

# SECTION I

## PRIVATE FOREST RULES

### PREAMBLE

In response to the commands of His Majesty the King dated 1979 and 1984 to the Royal Government of Bhutan, and in exercise of the power conferred by Section 27 of the Bhutan Forest Act of 1969, Royal Government of Bhutan has framed the following rules :

#### 1. SHORT TITLE AND COMMENCEMENT.

- 1.1 These rules can be called the Private Forest Rules, 1990.
- 1.2 These rules shall come into force immediately.

#### 2. DEFINITIONS.

Unless the subject or context otherwise requires, in these Rules:

- a. "Act" means The Bhutan Forest Act, 1969.
- b. "Private Forest" means all trees planted by an individual or a family on his/her/their registered private land and registered as such under the provision of these Rules.

#### 3. REGISTRATION OF PRIVATE FOREST.

- 3.1 Registration of the Private Forest will be allowed only in the following categories of private land:  
  
Kamsingh (Pakhabari or Dryland), Chhusingh (Khet or Wetland), Lhotshe (Permanently cultivated land under fallow cultivation), tsheri (Shifting cultivation), and land adjacent to homestead provided they are registered in Thram and do not exceed 25 acres land ceiling.
- 3.2 Farmers willing to establish Private Forest in their private land will apply to the Divisional Forest Officer in their District through the Gup/Mandal by completing three copies of a standard form as specified in Schedule 1 of these rules. These forms can be obtained from the Gups/Mandals or the nearest Range Office.
- 3.3 After reviewing the application, the Gup/Mandal will forward two copies of the application to the nearest Range Office certifying that the designated land belongs to the applicant and he/she/they is/are capable of establishing and maintaining the Private Forest. The Gup/Mandal will retain a copy of the application for records in his-Block.
- 3.4 The Range Officer (RO) will review the application form and carry out field investigation to confirm and certify that the details described in the application are true. If the description in the application is found to be true RO shall forward the application to the Divisional Forest Officer for final approval.
- 3.5 The Divisional Forest Officer shall reply back to the applicant farmer through the Gup/Mandal confirming approval or disapproval of his application. DFO also reserves the right to reject the application if he feels that the application is not complete or the farmer is not capable of establishing the Private Forest.

- 3.6 The Divisional Forest Officer will issue a certificate of ownership to the farmer as soon as the Range Officer reports to him that a particular farmer has successfully planted trees in his private land as planned. The sample of the certificate is attached as in Schedule 3.

#### 4. INCENTIVES FOR TREE PLANTING.

- 4.1 Department of Forests through its field offices will provide following incentives to the farmers participating in the Private Forestry programme:
- free seedlings at the nursery site or at the nearest road head where plantation is to be established;
  - technical supervision and guidance in the site selection planting and maintenance of the trees.
- 4.2 Royal Government of Bhutan may award appropriate prizes to these outstanding farmers who have successfully implemented the Private Forestry programme. The Department of Forests will issue an executive order to this effect outlining the composition of the selection team and criteria for the selection of an outstanding farmer.

#### 5. ROYALTIES AND BENEFIT SHARING FROM THE PRIVATE FOREST.

- 5.1 All trees planted under private forestry programme of the Department of Forests will be the private property of the concerned farmer provided they are planted observing Private Forest Rules. Lands where trees are planted will have the same status as that of the registered cultivated land and there will be no restriction as to the sell and purchase of such land.
- 5.2 The Department of Forests (DOF) will *not* levy any royalties on forest produce harvested for any purpose whatsoever from the Private Forest established following these rules. There will be no charges for the technical assistance or for any incentives provided by DOF under the social forestry programme. However, farmers will be required to obtain permit from the concerned Divisional Forest Officer before harvesting the forest produce from the Private Forest.
- 5.3 The owner shall apply for a special permit if he/she/they would like to sell the forest produce from the Private Forest. Such permit will be necessary to transport the produce from one place to the other.

