

Tamil Nadu Sandalwood Possession Rules, 1970

TAMILNADU

India

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Act 29 of 1970

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Tamil Nadu Sandalwood Possession Rules, 1970Published vide Notification No. G. O. Ms. No. 1331, Agriculture, dated 30th April 1970 - S.R.O. No. A-G 29 of 1970G. O. Ms. No. 1331, Agriculture, dated 30th April 1970. - In exercise of the powers conferred by sections 35,36, 36-A, 36-B and 36-D of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882), the Governor of Tamil Nadu hereby makes the following rules:-

1. Short title and extent.

- (i) These rules may be called the Tamil Nadu Sandalwood Possession Rules, 1970.(ii)They extend to the whole of the State of Tamil Nadu.

2. Definition.

- In these rules, unless the context otherwise returns,-(a)"Act" means the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882);(b)"Dealer" means any person, who carries on the business in sandalwood of buying, selling, supplying or distributing sandalwood directly and includes-(i)a local authority or company which carries on the business in sandalwood;(ii)an auctioneer or his accredited agent, by whatever name called, who carries on the business in sandalwood of buying, selling, supplying or distributing sandalwood on behalf of any principal, and(iii)every local branch of a firm or company situated outside the State;(c)"District Forest Officer" means the District Forest Officer having jurisdiction over the area;(d)"Form" means the form set out in the Schedule to these rules;(e)"Licence" means a licence issued under these rules;(f)["Sandalwood" includes sandalwood roots, sandalwood dust and sandalwood chips;] [Clause (f) was substituted by G. O. Ms. No. 311, E&F, dated the 24th November 1988.](g)"Sandalwood Transit Rules" mean the Tamil Nadu Sandalwood Transit Rules, 1967;(h)"Stockist" means any person who stocks sandalwood for conversion into sandalwood oil or other products, but not for disposal of wood as such.

3. Form and manner in which application for licence may be made.

(1) No person shall possess on stock sandalwood in excess of five kilograms without a licence. Whenever any person intends possessing or stocking sandalwood in excess of five kilograms, he shall apply to the District Forest Officer in Form 1 and obtain a licence after paying the fees prescribed in sub-rule (7) of rule 4. Every application for the grant of a licence shall be accompanied by authenticated documents and other relevant particulars in support of the procurement of the sandalwood. (2) On receipt of the application together with the authenticated documents, the District Forest Officer shall, if he is satisfied about the bona fides of the applicant, issue a licence in Form II for the possession of sandalwood. (3) Whenever the dealer or stockist intends to obtain or procure possession of subsequent consignments of sandalwood, he shall immediately inform the District Forest Officer, in writing of the actual source from which he intends obtaining such additional consignment of sandalwood and supply such information as the District Forest Officer may require, from time to time, to satisfy himself about the bona fide of such additional consignment of sandalwood. (4) Whenever the dealer or stockist comes into possession of a consignment of sandalwood, he shall, within twenty-four hours, inform the District Forest Officer of the place of storage of sandalwood about the fact of possession and the same shall be inspected by an Officer not below the rank of a Forester without any delay and till such inspection is over the dealer shall not tamper with the identification marks that may have been already placed on such sandalwood. (5) After such inspection, the dealer or stockist shall be given an order in writing by the District Forest Officer to cover such sandalwood if such conversion is sought to be made: Provided that the District Forest Officer may refuse to grant or renew a licence to any applicant or licensee if he has reason to believe that the information required is not given or that the person has been concerned in any illegal practice with regard to sandalwood or for any other goods. [Explanation. - The Arignar Anna Government Hospital of Indian Medicine, [Chennai] [Added by Notification No. SRO A/93/84, dated the 15th March 1984.] and the Government College of Indian System of Medicine, Palayamkotai are exempted from the operation of rule 3.]

4. Terms, conditions and fee for the grant of licence.

(1) A stockist storing sandalwood and its by-products (obtained by manufacture or conversion) including sandalwood, oil, smaller billets, sandalwood powder and dust, toilet articles or scented sticks, should furnish to the District Forest Officer, full particulars of the place of storage with a certified sketch of the premises. The premises should be distinguished by a notice board conspicuously displayed. Any change of place of storage should be notified. (2) The dealer or stockiest should maintain a stock register showing receipt issues and balance of sandalwood and all its by-products including sandalwood oil at the premises. (3) A true extract from the stock register for every financial year shall be submitted to the District Forest Officer by the 10th April, of the following year or before renewal of the licence when it has been issued for part of the year. (4) The stock register and the stock shall be kept open for inspection by any Forest Officer not below the rank of a Forester at any time. Whenever there is contravention of any of the provisions of the licence any inspecting Officer not below the rank of a Forest Ranger may remove such account, or stock of sandalwood or both and the animals, vehicles, vessels or any other conveyance actually used in that connection and thereafter take or authorise the taking of all measures for securing the

