## The U.P. Resin and other Forest Produce (Regulation of Trade) Rules, 1976

UTTAR PRADESH India

# The U.P. Resin and other Forest Produce (Regulation of Trade) Rules, 1976

## Rule

## THE-U-P-RESIN-AND-OTHER-FOREST-PRODUCE-REGULATION-OF-T of 1976

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The U.P. Resin and other Forest Produce (Regulation of Trade) Rules, 1976Published vide Notification No. 4380/14-2-188-75, dated 22nd January, 1977, published in the Uttar Pradesh Gazette, Extraordinary, dated 1st February, 1977 (w.e.f. 16th April, 1976)In exercise of the powers under Section 19 of the Uttar Pradesh Resin and Other Forest Produce (Regulation of Trade) Act, 1976 (U.P. Act No. 13 of 1976), the Governor is pleased to make the following rules:

#### 1. Short title and commencement.

- (i) These rules may be called the Uttar Pradesh Resin and Other Forest Produce (Regulation of Trade) Rules, 1976.(ii) These rules shall come into force with effect from April 16, 1976.

#### 2. Definitions.

- In these rules, unless the context otherwise requires-(i)"Act" means the Uttar Pradesh Resin and Other Forest Produce (Regulation of Trade) Act, 1976;(ii)"Divisional Forest Officer" means the Forest Officer incharge of a Forest Division;(iii)"Forest Export Chauki" means a chauki established under Section 41 of the Indian Forest Act, 1927;(iv)"Form" means a form appended to these rules;(v)"Manufacturer of resin products" includes a person owning factory for manufactures of resin products;(vi)"Section" means a section of the Act;(vii)All other words and expression used in the Act but not defined in these rules shall have the meaning assigned to them in Act.

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### 3. Authorised, officer and competent officer [Sections 4, 8 and 9].

(1) The officers mentioned in the schedule appended to these rules shall be the authorised officers for the purpose noted against each of them. (2) The Assistant Conservator of Forest shall also be the competent officer for purpose of Section 8.

### 4. Restrictions on sale, purchase and transport of Resin [Section 4].

(1)Application for issue of permit under Clause (e) of Section 4 shall be made in Resin Form No. 1 and shall be submitted to the Divisional Forest Officer who shall after making such inquiries as he deems fit, issue permit in Resin Form No. 2: Provided that where the Divisional Forest Officer has reasons to believe-(i)that the resin products manufactured by the applicant from the quantity of resin purchased from the State Government or its authorised officer are in excess of what should have been manufactured from such quantity of resin; or(ii)that the resin procured by the applicant was from unauthorised sources, he may reject the application partially or in toto.(2)The resin products in respect of which the application for permit under sub-rule (1) has been rejected may, after an opportunity of being heard has been given to the applicant, be seized by the Divisional Forest Officer concerned.(3)Any person aggrieved by the order of the Divisional Forest Officer made under sub-rule (2) may prefer an appeal to the Conservator Forests of the unit concerned within thirty days from the date of the rejection order under sub-rule (1), and the order of the Conservator of Forest shall be final.

#### 5. Section 4.

(1)On issue of a permit in Resin Form 2 by the Divisional Forest Officer, the permit holder shall obtain authenticated subsidiary permit forms (Resin Form 3) from the Range Officer within whose jurisdiction the place of manufacture of resin products is situate and shall be responsible to fill in and issue the subsidiary permit himself in a proper manner subject to the following conditions-(a)Each consignment of resin product during movement by any mode of transport by road, rail, water or air, shall be accompanied by a subsidiary permit.(b)Resin products shall be transported only by the route specified in the permit and shall be produced for checking at each forest export chauki within a unit.(c)Except with the permission in writing of the Range Officer, resin products shall be transported within a unit at any time after sunset and before sunrise.(d)All subsidiary permits after transport resin products or after expiry of the period mentioned therein, whichever is earlier, shall be returned within a fortnight to the nearest Range Forest Officer of the unit.

