

The M.P. Transit (Forest Produce) Rules, 2000

MADHYA PRADESH

India

The M.P. Transit (Forest Produce) Rules, 2000

Rule THE-M-P-TRANSIT-FOREST-PRODUCE-RULES-2000 of 2000

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The M.P. Transit (Forest Produce) Rules, 2000 Published vide Notification No. F-30-40-95-10-3, dated 13-12-2000, Published in M.P. Rajpatra Part 4 (Ga), dated 22-12-2000 at pages 320-325 Notification No. F-30-40-95-X-3, dated 13-12-2000. - In exercise of the powers conferred by Section 76 read with Sections 41 and 42 of the Indian Forest Act, 1927 (No. XVI of 1927), the State Government hereby makes the following rules for regulating transit of forest produce namely :-

1. Short title, extent and commencement.

(1) These rules may be called the Madhya Pradesh Transit (Forest Produce) Rules, 2000. (2) They shall extend to the whole of Madhya Pradesh. (3) They shall come into force with effect from the date of their publication in the Madhya Pradesh Gazette.

2. Definition.

- In these rules, "Act" means the Indian Forest Act, 1927 (No. XVI of 1927).

3. Regulation of transit of forest produce by means of passes.

- No forest produce shall be moved into or outside the State or within the State of Madhya Pradesh except in the manner as hereinafter provided without a transit pass in Form A, B or C annexed to these rules. The Transit Pass will be issued by a Forest Officer or Gram Panchayat or a person duly authorised under these rules to issue such pass : Provided that no transit pass shall be required for the removal :- (a) Of any forest produce which is being removed for bonafide domestic consumption by any person or in exercise of privilege granted in this behalf by the State Government or of a right recognised under the Act within the limits of a village in which it is produced. (b) Of such forest produce as may be exempted by the State Government from the operation of these rules by

notification in the Official Gazette.(c)Of forest produce covered by Money receipts/Rated passes/ Forest produce passes/carting challan issued by competent authority in accordance with the rules made in this behalf for the time being in force.(d)Of minor forest produce from forests to the local market or to the collection Centre or for bonafide domestic consumption.(e)Of mineral from forest for which transit pass is not compulsory under these rules.

4. Officers and person to issue passes.

- The following officers and persons shall have power to issue passes under these rules :-(A)For forest produce belonging to the Government, the Divisional Forest Officer, the Sub-divisional Forest Officer or any other Officer authorised in this behalf in writing by the Divisional Forest Officer.(B)For forest produce owned by any person, the Divisional Forest Officer or any officer not below the rank of Forester or such other person authorised in writing by the Divisional Forest Officer or Gram Panchayat in whose jurisdiction the forest produce is found or grown :-(1)No transit pass will be required to transport the timber and fuel of the following species :-

- | | |
|---------------------|--------------------------|
| (i) Neelgiri | Eucalyptus sps |
| (ii) Casuarina | Casuarina equiseti folia |
| (iii) Subabul | Leucenea Sps. |
| (iv) Poplar | Populus Sps. |
| (v) Israili Babul | Acacia tortilis |
| (vi) Vilayati Babul | Prosopis juliflora |
| (vii) Katang Bamboo | Bambusa arundinacea |

(2)To transport the timber and fuel obtained from the trees found in private land (Bhumi Swami) the transit pass will be issued according to the procedure laid down below :-(a)The transit pass, for transporting timber/fuel of following species, shall be issued by the Panchayat according to the recommendation of the "Panchayat Level Committee" duly constituted for this purpose.

- | | |
|---------------|--------------------|
| (i) Babul | Acacia nilotica |
| (ii) Siris | Albizzia Sps. |
| (iii) Neern | Azadarehta indica |
| (iv) Ber | Zizyphus Sps. |
| (v) Palas | Butea monosperma |
| (vi) Jamun | Syzygium cumini |
| (vii) Reunjha | Acacia leucophloea |

(viii) [Bamboo other than Katang Bamboo] [Substituted by Notification No. F-30-40-95-X-3, dated 12-10-2001.](except in the districts ofKhandwa, Betul, Hoshangabad, Harda, Chhindwara, Seoni, Balaghat,Jabalpur, Katni, Mandla,

Dindori, Shahdol, Umariya and Sidhi).

(b) Transit pass for timber/fuel of all the species other than those mentioned under 4 (B)(1) and 4 (B)(2)(a), shall be issued by the Forest Officer, authorised by the Divisional Forest Officer, [after considering the recommendation] [Substituted by Notification No. F-30-40-95-X-3, dated 12-10-2001.] of the Panchayat Level Committee. (C) Gram Panchayat or the person authorised by it shall issue the transit pass for transporting the forest produce within the district. To transport the forest produce outside the district, transit pass shall be issued by the Forest Officer authorised by the Divisional Forest Officer. (D) On submission of application, for issue of transit pass, along with relevant document and information, the transit pass shall be issued within 45 days of receipt of the application. (E) Transport of privately owned timber under the Lok Vaniki Mission, shall also be done according to the procedure prescribed above. (F) Action for not issuing transit pass in stipulated time period will be taken against responsible officer/subordinate and Panchayat.