production of stocks of sandalwood, vehicles and the like seized in a Court and for their safe custody pending such production.(5)In exercising the power of entry and search under sub-rule (4), due regard shall be paid by the authority making such entry and search to the social and religious customs of the occupant of the premises to be entered upon and searched and the premises maybe entered after sunrise and before sunset.(6)The licence shall not be transferable.(7)A licence fee of Rs. 100 for one financial year or part of the year shall be payable along with the application for licence.(a)A licence fee of Rs. 100 for one financial year or part of the year shall be payable along with the application for licence by non-whole sales and non-distillers,(b)A licence fee of Rs. 200 for one financial year or part of the year shall be payable along with the application for licence by non-whole sales dealers and distillers.[Explanation. - No fee shall be payable however by religious institutions recognised by the Hindu Religious and Charitable Endowment Board or the Wakf Board or the Arignar Anna Government Hospital of Indian Medicine, [Chennai] [Explanation was substituted by G O. Ms. No. 297, Forest and Fisheries, dated the 5th March 1984.] and the Government College of Indian System of Medicine, Palayamkottai, stocking sandalwood for their own bona fide requirements.](8)The licence shall be for a certain period not exceeding the financial year when initially issued.(9)The movements of sandalwood from and to the licensed premises shall be covered by the Tamil Nadu Sandalwood Transit Rules, 1967.

5. Grant of duplicate licences and the renewal of licences and fee for the same.

(1)When a licence is lost by the licensee a duplicate thereof shall be issued by the District Forest Officer after due verification.(2)The fee chargeable for the grant of a duplicate licence shall be Rs.50.(3)The licence shall be renewed for every financial year. Applications for renewal shall be made thirty days before the expiry of the existing licence. The licensing authority may, at his discretion, entertain an application for renewal preferred up to a period of thirty days from the date of expiry of the existing licence. All applications received after the said period shall be treated only as applications for the issue of fresh licence.(4)The fee chargeable for the renewal of a licence for financial year shall be Rs. 100.

6. Power to cancel or suspend licence.

- If it appears to the District Forest Officer that the licensee has contravened or failed to comply with any of the conditions laid down in these rules, or in the licence, he may cancel or suspend the licence after giving the holder fifteen days' time in writing to make any representation in the matter.

7. [Appeal. [[Rules 7 was omitted and rule 8 was renumbered as rule 7 by G. O. Ms. No. 639, Forest and Fisheries, dated the 25th May 1983. Before its omission, rule 7 read as follows:

7. Penalties. - Whoever contravenes any of the provisions of these rules shall be punished with imprisonment for a term which may extend to one year and with fine which may extend to ten thousand rupees.]]

(1) Every person aggrieved by an order of the District Forest Officer under the proviso to sub-rule (5) of rule 3 or under Rules may prefer an appeal in writing to the District Collector within thirty days of receipt of such order. (2) Every order on an appeal shall be communicated to the applicant as soon as possible.]

Schedule

Form I Form of Application for Licence [Referred to in Rule 3(1)]

1. Name of applicant
 2. Residence of applicant, Village, Taluk/District
 3. Father's Name and Residence
 4. Names and addresses of the persons from whom the applicant proposes to obtain the sandalwood
 5. Place or places where the applicant proposes to keep the sandalwood and transact the business
- Place: Date: Signature of applicant.

Form II [Referred to in rule 3(2)] Form of Licence

1. Licence No.
2. Name of licensee
3. Residence:
4. Village:
5. Taluk-District:
6. Place in which the sandalwood is to be stored:

The licence is not transferable and entitled to Thiru to
possess sandalwood from (date of issue of licence) to 31st March in
consideration of the payment of a fee of Rs.

Place: Date: Licensing Authority.

(Reverse of the licence) Conditions

1. The licence is granted subject to all the provisions of the Tamil Nadu Sandalwood Possession Rules, 1970.

2. A stockiest storing the sandalwood and its by-products (obtained by manufacture or conversion) including sandalwood oil, smaller billets, sandalwood powder and dust, toilet article or scented sticks should furnish to the District Forest Officer with full particulars of the place of storage

together with a certified sketch of the premises. The premises should be distinguishable by a notice board conspicuously displayed. Any change of place of storage should be notified.

3. The dealer or stockiest should maintain a stock register showing receipts and issues of sandalwood and all its by-products including oil at the premises.

4. A true extract from the Stock Register shall be submitted to the District Forest Officer every financial year by the 15th April of the following year of.... before renewal of the licence when it has been issued for part of the year.

5. The, stock register and the stock shall be open for- inspection by any Forest Officer not below the rank of a Forester at any time. Whenever there is contravention of any of the provisions of the licence, any Inspecting Officer not below the rank of a Forest Ranger may remove such account or stock of sandalwood or both and the animals, vehicles, vessels or any other conveyance actually used in that connection and thereafter take or authorise the taking of all measures for securing the production of stocks of sandalwood, vehicles and the like seized in a Court and for their safe custody pending such production.

6. In exercising the power of entry and search under sub-rule (4) of rule 4 of the Tamil Nadu Sandalwood Possession Rules, 1970, due regard shall be paid by the authority making such entry and search to the social and religious customs of the occupants of the premises to be entered upon and searched and the premises may be entered after sunrise and before sunset.

7. When the original copy of the licence is lost by the licensee, a duplicate copy thereof shall be issued by the District Forest Officer after verification on payment of a fee of Rs. 50 (Rupees fifty only).

8. Movements of sandalwood from and to the licensed premises shall be covered by the Tamil Nadu Sandalwood Transit Rules, 1967.

9. [xxx] [[Omitted by G O. Ms. No. 639, Forest and Fisheries, dated the 25th May 1983. Before its omission, condition 9 read as follows:

9. Whoever infringes any of the provisions of these rules shall be punished with imprisonment for a term which may extend to one year and with the fine which may extend to ten thousand rupees.]]