## 6. Permit for sale, transport etc. [Section 5].

- Permit for sale and/or transport of resin under sub-section (1) of Section 5 shall be of the following types-

Purpose of permit

		Permit Form No.
(a) which Chapter II of the Act a	stored frombefore the appointed day within an area to pplies to or from any person other than the orised officer and to transport the same.	Resin Form 4
(b) (i) For transport of resin pur officer for manufacture offer	rchased from theState Government or an authorised sin products.	Resin Form 5
•	e of resinunutilised in the manufacture of resin products the State Government or an authorised officer ducts.	Resin Form 5
-	ased from outsideUttar Pradesh to a place within the of resin products or to again transport the resin lesh.	Resin Form 6
• •	ased formanufacture of resin products from any area side the areas to which Chapter II of the Act applies, II of the Act applies.	Resin Form 7

#### 7.

(1)Every application for permit under Clauses (a) to (d) of Rule 6 shall be in Resin Forms 4-A, 5-A, 6-A and 7-A as the case may be.(2)The authorised officer may, after making such enquiry as he deems necessary and for reason to be recorded, reject the application referred to in sub-rule (1), wholly or partly.(3)Any person aggrieved by an order of rejection under sub-rule (2), may prefer an appeal to the Conservator of Forests of the unit concerned and the provisions of Rule 4 (3) shall mutatis mutandis apply to every such appeal.

#### 8.

(1)Where a permit has been issued in accordance with Rule 6 or Rule 7 and the permit holder wants to export the quantity specified in the permit under different consignments or in different conveyances, then the Range Officer/Depot Officer concerned shall issue necessary Rawannah for each such consignment or conveyance.(2)The provisions of Rule 5 shall mutatis mutandis apply to the Rawannah issued under sub-rule (1).

## 9. Procedure for conducting the business of the committee [Section 6].

(1)The State Government shall publish the names of the members of the Advisory Committees constituted under Section 6 in the official Gazette. For each such committee, there shall be a Chairman and a Convener.(2)Every meeting of the Committee, shall be presided over by the Chairman and in his absence by the Convener. If both Chairman and the Convener are absent, the members present shall elect one of the members present as Chairman and hold the meeting.(3)The Advisory Committee shall ordinarily hold its meeting at the headquarters of the emit for which it is constituted.(4)The Convener shall with the approval of the Chairman fix the date, time and place of

the meeting of the Committee and intimate the same in writing to all the members of the Committee.(5)For members of the Advisory Committee shall constitute the quorum.(6)The minutes of the proceedings shall be reduced to writing and the same shall be approved by the person presiding over the meeting. Such approval shall be taken as final proof of the authenticity of the Committee's recommendation.

#### 10.

(1) The advise of the Advisory Committee shall be conveyed to the State Government on or before a date to be specified by the State Government in that behalf.(2) A copy of the minutes of the meeting shall invariably be sent along with the said advice.

#### 11. Procedure of enquiry about rejected Resin.

(1)On receipt of a complaint under sub-section (2) of Section 8 the Divisional Forest Officer or the Assistant Conservator of Forest concerned shall as soon as possible intimate to the complainant the place, date and time fixed for holding the enquiry.(2)On the date fixed or any subsequent date to which the inquiry may be adjourned the officer referred to in sub-rule (1) shall, after hearing the complainant or his duly authorised representative, and after making such further enquiry as he may deem necessary pass necessary orders in accordance with sub-sections (3) and (4) of Section 8.(3)Where any resin offered for sale has been refused under the proviso to Section 8 (1), and the officer referred to in sub-rule (1) finds-(a)that the refusal to purchase tire resin was proper; and(b)that the quality of resin is such that it is unfit for the purposes of manufacturing resin products, then he shall cause such resin to be sold by public auction as soon as possible.(4)The officers referred to in sub-rule (1) shall give due publicity before the auction mentioned in sub-rule (3).(5)The sale-proceeds recovered from the auction shall be paid to the complainant after deducting the expenses of sale which shall, in no case, exceed twenty per cent, of the sale-proceeds.

