



പതിനാലാം കേരള നിയമസഭ

**സബോർഡിനേറ്റ് ലെജിസ്ലേഷൻ സമിതി
(2016-2019)**

പതിനാറാമത് റിപ്പോർട്ട്

(2018 ഡിസംബർ 6-ാം തീയതി സമർപ്പിച്ചത്)

**1961-ലെ Kerala Forest Act (4 of 1962)-ൻ കീഴിൽ
പുറപ്പെടുവിച്ച 269/12, 476/12, 477/12, 584/15 എന്നീ
എസ്.ആർ.ഒ.-കളുടെ സൂക്ഷ്മ പരിശോധനയുടെ
അടിസ്ഥാനത്തിൽ തയ്യാറാക്കിയ റിപ്പോർട്ട്**

കേരള നിയമസഭാ സെക്രട്ടേറിയറ്റ്

തിരുവനന്തപുരം

2018

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സബോർഡിനേറ്റ് ലെജിസ്ലേഷൻ സമിതി
(2016-2019)

ഘടന

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അവതാരിക

സബോർഡിനേറ്റ് ലെജിസ്ലേഷൻ സമിതി (2016-2019)-യുടെ അദ്ധ്യക്ഷനായ ഞാൻ സമിതി അധികാരപ്പെടുത്തിയതനുസരിച്ച്, സമിതിയുടെ 16-ാമത് റിപ്പോർട്ട് സമർപ്പിക്കുന്നു.

1961-ലെ Kerala Forest Act (4 of 1962)-ൽ കീഴിൽ പുറപ്പെടുവിച്ച 269/12, 476/12, 477/12, 584/15 എന്നീ എസ്.ആർ.ഒ.-കൾ സമിതി പഠനവിധേയമാക്കുകയുണ്ടായി. കേരള സംസ്ഥാനത്തെ തടിമില്ലുകളെയും മറ്റ് തടിവ്യവസായങ്ങളെയും നിയന്ത്രിക്കുന്നതിന് പ്രാധാന്യം നൽകുന്ന നിയമം എന്ന നിലയിൽ അതിൻകീഴിൽ പ്രസിദ്ധീകരിച്ച ചട്ടങ്ങൾ 6-12-2017-ലെ സമിതിയോഗം വിശദമായി പരിശോധിക്കുകയും അവ സംബന്ധിച്ച് വനംവന്യജീവി, നിയമം എന്നീ വകുപ്പ് സെക്രട്ടറിമാരിൽ നിന്ന് തെളിവെടുക്കുകയും ചെയ്തു.

ഈ വിഷയത്തിൽ സമിതി നടത്തിയ ചർച്ചകളുടെയും തെളിവെടുപ്പിന്റെയും അടിസ്ഥാനത്തിലുള്ള അഭിപ്രായങ്ങളും നിർദ്ദേശങ്ങളും ശുപാർശകളും അടങ്ങുന്നതാണ് ഈ റിപ്പോർട്ട്.

2018 ജൂലൈ മാസം 4-ാം തീയതി ചേർന്ന യോഗത്തിൽ സമിതി ഈ റിപ്പോർട്ട് അംഗീകരിച്ചു.

മുരളി പെരുനെല്ലി,

അദ്ധ്യക്ഷൻ,
സബോർഡിനേറ്റ് ലെജിസ്ലേഷൻ സമിതി.

തിരുവനന്തപുരം,
2018 ജൂലൈ 4.

റിപ്പോർട്ട്

1961-ലെ Kerala Forest Act (4 of 1962)-ൻ കീഴിൽ പ്രസിദ്ധീകരിച്ച എസ്.ആർ.ഒ. നമ്പർ 269/12, 476/12, 477/12, 584/15 എന്നീ എസ്.ആർ.ഒ.-കൾ സൂക്ഷ്മപരിശോധന നടത്തുകയും അതിന്റെ ഭാഗമായി വനം വന്യജീവി, നിയമം എന്നീ വകുപ്പുകളിലെ ബന്ധപ്പെട്ട ഉദ്യോഗസ്ഥരിൽ നിന്നും 6-12-2017-ലെ സമിതിയോഗത്തിൽ തെളിവെടുക്കുകയുമുണ്ടായി. ആയതിന്റെ അടിസ്ഥാനത്തിൽ തയ്യാറാക്കിയ നിഗമനങ്ങളും ശിപാർശകളും ചുവടെ ചേർക്കുന്നു:

(2) ബഹു. സുപ്രീംകോടതി 2002 ഒക്ടോബർ 30-ാം തീയതിയിൽ പുറപ്പെടുവിച്ച ഉത്തരവിൽ കേരള സംസ്ഥാനത്ത് നിലവിൽ തടിമില്ലുകൾക്കും മറ്റ് തടി വ്യവസായങ്ങളെയും നിയന്ത്രിക്കുന്നതിന് ചട്ടങ്ങളില്ലെന്നും ആയതിനാൽ കേരള സംസ്ഥാനം ഇതിന് വേണ്ടി ചട്ടങ്ങൾ രൂപീകരിക്കണമെന്നും ആവശ്യപ്പെട്ടതിന്റെ അടിസ്ഥാനത്തിൽ തയ്യാറാക്കിയ ചട്ടങ്ങളാണ് എസ്.ആർ.ഒ. നമ്പർ 269/12. പ്രസ്തുത എസ്.ആർ.ഒ.-യിൽ ഭേദഗതി വരുത്തിക്കൊണ്ടുള്ള എസ്.ആർ.ഒ.-കൾ ആണ് 476/12, 477/12, 584/15 എന്നിവ.

എസ്.ആർ.ഒ. നമ്പർ 269/12, തീയതി 19-4-2012

(G.O.(P) No.51/2012/F&WLD, തീയതി 19-4-2012)

(3) Rule 2 (1) (c)-ൽ "Appellate Authority" means "the Appellate Authority appointed by the Government under rule 19" എന്നത് "the Appellate Authority appointed by the Government under rule 19(2)" എന്ന രീതിയിൽ മാറ്റം വരുത്തുവാൻ സമിതി ശിപാർശ ചെയ്യുന്നു.

(4) ചട്ടം 2(p) യിലെ നാലാമത്തെ വരിയിലെ "Feasibility of grant of permission" എന്നതും, ആറാമത്തെ വരിയിലെ "regarding grant of permission...." എന്നതും യഥാക്രമം "Feasibility of granting permission", "regarding granting of permission" എന്ന രീതിയിൽ മാറ്റം വരുത്താൻ സമിതി നിർദ്ദേശിക്കുന്നു.

(5) ചട്ടം 3(5)-ൽ 'boundary' എന്ന വാക്ക് തെറ്റായി 'boundry' എന്നാണ് ചേർത്തിരിക്കുന്നത്. ആയത് തിരുത്തുവാനും പ്രസ്തുത ചട്ടത്തിലെ ക്ലിപ്ത നിബന്ധനയിലെ അവസാനത്തെ വരിയിലെ "disreserved" എന്ന വാക്ക് "de reserved" എന്ന് മാറ്റുവാനും സമിതി നിർദ്ദേശിക്കുന്നു.

(6) ചട്ടം 3(8)-ൽ "The No Objection Certificate granted by the Central Empowered Committee or by the State Level Committee shall be deemed to be a

license granted under these rules till the expiry of the period of such No Objection Certificate" എന്ന് വ്യക്തമാക്കിയിട്ടുണ്ട്. എന്നാൽ No Objection Certificate-ന്റെ validity സംബന്ധിച്ച വിവരങ്ങൾ വ്യക്തമാക്കുവാൻ സമിതി ആവശ്യപ്പെട്ടതിന് തടിയുടെ ലഭ്യത പരിശോധിച്ചതിന് ശേഷമാണ് സ്റ്റേറ്റ് ലൈൽ കമ്മിറ്റി എൻ.ഒ.സി. നൽകുന്നതെന്നും എൻ.ഒ.സി.-യിൽ കാലാവധി നിശ്ചയിക്കേണ്ടത് സംബന്ധിച്ച് വ്യക്തത വരുത്തേണ്ടത് ബന്ധപ്പെട്ട വകുപ്പാണെന്നും നിയമവകുപ്പ് സ്പെഷ്യൽ സെക്രട്ടറി സമിതിയെ അറിയിച്ച ചട്ടം നിലവിൽ വരുന്നതിന് മുമ്പുള്ള കാലയളവിലാണ് No Objection Certificate കൊടുത്തിരുന്നത്. പുതിയതായി തടി വ്യവസായങ്ങൾ ആരംഭിക്കുന്നത് 2002-ൽ സൂപ്രീംകോടതി നിരോധിച്ച സാഹചര്യത്തിൽ അന്ന് നിലവിലുണ്ടായിരുന്ന തടിമില്ലുകൾക്ക് പ്രവർത്തിക്കുന്നതിന് ക്ലിയറൻസ് നൽകുന്നതിനായി സെൻട്രൽ എംപവേർഡ് കമ്മിറ്റി അധികാരപ്പെടുത്തിയ കമ്മിറ്റി പരിശോധിച്ചതിനുശേഷമാണ് എൻ.ഒ.സി. നൽകി വന്നിരുന്നതെന്നും എന്നാൽ ചട്ടങ്ങൾ നിലവിൽ വന്നതിനാൽ എൻ.ഒ.സി.-യുടെ വാലിഡിറ്റി ഇല്ലാതായെന്നും വകുപ്പ് ഉദ്യോഗസ്ഥർ സമിതിക്ക് മറുപടി നൽകി.

(7) അങ്ങനെയെങ്കിൽ ചട്ടം 3(8)-ന്റെ ആവശ്യമുണ്ടോയെന്ന് പരിശോധിക്കേണ്ടതാണെന്ന് നിയമവകുപ്പ് സ്പെഷ്യൽ സെക്രട്ടറി സമിതിയെ അറിയിച്ചു 2002 മുതൽ, ചട്ടങ്ങൾ നിലവിൽവന്ന 2012 വരെ, ലഭിച്ച എൻ.ഒ.സി. ഇടക്കാലയളവിലെ ലൈസൻസായി കണക്കാക്കണമെന്നാണ് പറഞ്ഞിരിക്കുന്നതെന്നും പ്രസ്തുത കാലയളവിൽ എൻ.ഒ.സി. ലഭിച്ച ഇതുവരെയും ലൈസൻസ് പുതുക്കിയിട്ടില്ലാത്തവർക്ക് ഇത് ബാധകമാകുമെന്നും ലൈസൻസ് പുതുക്കുവാൻ സാധിക്കാത്തതിനാൽ എൻ.ഒ.സി.-യുടെ സമയപരിധി നീട്ടിക്കൊടുക്കണമെന്ന് ആവശ്യപ്പെട്ട് ഇപ്പോഴും അപേക്ഷകൾ ലഭിക്കുന്നുണ്ടെന്നും എന്നാൽ പ്രസ്തുത എൻ.ഒ.സി.-ക്ക് നിലവിൽ വാലിഡിറ്റിയില്ലെന്നും പ്രിൻസിപ്പൽ ചീഫ് കൺസർവേറ്റർ ഓഫ് ഫോറസ്റ്റ് സമിതിയെ അറിയിച്ചു.

(8) എൻ.ഒ.സി.-ക്ക് നിലവിൽ വാലിഡിറ്റിയില്ലാത്ത സാഹചര്യത്തിൽ ചട്ടം 3 (8) ഒഴിവാക്കാൻ സമിതി ശുപാർശ ചെയ്യുന്നു.

(9) ചട്ടം 4(2) (a) യിലെ 'satisfy', എന്നത് "satisfy എന്നും Rule 7 (1)-ലെ 'form' എന്നത് 'from' എന്നും തിരുത്താൻ സമിതി ശുപാർശ ചെയ്യുന്നു.

(10) ചട്ടം 8 (1) (iv) താഴെപ്പറയുംപ്രകാരം മാറ്റുവാൻ സമിതി ശുപാർശ ചെയ്യുന്നു:

"Every saw-mill and other wood based industrial unit shall keep and maintain registers, documents and accounts in the form Nos. XA, XB as required by these rules and the electricity bills paid in respect of such unit shall be produced on demand to the Forest officers for inspection."

(11) ചട്ടം 8(1)(vi)-ൽ "preferred" എന്ന വാക്കിന് പകരം "submitted" എന്ന വാക്ക് ചേർക്കുവാൻ സമിതി നിർദ്ദേശിക്കുന്നു.

(12) ചട്ടം 8-ൽ (General conditions for grant of licence) ആരോഗ്യമേഖല, മലിനീകരണ നിയന്ത്രണ ബോർഡ് എന്നിവ സംബന്ധിച്ച് ചട്ടത്തിൽ പരാമർശം വരാത്തത് സമിതി ആരാഞ്ഞതിന് മലിനീകരണവുമായി ബന്ധപ്പെട്ട ആക്റ്റിലും ചട്ടത്തിലും ഇത് സംബന്ധിച്ച് വ്യക്തമാക്കിയിട്ടുള്ളതിനാൽ പ്രസ്തുത ചട്ടത്തിൽ പ്രത്യേകമായി പറയേണ്ടതില്ലെന്ന് നിയമ വകുപ്പ് സ്പെഷ്യൽ സെക്രട്ടറി സമിതിയെ അറിയിച്ചു. ഇത് സംബന്ധിച്ച് 584/2015 നമ്പർ എസ്.ആർ.ഒ.-യിൽ വ്യക്തത വരുത്തിയിട്ടുണ്ടെന്ന് പ്രിൻസിപ്പൽ ചീഫ് കൺസർവേറ്റർ ഓഫ് ഫോറസ്റ്റ് കൂട്ടിച്ചേർത്തു.

