

# **\*The Orissa Timber and other Forest Produce Transit Rules, 1980**

**1. Short title and commencement** - (1) These rules may be called the Orissa Timber and Other Forest Produce Transit Rules, 1980.

(2) They shall come into force on the date of their publication in the *official Gazette*.

**2. Definitions** - (1) In these rules, unless the context otherwise requires—

- (a) "**Act**" means the Orissa Forest Act, 1972 (Orissa Act 14 of 1972);
- (b) "**Contract area**" means area covered by a forest contract;
- (c) "**Checking Station**" means any place specified in this behalf to be a checking station and notified by the Divisional Forest Officer in the *official Gazette*.
- <sup>1</sup>[(cc) "**Depot**" means any place where timber including sawn sizes or any other forest produce is stored for trading purpose and includes a storage godown, show room, retail outlet and such other place;]
- (d) "**Fire wood**" means wood which is unfit for any purpose other than fuel;
- (e) "**Foreign transit permit**" means a permit issued by a competent authority of another State or Union territory for movement of forest produce originated from that State or Union territory.
- (f) "**Forest Contract**" means a contract whereby Government agrees to sell and the purchaser agrees to buy the forest produce under the Orissa Forest Contract Rules;
- (g) "**Form**" means a form appended to these rules;
- (h) "**Minor Forest Produce**" means forest produce other than timber, fire-wood, charcoal and bamboos;
- (i) "**Schedule**" means the Schedule appended to these rules.

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

**(3) Routes** - (1) Land routes: The Chief Conservator of Forests shall notify from time to time in *Official Gazette*, the routes in the State of Orissa through which forest produce may be imported, exported or moved into from or within the State.

(2) Water routes: (a) the rivers and their banks as specified in Schedule shall be available for transport of forest produce.

(b) No person shall cause any diversion to the water routes or cause obstruction in the channels or on banks of the river specified in Schedule I.

(c) The Collector of the district shall have the power to order the removal or any obstruction on the banks or the channels or destruction of unauthorized diversions of any river specified in Schedule I and to recover the cost thereof from the person or persons responsible for such obstruction or diversion.

(d) The Divisional Forest Officer shall notify in the *Official Gazette* the names of places on the river banks selected by him as checking stations.

**4. Transit permit** - Except as provided in Rule 5, all forest produce in transit by land, rail or water shall be covered by a permit hereinafter called the "Transit Permit" to be issued free of cost by the Divisional Forest Officer or by the Assistant Conservator of Forests, authorized by him in that behalf:

Provided that the Range Officer or a Forester when duly authorized in that behalf by the Divisional Forest Officer may issue transit permit in cases where no verification at the stump site is necessary:

Provided further that in respect of a minor forest produce collected by the Orissa State Tribal Development Co-operative Corporation Ltd., a Branch Manager or a Divisional Manager and in respect of tassar cocoon collected by the State Tassar Co-operative Society Ltd., Orissa, the Assistant Director of Sericulture can issue transit permits:

<sup>1</sup>[Provided also that for the removal of timber and fire-wood obtained from trees (excluding those species mentioned in Schedule-II) up to two hundred and fifty in number raised in "Farm Forestry" or "Forest Farming for the Rural Poor" plantations under the Orissa Social Forestry Project, the Range Officer may issue the transit permit]:

<sup>2</sup>[Provided also that for removal of bamboos for industrial and commercial purposes from the Sale depots of the Orissa Forest Development Corporation Ltd., the Supervisors of the said Corporation who have passed Matriculation may issue the transit permit].

**CASE LAWS :** Grant of T.T. permit in respect of the trees standing over applicant's land – D.F.O. did not grant T.T. permit on the ground that application not made in prescribed form – Trial Judge held order of D.F.O. as correct – Discussing the facts and finding held, vendor of

appellant filed applications in prescribed form – On the basis of their applications joint verification was conducted and no discrepancies detected – When all the formalities/enquiries were made and enumeration list and conversion list were prepared on the applications of the appellant's vendors the D.F.O. ought to have granted T.T. permit – Compensation is awarded for the loss of the actual pecuniary benefit which a beneficiary might reasonably have expected to enjoy-Matter remanded to trial Court to assess the evidence on record with regard to the claim of damages : **2002 (II) OLR (NOC) 61.**

