of wildlife in government forests and other forests. (<i>Challenges & Opportunities</i>)</p> <p>While subordinate legislation (Rules, Guidelines, etc.) may address some of these issues, it is unlikely that this would substantively address the basic drawbacks without an amendment of the Act itself. (<i>Challenges</i>)</p> | | | | |

Table 27C

Major Laws Review Roadmap III

Amendments to CHT Land Commission Act 2001

| Role of Focal Agencies | Role of Other Governmental or Non-Governmental Agencies | Role of UNDP and/or USAID and Other Donors | Time Frame | Remarks |
|--|---|---|------------|--|
| MOL MOCHTA | CHTRC MPFLR-CHT | Support legislation, which is an express commitment of GOB (nationally and internationally) | 2016 | * Due to negative lobbying, the draft Bill has been put in “cold storage” despite the bill’s readiness |
| To table draft of amendments to CHT Land Commission Act, based on CHTRC’s Proposals (Agreed Upon by CHT Accord Implementation Committee & Ministry of Law), without further delay | | | | * Delay is contributing to ethnic conflicts, undermining peace, security and stability, and subverting long-term land-related development planning |
| Impediments, Obstacles, Challenges & Opportunities | | | | |
| <p>Unofficial accounts suggest that certain agencies of the GOB (including Ministry of Land and “security” related departments and agencies) have reportedly advised GOB against enactment of its cabinet-approved draft claiming that this might: (a) compromise the sovereignty of the GOB over CHT land; and (b) lead to discrimination against ethnic Bengali inhabitants of the CHT. (<i>Impediments</i>)</p> <p>Such misgiving are baseless having regard to the following: (i) the Commission is headed by a former judge of the Supreme Court (the chairperson); (ii) its members include a GOB official (Div. Com.) and GOB-appointed chairpersons of HDCs; and (iii) its decisions may be judicially reviewed by the Supreme Court of Bangladesh. (<i>Opportunities</i>)</p> <p>The domestic and international reputation of the GOB has been compromised by delay in amending the Act. Long-term development planning is impossible without resolving the longstanding land disputes in CHT. If this trend continues, the CHT will “drag down” GOB’s plans and initiatives to become a “middle-income” country by 2020. The SDG Targets and Goals will be thwarted and the soon-to-be-adopted 7th 5-Year Plan’s implementation, as regards the CHT, will also similarly be thwarted. (<i>Challenges</i>)</p> | | | | |

Table 27D

Major Laws Review Roadmap IV
Amendments to CHT Regulation 1900 & its Schedule of Laws
(Esp. Secs. 7, 10, 17, Schedule)

| Role of Focal Agencies | Role of Other Governmental or Non-Governmental Agencies | Role of UNDP and/or USAID & Other Donors | Time Frame | Remarks |
|--|--|---|--------------------|---|
| MOCHTA | HDCs Circles Headmen's Networks & Associations CSOs (inc. BIPNet-CCBD, MPFLR) | * Facilitate Vetting of CHT Reg. 1900 to conform to HDC Acts 1989 * Facilitate Dialogues of All Governmental, Sub-Governmental & Non-Governmental Stakeholders | 2016 to 2018 | * Despite provisions of CHT Accord & CHTRC Act, only one major amendment was made (in 2003), on Administration of Justice * Further reforms are necessary to (i) sections 7, 10, 17; and (ii) Schedule of Laws, to: (a) Clarify extent & nature of application of FA 1927, WPA 2012 and other laws to CHT; (b) Update Land Acquisition Regulation 1958; (c) Address Overlapping & Un-Clarified Jurisdictions of HDCs, DCs, BFD; (d) Secure Customary Land & Forest Rights & promote Departmental Synergies |
| To consult CHTRC, HDCs, Traditional Institutions and other Stakeholders on Necessary Amendments | | | | |
| CHTRC | To provide suggestions to CHTRC & MOCHTA on necessary amendments to CHT Reg. | * Facilitate Trainings & Orientations on CHT Reg. 1900 * Utilise Development Partner Status in Dialogues with GOB (USAID & Donors) | | |
| To assume a proactive role in proposing amendments on CHT Reg. to GOB | | | | |
| Impediments, Obstacles, Challenges & Opportunities | | | | |
| DCs, BFD, CHTRC, DHCs, Traditional Institutions & IPOs/CSOs may invoke the provisions of the CHT Reg. in specific ways that run counter to the jurisdictions of other departments or institutions (<i>Challenge</i>). Thus, while DCs may tend to consider that the CHT Reg. provides them carte blanche authority over lands (<i>Impediment</i>), other institutions (BFD, CHTRC, HDCs, Traditional Institutions) may invoke their institution-specific laws (FA 1927, CHTRC Act, HDC Acts, etc.) or customary laws and practices (recognised through CHT Reg., Land Commission Act, etc.), respectively, which run counter to the DC's role. While some of these conflicts may be addressed through Policy, Guidelines, Executive Orders, etc. (<i>Opportunities</i>), more extensive & effective harmonization may only be possible through amendments to the CHT Reg. itself (<i>Challenge</i>). | | | | |

Table 28A
Minor Laws Review Roadmap I
Amendments to Rules of CHT Regulation 1900

| Role of Focal Agencies | Role of Other Governmental or Non-Governmental Agencies | Role of UNDP and/or USAID & Other Donors | Time Frame | Remarks |
|---|---|--|------------|--|
| MOCHTA | HDCs | | | * Although the time frame is shown as 2016, this may entail a longer, and on-going process. |
| To Conduct consultations with All Stakeholders, inc. CHTRC, HDCs & Traditional Institutions | Circles Headmen's Networks & Associations CSOs (inc. BIPNet-CCBD, MPFLR) | * Facilitate GOB-Stakeholder Dialogues * Facilitate Capacity-Raising of Non-Governmental Stakeholders | 2016 | * A time-frame developed, with CHTRC in the lead, may be more realistic, with the concurrence of MOCHTA |
| CHTRC | Aforesaid Entities may Proactively Provide | * Facilitate Research, Consultations, etc. | to | * Most important among these are: Rules 34 (Land Settlement, Leases, etc.), 38 (Relationship between Chiefs & Headmen with DCs), 40 (Judicial Powers of Chiefs & Headmen), 43-46 (Taxes), 48 (Appointment of Headmen; Currently Succession by Women is not expressly provided for; this is contrary to BD Constitution & CERD) |
| To consult HDCs, Traditional Institutions & Others and Pro-Actively exercise its legal mandate to Propose Amendments to MOCHTA | Suggestions on Amendments to CHTRC to Consider & Forward to MOCHTA | * Utilise Development Partner Status in Dialogues with GOB (USAID & Donors) | 2018 | |
| Impediments, Obstacles, Challenges & Opportunities | | | | |
| <p>A recent example of amendment of the CHT Reg. Rules to “harmonize” the Regulation with the HDC Acts 1989 concerns the amendment to Rules 41 & 42 (SRO dated 23/04/2013, published on 25/04/2013) on Jum Cultivation, which simply replaces the term “Deputy Commissioner” with “Chairman, Hill District Council”. (<i>Opportunity/Best Practice/Precedent</i>)</p> <p>Among these, the Rules mentioned in the Remarks Column above, are the most pertinent. Rule 34, in particular, needs amendment, for cross-referencing with Section 64 of HDC Acts 1989 (which vests a premier role to HDCs on land titling, land leases, transfer & compulsory acquisition). (<i>Opportunity</i>)</p> <p>DCs and other sections of GOB may resist proposed amendment, citing loss of GOB “control”, “sovereignty”, etc. (see Table 27C). (<i>Impediment</i>)</p> <p>But HDC is a statutory body, which is a sub-CHTRC body (itself a sub-MOCHTA body) and a sub-MOCHTA body, and hence the supervisory jurisdiction of MOCHTA/GOB remains. (<i>Challenge/Opportunity</i>)</p> | | | | |

Table 28B

Minor Law Review Roadmap II

Amendment to Social Afforestation Rule 2004 or
Framing of New CHT-Specific Social Forestry Rules

| Role of Focal Agencies | Role of Other Governmental or Non-Governmental Agencies | Role of UNDP and/or USAID & Other Donors | Time Frame | Remarks |
|--|---|--|--------------|--|
| MOEF | MOCHTA | | | |
| To conduct consultations with MOCHTA, CHTRC, HDCs, Traditional Institutions, IPs, Forest-Dwellers, & CSOs | To consult all relevant stakeholders & pro-actively recommend legislation to MOEF | * Facilitate GOB-Stakeholder Dialogues * Facilitate Capacity-Raising of Non-Governmental Stakeholders | | * SF Rules 2004 were passed ignoring Indigenous Peoples' & Forest-Dwellers' (inc. MPFLR-CHT's) Suggestions to Draft Rules * CHTRC was not consulted prior to application of SF Rules to CHT * Rejection of SF Model (under SF Rules) resulted in Restriction of SF Programmes in CHT to some RF, PF, "USF" Lands * SF Programmes have been Mono Plantation-Oriented, leading to Biodiversity Loss & Water Bodies' Drying Up, among others |
| BFD | CHTRC, HDCs, Traditional Institutions BipNet-CCBD, MPFLR-CHT | * Facilitate Research, Consultations, etc. | 2016 to 2017 | * In "USF" Areas, VCFs/Mauza Reserves (Community Managed Lands in Mauza-Circle Areas) & Jote Plantations (Privately Registered Plots) are considered as More Viable Alternatives to SF Programmes |
| To use its local level presence & consult all relevant stakeholders, to correct the gaps of the Rules in the context of application to CHT | To proactively offer suggestions on alternative models; CHTRC's role is legally mandated, hence, critical | * Utilise Development Partner Status in Dialogues with GOB (USAID & Donors) | | * Arbitrary & Unilateral Creation of New Reserved Forests (1990s-2010s) with Insufficient Notice (Due Process) on Private & Community Lands heightened public mistrust of motives behind SF programmes |
| Impediments, Obstacles, Challenges & Opportunities | | | | |
| Views of BFD about the suitability of the 2004 SF Rule Model's appropriateness for the CHT. (<i>Impediment</i>). Utilization of on-the-ground Community-Led Best Practice examples on forestry for incorporation into Amended/New SF Rules. (<i>Opportunity</i>) | | | | |

Table 28C
Minor Law Review Roadmap III
Framing of Village Forest Rules
(Under Section 28 of Forest Act 1927)

| Role of Focal Agencies | Role of Other Governmental or Non-Governmental Agencies | Role of UNDP and/or USAID & Other Donors | Time Frame | Remarks |
|--|---|--|--------------------|--|
| MOEF (inc. BFD) | MOCHTA CHTRC, HDCs, Traditional Institutions BIPNet-CCBD MPFLR-CHT | * Facilitate GOB-Stakeholder Dialogues * Facilitate Capacity-Raising of Governmental & Non-Governmental Stakeholders * Utilise Development Partner Status in Dialogues with GOB (USAID & Donors) | 2016 to 2017 | * Adoption of VF Rules will formalize forest-use rights of RF-resident communities * Will enhance BFD-Community Partnerships * Practical ideas may be borrowed from India (Orissa & Maharashtra), which shares same legal framework (Forest Act 1927) * Although SF programmes were implemented in a small part of RFs (Southern CHT), their success is questionable (un-suitability of SF Model to CHT: See Table 28B) |
| To consult MOCHTA, CHTRC, HDCs, Traditional Institutions, Forest Dependent Communities & Others (BIPNet-CCBD, MPFLR-CHT, etc.) | To consult all relevant stakeholders & pro-actively offer recommendations to MOEF | | | |
| Impediments, Obstacles, Challenges & Opportunities | | | | |
| <p>* Legal & Factual Precedents exist in India (e.g., Orissa & Maharashtra; see Appendices 10, 13), which share same/similar legal framework to Bangladesh. (<i>Opportunity</i>)</p> <p>* SF Laws in Bangladesh (S. 28A FA 1927 & SF Rules 2004) have facilitated a Legal & Factual Precedent on Assignment of rights over RF Lands to Non-Governmental Actors. (<i>Opportunity</i>)</p> <p>* VF Rules will formalize RF Communities' Rights and secure Ownership & Participation of RF Communities in GOB/BFD-initiated forestry (including protection, re-forestation & afforestation). (<i>Opportunity</i>)</p> <p>* Resistance of BFD against recognition of Non-Governmental Actors' rights (usufructs rather than ownership rights). (<i>Impediment</i>)</p> <p>* Views of BFD about "Control Imperatives" preventing Equitable & Effective Co-Management Partnerships with Forest Dwelling Communities & Other Stakeholders. (<i>Impediment</i>)</p> <p>* Demonstrating "win win" solutions and actually implemented models; e.g., Orissa & Maharashtra Village Forest Rules, India. (<i>Challenge</i>)</p> | | | | |

Table 28D

Minor Laws Review Roadmap IV
Framing of New CHT Forest Transit Rules
(Repealing CHT Forest Transit Rules 1973)

| Role of Focal Agencies | Role of Other Governmental or Non-Governmental Agencies | Role of UNDP and/or USAID & Other Donors | Time Frame | Remarks |
|--|---|--|------------|--|
| MOEF (inc. BFD) | MOCHTA | * Facilitate GOB-Stakeholder Dialogues | | * Unless the New Rules incorporate practical procedures, Bona Fide Tree Planters & Forest Communities will continue to suffer |
| To conduct consultations with MOCHTA, CHTRC, HDCs, Traditional Institutions, Forest Dependent Communities & Others for Incorporation of desirable Elements in Proposed New Legislation | HTRC, HDCs, Traditional Institutions BipNet-CCBD MPFLR-CHT To consult all relevant stakeholders & pro-actively offer recommendations to MOEF | * Facilitate Capacity-Raising of Governmental & Non-Governmental Stakeholders * Utilise Development Partner Status in Dialogues with GOB (USAID & Donors) * Utilise its leverage as a major Development Partner of GOB | 2016 | * Current framework breeds inefficiency & corruption & results in disincentive to create tree plantations * CHTRC has already sent its views to MOEF & MOCHTA * BipNet-CCBD is conducting dialogues with BFD |
| Impediments, Obstacles, Challenges & Opportunities | | | | |
| <p>* Legal & Factual Precedents that embody Simpler Procedures of obtaining Permits without compromising the needs of protection of government-owned forests exist in India (e.g., Kerala), which shares same legal framework. (See Ch. 9.5.7, Appendix 9) (<i>Opportunity</i>)</p> <p>* Current orientation of Rules Put Burden of Proof on Tree Planters, to “disprove” that the forest produce “has not been stolen” from an RF or PF; It should be the other way round; SF Law. (see Ch. IX, esp. Ch. 9.5.5) (<i>Impediment</i>)</p> <p>* Restrictions against issuance of permits from areas adjacent to RFs, proposed RFs & PFs causes hardship, particularly on account creation of hundreds of new RFs (1990s-2010s). (See Ch. IX, esp. Ch. 9.5.4) (<i>Impediment</i>)</p> <p>* Reluctance of Senior FDOs to Delegate Authority to Field-Level Officers to process and grant permits causes delays, makes the process cumbersome, expensive and time-consuming. (See, Ch. IX), esp. Ch. 9.5.3 – 9.5.5 (<i>Obstacles</i>)</p> | | | | |

Table 29A
Policy Review Roadmap I
Creation of New Reserved Forests (1990s-2010s)
&
Forestry Master Plan

| Law | Role of Focal Agency | Role of Other Governmental or Non-Governmental Agencies | Role of UNDP and/or USAID & Other Donors | Time Frame | Remarks |
|---|----------------------|---|--|--------------|--|
| Creation of New Reserved Forests (1990s to 2010s) | MOEF | MOCHTA CHTRC HDCs Circles Headmen's Networks & Associations CSOs (inc. BIPNet-CCBD, MPFLR) | * Facilitate Dialogues | 2016 to 2017 | * Facilitate De-Reservation of those lands declared as RFs without FPIC of the communities * Facilitate exclusion of remaining areas from proposed reservation |
| Forestry Master Plan | MOEF | MOCHTA CHTRC HDCs Circles Headmen's Networks & Associations CSOs (inc. BIPNet-CCBD, MPFLR) | * Support Data Gathering & Analysis * Support Capacity Building | 2016 to 2018 | * Finalize National Forest Policy in consultation with All Stakeholders (inc. CHT forest dependent communities) * Identification of Conservation, Plantation & Community Zones * Remove Inconsistencies between Laws |

Table 29B

**Policy Review Roadmap II
National Forests Policy Revision**

| Role of Focal Agency | Role of Other Governmental or Non-Governmental Agencies | Role of UNDP and/or USAID & Other Donors | Time Frame | Remarks |
|----------------------|---|---|--------------------|--|
| MOEF (inc. BFD) | MOCHTA CHTRC BipNet-CCBD MPFLR-CHT | <p>* Facilitate GOB-Stakeholder Dialogues</p> <p>* Facilitate Capacity-Raising of Non-Governmental Stakeholders</p> <p>* Facilitate Research, Consultations, etc.</p> | 2016 to 2017 | <p>* Although the time frame is shown as 2016-17, actual time-frame depends on MOEF's plans and exigencies</p> <p>* Specific Recommendations have emerged from 7 June 2015 Regional Consultation (Appendix 29)</p> <p>* Observations & Recommendations of this author are contained in Chapters X & 13.5, among others</p> |

Table 29C

Policy Review Roadmap III
7th 5-Year Plan & Other National Policies

| Law | Role of Focal Agency | Role of Other Governmental or Non-Governmental Agencies | Role of UNDP and/or USAID & Other Donors | Time Frame | Remarks |
|---|--------------------------------------|---|---|--------------|---|
| Amendments to National Environment Policy | MOL MOCHTA | CHTRC MPFLR-CHT | * Facilitate GOB-Stakeholder Dialogues & Consultations * Facilitate Capacity-Raising of Non-Governmental Stakeholders * Facilitate Research, Advocacy, etc. | 2016 | |
| Amendments to BCCSAP | MOEF | MOCHTA CHTRC BFD BIPNeT-CCBD BAF | | 2016 to 2017 | * There is no express mention of IPs in Strategy * IPs of Coastal Areas (Barisal & Khulna Divisions) are particularly vulnerable * IPs of forest areas are vulnerable |
| Inclusion of CHT-Specific Issues in 7 th 5 Year Plan | Ministry of Planning | MOCHTA CHTRC BFD BIPNeT-CCBD BAF | | 2016 | * Draft is probably in stages of finalization * Space needs to be created for immediate consultations with CHT people, inc. indigenous communities |
| Other National Policies | Several Ministries & Agencies of GOB | MOCHTA CHTRC BFD BIPNeT-CCBD | | 2016 to 2017 | The following are particularly pertinent: a. Land; b. Women's Development; Water; Food; |

Table 30A
Roadmap on Administrative Orders&Policy Guidelines I
(Village Common Forests)

| Action or Intervention | Lead Role | Supportive or Facilitative Role | Time Frame | Remarks |
|---|------------------|--|--------------------------------|--|
| Advise HDCs, DCs, Local Government Institutions, CHTDB, etc. to support VCF Protection & Management | MOCHTA MOEF | MOL, MLGRD CHTRC, HDCs, BFD, UNDP FAO, USAID, Donor Agencies | 2016 | |
| * Recognize individual VCFs through Resolutions or Executive Orders * Issue orders to prevent Privatization & other Title Changes to VCF Lands | HDCs | DCs Circles UNDP FAO | 2016 to 2017 | A precedent exists for Rangamati HDC on Choto Horinga Mauza, Barkal. This can be a role model for all HDCs. |
| Issue Administrative Orders to UNOs to Support Mauza Headmen in VCF Protection & Management | DCs | MOCHTA CHTRC HDCs | 2016 | |
| Issue Advisory Guidelines & Administrative Orders to Headmen & Karbaries on VCF Management | Circles | UNDP& USAID To sustain & strengthen support, esp. to Circles, through CHTWCA Project& Expand its Activities | 2016 to 2018 | * Efforts of Circles are ongoing * CHTWCA Project focuses on only 15-20 % of All VCF Communities |
| Formulate & Issue <i>Reporting Guidelines</i> in specific <i>Formats</i> outlining Periodical Measures taken. [a. Protection b. Delineation, Survey & Inventory. c. Protection against Fire & Encroachment. d. Dispute Resolution. e. Inclusion of Women & Disadvantaged Groups] | Circles | UNDP& USAID * Include All VCF Communities in CHTWCA Project * Enhance Capacity-Building of Traditional Institutions through Revival of Previous CHTDF Component or Adopt New Component | 2018 2016 to 2021 | Substantive success of CHTWCA (VCF) depends on: * Inclusion of All CHT VCFs; * Sustained Capacity-Building of Traditional Institutions & VCF Communities |

Table 30B
Roadmap on
Administrative Orders & Policy Guidelines II
(Reserved Forests)

| Subject Matter Programme or Project | Focal Agency | Facilitative Agencies | Time Frame | Measures (For Focal Agency unless Otherwise Stated) | Remarks |
|--|---------------------|------------------------------|-------------------|---|---|
| New Reserved Forests | MOEF | MOCHTA BFD | 2016 to 2017 | <ul style="list-style-type: none"> * De-Reserve the unviable units which are small “islands” amidst settlements * Return Lands to Individuals & Communities with Rights thereto | <ul style="list-style-type: none"> * Scores of small RFs have been created in CHT, violating Natural Justice Principles (Due Process). * This has led to serious community trust of BFD. |
| Under Process Reserved Forests | MOEF | MOCHTA BFD CSOs | 2016 to 2017 | <ul style="list-style-type: none"> * Refrain from continuing process of reservation * Assist FSO with necessary information to exclude lands from reservation * Provide Legal Aid & Other Support to Adversely Affected Communities (CSOs) | <ul style="list-style-type: none"> * Scores of small RFs have been created in CHT, violating Natural Justice Principles (Due Process). * This has led to serious community mistrust of BFD. |
| Old “Island” Reserved Forests | MOEF | MOCHTA HDCs DCs BFD | 2016 to 2018 | <ul style="list-style-type: none"> * De-Reserve small unviable RF units * Hand over lands to HDCs-Circles for Appropriate Use | |

Table 30C
Roadmap on
Administrative Orders & Policy Guidelines III
(PFs & Forest Cases, Timber Permits, Etc.)

| Subject Matter Programme or Project | Focal Agency | Facilitative Agencies | Time Frame | Measures [By Focal Agency unless otherwise stated] | Remarks |
|--|---------------------|---|--------------------|---|---|
| Protected Forests | MOEF | MOCHTA HDCs DCs BFD | 2016 to 2018 | * Hand over management of PFs to HDCs, according to HDC Acts 1989 * Resolve disputes concerning claims of locals over title & possession of PF lands. | Large parts of current & former PFs were part of the BFD's Jum Control Division's Orchard Projects whose titles were to have been transferred to orchard growers (see Ch. 7.1). |
| Forest Act Criminal Cases | MOEF | BFD DC Legal Aid Organizations | 2016 to 2017 | * Conclude pending cases * Support legal representation (CSOs) | Hundreds of oppressive cases have been filed against "faceless" villagers, which are pending and leading to hardship. |
| Timber Permits | MOEF BFD | MOCHTA CHTRC BIPNET-CCBD MPFLR-CHT | 2016 | * MOEF/BFD to Finalize CHT Forest Transit Rules in consultation with All Stakeholders * UNDP, FAO, USAID to Facilitate & Support Dialogues & Capacity-Building | * BFD & BIPNET-CCBD are in process of dialogue * Dialogue requires political & technical support * Possibilities of "win-win" solutions for a consensual or agreed document |
| Unauthorized Furniture Factories | MOEF BFD | MOCHTA CHTRC BIPNET-CCBD MPFLR-CHT | 2016 to 2017 | * New CHT Forest Transit Rules to include measures * Authority should be transferred (from DCs to HDCs) | * Arbitrary Permits by DCs concern illegal timber * Causing Deforestation & Forest Degradation * Marginalizing bona fide Tree Farmers & local Timber Merchants |

Table 31A
Programmatic Roadmap I
(Forestry Sector Programmes)

| Programme Or Project | Role of Focal Agency | Role of Other Governmental or Non-Governmental Agencies | Role of UNDP and/or USAID & Other Donors | Time Frame | Remarks |
|---|----------------------|---|--|----------------------------|---|
| SF Programmes | MOCHTA CHTRC | HDCs Circles Headmen's Networks & Associations CSOs (inc. BIPNet-CCBD, MPFLR) | * Facilitate GOB-Stakeholder Dialogues & Consultations | 2016 | * Although the time frame is shown as 2016, this may entail a longer, and on-going process. * A more realistic timeframe may be developed with due regard to the plans & exigencies of MOEF & BFD |
| Other Forestry Sector Programmes of BFD | MOEF (inc. BFD) | MOCHTA CHTRC BipNet-CCBD MPFLR-CHT | * Facilitate Capacity-Raising of Non-Governmental Stakeholders | 2016 to 2017 | * Although the time frame is shown as 2016-17, actual time-frame depends on MOEF's plans and exigencies * Specific Recommendations have emerged from 7 June 2015 Regional Consultation (Appendix 29) * Observations & Recommendations of this author are contained in Chapters X & 12.5, among others |

Table 31B
Programmatic Roadmap II
(Projects Impinging upon Forests, Watersheds & Environment)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|--|---|-------------------------|--------------------|---|
| 2 | Implementing Agency & Programme or Project | Environmental Issue | Required Action | Monitoring Agency | Time Frame | Remarks |
| 3 | Non-BFD GOB Agencies NGOs <i>Ecologically Harmful Plantations styled as "Forestry"</i> | * Biodiversity impinged * Water sources impinged | Disallow projects or expansion unless SIA, EIA, WSIA so supports | MOEF MOCHTA CHTRC | 2016 to 2021 | |
| 4 | CHTDB <i>Rubber & Other Mono Plantation Projects</i> | * Biodiversity impinged * Water sources impinged | * Restrict Activity * Disallow future projects or expansion unless SIA, EIA, WSIA so support (Such Assessments must be Mandatory) (MOCHTA through CHTRC) | MOEF DOE CHTRC | 2016 to 2021 | * DOE has no presence in CHT * DOE's role in CHT should be under supervision of HDCs & CHTRC |
| 5 | R & H ECB LGED CHTDB <i>Road-Building</i> | * Deforestation & Landslides * Biodiversity & Water Sources impinged | Make EIA, SIA, WSIA Clearance Mandatory | MOEF DOE CHTRC | 2016 to 2021 | |
| 6 | Climate Change Trust Funds under GOB <i>Ecologically Harmful Projects & Lack of Accountability</i> | * Plantations promoted rather than Biodiverse Forests * Capacity Needs of VCF Communities | * Trust Funds should Support VCF Communities & Traditional Institutions | MOEF MOCHTA CHTRC | 2016 to 2021 | |

Table 31C
Programmatic Roadmap III
(Other Projects & Programmes)

| Implementing Agency & Programme or Project | Opportunity | Challenge | Time Frame | Remarks |
|--|---|---|--------------|--|
| CHTWCA (VCF Component) | <ul style="list-style-type: none"> * Build upon Current Gains & Expand Project to Directly Include All VCFs in CHT * Facilitate Registration or Recognition of VCFs by HDCs * Expand Data Base, Mapping (GIS, GPs), Training & Capacity Building * Utilize Strong Traditional Ties of Circles with Headmen-Karbaries & VCF Communities through Hands-On Role in Project Implementation & Monitoring | <ul style="list-style-type: none"> * Prevent Dilution of Gains Made through executing LOAS with HDCs rather than Circles * Prevent Bureaucratic Wrangling by HDC Staff in Project Implementation (if LOA Executed with HDCs) * Retain "Hands-On" Role of Circles in Implementing Project & Monitoring Staff Activities | 2016 to 2021 | <ul style="list-style-type: none"> * The VCF Component LOA, formerly executed with Circles is proposed to be executed with HDCs * The proposed change is likely to severely disrupt the current gains and affect the confidence of the Traditional Institutions & VCF Communities upon the GOB & UNDP |
| CHTWCA (RF Component) | <ul style="list-style-type: none"> * Facilitate Adoption of VF Rules * Discontinue SF Programmes in RFs * Facilitate Livelihood Security for RF Communities * Facilitate Education & Healthcare Facilities for RF Communities * Facilitate Rehabilitation of IDPs currently sheltered in RFs through CHT Task Force on Refugees & Displaced People | <ul style="list-style-type: none"> * Policing Approach of BFD to Management of RFs * Reluctance of MOEF & BFD to Transfer Rights over RFs to Others (such as assignment in VFs) * Freezing of Process of Amending Land Commission Law & Dysfunctionality of CHT Land Commission * Weaknesses of CHT Task Force on Refugees & Displaced People | 2016 to 2021 | <ul style="list-style-type: none"> * Agreed Upon reforms to CHT Land Commission law lying Unattended * CHT Land Commission Dysfunctional * Mandate of CHT Task Force on Refugees & Displaced People is Weak & Ineffective * RF Communities have no incentive to conserve & protect forest resources of RFs |
| CHT-Specific Projects of FAO | <ul style="list-style-type: none"> * Expand Current Pilot Project involving Swidden Cultivators * Add Similar Components under FAO to CHTWCA (VCF Component) | <ul style="list-style-type: none"> * Promoting Inter-Agency Harmonization & Collaboration between UNDP & FAO | 2016 to 2021 | <ul style="list-style-type: none"> * FAO Policy on Indigenous Peoples & Voluntary Guidelines is a facilitative tool for CHT |

Table 31D
Possible interventions by Governmental,
Regional, District and Traditional Institutions, and NGOs
To Adopt & Support
Watershed Management Plans in the CHT

| Action or Intervention | Lead Role | Supportive or Facilitative Role | Time Frame | Remarks |
|--|--------------------|---|--------------------|--|
| Adopt Watershed Management Plans at different levels: a. Mauzas b. Mauza Clusters c. Minor Watersheds d. Major Watersheds NB: b & c could be within RFs | HDCs BFD DOE | MOCHTA MOEF Circle Chiefs DCs, UNOs UNDP FAO | 2016 to 2021 | * One challenge is that watershed often cross Administrative Boundaries (mauza, union, circle, district, etc. etc.) & Departmental or Institutional Boundaries (BFD, Circle-District divisions). * Therefore, trans-institutional cooperation is vital to successfully manage watersheds, particularly the large watersheds |
| Supervise Watershed Management Plans | CHTRC | DOE HDCs Circle Chiefs DCs, UNOs FAO UNDP | 2016 to 2021 | * One or more Boards or Committees could be constituted, under chairpersonship of CHTRC Chair, to help conserve: a. Soil; b. Water; c. Fauna; d. Flora. * The Board/Committee would include HDCs; BFD; Circle Chiefs; representatives of MOCHTA; MOEF. |
| Adopt & Enforce Watershed Protection Policy or Guideline | MOCHTA | CHTRC HDCs DOE, BFD Circle Chiefs DCs | 2016 to 2021 | Such Guideline or Policy would help ensure that all major Road & Infrastructure Projects (R&H, LGED, CHTDB, HDC, etc.) refrain from implementing projects without a Watershed Impact Assessment Certificate from MOCHTA, under recommendation of CHTRC |

Table 32A
Capacity Building Roadmap I

| Programme or Project | Activity | Focal & Supportive or Facilitative Agencies | Financing Agency | Time Frame | Remarks |
|-----------------------------|---|--|---|--------------------|---|
| Capacity Building of MOEF | <ul style="list-style-type: none"> * Establish Cell on CHT Environment & Forest under a JS * Re-Orient Organogram of BFD in CHT * Enhance BFD Manpower in CHT * Provide Specialized Training to BFD on CHT Legal, Administrative & Social Contexts * Vet all Laws, Policies & Programmes in conformity with Treaties & REDD+ Process | <p align="center"><i>Focal Agency</i></p> <p align="center">MOEF</p> <p align="center"><i>Facilitative Agencies</i></p> <p align="center">MOCHTA CHTRC UNDP FAO UNEP BFRI Universities</p> | <p align="center">GOB</p> <p align="center">UNDP</p> <p align="center">UN REDD</p> <p align="center">USAID</p> <p align="center">Bilateral Development Agencies</p> <p align="center">Multilateral Lending Agencies</p> | 2016 to 2018 | <ul style="list-style-type: none"> * Appropriate & Context-Specific Focus on CHT is absent * Jurisdiction of Circles, Divisions, Ranges & Beats in CHT is irrational & dysfunctional [CHT is divided between Rangamati & Chittagong Circles and designation of DFO (Jum Control) & DFO (USF) is meaningless today] * Existing division of manpower is inappropriate & insufficient to deal with forest & plantation issues |
| Capacity Building of MOCHTA | <ul style="list-style-type: none"> * Establish Cell on Environment, Climate Change & Forest under a JS * Establish Database on VCFs & Watersheds * Appoint Environment & Social Development Specialists * Facilitate Registration or Recognition of VCFs * Provide Capacity Building Support to Traditional Institutions | <p align="center"><i>Focal Agency</i></p> <p align="center">MOCHTA</p> <p align="center"><i>Facilitative Agencies</i></p> <p align="center">MOEF CHTRC UNDP FAO UNEP BFRI Universities</p> | <p align="center">GOB</p> <p align="center">UNDP</p> <p align="center">UN REDD</p> <p align="center">USAID</p> <p align="center">Bilateral Development Agencies</p> <p align="center">Multilateral Lending Agencies</p> | 2016 to 2018 | <ul style="list-style-type: none"> * MOCHTA has no cell or other expertise to monitor Environment, Climate Change & Forest issues * MOCHTA has no system of monitoring & facilitating the functions of the Traditional Institutions * MOCHTA has no programme or fund allocation to support the Traditional Institutions * MOCHTA has no system of monitoring the environmental impact of CHTDB & HDC projects funded through it |

Table 32B

Capacity Building Roadmap II

| Programme or Project | Activity | Focal, Supportive & Funding Agencies | Time Frame | Remarks |
|----------------------------|--|--|--------------------|---|
| Capacity Building of CHTRC | <ul style="list-style-type: none"> * Establish Cell on Environment & Forest * Appoint Environment & Social Development Specialists * Vet all Projects that impinge upon Environment, Forests & Watersheds | <i>Focal Agencies</i> CHTRC HDCs BFD | 2017 to 2018 | <ul style="list-style-type: none"> * CHTRC's support staff are few & only from Civil Service backgrounds, whose expertise does not extend to Forest, Law & Environment matters * Vetting of CHT projects requires skilled personnel on Environment, Culture & Development matters |
| Capacity Building of HDCs | <ul style="list-style-type: none"> * Re-Orient Organogram & Establish Cell(s) on Environment, Development & Forest * Appoint Land, Survey, Forest, Environment & Culture Specialists * Provide Registration or Recognition to Mauza Forests (VCFs) * Frame Regulations on exercise of Authority on Land, Forests & Jum Cultivation | <i>Supportive Agencies</i> MOPA, MOEF MOCHTA UNDP, FAO BFRI Universities <i>Funding Agencies</i> GOB, UNDP UN REDD USAID Donors & Lenders | 2017 to 2018 | <ul style="list-style-type: none"> * Current Organogram inappropriate to deal with Environment, Development, Forest, Land, Law & Culture matters * Support staff are few & only from Civil Service or Engineering backgrounds * Jurisdiction on Land, Forest, Environment, etc. not clarified in Regulations & Rules |
| Capacity Building of BFD | <ul style="list-style-type: none"> * Training & Orientation on CHT System, Laws & Ecology * Increased Manpower * Rationalization of responsibilities of CFs, DFOs, ROs, FOs, BOs | GOB, UNDP UN REDD USAID Donors & Lenders | 2016 to 2018 | <ul style="list-style-type: none"> * FDOs have insufficient knowledge & experience on CHT system, laws & ecology * BFD Manpower in CHT is insufficient * BFD Set-Up in CHT is irrational & dysfunctional [CHT is under Rangamati & Chittagong Forest Circles and the designations of DFO (USF) & DFO (Jum Control) are irrelevant today] |

Table 32C
Capacity Building Roadmap III

| Programme or Project | Activity | Focal, Supportive & Funding Agencies | Time Frame | Remarks |
|--|--|---|--------------------|--|
| Capacity Building of Circles | <ul style="list-style-type: none"> * Appoint Support Staff with Land, Forest, Survey, Law & Judicial Expertise * Establish Database on Mauza Forests & Other Community Lands * Establish Permanent Training Centre for Headmen & Karbaries & Conduct Training at Circle & Sub-Circle Levels * Procure Office Equipment & logistics to deal with data gathering, archiving, survey, demarcation & mapping (GPS, GIS) * Adopt Annual & Sub-Annual Monitoring Targets to Supervise work of Headmen & Karbaries | <p><i>Focal Agencies</i></p> <p>Circles Headmen & Karbaries' Associations & Networks</p> <p><i>Supportive Agencies</i></p> <p>MOCHTA UNDP, FAO, ILO</p> | 2016 to 2021 | <ul style="list-style-type: none"> * Current Staff insufficient to address matters of land disputes, survey, mapping, database * Some staff are experienced but overloaded with duties * Logistical equipment is few (computers, printers, photocopiers, GIS, GPS tools, furniture, etc.) * Grants from GOB totally absent & Income from Honoraria & Land Revenue totally inadequate to hire necessary staff & procure logistics |
| Capacity Building of Headmen & Karbaries | <ul style="list-style-type: none"> * Conduct Trainings * Provide Logistical & Manpower Support to Headmen's & Karbaries' Networks & Associations * Compile & Update Training Manuals for Headmen & Karbaries * Facilitate Regular Governmental Fund Allocation for Office Management | <p><i>Funding Agencies</i></p> <p>GOB, UNDP UN REDD USAID Donors & Lenders</p> | 2016 to 2021 | <ul style="list-style-type: none"> * Headmen & Karbaries get a meagre GOB monthly honorarium of Tk. 1,000 & 500, respectively * Effective Office Management is impossible with the honoraria & revenue incomes |

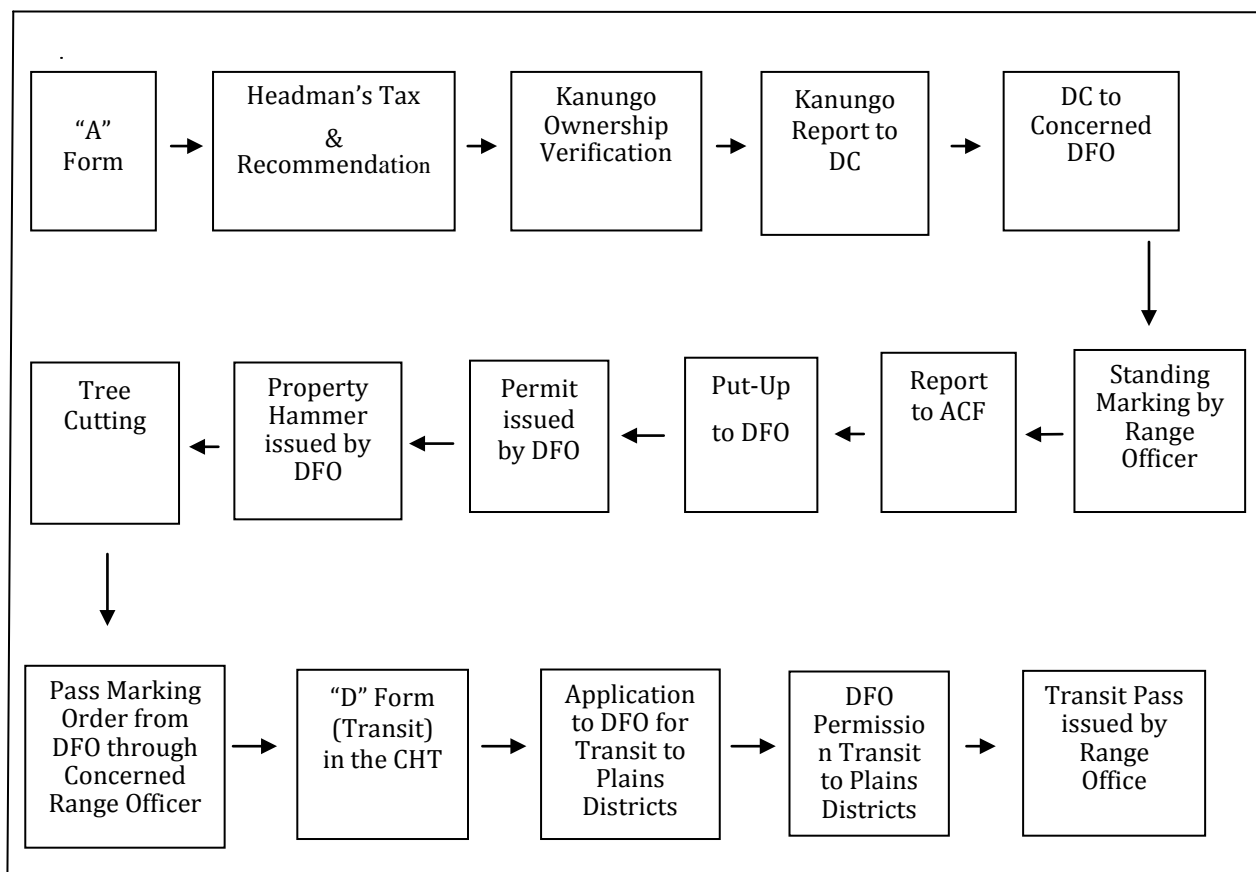
Table 32D
Capacity Building Roadmap IV

| Programme or Project | Activity | Focal, Supportive & Funding Agencies | Time Frame | Remarks |
|---|---|--|--------------|--|
| Capacity Building of Forest Dependent Communities | <ul style="list-style-type: none"> * Facilitate Organizational Strengthening of VCF Associations & Networks * Support Mapping, Demarcation & Delineation of VCF Boundaries (inc. through GIS, GPS) * Support Village, Mauza & Other Forest & Watershed Management Plans * Integrate VCF Communities in UNREDD & other REDD & Programmes * Support awareness-raising & advocacy work on Forest & Land Rights and Traditional Knowledge related to Sustainable Forest Management | <p align="center"><i>Focal Agencies</i></p> <p align="center">HDCs Circles Headmen NGOs & CSOs</p> <p align="center"><i>Supportive Agencies</i></p> <p align="center">MOCHTA MOEF UNDP, FAO, ILO</p> | 2016 to 2021 | <ul style="list-style-type: none"> * The strengthening of Forest Dependent Communities is crucial for Bangladesh's success in achieving UN-REDD, REDD+, UNFCCC & CBD (Nagoya Protocol) Targets * Unless the land rights & livelihood issues of forest dependent communities are addressed, forest conservation & sustainable management are bound to fail * VCF communities in CHT have visibly demonstrated the viability of their conservation & sustainable forest management knowledge, skills & commitment |
| Capacity Building of NGOs & CSOs | <ul style="list-style-type: none"> * Facilitate Awareness Raising & Livelihood Security Initiatives of NGOs * Facilitate Environment Campaigns * Training, Research & Data Base * Technical Support to Forest Dependent Communities & Traditional Institutions * Advocacy on Forest & Land Rights | <p align="center"><i>Funding Agencies</i></p> <p align="center">GOB, UNDP UN REDD USAID Donors & Lenders</p> | 2016 to 2021 | <ul style="list-style-type: none"> * CSOs (e.g. BIPNet-CCBD) have played a facilitative role in forging partnerships between GOs & forest communities * CSOs (e.g. MPFLR-CHT) & NGOs (BELA, ALRD, Kapaeeng Foundation) have played an effective watchdog role in defending forest and land rights of communities NGOs (e.g. CIPD, Maleya Foundation, Taungya) have raised awareness on forest, environment & Climate Change issues among forest communities |

Figures

Figure 1

**Process of Timber Extraction & Export Permit
(Transit Pass)**



Acronym/Abbreviation:

DC: Deputy Commissioner; DFO: Divisional Forest Officer;
ACF: Assistant Conservator of Forest;

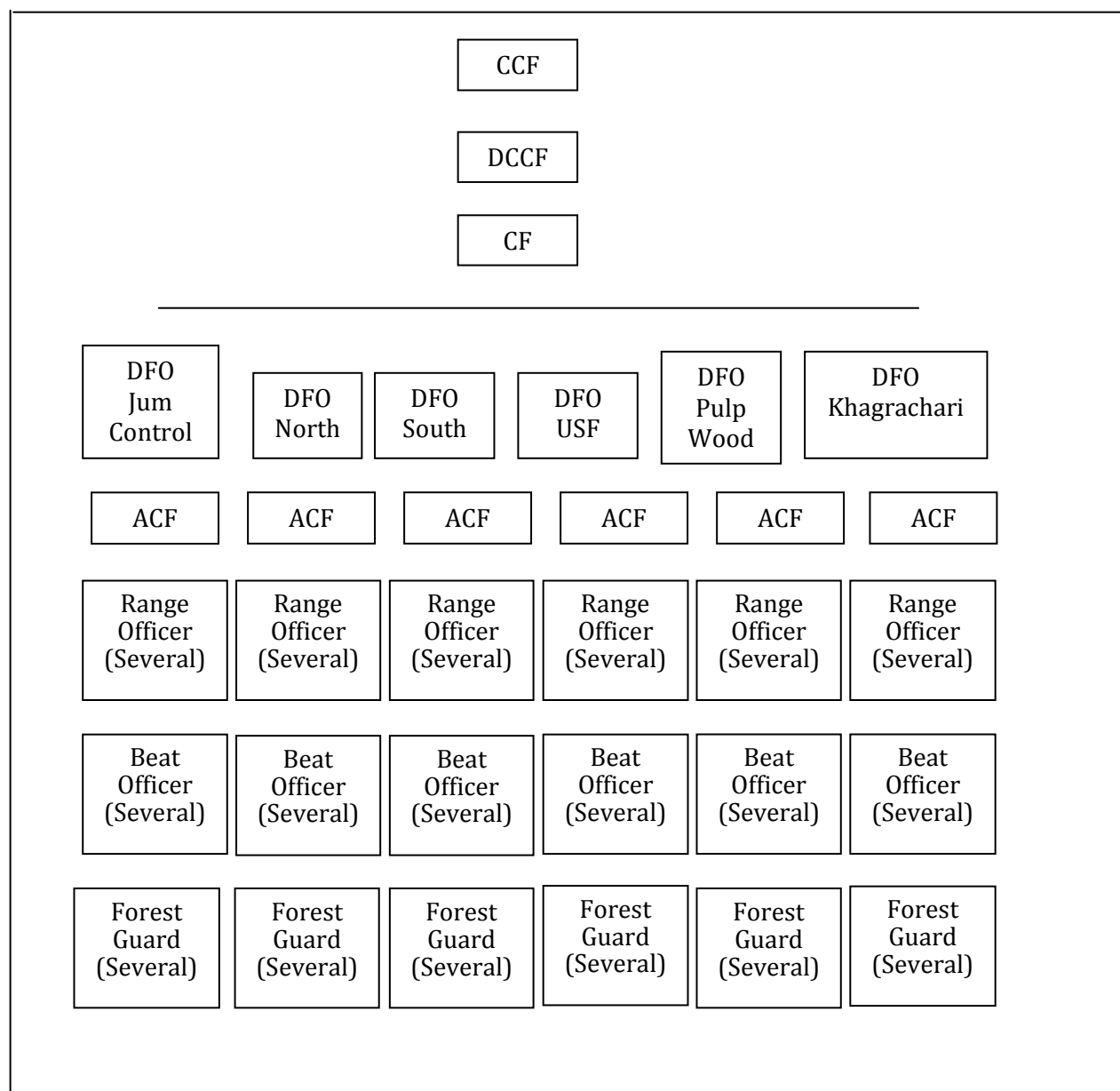
Source:

Adopted From: Raja Devasish Roy, *Background Study on the Chittagong Hill Tracts Land Situation*, CARE-Bangladesh, Rangamati, June 2004, p. 39

Based on information provided by the Office of the Conservator of Forests, Rangamati, the Movement for the Protection of Forest and Land Rights in the CHT & UKJKS (Tribal Tree Farmers and Timber Merchants' Association)

Figure 2

**Structure of Bangladesh Forest Department
(Rangamati Circle)**



Source:

Raja Devasish Roy, *Background Study on the Chittagong Hill Tracts Land Situation*,
CARE-Bangladesh, Rangamati, June 2004, p.

Appendices

Appendix 1

Extracts from the CHT Regulation 1900

The Chittagong Hill Tracts Regulation, 1900 (I of 1900) (Regulation I of 1900) [17 January 1900]

A regulation to declare the law applicable in, and provide for, the administration of, the Chittagong Hill Tracts in [Bangladesh].

(Received the assent of the Governor-General on the 6th Jan., 1900; published in the Gazette of India on the 13th idem; and in the Calcutta Gazette on the 17th idem)

WHEREAS it is expedient to declare the law applicable in, and provide for the administration of, the Chittagong Hill Tracts in [Bangladesh], it is hereby enacted as follows: -

CHAPTER - I

PRELIMINARY

Short title, extent and commencement -

1.(1) This Regulation may be called the Chittagong Hill Tracts Regulation, 1900.

(2) It extends to the Chittagong Hill Tracts; and

(3) It shall come into force on such date as the [Government] may, by notification in the [Official Gazette], appoint.

Definitions-

2. In this Regulation -

(a) The expression "Chittagong Hill Tracts" means the area known by that name as existing on the first day of January 1936; and

[(b) "Commissioner" and "Additional Commissioner" mean respectively the Commissioner and the Additional Commissioner of the Chittagong Division];

(c) 'District Judge' means the District Judge appointment by the Government in consultation with the Supreme Court of Bangladesh;

(d) 'Joint District Judge' means the joint District Judge appointment by the Government in consultation with the Supreme Court of Bangladesh."

CHAPTER - II

LAWS

Chittagong Hill Tracts; how to be administered-

3. Subject to the provisions of this Regulation, the administration of the Chittagong Hill Tracts shall be carried on in accordance with the rules for the time being in force under section 18.

4. Enactments applicable in Chittagong Hill Tracts -

(1) The enactments specified in the Schedule, to the extent and with the modifications therein set forth and so far as they are not inconsistent with this Regulation or the Rules for the time being in force thereunder, are hereby declared to be in force in the Chittagong Hill Tracts.

(2) No other enactment heretofore or hereafter passed shall be deemed to apply in the Chittagong Hill Tracts:

Provided that the [Government] may, by notification in the [Official Gazette] -

(a) declare that any other enactment shall apply in the said Tracts, either wholly or to the extent or with the modifications which may be set forth in the notification; or

(b) declare that any enactment which is specified in the schedule, or which has been declared to apply by a notification under clause (a) of this sub-section, shall cease to apply in the said Tracts.

[Provided further that no such declaration shall be made after the commencement of Part III of the Govt. of India Act, 1935.]

CHAPTER - III

APPOINTMENT AND POWERS OF CERTAIN OFFICERS

Appointment of Deputy Commissioner and Subordinate Officers

5. The [Government] may, by notification in the [Official Gazette] -

(a) appoint any person to be the [Deputy Commissioner] of the Chittagong Hill Tracts; and

(b) appoint so many [Deputy Magistrates and Deputy Collectors] and other officers as it thinks fit to assist in the administration of the said Tracts.

Investment of Deputy Magistrate and Deputy Collector or Sub-Deputy Magistrate and Sub-Deputy Collector with powers of Deputy Commissioner

6. The [Government] may, by notification in the [Official Gazette], invest any [Deputy Magistrate and Deputy Collector, or Sub-Deputy Magistrate and Sub-Deputy Collector] with all or any of the powers of the [Deputy Commissioner] under this Regulation or the rules for the time being in force thereunder, and define the local limits of his jurisdiction.

Chittagong Hill Tracts to be three Districts under three Deputy Commissioners

7. The Chittagong Hill Tracts shall constitute [three districts] for the purposes of criminal jurisdiction and for revenue and general purposes, the [Deputy Commissioner] shall be the District Magistrate, and subject to any orders passed by the Local Government under section 6, the general administration of the said Tracts, in criminal, revenue and all other matters, shall be vested in the [Deputy Commissioner].

Three Hill Districts of Chittagong Hill Tracts to be Separate Sessions Divisions under Separate Sessions Judges

8. (1) The Rangamati, Khagrachari and Bandarban districts of the Chittagong Hill Tracts shall constitute three separate sessions divisions and the concerned District Judge shall be the Sessions Judge of the respective sessions divisions and the Joint District Judge shall be the Assistant Sessions Judge.

(2) The Sessions Judge may take cognizance of any offence as a court of original jurisdiction, without the accused being committed to him by the Magistrate for trial, and when so taking cognizance, shall follow the procedure prescribed by the Code of Criminal Procedure, 1898 (Act V of 1898), for the trial of cases by Magistrates.

Three Hill Districts to be Separate Civil Jurisdictions under Separate Districts Judges

(3) The Rangamati, Khagrachari and Bandarban districts of the Chittagong Hill Tracts shall constitute three separate civil jurisdictions under three District Judges.

(4) The Joint District Judge as a court of original jurisdiction, shall try all civil cases in accordance with the existing laws, customs and usages of the districts concerned, except the cases arising out of the family laws and other customary laws of the tribes of the districts of Rangamati, Khagrachari and Bandarban respectively which shall be triable by the Mauza Headmen and Circle Chiefs.

(5) An appeal against the order, judgment and decree of the Joint District Judge shall lie to the District Judge

High Court Division

9. The [High Court Division] shall exercise the powers of a [High Court Division] for all purposes of the Code of Criminal Procedure, 1898 (Act V of 1898).

Power to make rules

18. (1) The [Government] may make rules for carrying into effect the objects and purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may-

(a) Provide for the administration of civil justice in the Chittagong Hill Tracts;

(b) Prohibit, restrict or regulate the appearance of legal practitioners in cases arising in the said Tracts;

(c) Provide for the registration of documents in the said Tracts;

(d) Regulate or restrict the transfer of land in the said Tracts;

[(dd) provide for the control of money-lenders and the regulation and control of money-lending in the said Tracts];

(e) Provide for the sub-division of the said Tracts into circles, [and those circles] into mauzas;

(f) Provide for the collection of the rent and the administration of revenue generally in the said circles, and mauzas through the chiefs and Headman;

(g) Define the powers and jurisdiction of the chiefs, and headmen, and regulate the exercise by them of such powers and jurisdiction;

(h) Regulate the appointment and dismissal of headmen;

(i) Provide for the remuneration of chiefs, headmen and village officers generally by the assignment of lands for the purpose or otherwise as may be thought desirable;

(j) Prohibit, restrict or regulate the migration of cultivating rayats from one circle to another;

(k) Regulate the requisition by Government of land required for public purposes;

[(kk) provide for compulsory vaccination in the said Tracts;]

(l) Provide for the levy of taxes in the said Tracts;

[(ll) provide for the registration for the persons who are habitual consumers of opium in the said Tracts; and]

(m) regulate the procedure to be observed by officers acting under this Regulation or the rules for the time being force thereunder;

(3) All rules made by the [Government] under this section shall be published in the [Official Gazette] and on such publication, shall have effect as if enacted by this Regulation.

[(4) The powers conferred by this section on the [Government] shall be powers of the [Government] as respects rules for the regulation of the following matters, namely: -

- (a) the possession of firearms and ammunition and the manufacture of gunpowder;
- (b) the cultivation, manufacture and sale for export of opium; and
- (c) the import or export across customs frontiers, as defined by the [Government], of any intoxicating drug or foreign spirit or fermented liquor.]

RULES FOR THE ADMINISTRATION OF CHITTAGONG HILL TRACTS

1. Administration of Civil Justice -

The Administration of Civil Justice shall be conducted in the most simple and expeditious manner compatible with the equitable disposal of the matter or suits.

2. The officer dealing with the matter or suit will in the first instance endeavour, upon the viva voce examination of the parties, to make a justice award between them. Witnesses should not be sent for, except when the officer is unable without them to come to a decision upon the facts of the case.

3. The record shall contain the following particulars, namely, the name of the plaintiff, the name of the defendant, the nature of the claim or other matter in litigation, an abstract of the plaintiff's case and abstract of the defendant's case, an abstract of the depositions of the witnesses (where witnesses are examined), the ground of the decision, and the other signed and dated.

4. No court-fee shall be payable on a memorandum of appeal in cases where a Chakma, Mogh or member of any tribe indigenous to the Hill Tracts is an appellant, nor shall such fee be payable by Hillmen in the said tracts in revenue cases in respect of petitions for settlement or relinquishment of lands, remission of rents, mutation, demarcation and sub-letting of lands.

A court-fee of two annas only shall be payable on all petitions relating to miscellaneous matters including petitions praying for time presented whether by Hillmen or by non-hillmen in the said Tracts.

5. For the service of processes, fees shall be payable at the rate of six annas a day, according to the number of days required for service, to the person to whom the process is sent for service. The name of such person and the fee payable to him shall be endorsed on the process by the officer who issued it.

6. In the issue and enforcing of processes and commissions and the execution of decree the officer shall be guided as far as may be, by the provisions of the Code of Civil Procedure, 1908 (Act V of 1908), for the time being in force.

In the case of processes and decrees received from Courts of other districts, the following rules shall be observed: -

(1) The Deputy Commissioner shall serve all processes and execute decrees, which are sent to him for service or execution by civil courts outside the Chittagong Hill Tracts courts, and which are accompanied -

(a) by an English letter explaining, in the case of process, the nature of the suit, and forwarding, in the case of decree, a copy of the judgment; and

(b) by the fees prescribed by the High Court.

(2) In any case in which, owing to boat-hire or the carriage of rations or similar causes the cost of service or execution will exceed the fees received, the Deputy Commissioner will stay service and will state the costs to the civil Court concerned, and request that the requisite amount be forwarded.

(3) In any case in which the Deputy Commissioner finds that the process should not be served, or that the decree should not be executed, he will record his reasons for so finding, and will at once forward them to the Civil Court concerned, and will retain the process or decree and fees till final orders are passed.

(4) In any case in which the judgment-debtor is a member of an indigenous tribe and was not residing in or carrying on business outside the Hill Tracts at the time when the debt was contracted, if the decree sent for execution from a Court outside the Hill Tracts includes interest and costs which would not be admissible under these rules in the Hill Tracts, the Deputy Commissioner may, for reason to be recorded in writing, refuse to execute the decree to the extent of the interest and cost not admissible under the rules. He shall forward a copy of his order to the Civil Court concerned. An objection to an order under this rule may be preferred only by the decree-holder within thirty days to the Commissioner under section 17(2) or to Government under Section 17(3) of the Regulation.

(5) In either of the cases provided for by rules (2) and (3), the Civil Court concerned may refer the Deputy Commissioner's order directly to the Commissioner of Chittagong, and the Commissioner shall pass orders on such reference and communicate them directly to the Civil Court concerned. If any Civil Court desires to make a reference from the Commissioner's order, such reference shall be addressed to the Dist. Judge for the Orders of Government.

(6).The Deputy Commissioner, will serve the processes and execute the decrees referred to in these rules by the agency of a Nazir (through the Sub-Divisional Officer concerned), or of the Circle Chiefs, or of the registered Headmen, according to the rank and status of the person on whom the process is to be served or who is the judgment-debtor. The police may not be employed in such service or execution, except to convey the sealed orders to the agent selected for service or execution.

7. The Deputy Commissioner will, in every case, report on the service of the process to the Civil Court concerned, and as regards the execution of decrees, will keep up communication with such Court till the case is disposed of.

7. (i) The rate of interest decreed by the Court shall in no case exceed 10% percent per annum in the case of unsecured loans, 8% percent per annum in the case of secured loans and to compound interest arising from any intermediate adjustment of account shall be decreed.

7 (ii) The rate of interest decreed by the Courts shall in no case exceed 18^{3/4} percent per annum and no compound interest arising from any intermediate adjustment of account shall be decreed.

7 (A) No Court shall decree on account of arrears of interest a sum greater than the principal of the loan.

8. Deeds which must be registered under the rules following for the registration of deeds shall not be allowed to be filed in any suit unless they have been duly registered.

9. Suits shall be admitted only on registered bonds in all cases in which registration would be compulsory if the transactions, out of which the claims arise, were completed by the execution of bonds.

10. All orders passed in Civil Suits shall be appealable to the Commissioner, who may decide by whom the costs in any such appeal shall be paid.

10. (A) No suit shall lie in CHT on account of credit sales when the aggregate amount of the claim exceeds twenty rupees.

The Land -Transfers, Partitions and Subletting

34. (1) No settlement of Government Khas land shall be made in the district of Chittagong Hill Tracts except to the extent and in the manner specified below: -

(a)(i) The quantity of cultivable or cultivated flat land to be settled for plough cultivation with a single family of hill-men or non-hillmen residents shall be such as added to the quantity of such land already in its possession does not exceed 5 acres. In addition to the flat land for plough cultivation, land for grove plantation not exceeding 5 acres may be settled with such family; but in a case where the performance of a lessee is found by the Deputy Commissioner to be highly satisfactory, a further quantity of land for grove plantation may be settled with such family so that the quantity of land so settled does not, when added to the quantity of land for grove plantation already in his possession, exceed 10 acres. Settlement of land for plough cultivation or grove plantation under this sub-clause shall be free of salami.

(ii) A lease for plough cultivation and for grove plantation under sub-clause (1) shall be granted by the Deputy Commissioner:

Provided that lease of land only for plough cultivation may be granted to a cultivating hillmen by the Sub-divisional Officer. An application of a hillmen for lease of plough land may be made to the headman who will forward it to the Sub-divisional Officer with his recommendation.

(iii) The rent for plough land leased out under sub-clause (1) shall be assessed at the usual rate of raiyati rent by the authority who grants the lease:

Provided that when any land, which had not been cultivated before, is so leased out, no rent shall be payable for the first three years of the lease.

(iv) The groveland leased out under sub-clause (1) shall be rent-free for the first three years and shall be assessed to rent as third class land for the next three years followed by an assessment to be made by the Deputy Commissioner in accordance with the producers of the land.

Explanation - In this sub-rule, "grove land" means flat land and bumpy land and includes such foot-hill land as would not require terracing, full or modified, to be utilised solely for plantation of fruit trees and other trees.

(b)(i) Land for rubber plantation and other plantation on commercial basis may be settled with a person on long term lease basis by the Deputy Commissioner up to 25 acres and by the Commissioner up to 100 acres. Settlement of land exceeding 100 acres shall not be made without the prior sanction of the Government. Salami for settlement of land under this clause shall be charged at 100 per cent, of

market value, 10 per cent of which shall be payable in the first year and the balance shall be payable at 5 per cent in the 8th to 17th year and 10 per cent in the 18th to 21st year;

Provided that in the case of hillmen and non-hillmen residents salami for lease up to 25 acres shall be charged at 50 per cent of market value, 5 per cent of which shall be payable in the first year and the balance shall be payable at 2 ½ per cent in the 8th to 17th year and 5 per cent in the 18th to 21st year.

(ii) Usual raiyati rate of rent shall be payable for the land settled under this clause from the date of execution of the lease deed.

(c)(i) Land up to 10 acres outside urban areas and up to 5 acres within urban areas may be settled by the Deputy Commissioner with a deserving industrialist on long term lease basis for establishment of industrial plants. Salami for such settlement shall be charged at 100 per cent of market value and shall be payable at the time of settlement. In the case lessees who are hillmen or non-hillmen residents the salami shall be charged at 50 per cent of market value.

(ii) Rent per acre of land settled under this clause shall be assessed at ½ per cent of market value.

(d) (i) Land for residential purposes may be settled by the Deputy Commissioner with deserving persons on long term lease basis. In urban areas, salami, from hillmen and non-hillmen residents for such land shall be charged at 50 per cent of market value and shall be payable at the time of settlement. In the case of a lease granted to any person other than hillmen or non-hillmen residents' salami for such land shall be charged at 100 per cent of market value. No salami shall, however, be charged from hillmen and non-hillmen residents for settlement under this clause of land outside urban areas.

(ii) Rent per acre of land settled under this clause shall be assessed at ¼ per of market value.

(iii) Land exceeding .30 acre in an urban area for residential purposes shall not be settled with any person without prior approval of the Government.

(e) The Deputy Commissioner may, in accordance with such plan as may be approved by the Government, settled with a person land in an urban area for commercial purposes. The salami for such land shall be charged -

(i) at 50 per cent of market value in the case of hillmen and non-hillmen residents; and

(ii) at 100 per cent of market value in the case of others.

Rent per acre of land settled under this clause shall be assessed at ½ per cent of market value.

(f) Market value for the purpose of the aforesaid clauses shall be determined in such manner as may be specified by the Government from time to time.

(g) All settlement of khas lands shall be concluded in the form of a lease deed prescribed or to be prescribed by the Government and shall be registered under rule 12. The rights and liabilities of the lessees shall be governed by such terms and conditions as may be set forth in the lease deed

(2) The provincial Government may, by notification in the Official Gazette, exempt any area from the operation of sub-rule (1) for the purpose of reclamation of culturable waste lands in such area with a view to bringing them under cultivation and when any area has been so exempted, lands in the area

shall, notwithstanding anything contained elsewhere in these rules, be dealt with in such manner as the Provincial Govt. may by general or special orders, from time to time, direct.

(3)(a) Sub-tenants of whatever grade in existence on 3rd December 1920 and recognized by the Deputy Commissioner shall not be evicted except in accordance with sub-rule (8), nor shall their rent be enhanced except with the permission of the Deputy Commissioner.

(b) Whenever any recognized sub-lease terminates for any reason, the immediate landlord of the sub-lessee shall not again sub-let the land. If the sub-lessee had a tenant under him, that tenant shall continue on the terms on which he holds.

(4) No lessee shall henceforth be allowed to sub-let the whole or any part of his land.

(5) No lessee or sub-lessee shall be allowed to transfer by sale, gift or mortgage the whole or any part of his holding without the previous sanction of the Deputy Commissioner, who may not sanction any mortgage other than usufructuary mortgage, such mortgage to extend for a period not exceeding seven years and to provide for the extinction of the whole debt including principal and interest within that period subject to the condition that the mortgage will not, in any event, be extended beyond that period, provided that the Deputy Commissioner may sanction a simple mortgage in favour of Government, or the Agriculture Development Bank of Pakistan, or the Industrial Development Bank of Pakistan, or Co-operative Societies, registered under the Bengal Co-operative Societies Act, 1940 (Bengal Act XXI of 1940) or the East Pakistan Agricultural Development Corporation or any other loan giving agency for such period and subject to such conditions as he may deem fit. The Deputy Commissioner may, however, sanction mortgage of any holding to the East Pakistan Agricultural Development Corporation for loans already advanced prior to the date of publication of this notification. Unauthorized transfers will, in no instance, be recognized.

(6) In all cases of unauthorized sub-lease or transfer, the Deputy Commissioner shall resume the land sublet or transferred and may either hold it khas or lease it out with the lessor or transferor, or with the lessee or transferee, or with any other person according to circumstances and the provisions in sub-rule (1).

(7) No partition of a holding shall be made without the consent of the Deputy Commissioner.

(8) A sub-tenant recognized by the Deputy Commissioner is not liable to ejection except by his order. A sub-tenant will ordinarily be ejected -

(a) if he sublets or transfers any part of his holding or fails to show diligence in bringing or keeping the holding under cultivation;

(b) if he fails to pay an arrear of rent recorded or fixed by the Deputy Commissioner;

(c) if he uses the holding in any manner that renders it unfit for the purposes of the tenancy;

(d) if he enhances the rent of a recognized sub-tenant under him without permission of the Deputy Commissioner.

(9) The rent of a sub-tenant of any grade recognized by the Deputy Commissioner cannot be enhanced except by the Deputy Commissioner. The rent of such a sub-tenant shall be enhanced if the rent for the land held by him exceeds the rent paid by the landlord or, if the rent of the landlord is also under enhancement, the rent settled as payable by the landlord, by more than 50 per cent except for special reasons to be recorded by the Deputy Commissioner in writing. The rent of such a sub-tenant may,

subject to this condition, be enhanced by the Deputy Commissioner up to such limit as he considers fair and equitable, on the application of the landlord, if the rent of the sub-tenant has not been enhanced during the ten years previous to the application.

(10) Sub-tenant of whatever grade who have been recognized by the Deputy Commissioner shall have, subject to the provisions of the rules regarding ejectment and resumption, permanent and heritable rights in the land for which they pay rent.

(11) A tenant directly under Government shall have permanent and heritable rights in the land for which he pays rent unless there is a definite contract that his right is not permanent or heritable, subject to the provisions contained in these rules for his lease, if any, regarding resumption;

Provided that he shall be liable to ejectment -

(i) if he fails to pay an arrear of rent recorded or fixed by the Deputy Commissioner; or

(ii) if he uses the land in any manner which renders it unfit for the purpose of the tenancy; or

(iii) if he accordance with the terms of his lease, if any, he is liable to be ejected or the lease is cancelled for any other reason;

Provided also that if in accordance with the terms of the latest lease or license under which the tenant was allowed to hold the land, all lands not kept under cultivation were liable to resumption, such lands shall be still so liable even though the period of such lease or license has expired and the tenant continues to hold the land.

(12) The power of ejectment of a tenant or resumption of any land under sub-rule (11) shall be exercised by the Deputy Commissioner.

(13) Nothing in these rules, or any grant, lease or contract under which land is held in the Hill-tracts shall operate to permit the inheritance of any Hill-tracts land by non-residents of the district except with the express consent of the Deputy Commissioner who in giving his consent shall have regard to the principles of equity and as far as may be to the rights of plainmen which but for this rule would be operative. An appeal from such orders of the Deputy Commissioner shall lie to the Commissioner.

(14) The provisions of sub-rules (5), (6), (7), (11) and (13) will apply to existing tenancies only.

(15) The power of the Deputy Commissioner under this rule may also be exercised by the Additional Deputy Commissioner.

(16) The power of the Deputy Commissioner under this rule may also be exercised by the Sub-divisional Officers concerned in their respective jurisdiction if so expressly authorized by the Deputy Commissioner by order in writing to exercise such powers.

EXPLANATION - For the purpose of this rule "family" shall include the lessee, his wife, sons, daughters and any other relations dependent on the lessee and living in the same mess

34A. The flow of any natural water-course can not be stopped or diverted without the permission of the Deputy Commissioner.

34B. The Deputy Commissioner may prohibit juming or cultivation on or near the banks of any river, if in his opinion such juming or cultivation is likely to cause silting in the river or flooding in land down stream. Breach of this rule will be punishable by confiscation of the crops grown and by fine, which may extend to Rs. 50.00.

Circle Divisions -

35. The District of Chittagong Hill Tracts comprises the reserved forests, the circle of the three chiefs, viz the Chakmas Chief, the Bohmong Chief, and Mong Chief and the Maini Valley.

Mauzas -

37. The whole area of the district outside the forest reserves has been sub-divided into mauzas, the boundaries of which have been fixed by the Deputy Commissioner.

Administration of the Circle and Mauzas -

38. The Circle-Chiefs shall form an Advisory Council to the Deputy Commissioner, and shall assist him with information and advise on all matters which concern the administration of their respective circles, and shall exercise their authority as Chiefs in the prompt enforcement in the mauzas of their circles of all orders of the Deputy Commissioner. They shall visit all parts of their circles from time to time, and by personal supervision shall ensure that the work of the mouse headmen is efficient, in the collection of revenue, in the preservation of the public peace and in good administration. They shall use their influence to spread education and to improve the health and material condition of the people resident in their circle. They shall at no time forcibly require "nazars" to be paid to them nor require the people to work without payment for their labour.

The mauza Headmen shall collect punctually credit the account for the revenues due from their mauzas. They shall obey the orders of the Deputy Commissioner, the Sub-Divisional Officers and the Chiefs. They shall preserve peace and order within their mauzas, and shall give information to the Deputy Commissioner, of any changes in the position of villages or the population or changes in the extent of cultivation within their mauzas.

MAINI VALLEY: The Maini valley shall be administered under special orders of the Governor issued from time to time.

38A. The District of the Chittagong Hill Tracts is divided into 3 sub-divisions, each of which is in charge of a sub-divisional officer who is directly responsible to the Deputy Commissioner for the administration of his sub-division. The 3 sub-divisions are called the Rangamati (Or Sadar) sub-division, the Ramgarh Sub-Division and Bandarban Subdivision.

The area of the Ramgarh sub-division coincides with that of the Mong Circle, and the rest of the district is included in the Sadar Sub-division and Bandarban Subdivision.

39. The Deputy Commissioner shall consult the Chiefs on important matters affecting the administration of the C.H.T. For this purpose a conference shall be held, at least twice a year, under the presidency of the Deputy Commissioner, to which the Chiefs or their representatives shall be invited.

The Conference shall be held at Rangamati, Bandarban, Ramgarh, Manikchari or Chittagong at the Discretion of the Deputy Commissioner and the subjects for discussion shall be determined by him in consultation with the Commissioner.

Administrative powers of the Chiefs and Headmen

40. - Save as otherwise provided in this rule the mauza headmen shall adjudicate on all disputes which may be brought to them by persons resident within their mauzas. They shall decide tribal cases in accordance with the social custom of the parties with powers of fine up to Rs. 25, of enforcing restitution, and of detention until the orders of the Deputy Commissioner in the matter are received.

Save as otherwise provided in this rule the Chiefs shall adjudicate on all disputes in their khas mauzas as headmen and shall try such tribal cases as are referred to them from the decisions of the headmen or by the headmen themselves.

The Chiefs shall have powers of fining up Rs. 50, of enforcing restitution, and of detention until the orders of the Deputy Commissioner in the matter are received, in tribal cases, and their decisions shall, subject to the general revisional jurisdiction of the Deputy Commissioner, be final. In all cases in which the Chiefs or the headmen are unable to enforce the penalties imposed, they may apply to the Deputy Commissioner for assistance.

No court-fee shall be levied in tribal cases tried by chiefs of headmen. Fines imposed in such cases shall be allocated to the aggrieved persons, if any, and to the community as a whole in accordance with tribal custom. The Chiefs and headmen shall be entitled to such share in the amount of fines allocated to the community as a whole as is permitted by tribal custom, and no nazar or other imposition under any pretext whatsoever shall be levied by them in connection with the trial of such cases:

Provided that the chiefs or headmen may levy fees to cover expenses of trying the cases on a scale approved by the Deputy Commissioner.

The Chiefs and headmen shall have no power to try under this rule any criminal or civil matters other than the tribal cases referred to in this rule except as the Governor may from time to time empower them in this behalf.

The Deputy Commissioner shall have general revisional and concurrent jurisdiction over the exercise of all the powers under this rule by the Chiefs and headmen.

The offences specified below are altogether excluded from adjudication by Chiefs or headmen under this rule, namely: offences against the State, against persons in the service of the Crown in India, or against public justice;

- (1) riots in which grievous hurt has been caused or deadly weapons have been used;
- (2) the following serious offences against the person, namely, murder, culpable homicide, voluntarily causing grievous hurt, wrongful confinement, rape, abduction, kidnapping, and unnatural offences;
- (3) extortion, robbery, dacoity, lurking, house-trespass, or house-breaking when the property taken exceeds Rs. 50 in value;
- (4) forgery;
- (5) offence under Chapter IV of the Chittagong Hill Tracts Regulation, 1900; and
- (6) any other offence or class of offences which the Commissioner may specify in this behalf.

40A. The offences specified in sections 13 and 15 of Chapter IV of the Chittagong Hill Tracts Regulation, 1900, shall be offences for which a police officer may arrest without warrant and shall be deemed to be cognizable offences.

Control and regulation of juming

41. The concerned Chairman of Rangamati Hill District Council, Khagrachari Hill District Council or Bandarban Hill District Council is empowered to control and regulate juming in the Chittagong Hill Tracts and to issue and enforce such orders as he considers necessary for the same. He may for sufficient reasons declare any area to be closed to juming or restrict the migration of juming.

41A. The Headman is responsible for the conservation of the resources of his mauza. For this purpose any headman may –

(a) prohibit the removal of bamboos, timber and other forest produce by residents of his mauza other than for their domestic purpose or by non-residents of his mauza for any purposes;

(b) exclude any area or areas in his mauza from the juming area with a view to keeping such area or areas as a mauza reserve of bamboos, timber and other forest produce;

(c) prevent newcomers from cutting jums in his mauza if in his opinion their doing so is likely to result in a scarcity of jum for his own tenants in future years; and

(d) prevent any person from grazing cattle in his mauza when such grazing is harmful to his juming area.

Jum tax

42(1) Jum tax shall be paid to the mauza headman at such rates as the Government may from time to time fix, by each juming family, consisting of the members of one householder living in one mess, cultivating and sharing the produce of one jum, and the headman after deducting his share shall pay the tax to the Chief.

(2) The Chiefs shall declare what classes of persons are by custom exempt from jum tax within their circles, and submit for the approval of the concerned Chairman of Rangamati Hill District Council, Khagrachari Hill District Council or Bandarban Hill District Council before 15th October every year a list of juming families temporarily or permanently exempted from payment of jum tax.

(3) Every juming family which lives in one mauza and jums in another shall pay an additional jum tax to the headman of the mauzas in which it jums, at half rate if in the same circle and at the full rate if in another circle. Such families shall be called Parkulias.

(4) Every headman shall prepare annually a jum tauzi which shall contain the following information: - the name of each family head and the number of persons in the family, whether paying jum tax, parkulia, or exempt, and the reasons for exemption; whether the family is old or new, i. e., arrived within the previous five years.

(5) Jum tauzis shall be sent to the Chiefs before 1st June and by the Chiefs to the concerned Chairman of Rangamati Hill District Council, Khagrachari Hill District Council or Bandarban Hill District Council before 1st August. The Chairman, Hill District Council shall verify the accuracy of each tauzi once in every five years. The Chiefs shall be responsible that every headman keeps accurate records and accounts of jum tax and grants printed receipts having counterfoils.

(6) Jum tax is payable to the headman within the calendar year and shall become an arrear on 1st January of the subsequent year and interest at 6¼ per cent per annum shall be chargeable on such arrears. The headman shall pay at least half the demand to the Chief on the Punyah day and the balance before 15th January, submitting at the same time an arrear list and counterfoils of receipts. The Chief shall submit the same and shall report any defaulting headman to the concerned Chairman of Rangamati Hill District Council, Khagrachari Hill District Council or Bandarban Hill District Council by 31st January and after due enquiry the Chairman, Hill District Council may proceed to realise the arrears as a public demand.

(7) Out of the sums realised by the concerned Chairman of Rangamati Hill District Council, Khagrachari Hill District Council or Bandarban Hill District Council from each jumia on account of arrear jum tax and the costs of certificate for the recovery thereof, the costs and one quarter of the headman's share shall first be credited to the provincial revenues and the balance paid to the Chief.

(8) (i) For special reasons to be recorded by him in writing and after notice to the Chiefs concerned the concerned Chairman of Rangamati Hill District Council, Khagrachari Hill District Council or Bandarban Hill District Council may direct that the headman of a mauza or the Jumias shall pay the jum tax direct to him and not to the Chief.

(ii) When the headman of the mauza is so directed, the concerned Chairman of Rangamati Hill District Council, Khagrachari Hill District Council or Bandarban Hill District Council shall pay to the Chief the full amount realised after deducting the headman's share and may apply the headman's share to the satisfaction first of any liabilities due by him to the Government, and secondly any liabilities for collections on account of jum tax due by him to the Chief and shall pay the balance to the headman.

(iii) When the jumias are so directed, one-fourth of the headman's share which would have been payable to the headman, had he collected the tax, shall first be credited to the provincial revenues as cost of collection and the balance paid to the Chief. The Collecting agency employed by the concerned Chairman of Rangamati Hill District Council, Khagrachari Hill District Council or Bandarban Hill District Council may afterwards be paid such remuneration as is considered reasonable by him.

(9) The Chief shall pay the Government demand by the 31st March of each year.

(10) If a headman has reason to believe that a jumia intends to migrate without paying the tax owned by him, he shall detain the property of the jumia and report the matter to the Chief or to the concerned Chairman of Rangamati Hill District Council, Khagrachari Hill District Council or Bandarban Hill District Council. If the headman neglects to take such action he may be held responsible for the tax of the defaulting jumia.

(11) Headmen and Chiefs shall not receive from jumias or other tenants any abwab, nazar or other payment, save what is customary and does not cause discontent, or is specially authorised by the Government.

(12) For reasons to be recorded in writing the concerned Chairman of Rangamati Hill District Council, Khagrachari Hill District Council or Bandarban Hill District Council, in consultation with the Chiefs and headmen concerned, may -

(a) grant remission or abatement of jum tax in individual cases, and

(b) grant remission of jum tax in any particular area, on the ground of failure of crops, reporting his action to the Government through the Commissioner, with a statement of the amount remitted.

Remission or abatement under clause (a) shall not affect the Government demand payable by the Chiefs. Remission under clause (b) shall be accompanied by a remission of the Government demand payable by the Chiefs, to the extent of the Government share of the tax remitted.

45. Grass and Garjan Kholas Rents - The grass kholas excepting new grass kholas which may come into existence within the boundaries of mauzas, will be settled by the Deputy Commissioner as hitherto, either yearly or for periods of not more than 10 years in any case, and when settled, their rents will be realised separately and will not be added to the rent-roll or distributed like the rents for plough cultivation and non-agricultures sites.

45A. The Deputy Commissioner may, whenever he thinks fit allow hillmen to extract, free of royalty, sunn grass for home consumption.

Levy of grazing tax

45B. -(1) Except as otherwise provided in this rule, cattle (oxen and cows), buffaloes, goats and goyals owned or kept or grazed in the Chittagong Hill Tracts are all liable to be assessed to grazing tax.

(2) Grazing tax shall be assessed at the rates determined by the Deputy Commissioner with the approval of the Commissioner.

(3) Hillmen who cultivate no land shall be liable to pay grazing tax for cattle, buffaloes, goats and goyals owned or kept by them, but each resident family shall be allowed free of grazing tax four cattle, two unweaned calves and two goats or in the alternative two goyals or buffaloes, one unweaned goyal or buffalo calf and two goats. If any hillman keeps both cattle, goyals and buffaloes, then one goyal or buffalo should be treated as equivalent to 2 head of cattle, and one goyal or buffalo calf as equivalent to 2 calves, for the purpose of calculating exemption and grazing tax payable.

(4) A hillman or resident plainsman who cultivates not less than 0:4 acres of land is entitled, in addition to the exemption specified in sub-rule (3), to keep free of tax the following:-

If he cultivates less than 2 acres of land - 2 cattle or 1 buffaloes.

If he cultivates 2 acres of land - 2 cattle or 1 buffaloes for every complete acre cultivated.

(5) Residents in Bazar areas who cultivate no land shall be allowed one cow or one she-buffalo with an unweaned calf or buffalo calf free of tax.

(6) In case of cattle or buffaloes taken on hire bona fide for the purpose of cultivation either by hillmen or non-hillmen, the exemption to be allowed will be the same as allowed to non-hillmen under sub-rule (5). But no exemption shall be granted if the purpose of such hire is not cultivation of lands.

(7) A non-resident plainsman is allowed to bring to or keep in the mouse where he holds land one pair of cattle or one buffalo per complete area (and not less than an acre) of land free of tax for the purpose of cultivation.

(8) The tax shall be re-assessed for every year or part of a year commencing on the 1st of April.

(9) Grazing tax shall be collected from Bazar residents by Bazar chaudhuries and from other persons by headmen. They shall grant printed receipts at the time of collection and enter the amounts in a

cashbook. They will be entitled (except in the case of servants of the Crown) to a Commission on their collection at a rate determined by the Deputy Commissioner with the approval of the Commissioner.

(10) The payment of grazing tax entitles cattle, buffalos, goats and goyals to be grazed in the waste lands vested in the Crown of on mouse only; if grazed in several mauzas they shall be liable to fresh assessment in each mouse. As a partial exception exempted cattle, goyals, buffaloes or goats may be grazed not only in the mauzas where the cultivator holds lands, but also in the mauzas where he lives even if he has no land in that mouse.

(11) In conformity with and without prejudice to the provisions of this rule the Deputy Commissioner may issue instructions to headmen and Bazar Chaudhuries for carrying out the purpose of this rule.

Khas Mauzas of Chiefs -

47. With the sanction of the Commissioner, a Circle Chief may hold one or more mauzas in his circle as his khas mauzas, and in that case will be entitled to all the remuneration provided for the headman in addition to his remuneration as Chief, so long as he arranges properly for the performance of the duties of the headman and the mauza officers.

Investiture of the Chiefs and Appointment and Dismissal of Headmen -

48. The investiture of the Chief is regulated by the Bengal Government. The headmen will be appointed by the Deputy Commissioner in consultation with the Chief and they may be dismissed by the Deputy Commissioner for incompetence or misconduct after a reference to the Chief concerned. The Deputy Commissioner will not be bound, in either case by the wishes of the Chief, but full consideration should be given to them. This appointment is not hereditary, but a son, when competent, may be appointed to succeed his father.

50. (1) **Occupation of non-urban land for homestead and resumption of land for public purpose -** A hillman may occupy non-urban khas land up to a maximum area of 00.30 acre for the purpose of his homestead with the permission of the headman of the mouse concerned without obtaining any formal settlement from the Deputy Commissioner. The headman shall maintain a Register of such lands allotted by him to the local families for their homestead.

(2) A hillman willing to occupy non-urban land exceeding 00.30 acre for the purpose of construction of homestead shall obtain a settlement of the land from the Deputy Commissioner or the Sub-divisional Officer concerned. Such land settled for the purpose of homestead will be treated as non-agriculture land, and rent thereof will be fixed as per rule 34 (I) (K), *ibid.*

(3) (a) The Deputy Commissioner may resume any land, for which a settlement has been granted, for any public purpose and in case of such resumption, compensation will be paid to the lessee or tenant for any buildings or structures erected on the land and for standing crops and trees grown and planted by him on such land. Compensation will be paid also for the land only in a case where the lessee or tenant has acquired permanent and heritable right to the land according to conditions in the rules or his lease deed.

(b) In case of resumption of any land, which is in occupation of a hillman with the consent of the headman for the purpose of homestead as mentioned in sub-rule (1) and in respect of which no settlement has been granted, compensation shall be paid to the occupant only for any buildings or

structures erected thereon and for trees planted by him, but he shall not be entitled to any compensation for the land itself.

(4) In the matter of assessment of compensation for any land, the principles as laid down in section 4 of the C.H.T. (Land Acquisition) Regulation, 1958 (E.P. Regulation I of 1958) shall be followed.

Appendix 2

Forest Act 1927

THE FOREST ACT, 1927 (ACT NO. XVI OF 1927)

[21st September, 1927]

An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.

WHEREAS it is expedient to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce; It is hereby enacted as follows:-

CHAPTER I

PRELIMINARY

Short title and extent

1. (1) This Act may be called the Forest Act, 1927.
 [(2) It extends to the whole of Bangladesh.]
 (3) [Omitted by the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973), section 3 and 2nd Schedule.]

Interpretation clause

2. In this Act, unless there is anything repugnant in the subject or context,-
 - (1) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;
 - (2) "Forest-officer" means any person whom the Government or any officer empowered by the Government in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest-officer;
 - (3) "forest-offence" means an offence punishable under this Act or under any rule made thereunder;
 - (4) "forest-produce" includes
 - (a) the following whether found in, or brought from, a forest or not, that is to say:- timber, charcoal, cuatchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds, kuth and myrabolams, and
 - (b) the following when found in or brought from, a forest, that is to say:

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees,

(ii) Plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey, and wax, and all other parts of produce of animals, and

(iv) peat, surface, soil, rock and minerals (including limestone, laterite, mineral oils and all products of mines or quarries);

[(4A) "owner" includes a Court of Wards in respect of property under the superintendence or charge of such court;]

(5) "river" includes any stream, canal, creek or other channels, natural or artificial;

(6) "timber" includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not; and

(7) "tree" includes palms, bamboos, stumps, brushwood and canes.

CHAPTER II

OF RESERVED FORESTS

Power to reserve forests

3. The Government may constitute any forest-land or waste-land [or any land suitable for afforestation] which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

Notification by Government

4. (1) Whenever it has been decided to constitute any land reserved forest, the Government shall issue a notification in the official- Gazette

(a) declaring that it has been decided to constitute such land a reserved forest;

(b) specifying, as nearly as possible, the situation and limits of such land; and

(c) appointing an officer (hereinafter called "the Forest Settlement-officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or very any land comprised within such limits, or in or over any forest-produce, and to deal with the same as provided in this Chapter.

Explanation.-For the purposes of Clause (b), it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (c) of sub-section (1) shall ordinarily be a person not holding any forest-office except that of Forest Settlement-officer.

(3) Nothing in this section shall prevent the Government from appointing any

number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest Settlement-officer under this Act.

Bar of accrual of forest rights

5. After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land except in accordance with such rules as may be made by the Government in this behalf.

Proclamation by Forest Settlement officer

6. When a notification has been issued under section 4, the Forest Settlement-officer shall publish in 5[Bengali] in every town and village in the neighbourhood of the land comprised therein, a proclamation-

(a) Specifying, as nearly as possible, the situation and limits of the proposed forest;

(b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(c) fixing a period of not less than three months [and not more than four months] from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount particulars of the compensation (if any) claimed in respect thereof.

Inquiry by Forest Settlement officer

7. The forest settlement-officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be as certainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Powers of Forest Settlement-officer

8. For the purpose of such inquiry, the Forest Settlement officer may exercise the following powers, that is to say:-

(a) power to enter, by himself or any officer authorized by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(b) the powers of a Civil Court in the trail of suit.

Extinction of rights

9. Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

Treatment of claims relating to practice of shifting cultivation

10. (1) In the case of a claim relating to the practice of shifting cultivation, the Forest Settlement-officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the Government, together with his opinion as to whether the practice would be permitted or prohibited wholly or in part.

(2) On receipt of the statement and opinion, the Government may make and order permitting or prohibiting the practice wholly or in part.

(3) If such practice is permitted wholly or in part, the Forest Settlement-officer may arrange for its exercise:

(a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or

(b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practice shifting cultivation therein under such conditions as he may prescribe.

(4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the Government.

(5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the Government.

Power to acquire land over which right is claimed

11. (1) In the case of a claim to a right in or over any land other than a right-of-way or right of pasture, or a right to forest-produce or a water-course, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

(2) If such claim is admitted in whole or in part, the Forest Settlement-officer shall either-

(i) exclude such land from the limits of the proposed forest; or

(ii) come to an agreement with the owner thereof for the surrender of his rights; or

(iii) proceed to acquire such land in the manner provided by the [Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982)].

(3) For the purpose of so acquiring such land-

(a) the Forest Settlement-officer shall be deemed to be a Collector proceeding under the [Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982)].

(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;

(c) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and

(d) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and

partly in money [, or wholly in money].

- Order on claims to rights of pasture or to forest-produce** 12. In the case of a claim to rights of a pasture or to forest-produce, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.
- Record to be made by Forest Settlement-officer** 13. The Forest Settlement-officer, when passing any order under section 12, shall record, so far as may be practicable,-
- (a) the name, father's name, caste, residence and occupation of the person claiming the right; and
 - (b) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.
- Record where the admits claim** 14. If the Forest Settlement-officer admits in whole or in part any claim under section 12, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest-produce which he is from time to time authorized to take or receive, and such other particulars as the case may require. He shall also record whether the timber or other forest-produce obtained by the exercise of the rights claimed may be sold or bartered.
- Exercise of rights admitted** 15. (1) After making such record the Forest Settlement-officer shall, to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.
- (2) For this purpose the Forest Settlement-officer may
- (a) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or
 - (b) so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purposes of the claimants; or
 - (c) record an order, continuing to such claimants a right of pasture or to forest-produce, as the case may be, to the extent so admitted, as such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the Government.
- Commutation of rights** 16. In case the Forest Settlement-officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall,

subject to such rules as the Government may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

Time limit for resolution of claims

[16A. (1) Within 12 months after the period fixed under section 6 has elapsed, or within 12 months after the enactment of this section, whichever is later, the Forest Settlement Officer shall do one of the following:-

(i) dispose of all claims made under sections 6 and 9; or

(ii) obtain an extension of this 12 months deadline under sub-section (2).

(2) Upon application of a Forest Settlement Officer, the Deputy Commissioner may grant a single 2 months extension of the deadline in sub-section (1), making the deadline 14 months, and if that extended deadline threatens to be missed, the Commissioner may grant additional 4 months extensions.]

**Appeal from order passed under section 11, section 12, section 15 or section 16
Appeal under section 17**

[17. Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement-officer under section 11, section 12, section 15 or section 16, present an appeal from such order to the Divisional Commissioner concerned.]

18.(1) [Omitted by section 3 of the Forest (Amendment) Act, 2000 (Act No. X of 2000).]

[(2)(a) An appeal shall be heard by the Divisional Commissioner in the manner prescribed for the time being for the hearing of appeals in matters relating to land-development tax and the appeal shall be disposed of within 6 months from the date of presenting it under section 17.

(b) The Divisional Commissioner shall report to the Government the particulars of the cases which could not be disposed of by him within the time prescribed in clause (a), where upon the Government may extend time as deemed necessary.]

(3) The order passed on the appeal by the Divisional Commissioner shall, subject only to revision by the Government, be final.]

Pleaders

19. The Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement-officer, or [the Divisional Commissioner], in the course of any inquiry or appeal under this Act.

Notification declaring forest reserved

20. (1) When the following events have occurred, namely:-

(a) the period fixed under section 6 for preferring claims has elapsed, and all claims, if any, made under that section or section 9 have been disposed of by the Forest Settlement-officer;

(b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the [Divisional

Commissioner]; and

(c) all lands (if any) to be included in the proposed forest, which the Forest Settlement-officer has, under section 11, elected to acquire under the [Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982)], have become vested in the Government under section 11 of that Ordinance], the Government shall publish a notification in the official Gazette, specifying definitely, according to boundary-marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.

(2) From the date so fixed such forest shall be deemed to be a reserved forest.

Publication of translation of such notification in neighbourhood of forest

21. The Forest-officer shall, before the date fixed by such notification, [cause it] to be published in every town and village in the neighbourhood of the forest.

Power to revise arrangement made under section 15 or section 18

22. The Government may, within five years from the publication of any notification under section 20, revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16.

No right acquired over reserved forest, except as here provided

23. No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the Government or some person in whom such right was vested when the notification under section 20 was issued.

Rights not to be alienated without sanction

24. (1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the Government:

Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

(2) No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 14.

Power to stop ways and water-courses in reserved forests

25. The Forest-officer may, with the previous sanction of the Government or of any officer duly authorized by it in this behalf, stop any public or private way or water-course in a reserved forest, provided that a substitute for the way or water-course so stopped, which the Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof.

**Acts prohibited
in such forests**

26. [(1) Any person who, in a reserved forest-

(a) kindles, keeps or carries any fire except at such seasons as the Forest-Officer may notify in this behalf.

(b) trespasses or pastures cattle, or permits cattle to trespass;

(c) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(d) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest produce other than timber; or who enters a reserved forest with fire arms without prior permission from the Divisional Forest Officer concerned, shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to two thousand Taka, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

(1A) Any person who

(a) makes any fresh clearing prohibited by section 5; or

(b) removes any timber from a reserved forest; or

(c) sets fire to a reserved forest, or, in contravention of any rules made by the Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest; or who, in a reserved forest

(d) fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from or otherwise damages, the same;

(e) clears or breaks up any land for cultivation or any other purpose [or cultivates or attempts to cultivate any land in any other manner];

(f) in contravention of any rules made in this behalf by the Government, hunts, shoots, fishes, poisons water or sets traps or snares; or

(g) establishes saw-pits or saw-benches or converts trees into timber without lawful authority,

shall be punishable with imprisonment for a term which may extend to five years and shall not be less than six months, and shall also be liable to fine which may extend to fifty thousand Taka and shall not be less than five thousand Taka, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.]

(2) Nothing in this section shall be deemed to prohibit

(a) any act done by permission in writing of the Forest-officer, or under any rule made by the Government; or

(b) the exercise of any right continued under clause (c) of sub-section (2) of section 15, or created by grant or contract in writing made by or on behalf of the Government under section 23.

(3) Whenever fire is caused wilfully or by gross negligence in a reserved forest, the Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.

Power to declare forest no longer reserved 27. (1) The Government may, by notification in the official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

(2) From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III

[OF VILLAGE-FORESTS AND SOCIAL FORESTRY]

Formation of village forests 28. (1) The Government may assign to any village community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village forests.

(2) The Government may make rules for regulating the management of village-forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

(3) All the provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to village-forests.

Social Forestry 20[28A. (1) On any land which is the property of the Government or over which the Government has proprietary rights, and on any other land assigned to the Government by voluntary written agreement of the owner for the purpose of afforestation, conservation or management through social forestry, the Government may establish a social forestry programme under sub-section (2).

(2) A social Forestry programme is established when the Government by one or more written agreements assigns rights to forest-produce or rights to use the land, for the purposes of social forestry, to person assisting the Government in management of the land.

(3) Notwithstanding any other provision of law, agreements under sub-section (2) concerning Government-owned lands need not be registered in the local records of right to lands, and no party to such an unregistered agreement may be divested of rights solely by execution of a subsequent assignment of rights by the Government to another

person.

(4) The Government may make rules to set out standards for social forestry agreements and programme, and such standards shall at a minimum-

- (i) require agreements to include or make reference to an agreed-upon management plan for the social forestry programme;
- (ii) guarantee participants an equitable share of proceeds in return for labour invested;
- (iii) in the case of agreements contemplating timber harvest, require the duration of agreements to include the expected principal harvest;
- (iv) allow transfer of benefits and obligations under agreements between spouses, and, when a participant dies, under the laws of succession to his heir, and govern other transfers;
- (v) allow creation and dissolution of management committees representing participants in particular programmes, and empower the management committees to impose fine on participants for violation of agreement; and
- (vi) allow persons to petition the Government for 'undertaking' social forestry programme.

(5) The Government may make rules to set out other requirements or guarantees for agreements, including

- (i) duties of participants to assist forest officers; and
- (ii) any other matter concerning formation or operation of social forestry programmes.

(6) Rules made under this section may recognize different classes of social forestry programmes, and the Government may make different rules for different classes or programmes.

(7) The Government may publish guidelines and forms for social forestry agreements.

Effect of other of law on social forestry

28B. (1) For the purposes of section 26 and 34, the exercise of any right granted by a social forestry agreement under section 28A shall be considered to be done with permission in writing of the Forest-Officer.

(2) Section 80 shall not apply to private lands subject to a voluntary written agreement under section 28A, unless such agreement itself allows the Government to invoke all or part of section 80.

(3) Section 81 shall not apply to participants in social forestry projects under section 28A.]

CHAPTER IV

OF PROTECTED FORESTS

Protected forests 29. (1) The Government may, by notification in the official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest - produce of which the Government is entitled.

(2) The forest-land and waste-lands comprised in any such notification shall be called a "protected forest".

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land 21[or charland] comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the Government thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved:

Provided that, if, in the case of any forest-land or waste-land, 22 [or charland] the Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the meantime to endanger the rights of Government, the Government may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

Power to issue notification reserving trees, etc

30. The Government may, by notification in the official Gazette,-

(a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification;

(b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the Government thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or

(c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest, and the 23[breaking up, clearing or use] for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.

Publication of translation of such notification in neighbourhood

31. The Collector shall cause a translation into [Bengali] of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

Power to make rules for protected forests

32. The Government may make rules to regulate the following matters, namely:-

- (a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests;
- (b) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such persons;
- (c) the granting of licences to persons felling or removing trees or timber or other forest-produce from such forests for the purposes of trade, and the production and return of such licences by such persons;
- (d) the payments, if any, to be made by the persons mentioned in clauses (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce;
- (e) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made;
- (f) the examination of forest-produce passing out of such forests;
- (g) the clearing and breaking up of land for cultivation or other purposes in such forests;
- (h) the protection from fire of timber lying in such forests and of trees reserved under section 30;
- (i) the cutting of grass and pasturing of cattle in such forests;
- (j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests, [* * *];
- (k) the protection and management of any portion of a forest closed under section 30; and
- (l) the exercise of rights referred to in section 29.

Penalties for acts in contravention of [section 28A or of notification under section 30 or of rules under section 32

33. [(1) Any person who commits any of the following offences, namely:-

- (a) contrary to any prohibition under section 30, quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest produce other than timber;
- (b) leaves burning any fire kindled by him in the vicinity of any protected forest;
- (c) causes any damage by negligence in felling any tree or cutting or dragging any timber;
- (d) trespasses or pastures cattle, or permits cattle to trespass;
- (e) enters a protected forest with fire arms without prior permission from the Divisional Forest Officer concerned;
- (f) infringes any rule made under section 32 [;]

[[g) any offence or damage committed against social forestry programme will be deemed as an offense,] shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to two thousand Taka, in addition such compensation for damage done to the forest

as the convicting court may direct to be paid.

(1A) Any person who commits any of the following offences, namely:

(a) sets fire to a protected forest or, in contravention of any rules made by the Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;

(b) fells, girdles, lops, taps or burns any tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, any such tree;

(c) contrary to any prohibition under section 30, clears or breaks up any land for cultivation or other purpose [or cultivates or attempts to cultivate any land in any other manner] in the protected forest;

(d) in contravention of any rules made in this behalf by the Government, hunts, shoots, sets traps or snares or catches or kills any wild animals and birds, fishes or poisons water;

(e) establishes saw-pits or saw-benches or converts tree into timber without lawful authority in a protected forest;

(f) removes any timber from a protected forest; shall be punishable with imprisonment for a term which may extend to five years and shall not be less than six months and shall also be liable to fine which may extend to fifty thousand Taka and shall not be less than five thousand Taka, in addition such compensation for damages done to the forest as the convicting Court may direct to be paid.]

(2) Whenever fire is caused wilfully or by gross negligence in a protected forest, the Government may, notwithstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof the exercise of any right of pasture or to forest -produce shall be suspended for such period as it thinks fit.

**Nothing in this
Chapter to
prohibit acts done
in certain cases**

34. Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest-officer, or in accordance with rules made under section 32, or, except as regards any portion of a forest closed under section 30, or as regards any rights the exercise of which has been suspended under section 33, in the exercise of any right recorded under section 29.

CHAPTER V

OF THE CONTROL OVER FORESTS AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT

35. [Repealed by section 63 of the Private Forests Ordinance, 1959 (Ordinance No. XXXIV of 1959).]

36. [Repealed by section 63 of the Private Forests Ordinance, 1959 (Ordinance No. XXXIV of 1959).]

37. [Repealed by section 63 of the Private Forests Ordinance, 1959 (Ordinance No. XXXIV of 1959).]

38. [Repealed by section 63 of the Private Forests Ordinance, 1959 (Ordinance No. XXXIV of 1959).]

Operation of the Privat Forest Ordinance

[38A. (1) After commencement of this section, the Government may no longer exercise authority to vest control of forest land under sub-section (2) of section 6, section 7 or section 11 of the Private Forest Ordinance, 1959 (E. P. Ordinance No. XXXIV of 1959):

Provided that the forest land already vested shall remain vested.

(2) After commencement of this section, the Government may no longer exercise authority under section 3 of the Private Forests Ordinance, 1959 (E. P. Ordinance No. XXXIV of 1959) to require private forests to have working plans.

Notice of forest management activities

38B. (1) The Government may make rules for the purpose of issuing notice to owners or occupiers of neighbouring lands at least 30 days before understanding specified forest management activities that may pose a threat of harm to the environment or private or Government property or that the Government may wish to track for statistical purposes.

(2) Within 20 days after receiving notice of a proposed activity under this section, upon finding that the proposed activity is likely to cause unreasonable damage to the environment or private or Government property, the Government may issue a written order to the owner or occupier of a land to alter or to refrain from the proposed activity to prevent or minimize such damage.

Restricted activities

Abetment of forest nuisances

38D. (1) Upon a finding that conditions on a land pose a risk of disease, insect outbreak fire or other harm to nearby renewable natural resources, the Government may issue a written order to the owner or occupier of the land to abate such a nuisance within 30 days, or sooner as may be specified in the notice, if the protection of renewable natural resources demands.

(2) To be effective, an order under sub-section (1) must be delivered personally to the owner or occupier of the land or sent to him by registered post with acknowledgement receipt due, or if the address of the person is unknown, affixed conspicuously at least two locations on the property.

(3) If the owner or the occupier fails to comply with an order under this section, the Government may enter the land, remove the nuisance and realize compensation as a public demand.]