(13) മലിനീകരണവുമായി ബന്ധപ്പെട്ട ആക്റ്റിലെയും ചട്ടത്തിലെയും വ്യവസ്ഥകൾ ഈ ചട്ടത്തിലും ബാധകമായിരിക്കുമെന്ന് ചേർക്കുന്നത് ഉചിതമായിരിക്കുമെന്ന് സമിതി അഭിപ്രായപ്പെടുകയും നിയമ വകുപ്പ് സ്പെഷ്യൽ സെക്രട്ടറി സമിതിയുടെ നിർദ്ദേശം അംഗീകരിക്കുകയും ചെയ്തു. ആയതിനാൽ മലിനീകരണവുമായി ബന്ധപ്പെട്ട ആക്റ്റിലെയും ചട്ടത്തിലെയും വ്യവസ്ഥകൾ ഈ ചട്ടത്തിലും ബാധകമായിരിക്കുമെന്ന് ചേർക്കുവാൻ സമിതി നിർദ്ദേശിക്കുന്നു.

(14) ചട്ടം 2 (1) (0) (Small scale furniture unit-ന്റെ നിർവ്വചനം)-ൽ നിന്ന് വ്യത്യസ്തമായി ചട്ടം 9 ക്വാറ്ററി 2 (iii)-ൽ Small scale furniture unit-ന് 5 Horse power-ൽ കുറഞ്ഞ band saw ഉപയോഗിക്കാം എന്ന് പറഞ്ഞിരിക്കുന്നതിനെപ്പറ്റി സമിതി ആരാഞ്ഞതിന് നിർവ്വചനവുമായി ഒരു പൊരുത്തക്കേട് വന്നിട്ടുണ്ടെന്നും ആയത് ഗവൺമെന്റ് ഓഫ് ഇന്ത്യയുടെ പുതിയ ക്ലാരിഫിക്കേഷൻ അനുസരിച്ച് മാറ്റം വരുത്താമെന്ന് പ്രിൻസിപ്പൽ ചീഫ് കൺസർവേറ്റർ ഓഫ് ഫോറസ്റ്റ് സമിതിയെ അറിയിച്ചു. ആയതിനാൽ ഗവൺമെന്റ് ഓഫ് ഇന്ത്യയുടെ ക്ലാരിഫിക്കേഷൻ അനുസരിച്ച് ചട്ടം 2(1) (0) ചട്ടം 9 ക്വാറ്ററി 2 (iii) എന്നിവയിൽ മാറ്റം വരുത്തുവാനും പ്രസ്തുതമാറ്റം അനുസരിച്ച് Schedule B, D എന്നിവയിലെ category. 2 മാറ്റം വരുത്തുവാനും സമിതി ശുപാർശ ചെയ്യുന്നു.

(15) ചട്ടം 9-ലെ category 5(ii)-ൽ (Medium scale industrial units using exclusively rubber wood for manufacturing products such as packing case, block board and tea chest) " Any unit under this category which started functioning after 30th October, 2002 will be given licence only after assessing the availability of wood from all sources by the Advisory Committee and on satisfaction that adequate quantity of wood for the unit is available" എന്നാണ് പറയുന്നത്. പ്രസ്തുത category rubber wood-നെ കുറിച്ച് പറയുന്നതിനാൽ "Any unit under this

category only after assessing the availability of rubber wood from all sources by the Advisory Committee and on satisfaction that adequate quantity of rubber wood for the unit is available" എന്ന് മാറ്റം വരുത്താനും സമിതി നിർദ്ദേശിക്കുന്നു. ഇതേ മാറ്റം ചട്ടം 9-ന്റെ കാര്യഗതി 7 - clause (ii)-ലും കൂടി വരുത്തുവാനും സമിതി നിർദ്ദേശിക്കുന്നു.

(16) ചട്ടം 9 കാര്യഗതി 9 (Institution which impart training in wood processing and carpentry) ട്രെയിനിംഗ് ഇൻസ്റ്റിറ്റ്യൂഷൻ ലൈസൻസ് കൊടുക്കുന്നത് സംബന്ധിച്ചാണ് ചട്ടത്തിൽ വ്യക്തമാക്കുന്നത്. എന്നാൽ licence-മായി ബന്ധപ്പെട്ട Schedule C (Application Fee for obtaining license/renewal.....), Schedule D (Licence Fee) എന്നിവയിൽ പ്രസ്തുത കാര്യഗതി ഉൾപ്പെടുത്തൽ സംബന്ധിച്ച് സമിതി ആരാഞ്ഞതിന് ട്രെയിനിംഗ് ഇൻസ്റ്റിറ്റ്യൂഷൻ ലൈസൻസ് നൽകണമെന്ന് നേരത്തെ തീരുമാനമെടുത്തിട്ടുണ്ടെന്നും പക്ഷെ ഫീസ് സംബന്ധിച്ച് തീരുമാനമെടുത്തിട്ടില്ലെന്നും പ്രിൻസിപ്പൽ ചീഫ് കൺസർവേറ്റർ ഓഫ് ഫോറസ്റ്റ് സമിതിയെ അറിയിച്ചു ആയതിനാൽ ട്രെയിനിംഗ് ഇൻസ്റ്റിറ്റ്യൂഷൻ ലൈസൻസ് കൊടുക്കുവാൻ ഫീസ് ഇറുപ്പാക്കുന്നത് സംബന്ധിച്ച തീരുമാനമെടുക്കാൻ സമിതി നിർദ്ദേശിക്കുന്നു.

(17) ചട്ടം 9-ലെ കാര്യഗതി 9 ക്ലോസ് (iv) ൽ Renewal of Registration/licence എന്ന് പറഞ്ഞിരിക്കുന്നു എന്നാൽ "Registration" എന്ന വാക്ക് മറ്റൊരു സ്ഥലത്തും പരാമർശിക്കാത്തതിനാൽ 'Registration' എന്ന വാക്ക് ചട്ടത്തിൽ നിന്നു ഒഴിവാക്കാൻ സമിതി ശുപാർശ ചെയ്യുന്നു.

(18) ചട്ടം 9-ന്റെ അവസാനം Category specified in "in Schedule A" എന്ന് തെറ്റായി കാണിച്ചിരിക്കുന്നു. ആയത് "in Schedule B" എന്ന് മാറ്റം വരുത്തണമെന്ന് സമിതി നിർദ്ദേശിക്കുന്നു.

(19) ചട്ടം 12-ൽ "Enhancing the capacity of a sawmill or other wood based industrial unit"-നെ സംബന്ധിച്ചാണ് പറയുന്നതെങ്കിലും അതിനുള്ള അപേക്ഷ സ്വീകരിക്കുന്നതിനോ നിരസിക്കുന്നതിനോ ഉള്ള സമയപരിധി പ്രസ്തുത ചട്ടത്തിൽ പരാമർശിക്കാത്തത് സംബന്ധിച്ച് സമിതി അഭിപ്രായം ആരാഞ്ഞതിന് എസ്.ആർ.ഒ. നമ്പർ 584/2015-ൽ ഇത് സംബന്ധിച്ച് വ്യക്തത വരുത്തിയിട്ടുണ്ടെന്ന് വന്നു വകുപ്പ് ഉദ്യോഗസ്ഥൻ സമിതിയെ അറിയിച്ചു. എന്നാൽ പ്രസ്തുത എസ്.ആർ.ഒ.-യിൽ തടിമില്ലുകളുടെ capacity വർദ്ധിപ്പിക്കുന്നതിനെ സംബന്ധിച്ചാണ് പരാമർശിച്ചിരിക്കുന്നത്. തടിമില്ലുകളുടെ capacity വർദ്ധിപ്പിക്കുന്നതിനുള്ള അപേക്ഷ സ്വീകരിക്കുന്നത് സംബന്ധിച്ചോ നിരസിക്കുന്നത് സംബന്ധിച്ചോ ഉള്ള സൂചന പ്രസ്തുത S.R.O.-യിൽ ഇല്ലാത്തതിനാൽ ചട്ടം 12-ൽ (Enhancing

the capacity of a sawmill or other wood based industrial Unit). അപേക്ഷ സ്വീകരിക്കുന്നതിനോ നിരസിക്കുന്നതിനോ ഉള്ള സമയപരിധി കൂടി ഉൾപ്പെടുത്തുവാൻ സമിതി ശുപാർശ ചെയ്യുന്നു.

(20) ചട്ടം 13(6)-ലെ രണ്ടാമത്തെ വരിയിലെ "Crovement" എന്ന വാക്ക് "Government" എന്ന് തിരുത്തുവാൻ സമിതി നിർദ്ദേശിക്കുന്നു.

(21) ചട്ടം 17(2)-ൽ 'licensee' എന്ന് തെറ്റായി രേഖപ്പെടുത്തിയിരിക്കുന്നത് 'licensee' എന്ന് തിരുത്തുവാൻ സമിതി നിർദ്ദേശിക്കുന്നു.

(22) ചട്ടം 26 3(iii)-ൽ " to get studies done on the availability....." എന്നത് "to conduct studies on availability" എന്ന് മാറ്റുവാൻ സമിതി നിർദ്ദേശിക്കുന്നു.

(23) ചട്ടം 26 (5)-ൽ "The Advisory Committee shall meet at least twice in a year" എന്നത്, "The Advisory Committee shall meet once in six months" എന്ന രീതിയിൽ മാറ്റം വരുത്തുവാൻ സമിതി ശുപാർശ ചെയ്യുന്നു .

(24) 'Schedule A(See rule 4)' എന്നത് 'Schedule A (see Rule 4 (2)' എന്നാക്കി മാറ്റുവാനും, Schedule C (see Rule 6 (4), 10, 12, 13, 14, 15, 16, 17, 19) എന്നത് ചട്ടം 15-ഉം 16-ഉം നിലവിലില്ലാത്തതിനാൽ അവ ഒഴിവാക്കി Schedule C (see rule 6(4), 10(1), 12(2), 13(2), 14(2) 17(3), 19(3))എന്നാക്കി മാറ്റുവാനും സമിതി ശുപാർശ ചെയ്യുന്നു.

(25) ഫോമുകളിൽ താഴെ പറയുന്ന മാറ്റം വരുത്തുവാൻ സമിതി ശുപാർശ ചെയ്യുന്നു:

- (1) Form No. IC (see Rule 10) എന്നത് Form No. IC (see Rule 10(1)) എന്നാക്കുക.
- (2) Form No. III (see Rule 12) എന്നത് Form No. III (see Rule 12(2)) എന്നാക്കുക.
- (3) Form No. IV (see Rule 13) എന്നത് Form No. IV (see Rule 13(2)) എന്നാക്കുക.
- (4) Form No. V (see Rule 14) എന്നത് Form No. V (see Rule 14(2)) എന്നാക്കുക.
- (5) Form No.VIII (see Rule 19) എന്നത് Form No. VIII (see Rule 19(1)) എന്നാക്കി മാറ്റുക.
- (6) Form No. IX (see Rule 19) എന്നത് Form No. IX (see Rule 19(4)) എന്നാക്കി മാറ്റുക.

(26) Form No. IIA, IIB (License for Sawmill or other Wood Based Industrial Unit), IIC (License for Sawmill or other wood Based Industrial Unit (on Renewal)) എന്നീ ഫോമുകളിൽ Forest Division/Forest Range ഉൾപ്പെടുത്താൻ സമിതി ശുപാർശ ചെയ്യുന്നു.

(27) Form III, Form VII, Form VIII എന്നീ ഫോമുകളിൽ Declaration Statement-ന് മുകളിൽ ശീർഷകമായി 'DECLARATION' എന്ന വാക്ക് ചേർക്കുവാൻ സമിതി ശുപാർശ ചെയ്യുന്നു.

(28) Form No. IV-ന്റെ ക്ലിപ്ത നിബന്ധനയിൽ I/We do hereby apply for permission for enhancing the capacity of the wood based industrial unit" എന്നാണ് പറഞ്ഞിരിക്കുന്നത്. പക്ഷെ Form IV application for shifting the sawmill or other wood based industrial unit-നെ സംബന്ധിച്ചാണ് പ്രതിപാദിച്ചിരിക്കുന്നത്. പ്രസ്തുത വിഷയം സമിതി ആരാഞ്ഞതിന് ചട്ടങ്ങൾ തയ്യാറാക്കിയപ്പോൾ വന്ന തെറ്റാണെന്നും അത് തിരുത്താമെന്നും പ്രിൻസിപ്പൽ ചീഫ് കൺസർവേറ്റർ ഓഫ് ഫോറസ്റ്റ് സമിതിയെ അറിയിച്ചു. ചട്ടങ്ങൾ തയ്യാറാക്കുന്ന അവസരങ്ങളിൽ ഇത്തരം കാര്യങ്ങൾ ശ്രദ്ധിക്കണമെന്ന് സമിതി ഓർമ്മപ്പെടുത്തുകയും ചെയ്തു. പ്രസ്തുത ക്ലിപ്ത നിബന്ധനയിലെ തെറ്റ് തിരുത്തുവാൻ സമിതി ശുപാർശ ചെയ്യുന്നു.

