

**Government of the Union of Myanmar**

**Ministry of Forestry**

**The Forest Rules**

**The 10<sup>th</sup> Waxing Day of Nattaw, 1357 M.E.**

**( 1<sup>st</sup> December 1995 )**

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**Government of the Union of Myanmar****Ministry of Forestry****Notification No. 106 / 95**

Yangon, 10<sup>th</sup> Waxing Day of Nattaw, 1357 M.E.

( 1<sup>st</sup> December, 1995 )

The Ministry of Forestry, with the approval of the Government, hereby issues the following rules in exercise of the power conferred under sub-section (a) of section 57 of the Forest Law.

**Chapter ( I )****Title and Definition**

1. These rules shall be called the Forest Rules.
2. The expressions contained in this Rules shall have the same meanings as the expressions contained in the Forest Law. Moreover, the following expressions shall mean as follows:
  - (a) **Revenue Station** means the office established under section 24 of the Forest Law to inspect the removal of forest-produce and to levy due revenues;
  - (b) **Log** means a log which girth at the middle is 3 feet and above;
  - (c) **Post** means a log which girth at the middle is less than (3) feet but above 1 foot;
  - (d) **Pole** means the timber which girth at the middle is less than one foot;
  - (e) **Raft** means the bamboo or cane or timber prepared and organized for floating ;
  - (f) **Saw Pit** means a place where the timber is cut and sawn by the hand saw;
  - (g) **Sawmill** means an industry where the log and timber are cut and sawn by using a mechanical power;
  - (h) **One Timber Ton** means ( 50 ) cubic feet of timber;
  - (i) **Green Teak** means the teak which has sprout or leave, or bark or hull of which cannot be detached by hand, or bark or hull of which has been detached by using an equipment;
  - (j) **Demarcation Mark** means stone post, concrete post, iron post, timber post, pipe, heap of stone, mark made on a tree or any mark that is made to specify the delineated boundary in any manner;
  - (k) **Forest Road** means a road built particularly for doing forest works and extracting forest-produce;
  - (l) **Property Mark** means a mark affixed on the timber to show that the timber is owned by the hammer mark owner;
  - (m) **Shifting cultivation (Taungya)** means an agricultural practice by felling and burning the trees and being not established farming at a place.

## Chapter ( II )

### Constitution of Reserved Forest and Declaration of Protected Public Forest

3. In declaring that it is proposed to constitute any land a reserved forest or to prescribe any land a protected public forest according to section 6 of the Forest Law, the followings shall be included:
  - (a) Location, boundary and area;
  - (b) name and type;
  - (c) prohibitions relating to any matter contained in rule 5;
  - (d) provisions relating to appointment of forest settlement officer or delegation to the Director General;
4. (a) The Minister may, in declaring to constitute a reserved forest, assign duty jointly to a forest officer or an officer from the Settlement and Land Records Department in order to support forest settlement officer.
  - (b) Before assigning duty the officer from the Settlement and Land Records Department jointly, it shall coordinate with the relevant ministry in advance.
5. The Minister may, in declaring that it is proposed to constitute any land a reserved forest or to prescribe any land a protected public forest, insert, express the prohibitions relating to any of the following matters except the rights existed on the day of declaration:
  - (a) constructing the new building;
  - (b) cutting tree;
  - (c) extracting forest-produce;
  - (d) clearing land;
  - (e) establishing new crop or forest plantation;
  - (f) using as grazing ground;
  - (g) setting forest fire.
6. (a) The forest settlement officer shall, within (30) days after his appointment, issue a declaration to claim if there is any grievance in the extraction right of forest-produce and land use right of the local people of the area where the reserved forest will be constituted. The persons desirous to claim right shall submit, claim within (90) days after the issue of the declaration.
  - (b) If there is no submission of claim within the period stipulated under sub-rule (a), it shall be deemed that there is no grievance of right of local people of the area where the reserved forest shall be constituted.
  - (c) The forest settlement officer shall, if there is any submissions, claims under sub-rule (a), he shall carry out inquiry, make allowing or refusal to all or any part of the claim and submit to the Director General. Moreover, such decision shall be informed to the relevant claimants of right.
7. (a) The forest settlement officer, in carrying out inquiry according to sub-rule (c) of rule 6 on the claimants of right under sub-rule(a) of rule 6, is entitled to carry out the followings:
  - (i) changing in demarcation of the proposed boundary of the reserved forest to leave sufficient land for the proposed reserved forest after excluding the land where the customary rights may be applied;