5. Rates of fee for issue of transit pass.

- The State Government or an officer authorised by the State Government from time to time, shall fix rates of fee for issue of transit pass as per the provisions of Rule 4.

6. Contents of Transit Pass.

(1) Every transit pass issued under Rule 3 shall specify :- (a) The name of the person to whom such pass is granted. (b) The quantity and description of forest produce covered by it; in case of logs, a list along with measurement shall be enclosed with the transit pass. (c) The places from and to which such forest produce is to be conveyed. (d) The route by which such forest produce is to be conveyed. (e) The period of time for which the pass is to be in force. (f) The impression of the valid hammer mark. (2) The transit pass shall be issued in Form A, B or C as annexed to these rules, as indicated below :- Form A - To be issued by Forest Officer or the person authorised in this regard. Form B - To be issued by Gram Panchayat. Form C - To be issued in lieu of the foreign pass by the officer authorised by the Divisional Officer, not below the rank of a Forester. (3) The sums to be paid in respect of each book of Transit Pass, will be prescribed by the Principal Chief Conservator of Forests, Madhya Pradesh from time to time. (4) Transit pass shall be in duplicate and bound in books, which shall be obtainable from the Divisional Forest Officer. Each book shall bear an identifying number and the passes in each book should be numbered serially. First page will be the counterfoil and 2nd page shall be given to the person in charge of the produce.

7. Separate passes for each load.

- No transit pass shall ordinarily cover more than one load, whether such load be carried by a person, an animal or a vehicle.

8. Passes not be tampered with.

- No alteration shall be made in anything printed or written on any transit pass, except in the matter of route and period and this may only be done by a forest officer not below the rank of a forester, for sufficient reason to be mentioned in the pass.

9. Books of blank passes to be supplied to persons authorised to issue them or the Gram Panchayat.

(1)When the Divisional Forest Officer authorises any officer or person under clause (B) and (C) of Rule 4 to issue transit passes, he shall furnish such officer or such person, or the Gram Panchayat from time to time with authenticated books of blank passes.(2)The authorised person or Gram Panchayat, to whom such book is supplied, shall pay the sum as fixed under sub-rule (3) of Rule 6.(3)The person, who has been authorised to issue passes, shall issue transit passes only in accordance with the conditions of his authorisation.

10. Accounts of the Counter foils of used transit passes to be returned.

(1)The Gram Panchayat or any person, to whom book of transit pass is supplied, shall submit a monthly account to the Divisional Forest Officer, of forest produce extracted through the transit passes issued by him.(2)The counterfoils of all used transit passes and unused passes, if any, shall be returned to the officer from whom the book of passes was obtained No fresh Book of transit pass shall be supplied until the counterfoils of all passes previously used have been returned.

11. Counterfoils to be produced for inspection on demand.

- Gram Panchayat or any person who has been authorised to issue transit passes under clause (C) of Rule 4, shall be bound, if called upon by any forest officer not below the rank of forester, to produce for the inspection or to return the counterfoils of all passes which have been issued by such person or Gram Panchayat.

12. Procedure on cancellation or expiry of authority to issue passes.

- If the authority given under clause (C) of Rule 4 is cancelled, the person whose authority is so cancelled shall forthwith return to the officer who gave the authority every unused book of transit passes and the unused portion of any such book in his possession, together with the counterfoils of used passes, if any which has not already been returned.

13. Transit passes used by officer or Gram Panchayat or private persons when invalid.

- No transit pass issued by the Gram Panchayat or any officer or person authorised shall be valid :- (a) if such pass is not prepared on a blank form supplied for this purpose under sub-rule (1) of Rule

9.(b)if the pass is not covered by recommendation of the Panchayat Level Committee, or(c)if the pass is issued after receipt, by such officer or person or Gram Panchayat, of an order cancelling the authority to issue such passes.

14. Property and Transit marks to be affixed to timber.

- No timber shall be moved from or within any district of Madhya Pradesh unless it bears a Government transit mark or Gram Panchayat property marks, of such design Officer prescribed from time to time in this behalf by the Divisional Forest Officer.

