

Transit Rules for Forest Products in Northeast India – The Conflict Within-



by

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and

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COMMUNITY FORESTRY INTERNATIONAL, INC.

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GLOSSARY

District Council	The schedule VI of the Constitution of India provides for designation of the tribal areas of Assam, Mizoram, Meghalaya as “autonomous districts”, wherein representative bodies of the local community can be established as per the provisions of Art 244 of the Constitution, called as Autonomous District Councils. These Councils have legislative, judicial and executive functions.
<i>Gurkati permits</i>	Permits issued for collection & removal of certain categories forest produce, in quantities, which can be carried by the holder on his person;
<i>Hill tipperah</i>	State of Tripura
Regional Councils	When there are different scheduled tribes in an autonomous district, the governor may divide the area or areas inhabited by them into autonomous regions. Regional Councils may be established in such autonomous regions.
Reserved Forests	The State Government may constitute any land at its disposal into a reserved forest. The procedure for reserving forests have been given in the Assam Forest Regulation.
Unclassed State Forests	Any lands at the disposal of the State and not included in reserved or village forests.
<i>Zamindary lands</i>	Those lands that were under the erstwhile Land Lord system

Introduction

The entire northeast of India has vast reserves of forest produce, including medicinal plants. Apart from the traditional silvicultural practices of production forestry the transit of forest products forms an essential aspect of the overall forestry management. Smooth transit of forest based products is not only important for state revenue generation but also for strengthening of local economy. It has been noted however, that although transit rules are designed to control illegal extraction, it has also resulted in inefficiency, corruption and thus a disincentive for sustainable forest management adequate livelihood generation. The method of transit of forest products and especially the illegality of it has attracted the attention of the apex court in India.

Although the immediate cause of the Supreme Court's strict directives on transit rules is an instance in 2001 where 200 logs of illegal timber were seized from a railway wagon coming from Tinsukhia (Assam) in Delhi a careful review of cases reveal that a sizeable portion of the cases that are brought before courts relate to transit of forest products and vehicle carrying such forest based products. The reasons cited for such cases range from a lack of understanding of the Rules relating to transit by both the regulator and the regulated to blatant violations of the Rules that are framed and this is more exacerbated by conflicting regulations in transit in neighbouring states. Needless to add that there is an urgent need for a comprehensive and coherent policy framework on transit of forest products which takes into account the field imperatives and encourages sustainable forest management

This paper reviews the over all legal regime dealing with the transit of forest produces, in the North Eastern States of India in order to assess its efficacies, its incongruity with each other and the possible areas of convergence of transit rules which is urgently needed so that a uniform and more transparent transit system may be established in the northeastern states of India. Special focus is laid on the implications of the transit laws on the local community and their management practices.

The Legal Framework for Transit of Forest Products in the North East

The State governments are nodally responsible for controlling all forest produce in transit, whether by land or water¹ and are empowered to formulate comprehensive orders to regulate it (see Table 1 for a list of State Statutes on Transit of Forest Products. Earlier, during the time when the Chief Commissioners were the sole administrative authorities in many parts of the North East, the Tripura High Court in a case noted that, the "*Chief Commissioner is possessed of ample powers to*

¹ Sec 40 of the Assam Forest Regulation, 1891. Similar provisions can be seen in other State legislations.

make rules relating to the transit of all timber and other forest produce whether found in or brought from reserved forests or private lands².”

Table 1: Statutes for the Transit of Forest Produce in Northeast India

State	Acts/ Rules/ Regulations
Assam	Assam Forest Regulation, 1891; Rules framed under AFR; Assam Forest Protection Force, 1986.
Arunachal Pradesh	Assam Forest Regulation, 1891; Rules framed under AFR; Forest (Removal of Timber) Regulation Act, 1983
Manipur	Forest Rules, 1971
Meghalaya	Forest Regulation (Application and Amendment) Act, 1973; Forest (Removal of Timber) (Regulation) Act, 1981 Forest (Removal of Timber) (Regulation) Rules, 1982; Forest Authority Act, 1991;
Mizoram	Mizoram Forest Act, 1955
Nagaland	Forest Act, 1968; Rules to Regulate the Transport of Forest Produce by Land, Air, Water within and outside Nagaland; 1969; Rules to Regulate the Removal of Orchids from the Forests in Nagaland, 1969.
Tripura	Indian Forest Act, 1927

In the States of North East, the *Assam Forest Regulation 1891*, *Nagaland Forest Act 1968*, *Manipur Forest Rules 1971* and *Mizoram Forest Act, 1955* are some of the important legislations which provide for the transit of forest produce and timber. All these are based on the *Indian Forest Act, 1927*³. Further in some States like Meghalaya the District Councils⁴ have framed their own laws. It is important to first understand in some detail the specific legislation relating to a State and to assess whether they differ substantially in their approach and mechanisms or not and the implications of the same.

Assam

The foremost and principal Legislation on forestry including the regulation of transit of forest products is the *Assam Forest Regulation 1891*. The Act vests the control of all forest produce and timber in transit by land or water as well as the control of all rivers and their banks as regards floating of timber in the State⁵. The Government is empowered to make Rules and such Rules may *inter alia* prescribe routes for import; prohibit import, export or collection of forest produce; issue transit permits; affix marks on timber; establish revenue stations; prohibit obstruction to transport of timber; prohibit establishment of saw mills in specified area etc. and at the same time

² NCD Majumdar and ors. Vs Administration of Tripura and ors. (AIR 1969 TRIPURA 1962)

³ Except for the Assam Forest Regulation, that came before Indian Forest Act, 1927.

⁴ In Scheduled Districts under the VIth Schedule of the Constitution, the management and control of the forest is ordinarily vested in the District Councils.

⁵ See Section 40 of AFR

provide that the said rules may not be applicable for any specified class of timber or any specified local area.

However, in the case of forest produce which is moved into or from (Assam) across any customs frontier, the Central Government has been vested the rule making powers and the rules formulated by the Central Government may override the State Rules⁶. The transit across customs frontier entails an understanding of a different legal regime that is governed by the Export Import Policy, which is a five-year Policy Directive under the Foreign Trade Act, which is a Central Government Act, and the Nodal Authority is the Director General of Foreign Trade under the Ministry of Commerce. Here specific products including the products from the forest have their own system of regulation depending on their vulnerability and presence in any geographical locale. The goods and products are classified under various chapters depending on their physical status, and the conditions of the Policy are attached to for their import or export depending on their availability and also depending on whether they are restricted, regulated or prohibited. A detailed discussion on these aspects of transit across the frontiers is perhaps not within purview of the present paper and the descriptions of transit of forest products is limited to the in country transit and within states.

In Assam the detailed rules under the AFR, 1891, were framed under the Regulation dealing with the import⁷ and transport⁸ of forest produce. However it has to be borne in mind that when these Rules were framed, the geographical territory of Assam was different from what it is today, for instance Garo Hills District was then a part of the Assam, but now it comes within the fold of a new State, Meghalaya. Post independence, various States were carved out from the erstwhile Assam. Since they are separate states now, the movement of forest produce from such States to the State of Assam has changed its meaning completely and thus transit of forest products obviously entails different legal implications. What was earlier a transit within the State has now become import or export to and from State and in some cases import and export from one State to another Country⁹. Thus there is a need to make suitable modifications in the Rules to address the problems arising from change of geographical boundaries.

