

GOVERNMENT OF WEST BENGAL

Department of Forests

Forests

NOTIFICATION

No. 770 For—19th October 1959.--- In exercise of the powers conferred by sections 41, 42 and 76 of the Indian Forest Act, 1927 (16 of 1927), and in supersession of the West Bengal Forest Produce Transit Rules, 1955, the Governor is pleased to make the following rules to regulate the transit by land or water of timber and other forest produce into, from and within the districts of Jalpaiguri, Cooch Behar, Birbhum, Bankura, Burdwan, Midnapore, Malda, Darjeeling [including the territory since transferred from Bihar under section 3 of the Bihar and West Bengal (Transfer to Territories) Act, 1956 (40 of 1956)], West Dinajpur Darjeeling [including the territory since transferred from Bihar under section 3 of the Bihar and West Bengal (Transfer to Territories) Act, 1956 (40 of 1956)], Murshidabad, Nadia, Hooghly, Purulia and 24 Parganas (excluding the areas of the 24-Parganas Forest Division and Sunderbans tiger reserve to which the Forest Produce Transit rules for 24 Parganas Forest Division apply) and Calcutta and Howrah⁵ (in respect of timber imported from abroad under Open General Licence) 3, namely:-

The West Bengal Forest-Produce Transit Rules, 1959

1. These rules may be called the West Bengal Forest-Produce Transit Rules, 1959.
2. In these rules, “forest-produce” has the same meaning as in the Indian Forest Act, 1927 (16 of 1927).
3. These rules shall apply to timber and other forest-produce from any source within the districts of Jalpaiguri, Cooch Behar, Birbhum, Bankura, Burdwan, Midnapore, Malda, Darjeeling (including the territory since transferred from Bihar), West Dinajpur (including the territory since transferred from Bihar), Murshidabad, Purulia, Nadia, Hooghly and 24-Parganas (excluding the areas of the 24-Parganas Forest Division and Sunderbans Tiger reserve to which the forest Produce Transit Rules for 24-Parganas Forest Division apply)² and also to timber imported to and transported out of Calcutta and Howrah⁶ under Open General Licence⁴ which are moved by any of the routes within the boundaries of these districts.
4. (1) Within the limits of the areas specified in rule 3, no person shall conceal any timber.

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1. Inserted Vide Notification No. 4032-For./FP/4A-5/85 dt. 28.08.1985
 2. Inserted Vide Notification No. 4032-For./FP/4A-5/85 dt. 28.08.1985
 3. Inserted Vide Notification No. 4487-For.FP/4A-1/87 dt. 28.10.1987
 4. Inserted Vide Notification No. 4487-For.FP/4A-1/87 dt. 28.10.1987
 5. Inserted vide Notification No. 4177-For/4A-1/87 dt. 25.05.1988
 6. Inserted vide Notification No. 4177-For/4A-1/87 dt. 25.05.1988

(2) No timber or other forest-produce shall be moved into, from or within the districts referred to in rule 3, except under cover of a transit pass in the form prescribed in appendix I hereto annexed from an officer of the Forest Directorate not below the rank of a Forester duly authorised by the Divisional Forest Officer to issue the same or otherwise than in accordance with the conditions of such pass.

(3) All timber, in respect of which a transit pass has been issued by the officers of the Forest Directorate, shall bear a Government hammer mark the facsimile of which shall be imprinted on the connected pass.

(4) In respect of timber and other forest-produce from Khasmahal forests transit pass shall be issued by the Divisional Forest Officer or any officer duly authorised in this behalf on the production of a certificate of origin issued by the Khasmahal officer.

(5) Movement of timber and other forest produce may be prohibited by an order of the Circle Conservator during the period from 18.00 hrs. to 6.00 hrs. of the following day.¹

(6) In respect of timber and other forest- produce grown under Social Forestry Project on private lands, a tree-card in the form prescribed in Appendix-II shall be maintained by each owner of such land. The tree-card shall be in triplicate and shall be issued by the territorial Divisional Forest Officer. One copy of the tree - card shall be retained by the owner of the land and the other copies by the Beat Officer and the Divisional Forest Officer.

(7) The transit pass in respect of timber and other forest produce mentioned in sub-rule (6) shall be issued by the Beat Officer authorised by the territorial Divisional Forest Officer in this regard. The rotation, the number of trees issued against a transit pass and the balance left for harvesting shall be noted on the reverse page of the tree-card. The number of the transit pass should be recorded on the reverse page each time the transit pass is issued.

(8) The tree-card may be renewed or a duplicate issued in the event of loss, defacement or otherwise.

(9) The Beat Officer shall use the departmental passing hammer for marking the trees mentioned in the transit pass. No property mark shall be necessary in any such case.²

5. Fees for transit passes in respect of different items of forest-produce moved from the districts specified in rule 3 may be levied in accordance with rates may be prescribed by the Conservator of Forests from time to time. It shall be within the competence of the Conservator of Forests subject to the approval of Government to regulate the movement of certain kinds of forest-produce in short supply from the limits of the areas specified in rule 3.

1. Inserted Vide Notification No. 4487-For.FP/4A-1/87 dt. 28.10.1987

2. Inserted vide Notification No. 8786 - For. Dt. 26.11.1991

6. Any person importing, exporting or moving timber or other forest-produce into, from or within the areas specified in rule 3 or any persons in possession or charge of timber or other forest-produce in transit, shall produce the pass referred to in rule 4 on demand by any Forest officer or Police Officer.

7. (1) All timber and other forest-produce to which these rules apply, and any cart, vehicle, boat, or other vessel suspected of carrying the same, shall be liable to stoppage by any Forest Officer within the limits of the area specified in rule 3 for the purpose of examination and check.

(2) Any sum due and payable to the Forest Directorate, Government of west Bengal, on such timber or other forest-produce shall be realised at the nearest forest office.

(3) Any timber or other forest-produce not covered by a transit pass referred to in sub-rules (2) and (3) of rule 4 together with boats, carts, vehicles or cattle suspected to be carrying the same or any timber which is cancelled in contravention of sub-rule (1) of rule 4, shall be liable to seizure and dealt with further under the provisions contained in Chapter IX of the Indian Forest act, 1927 (16 of 1927), and any cattle seized in this connection shall be liable to be impounded.

8. (1) Any Forest Officer who has seized any forest-produce under rule 7 shall—

(a) Immediately issue a written notice to the

Owner of such forest-produce, or if the owner is unknown, to the person in charge or possession of such forest-produce at the time of seizure, calling upon him to produce proof of the origin of the forest-produce and his title thereto within thirty days from the date of issue of such written notice, a copy of which shall be posted on a Notice Board at nearest forest office, and

(b) Submit a seizure report in the prescribed form without delay to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

(2) The seized forest-produce shall be released or confiscated under the provisions contained in Chapter IX of the Indian Forest Act, 1927 (16 of 1927).

9. (1) Any person dealing in timber fashioned or unfashioned shall register with the Divisional Forest Officer concerned a property mark which, after approval of fees prescribed by the Conservator of Forests concerned, shall be registered in the Divisional Forest office:

Provided that the Divisional Forest Officer may, at his discretion and at any time, require the return of such registered property mark and replacement of the same by a fresh property mark duly approved by him.

(2) All timber imported, exported or moved into, from or within the limits of the area specified in rule 3 shall be marked with a registered property mark in addition to a Government hammer mark as required under rule 4 (3); timber found without a registered property mark and a government hammer mark shall be liable to detention and seizure for enquiry under the provisions of rule 8.

(3) The Divisional Forest Officer may at his discretion permit any one person to register more than one property mark, provided that no two such marks shall have identical design.

(4) "A" certificate of registration showing the design approved by the Divisional Forest officer and duly registered shall be furnished to the owner of a property mark. Certificates must be returned annually to the Divisional Forest Officer for the purpose of renewal.

(5) It shall be within the competence of the Divisional forest Officer to waive the registration of a property mark in cases where small quantities of timber are to be moved within, from or into the area specified in rule 3. Application shall in all such cases be made to the nearest Forest Officer for the issue of a transit pass and the marking of such timber with a Government hammer.

(6) The Divisional Forest Officer may, in consultation with the Collector concerned, provide for the establishment and regulation of Check Posts or Depots at which timber or other forest-produce shall be stopped for examination or for the payment of dues therefor or in order that Government hammer marks may be affixed to the same.

10. (1) There shall be no closing or obstructing of any river, stream or channel or the bank of any river, stream or channel used or capable of being used for the transit of forest-produce; nor shall there be any stoppage of navigation on such rivers, streams and channels for such transit.

(2) The collector of the district may order any person who by any act negligence, has caused such closure, obstruction or stoppage to remove the same within a time to be specified in writing and on the expiry of such period, may cause the obstruction to be removed at the cost of the person to whom such notice has been issued.

11. (1) Any person contravening any of the provisions of these rules shall be punishable to six months or with fine may extend to five hundred rupees or with both.

(2) penalties which are double of these mentioned in sub-rule (1) may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a offence.