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GOVERNMENT OF ARUNACHAL PRADESH

PART - III

Resolutions, orders, notifications, rules etc., issued by the Government and Heads of Departments.

NOTIFICATION

The 5th September, 2019

No. FOR.43/PRO/2019.—WHEREAS, the Government of Arunachal Pradesh is deeply concerned about the destruction of forests and the decline in the quality of the forests in the State due to illegal felling and logging of trees in the forests aggravated by the uncontrolled use of chainsaws resulting in resource depletion and environmental degradation.

WHEREAS, the Government of Arunachal Pradesh is of the opinion that chain-sawing activities in private and Government forests/plantations constitute some source of livelihood for many persons, especially vulnerable, unemployed individuals and poor communities and that it is necessary to control and regulate the purchase, ownership, possession, sale, transfer, and/or use of chainsaws to prevent them from being used in illegal felling or unauthorized clearing of forests in Arunachal Pradesh.

Now, therefore, in exercise of the powers conferred by Section 40 and Section 72(e) of Assam Forest Regulation 1891, the Governor of Arunachal Pradesh is pleased to notify the Arunachal Pradesh Chainsaw (Control & Regulation) Rules, 2019 as follows:-

1. **Short title, extent and commencement :**

- (i) These rules may be called the Arunachal Pradesh Chainsaw (Control & Regulation) Rules, 2019.
- (ii) They shall extend to the whole of Arunachal Pradesh.
- (iii) They shall come into force from the date of their publication in the official Gazette.

2. **Definitions :**

- (i) In these rules, unless the context otherwise requires -
 - (a) **'Chainsaw'** means any portable power saw or similar cutting device, rendered operative by an electric or internal combustion engine or similar means, that can be used for, but is not limited to, the felling of trees or the cutting of timber. It shall likewise refer to circular saw capable of cutting timber, provided it is portable.
 - (b) **'Chain sawing'** means felling of trees and/or conversion of logs into timber using chainsaws.
 - (c) **'Chain-sawyer'** means person engaged in chain sawing.
 - (d) **'License'** means a license to purchase, acquire, possess, distribute and/or sell chainsaw granted under these rules;
 - (e) **'PCCF&HoFF'** means Principal Chief Conservator of Forests & Head of Forest Force, Arunachal Pradesh.
 - (f) **'DFO'** means Divisional Forest Officer of Territorial Forest Divisions in Arunachal Pradesh.
 - (g) **'Legal purpose'** refers to tree felling, thinning, logging and conversion activities with permission from the competent authority and includes activities such as tree pruning, lopping, landscaping, timber stand improvement and other allied silvicultural activities.
 - (h) **"Registered Tree Plantation"** means tree plantation raised and registered under Section 3.1, 3.2 & 3.3 of the Arunachal Pradesh (Control of Felling & Removal of Trees from Non-Forest Land) Rules 2001 with amendments made in 2013.
- (ii) Words and expressions used but not defined in these rules, and defined in the Assam Forest Regulation 1891 and the rules framed there under shall have the meaning assigned to them in such Act or rules;

3. Restriction on purchase, acquisition, possession and use of chainsaw :

No person shall purchase, acquire, own, possess and use chainsaw for the purpose of chain sawing as defined in sub-clause (b) of clause (i) of rule 2 of these rules without a license and/or Certificate of Registration as provided in these rules.

4. License to purchase, acquire, own, possess and/or sell chainsaw :

- (1) Any person who is eligible and who intends to purchase, acquire, own, possess and/or sell chainsaw shall obtain a License for the same from the PCCF & HoFF in the manner prescribed under rule 7.
- (2) Any person who is eligible and who is already in possession of chainsaw prior to commencement of these rules shall obtain No Objection Certificate (NOC) for registration of the chainsaw from the PCCF & HoFF, provided that the owner of chainsaw fulfils the eligibility criteria.