Rules to Regulate the Import of all Timber and Forest Produce

These rules are applicable to all the forest produce brought into the Districts of Assam from any place beyond the territories to which the AFR extends, except for Bhutan, Tripura (erstwhile

⁶ Similar provision has also been given in the Indian Forest Act, sec 41 (A).

⁷ Chapter 4 under section 37 (1) and 40 (2) (a) & (g).

⁸ Chapter 5 under section 40 & 41.

⁹ Transport to Sylhett, Bhutan or parts of Myanmar would certainly come under this category.

Tippera) and Manipur¹⁰ However there are certain areas to which AFR was applicable at the time these rules were drafted. These include Districts comprised within the present day State Arunachal Pradesh, as they were a part of Assam at that time. Infact the AFR is still applicable to Arunachal Pradesh although it is separate state now and thus any movement of forest produce from the State to Assam should be considered as import. However the extent clause of these rules, some how takes such forest produces away from the ambit of these rules, as they apply only to the forest produce brought in from the places beyond the territories to which AFR applies. Thus there is a need to bring in more clarity in the Rules.

Further, any forest produce imported in the State of Assam by road or river, is brought to the specified “Revenue Stations” established by the State Government on route of extraction, where it is mandated to be examined and marked. (See Figure 1) The Rules contain a list of the revenue Stations to be established in various parts of the District. Here also some districts, which are no longer part of Assam, for instance Darrang, Balipara¹¹, have been listed as Revenue Stations. The said forest produce cannot be removed from the revenue stations until the above-mentioned conditions are satisfied and amount due to the government is paid. Forest officer of the concerned Revenue Station issues a pass in the prescribed form after examination and marking of the forest produce.

The Rules also contain the list of the import duties to be realized on forest produce imported into the state. However as per the Assam Forest Regulation, the power to impose the import duty is vested with the Central Government. The timber and firewood imported from certain parts of the present State of Meghalaya (particularly Siem’s territory, Khasi Hills) are exempted from import duty. Further for the same areas concessional “*Home consumption import Permit*” may also be issued where the quantity of forest produce is specified therein for home consumption only. The exact status and quantity of such “home consumption permit and the quantity of forest produce that is brought under it needs an elaborate and comprehensive inventory which perhaps does not exist. The reason careful inventory process becomes important is that only then some projection of bonafide use for home consumption can be ascertained.

Special Provisions for Timber and Forest Produce brought from “Bhutan,” Tripura (Erstwhile Hill Tippera) and Manipur

No import duty is leviable on timber and forest produce brought from Bhutan, Tripura and Manipur. However the Government has the right to impose an import duty on forest produce coming from the Manipur State if the same “competes unfairly” with the produce coming from the

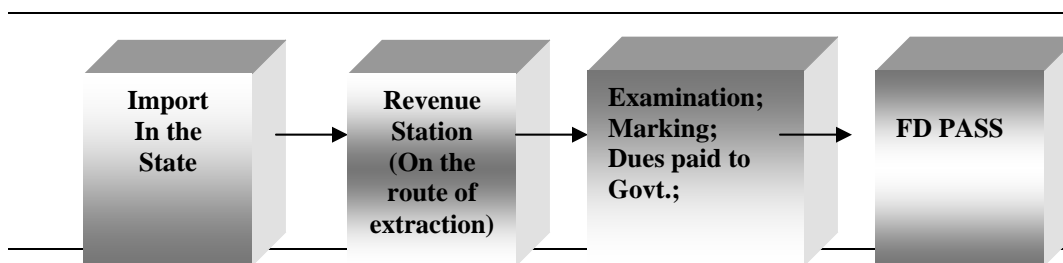
¹⁰ At present the AFR is not applicable to Tripura or Manipur

¹¹ They are now comprised within the State of Arunachal Pradesh.

Government forest. There is need to verify whether the concession with respect of import duty especially with regard to Bhutan, which is another country, now, is still effective or not. It may be mentioned here that terms which are redundant such as Hill Tippera, or territories, which are no longer British, or which now fall in a different state needs to be modified in the existing Rules to reflect the changed political areas.

As per the Rules, the imported forest produce is brought to the prescribed Revenue Stations. The forest produce brought from Bhutan and Tripura shall be accompanied by a Certificate of Origin¹². The Forest Officer of the concerned Revenue Station issues a Forest Department pass in exchange of the said Certificate.

Figure 1: Process for Import under AFR¹³:



The Rules also prescribe the different types of transit passes to be issued for the forest produce imported from the State of Manipur (see Table 2). Such passes are issued by the Manipur Forest Officer i.e from where the forest produce is being imported. The Rules also prescribe that the State of Manipur must levy at least as much royalty on all forms of forest produce as is at present levied by the Government in all the divisions into which the produce is imported. It has to be borne in mind that the Manipur Forest Rules, 1971 (discussed in detail in later part of the paper), don't reflect these provisions, In fact they do not provide for export of forest produce in other States, which has resulted in an ambiguity as regards the export of forest produce from the State of Manipur to Assam. Again ambiguities of this nature, how much ever small it might appear to be, gives a sense of uncertainty and is clear indicator of lack of communication and coordination within states. This forms a fertile ground for conflicts.

¹² Certificate of origin are required only in cases where large quantities of forest produce collected under permits, specifying definite quantities are imported into Assam by land or water.

¹³ The figure depicts the basic procedure for import of forest produce into the territory of the State of Assam. Certain modifications have been made in respect of import from certain states, which have been detailed in the text.

TABLE 2: Transit passes for Forest Produce imported from the Manipur

S. No.	Nature of the Pass	When Issued
1.	Special transit pass (As is used in Cachar Division for Manipur Timber)	In case of import into Sibsagar Division and Cachar division.
2.	Ordinary Pass	For bamboo, cane, thatch and other kinds of minor forest produce.

Transit Rules to Regulate the Transport of Forest Produce by Land or Water¹⁴

All rivers and their banks shall be kept open for the transportation of forest produce.

Note that the rules prescribing the procedure for transit through water provides only for timber and not any other forest produce¹⁵. The places where the timber can be stopped have also been notified. If the person incharge of such timber wants to land before reaching the notified places, he has to obtain the permission of the DFO.

It is also provided that except with the written permission of the Deputy Commissioner, no person can cause diversion of any channel, or obstruction on the banks or in the channel of any river used for the transport of any forest produce.

All forest produce¹⁶ shall be covered by:

- *A transit pass* to be issued by an authorized Forest Officer¹⁷, in token of full payment of all amounts due to the Government on account of the forest produce, or,
- *Permit* issued by an authorized forest officer under the Rules relating to the Unclassed State Forests¹⁸ or Reserved Forests, allowing a holder to remove forest produce from a specified locality. (The Rules relating the unclassified state forests¹⁹ provide for non-transferable trade permits to be issued for collection and removal of forest produce, trees and timber, felling, cutting, girdling, marking of trees, or sawing for conversion of timber. Such permits are granted by a Divisional Forest officer or a Deputy Commissioner.