- (ii) serving the witness and calling for and examination of documents according to the Code of Civil Procedure;
  - (iii) carrying out to confiscate land according to the Land Acquisition Act;
  - (iv) recording the number, type, area, boundary, time and season, manner of permission and other facts in allowing the right to use the grazing ground, the right to extract and use the forest-produce and other rights.
- (b) The forest settlement officer :
- (i) shall be deemed as a collector for the purpose of Land Acquisition Act;
  - (ii) is entitled to compensate in terms of land, or cash, or land and cash jointly if the claimant of right agrees, with the approval of the Ministry;
  - (iii) shall carry out land acquisition, paying compensation or delivering land to the claimant of right only when the approval of the Ministry is obtained.
8. (a) The Director General shall, after scrutinizing the report submitted by the forest settlement officer under sub-rule (c) of rule 6, and if it is found being in conformity with the followings, continue to submit to the Minister, together with his remark, to enable to issue notification for the constitution of the reserved forest:
- (i) expiry of the period stipulated for claiming of right under sub-rule (a) of rule 6 and having decided by the forest settlement officer on the right claimed;
  - (ii) expiry of the period for appeal stipulated under section 39 of the Forest Law and having decided on the cases appealed;
  - (iii) having confiscated all lands necessary to be confiscated to constitute the reserved forest.
- (b) The Minister shall, after scrutinizing the report submitted by the Director General under sub-rule (a), issue a notification, with the approval of the Government, on the constitution of the reserved forest by expressing the category of area where the reserved forest shall be constituted, type of the reserved forest, the right allowed, excluded area and date of initial determination.
9. The people are entitled to enjoy only the rights mentioned in the notification since the date of constitution of the reserved forest.
10. The Minister may, before the issue of the notification under rule 8, withdraw the declaration of intention to constitute the reserved forest issued under rule 3. Such withdrawal shall be published to the public.
11. After the issue of notification on constitution of the reserved forest, according to the notification:
- (a) the remaining rights except the right to enjoy any land or building allowed shall not be transferred;
  - (b) if the rights allowed are not enjoyed within (5) consecutive years from the date of declaration, such right shall be deemed terminated.
12. If the Minister cancels, with the approval of the Government, the whole or a part of the reserved forest under sub-section (a) of section 7 of the Forest Law, the rights of the people to extract forest-produce and land use which are void at the time of constitution shall not be resumed.
13. (a) The Director General shall, when he is delegated for prescription and declaration of the protected public forest under sub-section (c) of section 6 of the Forest Law, issue a declaration, within (30 ) days from the day he was delegated under sub-section (c) of section 6 of the Forest Law, to submit, claim if there is any grievances

in the rights of extraction of forest-produce and land use of local people of the area where the protected public forest shall be prescribed and declared. The claimant of right shall, within (90) days after the day of issue of declaration, submit, claim to the Director General.

- (b) If there is no submission of claim within the period stipulated under sub-rule (a), it shall be deemed that the peoples of the area where the protected public forest shall be prescribed have no grievances of right.
  - (c) The Director General may, if there is any submissions, claims under sub-rule (a), he may allow or refuse all or any of them after conducting inquiry. Such decisions shall be informed to the relevant claimants.
  - (d) The Director General shall, after carrying out according to rule (8), and if it is in conformity with the followings, submit to the Minister to enable to issue the notification determining the protected public forest:
    - (i) expiry of the limitation for appeal according to section 39 of the Forest Law and having decided on the appeal cases;
    - (ii) having confiscated all lands necessary to confiscate for determination and declaration of the protected public forest.
14. (a) The Director General is entitled to carry out the followings in conducting inquiry under sub-rule (c) on the submissions, claims according to sub-rule (a) of rule 13:
- (i) changing, amending and determining the boundary of the proposed protected public forest to leave sufficient land for the protected public forest after excluding land on which land use right was obtained traditionally;
  - (ii) serving for the witness and calling for and examination of the documents according to the Code of Civil Procedure;
  - (iii) carrying out to confiscate land according to the Land Acquisition Act;
  - (iv) recording the number, type, area, boundary, time and season, manner of permission and other facts in allowing the right to use the grazing ground, the right to extract and use the forest-produce and other rights.
- (b) The Director General:
- (i) shall be deemed as a collector for the purpose of Land Acquisition Act;
  - (ii) is entitled to compensate in terms of land, or cash, or land and cash jointly, if the claimant of right agrees, with the approval of the Ministry;
  - (iii) shall carry out land acquisition, paying compensation or delivering land to the claimant of right only when the approval of the Ministry is obtained.
15. The Minister shall, after scrutinizing the report submitted by Director General under sub-rule (d) of rule 13, issue the notification of determining the protected public forest with the approval of the government.
16. The Minister may, before the issue of notification under rule 15, withdraw the declaration that it is proposed to prescribe the protected public forest issued under rule 3. Such withdrawal shall be informed to the public.
17. After the issue of notification determining a protected public forest under rule 15, according to the notification:
- (a) the remaining rights except the right to enjoy any land or building allowed shall not be transferred;

- (b) if the rights allowed are not enjoyed within (3) consecutive years from the date of declaration, such right shall be deemed terminated.
18. If the Minister cancels, with the approval of the Government, the whole or a part of the protected public forest under sub-section (b) of section 7 of the Forest Law, the rights of the peoples to extract forest-produce and land use which are void at the time of determination, shall not be resumed.
19. Any person shall not, without permission of the Director General or a forest officer delegated by him, carry out any of the followings in the protected public forest:
- (a) felling, cutting, girdling, marking, lopping, perforating or injuring by fire or otherwise any category of tree stipulated by the Forest Department;
  - (b) trespassing and encroaching ;
  - (c) pasturing domestic animals;
  - (d) digging or clearing land for cultivation;
  - (e) poisoning, using chemicals or explosives in the water;
  - (f) catching or hunting wild animals;
  - (g) kindling fire, setting fire or carrying fire.

### **Chapter ( III )**

#### **Management of Forest Land**

20. In the forest area and forest-covered land at the disposal of the government:
- (a) the Ministry of Forestry may allow for carrying out any development work or any economic scheme if it does not affect or damage the natural environment;
  - (b) the Director General or a forest officer delegated by him may allow carrying out education or research work, conducting a training course or establishing study camp if it does not affect or damage the natural environment.
21. The Director General may, with the approval of the Minister, carry out the followings:
- (a) forming administration committees relating to opening of schools and trainings concerning with forestry, prescribing terms and conditions, and asking and expending the financial requirements;
  - (b) developing the structure of the University of Forestry, asking financial requirements annually, forming the Administration Board of the University, sending representative to the Myanmar Education Committee, and implementing educational policies adopted by the Education Committee, communicating with the foreign universities of forestry;
  - (c) planning forest inventory works for collecting the forest resource data in every (10) year, asking for necessary finance, submitting to the government after reviewing data once in ( 5 ) years;
  - (d) doing forest research works beneficial to the State by communicating with the Myanma Science and Technology Department, and the international research organizations, sale or distribution of the research results to the companies or individual for suitable consideration.
22. According to sub-rules (a) or (b) of rule 20, the permission holder:

- (a) is entitled to carry out only the matters determined and allowed in the relevant permission. In doing so, it shall take care not to damage or destroy the natural environment;
  - (b) shall not transfer the relevant permission without the agreement of the person who issued permission;
  - (c) shall, within (60) days from the day of expiry of permission, move the materials used by him with the relevant permission.
23. (a) The Forest Department shall dispose, as necessary, the materials left after the stipulated day contained in sub-rule (c) of rule 22, and claim the expense from the permission holder;
- (b) the money which shall be paid by the permission holder under sub-rule (a) shall be collected as arrear of land revenue.
24. (a) The forest officer shall determine and declare the manners and terms and conditions relating to kindling fire, setting fire and carrying fire in the protected public forest and forest-covered land at the disposal of the government;
- (b) The fire user shall abide by the manners and terms and conditions determined and declared by the forest officer.
25. Any person shall set fire on the fuels only after heaping them at a place outside (100) yards from the forest area and the boundary to be declared as such area. In setting fire so, the prevention measures shall have been taken not to spread the fire.
26. The State, division or district forest officer has the following powers relating to the forest area:
- (a) causing the subordinate forest staff to fell, cut, mark, lop, perforate destroy by fire or any other means of any tree in accord with the stipulations;
  - (b) allowing to extract forest produces for non-commercial private use, farming use or fishery use not more than stipulated number according to section 17 of the Forest Law;
  - (c) allowing to extract commercial, minor forest products according to sub-section (c) of section 18 of the Forest Law ;
  - (d) allowing to extract the forest produces for non-commercial research and education work, public utility or religious works with the permission of the Director General under sub-section (d) of section 18 of the Forest Law;
  - (e) allowing, with the approval of the Director General, to cut, clear, plough or dig for cultivation or any other purposes.
  - (f) allowing the farmers to build drainages to irrigate from the forest area to the farmlands.
27. Any person shall not cut, mark, lop, perforate or damage by fire or any other means the teak and any reserved trees grown in the forest land and the land at the disposal of the government except for doing so with permission.
28. The Forest Department may, by notification, determine any part of the forest-covered land at the disposal of the government as an area where the shifting cultivation (*taungya*) is not allowed.
29. Any person shall not carry out shifting cultivation (*taungya*) in the area declared under section 28, without permission of the Director General.
30. Any person shall not fell, cut, girdle, dissect or carry the trees and timbers which are not included in the list of reserved trees grown on the land at the disposal of the government,

except for the following matters, without the permission of the relevant State, division or district forest officer:

- (a) use of the forest produces extracted for research and education work, public utility or religious works and non-commercial private use, farming use or fishery use, within (1) year from the day of extraction and within 20 miles radius;
  - (b) extraction for private use, farming use or fishery use not more than stipulated quantity.
31. Any person who does not use the forest produces in accordance with sub-rule (a) of rule 30, shall pay the revenue assessed by the Forest Department.
  32. Any person shall not fell, cut or dissect the trees which are not reserved trees for commercial purpose in the forest area and land at the disposal of the government, to make firewood or charcoal, without the permission of the State, division or district forest officer.
  33. The State, divisional or district forest officer may allow, in accordance with the terms and conditions, the extraction of tops and lops of the reserved trees except the teak fell down with the permission at the forest land and the land at the disposal of the government,
  34. The State, divisional or district forest officer may allow the commercial extraction, collection or removal of the minor forest produces at the forest land and land at the disposal of the government.
  35. The district forest officer may repair the boundary of a reserved forest or a protected public forest as necessary without affecting the original boundary.

## **Chapter ( IV )**

### **Establishment of Forest Plantation**

36. In establishing the forest plantations according to sub-section (a) of section 13 of the Forest Law, the following principles shall be based:
  - (a) planting at the depleted or degraded forests;
  - (b) planting at the forest where commercially less valuable trees are grown;
  - (c) planting tree species which are compatible with water, soil and climate ;
  - (d) planting tree species which have good yield and valuable in extraction and use;
  - (e) planting by the methods which do not affect the water, soil environment;
  - (f) contributing to improvement of living standard of local people and development of local area.
37. In establishing industrial plantations according to sub-section (b) of section 13 of the Forest Law, the following principles shall be based:
  - (a) planting at the depleted or degraded forests;
  - (b) planting at the forest where commercially less valuable trees are grown;
  - (c) planting tree species which are is suitable for industrial use;
  - (d) planting at the reserved forest, protected public forest which are easy to transport and near the factory;
  - (e) planting by the methods which do not affect the water, soil and environment.
38. In establishing plantations for the conservation of water, land and environment according to sub-section (c) of section 13 of the Forest Law, the following principles shall be based:
  - (a) planting at the watershed areas and dry-zone areas where the forests have been depleted or degraded;

