

**Government of Jammu & Kashmir
Forest, Environment & Ecology Department
Civil Secretariat, Jammu**

Notification,

Jammu, the 2nd March, 2020

S.O 81 :- In exercise of the powers conferred by sections 41 and 42 of the Indian Forest Act, 1927 (16 of 1927), the Lieutenant Governor, is pleased to make the following rules, namely:-

1. Short title, extent and commencement.– (1) These rules may be called the Jammu and Kashmir Forest Produce Transit Rules, 2020;

(2) These rules shall apply to whole of the Union Territory of Jammu and Kashmir;

(3) They shall come into force with effect from 31st of October, 2019.

2. Definitions.– (1) In these rules, unless the context otherwise requires, –

- a. **“Act”** means the Indian Forest Act, 1927 (16 of 1927);
- b. **“Check Post”** means any place so specified under the provisions of these rules for checking and regulating the movement of forest produce;
- c. **“Conservator of Forests”** means an officer holding the charge of the territorial forest circle concerned;
- d. **“Divisional Forest Officer”** means an officer holding the charge of the territorial forest division concerned;
- e. **“E-Way Bill”** means a document generated electronically on the Goods and Service Tax E-Way Bill System under the relevant provisions of the Central Goods and Services Tax Rules, 2017;
- f. **“Government”** means the Government of Union Territory of Jammu and Kashmir;
- g. **“Principal Chief Conservator of Forests”** means an officer holding the rank of Principal Chief Conservator of Forests and heading the Forest Department in the Union Territory of Jammu and Kashmir;
- h. **“River”** includes streams, canals, creeks and other channels natural or artificial;
- i. **“Schedule”** means the Schedule appended to these rules;

j. **"Union Territory"** means the Union Territory of Jammu and Kashmir.

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

3. Setting up of check post(s).- (1) The Conservator of Forests may, by notification in the official Gazette, establish check posts for the examination of forest produce in transit and for collection of dues on such forest produce.

(2) The Conservator of Forests may also establish barrier or gate for aforesaid purposes on such routes and places as he may deem necessary.

(3) At every check post, a record of forest produce passing through the check post shall be maintained.

4. Conditions for transit of forest produce.- (1) No person shall move any forest produce into or from, or within the Union Territory by land, water or air unless such forest produce is accompanied by a permit as prescribed under rule 5.

(2) No such permit 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 Union Territory except when such collection is carried out as per specific provisions provided in that act, rule or order.

(3) Notwithstanding anything contained in sub-rule (1), no transit permit shall be required for transport of forest produce listed in Schedule -1.

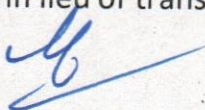
5. Transit permit.- (1) The transit permit shall be in such form as may be prescribed by the Principal Chief Conservator of Forests and shall, *inter alia*, specify the kind and quantity of forest produce, the mark it bears and the place it came from.

(2) The Divisional Forest Officer shall authorize officers not below the rank of Forester in their respective territorial jurisdictions for issuance of transit permit.

(3) The forest officer issuing the transit permit shall levy such fees as notified by the Government.

(4) A printout of E-Way bill generated from the Goods and Service Tax E-Way Bill System shall be deemed to be a transit permit issued under these rules.

Explanation: The provisions of section 7 to 9 shall be applicable when E-Way bill is used in lieu of transit permit for transportation of forest produce.



6. Application for transit permit and orders thereon.— (1) Persons intending to transport forest produce shall apply for transit permit to the Divisional Forest Officer.

(2) On receipt of the application the Divisional Forest Officer, after such enquiry as required, shall accord the permission to transport the forest produce subject to the conditions prescribed therein. The validity of such transportation permission shall be as deemed reasonable by the Divisional Forest Officer but shall not be more than four months.

(3) The Divisional Forest Officer may, for reasons to be recorded in writing, refuse the grant of transportation permission to an applicant. Such orders for refusal shall be communicated to the applicant.

(4) An appeal may be preferred against the order of refusal passed by the Divisional Forest Officer under sub-rule (3) within thirty days from the date of receipt of the order before the Conservator of Forests. The decision of the Conservator of Forests in the matter shall be final.

(5) Any person who furnishes incorrect or false information in his application for transit permit shall be deemed to have contravened the provisions of these rules.


(6) Acceptance of the information furnished by the applicant by a forest officer shall be deemed to be an act done in good faith.

7. Transport routes and other conditions.— (1) The Principal Chief Conservator of Forests shall notify from time to time in Official Gazette, the routes in the Union Territory through which alone forest produce may be imported into or exported from the Union Territory.

(2) The authority issuing a transit permit for transportation of forest produce 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 compulsorily checked. Transportation of forest produce by any route other than the route prescribed in the transit permit shall be deemed illegal.

(3) The Divisional Forest Officer may impose restrictions on movement of forest produce after sunset and before sunrise, if required.

8. Retention of transit permit.— Any person, to whom a transit permit is issued under these rules shall be bound to follow the directions given in the transit permit and to retain it with him so long as the forest produce covered by the transit



permit, remains in his possession and to produce it for inspection at any time before it is disposed of, if and when required by any forest officer.

9. Inspection of vehicles and checking of forest produce in transit.- (1) A person in charge of any vehicle, whether carrying any forest produce or not, shall stop his vehicle for inspection at any check post if required to do so by the officer in charge of such post.

(2) Forest produce in transit by land, rail, water is liable to inspection by any forest officer or police officer not below the rank of sub-Inspector, and, the transit permits shall be produced on demand before any such officer.

