

EXTRAORDINARY

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**ANDAMAN & NICOBAR ADMINISTRATION
DEPARTMENT OF ENVIRONMENT & FORESTS****NOTIFICATION**

Port Blair, dated the October, 2022

No. F.(T)/21/Vol-IV - In exercise of the powers conferred by sections 41 and 42 of the Indian Forest Act, 1927 (XVI of 1927), read with the notification of the Government of India in the Ministry of Home Affairs No. 69/49/50-AN dated 7.11.1951 and in supersession of notification No. 4 of 1966, No. 50 of 1981, No. 81 of 2004, No. 219 (A) of 2007 and No. 329 of 2015, the Lieutenant Governor, Andaman and Nicobar Islands is pleased to make the following Rules, namely:

- 1 (a) These Rules may be called the Andaman and Nicobar Islands Forest Produce Transit Rules, 2022.
- (b) These Rules shall come into force with effect from the date of its publication in the official gazette.
- 2 In these Rules, unless there is anything repugnant in the subject or context:
 - (a) "Forest Produce" means Forest Produce as defined in the Indian Forest Act, 1927 (XVI of 1927).
 - (b) "Islands" means Andaman and Nicobar Islands.
 - (c) "Make Shift Unit (MSU)" means units that are permitted to operate and convert round timber pursuant to the Hon'ble Supreme Court order dated 21.11.2008 in I.A. No. 2208 of 2007 in W.P. (C) No. 202 of 1995.
 - (d) "Timber" means 'timber' as defined in the Indian Forest Act, 1927 (XVI of 1927).
 - (e) "Sawing" with its grammatical variations and cognate expression means operation of sawing, cutting, converting, fashioning or seasoning wood and includes preservation and treatment thereof either by mechanical process with the aid of electrical or mechanical power or by manually operated saws;
 - (f) words and expressions used but not defined in these Rules but defined in the Indian Forest Act, 1927 (XVI of 1927), shall have the meanings respectively assigned to them in that Act.
- 3 These Rules shall apply to Forest Produce from any source within the Andaman and Nicobar Islands which are imported, exported or moved by any of the routes into, from or within the boundaries of the said Islands.
- 4 (a) Within the limits of the areas specified in Rule 3, no person shall conceal any timber or wood or other forest produce.

- (b) No Forest Produce shall be moved into, from or within the Islands except under cover of a transit pass in the Form 'A' hereto annexed from an Officer of the Forest Department of the rank of a Forest Guard and above duly authorized by the Divisional Forest Officer to issue the same or electronic Transit Pass/No Objection Certificate generated through National Transit Pass System (NTPS) or otherwise than in accordance with the conditions of such transit pass.
- (c) Removal of timber out of Islands in log or sawn form is strictly prohibited.
- (d) Issue of transit pass within the islands for Ornamental timber viz. Marblewood, Chooi, Satinwood and also burr/buttrass of Padauk is strictly prohibited unless covered by permission of the Principal Chief Conservator of Forests, Andaman and Nicobar Islands:
- (e) Any person desirous of transporting timber or other forest produce shall apply to the Divisional Forest Officer concerned for issue of transit pass or to generate Transit Pass/No Objection Certificate through NTPS. The applicant shall indicate the species, size and quantity of each category of timber or other forest produce and also the source of origin of such timber or other forest produce and documentary proof in support thereof. He should also specify in the application the purpose of shipment, route and destination thereof. Application for issue of transit pass to cover shipment of forest produce other than timber out of the Islands shall be submitted at least 15 days before the date on which shipment is desired.
- (f) The Divisional Forest Officer, on receipt of application for issue/generation of transit pass/ No Objection Certificate (NOC) in the manner prescribed in Sub-Rule (e) of Rule 4 above, shall cause enquiry, as expeditiously as possible, to ascertain the source of origin of the timber or other forest produce for which transit pass/NOC has been applied for. On completion of enquiry, if the Divisional Forest Officer or his representative is satisfied that there is nothing due to the Government for the timber or other forest produce in question and source of origin of the timber or other forest produce is in order, he shall arrange for issue of Transit Pass or to get the Transit Pass/NOC generated through NTPS.
- (g) Transit Pass/NOC shall be issued on working days during working hours except at the wharfs/ports or other areas in exigency as deemed expedient by the Divisional Forest Officer in public interest only after the timber, in round or sawn form, is impressed with the registered property mark of the shipper and the Government hammer mark, in the manner as provided under Rule 9.
- (h) All timber in respect of which a transit pass/NOC has been issued by the officers of the Forest Department shall bear a Government hammer mark. While issuing the Transit Pass detailed description of the produce, the property hammer marks and Government hammer mark borne on the timber, both in case of logs and sawn timber, shall be recorded in the transit pass itself.