15. Registration of property marks.

(1)Every Gram Panchayat on submitting an application shall be allotted a property mark by the Divisional Forest Officer, which shall be affixed on every timber piece for which transit pass is being issued by the Gram Panchayat.(2)Any person may apply to the Divisional Forest Officer to have property mark to be attached to timber belonging to him, registered in the office of the Divisional Forest Officer of the Division into which it is sought to be transported.(3)Every property mark shall consist of a device to be approved by the Divisional Forest Officer :Provided that no person shall be allowed to register a mark identical with or liable to be mistaken with one already registered by another person or Gram Panchayat or used by the State Government. In case of dispute as to whether the mark proposed for registration has or has not too close resemblance with any other mark previously registered, the decision of the Divisional Forest Officer shall be final.(4)A fee of Rs. 50/- shall be payable for registration and such registration shall hold good from the date of registration till the 31st December of that year.(5)A certificate of registration showing the device, shall be given by the Divisional Forest Officer to each person registering his mark.

16. Forest produce to be removed by day light.

- Except with the special permission of the Divisional Forest Officer in writing no forest produce shall be transported between hours of sunset and sunrise within the forests.

17. Registration for import of forest produce.

(1)Any person, who intends to import any forest produce into the State of Madhya Pradesh, shall get himself registered in the office of the concerned Divisional Forest Officer where the forest produce is to be transported.(2)The Divisional Forest Officer upon receipt of the application for registration, after necessary verification, and on payment of Rs. 500.00 by the applicant, shall register and give the applicant registration certificate of import in Form D and such registration shall be valid for the calender year.(3)The person importing the timber shall submit a quarterly account of the same to the concerned Divisional Forest Officer in Form E.

18. Foreign Pass.

(1)(a) All forest produce which is being imported into the State of Madhya Pradesh must be covered with a transit pass issued by the exporting State and in case of timber every piece should bear hammer impression indicated on the transit pass. (b) At the border-checking barrier of Madhya Pradesh new transit pass shall be issued by a forest officer authorised in this regard in lieu of original pass which shall be deposited at the barrier. (c) Any timber, that is being imported for use in the State shall be marked with a hammer. (d) Hammering fee as may be prescribed by the State Government, shall be recovered at the border checking barrier. (e) In case of forest produce passing through State of Madhya Pradesh, the transit pass from the first border-checking barrier shall be issued for the destination, mentioning the last border-checking barrier of the State. (2) Every foreign pass must be in a form which has been registered in the office of the Divisional Forest Officer of the Division into which it is sought to be imported forest produce, thereunder.

19. Government marks not to be imitated or effaced.

- No person, other than a forest officer or the person authorised by the Gram Panchayat whose duty is to use such markers, shall use any property mark for timber identical with or resembling any Government transit mark or any mark with which timber belonging to Government is marked and no person shall, while any timber is in transit under a pass issued by the officer, Gram Panchayat or person authorised in this behalf under clause (C) of Rule 4, alter or efface any mark on the same.

20. Forest produce in transit to be stopped and examined.

(1) Any forest produce in transit to which these rules apply and any animal, vehicle, vessel or craft carrying such forest produce, may be stopped, detained, examined and checked at any place by any forest, police or revenue officer if such officer has reasonable grounds for suspecting that it is being transported in contravention of these rules or any money which is due to Government in respect thereof has not been paid or that any forest offence has been or is being committed in respect thereof : Provided that no such officer shall vexatiously or unnecessarily detain any forest produce which is lawfully in transit, nor vexatiously or unnecessarily unload any such forest produce or cause the same to be unloaded for the purpose of examination. (2) The person in charge of such forest produce shall furnish to any such officer all the information which he is able to give regarding the same, and if he is removing the same under a transit pass shall produce such pass on demand, for the inspection by such officer and shall not in any way prevent/resist the stoppage or examination of the forest produce by such officer. The same under a transit pass shall produce such pass on demand, for the inspection by such officer and shall not in any way prevent/resist the stoppage or examination of the forest produce by such officer. (3)(a) Every forest produce in transit shall be produced for checking at the forest barrier (Checking Nakas) on route. (b) The In-charge of checking barrier shall check and verify the quantity, as per the details given therein and the impression of the hammer mark as shown on the pass. After being satisfied of the legality of the forest produce, the details mentioned in Transit pass will be entered in the register kept on barrier for this purpose and the signature of the driver of vehicle carrying forest produce shall be obtained against the entries so made. The In-charge of checking barrier shall put his dated signature and seal on the prescribed

place in the Transit pass.(4)if any discrepancies or irregularities are noted, the provisions of Section 52 of Indian Forest Act, 1927 shall be applicable.

21. Prohibiting conversion of Timber.

- Within the limits of any reserved, protected or unclassed forest under the control of the Forest Department and within eighty kilometres of such limits no person shall manufacture charcoal, or Katha without the previous sanction in writing of a forest officer not below the rank of the Conservator of Forests.