CHAPTER VI

OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE

Power to impose duty on timber and other forest produce

39. (1) The Government may levy a duty in such manner, at such places and at such rates as it may declare by notification in the official Gazette on all timber or other forest-produce

(a) which is produced in Bangladesh, and in respect of which the Government has any right;

(b) which is brought from any place outside Bangladesh or is transported from or to any place within Bangladesh.

(2) In every case in which such duty is directed to be levied ad valorem, the Government may fix by like notification the value on which such duty shall be assessed.

Limit not apply to purchase money for royalty

40. Nothing in this Chapter shall be deemed to limit the amount, if any, chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

CHAPTER VII

OF THE CONTROL OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT

Power to make rules to regulate transit of forest-produce

41. (1) The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber and other forest-produce in transit by land or water, is vested in the Government, and it may make rules to regulate the transit of all timber and other forest-produce.

(2) In particular and without prejudice to the generality of the foregoing power such rules may

(a) prescribe the routes by which alone timber or other forest-produce may be imported, exported or moved into, from or within [Bangladesh];

(b) prohibit the import or export or moving of such timber or other produce without a

pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass;

(c) provide for the issue, production and return of such passes and for the payment of fees thereof;

(d) provide for the stoppage, reporting, examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to the Government on account of the price thereof or on account of any duty, fee, royalty or charge due thereon, or, to which it is desirable for the purposes of this Act to affix a mark;

(e) provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it; and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots;

(f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;

(g) provide for the prevention or removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same;

(h) prohibit absolutely or subject to conditions, within specified local limits, the [establishment of wood based industries including saw-mills, saw-pits, furniture marts and brick-fields], the converting, cutting, burning, concealing or making of timber, the altering or effacing of any marks on the same, or the possession or carrying of marking hammers or other implements used for marking timber;

(i) regulate the use of property marks for timber, and the registration of such marks; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

(3) The Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area.

41A. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

Penalty for breach of rules made under section 41

42. (1) The Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to [three years and shall not be less than two months and shall also be liable to fine which may extend to ten thousand Taka and shall not be less than two thousand Taka].

(2) Such rules may provide that the penalties which are double of those mentioned in subsection (1) may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.

Government and Forest-officers not liable for damage to forest-produce at depot

43. The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a depot established under a rule made under section 41, or while detained elsewhere, for the purposes of this Act; and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

All persons bound to aid in case of accident at depot

44. In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the Government or by any private person, shall render any assistance to any Forest-officer or Police-officer demanding his aid in averting such danger or securing such property from damage or loss.

CHAPTER VIII

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER

Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly

45. (1) All timber found adrift, beached, stranded or sunk;

all wood or timber bearing marks which have not been registered in accordance with the rules made under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and in such areas as the Government directs, all unmarked wood and timber;

shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto, as provided in this Chapter.

(2) Such timber may be collected by any Forest-officer or other person entitled to collect the same by virtue of any rule made under section 51, and may be brought to any depot which the Forest-officer may notify as a depot for the reception of drift timber.

(3) The Government may, by notification in the official Gazette exempt any class of timber from the provisions of this section.

Notice to claimants of drift timber

46. Public notice shall from time to time be given by the Forest-office of timber collected under section 45. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

Procedure on claim preferred to such timber

47. (1) When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Courts, and retain the timber pending the receipt of an order from any such Court for its disposal.

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the Government, or against any Forest-officer on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section. (4) No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

- Disposal of unclaimed timber** 48. If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 46, or on such claim, having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by section 47, the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under section 47, in such other person free from all encumbrances not created by him.
- Government and its officers not liable for damage to such timber** 49. The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 45, and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.
- Payments to be made by claimant before timber is delivered to him** 50. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest-officer or other person entitled to receive it such sum on account thereof as may be due under any rule made under section 51.
- Power to make rule and prescribe penalties** 51. (1) The Government may make rules to regulate the following matter, namely:-
- (a) the salving, collection and disposal of all timber mentioned in section 45;
 - (b) the use and registration of boats used in salving and collecting timber;
 - (c) the amounts to be paid for salving, collecting, moving, storing or disposing of such timber; and
 - (d) the use and registration of hammers and other instruments to be used for marking such timber.
- (2) The Government may prescribe, as penalties for the contravention of any rules made under this section, imprisonment for a term which may extend to [three years and shall not be less than two months and shall also be liable to fine which may extend to ten thousand Taka and shall not be less than two thousand Taka].

CHAPTER IX

PENALTIES AND PROCEDURE

- Seizure of property liable to confiscation** 52. (1) When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, [vessels], vehicles or cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer [or any other officer authorized in this behalf by or under any other law inforce].
- [(1a) Every officer other than a Forest-officer seizing any property under this section shall hand over all the seized property mentioned under sub-section (1) along with the accused to the nearest forest-office for further legal proceedings: Provided that police-officers need not hand over the accused to the nearest forest-office but shall inform such forest-office of the arrest.]
- (2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:
- Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.
- Power to release property seized under section 52** 53. Any Forest-officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, [vessels], vehicles or cattle under section 52, may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.
- Procedure thereupon** 54. Upon the receipt of any such report, the Magistrate shall, with all convenient dispatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.
- Forest produce, tools, etc when liable to confiscation** 55. (1) All timber or forest-produce which is not the property of Government and in respect of which a forest-offence has been committed, and all tools, boats, vehicles and used in committing any forest-offence, shall be liable to confiscation.
- (2) Such confiscation may be in addition to any other punishment prescribed for such offence.
- Disposal on conclusion of trial for forest-offence of produce in respect which it was** 56. When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by a Forest-officer, and, in any other case, may be disposed of in such manner as the Court may direct.

committed**Procedure when offender not known, or cannot be found**

57. When the offender is not known or cannot be found the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest-officer, or to be made over to the person whom the Magistrate deems to be entitled to the same:-

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or with out hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

Procedure as to perishable property seized under section 52

58. The Magistrate may, notwithstanding anything herein before contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

Appeal from orders under section 55, section 56, or section 57

59. The officer who made the seizure under section 52, or any of his official superiors, or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed under section 55, section 56 or section 57, appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Property when to vest in Government

60. When an order for the confiscation of any property has been passed under section 55 or section 57, as the case may be, and the period limited by section 59 for an appeal from such order has elapsed, and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all incumbrances.

Saving of power to release property seized

61. Nothing herein before contained shall be deemed to prevent any officer empowered in this behalf by the Government from directing at any time the immediate release of any property seized under section 52.

Punishment for wrongful seizure

62. Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may extend to [one year and shall not be less than one month and shall also be liable to fine which may extend to ten thousand Taka and shall not be less than two thousand Taka].

Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks

63. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the [Penal Code] –

(a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or

(b) alters, defaces or obliterates or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest-officer; or

(c) alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which the provisions of this act are applied, shall be punishable with imprisonment for a term which may extend to [seven years and shall not be less than two years and shall also be liable to fine which may extend to fifty thousand Taka and shall not be less than ten thousand Taka].

Some offence to be non-bailable

[63A. Notwithstanding anything contained in any other law for the time being in force, a forest-offence punishable under sub-section (1A) of section 26, sub-section (1A) of section 33 and section 63 shall be non-bailable.]

Power to arrest without warrant

64.(1) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

(2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond take or send the person arrested before the Magistrate having jurisdiction in the case, or to the officer in charge of the nearest police-station.

(3) Nothing in this section shall be deemed to authorize such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under clause(c) of section 30.

Power to release on a bond a person arrested

65. Any Forest-officer of a rank not inferior to that of a Ranger, who, or whose subordinate, has arrested any person under the provision of section 64, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer-in-charge of the nearest police-station

[: Provided that nothing in this section shall apply in a case where the person arrested is suspected of having committed any non-bailable offence under this Act.]

**Power to prevent commission of offence
Power to try offences summarily**

66. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

67. The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the Government may try summarily, under the Code of Criminal Procedure, 1898, any forest-offence punishable with imprisonment for a term not exceeding [two years], or fine not exceeding [ten thousand] Taka, or both.

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| Appointment of forest Magistrate | <p>[67A. (1) The Government may, by notification in the official Gazette, appoint one or more Magistrate of the First Class to serve as a Forest magistrate to try offences exclusively under this Act, and also specify the territorial jurisdiction of such Magistrate.</p> <p>(2) Notwithstanding anything contained in any other law in force, such Forest Magistrate shall have authority to impose any penalty specified under this Act.]</p> |
| Power to compound offences | <p>68. (1) The Government may, by notification in the official Gazette, empower a Forest-officer [not inferior to that of a Ranger] –</p> <p>(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in [section 26 (1A) or section 33 (1A) or] section 62 or section 63, a sum of money by way compensation for the offence which such person is suspected to have committed, and</p> <p>(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer [and verified by another officer not below to the rank of a Divisional Forest Officer].</p> <p>(2) On the payment of such sum of money, or such value, of both as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.</p> <p>(3) [Omitted by section 29 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990).]</p> |
| Presumption that forest produce belongs to Government | <p>69. When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.</p> |
| Prosecution of forest-offences | <p>[69A. Notwithstanding anything contained in any other law for the time being in force, the Government may empower any Forest-officer not inferior to that of a Deputy Ranger to appear, plead and conduct the prosecution on behalf of the Government before any Court in any case where a forest-offence is under trial.]</p> |

CHAPTER X

CATTLE-TRESPASS

| | |
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| Cattle-tress-pass Act, 1871, to apply | <p>70. Cattle trespassing in a reserved forest or in any portion of a protected forest which has been law fully closed to grazing shall be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle-trespas Act, 1871, and may be seized and impounded as such by any Forest-officer of Police-officer.</p> |
| Power to alter fines | <p>71. The Government, may by notification in the official Gazette, direct that, in</p> |

fixed under that Act

lieu of the fines fixed under section 12 of the Cattle-trespass Act, 1871, there shall be levied [per day or part thereof] for each head of cattle impounded under section 70 of this Act such fines as it thinks fit, but not exceeding the following, that is to say:-

| | |
|--|---------------------|
| For each elephant | [Taka one thousand] |
| For each buffalo or camel | [Taka two hundred] |
| For each horse, mare, gelding, pony, colt, filty, mule, bull, bullock, cow or heifer | [Taka one hundred] |
| For each calf, ass, pig, ram, ewe, sheep lamb, goat or kid | [Taka fifty] |

CHAPTER XI**OF FORESTS OFFICERS****Government may invest Forest-Officers with certain powers**

72. (1) The Government may invest any Forest-officer with all or any of the following powers, that is to say:-

(a) power to enter upon any land and to survey, demarcate and make a map of the same;

(b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;

(c) power to issue a search-warrant under the Code of Criminal Procedure, 1898; and

(d) power to hold an inquiry into forest-offences, and, in the course of such inquiry, to receive and record evidence.

(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of the accused person.

Forest-officers deemed public servants

73. All Forest-officers shall be deemed to be public servants within the meaning of the [Penal Code].

Indemnity for acts done in good faith

74. No suit shall lie against any public servant for anything done by him in good faith under this Act [and no court may try such a public servant for a crime stemming from actions related to the public servant's official duty under this Act and occurring within the public servant's assigned geographical jurisdiction, unless the court first conducts a preliminary inquiry and verifies that there is credible evidence to support the basic elements of the complaint].

Forest-officers not to trade

75. Except with the permission in writing of the Government, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or

become interested in any lease of any forest or any forest or in any contract for working any forest, whether in or outside Bangladesh.

CHAPTER XII SUBSIDIARY RULES

Additional powers to make rules

76. The Government may make rules-

(a) to prescribe and limit the powers and duties of any Forest-officer under this Act;

(b) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act;

(c) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation private of persons; and

(d) generally, to carry out the provisions of this Act .

Penalties for breach of rules

77. Any person contravening any rule under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to [six month], or fine which may extend to [five thousand] Taka, or both.

Rules when to have force of law

78. All rules made by the Government under this Act shall be published in the official Gazette, and shall thereupon, so far as they are consistent with this Act, have effect as if enacted therein.

CHAPTER XIII

MISCELLANEOUS

Persons bound to assist Forest-officers and Police-officers

79. (1) Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle, in, such forest, and every person who is employed by any such person in such forest, and every person in any village contiguous to such forest who is employed by the [Government, or a local authority, or who receives emoluments from the Government or a local authority] for services to be performed to the community, shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall forthwith take steps, whether so required by any Forest-officer or police-officer or not,

(a) to extinguish any forest fire in such forest of which he has knowledge or information;

(b) to prevent by any lawful means in his power any fire in the vicinity of such

forest of which he has knowledge or information from spreading to such forest, and shall assist any Forest-officer or Police-officer demanding his aid

(c) in preventing the commission in such forest of any forest-offence; and

(d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

(2) Any person who, being bound so to do, without lawful excuse (the burden of proving which shall lie upon such person) fails

(a) to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information required by sub-section (1);

(b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved or protected forest;

(c) to prevent, as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest; or

(d) to assist any Forest-officer or Police-officer demanding his aid in preventing the commission in such forest of any forest-offence, or, when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender; shall be punishable with imprisonment for a term which may extend to [three months], or with fine which may extend to [two thousand] Taka, or with both.

Management of forests the joint property of Government and other persons

80. (1) If the Government and any person be jointly interested in any forest or waste-land, or in the whole or any part of the produce thereof, the Government may either-

(a) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same; or

(b) issue such regulations for the management of the forest, waste-land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

(2) When the Government undertakes under clause (a) of sub-section (1) the management of any forest, waste-land or produce, it may, by notification in the official Gazette, declare that any of the provisions contained in Chapters II and IV shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

Failure to perform service for which a share in produce of Government forest is enjoyed

81. If any person be entitled to a share in the produce of any forest which is the property of Government or over which the Government has proprietary rights or to any part of the forest-produce of which the Government is entitled, upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the Government that such service is no longer so performed:

Provided that no such share shall be confiscated until the person entitled thereto, and the evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the Government.

Recovery of money due to Government 82. All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.

Lien on forest-produce for such money 83.(1) When any such money is payable for or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce and such produce may be taken possession of by a Forest-officer until such amount has been paid.

(2) If such amount is not paid when due, the Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

Land required under this Act to be deemed to be needed for a public purpose under the Acquisition and Requisition of Immovable Property Ordinance, 1982 84. Whenever it appears to the Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of [section 5(2) of the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982)].

Recovery of penalties due under bond 85. When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land revenue.

85A. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

86. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

1 Throughout this Act, except otherwise provided, the words `Bangladesh`, `Government` and `Taka` were substituted, for the words `Pakistan`, `Provincial Government` and `rupees` respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

2 Sub-section (2) was substituted, for sub-section (2) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

- 3 Clause (4A) was inserted by section 2 of the Indian Forest (Amendment) Act, 1933 (Act No. III of 1933)
- 4 The words `or any land suitable for afforestation` were inserted by section 2 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 5 The word `Bengali` was substituted, for the words `the local vernacular` by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- 6 The words `and not more than four months` were inserted by section 3 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 7 The words, comma, figures and brackets `Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982)` were substituted, for the words, comma and figure `Land Acquisition Act, 1894` by section 4 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 8 The words, comma, figures and brackets `Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982)` were substituted, for the words, comma and figure `Land Acquisition Act, 1894` by section 4 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 9 The comma and words `, or wholly in money` were inserted by section 4 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 10 Section 16A was inserted by section 2 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)
- 11 Sections 17 and 18 were substituted, for sections 17 and 18 by section 5 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 12 Sub-section (2) was substituted, for sub-section (2) by section 3 of the Forest (Amendment) Act, 2000 (Act No. X of 2000).
- 13 The words `the Divisional Commissioner` were substituted, for the words `the appellate officer or Court` by section 6 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 14 The words `Divisional Commissioner` were substituted, for the words `appellate officer or Court` by section 7 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 15 The words, commas, figures and brackets `Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982), have become vested in the Government under section 11 of that Ordinance` were substituted, for the words, commas and figures `Land Acquisition Act, 1894, have become vested in the Government under section 16 of that Act` by section 7 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990).
- 16 The words `cause it` were substituted, for the words `cause a translation thereof into the local vernacular` by section 8 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 17 Sub-sections (1) and (1A) were substituted, for sub-section (1) by section 9 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 18 The words `or cultivates or attempts to cultivate any land in any other manner` were inserted by section 4 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

- 19 The words `OF VILLAGE-FOREST AND SOCIAL FORESTRY` were substituted, for the words `OF VILLAGE-FORESTS` by section 5 of the Forest (Amendment) Act, 2000 (Act No. X of 2000).
- 20 Sections 28A and 28B were inserted by section 6 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)
- 21 The words `or charland` were added by section 7 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)
- 22 The words `or charland` were added by section 7 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)
- 23 The words and comma `breaking up, cleaning or use` were substituted, for the words `breaking up or clearing` by section 8 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)
- 24 The word `Bengali` was substituted, for the words `the local vernacular` by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- 25 The words, commas and figure `and the killing or catching of elephants in such forests in areas in which the Elephants Preservation Act, 1879, is not in force` were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- 26 Clause (4A) was inserted by section 2 of the Indian Forest (Amendment) Act, 1933 (Act No. III of 1933)
- 27 Sub-sections (1) and (1A) were substituted, for sub-section (1) by section 10 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 28 A semi-colon was substituted, for comma (,) at the end of clause (f) by section 9 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)
- 29 Clause (g) was added by section 9 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)
- 30 The words `or cultivates or attempts to cultivate any land in any other manner` were inserted by section 9 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)
- 31 The words `or any land suitable for afforestation` were inserted by section 2 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 32 The word `Bengali` was substituted, for the words `the local vernacular` by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- 33 The words `and not more than four months` were inserted by section 3 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 34 The words, comma, figures and brackets `Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982)` were substituted, for the words, comma and figure `Land Acquisition Act, 1894` by section 4 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 35 Sections 38A, 38B, 38C and 38D were inserted by section 10 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)
- 36 The word `Bangladesh` was substituted, for the words `the Province` by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

37 The words and commas `establishment of wood based industries including saw-mills, saw-pits, furniture-marts and brick-fields` were substituted, for the words `establishment of saw-pits` by section 11 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

38 The words, comma, figures and brackets `Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982)` were substituted, for the words, comma and figure `Land Acquisition Act, 1894` by section 4 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

39 The words `three years and shall not be less than two months and shall also be laible to fine which may extend to ten thousand Taka and shall not be less than two thousand Taka` were substituted, for the words and commas `six months, or fine which may extend to five hundred Taka, or both` by section 12 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

40 The words `three years and shall not be less than two months and shall also be laible to fine which may extend to ten thousand Taka and shall not be less than two thousand Taka` were substituted, for the words and commas `six months, or fine which may extend to five hundred Taka, or both` by section 12 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

41 The word `vessels` was substituted, for the word `boats` by section 14 of the Forest (Amendment) Act, 1990 (Act No. VIII)

42 The words `or any other officer authorized in this behalf by or under any other law inforce` were added by section 11 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

43 Sub-section (1a) was inserted by section 11 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

44 The word `vessels` was substituted, for the word `boats` by section 15 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

45 The words `one year and shall not be less than one month and shall also be liable to fine which may extend to ten thousand Taka and shall not be less than two thousand Taka` were substituted, for the words and commas `six months, or with fine which may extend to five hundred Taka, or both` by section 16 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

46 The words `Penal Code` were substituted, for the words `Pakistan Penal Code` by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

47 The words `seven years and shall not be less than two years and shall also be liable to fine which may extend to fifty thousand Taka and shall not be less than ten thousand Taka` were substituted, for the words and commas `two years, or with fine, or with both` by section 17 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

48 Section 63A was inserted by section 18 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

49 Colon was substituted, for the full-stop at the end of section 65 and thereafter the proviso was added by section 19 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990).

50 The words `two years` were substituted, for the words `six months` by section 20 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

- 51 The words `ten thousand` were substituted, for the words `five hundred` by section 20 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 52 Section 67A was inserted by section 12 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)
- 53 The words `not inferior to that of a Ranger` were inserted by section 21 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 54 The words, figures, brackets and letters `section 26(1A) or section 33 (1A) or` were inserted by section 21 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 55 The words `and verified by another officer not below to the rank of a Divisional Forest Officer` were added by section 13 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)
- 56 Section 69A was inserted by section 22 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 57 The words `per day or part thereof` were inserted by section 14 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)
- 58 The words `Taka one thousand` were substituted, for the words `ten Taka` by section 23 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 59 The words `Penal Code` were substituted, for the words `Pakistan Penal Code` by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)
- 60 The words `and no court may try such a public servant for a crime stemming from actions related to the public servant's official duty under this Act and occurring within the public servant's assigned geographical jurisdiction, unless the court first conducts a preliminary inquiry and verifies that there is credible evidence to support the basic elements of the complaint` were added by section 15 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)
- 61 The words `six months` were substituted, for the words `one month` by section 24 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 62 The words `five thousand` were substituted, for the words `five hundred` by section 24 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 63 The words and commas `Government, or a local authority, or who receives emoluments from the Government or a local authority` were substituted, for the words and comma `Government, or who receives emoluments from the Government` by section 25 of the Forest (Amendment) Act, 1990 (Act VIII of 1990)
- 64 The words `three months` were substituted, for the words `one month` by section 25 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 65 The words `two thousand` were substituted, for the words `two hundred` by section 25 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)
- 66 The words, figures, brackets and comma `section 5(2) of the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982)` were substituted, for the words, figures and comma `section 4 of the Land Acquisition Act, 1894` by section 26 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

67 The comma and words ` , or wholly in money ` were inserted by section 4 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

68 Section 16A was inserted by section 2 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

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Appendix 3**Extracts from the Maharashtra Forest Act 1927**

Kamble B.M.



GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

Act No. XVI of 1927**The Indian Forest Act, 1927**

(In its application to the State of Maharashtra)

(As modified up to the 10th May 1990)

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1990

दिनांक ३२.३.२०११ रोजी मंत्री मंडळ गृह्यालय जि.का.
की सही संपन्न आहे

की पत्र कोष

गिवासी उपनिव्हाधिकारी

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21. Publication of translation of such notifications in neighbourhood of forest.—The Forest-officer shall, before the date fixed by such notification, cause a translation thereof into the local vernacular to be published in every town and village in the neighbourhood of the forest.

22. Power to revise arrangement made under section 15 or section 18.—The ¹[State] Government] may, within five years from the publication of any notification under section 20, revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16.

23. No right acquired over reserved forest except as here provided.—No right of any description shall be acquired in or over a reserved forest except by succession under a grant or contract in writing made by or ³[on behalf of the ⁴Government] or] some person in whom such right was vested when the notification under section 20 was issued.

24. Rights not to be alienated without sanction.—(1) Notwithstanding anything contained in section 23 no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease, mortgage or otherwise without the sanction of the ¹[State] Government];

Provided that when any such right is appendant to any land or house it may be sold or otherwise alienated with such land or house.

(2) No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 14.

25. Power to stop ways and water courses in reserved forests.—The forest-officer may with the previous sanction of the ¹[State] Government] or of any officer duly authorised by it in this behalf, stop any public or private way or water-course in a reserved forest provided that a substitute for the way or water-course so stopped which the ¹[State] Government] deems to be reasonably convenient already exists or has been provided or constructed by the Forest-officer in lieu thereof.

26. Acts prohibited in such forests.—(1) Any person who—

(a) makes any fresh clearing prohibited by section 5 or

⁵(b) sets fire to a reserved forest or to proposed forest in land in respect of which a notification declaring the decision of the State Government to constitute it a reserved forest has been issued under section 4 or in contravention of any rules made by the State Government in this behalf kindles in such forest any fire or leaves any fire burning, in such manner as to endanger such a forest; or who, in a reserved forest or a proposed forest in land notified as aforesaid under section 4:]

(c) kindles, keeps or carries any fire except at such seasons as the forest-officer may notify in this behalf;

(d) trespasses or pastures cattle, or permits cattle to trespass;

(e) causes any damage by negligence in felling any tree or cutting or dragging any timber;

1. The words "Provincial Government" were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

2. The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

3. These words were substituted for the words "on behalf of Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

4. The word "Government" was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

5. This portion was substituted for the original by Mah. 6 of 1961, S. 7 (1).

(f) fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages, the same;

(g) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce ;

(h) clears or breaks up any land for cultivation or any other purpose;

(i) in contravention of any rules made in this behalf by the ¹[²State] Government] hunts, shoots, fishes, poisons water or sets traps or snares; or

(j) in any area in which the Elephants Preservation Act, 1879 is not in force, kills or catches elephants in contravention of any rules so made ;

shall be punishable with imprisonment for a term which may extend to ³[one year or with fine which may extend to two thousand rupees], or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

(2) Nothing in this section shall be deemed to prohibit--

(a) any act done by permission in writing of the Forest-Officer or under any rule made by the ¹[²State] Government]; or

(b) the exercise of any right continued under clause (c) of sub-section (2) of section 15, or created by grant or contract in writing made by or ⁴[on behalf of the ⁵Government]] under section 23.

(3) Whenever fire is caused wilfully or by gross negligence in a reserved forest the ¹[²State] Government] may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest produce shall be suspended for such period as it thinks fit.

⁶ [(4) Where a person is convicted under clause (d) or (h) of sub-section (1)--

(a) a Forest Officer not below the rank of a Ranger, or

(b) a Police Officer not below the rank of a Sub-Inspector, or

(c) a Revenue Officer not below the rank of a Mahalkari or Tahsildar, may evict him from the forest or land in relation to which he has committed the offence.]

27. *Power to declare forest no longer reserved.* (1) The ¹[²State] Government] may, ⁷* * * by notification in the ⁸[Official Gazette], direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

(2) From the date so fixed such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

2. The word "State" was substituted for the word "Provincial" by the Adaptation of Law Order, 1950.

3. The words were substituted for the words "six months or with fine which may extend to five hundred rupees" by Mah. 7 of 1985, s. 3.

4. These words were substituted for the words "on behalf of Government by the Government of India (Adaptation of Indian Laws) Order, 1937.

5. The word "Government" was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

6. This sub-section was inserted by Mah. 6 of 1961, s. 7 (ii).

7. The words "subject to the control of the Governor-General in Council" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

8. These words were substituted for the words "Local Official Gazette", *ibid.*

CHAPTER III
OF VILLAGE FORESTS

28. *Formation of village-forests.*—(1) The ¹[²State] Government] may assign to any village-community ³[village panchayat established under ⁴[the Bombay Village Panchayats Act, 1958], or co-operative society registered or deemed to be registered under ⁵[the Maharashtra Co-operative Societies Act, 1960.] [the rights of Government to or over any land which has been constituted a reserved forest ⁶[or called a protected forest,] and may cancel such assignment. All forests so assigned shall be called village-forests.

(2) The ¹[²State] Government] may make rules for regulating the management of village-forests, prescribing the conditions under which the community ⁷[Panchayat or society] to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

(3) All the provisions of this Act relating to reserved ⁸[or protected] forests shall (so far as they are not inconsistent with the rules so made) apply to village-forests ⁹[according as the forests assigned are reserved or protected forests.]

CHAPTER IV
OF PROTECTED FORESTS

29. *Protected forests.*—(1) The ¹[²State] Government] may, by notification in the ¹⁰[Official Gazette] declare the provision of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled.

(2) The forest-land and waste-lands comprised in any such notification shall be called a "protected forest".

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the ¹[²State] Government] thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved :

Provided that if, in the case of any forest-land or waste-land, the ¹[²State] Government.] thinks that such inquiry and record are necessary but that they will occupy such length of time as in the mean time to endanger the rights of Government, the ¹[²State] Government] may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

30. *Power to issue notification reserving trees, etc.*—The ¹[²State] Government] may, by notification in the ¹⁰[Official Gazette]—

(a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification ;

-
1. The words "Provincial Government" were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.
2. The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
3. These words and figures were inserted by Bom. 24 of 1955, s. 3.
4. These words and figures were substituted for the words and figures "the Bombay Village and Panchayats Act, 1933" by Mah. 7 of 1985, s. 4 (a).
5. These words and figures were substituted for the words and figures "the Bombay Co-operative Societies Act, 1925", *ibid.*, s. 4 (b).
6. The words were inserted by Bom. 62 of 1948, s. 2 (a).
7. These words were inserted by Bom. 24 of 1955, s. 3.
8. These words were inserted by Bom. 62 of 1948, s. 2 (ii) (a).
9. These words were inserted, *ibid.*, s. 2 (ii) (b).
10. These words were substituted for the words "Local Official Gazette", by the Government of India (Adaptation of Indian Laws) Order, 1937.

(b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the [State] Government thinks fit, and that rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for due exercise of the right suspended in the portion so closed ; or

(c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, or any land in any such forest.

31. *Publication of translation of such notification in neighbourhood.*—The Collector shall cause a translation into the local vernacular of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

32. *Power to make rules for protected forests.* The [State] Government may make rules to regulate the following matters, namely :

(a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests ;

(b) the granting of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such person ;

(c) the granting of licences to persons felling or removing trees or timber or other forest-produce from such forests for the purposes of trade, and the production and return of such licences by such persons ;

(d) the payments, if any to be made by the persons mentioned in clauses (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce ;

(e) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made ;

(f) the examination of forest-produce passing out of such forests ;

(g) the clearing and breaking up of land for cultivation or other purposes in such forests ;

(h) the protection from fire of timber lying in such forests and of trees reserved under section 30 ;

(i) the cutting of grass and pasturing of cattle in such forests ;

(j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests, and the killing or catching of elephants in such forests in areas in which the Elephants Preservation Act, 1879 is not in force ;

(k) the protection and management of any portion of a forest closed under section 30 ; and

(l) the exercise of rights referred to in section 29.

33. *Penalties for acts in contravention of notification under section 30 or of rules under section 32.*—(1) Any person who commits any of the following offences, namely :—

(a) fells, girdles, lopes, taps or burns any tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, any such tree ;

(b) contrary to any prohibition under section 30, quarries any stone or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest-produce ;

(c) contrary to any prohibition under section 30, breaks up or clears for cultivation or any other purpose any land in any protected forest ;

1. The words "Provincial Government" were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

2. The words "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(d) sets fire to such forests, or kindles a fire without taking all reasonable precautions to prevent its spreading or any tree reserved under section 30 whether standing, fallen, or felled, or to any closed portion of such forest ;

(e) leaves burning and fire kindled by him in the vicinity of any such tree or closed portion ;

(f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid ;

(g) permits cattle to damage any such tree ;

(h) infringes any rule made under section 32 ;

shall be punishable with imprisonment for a term which may extend to [one year or with fine which may extend to two thousand rupees,] or with both.

(2) Whenever fire is caused wilfully or by gross negligence in a protected forest the ²[³State] Government] may notwithstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof the exercise of any right of pasture or to forest-produce shall be suspended for such period as it thinks fit.

⁴[(3) Where a person is convicted of an offence under sub-section (1)—

(a) a Forest Officer not below the rank of Ranger ; or

(b) a Police Officer not below the rank of Sub-Inspector ; or

(c) a Revenue Officer not below the rank of Mahalkari or Tahsildar, may evict him from the protected forest in relation to which he has committed the offence.]

34. *Nothing in this Chapter to prohibit acts done in certain cases.*—Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest-officer, or in accordance with rules made under section 32, or except as regards any portion of a forest closed under section 30, or as regards any rights the exercise of which has been suspended under section 33, in the exercise of any right recorded under section 29.

-
1. These words were substituted for the words "Six months or with fine which may extend to five hundred rupees" by Mah. 23 of 1984, s. 5.
 2. The words "Provincial Government" were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.
 3. The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
 4. This sub-section was inserted by Mah. 6 of 1961, s. 8.
 5. This section was inserted by Bom. 62 of 1948, s. 3 (1).

CHAPTER XI

OF FOREST OFFICERS

72. ²[³State] Government] may invest Forest Officers with certain powers.—
(1) The ²[³State] Government] may invest any Forest Officer with all or any of the following powers that is to say—

- (a) power to enter upon any land and to survey, demarcate and make a map of the same ;
 - (b) the power of a Civil Court to compel the attendance of witnesses and the production of documents and material objects ;
 - (c) power to issue a search-warrant under the ⁴[Code of Criminal Procedure, 1973] ; and
 - (d) power to hold an inquiry into forest offences, and in the course of such inquiry, to receive and record evidence.
- (2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of accused person.

73. *Forest Officers deemed public servants.*—All Forest Officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

74. *Indemnity for acts done in good faith.*—No suit shall lie against any public servant for anything done by him in good faith under this Act.

75. *Forest Officers not to trade.*—Except with the permission in writing of the ²[³State] Government], no Forest Officer shall, as principal or agent, trade in timber or other forest-produce; or be or become interested in any lease of any forest or in any contract for working any forest, whether in or outside ⁵[the territories to which this Act extends.]

CHAPTER XII

SUBSIDIARY RULES

76. *Additional powers to make rules.*—The ²[³State] Government] may make rules—

- (a) to prescribe and limit the powers and duties of any Forest Officer under this Act ;

-
1. These words were substituted for the words "eight annas" by Mah. 6 of 1961, s. 14.
 2. The words " Provincial Government " were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.
 3. The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
 4. These words and figures were substituted for the words and figures "the Code of Criminal Procedure, 1973, by Mah. 7 of 1985, s. 21.
 5. These words were substituted for the words and letters " Part A States and Part C States" by the Adaptation of Laws (No. 3) Order, 1956.

Appendix 4

Extract from the Kerala Forest Act 1961

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THE KERALA FOREST ACT, 1961
(Act 4 of 1962)

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19. Notification declaring forests reserved.
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21. Power of Government to redefine the limits of Reserved Forests in certain cases.
22. No right acquired over Reserved Forests except as herein provided.
23. Rights continued under section 17 not to be alienated without sanction.
24. Power to stop ways and water-course in Reserved Forest.

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CHAPTER V

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39. *Power to make rules to regulate trade and transit of timber and other forest produce.*—The Government may make rules to regulate the transit of all timber or of certain classes of timber or forest produce within the limits of taluks in which Reserved Forests are situate or in taluks adjoining Reserved Forests, as may appear to be necessary. Such rules may (among other matters) :—

(a) prescribe the routes by which alone timber may be imported into and exported from the State ;

(b) prohibit the import or export or moving within defined local limits of timber or forest produce without a pass from the landholders from whose land it was brought, or from an officer duly authorised to issue the same, or otherwise than in accordance with the conditions of such pass ;

(c) prescribe the form of such passes and provide for their issue, product on and return ;

(d) provide for the stoppage, reporting, examination and marking of timber and other forest produce in transit within defined local limits or at stations established as hereinafter provided ;

(e) establish, or authorise the Chief Conservator of Forests to establish, stations to which such timber or forest produce shall be taken by those in charge of it for examination or marking ; and the conditions under which such timber or forest produce shall be brought to, stored at and removed from such stations ;

(f) provide for the management and control of such stations, and for regulating appointment and duties of persons employed thereat ;

(g) authorise the transport of timber or forest produce, the property of Government, across any land and provide for the payment of compensation for any damage done by the transport of such timber or forest produce ;

(h) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest produce and the throwing of grass, brushwood, branches and leaves into any such river, or any act which may cause such river to be closed or obstructed ;

(i) provide for the prevention and removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person, or by the sale of any timber, causing such obstruction ;

(j) provide for the protection of bridges, locks or other public works, by regulating the floating of timber, and the storing of timber on river banks and by authorising the seizure of timber floated or stored in contravention of such rules, or by which any damage to such works may have been caused, and the detention and disposal of such timber until compensation has been made for the damage done ;

(k) regulate the use of property marks for timber and provide for the registration of such marks ; declare the circumstance in which the registration of any property marks may be refused or cancelled, prescribe

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the time for which such registration shall hold good ; limit the number of such marks that may be registered by any one person ; and provide for the levy of fees for such registration ; and

(l) provide generally for the protection of the revenue from forests.

Explanation.—For the purpose of this section timber or forest produce found on, or on the margin of any public road whether loaded in carts or other vehicles or not and timber found in any river or stream whether tied into rafts or not, shall be presumed until the contrary is proved to be timber or forest produce in transit.

40. *Penalty for breach of rules made under section 39.*—(1) The Government may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to six months, or fine which may extend to five hundred Rupees or both.

(2) Such rules may provide that, in cases where the offence is committed after making preparation for resistance to the execution of any law or any legal process, or where the offender has been previously convicted of a like offence, the convicting Magistrate may inflict double the penalty prescribed for such offence.

41. *Holder of passes to produce the same for inspection.*—(1) The holder of every pass issued under rules framed under section 39 shall, while such timber or forest produce is in transit, be bound to produce the same for inspection on being required to do so by any Magistrate or Forest or Police Officer.

(2) Whoever infringes the provision in sub-section (1) shall be liable to imprisonment which may extend to one month or fine which may extend to one hundred rupees or both.

CHAPTER VI

Of the collection of Drift and Stranded Timber

42 *Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.*—All timber found adrift, beached stranded or sunk, all timber bearing marks which have not been registered under section 39 or on which the marks have been obliterated, altered or defaced by fire or otherwise, and in such areas as the Government direct, all unmarked timber shall be deemed to be the property of Government unless and until any person establishes his right and title thereto, as provided in this Chapter.

Such timber may be collected by any Forest Officer or other persons entitled to collect the same by virtue of any rule made under section 47 of this Act and may be brought to such stations as the Forest Officer may, from time to time, notify as stations for the reception of drift timber.

The Government may, by notification in the Gazette, exempt any class of timber from the provisions of this section, and may in a like manner, withdraw such exemption.

CHAPTER XI

Miscellaneous

76. *Additional power to make rules.*—The Government may by notification in the Gazette make rules—

(a) for the protection, advancement, treatment and management of hill tribes ,

(b) to declare by what Forest Officer or class of Forest Officers the powers and duties conferred or imposed by or under this Act, on a Forest Officer shall be exercised or performed ,

(c) to regulate the procedure to be followed by Forest Settlement Officers ,

(d) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Act or from the Public Treasury ,

(e) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands in the occupation of private persons ;

(f) to regulate or prohibit the felling, lopping, cutting, maiming or otherwise maltreating of trees standing on land temporarily or permanently assigned, the right of Government over which has been expressly reserved in the deed of grant or assignment of such land ; and

(g) generally to carry out the provisions of this Act.

77. *Rules to be laid before the Legislative Assembly.*—All rules made under this Act shall be laid for not less than fourteen days before the Legislative Assembly, as soon as possible after they are made, and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

78. *Liability of persons engaged by Forest Officers.*—All contractors or persons engaged by the officers of the Forest Department to fell, remove or deliver timber, collect produce, or to do any work for the Department, and all persons who have permission to collect and remove timber or forest produce on permits, licences or leases, shall be held responsible for any loss or damage caused by any act or omission on the part of any of their subordinates, servants or agents infringing any of the provisions of this Act or of any rule framed thereunder.

Appendix 5
Extracts from the Orissa Forest Act 1972

The Orissa Forest Act, 1972
ORISSA ACT 14 OF 1972

(Assented to by the President on the 29th June, 1972)
An Act to consolidate and amend the laws relating to the protection
and management of forests in the State

31. Power to make rules for village forests- (1) The State Government may make rules for regulating the management of village forests and for prescribing the conditions under which the community of group of communities for the benefit of which any such village forest is constituted may be provided with forest produce or with pasture, and their duties in respect of the protection and improvement of such forest.

(2) The State Government may, by such Rules, declare all or any of the provision of Chapter II to be applicable to village forests.

32. Inquiry into and Settlement of rights-

All claims to any right other than the rights of the village community or group of village communities for the benefit of which such village forest is constituted, shall be inquired into , recorded and provided for in such manner as may be prescribed.

82. Additional powers to make rules-(1) The State Government may make rules-

- (a) to prescribe and limit the powers and duties of any Forest Officer under this Act:-
- (b) to regulate the reward to be paid to officers and informant out of the proceeds of fines and confiscations under this act.
- (c) for the preservation and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation of private persons; and
- (d) generally to carry out the provisions of this Act.

(2) All rules made under this Act shall, as soon as may be after, they are made, be laid before the State legislature for a total period of fourteen days which may be comprised in one session or in two or more successive session and if during the said period, the State legislature makes modifications, if any therein, the rules shall thereafter have effect only in such modified form, or, however, that such modifications shall be without prejudice to the validity of anything previously done under the rules.

Appendix 6

Extracts from the Hill District Councils Acts 1989

**BANGLADESH GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Monday, March 6, 1989

Part V- **Bills, Act, etc. of the Jatiya Sangsad, Bangladesh Jatiya Sangsad.**

Dhaka, Falgun 22, 1395/March 6, 1989.

The following laws passed by the Sangsad have received the assent of the President on March 6, 1989 (Falgun 22, 1395) and are hereby published for general information: -

Act XIX of 1989

An Act to establish Rangamati Hill District Local Government Council.

Whereas it is expedient and necessary to enact laws to establish a Council for the overall development of Rangamati Hill District inhabited by different backward tribal people:

It is hereby enacted as follows: -

1. Short Title & Commencement. - (1) This Act may be called Rangamati Hill District Local Government Council Act, 1989.

(2) It shall come into force on such date as the Government by notification in the official gazette appoint.

3. Constitution of the Rangamati Hill District Local Government Council. - (1) As soon as may be, after the commencement of this Act, there shall be constituted, in accordance with the provisions of this Act, the Rangamati Hill District Local Government Council in Rangamati Hill District.

22. Functions of the Council. -The functions as set out in the First Schedule shall be the functions of the Council and it shall perform the functions consistent with the fund.

23. Transfer of functions of the Government and the Council. -Notwithstanding anything contained in this Act or any other law for the time being in force, the Government may, with the consent of the council, direct that-

- (a) any institution or service maintained by the Council shall be transferred to the management and control of the Government; and

- (b) any institution or service maintained by the Government shall be transferred to the management and control of the Council.

24. Executive power. –The executive powers of the council shall extend to the doing of all acts necessary for the due discharge of its functions under this Act.

(2) Save as otherwise provided in this Act and the rules, the executive powers of the Council shall vest in and be exercised by the Chairman, either directly or through any person authorised by him, in accordance with this Act and the rules.

(3) All acts of the council whether executive or not shall be expressed to be taken in the name of the council and shall be authenticated in the manner prescribed.

25. Disposal of business. –(1) All business of the council shall, to the extent and in the manner prescribed, be disposed of at its meetings or at meetings of the committees or by the Chairman, the member or any other officer or employee of the council.

(2) All the meetings of the council shall be presided over by the Chairman and, in his absence, by any tribal member chosen from among the members present in the meeting.

(3) No act or proceedings of the council shall be invalid merely by the reason of the existence of any vacancy in the seat of a member or any defect in its constitution or by reason only that some person who was not entitled to do so, sat or voted or otherwise took part in its proceedings.

(4) A copy of the minutes of each meeting of the council shall be sent to the Government within fourteen days of the holding of the meeting.

26. The right of the Chakma Chief to attend the council meeting. –The Chakma Chief of Rangamati, if he so desires or on being invited, may attend any council meeting and may express his opinion on any matter under discussion of the council.

50. Supervision over the Council. - The Government shall exercise general supervision and control over the Council in order to ensure that their activities Confirm to the purposes of this Act.

64. Restriction on land transfer.–Notwithstanding anything contained in any law for the time being in force, no land within the boundaries of Rangamati Hill District shall be given in settlement without the prior approval of the Council and such land cannot be transferred to a person who is not a domicile of the said district without such approval :

Provided that, this provision shall not be applicable in case of areas within the Protected and Reserved forests, Kaptai Hydroelectricity Project, Betbunia Earth Satellite Station, land transferred in Government and Public interest, land or forest required for state purposes.

65. Special regulation regarding land Development tax.– Notwithstanding anything contained in any law for the time being in force, the Government may, by a notification in the official gazette, entrust the

responsibility of collecting land development tax and may, by a similar notification, credit the whole or a portion of such tax, realised in the district, to the Council fund as grant.

66. Provision regarding settlement of disputes on tribal matters.-(1) In the event of any social, cultural or tribal dispute among tribal people domiciled in Rangamati Hill District, the same should be referred to the local Karbari or Headman for settlement and he shall settle the dispute according to existing custom of the tribes concerned.

(2) Appeal against the decision of the Karbari or Headman shall lie with the Rangamati Chakma Chief.

(3) Appeal against the decision of the Chakma Chief shall lie with the Commissioner of Chittagong Division and his decision shall be final:

Provided that, before disposal of the appeal he will consult with not less than three tribal elders nominated by the tribe concerned.

(4) For the settlement of disputes mentioned in this section, the council may, by regulation, determine-

- (a) judicial procedure;
- (b) fees payable by the plaintiff and the appellant.

67. Order regarding co-ordination of council and government activities.-The Government may, if deemed necessary, by order make provisions for co-ordination of activities between the Council and Government authorities.

68. Power to make rules.-(1) The Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act.

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

- (a) powers and duties of the Chairman and members of the Council;
- (b) maintenance of accounts and their audit;
- (c) procedure for prescribing obligations of the Officers, employees of the council and any other person;
- (d) procedure for appeal against order of the Council;
- (e) Procedure for inspection of the Council and the power of the inspector;
- (f) any other matter that should be or may be determined by rules under this Act.

69. Power to make regulations.-(1) For carrying out the purposes of this Act, the Council may, with the prior approval of the Government, make regulations not inconsistent with the provisions of this Act or any rule.

(2) In particular and without prejudice to the generality of the foregoing powers, provisions may be made for all any of the following matters in such regulations, namely :

- (a) conduct of business of the Council;
- (b) prescribing quorum for Council meeting;
- (c) raising of Council meeting;
- (d) convening of Council meeting;

- (e) recording of proceedings of the Council meeting;
- (f) implementation of resolution passed in the Council meeting;
- (g) custody and use of the common seal;
- (h) delegation of Chairman's power to an officer of the Council;
- (i) formation of departments and sections of the Council office and determining the jurisdiction thereof;
- (j) all matters relating to the execution of work;
- (k) appointment and discipline of all officers and employees to be appointed by the Council;
- (l) all matters regarding levy and collection of taxes, tolls and fees;
- (m) prevention of trespass on Council property;
- (n) registration of sale of cattleheads and other animals;
- (o) registration, management and control of orphanage, widow home and other relief organisations for the poor;
- (p) management and control of public properties;
- (q) implementation of vaccination programme;
- (r) prevention and control of infections diseases;
- (s) prevention of food adulteration;
- (t) prevention of public nuisance;
- (u) control of dangerous and harmful trade and commerce;
- (v) management and control of cattle fold;
- (x) traffic control;
- (y) holding and control of faire, exhibition, sports; matches and public rallies;
- (z) implementation of compulsory education programme;
- (aa) prevention of beggary, juvenile delinquency, prosecution and other anti-social activities;
- (bb) prescribing the circumstances requiring license and the conditions for granting thereof;
- (cc) any other matter that should be or may be controlled by regulations under this act.

(3) Each regulation shall be published in such a manner as in the opinion of the Council, will make the public well informed about it.

79. Objections regarding provisions of any law- If any law, passed by the Jatiya Sangsad, applicable to Rangamati Hill District, is found to be hurtful to the district or objectionable to the tribal people in the opinion of the Council, it may file a petition in writing to the Government stating the reasons of its being hurtful or objectionable for the purpose of amending or relaxing its application in the Government shall, after being considered its reasonableness in the light of the petition, adopt necessary remedial measures.

FIRST SCHEDULE
Functions of the Council
(See section 22)

1. Maintenance and improvement of the law and order of the district.

2. Coordination of the development activities of local authorities of the district; monitoring the implementation of its development projects and audit thereof; rendering assistance, cooperation and encouragement.

3. Education-

- (a) establishment and maintenance of primary schools;
- (b) establishment and maintenance of public libraries;
- (c) provision of scholarships and stipends;
- (d) establishment and maintenance of hostels;
- (e) training of primary teachers;
- (f) grant-in-aid to educational institutions;
- (g) arrangement of adult education;
- (h) provision of food and supply of milk to child students;
- (i) supply of text books free or at reduced price amongst poor and distressed students;
- (j) setting up and management of sales centres for text books and educational materials.

4. Health-

- (a) establishment and maintenance of hospitals, clinics, first-aid centre and dispensaries;
- (b) formation of mobile medical units and encouragement information of societies for giving medical aid;
- (c) training of midwives;
- (d) control and prevention of malaria and infectious diseases;
- (e) adoption and implementation of family planning programme;
- (f) establishment, maintenance and inspection of health centres;
- (g) inspection of duties of compounders, nurses and other health workers;
- (h) arrangement for primary healthcare.

6. Agriculture and forests-

- (a) agricultural development and setting up and maintenance of agriculture farms;
- (b) development and conservation of both reserved and unreserved forest resources;
- (c) popularization of improved agricultural method, maintenance of improved farm implements and giving those implements to the farmers on loan;
- (d) taking measures for cultivation of fallow lands;
- (e) conservation of forestry in rural areas;
- (f) construction and repair of embankments and supply, collection and control of water for agricultural purpose without causing hindrance to Kaptai Hydro Electricity Projects;
- (g) development of agricultural education;
- (h) conservation and reclamation of land and drainage mars;
- (i) maintenance of crop statistics, measures for crop security, seed loan for sowing and distribution of chemical fertilizer and popularization of its use;
- (j) plantation of trees on road sides, public places and their maintenance.

7. Animal husbandry-

- (a) promotion of livestock and poultry;
- (b) establishment and maintenance of veterinary hospitals;
- (c) building up stock of cattle folder;
- (d) preservation of domestic livestock ;
- (e) provision and development of pasture land;
- (f) prevention and eradication of poultry diseases and prevention and control of infectious poultry diseases;
- (g) setting up milk villages and provision and control of sanitary cattle sheds;
- (h) setting up and maintenance of domestic cattle farms;
- (i) setting up and maintenance of poultry farms;
- (j) taking measures for improvement of domestic livestock and poultry farming;
- (k) setting up and maintenance of dairy farms.

8. Promotion of fisheries, establishment and maintenance of fishery farms, prevention and control of fishery diseases.

9. Promotion, popularization of and giving encouragement to cooperatives.

10. Trade and commerce-

- (a) establishment of and giving encouragement to small and cottage industries;

- (b) preparation and implementation of indigenous commercial project;
- (c) establishment, control and maintenance haats and markets;
- (d) procurement of raw materials for rural industries and marketing arrangement of the products;
- (e) training of workers of the rural industries.
- (f) establishment and maintenance of rural sales centres.

11. Social welfare-

- (a) welfare homes for the destitute, homes for shelterless, orphanages, widow homes and establishment and maintenance of other welfare institutions;
- (b) arranging burial or funeral rites of pauper;
- (c) prevention of beggary, prostitution, gambling, drug addiction, juvenile delinquency and other social evils;
- (d) promotion of social, civic and patriotic qualities amongst the citizens;
- (e) organising legal aid for the poor;
- (f) taking measures for settlement of disputes through arbitration and compromise;
- (g) relief and rehabilitation of the destitute and uprooted families;
- (h) taking other social welfare and social upliftment measures.

12. Culture-

- (a) organising and encouraging general and tribal cultural activities;
- (b) organising sports and games for the public;
- (c) providing and maintenance of radio in the public places;
- (d) setting up of museums and art galleries and organising exhibition;
- (e) establishment of public halls and community centres and arranging space for public meetings;
- (f) spreading of civic education and publication of information on local government , rural development, agriculture, cattle breeding and other matters of public interests;
- (g) celebration of national day and tribal festivals;
- (h) reception of distinguished guests;
- (i) promotion of gymnastics, encouragement to sports and organising rallies and matches;
- (j) preservation of historical and original characteristics of the local areas;
- (k) establishment and maintenance of information centres;
- (l) other cultural promotion measures;

13. Construction, maintenance and development of highways, culverts and bridges not reserved by the government or any local authority.
14. management and control of such ferries which are not maintained by the government or any local authority.
15. Provision of public parks, sports grounds and open spaces and maintenance thereof.
16. Establishment and maintenance of inns, inspection bungalows and rest houses.
17. Implementation of development plans entrusted to the Council by the government.
18. Development of communication system;
19. Provision of drainage and water supply system, metalling of roads and other essential public welfare activities.
20. Preparation of plans for local development.
21. Taking measures of religious, moral and economic upliftment of the locality and its inhabitants

Appendix 7

Chittagong and Chittagong Hill Tracts Reserved Forests Fire Protection Rules 1958

THE CHITTAGONG AND CHITTAGONG HILL TRACTS RESERVED FORESTS FIRE PROTECTION RULES, 1958

[Notification No. 1692 for-23rd October 1958- In exercise of the powers conferred by clause (d) of section 76 of the Forest Act, 1927 (Act XVI of 1927) and in supersession of their Department notification No 41 For, Dated the 16th January 1958 the Governor is pleased to make the following rules, namely.]

1. (a) These Rules may be called the Chittagong and Chittagong Hill Tracts Reserved Forests Fire Protection Rules, 1958.

(b) These Rules apply to the Reserved Forests of the Chittagong and Chittagong Hill Tracts and will hold good during the season from the 1st day of November in one year to the 1st day of June in the following year.

2. No person shall clear by fire any forest or grass land within 300 yards from the Reserved Forests boundary without a special permit obtained from the District Magistrate, Chittagong or the Deputy Commissioner, Chittagong Hill Tracts, as the case may be, in writing. The District Magistrate, Chittagong or the Deputy Commissioner, Chittagong Hill Tracts, as the case may be, shall consult the Divisional Forest Officer, before issuing such permit.

3. Any person intending to clear by fire any forest or grass land within half a mile from the Reserved Forest boundary, shall observe the following.

(a) he shall give at least 72 hours notice to the nearest Forest Officer of his intention to do so,

(b) he shall clear at least a 20 feet wide clear belt along the boundaries of the land intended to be cleared by fire, towards the reserved forests before the fire is set, and

(c) he shall set fire from the side of the cleared belt mentioned in (b).

4. Any person collecting inflammable forest produce such as grass, bamboos, etc, either within the reserved forest or within half a mile from the reserved forests boundary, shall stack the materials so collected at a place cleared of all inflammable debris in belt of 20 feet surrounding the outer periphery of the attack.

5. No person shall burn fire for the purpose of cooking or otherwise in a reserved forest except in the camping grounds cleared and set apart for this list of such camping grounds. Any person so camping shall extinguish all such fires before leaving the camping ground.

6. No person shall carry burning wood, fire brands smoldering material or make in any from though or along, the reserved forests.

No. 1742-27th October 1958-In exercise of the power conferred by section 17 of the Forest act,1927 (XVI of 1927), the Governor is pleased to appoint the Commissioner of the Chittagong Division to be the officer who shall her appeals from the orders passed by the Forest Settlement Officer referred to in the said section.

By order of the Governor,

Q.M.RAHMAN.secy.

Appendix 8

Chittagong Hill Tracts Forest Transit Rules 1973

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF FORESTS, FISHERIES AND LIVESTOCK

Section - 1

Dacca the 17th January 1974.

No-1/For.68/73/13-In exercise of the powers conferred by sections 41, 42 and 76 of the Act-1927 (XVI of 1927) and in supersession of the Chittagong Hill Tracts Forest Transit Rules, 1942, Published under the **late Government** of Bengal Notification No. 166/S dated the 14th September 1942, the Government is pleased to make the following rules to regulate the transit by land or water of all timber or other forest produce within into or from and control of saw-pit and timber depots within, the district of Chittagong Hill Tracts, namely.

CHITTAGONG HILL TRACTS FOREST TRANSIT RULES, 1973

1. Short title, application and commencement:(1) These rules may be called the Chittagong Hill Tracts Forest Transit Rules, 1973.

(2) They shall apply in the district of Chittagong Hill Tracts in respect of all timber or other forest produce from: -

(i) reserved and protected forest;

(ii) land being property of Government which has not been notified as reserved or protected forest ; and

2. Definitions:In these rules, unless there is anything repugnant in the subject or context, -

(a) "Act" means the Forest Act, 1927 (XVI of 1927);

(b) "Form" means a form appended to these rules.

3. Permits and fees: (1) **Removal of timber or other forest produce from reserved and protected forests -**

No timber or other forest produce may be removed except under cover of a Forest Direct rate permit and subject to the conditions and rates laid down in the schedule of rates for the time being in force. The holder of such permit shall be entitled in the production there of to take the timber or other forest produces described therein past any revenue check station specified in rule 5 without further payment provided the quantities have been correctly entered and the dues there on have been correctly charged.

(2) Removal of timber or other forest produce from other Government land which are not reserved or protected forests :

Permit shall be obtained from the Divisional Forest Officer concerned or any other person authorized in this behalf by the Conservator of Forest within whose jurisdiction the Chittagong Hill Tracts district is situated. Issuance of permits shall be subject to the conditions and rates laid down in the schedule of rates for the time being in force ; and the permit shall be valid only for the period mentioned therein No permit shall be issued from mouzas adjoining the reserved and protected forests and mouzas proposed for reservation.

Site-marking of the produce shall be done at stump site as far as practicable; but the Divisional Forest Officer may relax this condition in a case as he deems fit.

Exception:- Members of hill tribes residents in the Chittagong Hill Tracts may cut and remove firewood or other minor forest produce (with the exception of such items as may be declared as prohibited) free of royalty from the unclassed state forests for bona fide home consumption only.

4. Control of timber depots:(1) Any person who owns a saw-pit or timber depot or intends to establish saw-pit or timber depot shall fulfill the following condition, namely: -

(a) every person who has a saw-pit or timber depot or intends to establish a saw-pit or timber depot shall take a license from the Divisional Forest Officer within whose jurisdiction such an establishment exists or is intended to be established.

(b) shall pay a fee of Taka twenty-five for issue of initial license.

(c) pay renewal fee of Taka five only for each subsequent year or part thereof ;

(d) the licensee shall be required to maintain register of his transaction of timber in Form F;

(e) the licensee shall be required to submit monthly return of his transaction of timber and other forest produce or timber or forest produce to the Divisional Forest Officer concerned.

(f) every licensee shall produce his account of timber and other forest produce to any Forest Officer on demand.

(2) The license shall remain valid for one year or up to the 30th June of the year, whichever expires earlier.

(3) Operations of saw-pit or timber depots between sun-set and sun-rise shall be prohibited except under special permission from the Divisional forest Officer within whose jurisdiction the said establishment is situated.

(4) Failure to maintain accounts of timber transaction as referred shall render the owner liable to blacklisting and forfeiture of timber, stores, tools, plants and cancellation of license together with such punishment as may be imposed under the Act.

(5) Timber or other forest produce of private lands, the owners of which have the right to remove the same without payment of royalty.

(a) Application for permission to extract timber or other forest produce free of royalty from private lands shall be made to the Divisional Forest Office through the Deputy Commissioner, in Form A.

(b) There shall be only one application in respect of any state, or lot in any one year commencing on the 1st the of July.

(c) A court-fee of only 25 paise is liable on the application in Form A.

(d) The Deputy Commissioner shall cause the title to the land and the right to extract timber or other forest produce free of royalty to be verified and shall after verification, forward the application in Form A to the Divisional Forest Officer concerned.

(e) The Divisional Forest Officer shall cause an inspection of the estate or lot and if he is satisfied that there exists thereon, timber or other produce in accordance with that stated in column 5 of the statement on the reverse of Form A, he shall fill in column 6 of the statement and issue a permit in form B for such Quantity as he deems appropriate.

(f) A person whom a license in Form B has been issued shall be entitled to extract free of royalty, from his estate or lot the quantities laid down in the license in accordance with the conditions specified therein during the period stated in the license.

(g) Every dispatch of timber or other forest produce under the authority of the license in Form B shall be covered and accompanied by a certificate of origin issued by the license, Certificates of origin shall be in two forms annexed to these rules, namely, Form C to be used when the timber or other forest produce is to be removed by shoulder loads and Form D when are timber or other forest produce is to be removed by any other means.

(h) It shall not be lawful for any person to whom a license in Form B has not been issued to issue any certificate of origin or any other form of permit or pass purporting to authorize the extraction or export of any timber or other forest produce from his land.

Application for obtaining forms of certificate of origin shall be made in writing to the Divisional Forest Officer by whom the license in Form B was issued, giving the following information, namely.

- (i) number and date of this license in form B;
- (ii) the number and the particular of the form (whether Form C or form D) of certificate of origin required ; and
- (iii) six copies of the specimen signature of the person authorised to issue such certificates.

(i) The counterfoils of all certificates of origin issued by the license or his authorized agent shall be duly filled in at the time of issue and all books or certificates shall be liable to inspection, from time to time, by an officer of the Forest Department not below the rank of a Range Officer.

(j) All books of certificate of origin whether used, partially used or unused shall be returned to the Forest Officer from which they were obtained, within ten days from the date of expiry of the license in Form B which shall also be returned therewith and no fresh license shall be issued unless the provisions of the rule have been complied with.

(k) All timber and dugouts to be extracted from lands adjacent to reserved or protected forests shall be marked by a forest officer not below the rank of a Deputy Ranger before such timber or dugouts is removed from the place of felling.

(l) Any person importing, exporting or removing forest produce into, from, or within, the area specified in sub-rule (2) of rule 1 or any person in-charge of such forest produce shall produce the transit pass, permit or certificate of origin on demand by a Forest Officer or Police Officer.

(6) All timber or other forest produce in transit covered by a permit, certificate of origin or transit pass, issued in a district other than the Chittagong Hill Tracts shall be taken to the nearest revenue check station as specified in rule 6 on the route of extraction for examination, measurement counting and, if necessary, marking. The officer who check the produce shall endorse the permit, certificate of origin or transit pass, as the case may be, as proof of his check or will issue a transit pass as provided in rule 5.

5. Movement of timber and other forest produce by road, rail and sea :

(1) (a). The booking or moving of timber or other forest produce listed below by rail, vehicle, steamer, motor vessel, boat or other craft beyond the limits of the district of Chittagong Hill Tracts except under a Forest Department transit pass in Form 1674 is prohibited :-

(i) timber in the log or rough hewn timber, fire-wood and charcoal, poles and house posts, boats and dugouts;

(ii) bamboos and canes, mats, baskets and stick of bamboo or cane;

(iii) forest leaves for thatching purposes, bark of all kinds, agar, catchu, lac, wild honey and wax;

(iv) horns, skins and other parts or produce of wild animals and birds; and

(v) any other produce defined as forest produce in clause (b) of sub-section (4) of section 2 of the Act.

(b) Where it is intended to export timber or other forest produce referred to in sub-rule (a) beyond the limits of the district of Chittagong Hill Tracts the permit issued under sub-rule (1) of rule 3 or sub-rule (2) of that rule, or the certificate of origin in Form D issued under pass in Form 1674 obtainable at the officer of the Divisional Forest Officer, Forest Utilization Division, Chittagong.

(2) In the case of timber or other forest produce booked to a destination within the limit of the district of Chittagong Hill Tracts, Forest Directorate permit and certificate of origin shall be deemed to be transit passes for the purpose of these rules.

6. Stoppage of timber or other forest produce:

(1) All timber or other forest produce to which these rules apply or any craft suspected to contain such produce shall be liable to stoppage by any forest Officer on any route or at any Forest office in order that it may be produced examined or checked and that if any amounts are found due

and payable on such produce, such amounts may be realized at the following revenue check stations namely.

| Name of stations | Situation | River, khal or stream |
|-------------------------|--|--|
| 1. Mainimukh | Junction of Mainimukh and Kassalong river | Maini and Kassalong |
| 2. Barkal | Barkal | Karnafuly |
| 3. Fringkyong | Near Chitmariam village | Karnafuly |
| 4. Chandraghona | Chandraghona | Karnafuly |
| 5. Alikadum | Alikadum | Matamohari |
| 6. Raingkheong | Near Karnafuli Hydro- electric Project. | Karnafuly lake |
| 7. Pablakhali | Junction of Kassalong and Pablakhali. | Kassalong and Pablakhali |
| 8. Gattachara | Junction of Kassalong and Gattachara | Kassalong and Gattachara |
| 9. Gulsakhali | Junction of Kassalong and Gulsakhali. | Kassalong and Gulsakhali. |
| 10. Mohallya | Junction of Chota Mohallya and Kassalong. | Kassalong and Chota Mohallya |
| 11. Pakuakhali | Junction of Bara Mohallya and Kassalong | Kassalong, Pakuakhali and Bara Mohallya. |
| 12. Marissa | Junction of Marissa and Kassalong. | Kassalong and Marissa Chara. |
| 13. Kachuchari | Junction of Kachuchari and Shishak. | Kachuchari and Shishak. |
| 14. Bagaichari | Bagaichari | Bagaichari |
| 15. Kadamatali | Kadamatali Chara | Kadamatali Chara |
| 16. Tintilla | Junction of Ranabanchara Kasslong | Kasslong and Ranabanchara |
| 17. Banuichara | Banuichara | Banuichara |
| 18. Pakurjachara | Pakurjachara | Pakurjachara |
| 19. Gangaram | Junction of Gangaram and Kassalong | Kassalong and Gangaram. |
| 20. Maraichari | Maini river. | Maini river. |
| 21. Kassalongmukh | Junction of Kassalong river and Karnafuli river. | Kassalong and Karnafuli |
| 22. Manikchari | On Rangamti-Chittagong Road near Manikchari bridge | Manikchari Khal |
| 23. Silchari | On Chittagong-Kaptai Road | Karnafuli |
| 24. Fringkheong | Area Kaptai. | |

(2) Produce not covered by a pass shall be liable to detention for enquiry at the cost and risk of the owner claiming title to such produce.

7. Prevention and removal of obstructions in rivers : (a) the closing up or obstructing of any river, stream of channel or the bank of any river stream or channel used or likely to be used for the transit of timber or other forest produce or the stoppage of a navigation of the same is prohibited.

(b) The Divisional Forest Officer may order any person who, by his act of negligence, has caused such closure, obstruction or stoppage to remove the same within a time as may be in the order specified or may cause such obstruction to be cleared and recover the cost of such clearance from the person by whose act or negligence it was so caused, if necessary as an arrear of land revenue.

8. Registration of property mark: (a) All traders dealing in timber and dugouts shall mark such produce with a property mark which shall be registered with the Divisional Forest Officer and every such registration to continue in force shall be renewed each year before the 1st of July.

Each such Mark shall consist of a device or letter or numerals or a combination of them and shall be subject to the approval of the Divisional Forest Officer before registration;

Provided that any timber not removed from land for which a license has been issued under sub-rule (5) of rule 4 shall not be marked.

(b) the use of an unregistered property mark on timber and dugouts in transit is prohibited.

(c) A fee of one taka is liable for the registration of each property mark and of 25 (twenty-five) paisha for each subsequent annual renewal of such registration, provided the certificate of registration is renewed before expiry.

(d) A certificate of registration in Form E showing the property mark registered shall be given to each person registering his mark.

(e) In the event of the registration of a property mark not being renewed the marking hammer, however, shall be produced to the registering authority within fifteen days of the date of expiry of the certificate of registration for defacement and the expired certificate shall be surrendered for destruction.

(f) the loss of a certificate of registration or of a registered property mark hammer shall be reported immediately to the registering authority. A duplicate certificate of registration shall be issued on payment of 25 (twenty-five) paisha. A lost hammer shall not be duplicated but shall be replaced by a different property mark to be registered a new.

9. Penalties : Any person infringing any provision of these rules shall be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to taka five hundred or, with both.

FORM "A"

[See rule 4(5) (a)]

Application form for a license to extract timber or other forest produce free of royalty

1. Name of applicant.....
2. Father's name.....
3. Village, residence and thana.....
4. Jurisdiction list of the plots withthana from which the timber or forest produce is to be removed. :
5. Survey number of the plots withKhatian number, or touzi numberif the Khatian cannot be filed.
6. Name of the Divisional ForestOfficer under whose Jurisdiction the estate is situated.
7. Name of the Khas Mahal office to which rent is paid.
8. Route by which produce is to be removed.
9. (a) Is the applicant undisputed 16annas owner of the plots in question?
(b) Is he in khas possession of them?

NOTE – Separate application is to be filed for each estate.

.....

Signature of the applicant

Report by civil authorities:

No. dated

Forwarded to the Divisional Forest Office

Division. According to records in my office the applicant is entitled to have the license if the produce as noted in column 5 on the reverse is available.

.....

Signature and Designation

Details of timber or other forest produce for which license is required and Forest Range Officer's report after enquiry.

N.B.-Column 1 to 5 shall be completed by applicant column 6 by Range Officer.

| Item | Kind of timber or other forest produce | Number and date of last license and quantity allowed. | Quantity actually removed under last license | Quantity for which license now asked for. | Quantity allowed by Range Officer after inspection. |
|------|--|---|--|---|---|
| | | | | | |

.....

Signature of applicant.

.....

Signature of Forest Range Officer

No..... dated.....

Returned to Divisional Forest Officer,Division for information.

License No..... dated has been issued for the quantities shown in column 6.

Range OfficerRange.

N.B. : If the quantities asked for above have been reduced, a report giving reasons for reduction shall be attached.

FORM B

[See rule 2(3) (e)]

Free License No ... for...

To..... son of.....

of village.....police station.....

This license issued in accordance with the Chittagong Hill Tracts Forest Transit Rules, 1942, Framed by the Governor under sections 41, 42 and 76 of the Forest Act, 1927 (XVI of 1927), permit you to remove from: -

Lot No./Lot/Taluk No.....mauza.....

.....police-station.....by the

..... route, timber or other forest produce of the kinds specified therein.

This license in issued subject to the conditions endorsed on the reverse hereof.

Schedule

| Serial No | Kind of timber or other forest produce. | Number/Quantity permitted. | Remarks. |
|-----------|---|----------------------------|----------|
| 1 | 2 | 3 | 4 |
| | | | |

Date of issue

Range Officer

Date of expiry

.....Range

CONDITIONS

(1) No timber or other forest produce different in kind from or exceeding in amount that specified in this license shall be exported.

(2) Every dispatch of produce shall be covered accompanied by a Certificate of origin issued by the license or his authorized agent.

Note- The certificate of Origin shall be in the approved forms obtainable from the Forest Range Office at cost price. Form "C" is to be used when the timber or other forest produce is exported by any other means.

3. The amount of each dispatch of produce shall be recorded at the time on a sheet of paper to be kept attached to this license noting the date and the serial number of the Certificate of Origin covering it.

4. This license is liable to be cancelled for a breach of any of these conditions or of any rule in force for the control of timber or other forest produce in transit. the licensee that also be liable to any further penalty prescribed in rule 8 of the Forest Transit Rules.

5. This license with the record of dispatches of produce attached together with all books of Certificate of Origin, whether used, partly used or unused, shall be returned to Forest Officer from whom they were obtained within ten days from the date of its expiry. Failure to observe this condition may preclude the licensee from obtaining any further such license and shall also render him liable to further penalty prescribed in rule 8 of the Forest Transit Rule.

FORM C

[See rule 2(3) (8)]

FOREST DIRECTORATE, BANGLADESH

.....Division

Book No.....

Permit No.....

Certificate of Origin for removal of shoulder-borne timber or other forest produces from private lands

.....son of.....Villagepolice station.....is permitted to remove one shoulder load of the following timber or other forest produce daily from the private lands of in accordance with license (Form B) No.....dated.....on the.....Range.

| Serial No. | Description of timber or other forest produces | Route |
|------------|--|-------|
| | | |

This certificate will remain in force from theof the.....

Date of issue.....

FORM D

[See rule 2(3) (8).]

| Counterfoil | Original |
|---|---|
| Book NoSerial No..... | Book NoSerial No..... |
| CERTIFICATE OF ORIGIN | CERTIFICATE OF ORIGIN |
| Forest Directorate, East Pakistan | Forest Directorate, East Pakistan |
| 1. Locality of origin- | 1. Locality of origin- |
| a) Name or situation of forest | a) Name or situation of forest |
| (b) Name of forest-owner..... | (b) Name of forest-owner..... |
| 2. Name and address of owner of timber or other forest produce..... | 2. Name and address of owner of timber or other forest produce..... |
| 3. Description of produce and quantity | 3. Description of produce and quantity |
| 4. Property-marks and other hammer marks (see reverse) | 4. Property-marks and other hammer marks (see reverse) |
| 5. Destination | 5. Destination |
| 6. Routes | 6. Routes |
| 7. Date of expiry of certificate | 7. Date of expiry of certificate |
| 8. Signature of issuing officer..... | 8. Signature of issuing officer..... |
| 9. Date | 9. Date |

(No transit fee are payable)

FORM E

(See rule 7)

**GOVERNMENT OF BANGLADESH
FOREST DEPARTMENT**Certificate of Registration of Property-mark
(Issued under rule 7 of the Chittagong Hill Tracts Forest Transit Rule, 1973)

1. The mark shown above is the registered property-mark of –

Name

Father's name

Village

Post Office

Thana

District

2. Date of expiry of registration – 30
- th
- June. 19
-
- Dated the19

(Signature)
Divisional Forest Officer**Form of Renewal of Registration**

| Date of renewal. | Date of expiry. | Signature and designation of renewing officer |
|---------------------------|-----------------|---|
| 30 th June. 19 | | |
| 30 th June. 19 | | |
| 30 th June. 19 | | |
| 30 th June. 19 | | |
| 30 th June. 19 | | |

Forest Directorate

FORM OF CERTIFICATE OF REGISTRATION

Book No Certificate No

Certificate that son ofcaste inhabitant of
in the thana ofdistrict has this day registered a boat No
of which the length is.....feet, of which the breadth isfeet
inches, of which the depth isfeetinches.
Maud capacity is maunds.Station from which is issued
Date of issue
Date up to which registration will hold good.....

Registration number and marks} Registration depot latter
Registration number
Year mark

Officer-in-Charge
.....station.

Appendix 9

Kerala Forest Produce Transit Rules 1975

*THE KERALA FOREST PRODUCE TRANSIT RULES, 1975

(Selections 39, 40 and 76)

S.R.O No. 76/76.- In exercise of the powers conferred by Sections 39, 40 and 76 of the Kerala Forest Act, 1961 (4 of 1962) and in supersession of (i) the rules published under G.O. (p) No. 631 Agriculture (Forest B) Department dated 10th June, 1959, in the Kerala Gazette No. 26, Part I dated the 30th June, 1959, and (ii) the rules published by the former Government of Madras under G.O.M.S. No. 2762/Agri. dated the 26th November, 1955, as in force in the Malabar District referred to in sub-section (2) of Section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), the Government of Kerala hereby make the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called the Kerala Forest Produce Transit Rules, 1975.

(2) They shall come into force at once.

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

(a) "Act" means the Kerala Forest Act, 1961 (4 of 1962);

(b) "form" means a Form appended to these rules.

1[(c) forest produce in transit includes 'forest produce' as defined in sub-clause (f), 'timber' as defined in sub-clause (k), and 'tree' as defined in sub-clause (l) of Section 2 of the Act, found on or on the margin of any public road, whether loaded in carts or other vehicles or not and forest produce found in any river or stream whether tied into rafts or not];

3. Import, export and transport of timber and other forest produce.-(1) No person shall;

import timber or other forest produce into the State; or

export timber or other forest produce from the state; or

transport timber or other forest produce by land, by rail or by water in any part of the State, unless such timber or other forest produce is accompanied by a pass required by these rules, and unless the timber is stamped by a Government stamp or a stamp registered as laid down in Rule 11.

2[(2) Government may by notification in the Gazette exempt any species of trees or any area within the State from the operation of sub-rule (1) for the purpose of giving incentive to grow trees on private lands.]

3[(a) Any person desiring to export timber or other forest produce outside India shall obtain a clearance order in Form No. 11 from the Divisional Forest Officer, or Assistant conservator of forests having jurisdiction over the area. For this purpose he shall put in an application in Form No. 1 at least 14 days before the proposed date of export to the Divisional Forest Officer or Assistant conservator of Forests as the case may be.

(b) On receipt of an application under clause (a), the Divisional Forest Officers, or Assistant Conservator of Forest, as the case may be, shall issue a clearance order in Form No. 11 to the applicant, after satisfying himself of the genuineness of the produce intended or export].

(c) The Divisional Forest Officer or Assistant Conservator of Forests shall return the original records received along with the application under clause (a) to the party concerned after making necessary endorsement thereon, to the effect that such and such logs or produce have been cleared for export.

Comments and Case Law

Transport of teak poles which are found to be not the property of the government without any valid permit or pass as required under R.3(i)(iii) - An order of confiscation of lorry cannot be passed for violation of the Rules. Bhargavan V. Divisional Forest Officer - 1994 91) KLT 29; ILR 1994 (2) Ker. 422.

4. Form and issue of passes.-(1) (a) All passes issued by the officers of the Forest Department, whether for export to places outside the State or for transport within the State, of timber and other forest produce shall, except as provided in Rules 5,6,7 and 8 be in Form III and shall be printed in triplicate, and shall have all the columns filled up by a duly authorised officer who shall sign and date each part, hand over the original to the applicant, send the duplicate to the officer-in-charge of the Division or Range, as the case may be, and keep the triplicate attached to the book as a counterfoil or record in his office.

Export passes shall be printed on red paper and marked "Export way permit" and shall be issued by the Divisional Forest Officers or other officers authorised in that behalf by the Chief Conservator of Forest on production of proof that the articles mentioned has been properly obtained and subject also to clause (iii) of the sub-rule (1) of Rule 3 wherever necessary.

Passes for timber and other forest produce belonging to the Government and purchased from Government land or from Government depot or elsewhere shall be printed on white paper and issued by the Range Officer or Depot Officer or by any other officer authorised in that behalf by the Chief Conservator of Forests. The validity of the passes issued under this clause, shall be subject to the conditions under which the sale of the produce was effected.

Passes for timber and other forest produce collected from private lands shall be printed on yellow paper and be marked "Private". Such passes shall be issued by the Divisional Forest Officer or Forest Range Officer or by any other officer authorised in that behalf by the Chief Conservator of Forest on application and production of proof that the forest produce was obtained from the place mentioned in the application and subject to such procedure as may from time to time be prescribed by the Chief Conservator of Forests. Every applicant for a pass under this clause shall in the case of land lying contiguous to a Reserved Forest or to lands at the disposal of Government, have the surveyed boundaries cleared and correctly fixed or demarcated on the ground and a declaration by the applicant to that effect shall accompany every such application.

If the forest produce is sold from a sale depot situate within the limits of a town, it shall be enough if the forest produce be covered by a way permit in Form III A in cases where the forest produce is not intended to be conveyed beyond the limits of the town in which the depot is situated and is for use within such limits.

(2) (a) Application for the issue of passes for the removal of teak, rosewood and ebony from private lands, shall be made to the Forest Range Officer having jurisdiction over the area from which such produce is proposed to be removed.

Every application for a pass for teak collected from plantations and rosewood shall be accompanied by a copy of the sanction order issued by the authorised officer under the Kerala Restriction on Cutting and Destruction of Valuable Trees Rules, 1974 and a list showing the quantity of timber proposed to be removed.

Application for the issue of passes for teak collected from areas other than plantations and ebony shall specify the village in which the private land is situated, the survey number, the sub-division number, if any, and the approximate area of the land and shall be accompanied by a list showing the quantity of timber proposed to be removed. If the Forest Range Officer, to whom the application is made considers that further particulars about the land are required, he may call for such information direct from the concerned village officer and the village officer shall furnish the information called for within seven days from the date of receipt of such requisition. Delay on the part of the village officer in supplying such information shall be reported by the Forest Range Officer to the concerned Tahsildar for appropriate action.

On receipt of the application under clause (a) and in cases where further particulars have been called for under clause (c), on receipt of such particulars, the Forest Range Officer shall personally inspect the land and the timber and if he is satisfied that the particulars furnished in the application are correct, forward the records to the Divisional Forest Officer with a certificate in the following form:-

"Certified that the land has been inspected by me on
 that the boundaries thereof have been
 checked and verified and that the timber as per the accompanying list has been collected
 from the areas specified in the application".

The Divisional Forest Officer shall, on receipt of the records from the Forest Range Officer, check the details and if satisfied that the applicant is entitled to get a pass, issue the same and forward the same to the Forest Range Officer. Every pass issued shall be valid till such date, not being a date beyond three months from the date of issue of the pass, as may be specified therein.

The Forest Range Officer shall, within one week from the date of receipt by him of the pass from the Divisional Forest Officer, stamp the timber and hand over the pass to the applicant.

(3) (a) Application for the issue of passes for transport of sandalwood from private lands shall be made to the Divisional Forest Officer having jurisdiction over the area from which such produce is proposed to be removed.

Every application for a pass shall be accompanied by a copy of the sanction order of the authorised Officer issued under sub-rule (ii) of Rule 5 of the Kerala Restriction on Cutting and Destruction of Valuable Trees Rules, 1974.

On receipt of an application under clause (a) the Divisional Forest Officer shall inspect the area and verify the collections by reforming each tree with reference to the dimensions of the corresponding pits and if he is convinced that the collections are genuine and the measurements and weights recorded are correct, he shall get the pieces stamped with the Division hammer at both ends in his presence and issue a pass for the pieces as well as for other parts of sandalwood such as chips and dusts, if any. Every pass issued shall be valid till such date, not being a date beyond fourteen days from the date of issue of the pass, as may be specified therein.

(4) (a) Application for the issue of passes for removing forest produce other than teak, rosewood, sandalwood and ebony from private lands shall be made to the Village Officer having jurisdiction over the area from which such produce is proposed to be removed:

4[Provided that no pass shall be necessary for the removal of the following species of timber, namely:-

| Sl. No. | Common Name | Scientific Name |
|---------|-------------|------------------------|
| 1. | Acacia | Acacia auriculiformis |
| 2. | Ambazham | Spondias mangifera |
| 3. | Anjily | Artocarpus hirsuta |
| 4. | Aranamaram | Polyalthia longifolia |
| 5. | Arayal | Ficus religiosa |
| 6. | Arecanut | Areca catchu |
| 7. | Asokam | Saraca indica |
| 8. | Athi | Ficus glomerata |
| 9. | Badam | Terminalia catappa |
| 10. | Cashew | Anacardium occidnetale |

| | | |
|-----|------------------------------|------------------------------|
| 11. | Casurina | Casuarina equisetifolia |
| 12. | Chembakom | Michelia champaca |
| 13. | Coconut | Cocos nucifera |
| 14. | Elavu | Bombax ceiba |
| 15. | Elenji | Mimusops elenji |
| 16. | Ghnaval | Syzygim cunimi |
| 17. | Gulmohar | Delonix regia |
| 18. | Ithy | Ficus gibbosa |
| 19. | Jacaranda | Jacaranda mimosaefolia |
| 20. | Jack | Artocarpus integrifolia |
| 21. | Jathi | Myristica gragrans |
| 22. | Kadaplavu | Artocarpus gomezianus |
| 23. | Kadukka | Terminalia chebula |
| 24. | Kara | Lanea coromandalica |
| 25. | Karingotta | Quassia indica |
| 26. | Kariveppu | Murraya koenigil |
| 27. | Kodam puli | Garcinia cambogia |
| 28. | Konna | Cassia fistula |
| 29. | Koovalam | Aegle marmelos |
| 30. | Kunnivaha | Albizzia odoratissima |
| 31. | Mahagony | Swietenia macrophyla |
| 32. | Mandaram | Bauhinia species |
| 33. | Mangium | Mangifera indica |
| 34. | Mango | Lagerstroemia |
| 35. | Manimaruthu (Neerventeak) | flosreginae Cassua suanea |
| 36. | Manjakonna | Hydnocarpus pentadra |
| 37. | Marotti | Ailanthus malabarica |
| 38. | Matti | Moringa pterygosperma |
| 39. | Muringa | Erythrina indica |
| 40. | Murukku | Azadirachta indica |
| 41. | Neem | Emblica officinalis |
| 42. | Nelli | Albizia lebbeck |
| 43. | Nenmeni vaha | Alstonia scholaris |
| 44. | Pala | Albezia falcataria |
| 45. | Peeli vaha | Peltophorum |
| 46. | Peltophorum | pterocarpum |
| 47. | Peral | Ficus bengalensis |
| 48. | Perumaram | Ailanthus excelsa |
| 49. | Ponthan vaha | Albizia chinensis |
| 50. | Poovarasu | Thespesia popilnea |
| 51. | Punna | Calo[hyllum inophyllum |
| 52. | Rain tree | Samanea saman |
| 53. | Rubber | Hevea braziliensis |
| 54. | Seemakonna | Glyricedia maculata |
| 55 | Silk cotton tree | Ceiba nentandra |

| | | |
|-----|------------|-----------------------|
| 56. | Spathodia | Spathodea companulata |
| 57. | Tamarind | Tamarindus indica |
| 58. | Thanni | Terminalia bellerica |
| 59. | Ungu | Pongamiapinnata |
| 60. | Vella vaha | Albezia procera |
| 61. | Vellappine | Vateria indica |

5[Provided further that no pass shall be required within the limits of Taliparamba, Cannanore, 6[XXXX] Kozhikode, Tirur, Ponnani, Perinthalmanna and Ottappalam Taluks; 7[Portions of Taluk lying west of koxhikode - Cannanore road;] portions of Badagara and Tellicherry Taluks ;lying west of Badagara - Tellicherry road; Badagara and Tellicherry Municipalities; and in the erstwhile Travancore - Cochine area the portion lying west of Shornur-Trichur Road and NH 47 upto Angamali; M.C. Road upto trivandrum East Fort and Trivandrum Cape-Comarian upto the State boundary at Parassala for the removal of th etimber species namely " Elavu, Kambli, Matti, Pala, Kanakaitha, Ambazham, Thodayam and Podipari.]

Every application for a pass shall specify the survey No., if any, and the approximate area of the land and shall be accompanied by a list showing the details of the produce such as quantity of the produce/measurements of timber proposed to be removed.

On receipt of an application under clause (a) the Village Officer shall personally inspect the land and the produce and if he is satisfied that the particulars furnished in the application are correct, forward the records to the forest Range Officer having jurisdiction over the area with a certificate in the following form:

"Certified that the produce as per the accompanying list has been collected from the areas specified in the application".

8[(d) The Forest Range Officer or any other officer specially authorised by the Government in this behalf shall on receipt of the records from the Village Officer, issue the pass in Form III. Every pass issued, shall be valid till such date, not being a date beyond three months from the date of issue of the pass, as may be specified therein. The timber shall be stamped with a Government hammer by the Forest Range Officer or any other officer authorised in that behalf by the Forest Range Officer or any other officer specially authorised by Government to issue pass and that officer shall hand over the original of the pass to the applicant:

Provided that in the case of areas falling within the limits of villages in which Reserve Forests are situated or in villages adjoining Reserve Forests, the Forest Range Officer or any other officer specially authorised by Government to issue pass shall inspect the area and the produce and satisfy himself about the genuineness of the collection before the issuance of the pass. Provided further that no Government stamp need be affixed on the timber of one metre and below in length and the Forest Range Officer or any other officer specially authorised to issue pass shall hand over the original of the pass to the applicant for removal of the such timber without such stamp.]

(e) The passes issued under this sub-rule are intended only for transport of forest produce within the State and when the produce has to be exported, export passes should be obtained from the concerned Divisional Forest Officer on the strength of the passes issued under this sub-rule.

Every application for extension of the period of validity of a pass shall be treated as an application for a new pass and shall be dealt with accordingly.

(5) If the satisfactory conduct of the inspection under clause (d) of sub-rule (2) or under clause (c) of sub-rule (4) or under clause (d) of sub-rule (4) involves the clearance of the surveyed boundaries of the private lands concerned, the applicant or his agent shall on being called upon by the inspecting officer in writing, clear such boundaries and if he fails to do so within a reasonable time, the application shall be rejected.

(6) The entire procedure in each case shall be completed within one month from the date of receipt of the application for a pass, but if the applicant or his agent fails to fulfil any of the conditions obligatory on him within a reasonable time, the application shall be rejected and the applicant shall be given an immediate intimation rejecting the application with reasons therefore. If the intimation cannot be delivered personally to the applicant or his agent, it shall be sent to the applicant by registered post and a note thereof made in the concerned office records.

(7) (a) The validity of a pass issued under sub-rule (2) or sub-rule (3) may be extended by the Divisional Forest Officer on application from the pass holder and on production of the original pass with the actual removal noted on the reverse of the pass and certified by the Foresters or forest Guards who checked the removals at the place of loading or at the watch stations or checking stations through which they were removed.

Every application for extension of the period of validity of a pass issued under sub-rule (2) or sub-rule (3) shall be made to the Forest Range Officer concerned, who shall, after verifying the balance of the Forest produce left unremoved at site, submit the same with his remarks within a fortnight to the Divisional Forest Officer, who shall grant such extension within a fortnight from the date of receipt of the remarks of the Forest Range Officer.

Nothing contained in this sub-rule shall be deemed to authorise the Divisional Forest Officer to extend the period of validity of a pass issued under sub-rule (2) or sub-rule (3) beyond six months from the date on which it was first issued.

Every application for extension of the period of validity of a pass issued under sub-rule (2) or sub-rule (3) beyond six months from the date on which it was first issued shall be treated as an application for a new pass and shall be dealt with accordingly.

(8) If any application be made for the issue of a copy of pass already issued on the plea that the original was lost by mischance or otherwise, a copy of the pass may be issued on

production of the required copying stamp papers and after inspection and verification of the forest produce, if necessary.

(9) Any person desiring to export the exempted timber which are not exempted in other States, shall submit his application to the Village Officer having jurisdiction over the area from which such timber is proposed to be removed. Export passes in such cases shall be granted on the strength of the passes issued by the Forest Range Officer under sub-rule (4) by the Divisional Forest Officer having jurisdiction over the area from which such timber is proposed to be removed.

Explanation.- The Forest Department shall not be held responsible for any dispute regarding the ownership of the produce for which passes are issued and the issue of a pass does not ipso facto confer any right on any person regarding the ownership of that produce.

5. Passes for import or transport.- In the case of forest produce imported from other States the pass shall be in Form IV printed on red paper. In the case of timber transported from place to place within the State by merchants or others who have registered their property marks, the pass shall be in Form IV printed on white paper, the forms being obtained from the Forest Department. The language used in this case must be English, Malayalam, Tamil or Canarese.

(2) Passes in Form IV (white) shall be in triplicate and shall have all the columns filled up by the owner of the depot or his authorised agent, the original shall be handed over to the person authorised to move the timber and the triplicate shall be kept as a counterfoil for at least one year from the date of issue, and shall be produced for inspection at any time within that period on demand by any Forest Officer not below the rank of a Forester. The duplicate shall be sent to the Divisional Forest Officer in whose jurisdiction the depot is situated.

(3) Passes issued by Officers and Merchants of the other States shall be honoured till the consignments covered by such passes reach the first Forest Watch Station/Checking Station on the route of transport. On reaching the station, the passes shall be surrendered to the Officer in charge of the station who shall then issue a pass in Form IV in red paper in lieu of the pass surrendered and stamp the timber with his mark before the consignment leaves his station. The pass in Form IV (red) shall be in duplicate, the original to be handed over to the person transporting the produce and the duplicate to be kept as counterfoil at the watch station.

6. Passes for transport of Government timber and other Forest produce.-

Passes for transport of Government timber and other forest produce from a forest to a sale depot or from one sale depot to another or from one place to another within the State shall be in Form V in quadruplicate, and issued by the Range Officer, Depot Officer or other Officer authorised by the Divisional Forest Officer whether such timber is worked

down by Forest subordinates or by contractors employed by the Forest Department for the purpose.

7. Issue of subsidiary pass book.- (1) Where any difficulty is experienced by forest subordinates or contractors in moving in one consignment all the timber and other forest produce covered by a single Form No. V pass, the Divisional Forest Officer may issue to the subordinate on duty a numbered pass book, known as subsidiary pass book in Form VI and shall at the same time authorise the Forest subordinate to issue one of these as a subsidiary pass for each load or raft. Form VI passes shall be in quadruplicate and shall be printed on white paper. The original and the duplicate should accompany each consignment of forest produce transported, the triplicate shall be sent to the Forest officer, who issued the main pass and quadruplicate kept as counter foil. When the produce is received in the depot, the Depot Officer shall acknowledge the receipt of forest produce in the duplicate copy indicating difference if any and return the same to the Forest Officer who issued the main pass. these passes will take the place of the main pass. The main pass shall however, be surrendered to the Depot Officer, along with subsidiary pass for the last consignment.

(2) Where any difficulty is experienced by contractors in moving in one consignment all the timber and other forest produce purchased from Government land and covered by Form III pass, the Divisional Forest Officer may issue to his subordinate on duty a numbered pass book, known as subsidiary pass book in form VI after realising the value of the pass book from the contractor concerned, and shall at the same time authorise the forest subordinate to issue one of these as a subsidiary pass for each load or raft. The Form VI passes for this purposes shall be in triplicate and shall be printed on yellow paper. The original should accompany each consignment of forest produce transported, the duplicate shall be sent to the Forest Officer who issued the Form III pass and the triplicate kept as counterfoil.

(3) Passes in Form VI shall have all the columns filled up by the forest subordinate and the passes shall be signed and dated by him, Every such pass shall bear the number and date of the main pas under which it is granted.

8. Passes for removal of fuel, charcoal etc.- (1) Passes for the removal of 9[fuel wood], charcoal, bamboos, reeds, incha and other forest produce, purchased from reserved forests or unreserved Government lands on payment of the prescribed seigniorage fees, shall be in Form VII printed in triplicate, and shall be issued by the Range Officer of the range or any other Officer specially authorised in this behalf by the Conservator of Forests.

(2) In Divisions where transport of reeds is effected by land in head-load, head-load passes shall be issued in Form VIII whenever necessary. Passes for head-loads of reeds shall be in the form of tickets printed on card board or otherwise and shall have the description of produce and value entered on them, in print, besides the passes being consecutively numbered, on both their right and left hand edges in print and perforated in the middle. Watch pass shall be printed in the same denomination, namely for one

headload of thirty reeds, valued at Rupee one only and shall be current or valid only for any one day of 24 hours.

(3) Fees paid as seigniorage for articles of minor forest produce including reeds and bamboos shall not be refunded on any account.

9. Passes not to be valid if not duly filled up etc..- Passes issued under these rules shall not be valid unless all the columns have been filled up and unless they have been duly signed and dated, and in the case of passes issued by Forest Officers unless also stamped with the official seal of the Forest Officer concerned and in the case of those issued by merchants and others unless they are also stamped with their registered property mark.

10. Passes to accompany the timber or forest produce, etc..- 91) Passes issued under these rules shall invariably accompany the timber and other forest produce which is in transit and any vehicle carrying such timber or other produce shall be stopped for inspection at all established Forest Watch Station/Forest Checking Stations on the routes and also when demanded by any Forest Officer in uniform so as to make it possible for him to check the produce in transit.

(2) It shall not be lawful to take any timber or other forest produce by any route other than that mentioned in the pass or to take any timber or other forest produce off any road or over on the prescribed routes on which a watch station or checking station has been placed, with the intention to evade the production of the article at the watch station or checking station. The quantity of timber or forest produce must not be greater than or different from that entered in the pass and, if it is less, the quantity actually passed every time shall be entered on the back of the pass and the entry signed and dated by the checking officer and the pass returned to the person producing it to cover the Forest produce during further transit till it reaches its destination provided that the total quantity removed does not exceed that entered in the pass and that the last removal is effected within the time noted in the pass.

11. Passes in general and checking.- (1) A pass issued under these rules shall not be for more than one unit of transport, for example, one raft, one cart-load, one boat-load, one lorry-load, one waggon-load, etc.

(2) All passes shall be written in ink or copying pencil using carbon paper.

(3) Copies of passes prescribed by these rules to be sent to the Depot Officer, Ranger Officer and Divisional Forest Officer shall be despatched by post or messenger within 24 hours of issue.

(4) Supply of forms of subsidiary passes will be on realisation of value that may be fixed by the Government from time to time from the party at whose instance such passes are issued.

(5) All timber in transit must, for purposes of identification be stamped at both ends. All timber covered by passes issued by Forest Officers shall be stamped with a Government stamp, and all timber covered by passes issued by timber merchants shall be stamped with the property mark registered by him with the Divisional Forest Officer.

12. **Property marks.**- (1) Merchants or other persons trading in timber may register their property marks and it shall not be lawful to use any property mark which has not been registered. The application for registration of property mark shall be submitted to the Divisional Forest Officer and shall contain the name of the Dept, trading licence No. if any and the approximate quantity of timber which the applicant intends to deal with during the financial year and shall be accompanied by 25 impressions of the property mark. The Divisional Forest Officer shall cause necessary enquiries being made about the antecedents of the applicant and if he is satisfied that there is no objection in granting the property mark any issue a certificate of registration in Form No. IX. A property mark registered shall be valid only for the particular depot mentioned in the certificate of registration. If a timber trader runs Timber Depots in more than one place, he shall register his property mark separately for each Depot at the Offices of the respective Divisional Forest Officers. 10 [the registration shall be in force for a period of five years counting from the 1st day of April of the year of registration. A property mark registered or renewal under this rule shall be different for each Depot]. The Divisional Forest Officer may, for good and sufficient reasons to be recorded in writing, cancel or suspend a registration certificate already issued.

11 [(2) The fees for registration or renewal of property mark for a period of five years or part thereof shall be rupees two thousand five hundred.]

(3) The property mark registered in one Division shall be honoured in all other Divisions. Impressions of a property mark registered by a Divisional Forest Officer shall be furnished by him to all other Divisional Forest Officers for information. A register of property marks shall be maintained in each Division containing full particulars of all the registered property marks in the State. In cases of renewal, cancellation or suspension, the Divisional Forest Officer doing so shall intimate the fact to all other Divisional Forest Officers for their information. It shall be open to any Forest Officer not below the rank of a Forester to inspect the timber yard or trading place of a timber trader, check the timber or the accounts before or at any time after registration or renewal of his property mark. Form No. IV pass books printed on white paper shall be issued to those who have registered their property marks on realisation of prescribed fees by the Divisional Forest Officer. The issue of pass books shall be regulated in such a way that the dealer shall not be in possession of more than one book with him at a time. He shall issue passes strictly in the serial order. A fresh book shall not be opened before the book in use has been completely exhausted.

(4) The Divisional Forest Officer may refuse registration or renewal and cancel or suspend registration or renewal of any property mark if he considers that the registration or renewal of such property mark is detrimental to forest protection on account of the position of the Depot or of the antecedents of the applicant or that such property mark

cannot be easily distinguished from a Government mark or from a property mark already registered, or for other good and sufficient reason which shall in every case, be placed on record by him. Against such refusal, cancellation or suspension, an appeal shall lie, within 45 days from the date of receipt of the order of the Divisional Forest Officer, to the Conservator of Forests whose decision there on shall be final.

13. **Checking stations.**-The chief Conservator of Forests may, by notification in the Gazette, open new checking stations or close those in existence at any time and they shall be considered as opened or closed, as the case may be, from the date of publication of such notification in the Gazette.

14. **Removal of obstruction of waterways.**- (i) if any tree falls or if any timber sinks or lies floating in the water of any river, stream, canal, creek, or other channel, natural or artificial, in such a manner as to obstruct the passage of boats or timber rafts the person in occupation of the ground where the tree was growing or the person in charge the timber which has sunk or lies floating shall within 24 hours cause the removal thereof.

(ii) Any person whose boat or timber raft is obstructed in its passage, or any officer of the Revenue, Police, Public Works or Forest Departments any forthwith cause the removal of any such obstruction and may report the fact to the nearest Magistrate having jurisdiction, whose order as to the recovery of expenses thus incurred shall be final.

15. **Obstruction of waterways.**- It shall not be lawful to close or obstruct a stream or river or channel or other waterway natural or artificial, by throwing timber, brushwood, stones or earth or any other material, or in any other manner so as to prevent or obstruct the floating or rafting of timber or passage of boats. Such obstruction may be removed by any Officer of the Forest, Revenue or police Department and the cost of such removal shall be recovered from the person causing such obstruction in addition to any punishment to which he will be liable under Rule 23.

16. **Protection of timber on river banks etc..**- All timber stored on the banks of rivers, streams, canals, creeks and other channel natural or artificial or in places which are liable to be flooded, shall be securely fastened by rope or chains to posts driven securely in to the ground or to trees or other naturally secure holds, to prevent the timber being floated away by the water.

17. **Regulation of floating of timber.**- Unless otherwise provided in any other law relating to public canals and public ferries for the time being in force, the floating of timber in rivers, streams, canals, creeks and other channels where it has to pass bridges, locks, or other public works shall be regulated as follows:-

(a) Timber rafts shall not exceed 45 metres in length;

(b) Timber rafts shall not exceed in width one half of the narrowest span of any bridge, or one half of the narrowest portion of any lock or other public works past which the timber has to be floated;

(c) A timber raft is being passed through a bridge, lock or other public works shall have the following number of able-bodied persons in charge of it:-

| | Person |
|---|--------|
| for a raft under 15 meters in length | 2 |
| for a raft above 15 metres, but below 30 metres | 3 |
| for a raft above 30 metres, but below 45 metres | 4 |

(d) The persons in charge of such raft shall be supplied with suitable poles of sufficient length or other suitable appliances or guiding the rafts;

(e) No two rafts shall be anchored abreast of each other;

(f) A light shall be supplied to every raft at night.

(g) Every timber raft, whether anchored or moving elsewhere than through any bridge, lock or other public works shall always have at least one able bodied person in charge thereon.

18. **Powers of Officers.**- All Revenue Officers not below the rank of Village Officer, all Police Officers not below the rank of Head Constable, all Forest Officers and all Officers in charge of bridge, locks or other public works shall have power to seize or detain:

(a) all timber stored in contravention of Rule 16;

all timber rafts until reduced to proper dimensions prescribed in these rules;

all timber rafts which are being floated in contravention of Rule 17 until the required conditions are fulfilled and

all timber which has caused damage to bridges, locks, or other public works.

19. **Report of officers.**- The person making the seizure or detention under Rules 18 shall, without delay, report the fact to the nearest Station House Officer of Police.

20. **Disposal of Reports.**- The Station House Officer of Police shall thereupon report the fact to the nearest Magistrate who may pass such orders on it as he may deem fit.

21. **Damages.**- The amount of damage caused shall be assessed by the Public Works Division officer in whose charge the bridge or other public work is, but the Chief Judicial Magistrate of the district may revise the assessment so made and his order thereon shall be final.

22. **Storing on and transport across private lands.**- (1) Any Officer of the Forest Department may store timber or other forest produce which is the property of the Government on private lands or transport such timber or other forest produce across such land if such a step is necessary, and if any damage or loss is caused by such storage or transport, fair compensation shall be paid for the same.

23. **Penalties.**- (1) Whoever commits any contravention of any of the provisions of these rules shall on conviction by a magistrate be punished with imprisonment for a term which may extend to six months or with a fine which may extend to rupees five hundred or both.

(2) In cases where any offence was committed after making preparation for resistance to the execution of any law or any legal process or where the offender has been previously convicted of a like offence, the convicting Magistrate may impose double the penalty specified in sub-rule (1).

KERALA FOREST DEPARTMENT

FORM No.I

[See Rule 3(2)]

Application for clearance order for the export of Forest Produce

Name and address of the person/company exporting forest produce.

Name of produce

Description of logs - Log No. length x girth - Cubical contents.

(As it is originally stored at the time of transport).

In the case of other forest produce, please give the quantity.

Marks for identification.

Whence obtained - Place, depot or range, division and State.

How obtained - Sale from Government Department/Private Department/from private land (Name and also Survey No. in the case of private lands to be specified).

(a) If the log has been reshaped or otherwise converted, details of conversion and reference to item No. of conversion register.

(b) Number and date of sale confirmation order/property mark registration.

Form III pass Yellow/salw deed (enclosed in original with a copy).

Details of transport pass under which the produce was transported to its present place of storage (original enclosed).

Checking stations passed, with date and time of checking.

Checking if any, done by other forest officials.

Depot where it is stored now.

Description of timber (as it stands now) Log No. length, girth (breadth x depth) cubical contents.

Marks of identification.

The Port/Railway Station from where export is desired.

Place:

Date:
applicant.

Signature of the
(Exporter).

KERALA FOREST DEPARTMENT

FORM No. II

[See Rule 3(2)]

Clearance order for the Export of Timber and other Forest Produce from Port, Railway Station

No.

Ref.:- Application No. and date:

1. Name and address of the exporter.
2. Description of timber or other forest produce for which clearance is granted
 - (a) Species.
 - (b) Whether round log or square.
 - (c) Log No. length x girth (breadth x depth) cubical contents or weight
 - (d) Marks for identification
3. Where exported

The timber or other forest produce described above have been found genuine and there is no objection in exporting them.

Office of the Divisional Forest Officer/
Officer/

Divisional Forest

Assistant Conservator of Forests.
Forests.

Assistant Conservator of

Station:
Date:

Copy to the Customs Collector

Divisional Forest Officer/
Assistant Conservator of Forests.

