

The M.P. Kashtha Chiran (Viniyaman) Niyam, 1984

MADHYA PRADESH

India

The M.P. Kashtha Chiran (Viniyaman) Niyam, 1984

Rule THE-M-P-KASHTHA-CHIRAN-VINIYAMAN-NIYAM-1984 of 1984

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1. Short title.

- These rules may be called the Madhya Pradesh Kashtha Chiran (Viniyaman) Niyam, 1984.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Adhiniyam", means the Madhya Pradesh Kashtha Chiran (Viniyaman) Adhiniyam, 1984 (No. 13 of 1984); (b) "Divisional Forest Officer" means the forest officer in charge of a Territorial Forest Division; (c) "Form" means a form appended to these rules; (d) "Section" means a section of the Adhiniyam.

3. Application for licence.

(1) To obtain licence to establish a saw mill [x x x] [Word 'saw pit' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.] or to operate a saw mill [x x x] [Word 'saw pit' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.] in existence on the appointed day (under Section 4) the person shall make an application to the licensing officer. (2) The application for establishing a saw mill [x x x] [Word 'saw pit' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.] shall be in Form A and the application for operating a saw mill [x x x] [Word 'saw pit' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.] in existence on the appointed day, shall be in Form 'B'. Such application form may be had from the officer of the licensing officer concerned or from any other licensing officer. (3) An unrefundable fee of [one thousand five hundred [x x x] [Substituted by Notification No. F-30-24-91-X-3, dated 29-3-1993.]] shall be paid for each application for grant of licence for saw mill or [x x x] [Word 'saw pit' or 'saw pits' omitted by

Notification No. F-30-8-2000-X-3, dated 22-9-2005.] respectively. The amount shall be payable to the account of this forest division in which the saw mill or [x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.] is already operating or is proposed to be established, in accordance with the rules prescribed for acceptance of money by the Forest Department. A separate application shall be required for each saw mill or [x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.].(4)(i)The application for licence for saw mill or [x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.] complete in all respects including the prescribed application fee shall be submitted to the licensing officer.(ii)No person shall be allowed to apply on behalf of another person or a company unless he encloses a copy, with application and produces the original before the licensing officer, of the power of attorney executed by the person or company empowering him to act on his or their behalf or the certificate of registration of the company of which he claim to be partner.(iii)A Co-operative Society may submit the application enclosing a duly certified copy of the resolution passed in this respect :Provided that such certified copy of the resolution shall not be required in case of Government owned Corporation.(5)Every such application shall be accompanied by a Treasury Challan showing a cash deposit of Rupees one thousand under the head "Revenue Deposit in the name of the post held by the licensing officer concerned as advance security deposit, for saw mill challan for making revenue deposit may be obtained from office of any licensing officer.(6)The licensing officer while refusing to grant the licence shall apart from any other consideration which in his opinion justifies his action of refusing to grant the Licence; consider the following(i)Whether the site of the saw mill or [x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.] is within such limits from nearest Government forests as is prescribed by the State Government.(ii)Whether availability of wood in the area for purpose of sawing is already not enough warranting establishment of a new saw mill or a [x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.].(iii)Whether establishment of saw mill or [x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.] has already led to or will lead to illicit fellings of trees and be against the protection and conservation of forest and environment.(iv)Whether the person or company applying for the licence has been found guilty of forest offence of grave nature.

4. Grant of licence.

(1)The licensing officer shall grant the licence in Form 'C'.(2)The licence shall be subject to the following conditions :-(a)Sawing operations in the saw mill and [x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.] shall not be carried out after sunset and before sunrise unless it has been permitted by the licensing officer in writing.(b)The certified copies of the licence and the permission granted under clause (a) above, shall be displayed at a prominent place in the saw mill or [x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.].(c)The datewise account of wood purchased for sawing and disposal shall be kept in the form prescribed for this purpose in sub-rule (1) of Rule (6).(d)The [quarterly] [Substituted by Notification No. F-30-8-2000-X-3, dated 22-9-2005, for 'monthly'.] account of arrival sawing and disposal of wood received for sawing only shall be kept in the form prescribed for this purpose in sub-rule (2) of Rule 6.(e)The registers of accounts shall if so required

be produced before the licensing officer or any other officer authorised by him for inspection.(f)If the licensee or the person incharge of the operation of saw mill or [x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.] has reason to believe that the wood brought to the saw mill or the [x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.] illicitly, he shall inform the nearest Range Officer as early as possible about the arrival of illicit wood in no case the illicitly brought wood shall be sawn.(g)The expansion of the saw mill or saw pit, or change in its location shall not be carried out without the written permission of the licensing officer.(3)[The licence shall be valid for three calendar years for which it was issued.] [Substituted by Notification No. F-30-24-91-X-3, dated 29-3-1993.](4)Before granting the licence to the applicant, the licensing officer shall show him the copy of the conditions under which the licence is being granted and the forms of accounts in which accounts of arrival sawing and disposal of wood shall be maintained. The licensing officer shall get these conditions read before and consents of the forms explained to the applicant if he is not able to read. The licensing officer shall obtain the signature or thumb impression, as the case may be, of the applicant as a token of his acceptance of these conditions. A copy of the conditions and forms in which accounts shall be maintained shall be supplied to the applicant.(5)If the licence is lost or is mutilated, a certified copy of the same can be obtained from the licensing officer on payment of rupees ten for each licence.

