

CHAPTER VIII

HIMACHAL PRADESH FOREST PRODUCE TRANSIT (LAND ROUTES) RULES, 2013

(Authoritative English Text of this Department Notification No. FYFE-B-A (3)-2/2013, dated 26-11-2013 as required under clause (3) of Article 348 of the Constitution of India)

Government of Himachal Pradesh
Department of Forests.

NOTIFICATION

No. FFE-B-A (3)-2/2013

Dated Shimla-2, the 26-11-2013.

In exercise of the powers conferred under section 41 and 42 of the Indian Forest Act, 1927 (XVI of 1927), the Governor, Himachal Pradesh is pleased to make the following rules to regulate the movement of Forest Produce by land routes into, from and within the territorial limits of the Himachal Pradesh, namely:-

1. **Short title, extent and commencement:-**

- (1) These rules may be called the Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 2013;
- (2) They shall apply to the whole of the State of Himachal Pradesh;
- (3) They shall come into force forthwith;

2. **Definitions:-**

- (1) In these rules, unless the context otherwise requires,-
 - (a) 'Act' means the Indian Forest Act, 1927 (XXVI of 1927);
 - (b) 'section' means a section of the said Act;
 - (c) 'Division' means an executive forest management unit of forest management unit of forests constituted for the purpose of administration of forests and notified as such by the Government;
 - (d) 'Divisional Forest Officer' means an Officer holding the charge of the concerned division;
 - (e) 'Conservator of Forests' means an Officer holding the charge of the concerned forest circle; and
 - (f) 'Check Post' means any post so specified under the provisions of these rules for checking and regulating the movement of forest produce.

(2) All other words and expression used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. **Transportation with property mark(s).**- No person shall transport or cause to be transported any forest produce other than fuelwood, Khairwood, bamboos, charcoal, medicinal plants, **grass, other plant parts including bark, leaves, stem, roots, flowers, fruit, cones,** and seeds that does not bear the imprint of the registered mark.

4. **Registration of property mark and its use.**- (1) All persons willing to transport forest produce other than under rule 3 by land routes shall register at the office of the Divisional Forest Officer the mark or marks which indicate their propriety rights in such forest produce; provided that no mark is required to be imprinted on any timber which is being transported within the concerned revenue estate only by a right holder in consequence of a grant to that effect in his favour.

(2) No person shall be allowed to register any mark(s) already registered in favour of other persons or the Department. The Divisional Forest Officer may refuse registration of any mark(s) which according to him closely resemble(s) used by the Government Department or has/have been registered in favour of some other person(s).

5. **Issue of certificate of registration.**- A certificate showing the facsimile or the mark, the date of registration, the period for which it is valid and acknowledging the payment of fees shall be issued to every person registering his mark(s).
6. **Validity period of registration Certificate.**- Every certificate of registration shall be valid for three years commencing from the date of registration. The registration fee in respect of each mark shall be Rs.500 and if the number of marks to be registered in favour of one person exceeds three, the fee shall be RS. 1000/- for each such additional mark. However, no fee is payable by any Government Department.
7. **Issue of pass for Export or transport of Forest Produce.**- No pass shall be issued for any unmarked forest produce other than fuelwood, khairwood, bamboos, charcoal, medicinal plants, **grass, other plant parts including bark, leaves, stem, roots, flowers, fruits, cones** and seeds as bears the marks not registered as herein after provided:-
 - (i) the Divisional Forest Officer may refuse to issued a pass for export or transport if he has reasons to believe or for any other valid reasons that the forest produce has not been legally obtained by the applicant. However, the refusal to issue a pass shall be made in the shape of self-speaking written order; and
 - (ii) the person who has been refused the issue of pass may within fifteen days of the date of refusal prefer an appeal to the Chief Conservator/ Conservator of Forests incharge of the area concerned and his orders on appeal shall be final.
8. **Prohibition on transport of Forest Produce.**- (1) No person shall transport or cause to be transported any forest produce, except **that obtained from plant species specified in and obtained in accordance with provisions contained in Schedule- 'I' of Annexure-D** by land routes, without obtaining pass (**Annexure-'A'**) from the concerned Divisional Forest Officer or any officer **or person** so authorized.

Explanation for the purposes of rules 8: *Divisional Forest Officer shall include an officer holding the charge of the Division from where the forest produce has been extracted under contractual agreement.*

(2) No such pass shall be issued in case of forest produce obtained from species declared as prohibited or banned for collection or harvesting under any law (Act, Rule or Order) applicable in the State except when such collection is carried out as per specific provisions provided in that Act, Rule or order.

(3) No person shall transport or cause to be transported any timber for conversion for sawing or for sale en route.

(4) No person shall transport or cause to be transported any timber except firewood, pulpwood, bamboos **and that obtained from plant species listed in and obtained in accordance with provisions contained in Schedule-'I' of Annexure-D** unless the timber is properly affixed with an export hammer mark by the forest officer authorized by the Conservator of Forests concerned.

9. **Transport Routes and other conditions.**- (1) The authority issuing the pass shall specify a routes by which alone the forest produce may be transported for export outside Himachal Pradesh in such a manner that the forest produce crosses through one of the following barriers established by the Excise and Taxation Department:-

Sr. No.	District/ Revenue	Name of barriers.
1.	SOLAN	1. Parwanoo Sector-IV 2. Parwanoo (main) 3. Tipra bye-pass (Parwanoo)
2.	B.B.N.Baddi	1. Gullarwala 2. Dhabota. 3. Navgaon 4. Bagheri 5. Gorakhnath Mandir at Gorakhnath Shahpur Road. 6. Bridge (Pul Baddi) at Jhar. Majri road Balad Nadi via Suncity. 7. Nankpur-Kalu Janda Madala Road (at Madala Chowk). 8. Rampur Jaggi Truck Union Barotiwala Road (near Truck Union) 9. Ratyor. 10. Baddi 11. Dherowal 12. Barotiwala.
3.	SIRMOUR	1. Kala Amb 2. Behral 3. Govindgarh 4. Haripur Khol 5. Suketi on Suketi-Khajurana Road 6. Near Ruchira Paper Mill on Ruchira Road 7. Meerpur Kotla on Meerpur Kotla-Nahan road 8. Kheer on Kheri Road 9. Ampur Ghat on Yamuna river- Paonta 10. Khodri Mazari 11. Minus.
4.	SHIMLA	1. Kuddu
5.	BILASPUR	1. Garmaura 2. Kaulanwala Toba 3. Gwalthai 4. Shailaghora on Bassi-Shree Naina Devi Road
6.	NURPUR (Revenue District)	1. Kandwal 2. Bhadroya on Bhadroya (Lodhwan) Kandwal road. 3. Sansarpur Terrace. 4. Shekupura Chowk Shekhupura Nangal bhoor Road. 5. Oader near Sulyali-Dunehra Road Tehsil Nurpur. 6. Shenehar-Sthana Gagir Road (Name changed). 7. Bela Thakra near Pu No. RD 7910. 8. Dhangupeer 9. Ulehrian Chowk. 10. Nakki Chowk on Jammu-Kangra Road. 11. Mirthal Road Kathgarh.
7.	UNA	1. Mahatpur 2. Gagret 3. Marwari 4. Pandoga 5. Ajouli 6. Polian. 7. Gondpur Jaichand. 8. Busdehra. 9. Bhatoli 10. Bathu. 11. Santokhgarh. 12. Bathri near Co-op Society Building on Garh Shankar Road. 13. Singhan on Singhan- Beetan Road. 14. Jaijon-Janani on Jaijon-Janani Road. 15. Ambota Road (near Asha Devi Temple) in Gagret locality.
8.	CHAMBA	1. Tunuhatti.

Provided that such authority shall also specify the check post(s) where the forest produce shall be compulsory checked en-route:

Provided further that no timber or other forest produce from any forest depot or intermediate depot or first station-depot of dispatch shall be loaded in vehicle, trollies, bullock, carts etc. after sun-set and before sun rise. The Divisional Forest Officer concerned may further impose any restriction(s) if so warranted for controlling the movement of the forest produce after sun-set and before sun-rise.

