

# Punjab Forest Produce Transit Rules, 2019

PUNJAB

India

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### Rule PUNJAB-FOREST-PRODUCE-TRANSIT-RULES-2019 of 2019

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Punjab Forest Produce Transit Rules, 2019 Published vide Notification No. G.S.R. 44/C.A.16/1927/Ss. 41 and 42/2019, dated 21.11.2019 Last Updated 24th December, 2019 No. G.S.R. 44/C.A.16/1927/Ss. 41 and 42/2019. - Whereas the Kullu, Kangra and Gurdaspur Forest Produce Transit (Land Routes) Rules, 1965 were made in undivided Punjab and some areas are now part of the State of Himachal Pradesh; Whereas Pathankot has been carved out as a separate district from Gurdaspur District in the State of Punjab; Whereas the Government of Punjab is implementing schemes to promote agro forestry and undertaking structural reforms to incentivise farmers in promotion of agro forestry; Now, therefore, in exercise of the powers conferred by sections 41 and 42 of the Indian Forest Act, 1927 (Central Act No.16 of 1927) and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules to regulate the transit of forest produce by land routes into, from and within the territorial limits of the State of Punjab as specified in sub-rules (3), (4) and (5) of rule 1 of these rules, namely:-

#### 1. Short title, commencement and application.

(1) These rules may be called the Punjab Forest Produce Transit Rules, 2019. (2) They shall come into force on and with effect from the date of their publication in the official Gazette. (3) Rules 3 to 10 of these rules shall apply to the territorial limits of such part of Pathankot District as lies to the east and the north of the Madhopur-Pathankot-Chakki Road. (4) Rule 11 of these rules shall apply to the territorial limits of whole of the State of Punjab. (5) Rule 12 of these rules shall apply to the Kandi/Shiwalik area of Punjab comprising Sahibzada Ajit Singh Nagar, Roopnagar, Nawanshahr, Hoshiarpur, Dasuya and Pathankot forest divisions.

#### 2. Definitions.

(1) In these rules, unless the context otherwise requires, - (a) "Act" means the Indian Forest Act, 1927 (Central Act No. of 1927); (b) "Conservator of Forests" means the Forest Officer in-charge of the

concerned territorial circle;(c)"Divisional Forest Officer" means the Forest Officer in-charge of the Forest Division;(d)"Forest Division" means an executive unit under the charge of a Divisional Forest Officer constituted for the purpose of administration and notified as such by the Government;(e)"forest produce" shall specifically mean timber (converted or otherwise), firewood, charcoal, katha and resin, but shall not include Non Timber Forest Produces (NTFPs) like bamboos and agro-forestry species such as *Populus* spp., *Eucalyptus* spp., *Melia azedarach* (Drek), *Morus alba* (Mulberry), *Leucaena leucocephala* (Subabul), *Casuarina* spp., *Grevillea robusta* (Silver Oak), *Acacia mangium*, *Melia dubia* (Malabar Neem), *Prosopis cineraria* (Khejri), *Salix alba* (Indian willow), *Gmelina arborea* (Gamari) or any other species declared by the State/ authorised agency as agro-forestry species from time to time.(f)"State Government" means the Government of the State of Punjab in the Department of Forests and Wildlife Preservation.(2)The words and expressions used in these rules but not defined shall have the same meanings as assigned to them in the Act.

### **3. Prohibition of transportation of timber.**

- No forest produce shall be exported from or transported within the limits of the area to which these rules apply between 22:00 hours and 05:00 hours.

