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राजस्थान राज-पत्र

विशेषांक

माधिकार प्रकाशित

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राज्य सरकार तथा अन्य राज्य-प्राधिकारियों द्वारा जारी किये गये (सामान्य आदेशों, उप-विधियों आदि को सम्मिलित करते हुए) सामान्य कानूनों नियम ।

### REVENUE (Gr. 8) DEPARTMENT

### NOTIFICATION

Jaipur, July 16, 1983.

G. S. R. 33.—In exercise of the powers conferred by section 41 and 42 of the Rajasthan Forest Act, 1953 (Rajasthan Act XIII, of 1953) the State Government makes the following rules to provide for the establishment and regulation of saw mills, namely:—

### RULES

1. *Short title and commencement.*—(1) These rules shall be called "The Rajasthan Forest Produce (Establishment and Regulation of Saw Mills) Rules, 1983".

(2) They shall come into force on the date of their publication in the Rajasthan Gazette.

2. *Definitions.*—In these Rules, unless the context otherwise requires:—

(a) "Saw Mill" means a plant or implement, including circular, band and rand saws used for rip-sawing of timber, and seasoning, preservation, treatment and manufacturing plants, alongwith the premises and precincts thereof upto a distance of 100 m. around it.

(b) "Sawing", with its grammatical variations, means an operation in which timber is converted by saw mill machinery, hand saws or any other type of saws, into usable sizes.

(c) "Defunct saw mill" means:—(i) A saw mill in existence on the date of commencement of these Rules, but in which timber sawing operations have

not been carried on for a continuous period of *six months* prior to commencement of the Rules; and

(ii) a saw mill (whether established before or after such commencement of the Rules) in which timber sawing operations have not been carried on for a continuous period of *six months* at any time after the commencement of these Rules.

(d) "Existing saw mill" means a saw mill carrying on timber sawing operations at the commencement of these Rules, and includes a saw mill in existence at such commencement which may not be carrying on timber sawing operations but in which timber sawing operations have been carried on at any time within a period of *six months* prior to such commencement.

(e) "Owner" in relation to a timber saw mill, means the person who, or *the authority* which has the ultimate control over the affairs, of saw mill and where the said affairs are entrusted to a manager, managing director, director or managing agent such manager, managing director or managing agent shall be deemed to be the owner of the timber saw mill.

(f) "Licensing Officer" means an officer appointed as such under Rule 5 of these Rules.

(g) "Government" means State Government of Rajasthan.

(h) "Abettor"—an abettor is a person—who abets the commission of either an offence or act, which would be an offence, if committed by a person capable of committing an offence with the same intention or knowledge as that of the abettor;

(i) "Company" means a company, firm or society, registered or recognised under any Act, for the time being in force or not.

3. *Acts Prohibited.*—(i) No person or authority shall, after the commencement of these Rules, establish any new saw mill except under and in accordance with a permit granted under Rule 4.

(ii) No owner of a saw mill shall, after the commencement of these Rules, carry on sawing operations except

under and in accordance with a licence granted under Rule 7 of these Rules.

(iii) No owner of a Saw Mill:—

- (a) in respect of which a licence has been granted under Rule 7, shall carry sawing operation in that mill after the licence has ceased to be valid;
- (b) In respect of which the licence has been cancelled or suspended under Rule 7 shall carry on sawing operation in that mill after the cancellation or suspension, as the case may be, during the period for which the licence has been suspended.

To give effect to provisions of this clause the licensing officer shall take such steps which he thinks necessary in this regard, including sealing of saw mill with or without its accessories to stop sawing operation.

*Explanation.*—For the purpose of clause (iii) (a) of this Rule the period of the validity of a licence shall not be deemed to have expired if an application for its grant immediately after the commencement of these Rules or renewal is pending before licensing officer.

(iv) No saw mill owner shall receive any timber from any customer for sawing on hire unless he furnishes a certificate of rightful ownership issued by a Revenue Officer not below the rank of a Tehsildar, or any officer authorised in this behalf.

