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**PART I—Orders and Notifications by the Governor of West Bengal,  
the High Court, Government Treasury, etc.**

**GOVERNMENT OF WEST BENGAL**

**DEPARTMENT OF AGRICULTURE, ANIMAL HUSBANDRY AND  
FORESTS.**

**Forests.**

**NOTIFICATION.**

**Forest Produce Transit Rules.**

No. 3404For.—6th April 1955.—In exercise of the powers conferred by sections 41, 42 and 76 of the Indian Forest Act, 1927 (XVI of 1927), the Governor is pleased to make the following rules to regulate the transit by land or water of forest produce into, from and within the districts of Darjeeling, Jalpaiguri, Cooch Behar, Birbhum, Bankura, Burdwan, Midnapore, Malda, West Dinajpur, Murshidabad, Nadia and Hooghly, namely:—

**The West Bengal Forest Produce Transit Rules, 1955.**

1. These rules may be called the West Bengal Forest Produce Transit Rules, 1955.

2. In these rules “forest produce” has the same meaning as in the Indian Forest Act, 1927 (XVI of 1927), including, in particular, such medicinal herbs, as *chirata*, *manjista*, cinnamon, *Piper longum* and *Rauwolfia serpentina*.

3. These rules apply to forest produce from any source within the districts of Darjeeling, Jalpaiguri, Cooch Behar, Birbhum, Bankura, Burdwan, Midnapore, Malda, West Dinajpur, Murshidabad, Nadia and Hooghly which is moved by any of the routes within the boundaries of these districts.

4. No forest produce shall be moved within or from the area specified in rule 3 except under cover of:—

- (i) a permit issued by the Forest Directorate, Government of West Bengal, in the case of a sale at rates fixed by schedule and subject to the conditions and rates laid down therein; or
- (ii) a certificate of origin in the form prescribed in Appendix I hereto annexed issued by the purchaser or his authorised agent in the case of leased lot or coupe or depot lot and subject to the conditions and payments specified in the agreement relating to the lot or coupe;
- (iii) a certificate of origin issued by an officer of the Forest Directorate, Government of West Bengal, not below the rank of Forest Ranger in the case of forest produce of private forests.
- (iv) a certificate of origin issued by the Khas Mahal Officer in the case of forest produce of Khas Mahal forests.

5. No transit fees shall be levied on forest produce moved within or from or into the area specified in rule 3.

6. Any person importing, exporting or moving forest produce into, from or within the area specified in rule 3 or any person in charge of such forest produce shall produce the permit or certificate of origin referred to in rule 4 on demand by a forest officer or a police officer.

7. (a) All forest produce to which these rules apply and any craft or other vessel suspected of carrying forest produce shall be liable to stoppage by any forest officer within the limits of the area specified in rule 3 for the purpose of examination and check.

(b) Any sum due and payable to the Forest Directorate, Government of West Bengal, on such forest produce shall be realised at the nearest forest office.

(c) Any forest produce not covered by a permit or a certificate of origin shall be liable to seizure for the purpose of enquiry.

8. (i) Any forest officer who has seized 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 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 such written notice, a copy of which shall be posted on a Notice Board at the nearest forest office, and

(b) submit a seizure report in the prescribed form without delay to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

(ii) On the production of satisfactory proof of origin and title to the seized forest produce such forest produce shall be released forthwith.

(iii) If within the period specified in sub-rule (i) satisfactory proof of ownership and title is not furnished the seized property shall be deemed to have come from Reserved or Protected forests and shall be confiscated under the orders of a Magistrate.

9. (i) Bound books containing 100, 50 or 25 serially numbered forms shall be available at cost price from the Divisional Forest Office.

(ii) Used up books of certificates of origin shall be returned to the Divisional Forest Officers with the counterfoils duly filled in.

(iii) Partly used books of certificates of origin shall be returned to the Divisional Forest Officer concerned with counterfoils of the used forms duly filled in.