## 12. Tapping of untapped trees [Section 9].

(1)Where the owner of any, Chir or Kail tree fails to commence its tapping by the end of March in any year, then the authorised officer shall serve a notice requiring the owner to commence tapping or to cause its tapping commenced within the period of fifteen days from the service of such notice.(2)Where the owner of the Chir or Kail tree fails to comply with the notice referred to in sub-rule (1) the authorised officer may cause the tree to be tapped for a period not exceeding five years, for extraction of resin through its own agencies in accordance with the Resin Tapping Rules for the time being in force in the reserved forested of the State Government.(3)All resin extracted under Section 9(2) shall be disposed of in accordance with the general or special order of the State Government issued under Section 11.

## 13. Registration of Tappers of Resin, etc. [Section 10].

(1) Tappers of resin shall be of two types viz. (a) Government tappers, and (b) Private

tappers.(2)Government tapper means a person who is authorised in writing by the Divisional Forest Officer to tap trees standing in the Reserve forest, Protected Forests or Panchayat Forests within his forest division for extraction of resin and includes a person authorised to tap resin under the Rule 12 (2).(3)Private tapper shall either be the owner of the trees other than the State Government who gets them tapped through labourers engaged by him for extraction of resin or one authorised in writing by the owner of the trees other than the State Government to get them tapped through labourers. Labourers engaged in tapping work shall not be considered as tappers for purposes of these rules.

#### 14.

A Government tapper shall be deemed to have been registered under Section 10, if he submits his own name, parentage and address, and also the names, parentage and addresses of each of the labourers engaged by him for purposes of extraction of resin from the trees, to the Range Officer in whose forest range he has been authorised to tap trees.

#### 15.

(1)Private tapper shall submit an application in duplicate for registration in Resin Form 8 to the Range Officer within whose jurisdiction the trees required to be tapped for resin are situate. The Range Officer, after due verification shall forward one copy of the application within 30 days of its receipt to the Divisional Forest Officer who, after making such enquiry as he deems necessary, may issue a certificate in Resin Form 9 or reject the application after recording reasons therefor.(2) Every application under the sub-rule (1) shall be accompanied with the fee specified in Rule 18.(3) Certificate of registration of a private tapper shall be subject to the following conditions-(i) The certificate of registration shall be valid for one calendar year unless it is cancelled or modified earlier by the Divisional Forest Officer for reasons to be recorded by him in writing or the holder ceases to be the owner of the trees in respect of which the certificate of registration has been granted.(ii)If a certificate is lost or mutilated a certified copy of the same can be obtained from the office of the Divisional Forest Officer on payment of Re. 1 for each such copy.(iii)The aforesaid certificate shall be produced by the holder or his authorised representative at the resin depot while offering resin for sale.(iv)Every private tapper shall furnish by the 15th January following the year for which the certificate of registration was granted, an account in writing of total quantity of resin in quintals or number of 20 litre tins tapped and collected and disposed of by him during the year of registration.

#### 16.

(1)Every application for registration as manufacturer of resin product shall be in Resin Form 10.(2)Every application referred to in sub-rule (1) shall be accompanied with the fee specified in Rule 18 and shall be made to the Divisional Forest Officer within whose jurisdiction resin products are to be manufactured or resin products are stored or the place from which the resin or resin products are to be exported.(3)The Divisional Forest Officer may, after making such enquiry as he deems necessary, issue a certificate of registration in Resin Form 11 or reject the application after recording reasons therefor.(4)Every certificate of registration issued under sub-rule (3) shall be

subject to the conditions specified in rule 15 (3) except that a fee of rupees five shall be payable for a certified copy of the certificate concerned in case of loss or mutilation.(5)Where a manufacturer of resin products has committed breach of any of the conditions of registration, or has contravened the provisions of these rules, or has been guilty of any offence punishable under Section 14, the Divisional Forest Officer may after affording an opportunity to show cause, cancel the certificate of registration.

#### 17.

Every permit, subsidiary permit or rawannah issued under Rule 8 shall be liable to be cancelled by the officer issuing the same, if such officer has reasons to believe that it has been misused by the holder thereof.

