

NOTIFICATION

Forest And Environment Department.

Sachivalaya, Gandhinagar.

Dated the 5th September 2018.

Indian Forest Act,1927

No. GVN/2018/ 10 /BFR-1006-1832/K:- In exercise of the powers conferred by clause (d) of section 76 read with clause (h) of sub-section (2) of section 41 of the Indian Forest Act, 1927 (XVI of 1927), and of all the powers enabling it and the recommendation of the Central Empowered Committee constituted by the Hon'ble Supreme Court of India in writ petition No. 202/95 and 171/96 in this behalf the Government of Gujarat hereby makes the following rules further to amend the Bombay Forest Rules,1942, namely :-

1. These rules may be called the Bombay Forest (Gujarat Amendment) Rules,2018.
2. In the Bombay Forest Rules, 1942, (hereinafter referred as "the said rules") for rule 88 the following rule shall be substituted namely: -

"88. Regulation of Wood based industry. –

(1) For the purpose of this rule-

- (i) 'Wood based industry' means any industry which process wood as its raw material (saw mills/veneer/plywood or any other form such as Sandal, Katha wood etc.)
- (ii) 'Authorized Officer' means a Deputy Conservator of Forests in charge of a Division or Assistant Conservator of Forest in charge of a sub-division, as the case may be.
- (iii) 'Saw Mill' means plants and machinery in a fixed structure or enclosure, for conversion of round logs into sawn timber.
- (iv) 'A Veneer Unit' means a veneer manufacturing unit having either one peeler machine or one slicer machine.
- (v) 'A Plywood Unit' means a pasting unit consisting of one hot press up to 10 day lights.
- (vi) 'Industrial Estate' means areas notified by the State Government for establishment of wood based industries.

- (vii) 'License' means a license granted under the rules notified by Gujarat State in pursuance of the guidelines published in gazette of India Dated 11-09-2017.
- (viii) 'Principal Chief Conservator of Forests' means a forest officer of the rank of Principal Chief Conservator of Forests and HoFF.
- (ix) 'State Level Committee (SLC)' means a committee constituted by the State Government.
- (x) 'Round log' means a piece of wood in its natural form, having mid girth of thirty centimeter or more under bark and it includes such round log even after its bark has been removed or its surface has been dressed, manually or by using a band saw or any other machine or equipment to make its cross section square or near-square for the purpose of ease in its transportation and/or storage.
- (xi) 'Sawn Timber' means beams, scantlings, planks, battens and such other product obtained from sawing of a round log.
- (2) No wood based industrial unit shall be established or operated anywhere in the state without obtaining a license in that behalf from the authorized officer.
- (i) No license to a wood based industrial unit shall be granted or renewed without obtaining prior approval of the SLC.
- (ii) Every such license shall be granted to the industries situated beyond ten kilometers of aerial distance from the boundary of nearest notified forests or protected areas excluding road side/railway side/ canal side plantations, whichever is less.
- (iii) However, A Wood Based Industry can be established in an industrial Estate or a Municipal area, irrespective of the aerial distance from the boundary of nearest notified forest or protected area.
- (3) Any person or firm desiring to establish a wood based industrial unit or to increase the existing licensed capacity of wood based industrial unit including any addition in the existing number of licensed machinery shall make an application to the authorized officer for getting license under sub-rule (2).
- (4) On receipt of an application under sub-rule (3), the Authorized officer shall make such inquiry as he deems fit and after satisfying himself on the question whether or not there would be any objection to granting the license applied for having regard to safeguarding the timber in any reserved or protected forest or in any land declared under section 4 of the Indian Forest Act,1927 may give his opinion to the SLC for its consideration. The license shall be in Form-EE subject to the condition set out therein.

The license printed on white paper in Form-EE shall contain the description and number of the machinery installed, name of the firm, name of the proprietor and/or partners and/or directors (in case of limited company).

(5) No wood based industrial unit shall be established or operated on the basis of any other permission or certificate or grant under any other law or rules or on the pretext that application under sub-rule (3) has been submitted to the authorized officer during its pendency.

(6) Every license granted or renewed under this rule, shall subject to the provision contained in this rule regarding cancellation, be effective for a minimum period of one year or for a maximum period of five years at the option of the licensee.

(7) Each wood based industry shall maintain and regularly update records and submit such periodical returns as may be directed by the authorized officer.

(8) No license to a wood based industry shall be renewed without obtaining prior approval of the SLC. However, a SLC may delegate the power of renewal of license to a wood based industry to the Divisional Forest Officers of the Concerned Forest Divisions.

