

The Hyderabad Transit of forest Produce (Bombay) Rules, 1958

MAHARASHTRA

India

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Rule

THE-HYDERABAD-TRANSIT-OF-FOREST-PRODUCE-BOMBAY-RULES of 1958

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The Hyderabad Transit of forest Produce (Bombay) Rules, 1958Published vide Notification G. N., A. & F. D., No. MFP. 2158-224175-J, dated 5th February, 1959In exercise of the powers conferred by clause (f) of section 32, section 44 and clause (d) of section 79 of the Forests Act, 1355 Fasli (Hyderabad Act II of 1355-F), in its application to the Hyderabad area of the State of Bombay, the Government of Maharashtra hereby makes the following rules, namely :-

1. Short title and extent.

(1)These rules may be called the Hyderabad Transit of Forest Produce (Bombay) Rules, 1958.(2)They extend to the Marathwada.

2. Definitions.

- In these rules, unless the subject or context requires otherwise,-(a)"Act" means the Forest Act, 1355 F;(b)"Marathwada" means the area comprising the territories transferred from the Pre-Reorganisation Hyderabad State to the new State of Bombay under clause (b) of sub-section (1) of section 8 of the States Reorganisation Rules, 1956.A. Forest Passes

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

- No forest-produce shall be moved into, from or within any district of the Marathwada except as hereinafter provided, without a pass from an officer or person duly authorised by or under these rules to issue such pass or otherwise than in accordance with the conditions thereof or by any route

or any destination other than the route or destination specified in such pass: Provided that no pass shall be required for the removal -(a) except to a landing place or railway station -(i) of any forest-produce which is being removed for private consumption by any person in exercise of a privilege granted in this behalf by the State Government, or of a right recognised under the Act within the limits of a village as defined in the Hyderabad Land Revenue Act, 1317 F, in which it is produced, (ii) of twigs, leaves, brushwood and grass intended solely for conversion into ash manure, (iii) of such small branches as are given gratis from departmental cuttings solely for private consumption; (b) of firewood not exceeding three inches in diameter at the thickest part, grass or leaves, the property of one person or the joint property of two or more persons which is conveyed in quantities not exceeding one headload once in 24 hours unless it be brought to a landing place or railway station or to any areas to which the State Government may from time to time declare by notification in the Official Gazette that the exemption shall not extend; or (c) of such forest produce as may be exempted by the State Government from the operation of these rules by notification in the Official Gazette.

4. Officers and persons to issue passes.

(1) The following officers and persons shall have power to issue passes under these rules, namely :- Officers (a) For forest-produce from and which is not included in a reserved or protected forest and is more than ten miles distant from a reserved or protected forest, the village officer as defined in the Hyderabad Land Revenue Act, 1317 F, and (b) For forest-produce from land other than that falling under clause (a), the Conservator of Forests, the Divisional Forest Officer, the Sub-Divisional Forest Officer or any other officer including a village officer authorised in this behalf in writing by the Conservator of Forests, Divisional Forest Officer or Sub-Divisional Forest Officer. Other persons (c) For forest-produce owned by any person, such person or his agent, if so authorised in writing by the Conservator of Forests or by any Divisional Forest Officer or Sub-Divisional Forest Officer specially empowered in this behalf in writing by the Conservator of Forests, provided that such authorisation shall specify the period during which it shall remain in force : Provided that, the Conservator of Forests may in consultation with the Director of Excise and Prohibition require that for mhowra flowers to be removed from any specified area passes shall be issued only by the local Excise Officer not below the rank of a Sub-Inspector. (2) Any authorisation may at any time be cancelled by the officer granting it.