5. Renewal of licence.

(1)Every licensee shall apply to the licensing officer for renewal of the licence at least one month before the expiry of the calendar year for which the licence is valid.(2)[The application fee for renewal of licence for saw mill shall be rupees fifteen hundred] [[Substituted by Notification No. F-30-8-2000-X-3, dated 22-9-2005. Prior to substitution it read as under:'(2) The application fee for renewal of licence for saw mill shall be rupees one hundred and saw pit shall be rupees ten.']].(3)The licensing officer after making such enquiry as it may deem fit, may renew or may by order in writing for reasons in brief to be stated therein, refuse to renew licence :Provided that no order refusing to renew the licence shall be passed unless the applicant has been given a reasonable opportunity of being heard.(4)The licence shall be renewed [for three calendar years] [Substituted by Notification No. F-30-8-2000-X-3, dated 22-9-2005, for the words 'for a calendar year'.] only ;Provided that for the period during which application for renewal of licence is pending for consideration, it shall be deemed as if such licence was renewed under the Act and the licensee was operating the saw mill or saw pit accordingly.(5)The licence shall be renewed on the same conditions on which it was granted :Provided that unless there are reasons to the contrary, the licence will ordinarily be renewed.

6. Submission of returns.

(1)The licensee shall maintain a register of the datewise purchase of wood for sawing and disposal in Form D-1.(2)The licensee shall maintain a register of the [x x x] [Omitted by Notification No. 592/XI-III-88, dated 10-2-1988.] account of arrival, sawing and disposal of wood received for sawing only in Form D-2.(3)[The licensee shall submit the returns of these accounts in Form D-3 to the concerned Range Officer and the licensing officer by a date [not later than 10th of the first

month] [Substituted by Notification No. 592/XI-III-88, dated 10-2-1988.] of the next quarter.]

7. Installation of electric connection.

(1)Licensing officer shall give a list of persons along with the name of saw mills who have obtained licence for operating the already established saw mills or for establishing and operating a new saw mill, to the concerned Divisional Engineer of the Madhya Pradesh Electricity Board. The licensing officer shall also give a list of persons along with name of saw mill who are operating the saw mills without a valid licence or whose licence has either been revoked or suspended. He shall, also inform the name of person, with name and location of the saw mill as soon as it comes to his knowledge that the person is operating the saw mill without a valid licence, to the concerned Divisional Engineer of the Madhya Pradesh Electricity Board.(2)The Divisional Engineer of the Madhya Pradesh Electricity Board shall ensure that only those saw mills whose owners are operating them under a valid licence from the concerned licensing officer, are consuming the electric energy.(3)The Divisional Engineer of the Madhya Pradesh Electricity Board shall, either on a reference made to him in this behalf or otherwise, that a saw mill is being operated without a valid licence, take immediate measures to disconnect the supply of electric energy to such saw mills.(4)Where the saw mill operating without a valid licence the electric energy is also being used for purposes other than sawing the supply of electric energy shall remain disconnected till such time that the owner of the saw mill obtains valid licence or disposes of the plants and machinery, impliments and equipment which are used in operation of the saw mill.

8. Authority to whom appeal shall lie.

- The appeal under Section 11 of the Act, shall lie to the Conservator of Forests of the concerned Forest Circle.Form A[See Rule 3(2)]Application for grant of licence for establishing and operating a new saw mill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No, F-30-8-2000-X-3, dated 22-9-2005.]

1. Applicant's name and his father's name in full (in case of company give names of partners and of persons holding power of attorney to act on behalf of the company).
2. Profession.
3. Full address.
4. Details of proposed location of saw mill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.](location map will also be attached).
5. Is applicant already owning and operating any other sawmill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.]?
6. If answer to (5) is 'Yes' give details of the sawmill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.]-
 - (a) Make and year of sawing machine.
 - (b) No. of sawing machines.