(29) Form No. VIII-ൽ fee remit ചെയ്യുന്നതിന്റെ വിശദാംശങ്ങൾ ഉൾപ്പെട്ട കോളമില്ലെന്ന് മനസ്സിലാക്കിയ സമിതി അതിനായി Form No. VIII-ൽ fee remit ചെയ്യുന്നതിനുള്ള വിശദാംശങ്ങൾ രേഖപ്പെടുത്താൻ ഒരു കോളം ഉൾപ്പെടുത്തുവാൻ സമിതി ശുപാർശ ചെയ്യുന്നു.

(30) Explanatory Note-ൽ കേരളത്തിൽ, establishment and regulation of sawmills and wood based industrial unit-ന് ചട്ടങ്ങൾ നിലവിലാത്ത സാഹചര്യത്തിൽ സുപ്രീം കോടതി നിർദ്ദേശപ്രകാരമാണ് ചട്ടങ്ങൾ രൂപീകരിച്ചതെന്ന് വകുപ്പ് വിശദീകരിച്ചു എന്നാൽ പ്രസ്തുത ചട്ടങ്ങൾ രൂപീകരിക്കുന്നതിന് 10 വർഷത്തെ കാലതാമസമുണ്ടാകാനുള്ള സാഹചര്യം സമിതി ആരാഞ്ഞതിന് ഇക്കാര്യങ്ങളിൽ ഒരു Interim mechanism രാജ്യത്താകെ നിലവിലുണ്ടായിരുന്നുവെന്നും അതുകൊണ്ട് തന്നെ കാലതാമസത്തിന്റെ ഒരു പ്രശ്നം ഉണ്ടായിരുന്നില്ലെന്നും പ്രിൻസിപ്പൽ ചീഫ് കൺസർവേറ്റർ ഓഫ് ഫോറസ്റ്റ് സമിതിയെ അറിയിച്ചു. ഒരു 'ഇടക്കാല സംവിധാനം' ഉണ്ടായിരുന്നു എന്നുള്ളത് പ്രശ്നത്തിന് പരിഹാരമാകുന്നില്ലെന്നും ചട്ടങ്ങൾ ഇല്ലാത്തതു കൊണ്ട് പല കാര്യങ്ങളിലും തടസ്സമുണ്ടായിട്ടുണ്ടാകാം എന്നും ആയതിനാൽ കാലതാമസത്തിന്റെ കാര്യത്തിൽ വിശദീകരണം നൽകാൻ സമിതി നിർദ്ദേശിക്കുന്നു.

(31) എസ്.ആർ.ഒ. നമ്പർ 476/2012

ശിപാർശകളില്ല.

(32) എസ്.ആർ.ഒ. നമ്പർ 477/2012

ശിപാർശകളില്ല.

(33) എസ്.ആർ.ഒ. നമ്പർ 584/2015

(1) ചട്ടം 2(f)-ൽ (Rule 8 (1) (v)-ന്റെ അവസാന ഭാഗത്ത് ചട്ടത്തിന് വ്യക്തത വരുത്തുന്നതിനായി "and shall be renewed after every three and five years respectively" എന്നു കൂടി ചേർക്കണമെന്ന് സമിതി ശിപാർശ ചെയ്യുന്നു.

(2) ചട്ടം 2(g)(vi) പ്രകാരം ഒരു പുതിയ കാറ്റഗറി "Category 10" റൂൾ 9-ൽ കൂട്ടിച്ചേർത്തിട്ടുണ്ട്. ആയതിനാൽ അത് 'Schedule B'-ൽ കൂടി ഉൾപ്പെടുത്തണമെന്ന് സമിതി നിർദ്ദേശിക്കുന്നു.

മുരളി പെരുനെല്ലി,

അദ്ധ്യക്ഷൻ,

സബോർഡിനേറ്റ് ലെജിസ്ലേഷൻ സമിതി.

തിരുവനന്തപുരം,
2018 ജൂലൈ 4.

അനുബന്ധം I

Government of Kerala
കേരള സർക്കാർ
2012



Reg. No. ഓ.പി. നമ്പർ
KI/TV(NY)/12/12-14

KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അന്യാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. LVII വാല്യം 57	Thiruvananthapuram, Thursday തിരുവനന്തപുരം, വ്യാഴം	19th April 2012 2012 ഏപ്രിൽ 19 30th Chakhra 1934 1934 ചൈത്രം 30	No. } നമ്പർ } 805
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GOVERNMENT OF KERALA

Forest and Wildlife (B) Department

NOTIFICATION

G. O. (P) No. 51/2012/F&W.L.D. Dated, Thiruvananthapuram, 19th April, 2012.

S. R. O. No. 269/2012.—In exercise of the powers conferred by sections 39 and 76 of the Kerala Forest Act, 1961 (4 of 1962), The Government of Kerala hereby make the following rules, namely:—

RULES

1. *Short title, extent and commencement.*—(1) These rules may be called the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Rules, 2012.

(2) They shall come into force at once.

- (n) "Schedule" means a schedule appended to these rules;
- (o) "small scale furniture unit" means an industrial unit for manufacturing furniture using sawn timber obtained from licenced sawmills or other legitimate sources and operating without band saw;
- (p) "State Level Committee" means the Committee constituted by Central Empowered Committee to assess the availability of timber before establishing new wood-based industries, to examine feasibility of grant or permission to units based exclusively on rubber wood and to examine applications received or referred to Central Empowered Committee by the Hon'ble Court regarding grant of permission to new wood-based industries in Kerala.
- (q) "wood based cottage industrial unit" means a unit functioning in the space within the residential premises of artisans and traditional workers for making wooden products such as furniture, household articles, curios, farm implements, handicrafts, musical instruments and such other articles using only hand tools;
- (r) "wood based industrial unit" means any industrial unit which processes wood as its raw material and includes sawmills, furniture units, veneer units, plywood units, match wood units, particle board units and such other units.

(2) Words and expressions used but not defined in these rules but defined in the Act shall have the same meaning assigned to them in the Act.

3. *Restriction on Establishment of Sawmill and other Wood Based Industrial Units.* (1) No person shall, after the date of commencement of these rules establish or operate a sawmill or any other wood based industrial unit without obtaining a licence from the Authorized Officer under these Rules.

(2) The Government may by notification authorise a Forest Officer not below the rank of Assistant Conservator of Forests having territorial jurisdiction over the area to be Authorized Officer for the purpose of these Rules.

(3) Every person owning or running a sawmill or any other wood based industrial unit on or before 30th October, 2002 shall apply for a licence under these rules within a period of six months from the date of commencement of these rules.

(4) The Authorized Officer may grant a licence under the provisions of these rules to a sawmill or wood based industrial unit which was functioning within a radial distance of five kilometers from the boundary of any forests owned by Government on or before 30th October, 2002 under the licence issued by a Local Self Government Institution subject to the conditions specified in rule 8 and rule 9.

(5) No sawmill or other wood based industrial unit established after 30th October, 2002 except the sawmill or other wood based industrial unit owned by the Government or exclusively using rubber wood or the small scale furniture unit, shall be granted licence to function within a radial distance of five kilometres from the nearest boundary of any forests owned by Government and having an extent of and above forty hectares :

Provided that the above restriction shall not apply to a sawmill or other wood based industrial unit which is functioning within a radial distance of five kilometres from the boundary of Reserved Forest areas which were transferred by Government for non foresty purposes and non revertible forest lands which have not been disreserved by a notification.

(6) The sawmill or other wood based industrial unit which has been functioning on the date of commencement of these rules under the licence issued by a Local Self Government Institution may continue to function till a decision is taken by the Authorized Officer on the application for licence under rule 7.

(7) The Authorized Officer may, on receipt of an application for licence, grant a temporary licence subject to the general and special conditions stipulated under these rules and allow any sawmill or wood based industrial unit which was functioning as on 30th October, 2002 under the licence issued by a Local Self Government Institution to continue to function with the machinery and equipments available as on 30th October, 2002, till a final decision is taken on the application for licence.

(8) The No Objection Certificate granted by the Central Empowered Committee or by the State Level Committee shall be deemed to be a licence granted under these rules till the expiry of the period of such No Objection Certificate.

(9) In the event of refusal of licence by the Authorized Officer, the applicant shall forth with stop operation and wind up the sawmill or the wood based industrial unit with effect from the date of communication of the order, in writing, refusing to grant the licence.

4. *Restriction on issuance of licence to sawmill and wood based industrial unit within five kilometres from the boundary of forest owned by Government.* (1) No Authorized Officer shall grant licence to sawmill and other wood based industrial unit established within a radial distance of five kilometres from the boundary of any forest owned by Government, except for those saw mills and other wood based industrial units which were established and running on or before 30th October, 2002.

(2) The Authorized Officer may grant licence to a sawmill and wood based industrial unit which are functioning and existing under a licence issued by the Local Self Government Institution within a radial distance of five kilometres from the boundary of the forest owned by Government, on or before 30th October, 2002, subject to the following conditions, namely:--

(a) such sawmill and other wood based industrial unit shall be allowed to continue in the present location only if they satisfy the general and special conditions specified under these rules for grant or renewal of licence;

(b) such sawmill and wood based industrial unit shall adhere to the directions issued from time to time by the Central Empowered Committee or the State Government;

(c) such sawmill and other wood based industrial unit shall be subjected to half-yearly inspection by an officer not below the rank of a Range Officer;

(d) such sawmill and other wood based industrial unit shall pay Inspection Fee annually at the rates specified in Schedule A;

(e) such sawmill and other wood based industrial unit shall maintain the registers and documents specified under these rules.

5. *Categories of sawmills and other wood based industrial units.*—The saw mills and other wood based industrial units shall, for the grant of licence, be classified into the categories as specified in Schedule B.

6. *Procedure for obtaining licence.*— (1) Any person running a sawmill or a wood based industrial unit under a licence obtained from the Local Self Government Institution as on 30th October, 2002 shall, within a period of six

months from the date of commencement of these rules, apply to the Authorized Officer in Form No. 1A for obtaining a licence under rule 7.

(2) Any person intending to obtain a licence to establish a new saw mill or other wood based industrial unit after the commencement of these rules shall apply to the Authorized Officer in Form No. 1B for obtaining licence under rule 7.

(3) An application submitted to the Central Empowered Committee or to the State Level Committee for No Objection Certificate shall be deemed to be an application for licence submitted under sub-rule (1) or sub-rule (2), as the case may be.

(4) Every application submitted under sub-rule (1) or sub-rule (2) after the date of commencement of these rules shall be accompanied by an application fee as specified for each category in Schedule C.

(5) For licence, the applicant, including those covered under sub-rule (3) of this rule, shall also furnish on demand to the Authorized Officer or to the Appellate Authority, as the case may be, any information or records relevant for taking a decision on the application.

7. *Grant of licence.*—(1) The Authorized Officer shall, on receipt of an application under sub-rule (1) or sub-rule (2) or sub-rule (3) of rule 6, dispose the application within a period of three months from the date of receipt of the application after conducting such enquiries as he thinks fit and calling for additional information or records, if any, required:

Provided that the applications pending before the Central Empowered Committee or before the State Level Committee for No Objection Certificate shall be deemed to have been received on the date of commencement of these rules.

(2) A licence issued pursuant to an application under sub-rule (1) of rule 6 shall be in Form II A and that under sub-rule (2) of the said rule shall be in Form II B.

(3) Where an application under sub-rules (1) or (2) or (3) of rule 6 is allowed, the applicant shall pay licence fee at the rates specified in Schedule D.