### **4. Pass for export or transport of forest produce.**

(1)No person shall export or transport any forest produce which has been collected in the area to which these rules apply without first obtaining a pass in the Form appended to these rules from the Divisional Forest Officer concerned or the Forest Officer authorised by him or otherwise than in accordance with these rules and conditions of the pass.(2)The pass issued under sub-rule (1) shall accompany the forest produce in transit and shall show the number of logs or the kind of forest Section 41 produce, the marks indicative of the owner's property therein, the place of its destination and the time for which it shall remain in force. It shall specify that the forest produce may be stopped for examination at places to be named in the pass, and the Forest Officer may also require the measurements of the forest produce (when possible) and its estimated value to be entered therein.(3)No pass under this rule shall be issued for any unmarked timber or for such timber as bears the mark not registered as hereinafter provided.(4)The Divisional Forest Officer may refuse to issue a pass if he has reasons to believe that the forest produce has not been legally obtained by the applicant for export or transport.(5)The person who has been refused the issue of a pass under sub-rule (4) may, within fifteen days from the date of refusal, prefer an appeal to the Conservator of Forests, and his decision there on shall be final.(6)The Forest Officer may, at any time, require any person exporting or transporting forest produce to produce the pass issued for exporting or transporting such forest produce. No person shall be entitled to export or transport forest produce by virtue of a pass which he does not himself hold but is or is stated to be, in the hands of some other person.

### **5. Powers to detain forest produce and vehicle.**

(1)In the event of the pass issued under rule 4 not being produced, the Forest Officer may detain the forest produce and trucks, carts and other vehicles by which it is being exported or transported.(2)In

the event of the time mentioned in the pass having expired before arrival at the destination of the forest produce covered by the pass, the Divisional Forest Officer may extend the period as he may think proper during which the pass shall be further valid.

## **6. Exemption from obtaining pass.**

- Notwithstanding anything contained in these rules, any right-holder in Pathankot District who has obtained timber for the construction or repairs of his house, farm, building, or fuel wood in accordance with his rights under the forest settlement covering the area to which these rules apply or who has cut the timber from his own land under rightful authority, may without obtaining a pass under rule 4, transport such timber within the revenue estate where his land or house is situated.

## **7. Registration of mark.**

(1) Any person wishing to export or transport forest produce by land route shall register at the office of the Divisional Forest Officer from whose jurisdiction the forest produce is to be exported, the mark or marks which indicate their proprietary rights on such forest produce: Provided that no mark is required on any timber of a right-holder, who is exempted to obtain a pass under rule 6. (2) The registration fee of fifty rupees shall be payable for every separate mark so registered and if the number of marks exceeds three, the said fee shall be one hundred rupees for each mark. However, no fee shall be payable by any Government Department. (3) Every registration shall be valid for three years to be counted from 1st January following the date of registration. (4) No person shall be allowed to register any mark already registered in favour of any other person, or any mark used by the Government. The Divisional Forest Officer may refuse registration of any mark which, in his judgement, so closely resembles any mark used by the State Government or registered in favour of any person as to be easily produceable by altering such mark. (5) A certificate showing the marks registered, the date of registration, the period for which it shall be valid and acknowledging the payment of the fees shall be given to every person registering his mark or marks. (6) No person shall, without the written permission of the Divisional Forest Officer, alter, deface or obliterate any mark placed on any forest produce while in transit.

## **8. Exemption from registration of marks.**

- Timber fashioned into articles of furniture, carts, carriages and agricultural, domestic and other implements or pieces thereof shall be exempted from registration of mark or marks as required under sub-rule (1) of rule 7.

## **9. Duties of Forest Officers and Police Officers In-charge of the Check Posts.**

(1) Any person in-charge of forest produce in transit shall have to stop the vehicle by which the forest produce is being exported or transported and produce the pass for inspection of the Forest Officer or Police Officer in-charge of the Check Post. (2) If the Forest Officer or Police Officer in-charge of the Check Post finds that such forest produce is being exported or transported in accordance with the

