

GOVERNMENT OF THE PUNJAB
FORESTRY, WILDLIFE & FISHERIES
DEPARTMENT
Dated Lahore, the 16.03.2013

NOTIFICATION

No. SOFT(Ext)XI-16/2010. In exercise of the powers conferred under section 76 of the Forest Act, 1927 (XVI of 1927), Governor of the Punjab is pleased to make the following rules:

1. Short title and commencement. – (1) These may be cited as the Punjab Industrial Plantation Rules, 2013.

(2) They shall come into force at once.

(3) These rules shall apply to protected forests, unclassified forests and riverian forests whether reserve or protected.

2. Definitions. – (1) In these rules:

- (i) "Act" means the Forest (amendment) Act XVII of 2010;
- (ii) "afforestation plan" means a plan submitted by the private party for implementation under these rules;
- (iii) "forest crop" means the species of trees planted under the rules;
- (iv) "implementation committee" means a committee consisting of the concerned Conservator of Forests, Divisional Forest Officer and Sub-Divisional Forest Officer or Range Forest Officer;
- (v) "private party" means a company, entity or firm which fulfills the criteria fixed under these rules for entering into contractual arrangement in accordance with the provisions of section 80-A of the Act.
- (vi) "project" means a project implemented on a public private partnership basis;
- (vii) "project area" means an area of forest land or wasteland earmarked by the Government for PPP;
- (viii) "PPP" means a partnership between the Government and a private party for raising forest on forest land or wasteland through an agreement governed under these rules;
- (ix) "rotation" means the number of years after which the tree shall be harvested;
- (x) "scrutiny committee" means the committee of all Chief Conservators of Forests notified by the Government; and
- (xi) "spacing" means the distance of plants between rows and plant to plant.

(2) The words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Act.

3. Selection of project area. – (1) The Government shall earmark an area for consideration of the project under PPP.

(2) An eligible private party may submit project proposal for the project area earmarked by the Government under these rules.

(3) Any proposal of private party for forest land or waste land other than the project area earmarked for the PPP shall not be considered.

(4) The project area shall be offered on as and where basis and there shall be no liability on the part of the Government for any development or improvement before and handing over the project area.

4. Eligibility criteria for private party. - (1) The Government shall invite the participation of private party through a public notice and shall conduct pre-qualification according to the eligibility criteria through the scrutiny committee once a year.

(2) The private party which intends to participate in the pre-qualification shall provide information with regard to its legal, technical, managerial and financial capacity to undertake the project.

(3) The scrutiny committee shall examine the information and other particulars submitted by the private party within thirty days and decide as to whether the private party fulfills the eligibility criteria for pre-qualification in accordance with these rules.

(4) A company, entity or firm shall fulfill the threshold eligibility criteria of a private party if it has:

- a) run an industry dealing in wood as a raw material for more than five years;
- b) provided details of consumption of wood in the industry at the time of applying for pre-qualification; and
- c) the required human resource to undertake the project.
- d) the financial capacity.

(5) In case of duplication of requests for the same project area, the request of private party, in the following order, shall be entertained:

- a) the private party which has the industry in the same district in which the project area is situated;
- b) the private party which has requested larger area of the project area; and
- c) if there are more than one request within any of the above categories, the private party which offers higher ratio of produce to the Government.
- d) stronger financial capacity.

(6) the private party shall apply for the project for the approved time period and shall, in no case, be entitled to proprietary rights of the project area or any part of such area.

5. Role of Committees. – (1) The scrutiny committee shall short list the qualifying private parties and make recommendations for execution of agreement to the implementation committee.

(2) The scrutiny committee shall evaluate and approve the afforestation plan submitted by the private party.

(3) The scrutiny committee shall draft an agreement of individual project based on these rules and project proposals.

(4) The scrutiny committee shall provide the draft agreement to the implementation committee for signing on behalf of the Government with private party.

(5) The implementation committee shall be notified by the Government for each project.

