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The Orissa Timber and Other Forest Produce Transit Rules, 1980

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The ORISSA TIMBER AND OTHER FOREST PRODUCE TRANSIT RULES, 1980*

Notification No. S.R.O. 165/80, dated 1st February, 1980. In exercise of the powers conferred by Ss. 45 and 46 of the Orissa Forest Act, 1972 (Orissa Act 14 of 1972), the State Government hereby make the following rules to regulate the transit of timber and other forest produce, namely:

1. Short title and commencement. (1) These rules may be called the Orissa Timber and other Forest Produce Transit Rules, 1980.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions. (1) In these rules, unless the context otherwise requires—

(a) "Act" means the Orissa Forest Act, 1972 (Orissa Act 14 of 1972).

(b) "Contract area" means area covered by a forest contract.

(c) "Checking station" means any place specified in this behalf to be a checking station and notified by the Divisional Forest Officer in the official Gazette.

(d) "Firewood" means wood which is unfit for any purpose other than fuel.

(e) "Foreign transit permit" means a permit issued by a competent authority of another State or Union territory for movement of forest produce originating from that State or Union territory.

(f) "Forest contract" means a contract whereby Government agree to sell and the purchaser agrees to buy the forest produce under the Orissa Forest Contract Rules.

(g) "Form" means a form appended to these rules.

(h) "Minor forest produce" means forest produce other than timber, fire-wood , charcoal and bamboos.

(i) "Schedule" means the Schedule appended to these rules.

(2) All words and expressions used but not defined in these rules shall have meaning respectively assigned to them in the Act.

(3) Route. (1) *Land routes.* The Chief Conservator of Forests shall notify from time to time in the official Gazette, the routes in the State of Orissa through which forest produce may be imported, exported or moved into, from or within the State.

(2) *Water routes.* (a) The rivers and their banks as specified in Schedule shall be available for transport of forest produce.

(b) No person shall cause any diversion to the water routes or cause obstruction in the channels or on banks of the river specified in Schedule I.

(c) The Collector of the district shall have the power to order the removal of any obstruction on the banks or the channels or destruction of unauthorized diversions of any river specified in Schedule I and to recover the cost thereof from the person or persons responsible for such construction or diversion.

(d) The Divisional Forest Officer shall notify in the official Gazette the names of places on the river banks selected by him as checking stations.

* Published in the Orissa Gazette, Extraordinary No. 453, dated 21-4-1980.

4. Transit permit. Except as provided in R.5, all forest produce in transit by land, rail or water shall be covered by a permit, hereinafter called the "Transit Permit" to be issued free of cost by the Divisional Forest Officer or by the Assistant Conservator of Forests, authorized by him in that behalf:

Provided that the Range Officer or a Forester, when duly authorized in that behalf by the Divisional Forest Officer may issue transit permit in cases where no verification at the stump site is necessary;

Provided further that in respect of a minor forest produce collected by the Orissa State Tribal Development Co-operative Corporation Ltd., a Branch Manager or a Divisional Manager and in respect of tassar cocoon collected by the State Tassar Co-operative Society Ltd., Orissa, the Assistant Director of Sericulture can issue transit permits;

Provided also that for removal of timber and other forest produce from the depots of the Orissa Forest Corporation Limited including those at railheads, the Divisional Manager of the said Corporation and any other officer subordinate to him not below the rank of Deputy Sub-divisional Manager when duly authorized by him in that behalf may issue transit permit.