(9) A fee of rupees One Thousand Five Hundred per annum shall be payable for the grant or renewal of a license.

(10) The license shall be renewed before the expiry of the period of license as far as possible. An application for renewal of a license shall be made at least three months before the date of expiry of license. Licenses which are not renewed in time due to non-compliance on the part of licensee shall be treated as cancelled, and any operation on wood based industrial unit without renewal of a license after the expiry thereof shall render the licensee liable to penalties laid down in rule 129 for contravention of this rule. A fresh license to such unit can be issued with prior approval of the State Government.

(11) A duplicate license shall be issued on an application made by the licensee on furnishing of adequate proof to the satisfaction of the authorized officer regarding loss, theft, damage or any other such exigency leading to the requirement of a duplicate license. A fee of rupees two thousand five hundred shall be payable for the issue of a duplicate license irrespective of the number of units contained in the license. The duplicate license shall also be issued in Form EE.

(12) Transfer of license on sale/succession etc. shall be done only with the prior approval of SLC.

(13) The number and type of the horizontal or vertical band saw, circular saw, peeler, slicer, hot press and other machines shall not be allowed to be increased in future. Such cases shall be treated as grant of the fresh license under these rules.

(14) Conditions for transfer of ownership of wood based industrial unit on account of owner's death to his legal heir shall be as under;

- (i) The unit shall not be sub-divided.
- (ii) The number of wood conversion machines shall not be increased as a result of such transfer.
- (iii) The succession certificate or the certificate of disclaimer from other heirs from a competent authority or a court of law shall be produced by the applicant.
- (iv) New license shall be issued in the name of such legal heir for the remaining period of earlier license without charging the fee.

(15) Notwithstanding anything contained in the foregoing sub-rules, the authorized officer may, where he has reason to believe that a licensee is operating the wood based industrial unit in contravention of the provisions of these rules and conditions of the license or the licensee is indulging in the activities prejudicial to the interests of forest conservancy, revoke the license granted under this rule after recording the reasons for doing so in writing.

(16) Where an authorized officer refuses to issue, or renew, or revokes a license granted under this rule or refuses to relocate or transfer a wood based industrial unit, he shall do so by an order communicated to the applicant or holder, as the case may be, giving reason in writing for such refusal or revocation.

(17) If for any reason, any person is aggrieved by the order so passed, shall make appeal within thirty days of the order being served on him, to the State Level Committee, who shall decide the appeal after giving due opportunity of being heard, within a period of three months. If any person is aggrieved by the orders so passed in the appeal, he may prefer an appropriate petition application/appeal in the High Court.

(18) Following industries/processing plants not using round logs of domestic origin or operating without a band saw or re-saw or circular saw of more than thirty centimeter diameter shall not require license.

- (i) Industries/processing plants which use:
 - (a) sawn timber, cane, bamboo, reed, plywood, veneers or imported wood, procured from legitimate sources
 - (b) block board, MDF or similar wood based products, procured from legitimate sources

- (c) round log/timber from species declared as agro-forestry/agricultural crops and/or exempted from the purview of the feeling and transit regime in the State of Gujarat and procured from legitimate sources.

SLC may allow installation of circular saw of diameter up to 60 centimeters in such industries having specialized requirement.

- (ii) The units not using round logs of domestic origin or operating without a band saw or re-saw or circular saw of more than thirty centimeter diameter not requiring license shall have to be registered with the Authorized Officer of the concerned Forest division.

(19) Nothing contained in this rule shall apply to the charcoal manufactured from Gando baval (*Prosopis juliflora*) beyond 5 km. of the boundary of Reserved Forest, Protected Forest Areas declared under sec.4 of Indian Forest Act, Sanctuaries, National parks and Sea coast.

3. In the said rule," rule no. 88(A) shall be deleted.

By order and in the name of the Governor of Gujarat,



(Pradeep Singh)

Joint Secretary to the Government
Forest & Environment Department

Copy to:

1. The secretary to His Excellency the Governor of Gujarat, Raj Bhavan, Gandhinagar.*
 2. The member secretary, Central Empowered Committee, Jawaharlal Nehru stadium, Lodhi road, New Delhi.
 3. The Secretary to the Hon'ble Chief Minister, Gujarat state, Gandhinagar.
 4. P.S to Hon'ble Minister(Forest), Sachivalay, Gandhinagar.
 5. P.S. to Hon'ble Minister for State(Forest) , Sachivalay, Gandhinagar.
 6. All the Ministers/ Dy.Ministers /Ministers of State, Gujarat State, Gandhinagar.
 7. The Principal Chief Conservator of Forest, Gujarat State, Gandhinagar.
 8. The Addl.Principal Chief Conservator of Forests, D&M, Gujarat State, Gandhinagar.
 9. All Conservator of Forests, (Through PCCF)
 10. All Dy.Conservator of Forests, (Through PCCF)
 11. All Branches of Foest & Environment Department, Sachivalay.Gandhinagar.
 12. All Secretariat Departments, Sachivalay, Gandhinagar.
 13. Accoutant General, Rajkot/Ahmedabad.
 14. The Manager, Government Press, Gandhinagar, with a request to publish the notification in part-IV A of the Gazette and to send 50 copies to this Department and 100 copies to the Principal Chief Conservator of Forest, Gujarat State, Gandhinagar.
 15. The Select file
 16. The Dy.So's Select file
- *By letter.

3. In the said rules, for Form-EE, the following Form shall be submitted, namely: -

Form-EE

See Rule No.88(4),88(11)

License to establish/operate a Wood based industry

Registration No.....

License is hereby granted/renewed to Shri (In case of a partnership the names of all the partners shall be mentioned)

.....of.....

(in block letters)

(address)

(hereinafter called "the licensee") to establish/operate a wood based industrial unit at

..... subject to the provisions of Indian Forest Act,1927, in its application to the State of Gujarat and the rules made thereunder on the following conditions namely: -

- (1) The license shall remain in force for the period commencing on (DD/MM/YYYY) and ending on the(DD/MM/YYYY)
- (2) The Wood based industrial unit granted is hereafter known with following name.

| |
|---------------------------------------|
| (A)..... |
| (B) Number and type of machinery..... |

The details of above box shall be filled in by the authorized officer in his hand writing

- (3) The licensee shall maintain such records and registers and submit such periodical returns as may be directed by the authorized officer.
- (4) The licensee shall see that-
 - (a) The site of wood based industrial unit including the yards for storage of round timber, sawn timber and waste wood is enclosed within a fence fitted with proper gates,
 - (b) All the round timber, sawn timber and wood waste is properly stacked according to the instructions that may be issued from time to time by the supervisory staff so as so facilitate stock taking,
 - (c) Timber for sawing or conversion is not accepted unless it bears property mark and is covered by a forest transit pass other documentary evidence such as a cash receipt from the timber merchant,
 - (d) Timber which does not conform to the requirement of clause (c) is not accepted for conversion and intimation in respect of such timber is forthwith given to the supervisory guard or the nearest forest-officer.

- (e) The wood based industrial unit or the premises of the same is open to inspection at all times by any officer of the Forest Department or by any member of the supervisor staff appointed for this purpose,
- (f) The license is produced for inspection on demand by any authority aforesaid.
- (5) The license shall be renewed before the expiry of the period of license as far as possible. An application for renewal of a license shall be made at least three months before the date of expiry of license. Licenses which are not renewed in time due to non-compliance on the part of licensee shall be treated as cancelled, and any operation on wood based industry without renewal of a license after the expiry thereof shall render the licensee liable to punishment for contravention of this rule. A fresh license to such unit can be issued with prior approval of the State Government.
- (6) A duplicate license shall be issued on an application and on payment of prescribed fee by the licensee on furnishing of adequate proof to the satisfaction of the authorized officer, regarding loss, theft, damage or any other such exigency leading to the requirement of a duplicate license. The duplicate license shall also be issued in the form prescribed under Form-EE.
- (7) Transfer of license on sale/succession etc. shall be done only with the approval of SLC.
- (8) The number and type of the horizontal or vertical band saw, circular saw, peeler, slicer, hot press and other machines shall not be allowed to be increased in future. Such cases shall be treated as grant of the fresh license under these rules.
- (9) The authorized officer may, where he has reason to believe that a licensee is operating the wood based industry in contravention of the provisions of these rules and conditions of the license or the licensee is indulging in the activities prejudicial to the interests of forest conservancy, at any time revoke the license granted after recording the reasons for doing so.
- (10) This license shall be displayed at the office of the wood based industry.

Dated.....day of20.....

Dy.CF/A.C.F.
(Authorized Officer)

Seal of the
authorized officer.

By order and in the name of the Governor of Gujarat,

Additional/Joint/Deputy Secretary to Government,
Forest & Environment Department.