#### 6. PENALTY FOR THE DAMAGES TO TREES PLANTED UNDER PRIVATE FORESTRY PROGRAMME.

- 6.1 Any damage, theft or death of trees planted under the Private Forestry programme of the DOF in the private land has to be reported by the concerned farmer to the nearest Range Office through the Mandal or Gup. Farmers willing to remove the planted trees for genuine reasons [eg. shade effect to agricultural crop] can do so only after seeking special permission from the DFO.
- 6.2 Except for thinning and topping for fodder as per the technical advice provided by the forestry extension staff, farmers will not be allowed to liquidate the planted trees before they reach an age of at least five years. If the trees are found to have been removed prematurely without permission, such farmers will have to pay double the royalties when they need timber and other forest produce for their household consumption.

- 6.3 Farmers will not be allowed to change the land under Private Forest to other uses at least for one cycle of tree growing. They will have to pay the same penalty as in Article 6.2 if they change land use prematurely.

## 7. MONITORING AND EVALUATION.

- 7.1 The Department of Forests reserves the right of monitoring the trees grown by the farmers in their private land. Farmers owning the Private Forests should retain their certificate of ownership until all trees planted under the scheme are harvested. The certificate should be produced as and when the monitoring team visits their farm.
- 7.2 The Divisional Forest officer will submit an evaluation report to the Department of Forests on the status of the Private Forestry scheme in his Division at the end of each calendar year in a format issued by the Directorate of Forests.

## SCHEDULE 1

[Pertaining to Rule 3.2]

### FORM OF APPLICATION

To:

The Divisional Forest Officer,

\_\_\_\_\_ Division.

Dear Sir,

I am interested in establishing the Private Forest on my private land. I am fully aware of the terms and conditions laid down in the Private Forest Rules, 1990, and I agree to follow them. Following are the details of my land set aside for planting trees under the Private Forestry Programme:

1. Block : \_\_\_\_\_
2. Village : \_\_\_\_\_
3. Thram No. : \_\_\_\_\_
4. Estimated Area: \_\_\_\_\_
5. Boundary : \_\_\_\_\_

Name of the Farmer: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

I certify that the land proposed by Mr/Mrs. \_\_\_\_\_  
of \_\_\_\_\_ Block \_\_\_\_\_ Village for the  
establishment of the Private Forest is a privately owned land registered in Thram, He/She is  
~~progressive farmer~~ capable of planting and maintaining the Private Forests.

Name of the Gup/Mandal: \_\_\_\_\_

Block: \_\_\_\_\_

Signature: \_\_\_\_\_

## SCHEDULE 2

(Pertaining to Rule 3.4)

### FORM OF CERTIFICATE ~~OWNERSHIP CERTIFICATE OF THE PRIVATE FOREST~~ TREE PLANTING

In accordance with the prevailing rules and regulations related to the establishment of the Private Forest, it is certified that Mr./Mrs. \_\_\_\_\_ of \_\_\_\_\_ village of \_\_\_\_\_ Block \_\_\_\_\_ District has planted following trees in his/her privately owned land shown as in the attached sketch map and as described below:

#### DESCRIPTION OF THE LAND AND TREES PLANTED

- a. Thram No : \_\_\_\_\_
- b. Land Category : \_\_\_\_\_
- c. Boundary : \_\_\_\_\_
- d. Kinds of tree planted : \_\_\_\_\_

Sl. No.	Species	No.
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Name of the officer awarding certificate: \_\_\_\_\_

Designation : \_\_\_\_\_

Signature : \_\_\_\_\_

Date : \_\_\_\_\_

I have reviewed this application in the field. The details described in the application are found to be correct/incorrect. I recommend/~~do not recommend~~ for the approval of this application.

Name of the Range Officer : \_\_\_\_\_

Forest Range : \_\_\_\_\_

Division : \_\_\_\_\_

Signature : \_\_\_\_\_

Approved/Rejected : \_\_\_\_\_

DFO : \_\_\_\_\_

Division : \_\_\_\_\_

Signature : \_\_\_\_\_