

Andhra Pradesh Forest Produce (Storage and Depot) Rules, 1989

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-FOREST-PRODUCE-STORAGE-AND-DEPOT-RULES of 1989

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Andhra Pradesh Forest Produce (Storage and Depot) Rules, 1989 In exercise of the powers conferred by Section 29 read with Section 68 of the Andhra Pradesh Forest Act (Act 1 of 1967) the Governor of Andhra Pradesh hereby makes the following Rules to regulate the setting up of Forest Produce (Storage and Depots) in the State namely:-

1. Short title and application.

(1) These Rules may be called the Andhra Pradesh Forest Produce (Storage and Depot) Rules 1989. (2) The Rules shall extend to the whole of the State of Andhra Pradesh except the Depots established by the Government Departments and Government undertakings.

2. Definitions.

- In these Rules unless the context otherwise requires (i) "Act" means the Andhra Pradesh Forest Act, 1967; (ii) "Depot" means a place where forest produce is stored by any person or institution or a joint concern for the purpose of trade [x x x x] or any temporary use for trade purposes; (iii) "Divisional Forest Officer" means the Divisional Forest Officer having jurisdiction over the area concerned; (iv) "Licence" means licence prescribed under these Rules. (v) "Form" means a form appended to these Rules. (vi) "Trade" means business carried as a means of livelihood or profit. (vii) "Forest Produce" for the purpose of these rules means all types of timber fuel wood, excepting those species that are exempted under Andhra Pradesh Forest Produce Transit Rules, 1970, and includes, Bamboos.

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

3. Application for Licence.

- Any person or institution desirous of setting up a [xxx] forest produce depot shall obtain a licence from the Divisional Forest Officer in Form 2 giving full particulars of land, S.No. Municipality, Mandal, and the extent and title deed registered in his favour or any person from whom he has leased it. Provided that no person or institution shall be entitled to run a depot already existing unless a licence is obtained in accordance with the rules on or before 31-5-1994]

4. Procedure for grant of licence.

(1) On receipt of an application in Form 1, Divisional Forest Officer shall make such enquiry as he deems fit, and after satisfying himself as to the genuineness of the need etc., may grant a licence in Form-2 for a period not exceeding [three years at a time] (2) Every application shall be accompanied by a fee of Rs. [250/-] for grant of a licence or its renewal. In case of refusal to issue or renew the licence the fee so paid shall be refunded.

5. Security Deposit.

(1) The licensee shall on being required to do so by the Divisional Forest Office, and before the issue of licence make a deposit in favour of Divisional Forest Officer a minimum amount of [Rs. 500/- but not exceeding Rs. 5000/-] as security deposit towards due observance of provisions of the Act, and the rules made thereunder. Provided this sub-rule does not apply to the timber depots located within the limits of municipalities and Municipal Corporations] (2) The discretion of fixing the amount of security deposit in each case shall vest with the Divisional Forest Officer, who shall take into consideration the nature and quantities of Forest Produce to be stored at the depot while fixing the amount. The decision of the Divisional Forest Officer shall be final.

6. Licence granted subject to the provisions of rules.

- Every licence granted under Rule 4 shall, subject to the provisions of Rule 11 of these rules will be effective from the date of issue to the [31st March of the year in which the licence expires both days inclusive]

7.

The Divisional Forest officer, may on application made to him [before the expiry of the existing licence] may renew the licence granted under Rule 4 for a further period not exceeding [three years]

8. Register to be maintained.

(1) All transactions involving receipt storage and disposal shall be recorded [in two separate registers in the proforma prescribed in Form-3A and 3-B separately] (2) Every licence holder shall submit annually, an abstract of the proforma to the Divisional Forest Officer, before the 30th of April of every year, failing which he shall be liable to pay a penalty of not less than Rs.50/- but not exceeding Rs.500/- for every month of default which shall be levied by the Divisional Forest Officer. In the event of non-payment of the penalty so levied it shall be adjusted from the security deposit and the security deposit shall be replenished to original amount within 30 days, failing which the depot licence shall stand temporarily suspended till the security deposit is replenished, to its original amount.

9. Licence not transferable.

(1) The licence granted under these rules shall not be transferable, unless permitted in writing by the Divisional Forest officer. (2) The licence and other records shall be produced for inspection on demand by a Forest Officer not below the rank of a Forester.

10. Power to enter the Depot.

- All Officers of Forest Department of and above the rank of a Forester [xxxx] shall have the power to enter into any depot for the purpose of inspection and securing compliance with these rules.

11. Cancellation of the licence on contravention of the provisions.

(1) Notwithstanding anything in the foregoing rules, the Divisional Forest Officer may, where he has reason to believe that a licensee has contravened the provision of Act or any rule made thereunder, at any time, revoke the licence granted under these rules, after giving the licensee an opportunity of being heard. (2) For any violation of the provisions of Act, or the rules made thereunder by the licensee, the Divisional Forest Officer shall be competent to seize and confiscate any forest produce together with machinery, implements, and equipments which might have been used in the commission of the offence. (3) In case of violation, where it is not proposed to either revoke the licence or seize and confiscate the produce etc., the Divisional Forest Officer shall be competent to impose a penalty not exceeding a sum of rupees ten thousand or upto the extent of security deposit. (4) All penalties levied shall be paid by the licensee within fifteen days from the date of despatch by Registered post of the order of the notice or demand for payment. In case of failure to pay the penalties in time, the same will be adjusted from the security deposit, which shall be replenished immediately. The licence granted shall be deemed to be inoperative until such time the licence replenishes the adjustments in the security deposit. (5) In the event of revocation of licence under sub-rule (1) or seizure and confiscation of Forest produce together with machinery implements etc. under sub-rule (2) the Divisional Forest Officer shall be competent to forfeit security deposit either in part or the whole.

12. Revocation of Order.

- Where the Divisional Forest Officer refused to renew or revoke a licence granted under these rules or seize and confiscate the produce with machinery etc. he shall do so by an order communicated to the licensee, giving reasons for such refusal or revocation.

13. Appeal and Revision.

(1) Any person aggrieved by the orders of Divisional Forest Officer may within thirty days of the service on him of the order prefer an appeal to the Conservator of Forests, who shall hold or cause to be held such enquiry as he deems fit and after giving an opportunity of making a representation to the appellant pass an order, as he deems fit. (2) Any person aggrieved by an order of Conservator of Forests or passed under sub-rule (1) may within thirty days from the date of receipt of the order prefer revision petition to the Principal Chief Conservator of Forests or [any Chief Conservator of Forests] as may be authorised by the Principal Chief Conservator of Forests, who may pass such order as he deems fit, and such order shall be final. Appendix 1 Form 1 [See Rule 4 (1)] Form for Application of a Licence

1. Name of the applicant

2. Full address of the applicant with title deed of the site duly registered in his name or copy of registered lease deed of site executed in his favour.

3. Sources from where the forest produce is to be obtained

4. Place where the applicant proposes to keep the forest produce (A Sketch should be enclosed)

1. S.No

2. Village

3. Mandal or Municipality

5. Quantity and description of Forest Produce which is likely to be stored

6. Details of payment of application

Dated: Place: Signature Appendix 2 Form 2 [See Rule 4(1)] Licence for Setting up a Forest Produce Depot Division

1. Licence number

2. Name of licensee

3. Address of licensee

4. Place in which the Forest Produce is to be stored :

1. S.No

2. Village

3. Mandal or Municipality

5. Type and maximum quantity of Forest produce permitted to be stored

6. Period of licence From to Station

Date:Signature of Licensing Authority and Designation