

Rules to Regulate the Transport of Forest Produce by Land, Air and Water Within and Outside Nagaland, 1969

NAGALAND

India

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Rule

RULES-TO-REGULATE-THE-TRANSPORT-OF-FOREST-PRODUCE-BY- of 1969

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Rules to Regulate the Transport of Forest Produce by Land, Air and Water Within and Outside Nagaland, 1969Published vide Notification No. For-5 (Misc.) 43/67/(6), dated the 1st March, 1969Last Updated 18th February, 2020Notification No. For-V (Misc.) 43/67/(6), dated the 1st March, 1969. - In exercise of the powers conferred by Sections 40 and 41 of the Nagaland Forest Act, 1968 (Act No. 3 of the 1968). The Governor of Nagaland is pleased to make the following rules to regularise the transport by road or any other mode of transport of timber and other forest produce within the State of Nagaland and from the State of Nagaland to any other place outside Nagaland. These rules shall come into force with immediate effect. These rules shall apply to all areas to which the Nagaland Forest Act, 1968, applies. Transit Rules

1.

(a) All rivers as defined in the Nagaland Forest Act, 1969 and their banks shall be kept open for transport of forest produce. (b) Except with the written permission of the Commission under the conditions imposed by him, no person shall cause diversion of the channel or obstruction on the bank or in the channel of any river used for the transport of forest produce. (c) The Deputy Commissioner shall have the power to order the removal of any Obstruction on the banks or in the channel or the closure of any diversion of any river used for the transport of forest produce and to recover the cost thereof from the person or persons who caused the obstruction or the diversion or by sale of the forest produce causing the obstruction.

2.

No forest produce shall be removed unless covered by an accompanying pass which shall be in the form of-(i)a permit issued by a duly authorised Forest Officer under the rules relating to the unclassified State forests or reserved forests, allowing the holder to remove forest produce from a specified locality ; or(ii)a certificate of origin (in the form prescribed in Appendix 'A' obtainable only from the Divisional Forest Officer) in the case of forest produce from private lands for which nothing is due to Government. Such certificate must be issued by the owner of such land or his duly authorised agent and must bear such signature or stamp of the owner or his agent as has been previously registered in the local Divisional Forest Officer, and such certificate shall be produced by the holder at the revenue station specified therein to be dealt with as noted hereafter; orNote. - The certificate of origin must be issued in all cases whether the owner himself or any other person removes the produce ;(iii)the transit pass (in the form prescribed in Appendix 'B') issued by a Forest Officer, authorised by the Divisional Forest Officer, in token of full payment of all amounts due to Government on account of the forest produce covered by it. In special cases, in the Conservator of Forests may permit the issue of transit passes by any person duly authorised by him :Provided that no certificate of origin or other pass shall be required for the transport of home grown Jati, barua bakal and bethua bamboos. No royalty will be realised on bamboos of these kinds unless they are known to have come from Government forest.

3.

The places mentioned in Appendix 'C' to these rules, and such others as may from time to time be prescribed by the State Government shall be revenue stations for the purpose of these rules.

4.

(a)All forest produce in transit covered by a permit or a certificate of origin shall be taken to the nearest revenue station staffed by Government on the route of extraction except in cases provided for in Rule 5, by the person or persons in-charge of such forest produce and detained there for examination, measurement or counting and marking, if necessary, by the officer in-charge of the revenue station.(b)No forest produce in transit taken to a revenue station shall be moved within such station between sunset and sunrise without the permission of the officer-in-charge of the revenue station nor shall such forest produce be moved away from the revenue station until a transit pass as prescribed in these rules has been issued by him.(c)In the case of forest produce in transit covered by a permit or a certificate of origin and intended to be exported beyond the district within which it has been collected, a transit pass as prescribed hereinbefore shall be obtained by the person in-charge of such forest produce from the duly authorised Forest Officer in-charge of a revenue station in exchange for the permit or the certificate of origin and such forest produce shall not be booked or moved by rail, road, air, steamer or boat unless covered by such transit pass. When the destination of such forest produce is within the district the permit or certificate of origin shall be endorsed by the duly authorised officer in- charge of the revenue station in token of full payment of all amounts due to Government and such endorsed permit or certificate of origin shall be deemed to be the transit pass required under these rules :Provided that it shall be within the power of the

