

# SIKKIM

GOVERNMENT



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GOVERNMENT OF SIKKIM  
DEPARTMENT OF FORESTS, ENVIRONMENT AND WILDLIFE

No.464/F.

Dated 07.08.99.

### NOTIFICATION

In exercise of the powers conferred by sub section (1) of section 42 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1980 (6 of 1980), the State Government hereby makes the following rules, namely:-

*Short title and commencement* 1. (1) These rules may be called the Sikkim Transit of Timber and other Forest Produce, Rules, 1999.

- (2) They shall extend to the whole of Sikkim.
- (3) They shall come into force on the date of their publication in, the Official Gazette.

*Definiation* 2. In these rules, unless the context otherwise requires:-

- (a) "Act" means the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988;
- (b) "Additional Chief Conservator of Forests" means the Additional Chief Conservator of Forests having territorial functions;
- (c) "agency" means any group of persons or organisation registered with the Central or State Government or part of it;
- (d) "Conservator of Forests" means the Conservator of Forests having territorial functions;
- (e) "District" means the land revenue administrative district;
- (e) "forest officers" means the forest officers as defined in the Act;
- (g) "forest produce" includes-
  - (i) (a) the following found in or brought from a forest or not, that is to say:- bark, charcoal, firewood, myrabolence, natural varnish, resin, shellac, logs;
  - (b) the following found in, or brought from, a forest, that is to say :- trees and leaves, flowers and fruits and all other;
  - (ii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals;

- (iii) plants not being trees, including agave, creeper, dioscores, dephne, edgeworthis, ferns, grass, licopodium, lichens, mushroom, moss and reeds, bamboo, nettle, polygonum, thysanolacna, and all categories of medicinal herbs and shrubs, any agricultural crops, bulbs, rhizomes, tubers and all parts of produce of such plants;
- (iv) peat, dolomite, graphite, rock, surface soil, sand, stones, slates, and other minerals including laterite, mineral oils, and all other products of mines and quarries, and
- (v) such other produce as the Government may, by notification, declare to be forest Produce.
- (h) "Form" means the form appended to these rules;
- (i) "Government" means the State Government of Sikkim.
- (j) "hammer marks" means the engraving or impression on the timber of a hammer issued for indicating lawful extraction of forest produce;
- (k) "nature" means the form of the timber or forest produce;
- (l) "offender" means any person who has committed a forest offence under the Act;
- (m) "origin" means the status of the land from where a timber or forest produce was extracted;
- (n) "Schedule of rates" means the rate list of royalty of timber and other forest produce notified by Government.
- (o) "territorial jurisdiction" means the physical area over which an officer has control for the implementation of forest laws and rules as notified by Government;
- (p) "timber" includes trees when they have fallen or have been felled and all wood cut up sawn or fashioned or hallowed out for any purpose whatsoever;
- (q) "Utilisation extraction area" means land from where the Utilisation Circle of the Forest, Environment & Wildlife Department, Government of Sikkim has been allowed to collect timber or collect forest produce.

*Regulation of transit of forest produce by means of permits  
Persons to apply for transit permit*

- 3. No timber or forest produce shall be moved into or from or within the State of Sikkim except by a transit permit which shall be issued in Form A in white colour, according to procedure hereinafter provided.
- 4. Any person or agency who seeks to obtain a transit permit for the transport of any timber or forest produce shall apply in Form B to the Divisional Forest Officer in whose territorial jurisdiction the forest produce is located, stored or available.

*Report of Range Officer*

- 5. The Divisional Forest Officer shall obtain a reporting Forms C of the nature, quantity and origin of the timber or forest produce sought to be transported, from the Range Officer or Block Officer under whose territorial jurisdiction it is located, stored or available.

*Power of Forest officers to issue transit permit*

- 6. (1) The Divisional Forest Officer shall, after satisfying himself that the timber or forest produce is legally obtained and can be allowed to be transported to another place from where it is located, stored or available, take the following action:-
  - (a) issue a transit permit duly charging fees as prescribed in rule 7 if the forest produce is sought to be transported within the District of its origin.

Provided that in the, absence of 5 (five) continuous days or more of the Divisional Forest Officer, the Conservator of Forests may issue such a transit permit after obtaining a report of the Range Officer as provided under the rules.