- (b) planting the native tree species which are suitable to rehabilitate the watersheds, environments and habitats for;
  - (c) planting jointly with suitable cultivation methods and land reclamation methods depending on locality, climate and topography;
39. In establishing local supply plantations according to sub-section (d) of section 13 of the Forest Law, the following principles shall be based:
- (a) planting at the local supply forests and protected public forest;
  - (b) selecting and planting fast growing and multi-purposed tree species which can provide local people needs of timber, firewood, posts and poles;
  - (c) planting in the depleted and degraded forest lands in priority;
  - (d) planting by the methods which do not destroy the water, soil and natural environment.
40. In establishing the village firewood plantation according to sub-section (e) of section 13 of the Forest Law, the following principles shall be based:
- (a) planting in the village-owned lands, protected public forests;
  - (b) carrying out planting and maintaining works with the fund of the Forest Department;
  - (c) allowing the villagers to carry out agro-forestry practice so as to obtain more land use value;
  - (d) allowing the villagers to use after paying revenue, when the time of felling, harvesting reach.
41. In carrying out the cultivation and maintenance of forest plantation according to section 14 of the Forest Law, by a joint venture of the government and any individual person or organization, or by any person or organization, it must be in conformity with the followings:
- (a) having abided by the provisions of the Union of Myanmar Foreign Investment Law or the National Investment Law;
  - (b) being the tree species and locality agreed by the Ministry of Forestry;
  - (c) carrying out at the reserved forest, protected public forest, and land at the disposal of the government;
  - (d) being the cultivation method which is agreed and allowed by the Ministry of Forestry and does not affect the water, soil and the natural environment;
  - (e) contributing to improvement of the living standard of local peoples and development of local area;
  - (f) being the forest plantation which supports the requirement for economy, industrial raw material or fuel;
  - (g) paying the royalty stipulated according to the locality.
42. (a) The Forest Department shall take responsibility and carry out all works, for the first year, relating to the firewood plantation which shall be established according to sub-section (a) of section 15 of the Forest Law.
- (b) The relevant villagers shall take responsibility and carry out, from second year to the harvesting time, the conservation and protection works of firewood plantation using the technologies distributed by the Forest Department.
  - (c) The village that obtained the firewood plantation by transfer shall pay royalty stipulated by the Forest Department, if the felling or harvesting is for trading.

43. Relating to the village supply firewood plantations planted collectively by the villagers according to sub-section (b) of section 15 of the Forest Law:
- (a) the Forest Department shall distribute the seedlings which are in conformity with the requirement of the locality at the initial year of cultivation;
  - (b) the villagers shall follow and carry out the maintenance works, from the time of initial plantation to the time of harvesting, as guided by the Forest Department;;
  - (c) the Forest Department shall demonstrate the agro-forestry techniques to obtain more land use value;
  - (d) at the harvesting time stipulated by the Forest Department, the villagers may extract the firewood for their own use after paying royalties.
44. If the person who holds permit for commercial extraction of timber has the responsibility to establish the forest plantation or carry out natural regeneration according to the permit:
- (a) the extraction plan shall be submitted to the Forest Department before timber extraction;
  - (b) the forest plantations shall be grown at his cost in the compartment where the timber is extracted;
  - (c) natural regeneration in the forest area as determined as necessary by the Forest Department shall be carried out at his own cost;
  - (d) he shall pay compensation to the Forest Department for the damage to the natural environment because of the extraction of forest produce.

### **Chapter ( V )**

#### **Permission for extraction of Forest Produce**

45. The Forest Department shall prescribe the manners to be followed in applying bidding system relating to the permit of commercial extraction of forest produce under section 18 of the Forest Law.
46. Relating to the extraction of forest produce for which permit is not required according to sub-section ( c) of section 20 of the Forest Law, the township forest officer;
- (a) shall affix the , "own use" mark on the stump after marking timber and post for which permit is asked to extract;
  - (b) shall record the name, address of the permit holder of extraction, category of forest produce and number.
47. The district forest officer may, to enable to make charcoal of the firewood extracted from the forest land and land at the disposal of the government and for which royalty has been paid, allow to establish charcoal kiln and to make charcoal in accordance with the license form stipulated by the Director General from time to time and the terms and conditions of the license.

### **Chapter ( VI )**

#### **Removal of Forest Produce**

48. (a) Except the matters contained in sub-section (b) of section 23 of the Forest Law, if it is desirous to move any forest produce from one township to another in the county, the removal pass from the forest officer delegated by the State or Divisional forest officer shall be applied.
- (b) The removal pass holder shall pay the fee stipulated for the removal pass.