5. Registration of Chainsaws :

- (1) Any person who purchased, acquired, owned, possessed chainsaw(s) for personal or official use on the strength of a license issued by the PCCF & HoFF, shall register the same with the DFO in the manner prescribed under rule 8:

Provided that the chainsaws purchased for sale/trade will not be registered:

Provided further that chainsaw(s) already acquired/owned before the commencement of these rules shall be registered on the strength of NOC issued by the PCCF & HoFF within two months of the commencement of these rules.

- (2) The Certificate of Registration shall also serve as the permit to own, possess and/or use the chainsaw for legal purpose:

Provided that when the intended use requires permission from any government department/ agency/authority/person, such permission shall first be obtained prior to actual use.

6. Persons eligible for license and certificate of registration :

- (1) Persons falling under any of the following categories are eligible for grant/issue of License and/or Certificate of Registration of chainsaw :-
 - (a) Owner of registered tree plantation/forest and holder of such felling permit.
 - (b) Holder of felling permit of trees from other private or Government land.
 - (c) Owner/buyer of legal timber/trees sold by Government Department/Agency/Individual.
 - (d) Holder of license for wood based industries.
 - (e) Government Departments/Agencies and Firms that requires use of chainsaw in some aspect of their functions.
 - (f) Registered trader/businessman in Arunachal Pradesh.

Provided that any person convicted of any offence punishable under any forest or wildlife act or rules shall not be eligible for grant/issue of License and/or Certificate of Registration of Chainsaw.

7. Procedure for obtaining License for chainsaw :

- (1) Any person who is eligible and who intends to purchase, acquire, possess, distribute and/or sell chainsaw shall submit application in Form-I(a) to the PCCF & HoFF by enclosing copy/copies of any of the relevant documents in support of his/her eligibility for the license listed under rule 6.
- (2) The PCCF & HoFF ,after verifying the genuineness of the application and supporting documents and also the eligibility of the applicant for a license as deemed necessary, may issue a License to purchase and sell chainsaw in Form-I(b) or a License to purchase and/or acquire chainsaw in Form-I (c) within 30 days of receipt of the application, subject to payment of license fee or refuse issue of the license for reasons to be recorded in writing, and inform the applicant accordingly.

8. Procedure for registration of chainsaw :

- (1) Any license holder who had purchased, acquired, owned/possessed chainsaw(s) for personal/official use shall submit application for registration of the chainsaw(s) in Form-II(a), duly filled in, to the DFO under whose jurisdiction the applicant resides or the chain saw is intended to be used within 30(thirty) days from the date of purchase/acquisition.
- (2) The application for registration of chainsaw should clearly indicate the brand, model, serial number, horse-power, maximum length of guide bar, date of acquisition, etc. and the place/location with name of Village, Administrative Circle, Forest Range, Forest Division and District where the chainsaw is intended to be used / operated.

- (3) The application for registration should be accompanied by attested copy of the following documents, whichever is relevant in support of his/her eligibility :-
- proof of ownership of chainsaw (sale/purchase memo/invoice, sale deed, gift deed, acquisition through succession, etc)
 - copy of license to purchase, acquire, possess, etc or NOC issued by the PCCF & HoFF
 - copy of registration certificate of private plantation
 - copy of tree felling permit (if any)
 - copy of license for wood based industry
 - copy of receipt for payment of registration fee
- (4) On receipt of complete application, the DFO will physically inspect and verify the chainsaw and record the details and specification of the chainsaw.
- (5) The DFO, after ascertaining the genuineness of the application and the accompanying documents after necessary verification as he deems fit, shall issue a Certificate of Registration of the chainsaw in **Form-II(b)**.
- (6) When a chainsaw for which registration is applied and under process is seized or confiscated for violation of law or these rules, the processing of such application shall be suspended and may be resumed only when the case is dismissed and settled in favour of the applicant.
- (7) The original copy of the Certificate of Registration of chainsaw shall be kept by the owner while the duplicate copy will be retained in the DFO's office. A certified copy of the original Certificate of Registration must be with the chain Sawyer at all times. A copy of the registration certificate will also be given to the PCCF & HoFF and any other territorial DFOs under whose jurisdiction the chainsaw is also intended to be used.