(6) The implementation committee shall be responsible for monitoring of the project for the entire project cycle strictly in accordance with the rules and agreement executed between the private party and the Government.

(7) In case of any breach of contract by the private party, the implementation committee shall report the matter to the Chief Conservator of Forests for appropriate action under these rules.

6. Afforestation plan.- (1) The private party shall submit a detailed afforestation plan of the project area indicating the area required, the species of trees to be planted, spacing, number of trees per acre and the planned rotation age of the forest crop.

(2) The private party shall make its own arrangement of irrigation water and such arrangements shall be incorporated in the afforestation plan.

(3) Subject to sub-rule (5) of rule 4, the afforestation plan shall include the estimated volume of the crop at the end of the project cycle alongwith its distribution plan with the ratio of 30:70 as a share of Government and private party, respectively.

(4) The share of Government shall be in the shape of cash or produce acceptable to the parties but, in case of produce, the ratio shall be calculated on the basis of existing auction rates of the Government.

7. Agreement. – (1) The agreement prepared by the scrutiny committee shall be executed between the Government and the private party through the implementation committee.

(2) The private party shall undertake to handover possession of the project area peacefully to the Divisional Forest Officer on the expiry of project period.

(3) The agreement shall contain the details of final forest produce and its distribution mechanism according to the prescribed ratio mentioned in these rules.

(4) The private party shall not sub-let or mortgage the project area or any part of the project area for any purpose and shall not pledge or transfer the forest produce until acceptance of its share by the Government.

(5) The private party shall provide bank guarantee of the specific amount and for specified period at the time of execution of the agreement.

8. Project implementation and operation. – (1) The private party shall implement the project after execution of agreement in accordance with the approved afforestation plan.

(2) The afforestation plan shall not have the project cycle of a period exceeding fifteen years.

(3) The private party shall be responsible for all the operation pertaining to the land development.

(4) The private party shall make appropriate arrangement for the irrigation water and its efficient utilization through its own human resource.

(5) The Divisional Forest Officer may, on the request of the private party, provide technical assistance to the private party.

(6) The private party shall be responsible for the protection of forest crop and project area throughout the project cycle from any type of encroachment or illegal removal of produce.

(7) The private party shall only raise the forest tree crop according to approved afforestation plan and the area between tree rows shall not be utilized for raising of any major or minor agriculture crop or grass, unless approved in the afforestation plan.

(8) The private party shall not remove forest produce from the project area unless it is allowed under the rules.

(9) The private party shall carry out all the silvicultural operations and earth work such as weeding, thinning, pruning and reopening of trenches and pits etc.

(10) The private party shall not undertake any other commercial activity on the area under the project.

(11) The private party shall provide free access to the officers and officials of the government to the project area for purposes of inspection and monitoring.

(12) The private party shall make appropriate arrangements to avoid the risk of forest fire and in case of such incidence, the Government shall not be responsible for any damages occurred due to forest fire.

(13) The private party shall not carry out any hunting or shooting of any wildlife animal or bird in the project area.

(14) In case of any forest offence is committed by the private party, it shall be liable to be proceeded under the Act.

(15) In case private party violates any provision of the agreement, the Government may, in addition to any other remedy and subject to notice, encash the bank guarantee.

9. Maintenance of record.-(1) The private party shall maintain the record of the forest crop in the project area.

(2) The record shall include the map of the project area indicating the number of plants, date of plantation and such other details as may be specified by the scrutiny committee.

(3) The private party shall update the growth data on the basis of diameter at breast height of each plant during the month of December each year during the entire project period.

(4) The private party shall submit annual growth data to the Divisional Forest Officer after verification of the Range Forest Officer or Sub-Divisional Forest Officer.

(5) In case of any damage of trees through illicit cutting or natural calamity, the annual report of the same shall be submitted to the Divisional Forest Officer after physical verification of the Range Forest Officer or Sub-Divisional Forest Officer.