5. Cases in which permit shall not be required. (1) No transit permit shall be required to cover transit of forest produce in the following cases namely:

- (a) for the transit from the contract area of forest produce purchased by the Forest Contractors whose contracts are governed by the Orissa Forest Contract Rules and duly covered by a coupe permit;
- (b) for the transit of forest produce whose removal is covered by Forest Department permits;
- (c) for the transit of minerals leased out under the Mineral Concession Rules;
- (d) for the transport of bamboo, timber and fire wood bearing Orissa Forest Department's hammer mark where removal is covered by depot permit;
- (e) for removal of forest produce other than timber, bamboos and minerals of any description required by transits having recognized rights under any law in force for their *bonafide* domestic use but not for trade or barter subject to the condition that tribals can transport or possess up to fifty Kgs. of tamarind and ten bundles of hill brooms without transit permit.
- (f) for timbers not grown in India;
- (g) for timber that is cut or fashioned otherwise than is usually done before timber is removed from the forests or the saw mills and saw pits;
- (h) for firewood not exceeding one head-load;
- (i) for transport of minor forest produce within the district except lac, tassar, myrabolans, gums and resin, root or patalgaruda, sal seed, tamarind and hill brooms, subject to such limit of transport and storage without transit permit as may be notified by State Government in the official Gazette for different items.

(2) When any forest produce removed by permits referred to in Cls. (a), (b) and (d) of sub-R. (1), are unloaded at their destinations, they cannot be retransported under the authority of the said permits unless transit permits are obtained under R.4.

The word "bamboo" in Cl. (d) of sub-R. (1) of R. 5 has been inserted *vide* Orissa Gazette, Extraordinary No. 384, dated 3-4-1981.

6. Form of permit. The transit permit shall be in Form No. 1.

7. Application for permit and orders thereon. (1) Persons desiring to remove forest produce under R. 4 shall apply for transit permit to the Forest Officer having jurisdiction in Form II or Form III, as the case may be, together with the declaration and undertaking as embodied therein.

(2) On receipt of application, the Forest Officer having jurisdiction shall cause an enquiry, where necessary, in the manner prescribed hereinafter, before issue or refusal of transit permit.

(3) An appeal may be preferred against the order of refusal passed by the Forest Officer under sub-R. (2) within thirty days from the date of receipt of the order, before the Conservator of Forests of that Circle, if the order appealed against is that of the Divisional Forest Officer or before the Divisional Forest Officer of that Division, if the order appealed against is that of the Assistant Conservator of Forests or Range Officer or the Forester, and the decision of the appellate authority in the matter shall be final.

(4) In the case of an application for removal of forest produce from one's own private holding for *bonafide* domestic use, if no order is passed either refusing the permit within forty-five days of the receipt of the application, the applicant shall be at liberty to file a representation before the Conservator of Forests of that Circle who shall pass order within sixty days of the date of receipt of such representation and such order shall be final.

(5) All orders refusing to grant transit permit shall be in writing and shall state the reasons of the refusal, and shall be communicated to the applicant.

(6) Any person who furnishes incorrect information or false declaration in Form II or Form III shall be deemed to have contravened the provisions of these rules.

(7) Acceptance of the declaration of the applicant by the Forest Officer shall be deemed to be an act done in good faith.

(8) In the case of application for removal of timber, firewood and bamboos from private holdings, and in case of applications of timber, firewood and bamboos from such holdings, the following provisions shall apply, namely:

- (a) When required by the Divisional Forest Officer or the Assistant Conservator of Forests duly authorised in that behalf, the applicant shall bear the Amin's fees, if any, prescribed for requisitioning the services of an Amin from Tahsil Office for joint verification by Revenue and Forest Officials of plots and trees and bamboos mentioned in the application for transit permit filed by him.
- (b) On completion of such joint verification, if no discrepancies are noticed in the field, the Divisional Officer may direct the applicant to submit a list of conversions of trees and bamboos felled and converted by him over those plots in triplicate, and to put the facsimile of his registered property mark on either ends of all timber including round wood billets.
- (c) On receipt of conversion list the Divisional Forest Officer shall get it verified and shall get the timber including round wood billets branded with the Forest Department hammer mark bearing the letter "P.T".
- (d) After the conversion list has been verified in the field and timber including round wood billets branded with the hammer marks as referred to in Cl. (c), the Divisional Forest Officer shall issue the transit permit in Form I.

8. Depot permit. The Divisional Forest Officer may, from time to time, notify the places other than rail heads, river banks, saw mills and factory premises, wherefrom owners having depots of bamboo, timber or firewood bearing Forest Department hammer mark, may remove such material by using permits called "depot permits", issued previously by or with the permission of the Divisional Forest Officer.

