

TRANSIT RULES

(Notification No.12
Dated 29-04-1952 with Amendments)

GOVERNMENT OF TIRPURA
FOREST DEPARTMENT

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NOTIFICATION

NO 12

Dated, 29.04.1952.

In exercise of the powers conferred by Section 41 and 42 of the Indian Forest Act, 1927 (XVI of 1927), read with Notification No.104-J, dated the 24th August, 1950 issued by the Government of India in the Ministry of States as amended, the Chief Commissioner is pleased to make the following rules for the regulation of transit of forest produce and to prescribe penalty for breach thereof :-

TRANSIT RULES

1. (1) No timber or other forest produce, including dhari and umbrella handles may be transported except as under Paragraph 12 along any path, road or stream unless it is covered and accompanied by a permit, or by a transit pass issued by a Forest Officer specifying therein -

- a) the name of the owner of the forest produce,
- b) the number of pieces and description and, in the case of timber, dimensions.
- c) the mark or marks, if any, and
- d) the date of issue and the date up to which the transit pass will remain in force.

(2) The permit for collection of forest produce other than timber and firewood will be considered sufficient in regard to the movement of the produce within the jurisdiction of the Forest Beat of the origin. There shall be no movement of timber and firewood from its origin to any other place within or beyond the jurisdiction of the Beat without being covered by valid transit pass.

2. (1) The transit pass for movement of all kinds of forest produces will be issued free of any charge on receipt of written application from the owner of such forest produce or produces after making such inquiry as the Officer authorized to issue the transit pass deems fit and consider necessary and on realization of such dues, if any, payable to the Government for such forest produce or produces. No transit pass will be issued before the hours of sun-rise and after the hours of sun-set. The transit pass shall be valid for the destination for which it is granted within the Territory of Tripura State. If the produce is to be transported beyond the territorial jurisdiction of the state, it shall be surrendered to the Forest Officer in-charge of the Range of this State having the jurisdiction over the inter-State boundary through which the route of export passes and a fresh transit pass

shall have to be obtained from such Forest officer in-charge of such Range. If any forest produce is to be imported to this State, the transit pass for such forest produce shall have to be surrendered to the Forest Officer in-charge of the area nearest to the place of entry of the same through which it is transported and shall obtain a fresh transit pass.

(2) For movement of timber within the State, the originating station may issue the transit pass for movement of forest produce under the signature of the competent Officer in this regard allowing transport of such forest produces from originating station to the final destination within the State. In exceptional circumstance, when it becomes necessary to issue re-transit pass, the owner of the forest produces shall have to apply in writing for issue of re-transit pass indicating the reasons therefor to the Forest Officer having the territorial jurisdiction over the area where the forest produces are, who will thereafter send it to the Divisional Forest Officer concerned through proper channel with his detailed remarks and certificate regarding the legality of the forest produces proposed to be transported with re-transit pass. The re-transit pass shall be issued only if written permission in this regard is obtained from the Divisional Forest Officer in each individual case on their individual merits. The transit passes are to be signed by the Issuing Officer with his name in capital letters in the bracket under his signature with clear official seal.

"Provided that the Divisional Forest Officer may authorize the Forester in-charge of the Industrial Estate to issue re-transit pass for transport of processed timber from notified Industrial Estates within his Territorial Forest Division in which case written permission from the Divisional Forest Officer will not be necessary".

(3) The order from the competent authority for issue of transit pass shall have to be recorded on the application praying for issue of transit pass and on the basis of such order only, the transit pass can be issued. The delivery of the transit pass is to be given only to the owner of the forest produce and not to anyone else unless authority letter from the owner of the forest produce is there to deliver it to his authorized agent whose signature shall have to be duly attested by the owner of the forest produce in the authority letter.

(4) All the transit passes are to be surrendered to the nearest Forest Office having the territorial jurisdiction over the area of destination soon after arrival of the forest produces at its destination. All such transit passes on receipt are to be entered in a register and all such produces are to be verified and verification results recorded in the register. The surrendered transit passes are to be prescribed carefully and not to be destroyed without having order from the appropriate authority for their destruction.