- (i) In the case of shipment of forest produce other than timber to mainland ports, four copies of the transit pass shall be issued in the following manner:
- (i) First copy to be retained as office copy which shall be kept in the office of issue.
 - (ii) Second copy to be given to the owner of the forest produce.
 - (iii) Third copy to be given to the Govt. Depot officer on the mainland.
 - (iv) Fourth copy to be given to the carrier (no shipment shall be allowed without any valid transit pass by the transporting agency).
- (j) The transit pass holders shall abide by the transit Rules of the States concerned through or to which the forest produce is transported.
- (k) The timber or other forest produce in transit may be checked by any forest officer of the Andaman and Nicobar Forest Department when required to do so.
- (l) Fees for transit passes/NOC in respect of different items of forest produce moved into or from or within the Islands may be levied in accordance with rates as may be prescribed by the Principal Chief Conservator of Forests, Andaman and Nicobar Islands from time to time. It shall be within the competence of the Principal Chief Conservator of Forests, Andaman and Nicobar Islands subject to the approval of Govt. to regulate the movement of certain kinds of forest produce in short supply from the Islands.
- 5 The import and export of all forest produce into, within and from the Islands, is subject to the control of the Principal Chief Conservator of Forests, Andaman and Nicobar Islands.
- 6 Any person importing, exporting or moving forest produce into, from or within the Islands or any person in possession or charge of forest produce in transit, shall produce the transit pass/NOC (referred to in Rule 4) on demand by any Forest Officer or Police Officer.
- 7
- (a) All forest produce to which these Rules apply, and any cattle cart, vehicle, boat or other vessel suspected to carrying the same shall be liable to stoppage by any Forest Officer within the Islands for the purpose of examination and check.
 - (b) Any sum due and payable to the Forest Department, Andaman and Nicobar Islands, on such forest produce shall be realised at the nearest Forest Office
 - (c) Any forest produce not covered by a transit pass referred to in Sub-Rule (b) of Rule 4 together with boats, carts, vehicles or cattle, other modes of transport, if any carrying the same or any timber, wood or other forest produce which is concealed in contravention of Sub-Rule (a) of Rule 4, shall be liable to seizure and dealt with further under the provisions contained in the Indian Forest Act, 1927 (XVI of 1927) and any cattle seized in this connection shall be liable to be impounded.
 - (d) For movement of sawn timber within the municipal limits of Port Blair challan issued by a dealer/saw mill owner which has been approved for use by the Divisional Forest Officer concerned may be treated as transit pass for the purposes of these rules.