9. Form of depot permit. "Depot Permit" shall be in Form IV. Permits shall be in triplicate and bound in books. Each book shall bear an identifying number and the permits in each book shall be numbered serially. Before issue, each page of the permit book shall be rubber stamped with the name of the produce "Bamboo", "Timber" or "Firewood", as the case may be, for which it shall be used.

10. Conditions regulating use of depot permits. An owner of the depot to whom permission is given under R. 8, shall abide by the following conditions, namely:

- (a) He shall pay security deposit duly pledged to the said Divisional Forest Officer at 5 per cent of the market value of the maximum quantity of timber, bamboo or firewood or all of these three major forest produces that he may store at any time subject to a minimum of rupees one thousand for the due observance of the provisions of these rules:

Provided that the Chief Conservator of Forests may exempt wholly or partly any Government Department or any State-owned Undertaking or Corporation or any co-operative society from payment of security deposit prescribed under this rule.

- (b) He shall not bring or store at his depot any forest produce other than bamboo or timber or firewood—
- (i) which do not bear the Forest Department hammer mark;
 - (ii) which are not checked enroute; and
 - (iii) whose transit from the source of collection or origin up to the depot is not covered by permit issued under R. 4 or depot permit under R. 8.
- (c) The permits referred to in Cl. (b) shall be retained by him up to six months from the date of complete disposal or removal from the depot of all the forest produce brought under such permits and shall be produced for inspection within that period on demand by a Forest Officer having jurisdiction.
- (d) He shall not remove from the depot any bamboo, timber or firewood unless accompanied by a depot permit signed by himself or by his authorised agent approved by the Divisional Forest Officer.
- (e) He shall obtain the depot permits on payment from the Range Officer in whose jurisdiction the depot is located. Each depot permit shall bear the official seal of the Divisional Forest Officer of the Division.
- (f) He or his authorised agent, as the case may be, shall issue the original permit to the person removing the forest produce and send the first carbon copy to the Range Officer having jurisdiction on the same day of issue of the permit and retain the second carbon copy in the book as a counterfoil. All corrections or rewritings shall be duly attested by the person issuing he depot permits.
- (g) He shall return the permit book as soon as it is completely used up or after the forest produce for the removal of which, the permit book was issued, is disposed of, whichever is earlier, and on cancellation of the permission under R. 11, all partially used permit books shall be returned to the Range Officer and receipt obtained to this effect from him.
- (h) He shall at all times allow Forest Officer having jurisdiction over the area to inspect the premises and the bamboo or timber or firewood for which permission is granted under R.8 and shall produce the permits referred to in Cl.(b) for inspection on demand by the said officer.
- (i) He shall maintain a register in Form V showing correct account of the bamboo: timber and firewood brought to (with reference to the transit permits or the coupe permits concerned) and removed from the depot, and such register of

accounts shall be open to inspection at any time by the Divisional Forest Officer or by any Forest Officer duly authorized in this behalf by the Divisional Forest Officer.

- (j) He shall be subject to the general supervision of the Divisional Forest Officer in respect of issue of depot permits and the quantity of bamboo or timber or firewood covered by each, and the Divisional Forest Officer may pass written order to regulate the manner in which such permits shall be written and may vary such regulations.
- (k) The permit book issued for a particular forest produce shall be used only for that produce whether for bamboo or timber or firewood. The permit book is not transferable and shall only be used by the person to whom it is issued or by his authorized agent.

11. In case of contravention of any of the provisions of R.10 by any person who has been permitted by the Divisional Forest Officer to use depot permit, such permission is liable to be cancelled and the security deposit paid by such person may in whole or in part, be forfeited by the Divisional forest Officer without prejudice to any action that may be taken against him under R. 21 :

Provided that, before the order of forfeiture is passed, the owner of the depot shall be given a reasonable opportunity of being heard.

