

THE JAMMU AND KASHMIR FOREST (SALE OF TIMBER) ACT, 1987 (1931' A.D.)

[Act No. III of 1987]

[Sanctioned by His Highness the Maharaja Bahadur vide Cabinet secretary's endorsement No. 2966, dated the 25th February, 1931 and published in Government Gazette dated Phagan, 1987.]

An Act to provide for the control of the sale of timber and the establishment of sale depots for such timber in the Jammu and Kashmir State.

Whereas it is expedient to provide for the control of the sale of Timber and establishment of sale depots for such timber in the Jammu and Kashmir State; It is hereby enacted as follows:

1. Short title, extent and commencement

This Act may be called the Jammu and Kashmir Forest (Sale of timber) Act No. III of 1987.

It shall extend to such local areas as the Jammu and Kashmir government may notify by notification in the Jammu and Kashmir Government Gazette direct and it shall come into force in each of such areas on such day as the Jammu and Kashmir Government in like manner direct in this behalf.

2. Meaning of terms

In this Act all expressions shall have the meaning assigned to them in the Jammu and Kashmir Forest Act No. II of 1987.

3. Power to make rules regulating sale of timber and the establishment of sale depots

1) The Jammu and Kashmir Government may by notification in the Jammu and Kashmir Government Gazette, make rules to regulate the sale of timber and the establishment of sale depots for such timber. Such rules may among other matters:-

- (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 sale 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, sold at, and removed from, sale depots and prohibit the sale of timber at the establishment of 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 or Police officer authorised in this behalf by the Divisional Forest Officer.

Officer or by the District Superintendent of Police, respectively;

(f) prescribe as penalties for the infringement of any rule made under this section, imprisonment which extend to six months or fine which may extend to Rs.500 or both. Double penalties may be inflicted where offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, the offender has been previously convicted of a like offence.

(2) All rules made under sub-section (1) shall be so made after previous publication in the Jammu and Kashmir Government Gazette.

4. Application of Chapter VI of Jammu and Kashmir Forest Act

The provisions of Chapter VI of the Jammu and Kashmir Forest Act No. II of 1987 with the exception of section 38, 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 Jammu and Kashmir Forest Act.

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.