

**CHAPTER X**  
**SALE OF TIMBER ACT, 1968 AND RULES**  
**THE HIMACHAL PRADESH (SALE OF TIMBER) ACT, 1968**  
**(Act No. 18 of 1968)**

(Received the assent of the President of India on the 12th November, 1968, and was published in R.H.P. Extra, dated the 17th February, 1968 at P. 145- 148).

An Act to provide the control of the sale of timber add establishment of sale depots for such timber in Himachal Pradesh.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth year of the Republic of India is follows:-

1. Short title, extent and commencement-(1) This Act may be called the Himachal Pradesh Forest (Sale of Timber) Act, 1968.
- (2) It shall extend to the whole of Himachal Pradesh.
- (3) It shall come into force at once.

**2. Definitions-** (1) In this Act, unless the context otherwise requires-

- a. "Official Gazette" means the Rajpatra, Himachal Pradesh and
- b. "State Government" means the Government of Himachal Pradesh.

(2) Words and expressions used, but not defined, in this Act and defined in the Indian Forest Act, 1927 (16 of 1927), shall have the meanings, respectively assigned to them in that Act.

**3. Power to make rules, regulating sale of timber and the establishment of sale depots-**  
**(1)** The State Government may, by notification in the Official Gazette, make rules to regulate the sale of timber and the establishment of sale depots for such timber.

- (2) In particular and without prejudice to the generally of the foregoing powers, such rules may
- a. prescribe the classes of timber to which the rules shall, apply;
  - b. define what shall be deemed to be a sale depot.
  - c. provide for the establishment, registration regulation and inspection of the depots, and the levy of fees for registration; prescribe the period for which registration shall hold good and the conditions under which timber may be brought to, store at, and removed from, sale depots; and prohibit the sale of timber at or the establishment or maintenance of unregistered sale depots.
  - d. regulate the use of sale depot marks and the registration of such marks; prescribe the time for which registration shall hold good; and provide for the levy of fees for registration.
  - e. prescribe the registers to be maintained at sale depots and provide for the production of such registers before and for their examination by any forest officer authorised in this behalf by the divisional forest officer.
  - f. Prescribe, as penalties for the infringement if any rule made under this section, imprisonment which may extend to six months, or fine which may extend to five hundred rupees, or 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 officer has been previously convicted of a like offence.

(3) All rules made under this section shall be so made after previous publication in the Official Gazette.

(4) All rules made under this Act shall be laid before the Legislative Assembly as soon as may be after they are made.

4. **Application of chapter IX of Indian Forest Act, 1927** - The provisions of chapter IX of the Indian Forest Act 1927 (16 of 1927) with the exception of section 68, shall apply, so far as may be, to any infringement of the rules made under this Act as if such infringement were a forest offence under the Indian Forest Act, 1927.

5. **Indemnity for acts done in good faith** - No suit shall lie against any public servant for anything done by him in good faith under this Act.

6. **Repeal and savings** - The following Acts are hereby repealed:-

- (1) the Punjab Forest (Sale of Timber) Act, 1913 (3 of 1913), as applicable to the areas merged with Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) and
- (2) the Punjab Forest (Sale of Timber) Act, 1913 (3 of 1913), as applicable to the areas merged with Himachal Pradesh (Application of Laws) Order, 1949.

Provided that anything done, or any action taken or proceedings commenced or continued under the Acts hereby repealed shall be deemed to have been done, taken, commenced or continued under the corresponding provisions of this Act.

### **RULES UNDER HIMACHAL PRADESH FOREST (SALE OF TIMBER) ACT, 1969.**

#### **NOTIFICATION**

(As amended vide notification No. 3-236/69-SF dt. 30-1-1973)

No. 3-236169-SF-Shimla-1, the 3rd July, 1970.

In exercise of the powers conferred on him by section 3 of the Himachal Pradesh Forest (Sale of Timber) Act 18 of 1968) Lieutenant Governor Himachal Pradesh is pleased to make the following rules

#### **1. Short title extent and commencement**

1. (1) These rules may be called the Himachal Pradesh Forest (Sale of Timber) Rules, 1969.
- (2) These shall extend to the whole of Himachal Pradesh.
- (3) These shall come into force from the date of issue of this notification.

#### **2. Definition:** - In these rules unless there is anything repugnant in the subject or context,-

- (i) <sup>1</sup>["timber" includes trees when they have fallen or have been felled and all wood whether cut-up or fashioned or hallowed out for any purpose or not;]
- (ii) "Depot" means any building or place where timber is brought or stored for sale, as it is or processed through sawing or any other method/process.

<sup>2</sup>[Explanation,- Saw mills which process timber through sawing for whatever purpose shall be deemed to be depot.]