¹⁴ Section 40 & 41 of the AFR

¹⁵ For e.g. The Rules clearly say that the timber brought down by the *Langa, Gorapilla, Champamati, Gangia or Sankos* rivers or any other tributaries in the District of Goalpara shall be stopped for examination and be reported to the authorized DFO. Before a pass has been granted, the timbers in transit on the above mentioned rivers & their tributaries, in the District of Goalpara, may neither be landed nor removed inland nor can they be converted or cut up.

¹⁶ Except for Lac for which special provisions have been made Rule 2 (b) of chapter-5.

¹⁷ Authorized by the DFO

¹⁸ Lands at the disposal of the government not included in the reserve forests or the village forests. In the Assam Forest Regulation the same type of land has been referred to as “unsettled forests”.

¹⁹ In the plains Districts of Assam & the North Cachar Hills. These Rules apply to any unclassified state forests taken up for ordinary or special cultivation only to the extent laid down in each case in the Settlement Rules under the Assam land & Revenue Regulation, 1886 or in leases granted under the Settlement Rules.

- A *certificate of origin*²⁰ in case of forest produce from private lands, issued by the owner of the land or his duly authorized agent²¹. It is mandatory for the owner to register his stamp or signature with the local DFO and the forest produce in transit should always bear the registered signature or stamp.

Following Produce Does Not Require Certificate of Origin

No certificate of origin or other pass shall be required for the transport of home grown *fati, barua, bakal and bethua bamboos*. No royalty will be realized on bamboos of these kinds unless they are known to have come from Government Forest.

Although the above provision, on the face of it seems to be favouring communities but the immediate consequent clause puts a proviso which gives the Forest Department a power to regulate it on the grounds that it “may” be “known to have come from Government Forests.” This option relates to the point raised earlier about creating ambiguities and lack of clarity in the provisions of law. Here it is not clear where does the onus of proof lie. Who has to ascertain that the produce is from government forest or not? What would be the criteria used for such determination. Thus although bamboo of the nature specified may be home grown, still there lies the uncertainty whether it could be transported without the requirement of Certificate of Origin.

Coming back to the process all forest produce covered by a permit or a certificate of origin, shall be taken to the nearest revenue station on the route of extraction for examination, measurement, counting or marking etc by the officer-in charge of the concerned Revenue Station. If the person in charge of the forest produce in transit desires to stop, land (in case the forest produce is transported by water), cut-up or convert the forest produce, before taking it the revenue station, he has to obtain the permission of the officer in charge of the revenue station. The said officer has the discretion to grant or reject the permission.

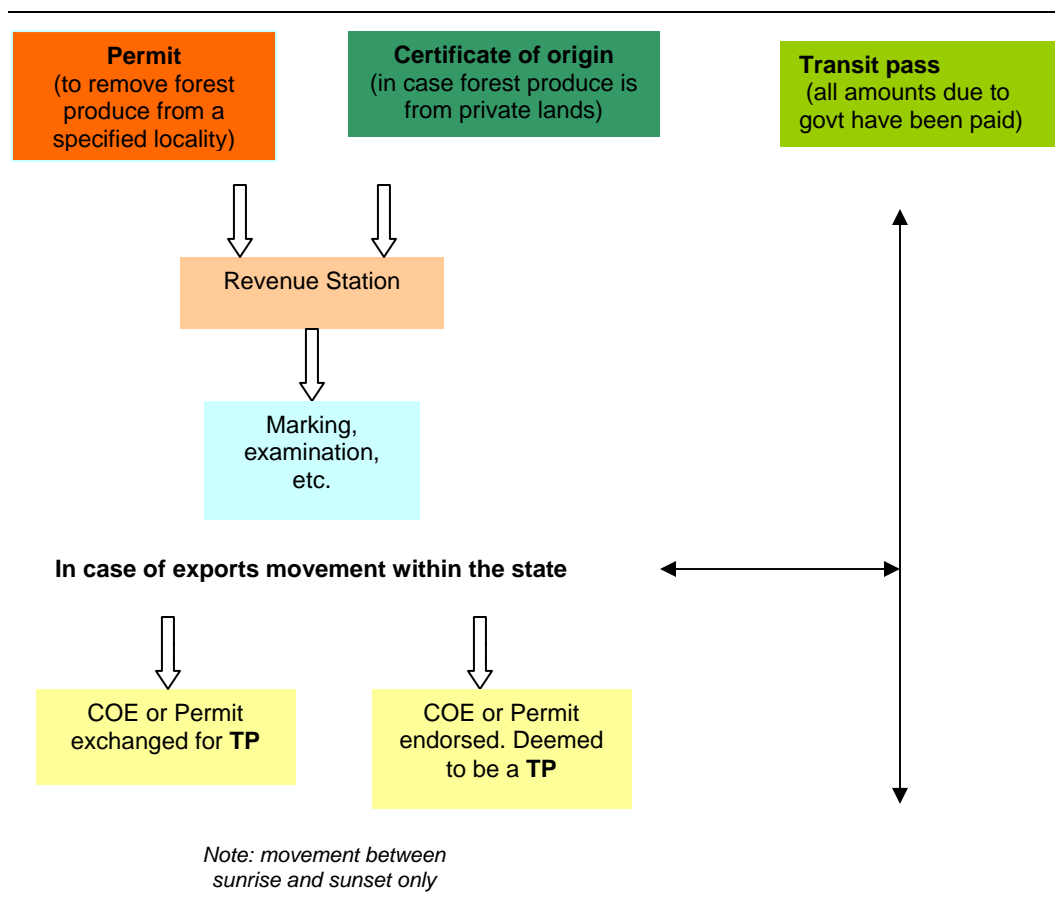
This discretion also needs to pass through the basic principles of natural justice but such essential principles are not even mentioned in the scheme of the legislation. In our view although there are tacit assumptions but by making it explicit only obviates unnecessary conflicts at the field level. Further in the process after the marking, examination of the forest produce is done; a transit pass is issued by the officer-in charge of the concerned Revenue Station. No forest produce can be moved

²⁰ As per the executive orders issued in this respect of transit of forest produce, the person who wants to extract forest produce from private land must take out a certificate of origin in the prescribed form and if required the copies of the form can be obtained from the revenue station. The forms of certificate of origin kept at revenue stations, should be issued freely to all applicants whose signatures or stamps have been registered.

²¹ The certificate must be issued in all cases whether the owner is himself or any other person removes the produce.

away from the revenue station, without a *transit pass*. That means transit pass must be obtained in all cases if the forest produce is to be moved within or outside the State. If the forest produce is covered by a certificate of origin or a permit is intended to be taken beyond the District from which it is collected, then the transit pass shall be issued by the officer-in-charge of the concerned revenue station, in exchange of the certificate of origin or the said permit. If the forest produce is to be moved within the district it is collected from, then the concerned officer-in-charge shall duly endorse the certificate of origin or the permit, as a token of full payment of all amounts due to Government and such endorsed permit or certificate of origin shall be deemed to be a transit pass required under these rules. The officer in charge of the revenue station reserves the right to refuse issuance of transit pass or endorsement of the certificate of origin or permit, if he has doubts on the authenticity of the permit or Certificate of origin itself or there is a reason to believe that the requisite amount to the government has not been made. Such discretion, needless to add must have a sound basis in jurisprudence.