Rule 4 is not by itself a penal provision – The penal provision is Rule 21: **1989 (II) OLR 124.**

Removal of trees as timbers from private land – The provisions of the Act are not applicable to the sale in question since the purchase was of the year 1981 and the Act came into force on 28.12.1983: **1994 (II) OLR 135.**

**5. Cases in which permit shall not be required** - (1) No transit permit shall be required to cover transit of forest produce in the following cases, namely:

- (a) for the transit from the contract area of forest produce purchased by the Forest Contractors whose contracts are governed by the Orissa Forest Contract Rules and duly covered by a coupe permit;
- (b) for the transit of forest produce whose removal is covered by Forest Department permits;
- (c) for the transit of minerals leased out under the Mineral Concession Rules;
- (d) for the transport of <sup>1</sup>[Bamboo] timber and fire-wood bearing Orissa Forest Departments hammer mark where removal is covered by depot permit;
- (e) for removal of forest produce other than timber, bamboos and minerals of any description required by transits, having recognized rights under any law in force for their *bona fide* domestic use but not for trade or barter subject to the condition that Tribals can transport or possess up to fifty Kgs. of tamarind and ten bundles of hill brooms without transit permit;
- (f) for timbers not grown in India;
- (g) for timber that is cut or fashioned otherwise than is usually done before timber is removed from the forests or the saw mills and saw pits;
- (h) for fire-wood not exceeding one head load;
- (i) for transport of minor forest produce within the district except lac, tassar, myrabolans, gums and resin, root or patalagaruda, sal seed, tamarind and hill

brooms, subject to such limit of transport and storage without transit permit as may be notified by State Government in the *Official Gazette* for different items;

(2) When any forest produce removed by permits referred to in Clauses (a) (b) and (d) of Sub-rule (1), are unloaded at their destinations, they cannot be transported under the authority of the said permits unless transit permits are obtained under Rule 4.

**CASE LAWS:** Bamboos – Transit permit – Necessity of – Judicial concern for ecology indicated: **1997 (II) OLR 354: AIR 1998 Ori. 54.**

Marks should be given when making seizure – No marks given – No link that the bamboos were carried by Truck – Confiscation improper.

**Per Tripathy, J.** – While agreeing with the final decision of Hon'ble CJ it was held – Forest produce – What it means stated – Rules 5 (1) (d) and (e) of the Transit Rules explained – Held, it cannot be stated that bamboo is not a forest produce and needs no transit permit – Decision of dist. Judge not correct to that extent – Duty of officers stated: **1997 (II) OLR 354.**

**6. Form of permit** - The transit permit shall be in Form No. 1.

**7. Application for permit and orders thereon** - (1) Persons desiring to remove forest produce under Rule 4 shall apply for transit permit to the Forest Officer having jurisdiction in Form II or Form III, as the case may be, together with the declaration and undertaking as embodied therein.

<sup>2</sup>[(1-a) Persons desirous of removing forest produce mentioned in Schedule III to destinations outside the State shall apply in Form III-A, as an affidavit confirming the ownership of the produce to be exported, the details of the species and the number of logs with dimensions.]

(2) On receipt of application, the Forest Officer having jurisdiction shall cause an enquiry, where necessary, in the manner prescribed hereinafter, before issue or refusal of transit permit:

<sup>1</sup>[Provided that no enquiry may be necessary in cases mentioned in Sub-rule (1-A) if the certificate as required in the said sub-rule is furnished along with the application].

(3) An appeal may be preferred against the order of refusal passed by the Forest Officer under Sub-Rule (2) within thirty days from the date of receipt of the order, before the Conservator of Forests of that Circle, if the order appealed against is that of the Divisional Forest Officer or before the Divisional Forest Officer of that Division, if the order appealed against is that of the Assistant Conservator of Forests or Range Officer or the Forester, and the decision of the appellate authority in the matter shall be final.

(4) In the case of an application for removal of forest produce from one's own private holding for *bona fide* domestic use, if no order is passed either refusing or granting the permit

within forty-five days of the receipt of the application, the applicant shall be at liberty to file a representation before the Conservator of Forests of that Circle who shall pass order within sixty days of the date of the receipt of such representation and such order shall be final.

(5) All orders refusing to grant transit permit shall be in writing and shall state the reasons of the refusal, and shall be communicated to the applicant.