For the purposes of meeting the requirements contained in this clause, the following certificates of origins shall be considered as certificate of rightful ownership,—

- (a) transit pass, issued by the Forest Department.
- (b) permission issued by Collector to the land holder under the provisions of Land Revenue Act or Tenancy Act.
- (c) certificate from Gram Panchayat for timber obtained from the trees standing in the land holding of Gram Panchayats; for felling for

which the permission of the Collector is not required.

(d) certificate from any competent authority if the timber which has been brought for sawing belongs to a Government Department or a public sector undertaking.

(v) It shall be the duty of the saw mill owner to inform the nearest officer of the Forest or Police Department about any timber brought by any customer without any legal permit.

(vi) No owner of a saw mill—

(a) shall without the previous permission of the Government, change the location of the whole or any part of the Saw mill in respect of which a permit has been granted under Rule 4.

(b) shall, after the commencement of these rules; effect any expansion or production or diversification of capacity of the saw mill except with the previous permission of the licensing officer.

4. *Grant of Permits.*—(i) Any person, firm or authority may make an application to the Government or to an officer authorised by the Government in this regard for the grant of a permit for the establishment of a new timber saw mill and any owner of defunct timber saw mill may make a like application for the grant of a permit in prescribed proforma for recommencing timber saw milling operation in such mill.

On the receipt of such an application Government or the officer authorised by the Government may grant the permit after making such enquiries in such manner as may be expedient in this behalf.

(ii) The permit so granted shall be non-transferable and can be cancelled by the Government without assigning any reasons therefor.

5. *Licensing Officers.*—The Government by a separate notification shall appoint any Gazetted officer as licensing officer for the purpose of these rules and shall define the limits within which a licensing officer shall exercise the powers conferred on him by these rules.

6. The following fee are prescribed for the purposes of fee and security:—

1. Application fee	Rs. 25/-(non refundable)
2. Licence fee	Rs. 250/-(non refundable)
3. Security deposit	Rs. 500/- /

7. *Grant of Licence.*—(i) Any owner of an existing saw mill or of a saw mill in respect of which a permit granted under rule 4 is effective, shall make an application in a prescribed form to the licensing officer for grant of a licence for carrying on sawing operations in that saw mill.

(ii) On receipt of such an application, the licensing officer may grant a licence on such conditions after making such enquiries in such a manner as may be expedient in this behalf.

(iii) The licence so granted shall be non-transferable.

8. *Cancellation or Suspension of Licences.*—(i) If the licensing officer is satisfied, either on a reference made to him in this behalf or otherwise, that—

(a) a licence granted under Rule 7 has been obtained by mis-representation or as to an essential fact, or

(b) The holder of a licence has without reasonable cause, failed to comply with the conditions subject to which the licence had been granted or has contravened any of the provisions of these rules, without prejudice to any other penalty to which the holder of the licence may be liable under these Rules, the licensing officer may, after giving the holder of the licence an opportunity of showing cause, cancel or suspend the licence and forfeit the sum, if any or any portion thereof deposited as security for the due performance of the conditions subject to which the licence had been granted. On such cancellation or suspension the unaccounted timber shall also be forfeited and the saw mill shall be sealed to stop the sawing operation:

Provided, that where it is not proposed to cancel or suspend the licence, the licensing officer may—

(a) forfeit the unaccounted timber.

(b) and, or impose a penalty upto Rs. 2000/- in cash case.

9. *Restrictions on the Customers.*—(i) The customers getting their timber sawn at the saw mill shall be bound to furnish to the saw mill owner a certificate mentioned in clause (IV) of rule 3 regarding rightful ownership of the timber brought for sawing.

(ii) If, on verification or otherwise of the certificate, declaration of ownership mentioned in clause (IV) of Rule 3, is found to false, the person concerned shall be liable for punishment.