officer in- charge of a revenue station to refuse to grant a transit pass or or endorse a permit or a certificate of origin if he has reason to believe the permit or certificate of origin covering the forest produce to be false or if full payment of all amounts due to Government in respect of the forest produce has not been made :Provided also that in the case of rhinoceros' horns only no permit or transit pass shall be granted and no permit or certificate of origin shall be endorsed by any officer except a Divisional Forest Officer Applicant for transit passes for the export of rhinoceros' horns out of Indian Union shall name the intended port of shipment and the transit passes shall be issued in duplicate, one copy shall be despatch direct by the Divisional Forest Officer to the Collector of Customs at the port named and shipment shall be permitted only if both copies are in that officer's hands.

5.

Should the person in-charge of any forest produce in transit desire to stop and cut up or utilise any such produce before taking the same to a revenue station the or they shall obtain the permission in writing of the officer in-charge of the nearest revenue station. Such officer shall if he deems fit to grant the permission proceed in respect of the forest produce as if it had been taken to a revenue station.

6.

No fee shall be levied for transit passes granted in respect of forest produce from private land covered by a certificate of origin or in respect of forest produce on which full royalty, duty or any other dues to Government has been paid.

7.

All amounts due to Government whether as royalty, duty or on any other account in respect of any forest produce in transit shall be paid in such manner as ordered by the Divisional Forest Officer.

8.

All forest produce in transit may be stopped and inspected at any place by any Forest Officer and all persons in-charge of such forest produce shall be bound to produce the permit, the certificate of origin, or the transit pass covering such forest produce when called upon to do so by the Forest Officer.

9.

Except with the previous sanction of the State Government no person shall establish a saw-mill or a saw-pit or convert timber at a saw-mill or saw pit in Nagaland. The licence to establish the saw-mill or saw-pit shall be issued by the Divisional Forest Officer in the prescribed form (Appendix 'F') and under conditions imposed thereon on payment of licence fee prescribed by the State Government

from time to time. Such licences may be rescinded or modified by the Divisional Forest Officer with the previous approval of the State Government by giving six months' notice in writing. This rule applies to the establishment of regular saw-mills or saw-pits and does not apply to the casual sawing of timber for which the Divisional Forest Officer may allow casual sawing up to five trees at a time subject to a maximum of 10 trees during a financial year to one individual.

10.

All traders wishing to transport timber (except bamboo and cane) from the forests, shall have their property marks registered in the Divisional Forest Officer concerned in the manner hereinafter prescribed and all their timber in transit shall bear their registered property marks. No transit pass shall be issued for such timber in transit unless it bears a registered property mark. Merchants dealing in timber already bearing the registered property marks of the traders, who transported it from the forest, are not required to register property marks for use on such timber ; provided that they can produce documentary evidence to prove they are in lawful possession of such timber. Note. - The word "traders" used in the rule does not apply to small cultivators who buy a few trees and dispose of the timber locally to regular traders.

11.

(a) For the registration of a property mark a written application should be submitted to the Divisional Forest Officer concerned and a sketch of the proposed mark together with a written description and a fee of Rs.20 shall be charged for the registration. (b) No fee shall be charged for the registration in any division of a property mark which has already been registered in any other division and is still in force. (c) The registration of a property mark shall hold good for three years from 1st April preceding the date of its first registration in whatever division it may have been issued, or being used. (d) A certificate in the form prescribed in Appendix 'E' shall be granted for the registration of a property mark.

12.

The Divisional Forest Officer may refuse to register any property mark or cancel one already registered for any of the following reasons : (i) If he considers that the mark resembles too closely and Government mark or any property mark previously registered in favour of another person; (ii) If the applicant or holder does not possess or in the opinion of the Divisional Forest Officer is not likely to possess timber requiring to be marked with a property mark; (iii) If on account of conviction for any forest offence, or for any other reason which seem to the Divisional Forest Officer to be sufficient, the holder or the applicant is not considered to be fit person to be entrusted with such mark.