- (c) Type of motive force and its horse-power.
- (d) Monthly capacity.
- (e) Any other information.
7. Monthly capacity of the saw mill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.]to be established.
8. Species of wood that would be generally sawn.
9. Source from where the wood is obtained.
10. The period in which saw mill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.]will be established.
11. Details of saw mill to be established-
- (a) No. of sawing machines.
- (b) Type of motive force and its horse-power.
- (c) Any other information.
- Any other activity which is proposed to be carried out in the saw mill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.].
12. Evidence of payment of application fee.
13. Evidence of payment of security deposit.
- Declaration I/We.....hereby declare that, I/We have read and understood all the provisions of the Madhya Pradesh Kashtha Chiran (Viniyaman) Adhiniyam, 1984 and the rules made thereunder and I/We agree to abide by the same. Date..... Signature of the applicant Form B [See Rule 3(2)] Application for grant of licence for operating an already established saw mill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F- 30-8-2000-X-3, dated 22-9-2005.]
1. Applicant's name and his father's name in full (in case of company give names of partners and of persons holding power of attorney to act on behalf of the company).
2. Profession.
3. Full address.
- Details of proposed location of saw mill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F- 30-8-2000-X-3, dated 22-9-2005.](Location map will also be attached map of saw mill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F- 30-8-2000-X-3, dated 22-9-2005.]will also be attached).
4. Details of the saw mill-
- (a) Make and year of sawing machine.
- (b) Horse power of the electrical or mechanical motor.
- (c) No. of sawing machines.
- (d) Type of motive power.
- (e) Any other information.
6. Monthly capacity of the saw mill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F- 30-8-2000-X-3, dated 22-9-2005.].

7. Species of wood that are generally sawn.
 8. Source from where the wood is obtained.
 Besides sawing any other activity which is carried out in the saw mill/[x x x] [Word
 9. 'saw pit' or 'saw pits' omitted by Notification No. F- 30-8-2000-X-3, dated
 22-9-2005.].
 Details of any other saw mill[x x x] [Word 'saw pit' or 'saw pits' omitted by
 10. Notification No. F- 30-8-2000-X-3, dated 22-9-2005.]for which licence has already
 been obtained or applied for.
 11. Evidence of payment of application fee.
 12. Evidence of payment of security deposit.
- DeclarationI/We.....hereby declare that, I/We have read and understood all the provisions
 of the Madhya Pradesh Kashtha Chiran (Viniyaman) Adhiniyam, 1984 and the rules made
 thereunder and I/We agree to abide by the same.Date.....Signature of the
 applicantForm C[See Rule 4(1)]The licence for operating the established saw mill/ [x x x] [Word
 'saw pit' or 'saw pits' omitted by Notification No. F- 30-8-2000-X-3, dated 22-9-2005.] establishing
 and operating a new saw mill or [x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-
 30-8-2000-X-3, dated 22-9-2005.](This form shall also be used for renewing the licence)
- Applicant's name and his father's name in full (in case
1. ofcompany give names of partners and of persons holding
 power ofattorney to act on behalf of the company).
 2. Profession.
 3. Full address.
- Details of location of saw mill/[x x x] [Word 'saw pit' or 'saw
4. pits' omitted by Notification No. F- 30-8-2000-X-3, dated
 22-9-2005.].
- Legal status of the land and title of ownership of the landon
5. which saw mill/[x x x] [Word 'saw pit' or 'saw pits' omitted by
 Notification No. F- 30-8-2000-X-3, dated 22-9-2005.]is
 established or proposed to beestablished.
6. Details of the saw mill-
 (a) Make and year
 of sawing
 machines.
 (b) No. of sawing
 machines.
 (c) Type of motive
 force and
 horse-power.
- Monthly capacity of the saw mill/[x x x] [Word 'saw pit' or 'saw
7. pits' omitted by Notification No. F- 30-8-2000-X-3, dated
 22-9-2005.](approx)

8. Species of wood that would be generally sawn.
- The period in which saw mill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F- 30-8-2000-X-3, dated 22-9-2005.] will be established.
- Activity other than sawing which will be carried out in the saw mill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F- 30-8-2000-X-3, dated 22-9-2005.].
10. mill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F- 30-8-2000-X-3, dated 22-9-2005.].
11. Period for which the licence is being granted/ renewed
- Place..... Signature of Licensing Officer
- Date..... Name.....
- Seal of the office

Note. -(1) The conditions under which licence is being granted and the forms in which account shall be maintained has been given to the licensee and the same has been fully explained to him.(2)The signature of the licensee has been obtained as a token of this.....Signature of Licensing Officer.

Form D-1[See Rule 6 (1)]Details of receipts and disposal statement of wood purchased period from.....to.....Name of Saw Mill/[x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.] Place of Saw Mill/ [x x x] [Word 'saw pit' or 'saw pits' omitted by Notification No. F-30-8-2000-X-3, dated 22-9-2005.] [x x x] [Omitted by Notification No. 592-X-III-88, dated 10-2-1988.]