(6) Any person who furnishes incorrect information or false declaration in Form II or Form III shall be deemed to have contravened the provisions of these rules.

(7) Acceptance of the declaration of the applicant by the Forest Officer shall be deemed to be an act done in good faith.

<sup>1</sup>[(8) In the case of an application for removal of timber and other forest produce from private holdings the following procedure shall be followed, namely:]

(a) The application for transit permit shall be made by the owner of the plot (s) in Form-III (in duplicate) to the Divisional Forest Officer (hereinafter referred to as “the Divisional Forest Officer”) having jurisdiction.

<sup>2</sup>[(a-i)) On receipt of an application under Sub- rule (1), the D.F.O. of the A.C.F. shall endorse the application within a fortnight for transit beyond the border of the State:

Provided that in case of refusal, the D.F.O./A.C.F., as the case may be, will communicate the reasons in writing to the applicant.

*Note 1- Only timber in non-sawn form will be issued an endorsement under Clause (a-i) of Sub-rule (8) of Rule 7,*

*Note 2 - Any agent or intermediary wishing to transport a transit free species across the border, on behalf of owners, shall carry with him authenticated copies of the authorization as provided under Clause (a-i) Sub-rule (8) of Rule 7.]*

(b) On receipt of the application the D.F.O. shall scrutinize it and send one copy thereof to the concerned Tahasildar within fifteen days of such receipt for joint verification the field.

(C) On receipt of copy of such application from the Divisional Forest Officer, the Tahasildar shall examine the matter with reference to the records and intimate to the D.F.O. within a period of fifteen days of such receipt authorizing an officer not below the rank of Revenue Supervisor, if the Tahasildar himself cannot participate in the joint verification, to attend the joint verification.

- (d) On receipt of intimation from the Tahsildar, the D.F.O. shall fix the date (s) of joint verification by the Forest and the Revenue Department Officials, and intimate the same to the Tahsildar. The Assistant Conservator of Forests or the Range Officer as may be duly authorized by the D.F.O. in that behalf shall take up the joint verification. The Tahasildar or the Revenue Supervisor authorized by him shall attend the joint verification on the date fixed by the D.F.O. The applicant shall bear the Amin fees if any, for requisitioning the services of the Amin for the office of the Tahasildar for the purpose of joint verification the exercise of joint verification shall include complete joint verification with reference to the village map and Record-of-rights to determine in the field the boundaries of each of the plots and also the boundary of the adjoining forest block, if any. It will also include the enumeration of the trees and bamboos standing in each plot, and verifying the ownership of the plots in question with reference to the Record-of-rights and by local enquiries. In case of the application for removal of bamboos, the joint verification shall include complete verification of such bamboos (counting of existing bamboos). In respect of trees, joint verification shall include quantity of expected converted timber besides identification of species, diameter In respect of fire-wood joint verification shall include estimation of firewood from lops and tops. A detailed enumeration list in triplicate and map of the surveyed area shall be appended to the joint verification. The report of joint verification and enumeration of trees and bamboos standing on the plots as mentioned in the application for transit permit shall be submitted jointly by the concerned officials to the Tahasildar, who will thereupon forward the same after necessary scrutiny at his level to the D.F.O. After necessary scrutiny, the D.F.O. will communicate the result of joint verification to the applicant. The whole process of conducting the joint verification and communicating the results thereof to the applicant should be completed within 60 days from the date of receipt of intimation from the Tahasildar.
- (e) In case of any discrepancy found in the joint verification report, the D.F.O. shall make specific order indicating reasons and shall intimate the same to the applicant within the same period as mentioned in Clause (d), who shall remove the discrepancy within fifteen days of the receipt of the orders.
- (f) The D.F.O., if he considers expedient, may have a test check either by himself or through the Assistant Conservator of Forests, after obtaining necessary orders in that regard from the concerned Conservator of Forests. The test check, if any, shall be completed within thirty days from the date of receipt of the intimation from the applicant regarding removal of discrepancy, or from the date of joint verification showing no discrepancy, as the case may be. If test check is not

completed within the stipulated period, it shall be deemed to have been done with no discrepancy found.