- (b) Countersign the report and submit it to the Conservator of Forests or Additional Chief Conservator of Forests if the timber or forest produce is sought to be transported from one District to another or within the same District if the route by which it will be conveyed, passes through another District or outside the state of Sikkim.
- (2) When a report for the issue of a transit permit is submitted to the Conservator of Forests or Additional Chief Conservator of Forests, the same shall be forwarded to the Chief Conservator of Forests or Principal Chief Conservator of Forests for approval.
- (3) After the approval is granted, the Conservator of Forests shall issue a transit permit duly charging fees as prescribed in rule 7.
- Fees to be levied*
7. The transit permits shall be issued after levying a fee (here-in after referred to as fees) which shall be equal to the commercial rate of royalty for the timber or forest Produce as notified in the Schedule of rates currently in force:
- Provided that no fees shall be levied for transporting of old used wood.
- Conditions governing issue of transit permits*
8. All transit permits shall be governed by the following condition
- (a) the transit permit shall be valid for seven days and not liable to be used before 6 A.M. and after 6. P. M. except with the permission of the transit permit issuing officer:
- (b) the timber or forest produce shall be taken to each check post on the route indicated on the transit permit for checking and examination by the forest officers and the transit permit shall be signed by such officers, seal affixed thereon and entry made in the check post register;
- (c) the owner or bearer of the transit permit shall not carry timber or forest produce in excess of the quantity or of any species other than that allowed by it;
- (c) the timber or forest produce allowed to be transported by issue of a transit permit shall follow the route indicated therein and not deviate from it except as provided in these rules; and
- (e) any other conditions which may be notified by the Government from time to time.
- Affixing of hammer marks*
9. The timber or other forest produce authorised for transport by issue of transit permit as aforesaid shall be imprinted with hammer mark by the Range Officer from whose territorial jurisdiction it will be transported after he checks the timber or other forest produce and ensures that it is the one for which application was made in Form B and reported in Form C, and in case of a Utilisation Transit Permit issued under rule 22, that its origin is from the Utilisation extraction area.
- Transit permit For furniture*
10. The transit permits for transporting new furniture shall be issued after payment of fees on the actual quantity of timber utilised in the making of the furniture which shall be assessed and mentioned in the report to be submitted by the Range Officer as provided in the rules. While issuing transit permits for old furniture made of 5 (five ) cubic feet or more of timber, a fee of Rs.50/- and for old furniture made of less than 5 cubic feet of timber, a fee of Rs.25/- shall be levied.

- Concession on transit permit fees*
11. Concession in fees to be levied on the issue of a transit permit shall be made as follows:-
- (a) 50% of the normal rate when the origin of timber is private land holding.
  - (b) 25% of the normal rate when timber is sought to be transported, within 3 (three) months of the day on which it was last transported by payment of fees, and within a distance of 25 (twenty five) kms. from the destination to which it was last transported.
  - (c) 10% of the rate when the sawn or cut timber was purchased from the Forest Department in an auction.
- Particulars of permits*
12. (1) Every transit permit issued under these rules shall specify
- (a) The name of the person or agency to whom such pass is granted;
  - (b) the quantity and description of timber or forest produce
  - (c) The places from and to which such timber or forest produce is to be conveyed;
  - (d) the period of time for which the permit is to be valid.
- (2) The transit permits shall be in triplicate and bound in books which shall bear an identifying number and the passes in each book shall be numbered serially.
- (3) First of the triplicate forms will form the counterfoil and second and third parts shall be given to the person in charge of the produce under transit and shall be produced whenever required by any checking officer mentioned under rule 8 and 20. The part shall be collected by the Range Officer who affixes the hammer mark as mentioned under rule 9, who will initial the second part and affix his seal duly mentioning the time and date of lifting of such timber or forest produce. The third part shall then be sent to the office of the Divisional Forest Officer for compilation
- Separate passes for each load*
13. No transit permit shall ordinarily cover more than one load, whether such load be carried by a person, animal or in a vehicle. But the transit permit issuing authority may, when ever he deems fit order that one pass may cover up to two numbers at the same time.
- Provided that if the transit permit covers more than two loads in vehicles, the owner of the timbers or forest produce shall maintain a register at all the check posts where entries will be made by the check post staff each time a load is carried.
- Passes not to be tampered with or reused*
14. No alteration shall be made in any thing printed or written on any transit permit, except in the matter of route and period which may be done only by the transit permit issuing authority for sufficient reasons to be mentioned in the permit and no transit permit shall be used after the expiry of its validity.
- Transit permit to be issued for Transporting timber*
15. No timber or forest produce shall be brought within the State of Sikkim from outside, except by a transit permit to be issued by the Conservator of Forest in lieu of the transit pass issued by the authority in charge of the place

of origin of the timber or forest produce and such transit permit shall be issued after levying the import fee notified by the Government in the schedule of rates currently in force.