5. Passes what to contain.

(1) Every forest, pass issued under rule 4 shall specify :- (a) the name of the person to whom such pass is granted; (b) the quantity and description of the forest-produce covered by it; (c) in the case of forest-produce referred to in clause (a) of sub-rule (1) of rule 4, the name of the village and survey number in which it was produced; (d) the place from and to which such forest-produce is to be conveyed; (e) the route by which such forest-produce is to be conveyed; and (f) the period of time for which the pass is to be in force, which shall be calculated as follows :- The day of issue plus, in the case of transport by a motor vehicle, a day for transit to any point upto 80 miles from the village of origin plus a additional day for every additional 80 miles or fraction thereof, and, in the case of any other form of transport, a day for transit to any point upto 15 miles from the village of origin plus an

additional day for every additional 15 miles or fraction thereof.(2)The colour and form of each pass and the sum to be paid in respect of each book of forest passes will be such as may be prescribed by the Chief Conservator of Forests, with the previous sanction of the State Government.

6. Separate pass for each load.

- No forest pass shall ordinarily cover more than one load, whether such load be carried by a person, an animal or in a vehicle :Provided that, a Divisional Forest Officer subject to the control of the Conservator of Forests may, whenever he deems fit, order that one pass may cover any number of head-loads or animal loads not exceeding 50 and any number of cart-loads not exceeding 10 for journeys not exceeding 15 miles from and to the same places and undertaken at one and the same time.

7. Pass not to be tampered with.

- No alteration shall be made in any anything printed or written on any forest pass, except in the matter of route and period and this may only be done by an authorised officer for sufficient reasons to be mentioned in this pass.B. Pass issued by Private Persons

8. Books of blank passes to be supplied to persons authorised to issue them.

(1)When the Conservator of Forests or any duly empowered Divisional Forest Officer authorises any person or agent of any person under clause (c) of sub-rule (1) of rule 4 to issue forest passes, he shall furnish such person from time to time with authenticated books of blank passes.(2)The said person to whom such book is supplied shall pay the sum, if any, fixed under rule 5(2).(3)No person who has been authorised to issue passes shall issue passes otherwise than in accordance with the conditions of his authorisation.(4)No such person shall charge any fee for any pass issued by him.(5)The counterfoils of all used passes shall be returned to the officer from whom the book of passes was received and no fresh pass-book shall be supplied until the counterfoils of all passes previously used have been so returned.(6)Any person or the agent of any person who has been authorised to issue forest pass under clause (c) of sub-rule (1) of rule 4 shall be bound, if called upon to do so by any forest officer, to produce for inspection or to give up the counter foils of all passes which have been issued by such person or agent.(7)In the event of any authority given under clauses (c) of sub-rule (1) of rule 4 being at any time cancelled under sub-rule (2) of that rule or on the expiry of the period specified in such authority, the person whose authority is so cancelled, or the person, the period of whose authority has so expired, as the case may be, shall forthwith return to the officer who gave the authority every unused book of forest passes and the unused portion of any such book in his possession, together with the counter foils of used passes if any, which he has not already returned and the said person shall be entitled when he has returned all such unused books or portions thereof and the counterfoils of used passes as aforesaid to receive a refund of the amount paid by him in respect of every such unused book but no refund shall be allowed in respect of any portion of such book.(8)No forest pass issued by any person or by the agent of any person authorised under clause (c) of sub-rule (1) of rule 4 or to issue forest passes shall have any validity :-(a)if such pass is not prepared on a blank form supplied for this purpose under sub-rule (1), or(b)if the same is issued

after receipt by such person of an order cancelling the authority to issue such passes, or(c)if the same is issued by such person after the expiry of the period specified in the authority given for issue of such passes.C. Forest Produce Imported Otherwise than by Sea

9. Passes issued by Government of other States.

- All forest produce imported into the Marathwada otherwise than by sea shall be covered by a pass registered under rule 10 and in the case of timber exceeding the dimensions mentioned in rule 17 and of scented sandalwood, bear a property mark registered under rule 10.

10. Form, etc. of passes issued by other States to be registered in Conservator's office.

- Every pass issued by the Government of any other State in pursuance of which it is sought to import forest produce in the Marathwada shall be in a form which, and shall be signed by an official whose designation have been registered in the Office of the Conservator of Forests and every property mark of such State shall be of a description which has been registered in the Office of the Conservator of Forests.