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

4. Any person wishing to establish or maintain a depot shall register the same in the office of the Forest Division in which the depot is situated, and shall give in respect of such depot such details in regard to origin of timber as may be required by the Divisional Forest officer. Every person registering a depot shall be and remain responsible for the observance of all rules which may from time to time be notified by the Himachal Pradesh Government under section 3 of the

<sup>1</sup> The definition of Timber Subs. vide, Not. 3-236/69-SF, dated 30-1-1973 published in R.H.P. in R.H.P. dated 30-6-73 again sub Not. No. Fb. A (4) 6/76 dated 23-7-1984 published in R.H.P. dated 15-2-1986, p. 198.

<sup>2</sup> Explanation added vide Not. No. Fts. (A) 3-4/83 dated 3-10-85, published in R.H.P. dated 18-10-1986, p. 1068.



Himachal Pradesh Forest (Sale of Timber) Act, 1968, provided that the Divisional Forest Officer, with the approval of the Conservator, may exempt by order in writing any timber dealer from the operation of such rules as he may consider necessary. Each depot registered under this rule shall be assigned a number by the registering officer. In the case of persons having depots at the late of the publication of these rules a period of six months from such will be allowed within which the deposit existing shall be registered.

<sup>3</sup>[Provided that a fee of Rs. 100/- shall be paid for registration of each depot registered under these rules]

5. The Officer in Charge of a Forest division may refuse registration at discretion for reasons which shall be stated in writing, but an appeal against an order refusing registration shall lie to the Conservator of Forest of the Circle concerned.

<sup>4</sup>[6. (i) 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.

(ii) No fee shall be paid for the registration of the sale hammer mark to be done under rule 6(1)].

7. No person shall be allowed to register a mark already registered in favour of another person or any mark used by Government, and the officer-in- Charge of a Forest Division may refuse registration of any mark which in his judgment so closely resembles a mark used by Government or registered in favour of any person as to be easily altered to counterfeit such mark.

8. The registration of a mark under rule 7 shall hold good for a period of three <sup>5</sup>[calendar] years from the date of such registration.

9. <sup>6</sup>[The owner or person-in-charge of a registered depot shall be required to maintain Register correctly in either or both of the following forms;

(i) A register of receipts of timber, showing

1. Date of receipt.
2. The place from which received.
3. Name, parentage and full address from whom received.
4. Species.
5. Property marks and/or khundan marks.
6. Number of logs or pieces.
7. Description giving size and volume.
8. Remarks.

(ii) A register of sales and removals of timber showing --

1. Date of sale,
2. Date of removal of timber from depot.
3. Name, parentage and full address of person to whom sold or made over.
4. Designation with full address.
5. Species.
6. Property marks and/or Khundan marks.
7. Number of logs and pieces
8. Description giving size and volume.
9. Remarks].

<sup>3</sup> Provisio added vide ibid.

<sup>4</sup> Rule 6 Subs. for the original one by Not. No. 2-236/69, SF, -dated 30-1-1973, published in R.H.P. dated 30-6-73, p. 1009-10.

<sup>5</sup> Ins. By Not. No. 2-236/59-/SF, dated 30-1-1973, published in R.H.P. dated 30-6-1973.

<sup>6</sup> Rule 9 subs for. vide Not. No. Fts. -A (4) 6/76 dated 23-7-1984 published in R.H.P. dated 15-2-1986, p, 198.

<sup>7</sup>[10. Every owner or person-in-charge of a registered depot shall produce the, above registers for scrutiny and checking of timber lying in the depot when called upon to do so by the State Vigilance Officer or the Divisional Forest Officer or any Forest Officer authorised by him in this behalf. Such official may at any time enter a registered/depot/saw mill for such purpose].

11. 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.

12. Sale hammer marks shall be surrendered to the Divisional Forest officer on the cancellation of any registration or on his death of the owner of the mark in whose name it has been registered.

13. No timber shall be removed from any registered depot unless accompanied by a form of receipt prescribed by the Government.

14. Whoever infringes any of these rules shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to the 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,

**<sup>8</sup>[FORM FOR REMOVAL OF TIMBER  
(See rule 13)]**

Receipt of timber removed from Timber Depot registered under the Himachal Pradesh Forest (Sale of Timber) Rules, 1969

Date.....

1. Name of the Registered Depot holder .....
2. Location of the Timber Depot .....
3. Registration No. of Depot .....

Name of purchaser		Detail of Timber sold with size
Size No.	Vol. in cub. M	Amount
Deodar	----	
Kail	----	
Fir/Spruce	----	
Chil	----	
Sal	----	
Other Species	----	
Total Sale amount	----	

Signature of  
Registered Depot Holder

Note:- This receipt to be issued in triplicate, one copy to be endorsed to the Check Post and one to be sent to the D.F.O. concerned and one to be retained as Counterfoil.