#### 18.

The rate of fee payable under the Act or these rules shall be as follows:

(a) On application for permit under Section 4 (e)	25 paise per qtl. of resin product.
(b) On application for permit under Section 5 (1) (a)	Nil
(c) On application for permit under Rule 6 (b) (i) pertaining to Section $5(1)$ (b)	Nil
(d) On application for permit under Rule 5 (1) (ii) pertaining to Section 5 (1) (b).	Rs. 5 per qtl. of resin.
(e) On application for permit under Section 5 (1) (c)	Re. 1 per qtl. of resin.
(f) On application for permit under Section 5 (1) (d)	Re. 1 per qtl. of resin.
(g) On application for registration of tapper of resin underSection 10.	Rs. 5 per annum.
(h) On application for registration of a manufacturer of resinproduct under Section 10.	Rs. 25 per annum.
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#### 19.

The amount of fee specified in Rule 18 may be deposited either in cash in the office of the Divisional Forest Officer, or may be deposited in Treasury by means of a challan under the relevant head.

#### 20.

Notwithstanding anything in the above rules, the State Government may exempt any class of resin product or resin from the provisions of the rules or fees levied thereunder. The Schedule [See Rule 3]

Purpose for which the officers are beingauthorised	Who shall be the authorised officer	
(1)	(2)	

1.	For the purposes of Cls. (b), (c) and (d) of Section 4.	Range Officer within whose jurisdiction, a resin depot issituate.	
2.	For the purposes of Cl. (e) of Section 4.	Divisional Forest Officer within whose jurisdiction the placewhere the resin products are manufactured is situate.	
3.	For the purposes of Rule 6 (a), (b) (ii) and (d) pertaining to Section 5.	Divisional Forest Officer within whose jurisdiction the resinis, for the time being stored.	
4.	For the purposes of Rule 6 (b) (1) pertaining to Section 5.	Range Officer/Depot Officer in whose jurisdiction the resinis for the time being stored.	
5.	For the purposes of Cl. (c) of Section 5.	Divisional Forest Officer through whose jurisdiction, theresin shall pass through for the first time in Uttar Pradesh.	
6.	For the purposes of the proviso to Section 8 (1)	Range Officer under whose control the resin depot, where theresin is offered for sale comes.	
7.	For the purposes of sub-section (5) of Section 8.	Range Officer within whose jurisdiction the resin depotconcerned is situate.	
8.	For the purposes of Section 9.	Divisional Forest Officer within whose jurisdiction the treesrequired to be tapped for resin are situate.	
Resin Form I[See Rule 4]Application for transport of resin products manufactured in a unit under sub-section (c) of Section 4(1)Name, Father's name and address of the applicant. If it is a registered firm or company name of the firm of company, registration number, year of registration, the name and address of person holding a power of attorney (a copy of power of attorney be enclosed).(2)Place of resin manufacturing unit, location of headquarters or head office, village or town, tehsil, police station and district.(3)Quantity of resin processed and number and date of R. C. and quantity of resin for which registration certificate is issued.(4)Source of obtaining resin for processing in the unit. (Certificate to be enclosed from the Seller).(5)Quantity of resin product for which transport permit is applied for.(6)Period for which permit is required.(7)Destination from and to which resin products are to be transported from			
	r which the permit for transport is neede )Turpentine oillitres	α	

(b) Resin	quintals.
(c) Paints	litres.
(d) Varnishes	litres.
(e) Hardened resin	quintals.
(f) Other products	-
<u>-</u>	th the resin products are being transported from
	f transport by head/load/mules/ or truck(8)Route of
transport	
Place Signature of hol	der of permit on Form 2Checked
Date Signature of the	manufacturer or his approvedagent
Signature of Ch	eckingOfficer
(a) of Section 5(1)Name and add applying for permit in resin Formand date of registration certifical manufacturer of resin products; which the permit is valid	lication for allowing sale of resin as required vide sub-section (1) (a) me and address of the applicant. (If it is a registered firm or year of registration, the name and address of person holding a wer-of-attorney be enclosed)
1. Sri/Messrs	resident of
Village/town, P.0	O Police Station/Patti District
_	No) is allowed to
	d on from depot/is allowed to sell and
	intals of resin unutilised in the manufacture of resin
	all and transport

to Sri/Messrsresident of village town P.O. Police Station/Patti District (Registration certificate No			
			4. Route of transport
			5. Places for checking
6. The permit is valid up to (date)			
Place Signature of The Authorised Officer Checked			
productsquintals.(5)Details and quantities of resin products manufactured-  (a) Turpentine oillitres  (b) Resinquintals.  (c) Varnishlitres.  (d) Paintslitres.  (e) Hardened resinquintals.  (f) Other productsquintals.			
(6)Quantity rendered useless or destroyed, if any			