- (g) After completion of the joint verification or of the test check, if any, made, the D.F.O. shall direct the applicant to register his property hammer mark with him on deposit of the required fees which shall be done within ten days.
- (h) The applicant shall thereafter submit a list of conversion of trees and bamboos felled and converted by him over the plots in triplicate and put the facsimile of the registered property mark on either ends of all timber including wood-billets.
- (i) The D.F.O. shall thereafter get the timber including round wood-billets branded with the Forest Department hammer mark bearing letters "P.T" within fifteen days from the date of receipt of list referred to in Clause (h).
- (j) The applicant thereafter submit within a week a list in triplicate specifying the number, species, size of timber and/ or quantity of fire-wood and/or quantity of other forest produce proposed to be removed. Within ten days of receipt of the documents, the D.F.O. or the Assistant Conservator of Forests authorized in that behalf, as the case may be, shall, after proper verification of the documents allow removal of the timber/ fire-wood/ other forest produce by issue of the required timber transit permit.
- (k) One day before the actual removal timber/fire- wood/other forest produce, the applicant shall inform in writing to the authority granting permit, the vehicle number and the route in which the removal is to be made.

**CASE LAWS:** Timber Transit Permit- Form filled up but Clause (e) of form vide Rule 7 (a) not filled up properly- Held, defective applications- Divisional Forest Officers passed order for joint verification- Application being incomplete, either the applicant should have been called upon to furnish the required particulars or that application should have been rejected in limine- illegal orders of the concerned forest officials and authorities- Matter serious- Direction on action to be taken indicated: **2005 (Supp.) OLR 617.**

Rule 7(8) Scheme for removal of Timber, firewood and bamboos from private holdings- Explained: **1994 (I) OLR 250.**

Rule 7 and 8- If the timber is private timber, the concerned Officer of Forest should grant permit free of cost expeditiously after due enquiry- The rules are never meant for oppression of owners of timber-Rules must be attended to with reasonable speed otherwise it will be detrimental to the interest as well as property of the owner: **1986 (II) OLT 632.**

<sup>1</sup>**[8. Establishment and operation of Depots-** No person shall establish or operate a depot without due intimation to the Divisional Forest Officer having jurisdiction and every

owner of 'Depot' shall submit such reports and returns to the D.F.O. as prescribed by him for the purpose of regulation of depot from time to time.]

<sup>2</sup>[**8-A. Depot permit** - The Divisional Forest Officer may from time to time notify the places other than rail heads, river banks, saw mills and factory premises, wherefrom owners having depots of timber and firewood billets bearing Forest Department hammer mark and bamboo, may remove such material by using depot permits issued previously by or with the permission of the Divisional Forest Officer.]

**9. Form of depot permit** – <sup>1</sup>[Depot Permit shall be in Form IV and shall be valid for transit of timber, bamboo and firewood within the jurisdiction of the Division, issuing Depot of Permit Book. Permits shall be in triplicate and bound books. Each book shall bear an identifying number and the permits in each book shall be numbered serially. Before issue, each page of the permit book shall be rubber stamped with the name of the produce "Bamboo", "Timber" or "Firewood", as the case may be, for which it shall be used.]

**10. Conditions regulating use of depot permits** - An owner of the depot to whom permission <sup>1</sup>[has been given under Rule 8-A] shall abide by the following conditions, namely:

- (a) He shall pay security deposit duly pledged to the said Divisional Forest Officer at 5 per cent of the market value of the maximum quantity <sup>3</sup>[of timber, bamboos or firewood] or all of these three major forest produces that he may store at any time subject to a minimum of rupees one thousand for the due observance of the provisions of these rules:

<sup>2</sup>[Provided that the Chief Conservator of Forests may exempt wholly or partly any Government Department of any State-owned undertaking or Corporation or any Co-operative Society from payment of security deposit prescribed under this rule];

- (b) He shall not bring or store at his depot any forest produce other than <sup>1</sup>[bamboo or timber or firewood] —
  - (i) which do not bear the Forest Department hammer mark;
  - (ii) which are not checked on route; and
  - (iii) whose transit from the source of collection or origin up to the depot is not covered by permit issued under Rule 4 or depot permit under Rule 8.
- (c) The permits referred to in Clause (b) shall be retained by him up to six months from the date of complete disposal or removal from the depot of all the forest produce brought under such permits and shall be produced for inspection within that period on demand by a Forest Officer having jurisdiction.