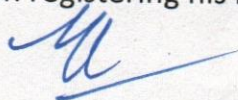
(3) All boats, carts, vehicles or other means of conveyance used for transportation of forest produce shall be stopped by the person-in-charge when required to do so by any such officer. The checking officer may open and search any baggage or other things in the possession of such person, or being transported in the same conveyance, where there are reasonable grounds for believing that an offence under the Act, or these rules has been committed. All forest produce shall be liable to be unloaded for proper checking, if so required by the checking officer.

(4) As soon as the forest produce has been checked and found correct the transit permit against which the forest produce is being transported shall be endorsed by the forest officer in charge of the check post under his signature, date and time with the word "**CHECKED.**" If the forest produce being transported is not in accordance with the transit permit, the forest produce shall be liable for seizure and confiscation.

10. Registration of property mark and its use.- (1) All persons who want to transport forest produce shall register at the office of the Divisional Forest Officer the mark or marks which indicate their property rights in such forest produce.

(2) No person shall be allowed to register any mark(s) already registered in favour of other persons or Department. The Divisional Forest Officer may refuse registration of any mark(s) which according to him closely resembles any mark(s) already registered.

(3) Every registration under this rule shall be valid for three years from the date of registration. A certificate showing the mark(s) registered or a facsimile thereof, the date of registration and the period for which it is valid shall be issued to every person registering his mark(s).



(4) Any person who entrusts his property mark to his authorized agent or any other person, shall be liable for the consequences of any illegal act committed under these rules by such authorized agent or other persons.

(5) All timbers other than those listed in Schedule - 2, while on transit shall bear the registered property mark of the owner.

11. **Bar on booking of forest produce by rail, by post and by air.-** No person shall offer any forest produce for transportation by rail on any railway station or by post at any post office or by air on any airport within the Union Territory of Jammu and Kashmir unless it is covered by a transit permit issued under these rules and no Railways, Postal, Airport authority or Airlines shall accept any forest produce for transport by rail, post or air unless it is accompanied by a valid transit permit.

12. **Saving.-** All acts done, proceedings taken and orders issued under the River Rules (Order of 16 December, 1907) and Land Transport Rules (Order 448 of 1935) before the commencement of these rules, shall continue to have force and effect as if these rules have not come into force.

This notification shall be deemed to have come into force with effect from 31st of October, 2019.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Sarita Chauhan) IAS


Commissioner/ Secretary to Government
Forest, Ecology & Environment Department

No.:- FST/Land/55/2019

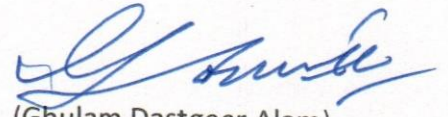
Dated: 02 -03-2020

Copy to the:

1. Secretary to Government of India, MoEF&CC, New Delhi.
2. Prpl. Secretary to Hon'ble Lieutenant Governor, J&K.
3. Prpl. Secretary to Government, Revenue Department.
4. Jt. Secretary, (J&K), Ministry of Home Affairs, Government of India.
5. Secretary to Government General Administration Department.
6. Secretary to Government, Department of Law, Justice and Parliamentary Affairs .
7. Pr. Chief Conservator of Forests, J&K, Jammu.
8. Chief Conservator of Forests, Jammu/Kashmir.
9. General Manager, Government Press, Jammu for publication of the SRO in next Government Gazette.
10. Pvt. Secy. to the Chief Secretary J&K.
11. Pvt. Secy to Commissioner/ Secretary to Government, Forests, Environment & Ecology Department.



12. Pvt. Secy to Secretary (Technical) Forests, Environment & Ecology Department.
13. Concerned file.



(Ghulam Dastgeer Alam)

Under Secretary to Government
Forest, Ecology & Environment Department

SCHEDULE - 1

[Vide Rule 4 (3)]

A. Forest produce obtained from the following species when growing outside the forest is exempt from the requirement of transit permit:

| # | Name |
|---|--|
| 1 | Bamboo |
| 2 | <i>Populus spp</i> (Poplar) |
| 3 | <i>Salix spp</i> (Willow) |
| 4 | <i>Ailanthus excelsa</i> |
| 5 | <i>Acacia nilotica</i> (Kikar) |
| 6 | <i>Eucalyptus spp</i> (Safeda) |
| 7 | <i>Albizzia spp</i> (Siris) |
| 8 | Apple, Pear, Plum, Peach, Apricot, Cherry, Guava |

The exemption above is without prejudice to the routine checks exercised by the forest officers along transit routes and subject to the following procedure:

1. While transporting the forest produce, the owner/ buyer/ transporter of the consignment shall carry a declaration made on plain paper giving the following information duly attested by the *Lambardar* of the concerned village -
 - a. Name, parentage and address of the grower
 - b. Village name and Khasra Number of the plot from where the forest produce is harvested
 - c. Name of species and number of logs/ approximate quantity being transported
 - d. Particulars of the buyer and/or transporter
 - e. Destination
 - f. Date and time
2. When the vehicle carrying the forest produce crosses a forest check post, the information above shall be submitted to the officer in charge of the said check post.
3. The in charge check post shall enter the details listed at 1 above in a register maintained for the said purpose and place a stamp on the declaration free of any charge.
4. The officer in charge of the check post shall send abstract of such transportation to the Range Officer concerned on monthly basis who, in turn, will furnish the consolidated information to the Divisional Forest Officer.

B. Timber, firewood or any other forest produce being transported within the limits of a municipal committee or municipal corporation when accompanied with a Goods and Services Tax invoice and depot permit issued by a dealer registered under the Jammu and Kashmir Forest Produce (Sale and Registration of Depot) Rules, 2019.

SCHEDULE – 2

[Vide Rule 10 (5)]

1. Khairwood.
2. Sawn timber where the smallest dimension is less than 5 centimeter in thickness and does not exceed 120 cm in length.
3. All firewood when it has been split to pieces below 30 centimeter in girth.
4. Timber imported from outside India.