(2)Address(3)Number and date of the registration certificate of the permit
holder alongwith the quantity of resin in quintals for which the registration is made
(4)Name and address of the firm to whom the resin is being supplied
(Consigned)-(a)Manufacturer of resin products in U.P.(b)Firm of person out side Uttar
Pradesh(5)Quantity of resin for transport of which the permit is valid., quintals.(6)Destination
from and to which the resin is transported From to(7)Mode of
transport-By truck/train(8)Route of transport(9)Place for checking
(10)The permit is valid upto
Place Signature of Divisional Forest Officer Checked
Date Signature of CheckingOfficer
Resin Form 6-A[See Rule 7]Application for purchase and transport of resin as required vide
sub-section (1) (c) of Section 5(1)Name, father's name and address of the applicant. If it is a
registered firm or company, name of the firm or company, registration number, year of registration
the name and address of person holding a power-of-attorney (A copy of power-of-attorney be
enclosed)(2)Particulars of trade in resin, whether the applicant is-(a)Manufacturer o
resin products.(b)Seller/Purchaser of resin.(3)Number and date of registration certificate, if any, fo
the resin trade and quantity in quintals for which registration was made(4)Estimate
annual requirement of resin in quintals-(a)For manufacturing of resin products.(b)For sale and
transport outside U.P.(5)Quantity of resin purchased from other sources in quintals and how it was
utilized, give full account(6)Persons or firm to whom the supply is being made, full
$details\hbox{-}(a) Name\ and\ address\ of\ firm\ of\ manufacturer\ of\ resin\ products\ within\ (U.P.)/outside\ Uttar$
Pradesh alongwith the (P.C. Number and the date, if any, of the firm manufacturing resin products
in U.P.).(b)Supply order of the firm manufacturer of resin products in U.P., outside Uttar
Pradesh.(c)Evidence if any bond or agreement deed etc., of the persons or firm in both cases, if any,
depicting the terms and conditions of the supply to be made by the applicant.(7)Names of places of
godowns, if any, where the applicant's stocks of resin is stored(8)Destination from
and to which the resin is to be transported(9)Route of transport
(10)Evidence in payment of permit fee(11)Period for which the permit is
required(12)Names and address of the two persons of status to whom reference could
be made for verification of details of the applicant.(1)(2)PlaceDate
for purchase and transport of resin as required vide sub-section (1) (d) of Section 5Book
No
(2)Number and date of registration certificate and quantity of resin in quintals for
which registration is made as manufacturer of resin products(3)Quantity of resin for
transport of which the permit is valid in quintals(4)Name and address of the seller
(5)Destination from and to which the resin is to be transported From
toby head-load/mules/or trucks.(7)Route of
transport(8)Places for checking(9)The permit is valid up to (date)
Place Signature of Divisional Forest Officer Checked
Date Signature of CheckingOfficer
Resin Form 7-A[See Rule 7]Application form for purchase and transport of resin as required vide
sub-section (1) (d) of Section 5(1)Name, father's name and address of the applicant. If it is a