49. (a) The Township Forest Officer or any forest staff assigned by him is entitled to issue removal pass for the forest produces for which royalty has been paid.
- (b) In every removal pass issued, the followings shall be mentioned;
- (i) if it is timber, type of timber, number of log or lumber;
  - (ii) if it is other forest produce, number and category;
  - (iii) the mark on the log and lumber;
  - (iv) end of the destination;
  - (v) term of the removal pass;
  - (vi) list of the revenue offices where the inspection shall be accepted.
50. The forest staff is entitled to inspect, ask any person who brings the forest produce whether or not he has removal pass. If it is found that any person though he is the lawful owner of the forest produce, but he carries them without removal pass, the forest staff shall deliver the relevant case to the Township Forest Officer to enable to take action in accordance with the provisions contained in section 35 of the Forest Law.
51. The person who moves the forest produce shall carry the forest produce which he shall move, to the relevant revenue station to accept inspection, to pay royalty or to affix property mark.
52. Any person shall not move the forest produces from the revenue station before due revenue has been paid.
53. The person who moves the logs shall drift only with the raft which is organized with logs and submerged more than two feet and the raft organized with logs firmly.
54. The rafts contained in rule 53 are entitled to be drifted along the Chindwin River from (16) May to (14) December in every year.
55. Any person who carries the rafts of timber, firewood, poles, bamboo or rattan under his supervision, shall, when they arrive to sluice gate connecting with the canal, move them through the dam without delay as stipulated by the dam supervisor. If the dam supervisor considers that water is not enough to move as such, they shall be carried, moved from the route allowed by the forest staff under the special order.
56. (a) The Forest Department may, by notification, determine, from time to time, the boundaries where the timber rafts shall not be tied, stopped or hanged.
- (b) Any person shall not tie, stop or hang the timber rafts within the boundary stipulated according to sub-rule (a).
57. (a) The State or Divisional or District Forest Officer may, by notification, determine the disciplines to be complied in moving the forest produces in order to prevent the bridges, dams or works relating to them.
- (b) Any person who moves the forest produce shall not violate any disciplines issued and determined under sub-rule (a).
58. Any person shall not move the forest produces except the forest produce which are allowed to move without removal pass under sub-section (b) of section 23 of forest law, without permission of the State, Divisional or District Forest Officer, passing through the revenue office from sunset to sunrise.
59. The removal pass holder shall pay due compensation if any State-owned property is damaged in moving the forest produces.

60. Any person, if he does not obtain the special permit issued by the Director General or a person who is delegated by him, in moving the forest produces;
- (a) shall not cause reducing water flow, change or blockage of watercourse in the rivers;
  - (b) shall not cause any traffic jam along the motor road or rail road.
61. (a) Any forest staff is entitled to prevent and prohibit any activities that shall obstruct drifting of timber along the river, stream and watercourse;
- (b) The Township Forest Officer or the government officer delegated for this purpose is entitled to remove the activities that may obstruct the timber drifting.
62. In carrying out prevention under sub-rule (c) and removal of the activities that may be obstruction of timber drifting, under sub-rule (b) of rule 61, the expenses shall be incurred by the person who makes obstruction.

## **Chapter ( VII )**

### Disposal of Drift and Stranded Timber

63. (a) Any person shall not salvage the drift, stranded logs in the Yangon River, Pazuntaung Creek and Bago River that fall in the Yangon port area, without the permission of the Yangon Port Authority and the Yangon Division Forest Officer.
- (b) Any person shall not salvage the drift, stranded logs in the following rivers without the permission of the Yangon Division Forest Officer;
    - (i) part of the Yangon River and Hlaing River below the Hmawbi Chaung Village and up to the mouth of Lainkone Yae Kyaw Creek;
    - (ii) part of the Bago River that fall in the area from the junction of Bago River and Yangon River, to the north edge of Oh Bi Island.
64. Any person shall not salvage the drift, stranded logs in the rivers which do not involve with the provisions contained in rule 63, without the permission of the relevant District Forest Officer.
65. (a) The State, Divisional Forest Officer may close, prohibit the right of removal of the drift, stranded logs by mentioning the area and duration.
- (b) Any person shall not violate the prohibition issued under sub-rule (a).
66. (a) The salvager of the drift, stranded logs in the rivers that do not involve with the provision contained in rule 63, with the permission of the District Forest Officer shall collect and bring the salvaged logs to the nearest revenue station.
- (b) The person who collects and brings under sub-rule (a), shall be entitled to obtain the stipulated salvaging fee.

67. The District Forest Officer, relating to the drift, stranded logs collected and brought to the revenue station;
- (a) shall issue the notifications and serve them at all Township Forest Offices and revenue stations at the upstream area to enable to be known and claimed by the relevant persons. Moreover, such notifications shall also be sent to the private property-mark owners who enlisted their desire to receive such notifications in advance.
  - (b) The drift and stranded logs that do not naturally float in water and those that have drifted in the sea may be disposed with the permission of the State, Divisional Forest Officer after the expiry of the period contained in the notification;
  - (c) The drift, stranded logs which are owned and have the property-mark of the State Timber Enterprise shall be delivered to the relevant State Timber Enterprise;
  - (d) If the drift, stranded logs salvaged are found that they drifted from the depots, they may be allowed to bring back by the original owner with the permission of the State, Divisional Forest Officer.
68. The original owner shall pay the fee stipulated by the State, Divisional Forest Officer for the maintenance of the drift, stranded logs allowed to him to take back according to sub-rule (d) of rule 67, at the revenue station.
69. Relating to the drift, stranded logs salvaged in the sea, rivers and creeks, the owner of such logs shall pay to the salvager at the rate of the salvaging fee declared and determined, from time to time, by the relevant State, Divisional Forest Officer with the approval of the Director General.