**No export permit will be required under sections 41 and 42 of the Indian Forest Act, 1927, when timber is purchased from Timber Sale Depot under Sale of Timber Rules, 1969 by the purchasers, when accompanied with this prescribed receipt form]**

(R.H.P. dated the 22 August 1970, p. 755).

<sup>7</sup> Rule 10 Subs. vide Not. No. Fts. -A (4) 6/76 dated 23-7-1984 published in R.H.P. dated 15-2-1986, p. 198.

<sup>8</sup> Form added vide Not. No. FTS (A) 4-6/76, dated 19-1-1977 published in R.H.P. dated 25-6-1977, p. 986.



## **HIMACHAL PRADESH (SALE OF TIMBER)**

### **(1<sup>ST</sup> AMENDMENT) RULES 1984**

**No. Fts (4)-6/76 dated the Shimla-171002, the 20th July/23-7-84.**

### **NOTIFICATION**

Whereas the proposed amendments in the Himachal Pradesh Forest (Sale of Timber) Rules, 1969 were published in extraordinary Rajpatra, H.P. dated 10-1-1981 under notification of even number dated 3-9-1980 for the information of the persons likely to be affected and inviting objections/suggestions to the same within 30 days from the date of its publication in the Rajpatra;

And whereas no objections/suggestions have been received to the proposed amendments within the prescribed period;

Now, therefore, in exercise of the powers vested in him under Section 3 of the HP Forest (Sale of Timber) Act, 1968 (No. 18 of 1968), the Governor of Himachal Pradesh is pleased to order the following amendments in the H. P. Forest (Sale of Timber) Rules, 1969 notified vide this Government notification No. 3-236/69-SF dated 03/01/1970 and published in H. P. Rajpatra dated 22-8-1970.

#### **Amendments**

##### **1. Shot title and commencement**

(1) These rules may be called the Himachal Pradesh (Sale of Timber) (1st amendment) Rules, 1984.

(2) These shall come into force at once.

##### **2. Amendment of Rules 2**

For the existing clause (i) of rule 2 of the Himachal Pradesh (Sale of Timber) Rules, 1969 (hereinafter referred to as the said rules) the following clause (i) shall be substituted, namely:-

(i) "Timber" includes trees when they have, fallen or have been felled, and all wood whether cut-up fashioned or hollowed out for any purpose or not.

##### **3. Substitution of Rule 10**

For the existing rule 10 of the said rules, the following rule 10 shall be substituted, namely:-

"10. Every owner or person incharge of the Registered Depot shall produce the above registers for scrutiny and checking of timber lying in the depot when called upon to do so by the State Vigilance Officer or the Divisional Forest Officer or any Forest Officer authorized by him in his behalf. Such official may at any time enter a registered depot/saw-mill for such purpose."

By Order,  
Secretary (Forests) to the  
Government of Himachal Pradesh

*Authoritative, English Text of Notification on No. Fts (A) 3-4/83, dated..... is hereby published in the H.P. Rajpatra as, required under Article 348(3) of the Constitution of India.*

**GOVERNMENT OF HIMACHAL PRADESH DEPARTMENT OF FOREST FARMING & CONSERVATION**

**NOTIFICATION**

No. Fts. (A) 3-4/83. Dated Shimla-2, the 3rd Oct., 1985

In exercise of powers vested under section 3 of Himachal Pradesh Forest (Sale of timber) Act, 1968 (Act 18 of 1968), the Governor, Himachal Pradesh is pleased to make the following rules, further to amend the Himachal Pradesh Forest (Sale of Timber), Rules, 1969 as published vide Government Notification No. 3- 26/69-SF, dated 3<sup>rd</sup> July, 1970 in the H. P. Rajpatra dated 30-6-73:-

**1. Short title and commencement -**

(1) These rules may be called the Himachal Pradesh Forest (Sale of Timber) Amendment Rules, 1985.

(2) These shall come into force on the date of issue of this notification.

**2. Amendment of Rule 2**

After existing sub-rule (1) of rule 2 of the Himachal Pradesh Forest (Sale of Timber) Rules, 1969 (hereinafter called the 'aforesaid rules', the following explanation shall be added namely:-

"Explanation - "Saw mills which process timber through sawing for whatever purpose shall deemed to be depot."

**Amendment of Rule-4**

After rule 4 of the said rules, the following provision shall be added namely

Provided that a fee of Rs. 100 shall be paid for the registration of each depot registered under these rules.

By order  
Sd/-  
Secretary forests to the Government  
of Himachal Pradesh