

CHAPTER VII

RIVER RULES

HIMACHAL PRADESH RIVER RULES, 1971 NOTIFICATION

No. 14-1169-SF, Shimla-171002, dated the 21-10-74

In exercise of powers conferred by sections 41, 42, 45 and 51 of the Indian Forest Act, XVI of 1927, the Government of Himachal Pradesh is pleased to make the following rules, in supersession of all the previous rules under these sections issued from time to time by the erstwhile State of Punjab and the Himachal Pradesh State, to regulate the transit of timber in all rivers in Himachal Pradesh.

SECTION 1

Introductory

Name, title & extent

1. (i) These rules shall be called the Himachal Pradesh River Rules 1971.
- (ii) The rules shall apply to all the rivers flowing in Himachal Pradesh.

Unless there is anything repugnant, in the subject to context

Definition

2. (i) "Divisional Forest Officer" means the Divisional Forest Officer for the time being incharge of the territorial Forest Division in which any part of river is situated and a Divisional Forest Officer specified to exercise any particular function under these rules.

(ii) "Forest Officer" includes any Forest Officer of U.P., Punjab & J&K Govts. in case of Yamuna and Ravi Rivers, as may be authorised by the Chief Conservator of Forests to perform all or any of the functions under these rules.

(iii) "River" includes tributary, streams, canal, creeks and other channels, lakes and artificial lakes.

(iv) "Timber" includes all wood whether cut up or fashioned or hollowed out for any purpose or not.

(v) Other words and expressions shall have the meanings severally assigned to them in Section 2 of the Indian Forest Act XVI of 1927 as applied to Himachal Pradesh.

SECTION II

Rules Regulating Launching Collection and Rafting of Timber and the Registration of Timber Property Marks under Sections 41 (b) (e) (d) (e) (b) & 42

3. No person shall launch, float and/or raft timber in any river without a written permission of the Divisional Forest Officer concerned in accordance with these rules,

4. Any person wishing to float or otherwise convey timber by any river shall register at the Forest Officer of the Division to which the control of the river pertains, as specified in Schedule I to these rules, the marking or marks to indicate the proprietary right in such timber. A registration fee of twenty five rupees shall be payable for every separate mark so registered and if the number of marks exceeds three in case of one person/firm, the said fee shall be fifty rupees for each mark.

5. No person shall be allowed to register a mark already registered in favour of another person nor any mark used by Government, and the Forest Officer may refuse registration of any mark in his judgement so closely resembles a mark used by Government or registered in favour of any person as to be easily producible by altering such marks.

6. Every registration under these Rules shall hold good for three years following the first of January next after the date of registration.

A certificate showing the marks registered, the date of registration, the period for which it holds good and acknowledging the payment of the fees, shall be given to every person registering his mark or marks.

7. Notwithstanding anything contained in the foregoing rules:-

(i) Temporary property marks, for special consignment of timber to be transported by water, may be registered by the Forest Officer incharge of the Division to which the control of the river pertains or, with written permission of such Forest Officer by the River Range Officer.

(ii) Such registration shall be made under such conditions as the Conservator of Forests may from time to time direct;

(iii) A fee of rupee five shall be payable for every separate mark so registered;

(iv) Every such registration shall hold good for three months only from the date of the registration; and

Provided that:-

Temporary property mark will not be required for any timber of a right holder obtained for repair/construction of his house or farm building in accordance with his rights there-to under Forest Settlement or out it in his own hand, provided that such timber is either carried across the river or is transported in the river over a very short distance.

8. All persons wishing to launch timber by any river after registration in accordance with the rules above shall apply in the form to be prescribed by Chief Conservator of Forests, thirty days before the intended date of launching to the Divisional Forest Officer incharge of the Forest Division in which such rivers is situated or to such subordinate Forest Officer as the Divisional Forest Officer incharge of the Division may authorise in that behalf.

9. The Divisional Forest Officer or the subordinate Forest Officer, as the case may be, shall verify the particulars of the application and after satisfying, in particular the correctness of the source, shall issue a pass in the form to be prescribed by the Chief Conservator of Forests, seven days in advance of this requested date of launching.

10. No person is permitted to deposit any timber for which a pass has been applied, but not yet issued, so close to the water's edge so as to endanger its being carried away by a rise in the river before the pass is issued.