(5) No transit pass can be issued on the strength of saw mill transit pass if issued by any Sawmill, or on the basis of any chit of paper issued by any Sawmill, if such Sawmills do not have the licence or have the licence but do not submit the returns as required under Tripura Forest (Establishment and Regulations of Sawmills and other Wood based Industries) Rule, 1985 or has neither the licence nor submit the returns as aforesaid. The Sawmill transit pass and the cash memo issued by the Sawmill or any other unit with due seal of the Sawmill or Unit and signature of the owner/ Mill Manager

thereon may, however, be accepted for the purpose of issuing transit pass provided that such Sawmills have the valid licence and submit the statutory returns as aforesaid regularly without any default and such returns have been duly checked and the stocks verified.

(6) No transit pass shall be issued without or before physical verification of the forest produce and without being sure that all the dues payable to the Government for such forest produce have been paid.

(7) No transit or re-transit pass can be issued by a Forest Officer, even though such Forest Officer may otherwise be competent to issue such pass unless the Officer issuing such transit or re-transit pass is fully satisfied that the forest produces are within his jurisdiction, he has verified the forest produces physically and is sure that there is no illegality and there is no dues payable to the Government for such forest produces.

3. (1) Any person importing, exporting or moving into, from or within, or who has imported, exported or moved into, from or within the State of Tripura any forest produce, shall present it to the Forest Officer in Charge of the Place of origin or entry of the forest produce, or to the Forest Officer in Charge of the area nearest to the place of origin or entry of the same through which it is transported, for examination and check, and shall pay the amount, if any, due thereon and obtain a transit pass in Form C of the Appendix to these rules.

(2) No person shall remove or cause to be removed from the State for the purpose of trade or otherwise any timber and firewood to any other place outside the State and no trading depot shall be set up or established in the State at any place without licence for such purpose from the Divisional Forest Officer having the jurisdiction over the area subject to approval of Conservator of Forests of the Circle.

(3) Every application for grant of licence under the aforesaid Rule shall be made to the Divisional Forest Officer having the jurisdiction over the area in the Form appended to this Rules and on payment of non-refundable application fee amounting to Rs.1,000/-.

(4) Every order granting or refusing a licence under these Rules shall be in writing and in case of refusal, shall contain the reason therefor. The licence fee of Rs.2,000/- shall be paid and deposited in Government Treasury/ Sub-Treasury by challan and the receipted copy of the challan must accompany the licence.

(5) The conditions of the licence, the route or routes through which the timbers/ fire woods are to be transported to a place outside the State and the period of validity of the licence shall be such as may be notified by the State Government in the Official Gazette.

Provided that the conditions of the licence and the period of its validity may vary for different categories of timber.

Provided further that such period of validity shall not exceed 6(six) months.

(6) Every licence granted under this Rules may be renewed. An application for renewal of licence shall be made in Form-B with 30 (thirty) days before the expiry of the licence. The Divisional Forest Officer having the jurisdiction over the area shall on receipt of application for renewal of licence make such inquiry as he may think fit and within a period of 60(sixty) days from the date of receipt of such application, either grant or refuse to grant renewal of the licence :

Provided that no renewal of licence shall be granted unless the Divisional Forest Officer is satisfied about the location, availability of the raw materials, financial capacity, past records in business and relevant antecedents of such person. Where the Divisional Forest Officer refuses to grant the renewal of licence, he shall record the reasons there for and such reasons shall be communicated to the person in writing. For the purpose of inquiry under this Rules, the Divisional Forest Officer may enter into or upon any land, survey and demarcate the same, make a map there of or authorize any Officer to do so and also call for such documents as he deems necessary for ascertaining the merit of the application.