11. Imported forest produce may be conveyed to first depot without a pass under rule 4.

- Any forest produce which is imported otherwise than by sea may be conveyed within the limits of the Marathwada as far as the first depot established under rule 13 without a pass issued under rule 4, if it is covered by a pass registered under rule 10 and if stacked or deposited in any place between such limits and such depot, such pass covering the material shall at once be delivered at that depot.

12. Conservator may direct use of transit mark of imported timber.

- If the Conservator of Forests shall so direct, no timber exceeding the dimensions mentioned in rule 17 and no scented sandalwood which has been imported as aforesaid shall be moved beyond such first depot, without first having stamped upon it a Government transit mark of such descriptions as the Conservator shall prescribe.D. Forest Depot

13. Depots and their purposes.

- The Conservator of Forests may establish at such places as he shall think fit depots to which produce shall be taken -(a)for examination previous to the grant of a pass in respect thereof under these rules, or(b)for determining the amount of money if any, payable on account thereof to the State Government and for the payment of any money so found to be due, or(c)in order that any mark required by law or by these rules to be affixed thereto, may be so affixed.

14. Situation of depots to be published.

- The Conservator of Forests shall make known from time to time by notification in the Official Gazette, and locally in such manner as he deems fit, the name and situation of each depot in the said area.

15. Depot to be in charge of an officer.

- Each depot shall be in charge an officer appointed by or under the orders of the Conservator of Forests without whose permission no forest produce shall be brought into, stored at, or removed from the depot.

16. Vessels conveying forest produce by river to call at depot on banks.

- The person in-charge of any vessel which carries forest-produce on a river on the banks of which one or more depots established under these rules are situated, shall call and stop his vessel at every such depot which he has to pass, in order that the forest produce may be examined, if necessary, under the provisions of rule 16 and the person in charge of such vessel shall not proceed with such vessel past any such depot without the permission of the forest officer in-charge of such depot.E.
Property and Transit Marks

17. Property and transit marks to be affixed to timber exceeding a certain size.

- Except when it is the property of the Government, timber exceeding 12 inches in girth at the thickest part and 6 feet in length and scented sandalwood of any dimensions shall not be moved from or within any district of Marathwada unless it bears a distinguishable private property mark of the owner of such timber of a description which has been registered in the office of the Conservator of Forests of the circle or of the Divisional Forest Officer and also if the Conservator so directs, unless it bears a Government transit mark of such description as shall from time to time be prescribed in this behalf by the said Conservator.

18. Registration of forms of passes or marks.

- The Conservator of Forests or the Divisional Forest Officer shall upon receipt of an application for registration of any form or mark for the purpose of rule 17 enquire into the authenticity of the same and if he sees no objections, shall, on payment by the applicant of such fee as shall from time to time be prescribed by the State Government in this behalf, register such form or mark in his officer. Every such registration shall hold good for a period of one year only, except in the case of forms and marks of Government of other States the registration of which shall hold good till they are modified or replaced by new forms or marks.

19. Government marks not to be imitated or effaced.

- No person other than a forest officer whose duty it is to use such marks shall use any property mark for timber identical with, or nearly resembling, any Government mark; and no person shall, while any timber is in transit under a pass issued by any person or by the agent of any person, authorise in this behalf under clause (c) of sub-rule (1) of rule 4 alter or efface any mark on the same. F. Stoppage in Transit

20. Forest produce in transit may be stopped and examined by certain officers.

(1) Forest produce in transit may be stopped and examined at any place by any forest, police or revenue officer if such officer shall have reasonable grounds for suspecting that 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 always that no such officer shall vexatiously or unnecessarily delay the transit of any forest produce which is lawfully in transit, nor vexatiously or unnecessarily unload any such 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 pass shall produce such pass, on demand, for the inspection of such officer and shall not in any way prevent or resist the stoppage of examination of the said forest produce by such officer. G.

Obstruction of Channels

21. Prohibition of the obstruction of channels or banks of rivers.

- No person shall close up or obstruct the channel or any portion of the bank of any river lawfully used for the transit of forest produce or throw grass, brushwood, branches or leaves into any such river, or do any other act which may cause such river to be closed or obstructed.

22. Measures to be taken for removal of obstructions.

(1) Any forest officer not lower in rank than an Assistant Conservator of Forests, may take such measures as he shall at any time deem to be emergently necessary for the prevention or removal of any obstruction of the channel, or of any part of a bank of a river lawfully used for the transit of forest produce, but any such case which is not emergent shall be reported to the Collector, who may by written notice require the person whose act of negligence has caused or is likely to cause the obstruction, to remove or take steps for preventing the same within a period to be named in such notice, and if such person fails to comply with such notice, may himself cause such measures to be taken as he shall deem necessary. (2) The cost reasonably incurred by a forest officer or by the Collector under this rule shall be payable to the State Government by the person whose act or negligence has necessitated the same. H. Conversion of Timber within certain distance of Forests

23. [Prohibiting conversion of timber within certain distance of forests. [Substituted by G. N. of 6.11.1961.]

- [(1)(i)] Within the limits of any reserved or protected forest (whether in charge of the Forest of Revenue Department) or of any land in respect of which a notification under section 4 declaring that it has been decided to constitute such land a reserved forest has been issued, and within one mile of such limits, no person shall establish a sawpit for the cutting or converting of timber or manufacture charcoal without the previous sanction in writing of the Range Forest Officer; or(ii)[Within the limits of any reserved or protected forest, or of any land referred to in clause (i) and within twenty miles of such limits, no person shall erect or operate any machinery or saw mill for cutting, or converting of timber, without obtaining a licence in that behalf.] [Inserted by G.N. of 22.6.1970.](2)Any person desiring to establish a sawpit or to manufacture charcoal under clause (i), or erect or operate any machinery or saw mill under clause (ii) of sub-rule (1) shall make an application in that behalf to the Range Forest Officer and Divisional Forest Officer, respectively :Provided that where within a period of one month from the date of the application, the applicant fails to receive the sanction under clause (i) of sub-rule (1), the applicant may proceed to establish the sawpit or manufacture charcoal, but not so as to contravene any of the provisions, of the Act or any rules made thereunder.(3)On receipt of an application under sub-rule (2) the Range Forest Officer, or as the case may be, the Divisional Forest Officer shall make such enquiry as he deems fit and after satisfying himself on the question whether or not there would be any objection to granting the sanction of licence applied for having regard to safeguarding the timber in any reserved or protected forest or in any land referred to in sub-rule (1) may grant the sanction or licence in the form in the Schedule appended to these rules subject to the conditions set out therein, or refuse to grant the sanction or licence.(3A)[Any person aggrieved by the refusal to grant the sanction under sub-rule (3) may, within thirty days from the date of communication of the refusal to him, appeal to the Divisional Forest Officer who shall decide the appeal after giving such person and the Range Forest Officer, an opportunity of being heard, and the decision of the Divisional Forest Officer shall be final.] [Added by G. N. of 6.11.1961.](4)Every licence granted or renewed under this rule shall, subject to the provision contained in this rule regarding cancellation, be effective for a period not beyond the 31st day of December, next following the date of its issue or renewal.(4a)[Notwithstanding anything contained in sub-rule (4), in case the renewal fee is paid for ten years at a time under sub-rule (6A), then, every licence granted or renewed under this rule shall, subject to the provision contained in this rule regarding cancellation, be effective for a period not beyond the 31st December of 10th year of following the date of its issue or renewal.] [Sub-rule (4a) was inserted by G. N. of 6.11.1998.](5)The Divisional Forest Officer may, on application made to him, renew the licence issued under sub-rule (3) with effect from the date of its expiry.(6)An application for renewal of a licence shall be made before the expiry of the period of the licence; and failure to renew will render the licensee liable to punishment for operating the saw mill without a licence.(7)Notwithstanding anything contained in the foregoing sub-rules, the Divisional Forest Officer may, where he has reason to believe that a licensee is operating the sawmill in contravention of the provision of these rules and conditions of the licence or the licensee is indulging in activities prejudicial to the interests of forest conservancy, at any time, revoke the licence granted under this rule.(8)Where a Divisional Forest Officer refuses to issue, or renew, or revokes, a licence granted under this rule, he shall do so by an order communicated to the applicant or holder as the case may

be, giving reasons in writing for such refusal or revocation.(9)Any person aggrieved by an order made under sub-rule (8) may, within thirty days of the service on him of the order, appeal to the Chief Conservator of Forests who shall decide the appeal after giving such person and Divisional Forest Officer making the order, an opportunity of being heard, and the decision of the Chief Conservator of Forests shall be final.(10)Nothing contained in this rule shall apply to the ordinary operations of domestic carpentry or to other similar work on a small scale.][Explanation. - For the purposes of this sub-rule, the expression 'other similar work on a small scale' shall not include carpentry or saw-mill operations taken up as a vocation, or for the purpose of trade, business or commerce, by a person operating a saw-mill as a small-scale industry.] [Explanation was added by G. N. of 4.6.1993.]

23A. [Penalties for breach of certain rules. [Inserted by G. N. of 6.11.1961.]

- Whoever contravenes the provisions of rules 3, 7, 8(3) to (7), 9, 11, 12, 15 to 17, 19, 20(2), 21 or 23 shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.][I. Exclusion of Local Area from Applicability of Rules

24. Local areas to which the rules are not applicable to be punished.

- The State Government may, by notification in the Official Gazette, exempt from the operation of these rules any local area specified in such notification.[Schedule] [Inserted by G. N. of 6.11.1961.](See rule 23)Licence to erect/operate machinery/saw mill for cutting or converting of timberRegistered No.....Licence is hereby granted to Shri (in Block letters) of (hereinafter called "the licensee") Address to erect machinery for cutting/operate saw mill for converting of timber at subject to the provisions of the Indian Forest Act, 1927, in its application to the State of Maharashtra and the rules made thereunder and the following conditions, namely :Conditions

1. This licence shall remain in force for the period commencing on and ending on the 19 .

2. The licensee may| erectoperate| the| machineriesaw| mill required for cutting or converting of timber within twenty miles of[.....] [Here specify the forest land.]at (hereinafter referred to as the saw mill).

3. The licensee shall not alter the location of the saw mill without obtaining the prior written permission of the Divisional Forest Officer.

4. The licensee shall maintain such registers and submit such periodical returns as may be directed by the Divisional Forest Officer within whose jurisdiction the saw mill is located.

5. The licensee shall see that -

(a)the site of the saw mill including the yards for storage of round timber, sawn timber and waste wood is enclosed within a fence fitted with proper gates;(b)all the round timber, sawn timber and wood waste is properly stacked, according to the instructions that may be issued from time to time by all the supervisory staff so as to facilitate stock taking;(c)timber for sawing or conversion is not accepted unless it bears property mark and is covered by a forest transit pass or other documentary evidence such as a cash receipt from the timber merchant;(d)timber which does not conform to the requirement of clause (c) is not accepted for conversion and intimation in respect of such timber is forthwith given to the supervisory guard or the nearest former officer;(e)the saw mill as well as the timber stored within the premises of the saw mill is open to inspection at all times by any officer of the Forest Department or by any member of the supervisory staff appointed for this purpose;(f)[the licence and the registers maintained under condition 4 as produced] [Substituted by G. N. of 23.12.1969.] for inspection on demand by any authority aforesaid.

6. The licence shall be transferable and where it is transferred, the transferor shall, on transfer of the licence, forthwith inform the Divisional Forest Officer of such transfer and the transferee shall hold the licence for the period specified therein.

[Seal of the Divisional Forest Officer.] [Substituted by G. N. of 22.6.1970.]Divisional Forest Officer.(Signature of).Dated day of 19NotificationsG. N., R. & F. D., No. TMR. 1070/42283-III-W, dated 30th January, 1971 (M. G., Part IV-B, page 185) - In exercise of the powers conferred by clause (c) of the proviso to rule 3 of the Hyderabad Transit of Forest Produce (Bombay) Rules, 1958, the Government of Maharashtra hereby exempts timber to be used for railway sleepers in the Hyderabad area of the State of Maharashtra by any Government owned railway from the operation of the said Rules.