- (d) He shall not remove from the depot any timber or firewood unless accompanied by a depot permit signed by himself or by his authorized agent approved by the Divisional Forest Officer.
- (e) He shall obtain the depot permits on payment from the Range Officer in whose jurisdiction the depot is located. Each depot permit shall bear the official seal of the Divisional Forest Officer of the Division.
- (f) He or his authorized agent, as the case may be, shall issue the original permit to the person removing the forest produce and send the first carbon copy to the Range Officer having jurisdiction on the same day of issue of the permit and retain the second carbon copy in the book as a counterfoil. All corrections or rewritings shall be duly attested by the person issuing the depot permits.
- (g) He shall return the permit book as soon as it is completely used up or after the forest produce for the removal of which the permit book was issued, is disposed of, whichever is earlier and on cancellation of the permission under Rule 11, all partially used permit books shall be returned to the Range Officer and receipt obtained to this effect from him.
- (h) He shall at all times allow Forest Officer having jurisdiction over the area to inspect the premises and the <sup>1</sup>[bamboo or timber or firewood] for which permission is granted under Rule 8 and shall produce the permits referred to in Clause (b) for inspection on demand by the officer.
- (i) He shall maintain a register in Form V showing correct account of the <sup>1</sup>[bamboo, timber and firewood] brought to (with reference to the transit permit or the coupe permits concerned) and removed from the depot, and such register of accounts shall be open to inspection at any time by the Divisional Forest Officer or any Forest Officer duly authorized in this behalf by the Divisional Forest Officer.
- (j) He shall be subject to the general supervision of the Divisional Forest Officer in respect of issue of depot permits and the quantity of <sup>1</sup>[bamboo or timber or firewood] covered by each, and the Divisional Forest Officer may pass written order to regulate the manner in which such permits shall be written and may vary such regulations.
- (k) The permit book issued for a particular forest produce shall be used only for that produce whether for <sup>1</sup>[bamboo or timber or firewood]. The permit book is not transferable and shall only be used by the person to whom it is issued or by his authorized agent.

**11.** In case of contravention of any of the provisions of Rule 10 by any person who has been permitted by the Divisional Forest Officer to use depot permit, such permission is liable to be cancelled and the security deposit paid by such person may, in whole or in part, be forfeited by the Divisional Forest Officer without prejudice to any action that may be taken against him under Rule 21:

Provided that before the order of forfeiture is passed, the owner of the depot shall be given a reasonable opportunity of being heard.

**12. Retention of Transit Permit** - Any person, to whom a Transit Permit is issued under these rules shall be bound to follow the direction given in the transit permit and to retain it with him so long as the forest produce covered by the transit permit, remain 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 not below the rank of a Forester.

**13. Checking of Transit Permit** - (1) Forest Produce in transit by land, rail or water is liable to inspection by any Forest Officer or Police Officer, not below the rank of Sub-Inspector, or by a Revenue Officer not below the rank of a Tahasildar, or by the Divisional Manager of the Orissa Tribal Development Co-operative Society Ltd. or by the Assistant Director of Sericulture of the State Tassar Co-operative Society Ltd., Orissa, for formal prosecution and handing over the cases to the Forest Officer and the Transit Permits shall be produced on demand before any such Officer. All boats, carts, vehicles or other means of conveyance used for transportation of such forest produce shall be stopped by the person-in-charge under demand by any such officer, who may open and search any baggage or other things in the possession of such person or transported in the same conveyance, where there are reasonable grounds for believing that an offence under the Act, or these rules has been committed.

(2) It shall be incumbent on the person transporting forest produce to present the transit permit or coupe permit or depot permit or any Forest Department permit, for examination at such checking stations, as may be notified by the Divisional Forest Officer of the division in the *Official Gazette*. It will be illegal to take any forest produce by a route which avoids any route at which a checking station has been established.

(3) Checking station shall remain closed from 10 p m to 5 a.m. No forest produce shall pass a checking station when it is closed between these hours except with the previous permission in writing of the Divisional Forest Officer, in whose jurisdiction, the checking station is located:

Provided that checking stations on National Highways shall remain open throughout the day and night.

(4) As soon as the forest produce has been checked and found correct the concerned permit under the authority of which the forest produce is carried shall be endorsed by the Forest

Officer in charge of the checking station under his signature and date with the word "CHECKED". When timber and round-wood billets are checked at the checking station, the Forest Officer shall brand the exposed ends of the timber and the billets with Forest Department hammer marks. If the forest produce exceeds the quantity stated in the transit permit or is not of the kind or description given in the transit permit and the timber and round-wood billets do not bear the Orissa Forest Department hammer mark and the owner's registered property mark as required under Rule 14, the forest produce shall be liable for seizure. If the forest produce is less than the quantity stated in the transit permit, the said permit shall not be used again to cover the deficit.