13.

No timber which is in transit or intended for transit shall be marked except with registered property

mark and no one shall supermark, alter or efface any mark on such timber, and the possession or carrying of hammers or other implements used for the impression of marks which have not been registered in the manner hereinafter prescribed is strictly prohibited.

14.

The booking or moving of timber in logs or rough hewn sawn timber (except tea shooks) bamboos, exceeding 100 in number, canes exceeding 100 kops, charcoal exceeding 2 quintals, lac, agar, elephants, elephant tusks and other forest produce by road, rail, air, steamer or boat is prohibited unless such forest produce is accompanied a transit pass issued under these rules.

15.

All forest produce shall be moved by the following routes only from Nagaland into the plains
:(i)Kohima-Dimapur Road ;(ii)Wokha-Golaghat Road ;(iii)Mokokchung-Nakachari Road;(iv)Mokokchung-Anguri Road(v)Mokokchung-Chungki-Mariani Road ;(vi)Mon-Sonari Road ;(vii)Wakching-Naginimara Road;(viii)Tiru-Siginphan Road ;(ix)Doyapur-Dhansiri Road ;(x)Kohima-Mao-Imphal Road;(xi)Naginimara-Pongkong-Hodoti Road.

16.

Any person infringing any of the above rules may be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both. Appendix 'A' Certificate of origin required for private timber or other forest produce

Name, residence and father's name of the owner of the land whence the forest produce covered by this certificate was derived.	Name of village or estate where the timber or other forest produce was cut	Description of timber or other forest produce	Quantity of timber or other forest produce	Name, Father's name and residence of person in charge of timber or other forest produce	Designation to which the forest produce is to be conveyed	Remarks
1	2	3	4	5	6	7

I,.....son of.....of village.....thana.....district.....do hereby declare that the forest produce specified in this certificate was cut upon my private land and that no portion of the said forest produce is the Government or produced on Government land. Dated the.....Owner or Agent Appendix 'B'Division.....Revenue station Transit pass
Book No. Pass No.

- 1. Name and residence of the person to whom this transit pass is granted.....**
- 2. No. and date of permit or certificate of origin on which this pass is granted.....**
- 3. Kind of forest produce.....**
- 4. Locality whence collected...**
- 5. Number of pieces, packages or bundles.....**
- 6. Measurement-cubic contents or weight.....**
- 7. Marks-hammer or other.....**
- 8. Rate.....**
- 9. Amount paid.....**
- 10. Place from which to be transported.....**
- 11. Destination.....**
- 12. Route of transport.....**
- 13. Date of issue.....**
- 14. Date of expiry.....**

Issuing Officer Designation Any person removing timber or other forest produce without a transit pass in this form in contravention of any rules made under Section 40 (2) of the Nagaland Forest Act, 1968 is liable to fine which may extend to Rs. 500 or to imprisonment which may extend to six months or both. Details in case of a load of timber. Appendix 'C' List of revenue stations Kohima District Dimapur, Ghaspani, Rangapar, Doyapur, Monglumukh Chumukedema and Kohima. Makochung District Mokochung, Merapani, Tuli, Wokha, Tsurang, Lakhuni, and Amguri Gate Tuensang District Naginimora, Singphan, Namsa, Geleki, Namtola, Tingaligam Charaideo and Hodehoti. Appendix 'E' Certificate of registration or property mark..... Division It is certified thatson of.....resident of.....thana.....district.....has this day duly registered his property mark of the sketch shown below for the transport of forest produce within the district of.....This certificate is to hold good up to.....Divisional Forest Officer Dated..... Appendix