## **Chapter ( VIII )**

### **Registration of private marking hammers and Affixing marks on the log**

70. The person who obtains the permission to extract log shall register his private marking hammer which is used to affix marks on the log extracted with the permission with the relevant District Forest Office.
71. (a) The private marking hammer applied under rule 70 for registration shall obtain the agreement of the relevant District Forest Officer, and there shall be a special mark indicating the relevant district;
- (b) Any person shall not use the private marking hammer outside the relevant registered district.
72. If it is not sufficient with a private marking hammer, the clone copy may be used after making entry of the serial number with the approval of the relevant District Forest Officer.

73. The term of a private marking hammer is from the day on which the registration is allowed to the day of its cancellation.
74. The registration fee for the registration of the private marking hammer shall be paid as stipulated.
75. On occurrence of any of the following causes, the registration of the private marking hammer is void:
- (a) application by the owner of the marking hammer himself to cancel the registration;
  - (b) death or being declared by the Court the insolvency of the owner of the marking hammer;
  - (c) if it is a seal registered to extract timber under the special order, the expiry of the permitted term;
  - (d) being not used the seal for (12) months consecutively;
  - (e) application by the owner the necessity to change the design of the marking hammer;
  - (f) being scrutinized and found the use of marking hammer in contrary to the terms and conditions of registration.
76. The persons who have the right to hold or use the private marking hammer are as follows:
- (a) the owner of the marking hammer who obtained the certificate issued by the relevant District Forest Officer that the private marking hammer has been registered;
  - (b) the person who obtained the right to hold the marking hammer on behalf of the owner with the permission of the relevant District Forest Officer.
77. When the trees are fell or the logs are dissected, the private marking hammer shall be affixed on the stumps and logs within (24) hours in accordance with the stipulations.
78. Any person shall not move the logs which have not been affixed with the private marking hammer from the stumpage.
79. (a) Only the registered private marking hammer shall be affixed on the log uncut or timber roughly cut.
- (b) Any person except the hammer owner or the person who has the right to hold the marking hammer under sub-rule (b) of rule 76 shall not affix the mark.
80. Any person, without permission or being not in accordance with the permission:
- (a) shall not affix the private marking hammer on the standing tree;
  - (b) shall not carry out the altering, destroying or obliteration of the property-mark affixed on the timber and log;
  - (c) if there is no mark expressing that all royalties and fees payable to the Forest Department have been paid, shall not carry out the destroying of the timber

containing other private mark or affix any private marking hammer on the obliterated timbers;

- (d) if the person does not obtain the right from extraction permit holder or is not ~~to~~ empowered by permit holder, any private mark shall not be affixed before moving the un-marked logs from the stumpage;
- (e) shall not affix the private mark on the logs that fall within the highest tides of the creeks, rivers which are used to drift the logs;
- (f) shall not affix the private mark on the green teak or timber which has reason to believe that it is illegally fell.

## **Chapter ( IX )**

### **Timber Depots**

81. The relevant State or Divisional Forest Officer may cause to determine and use the suitable timber depots amongst the revenue stations established under section 24 of the Forest Law. The timber depots so used shall be numbered separately and the signboard shall be set up in front of the timber depot.
82. Any person shall not use the timber depots without the permit issued by the State or Divisional Forest Officer.
83. In the timber depots, only the timbers of the person who obtained permit issued by the State or Divisional Forest Officer are entitled to be stored. However, if the buyer is desirous to continue the store after the person who obtained permit has already sold the timber, he may continue the store after paying the stipulated fee.
84. Any person shall not block or obstruct the route for moving timber in the timber depot.
85. Any person shall not move or attempt to move the timbers in the revenue stations or timber depots during sunset to sunrise without permission of the State or Divisional Forest Officer.
86. If it is found, by inspection, the timbers obtained by illegal means in the timbers arrived to the timber depot, the costs for inspection shall be incurred by the relevant person who carries the timber.
87. If the damage or loss occurred during the storage of forest produces at the revenue station or in the timber depot was found that it is not for the negligence or intentional damage by the forest staff, the relevant forest staff will not be responsible.

## Chapter ( X )

### Establishment of the Wood-based Industry

88. According to section 30 of the Forest Law, any person is entitled to establish and operate with circular saw of (18) inches diameter or the band saw mills with equal cutting power, after annually registering at the relevant Township Forest Office in accordance with the stipulations.
89. (a) The person desirous to establish the plywood mill, veneer mill or saw mill which can cut (6000) tons and above in a year shall apply to the Director General to obtain the permit.
- (b) The Director General may, after scrutiny on the application in accordance with the stipulation under sub-rule (a), issue permit with the approval of the ministry.
90. (a) The person desirous to establish the saw pit or saw mill or tongue and groove mill which can cut under ( 6000 ) tons per a year and that does not involve with sub-rule (a) of rule 89, shall apply to the forest officer delegated by the Director General for that purpose.
- (b) The forest officer delegated by the Director General may, after scrutiny on the application according to sub-rule (a), issue permit if it is in conformity with the stipulations.
91. The person who obtains permit to establish the wood-based industry under sub-rule (b) of rule 89 or sub-rule (b) of rule 90 shall:
- (a) pay the royalties;
- (b) comply with the terms and conditions of the permit;
- determined by the Director General with the approval of the Minister.

