

Tamil Nadu Timber Transit Rules, 1968

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APPENDIX 1 :- ANNEXURE I

Tamil Nadu Timber Transit Rules, 1968

1. Short Title And Extent :-

These Rules may be called the Tamil Nadu Timber Transit Rules, 1968.

(2) They extend to the whole of the State of Tamil Nadu.

DEFINITION:-In these rules the context otherwise requires-

(1) Act means the Tamil Nadu forest Act, 1882 (Tamil Nadu Act V of 1882).

(2) "Schedule" means a schedule appended to these rules,

(3) "Timber" includes all classes of timber as defined in the Act, except: -

(a) () Timber not grown in India.

(b) "All sawn timber where the smallest dimension is less than 5 cm. in thickness and does not exceed 12 decimeters in length".
(G.O.Ms.No.971, Forest and Fishers, dated 11 th August 1983)

(c) Timber removed under the concession granted in rule 7 of the general rules under section 26 of the Act, and

(d) Small wood for fuel and bamboos in head loads or smaller quantities.

(e) Firewood purchased from depots or markets for Domestic consumption if transported within the municipal limits, under cover of invoice given by depot keepers.

- (f) Prosopis juliflora- (Tamil Name-Seemaiparambai, Seemai Kuruvai, Velikaruvai, Trade Name-The mesquite).
- (g) Casuarina equisetifolia - Tamil Nadu - Savukku Trade Name - Casuarina.
- (h) Subabul (Tamil Nadu - Sanvuobel; trade name Subabul, Botanical name - Leucoena leucocephala.
- (i) Eucalyptus hybrid - (Tamil Nadu - Nilgiris tree; trade name- Nilgiris tree, Botanical name-Eucalyptus teriticornis)
- (j) Palmyra- (Tamil Nadu-Panai, Trade name-Palmyra; Botanical name Borassus flabellifer
- (k) Poovarasu (Tamil Nade-Poovarasu; trade name Poritia, Botanical name-Thespesia populnea)
- (l) Dadops (Tamil Name-Kalyanamurungai; trade name-Corel tree; Botanical name -Erythrine indica) (Sub clauses (h) to (I) added as per G.O.Ms.296 Environment & Forest Department, dated:18.11.1988-SRO.A.No.233/88)
- (m) Nattu Odai (Tamil Nattu Odai, Trade name-Umbrella thorn, botanical name Acacia Planefrons) (G.O.Ms.242 E and F, dated:24.6.1992). SYNOPSIS Sub-Clause(h) inserted by G.O.Ms.No:296, dated: 18.11.88. Sub-Clause (m)inserted by G.O.Ms.242-E and F dated 24.6.1992).

2. Conditions Of Transit Of Timber :-

No person shall move timber into or from, or within the State by land, water or air unless such timber is accompanied by a permit prescribed therefor under rule 4. Provided that where timber is moved within the limits of a municipality or a corporation under an invoice given by timber Merchants, no permit is necessary for the Transport of such timber. (Rule 2 substituted by G.O.Ms.No.971, Forests and Dated 11 th August 1983.

3. Form Of Permit :-

(I) In the case of timber from Government lands, the permit shall be in the Form I and shall be in print and a fee calculated at the rate of ten paise per form sale be charged.

(ii) In the case of timber from private lands markets of depots in the District and in the case of subsequent movement of timber the permit in that form shall, on application, be supplied by the Ranger Officer having jurisdiction on payment of a fee calculated at the rate of Rs.1.00 per form. No other permits shall be used.

SYNOPSIS Clause (ii) omitted and clauses. Clauses (iii), (iv), (v), (vi) renumbered as clause (ii), (iii), (iv), (v), by G.O.Ms.No.971

Forest and Fisheries dated 11 th August 1983.

(iii) In the case of timber from private lands, markets of depot in the district and in the case of subsequent movements of timber the permit shall be in form II and shall be in print; The permits in that form shall, on application, be supplied by the Range Officer having jurisdiction on payment of a fee calculated at the rate of Rs.1.00 per form. No other permits shall be used.

SYNOPSIS The words "(I) imported (2) referred to sub-rule(ii), (3) or by any Revenue Inspector" omitted as per G.O.Ms.No.971, Forests and Fisheries, dated 11 th August 1983.

PROVISO: - Provided that Foresters may issue permits for removal of firewood from patta lands subject to the condition that they may issue such permits for not more than two cart loads at a time and not more than ten cart loads in a month, in respect of the same individual, on production of a certificate of ownership of his patta land issued by appropriate revenue authority.