KERALA FOREST DEPARTMENT
FORM No. III
[See Rule 4(1)]
EXPORT WAY PERMIT
(Counterfoil to be retained by the issuing Officer)

..... Sales/ Forest Division
Pass No.

Pass for the export of timber or other Forest Produce

Name and residence of the person to whom pass is granted

Description of produce

Quantity

Fees paid, if any

Marks, if any

Whence obtained

Destination

Route (Specify the Forest Watch Station/ Checking Station)

Time allowed

Remarks

Date:
Station:
pass

Signature of the person granting the

Name
Designation

(Office Seal)

(Red)

KERALA FOREST DEPARTMENT
FORM No. III
[See Rule 4(1)]
EXPORT WAY PERMIT

(Duplicate to be sent to the Officer in charge of the Range or Range or Depot or Division or the case may be)

..... Sales/Forest Division
Pass No.

Pass for the export of timber or other Forest Produce

Name and residence of the person to whom pass is granted.

Description of produce

Quantity

Fees paid, if any

Marks, if any

Whence obtained

Destination

Route (Specify the Forest Watch Station/ Checking Station on the route)

Time allowed

Remarks

Date:

Station:

granting the pass

Signature of the person

Name

Designation

(Office Seal)

(Red)

KERALA FOREST DEPARTMENT
FORM No. III
[See Rule 4(1)]
EXPORT WAY PERMIT
Pass No.

Pass for the export of timber or other Forest Produce

Name and residence of the person to whom pass is granted.

Description of produce

Quantity

Fees paid, if any

Marks, if any

Whence obtained

Destination

Route (Specify the Forest Watch Station/ Checking Station on the route)

Time allowed

Remarks

Date:

Station:

Signature of the person

granting the pass

Name

Designation

(Office Seal)

(Red)

KERALA FOREST DEPARTMENT

FORM No. III

[See Rule 4(1)]

(Counterfoil to be retained by the issuing Officer)

..... Sales/Forest Division

Pass No.

Pass for the export of timber or other Forest Produce form Government Forests or depots or elsewhere

Name and residence of the person to whom pass is granted.

Description of produce

Quantity

Fees paid, if any

Marks, if any

Whence obtained

Destination

Route (Specify the Forest Watch Station/ Checking Station on the route)

Time allowed

Remarks

Date:

Station:

granting the pass

Signature of the person

Name

Designation

(Office Seal)

NB: - Enter No., species and measurement of each log or description of produce covered by this pass on the back.

KERALA FOREST DEPARTMENT

FORM No. III

[See Rule 4(1)]

EXPORT WAY PERMIT

(Duplicate to be sent to the Officer in charge of the Range or Depot or Division as the case may be)

..... Sales/Forest Division
Pass No.

Pass for the export of timber or other Forest Produce from Government Forest or Depots or elsewhere

Name and residence of the person to whom pass is granted.

Description of produce

Quantity

Fees paid

Marks,

Whence obtained

Destination

Route (Specify the name of Watch Station/ Checking Station on the route)

Time allowed

Remarks

Date:

Station:

granting the pass

Signature of the person

Name

Designation

(Office Seal)

N.B.- Enter No., species and measurement of each log or description of produce covered by this pass on the back.

(White)

KERALA FOREST DEPARTMENT

FORM No. III

[See Rule 4(1)]

EXPORT WAY PERMIT

..... Sales/Forest Division

Pass No.

Pass for the transport of timber or other Forest Produce from Government Forests or depots or elsewhere

Name and residence of the person to whom pass is granted.

Description of produce

Quantity

Fees paid,

Marks,

Whence obtained

Destination

Route (Specify the name of Watch Station/ Checking Station on the route)

Time allowed

Remarks

Date:

Station:

granting the pass

Signature of the person

Name

Designation

(Office Seal)

N.B.- Enter No., species and measurement of each log or description of produce covered by this pass on the back

KERALA FOREST DEPARTMENT

FORM No. III

[See Rule 4(1)]

(Counterfoil to be retained by the issuing Officer)

..... Forest Division

Pass No.

Pass for the export of timber or other Forest Produce from Private Lands

Name and residence of the person to whom pass is granted.

Description of produce

Quantity

Marks,

Whence obtained

Destination

Route (Specify the name of Forest Watch Station/ Checking Station on the route)

Time allowed

Remarks

Date:

Station:

granting the pass

Signature of the person

Name

Designation

(Office Seal)

N.B.- Enter No., species and measurement of each log or description of produce covered by this pass on the back.

(Yellow)

KERALA FOREST DEPARTMENT

FORM No. III

[See Rule 4(1)]

(Duplicate to be sent to the Officer in charge of the Range or Depot or Division or the case may be)

..... Forest Division

Pass No.

Pass for the Transport of timber or other Forest Produce from Private Lands

Name and residence of the person to whom pass is granted.

Description of produce

Quantity

Marks

Whence obtained

Destination

Route (Specify the name of Forest Watch Station/ Checking Station on the route)

Time allowed

Remarks

Date:

Station:

granting the pass

Signature of the person

Name

Designation

(Office Seal)

N.B.- Enter No., species and measurement of each log or description of produce covered by this pass on the back

KERALA FOREST DEPARTMENT

FORM No. III

[See Rule 4(1)]

..... Forest Division

Pass No.

Pass for the Transport of timber or other Forest Produce from Private Lands

Name and residence of the person to whom pass is granted.

Description of produce

Quantity

Marks

Whence obtained

Destination

Route (Specify the name of Forest Watch Station/ Checking Station on the route)

Time allowed

Remarks

Date:

Station:

Signature of the person

granting the pass

Name

Designation

(Office Seal)

N.B- Enter No., species and measurement of each log or description of produce covered by this pass on the back.

KERALA FOREST DEPARTMENT

FORM No. IIIA

[See Rule 4(1)]

Way Permit No.

(Counterfoil to be retained by Depot Officer)

Name and residence of purchaser

Description of produce

Value paid

Destination

Time allowed

Date:

Station:

Signature of Depot

Officer

(Office Seal)

N.B.- Enter No., species and measurements of each log or description of produce covered by this pass on the back

KERALA FOREST DEPARTMENT

FORM No. IIIA

[See Rule 4(1)]

Way Permit No.

(Duplicate to be sent to the Divisional Forest Officer)

Name and residence of the purchaser

Description of produce

Value paid

Destination

Time allowed

Date:

Station:

Signature of Depot

Officer

(Office Seal)

N.B.- Enter No., species and measurement of each log or description of produce covered by this pass on the back.

KERALA FOREST DEPARTMENT

FORM No. IIIA

[See Rule 4(1)]

Way Permit No.
(TriPLICATION to be handed over to the Purchaser)

Name and residence of Purchaser

Description of produce

Value paid

Destination

Time allowed

Date:
Station:

Signature of Depot

Officer

(Office Seal)

N.B.- Enter No., species and measurement of each log or description of produce covered by this pass on the back.

KERALA FOREST DEPARTMENT
FORM No. IV
[See Rule 5]
(Duplicate to be retained by the issuing Officer)

.....Forest Watch Station/
Checking Station..... Forest Division
Pass No.

Pass for the Transport/Import of timber or other Forest Produce
from.....

Name and residence of the person to whom pass is granted.

Description of timber or other Forest produce and quantity

Marks

Whence obtained

Destination

Route (Specify the Forest Watch Station/ Checking Station on the route)

Time allowed

No. and date of original pass under which the produce transported to the Forest Watch Station/Checking Station

Date:

Station:

Signature of the person

granting the pass

Name

Designation

KERALA FOREST DEPARTMENT
FORM No. IV
[See Rule 5]
(Original to be given to the party)

.....Forest Watch Station/
Checking Station..... Forest Division
Pass No.

Pass for the Transport/Import of timber or other Forest Produce
from.....

Name and residence of the person to whom pass is granted.

Description of timber or other Forest produce and quantity

Marks

Whence obtained

Destination

Route (Specify the Forest Watch Station/ Checking Station on the route)

Time allowed

No. and date of original pass under which the produce transported to the Forest Watch Station/Checking Station

Station:

Date:

granting the pass

Signature of the person

Name

Designation

KERALA FOREST DEPARTMENT
FORM No. IV
[See Rule 5]
EXPORT WAY PERMIT
(Triplicate to be retained by the person granting the pass)

Pass No.

Name and residence of the person to whom pass is granted.

Description of Timber or Forest produce and quantity (Species, No. and cubical contents or weight)

No. of Certificate Registration

Marks

To what place removed

Route

Time allowed

Remarks (Here enter No. and date of original pass, if any)

Station:

Date:

granting the pass

Signature of the person

Address of

Timber Depot/Timber Merchants

KERALA FOREST DEPARTMENT
FORM No. IV
[See Rule 5]

(Duplicate to be sent to the District Forest Officer in whose jurisdiction the Depot is situated)

Pass No.

Name and residence of the person to whom pass is granted.

Description of Timber of Forest produce and quantity (Species, No. and cubical contents or weight)

No. of Certificate of Registration

Marks

To what place removed

Route

Time allowed

Remarks (Here enter No. and date of original pass, if any)

Station:

Date:

Signature of the person

granting the pass

Address of

Timber Depot/Timber Merchants

KERALA FOREST DEPARTMENT
FORM No. IV
[See Rule 5]

(Original)

Pass No.

Name and residence of the person to whom pass is granted.

Description of timber or Forest produce and quantity (Species, No. and cubical contents or Weight)

No. of Certificate or Registration

Marks

To what place removed

Route

Time allowed

Remarks (Here enter No. and date of original pass, if any)

Station:

Date:

Signature of the person

granting the pass

Address of

Timber Depot/Timber Merchants.

KERALA FOREST DEPARTMENT

FORM No. V

[See Rule 6]

(Quadruplicate to be retained by the issuing Officer)

..... Forest Division

Pass No.

Name and residence of the Contractor or Forest Subordinate to whom pass is granted.

Description of produce

Quantity

Marks, if any

From what Forest or Depot or place

To what Depot or place

Route

Time allowed

Remarks

Station:

Date:

Signature of R.O. or

D.O. granting the pass

Designation:

(Office Seal)

N.B.- Enter No., species and measurement of each log or description of produce covered by this pass on the back.

KERALA FOREST DEPARTMENT

FORM No. V

[See Rule 6]

(Triplicate to be sent to the Officer in charge of the Depot or place to which the timber is conveyed)

..... Forest Division
Pass No.

Name and residence of the Contractor or Forest Subordinate to whom the pass is granted.

Description of produce

Quantity

Marks, if any

From what Forest or Depot or place

To what Depot or place

Route

Time allowed

Remarks

Date:

Station:

Signature of R.O. or

D.O. granting the pass

Designation:

(Office Seal)

N.B- Enter No., species and measurement of each log or description of produce covered by this pass on the back.

KERALA FOREST DEPARTMENT

FORM No. V

[See Rule 6]

(Duplicate to be sent to the Officer in charge of the Division or Range as the case may be)

..... Forest Division

Pass No.

Name and residence of Contractor or Forest Subordinate to whom pass is granted.

Description of produce

Quantity

Marks, if any

From what Forest or Depot or Place

To what Depot or place

Route

Time allowed

Remarks

Station:

Date:

Signature of R.O or D.O

granting the pass

Designation:

(Office Seal)

N.B.- Enter No., species and measurement of each log or description or produce covered by this pass on the back

KERALA FOREST DEPARTMENT

FORM No. V

[See Rule 6]
(Original)

..... Forest Division
Pass No.

Pass for the Transport of timber or Forest Produce from Forest Depot or other place to another Depot or another place

Name and residence of Contractor or Forest Subordinate to whom pass is granted.

Description of produce

Quantity

Marks, if any

From what Forest or Depot or place

To what Depot or place

Route

Time allowed

Remarks

Station:

Date:

D.O. granting the pass

Signature of R.O. or

Designation:

(Office Seal)

N.B.- Enter No., species and measurement of each log or description of produce covered by this pass on the back.

KERALA FOREST DEPARTMENT

FORM No. VI

[See Rule 7(1)]

(Quadruplicate to be retained by the issuing Officer)

..... Sales/Forest Division

Subsidiary Pass No.

Main Pass No.

Name of Contractor or Agent or Forest Subordinates

From Where

Destination

Description and No. of timber or other Forest Produce

Dimensions

Marks

Time allowed

Station:

Date:

Signature of the Forest

Subordinates

Name

Designation

KERALA FOREST DEPARTMENT

FORM No. VI

[See Rule 7(1)]

(Triplicate to be sent to the Officer who issued the main pass)

Subsidiary Pass No.

Main Pass No.

Name of Contractor or Agent or Forest Subordinates

From where

Destination

Description and No. of timber or other Forest Produce

Dimensions

Marks

Time allowed

Station:

Date:

Subordinate

Signature of Forest

Name

Designation

KERALA FOREST DEPARTMENT

FORM No. VI

[See Rule 7(1)]

[Duplicate to be sent along with the original for acknowledgement by the Depot Officer under Rule 7(1)]

Subsidiary Pass No.

Main Pass No.

Name of Contractor or Agent or Forest Subordinates

From where

Destination

Description and No. of timber or other Forest Produce

Dimensions

Marks

Time allowed

Station:

Date:

Subordinates

Signature of Forest

Name

Designation

KERALA FOREST DEPARTMENT
FORM No. VI
[See Rule 7(1)]
(Original)

Subsidiary Pass No.
Main Pass No.

Name Contractor or Agent or Forest Subordinate

From where

Destination

Description and No. of timber or other Forest Produce

Dimensions

Marks

Time allowed

Station:
Date:

Signature of Forest

Subordinates

Name

Designation

KERALA FOREST DEPARTMENT
FORM No. VI
[See Rule 7(2)]
(TriPLICATE to be retained by the issuing Officer)

..... Forest Division

Subsidiary Pass No.
Main Pass No.

Name Contractor or Agent

From where

Destination

Description and No. of timber or other Forest produce

Dimension

Marks

Time allowed

Station:

Date:

Signature of Forest

Subordinates

Name

Designation

KERALA FOREST DEPARTMENT

FORM No. VI

[See Rule 7(2)]

(Duplicate to be sent to the Officer who issued the main pass)

..... Forest Division

Subsidiary Pass No.

Main Pass No.

Name of Contractor or Agent

From where

Destination

Description and No. of timber or other Forest produce

Dimension

Marks

Time allowed

Station:

Date:

Signature of Forest

Subordinates

Name

Designation

KERALA FOREST DEPARTMENT
FORM No. VI
[See Rule 7(2)]
(Original)

..... Forest Division

Subsidiary Pass No.

Main Pass No.

Name of Contractor or Agent

From where

Destination

Description and No. of timber or other Forest produce

Dimension

Marks

Time allowed

Station:

Date:

Signature of Forest

Subordinates

Name

Designation

KERALA FOREST DEPARTMENT
FORM No. VII
[See Rule 8(1)]
(Counterfoil to be retained by the issuing Officer)

..... Sales/Forest Division

Pass No.

Name and residence of the person to whom pass is granted.

Description of produce

Fees paid

From what place to be collected

To what place to be removed

Route

Time allowed

Remarks

Station:

Date:

officer

Signature of pass issuing

Designation:

(Office Seal)

KERALA FOREST DEPARTMENT

FORM No. VII

[See Rule 8(1)]

(Duplicate to be sent to the Divisional Forest Officer)

..... Sales/Forest Division

Pass No.

Name and residence of the person to whom pass is granted.

Description of produce

Fees paid

From what place to be collected

To what place to be removed

Route

Time allowed

Remarks

Station:

Date:

officer

Signature of pass issuing

Designation:

(Office Seal)

KERALA FOREST DEPARTMENT

FORM No. VII

[See Rule 8(1)]

(Original)

Pass No.

Name and residence of the person to whom pass is granted.

Description of produce

Fees paid

From what place to be collected

To what place to be removed

Route

Time allowed

Remarks

Station:

Date:

officer

Signature of pass issuing

Designation:

(Office Seal)

KERALA FOREST DEPARTMENT

FORM No. VIII

[See Rule 8(2)]

..... Range

No.

Reserve or locality

Station:

Date:

Initials of pass issuing officer

KERALA FOREST DEPARTMENT

FORM No. VIII

[See Rule 8(2)]

..... Range

No.

Name of the person to whom the ticket is granted.

Name of Reserve or locality

One head load of (30) thirty reeds

Fees paid, Rupees one only (here enter the value fixed for 30 reeds)

Destination

Time allowed Twenty-four hours

Station:

Date:

Signature and

designation of officer issuing the ticket

(Office Seal)

KERALA FOREST DEPARTMENT

FORM No. IX

[See Rule 12]

(Duplicate to be retained in the Office)
Registration Certificate No.

Name and residence of applicant

Description of property mark

Forest Division for which mark is registered

Amount of Fee

Date of registration or renewal

Remarks

Certified that..... residing for
the official year ending 31st March 19.....

Forest Officer

Divisional
(Office

Seal)
Divisional Forest Office
.....19.....

KERALA FOREST DEPARTMENT
FORM No. IX
(See Rule 12)
Original)
..... Division
Registration Certificate No.

| Name and residence of applicant | Description of property mark | Forest Division for which mark is registered | Amount of fee | Date of registration or renewal | Remarks |
|---------------------------------|------------------------------|--|---------------|---------------------------------|---------|
| | | | | | |

Certified that..... residing
at..... registered/ renewed the above property mark for the official
year ending 31st March 19.....
Divisional Forest Officer

Divisional Forest Office
.....19.....
(Officer Seal)

Appendix 10

Orissa Village Forest Rules, 1985

* The Orissa Village Forests Rules, 1985

S. R. O. No. 717/85 dated the 28th September 1985-- In exercise of the powers conferred by Section 31 read with Section 32 and Clause (d) of Section 82 of the Orissa Forest Act, 1972 (Orissa Act 14 of 1972), the State Government do hereby make the following rules, namely:

1. Short Title and Commencement- (1) These rules may be called the Orissa Village Forestry Rules, 1985.

(2) They shall come into force on the date of their publication in the *Official Gazette*.

2. Definitions- (1) In these rules, unless the context otherwise requires-

(i) **Act** means the Orissa Forest Act, 1972;

(ii) **Assistant Conservator of Forests** means a Forest Officer of the Orissa Forest Service or Indian Forest Service attached to a Forest Division and includes a Forest Officer of similar rank attached to a Social Forestry Project Division;

(iii) **Block Development Officer** means an Officer appointed for a Block under Section 15-A of the Orissa Panchayat Samiti Act, 1959.

(iv) **Collector** means the Chief Officer in-charge of the Revenue administration of a district and shall include an Additional District Magistrate;

(v) **Committee** means a Village Forest Committee;

(vi) **Divisional Forest Officer** means the Forest Officer in-charge of a Forest Division and includes the Deputy Director in-charge of a Social Forestry Project Division;

(vii) **Forester** means the Forest Officer in charge of a section and includes a Village Forest Worker and Technical Assistant, posted in a Social Forestry Project;

* Published *vide* Orissa Gazette, Extraordinary No.1561, Dt. 20-11-1985.

- (viii) **Government** means the Government of Orissa;
- (ix) **Grama, Grama Panchayat and Grama Sasan** shall have the same meaning as defined in the Orissa Grama Panchayat Act, 1964;
- (x) **Nursery** means the place of a village forest over which seedlings are raised on broken up grounds or in containers meant for use in plantations;
- (xi) **Plan** means the Management Plan drawn up under Rule 11;
- (xii) **Plantations** means all or any trees planted at the cost of Government in any village forest which shall also include plants and trees naturally grown in such forest;
- (xiii) **Range Officer** means the Forest Officer in-charge of a Forest Range and includes the Social Forestry Supervisor of a Social Forestry Project Division;
- (xiv) **Sarpanch** means the Sarpanch of a Grama Panchayat;
- (xv) **Sub-divisional Officer** means the Chief Officer in-charge of the Revenue administration of a Subdivision;
- (xvi) **Tahasildar** means the Chief Officer in-charge of the Revenue administration of a Tahasil and shall include an Additional Tahasildar;
- (xvii) **Village** means a village as defined in the Orissa Survey and Settlement Act;
- (xviii) **Village forest** means a village forest notified under Section 30 of the Act.

(2) All other words and expressions used but not defined in these rules shall have the same meaning as respectively assigned to them in the Act.

3. Village Forest Committee- ¹[(1) (i) The management of every Village Forest shall vest in a Committee comprising the Sarpanch(s) of the concerned Grama Panchayat(s) and Ward Member(s) there belonging to the village for which the Village Forest is notified, the Forester(s) Revenue Inspector(s) concerned and such other selected persons. Not less than three and not more than five of the said village.

(ii) In a meeting of the villagers convened for the purpose by the Forester the villagers shall decide how many out of them are to be selected as members to the Committee, who are to be selected and select such number of members.

(2) (i) The sarpanch of the Grama Panchayat shall be the Chairman of the committee:

Provided that there more than one Gramas are involved in village forest, the Sarpanch concerning highest populated Grama shall be the Chairman of the committee.

(ii) Every meeting of the committee shall be convened by the Forester and the Chairman shall preside over the meeting.

(iii) In the absence of such Chairman in any meeting of the Committee, the members present shall choose one amongst the nonofficial members to act as the Chairman for that meeting.

(3) The term of office of the members of the committee selected under Sub-rule (1) shall be two years].

4. Maintenance of Boundaries- Every Committee shall suitably demarcate the boundaries of the village forest with the help of the forester¹ [and Revenue Inspector] concerned and maintain the demarcation in good condition.

5. Acts prohibited in Village Forests- Save as provided under these rules, no person shall cut, lop or in any way injure appropriate or remove any tree or any lopping thereof, which is grown in any village forest or knowingly or wilfully permit or abet the cutting, lopping, injuring appropriating or removing of the same by any other person, without having first obtained a permit in accordance with these rules.

6. Protection- It shall be the duty of all persons belonging to the community or communities for whose benefit the village forest is constituted to afford protection and ensure preservation of the plantations therein and, in the event of any injury to such plantations from whatever cause, as soon as possible, report to the nearest Local Forest Officer or Police Officer.

7. Meeting of the Committee-¹ [(1) The Committee shall meet for deliberations

often as required but at least once in every quarter. The Forester, being convenor of the committee shall issue notices thereof in a book called the 'Notice Book' to be maintained for the purposes. The Forester shall record the proceedings of every meeting in a book called the 'proceedings Book' to be maintained for the purpose and the proceedings so recorded shall be signed by the Chairman of the Committee. The Chairman shall forward the resolutions of the Committee passed in the meeting to the concerned Range Officer and Tahasildar. The Forester shall be the custodian of the Notice Book and Proceeding Book.

(2) The resolutions passed in a meeting shall be sent to the Tahasildar and the Range Officer separately and simultaneously within fifteen days from the date of the meeting and the Tahasildar and the Range Officer shall consider the resolutions and give clearance to the resolutions within fifteen days from the date of receipt of the resolutions.

(3) If the reports of the Tahasildar and/ or of the Range Officer, as the case may be, are not received by the Committee within fifteen days from the date of receipt of the resolutions by them the resolutions shall be deemed to have been approved by Tahasildar and Range Officer and they shall take effect the period of fifteen days.

(4) Where any resolution passed by the Committee is considered to be against the principles of forest conservation and protection or is considered by the Tahasildar to be illegal and against the interest of the beneficiaries, such Range Officer or the Tahasildar, as the case may be, may refer within fifteen days of its receipt, the resolution in question to the Committee with reasons for re-consideration. Such reference shall be considered by the Committee within thirty days from the date of receipt thereof.

(5) If on re-consideration of the resolution with such reference, the Committee does not consider it necessary to alter its original resolution, the matter shall be referred by the Committee within forty-five days from the date of receipt of the reference of the Range Officer or Tahasildar, as the case may be, to the Divisional Forest Officer for his decision where the matter relates to forest conservation and protection and to the Sub-Collector in other cases. The decision of the D.F.O. or Sub Collector, as the case may be, shall ordinarily be communicated within fifteen days of the receipt of the resolutions and shall be final.

(6) Notwithstanding anything contained in Sub-rule (1), one-third of the members of the Committee may request the Chairman in writing to convene meeting with at least seven days' notice to all members.

1. Inserted vide F.F. and A.H. Deptt. Notification No. 27019 Dt. 17.11.1989, See Orissa Gazette Ext.No 1632 Dt. 28.11.1989

(7) Presence of one-third members of the Committee shall form the quorum.

8. Permit- ¹[(1) No wood or other forest produce shall be removed from the village forest except under and in accordance with the decision taken by the Committee and permit issued by two members of the Committee authorised for the purpose by it and countersigned by the Forester, in the form appended to these rules. The beneficiaries shall obtain permit before felling, conversion, collection or removal of the forest produce in question.]

²[(2)***]

³[(3)] The used-up permit books are to be returned to the concerned Range Officer along with an abstract of forest produce sold on that account by the members authorised to issue permits.

9. Sharing of Forest Produce-¹ (1) The beneficiaries shall on payment, as prescribed under Rule 13, be entitled to the forest produce from the village forest for their bona fide use or consumption. The beneficiaries shall obtain necessary permit under Rule 8 in case of their bona fide use or consumption. The Committee will be entitled to sell part of the forest produce for generating funds for management and regeneration of the village forests and the buyer shall obtain necessary permit under the Rule 8 for transportation of the village forest produce.

(2) The Committee shall be responsible for the proper distribution of all available forest produce from the village forest amongst the beneficiaries for their bona fide use or consumption on the basis of one equal share for each kitchen as far as possible. The Committee shall maintain a record of distribution of the forest produce and all the distributions made before a particular meeting shall be reviewed in the said meeting of the Committee.]

10. (1) The Committee shall regulate grazing in the village forest by alternate closing and opening of areas for such period as it may deem proper and by such methods as it may adopt:

Provided that the provisions in the Orissa Forest (Grazing of Cattle) Rules, 1980,

shall, as far as may be, regulate such grazing.

1. Substituted vide F.F. and A.H. Dept. Notification No. 27019 Dt.17.11.1989.

See Orissa Gazette Ext. No. 1632 Dt. 17.11.1989.

2. Deleted by F.F. and A. H. Dept. Notification NO. 27019 Dt. 17.11.1989m See Orissa Gazette Ext. No. 1632 Dt. 17.11.1989.

3. Renumbered by *ibid*.

(2) The Committee shall have the power to impound the cattle that enter the village forest contrary to these rules.

¹[(3) Pasture development and fodder cultivation in Gochar lands within the limits of the village may be taken up by the Committee in accordance with schemes drawn up by the Sub-Collector or the Divisional Forest Officer, or the Soil Conservation Officer in that regard. For implementing the schemes, the Committee shall ensure that every household owning cattle has access to the benefit of the scheme.]

11. Management of Village Forest and Drawing up of Management Plans-(1)

Save as provided in Sub-Rule (4), there shall be prepared a Management Plan for the management of every village forest which shall contain *inter alia* the following items namely:

- (a) ¹[the duration of the plan which shall also specify the species to be planted;
- (b) physical and legal description of the area and the rights of the beneficiaries;
- (c) distribution of responsibility in establishment, protection, management, financing and the harvesting of the plantations;
- (d) agricultural methods;
- (e) conditions for protection;
- (f) principles for distribution of benefits.]

(2) ¹ [The plan shall be drawn up by the Forester concerned and placed before the Village Forest Committee for approval. The Committee shall forward three copies of such plan to the Range Officer who shall, after recording his view thereon, return two copies thereof to the Committee through the Forester within a period of fifteen days. If the Range Officer endorses the plan approved by the Committee it shall be implemented straightaway. If, however, the Range Officer is of the view that some

1. Substituted by F.F. and A.H. Deptt. Notification No. 27109 Dt. 17.11.1989.

See Orissa Gazette Ext. No. 1632 Dt. 28.11.1989.

changes are necessary in the plan in order to secure the interests of the community, the Committee may either accept the changes suggested by him or it is of the view that the plan originally approved by it is in the larger interest of the community, refer the matter to the Sub-Collector. The Sub-Collector shall consider their views of the Committee and of the Range Officer through a discussion between the Range Officer and at least three members of the Committee. If the difference is reconciled the plan as approved in this discussion shall be approved plan. If differences could not be reconciled, he shall make such modifications in the plan as he deems proper and record reasons therefore. The plan, as modified by him shall be remitted to the Committee for implementations.]

(3) Different plans may be prepared in the aforesaid manner in respect of lands situated in village forest in different villages.

(4) The choice of the land for plantation and the species to be planted on such land are to be decided by the Forester or Range Officer, in consultation with the Committee.

(5) For the purpose of implementation of the plan, the Committee shall divide the village forest into different sections and work each of them on rotation in accordance with the relevant plan.

(6) Where any such plan in respect of any village forest is implemented, the Committee shall protect and manage the plantation raised therein in accordance with such plan. All nurseries and plantations raised by the Government in a village forest shall be protected against grazing, fire and pilferage by the Committee in all stages.

(7) The Committee shall implement the plans with the funds allotted to it by the Grama Panchayat, Panchayat Samiti and directly by Government by way of grants placed at its disposal exclusively for the purpose.

12. Village Funds Accounts Returns-(1) The sale proceeds of the forest produce realized by issue of permits from every village forest shall be deposited in the Grama Fund of the Grama Sasan concerned after deducting the expenses, if any, incurred by [the Committee or by] the Government for protection of such forests where the Committee failed to take up the protection responsibility of its own.

1. Substituted by F.F. and A.H. Deptt. Notification No. 27109 Dt. 17.11.1989.

See Orissa Gazette Ext. No. 1632 Dt. 28.11.1989.

(2) All sums deposited under sub-rule (1) shall be strictly utilised in the development and management of the village forest concerned as decided by the Committee and shall not be spent otherwise.

(3) Separate accounts for each village forest in respect of deposits made under sub-rule (1) shall be maintained by every Grama Panchayat concerned which shall furnish half yearly returns to the Divisional Forest Officer and the Panchayat Samiti in such form as may be prescribed for the purposes by the Divisional Forest Officer indicating therein the quantum of forest produce sold and revenue realised.

(4) Detailed accounts relating to receipt and expenditure of the Committee shall be laid before it in every meeting for scrutiny and approval.

(5) The accounts of the Committee shall be subject to audit by the Internal Audit Organisation of the Forest Department with the funds deposited by the Committee in the Grama Fund shall be subject to audit as per provisions contained in the Orissa Grama Panchayat Act, 1964. A copy of the audit report pertaining to these accounts shall be laid before the Committee every year and also be submitted to the Range Officer and the Block Development Officer Concerned.

13. Rate of Payment- (1) The rate of payment to be made by the beneficiaries for obtaining forest produce from the village forest for their own use shall be the same as prescribed for the respective forest Divisions under the Schedule of Rates for Forest Produce in Orissa Rules, 1977, as amended from time to time.

(2) The classification of trees as provided in the rules referred to in sub-rule (1) shall apply to the trees in a village forest.

14. Transit- The Orissa Timber and Other Forest Produce Transit Rules, 1980 shall not apply in cases of forest produce from a village forest¹ [***] and a permit issued under Rule 8 shall be deemed to be a transit permit for the purpose of these rules.

15. Offence and Penalty- The provisions of Section 27 of the Act shall apply *mutatis mutandis* to all village forests.

1. Deleted by F.F. and A.H. Deptt. Notification No.27109 Dt.17.11.1989, See Orissa Gazette Ext. No. 1632 Dt. 28.11.1989.

16. Executive Instructions- (1) The Government shall issue necessary instructions from time to time, to inquiry into the rights and the constitution and management of village forests throughout the State for the guidance of the Committees, Grama Panchayats and all others concerned.

(2) Enquiry into claims relating to rights other than the rights of the beneficiaries shall be taken up individually by the Range Officer concerned within thirty days from the date of receipt of the claims petition, on the spot and the case records be submitted within fifteen days after conclusion of the enquiry to the Tahasildar.

¹[***]

²[(2-a) Tahasildar shall pass orders within 30 days from the date of receipt of the case records and the order so passed shall be final subject to the decision in appeal preferred under Sub-rule (3).]

(3) Appeal- Any person aggrieved by an order of the Tahasildar under sub -rule (2) may prefer an appeal to the Sub-divisional Officer whose decision shall be final.

17. Repeal and Savings- All rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed:

Provided that any order made, thing done or action taken under the rules so repealed shall be deemed to have been made, done or taken under the provisions of these rules.

Appendix 11

Social Afforestation Rules 2004

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

পরিবেশ ও বন মন্ত্রণালয়

প্রজ্ঞাপন

তারিখ, ২০ অগ্রহায়ণ ১৪১১/৪ ডিসেম্বর ২০০৪

এস,আর, ও নং ৩২৫ আইন/২০০৪।— The Forest Act, 1927 (XVI of 1927)-এর Section 28A-এর

Sub-Section (4) ও (5)-এ প্রদত্ত ক্ষমতাবলে সরকার নিম্ন রূপ বিধিমালা প্রণয়ন করিল, যথা :

১। সংক্ষিপ্ত শিরোনাম

এই বিধিমালা সামাজিক বনায়ন বিধিমালা, ২০০৪ নামে অভিহিত হইবে।

২। সংজ্ঞা

বিষয় বা প্রসংগের পরিপন্থী কিছু না থাকিলে এই বিধিমালায়---

(ক) “আবর্তকাল” অর্থ বিধি ১৫ অনুযায়ী নির্ধারিত আবর্তকাল বা মেয়াদ;

(খ) “উপকারভোগী” অর্থ সামাজিক বনায়নে অংশগ্রহণকারী এবং এই বিধিমালার আওতায় উহারসুবিধাভোগকারী কোন ব্যক্তি;

(গ) “চুক্তি” অর্থ বিধি ৪ এর অধীন পক্ষগণের মধ্যে স্বাক্ষরিত চুক্তি, এবং সমঝোতা স্মারকও উহার অন্তর্ভুক্ত হইবে;

(ঘ) “তহবিল” অর্থ বিধি ২২ এর অধীন গঠিত বৃক্ষ রোপণ তহবিল;[“(ঘঘ)” “ফরম” অর্থ এই বিধিমালার ফরম;

(ঘঘঘ) “ফরেস্ট ভিলেজার” অর্থ বাংলাদেশ ফরেস্ট ম্যানুয়াল পার্ট-২ এর আর্টিকেল-২৮ আনুসারে বনবিভাগের নিবন্ধিত ফরেস্ট ভিলেজার;]

(ঙ) “বেসরকারী সংস্থা” অর্থ the Societies Registration Act, 1860 (Act XXI of 1860) এর অধীনে গঠিত কোন সামাজিক সংগঠন বা the Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961 (Ord. XLVI of 1961) এর অধীনে নিবন্ধিত কোন সংগঠন বা the Foreign Donations (Voluntary Activities) Regulation Ordinance, 1978 (Ord. XLVI of 1978) এর অধীনে এনজিও এ্যাসোসিয়েশন ব্যুরো কর্তৃক নিবন্ধিত কোন সংগঠন বা কোম্পানী আইন, ১৯৯৪ (১৯৯৪ সনের ১৮ নং আইন) এর অধীনে নিবন্ধিত কোন কোম্পানী;

(চ) “ব্যবস্থাপনা কমিটি” অর্থ বিধি ৯ এর অধীন গঠিত ব্যবস্থাপনা কমিটি

(ছ) স্থানীয় জনগোষ্ঠী অর্থ এই বিধিমালার অধীন সামাজিক বনায়নে আগ্রহী স্থানীয় জনগোষ্ঠী যাহাদের বিধি ৬ এর অধীন উপকারভোগী নির্বাচিত হইবার যোগ্যতা রহিয়াছে।]

৩। সামাজিক বনায়ন এলাকা নির্ধারণ

(১) এই বিধিমালার উদ্দেশ্য পূরণকল্পে, বন অধিদপ্তর সাধারণ আদেশ দ্বারা সময় সময় বিভিন্ন বন বিভাগে এক বা একাধিক সামাজিক বনায়ন এলাকা নির্ধারণ করিতে পারিবে।

(২) উপ-বিধি (১) এর অধীন কোন বন বিভাগে একাধিক সামাজিক বনায়ন এলাকা নির্ধারণ করা হইলে উহাদেরকে সংখ্যার ক্রম অনুসারে চিহ্নিত করা যাইবে।

৪। সামাজিক বনায়ন চুক্তি ও উহার পক্ষগণ

(১) এই বিধিমালার উদ্দেশ্য পূরণকল্পে, নিম্নবর্ণিত পক্ষসমূহ পারস্পরিক চুক্তি সম্পাদন করিতে পারিবে,

যথা:--

(ক) বন অধিদপ্তর;

(খ) ভূমির মালিক বা দখলী স্বত্বাধিকারী কোন ব্যক্তি অথবা সরকারী বা সংবিধিবদ্ধ সংস্থা;

(গ) উপকারভোগী;

(ঘ) বেসরকারী সংস্থা ;

(২) উপ-বিধি (১) এর অধীন সম্পাদিতব্য চুক্তিতে বন অধিদপ্তর এবং উপকারভোগী অবশ্যই পক্ষ হিসাবে থাকিতে হইবে।

(৩) সরকার কর্তৃক সময় সময় নির্ধারিত ফরমে চুক্তি স্বাক্ষরিত হইবে।

(৪) এই বিধিমালার উদ্দেশ্য পূরণকল্পে, চুক্তিভুক্ত কোন উপকারভোগী বিবাহিত পুরুষ হইলে তাহার স্ত্রীও উপকারভোগী হিসেবে গণ্য হইবেন, এবং চুক্তিভুক্ত কোন উপকারভোগী বিবাহিত মহিলা হইলে তাহার স্বামীও উপকারভোগী হিসেবে গণ্য হইবেন।

(৫) এই বিধিমালার অধীন চুক্তি বলবৎ থাকাকালীন উপকারভোগী স্বামী-স্ত্রীর মধ্যে বিবাহ বিচ্ছেদ হইলে তাহারা উভয়েই সম-অংশের ভিত্তিতে উপকারভোগী হিসাবে বহাল থাকিবেন।

৫। চুক্তির মেয়াদ ও উহার নবায়ন

(১) এই বিধিমালার অধীন কোন চুক্তির মেয়াদ হইবে নিম্নরূপ, যথা :

(ক) শালবনের ক্ষেত্রে ২০ বৎসর, যাহা মেয়াদান্তে দুই কিস্তিতে আবর্তকালের মেয়াদ পর্যন্ত নবায়নযোগ্য হইবে;

(খ) প্রাকৃতিক বনের ক্ষেত্রে ২০ বৎসর, যাহা মেয়াদান্তে এক কিস্তিতে আবর্তকালের মেয়াদ পর্যন্ত নবায়নযোগ্য হইবে;

(গ) উডলট, কৃষিবনায়ন, স্ট্রিপ পানটেশন, চরাঞ্চল, বরেন্দ্র এলাকা এবং অন্যান্য এলাকায় বৃক্ষরোপণের ক্ষেত্রে [সর্বনিম্ন ১০ বৎসর এবং সর্বোচ্চ ২০ বৎসর, যাহা মেয়াদান্তে দুই অথবা তিন কিস্তিতে সর্বোচ্চ ৪০ বৎসর পর্যন্ত নবায়নযোগ্য হইবে।]

[(১ক) উপ-বিধি (১) এ যাহা কিছুই থাকুক না কেন, স্থানীয় জনগোষ্ঠীর উদ্যোগে গৃহীত সামাজিক বনায়নকার্যক্রমে বন অধিদপ্তর এবং স্থানীয় জনগোষ্ঠীর যৌথ সম্মতিক্রমে সংশ্লিষ্ট চুক্তির মেয়াদ নির্ধারণ করা যাইবে।]

(২) চুক্তিভুক্ত পক্ষগণের পারস্পরিক সম্মতিক্রমে বন অধিদপ্তর কর্তৃক নির্ধারিত পদ্ধতিতে সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা সংশ্লিষ্ট চুক্তি মেয়াদান্তে নবায়ন করিতে পারিবেন।

[৫ক। স্থানীয় জনগোষ্ঠী কর্তৃক সামাজিক বনায়নের আবেদন, তালিকা প্রস্তুত ও অনুমোদন।--

(১) সামাজিক বনায়নের উপযোগী কোন ভূমিতে বনায়নে আগ্রহী স্থানীয় জনগোষ্ঠী বন বিভাগের বীট ও রেঞ্জ কার্যালয়ের মাধ্যমে অথবা সরাসরি বিভাগীয় বন কর্মকর্তার নিকট “ফরম ক” তে লিখিত আবেদন করিতে পারিবে।

(২) উপ-বিধি (১) এর অধীন লিখিত আবেদন প্রাপ্তির পর, বিভাগীয় বন কর্মকর্তা যথাশীঘ্র সংশ্লিষ্ট স্থানীয় জনগোষ্ঠীকে উপকারভোগী চিহ্নিত করিতে এবং উপকারভোগীগণকে বনায়নের কর্মপরিকল্পনা প্রস্তুত করিতে সহায়তা প্রদানের জন্য, ফরেস্ট রেঞ্জারের নীচে নহে এইরূপ একজন বন কর্মকর্তা নিয়োগ করিবেন।

(৩) বন কর্মকর্তা, সংশ্লিষ্ট ইউনিয়ন পরিষদের সদস্য বা সদস্যবৃন্দ এবং আবেদনকারী স্থানীয় জনগোষ্ঠীর পক্ষে ন্যূনতম দুইজন প্রতিনিধি, যাহাদের মধ্যে অন্ততঃ একজন মহিলা থাকিবেন, সমন্বয়ে গঠিত কমিটি বিধি ৬ এর উপবিধি (২) অনুযায়ী উপকারভোগীদের প্রাথমিক তালিকা প্রস্তুত করিবে।

(৪) উপ-বিধি (৩) এর অধীন প্রাথমিক তালিকা চূড়ান্ত হইবার পর সংশ্লিষ্ট বন কর্মকর্তা বিভাগীয় বনকর্মকর্তার নিকট 'ফরম খ' তে একটি প্রতিবেদন দাখিল করিবেন।

(৫) উপ-বিধি (৪) এর অধীন প্রতিবেদন পাওয়ার পর বিভাগীয় বন কর্মকর্তা নিম্ন লিখিত বিষয়াবলী যাচাইকরিবেনঃ-

(ক) বনের সহিত নির্বাচিত উপকারভোগীদের সম্পর্ক এবং

(খ) বনায়ন কার্যক্রমে শ্রম বিনিয়োগের প্রদানের সামর্থ্য।

(৬) উপ-বিধি (৫) এর অধীন যাচাইয়ের পর, বিভাগীয় বন কর্মকর্তা স্থানীয় জনগোষ্ঠীর উদ্যোগে সামাজিক বনায়নের লক্ষ্যে, বিধি ৬ এর উপ-বিধি (১ক) এর বিধান অনুসারে উপকারভোগী নির্বাচনের চূড়ান্ত ব্যবস্থা গ্রহণ করিবেন।

(৭) বিধি ৬ এর উপবিধি (১ক) এর অধীন উপকারভোগী নির্বাচনের পর এবং বিধি ৪ এর অধীন চুক্তিস্বাক্ষরের পর, বিভাগীয় বন কর্মকর্তা, নির্বাচিত উপকারভোগী স্থানীয় জনগোষ্ঠীকে 'ফরম গ' তে সামাজিক বনায়নের অনুমতি প্রদান করিবেন।

৬। উপকারভোগী নির্বাচন, ইত্যাদি

(১) উপকারভোগীগণ বন অধিদপ্তর কর্তৃক, সংশ্লিষ্ট এলাকার স্থানীয় সরকার প্রতিষ্ঠান এবং উক্ত বনায়নের সহিত সম্পৃক্ত বেসরকারী সংস্থার সহিত পরামর্শক্রমে, নির্বাচিত হইবেন।

[১ক) উপ-বিধি (১) এ যাহা কিছুই থাকুক না কেন, স্থানীয় জনগোষ্ঠীর উদ্যোগে গৃহীত সামাজিক বনায়ন কার্যক্রমের ক্ষেত্রে সংশ্লিষ্ট উপজেলা পরিবেশ ও বন উন্নয়ন কমিটি উপকারভোগী নির্বাচন চূড়ান্ত করিবেন।]

[২) সাধারণভাবে কোন সামাজিক বনায়ন এলাকার এক বর্গকিলোমিটারের মধ্যে বসবাসকারী স্থানীয় অধিবাসীগণের মধ্য হইতে উক্ত এলাকার উপকারভোগী নির্বাচিত হইবেন এবং নিম্নবর্ণিত ব্যক্তিগণ উপকারভোগী নির্বাচনে প্রাধিকার পাইবেন, যথা :

(ক) ভূমিহীন;

(খ) ৫০ শতাংশের কম ভূমির মালিক;

(গ) দুঃস্থ মহিলা;

(ঘ) অনগ্রসর গোষ্ঠী;

(ঙ) দরিদ্র আদিবাসী;

(চ) দরিদ্র ফরেস্ট ভিলেজার; এবং

(ছ) অস্বচ্ছল মুক্তিযোদ্ধা অথবা মুক্তিযোদ্ধার অস্বচ্ছল সন্তান।]

(৩) কোন সামাজিক বনায়ন এলাকার এক কিলোমিটারের মধ্যে পর্যাপ্ত সংখ্যক উপকারভোগী না পাওয়া গেলে উক্ত এলাকার নিকটতম এলাকায় বসবাসকারী অধিবাসীগণের মধ্য হইতে উপকারভোগী নির্বাচন করা যাইবে।

(৪) নির্বাচিত উপকারভোগীকে সামাজিক বনায়ন কার্যক্রমে নিজেস্ব সম্পৃক্ত করিতে আগ্রহী হইতে হইবে।

৭। উপকারভোগীর দায়িত্ব, কর্মব্যবস্থাপনা ইত্যাদি হস্তান্তর

(১) উপকারভোগীগণ এই বিধিমালার অধীন সম্পাদিত চুক্তির আওতায় তাহার দায়িত্ব, কর্মব্যবস্থাপনা এবং সুবিধা তাহাদের স্ব-স্ব স্ত্রী অথবা স্বামী অথবা যে কোন উত্তরাধিকারীকে হস্তান্তর করিতে পারিবে এবং কোন উপকারভোগীর মৃত্যুতে তাহার দায়িত্ব, কর্মব্যবস্থাপনা এবং সুবিধাসমূহ তাহার উত্তরাধিকারীগণ কর্তৃক মনোনীত ব্যক্তির উপর বর্তাইবে।

(২) কোন উপকারভোগীর দায়িত্ব, কর্মব্যবস্থাপনা এবং সুবিধা এই বিধির অধীনে হস্তান্তর করা সম্ভব না হইলে অথবা উত্তরাধিকারীগণ উক্ত দায়িত্ব, কর্মব্যবস্থাপনা এবং সুবিধা গ্রহণে সম্মত না হইলে অথবা উক্ত উপকারভোগী যুক্তিযুক্ত কারণে সামাজিক বনায়ন পরিত্যাগ করিলে বন অধিদপ্তরের সংশ্লিষ্ট বিভাগীয় কর্মকর্তা এইরূপ দায়িত্ব গ্রহণে ইচ্ছুক অন্য কোন ব্যক্তির নিকট উক্ত দায়িত্ব, কর্ম ব্যবস্থাপনা এবং সুবিধা হস্তান্তর করিতে পারিবে এবং হস্তান্তরিত উপকারভোগী আনুপাতিক হারেসুবিধাসমূহের অধিকারী হইবে।

৮। বেসরকারী সংস্থা নির্বাচন

(১) এই বিধিমালার উদ্দেশ্য পূরণকল্পে বন অধিদপ্তরের নিকট হইতে এতদুদ্দেশ্যে ক্ষমতাপ্রাপ্ত কোনকর্মকর্তা কোন উপজেলার ভৌগোলিক সীমানায় অবস্থিত বিভিন্ন সামাজিক বনায়ন এলাকার জন্য এক বাএকাধিক বেসরকারী সংস্থা নির্বাচিত করিতে পারিবে।

(২) উপ-বিধি (১) এর অধীন নির্বাচিত হইবার জন্য কোন বেসরকারী সংস্থার নিম্নবর্ণিত যোগ্যতাসম্পন্ন হইতে হইবে, যথাঃ--

(ক) সামাজিক বনায়ন কার্যে সংগঠিতকরণ, উদ্বুদ্ধকরণ ও গতিশীলতা আনয়নে অন্যান্য দুই বৎসরের অভিজ্ঞতা থাকিতে হইবে ; এবং

(খ) জেলা বা উপজেলা/থানা পর্যায়ে নিজস্ব অফিস থাকিতে হইবে।

(৩) উপ-বিধি (১) এর অধীন নির্বাচনের ক্ষেত্রে সংশ্লিষ্টসামাজিক বনায়ন এলাকায় কর্মরত এবং যথাযথকারিগরি দক্ষতা সম্পন্ন ও প্রশিক্ষণপ্রাপ্ত জনবলের অধিকারী কোন বেসরকারী সংস্থা অগ্রাধিকার পাইবে।

৯। ব্যবস্থাপনা কমিটি

(১) সামাজিক বনায়ন কার্যক্রম সুষ্ঠুভাবে পরিচালনার জন্য প্রত্যেক সামাজিক বনায়ন এলাকায় নিম্নবর্ণিতসদস্যদের সমন্বয়ে সামাজিক বনায়ন ব্যবস্থাপনা কমিটি নামে একটি ব্যবস্থাপনা কমিটি থাকিবে, যথাঃ---

(ক) সভাপতি ১ জন;

(খ) সহ-সভাপতি ১ জন;

(গ) সাধারণ সম্পাদক ১ জন;

(ঘ) সহ-সাধারণ সম্পাদক ১ জন;

(ঙ) কোষাধ্যক্ষ ১ জন; এবং

(চ) সাধারণ সদস্য ৪ জন।

[(১ক) উপ-বিধি (১) এ যাহা কিছুই থাকুক না কেন, স্থানীয় জনগোষ্ঠীর উদ্যোগে গৃহীত সামাজিক বনায়ন কার্যক্রমের ক্ষেত্রে ব্যবস্থাপনা কমিটি নিম্নরূপ সদস্যদের, যাহাদের মধ্যে অন্ততঃ দুইজন মহিলা থাকিবেন, সমন্বয়ে গঠিত হইবে, যথা :

(ক) সভাপতি ১ জন;

(খ) সাধারণ সম্পাদক ১ জন;

(গ) কোষাধ্যক্ষ ১ জন; এবং

(ঘ) সদস্য ২ জন

(২) এই বিধির অধীন ব্যবস্থাপনা কমিটির সদস্যগণ সংশ্লিষ্টসামাজিক বনায়ন এলাকার উপকারভোগীগণকর্তৃক নির্বাচিত হইবেন, তবে তাহাদের অন্ততঃ এক-তৃতীয়াংশ সদস্য মহিলদের মধ্য হইতে নির্বাচিত হইবেন।

১০। ব্যবস্থাপনা কমিটির সদস্যদের মেয়াদ, ইত্যাদি

(১) ব্যবস্থাপনা কমিটির সদস্যগণের মেয়াদ হইবে দুই বৎসর এবং তাহারা পুনরায় নির্বাচিত হইবার যোগ্যহইবেন।

(২) ব্যবস্থাপনা কমিটির কোন সদস্য তাহার মেয়াদ শেষ হইবার পূর্বে সভাপতির বরাবরে লিখিত পত্রযোগেশ্বীয় পদ ত্যাগ করিতে পারিবেন।

১১। ব্যবস্থাপনা কমিটির দায়িত্ব

ব্যবস্থাপনা কমিটির দায়িত্ব হইবে নিম্ন রূপ, যথা :

(ক) সামাজিক বনায়নে বন অধিদপ্তরের কর্মকর্তাগণকে সহায়তাকরণ;

(খ) সামাজিক বনায়নের আওতায় সৃষ্ট বনের সৃষ্টি পরিচর্যা ও রক্ষণাবেক্ষণ;

(গ) উপকারভোগীগণকে তাহাদের দায়িত্ব পালনে উদ্বুদ্ধকরণ এবং এই বিধিমালার অধীন তাহাদেরযথাযথ সুবিধা প্রাপ্তিতে সহায়তাকরণ;

(ঘ) বৃক্ষরোপণ তহবিল ব্যবস্থাপনা ও পরিচালনা;

(ঙ) চুক্তিভুক্ত বিভিন্ন পক্ষের মধ্যে উদ্ভূত বিরোধ নিষ্পত্তিকরণ; এবং

(চ) বন অধিদপ্তর কর্তৃক সময় সময় অর্পিত অন্য কোন দায়িত্ব সম্পাদন।

১২। ব্যবস্থাপনা কমিটির সভা

(১) এই বিধির অন্যান্য বিধান সাপেক্ষে ব্যবস্থাপনা কমিটি তাহার কার্যপদ্ধতি নির্ধারণ করিতে পারিবে।

(২) ব্যবস্থাপনা কমিটির সভা উহার সভাপতি কর্তৃক নির্ধারিত স্থান ও সময়ে অনুষ্ঠিত হইবে :

তবে শর্ত থাকে যে, প্রতি তিন মাসে ব্যবস্থাপনা কমিটির কমপক্ষে একটি সভা অনুষ্ঠিত হইবে, এবংজরুরীপ্রয়োজনে সভাপতি সাত দিনের নোটিশে যে কোন সময় সভা আহ্বান করিতে পারিবে।

(৩) সভাপতি ব্যবস্থাপনা কমিটির সভায় সভাপতিত্ব করিবেন এবং তাহার অনুপস্থিতিতে সহ-সভাপতি সভায় সভাপতিত্ব করিবেন এবং তাহাদের উভয়ের অনুপস্থিতিতে সভায় উপস্থিত সদস্যগণের দ্বারানির্ধারিত কোন সদস্য সভায় সভাপতিত্ব করিবেন।

(৪) ব্যবস্থাপনা কমিটির সকল সিদ্ধান্ত উহার সভায় গৃহীত হইবে।

(৫) সভায় উপস্থিত দুই-তৃতীয়াংশ সদস্যের সম্মতিতে সিদ্ধান্ত গৃহীত হইবে।

(৬) কোন বিষয়ে সিদ্ধান্ত গ্রহণের জন্য প্রয়োজনীয় সদস্যের সমর্থন পাওয়া না গেলে সভায় উপস্থিতসংখ্যাগরিষ্ঠ সদস্যের সম্মতিতে উক্ত বিষয়টি বিধি ১৪ এর অধীন গঠিত উপদেষ্টা কমিটির নিকট প্রেরণকরা যাইবে এবং উপদেষ্টা কমিটি কর্তৃক গৃহীত সিদ্ধান্ত চূড়ান্ত বলিয়া গণ্য হইবে।

১৩। ব্যবস্থাপনা কমিটির বিলুপ্তি

(১) কোন ব্যবস্থাপনা কমিটির অন্যান্য দুই-তৃতীয়াংশ সদস্যের লিখিত সুপারিশের ভিত্তিতে বন অধিদপ্তরেরসংশ্লিষ্টবিভাগীয় বন কর্মকর্তা উক্ত ব্যবস্থাপনা কমিটি বাতিল করিতে পারিবেন।

(২) ব্যবস্থাপনা কমিটি বিধি ১১ অথবা ১২ এর অধীন কোন দায়িত্ব বা কার্য সম্পাদন করিতে ব্যর্থ হইলে,সংশ্লিষ্টফরেস্ট রেঞ্জ কর্মকর্তা উক্ত কমিটির সভাপতিকে কারণ দর্শানোর নোটিশ প্রদান করিবেন,যাহার অনুলিপি কমিটির অন্যান্য সকল সদস্যকেও প্রদান করিতে হইবে।

(৩) উপ-বিধি (২) এর অধীন নোটিশ প্রাপ্তির পর ব্যবস্থাপনা কমিটির পক্ষে সভাপতি সন্তোষজনক ব্যাখ্যা দিতে ব্যর্থ হইলে সংশ্লিষ্টফরেস্ট রেঞ্জ কর্মকর্তা বিষয়টি সংশ্লিষ্টবিভাগীয় বন কর্মকর্তাকেলিখিতভাবে অবহিত করিবেন।

(৪) বিভাগীয় বন কর্মকর্তা উপ-বিধি (৩) এর অধীন বিষয়টি অবহিত হইবার পর উহা সমাধানের চেষ্টাকরিবেন এবং, প্রয়োজনবোধে, বিষয়টি সংশ্লিষ্টউপজেলা পরিবশে ও বন উন্নয়ন কমিটিতে প্রেরণকরিবেন এবং উক্ত কমিটির পরামর্শ গ্রহণক্রমে অভিযুক্ত ব্যবস্থাপনা কমিটি বিলুপ্ত করিতে পারিবেন।

১৪। উপদেষ্টা কমিটি ও উহার দায়িত্ব

(১) এই বিধিমালার উদ্দেশ্য পূরণকল্পে প্রত্যেক সামাজিক বনায়ন এলাকার জন্য সামাজিক বনায়ন উপদেষ্টাকমিটি নামে একটি উপদেষ্টা কমিটি থাকিবে।

(২) উপ-বিধি (১) এর অধীন উপদেষ্টা কমিটি নিম্নবর্ণিত সদস্যদের সমন্বয়ে গঠিত হইবে, যথা :

(ক) বন অধিদপ্তরের সংশ্লিষ্টস্থানীয় প্রধান কর্মকর্তা;

(খ) বিধি ৮ এর অধীন নির্বাচিত কোন বেসরকারী সংস্থার একজন প্রতিনিধি; এবং

(গ) ব্যবস্থাপনা কমিটি কর্তৃক মনোনীত একজন বিশিষ্ট সমাজসেবক, যিনি ব্যবস্থাপনা কমিটিরসদস্য নহেন।

(৩) উপদেষ্টা কমিটির দায়িত্ব হইবে নিম্নরূপ, যথা :

(ক) এই বিধিমালার অধীন দায়িত্ব পালনের ক্ষেত্রে ব্যবস্থাপনা কমিটিকে এবং তহবিল ব্যবস্থাপনাউপ-কমিটিকে প্রয়োজনীয় পরামর্শ প্রদান;

(খ) ব্যবস্থাপনা কমিটি এই বিধিমালার অধীন কোন বিষয়ে সিদ্ধান্ত গ্রহণে অসমর্থ হইলে তৎসম্পর্কে চূড়ান্ত সিদ্ধান্ত প্রদান।

১৫। আবর্তকাল নির্ধারণ, ইত্যাদি

(১) উপ-বিধি (২) এর বিধান সাপেক্ষে, সামাজিক বনায়নের অধীন উৎপন্ন বৃক্ষের আবর্তকাল বন অধিদপ্তরকর্তৃক নির্ধারিত হইবে।

(২) কোন বৃক্ষের আবর্তকাল উহার রোপণের তারিখ হইতে নিম্ন বর্ণিত মেয়াদের অধিক হইবে না, যথা :

(ক) শাল বনের ক্ষেত্রে ষাট বৎসর;

(খ) প্রাকৃতিক বনের ক্ষেত্রে চলিশবৎসর; এবং

(গ) ফলজ বৃক্ষের ক্ষেত্রে উক্ত বৃক্ষ যতদিন স্বাভাবিকভাবে ফল ধারণ করিবে ততদিন।

(৩) নিম্নবর্ণিত ক্ষেত্রে ব্যতীত নন-টিম্বার ফরেস্ট প্রোডাক্ট বা কোন সামাজিক বনায়ন এলাকার কোন বৃক্ষের ডালপালা ছাঁটাই, কর্তন বা উৎপাটন করা যাইবে না, যথা :

(ক) উক্তরূপ কোন বৃক্ষের যথাযথ বর্ধন ও পরিপক্বতার প্রয়োজনে; অথবা

(খ) উক্তরূপ কোন বৃক্ষের রোগাক্রান্ত হইবার কারণে; অথবা

(গ) সরকারের কোন উন্নয়ন কর্মকাণ্ডের প্রয়োজনে; অথবা

(ঘ) ব্যবস্থাপনা কমিটি ও বন অধিদপ্তর কর্তৃক স্বীকৃত কোন যুক্তিসংগত কারণে।

১৬। সামাজিক বনায়নে বন অধিদপ্তরের দায়িত্ব ও কর্তব্য

(১) সামাজিক বনায়ন কর্মসূচী বাস্তবায়নে বন অধিদপ্তর নিম্ন বর্ণিত দায়িত্ব ও কর্তব্যসমূহ পালন করিবে, যথা:

(ক) উপকারভোগী নির্বাচন;

(খ) বৃক্ষরোপণের কর্ম পরিকল্পনা প্রণয়ন;

[১০(খখ) স্থানীয় জনগোষ্ঠীর উদ্যোগে গৃহীত সামাজিক বনায়ন কার্যক্রমে কর্মপরিকল্পনা প্রণয়নে উপকারভোগীগণকে সহায়তা প্রদান এবং কর্মপরিকল্পনা অনুমোদন;

(গ) সামাজিক বন সৃষ্টি ও উহার ব্যবস্থাপনা সম্পর্কে উপকারভোগীগণকে কারিগরি পরামর্শ প্রদান এবং প্রয়োজনানুযায়ী কোন সরকারী বা বেসরকারী সংস্থার সহযোগিতা গ্রহণ;

(ঘ) ভূমির স্বত্বাধিকারী ব্যক্তি বা সংস্থা, উপকারভোগী ও বেসরকারী সংস্থাসমূহের এবং অন্যান্যদেরসহিত চুক্তি সম্পাদন;

(ঙ) সামাজিক বনায়ন কার্যক্রম এবং বৃক্ষরোপণ তহবিল পরিবীক্ষণ;

(চ) [**]প্রশিক্ষণ প্রদান;

(ছ) চূড়ান্তভাবে আহরিত ফসল বাজারজাতকরণ এবং উহা হইতে লব্ধ আয় বিধি ২০ এর অধীন প্রাপকগণের মধ্যে বন্টন;

- (জ) উপদারভোগীগণ কর্তৃক উপযুক্ত মানের বীজ বা চারা উৎপাদনে অসমর্থতার ক্ষেত্রে তাহাদিগকে উক্তরূপ বীজ বা চারা সংগ্রহে সহায়তা করা; [**]
- (ঝ) যানবাহন চলাচলে বাধা সৃষ্টি করে বা অন্য কোন অসুবিধা করে এইরূপ ডালপালা জরুরীপ্রয়োজনে কর্তন করা [;]
- (ঞ) চুক্তি মোতাবেক বিধি ১৮ তে বর্ণিত কোন দায়িত্ব ও কর্তব্য সম্পাদনে ব্যর্থ হইলে উপকারভোগীগণের সহিত চুক্তি বাতিল করা; এবং
- (ট) স্থানীয় জনগোষ্ঠীর উদ্যোগে গৃহীত সামাজিক বনায়ন কার্যক্রমে অনুমোদিত কর্মপরিকল্পনা অনুযায়ী উপকারভোগীগণ কর্তৃক বনজ দ্রব্য সংগ্রহ ও ব্যবহারের প্রয়োজনীয় নির্দেশিকা প্রণয়ন।]

(২) বন অধিদপ্তর উপ-বিধি (১) এর দফা (খ) ও (ছ) তে বর্ণিত দায়িত্ব ও কর্তব্য পালনের ক্ষেত্রে সংশ্লিষ্ট ব্যবস্থাপনা কমিটির সহিত আলোচনা সাপেক্ষে সিদ্ধান্ত গ্রহণ করিবে।

(৩) বন অধিদপ্তর কর্তৃক এতদউদ্দেশ্যে নিযুক্ত উহার কোন কর্মকর্তা উপকারভোগীগণের সহিত যৌথভাবে স্থানীয় পর্যায়ে মাইক্রো-লেভেল সামাজিক বনায়ন ব্যবস্থাপনা পরিকল্পনা প্রণয়ন করিবে, যাহা বন অধিদপ্তরের সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা দ্বারা অনুমোদিত হইতে হইবে।

১৭। চুক্তিভুক্ত ভূমির মালিক বা দখলী স্বত্বাধিকারী ব্যক্তি বা সংস্থার দায়িত্ব ও কর্তব্য

চুক্তিভুক্ত ভূমির মালিক বা দখলী স্বত্বাধিকারী ব্যক্তি বা সংস্থা;

- (ক) চুক্তি বলবৎ থাকাকালীন চুক্তিভুক্ত ভূমি বা ভূমির সুবিধা এমনভাবে হস্তান্তর করিতে পারিবে না, যাহা সামাজিক বনায়ন কার্যক্রমের জন্য ক্ষতিকর হয়;
- (খ) চুক্তিভুক্ত ভূমিতে রোপিত বৃক্ষের নিরাপত্তা, রক্ষণাবেক্ষণ ও ব্যবস্থাপনায় সহযোগিতা প্রদান করিবে; এবং
- (গ) সামাজিক বনায়নে ব্যবহৃত ভূমির জন্য কোন প্রকার চার্জ বা ভাড়া আরোপ করিতে পারিবে না।

১৮। চুক্তিভুক্ত উপকারভোগীদের দায়িত্ব ও কর্তব্য

চুক্তিভুক্ত উপকারভোগীগণ নিম্ন বর্ণিত দায়িত্ব ও কর্তব্যসমূহ পালন করিবেন, যথা:

- (ক) সামাজিক বনায়ন ব্যবস্থাপনা পরিকল্পনা প্রণয়নে অংশগ্রহণ;
- (খ) বন অধিদপ্তরের সহিত যৌথভাবে কর্ম পরিকল্পনা তৈরি; (খখ) স্থানীয় জনগোষ্ঠীর উদ্যোগে গৃহীত সামাজিক বনায়ন কার্যক্রমে বন অধিদপ্তরের সহায়তায় কর্মপরিকল্পনা প্রণয়ন এবং অনুমোদিত কর্ম পরিকল্পনা বাস্তবায়ন;
- (গ) বৃক্ষরোপণের জন্য চারা উৎপাদন;
- (ঘ) বৃক্ষরোপণ ও রোপিত বৃক্ষের যত্ন, রক্ষণাবেক্ষণ ও রক্ষাকরণ;
- (ঙ) অনুমোদিত পরিকল্পনা মোতাবেক বৃক্ষ ঘনত্ব হ্রাসকরণ ও ছাঁটাইকরণ;
- (চ) সামাজিক বনায়ন সংক্রান্ত কোন সভায় আমন্ত্রিত হইলে উপস্থিতি; [**]
- (ছ) অনুমোদিত পরিকল্পনা মোতাবেক অন্যান্য কার্যাবলী সম্পাদন [;]

(জ) স্থানীয় জনগোষ্ঠীর উদ্যোগে গৃহীত সামাজিক বনায়ন কার্যক্রমে বন অধিদপ্তরের সম্মতি ক্রমে প্রয়োজনীয়বিনিয়োগের ব্যবস্থা করা; এবং

(ঝ) ফসল বাজারজাতকরণে সংশ্লিষ্টবন বিভাগ প্রতিনিধি প্রেরণ।]

১৯। চুক্তিভুক্ত বেসরকারী সংস্থার দায়িত্ব ও কর্তব্য

চুক্তিভুক্ত বেসরকারী সংস্থা নিম্ন বর্ণিত দায়িত্ব ও কর্তব্যসমূহ পালন করিবে, যথা:

(ক) বন অধিদপ্তরের সহিত যৌথভাবে সামাজিক বনায়নের স্থান নির্বাচন;

(খ) উপকারভোগী নির্বাচনে বন অধিদপ্তরকে সহায়তাকরণ;

(গ) স্থানীয় বন অধিদপ্তরের কর্মকর্তাদের সহিত যৌথভাবে উপকারভোগীগণকে বিভিন্নগ্রুপসংগঠিতকরণ এবং সামাজিক বনায়ন সম্পর্কে উদ্বুদ্ধকরণ;

(ঘ) উপকারভোগীগ্রুপসমূহের মধ্যে অন্যান্য সামাজিক উন্নয়নমূলক কর্মকাণ্ড পরিচালনা;

(ঙ) বন অধিদপ্তরের চাহিদা অনুসারে উপকারভোগীদের প্রশিক্ষণ প্রদান করা;

(চ) সামাজিক বনায়ন কার্যকররূপে বাস্তবায়নের উদ্দেশ্যে উপকারভোগীগণের সহিত সুবিধা ভাগাভাগিচুক্তি সম্পর্কে যথাযথ যোগাযোগ রক্ষাকরণ;

(ছ) কৃষিবন ও উডলট বনের উপকারভোগী গণকে মান সম্পন্ন দ্রব্যাদি সরবরাহ সম্পর্কে খোঁজ খবর রাখা;

(জ) বৃক্ষ উৎপাদনে সময়োপযোগী ব্যবস্থা গ্রহণ ও অন্যান্য সংশ্লিষ্ট

কর্মকাণ্ডে বন অধিদপ্তরকেসহায়তাকরণ ও উপকারভোগীগণকে উদ্বুদ্ধকরণ;

(ঝ) আয় বৃদ্ধি ও কর্মসংস্থানের উদ্দেশ্যে নিজস্ব ব্যবস্থাপনায় উপকারভোগীগণকে ক্ষুদ্র ঋণ প্রদান;

(ঞ) বনের ঘনত্ব হ্রাসকরণ (thinning) ও বৃক্ষের ডালপালা ছাঁটাই হইতে আহরিত মধ্যবর্তী সুবিধা এবংচূড়ান্ন ফসল হইতে আহরিত সুবিধাসমূহের বিভিন্ন পক্ষের প্রাপ্য অংশ সম্পর্কে খোঁজ খবর রাখা এবংউপকারভোগীগণের প্রাপ্ত সুবিধা সম্পর্কে তথ্য সংরক্ষণে তাহাদিগকে সহায়তাকরণ;

(ট) উপকারভোগীগণকে বিভিন্ন বনে বনায়ন কর্মকাণ্ডের সহিত সামঞ্জস্যপূর্ণ বিভিন্ন মধ্যবর্তী ফসলউৎপাদনে দিক নির্দেশনা প্রদান;

(ঠ) উপকারভোগীগণের বিরুদ্ধে বন অধিদপ্তর কর্তৃক অভিযোগ উত্থাপনের ক্ষেত্রে স্থানীয় পর্যায়ে উহাসমাধানে সহায়তাকরণ;

(ড) বন অধিদপ্তরের সহিত যৌথভাবে এবং উপকারভোগী ও সমাজের অন্যান্য সদস্যের সহিত পরামর্শক্রমেবর্তমান ভূমি ব্যবহার পদ্ধতি এবং উপযুক্ত ব্যবস্থাপনা পরিকল্পনা প্রণয়নে বাধা ও সুবিধাসমূহ অবহিতহওয়ার জন্য জরিপ পরিচালনা; এবং

(ঢ) অংশগ্রহণমূলক শাল বন ব্যবস্থাপনাসহ অন্যান্য বনায়নের জন্য উপযুক্ত এলাকা নির্বাচন ওচিহ্নিতকরণে বন অধিদপ্তরকে সহায়তাকরণ।

২০। সামাজিক বনায়ন হইতে লক্ষ আয়ের বন্টন

(১) বিধি ১৫-এর উপ-বিধি (৩) এ বর্ণিত প্রয়োজনে বা উক্ত উপ-বিধিতে বর্ণিত যুক্তিসঙ্গত কারণেছাঁটাইকৃত ডালপালা, প্রথম ঘনত্ব হ্রাসকরণ (first thinning) কালে কর্তৃত বৃক্ষ, ফলজ বৃক্ষের ফলএবং উৎপাদিত কৃষিজাত ফসল সম্পূর্ণভাবে উপকারভোগীগণ প্রাপ্য হইবেন।

(২) প্রথম ঘনত্ব হ্রাসকরণ এর পরবর্তী সকল ঘনত্ব হ্রাসকরণকালে এবং আবর্তকাল পূর্ণ হইবার পর কর্তিত বৃক্ষ হইতে লব্ধ আয় বিভিন্ন পক্ষগণের মধ্যে নিম্নবর্ণিত হারে বন্টিত হইবে, যথাঃ

(ক) বন অধিদপ্তরের নিয়ন্ত্রণাধীন বন ভূমির উডলট ও কৃষি বনের ক্ষেত্রে-

| পক্ষ | প্রাপ্য হার |
|---------------------|-------------|
| (অ) বন অধিদপ্তর | ৪৫%; |
| (আ) উপকারভোগীগণ | ৪৫%; এবং |
| (ই) বৃক্ষরোপণ তহবিল | ১০%; |

(খ) শালবন ভূমি সংরক্ষণ ও উনডুবয়নের ক্ষেত্রে-

| পক্ষ | প্রাপ্য হার |
|---------------------|-------------|
| (অ) বন অধিদপ্তর | ৬৫%; |
| (আ) উপকারভোগীগণ | ২৫%; এবং |
| (ই) বৃক্ষরোপণ তহবিল | ১০%; |

(গ) বন অধিদপ্তর ব্যতীত অন্য কোন ব্যক্তি অথবা সরকারী বা সংবিধিবদ্ধ সংস্থার মালিকানা বা দখলীস্বত্বাধীন সংকীর্ণ ভূমিতে (স্ট্রীপ) বৃক্ষরোপণের ক্ষেত্রে :

| পক্ষ | প্রাপ্য হার |
|--|-------------|
| (অ) বন অধিদপ্তর | ১০%; |
| (আ) ভূমির মালিকানা বা দখলী স্বত্বাধিকারী ব্যক্তি বা সংস্থা | ২০%; |
| (ই) উপকারভোগীগণ | ৫৫%; |
| (ঈ) স্থানীয় ইউনিয়ন পরিষদ | ৫%; |
| (উ) বৃক্ষরোপণ তহবিল | ১০%; |

(ঘ) চরভূমি ও ফোরশোর বৃক্ষরোপণের ক্ষেত্রেঃ

| পক্ষ | প্রাপ্য হার |
|---------------------------|-------------|
| (অ) বন অধিদপ্তর | ২৫%; |
| (আ) উপকারভোগীগণ | ৪৫%; |
| (ই) ভূমির মালিক বা দখলদার | ২০%; |
| (ঈ) বৃক্ষরোপণ তহবিল | ১০%; |

(ঙ) বরেন্দ্র এলাকায় খাড়ি ও পুকুর পাড় পুনর্বাসন ও বনায়নের ক্ষেত্রে-

| পক্ষ | প্রাপ্য হার |
|---------------------------|-------------|
| (অ) বন অধিদপ্তর | ২৫%; |
| (আ) উপকারভোগীগণ | ৪৫%; |
| (ই) ভূমির মালিক বা দখলদার | ২০%; |
| (ঈ) বৃক্ষরোপণ তহবিল | ১০%; |

(চ) শালবন ব্যতীত বিদ্যমান বাগান ও প্রাকৃতিক বনের ক্ষেত্রে-

| পক্ষ | প্রাপ্য হার |
|---------------------|-------------|
| (অ) বন অধিদপ্তর | ৫০%; |
| (আ) উপকারভোগীগণ | ৪০%; |
| (ই) বৃক্ষরোপণ তহবিল | ১০%; |

(ছ) স্থানীয় জনগোষ্ঠীর উদ্যোগে বন বিভাগের ভূমিতে গৃহীত সামাজিক বনায়নের ক্ষেত্রে

| পক্ষ | প্রাপ্য হার |
|-----------------|-------------|
| (অ) বন অধিদপ্তর | ২৫%; |
| (আ) উপকারভোগীগণ | ৭৫%; |

(জ) স্থানীয় জনগোষ্ঠীর উদ্যোগে সরকারী, আধাসরকারী ও স্বায়ত্তশাসিত সংস্থার ভূমিতে সামাজিকবনায়নের ক্ষেত্রে

| পক্ষ | প্রাপ্য হার |
|------------------------|-------------|
| (অ) বন অধিদপ্তর | ১০%; |
| (আ) উপকারভোগীগণ | ৭৫%; |
| (ই) ভূমির মালিক সংস্থা | ১৫%; |

(৩) সরকার উপ-বিধি (২) এর অধীন লব্ধ বন্টনের হার সময় সময় পরিবর্তন করিতে পারিবে।

২১। বেসরকারী সংস্থার সার্ভিস চার্জ, ও প্রশিক্ষণ ব্যয় ও ফি ইত্যাদি

প্রত্যেক বেসরকারী সংস্থা এই বিধিমালার অধীন উহার দায়িত্ব পালনের জন্য এবং উপকারভোগীদের প্রশিক্ষণপ্রদানের জন্য বন অধিদপ্তর কর্তৃক নির্ধারিত হারে সার্ভিস চার্জ, প্রশিক্ষণ ব্যয় ও ফি প্রাপ্ত হইবে।

২২। বৃক্ষরোপণ তহবিল ও উহার ব্যবহার

(১) প্রত্যেক সামাজিক বনায়ন এলাকার জন্য বৃক্ষরোপণ তহবিল নামে একটি তহবিল থাকিবে।

(২) তহবিলে বিধি ২০ এর অধীন সামাজিক বনায়ন হইতে লব্ধ আয়ের নির্ধারিত অংশ জমা হইবে।

(৩) প্রথম আবর্তকাল পরবর্তী সকল বৃক্ষরোপণ ও উহার পরিচর্যার ব্যয়ভার তহবিল হইতে বহন করা হইবে।

(৪) উপ-বিধি(৩) এ বর্ণিত ব্যয় বহনের পর তহবিলে অর্থ উদ্ধৃত থাকিলে উহা বন উন্নয়ন অথবা উপকারভোগীগণ কর্তৃক নার্সারী ও বাগান সৃষ্টিসহ বৃক্ষভিত্তিক কর্মকাণ্ড ও সমাজ উন্নয়নমূলক কর্মকাণ্ডের ব্যয়ভার বহন করার জন্য ব্যবহার করা যাইবে।

(৫) তহবিলের অর্থ স্থানীয় যে কোন রাষ্ট্রায়ত্ত তফসীলী ব্যাংকে এসটিডি (STD) হিসাবে জমা থাকিবে এবং ব্যবস্থাপনা কমিটি কর্তৃক গৃহীত ও উপদেষ্টাগণ কর্তৃক সম্মত একটি সিদ্ধান্ত প্রস্তাবের ভিত্তিতে তহবিল ব্যবস্থাপনা উপ-কমিটির সাধারণ সম্পাদক ও কোষাধ্যক্ষের যৌথ স্বাক্ষরে উক্ত তহবিলের একাউন্ট হইতে অর্থ উত্তোলন করা যাইবে।

(৬) তহবিল ব্যবস্থাপনা উপ-কমিটি কর্তৃক তহবিলের হিসাব যথাযথরূপে রক্ষিত হইবে এবং তহবিলের হিসাব সংক্রান্ত সকল বিহি, বিবরণী, নথিপত্র উপকারভোগী এবং উপদেষ্টাদের পরিদর্শনের জন্য উন্মুক্ত থাকিবে।

২৩। তহবিল ব্যবস্থাপনা উপ-কমিটি

(১) বৃক্ষরোপণ তহবিল পরিচালনা ও ব্যবস্থাপনার জন্য তহবিল ব্যবস্থাপনা উপ-কমিটি নামে একটি কমিটি থাকিবে।

(২) নিম্নবর্ণিত সদস্যদের সমন্বয়ে তহবিল ব্যবস্থাপনা উপ-কমিটি গঠিত হইবে, যথা:-

(ক) ব্যবস্থাপনা কমিটির সহ-সভাপতি, যিনি উহার সভাপতি হইবেন, পদাধিকার বলে;

(খ) ব্যবস্থাপনা কমিটির সহ-সাধারণ সম্পাদক, পদাধিকার বলে; এবং

(গ) ব্যবস্থাপনা কমিটির কোষাধ্যক্ষ, যিনি উহার সদস্য- সচিব হইবেন, পদাধিকার বলে।

২৪। ব্যক্তি মালিকানাধীন জমিতে সামাজিক বনায়ন

(১) যে কোন ব্যক্তি স্বীয় মালিকানা বা দখলী স্বত্বাধীন ভূমিতে সামাজিক বনায়ন কার্যক্রম গ্রহণের জন্য বনঅধিদপ্তরের নিকট আবেদন করিতে পারিবে।

(২) বন অধিদপ্তর উপ-বিধি (১) এর অধীন প্রাপ্ত আবেদনপত্র বিবেচনা করিয়া আবেদনপত্রে বর্ণিত ভূমিতে এই বিধিমালা অনুযায়ী সামাজিক বনায়ন কার্যক্রম গ্রহণের ব্যবস্থা করিতে পারিবে।

(৩) বন অধিদপ্তর ব্যক্তি মালিকানাধীন জমিতে বিনিয়োগ করিলে আবাদী দ্রব্যাদি পারস্পরিক চুক্তির ভিত্তিতে পক্ষগুলোর মধ্যে বন্টিত হইবে।

২৫। বিরোধ মীমাংসা

(১) যথাচিত আনুপাতিক সুবিধাসহ সামাজিক বনায়ন চুক্তির ব্যাখ্যা প্রদান অথবা কার্যকরকরণ পদ্ধতি অথবা কোন অবস্থা সম্পর্কিত যে কোন বিরোধ নিম্ন লিখিত ব্যক্তি অথবা কমিটির দ্বারা চূড়ান্ত ভাবে নিষ্পত্তি হইবে :

(ক) ব্যবস্থাপনা কমিটির দ্বারা, যদি বিরোধটি উপকারভোগীদের মধ্যে উদ্ভব হয় ;

(খ) সংশ্লিষ্ট বন কর্মকর্তা দ্বারা, যদি বিরোধটি ব্যবস্থাপনা কমিটি এবং উপকারভোগীদের মধ্যে উদ্ভব হয়;

(গ) একজন বন কর্মকর্তা দ্বারা, যদি বিরোধটি বন কর্মচারী এবং ব্যবস্থাপনা কমিটি অথবা বন কর্মচারী এবং উপকারভোগীদের মধ্যে উদ্ভব হয়।

(২) বিধি (১) এর অধীন কোন মীমাংসার বিরুদ্ধে সংশ্লিষ্ট উপজেলা চেয়ারম্যান বা তাঁহার অবর্তমানে উপজেলা নির্বাহী কর্মকর্তার নিকট আপীল করা যাইবে এবং তাহার সিদ্ধান্ত চূড়ান্ত হইবে।

২৬। জাতীয় পরামর্শ ফোরাম গঠন

সামাজিক বনায়নের সহিত সম্পর্কিত বিষয়ে প্রয়োজনীয় নীতিমালা প্রণয়ন, সংলাপ আদান-প্রদান ও সুশীলসমাজের ব্যাপক অংশগ্রহণ বজায় রাখিবার উদ্দেশ্যে বন অধিদপ্তর, সরকারের অনুমোদন সাপেক্ষে, একটি জাতীয় পরামর্শ ফোরাম গঠন করিবে যাহাতে ক্ষুদ্র জাতিসত্তাসহ অন্যান্য উপকারভোগীদের প্রতিনিধিত্ব থাকিবে।]

[‘ফরম ক’[বিধি- ৫ক (১) দ্রষ্টব্য]

.....

‘ফরম খ’

[বিধি- ৫ক (৫) দ্রষ্টব্য]

.....

‘ফরম গ’

[বিধি- ৫ক (৭) দ্রষ্টব্য]

.....]

‘ফরম ক’

[বিধি- ৫ক (১) দ্রষ্টব্য]

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

বন অধিদপ্তর

স্থানীয় জনগোষ্ঠী কর্তৃক সামাজিক বনায়নের আবেদন

বিভাগী বন কর্মকর্তা

.....

আমরা নিম্ন লিখিত ব্যক্তিগণ.....রেঞ্জ/SFNTCএর আওতাধীন.....বিট/SFPC এলাকায় তফসিলে বর্ণিত ভূমিতে সামাজিক বনায়ন করিতে আশ্রয়ী। আমরাদিককে উক্ত ভূমিতে বনায়নের অনুমতি দেওয়ার জন্য আবেদন করিতেছি।

তফসিল

ভূমির তথ্য

- (ক) ভূমির প্রকার বন ভূমি/স্ট্রীপ/খাস/চর.....পরিমান- হেক্টর/কি:মি:-
- (খ) ভূমির মালিক-
- (গ) ভূমির বর্তমান অবস্থা-
- (ঘ) ভূমির অবস্থানঃ-
- মৌজা- দাগ নং-
- উপজেলা- জেলা-
- (ঙ) ম্যাপ

বাগানের তথ্য

- (ক) কি ধরনের বাগান সৃজনে আশ্রয়ী- উডলট/কৃষি/স্ট্রীপ/অন্যান্য--
- (খ) বৃক্ষ প্রজাতির নাম-
- (গ) উপভোগকারীর সংখ্যা-
- (ঘ) বাগান সৃজনে অর্থের উৎস-
- (ঙ) অর্থের পরিমাণ

স্বাক্ষর ও পূর্ণ নাম (ঠিকানাসহ)

‘ফরম খ’

[বিধি- ৫ক (৪) দ্রষ্টব্য]

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

বন অধিদপ্তর

স্থানীয় জনগোষ্ঠী কর্তৃক সামাজিক বনায়নের আবেদন

বিভাগী বন কর্মকর্তা

.....

.....রেঞ্জ/SFNTCএর আওতাধীন.....বিট/SFPC এ তফসিলভুক্ত ভূমিতে স্থানীয় জনগোষ্ঠী কর্তৃক সামাজিক বনায়ন কার্যক্রম গ্রহণ করিবার জন্য সুপারিশ করা হইল/হইল না।

তফসিল

ভূমির তথ্য

(ক) ভূমির প্রকার- বনভূমি/স্ট্রীপ/খাস/চর.....পরিমান- হেক্টর/কি:মি:-

(খ) ভূমির মালিক-

(গ) ভূমির বর্তমান অবস্থা-

(ঘ) ভূমির অবস্থান :

মৌজা- দাগ নং-

উপজেলা- জেলা-

(ঙ) ম্যাপ

বাগানের তথ্য

(ক) কি ধরণের বাগান সৃজন করা যাইবে-

(খ) বাগানের প্রজাতির নাম-

(গ) উপভোগকারীর সংখ্যা (তালিকা সংযুক্ত করিতে হইবে)-

(ঘ) বাগান সৃজনে অর্থের উৎস-

(ঙ) অর্থের পরিমান

স্বাক্ষর

বন কর্মকর্তার নাম

পদবী-

তারিখ-

‘ফরম গ’

[বিধি- ৫ক (৭) দ্রষ্টব্য]

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

বন অধিদপ্তর

স্থানীয় জনগোষ্ঠী কর্তৃক সামাজিক বনায়নের আবেদন

স্থানীয় জনগণ কর্তৃকরেঞ্জ/SFNTC-এর আওতাধীন.....বিট/SFPC-এর নিম্নতফসিলভুক্তভূমিতে সামাজিক বনায়নের অনুমতি দেওয়া হইল। বাগান সৃজন.....আর্থিক সালের মধ্যে সম্পন্ন করিতে হইবে।

অন্যথায় অনুমতি বাতিল বলিয়া বলে গণ্য হইবে।

তফসিল

ভূমির তথ্য

(ক) ভূমির প্রকার পরিমাণ-

(খ) ভূমির মালিক-

(গ) ভূমির বিবরণ-

(ঘ) ভূমির অবস্থানঃ-

মৌজা- দাগ নং-

উপজেলা- জেলা-

(ঙ) ম্যাপ

বাগানের তথ্য

(ক) বাগানের ধরণ-

(খ) বৃক্ষ প্রজাতির নাম-

(গ) উপভোগকারীর সংখ্যা (তালিকা সংযুক্ত)-

(ঘ) অর্থের উৎস-

(ঙ) অর্থের পরিমাণবিভাগীয়

বন কর্মকর্তা

.....

.....

Appendix 12

(Draft) CHT Forest Transit Rules 2010 (In Bengali)

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
পরিবেশ ও বন মন্ত্রণালয়

প্রজ্ঞাপন

তারিখ ----- ১৪১৬ বঙ্গাব্দ/-----২০১০ খ্রিষ্টাব্দ।

এস, আর, ও নং আইন/২০১০ : ForestAct.1927(Act No. XVI of 1927) এর section 41. Section 76 এর সহিত পঠিতব্য, এ প্রদত্ত ক্ষমতাবলে সরকার নিম্নরূপ বিধিমালা প্রণয়ন করিল, যথা :

- ১। সংক্ষিপ্ত শিরোনাম ও প্রয়োগ :- (১) এই বিধিমালা পার্বত্য জেলাসমূহের বনজঙ্গল পরিবহন (নিয়ন্ত্রণ) বিধিমালা, ২০১০ নামে অভিহিত হইবে।
 - (২) ইহা পার্বত্য জেলা, রাজশাহী, খাগড়াছড়ি ও বান্দরবান এলাকার জন্য প্রযোজ্য হইবে।
- ২। সংজ্ঞা :- বিষয় বা প্রসংগের পরিপন্থী কিছু না থাকিলে এই বিধিমালায়,-
 - (১) “অশ্রেণীভুক্ত বনভূমি” অর্থ রাজশাহী, খাগড়াছড়ি ও বান্দরবান জেলার অধিক্ষেত্রাধীন ডেপুটি কমিশনার কর্তৃক নিয়ন্ত্রিত সরকারী মালিকানাধীন বনভূমি।
 - (২) “অনুমোদিত ডিপো” অর্থ বিভাগীয় বন কর্মকর্তার অনুমোদনক্রমে একটি নির্দিষ্ট সময়ের জন্য স্থাপনকৃত বনজঙ্গলের অস্থায়ী ডিপো;
 - (৩) “আইন” অর্থ Forest Act, 1927 (Act No. XVI of 1927);
 - (৪) “তফসিল” অর্থ এই বিধিমালার সহিত সংযুক্ত কোন তফসিল;
 - (৫) “দফা” অর্থ আইনের কোন দফা;
 - (৬) “ধারা” অর্থ আইনের কোন ধারা;
 - (৭) “নিবন্ধিত ডিপো” অর্থ বিধি ১২ এর উপবিধি (৩) এর অধীন নিবন্ধিত কোন ডিপো;
 - (৮) “নির্ধারিত শর্ত” অর্থ সংশ্লিষ্ট ফরমে উল্লিখিত শর্তাবলী;
 - (৯) “পারমিট” অর্থ ফরম -৮ অনুযায়ী ইস্যুকৃত অনুমতিপত্র;
 - (১০) “পাশ অর্থ ফরম-১ অনুযায়ী ইস্যুকৃত বনজঙ্গলের পরিবহন পাশ;
 - (১১) “ফরম” অর্থ এই বিধিমালার সহিত সংযুক্ত কোন ফরম;
 - (১২) “ফার্মিচার মার্ট বা টিম্বার প্রসেসিং ইউনিট” অর্থ যে কোন ধরনের ক্ষুদ্র শিল্প যেখানে বানিজ্যিক উদ্দেশ্যে বনজঙ্গল চেরাই, কর্তন বা অন্য কোন উপায়ে ইহার আকারের প্রয়োজনীয় পরিবর্তন, সংযোজন, প্রক্রিয়াজাতকরণ বা সংরক্ষণের মাধ্যমে ব্যবহার উপযোগী করিয়া তোলা হয়;
 - (১৩) “ফ্রি লাইসেন্স” অর্থ বিধি ৭ এর উপবিধি (৬) এর অধীন ইস্যুকৃত কোন লাইসেন্স;

- (১৪) “বনজদ্রব্য” অর্থ আইনের ধারা ২ এর যথাক্রমে দফা (৪) এবং দফা (৬) এ সংজ্ঞায়িত “Forest Product” ও “Timber”;
- (১৫) “ব্যবস্থাপনা পরিকল্পনা” অর্থ কোন নির্দিষ্ট ভূমির বৃক্ষ কর্তন, আহরণ, পুনঃ রোপন ও ব্যবস্থাপনা সংক্রান্ত কর্মপরিকল্পনা;
- (১৬) “ভিনিয়ার ফ্যাক্টরী” অর্থ এক ধরনের ক্ষুদ্র শিল্প কারখানা যেখানে টিম্বার এর গুড়ি হইতে যন্ত্রের সাহায্যে টিম্বারের হালকা আবরণ তৈরী করিয়া টিম্বার এর সামগ্রী বা ব্যবহার উপযোগী টিম্বার এর আস্তরণ তৈরী করা হয়;
- (১৭) “রাজস্ব পারমিট” অর্থ বিধি ৫ এর অধীনে ইস্যুকৃত রাজস্ব পারমিট;
- (১৮) “সার্টিফিকেট অব অরিজিন” বিধি ৪(১) বা ক্ষেত্রমত, বিধি ৮(১)(গ) এর অধীন ইস্যুকৃত সার্টিফিকেট।

৩। পরিবহন পথের নিয়ন্ত্রণ :- (১) বনজদ্রব্য পরিবহনে ব্যবহৃত বা ব্যবহারযোগ্য কোন রাস্তা, নদী, খাল, নালা, ছড়া বা অন্য কোন জলপথে বা উহার তীরে কোন ধরনের প্রতিবন্ধকতা সৃষ্টি অথবা উহাদের গতি পথের কোন ধরনের পরিবর্তন করা যাইবে না।

- (২) উপ-বিধি (১) এ উল্লিখিত প্রতিবন্ধকতা সৃষ্টি বা উহাদের গতি পথের কোন ধরনের পরিবর্তন করা হইলে সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা, প্রতিবন্ধকতা সৃষ্টিকারী বা গতি পথের পরিবর্তনকারী ব্যক্তিকে নির্দিষ্ট সময়ের মধ্যে উক্ত প্রতিবন্ধকতা অপসারণ বা গতিপথ পূর্বাবস্থায় আনয়নের জন্য নির্দেশ প্রদান করিতে পারিবেন অথবা নিজ উদ্যোগে উক্তরূপ অপসারণ বা গতিপথ পূর্বাবস্থায় আনয়নের ব্যবস্থা গ্রহণপূর্বক ঐ ব্যক্তির নিকট হইতে উক্ত অপসারণ বা পূর্বাবস্থায় আনয়ন কাজের খরচ আদায় করিতে পারিবেন।
- (৩) কোন ব্যক্তি উপ-বিধি (২) এ উল্লিখিত খরচের টাকা প্রদান করিতে অস্বীকার করিলে বিভাগীয় বন কর্মকর্তা উক্ত ব্যক্তির নিকট হইতে উহা Public Demands Recovery Act, 1913 এর অধীন বকেয়া সরকারী পাওনা হিসাবে আদায় করিতে পারিবেন।

৪। সংরক্ষিত বনভূমি (Reserved Forest), রক্ষিত বনভূমি (Protect Forest), অর্জিত বনভূমি (Acquired Forest), অর্পিত বনভূমি (Vested Forest), সামাজিক বনায়ন কর্মসূচী এবং অন্যান্য সরকারী মালিকানাধীন ভূমি হইতে বনজদ্রব্য আহরণ, অপসারণ বা পরিবহন :- (১) সংরক্ষিত বনভূমি (Reserved Forest), রক্ষিত বনভূমি (Protect Forest), অর্জিত বনভূমি (Acquired Forest), অর্পিত বনভূমি (Vested Forest), সামাজিক বনায়ন কর্মসূচী এবং বনবিভাগ নিয়ন্ত্রণাধীন সরকারী মালিকানাধীন চরভূমি ও সৃজিত বন বাগান হইতে বনজদ্রব্য আহরণ করিতে হইলে বনজদ্রব্য আহরণের বৈধতার প্রমাণস্বরূপ বিভাগীয় বন কর্মকর্তা বা তৎকর্তৃক ক্ষমতাপ্রাপ্ত কোন বন কর্মকর্তার নিকট হইতে ফরম-৫ বা, ক্ষেত্রমত, ফরম-৬ এ ইস্যুকৃত সার্টিফিকেট অব অরিজিন ও উহার একটি অনুলিপি গ্রহণ করিতে হইবে।

- (২) উপ-বিধি (১) এ বর্ণিত বনভূমি হইতে আহরিত বনজদ্রব্য পরিবহন করিতে হইলে বিভাগীয় বন কর্মকর্তার নিকট হইতে ফরম-১ এ ইস্যুকৃত পাশ গ্রহণ করিতে হইবে।

- (৩) উপ-বিধি (১) এ বর্ণিত বনভূমি আহরিত বনজদ্রব্য পরিবহনের নিমিত্ত সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার নিকট হইতে পাশ গ্রহণের জন্য নাম, পিতার নাম, বনজদ্রব্যের প্রকার, পরিমাণ, পরিবহনে ইচ্ছুক বনজদ্রব্যের অবস্থান ও গন্তব্যস্থল উল্লেখপূর্বক আবেদন করিতে হইবে।
- (৪) উপ-বিধি (৩) এ বর্ণিত আবেদনপত্র প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত বা যাচাই বাছাই এর পর সঠিক বিবেচনা করিলে অনধিক ৪৫ (পঁয়তাল্লিশ) কার্যদিবসের মধ্যে নির্ধারিত শর্তে আবেদনকারী বরাবর ফরম-১ এ পাশ ইস্যু করিবেন।
- (৫) বনজদ্রব্য পরিবহনকালে পরিবহনকারীকে সংশ্লিষ্ট সার্টিফিকেট অব অরিজিন বা, ক্ষেত্রমত, পাশ সঙ্গে রাখিতে হইবে।
- (৬) বনজদ্রব্য পরিবহনকালে বা তফসিল 'খ' এ উল্লিখিত বন শুষ্ক ও পরীক্ষণ ফাঁড়িসমূহ (Forest Revenue & Check Station) অতিক্রমকালে বন বিভাগের কোন কর্মকর্তা সংশ্লিষ্ট বনজদ্রব্যের সার্টিফিকেট অব অরিজিন বা, ক্ষেত্রমত, পাশ দেখিতে চাহিলে পরিবহনকারী তাহা প্রদর্শন করিতে বাধ্য থাকিবেন।
- (৭) সার্টিফিকেট অব অরিজিন বা পাশ এ উল্লিখিত বনজদ্রব্যের অতিরিক্ত কোন বনজদ্রব্য আহরণ, অপসারণ বা পরিবহন করা যাইবে না।
- (৮) বন সংরক্ষক প্রয়োজনবোধে নোটিফিকেশন নং-২৩৯৯ ফর, তাং-২৬/১২/১৯৫৯ ইং এর ক্ষমতাবলে স্বীয় অধিক্ষেত্রে সরকারী গেজেটে বিজ্ঞপ্তি জারী করিয়া বন শুষ্ক ও পরীক্ষণ পান্ডি স্থাপন কিংবা বিদ্যমান বন শুষ্ক ও পরীক্ষণ ফাঁড়ি স্থানান্তর বা বিলুপ্ত করিতে পারিবেন।

৫। **অশ্রেণীভুক্ত বন ভূমি (Unclassed State Forests) হইতে বনজদ্রব্য আহরণ, অপসারণ বা পরিবহন :-** (১) বন বিভাগের নিয়ন্ত্রণাধীন নহে এরূপ অশ্রেণীভুক্ত বন ভূমি হইতে প্রধান বনজদ্রব্য (কাঠ বা জ্বালানী কাঠ) আহরণ ও পরিবহন করিতে হইলে ডেপুটি কমিশনারের নিকট হইতে ফরম-১৩ এ আবেদন করিয়া “রাজস্ব পারমিট” গ্রহণ করিতে হইবে।

- (২) উপ-বিধি (১) উল্লিখিত আবেদনের সাথে হেডম্যান এর নিকট হতে পরিচয় পত্র ও দুই কপি সত্যায়িত পাসপোর্ট সাইজের ছবি দাখিল করিতে হইবে, তবে অপ্রধান বনজদ্রব্য আহরণের ক্ষেত্রে নির্ধারিত রাজস্ব পরিশোধ পূর্বক সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার নিকট হইতে পারমিট গ্রহণ করিতে হইবে।
- (৩) উপ-বিধি (১) এর অধীন আবেদন প্রাপ্তির পর ডেপুটি কমিশনার বনজ দ্রব্যের (কাঠ বা জ্বালানী) প্রাপ্যতা সম্পর্কে বিভাগীয় বন কর্মকর্তার নিকট হইতে প্রতিবেদন গ্রহণ করিবেন এবং প্রাপ্যতার ভিত্তিতে ৪০ (চল্লিশ) কার্যদিবসের মধ্যে পারমিট ইস্যু করিবেন।

(৪) পারমিট গ্রহীতা কর্তৃক সংশ্লিষ্ট রেঞ্জ অফিসার/স্টেশন অফিসার এর নিকট রাজস্ব জমা পূর্বক উপ-বিধি (১) এ বনভূমি হইতে আহরিত বনজদ্রব্য পরিবহনের নিমিত্তে সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার নিকট পাশ গ্রহণের জন্য নাম, পিতার নাম, বনজদ্রব্যের প্রকার, পরিমাণ, পরিবহনে ইচ্ছুক বনজদ্রব্যের অবস্থান, গন্তব্যস্থল ইত্যাদি উল্লেখ পূর্বক আবেদন করিতে হইবে।

- (৫) উপ-বিধি (৩) এ বর্ণিত আবেদনপত্র প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত বা যাচাই বাছাইয়ের পর সঠিক বিবেচনা করিলে বিক্রয় হাতুড়ির ছাপ প্রদানের ব্যবস্থা গ্রহণ পূর্বক অনধিক পঁয়তাল্লিশ (৪৫) কার্যদিবসের মধ্যে নির্ধারিত শর্তে আবেদনকারী বরাবন ফরম-১ এ পাশ ইস্যু করিবেন।
- (৬) পার্বত্য জেলা সমূহে বসবাসরত উপজাতীয় ব্যক্তিগণ অশ্রেণীভুক্ত বনাঞ্চলে হইতে বিনা রাজস্বে নিজস্ব গৃহস্থলী ব্যবহারের জন্য জ্বালানী কাঠ ও অপ্রধান বনজন্মব্য (নিষিদ্ধ ঘোষিত ব্যতীত) সংগ্রহ করিতে পারিবেন।

৬। সড়ক ও জনপথ, রেলপথ, বাঁধ, সংযোগ সড়ক, ইত্যাদি ভূমি হইতে বনজন্মব্য আহরণ, অপসারণ বা পরিবহন :- (১) বন বিভাগের নিয়ন্ত্রণাধীন নহে এইরূপ সড়ক ও জনপথ, রেলপথ, বাঁধ, সংযোগ সড়ক, জেলা পরিষদ সড়ক, স্থানীয় সরকার ও প্রকৌশল বিভাগের সড়কসহ অন্যান্য সরকারী মালিকানাধীন ভূমি হইতে বনজন্মব্য আহরণ, অপসারণ, বা পরিবহনের প্রয়োজন হইলে উক্ত ভূমি নিয়ন্ত্রণকারী কর্তৃপক্ষের ন্যূনতম জেলা পর্যায়ের কর্মকর্তাকে বিভাগীয় বন কর্মকর্তা বরাবর ফরম-৩ এ আবেদন করিতে হইবে।

(২) উপ-বিধি (১) এ উল্লিখিত আবেদনের প্রেক্ষিতে অনধিক ৪৫ (পঁয়তাল্লিশ) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তা বা তাহার নিকট হইতে ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা কর্তৃক যথাযথ তদন্ত পূর্বক বিভাগীয় বন কর্মকর্তা উক্ত বনজন্মব্য কর্তন ও আহরণের অনুমতি প্রদান করিবেন এবং এইরূপ অনুমোদিত কর্তনের পর বিভাগীয় বন কর্মকর্তা বনজন্মব্যে পাশ হাতুড়ির ছাপ (Pass Marking) প্রদান ও কর্তিত বনজন্মব্য পরিবহনের জন্য নির্ধারিত শর্তে আবেদনকারী বরাবর ফরম-১ এ পাশ প্রদানের ব্যবস্থা করিবেন।

৭। বেসরকারী মালিকানাধীন ভূমি হইতে বনজন্মব্য আহরণ :- (১) ফ্রি লাইসেন্স ব্যতীত বেসরকারী ব্যক্তি কিংবা প্রতিষ্ঠানের মালিকানাধীন ভূমি হইতে কোন বনজন্মব্য আহরণ করা যাইবে না।

(২) উপ-বিধি (১) এ বর্ণিত বনভূমি হইতে বনজন্মব্য আহরণের জন্য ভূমির মালিক কর্তৃক ফ্রি লাইসেন্স এর জন্য বিভাগীয় বন কর্মকর্তার নিকট ফরম-২ এ আবেদনপত্র দাখিল করিতে হইবে :

তবে শর্ত থাকে যে, একই হোল্ডিং এর বিপরীতে ২(দুই) বছরের মধ্যে একাধিকবার ফ্রি লাইসেন্স এর আবেদন করা যাইবে না।