Figure-2 Categories and Process of Permits for Transportation of Forest Produce²²



Further, from the community stand point it is also provided that no fees shall be levied for transit passes granted in respect of forest produce from private land covered by a certificate of origin or in respect of forest produce covered by a *Gurkati* Permit or in respect of forest produce on which full royalty has been paid. The Rules don't define *Gurkati* Permit anywhere, however the term is generally used for removal of thatching grass, firewood, bamboo reed, leaves by land, in quantities which can be carried by the holder on his person.

All forest produce in transit may be stopped and inspected at any place by any Forest Officer and he shall check the certificate of origin or transit pass covering such forest produce.

Commercial Aspects related to Transit of Forest Produce, Especially Timber

All traders who deal in transport of timber (except bamboo or cane) shall have to get their property marks registered in the Divisional Forest Office concerned. All the timber in transit shall bear their registered property marks and in absence of such property marks no transit passes shall be issued for such timber. The Rules contain detailed guidelines regarding the registration of property marks. However the word traders do not apply to small cultivators who buy a few trees and dispose of the timber locally to regular traders.

To convert timber at a regular sawmill or sawpit, the sanction of the officer in charge of the nearest revenue station has to be taken. Further the rules framed by the forest officer, duly approved by the Conservator of forests have to be abided with. Note that these rules apply only to regular saw mills or saw pits and do not apply to casual sawing of timber grown on private land.

Apart from the specific transit Rules under AFR, the Assam Forest Protection Force Act, 1986, also has a potential impact on transit of forest products.. The Act provides for the establishment of a Forest Protection Force for the State and entrusts the duty of protection and safeguarding of forests, forests produce to it. Though it doesn't specifically mention protection of forest produce in transit, however the Force is responsible for the protection of all forest produce irrespective of the fact that it is in transit or not. The need for creating a forest protection force was felt , however its impact on existing mechanisms was not assessed as is evident by the overlapping jurisdiction described above. Such a conflict of power on same resource definitely does not favour a smooth transit process.

²² These are the different categories of passes that are required for the transportation of forest produce from the State of Assam, given under AFR. Similar provisions can be seen in other states like Manipur, Nagaland etc.

Special Provisions in respect to Local Community: Are these Transit Exemptions?

Certain concessions have been granted to certain classes of local community²³ over the unclassed state forest. Thus for example in Assam, the local populace may extract for their own domestic use only, in the districts in which they hold land, unreserved timber either green or dead firewood, bamboo, cane, thatching grass, *ekra or nal*, *paidal*, *patidal*, fodder, grass, stones, gravel and sand without payment of royalty. However, the forest produce extracted under this rule shall not be transferred by sale, barter, or gift and the quantity extracted at a time shall be limited.²⁴ Further, in the plain portions of the new Cachar District including the Karimganj sub-division, persons other than the ones mentioned above, may extract for their own domestic use, certain classes of forest produce. For this purpose they get a “home consumption permit”, covering a single household.

Similarly small cultivators, who dispose of the produce locally, are also exempted from the requirement of registration of property marks. Certain special provisions have been made for the bonafide domestic purposes of the local community, where rules apply only if the community transports forest produce for domestic purposes. However, it is not clear if the community desires to transport forest produce for trade, specially transporting forest produce from one district to another, whether it will have to abide by the general Rules. It would thus be useful to distinguish between traders who engage in purely commercial activities and who may even be from outside the states and local communities who may organize themselves to enter into trade for increasing income from trade in forest based products.

Transit Passes as Proof of Ownership

It has to be noted that the transit pass don't denote ownership or title to the forest produce covered by it. It was observed in *Anowaruddin Choudhary v. State of Assam*²⁵ that,

A transit pass is granted to a person merely to take out of any forest any kind of forest produce on payment of the dues therefore...it prescribes the places from which such forest produce has to be imported; its destination as well as the route of its transportits ownership is, however not indicated

Thus, the title to a particular forest produce cannot be conclusively established merely with the help of a transit pass. However, the “ownership” is an important, yet not the sole consideration while granting a transit. It was observed by the Gauhati High Court in another case²⁶ that the “permits are issued not only on the ground that a person owns the timber/log. The authority (which issues the transit passes) before issuing the permit is to see that the persons to whom the transit

²³ Persons holding land temporarily settled for ordinary cultivation at khiraj rates in the plains districts of the Assam valley, raiyats holding land, and the hill men paying house tax in the Mikir hills.

²⁴ However it is to be noted that unclassed forests cover a very small portion of the land in Assam 3474.45 square km out of 18533.37 sq kms of total area under forests.

²⁵ (1984) 2 GLR 142

passes are issued are the genuine persons and are not likely to do mischief regarding the forest produce.” Further in the same case it was held that with the sale or transfer of forest produce, the transit pass is not automatically transferred to the transferee. Even after the transfer of the forest produce the authority may see whether the transit pass should be granted to the transferee. It is perhaps because of this reason the transit passes can’t be proof of ownership with regard to the forest produce covered under them.

Conversely transfer of Transit Permit need not be construed as transfer of ownership of forest products.

Manipur

In the State of Manipur the *Indian Forest Act, 1927* is applicable where detailed Rules, namely *Manipur Forest Rules, 1971*, were framed under the Act, with regard to transit and trade of the forest produce. These Rules are similar to those framed under Assam Forest Regulation, 1891. They have similar provisions regarding the transit passes, permit and certificate of origin, detention of forest produce at revenue stations for examination.

Here also three types of Passes have been prescribed for removal of forest produce:²⁷

- A **permit** issued by the authorized forest officer to remove forest produce from a specified locality;
- A **certificate of origin** in case the forest produce is brought from private lands for which nothing is due to the government. This is issued by the owner of such land and must bear his signature or stamp, as has been registered in the Forest office;
- A **transit pass**, issued by a Forest officer, after payment of all amounts due to the government.

These Rules also provide for establishment of revenue stations, where forest produce in transit, covered by a permit or certificate of origin, can be detained for marking and examination. To take the forest produce beyond the area from where it is collected, a transit pass has to be obtained from the officer in charge of the revenue station. To transport the produce within the certificate of origin or the permit needs to be duly endorsed by the concerned officer.

