

The U.P. Forest (Timber-Transit on Yamuna, Tons and Pabar Rivers) Rules, 1963

UTTAR PRADESH

India

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Rule

THE-U-P-FOREST-TIMBER-TRANSIT-ON-YAMUNA-TONS-AND-PABAR of 1963

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The U.P. Forest (Timber-Transit on Yamuna, Tons and Pabar Rivers) Rules, 1963Published vide Notification No. 5583/14-A-366-48, dated July 26, 1963, published in the U.P. Gazette, Part 1-A, dated August 3, 1963, p. 2192In exercise of the powers under Sections 41, 42, 51 and 76 of the Indian Forest Act (Act XVI of 1927), and in supersession of the rules issued with Notification No. 97/XIV-182-13, dated February 7, 1914, the Governor of Uttar Pradesh is pleased to make the following rules regarding transit of timber on the Yamuna, Tons and Pabar Rivers and their tributaries and matter incidental thereto :

1.

These rules may be called "U. P. Forest Timber-Transit on Yamuna, Tons and Pabar Rivers Rules, 1963".

2.

(i)These Rules shall come into force with effect from the date of their publication in the Gazette.(ii)Nothing in these Rules shall affect the operations of the general rules for the transport of timber by rivers issued in Notification No. 672/XIV-42, dated September 30, 1915, or to exempt any person from any penalty which he may have incurred by breach of the said Rules.

3. Control of rivers vests in the Divisional Forest Officer, Chakrata.

- For purposes of timber transit operations, and collection and disposal of driftwood, the control of rivers Yamuna, Tons and Pabar, as well as of their banks within the limit of the Meerut City Division is vested in the Divisional Forest Officer, Chakrata Forest Division.

4. Registration of property mark.

- The property mark required by Rule XVI of the rules made under Notification No. 672/XIV-42, dated September 30, 1915, must be stamped on the broad side of all timber and at a distance of not more than 6 inches from one of its ends.

5. Registration of identity mark.

- All sawn timber to be floated must before launching or in the case of timber coming from outside Uttar Pradesh, before being floated, on the above rivers, be marked on both ends with a deeply cut or branded distinguishing mark to facilitate the handling and sorting of timber at the time of its collection at the boom. These marks must first be registered at the office of the Divisional Forest Officer, Chakrata Forest Division. Copies of such registration certificates shall be sent by him to the Divisional Forest Officers concerned without delay.

6. Registration fee.

- The fees for registration of both the property and identity marks are Rs. 5 per mark valid for three years following the first of January next after the date of registration. The Divisional Forest Officer may order the registration of as many marks or brands as he considers necessary for the efficient control of floating operations.

7. Launching timber.

- No person shall launch, set afloat, raft or otherwise convey his timber in the Pabar, Tons and the Yamuna Rivers without a launching permit; application for which must be submitted to the Divisional Forest Officer at least one month before the timber is desired to be launched, or in the case of timber coming from Himachal Pradesh and Punjab at least one month before the timber will reach the aforementioned rivers in Uttar Pradesh. The owner must also apply for permission to convey the timber down the said rivers and collect it. The application should contain the following informations : (i) Name and address of owner. (ii) His father's name. (iii) Description of timber, including the number and dimensions of the pieces. (iv) The property mark upon it. (v) The distinguishing mark or brand marked on the end of the timber. (vi) The approximate date on which it is likely to reach Dakpathar. Applications for launching permits for timber coming from other divisions will be entertained only when recommended by the Divisional Forest Officers concerned.

8. Launching permit.

- On receipt of the abovementioned application, the Divisional Forest Officer may issue a permit in writing to convey the timber from the launching or upper river depot in accordance with the rules and to collect it at a place specified in the permit. The permit will contain the particulars mentioned in Rule 7, and also specify the places at which the timber may be stopped when required by the Divisional Forest Officer for the regulation of traffic, during its passage down the said rivers to the Dakpathar boom.

9. Permit free of charge.

- The permit issued under Rule 8 may be issued free of charge.