- Depots, check-posts and their purposes*
16. The Government may establish at such places as it shall deem fit, depots and check posts to which timber or other forest produce shall be taken.
- (a) for initial examination or subsequent checking regarding bonafide removal of forest produce;
- (b) for determining the amount of money payable on account thereof to the State Government, and for the payment of any money so found to be due;
- (c) in order that any mark required by law or by these rules to be affixed thereto may be so affixed; and
- (d) for stocking of confiscated timber or other forest produce that was being transported in violation of these rules.
- Situation of depots and check posts to be published*
17. The Principal Chief Conservator of Forests shall make known, by notification in the Official Gazette, the establishment of any new depots and check posts and require loads or vehicle carrying timber or other forest produce to stop at these places for the purposes mentioned in rule 16.
- Depots to be in charge of forest officer Government marks not to be imitated or effaced*
18. Each depot shall be in charge of a forest officer or officers appointed or posted by the Government for this purpose.
19. No person other than a forest officer whose duty it is to use such marks shall use any hammer marks for timber identified with, or nearly resembling any Government transit marks or any mark with which timber belonging to Government is marked and no person shall while any timber is in transit under a transit permit issued under these rules, alter or efface any mark on the same.
- Detention, stoppage and examination of forest produce*
20. (1) Any forest produce in transit to which these rules apply and any person, animal, vehicle, vessel or craft carrying such forest produce may be stopped, detained, examined and checked at any place by any forest or police officer of the State Government not below the rank of a forest guard or Sub-Inspector of Police as the case may be, if such officer shall have reasonable grounds for suspecting that any money which is due to Government in respect thereof has not been paid or that any forest offence has been or is being committed in respect thereof :
- Provided that no such officer shall vexatiously or unnecessarily detain any forest produce which lawfully is in transit, and not veratiously or unnecessarily unload any such forest produce or cause the same to be unloaded for the purpose of examination.
- (2) The person in charge of such forest produce shall furnish to any such officer all the information required by him in connection with the forest produce and if he is transporting the same under a transit permit shall produce such permit on demand for the inspection of such officer and shall not in any way prevent or resist the stoppage or examination of the said forest produce by such officer.

- Prohibition on conversion of timber.*
21. No person shall establish a saw bench or saw pit for cutting, converting or fashioning of timber or firewood or manufacture of charcoal without obtaining a marking order in Form D from a forest officer not lower in rank than a Range Officer when timber or other forest produce is to be extracted from a private land holding, and a Divisional Forest Officer then such timber or forest produce is to be extracted from a forest produce is to be extracted from forest land.
- Transit permit for removal of forest produce by Utilisation Circle.*
22. The transit permit for the removal of timber or other forest produce by the Utilisation Circle of the Forest, Environment & wildlife Department shall be issued by the Conservator of Forests in charge of that Circle in Form E which shall be of yellow colour;
- Provided that such timber or forest produce is removed in a vehicle registered in the name of the Forest Environment & Wildlife Department or hired by it and hammer marked as mentioned in rule 9 and subject to the conditions mentioned in rule 8.
- No transit by water courses*
23. The timber or other forest produce shall not be transported in any form by any person through rivers or streams within Government or private land.
- Transit permit when not required*
24. No transit permit will be required --
- (a) when timber is to be moved within the limits of a village or from a nearby forest land to a village when the same has been collected with the permission of a forest officer who is authorised under the law to grant such permission.
- Provided that such movement is made only by head load;
- (b) when any forest produce is exempted the State Government from the operation of these rules by notification in the Official Gazette.
- Penalties for contravention of rules*
25. Any contravention of the provision of these rule shall be a forest offence and the forest officer detecting the offence shall proceed-
- (a) by compounding the offence as provided for in the Sikkim Forest (Compounding of Offences) Rules, 1998, or
- (b) by prosecuting the offender in Form, F of the Sikkim Forests (Compounding of Offences) Rules, 1998 and the offender shall on conviction. be punishable with imprisonment which may extend to one year or with fine which may extend to two thousand rupees or with both, and where the offence is committed after sunset or before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted for a like offence, the Magistrate having jurisdiction shall impose double the penalty prescribed herein.

T. R SHARMA, IFS

PRINCIPAL CCF-CUM-SECRETARY  
FOREST ENVIRONMENT & WILDLIFE DEPARTMENT.