12. Retention-of Transit Permit. Any person to whom a Transit Permit is issued under these rules shall be bound to follow the direction given in the Transit Permit and to retain it with him so long as the forest produce covered by the Transit Permit remain in his possession and to produce it for inspection at any time before it is disposed of if and when required by any Forest Officer, not below the rank of a Forester.

13. Checking of Transit Permit. (1) Forest Produce in transit by land, rail or water is liable to inspection by any Forest Officer, or Police Officer not below the rank of Sub-Inspector, or by a Revenue Officer not below the rank of a Tahasildar, or by the Divisional Manager of the Orissa Tribal Development Co-operative Society Ltd., or by the Assistant Director of Sericulture of the State Tassar Co-operative Society Ltd., Orissa, for formal prosecution and handing over the cases to the Forest Officer and the Transit Permits shall be produced on demand before any such Officer. All boats, cart, vehicle or other means of conveyance used for transportation of such forest produce shall be stopped by the person-in-charge under demand by any such officer, who may open and search any baggage or other things in the possession of such person or transported in the same conveyance, where these are reasonable grounds for believing that an offence under rules has been committed.

(2) It shall be incumbent on the person transporting forest produce to present the Transit Permit or coupe permit or depot permit or any forest department permit, for examination at such checking stations, as may be notified by the Divisional Forest Officer of the division in the official Gazette. It will be illegal to take any forest produce by a route which avoids any route at which a checking station has been established.

(3) Checking station shall remain closed from 10 p m to 5 a.m. No forest produce shall pass a checking station when it is closed between these hours except with the previous permission in writing of the Divisional Forest Officer, in whose jurisdiction, the checking station is located :

Provided that checking stations on National Highways shall remain open throughout the day and night.

(4) As soon as the forest produce has been checked and found correct, the concerned permit under the authority of which the forest produce is carried, shall be endorsed by the Forest Officer in charge of the checking station under his signature and date with the word "CHECKED". When timber and round-wood billets are checked at the checking station, the Forest Officer shall brand the exposed ends of the timber and the billets with Forest Department hammer marks. If the forest produce exceeds the quantity stated in the transit permit or is not of the kind or description given in the transit permit and the timber and round-wood billets do not bear the Orissa Forest Department hammer mark and the owner's registered property mark as required under R. 14, the forest produce shall be liable for seizure. If the forest produce is less than the quantity stated in the transit permit, the said permit shall not be used again to cover the deficit.

Note. All forest produce shall be liable to be unloaded for proper checking, if so required by the checking officer not below the rank of a Forester.

14. Hammer and property mark. (1) Subject to sub-R. (1) of R. 15 all timber including round wood billets of and above sixty cm. midgirth and ninety cm. length which are also fit for purposes other than fire-wood, while on transit should bear the Orissa forest Department hammer mark and registered property mark of the owner.

(2) When the ownership of timber and round-wood billets of the specifications mentioned in sub-R. (1) above is changed, it shall be indicated by a fresh registered property mark; if not, it will be sufficient if it bears the registered property marks of the original owner; provided that the transferee can prove by production of receipts that he is in the legal possession of such produce.

15. Registration of property mark. (1) All property mark shall be registered in the office of the Divisional Forest Officer of the division from whose jurisdiction the timber, including round-wood billets move and shall be subject to the previous approval of the said Forest Officer; provided that if the timber including the round-wood billets are moved within the jurisdiction of more than one Forest Division, it shall suffice for the registration to be made in the office of the Divisional Forest Officer of the division, from whose jurisdiction the timber including round-wood billets first move:

Provided that sufficient copies of facsimiles of such property mark are sent to the Divisional Forest Officer under whose jurisdiction the timber and round wood billets pass.

(2) Application for registration of property mark shall give particulars of the origin of the timber including round wood billets, the approximate quantity to be removed, the destination and the route by which it will be transported and shall be accompanied by the facsimiles of the mark to be registered.

Note. This sub-rule does not apply to forest contractors while transporting timber and firewood from their contract areas for which separate provision exists.

(3) The fee for registration or renewal of registration of property mark shall be rupees five for the period up to the year ending 31st July and rupees ten for any period up to three years thereafter ending 31st July.

