

6. Telangana Teakwood ¹ [xxx] Possession Rules, 1970*

The Andhra Pradesh Teak Wood Possession Rules, 1970, issued in G.O.Ms.No.356, F & A Department, dated 04.03.1970, published in A.P.Gazette RS to Pt.II, dt:30.04.1970, has been adopted in the State of Telangana vide Notification issued in G.O.Ms.No.22, E.F.S. & T (For.I) Department, dated 13.05.2015.

In exercise of the powers conferred by Section 29 read with sub-section(1) of Section 68 of the Andhra Pradesh Forest Act, 1967 (Andhra Pradesh Act No. 1 of 1967) and in supersession of all existing rules on the subject made under any of the Acts repealed under Section 72 of the Act aforesaid the Governor of Andhra Pradesh hereby makes the following rules regarding the possession of Teakwood ¹[x x x].

1. These rules may be called the Telangana Teakwood ¹ [xxx] Possession Rules, 1970.
2. No person residing in any village situated within a radius of 15 KM of such reserved forest as may be specified by the Chief Conservator of Forests in this behalf by a notification in the Telangana Gazette shall possess a quantity of teakwood, ²[x x x] the quantity of which exceeds quarter of a cubic metre in volume unless the teakwood bears distinguishable Government transit mark or the property mark affixed to it under the Telangana Forest Produce Transit Rules, 1969.

Author's note: -As the notification mentioned in Rule 2 is not published, these rules are not operative.

³ [x x x]

CASE LAW

Rule 2-Ss 29, 4,15 and 44 of Act-Possession of teak timber logs without permit- Proceedings under Sec.44-Reserve Forest abutting the place where forest produce was stored, not notified under Sec 29 for purpose of Teak wood Rules – Notifications issued under Section 4 and 15 of the Act cannot meet requirement under Section 29 of Act and Rule 2 of Teakwood Rules- It was held that the transit rules do not have application as the timber was in possession of the petitioner. Case remanded to appellate Court. G.Rajender Reddy (died) by LRs vs. State of AP and others, 2007 (5) ALD 692.

* Vide G.O.Ms.No.356, Food & Agriculture, dt.4.3.1970, pub.in Andhra Pradesh Gazette RS to Pt.II, dt.30.04.1970 p.209

1. The words 'Red-sander Wood' wherever occurs in these rules omitted by G.O.Ms.No.413, EFES&T (For.III) Dept, dt.03.11.1989, published in Andhra Pradesh Gazette, RS to Part I, No.1, dt.4.1.1990.
2. The words 'the value of which exceeds rupees two hundred' were omitted by G.O.Ms.No.634, F & RD, dt.26.9.1979, published in the Andhra Pradesh Gazette, Issue No.38, dt.25.10.1979.

3. Explanation Omitted, by G.O.Ms.No.90,EFS&T (For.III), dt.4.11.2003.

3 (1) Any person accused of contravention of Rule 2 may within fifteen days¹[from the date of detection of the offence make a representation] to the Conservator of Forests in writing with such material evidence as in the opinion of the accused person would prove the legitimate origin of the teakwood in his possession.

(2) The Conservator shall thereupon make such enquiry as he deems fit and pass an order containing his decision as to the legitimate origin of the teak.

(3) Any person aggrieved by the order the Conservator of Forests under sub-rule (2) may, within thirty days of the receipt thereof by him, prefer an appeal to the Chief Conservator of Forests, who shall, after giving such person an opportunity of being heard, pass such order as he deems fit and the order so passed shall be final.

1. Submitted for the words 'of date of booking the offence prefer a representation' by Memo No.2206/For.III/77.2,F & RD, dt.30.12.1977.