

Himachal Pradesh Forest (Sale Of Timber) Act, 1968

18 of 1968

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An Act to provide for the control of the sale of timber and 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 as 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 Rqjpatra, 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 generality 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, stored 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 of 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 offender has been previously convicted of a like offence.

(3) All rules made under this section 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 Sec. 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 (16 of 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 Sec. 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 district of Bilaspur by the Bilaspur (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.