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[Regd. No.
[R. Dis. No. 197/2009.
[Price: Rs. 3.20 Paise.

TAMIL NADU

No. 323] CHENNAI, THURSDAY, OCTOBER 21, 2010
Aippasi 4, Thiruvalluvar Aandu–2041

Part III—Section 1(a)

General Statutory Rules, Notifications, Orders, Regulations, etc., issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

ENVIRONMENT AND FORESTS DEPARTMENT

TAMIL NADU REGULATION OF WOOD BASED INDUSTRIES RULES, 2010.

[G.O. Ms. No. 156, Environment and Forests (FR.13), 21st October 2010.] **No. SRO A-34(a)/2010.**

In exercise of the powers conferred by Section 26 read with Sections 35 and 63 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882) the Government of Tamil Nadu hereby makes the following rules, namely:-

RULES

1.*Short title and commencement.*—(1)These rules may be called the Tamil Nadu Regulation of Wood Based Industries Rules, 2010.

(2)They shall come into force on and from the 21st October 2010.

2.*Definitions.*—(1) In these rules, unless the context otherwise requires;

(*a*)"Conservator" means the Conservator of Forests having territorial jurisdiction over the area in a Forest Circle; (*b*)"Field Director of Tiger Reserve" means a Forest Officer appointed by the Government as Field Director of a Tiger Reserve;

(*c*)"Form" means the Form appended to these rules;

(*d*)"Government" means the Government of Tamil Nadu;

(*e*)"licence" means the licence issued under these rules;

(*f*) "Licencing Officer" means the District Forest Officer or Wildlife Warden or Deputy Director of Tiger Reserve or Divisional Forest Officer having territorial jurisdiction over the area in the district;

(*g*)"Principal Chief Conservator" means the Principal Chief Conservator of Forests, Tamil Nadu;

(*h*)"Wood based industries" means saw mill, veneer industries, plywood industries, particle board units, Medium Density Fibre Units, block board units, paper pulp and rayon units and includes any other unit involved in cutting, re-sawing or converting timber.

(2) Words and expressions used in these rules, but not defined shall have the meanings assigned to them in the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882).

3.*Restriction on establishment of Wood Based Industries.*—No person shall establish or operate any wood based industries including the existing unit, unless a licence is obtained by him in accordance with these rules.

4.*Application for grant of licence.*—(1) Any person, seeking a licence under these rules, shall make an application to the Licencing Officer in

Form-I. The person seeking licence, shall pay such fee as may be specified by the Government from time to time, along with application. The fees paid shall not be refunded under any circumstances.

Form-II after satisfying himself that the application is in accordance with all the regulatory mechanism in force for the time being and that the establishment of wood based industries will not have any adverse impact on forests. The licence will be valid for a period of five years.

(3) No licence for setting up new wood based industries within a distance of two Kilometres from the boundary of any 'forest'whether notified or not, shall be granted, except when it is required for Departmental use. The distance of two kilometers shall be computed from topo sheets as aerial distance as crow flies.

5.*Renewal of Licence.*—(1) Any person who has been granted licence under these rules, may apply for renewal of the licence in

Form-I within a period of three months before the expiry of the period, for which licence was granted to him along with such fee, as may be specified by the Government from time to time. Incase the licensee fails to submit his application for renewal within the stipulated period, renewal of licence can be considered by the licensing authority, provided a fee equal to double the fee specified by the Government for renewal is paid by the applicant and the application is made before the expiry of the licence. The renewal applications received after the prescribed time limit will be considered and decided by the competent authority as per the guidelines notified by the State Government in this regard from time to time.

(2) On receipt of an application under sub-rule (1), the Licensing Officer, after satisfying himself that the application is in accordance with all the regulatory mechanism in-force for the time being and that the establishment of wood based industries will not have any adverse impact on forests shall renew the licence in

Form-II for a further period of five years.

6.*Transfer of licence.*—The licence shall normally be non-transferable. However, transfer of licence can be allowed from one person to another by the Conservator of Forests or Field Director as the case may be in cases of sale, inheritance, division of property, family arrangement and dissolution of partnership, subject to the guidelines issued by the Principal Chief Conservator of Forests from time to time.

7.*Timber to be covered by Transit Permit.*—The licensee shall not receive any timber not covered by transit permit prescribed by the Tamil Nadu Timber Transit Rules, 1968 for conversion or any other purpose and he shall not allow any timber, after conversion or otherwise, to leave the Wood Based Industries premises without issuing a delivery chalan in

Form-IV.

(2) The licensee shall produce the record for scrutiny and checking of the timber, whenever it is required by the Licencing Officer or any other officer authorised by him.

9.*Power to search the premises.*—Any forest officer not below the rank of 'Forester' may, at any time, enter the premises of any Wood based industry unit with a view to ascertain the genuiness of the licence or to check legality of the timber kept in the premises of Wood based industry or to verify the records to be maintained.

10.*Revocation of licence.*—Notwithstanding anything contained in these rules, the Licencing Officer, where he has reason to believe that a licensee is operating the Wood based industry, in contravention of the provisions of these rules or conditions of the licence or the licensee is indulging in activates prejudicial to the interest of forest conservation, may after giving the licensee an opportunity of being heard, cancel, suspend or revoke the licence granted under these rules.