Unlike AFR rules, where prior sanction of the officer incharge of the concerned revenue station has to be taken for conversion of timber at any saw mill or saw pit, these rules provide for obtaining concerned officer permission only if the saw mill or saw pit is located within 15 miles from a reserve forest. It would be worthwhile to ascertain the number of such sawmills which are slightly outside the specified boundary limit and those that are within it. A comparative assessment may throw some light on the impact on transit and also assess the logic of this

²⁶ Md Jinnat Goni v Chief Conservator of Forests, Assam (AIR 1995 Gauhati 111)

²⁷ Section 33.

geographical criteria. Further, it has been made mandatory to obtain the permission of forest officer not below the rank of a range officer, for establishment of saw mills, saw pits, erection of any machinery or plant for cutting, converting or fashioning timber or manufacture of timber, within the limits of any reserved or protected forest, by incharge of the forest department, and within one mile of such limits, by a private person. The Rules also prescribe the routes, by which forest produce can be moved from hill areas to plains, from plains to hills or within the plain areas.

Special Provisions for Bamboo

No Certificate of origin or other pass shall be required for the transport of home grown bamboos. No royalty will be realized on bamboos of any kind unless they have known to come from the government forest. (Section 32 Manipur Forest Rules, 1971) The arguments against the proviso remain the same as raised earlier in the context of Assam.

The traders who wish to transport timber (except bamboo, brushwood & cane) from the forest shall have their property marks registered in the office of the Chief Forest officer. Alike Assam, here also the term “traders” doesn’t apply to small cultivators who buy a few trees and dispose of the timber locally to regular traders.

Import of Forest Produce in the State

As regards the forest produce imported into the State from any other State, the same shall be covered by a *foreign pass*. The *foreign pass* is registered at the office of Chief Forest Officer; further the foreign property marks must also be registered at the CFO’s office, who may refuse to register the same by giving reasons in writing.

The forest produce to be imported is brought to the first forest depot established by the Chief Forests Officer, for examination prior to the grant of a pass and for determining the amount of money payable to the government. No timber can move within the territory of the state if it doesn’t bear a *private property mark* already registered in the office of the CFO or if it bears a *government transit mark*. Thus, it is clear that though there are clear rules with respect to import of forest produce into the State of Manipur, however the aspect relating to export from the State has not been dealt with clearly.

Special Provisions for the Local Community

One distinguishing feature of these Rules is the saving clause in respect of privileges recognised by the government, before the advent of these Rules. The requirement of possession of a pass has been exempted in case of these privileges. It would be prudent to verify these privileges through the Government Records in order to have a clear picture of the exemptions to these rules especially to the local community who may not have to go through the strict Government

Regulations and would continue in the manner that they have practiced traditionally and which is tenable in law.

An important feature of forest management in Manipur having great implications on community management of forests is the existence of large area of forestland stated as “unclassified forest”,²⁸ However under the IFA 1927, which is applicable to the State of Manipur, there is no such legal category of forests. Which further means that the management regime with respect to a sizable portion of forests in Manipur is not clear. As per the CFM case study²⁹, it is the traditional Village Authority that is responsible for resource management in such areas. It is pertinent to mention here that the Village Authorities are constituted in the hill areas of Manipur under the Manipur Hill Areas Authorities Act, 1956. As per the Act these authorities are responsible for the maintenance of law & order and administration of justice, as regards forest management no role has been carved out for these institutions under the law. However, it is clearly emerging from the case study that in these areas VAs are responsible for resource management which obviously include forest management. Thus, there are clear inconsistencies in the law and the ground situation, which might be a potential source of conflict.

A close look at the Manipur Hill Areas Authorities Act, 1956 shows that VAs are required to perform the powers & duties generally conferred on the Police officers. As per the Manipur Forest Rules, 1971, the police officers have been conferred with the power to stop or examine any forest produce in transit. Thus there is a need to clarify whether the VAs are empowered to perform the above mentioned task or not.

Meghalaya

The provisions of *Assam Forest Regulation, 1981* were extended to the State of Meghalaya with certain modifications. The Act was renamed as “*Meghalaya Forest Regulation (Application and Amendment) Act, 1973*”. In the State very minimal area of forest is under the control of Forest Department. Most of the forests is owned by the private individuals and controlled by three District Councils Garo District Council, Khasi and Jaintia Hills District Councils.

Garo Hills District

The Garo Hills Regulation enacted in 1882 and applicable to the Garo Hills district prohibits non-natives from collecting or removing wood or jungle products, without obtaining a license from the chief Commissioner.

²⁸ 62.90 % of total forestland (Palit Subhabrata; *Major Forest Ecosystem types in the Northeastern Himalaya*)

²⁹ Makhn Village in Sadar Hill areas of Senapati District

There are Rules³⁰ with respect of the *Zamindari* lands, that are under the control of the State³¹, which provide for two types of permits for collection and removal of forest produce, trade and *gurkati* permit. Trade permits are issued by the Divisional forest Officer for the removal of timber and other forest produce where royalties are charged at a prescribed rate. The *Gurkati* permit is issued for the removal of thatching, grass, bamboos, canes, poles etc in such quantity as can be carried by the holder on his person, by Divisional Forest Officer or the Deputy Commissioner. Thus they are essentially for the bonafide domestic consumption of the local community.

Further, there are rules relating to the use of forest produce of land at the disposal of government not included in the reserve and village forests. Such forests have been referred to as “unclassified State forests.” The Rules prohibit felling of trees (both reserved and unreserved³²), collection and removal of forest produce and timber except in accordance with the conditions specified in the trade or *gurkati* permit. The Rules further grant certain concessions such as removal and utilization of unreserved timber and other forest produce without permit but strictly for personal use³³ to the residents of the Garo Hills District who pay land revenue and certain classes of non-natives, .

Post independence Garo Hills District (Forest) Act, 1958 was passed by Garo Hills District Council to provide for the management of any forest not being a reserved forest in the Autonomous District. It was also clarified that Garo Hills Regulation 1882, and the Rules and orders issued thereunder, as were in force immediately before the commencement of this Act shall apply to the management of Council reserve forests³⁴.

Thus, we see that the legislative framework recognizes the requirements of the local community and certain concessions in respect of removal of certain types of forest produces and such concession is extended even to the non-natives. However the actual impact of such provisions depends upon the way these *gurkati* permits are issued including the transit of such locally allowed forest products.

Khasi and Jaintia Hills

The *United Khasi-Jaintia Hills Autonomous District (Management and Control of Forests) Act, 1958*, is an Act that provides for the management and control of forests in Khasi-Jaintia Hills Where detailed Rules were framed under the Act to provide for the removal of forest produce,

³⁰ Rule relating to the use of forest produce in zamindari lands in the Garo Hills district that are under the management of the State under S. 2 (a) & (b) of the Garo Hills Regulation 1882.

³¹ Under Section 2 (A) and (B).

³² Certain classes of trees can be reserved by the State

³³ Section- (5).

trade and transit. The most unique feature of this Act is the different classes of forests that are constituted under the Act, including community forests, sacred forests etc. The Act categorically says that the removal of timber or any forest produce is strictly prohibited for the purpose of sale or trade from Protected Forests³⁵, Raid forests³⁶, Green Blocks³⁷, unclassified forests³⁸, council reserved forests³⁹, without the permission of Forest Officer of the District Council⁴⁰. Certain trees can be declared as reserved trees⁴¹. Further there is a prohibition on felling of trees in any of the forests constituted under Act⁴² without the permission of the Chief Forest Officer of the District Council.

