

N.W.F.-P. Establishment of Sale Depots and Sawing Units Rules, 1975

[17th February 1976]

No. SOFT (FAD)-V-168/71 (iv).—The following rules, which the Government of the North-West Frontier Province propose to make in exercise of the powers conferred by section 3 of the Punjab Forest (Sale of Timber) Act, 1913 (Punjab Act, III of 1913) and in supersession of all previous rules in this behalf, are published as required by sub-section (2) of section 3 of the said Act, for information of the persons likely to be affected thereby and notice is hereby given that the draft, with any objections and suggestions, which may be received by the Secretary to Government of North-West Frontier Province, Food and Agriculture Department, within a period of 30 days from the date of its publication in the Official Gazette, shall be taken into consideration after the expiry of the said period :—

1. **Short title.**—(1) These rules may be called the North-West Frontier Province Establishment of Sale Depots and Sawing Units, Rules, 1975.

(2) They shall come into force at once.

2. **Definition.**—In these rules ;

(i) "Timber" includes only the following kinds :—

Deodar (*Cedrus deodara*), Vernacular deodar Diar : Bule-pine (*Pinus excelsa*), Vernacular Kail under. Anander, Biar, Chir—pine (*Pinus roxburghii*) Vernacular Chil : Spruce (*Picea Morinda*), Vernacular tos, Partol : Silver fir (*Abies plindrow*), Vernacular rai, Partol ;

(ii) "depot" means any building or place where timber is brought, cut, sawn or fashioned or stored for sale and includes a Saw Mill ;

(iii) "Division" means Forest Division having jurisdiction over the area where timber depots or Sawing Units are established under these rules ;

(iv) "Government" means the Government of the North-West Frontier Province.

3. **Tract to which these rules are applicable.**—These rules are in addition to and not in derogation of River Rules made under the provision of section 41 of the Forest Act, 1927 (Act XVI of 1927), and section 29 of the Hazara Forest Act, 1936 (North-West Frontier Province Act, VI of 1937).

4. No person shall establish or maintain a depot or a Saw Mill unless it is registered in accordance with these rules.

5. (1) Any person wishing to establish or maintain a depot or a Saw Mill shall register the same in the Office of the Forest Division in which the depot

or the Saw Mill is situated, and shall give in respect of such depot or the Saw Mill such details in regard to origin of timber as may be required by the Conservator or Forests.

(2) Each depot or a Saw Mill registered under these rules shall be assigned a number by the registering officer.

6 A period of six months shall be allowed to the owners of depots or Saw Mill, which are in existence on the coming into force of these rules, to apply for the registration of their depots or Saw Mills :

Provided that no depot or Saw Mill in existence on the coming into force of these rules in the Municipal limits of Havelian, Dargai, Khairabad, Peshawar, Tall, Kohat, Bannu, Dera Ismail Khan, Mardan and Tank shall be refused registration.

7. (1) Save as provided in rule 7, the Officer Incharge of a Forest Division may, for reasons to be recorded in writing, refuse to register ;

(a) any existing depot or Saw Mill, the owner or other person incharge whereof has been found processing illicit timber on two or more cases ; or

(b) any new depot or Saw Mill :

Provided that no such order shall be made unless the owner of the depot or the Saw Mill concerned has been given an opportunity of being heard.

(2) Any person aggrieved by an order made under sub-rule (1) may, within 30 days of such order prefer an appeal to the Deputy Commissioner of the District concerned.

Explanation. In computing the period of 30 days in sub-rule (2) the day on which the order sought to be appealed against was made, and the time requisite for obtaining a copy thereof, shall be excluded.

(3) The Deputy Commissioner shall not confirm, modify, alter or set aside any order appealed against, except after giving the parties an opportunity of being heard.

(4) The decision of the Deputy Commissioner on an appeal under this rule shall be final.

8. No depot or a Saw Mill shall be established, maintained, run or registered between the Forest and Check Posts/Barriers of the Forest Department :

Provided that the Forest Contractors, during the currency of their contract and Government owned depots/Saw Mills shall be exempted from the operation of this rule :

Provided further that industries recognised by Government may subject to such special arrangements as the Divisional Forest Officer considers necessary for the purpose of checking, also be exempted from the operation of this rule. The incidence of such special arrangements, if any, shall be borne by the industry concerned.

9. The fee for registration and for annual renewal shall be Rs. 100.00

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10. Every person having a registered depot shall register his sale hammer-mark in the Office of the Forest Division in which the depot is situated. No fee shall be charged for the registration of the sale hammer-mark.

11. No person shall be allowed to register a mark already registered in favour of another person, or a mark used by Government. The officer incharge of a Forest Division may refuse registration of any mark which in his judgement to closely resembles a mark used by Government or registered in favour of any other person as to be easily altered to counterfeit such mark.

12. The registration of mark under rule 10 shall hold good for a period of three years from the date of such registration.

13. The owner or person incharge of a registered depot or a Saw Mill may, at the discretion of the Divisional Forest Officer be required to maintain correctly either or both of the following forms :—

(i) A register of receipts of timber, showing—

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| 1. Date of receipt. | 2. Whence received. |
| 3. Name of person from whom received. | 4. Species. |
| 5. Marks. | |
| 6. Number of logs or pieces with sizes. | 7. Description. |
| 8. Remarks. | |

(ii) A register of sales and removals of timber, showing—

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| 1. Date of sale. | |
| 2. Date of removal of timber from depot. | |
| 3. Name of person to whom sold or made over. | 4. Destination. |
| 5. Species. | 6. Marks. |
| 7. Numbers, size and volume. | 8. Description |
| 9. Remarks. | |

14. Every owner or person incharge of a registered depot or a Saw Mill shall produce the registers specified in rule 13 for scrutiny when called upon to do to by the Divisional Forest Officer or an Officer of the Forest Department authorised by him, or a Police Officer authorised in this behalf by the Superintendent of Police Such Officer may at any time between sunrise and sunset enter a registered depot for such purpose.

15. No timber shall be removed from any registered depot until it has been marked with the registered sale-hammer of the owner of the registered depot.

16. Sale hammer marks shall be surrendered to the Divisional Forest Officer on the cancellation of any registration or on demise of the owner of the mark in whose name it has been registered.

17. No timber shall be removed from any registered depot or a Saw Mill unless accompanied by a form of transport approved by the Conservator of Forests.

18. Whoever infringes any of these rules shall be punishable with imprisonment for a term which may extend to five hundred rupees or with both. Double penalties may be inflicted where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority or if the offender has been previously convicted of any offence under these rules.