8. *General conditions for grant of licence.* (1) The grant of any licence under these rules shall be subject to the following general conditions, namely:—

- (i) The applicant shall not be a person convicted of any offence punishable under the Kerala Forest Act, 1961 or the Wildlife (Protection) Act, 1972 or any other enactment relating to protection of environment or conservation of biological diversity or the rules made thereunder.
- (ii) The applicant shall be in lawful possession of the land wherein the sawmill or other wood based industrial unit situates.
- (iii) The sawmill and the other wood based industrial unit shall be subjected to periodic inspection, at least once in a year, by the Authorized Officer or by any Forest Officer not below the rank of a Forester authorised by him.
- (iv) Every sawmill and other wood based industrial unit shall keep and maintain registers, documents and accounts in the form as required by these rule and the electricity bills paid in respect of such unit shall be produced on demand to the Forest Officers for inspection.
- (v) The period of licence granted under these rules shall be for only three years from the date of issuance of the same and shall be renewed for every three years.
- (vi) The application for renewal of licence shall be preferred at least three months before the date of expiry of the licence.
- (vii) The sawmill or other wood based industrial unit shall function in a building having building number issued by the Local Self Government Institution or in a portion thereof.
- (viii) A sawmill or other wood based industrial unit licenced for a particular category shall not be converted into any other category without obtaining a fresh licence.
- (ix) The capacity of sawmill and other wood based industrial unit shall not be enhanced or any new machinery other than those mentioned in the licence shall not be installed without the written permission of the Authorized Officer under rule 12.
- (x) The location or building of a sawmill or other wood based industrial unit mentioned in the licence shall not be shifted without the written permission of the Authorized Officer under rule 13.
- (xi) The name and style of a sawmill or other wood based industrial unit mentioned in the licence shall not be changed without the written permission of the Authorized Officer under rule 14.

(xii) The licence or ownership of sawmill or other wood based industrial units shall not be transferred without the written permission of the Authorized Officer under rule 15.

(xiii) The building and the properties mentioned in the licence of sawmill or other wood based industrial unit shall not be leased or mortgaged without the written permission of the Authorized Officer under rule 16.

(xiv) The sawmill and other wood based industrial unit and their premises shall always be made accessible to the Forest Officers for inspection.

(xv) The licensee shall not engage in any activity causing health hazard to the local people.

(2) The saw mill or other wood based industrial unit shall not function without a licence and shall be closed down on the expiry of the period of licence or on cancellation or suspension of the licence.

9. *Special terms and conditions applicable for grant of licence to sawmill and other wood based industrial unit under various categories.*— The licence issued to sawmill and other wood based industrial unit under these rules shall also be subject to the special terms and conditions stipulated hereunder for various categories specified in Schedule A.

Category 1 : Sawmills—

- (i) All units under this category which were functioning prior to 30th October, 2002 with a licence from Local Self Government Institution shall be eligible for licence provided the other conditions are satisfied.
- (ii) Any unit under this category which started functioning after 30th October, 2002 shall be given licence only after assessing the availability of wood from all sources by the Advisory Committee and on satisfaction that adequate quantity of wood for the unit is available.
- (iii) A sawmill and a small scale furniture unit shall not be located in the same premises.

Category 2 : Small scale furniture units—

The small scale furniture unit,—

- (i) shall use only sawn timber from licenced saw mills or from other lawful sources;
- (ii) may use bamboos, reeds and canes for the manufacture of furniture;
- (iii) shall not use band saw or resaw exceeding the capacity of five Horse Power;
- (iv) shall not convert round logs;
- (v) may use resaw or cross cut saw of and below the capacity of five Horse Power, wood planer machines, lathe, special tools, equipments and hand tools for making furniture;
- (vi) shall not be located in the same premises in which any sawmill is functioning.

Category 3 : Small scale units for manufacturing products such as match splints, match box, pencil slat and photo frame—

- (i) All units under this category which were functioning prior to 30th October, 2002 with a licence from Local Self Government Institution shall be eligible for licence provided the other conditions are satisfied.
- (ii) Any unit under this category which started functioning after 30th October, 2002 will be given licence only after assessing the availability of wood from all sources by the Advisory Committee and on satisfaction that adequate quantity of wood for the unit is available.
- (iii) Units under this category shall use only softwood or other sawn timber suitable for its end products.
- (iv) Units under this category shall not use bandsaw or resaw exceeding the capacity of five Horse Power.

Category 4 : Medium scale industrial units using all types of wood for manufacturing products such as packing case, block board and tea chest—

- (i) All units under this category which were functioning prior to 30th October, 2002 with a licence from Local Self Government Institution shall be eligible for licence provided the other conditions are satisfied.

- (ii) Any unit under this category which started functioning after 30th October, 2002 shall be given licence only after assessing the availability of wood from all sources by the Advisory Committee and on satisfaction that adequate quantity of wood for the unit is available.

Category 5: Medium scale industrial units using exclusively rubber wood for manufacturing products such as packing case, block board and tea chest—

- (i) All units under this category which were functioning prior to 30th October, 2002 with a licence from Local Self Government Institution shall be eligible for licence provided the other conditions are satisfied.

- (ii) Any unit under this category which started functioning after 30th October, 2002 will be given licence only after assessing the availability of wood from all sources by the Advisory Committee and on satisfaction that adequate quantity of wood for the unit is available.

- (iii) An assurance shall be given by the applicant that he shall use only rubber wood in the unit.

Category 6: Large scale industrial units using all types of wood for manufacturing products such as furniture, veneer, plywood and particle board—

- (i) All units under this category, which were functioning prior to 30th October, 2002 with a licence from Local Self Government Institution shall be eligible for licence provided the other conditions are satisfied.

- (ii) Any unit under this category which started functioning after 30th October, 2002 will be given licence only after assessing the availability of wood from all sources by the Advisory Committee and on satisfaction that adequate quantity of wood for the unit is available.

Category 7: Large scale industrial units using exclusively rubber wood for manufacturing products such as furniture, veneer, plywood and particle board—

- (i) All units under this category which were functioning prior to 30th October, 2002 with a licence from Local Self Government Institution shall be eligible for licence, provided other conditions are satisfied.
- (ii) Any unit under this category which started functioning after 30th October, 2002 will be given licence only after assessing the availability of wood from all sources by the Advisory Committee and on satisfaction that adequate quantity of wood for the unit is available.
- (iii) An assurance shall be given by the applicant that they shall use only rubber wood in the unit.

Category 8: Wood based industrial units using exclusively imported wood—

- (i) All units under this category which were functioning prior to 30th October, 2002 with a licence from Local Self Government Institution shall be eligible for licence provided the other conditions are satisfied.
- (ii) Any unit under this category which started functioning after 30th October, 2002 will be given licence only after producing the documents relating to the source of imported wood and on satisfaction that adequate quantity of wood for the unit is available.
- (iii) Registers and records related to the import of timber with all details shall be maintained and shall always be kept accessible to the forest officers for inspection.

Category 9: Institutions which impart training in wood processing and carpentry—

- (i) The units shall function only for imparting training cum facilitation to entrepreneurs and skilled workers in the field of wood processing and carpentry.
- (ii) A certificate from the competent authority in the Department of Education or in the Department of Industries and Commerce or in the Department of Employment and Training or in any other Department in Government with copy of the approved project report shall be produced before the Authorized Officer.

(iii) Quarterly report on the training conducted with all details of the trainees shall be submitted to the Authorized Officer.

(iv) Renewal of Registration licence shall be based on the result of inspection and evaluation of performance.

(v) Where the institution is found to engage in production or marketing of wood based products, other than those incidental to training, such unit shall be re-classified into appropriate category based on their activities and end products and shall be subjected to the rules and conditions applicable to the charged category as specified in Schedule A.

10. *Renewal of licence.* - (1) (a) An application for renewal of licence shall be made by the licensee in Form Number 'C' to the Authorized Officer before three months from the date of expiry of the period of licence, along with the renewal fee specified in Schedule C.

(b) The Authorized Officer may condone delay, if any, in the submission of application for renewal up to the date of expiry of the period of licence, if he is satisfied that the delay was due to the reasons beyond the control of the licensee.

(c) The Authorized Officer may, if he is satisfied that the delay was due to reasons beyond the control of the licensee, condone further delay in submission of application for renewal up to a period of three months after the date of expiry of the period of licence, after realizing a late fee at the same rates specified in Schedule C.

(2) The Authorized Officer shall follow the procedure specified in these rules and may renew or refuse to renew the licence within a period of three months from the date of receipt of the application.

(3) (a) Where the applicant does not satisfy the conditions required for the renewal of the licence the Authorized Officer shall within a period of three months from the date of receipt of application reject the application by recording the reasons thereof, after affording the applicant a reasonable opportunity of being heard and such reasons shall be communicated to the applicant in writing.

(b) An application for renewal may be rejected for any of the following reasons, namely:--

(i) The application for renewal submitted after three months from the date of expiry of the period of licence.

- (ii) Any statement submitted by the applicant for the renewal of licence is found incorrect or materially false.
- (iii) The applicant has violated the terms and conditions of the licence.
- (iv) The applicant has violated any of the rules or any of the provisions of the Kerla Forest Act, 1961 (4 of 1962) or the Wildlife (Protection) Act, 1972 (53 of 1972) or any other enactments relating to protection of environment or conservation of biological diversity or rules made thereunder.
- (v) The applicant does not satisfy the general and special terms and conditions specified in rule 8 and rule 9 respectively.

(4) Any application for renewal of licence, received after three months from the date of expiry of the period of licence shall be treated and processed as an application for fresh licence.

(5) The Authorized Officer may, if he is satisfied that the enquiries and procedural formalities for renewing the licence are likely to extend beyond the date of expiry of the period of licence, renew the licence temporarily for a period not exceeding six months from the date of expiry of the period of licence by making necessary endorsement to this effect in the licence.

11 *Procedure for renewal of licence.* (1) The application for renewal of licence shall be submitted in Form No. IC.

(2) The application under sub-rule (1) shall be accompanied by the fee specified in Schedule C irrespective of the fact that the sawmill or the wood based industrial unit was established on or before 30th October, 2002.

(3) The fee referred under sub-rule (2) for renewal of licence shall be remitted in the Government Treasury by Chalan or by Demand Draft or by such other mode of remittance approved by the Government.

(4) The Authorized Officer may make necessary enquiries and inspections or cause such enquiries and inspections to verify the correctness of the facts stated in the application and other facts, if any, found necessary.

(5) The renewed licence shall be granted by the Authorised Officer in Form II C on satisfaction of the conditions for renewal of licence.

(6) The renewed licence granted under sub-rule (5) shall be only for a period of three years.

12. *Enhancing the capacity of a sawmill or other wood based industrial unit.* — (1) No person shall enhance the capacity of any sawmill or wood based industrial unit without the written permission of the Authorised Officer.

(2) An application for enhancing the capacity of the sawmill or other wood based industrial unit shall be made in Form No. III along with the declaration contained therein and the fee specified for the purpose in Schedule C.

(3) Licence for enhancing the capacity of sawmill or other wood based industrial unit other than small scale furniture unit shall be granted only after assessing the availability of wood from all sources by the Advisory Committee and on satisfaction that adequate quantity of wood is available for the unit.

13. *Shifting of a sawmill or other wood based industrial unit.* (1) No person shall shift the sawmill or other wood based industrial unit to a different building or place without the written permission of the Authorised Officer.

(2) The application for shifting the sawmill or other wood based industrial unit from one building to another or from one place to another, shall be submitted to the Authorized Officer stating the reasons thereof in Form No. IV along with the declaration contained therein and fee specified for the purpose in Schedule C.

(3) Where the place to which the sawmill or wood based industrial unit proposed to be shifted is within the jurisdiction of the Authorized Officer, he shall, after making such enquiry as he deems fit, allow the application or reject the same within thirty days from the date of its receipt after affording the applicant a reasonable opportunity of being heard and reasons for such rejections shall be communicated to the applicant in writing.

(4) Where the application is for shifting the sawmill or wood based industrial unit to a building or place outside the jurisdiction of the Authorized Officer, he shall, within fifteen days from the date of receipt of the application,

forward the same along with all relevant documents together with a report to the Authorized Officer under whose jurisdiction the sawmill or other wood based industrial unit has been proposed to be shifted.

(5) The Authorized Officer, under whose jurisdiction the sawmill or other wood based industrial unit has been proposed to be shifted, shall within thirty days from the date of receipt of the documents as stipulated in sub-rule (4), grant the application or reject the same by recording the reasons thereof after affording to the applicant a reasonable opportunity of being heard and such reasons shall be communicated to the applicant in writing.

(6) The applicant shall produce a No Objection Certificate from the Local Self Government Institution having jurisdiction over the area where the unit has been functioning, along with the application for shifting and shall obtain necessary clearances from the Local Self Government Institutions, Health Authorities and Pollution Control Board of the area where the unit is proposed to be shifted.

(7) Where the sawmill or other wood based industrial unit is run by a Company or a Partnership Firm, No Objection Certificate shall also be produced from the Registrar of Companies or the Registrar of Firms, as the case may be, along with the application for shifting.

(8) The Authorized Officer, under whose jurisdiction the unit has been proposed to be shifted, shall make enquiries as may be found necessary before granting licence.

14. *Changing the name and style of a sawmill or other wood based industrial unit.*— (1) No person shall change the name and style of the sawmill or other wood based industrial unit without the written permission of the Authorized Officer.

(2) The application for changing the name and style of the sawmill or other wood based industrial unit, shall be submitted to the Authorized Officer in Form No. V stating the reasons thereof together with the fee specified for the purpose in Schedule C.

(3) The Authorized Officer shall, after making such enquiry, as he deems fit allow the application or reject the same within thirty days from the date of receipt of it by recording the reasons thereof after affording the applicant a reasonable opportunity of being heard and reasons for such rejections shall be communicated to the applicant in writing.