The United Khasi & Jaintia Hills Autonomous District (Management and Control of Forests) Rules were framed in 1960 provides for elaborate procedure for removal of forest produces from Raid forests, green block, protected forests⁴³ and for transit of forests produce. In the Raid forests, green blocks, protected forests, there are restrictions on cutting, felling, girdling of all trees (reserved or unreserved), sawing, conversion of timber or removal of forest produce except under the conditions of a *trade permit* or *home consumption permit*. The trade permits are issued by Chief Forest officer, after payment of the required fees; royalty is also charged at the rate prescribed by the District Council. Home Consumption Permits are granted by officer in charge of

³⁴ Any area constituted as such by, or under the order of the Garo Hills District Council (Sec 2.2).

³⁵ Areas that are so declared for the growth of trees primarily for the benefit of the local inhabitants.

³⁶ These forests are looked after by the heads of the raid under the management of the local administrative head. This category is quite unique as it is a composite unit where such a category is composed of one or more villages that come under different traditional management systems such as *Syeimeinship*, *Dolloiship*, *Sirdarship*, *Lyngdohship* or *Wahadadarship*. The Chief Forest Officer under the rules is also empowered to register such raid forest.

³⁷ Forests that belong to an individual family, or clan, which are so declared by the government for aesthetic beauty or water supply in the town of Shillong or its suburbs. The rules governing this forest also provide for declaring more areas of the above category. The manner of registration of protected forests and the green blocks are provided under the rules and specifically mandates that these two categories should not be part of the other categories mentioned above. A detailed survey, demarcation etc. is required to be done under the said rules.

³⁸ These forests were called Unclassed State Forests before the commencement of the Constitution and include forests that are not in any of the above categories of forests. There are detailed provisions for the management and control of the above nine categories of forests where the Chief Forest officer is the highest authority under whose control and supervision the forests are ultimately managed.

³⁹ These forests are declared by the Executive Committee under the Act.

⁴⁰ Sec 5.

⁴¹ The Executive Committee of the District Council United Khasi-Jaintia Hills Autonomous District of may by notification, declare certain trees to be reserved trees (Sec 6)

⁴² For more information on these classes of forests please refer to “Updhyaya Sanjay, Jain Suparna; 2004; *Community Forestry and Policy in North-East India: An Historical Legal Analysis*; Community Forestry International, US.

⁴³ Chapter-III, under Section 5,7,11.

such forests, for removal of timber from reserved trees from any raid forest to any person living in the neighborhood of raid forest, for domestic use.

The Transit Rules⁴⁴ framed under the Act provides for establishment of revenue stations by the District council, where all forest produce brought by land or water shall halt. Here also three types of passes have been prescribed, which have to be mandatorily obtained for the removal of forest produce from the forests. These include *permits* for forests produce obtained from protected forests, raid forests and green blocks, *certificate of origin* in case the forest produce is from a private forest and *transit passes* if the entire amount due to District council has been paid. There are provisions for stopping and inspection of forest produce in transit by the forest officers. Here also the traders have to get their property marks registered if they intend to transport the forest produce. As regards the establishment of saw mills, these rules vary from those in other states, as here timber can't be converted at a saw mills or saw pit within one mile of the cold season bed of any river used for transport of timber. There are no such restrictions on such activities near forests.

Apart from these Rules and Regulations, there also exist *Meghalaya Forest (Removal of Timber) Regulation Act, 1981*, which provides for a "competent authority" to issue licenses for removal of timber outside the state for the purposes of trade or otherwise and establishment of trading depots. The *Meghalaya Forest (Removal of Timber) Regulation Rules, 1982* provides for the registration of the property hammer marks with the competent authority by the licensees. Further for the Export of the forest produce outside the State, an *export transit pass* shall be issued by the forest officer. A unique feature of Forest Management in Meghalaya is community ownership of forests over a large area. As discussed earlier, there are traditional management institutions like clan heads, village chiefs etc, in addition to District Councils. It is not clear after the enactment of the *Meghalaya Forest (Removal of Timber) Regulation Act* which is applicable to all forest produce irrespective of whether the forest produce is from forests managed by communities or from the forests that are generally used for production forestry and are not community managed. Whether transit of forest products in these differently managed forests should be treated at par remains an unanswered question especially if one is interested in promoting community forest management systems in the North East.

Special Provisions for Community in Meghalaya

1. Local residents entitled to collect certain forest produce primarily for domestic purposes, either under *Gurkati* permits or otherwise;
2. Home-consumption permits for removal of forest produce;
3. In areas under District Councils (Khasi & Jaintia Hills), revenue stations are established by the District Councils.

⁴⁴ Chapter IV framed under Section 12.

Mizoram

In the Hill Districts of Mizoram the *Mizoram District (Forest) Act, 1955* governs the forestry sector. It covers all the forests except government reserve forests. The forests under the jurisdiction of Pawi-Lekhar Regional Council have also been excluded from the application of the Rules under the Forest Act. Under the Act, there is a category of reserved trees. Such trees in Council Forest shall not be cut, felled, tapped or injured in any manner without the permission of a Council Forest Officer or the Executive Committee.

The collection, removal and manufacture of forest produce from Council forests is strictly prohibited without a permit granted by the Executive Committee or any other officer empowered in this behalf. Similarly for cutting, sawing, conversion or removal of trees and timber, the permission of the said officers has to be obtained. However with respect to the disposal of forest produce for personal use, these conditions have been relaxed as for such purposes the forest produce can be collected, removed in accordance with the conditions laid down by the District Council.

The Act provides for several categories of forests, apart from the government reserve forest; i.e., Council Reserve forests⁴⁵, village forests reserve⁴⁶, town forests reserve⁴⁷. For extracting forest produce from the Council reserve forests, the required royalty has to be paid and the permission of the Executive Committee has to be obtained, irrespective of the purpose for which the forest produce is to be taken, domestic or commercial⁴⁸. From an unclassified Council Forest, the inhabitants of the district can collect timber or forest produce for personal use, without payment of royalty or permit. For the purposes of trade in timber, reserved, unreserved or any other type of forest produce, a trade permit need be obtained. All forest produce that are taken outside the district for trade under a trade permit, have to be charged with a royalty, at the rates prescribed under the Act.

Special Provisions for Community in Mizoram

1. For personal use, the forest produce can be collected, removed in accordance with the conditions laid down by the District Council.
2. From an unclassified Council Forest, the inhabitants can collect timber or forest produce for his own personal use, without payment of royalty or permit. (Pawi-Lekhar region)

⁴⁵ Any Forest constitutes as such by or under the orders of the Mizo District Council Sec 2 (4).

⁴⁶ The Executive Committee of the Mizo District Council may constitute any forest which is not a reserved forest into a village forest reserve, protected forests reserves or reserves for the benefit of any village community or group of communities.