11. *Shifting.*—(1) If the licensee desires to shift the Wood based industry from one place to another, within the territorial jurisdiction of the same Licencing Officer, then licensee shall apply to such Licencing Officer stating reasons thereof. The Licencing Officer may permit the shifting of the Wood based industry. If the request is refused, then the Licencing Officer shall record the reason for the refusal in writing.

(2) If the application is made to shift the unit outside the jurisdiction of the Licencing Officer, he shall forward the application along with all relevant papers and documents together with a report after proper enquiry on the good conduct or otherwise of the unit to the Licencing Officer in whose jurisdiction the unit is requested to be shifted. The Licencing Officer in whose jurisdiction the unit is proposed to be shifted shall deal with the matter in the same manner as mentioned under sub-rule (1).

12. *Appeal against the refusal or renewal to grant licence or revocation of licence.*—(1) Any person who has been refused to grant licence under rule 4, or renew the licence under rule 5, or transfer the licence under rule 6, or whose licence has been revoked under rule 10, or whose request for shifting has been refused under rule 11 may within a period of thirty days from the date of the receipt of such orders prefer an appeal to the Conservator of Forest or the Field Director of Tiger Reserve as the case may be.

(2) On receipt of the appeal filed under sub-rule (1), the Conservator of Forest or the Field Director of Tiger Reserve shall decide the same after giving the person concerned an opportunity of being heard.

(3) The decision of the Conservator of Forests or Field Director of Tiger Reserve on such appeal shall be final.

13.*Penalty.*—Whoever contravenes any of the provisions of these rules, shall be punishable with imprisonment for a term, which may extend to one month or with fine, which may extend to two hundred rupees or with both.

14.*Saving.*—Nothing contained in these rules shall apply to secondary units, which are involved in manufacturing of furniture, handicrafts, toys, etc., by re-sawing of sawn timber with small vertical Board saws/circular Band saws say upto 16" in size but without converting / sawing round timber, charcoal making units and firewood depots, which do not use or have the facility for sawing, converting, cutting and processing round timber.

FORM - I

[*See* rules 4 (1) and 5(1)]

Application to establish Wood Based Industry

Application for renewal of licence

To

The Licencing Officer,

1.Name of the Applicant

2.Father's Name

Photograph of applicant

3.Address

4.Location and address of place where the industry is to be established / licence renewed

5.Title and kind of industry

(Saw mill/plywood/Veneer/other)

6.Whether Machinery and power, etc. required for the industry to establish / renew is available (yes or no)

7.If yes, Power connection Number

8.Sales Tax Number

9.In case of renewal, the number and date of original licence (copy of licence is to be enclosed)

10. Proposed installed annual capacity of the industry

11. (i) Species to be used
(ii) Quantity of timber to be used tones
(iii) Source of timber

Place:
Date:

(Signature of the Applicant)

Licence to establish / renew Wood based Industry

[*See* rules 4 (2) and 5(2)]

FORM - II

Photograph of applicant

Licence is hereby granted / renewed to Shri / M/s.

S/o.

resident of

(hereinafter called "licensee") to establish / renew / Wood Based Industry located at (full address)

valid upto subject to the provision

1. The licensee shall renew the Wood Based Industry at (full address)

2. The licensee shall not alter the location of the Wood Based Industry, without obtaining prior permission in writing of the Licencing Officer concerned.

3. The licensee shall ensure that—

(*a*)the site of the sawmill including the depot / yard for storage of round timber, sawn timber and waste wood is properly fenced / boundary wall erected with proper gates;

(*b*)all the round timber sawn timber and wood waste are properly stacked according to the instructions that may be issued from time to time by the Licencing Officer ;

Dated: *Signature of the*

Licencing Officer (Seal)

FORM - III

(*See* rule 7)

Delivery

Chalan No.

DELIVERY CHALAN

Name of Wood Based Industry with Address

Licence No.:

(*a*) Date of receipt :

(*b*) The place from which received :

(*c*) Name and full address of the person from whom received :

(*d*) Species of timber :

(*e*) Number of logs or pieces, size and volume (in cubic meter) or weight (in tonnes :

(*f*) Details of transit permit if any under which the wood was transported to Wood based Industry :

1. Permit Number and Date :
2. Issuing Authority :

(*g*) Quantity obtained after conversion or otherwise —

1. Scantling :
2. Planks : 3. Reapers, etc :

(*h*) Quantity delivered under this chalan :

(*i*) Destination :

(*j*) Remarks :

Signature of Consignee with Date

Signature of Licensee

Stamp of Wood based industry with date

FORM - IV

(*See* rule 8)

Record of receipt and disposal of timber

1. Record of receipt of timber :

(*a*) Date of receipt :

(*b*) The place from which received :

(*c*) Name and full address of the person from whom received :

(*d*) Species of timber :

(*e*) Number of logs or pieces, size and volume (in cubic meter) or weight (in tonnes)
: (*f*) Details of transit permit if any under which the wood was transported—

1.

Permit Number and Date : 2. Issuing Authority :

(*g*) Remarks :

2.Record of disposal of timber/ manufactured goods—

(*a*) Date of sale :

(*b*) Date of removal of timber / manufactured goods from depot :

(*c*) Name and full address of person to whom sold or handed over :

(*d*) Delivery chalan No. and Date :

(*e*) Quantity :

(Number / size and volume (in cubic metre) or weight (in tonnes) as the case may be). (*f*) Remarks :

V. IRAI ANBU,
Secretary to Government.

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