(4) The applicant shall produce 'No Objection Certificate' from the local Self Government Institution having jurisdiction over the area along with the application for changing the name and style of the sawmill or other wood based industrial unit.

(5) Where the sawmill or the wood based industrial unit is run by a Company or a Partnership Firm the applicant shall produce No Objection Certificate from the Registrar of Companies or the Registrar of Firms, as the case may be, along with the application for changing the name and style.

15. *Transfer of ownership of a sawmill or other wood based industrial unit.*—(1) No person shall transfer the ownership of the sawmill or other wood based industrial unit without the written permission of the Authorized Officer.

(2) The application for transfer of ownership of the sawmill or other wood based industrial unit shall be submitted to the Authorized Officer in Form No. VI along with the fee specified for the purpose in Schedule C.

(3) The Authorized Officer shall, after making such enquiry as he deems fit, allow the application or reject the same within thirty days from the date of receipt of it by recording the reasons thereof after affording the applicant a reasonable opportunity of being heard and reasons for such rejections shall be communicated to the applicant in writing.

(4) The applicant shall produce a 'No Objection Certificate' from the local Self Government Institution having jurisdiction over the area along with the application for transfer of ownership.

(5) Where the sawmill or the wood based industrial unit is run by a Company or a Partnership Firm the applicant shall produce No Objection Certificate from the Registrar of Companies or the Registrar of Firms, as the case may be, along with the application for transfer of ownership.

(6) Where the transfer of ownership is due to inheritance consequent on the demise of the owner, the applicant who proposes to inherit the sawmill or wood based industrial unit shall produce the following documents before the Authorized Officer along with the application for transfer of ownership.

(i) Attested copy of the Death Certificate.

(ii) Heir-ship Certificate or Succession Certificate issued by competent authorities.

- (iii) Duly notarised consent from other legal heirs expressing their willingness for transfer of ownership of the sawmill or other wood based industrial unit in favour of the applicant.

16. *Lease or mortgage of the sawmill or other wood based industrial unit.* (1) No person shall lease or mortgage the sawmill or other wood based industrial unit without the written permission from the Authorized Officer.

(2) The application for lease or mortgage of the sawmill or other wood based industrial unit shall be submitted to the Authorized Officer in Form No. VII along with the fee specified for the purpose in Schedule C.

(3) The Authorized Officer shall, after making such enquiry as he deems fit, allow the application or reject the same within thirty days from the date of receipt of it by recording the reasons thereof after affording the applicant a reasonable opportunity of being heard and reasons for such rejections shall be communicated to the applicant in writing.

(4) The applicant shall produce a 'No Objection Certificate' from the Local Self Government Institution having jurisdiction over the area along with the application for lease or mortgage.

(5) Where the sawmill or the wood based industrial unit is run by a Company or a Partnership Firm the applicant shall produce 'No Objection Certificate' from the Registrar of Companies or the Registrar of Firms, as the case may be, along with the application for lease and mortgage.

17. *Suspension of licence.*—(1) Where the Authorized Officer has reason to believe that the licensee has violated any of the terms and conditions of licence specified in rules 8 or 9 or has committed an offence under the Kerala Forest Act, 1961 (4 of 1962) or the Wildlife (Protection) Act, 1972 (53 of 1972) or the Biological Diversity Act, 2002 (18 of 2003) the Authorized Officer may at his discretion after recording the reason in writing, suspend the licence.

(2) The order of such suspension shall be communicated to the licensee in writing specifying the reasons thereof and calling for explanation as to why further proceedings for cancellation of the licence shall not be taken against him and such explanation shall be submitted by the licensee within fifteen days from the date of receipt of the order of suspension of licence.

(3) Where the explanation offered by the licensee is found satisfactory the Authorized Officer may revoke the order of suspension of licence after setting the defects, if any, rectified and after realising the fee for restoration specified in Schedule C.

(4) Where the explanation furnished by the licensee is found to be not satisfactory, the Authorized Officer shall take further steps for the cancellation of licence under rule 18.

18. *Cancellation of licence.* (1) The Authorized Officer may for sufficient and valid reasons to be recorded in writing, cancel the licence granted under these Rules, if the Authorized Officer is convinced that the licensee was obtained by misrepresentation or by suppression of any material fact which otherwise would have dissuaded the licensee from obtaining the licence or the licensee has violated any of the terms and conditions of licence.

(2) The Authorized Officer may cancel any licence issued under these rules, under the following circumstances, also, namely:—

(a) On receipt of a report from the authorities of Pollution Control Board to the effect that the unit is causing health hazard to local people.

(b) On receipt of a report from Local Self Government institutions or from Police Authorities requesting to cancel the licence.

(c) On receipt of a report from the distribution licensee or transmission licensee under the Electricity Act, 2003 (36 of 2003) or from Commercial Tax Authorities requesting for the cancellation of the licence.

(3) No order of cancellation of licence shall be passed by the Authorized Officer without giving a reasonable opportunity of being heard to the licensee in person and without communicating the reasons for such cancellation in writing to him.

(4) The licence issued under these rules are also liable to be cancelled if the licensee is found guilty by a Court of competent jurisdiction in an offence punishable under the provisions of the Kerala Forest Act, 1961 (4 of 1962) or the Wildlife (Protection) Act, 1972 (53 of 1972) or the Biological Diversity Act, 2002 (18 of 2003) or the rules made thereunder.

19. *Appeal.*—(1) Any person aggrieved by the order of the Authorised Officer may prefer an appeal in Form No. VIII before the Appellate Authority within thirty days from the date of communication of such order and the Appellate Authority may consider and dispose of the same within a period of thirty days from the date of receipt of the appeal:

Provided that the Appellate Authority may admit an appeal presented after the expiry of the said period of thirty days if the Appellate Authority is satisfied that the appellatc is prevented by sufficient cause from presenting the appeal in time.

(2) The Government may by notification, appoint a Forest Officer not below the rank of a Conservator of Forests having territorial jurisdiction over the area and having administrative control over the Authorised Officer as Appellate Authority for the purposes of these Rules.

(3) Fee for preferring any appeal shall be realised at the rates specified in Schedule C.

(4) The Appellate Authority shall register the appeals received by him in a register to be called the Register of Appeals, which shall be maintained in Form No. IX.

(5) The Appellate Authority shall have the power to stay the operation of the order of the Authorised Officer against which the appeal has been preferred, till a final order in the appeal is passed.

(6) The Appellate Authority shall, after giving the appellant an opportunity of being heard and after scrutiny of the relevant records, pass an order, within thirty days from the date of receipt of the appeal, confirming, amending or rescinding the orders appealed against, as he deems fit.

(7) The order passed under sub-rule (6) shall be final.

20. *Revision.*— The Government may, *suo motu* or on application made to it by the aggrieved person, call for the records of any application/appeal in which an order has been passed by the Authorised Officer or by the Appellate Authority and if it appears to the Government that the order is improper or illegal, the Government may pass such order as it deems fit.

21. *Power to close down a sawmill or wood based industrial unit.*—The Authorised Officer shall close down any sawmill or wood based industrial unit which has been found functioning without a valid licence.

22. *Maintenance of Registers.*—(1) A licensee under these rules shall maintain Registers in Forms XA and XB.

(2) The Authorised Officer shall maintain Registers in Forms XIA, XIB in respect of the licences granted by him.

23. *Inspection and Verification of Records.* The Authorised Officer or any Forest Officer not below the rank of a Forester having territorial jurisdiction over the area, authorised by him, may inspect a sawmill or other wood based industrial unit including its premises and verify,--

(a) any licence, permit or other documents granted to the licensee and required to be kept by him under the provisions of these rules;

(b) stock of raw materials or sawn timber or manufactured products or processed wood products or any other wood products in the process of manufacturing under his control, custody and possession whether or not kept in the sawmill or other wood based industrial unit or within its premises;

(c) the machinery or equipments or tools and plants under the control, custody and possession of the licensee whether or not kept in the sawmill or other wood based industrial unit or within its premises.

24. *Production of Licence, Permit etc. for Inspection and Verification.*— During inspection and verification as provided under rule 23, the licensee or his authorized agent, employees and workers shall provide all possible assistance and show all materials, machinery, and produce documents and records under his control, custody or possession, whether kept in the premises or not, as may be required during such inspection and verification.

25. *Exemption for wood based cottage industrial units and ordinary operations of artisans and traditional workers engaged in carpentry.*— Nothing contained in these rules shall apply to the ordinary operations of a wood based cottage industrial unit or charcoal making unit or firewood depot or to artisans or traditional workers engaged in carpentry for making products such as furniture, household articles, curios, farm implements, handicrafts and musical instruments, using only hand tools.

26. *Constitution and functions of Advisory Committee.*—(1) The Government shall constitute an Advisory Committee for performing the functions stipulated in sub-rule (3).

(2) The Advisory Committee shall consist of the following persons, namely—

- (i) Principal Chief Conservator and Head of Forest Force : Chairperson
- (ii) A representative of Government in Forest and Wildlife Department not below the rank of a Joint Secretary : Member
- (iii) A representative of Government in Industries Department not below the rank of a Joint Secretary : Member
- (iv) A representative of Government in Law Department not below the rank of a Joint Secretary : Member
- (v) A representative of Government in Finance Department not below the rank of a Joint Secretary : Member
- (vi) Director of Industries and Commerce or his nominee not below the rank of an Additional Director : Member
- (vii) Director of Kerala Forest Research Institute, Peechi or his representative : Member
- (viii) A representative of sawmill owners to be nominated by Government : Member
- (ix) A representative of other wood based Industrial unit to be nominated by Government : Member
- (x) Chief Conservator of Forests nominated by the Principal Chief Conservator of Forests and Head of Forest Force : Convenor

(3) The Advisory Committee shall have the following functions, namely:—

- (i) To advise the Government on general issues relating to the establishment and functioning of sawmills and other wood based industrial units ;
- (ii) To assess the availability of wood for various categories of sawmills and other wood based industrial units for the purpose of granting licence under rule 7 or for enhancing the capacity of the sawmill or other wood based industrial unit under rule 12;

- (iii) To get studies done on the availability and utilisation of wood by various categories of sawmills and other wood based industrial units; and
- (iv) Such other functions as may be assigned to it by the Government.

(4) The advisory Committee may consider the reports on studies conducted on the subject by reputed Research Institutions or other Organisations while determining the availability of wood in the State.

(5) The Advisory Committee shall meet at least twice in a year.

(6) The five members including the Chairperson shall constitute the *quorum* for the meeting.

SCHEDULE A
(See Rule 4)

Annual Inspection fee for surprise checkings and half yearly inspections in the sawmills and other wood based industrial units located within a radial distance of five kilometres from the boundary of forest owned by Government.

Sl. No.	Category	Amount ₹
1	Sawmill	2000
2	Packing case/Block Board unit	2000
3	Plywood unit	8000
4	Veneer unit	8000

SCHEDULE B
(See Rule 5)

Categories of Sawmills and other wood based industrial units

Category 1	Sawmills using all types of wood
Category 2	Small scale furniture making units without band-saw and re-saw above 5 HP.
Category 3	Small scale units for manufacturing products such as match splints, match box, pencil slat and photo frame.
Category 4	Medium scale industrial units using all types of wood for manufacturing products such as packing case, block board and tea chest.

Category 5	Medium scale industrial units using exclusively rubber wood for manufacturing products such as packing case, block board and tea chest.
Category 6	Large scale industrial units using all types of wood for manufacturing products such as furniture, veneer, plywood and particle board.
Category 7	Large scale industrial units using exclusively rubber wood for manufacturing products such as furniture, veneer, plywood and particle board.
Category 8	Wood based industrial units using exclusively imported wood.
Category 9	Institutions which impart training in wood processing and carpentry.

