

Bihar Rules for the Establishment of Saw Pits and Establishment and Regulation of Depots, 1983

BIHAR

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Rule

BIHAR-RULES-FOR-THE-ESTABLISHMENT-OF-SAW-PITS-AND-ESTABLISHMENT AND REGULATION OF DEPOTS, 1983

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Bihar Rules for the Establishment of Saw Pits and Establishment and Regulation of Depots, 1983Published vide Notification No. S.O. 108, dated 18th January, 1983S.O. 108, dated 18th January, 1983. - In exercise of the powers conferred by Sections 41,42 and 76 of the Indian Forest Act, 1927 (XVI of 1927) the Governor of Bihar is pleased to make in addition to all Rules here-to-fore made on the subject under these Sections in so far as they are not inconsistent with the Rules made hereunder the following Rules, namely:-

1. Short title.

- These Rules may be called "The Bihar Rules for the Establishment of Saw Pits and Establishment and Regulation of Depots, 1983."

2. Definitions.

- In these Rules unless the context otherwise requires-(a)"Forest Officer", "Forest Produce" and "Timber" shall have the same meaning as has been assigned to them in the Indian Forest Act, 1927;(b)"Conservator of Forests" means Forest Officer-In-Charge of the Forest(c)"Divisional Forest Officer" means Forest Officer-In-Charge of the Division;(d)"Range Officer" means Forest Officer-in-Charge of the Range;(e)"Pole" means all pieces of wood more than 12" in girth and generally below 24" in girth at the butt (thick) end and more than 4' long";(f)"Saw Pit" means machine operated saws which includes machine operated saws meant to cut, fashion or saw timber or poles;(g)"Depot" includes any place or premises where at any timber more than 100 eft. of timber

in quantity and poles more than 50 in number are stored;(h)"Licensee" means a person or a firm in whose name a licence has been issued under these Rules to establish a saw pit or a depot:Provided that any person or a firm which has communicated to the Divisional Forest Officer the Registration under the Shops and Establishments Act, Small Scale Industries Regulation Act and under Bihar Sales-tax Act or Rules made thereunder shall, if he satisfies the conditions for grant of a licence under these Rules, be issued a licence to establish saw mill or depot in accordance with the prescribed procedure.

3.

[(1) These Rules shall apply in the districts of Sighbhum, Ranchi, Lohardaga, Gumla, Hazaribagh, Giridih, Dhanbad, Palamau, Santhal Parganas, Deoghar, Godda, Sahebganj, Bhagalpur, Gaya, Nawadah, Aurangabad, Nalanda, Rohtas, Monghyr, Purnea, Saharsa, Katihar, East Champaran and West Champaran only.] [Substituted by S.O. 970, dated 27.7.1983.](2)The State Government may, by notification in the Official Gazette apply these Rules to such other districts as and when it deems necessary.

4.

(1)No person shall establish, maintain or run a saw pit or depot without previously obtaining a licence in proper form from the Divisional Forest Officer.(2)Any person desiring to establish a saw pit or a depot will make an application to the Divisional Forest Officer.(3)On receipt of application under sub-rule (2) of Rule 4, the Divisional Forest Officer shall either personally or through a subordinate staff make such enquiries as he deems fit and after satisfying himself about safeguarding timber and poles in any Reserved or Protected Forest, may grant licence for the establishment of saw pit or depot as prayed for, in the form in Schedule 'A' and subject to the conditions set out therein, or may refuse to grant the licence.

5.

Every licence or renewal of the licence under these Rules shall subject to the provisions contained in these Rules regarding cancellation, be effective for a period not beyond the 31st day of December next following the date of its issue or renewal.

6.

The Divisional Forest Officer on application made to him may renew the licence issued under sub-rule (3) of Rule 4 with effect from the date of its expiry.

7.

A fee of Rs. 25 shall be payable for the grant of renewal of the licence under these Rules. The application for renewal of the licence shall be made by the licensee before the period of the licence.

8.

Any Forest Officer can enter the premises of any pit or depot and appurtenances thereto and inspect the storage yards, all stored timber including poles, timber, sawn timber and wood wastes and all registers and returns prescribed by the Divisional Forest Officer.

9.

Operation of the depot or saw pit without renewing a licence after the expiry thereof shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both, in addition to such compensation for damages as the court may direct to be paid.

10.

Notwithstanding anything contained in the foregoing Rules, the Divisional Forest Officer may, where he has reason to believe that a licensee is operating the saw pit in contravention of the provisions of these Rules and conditions of the licence or the licensee is indulging in activities prejudicial to the interests of forest conservation, at any time, revoke the licence granted under these Rules.

11.

Where the Divisional Forest Officer refuses to issue or renew or revokes a licence granted under these Rules he shall do so by an order communicated to the applicant or the licensee as the case may be, giving reasons in writing for such refusal or revocation.

12.

Any person aggrieved by an order made under Rule 10 may within thirty days of the passing of such order appeal to the Conservator of Forests, who shall decide the appeal after giving such person and the Divisional Forest Officer making such order, an opportunity of being heard, and the decision of the Conservator of Forests shall be final.

13.

All poles and timbers found in the depot or saw pit in contravention of these Rules and conditions indicated in the licence may be seized by any Forest Officer at any time.

14.

Whoever contravenes any of the provisions of these Rules or any of the conditions laid down in the licence granted under these Rules, shall be punishable with imprisonment which may extend to six

months or with fines which may extend to Rs. 500 or with both.

15.

Nothing in these Rules shall be deemed to prohibit any act done with the written permission of the Divisional Forest Officer.

"A"

Form of Licence Forest Department, Bihar[See Rule 4(3)]Licence to Establish a Saw Pit/Depot Licence No. Dated Licence is hereby granted to Shri (In Block Letter) of (address) (hereinafter called "the licensee") to establish a saw pit/depot according to the provisions of the Indian Forest Act, 1927, in its application to the State of Bihar and the Rules made thereunder on the following conditions, namely: Conditions

- 1. This licence shall remain in force for the period commencing on and ending on the 31st day of December, 20.....**
- 2. The licensee may establish a saw pit/depot at.....(here specify the place and address.)**
- 3. The licensee shall not alter the location of the saw pit/depot without obtaining the prior written permission of the Divisional Forest Officer.**
- 4. The licensee shall maintain such registers and, submit such periodical returns as may be directed by the Divisional Forest Officer within whose jurisdiction the saw pit/depot is located.**
- 5. The licensee shall see that-**

(i) The site of the saw pit/depot including the yard for storage of round timber, sawn timber and waste wood is enclosed within a fence fitted with proper gates. (ii) All the poles, timber, sawn timber and wood waste are properly stacked according to the instructions that may be issued from time to time by a Forest Officer as to facilitate stock taking. (iii) Pole or timber is not brought to the saw pit/depot unless it bears authorised hammer mark of the Forest Department and is covered by a Forest transit permit or pass or other documentary evidences such as cash receipt from the timber merchants. (iv) Pole or timber which does not conform to the requirements of clause (iii) above is not accepted for storing or conversion and all intimation in respect of such pole or timber is forthwith given to the Range Officer or nearest Forest Officer. (v) A proper stock register of poles and timber coming to the saw pit/depot and going out of the saw pit/depot will be maintained indicating the details from where the pole or the timber had been received and where the pole or timber had been despatched to. (vi) In case of poles, Government hammer mark will never be defected and should

always be clearly legible.(vii)All the registers and stock of all timbers will be open to inspection by a Forest Officer and the licence is produced for inspection on demand by any Forest Officer.

6. The licence shall not be transferable.

D.F.O Division.