

## N.W.F.-P FOREST PRODUCE TRANSPORT RULES 1975

[N.W.F.-P. Gazette 17th February 1976].

**NO. SOFT (FAD) V-168/71**—In exercise of the powers conferred by section 41 of the Forest Act, 1927 (Act XVI of 1927), the Government of the North-West Frontier Province are pleased to make the following rules for regulating the transport of timber, firewood and other forest produce by land :—

*1. Short title, extent and commencement.*—(1) These rules may be called the North-West Frontier Province Forest Produce Transport Rules, 1975.

(2) They shall come into force at once.

(3) They shall apply to the whole of the North-West Frontier Province (including the Provincially Administered Tribal Areas), except Hazara District.

*2. Definition.*—(1) In these rules.

(a) "Check Posts" mean any place fixed for checking of timber, firewood or other forest produce while in transit as determined by the Chief Conservator of Forests from time to time.

(b) "Chief Conservator of Forests" means the Chief Conservator of Forests, North-West Frontier Province.

(1) All words used in these rules and defined in the Forest Act, 1927, shall be deemed to have the meanings respectively attributed to them by the said Act.

*3. Prescription of authority for transportation.*—All timber, firewood, or other forest produce sold or obtained from the reserved forests, protected forests, wastelands and other places in the areas to which these rules are applicable or brought into the said areas from elsewhere shall be covered by a transport pass issued by a Divisional Forest Officer having jurisdiction in the area and be accompanied by a challan. The transport pass and challan shall be as prescribed and supplied by the Forest Department on payment of such price and in such manner as the Chief Conservator of Forests may determine from time to time :

Provided that the timber obtained from private wastelands, reserved forests or protected forests by right-holders or free grantees for their domestic requirements within the limits of the village in which such forest is situated, shall be exempted from the accompaniment of the transport pass and the challan and only the free grant permit granted originally shall suffice :

Provided further that the timber obtained or purchased from a registered sale depot shall be exempted from the accompaniment of the transport pass but shall be covered by an invoice/challan issued by the depot-holders on the form approved by the Chief Conservator of Forests :

Provided further that in case of firewood or other forest produce, obtained by right-holders from waste-lands and other places and being transported for

domestic purpose, from places other than the place of their residence, a transport pass shall be issued without payment of any fee :

Provided further that the transport of firewood and other forest produce, by head-loads and pack-loads by the right-holders for their domestic use shall be permitted at all times without any restriction :

Provided further that the timber, firewood and other forest produce brought from Federally Administered Tribal Area and covered by permit issued by Political Agent concerned be considered as if transported with the permission of the Forest Department under this rule .

4. *Prohibition of transport between sunset and sunrise*—No timber, firewood or the forest produce shall be transported by land between the hours of sunset and sunrise.

5. *Form of transport pass*—(1) The transport pass shall specify the kind and quantity of timber, firewood, or other forest produce, the owners or the person in charge of it, the places from where obtained and the places for which destined and shall authorise transport within a fixed period.

(2) All such timber, firewood, or other forest produce shall be transported only in accordance with the conditions of the transport pass.

6. *Refusal of transport pass* - The authority empowered to issue transport pass may refuse the same if it has reason to believe that the timber, firewood or the forest produce has not been legally obtained by the applicant.

7. *Fixation of property mark*—Unless exempted by rule 8 or by special permission of the authority mentioned in rule 3, no timber shall be transported by land within the areas to which these rules are applicable unless it bears hammer marks—

- (i) in case of timber belonging to the Forest Department or of other Government Department, the property mark of such Department ;
- (ii) in case of timber sold by or obtained from the Forest Department or from the forests worked under the supervision of the Forest Department, the Forest Department pass mark ;
- (iii) in case of other timber, the person wishing to so transport it by land shall apply to the appropriate authority mentioned in rule 3 who may either cause it to be marked with a hammer or if it is not possible to do so may exempt it from such markings ; and
- (iv) in case of timber brought from Federally Administered Tribal Area with duty paid hammer mark of the Forest Department.

8. *Exemption from fixation of property marks*—(1) Rule 7 does not apply to wood pieces suited only for use as firewood being split, or in the round and ballis of any length and under 2 feet girth at thick end.

(2) Without prejudice to any liability incurred under the provisions of section 52 of the Forest Act, 1927, rules 3 to 7 do not apply to articles of wooden furniture, carts, carriage, agricultural, domestic or other implements or to pieces thereof.

9. *Establishment of check post*—The Chief Conservator of Forest may establish check posts and cause road barriers to be erected in appropriate places to be erected transport of timber, firewood or other forest produce by land within the areas to which these rules are applicable.

10. *Procedure for inspection and handing of forest produce being transported*—(1) Any person incharge of timber firewood or other forest produce the transport pass and the covering challan, if any, for the inspection of the Forest Officer incharge of the check post and shall be provided facilities for examination of the consignment in question.

(2) If such Forest Officer finds that the timber, firewood or other forest produce is being transported in accordance with these rules, he shall allow it to proceed to its destination. On the other hand, if the Forest Officer finds that the transport is not in conformity with these rules, he shall forbid such transport and seize such timber, firewood or the forest produce into the matter according to the provision of the Forest Act, 1927.

11. *Supplementary provisions for checking and inspection of forest produce in transit*—Any Forest Officer or Police Officer may stop and examine such timber or other forest produce in transit in respect of which there is reason to believe that any money is payable to Government on account of any duty, fee royalty or charge thereof, or for the purpose of check provided by these rules and may compare it with the transport pass and covering challan, if any.

(2) Any person engaged in the transport of such timber, firewood or other forest produces shall produce such transport pass and the covering challan, if any, and shall provided facilities for such examination.

(3) Any irregularity noticed shall be dealt with as provided in sub-rule (2) of rule 10.

12. *Penalties for infringement*.—Any person who infringes any of the provisions of these shall without prejudice to any liability incurred under the provision of section 52 of the Forest Act, 1927, relating to seizure and confiscation be liable to imprisonment of either description for a term which may extend to six months or to a fine which may extend to five hundred rupees or both.

The timber, firewood or other forest produce being transported in contravention of these rules and being seized during transportation within the areas to which these rules are applicable shall be presumed to be Government owned and so shall be any conveyance used in the transport of such timber, firewood or other forest produce.