SCHEDULE C

[Sec Rule 6(4), 10, 12, 13, 14, 15, 16, 17, 19]

Application Fee for obtaining licence/renewal of licence/enhancing capacity/shifting/change in name and style/transfer of ownership/lease or mortgage of sawmill or other wood based industrial unit/restoration of licence/preferring appeal

<i>Sl No.</i>	<i>Purpose for which application fee is prescribed</i>	<i>Application fee ₹</i>
(1)	(2)	(3)
1	Obtaining licence for the sawmill or other wood based industrial unit (rule 6)	500
2	Renewal of licence of the sawmill or other wood based industrial unit (rule 10)	300
3	Enhancing the capacity of the sawmill or other wood based industrial unit (rule 12)	300
4	Shifting of the sawmill or other wood based industrial unit (rule 13)	300
5	Change in name and style of the sawmill or other wood based industrial unit (rule 14)	250

(1)	(2)	(3)
6	Transfer of ownership of the sawmill or other wood based industrial unit (rule 15)	500
7	Lease or mortgage of the sawmill or other wood based industrial unit (rule 16)	300
8	Restoration of licence after suspension (rule 17)	500
9	Preferring an appeal (rule 19)	300

SCHEDULE D

[See Rule 7(3)]

Licence Fee for a Sawmill or other wood Based Industrial Unit

Sl No	Category	Amount (per unit) ₹
1	Sawmill using all types wood	1000
2	Small scale furniture making units without bandsaw and resaw above 5 HP	500
3	Small scale units for manufacturing products such as match splints, match box, pencil slat and photo frame	500
4	Medium scale industrial units for manufacturing products such as	
	(a) Packing case/Block Board unit/Particle Board	1000
	(b) Tea chest unit	1000
5	Large scale industrial units for manufacturing products such as:	
	(a) Furniture Unit with Bandsaw/rc-saw	2000
	(b) Veneer Unit	2000
	(c) Plywood Unit	2000
	(d) Particle Board Unit	2000
6	Wood based Industrial units using only imported wood	2000

FORM No. 1A

[See Rule 6 (1)]

**Application for Licence for Sawmill or other Wood Based Industrial
Unit established on or before 30th October 2002**

1	Applicant: Name	
	Father's Name	
	Date of Birth	
	Address	
	Phone No.	
2	The Unit:	
	Name	
	Address	
	Phone No.	
	Location	
	Building No.	
	Ward/Panchayat	
	Corporation/Municipality/ Panchayat	
	Division/Ward	
Forest Division/Forest Range		
3	Land in which the unit is situated.	
	Extent	
	Survey No.	
	Village	
	Taluk	
	District	

4	Whether any other swamill or wood based industrial unit converting round logs functioning in same compound	Yes	No
	Timber selling Depot, if annexed		
	Extent Survey No. Village Taluk		
5	Nature of ownership (' <input type="checkbox"/> ' the right column)		
	Proprietary		Partnership
	Pvt. Company		Co-op. Society
	Private-public partnership		'Lease'
	Public Sector undertaking		Others
* (Copies of documents to be attached)			
6	Type of unit (' <input type="checkbox"/> ' the right column)		
	Cottage Industry		SSI Unit
	Medium scale industrial unit		Large scale industrial unit
7	Nature of activity (' <input type="checkbox"/> ' the right column)		
	(a) Primary processing of logs: ie. processing of round logs		
	Sawing		Splint and match box
	Veneering/Peeling		Others
	(b) Secondary processing of wood		
	Carpentry		Pressing drying etc.
	Others		

8	Raw material used ('□' the right column)		
	Rubber wood only		Wood from outside Forests
	Wood imported from other countries		Sawn timber/Materials from other units
	Rubber and other wood		
9	Product ('□' right column)		
	Scantlings/Planks		Packing case
	Veneer/Plywood		Splints and Match Box
	Furniture		Others (Specify the product)
	Block board		
10	(a) Whether the applicant had involved in any forest offence or wildlife offence		Yes/No
	(b) If yes, case number		
11	Radial distance from the nearest boundary of Government forest to the location of the unit		
12	Whether the unit is presently functioning or not		Yes/No
13	(a) Year in which commenced		
	(b) Whether licenced on or before 30th October 2002		
	(c) If licenced, No. & Date of Licence and licensing Authority (*)		
* (Copies of the documents to be attached)			

14 Details of Machinery					
(a) Type of machines	(b) Number	(c) Installed Capacity in HP (annual)	Remarks (machinery details)		
			Existing before 30-10-2002	Existing after 30-10-2002	Proposed machineries
Band SawHP					
Re-sawHP					
Peeling Machine HP					
Splint making machineHP					
Circular Saw HP					
Carving machine HP					
Other machines HP (specify the type)					
15 Electricity Connection					
Single Phase/Three Phase					
Total connected load KVA					
Connected load of machine that convert round logs					
Electrical Section/Division					
Date of electric connection					
(Attach copies of documents)					
16 Whether the unit got S.S.I. Registration			Yes/No		
If 'Yes' year of S.S.I. Registration					
(Copy of S.S.I. Registration Certificate to be attached)					

17 Annual Consumption and source of Wood (Quantity M ³ & Source)				
Type	Forest Depots	Outside forests	Import-other State	Import-other countries
Timber other than Rubber & Palm				
Rubber wood				
Coconut/Palmyrah Palm wood				
Total				
18	Number of labourers in the unit			
19	Whether the buildings and machines are ready in the case of proposed units			Yes/No
20	Whether the unit is mortgaged to Banks/ Financial institutions etc., if so details		Yes/No	
	If yes, Bank			
	Loan Amount			
	Term			
21	Whether the applicant is a holder of Property Mark Registration Certificate under Kerala Forest Produce Transit Rules, 1975		Yes/No	
	If yes, No. & Date			
	Name of Forest Division			
22	Other relevant details, if any (use separate sheet if required)			

DECLARATION

I do hereby declare that the declaration given above is true and correct to the best of my knowledge and belief.

23	Signature and name of the applicant with place and date	
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Licence means, the licence issued by Local Self Government Institution or Department of Factories and Boilers. Registrations such as Small Scale Industrial Unit or Property Mark Registration Certificate are not to be reckoned as 'licence'.

Form No. 1B

[See Rule 6 (2)]

Application for Licence to establish a New Sawmill or other
Wood Based Industrial Units

1	Applicant: Name	
	Father's Name	
	Date of Birth	
	Address	
	Phone No.	
2	The Unit:	
	Name	
	Address	
	Phone No.	
	Location	
	Building No.	
	Corporation/Municipality/ Panchayat	
	Division/Ward	
	Forest Division/Forest Range	
3	Land in which the unit is situated	
	Extent	
	Survey No.	
	Village	
	Taluk	
	District	

4	Whether any other sawmill or wood based industrial unit converting round logs functioning in same compound	Yes	No
	Timber selling Depot., if annexed		
	Extent		
	Survey No.		
	Village		
	Tahuk		
5	Nature of ownership (<input type="checkbox"/> the right column)		
	Proprietary		Partnership
	Pvt. Company		Co-op. Society
	Private-public partnership		'Lease'
	Public Sector undertaking		Others
* (Copies of documents to be attached)			
6	Type of unit (<input type="checkbox"/> the right column)		
	Cottage Industry		SSI Unit
	Medium scale industrial unit		Large scale industrial unit
7	Nature of activity (<input type="checkbox"/> the right column)		
	(a) Primary processing of logs: ie. processing of round logs		
	Sawing		Splint & match box
	Veneering/Peeling		Others
	(b) Secondary processing of wood		
	Carpentry		Pressing drying etc.
	Others		

8	Raw material used '□' the right column		
	Rubber wood only		Wood from outside forests
	Wood imported from other countries		Sawn timber/Materials from other units
	Rubber & other wood		
9	Product ('□' right column)		
	Scantlings/Planks		Packing case
	Veneer/Plywood		Splints & Match Box
	Furniture		Others
	Block board		(Specify the Product)
10	(a) Whether the applicant is involved in any forest offence or wildlife offence		Yes/No
	(b) If Yes, case number		
11	Radial distance from the nearest boundary of Government forest to the location of the unit		
12	Whether the unit is presently functioning or not		Yes/No
13	(a) Year in which commenced	(a)	
	(b) Whether licence after 30th October 2002	(b)	
	(c) If licenced, No. & Date of Licence and licensing Authority (*)	(c)	
* (Copies of the documents to be attached)			

14 Details of Machinery

(a) Type of machines	(b) Number	(c) Installed Capacity in M ³ (annual)	Remarks (machinery details)	
			Existing after 30-10-2002	Proposed machineries
Band SawHP				
Re-saw HP				
Peeling Machine HP				
Splint making machineHP				
Circular Saw HP				
Carving machine HP				
Other machines HP (specify the type)				

15 Whether the unit got S.S.I. Registration Yes/No

If 'Yes' year of S.S.I. Registration

* (Copy of S.S.I. Registration Certificate to be attached)

16 Annual Consumption and source of Wood (Quantity M³ & Source)

Type	Forest Depots	Outside forests	Import-other State	Import-other countries
Timber other than Rubber & Palm				
Rubber wood				
Coconut/Palmyrah Palm wood				
Total				

17	Number of labourers in the unit	
18	Whether the buildings and machines are ready in the case of proposed units	Yes/No
19	Whether the unit is mortgaged to Banks/ Financial institutions etc., if so details	Yes/No
	If yes, Bank	
	Loan Amount	
	Term	
20	Whether the applicant is a holder of Property Mark Registration Certificate under the Kerala Forest Produce Transit Rules, 1975	Yes/No
	If yes, No. & Date	
	Name of Forest Division	
21	Other relevant details, if any (use separate sheet if required)	
22	D.D. No. and date/details of other mode of remittance towards the fund for promotion of Carbon Sequestration if any, made previously (enclose copies)	

DECLARATION

I do hereby declare that the information given above is true and correct to the best of my knowledge and belief.

23	Signature and name of the applicant with place and date	
----	---	--

* Licence means, the licence issued by Local Self Government Institution or Department of Factories and Boilers Registrations such as Small Scale Industrial or Property Mark Registration Certificate are not to be reckoned as 'licence'

FORM No. 1C

[See Rule 10]

**Application for renewal of licence for Sawmill or other
Wood Based Industrial Unit**

1	<i>Licence No.</i>	<i>Date of Issue</i>	<i>Date of Expiry</i>
2	Applicant : Name		
	Father's Name		
	Date of Birth		
	Address		
	Phone No.		
3	The Unit:		
	Name		
	Address		
	Phone No.		
	Location		
	Building No.		
	Corporation/Municipality/ Panchayat		
	Division/Ward		
4	Land in which the unit is situated		
	Extent		
	Survey No.		
	Village		
	Taluk		
District			

5 Nature of activity ('□' the right column)			
(a) Primary processing of logs: i.e., processing of round logs			
Sawing		Splint & match box	
Veneering/Peeling		Others	
(b) Secondary processing of wood			
Carpentry		Pressing drying etc.	
Others			
6 Raw material used '□' the right column			
Rubber wood only		Wood from outside forests	
Wood imported from other countries		Sawn timber/Materials from other units	
Rubber & Other wood			
7 (a) Whether the applicant had involved in any forest offence or wildlife offence		Yes/No	
(b) If Yes, case number			
8 Whether the unit is presently functioning or not		Yes/No	
9 Details of Machinery			
(a) Type of machines	(b) Number	(c) Installed Capacity in M ³ (annual)	
Band SawHP			
Re-saw HP			
Peeling Machine HP			
Splint making machineHP			

Circular Saw	HP		
Carving machine	HP		
Other machines	HP		
(specify the type)			
10	Whether the applicant is a holder of Property Mark Registration Certificate under Kerala Forest Act, 1961	Yes/No.	
	If yes. No. & Date		
	Name of Forest Division		
11	D.D. No. and date/details of other mode of remittance towards the fund for promotion of Carbon Sequestration, if any, made previously (enclose copies of documents)		

DECLARATION

I /We do hereby declare that the Wood Based Industrial unit under licence No. issued by has been functioning in the same location, building with the permitted installed capacity and using permitted raw material and under the same ownership as per the licence and have not violated any of the conditions of licence during its currency.

I/We hereby apply for the renewal of the licence for a further term as provided in the Rules.

Place:

Signature:

Date:

Name of the Licensee:

FORM NO. II A
[See Rule 7 (2)]

Licence for Sawmill or other Wood Based Industrial Unit
(licenced units prior to 30th October, 2002)

Licence No.

1	Name and address of the licensee			
2	Father's Name			
3	Nature of Ownership			
4	Name of the Unit			
5	Postal address of the unit	Building No.		
		Location		
		Corporation/ Municipality/ Panchayat		
		Division/Ward		
		Village		
	District			
6	Category of the Unit			
7	Details of machinery & power sanctioned	Sl. No.	Machinery	Power
8	Annual consumption of wood			
9	Licence period	From	to	
10	Licence fee paid	₹ for new licence/renewal/ enhancing capacity/shifting/change of name/change of ownership/lease or mortgage		
11	Remarks	File No.		

*Signature, Name & Designation
of the Licensing Authority*

(Seal)

[Add General Conditions (Rule 7) and Special Conditions for the category
(Rule 8) of the Unit]

FORM No. II B

[See Rule 7 (2)]

Licence for sawmill or other Wood Based Industrial Unit
(Licenced units after 30th October, 2002)

Licence No

1	Name and address of the Licensee			
2	Father's Name			
3	Nature of ownership			
4	Name of the Unit			
5	Postal address of the unit	Building No.		
		Location		
		Corporation/ Municipality/ Panchayat		
		Division/Ward		
		Village		
		District		
6	Category of the unit			
7	Details of machinery and power sanctioned	Sl.No.	Machinery	Power
8	Annual consumption of wood			
9	Validity of licence	From	To	
10	Licence fee realised	₹.....for new licence/renewal/ enhancing capacity/shifting/change of name/change of ownership/lease or mortgage		
11	Details of payment if any towards Fund for promotion of Carbon Sequestration new licence for unit established after 30th October, 2002 (D.D. No. and name of Bank, amount and date)			
12	Remarks	File No.		

*Signature, name and designation of
the Licensing authority.*

(Seal)

[Add General conditions (Rule 7) and Special Conditions for the category
(Rule 8) of the Unit]

FORM No. II C
[See Rule 11. (5)]

Licence for sawmill or other Wood Based Industrial Unit
(on Renewal)

Licence No.