9. Coding system of registered chain saws :

- (1) An alpha-numerical coding system shall be followed as registration number or control number for registered chainsaws which shall be in the following sequence :

The initials provided in rule 9(2) are division codes where the chainsaw was registered followed by the last two digits of the year when the chainsaw was registered, and the assigned number of the chainsaw (e.g., AP/ITA/01/2019 for first registration of chainsaw in Itanagar Social Forestry Division during the year, 2019).

- (2) The following shall be the division codes for each Forest Division where chainsaws shall be registered:

DIVISIONS	CODES
Banderdewa FD	BDW
Khellong FD	KLG
Bomdila FD	BDL
Seppa FD	SEP
Shergaon FD	SGN
Hapoli FD	HPL
Sagalee FD	SGL
Tawang FD	TWG
KurungKumey FD	KKM
Pasighat FD	PAS
Daporijo FD	DPR
Yingkiong FD	YKG
Along FD	ALG

DIVISIONS	CODES
Likabali FD	LKB
Anjaw FD	ANJ
Lohit FD	LOH
Namsai FD	NAM
Dibang FD	DBG
Anini SF FD	ANI
Longding FD	LNG
Deomali FD	DML
Khonsa FD	KNS
Nampong FD	NMP
Kanubari FD	KNB
Changlang SFD	CNG
Pakke WLS	PAK
D'Ering WLS	DEG
Mouling NP	MLG
Mehao WLS	MEH
Kamlang WLS	KML
Dy.CWLW, Naharlagun	NHL
FD, PT, Miao	MIA
Itanagar SF	ITA

- (3) The control number, as described above assigned to every registered chainsaw shall be entered in the Certificate of Registration as registration number.

10. Validity of License and Certificate of Registration :

- (1) License to purchase or acquire chainsaw for personal/official use and for trade/business shall be valid for a period of 1 (one) year and 2 (two) years respectively upon issuance, renewable for the same period on application subject to eligibility.
- (2) Certificate of Registration of a chainsaw shall be valid for 2 (two) years upon issuance, renewable for the same period:

Provided that Certificate of Registration issued to non-commercial orchard and fruit tree farmers, government departments/agencies and similar individuals or entities whose line of business or work are not related to tree farming and / or timber production, processing and trade shall be valid for a period of 5 (five) years upon issuance, renewable for the same period.

11. Renewal of License and Certificate of Registration :

- (1) For renewal of license, the license holder may submit application in plain paper to the PCCF & HoFF stating the reason for not purchasing/not acquiring the chainsaw during the validity of the license and by enclosing documents showing his/her eligibility for the license. The PCCF & HoFF, after carrying out necessary enquiry, may grant renewal of the license or refuse the renewal of the license for reasons to be recorded in writing, and inform the applicant accordingly.
- (2) Application for renewal of Certificate of Registration shall be made to the DFO concerned, at least 30 (thirty) days before the expiry of the validity.

- (3) The DFO will enquire into the application and inspect the registered chainsaw. If he is satisfied that the applicant has not violated any of the provisions of these rules and other forest and wildlife laws, and that the applicant is still eligible for registration of the chainsaw, the DFO may renew the validity of the Certificate of Registration under intimation to the PCCF & HoFF and other DFO(s) concerned, if any. If there is any ground for refusal of renewal of the registration, he may do so with reasons to be recorded in writing and intimate the same to the applicant.

12. Suspension or cancellation of Registration :

Notwithstanding anything contained in foregoing rules, the DFO concerned, may, if there is sufficient reason to believe that the registered chainsaw is used or operated in contravention of the provisions of these rules or conditions of the Certificate of Registration or the owner of the chainsaw or the chain Sawyer is indulging in activities prejudicial to the interest of the forest conservation or public interest, at any time after giving 30(thirty)days notice, suspend or cancel the Certificate of Registration issued under rule 8,

Provided that no such suspension or cancellation shall be made except after giving the holder of the Certificate of Registration an opportunity of being heard.