(৩) উপ-বিধি (১) এর অধীন ফ্রি লাইসেন্স গ্রহণের জন্য আবেদনপত্রের সহিত, প্রযোজ্য ক্ষেত্রে, নিম্নবর্ণিত দলিলাদি দাখিল করিতে হইবে, যথা :-

- (ক) জেলা প্রশাসক বা উপজেলা নির্বাহী কর্মকর্তা কর্তৃক প্রদত্ত মালিকানা সংক্রান্ত ভূমির হালনাগাদ নকশাসহ প্রত্যয়নপত্র;
- (খ) সংশ্লিষ্ট ভূমির জরিপ নকশার ট্রেসিং কপি;
- (গ) ভূমির খাজনা প্রদানের হালনাগাদ রশিদ (ডিসিআর);
- (ঘ) আবেদনকারীর ৪(চার) কপি সত্যায়িত পাসপোর্ট আকারের ছবি।

(৪) উপ-বিধি (২) বর্ণিত আবেদনপত্র প্রাপ্তির পর সংশ্লিষ্ট রেঞ্জ বা স্টেশন কর্মকর্তা-

(ক) তদন্ত করিয়া আবেদনপত্র ও আবেদন পত্রের সহিত সংযুক্ত ম্যাপ সরেজমিনে পরীক্ষা করতঃ সংশ্লিষ্ট ভূমি এবং আবেদনপত্রে প্রদর্শিত ভূমির পরস্পর মিল আছে কিনা উহা যাচাই করতঃ উক্ত ভূমিতে অবস্থিত গাছের মার্কিং তালিকা প্রস্তুত করিবেন;

(খ) দফা (ক) এর অধীন প্রস্তুতকৃত মার্কিং তালিকা অনুযায়ী বনজঙ্গলের বিবরণ ও আনুমানিক পরিমাণ ফরম-২ এর ৬ নং কলামে তাহার প্রতিবেদন সহ তারিখ উল্লেখ পূর্বক স্বাক্ষর করতঃ অনধিক ৪০ (চল্লিশ) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট ফেরত প্রদান করিবেন;

(৫) ভূমির মালিকানা বিষয়ে কোন জটিলতা পরিলক্ষিত হইলে বিভাগীয় বন কর্মকর্তা বিষয়টির নিষ্পত্তির লক্ষ্যে ডেপুটি কমিশনারের নিকট প্রেরণ করিবেন এবং ডেপুটি কমিশনার প্রয়োজনীয় যাচাই বাছাই করিয়া অনধিক ত্রিশ (৩০) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট প্রতিবেদন প্রেরণ করিবেন।

(৬) উপ-বিধি (৪) এর দফা (খ) অনুযায়ী রেঞ্জ বা স্টেশন কর্মকর্তার নিকট হইতে প্রতিবেদনসহ আবেদন পত্রটি ফেরত প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা অনধিক ত্রিশ (৩০) কার্যদিবসের মধ্যে বিনা রাজস্ব আহরণের জন্য ফরম-৪ এ ফ্রি লাইসেন্স ইস্যু করিবেন।

(৭) বসতভিটার ৫ (পাঁচ) টি পর্যন্ত গাছ (অনধিক মোট ১০০ ঘনফুট কাঠ) প্রকৃত অধিবাসীর জরুরী প্রয়োজনে আহরণের জন্য স্থানীয় রেঞ্জ কর্মকর্তা বিশেষ বিবেচনায় ফ্রি পারমিট প্রদান করিতে হইবে।

(৮) উপ-বিধি (৭) এর অধীন বিশেষ বিবেচনায় ফ্রি পারমিট প্রাপ্তির জন্য জরুরী প্রয়োজন সম্বলিত স্থানীয় হেডম্যান এর প্রত্যয়ন পত্র, জমির জরিপ নকশার ট্রেসিং কপি, হালনাগাদ খাজনা প্রদানের হালনাগাদ রশিদ ও দুই কপি ছবিসহ জমির মালিককে রেঞ্জ কর্মকর্তার নিকট আবেদন করিতে হইবে।

(৯) উপ-বিধি (৮) এর অধীন প্রাপ্ত আবেদনের বিষয়টি সরেজমিনে তদন্ত করিয়া স্থানীয় রেঞ্জ কর্মকর্তা ৩০ কার্যদিবসের মধ্যে ফ্রি পারমিট প্রদান করিয়া যথাযথ মাধ্যমে বিভাগীয় বন কর্মকর্তার নিকট প্রতিবেদন প্রেরণ করিবেন।

(১০) কোন বসতভিটার মালিক বছরে একবার মাত্র বিশেষ বিবেচনার যোগ্য হইবেন।

(১১) একজন রেঞ্জ কর্মকর্তা মাসে ২ টির অধিক বিশেষ বিবেচনায় পারমিট প্রদান করিতে পারিবেন না।

৮। বেসরকারী মালিকানাধীন ভূমি হইতে বনজঙ্গল পরিবহন :- (১) বিধি ৭ এ বর্ণিত ভূমি হইতে আহরিত বনজঙ্গল পরিবহন করিতে হইলে নিম্নবর্ণিত পদক্ষেপসমূহ অনুসরণ করিতে হইবে, যথা :-

(ক) ফ্রি-লাইসেন্স মূলে কর্তৃত বনজঙ্গল আহরণের স্থান (গাছের গোড়া) হইতে পরিবহন করিবার পূর্বে টিম্বারের প্রতি খন্ডে মালিকানা হাতুড়ী ও বিভাগীয় বন কর্মকর্তা কর্তৃক ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা কর্তৃক পাশ মার্কী হাতুড়ির ছাপ প্রদান (Pass Marking) ব্যতীত কোন বনজঙ্গল পরিবহন করা যাইবে না;

তবে শর্ত থাকে যে, মালিকানা ও পাশ মার্কী হাতুড়ির ছাপ প্রদানের পর কোন টিম্বার খন্ডন বা চেরাই করিবার প্রয়োজন হইলে বিভাগীয় বন কর্মকর্তা বা তদকর্তৃক ক্ষমতাপ্রাপ্ত কোন বন কর্মকর্তার অনুমতি গ্রহণ করিতে হইবে এবং চেরাই বা খন্ডনের পর টিম্বার এ পুনরায় পাশ মার্কিং হাতুড়ির ছাপ প্রদান করিতে হইবে;

(খ) গাছের গোড়া হইতে বনজঙ্গল অনুমোদিত ডিপোতে পরিবহন করিবার নিমিত্ত অনুমোদনের জন্য বিভাগীয় বন কর্মকর্তার নিকট সার্টিফিকেট অব অরিজিন এর জন্য আবেদন করিতে হইবে;

(গ) দফা (খ) এর অধীন আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা বা তাহার নিকট হইতে ক্ষমতাপ্রাপ্ত অন্য কোন কর্মকর্তা বনজঙ্গল গাছের গোড়া হইতে অনুমোদিত ডিপোতে বহন করিবার জন্য ফরম-৫ বা, ক্ষেত্রমত, ফরম-৬ এ সার্টিফিকেট অব অরিজিন ও উহার একটি অনুলিপি ইস্যু করিবেন;

(ঘ) ফ্রি-লাইসেন্স এ বর্ণিত ভূমি হইতে বনজদ্রব্য পরিবহন করিয়া নিকটবর্তী সুবিধাজনক স্থানে ডিপো করতঃ সেখানে মজুদ করিতে হইলে মালিকের নাম, ম্যাপসহ মৌজার নাম, খতিয়ান, দাগ নং ইত্যাদি উল্লেখ করিয়া পৃথক আবেদনপত্রের মাধ্যমে বিভাগীয় বন কর্মকর্তার লিখিত অনুমোদন গ্রহণ করিতে হইবে;

(ঙ) সার্টিফিকেট অব অরিজিন মূলে আহরিত ও অনুমোদিত ডিপোতে রক্ষিত বনজদ্রব্য অনুমোদিত ডিপোর বাহিরে পরিবহন করিতে হইলে রেঞ্জ বা স্টেশন কর্মকর্তার নিকট সার্টিফিকেট অব অরিজিন এর কপি সংযুক্ত করিয়া যে সকল বনজদ্রব্য পরিবহন করা প্রয়োজন উহার জাত, পরিমাণ এবং গন্তব্যস্থল উল্লেখ করতঃ পাশ গ্রহণের জন্য আবেদন করিতে হইবে;

(চ) দফা (ঙ) এর অধীন আবেদন প্রাপ্তির পর রেঞ্জ বা স্টেশন কর্মকর্তা প্রয়োজনীয় পরীক্ষান্তে সঠিক বিবেচনা করিলে অনধিক ১৫ (পনের) কার্যদিবসের মধ্যে পাশ ইস্যুর জন্য বিভাগীয় বন কর্মকর্তার নিকট প্রতিবেদন প্রেরণ করিবেন;

(ছ) দফা (চ) এর অধীন প্রতিবেদন প্রাপ্তির পর অনধিক ১৫ (পনের) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তা কর্তৃক ক্ষমতাপ্রাপ্ত অন্য কোন বন কর্মকর্তা, ফরম-১ এ পাশ ইস্যু করিবেন।

(২) জনসাধারণের নিজস্ব বসত বাটি হইতে আম, কাঁঠাল, কালোজাম, তাল, নারিকেল, সুপারি, খেজুর ও শিমুল গাছ, আহরণ ও পরিবহনের ক্ষেত্রে কোন ধরনের পূর্ব অনুমতির প্রয়োজন হইবে না এবং প্রধান বন সংরক্ষক, প্রয়োজনবোধে, সরকারী গেজেটে বিজ্ঞপ্তি জারীর মাধ্যমে নির্দিষ্ট এলাকার জন্য উল্লিখিত প্রজাতির গাছের সাথে নতুন কোন প্রজাতির গাছের নাম অন্তর্ভুক্ত করিতে বাদ দিতে বা উল্লিখিত প্রজাতির গাছের নাম পরিবর্তন করিতে পারিবেন।

৯। চা বাগানের ভূমি হইতে বনজদ্রব্য আহরণ, অপসারণ বা পরিবহন :- (১) পারমিট ব্যতীত চা বাগানের ভূমি হইতে বনজদ্রব্য আহরণ, অপসারণ বা পরিবহন করা যাইবে না।

(২) উপ-বিধি (১) এ বর্ণিত ভূমি হইতে বনজদ্রব্য আহরণের জন্য ভূমি মালিক কর্তৃক বিভাগীয় বন কর্মকর্তার নিকট পারমিটের জন্য ফরম-৭ এ আবেদনপত্র দাখিল করিতে হইবে।

(৩) উপ-বিধি (২) এর অধীন দাখিলকৃত আবেদন পত্রের সহিত নিম্নবর্ণিত দলিলাদি দাখিল করিতে হইবে, যথা :-

(ক) বাংলাদেশ চা বোর্ড কর্তৃক অনুমতিপত্র যাহাতে বাংলাদেশ চা বোর্ড এই মর্মে প্রত্যয়ন করিবে যে প্রার্থিত ভূমি হইতে বৃক্ষ কর্তনের পর সেখানে চা বাগান সৃজনের জন্য বাগান মালিকের প্রয়োজনীয় পরিকল্পনা, অর্থ ও উপকরণের সংস্থান রহিয়াছে এবং পরিপক্ক বৃক্ষ কর্তন ও অপসারণের পর সেখানে উপযুক্ত প্রজাতির উন্নত মানের চারা দ্বারা পুনরায় বনায়ন করিবার প্রয়োজনীয় পরিকল্পনা, অর্থ ও উপকরণের সংস্থান বাগান মালিকের রহিয়াছে;

(খ) ফরম-১৪ এ প্রস্তুতকৃত ব্যবস্থাপনা পরিকল্পনা;

(গ) সংশ্লিষ্ট ভূমি জরীপ নকশার ট্রেসিং কপি ও জমির মালিকানা সংক্রান্ত প্রমাণপত্র।

(৪) উপ-বিধি (২) এর অধীন আবেদনপত্র প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা উক্ত আবেদনপত্রে বর্ণিত বনজদ্রব্যের সঠিক প্রাপ্যতা সম্বন্ধে যাচাইয়ের জন্য রেঞ্জ বা স্টেশন কর্মকর্তার নিকট প্রেরণ করিবেন।

- (৫) বিভাগীয় বন কর্মকর্তার নিকট হইতে আবেদনপত্র প্রাপ্তির পর রেঞ্জ বা স্টেশন কর্মকর্তা সরেজমিনে যাচাইকরতঃ প্রাপ্ত বনজন্মব্যবস্থার বিবরণ ও পরিমাণ ফরম-৭ এ তাহার প্রতিবেদনে লিপিবদ্ধ করিয়া সুপারিশসহ অনধিক ৩০ (ত্রিশ) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট প্রেরণ করিবেন।
- (৬) রেঞ্জ বা স্টেশন কর্মকর্তার নিকট হইতে সুপারিশসহ প্রতিবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা, প্রযোজ্য ক্ষেত্রে, সরকার কর্তৃক নির্ধারিত রাজস্ব আদায় করিয়া নির্ধারিত শর্তে ফরম-৮ অনুযায়ী আবেদনকারী বরাবর পারমিট ইস্যু করিবেন।
- ১০। **সড়ক, মহাসড়ক, রেলপথ, জলপথ, আকাশপথ বা অন্যান্য পথে বনজন্মব্য পরিবহন :-** (১) এই বিধিমালার অন্যান্য বিধানাবলী সাপেক্ষে, যে কোন সড়ক, মহাসড়ক, রেলপথ, জলপথ, আকাশ পথে বনজন্মব্য পরিবহন করা যাইবে।
- (২) এই বিধিমালার অন্যান্য বিধানাবলী অনুসরণ এবং সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার অনুমোদন সাপেক্ষে যে কোন রেলওয়ে স্টেশন, বিমান বন্দর, নৌবন্দর বা লঞ্চ টার্মিনাল হইতে কোন বনজন্মব্য ট্রাক, রেল, স্টিমার, লঞ্চ, কার্গো, বিমান ইত্যাদিযোগে অন্য কোন গন্তব্যস্থলে প্রেরণের জন্য বুকিং করা যাইবে।
- ১১। **মালিকানা হাতুড়ী ও উহার নিবন্ধিকরণ :-** (১) বনজন্মব্যবস্থার প্রত্যেক ক্রেতা বা ব্যবসায়ী, অথবা পারমিট বা ফ্রি-লাইসেন্স গ্রহীতার যে কোন প্রকার টিম্বার বা বনজন্মব্যবস্থার মালিকানা চিহ্নিতকরণের উদ্দেশ্যে, বিভাগীয় বন কর্মকর্তার নিকট হইতে প্রাপ্ত নমুনা অনুযায়ী “মালিকানা হাতুড়ী” প্রস্তুত করতঃ উহা নিবন্ধনের জন্য দুইশত টাকা নিবন্ধিকরণ ‘ফি’ জমা দিয়া বিভাগীয় বন কর্মকর্তা বরাবর, প্রয়োজনীয় মালিকানা দলিলাদিসহ লিখিতভাবে আবেদন করিতে পারিবেন।
- (২) উপ-বিধি (১) এর অধীন আবেদনপত্র প্রাপ্তির পর সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা অনধিক ৩০ (ত্রিশ) কার্যদিবসের মধ্যে ফরম-৯ এ এতদসংক্রান্ত দলিলাদিসহ জমাকৃত মালিকানা হাতুড়ী নিবন্ধন করিবেন।
- (৩) নিবন্ধিত “মালিকানা হাতুড়ী” এর মেয়াদ হইবে এক বৎসর এবং প্রত্যেক বৎসর মেয়াদ শেষের পূর্বেই পরবর্তী বৎসরের জন্য বাধ্যতামূলকভাবে উক্ত নিবন্ধন নবায়ন করিতে হইবে এবং উক্তরূপ নবায়নের উদ্দেশ্যে একশত টাকা নবায়ন ফিসহ বিভাগীয় বন কর্মকর্তার নিকট লিখিতভাবে আবেদন করিতে হইবে।
- (৪) এই বিধির অধীন নিবন্ধিত মালিকানা হাতুড়ির মেয়াদ উত্তীর্ণ হইয়া গেলে উক্ত মালিকানা হাতুড়ী কোনভাবে ব্যবহার করা যাইবে না।
- (৫) উপ-বিধি (৩) এর অধীন বনায়নের আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা, মালিকানা হাতুড়ী অনধিক ১৫ (পনের) কার্যদিবসের মধ্যে নবায়ন করিবেন।
- (৬) মালিকানা হাতুড়ী নিবন্ধিতকরণ সনদ হারাইয়া গেলে বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্তক্রমে পঞ্চাশ টাকা ফি আদায় করতঃ সত্যায়িত নকল প্রদান করিতে পারিবেন।
- (৭) নিবন্ধিত মালিকানা হাতুড়ী হারাইয়া গেলে মালিককে তৎক্ষণাতঃ সংশ্লিষ্ট থানায় জেনারেল ডায়েরী (জিডি) লিপিবদ্ধ করিতে হইবে এবং উক্ত জিডি এন্ট্রির কপিসহ হারাইয়া যাওয়ার ঘটনা লিখিতভাবে বিভাগীয় বন কর্মকর্তাকে অবহিত করিতে হইবে।

- (৮) বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত সাপেক্ষে উক্ত হারাইয়া যাওয়ার বিষয়টি সংশ্লিষ্ট দপ্তর সমূহকে জ্ঞাত করিবেন।
- (৯) হারাই যাওয়া হাতুড়ির ক্ষেত্রে, হাতুড়ি মালিক উপ-বিধি (১) অনুযায়ী নতুন মালিকানা হাতুড়ি নিবন্ধন করিতে পারিবেন।
- (১০) নতুনভাবে নিবন্ধনের ক্ষেত্রে সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা হারাইয়া যাওয়া মালিকানা হাতুড়ি বাতিল ঘোষণা করিয়া সাধারণ অফিস আদেশ জারী করিবেন।

১২। বনজঙ্গল মজুদ রাখিবার জন্য ডিপো নিবন্ধিকরণ :- (১) কোন ব্যক্তি বনজঙ্গল অনুমোদিত ডিপো ব্যতীত অন্য কোন ডিপোতে মজুদ রাখিতে চাহিলে, উক্ত ডিপো স্থাপন ও পরিচালনার জন্য বিভাগীয় বন কর্মকর্তা এর কার্যালয়ে নিবন্ধন করিতে হইবে এবং উক্তরূপ নিবন্ধন ব্যতীত কোন ডিপো স্থাপন বা পরিচালনা করা যাইবে না।

- (২) উপ-বিধি (১) এর অধীন ডিপো স্থাপন পূর্বক নিবন্ধনের জন্য নিবন্ধন ফি বাবদ এক হাজার টাকা জমা দিয়া বিভাগীয় বন কর্মকর্তা বরাবর লিখিতভাবে আবেদন করিতে হইবে।
- (৩) উপ-বিধি (২) এর অধীন আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা বা তাহার প্রতিনিধি, প্রস্তাবিত স্থান এবং বনাঞ্চলের অবস্থান বিবেচনা করিয়া সন্তুষ্ট হইলে, অনধিক ৪৫ (পয়তাল্লিশ) কার্যদিবসের মধ্যে ডিপো স্থাপনের অনুমতি প্রদানসহ ফরম-১০ অনুযায়ী আবেদনকারীর ডিপো নিবন্ধন করিয়া আবেদনকারী বরাবর নিবন্ধন সনদ ইস্যু করিবেন।
- (৪) বিভাগীয় বন কর্মকর্তা আবেদনকারীর প্রার্থিত কোন অবস্থানে বন সংরক্ষণ ও বনজঙ্গলের চোরাচালান প্রতিহত করণের স্বার্থে প্রার্থিত ডিপো স্থাপন ও নিবন্ধনের আবেদন প্রত্যাহ্যান করিতে পারিবেন।
- (৫) উপ-বিধি (৪) এর অধীন বিভাগীয় বন কর্মকর্তার উক্ত আদেশের বিরুদ্ধে ৬০ (ষাট) দিনের মধ্যে বন সংরক্ষক এর নিকট আপীল করিতে পারিবেন এবং এই ক্ষেত্রে বন সংরক্ষক কর্তৃক প্রদত্ত সিদ্ধান্ত চূড়ান্ত হইবে।
- (৬) এই বিধির অধীন নিবন্ধিত ডিপোর মেয়াদ হইবে এক বৎসর এবং প্রত্যেক বৎসর মেয়াদ শেষের পূর্বেই পরবর্তী বৎসরের জন্য বাধ্যতামূলকভাবে উক্ত নিবন্ধন নবায়ন করিতে হইবে এবং উক্তরূপ নবায়নের নিমিত্ত ৫০০ (পাঁচশত) টাকা নবায়ন ফিসহ বিভাগীয় বন কর্মকর্তার নিকট লিখিতভাবে আবেদন করিতে হইবে।
- (৭) এই বিধির অধীন ডিপো স্থাপনের অনুমতি প্রদানসহ নিবন্ধকালে বিভাগীয় বন কর্মকর্তা, প্রয়োজনবোধে, ডিপো মালিকদের নিকট হইতে সর্বোচ্চ ১০,০০০ (দশ হাজার) টাকা জামানত রাখিতে পারিবেন।
- (৮) এই বিধিমালা জারী হইবার পূর্বে স্থাপিত ডিপো সমূহকে এই বিধিমালা জারীর ৬০ (ষাট) দিনের মধ্যে এই বিধির অধীন নিবন্ধন করিতে হইবে।

১৩। ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিট স্থাপন :- (১) ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিট স্থাপন ও পরিচালনা করিতে হইলে বিভাগীয় বন কর্মকর্তার নিকট হইতে এই বিধিমালার অধীন লাইসেন্স গ্রহণ করিতে হইবে এবং উক্তরূপ লাইসেন্স গ্রহণ ব্যতিরেকে কোন ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিট স্থাপন ও পরিচালনা করা যাইবে না।

- (২) উপ-বিধি (১) এর অধীন লাইসেন্স গ্রহণের জন্য ফরম-১১ অনুযায়ী বিভাগীয় বন কর্মকর্তা বরাবর আবেদন করিতে হইবে।

- (৩) উপ-বিধি (২) এর অধীন আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত করিয়া সন্তুষ্ট হইলে অনধিক ৪৫ (পঁয়তালিশ) কার্যদিবসের মধ্যে ফরম-১২ অনুযায়ী আবেদনকারী বরাবর লাইসেন্স প্রদান করিবেন এবং উক্ত লাইসেন্স প্রতি বৎসর নবায়ন করিতে হইবে।
- (৪) উপ-বিধি (৩) এর অধীন লাইসেন্সকৃত ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিট এর মালিক বনজঙ্গল আগমন-নির্গমণ, চেরাই ও ব্যবহার সংক্রান্ত বিবরণ ফরম-১৫ অনুযায়ী সংরক্ষণ করিবেন এবং বিভাগীয় বন কর্মকর্তা কর্তৃক প্রদত্ত নমুনা ছক বা ফরমে প্রতি বৎসর ৩১ ডিসেম্বর তারিখের মধ্যে লাইসেন্স নবায়ন আবেদনপত্রের সহিত বিভাগীয় বন কর্মকর্তার নিকট রিটার্ন দাখিল করিবেন।
- (৫) এই বিধির অধীন প্রদত্ত লাইসেন্স এর জন্য লাইসেন্স ফি এবং উক্ত লাইসেন্স নবায়নের জন্য বাৎসরিক নবায়ন ফি তফসিল 'ক' এ উল্লিখিত হারে প্রদান করিতে হইবে।
- (৬) প্রধান বন সংরক্ষক সরকারের পূর্বানুমোদনক্রমে, সরকারী গেজেটে বিজ্ঞপ্তি জারী করিয়া সময় সময় তফসিল 'ক' এর উল্লিখিত লাইসেন্স এবং লাইসেন্স নবায়ন ফি পুনঃ নির্ধারণ করিতে পারিবেন।
- (৭) বিভাগীয় বন কর্মকর্তা কর্তৃক ক্ষমতাপ্রাপ্ত কর্মকর্তা বা তদুর্ধ্ব পদমর্যাদার কোন কর্মকর্তা যে কোন সময় ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিটে রক্ষিত বনজঙ্গল পরিদর্শন করিতে পারিবেন এবং ফরম-১৫ এ বর্ণিত রেজিস্টার অনুযায়ী উক্ত বনজঙ্গলের বিবরণ সঠিক পাইলে তিনি উক্ত রেজিস্টারে স্বাক্ষর করিবেন।
- (৮) উপ-বিধি (৭) এর অধীন পরিদর্শনকালে সংশ্লিষ্ট শিল্প প্রতিষ্ঠানে কোন অবৈধ বনজঙ্গল পাওয়া গেলে, বা ফরম-১৫ এর বর্ণনার সহিত বাস্তবে কোন গরমিলের বিষয়ে, বন কর্মকর্তা বিধি অনুযায়ী ব্যবস্থা গ্রহণ করিতে পারিবেন এবং সংশ্লিষ্ট প্রতিষ্ঠানের মালিক বা কর্মচারীগণ বন কর্মকর্তার আদেশ মান্য করিতে বাধ্য থাকিবেন।
- (৯) এক জেলা হইতে অন্য জেলায় টিম্বার এর ফার্নিচার বা টিম্বারজাত দ্রব্য পরিবহন করিতে হইলে সংশ্লিষ্ট শিল্প প্রতিষ্ঠানের মালিককে বিভাগীয় বন কর্মকর্তার নিকট হইতে লিখিত অনুমতি গ্রহণ করিতে হইবে।
- (১০) এই বিধিমালা জারী হইবার পূর্বে স্থাপিত ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিটকে এই বিধিমালা জারীর ৬০ (ষাট) দিনের মধ্যে এই বিধির অধীন লাইসেন্স এর জন্য আবেদন করিতে এবং লাইসেন্স গ্রহণ করিতে হইবে।
- ১৪। **দন্ড :-** এই বিধিমালার কোন বিধান লঙ্ঘনের দায়ে অভিযুক্ত ব্যক্তি আইনের ধারা ৪২ বা, ক্ষেত্রমতে, ধারা ৭৭ এ বর্ণিত দন্ডে দন্ডনীয় হইবেন এবং এতদব্যতিরিক্ত আইনের ধারা ৫২ ও ৫৫ এ বর্ণিত বিধান অনুযায়ী উক্ত অপরাধ সংঘটনে ব্যবহৃত সকল প্রকার যন্ত্রপাতি, যানবাহন, জলযান, ট্রাক, লরি ও পশুসহ সংশ্লিষ্ট বনজঙ্গল সরকারের পক্ষে বাজেয়াপ্ত করা হইবে।
- ১৫। **অপরাধ প্রবণতা রোধের জন্য পুরস্কার :-** আইনের ধারা ৭৬ এর দফা (খ) এ বর্ণিত ক্ষমতাবলে বিভাগীয় বন কর্মকর্তা কোন বন-অপরাধ সংঘটনের ক্ষেত্রে সংবাদদাতা এবং অপরাধ উদ্ঘাটনকারী কর্মকর্তা বা কর্মচারীকে, বন বিভাগীয় কর্মকর্তা বা কর্মচারীসহ, ক্ষেত্রবিশেষে অপরাধ দমনে উৎসাহিত করিবার জন্য উদ্ঘাটিত বন-অপরাধের জঙ্গলকৃত বনজঙ্গল বিক্রয়লব্ধ অর্থ বা আদায়কৃত জরিমানার অর্থ হইতে সর্বোচ্চ শতকরা ১০ (দশ) টাকা হারে পুরস্কার প্রদান করিতে পারিবেন।
- ১৬। **সময় বৃদ্ধি :-** (১) বনজঙ্গল চলাচল প্রক্রিয়ার দীর্ঘসূত্রিতা ও জটিলতার অবসানকল্পে এই বিধিমালার অধীন বিভিন্ন কার্য নির্ধারিত সময়ের মধ্যে সম্পাদন করা সম্ভব না হইলে উক্ত নির্ধারিত সময় অতিক্রান্ত হইবার পূর্বে সময় বৃদ্ধি করিবার জন্য বিভাগীয় বন কর্মকর্তা বা নিয়ন্ত্রণকারী কর্মকর্তার নিকট আবেদন জানাইতে হইবে।
- (২) উপ-বিধি (১) এর অধীন আবেদন প্রাপ্তির পর এ বিষয়ে বাস্তব অবস্থা বিবেচনায় সংশ্লিষ্ট বন সংরক্ষক ৩০ (ত্রিশ) কার্যদিবস পর্যন্ত সময় বৃদ্ধি করিতে পারিবেন।

১৭। Ordinance No. XXXIV of 1959 এর বিধানাবলীর ক্ষেত্রে এই বিধিমালার প্রয়োগ :- Private Forest Ordinance, 1959 (Ordinance No. XXXIV of 1959) এর প্রচলিত বিধানাবলীর ক্ষেত্রে আইনের ধারা ৪১ ও ৪২ এর অধীন প্রণীত বিধিমালার সংশ্লিষ্ট বিধানাবলী প্রযোজ্য হইবে।

১৮। রহিতকরণ ও হেফাজত :- (১) Chittagong Hill Tracts Forest Transit Rules, 1973 এতদ্বারা রহিত করা হইল।

(২) উপ-বিধি (১) এর অধীন রহিতকরণ সত্ত্বেও রহিতকৃত বিধিমালার অধীন কোন কার্যক্রম প্রক্রিয়াধীন থাকিলে উহা রহিতকৃত বিধিমালার বিধান অনুযায়ী নিষ্পত্তি করা যাইবে।

তফসিল 'ক'

[বিধি ১৩ এর উপ-বিধি (৫) দ্রষ্টব্য]

নিম্নে উল্লেখিত হারে ভিনিয়ার ফ্যান্টারী, ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিট স্থাপনের লাইসেন্স ফি ও বাৎসরিক নবায়ন ফি প্রদান করিতে হইবে :

| নাম | লাইসেন্স ফি | নবায়ন ফি |
|------------------------|---------------------------|-------------------------|
| ভিনিয়ার ফ্যান্টারী | ৫,০০০/- (পাঁচ হাজার) টাকা | ১,০০০/- (এক হাজার) টাকা |
| ফার্নিচার মার্ট | ১,০০০/- (এক হাজার) টাকা | ২০০/- (দুইশত) টাকা |
| টিম্বার প্রসেসিং ইউনিট | ১,০০০/- (একহাজার) টাকা | ২০০/- (দুইশত) টাকা |

তফসিল 'খ'

[বিধি ৪ এর উপ-বিধি (৬) দ্রষ্টব্য]

বন শুদ্ধ পরীক্ষণ ফাঁড়ির নাম :

১। লামা বন বিভাগ :

| ক্রমিক নং | সড়ক পথ/নদী পথ | চেক স্টেশনের নাম/বন শুদ্ধ পরীক্ষণ ফাঁড়ির নাম | অবস্থান |
|-----------|----------------|---|--|
| ১। | নদী পথ | লামামুখ বন চৌকি | মাতমুহরী নদী এবং লামা খালের সংযোগস্থল, ২৯৫ নং লামা মৌজা (লামা রেঞ্জের আওতাভুক্ত) |

২। পাল্লউড বাগান বিভাগ, বান্দরবান :

| ক্রমিক নং | সড়ক পথ/নদী পথ | চেক স্টেশনের নাম/বন শুদ্ধ পরীক্ষণ ফাঁড়ির নাম | অবস্থান |
|-----------|----------------|---|---|
| ১। | নদী পথ | তারাছামুখ বনশুদ্ধ পরীক্ষণ ফাঁড়ি | সাংগু নদীর তীরে তারাছা রেঞ্জ পার্শ্ববর্তী এলাকায় |

৩। বান্দরবান বন বিভাগ :

| ক্রমিক নং | সড়ক পথ/নদী পথ | চেক স্টেশনের নাম/বন শুল্ক পরীক্ষণ ফাঁড়ির নাম | অবস্থান |
|-----------|----------------|---|--|
| ১। | সড়ক পথ | সুয়ালক | লামা, বান্দরবান এবং বান্দরবান কেরানীহাট সড়ক এবং সুয়ালক ছড়া। |

৪। খাগড়াছড়ি বন বিভাগ :

| ক্রমিক নং | সড়ক পথ/নদী পথ | চেক স্টেশনের নাম/বন শুল্ক পরীক্ষণ ফাঁড়ির নাম | অবস্থান |
|-----------|----------------|---|--------------------------------------|
| ১। | সড়ক পথ | রামগড় চেক স্টেশন | খাগড়াছড়ি - বরৈয়ার হাট সড়কের উপরে |
| ২। | সড়ক পথ | গাড়ীটানা বিটকাম চেক স্টেশন | মানিকছড়ি - খাগড়াছড়ি সড়কের উপরে |

৫। পার্বত্য চট্টগ্রাম দক্ষিণ বন বিভাগ :

| ক্রমিক নং | সড়ক পথ/নদী পথ | চেক স্টেশনের নাম/বন শুল্ক পরীক্ষণ ফাঁড়ির নাম | অবস্থান |
|-----------|----------------|---|---|
| ১। | সড়ক পথ | ঘাগড়া স্টেশন | রাঙ্গামাটি - চট্টগ্রাম রাস্তার উপরে |
| ২। | সড়ক পথ | বড়ইছড়ি স্টেশন | কাগুই - চট্টগ্রাম রাস্তার উপরে |
| ৩। | নদী পথ | রাইংখিয়ং মুখ স্টেশন | কর্ণফুলী হ্রদের তীরে কর্ণফুলী হাইড্রো-ইলেকট্রিক প্রজেক্টের নিকট |
| ৪। | নদী পথ | চন্দ্র ঘোনা স্টেশন | কর্ণফুলী নদীর তীরে চন্দ্রঘোনা নামক স্থানে |
| ৫। | নদী পথ | বরকল স্টেশন | কর্ণফুলী নদীর তীরে বরকল নামক স্থানে |

৬। পার্বত্য চট্টগ্রাম উত্তর বন বিভাগ :

| ক্রমিক নং | সড়ক পথ/নদী পথ | চেক স্টেশনের নাম/বন শুল্ক পরীক্ষণ ফাঁড়ির নাম | অবস্থান |
|-----------|----------------|---|--|
| ১। | নদী পথ | কাছালংমুখ বন শুল্ক পরীক্ষণ ফাঁড়ি | কাছালং ও কর্ণফুলী নদীর সংযোগস্থল |
| ২। | নদী পথ | মাইনীমুখ বন শুল্ক পরীক্ষণ ফাঁড়ি | মাইনীমুখ ও কাছালং নদীর সংযোগস্থল |
| ৩। | নদী পথ | মারিশ্যা বন শুল্ক পরীক্ষণ ফাঁড়ি | কাছালং ও মারিশ্যা ছড়ার নদীর সংযোগস্থল |
| ৪। | নদী পথ | গঙ্গারাম বিট কাম চেক স্টেশন | কাছালং নদীর বাঘাইছড়ি উপজেলার বাঘাইহাট এলাকায় |

৭। অশেণীভুক্ত বনাঞ্চল বিভাগ, রাঙ্গামাটি :

| ক্রমিক নং | সড়ক পথ / নদী পথ | চেক স্টেশনের নাম/বন শুল্ক পরীক্ষণ ফাঁড়ির নাম | অবস্থান |
|-----------|------------------|---|---|
| ১। | নদী পথ | বুড়িঘাট বন শুল্ক ও পরীক্ষণ ফাঁড়ি | নানিয়ারচর থানাধীন বুড়িঘাট বাজার সংলগ্ন চেংগী নদীর তীরে। |

৮। বুম নিয়ন্ত্রণ বন বিভাগ, রাজ্যমাটি :

| ক্রমিক নং | সড়ক পথ / নদী পথ | চেক স্টেশনের নাম/বন শুদ্ধ পরীক্ষণ ফাঁড়ির নাম | অবস্থান |
|--------------|------------------|--|-----------------------------------|
| ১। | সড়ক পথ | জামতলী বন শুদ্ধ পরীক্ষণ ফাঁড়ি | দিঘিনালা - খাগড়াছড়ি সড়কের উপর। |

৯। পাল্লউড বাগান বিভাগ, রাজ্যমাটি :

| ক্রমিক নং | সড়ক পথ / নদী পথ | চেক স্টেশনের নাম/বন শুদ্ধ পরীক্ষণ ফাঁড়ির নাম | অবস্থান |
|-----------|---------------------|--|-----------------------------------|
| ১। | সড়ক পথ | বাংগালহালিয়া চেক স্টেশন | বান্দরবান- চন্দ্রঘোনা সড়কের উপর। |

ফরম '১'

বাংলাদেশ ফরম নং-১৬৭৪

[বিধি ৪(২) ও ৩, ৪ (৪), ৫ (৫), ৬ (২), ও ৮ (১) (ছ) দ্রষ্টব্য]

(সড়ক, মহাসড়ক, রেলপথ, বা জলপথ পরিবহনের ক্ষেত্রে প্রযোজ্য হইবে)

বন অধিদপ্তর, বাংলাদেশ

----- বন বিভাগ।

বনজন্মব্য পরিবহন পাশ

পাশ নং- -----

সি. বি আইটেম নং -----

তারিখ -----

বহির নং -----

নাম -----

পিতার নাম -----

ঠিকানা -----

পরিশোধিত অর্থের পরিমাণ -----

| বনজন্মব্যের প্রকার | সাইজ বা পরিমাণ | সংখ্যা বা ওজন | হাতুড়ী বা অন্য কোন চিহ্ন | মন্তব্য |
|--------------------|----------------|---------------|---------------------------|---------|
| | | | | |

পরিবহনের তারিখ -----

গন্তব্য স্থান -----

যাত্রা পথ -----

পরিবহনের পথ -----

মেয়াদোত্তীর্ণের তারিখ -----

বিভাগীয় কর্মকর্তা

তারিখ -----

ফরম '২'
[বিধি ৭(২) ও ৭(৩) (খ) দ্রষ্টব্য]

ব্যক্তিমালিকানাধীন ভূমি হইতে বিনা রাজস্বে বনজদ্রব্য আহরণের নিমিত্ত ফ্রি লাইসেন্স পাওয়ার আবেদন পত্র :

| | | | |
|----|---|---|--------------------------------|
| ১। | আবেদনকারীর নাম | : | |
| ২। | আবেদনকারীর পিতার নাম | : | |
| ৩। | আবেদনকারীর মাতার নাম | : | |
| ৩। | ঠিকানা | : | গ্রাম- ডাকঘর- উপজেলা- জেলা- |
| ৪। | যে তহশিল অফিসে জমির খাজনা দেওয়া হয় উহার নাম | : | |
| ৫। | বনজদ্রব্য পরিবহণের পথ | : | |
| ৬। | আবেদনকারী জোতভূমির ১৬ আনা বিরোধমুক্ত মালিক কিনা | : | |

বিশেষ দ্রষ্টব্য : প্রত্যেক প্লটের জন্য পৃথক পৃথক আবেদন করিতে হইবে। তবে পরস্পর সংলগ্ন প্লটসমূহের জন্য পৃথক আবেদনের প্রয়োজন হইবে না।

আবেদনকারীর স্বাক্ষর
তারিখ :

প্রশাসনিক প্রতিবেদন

স্মারক নং-

তারিখ :

বিভাগীয় বন কর্মকর্তা,.....বন বিভাগের জানানো যাইতেছে যে, এই অফিসের রেকর্ড অনুযায়ী আবেদনকারী আলোচ্য জোতভূমির অপর পৃষ্ঠায় ৫ম কলামে প্রার্থিত বনজদ্রব্য আহরণের নিমিত্ত ফ্রি-লাইসেন্স পাওয়ার যোগ্য।

কর্মকর্তার স্বাক্ষর ও পদবী
তারিখ :

তদন্তের পর রেঞ্জ/স্টেশন কর্মকর্তার প্রতিবেদন

| ক্রমিক নং | বনজদ্রব্যের বিবরণ | সর্বশেষ ফ্রি-লাইসেন্স নম্বর ও তারিখ এবং বনজদ্রব্যের পরিমাণ | প্রথম ফ্রি লাইসেন্সে বনজদ্রব্যের পরিমাণ | প্রার্থিত বনজদ্রব্যের পরিমাণ | তদন্তের পর রেঞ্জ/স্টেশন কর্মকর্তার সুপারিশ |
|--------------|----------------------|--|--|---------------------------------|--|
| (১) | (২) | (৩) | (৪) | (৫) | (৬) |
| | | | | | |

আবেদনকারীর স্বাক্ষর
তারিখ :

নম্বর.....

তারিখ :

অবগতির জন্য বিভাগীয় বন কর্মকর্তা.....বিভাগের নিকট প্রেরণ করা হইল। ৫ নম্বর কলামে বর্ণিত বনজদ্রব্য আহরণের নিমিত্ত ফ্রি-লাইসেন্স ইস্যু করার জন্য সুপারিশ করা গেল।

রেঞ্জ বা স্টেশন কর্মকর্তার স্বাক্ষর

তারিখ

ফরম '৩'

[বিধি ৬ (১) দ্রষ্টব্য]

বিভিন্ন সরকারী সংস্থা মালিকানাধীন ভূমি হইতে বনজদ্রব্য আহরণ, অপসারণ, বা পরিবহনের অনুমতির জন্য
আবেদন পত্র।

| | | |
|----|---|---|
| ১। | সংস্থার নাম | ঃ |
| ২। | বাগানের ধরন(সড়ক/বাঁধ/রেল/সংযোগ/উডলট) | ঃ |
| ৩। | (ক) বাগানের অবস্থান (সুনির্দিষ্ট) | ঃ |
| | (খ) বাগানের পরিমাণ | ঃ |
| | (গ) বাগানের গাছ রোপনের সম্ভাব্য বছর | ঃ |
| ৪। | যে স্থান হইতে কাঠ অথবা অন্যান্য বনজদ্রব্য আহরণ করা হইবে তাহার মৌজা, ইউনিয়ন, থানা ও জেলার নামসহ পূর্ণ বিবরণ | ঃ |
| ৫। | যে স্থানীয় অফিস এর তত্ত্ববধানে বনজদ্রব্য আহরণ করা হইবে তাহার পূর্ণ বিবরণ | ঃ |
| ৬। | বনজ সম্পদ পরিবহনের পথ | ঃ |
| ৭। | আহরণযোগ্য বনজদ্রব্য বিক্রয় করা হয়ে থাকলে ক্রেতার নাম ঠিকানা ও বনজদ্রব্য ক্রয়ের স্বপক্ষে প্রমাণপত্র দাখিল করিতে হইবে। | ঃ |
| ৮। | ক্রেতা কর্তৃক একই উপজেলায় অন্য কোন বনজদ্রব্য ক্রয় করা হইয়া থাকিলে তাহার বিবরণ | ঃ |
| ৯। | আবেদনকারী সংস্থা কর্তৃক অন্য কোন স্থানে বা ইতিপূর্বে গাছ আহরণের অনুমতি প্রাপ্ত হইয়া থাকিলে তাহার বিবরণ | ঃ |

আহরণযোগ্য বনজদ্রব্যের বিবরণ :

| ক্র:নং | গাছের সংখ্যা | কর্তনের কারণ | আনুমানিক বয়স | অবশিষ্ট গাছের সংখ্যা | মন্তব্য |
|--------|--------------|--------------|---------------|----------------------|---------|
| ১ | ২ | ৩ | ৪ | ৫ | ৬ |
| | | | | | |

আবেদনকারী স্বাক্ষর
তারিখ :

বিঃদ্রঃ অনুমতির জন্য প্রস্তাবিত প্রতিটি গাছের (১.৩ মিটার উচ্চতায়) বেড়, উচ্চতা এবং সম্ভাব্য টিম্বার এর পরিমাণ সম্বলিত পূর্ণাঙ্গ মার্কিং তালিকা আবেদনপত্রের সহিত সংযোজন করিতে হইবে।

ফরম ৪'

[বিধি ৭ (৬) দ্রষ্টব্য]

.....বন বিভাগ
বন অধিদপ্তর, বাংলাদেশ।

ফ্রি-লাইসেন্স

ফ্রি লাইসেন্সের ক্রমিক সংখ্যা..... সন.....

নাম.....

পিতার নাম..... গ্রাম..... ডাকঘর.....

উপজেলা.....জেলা.....

পার্বত্য জেলা সমূহের বনজদ্রব্য পরিবহণ (নিয়ন্ত্রণ) বিধিমালা, ২০১০ অনুসারে ফ্রি-লাইসেন্সসমূহ নিম্ন উল্লেখিত স্থানসমূহ হইতে স্থলপথ/নদীপথ/আকাশপথে বিনা রাজস্বে বনজ বা আহরণ করিবার জন্য আপনাকে অনুমতি প্রদান করা হইল।

প্লট নম্বর/তালুক নাম.....মৌজা.....

উপজেলা.....জেলা.....

যে পথে বনজদ্রব্য পরিবহন করা হইবে.....

বিবরণ

| ক্রমিক নং | বনজদ্রব্যের বিবরণ | অনুমোদিত বনজদ্রব্যের সংখ্যা/পরিমাণ | মন্তব্য |
|-----------|-------------------|------------------------------------|---------|
| (১) | (২) | (৩) | (৪) |
| | | | |

বিভাগীয় বন কর্মকর্তা

জারীর তারিখ :

মেয়াদ উত্তীর্ণের তারিখ :

ফরম '৫'
[বিধি ৪ (১), ও ৮ (১) (গ) দ্রষ্টব্য]

.....বন বিভাগ
বন অধিদপ্তর, বাংলাদেশ।

সার্টিফিকেট অব অরিজিন

যে কোন সরকারী বা ব্যক্তি মালিকানাধীন ভূমি হইতে বনজঙ্গল আহরণের প্রমাণের ছাড়পত্র।
(কাঁধে বহন করিয়া পরিবহনের ক্ষেত্রে প্রযোজ্য)

বন বিভাগ..... বহি নম্বর..... সন.....

পাশ নম্বর.....।

নাম :..... পিতার নাম..... গ্রাম.....

ডাকঘর..... থানা..... জেলা.....

-কে সরকারী বা ব্যক্তি মালিকানাধীন জমি হইতে আহরিত নিলিখিত বনজঙ্গল প্রতিদিন এক বোঝা করিয়া কাঁধে করিয়া পরিবহনের অনুমতি দেওয়া গেল।

ক্রমিক নম্বর.....

তারিখ

| ক্রঃনং | বনজঙ্গলের বিবরণ | রাস্তা | মন্তব্যস্থান |
|--------|-----------------|--------|--------------|
| (১) | (২) | (৩) | (৪) |
| | | | |

অত্র ছাড়পত্র..... তারিখ..... হইতে..... তারিখ পর্যন্ত বলবৎ থাকিবে।

জারীর তারিখ :

বিভাগীয় বন কর্মকর্তা

.....

ফরম '৬'

প্রতিপত্র

বহি নম্বর.....ক্রমিক নম্বর.....

[বিধি ৪ এর উপ-বিধি (১), বিধি ৭ এর উপ-বিধি(১) এর
দফা (গ) দ্রষ্টব্য].....বন বিভাগ
বন অধিদপ্তর, বাংলাদেশ।

সার্টিফিকেট অব অরিজিন

যে কোন সরকারী বা ব্যক্তিমালিকানাধীন ভূমি হইতে বনজঙ্গল
আহরণের প্রমাণের ছাড়পত্র।

(কাঁধ ব্যতীত অন্য কোনভাবে পরিবহনের ক্ষেত্রে প্রযোজ্য)

১। উৎপত্তির স্থান

- (ক) বনের নাম বা অবস্থিতি
-
- (খ) বনের মালিকের নাম

২। বনজঙ্গলের মালিকের নাম এবং ঠিকানা

৩। বনজঙ্গলের বিবরণ ও পরিমাণ

৪। মালিকানাধীন হাতুড়ী অথবা অন্যান্য হাতুড়ী ব্যবহৃত
প্রতিকৃতি

৫। গন্তব্য স্থান

৬। যে পথে নেওয়া হইবে

৭। ছাড়পত্রের মেয়াদ উত্তীর্ণের তারিখ

৮। যিনি জারী করিবেন তাহার স্বাক্ষর

৯। জারীর তারিখ

মূলপত্র

বহি নম্বর.....ক্রমিক নম্বর.....

[বিধি ৪ এর উপ-বিধি (১), বিধি ৭ এর উপ-বিধি(১) এর
দফা (গ) দ্রষ্টব্য].....বন বিভাগ
বন অধিদপ্তর, বাংলাদেশ।

সার্টিফিকেট অব অরিজিন

যে কোন সরকারী বা ব্যক্তিমালিকানাধীন ভূমি হইতে
বনজঙ্গল আহরণের প্রমাণের ছাড়পত্র।

(কাঁধ ব্যতীত অন্য কোনভাবে পরিবহনের ক্ষেত্রে প্রযোজ্য)

১। উৎপত্তির স্থান

- (ক) বনের নাম বা অবস্থিতি
-
- (খ) বনের মালিকের নাম

২। বনজঙ্গলের মালিকের নাম এবং ঠিকানা

৩। বনজঙ্গলের বিবরণ ও পরিমাণ

৪। মালিকানাধীন হাতুড়ী অথবা অন্যান্য হাতুড়ী ব্যবহৃত
প্রতিকৃতি

৫। গন্তব্য স্থান

৬। যে পথে নেওয়া হইবে

৭। ছাড়পত্রের মেয়াদ উত্তীর্ণের তারিখ

৮। যিনি জারী করিবেন তাহার স্বাক্ষর

৯। জারীর তারিখ

৭'

[বিধি ৯ (২) ও ৯ (৫) দ্রষ্টব্য]

৫/- টাকার কোর্ট ফি সংযোজন করিতে হইবে।

চা-বাগানের ভূমি হইতে বনজদ্রব্য আহরণ বা পরিবহণের উদ্দেশ্যে পারমিটের জন্য আবেদন পত্র।

| | | |
|-----|--|--------------------------------|
| ১। | আবেদনকারী বাগান মালিকের নাম | ঃ |
| ২। | পিতার নাম | ঃ |
| ৩। | ঠিকানা | ঃ গ্রাম- ডাকঘর- থানা- জেলা- |
| ৪। | বাগানের নাম | ঃ |
| ৫। | যে স্থান হইতে বনজদ্রব্য আহরণ করা হইবে উহার মৌজার নাম ও থানার নাম | ঃ |
| ৬। | খতিয়ান নং, দাগ নং- এবং দাগ ওয়ারী এরিয়া | ঃ |
| ৭। | চা-বাগানের পাশ্চবর্তী বন শুদ্ধ ফাঁড়ি/রেঞ্জ অফিসারের নাম | ঃ |
| ৮। | যে তহবিল অফিসে ভূমির খাজনা দেওয়া হয় উহার নাম | ঃ |
| ৯। | বনজ সম্পদ পরিবহণের পথ | ঃ |
| ১০। | আবেদনকারীর ভূমির ১৬ আনা বিরোধমুক্ত মালিক কিনা | ঃ |

বিশেষ দ্রষ্টব্য : প্রত্যেক জমির জন্য পৃথক পৃথক আবেদন করিতে হইবে। তবে পরস্পর সংলগ্ন প্লট সমূহের জন্য আলাদা আবেদনের প্রয়োজন হইবে না।

আবেদনকারীর স্বাক্ষর

তারিখ :-

প্রশাসনিক প্রতিবেদন

স্মারক নং-

তারিখ :.....

বিভাগীয় বন কর্মকর্তা,.....বন বিভাগের নিকট প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য প্রেরিত হইল :

(ক) দরখাস্তে বর্ণিত State Acquisition and Tenancy Act, 1950 এর Section 20 এর Sub-Section(3) অনুযায়ী রক্ষিত ভূমি বিধায় বিনা শুদ্ধে প্রার্থিত বনজদ্রব্য অপসারণের জন্য পারমিট পাওয়ার যোগ্য।

(খ) দরখাস্তে বর্ণিত State Acquisition and Tenancy Act, 1950 এর Section 20 এর Sub-Section(4) এর Clause (a) অনুযায়ী সার্টিফাইড ল্যান্ড এবং আবেদনকারী কর্তৃকবৎসর মেয়াদী বন্দোবস্ত প্রাপ্ত বিধায় প্রার্থিত বনজদ্রব্যের ফরেস্ট ভ্যালুয়েশনে পরিশোধ সাপেক্ষে পারমিট পাওয়ার যোগ্য।

উপরোল্লিখিত (ক) ও (খ) এ বর্ণিত দুটি ক্ষেত্রের মধ্যে যেটি প্রযোজ্য উহারাখিয়া অন্যটি কাটিয়া দিতে হইবে।

কর্মকর্তার স্বাক্ষর ও পদবী

তারিখ :-

অপর পৃষ্ঠা দ্রষ্টব্য

তদন্তের পর রেঞ্জ কর্মকর্তার প্রতিবেদন

| ক্রঃনং | প্রার্থিত বনজন্মব্যের বিবরণ(জাত, মাপ ও পরিমাণসহ) | সর্বশেষ লাইসেন্স নম্বর ও তারিখ এবং বনজন্মব্যের পরিমাণ | সুপারিশকৃত বনজন্মব্যের পরিমাণ | তদন্তের পর রেঞ্জ কর্মকর্তার সুপারিশ |
|--------|--|---|----------------------------------|--|
| (১) | (২) | (৩) | (৪) | (৫) |
| | | | | |

আবেদনকারীর স্বাক্ষর

তারিখ :-

নম্বর.....

তারিখ :-.....

অবগতির জন্য বিভাগীয় বন কর্মকর্তা,.....বিভাগের নিকট প্রেরণ করা হইল। ৪
নম্বর কলামে বর্ণিত বনজন্মব্যের পারমিট ইস্যু করিবার জন্য সুপারিশ করা গেল।

রেঞ্জ বন কর্মকর্তার স্বাক্ষর

তারিখ :-

ফরম '৮'

[বিধি ৯(৭) দ্রষ্টব্য]

..... বন বিভাগ

বন অধিদপ্তর, বাংলাদেশ।

চা-বাগানের ভূমি হইতে বনজন্মব্যবহার আহরণ অপসারণ বা পরিবহণের জন্য পারমিট।

পারমিটের ক্রমিক সংখ্যা.....সন.....।

| | | | | | |
|------|--|--------------------------|------------|--------|--------|
| ১। | বাগানের মালিকের নাম | ঃ | | | |
| ২। | পিতার নাম | ঃ | | | |
| ৩। | ঠিকানা | ঃ সাং- ডাকঘর থানা- জেলা- | | | |
| ৪। | বাগানের নাম | ঃ | | | |
| ৫। | যে ভূমি হইতে বনজন্মব্যবহার আহরণ, অপসারণ বা পরিবহণের পারমিট প্রদত্ত হইল তাহার বিবরণ | ঃ | | | |
| জেলা | উপজেলা | মৌজা | জে, এল, নং | দাগ নং | এরিয়া |

৬। অত্র পারমিটে প্রদত্ত বনজন্মব্যবহার বিবরণ :

| | | | |
|-------------|------------------------------|---------------|-------|
| (ক) গাছ : | “ক” শ্রেণী | টি | ঘনফুট |
| | “খ” শ্রেণী | টি | ঘনফুট |
| | “গ” শ্রেণী | টি | ঘনফুট |
| | “ঘ” শ্রেণী | টি | ঘনফুট |
| | মোট | টি | ঘনফুট |
| (খ) বাঁশ :- | | | |
| | প্রজাতি | সংখ্যা/পরিমাণ | |
| | (গ) জ্বালানী কাঠের পরিমাণ :- | | |

পারমিট প্রদানের তারিখ :-

মেয়াদ উত্তীর্ণের তারিখ :

শর্তাবলী

১।

২।

৩।

৪।

৫।

বিভাগীয় বন কর্মকর্তা

.....

পত্র নং-

তারিখ :.....

অবগিত ও প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য নিলিখিত মহলে অনুলিপি প্রেরিত হইল :

১। রেঞ্জ কর্মকর্তা,.....রেঞ্জ।

বিভাগীয় বন কর্মকর্তা

.....

ফরম '১০'
[বিধি ১২ (৩) দ্রষ্টব্য]

..... বন বিভাগ
বন অধিদপ্তর, বাংলাদেশ।

বনজন্ম মজুদ রাখিবার জন্য ডিপো স্থাপন ও পরিচালনার জন্য নিবন্ধন সনদ

নিবন্ধনের ধরণ..... নিবন্ধন নং..... তারিখ.....

জনাব/মেসার্স..... পিতা..... গ্রাম.....

ডাকঘর..... উপজেলা..... জেলা..... কে নিবর্ণিত শর্ত সাপেক্ষে বনজন্ম সংগ্রহ, মজুদ ও সরবরাহের অনুমতি প্রদান করা হইল।

| সংগৃহীত বনজন্মব্যয়ের বিবরণ | দৈনিক সর্বোচ্চ সংগ্রহের পরিমাণ | সর্বোচ্চ মজুদের পরিমাণ | দৈনিক সর্বোচ্চ সরবরাহের পরিমাণ | মন্তব্য |
|-----------------------------|--------------------------------|------------------------|--------------------------------|---------|
| (১) | (২) | (৩) | (৪) | (৫) |
| | | | | |

লাইসেন্সের মেয়াদ ৩১ শে ডিসেম্বর পর্যন্ত বলবৎ থাকিবে।

স্বাক্ষর :

বিভাগীয় বন কর্মকর্তা

শর্তাবলী :

- ডিপোতে সংগৃহীত বনজন্মব্যয়ের সহিত পারমিট ও পাশ বন বিভাগের প্রদত্ত টাকার রশিদ এবং মালিকানা হাতুড়ি থাকিতে হইবে।
- ডিপোতে রেকর্ডপত্র বিভাগীয় বন কর্মকর্তার বা তাঁহার প্রতিনিধির পরিদর্শনের জন্য সর্বদা উন্মুক্ত রাখিতে হইবে।
- ডিপোর মালিক অবশ্যই পারমিট ও পাশ অতিরিক্ত মার্কাবিহীন বনজন্মব্যয়ের আমদানী করিতে পারিবে না।
- ডিপোর মালিক ডিপোতে মার্কাবিহীন বনজন্ম রাখিবার দায়ে জরিমানা এবং উক্ত বনজন্ম বাজেয়াপ্তসহ তিনি আইনে বর্ণিত দণ্ডে দণ্ডিত হইবেন।
- টিম্বার চেরাই করিবার প্রয়োজন হইলে পূর্বেই বিভাগীয় বন কর্মকর্তার অনুমতি গ্রহণ করিতে হইবে এবং চেরাই এর সময় যাহাতে প্রতিটি খণ্ডে মালিকানা হাতুড়ীর ছাপ থাকে উহা নিশ্চিত করিতে হইবে।
- বিধি-১২এর উপ-বিধি (৬) অনুযায়ী প্রতিবছর নিবন্ধন নবায়ন করিতে হইবে।
- বিভাগীয় বন কর্মকর্তা বা তাঁহার মনোনীত প্রতিনিধি কর্তৃক আকস্মিকভাবে তদন্তকালে ডিপো মালিক বা তাহার প্রতিনিধি ডিপোতে রক্ষিত বা অপসারিত বনজন্মব্যয়ের হিসাব দেখাইতে বাধ্য থাকিবেন এবং কোন অবৈধ কার্যকলাপ পরিলক্ষিত হইলে বিভাগীয় বন কর্মকর্তা ডিপো মালিকের বিরুদ্ধে প্রয়োজনীয় আইনানুগ ব্যবস্থা ব্যবস্থা করতঃ নিবন্ধন বাতিল করিতে পারিবেন।

লাইসেন্স নবায়ন সংক্রান্ত বিবরণ

| নবায়নের তারিখ | মেয়াদ উত্তীর্ণের তারিখ | নবায়নকারী কর্মকর্তার স্বাক্ষর |
|----------------|-------------------------|--------------------------------|
| (১) | (২) | (৩) |
| | ৩১ শে ডিসেম্বর | |
| | ৩১ শে ডিসেম্বর | |
| | ৩১ শে ডিসেম্বর | |
| | ৩১ শে ডিসেম্বর | |
| | ৩১ শে ডিসেম্বর | |

ফরম '১১'
[বিধি ১৩ (২) দ্রষ্টব্য]

ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিট স্থাপন ও পরিচালনার জন্য লাইসেন্স পাওয়ার আবেদনপত্র

| | | | | |
|----|---|--|--|--|
| ১। | আবেদনকারীর স্থায়ী ঠিকানা : | | | |
| | নাম | | | |
| | পিতার নাম | | | |
| | গ্রাম | | | |
| | পো: | | | |
| | উপজেলা | | | |
| | জেলা | | | |
| ২। | আবেদনকারীর বর্তমান ঠিকানা : | | | |
| | গ্রাম | | | |
| | পো: | | | |
| | উপজেলা | | | |
| | জেলা | | | |
| ৩। | ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিট এর ঠিকানা : | | | |
| ৪। | কোন শিল্পের জন্য দরখাস্ত করা হইতেছে : | | | |
| ৫। | শিল্প প্রতিষ্ঠানের জন্য জমির পরিমাণ : | | | |
| | ১। (ক) মৌজার নম্বর | | | |
| | (খ) খতিয়ান নম্বর | | | |
| | (গ) হোল্ডিং নম্বর | | | |
| | (ঘ) দাগ নম্বর | | | |
| | (ঙ) জমির পরিমাণ | | | |
| | ২। আবেদনকারী জমি/ঘরের মালিক না হইলে কি সূত্রে পাইয়াছে তাহার বিবরণ : | | | |
| ৬। | বিনিয়োগকৃত মূলধনের বিবরণ | | | |
| ৭। | কি পদ্ধতিতে কাঠ বা জ্বালানী সংগ্রহ হইবে উহার বিবরণ | | | |
| ৮। | আবেদনকারী ৩ (তিন) কপি পাসপোর্ট সাইজের ফটো (স্থানীয় পৌরসভার চেয়ারম্যান/গেজেটেড কর্মকর্তা দ্বারা সত্যায়িত) সংযুক্ত করা হইল | | | |

অতএব অনুগ্রহপূর্বক উপরোক্ত বিষয়াদি বিবেচনাপূর্বক লাইসেন্স ইস্যুর জন্য সর্বিনয়ে অনুরোধ জানাইতেছি।

নিবেদক

আবেদনকারীর স্বাক্ষর

ফরম '১২'
[বিধি ১৩ (৩) দ্রষ্টব্য]

বন অধিদপ্তর, বাংলাদেশ।

..... **বন বিভাগ**

ভিনিয়ার ফ্যান্টারী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিট স্থাপন ও পরিচালনার জন্য লাইসেন্স

লাইসেন্সের ধরণ.....লাইসেন্স নং.....তারিখ

জনাব/মেসার্স.....পিতা.....গ্রাম.....

ডাকঘর.....উপজেলা.....জেলা.....কে নিবর্ণিত শর্ত সাপেক্ষে
বনজন্মের মজুদ, খন্ডন, চেড়াই ও ব্যবহারের অনুমতি প্রদান করা হইল।

| বনজন্মের বা উৎপাদন সামগ্রীর বিবরণ | দৈনিক সর্বোচ্চ কাজের পরিমাণ | নিয়োজিত কর্মচারীর সংখ্যা | বিনিয়োগকৃত টাকার পরিমাণ | মন্তব্য |
|--------------------------------------|--------------------------------|------------------------------|-----------------------------|---------|
| (১) | (২) | (৩) | (৪) | (৫) |
| | | | | |

লাইসেন্সের মেয়াদ ৩১ শে ডিসেম্বর.....পর্যন্ত বলবৎ থাকিবে।

স্বাক্ষর :
বিভাগীয় বন কর্মকর্তা

শর্তাবলী

- শিল্প প্রতিষ্ঠানের বনজন্মের আমদানী রপ্তানীর রেকর্ড সংরক্ষণ করিতে হইবে এবং সেই সাথে পারমিট বা পাশ, বন বিভাগের প্রদত্ত টাকার রশিদ এবং মার্কিং হাতুড়ী থাকিতে হইবে।
- শিল্প প্রতিষ্ঠানের রেকর্ডপত্র বিভাগীয় বন কর্মকর্তার পরিদর্শনের জন্য সর্বদা উন্মুক্ত রাখিতে হইবে।
- শিল্প প্রতিষ্ঠানের মালিক অবশ্যই পাশ বা পারমিটের অতিরিক্ত মার্কাবিহীন টিম্বার এর আমদানীর বিষয়ে নিকটবর্তী বন কার্যালয়কে অবহিত করিবেন এবং কর্মকর্তাদের নির্দেশমতে উক্ত টিম্বার এর হস্তান্তর বা নিরাপত্তা বিধান করিবেন।
- শিল্প প্রতিষ্ঠানের মালিক মার্কাবিহীন বনজন্মের রাখিবার দায়ে জরিমানা ও উক্ত বনজন্মের বাজেয়াপ্তসহ আইনে বর্ণিত দণ্ডে দণ্ডনীয় হইবেন।
- করাতকলে আড়াআড়ি টিম্বার কাটা যাইবে না যাহাতে বিক্রয় অথবা পরিবহন মার্কা নষ্ট হয়।
- প্রতি বৎসর ৩১ শে ডিসেম্বর তারিখে বিভাগীয় বন কর্মকর্তা কর্তৃক প্রদত্ত নমুনা ছক অনুযায়ী মজুকৃত টিম্বার এর আসবাবপত্রের বা টিম্বার জাত দ্রব্যের হিসাব বিভাগীয় বন কর্মকর্তার কার্যালয়ে দাখিল করিতে হইবে এবং তৎসঙ্গে সংগৃহীত টিম্বার এর উৎস সম্পর্কীয় বৈধ কাগজপত্রাদি দাখিল করিতে হইবে।
- বিভাগীয় বন কর্মকর্তা, বা তাহার মনোনীত প্রতিনিধির আকস্মিকভাবে তদন্তকালে শিল্প প্রতিষ্ঠানের মালিক বা তাহার প্রতিনিধি সংশ্লিষ্ট শিল্প প্রতিষ্ঠানে রক্ষিত বা অপসারিত আসবাবপত্র টিম্বার জাত দ্রব্যের হিসাব দেখাইতে বাধ্য থাকিবেন এবং শিল্প প্রতিষ্ঠানে কোন অবৈধ কার্যকলাপ পরিলক্ষিত হইলে বিভাগীয় বন কর্মকর্তা উক্ত শিল্প প্রতিষ্ঠানের মালিকের বিরুদ্ধে আইনানুগ ব্যবস্থা গ্রহণ করতঃ তাহার লাইসেন্স বাতিল করিতে পারিবেন।

লাইসেন্স নবায়ন সংক্রান্ত বিবরণ :

| নবায়নের তারিখ | মেয়াদ উত্তীর্ণের তারিখ | নবায়নকারী কর্মকর্তার স্বাক্ষর |
|----------------|-------------------------|--------------------------------|
| (১) | (২) | (৩) |
| | ৩১ শে ডিসেম্বর..... | |
| | ৩১ শে ডিসেম্বর..... | |
| | ৩১ শে ডিসেম্বর | |
| | ৩১ শে ডিসেম্বর | |
| | ৩১ শে ডিসেম্বর | |
| | ৩১ শে ডিসেম্বর | |

ফরম '১৩'

[বিধি ৫ (১) দ্রষ্টব্য]

অশ্রেণীভুক্ত বনভূমি হইতে বনজদ্রব্য আহরণ ও পরিবহন করার রাজস্ব পারমিট পাওয়ার আবেদন।

বরাবর : ডেপুটি কমিশনার

(ছবি সত্যায়িত)

| | | | | |
|----|---|---|--------|------|
| ১। | আবেদনকারী নাম : | | | |
| ২। | পিতার নাম : | | | |
| ৩। | (ক) বর্তমান ঠিকানা : গ্রাম- | পোঃ | উপজেলা | জেলা |
| | (খ) স্থায়ী ঠিকানা : গ্রাম- | পোঃ | উপজেলা | জেলা |
| ৪। | আবেদন করার কারণ : | | | |
| ৫। | আহরণে উচ্ছুক এমন বনজদ্রব্যের নাম ও পরিমাণ | (ক) বিবিধ গোল/নরম টিম্বার (খ) জ্বালানী কাঠ | | |
| ৬। | রাজস্ব পারমিটের জন্য প্রস্তাবিত বনজদ্রব্যের অবস্থান | ঠিকানাঃ | মৌজা : | |
| | | উপজেলা : | জেলা : | |
| ৭। | পারমিট প্রাপ্তির পর আহরিত বনজদ্রব্য মজুদের প্রস্তাবিত স্থান : | | | |
| ৮। | রাজস্ব প্রদানের জন্য প্রস্তাবিত বন বিভাগের অফিসের নাম : | | | |
| ৯। | বনজদ্রব্য আহরণের বিষয় সংশ্লিষ্ট হেডম্যানের নাম : | | | |

তারিখ :

আবেদনকারীর স্বাক্ষর

[বিধি-৯ (৩) (গ) দ্রষ্টব্য]

চা-বাগান কর্তৃপক্ষ কর্তৃক প্রদত্ত ব্যবস্থাপনা পরিকল্পনা

| বনের মোট ভূমির পরিমাণ | শ্রমিক কলোনী, ব্যবস্থাপক ও কর্মচারীর বাসগৃহে ও অফিস এবং ফ্যাক্টরী ইত্যাদির আওতাধীন ভূমির পরিমাণ | ইতোপূর্বে উন্মোচিত চা, কপি ইত্যাদি বাগানের মোট ভূমির পরিমাণ (দাগ নং ওয়ারী) | অদ্যাবধি বন আচ্ছাদিত চা-চাষযোগ্য ভূমির পরিমাণ(দাগ নং ওয়ারী) | | বনাঞ্চল হিসাবে রক্ষণীয় ভূমির পরিমাণ(দাগ নং ওয়ারী) | | চলতি বৎসরে চা-চাষের জন্য প্রস্তাবিত ভূমির পরিমাণ(দাগ নং ওয়ারী) | | ৮ ও ৯ কলামের ভূমির মধ্যে কি পরিমাণ ভূমিতে বনজন্মবিদ্যমান যাহা অপসারণের জন্য আবেদন করা হইয়াছে | ৬নং কলামের ভূমিতে চা-চাষের জন্য চারার সংখ্যা (মঞ্জুর আছে) | আবেদনকৃত ভূমি হইতে বনজন্মবিদ্যমান অপসারণের জন্য টি-বোর্ডের অনুমতি সংযুক্ত করিয়া দিতে হইবে | মন্তব্য |
|-----------------------|---|---|--|-------|---|-------|---|-------|---|---|--|---------|
| | | | প্রাকৃতিক | সৃজিত | প্রাকৃতিক | সৃজিত | প্রাকৃতিক | সৃজিত | | | | |
| (১) | (২) | (৩) | (৪) | (৫) | (৬) | (৭) | (৮) | (৯) | (১০) | (১১) | (১২) | (১৩) |

বিঃদ্রঃ- এতদসঙ্গে সেটেলমেন্ট জরিপ নকসার ট্রেস কপি এবং খতিয়ান ও বন্দোবস্তীয় দলিলের সত্যায়িত

ফরম '১৫'

[বিধি-১৩(৪) ও ১৩ (৭) দৃষ্টব্য]

ভিনিয়ার ফ্যাক্টরী/ফার্নিচার মার্ট/কার্ট প্রসেসিং ইউনিট এর মজুদ ও সরবরাহ রেজিস্টার

প্রতিষ্ঠানের নাম :

মালিকের নাম :

ঠিকানা :-

ট্রেড লাইসেন্স নং :-

ডিলিং লাইসেন্স নং :-

| তারিখ | সংগৃহীত/মজুদ কাঠের বিবরণ | | | | কার্ট ব্যবহার, সরবরাহ ও বিক্রয়ের বিবরণ | | | | | | | | অবশিষ্ট | | মন্তব্য |
|-------|--------------------------|--------|------------------------------|-----|---|-------------|--------|------------------------------|--------------|--------|---------------------------|----------------------|-------------------------------------|------|---------|
| | প্রজাতি | পরিমাণ | ক্রয় রশিদ/ডি-ফরম/চালানী পাশ | | প্রস্তুতকৃত বনজাত দ্রব্যের বিবরণ | | | বিক্রয় ও সরবরাহের বিবরণ | | | | কাঠের পরিমাণ (ঘনফুট) | পণ্যের বিবরণ | | |
| | | | ঘনফুট | নং | তারিখ | আইটেমের নাম | সংখ্যা | ব্যবহৃত কাঠের পরিমাণ (ঘনফুট) | পণ্যের বিবরণ | সংখ্যা | বিল/ক্যাশ মেমো নং ও তারিখ | | স্থানান্তরের অনুমতি পত্র নং ও তারিখ | নাম | |
| (১) | (২) | (৩) | (৪) | (৫) | (৬) | (৭) | (৮) | (৯) | (১০) | (১১) | (১২) | (১৩) | (১৪) | (১৫) | (১৬) |

পরিদর্শনকারীর স্বাক্ষর ও তারিখ

মালিক / ম্যানেজারের স্বাক্ষর ও তারিখ

রাষ্ট্রপতির আদেশক্রমে,
(-----)

Appendix 13

Maharashtra Village Rules 2014

RNI No. MAHBIL /2009/31733

Reg. No. MH/MR/South-322/2013-15



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-अ

वर्ष ५, अंक १०७]

बुधवार, मार्च ५, २०१४/फाल्गुन १४, शके १९३५

[पृष्ठे ८, किंमत : रुपये १५.००

असाधारण क्रमांक ४४

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश

REVENUE AND FORESTS DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 5th March 2014.

NOTIFICATION

INDIAN FORESTS ACT, 1927.

No. ABB-2010/CR-189/F-9.—Whereas, the forests in the Maharashtra are recognized as important for sustaining life in general and for the livelihood systems of the forest dwellers in particular;

And whereas, it is essential to institutionalize an effective and efficient management regime for conservation and long-term sustainability of forests and natural resources as essential precondition for sustainability of the village communities whose livelihoods are dependent upon forest ;

And whereas, it is imperative to put in place a robust framework for empowerment of Village Panchayats and institutions as informed participants in the forest and natural resource management.

Now, therefore, in exercise of the powers conferred by sections 26, 28, 30, 32, 34 and 76 of the Indian Forests Act, 1927 (Act No. XVI of 1927), and all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, namely :—

1. *Short title, application and commencement.*—(1) These rules may be called the Maharashtra Village Forests Rules, 2014.

(2) They shall apply to part of such reserved forests or protected forests in the village as assigned under the Indian Forest Act, 1927 (Act No. XVI of 1927) and these Rules.

(3) These rules shall not be applicable to such forest are as covered under or communities who have already acquired community forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and to any villages in Scheduled Areas of the State of Maharashtra where the provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (Act No. 40 of 1996) apply :

Provided that, any *Gram Sabha* other than that covered under this sub-rule may, *suomoto*, make a decision, by resolution, to adopt these rules.

(4) They shall come into force on the date of their publication in the *Official Gazette*.

(१)

2. *Definitions.*—In these rules, unless the context otherwise requires or there is anything repugnant in the subject,—

(a) "Act" means the Indian Forest Act, 1927 (Act No.XVI of 1927), as amended in its application to Maharashtra;

(b) "Form" means a Form as prescribed by the Principal Chief Conservator of Forests (Head of Forest Force) from time to time;

(c) "Governor" means the Governor of Maharashtra;

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

(e) "Gram Sabha", "Gram Panchayat", "Panchayat", "Sarpanch", "Upa-Sarpanch", "Village", "a group of villages", "ward" and "the term of a Panchayat" shall have the same meanings respectively assigned to them in the Village Panchayat Act and in the Scheduled Areas, they shall, as per applicability, conform to the definitions as contained in the Panchayats (Extension to the Scheduled Area) Act, 1996;

(f) "Microplan" or "Gram Van Yojana" means the scheme of management of a village forests and natural resources and works ancillary thereof in the village or its hamlet, as the case may be;

(g) "Member-Technical of Van Vyavsthapan Samiti" means a Forest Officer of the rank of Forester having jurisdiction over the concerned forest area or any other Forest Officer not below the rank of Forest Guard nominated by the concerned Range Forest Officer for the purpose;

(h) "Van Vyavsthapan Samiti" or "the Joint Forest Management Committee" means a Committee constituted under section 49 of the Village Panchayat Act for the matters related to forest and wildlife management and ancillary thereof in the village or its hamlet;

(i) "village forests" or "Gram Van" means such part of reserved forests or protected forests in the village as assigned to the Village Panchayat under the Indian Forest Act, 1927 (Act No.XVI of 1927) and these Rules and also under the Village Panchayats Act for management through "Van Vyavsthapan Samiti";

(j) "Village Panchayat Act" means the Maharashtra Village Panchayats Act (III of 1959).

(2) The words and expressions used and not defined in these rules but defined in the Act shall have the same meanings as respectively assigned to them in the Act.

3. *Management of village forests.*—(1) The State Government may, while notifying in the Official Gazette reserved forests or protected forests, or part thereof, as village forest in the village or its hamlet as assigned to the hamlet or village in a village Panchayat declare the conditions under which the Government Rights on such village forest shall be assigned.

(2) (a) The State Government or officers assigned in this behalf may assign forest or protected forest to a Village Panchayat as were being jointly and effectively managed by Joint Forest Management Committee's and where effective participation of people has been witnessed in prevention of encroachment, fire, illicit grazing, illicit felling consequently ensuring positive rate of regeneration during last decade.

(b) (i) The Chief Conservator of Forests of the concerned circle, upon receiving resolution of the Gram Sabha that they wish to manage Joint Forest Management area or areas within three kilometers as village forests, shall call for the report of the Deputy Conservator of Forests.

(ii) The report of the Deputy Conservator of Forest shall specify whether the village has prevented all encroachments in the Joint Forest Management areas i.e. encroachment on Joint Forest Management areas are zero.

(iii) The said area assigned under the Joint Forest Management to the village has witnessed positive regeneration.

(iv) The said area has less than 5 % area burnt due to fire during last 3years.

(v) Over 60% survival of any plantation assigned to the concerned Joint Forest Management Committee after five years period.

(vi) The Joint Forest Management Committee has undertaken effective implementation of *charaibandi* and *kurhadbandi* in assigned forest area.

(vii) The Chief Conservator of Forests shall notify the area with respect to which *Gram Sabha* resolution has been resolved as village forest under these rules, if any of the above 3 criteria are fulfilled. Priority shall be given to notifying all the Joint Forest Management areas as village forests where said villages have received any prize under *Sant Tukaram Gram Van Scheme*.

(3) The village forests in a village or its hamlet shall be managed by the committee elected by the *Gram Sabha* in consonance with the Government Resolution, Revenue and Forests Department, No. FDM. 2011/C.R. 100/F-2, dated the 5th October 2011 of the village as applicable or as directed by the State Government from time to time.

(4) The *Van Vyavsthapan Samiti* shall manage its village forests on behalf of the Village Panchayat with due reference to the relevant provisions of the Panchayats (Extension to the Scheduled Area) Act, 1996, the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act, 1996, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the Indian Forest Act, 1927, the Wildlife (Protection) Act, 1972, the Biological Diversity Act, 2002, the Maharashtra Village Panchayats Act and rules made thereunder and any other law in force as applicable to the State of Maharashtra.

(5) The extraction of Bamboo in forest assigned to *Van Vyavsthapan Samiti* of Village Panchayat shall be strictly in accordance with microplan. To ensure conservation as well as protection of wildlife and also sustainability of regeneration of bamboo, the assigned forest area shall be divided into 3 parts and each part shall be revisited for extraction after a gap of 3 years. In case the extraction exceeds the prescribed possible yield or is done before the due scheduled gap of 3 years or if the extraction of immature bamboo takes place, the same shall amount to offence under section 7 of the Maharashtra Transfer of Ownership of Minor Forest Produce in the Scheduled Areas and the Maharashtra Minor Forest Produce (Regulation of Trade) (Amendment) Act, 1997 (Mah. XLV of 1997). In case of such violations, the rights of Village Panchayat with respect to bamboo shall be extinguished and the area shall be reverted forthwith to the Forest Department for restoration of normalcy to be certified by the Assistant Conservator of Forest in charge of the said area. The area once restored may subsequently be reassigned to the Village Panchayat again. The nistar rights and supply to local burud community shall be the first charge on bamboo produced in assigned area and the remaining shall be available to *Van Vyavsthapan Samiti* of the Village Panchayat. It shall be the responsibility of the Village Panchayat to prevent occurrence of encroachment, fire, illicit grazing and illicit felling in the assigned forest area failing which the assigned area shall revert back to the Forest Department for 5 years.

(6) In case of other minor forest produce also, the extraction shall be strictly in accordance with microplan and shall in no case exceed the prescribed limits for extraction failing which the rights of *Gram Panchayat* with respect to such forest produce shall stand extinguished and the area thus assigned shall be reverted back to the Forest Department for restoration of normalcy duly certified by Assistant Conservator of Forest in charge of the said area. The area thus reverted back to the Forest Department may again be reassigned to the *Gram Panchayat* an year after the restoration of normalcy.

4. *Constitution of Van Vyavsthapan Samiti.*—(1) The *Van Vyavsthapan Samiti* may be constituted as a Village Development Committee as per provisions of section 49 of the Village Panchayat Act, as amended, from time to time. The *Van Vyavsthapan Samiti* shall elect its Chairperson as per the provisions of the Village Panchayat Act. A Forest Officer of the rank of Forester having jurisdiction over the concerned forest area or any other Forest Officer not below the rank of Forester nominated by the concerned Range Forest Officer for the purpose shall serve as 'Member-Technical' of the *Van Vyavsthapan Samiti*. The Member-technical appointed in the manner prescribed in these rules shall be considered equivalent to the Secretary of the Panchayat for the purpose of duties, functions and responsibilities assigned to the *Van Vyavsthapan Samiti*. The Member-technical shall render technical advice on matters pertaining to extraction and management of minor forest produce and other forest produce.

(2) The powers, jurisdiction, functions and procedure for transaction of its business shall be in consonance with the provisions of the Village Panchayat Act, and within the frame work of general policy framed by the State Government, the *Zilla Parishad* and the *Gram Panchayat* as well as specific directives issued under any scheme implemented through *Van Vyavsthapan Samiti* ;

(3) The term of the *Van Vyavsthapan Samiti*, if constituted, shall be coterminous with the term of the Village Panchayat.

(4) The Member-technical shall not be entitled to obtain any pecuniary benefit from the *Van Vyavsthapan Samiti* other than reimbursement of travel expenses while travelling with a team constituted by the *Van Vyavsthapan Samiti* on recommendation of the *Gram Sabha* in connection with approved study visits or any other works assigned to the visiting team. Prior approval of the concerned Range Forest Officer shall be required for receiving the reimbursement.

5. *Functions of the Van Vyavsthapan Samiti.*—The *Van Vyavsthapan Samiti* shall perform the following functions, namely :—

- (a) To prepare a 'Ten year Microplan' periodically in consonance with the Working Plan of the landscape and, an 'Annual Implementation Plan' every year for managing the village forests and place the Microplan before the *Gram Sabha* for ratification and its approval by the competent authority as per instructions of the State Government and Central Government, from time to time;
- (b) To carry out implementation of approved microplan and annual implementation plan ;
- (c) To prevent destruction of trees and forest resources including surface soil, forest floor, wildlife and habitat conditions in the village forests;
- (d) To prevent encroachment in village forests and any use of forest land or forest resources in contravention of the Act and assist the Government in removing the illegal occupations of individuals or group of individuals including those pertaining to cases rejected under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
- (e) To ensure conservation of wildlife and its habitat in the village forests;
- (f) To maintain the integrity of the boundary of village forests;
- (g) To manage grazing and use of fodder resources in the forests in accordance with the microplan and other relevant laws, rules and instructions in force;
- (h) To protect village forests from fire in accordance with laws, rules and instructions in force;
- (i) To maintain records, documents and accounts of income and expenditure in such manner as directed by the State Government or prescribed under any other law in force;
- (j) To levy and collect entry fee for visiting any part of the village forests from any person other than public representatives, government officials and any other person associated with or authorized by any government agency;
- (k) To keep record of individual as well as community Forest Right holders and nature and extent of Forest Rights assigned to them and to manage the exercise of the Forest Rights with a view to ensure long term sustainability of these Rights;
- (l) To optimize utilization of the silviculturally available forest produce for benefit of the Forest Right holders of the village;
- (m) Any other duty entrusted by *Gram Sabha* in interest of preventing duplication and multiplicity of village communities;
- (n) To individually as well as collectively ensure protection and conservation of the village forests, and promptly report any forest or wildlife offence to the nearest Forest Officer as required by the relevant Acts, Rules and executive instructions issued from time to time;
- (o) To perform such other functions as may be necessary to effectively carry out purposes of the Act and these Rules with due regard to the sustainable management of village forests and in accordance with directives issued by and on behalf of the Government from time to time.
- (p) To perform duties and functions of the Biodiversity Management Committee within its jurisdiction provided the *Gram Sabha* resolves to entrust *Van Vyavsthapan Samiti* the duties and functions of the Biodiversity Management Committee as per provisions the Biological Diversity Act, 2002 and the rules made thereunder.

6. *Power of the Van Vyavsthapan Samiti.*— On the constitution of the *Van Vyavsthapan Samiti*, it shall exercise the following powers with prior concurrence of the Gram Sabha in respect to the village forest assigned to it :—

(a) To defend suits and proceedings against the Van Vyavsthapan Samiti and Gram Panchayat;

(b) To harvest and dispose of minor forest produce, bamboo, tendu and apta in accordance with the microplan. This will be done in accordance with the existing Acts and Rules governing the management and disposal of minor forest produce ;

(c) To ensure that the harvesting of forest produce including minor forest produce is done strictly in the manner prescribed in the microplan prepared in accordance with the principles of the working plan and in accordance with the broad principles of sustainable management of forests and to impose penalty for violation as fixed by the Government, from time to time ;

(d) To regulate grazing including closure from grazing, impounding of cattle for trespass into the village forests, and to authorize any villager or its member to impound such cattle, sheep and goats found grazing in the closed areas or in contravention of the grazing regulations ;

(e) To harvest dead trees, if any, marked for cutting for improving the hygiene of the Village Forests in consonance of Working Plan or Microplan and to distribute the harvested material including the out turn from stump cleaning or fashioning to the members of the village for community purposes or their household requirements at the rate decided by the Deputy Conservator of Forests ;

(f) To propose to the *Gram Sabha* of the hamlet for the declaration of any tree or class of trees as reserved trees as also for closure of an area as prescribed by the provisions of section 30 of the Act. The *Gram Sabha* may declare the same with concurrence of two-third majority of members of the *Gram Sabha*.

(g) Duly authorized through specifically passed resolution by two-third majority of *Gram Sabha*, to harvest trees, timber and firewood as prescribed in the micro plan with prior intimation in writing to the Deputy conservator of Forests in-charge of the division or the Sub-Divisional Forest Officer in-charge of the sub-Division, and dispose of timber and firewood in the manner as deemed fit.

(h) To regulate, in the village forest area, the examination of any forest produce in consultation with the Forest Department ;

(i) To prohibit any fresh clearing or breaking of land for cultivation or any other purpose;

(j) To prohibit setting of fire in contravention of rules, prescription of the Working Plan or Microplan or instructions of the State Government ;

(k) To prohibit kindling, keeping or carrying of fire and extinguish fire, if any, in the village forests ;

(l) To prohibit damage to the forests and wildlife therein including felling, girdling, lopping or burning any tree or otherwise damaging any tree ;

(m) To prohibit hunting, shooting, fishing, poisoning water, setting traps and snares in such forests contravention of the Act, the Wild Life (Protection) Act, 1972 and rules made thereunder ;

(n) To operationalize seizure of any tool, weapon, vehicle or equipment as well as cattle used in committing any forest or wildlife offence within the village forests ;

(o) To levy and collect fee for grazing or supply of any minor forest produce as approved by *Gram Sabha*.

(p) To make provision for carrying out within the village any other work or measure which is proposed to support conservation of natural resources and promote the health, safety, education, culture, comfort, convenience or social or economic well-being of the inhabitants of the village ;

(q) To regulate the work of collection and disposal of minor forest produce as per Microplan while maintaining a balance between livelihood and self-consumption apart from the interest of the whole village and that of the State at large so that the whole village gets full benefits of collecting minor forest produce thereby contributing to the economic well-being of the villagers ;

(r) To get constituted the Beneficiary-level Sub-Committees from amongst the voter beneficiaries of existing or proposed activities, schemes or utilities as per provisions of section 49A of the Village Panchayat Act;

(s) To recommend names from amongst its members to be considered for selection of Van Patil or honorary Village Wildlife Warden to the Deputy Conservator of Forests.

7. *Delegation of powers of the Van Vyavsthapan Samiti.*—The Van Vyavsthapan Samiti, with prior concurrence of the Gram Sabha, may authorize any member of the Gram Sabha to exercise the powers mentioned under rule 5 of the Gram Sabha in respect to the village forest assigned to it.

8. *Reference of dispute.*— All disputes relating to grazing, illegal collection of minor forest produce, firewood collection, and irregularities in the exercise of forest rights shall be first referred to and considered by the Gram Sabha.

9. *Saving.*—Nothing in these rules shall be deemed to prohibit any activity under a written order or exercise of any right created by grant, or agreement in writing made by or on behalf of the State Government.

10. *Preparation of Microplan and Annual Implementation Plan.*— A microplan for a period of ten years shall be prepared for the management and protection of a village forest by the Van Vyavsthapan Samiti, with the assistance of forest official who is nominated as Member-Technical, in such manner as may be directed by the Forest Department. The microplan shall be placed before the Gram Sabha for its approval. The Microplan duly approved by the simple majority of Gram Sabha will then be submitted to the Assistant Conservator of Forests who shall approve the plan within 1 month, with any suitable modifications to ensure congruence with sustainable silvicultural practices and broad coherence with the Working plan in force. If the Assistant Conservator of Forest fails to approve the Plan within one month of its receipt, the Plan shall, on application by the Van Vyavsthapan Samiti or suo motto, be called by the Deputy Conservator of Forests for necessary processing and giving final approval within one month subject to the legal and statutory compliances in relation to the Forest Conservation Act, 1980, the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Wild Life (Protection) Act, 1972, and the Indian Forest Act, 1927, required, if any.

11. *Preparation of Annual Implementation Plan.*— The Van Vyavsthapan Samiti shall prepare every year an Annual Implementation Plan for the management and development of village forests on the basis of the sanctioned microplan and submit it to the Range Forest Committee. The Range Forest Committee shall approve the plan within one month of its receipt, failing which it will be deemed to have been approved.

12. *Constitution and Functions of Range Forest Committee.*— (1) There shall be a Range Forest Committee in each range for coordinating functions of the Van Vyavsthapan Samitis and guiding implementation of the policy directives regarding effective management of village forests.

(2) The concerned Assistant Conservator of Forests shall be the chairperson and the Range Forest officer shall be Member-Secretary of the Range Forest Committee.

(3) A Vice-Chairperson of the committee shall be elected amongst the members of the Van Vyavsthapan Samiti.

(4) A Sarpanch belonging to the Scheduled Castes or Scheduled Tribes shall be nominated as member of Range Forest Committee by the Sabhapati of the concerned Panchayat Samiti.

(5) All Chairpersons and Member-Secretary of all the Van Vyavsthapan Samitis shall be ex-officio members of the Range Forest Committee.

(6) The Chief Conservator of Forests may nominate any person, not exceeding three in number, as member of the Range Forest Committee, provided the person is a resident of concerned district, and had actively participated in activities related to the forest and wildlife conservation.

13. *Functions of the Range Forest Committee.*—The Range Forest Committee shall have the following functions :—

(a) To examine and consolidate the Annual Plan for village forests in the Range ;

(b) To Inspect, supervise and verify works done by the Van Vyavsthapan Samitis, wherever constituted ;

(c) To inspect account book and other records maintained by the *Van Vyavsthapan Samitis*, wherever constituted; and take assistance for convergence of ecologically-sound developmental works;

(d) To ensure that all the *Van Vyavsthapan Samitis* in the Range are discharging the duties and exercising the powers assigned to them properly, equitably and justly. In case of any default the Range Forest Committee shall promptly intervene and report the matter to the Forest Development Agency;

(e) To carry out reconciliation from amongst *Van Vyavsthapan Samiti* with regards to boundaries of assigned village forests, rights to extract minor forest produce, and disputes regarding levy of fines or exclusion from benefits of village forests imposed by the *Van Vyavsthapan Samitis*;

(f) To ensure that the microplans of different villages conform to the landscape management principles of the forests;

(g) To submit budget proposals to the Forest Development Agency in accordance with the instructions issued by State Government in this behalf; and

(h) To discharge such other duties as may be assigned by the State Government or the Forest Development Agency.

14. Constitution of the Forest Development Agency.—The Forest Development Agency of concerned forest division or sub-division as constituted by the State Government shall serve as district-level committee for management and development of village forests.

15. Functions of the Forest Development Agency.—The Forest Development Agency shall carry out the following functions, directly or through its representatives, namely :—

(a) To examine and approve the microplan for the village forests and ancillary works and ensure that the landscape management system is reflected in all the microplans;

(b) To supervise and monitor works of the *Van Vyavsthapan Samitis* and the Range Forest Committees; and

(c) To perform such other functions as may be entrusted by the State Government or the State Forest Development Agency.

16. Constitution and Functions of State Forest Development Agency.—The State Forest Development Agency of Maharashtra as constituted by the State Government shall serve as the apex committee for management, development and conservation of village forests.

17. Procedure for transaction of business of the Committees.—The transaction of business of the Committees shall be carried out as follows and as per the directives of the State Government from time to time.

(a) All matters which come up before the Range Forest Committee or the Forest Development Agency shall be decided by a majority of the members present and by voting.

(b) The Chairperson of the Range Forest Committee or the Forest Development Agency, as the case may be, and in his absence, a member duly elected in this behalf by the members present in the meeting, shall preside over the meetings of the Range Forest Committee or the Forest Development Agency, as the case may be.

(c) A prior notice of at least of fifteen days for the meeting of the Range Forest Committee and the Forest Development Agency, shall be given to the members of the concerned Committee.

(d) A copy of memorandum of the deliberation and resolutions, if any, of the *Van Vyavsthapan Samiti* shall be forwarded to the Range Forest Officer who shall submit it with such remarks as he deems fit to the Deputy Conservator of Forests.

(e) All the decisions of the Range Forest Committee or the Forest Development Agency shall be recorded in minute books to be kept for the purpose.

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महाराष्ट्र शासन राजपत्र असाधारण भाग चार-अ, मार्च ५, २०१४/फाल्गुन १४, शके १९३५

18. *Funds, Accounts and Audit.*—Funds, Accounts and Audit of the Committees constituted under these rules shall be managed as per the provisions of the law for the time being in the force and as per the directives of the State Government and funding agency, from time to time.

19. *Apportionment and Utilization of Income.*—The income of the *Van Vyavsthapan Samiti* shall be apportioned and utilized in the manner decided by the *Van Vyavsthapan Samiti* within the framework as directed by the State Government, from time to time. Guidelines provided for utilization of income from forest produce applicable to Joint Forest Management Committees may be adopted by the *Gram Sabha*.

By order and in the name of the Governor of Maharashtra,

PRAVEEN PARDESHI,
Principal Secretary to Government.

Appendix 14**DC's Standing Order on SunnKholas, dated 14 November 1954****Office of the Deputy Commissioner, Chittagong Hill Tracts*****Order*****Dated Rangamati, the 14th November, 1954.**

I am afraid I cannot concede to the request of Mr. Abani Rajan Dewan, asking for return to him of Sungrass kholas, the right to which was taken away from him 28 years ago. The matter went up to the Commissioner and the grant was approved and his plea was rejected. I cannot, therefore review the mater now.

Having said so much, I find I must, however, make amends for my own mistake six and a half year ago, when I confess, I was nominee in Chittagong Hill Tracts I completely over looked Rule 45 of the Chittagong Hill Tracts Manual, which definitely laid down that grass kholas should be settled by the Deputy Commissioner, 'as hitherto' and creation a new another system. This took away and old standing right of headmen, but like the in complaining people they are nothing was said about it. Today, I must frankly revise from that position and admit that I was wrong.

Mr. Bala Bhadra Talukdar in his usual balanced manner, gave me the position quite clearly, but I rejected it that position was that grass kholas were, by practice, settled with the headmen by private treaty if the headmen agreed to pay reasonable prices at which they were offered to them. If the kholas were not so accepted by the headmen, they were put to auction and in this case, if the headmen of the mouza happened to be the highest bidder, he is allowed remission of 25% (twenty five percent) of the bid money.

I, therefore, cancel my order of 26th April, 1948, in this reference and direct that the above practice be restored.

The same will apply to Fisheries and Ponds in future and this order will be noted in the standing order book

Sd. L. H. Niblett

Deputy Commissioner, C. H. Ts.

Memo No. 898(4) C, DT. 14th November, 1954

Coll. -XXIII-10 of 1954.

Appendix 15**DC's Standing Order on Chiefs' & Headmen's Consent for USF Permits
dated 30 April 1955****Office of the Deputy Commissioner, Chittagong Hill Tracts****Order**

Dated Rangamati. the 30th April, 1955.

In supersession of my previous order on the subject, no permit for felling trees in Unclassed State Forest will be issued by any authority (including myself) without the approval of the Mouza Headman and the Chief concerned.

Sd/-L. H. Niblett,

Deputy Commissioner,
Chittagong Hill Tracts.

Memo No. 1925 (21)/G Dated Rangamati, the 3rd May, 1955.

Copy to the Chakma Chief for information and guidance.

Sd/-Illegible

for Deputy Commissioner,
3/5/55
Chittagong Hill Tracts.

Appendix 16

DC's Standing Order on Certification of Headman in land Sale dated 1 June 1965

**Government Of East Pakistan
Office Of The Deputy Commissioner
Chittagong Hill Tracts.**

Standing Order

It is hereby ordered that when permission for sale of any land is sought for, the seller must obtain a certificate from the Headmen concerned stating that he has cleared all his outstanding dues of Government revenue and loans and that the land has been mortgaged or charged against loans granted by Govt. or semi Govt. organizations like Co-operative Bank, Agricultural Development Bank, etc.

Deputy Commissioner,
Chittagong Hill Tracts.

PKD: 1-6-65

Memo. No. 1487(380)-G., dated, 1-6-1965

Copy forwarded to the Addl. Deputy Commissioner, Chittagong Hill Tracts,
The Sub-divisional Officer, Sadar/Ramgarh/Bandarban.
All Headmen-----

O/C. Settlement and Touzi
B/C. to Deputy Commissioner

for information and guidance. No case should recommended be unless the required certificate has been furnished by petitioner.

Deputy Commissioner,
Chittagong Hill Tracts.

Appendix 17

DC's Standing Order on Mauza Reserves dated 3 August 1965

**Government of East Pakistan
Office of the Deputy Commissioner, Chittagong Hill Tracts**

It has come to my notice that due to indiscriminate felling of trees and cutting of bamboo all over the Unclassed State Forest of this district there are hardly any timber or bamboos resources available in the mauza for meeting domestic need of the mauza people. In the past it was the practice to maintain a small reserve in most of the mouzas under the control of the mouza headmen for meeting the requirements of the mouza people for their own use. But since this practice has been given up the people are facing extreme hardship in finding these materials for construction of their houses and for meeting other domestic needs. It is, therefore, found expedient to keep certain areas in each mouza as Reserve so that the mouza people may not have any difficulty in getting these forest produce readily available from the mauza reserve according to their needs with the permission of the Headmen concerned.

It is, therefore, ordered that in each mauza there shall be maintained a mauza reserve by the headmen/karbaries concerned to be administered by the mouza headmen. No timber or bamboo or other forest produce from this forest should be allowed to be felled for the purpose of sale. The area of the reserve should be approximately 100 acres per mouza whether in one block or more. It may be convenient to have a number of blocks contiguous to bigger paras whose administration may be delegated by the Headmen to the local Karbaries.

It will be the responsibility of the headmen not only to protect these reserves from any encroachment or illegal felling but also to plant up the area with suitable species.

All Headmen are therefore requested to select a area or areas along with the boundaries and quantity of land which they propose to declare as mouza reserve and send the same to me within one month so that necessary notification can be issued prohibiting any extraction in the area by anybody other than the mauza people for their own use and that too with the permission of the headmen.

Anybody encroaching on the mouza reserve or in any way damaging the mouza reserve shall be severely punished and the headmen/karbaries would be responsible to report such instance to the S. D. O.s concerned immediately.

This order is issued in pursuance of Rule 7 of the Rules for the Administration of the Chittagong Hill Tracts.

Memo No. 2384 (40. dt. Rangamati.

the 3rd August, 1965.)

Copy to all Headmen-----

Sd/- M. S. Rahman

Deputy Commissioner

Chittagong Hill Tracts.

Appendix 18

DC's Standing Order on Fires in Jums & Use of Fertilizers, dated 11 January 1967

**Government of East Pakistan
Office of the Deputy Commissioner, Chittagong Hill Tracts**

Standing Order No. 1 of 1967

With a view to avoid wastage of land & forest produce and for systematic operation of jum cultivation, it is hereby ordered that the following principles will be followed with immediate effect by all concerned.

1. The mouza headmen with the help of their village karbaries will earmark some particular areas in his mouza each year for Jum cultivation and allocate lands among Jhumias accordingly.
2. Land for fruit plantation will be allotted as far as practicable in compact blocks.
3. The headmen of each mouza will earmark the juming area and fruit plantation area separately. The jumias willing to take up fruit plantation may be allotted with lands within plantation zone in his mouza.
4. To avoid haphazard and mischievous firing of jungles it has been decided that burning of jhum in each village should be done on a single day to be fixed by the village karbaries within 30th Chaitra of each year. The headmen of each mouza will see that jhum burning in their respective mouzas is done within a maximum period of seven days.
5. Special care should be taken for the control jhum fire by the headman- karbaries and villagers to ensure that fires do not spread beyond the demarcated area. Damage, if thereby any, due to negligence or otherwise, will have to be compensated by the person or persons at fault.
6. It was observed that the Jhumias generally cut bigger jhum than they actually can put under crop. This causes unnecessary wastage of both labour and jum land. To put a stop to such damages headman of each mouza shall regulate the requisite area of jum cultivation by the Jhumias considering the financial capacity and the number of family members as well as seed paddy deposited into jum-gola by them.
7. Application of fertilizer in jum cultivation should be encouraged and the headman of each mouza in consultation with the local Agricultural staff should persuade the Jhumias to use more fertilizers for getting better yield.

Sd/ L. R. Khan, C.S.P.
Deputy Commissioner,
Chittagong Hill Tracts

Memo. No. 95(500)/G Dated Rangamati the 11th January, 1967.
Copy forwarded to the Headmen/S.D.O/Chief for information and necessary action.

For Deputy Commissioner
Chittagong Hill Tracts

Appendix 19

Memo of Special Affairs Division on the Validity of the CHT Regulation 1900 dated 29 October 1990

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
বিশেষ কার্যাদি (কল্যাণ) মন্ত্রণালয়
বাংলাদেশ সচিবালয়, ঢাকা

স্মারক নং: বিকা (কল্যাণ) ম-৭ (৯)/ ৯০ (প্র:) ২৭, তারিখ: ২৯/১০/১৯৯০ খ্রী:

বিষয়: Chittagong Hill Tracts Regulation, 1900 কার্যকারীতা প্রসঙ্গে

উপরোক্ত বিষয়ে নিম্নস্বাক্ষরকারী জানাচ্ছে যে, “পার্বত্য জেলা সমূহ (আইন রহিত ও প্রয়োগ ও বিশেষ বিধান), ১৯৮৯” প্রণীত হওয়া সত্ত্বেও উক্ত আইনের (২) নং ধারাতে বর্ণিত বিধান অনুযায়ী সরকার, সরকারী গেজেটে প্রজ্ঞাপন দ্বারা যে তারিখ নির্ধারণ করবে সে তারিখ হতে এ আইন বলবৎ হবে। সরকারের নিকট বর্ণিত আইনটির বলবৎ করার তারিখ এখনও নির্ধারণ করা হয়নি।

২। এ বিষয়ে সকল বিভ্রান্তি অপনোদনের লক্ষ্যে এই মর্মে আদিষ্ট হয়ে স্পষ্টীকরণ করা হচ্ছে যে Chittagong Hill Tracts Regulation, 1900 এখনও প্রচলিত আইন বলে বিবেচিত এবং এর আওতায় বিধি কার্যক্রম নিষ্পন্ন করা সম্পূর্ণ আইন সংগত। যতদিন পর্যন্ত সরকার পার্বত্য জেলাসমূহ (আইন রহিত ও প্রয়োগ এবং বিশেষ বিধান) আইন, ১৯৮৯ এর বলবৎ করার তারিখ স্থির করে গেজেট প্রজ্ঞাপন দেবে না ততদিন পর্যন্ত Chittagong Hill Tracts Regulation, 1900 (Regulation 1 of 1900) উক্ত আইন সম্পূর্ণ বহাল এবং কার্যকর থাকবে।

৩। ইহা সংশ্লিষ্ট সকলের অবগতি এবং কার্যকরী ব্যবস্থা গ্রহণের জন্য।

স্বাক্ষর/-

২৯/১০/৯০

(মো: আশিকুল হক চৌধুরী
পরিচালক (প্রশাসন))

বিতরণ:

চেয়ারম্যান, স্থানীয় সরকার পরিষদ, রাঙ্গামাটি / বান্দরবান / খাগড়াছড়ি

বিভাগীয় কমিশনার, চট্টগ্রাম বিভাগ, চট্টগ্রাম

Appendix 20

Memo of Rangamati Hill District Council on Bazeisora VCF,
157, Choto Harina Mauza, dated 22 December 2008রাঙ্গামাটি পার্বত্য জেলা পরিষদ
রাঙ্গামাটি

স্মারক নং : রাঃপাঃজেঃপ/ভূমি/১৪

তারিখ : ২২/১২/০৮

পরিষদের সেপ্টেম্বর ২০০৮ মাসের সভায় বরকল উপজেলাধীন ১৫৭ নং ছোট হরিণা মৌজার বাজেইছড়া গ্রামের জনসাধারণের পক্ষে জনাব রজনী কুমার কার্বারী গং কর্তৃক গ্রামীণ বনভূমি সংরক্ষণের বিষয়ে ৮০ (আশি) একর জায়গা সমষ্টিগত মালিকানায় ভোগ করার আবেদন করেছেন। মৌজা প্রধান উক্ত আবেদনের সুপারিশ করেছেন।

এদতবিষয়ে সভায় বিস্তারিত আলোচনা হয় এবং উক্ত গ্রামীণ বনভূমি সংরক্ষণের বিষয়টি রাঙ্গামাটি পার্বত্য জেলা পরিষদ আইন ও অত্র জেলার প্রথাগত আইনের সাথে সংগতিপূর্ণ বলে সভায় মতব্যক্ত করা হয়।

প্রস্তাবিত জমির পরিমাণ ও চৌহদ্দী নিম্নরূপ :

মৌজা- ১৫৭ নং ছোট হরিণা, উপজেলা- বরকল,

জমির পরিমাণ : ৮০ (আশি) একর

জমির সীমানা

উত্তরে : পাণ্ডুজ্যা গাছের ছোট বিরি

দক্ষিণে : জামালখন চাকমার বাঁশ বাগান ও সেগুন বাগানের পাথরের কোরখাপ।

পূর্বে : লাঙ্গেল

পশ্চিমে : ছোট হরিণে।

এমতাবস্থায়, আবেদন মোতাবেক উক্ত সমষ্টিগত মালিকানায় ভোগদখলকৃত জমি অন্য কারও নিকট বন্দোবস্তী বা অন্যবিধভাবে হস্তান্তর না করার প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য সংশ্লিষ্ট সকলকে নির্দেশক্রমে অনুরোধ জানানো হলো।

পরিষদের সিদ্ধান্তক্রমে,

জেলা প্রশাসক
জেলা প্রশাসকের কার্যালয়
রাঙ্গামাটি পার্বত্য জেলা।স্বাক্ষরিত/-
ভূমি কর্মকর্তা
রাঙ্গামাটি পার্বত্য জেলা
রাঙ্গামাটি।
ফোন : ০৩৫১-৬২২২৮ (অফিস)

স্মারক নং : রাঃপাঃজেঃপ/ভূমি/

তারিখঃ/...../০৮

অনুলিপি : সদয় অবগতি ও কার্যার্থে-

- ১। উপজেলা নির্বাহী অফিসার, বরকল উপজেলা, রাঙ্গামাটি।
- ২। রেভিনিউ ডেপুটি কালেক্টর, রাঙ্গামাটি সদর উপজেলা, রাঙ্গামাটি।
- ৩। পি.এস.টু, চেয়ারম্যান রাঙ্গামাটি পার্বত্য জেলা পরিষদ।
- ৪। সহকারী কমিশনার (ভূমি), রাঙ্গামাটি সদর উপজেলা, রাঙ্গামাটি।
- ৫। হেডম্যান/কার্বারী, ১৫৭ নং ছোট হরিণা মৌজা, বরকল, রাঙ্গামাটি।
- ৬। সংশ্লিষ্ট নথি।

ভূমি কর্মকর্তা
রাঙ্গামাটি পার্বত্য জেলা
রাঙ্গামাটি।
ফোন : ০৩৫১-৬২২২৮ (অফিস)

Appendix 21

**Memo of Rangamati Hill District Council on
Furamone International Forest Meditation Centre,
dated 22 December 2008**

**রাঙ্গামাটি পার্বত্য জেলা পরিষদ
রাঙ্গামাটি**

স্মারক নং : রাঃপাঃজেঃপ/ভূমি/১৩

তারিখ : ২২/১২/০৮

পরিষদের সেপ্টেম্বর ২০০৮ মাসের সভায় চাকমা রাজা দেবশীষ রায় প্রেরিত প্রত্রের প্রেক্ষিতে ফুরামোন আন্তর্জাতিক বন ধ্যান কেন্দ্রের চতুর্পার্শ্বে ৯৮ নং কচুখালী মৌজা, ৯৯ নং ঘাগড়া মৌজা, ১০৯ নং সাপছড়ি মৌজা ও ১১০ শুরছড়ি মৌজায় নিম্নে চৌহদ্দির ২৫৫ (দুইশত পঞ্চাশ) একর জায়গা বন ধ্যান কেন্দ্র ব্যতীত অন্য কোন ব্যক্তি, সংগঠন বা প্রতিষ্ঠানের নামে বন্দোবস্তী, ইজারা, অধিগ্রহণ বা অন্য কোন উপায়ে হস্তান্তর না করার বিষয়ে সিদ্ধান্ত গৃহীত হয়।

প্রস্তাবিত জমির পরিমাণ ও চৌহদ্দি নিম্নরূপ :

- ১। মৌজা : ৯৮ নং কচুখালী মৌজা; উপজেলা: কাউখালী; জেলা: পার্বত্য রাঙ্গামাটি
জমির পরিমাণ : ৫০ (পঞ্চাশ) একর
জমির সীমানা : উত্তরে - ১১০ নং শুরছড়ি মৌজার সীমানা
দক্ষিণে - ৯৯ নং ঘাগড়া মৌজার সীমানা
পূর্বে - ১০৯ নং সাপছড়ি মৌজার সীমানা
পশ্চিমে - বীরজয় চাকমা ও তীর্থ মঙ্গল চাকমা গং এর জমির সীমানা
- ২। মৌজা : ৯৯ নং ঘাগড়া মৌজা; উপজেলা: কাউখালী ; জেলা: পার্বত্য রাঙ্গামাটি
জমির পরিমাণ : ৫০ (পঞ্চাশ) একর
জমির সীমানা : উত্তরে - ৯৮ নং কচুখালী মৌজার সীমানা
দক্ষিণে - মোচমারা ছড়া
পূর্বে - ১০৯ নং সাপছড়ি মৌজার সীমানা
পশ্চিমে - জনবসতি পাড়া
- ৩। মৌজা : ১০৯ নং সাপছড়ি মৌজা ; উপজেলা: রাঙ্গামাটি (সদর) ; জেলা: পার্বত্য রাঙ্গামাটি
জমির পরিমাণ : ১০৫ (একশত পাঁচ) একর
জমির সীমানা : উত্তরে - ১১০ নং শুরছড়ি মৌজার সীমানা
দক্ষিণে - ধুপ তারেং
পূর্বে - নাড়াইছড়ি গ্রামের বন্দোবস্তীকৃত পাহাড়
পশ্চিমে - ৯৮ নং কচুখালী মৌজার সীমানা
- ৪। মৌজা : ১১০ নং শুরছড়ি মৌজা ; উপজেলা: রাঙ্গামাটি (সদর); জেলা: পার্বত্য রাঙ্গামাটি
জমির পরিমাণ : ৫০ (পঞ্চাশ) একর
জমির সীমানা : উত্তরে - কাব ও ছড়া
দক্ষিণে - ১০৯ নং সাপছড়ি মৌজার সীমানা
পূর্বে - তিতিক্যা বাঁশের ছড়া ও পাড়া
পশ্চিমে - ৯৮ নং কচুখালী মৌজার সীমানা

এমতাবস্থায়, উক্ত ২৫৫ (দুইশত পঞ্চাশ) একর জায়গা যাতে আন্তর্জাতিক বন ধ্যান কেন্দ্র ব্যতীত অন্য কোন ব্যক্তি সংগঠন বা প্রতিষ্ঠানের নিকট বন্দোবস্তী, ইজারা, অধিগ্রহণ বা অন্য কোন উপায়ে হস্তান্তর না করার বিষয়ে প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য সংশ্লিষ্ট সকলকে নির্দেশক্রমে অনুরোধ জানানো হলো।

পরিষদের সিদ্ধান্তক্রমে,

ডেপুটি কমিশনার
জেলা প্রশাসকের কার্যালয়
রাঙ্গামাটি পার্বত্য জেলা

স্বাক্ষরিত/-
ভূমি কর্মকর্তা
রাঙ্গামাটি পার্বত্য জেলা
রাঙ্গামাটি
ফোন : ০৩৫১-৬২২২৮ (অফিস)

স্মারক নং : রাঃপাঃজেঃপ/ভূমি/

তারিখঃ/০৮

অনুলিপি : সদয় অবগতি ও কার্যার্থে-

- ১। উপজেলা নির্বাহী অফিসার, রাঙ্গামাটি সদর উপজেলা, রাঙ্গামাটি।
- ২। উপজেলা নির্বাহী অফিসার, কাউখালী উপজেলা, রাঙ্গামাটি।
- ৩। রেভিনিউ ডেপুটি কালেক্টর, রাঙ্গামাটি সদর উপজেলা, রাঙ্গামাটি।
- ৪। পি.এস.টু, চেয়ারম্যান রাঙ্গামাটি পার্বত্য জেলা পরিষদ।
- ৫। সহকারী কমিশনার (ভূমি), রাঙ্গামাটি সদর উপজেলা, রাঙ্গামাটি।
- ৬। হেডম্যান/কার্বারী, ৯৮ কচুখালী মৌজা, ৯৯ নং ঘাগড়া মৌজা, ১০৯ নং সাপছড়ি মৌজা, ১১০ নং শুকরছড়ি মৌজা বরকল, রাঙ্গামাটি।
- ৭। সংশ্লিষ্ট নথি।

ভূমি কর্মকর্তা
রাঙ্গামাটি পার্বত্য জেলা
রাঙ্গামাটি
ফোন : ০৩৫১-৬২২২৮ (অফিস)

Appendix 22

**Memo of Ministry of Chittagong Hill Tracts Affairs dated 4 December 2014
on Transfer of Authority on Control & Regulation of Jum Cultivation
from Deputy Commissioner to Chairperson, Hill District Council**

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়
পরিষদ-১ শাখা
বাংলাদেশ সচিবালয়, ঢাকা
(www.mochta.gov.gov.bd)

নং- ২৯.২১৪.০০৩.০০.০০.১৫৪.২০০৬ (অংশ-৫)/২৫৪, তারিখ: ০৪/১২/২০১৪ খ্রি:

বিষয়: “Rules for the Administration of the Chittagong Hill Tracts” এর সংশোধিত বিধি ৪১ এবং ৪২ অনুযায়ী জুম চাষের দায়িত্বভার তিন পার্বত্য জেলা পরিষদের হস্তান্তর প্রসঙ্গে

সূত্র: নং - রাপাজেপ/প্রশাসন/আইন ও বিধি / ২০১৪/ ৯৮৭, তারিখ: ১৬/১১/২০১৪ খ্রি:

উপর্যুক্ত বিষয়ে জানানো যাচ্ছে যে, গত ২৫ এপ্রিল, ২০১৩ খ্রি: বাংলাদেশ গেজেটের প্রকাশিত অতিরিক্ত সংখ্যায় গেজেট প্রজ্ঞাপনের মাধ্যমে “The Chittagong Hill Tracts Regulation 1900 (Regulation 1 of 1900) এর Section 18 এ প্রদত্ত ক্ষমতাবলে সরকার “Rules for the Administration of the Chittagong Hill Tracts” এর বিধি ৪১ এবং ৪২ সংশোধন করে জেলা প্রশাসকের পরিবর্তে সংশ্লিষ্ট পার্বত্য জেলা পরিষদের চেয়ারম্যানকে স্থলাভিষিক্ত করেছে (কপি সংযুক্ত)। প্রজ্ঞাপনের বর্ণিত আছে যে,

(ক) Rule 41 এ উল্লিখিত “Deputy Commissioner” শব্দগুলির পরিবর্তে “Concerned Chairman of the Rangamati Hill District Council, Khagrachari Hill District Council, Bandarban Hill District Council” শব্দগুলি ও কমা প্রতিস্থাপিত হইবে; এবং

(খ) Rule 42 এর “Deputy Commissioner” যেখানেই উল্লিখিত হোক না কেন, শব্দগুলির পরিবর্তে সর্বত্র “Concerned Chairman of the Rangamati Hill District Council, Khagrachari Hill District Council, Bandarban Hill District Council” শব্দগুলি ও কমা প্রতিস্থাপিত হইবে।

জুম চাষ জেলা পরিষদের হস্তান্তরের প্রেক্ষিতে সূত্রোক্ত পত্রের মাধ্যমে চেয়ারম্যান, রাজামাটি পার্বত্য জেলা পরিষদ জুম সংক্রান্ত রেকর্ড / তথ্যাবলীসহ জুম চাষের দায়িত্বভার জেলা পরিষদের হস্তান্তর এবং জুম কর জেলা পরিষদ তহবিলে জমা করার প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য অনুরোধ করেছেন।

২। বর্ণিত অবস্থায় “Rules for the Administration of the Chittagong Hill Tracts” এর সংশোধিত ৪১ ও ৪২ বিধি অনুযায়ী জুম সংক্রান্ত রেকর্ড / তথ্যাবলীসহ যাবতীয় কার্যাদি এবং জুম কর জেলা পরিষদ তহবিলে জমা করার প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য নির্দেশক্রমে অনুরোধ করা হল।

সংযুক্ত: ০২ (দুই) ফর্দ

(ফারহানা হায়াত)
সিনিয়র সহকারী সচিব
ফোন: ৯৫৪৫৬৯৮

Email: sasparisad1@mochta.gov.bd

জেলা প্রশাসক
রাজামাটি/খাগড়াছড়ি/বান্দরবান পার্বত্য জেলা

সদয় জ্ঞাতার্থে অনুলিপি:

১। সিনিয়র সচিব, ভূমি মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা

২। চেয়ারম্যান, রাজামাটি/খাগড়াছড়ি/বান্দরবান পার্বত্য জেলা

Appendix 23

Memo of Rangamati Hill District Council dated 8 July 2015 on Transfer of Authority on Control & Regulation of Jum Cultivation from Deputy Commissioner to Chairperson, Hill District Council

রাঙ্গামাটি পার্বত্য জেলা পরিষদ
রাঙ্গামাটি
ফোন : ০৩৫১-৬৩১৩৯, ৬৩১৪৭, ৬৩২৭০
ফ্যাক্স : ৮৮০-৩৫১-৬২১৯২
website : www.rhdcbd.org
Email : cht.rhdc@yahoo.com

স্মারক নং- রাপাজেপ/ প্রশাসন/ আইন ও বিধি/২০১৪/৬৮৪

তারিখ: ০৮/০৭/২০১৫ খ্রি: ।

বিষয়: The Chittagong Hill Tracts Regulation 1900 (Regulation 1 of 1900) এর Section 18এ প্রদত্ত ক্ষমতাবলে Rules for the Administration of the Chittagong Hill Tracts এর বিধি ৪১ এবং ৪২ সংশোধনের প্রেক্ষিতে রাঙ্গামাটি পার্বত্য জেলার জুম কর পরিষদ তহবিলে জমা প্রদান এবং জুম সংক্রান্ত রেকর্ড/তথ্যাবলী সহ জুম চাষের দায়িত্ব ভার জেলা পরিষদে হস্তান্তর।

উপর্যুক্ত বিষয়ে জানানো যাচ্ছে যে, বাংলাদেশ গেজেটের ২৫ এপ্রিল, ২০১৩ খ্রি: প্রকাশিত অতিরিক্ত সংখ্যায় গেজেটে প্রজ্ঞাপনের মাধ্যমে The Chittagong Hill Tracts Regulation 1900 (Regulation 1 of 1900) এর Section 18এ প্রদত্ত ক্ষমতাবলে Rules for the Administration of the Chittagong Hill Tracts এর বিধি ৪১ এবং ৪২ সংশোধন করে জেলা প্রশাসকের পরিবর্তে সংশ্লিষ্ট পার্বত্য জেলা চেয়ারম্যানকে স্থলাভিষিক্ত করা হয়েছে।

উক্ত The Chittagong Hill Tracts Regulation 1900 এর উক্ত সংশোধনী আনয়নের প্রেক্ষিতে রাঙ্গামাটি পার্বত্য জেলা পরিষদ কর্তৃক এই সংক্রান্ত রেকর্ড কার্যক্রম পরিচালনা / ব্যবস্থাপনার লক্ষ্যে জুম সংক্রান্ত রেকর্ড/তথ্যাবলী সহ জুম চাষ পরিষদ তহবিলে জমা হওয়া আবশ্যিক।

এমতাবস্থায়, জুম সংক্রান্ত রেকর্ড/তথ্যাবলী সহ জুম চাষ ব্যবস্থাপনা সংক্রান্ত যাবতীয় রেকর্ডপত্রাদি জেলা পরিষদে হস্তান্তর এবং জুম কর জেলা পরিষদ তহবিলে জমা করার বিষয়ে প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য আপনাকে পরিষদের সিদ্ধান্তক্রমে অনুরোধ করা হলো।

সার্কেল চীফ
চাকমা সার্কেল
রাঙ্গামাটি

(এস এম জাকির হোসেন)
মুখ্য নির্বাহী কর্মকর্তা
ফোন: ০৩৫১-৬৩২৬২ (অ:)

অনুলিপি:

- ১। সচিব, পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ২। জেলা প্রশাসক, রাঙ্গামাটি পার্বত্য জেলা
- ৩। অফিস কপি।

Appendix 24**National Forest Policy 1994****1. Forest Policy of Bangladesh****1.1. National Forest Policy, 1994 (Amended)**

The Bangladesh Government formulated the National Forest Policy for the first time on July 8, 1979 after the independence of the country. In the meantime, initiatives have been taken to orient the policies to meet demand of the time, particularly in consideration of the task of tackling the natural and undesired hindrances arising out of abnormal and quick depletion of forest resources owing to numerous socio-economic factors. As a part of this attempt the government has undertaken the formulation of National Forestry Master Plan for a period of 20 Years, the draft of which has recently been prepared.

In the above mentioned draft Forestry Master Plan proposals/ suggestions have been put forth to amend the National Forest Policy, 1979 after detailed examination and evaluation of it. In the light of demand of the five and overall prevailing conditions in the forest sector.

After amendment of the Forest Policy, 1979 in the light of the above mention proposals and suggestions National Forest Policy 1994 has been formulated.

In the formulation of the Forest Policy, 1994 the following issues have been brought into special consideration;

- a. Peoples welfare principles inscribed in the constitution of the Peoples Republic of Bangladesh.

b. Long term and Specific roles of the forest in the overall socio-economic development of the country including the environment.

c. National policies for the development of agriculture, cottage industries and other sectors.

d. Decisions and recommendations taken in different international conferences and conventions (wherein Bangladesh has taken part or identified with the decisions / recommendations) particularly envisaged programs on afforestation cited in the Agenda of Earth Summit in Brazil in 1992.

For the preservation of climate and natural condition of the country and recognition of the long- term and very important role of forest sector to ensure balanced economic development,

Realizing the need for massive and planned tree plantation, maintenance and preservation in the coastal areas including the embankments on rivers and canals to protect forest, soil and related natural resources, to reduce the velocity and intensity of cyclones, tornados and tidal bores so that air, water and others get less polluted and ecological balance remains undisturbed,

Apart from the production of forest, wood and fuel materials, oil seeds, spices, fibre, rubber, medicine ingredients and other goods for the economic development of the country,

Alongside the prevailing afforestation activities involving the poor and concerned people of the society in country wide social and agroforestry through share mechanism and the provision of incentives, considering the

necessity of afforestation at the Government and Non-Government levels, application of scientific management techniques in forest studies, increasing requirement of establishing safe shelter for wildlife, birds and animals, also realizing the necessity of having a specific amount of land of the country for forest coverage, and above all,

In the interest of the development and ecological balance of the country facilitating afforestation, tree plantation, nursery establishment , development, maintenance and preservation through involving, encouraging and extending cooperation to the people of different sections of the society, the government has expressed its desire to adopt the following as a part of National Forest Policy, 1994 upon the amendment of the forest policy, 1979.

- a. Pre-condition for the development of the forestry sector,
- b. Objective of the National Forest Policy,
- c. Statement of the National Forest Policy,

The main features of the Forest Policy, 1994 in terms of the above mentioned captions will be the following :

Pre-conditions for the Development of the Forestry Sector:

1. The forestry sector provides several commodities and services which are essential for fulfillment of the basic needs of the people. Basic needs fulfillment will be ensured by providing timber for the construction of houses and boats, firewood for cooking, fodder for animal, medicinal herbs for healthcare and services for conservation of the environment and biodiversity,

2. Benefits of forestry sector development will be equitably distributed among the people, especially whose livelihood depends on trees and forests.
3. Scope for the peoples participation in afforestation programs required for the development of forestry sector will be created and in the planning and decision making process, the opinions and suggestions of the planters, user of forests and whose livelihood depends on forestry resources and forest lands will be incorporated,
4. Long term political commitment of the government will be continued in the development of the forestry sector since afforestation is a long term program,
5. Attempts will be made to ensure the effective use and conservation of bio-ecology and biodiversity by installing sound management of forest resources and conserving the production capacity of these resources. This will be done so as to ensure their contribution in the rural and national development.

Objectives of the National Forest Policy :

1. To meet the basic needs of the present and future generations and also to ensure greater contribution of the forestry sector in the economic development, about 20% of the total area of the country will be afforested by taking up various afforestation programs. Side by side, fallow lands, lands not useful for the purpose of the agriculture, hinter lands and in other possible areas, Government sponsored afforestation programs will be implemented. Moreover, appropriate measures will be taken to encourage afforestation on private land and technical support and services regarding the production of forest crops has to be ensured.

2. By creating employment opportunities, strengthening the rural and national economy, the scope for poverty alleviation and trees and forest based rural development sectors will be extended and consolidated.
3. Biodiversity of the existing degraded forests will be enriched by conserving the remaining natural habitat of birds and animals.
4. Agricultural sector will be strengthened by extending assistance to the sectors related with forest development, especially by conserving the land and the water resources.
5. National responsibilities and commitments will be fulfilled by implementing various international efforts and government ratified agreement relating to global warming, desertification and control of trade and commerce of wild birds and animals.
6. Through the participation of the local people, illegal occupation of the forest lands, illegal tree felling and hunting of the wild animals will be prevented.
7. Effective use and utilization of the forest goods at various stages of processing will be encouraged.
8. Implementation of the afforestation program- on both public and private lands will be provided with encouragement and assistance.

Statements of the National Forest Policy :

1. Attempts will be made to bring about 20% of the country's land under the afforestation programs of the government and private sector by year 2015 by accelerating the pace of the program through the coordinated efforts of government and NGO's and active participations of the people in order to achieve self reliance in forest products and maintenance of ecological balance.
2. Because of limited amount of forest land, effective measures will be taken for afforestation in rural areas, in the newly accreted char in the coastal areas and in the denuded Unclassed State Forest areas of Chittagong Hill Tracts and northern zone of the country including the Barind tract.
3. Private initiatives will be encouraged to implement programs of tree plantation and afforestation on fallow and hinter land, the banks of the ponds and homestead lands which are under private ownership . Technical and other support services will be extended for introducing agroforestry on privately owned fallow and hinter land to keep intact the production of grass and herb which is grown on government and privately owned forests and fallow lands.
4. Tree plantation on the courtyards of rural organization such as Union Parishad, school, eidgah, mosque-moktob, temple , club, orphanage home, madrassa etc. and other fallow lands around can be initiated. The government will encourage this type of initiative and extend technical and other supports.
5. Massive afforestation on either side of land surrounding road, rail, dam and khas tank through the partnership of the local people and the NGOs will be commenced . Side by side , rubber plantation will be encouraged in all suitable areas of the country including Chittagong Hill Tracts, Sylhet and Modhupur.
6. Special afforestation programs will be taken in every city of the country under the auspices of the government in order to prevent pollution of environment in the densely populated areas. Municipal, town and other relevant authorities will make concerted efforts in implementing this program. Attempts will also be made to ensure tree plantation / afforestation while plans are made in respect of residential areas.
7. Massive afforestation program in the denuded hilly areas of Unclassed State Forest areas of Rangamati, Khagrachari and Bandarban will be undertaken under the auspices of the government and private initiatives . The participation and rehabilitation of the local Jhum cultivators will be ensured while implementing this program. This will done under the auspices of the Ministry of Land in cooperation with the local government be keeping the land ownership rights intact.
8. The priority protection areas are the habitats which encompass representative samples of flora and fauna in the core area of National Parks, Wildlife Sanctuaries and Game Reserves. Attempts will made to increase the amount of this protected area by 10 per cent of the reserved forest land by the year 2015.
9. Multiple use of forest, water and fish of the Sundarbans through sustained management will be ensured keeping the bio-environment of the area intact.

10. All state owned forests of natural origin and the plantations of the Hills and Sal Forest will be used for producing forest resources keeping aside the areas earmarked for conserving soil and water resources and maintaining the biodiversity. Keeping in view the ecology, the management of forest lands will be brought under profit-oriented business.
11. Inaccessible areas such as slopes of the hill, fragile watersheds, swamps, etc. will be identified and kept as protected forests.
12. The areas under the reserved forest which have been denuded or encroached, will be identified. Afforestation in these lands will be done through people's participation. In this regard, the use of agroforestry will be encouraged. NGO's will have opportunities, to participate in this program. Side by side the lands in Chittagong and Sylhet which were allocated to different persons and institutions for developing the tea gardens and still remain unutilized and uncultivated will be identified and used for tree plantation and afforestation.
13. Initiatives will be taken to reduce wastage and using modern and appropriate technology at all stages of extraction and processing forest products.
14. Emphasis will be imparted of forest-based industries to ensure effective utilization of the forest raw materials.
15. Steps be taken to bring state owned forest-based industries to comparative and profit-oriented management system under the free market economy.
16. Forest resources based labor intensive small and cottage scale industries will be encouraged and made upto-date.
17. Export of logs will remain banned given the scarcity of wood in the country. But processed forest products can be exported. Import policy on wood and wood-based products will be liberalized, but import tariffs, for the wood products which are abundant in the country, will be levied appropriately.
18. Because of the scarcity of forest land, state-owned reserved forest cannot be used for non-forest purposes without the permission of the head of the Government.
19. A large number of tribal people live around a few forest zones. Since the ownership of land under their disposal is not determined, they grab the forest land at will. They will be imparted ownership of certain amount of land through the forest settlement process. The rest of the forest land will be brought under permanent protection.
20. Funds from different donors including International Aid Organizations will be used to promote private forestry Organizations and tree farming, and for such programs like training, technical and financial support will be imparted at an increasing rate.
21. Women will be encouraged to participate in homestead and farm forestry, and participatory afforestation programs.
22. Ecotourism, related to forest and wildlife, is recognized as forestry related activity, which will be promoted taking into consideration the carrying capacity of nature.
23. There will be massive campaign through the government and non-government media for raising consciousness among the people regarding afforestation and conservation and use of forest resources.

24. Encouragement will be extended to grow fruit trees for producing more fruits along with the production of timber, fuel wood and non-wood forest products under the afforestation program.
 25. Initiatives will be taken to reduce wastage by increasing efficiency and modernizing the technology for extracting forest resources.
 26. Forest Department will be strengthened in order to achieve the goal and objectives of National Forest Policy. A new department called "Department of Social Forestry" will be established.
 27. The implementation of National Forest Policy will be supported by strengthening educational, training and research organizations. This will contribute to forestry sector development.
 28. Laws, rules and regulations relating to the forestry sector will be amended and if necessary, new laws, rules will be promulgated in consonance with goals and objectives of National Forest Policy.
-

Appendix 25
(Draft) Forest Policy 2015

Draft Forest Policy, 2015

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| 5 Objectives | |
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EXECUTIVE SUMMARY

Nature is vitally linked to the way of life in Bangladesh and forests as renewable natural resource sustain natural environment by providing provisioning, supportive and regulatory ecosystem functions and services to local people, the country and beyond. Main guiding principles of the revised national forestry policy, having six principle objectives, focus on sustainably managed forest ecosystems, contributing in the country's environmental, climate and food security for the peoples' welfare with co-benefits of biodiversity conservation and climate change.

The following specific national forestry policy statements, grouped in eighteen broad themes, emanate from the policy strategy as detailed in Section 6:

1 Sustainable Forest Management

1.1 The country's terrestrial and aquatic forest ecosystems will be managed sustainably and the first charge on the public forests is of neighboring forest dependent communities for meeting their socio-ecological and subsistence consumption needs, without jeopardizing the fulfillment of similar needs of future generations.

1.2 Relevant international conventions, treaties and protocols as signed by the Government of Bangladesh (GOB) will be adhered to while innovating and implementing appropriate forest and protected area (PA) management.

1.3 The current ban on clear felling in the state natural forests will continue. However, sustainable forest management practices including cleaning, coppicing, thinning and other silvicultural operations will regularly be taken up for encouraging natural regeneration for forest ecosystem restoration.

1.4 In order to effectively address biodiversity conservation and climate change, attempts will be made to bring one-fifth of the country's total geographical area under forest and tree cover by the year 2035.

2 Protected Area Management and Biodiversity Conservation

2.1 Identified landscapes of PAs and their corridors as priority habitats of biodiversity will be conserved, expanded and sustainably managed for *in situ* biodiversity conservation.

2.2 Forest PA network will be strengthened by expanding by the year 2035 to 20% of the state forest area for *in situ* biodiversity conservation in all the representative bio-geographical zones.

2.3 Land-based public development initiatives including infrastructure planning and implementation will avoid the fragmentation of wildlife and biodiversity habitats and minimize environmental damage.

2.4 *Ex situ* biodiversity conservation will be enhanced by sustainably managing and expanding zoos, botanical gardens, wildlife rescue centers, and other categories of PAs. Germplasm will be conserved for which research facilities will be upgraded in institutions such as Bangladesh National Herbarium (BNH) and Bangladesh Forest Research Institute (BFRI).

2.5 Technical assistance and facilitation will be provided for community conserved areas (CCAs) including village/mauza common forests and other biodiversity conservation initiatives of indigenous community.

2.6A Wildlife Wing with a functioning crime control unit and an international cooperation unit will be created and managed within Forest Department (FD).

2.7 Threats and drivers of forestland and biodiversity loss will be identified and mitigated by strengthening enforcement of relevant provisions of wildlife and forest acts and rules, and forging key stakeholders collaboration with relevant agencies.

2.8 Human-wildlife conflicts in and around PAs and other state forests will be resolved by employing collaborative management tools and participatory biodiversity conservation practices.

2.9 The occurrence of flagship fauna, their habitats and foraging behaviors, and home ranges will be considered while identifying and declaring a new PA and/or regazetting an existing PA. Marine and coastal PAs would particularly be focused as a solution to mitigate natural disasters and other threats facing marine and coastal environment and local community.

2.10 The demand for illegally traded wildlife will be reduced, and national and international commitment and collaboration will be expanded and strengthened for combating wildlife poaching and trafficking.

2.11 Environmentally sound and socio-economically inclusive nature tourism will be promoted taking into consideration of the carrying capacity of forests and PAs.

3 Forest Governance

3.1 The diversity of socio-economic and environment conditions, in and around forests and PAs where people and poverty intersect intensely, will be recognized and taken on board by soliciting socio-political commitments in biodiversity conservation decision-making and field implementation.

3.2 Appropriate monitoring and evaluation, feedback, accountability, participation, transparency, social and environmental safeguards, and grievance redressal mechanism will be inbuilt into FD systems and processes to strengthen forest governance.

3.3 Discretionary powers with public agencies will be rationalized in order to improve public forestry decision-making through inbuilt checks and balances.

4 Integrated Forest Management Planning

4.1 No state forest and PA will be managed without an approved management plan. Integrated management planning and implementation, for all forests including PAs in a forest division, will provide for sustainable landscape natural resources management.

4.2 By upgrading and empowering existing Resources Information Management System (RIMS) a new wing on Forest Resources Assessment will be created within FD for periodical collection,

documentation and dissemination of reliable data and analyses of forest cover and resource inventory.

4.3 Regular periodic forest ecosystems analyses including carbon forestry assessments and monitoring will be undertaken by employing modern technology. A central data base with appropriate Geographical Information System (GIS) and Management Information System (MIS) will be developed and maintained for forest management planning and implementation.

5 Climate Resilient Afforestation and Social Forestry by Forest Department

5.1 Climate resilient afforestation and social forestry will be priority on unused public lands and forestlands. The scope of climate resilient afforestation and social forestry will be expanded to include ecological restoration of degraded forest ecosystems with habitat biodiversity and gainful partnerships with forest-dependent communities.

5.2 Social forestry program will be expanded and permanent nurseries including forestry training and information centers will be established and maintained in all upazilas.

5.3 Efficient and sustainable increase in forest productivity will be achieved by using certified seeds in raising tree nurseries, planting quality seedlings and applying best silvicultural practices.

5.4 Integrated watershed management approach with gainful participation of local community will be developed and implemented in hill forests and headwater reserves.

5.5 Climate resilient reforestation and social forestry in unclassified state forests (USF), and coastal areas including newly accreted mud-flats and charlands will be given priority by involving local community. Coastal and other forest areas brought under plantations will not be leased out for non-forestry purposes.

5.6 On-surface and below-ground water yield will be encouraged through forest conservation and eco-restoration by applying updated forest science, appropriate technology and innovative learning.

6 Climate Change

6.1 Climate resilience of forest ecosystems will be enhanced by strictly controlling diversion of forestland for non-forest land use :The state forestland cannot be diverted for non-forestry purposes without taking prior approval from the Prime Minister's office, and with vetting from the office of the President of Bangladesh.

6.2 Critical forest ecosystems including the Sundarbans and the Coastal Greenbelt will be conserved to buffer the adverse impact of climate change induced natural disasters such as cyclones and storms.

6.3 Degraded and unused public lands including coastlands and wetlands will be restored, consolidated and managed under collaborative and participatory afforestation and reforestation, social forestry and eco-restoration to sequester carbon and reduce green house gas (GHG) emissions.

6.4 Forest ecosystem-based disaster mitigation and risk reduction programs including coastal embankments stabilization with participatory plantations of shrub and tree species, and integrated watershed management in hilly and undulating areas, will be promoted.

7 Participatory and Collaborative Forest and Protected Area Management

7.1 Forest-dependent communities will gainfully be involved in the joint protection, regeneration and conservation of forests, wetlands, PAs, wildlife and trees.

7.2 Conflict-sensitive, climate resilient and conservation-linked livelihood development programs will be promoted by supporting effective forest and PA governance and financial sustainability of forest-dependent community.

8 Forest and Wildlife Protection

8.1 Forest and PA ecosystems will be protected and maintained by motivating forestry personnel and gainfully associating local community, wherever feasible.

8.2 Strict but equitable enforcement of applicable acts and rules will be taken up to curb illegal tree felling, forest fire and grazing, wildlife poaching and trafficking, and forestland and PA land encroachment.

8.3 Demand for illegally traded timber and wildlife will be reduced through international and national cooperation and networking.

8.4 The GOB will improve coordination and prioritize wildlife trafficking across enforcement, regulatory and intelligence agencies. Wildlife trafficking will be integrated with other relevant GOB efforts to combat transnational organized crime.

8.5 The protection of coastal forests and the Sundarbans mangroves will be augmented by strengthening institutional mechanism and coordination with relevant law enforcement agencies including coast guards, navy and Bangladesh border guards.

8.6 Participatory agroforestry and silvi-horticulture systems will be promoted particularly in forestlands and PAs affected by encroachments and other unsustainable land-use practices.

8.7 Attempts will be made to employ modern technology in the monitoring and protection of forests and PAs.

9 Forest-based Industries

9.1 The increasing gap in demand-supply of timber and non-timber forest produce will be met by increasing the extent and productivity of plantations and tree growing on unused public and private lands.

9.2 Import for timber and non-timber forest products will be rationalized to cater increasing demand. Value addition enterprises including processing of imported timber for exportable furniture and souvenirs will be promoted both locally and nationally.

9.3 Modernization of forest-based industries will be taken up to ensure effective utilization of forest-based raw materials and to reduce wastage through increased efficiency.

9.4 Efficient forest products markets will be facilitated through supportive regulatory and legal framework.

9.5 Alternative sources of renewable energy including improved cooking stoves, biogas and solar energy will be promoted.

9.6 Forest-based industries will be motivated and facilitated to employ updated technology, and to raise raw material for meeting their own requirements by reaching out to private sector and individuals.

9.7 The practice of supply of subsidized forest produce from the state forests to forest-based industry will not be encouraged. The supply of wood and non-wood materials for forest-based industry will be facilitated from non-state forests and trees.

9.8 Support to women, youth and indigenous community will be provided for setting up forest-based cottage and small enterprises.

9.9 Based on field evidence of sustainable raw material supply and demand, forest-resource dependent industry, and the non-wood and wood-based export and import will be rationalized.

9.10 The certification of forest products traded in the competitive global market will be ensured for their origin from the sustainably managed forests.

10 Climate Resilient Private Tree Growing

10.1 Technical assistance and extension services will be provided for private nursery development and tree growing.

10.2 Social forestry, afforestation, reforestation, medicinal plantation, agroforestry, recreation and urban forestry, horticulture, and eco-restoration will be taken up in unused public and private lands. Silvi-horticultural practices with focus on fruit bearing tree species will be promoted for adequate nutrition for rural poor including indigenous community, women and children.

10.3 Private tree felling and timber transit will be facilitated as private tree growing expands for meeting wood and non-wood demand for industry.

11 Herbal Forestry

11.1 Medicinal plantations on unused public and private land, and herbal medicine processing will be promoted by associating local communities and relevant service providers.

12 Forestry Research

12.1 Scientific forestry research with focus on current and emerging forestry, biodiversity and climate change themes will be improved by strengthening BFRI, BNH and public and private universities having forestry, environmental science disciplines.

12.2 Close FD-BFRI linkages will be maintained for forestry research design, development and field implementation.

13 Forestry Education and Training

13.1 Forestry as a natural science discipline will be included in agricultural and other public and private universities with a provision for adequate funding for forestry education, and skill and human resource development.

13.2 Forestry curriculum would regularly be updated with focus on emerging forestry subjects and modules.

13.3 Institutional and techno-managerial capacity will be built amongst public forestry institutions, conservation NGOs, civil society, and forest dependent community.

13.4 Existing training facilities including Forest Training Academy, Forest Development and Training Center, and Forest Science and Technology Institutes will be restructured and strengthened with qualified faculty, and adequate budget and logistic support.

14 Forestry Extensions and Communication

14.1 Forest extension and communication strategy comprising appropriate conservation messages, briefs and tools with particular focus on gender and indigenous community affirmatives will be developed and implemented in consultation with key stakeholders.

14.2 Forestry extension through Forestry Extension, Nursery and Training Centers (FENTCs) and Social Forestry Plantation Centers (SFPCs), and technical assistance will be provided to private nursery and tree growers. Forestry extension under Social Forestry Wing will be strengthened.

14.3 National and local communication campaigns will be taken up to build awareness for and pride in the significance of Bangladesh's forests to local community, the nation and the world.

14.4 GO-NGO-Private Sector partnerships will be encouraged on forestry extension and communication.

14.5 Conservation-linked livelihood development will be encouraged by promoting forest and non-forest based enterprises by employing mass electronic and print media.

15 Nature Tourism

15.1 Environmentally sound and socio-economically inclusive nature tourism, related to the landscapes of forest ecosystems, PAs, wildlife, wilderness and natural sites, and indigenous culture will be promoted taking into consideration of the carrying capacity of nature.

15.2 Nature tourism facilities and visitor management will be compatible with nature conservation by making positive contributions to the welfare of local community and forest landscapes.

16 Conservation Financing

16.1 Forestry sector will no more be treated as a revenue earning sector.

16.2 Forest-carbon financing will be strengthened by implementing national REDD+ strategy and formulating forest-carbon financing proposal on A/R CDM, REDD+ and other evolving mechanisms for donor assistance.

16.3 Existing GOB entry fee and tree farming fund guidelines will be reviewed and effectively implemented as important conservation financing options.

16.4 Conservation financing including payment of ecosystem services (carbon, eco-tourism, water yield, etc.) will be attracted from donors and other relevant organizations.

16.5 Protection of forest ecosystems services, including but not limited to water yield, carbon, eco-tourism, wildlife and biodiversity, will be taken up by following payment of ecosystem services principle and other evolving valuation methods.

17 Legal Frameworks

17.1 Laws, rules, regulations and administrative orders relating to the forestry sector will be amended and if necessary, new laws and rules will be promulgated in consonance with the forestry policy goals and objectives.

18 Personnel Management

18.1 Government policies in personnel recruitment, posting and management for professional cadre and non-cadre foresters, forest scientists and public forest industry staff will aim at motivating and enhancing their professional competence and taking up higher responsibilities timely and regularly.

18.2 Human resources planning will be carried out for all public agencies active in forestry sector. Recruitment and training of forestry personnel will be taken up regularly every year after assessing total requirement, vacant posts and retirement situation.

18.3 The organograms of public sector forestry organizations will be updated regularly keeping in view required man power and numerous responsibilities emerging due to multi-tasking in the context of evolving global, national and local forestry situations.

18.4 Existing human resources will be strengthened to be nationally and globally efficient and competitive. Main basis of promotion and posting will be performance, professionalism, commitment, efficiency and integrity.

Contextual changes in global and national forest and climate change environment are expected to influence the proposed strategies. The forest policy planners and implementers may in future face constraints in forestry program formulation, implementation, monitoring and evaluation of the forest policy strategies and outcomes. Continued evidence-based research, analyses and information sharing are necessary for successful forest policy update and implementation.

1. PREAMBLE

Nature is prominently linked to the way of life in Bangladesh and forests as renewable natural resources sustain natural environment by providing supportive, provisioning and regulatory ecosystem functions and services. The Article 18A of the country's constitution reads, "The state shall endeavor to protect and improve the environment and to preserve and safeguard the natural resources, biodiversity, wetlands, forests and wildlife for the present and future citizens". The country's forestry sector as characterized by high biotic pressure, but favorable climate, deltaic coastline and fertile soils. Bangladesh, recognizing global public good character of forests, is playing a vital role in international forest and biodiversity initiatives as signatory to important multilateral and bilateral agreements.

The revised national forestry policy lays down broad principles and strategies for the country's forestry sector to help guide both public and private actions that benefit forest ecosystems, community and society at large. It is intended to be a guide of actions in managing the country's forests, closely intermixed with heavily populated villages, which continue to contribute in poverty alleviation and environmental amelioration. It also is a statement of the country's commitment to making a positive contribution to international conservation efforts.

The Government of Bangladesh (GOB) enunciated a revised national forestry policy in 1994 as per the recommendations of the Forestry Master Plan. Over the period important issues and perspectives have emerged nationally and internationally, including millennium development goals, climate change, participatory and collaborative forestry, forest ecosystem functions and services, green economy with focus on low emission land use systems, private sector participation, forest certification, wildlife poaching and crime, and use of information and communication technology.

The state forests have depleted in terms of both forestland and vegetation cover due mainly to diversion of forestland for non-forest use, heavy biotic pressure brought by sharply increasing population with huge forest produce demand, poverty in its many dimensions, inadequate forest protection measures and investment, and treating forestry sector for state revenue earning. On the other homestead forests have expanded both in terms of area coverage and mixture of tree species. A revised national policy for forestry sector is, therefore, needed to address the current and emerging conservation challenges including climate change and threatened biodiversity, and to sustainably manage forest ecosystems to provide goods and services for community wellbeing and national socio-economic development.

Main guiding principles of the revised forestry policy focus on sustainable forest management with co-benefits of biodiversity conservation, climate change and community wellbeing; integrated

forest management with improved forest governance and technology; innovative forest management based on applied research and field evidences; gainful conservation partnerships with communities and private sector based on social equity and gender equality; and strengthened political and civil society commitment, collaboration and enforcement for forest and wildlife protection.

It recognizes that human well-being in long-term is dependent on healthy and regenerating forests and protected areas, and that durable socio-ecological and economic development gains are not possible unless forest ecosystems are effectively conserved and properly valued. The updated forestry policy seeks to stimulate conservation partnerships of different stakeholders including local community and private sector in the sustainable management of forests, wildlife and trees.

2. CONTEXT

Bangladesh, covering an area of 147,570 square km, is surrounded by India in the west, north and east; Myanmar in the southeast; and the Bay of Bengal in the south. The country, lying between 20°34' and 26°38' north latitude and between 88°01' and 92°41' east longitude, is a low-lying active delta, traversed by numerous branches and tributaries of the Ganges, Brahmaputra and Meghna rivers. As per the FAO assessment conducted during 2005-07 the total forest land is 2.57 million hectare, of which 1.57 million hectare is under the management of Forest Department.

Main goal of the national forestry policy of 1994, which was a revision of the first national forest policy adopted in 1979 after the country's independence, was to achieve 20% of the total geographical area under forests by 2015 by controlling deforestation and forest degradation, and social afforestation and reforestation on public and private unused lands. However, the policy goal remained under-achieved as many important recommendations of the policy could not be implemented due mainly to resources constraints. The revised national forestry policy is formulated in consultation with key stakeholders, keeping in view the national development planning goals and also in broader perspective of relevant international conventions, protocols and treaties to which Bangladesh is a signatory.

Consistency with the GOB's planning framework including national perspective plan and harmonization with relevant sectoral policies and plans is necessary for effective forest policy development and implementation. Bangladesh Perspective Plan (2010-15), which is based on the Government of Bangladesh Vision 2021 document, is being articulated through the current Sixth Five Year Plan (2011-15) and the upcoming Seventh Five Year Plan (2016-20). The Vision 2021 lays down a development scenario where the citizens will have a higher standard of living, will be better educated, will face better social justice, will have a more equitable socio-economic environment, and the sustainable development will be ensured through better protection from climate change and natural disasters.

Main development priorities of the Perspective Plan as distilled from the Vision document include: ensuring broad-based growth and reducing poverty; ensuring effective governance and sound institutions; creating a caring society; addressing globalization and regional cooperation; providing energy security for development and welfare; building sound infrastructure and managing the urban challenge; mitigating climate change impacts; and promoting innovation of a knowledge-based society. Increasing accountability and transparency in public forest management is

particularly emphasized in the Plan, along with strengthening the Sundarbans and the coastal Greenbelt.

Formulation of an implementable forestry policy is a matter of utmost importance for Bangladesh as it attracts the nation's ecological, climate change and food security, which depends on many interlinked factors. Forestry policy development and implementation in Bangladesh context is a multi-sectoral issue involving several land-use ministries and agencies which through respective strategies and programs aim to achieve the common goal of forestland and biodiversity conservation, and climate change mitigation and adaptation.

Global public good character of forests justifies public sector involvement and international cooperation, whereas sustainable forests are necessary both nationally and locally for meeting the ecological and socio-economic needs of the present and future generations. Effective public forest sector institutions are necessary for public service delivery through forestry sector. The GOB's guidelines for encouraging public-private partnerships are useful for establishing conservation partnerships.

1. PURPOSE

Forest ecosystems are vital ecological and socio-economic assets to be conserved for the well-being of the present and future generations. A secure basis for forest and biodiversity conservation is to ensure that forest dependent people in particular and the nation in general obtain better goods and services from the fact of forest conservation, than from forest degradation and forestland diversion. The increasing population and the conflicting land use pressures necessitate a balanced forestry sector strategy that addresses international commitments, national development and environmental objectives, and local socio-economic needs.

The revised forestry policy addresses biodiversity conservation and climate change through sustainably managed forests, enabling climate change mitigation and adaptation of ecosystems, floral and faunal species, and local communities. It integrates forests as essential part of sustainable socio-economic development and aims at controlling deforestation and forests degradation, enabling climate resilience of forest ecosystems, species and local community.

In order to effectively address biodiversity conservation and climate change, attempts will be made to bring 20% of the country's total geographical area under forests and tree cover (100% of state forest land area, nearly 80% of hilly land area, 30% of terrain land area approximately, and 10% of plain land area) by year 2035 through afforestation, social forestry, eco-restoration and sustainable forest programs of the government, conservation NGOs, private sector and the people. Forest PA network will be strengthened by expanding to 20% of the state forest area by the year 2035 for *in situ* biodiversity conservation in all the representative bio-geographical zones.

2. KEY FORESTRY SECTOR CHALLENGES

Being delta with good rainfall and fertile soils in plain lands means that most of the forest areas in Bangladesh are indeed suitable for agriculture as an alternative land use in a land scarce, agrarian economy. Historically, the country's land ownership has evolved with skewed patterns in a less egalitarian society in which land as an important means of production commanded socio-economic status.

Key forestry sector challenges facing the country relate to forest degradation, deforestation and forestland diversion in a growing economy : The proximate drivers are high population growth with severe poverty in its many dimensions; expanding cultivation, urbanization and industrialization; and inadequate forestry investment and consequent insufficient biodiversity protection measures. In particular, constraining forest governance including local political economy with inadequate institutional capacity provides disincentives for sustainable forest management.

Rapid loss of resilience in forest ecosystems not only adversely affects natural resource dependent community but also adversely impacts soil fertility, water quality and quantity, air quality, carbon sequestration, biodiversity including wildlife, and wetlands and fisheries - all leading to declining natural resource capital with emerging environmental concerns such as climate change, forestland conversion and biodiversity loss. Main forestry sector challenges are categorized under institutional, environmental and socio-economic issues, which need to be resolved and taken on board in the country's overall development process, and forestry sector planning and strategic implementation.

Institutional challenges revolve around strengthening of forestry sector public institutions including the Ministry of Environment and Forests (MOEF), Forest Department (FD), Bangladesh Forest Research Institute (BFRI), Bangladesh National Herbarium (BNH) and Bangladesh Forest Industries Corporation (BFIDC) as performing institutions, empowered in terms of trained staff and capacity building, with defined roles and responsibilities as part of overall personnel recruitment, professional development and performance management.

Key environmental challenges for the forestry sector include: climate change; biodiversity loss, deforestation and forestland encroachment; forest and wetland ecosystems degradation; diversion of forestland for non-forest land use; wildlife poaching and trafficking; low forest productivity; and inadequate forest research base and capacity building.

Socio-economic challenges for the forestry sector include : high demand for forest produce and forestland brought by increasing human population, and expanding cultivation, urbanization and industrialization; inadequate involvement of forest-dependent communities including women, youth and indigenous people in participatory and collaborative forest management; unfavorable political economy; and lack of communication and outreach to key stakeholders including public decision makers, civil society and private sector.

3. OBJECTIVES

Principal objectives of the revised forest policy are six-fold as enumerated below:

1. Restore and maintain the country's environmental, climate and food security by addressing biodiversity conservation and climate change through sustainably managed forests and other ecosystems including social and community forests, mangroves and wetlands, and homesteads and other tree cover.
 2. Enhance climate resilience of existing forest ecosystems by strictly controlling diversion of forestland for non-forest use, and completing forests consolidation and planning process with proper forest records, maps and management plans.
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3. Enhance biodiversity conservation by mitigating identified threats and drivers of biodiversity loss and forest degradation, and expanding and sustainably managing landscapes of protected areas (PAs) and wildlife corridors.
4. Innovate and implement collaborative and participatory public and private social forestry for enhanced forests productivity with positive climate change and socio-economic externalities for the nation and local community.
5. Restore and sustainably manage degraded and marginal areas including coasts and wetlands under climate resilient afforestation, reforestation and ecological restoration with co-benefits of meeting local community subsistence needs, reduction in forest carbon emissions, and sequestration of green house gases.
6. Launch and sustain a country-wide conservation movement by involving women, youth and mass people to promote climate resilient private tree growing, and forging innovative conservation partnerships with the private sector, civil society and conservation NGOs for combating forestland encroachment, deforestation and forest degradation, and wildlife poaching and trafficking.

6. STRATEGY

The following strategies, categorized in eighteen broad themes, are to be followed in order to achieve the six-fold national forestry policy objectives:

6.1 Sustainable Forest Management

Existing terrestrial and aquatic forest ecosystems will be managed sustainably, as national public good with positive climate change and socio-economic externalities, and as local resources for meeting community consumption needs for non-timber forest produce, fuel wood and timber, and socio-ecological needs such as water yield and nature tourism.

Relevant international conventions, treaties and protocols as signed by the Government of Bangladesh will be adhered to while innovating and implementing appropriate forest and PA management.

In order to meet the country's development objective of poverty alleviation, the first charge on public forests is of neighboring forest dependent communities for meeting their socio-ecological and subsistence consumption needs, without jeopardizing the fulfillment of similar needs of future generations.

Identified landscapes of forests including degraded forestlands and non-forest land uses, with priority to climate vulnerable and threatened forest ecosystems and communities, will be sustained by following an integrated approach with systems focus that restores biodiverse habitats and homesteads simultaneously by treating landscapes/watersheds.

The current ban on clear-felling in the state natural forests will continue but sustainable forest management practices including thinning, coppicing, cleaning and other silvicultural operations will regularly be taken up for encouraging natural regeneration for forest ecosystem regeneration as per approved management plans.

The certification of forest products traded in the competitive global market will be ensured for their origin from sustainably managed forests. Export of value added timber products including furniture will be certified by an authorized body for sustainable forestry practices.

6.2 Protected Area Management and Biodiversity Conservation

Biodiversity loss can be driven by unsustainable development and there may be tradeoff between biodiversity conservation and national development goals. Natural ecosystems - which provide water and fertile soils, pollination of crops, resilience to climate shocks, fish- and forest-based food security, medicinal plants and animals, and ecological functions that keep pests and diseases in check - may be disturbed seriously by biodiversity loss.

Identified landscapes of protected areas and wildlife corridors as priority habitats of biodiversity will be conserved, expanded and sustainably managed. Biodiversity resources will be aligned to national development goals and the global public good. The conservation of priority biodiversity sites, species and genetic diversity will be supported.

The occurrence of flagship fauna, their habitats and foraging behaviors, and home ranges will be considered while identifying and declaring a new PA and/or regazetting an existing PA. Marine and coastal PAs would be particularly focused as a solution to mitigate natural disasters and other threats facing marine and coastal environment and local community.

In order to provide a basic spatial framework for protecting the areas of highest conservation values and maintaining the maximum possible area under forest cover, a protected area comprising gazetted forest area, and its neighboring state forests including wetlands, can be categorized into core zone and buffer zone respectively, based on identified biodiversity conservation and forest management objectives.

Identification of an interface landscape zone influencing the designated core zone and buffer zone may be taken up for sustainable management of neighboring forests/wetlands and adaptation of local community to climate change and disaster risk reduction. Adjoining fragile areas including Ecological Critical Area (ECA), if any, may also form part of interface landscape zone.

Core zone will have the highest biodiversity conservation and climate change values, followed by buffer zone, which may adjoin interface landscape zone comprising local stakeholders and impacting land-uses.

Technical and financial assistance and facilitation including concessions will be provided for community conserved areas (CCAs) including village common forests, mauza reserves, sacred groves and other biodiversity conservation initiatives of indigenous community.

Land-based public development initiatives such as urban, water resource, agriculture and other land-based infrastructure planning and implementation will avoid the fragmentation of wildlife and biodiversity habitats and minimize environmental damage by carrying out initial environment examination and/or environmental impact assessment, as applicable.

Threats and drivers of forestland and biodiversity loss will be identified and mitigated by strengthening enforcement of relevant provisions of wildlife and forest acts, forging effective

collaboration with relevant law enforcing agencies, and in partnerships with key stakeholders including local government and community.

Ex situ biodiversity conservation will be enhanced by sustainably managing and expanding zoos, botanical gardens, arboreta, and other categories of PAs and wildlife rescue centers. Germplasm will be conserved for which research facilities will be upgraded in public forestry institutions such as BFRI and BNH.

The demand for illegally traded wildlife will be reduced, and national and international commitment and collaboration will be expanded and strengthened for combating wildlife poaching and trafficking.

A new Wildlife Wing with adequate staffing including a functioning crime control unit and an international cooperation unit will be created within FD.

Human-wildlife conflicts in and around PAs and other state forests will be resolved by employing collaborative management tools and participatory practices. However, biodiversity conservation activities will not inadvertently exacerbate or create social conflicts with local community; they should promote social, institutional and climate resilience.

6.3 Forest Governance

The diversity of socio-economic and environment conditions, in and around the country's forests and PAs where people and poverty intersect intensely in land scarce but inadequately functioning land-based resources economy, will be taken on board by soliciting socio-political commitment through local governments and other key stakeholders.

Appropriate monitoring and evaluation, feedback, accountability, participation, transparency, social and environmental safeguards, grievance redressal mechanism, and checks and balances will be inbuilt into public forestry institutions' systems and processes to strengthen forest governance.

6.4 Integrated Forest Management Planning

A basic principle of forest and PA management is that every state forest should have an approved management plan with supporting technical capacity, administration and budget resources.

No state forest and PA will be managed without an approved management plan. FD will issue necessary technical guidelines and prescribed formats in a form of a management plan code for integrated forest management plans to be designed, developed, implemented and monitored at a forest division level.

Integrated forest management planning and implementation will provide for sustainable forest resources management with focus on climate change mitigation and adaptation, biodiversity conservation, integrated PA management, wetland management, forest demarcation and consolidation, private nursery and tree growing, and gainful conservation partnerships with local community for meeting their subsistence consumption needs for forest ecosystem products and services.

By upgrading and empowering existing Resources Information Management System (RIMS) a new wing on Forest Resources Assessment will be created within FD for periodical collection, collation, documentation and dissemination of reliable data and analyses on relevant aspects of periodic carbon and forest inventory and mapping, planning, GIS-based management, and satellite-based monitoring. Forest land survey, demarcation, mapping, settlement and documentation will be taken up regularly by RIMS as part of forest management planning.

Regular periodic forest and other ecosystems health and valuation assessments and monitoring will be undertaken by employing modern and web-based technology including satellite imagery, aerial photography, drones, GIS and MIS. Base maps as prepared by the Survey of Bangladesh on 1:50,000 scale may be used where needed. A central data base with appropriate GIS and MIS and other digital systems will be operationalized in order to strengthen forest governance by increasing accountability and transparency in public forest management, and data archiving.

Indirect benefits from forests and PAs will be assessed, accounted and reflected in the national income and growth accounting. Forests status reports prepared periodically will be brought under public domain.

6.5 Climate Resilient Afforestation and Social Forestry by Forest Department

Climate resilient afforestation and social forestry will be priority both on unused public lands and forestlands. However, before taking up plantations, relevant threats and drivers of deforestation and forest degradation will be identified and mitigated in collaboration with key stakeholders including local communities, with focus on inter-sectoral convergence (forests, social forestry, agroforests and homesteads, agriculture and fisheries, rural energy, livestock, community development, etc).

The scope of climate resilient afforestation and social forestry will not be limited to planting tree seedlings only: The eco-restoration of degraded forest ecosystems including coasts and hill forests with habitat biodiversity (multi-story indigenous vegetation of climate resilient herbs, shrubs and trees) will be emphasized by gainfully involving local communities in enrichment plantations and assisted natural regeneration.

Given effective joint protection, the treated forest landscapes will over the period get restored due mainly to the country's potentially regenerative lands.

Social forestry programs will continue and permanent nurseries including forestry training and information centers will be established and maintained in all upazilas.

Efficient and sustainable increase in forest productivity will be achieved by using certified seeds, planting quality seedlings, and applying best silvicultural practices.

Integrated watershed management approach will be followed in hill forests by identifying and managing watersheds which will be treated for water and soil conservation from hill top to bottom by gainfully associating local community including local hill and indigenous community.

Climate resilient afforestation and social forestry in unclassified state forests (USF), and coastal areas including newly accreted mud-flats and charlands will be given priority by involving local community. Newly accreted charlands may be assigned to FD for stabilization through plantations

of pioneer species such as *keora* and appropriate ecological succession and soil conservation practices.

Coastal areas brought under plantations by FD will not be leased out for non-forestry purposes.

Sound coastal zone management practices including stabilization of public embankments through participatory embankment plantations will be promoted in association with land owning agencies such as Water Development Board and Road and Highways Department.

Silvicultural operations such as natural regeneration management through cleaning and thinning will be carried out in coastal plantations established by FD.

On-surface and below-ground water yield will be encouraged through forest conservation and eco-restoration by applying updated forest science, appropriate technology and innovative learning.

6.6 Climate Change

Climate change adversely impacts biodiversity and exacerbates forest land use impacts and other threats. Climate resilience of existing forest ecosystems will be enhanced by controlling diversion of forestland to non-forest land use, and by enhancing biodiversity value through forests consolidation, effective protection, assisted natural regeneration, and hydrological recharging.

In order to ensure climate resilience of land-based natural resources, the state forestland cannot be diverted for non-forestry purposes without taking prior approval from the Prime Minister's office, with vetting from the office of the President of Bangladesh. Forestland category will be correctly recorded in relevant land records and forestland leases will not be given.

The GOB will set up an empowered technical committee for reviewing forestland conversion proposals and making recommends to the Prime Minister office. In case of approved forestland diversion, equal amount of non-forestland will be brought under afforestation for which adequate allocation of budget and land will be earmarked.

Critical forest ecosystems including the Sundarbans and the coastal Greenbelt will be conserved to buffer the impact of climate change induced natural disasters such as cyclones and storms.

Degraded and unused public land including coastlands, emerging charlands and wetlands will be restored, consolidated and managed under collaborative and participatory afforestation and reforestation, social forestry and eco-restoration to sequester carbon and reduce GHG emissions.

Forest-dependent communities in coastal areas will be supported in conducting village level climate change vulnerability assessments, then developing and implementing climate change adaptation plans.

Forest ecosystem-based disaster mitigation and risk reduction programs including coastal embankments stabilization with participatory plantations of shrub and tree species, and watershed management will be promoted.

Wetlands in and around forests and PAs will be kept free from pollution and will be managed for forest conservation and climate change mitigation and adaptation. Healthy, biodiverse forest and

wetland ecosystems will help relieve adverse impacts of climate change on the neighboring community and land use.

6.7 Participatory and Collaborative Forest and Protected Area Management

Forest dependent communities will gainfully be involved in the joint protection, regeneration and conservation of forests, wildlife, wetlands and trees.

Conflict-sensitive, climate resilient and conservation-linked livelihood development programs will be promoted by strengthening forest governance and financial sustainability of local community.

6.8 Forest and Wildlife Protection

Healthy forest and PA ecosystems, necessary to better adapt to challenges of climate change and disaster risks, will be protected and maintained by enforcing all available legal instruments and field-level staff and also by gainfully associating local community, wherever feasible. Stakeholders' participation will be ensured through supportive rules, regulations and guidelines to be framed under the existing forest and wildlife acts and rules.

Strict but equitable enforcement of applicable forest and wildlife acts and rules will be taken up to curb illegal tree felling, forest fire and grazing, illegal wildlife trade, wildlife poaching and trafficking, and forestland encroachment, and developing and implementing wood substitutes for brick kilns. The GOB will improve coordination and prioritize wildlife trafficking across enforcement, regulatory and intelligence agencies. Wildlife trafficking will be integrated with other relevant GOB efforts to combat transnational organized crime. Confidential information gathering from local community will be solicited with suitable incentive and reward mechanism. Demand for illegally traded timber and wildlife will be reduced through international and national cooperation and networking.

The protection of coastal forests and the Sundarbans mangroves will be increased by strengthening institutional mechanism and coordination with relevant law enforcement agencies including coast guards, navy and Bangladesh border guards.

Participatory agroforestry and silvi-horticulture systems will be promoted particularly in forestlands affected by encroachments and other unsustainable land use practices. Appropriate silvi-ecological adaptations of shifting cultivation will be innovated and promoted in gainful partnerships with indigenous community.

Being peoples' function, forestland encroachment, forest fires and forest grazing will be controlled and stabilized by gainfully involving local communities in social forestry and participatory management of PAs. Public awareness will be raised through better communication and outreach about the harms done by wildlife trafficking and conflicts. Public diplomacy will be used to dissuade consumers abroad from purchasing illegally traded wildlife and strengthen implementation of international agreements and arrangements that protect wildlife. Human-wildlife conflicts in and around forests and PAs will be addressed in partnerships with local community.

Attempts will be made to employ modern technology such as forensic analysis, scat analysis, camera trapping, smart patrolling, wildlife census, advance forest fire warning and control, and improved surveillance and intelligence gathering in the monitoring and protection of forests and protected areas.

6.9 Forest-based Industries

The increasing gap in demand-supply of timber and other forest produce will be met by increasing the extent and productivity of plantations and tree growing on degraded forestland and other unused public lands, and private tree growing and homestead plantations on unused private lands.

Import for timber and non-timber forest products will be rationalized to cater increasing demand. Value addition enterprises including processing of imported timber for exportable furniture and souvenirs will be promoted.

Modernization of forest-based industries will be taken up to ensure effective utilization of forest-based raw materials and to reduce wastage through increased efficiency.

Efficient forest products markets will be facilitated through supportive regulatory framework. Alternative sources of renewable energy including improved cooking stoves, biogas and solar energy will be promoted.

Forest-based industries will be motivated and facilitated to employ updated technology and a business enterprise approach. They will be encouraged to raise raw material for meeting their own requirements by reaching out to private sector and individuals who can grow forest raw materials. Small and medium forest-based enterprise financing will be promoted through public and private financial institutions.

The practice of supply of subsidized forest produce from state forests to forest-based industry will not be encouraged. The supply of wood and non-wood materials for forest-based industry will be attempted from non-state forests and trees.

FD will take necessary facilitative measures for increased supply of timber and other raw material through private tree growing with focus on employment generating income growth for rural poor.

Support to women, youth and indigenous community will be provided for setting up rural forest-based cottage and small enterprises with investment in employment enhancing non-timber forest produce (NTFP) based livelihood technology and best practices.

Based on field evidence of sustainable raw material supply, forest-resource dependent industry, and the non-wood and wood-based export and import will be rationalized.

6.10 Climate Resilient Private Tree Growing

Technical assistance and extension services will be provided for citizen and private sector climate change mitigation and adaptation initiatives; private tree growing; community and homestead forestry; involvement of youth, women and indigenous community in private nursery development and tree planting; and climate resilient public-private tree growing partnerships.

The people will be motivated to grow more trees in and around homesteads and unused marginal lands (e.g. the premises of institutions such as union council; educational organizations; religious places including idgah, mosque, monastery and temple; orphanage; roadside; railway track; foreshore; urban area; embankment; etc.) with due emphasis on climate resilient shrub and tree species including indigenous NTFP, fodder and fruit bearing tree species.

Agroforestry practices with focus on silvi-horticulture-agriculture systems will be encouraged. Homestead *pukurs* with fisheries will also form part of agroforestry systems.

Village forest inventory will be carried out periodically to provide technical advice to villagers and develop innovative peoples' nursery development and tree growing initiatives.

In view of limited amount of public forestland, social forestry, afforestation, reforestation, medicinal plantation, agroforestry, recreation and urban forestry, horticulture (fruit bearing tree species), and eco-restoration will be taken up in unused public and private lands by promoting climate resilient indigenous species with peoples' conservation partnerships.

Silvi-horticultural practices with focus on fruit bearing species will be promoted for adequate nutrition for rural poor including women and children, and other vulnerable groups and marginal sections of the society.

Private tree felling and timber transit regulations will be reviewed to facilitate private tree growing for meeting wood and non-wood demand for industry. In view of huge timber supply from homesteads, transit timber permits for the movement of privately grown timber will be rationalized.

6.11 Herbal Forestry

In the absence of qualified Doctors and inexpensive allopathic medicines, a large but poor section of rural populace continue to depend on *kabirajs* who practice and prescribe alternative medicines (ayurvedic, unani and homeopathy) with ingredients from medicinal plants and animals. However, with continued degradation of natural forests the local availability of medicinal herbs, shrubs and trees have declined drastically.

With renewed global emphasis on biodiversity and its community use, medicinal plantations on unused public and private lands, and herbal medicine processing will be taken up by associating local communities and service providers.

6.12 Forestry Research

The forestry research will be strengthened and institutional roles and responsibilities of the BFRI and BNH will be updated by establishing close FD field linkages with focus on current and emerging themes including but not limited to ecosystem restoration and valuation, sustainable forest management, climate change, and biodiversity conservation.

Increased participation from public and private sector will be sought by developing quality research proposals in order to meet the increasing demand for forestry research and innovations as forest management decisions become increasingly complex, particularly in the field of climate change and biodiversity conservation. BFRI and BNH will reach out to public and private

universities and other organizations engaged in forestry research. International cooperation in forestry research will be promoted through quality research, collaboration and networking.

6.13 Forestry Education and Training

The forest policy implementation will be supported by strengthened education and training organizations. Forestry as natural science discipline will be included in agricultural and other public and private universities with a provision for adequate funding for forestry education, skills and human resources development.

Forestry curriculum would be updated with focus on emerging subjects such as climate change, sustainable forest management, sustainable forest product trade and forest certification, conservation biology, landscape ecology, and PA management. Wherever possible, forestry students will be given preference in forestry sector jobs.

Institutional and techno-managerial capacity will be built amongst public forestry organizations including FD, BFRI, BNH and BFIDC; conservation NGOs; civil society; and forest dependent community through improved conservation policy and legal framework; strategic planning, monitoring and evaluation; training, education and research; and decentralized governance, communication and outreach.

The capacity of FD staff will be re-oriented from timber management to climate change, biodiversity conservation and environmental services management by strengthening forestry human resources and restructuring forestry training institutions and education programs.

Efforts will be taken up to develop capacity of FD and BFRI to monitor forests especially as it relates to quantity and quality of environmental services, impacts of climate change, and assessment and analyses of carbon and GHG stock by building/tapping-in to world-class science and technology.

Attention will be given on improved planting materials, germplasm conservation, gene banks, and biodiverse, climate resilient plantation management.

Existing training facilities including Forest Training Academy, Forest Development and Training Center, and Forest Science and Technology Institutes will be restructured and strengthened with qualified faculty, and adequate budget and logistic support.

6.14 Forestry Extension and Communication

Forest extension and communication strategy with appropriate conservation messages and briefs will be developed and implemented by FD in wide consultation with key stakeholders by employing knowledge, attitude and practice surveys. Women, youth, indigenous community and other marginal sections of the society will be given equitable representation and importance in forestry extension and management decision-making and implementation. Forestry charter will be developed and publicized for the citizens' enhanced roles and responsibilities in biodiversity conservation and environmental amelioration.

Forestry extension will be key driving force for the growth and development of private nursery development and tree growing, and conservation messages dissemination. Forestry extension through FENTCs and SFPCs and technical assistance to private nursery and tree growers will be

strengthened by widely publicizing through theatres, *melas*, public-days, mass media, audio-visual aids and other extension tools and mechanisms. Agricultural extension facilities including their staff presence up to union parishad level will be leveraged wherever possible.

Forestry extension under Social Forestry Wing will be strengthened to deliver necessary messages on forest functions and services backed up with proper forestry research linkages and field evidences, and to speed up peoples' access to and adaptation of silvicultural and forest management best practices, and nursery and plantation technology.

National communication campaigns will be taken up to build awareness for and pride in the significance of Bangladesh's forests to local community, the nation and the world.

There will be massive campaign far and wide through the government and non-government media for raising consciousness among the people regarding afforestation, biodiversity conservation, climate change, horticulture including nutrition rich fruit trees, and sustainable use of forest resources. Public and private land owning agencies such as Railways, LGED, PWD, Municipalities, Union Councils, and Tea Estates will be encouraged for tree growing on vacant lands.

Advanced information and communication technology and media will be employed in knowledge and information dissemination on private tree growing, climate change and biodiversity conservation.

GO-NGO-Private Sector partnerships will be encouraged on forestry extension and communication. As part of decentralized governance, key stakeholders including women, youth and local community will be outreached and techno-managerially capacitated in participatory afforestation, conservation, management and monitoring of forests and other ecosystems. Information and communication technology will be employed in forestry extension and communication.

Conservation-linked livelihood development will be encouraged by promoting forest and non-forest based enterprises through a well designed communication campaign by employing mass electronic and print media.

6.15 Nature Tourism

Environmentally sound and socio-economically inclusive nature tourism, related to the landscapes of forest ecosystems, PAs, wildlife, wilderness and natural sites, and indigenous culture will be promoted taking into consideration of the carrying capacity of nature. However, it is important to realize that nature tourism exists for forest ecosystems and not other way round, and so nature tourism facilities and visitor management must be compatible with nature conservation by making positive contributions to the welfare of local community and forest landscapes.

6.16 Conservation Financing

As in case of service sectors such as health and education, forestry sector will no more be treated as a revenue earning sector. Conservation financing for forest ecosystems services will be prioritized in national development planning and revenue budget process.

Forest-carbon financing will be established by implementing national REDD+ strategy as low carbon emission development strategy with baselines and targets, and formulating forest-carbon

financing proposals on A/R CDM, REDD+ and other evolving mechanisms. The capacity of FD and BFRI staff and civil society partners will be built to prepare, implement and monitor carbon financing projects.

The GOB's entry fee and tree farming funds (TFF) guidelines will be reviewed and effectively implemented as important conservation financing options.

Conservation financing including payment of ecosystem services (carbon, eco-tourism, water yield, etc.) will be attracted from donors, philanthropy organizations and private sector.

Protection of forest ecosystems services, including but not limited to water yield, carbon, eco-tourism, wildlife and biodiversity, soil fertility and agricultural productivity enhancement will be taken up by following payment of ecosystem services principle and other evolving methods.

6.17 Legal Framework

Appropriate legislation and administrative framework will be developed and updated for the smooth forest policy implementation.

The policy and legal framework will be harmonized by updating existing and promulgation of new laws, rules, and executive orders to support forestry policy implementation.

Laws, rules, regulations and administrative orders relating to forestry sector will be amended and if necessary, new laws and rules will be promulgated in consonance with the forestry policy goals and objectives.

6.18 Personnel Management

Government policies in personnel recruitment and management for professional cadre and non-cadre foresters, forest scientists and public forestindustry staff will aim at motivating and enhancing their professional competence and taking up higher responsibilities timely and regularly.

Forestry cadre will be rationalized by regularly updating cadre strength and encadrement of eligible officers. As in case of other sister services including agriculture and fisheries, the forestry service will be represented in all the upazilas by suitably expanding cadre strength.

Human resources planning will be carried out for all public agencies active in forestry sector. Recruitment and training of forestry personnel will be taken up regularly every year after assessing total requirement, vacant posts and retirement situation.

The organograms of public sector forestry organizations will be updated regularly keeping in view required man power and numerous responsibilities emerging of late due to multi-tasking in the context of evolving global, national and local forestry situations.

Existing human resources in public forestry sector will be strengthened to be nationally and globally efficient and competitive.

Main basis of promotion and posting will be professionalism, performance, commitment, efficiency and integrity.

7. EPILOGUE

The people of Bangladesh will be able to strengthen their desired ecological, climate and food security outcomes through effective implementation of the updated national forestry policy in harmonization with other relevant policies. However, the forestry policy implementation by various ministries and agencies is expected to increasingly become more complex with gradual prominence of climate change and environmental functions of forest ecosystems with global public good characteristics.

Contextual changes in global and national forest and climate change environment are expected to influence the proposed strategies, which may in future pose new challenges for the forestry policy implementation. The forestry planners and implementers may in future face constraints in forestry program formulation, implementation, monitoring and evaluation of the forestry policy strategies and outcomes. They may so need a clear appreciation of different options available and likely results of future forestry policy strategic scenarios and choices.

Generating a clear picture will require regular flow of information, knowledge and analyses of changing forestry policy context, options and consequences. Continued evidence-based research and information sharing are necessary for successful forestry policy update and implementation. Adequate financing including donor support will be required for effective implementation of the revised national forestry policy.

Appendix 26

Rangamati Declaration 1998

Rangamati Declaration

Rangamati, Chittagong Hill Tracts, 19 December, 1998

*Adopted at a Conference on 'Development in the Chittagong Hill Tracts
Convened by
The Forum for Environment and Sustainable Development in the Chittagong Hill Tracts*

Welcoming the signing of the Chittagong Hill Tracts Accord of 1997 between the Government of Bangladesh and the Parbatya Chattagram Jana Samhati Samiti and congratulating the parties to the accord,

Concerned at the slow pace of implementation of the Chittagong Hill Tracts Accord,

Bearing in mind the Rio Conference on Environment and Development,

Reiterating our support to the aims and objectives of Agenda 21,

Recalling that the right to development is a basic human right,

Recognising that human rights, peace, sustainable development and the protection of the environment are interdependent and indivisible,

Recognising that the protection of land and resource rights is closely related to the achievement to sustainable development,

Recognising that the forests of the Chittagong Hill Tracts are the natural habitats of humans as well as animals, plants and other life forms,

Encouraged that rural communities in the Chittagong Hill Tracts have continued to play an important role in the development of the region without governmental and external assistance,

We, the representatives of different peoples, communities and organisations meeting in Rangamati at the Conference on *Development in the Chittagong Hill Tracts* on 18 and 19 December, 1998, proclaim this declaration, to be called the Rangamati Declaration, and recommend that :

The Chittagong Hill Tracts Accord of 1997

1. Measures be undertaken to achieve speedy implementation of the Chittagong Hill Tracts Accord of 1997;

Development Institutions, Policies and Processes

2. All development programmes for the Chittagong Hill Tracts be implemented in consultation with the future Chittagong Hill Tracts Regional Council;
3. The development budgets for the Chittagong Hill Tracts be formulated in consultation with the Chittagong Hill Tracts Regional Council;
4. No development programmes be undertaken in the region without assessing the likely social, cultural and environmental impacts in the region or if it is contrary to the provisions of the Chittagong Hill Tracts Accord of 1997;
5. No development programmes be undertaken in the region except on the basis of proposals by, or with the full, prior and informed consent of, the people of the area concerned;
6. All development programmes, projects and processes be transparent and open to public scrutiny;
7. A development trust fund be established and placed under the control of the Chittagong Hill Tracts Regional Council;
8. The agreed transfer of subjects to the hill district councils be effected expeditiously;
9. The agreed transfer of authority to the hill district councils on the subjects already transferred, and to be transferred, to these councils, be effected expeditiously;
10. The Chittagong Hill Tracts Development Board Ordinance of 1976 be amended to make the structure and process of the Board more democratic and transparent and the Board directly responsible to the Chittagong Hill Tracts Regional Council;

Land

11. No development projects related to land-use on disputed lands be undertaken before the disputes are resolved by the future commission on land;
12. The leases on lands to non-resident individuals and companies that have been illegally left unutilised be cancelled and vested in the concerned hill district council;

Rehabilitation

13. Those of the returned international refugees who have not already been properly rehabilitated, and all the internally displaced indigenous people, be returned their lands and otherwise properly rehabilitated;

Water Bodies, Their Natural Resources and Biodiversity

14. No Water bodies, including the Karnaphuli reservoir (Kaptai Lake), be leased out or settled in the name of private individuals and companies without the prior consent of, and consultations with, the concerned hill district council and the people of the area concerned;
15. In the event that any part of water bodies, including the Karnaphuli reservoir (Kaptai Lake), is leased out, priority be given to the permanent residents of the area concerned;
16. The water level of the Karnaphuli reservoir (Kaptai Lake) be regulated in consultation with the Rangamati Hill District Council for the interest of the 'fringe-land' farmers. The periodical water level chart so agreed upon (the 'rule curve') be followed and the concerned farmers be provided due information about it;
17. The control and management of all water bodies and their natural resources, including the Karnaphuli reservoir (Kaptai Lake) and its resources, be vested in the concerned hill district council;
18. The introduction of non-local species of fish and other marine life that is harmful to the local environment or biodiversity be prevented;

Forests, Forestry and Biodiversity

19. The Forest Act of 1927, in its application to the CHT, be amended in consultation with the regional and hill district councils, the circle chiefs and the headmen;
 20. Logging in the natural forests and their conversion into agricultural lands or plantations be totally prohibited. Similarly, the killing of, and trading in, endangered species of wildlife be totally prohibited;
 21. The inhabitants of the areas living in the reserved forests be allowed a just share of the income from the utilisation of the resources of these forests;
 22. The hill district councils be involved in the management and administration of the reserved forests;
 23. The local residents be involved in the protection and management of the government-owned forests and plantations;
 24. The procedures on the extraction and transit of the produce of privately-owned forests and plantations outside of the reserved forests be excluded from the system of extraction and export permits;
 25. The village forests ('service' or 'mouza reserved' forests) situated outside the reserved forests be recorded as the common and collective property of the village community concerned;
 26. No parts of the reserved forests be de-categorised as reserved forests without the consent of the regional council and the concerned hill district council;
 27. The gazetted notifications of the 1980s and 1990s concerning the creation of new reserved forests be revoked and other measures be undertaken in consultation with the hill district councils to undertake community forestry and participatory forestry programmes;
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28. The raising of industry-oriented plantations under the ownership and management of permanent residents of the region be assisted with soft-term credit on a long-term basis and no lands be compulsorily acquired for the raising of industry-oriented plantations;
29. The introduction of species of non-local trees and plants that are harmful to the local environment and biodiversity be prevented;
30. The customary rights and privileges of indigenous peoples and their communities over lands and territories in the forest areas be recognised in accordance with the ILO Convention on Indigenous and Tribal Populations (Convention 107) of 1957 and the Convention on Biological Diversity;

Horticulture

31. A horticulture development project in the manner of horticulture projects undertaken previously by the Bangladesh Agriculture Development Corporation (BADC) be started and the local farmers be provided with land grants, soft-term credit and technical and other assistance;

Mineral Resources

32. Mining activities be carried out only in consultation with the concerned hill district council and the Chittagong Hill Tracts Regional Council and in such a manner that they are not harmful to the natural environment or otherwise detrimental to the physical and material well being of the residents of the areas concerned;
33. All CHT residents being adversely affected by mining activities be adequately compensated with land grants and monetary compensation and otherwise rehabilitated in the event that they have to be relocated;
34. The terms and conditions of the compensation agreements between the concerned mining company and the affected people be determined in consultation with the Chittagong Hill Tracts Regional Council;
35. Priority be given to local residents in employing people in connection with the survey and extraction work of mining companies;

Environment

36. Logging, farming, tourism and other activities that are or are likely to be harmful to the environment be stopped and prohibited;
37. Urgent measures be undertaken in the Chittagong Hill Tracts to prevent deforestation and soil erosion in the lands and forests of the region;
38. Urgent measures be taken to protect the environment of the rivers, lakes, streams and other water bodies of the Chittagong Hill Tracts;

Human Development & Capacity Building

39. Special measures be undertaken for human development in the Chittagong Hill Tracts;
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40. Special measures be undertaken to enhance the administrative and technical capacities of the local voluntary organisations (NGOs), traditional institutions, local government bodies and the regional and district councils;

Disabled People and Destitute Women

41. Priority be given for the education and employment of disable people;
42. Special measures be taken for providing employment to and in rehabilitating destitute women;

Women

43. All forms of social, cultural, economic and political discrimination against women be prevented;
44. Inheritance laws discriminating against women be amended with the consent of the people/community concerned;
45. Educational curriculums include subjects regarding the rights of women;

Health

46. Programmes of the control and eradication of malaria be re-introduced in the Chittagong Hill Tracts;
47. All hospitals and other medical centres in the Chittagong Hill Tracts be provided with the requisite personnel and equipment;
48. All medical practitioners who are permanent residents of the Chittagong Hill Tracts and are now serving outside the Chittagong Hill Tracts in government institutions be transferred to the Chittagong Hill Tracts;
49. Indigenous students who qualify for entry into the medical colleges in the general entrance examinations be not included within the 'tribal' quota system;
50. Medical colleges be established in the Chittagong Hill Tracts with a quota for indigenous peoples and other permanent residents of the of the region;
51. At least one trained para-medic and at least one trained midwife be appointed in each mouza for the welfare of mothers and infant children;
52. Indigenous and other herbal medical systems be recognised;

Education

53. Primary education be imparted in the mother tongue of the indigenous peoples of the Chittagong Hill Tracts;
54. Teachers of primary schools be employed from among the local people who speak the same language as the majority of the students of the area on a priority basis by relaxing the necessary qualifications and pre-requisites;
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55. A Board of Secondary and Primary Education for the Chittagong Hill Tracts be established under the supervision of the Chittagong Hill Tracts regional Council;
56. Free education be provided to all students up to class X;
57. Schools be established on a priority basis in areas inhabited by the more disadvantaged indigenous peoples;
58. Preference be given to the members of the more disadvantaged indigenous peoples in gaining admission into institutions of higher learning;
59. Adequate funds and other assistance be provided to non-formal schools run by village communities;
60. The chairpersons of registered non-government colleges and registered non-government secondary schools be nominated by the regional and district councils, respectively;
61. Women be appointed as teachers on a priority basis;
62. Colleges offering Bachelor of Education (B.Ed.) courses be established in the Chittagong Hill Tracts
63. Honours and Master's course be fully introduced in the Rangamati Government University College and university colleges be established in the district headquarters of Bandarban and Khagrachari;
64. The involvement of the military in connection with the admission of indigenous students through the reserved quota basis in the medical colleges, engineering colleges and the Agricultural University be stopped so that these institutions may carry out their admission procedures in an independent manner;
65. The existing quota of reserved seats for indigenous students in the institutions of higher education including those for medicine, engineering and agriculture be increased and a special quota of reserved seats be maintained for the ethnic Bengali permanent residents of the Chittagong Hill Tracts;
66. The residential hostels for indigenous students that were previously running in the district headquarters of the Chittagong Hill Tracts be revived and new hostels for indigenous men and women be established as required;
67. Training institutes for primary teachers (P.T.I.) be established in the district headquarters of Bandarban and Khagrachari;

Culture and Languages

68. The educational curriculum in the Chittagong Hill Tracts include courses on the languages and cultures of the indigenous peoples of the Chittagong Hill Tracts;
 69. The languages of the indigenous peoples of the Chittagong Hill Tracts be included as a subject of study in the secondary schools of the region;
 70. The existing inaccurate and disrespectful references to the languages and cultures of the indigenous peoples of the Chittagong Hill Tracts in the national educational curriculums be corrected in consultation with the leaders and representatives of the peoples concerned;
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Data and Information

71. Measures be undertaken so that the general public have free and easy access to relevant information about the programmes and activities of the government, semi-government institutions and non-governmental organisations in the Chittagong Hill Tracts. Similarly, measures be also undertaken to ensure that relevant information about the social, cultural, economic and environmental conditions of the less developed areas are available to the government, semi-government and non-governmental organisations and institutions operating in the Chittagong Hill Tracts;

Sports

72. The administration and management of the district sports associations in the Chittagong Hill Tracts be handed over to the concerned hill district councils;
73. A regional sports association be established to manage the district sports associations of the Chittagong Hill Tracts and placed under the control and supervision of the Chittagong Hill Tracts regional Council;

NGOs

74. All NGO activities in the Chittagong Hill Tracts be supervised and coordinated by the Chittagong Hill Tracts Regional Council;
75. Credit programmes by NGOs be conducted in the Chittagong Hill Tracts only in consultation with the Chittagong Hill Tracts Regional Council;
76. NGOs operating in the Chittagong Hill Tracts be prohibited from charging interest and service charges in excess of the rates allowed by the laws applicable in the region;
77. No programmes of NGOs that are contrary to the culture and traditions of the peoples of the Chittagong Hill Tracts be allowed;
78. Local NGOs be given preference in the formulation and implementation of development programmes in the Chittagong Hill Tracts;
79. Permanent residents of the Chittagong Hill Tracts be given preference in employment by NGOs operating in the Chittagong Hill Tracts.
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Appendix 27**Dhaka Forests Declaration 2001*****Dhaka Forests Declaration***

Dhaka, 9 June, 2001

*Adopted at a Workshop on "Forests and Indigenous Peoples"
organised by
Jatiyo Adivasi Parishad, SEHD & Taungya et al at Dhaka, 09 June, 2001*

Recalling that the forests of Bangladesh are the natural habitats of plants, animals and human beings,

Reiterating that the natural forests of Bangladesh are the ancestral domains of the indigenous peoples and other communities of Bangladesh,

Emphasizing that forests are necessary for the ecological, social, medical and cultural needs of the people of Bangladesh,

Understanding that biological diversity is related to cultural diversity,

Acknowledging the positive role of indigenous and other forest-dependent peoples in the conservation, management and protection of the forests and related eco-systems of Bangladesh,

Acknowledging the positive role of women in all forms of natural resource management,

Reiterating our support to the aims and objectives of Agenda 21 and the Forest Principles appended thereto,

Concerned that the Forest (Amendment) Act of 2000 and existing forestry policies reinforce the colonial paradigm of forestry that is harmful to the environment and the human rights of forest-dwellers,

Disturbed that existing Forest laws and policies continue to deny a proper role to local communities in forest management,

Further concerned that existing Forest laws and policies continue to deny the income and other benefits of forestry to the inhabitants of forests and adjacent areas,

Concerned at the negative role of the Asian Development Bank and other international lending and development agencies in the formulation of forestry policies in Bangladesh;

Alarmed that the rapid pace of deforestation in Bangladesh is causing irreparable harm to the ecology and environment of the country and the neighbouring regions,

Concerned that commercial plantations with narrow genetic bases are being introduced in the name of forestry,

Further concerned that the so-called social forestry programmes of the Government of Bangladesh are neither forestry nor social, since they seek the raising of plantations rather than forests and leave the effective management powers in the hands of government officials rather than the direct participants of such programmes,

Concerned also that mining operations in forest areas may lead to environmental damage and violation of human rights of forest dwellers,

Dismayed that industry-oriented plantations are leading to the loss of biodiversity and the impoverishment of forest-dependent communities,

Further dismayed that the expansion of the shrimp industry has led, and is continuing to lead, to the destruction of the mangrove swamps in coastal areas,

Concerned also that forestry policies continue to provide little or no importance to non-timber forest produce such as bamboo, cane, rattan, grasses and herbs,

Outraged that the Forest laws are being continually misused by Forest Department officials to violate the fundamental human rights of inhabitants of forests and adjacent areas, by denying the land rights of jum (swidden) cultivators, by filing false and harassing criminal cases and through other means,

Concerned at the rising corrupt practices in illegal trade in timber involving Forest Department officials and city-based business people,

Aware that most of the timber and bamboo needs of the country are met not from government-managed forests but from homestead plantations,

Encouraged that indigenous peoples are successfully protecting village common forests for their religious, cultural, social and economic needs,

Further encouraged that rural farmers are continuing to plant trees and taking other measures to protect the local ecology and to meet their domestic biomass needs,

We, the representatives of indigenous peoples, forest-dependent communities, NGOs, research organisations, social, cultural and political workers and the academic community, meeting at Dhaka on 9 June, 2001, unanimously demand that:

Laws & Policies

1. The Forest (Amendment) Act of 2000, be repealed as it is anti-people and anti-environment and because it vests Forest Department officials with draconian powers that are liable to be misused;
 2. The Forestry Master Plan, the National Forestry Policy, the Forest Act of 1927 and related laws and policies be amended through a democratic and transparent process to protect the
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rights of communities living within and around forest areas and to seek a balance between industrial, biomass and environmental needs;

Structured Social Forestry Models

3. The process of drafting the Social Forestry Rules of 2000 be kept in abeyance until such time as a democratic and transparent process of consultation is started;
4. The existing models of social forestry as practised by the Forest Department and proposed to be formalised by the (Draft) Social Forestry Rules, 2000 be rejected and discontinued because they ignore the land rights of participants, and give them much responsibility but no powers;

Unstructured Indigenous Model of Social Forestry: Village Common Forests

5. The unstructured models of social forestry, such as the management of village common forests, be supported;

Farmers' Plantations

6. The farmers' efforts in homestead forestry be assisted by the Government;

Logging, Plantation and Natural Regeneration

7. Logging in the natural forests and their conversion into commercial and industrial plantations be totally stopped;
8. Natural regeneration of degraded forests be given priority over plantation and re-plantation;

Joint Management of Government-owned Forests

9. All types of government-managed forests, including reserved, protected, vested and acquired forests, be administered and managed through an equal partnership between the Forest Department and local communities;
10. Local communities be given a substantial share in the income from all types of government-managed forests and plantations;
11. Adequate measures be taken to stop or control corruption within the Forest Department;

Fundamental Human Rights and Forestry Policies

12. The land and other human rights of inhabitants of reserved, protected, acquired, vested and other government-managed forests be expressly recognised and implemented;
 13. The long-term residents of government-managed forests, including reserved forests, be allowed to cultivate land for their basic consumption needs;
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14. The continuing pattern of the violation of the human rights of inhabitants of reserved, protected, vested and acquired forests and adjoining areas by Forest Department and Police personnel be immediately stopped and the victims compensated, as appropriate;

Gender

15. Gender equity be integrated into all Forest-related laws, policies and programmes;
16. The misuse of the Forest Act of 1927 to unlawfully arrest, detain, assault and harass forest-dwellers, including women, be immediately stopped;

Indigenous Knowledge Systems

17. The indigenous knowledge systems related to forest management be formally acknowledged and such knowledge be utilised equitably with the consent of the community concerned;
18. The role of indigenous forestry technologies such as Taungya and the role of indigenous communities in raising plantations managed by the Government be formally acknowledged and the benefits therefrom equitably shared with the concerned communities,

Eco Parks

17. The process of creating eco parks without the knowledge and consent of the inhabitants of the areas concerned be immediately stopped.
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Appendix 28

Rangamati Land Declaration 2002

Rangamati Land Declaration[♦]

Pedatingting, Rangamati, Chittagong Hill Tracts

07 June, 2002

Recalling that the indigenous peoples of the CHT were living in and occupying the CHT since time immemorial, and long before the region was annexed to the British Empire, and later included within Pakistan and Bangladesh,

Having regard to the fact the CHT has been recognized by law as a “tribal-inhabited area”,

Recalling further that the Government of Bangladesh has ratified the ILO Convention on Indigenous and Tribal Populations (Convention No. 107) of 1957 and the Convention on Biological Diversity,

Bearing in mind that the lands, forests, water bodies and the resources thereon are vital to the political, social, economic and environmental needs of the peoples of the Chittagong Hill Tracts (CHT),

Reiterating that the full and formal recognition of the customary and other land and resource rights of the indigenous peoples of the CHT is vital for their cultural integrity and survival as distinct peoples,

Reiterating our full support to the *Adivasi Declaration of 1997*, the *Rangamati Declaration of 1998* and the *Dhaka Forest Declaration of 2001*,

Reiterating our solidarity with and support for struggles of the indigenous peoples and minorities of the country to establish their land rights,

Condemning the eviction of indigenous people for the creation of Eco Parks,

Concerned that many important provisions of the CHT Accord of 1997, including on transfer of authority to the hill district councils, dispute settlement by the CHT Land Commission, cancellation of land leases to non-residents and land grants to landless indigenous people, remain unimplemented,

Concerned further that:

The basic land and human rights of inhabitants of the reserved forests are being denied and constantly violated and their communities treated like slaves,

The Government continues to discriminate in favour of government-sponsored Bengali settlers and against the permanent residents of the CHT by providing food grains and other

[♦]Unanimously adopted by representatives of different indigenous peoples' organizations, NGOs and institutions, at a seminar on “Land Laws, Land Management and the Land Commission in the Chittagong Hill Tracts” organized by the *Committee for the Protection of Forest and Land Rights in the CHT* in Rangamati, Chittagong Hill Tracts on 7 June, 2002. This is a translation of the original Bengali version by Raja Devasish Roy.

material support to the aforesaid settlers to the exclusion of all other sections of the CHT population,

Many of the international Jumma refugees and *all* of the internally displaced hill people remain unrehabilitated in their original homes and lands,

The notifications purporting to create new reserved forests on ancestral lands owned, occupied and used by CHT peoples have not yet been revoked by the Government of Bangladesh despite assurances to that effect,

The Government is planning to raise and lower the water level of the Karnaphuli reservoir ("Kaptai Lake") to increase electricity production, without taking into account the loss of access to farmlands,

That the Government is continuing with the process of mining for natural gas and oil in the CHT without the prior informed consent of the people of the region,

We, the representatives of different peoples, institutions and organizations from the three districts of the Chittagong Hill Tracts adopt this declaration on land to be called the Rangamati Land Declaration and make the following demands, proposals and recommendations:

A. To the Government of Bangladesh:

Transfer of Land Administration Authority to Hill District Councils

1. To immediately transfer full land administration authority to the three hill district councils in accordance with the CHT Accord of 1997 and the Local Government Council Acts of 1989;

Transfer of Authority on Law and Order and Police to Hill District Councils

2. To immediately transfer full authority on law and order and police matters to the three hill district councils in accordance with the CHT Accord of 1997 and the Local Government Council Acts of 1989;

Amendment of CHT Land Commission Act

3. To amend the CHT Land Commission Act of 2001 in accordance with the provisions of the CHT Accord of 1997 to enable it to take decisions in an open, transparent and democratic manner by following the laws, customs, usages and systems of the CHT, and to enable it to start its prescribed work without further delay;

Cancellation of Non-residents' Land Leases

4. To cancel without further delay all leases and settlements granted to non-residents in violation of the CHT Regulation of 1900 and the laws, customs and usages of the CHT;

Revocation of Notifications on Creation of New Reserved Forests

5. To immediately revoke and cancel all notifications and orders from 1989 to today purporting to create new reserved forests on lands owned, occupied and used by the CHT peoples;

Non-application of Forest (Amendment) Act, 2000 to CHT

6. To refrain from applying the Forest (Amendment) Act of 2000 to the Chittagong Hill Tracts;

Implement Provisions on ILO Convention 107 & Biodiversity Convention

7. To implement the provisions of the ILO Convention No. 107 and the Convention on Biological Diversity by passing necessary laws, orders and directives, particularly concerning land, forests, biodiversity and indigenous knowledge;

Co-management of Reserved Forests

8. To provide for the co-management of the reserved forests including the Ministry of Environment and Forest, the Hill District Councils and the communities living in and around the reserved forests and to arrange for the equitable distribution of the income from such forests;

Rehabilitation of Refugees & Internally Displaced People

9. To take immediate steps for the proper rehabilitation of the unrehabilitated India-returned Jumma refugees and the internally displaced hillpeople in their own homes and lands;

Food Grain Support etc. to all Permanent Residents as for Settlers

10. To provide food grains and other material support to all permanent residents of the CHT in the same manner as the Government is providing to the government-sponsored Bengali settlers;

Food Grain Support to Refugees and Displaced People

11. To provide regular food grain support to the unrehabilitated international Jumma refugees and all the internally displaced hillpeople until such time as they are rehabilitated in their own homes and lands;

Amendment of CHT Regulation, 1900 & Related Laws

12. To amend the CHT Regulation and related laws to bring it in conformity with the Local Government Council Acts of 1989 (as amended), the CHT Accord of 1997 and the CHT Regional Council Act of 1998;

Transfer Deputy Commissioner's Powers to Hill District Councils

13. To transfer the Deputy Commissioner's powers to the Hill District Councils;
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Amendment of Bazar Fund Manual and Grant of Magistracy and Certificate Powers on Land and Revenue Issues to Hill District Councils

14. To amend the Bazar Fund Manual in conformity with the CHT Accord of 1997 and to assign magistracy and certificate powers on land and revenue issues to the Hill District Councils;

Legal Recognition of Customary Rights of Indigenous Peoples

15. To provide legal recognition to the customary land and natural resource rights of the indigenous peoples;

Cancellation of Settlements and Leases made in Violation of CHT Regulation & LGC Acts

16. To cancel all settlements and leases on lands that were made in violation of the CHT Regulation of 1900 and the Local Government Council Act of 1989;

Clear Recognition of the Role of Headman Land Administration

17. To provide clear legal recognition of the role of headman in land administration settlements through necessary legal reforms;

Land Grants to Landless Hillpeople

18. To provide grants of 2 acres of plain land and 5 acres of hilly land (in case of non-availability of plain land) to landless hill families in conformity with the CHT Accord of 1997;

Redistribution of Acquired Land for Air Force to the Affected People

19. To re-distribute the unutilized and cultivable land acquired by the Bangladesh Air Force in Bandarban district to local people on a priority basis, instead of to non-residents, as is being currently done;

Land Rights of Reserved Forest Dwellers

20. To recognize the land and resource rights of the inhabitants of the reserved forests, where plain lands are available, to dereserve the same and provide settlements to reserved forest dwellers, or to lease out the same to them as applicable and appropriate.

Elimination of Gender Discrimination

21. To eliminate gender discrimination in all sectors of land management and administration in CHT;

No Development Projects without Prior Informed Consent (PIC) of Indigenous People

22. No development projects including forestry, extraction of natural and mineral resources to be implemented in the CHT without the prior informed consent (PIC) of the indigenous peoples.

Training on Indigenous Society, Culture and Customs for Government Officials

23. To provide training and to take other necessary steps for raising awareness about indigenous society, culture and customs amongst functionaries of government institutions and departments;

Inclusion of All Land Disputes of Indigenous Peoples within the Jurisdiction of the CHT Land Commission

24. To include all kinds of land disputes between indigenous peoples and governmental and non--governmental organizations within the jurisdiction of the CHT Land Commission;

Publication of Laws Applicable to CHT

25. To publish a clear list of all laws that are applicable to the CHT;

Redistribution of Fringeland

26. To redistribute the fringelands of Karnaphuli reservoir area on a priority basis to the original owners if the lands resurface from the water;

Legal Reforms to Remove Inconsistencies between CHT Laws in Conformity with CHT Accord of 1997

27. To initiate legal reforms to remove the inconsistencies between the CHT Regulation, 1900 on the one hand and the Local Government Council Act, 1989 and the Regional Council Act, 1998 on the other, in conformity with the CHT Accord of 1997;

No Survey until Rehabilitation of International Hill Refugees and Internally Displaced Hill People and the Settlement of Disputes by the Land Commission

28. No land survey to be undertaken in the CHT until the rehabilitation of the international hill refugees and the internally displaced hill people and the settlement of disputes by the Land Commission are completed, and to use modern equipment and technology during the next survey;

Proper Rehabilitation of Bengali Settlers outside CHT for repossession of Hillpeople's Land

29. In order to facilitate the repossession of dispossessed lands of hill people, to properly and respectfully rehabilitate Bengali settlers outside the CHT where their settlement has led to the dispossession of hillpeople.

Compensation to People Affected by Karnafuli Reservoir

30. To give equitable compensation to those Kaptai Dam affected people who have not received any or any adequate compensation.

Recognition of the Role of Headman in Land Administration

31. To provide full recognition to the role of headman in land administration through legal reforms;

All CHT Peoples' and Women's Participation in Regional & District Councils

32. To enable the representatives of all the peoples of the CHT to be members of the CHT Regional and the Hill District Councils in a direct and equitable manner and to provide for equitable membership of and equitable and full participation of women from all the CHT peoples in the decision-making processes of the CHT Regional and the Hill District Councils.

B. To the CHT Regional Councils:

All CHT Peoples' Participation in Regional Councils

33. To enable the representatives of all the peoples of the CHT to be members of the CHT Regional Council in a direct and equitable manner;

Women's Participation in Regional Councils

34. To provide for equitable membership of and equitable and full participation of women from all the CHT peoples in the decision-making processes of the CHT Regional Council;

Land & Resources Policy

35. To adopt a comprehensive land and natural resource use policy;

Research, Planning & Implementation Cell on Land

36. To create a research, planning & implementation cell on land and natural resource issues;

Advise GOB on Legislation

37. To advise the Government of Bangladesh to amend the CHT Regulation of 1900 to remove inconsistencies with the Local Government Council Act, 1989 and Regional Council Act, 1998 in conformity with the CHT Accord of 1997.