⁴⁷ The Mizo District Council is empowered to constitute any forest which is not a government reserve forest into town forest reserve (s) (Section 11)

It is important to mention here that since there are different categories of forests under the Act, having different regime for control and management, there should be a clear and unambiguous mechanism for transport of forest produce from different forests. For instance, for removal of forest produce for personal use, there are clear provisions with respect to Council reserve forests, “Unclassed Council forests” (It is an another matter that the term Unclassed Council forests has not been defined in the Act), however with respect to Town forests reserves, such clarity is missing. Further, the Act uses the terms like transit pass, revenue stations etc, without detailing upon certain basic issues such as who issues such transit passes, specially in different categories of forests and how are the revenue stations established among other things

Nagaland

The Nagaland Forest Act, 1968 vests the control of all rivers and their banks as regards the floating of timber and control of all forest produce in transit by land or water in the State. The State has been empowered to formulate rules for the forest produce in transit.

Rules to Regulate Transport of Forest Produce by Land, Air and Water Within and Outside

The Government of Nagaland has framed *Rules to Regulate Transport of Forest Produce by land, Air and Water within and outside Nagaland, 1969*. These Rules are also similar to the ones framed under the *Assam Forest Regulation; 1891*. They also provide for three types of passes for removal of forest produce; **permits** if the forest produce is from a unclassified state forest or reserved forest, **certificate of origin** if the forest produce is from a private land and a **transit pass** if all the amounts due to the government have been paid.

Special Provisions for Bamboo

Home grown *jati*, *barua*, *bakal*, and *bethua* bamboos are exempted from the requirement of certificate of origin. No royalty will be realized on bamboos of these kinds unless they are known to have come from the government forests.

Here also Revenue stations are established, where the forest produce covered by a certificate or origin or permit has to be taken for examination, marking after which a transit pass is issued, the nature of the transit pass to be issued depends on whether the forest produce is to be taken outside or within the district from which it is collected. The traders, who wish to transport timber from forests, shall have to get their property marks registered. Though the Divisional Forest Officer has been given the discretion to decline the registration of any property marks, however the conditions under which the same can be refused have been specified, like close resemblance to government property mark or any previously registered mark etc.

⁴⁸ Sec 6

By virtue of these Rules, no saw mill or saw pit can be established in the State of Nagaland without the sanction of the State government. The Divisional Forest Officer, issues the license for establishment of saw mills. These Rules don't provide for import of forest produce into the State of Nagaland from any other state.

Rules to Regulate the Export of Forest Produce

The Government has also framed the following rules with regard to the Export of Forest produce, namely *Rules to Regulate the Export of Forest Produce, 1969*.⁴⁹ The Rules talk about the establishment of revenue stations, where all forest produce intended to be taken beyond the territory of Nagaland has to be taken for examination and payment of dues, including export duty. The said forest produce can be exported only after obtaining a Forest Department pass from the officer in charge of the concerned revenue station.

Removal of Orchids

A unique feature of Nagaland is the the Rules framed by the State in 1969 for removal of orchids from the forests of Nagaland.. As per these rules the Orchids may be collected for export from Nagaland under a licence. The licence will be granted by Deputy Commissioner of Nagaland. For export of Orchids the authorized forest officers may obtain a transit pass after the payment of all fees due. Plants for sale within the Nagaland may be removed free of charge by local inhabitants under the control of the districts in Nagaland. Here it is important to mention that under the other special legislations such as the Wildlife Protection Act, 1972 (amended upto 2002) certain orchids such as Blue Vanda (*Vanda coerulea*), Ladies slipper orchids (*Paphiopedilum spp.*) and Red Vanda (*Rananchera imshootiana*) are totally prohibited from being used for any purposes whatsoever as they are considered to be endangered. The local Nagaland Act does not recognize this aspect as mandated by a Central legislation and this may impact any such removal or transport of orchids. This example makes it clear that there is a need to update and amend local legislations and make it conforming to national legislations otherwise this may only result in communities who trade in such species suffering for the inefficiency and lack of diligence of the state.

Arunachal Pradesh

The *Assam Forest Regulation, 1891* is applicable to the State of Arunachal Pradesh. As regards the removal and movement of timber, *Arunachal Pradesh Forest (Removal of Timber) Regulation Act, 1983* was enacted, which puts a restriction on the removal of timber to any place outside the State without a license from the competent authority. Further no trading depot can be established or set-up in the State without obtaining a license. The provisions of AFR as described earlier is

⁴⁹ The Nagaland Timber Exit Duty Rules 1967 were repealed by virtue of these Rules.

applicable to this State. The role of the Aanchal samittee under the *Arunachal Pradesh Aanchal and Village Forest Reserve (Constitution and Maintenance) Amendment Act of 1984* in transit of forest products is not clear.

Tripura

In the State of Tripura, Indian Forest Act, 1927 is applicable, which vests 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. The State has been empowered to make rules to regulate the transit of all timber and forest produce. The State may prescribe the routes by which forest produce may be imported into, exported or moved into the State, procedures for issuance of transit passes, rules to regulate the use of property marks, establishment of saw mills within specified local limits, establishment of depots where the forest produce may be examined, marked etc.

As is emerging clearly from a case study,⁵⁰ that there is a concept of community management of forests; such forests are called “asha van⁵¹” (*Daikong Bolong* in the local dialect). Interestingly, these forests are, as per the official records, Protected forests. Thus the ownership, control & management of such forests lays with the State. However these forests are managed by the local community, which looks after overseeing of collection, of bamboo & MFPs, firewood etc. As per the IFA, Protected forests are under the control & management of State. Here also the inconsistency between the law & the village level initiatives can be a potential cause of conflict.

Courts Response on Transit

In light of the above it is not very surprising that numerous cases have come up before the courts of law. A careful review of the cases that have come up reveal that these conflicts which have come up before the Courts relating to the issue of transit of forest produce, primarily revolves around the fact whether a particular article can be termed as a forest produce or not and thus whether it can be transported or not. Another issue that the High Court dealt with at length is the nature of transit passes. The Court⁵² has categorically held that transit passes don't denote ownership. Further, they are not transferable automatically with the sale or transfer of the forest produce. The whole idea is to make sure that the person transporting the forest produce is not likely to do any mischief with it. It is this reasoning that justifies the idea of ample state powers over transit of forest produce. The Court's have been reiterating time and again that the forest department has the statutory authority to regulate transit of timber or other forest produce

⁵⁰ Case study Commissioned by CFI on Killa village

⁵¹ The asha van are spread all along the Jamatia inhabited villages, though their density to one place from the other varies.

⁵² Anowaruddin Choudhary v. State of Assam (1984) 2 GLR 142

irrespective of their being found in reserved forest or brought from any private land⁵³. In fact the question of origin becomes irrelevant when it comes to transit of forest produce. One thing that clearly emerges from the study of case-law, is Court's stand in favour of stringent transit regulations. It has also been supportive of the State's exclusive powers to regulate and control transit of forest produce.