*Note - All forest produce shall be liable to be unloaded for proper checking, if so required by the checking officer not below the rank of a Forester.*

**14. Hammer and property mark** - (1) Subject to Sub-Rule (1) of Rule 15 all timbers including round wood billets of and above sixty cm. mid-girth and ninety cm. length which are also fit for purposes other than fire-wood, while on transit should bear the Orissa Forest Department hammer mark and registered property mark of the owner.

(2) When the ownership of timber and round wood billets of the specifications mentioned in Sub-Rule (1) above is changed, it shall be indicated by a fresh registered property mark; if not, it will be sufficient if it bears the registered property mark of the original owner provided that the transferee can prove by production of receipts that he is in the legal possession of such produce.

**15. Registration of property mark** - (1) All property mark shall be registered in the office of the Divisional Forest Officer of the Division from whose jurisdiction the timber, including round-wood billets move and shall be subject to the previous approval of the said Forest Officer; provided that if the timber including the round-wood billets are moved within the jurisdiction of more than one Forest Division, it shall suffice for the registration to be made in the office of the Divisional Forest Officer of the Division, from whose jurisdiction the timber including round wood billets first move:

Provided that sufficient copies of facsimiles of such property mark are sent to the Divisional Forest Officer under whose jurisdiction the timber and round wood billets pass.

(2) Application for registration of property mark shall give particulars of the origin of the timber including round-billets, the approximate quantity to be removed, the destination and the route by which it will be transported and shall be accompanied by the facsimiles of the mark to be registered.

**Note** - This sub-rule does not apply to forest contractors while transporting timber and firewood from their contract areas for which separate provision exists.

(3) The fee for registration or renewal of registration of property mark shall be rupees five for the period up to the year ending 31st July and rupees ten for any period up to three years thereafter ending 31st July.

**16. Checking of timber raft in route** - Each timber raft floated in a river shall bear the Orissa Forest Department hammer mark and registered property mark on either ends of the logs and also on the upper surface of each log in the raft to facilitate checking en route.

**17. Import of forest produce from outside** - All forest produce imported into the State of Orissa shall be covered by a transit permit issued by the Divisional Forest Officer of the Division from which the forest produce is exported and in case of timber including round wood billets, it should bear the checking hammer impression of the exporting State and the registered property mark of the owner of the produce under Rule 18 below.

**18. Registration-fee for import of forest produce** - The property mark for all cases referred to in Rule 17 above should be registered in the office of the Divisional Forest Officer of the division through which the timber and round wood-billets shall move at the first instance, on payment of registration fee of rupees ten for one year.

**19. Foreign Transit Permit** - Any forest produce imported into the State of Orissa may be transported under Foreign Transit permit within the limit of the State of Orissa subject to the following conditions, namely:

- (a) in case of transport by road up to first checking station in the boarder;
- (b) in case of transport by rail up to railway depot of the destination railway station;
- (c) in case of transport by sea up to the limits of the destination port area; and
- (d) in case of transport by air up to limit of destination air-port.

**20. Issue of fresh transit permit in lieu of foreign transit permit** - (1) When forest produce is sought to be removed from the area mentioned in Rule 19, the Divisional Forest Officer of the Division, in which the area lies shall, on application by the owner, issue transit permit free of charge in lieu of the foreign transit permit after necessary verification, for movement of the produce within the State of Orissa.

(2) Certified copies of the form in which transit permit is issued by the exporting Divisional Forest Officer along with the certified impressions of the seal under which the transit permits will be issued, shall be sent to the Divisional Forest Officer mentioned in Rule 17 for records in the offices of the concerned Divisional Forest Officers.

**<sup>1</sup>[21. Penalties** - Whoever contravenes any of the provisions of these rules shall be punished with imprisonment of a term which may extend to five years and with fine which may extend to five thousand rupees:

Provided that where offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority or where the offender has been previously convicted for a like offence, the offender shall be inflicted punishment with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to ten thousand rupees].