16. Checking of timber raft enroute. Each timber raft floated in a river shall bear the Orissa Forest Department hammer mark and registered property mark on either ends of the logs and also on the upper surface of each log in the raft to facilitate checking enroute.

17. Import of forest produce from outside. All forest produce imported into the State of Orissa shall be covered by a transit permit issued by the Divisional Forest Officer of the division from which the forest produce is exported and in case of timber including round wood billets, it should bear the checking hammer impression of the exporting State and the registered property mark of the owner of the produce under R. 18 below.

18. Registration fee for import of forest produce. The property mark for all cases referred to in R. 17 above should be registered in the office of the Divisional Forest Officer of the division through which the timber and round wood billets shall move at the first instance, on payment of registration fee of rupees ten for one year.

19. Foreign Transit Permit. Any forest produce imported into the State of Orissa may be transported under foreign transit permit within the limit of the State of Orissa subject to the following conditions, namely :

- (a) in case of transport by road—up to first checking station in the border;
- (b) in case of transport by rail—up to railway depot of the destination Railway Station;
- (c) in case of transport by sea —up to the limits of the destination port area; and
- (d) in case of transport by air—up to limit of destination air-port.

20. Issue of fresh transit permit in lieu of foreign transit permit.

(1) When forest produce is sought to be removed from the area mentioned in R. 19, the Divisional Forest Officer of the division in which the area lies shall on application by the owner issue transit permit free of charge in lieu of the foreign transit permit after necessary verification, for movement of the produce within the State of Orissa.

(2) Certified copies of the form in which transit permit is issued by the exporting Divisional Forest Officer along with the certified impressions of the seal under which the transit permits will be issued, shall be sent to the Divisional Forest Officer mentioned in R. 17 for records in the offices of the concerned Divisional Forest Officers.

21. Penalties. Whoever contravenes any of the provisions of these rules shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to rupees one thousand or with both:

Provided that double the amount of penalty as aforesaid may be inflicted in cases where the offence is committed after 10 p.m. and before 5 a.m. or after making preparation for resistance to lawful authority or where the offender has been previously convicted for a similar offence.

22. Savings and repeals. (1) The Orissa Timber and Other Forest Produce Transit Rules, 1967 and Transit Rules framed under the Madras Forest Act, 1882 (hereinafter called the said rules) in their application to the State of Orissa are hereby repealed, with effect from the date these rules come into force.

(2) Notwithstanding such repeals, all acts done, proceedings taken, and orders issued, under the said rules, before the commencement of these rules, shall continue to have force and effect as if these rules have not come into force.

SCHEDULE
[Vide Rule 3 (2) (a)]
Name of rivers

Mahanadi, Kathjori, Kuakhai, Bhargavi, Brahmani, Ramial, Tikiria, Maku Nalla, Jautuk, Gohira, Samakoi, Baitarani, Salandi, Kusai, Kusal, Budhabalang, Sona, Gangadhar, Deo Jambhira, Tel, Baghanadi, Salunki, Mahuani, Ib, Aung, Tanta, Jira Kharasrota, Devi, Vansadhra, Rusikulya, Sileru, Saberi, Nagavali, Indravati, Kolab, Machkund with all its branches and tributaries.

FORM I
[Vide Rule 6]
Transit Permit

Name and address of the person in whose favour
Transit Permit issued

Book No.....
Transit Permit No.....
Shri/Smt.....

Name of locality from where removed———
Village ——
Plot No.—— —

Name or names of carters or drivers	Description of the produce	Number/quantity

Route:
Designation:
Date of Issue
Date of Expiry

Signature of Forest Officer
Stamp of Office

N.B. The permit shall be presented at the checking station on the route(s) specified.

FORM II
[Vide Rule 7 (a)]
Form of application for removal of forest produce

- (a) Particulars of forest produce sought to be removed.....
- (b) Place from which sought to be removed.....
- (c) Certified copy of the documents regarding the ownership of the produce.....
- (d) The route through which the forest produce will be taken to the destination market or depot to be specified.....