13. Power of Seizure :

Any forest officer, not below the rank of a Forest Range Officer within his area of jurisdiction, shall have the power to seize any chainsaw which are neither registered nor covered by a license including registered chainsaw(s) which are used in illegal felling/cutting of trees and other illegal purposes.

14. Compounding of Offences :

The DFO shall have the power to compound any offence committed by a person under the provisions of these rules, by exacting such amount as compounding fees which shall be equivalent to the value of the seized material, and imposing a fine which shall not exceed Rs.5,000/- (Rupees five thousand). After compounding, the seized material except timber from Government forests shall be released and no offence shall lie against the person. In case the seized material includes timber from Government forests including naturally grown trees, the same shall stand confiscated. Any offence committed in violation of any of the provisions of these rules, involving the same person, shall not be compounded more than three times and in such case, the license/registration shall become liable for suspension/cancellation, as the case may be.

15. Appeal :

An appeal against an order or decision taken by any authority under these rules shall lie :-

- If the order is made by the DFO, with the in-charge of the Forest Circle concerned;
- If the order is made by the in-charge of the Forest Circle concerned, with the PCCF & HoFF & Principal Secretary(E&F), whose decision shall be final.

Such appeal should be preferred within 60(sixty) days of the receipt of the order or decision and the appellate authority shall within 60(sixty) days of filing the appeal pass the appropriate order.

16. Fees for Grant or Renewal of License :

- (i) The following fees shall be paid by each applicant for the grant or renewal of license and registration:-

Sl. No.	Particulars	Application fee (in ₹)	License fee / Registration fee (in ₹)	Renewal fee (in ₹)
1.	For License	500	1000	1000
2.	For Registration	1000	2000	2000

- (ii) All fees collected under the provision of these rules may be credited into Government receipt under appropriate head of account within the last day of the month during which the fee is collected.

17. Inspection and Verification of Record :

The DFO concerned or any Forest Officer duly appointed by the PCCF & HoFF may inspect at any time without notice, the registered chainsaw(s) or stock of chainsaw(s) within the premises of the license holder (chainsaw dealer).

The holder of Certificate of Registration or License shall, when required to do so, produce immediately the chainsaw(s) and relevant documents to the PCCF & HoFF/DFO for inspection and verification.

18. Penalties :

Any person contravening any of the provisions of these rules shall be punishable with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both.

PCCF(HoFF) & Principal Secretary,
Department of Environment & Forests,
Government of Arunachal Pradesh,
Itanagar.

FORM - I(a)**[See Rule 7(1)]****APPLICATION FOR LICENSE TO PURCHASE/ACQUIRE/SELL CHAINSAW**

To,

The Principal Chief Conservator of Forests & HoFF
Arunachal Pradesh, Itanagar

Subject : Application for License under Arunachal Pradesh Chainsaw (Control & Regulation) Rules, 2019.

Sir,

I hereby apply for - license to purchase/acquire chainsaw(s) for the purpose of -

(a) official use i.e., for.....) at/within
(location)
under.....Forest Division,.....District.

(b) trade i.e., for sell to holder of license to purchase, acquire, possess, etc chainsaw from my registered shop at

Documents enclosed as proof of eligibility(Tick mark whichever is relevant):-

- (a) Registration Certificate of private plantation
- (b) Tree felling permit from competent authority
- (c) Documents showing ownership of trees/timber to be operated with chainsaw
- (d) Document(s) showing ownership of land where chainsaw is proposed to be used
- (e) License for Wood Based Industry
- (f) Registration Certificate of the Firm/Society/Partnership or Company

I hereby undertake to abide by the terms and conditions of the license and relevant provisions of rules, guidelines and instructions issued by the Government from time to time.