C. To the Hill District Councils:***All CHT Peoples' Participation in District Councils***

38. To enable the representatives of all the peoples of the CHT to be members of the Hill District Council in a direct and equitable manner;

Women's Participation in District Councils

39. To provide for equitable membership of and equitable and full participation of women from all the CHT peoples in the decision-making processes of the Hill District Council;

Land & Resources Policy

40. To adopt a comprehensive land and natural resource use policy;

Research, Planning & Implementation Cell on Land

41. To create a research, planning & implementation cell on land and natural resource issues;

Advise GOB on Legislation

42. To advise the Government of Bangladesh to amend the CHT Regulation of 1900 to remove its inconsistencies with the Local Government Council Act, 1989 and Regional Council Act, 1998 in conformity with the CHT Accord of 1997;

Management of Bazar Fund

43. To pass a regulation for the proper management of Bazar Fund.

D. To the CHT Land Commission:***Timeframe for the Settlement of Disputes of Land Disputes***

44. To fix a definite timeframe for expeditious and proper settlement of all land disputes by the Land Commission;

Priority to the Customary Rights

45. To give priority to the customary rights of indigenous peoples in the settlement of disputes by the Land Commission;

Primary Investigation by Members/Officers of the Land Commission

46. To delegate responsibilities of primary investigation in each district to the members/officers of the Land Commission as investigation of all disputes by the full Commission will be time-consuming.

E. To the Headmen:***For Headmen to Follow CHT Laws, Customs, Systems and Practices on Revenue and Land Issues***

For the Headmen to carry out their responsibilities on revenue and land issues in consonance with CHT laws, customs, systems and practices.

Appendix 29
Draft Forest (Amendment) Act 2015
The Forest Act, 1927 (Amendment 2015)

১। সংক্ষিপ্ত শিরোনাম ও প্রবর্তন।- (১) এই আইন The Forest Act, 1927 (Amendment 2015) নামে অভিহিত হইবে।

২। **Act No. XVI of 1927** এর পূর্ণাঙ্গ শিরোনাম ও প্রস্তাবনার সংশোধন।-Forest Act, 1927 (Act XVI of 1927), অতঃপর উক্ত Act বুলিয়া উল্লিখিত, এর পূর্ণাঙ্গ শিরোনাম অংশে উল্লিখিত “An Act to” শব্দগুলির পর “make provisions for the conservation and sustainable use of forests” শব্দগুলি ও কমা এবং প্রস্তাবনা অংশে উল্লিখিত “expedient to” উল্লিখিত “An Act to” শব্দগুলির পর “make provisions for the conservation and sustainable use of forests” শব্দগুলি ও কমা সন্নিবেশিত হইবে।

৩। **Act No. XVI of 1927** এর section 2 এর সংশোধন।-উক্ত Act এর section 2 এর-

(ক) Clause (1) এর পর নিম্নরূপ নূতন Clause (1A) সন্নিবেশিত হইবে, যথা :- "(1A) '**Forest**' means such **land**, which is the property of Government, or over which the Government has ownership rights, or to the whole or any part of the **forest-produce** to which the Government is **entitled** and which is declared as forest under this Act and also includes reserved forests, protected forests and other forests;"

2(A) Clause (1) এর পর নিম্নরূপ নূতন Clause (2A) সন্নিবেশিত হইবে, যথা :- "(2A) Forest Settlement officer means one or more officers appointed by Government under section 4 of this Act."

(খ) Clause (4) এর sub-clause (b) এর paragraph (iii) এর পরিবর্তে নিম্নরূপ paragraph (iii) প্রতিস্থাপিত হইবে, যথা :-

(iii) “wild animals and skins, tusks, horns, bones, silk, cocoons, honey, wax, **fish and fish products and** all other parts of produce of animals, and”;

(গ) Clause (4A) এর পর নিম্নরূপ Clauses (4B), (4C), (4D) এবং Clause 7 এর পর Clause 8, 9, 10 সংযোজিত হইবে।

(4B) “other forest” means forest declared by the Government as forest under sub-section 34A of this Act;

(4C) “protected forest” means forest declared as protected forest under section 29 of this Act;

(4D) “reserved forest” means forest declared as reserved forest under section 20 of this Act;

8. Non-Timber Forest Products (NTFPs) are any product or service other than timber that is produced in forests. They include fruits and nuts, vegetables, fish and game, medicinal plants, resins, essences and a range of barks and fibres, such as, bamboo, rattans, and a host of other palms and grasses.

9. Wasteland is an unused area of land that has become barren or overgrown or land that is uncultivated, barren or without vegetation.

10. Charland is land located in an active river basin that is subject to erosion and accretion.

৪। **Act No. XVI of 1927** এর section 4 এর সংশোধন।- উক্ত Act এর section 4 এর পরিবর্তে নিম্নরূপ section 4 প্রতিস্থাপিত হইবে, any land এর পরে as শব্দ যুক্ত হইবে 4(a) – such land এর পরে as শব্দ যুক্ত হইবে, যথা :-

4. Notification by Government. -(1) Whenever it has been decided to constitute any land as a reserved forest, the Government shall issue a notification in the official Gazette –
(a) declaring that it has been decided to constitute such land as a reserved forest;

৫। **Act No. XVI of 1927** এর section 6 এর সংশোধন।- উক্ত Act এর section 6 এর Clause(c) এ উল্লিখিত “three months and not more than four months” শব্দগুলির পরিবর্তে “six months and not more than eighteen months” শব্দগুলি প্রতিস্থাপিত হইবে।

৬। **Act No. XVI of 1927** এর সংশোধন।- উক্ত Act এর section 9 এ উল্লিখিত “extinguished” শব্দটির পরে উল্লিখিত ক্রম পরিবর্তে ফুলস্টপ বসিবে এবং অতঃপর নিম্নরূপ শব্দগুলি, কমাগুলি, সংখ্যাগুলি এবং ফুলস্টপ বিলুপ্ত হইবে, যথা :-
unless, before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6. ।

৭। **Act No. XVI of 1927** এর section 16A এর সংশোধন।- উক্ত Act এর section 16A এর sub-section(1) এর clause (i) এ উল্লিখিত “section 6 and 9” শব্দগুলি ও সংখ্যাগুলির পরিবর্তে “section 6” ও সংখ্যা প্রতিস্থাপিত হইবে।

৮। **Act No. XVI of 1927** এর section 20 এর সংশোধন।- উক্ত Act এর section 20 এর sub-section (1) এর clause (a) এ উল্লিখিত “Or section 9” শব্দগুলি ও সংখ্যা বিলুপ্ত হইবে।

৯। **Act No. XVI of 1927** এর section 26 এর সংশোধন।- উক্ত Act এর section 26 এর sub-section (1) এ উল্লিখিত “six months”, এবং “two thousand taka” শব্দগুলি প্রতিস্থাপিত হইবে।

১০। **Act No. XVI of 1927** এর section 30 এর সংশোধন।- উক্ত Act এর section 30 এর clause (b) এ উল্লিখিত “not exceeding thirty years” শব্দগুলি ও কমাগুলি বিলুপ্ত হইবে।

১১। **Act No. XVI of 1927** এর section 33 এর সংশোধন।- উক্ত Act এর section 33 এর sub-section (1) এ উল্লিখিত “six months” এবং “two thousand taka” শব্দগুলির পরিবর্তে “one year” এবং “ten thousand taka” শব্দগুলি প্রতিস্থাপিত হইবে।

১২। **Act No. XVI of 1927** এর CHAPTER IV এর শিরোনাম সংশোধন।- উক্ত Act এর CHAPTER IV এর শিরোনাম “OF PROTECTED FORESTS” এর পরিবর্তে নিম্নরূপ শিরোনাম প্রতিস্থাপিত হইবে, যথা :- “OF PROTECTED FORESTS AND OTHER FORESTS”।

১৩। **Act No. XVI of 1927** এর Sections 34A এ 34B এর সংশোধন। উক্ত Act এর Sections 34A এ 34B সন্নিবেশিত হইবে, যথা :-

34A. Other Forests.-(1) The Government may, by notification in the official Gazette, declare the provisions of this Chapter, as far as it is applicable to any waste-land or char land or forest plantation, which is not included in a reserved forest or protected forest but which is the property

of Government, or over which the Government has proprietary right, or to the whole or any part of the forest-produce to which the Government is entitled.

(2) The waste-land, char land or forest plantation comprised in any such notification shall be called as **other forests**.

34B. Acts Prohibited in other forests. – Any person who commits any of the following offences, namely:-

(a) fells, girdles, lops, taps, or burns any tree or strips off the bark or leaves from, or otherwise damage the same;

(b) clears or breaks up any land for cultivation or any other purpose or cultivates or attempts to cultivate any land in any other manner;

(c) sets fire to a other forests, or, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;

(d) in contravention of any rules made in this behalf by the Government, hunts, shoots, fishes, poisons water or sets traps or snares; or

(e) establishes saw-pits or saw benches or converts trees into timber without lawful authority;

shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine which extend to ten thousand taka, in addition, to such compensation for damage done to the forest as the convicting Court may direct to pay.

১৪। Act No. XVI of 1927 এর Section 38C এর সংশোধন। – উক্ত Act এর Section 38C এর sub-section (1) এ উল্লিখিত “threat to property,” শব্দগুলি ও কমার পর “conservation of biodiversity, natural heritage, and ecosystem” শব্দগুলি ও কমাগুলি সন্নিবেশিত হইবে।

১৫। Act No. XVI of 1927 এর Section 39 এর সংশোধন। – উক্ত Act এর Section 39 এর Chapter VI & VII “Other forest produce” এর স্থলে “non-timber forest-products” প্রতিস্থাপিত হইবে। 39 এ “Other forest produce” এর স্থলে “non-timber forest-products” প্রতিস্থাপিত হইবে।

(ক) sub-section (1) এ উল্লিখিত “forest-produce” শব্দগুলি ও হাইফেনের পরিবর্তে “non-timber forest-products or other services” শব্দগুলি ও হাইফেন প্রতিস্থাপিত হইবে।

(খ) sub-section (1) এর clause (a) এ উল্লিখিত “which is produced” শব্দগুলির পর “or rendered” শব্দগুলি সন্নিবেশিত হইবে।

১৬। Act No. XVI of 1927 এর Section 41 এর সংশোধন। উক্ত Act এর Section 41 এর sub-section (1) এ “other forest-produce এর পরিবর্তে “non-timber forest-products” এবং sub-section (2) এর clause (h) এ উল্লিখিত “and brick-fields” শব্দগুলির পরিবর্তে “brick-fields, the selling of bamboo, sawn timber and round logs” শব্দগুলি ও কমাগুলি প্রতিস্থাপিত হইবে।

41(2)(b) “other produce” এর স্থলে “non-timber forest-products” প্রতিস্থাপিত হইবে।

41(2)(d) “other produce” এর স্থলে “non-timber forest-products” প্রতিস্থাপিত হইবে।

41(2)(e) “other produce” এর স্থলে “non-timber forest-products” প্রতিস্থাপিত হইবে।

41(2)(f) “other produce” এর স্থলে “non-timber forest-products” প্রতিস্থাপিত হইবে।

১৭। Act No. XVI of 1927 এর Section 42 এর সংশোধন।- উক্ত Act এর Section 42 এর sub-section (1) এ উল্লিখিত “three years”, “two months”, “ten thousand taka”, এবং “two thousand taka” শব্দগুলির পরিবর্তে যথাক্রমে “five years”, “six months”, “fifty thousand taka” এবং “five thousand taka” শব্দগুলি প্রতিস্থাপিত হইবে।

42(2)(a) “other forest produce” এর স্থলে “non-timber forest-products” প্রতিস্থাপিত হইবে।

42(2)(b) “other forest produce” এর স্থলে “non-timber forest-products” প্রতিস্থাপিত হইবে।

42(2)(d) “other forest produce” এর স্থলে “non-timber forest-products” প্রতিস্থাপিত হইবে।

42(2)(e) “other forest produce” এর স্থলে “non-timber forest-products” প্রতিস্থাপিত হইবে।

42(2)(f) “other forest produce” এর স্থলে “non-timber forest-products” প্রতিস্থাপিত হইবে।

১৮। Act No. XVI of 1927 এর Section 43 এর সংশোধন।- উক্ত Act এর Section 54 এ উল্লিখিত “other forest-produce” এর স্থলে “non-timber forest-products” প্রতিস্থাপিত হইবে।

১৯। Act No. XVI of 1927 এর Section 54 এর সংশোধন।- উক্ত Act এর Section 54 এ উল্লিখিত “the magistrate shall” শব্দগুলি ও ক্রম পরিবর্তে “within thirty days” শব্দগুলি ও ক্রম সন্নিবেশিত হইবে।

২০। Act No. XVI of 1927 এর Section 56 এর সংশোধন।- উক্ত Act এর Section 56 এর বিদ্যমান বিধান sub-section (1) হিসাবে সংখ্যায়িত হইবে এবং অতঃপর নিম্নরূপ নূতন sub-section (2) সংযোজিত হইবে যথা :-

(2) No forest-produce and tools, vassels and vehicles used in committing any forest offence and siezed under section 52 of this Act shall be released as interim measure by the Court before conclusion of trial for forest offence.

২১। Act No. XVI of 1927 এর Section 58 এর সংশোধন। উক্ত Act এর Section 58 এ নিম্নরূপ Explanation সন্নিবেশিত হইবে, যথা :-

Explanation : Any forest produce, specified in clause (a), sub-clauses (i), (ii), (iii) and (iv) of clause (b) and clause (6) under section 2 of the Act, shall be treated as property subject to speedy and natural decay for the purpose of this section.

২২। Act No. XVI of 1927 এর Section 69B এর সংশোধন।- উক্ত Act এর section 69A এর পর নিম্নরূপ নতুন section 69B সন্নিবেশিত হইবে, যথা :-

69B. Procedure upon use of firearms, -

In the course of his official duties when a forest officer has been compelled to resort to the use of firearms in exercise of his right of private defence of person or property, the following procedures will be followed as laid down in the rules.

২৩। Act XVI of 1927 এর section 76 এর সংশোধন। - উক্ত Act এর section 76 এর clause (a) এর পর নিম্নরূপ নতুন clause (aa) সন্নিবেশিত হইবে, যথা :-

(aa) to constitute local forest management committee and regulate the selection of community members, and limit their powers and duties.

২৪। **Act XVI of 1927** এর **section 77** এর সংশোধন। উক্ত Act এর section 77 এর “six months” এবং “fivethousand taka” শব্দগুলির পরিবর্তে যথাক্রমে “two years” এবং “fiftythousand taka” শব্দগুলি প্রতিস্থাপিত হইবে।

২৫। **Act XVI of 1927** এর **section 84A, 84B** এবং **84C** এর সন্নিবেশ। উক্ত Act এর section 84 এর পর নিম্নরূপ section 84A, 84B এবং 84C সন্নিবেশিত হইবে, যথা ঃ-

84A. Lease of forest land prohibited.- Notwithstanding contained in any other law for the time being in force, no forests shall be leased out or handed over in partly or fully with usufructuary or easement right to any private individual or any agency in any form or for any purpose including construction of roads, infrastructure, brick-fields and establishment of industries subject to the provision under section 27.

84B. Obligation of hearing forest officer in preparing record of rights – Notwithstanding anything contained in any other law for the time being in force, no land, recorded in favour of the Forest Department or Deputy Commissioner, on behalf of the Government, shall be recorded in the name of any private individual or any agency in the course of any survey and settlement operation until the nearest forest officer is given the opportunity to be heard.

84C. Reaffirmation of traditional and customary rights of the ethnic minority group- Special measures shall be undertaken to protect the traditional and customary rights of the ethnic minority group as recognized in the existing laws.

Appendix 30
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- ১, সংক্ষিপ্ত শিরোনাম ও এই বিধিমালা 'পার্বত্য জেলা সমূহের বনজঙ্গল চলাচল বিধিমালা, ২০১০' নামে অভিহিত হইবে।
প্রয়োগ।- ২। ইহা পার্বত্য জেলা রাঙ্গামাটি, খাগড়াছড়ি ও বান্দরবান এলাকার জন্য প্রযোজ্য হইবে।
- ২, সংজ্ঞা।- বিষয় বা প্রসংগের পরিপন্থী কিছু না থাকিলে এ বিধিমালায়,-
- (১) “অশ্রেণীভুক্ত বনভূমি” অর্থ রাঙ্গামাটি, খাগড়াছড়ি ও বান্দরবান জেলার অধিক্ষেত্রাধীন ডেপুটি কমিশনার কর্তৃক নিয়ন্ত্রিত সরকারী মালিকানাধীন বনভূমি।
- (২) “অনুমোদিত ডিপো” অর্থ বিভাগীয় বন কর্মকর্তার অনুমোদনক্রমে একটি নির্দিষ্ট সময়ের জন্য স্থাপনকৃত বনজঙ্গলের অস্থায়ী ডিপো;
- (৩) “আইন” অর্থ Forest Act, 1927 (Act. No. XVI of 1927);
- (৪) “তফসিল” অর্থ এই বিধিমালার সহিত সংযুক্ত কোন তফসিল;
- (৫) “দফা” অর্থ আইনের কোন দফা;
- (৬) “ধারা” অর্থ আইনের কোন ধারা; (৭) “নিবন্ধিত ডিপো” অর্থ বিধি ১২ এর উপবিধি (৩) এর অধীন নিবন্ধিত কোন ডিপো;
- (৮) “নির্ধারিত শর্ত” অর্থ সংশ্লিষ্ট ফরমে উল্লেখিত শর্তাবলী;
- (৯) “পারমিট” অর্থ ফরম-৮ অনুযায়ী ইস্যুকৃত অনুমতিপত্র;
- (১০) “পাশ” অর্থ ফরম-১ অনুযায়ী ইস্যুকৃত বনজঙ্গলের পরিবহন পাশ
- (১১) “ফরম” অর্থ এই বিধিমালার সহিত সংযুক্ত কোন ফরম;
- (১২) “ফার্নিচার মার্ট বা টিম্বার প্রেসেসিং ইউনিট” অর্থ যে কোন ধরনের ক্ষুদ্র শিল্প যেখানে বানিজ্যিক উদ্দেশ্যে বনজঙ্গল চিরাই, কর্তন বা অন্য কোন উপায়ে ইহার আকারের প্রয়োজনীয় পরিবর্তন, সংযোজন, প্রক্রিয়াজাতকরণ বা সংরক্ষণের মাধ্যমে ব্যবহার উপযোগী করিয়া তোলা হয়;
- (১৩) “ফ্রি-লাইসেন্স” অর্থ বিধি ৭ এর উপবিধি (৬) এর অধীন ইস্যুকৃত কোন লাইসেন্স;
- (১৪) “বনজঙ্গল” অর্থ আইনের ধারা ২ এর যথাক্রমে দফা (৪) এবং দফা (৬) এ সজ্জায়িত “Forest Produce” ও “Timber
- (১৫) “ব্যবস্থাপনা পরিকল্পনা” অর্থ কোন নির্দিষ্ট ভূমির বৃক্ষ কর্তন, আহরণ, পুনঃরোপন ও ব্যবস্থাপনা সংক্রান্ত কর্মপরিকল্পনা;
- (১৬) “ভিনিয়ার ফ্যাক্টরী” অর্থ এক ধরনের ক্ষুদ্র শিল্প কারখানা যেখানে টিম্বার এর গুড়ি হইতে যন্ত্রের সাহায্যে টিম্বারের হালকা আবরণ তৈরী করিয়া টিম্বার এর সামগ্রী বা ব্যবহার উপযোগী টিম্বার এর আন্দ্র রণ তৈরী করা হয়;
- (১৭) “রাজস্ব পারমিট” অর্থ বিধি ৫ এর অধীনে ইস্যুকৃত রাজস্ব পারমিট
- (১৮) “সার্টিফিকেট অব অরিজিন” বিধি ৪(১) বা, ক্ষেত্রমত, বিধি ৮(১)(গ) এর অধীন ইস্যুকৃত

সার্টিফিকেট।

৩. পরিবহন পথের
নিয়ন্ত্রণ।-

১) বনজঙ্গল পরিবহনে ব্যবহৃত বা ব্যবহারযোগ্য কোন রাস্তা, নদী, খাল, নালা, ছড়া বা অন্য কোন জলপথে বা উহার তীরে কোন ধরনের প্রতিবন্ধকতা সৃষ্টি অথবা উহাদের গতি পথের কোন ধরনের পরিবর্তন করা যাইবে না।

(২) উপ-বিধি (১) এ উল্লেখিত প্রতিবন্ধকতা সৃষ্টি বা উহাদের গতি পথের কোন ধরনের পরিবর্তন করা হইলে সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা, প্রতিবন্ধকতা সৃষ্টিকারী বা গতি পথের পরিবর্তনকারী ব্যক্তিকে নির্দিষ্ট সময়ের মধ্যে উক্ত প্রতিবন্ধকতা অপসারণ বা গতিপথ পূর্বাবস্থায় আনয়নের জন্য নির্দেশ প্রদান করিতে পারিবেন অথবা নিজ উদ্যোগে উক্তরূপ অপসারণ বা গতিপথ পূর্বাবস্থায় আনয়নের ব্যবস্থা গ্রহণ পূর্বক ঐ ব্যক্তির নিকট হইতে উক্ত অপসারণ বা পূর্বাবস্থায় আনয়ন কাজের খরচ আদায় করিতে পারিবেন।

(৩) কোন ব্যক্তি উপবিধি (২) এ উল্লেখিত খরচের টাকা প্রদান করিতে অস্বীকার করিলে বিভাগীয় বন কর্মকর্তা, উক্ত ব্যক্তির নিকট হইতে উহা Public Demands Recovery Act, 1913, এর অধীন সরকারী পাওনা হিসাবে আদায় করিতে পারিবেন।

৪. সংরক্ষিত বনভূমি (Reserved Forest), রক্ষিত বনভূমি (Protected Forest), অর্জিত বনভূমি (Acquired Forest), অর্পিত বনভূমি (Vested Forest), সামাজিক বনায়ন কর্মসূচী এবং অন্যান্য সরকারী মালিকানাধীন ভূমি হইতে বনজঙ্গল আহরণ, অপসারণ বা পরিবহন।-

(১) সংরক্ষিত বনভূমি (Reserved Forest), রক্ষিত বনভূমি (Protected Forest), অর্জিত বনভূমি (Acquired Forest), অর্পিত বনভূমি (Vested Forest), সামাজিক বনায়ন কর্মসূচী এবং বনবিভাগ নিয়ন্ত্রণাধীন সরকারী মালিকানাধীন চরভূমি ও সৃজিত বন বাগান হইতে বনজঙ্গল আহরণ, করিতে হইলে বনজঙ্গল আহরণের বৈধতার প্রমাণ স্বরূপ বিভাগীয় বন কর্মকর্তা, বা তদ্ব্যবস্থাপক ক্ষমতাপ্রাপ্ত কোন বন কর্মকর্তার নিকট হইতে ফরম-৫, বা ক্ষেত্র মত ফরম-৬ এ ইস্যুকৃত সার্টিফিকেট অব অরিজিন ও উহার একটি অনুলিপি গ্রহণ করিতে হইবে।

(২) উপবিধি (১) এ বর্ণিত বনভূমি হইতে আহরিত বনজঙ্গল পরিবহন করিতে হইলে বিভাগীয় বন কর্মকর্তার নিকট হইতে ফরম-১ এ ইস্যুকৃত পাশ গ্রহণ করিতে হইবে।

(৩) উপবিধি (১) এ বর্ণিত বনভূমি হইতে আহরিত বনজঙ্গল পরিবহনের নিমিত্ত সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার নিকট হইতে পাশ গ্রহণের জন্য নাম, পিতার নাম, বনজঙ্গলের প্রকার, পরিমাণ, পরিবহনে ইচ্ছুক বনজঙ্গলের অবস্থান ও গন্তব্যস্থল উল্লেখ পূর্বক আবেদন করিতে হইবে।

(৪) উপবিধি (৩) এ বর্ণিত আবেদন পত্র প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত বা যাচাই বাছাই এর পর সঠিক বিবেচনা করিলে অনধিক ৪৫ কার্যদিবসের মধ্যে নির্ধারিত শর্তে আবেদনকারী বরাবর ফরম-১ এ পাশ ইস্যু করিবেন।

(৫) বনজঙ্গল পরিবহন কালে পরিবহনকারীকে সংশ্লিষ্ট সার্টিফিকেট অব অরিজিন বা, ক্ষেত্রমত, পাশ সংগে রাখিতে হইবে।

(৬) বনজঙ্গল পরিবহনকালে বা তফসিল “খ” এ উল্লেখিত বন শুল্ক ও পরিষ্কণ ফাঁড়ি সমূহ (“Forest Revenue & Check Station”) অতিক্রম কালে বন বিভাগের কোন কর্মকর্তা বা সাব ইন্সপেক্টর পদ মর্যাদার নিচে নহেন এমন কোন পুলিশ কর্মকর্তা সংশ্লিষ্ট বনজঙ্গলের সার্টিফিকেট অব অরিজিন বা, ক্ষেত্র মত, পাশ দেখিতে চাইলে পরিবহনকারী তাহা প্রদর্শন করিতে বাধ্য থাকিবেন।

(৭) সার্টিফিকেট অব অরিজিন বা পাশ এ উল্লেখিত বনজঙ্গলের অতিরিক্ত কোন বনজঙ্গল আহরণ, অপসারণ বা পরিবহন করা যাইবে না।

(৮) বন সংরক্ষক প্রয়োজনবোধে নোটিফিকেশন নং ২৩৯৯ ফর, তাং ২৬/১২/১৯৫৯ইং এর ক্ষমতা বলে প্রয়োজনবোধে স্বীয় অধিক্ষেত্রে সরকারী গেজেটে বিজ্ঞপ্তি জারী করিয়া বন শুল্ক ও পরিষ্কণ ফাঁড়ি স্থাপন কিংবা বিদ্যমান বন শুল্ক ও পরিষ্কণ ফাঁড়ি স্থানান্তর বা বিলুপ্ত করিতে

পারিবেন।

৫. অশ্রেণীভুক্ত বনভূমি (Unclassed State Forests) হইতে বনজদ্রব্য আহরণ, অপসারণ বা পরিবহন।-

(১) বন বিভাগের নিয়ন্ত্রণাধীন নহে এরূপ অশ্রেণীভুক্ত বন হইতে প্রধান বনজদ্রব্য (কাঠ বা জ্বালানী কাঠ) আহরণ ও পরিবহন করিতে হইলে ডেপুটি কমিশনারের নিকট হইতে ফরম-১৩ এ আবেদন করিয়া “রাজস্ব পারমিট” গ্রহণ করিতে হইবে।

(২) উপ-বিধি (১) উলি-খিত আবেদনের সাথে হেডম্যান এর নিকট হইতে পরিচয় পত্র ও দুই কপি সত্যায়িত পাসপোর্ট সাইজের ছবি দাখিল করিতে হইবে, তবে অপ্রধান বনজদ্রব্য আহরণের ক্ষেত্রে নির্ধারিত রাজস্ব পরিশোধ পূর্বক সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার নিকট হইতে পারমিট গ্রহণ করিতে হইবে

(৩) উপ-বিধি (১) এর অধীন আবেদন প্রাপ্তির পর ডেপুটি কমিশনার বনজ দ্রব্যের (কাঠ বা জ্বালানী) প্রাপ্যতা সম্পর্কে বিভাগীয় বনকর্মকর্তার নিকট হইতে প্রতিবেদন গ্রহণ করিবেন এবং প্রাপ্যতার ভিত্তিতে ৪০ (চলি-শ) কার্যদিবসের মধ্যে পারমিট ইস্যু করিবেন।

(৪) পারমিট গ্রহীতা কর্তৃক সংশ্লিষ্ট রেঞ্জ অফিসার/স্টেশন অফিসার এর নিকট রাজস্ব জমা পূর্বক উপ-বিধি (১) এ বর্ণিত বনভূমি হইতে আহরিত বনজদ্রব্য পরিবহনের নিমিত্তে সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার নিকট পাশ গ্রহণের জন্য নাম, পিতার নাম, বনজদ্রব্যের প্রকার, পরিমাণ, পরিবহনে ইচ্ছুক বনজদ্রব্যের অবস্থান, গন্ডব্যস্থল ইত্যাদি উলে-খ পূর্বক আবেদন করিতে হইবে।

(৫) উপ-বিধি (৩)এ বর্ণিত আবেদনপত্র প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত বা যাচাই বাছাইয়ের পর সঠিক বিবেচনা করিলে বিক্রয় হাতুড়ির ছাপ প্রদানের ব্যবস্থা গ্রহণ পূর্বক অনধিক ৪৫ কার্যদিবসের মধ্যে নির্ধারিত শর্তে আবেদনকারী বরাবর ফরম-১ এ পাশ ইস্যু করিবেন।

(৬) পার্বত্য জেলা সমূহে বসবাসরত উপজাতীয় ব্যক্তিগণ অশ্রেণীভুক্ত বনাঞ্চল হইতে বিনা রাজস্বে নিজস্ব গৃহস্থালী ব্যবহারের জন্য জ্বালানী কাঠ ও অন্যান্য অপ্রধান বনজ দ্রব্য (নিষিদ্ধ ঘোষিত ব্যতীত) সংগ্রহ করিতে পারিবেন।

৬. সড়ক ও জনপথ, রেলপথ, বাঁধ, সংযোগ সড়ক, ইত্যাদি ভূমি হইতে বনজদ্রব্য আহরণ, অপসারণ বা পরিবহন।-

(১) বন বিভাগের নিয়ন্ত্রণাধীন নহে বা বন বিভাগের সামাজিক বনায়ন কর্মসূচীর আওতাভুক্ত নহে এইরূপ সড়ক ও জনপথ, রেলপথ, বাঁধ, সংযোগ সড়ক, জেলা পরিষদ সড়ক, স্থানীয় সরকার ও প্রকৌশল বিভাগের সড়কসহ অন্যান্য সরকারী মালিকানাধীন ভূমি হইতে বনজদ্রব্য আহরণ, অপসারণ বা পরিবহনের প্রয়োজন হইলে উক্ত ভূমি নিয়ন্ত্রণকারী কর্তৃপক্ষের ন্যূনতম জেলা পর্যায়ের কর্মকর্তাকে বিভাগীয় বন কর্মকর্তা বরাবর ফরম-৩ এ আবেদন করিতে হইবে।

(২) উপ-বিধি (১) এ উলি-খিত আবেদনের প্রেক্ষিতে অনধিক ৪৫ কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তা বা তাহার নিকট হইতে ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা কর্তৃক যথাযথ তদন্ত পূর্বক বিভাগীয় বন কর্মকর্তা উক্ত বনজদ্রব্য কর্তন ও আহরণের অনুমতি প্রদান করিবেন এবং এইরূপ অনুমোদিত কর্তনের পর বিভাগীয় বন কর্মকর্তা বনজদ্রব্যে পাশ হাতুড়ির ছাপ (Pass Marking) প্রদান ও কর্তিত বনজদ্রব্য পরিবহনের জন্য নির্ধারিত শর্তে আবেদনকারী বরাবর ফরম-১ এ পাশ প্রদানের ব্যবস্থা করিবেন।

৭. বেসরকারী মালিকানাধীন ভূমি হইতে বনজদ্রব্য আহরণ।-

(১) ফ্রি লাইসেন্স ব্যতীত বেসরকারী ব্যক্তি কিংবা প্রতিষ্ঠানের মালিকানাধীন ভূমি হইতে কোন বনজদ্রব্য আহরণ করা যাইবে না।

(২) উপ-বিধি (১) এ বর্ণিত বনভূমি হইতে বনজদ্রব্য আহরণের জন্য ভূমির মালিক কর্তৃক ফ্রি লাইসেন্স এর জন্য বিভাগীয় বন কর্মকর্তার নিকট ফরম-২ এ আবেদনপত্র দাখিল করিতে হইবেঃ

তবে শর্ত থাকে যে, একই হোল্ডিং এর বিপরীতে ২ (দুই) বছরের মধ্যে একাধিকবার ফ্রি লাইসেন্স এর জন্য আবেদন করা যাইবে না

(৩) উপ-বিধি (১) এর অধীন ফ্রি লাইসেন্স গ্রহণের জন্য আবেদনপত্রের সহিত, প্রযোজ্য ক্ষেত্রে, নিম্নবর্ণিত দলিলাদি দাখিল করিতে হইবে, যথাঃ-

(ক) জেলা প্রশাসক বা উপজেলা নির্বাহী কর্মকর্তা কর্তৃক প্রদত্ত মালিকানা সংক্রান্ত ভূমির হালনাগাদ নকশাসহ প্রত্যয়নপত্র।

(খ) সংশ্লিষ্ট ভূমির জরীপ নকশার ট্রেসিং কপি;

(গ) ভূমির খাজনা প্রদানের হালনাগাদ রশিদ (ডিসিআর)।

(ঘ) আবেদনকারীর ৪ (চার) কপি সত্যায়িত পাসপোর্ট আকারের ছবি।

(৪) উপ-বিধি (২) বর্ণিত আবেদনপত্র প্রাপ্তির পর সংশ্লিষ্ট রেঞ্জ বা স্টেশন কর্মকর্তা-

(ক) তদন্ত করিয়া আবেদনপত্র ও আবেদন পত্রের সহিত সংযুক্ত ম্যাপ সরেজমিনে পরীক্ষা করতঃ সংশ্লিষ্ট ভূমি এবং আবেদনপত্রে প্রদর্শিত ভূমির পরস্পর মিল আছে কিনা উহা যাচাই করতঃ উক্ত ভূমিতে অবস্থিত গাছের মার্কিং তালিকা প্রস্তুত করিবেন;

(খ) দফা (ক) এর অধীন প্রস্তুতকৃত মার্কিং তালিকা অনুযায়ী বনজন্মব্যবস্থার বিবরণ ও আনুমানিক পরিমাণ ফরম-২ এর ৬ নং কলামে তাহার প্রতিবেদন সহ তারিখ উল্লেখ পূর্বক স্বাক্ষর করতঃ অনধিক ৪০ (চলি-শ) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট ফেরত প্রদান করিবেন;

(৫) ভূমির মালিকানা বিষয়ে কোন জটিলতা পরিলক্ষিত হইলে বিভাগীয় বন কর্মকর্তা বিষয়টির নিষ্পত্তির লক্ষ্যে ডেপুটি কমিশনারের নিকট প্রেরণ করিবেন এবং ডেপুটি কমিশনার প্রয়োজনীয় যাচাই বাছাই করিয়া অনধিক ত্রিশ (৩০) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট প্রতিবেদন প্রেরণ করিবেন।

(৬) উপ-বিধি (৪) এর দফা (খ) অনুযায়ী রেঞ্জ/স্টেশন কর্মকর্তার নিকট হইতে প্রতিবেদনসহ আবেদন পত্রটি ফেরত প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রতিবেদন বিষয়ে সন্তুষ্ট হইলে অনধিক ৩০ (ত্রিশ) কার্যদিবসের মধ্যে বিনা রাজস্ব আহরণের জন্য ফরম-৪ এ ফ্রি লাইসেন্স ইস্যু করিবেন।

(৭) বসত ভিটার ৫ (পাঁচ) টি পর্যন্ত গাছ (অনধিক মোট ১০০ ঘনফুট কাঠ) প্রকৃত অধিবাসীর জরুরী প্রয়োজনে আহরণের জন্য স্থানীয় রেঞ্জ কর্মকর্তা বিশেষ বিবেচনায় ফ্রি পারমিট প্রদান করিতে পারিবেন।

(৮) উপবিধি (৭) এর অধীন বিশেষ বিবেচনায় ফ্রি পারমিট প্রাপ্তির জন্য জরুরী প্রয়োজন সম্মিলিত স্থানীয় চেয়ারম্যান বা হেডম্যান এর প্রত্যয়ন পত্র, জমির জরীপ নকশা ট্রেসিং কপি, হালনাগাদ রশিদ ও ২ (দুই) কপি ছবি সহ জমির মালিককে রেঞ্জ কর্মকর্তার নিকট আবেদন করিতে হইবে।

(৯) উপ-বিধি (৮) এর অধীন প্রাপ্ত আবেদনের বিষয়টি সরেজমিনে তদন্ত করিয়া স্থানীয় রেঞ্জ কর্মকর্তা ৩০ কার্যদিবসের মধ্যে ফ্রি পারমিট প্রদান করিয়া যথাযথ মাধ্যমে বিভাগীয় বন কর্মকর্তার নিকট প্রতিবেদন প্রেরণ করিবেন।

(১০) কোন বসতভিটার মালিক বছরে এক বার মাত্র বিশেষ বিবেচনার যোগ্য হইবেন।

(১১) একজন রেঞ্জ কর্মকর্তা মাসে ২ টির অধিক বিশেষ বিবেচনায় পারমিট প্রদান করিতে পারিবেন না।

৮. বেসরকারী মালিকানাধীন ভূমি হইতে বনজন্মব্যবস্থার পরিবহন।-

(১) বিধি ৭ এ বর্ণিত ভূমি হইতে আহরিত বনজন্মব্যবস্থার পরিবহন করিতে হইলে নিম্নবর্ণিত পদক্ষেপ সমূহ অনুসরণ করিতে হইবে, যথাঃ-

(ক) ফ্রি-লাইসেন্স মূলে কর্তৃত বনজন্মব্যবস্থার আহরণের স্থান (গাছের গোড়া) হইতে পরিবহন করিবার পূর্বে টিম্বারের প্রতি খন্ডে মালিকানা হাতুড়ী ও বিভাগীয় বন কর্মকর্তা কর্তৃক ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা কর্তৃক পাশ মার্কিং হাতুড়ির ছাপ প্রদান (Pass Marking) ব্যতীত কোন বনজন্মব্যবস্থার পরিবহন করা যাইবে নাঃ

তবে শর্ত থাকে যে মালিকানা ও পাশমার্কিং হাতুড়ির ছাপ প্রদানের পর কোন টিম্বার খন্ড বা চিড়াই করিবার প্রয়োজন হইলে বিভাগীয় বন কর্মকর্তা বা তদকর্তৃক ক্ষমতাপ্রাপ্ত কোন বন কর্মকর্তার অনুমতি গ্রহণ করিতে হইবে এবং চিড়াই বা খন্ডনের পর টিম্বারএ পুনরায় পাশ মার্কিং হাতুড়ির ছাপ প্রদান করিতে হইবে।

(খ) গাছের গোড়া হইতে বনজন্মব্যবস্থার অনুমোদিত ডিপোতে পরিবহন করিবার নিমিত্ত অনুমোদনের জন্য বিভাগীয় বন কর্মকর্তার নিকট সার্টিফিকেট অব অরিজিন এর জন্য আবেদন করিতে হইবে;

(গ) দফা (খ) এর অধীন আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা বা তাহার নিকট হইতে ক্ষমতাপ্রাপ্ত অন্য কোন কর্মকর্তা বনজদ্রব্য গাছের গোড়া হইতে অনুমোদিত ডিপোতে বহন করিবার জন্য ফরম-৫ বা, ক্ষেত্রমত, ফরম-৬ এ সার্টিফিকেট অব অরিজিন ও উহার একটি অনুলিপি ইস্যু করিবেন;

(ঘ) ফ্রি-লাইসেন্স এ বর্ণিত ভূমি হইতে বনজ দ্রব্য পরিবহন করিয়া নিকটবর্তী সুবিধাজনক স্থানে ডিপো করতঃ সেখানে মজুদ করিতে হইলে মালিকের নাম, ম্যাপসহ মৌজার নাম, খতিয়ান, দাগ নং ইত্যাদি উলে-খ করিয়া পৃথক আবেদনপত্রের মাধ্যমে বিভাগীয় বন কর্মকর্তার লিখিত অনুমোদন গ্রহণ করিতে হইবে;

(ঙ) সার্টিফিকেট অব অরিজিন মূলে আহরিত ও অনুমোদিত ডিপোতে রক্ষিত বনজদ্রব্য অনুমোদিত ডিপোর বাহিরে পরিবহন করিতে হইলে রেঞ্জ বা স্টেশন কর্মকর্তার নিকট সার্টিফিকেট অব অরিজিন এর কপি সংযুক্ত করিয়া যে সকল বনজ দ্রব্য পরিবহন করা প্রয়োজন উহার জাত, পরিমাণ এবং গন্ড্যস্থল উলে-খকরতঃ পাশ গ্রহণের জন্য আবেদন করিতে হইবে;

(চ) দফা (ঙ) এর অধীন আবেদন প্রাপ্তির পর রেঞ্জ বা স্টেশন কর্মকর্তা প্রয়োজনীয় পরীক্ষালব্ধ সঠিক বিবেচনা করিলে অনধিক পনের (১৫) কার্যদিবসের মধ্যে পাশ ইস্যুর জন্য বিভাগীয় বন কর্মকর্তার নিকট প্রতিবেদন প্রেরণ করিবেন;

(ছ) দফা (চ) এর অধীন প্রতিবেদন প্রাপ্তির পর অনধিক পনের কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তা বা তাহার নিকট হইতে ক্ষমতা প্রাপ্ত অন্য কোন বন কর্মকর্তা সহকারী বন সংরক্ষক এর নিম্নে নহে, ফরম-১ এ পাশ ইস্যু করিবেন;

(২) জনসাধারণের নিজস্ব বসত বাটি হইতে আম, কাঁঠাল, কাল জাম, তাল, নারিকেল, সুপারি, খেজুর ও শিমুল গাছ আহরণ ও পরিবহনের ক্ষেত্রে কোন ধরনের পূর্ব অনুমতির প্রয়োজন হইবে না এবং প্রধান বন সংরক্ষক, প্রয়োজনবোধে, সরকারী গেজেটে বিজ্ঞপ্তি জারীর মাধ্যমে নির্দিষ্ট এলাকার জন্য উলে-খিত প্রজাতির গাছের সাথে নতুন কোন প্রজাতির গাছের নাম অস্ভূর্ভুক্ত করিতে, বাদ দিতে কিংবা উলে-খিত প্রজাতির গাছের নাম পরিবর্তন করিতে পারিবেন।

৯. চা বাগানের ভূমি হইতে বনজ দ্রব্য আহরণ, অপসারণ বা পরিবহন।-

(১) পারমিট ব্যতীত চা বাগানের ভূমি হইতে বনজ দ্রব্য আহরণ, অপসারণ বা পরিবহন করা যাইবে না।

(২) উপবিধি (১) এ বর্ণিত ভূমি হইতে বনজদ্রব্য আহরণের জন্য ভূমি মালিক কর্তৃক বিভাগীয় বন কর্মকর্তার নিকট পারমিটের জন্য ফরম-৭ এ আবেদনপত্র দাখিল করিতে হইবে।

(৩) উপবিধি (২) এর অধীন দাখিলকৃত আবেদন পত্রের সহিত নিম্নবর্ণিত দলিলাদি দাখিল করিতে হইবে, যথাঃ

(ক) বাংলাদেশ চা বোর্ড কর্তৃক অনুমতি পত্র যাহাতে বাংলাদেশ চা বোর্ড এই মর্মে প্রত্যয়ন করিবে যে প্রার্থিত ভূমি হইতে বৃক্ষ কর্তৃকের পর সেখানে চা বাগান সৃজনের জন্য বাগান মালিকের প্রয়োজনীয় পরিকল্পনা, অর্থ ও উপকরণের সংস্থান রহিয়াছে এবং পরিপক্ব বৃক্ষ কর্তন ও অপসারণের পর সেখানে উপযুক্ত প্রজাতির উন্নত মানের চারা দ্বারা পুনরায় বনায়ন করিবার প্রয়োজনীয় পরিকল্পনা, অর্থ ও উপকরণের সংস্থান বাগান মালিকের রহিয়াছে;

(খ) ফরম-১৪ এ প্রস্তুতকৃত ব্যবস্থাপনা পরিকল্পনা ;

(গ) সংশ্লিষ্ট ভূমি জরীপ নকশার ট্রেসিং কপি ও জমির মালিকানা সংক্রান্ত প্রমাণপত্র;

(৪) উপবিধি (২) এর অধীন আবেদনপত্র প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা উক্ত আবেদনপত্রে বর্ণিত বনজদ্রব্যের সঠিক প্রাপ্যতা সম্বন্ধে যাচাই এর জন্য রেঞ্জ বা স্টেশন কর্মকর্তার নিকটে প্রেরণ করিবেন।

(৫) বিভাগীয় বন কর্মকর্তার নিকট হইতে আবেদনপত্র প্রাপ্তির পর রেঞ্জ বা স্টেশন কর্মকর্তার সরেজমিনে যাচাইকরতঃ প্রাপ্ত বনজদ্রব্যের বিবরণ ও পরিমাণ ফরম-৭এ তাহার প্রতিবেদনে লিপিবদ্ধ করিয়া সুপারিশসহ অনধিক ৩০ (ত্রিশ) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট প্রেরণ করিবেন।

(৬) রেঞ্জ বা স্টেশন কর্মকর্তার নিকট হইতে সুপারিশসহ প্রতিবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা, প্রয়োজ্য ক্ষেত্রে, সরকার কর্তৃক নির্ধারিত রাজস্ব আদায় করিয়া নির্ধারিত শর্তে ফরম-৮ অনুযায়ী আবেদনকারী বরাবর পারমিট ইস্যু করিবেন।

১০. সড়ক, মহাসড়ক, রেলপথ, জলপথ, আকাশ পথবা অন্যান্য পথে বনজ দ্রব্য পরিবহন।-

(১) এই বিধিমালার অন্যান্য বিধানাবলীসাপেক্ষে, যে কোন সড়ক, মহাসড়ক, রেলপথ, জলপথ, আকাশ পথে বনজ দ্রব্য পরিবহণ করা যাইবে।

(২) এই বিধিমালার অন্যান্য বিধানাবলী অনুসরণ এবং সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার অনুমোদন সাপেক্ষে যে কোন রেলওয়ে স্টেশন, বিমান বন্দর, নৌবন্দর বা লঞ্চ টার্মিনাল হইতে কোন বনজদ্রব্য ট্রাক, রেল, স্ট্রিমার, লঞ্চ, কার্গো, বিমান ইত্যাদি যোগে অন্য কোন গন্ড্যস্থলে প্রেরণের জন্য বুকিং করা যাইবে।

১১. মালিকানা হাতুড়ি ও উহার নিবন্ধকরণ।-

(১) বনজদ্রব্যের প্রত্যেক ক্রেতা বা ব্যবসায়ী, অথবা পারমিট বা ফ্রি লাইসেন্স গ্রহীতার যে কোন প্রকার টিম্বার বা বনজ দ্রব্যের মালিকানা চিহ্নিতকরণের উদ্দেশ্যে, বিভাগীয় বন কর্মকর্তার নিকট হইতে প্রাপ্ত নমুনা অনুযায়ী “মালিকানা হাতুড়ি” প্রস্তুত করতঃ উহা নিবন্ধনের জন্য দুইশত টাকা নিবন্ধকরণ “ফি” জমা দিয়া বিভাগীয় বন কর্মকর্তা বরাবর, প্রয়োজনীয় মালিকানা দলিলাদিসহ লিখিতভাবে আবেদন করিতে পারিবেন।

(২) উপ-বিধি (১) এর অধীন আবেদনপত্র প্রাপ্তির পর সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা যথাযথ তদন্ত করিয়া সন্তুষ্ট হইলে অনধিক (৩০) ত্রিশ কার্যদিবসের মধ্যে ফরম-৯ এ এতদসংক্রান্ত দলিলাদিসহ জমাকৃত মালিকানা হাতুড়ি নিবন্ধন করিবেন।

(৩) নিবন্ধিত “মালিকানা হাতুড়ি” এর মেয়াদ হইবে এক বৎসর এবং প্রত্যেক বৎসর মেয়াদ শেষের পূর্বেই পরবর্তী বৎসরের জন্য বাধ্যতামূলকভাবে উক্ত নিবন্ধন নবায়ন করিতে হইবে এবং উক্তরূপ নবায়নের উদ্দেশ্যে একশত টাকা নবায়ন ফি সহ বিভাগীয় বন কর্মকর্তার নিকট লিখিতভাবে আবেদন করিতে হইবে।

(৪) এই বিধির অধীন নিবন্ধিত মালিকানা হাতুড়ীর মেয়াদ উত্তীর্ণ হইয়া গেলে উক্ত মালিকানা হাতুড়ী কোনভাবেই ব্যবহার করা যাইবে না।

(৫) উপ-বিধি (৩) এর অধীন নবায়নের আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা, প্রয়োজনীয় তদন্ত সাপেক্ষে, যাচাই বাছাই করিয়া সন্তুষ্ট হইলে, মালিকানা হাতুড়ী অনধিক (১৫) পনের কার্যদিবসের মধ্যে নবায়ন করিবেন।

(৬) মালিকানা হাতুড়ী নিবন্ধিতকরণ সনদ হারাইয়া গেলে বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্তক্রমে পঞ্চাশ টাকা ফি আদায় করতঃ সত্যায়িত নকল প্রদান করিতে পারিবেন।

(৭) নিবন্ধিত মালিকানা হাতুড়ী হারাইয়া গেলে হাতুড়ী মালিককে তৎক্ষণাতঃ সংশ্লিষ্ট থানায় জেনারেল ডায়েরী (জিডি) লিপিবদ্ধ করিতে হইবে এবং উক্ত জিডি এন্ট্রির কপিসহ হারাইয়া যাওয়ার ঘটনা লিখিতভাবে বিভাগীয় বন কর্মকর্তাকে অবহিত করিতে হইবে।

(৮) বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত সাপেক্ষে উক্ত হারাইয়া যাওয়ার বিষয়টি সংশ্লিষ্ট দপ্তর সমূহকে জ্ঞাত করিবেন।

(৯) হারাইয়া যাওয়া হাতুড়ীর ক্ষেত্রে, হাতুড়ী মালিক উপবিধি (১) অনুযায়ী নতুন মালিকানা হাতুড়ী নিবন্ধন করিতে পারিবেন।

(১০) নতুনভাবে নিবন্ধনের ক্ষেত্রে সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা হারাইয়া যাওয়া মালিকানা হাতুড়ী বাতিল ঘোষণা করিয়া সাধারণ অফিস আদেশ জারী করিবেন।

১২. বনজদ্রব্য মজুদ রাখিবার জন্য ডিপো নিবন্ধকরণ।-

(১) কোন ব্যক্তি বনজদ্রব্য অনুমোদিত ডিপো ব্যতীত অন্য কোন ডিপোতে মজুদ রাখিতে চাহিলে উক্ত ডিপো স্থাপন ও পরিচালনার জন্য বিভাগীয় বন কর্মকর্তা এর কার্যালয়ে নিবন্ধন করিতে হইবে এবং উক্তরূপ নিবন্ধন ব্যতীত কোন ডিপো স্থাপন বা পরিচালনা করা যাইবে না।

(২) উপ বিধি (১) এর অধীন ডিপো স্থাপন পূর্বক নিবন্ধনের জন্য নিবন্ধণ ফি বাবদ এক হাজার টাকা জমা দিয়া বিভাগীয় বন কর্মকর্তা বরাবর লিখিতভাবে আবেদন করিতে হইবে।

(৩) উপবিধি (২) এর অধীন আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা বা তাহার প্রতিনিধি, প্রস্তুতকৃত স্থান এবং বনাঞ্চলের অবস্থান বিবেচনা করিয়া সস্ফুট হইলে অনধিক (৪৫) পঁয়তালি-শ কার্যদিবসের মধ্যে ডিপো স্থাপনের অনুমতি প্রদানসহ ফরম-১০ অনুযায়ী আবেদনকারীর ডিপো নিবন্ধন করিয়া আবেদনকারী বরাবর নিবন্ধন সনদ ইস্যু করিবেন।

(৪) বিভাগীয় বন কর্মকর্তা আবেদনকারীর প্রার্থিত কোন অবস্থানে বন সংরক্ষণ ও বনজন্মব্যয় চোরাচালান প্রতিহতকরণের স্বার্থে প্রার্থিত ডিপো স্থাপন ও নিবন্ধনের আবেদন প্রত্যাখ্যান করিতে পারিবেন।

(৫) উপবিধি (৪) এর অধীন বিভাগীয় বন কর্মকর্তার উক্ত আদেশের বিরুদ্ধে ৬০ (ষাট) দিনের মধ্যে বন সংরক্ষক এর নিকট আপীল করিতে পারিবেন এবং এই ক্ষেত্রে বন সংরক্ষক কর্তৃক প্রদত্ত সিদ্ধান্ত চূড়ান্ত হইবে।

(৬) এই বিধির অধীন নিবন্ধিত ডিপোর মেয়াদ হইবে এক বৎসর এবং প্রত্যেক বৎসর মেয়াদ শেষের পূর্বেই পরবর্তী বৎসরের জন্য বাধ্যতামূলকভাবে উক্ত নিবন্ধন নবায়ন করিতে হইবে এবং উক্ত নবায়নের নিমিত্ত ৫০০ (পাঁচশত) টাকা নবায়ন ফি সহ বিভাগীয় বন কর্মকর্তার নিকট লিখিতভাবে আবেদন করিতে হইবে।

(৭) এই বিধির অধীন ডিপো স্থাপনের অনুমতি প্রদানসহ নিবন্ধনকালে বিভাগীয় বন কর্মকর্তা, প্রয়োজনবোধে ডিপোমালিকদের নিকট হইতে সর্বোচ্চ ১০,০০০ (দশ হাজার) টাকা জামানত রাখিতে পারিবেন।

(৮) এই বিধিমালা জারী হইবার পূর্বে স্থাপিত ডিপোসমূহকে এই বিধিমালা জারীর ৬০ (ষাট) দিনের মধ্যে এই বিধির অধীন নিবন্ধন করিতে হইবে।

১৩. ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিট স্থাপন।-

(১) ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিট স্থাপন ও পরিচালনা করিতে হইলে বিভাগীয় বন কর্মকর্তার নিকট হইতে এই বিধিমালার অধীন লাইসেন্স গ্রহণ করিতে হইবে এবং উক্ত লাইসেন্স গ্রহণ ব্যতিরেকে কোন ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিট স্থাপন ও পরিচালনা করা যাইবে না।

(২) উপ-বিধি (১) এর অধীন লাইসেন্স গ্রহণের জন্য ফরম-১১ অনুযায়ী বিভাগীয় বন কর্মকর্তা বরাবর আবেদন করিতে হইবে।

(৩) উপ-বিধি (২) এর অধীন আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত করিয়া সস্ফুট হইলে অনধিক (৪৫) পঁয়তালি-শ কার্যদিবসের মধ্যে ফরম-১২ অনুযায়ী আবেদনকারী বরাবর লাইসেন্স প্রদান করিবেন এবং উক্ত লাইসেন্স প্রতি বছর নবায়ন করিতে হইবে।

(৪) উপ-বিধি (৩) এর অধীন লাইসেন্সকৃত ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিট এর মালিক বনজন্মব্যয় আগমন-নির্গমন, চেড়াই ও ব্যবহার সংক্রান্ত বিবরণ ফরম-১৫ অনুযায়ী সংরক্ষণ করিবেন এবং বিভাগীয় বন কর্মকর্তা কর্তৃক প্রদত্ত নমুনা ছক বা ফরমে প্রতি বৎসর ৩১ শে ডিসেম্বর তারিখের মধ্যে লাইসেন্স নবায়ন আবেদন পত্রের সহিত বিভাগীয় বন কর্মকর্তার নিকট রিটার্ন দাখিল করিবেন।

(৫) এই বিধির অধীন প্রদত্ত লাইসেন্স এর জন্য ফি এবং উক্ত লাইসেন্স নবায়নের জন্য বাৎসরিক নবায়ন ফি তফসিল 'ক' এ উলি-খিত হারে প্রদান করিতে হইবে

(৬) প্রধান বন সংরক্ষক সরকারের পূর্বানুমোদনক্রমে সরকারী গেজেটে বিজ্ঞপ্তি জারী করিয়া সময় সময় তফসিল "ক" এ উলি-খিত লাইসেন্স এবং লাইসেন্স নবায়ন ফি পুনঃ নির্ধারণ করিতে পারিবেন।

(৭) বিভাগীয় বন কর্মকর্তা কর্তৃক ক্ষমতাপ্রাপ্ত কর্মকর্তা বা তদূর্ধ্ব পদমর্যাদার কোন কর্মকর্তা যে কোন সময় ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিটে রক্ষিত বনজন্মব্যয় পরিদর্শন করিতে পারিবেন এবং ফরম-১৫ এ বর্ণিত রেজিস্টার অনুযায়ী উক্ত বনজন্মব্যয় বিবরণ সঠিক পাইলে তিনি উক্ত

রেজিস্টারে স্বাক্ষর করিবেন।

(৮) উপ-বিধি (৭) এর অধীন পরিদর্শনকালে সংশ্লিষ্ট শিল্প প্রতিষ্ঠানে কোন অবৈধ বনজদ্রব্য পাওয়া গেলে, বা ফরম-১৫এর বর্ণনার সহিত বাস্‌ড্রবে কোন গরমিলের বিষয়ে, বন কর্মকর্তা বিধি অনুযায়ী ব্যবস্থা গ্রহণ করিতে পারিবেন এবং সংশ্লিষ্ট প্রতিষ্ঠানের মালিক বা কর্মচারীগণ বন কর্মকর্তার আদেশ মান্য করিতে বাধ্য থাকিবেন।

(৯) এক জেলা হইতে অন্য জেলায় টিম্বার এর ফার্নিচার বা টিম্বারজাত দ্রব্য পরিবহন করিতে হইলে সংশ্লিষ্ট শিল্প প্রতিষ্ঠানের মালিককেবিভাগীয় বন কর্মকর্তার নিকট হইতে লিখিত অনুমতি গ্রহণ করিতে হইবে।

(১০) এই বিধিমালা জারী হইবার পূর্বে স্থাপিত ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিটকে এই বিধিমালা জারীর ৬০ (ষাট) দিনের মধ্যে এই বিধির অধীন লাইসেন্স এর জন্য আবেদন করিতে এবং লাইসেন্স গ্রহণ করিতে হইবে।

১৪. দন্ড।-

এই বিধিমালার কোন বিধান লংঘনের দায়ে অভিযুক্ত ব্যক্তি আইনের ধারা ৪২, বা ক্ষেত্রমতে, ধারা ৭৭ এ বর্ণিত দণ্ডে দন্ডনীয় হইবেন, এবং এতদব্যতীত আইনের ধারা ৫২ ও ৫৫ এ বর্ণিত বিধান অনুযায়ী উক্ত অপরাধ সংঘটনে ব্যবহৃত সকল প্রকার যন্ত্রপাতি, যানবাহন, জলযান, ট্রাক, লরি ও পশুসহ সংশ্লিষ্ট বনজদ্রব্য সরকারের পক্ষে বাজেয়াপ্ত করায়াইবে।

১৫. অপরাধ প্রবণতা রোধের জন্য পুরস্কার।-

আইনের ধারা ৭৬ এর দফা (খ) এ বর্ণিত ক্ষমতাবলে বিভাগীয় বন কর্মকর্তা কোন বন অপরাধ সংঘটনের ক্ষেত্রে সংবাদদাতা এবং অপরাধ উদ্‌ঘাটনকারী কর্মকর্তা ও কর্মচারীকে, বন বিভাগীয় কর্মকর্তা বা কর্মচারীসহ, ক্ষেত্র বিশেষে অপরাধ দমনে উৎসাহিত করিবার জন্য উদঘাটিত বন-অপরাধের জন্মকৃত বনজদ্রব্য বিক্রয়লব্ধ অর্থ বা আদায়কৃত জরিমানার অর্থ হইতে সর্বোচ্চ শতকরা ১০ (দশ) টাকা হারে পুরস্কার প্রদান করিতে পারিবেন।

১৬. সময় বৃদ্ধি।-

(১) বনজ দ্রব্য চলাচল প্রক্রিয়ার দীর্ঘসূত্রিতা ও জটিলতার অবসানকল্পে এই বিধিমালার অধীন বিভিন্ন কার্য নির্ধারিত সময়ের মধ্যে সম্পাদন করা সম্ভব না হইলে উক্ত নির্ধারিত সময়ে অতিক্রান্ত হইবার পূর্বে সময় বৃদ্ধি করিবার জন্য বিভাগীয় বন কর্মকর্তা বা নিয়ন্ত্রণকারী কর্মকর্তার নিকট আবেদন জানাইতে হইবে।

(২) উপ-বিধি (১) এর অধীন আবেদন প্রাপ্তির পর এ বিষয়ে বাস্‌ড্র অবস্থা বিবেচনায় সংশ্লিষ্ট বন সংরক্ষক ৩০ (ত্রিশ) কার্যদিবস পর্যন্ত সময় বৃদ্ধি করিতে পারিবেন।

১৭। Ordinance No. XXXIV of 1959 এর বিধানাবলীর ক্ষেত্রে এই বিধিমালার প্রয়োগ।-

Private Forest Ordinance, 1959 (Ordinance No. XXXIV of 1959) এর প্রচলিত বিধানাবলীর ক্ষেত্রে আইনের ধারা ৪১ ও ৪২ এর অধীন প্রণীত বিধিমালার সংশ্লিষ্ট বিধানাবলী প্রযোজ্য হইবে।

১৮। রহিতকরণ হেফাজত।-

(১) Chittagong Hill Tracts Forest Transit Rules, 1973 এতদ্বারা রহিত করা হইল।
(২)

(২) উপবিধি (১) এর অধীন রহিতকরণ শর্তেও রহিতকৃত বিধিমালার অধীন কোন কার্যক্রম প্রক্রিয়াধীন থাকিলে উহা রহিতকৃত বিধিমালার বিধান অনুযায়ী নিষ্পত্তি করা যাইবে।

Appendix 31

**Proposals of the CHT Regional Council
on the Draft CHT Forest Transit Rules 2010
as enclosed in its Memo dated
15 September 2011**



পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ প্রধান কার্যালয়-রাঙ্গামাটি পার্বত্য চট্টগ্রাম

ফোন : +৮৮০-৩৫১-৬৩১২০, পিএবিএক্স : ৬৩২৯৩, ফ্যাক্স : +৮৮০-০৩৫১-৬৩২৭৮, ই-মেইল : chtrc@bttb.net.bd, chtrc@yahoo.com

স্মারক নং : ২৯.২৩২.০০০.০১.১৭.১২.২০০৮.- ২৩৬৩

তারিখ : ২০/৯/১৩

বিষয়ঃ পার্বত্য জেলা সমূহের বনজন্মব্য চলাচল বিধিমালা ২০১০ এর উপর মতামত প্রদান প্রসঙ্গে।

- সূত্রঃ ১) পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের স্মারক নং-২৯.২৩২.০০০.০১.১৭.১২.২০০৮.৬৫৭
তারিখ: ১৬/০৩/২০১১।
২) পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয়ের স্মারক নং-পাচবিম(আইন)-বিবিধ/১৭৮/২০০৯/১৮২
তারিখ: ২১/০৮/২০১১খ্রি:।

উপর্যুক্ত বিষয়ে জানানো যাচ্ছে যে, সূত্রোক্ত ১নং স্মারক মূলে পার্বত্য জেলা সমূহের বনজন্মব্য চলাচল বিধিমালা ২০১০ এর উপর পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের মতামত ইতোপূর্বে পরিবেশ ও বন মন্ত্রণালয়ে প্রেরণ করা হয়েছিল।

সূত্রোক্ত ২নং স্মারক মূলে পার্বত্য চট্টগ্রাম বিষয়ক মন্ত্রণালয় বিধিমালার উপর মতামত চাওয়ার প্রেক্ষিতে সদয় অবগতি ও প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য নির্দেশক্রমে পুনরায় বিধিমালাটি প্রেরণ করা হল।

- সংযুক্ত : ১। সংশোধিত বিধিমালা ২০১০ (মোট ২৯ পৃষ্ঠা)
২। সংশোধনীর প্রস্তাবাবলী (মোট ০৫ পৃষ্ঠা)।

প্রাপক : সচিব
পরিবেশ ও বন মন্ত্রণালয়
বাংলাদেশ সচিবালয়, ঢাকা।

(সুবর্ণা চাকমা)
সহকারী নির্বাহী কর্মকর্তা
ফোন-০৩৫১-৬১২২৪

অনুলিপি সদয় জ্ঞাতার্থে ও কার্যার্থে :

- ১) প্রধান বন সংরক্ষক, বন অধিদপ্তর, আগারগাঁও, ঢাকা।
- ২) প্রতিমন্ত্রী মহোদয়ের একান্ত সচিব, পরিবেশ ও বন মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।

A/C

পার্বত্য জেলা সমূহের বনজঙ্গল পরিবহন (নিয়ন্ত্রণ) বিধিমালা ২০১০ এর খসড়ার উপর পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের সংশোধিত প্রস্তাবাবলীঃ

| বিষয় | পরিবেশ ও বন মন্ত্রণালয়ের সংশোধিত প্রস্তাব | পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের সংশোধিত প্রস্তাব |
|----------------------------------|--|--|
| ১, সংক্ষিপ্ত শিরোনাম ও প্রয়োগ।- | <p>এই বিধিমালা ‘পার্বত্য জেলা সমূহের বনজঙ্গল চলাচল বিধিমালা, ২০১০’ নামে অভিহিত হইবে।</p> <p>২। ইহা পার্বত্য জেলা রাজ্যমাটি, খাগড়াছড়ি ও বান্দরবান এলাকার জন্য প্রযোজ্য হইবে।</p> | <p>এই বিধিমালা ‘পার্বত্য জেলা সমূহের বনজঙ্গল চলাচল বিধিমালা, ২০১০’ নামে অভিহিত হইবে।</p> <p>২। ইহা পার্বত্য জেলা রাজ্যমাটি, খাগড়াছড়ি ও বান্দরবান এলাকার জন্য প্রযোজ্য হইবে।</p> |
| ২, সংজ্ঞা।- | <p>বিষয় বা প্রসংগের পরিপন্থী কিছু না থাকিলে এ বিধিমালায়,-</p> <p>(১) “অশ্রেণীভুক্ত বনভূমি” অর্থ রাজ্যমাটি, খাগড়াছড়ি ও বান্দরবান জেলার অধিক্ষেত্রাধীন <u>ডেপুটি কমিশনার</u> কর্তৃক নিয়ন্ত্রিত সরকারী মালিকানাধীন বনভূমি।</p> <p>(২) “অনুমোদিত ডিপো” অর্থ বিভাগীয় বন কর্মকর্তার অনুমোদনক্রমে একটি নির্দিষ্ট সময়ের জন্য স্থাপনকৃত বনজঙ্গলের অস্থায়ী ডিপো;</p> <p>(৩) “আইন” অর্থ Forest Act, 1927 (Act. No. XVI of 1927);</p> <p>(৪) “তফসিল” অর্থ এই বিধিমালার সহিত সংযুক্ত কোন তফসিল;</p> <p>(৫) “দফা” অর্থ অর্থ আইনের কোন দফা;</p> <p>(৬) “ধারা” অর্থ আইনের কোন ধারা;</p> <p>(৭) “নিবন্ধিত ডিপো” অর্থ বিধি ১২ এর উপবিধি (৩) এর অধীন নিবন্ধিত কোন ডিপো;</p> <p>(৮) “নির্ধারিত শর্ত” অর্থ সংশি-ষ্ট ফরমে উল্লেখিত শর্তাবলী;</p> <p>(৯) “পারমিট” অর্থ ফরম-৮ অনুযায়ী ইস্যুকৃত অনুমতিপত্র;</p> <p>(১০) “পাশ” অর্থ ফরম-১ অনুযায়ী ইস্যুকৃত বনজঙ্গলের পরিবহন পাশ</p> <p>(১১) “ফরম” অর্থ এই বিধিমালার সহিত সংযুক্ত কোন ফরম;</p> <p>(১২) “ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিট অর্থ যে কোন ধরনের ক্ষুদ্র শিল্প যেখানে বানিজ্যিক উদ্দেশ্যে বনজঙ্গল চিরাই, কর্তন বা অন্য কোন উপায়ে ইহার আকারের প্রয়োজনীয় পরিবর্তন, সংযোজন, প্রক্রিয়াজাতকরণ বা সংরক্ষণের মাধ্যমে ব্যবহার উপযোগী করিয়া তোলা হয়;</p> <p>(১৩) “ফ্রি-লাইসেন্স” অর্থ বিধি ৭ এর উপবিধি (৬) এর</p> | <p>বিষয় বা প্রসংগের পরিপন্থী কিছু না থাকিলে এ বিধিমালায়,-</p> <p>(১) “অশ্রেণীভুক্ত বনভূমি” অর্থ রাজ্যমাটি, খাগড়াছড়ি ও বান্দরবান জেলার অধিক্ষেত্রাধীন <u>চেয়ারম্যান পার্বত্য জেলা পরিষদ</u> কর্তৃক নিয়ন্ত্রিত সরকারী মালিকানাধীন বনভূমি।</p> <p>(২) “অনুমোদিত ডিপো” অর্থ বিভাগীয় বন কর্মকর্তার অনুমোদনক্রমে একটি নির্দিষ্ট সময়ের জন্য স্থাপনকৃত বনজঙ্গলের অস্থায়ী ডিপো;</p> <p>(৩) “আইন” অর্থ Forest Act, 1927 (Act. No. XVI of 1927);</p> <p>(৪) “তফসিল” অর্থ এই বিধিমালার সহিত সংযুক্ত কোন তফসিল;</p> <p>(৫) “দফা” অর্থ অর্থ আইনের কোন দফা;</p> <p>(৬) “ধারা” অর্থ আইনের কোন ধারা; (৭) “নিবন্ধিত ডিপো” অর্থ বিধি ১২ এর উপবিধি (৩) এর অধীন নিবন্ধিত কোন ডিপো;</p> <p>(৮) “নির্ধারিত শর্ত” অর্থ সংশি-ষ্ট ফরমে উল্লেখিত শর্তাবলী;</p> <p>(৯) “পারমিট” অর্থ ফরম-৮ অনুযায়ী ইস্যুকৃত অনুমতিপত্র;</p> <p>(১০) “পাশ” অর্থ ফরম-১ অনুযায়ী ইস্যুকৃত বনজঙ্গলের পরিবহন পাশ</p> <p>(১১) “ফরম” অর্থ এই বিধিমালার সহিত সংযুক্ত কোন ফরম;</p> <p>(১২) “ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিট অর্থ যে কোন ধরনের ক্ষুদ্র শিল্প যেখানে বানিজ্যিক উদ্দেশ্যে বনজঙ্গল চিরাই, কর্তন বা অন্য কোন উপায়ে ইহার আকারের প্রয়োজনীয় পরিবর্তন, সংযোজন, প্রক্রিয়াজাতকরণ বা সংরক্ষণের মাধ্যমে ব্যবহার উপযোগী করিয়া তোলা হয়;</p> <p>(১৩) “ফ্রি-লাইসেন্স” অর্থ বিধি ৭ এর উপবিধি (৬) এর</p> |

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| | <p>ক্ষুদ্র শিল্প যেখানে বার্নিজ্যক উদ্দেশ্যে বনজন্মব্যা চিরাই, কতন বা অন্য কোন উপায়ে ইহার আকারের প্রয়োজনীয় পরিবর্তন, সংযোজন, প্রক্রিয়াজাতকরণ বা সংরক্ষণের মাধ্যমে ব্যবহার উপযোগী করিয়া তোলা হয়;</p> <p>(১৩) “ফ্রি-লাইসেন্স” অর্থ বিধি ৭ এর উপবিধি (৬) এর অধীন ইস্যুকৃত কোন লাইসেন্স;</p> <p>(১৪) “বনজন্মব্যা” অর্থ আইনের ধারা ২ এর যথাক্রমে দফা (৪) এবং দফা (৬) এ সজ্জায়িত “Forest Produce” ও “Timber</p> <p>(১৫) “ব্যবস্থাপনা পরিকল্পনা” অর্থ কোন নির্দিষ্ট ভূমির বৃক্ষ কর্তন, আহরণ, পুনঃ রোপন ও ব্যবস্থাপনা সংক্রান্ত কর্ম পরিকল্পনা;</p> <p>(১৬) “ভিনিয়ার ফ্যাক্টরী” অর্থ এক ধরনের ক্ষুদ্র শিল্প কারখানা যেখানে টিম্বার এর গুড়ি হইতে যন্ত্রের সাহায্যে টিম্বারের হালকা আবরণ তৈরী করিয়া টিম্বার এর সামগ্রী বা ব্যবহার উপযোগী টিম্বার এর আন্তরণ তৈরী করা হয়;</p> <p>(১৭) “রাজস্ব পারমিট” অর্থ বিধি ৫ এর অধীনে ইস্যুকৃত রাজস্ব পারমিট</p> <p>(১৮) “সার্টিফিকেট অব অরিজিন” বিধি ৪(১) বা, ক্ষেত্রমত, বিধি ৮(১)(গ) এর অধীন ইস্যুকৃত সার্টিফিকেট।</p> | <p>অধীন ইস্যুকৃত কোন লাইসেন্স;</p> <p>(১৪) “বনজন্মব্যা” অর্থ আইনের ধারা ২ এর যথাক্রমে দফা (৪) এবং দফা (৬) এ সজ্জায়িত “Forest Produce” ও “Timber</p> <p>(১৫) “ব্যবস্থাপনা পরিকল্পনা” অর্থ কোন নির্দিষ্ট ভূমির বৃক্ষ কর্তন, আহরণ, পুনঃ রোপন ও ব্যবস্থাপনা সংক্রান্ত কর্ম পরিকল্পনা;</p> <p>(১৬) “ভিনিয়ার ফ্যাক্টরী” অর্থ এক ধরনের ক্ষুদ্র শিল্প কারখানা যেখানে টিম্বার এর গুড়ি হইতে যন্ত্রের সাহায্যে টিম্বারের হালকা আবরণ তৈরী করিয়া টিম্বার এর সামগ্রী বা ব্যবহার উপযোগী টিম্বার এর আন্তরণ তৈরী করা হয়;</p> <p>(১৭) “রাজস্ব পারমিট” অর্থ বিধি ৫ এর অধীনে ইস্যুকৃত রাজস্ব পারমিট</p> <p>(১৮) “সার্টিফিকেট অব অরিজিন” বিধি ৪(১) বা, ক্ষেত্রমত, বিধি ৮(১)(গ) এর অধীন ইস্যুকৃত সার্টিফিকেট।</p> |
| <p>৩. পরিবহন পথের নিয়ন্ত্রণ।-</p> | <p>১) বনজন্মব্যা পরিবহনে ব্যবহৃত বা ব্যবহারযোগ্য কোন রাস্তা, নদী, খাল, নালা, ছড়া বা অন্য কোন জলপথে বা উহার তীরে কোন ধরনের প্রতিবন্ধকতা সৃষ্টি অথবা উহাদের গতি পথের কোন ধরনের পরিবর্তন করা যাইবে না।</p> <p>(২) উপ-বিধি (১) এ উল্লিখিত প্রতিবন্ধকতা সৃষ্টি বা উহাদের গতি পথের কোন ধরনের পরিবর্তন করা হইলে সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা, প্রতিবন্ধকতা সৃষ্টিকারী বা গতি পথের পরিবর্তনকারী ব্যক্তিকে নির্দিষ্ট সময়ের মধ্যে উক্ত প্রতিবন্ধকতা অপসারণ বা গতিপথ পূর্বাবস্থায় আনয়নের জন্য নির্দেশ প্রদান করিতে পারিবেন অথবা নিজ উদ্যোগে উক্তরূপ অপসারণ বা গতিপথ পূর্বাবস্থায় আনয়নের ব্যবস্থা গ্রহণ পূর্বক ঐ ব্যক্তির নিকট হইতে উক্ত অপসারণ বা পূর্বাবস্থায় আনয়ন কাজের খরচ আদায় করিতে</p> | <p>১) বনজন্মব্যা পরিবহনে ব্যবহৃত বা ব্যবহারযোগ্য কোন রাস্তা, নদী, খাল, নালা, ছড়া বা অন্য কোন জলপথে বা উহার তীরে অবৈধভাবে কোন ধরনের প্রতিবন্ধকতা সৃষ্টি অথবা উহাদের গতি পথের কোন ধরনের পরিবর্তন করা যাইবে না।</p> <p>(২) উপ-বিধি (১) এ উল্লিখিত প্রতিবন্ধকতা সৃষ্টি বা উহাদের গতি পথের কোন ধরনের পরিবর্তন করা হইলে সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা, প্রতিবন্ধকতা সৃষ্টিকারী বা গতি পথের পরিবর্তনকারী ব্যক্তিকে নির্দিষ্ট সময়ের মধ্যে উক্ত প্রতিবন্ধকতা অপসারণ বা গতিপথ পূর্বাবস্থায় আনয়নের জন্য নির্দেশ প্রদান করিতে পারিবেন অথবা নিজ উদ্যোগে উক্তরূপ অপসারণ বা গতিপথ পূর্বাবস্থায় আনয়নের ব্যবস্থা গ্রহণ পূর্বক ঐ ব্যক্তির নিকট হইতে উক্ত অপসারণ বা পূর্বাবস্থায় আনয়ন কাজের খরচ আদায় করিতে পারিবেন।</p> <p>(৩) কোন ব্যক্তি উপবিধি (২) এ উল্লিখিত খরচের টাকা প্রদান করিতে অস্বীকার করিলে বিভাগীয় বন কর্মকর্তা, উক্ত ব্যক্তির নিকট হইতে উহা <u>Public Demands Recovery Act. 1913</u>, এর অধীন সরকারী পাওনা</p> |

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| | <p>পারিবেন।</p> <p>(৩) কোন ব্যক্তি উপবিধি (২) এ উল্লিখিত খরচের টাকা প্রদান করিতে অস্বীকার করিলে বিভাগীয় বন কর্মকর্তা, উক্ত ব্যক্তির নিকট হইতে উহা Public Demands Recovery Act. 1913, এরঅধীন সরকারী পাওনা হিসাবে আদায় করিতে পারিবেন।</p> | <p>হিসাবে আদায় করিতে পারিবেন।</p> |
| <p>8. সংরক্ষিত বনভূমি (Reserved Forest), রক্ষিত বনভূমি (Protected Forest), অর্জিত বনভূমি (Acquired Forest), অর্পিত বনভূমি (Vested Forest), সামাজিক বনায়ন কর্মসূচী এবং অন্যান্য সরকারী মালিকানাধীন ভূমি হইতে বনজঙ্গল আহরণ, অপসারণ বা পরিবহন।-</p> | <p>(১) সংরক্ষিত বনভূমি (Reserved Forest), রক্ষিত বনভূমি (Protected Forest), অর্জিত বনভূমি (Acquired Forest), অর্পিত বনভূমি (Vested Forest), সামাজিক বনায়ন কর্মসূচী এবং বন বিভাগ নিয়ন্ত্রণাধীন সরকারী মালিকানাধীন চরভূমি ও সৃজিত বন বাগান হইতে বনজঙ্গল আহরণ, করিতে হইলে বনজঙ্গল আহরণের বৈধতার প্রমাণ স্বরূপ বিভাগীয় বন কর্মকর্তা, বা তদ্ব্যবস্থাপক ক্ষমতাপ্রাপ্ত কোন বন কর্মকর্তার নিকট হইতে ফরম-৫, বা ক্ষেত্র মত ফরম-৬ এ ইস্যুকৃত সার্টিফিকেট অব অরিজিন ও উহার একটি অনুলিপি গ্রহণ করিতে হইবে।</p> <p>(২) উপবিধি (১) এ বর্ণিত বনভূমি হইতে আহরিত বনজঙ্গল পরিবহন করিতে হইলে বিভাগীয় বন কর্মকর্তার নিকট হইতে ফরম-১ এ ইস্যুকৃত পাশ গ্রহণ করিতে হইবে।</p> <p>(৩) উপবিধি (১) এ বর্ণিত বনভূমি হইতে আহরিত বনজঙ্গল পরিবহনের নিমিত্ত সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার নিকট হইতে পাশ গ্রহণের জন্য নাম, পিতার নাম, বনজঙ্গলের প্রকার, পরিমাণ, পরিবহনে ইচ্ছুক বনজঙ্গলের অবস্থান ও গন্ডব্যস্থল উলে-খ পূর্বক আবেদন করিতে হইবে।</p> <p>(৪) উপবিধি (৩) এ বর্ণিত আবেদন পত্র প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত বা যাচাই বাছাই এর পর সঠিক বিবেচনা করিলে অনধিক ৪৫ কার্যদিবসের মধ্যে নির্ধারিত শর্তে আবেদনকারী বরাবর ফরম-১ এ পাশ ইস্যু করিবেন।</p> <p>(৫) বনজঙ্গল পরিবহন কালে পরিবহনকারীকে সংশ্লিষ্ট সার্টিফিকেট অব অরিজিন বা, ক্ষেত্রমত, পাশ সংগে রাখিতে হইবে।</p> <p>(৬) বনজঙ্গল পরিবহনকালে বা</p> | <p>(১) সংরক্ষিত বনভূমি (Reserved Forest), রক্ষিত বনভূমি (Protected Forest), অর্জিত বনভূমি (Acquired Forest), অর্পিত বনভূমি (Vested Forest), সামাজিক বনায়ন কর্মসূচী এবং বন বিভাগ নিয়ন্ত্রণাধীন সরকারী মালিকানাধীন চরভূমি ও সৃজিত বন বাগান হইতে বনজঙ্গল আহরণ, করিতে হইলে বনজঙ্গল আহরণের বৈধতার প্রমাণ স্বরূপ বিভাগীয় বন কর্মকর্তা, বা তদ্ব্যবস্থাপক ক্ষমতাপ্রাপ্ত কোন বন কর্মকর্তার নিকট হইতে ফরম-৫, বা ক্ষেত্র মত ফরম-৬ এ ইস্যুকৃত সার্টিফিকেট অব অরিজিন ও উহার একটি অনুলিপি গ্রহণ করিতে হইবে।</p> <p>(২) উপবিধি (১) এ বর্ণিত বনভূমি হইতে আহরিত বনজঙ্গল পরিবহন করিতে হইলে বিভাগীয় বন কর্মকর্তার নিকট হইতে ফরম-১ এ ইস্যুকৃত পাশ গ্রহণ করিতে হইবে।</p> <p>(৩) উপবিধি (১) এ বর্ণিত বনভূমি হইতে আহরিত বনজঙ্গল পরিবহনের নিমিত্ত সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার নিকট হইতে পাশ গ্রহণের জন্য নাম, পিতার নাম, বনজঙ্গলের প্রকার, পরিমাণ, পরিবহনে ইচ্ছুক বনজঙ্গলের অবস্থান ও গন্ডব্যস্থল উলে-খ পূর্বক আবেদন করিতে হইবে।</p> <p>(৪) উপবিধি (৩) এ বর্ণিত আবেদন পত্র প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত বা যাচাই বাছাই এর পর সঠিক বিবেচনা করিলে অনধিক ৪৫ কার্যদিবসের মধ্যে নির্ধারিত শর্তে আবেদনকারী বরাবর ফরম-১ এ পাশ ইস্যু করিবেন।</p> <p>(৫) বনজঙ্গল পরিবহন কালে পরিবহনকারীকে সংশ্লিষ্ট সার্টিফিকেট অব অরিজিন বা, ক্ষেত্রমত, পাশ সংগে রাখিতে হইবে।</p> <p>(৬) বনজঙ্গল পরিবহনকালে বা তফসিল “খ” এ উলে-খিত বন শুষ্ক ও পরিষ্কণ ফাঁড়ি সমূহ (“Forest Revenue & Check Station”) অতিক্রম কালে বন বিভাগের কোন কর্মকর্তা বা সাব ইন্সপেক্টর পদ মর্যাদার নিচে নহেন এমন কোন পুলিশ কর্মকর্তা সংশ্লিষ্ট বনজঙ্গলের সার্টিফিকেট অব অরিজিন বা, ক্ষেত্র মত, পাশ দেখিতে চাহিলে পরিবহনকারী তাহা প্রদর্শন করিতে বাধ্য থাকিবেন।</p> <p>(৭) সার্টিফিকেট অব অরিজিন বা পাশ এ উল্লিখিত বনজঙ্গলের অতিরিক্ত কোন বনজঙ্গল আহরণ, অপসারণ বা পরিবহন করা যাইবে না।</p> |

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| | <p>তফসিল “খ” এ উল্লেখিত বন শুল্ক ও পরিষ্কণ ফাঁড়ি সমূহ (“Forest Revenue & Check Station”) অতিক্রম কালে বন বিভাগের কোন কর্মকর্তা বা সাব ইন্সপেক্টর পদ মর্যাদার নিচে নহেন এমন কোন পুলিশ কর্মকর্তা সংশ্লিষ্ট বনজ দ্রব্যের সার্টিফিকেট অব অরিজিন বা, ক্ষেত্র মত, পাশ দেখিতে চাহিলে পরিবহনকারী তাহা প্রদর্শন করিতে বাধ্য থাকিবেন।</p> <p>(৭) সার্টিফিকেট অব অরিজিন বা পাশ এ উল্লেখিত বনজদ্রব্যের অতিরিক্ত কোন বনজদ্রব্য আহরণ, অপসারণ বা পরিবহন করা যাইবে না।</p> <p>(৮) বন সংরক্ষক প্রয়োজনবোধে নোটিফিকেশন নং ২৩৯৯ ফর, তাং ২৬/১২/১৯৫৯ইং এর ক্ষমতা বলে প্রয়োজনবোধে স্বীয় অধিক্ষেত্রে সরকারী গেজেটে বিজ্ঞপ্তি জারী করিয়া বন শুল্ক ও পরীক্ষণ ফাঁড়ি স্থাপন কিংবা বিদ্যমান বন শুল্ক ও পরিষ্কণ ফাঁড়ি স্থানান্তর বা বিলুপ্ত করিতে পারিবেন।</p> | <p>(৮) বন সংরক্ষক প্রয়োজনবোধে নোটিফিকেশন নং ২৩৯৯ ফর, তাং ২৬/১২/১৯৫৯ইং এর ক্ষমতা বলে প্রয়োজনবোধে স্বীয় অধিক্ষেত্রে সরকারী গেজেটে বিজ্ঞপ্তি জারী করিয়া বন শুল্ক ও পরীক্ষণ ফাঁড়ি স্থাপন কিংবা বিদ্যমান বন শুল্ক ও পরিষ্কণ ফাঁড়ি স্থানান্তর বা বিলুপ্ত করিতে পারিবেন।</p> |
| <p>৫. অশ্রেণীভুক্ত বনভূমি (Unclassed State Forests) হইতে বনজদ্রব্য আহরণ, অপসারণ বা পরিবহন।-</p> | <p>(১) বন বিভাগের নিয়ন্ত্রণাধীন নহে এরূপ অশ্রেণীভুক্ত বন হইতে প্রধান বনজদ্রব্য (কাঠ বা জ্বালানী কাঠ) আহরণ ও পরিবহন করিতে হইলে <u>ডেপুটি কমিশনারের</u> নিকট হইতে ফরম-১৩ এ আবেদন করিয়া “রাজস্ব পারমিট” গ্রহণ করিতে হইবে।</p> <p>(২) উপ-বিধি (১) উল্লিখিত আবেদনের সাথে হেডম্যান এর নিকট হইতে পরিচয় পত্র ও দুই কপি সত্যায়িত পাসপোর্ট সাইজের ছবি দাখিল করিতে হইবে, তবে অপ্রধান বনজদ্রব্য আহরণের ক্ষেত্রে নির্ধারিত রাজস্ব পরিশোধ পূর্বক সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার নিকট হইতে পারমিট গ্রহণ করিতে হইবে</p> <p>(৩) উপ-বিধি (১) এর অধীন আবেদন প্রাপ্তির পর <u>ডেপুটি কমিশনার</u> বনজ দ্রব্যের (কাঠ বা জ্বালানী) প্রাপ্যতা সম্পর্কে বিভাগীয় বন কর্মকর্তার নিকট হইতে প্রতিবেদন গ্রহণ করিবেন এবং প্রাপ্যতার ভিত্তিতে ৪০ (চল্লিশ) কার্যদিবসের মধ্যে পারমিট ইস্যু করিবেন।</p> <p>(৪) পারমিট গ্রহীতা কর্তৃক সংশ্লিষ্ট রেঞ্জ অফিসার/স্টেশন অফিসার এর নিকট রাজস্ব জমা পূর্বক উপ-বিধি (১) এ বর্ণিত বনভূমি হইতে আহরিত প্রধান বনজদ্রব্য পরিবহনের নিমিত্তে সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার নিকট পাশ গ্রহণের জন্য নাম, পিতার নাম, বনজদ্রব্যের প্রকার, পরিমাণ, পরিবহনে ইচ্ছুক বনজদ্রব্যের অবস্থান, গন্তব্যস্থল ইত্যাদি উল্লেখ পূর্বক আবেদন করিতে হইবে।</p> <p>(৫) উপ-বিধি (৩)এ বর্ণিত আবেদনপত্র প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত বা যাচাই বাছাইয়ের পর সঠিক বিবেচনা করিলে বিক্রয় হাতুড়ির ছাপ প্রদানের ব্যবস্থা গ্রহণ পূর্বক অনধিক ৪৫ কার্যদিবসের মধ্যে নির্ধারিত শর্তে আবেদনকারী বরাবর ফরম-১ এ পাশ ইস্যু</p> | <p>(১) বন বিভাগের নিয়ন্ত্রণাধীন নহে এরূপ অশ্রেণীভুক্ত বন হইতে প্রধান বনজদ্রব্য (কাঠ বা জ্বালানী কাঠ) আহরণ ও পরিবহন করিতে হইলে <u>চেয়ারম্যান, পার্বত্য জেলা পরিষদ</u> নিকট হইতে ফরম-১৩ এ আবেদন করিয়া “রাজস্ব পারমিট” গ্রহণ করিতে হইবে।</p> <p>(২) উপ-বিধি (১) উল্লিখিত আবেদনের সাথে হেডম্যান এর নিকট হইতে পরিচয় পত্র ও দুই কপি সত্যায়িত পাসপোর্ট সাইজের ছবি দাখিল করিতে হইবে, তবে <u>অপ্রধান বনজদ্রব্য আহরণের ক্ষেত্রে বিনা রাজস্বে ও বিনা পারমিটে আহরণ ও বিক্রয় করা যাইবে।</u></p> <p>(৩) উপ-বিধি (১) এর অধীন আবেদন প্রাপ্তির পর <u>চেয়ারম্যান, পার্বত্য জেলা পরিষদ</u> বনজ দ্রব্যের (কাঠ বা জ্বালানী কাঠ) প্রাপ্যতা সম্পর্কে বিভাগীয় বন কর্মকর্তার নিকট হইতে প্রতিবেদন গ্রহণ করিবেন এবং প্রাপ্যতার ভিত্তিতে ৪০ (চল্লিশ) কার্যদিবসের মধ্যে পারমিট ইস্যু করিবেন।</p> <p>(৪) পারমিট গ্রহীতা কর্তৃক সংশ্লিষ্ট রেঞ্জ অফিসার/স্টেশন অফিসার এর নিকট রাজস্ব জমা পূর্বক উপ-বিধি (১) এ বর্ণিত বনভূমি হইতে আহরিত প্রধান বনজদ্রব্য পরিবহনের নিমিত্তে সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার নিকট পাশ গ্রহণের জন্য নাম, পিতার নাম, বনজদ্রব্যের প্রকার, পরিমাণ, পরিবহনে ইচ্ছুক বনজদ্রব্যের অবস্থান, গন্তব্যস্থল ইত্যাদি উল্লেখ পূর্বক আবেদন করিতে হইবে।</p> <p>(৫) উপ-বিধি (৩)এ বর্ণিত আবেদনপত্র প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত বা যাচাই বাছাইয়ের পর সঠিক বিবেচনা করিলে বিক্রয় হাতুড়ির ছাপ প্রদানের ব্যবস্থা গ্রহণ পূর্বক অনধিক ৪৫ কার্যদিবসের মধ্যে নির্ধারিত শর্তে আবেদনকারী বরাবর ফরম-১ এ পাশ ইস্যু</p> |

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| | <p>গ্রহণের জন্য নাম, পিতার নাম, বনজদ্রব্যের প্রকার, পরিমাণ, পরিবহনে ইচ্ছুক বনজদ্রব্যের অবস্থান, গন্তব্যস্থল ইত্যাদি উল্লেখ পূর্বক আবেদন করিতে হইবে।</p> <p>(৫) উপ-বিধি (৩)এ বর্ণিত আবেদনপত্র প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত বা যাচাই বাছাইয়ের পর সঠিক বিবেচনা করিলে বিক্রয় হাতুড়ির ছাপ প্রদানের ব্যবস্থা গ্রহণ পূর্বক অনধিক ৪৫ কার্যদিবসের মধ্যে নির্ধারিত শর্তে আবেদনকারী বরাবর ফরম-১ এ পাশ ইস্যু করিবেন।</p> <p>(৬) পার্বত্য জেলা সমূহে বসবাসরত উপজাতীয় ব্যক্তিগণ অশ্রেনীভুক্ত বনাঞ্চল হইতে বিনা রাজস্বে নিজস্ব গৃহস্থালী ব্যবহারের জন্য জ্বালানী কাঠ ও অন্যান্য অপ্রধান বনজ দ্রব্য (নিষিদ্ধ ঘোষিত ব্যতীত) সংগ্রহ করিতে পারিবেন।</p> | <p>করিবেন।</p> <p>(৬) পার্বত্য জেলা সমূহে বসবাসরত উপজাতীয় ব্যক্তিগণ অশ্রেনীভুক্ত বনাঞ্চল হইতে বিনা রাজস্বে ও বিনা অনুমতিতে নিজস্ব ব্যবহার ও জীবীকার জন্য জ্বালানী কাঠ ও অন্যান্য অপ্রধান বনজ দ্রব্য (নিষিদ্ধ ঘোষিত ব্যতীত) সংগ্রহ ও বিক্রয় করিতে পারিবেন।</p> |
| <p>৬. সড়ক ও জনপথ, রেলপথ, বাঁধ, সংযোগ সড়ক, ইত্যাদি ভূমি হইতে বনজদ্রব্য আহরণ, অপসারণ বা পরিবহন।-</p> | <p>(১) বন বিভাগের নিয়ন্ত্রণাধীন নহে বা বন বিভাগের সামাজিক বনায়ন কর্মসূচীর আওতাভুক্ত নহে এইরূপসড়ক ও জনপথ, রেলপথ, বাঁধ, সংযোগ সড়ক, জেলা পরিষদ সড়ক, স্থানীয় সরকার ও প্রকৌশল বিভাগের সড়কসহ অন্যান্য সরকারী মালিকানাধীন ভূমি হইতে বনজদ্রব্য আহরণ, অপসারণ বা পরিবহনের প্রয়োজন হইলে উক্ত ভূমি নিয়ন্ত্রণকারী কর্তৃপক্ষের ন্যূনতম জেলা পর্যায়ের কর্মকর্তাকে বিভাগীয় বন কর্মকর্তা বরাবর ফরম-৩ এ আবেদন করিতে হইবে।</p> <p>(২) উপ-বিধি (১) এ উল্লিখিত আবেদনের প্রেক্ষিতে অনধিক ৪৫ কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তা বা তাহার নিকট হইতে ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা কর্তৃক যথাযথ তদন্ত পূর্বক বিভাগীয় বন কর্মকর্তা উক্ত বনজদ্রব্য কর্তন ও আহরণের অনুমতি প্রদান করিবেন এবং এইরূপ অনুমোদিত কর্তনের পর বিভাগীয় বন কর্মকর্তা বনজদ্রব্যে পাশ হাতুড়ির ছাপ (Pass Marking) প্রদান ও কর্তিত বনজদ্রব্য পরিবহনের জন্য নির্ধারিত শর্তে আবেদনকারী বরাবর ফরম-১ এ পাশ প্রদানের ব্যবস্থা করিবেন।</p> | <p>(১) বন বিভাগের নিয়ন্ত্রণাধীন নহে এইরূপসড়ক ও জনপথ, রেলপথ, বাঁধ, সংযোগ সড়ক, জেলা পরিষদ সড়ক, স্থানীয় সরকার ও প্রকৌশল বিভাগের সড়কসহ অন্যান্য সরকারী মালিকানাধীন ভূমি হইতে বনজদ্রব্য আহরণ, অপসারণ বা পরিবহনের প্রয়োজন হইলে উক্ত ভূমি নিয়ন্ত্রণকারী কর্তৃপক্ষের ন্যূনতম জেলা পর্যায়ের কর্মকর্তাকে বিভাগীয় বন কর্মকর্তা বরাবর ফরম-৩ এ আবেদন করিতে হইবে।</p> <p>(২) উপ-বিধি (১) এ উল্লিখিত আবেদনের প্রেক্ষিতে অনধিক ৪৫ কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তা বা তাহার নিকট হইতে ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা কর্তৃক যথাযথ তদন্ত পূর্বক বিভাগীয় বন কর্মকর্তা উক্ত বনজদ্রব্য কর্তন ও আহরণের অনুমতি প্রদান করিবেন এবং এইরূপ অনুমোদিত কর্তনের পর বিভাগীয় বন কর্মকর্তা বনজদ্রব্যে পাশ হাতুড়ির ছাপ (Pass Marking) প্রদান ও কর্তিত বনজদ্রব্য পরিবহনের জন্য নির্ধারিত শর্তে আবেদনকারী বরাবর ফরম-১ এ পাশ প্রদানের ব্যবস্থা করিবেন।</p> |
| <p>৭. বেসরকারী মালিকানাধীন ভূমি হইতে</p> | <p>(১) ফ্রি লাইসেন্স ব্যতীত বেসরকারী ব্যক্তি কিংবা প্রতিষ্ঠানের মালিকানাধীন ভূমি হইতে কোন বনজদ্রব্য আহরণ</p> | <p>(১) ফ্রি লাইসেন্স ব্যতীত বেসরকারী ব্যক্তি কিংবা প্রতিষ্ঠানের মালিকানাধীন ভূমি হইতে কোন বনজদ্রব্য</p> |