- (e) For movement of sawn timber from Government Saw Mills, the Gate Pass issued for the purpose by the Government Saw Mills may be treated as Transit Pass within the Andaman & Nicobar Islands for the purpose of these Rules.
- 8 (a) Any Forest Officer, who has seized any forest produce under Rule 7 shall: -
- (i) Immediately issue a written notice to the owner of such forest produce, or if the owner is unknown, to the person in charge or 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 issue of such written notice, a copy of which shall be pasted on a Notice Board at the Forest Office; and
 - (ii) Submit a seizure report in Form 'B' hereto annexed without delay to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.
- 9 ✓ (a) Any person dealing in timber fashioned or unfashioned shall register with the Divisional Forest Officer concerned a property mark which, after approval by the Divisional Forest Officer and on payment of fees prescribed by the Chief Conservator of Forests (Territorial) concerned, shall be registered in the Divisional Forest Office. The property mark so registered shall remain valid for 3 calendar years ending on the 31st December, of the year subject to renewal as required under Sub-Rule (g) hereunder. Provided that the Divisional Forest Officer, may at his discretion and at any time require the return of such registered property mark and replacement of the same by a fresh property mark duly approved by him.
- (b) In addition to provisions of Sub-Rule (a) above, the Make Shift Unit, shall abide by the following procedure for obtaining transit pass.
- (i) The property hammer for a Make Shift Unit shall be registered and certificate of registration issued only on the condition that the owner maintains a register in prescribed form (Form D) for running of the unit and complies with the instructions issued in this regard by the Principal Chief Conservator of Forests, Andaman and Nicobar Islands from time to time. A monthly abstract of total quantity of timber accepted for conversion and the total quantity and variety of end products/ sawn timber with balance of unconverted stock in hand shall be submitted to the concerned Divisional Forest Officer.
 - (ii) The Make Shift Unit owner shall see that (i) the round timber, sawn timber and wood waste is properly stacked according to the instructions that may be issued from time to time by the Divisional Forest Officer so as to facilitate stock taking; (ii) logs for sawing should not be accepted in the unit unless it bears property marks and is covered by a forest transit pass. For the purpose of this condition all the logs lying in the Make Shift Unit or its premises will be considered as the timber in custody of the Make Shift Unit owner for sawing or conversion; (iii) timber which does not conform to the requirements of condition (ii) shall not be

- accepted for conversion and intimation in respect of such timber shall forthwith be given to the nearest Forest Office and (iv) the Make Shift Unit, as well as the timber stored within the premises of the Make Shift Units shall be open to inspection at any time by any Forest Officer.
- (iii) In the event of change in the ownership of the Make Shift Units the above procedure has to be observed afresh for registration of property marks and until fresh certificate of registration is issued by the Divisional Forest Officer concerned, the transfer shall not be recognised.
- (iv) The owner of the Make Shift Unit when not interested to run the Unit, shall inform the Divisional Forest Officer concerned accordingly and deposit his property mark duly sealed with the Divisional Forest Officer for safe custody.
- (c) In addition to provisions of Sub-Rule (a) above, the persons importing timber or any forest produce into the Islands and dealing in the same shall abide by the following procedure.
- (i) Any person desirous of importing timber/ forest produce shall apply in the form prescribed in Form 'C' to the Chief Conservator of Forests (Territorial) for granting the permission at least 15 (Fifteen) days before the date on which shipment of timber is expected to reach the Islands. The applicant shall indicate the species, size and quantity of each category of timber or forest produce and the source of origin of such timber or forest produce with documentary proof in support thereof. He should also specify in the application the purpose of import, route and destination thereof.
- (ii) The Chief Conservator of Forests (Territorial) on receipt of application seeking permission for import of timber or forest produce, if satisfied that there is nothing objectionable to the import of the said timber or forest produce shall grant the permission.
- (iii) The applicant importing the timber or other forest produce to Andaman & Nicobar Islands shall abide by the Transit Rules of the states/country through or from which the timber or other forest produce is being imported;
- (iv) Persons engaged in import of timber or other forest produce and its retail sale or use locally shall be required to maintain a record of receipt of timber or other forest produce and its disposal in the form prescribed in Form E and will be required to submit a monthly return of the stock of timber to the Divisional Forest Officer concerned.
- (v) Persons engaged in import of timber and its retail sale should have a permanent depot properly walled or fenced and duly approved by the Divisional Forest Officer. Disposal of timber shall be permitted only from such approved depots.
- (vi) The timber or other forest produce stored within the premises of such persons and the records thereof shall be open to inspection at any time by any forest officer.
- (vii) For sale of timber or other forest produce imported by such persons, cash memo/bill book duly approved and

authenticated by the Divisional Forest Officer concerned shall be used.