1	Name and address of the Licensee		
2	Father's Name		
3	Nature of ownership		
4	Name of the Unit		
5	Postal address of the unit	Building No.	
		Location	
		Corporation/ Municipality/ Panchayat	
		Division/Ward	
		Village	
		District	
6	Category of the unit		
7	Details of machinery and power sanctioned	Sl. No.	Power
8	Annual consumption of wood		
9	Validity of licence	From	To
10	Licence fee realised	₹.....for new licence/renewal/ enhancing capacity/shifting/change of name/change of ownership/lease or mortgage	
11	Details of Licences issued previously		
12	Remarks	File No.	

*Signature, name and designation of
the Licensing authority.*

Seal

[Add General conditions (Rule 7) and Special conditions for the category
(Rule 8) of the Unit]

FORM No. III

[See Rule 12]

Application for enhancing the capacity of sawmill or
other Wood Based Industrial Unit

1	Licence No.	Date of Issue :	Date of Expiry:
2	Applicants (Licencee) Name		
	Father's Name		
	Date of Birth		
	Address		
	Phone No.		
3	The Unit:		
	Name		
	Address		
	Phone No.		
	Location		
	Building No.		
	Corporation/ Municipality/ Panchayat		
	Division/Ward		
	Forest Range/ Forest/Division		
4	Land in which the unit is situated		
	Extent		
	Survey No.		
	Village		
	Taluk		
	District		
5	Raw material used <input type="checkbox"/> the right column		
	Rubber wood only		wood from outside Forests

	Wood imported from other countries		Sawn timber/Materials from other units	
	Rubber & Other wood			
6	(a) Whether the applicant is involved in any forest offence or Wildlife offence (b) If yes, case No.		Yes/No	
7		Machinery Permitted		Machinery Proposed
	(a) Type of Machines	(b) Number	(c) Installed Capacity in M ³ (annual)	(b) Number (c) Installed Capacity in M ³ (annual)
	Band SawHP			
	Re-SawHP			
	Peeling MachineHP			
	Splint making MachineHP			
	Circular SawHP			
	Carving machineHP			
	Other machineHP (Specify the type)			
8	Electricity Connection	Permitted		Proposed
	Single Phase/Three Phase			
	Total Connected load KVA			

Connected load of Machine that convert round logs		
Electrical Section/ Division		
Date of Electric connection		
9	Details of fees remitted	

I/We do hereby apply for permission for enhancing the capacity of the wood based industrial unit under licence No. dated..... issued by..... without changing any of the conditions of licence.

I/We hereby declare that myself/ourselves or my/our labourers/agents have not breached any of the conditions of licence, during its currency.

Place:

Date:

Signature of the applicant:

Name:

FORM No. IV
[See Rule 13]

**Application for shifting the sawmill or
 other wood based Industrial unit**

1	Licence No.	Date of Issue :	Date of expiry:
2	Applicants (Licensee) Name		
	Father's Name		
	Date of Birth		
	Address		
	Phone No.		
3	The Unit:		
	Name		
	Address		
	Phone No.		
	Location		
	Building No.		
	Corporation/ Municipality/ Panchayat		
	Division/Ward		
	Forest Range/ Forest/Division		
4	Land in which the unit is situated		
	Extent		
	Survey No.		
	Village		
	Tahuk		
	District		

5		Land in which the unit is proposed to be shifted		
		Extent		
		Survey No./Village		
		Village		
		Taluk/District		
		Forest Range/ Forest Division		
6 Distance from the nearest boundary of Government forests to:				
Existing unit		KM	Proposed Unit	KM
7 Details of machinery				
(a) Type of Machines		(b) Number	(c) Installed Capacity in M ³ (annual)	
Band SawHP				
Re-SawHP				
Peeling Machine.....HP				
Splint making Machin.....HP				
Circular SawHP				
Carving machineHP				
Other MachinesHP (Specify the type)				

8	Existing power	
	Electrical Section/Division	
9	Reasons for shifting the Unit	
10	Details of fee remitted	
11	Details of NOC's for shifting, produced with this application	
	From Local Self Government	
	From commercial Tax Authority From Income Tax Authority	
	From Registrar of Companies (if running of Company)	
	From Registrar of Firms (if running Partnership Firm)	
	From the Bank/Financial institutions, if applicable	

I/We do hereby apply for permission for enhancing the capacity of the wood based industrial unit under licence No. dated issued by to the new location without changing any of the conditions of licence.

DECLARATION

I/We hereby declare that myself/ourselves or my/our labourers/agents have not breached any of the conditions of licence, during its currency.

Place:

Signature of the applicant:

Date:

Name:

Form No. V

[See Rule 14]

**Application for changing the Name and Style of Sawmill or
other wood based Industrial Unit**

1	Licence No.	Date of Issue :	Date of Expiry:
2	Applicant (Licensee) Name		
	Father's Name		
	Date of Birth		
	Address		
	Phone No.		
3	Industrial Unit		
		Permitted	Proposed
	Category		
	Name		
	Address		
	Phone No.		
4	Land in which the unit is situated		
	Extent		
	Survey No.		
	Village		
	Taluk/District		
	Forest Range/ Division		

5	Details of fees remitted .	
6	Details of No Objection Certificate's for changing of Name and Style of Unit, produced with this application	
	(i) From the Local Self Government	
	(ii) From the Commercial tax Authority	
	(iii) From the Income tax Authority	
	(iv) From the Registrar of Companies or Registrar of firms, if applicable	
	(v) From Bank/Financial Institution, if applicable	

I/We do hereby apply for the change of Name and Style of the Wood Based industrial unit under licence No. dated issued by without changing any of the conditions of licence.

DECLARATION

I/We hereby declare that myself/ourselves or my/our labourers/agents have not breached any of the conditions of licence, during its currency.

Place:

Signature of the applicant:

Date:

Name:

FORM No. VI

[See Rule 15]

**Application for Transfer of Ownership of Sawmill or
other wood based Industrial Unit**

1	Licence No.	Date of Issue :	Date of Expiry:
2	Applicant :	Transferee (Licence)	Transferor
	Name		
	Father's Name		
	Date of Birth		
	Address		
	Phone No.		
3	The Unit:		
	Category		
	Name		
	Address		
	Phone No.		
	Location		
	Building No.		
	Corporation/ Municipality/ Panchayat		
	Division/Ward		
	Forest Range/ Forest/Division		

4	Land in which the unit is situated		
	Extent		
	Survey No.		
	Village		
	Taluk		
	District		
5	Whether the Transferee or transferor are involved in any Forest/Wildlife offence	Yes	No
6	Details of fees remitted		
7	Details of NOC's for transfer of Ownership, produced with this application		
	(i) From the Local Self Government		
	(ii) From the Commercial Tax Authority		
	(iii) From the Income Tax Authority		
	(iv) From the Registrar of Companies or Registrar of Firms, if relevant		
	(v) From Bank/Financial Institution, if applicable		

We hereby jointly apply for the transfer of ownership of the unit. The Licence in original is herewith surrendered.

Signature and Name of the Transferee

Place:

Signature and Name of the Licensee

Date:

Form No. VII

[See Rule 16]

Application for lease or mortgage of the Sawmill or other Wood Based Industrial Unit

1	Licence No.	Date of Issue :	Date of Expiry:
2	Applicant (Licence) Name		
	Father's Name		
	Date of Birth		
	Address		
	Phone No.		
3	Industrial Unit:		
	Category		
	Name		
	Address		
	Phone No.		
	Location		
	Building No.		
	Corporation/Municipality/ Panchayat Division/Ward		
	Forest Range/Forest/ Division		
4	Land in which the unit is situated		
	Extent		
	Survey No.		
	Village		
	Taluk		
	District		

5	Details of proposed mortgage/Lease	
	Name & address of the Bank/Financial Institution	
	Loan amount and Term	
6	Details of fees remitted	
7	Details of NOC's for mortgaging/leasing the unit, produced with this application	
	(i) From the Local Self Government	
	(ii) From the Commercial Tax Authority	
	(iii) From the Income Tax Authority	
	(iv) From the Registrar of Companies or Registrar of Firms, if relevant	
	(v) From the previous financier	

I/We do hereby apply for permission to lease/mortgage the unit under licence No. issued by.....
without changing any of the conditions of licence.

I/We do hereby declare that I/We have not violated the conditions of licence.

Place:

Date:

Signature

Name of the Licensee

FORM No. VIII

[See Rule 19]

Application for preferring an appeal before the Appellate Authority
against the order of the Authorized Officer

1	Applicant (Licensee) Name	
	Father's Name	
	Date of Birth	
	Address	
	Phone No.	
2	Industrial Unit:-	
	Name	
	Address	
	Phone No.	
	Location	
	Building No.	
	Corporation/Municipality/ Panchayat Division/Ward	
	Forest Range/Forest/ Ringe	
3	Land in which the unit is situated	
	Extent	
	Survey No.	
	Village	
	Tahuk	
	District	

4 Licence No. and date of issuing licence by the authority			
5 Whether the applicant is involved in any forest offence		Yes	No
6 Distance from the nearest boundary of Government forest			
Existing unit		KM	Proposed Unit KM
7 Details of Machinery			
(a) Type of Machines	(b) Number	(c) Installed Capacity in M ³ (annual)	Remarks (machinery details)
Band SawHP			Existing after 30-10-2002 Proposed Machineries
Re-sawHP			
Peeling MachineHP			
Splint making MachineHP			
Circular SawHP			
Carving machineHP			
Other machinesHP (Specify the type)			

8	Existing power	
	Electrical Section/Division	
9	Details of order of the Authorized Officer against which appeal is preferred (Attach copy of the order)	
10	Reasons for preferring appeal against the order of the Authorized Officer (Attach affidavit)	

I/We hereby declare that the details submitted above and in the affidavit are true to the best of my/our knowledge and belief.

Place:

Date:

Signature

Name of Appellant

FORM No. IX

[See Rule 19]

Register of Appeals in Respect of Sawmills and other Wood based Industrial Units

Sl. No.	Date of receipt of appeal	Name and address of appellant	Division/ Order No. and date appealed against	Reason for appeal	Details of fees remitted	File No.	Details of interim stay, if any	Date of hearing	Details of order passed by Appellate Authority and date	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

FORM No. XA

[See Rule 8 (1) (iv) & 22 (1)]

Stock Register

Name and address of the Licensee :

Licence No. and Date :

Category of the Unit :

Name and address of the unit with Reg. No. Building No./Extent of premises :

<i>Wood in stock. Cum</i>			<i>Date of receipt of wood</i>	<i>Species</i>	<i>Source and how obtained</i>	<i>Details of pass No. and date if any</i>	<i>Total Stock Cum</i>	<i>Remarks</i>
<i>Date</i>	<i>Description</i>	<i>Qty.</i>						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

FORM No. XB

[See Rule 8 (1) (iv) & 22 (1)]

Daily Output Register

Licence No. and Date :

Name and address of the Licensee :

Name and address of the Unit :

Installed capacity:

Date	Opening Balance of Wood			Receipt			Total			Consumption/ Sale			Balance			Remarks
	Description	Qty.	Species	Description	Qty.	Species	Description	Qty.	Species	Description	Qty.	Balance	Description	Qty.	Balance	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)

FORM No. XI A

[See Rule 22 (2)]

Register of Licences for Sawmills and other Wood based Industrial Units

Name of Division :

Sl. No.	Name and address of Applicant	Date of receipt of application	Registration No. assigned to application and File No.	Category as per application	Forest Range in which Unit is situated	Address of the Unit	Category of the Unit	Details of remittance of one time payment	Details of licence fee paid	No. and Date of licence issued	Details of Machinery and Capacity	Distance from the boundary of forests	Date of renewal of licence, details of fee levied	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)

[See Rule 22 (2)]

**Register on Enhancement of Capacity/Shifting/Changing Name and Style/Transfer of Ownership/
Lease or Mortgage of Saw Mills or Wood Based Industrial Units**

Sl. No.	Name and Address of Applicant	Date of receipt of application	Registration No. assigned to application and File No.	Licence No. and date and original file No.	Forest Range in which Unit situated	Forest Range and Division to which shifting proposed	Date of verification	Details of fee levied	Details of order in respect of					Remarks
									Enhancing capacity with details of machinery and power	Shifting	Changing name and style	Transferring ownership	Lease or mortgage	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)

By order of the Governor.

SAJEN PETER,
Principal Secretary to Government

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Hon'ble Supreme Court of India in its Order dated 30th October, 2002 in WP (C) No. 202 of 1995 has *inter alia* directed the Governments of all States and Union Territories that no State or Union Territory shall permit any unlicensed Sawmills, Veneer, Plywood Industry to operate and they are directed to close all such unlicensed units forthwith. It has also been directed that there shall be no relaxation of rules with regard to the grant of licence without previous concurrence of the Central Empowered Committee. At present no statutory rules were existing in the State of Kerala for the establishment and regulation of sawmills and wood based industrial units. Government of Kerala have therefore, decided to frame rules for the purpose.