11. For the issue of the pass, a fee, not exceeding fifty paise for each log, containing a minimum of 25 cum. 20 paise per piece of round or split timber and 25 paise for each sawn or axe cut scantling shall be charged before issue of the pass, provided that in case of a forest lessee, the issue of pass shall not be withheld on the reason of nonpayment in advance.

12. No person, having launched his timber, or set it afloat on any river, shall collect the same except:-

(i) with the permission in writing of the Forest Officer incharge of the Forest Division;

(ii) at the places which such officer may publicly notify as places, at which such collection shall ordinarily be made.

13. (i) No person shall raft, or otherwise convey any timber which has been collected on any river without obtaining a pass in the form to be prescribed by the Chief Conservator of Forest from the Forest Officer Incharge of the Forest Division such subordinate Forest Officer as the Officer Incharge of the Forest Division may authorise in that behalf.

(ii) A Forest Officer may require any person rafting or conveying timber as aforesaid, to produce the pass for the same at any time. No person shall be entitled to raft or convey timber by virtue of a pass, which he does not himself hold, but which is, or is stated to be, in the hands of some other person.

In the event of the pass not being produced, the Forest Officer may detain the timber.

(iii) In the event of the time mentioned on the pass as that for which it shall remain in force having expired before arrival at destination of the property covered by the pass, the Forest Officer Incharge of the Division may extend the period during which the pass shall be further valid for such time as he may think proper at a charge not exceeding twenty-five percent of the fees chargeable under Rule 10.

14. No person shall, without the written permission of the Forest Officer incharge of the Divisional:-

(i) Cut up, move, conceal, mark or alter or efface any mark on any timber while in transit or a drift on any river, or while stranded on any bank or island of any river or;

(ii) Hand Saw or cut up timber or burn timber for the manufacture of charcoal, bricks, lime or Surkhi on any river used for floating purposes, or on any island of such river or at any place on either bank of the main stream of such river which is within a distance of three miles from such bank at its cold season level, provided that the permission required shall be assumed to have been given if a man applies by a registered letter (acknowledgement due) addressed to the Divisional Forest Officer concerned and receives no orders within one Calendar month from the date of receipt of the acknowledgement certificate of the registered letter.

15. (i) No person shall, without previous registration and permission on of the Forest Officer incharge of the Forest Division, establish a saw mill or deal in timber on any river or on any island of such, river or at any place which is within a distance of three miles from such bank.

The perennial stream of the tributaries shall be notified by the Chief Conservator of Forests.

(ii) The application for permission for establishing a Saw Mill or a business in sawn timber shall be in such form as the Chief Conservator of Forests may specify. The application will be submitted with a registration fee of Rs. 100.

(iii) A certificate showing Registration number, date of registration and the period for which it holds good and acknowledging the payment of fee of Rs. 100 shall be given to every person registering his saw mill/ timber sale Depot. It shall specify such condition as to the previous inspection of the timber, examination of the records of timber etc. by a Forest Officer not below the rank of a Forest Ranger.

(iv) Every such registration shall bind the owner or the person incharge of the saw mill/Sale Depot to maintain correct record showing the receipt of the timber from various sources, sawn into various sizes and the disposal by sale or otherwise in the registers in the forms to be prescribed by the Chief Conservator of Forests, in particular to show the source of timber received with date and kind, sawn outturn in detail and records of disposal.

(v) Every owner/incharge or registered saw mill/ depot shall be bound to produce and allow to be examined with the stocks the aforementioned records to any Forest Officer not below the rank of Forest Ranger.

(vi) The Saw Mills/Sale Shops/Depots already in existence on the day of notification of these rules will be deemed to be non-established for purposes of these rules and will be required to complete the procedures prescribed herein.

16. The permission granted or registration done under Rule 14 may be cancelled by the Divisional Forest Officer, if he is satisfied that the saw mill has indulged in unauthorised activities or has not maintained the record required under Rule.

17. The appeal of the cancellation order of the Divisional Forest Officer shall lie with the Conservator of Forests having territorial jurisdiction, whose decision shall be final.

18. Once a building has been constructed, or is so far constructed that the wood suspected to have been illicitly removed from river cannot be examined without dismantling then no inspection of the wood shall be made except by order of magistrate, nor shall any house be searched except on the authority of a search warrant issued by a Forest Officer in exercise of powers invested under section 72 of I.F.A. or by a Magistrate.

19. Penalty for breach of the above rules shall be imprisonment for a term which may extend to six months or a fine which may extend to rupees five hundred or both.

