

U.P. Rules Regulating the Transport of Timber in the Kumaun Civil Division, 1920

UTTAR PRADESH

India

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Rule

U-P-RULES-REGULATING-THE-TRANSPORT-OF-TIMBER-IN-THE-KUM of 1920

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U.P. Rules Regulating the Transport of Timber in the Kumaun Civil Division, 1920Published vide Notification No. 503/14-42, dated 21.4.1920In exercise of the powers conferred by Section 41 of the Indian Forest Act, 1927, the Government of U.P. is pleased to make the following Rules to regulate the transport of timber by river in Kumaun Civil Division.

1.

These rules shall apply only to persons rafting or otherwise conveying timber on any river under a pass issued in according with Rule XI of G.O. No. 672/XIV-42, dated September 30, 1915.

2.

The owner of any timber who desires to transport it by river, or his agent or Servant, any upon giving ten days notice in writing (through the Divisional Forest Officer or Officer in-charge of the forest range in which the timber is to be transported) demand that any where 'bund' or other obstruction made for any purpose in the bed of river be either opened sufficiently to allow the timber to pass through or be entirely removed, for a period not exceeding six day. If floating operations exceed six days, the 'bund' must be repaired operation evening to provide water for irrigation purposes; the total period of operation should not exceed 15 days at a time.

3.

If his demand is not complied with within 5 days of the expiry of the period of ten days given in the notice prescribed by Rule 2 the owner of the timber, or his agent or servant, may himself either remove the obstruction or open to a passage through it for his timber, and the owner of the obstruction shall not offer any resistance to his so doing.

4.

Any person who offers resistance to the owner of the timber or his agent or servant, when removing any obstruction, or opening a passage through it for his own timber, as provided for under Rule 3, shall be liable to a fine which may extend to one thousand rupees.

5.

In all cases the owner of the timber shall be bound to pay the cost of removing the obstruction, and shall be bound, immediately after passing his timber through, to repair or reconstruct the same at his own expenses. In the event of his failing to do so, the owner of the weir or bund shall be at liberty to repair or reconstruct it himself and to recover the cost so doing as compensation from the owner of the timber.

6.

Upto a period of six days no compensation shall be payable by the owner of the timber to the owner of any mill or irrigated land by reason of the water channel supplying his mill or land being dried up, owing to the removal of opening of any weir or bund.

7.

In the case of a mill, the working of which has been stopped for more than six days owing to the water supply being cut off, the owner of the timber shall be liable to pay compensation for the whole period during which the mill was idle at a rate which shall be ten times the rent which would be payable by the mill owner to Government for such period, were the rent at which such mill is assessed, distributed proportionately over such period.

8.

In the case of land of which the irrigation has been stopped for more than 6 days owing to the water supply being cut off, the owner of the timber shall be liable to pay compensation for loss incurred, the amount of the loss will be determined by the Deputy Commissioner after causing a local inquiry to be made, unless the parties come to terms privately.

9.

In no case, except with the express consent of the owner shall any weir, bund or other obstruction be kept open for a period exceeding two months in all in any one year. After the period of 15 days mentioned in Rule 2 and except with the consent of the owners of the bund or weir no further floating operations shall be undertaken for a period of ten days.

10.

In cases where the period mentioned in Rule 6 has caused damage to agricultural operations, compensation may be assessed by the Deputy Commissioner and paid by the Forest Department.

11.

Any claim for compensation against the owner of the timber under Rules 5, 7 and 8 shall be presented within six months if the claim accruing to the Deputy Commissioner of the District whose decision upon the claim shall be final.