22. Penalties for breach of rules.

(1)Whoever contravenes any of the provisions of these rules or issues transit passes without authority or in contravention of the provisions of these rules shall be punishable with imprisonment for a term, which may extend to one year or with fine, which may extend to Rs. Ten thousand or with both.(2)In cases where offence is committed after sunset and before sunrise, after preparation for resistance to lawful authority or where the offender has been previously convicted of a like offence, the penalty to be inflicted shall be double of those mentioned in sub-rule (1) above.

23. Repeal.

- On coming into force of these rules, all rules corresponding to these rules in force in any region of the State of Madhya Pradesh immediately before the commencement of these rules shall stand repealed :Provided that anything done or any action undertaken any rules so repealed shall, unless such thing or action is inconsistent with any of the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.Form A[See Rule 6 (2)]

Book No. Counter foil Transit Pass

Page No.

1. Locality of Storage :-
(a) Range
(b) Division
2. Name and address of owner of forest produce-
3. Description of produce and quantity-
4. Property mark etc. -
5. Name of place to which the produce is to be transported-
6. Route by which produce is to be transported-
7. Barrier at which forest produce will be produced for check
8. Date of expiry of pass-

Note. - Second foil will be similar to the Counterfoil. Signature of checking officer Signature of issuing officer Form B[See Rule 6 (2)] To be issued by Gram Panchayat

Book No. Counter foil Transit Pass

Page No.

- | | | |
|-----|---|-----|
| (1) | (2) | (3) |
| 1. | Resolution No. and date- | |
| 2. | Locality of origin- | |
| | (a) Name of the Panchayat/Village Khasra number- | |
| | (b) Name of the Bhumiswami- | |
| 3. | Name and address of owner of forest produce- | |
| 4. | Description of produce and quantity-Property mark if any- | |
| 5. | Name of place to which the produce is to be transported- | |
| 6. | Route by which produce is to be transported- | |
| 7. | Barrier at which forest produce will be checked- | |
| 8. | Date of expiry of pass- | |

Note. - Second foil will be similar to the Counterfoil. Signature of checking officer Signature of issuing officer Form C [See Rule 6 (2)] To be issued in lieu of foreign pass

Book No. Counter foil Transit Pass

Page No.

- | | | |
|-----|--|-----|
| (1) | (2) | (3) |
| 1. | Locality of origin- | |
| | (a) Name Place | |
| | (b) Name and Status of forest/depot | |
| | (c) Name of Seller | |
| 2. | Name and address of owner of forest produce- | |
| 3. | No. and Date of foreign pass | |
| 4. | Foreign pass issuing authority- | |
| 5. | Description of produce and quantity- | |
| 6. | Property mark etc. | |
| 7. | Name of place where the produce is to be transported | |
| 8. | Name of Border checking barrier | |
| 9. | Route by which produce is to be transported | |
| 10. | Barrier/depot at which forest produce will be produced for check | |
| 11. | Date of expiry of pass. | |
| 12. | Hammer mark. | |

Signature of checking officer Signature of issuing officer Form D [See Rule 17 (2)] (Registration Certificate of Import of Forest Produce)

Book
No.

Page
No.

- | | |
|----|--|
| 1. | Name and address of forest produce importer |
| 2. | Description of Forest produce to be imported |
| | (a) Country/State from where forest produce will be imported |
| | (b) Name and approximate quantity of forest produce to be imported |

3. Route by which it will be transported to destination
4. Name of destination
5. Name of checking barrier/Depot where the forest produce will be produced for checking
6. Date of registration
7. Period of expiry of registration

Signature and designation of registering authority. Form E [See Rule 17 (3)] Quarterly account of Timber imported and disposed off during.....to.....

Opening Balance	Quantity of timber imported	Total	Timber Sawn								
Species	log	sawn material	log	log	sawn	log	sawn				
no.	cmt.	cmt.	no.	cmt.	no.	cmt.	cmt.	no.	cmt.	cmt. obtained	
1	2	3	4	5	6	7	8	9	10	11	12
Total quantity after sawing	Quantity consumed or Disposal by sale		Closing balance at the end of quarter		Remarks						
log	sawn		log		sawn	log sawn					
no.	cmt.		cmt.		no.	cmt.	cmt.	no.	cmt.	cmt.	
13	14		15		16	17	18	19	20	21	22

Notifications

1. [Notification No. F-28-1-2003-X-3, dated 24-6-2003.] [Published in M.P. Rajpatra Part I, dated 4-7-2003 at p. 1462.] - In exercise of the powers conferred by clause (b) of the proviso to Rule 3 of the Madhya Pradesh Transit (Forest Produce) Rules 2000, the State Government hereby, exempts all unspecified minor forest produce except Timber, Mineral, Wildlife Produce, Tendu patta, Sal seeds and Kullu gum from the operation of the said rules.