'F'Instrument executed under Rule 9 of Transit Rules framed by the Government of Nagaland under Sections 40 and 41 of the Nagaland Forest Act, 1968 Saw Mill Licence No valid up to.....(This licence is issued subject to the conditions noted below)Permission is accorded to s/o of District Nagaland, for establishment of a saw mill/permanent saw-pit at District subject to the site and location being approved by the Divisional Forest Officer Division, hereinafter called the Forest Officer, for the period of three years.N.B. - This permission does not imply any liability on the part of the Government to supply timbers for its maintenance and continuity. (A permanent saw-pit for which licence is intended includes those which convert round timbers through the major part of the year).Signature and designation of the Issuing OfficerDate.....Conditions (Clauses) under which the licence is issued(1)All the Forest Rules in force and other executive orders issued from time to time by the Divisional Forest Officer of Division must be fully complied with by the holder of this licence.(2)Any Forest Officer shall have power to enter the saw mill/permanent saw pits premises, and conduct such check of the timber as required under Clauses 7 and 8 and scrutinise records as prescribed under Clauses 5 and 6 of this licence and the licensee shall render him all assistance in this regard.(3)Only the registered number allotted to the holder of this licence must be used and no other.(4)A property mark as approved by the Divisional Forest Officer..... Division must be registered and only that mark must be used on all timber received and issued from saw mill/permanent saw pit.(5)A register showing the receipt of timbers in the saw mill/permanent saw pits and another register of conversion and issue from the same must be maintained in the forms, prescribed by the Divisional Forest Officer.....Division and those registers must be posted up to date.(6)Immediately on receipt of timber at the saw mill/permanent saw pit premises, they shall be serially numbered and entered in the registers, one serial being maintained for each year.(7)Timbers not bearing trader's property mark and Government hammer marks must not be received in the saw mill/permanent saw pits, and the licensee shall inform the nearest Forest Officer about the extraneous of such unmarked timber and shall render assistance in seizure of those timbers by the Forest Officer.(8)All timbers received in the saw mill/permanent saw pits must be covered by certificate of origin or transit pass or a written permission from the Divisional Forest Officer of Division to bring it for conversion in the saw mill/permanent saw pits.(9)No timber converted in the saw mill/permanent saw pits shall be allowed to be sold or released from the saw mill/permanent saw pits unless such timbers are sale-ordered by a duly authorised Forest Officer and subsequent disposal/movement of such timber must be regulated by issue of transit pass under the Nagaland Forest Act, 1968.(10)The Forest Department reserves the right of refusal of sale marking of timber of such contractors who have royalty outstanding, either on those very timbers or any other timbers of the same or other Forest Division, unless such outstanding are cleared.(11)Any timber seized in the saw mill/permanent saw pits by a Forest Officer must be taken charge of by the licensee under proper zimnam and produced when required by the licensor or his authorised agent without any claim for cost in this regard.(12)The Forest Department will have the priority of getting any timbers sawn in the saw mill/permanent saw pits at current rate of conversion should such necessities arise and the licensee will be under obligation of providing this facility.(13)Breach of any of the conditions or infringement of any law of the State for the time being in force will render this licence to be cancelled.(14)If at any time during the currency of this licence it is found that the licensee is not running the saw mill/permanent saw pits in efficient manner the licence may be cancelled and he shall have no claim for compensation, and in such an eventuality, the licensee shall be given three months' time for disposal of the stock of timber he may have within the premises of the saw

mill/permanent saw pits.(15)In the event of any dispute arising between the holder of this licence and the licensor as regards interpretation of any rule made in the licence or in its execution, the decision of the Chief Conservator of Forests, Nagaland shall be final and binding on both.(16)This licence may be renewed for further period of three years at the discretion of the Divisional Forest Officer Division, provided the licensee submits a written application for the renewal of the licence at least one month before the expiry of the date of validity which is 31st March of the third year from the date of issue.(17)Failure to obtain the renewal of the licence shall render the saw-mill inoperative and any attempt to continue sawing of timbers after the expiry of the licence shall make the licensee liable to pay a fine which may extend to Rs. 50 (fifty) per day in addition to any other legal action initiated against him.I understand and accept the above conditions.Signature (with date) of the licensee

1. Witness

Signature (with date) of theDivisional Forest Officer.

2. Witness.....

.....Division.