

Andhra Pradesh Drift Wood Rules, 1975

ANDHRA PRADESH

India

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Rule ANDHRA-PRADESH-DRIFT-WOOD-RULES-1975 of 1975

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Andhra Pradesh Drift Wood Rules, 1975 In exercise of the powers conferred by sub section (1) of section 43 of the Andhra Pradesh Forest Act, 1967 (Andhra Pradesh Act No. 1 of 1967) and in supersession of all the existing rules on the subject made under any of the Acts repealed by section 72 of the Act aforesaid, the Government of Andhra Pradesh hereby makes the following rules to regulate the collection of drift and stranded timber in the State of Andhra Pradesh.

1.

These rules may be called the Andhra Pradesh Drift Wood Rules, 1975

2.

In these rules, unless there is anything repugnant to the subject or context, (i) "drift wood" includes drift, beached, stranded, buried, or sunk timber. (ii) "timber" means any piece of wood whether cut up or hollowed, cut or of whose girth is not less than 25 cm. at the thickest end.

3.

The collection of drift wood from the rivers of [x x x] or from the villages situated on either side of their banks and disposal of the same shall be under the control of the Divisional Forest Officer concerned.

4.

The salving and collection of the drift wood may be arranged departmentally or through the agency of a contractor or through the members of a Registered Co-operative Society at their own cost.

5.

When salving and collection is entrusted to a contractor, the terms and conditions of the contract shall be reduced into writing in the form of an agreement.

6.

(a)(i) Any person desiring to engage in salvage operation on a contract basis shall make an application in that behalf to the Registration Authority, who will be the Divisional Forest Officer concerned. Every application shall be accompanied by a fee of Rs.25 for registration or for its renewal. On receipt of the application the Registering Authority shall make such enquiry as he deems fit and after satisfying himself having regard to the antecedents of the applicant, there is no objection for registration, may register the same. (ii) Notwithstanding anything in these rules the Registration Authority may, where he has reason to believe that the registered [contractor or a Registered Co operative Society] is indulging in activities prejudicial to the interest of forest conservancy, at any time, revoke the registration made under this rule giving the [contractor or a Registered Co operative Society] an opportunity of being heard. (iii) When the Registration Authority refuses to register or renew or revoke registration made under these rules he shall do so, by an order communicated to the applicant or to the registration holder, as the case may be, giving reasons therefor in writing. (iv) The registered contractor or a Registered Co operative Society shall also register the boats and other vessels to be used for the purpose of salving the drift wood with Divisional Forest Officer concerned and obtain registration certificate separately for each boat or vessel used in the manner indicated above. The boats or the vessels shall be got approved by the Public Works Department as per the rules of the Public Works Department and only boats and vessels so registered shall be used. On demand by any Forest Officer not below the rank of Tahasildar, the person in charge of the boat or the vessel shall produce the registration certificate, in token of authority. (b)(i) Any person aggrieved by an order made under rule 10 may, within thirty days of the service on him of the order, prefer an appeal to the Conservator of Forests who shall after giving such person an opportunity of being heard, pass such order as he deems fit. (ii) Any person aggrieved by an order of the Conservator of Forests may, within thirty days of the service on him of the order, appeal to Chief Conservator of Forests, who may make such order as he deems fit, after recording the reasons therefor.

7.

All salvaged timber shall be retained in the custody of the Government or on behalf of the Government as may be specified by the Divisional Forest Officer. The timber salvaged by the contractor shall be kept in the deposits, as specified in the agreement to be entered into.

8.

A notice shall be published in the District Gazette or in the A.P. Gazette where the District Gazette is not there giving description of timber and place from where it is collected and the depot or station at

which it is stored. The notice shall also indicate that any person claiming the same shall present to the Divisional Forest Officer concerned within a period of one month from the date of such notice, a written statement of such claim.

9.

If any person establishes his ownership of any drift timber salvaged under these rules the timber shall be made over to him on payment of any expenditure that may have been incurred and as indicated by the Divisional Forest Officer concerned.

10.

If a claim is made, but, in the opinion of the Divisional Forest Officer, it is not established, he shall make an order referring the claimant to a civil court, directing that unless a suit is filed within one month from the date of the order, the timber will be sold. Excepting with the consent of the claimant or claimants, if more than one person are involved, and until the period of one month had expired without a suit being filed or if a suit has been filed, until it has been decided, the Divisional Forest Officer shall not dispose of the timber.

11.

If no claim has been made within the period fixed or if any claim has been made, but the claimant has failed to establish his right in a Civil Court, the timber shall be sold in public auction under the orders of the Divisional Forest Officer.

12.

If the salvaging and collection have been leased to a contractor the proceeds of auction shall be shared equally by the Government and contractor. [However members of the Co operative Society registered with the Divisional Forest Officer may collect all drift wood of and below 25 cm. girth at the thickest end, at their own cost and dispose it off, in whatever manner they choose, under intimation to Divisional Forest Officer concerned.