Date :

Place :

Signature of the Applicant :

Full Name :

Name of father/husband :

Address :

Phone No. :

FORM - I(b)**[See Rule 7(2)]****LICENSE TO PURCHASE AND SELL CHAINSAW**

Photo

No :

Date:

LICENSE is hereby granted to(name in block letters)

S/o.....R/o

(hereinafter to be referred as License holder) whose particulars are given below **to purchase and sell or trade** in chainsaws under the provisions of Arunachal Pradesh Chainsaw (Control & Regulation) Rules, 2019 subject to compliance of the terms and conditions given on the reverse.

1.	Name of Shop/Firm			
2.	Trade license/Regn No.			
3.	Location of Shop/Firm			
4.	Nature of ownership			
5.	Postal address of the Shop/ Firm	Building No.		
		Locality		
		City/town		
		District/State		
		PIN		
6.	Validity of License	From	To	Signature of issuing authority
	On 1st Renewal			
	On 2nd Renewal			
	On 3rd Renewal			
	On 4th Renewal			

Date :

Place :

Round Seal of DFO

Signature, name and designation of
Issuing Authority with Seal

Terms and conditions :

1. The license shall be valid for a period of two (2) years from the date of issuance and shall be renewed so long as the shop keeps stock of chainsaw for sale/trade.
2. The license holder shall sell chainsaws only to authorized persons/agencies who are holding valid license to purchase/acquire chainsaw.
3. The chainsaws and the premises of the shop where chainsaws are sold shall be open to inspection at any time by any Forest Officer authorized by the PCCF & HoFF.
4. The shop shall keep and maintain register of stock and sale and submit annual return to the PCCF & HoFF as prescribed by him.
5. Any change in the name of the shop and shifting of the shop (change of location of the shop) to another locality shall be done with the prior permission of the PCCF & HoFF.
6. The licensee shall abide by the relevant local rules and regulations on trading and/or the establishment and running of shop issued by the Government from time to time.

Date :

Place :

Signature, name and designation of
Issuing Authority with Seal

I have read/read over to me and understood the terms and conditions given above and I undertake that I will abide by the above terms and conditions and the relevant rules, guidelines and instructions issued by the PCCF & HoFF from time to time, if any, with regard to purchase and sale of chainsaws.

Date :

Place :

Signature of License holder

Phone No.:

FORM - I(c)**[See Rule 7(2)]****LICENSE TO PURCHASE AND/OR ACQUIRE CHAINSAW**

Photo

No.....

Date.....

LICENSE is hereby granted to(name in block letters) S/o.....R/o.....(hereinafter to be referred as License holder) whose particulars are given below **to purchase and/or acquire** chainsaw for personal/official use under the provisions of Arunachal Pradesh Chainsaw (Control & Regulation) Rules, 2019 subject to compliance of the terms and conditions given on the reverse.

1. Proposed use of chainsaw/ Nature of use (personal or official)			
2. Intended place of use/ operation with location, name of VC/LC area, Forest Range, Forest Division and District			
3. Postal address of the License holder	House No./Street		
	Locality		
	City/town		
	District/State		
	PIN		
4. Validity of License	From	To	Signature of issuing authority

Date :

Place :

Round Seal

Signature, name and designation of Issuing Authority with Seal

Terms and conditions:

1. The license shall be valid for a period of one (1) year from the date of issuance and renewable for another period of one (1) year.
2. The chainsaw purchased/acquired on the strength of this license shall be reported and registered with the DFO under whose jurisdiction the chainsaw is intended to be used or under whose jurisdiction the applicant resides within 30(thirty) days from the date of purchase or acquisition.
3. The chainsaw purchased/acquired on the strength of this license, after registration, shall be used for official and legal purposes only.
4. The license holder shall not use the chainsaw or allow it to be used before it is registered with the DFO concerned.
5. In case the license holder, after purchasing/acquiring chainsaw wants to dispose the same before registration, he shall sell/dispose it only to another license holder.

