

MANIPUR GAZETTE



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GOVERNMENT OF MANIPUR SECRETARIAT: FOREST & ENVIRONMENT DEPARTMENT

NOTIFICATION

Imphal, the 7th March, 2020

No.57/130/2010-For & Evt: In exercise of the powers conferred by Sections 41 and 76 of the Indian Forest Act, 1927 (16 of 1927), the Governor of Manipur hereby makes the following rules, to amend the Manipur Wood Based Industries (Establishment & Regulation) Rules 2018, namely:-

1. (1) These rules may be called the Manipur Wood Based Industries (Establishment and Regulation) (Amendment) Rules, 2020.
(2) They shall come into force with effect from the date of their publication in the Official Gazette.
2. **In the Manipur Wood Based Industries (Establishment & Regulation) Rules, 2018 (hereinafter referred to as "said rules"), in rule 8-**
(1) after clause (4), the following clauses shall be inserted, namely:-

“(4A) If the application for renewal of license is not applied within 6 (six) months from the date of expiry, the license shall be deemed cancelled. Thereafter, the owner shall be barred for 2 (two) years to apply for a new license. License of the Wood Based Industrial Unit on renewal shall be issued in Form-IV.

(4B) prior to 6th December 2018 on which the said rules came into force, for the interregnum fee for renewal of license of Wood Based Industries and late fee shall be as per the provisions provided in the Manipur Factories Rules, 1972.

(4C) From 6th December 2018, if the application for renewal is not received within the specified time, the license shall be renewed only on payment of an additional late fee at the rate of 25% of the full renewal fees payable annually.

(4D) Estimated annual consumption of timber by woods based industries: For the purpose of assessing the timber requirement of the wood based units, they may be divided into (a) Units upto 10 HP (b) Units between 10 HP and 20 HP (c) Units between 20 HP and 40 HP (d) Units between 40 HP and 60 HP and (e) Units above 60 HP.

The annual requirement of round log for saw mills of different capacities may be fixed by the State Level Committee based on the technical data or as per the formula given below:

- | | |
|-----------------------------------|---|
| (a) Units of 10 HP and below | : Upto 540 m ³ (base value) |
| (b) Units between 10 HP and 20 HP | : Upto 810 m ³ (1.5 times the base value) |
| (c) Units between 20 HP and 40 HP | : Upto 1,080 m ³ (2 times of the base value) |
| (d) Units between 40 HP and 60 HP | : Upto 1,620 m ³ (3 times of the base value) |
| (e) Units above 60 HP | : Upto 2,160 m ³ (4 times of the base value)”. |

(2) after clause (8), the following clauses shall be inserted, namely: -

“(9) Transfer of License: In case of transfer of license to another person by sale or other, all provisions for granting a new license shall apply except in the case of transfer of license on the basis of succession.

(10) Duplicate License: Where a license granted under these rules is lost or accidentally destroyed, a duplicate license may be issued on payment of fee at the rate of 25% of the fees for a new license with submission of a copy of FIR lodged in the Police Station under which jurisdiction of the Wood Based Industrial Unit is located.

(11) Amendment of License: After approval of the State Level Committee, a licensee shall get his license amended in case of enhancement of the licensed capacity/manpower or horse power of installed machines or change in type and category of the unit following due procedure prescribed. Fee for amendment of license shall be the same to that of a new license.

(12) Shifting of Unit: If a licensee desires to shift the location of his/her Saw Mill/Unit from one place to another, an application shall be made to the Member Secretary, State Level Committee with reasons for shifting of the location. Shifting of location shall be effected only after the approval of the State Level Committee and on payment of fee equal to the establishment of a new Wood Based Unit.

(13) Seniority inter-se among the licensed Wood Based Industries:

(a) The seniority list of licensed wood based industries namely for Veneer/Peeling, Saw Mill, other wood based units or fresh applications for license of wood based units shall be prepared and published separately for each category.

(b) In case of transfer of license on the basis of succession, the seniority of such wood based industry shall remain unchanged. But the seniority of a saw mill license transferred on the basis of sale shall be at the bottom of the seniority list.

(c) Upgradation or enhancement of licensed capacity or grant of new license, as the case may be, of any wood based unit shall be considered by the State Level Committee according to the seniority list”.

3. In the said rules, in rule 12, after clause (3), the following clauses shall be inserted, namely:-

“(4) Power of Seizure: Any forest officer, not below the rank of a Forest Range Officer within his area of jurisdiction, shall have the power to seize any or all the machines, tools, materials, documents, records etc. belonging to a wood based industrial unit / furniture unit functioning in contravention of the provisions of these rules.

(5) Compounding of offence: The authorized officer shall have the power to compound any offence committed by a person under the provisions of these rules, on realization of such amount as compounding fees which shall be equivalent to the value of the seized material, and imposing a fine which shall not exceed Rs.10,000/- (Rupees ten thousand). After the compounding, the seized material except the timber from the Government forests shall be

released and no offence shall lie against the person. In case the seized material includes timber from Government forests, the same shall stand confiscated. Any offence committed in violation of any of the provisions of these rules, involving the same person, shall not be compounded more than two times and in such case, the license shall become liable for cancellation. The licensee shall be barred for operating wood based industrial unit for next 2(Two) years.