10. Labour.

- The number of men working in Ghals shall not be less than the following : (i) In the smaller streams, e.g. Bangiargad, Majog Khad, Kastagad and others of the same type, six working men per thousand B.G. sleepers of any timber; (ii) In the large streams, e.g. Garugad Linagad, Khunigad, Mautargad, Kotigad and others of the same type, four working men per thousand B. G. sleepers of any timber; (iii) In the river Pabar the ratio shall not be less than two men per thousand B.G. sleepers of Deodar, Kail, Rai or Morinda; three men per thousand B.G. sleepers of Chir (including Sarnaiwalas); (iv) In the Tons and Yamuna Rivers the ratio shall not be less than one man per thousand B. G. sleepers of Deodar, Kail, Rai or Morinda; two men per thousand B. G. sleepers of Chir (including Sarnaiwalas). Note. - Extra labour should be employed to bring Ghals down quickly as the Western Yamuna Canal closes on 30th April.

11. Chaukidars.

- There should be the following number of Chaukidars engaged by the contractors with each Ghai to prevent loss from thefts : On Tons River, Chir and Kail Ghals-Three Chaukidars per 5,000 B.G. sleepers. Deodar Ghals-One Chaukidar per 1,000 B. G. sleepers. On Yamuna River-Double the above number of Chaukidars.

12. Ghal agent.

- Each permit-holder shall employ one agent to accompany his Ghal under intimation to the Divisional Forest Officer. The agent shall produce launching permit and muster rolls of labour and Chaukidars employed on demand by any Forest Officer failing which his Ghal is liable to be detained.

13. Priority of passage at the junction of streams.

- When two ghals approach the junction of two streams, the Ghal whose head reaches the junction first shall have priority of passage, provided-(a)such Ghal has not been deliberately extended to reach the junction first; and(b)it is accompanied by sufficient labour to clear the junction within eight days.

14. Power of Divisional Forest Officer and his staff to regulate Ghals.

- If in the opinion of the Divisional Forest Officer or his staff, the Ghal of any permit-holder is likely to interfere with or hamper the legitimate floating operations of another permit-holder, the Divisional Forest Officer or his staff may detain or regulate such a Ghal as may be necessary. The owner shall not be entitled to any compensation for any delay or loss, if any, on account of such detention or regulation of his Ghal.

15. Control of mixed Ghals.

- When two or more Ghals get accidentally mixed up, each permit-holder shall maintain the strength of labour specified in Rule 10. Failure to do this will render the defaulters liable to pay for short supply of labour to other permit-holders who will be at liberty to make up the deficiency in the specified strength by employing more men, whose wages shall be paid by the defaulting permit-holders, before rafting is allowed to them. In case of any dispute between two or more parties in these matters, the orders of the Divisional Forest Officer shall be final and binding on the concerned permit-holders. Where both banks are not equally easy to work from Ghal, agents will arrange to change sides at intervals of not more than 20 days.

16. Stranded sleepers.

- Stranded sleepers of a ghal will be brought down by the next Ghal following it. These will be paid for at rates fixed by the Divisional Forest Officer. Where sleepers of a Ghal are carried forward by the current into a Ghal going ahead nothing will be payable.

17. Control of Ghals at Dhamog, Biyas and at the boom.

- From Dhamog on the Tons and Biyas shop on the Yamuna Ghals will be floated down to Dakpathar under the directions of the Range Officer, River Range who must be given eight days' notice of the purpose. The Range Officer has been empowered to detain a Ghal, employ additional labour on behalf of the permit-holder to expedite its clearance and take such action as he deems fit to regulate floating operations.

18. The Dakpathar boom.

- The Divisional Forest Officer will maintain a boom and an establishment at Dakpathar from about November 15 to about June 15 in each year, for the purpose of collecting the timber coming down to that place.

19.

Permit-holders whose timber has been stopped at the boom are required to collect it there and will either from it into rafts or stack it on the river bank expeditiously so as to avoid an accumulation of timber behind the boom. Should any permit-holder neglect to do this, his timber will be got removed from the water by the Range Officer and placed upon the river bank, where it will remain at the risk of the said permit-holder. It will be detained there until the cost of its removal from the water and of placing upon the river bank has been paid. An appeal against orders passed in this matter, if any, shall be filed within thirty days from the date of order, before the Divisional Forest Officer whose decision shall be final. Under special circumstances such as flood or unmanageable accumulation of timber above the boom owing to the carelessness of permit-holders, the Range Officer may cause the boom to be opened and the timber allowed to pass Dakpathar.