The notification is intended to achieve the above object.

അനുബന്ധം II

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കേരള സർക്കാർ
2012



Reg. No. രജി. നമ്പർ
KL/TV(N)/12/12-14

KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

	Thiruvananthapuram,	2nd July 2012	
Vol. LVII	Monday	2012 ജൂലൈ 2	No. } 1394
ജ്യോ 57	തിരുവനന്തപുരം.	11th Ashadha 1934	നമ്പർ }
	തിങ്കൾ	1934 ആഷാഢം 11	

GOVERNMENT OF KERALA

Forest and Wildlife (B) Department

NOTIFICATION

G.O.(P) No. 71/2012/F&WLD. Dated, Thiruvananthapuram, 2nd July, 2012.

S. R. O. No. 476/2012. In exercise of the powers conferred by sub-rule (2) of rule 3 of the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Rules, 2012 issued as G. O. (P) No. 51/2012/F&WLD dated 19th April, 2012 and published as S. R. O. No. 269/2012 in the Kerala Gazette, Extraordinary No. 805 dated 19th April, 2012, the Government of Kerala hereby notify that all the Territorial Divisional Forest Officers and Wildlife Wardens are appointed as the Authorized Officers in their territorial jurisdiction for the purpose of issuing license to the sawmill and other wood-based industrial units.

By order of the Governor,

P. K. MOHANTY,

Additional Chief Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per sub-rule (2) of rule 3 of the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Rules, 2012, the Government may, by notification, authorise Forest Officers not below the rank of Assistant Conservator of Forests having territorial jurisdiction over the area as Authorized Officers for the issue of license to sawmills and other wood-based industrial units established/to be established in the State. Government have therefore, decided to notify all Territorial Divisional Forest Officers and Wildlife Wardens as the Authorized Officers in their territorial jurisdiction.

The notification is intended to achieve the above object.

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Reg. No. രജി. നമ്പർ
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അസാധാരണം

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. LVII നമ്പരം 57	Thiruvananthapuram. Monday തിരുവനന്തപുരം. തിങ്കൾ	2nd July 2012 2012 ജൂലൈ 2 11th Ashadha 1934 1934 ആഷാഢമാസം 11	No. നമ്പർ	} 1395

GOVERNMENT OF KERALA

Forest and Wildlife (B) Department

NOTIFICATION

G. O. (P) No. 72/2012/F&WLD. Dated, Thiruvananthapuram, 2nd July, 2012.

S. R. O. No. 477/2012. In exercise of the powers conferred by sub-rule (2) of rule 19 of the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Rules, 2012 issued as G. O. (P) No. 51/2012/F&WLD dated 19th April, 2012 and published as S. R. O. No. 269/2012 in the Kerala Gazette, Extraordinary No. 805 dated 19th April, 2012, the Government of Kerala hereby notify that all Forest Officers in charge of the circles (Conservator of Forests/Field Directors/Chief Conservators of Forests), both territorial as well as wildlife, are appointed as Appellate Authorities in their respective areas of jurisdiction.

By order of the Governor,

P. K. MOHANTY,

Additional Chief Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

As per sub-rule (2) of rule 19 of the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Rules, 2012, the Government may, by notification, authorise forest officers not below the rank of a Conservator of Forests having territorial jurisdiction over the area and having administrative control over the Authorized Officer as Appellate Authority. Government have therefore, decided to notify all Forest Officers in charge of circles (Conservator of Forests/Field Directors/Chief Conservators of Forests) as Appellate Authorities in their respective jurisdiction.

The notification is intended to achieve the above object.

അനുബന്ധം IV

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Government of Kerala
2015



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2015-17

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EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 4	} Thiruvananthapuram, Wednesday	2015 സെപ്റ്റംബർ 9	} നമ്പർ No. 2834
Vol. IV		9th September 2015	
		24th Chingam 1191	
		18th Bhadra 1937	

GOVERNMENT OF KERALA

Forest and Wildlife (B) Department

NOTIFICATION

GO. (P)No. 66/2015/F&WLD. Dated, Thiruvananthapuram, 9th September, 2015
24th Chingam, 1191.

S. R. O. No. 584/2015.—In exercise of the powers conferred by sections 39 and 76 of the Kerala Forest Act, 1961 (4 of 1962), the Government of Kerala hereby make the following rules to amend the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Rules, 2012 issued by notification under G. O. (P) No. 51/2012/F&WLD, dated 19th April, 2012 and published as S.R.O. No. 269/2012 in the Kerala Gazette Extraordinary No. 805 dated 19th April, 2012, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Amendment Rules, 2015.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Rules, 2012,—

(a) in rule 2, in sub-rule (1), after clause “(g)”, the following clause shall be inserted, namely:—

“(ga) “imported wood” means wood imported from outside the country under a valid licence for the purpose issued by a competent authority under the Government of India.”;

(b) in rule 3,—

(i) to sub-rule (3), the following proviso shall be added, namely:—

“ Provided that any person owning or running a saw mill or other wood based industrial unit on or before the 30th October, 2002, who failed to apply for a licence within six months from the date of commencement of these rules due to inadvertent omission or any other reasonable cause, shall apply for a licence under these rules within a period of six months from the date of commencement of the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Amendment Rules, 2015.”;

(ii) after sub-rule (3), the following sub-rule shall be inserted, namely:—

“(3 A) The Advisory Committee shall examine the reason for the delay and the bonafides of the application submitted as per sub-rule (3) of rule 3 and forward the same to the Authorised Officer for considering it under the provisions of these rules.”;

(iii) for sub-rule (4), the following sub-rule shall be substituted, namely:—

"(4) The Authorised Officer may grant a licence under the provisions of these rules to a sawmill or other wood-based industrial unit which was functioning on or before the 30th October, 2002, on the strength of a licence issued by a Local Self Government Institution or a licence issued by the Department of Factories and Boilers, Government of Kerala, with the installed capacity permitted as per the licence valid on or before the 30th October, 2002;"

(iv) in sub-rule (6) and sub-rule (7), after the words "Local Self Government Institution", the words "or the Department of Factories and Boilers, Government of Kerala" shall be inserted;

(v) for sub-rule (9), the following sub-rule shall be substituted, namely:—

"(9) In the event of refusal of licence by the Authorized Officer, the applicant may file an appeal before the Appellate Authority as provided in rule 19 of these rules. The appellate authority may stay the order of the Authorised Officer refusing the licence and permit the appellant to continue the operation till the appeal is decided if there is sufficient reasons for the same. In the event of refusal of the appeal by the Appellate Authority, the applicant shall forthwith stop the operation and wind up the sawmill or other wood-based industrial unit with effect from the date of communication of the order in writing, rejecting the appeal.";

(c) in rule 4,—

(i) in sub-rule (1), after the words, figures and letters "on or before 30th October, 2002", the words, figures and symbols "and to all industrial units exempted under sub-rule (5) of rule 3" shall be added;

(ii) in sub-rule (2), after the words "the Local Self Government Institution", the words "or under a licence issued by the Department of Factories and Boilers, Government of Kerala", shall be inserted;

(d) in rule 6,—(ii) in sub-rule (1), after the words "Local Self Government Institution" the words "or a licence obtained from the Department of Factories and Boilers, Government of Kerala," shall be inserted;

(ii) after sub-rule (1), the following sub-rule shall be inserted, namely:—

“(1A) Any person running a sawmill or other wood-based industrial unit under a licence obtained from a Local Self Government Institution or a licence obtained from the Department of Factories and Boilers, Government of Kerala, on or before the 30th October, 2002, who failed to apply for a licence under these rules within a period of six months from the date of commencement of these rules for the reasons stated in the proviso to sub-rule (3) of rule 3 shall, within a period of six months from the date of commencement of the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Amendment Rules, 2015, apply to the Authorised Officer through the Chairperson of the Advisory Committee in Form IA for obtaining a licence under rule 7.”;

(e) in rule 7, in sub-rule (1), after the words, symbols and figures “sub-rule (3) of rule 6”, the words, figure, letter and symbols “and sub-rule (3A) of rule 3”, shall be inserted;

(f) in rule 8, in sub-rule (1),—

(i) for condition number (v), the following shall be substituted, namely:—

“(v) The period of licence granted under these rules shall be three years from the date of issuance of the licence for all sawmills or other wood based industrial units located within a radial distance of five kilometres from the nearest Reserve Forest boundary and five years in all other cases.”;

(ii) in condition number (xii), the words “or ownership” and the words and figures “under rule 15” shall be omitted;

(iii) condition number (xiii), shall be omitted and condition number (xiv) and (xv) shall be renumbered as (xiii) and (xiv) respectively.

(g) in rule 9,—(i) in item (i) under *Category 1*, after the words “Local Self Government Institution”, the words “or licence from the Department of Factories and Boilers, Government of Kerala” shall be inserted;

(ii) for item (iii) under *Category 1*, the following item shall be substituted, namely:—

“(iii) A sawmill and a small scale furniture unit that were functioning together in the same premises prior to the 30th October, 2002 shall continue as such and in other cases sawmill and other small scale furniture unit shall not be located in the same premises.”

(iii) for item (vi) under *Category 2*, the following item shall be substituted, namely:—

“(vi) and a sawmill that were functioning together in the same premises prior to 30th October, 2002 shall continue as such and in other cases sawmill and other small scale furniture unit shall not be located in the same premises.”;

(iv) in item (i) under *Category 3*, after the words “Local Self Government Institution”, the words “or licence issued by the Department of Factories and Boilers, Government of Kerala” shall be inserted;

(v) item (ii) under *Category 3* shall be omitted and items (iii) and (iv) shall be renumbered as (ii) and (iii), respectively;

(vi) after *Category 9*, the following category and items under it shall be inserted, namely:—

***Category 10:* Small scale units for processing coconut palm or palmyrah wood or both—**

(i) All units under this category which were functioning prior to the 30th October, 2002 with a licence from a Local Self Government Institution or the Department of Factories and Boilers, Government of Kerala shall be eligible for licence, provided the other conditions are satisfied:

(ii) Any unit under this category which started functioning after the 30th October, 2002 will be given licence only after assessing the availability of wood from all sources by the Advisory Committee and on satisfaction that adequate quantity of wood for the unit is available;

(iii) All units under this Category shall use only coconut wood or palmyrah wood or both;

(iv) Units under this category shall use band saw and resaw upto 10 HP;

(v) A written assurance shall be given by the applicant that he shall use only coconut wood and palmyrah wood.”;

(h) in rule 10, for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4) Applications for renewal of licence received after three months from the date of expiry of the period of licence shall be considered only after realizing a late fee of 200 rupees for the delay for each month or part thereof for wood-based industrial units included in Categories 2 and 3 under rule 9 and 500 rupees for all other categories.”

(i) in rule 11, for sub-rule (6), the following sub-rule shall be substituted, namely:—

“(6) The period of renewed licence shall be three years for all wood-based industrial units located within a radial distance of 5 kilometre from the nearest reserve forest boundary and five years in all other cases.”;

(j) in rule 12, for sub-rule (3), the following sub-rule shall be substituted, namely:—

“(3) Licence for enhancing the installed capacity of a sawmill or other wood-based industrial units using all types of wood, by installing additional band saw, resaw of having the power above 5 HP or any other machine having the power above 5 HP suitable for converting round log and hydraulic press for plywood manufacturing shall be granted only after assessing the availability of wood from all sources by the Advisory Committee and on satisfaction that adequate quantity of wood is available for permitting such enhancement of capacity of the unit.”;

(k) rule 15 and rule 16 shall be omitted;

(l) in rule 18, for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) The Authorized Officer may also cancel any licence issued under these rules on receipt of a report from the authorities of Pollution Control Board to the effect that the unit is causing health hazard to local people.”;

(m) in rule 23, for the word "Forester", the words "Range Forest Officer" shall be substituted;

(n) in rule 25, after the words "hand tools", the words and figures "or machines requiring power of less than 5 HP or both" shall be added;

(o) in rule 26,—(i) in clauses (viii) and (ix) of sub-rule (2), for the words "A representative", the words "Two representatives" and for the word "Member" appearing against them, the word "Members" shall be substituted;

(ii) in sub-rule (3), item (iv) shall be re-numbered as item (v) and before item (v) as so re-numbered the following item shall be inserted, namely:—

"(iv) To receive the applications for licence submitted under sub-rule (1A) of rule 6 to examine and decide the bonafides and admissibility of such application and to forward the same with its recommendations or comments to the Authorised Officer for considering it under the provisions of these rules".

By order of the Governor,

P. MARA PANDIYAN,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Government of Kerala issued the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Rules, 2012 as per notification published as S.R.O. No. 269/2012 in the Kerala Gazette Extraordinary No. 805 dated 19th April, 2012. The Government have found that it is necessary to amend the said Rules to avoid the practical difficulties in implementing certain provisions of the Rules.

The notification is intended to achieve the above object.

കേരള നിയമസഭാ സെക്രട്ടേറിയറ്റ്

2019

കേരള നിയമസഭാ പ്രിന്റിംഗ് പ്രസ്സ്