10. *Power of Inspection.*—For the purpose of ascertaining the position or examining the working of any saw mill or for any other purpose of these rules, Forest Officer or the Licensing Officer in this behalf shall have the right:—

(a) to enter and inspect any saw mill,

(b) to examine and for this purpose order the production of any document, book, register or record in the possession or power of any person having the control of or employed in connection with any saw mill, and

(c) to enquire from any person having the control of, or employed in connection with any saw mill.

11. *Returns by the saw mill owner.*—Every owner of a saw mill shall maintain records and furnish to the licensing officer such returns relating to the affairs of the saw mill and in such forms and in such manner as have been prescribed in schedules A.B. appended to these rules and invariably enclose a copy of such returns to the nearest Forest Officer.

12. *Appeal.*—(i) Any person aggrieved by a decision of a Licensing Officer under Rule 4 or Rule 7 may within thirty days from the date on which the decision is communicated to him prefer any appeal to the next higher officer:

Provided that the appellate officer may entertain the appeal after the expiry of said period of thirty days, if he is satisfied that the appellant had sufficient cause for not filing the appeal in time.

(ii) The decision of the appellate authority shall be final and binding.

13. *Penalties.*—(i) Where the nature of offence does not warrant cancellation or suspension of licence or if the offence has been committed under Rule 3, the Licensing Officers may (a) forfeit the unaccounted-timber (b) and, or impose a penalty up to two thousand rupees.

(ii) If any person contravenes or attempts to contravene or abets the contravention of any of the provisions of these Rules he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both and in the case of a continuing contravention with an additional fine which may extend to two hundred rupees for every day during such contravention continues. The unaccounted timber shall be confiscated.

(iii) (a) If any person when required by these rules or by any order under these rules to make any statement or furnish any information makes any statement or furnishes any information which is false in any material particular and which he knows or has reason to believe to be false or does not believe to be true or, (b) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required to maintain or furnish under these rules, he shall be punishable with imprisonment of a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

14. *Offences by Companies.*—(i) If the person committing an offence under these rules is a Company, every person who at the time of offence was committed was incharge of, and was responsible to the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(ii) Notwithstanding anything contained in sub-rule (i) where an offence under these rules has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or any other officer of the company also be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

15. *Burden of Proof.*—Where the timber is recovered from the premises of a saw mill, it shall be presumed, that the timber belongs to the owner unless the contrary is proved by him.

16. *Delegation of Powers.*—The State Government may by notification, direct that any power exercisable by it under these rules shall, in relation to such matters and subject to such conditions if any, as may be specified in the notification be exercisable also by such Forest Officer, of the State Government as may be specified in the direction.

17. *Protection of action taken under the Rules.*—(i) No suit, prosecution or other legal proceeding shall lie against any officer or authority for anything which is in good faith done or intended to be done in pursuance of these rules or order made thereunder.

(ii) No suit or other legal proceeding shall lie against the Government or a Government servant for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of these rules or order made thereunder.

18. *Application of other Laws not Barred.*—The provisions of these rules shall be in addition to and not in derogation of, any other Act for the time being in force.

19. *Rules not to apply to saw Mills owned by Government.*—The provision of these Rules shall not apply to any saw mill owned by Government.

#### FORM 1

[See rule 4 (1)]

Application fee Rs. 25/-

#### APPLICATION FOR GRANT OF PERMIT/LICENCE

To,

The Licensing Officer,

.....  
.....

*Sub :* Application for grant of licence to establish/erect sawing machinery/saw mill and operation for conversion/cutting of timber. (Strike off whichever is not applicable).

Sir,

I/We.....is/are willing to  
(Name in Block letters) (address)

erect/establish, sawing machinery/Saw mill at.....  
(exact location)

Village.....Town.....Tehsil.....sub-Division  
.....District.....of Rajasthan on an area of  
.....(Size) the details of the proposed sawing  
machinery/saw mill are as below:—

1. Plan of the saw mill.

2. *Details of machinery.*

S. No.	Name	Make	Remarks
3.	Area from which the timber shall be procured for conversion/cutting operations.		

.....  
(Name of villages, towns, cities, etc.)