Opening Inwards (Receipts) from Forest
Stock Department

Species	Cmt.	Sawn Cmt.	Date	T.P. No.	Name of Depot	Species	Logs
No.	Cmt.						
1	2	3	4	5	6	7	8 9

Other than Forest Department

Swan Cmt.	Date	T.P. No.	other evidence	Name of source	Species	Logs
No.	Cmt.					
10	11	12		13	14	15 16

Total Sales

Sawn Cmt.	Species	Logs	Sawn Cmt.	Local	Inter state													
No.	Cmt	Species	Logs	Sawn Cmt.	Logs	Sawn Cmt.												
No.	Cmt.	No.	Cmt.															
17	18	19	20	21	22	23	24	25	26	27	28							

Balance stock Remarks

Species	Logs	Sawn Cmt.
29	30	31 32

Note.-(1) This form will have to be filled date-wise.(2)At the end of the month, total will be given at the end.(3)[On demand the register shall be placed for inspection before any forest officer.]

[Inserted by Notification No. 592-X-III-88, dated 10-2-1988.]Signature of
Owner/PartnerName.....Date.....Form No. D-2[See Rule 6 (2)]Account of
Wood Received for Sawing Only [x x x] [Omitted by Notification No. 592-X-III-88, dated
10-2-1988.]Name of Saw Mill/[x x x] [Word 'saw pit' omitted by Notification No, F- 30-8-2000-X-3,
dated 22-9-2005.].....Account for period fromLocation of Saw Mill/[x x x] [Word 'saw
pit' omitted by Notification No. F- 30-8-2000-X-3, dated 22-9-2005.].....

Opening balance	Sawn Cmt	Received during the day
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No.	Date	Species	Logs	Transit pass No. & date	Name of the person and address	Species Log
No.	Cmt.	No.	Cmt.			
1	2	3	4	5	6	7 8 9 10 11

Sawn Cmt Total

Species	Log
No.	Cmt.
12	13 14 15

Sawn during the day Delivered to the owner

Sawn Cmt.	Species	No. of Sawn Cmt.	Bill No. and date	Species Cmt.
Logs.	Cmt.			
16	17	18 19	20	21 22 23

Balance Sawn Cmt. Remarks

Species	Round
No.	Cmt.
24	25 26 27 28

[Note. [Inserted by Notification No. 592-X-III-88, dated 10-2-1988.]- (1) This form will have to be filled datewise.(2)At the end of the month, total will be given in the end.(3)On demand the register shall be placed for inspection before any Forest Officer.]Signature of

Owner/PartnerName.....Date.....[Form D-3] [Substituted by
Notification No, F-30-8-2000-X-3, dated 22-9-2005.]Quarterly Return of Saw Mill
Month.....Licence No.Saw Mill Owner's Name and Address :-

Species	Total
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	Opening Balance of Round Timber at the beginning of the quarter	Purchase of Round Timber during the quarter				
Logs (Cmt.)	Poles/ Dengari (Nos.)	Logs (Cmt.)	Poles/ Dengari (Nos.)	Logs (Cmt.) (2 + 4)	Poles/Dengari (Nos.) (3 + 5)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
TeakSalBeejaShishamHaldu/MundiSajaOthers						
Total:						

Species	Disposal of Round Timber during the Quarter					
	Sawn (Cmt.)	Sals (Cmt.)	Total			
Logs (Cmt.)	Poles/ Dengari (Nos.)	Logs (Cmt.)	Poles/ Dengari (Nos.)	Logs (Cmt.) (8 + 10)	Poles/Dengari (Nos.) (9 + 11)	
1	8	9	10	11	12	13
TeakSalBeejaShisham						
1	8	9	10	11	12	13
Haldu/MundiSajaOthers						
Total:						

Species	Closing balance at the end of the quarter	Opening Balance of Sawn Timber (Cmt.) at thebeginning of the quarter	Sawn Timber obtained from Sawing of Logs andPoles (Cmt.) (8 + 9)	Total Sawn Timber during the quarter (Cmt.) (16 +17)	
Logs (Cmt.) (6 -12)	Poles/Dengari (Nos.) (7 - 13)				
(1)	(14)	(15)	(16)	(17)	(18)

TeakSalBeejaShishamHaldu/MundiSajaOthers

Total:

Species	Disposal of Sawn Timber by Sale during the quarter	Total (Cmt.) (19 + 20)	Balance of Sawn Timber at the end of the quarter(Cmt.) (18-21)	Remarks
Local Sales by Bill (Cmt.)	By T.P. (Cmt.)			
(1)	(19)	(20)	(21)	(22)
TeakSalBeejaShishamHaldu/MundiSajaOthers				(23)
Total:				