

Government of Odisha  
Forest and Environment Department

No. 10F (TR)28/2016 6307 /F&E.,Dt. 5-4-16

From:

Sri D. Biswal, IFS,  
Special Secretary to Government

To


The DIG of Forest (Forest Policy),  
Ministry of Environment & Forest & CC,  
Forest Policy Division, 6th Floor, Vayu Wing,  
Indira Paryavaran Bhawan, Jor Bagh Road,  
Aliganj, New Delhi.

Sub: Guidelines for Felling and Transit Regulations for Tree Species grows on  
Non-Forest /Private lands.

Sir,

Inviting a reference to your letter No.F.No.8/14/2004-FP dt.8.3.2016, I am  
directed to your kind notice that the measures taken by this State has already been  
furnished vide this department letter No.22890 dt.15.12.2014 . A copy of the letter ,  
along with its enclosures is enclosed herewith for your kind reference.

Yours faithfully,

 5/4/16

Special Secretary to Government

rkd





Government of Odisha  
Forest and Environment Department

No. 10F-(TR)-4/2014 22890 F&E., dt. 15.12.14

From:

Sri Debidutta Biswal, IFS  
Special Secretary to Government.

To

The D.I.G. of Forest (Forest Policy),  
Govt. of India,  
Ministry of Forests and Climate  
Change, Forest Policy Division,  
6<sup>th</sup> Floor Vayu Wing Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj.

Sub: **Guide lines for felling and Transit Regulations for Tree Species Grown on Non-Forrest / Private land.**

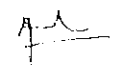
Sir,

With reference to your letter F.No.8-14/2014 FP(Vol.2) dated 18.11.2014 on the subject mentioned above, I am directed to say that Govt. of Odisha vide Rule 5(J) of Odisha Timber & OFP Transit Rules 1980 has already listed some bamboo and tree species under Schedule-III which are exempted from T.T Permit (copy enclosed).

Further during natural calamities like 'Phailine' and 'Hudhud' the State Government <sup>has</sup> also made special dispensation to facilitate felling and transportation of trees affected by the Cyclones by making a provision for certification by local representatives instead of the required joint verification by the revenue authorities.

The State Government is also contemplating for introduction of Tree Pass Books for recording the trees grown in the recorded holding private plots alongwith requisite amendments in transit permit rules to simplify and streamline the procedure.

Yours faithfully,

  
Special Secretary to Government

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challenged in appeal in the Court of District Judge - Order of confiscation set aside - Writ by State - Appreciation of evidence - District Judge committed the illegality because of casual approach to the evidence on record and not properly following the provision of law on 'vicarious liability' - Factual finding and the conclusion recorded by District Judge is not sustainable - A forest offence was committed while cutting and transporting the logs and the wood in the alleged manner - Finding of District Judge in that respect is also set aside - The requirement of law in Sec. 56(2-a) is found duly complied and therefore District Judge was wrong in deciding it in a contrary manner - Order of District Judge is set aside and the order of confiscation passed by the Authorised Officer is restored : 2006 (Supp.) OLR 490, 2006 Cri.L.J. 3596 (Ori.).

Timber Transit Permit - Form filled up but Clause (e) of form vide Rule 7(a) not filled up properly - Held, defective applications - Divisional Forest Officers passed order for joint verification - Applications being incomplete, either the applicant should have been called upon to furnish the required particulars or that application should have been rejected in limine - Illegal orders of the concerned forest officials and authorities - Matter serious - Direction on action to be taken indicated : 2005 (Supp.) OLR 617.

Grant of T.T. permit in respect of the trees standing over applicant's land - D.F.O. did not grant T.T. permit on the ground that applications not made in prescribed form - Trial Judge held order of D.F.O. as correct - Discussing the facts and finding held, vendor of appellants filed applications in prescribed form - On the basis of their applications joint verification was conducted and no discrepancies detected - When all the formalities/enquiries were made and enumeration list and conversion list were prepared on the applications of the appellants' vendors, the D.F.O. ought to have granted T.T. permit - Compensation is awarded for the loss of the actual pecuniary benefit which a beneficiary would reasonably have expected to enjoy - Matter remanded to trial court to assess the evidence on record with regard to the claim of damages : 2002 (II) OLR (NOC) 61.

Removal of trees as timbers from private land - The provisions of the Act are not applicable to the sale in question since the purchase was of the year 1981 and the Act came into force on 28.12.1983 : 1994 (II) OLR 135.

Rule 4 is not by itself a penal provision - The penal provisions of Rule 21 : 1989 (II) OLR 124.