conditions specified in the pass, he shall allow it to be exported or transported and proceed past the check post.(3)If the whole quantity of forest produce entered in the pass reaches the Check Post in one consignment only, the Forest Officer or Police Officer in-charge of the Check Post shall retain the Pass after cancelling it and return the attached coupon duly filled in to the person in-charge of the forest produce.(4)If the whole quantity of forest produce mentioned in the pass does not reach the Check Post in one consignment, the Forest Officer or Police Officer in-charge of the Check Post shall, on arrival of each consignment, other than the last one, record on the pass the quantity of forest produce being exported or transported and return the pass to the person in-charge of the forest produce for presentation again at the time of export or transport, as the case may be, of the subsequent consignment. On the arrival of the final consignment, the Forest Officer or the Police officer in-charge of the Check Post, shall retain the pass after cancelling it and return the detachable coupon duly filled in to the person in-charge of the forest produce.(5)No person shall offer any forest produce for export by rail on any railway station on the Pathankot-Joginder Nagar Railway line within the area to which these rules apply, unless it is covered by a pass issued by the Divisional Forest Officer or any other person so authorised by him in this behalf.

## **10. Penalties.**

(1)Any person who contravenes any provision of these rules, shall be liable to imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.(2)Penalties and procedures laid down in chapter IX of the Act, shall so far as applicable, be read as part of these rules and for the purpose of these provisions, every offence punishable under these rules shall be deemed to be a forest offence.

## **11. Powers to grant Pan India Permit for movement of bamboo grown on private land.**

- Notwithstanding anything contained in rules 3 to 16 of these rules, if any person in the State of Punjab approaches the concerned Divisional Forest Officer to obtain Pan India Permit for the inter-state movement of bamboo grown on private land, the same may be granted to such person by the concerned Divisional Forest Officer based on the instructions issued by the Principal Chief Conservator of Forests (Head of Forest Force), Punjab in this regard from time to time.

## **12. Powers to give permission to set up Check Posts and related regulations.**

- Notwithstanding anything contained in rules 3 to 11 of these rules, the Divisional Forest Officers of Kandi/Shiwalik area of Punjab comprising Sahibzada Ajit Singh Nagar, Roopnagar, Nawanshahar, Hoshiarpur, Dasuya and Pathankot forest divisions may, with the prior permission of the State Government, regulate or restrict the transit of forest produce of the species other than those exempted under clause (e) of rule 2 of these rules through regular check posts and issuance of transit permit for forest produce.

### 13. Repeal and Saving.

- The Kullu, Kangra and Gurdaspur, Forest Produce Transit (Land Routes) Rules, 1965 are hereby repealed: Provided that any order issued or any action taken under the rules so repealed, shall be deemed to have been issued or taken under the corresponding provisions of these rules. Form [See rule 4(1)] Forest Division Pass For Export or Transport of Forest Produce

From \_\_\_\_\_ forest Division. Pass

No. \_\_\_\_\_ dated \_\_\_\_\_

1. Name of person to whom pass is granted \_\_\_\_\_

2. Date on which issued \_\_\_\_\_

3. Route by which forest produce will be transported \_\_\_\_\_

4. Details of forest produce covered by the pass (Details overleaf/ attached):- \_\_\_\_\_

5. Whence obtained \_\_\_\_\_

6. Place to which consigned \_\_\_\_\_

7. Date of expiry of permit \_\_\_\_\_

8. Property marks \_\_\_\_\_

Note. - After the expiry of the permit, he will please report as to whether it has been availed of in booked by rail from any railway station on the Pathankot- Joginder Nagar Railway Lined, the concerned station master may please endorse on the back of the pass the quantity of timber so booked along with the date and the destination so as to facilitate further checking. Divisional Forest

Officer \_\_\_\_\_ forest

Division. No. \_\_\_\_\_ Dated \_\_\_\_\_ Copy forwarded to:-

1. Range Officer \_\_\_\_\_ for information with reference to his report

No. \_\_\_\_\_ dated \_\_\_\_\_

**2. In-charge check post of \_\_\_\_\_ for information.**

**3. Shri \_\_\_\_\_ for information.**

Divisional Forest Officer \_\_\_\_\_ forest Division."Certified that the Forest Produce allowed vide permit No. \_\_\_\_\_ dated \_\_\_\_\_ has been exported in full and the permit after use has been deposited with the undersigned onIn-charge: Check Post \_\_\_\_\_Forest Division.