Lately, the Apex Court has taken a stern stand on the issue. The very first order, passed in T.N. Godavaran's case, introduced a partial ban on the transit of forest produce from any of the Northeastern States to any other part of the Country. Only the certified timber required for government or defence purposes was kept out of the said ban. Later the Court formulated detailed guidelines⁵⁴, clearly specifying the conditions to be met for transporting of timber from the N-E states, which include inventorisation of timber, clearing of timber by the High Powered Committee (HPC).⁵⁵ This transportation of timber was mandated to be done only by railways,⁵⁶ under strict supervision of Forest Department. Subsequently in wake of seizure of a railway wagon containing 200 logs of illegal timber, coming from Tinsukhia (Assam) in Delhi, precipitated the Court to put a blanket ban on movement of timber from the North Eastern States to rest of India. In the year 2001⁵⁷ the Apex court gave detailed directions for transit of timber. The HPC and the Special Investigation Team were directed to come up with detailed guidelines⁵⁸ for transportation of timber. All the concerned State Governments including the Railways were directed to strictly follow these guidelines. Whether these stringent measures are really improving the transit process or creating more avenues for abuse of process remains to be seen. Initial evidence suggest that there are no simple solutions to problems relating to transit and more creative methods need to be evolved for smooth transit and thus enabling sustainable forest management.

⁵³ Nripendra Chandra Dutta Mazumdar V. Administration of Tripura AIR 1969 Tripura 62 (V 56 C 13)

⁵⁴ order dated 15.1.1998, (AIR 1998 SC) 769

⁵⁵ A High Powered Committee was constituted by the Apex Court by order dated 4.3.1997 to oversee the implementation of its orders in the northeastern states.

⁵⁶ In case of difficulty in transportation by railways, the State Government in concurrence with the MOEF may work out the modalities of transportation by alternative modes.

⁵⁷ 2001 (4) SCALE 228.

⁵⁸ These guidelines included, determining the number of wagons to be transported at a time, issuance of transit passes only on watermark paper, periodic reconciliation of records regarding use and transportation of timber by various wood based units or industries etc. The apex court in the same case also issued some other state specific directions.

Conclusions and Recommendations

The transit rules and regulations of various northeastern states, clearly brings out that most of the State rules are near replicas of the Rules framed under AFR. Similar provisions also exist with respect to transit passes, revenue stations, property marks, inspection of forest produce etc, which results in certain degree of uniformity in various state rules. The entire regulatory framework on transit of forest produce gives important powers such as granting of transit passes, establishment of revenue stations, examination of forest produce, inspection of the same, to the Government. For the forests under the District Councils in Schedule VI districts, these powers have been vested in Council Forest officers. However despite *prima facie* similarities a closer scrutiny has revealed that much remains to be done to bring clarity and streamline the regime on transit of forest products.. Some of the specific findings including some broad recommendations are mentioned below:

- There are certain Pre Independence legislations, having archaic references and thus they need to be removed. For example the Garo Hills Regulation 1882 and Rules framed under AFR specifically uses terms, such as “British territories,” “Chief Commissioner” which are redundant in the modern context. In the absence of necessary amendments, they don’t correspond to the present day administrative and political structure..
- The geographical boundaries of the States, specially Assam have changed, however the Rules under AFR still mentions certain districts that are now part of new states, which was once within the fold of Assam. As a result what was earlier a transit within the State has now become import or export to and from State and in some cases import and export from one State to another Country⁵⁹. Thus there is a need to make suitable modifications in the Rules to address the problems arising from change of geographical boundaries.
- In various state laws on transit of forest products there is absence of clear rules for import and export of forest produce. While certain states like Assam, Manipur have rules for import of forest produce, but they are silent on aspects of export, on the other hand Nagaland provides for export of forest produce and doesn’t have provisions regarding import of forest produce. Lack of clarity on aspects related to import and export may result in encouraging illegal activities.
- There are variations in the way forest produce have been defined in different North Eastern States. While surface oil, minerals, rocks are considered forest produce in Assam, Arunachal Pradesh, Manipur, they are not forest produce in Meghalaya, which means export of these items from these states, say Assam is export of forest produce, however when it reaches the boundaries of Meghalaya, it is not an import of “forest produce” as it

⁵⁹ Transport to Sylhet, Bhutan or parts of Myanmar would certainly come under this category.

changes its meaning completely. Similarly under United Khasi-Jaintia Autonomous Hills District (Management and Control) of Forests Act, 1958, trees are forest produce irrespective of the fact whether they are found in forests or not, in other states, they are considered as forest produce only if they are brought from forests. Such deviations in definitions create ambiguities if the forest produce is taken beyond the boundaries of a State.

- The courts, especially the Supreme Court, has perhaps had the maximum impact on transit related issues with the region. The Apex Court's concern over the issue has been greatly reflected in T.N. Godavaraman case, where court has played a proactive role in giving comprehensive orders and guidelines on various aspects on transit, especially with reference to North Eastern States. While it shows the proactiveness of the Supreme Court at one level it certainly reflects that the states' role has been far from satisfactory on the issue of transit. Whether these stringent measures are really improving the transit process or creating more avenues for abuse of process remains to be seen. Initial evidence suggest that there are no simple solutions to problems relating to transit and more creative methods need to be evolved for smooth transit and thus enabling sustainable forest management.
- A noteworthy feature of these laws is that the bonafide requirements of local inhabitants, or natives have been kept away from the technicalities of transit Rules. They can remove certain classes of forest produce free of cost, without obtaining any transit pass or permit albeit for bonafide personal use. Similarly the small cultivators are not required to get their property marks registered for trade & transportation of forest produce within the local limits. Similarly the forest produce from brought private lands is covered by a certificate of origin, which is issued by the owner of the land. However the private landowner has to get his property marks registered with the FD officials.
- The exact status and quantity of "home consumption permit and the quantity of forest produce that is brought under it needs an elaborate and comprehensive inventory which perhaps does not exist. The reason careful inventory process becomes important is that only then some projection of bonafide use for home consumption can be ascertained.
- Discretion also needs to pass through the basic principles of natural justice but such essential principles are not even mentioned in the scheme of the legislation especially on transit. It is thus recommended that although there are tacit assumptions but by making it explicit only obviates unnecessary conflicts at the field level.
- The need for creating a forest protection force may be necessary, however its impact on existing mechanisms was not assessed as is evident by the overlapping jurisdictions under the legislation. Such a conflict of power on same resource definitely does not favour a smooth transit process.

- Though certain special provisions have been made for the bonafide domestic purposes of the local community, where rules apply only if the community transports forest produce for domestic purposes. However, it is not clear if the community desires to transport forest produce for trade, specially transporting forest produce from one district to another, whether it will have to abide by the general Rules. It would thus be useful to distinguish between traders who engage in purely commercial activities and who may even be from outside the states and local communities who may organize themselves to enter into trade for increasing income from trade in forest based products.
- It would be worthwhile to ascertain the number of such sawmills which are slightly outside the specified boundary limit and those that are within it. A comparative assessment may throw some light on the impact on transit and also assess the logic of this geographical criteria.
- There is a need to update and amend local legislations and make it conforming to national legislations otherwise this may result in communities who trade in s\ species which are prohibited suffering for the inefficiency and lack of diligence of the state.
- Whether transit of forest products in differently managed forests should be treated at par remains an unanswered question especially if one is interested in promoting community forest management systems in the North East.

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