Provided further that no application for renewal of licence shall be rejected unless the holder of such licence has been given an opportunity of presenting his case and unless the Divisional Forest Officer is satisfied that the application for such renewal has been made after the period specified there for or any statement made by the person making such application for grant of renewal of the licence was incorrect or materially false or such person has contravened any of the terms and conditions of the licence or any provision of the Indian Forest Act or the Rules made thereunder or such person does not fulfill the terms and conditions for such licence.

(7) The quantity of timber and fire wood which will be permissible for export by a export licensee shall be determined on the basis of availability of forest produce after catering to the needs of the local people of the State and those of the Forest trade licence holder for trading in forest produces within the State meeting the requirement of the people of the State.

4. The Forest Officer on receiving application for a transit pass shall, before issue of the transit pass, examine the timber or other forest produce for which it is required and satisfy himself that the Forest Department has no claim, or no further claim to any royalty or fees on account of the timber or other forest produce, or in the event of any royalty or fees being due, shall realize the same in accordance with law and the rules prevailing.

5. Any person importing, exporting or moving timber or other forest produce into, from or within Tripura shall, when required to do so, produce the transit pass to a Forest or Police Officer and allow examination of the produce.

And all vehicles, carts, crafts, animals, boats, rafts and all persons carrying forest produce must stop at the Check-post and Drop Gates and shall also offer such forest produce along with the supporting documents for necessary checking and examination by forest Officer or Police Officer on duty at such Check-post and drop Gate. Non-stoppage of such vehicle, carts, crafts, animals, boats, rafts and persons carrying forest produce at such Check-post and Drop Gate shall constitute a breach of this Rule.

6. All timber and other forest produce to which these rules apply or any crafts, cart or vehicle suspected to contain such produce shall be liable to stoppage by any forest officer on any route or at any forest office in order that it may be produced, examined or checked and that if any amounts are found due payable on such produce such amounts may be realized at the nearest Forest Office.

7. Produce not covered by a transit pass or a permit shall be liable to detention for inquiry.

And the forest produce not covered by transit pass shall also be liable to seizure and confiscation by appropriate Court or by such Officer competent in this behalf under Tripura Forest (Establishment and Regulations of Sawmills and other Wood based Industries) Rules, 1985.

8. Every person taking out such a transit pass shall unless specially exempted in writing by the Divisional Forest Officer, on arrival at his destination with the timber or other produce, deliver up the transit pass to the Forest Officer in charge of the nearest Forest Station, and in the case of the Forest Office being situated in the same town or village as his destination, shall present the timber or forest produce to the Forest Officer, in-charge of that forest office for examination.

9. PROHIBITION AGAINST BOOKING OR MOVING FOREST BY AIR

The booking or moving by air of timber in logs or round or sawn, bamboos, canes, agar, all parts and produce of medicinal plants, honey, elephant tusks, hide, antlers, dhari, umbrella handles, wild animals and birds is prohibited within the limits of the State of Tripura unless such timber etc. as forest produce is covered by a Forest Department transit pass as prescribed under Rule 1 above, duly signed by the Divisional Forest Officer or other persons authorized by the Conservator of Forests. Such transit pass must accompany the timber etc. in transit provided that the Conservator of Forests may direct that the rule shall not apply to any particular item giving reasons for his decision.

10. PREVENTION AND REMOVAL OF OBSTRUCTION IN RIVERS

The closing up or obstructing of any river, stream or channel or the bank of any river, stream or channel used for the transit of timber or other forest produce, or the stoppage of navigation on the same is prohibited.

The DFO may order any person who, by his act or negligence has caused such closure, obstruction or stoppage, to remove the same within a time specified, or may cause such obstruction to be cleared and recover the cost of such clearance from the person by whose act or negligence it was caused.

11. REMOVAL OF FOREST PRODUCE OF PRIVATE FORESTS

(1) In respect of forest produce of private forests and plots, the owner of which have the right to remove the same with or without payment of royalty, the following rules shall be observed:-

(i) As regards Reserved species of trees, rules for marking, payment of royalty, sale marking, etc. of the Forest Department and the rules framed below shall apply.