4. Capacity of the plant.....

5. Application fee Rs. 25/- has been deposited in the Divisional office.....vide receipt No.... dated.....a copy of which is attached herewith.

The permit/licence may kindly be issued after completion of due formalities at your end.

*Signature of the applicant.*

FORM—2.

(See rule 4 & 6)

Licence to erect/establish, sawing machinery/saw mill and operate.

*Registered No.*

Permit/licence is hereby accorded to erect/establish sawing machinery/saw mill for cutting/converting of timber to .....S/o Shri .....  
(in block letters). (permanent address)

.....hereinafter to be referred as permit holder at..... district.....

(Name of the site where machinery will be erected).

Rajasthan State subject to the provisions of the Rajasthan Forest Produce (Establishment and Operation of Saw Mill's) Rules, 1983 framed under section 41 of Rajasthan Forest Act, 1953 on the following conditions, namely:—

### CONDITIONS

1. This permit shall remain in force for the period commen-

cing on.....and ending on the.....19 .

2. The permit holder shall not alter the location of the saw mill without obtaining the prior written permission of the licensing officer.
3. The permit holder shall maintain such registers and submit such periodical returns as may be directed by the licensing officer and local Forest Officer within whose jurisdiction the saw mill is located.
4. The permit holder shall be liable to see that :
  - (a) the site of the saw mill 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 to facilitate stock taking.
  - (c) timber for sawing or conversion is not accepted without a proper certificate of ownership.
  - (d) timber which does not conform to the requirement of clause (c) is not accepted for conversion and intimation in this regard is forthwith given to the nearest forest officer.
  - (e) the saw mill as well as the timber stored within the premises of the saw mill is open to inspection at all times by licensing officer or any officer of the Forest Department.
  - (f) the permit and all documents is produced for inspection on demand by any authority aforesaid.
  - (g) No expansion or diversification capacity of saw mill is effected without previous permission of the licensing officer.

*Seal of the Licensing Officer.*

*Licensing Officer's*

*Signature.*

Dated.....day of.....19

## SCHEDULE 'A'

(See Rule 10)

STOCK REGISTER OF TIMBER TO BE MAINTAINED BY THE  
OWNER OF THE SAW MILLSaw Mill  
(name)

Reg. No.

Date of Receipt	Name of tree spp. of where timber is received in saw mill	QUANTITY OF TIMBER				CERTIFICATE OF OWNERSHIP					
		Round timber		Other than round timber		Issued by	Date of issue	Date of expiry			
		Length	Breadth	Volume (Cu. mt.)	Length	Breadth	Height	Volume (Cu. mt.)			
1	2	3	4	5	6	7	8	9	10	11	12

name/ Address of owner	Measurements of end product				DISPOSAL						
	Volume of material after sawing No. Cu. Mtr.	Residual timber (Qtl.)	To whom disposed		Name of person to whom with address	Volume & No. of sawn timber		Residual timber (Qtls.)	Balance remain of saw mill on last day of the month	Cu. Mtr.	Qtl.
			No.	Cu. Mtr.		No.	Cu. Mtr.				
13	14	15	16	17	18	19	20	21	22		

**SCHEDULE "B"**  
(See Rule 10)

**RETURN OF RECEIPT AND DISPOSAL OF TIMBER TO BE SUBMITTED TO THE LICENCING  
OFFICER ON 5th DAY OF EVERY MONTH**

\_\_\_\_\_—Saw Mill

Reg. No. \_\_\_\_\_

Name of the saw mill	Timber received at saw mill		Certificate of owner- ship issu- ed by	Timber sawn and disposed off			Entries made in the register		
	Date	Quantity		Quantity	Balance as on 1st Day of the month	Cu. Mtr.	Qtls.	Page No.	Item No.
1	2	3	4	5	6	7	8	9	10

(No. F. 10 (17) Rev. 8/82)

By Order,

आनन्द मोहन लाल,

Secretary to the Government.

Government Central Press, Jaipur.