

## **Tamil Nadu Sandalwood Transit Rules, 1967**

### **CONTENTS**

1. Short Title And Extent
2. Definition
3. Condition For Import, Export And Movement
4. Form Of Permit
5. Issue Of Permits
6. Check Of Permits
7. Use And Registration Of Property Marks
8. The Date Upto Which And The Description And Quantity Of Sandalwood For Which Registration Of Property Mark Has Effect
9. Exemption Of Small Quantities Of Sandalwood Carried By A Bonafide Traveller By Ryots For Their Own Use
10. Section 10
11. Omitted

## **Tamil Nadu Sandalwood Transit Rules, 1967**

In exercise of the powers conferred by section 35 and 36 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) and in supersession of all previous notification on the subject, the Governor of Tamil Nadu hereby makes the following rules:-

### **1. Short Title And Extent :-**

- (1) These rules may be called Tamil Nadu Sandalwood Transit Rules, 1967.
- (2) They extent to the whole of the State of Tamil Nadu including the Kanyakumari district, the shencottah taluk of Tirunelveli district and the territorists specified in the second Schedule to the Andhra Pradesh and Tamil Nadu (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959)

### **2. Definition :-**

In these rules unless the context otherwise requires:-

- (i) "Checking station" means any station which may be notified from time to time by the collector in the District Gazette as the checking station;
- (ii) "Form" means a form set forth in Schedule A;

- (iii) "Sandalwood" includes sandalwood roots sandalwood billets, sandalwood dust and sandalwood chips;
- (iv) "Schedule" means a schedule to these rules:
- ( v ) "State" means the State of Tamil Nadu including the Kanyakumari district, the Shencottah taluk of the Tirunelveli district and the territories specified in the Second Schedule to the Andhra Pradesh and Tamil Nadu (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959)

### **3. Condition For Import, Export And Movement :-**

No person shall import sandalwood into or export sandalwood from, or move sandalwood within any place in the State unless such sandalwood is accompanied either by a permit referred to in Rule 4 or by a way permit referred to in rule 6 and unless such sandalwood bears the mark of the Government or origin, as provided in rule 7 of the property mark in respect of such sandalwood which has been duly registered in accordance with rule 7. Such sandalwood shall also be produced for examination at its destination at the appropriate checking station specified in Schedule A.

### **4. Form Of Permit :-**

- (1) In the case of sandalwood purchased from Government, the permit shall be in Form I and shall be printed.
- (2) In the case of sandalwood purchased at the Government sales depot in the State of Andhra Pradesh, Mysore or Kerala and imported into the State, the permit shall be that issued by the Government of the State of Andhra Pradesh, Mysore or Kerala or any authority in that State responsible for the sale of sandalwood in that State and such permit shall be valid only for transport of sandalwood to the destination specified therein.
- (3) In the case of imported sandalwood other than that referred to in sub-rule (2) the permit shall be in Form II and shall be printed. The forms of the permit shall on application be supplied by the District Forest Officer having jurisdiction on payment of price which will be fixed by the Chief Conservator of Forest from time to time. No form of permit other than that supplied by the District Forest Officer shall be used.
- (4) In the case of subsequent movement of imported sandalwood and of the transport all local sandalwood other than for which Form I is prescribed, a printed permit in Form II shall be used. The forms of the permit shall on application be supplied by the District Forest

Officer having jurisdiction on payment of the price referred to in sub-rule (3). No form of permit other than that supplied by the District Forest Officer shall be used.

#### Notes

A.P. Sandalwood and Red Sander wood Transit Rules - Red sander wood stored on road side for transport - No permit had been issued by competent Authority - it is forest produce only and it could be confiscated (AIR. 1995 SC 1961) Assam forest Regulation 1981 - Purchaser of logs transfers them and also permit - Not permissible - It is for the Authority to decide whether passes should be issued to the transferee or not (AIR 1995 Gauhati 111)

### **5. Issue Of Permits :-**

(1) permits in Form I shall be in triplicate and shall have all parts filled up by the District Forest Officer or subordinate duly authorised by him. The District Forest Officer or the subordinate so, authorised, as the case may be, shall handover the original and retain the triplicate as counterfoil for record in office.