(6) Confiscation of Wood Based Industry etc:

- (i) The Authorized Officer may order for confiscation of the stock of wood/ plant produce unlawfully stored together with whole or portion of the plants and machinery, vehicles, implements, equipments or any other articles which have been used in the commission of the offence in cases where:
- (a) a wood based industry is established and/or operated without a valid license; or
 - (b) a wood based industry is operated after suspension or revocation of license; or
 - (c) a wood based industry is not operated in the allotted Industrial Estate or Minor industrial estate; or
 - (d) unaccounted wood/ plant produce is found in the premises of the wood based industry.
- (ii) An intimation about initiation of proceedings for confiscation of property shall be sent to the magistrate having jurisdiction to try the offence on account of which seizure has been made.
- (iii) No order of confiscation of any property shall be made under sub-clause(i) above unless the person from whom the property is seized, and in the case where the owner of such property is known, such person is given-
- (a) a notice in writing intimating him of the grounds on which the confiscation of such property is proposed;
 - (b) an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds for confiscation; and
 - (c) a reasonable opportunity of being heard in the matter”.

4. In the said rules, after rule 12, the following rule shall be inserted, namely:-

“12A. Any person contravening any of the provisions of these rules including the principal rules shall be punishable with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both”.

A. HEERA SINGH,
Under Secretary (Forest & Env't),
Government of Manipur

FORM - IV**LICENCE FOR WOOD BASED INDUSTRIAL UNIT (ON RENEWAL)**

[See Rule No.8 of Manipur Wood Based Industries (Establishment & Regulation) Rules 2018]

- 1) Registration No. :
 2) Name of the Wood-Based Industry :
 3) Type of Wood Based Industry :
 4) Location/Name of MIE/IE :

Photo of
Licensee

License is hereby renewed to Shri /M/s.....
S/o.....resident of.....
and shall be valid upto.....subject to the provisions
 contained in the *Manipur Wood Based Industries (Establishment & Regulation) Rules 2018*, as
 amended from time to time and on the conditions **given on the reverse of this License**. The
 License has paid renewal fee of Rs.(Rupees.....) only vide
 Treasury Challan No./DD No./RTGS No.).....dated.....

2. Description of the Machineries permitted

Sl. No.	Type of machines with specification/size	With or without trolley	Size or specification	Horse Power	Number	Installed capacity in cu.m (annually)
1	Horizontal band saw					
2	Vertical band saw					
3	Circular saw					
4	Peeling machine					
5	Match stick making machine					
6	Others (Specify)					

Place:

Dated:

Signature of the Licensing Officer

Name:

Designation:

Official Seal:

CONDITIONS

16. *Wood Based Industry (WBI) with license shall be established and run within the allotted Minor Industrial estate only notified by the State Government.*
17. *The licensee shall be renewed annually as prescribed under the Rules only in those cases where no irregularity is detected. This should be supported with changed incorporation under the Factory Act or other relevant Acts and Rules.*
18. *The licensee shall not transfer the license on sale/succession or alter the location of the WBI, without obtaining prior permission in writing of the State Level Committee (SLC).*
19. *The location or building of the WBI mentioned in the license shall not be shifted without the prior approval of the SLC.*
20. *The name of the WBI mentioned in the license shall not be changed without the approval/permission of the SLC.*
21. *The licensee shall keep and maintain registers of timbers, documents and accounts as per the formats prescribed in the Rules.*
22. *The Wood Based Industrial Unit licensed for a particular category shall not be converted into any other category without obtaining a fresh license.*
23. *The capacity of the Wood Based Industrial Unit shall not be enhanced or any new machinery other than those mentioned in the license shall not be installed without the prior approval of the SLC.*
24. *The WBI shall not accept any timber without a valid transit pass for sawing/re-sawing or processing. Timber offered to the unit without the valid transit pass shall be immediately reported to the Forest department.*
25. *Any kind of forest produce entering or leaving a WBI or its premises shall be covered by a transit pass or a transit challan issued under the provisions of the Indian Forest Act 1927 and Manipur Forest Rules, 1971.*
26. *The license holder shall be responsible for any illegal timber stacked or lying within the premises.*
27. *The WBI shall be subjected to inspection and verification at any time as provided under Rule No.12. During such inspection and verification, the licensee or his authorized agent shall extend all possible assistance to the inspecting officer. All the round timber, sawn timber and wastage shall be properly stacked for facilitating stock taking and inspection.*
28. *The licensee shall ensure that all the round timber, sawn timber and wood waste are properly stacked according to the instructions that may be issued from time to time by the Licensing Officer.*
29. *The premises of the WBI including the yard for storage shall be enclosed within a fence fitted with proper gates.*
30. *The license holder shall not do any activity causing pollution and health hazard to the local people and take necessary health, safety and welfare measures for workers being used in the WBI as per Rule No.12.*