**CASE LAWS:** Unauthorized possession of wood – Seizure – No independent witness – Evidence of official witnesses found reliable and trustworthy – Conviction can be based on official witnesses without corroboration of independent witness: **2001 Cri.L.J. 1897.**

**22. Savings and repeals** - (1) The Orissa Timber and Other Forest Produce Transit Rules, 1967 and Transit Rules framed under the Madras Forest Act, 1882 (hereinafter called the said rules) in their application to the State of Orissa are hereby repealed, with effect from the date these rules come into force.

(2) Notwithstanding such repeals, all acts done, proceedings taken, and orders issued, under the said rules, before the commencement of these rules, shall continue to have force and effect as if these rules have not come into force.

#### **SCHEDULE - I**

**[Vide Rule 3 (2) (a)]**

##### **Name of rivers**

Mahanadi, Kathjori, Kuakhai, Bhargavi, Brahmani, Ramial, Tikiria, Maku Nalla, Jautuk, Gohira, Samakoi, Baitarani, Salandi, Kusai, Kusal, Budhabalang, Sona, Gangadhar, Deo Jambhira, Tel, Baghanadi, Salunki, Mahuani, Ib, Aung, Tanta, Jira Kharasrota, Devi, Vansadhra, Rusikulya, Sileru, Saberi, Nagavati, Indravati, Kulab, Machhkund with all its branches and tributaries.

**FORM I**

[Vide Rule 6]

**Forest Department, Orissa**

**TRANSIT PERMIT**

Book No.....

Transit Permit No.....

Name and address of the person in

Shri/Smt.....

Whose favour transit-permit issued.

Name of locality from where removed

Village

Plot No.

Name or names of carters or drivers	Description of the produce	Number	Quantity

Route:

Designation:

Date of Issue

Date of Expiry

Signature of Forest Officer

Stamp of Officer

**N.B.** - The permit shall be presented at the checking station on the route(s) specified.

**FORM II**

**[Vide Rule 7 (a)]**

**FORM OF APPLICATION FOR REMOVAL  
OF FOREST PRODUCE**

- (a) Particulars of forest produce sought to be removed.
- (b) Place from which sought to be removed.
- (c) Certified copy of the documents regarding the ownership of the produce.
- (d) The route through which the forest produces will be taken to the destination, market or depot to be specified.

Signature of the applicant

**DECLARATION**

I, Shri..... aged..... son of.....village.....police-station... ..district... .. , do hereby declare that the particulars furnished in the above application are true to the best of my knowledge and belief and that I am absolute owner of the forest produce sought to be removed. I hereby declare that the forest produce is neither Government property nor any one else's property and I do hereby undertake to indemnify the State Government for any liability that may accrue on them on acceptance of the aforesaid declaration.

Signature of the applicant

Date.....

**FORM - III**

[Vide Rule 7 (a)]

**FORM OF APPLICATION FOR REMOVAL OF FOREST**

**PRODUCE FROM RECORDED HOLDINGS**

- (a) (i) Name of village, Plot No. and Khata No. from which trees or bamboos or other forest produce are to be removed.....
- (ii) Description of boundaries of the plot.....
- (b) Particulars regarding ownership of the land.....
- (c) Certified copy of the documents regarding ownership and value of trees/ bamboos standing on the plots referred to in (a) above when the applicant is not the owner of such plot or land.....
- (d) The route by which the timber, bamboos, firewood or other forest produce will be taken to the destination, market or depot.....
- (e) A list in triplicate specifying the number, species, and size of timber and / or quantity of firewood or bamboos and / or quantity of other forest produce proposed to be removed.

Signature of the applicant

**DECLARATION**

I, Shri.....aged.....son of.....village.....police-station .....District....., do hereby declare that the particulars furnished in the above application are true to the best of my knowledge and belief and that I am the absolute owner of the timber and/or firewood or bamboos or other forest produce sought to be removed. I hereby declare that the timber or firewood or bamboos or other forest produce detailed above are neither Government property nor any one else's property. I do hereby undertake to indemnify the State Government for any liability that may accrue on them on acceptance of the aforesaid declaration.

Signature of the Applicant

Date.....

**N. B.** - The boundary of the forest when it abuts a reserved or protected forest shall be delineated in the ground to a clear width of one metre.