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| <p>বনজঙ্গল আহরণ।-</p> | <p>করা যাইবে না।</p> <p>(২) উপ-বিধি (১) এ বর্ণিত বনভূমি হইতে বনজঙ্গল আহরণের জন্য ভূমির মালিক কর্তৃক ফ্রি লাইসেন্স এর জন্য বিভাগীয় বন কর্মকর্তার নিকট ফরম-২ এ আবেদনপত্র দাখিল করিতে হইবেঃ</p> <p>তবে শর্ত থাকে যে, একই হোল্ডিং এর বিপরীতে ২ (দুই) বছরের মধ্যে একাধিকবার ফ্রি লাইসেন্স এর জন্য আবেদন করা যাইবে না</p> <p>(৩) উপ-বিধি (১) এর অধীন ফ্রি লাইসেন্স গ্রহণের জন্য আবেদনপত্রের সহিত, প্রযোজ্য ক্ষেত্রে, নিম্নবর্ণিত দলিলাদি দাখিল করিতে হইবে, যথাঃ-</p> <p>(ক) জেলা প্রশাসক বা উপজেলা নির্বাহী কর্মকর্তা কর্তৃক প্রদত্ত মালিকানা সংক্রান্ত ভূমির হালনাগাদ নকশাসহ প্রত্যয়নপত্র।</p> <p>(খ) সংশ্লিষ্ট ভূমির জরীপ নকশার ট্রেসিং কপি;</p> <p>(গ) ভূমির খাজনা প্রদানের হালনাগাদ রশিদ (ডিসিআর)।</p> <p>(ঘ) আবেদনকারীর ৪ (চার) কপি সত্যায়িত পাসপোর্ট আকারের ছবি।</p> <p>(৪) উপ-বিধি (২) বর্ণিত আবেদনপত্র প্রাপ্তির পর সংশ্লিষ্ট রেঞ্জ বা স্টেশন কর্মকর্তা-</p> <p>(ক) তদন্ত করিয়া আবেদনপত্র ও আবেদন পত্রের সহিত সংযুক্ত ম্যাপ সরেজমিনে পরীক্ষা করতঃ সংশ্লিষ্ট ভূমি এবং আবেদনপত্রে প্রদর্শিত ভূমির পরস্পর মিল আছে কিনা উহা যাচাই করতঃ উক্ত ভূমিতে অবস্থিত গাছের মার্কিং তালিকা প্রস্তুত করিবেন;</p> <p>(খ) দফা (ক) এর অধীন প্রস্তুতকৃত মার্কিং তালিকা অনুযায়ী বনজঙ্গলের বিবরণ ও আনুমানিক পরিমাণ ফরম-২ এর ৬ নং কলামে তাহার প্রতিবেদন সহ তারিখ উল্লেখ পূর্বক স্বাক্ষর করতঃ অনধিক ৪০ (চল্লিশ) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট ফেরত প্রদান করিবেন;</p> <p>(৫) ভূমির মালিকানা বিষয়ে কোন জটিলতা পরিলক্ষিত হইলে বিভাগীয় বন কর্মকর্তা বিষয়টির নিষ্পত্তির লক্ষ্যে ডেপুটি কমিশনারের নিকট প্রেরণ করিবেন এবং ডেপুটি কমিশনার প্রয়োজনীয় যাচাই বাছাই করিয়া অনধিক ত্রিশ (৩০) কার্যদিবসের মধ্যে</p> | <p>আহরণ করা যাইবে না।</p> <p>(২) উপ-বিধি (১) এ বর্ণিত বনভূমি হইতে বনজঙ্গল আহরণের জন্য ভূমির মালিক কর্তৃক ফ্রি লাইসেন্স এর জন্য বিভাগীয় বন কর্মকর্তার নিকট ফরম-২ এ আবেদনপত্র দাখিল করিতে হইবে।</p> <p>তবে শর্ত থাকে যে, একই হোল্ডিং এর বিপরীতে ১ (এক) বছরের মধ্যে একাধিকবার ফ্রি লাইসেন্স এর আবেদন করা যাইবে না।</p> <p>(৩) উপ-বিধি (১) এর অধীন ফ্রি লাইসেন্স গ্রহণের জন্য আবেদনপত্রের সহিত প্রযোজ্য ক্ষেত্রে নিম্নবর্ণিত দলিলাদি দাখিল করিতে হইবে, যথাঃ-</p> <p>(ক) চেয়ারম্যান, পার্বত্য জেলা পরিষদ কর্তৃক প্রদত্ত মালিকানা সংক্রান্ত ভূমির হালনাগাদ নকশাসহ প্রত্যয়নপত্র।</p> <p>(খ) সংশ্লিষ্ট ভূমির জমাবন্দী/খতিয়ানের কপি</p> <p>(গ) ভূমির খাজনা প্রদানের হালনাগাদ রশিদ (ডিসিআর)।</p> <p>(ঘ) আবেদনকারীর ৪ (চার) কপি সত্যায়িত পাসপোর্ট আকারের ছবি।</p> <p>(৪) উপ-বিধি (২) এ বর্ণিত আবেদনপত্র প্রাপ্তির পর সংশ্লিষ্ট রেঞ্জ বা স্টেশন কর্মকর্তা- (ক) তদন্ত করিয়া আবেদনপত্র ও আবেদন পত্রের সহিত সংযুক্ত ম্যাপ সরেজমিনে পরীক্ষা করতঃ সংশ্লিষ্ট ভূমি এবং আবেদনপত্রে প্রদর্শিত ভূমির পরস্পর মিল আছে কিনা উহা যাচাই করতঃ উক্ত ভূমিতে অবস্থিত গাছের মার্কিং তালিকা প্রস্তুত করিবেন;</p> <p>(খ) দফা (ক) এর অধীন প্রস্তুতকৃত মার্কিং তালিকা অনুযায়ী বনজঙ্গলের বিবরণ ও আনুমানিক পরিমাণ ফরম-২ এর ৬ নং কলামে তাহার প্রতিবেদন সহ তারিখ উল্লেখ পূর্বক স্বাক্ষর করতঃ অনধিক ৩০ (ত্রিশ) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট ফেরত প্রদান করিবেন;</p> <p>(৫) ভূমির মালিকানা বিষয়ে কোন জটিলতা পরিলক্ষিত হইলে বিভাগীয় বন কর্মকর্তা বিষয়টির নিষ্পত্তির লক্ষ্যে চেয়ারম্যান পার্বত্য জেলা পরিষদ এর নিকট প্রেরণ করিবেন এবং চেয়ারম্যান পার্বত্য জেলা পরিষদ প্রয়োজনীয় যাচাই বাছাই করিয়া অনধিক ত্রিশ (৩০) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট প্রতিবেদন প্রেরণ করিবেন।</p> <p>(৬) উপ-বিধি (৪) এর দফা (খ) অনুযায়ী রেঞ্জ/স্টেশন কর্মকর্তার নিকট হইতে প্রতিবেদনসহ আবেদন পত্রটি ফেরত প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা অনধিক ৩০ (ত্রিশ) কার্যদিবসের মধ্যে বিনা রাজস্ব আহরণের জন্য ফরম-৪ এ ফ্রি লাইসেন্স ইস্যু করিবেন।</p> <p>(৭) বসত ভিটার ১০ (দশ) টি পর্যন্ত গাছ (কর্তনের পর পরিমাপে যা দাঁড়ায়) প্রকৃত অধিবাসীর জরুরী প্রয়োজনে আহরণের জন্য স্থানীয় রেঞ্জ কর্মকর্তা বিশেষ বিবেচনায় ফ্রি পারমিট প্রদান করিতে হইবে।</p> <p>(৮) উপবিধি (৭) এর অধীন বিশেষ বিবেচনায় ফ্রি পারমিট প্রাপ্তির জন্য জরুরী প্রয়োজন সম্বলিত স্থানীয় হেডম্যান এর</p> |
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| | <p>বিভাগীয় বন কর্মকর্তার নিকট প্রতিবেদন প্রেরণ করিবেন।</p> <p>(৬) উপ-বিধি (৪) এর দফা (খ) অনুযায়ী রেঞ্জ/স্টেশন কর্মকর্তার নিকট হইতে প্রতিবেদনসহ আবেদন পত্রটি ফেরত প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রতিবেদন বিষয়ে সন্তুষ্ট হইলে অনধিক ৩০ (ত্রিশ) কার্যদিবসের মধ্যে বিনা রাজস্বে আহরণের জন্য ফরম-৪ এ ফ্রি লাইসেন্স ইস্যু করিবেন।</p> <p>(৭) বসত ভিটার ৫ (পাঁচ) টি পর্যন্ত গাছ (অনধিক মোট ১০০ ঘনফুট কাঠ) প্রকৃত অধিবাসীর জরুরী প্রয়োজনে আহরণের জন্য স্থানীয় রেঞ্জ কর্মকর্তা বিশেষ বিবেচনায় ফ্রি পারমিট প্রদান করিতে পারিবেন।</p> <p>(৮) উপবিধি (৭) এর অধীন বিশেষ বিবেচনায় ফ্রি পারমিট প্রাপ্তির জন্য জরুরী প্রয়োজন সম্বলিত স্থানীয় চেয়ারম্যান বা হেডম্যান এর প্রত্যয়ন পত্র, জমির জরীপ নকশা ট্রেসিং কপি, হালনাগাদ রশিদ ও ২(দুই) কপি ছবি সহ জমির মালিককে রেঞ্জ কর্মকর্তার নিকট আবেদন করিতে হইবে।</p> <p>(৯) উপ-বিধি (৮) এর অধীন প্রাপ্ত আবেদনের বিষয়টি সরেজমিনে তদন্ত করিয়া স্থানীয় রেঞ্জ কর্মকর্তা ৩০ কার্যদিবসের মধ্যে ফ্রি পারমিট প্রদান করিয়া যথাযথ মাধ্যমে বিভাগীয় বন কর্মকর্তার নিকট প্রতিবেদন প্রেরণ করিবেন।</p> <p>(১০) কোন বসতভিটার মালিক বছরে এক বার মাত্র বিশেষ বিবেচনার যোগ্য হইবেন।</p> <p>(১১) একজন রেঞ্জ কর্মকর্তা মাসে ২ টির অধিক বিশেষ বিবেচনায় পারমিট প্রদান করিতে পারিবেন না।</p> | <p>প্রত্যয়ন পত্র, জমির জমাবন্দী/খতিয়ানের কপি, হালনাগাদ খাজনা প্রদানের হালনাগাদ রশিদ ও ২ (দুই) কপি ছবি সহ জমির মালিককে রেঞ্জ কর্মকর্তার নিকট আবেদন করিতে হইবে।</p> <p>(৯) উপবিধি (৮) এর অধীন প্রাপ্ত আবেদনের বিষয়টি সরেজমিনে তদন্ত করিয়া স্থানীয় রেঞ্জ কর্মকর্তা ৩০ কার্যদিবসের মধ্যে ফ্রি পারমিট প্রদান করিয়া যথাযথ মাধ্যমে বিভাগীয় বন কর্মকর্তার নিকট প্রতিবেদন প্রেরণ করিবেন।</p> <p>(১০) কোন বসতভিটার মালিক বছরে এক বার মাত্র বিশেষ বিবেচনার যোগ্য হইবেন।</p> <p>(১১) একজন রেঞ্জ কর্মকর্তা মাসে ১০ টির অধিক বিশেষ বিবেচনায় পারমিট প্রদান করিতে পারিবেন না।</p> <p>(১২) বন্দোবস্ত প্রাপ্ত জমির সংলগ্ন ভোগদখলীয় অতিরিক্ত জমির বাগানের কাঠ বন্দোবস্ত লব্ধ বাগানের পারমিটের সংগে সংযুক্ত করা যাইবে।</p> <p>(১৩) বন্দোবস্ত হীন ভোগদখলীয় ভূমিতে ব্যক্তি এবং বেসরকারী পর্যায়ে সৃজিত বাগানের ক্ষেত্রে সংশ্লিষ্ট মৌজার হেডম্যান কর্তৃক প্রত্যয়ন পত্র সহকারে বিভাগীয় বন কর্মকর্তার বরাবরে আবেদন করিতে হইবে। এক্ষেত্রেও ফ্রি-লাইসেন্স পদ্ধতি অনুসরণ করা হইবে।</p> <p>(১৪) গ্রামবাসী কর্তৃক সংরক্ষিত প্রাকৃতিক (Village Common Forest) বনের কাঠ, বাঁশ ও অন্যান্য বনজ দ্রব্য সংশ্লিষ্ট হেডম্যানের সুপারিশ ক্রমে স্থানীয় রেঞ্জ/স্টেশন কর্মকর্তা কর্তৃক নির্ধারিত একক রাজস্ব পরিশোধ পূর্বক চলাচল পাশ গ্রহণ করিয়া আহরণ ও পরিবহন করা যাইবে।</p> <p>(১৫) “গাছের গোড়া হইতে ৪.৫ ফুট উপরে গাছের বেড় কমপক্ষে ২.৫ ফুট হইলে গাছ কর্তন যোগ্য বলিয়া বিবেচিত হইবে। তবে বিশেষ ক্ষেত্রে বাগানের স্থিত সব গাছ কর্তন (সাফাইকাটা) প্রয়োজন হইয়া পড়িলে কারণ উল্লেখ পূর্বক বন সংরক্ষকের বরাবরে আবেদন করিতে হইবে এবং বন সংরক্ষক আবেদনের গুরুত্ব বিবেচনা করিয়া ১০ কার্যদিবসের মধ্যে অনুমতি প্রদান করিবেন।”</p> |
| <p>৮. বেসরকারী মালিকানাধীন ভূমি হইতে বনজদ্রব্য পরিবহন।-</p> | <p>(১) বিধি ৭ এ বর্ণিত ভূমি হইতে আহরিত বনজদ্রব্য পরিবহন করিতে হইলে নিম্নবর্ণিত পদক্ষেপ সমূহ অনুসরণ করিতে হইবে, যথাঃ-</p> <p>(ক) ফ্রি-লাইসেন্স মূলে কর্তিত বনজদ্রব্য আহরণের স্থান (গাছের গোড়া) হইতে পরিবহন করিবার পূর্বে টিম্বারের প্রতি খন্ডে মালিকানা হাতুড়ী ও বিভাগীয় বন কর্মকর্তা কর্তৃক ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা কর্তৃক পাশ মার্কা হাতুড়ির ছাপ প্রদান (Pass Marking) ব্যতীত কোন বনজ দ্রব্য পরিবহন করা যাইবে নাঃ</p> | <p>(১) বিধি ৭ এ বর্ণিত ভূমি হইতে আহরিত বনজদ্রব্য পরিবহন করিতে হইলে নিম্নবর্ণিত পদক্ষেপ সমূহ অনুসরণ করিতে হইবে, যথাঃ-</p> <p>(ক) ফ্রি-লাইসেন্স মূলে কর্তিত বনজদ্রব্য আহরণের স্থান (গাছের গোড়া) হইতে পরিবহন করিবার পূর্বে টিম্বারের প্রতি খন্ডে মালিকানা হাতুড়ী ও বিভাগীয় বন কর্মকর্তা কর্তৃক ক্ষমতাপ্রাপ্ত কোন কর্মকর্তা কর্তৃক পাশ মার্কা হাতুড়ির ছাপ প্রদান (Pass Marking) ব্যতীত কোন বনজ দ্রব্য পরিবহন করা যাইবে নাঃ</p> <p>তবে শর্ত থাকে যে, মালিকানা ও পাশমার্কা হাতুড়ির ছাপ প্রদানের পর কোন টিম্বার খন্ডন বা চিড়াই করিবার প্রয়োজন হইলে বিভাগীয় বন কর্মকর্তা বা তদকর্তৃক ক্ষমতাপ্রাপ্ত কোন বন কর্মকর্তার অনুমতি গ্রহণ করিতে</p> |

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| <p>তবে শর্ত থাকে যে মালিকানা ও পাশ মার্কী হাতুড়ীর ছাপ প্রদানের পর কোন টিম্বার খন্ডন বা চিড়াই করিবার প্রয়োজন হইলে বিভাগীয় বন কর্মকর্তা বা তদ্ব্যবস্থাপক ক্ষমতাপ্রাপ্ত কোন বন কর্মকর্তার অনুমতি গ্রহণ করিতে হইবে এবং চিড়াই বা খন্ডনের পর টিম্বারএ পুনরায় পাশ মার্কিং হাতুড়ীর ছাপ প্রদান করিতে হইবে।</p> <p>(খ) গাছের গোড়া হইতে বনজদ্রব্য অনুমোদিত ডিপোতে পরিবহন করিবার নিমিত্ত অনুমোদনের জন্য বিভাগীয় বন কর্মকর্তার নিকট সার্টিফিকেট অব অরিজিন এর জন্য আবেদন করিতে হইবে;</p> <p>(গ) দফা (খ) এর অধীন আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা বা তাহার নিকট হইতে ক্ষমতাপ্রাপ্ত অন্য কোন কর্মকর্তা বনজদ্রব্য গাছের গোড়া হইতে অনুমোদিত ডিপোতে বহন করিবার জন্য ফরম-৫ বা, ক্ষেত্রমত, ফরম-৬ এ সার্টিফিকেট অব অরিজিন ও উহার একটি অনুলিপি ইস্যু করিবেন;</p> <p>(ঘ) ফ্রি-লাইসেন্স এ বর্ণিত ভূমি হইতে বনজ দ্রব্য পরিবহন করিয়া নিকটবর্তী সুবিধাজনক স্থানে ডিপো করতঃ সেখানে মজুদ করিতে হইলে মালিকের নাম, ম্যাপসহ মৌজার নাম, খতিয়ান, দাগ নং ইত্যাদি উল্লেখ করিয়া পৃথক আবেদনপত্রের মাধ্যমে বিভাগীয় বন কর্মকর্তার লিখিত অনুমোদন গ্রহণ করিতে হইবে;</p> <p>(ঙ) সার্টিফিকেট অব অরিজিন মূলে আহরিত ও অনুমোদিত ডিপোতে রক্ষিত বনজদ্রব্য অনুমোদিত ডিপোর বাহিরে পরিবহন করিতে হইলে রেঞ্জ বা স্টেশন কর্মকর্তার নিকট সার্টিফিকেট অব অরিজিন এর কপি সংযুক্ত করিয়া যে সকল বনজ দ্রব্য পরিবহন করা প্রয়োজন উহার জাত, পরিমাণ এবং গন্তব্যস্থল উল্লেখ করতঃ পাশ গ্রহণের জন্য আবেদন করিতে হইবে;</p> <p>(চ) দফা (ঙ) এর অধীন আবেদন প্রাপ্তির পর রেঞ্জ বা স্টেশন কর্মকর্তা প্রয়োজনীয় পরীক্ষান্তে সঠিক বিবেচনা করিলে অনধিক <u>পনের (১৫)</u> কার্যদিবসের মধ্যে পাশ ইস্যুর জন্য বিভাগীয় বন কর্মকর্তার নিকট প্রতিবেদন প্রেরণ করিবেন;</p> <p>(ছ) দফা (চ) এর অধীন প্রতিবেদন প্রাপ্তির পর অনধিক পনের কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তা বা তাহার</p> | <p>হইবে এবং চিড়াই বা খন্ডনের পর টিম্বার এ পুনরায় পাশ মার্কিং হাতুড়ীর ছাপ প্রদান করিতে হইবে;</p> <p><u>(খ) গাছের গোড়া হইতে বনজদ্রব্য অনুমোদিত ডিপোতে পরিবহন করিবার নিমিত্ত অনুমোদনের জন্য বিভাগীয় বন কর্মকর্তার নিকট সার্টিফিকেট অব অরিজিন এর জন্য আবেদন করিতে হইবে;</u></p> <p>(গ) দফা (খ) এর অধীন আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা বা তাহার নিকট হইতে ক্ষমতাপ্রাপ্ত অন্য কোন কর্মকর্তা বনজদ্রব্য গাছের গোড়া হইতে অনুমোদিত ডিপোতে বহন করিবার জন্য ফরম-৫ বা, ক্ষেত্রমত, ফরম-৬ এ সার্টিফিকেট অব অরিজিন ও উহার একটি অনুলিপি ইস্যু করিবেন;</p> <p>(ঘ) ফ্রি-লাইসেন্স এ বর্ণিত ভূমি হইতে বনজ দ্রব্য পরিবহন করিয়া নিকটবর্তী সুবিধাজনক স্থানে ডিপো করতঃ সেখানে মজুদ করিতে হইলে মালিকের নাম, ম্যাপসহ মৌজার নাম, খতিয়ান, দাগ নং ইত্যাদি উল্লেখ করিয়া পৃথক আবেদনপত্রের মাধ্যমে বিভাগীয় বন কর্মকর্তার লিখিত অনুমোদন গ্রহণ করিতে হইবে;</p> <p>(ঙ) সার্টিফিকেট অব অরিজিন মূলে আহরিত ও অনুমোদিত ডিপোতে রক্ষিত বনজদ্রব্য অনুমোদিত ডিপোর বাহিরে পরিবহন করিতে হইলে রেঞ্জ বা স্টেশন কর্মকর্তার নিকট সার্টিফিকেট অব অরিজিন এর কপি সংযুক্ত করিয়া যে সকল বনজ দ্রব্য পরিবহন করা প্রয়োজন উহার জাত, পরিমাণ এবং গন্তব্যস্থল উল্লেখ করতঃ পাশ গ্রহণের জন্য আবেদন করিতে হইবে;</p> <p>(চ) দফা (ঙ) এর অধীন আবেদন প্রাপ্তির পর রেঞ্জ বা স্টেশন কর্মকর্তা প্রয়োজনীয় পরীক্ষান্তে সঠিক বিবেচনা করিলে অনধিক <u>পনের (১৫)</u> কার্যদিবসের মধ্যে পাশ ইস্যুর জন্য বিভাগীয় বন কর্মকর্তার নিকট প্রতিবেদন প্রেরণ করিবেন;</p> <p>(ছ) দফা (চ) এর অধীন প্রতিবেদন প্রাপ্তির পর অনধিক পনের কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তা তদ্ব্যবস্থাপক ক্ষমতাপ্রাপ্ত অন্য কোন বন কর্মকর্তা ফরম-১ এ পাশ ইস্যু করিবেন;</p> <p><u>(জ) কোন বাগানের কাঠ প্রথমবার পারমিট পাওয়ার পর শুধুমাত্র প্রথমবারের সূত্র উল্লেখ করিয়া সেই ক্ষেত্রে পারমিটের জন্য আবেদন করা যাইবে এবং পরবর্তীতে আবেদন পত্রের সাথে দাখিলা, খতিয়ান, জমাবন্দি ইত্যাদি আনুসাংগিক কাগজপত্র সংযোজন করিবার প্রয়োজন হইবে না।</u></p> <p>(২) জনসাধারণের নিজস্ব বসত বাটি হইতে আম, কাঁঠাল, কাল জাম, তাল, নারিকেল, সুপারি, খেজুর, শিমুল গাছ, চা, রাবার, বট, জলপাই, আগর ও লিচু গাছ আহরণ ও পরিবহনের ক্ষেত্রে কোন ধরনের পূর্ব অনুমতির প্রয়োজন হইবে না এবং প্রধান বন সংরক্ষক, প্রয়োজনবোধে, সরকারী গেজেটে বিজ্ঞপ্তি জারীর মাধ্যমে নির্দিষ্ট এলাকার জন্য উল্লেখিত প্রজাতির গাছের সাথে নতুন কোন প্রজাতির গাছের নাম অন্তর্ভুক্ত করিতে, বাদ দিতে বা উল্লেখিত প্রজাতির গাছের নাম পরিবর্তন করিতে পারিবেন।</p> |
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| | <p>নিকট হইতে ক্ষমতা প্রাপ্ত অন্য কোন বন কর্মকর্তা সহকারী বন সংরক্ষক এর নিম্নে নহে, ফরম-১ এ পাশ ইস্যু করিবেন;</p> <p>(২) জনসাধারণের নিজস্ব বসত বাটি হইতে আম, কাঁঠাল, কাল জাম, তাল, নারিকেল, সুপারি, খেজুর ও শিমুল গাছ আহরণ ও পরিবহনের ক্ষেত্রে কোন ধরনের পূর্ব অনুমতির প্রয়োজন হইবে না এবং প্রধান বন সংরক্ষক, প্রয়োজনবোধে, সরকারী গেজেটে বিজ্ঞপ্তি জারীর মাধ্যমে নির্দিষ্ট এলাকার জন্য উল্লেখিত প্রজাতির গাছের সাথে নতুন কোন প্রজাতির গাছের নাম অন্তর্ভুক্ত করিতে, বাদ দিতে কিংবা উল্লেখিত প্রজাতির গাছের নাম পরিবর্তন করিতে পারিবেন।</p> | |
| <p>৯. চা বাগানের ভূমি হইতে বনজ দ্রব্য আহরণ, অপসারণ বা পরিবহন।-</p> | <p>(১) পারমিট ব্যতীত চা বাগানের ভূমি হইতে বনজ দ্রব্য আহরণ, অপসারণ বা পরিবহন করা যাইবে না।</p> <p>(২) উপবিধি (১) এ বর্ণিত ভূমি হইতে বনজদ্রব্য আহরণের জন্য ভূমি মালিক কর্তৃক বিভাগীয় বন কর্মকর্তার নিকট পারমিটের জন্য ফরম-৭ এ আবেদনপত্র দাখিল করিতে হইবে।</p> <p>(৩) উপবিধি (২) এর অধীন দাখিলকৃত আবেদন পত্রের সহিত নিম্নবর্ণিত দলিলাদি দাখিল করিতে হইবে, যথাঃ</p> <p>(ক) বাংলাদেশ চা বোর্ড কর্তৃক অনুমতি পত্র যাহাতে বাংলাদেশ চা বোর্ড এই মর্মে প্রত্যয়ন করিবে যে প্রার্থিত ভূমি হইতে বৃক্ষ কর্তৃনের পর সেখানে চা বাগান সৃজনের জন্য বাগান মালিকের প্রয়োজনীয় পরিকল্পনা, অর্থ ও উপকরণের সংস্থান রহিয়াছে এবং পরিপক্ক বৃক্ষ কর্তন ও অপসারণের পর সেখানে উপযুক্ত প্রজাতির উন্নত মানের চারা দ্বারা পুনরায় বনায়ন করিবার প্রয়োজনীয় পরিকল্পনা, অর্থ ও উপকরণের সংস্থান বাগান মালিকের রহিয়াছে;</p> <p>(খ) ফরম-১৪ এ প্রস্তুতকৃত ব্যবস্থাপনা পরিকল্পনা ;</p> <p>(গ) সংশ্লিষ্ট ভূমি জরীপ নকশার ট্রেসিং কপি ও জমির মালিকানা সংক্রান্ত প্রমাণপত্র;</p> <p>(৪) উপবিধি (২) এর অধীন আবেদনপত্র প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা উক্ত আবেদনপত্রে বর্ণিত বনজদ্রব্যের সঠিক প্রাপ্যতা সম্বন্ধে যাচাই এর জন্য রেঞ্জ বা স্টেশন কর্মকর্তার নিকেট প্রেরণ করিবেন।</p> | <p>বিধি ৯। (১) পারমিট ব্যতীত চা বাগানের ভূমি হইতে বনজ দ্রব্য আহরণ, অপসারণ বা পরিবহন করা যাইবে না।</p> <p>(২) উপবিধি (১) এ বর্ণিত ভূমি হইতে বনজদ্রব্য আহরণের জন্য ভূমি মালিক কর্তৃক বিভাগীয় বন কর্মকর্তার নিকট পারমিটের জন্য ফরম-৭ এ আবেদনপত্র দাখিল করিতে হইবে।</p> <p>(৩) উপবিধি (২) এর অধীন দাখিলকৃত আবেদন পত্রের সহিত নিম্নবর্ণিত দলিলাদি দাখিল করিতে হইবে, যথাঃ</p> <p>(ক) বাংলাদেশ চা বোর্ড কর্তৃক অনুমতি পত্র যাহাতে বাংলাদেশ চা বোর্ড এই মর্মে প্রত্যয়ন করিবে যে প্রার্থিত ভূমি হইতে বৃক্ষ কর্তৃনের পর সেখানে চা বাগান সৃজনের জন্য বাগান মালিকের প্রয়োজনীয় পরিকল্পনা, অর্থ ও উপকরণের সংস্থান রহিয়াছে এবং পরিপক্ক বৃক্ষ কর্তন ও অপসারণের পর সেখানে উপযুক্ত প্রজাতির উন্নত মানের চারা দ্বারা পুনরায় বনায়ন করিবার প্রয়োজনীয় পরিকল্পনা, অর্থ ও উপকরণের সংস্থান বাগান মালিকের রহিয়াছে;</p> <p>(খ) ফরম-১৪ এ প্রস্তুতকৃত ব্যবস্থাপনা পরিকল্পনা ;</p> <p>(গ) সংশ্লিষ্ট ভূমি জমাবন্দি/খতিয়ানের কপি ও জমির মালিকানা সংক্রান্ত প্রমাণপত্র।</p> <p>(৪) উপবিধি (২) এর অধীন আবেদনপত্র প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা উক্ত আবেদনপত্রে বর্ণিত বনজদ্রব্যের সঠিক প্রাপ্যতা সম্বন্ধে যাচাই এর জন্য রেঞ্জ বা স্টেশন কর্মকর্তার নিকেট প্রেরণ করিবেন।</p> <p>(৫) বিভাগীয় বন কর্মকর্তার নিকট হইতে আবেদনপত্র প্রাপ্তির পর রেঞ্জ বা স্টেশন কর্মকর্তা সরেজমিনে যাচাইকরতঃ প্রাপ্ত বনজদ্রব্যের বিবরণ ও পরিমাণ ফরম-৭ এ তাহার প্রতিবেদনে লিপিবদ্ধ করিয়া সুপারিশসহ অনধিক ৩০ (ত্রিশ) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট প্রেরণ করিবেন।</p> <p>(৬) রেঞ্জ বা স্টেশন কর্মকর্তার নিকট হইতে সুপারিশসহ প্রতিবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা, প্রযোজ্য ক্ষেত্রে, সরকার কর্তৃক নির্ধারিত রাজস্ব আদায় করিয়া নির্ধারিত শর্তে</p> |

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| | <p>(৫) <u>বিভাগীয় বন কর্মকর্তার</u> নিকট হইতে আবেদনপত্র প্রাপ্তির পর রেঞ্জ বা স্টেশন কর্মকর্তার সরেজমিনে যাচাইকরতঃ প্রাপ্ত বনজন্মব্যয়ের বিবরণ ও পরিমাণ ফরম-৭এ তাহার প্রতিবেদনে লিপিবদ্ধ করিয়া সুপারিশসহ অনধিক ৩০ (ত্রিশ) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট প্রেরণ করিবেন।</p> <p>(৬) রেঞ্জ বা স্টেশন কর্মকর্তার নিকট হইতে সুপারিশসহ প্রতিবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা, প্রয়োজ্য ক্ষেত্রে, সরকার কর্তৃক নির্ধারিত রাজস্ব আদায় করিয়া নির্ধারিত শর্তে ফরম-৮ অনুযায়ী আবেদনকারী বরাবর পারমিট ইস্যু করিবেন।</p> | <p>ফরম-৮ অনুযায়ী আবেদনকারী বরাবর পারমিট ইস্যু করিবেন।</p> |
| <p>১০. সড়ক, মহাসড়ক, রেলপথ, জলপথ, আকাশ পথবা অন্যান্য পথে বনজ দ্রব্য পরিবহন।-</p> | <p>(১) এই বিধিমালার অন্যান্য বিধানাবলী সাপেক্ষে, যে কোন সড়ক, মহাসড়ক, রেলপথ, জলপথ, আকাশ পথে বনজ দ্রব্য পরিবহণ করা যাইবে।</p> <p>(২) এই বিধিমালার অন্যান্য বিধানাবলী অনুসরণ এবং সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার অনুমোদন সাপেক্ষে যে কোন রেলওয়ে স্টেশন, বিমান বন্দর, নৌবন্দর বা লঞ্চ টার্মিনাল হইতে কোন বনজদ্রব্য ট্রাক, রেল, <u>স্ট্রিমার</u>, লঞ্চ, কার্গো, বিমান ইত্যাদি যোগে অন্য কোন গন্তব্যস্থলে প্রেরণের জন্য বুকিং করা যাইবে।</p> | <p>বিধি ১০। (১) এই বিধিমালার অন্যান্য বিধানাবলী সাপেক্ষে যে কোন সড়ক, মহাসড়ক, রেলপথ, জলপথ, আকাশ পথে বনজ দ্রব্য পরিবহণ করা যাইবে।</p> <p>(২) এই বিধিমালার অন্যান্য বিধানাবলী অনুসরণ এবং সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তার অনুমোদন সাপেক্ষে যে কোন রেলওয়ে স্টেশন, বিমান বন্দর, নৌবন্দর বা লঞ্চ টার্মিনাল হইতে কোন বনজদ্রব্য ট্রাক, রেল, <u>ইঞ্জিন চালিত বোট</u>, লঞ্চ, কার্গো, বিমান ইত্যাদি যোগে অন্য কোন গন্তব্যস্থলে প্রেরণের জন্য বুকিং করা যাইবে।</p> |
| <p>১১. মালিকানা হাতুড়ি ও উহার নিবন্ধিকরণ।-</p> | <p>(১) বনজদ্রব্যের প্রত্যেক ক্রেতা বা ব্যবসায়ী, অথবা পারমিট বা ফ্রি লাইসেন্স গ্রহীতার যে কোন প্রকার টিম্বার বা বনজ দ্রব্যের মালিকানা চিহ্নিতকরণের উদ্দেশ্যে, বিভাগীয় বন কর্মকর্তার নিকট হইতে প্রাপ্ত নমুনা অনুযায়ী “মালিকানা হাতুড়ি” প্রস্তুত করতঃ উহা নিবন্ধনের জন্য দুইশত টাকা নিবন্ধিকরণ “ফি” জমা দিয়া বিভাগীয় বন কর্মকর্তা বরাবর, প্রয়োজনীয় মালিকানা দলিলাদিসহ লিখিতভাবে আবেদন করিতে পারিবেন।</p> <p>(২) উপ-বিধি (১) এর অধীন আবেদনপত্র প্রাপ্তির পর সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা যথাযথ তদন্ত করিয়া সন্তুষ্ট হইলে অনধিক (৩০) <u>ত্রিশ</u> কার্যদিবসের মধ্যে ফরম-৯ এ এতদসংক্রান্ত দলিলাদিসহ জমাকৃত মালিকানা হাতুড়ি নিবন্ধন করিবেন।</p> <p>(৩) নিবন্ধিত “মালিকানা হাতুড়ী” এর মেয়াদ হইবে এক বৎসর এবং প্রত্যেক বৎসর মেয়াদ শেষের পূর্বেই পরবর্তী বৎসরের জন্য বাধ্যতামূলকভাবে উক্ত নিবন্ধন নবায়ন করিতে হইবে এবং উক্ত নবায়নের উদ্দেশ্যে একশত টাকা</p> | <p>(১) বনজদ্রব্যের প্রত্যেক ক্রেতা বা ব্যবসায়ী, অথবা পারমিট বা ফ্রি লাইসেন্স গ্রহীতার যে কোন প্রকার টিম্বার বা বনজ দ্রব্যের মালিকানা চিহ্নিতকরণের উদ্দেশ্যে, বিভাগীয় বন কর্মকর্তার নিকট হইতে প্রাপ্ত নমুনা অনুযায়ী “মালিকানা হাতুড়ি” প্রস্তুত করতঃ উহা নিবন্ধনের জন্য দুইশত টাকা নিবন্ধিকরণ “ফি” জমা দিয়া বিভাগীয় বন কর্মকর্তা বরাবর, প্রয়োজনীয় মালিকানা দলিলাদিসহ লিখিতভাবে আবেদন করিতে পারিবেন।</p> <p>(২) উপ-বিধি (১) এর অধীন আবেদনপত্র প্রাপ্তির পর সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা অনধিক পনের কার্যদিবসের মধ্যে ফরম-৯ এ এতদসংক্রান্ত দলিলাদিসহ জমাকৃত মালিকানা হাতুড়ি নিবন্ধন করিবেন।</p> <p>(৩) নিবন্ধিত “মালিকানা হাতুড়ী” এর মেয়াদ হইবে এক বৎসর এবং প্রত্যেক বৎসর মেয়াদ শেষের পূর্বেই পরবর্তী বৎসরের জন্য বাধ্যতামূলকভাবে উক্ত নিবন্ধন নবায়ন করিতে হইবে এবং উক্ত নবায়নের উদ্দেশ্যে একশত টাকা নবায়ন ফি সহ বিভাগীয় বন কর্মকর্তার নিকট লিখিতভাবে আবেদন করিতে হইবে।</p> <p>(৪) এই বিধির অধীন নিবন্ধিত মালিকানা হাতুড়ীর মেয়াদ উত্তীর্ণ হইয়া গেলে উক্ত মালিকানা হাতুড়ী কোনভাবেই ব্যবহার করা যাইবে না।</p> <p>(৫) উপ-বিধি (৩) এর অধীন নবায়নের আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা মালিকানা হাতুড়ী অনধিক (১৫) পনের</p> |

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| | <p>নবায়ন ফি সহ বিভাগীয় বন কর্মকর্তার নিকট লিখিতভাবে আবেদন করিতে হইবে।</p> <p>(৪) এই বিধির অধীন নিবন্ধিত মালিকানা হাতুড়ীর মেয়াদ উত্তীর্ণ হইয়া গেলে উক্ত মালিকানা হাতুড়ী কোনভাবেই ব্যবহার করা যাইবে না।</p> <p>(৫) উপ-বিধি (৩) এর অধীন নবায়নের আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা, প্রয়োজনীয় তদন্ত সাপেক্ষে, যাচাই বাছাই করিয়া সন্তুষ্ট হইলে, মালিকানা হাতুড়ী অনধিক (১৫) পনের কার্যদিবসের মধ্যে নবায়ন করিবেন।</p> <p>(৬) মালিকানা হাতুড়ী নিবন্ধিতকরণ সনদ হারাইয়া গেলে বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্তক্রমে পঞ্চাশ টাকা ফি আদায় করতঃ সত্যায়িত নকল প্রদান করিতে পারিবেন।</p> <p>(৭) নিবন্ধিত মালিকানা হাতুড়ী হারাইয়া গেলে মালিককে তৎক্ষণাতঃ সংশ্লিষ্ট থানায় জেনারেল ডায়েরী (জিডি) লিপিবদ্ধ করিতে হইবে এবং উক্ত জিডি এন্ট্রির কপিসহ হারাইয়া যাওয়ার ঘটনা লিখিতভাবে বিভাগীয় বন কর্মকর্তাকে অবহিত করিতে হইবে।</p> <p>(৮) বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত সাপেক্ষে উক্ত হারাইয়া যাওয়ার বিষয়টি সংশ্লিষ্ট দপ্তর সমূহকে জ্ঞাত করিবেন।</p> <p>(৯) হারাইয়া যাওয়া হাতুড়ীর ক্ষেত্রে, হাতুড়ী মালিক উপবিধি (১) অনুযায়ী নতুন মালিকানা হাতুড়ী নিবন্ধন করিতে পারিবেন।</p> <p>(১০) নতুনভাবে নিবন্ধনের ক্ষেত্রে সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা হারাইয়া যাওয়া মালিকানা হাতুড়ী বাতিল ঘোষণা করিয়া সাধারণ অফিস আদেশ জারী করিবেন।</p> | <p>কার্যদিবসের মধ্যে নবায়ন করিবেন।</p> <p>(৬) মালিকানা হাতুড়ী নিবন্ধিতকরণ সনদ হারাইয়া গেলে বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্তক্রমে পঞ্চাশ টাকা ফি আদায় করতঃ সত্যায়িত নকল প্রদান করিতে পারিবেন।</p> <p>(৭) নিবন্ধিত মালিকানা হাতুড়ী হারাইয়া গেলে মালিককে তৎক্ষণাতঃ সংশ্লিষ্ট থানায় জেনারেল ডায়েরী (জিডি) লিপিবদ্ধ করিতে হইবে এবং উক্ত জিডি এন্ট্রির কপিসহ হারাইয়া যাওয়ার ঘটনা লিখিতভাবে বিভাগীয় বন কর্মকর্তাকে অবহিত করিতে হইবে।</p> <p>(৮) বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত সাপেক্ষে উক্ত হারাইয়া যাওয়ার বিষয়টি সংশ্লিষ্ট দপ্তর সমূহকে জ্ঞাত করিবেন।</p> <p>(৯) হারাইয়া যাওয়া হাতুড়ীর ক্ষেত্রে, হাতুড়ী মালিক উপবিধি (১) অনুযায়ী নতুন মালিকানা হাতুড়ী নিবন্ধন করিতে পারিবেন।</p> <p>(১০) নতুনভাবে নিবন্ধনের ক্ষেত্রে সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা হারাইয়া যাওয়া মালিকানা হাতুড়ী বাতিল ঘোষণা করিয়া সাধারণ অফিস আদেশ জারী করিবেন।</p> |
| <p>১২. বনজন্মব্য মজুদ রাখিবার জন্য ডিপো নিবন্ধিকরণ।-</p> | <p>(১) কোন ব্যক্তি বনজন্মব্য অনুমোদিত ডিপো ব্যতীত অন্য কোন ডিপোতে মজুদ রাখিতে চাহিলে উক্ত ডিপো স্থাপন ও পরিচালনার জন্য বিভাগীয় বন কর্মকর্তা এর কার্যালয়ে নিবন্ধন করিতে হইবে এবং উক্তরূপ নিবন্ধন ব্যতীত কোন ডিপো স্থাপন বা পরিচালনা করা যাইবে না।</p> <p>(২) উপ বিধি (১) এর অধীন ডিপো স্থাপন পূর্বক নিবন্ধনের জন্য নিবন্ধণ ফি বাবদ এক হাজার টাকা জমা দিয়া বিভাগীয় বন কর্মকর্তা বরাবর</p> | <p>বিধি ১২। (১) কোন ব্যক্তি বনজন্মব্য অনুমোদিত ডিপো ব্যতীত অন্য কোন ডিপোতে মজুদ রাখিতে চাহিলে উক্ত ডিপো স্থাপন ও পরিচালনার জন্য বিভাগীয় বন কর্মকর্তা এর কার্যালয়ে নিবন্ধন করিতে হইবে এবং উক্তরূপ নিবন্ধন ব্যতীত কোন ডিপো স্থাপন বা পরিচালনা করা যাইবে না।</p> <p>(২) উপ বিধি (১) এর অধীন ডিপো স্থাপন পূর্বক নিবন্ধনের জন্য নিবন্ধণ ফি বাবদ এক হাজার টাকা জমা দিয়া বিভাগীয় বন কর্মকর্তা বরাবর লিখিতভাবে আবেদন করিতে হইবে।</p> <p>(৩) উপবিধি (২) এর অধীন আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা বা তাহার প্রতিনিধি, প্রস্তাবিত স্থান এবং বনাঞ্চলের অবস্থান বিবেচনা করিয়া সন্তুষ্ট হইলে অনধিক</p> |

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| | <p>লিখিতভাবে আবেদন করতে হইবে।</p> <p>(৩) উপবিধি (২) এর অধীন আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা বা তাহার প্রতিনিধি, প্রস্তাবিত স্থান এবং বনাঞ্চলের অবস্থান বিবেচনা করিয়া সন্তুষ্ট হইলে অনধিক (৪৫) <u>পঁয়তাল্লিশ</u> কার্যদিবসের মধ্যে ডিপো স্থাপনের অনুমতি প্রদানসহ ফরম-১০ অনুযায়ী আবেদনকারীর ডিপো নিবন্ধন করিয়া আবেদনকারী বরাবর নিবন্ধন সনদ ইস্যু করিবেন।</p> <p>(৪) বিভাগীয় বন কর্মকর্তা আবেদনকারীর প্রার্থিত কোন অবস্থানে বন সংরক্ষণ ও বনজন্মব্যয়ের চোরাচালান প্রতিহতকরণের স্বার্থে প্রার্থিত ডিপো স্থাপন ও নিবন্ধনের আবেদন প্রত্যাখ্যান করিতে পারিবেন।</p> <p>(৫) উপবিধি (৪) এর অধীন বিভাগীয় বন কর্মকর্তার উক্ত আদেশের বিরুদ্ধে ৬০ (ষাট) দিনের মধ্যে বন সংরক্ষক এর নিকট আপীল করিতে পারিবেন এবং এই ক্ষেত্রে বন সংরক্ষক কর্তৃক প্রদত্ত সিদ্ধান্ত চূড়ান্ত হইবে।</p> <p>(৬) এই বিধির অধীন নিবন্ধিত ডিপোর মেয়াদ হইবে এক বৎসর এবং প্রত্যেক বৎসর মেয়াদ শেষের পূর্বেই পরবর্তী বৎসরের জন্য বাধ্যতামূলকভাবে উক্ত নিবন্ধন নবায়ন করিতে হইবে এবং উক্তরূপ নবায়নের নিমিত্ত ৫০০ (পাঁচশত) টাকা নবায়ন ফি সহ বিভাগীয় বন কর্মকর্তার নিকট লিখিতভাবে আবেদন করিতে হইবে।</p> <p>(৭) এই বিধির অধীন ডিপো স্থাপনের অনুমতি প্রদানসহ নিবন্ধনকালে বিভাগীয় বন কর্মকর্তা, প্রয়োজনবোধে ডিপোমালিকদের নিকট হইতে সর্বোচ্চ ১০,০০০ (দশ হাজার) টাকা জামানত রাখিতে পারিবেন।</p> <p>(৮) এই বিধিমালা জারী হইবার পূর্বে স্থাপিত ডিপোসমূহকে এই বিধিমালা জারীর ৬০ (ষাট) দিনের মধ্যে এই বিধির অধীন নিবন্ধন করিতে হইবে।</p> | <p>১৫ (পনের) কার্যদিবসের মধ্যে ডিপো স্থাপনের অনুমতি প্রদানসহ ফরম-১০ অনুযায়ী আবেদনকারীর ডিপো নিবন্ধন করিয়া আবেদনকারী বরাবর নিবন্ধন সনদ ইস্যু করিবেন।</p> <p>(৪) বিভাগীয় বন কর্মকর্তা আবেদনকারীর কোন অবস্থানে বন সংরক্ষণ ও বনজন্মব্যয়ের চোরাচালান প্রতিহতকরণের স্বার্থে প্রার্থিত ডিপো স্থাপন ও নিবন্ধনের আবেদন প্রত্যাখ্যান করিতে পারিবেন।</p> <p>(৫) উপবিধি (৪) এর অধীন বিভাগীয় বন কর্মকর্তার উক্ত আদেশের বিরুদ্ধে ৩০ (ত্রিশ) দিনের মধ্যে বন সংরক্ষক এর নিকট আপীল করিতে পারিবেন এবং এই ক্ষেত্রে বন সংরক্ষক কর্তৃক প্রদত্ত সিদ্ধান্ত চূড়ান্ত হইবে।</p> <p>(৬) এই বিধির অধীন নিবন্ধিত ডিপোর মেয়াদ হইবে এক বৎসর এবং প্রত্যেক বৎসর মেয়াদ শেষের পূর্বেই পরবর্তী বৎসরের জন্য বাধ্যতামূলকভাবে উক্ত নিবন্ধন নবায়ন করিতে হইবে এবং উক্তরূপ নবায়নের নিমিত্ত ৫০০ (পাঁচশত) টাকা নবায়ন ফি সহ বিভাগীয় বন কর্মকর্তার নিকট লিখিতভাবে আবেদন করিতে হইবে।</p> <p>(৭) এই বিধির অধীন ডিপো স্থাপনের অনুমতি প্রদানসহ নিবন্ধনকালে বিভাগীয় বন কর্মকর্তা, প্রয়োজনবোধে ডিপোমালিকদের নিকট হইতে সর্বোচ্চ ১০,০০০ (দশ হাজার) টাকা জামানত রাখিতে পারিবেন।</p> <p>(৮) এই বিধিমালা জারী হইবার পূর্বে স্থাপিত ডিপোসমূহকে এই বিধিমালা জারীর ৬০ (ষাট) দিনের মধ্যে এই বিধির অধীন নিবন্ধন করিতে হইবে।</p> |
| <p>১৩. ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিট স্থাপন।-</p> | <p>(১) ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিট স্থাপন ও পরিচালনা করিতে হইলে <u>বিভাগীয় বন কর্মকর্তার</u> নিকট হইতে এই বিধিমালার অধীন লাইসেন্স গ্রহণ করিতে হইবে এবং উক্তরূপ লাইসেন্স গ্রহণ ব্যতিরেকে কোন ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিট স্থাপন ও পরিচালনা</p> | <p>বিধি ১৩। (১) ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিট স্থাপন ও পরিচালনা করিতে হইলে চেয়ারম্যান পার্বত্য জেলা পরিষদ এর নিকট হইতে এই বিধিমালার অধীন লাইসেন্স গ্রহণ করিতে হইবে এবং উক্তরূপ লাইসেন্স গ্রহণ ব্যতিরেকে কোন ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিট স্থাপন ও পরিচালনা করা যাইবে না।</p> <p>(২) উপ-বিধি (১) এর অধীন লাইসেন্স গ্রহণের ফরম-১১ অনুযায়ী চেয়ারম্যান পার্বত্য জেলা পরিষদ বরাবর আবেদন</p> |

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| <p>করা যাইবে না।</p> <p>(২) উপ-বিধি (১) এর অধীন লাইসেন্স গ্রহণের জন্য ফরম-১১ অনুযায়ী বিভাগীয় বন কর্মকর্তা বরাবর আবেদন করিতে হইবে।</p> <p>(৩) উপ-বিধি (২) এর অধীন আবেদন প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রয়োজনীয় তদন্ত করিয়া সন্তুষ্ট হইলে অনধিক (৪৫) পঁয়তাল্লিশ কার্যদিবসের মধ্যে ফরম-১২ অনুযায়ী আবেদনকারী বরাবর লাইসেন্স প্রদান করিবেন এবং উক্ত লাইসেন্স প্রতি বছর নবায়ন করিতে হইবে।</p> <p>(৪) উপ-বিধি (৩) এর অধীন লাইসেন্সকৃত ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিট এর মালিক বনজঙ্গল আগমন-নির্গমন, চেড়াই ও ব্যবহার সংক্রান্ত বিবরণ ফরম-১৫ অনুযায়ী সংরক্ষণ করিবেন এবং বিভাগীয় বন কর্মকর্তা কর্তৃক প্রদত্ত নমুনা ছক বা ফরমে প্রতি বৎসর ৩১ শে ডিসেম্বর তারিখের মধ্যে লাইসেন্স নবায়ন আবেদন পত্রের সহিত বিভাগীয় বন কর্মকর্তার নিকট রিটার্ন দাখিল করিবেন।</p> <p>(৫) এই বিধির অধীন প্রদত্ত লাইসেন্স এর জন্য ফি এবং উক্ত লাইসেন্স নবায়নের জন্য বাৎসরিক নবায়ন ফি তফসিল 'ক' এ উল্লিখিত হারে প্রদান করিতে হইবে</p> <p>(৬) প্রধান বন সংরক্ষক সরকারের পূর্বানুমোদনক্রমে সরকারী গেজেটে বিজ্ঞপ্তি জারী করিয়া সময় সময় তফসিল "ক" এ উল্লিখিত লাইসেন্স এবং লাইসেন্স নবায়ন ফি পুনঃ নির্ধারণ করিতে পারিবেন।</p> <p>(৭) বিভাগীয় বন কর্মকর্তা কর্তৃক ক্ষমতাপ্রাপ্ত কর্মকর্তা বা তদুর্ধ্ব পদমর্যাদার কোন কর্মকর্তা যে কোন সময় ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিটে রক্ষিত বনজঙ্গল পরিদর্শন করিতে পারিবেন এবং ফরম-১৫ এ বর্ণিত রেজিস্টার অনুযায়ী উক্ত বনজঙ্গলের বিবরণ সঠিক পাইলে তিনি উক্ত রেজিস্টারে স্বাক্ষর করিবেন।</p> <p>(৮) উপ-বিধি (৭) এর অধীন পরিদর্শনকালে সংশ্লিষ্ট শিল্প প্রতিষ্ঠানে কোন অবৈধ বনজঙ্গল পাওয়া গেলে, বা ফরম-১৫এর বর্ণনার সহিত বাস্তবে কোন গরমিলের বিষয়ে, বন কর্মকর্তা বিধি অনুযায়ী ব্যবস্থা গ্রহণ করিতে পারিবেন এবং সংশ্লিষ্ট প্রতিষ্ঠানের মালিক বা কর্মচারীগণ বন কর্মকর্তার আদেশ মান্য করিতে বাধ্য থাকিবেন।</p> <p>(৯) তিন পার্বত্য জেলা হইতে অন্য জেলায় টিম্বার এর ফার্নিচার বা টিম্বারজাত দ্রব্য পরিবহন করিতে হইলে সংশ্লিষ্ট শিল্প প্রতিষ্ঠানের মালিককে চেয়ারম্যান পার্বত্য জেলা পরিষদ এর নিকট হইতে লিখিত অনুমতি গ্রহণ করিতে হইবে।</p> <p>(১০) এই বিধিমালা জারী হইবার পূর্বে স্থাপিত ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিটকে এই বিধিমালা জারীর ৬০ (ষাট) দিনের মধ্যে এই বিধির অধীন লাইসেন্স এর জন্য আবেদন করিতে এবং লাইসেন্স গ্রহণ করিতে হইবে।</p> <p>(১১) ফ্রি লাইসেন্স এর আওতায় আহরিত কাঠ ও নিলাম ডাক হইতে সংগৃহীত কাঠের বিপরীতে বিভাগীয় বন কর্মকর্তার বরাবরে আবেদন মূলে চিড়াই অনুমতি গ্রহণ পূর্বক ফার্নিচার তৈয়ার করিয়া পরিবহনের জন্য চেয়ারম্যান পার্বত্য জেলা পরিষদ এর নিকট হইতে অনুমতি গ্রহণ করিতে হইবে।</p> | <p>করিতে হইবে।</p> <p>(৩) উপ-বিধি (২) এর অধীন আবেদন প্রাপ্তির পর চেয়ারম্যান পার্বত্য জেলা পরিষদপ্রয়োজনীয় তদন্ত করিয়া সন্তুষ্ট হইলে অনধিক (৪৫) পঁয়তাল্লিশ কার্যদিবসের মধ্যে ফরম-১২ অনুযায়ী আবেদনকারী বরাবর লাইসেন্স প্রদান করিবেন এবং উক্ত লাইসেন্স প্রতি বছর নবায়ন করিতে হইবে।</p> <p>(৪) উপ-বিধি (৩) এর অধীন লাইসেন্সকৃত ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিট এর মালিক বনজঙ্গল আগমন-নির্গমন, চেড়াই ও ব্যবহার সংক্রান্ত বিবরণ ফরম-১৫ অনুযায়ী সংরক্ষণ করিবেন এবং চেয়ারম্যান পার্বত্য জেলা পরিষদকর্তৃক প্রদত্ত নমুনা ছক বা ফরমে প্রতি বৎসর ৩১ শে ডিসেম্বর তারিখের মধ্যে লাইসেন্স নবায়ন আবেদন পত্রের সহিত চেয়ারম্যান পার্বত্য জেলা পরিষদ এর নিকট রিটার্ন দাখিল করিবেন।</p> <p>(৫) এই বিধির অধীন প্রদত্ত লাইসেন্স এর জন্য ফি এবং উক্ত লাইসেন্স নবায়নের জন্য বাৎসরিক নবায়ন ফি তফসিল 'ক' এ উল্লিখিত হারে প্রদান করিতে হইবে</p> <p>(৬) চেয়ারম্যান পার্বত্য জেলা পরিষদসরকারের পূর্বানুমোদনক্রমে সরকারী গেজেটে বিজ্ঞপ্তি জারী করিয়া সময় সময় তফসিল "ক" এ উল্লিখিত লাইসেন্স এবং লাইসেন্স নবায়ন ফি পুনঃ নির্ধারণ করিতে পারিবেন।</p> <p>(৭) বিভাগীয় বন কর্মকর্তা কর্তৃক ক্ষমতাপ্রাপ্ত কর্মকর্তা বা তদুর্ধ্ব পদমর্যাদার যে কোন বন কর্মকর্তা যে কোন সময় ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিটে রক্ষিত বনজঙ্গল পরিদর্শন করিতে পারিবেন এবং ফরম-১৫ এ বর্ণিত রেজিস্টার অনুযায়ী উক্ত বনজঙ্গলের বিবরণ সঠিক পাইলে তিনি উক্ত রেজিস্টারে স্বাক্ষর করিবেন।</p> <p>(৮) উপ-বিধি (৭) এর অধীন পরিদর্শনকালে সংশ্লিষ্ট শিল্প প্রতিষ্ঠানে কোন অবৈধ বনজঙ্গল পাওয়া গেলে, বা ফরম-১৫এর বর্ণনার সহিত বাস্তবে কোন গরমিলের বিষয়ে, বন কর্মকর্তা বিধি অনুযায়ী ব্যবস্থা গ্রহণ করিতে পারিবেন এবং সংশ্লিষ্ট প্রতিষ্ঠানের মালিক বা কর্মচারীগণ বন কর্মকর্তার আদেশ মান্য করিতে বাধ্য থাকিবেন।</p> <p>(৯) তিন পার্বত্য জেলা হইতে অন্য জেলায় টিম্বার এর ফার্নিচার বা টিম্বারজাত দ্রব্য পরিবহন করিতে হইলে সংশ্লিষ্ট শিল্প প্রতিষ্ঠানের মালিককে চেয়ারম্যান পার্বত্য জেলা পরিষদ এর নিকট হইতে লিখিত অনুমতি গ্রহণ করিতে হইবে।</p> <p>(১০) এই বিধিমালা জারী হইবার পূর্বে স্থাপিত ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্ট বা টিম্বার প্রসেসিং ইউনিটকে এই বিধিমালা জারীর ৬০ (ষাট) দিনের মধ্যে এই বিধির অধীন লাইসেন্স এর জন্য আবেদন করিতে এবং লাইসেন্স গ্রহণ করিতে হইবে।</p> <p>(১১) ফ্রি লাইসেন্স এর আওতায় আহরিত কাঠ ও নিলাম ডাক হইতে সংগৃহীত কাঠের বিপরীতে বিভাগীয় বন কর্মকর্তার বরাবরে আবেদন মূলে চিড়াই অনুমতি গ্রহণ পূর্বক ফার্নিচার তৈয়ার করিয়া পরিবহনের জন্য চেয়ারম্যান পার্বত্য জেলা পরিষদ এর নিকট হইতে অনুমতি গ্রহণ করিতে হইবে।</p> |
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| | <p>মালিক বা কর্মচারীগণ বন কর্মকর্তার আদেশ মান্য করিতে বাধ্য থাকিবেন।</p> <p>(৯) এক জেলা হইতে অন্য জেলায় টিম্বার এর ফার্নিচার বা টিম্বারজাত দ্রব্য পরিবহন করিতে হইলে সংশ্লিষ্ট শিল্প প্রতিষ্ঠানের মালিককে বিভাগীয় বন কর্মকর্তার নিকট হইতে লিখিত অনুমতি গ্রহণ করিতে হইবে।</p> <p>(১০) এই বিধিমালা জারী হইবার পূর্বে স্থাপিত ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিটকে এই বিধিমালা জারীর ৬০ (ষাট) দিনের মধ্যে এই বিধির অধীন লাইসেন্স এর জন্য আবেদন করিতে এবং লাইসেন্স গ্রহণ করিতে হইবে।</p> | <p><u>তবে শর্ত থাকে যে পার্বত্য জেলা সমূহের মধ্যে টিম্বারের ফার্নিচার অথবা টিম্বারজাত দ্রব্য (ব্যবহৃত) পরিবহনের জন্য পূর্বানুমতির প্রয়োজন হইবে না।</u></p> |
| <p>১৪. দন্ড।-</p> | <p>এই বিধিমালার কোন বিধান লঙ্ঘনের দায়ে অভিযুক্ত ব্যক্তি আইনের ধারা ৪২, বা ক্ষেত্রমতে, ধারা ৭৭ এ বর্ণিত দন্ডে দন্ডনীয় হইবেন, এবং এতদব্যতীত আইনের ধারা ৫২ ও ৫৫ এ বর্ণিত বিধান অনুযায়ী উক্ত অপরাধ সংঘটনে ব্যবহৃত সকল প্রকার যন্ত্রপাতি, যানবাহন, জলযান, ট্রাক, লরি ও পশুসহ সংশ্লিষ্ট বনজদ্রব্য সরকারের পক্ষে বাজেয়াপ্ত করা যাইবে।</p> | <p>দন্ড : এই বিধিমালার কোন বিধান লঙ্ঘনের দায়ে অভিযুক্ত ব্যক্তি পার্বত্য জেলা পরিষদ কর্তৃক প্রণীত প্রবিধান অনুসারে দন্ড প্রাপ্ত হইবেন।</p> |
| <p>১৫. অপরাধ প্রবণতা রোধের জন্য পুরস্কার।-</p> | <p>আইনের ধারা ৭৬ এর দফা (খ) এ বর্ণিত ক্ষমতাবলে বিভাগীয় বন কর্মকর্তা কোন বন অপরাধ সংঘটনের ক্ষেত্রে সংবাদদাতা এবং অপরাধ উদঘাটনকারী কর্মকর্তা ও কর্মচারীকে, বন বিভাগীয় কর্মকর্তা বা কর্মচারীসহ, ক্ষেত্র বিশেষে অপরাধ দমনে উৎসাহিত করিবার জন্য উদঘাটিত বন-অপরাধের জন্মকৃত বনজদ্রব্য বিক্রয়লব্ধ অর্থ বা আদায়কৃত জরিমানার অর্থ হইতে সর্বোচ্চ শতকরা ১০ (দশ) টাকা হারে পুরস্কার প্রদান করিতে পারিবেন।</p> | <p>আইনের ধারা ৭৬ এর দফা (খ) এ বর্ণিত ক্ষমতাবলে বিভাগীয় বন কর্মকর্তা কোন বন অপরাধ সংঘটনের ক্ষেত্রে সংবাদ দাতা এবং অপরাধ উদঘাটনকারী কর্মকর্তা ও কর্মচারীকে বন বিভাগীয় কর্মকর্তা বা কর্মচারীসহ, ক্ষেত্র বিশেষে অপরাধ দমনে উৎসাহিত করার জন্য উদঘাটিত বন-অপরাধের জন্মকৃত বনজদ্রব্য বিক্রয়লব্ধ অর্থ ও আদায়কৃত জরিমানার অর্থ হইতে সর্বোচ্চ শতকরা ১০ (দশ) টাকা হারে পুরস্কার প্রদান করিতে পারিবেন।</p> |
| <p>১৬.সময় বৃদ্ধি।-</p> | <p>(১) বনজ দ্রব্য চলাচল প্রক্রিয়ার দীর্ঘসূত্রিতা ও জটিলতার অবসানকল্পে এই বিধিমালার অধীন বিভিন্ন কার্য নির্ধারিত সময়ের মধ্যে সম্পাদন করা সম্ভব না হইলে উক্ত নির্ধারিত সময়ে অতিক্রান্ত হইবার পূর্বে সময় বৃদ্ধি করিবার জন্য বিভাগীয় বন কর্মকর্তা বা নিয়ন্ত্রণকারী কর্মকর্তার নিকট আবেদন জানাইতে হইবে।</p> <p>(২) উপ-বিধি (১) এর অধীন আবেদন প্রাপ্তির পর এ বিষয়ে বাস্তব অবস্থা বিবেচনায় সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা ৩০ (ত্রিশ) কার্যদিবস পর্যন্ত সময় বৃদ্ধি করিতে পারিবেন।</p> | <p>(১) বনজ দ্রব্য চলাচল প্রক্রিয়ার দীর্ঘসূত্রিতা ও জটিলতার অবসান কল্পে এই বিধিমালার অধীন বিভিন্ন কার্য নির্ধারিত সময়ের মধ্যে সম্পাদন করা সম্ভব না হইলে উক্ত নির্ধারিত সময়ে অতিক্রান্ত হইবার পূর্বে সময় বৃদ্ধি করিবার জন্য বিভাগীয় বন কর্মকর্তা বা নিয়ন্ত্রণকারী কর্মকর্তার নিকট আবেদন জানাইতে হইবে।</p> <p>(২) উপ-বিধি (১) এর অধীন আবেদন প্রাপ্তির পর এ বিষয়ে বাস্তব অবস্থা বিবেচনায় সংশ্লিষ্ট বিভাগীয় বন কর্মকর্তা ৩০ (ত্রিশ) কার্যদিবস পর্যন্ত সময় বৃদ্ধি করিতে পারিবেন।</p> |

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| | পারিবেন। | |
| ১৭। Ordinance No. XXXIV of 1959 এর বিধানাবলীর ক্ষেত্রে এই বিধিমালার প্রয়োগ।- | Private Forest Ordinance, 1959 (Ordinance No. XXXIV of 1959) এর প্রচলিত বিধানাবলীর ক্ষেত্রে আইনের ধারা ৪১ ও ৪২ এর অধীন প্রণীত বিধিমালার সংশ্লিষ্ট বিধানাবলী প্রযোজ্য হইবে। | Ordinance No. XXXIV of 1959 এর বিধানাবলীর ক্ষেত্রে এই বিধিমালার প্রয়োগ।- Private Forest Ordinance, 1959 (Ordinance No. XXXIV of 1959) এর প্রচলিত বিধানাবলীর ক্ষেত্রে আইনের ধারা ৪১ ও ৪২ এর অধীন প্রণীত বিধিমালার সংশ্লিষ্ট বিধানাবলী প্রযোজ্য হইবে। |
| ১৮। রহিতকরণ ও হেফাজত।- | (১) Chittagong Hill Tracts Forest Transit Rules, 1973 এতদ্বারা রহিত করা হইল। (২) উপবিধি (১) এর অধীন রহিতকরণ শর্তেও রহিতকৃত বিধিমালার অধীন কোন কার্যক্রম প্রক্রিয়াধীন থাকিলে উহা রহিতকৃত বিধিমালার বিধান অনুযায়ী নিষ্পত্তি করা যাইবে। | রহিতকরণ ও হেফাজতঃ- (১) Chittagong Hill Tracts Forest Transit Rules, 1973 এতদ্বারা রহিত করা হইল। (২) উপবিধি (১) এর অধীন রহিতকরণ শর্তেও রহিতকৃত বিধিমালার অধীন কোন কার্যক্রম প্রক্রিয়াধীন থাকিলে উহা রহিতকৃত বিধিমালার বিধান অনুযায়ী নিষ্পত্তি করা যাইবে। |

Appendix 32

Proceedings of the Consultative Workshop on CHT Forest Management & Conservation 7 June 2015

Date: 7th June 2015

Venue: RHDC Conference Room, Rangamati

Organized by: Chittagong Hill Tracts Development Facility (CHTDF)

Chaired by: Prasenjit Chakma, Deputy Director, CHTDF

Master of Ceremony: Jhuma Dewan, Cluster Leader, Gender and Diversity, CHTDF

Participants: Attached Annex: 5.

The chair welcomed all participants and gave the word to the first speaker: Biplab Chakma, who highlighted the objectives of this *first* consultative workshop: to provide inputs from stakeholders on the policy paper under development of Raja Devasish Roy (Key Note Paper: Annex 3). With the goal to improving and sustaining forest management and conservation in Chittagong Hill Tracts (CHT).

Objectives of Consultation:

1. Review Content of National Laws & Policies, and Identifying Needs for Reforms.
2. Identify CHT-Specific Policies, Guidelines & Executive Orders for Adoption & implementation.
3. Review process of Operationalization of Laws, etc.
4. Identify Agencies involved in the process of carrying out the above activities

1. Biplab Chakma, Chief Community Empowerment, CHTDF-UNDP

Opened the consultation workshop by presenting the expected contribution from the workshop. He said that the consultation workshop was being organized to review the contents of national laws, policies and guidelines, which might require reforms in the present contexts of forest management and conservation in CHT. Such reforms are essential to improve livelihoods of the forest dependent communities in CHT. He pointed out that CHT contains 43 percent of total forest cover in the country, which is a crucial zone for rich biodiversity on the one hand, and also the main sources of livelihoods of the forest dependent communities, on the other. He further added that conservation of forests is very important, as

forests are the main sources of water. Recognizing the importance of management and conservation of forests, the Technical Advisory Committee (TAC) on Forest, led by the Ministry of Chittagong Hill Tracts Affairs (MoCHTA), in its meeting held 19 April 2015, recommended for the organizing of dialogues on the protection of forests and the assessment of the status of forests in CHT.

Following this recommendation made by TAC, CHTDF has assigned Raja Devasish Roy to prepare a position paper on management and protection of forests, in consultation with relevant stakeholders, such as forest dependent communities, the Forest Department of the government, environment journalists, environment activists, local government bodies, traditional leaders, NGOs, researchers and practitioners. Biplab Chakma requested all participants to provide their views/opinions based on their experiences concerning management and protection of forests in CHT. He hoped that the recommendations incorporated into the position paper would be helpful to policy makers for making a pro-people forest management policy.

2. Alamgir Hossain, Energy and Climate Change Specialist UNDP Bangladesh

A background note presented on the global context of conservation of forests. In his presentation, he remarked that Dhaka is the warmest city in the country due to climatic shocks. This situation has resulted from changes to the livelihood behavior of the people. The scarcity of water has been a big concern for CHT. He added that we have to select appropriate technologies for the improvement of methods of sustainable use of present water resources, having in mind the environment in the CHT. However, he advised caution, since the appropriateness of technologies depends on the situations, which are not uniform, depending on contexts and situations.

Currently UNDP is actively involved in implementing projects and programmes on Climate Change and environmental issues in 145 countries around the world. There are various legal frameworks on the issues of forest, environment, Climate Change and many other relevant issues, which sometimes contradict each other. This consultation workshop will surely help facilitate the harmonization of such laws, acts, rules and regulations with active participation of all relevant stakeholders. We also have to take into account the global frameworks when we discuss the issues of forest, environment and climate changes. The right to information and the right to incentives of the involved communities should be ensured in such legal frameworks and in the process of their implementation.

3. Gautam Dewan, President, Chittagong Hill Tracts Forest and Land Rights Movement & Former Chairman, Rangamati Hill District Local Government Council

There was about 7,000 square miles of land in the CHT, where the indigenous peoples, including jumias, used to cultivate jum for their livelihoods in the past. All lands were community property. The concept of such ownership was based on the idea of 'no individual, but the entire community, owns the land'.

The British rulers first introduced 'reserved forests' (RFs), through which some 1,300 square miles of land were taken over by the British government. This was the first attack on the access to forest resources by indigenous peoples in CHT region. The then government introduced exotic species like teak, which have had an adverse impact on environment in CHT, including the silting up of the Kaptai Lake.

During the Pakistan period, the Kaptai Hydro-electric Dam was built without any consent of the local communities. Trees and forests were destroyed by the dam. Hundreds of indigenous families became landless and some of them had to take shelter in neighboring countries. 2,500 square miles of land were affected by this mega dam coupled with boundless human sufferings. Development projects, such as the Karnafuli Paper Mill, and several other enterprises of the Bangladesh Forest Industries Corporation were established, which also affected the natural forests and environment in CHT, by extracting huge amounts of forest resources, including bamboo and timber.

Mr. Gautam Dewan asserted that the forest cannot be preserved if active and meaningful participation of the local communities is not ensured. The law enacted by the British in 1927 failed to ensure participation of local communities in forest management. The demographic engineering, which was started in the CHT in 1979, had direct and adverse effects on the forests and lands in the region. Internally displaced families were forced to take shelter within the reserved forest areas, as a result of this. The Kassalong Reserved Forest is one of the best examples of this.

Mr. Dewan warned that the three hill districts are now occasionally recording the hottest temperatures in the country. He suggested that it was essential to gain the people's trust before implementing any project or programme relevant to forest and environment in the CHT region. He also urged all concerned to follow the 'Free Prior Informed Consent' (FPIC) framework in all such interventions.

He said that the Forest (Amendment) Act 2000 had been drafted without any participation of the CHT people. The spirit of CHT Accord 1997 had been violated through this. There is a fear that the proposed further amendments to the Forest Act 1927 may also be made in the same manner. There is a new category of forest proposed through the draft of this new law, known as "Other Forest" about which there was serious concern.

Mr. Dewan said that about 218,000 acres of land in 83 *mauzas* of the CHT were earmarked for declaration as new reserved forests, and that 120,000 acres had already been finally declared as reserved forests.

According to the Hill District Council (HDC) Acts, the Protected Forests (PFs) are to be under the jurisdiction of the HDCs. Recently, the government has started bringing such protected lands under the reserved forests, which is not led by any positive motive. Lands of internally displaced people, lands under the process of registration and jum-lands will be included under these new reserved forests if the reservation process is completed. This process is running without any notification to the local communities. There should be a proper notification process so that people can put forward their claims of ownership within the time frame.

In conclusion, he said, "We need huge forest cover, but we cannot do it without considering the rights of the inhabitants of such forest areas. If there is no scope for participation of the communities, they will always suspect on the interventions of the government."

4. **Raja Devasish Roy, Circle Chief, Chakma Circle**

Categories of forests in CHT, in accordance with law, are Reserved Forest, Protected Forest, Village Forest and Mauza Reserves (or VCFs). Other categories include "Social" Forests, "Unclassed State Forest" (USF) Jote Plantations, Sanctuaries and National Parks. There are

also some other types of forests in Bangladesh, which are applicable outside CHT, like Community Conservation Area, Safari Park, Eco Park and Botanical Garden.

Devasish Roy cited different important and relevant clauses from the CHT Regulation 1900, Hill District Councils Acts 1989, Forest Act 1927 and Forest Transit Rule 1973. He informed the participants that there a consultation process is ongoing between the Ministry of Environment and Forest (MoEF), Ministry of Chittagong Hill Tracts Affairs (MoCHTA) and Chittagong Hill Tracts Regional Council (CHTRC) on the draft of a new Forest Transit Rules for the CHT. Chief Conservator of Forest and Bangladesh Indigenous People's Network on Climate Change and Biodiversity Conservation (BIPNet-CC-BC) have agreed to discuss the contents of the draft Rules by July 2015.

The government can assign any land under the reserved forest area to any village community, which shall be called, according to the Village Forest Rules, 'Village Forests' (Section 28, FA 1927) in Reserve Forest in CHT. The Government may make rules for regulating the management of village forests, prescribing the conditions [to provide the community with] timber or other forest produce or pasture, and their duties for the protection and improvement of such forest. VF Rules have been framed in India, e.g., in Maharashtra State, among others. Positive elements from CHT-VCFs, combined with CHT-appropriate elements of other models (Community Forestry, etc.) could be included in future VF Rules.

Under the concept of Social Forestry, Land Rights Use & Forest Produce Use are assigned to non-government entities or "persons" (Section 28A, Forest Act 1927). However, the nature of such assignment is not as broad as in the case of Village Forests (Section 28, Forest Act 1927). Among the weaknesses in the Social Forestry model are the onerous duties of participants 'to assist forest officers'. In contrast, the duties of the forest officers 'to assist the participants'. On the other hand the DFO have more POWER than DUTIES. For these reasons, there is a strong criticism to the Social Forestry as "Neither SOCIAL nor FORESTRY".

Citing from Wildlife (Protection & Safety) Act 2012, Forest (Amendment) Bill 2015, National Forest Policy, 1993, Forestry Master Plan and (Draft) National Forest Policy 2015 he said that Demands of Indigenous Peoples & Other Forest-Dependent Groups are totally rejected during drafting process of Bill in 2013. The Indigenous Peoples & other groups are also seriously concerned about recognition of a new type of "Other Forests", which can be declared unilaterally by Government.

Devasish Roy concluded his speech with a summary of *Ways Forward* for Forests in CHT:

- Re-orienting Bangladesh Forest Department (BFD) to abandon POLICING & ABSENTEE landowner perspectives in favor of meaningful PARTICIPATORY & CO-MANAGEMENT programmes.
 - Entrenching rights of Forest-Dependent Communities in RF management, inc. Conservation of Natural Forests.
 - De-Reserving Unviable small Reserved Forests (inc. "New Reserved Forests").
 - Discontinuing reservation process for Proposed Reserved Forests.
 - Designing Village Forest Models in degraded & conserved Reserved Forest areas (inc. former Protected Forests).
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- Offering Government support to management of Mauza Reserves (VCFs) by Mauza Communities WITHOUT affecting existing manner of community management under guidance of Mauza Headmen [CAVEAT: WPA 2012] .
- Forming one or more TASK FORCE(s) to facilitate dialogues on LAW & POLICY matters BEFORE NATIONAL CONSULTATION & BEYOND with Multi-Stakeholder participation.

5. **Md. Shamsul Azam, Forest Conservator, Rangamati:**

The reservation process of forests in the Chittagong Hill Tracts region was started in 1871. The Rangamati Circle had been established in 1909. Reservation of Kassalong Reserve had been made in 1948, planting teak plants brought from Burma. During the establishment of Kaptai Dam in 1960, about 46,000 acres of land had been de-reserved for the settlement of the displaced families. 91,000 acres of land had been brought under the reservation process after 1991. 46,000 acres of land had been reserved for Kaptai pulp-wood. Currently, the Forest Department has started reservation process of 63,000 acres of protected lands. Because of allegations from the land owners, the process is now postponed. The area of reserved forest at present is 55,000 acres (made during 1873-1991) and 12,000 acres (made during 1991-2014).

He assured all that ‘the government will not reserve any land if there is any claim. So there is no risk of depriving from rights to land.’ For the Community Conserved Areas (CCA) also, ‘if the communities do not apply for conservation of their land, the government will declare any land as CCA.’

6. **Mr. Gunendu Bikash Chakma, Councilor, CHT Regional Council**

Because of different hindering factors, the activities of the Chittagong Hill Tracts Regional Council are not visible. We have drafted and submitted our Rules of Business to the government, which is not yet approved. Implementation of the Chittagong Hill Tracts Peace Accord can remove all obstacles in the development of this region. Land related conflicts are the fundamental crisis in CHT. No development intervention can be successful if the land crisis is not addressed properly. If there is any intervention on afforestation, a proper plan should be in place to rehabilitate the affected families. Proper coordination among the actors is the key to success of all development intervention. Chittagong Hill Tracts Regional Council (CHTRC) is at present not able to coordinate the actors as it has not been given proper powers to do so.

Group Presentations

All participants were divided into four thematic groups: WG 1: Forest and Development Intervention in RF areas; WG2: Village Forest Rules, Social Forest Rules, Transit Rules, including VCFs/Mauza Forests; WG 3: Forest Policy, Forest Act, 7th Five Year Plan, VCF Rules; and WG4: Forest Related Disputes. The findings of the group works are presented as below:

Work Group 1: Recommendations of Forest and Development Intervention in RF;

1. To address degraded forest:
 - Massive plantation (preferably local species with fruit bearing species)
-

- Protection of High forest (natural forest)
 - Awareness building
2. To address food insecurity
 - *Food for Guard* against pilferages natural/high forest
 - Food support for NRM activities
 - Food support for local road maintenance (food for work) during lean period
 3. To address Limited access to HealthcareFacilities
 - Establish community clinic
 - Basic health awareness
 4. To address limited access to Education facilities
 - Establish schools including infrastructure
 - Basic health awareness
 5. To address water scarcity including safe drinking water
 - Ensure water and sanitation facilities
 - Basic health awareness
 - Open reservoir, GFS
 6. To address the absence of electricity
 - Solar panel supply
 - Power Development Board (PDB) line with national grid
 - Establish small scale Hydroelectricity (1-2 mb)
 7. To address Income earning challenges (less alternate)
 - Bank Loan (livestock, poultry, homestead gardening, bee keeping, pan culture, handicrafts, weaving)
 - Skill development
 - Value chain marketing
 8. To cope with remoteness/ transport/ communication
-

- Repairing of existing roads (big & small)
- Introduce innovative country boat suitable in shallow water

9. To address scarcity of cultivable land

- Permanent agroforestry and fruits garden
- Homestead Fruit gardening by HH
- Plantation program including Fruits

10. To cope with Natural Disasters

- Preparedness
- Awareness

Work Group 2: Recommendations of Village Forest Rules, Social Forest Rules, Transit Rules, including VCFs/Mauza Forests;

1. Forest resources Transport/Transit policies

- Send the “A form” direct to Forest office from the DC office instead of sending it to the Upazilla Nirbahi Officer(UNO) office
 - Fixation of duration for the services related to free permits including Standing Mark/Brand (khara marka/খাড়া মার্কা) permits
 - DC office should only investigate the ownership of land
 - The Forest Department should only investigate the amount of wood
 - Give permission to establish permanent and temporary wood depots.
 - Authority to deal with the transportation of furniture should be transferred to the Forest Department from the DC office
 - The Transit Rules should be reformed as per the present contexts
 - Tree gardens/plantations(Jote Land) should be mapped with GPS mapping system
 - The owners of tree gardens/plantations(Jote Land) should keep the forest department informed on the species of woods in their gardens
 - Give permission to the VCFs to sell their forest produce, like timber, bamboo, sun grasses, etc. with easy conditions.
 - Deletion of the 3(2) of the Rules.
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2. Social Forestry

- Implement the Social Forestry in some selected reserved forests in CHT
- Innovate a special model to introduce in the CHT region

3. Village Forestry

- Formulate specific rules and regulations to establish Village Forests within reserved forest in consultation with the CHTRC, HDCs, Traditional Leaders and relevant communities.

Work Group 3: Recommendations on Forest Policy, Forest Act, 7th Five Year Plan, VCF Rules;

1. National Forest Policy 1994: Declaration 2;

- Initiate afforestation activities in the unclassified treeless forest areas through the Hill District Councils and Traditional Institutions

2. National Forest Policy 1994: Declaration 7;

- Ensure participation of Jum cultivators in the afforestation and necessary rehabilitation programmes through close partnership with them

3. National Forest Policy 1994: Declaration 11;

- Preservation of Fragile Watersheds, like hill slopes, in Inaccessible Areas to be identified and kept as Protected Forests

4. National Forest Policy 1994: Declaration 20;

- Funds to be provided from international donors to promote forestry.
- Keep continue with new proposed policy.

5. National Forest Policy 1994 (Clause 2-5);

- recommended keeping precondition clause: 2- 5 with new policy.

National Forest Policy 1994 (Clause 2.5) Apply Co-management in the protected areas through revision of Government orders with CHT specific necessary section, involvement of villages' headman that are applicable in the CHT.

6. Forest Act 1927 (Section 28);

- Formulate rules for the preservation of Village Forests
 - Organize dialogue with Indigenous Peoples and other forest-dependent communities before amendment of Forest Act
-

7. CHT Regulation 1900 (Rule 41A);
 - Formulate rules to manage/operate Village Common Forest/Mauza Reserves
8. 7th Five-Year Plan;
 - Include the above recommendations to the 7th Five-Year Plan to preserve and manage the forests in the Chittagong Hill Tracts.

Work Group 4: Forest Related Disputes;

1. False Case and victimization of innocent local villagers;
 - Consultation meeting/advocacy and reaching in consensus to stop the false law suit.
 2. To stop Illegal logging;
 - Monitoring/livelihood support to local communities/ agro-forestry support to local communities/ Income Generating Activities (IGA).
 3. Pending court cases to be concluded by summary trial process;
 - Summary trial should be prompted.
 4. Creation of appropriate Social Forestry Rules for the CHT under section 28A of the Forest Act;
 - Rules drafting as soon as possible.
 5. No Boundary demarcation of Reserved Forests & Protected Forests;
 - To initiate proper demarcation of Reserved Forests & Protected Forests.
 6. New RF disputes;
 - Stop the reserving process and hand over the protected forests to HDCs as soon as possible.
 7. Lack of information of new RF total land areas;
 - Sharing details and clear information on the areas of new RFs with CHT institutions and local communities.
 8. Under-Process Reserved Forest in Former Protected Forest areas;
 9. No boundary demarcation;
 - Proper Survey of actual land areas through GPS mapping
 10. Lack of proper procedure in Land Settlement;
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- Proper Procedure and Clear Information on the land for the settlement.

For details of the group findings, please see Annexure 1.

PLENARY SESSION

Advocate Susmita Chakma, Lawyer

- The poor people are the victims of the false cases filed by the Forest Department. The masterminds of timber business, who come from outside CHT, remain behind the screen; whereas the poor local people trespass into the forests to earn their daily wages and cases are filed against them. She also mentioned the fact that the forest officers were seen to file forests cases at the time or before taking their transfer from their respective duty stations.
- Social forestry should be considered in the denuded RF areas instead of private or common forest areas.
- The goal of conservation should be clarified – whether it is for the profit or for conservation.

Md. Shamsul Azam, Conservator of Forest, Rangamati Circle

In reply to Adv. Susmita Chakma's comments, he informed participants that

- In the South, about 250 cases are pending. Administratively they are looking into the cases and responsible officials be punished.
- Social forestry (SF) program will be implemented in RF, where only indigenous species will be planted.

Sakhawat Hossain Rubel, President, Rangamati Press Club

- Referring to a daily newspaper, he said that trees too emit methane gas, which may have negative impact on environment. He proposed for conservation through planting various local species.

Md. Alamgir Hossain, UNDP

- Refuted Rubel's statement made on the daily news. For conservation of forests, he suggested to consider the "drivers of environment" for making action plan rather than exclusively focusing on environment.

Md. Shamsul Azam, Conservator of Forest, Rangamati

- Differing with Adv. Susmita Chakma, he said that the forest cases are usually filed by the field level staff, not by the officers.
 - As per the Forest Policy 1994, de-reservation of RF is possible with the consent from the head of the government. Lands were de-reserved for 65 schools in RFs.
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Md. Farid Uddin Ahmed, ED, Arannayk Foundation (AF is a Conservation NGO)

- Requested to go through the Transparency International Bangladesh (TIP) Report 2008, which clearly showed who were responsible for forests?
- The vision for CHT should be: “Green in forests”. He also mentioned that CHT has full potential for many crops, such as coffee and other cash crops.
- Incentives are to be provided with participants for social forestry program. For ecosystem service, bio-diversity should be documented.
- AF has been working with indigenous communities on village common forests. Following the CHT Accord, AF worked with communities in 35 hills in CHT. He said that VCFs are the repository of many things including flora and fauna. He suggested for;
 - ✓ Management plan on VCF. The plan should include incentive supports for participants. Inputs such as saplings and training etc should be provided with participants.
 - ✓ Legal and policy reform must consider with due importance the well-being of the people.
 - ✓ Use of IT to demarcate the boundary lands and for survey of trees in village common forests.

Md. Ishtiaq Uddin Ahmad, Country Representative, International Union for Conservation of Nature (IUCN) Bangladesh.

- Welcoming the workshop, he said that such initiatives can reduce distance between the forest dependent people and the forest departments. He also commented that RF can be used for other purpose without de-gazetting.
 - On Social Forestry programme, he commented;
 - ✓ participants cannot be beneficiary, rather they should be treated as associates on equal footing with the forest department;
 - ✓ need to reconsider the inheritance rights of participants over SF;
 - ✓ to review selection criteria of local NGOs so that bona-fide local NGOs are selected for SF program;
 - ✓ the power of Division of Forest Officers (DFO) must be clearly delineated to ensure overall support to participants.
 - On the genesis of social forestry, he commented that policy makers realized the fact that rifles and law alone cannot protect forests. Out of that realisation, the idea co-management put forward. The rules of co-management can be relaxed for public forests so that both parties can play roles equally.
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- In the Forest Act, the category of “other forests” should be clearly defined to remove ambiguity about it.
- In agreement with Raja Devasish Roy on the definition of ‘forest’, he commented that ‘definition of forest’ can be elaborated in two ways: in terms of boundary and ecological perspective. He said that all forests are not necessarily natural ones. Some forests created by human, for example the Black Forest in Germany. In some cases, assisted preservation may be needed. He raised a question if we can conserve forests through Social Forestry? For conservation of forests through social forestry he highlighted some issues such as
 - ✓ social forestry benefits until the harvest;
 - ✓ a holistic approach to co-management;
 - ✓ scientific assessment of extraction of resources;
 - ✓ clear responsibility indexes

When we talk about forestry we should consider two types of forestry: productive forestry, which refers to increasing productivity of forests compared to agriculture; whereas protective forestry allows extracting resources for regeneration of resources.

Mr. Sing Yong Mro, Councilor and representative of Chairman, Hill District Council, Bandarban

- He commented that the more laws were enacted and enforced, the more deforestation took place in Chittagong Hill Tracts. He urged to carefully review laws by looking into the customs and practices of indigenous communities of CHT. He referred to example of the village forest management by the Mro people. Their management of forest aims at meeting the social needs as well as protection forests, which in turn protect community people from natural shocks such as disaster. Such examples of community people should be reflected in forest laws and policies.
- Criticizing the Forest Act, the Act gives so much power to the government [Forest Department], which is not consistent with the customs and practices of indigenous peoples. Indigenous people eat snakes, snail, frogs, iguana etc. If shells of snails and tortoises are found in and around someone’s house, he/she can be accused of criminal charge as per the Forest Act. By this law, because of cultural practices and customs, indigenous communities can easily be targeted for punishments. He categorically said that the forest act would be more helpful to punish the people rather than conserving the habitats of wild animals and birds.

Mr. Sadhan Moni Chakma, Councilor, Hill District Council, Rangamati

Referring to his early childhood memories, he said that there were big big trees and deep forests cover in Rangamati or all over CHT. That time community people did not have highly educated forest officers. Now we have highly educated officers in forest departments, but we do not have big trees and forest cover. Why is this inverse relation? He raised this question to think over the matter so that it can be addressed in policy.

Raja Saching Prue Chowdhury, Chief, Mong Circle

Supported all suggestions put forward by participants and groups in the workshop. He also assured all possible support from his Circle. Forest department was previously isolated from the people. Now they are coming forward to work together with the issues of people. I hope for collective intervention for the betterment of forest and natural resources.

Mr. Biplab Chakma, Chief, Community Empowerment, CHTDF-UNDP

Thanked all participants and hoped that the recommendations/suggestions put forward will be helpful for the future planning on management of forest in CHT.

Mr. Prasenjit Chakma, Deputy Director, CHTDF-UNDP

Delivered concluding remarks and emphasized;

- Ownership issue should be defined clearly. Referring to the ‘Boston Theorem’, he said that the Kyoto Protocol was drawn on it. In Africa all resources including flora and fauna were given under community ownership.
 - He commented that tree felling continued at large in CHT due to the fact that its economy transformed into a market economy from subsistence economy. Despite the prevalence of market economy, still we have good example of harmonizing between the subsistence economy and market economy. Village common forest is one of such good examples.
 - He underscored the importance of research and development (R&D) for forest management.
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**Annexure 1:
Group Presentations**

Group 1

| Issues / Key Discussion Points | Proposed Action or Intervention | Lead Actor(s) | Supportive or Facilitating Role | Time Frame |
|--|--|---|---|-------------------|
| Degraded Forest | <ul style="list-style-type: none"> - Massive plantation (preferably local species with fruit bearing species) - Protection of High forest (natural forest) - Awareness building | Forest Department & Local community org - Traditional leaders, NGO | Government Organizations (GO), NGO, Donor, United Nations Development Programme (UNDP). | 5-10 years |
| Food Insecurity | <ul style="list-style-type: none"> - Food for Guard against pilferages natural/high forest, Natural Recourse Management (NRM), local road maintenance (food for work) during lean period | DC, FD | Union Parishad (UP), Traditional leaders | 0-25 years |
| Limited Access to Health Facilities | <ul style="list-style-type: none"> - Establish community clinic - Basic health awareness | Civil Surgeon | FD, NGOs, Donor agencies | 2-3 years |
| Limited Access to Education facilities | <ul style="list-style-type: none"> - Establish schools including infrastructure - Basic health awareness | HDC | FD, donor, department of facilities, Education Engineering Dept, CHT Development Board, Local Govt. Educational Division (LGED), NGOs | 2-3 years |
| Water Scarcity including safe drinking water | <ul style="list-style-type: none"> - Ensure water and sanitation facilities - Basic health awareness - Open reservoir, Gravity Flow System (GFS). | District Public Health Engineering (DHPE), UP, UZP, HDC | FD, Donor, UNDP, Danida, NGOs, Local Govt. | 2-3 years |
| No Electricity | <ul style="list-style-type: none"> - Solar panel supply | UP, PDB | Donors, | 0-5 |

| Issues / Key Discussion Points | Proposed Action or Intervention | Lead Actor(s) | Supportive or Facilitating Role | Time Frame |
|--|---|--|--|------------|
| | <ul style="list-style-type: none"> - Power Development Board (PDB) line with national grid - Small scale Hydroelectricity (1-2 mb) | | MoCHTA, NGOs | years |
| Income Earning Challenges (less alternate) | <ul style="list-style-type: none"> - Bank Loan (livestock, poultry, homestead gardening, bee keeping, pan culture, handicrafts, weaving) - Skill development - Value chain marketing | NGOs, Youth Development Department, Agri Bank, Fisheries, Livestock, Bangladesh Small and Cottage Industries Corporation (BSCIC), FD | FD, Donors | 0-10 years |
| Remoteness/ Transport/Communication | <ul style="list-style-type: none"> - Repairing of existing roads (big & small) - Introduce innovative country boat suitable in shallow water | UP | Bangladesh Inland Water Transport Authority (BIWTA), Donors, | 2-5 years |
| Scarcity of Cultivable Land | <ul style="list-style-type: none"> - Permanent agriculture/jum - Homestead Fruit gardening by HH - Plantation program including Fruits | FD, DAE | UNDP, FAO | 0-5 years |
| Natural Disaster | <ul style="list-style-type: none"> - Preparedness - Awareness | Relief & Disaster Ministry, Red crescent | FD, Traditional leader, HDC, UNDP, NGO, Local Govt. Institutions (LGI), Police | 0-ongoing |

Group 2:

| Issues / Key Discussion Points | Proposed Action or Intervention | Lead Actor(s) | Supportive or Facilitating Role | Time Frame |
|---|--|-------------------------|---|------------|
| ১. বনজ দ্রব্য পরিবহন নীতিমালা | | | | |
| <p>২. এ ফরম ডিসি অফিস হতে ইউএনও অফিসে প্রেরণ</p> <p>৩. খাড়া মার্কার সময়ে বিভিন্ন পর্যায়ে সময় নির্ধারণ না করে যাচাই</p> <p>৪. কেবলমাত্র নির্ধারিত পরিমাণ কাঠের লাইসেন্স প্রদান</p> <p>৫. ট্রানজিত রুলের বিভিন্ন অসঙ্গতি</p> <p>৬. কাঠের ডিপো সংক্রান্ত</p> <p>৭. ডিসি অফিস হতে ফার্নিচারের অনুমোদনের মাধ্যমে কাঠ পাচার</p> | <p>১. এ ফরম ডিসি অফিস হতে সরাসরি ফরেস্ট অফিসে প্রেরণ করা</p> <p>২. খাড়া মার্কার অন্যান্য ফ্রি পারমিটের সকল ক্ষেত্রে সেবা প্রদানের সময় সীমা নির্ধারণ করা</p> <p>৩. ডিসি অফিস কর্তৃক কেবলমাত্র ভূমি মালিকানা যাচাই</p> <p>৪. ফরেস্ট বিভাগ কর্তৃক কেবলমাত্র কাঠের পরিমাণ নির্ধারণ করা</p> <p>৫. স্থায়ী ও অস্থায়ী কাঠের ডিপো স্থাপনের অনুমতি প্রদান করা</p> <p>৬. ফার্নিচার অন্যত্র পরিবহনের ক্ষেত্রে ডিসি অফিসের পরিবর্তে ফরেস্ট অফিসে ন্যস্ত করা</p> <p>৭. ট্রানজিট রুলকে যুগোপযোগী করা</p> <p>৮. গাছ বাগানগুলোর জিপিএস মানচিত্র তৈরী করা</p> <p>৯. গাছ বাগানের মালিক কর্তৃক বন বিভাগকে গাছের নাম ও পরিমাণ অবহিত করে রাখা</p> <p>১০. ভিসিএফ'র কাঠ/ বাঁশ/ বেত/শন বিক্রির ক্ষেত্রে সহজশর্তে পরিবহনের অনুমতি প্রদান</p> <p>১১. বিধিমালার ৩ এর (২) বিধি বিলোপ সাধন</p> | পরিবেশ ও বন মন্ত্রণালয় | পার্বত্য মন্ত্রণালয়, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ ও পার্বত্য জেলা পরিষদ, প্রথাগত প্রতিষ্ঠান, জোতমালিক ও ব্যবসায়ী কল্যাণ সমিতি, স্থানীয় এনজিও | |
| সোশ্যাল ফরেস্ট্রি | | | | |
| বিদ্যমান সোশ্যাল ফরেস্ট্রি বিধিমালার নানান অসঙ্গতি | <p>১. পার্বত্য চট্টগ্রামে কেবলমাত্র নির্ধারিত সংরক্ষিত নবনাঞ্চলে সোশ্যাল ফরেস্ট্রি করা।</p> <p>২. সোশ্যাল ফরেস্ট্রি করার</p> | পরিবেশ ও বন মন্ত্রণালয় | পার্বত্য মন্ত্রণালয়, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ ও পার্বত্য জেলা পরিষদ, প্রথাগত প্রতিষ্ঠান, | |

| Issues / Key Discussion Points | Proposed Action or Intervention | Lead Actor(s) | Supportive or Facilitating Role | Time Frame |
|---|--|-------------------------|--|------------|
| | জন্য পার্বত্য চট্টগ্রামের বৈশিষ্ট্য অনুযায়ী একটি মডেল তৈরী করা | | স্থানীয় এনজিও, ইউএনডিপি | |
| ভিলেজ ফরেস্ট্রি | | | | |
| ভিলেজ ফরেস্ট্রি বিধানটি কখনো কার্যকরী করা হয়নি | ১. সংরক্ষিত বনে ভিলেজ ফরেস্ট্রি করার জন্য পাঃ চঃ আঞ্চলিক পরিষদ, জেলা পরিষদসমূহ, ঐতিহ্যগত প্রতিষ্ঠান ও সংশ্লিষ্ট জনগণের মতামতের ভিত্তিতে বিধিমালা তৈরী করা। | পরিবেশ ও বন মন্ত্রণালয় | পার্বত্য মন্ত্রণালয়, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ ও পার্বত্য জেলা পরিষদ, প্রথাগত প্রতিষ্ঠান, ইউএনডিপি | |

Group 3:

| Issues / Key Discussion Points | Proposed Action or Intervention | Lead Actor(s) | Supportive or Facilitating Role | Time Frame |
|---|--|-------------------------|--|------------|
| ১. জাতীয় বন নীতি সংক্রান্ত | | | | |
| জাতীয় বন নীতি ১৯৯৪ ঘোষণা- ২ | অশ্রেণীভুক্ত বৃক্ষহীন বনাঞ্চলে জেলা পরিষদ ও প্রথাগত প্রতিষ্ঠানসমূহের মাধ্যমে বনায়নের কার্যক্রম গ্রহণ করা | পরিবেশ ও বন মন্ত্রণালয় | পার্বত্য মন্ত্রণালয়, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ ও পার্বত্য জেলা পরিষদ, প্রথাগত প্রতিষ্ঠান | |
| জাতীয় বন নীতি ১৯৯৪ ঘোষণা -৭ | বনায়ন কর্মসূচী বাস্তবায়নে পার্বত্য জেলা পরিষদের অধীনে বুমিয়াদের অংশীদারিত্বের ভিত্তিতে অংশগ্রহণ ও পুনর্বাসনের ব্যবস্থা করা। | পরিবেশ ও বন মন্ত্রণালয় | পার্বত্য মন্ত্রণালয়, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ ও পার্বত্য জেলা পরিষদ, প্রথাগত প্রতিষ্ঠান | |
| জাতীয় বন নীতি ১৯৯৪ ঘোষণা -১১ | জেলা পরিষদের উদ্যোগে সংকটপূর্ণ এলাকা যথা পাহাড়ের খাড়া ঢাল, নাজুক জলবিভাজিকা, জলাভূমি ইত্যাদি বনাঞ্চলকে চিহ্নিত করে রক্ষিত বন হিসাবে সংক্ষণ করা। | পরিবেশ ও বন মন্ত্রণালয় | পার্বত্য মন্ত্রণালয়, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ ও পার্বত্য জেলা পরিষদ, প্রথাগত প্রতিষ্ঠান | |
| জাতীয় বন নীতি ১৯৯৪ ঘোষণা -২০ | [সংশোধন করে] ২০১৫ বন নীতিতে অন্তর্ভুক্ত করা এবং ভূমিহীন আদিবাসীদের ভূমি মালিকানা নিশ্চিত করার সাপেক্ষে অবশিষ্ট এলাকা স্থায়ীভাবে বন সংরক্ষণের আওতায় রাখা। | পরিবেশ ও বন মন্ত্রণালয় | পার্বত্য মন্ত্রণালয়, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ ও পার্বত্য জেলা পরিষদ, প্রথাগত প্রতিষ্ঠান | |
| প্রস্তাবিত বন নীতি ২০১৫ অনুচ্ছেদ ২.৫ | ...প্রথা ও রীতিনীতি (customary rules and regulations) অনুসরণ করে কারিগরি ও প্রয়োজনীয় সহযোগিতা নিশ্চিত করা | পরিবেশ ও বন মন্ত্রণালয় | পার্বত্য মন্ত্রণালয়, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ ও পার্বত্য জেলা পরিষদ, প্রথাগত প্রতিষ্ঠান | |
| প্রস্তাবিত বন নীতি ২০১৫ অনুচ্ছেদ ৭ | পার্বত্য চট্টগ্রামের বেলায় প্রচলিত আইন অনুসারে রক্ষিত এলাকাসমূহের কো-ম্যানেজম্যান্ট গঠনটি নির্ধারণ করা। | পরিবেশ ও বন মন্ত্রণালয় | পার্বত্য মন্ত্রণালয়, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ ও পার্বত্য জেলা পরিষদ | |
| ২. বন আইন সংক্রান্ত | | | | |
| বন আইন ১৯২৭ ধারা - ২৮ মোতাবেক | গ্রামীণ বন সংরক্ষণের জন্যে বিধিমালা প্রণয়ন করা। | পরিবেশ ও বন মন্ত্রণালয় | পার্বত্য মন্ত্রণালয়, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ ও পার্বত্য জেলা পরিষদ, প্রথাগত প্রতিষ্ঠান | |

| Issues / Key Discussion Points | Proposed Action or Intervention | Lead Actor(s) | Supportive or Facilitating Role | Time Frame |
|--|---|-------------------------|--|--|
| বন আইন ১৯২৭ | বন আইন সংশোধনের আগে আদিবাসী ও বন নির্ভর জনগোষ্ঠীসমূহের সাথে সংলাপ করা। | পরিবেশ ও বন মন্ত্রণালয় | পার্বত্য মন্ত্রণালয়, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ ও পার্বত্য জেলা পরিষদ | |
| পার্বত্য চট্টগ্রাম শাসনবিধি ১৯০০ (ধারা ৪১) | ভিলেজ কমন ফরেস্ট/মৌজা রিজার্ভ ব্যবস্থাপনার জন্যে নীতিমালা প্রণয়ন করা | পার্বত্য জেলা পরিষদ | পার্বত্য মন্ত্রণালয়, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ ও প্রথাগত প্রতিষ্ঠান | কর্মদল গঠনের মাধ্যমে নীতিমালা প্রণয়ন করা। |
| ৩. ৭ম পঞ্চবার্ষিকী পরিকল্পনা | পার্বত্য চট্টগ্রামের বেলায় বন সংরক্ষণ ও ব্যবস্থায় ৭ম পঞ্চবার্ষিকী পরিকল্পনায় উপরে উল্লেখিত প্রস্তাবনাসমূহ অন্তর্ভুক্ত করা। | পার্বত্য মন্ত্রণালয় | পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ ও পার্বত্য জেলা পরিষদ | |

Group 4:

| Issues/Key Discussion Points | Proposed Action or Intervention | Lead Actor (s) | Supportive or Facilitating Role | Timeframe |
|--|--|--|--|-----------------------|
| False Case and local villagers victims | Consultation meeting/advocacy and reaching in consensus to stop the false law suit. | Local Public Representative, Traditional leaders (Karbaries & Headmen),FD officials | FD officials, Traditional leaders (Headmen & Karbaries), local administration. | To start soon |
| To stop Illegal logging | Monitoring/ livelihood support to local communities/ agro-forestry support to local communities/IGA activities | FD and local administration, Local communities/ traditional leaders | Public Representative, FD,Donor Agencies | To start soon |
| Pending court cases to end by summary trial process. | Summary trial | Ministry of law, District Judges court/CJM court FD, victims, traditional leaders. Public representative | FD, Ministry of law, Lawyers. | To start soon. |
| Create of appropriate rules for villagers under section 26a of the forest act. | Rules drafting | FD, MoEF, local stakeholders | MoEF, FD, Donor agencies, MOCHTA | To start soon. |
| No Boundary demarcation of RF & protected Forest | To initiate proper demarcation of the RF & protected Forest. | DC, FD, and local authorities and local communities/ CHT institutions. | DC, FD, local stakeholders/ CHT institutions | To start soon |
| <i>New RF disputes-</i> | | | | |
| Lack of information of new RF total land areas. | Sharing details and clear information on the areas of new RF with CHT | FD, MoEF, CHT institutions. | FD, MoEF, CHT institutions. | To start soon. |

| Issues/Key Discussion Points | Proposed Action or Intervention | Lead Actor (s) | Supportive or Facilitating Role | Timeframe |
|--|--|----------------------------------|---|------------------|
| | institutions and local communities | | | |
| Under Process Reserve Forest from protected forest | | | | |
| No boundary demarcation | Proper survey of actual land areas | FD, CHT Institutions, DC office. | FD, CHT Institutions, MoCHTA, DC office, donor agencies | To start soon. |
| Lack of proper procedure in Land Settlement | Proper procedure and clear information on the land for the settlement. | DC office, FD, CHT institutional | FD, CHT Institutions, MoCHTA, DC office, donor agencies | To start soon. |

**Annex 2:
Workshop Agenda and Schedule**

**CONSULTATION WORKSHOP ON
CHT FOREST MANAGEMENT AND PROTECTION**

7 June [Sunday], 2015

Hill District Council Conference Hall, Rangamati

CHTWCA Project (Supported by USAID), CHTDF-UNDP

| Time | Activity | Remarks |
|--|---|---|
| OPENING SESSION | | |
| 0900 – 0915 | <ul style="list-style-type: none"> • Chair • Introduction of the Participants • Welcome Remarks | <ul style="list-style-type: none"> - Prasenjit Chakma, Deputy Director, CHTDF-UNDP - Biplab Chakma, Chief, CEP, CHTDF |
| 0915 -0940 | <ul style="list-style-type: none"> • Forest & Biodiversity Conservation in Practice: A Global Perspective (Presentation) • Sharing by the representative from the Movement for the Protection of Forest and Land Rights in CHT | <ul style="list-style-type: none"> - Alamgir Hossain, UNDP - Gautam Dewan / Sudatta Bikash Tanchangya |
| 0940 -1020 | <ul style="list-style-type: none"> • Presentation on Policy & Programme Challenges on: <ul style="list-style-type: none"> - (A) Reserved Forest (RFs) - (B) Village Common Forest (VCFs) - (C) Other Community Lands; and - (D) Integrated Watershed Management | <ul style="list-style-type: none"> - Devasish Roy |
| 1020-1100 | <ul style="list-style-type: none"> • Remarks from the Deputy Commissioner, Rangamati • Remarks from the Conservator of Forest, Rangamati • Remarks from the Representative of CHT Regional Council • Closing of Opening Session by the Chair | |
| Refreshment (to be served during session) | | |
| 1100 -1110 | <ul style="list-style-type: none"> • Group Formation and Guidelines | <ul style="list-style-type: none"> - Devasish Roy, Ishtiaq Uddin Ahmad and Farid Uddin Ahmed |
| 1110 -1300 | <ul style="list-style-type: none"> • Discussions in (Break-Out) Working Groups: <ul style="list-style-type: none"> - WG-1: Forest and Development Intervention in RF areas - WG-2: VF Rules, SF Rules, Transit Rules including VCFs/Mouza Forests - WG-3: Forest Policy, Forest Act 7th Five Year Plan, VCF Rules - WG-4: Forest Related Disputes (Boundary disputes, New RFs, proposed RFs, under | <p style="text-align: center;">Supported by Facilitators</p> |

| | | |
|-------------------|--|---|
| | process RFs, PFs, adjacent to RFs etc.) | |
| 1300 -1400 | Lunch Break | |
| 1400 -1500 | <ul style="list-style-type: none"> • Presentation by Working Groups | Chairperson of respective Working Groups with the support of Facilitators |
| | Refreshment | |
| 1500-1600 | <ul style="list-style-type: none"> • Plenary Discussion and Follow up plans | Facilitated by Devasish Roy and CHTDF |
| | CLOSING SESSION | |
| 1600 –1700 | <ul style="list-style-type: none"> • Remarks from the representatives of DC Offices, Hill District Councils, Circle Chiefs • Vote of Thanks and Closing by the Chair | Prasenjit Chakma, CHTDF |

**Annex 3:
Key Note Paper by Raja Devasish Roy**

**Sustainable Management of Forests
in the Chittagong Hill Tracts**

D e v a s i s h R o y

Overview

- Aim of Consultation
- Categories of Forests
- Important Provisions of Law & Policy
- Challenges

Aims of Consultation

- Review CONTENTS of National Laws & Policies requiring REFORM
- Identify CHT-Specific Policies, Guidelines & Executive Orders for adoption & implementation
- Review process of OPERATIONALIZATION of Laws, etc.
- Identify Agencies to do above

**Categories of Forests in CHT
(Law/Legal)**

- Reserved Forest
[S. 4-20, 22, 26, 27, FA 1927]
- Protected Forest
[S. 29-33, FA 1927]
- Village Forest
[S. 28, FA 1927]
- Mauza Reserve
(R-41A, CHT Reg.)