## Chapter ( XI )

### Search, Arrest and ~~Taking~~ Administrative Action

92. Every forest staff is entitled to carry out prevention and taking precaution not to happen any offence contained in the Forest Law.
93. If there is sufficient cause to believe that any forest produce is concealed in a house, building or place to which public has no access, the magistrate of first class power may issue search warrant to any forest officer to search that house, building or place.
94. The person who obtains the search warrant:
- (a) shall execute the search warrant by himself. He shall not assign duty to any other person;

- (b) shall carry out the search in front of (2) witnesses;
  - (c) shall seize the exhibits found at the house, building or place contained in the search warrant and the vehicles, animals and other machinery and equipment used in the commission of offence and the offender shall be taken action;
  - (d) shall report the particulars relating to the search in writing, within (24) hours from the time of search, to the magistrate who issues the search warrant.
95. The forest staff may carry out search at the public building, place and any vehicle, without warrant, in front of (2) witnesses. In searching as such, the exhibits found and the vehicles, animals and other machinery and equipment used in the commission of offence shall be seized and the offender shall be taken action.
96. If there is no explicit expression in this Rule relating to the issue of search warrant, conducting search, arrest and the seizure of exhibit for any offence contained in the Forest Law, it shall carry out in accordance with the provisions of the Code of Criminal Procedure.
97. The Forest Department shall, relating to the forest produces seized, determine the manners to follow in passing administrative sanction according to section 33 of the Forest Law.
98. Any forest staff may ask and obtain the name and address of the person on whom he has the cause to believe of commission of any forest offence. The person so being asked shall disclose the true name and address.
99. In searching under this Rule, relating to the forest produces-seized:
- (a) they may be re-trusted temporarily to the person seized on bond;
  - (b) it is entitled to dispose the easily perishable forest produces with the permission of the District Forest Officer;
  - (c) it is entitled to confiscate the unclaimed forest produces with the permission of the State or Divisional Forest Officer.
100. Relating to taking action of the offences under the Forest Law, the forest officer:
- (a) shall file direct complaint to the relevant competent court against the offender under section 40, section 41, section 42, sub-section (b) of section 43 or section 45;
  - (b) shall open the first information report at the relevant police station against the offender who commits offence under sub-section (a) of section 43, section 44 and section 46.
101. The forest officer, before filing the direct complaint relating to the forest offences which shall be prosecuted by filing direct complaint:

- (a) is entitled to summon the accused and the witnesses, and to require to produce the papers;
- (b) is entitled to make inquiry and to record the statements while making such inquiry.
102. The forest officer shall receive the forest produces confiscated and delivered by the court.
103. The State or Divisional Forest Officer is entitled to dispose the forest produces confiscated by the court and transferred to the Forest Department, and the forest produces confiscated by the forest officer after taking administrative action under section 33 of the Forest Law in accordance with the stipulation.
104. The district forest officer is entitled to exercise the powers of a collector under the existing laws to enable to collect the monies receivable by the Forest Department as arrears of land revenue.

## **Chapter ( XII )**

### **Offences and Penalties**

105. Any person who fails to comply with any of the following provisions or violates any prohibitions, on conviction, shall be punished with fine not exceeding (5000 ) kyats or with imprisonment for a term not exceeding (6) months or both under sub-section (h b) of section 40:
- Rule 11(a) : Shall not transfer any other rights except the benefits of any land or building permitted under the notification, after such notification for constitution of the reserved forest under rule 8 is issued.
- Rule 17(a) : Shall not transfer any other rights except the benefits of any land or building permitted under the notification, after such notification for declaring the protected public forest under rule 15 is issued.
- Rule 19 : Any person shall not, without the permission of the Director General or of a forest officer empowered by him, carry out any of the followings in the protected public forest:
- (a) felling, cutting, girdling, marking, lopping, perforating or injuring by fire or by any other means of the categories of tree stipulated by the Forest Department;
  - (b) trespassing and encroaching;
  - (c) pasturing domestic animals;
  - (d) digging or clearing land for agriculture;
  - (e) poisoning, using chemical or explosive substances in water;
  - (f) arresting or hunting wildlife;

(g) kindling fire, setting fire and carrying fire.

Rule 22 : The permit holder under sub-rules (a) or (b) of rule 20 :

- (a) is entitled to carry out only the matters determined and allowed in the relevant permit. In doing so, it shall take care not to affect and damage the natural environment;
- (b) shall not transfer the relevant permit without the approval of the person who issues permit;
- (c) shall move the materials used with the relevant approval within (60) day after the expiry of the permission.

Rule 24(b) : The person who use fire shall comply with the manners, terms and conditions determined and declared by the forest officer.

Rule 25 : Any person shall heap the fuels outside of ( 100 ) yards from the forest area and the boundary to be declared as such area and set fire. In setting fire as such, the precautionary measures must have been taken not spread fire.

Rule 27 : Any person shall not cut, mark, lop, perforate or damage by fire or any other means the teak and any reserved trees grown in the forest land and the land at the disposal of the government except for doing so with permission.

Rule 29 : Any person shall not carry out shifting cultivation (Taungya) without the permission of the Director General in the area declared under rule 28.

Rule 30 : Any person shall not fell, cut, girdle, dissect or move any tree or log that does not include in the list of reserved trees grown on the land at the disposal of the government and the timbers without the permission of the relevant State, Divisional or District Forest Officer except the following matters:

- (a) use of the forest produces for the use of research and education work, public utility and religious works and forest produces extracted for non-commercial private use, farm-work use or fishery industry use, within (1) year from the date of extraction and within (20) miles from the place of extraction;
- (b) extraction for the private use, farming use or fishery use not more than stipulated quantity.