5. Cases in which permit shall not be required - (1) No transit permit shall be required to cover transit of forest produce in the following cases, namely :

- (a) for the transit from the contract area of forest produce purchased by the Forest Contractors whose contracts are governed

- by the Orissa Forest Contract Rules and duly covered by a coupe permit;
- (b) for the transit of forest produce whose removal is covered by Forest Department permits;
- (c) for the transit of minerals leased out under the Mineral Concession Rules;
- (d) for the transport of <sup>1</sup>[Bamboo] timber and fire-wood bearing Orissa Forest Departments hammer mark where removal is covered by depot permit;
- (e) for removal of forest produce other than timber, bamboos and minerals of any description required by transits, having recognised rights under any law in force for their *bona fide* domestic use but not for trade or barter subject to the condition that Tribals can transport or possess up to fifty Kgs. of tamarind and ten bundles of hill brooms without transit permit;
- (f) for timbers not grown in India;
- (g) for timber that is cut or fashioned otherwise than is usually done before timber is removed from the forests or the saw-mills and saw pits;
- (h) for fire-wood not exceeding one head load;
- (i) for transport of minor forest produce within the district except lac, tassar, myrabolans, gums and resin, root of patalagaruda, sal seed, tamarind and hill brooms, subject to such limit of transport and storage without transit permit as may be notified by State Government in *Official Gazette* for different items;
- <sup>2</sup>[(j) for transit of timber and fire-wood obtained from those species mentioned in Schedule-II in the areas mentioned against each.]

(2) When any forest produce removed by permits referred to in Clauses (a) (b) and (d) of Sub-rule (1), are unloaded at their destinations, they cannot be transported under the authority of the said permits unless transit permits are obtained under Rule 4.

**CASE LAWS :** Bamboos - Transit permit - Necessity of - Judicial concern for ecology indicated : 1997 (II) OLR 354 : AIR 1998 Ori. 54.

Marks should be given when making seizure - No marks given - No link that the bamboos were carried by Truck - Confiscation improper.

Per Tripathy, J. - While agreeing with the final decision of Hon'ble CJ it was held - Forest produce - What it means stated - Rules 5(1)(d) and (e) of the Transit Rules explained - Held, it cannot be stated that

1. Inserted vide SRO No. 224/83-OGE No. 573, Dt. 17.5.1983.  
 2. Inserted by Govt. of Orissa, Forest and Environment Dept. Notifn. No. 10-F (TR)-18/91/16900/F. & E. E. Dt. 18.9.1991.

## [SCHEDULE III

[Vide Rule 5 (1) (J)]

Sl. No.	Scientific Name	Vernacular Name	Area where no Transit Permit is required
1	2	3	4
1.	Bambusa nutans	Sundar, Kanh	Whole State
	Bambusa Vulgaris	Badi-baunsa	Whole State
	Bambusa tulda	Bolangi-Baunsa	Whole State
2.	Samanea saman	Bada Chakunda	Whole State
3.	[* * *]		
4.	[* * *]		
5.	Cassia siamea	Sana Chakunda	Whole State
6.	Casuarina equisetifolia	Jhaun	Districts of Ganjam, Gajapati, Rayagada, Koraput, Nawarangpur and Malkangiri
7.	Silver Oak	Silver Oak	Districts of Nawangpur, Koraput, Malkangiri and Rayagada
8.	Eucalyptus hybrid	Patas/Nilgiri	Whole State
9.	Acacia auriculaeformis	Sunajhari/Acacia	Whole State
10.	Leucaena leucocephala	Subabul	Whole State

2. Deleted vide Orissa Gazette Ext. No. 282, SRO No. 700/03, Dt. 27.2.2003.
3. Substituted vide Orissa Gazette Ext. No. 614, SRO No. 277/2000, Dt. 15.4.2000.
4. Inserted vide Orissa Gazette Ext. No. 614, SRO No. 277/2000, Dt. 15.4.2000.
5. Inserted vide Orissa Gazette-Ext. No. 456, SRO No. 143/2003, Dt. 27.3.2003.
6. Added vide Orissa Gazette Ext. No. 574, dated 22.4.2010 SRO No. 7284, dated 20.4.2010.

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Schedule-III

(As per Rule 5(1)(J) of Orissa Timber & Other Forest Produce Transit Rules, 1980

List of exempted species as on 01.06.2017

Sl. No.	Scientific / Local Name	Area where no Transit Permit is required
1	Bambusa nutans (Sundar-Kani)	Whole State
	Bambusa vulgaris (Badi-Baunsa)	Whole State
	Bambusa tulda (Bolangi-Baunsa)	Whole State
2	Samanea saman (Bada Chakunda)	Whole State
3	Cassia siamea (Sana Chakunda)	Whole State
4	Casuarina equisetifolia (Jhaun)	Districts of Ganjam, Gajapati, Rayagada, Koraput, Nawarangpur and Malkangiri
5	Grevillea robusta (Silver Oak)	Districts of Nawarangpur, Koraput, Malkangiri and Rayagada
6	Eucalyptus hybrid (Patas/ Nilgiri)	Whole State
7	Acacia auriculaeformis (Sunajhari/ Acacia)	Whole State
8	Leucaena leucocephala (Subabul)	Whole State
9	Lemonia acidissima(Kaitha)	Whole State
10	Spondias pinnata(Ambada)	Whole State
11	Citrus maxima (Batapi)	Whole State
12	Dillenia indica (Oau)	Whole State
13	Moringa oleifera (Sajana)	Whole State
14	Averrhoa carambola (Karamanga)	Whole State
15	Streblus asper (Sahada)	Whole State
16	Borassus flabellifer (Palm tree)	Whole State
17	Polyalthia longifolia (Debadaru)	Whole State
18	Murraya koenigi (Bhersunga)	Whole State
19	Acacia leucophloea (Gohira)	Whole State
20	Gliricidia maculata (Gliricidia)	Whole State
21	Erythrina variegata (Paladhua)	Whole State
22	Cocus nucifera (Coconut)	Whole State