<sup>1</sup>[FORM III – A

[See Rule 7 (1-a)]

**FORM OF APPLICATION FOR REMOVAL OF FOREST PRODUCE  
FROM RECORDED HOLDINGS AN TRANSIT ACROSS THE BORDER**

- (a) Name of applicant....., S / o.....  
(b) Address (Village, Thana, Tahasil, District)  
(c) Source of produce to be exported (Khata No., Plot No., Village, G.P.)  
(d) Quantity in cubic meter.

Species	Sl. No.	Girth & length of Logs (in cms.)	Volume in cubic meter
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- (e) Ownership details  
(f) The route by which the produce will be taken to the destination outside Orissa.

Signature of Applicant

**DECLARATION**

I, Shri.....aged.....son of.....village.....police-station  
....., do hereby declare that the particulars furnished are true to the best of my knowledge and  
belief and that I am the absolute owner of the forest produce sought to be removed. I hereby  
declare that the forest produce detailed above are neither Government property nor any one else's  
property. I do hereby undertake to indemnify the State Government for any liability that may  
accrue on them on acceptance of the aforesaid declaration.

Signature of the Applicant

Date.....

(To be filled up by the concerned D.F.O./A.C.F.)

On the basis of the application and the affidavit filed by Shri .....  
aged.....,S/o.....,Village.....P.S..... I endorse the transit of  
this transit free produce across the borders of Orissa.

Signature of D.F.O./A.C.F.

Date.....]

**FORM IV**  
**[Vide Rule 9]**  
**DEPOT PERMIT**

Book No.....

Page No. ....

Name of the depot owner.....

No. and date of order of the D.F.O permitting use of depot permits.....

Name of purchaser.....

Purchaser's address.....

Name of carters or drivers	Description of produce	Rate	Total Value
1	2	3	4

Route.....

Destination .....

Date of issue .....

Date of expiry .....

Signature of depot owner/  
authorized, agent

Date.....

**N. B.** - The permit shall be presented at the checking stations on the route(s) specified.

**FORM V**

**[Vide Rule 10 (1)]**

**DEPOT REGISTER**

Book No.....

Page No.....

Receipts and disposal of firewood/ timber.....

Name of depot owner.....

No. and date of order of the D.F.O.

permitting use of depot permits.....

Date of receipt	From where received	Permit number under which received	Description (mention species in case of timber)	Date of Disposal	To whom disposed	Description of produce disposed of	Permit No. under which disposed
1	2	3	4	5	6	7	8

**<sup>1</sup>[SCHEDULE II**

**[Vide Rule 4, Fourth Proviso]**

Name of species to which provision in these rules regarding “Farm Forestry” and “Forest Farming for the Rural Poor” plantations will not apply

<u>Sl. No.</u>	<u>Scientific name</u>	<u>Vernacular Name</u>
1.	Adina cordifolia	Kurum
2.	Artocarpus heterophyllus	Panas (Jackfruit)
3.	Bridelia retusa	Kasi
4.	Daibergia retusa	Sissoo (Rosewood)
5.	Gmelina arboreta	Gamhar
6.	Mangifera indica	Amba (Mango)
7.	Michelea Champaca	Champa

8.	Pterocarpus marsupium	Champa
9.	Shorea rebusta	Sal
10.	Tectona grandis	Teak
11.	Terminalia alata	Asan

<sup>2</sup>[SHEDULE III

[Vide Rule 5 (1) (J)]

Sl. No.	Scientific Name	Vernacular Name	Area where no Transit Permit is required
1	2	3	4
1.	Bambusa nutans	Sundar-Kani	Whole State
	Bambusa Vulgaris	Badi-baunsa	Whole State
	Bambusa tulda	Bolangi-Baunsa	Whole State
2.	Samanea saman	Bada chakunda	Whole State
3.	<sup>3</sup> [***]		
4.	<sup>3</sup> [***]		
5.	Cassia siamoa	Sana Chakunda	Whole State
<sup>4</sup> [6.	Casuarina equisetifolia	Jhaun	Districts of Ganjam, Gajapati, Rayagada, Koraput, Nawarangpur, and Malkangiri]
<sup>5</sup> [7.	Silver Oak	Silver Oak	Districts of Nawarangpur, Koraput, Malkangiri and Rayagada]
<sup>6</sup> [8.	Eucalyptus hybrid	Patas/Nilgiri	Whole State
9.	Acacia auriculaeformis	Sunajhari/Acacia	Whole State]