(iv) The permit referred to in this rule shall be either in English or Tamil language.

(v) A way-permit in Form III shall be granted in exchange for 4 each permit in Form-1 or Form II at the first checking station on the route by which the timber passes.

4. Issue Of Permits :-

(a) Permits in Form I shall be in triplicate and shall have all parts filled up by the district forest Officer or any Officer duly authorised by him. The District Forest Officer, or the officer so authorised, as the case may be, shall sign, and date each part, hand over the original to the person moving the timber send the duplicate to the officer in charge of the forest, and retain the triplicate as counterfoil for record in his office.

(b) Permits in Form II shall be in triplicate and shall have all the parts filled up by the person disposing of the timber or his authorised agent, the original shall be handed over to the person authorised to remove the timber, the duplicate shall be simultaneously sent to the District Forest Officer concerned and the triplicate shall be retained as a counterfoil for not less than six months from the date of issue of the original 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. (G.O.Ms.NO.314, Forests and Fisheries, dated 23 rd March 19981).

EXPLANATION: - The expression Authorised against in the sub-rule

shall mean an agent authorised by the person disposing of the timber and approved by the District Forest Officer.

(c) A person applying to the Range Officer, having jurisdiction for supply of printed forms of permits shall return the counterfoils of the permits, if any supplied to him previously.

(d) Permits shall be issued strictly in the serial order. A fresh permit book shall not be opened before the book in use has been completed and exhausted.

(e) Each cart or other vehicle carrying timber shall be covered by a separate permit in form I or form II, as the case may be. In no circumstances shall one permit be issued or used for more than one cart or other vehicle.

(f) The permit in form I or form II shall be, valid for the time specified in the permit which shall be determined with reference to the actual time required for the transport of timber, firewood or bamboos, and shall not exceed a period of one month from the date of the issue of the permit.

(g) Permits in Form III shall be in duplicate, the original shall be given in exchange of the original of the permit in Form I or Form II, as the case may be and the duplicate shall be retained by the officer in charge of the checking station.

SYNOPSIS Sub-rule (e) omitted as per G.O.Ms.No:971, Forest and Fisheries, dated 11th August 1983. After Sub-Rule (e) was omitted, sub-rules (f), (g), and

(h) were renumbered as Rules (e) (f) and (g) per the above G.O.

5. Check Of Permits :-

(i) The permits referred to in the preceding rules in case of import timber and timber for export, be produced with the timber for examination at any station which may be notified from time to time by the Collector in the District Gazette as a "Checking Station: and past which the timber may be taken. In the case of timber in transit, the permit shall be produced instantaneously when demanded, any where, within the limits of the scheduled areas, by any Forest Officer or Police Officer or at any of the checking stations notified by the Collector outside the schedule areas past which timber is taken. Any Police Officer in uniform not below the rank of Forest Guard or Tanahdar wherever there are tanahs may stop any vehicle reasonably suspected of carrying timber within the scheduled area for checking its contents and such vehicles shall not proceed there from until permitted to do so by the said Officer of

the Police or Forest Department or the tanahdars as the case may be. A vehicle driver with vehicle carrying timber, fuel and bamboos when he passes through a check post with the Form I or form II permit shall sign in the register maintained in the check post and similarly furnish the vehicle number in Form I or Form II. Notes Second paragraph was inserted as per G.O.Ms.No.156, Forest and Fisheries and dated 25 th February 1986. A.P. Sandal wood 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 961)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 transfer or not. (AIR Gauhati III) Karnataka Forest Act-Segakai and soap nut powder purchased in open market-even though they are forest produces no permit is required. (AIR 1995 Kar, 211) No person shall take any timber or pass any timber from, any road or river on which a checking station has been placed, with intent to evader the production of the timber at the checking station. The quantity of timber in transit shall not be greater than that entered in the permit and if it is less, the same permit shall not be used again to cover the deficiency.

(ii) The officer-in charge of the first checking station shall, after satisfying himself that the timber actually comes from the locality and is of the kind stated in the permit 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 III duly noting the vehicle number carrying the timber, fuel and bamboos. This way-permit shall protect such timber along the route to its destination and shall be produced and endorsed at the subsequent checking station on that route. If the Officer-in-charge of the first checking station is not satisfied and refuses to grant the way-permit, he shall detain the timber and the permit in Form I or Form II, as the case may be, and report the case for the orders of the District Forest Officer, stating clearly his reasons for the action taken.

SYNOPSIS The words"Duly-and bamboos" inserted as per G.O.Ms.No:156, Forest and Fisheries, Dated 25 th February 1986. All timber in transit shall be produced for examination at the first checking station on the authorised route between the hours of 6 a.m. and 6 p.m. and if such timber arrives at the first checking station may detain it till 6 a.m., following for examination.

EXPLANATION I :- the expression "checking station" in this rule shall include any place within 400 meters thereof.

EXPLANATION II:- In this rule "vehicle" includes dorries, stage carriages contract carriages, tractors, hand-carts, bullock carts, horse-drawn carriage such as jutkas, cycle rickshaws and hand-pulled rickshaws, three wheeled vehicles and any other mode of conveyance.

6. Situation Of Checking Station :-

(I) The checking stations for timber in transit shall be fixed at any place as deemed necessary by the Government and checking of timber in timber transit shall not be made within the limits of Municipalities and Corporations, except in cases in which it is considered necessary to guard against smuggling from unreserved lands into towns; or in places which afford special facilities for the regulation of traffic such as the meeting of roads and waterways.

(ii) No demand shall be made under these rules for the production of permit within the limits of Municipalities and Corporation, except at the checking stations.

7. Use And Registration Of Property Marks :-

(1) The ownership of timber obtained from private lands, markets or depots shall, be indicated by a property mark, Explanation:- In this rule, the .. expression, timber "excludes bamboos and fuel billets not exceeding 12 decimeters in length. All sawn timber where the smallest dimension is less than 5 cm. In thickness and does not exceed 12 decimeters in length shall not qualify as "timber" for fixing department hammer marking".

(2) All such property marks shall be registered at the District Forest Office. A fee of Rs.50/- (Rupees fifty only) shall be charged in respect of registration and Rs.50.00 (Rupees fifty only) for renewal of property mark. It shall be lawful for the District Forest Officer to require from any owner of a property mark, any applicant for registration of property mark and any applicant for the supply of permits in form II, information relating to the locality, quantity of wood available and any other details which the District Forest Officer may require in order to give effect to these rules. He may refuse the registration of property mark or the issue of Form II permits and may cancel or suspend registration of any property mark if the information required is not given or if he considers that such property mark is not distinctive or for other good and

sufficient reasons. The District Forest Officer shall record his reasons for such refusal, suspension or cancellation and submit his order for confirmation by the District Collector. A certificate in Form IV shall be granted by the District Forest Officer on registration of such property mark. A registrar of property marks shall be maintained in the District Forest Office in Form V. The fee once paid shall not be refunded under any circumstances.

(G.O.Ms.No.1501, Forest and Fisheries, dated 8 th November 1982).

(3) Any person who entrusts his property mark to his authorised agent as defined in explanation to sub-rule (b) of rule 4 or any other person, shall be liable for the consequences of any illegal act committed under these rules by such authorised agent or other persons.

(4) After the application for the removal of timber is received the * Assistant Conservator of Forests or the Ranger concerned shall, as soon as possible, inspect and if the timber stored qualified for issue of transport permit, affix the departmental hammer mark on the timber. (G.O.Ms.No.1409, Forest and Fisheries, dated 30 th October 1980). (G.O.Ms.No.438, Forest and Fisheries dated 15 th April 1981).

8. Date Up To Which The Registration Or Renewal Has Effect :-

The registration and each renewal of registration of property mark shall be valid only in respect of the description and quantity of the timber entered in Form IV and shall unless otherwise stated be in force until the first day of April immediately following such registration or renewal.

9. Red Sanders Wood :-

No person shall have in his possession or move red sanders timber chips or powder except under a special permit issued by the District Forest Officer in Form VI:-

Provided that nothing contained in the rules shall apply to:- Red sanders wood not exceeding 5kg. in weight carried by any bonafide traveller or any person authorities by him in writing for his personal use, or.

(b) Red sanders wood cut and carried by a ryot for his own personal use, from trees growing on the patta lands of the said ryot or of any neighboring ryot from whom title to such Red Sanders Wood is derived and provided that he obtained a certificate of title from the village munsif and that the quantity cut and carried on

each occasion does not exceed 5kg. in weight.

10. Penalties :-

Omitted by G.O.Ms.No:1318, Forest and Fisheries dated:19.11.1984.

SYNOPSIS Sub-rule (b) inserted by G.O.Ms.No:919.Forest and Fisheries, 30 th July 1981. Penalties have been dealt with in section 35b, 356, 36A of Tamil Nade Forest Act.

APPENDIX 1

ANNEXURE I

All revenue districts in Tamil Nadu (G.O.Ms.No:971, Forests and Fisheries, dated:11 th August 1983).