Rule 32 : Any person shall not fell, cut or dissect the trees which are not reserved trees for commercial purpose in the forest area and land at the disposal of the government, to make firewood or charcoal, without the permission of the State, division or district forest officer.

Rule 51 : The person who moves the forest produce shall carry the forest produce which he shall move, to the relevant revenue station to accept inspection, to pay royalty or to affix property mark.

Rule 52 : Any person shall not move the forest produces from the revenue station before paying the royalty.

- Rule 53 : The person who carries the timber shall drift the timber draft which is formed with big logs and submerged more than 2 and half feet and the logs with the raft which is firmly organized.
- Rule 54 :The big timber rafts contained in rule 53 may be drifted along the Chindwin River only from (16) May to (14) December every year.
- Rule 55 : Any person who carries the rafts of timber, firewood, poles, bamboo or rattan under his supervision, shall, when they arrive to sluice gate connecting with the canal, move them through the dam without delay as stipulated by the dam supervisor. If the dam supervisor considers that water is not enough to move as such, they shall be carried, moved from the route allowed by the forest staff under the special order.
- Rule 56 (b) : Any person shall not tie, stop or suspend the timber rafts within the boundary stipulated under sub-rule (a) of rule 56.
- Rule 57 (b) : Any person who carries, move the forest produce shall not violate any terms and conditions issued under sub-rule (a) of rule 57.
- Rule 58 : Any person shall not move the forest produces except the forest produce which are allowed to move without removal pass under sub-section (b) of section 23 of forest law, without permission of the State, Divisional or District Forest Officer, passing through the revenue office from sunset to sunrise.
- Rule 60 : Any person, if he does not obtain the special permit issued by the Director General or a person who is delegated by him, in moving the forest produces;
- (a) shall not cause reducing water flow, change or blockage of watercourse in the rivers;
- (b) shall not cause any traffic jam along the motor road or rail road.
- Rule 63 : (a) Any person shall not salvage the drift, stranded logs in the Yangon River, Pazuntaung Creek and Bago River that fall in the Yangon port area, without the permission of the Yangon Port Authority and the Yangon Division Forest Officer.
- (b) Any person shall not salvage the drift, stranded logs in the following rivers without the permission of the Yangon Division Forest Officer;
- (i) part of the Yangon River and Hlaing River below the Hmawbi Chaung Village and up to the mouth of Lainkone Yae Kyaw Creek;
- (ii) part of the Bago River that fall in the area from the junction of Bago River and Yangon River, to the north edge of Oh Bi Island.

- Rule 64 : Any person shall not salvage the drift, stranded logs in the rivers which do not involve with the provisions contained in rule 63, without the permission of the relevant District Forest Officer.
- Rule 65(b) : Any person shall not violate the prohibition on the carriage of drift, stranded logs by mentioning area and time by the State, Divisional Forest Officer under sub-rule 65(a).
- Rule 66(a) : The salvager of the drift, stranded logs in the rivers that do not involve with the provision contained in rule 63, with the permission of the District Forest Officer shall collect and bring the salvaged logs to the nearest revenue station.
- Rule 71(b) : Any person shall not use the private marking hammer outside the registered relevant district.
- Rule 77 :When the trees are fell or the logs are dissected, the private marking hammer shall be affixed on the stumps and logs within (24) hours in accordance with the stipulations.
- Rule 78 : Any person shall not move the logs which have not been affixed with the private marking hammer from the stumpage.
- Rule 79 : (a) Only the registered private marking hammer shall be affixed on the log uncut or timber roughly cut.
- (b) Any person except the hammer owner or the person who has the right to hold the marking hammer under sub-rule (b) of rule 76 shall not affix the mark.
- Rule 80. Any person, without permission or being not in accordance with the permission:
- (a) shall not affix the private marking hammer on the standing tree;
- (b) shall not carry out the altering, destroying or obliteration of the property-mark affixed on the timber and log;
- (c) if there is no mark expressing that all royalties and fees payable to the Forest Department have been paid, shall not carry out the destroying of the timber containing other private mark or affix any private marking hammer on the obliterated timbers;
- (d) if the person does not obtain the right from extraction permit holder or is not empowered by permit holder, any private mark shall not be affixed before moving the un-marked logs from the stumpage;
- (e) shall not affix the private mark on the logs that fall within the highest tides of the creeks, rivers which are used to drift the logs;

(f) shall not affix the private mark on the green teak or timber which has reason to believe that it is illegally fell.

- Rule 82 : Any person shall not use the timber depots without the permit issued by the State or Divisional Forest Officer.
- Rule 84 : Any person shall not block or obstruct the route for moving timber in the timber depot.
- Rule 85 : Any person shall not move or attempt to move the timbers in the revenue stations or timber depots during sunset to sunrise without permission of the State or Divisional Forest Officer.
- Rule 98 : Any forest staff may ask and obtain the name and address of the person on whom he has the cause to believe of commission of any forest offence. The person so being asked shall disclose the true name and address.

### **Chapter ( XIII )**

#### **Miscellaneous**

106. The existing protected forests shall be deemed as the protected public forests determined and declared under this Rules.
107. The rules issued under the Forest Act, 1902 are hereby repealed.

Lt.General Chit Swe

Minister

Ministry of Forestry