- (viii) The forest produce moved into, from or within the islands under the cover of Electronic Transit Pass/ No Objection Certificate issued through online National Transit Pass System shall also be valid in the whole of Andaman & Nicobar Islands.
- (d) In addition to provisions of Sub-Rule (a) above, the persons engaged in use of sawn timber or wood or other forest produce for manufacture of furniture or other items shall abide by the following procedure.
- (i) Any person engaged in manufacture of furniture or items of timber or other forest produce as raw material shall get his unit registered with the Divisional Forest Officer having jurisdiction over the area concerned.
 - (ii) A property hammer mark for the furniture mart or other unit using sawn timber as a raw material shall be registered with the Divisional Forest Officer concerned and property mark shall be affixed on all the furniture and items manufactured there from the said unit/mart.
 - (iii) Persons engaged in manufacture of furniture or items of timber or other forest produce shall be required to maintain a record of receipt of timber or other forest produce and its consumption in the form prescribed in Form F and an annual return showing the abstract of total quantity of sawn timber or other forest produce received and total quantity of furniture or other items produced, sold and balance in stock shall be submitted to concerned Divisional Forest Officer.
 - (iv) The number and type of saws used in the furniture mart or unit shall be declared to the Divisional Forest Officer at the time of registration or at the time of subsequent renewals.
 - (v) The saws used in the furniture mart should be exclusively for the purpose of manufacture of furniture or other items and shall not be used for sawing/re-sawing of any log or sawn timber not belonging to the furniture mart or not meant for manufacture of any item, in the said furniture mart or unit.
 - (vi) The raw materials (timber or other forest produce) stored and the furniture or items manufactured and the machinery or implements in the premises or workshop or godown or showroom of the furniture mart/ unit and the records shall be open to inspection at any time by any forest officer.
 - (vii) Only registered furniture marts will be authorized to sell furniture and other items manufactured by the said units by using timber or other forest produce under the cover of the bills duly approved and authenticated by the Divisional Forest Officer concerned.

- (e) All timber, imported or moved into, or within the limits of the Islands shall be marked with a registered property mark in addition to a Government Hammer mark as required under Rule 4 (h). Timber found without a registered property mark and a Government Hammer mark shall be liable to detention and seizure for enquiry under the provision of Rule 8.
 - (f) The Divisional Forest Officer may at his discretion permit any one person to register more than one property mark, provided that no two such marks shall have identical design.
 - (g) 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. Certificate must be returned annually to the Divisional Forest Officer for the purpose of renewal.
 - (h) The Divisional Forest Officer, may, in consultation with the Deputy Commissioner of the District provide for the establishment and regulation of check posts or depots at which forest produce shall be stopped for examination or for the payment of dues thereof or in order that Government Hammer marks may be affixed to the same.
- 10 (a) There shall be no closing or obstructing of any river or 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.
- (b) The Deputy Commissioner of the District may order any person who by any act of negligence, has caused such closure or 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.
- 11 (a) Any person contravening any 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 Rs. 500/- or with both.
- (b) Penalties which are double of those mentioned in Sub-Rule (a) may be inflicted in cases where the offence is committed after sunset and before sunrise or after preparation for resistance to lawful authority or where the offender has been previously convicted of a like offence.

12 Repeal and savings:

- (a) The Andaman and Nicobar Islands Forest Produce Transit Rules, 1966 is hereby repealed.
- (b) The repeal of the said Rule shall not affect:
 - (i) the previous operations of the said Rule so repealed or anything duly done or suffered thereunder; or
 - (ii) any right, privilege, obligation or liability acquired or incurred under the said Rules; or
 - (iii) any investigation, legal procedure or remedy in respect of which such right, privilege, obligation, liability, forfeiture or punishment as aforesaid on any such investigation, legal proceeding or remedy may be

instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Rule had not been repealed.

By order and in the name of the Lt. Governor

Commissioner cum Secretary (Environment & Forests)