(2) In case the produce is not to be exported outside the territory of Himachal Pradesh, the authority issuing the pass shall specify the route by which alone the forest produce may be transported and shall also determine the check post(s) where it shall be compulsory checked.

(3) The issuing authority shall also determine the other conditions subject to which the pass shall be issued and shall as determine the period for which the pass shall remain valid. However, the validity of any pass shall under no circumstances exceed a period of **Six** months including any extension(s) allowed. A fee of Rs. **100/-** shall be leviable for the issue of such pass:

Provided that the export pass fee @Rs. 200/- per quintal shall be levied in case of resin to be exported outside the State of Himachal Pradesh.

Provided that permit fee in case of forest produce obtained from species listed in **Schedule-II of Annexure-“D”**, shall be as specified in it.

Provided that permit fee in respect of forest produce obtained from species, including that listed in **Schedule-II of Annexure-“D”** shall be Rs.100/-:

Provided further that in respect of medicinal plants as included in **Schedule-II of Annexure-“D”**, purported to be transported to the notified Herbal/ Agricultural Mandis, permit fee shall be levied in accordance with procedure detailed in **Annexure-“E”**.

10. **Issue of Challan(s).** The person in whose favour the pass has been issued or his authorized Agent shall carry a challan (**Annexure-‘B’**) to accompany the forest produce in case all the forest produce cannot be transported at the time and the pass cannot accompany the forest produce. The challan will be valid for a maximum 60 hours.
11. **Setting up of check post(s).** (1) The Divisional Forest Officer may with the permission of the Conservator of Forests notify the setting up of a check post or check posts at suitable point(s) for purposes of check and examination of forest produce.
(2) At every check post, registers (Annexure-C) to record the details of forest produce passing through the check post shall be maintained.
12. **Production of pass/challan for examination.** Forest Officer or Police Officer may at any time require any person transporting forest produce to produce the pass/ challan as issued for the transportation of such produce. No person is entitled to transport forest produce by virtue of pass/challan which he does not himself held but is or is stated to be in the hands of *some other person*.
13. **Detention of Forest Produce and other articles etc.** In the event of the pass/challan not being produced, the Forest Officer or Police Officer may detain the Forest Produce, vehicle, camels, mules etc. by which it was being transported and cause the same not be move as long as may be reasonably necessary to examine the forest produce and/or till the valid pass/ challan is produced.

14. **Seizure of Forest Produce and other articles etc.**- In the event of the pass/challan being not produced, the Forest Officer or Police Office shall seize the forest produce and means of transport and other articles, in accordance with the law in force.

15. **Exemption to right holders obtaining of pass.**- Notwithstanding anything contained in these rules, a right-holder who has collected forest produce in exercise of his recorded rights may, without obtaining a pass transport such forest produce within the revenue estate in which it has been so collected.

Provided that no timber will be removed from the forests unless checked and hammer marked and detail of timber extracted written on the overleaf of the permit by the forest officer authorized in this behalf.

16. **Bar on booking of forest produce by rail, by post and by air.**- No person shall offer any forest produce for export by rail on any railway station or by post at any post office or by air on any airport within Himachal Pradesh unless it is covered by the pass issued under these rules and nor Railway, Postal, Airport authority shall accept any forest produce for transport/transmission by rail, post or air, unless it is accompanied by a valid pass.

17. **Bar on altering or defacing of marks.**- No person shall without the written permission of the Divisional Forest Officer alter or deface or obliterate any mark placed on any forest produce while in transit.

18. **Penalty for breach of rules.**-Any person who contravene these rules shall be liable to imprisonment for a term which may extent to six months or with fine which may extent to rupees Five thousand or with both and he forest produce being transported may also be seized and dealt with under the provisions of the Indian Forest Act:

Provided that the penalties will be doubled in cases where the offence has been committed after sun-set or before sun-rise, or after resistance of the lawful authority or where the offender has been previously convicted for similar offence.

19. **Repeal and Savings.**-

(1) On and from the date of commencement of these rules, the Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 1978 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the rules so repealed, shall be deemed to have been done or taken under the corresponding provisions of these rules.