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EXTRAORDINARY

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[As modified upto August, 1993]

THE ANDAMAN AND NICOBAR ISLANDS
FOREST PRODUCE TRANSIT RULES
1966

[As modified upto August, 1993.]

No. 7/65/TIM/66/Vol. V.—In exercise of the powers conferred by Sections 41 and 42 of the Indian Forest Act, 1927 (16 of 1927), read with the Notification of the Government of India in the Ministry of Home Affairs No. 69/49/50-AN dated 7-11-1951 and in supersession of his Notification No. 42 of 1953, the Chief Commissioner, Andaman and Nicobar Islands has been pleased to make the following rules, namely:—

1. These Rules may be called the 2 [Andaman and Nicobar Islands] Forest Produce Transit Rules, 1966.

2. In these rules, unless there is anything repugnant in the subject or context:

- (a) 'Forest Produce' means Forest Produce as defined in the Indian Forest Act, 1927 (XVI of 1927).
- (b) "Islands" means 2 [Andaman and Nicobar Islands].
- (c) "Timber" means 'timber' as defined in the Indian Forest Act, 1927 (XVI of 1927).

3. These rules shall apply to Forest Produce from any source within the 2 [Andaman and Nicobar Islands] which are exported or moved by any of the routes from or within the boundaries of the said Islands.

4. (1) Within the limits of the areas specified in rule 3, no person shall conceal any timber.

(2) No Forest Produce shall be moved into from or within the Islands except under cover of a transit pass in the Form 'A' hereto annexed from an Officer of the Forest Department 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) Removal of Padauk timber out of Islands in log or sawn form is strictly prohibited without the prior written permission of the Chief Conservator of Forests, Andaman and Nicobar Islands.

(4) Issue of transit pass for ornamental timber, Marblewood, Chooi, Satinwood, Padauk burr buttresses etc. is strictly prohibited unless covered by permission of the Chief Conservator of Forests, Andaman and Nicobar Islands.

(5) Any person desirous of transporting timber or forest produce shall apply to the Divisional Forest Officer concerned for issue of transit pass. Application for issue of transit pass to cover shipment of timber or other forest produce out of the Islands shall be submitted at least 15 days before the date on which shipment is desired. The applicant shall indicate the species, size and quantity of each category of timber or forest produce and also the source of origin of such timber or forest produce and documentary proof in support thereof. He should also specify in the application the purpose of shipment, route and destination thereof.

(6) The Divisional Forest Officer, on receipt of application for issue of transit pass in the manner prescribed in sub-rule (5) of rule 4 above, shall cause enquiry, as expeditiously as possible, to ascertain the source of origin of the timber or forest produce for which transit pass has been applied for and that there is no local demand for the timber and other forest produce intended for shipment to mainland. On completion of enquiry if the Divisional Forest Officer or his representative is satisfied that there is nothing due to the Government for the timber or forest produce in question and source of origin of the timber or forest produce is in order, he shall arrange for issue of transit pass for shipment of the same to mainland ports.

(7) Transit pass will be issued on working days during working hours only after the timber, in round or sawn form, is impressed with the registered property mark of the shipper and the government hammer mark as provided under rule 9 (3).

(8) All timber in respect of which a transit pass has been issued by the Officers of the Forest Department shall bear a Government Hammer mark. While issuing the transit pass detailed description of

the produce, the property hammer marks and Government hammer mark borne on the timber, both in case of logs and sawn timber, shall be recorded in the transit pass itself.

(9) In the case of shipment to mainland ports, four copies of the transit pass shall be issued in the following manner:—

- (i) First copy to be retained as office copy which shall be kept in the office of issue.
- (ii) Second copy to be given to the owner of the timber/forest produce
- (iii) Third copy to be given to the Govt. Depot officer on the mainland.
- (iv) Fourth copy to be given to the carrier (no shipment shall be allowed without any valid transit pass by the transporting agency).

(10) The transit pass holders shall abide by the transit rules of the states concerned through or to which the timber or forest produce is transported.

(11) The timber or forest produce in transit may be checked by any forest officer of the Andaman and Nicobar Forest Department when required to do so.

4. [(12) Fees for transit passes in respect of different items of forest produce moved from or within the Islands may be levied in accordance with rates as 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 Govt. to regulate the movement of certain kinds of forest produce in short supply from the Islands].

5. The export of all forest produce from the Islands is subject to the control of the Chief Conservator of Forests, Andaman and Nicobar Islands.

6. Any person importing, exporting or moving forest produce into, from or within the Islands or any person in possession or charge of 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 forest produce to which these rules apply, and any cattle cart, vehicle, boat or other vessel suspected to carrying the same, shall be liable to stoppage by any Forest Officer within the Islands for the purpose of examination and check.

(2) Any sum due and payable to the Forest Department, Andaman and Nicobar Islands, on such forest produce shall be realised at the nearest Forest Office.

(3) Any forest produce not covered by a transit pass referred to in sub-rule (2) of rule 6 together with boats, carts, vehicles or cattle carrying the same or any timber which is concealed 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 (XVI of 1927) and any seized in this connection shall be liable to be impounded.

5. [(4) For movement of sawn timber within the municipal limits of Port Blair charter issued by a dealer/saw mill owner which has been approved for use by the Divisional Forest Officer concerned may be treated as transit pass for the purposes of these rules].

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 pasted on a Notice Board at the nearest Forest Office; and

(b) Submit a seizure report in Form 'B' hereto annexed without delay to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

9. (1) Any person dealing in timber fashioned or unfashioned shall register with the Divisional Forest Officer concerned a property mark which, after approval by the Divisional Forest Officer and on payment of fees prescribed by the Conservator of Forests concerned, shall be registered in the Divisional Forest Office. 6 [The property mark so registered shall remain valid for 3 calendar years ending on the 31st December, of the year subject to renewal as required under sub-rule (4) hereunder].

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.

7 [(A) In addition to provisions of sub-rule (1) above, the saw mill owners, shall abide by the following procedure for obtaining transit pass.

(a) The property hammer for a saw mill shall be registered and certificate of registration issued only on the condition that the saw mill owner maintains a register in prescribed form (appendix I) for running of the saw mill and complies with the instructions issued in this regard by the Chief Conservator of Forests from time to time. A monthly abstract of total quantity accepted for saw milling and the total quantity and variety of end products with balance of unconverted stock in hand shall be submitted to the concerned Divisional Forest Officer.

(b) The saw mill owner shall see that (i) at the round timber, sawn timber, and wood waste is properly stacked according to the instructions that may be issued from time to time by the Divisional Forest Officer so as to facilitate stock taking (ii) logs for sawing should not be accepted in the mill unless it bears property marks and is covered by a forest transit pass. For the purpose of this condition all the logs lying in the saw mill or its premises will be considered as the timber in custody of the saw mill owner for sawing or conversion, (ii) timber which does not confirm

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to the requirements of condition (ii) shall not be accepted for conversion and intimation in respect of such timber shall forthwith be given to the nearest Forest Officer and (iv) the saw mill, as well as the timber stored within the premises of the saw mill shall be open to inspection at any time by a Forest Officer of the Forest Department.

(c) In the event of change in the ownership of the saw mill, the above procedure has to be observed afresh for registration of property marks and until fresh certificate of registration is issued by the Divisional Forest Officer concerned, the transfer shall not be recognised.

(d) The owner of the saw mill, which not interested to run the saw mill, shall inform the Divisional Forest Officer concerned accordingly and deposit his property mark duly sealed with the Divisional Forest Officer for safe custody.

(2) All timber, imported, exported or moved into, from or within the limit of the islands shall be marked with a registered property mark in addition to a Government Hammer mark as required under 7 [Rule 4 (8)] timber found without a registered property mark and a Government Hammer mark shall be liable to detention and seizure for enquiry under the provision 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. Certificate 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 islands. 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.

B [NOTE: For the purpose of this provision, small quantity means logs timber not exceeding 2 cubic metre and sawn timber not exceeding 1 cubic metre].

(6) The Divisional Forest Officer, may, in consultation with 9 [the Deputy Commissioner of the District] provide for the establishment and regulation of check posts or depots at which 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 or 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) 9 [The Deputy Commissioner of the District] may order any person who by any act of negligence, has caused such closure or 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 with imprisonment for a term which may extend to six months or with fine which may extend Rs. 500 or with both.

(2) Penalties which are double of those 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 like offence.

1. Rules caused into publication in A & N Gazette, EO. No. 4 dt. 17-1-1966 Vide Admn's Notification No. 7/65/TIM/66/Vol. V dated 17-1-1966.

2. Substituted by Amendments to the said Rules published in A & N Gazette, EO. No. 50 dt. 27-6-1981 vide Admn's Notification date 1 27-6-1981.

3. Existing sub-rule (2) of Rule 4 deleted and sub-rules (3) to (11) inserted by Amendments to the Rules published vide notification, *ibid*.

4. Existing sub-rule (1) of Rule 4 renumbered as sub-rule (12) by Amendments to Rules published vide notification *ibid*.

5. Inserted as sub-rule (4) after sub-rule (3) of Rule 7 by Amendments to Rules published vide Notification, *ibid*.

6. Added by amendments to the Rules published vide Notification, *ibid*.

7. Added/Substituted by amendments to rules, *ibid*.

8. Added by amendments to Rules, *ibid*.

9. Substituted by Amendments to Rules, *ibid*.

FORM 'A'

[See Rule 4 (2)]

FOREST TRANSIT PASS
ANDAMAN FOREST DEPARTMENT

Serial No.....

Book No.....

1. Name and address of Holder :

2. Description of the Produce :

3. Quantity :

4. Source and place of collection :

5. Destination :

6. Route (Road and Sea) :

7. Date of Issuing the pass :

Date of Issuing

8. Date of expiry of the pass :

Expiry of the Pass

9. Number and date of permit issued

for collection of produce :

10. Facsimile of the Hammer Mark :

Signature and Designation
of the Issuing Officer.

Note :- The pass shall be in triplicate form and shall be serially numbered..

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164
162
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FORM B

[Sec Rules 8 (1) (b)]

FOREST DEPARTMENT, ANDAMANS

..... DIVISION

Offence Report No..... Dated.....19

.....
} REVENUE STATION
} RANGE

Nature of Offence

.....
.....

Date and hour of detection.....

Place of occurrence.....

By whom detected.....

REFERENCE TO SECTIONS OF THE FOREST ACT AND INDIAN PENAL CODE

(To be filled in by the Divisional Forest Officer)

.....
.....

Names of Accused

PLACE OF RESIDENCE

Name	Father's name	PLACE OF RESIDENCE		
		Village	Thana	District

Names of Witnesses

(Full report of facts overleaf)

THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, AUGUST 1952

FULL REPORT OF ALL THE FACTS IN DETAIL

(To be framed not later than the day after the occurrence)

Division

Revenue Station

Name of Officer

Date

Place of occurrence

By whom reported

Reference to sections of the Forest Act and Indian Penal Code

(To be filled in by the District Forest Officer)

Name of Assessee

PLACE OF RESIDENCE				
House No.	Street	Village	Taluk	District

(Log Timber Receipt) Register Annexure I

Sl. No.	Date	Ref. to receipt Registered	Log No.	Species	Details of sawm sizes		Total Quantity in m ³	Local sale in quantity	Challan No. and date	Shipment quantity	Shipment No.	Ref. to shipment T.P. No.	Remarks
					Length in cm	Girth in cm							
1	2	3	4	5	6	7	8	9	10	11	12	13	

(Log Conversion and Disposal Register)

Sl. No.	Date	Ref. to receipt Registered	Log No.	Species	Log sizes		Volume in m ³	Date of conversion	Sawn m ³	quantity	Ref. to Conversion Register	Remarks
					Length in cm	Girth in cm						
1	2	3	4	5	6	7	8	9	10	11	12	13

OFFICE
 OF THE
 FOREST OFFICER
 ...
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