10. Monitoring and evaluation.-(1) The implementation Committee shall be responsible for the monitoring of the project throughout the project cycle.

(2) The Chief Conservator of Forests (Planning, Monitoring & Evaluation) Lahore shall compile all the annual monitoring reports from all project areas and submit the same to the Government with his report.

(3) The implementation committee shall be responsible to issue necessary instructions to private party in case of any violation noticed or reported and report the same to the Chief Conservator of Forests.

(4) The implementation committee shall be responsible for timely rectification of any such violation mentioned in sub-rule (3).

(5) The Chief Conservator of Forests (Planning, Monitoring & Evaluation) Lahore shall prepare an annual report of such projects through its field formation and submit to the Government as a second party verification.

11. Dispute resolution and termination of agreement. – (1) In case of any violation or breach of agreement, the implementation committee shall immediately bring it to the notice of the Chief Conservator of Forests.

(2) The Chief Conservator of Forests shall resolve the issue in accordance to rules and agreement.

(3) In case, the issue is not resolved at the level of the Chief Conservator of Forests, it shall be submitted before the scrutiny committee whose decision shall be final and binding on both the parties.

(4) On the recommendation of the scrutiny committee, the agreement may be terminated if the private party has committed any violation of these rules or any stipulation of the agreement.

(5) The agreement shall also be liable to termination in case the private party fails to perform acts in terms of the time schedule mentioned in the afforestation plan.

12. Renewal.-(1) The private party may apply to the implementation committee for the renewal of the agreement for another rotation at least two years prior to the termination of the agreement.

(2) The implementation committee shall evaluate the proposal of renewal, based on the successful implementation of agreement and submit its recommendations to the scrutiny committee as well as Chief Conservator of Forests (Planning, Monitoring & Evaluation) Lahore.

(3) The Chief Conservator of Forests (Planning, Monitoring & Evaluation) Lahore shall conduct an independent evaluation and examine the proposal of renewal and submit its independent recommendation to the scrutiny committee.

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(4) The scrutiny committee, in the light of both the recommendations shall make appropriate recommendations for renewal of the agreement or otherwise.

(5) In case, it is decided to renew the agreement, the implementation committee shall execute the new agreement with the private party within thirty days by specifically mentioning all the details which are required to be mentioned in the agreement under these rules.

BY ORDERS OF THE GOVERNOR OF THE PUNJAB

(Dr. Aamer Ahmed)

SECRETARY

GOVERNMENT OF THE PUNJAB

FW&F DEPARTMENT

NQ. & DATE EVEN

A copy is forwarded for information and necessary action to:-

1. Secretary to Governor, Punjab.
2. Secretary to Chief Minister, Punjab.
3. All Administrative Secretaries in Punjab.
4. P.S. to Chief Secretary, Punjab.
5. All Commissioners in Punjab.
6. All District Coordination Officers in Punjab.
7. All Chief Conservators of Forests, in Punjab.
8. All Conservators of Forests, in Punjab.
9. All Divisional Forest Officers in Punjab.
10. All District Officers (Forest) in Punjab.
11. The Superintendent, Government Printing Press Lahore for publication in the next issue of Provincial Gazette.

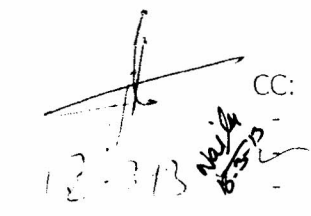

SECTION OFFICER (FOREST)

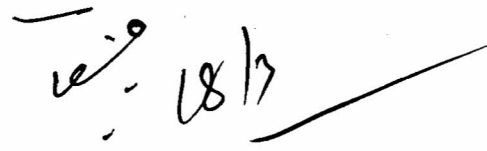
CC:

P.S to Secretary FWF&T Department.

P.A. to Additional Secretary, FWF&T Department.

P.A. to DS(A), DS(P) & Director B&A (Forest), FW&F Department


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