(ii) In respect of other species of trees and other forest produce Free Passes may be obtained from the Divisional Officer, without charge, or on payment of forest valuation to the proper authority if such valuation was not paid before, but subject to the following conditions:-

a) Application shall be made to the Divisional Officer or on before the 15 of April in Form A given in the Appendix to these rules and the Free Pass shall be in Form B of the same Appendix.

b) There shall be only one application in any one year commencing on the fifteenth day of June and one pass for each area, i.e. Estate.

c) On receipt of the application the Divisional Officer shall cause such inquiries to be made as may be necessary through the Divisional Forest Officer for the purpose of ascertaining whether the quantities applied for are reasonable and within the capacity of the area to supply.

d) Every Free Pass shall show and cover the maximum amount of each kind of produce which is expected to be extracted and which the Divisional Officer considers, under advice of the Divisional Forest Officer, may be extracted from the area during the year commencing on the fifteenth day of June and ending on the 14th of June of the following year. No forest produce different in kind or exceeding in amount allowed under the Free Pass shall be exported.

e) Before issue of the Free Pass royalty, if due, shall be paid to the Divisional Forest Officer on the full quantity of Forest produce recommenced for extraction and no refund will be made for any part of the forest produce non extracted during the currency of the pass.

f) Each despatch of produce shall be accompanied by the said Free Pass or be covered and accompanied by a serially numbered pass issued by the owner of the forest

or land in which will be stated the amount of produce allowed, the number and date of the Free Pass issued by the Divisional Officer and the quantity already removed out of the total grant. The amount of each such dispatch shall also be entered at the time on the back of the Free Pass.

g) In the case of forest produce from areas adjoining Reserved or Protected Forests such owner's pass or Free pass shall be countersigned by a Forest Officer not below the rank of an Asst. Forester.

h) Timber and dug-outs from such adjoining areas must be inspected and marked at site by a Forest Officer not below the rank of an Asst. Forester and their volume shall be entered by him on the back of the Free Pass.

i) All timber, logs and poles other than the Reserved species shall be marked with the property hammer, if any, of the owner and with the forest hammer after check by a Forest Officer (log = 3' ft. and upwards in girth over bark at the thick and 6' ft. and upwards in length; pole = under 3' ft. in girth over bark at the thick and 6' ft. and upwards in length.).

j) The holder of the Free Pass and his agents shall abide by the rules in force for the control of forest produce in transit.

k) The Free pass is liable to cancellation for breach of the aforesaid conditions or conditions of Transit Rules. The holder shall also be liable to any further punishment prescribed under these rules.

(2) A copy of the Free pass referred to in sub-clause (1) (ii) above will be supplied by the Divisional Officer to the Divisional Forest Officer concerned.

12. TRANSPORT OF FOREST PRODUCE BY HILMEN JHOOMIA.

(a) Trees or timber (nonbeing of reserved species) and other forest produce felled, cut, collected or converted by Jhoomias under the Special Concession granted under Tripura gazette Notification No.3 dated 29.04.1952 paragraph 3 (b) and desired to be extracted from forest for sale, shall in the first instance be conveyed, between the hours of sunrise and sunset to the nearest authorized "hat" for such produce and shall be deposited in such place as may be appointed in that behalf by the Divisional Forest Officer, whence it shall not be removed by the purchaser except with the permission of the Forest Officer of the Beat and after prepayment to him of the royalty thereon;

(b) The number and location of the authorized "hats" shall be fixed from time to time by the Conservator of Forests, Tripura and the royalties shall be those listed in the current schedule of rates.

13. PENALTIES UNDER SECTION 42.

Any person infringing any provision of the foregoing rules shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to Rs.500/- or with both, and the double of the above penalties may be inflicted if the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or when the offender has been previously convicted of a like offence.

[V. Nanjappa]
Chief Commissioner.
Tripura