**Categories of Forests in CHT
(Functional)**

- “Social” Forests
[S. 28A, FA 1927]
 - “Unclassed State Forest” (USF)
Jote Plantations
-

Categories of Forests in CHT (Protected Area)

- Sanctuary [S. 2, 13, WPA 2012]
- National Park [S. 14, 17 WPA 2012]

ALSO (Outside CHT)

- Community Conservation Area
 - Safari Park
 - Eco Park
 - Botanical Garden
- [S. 2, 13, 17, 18, 19, 23, WPA 2012]

CHT Regulation 1900

- Laws included in Schedule apply only in so far as “they are not inconsistent with the Regulation & Rules framed thereunder” (s. 4)
- Therefore, laws – inc. Forest Act 1927 – should be harmonized with CHT Regulation
- However, in practice, the “spirit of the CHT Reg” - inc. Customary Land & Resource Rights - is often ignored
- Customary Laws – inc. those on Land & Resource Rights – are expressly recognised in S. 10 & Rule 41A (as also in CHT Land Commission Act 2001)
- Implicitly-recognised Land & Resource Rights include: Rule 34(13) (Non-Alienation), 41, 42 (Jum), 45, 45A (Grasslands), 45B (Grazing Lands), 50(1) (Homesteads) are often undermined

Hill District Councils Acts 1989

- Hill District Councils’ Authority over the subjects *Land&Forests* other than Reserved Forests
- Hill District Councils’ authority over AC-Land, Headman, Kanungo, etc.
- Hill District Councils’ authority over Regulation of Jum Cultivation
- A District Land & Forest Policy for the Hill District Councils under the guidance of the CHT Regional Council?
- Prerogative of Forest Officer to grant, “permission in writing”, to exempt from penal sanctions, those activities that are “otherwise unlawful” in RFs:

Forest Act, 1927

- Prerogative of Forest Officer to grant, “permission in writing”, to exempt from penal sanctions, those activities that are “otherwise unlawful” in RFs: NOT EXERCISED [S. 26(2)(a)]
- Government’s prerogative to exempt from criminal prosecution any act done [within RFs] “under any rule made by the Government”: NOT INVOKED [S. 26(2)(a)]

Chittagong Hill Tracts Forest Transit Rule, 1973

- New (Draft) CHT Rules under process of consultation between MOEF & MOCHTA (inc. CHTRC)
- Forest & Plantation-Dependent Communities’ views need to be accounted for before final adoption of Rules

BFD (CCF) & BIPNet-CC-BD have agreed to discuss contents by July 2015

- Permits for Removal of Timber & Other Forest Produce from MAUZAS ADJACENT to “RF, PFs & Proposed RFs” NOT ALLOWED [Rule 3(2)]

PROVISO to RULE 3(2):

- “Members of hill tribes resident in the Chittagong Hill Tracts may cut and remove firewood or other minor forest produce (with the exception of such as may be declared as prohibited) free of royalty from the unclassified state forests for *bona fide* home consumption only.”
- NB: “Major” Forest Produce” (LOGS, TIMBER) & use for Community or Sale excluded

Village Forest Rules:

Section 28, Forest Act 1927:

- Under this provision the Government may “assign to any village community the rights of Government ... over ... a reserved forest”.
 - “All forests so assigned shall be called village-forests”
 - “The Government may make rules for regulating the management of village forests, prescribing the conditions [to provide the community with] timber or other forest produce or pasture, and their duties for the protection and improvement of such forest”.
 - Village Forest Rules have never been framed until today; Village Forestry may be a viable alternative to “Social Forestry”, for the CHT, particularly where conservation & sustainable use of NATURAL FORESTS – rather than PLANTATIONS or “planted forests” - are involved
 - VF Rules have been framed in India, e.g., in Maharashtra State, among others
-

- Positive elements from CHT-VCFs, combined with CHT-appropriate elements of other models (JFM, Community Forestry, etc.) could be included in future VF Rules

Social Forestry: Provisions of Forest Act 1927

Section 28A, Forest Act 1927:

- Social Forestry can be done (a) on Government Land; or (b) Other Land.
- If it is on other land, the land owner “[assigns the land] to the Government ...for...afforestation, conservation or management”
- In both (a) and (b) a Social Forestry programme is established when “... the Government ... assigns ... rights to forest produce or rights to use the land ... to persons assisting the Government in management of the land”.
- “The Government may make rules to set out standards...”
- “Rules made under this section may recognize classes of social forestry programmes, and the Government may make different rules for different classes of programmes ...”

STRENGTHS

Land Rights Use & Forest Produce Use are assigned to non-government entities (“persons”)

- Can involve CONSERVATION, AFFORESTATION [of deforested lands]& MANAGEMENT that is shared between the Government & Others

WEAKNESSES

Assignment to a collective entity – such as a community (as in Village Forests) – is not contemplated

- PARTICIPANTS are “[guaranteed] an equitable share of proceeds ... for labour invested” (specifically, timber)
- But the MEAGRENESS of income solely from proceeds of sale (of timber, NTFP, etc.) is not contemplated or provided for
- What if only CONSERVATION or MANAGEMENT of a (natural) forest is involved without AFFORESTATION (“planting of harvestable trees, e.g.)?
- The DUTIES of participants ... “to assist forest officers” is emphasized
- What about the DUTIES of Forest Officers? What about consultation? FDOs have more POWER than DUTIES!
- Why is transfer limited to “inheritance” and family? What if a participant migrated elsewhere before the expiry of the agreement?

Analysis of the Strengths & Weaknesses of Social Afforestation Rules

PRAISE

ACADEMICS from UNIVERSITIES OF TOKYO & CHITTAGONG (Md. Jashimuddin & M. Inoue)

- Changed FDOs' attitudes to participation of local communities
- Increased public confidence upon BFD
- Poverty Reduction

CRITICISM

- BUT ALSO: "widespread corruption & poor governance", "deforestation", transfer to "elites"

ICIMOD: Golam Rasul & Madhav Karki:

- "Top Down" approaches at the expense of "beneficiaries"
- PROF S HALIM & D ROY

"Neither SOCIAL nor FORESTRY"

"BONAYON" ("Afforestation"); "Conservation" forgotten:

CATEGORIES: Woodlot, Rubber, Agro-Forestry, Sal Forest, Strip, Char, Foreshore, Barind & "Natural Forests other than Sal Forests" (50% for Beneficiaries)

- "Beneficiaries" are selected by FDOs in consultation with Local Government Institutions & NGOs (CHT: HDCs? Traditional Institutions?)
- NGO Qualifications: Local NGOs may not qualify
- Sale of SF Produce & Distribution: FDO

Species & Location Selection?

Wildlife (Protection & Safety) Act 2012

- Trophies: Registration, Declaration of Possession, etc. (Khudro Nrigoshthi?):
- Implications for Traditional Trophies in CHT
- "Community Conservation Area", "Special Biodiversity Conservation" Area, "Co-Management": Implications for Mauza Reserves?

Forest (Amendment) Bill 2015

- Demands of Indigenous Peoples & Other Forest-Dependent Groups totally rejected during drafting process of Bill in 2013

- IPs & Other Groups seriously concerned about recognition of a new type of “Other Forests”, which can be declared unilaterally by Government
- IPs & Other Groups concerned about arbitrary interference of FDOs in use of lands other than forests
- Government needs to provide opportunities to all rights-holders and major “stakeholders” to have their concerns met before law is passed

National Forest Policy, 1993

- *Afforestation in “denuded Unclassed State Forests of CHT”*
- No encouragement of *Rubber Plantations* in CHT
- Inaccessible Areas & Hill Slopes to be kept as *Protected Forests*
- *Afforestation of Reserved Forests through Village Forestry (Forest Act 1927, section 28), People’s Participation (inc. Agroforestry)*
- *Tribal People (Land Grabbers) to be imparted Ownership of Some Land thru “Forest Settlement Process” (rest to be brought under “Permanent Protection”)*

Forestry Master Plan

- Recommendations on Linking “Unexploited” Natural Forests led to road access to Baghaihat & Alikwadang facilitating clear-felling of natural stand, in Kassalong, Matamuhri & Sangu RFs inc. by BFIDC
- Divergent goals of conservation, industry, marketing, with haphazard focus facilitated forest destruction
- Other issues

(Draft) National Forest Policy 2015

- “Climate resilient reforestation and social forestry in unclassified state forests ...” (5.5)
- “Silvi-horticultural practices with focus on fruit bearing tree species will be promoted for adequate nutrition for rural poor including indigenous community, women and children.” (10.2)

Way Forward

- Re-orienting BFD to abandon POLICING & ABSENTEE Landowner perspectives in favour of meaningful PARTICIPATORY & CO-MANAGEMENT programmes
 - Entrenching rights of Forest-Dependent Communities in RF management, inc. Conservation of Natural Forests
 - De-Reserving Unviable small Reserved Forests (inc. “New Reserved Forests”)
 - Discontinuing reservation process for Proposed Reserved Forests
 - Designing Village Forest Models in degraded & conserved Reserved Forest areas (inc. former Protected Forests)
-

- Offering Government support to management of Mauza Reserves (VCFs) by Mauza Communities WITHOUT affecting existing manner of community management under guidance of Mauza Headmen [CAVEAT: WPA 2012]
 - Forming one or more TASK FORCE(s) to facilitate dialogues on LAW & POLICY matters BEFORE NATIONAL CONSULTATION & BEYOND with Multi-Stakeholder participation
-
-

**Annex 4:
Group Presentation Format**

**DAY LONG CONSULTATION WORKSHOP
ON
CHT FOREST MANAGEMENT AND PROTECTION**

Group Presentation Format

| Issues / Key Discussion Points | Proposed Action or Intervention | Lead Actor(s) | Supportive or Facilitating Role | Time Frame |
|---------------------------------------|--|----------------------|--|-------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

**Annex 5:
List of Participants**

| SL | Name | Designation |
|----|-----------------------|---|
| 1 | Sadhan Chakma | Headman, Bilaichari |
| 2 | Saching | Mong Chief |
| 3 | Sahlafrne Marma | PC – Mong Circle |
| 4 | Mongsaaon G | Bandaiban |
| 5 | Sing Young Mro | Councilor, BHDC |
| 6 | Chiranjib CHakma | Bomjugichra VCF, Secretary |
| 7 | Jacob Tripura | Bilaichari, Asompara |
| 8 | Hemranjan CHakma | Secretary, Khagrachi, Karbari, Asso. |
| 9 | Tajendralal Tanadanya | UP Chair, Faona |
| 10 | Ahthui Moug | Karbari, Chairman, R Bandarban |
| 11 | Priyatar Chak | PTAO, Bomong Circle |
| 12 | Kulin Mitra Cakma | Headman, Longadu |
| 13 | Atulal Chakma | Chairman, Sakej, Baghaichari |
| 14 | Biswajt Chakmraborty | Secretary, Sajek UP |
| 15 | Binoy Prasad Chakma | Karbari, Longadu |
| 16 | Menica Chakma | VCF, Badalchari, Member, Longadu |
| 17 | Mayashankus Chakma | VCF member, Boro Horina Borkol |
| 18 | Mong Mong Sing Marma | Sagun FR community, Representative |
| 19 | Potul Chakma | Headman, Headboroine Mouza, Backal |
| 20 | Uchnu Marma | EC Member, Tahyingdong |
| 21 | Mong Nu Mazama | Bomong Circle Headman Associated Representative |
| 22 | Protijoy Tong | Bijoypara, Rawagchhari |
| 23 | Ukhaching Marma | Headman, Rajnotholi |
| 24 | Swasesh Pritichakma | Headman, Maisehari |
| 25 | Ronik Tripura | Karbari, Khagrachari Sadar |
| 26 | Mayashankun Chakma | VCF Member, Boro Horina Borkol |
| 27 | Mong Mong Sing Mourma | Sangu RF Community Representative |
| 28 | Putul Chakma | Headman, Headboroieye Mouza, Barkal |
| 29 | Uchanu Marma | EC Member, Tahyingdong |
| 30 | Mong Nu Mazma | Bomong Circle Headman Association Representative |
| 31 | Protijoy Tong | Bijoypara, Khagrachari |
| 32 | Ukhaching Marma | Headman, Maisehari |
| 33 | Swadesh Pritichakma | Headman Rajastholi |
| 34 | Ronik Tripura | Karbari, Khagrachari Sadar |
| 35 | Shetalika Tripura | Executive Director, KMKS, WRN |
| 36 | Khan Lai Mro | Executive Director, Mrochet |
| 37 | Ripon Chakma | Executive Director, Trimongul Unnayan Sanogstha |
| 38 | Anupaw Chakma | North Kowalchhari, Khagrachari |
| 39 | Natun Joy | Member, Sakej UP |
| 40 | Mohanlal Chakma | Member, Sakej UP |

| | | |
|----|---------------------------|--|
| 41 | Shanti BIjoy Chakma | Headman, Bilaichari |
| 42 | Thowai Aung Marwa | Headman, Kaptai |
| 43 | Susmita Chakma | Advocate, Rangamati |
| 44 | Md. Anowar Hossain Sarkar | ACF, CHT South Forest Division |
| 45 | Dipujjal Khisha | Representative, BIPNet |
| 46 | Subrata Chakma | FP, Chakma Raj Office |
| 47 | Nixon Chakma | T & AO, Chakma Circle |
| 48 | Himel Chakma | Correspondent, Independent TV |
| 49 | Sukhmoy Chakma | Chakma Circle, Karbari Society |
| 50 | Ganendu Bikash Chakma | Member, CHT Regional Council |
| 51 | Sumet Chakma | Hill Flower |
| 52 | Maung Hla Myant | Chakma Circle Office |
| 53 | Md. Humayun Kabir | DFO, CHT (North) Division |
| 54 | Sadhan Moni Chakma | Councilor, RHDC |
| 55 | Goutam Zenian | Chairperson, Movement for the Protection of Forest and Land Rights |
| 56 | Hail Kishore Chakma | Staff Reporter, Prothorn Alo |
| 57 | Md. Shamsul Azam | CF, Rangamati Circle |
| 58 | Md. Tonhidul Islam | DFO, CHT (North) Division |
| 59 | Md. Abdul Kalam | DFO, USF Division, Rangamati |
| 60 | Sakhawat Hossain Rubel | Pressident, Rangamati Press Club |
| 61 | Md. Aqtaruzzaman | Executive Majistrate and AC DC's Representative |
| 62 | Pritimoy Chakma | UKJKS, Rangamati |
| 63 | Pranayt Denian | M & RO, Chakma Circle |
| 64 | Prasenjit Chakma | Deputy Director, CHTDF-UNDP |
| 65 | Jhuma Dewan, | Master of Ceremony; Cluster Leader, Gender and local confidence building , CHTDF |
| 66 | Biplab Chakma | Chief Community Empowerment, CHTDF |
| 67 | Sypriya Tripura | Programme Officer, CHTDF |
| 68 | Nikhilesh Chakma | Programme Officer Forestry, CHTDF |
| 69 | Presenjit Chakma | Deputy Director & Chief policy Advocacy, CHTDF |
| 70 | Anu John | Team Leader, CHTWCA, CHTDF |
| 71 | Oishwarja Chakma | District Manager (Rangamari) CHTDF |
| 72 | Khushi Roy Tripura | District Manager (Bandaban) CHTDF |
| 73 | Priyatar Chakma | District Manager (Khagrachari) CHTDF |
| 74 | Bihita | District Community Empowerment Officer |

Annex 6: Paper Clips



রাঙামাটিতে বন ব্যবস্থাপনা নিয়ে সভা

বন্দুক ও প্রহরী দিয়ে বন রক্ষা করা যাবে না

রাঙামাটি অফিস | আপডেট: ০২:০৮, জুন ০৮, ২০১৫ | প্রিন্ট সংস্করণ

জনগণের অংশীদারত্ব ছাড়া আইন, বন্দুক ও প্রহরী দিয়ে বন রক্ষা করা যাবে না। বন ব্যবস্থাপনায় বননির্ভর মানুষকে সম্পৃক্ত করতে হবে। বন বিভাগের সঙ্গে সাধারণ মানুষের দূরত্ব কমাতে হবে। পার্বত্য চট্টগ্রামে বন ব্যবস্থাপনা ও সংরক্ষণ বিষয়ক আঞ্চলিক পরামর্শ সভায় বক্তারা এসব কথা বলেছেন।

গতকাল রোববার সকালে রাঙামাটি জেলা পরিষদ সম্মেলন কক্ষে এ সভা হয়। ইউএনডিপি'র আওতায় পার্বত্য চট্টগ্রাম উন্নয়ন সহায়তা প্রকল্পের (সিএইচটিডিএফ) 'চিটাগাং হিল ট্রাস্টস ওয়াটারশেড কো-ম্যানেজমেন্ট অ্যান্ডিভিটি' প্রকল্প এ সভা ও কর্মশালার আয়োজন করে।

সভায় চাকমা সার্কেল প্রধান রাজা দেবশীষ রায় বলেন, আদিবাসীদের সম্মিলিত ব্যবস্থাপনায় পরিচালিত প্রাকৃতিকভাবে গড়ে ওঠা গ্রামীণ সাধারণ বন থেকে গাছ চুরি হয় না। সেই অভিজ্ঞতা দিয়ে বন ব্যবস্থাপনার নীতিমালা প্রণয়ন করা যেতে পারে।

রাঙামাটি সার্কেলের বন সংরক্ষক মো. সামশুল আজম স্বীকার করে বলেন, বন বিভাগের কার্যক্রম সম্পর্কে সাধারণ মানুষের মনে বিরূপ ধারণা রয়েছে। তিনি বলেন, সামাজিক বনায়নে বাংলাদেশের অনেক সফলতা রয়েছে। তবে পার্বত্য চট্টগ্রামে সামাজিক বনায়ন হয়েছে খুবই কম।

পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের সদস্য গুণেন্দু বিকাশ চাকমা বলেন, পার্বত্য চট্টগ্রামের প্রধান সমস্যা ভূমি। পার্বত্য চুক্তি বাস্তবায়ন, ভূমি সমস্যার সমাধান

ও উদ্বাস্ত পুনর্বাসন না হলে পার্বত্য চট্টগ্রামে বনায়ন কর্মসূচি সফল হবে না।

পার্বত্য চট্টগ্রাম বন ও ভূমি অধিকার রক্ষা আন্দোলনের সভাপতি গৌতম দেওয়ান বলেন, ব্রিটিশ আমল থেকে পার্বত্য চট্টগ্রামে প্রাকৃতিক বন ধ্বংস করে বিদেশি প্রজাতির গাছ লাগানো হচ্ছে। উন্নয়নের নামে পার্বত্য চট্টগ্রামের জনগণকে বারবার ক্ষতিগ্রস্ত করা হয়েছে। উন্নয়ন প্রকল্প গ্রহণের আগে জনগণের মতামত নেওয়া হয়নি।

সভাপতির বক্তব্যে সিএইচটিডিএফের উপপরিচালক প্রসেনজিৎ চাকমা বলেন, দেশের ৪৩ শতাংশ বন পার্বত্য চট্টগ্রামে। পার্বত্য চট্টগ্রামে আরও বন সৃষ্টির মাধ্যমে জলবায়ু পরিবর্তন রোধ ও পরিবেশ-প্রতিবেশ সংরক্ষণের উদ্যোগ অনেক আগেই শুরু করা উচিত ছিল।

কর্মশালায় মং সার্কেলের প্রধান সাচিং প্রফ চৌধুরী, রাঙামাটি পার্বত্য জেলা পরিষদের সদস্য সাধন মণি চাকমা, বান্দরবান পার্বত্য জেলা পরিষদের সদস্য সিয়ং ইয়ং শ্রো, সাবেক প্রধান বন সংরক্ষক ও আইইউসিএনের দেশীয় পরিচালক ইশতিয়াক উদ্দিন আহমেদ, ইউএনডিপি-সিএইচটিডিএফ প্রকল্পের আওতায় জনগোষ্ঠী ক্ষমতায়ন প্রকল্পের প্রধান বিপ্লব চাকমা, আরণ্যক ফাউন্ডেশনের নির্বাহী পরিচালক ফরিদ উদ্দিন আহমেদসহ তিন পার্বত্য জেলার বন বিভাগীয় কর্মকর্তা, বননির্ভর জনগোষ্ঠীর প্রতিনিধি, স্থানীয় জনপ্রতিনিধি, মৌজা ও গ্রামপ্রধানেরা উপস্থিত ছিলেন।

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প্রথম আলো ১৯৯৮-২০১৫

সম্পাদক ও প্রকাশক: মতিউর রহমান

সিএ ভবন, ১০০ কাজী নজরুল ইসলাম এভিনিউ, কারওয়ান বাজার, ঢাকা-১২১৫
ফোন: ৮১৮০০৭৮-৮১, ফ্যাক্স: ৯১৩০৪৯৬, ই-মেইল: info@prothom-alo.info

Appendix 33

Recommendations of CHT Civil Society on the Draft Forest (Amendment) Act 2015 dated 28 January 2016

Minutes of a Consultation Workshop
on the Draft Forest (Amendment) Act 2015

Organized by:
Chakma Circle in Association with
Maleya Foundation, BIPNet-CCBD &
Movement for the Protection of Forest & Land Rights in the Chittagong Hill Tracts

Venue: Chakma Circle Conference Room
Date and Time: 11:15 am to 3:00 pm, 28 January 2016

Chaired by:
Raja Devasish Roy, Chakma Chief

Introduction

This meeting is a follow up to the inter-ministerial consultations on the Draft Forest (Amendment) Act 2015 convened by the Ministry of Environment & Forest (MOEF) at the Bangladesh Secretariat on 27 December 2015 and 14 January 2016, which was participated, among others, by representatives of the Chakma Circle and the Hill District Councils.

This meeting was participated by representatives of the CHT Regional Council (CHTRC), Hill District Councils (HDCs), Circles, Headmen and civil society (see Attachment A for details).

The main objective of the meeting was to seek consensus between the aforesaid CHT institutions and CHT civil society on providing inputs into the consultations organized by the MOEF.

After some introductory remarks by the chair, followed by detailed discussions on the provisions of the draft law, the meeting decided the following, by consensus:

Decisions Taken

- ❖ In principle, the meeting unanimously endorsed the suggestions and recommendations contained in Attachment B hereto.
- ❖ On any national issues on law and policy relating to the Chittagong Hill Tracts (CHT), coordination between and preparatory meetings with all necessary parties are desirable and therefore recommended, before formal proposals are submitted to the Government by the CHTRC, HDCs, traditional institutions and civil society organizations (CSOs) and networks.
- ❖ All necessary efforts should be made to bring forth consensus between all major institutions and organizations on crucial issues, although there may well be differences of opinion on minor issues.
- ❖ The CHTRC will finalize the recommendations based on suggestions and recommendations from the HDCs, traditional institutions and CSOs.

- ❖ Another meeting of this nature will be held on the announcement of the forthcoming meeting on the issue to be organized by the MOEF.
- ❖ CSOs will take the lead in organizing the next meeting.

The meeting ended with a vote of thanks and an appeal to all concerned for all out cooperation on the matter.

Annexures:

1. Attendance Sheet of the meeting (Attachment -A)
2. Table on Suggestions and Recommendations on the Draft Forest (Amendment) Act 2015 (Attachment -B)

Chakma Raj Office, Rajbari
Rangamati, Chittagong Hill Tracts
28 January 2016

Raja Devasish Roy
Chakma Chief &
Chair of the Meeting

Attachment A

চাকমা রাজ কার্যালয়

প্রস্তাবিত বন (সংশোধনী) আইন ২০১৫ এর সংক্রান্ত পরামর্শমূলক কর্মশালায় উপস্থিত প্রতিনিধিবৃন্দ :
রাজবাড়ী, রাঙ্গামাটিস্থান: চাকমা রাজ কার্যালয়, রাজবাড়ী, রাঙ্গামাটি তারিখ: ২৮/০১/২০১৬

| ক্রম | অংশগ্রহণকারীর নাম | প্রতিষ্ঠানের নাম | পদবী | মোবাইল নং | স্বাক্ষর |
|------|----------------------|---|-----------------------|-------------|------------|
| ১ | খোয়াই অং মারমা | রাঙ্গামাটি জেলা হেডম্যান এসোসিয়েশন | যুগ্ম সম্পাদক | ০১৮১৯৬১৬০৪৫ | স্বাক্ষরিত |
| ২ | হিটলার দেওয়ান | রাঙ্গামাটি জেলা হেডম্যান এসোসিয়েশন | সহ সাধারণ সম্পাদক | ০১৫৫৬৫৪৯৫৪৭ | ঐ |
| ৩ | মং খোয়াই শ্রয় | হেডম্যান, ৩০৫ নং সেক্স মৌজা | হেডম্যান | ০১৭১৫২২৩৪৪০ | ঐ |
| ৪ | শান্তি বিজয় চাকমা | হেডম্যান, ১২৪ নং নারাইছড়ি মৌজা | হেডম্যান | ০১৫৫৬৭০১০৩৪ | ঐ |
| ৫ | সিংইয়ং শ্রো | সদস্য, বান্দারবান পার্বত্য জেলা পরিষদ | সদস্য | ০১৮২০১৮৭৬৬৩ | ঐ |
| ৬ | জুয়াম লিয়ান আমলাই | সদস্য, সিএইটিসিসি | সদস্য | ০১৮২৮৯৩৩৫৭৩ | ঐ |
| ৭ | সুব্রত চাকমা | চাকমা রাজ কার্যালয় | সদস্য সচিব | ০১৫৫৬৫৭৩২৮৩ | ঐ |
| ৮ | মঙ্গল কুমার চাকমা | পার্বত্য চট্টগ্রাম জন সংহতি সমিতি | তথ্য ও প্রচার সম্পাদক | ০১৭১৫৩৯৩৬৭৩ | ঐ |
| ৯ | গুনেন্দু বিকাশ চাকমা | সদস্য, পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ | সদস্য | ০১৯২৫৮১০৮৮৫ | ঐ |
| ১০ | গৌতম দেওয়ান | পার্বত্য চট্টগ্রাম বন ও ভূমি অধিকার সংরক্ষণ আন্দোলন | সভাপতি | ০১৭৩১০৯১৩৮৮ | ঐ |
| ১১ | অংসুইপ্রু চৌধুরী | সদস্য, রাঙ্গামাটি পার্বত্য জেলা পরিষদ | সদস্য | ০১৫৫৬৭৭৭৭৫০ | ঐ |
| ১২ | মংসুই প্রু চৌধুরী | সদস্য, খাগড়াছড়ি পার্বত্য জেলা পরিষদ | সদস্য | ০১৭২৩৩৫০৮৬৬ | ঐ |
| ১৩ | এড. রাজীব চাকমা | অধ্যক্ষ, রাঙ্গামাটি আইন কলেজ | অধ্যক্ষ | ০১৭১৫১৫১১৩৬ | ঐ |
| ১৪ | দীপোজ্জল খীসা | মালেইয়া ফাউন্ডেশন | সমন্বয়কারী | ০১৮২৬১৬২৭০৭ | ঐ |
| ১৫ | এড. সুমিত্রা চাকমা | ডব্লিউআরএন | জেলা সমন্বয়কারী | ০১৫৫০৬০৮১৭৬ | ঐ |
| ১৬ | মংসানু চৌধুরী | সদস্য, সিএইটিসিসি | সদস্য | ০১৭৩০০৮৬৩০১ | ঐ |
| ১৭ | মংহাম্যান্ট | সিসিও | পিসি | ০১৫৫৮৪৫৫৬৩১ | ঐ |
| ১৮ | সুদীপ্ত চাকমা | মালেইয়া ফাউন্ডেশন | পিসি | ০১৫৫৬৩৪০৪৭৩ | ঐ |

Attachment B

প্রস্তাবিত বন (সংশোধনী) আইন ২০১৫-এর উপর পার্বত্য চট্টগ্রামের নাগরিক সমাজের মতামত
২৮ জানুয়ারি ২০১৬

| ক্রম | বিষয় | প্রস্তাবিত বন (সংশোধনী) আইন ২০১৫ | বন আইন ১৯২৭ | সুপারিশ | যৌক্তিকতা ও মন্তব্য |
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| ১ | ২ | ৩ | ৪ | ৫ | ৬ |
| ১ | প্রস্তাবনা (Preamble) | <p>২। Act No. XVI of 1927 এর পূর্ণাঙ্গ শিরোনাম ও প্রস্তাবনার সংশোধন I- Forest Act, 1927 (Act XVI of 1927), অতঃপর উক্ত Act বলিয়া উল্লিখিত, এর পূর্ণাঙ্গ শিরোনাম অংশে উল্লিখিত "An Act to" শব্দগুলির পর "make provisions for the conservation and sustainable use of forests" শব্দগুলি ও কমা এবং প্রস্তাবনা অংশে উল্লিখিত "expedient to" উল্লিখিত "An Act to" শব্দগুলির পর "make provisions for the conservation and sustainable use of forests" শব্দগুলি ও কমা সন্নিবেশিত হইবে।</p> | <p>Preamble:- An Act to consolidate the law relating to forests, the transit of forest produce and the duty leviable on timber and other forest-produce. WHEREAS it is expedient to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce; it is hereby enacted as follows and other forest-produce; it is hereby enacted as follows :-</p> | <p>প্রস্তাবনায় নিম্নলিখিত বাক্যটি অর্ন্তভুক্ত করা: "...make provisions for the conservation and sustainable use of forests <u>and to protect the traditional and customary rights of indigenous peoples relevant to the conservation and sustainable use of forests and biodiversity</u>"</p> | <p>*পার্বত্য চট্টগ্রাম সহ দেশের বিভিন্ন এলাকার বন বা তৎসংলগ্ন এলাকায় বন-নির্ভর আদিবাসী জনগোষ্ঠীর বসবাস রয়েছে। *উক্ত বনসমূহের সংরক্ষণ ও বনসম্পদের প্রতিবেশ-বান্ধব ব্যবহারের সাথে সংশ্লিষ্ট জনগোষ্ঠীর সনাতনী জীবনাচার অঙ্গাঙ্গীভাবে জড়িত। *সংশ্লিষ্ট জনগোষ্ঠীর প্রথাগত অধিকারসমূহ স্বীকৃত না হলে প্রতিবেশমুখী ও স্থায়ীতৃশীল বন সংরক্ষণ ও বন ব্যবস্থাপনা সম্ভবপর নয়। *Column 8-এ বর্ণিত সুপারিশ ২০১৫-এর প্রস্তাবিত আইনের ধারা ২৫-এর মাধ্যমে প্রস্তাবিত নতুন ধারা 84C -এর বিধানাবলীর সাথে সামঞ্জস্যপূর্ণ ও প্রস্তাবিত বিধানের যৌক্তিকতা সুপ্রতিষ্ঠিত করে। [84C. Reaffirmation of traditional and customary rights of the ethnic minority</p> |
| ২ | "Forest" - এর সংজ্ঞা | <p>৩। Act No. XVI of 1927 এর section ২ এর সংশোধন I-উক্ত Act এর section 2 এর- (ক) Clause (1) এর পর নিম্নরূপ নতুন Clause (1A) সন্নিবেশিত হইবে, যথা :- "(1A) 'Forest' means such land, which is the property of the Government, or over which the Government has ownership rights, or to the whole or any part of the forest-produce to which the Government is entitled and which is declared as forest under this Act and also includes reserved forests, protected forests and other forests," 2 (A) Clause (1) এর পর নিম্নরূপ নতুন Clause (2A) সন্নিবেশিত হইবে, যথা :- (2A) Forest settlement officer</p> | <p>New Section 2 (1A) "(1A) 'Forest' means such land, which is the property of the Government, or over which the Government has ownership rights, or to the whole or any part of the forest-produce to which the Government is entitled and which is declared as forest under this Act and also includes reserved forests, protected forests and other forests,"</p> | <p>প্রস্তাবিত নতুন Section 2(1A) অর্ন্তভুক্ত না করা।</p> | |

| ক্রম | বিষয় | প্রস্তাবিত বন (সংশোধনী) আইন ২০১৫ | বন আইন ১৯২৭ | সুপারিশ | যৌক্তিকতা ও মন্তব্য |
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| | | means one or more officer appointed by Government under section 4 of this Act | | | <p>group; Special measures shall be undertaken to protect the traditional and customary rights of the ethnic minority group as recognized in the existing laws.]</p> <p>*"Other Forest" এর সংজ্ঞা নিষ্পয়োজন যেহেতু "Other Forest" এর ধারণা অযৌক্তিক ও বাস্তববর্জিত। Row 8 এর Column 8 ও ৫ এ "Other Forest" সংক্রান্ত সুপারিশ, যৌক্তিকতা ও মন্তব্য দ্রষ্টব্য।</p> <p>*"Reserved Forest" ও "Protected Forest" সংক্রান্ত বিস্তারিত বিধানাবলী বর্তমান আইনে রয়েছে, সুতরাং এ পদ সমূহের নতুন করে সংজ্ঞায়ন নিষ্পয়োজন।</p> <p>*যদি "Forest"-এর সংজ্ঞা দিতে হয় তাহলে, প্রাকৃতিক সম্পদ সম্বলিত ভূমি ও তার সাথে সম্পৃক্ত বন নির্ভর জনগোষ্ঠীর কৃষ্টি ও সংস্কৃতির সম্পৃক্ততার সুস্পষ্ট উল্লেখ আবশ্যিক, যথা: বৃক্ষাচ্ছাদন, উদ্ভিদ ও প্রাণ বৈচিত্র্যের সম্ভার,</p> |

| ক্রম | বিষয় | প্রস্তাবিত বন (সংশোধনী) আইন ২০১৫ | বন আইন ১৯২৭ | সুপারিশ | যৌক্তিকতা ও মন্তব্য |
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| | | | | | জলজ সম্পদ ইত্যাদির উপস্থিতি এবং সংশ্লিষ্ট বন-নির্ভর জনগোষ্ঠীর প্রতিবেশ বান্ধব জীবানাচার, সামাজিক রীতি-নীতি, আধ্যাত্মিক বন্ধন ও প্রথাগত আইন। |
| ৩ | Forest Settlement Officer | <p>৩ (ক)2 (A) Clause (1)এর পর নিম্নরূপ নূতন Clause (2A) সন্নিবেশিত হইবে, যথা</p> <p>§-(2A) Forest settlement officer means one or more officer appointed by Government under section 4 of this Act</p> | New Section 2(2A) (2A) Forest settlement officer means one or more officer appointed by Government under section 4 of this Act | <p>প্রস্তাবিত নূতন Section 2(2A) এ প্রস্তাবিত বাক্যসমূহের পরিবর্তে নিম্নলিখিত বাক্যসমূহ অন্তর্ভুক্ত করা:</p> <p>"(2A) Forest Settlement officer means one or more officers appointed by Government under section 4 of this Act, <i>but who must be judicial officer (s) and not Forest Officer(s).</i>"</p> <p>পক্ষান্তরে, প্রস্তাবিত সংজ্ঞা অন্তর্ভুক্ত না করে বন আইন ১৯২৭ এর ধারা 4(2) এ উল্লিখিত "Shall ordinarily be a person not holding any forest-office" বাক্যসমূহকে নিম্নলিখিত বাক্যসমূহ দ্বারা প্রতিস্থাপিত করা:</p> <p>"Shall be a judicial officer (s) and not a person holding</p> | <p>*Forest Settlement Officer এর দায়িত্ব ও এজিয়ার বিচারিক কর্মকাণ্ডের সামিল। যাতে বিরোধ ও অভিযোগ নিষ্পত্তি অন্তর্ভুক্ত। তাই এখানে বিচারিক কর্মকর্তাই উপযুক্ত। নূন্যতম যুগ্ম-জেলা জজ, এবং সম্ভব হলে কর্মরত বা অবসরপ্রাপ্ত হাইকোর্ট বিভাগের জজকে Forest Settlement Officer হিসেবে দায়িত্ব দেওয়া উচিত।</p> <p>*বন কর্মকর্তার নিকট Forest Settlement-Officer এর দায়-দায়িত্ব অর্পিত হলে Principle of Natural Justice (Due Process) লঙ্ঘন করা হবে। যেহেতু বন কর্মকর্তা দাবিদার বা অভিযোগকারীর ভূমিকা ও বিচারকের ভূমিকা উভয়ই পালন</p> |

| ক্রম | বিষয় | প্রস্তাবিত বন (সংশোধনী) আইন ২০১৫ | বন আইন ১৯২৭ | সুপারিশ | যৌক্তিকতা ও মন্তব্য |
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| | | | | any forest-office"এবং বন আইনের ১৯২৭ এর ধারা 4(3) এ উল্লিখিত বাক্যসমূহ "not more than one of whom shall be a person holding any forest-office except as aforesaid"বিলুপ্ত করা। | করবেন। *ফলে Forest Settlement-Officerএর ভূমিকা পক্ষপাতদুষ্ট হবে এবং নিরপেক্ষ হবে না। *ভারতের বিভিন্ন রাজ্যে বলবৎ বন আইনের ক্ষেত্রে Forest-Officer কর্তৃক Forest Settlement Officerএর দায়িত্ব পালনে নিষেধ বা সীমাবদ্ধতা বিদ্যমান রয়েছে। যথা: Maharashtra Forest Act 1927 (S-4)এবং Orissa Forest Act 1972 (S-4) |
| 8 | "Other Forest" | ৩(গ) ও ১৩ 2(4B), "other forest" means forest declared by the Government as forest under sub-section (1) of section 34A of this Act; 2(4C), "protected forest" means forest declared as protected forest under section 29 of this Act; 2(4D) "reserved forest" means forest declared as reserved forest under section 29 of this Act; ১৩। Act No. XVI of 1927এরsections 34Aও 34Bএর সন্নিবেশ।-উক্ত Act এরsection 34এর পর নিম্নরূপsections 34Aও 34Bসন্নিবেশিত হইবে, যথাঃ- 34A. Other forests.- (1) The Government may, by notification in the official | New Section 2(4B), 2(4C), 2(4D)and 34A | প্রস্তাবিত নতুন Section 2(4B), 2(4C), 2(4D)। 34Aঅর্ন্তভুক্ত না করা। | *ফৌজদারী বিধানাবলী থাকা সত্ত্বেও"Reserved Forest" ও"Protected Forest"এর বন উজার হয়ে গেছে। সে কারণেই বন বিভাগ ফৌজদারী ব্যবস্থার মাধ্যমে বন সংরক্ষণের ধারণা পরিহার/সীমিতকরণ করে বননির্ভর জনগোষ্ঠীর অংশীদারিত্ব ও অংশগ্রহণের মাধ্যমে অংশীদারিত্ব বনায়ন (Participatory Forestry), সামাজিক বনায়ন(Social Forestry)/Afforestati |

| ক্রম | বিষয় | প্রস্তাবিত বন (সংশোধনী) আইন ২০১৫ | বন আইন ১৯২৭ | সুপারিশ | যৌক্তিকতা ও মন্তব্য |
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| | | <p>Gazette, declare the provisions of this Chapter, as far as it is applicable to any waste-land or char land or forest plantation, or naturally originated forest, which is not included in a reserved forest or protected forest but which is the property of Government, or over which the Government has ownership right, or to the whole or any part of the forest-produce to which the Government is entitled.</p> <p>(2)The waste-land, char land or forest plantation comprised in any such notification shall be called as <u>other forests</u>.</p> | | | <p>on),সহ-ব্যবস্থাপনা(Co-Management)-এর কার্যক্রম ও প্রকল্পের মাধ্যমেই বন সংরক্ষণ ও ব্যবস্থাপনা করে আসছে। যা বর্তমান ও পূর্বের জাতীয় বননীতিতে স্পষ্টভাবে উল্লিখিত রয়েছে। সুতরাং "Other Forest"ধারণাটি গ্রহণ করা হলে তা চলমান বননীতি, বন ব্যবস্থাপনা ও সংরক্ষণ কার্যক্রমের সম্পূর্ণ বিরোধাত্মক বা বিপরীতমুখী হবে।</p> <p>*"Other Forest" সৃষ্টি বা ঘোষণার প্রক্রিয়াটি বাংলাদেশের সংবিধানে স্বীকৃত মৌলিক অধিকার এবং Principle of Natural Justice (Due Process) পরিপন্থী যেহেতু এক্ষেত্রে ভূমির মালিক ও অন্যান্য স্বত্বাধিকারীদের নিকট যথাযথ নোটিশ প্রদানের এবং ভূমির মালিক ও অন্যান্য স্বত্বাধিকারী কর্তৃক আত্মপক্ষ সমর্থনের সুযোগ নেই।</p> <p>*তাছাড়া, উপরোক্ত প্রস্তাবিত প্রক্রিয়াটি পার্বত্য চট্টগ্রামের ক্ষেত্রে পার্বত্য অঞ্চলের প্রযোজ্য</p> |

| ক্রম | বিষয় | প্রস্তাবিত বন (সংশোধনী) আইন ২০১৫ | বন আইন ১৯২৭ | সুপারিশ | যৌক্তিকতা ও মন্তব্য |
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| | | | | | <p>আইন, প্রথা, পদ্ধতি ও রীতিনীতির সাথে বিরোধাত্মক বা সাংঘর্ষিক (পার্বত্য জেলা পরিষদ আইন ১৯৮৯, পার্বত্য চট্টগ্রাম রেগুলেশন ১৯০০, পার্বত্য চট্টগ্রাম ভূমি কমিশন আইন ২০০১)।</p> <p>*উল্লেখ্য যে, পার্বত্য অঞ্চলের ভূমির বন্দোবস্তী, ইজারা, অধিগ্রহণ ও হস্তান্তরের ক্ষেত্রে সংশ্লিষ্ট পার্বত্যজেলা পরিষদের পূর্বানুমোদন আবশ্যিক (ধারা ৬৪, পার্বত্য জেলা পরিষদ আইন ১৯৮৯)।</p> <p>*অধিকন্তু, পার্বত্য অঞ্চলে প্রচলিত রীতি-নীতি ও পদ্ধতি অনুযায়ী মৌজা হেডম্যানের সম্পৃক্ততা ব্যতীত কোন জমির বন্দোবস্তী বা হস্তান্তর করা যায় না (পার্বত্য চট্টগ্রাম রেগুলেশন ১৯০০ ও পার্বত্য চট্টগ্রাম ভূমি কমিশন আইন ২০০১ এর মাধ্যমে স্বীকৃত প্রথা, রীতি ও পদ্ধতি)।</p> |

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| ৫ | সংরক্ষিত বন ঘোষণার প্রক্রিয়ায় অধিকার প্রতিষ্ঠার সুযোগ রহিতকরণ(Extinction of Rights) | <p>৬। Act No XVI of 1927 এর Section 9 এর সংশোধন।- উক্ত Act এর Section 9 এ উল্লেখিত 'extinguished' শব্দটির পরে উল্লেখিত ক্রম পরিবর্তে ফুলস্টপ বসিবে এবং অতঃপর নিম্নরূপ শব্দগুলি, কমাগুলি, সংখ্যাগুলি এবং ফুলস্টপ বিলুপ্ত হইবে, যথাঃ- unless, before, the notification under section 20 is published, the person claiming them satisfies the Forest Settlement Officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.।</p> <p>৭। Act No XVI of 1927 এর Section 16A এর সংশোধন।- উক্ত Act এর Section 16A এর sub-section (1) এর clause (i) উল্লেখিত "Section 6 and 9" শব্দগুলি ও সংখ্যাগুলির পরিবর্তে "Section 6" শব্দগুলি ও সংখ্যা প্রতিস্থাপিত হইবে,</p> <p>৮। Act No XVI of 1927 এর Section 20 এর সংশোধন।- উক্ত Act এর Section 20 এর sub section (1) এর clause (a) এ উল্লেখিত "or section 9" শব্দগুলি ও সংখ্যা বিলুপ্ত হইবে।</p> | <p>Section 9. Extinction of rights. Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.</p> <p>6A, Section 6. Proclamation by Forest Settlement-Officer: - When a notification has been issued under section 4, the Forest Settlement-officer shall publish in Bengali in every town and village in the neighborhood of the land comprised therein, a proclamation -</p> <p>(a) Specifying, as nearly as possible, the situation and limits of the proposed forest;</p> <p>20 (1) Section 20. Notification declaring forest reserved. - (1) When the following events have occurred, namely: (a) the period fixed under section 6 for preferring claims has elapsed and all claims, if any, made under that section or section 9 have been disposed of by the Forest Settlement- officer;</p> | ২০১৫-এর প্রস্তাবিত আইনের প্রস্তাবিত ধারা ৬, ৭, ৮ অর্ন্তভুক্ত না করা। | <p>*সংরক্ষিত বন ঘোষণার মাধ্যমে বর্ণিত জনগোষ্ঠীর ভূমি অধিকার বিলুপ্তি ঘোষণার প্রক্রিয়ায় চূড়ান্তভাবে Section 20-এর অধীনে Reserve Forest ঘোষণার পূর্বে সংশ্লিষ্ট স্বত্বস্বীকারী কর্তৃক আপত্তি দাখিলের সুযোগ রহিত করা হলে প্রত্যন্ত ও দুর্গম অঞ্চলের আদিবাসী, বনবাসী ও বন-নির্ভর জনগোষ্ঠী তাদের সংবিধান স্বীকৃত মৌলিক অধিকার, প্রথাগত এবং অন্যান্য প্রচলিত ভূমি অধিকার থেকে বঞ্চিত হবে। সংশ্লিষ্ট জনগোষ্ঠীর অজ্ঞাতসারে তাদেরও বসতভূমি, ফলের বাগান, জুম ভূমি, আবাস ভূমি, মৌজা বন, গ্রাম বন, শশ্মান/পবিত্র ভূমি ইত্যাদি হারাতে।</p> <p>*এটি সংবিধানের ১৪, ১৮ক, ২৩ক, ২৭, ২৮, ৩১, ৩৯, ৪০, ৪২ অনুচ্ছেদ, Principle of Natural Justice, প্রথাগত আইন ও আন্তর্জাতিক মানবাধিকার আইনের সাথে বিরোধীত্বক।</p> |

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| | | | | | <p>এখানে উন্নয়ন-বর্জিত ও দুর্গম অঞ্চলে বসবাসরত বনবাসীদের সহজাত মানবাধিকারকে লঙ্ঘন করা হবে। ইতিমধ্যে ১৯৯২-৯৩ সনে জারি করা বন আইনের ৪ ও ৬ ধারা এবং পরবর্তীতে চূড়ান্ত ২০ ধারা জারির বিষয়টি দীর্ঘদিনের ৬টি মৌজার জনগন এ বিষয়ে ২০১০ সালেই মাত্র জ্ঞাত হন।</p> <p>*পার্বত্য চট্টগ্রামে এরূপ নোটিশ প্রাপ্ত নন এবং তাদের অজ্ঞাতসারে সংরক্ষিত বন ঘোষণার প্রক্রিয়া চলমান রয়েছে, অসংখ্য ব্যক্তি ও জনগোষ্ঠী রয়েছে যাদের মৌলিক অধিকার লঙ্ঘিত হয়েছে এবং লঙ্ঘিত হবে।</p> |
| ৬ | রক্ষিত বনে বিশেষবৃক্ষের বা বিশেষ শ্রেণীর বৃক্ষের সংরক্ষিত ঘোষণার অনুরূপ ৩০ বছরের সীমাবদ্ধতা রহিতকরণ | ১০। Act No XVI of 1927 এর Section 30 এর সংশোধন।- উক্ত Act এর Section 30 এর clause (b) এ উল্লিখিত "not exceeding thirty years," শব্দগুলি ও কমাগুলি বিলুপ্ত হইবে। | Section 30. Power to issue notification reserving trees, etc.-The Government may, by notification in official Gazette,- (a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by notification; (b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the Government thinks fit, and that the rights of private persons, if any, over such | ২০১৫ সনের প্রস্তাবিত বন আইনের প্রস্তাবিত ধারা ১০ অর্ন্তভুক্ত না করা। | *প্রস্তাবিত সংশোধনীটি আনা হলে বর্গিত জনগোষ্ঠীর জীবিকা, প্রথা, কৃষ্টি, সংস্কৃতি ও অন্যান্য প্রথাগত অধিকারকে হরণ করা হবে। তাছাড়া, রক্ষিত বনে বসবাসকারী জনগোষ্ঠীর প্রাপ্তবয়স্ক গাছের বা |

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| | | | <p>portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or</p> <p>(c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest,</p> <p>and the [breaking up, clearing or use] for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.</p> | | <p>প্রজাতির গাছের টেকসই ব্যবহার হতে বধিগত করবে।</p> <p>*বন আইন ১৯২৭-এর Section 30 -তে উল্লিখিত Protected Forest-এর অধীনে "reserve"-কৃত বিশেষ বৃক্ষ বা বিশেষ প্রজাতিগত বৃক্ষ শ্রেণী-সম্বলিত কোন অংশকে ৩০ বছরের অধিক কাল "closed" না রাখার পিছনে যথেষ্ট যুক্তি ছিলো এবং বর্তমানেও রয়েছে।</p> <p>*পাশ্চবর্তী ভারতের বিভিন্ন রাজ্যে ১৯২৭ সনের বন আইন এখনও বলবৎ রয়েছে - যথা, মহারাষ্ট্র রাজ্য যেখানে ৩০ বছরের অধিককাল সংশ্লিষ্ট এলাকাকে "closed" না রাখার বিধান অদ্যাবধি বলবৎ রয়েছে</p> <p>[Maharashtra Forest Act 1927, Section 30(b)]</p> |
| | বেসরকারী বন পরিচালনা, ব্যবস্থাপনা | <p>১৪। Act No XVI of 1927 এর Section 38C এর সংশোধন।- উক্ত Act এর Section 38C এর sub section (1)এ উল্লিখিত "threat to property," শব্দগুলি ও ক্রমের পর "conservation of biodiversity, natural heritage, and ecosystem" শব্দগুলি ও ক্রমগুলি সন্নিবেশিত হইবে।</p> | | | <p>*প্রস্তাবিত ফৌজদারী আইনের বিধানাবলী -যা মূলতঃ সংরক্ষিত বনের ক্ষেত্রে এবং অধিক সীমিত পরিসরে রক্ষিত ও সামাজিক বনের</p> |

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| ৭ | | | <p>Restricted activities 38C. (1) The Government may make rules to prohibit, restrict or require a permit for land clearing use of pesticides, harvest on steep slopes, or other forest management activities on private land that may pose a threat to property, renewable natural resources or the productivity of land.</p> <p>(2) The Government shall empower Forest-officers to issue such permits required under sub-section (1).</p> | <p>প্রস্তাবিত বন আইন ২০১৫-এর প্রস্তাবিত ধারা ১৪ অন্তর্ভুক্ত না করে বন আইন ১৯২৭ এর 38C ধারাটি অপরিবর্তিত রাখা।</p> | <p>ক্ষেত্রে প্রযোজ্যতা Other Forest-এর ক্ষেত্রেও প্রয়োগ করা হলে আদিবাসী, বনবাসী ও বন-নির্ভর জনগোষ্ঠীর জীবিকা ও অধিকারকে মারাত্মকভাবে ক্ষতিগ্রস্ত করবে। ফলে -</p> <p>-বেসরকারী ভূমি মালিকরা অহেতুক হয়রানির শিকার হবে।</p> <p>-বেসরকারী জমির জন্য বিভিন্ন ঔষধ (কীটনাশক) প্রয়োগের ক্ষেত্রে সরকার বাধা প্রদান করতে পারবে (কিন্তু সরকারী জমির ক্ষেত্রে কোন বাধা রাখা হয় নাই)। সরকারী বিভিন্ন কার্যক্রমের ফলে জনসাধারণের ক্ষতি হলে সে ক্ষেত্রে কোন ধরনের প্রতিকারের সুযোগ রাখা হয় নাই।</p> <p>-সনাতনী ও প্রতিবেশ-বান্ধব ভূমি ব্যবহার ব্যাহত হবে।</p> |
| | সরকারী বন এলাকার ইজারার নিষেধাজ্ঞা | <p>২৫। Act No XVI of 1927 এর section 84A, 84B এবং 84C এর সন্নিবেশ। - উক্ত Act এর Section 84 এর নিম্নরূপ section 84A, 84B এবং 84C সন্নিবেশিত হইবে, যথাঃ-</p> <p>84A. Lease of forest land prohibited:- Notwithstanding contained in</p> | New Sections 84A, 84B | <p>প্রস্তাবিত বন আইন ২০১৫-এর প্রস্তাবিত ধারা ২৫-এর মাধ্যমে: *সংযোজনতব্য নূতন ধারা 84A এর ক্ষেত্রে</p> | <p>*প্রস্তাবিত নূতন ধারা 84A এর ক্ষেত্রেঃ</p> <p>বন আইন ২০১৫-এর প্রস্তাবিত ধারা 84A এর</p> |

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| ১ | ২ | ৩ | ৪ | ৫ | ৬ |
| ৮ | বন কর্মকর্তার শুনানীর বাধ্যবাধকতা | <p>any other law for the time being in force, no forests shall be leased out or handed over in partly or fully with usufructuary or easement right to any private individual or any agency in any form or for any purpose including construction of roads, infrastructure, brick fields and establishment of industries subject to the provision under section 27.</p> <p>84B. Obligation of hearing forest officer in preparing record of rights:- Notwithstanding anything contained in any other law for the time being in force, no land, recorded in favour of the Forest Department or Deputy Commissioner, on behalf of the Government, shall be recorded in the name of any private individual or any agency in the course of any survey and settlement operation until the nearest forest officer is given the opportunity of being heard.</p> <p>84C. Reaffirmation of traditional and customary rights of the ethnic minority group:- Special measures shall be undertaken to protect the traditional rights of the ethnic minority group as recognized in the existing laws.</p> | | <p>বংশানুক্রমে বন এলাকায় প্রথাগতভাবে বসবাসরত আদিবাসী জনগোষ্ঠীদের অন্তর্ভুক্ত না করা;</p> <p>*সংযোজনতব্য নূতন ধারা 84Bএকেবारेই অন্তর্ভুক্ত না করা;</p> <p>*যদি ধারা84Bঅন্তর্ভুক্ত করা হয় তাহলে এতে “in favour of the Forest Department” এর পর “or Deputy Commissioner” শব্দগুলো অন্তর্ভুক্ত না করা।</p> | <p>বিধানাবলী Row ৮ এর Column ৪- এ বর্ণিতভাবে শর্তযুক্ত করানা হলে সংরক্ষিত ও অন্যান্য সরকারী বনে বংশানুক্রমে প্রথাগতভাবে বসবাসরত আদিবাসী জনগোষ্ঠীর ভূমি অধিকার অস্বীকৃত হয়ে যাবে।</p> <p>অধিকন্তু, প্রস্তাবিত সংযোজনটি বন আইন ১৯২৭ এর ধারা 28 ও 28A এর পরিপন্থী।</p> <p>*প্রস্তাবিত নূতন ধারা 84Bএর ক্ষেত্রেঃ</p> <p>“Forest Department এর নামে রেকর্ডকৃত নয় অথচ “Deputy Commissioner”এর নামে রেকর্ডকৃত জমি Survey বা Settlementএর মাধ্যমে কোন সংস্থা বা ব্যক্তির নামে রেকর্ডকরণের প্রক্রিয়ায় বন বিভাগের কর্মকর্তার নিকট নোটিশ প্রদান বিষয়টি অযৌক্তিক ও এর মাধ্যমে আইনী ও আন্ত-বিভাগীয় দ্বন্দ্ব সৃষ্টি হবে।</p> <p>-প্রস্তাবিত সংযোজনটি আনা হলে পার্বত্য</p> |

| ক্রম | বিষয় | প্রস্তাবিত বন (সংশোধনী) আইন ২০১৫ | বন আইন ১৯২৭ | সুপারিশ | যৌক্তিকতা ও মন্তব্য |
|------|-------|-------------------------------------|-------------|---------|--|
| ১ | ২ | ৩ | ৪ | ৫ | ৬ |
| | | | | | <p>চট্টগ্রামেরবেলায় পার্বত্য চট্টগ্রাম জেলা পরিষদ আইন ১৯৮৯, পার্বত্য চট্টগ্রাম রেগুলেশন ১৯০০ এবং প্রচলিত প্রথারীতি ও পদ্ধতির সাথে সাংজ্ঞার্থিক হবে।</p> <p>-প্রস্তাবিতভাবে ফরেস্ট অফিসারকেসম্পৃক্ত করা হলে জমির বন্দোবস্তী ও জরিপের প্রক্রিয়ায় দীর্ঘ সূত্রীতা ও জটিলতার সৃষ্টি হবে এবং জমির মালিক ও অন্যান্য স্বত্বাধিকারীগণ নানাভাবে হয়রানীর শিকার হবে।</p> |

| ক্রম | বিষয় | প্রস্তাবিত বন (সংশোধনী) আইন ২০১৫ | বন আইন ১৯২৭ | সুপারিশ | যৌক্তিকতা ও মন্তব্য |
|------|----------------------|-------------------------------------|---|---|---|
| ১ | ২ | ৩ | ৪ | ৫ | ৬ |
| ৯ | "Ethnic Minority" | | 84C. Reaffirmation of traditional and customary rights of the ethnic minority group:- Special measures shall be undertaken to protect the traditional rights of the ethnic minority group as recognized in the existing laws. | প্রস্তাবিত "ethnic minority" শব্দটির পরিবর্তে "Adivasi" শব্দটি প্রতিস্থাপন করা। | *প্রস্তাবিত "ethnic minority" শব্দটি পার্বত্য চট্টগ্রামের আদিবাসী জনগোষ্ঠীদের সঠিকভাবে প্রতিনিধিত্ব করে না। এটা অস্পষ্ট এবং এর মাধ্যমে বনে বসবাস করে না এমন জনগোষ্ঠীও অন্তর্ভুক্ত হতে পারে। যেমন ধর্মীয়, ভাষাগত ও জাতিগত সংখ্যালঘু যারা বননির্ভর জনগোষ্ঠী নয়। তাছাড়া, বিভিন্ন আইনে "আদিবাসী" শব্দটি ব্যবহার করা হয়েছে। যেমন, সামাজিক বনায়ন বিধিমালা ২০১০ [বিধি ৬, উপবিধি ২ (ঙ) ও ক্ষুদ্র নৃ-গোষ্ঠীর সাংস্কৃতিক প্রতিষ্ঠান আইন ২০১০ [ধারা ২ (২)]। |

Appendix 34

**Recommendations of CHT Civil Society on the
Draft CHT Forest Transit Rules 2010
dated 3 March 2016**

সভার কার্যবিবরণী

প্রস্তাবিত পার্বত্য জেলা সমূহের বনজঙ্গল পরিবহন (নিয়ন্ত্রণ) বিধিমালা ২০১০ এর উপর পরামর্শক কর্মশালা

আয়োজনে-
চাকমা সার্কেল
সহায়তায়-

মালেয়া ফাউন্ডেশন, BIPNet-CCBD

ও

পার্বত্য চট্টগ্রাম বন ও ভূমি অধিকার সংরক্ষণ আন্দোলন

স্থান : সম্মেলন কক্ষ, চাকমা সার্কেল, রাজবাড়ী রাজ্যমাটি ।

তারিখ ও সময় : ০৩-০৩-১৬, সকাল ১০টা হতে ৫টা ।

সভাপতি : চাকমা রাজা দেবশীষ রায় ।

ভূমিকা : এই কর্মশালাটি বিগত ৫, ৬ ও ২২ জুলাই ২০১৫ তারিখের অনুষ্ঠিত CHTWCA-UNDP প্রকল্পের প্রস্তাবিত পার্বত্য জেলা সমূহের বনজঙ্গল পরিবহন (নিয়ন্ত্রণ) বিধিমালা ২০১০ কর্মশালার ধারাবাহিকতার অংশ হিসেবে চাকমা সার্কেল, মালেয়া ফাউন্ডেশন, BIPNet-CCBD ও পার্বত্য চট্টগ্রাম বন ও ভূমি অধিকার সংরক্ষণ আন্দোলন উদ্যোগে চাকমা সার্কেল প্রতিনিধি, উপজাতীয় কাঠ ব্যবসায়ী ও জোট মালিক কল্যান সমিতি, হেডম্যান প্রতিনিধি এবং স্থানীয় নাগরিক প্রতিনিধিদের সমন্বয়ে এক পরামর্শমূলক কর্মশালা অনুষ্ঠিত হয়। কর্মশালায় উপস্থিত প্রতিনিধি বর্গের তালিকা সংযুক্তি (ক) আকারে দেয়া হল ।

এই কর্মশালার উদ্দেশ্য হল জাতীয় পর্যায়ে পরিবেশ ও বন মন্ত্রণালয়ের অনুষ্ঠিতব্য প্রস্তাবিত পার্বত্য জেলা সমূহের বনজঙ্গল পরিবহন (নিয়ন্ত্রণ) বিধিমালা ২০১০ এর পার্বত্য চট্টগ্রামের স্থানীয় সরকার প্রতিষ্ঠান, প্রথাগত প্রতিষ্ঠান ও সুশীল সমাজের প্রতিনিধিবৃন্দের মতামত সুপারিশ আকারে জাতীয় কর্মশালায় উপস্থাপনের করা ।

কর্মশালার শুরুতে প্রস্তাবিত পার্বত্য জেলা সমূহের বনজঙ্গল পরিবহন (নিয়ন্ত্রণ) বিধিমালা ২০১০ এর উপর আলোচনার সূত্রপাত করেন চাকমা সার্কেল চীফ রাজা দেবশীষ রায় । কর্মশালায় উপস্থিত সকলে প্রস্তাবিত পার্বত্য জেলা সমূহের বনজঙ্গল পরিবহন (নিয়ন্ত্রণ) বিধিমালা ২০১০ এর উপর আলোচনা অংশ গ্রহণ করেন । পরে প্রস্তাবিত পার্বত্য জেলা সমূহের বনজঙ্গল পরিবহন (নিয়ন্ত্রণ) বিধিমালা ২০১০ এর উপর বিস্তারিত আলোচনা এবং পর্যালোচনার পর সকলের সর্বসম্মতি ক্রমে নিম্নে সিদ্ধান্তবলী গৃহীত হয় ।

সিদ্ধান্ত:

- ১। কর্মশালায় গৃহীত সুপারিশমালা ছক আকারে পরিবেশ ও বন মন্ত্রণালয় ও সংশ্লিষ্ট সকল প্রতিষ্ঠানের নিকট প্রেরণ করা । সংযুক্তি-খ

- ২। প্রথাগত প্রতিষ্ঠান ও সুশীল সমাজের প্রতিনিধিবৃন্দের মতামতের ভিত্তিতে পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদ চূড়ান্ত মতামত পরিবেশ ও বন মন্ত্রণালয় ও সংশ্লিষ্ট সকল প্রতিষ্ঠানের নিকট প্রেরণ করা।
- ৩। পরিবেশ ও বন মন্ত্রণালয়ের বিধিমালা সংশোধনের নির্ধারিত সভার আগে সুশীল সমাজ প্রতিনিধিদের উদ্যোগে প্রয়োজনীয় কর্মশালা আয়োজন করবে, যাতে অংশগ্রহনকারী সকলের একই মতামত প্রদান করতে পারে।
- ৪। পার্বত্য জেলা সমূহের প্রস্তাবিত বনজন্ম্য পরিবহন (নিয়ন্ত্রণ) বিধিমালা ২০১০ এর আওতার বর্হিভূত বৃক্ষের তালিকা প্রেরণ। সংযুক্তি -গ

অংশগ্রহনকারী সকলকে সুচিন্তিত মতামত প্রদানের জন্য ধন্যবাদ জ্ঞাপন করেন এবং ভবিষ্যতে সকলের সহযোগীতা কামনা করে সভাপতি মহোদয় কর্মশালার সমাপ্তি ঘোষণা করেন।

সংযুক্তি:

- ১। কর্মশালায় উপস্থিত প্রতিনিধি বর্গের তালিকা (ক)।
- ২। প্রস্তাবিত বনজন্ম্য পরিবহন (নিয়ন্ত্রণ) বিধিমালা ২০১০ এর উপর গৃহীত নাগরিক সমাজের সুপারিশমালা সম্বলিত সংযুক্তি ছক (খ)।
- ৩। পার্বত্য জেলা সমূহের প্রস্তাবিত বনজন্ম্য পরিবহন (নিয়ন্ত্রণ) বিধিমালা ২০১০ এর আওতার বর্হিভূত বৃক্ষের তালিকা (গ)।

চাকমা রাজ কার্যালয়, রাজবাড়ী
রাজমাটি, পার্বত্য চট্টগ্রাম
৩ মার্চ ২০১৬

রাজা দেবশীষ রায়
চাকমা রাজা ও
কর্মশালার সভাপতি

সংযুক্তি-ক

চাকমা রাজ কার্যালয়

রাজবাড়ী, রাঙ্গামাটি।

পার্বত্য জেলা সমূহের বনজদ্রব্য পরিবহন (নিয়ন্ত্রণ) বিধিমালা ২০১০ এর সংক্রান্ত কর্মশালায় উপস্থিত প্রতিনিধিবৃন্দ :
স্থান: চাকমা রাজ কার্যালয়, রাজবাড়ী, রাঙ্গামাটি তারিখ: ০৩/০৩/২০১৬

| ক্রম | অংশগ্রহণকারীর নাম | প্রতিষ্ঠানের নাম | মোবাইল নং | স্বাক্ষর |
|------|--------------------|---|-------------|------------|
| ১ | রাজা দেবশীষ রায় | চাকমা সার্কের, রাঙ্গামাটি। | | স্বাক্ষরিত |
| ২ | প্রীতি ময় চাকমা | উপজাতীয় কাঠ ব্যবসায়ী ও জোট মালিক কল্যান সমিতি, রাঙ্গামাটি। | ০১৮২০৩০০১৮৪ | ঐ |
| ৩ | গৌতম দেওয়ান | পার্বত্য চট্টগ্রাম বন ও ভূমি অধিকার সংরক্ষণ আন্দোলন | ০১৭৩১০৯১৩৮৮ | ঐ |
| ৪ | শান্তি বিজয় চাকমা | হেডম্যান, ১২৪ নং নারাইছড়ি মৌজা | ০১৫৫৬৭০১০৩৪ | ঐ |
| ৫ | দীপেন দেওয়ান | হেডম্যান, ১৫৮ নং মাওদং মৌজা | ০১৫৫৪১১৪৩৭৭ | ঐ |
| ৬ | হিটলার দেওয়ান | রাঙ্গামাটি জেলা হেডম্যান এসোসিয়েশন | ০১৫৫৬৫৪৯৫৪৭ | ঐ |
| ৭ | নিখিলেশ চাকমা | প্রোগ্রাম অফিসার, সিইপি, ইউএনডিপি | ০১৭১৪৪৮৭৯৯৯ | ঐ |
| ৮ | দীপোজ্জ্বল খীসা | মালেইয়া ফাউন্ডেশন | ০১৮২৬১৬২৭০৭ | ঐ |
| ৯ | মংহাম্যান্ট | সিসিও | ০১৫৫৮৪৫৫৬৩১ | ঐ |
| ১০ | পলাশ খীসা | টিএও, সিসিও | ০১৮৫২২৬৬৭৬৮ | ঐ |
| ১১ | সুশীল বিকাশ চাকমা | এফসি, সিসিও | ০১৮৩৯৯৮০৫২১ | ঐ |
| ১২ | চন্দ সেন চাকমা | ফ্রি-ল্যান্স, ফটো গ্রাফার | ০১৭২৭৫৭৪৭০৬ | ঐ |
| ১৩ | সুদীপ্ত চাকমা | মালেইয়া ফাউন্ডেশন | ০১৭১২৪০৫৩১০ | ঐ |

সংযুক্তি খ

পার্বত্য জেলা সমূহের বনজদ্রব্য পরিবহন (নিয়ন্ত্রণ) বিধিমালা ২০১০ এর খসড়া উপর সংশোধনী প্রস্তাবাবলীঃ

তারিখ: ৩রা মার্চ ২০১৬

স্থান: চাকমা সার্কেল কার্যালয়, রাজবাড়ি, রাঙ্গামাটি পার্বত্য জেলা।

| | পরিবেশ ও বন মন্ত্রণালয়ের খসড়া বিধিমালা | পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের প্রস্তাবনা | নাগরিক সমাজের প্রস্তাবনা | নাগরিক সমাজের প্রস্তাবনার যৌক্তিকতা ও মন্তব্য |
|---|---|--|--|---|
| | ১ | ২ | ৩ | ৪ |
| | <p>৫। অশ্রেণীভুক্ত বনভূমি (Unclassed State Forests) হইতে বনজদ্রব্য আহরণ, অপসারণ বা পরিবহন:-</p> <p>(১)</p> <p>(২)</p> <p>(৩)</p> <p>(৪)</p> <p>(৫)</p> <p>(৬) পার্বত্য জেলা সমূহে বসবাসরত উপজাতীয় ব্যক্তিগণ অশ্রেণীভুক্ত বনাঞ্চল হইতে বিনা রাজস্বে নিজস্ব গৃহস্থালী ব্যবহারের জন্য জ্বালানী কাঠ ও অন্যান্য অপ্রধান বনজ দ্রব্য (নিষিদ্ধ ঘোষিত ব্যতীত) সংগ্রহ করিতে পারিবেন।</p> | <p>(৬) পার্বত্য জেলা সমূহে বসবাসরত উপজাতীয় ব্যক্তিগণ অশ্রেণীভুক্ত বনাঞ্চল হইতে বিনা রাজস্বে ও বিনা অনুমতিতে নিজস্ব ব্যবহার ও জীবিকার জন্য জ্বালানী কাঠ ও অন্যান্য অপ্রধান বনজ দ্রব্য (নিষিদ্ধ ঘোষিত ব্যতীত) সংগ্রহ ও বিক্রয় করিতে পারিবেন।</p> | <p>(৬) পার্বত্য জেলা সমূহের মৌজা রিজার্ভ (ভিসিএফ) -নির্ভর পাহাড়ী আদিবাসীজনগোষ্ঠী মৌজা হেডম্যানের অনুমতি পত্রপ্রাপ্তি সাপেক্ষে বিনা রাজস্বে ও বিনা অনুমতিতে নিজস্ব ব্যবহার ও জীবিকার জন্য বিবিধ জাতের গোল কাঠ, বল্লি, জ্বালানী কাঠ এবং বাঁশ, বেত ও অন্যান্য অ-কাঠ বনজ দ্রব্য সংগ্রহ ও বিক্রয় করিতে পারিবেন।</p> <p>পার্বত্য জেলা সমূহের মৌজা রিজার্ভ (ভিসিএফ) ও জোত ভূমি ব্যতীত অন্যান্য এলাকায় বসবাসরত আদিবাসী পাহাড়ী বাসিন্দাগণ মৌজা হেডম্যানের অনুমতি পত্র প্রাপ্তি সাপেক্ষে বিনা রাজস্বে ও বিনা অনুমতিতে নিজস্ব ব্যবহার ও জীবিকার জন্য বিবিধ জাতের গোল কাঠ, বল্লি, জ্বালানী কাঠ এবং বাঁশ, বেত ও অন্যান্য অ-কাঠ বনজ দ্রব্য সংগ্রহ ও বিক্রয় করিতে পারিবেন।</p> | <p>❖ জাতীয় বননীতি</p> <p>❖ সিএইচটি রেগুলেশন *বিধি ৪১ (ক)</p> <p>❖ ডিসি স্ট্যান্ডিং অর্ডার</p> <p>❖ ডিসি স্ট্যান্ডিং অর্ডার</p> <p>❖ রয়্যালটি পারমিট</p> |
| ১ | <p>৭। বেসরকারী মালিকানাধীন ভূমি হইতে বনজ দ্রব্য আহরণ:-</p> <p>(১) ফ্রি-লাইসেন্স ব্যতীত বেসরকারী ব্যক্তি কিংবা প্রতিষ্ঠানের মালিকানাধীন ভূমি হইতে কোন বনজ</p> | মন্তব্য নাই | মন্তব্য নাই | প্রযোজ্য নহে |

| | পরিবেশ ও বন মন্ত্রণালয়ের খসড়া বিধিমালা | পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের প্রস্তাবনা | নাগরিক সমাজের প্রস্তাবনা | নাগরিক সমাজের প্রস্তাবনার যৌক্তিকতা ও মন্তব্য |
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| | দ্রব্য আহরণ করা যাইবে না। | | | |
| ২ | (২) উপবিধি (১) এ বর্ণিত বন ভূমি হইতে বনজদ্রব্য আহরণের জন্য ভূমির মালিক কর্তৃক ফ্রি-লাইসেন্সের জন্য বিভাগীয় বন কর্মকর্তার নিকট ফরম-২ এ আবেদন দাখিল করিতে হইবে। তবে শর্ত থাকে যে, একই হোল্ডিং এর বিপরীতে ২ (দুই) বছরের মধ্যে একাধিকবার ফ্রি লাইসেন্স এর জন্য আবেদন করা যাইবে না। | (২) উপবিধি (১) এ বর্ণিত বন ভূমি হইতে বনজদ্রব্য আহরণের জন্য ভূমির মালিক কর্তৃক ফ্রি-লাইসেন্সের জন্য বিভাগীয় বন কর্মকর্তার নিকট ফরম-২ এ আবেদন দাখিল করিতে হইবে। তবে শর্ত থাকে যে, একই হোল্ডিং এর বিপরীতে ১ (এক) বছরের মধ্যে একাধিকবার ফ্রি-লাইসেন্স জন্য আবেদন করা যাইবে না। | আঞ্চলিক পরিষদের মতামতের সাথে সমমত | ২ বছর হলে অপ্রয়োজনীয় কাঠ কর্তন করা হইতে পারে। ১ বছর হইলে জোত মালিকানায় প্রয়োজনীয় কাঠ কর্তন করিবে। |
| ৩ | (৩) উপবিধি (১) এর অধীন ফ্রি লাইসেন্স গ্রহণের জন্য আবেদনপত্রের সহিত, প্রযোজ্য স্কেট্রে, নিম্নবর্ণিত দলিলাদি দাখিল করিতে হইবে, যথাঃ- (ক) জেলা প্রশাসক বা উপজেলা নির্বাহী কর্মকর্তা কর্তৃক প্রদত্ত মালিকানা সংক্রান্ত ভূমির হালনাগাদ নকশাসহ প্রত্যয়নপত্র। (খ) সংশ্লিষ্ট ভূমির জরিপ নকশার ট্রেসিং কপি; (গ) ভূমির খাজনা প্রদানের হালনাগাদ রশিদ (ডিসিআর)। (ঘ) আবেদনকারীর ৪ (চার) কপি সত্যায়িত পাসপোর্ট আকারের ছবি। | এর অধীন ফ্রি লাইসেন্স গ্রহণের জন্য আবেদনপত্রের সহিত প্রযোজ্য স্কেট্রে নিম্নবর্ণিত দলিলাদি দাখিল করিতে হইবে, যথাঃ- (ক) চেয়ারম্যান, পার্বত্য জেলা পরিষদ কর্তৃক প্রদত্ত মালিকানা সংক্রান্ত ভূমির হালনাগাদ নকশাসহ প্রত্যয়নপত্র। (খ) সংশ্লিষ্ট ভূমির জমাবন্দী/খতিয়ানের কপি (গ) ভূমির খাজনা প্রদানের হালনাগাদ রশিদ (ডিসিআর)। (ঘ) আবেদনকারীর ৪ (চার) কপি সত্যায়িত পাসপোর্ট আকারের ছবি। | আবেদন পত্রে ৪ কপি ছবির পরিবর্তে ৩ (তিন) কপি ছবির কথা উল্লেখকপূর্বক অন্যান্য সকল স্কেট্রে আঞ্চলিক পরিষদের সাথে সমমত। [বিধি ৭ (৩) (১) (ঘ) দ্রষ্টব্য] | পার্বত্য জেলার অধিকাংশ জমিতে বিশেষ করে গ্রামাঞ্চলে, কেডেস্ট্রোল জরিপ না হওয়াতে জরিপ নকশা নেই। পার্বত্য অঞ্চলে ভূমি মালিকানা সংক্রান্ত বিষয়ে সংশ্লিষ্ট ভূমির জমাবন্দী বা খতিয়ানের কপি প্রদর্শনের মাধ্যমে জমি বা ভূমির মালিকানার প্রমাণের রেওয়াজ চলমান রয়েছে। |
| ৪ | (৪) উপবিধি (২) এ বর্ণিত আবেদনপত্র প্রাপ্তির পর সংশ্লিষ্ট রেঞ্জ বা স্টেশন কর্মকর্তা- | উপবিধি (২) এ বর্ণিত আবেদনপত্র প্রাপ্তির পর সংশ্লিষ্ট রেঞ্জ বা স্টেশন কর্মকর্তা- | | সময়সীমা না থাকার कारणे বন বিভাগের রেঞ্জ বা স্টেশন কর্মকর্তা- দ্বারা দীর্ঘসূত্রীতার সৃষ্টি হয়, |
| | | | খসড়া বিধিতে ও পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের প্রস্তাবে বর্তমানে সময়সীমা উল্লেখ নাই। | |

| | পরিবেশ ও বন মন্ত্রণালয়ের খসড়া বিধিমালা | পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের প্রস্তাবনা | নাগরিক সমাজের প্রস্তাবনা | নাগরিক সমাজের প্রস্তাবনার যৌক্তিকতা ও মন্তব্য |
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| | <p>(ক) তদন্ত করিয়া আবেদনপত্র ও আবেদন পত্রের সহিত সংযুক্ত ম্যাপ সরেজমিনে পরীক্ষা করতঃ সংশ্লিষ্ট ভূমি এবং আবেদনপত্রে প্রদর্শিত ভূমির পরস্পর মিল আছে কিনা উহা যাচাই করতঃ উক্ত ভূমিতে অবস্থিত গাছের মার্কিং তালিকা প্রস্তুত করিবেন;</p> <p>(খ) দফা (ক) এর অধীন প্রস্তুতকৃত মার্কিং তালিকা অনুযায়ী বনজঙ্গলের বিবরণ ও আনুমানিক পরিমাণ ফরম-২ এর ৬ নং কলামে তাহার প্রতিবেদন সহ তারিখ উল্লেখ পূর্বক স্বাক্ষর করতঃ অনধিক ৪০ (চলি-শ) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট ফেরত প্রদান করিবেন;</p> | <p>(ক) তদন্ত করিয়া আবেদনপত্র ও আবেদন পত্রের সহিত সংযুক্ত ম্যাপ সরেজমিনে পরীক্ষা করতঃ সংশ্লিষ্ট ভূমি এবং আবেদনপত্রে প্রদর্শিত ভূমির পরস্পর মিল আছে কিনা উহা যাচাই করতঃ উক্ত ভূমিতে অবস্থিত গাছের মার্কিং তালিকা প্রস্তুত করিবেন;</p> <p>(খ) দফা (ক) এর অধীন প্রস্তুতকৃত মার্কিং তালিকা অনুযায়ী বনজঙ্গলের বিবরণ ও আনুমানিক পরিমাণ ফরম-২ এর ৬ নং কলামে তাহার প্রতিবেদন সহ তারিখ উল্লেখ পূর্বক স্বাক্ষর করতঃ অনধিক ৩০ (ত্রিশ) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট ফেরত প্রদান করিবেন;</p> | <p>তাই অনাধিক ১৫ (পনের) কার্যদিবসের মধ্যে তদন্তের সময়সীমার বাধ্যবাধকতা থাকিতে হইবে। [বিধি ৭ (৪) (২) (ক) দ্রষ্টব্য]</p> <p><u>বর্তমানে জ্বালানী কাঠের উল্লেখ নাই।</u> তাই সুনির্দিষ্টভাবে জ্বালানী কাঠের পরিমাণ উল্লেখপূর্বক একই ফ্রি লাইসেন্স-এ গোল কাঠ ও জ্বালানী কাঠ উল্লেখ করিতে হইবে। [বিধি ৭ (৪) (২) (ক) দ্রষ্টব্য]</p> <p><u>আঞ্চলিক পরিষদের সাথে সম্মত।</u> [বিধি ৭ (৪) (২) (খ) দ্রষ্টব্য]</p> | <p>তাই সময়সীমা উল্লেখ করার প্রয়োজনীয়তা আছে।</p> <p>বাগানে কর্তনকৃত গাছের আগা পরিত্যক্ত অবস্থায় নষ্ট হয়ে যায়। তাই ফ্রি পারমিটের আওতায় জ্বালানী কাঠ হিসাবে কর্তনকৃত গাছের আগা পরিবহন করিতে পারিলে জোট মালিকগণ উপকৃত হইবে এবং আয় বৃদ্ধি পাইবে।</p> <p>[বিধি ৭ (৪) (২) (ক) দ্রষ্টব্য]</p> |
| ৫ | <p>(৫) উপবিধি ভূমির মালিকানা বিষয়ে কোন জটিলতা পরিলক্ষিত হইলে বিভাগীয় বন কর্মকর্তা বিষয়টির নিষ্পত্তির লক্ষ্যে ডেপুটি কমিশনারের নিকট প্রেরণ করিবেন এবং ডেপুটি কমিশনার প্রয়োজনীয় যাচাই বাছাই করিয়া অনধিক ত্রিশ (৩০) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট প্রতিবেদন প্রেরণ করিবেন।</p> | <p>(৫) উপবিধি ভূমির মালিকানা বিষয়ে কোন জটিলতা পরিলক্ষিত হইলে বিভাগীয় বন কর্মকর্তা বিষয়টির নিষ্পত্তির লক্ষ্যে চেয়ারম্যান পার্বত্য জেলা পরিষদ এর নিকট প্রেরণ করিবেন এবং চেয়ারম্যান পার্বত্য জেলা পরিষদ প্রয়োজনীয় যাচাই বাছাই করিয়া অনধিক ত্রিশ (৩০) কার্যদিবসের মধ্যে বিভাগীয় বন কর্মকর্তার নিকট প্রতিবেদন প্রেরণ করিবেন।</p> | <p><u>মৌজা হেডম্যানের সম্পৃক্ততা সংযোজন পূর্বক আঞ্চলিক পরিষদের সাথে সম্মত</u> পোষন করেন।</p> | <p>পার্বত্য জেলা পরিষদ আইন অনুসারে ভূমি বিষয়টি জেলা পরিষদের এখতিয়ারাধীন বিষয় এবং সংশ্লিষ্ট মৌজা হেডম্যান ভূমি ব্যবস্থাপনার সাথে সরাসরি সম্পৃক্ত।</p> |
| ৬ | <p>(৬) উপবিধি (৪) এর দফা (খ) অনুযায়ী রেঞ্জ/স্টেশন কর্মকর্তার নিকট হইতে প্রতিবেদনসহ আবেদন পত্রটি ফেরত প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা প্রতিবেদন বিষয়ে <u>সন্দেহ</u> হইলে অনধিক</p> | <p>(৬) উপ-বিধি (৪) এর দফা (খ) অনুযায়ী রেঞ্জ/স্টেশন কর্মকর্তার নিকট হইতে প্রতিবেদনসহ আবেদন পত্রটি ফেরত প্রাপ্তির পর বিভাগীয় বন কর্মকর্তা অনধিক ৩০ (ত্রিশ) কার্যদিবসের মধ্যে</p> | <p>নিম্নবর্ণিত শব্দাবলী সংযোজন পূর্বক আঞ্চলিক পরিষদের সাথে <u>সম্মত</u> পোষন করেন: “<u>ইসুকৃত ফ্রি পারমিটের আওতায় কাঠের</u></p> | <p>বাগানে কর্তনকৃত গাছের আগা পরিত্যক্ত অবস্থায় নষ্ট হয়ে যায়। তাই ফ্রি পারমিটের আওতায় জ্বালানী কাঠ হিসাবে কর্তনকৃত গাছের আগা পরিবহন</p> |

| | পরিবেশ ও বন মন্ত্রণালয়ের খসড়া বিধিমালা | পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের প্রস্তাবনা | নাগরিক সমাজের প্রস্তাবনা | নাগরিক সমাজের প্রস্তাবনার যৌক্তিকতা ও মন্তব্য |
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| | ৩০ (ত্রিশ) কার্যদিবসের মধ্যে বিনা রাজস্বে আহরণের জন্য ফরম-৪ এ ফ্রি লাইসেন্স ইস্যু করিবেন। | বিনা রাজস্বে আহরণের জন্য ফরম-৪ এ ফ্রি লাইসেন্স ইস্যু করিবেন। | <u>পরিমাণ অনুসারে জ্বালানী কাঠের লাইসেন্স ইস্যু করিবেন</u> ; [বিধি ৭ (৬) (৪) (খ) দ্রষ্টব্য] | করিতে পারিলে জোট মালিকগণ উপকৃত হইবে এবং আয় বৃদ্ধি পাইবে। [বিধি ৭ (৬) (৪) (খ) দ্রষ্টব্য] |
| ৭ | (৭) উপবিধি এর অনুযায়ী বসত ভিটার ৫ (পাঁচ) টি পর্যন্ত গাছ (অনধিক মোট ১০০ ঘনফুট কাঠ) প্রকৃত অধিবাসীর জরুরী প্রয়োজনে আহরণের জন্য স্থানীয় রেঞ্জ কর্মকর্তা বিশেষ বিবেচনায় ফ্রি পারমিট প্রদান করিতে পারিবেন। | (৭) উপবিধি বসত ভিটার ১০ (দশ) টি পর্যন্ত গাছ (কর্তনের পর পরিমাপে যা দাঁড়ায়) প্রকৃত অধিবাসীর জরুরী প্রয়োজনে আহরণের জন্য স্থানীয় রেঞ্জ কর্মকর্তা বিশেষ বিবেচনায় ফ্রি পারমিট প্রদান করিতে হইবে। | বিধি ৭ (৭) এ উল্লিখিত “৫ টি পর্যন্ত গাছ (অনধিক ১০০ ঘনফুট কাঠ)” শব্দসমূহকে “২০টি পর্যন্ত গাছ (কর্তনের পর পরিমাপে যা দাঁড়ায়)” দ্বারা প্রতিষ্ঠাপিত করা। | যেহেতু একই রেঞ্জের আওতাধীন আটের অধিক মৌজা বিদ্যমান সেহেতু জনসংখ্যা অনুপাতে বিশেষ বিবেচনায় মাসে ২০ টি গাছ কর্তনের জন্য ফ্রি পারমিট প্রয়োজন। |
| ৮ | (৮) উপবিধি (৭) এর অধীন বিশেষ বিবেচনায় ফ্রি পারমিট প্রাপ্তির জন্য জরুরী প্রয়োজন সম্বলিত স্থানীয় চেয়ারম্যান বা হেডম্যান এর প্রত্যয়ন পত্র, জমির জরীপ নকশা ট্রেসিং কপি, হালনাগাদ রশিদ ও ২ (দুই) কপি ছবি সহ জমির মালিককে রেঞ্জ কর্মকর্তার নিকট আবেদন করিতে হইবে। | (৮) উপবিধি (৭) এর অধীন বিশেষ বিবেচনায় ফ্রি পারমিট প্রাপ্তির জন্য জরুরী প্রয়োজন সম্বলিত স্থানীয় হেডম্যান এর প্রত্যয়ন পত্র, জমির জমাবন্দী/খতিয়ানের কপি, হালনাগাদ খাজনা প্রদানের হালনাগাদ রশিদ ও ২ (দুই) কপি ছবি সহ জমির মালিককে রেঞ্জ কর্মকর্তার নিকট আবেদন করিতে হইবে। | (৮) উপবিধি (৭) এ অধীনে বিশেষ বিবেচনায় ফ্রি-পারমিট প্রাপ্তির জন্য জমির মালিককে মৌজা হেডম্যানের প্রত্যয়ন পত্র এবং ক্ষেত্র বিশেষে খতিয়ান/ জমাবন্দী/ হালনাগাদ খাজনা প্রদানের রশিদ ও ২ (দুই) কপি ছবিসহ রেঞ্জ কর্মকর্তার নিকট আবেদন করিতে হইবে। আবেদন পত্র প্রাপ্তির পর রেঞ্জ কর্মকর্তা অনধিক ১০ (দশ) কার্যদিবসের মধ্যে ফ্রি পারমিট ইস্যু করিবেন। | জরুরী প্রয়োজন বিধায় সময়ের বাধ্যবাধকতা রয়েছে। |
| ৯ | উপবিধি (১১) অনুযায়ী একজন রেঞ্জ কর্মকর্তা মাসে ২ টির অধিক বিশেষ বিবেচনায় পারমিট প্রদান করিতে পারিবেন না। | (১১) অনুযায়ী একজন রেঞ্জ কর্মকর্তা মাসে ১০ টির অধিক বিশেষ বিবেচনায় পারমিট প্রদান করিতে পারিবেন না। | <u>আঞ্চলিক পরিষদের সাথে সম্মত</u> । [বিধি ৭ (১১) দ্রষ্টব্য] | যেহেতু একই রেঞ্জের আওতাধীন আটের অধিক মৌজা বিদ্যমান সেহেতু জনসংখ্যা অনুপাতে বিশেষ বিবেচনায় মাসে ১০ টির অধিক পারমিট প্রয়োজন। [বিধি ৭ (১১) দ্রষ্টব্য] |

| | পরিবেশ ও বন মন্ত্রণালয়ের খসড়া বিধিমালা | পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের প্রস্তাবনা | নাগরিক সমাজের প্রস্তাবনা | নাগরিক সমাজের প্রস্তাবনার যৌক্তিকতা ও মন্তব্য |
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| ১০ | ১৩। ভিনিয়ার ফ্যাক্টরী, ফার্নিচার মার্চ বা টিম্বার প্রসেসিং ইউনিট স্থাপন।- | | | |
| | <p>উপবিধি (৯) অনুযায়ী এক জেলা হইতে অন্য জেলায় টিম্বার এর ফার্নিচার বা টিম্বারজাত দ্রব্য পরিবহন করিতে হইলে সংশ্লিষ্ট শিল্প প্রতিষ্ঠানের মালিককে বিভাগীয় বন কর্মকর্তার নিকট হইতে লিখিত অনুমতি গ্রহণ করিতে হইবে।</p> | <p>উপবিধি (৯) অনুযায়ী তিন পার্বত্য জেলা হইতে অন্য জেলায় টিম্বার এর ফার্নিচার বা টিম্বারজাত দ্রব্য পরিবহন করিতে হইলে সংশ্লিষ্ট শিল্প প্রতিষ্ঠানের মালিককে চেয়ারম্যান পার্বত্য জেলা পরিষদ এর নিকট হইতে লিখিত অনুমতি গ্রহণ করিতে হইবে।</p> | <p>পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের প্রস্তাবিত বিধি ১৩(৯) ১৩(১০) ও ১৩ (১১) এর মূল প্রস্তাবাবলির সাথে সমমত পোষন করিয়া পরিবেশ ও বন মন্ত্রণালয়ের প্রস্তাবিত বিধি ১৩ (৯) এর পরিবর্তে নিম্ন লিখিত <u>নতুন ১৩(৯) ও নতুন ১৩(১১)</u> প্রস্তাব করছে।</p> <p>বিধি ১৩ (৯) পার্বত্য চট্টগ্রামের জেলাসমূহ হইতে অন্য যে কোন জেলায় টিম্বার-এর ফার্নিচার বা টিম্বার জাত দ্রব্য পরিবহন করিতে হইলে সংশ্লিষ্ট শিল্প মালিককে নিম্নোক্ত শর্তাবলী পালন করিতে হইবে।</p> <p>ক) ফ্রি-লাইসেন্সের আওতায় আহরিত কাঠ বা বন বিভাগ কর্তৃক নিলাম ডাক হইতে সংগৃহীত কাঠের চিরাই সংক্রান্ত প্রক্রিয়ায় সম্পাদনপূর্বক ফার্নিচার তৈয়ার করিয়া চেয়ারম্যান, পার্বত্য জেলা পরিষদ-এর নিকট হইতে লিখিত অনুমতি গ্রহণ পূর্বক সমতল জেলায় পরিবহণ করা যাইবে।</p> <p>খ) গৃহস্থালী ব্যবহারের লক্ষ্যে পার্বত্য চট্টগ্রামের অভ্যন্তরে টিম্বার এবং নন টিম্বারজাত দ্রব্যের ফার্নিচার পরিবহণের জন্য সংশ্লিষ্ট হেডম্যান-এর প্রত্যয়ন পত্র* সাপেক্ষে বন বিভাগসহ অন্য কোন কর্তৃপক্ষের পূর্বানুমতি ব্যতিরেকে পরিবহণ করা যাইবে।</p> <p>গ) মৌজাস্থ জমির অন্তর্গত বনজ দ্রব্য হইতে প্রস্তুতকৃত কুটির শিল্পের সামগ্রী, বালি, এবং বাঁশ, বেতসহ অন্যান্য ননটিম্বার</p> | |

| | পরিবেশ ও বন মন্ত্রণালয়ের খসড়া বিধিমালা | পার্বত্য চট্টগ্রাম আঞ্চলিক পরিষদের প্রস্তাবনা | নাগরিক সমাজের প্রস্তাবনা | নাগরিক সমাজের প্রস্তাবনার যৌক্তিকতা ও মন্তব্য |
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| | | | জাতীয় দ্রব্যাদি গৃহস্থালী কাজে ব্যবহার অথবা জীবিকার তাগিদে বাজারজাতকরণের জন্য পার্বত্য চট্টগ্রামের অভ্যন্তরে পরিবহণ করা যাইবে। | |
| | নাই | নাই | <p>নতুন বিধির সংযোজন :</p> <p>নিম্ন লিখিত প্রজাতির বৃক্ষ আহরণ ও পরিবহনের ক্ষেত্রে অত্র বিধিমালায় অন্তর্ভুক্ত বিধানাবলী প্রযোজ্য হইবে না।</p> <p>১। সংযুক্ত (গ)</p> | <p>সরকার কর্তৃক সংরক্ষিত বনে অথবা অন্যান্য সরকারী মালিকানাধীন জমিতে রোপনকৃত প্রজাতির বৃক্ষ ব্যতীত অন্যান্য বৃক্ষাদি পরিবহন বিধানাবলীর আওতাভূক্তির কোন যৌক্তিকতা নাই।</p> <p>তুলনামূলক বিদেশী আইনের উদ্ধৃতি (The Kerala Forest Produce Transit Rules 1975, Rule- 4(4)(a))</p> <p>নিম্ন লিখিত এলাকা সমূহ এই বিধির আওতাভুক্ত হইবে না।</p> |

সংযুক্তি গ

নিম্ন লিখিত প্রজাতির বৃক্ষ আহরণ ও পরিবহনের ক্ষেত্রে অত্র বিধিমালায় অর্ন্তভুক্ত বিধানাবলী প্রযোজ্য হইবে না।

| ক্রমিক নং | স্থানীয় নাম | বৈজ্ঞানিক নাম |
|-----------|---------------|------------------------------------|
| ১. | কাঁঠাল | <i>Atrocarpus heterophyllus</i> |
| ২. | তেতুল | <i>Tamarindus indica</i> |
| ৩. | আম | <i>Mangifera indica</i> |
| ৪. | আমলকী | <i>Phyllanthus embelica</i> |
| ৫. | ডুমুর | <i>Ficus semicordata</i> |
| ৬. | উলট কম্বল | <i>Abroma augusta</i> |
| ৭. | খয়ের | <i>Acacia catechu</i> |
| ৮. | আকাশমণি | <i>Acacia moniliformis</i> |
| ৯. | সুপারী | <i>Areca catechu</i> |
| ১০. | বন সুপারী | <i>Areca triandra</i> |
| ১১. | পলাশ | <i>Butea monosperma</i> |
| ১২. | লাল পলাশ | <i>Butea parviflora</i> |
| ১৩. | রাধাচূড়া | <i>Caesalpinia pulcherrina</i> |
| ১৪. | শিমূল | <i>Salmaalina insigne</i> |
| ১৫. | উদাল | <i>Sterculia villosa</i> |
| ১৬. | রসকাউ | <i>Carallia brachiata</i> |
| ১৭. | অশোক | <i>Saraca indica</i> |
| ১৮. | বর্তা | <i>Atocarpus lakoocha</i> |
| ১৯. | সোনালু | <i>Cassia fistula</i> |
| ২০. | বন সোনালু | <i>Cassia nodosa</i> |
| ২১. | হরিণা | <i>Vitex glabrata</i> |
| ২২. | জোগ্য ডুমুর | <i>Ficus racemosa</i> |
| ২৩. | শিলভাদী | <i>Garuga pinnata</i> |
| ২৪. | কাটালাল বাটনা | <i>Castanopsis armata</i> |
| ২৫. | গুনড্রই | <i>Cinnamomum cecidodaphna</i> |
| ২৬. | গাব | <i>Diospyros peregrina</i> |
| ২৭. | কুকুরচিটা | <i>Litsea sebifera</i> |
| ২৮. | মেহগনি | <i>Swietenia mahagoni</i> |
| ২৯. | ছালমুগরা | <i>Gynocardia odorata</i> |
| ৩০. | বাটনা | <i>Quercus acuminata</i> |
| ৩১. | কালো করই | <i>Albizia lebbeck</i> |
| ৩২. | বলাশ | <i>Sapium baccatum</i> |
| ৩৩. | গামার | <i>Gmelina arborea</i> |
| ৩৪. | আশার | <i>Pterospermum semisagittatum</i> |
| ৩৫. | মুস | <i>Pterospermum acerifolium</i> |

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| ৩৬. | বুহাল | <i>Cordia dichotoma</i> |
| ৩৭. | সুতা গোলা | <i>Vatica lanceifolia</i> |
| ৩৮. | চিকরাশি | <i>Chickrassia tabularis</i> |
| ৩৯. | বরমালা | <i>Callicarpa arbores</i> |
| ৪০. | কুম | <i>Adina sessilifolia</i> |
| ৪১. | শেওড়া | <i>Streblus asper</i> |
| ৪২. | ঢাকিজাম | <i>Syzygium grande</i> |
| ৪৩. | কালোজাম | <i>Syzygium cumini</i> |
| ৪৪. | হরিতকী | <i>Terminalia chebula</i> |
| ৪৫. | কনক | <i>Sehima wallichii</i> |
| ৪৬. | উদাল | <i>Sterculia villosa</i> |
| ৪৭. | চালতা | <i>Dillenia indica</i> |
| ৪৮. | হারগাজা | <i>Dillenia pentagyna</i> |
| ৪৯. | বাবলা | <i>Acacia nilotica</i> |
| ৫০. | বেল | <i>Aegle marmel</i> |
| ৫১. | কড়ই | <i>Albizia procera</i> |
| ৫২. | বিলাতী শিরিষ | <i>Albizia richardiana</i> |
| ৫৩. | চীনা শিরিষ | <i>Albizia chinensis</i> |
| ৫৪. | ছাতিম | <i>Alstonia scholaris</i> |
| ৫৫. | রাজ অশোক | <i>Amherstia nobilis</i> |
| ৫৬. | কাজুবাদাম | <i>Anacardium occidentale</i> |
| ৫৭. | নোনাআতা | <i>Anona reticulata</i> |
| ৫৮. | আতা | <i>Anona squamosa</i> |
| ৫৯. | কদম | <i>Anthocephalus chinensis</i> |
| ৬০. | চিনাবাদাম | <i>Arachis hypogaea</i> |
| ৬১. | বনজাম | <i>Ardisia solanacea</i> |
| ৬২. | চাপালিস | <i>Atrocarpus chaplasha</i> |
| ৬৩. | ডেউয়া | <i>Atrocarpus lakoocha</i> |
| ৬৪. | কান্না বাঁশ | <i>Bambusa arundinacea</i> |
| ৬৫. | বালুক বাঁশ | <i>B. balcooa</i> |
| ৬৬. | ওরা বাঁশ | <i>B. vulgaris</i> |
| ৬৭. | বন বাঁশ | <i>B. longispiculata</i> |
| ৬৮. | পিছলি বাঁশ | <i>B. nutans</i> |
| ৬৯. | পারুয়া বাঁশ | <i>B. polymorpha</i> |
| ৭০. | ফারুয়া বাঁশ | <i>B. terea</i> |
| ৭১. | তল্লা বাঁশ | <i>B. tulda</i> |
| ৭২. | হিজল | <i>Barringtonia acutangula</i> |
| ৭৩. | রক্তকান্চন | <i>Bauhinia purpurea</i> |
| ৭৪. | লটকন | <i>Bixa orellana</i> |
| ৭৫. | উড়িআম (মেরি) | <i>Buea burmanica</i> |
| ৭৬. | সুলতানচাপা | <i>Calophyllum inopyllum</i> |
| ৭৭. | কামদেব | <i>Calophyllum polyanthum</i> |

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| ৭৮. | বড় আকন্দ | <i>Calotropis gigantea</i> |
| ৭৯. | ছোট আকন্দ | <i>Calotropis procera</i> |
| ৮০. | সোনামুখী | <i>Cassia angustifolia</i> |
| ৮১. | বান্দর লাঠি (সোনালু) | <i>Cassia fistula</i> |
| ৮২. | লাল সোনালু | <i>Cassia nodosa</i> |
| ৮৩. | বড় কালকেসুন্দা | <i>Cassia occidentalis</i> |
| ৮৪. | ছোট কালকেসুন্দা | <i>Cassia sophera</i> |
| ৮৫. | হিজল | <i>Barringtonia acutangula</i> |
| ৮৬. | পলাশ | <i>Butea monosperma</i> |
| ৮৭. | ঝাউ | <i>Casuarina littorea</i> |
| ৮৮. | কুইনাইন | <i>Cinchona officinalis</i> |
| ৮৯. | কপূর | <i>Cinnamomum camphora</i> |
| ৯০. | তেজ | <i>Cinnamomum cassia</i> |
| ৯১. | নারিকেল | <i>Cocos nucifera</i> |
| ৯২. | মদনমস্ত | <i>Dehaasta kurzii</i> |
| ৯৩. | কৃষ্ণচূড়া | <i>Delonix regia</i> |
| ৯৪. | চালতা | <i>Dillenia indica</i> |
| ৯৫. | আজুলী | <i>Dillenia pentagyna</i> |
| ৯৬. | তমাল | <i>Diospyros cordifolia</i> |
| ৯৭. | বিলাতী গাব | <i>Diospyros philippensis</i> |
| ৯৮. | তেলগুর | <i>Drimycarpus racemosus</i> |
| ৯৯. | বান্দরহুলা | <i>Duabanga grandiflora</i> |
| ১০০. | জলপাই | <i>Olea europea</i> |
| ১০১. | মাদার | <i>Erythrina indica</i> |
| ১০২. | ইউক্যালিপটাস | <i>Eucalyptus citriodora</i> |
| ১০৩. | জিওলভাদি | <i>Garuga pinnata</i> |
| ১০৪. | কদবেল | <i>Feronia limonia</i> |
| ১০৫. | বট | <i>Ficus benghalensis</i> |
| ১০৬. | পাকুর | <i>Ficus comosa</i> |
| ১০৭. | অশ্বথ | <i>Ficus religiosa</i> |
| ১০৮. | গামারী | <i>Gmelina arborea</i> |
| ১০৯. | <i>Hevea brasiliensis</i> | |
| ১১০. | জারুল | <i>Lagesstroemia macrocarpa</i> |
| ১১১. | মহুয়া | <i>Madhuca indica</i> |
| ১১২. | উড়ি আম | <i>Mangifera longipes</i> |
| ১১৩. | সফেদা | <i>Manilkara achras</i> |
| ১১৪. | নাগেশ্বর | <i>Mesua nagassarium</i> |
| ১১৫. | চম্পা | <i>Michelia champaca</i> |
| ১১৬. | আকাশমনি | <i>Acacis auriculiformis</i> |
| ১১৭. | সজিনা | <i>Moringa oleifera</i> |
| ১১৮. | পেয়ারা | <i>Psidium guajava</i> |
| ১১৯. | কনকচাঁপা | <i>Pterospermum acerifolium</i> |

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| ১২০. | মেহগনি | <i>Swietenia mahagoni</i> |
| ১২১. | বটিজাম | <i>Syzygium nodiflora</i> |
| ১২২. | নালিজাম | <i>Syzygium cerasoideum</i> |
| ১২৩. | কালোজাম | <i>Syzygium claviflorum</i> |
| ১২৪. | পানিয়াজাম | <i>Syzygium cuminii</i> |
| ১২৫. | খুদিজাম | <i>Syzygium fruticosum</i> |
| ১২৬. | ঢাকীজাম | <i>Syzygium grandis</i> |
| ১২৭. | গোলাপজাম | <i>Syzygiumjanbos</i> |
| ১২৮. | অর্জুন | <i>Terminalia arjuna</i> |
| ১২৯. | বহেড়া | <i>Terminalia belerica</i> |
| ১৩০. | কাঠবাদাম | <i>Terminalia catappa</i> |
| ১৩১. | হরিতকি | <i>Terminalia chebula</i> |