

Andhra Pradesh Saw Mills (Regulation) Rules, 1969

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-SAW-MILLS-REGULATION-RULES-1969 of 1969

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Andhra Pradesh Saw Mills (Regulation) Rules, 1969In exercise of the powers conferred by Section 29 read with Section 68 of the Andhra Pradesh Forest Act, 1967 (Act I of 1967), the Governor of Andhra Pradesh hereby makes the following Rules to regulate the location of saw mills and conversion of timber at the saw mills in the State.

1.

These Rules may be called the Andhra Pradesh Saw Mills (Regulation) Rules, 1969.

2.

In these Rules, unless the context otherwise requires:-(a)"Licensing authority" means the Divisional Forest Officer having jurisdiction over the place of establishment of a saw mill;(b)"saw mill" means a mechanical contrivance for sawing, cutting or conversion of timber with the aid of electrical or mechanical power and includes the premises as approved in the licence, but does not include a contrivance operated solely by manual power.

3.

(1)No person shall instal, erect or operate a Saw Mill for cutting, converting or sawing of timber without obtaining a licence for such installation from the licensing authority.(2)No licence for setting up fresh saw mills within a distance of 5 Km. from the boundary of any Forest under the control of the Forest Department whether notified or not shall be granted, except when it is required for Departmental use.(3)The distance of 5 Km. shall be computed from topo sheets as aerial distance as crow flies.

4.

(1)(a) Any person desiring to instal, erect or operate a Saw Mill, shall make an application in Form-I enclosing copies of following documents. (i) Title deeds or lease deed of the premises or an undertaking by the applicant that the premises of saw mill are on lease from the land owner". (ii) Copy of Factory licence, if any. (iii) Copy of Sales Tax Registration, etc., if any. (iv) Copy of Location sketch of the premises. (v) Statement indicating the sources of supply of round wood, species and quantity: Provided that where within a period of two months from the date of receipt of application by the licensing authority the applicant has not been granted a licence or any communication from Divisional Forest Officer is received the applicant may proceed to establish and run a Saw Mill, but not so as to contravene any of the provisions of the Andhra Pradesh, Forest Act, 1967 or any rule made there under. And after installation of Saw Mill the applicant shall inform licensing authority of such installation and obtain a licence. (b) Every proprietor of an existing Saw Mill shall obtain a licence from the Licensing authority within sixty days from the date of publication of these rules and any existing Saw Mill should not be operated beyond sixty days without a valid licence under these rules. (c) Every application shall be accompanied by a fee mentioned below for grant of licence or for its renewal :

- (i) Licence period of one year Rs. 1000-00
- (ii) Licence period of two years Rs. 2000-00
- (iii) Licence period of three years Rs. 3000-00

(d) If the applicant desires to obtain common licence for Saw Mill and depot, he should indicate in the application form in Form. i. (2) On receipt of an application, the licensing authority shall make such enquiry as he deems fit, and after satisfying himself whether or not there would be any objection to granting the licence applied for, having regard to safeguarding the timber in any reserved protected or proposed forest, or in any land referred to in Rule 3, may grant a licence in the form-II of these rules subject to the conditions set out therein or refuse to grant a licence. (3) The licensee, whose Saw Mill is located within five kilometres from forest boundary shall, before the issue of licence make a security deposit of Rs. 5,000 in National Savings Certificate in favour of the licensing authority and the security deposit shall be Rs. 2,000 in the remaining locations, towards the due observance of Andhra Pradesh Forest Act, 1967 and the rules made thereunder.

5.

(1) Every licence granted under Rule 4 shall, subject to provisions of Rule 9, be effective from the date of issue or from the date of expiry of the period specified in the proviso to clause (a) of sub-rule (1) of Rule 4, as the case may be, to the 31st December of the year upto which licence is granted, both days inclusive. (2) The licence granted under these rules for Saw Mills located within five kilometres of forest boundary shall not be transferable. (3) The Saw Mill machinery and premises shall not be leased to any person without intimation of the licensing authority. For any acts of omission of licensee, licence holder shall be held responsible. (4) In case the Saw Mill premises is to be changed, or when the machinery is to be shifted from one place to another within same forest division, such changes should not be done without prior approval or licensing authority.

6.

(1)the licensee should submit renewal application within one month prior to expiry of existing licence.(2)If no renewal application is submitted to the licensing authority upto 1st December, a late fee of Rs. 250/- shall be levied upto February succeeding year, irrespective of duration of delay, if renewal application is not submitted before the end of February it will be deemed that the licence has lapsed and the Saw Mill owner should apply for fresh licence. The security deposit available with the licensing authority shall stand forfeited.(3)When renewal application is made, the licence holder should furnish the timber accounts in the format prescribed in these rules for the entire licence period and if the accounts are not furnished, the renewal application shall not be considered by licensing authority.(4)When renewal application is submitted to licensing authority, and till renewed licence is received, the acknowledgment given by the licensing authority shall be treated as licence by inspecting officers.

7.