(iv) Any forest officer not below the rank of a Forester may inspect books of certificate of origin issued under sub-rule (i) and such books shall be produced on demand.

10. (i) Application shall be made to the Divisional Forest Officer concerned in writing by any purchaser or his authorised agent in cases of leased lot or coupe, requiring books of certificates of origin giving the following information:—

(a) Number and size of books required.

(b) Agent or authority empowered to issue the certificates.

(c) Area from which forest produce will be removed.

(d) Approximate period during which removal of forest produce will take place.

(ii) Ten copies of specimen signatures of the authority to issue certificates of origin shall accompany the application referred to in sub-rule (i).

(iii) All changes and withdrawals of authority to issue certificates of origin shall be notified in writing without delay to the Divisional Forest Officer concerned and fresh specimen signatures shall be furnished where necessary. It shall be within the competence of the Divisional Forest Officer to object to the employment of any person, as an agent empowered to issue certificates of origin, who has been removed from service in the Forest Department of the Government of West Bengal, for misconduct.

11. (i) Purchasers of lots or coupes or their authorised agents and other persons who intend to import, export or move forest produce into, from or within the limits of the area specified in rule 3 shall give notice in writing at the nearest forest office once every quarter of his intention stating—

(a) the quantities and source of such forest produce, and

(b) the routes by which it will be moved.

(ii) The Forest Range Officers shall on receipt of such notice hold a personal enquiry regarding the existence of such forest produce the title thereto and the *bona fides* of the person referred to in sub-rule (i).

12. (i) Any person dealing in timber fashioned or unfashioned shall register with the Divisional Forest Officer concerned a property mark, which after approval shall be registered in the Divisional Forest Office.

(ii) All timber, imported, exported or moved into, from or within the limits of the area specified in rule 3 shall be marked with a registered property mark; timber found without a registered property mark shall be liable to detention and seizure for enquiry under the provisions of rule 8.

(iii) There shall be no restriction to the number of property marks registered by any one person provided that no two such property marks shall have identical design.

(iv) 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. Certificates must be returned annually to the Divisional Forest Officer for the purpose of renewal.

(v) It shall be within the competence of the Divisional Forest Officer to waive the registration of a property mark in the case where small quantities of timber are to be moved within, from or into the area specified in rule 3. Application shall in all such cases be made to the nearest Forest Range Officer for the issue of a certificate of origin and the marking of such timber with a Government hammer. No fees shall be levied for this service.

13. (i) There shall be no closing or obstructing of any river, 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.

(ii) The Collector of the district may order any person who by any act of negligence, has caused such closure, 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.

14. Any person contravening any or all 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 to five hundred rupees or with both.

15. The rules made under notification No. 843T.R., dated the 22nd May 1905, are hereby rescinded.

#### APPENDIX I.

(Counterfoil.)	Serial No.	(Original.)	Serial No.
Book No.		Book No.	
<b>CERTIFICATE OF ORIGIN.</b>		<b>CERTIFICATE OF ORIGIN.</b>	
<b>Forest Directorate, West Bengal.</b>		<b>Forest Directorate, West Bengal.</b>	
1. Locality of origin—		1. Locality of origin—	
(a) Name and situation of forest:		(a) Name and situation of forest :	
(b) Name of forest owner :		(b) Name of forest owner :	
2. Name and address of owner of forest produce :		2. Name and address of owner of forest produce :	
3. Description of produce and quantity :		3. Description of produce and quantity :	
4. Property marks, etc. ( <i>see reverse</i> ) :		4. Property marks, etc. ( <i>see reverse</i> ) :	
5. Destination :		5. Destination :	
6. Routes :		6. Routes by which produce is to move :	
7. Date of expiry of certificate :		7. Date of expiry of certificate :	
8. Signature of issuing officer :		8. Signature of issuing officer :	
9. Date :		9. Date :	

(NO TRANSIT FEES ARE PAYABLE.)

By order of the Governor,  
K. SEN,  
*Secy. to the Govt. of West Bengal.*