Provided that the penalties will be doubled in cases where the offence has been committed after sunset or before sunrise, or after resistance to the lawful authority or where the offender has been previously convicted of a like offence.

SECTION III

Rules Regarding Control on Weirs and Dams under Section 41 (f) and (g) Section 42

20. No person, shall close or obstruct the channel of any river used for the transit of timber, except under and in accordance with the conditions of a special licence issued by the Divisional Forest Officer permitting the erection of a boom, weir or irrigation bund.

21. (i) Any Forest Officer may prevent acts likely to cause obstruction on the banks or in the channel of any river used for the transit of timber or other forest produce and the Divisional Forest Officer may cause to be removed any un-authorised obstruction.

(ii) The cost of such prevention or removal may be recovered by the Divisional Forest Officer from the person causing the obstruction by proceeding under section 82 of the Act, as if the amount were an arrears of revenue.

22. Where the whole or partial removal of any irrigation or water mill bund has been ordered by the Divisional Forest Officer under the provisions of these rules, the interests of the right holders shall be safeguarded as far as possible. No Irrigation or water mill blind may be opened for a period exceeding twelve hours during any one day.

23. The owner or the Contractor incharge of the timber in transit shall before the expiry of the period of twelve hours mentioned in the next proceeding rules:-

(i) ensure a flow of water into any irrigation or water mill channel breached under these rules by closing the breach in a manner sufficient for this purpose.

(ii) at his own expense make all necessary repairs to irrigation or water mill channel to which damage has been caused due to his timber operations.

24. The amount of compensation due if any on account of loss caused by excessive interference with the customary rights of irrigation or of water mills shall be assessed by the Deputy Commissioner and shall be paid by the owner of the timber or the floating contractor to the person concerned.

25. Penalty for breach of these rules shall be as specified in rule 17.

SECTION IV

Rules Regulating the Collection of Drift and Standard Timber and Payment of Salvage Fees under Section 45 and 51 -

26. On all rivers in Himachal Pradesh, all unmarked timber shall be deemed to be the property of Government unless and until any person establishes his right and title thereto as provided in these rules.

27. No person shall remove, without permission of Forest Officer incharge of the Division any timber of the class referred in Section 45 of the Indian Forest Act lying within the highest water level on any river.

28. The permission shall specify the kind of timber, the marks it should bear, the destination or manner of the disposal when collected and the timber for which such permission shall hold good.

29. No person shall, without such permission cut up, remove, conceal, burn, mark or efface or alter any marks or own or sell or otherwise dispose of any such timber.

30. The Forest Officer incharge of the Division may authorise Zaildars, Lambardars or other respectable persons to salve which is drift at any point on the river below the last catching place, and may cancel such authority

31. (i) For every log salved and taken to any drift timber depot, notified by the Forest Officer under section 45 of the Act, such salvage rates shall be payable either to the authorised salver or to the Forest Officer as may be fixed by the Forest Officer, incharge of the Division.

(ii) The rate for salvage, of scraps or firewood will be one fourth for the pieces collected in bund.

(iii) The Forest Officer incharge may fix any higher rate, not exceeding three times the normal rates, for salving on any portion of the river where such salving is unusually difficult or dangerous.

(iv) Nothing in this rule shall be held to prevent the Forest Officer contracting with such salvers to raft the timber at certain places at rates agreed on by the parties, and no salvage rate shall be claimable in addition to any rate paid under such contract.

32. The collection or salving of timber a drift or stranded below all the catching places by unauthorised persons is prohibited,

33. Whosoever infringes any provision of the above rules shall be punishable for every such offence with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or both.

**DIVISIONAL FOREST OFFICERS AUTHORISED TO REGISTER THE PROPERTY MARKS
AND CONTROL THE FLOATING OF TIMBERS UNDER RULE 4 OF RIVER RULES 1971**

Sl. No.	Name of River	Controlling Officer	Divisional Officer
1	2	3	4
1.	Pabar, Tons, Yamuna	DFO Rohroo and Forest Deptt	Chakrata Division
2.	Giri	DFO Nahan	
3.	Sutlej	DFO Bilaspur	
4.	Beas	DFO Nachan	
5.	Chakki,Dehar Bhakra	DFO Dalhousie	
6.	Ravi	DFO Chamba	
7.	Ghaggar	DFO Rajgarh	
8.	Chenab	DFO Chamba	

By order

P. K. MATTOO
Secretary (Forests)
to the Govt. of Himachal Pradesh
Dated 21-10-1974