registered firm or company, name of the firm or company, registration number, year of registration,
the name and address of person holding a power-of-attorney (A copy of power-of-attorney be
enclosed)(2)Number and date of registration and quantity in quintals for which
registration is made as a manufacturer of resin products(3)Particulars of trade in
resin-(a)Average quantity of resin required annually(b)Quantity of resin already in
stock quintals.(c)Name of places of godowns where applicant's stock of resin is
stored(4)Quantity of resin to be purchased in quintals(5)Destination from and to
which the resin will be transported fromto(6)Name and address of the seller
(7)Mode of transport, by head-load/mules/or truck(8)Route of
transport(9)Period for which the permit is required(10)Evidence in payment
of permit fee(11)Names and addresses of two persons of status to whom reference
could be made for verification of details of the applicant.(1)(2)PlaceDate
Signature of the applicantResin Form 8[See Rule 15]Application for
registration by the private tapper as required under Section 10(1)Name, father's name and full
address of the applicant(2)Location, District, tahsil, Patti and Khasra number of
place on which Chir/ Kail trees are standing(3)Particulars regarding ownership of the
land of which the Chir tress tapping stand-(a)Verification certificate regarding the status as nap/or
private land and the name of the owner of the land should be enclosed after obtaining from District
Magistrate or Sub-Divisional Magistrate.(b)In case the applicant is not he owner of the land then
evidence or authority letter from the owner of land, which authorises the applicant to tap the Chir
trees should be enclosed.(4)Plot/Khasra-wise list of Chir trees and number of channels after duly
verified by the Patti Patwari should be enclosed(5)Whether he has been tapping during
past years, if so, cost incurred by him in extraction of resin per quintal in the past three years-
(1) (2) (3)
(6)Estimated production of resin quintals.(7)What quantity was tapped during the past
three years. Production with respect of each year should be stated-
(1) (2) (3)
(8)To whom the resin was sold in the last three years, and for what amount with respect to each year
should be stated-
(1) (2) (3)
(9) Places where the resin will be stored temporarily till delivery to the nearest forest depot.(10) Year
for which the registration is appliedCertified that I have read and understood the
provisions of the Uttar Pradesh Resin and Other Forest Produce Rules, 1976 and the rules made
thereunder. All the details given above are correct to the best of my knowledge and I shall be able to
produce evidence in this proof. Place
applicantResin Form 9[See Rule 15]Certificate of registration of private tapper as required under
Section 10This is to certify that Srison ofof village/town patti/Police
Station District falling in Range of Division has been registered
on as a private tapper of Chir trees for resin tapping for Section 10 of the U.P. Resin and
Other Forest Produce Act, 1976 and the rules made thereunder for the calendar year
estimated annual production of resin in the private land detailed below isquintals. The
registration will be valid up to
Khasra Nos. No. of Chir trees fit for resin tapping No. of resin channels

Total				
10[See Rule 16 (1)]Ay Section 10(1)Name, to name and firm or co	Signature of the Divisional Forest Office pplication for registration of manufacturather's name and address of the application, registration number, year of regwer-of-attorney (A copy of power-of-attorney)	rer of resin products, as required under ant. If it is a registered firm or company, distration, the name and address of		
(2)Place tahsil, police station,	es of business, location of the headquart , Patti, District(3)Particulars of quantity of resin products manufacture	ers or head office, village or town, f resin products manufactured		
(a) Turpentine oil	- · ·	u annuany-		
•	quintals.			
	-			
(c) Varnish				
	litres.			
	quintals.			
•	quintals.			
manufacturing of resapplicant's stocks of	(b)Trade mark, if any			
any(4)	Since when the applicant is manufacturi	ng resin products		
(5)Q	quantity of resin in quintals for which reg	gistration is		
-	(6)Year of which registration is requir			
	ously registered and if so, in what year ar			
	quintals(8)Any other			
-	hat he is a bona fide manufacturer of residence of payment of registration fee	(10)Names and addresses of		
	whom reference could be made for verifi-			
-	2)PlaceSignature	<del></del>		
	orm of registration certificate as require			
	NoThis is to certify that Sri/M			
village/town/city	Police Station/Patti	tahsildistrict		
has been	registered for the year for the purpose $\alpha$	of manufacturer of resin products as		
-	on 10 of the U.P. Resin and Other Fores	, 9		
1976 and the rules made thereunder. Estimated quantity of Resin/Resin products is or will be about				
quintals sto	ored at one or more or all of the followir	ig places :		
1. 2. 3. 4. 5.				
The registration is valid for one year up to (date)				
Seal of Office.Dated		Signature of Divisional Forest		
seal of Office.Dated	•••••	OfficerDivision		

The U.P. Resin and other Forest Produce (Regulation of Trade) Rules, 1976

Copy forwarded to the Conservator of		
ForestsCircle, U.P. for information.		
	<b>Divisional Forest</b>	
	OfficerOfficer	Division