20. Responsibility for damages to structures.

- The permit-holder shall be responsible for any damage to the boom or any other structure constructed on or along the river caused by him or his men wilfully or due to negligence or carelessness and shall pay compensation for such damage as may be assessed by the Divisional Forest Officer at his discretion. Such compensation may be recovered by the Divisional Forest Officer in the manner prescribed by the law for the time being in force for recovery of arrears of land revenue.

21. Rafting pass.

- No raft may proceed down the river past any or the four depots, namely, Dakpathar, Rampur Mandi, Gangbhewa, Bogriwalo (Tajewala), whether caught at the boom or not, until a rafting pass has been issued under the authority of the Divisional Forest Officer after payment of the fees mentioned in Rule 24. The rafting pass will contain the following information, viz.,(i)Serial number of pass.(ii)Date of pass.(iii)Name of the launching permit-holder.(iv)Quantity and description of timber.(v)Property mark and distinguishing mark or brand.(vi)Rate of fee.(vii)Amount of fee paid.(viii)Place of destination.(ix)Date of expiry of pass.(x)The places at which the raft may be stopped and examined.Each raft, or batch of rafts going down the river together must be covered by a separate pass, which the man in-charge must always carry with him, and produce it if called upon to do so by any Forest Officer.

22. Checking of rafting pass.

- All rafts will be examined and checked on the river bank at Bogriwala (Tajewala), or in the case of timber taken down the Eastern Yamuna Canal at Faizabad. The Divisional Forest Officer or any other subordinate duly authorised by him, is empowered to order any raft to be broken up for examination should this appear necessary at any time. After examination at the check depot the rafting pass will be surrendered to the Forest Officer concerned who will forward it to the Divisional Forest Officer.

23.

Any stacking ground provided by Government, will be under the control of the Forest Officer, who may issue order from time to time as to the places where each owner of timber in transit down the river may stack his timber and as to the manner in which it must be stacked. Owners who wish to keep their timber at any such stacking ground for more than twelve months are required at the discretion of the Forest Officer to pay a rent charge of six naya paisa per piece for each additional half year or part of half year that it may remain there.

24. Rafting fees.

- The rafting fees payable on all timber for which rafting passes are issued under Rule 21, will be as under : (a) on all timber collected at the Dakpathar boom and floated down to Yamuna Nagar. Stranded rafts with three layers of timber of which the top layer alone may be on edge : (i) Length up to 25 feet - (a) Width up to 8¼ feet - Rs. 2.50 n.p. per raft. (b) Width from above 8¼ feet up to 14 feet - Rs. 5 per raft. (ii) Length from above 25 feet upto 55 feet - (a) Width upto 8¼ feet - Rs. 5 per raft. (b) Width from above 8¼ feet up to 14 feet - Rs. 10 per raft. (iii) For every foot in excess of 55 feet 50 n. p. (iv) For all timber over and above the third layer - (a) Six naye paise per piece irrespective of its size. No charge will be made for two scantlings for each end of a raft required for the purpose of steering; (b) On all timber collected at the Dakpathar boom but not rafted below that point at six naye paise per piece irrespective of size and species; (c) On all stranded timber which due to floods is not caught at the boom but salvaged down below and rafted to Yamuna Nagar, half the rate under (a) above; (d) On all timber which finds its way into the Yamuna below the boom (mainly from the Giri) and rafted down to Yamuna Nagar, one-quarter of the rate under (a) above; (e) No fees will be charged for the timber which escapes down Bogriwala (Tajewala) due to floods or otherwise.

25. Patrolling fees.

- If a special patrol is maintained at Government expense to prevent theft of timber in river transit patrolling fee not exceeding the following may be charged from the owners of the timber : Two naye paise per c. ft. for deodar timber; One naya paisa per c. ft. for Chir, Kail, Fir, etc. In addition to this the owners of the timber will have to provide equal number of Chaukidars at their own cost as provided by Government.

26.

The establishment maintained by the Divisional Forest Officer at the boom will render assistance in catching the timber that reaches it, but the Government is not responsible for any timber that escapes the boom.

27.

Any person who contravenes any of these rules shall be liable under Section 42 and Section 51 of the Indian Forest Act, 1927 (Act No. XVI of 1927), to imprisonment of either description, for a term which may extend to six months or to a fine which may extend to Rs. 500 or to both.