(2) Permits in Form II shall be in triplicate and shall have all parts filled up by the person disposing of the sandalwood or his authorised agent. The original shall be handed over to the person authorised to remove the sandalwood. The duplicate shall be forwarded by post or by messenger to the District Forest Officer having jurisdiction by the person issuing the permit who shall retain custody of the sandalwood in his store or on his land for purposes of check for a period not exceeding fifteen days from the date of despatch of the duplicate to the District Forest Officer or delivery to him by messenger, as the case may be. The triplicate of the permit shall be retained by the person issuing the permit for not less than six months from the date of issue of the original of the permit and shall be produced for inspection at any time within that period on demand by any Forest Officer not below the rank of Forest Guard. The words "Forest Guard" substituted by G.Ms.No:2250 dated: 4th March 1983.

### **6. Check Of Permits :-**

(1) All Sandalwood in transit shall be produced for examination at the first checking station in the district between the hours of 6 a.m. and 6 p.m. and if such sandalwood arrives at the first checking station after 6 p.m. the officer in charge of such checking station may detain it till next day for examination.

(2) the officer in charge of the checking station shall after satisfying himself that the sandalwood actually comes from the place and is of the kind stated in the permit of the Government of Andhra Pradesh, Mysore or Kerala or the permit is in Form I or II as the case may be and is not in excess of the quantity specified therein retain such permit and give in exchange therefore a way permit in Form II as herein-after provided (duly noting the Vehicle Number carrying the Sandalwood). If the officer in charge of the checking station is not satisfied and refuses to grant the way permit he shall detain the sandalwood and the permit of the Government of Andhra Pradesh, Mysore or Kerala or the permit in Form I or II as the case may be and report the case for the orders of the concerned District Forest Officer having jurisdiction, stating clearly the reasons for the action taken. In the said rules rule 6:

"2(-A) A vehicle driver with a vehicle carrying sandalwood when he passes thorough a check post with permit in Form I or Form II shall sign the Register maintained in the check post and similarly furnish the vehicle number in the said Register" Rule 6(2A) was inserted as per G.O.Ms.No:184, Forest and Fisheries, 28th February 1986.

(3) the quantity of sandalwood under transit shall not be greater than that entered in the permit and if it is less, the same permit shall be used again to cover the deficiencies.

(4) The way permit in Form III shall be in duplicate the original shall be given in exchange for the permit of the Government of Andhra Pradesh, Mysore or Kerala or the permit in Forms I and II, as the case may be and the duplicate shall be retained by the Officer in charge of the checking station.

(5) The say permit shall protect such sandalwood to its destination and shall be produced and endorsed at all subsequent checking stations.

(6) The permits referred to in the preceding rules shall in the case of imported sandalwood and sandalwood for export, be produced with the sandalwood for examination at every checking station mentioned in Schedule A and past which the sandalwood or may be taken.

(7) Any Revenue Officer not below the rank of Revenue Inspector in charge of firka or any Police Officer in uniform not below the rank of Head Constable or any Forest Officer not below the rank of Forest Guard 1 or Tanadar in charge of a checking station mentioned in Schedule A, may stop any vehicle reasonably suspected of carrying sandalwood for checking its contents and the permits referred to in these rules shall be produced when

demanded and such vehicle shall not proceed therefrom until permitted to do so by the said officer of the Revenue, Police or Forest Department or the said Tanadar.

Explanation: In this clause "vehicle" includes lorrie stage carriages, contract carriages, tractors, cars, hand carts, bullock carts, horse drawn carriage such as jutkas, cyclickshaws and hand-pulled rickshaws.

(8) No person shall take any sandalwood off or pass it from any road on which a checking station has been placed with intent to evade the production of the sandalwood at a checking station.

## **7. Use And Registration Of Property Marks :-**

(1) All sandalwood imported from the State of Andhra Pradesh, Mysore or Kerala and all Government Sandalwood disposed of locally shall bear the mark of the Government of origin in the following manner:

Every piece of sandalwood shall bear its own Government mark and in the case of chips and saw dust carried in bags the latter shall be closed and the fastening sealed with the above mark.

(2) (a) The ownership of all Sandalwood grown and moved within any area in the State shall be indicated by a property mark affixed in the manner provided in sub-rule (1)

(b) all such property marks shall be registered at a District Forest Office:-

(i) in accordance with the provisions of sub-rule (3) if the marks relate to sandalwood extracted from private lands within the state; and (ii) in accordance with the provisions of sub-rule (4) if the marks relate to sandalwood other than that extracted from private lands within the State.

(c) (i) A fee of Rs.200 (rupees two hundred only) shall be charged in respect of registration of property mark of sandalwood for wholesalers and distillers and Rs.100 (Rupees one hundred only) in respect of non-wholesalers and non-distillers.

(ii) A fee of Rs.100/- (rupees one hundred only) shall be charged in respect of renewal of registrations of property mark for sandalwood for wholesalers and distillers and Rs.50/- (rupees fifty only) in respect of non-wholesalers and non-distillers.

(3) (i) Every application for the registration of a property mark in respect of sandalwood to be extracted from private lands within the State shall be accompanied by a Statement in form IV in which all the particulars therein prescribed shall be furnished to the District

Forest Officer concerned and also by six facsimiles of the mark proposed. Form IV may be manuscript and shall be prepared by the applicant.

(ii) After the application together with the facsimiles and the statement in Form IV as specified above are received, the District Forest Officer or the subordinate authority authorised by him shall if he is satisfied that the as soon as possible and with the consent of the owner of the land affix the departmental hammer mark on each tree after blazing it at breast height from ground level and issue written permission for the extraction of the trees and grant a certificate or registration of the property mark in Form V for the transport of the trees to the central by the applicant. In cases where the trees are inspected by a subordinate authority the D.F.O. shall inspect not less than 10 percent of the trees so inspected.:

Provided that the District Forest Officer may, by written order, refuse to give permission for the extraction of the trees and to grant the certificate of registration of the property mark, if he has reason to believe that the trees belong to Government or that the applicant has committed fraud in respect of such trees. Against any order passed by the District Forest Officer under this proviso, an appeal shall lie to the Conservator of Forests having jurisdiction. A revision petition against the order of the Conservator of Forest on the appeal so preferred shall lie to the Government if preferred within 30 days.

(iii) Each uprooted tree bearing heart wood shall be cleaned up to its heartwood limit. In so cleaning, the uprooted tree, the departmental hammer mark at breast height shall be intact and a ring of bark and sapwood 6 centimetres wide surrounding the departmental hammer mark shall be left uncut..

(iv) Every tree so uprooted and cleaned shall bear its distinctive serial number which shall be written legibly in tar any where on it if cut up into pieces, or when the tree has been cut up into billets and roots all parts of such tree so cut up shall each bear, at their cut ends the original serial number assigned to the tree so as to admit of identification and check subsequently by the District Forest Officer or his subordinates.

(v) The exact situation of the land whence each of the trees containing heartwood was extracted shall be indicated on the ground by a stout numbered peg which shall be well driven in the pit formed in the process of uprooting the number on the peg being the same as that writing on the wood concerned such pegs shall be retained until such trees as the District Forest Officer or his

subordinate checks the sandalwood and verifies the locality of the felling:

Provided that in cases where a subordinate authority has checked the pits atleast 25 per cent of the pits so checked shall be checked by the District Forest Officer or a Gazette Officer authorised by him in his behalf.

(vi) The heartwood obtained from each of the trees shall thereafter be weighed and the results recorded in the Statement in Form VI indicating in it at the same time the number of root-and stem wood pieces obtained from each of such trees with an abstract in the remarks column showing the total out turn expressed in number of pieces (roots and billets separately) and the aggregate of all pieces in respect of which the registration of property mark is desired. Form VI shall on application be supplied by the concerned District Forest Officer having jurisdiction on payment of a fee as fixed by the Government from time to time. No form other than that supplied by the District Forest Officer shall be used.

(vii) After the application for the removal of the sandalwood with the statement in Form VI containing all the particulars therein prescribed is received, the District Forest Officer, or a Gazetted Officer authorised by him his behalf shall, as soon as possible inspect and identify the sandalwood by verifying the girth and the departmental hammer mark put on the standing trees and by assembling all the parts of each tree and satisfy, himself that the wood is of the same tree that was standing hammer marked and that the details furnished by the applicant in Form VI are correct and without error, and thereafter mark all the sandalwood with the District pass hammer. Thereafter the District Forest Officer, shall subject to the provisions of clause (viii) of this sub-rule grant a certificate of registration in Form V with as little delay as possible.

(viii) The District Forest Officer or any sub-ordinate authority authorised by him may require from any person either when presenting a property mark to registration or at any subsequent time information to the source of origin and the quantity of Sandalwood period of telling agency routes, depots, destination and such other details regarding his method of felling, trading or working as the District Forest officer may think necessary. The District Forest Officer may reuse registration and may cancel the Registration of the property mark if the property mark if the information required is not given or if he considers that such property mark cannot easily be distinguished from a Government mark or from a property mark used by other person or if he has

reason to believe that the person using the property mark is or has been concerned in any illegal practice with regard to sandalwood or for any other good and sufficient reason in every case be recorded at the time by the District Forest Officer. Any appeal against the District Forest Officers refusal lies to the Conservator of Forests concerned whose decision shall be final.

(4) (a) Every application for the registration of property mark in respect of sandalwood other than that extracted from private lands shall be accompanied by facsimiles of the mark proposed.

(b) After the receipt of the application the District Forest Officer or the subordinate authority authorised by him shall check such sandalwood and if the result of checking is satisfactory the District Forest Officer shall subject to the provisions of clause (viii) or sub-rule (3) grant a certificate of registration in Form V with as little delay as possible.

(c) All sandalwood in respect of which a property mark is registered under this sub-rule shall be marked with the district pass hammer by the District Forest Officer or by the subordinate authority authorised by him to do so.

#### **8. The Date Upto Which And The Description And Quantity Of Sandalwood For Which Registration Of Property Mark Has Effect :-**

The Registration and each renewal of registration or a property mark shall be valid only in respect of the description and quantity of the wood entered in Form V and be in force only from the date of such Registration of renewal until the first day of April following unless otherwise stated.

#### **9. Exemption Of Small Quantities Of Sandalwood Carried By A Bonafide Traveller By Ryots For Their Own Use :-**

Nothing contained in the these rules shall apply to :

(a) Sandalwood not exceeding 5 kilograms in weight carried by any bonafide traveller or under his authority for his personal use, or

(b) Sandalwood cut and carried by a ryot for his own personal use from the growing on the patta lands of the said ryots of any neighbouring ryot from whom title to such sandalwood is derived and provided that he obtains a certificate of title from village munisif and that the quantity cut and carried on each occasion does not exceed 5 kilograms in weight.

#### **10. Section 10 :-**

The District Forest Officer shall maintain an approved list of



companies or persons engaged in the distillation of sandalwood or in the manufacture of any of its byproducts. He may at his discretion include the name of any company or person in the said approved list, after giving reasonable opportunity to such company or person. The District Forest Officer may by written order exempt any company or person whose name is included in the approved list from the provisions of sub-rule (2) in so far as it relates to the retention of sandalwood in custody for purpose of check and from provisions of clause (b) and (c) of sub-rule (4) of rule (7) and may cancel any such order

**11. Omitted :-**

Omitted as per G.O.Ms.No;639, SRO. A140/83, Forest and Fisheries dated:25th May 1983.