FORM-A  
(See rule 3 )

## TRANSIT PERMIT

SI. No. \_\_\_\_\_

Dated, the \_\_\_\_\_

Locality of origin \_\_\_\_\_

1 Name and situation of forest land/private holding, (Indicate Cadastral Plot No. in case of private holding)

\_\_\_\_\_

2. Name and address of person to whom the forest produce has been given/sold: -

\_\_\_\_\_

3. Description of produce (a) Quantity and size\_\_\_\_\_

(b) Type of forest produce \_\_\_\_\_

4. Destination \_\_\_\_\_

5. Route by which produce is to move \_\_\_\_\_

6. Date of expiry of permit \_\_\_\_\_

**Conservator of Forests  
Territorial Circle  
Government of Sikkim.**

*NOTE : This permit shall not used before 6 A.M. or after 6 P.M. for transporting timber or other Forest produce and it shall not be used in violation of the Sikkim Transit of Timber and other Forest produce Rules, 1999.*

8  
FORM-B  
(See rule 4

APPLICATION FORM FOR OBTAINING TRANSIT PERMIT

1. Name of applicant \_\_\_\_\_  
\_\_\_\_\_
2. Address \_\_\_\_\_  
\_\_\_\_\_
3. Place where timber/forest produce \_\_\_\_\_  
\_\_\_\_\_
4. Special and quantity of timber/forest produce \_\_\_\_\_  
\_\_\_\_\_
5. State use to which timber/ forest is to be put \_\_\_\_\_  
\_\_\_\_\_
6. Place to which timber/ forest produce is to be taken \_\_\_\_\_  
\_\_\_\_\_
7. Marking Order/Collection Permit No. \_\_\_\_\_  
\_\_\_\_\_
8. Office from which Marking Order Collection Permit was issued \_\_\_\_\_  
\_\_\_\_\_
9. Whether Marking Order/ Collection Permit issued to applicant \_\_\_\_\_  
\_\_\_\_\_
- 10.If answer to 9 is No. state how the timber/forest produce was acquired (by sale, auction etc.)  
\_\_\_\_\_
1. Route by which the timber/forest produce is to be transported.  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE OF APPLICANT



FORM-C

(See rule 5)

FIELD REPORT FOR ISSUE OF TRANSIT PERMIT

1. Name of Applicant \_\_\_\_\_
2. Address \_\_\_\_\_
3. Locality of present stocking of timber or forest produce \_\_\_\_\_  
\_\_\_\_\_
4. Name of forest or private holding from where obtained \_\_\_\_\_  
\_\_\_\_\_
5. Mode of acquiring timber or forest produce Marking Order, auction, other please specify and enclosed documents in support.  
\_\_\_\_\_  
\_\_\_\_\_
6. Sizes of the timber \_\_\_\_\_
7. Quantity of timber or forest produce \_\_\_\_\_  
\_\_\_\_\_
8. Name of species of timber or forest produce \_\_\_\_\_  
\_\_\_\_\_
9. Place to which the timber or forest produce is to be transported.  
\_\_\_\_\_
10. Route by which timber or forest produce is to be conveyed.  
\_\_\_\_\_

Countersignature of  
Divisional Forest Officer

Signature of Reporting  
Range or Block Office

FORM--D  
(See rule 21)

MARKING ORDER

Memo No. \_\_\_\_\_

Dated :\_\_/\_/\_\_\_\_

From:

The Divisional Forest Officer/ Range Officer

\_\_\_\_\_Division/\_\_\_\_\_Range \_\_\_\_\_

To:

The Range Officer / Block Officer

\_\_\_\_\_ / \_\_\_\_\_ Block

Please arrange to mark the under mentioned tree/trees in favour of Shri/Smt. \_\_\_\_\_

from \_\_\_\_\_ forest on payment \_\_\_\_\_

of royalty at \_\_\_\_\_ These /it should be marked

before felling and only on silvicultural availability.

Particulars of trees	Girth
1.	
2.	
3.	
4.	

Dragging, rolling and sliding the timbers in the forest are strictly prohibited. All timbers must be hammer marked before removal from the saw bench which may be allowed for sawing the above mentioned trees only.-

This Marking Order is valid from three months from the date of issue.

- 1 for bonafide use at \_\_\_\_\_
  2. for commercial use at \_\_\_\_\_
- (strike out whichever is inapplicable)

Divisional Forest / Range Officer  
\_\_\_\_\_Division/\_\_\_\_\_ Range  
Date: \_\_/\_/\_\_\_\_

SI. No. \_\_\_\_\_

Dated :- \_\_\_/\_\_\_/\_\_\_

UTILISATION TRANSIT PERMIT

1. Locality of origin : \_\_\_\_\_
2. Name of Forest : \_\_\_\_\_
3. Name of Territorial Range : \_\_\_\_\_
4. Description of timber or other forest produce : \_\_\_\_\_
  - (a) Quantity and size : \_\_\_\_\_
  - (b) Type of forest produce : \_\_\_\_\_
5. Destination (name of store or depot and place) : \_\_\_\_\_
6. Type and number of vehicle  
(S) to be used for transporting : \_\_\_\_\_
7. Route by which produce is to move : \_\_\_\_\_
8. Date of expiry of permit : \_\_\_\_\_
9. Number of hammer used for marking the timber : \_\_\_\_\_

Conservator of Forests  
Utilisation Circle.