

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIATô FOREST, ENVIRONMENT AND
ECOLOGY DEPARTMENT

Notification

Jammu, the 2nd March, 2020.

SO.-82.ôôIn exercise of the powers conferred by section 76 of the
Indian Forest Act, 1927 (16 of 1927), the Lieutenant Governor, is pleased
to make the following rules, namely :ô

1. **Short title, extent and commencement**ô (1) These rules may
be called the Jammu and Kashmir Forest Produce (Sale and Registration
of Depot) Rules, 2020 ;

(2) These rules shall apply to whole of the Union Territory of
Jammu and Kashmir ;

(3) They shall come into force with effect from 31st of October, 2019.

- a. **“Act”** means the Indian Forest Act, 1927 (16 of 1927) ;
- b. **“Conservator of Forests”** means an officer holding the charge of the territorial forest circle concerned ;
- c. **“Depot”** means any building or place where forest produce is stored for sale ;
- d. **“Divisional Forest Officer”** means an officer holding the charge of the territorial forest division concerned ;
- e. **“Government”** means the Government of Union Territory of Jammu and Kashmir ;
- f. **“Principal Chief Conservator of Forests”** means an officer holding the rank of Principal Chief Conservator of Forests and heading the Forest Department in the Union Territory of Jammu and Kashmir ;
- g. **“Schedule”** means the Schedule appended to these rules ;
- h. **“Forest Produce”** means the forest produce listed in Schedule-1 ;
- i. **“Union Territory”** means the Union Territory of Jammu and Kashmir.

3. Establishment and operation of depots. (1) No person shall establish or maintain a depot unless it is registered in accordance with these rules.

(2) Any person wishing to establish or maintain a depot shall register the same in the Office of the Divisional Forest Officer concerned and shall give in respect of such depot such details in regard to origin of timber as may be required under these rules.

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(3) Each depot registered under this rule shall be assigned a number by the Divisional Forest Officer. Persons having depots registered under the rules framed under Jammu and Kashmir Forest (Sale of Timber) Act, 1931 shall have to obtain fresh registration under these rules within 180 days from coming into force of these rules.

(4) 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 Government under the Act.

(5) The Divisional Forest Officer may refuse registration for reasons which shall be stated in writing. An appeal against an order refusing registration shall lie with the Conservator of Forests.

4. **Power to exempt.**ô The Principal Chief Conservator of Forests may exempt, wholly or partly, any Government Department, Public Sector Undertaking or any Co-operative Society from the operation of these rules.

5. **Form of depot permit.**ô Depot Permit shall be in such form as may be prescribed by the Principal Chief Conservator of Forests and shall be valid for transit of forest produce within the jurisdiction of the municipal committee or municipal corporation in which the depot is located. Permit shall be in quadruplicate and bound books. Each book shall bear an identifying number and the permits in each book shall be numbered serially.

6. **Conditions regulating use of depot permits.**ô An owner of the depot to whom permission has been given under rule 3 shall abide by the following conditions, namely :ô

- (a) He shall pay security deposit of rupees twenty thousand duly pledged to the Divisional Forest Officer for the due observation of the provisions of these rules.
- (b) He shall not bring or store at his depot any forest produceô
 - i. which do not bear valid property mark and/or hammer mark as the case may be ;
 - ii. which are not checked enroute ; and

iii. whose transit from the source of collection or origin up to the depot is not covered by transit permit issued under the Jammu and Kashmir Forest Produce Transit Rules, 2019.

- (c) The transit permit referred to in clause (b) shall be retained by him up to six months from the date of complete disposal or removal from the depot of all the forest produce brought under such permits and shall be produced for inspection within that period on demand by a forest officer having jurisdiction.
- (d) He shall not remove, or allow to be removed, from the depot any forest produce unless accompanied by a depot permit signed by himself or by his authorized agent.
- (e) He shall obtain the depot permits on payment from the Range Officer in whose jurisdiction the depot is located on payment of price fixed by the Principal Chief Conservator of Forests. Each depot permit shall bear the official seal of the Divisional Forest Officer of the Division.
- (f) He or his authorized agent, as the case may be, shall issue the original permit to the person removing the forest produce and send the first carbon copy to the Range Officer having jurisdiction within a week of issue of the permit and retain the second carbon copy for his record. All corrections or rewritings shall be duly attested by the person issuing the depot permit.
- (g) He shall return the permit book containing the fourth carbon copy as soon as it is completely used up or after the forest produce for the removal of which the permit book was issued, is disposed of, whichever is earlier. On cancellation of the permission under rules 7, all partially used permit books shall be returned to the Range Officer and receipt obtained to this effect from him.
- (h) He shall at all times allow Forest Officer having jurisdiction over the area to inspect the premises and the forest produce for which permission is granted under rule 3 and shall produce the transit permits referred to in clause (b) for inspection on demand by the officer.

- (i) He shall maintain a register in such form as may be prescribed by the Principal Chief Conservator of Forests showing correct account of the forest produce brought to and removed from the depot, and such register of accounts shall be open to inspection at any time by Divisional Forest Officer or any Forest Officer duly authorized in this behalf by the Divisional Forest Officer.
- (j) He shall be subject to the general supervision of the Divisional Forest Officer in respect of issue of depot permits and the quantity of forest produce covered by each, and the Divisional Forest Officer may pass written instructions to regulate the manner in which such permits shall be issued.
- (k) The permit book issued for a particular forest produce shall be used only for that produce. The permit book is not transferable and shall be used only by the person to whom it is issued or by his authorized agent.

7. For contravention of any of the provisions of these rules by the owner of the depot or his authorized representative, the registration of such depot and permission to issue depot permits is liable to be cancelled and the security deposit paid by such person may, in whole or in part, be forfeited by the Divisional Forest Officer without prejudice to any action that may be taken against him under the Act :

Provided that before the order for forfeiture is passed, the owner of the depot shall be given a reasonable opportunity of being heard.

8. **Sale hammer mark.**ô (1) 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 paid for the registration of the sale hammer mark.

(2) No person shall be allowed to register a mark already registered in favour of another person or any mark used by the Jammu and Kashmir Government. The Divisional Forest Officer may refuse registration of any mark which in his judgment closely resembles a mark used by the Jammu and Kashmir Government or is registered in favour of any person.

(3) The registration of a mark under this rule shall be valid for a period of 3 years from the date of such registration.

(4) 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.

(5) Sale hammer mark shall be surrendered to the Divisional Forest Officer on the cancellation of any registration.

This notification shall be deemed to have come into force with effect from 31st of October, 2019.

By order of the Government of Jammu and Kashmir.

(Sd.) SARITA CHAUHAN, IAS,

Commissioner/Secretary to Government,
Forest, Environment and Ecology Department.

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7. *Nardostachys* spp

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8. Taxus spp
9. Valeriana spp
10. Rheum spp
11. Jurenia spp (Dhoop)
12. Valeriana spp (Mushkbala)
13. Atropa spp (Balladona)
14. Bergenia ciliata
15. Dioscorea spp