Signature of the applicant

Declaration

I, Shri... ..aged... .. son of.....
village... ..pollice-station... ..district... .. , do hereby declare that the particulars furnished in the above application are true to the best of my knowledge and belief and that I am absolute owner of the forest produce sought to be removed. I hereby declare that the forest produce is neither Government property nor any one else's property and I do hereby undertake to indemnify the State Government for any liability that may accrue on them on acceptance of the aforesaid declaration.

Signature of the applicant

Date

FORM III

[Vide Rule 7 (a)]

Form of application for removal of forest produce from recorded holdings

- (a) (i) Name of village, Plot No. and Khata No. from which trees or bamboos or other forest produce are to be removed.....
- (ii) Description of boundaries of the plot.....
- (b) Particulars regarding ownership of the land.....
- (c) Certified copy of the documents regarding ownership and value of trees/ bamboos standing on the plots referred to in (a) above when the applicant is not the owner of such plot of land.
- (d) The route by which the timber, bamboos, firewood or other forest produce will be taken to the destination, market or depot.
- (e) A list in triplicate specifying the number, species, size of timber and/ or quantity of firewood or bamboos and /or quantity of other forest produce proposed to be removed.

Signature of the applicant

Declaration

I, Shri... ..aged.....son of.....village
..... police-stationdistrict....., do hereby declare that the particulars furnished in the above application are true to the best of my knowledge and belief and that I am the absolute owner of the timbers and/or firewood or bamboos or other forest produce sought to be removed. I hereby declare that the timber or firewood or other forest produce detailed above are neither Government property nor any one else's property. I do hereby undertake to indemnify the State Government for any liability that may accrue on them on acceptance of the aforesaid declaration.

Signature of the Applicant

Date

N. B. The boundary of the forest when it abuts a reserved or protected forest shall be delineated in the ground to a clear width of one metre.

FORM IV
[Vide Rule 9]
Depot Permit

Book No..... Page No.
Name of the depot owner.....
No. and date of order of the D.F.O permitting use of depot permits.....
Name of purchaser
Purchaser's address

Name of carters or drivers	Description of produce	Rate	Total Value
1	2	3	4

Route :
Destination :
Date of issue :
Date of expiry :

Signature of depot owner/
authorised agent

Date

N. B. The permit shall be presented at the checking stations on the route(s) specified.

FORM V
[Vide Rule 10 (1)]
Depot Register

Book No..... Page No.....
Receipts and disposal of firewood/ timber.....
Name of depot owner.....
No. and date of order of the D.F.O. permitting use of depot permits.....

Date of Receipt	From where received	Permit No. under which received	Description of produce (mention species in case of timber)	Date of disposal	To whom disposed	Description of produce disposed of	Permit No. under which disposed
1	2	3	4	5	6	7	8

FORM M

[See Rule 8 (4)]

Quarterly return of accounts of specified forest produce to be submitted to the Divisional Forest Officer

Return for the quarter ending.....

1. (a) Name and address of the manufacturer/industrial consumer.....
(b) Place of business.....
2. Registration number.....
3. Stocks from previous year.....(in M. T.)
4. (a) Quantity allotted.....(in M. T.)
(b) Order No.....Dated
5. Stocks lifted..... (in M.T.)

From the Agent/Depot at (1)	Quantity (2)	To the place of storage- Godown at/Plant at (3)
(1)		
(2)		

6. Particulars of utilization/disposal :

Place of Storage	Opening balance of stock at the beginning of the quarter in metric ton	Stock received during the quarter in metric ton	Total of columns (2) and (3)	Stock utilised during the quarter in metric ton	purpose for which utilised	Balance in stock in metric ton	Quantity of finished products obtained
1	2	3	4	5	6	7	8
(1)							
(2)							
(3)							
(4)							

Date.....

Signature of the Manufacturer/
Industrial Consumer

Place

Forwarded to the Divisional Forest Officer.

Signature of the Manufacturer/
Industrial Consumer