Date :

Place :

Signature, name and designation of
Issuing Authority with Seal

I have read/read over to me and understood the terms and conditions given above and I undertake that I will abide by the above terms and conditions of the license and the relevant rules, guidelines and instructions issued by the PCCF & HoFF from time to time, if any.

Date :

Place :

Signature of License holder

FORM - II(a)**[See Rule 8(1)]****APPLICATION FOR REGISTRATION OF CHAINSAW**

To

The Divisional Forest Officer
Forest Division

Subject : **Application for issue of Certificate of Registration of chainsaw.**

Sir,

I hereby apply for issue of Certificate of Registration to own, possess and use chainsaw of the following description under Arunachal Pradesh Chainsaw (Control & Regulation) Rules, 2019.

Brand	Model	Horsepower	Engine No.	Maximum length of guide bar

Date of acquisition : From whom acquired:

The chainsaw is for official use and legal purpose, i.e.,

 at
 under Forest Division,District.

I enclose the following documents as proof of eligibility for necessary verification:-

- (a) Copy of License No.....to purchase and acquire chainsaw.
- (b) Affidavit that the chainsaw will be used for official or legal purpose only.

I hereby undertake that I will abide by the terms and conditions of the Certificate of Registration and the relevant rules, guidelines and instructions issued by the PCCF from time to time, if any, with regard to the use and disposal of chainsaws.

Date :

Place :

Signature of the Applicant :

Name (in capital letter) :

Name of Firm/Society :

Address :

Phone No. :

FORM - II(b)**[See Rule 8(4)]****CERTIFICATE OF REGISTRATION OF CHAINSAW**

No.....

Photo

Date :.....

Under the provision of the Arunachal Pradesh Chainsaw (Control & Regulation) Rules, 2019, this **Certificate of Registration** to own, possess or use a chain saw of the following description is hereby issued to:(Name of owner in block letters)(Address) subject to compliance of the terms and conditions given on the reverse :

1. Details of chainsaw registered	Brand			
	Model			
	Horsepower			
	Maximum length of guide bar			
	Date of acquisition			
2. Reference No. of License issued by the PCCF & HoFF				
3. Nature of use				
4. Purpose of use				
5. Proposed place of use of chainsaw (location, Village Administrative circle, Range, Division and District)				
6. Validity of registration	From	To	DFO's approval letter No.	Signature of DFO
7. 1st renewal of validity				
8. 2nd renewal of validity				
9. 3rd renewal of validity				
10. 4th renewal of validity				

Round Seal of DFO

Signature, name and designation of Issuing Authority with Seal

Terms and Conditions :

1. This Certificate of Registration is not transferable.
2. The registered chainsaw shall be used for legitimate purpose only but shall not be used for unauthorized and illegal felling and cutting of trees in any forest/land.
3. The DFO concerned or the nearest Range Office should be informed in writing within three days if the registered chainsaw is lost or damaged.
4. In case of unserviceable chainsaw, the owner shall immediately report the same to the DFO concerned and request for the revocation of the registration certificate provided that if the registration certificate has expired, the owner shall notify the DFO in writing that he is no longer renewing the registration.
5. The registered chainsaw and place of use of the chainsaw shall be subject to inspection at any time by any Forest Officer not below the rank of a Forester.
6. The ownership of the chainsaw shall not be changed or transferred without the prior permission of the PCCF & HoFF.
7. The chain Sawyer or the owner of registered chainsaw shall not do any activity causing pollution and health hazard to the local people.
8. In case the chainsaw is proposed to be used at locations other than the location(s) specified in this Certificate of Registration, the chainsaw owner shall intimate the intended place of use with supporting documents for legitimate use of the chainsaw and obtain prior permission of the DFO concerned before starting the operation.

Place :

Date :

Signature, name and designation of
Issuing Authority with Seal

I hereby undertake that I will abide by the above terms and conditions of the Certificate of Registration and the relevant rules, guidelines and instructions issued by the PCCF & HoFF from time to time, if any, with regard to the use and disposal of chainsaws.

Place :

Date :

Signature of License holder

Phone No.....