(1)Registers as given in Form-III (A) and (B) of these rules shall be maintained by every licence holder for accounting fully and properly the timber received excluding the exempted species under transit rules in the Saw Mill for conversion, and its disposal. The registers should be made available at any time to all inspecting officers along with permits/invoices in original, within the Saw Mill premises.(2)A yearly abstract of receipts of disposal with the balance of unconverted stock on hand shall be submitted before the 10th of the January next to the Divisional Forest Officer concerned failing which the licence shall be liable to pay a sum of Rs. 500/- for every month of default, variation of 5% in round timber in figures in between the register and ground stock in measurements is permissible and variation in excess of the above should be explained.(3)The licensee shall not operate the Saw Mill or any machinery within the Saw Mill premises during the period of 2200 hrs to 0600 hrs of next day, except in Municipal Corporation/Municipality areas. However, in special circumstances, the Divisional Forest Officer concerned on application made to him may consider relaxation of the above timing for a period to be specified by him. And any such relaxation order obtained by the licence holder shall be displayed in a conspicuous place for verification by inspecting officers.(4)All the timber, sawn sizes and wood waste shall be properly stacked in the Saw Mill premises.(a)it bears property marks; and(b)it is covered by a transit permit, and for this purpose all timber lying within and adjacent to Saw Mill premises upto a distance of five metres shall be taken into consideration :Provided that the licence holder shall immediately report to the nearest Forest Officer, the timber without property marks, and the timber not claimed by others.(5)When timber is brought for conversion to Saw Mill premises, the licence holder should retain the original permit and issue 'Form. II permit' or 'Form. IV', under Andhra Pradesh Forest Produce Transit Rules, 1970 as the case may be to the timber owner along with a photo copy of original permit.

8.

All Officers of the Forest Department of and above the rank of a Forester shall have power [x x x x] to enter into [x x x] any saw mill for the purpose of inspection and securing compliance with these

Rules.

9.

(1) Notwithstanding anything in the foregoing Rules, the licensing authority may, where he has reason to believe that a licensee is operating as saw mill in contravention of the Provisions of the Andhra Pradesh Forest Act, 1967 or any Rules made thereunder at any time, revoke the licence granted under these Rules, after giving the licensee an opportunity of being heard. (2) (a) For any violation of the provisions of the Andhra Pradesh Forest, 1967 of the Rules made thereunder by the licensee the licensing authority or Divisional Forest Officer Flying Squad Party shall be competent to seize and confiscate forest produce together with whole or portion of the plant, machinery, implements and equipments which have been used in the commission of the offence; (b) In case of violations, where it is not proposed to either revoke the licence or seize and confiscate the plant, machinery etc., the licensing authority shall be competent to impose a penalty of a sum up to the limit of available security deposit. If the amount of penalty so levied exceeds Rs.1,000, an appeal against such imposition, shall lie with the Conservator of Forest having territorial jurisdiction over the area, and his decision, thereon shall be final. The appeal should however be preferred within fifteen days from the date of despatch of the order imposing penalty, by registered post. (c) All penalties levied shall be paid by the licensee within fifteen days from the date of despatch by Registered post of the order or the notice of 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 so as to keep it always full and complete. The licence shall be deemed to be inoperative, until such time, the licensee replenishes the adjustments in the security deposit. (3) In the event of revocation of licence under Sub-rule (1) or seizure and confiscation of forest produce together with whole or portion of the plant machinery, implements and equipments under Sub-rule (2) the licensing authority shall be competent and shall be at liberty to forfeit security deposit in part or whole.

10.

Where the licensing authority refuses to renew or revokes a licence granted under these Rules, or seizes and confiscates the plant, machinery, implements and equipments under Rule 9 he shall do so by an order communicated to the applicant or the holder, as the case may be giving reasons in writing for such refusal or revocation, or seizure and confiscation.

11.

Any person aggrieved by an order made under Rule 10, may within thirty days from the date of service of the order, prefer an appeal to the Conservator of Forests having jurisdiction, who shall hold, or cause to be held such enquiry as he deems fit and after giving an opportunity of making a representation to appellant pass a speaking order, which shall be final.

12.

Notwithstanding anything contained in any enactment relating to electricity for the time being in force, no electric energy shall be consumed and no electric connection shall be installed for the purpose of a Saw Mill, unless such Saw Mill is duly licensed or deemed to be licensed in accordance with the provisions of these rules, and such connection shall be continued so long as the Saw Mill operates under a valid licence granted or deemed to be granted under these rules. A communication from the Divisional Forest Officer in this regard shall be enough authority for A.P. State Electricity Board to comply with the provisions.

13.

[xxxx]Appendix 1Form I(See Rule 4)Form for Application Saw Mills/Saw Mill and Depot Licence

1. Name of the applicant:

2. Father's/Husband's Name:

3. Address of Applicant :

4. Place where the Saw Mill/Depot is to be located (Location sketch to enclosed.):

5. Species and quantity of timber likely to be used/traded:

6. Details of application fee paid:

7. List of enclosures:

SignatureDate :Place:Appendix 2Form II[See Rule 4(2)]Licence for Establishment and Running of Saw Mill/Saw Mill and DepotForest Division DistrictLicence No.

1. This Licence is granted to residing at to establish and run Saw Mill/Saw Mill and depot at subject to the provisions of the Andhra Pradesh Forest Act, 1967 and rules made thereunder.

2. The Licence is valid upto

- 3. The Licensee is permitted to instal and run the following machinery and equipment. (Describe the machinery).**
- 4. In the depot the licensee is permitted to store/ is the type and max. quantity of Forest Products as mentioned below**
- 5. The Licence shall be produced for inspection on demand by any authority specified in Andhra Pradesh Saw Mills (Regulation) Rules, 1969.**
- 6. The Licensee should submit his yearly abstract of total quantity of timber received, disposed and balance of material in stock as prescribed in Andhra Pradesh Saw Mills (Regulation) Rules, 1969 before 10th of January to the undersigned, failing which a minimum penalty of Rs. 500/- for each of default shall be levied.**

Divisional Forest Officer DivisionDate: