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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA

Forest and Wildlife (B) Department

NOTIFICATION

GO. (P)No. 66/2015/F&WLD. Dated, Thiruvananthapuram, 9th September, 2015
24th Chingam, 1191.

S. R. O. No. 584/2015.—In exercise of the powers conferred by sections 39 and 76 of the Kerala Forest Act, 1961 (4 of 1962), the Government of Kerala hereby make the following rules to amend the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Rules, 2012 issued by notification under G. O. (P) No. 51/2012/F&WLD, dated 19th April, 2012 and published as S.R.O. No. 269/2012 in the Kerala Gazette Extraordinary No. 805 dated 19th April, 2012, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Amendment Rules, 2015.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Rules, 2012,—

(a) in rule 2, in sub-rule (1), after clause “(g)”, the following clause shall be inserted, namely:—

“(ga) “imported wood” means wood imported from outside the country under a valid licence for the purpose issued by a competent authority under the Government of India.”;

(b) in rule 3,—

(i) to sub-rule (3), the following proviso shall be added, namely:—

“ Provided that any person owning or running a saw mill or other wood based industrial unit on or before the 30th October, 2002, who failed to apply for a licence within six months from the date of commencement of these rules due to inadvertent omission or any other reasonable cause, shall apply for a licence under these rules within a period of six months from the date of commencement of the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Amendment Rules, 2015.”;

(ii) after sub-rule (3), the following sub-rule shall be inserted, namely:—

“(3 A) The Advisory Committee shall examine the reason for the delay and the bonafides of the application submitted as per sub-rule (3) of rule 3 and forward the same to the Authorised Officer for considering it under the provisions of these rules.”;

(iii) for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4) The Authorised Officer may grant a licence under the provisions of these rules to a sawmill or other wood-based industrial unit which was functioning on or before the 30th October, 2002, on the strength of a licence issued by a Local Self Government Institution or a licence issued by the Department of Factories and Boilers, Government of Kerala, with the installed capacity permitted as per the licence valid on or before the 30th October, 2002;”

(iv) in sub-rule (6) and sub-rule (7), after the words “Local Self Government Institution”, the words “or the Department of Factories and Boilers, Government of Kerala” shall be inserted;

(v) for sub-rule (9), the following sub-rule shall be substituted, namely:—

“(9) In the event of refusal of licence by the Authorized Officer, the applicant may file an appeal before the Appellate Authority as provided in rule 19 of these rules. The appellate authority may stay the order of the Authorised Officer refusing the licence and permit the appellant to continue the operation till the appeal is decided if there is sufficient reasons for the same. In the event of refusal of the appeal by the Appellate Authority, the applicant shall forthwith stop the operation and wind up the sawmill or other wood-based industrial unit with effect from the date of communication of the order in writing, rejecting the appeal.”;

(c) in rule 4,—

(i) in sub-rule (1), after the words, figures and letters “on or before 30th October, 2002”, the words, figures and symbols “and to all industrial units exempted under sub-rule (5) of rule 3” shall be added;

(ii) in sub-rule (2), after the words “the Local Self Government Institution”, the words “or under a licence issued by the Department of Factories and Boilers, Government of Kerala”, shall be inserted;

(d) in rule 6,—(ii) in sub-rule (1), after the words “Local Self Government Institution” the words “or a licence obtained from the Department of Factories and Boilers, Government of Kerala,” shall be inserted;

(ii) after sub-rule (1), the following sub-rule shall be inserted, namely:—

“(1A) Any person running a sawmill or other wood-based industrial unit under a licence obtained from a Local Self Government Institution or a licence obtained from the Department of Factories and Boilers, Government of Kerala, on or before the 30th October, 2002, who failed to apply for a licence under these rules within a period of six months from the date of commencement of these rules for the reasons stated in the proviso to sub-rule (3) of rule 3 shall, within a period of six months from the date of commencement of the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Amendment Rules, 2015, apply to the Authorised Officer through the Chairperson of the Advisory Committee in Form 1A for obtaining a licence under rule 7.”;

(e) in rule 7, in sub-rule (1), after the words, symbols and figures “sub-rule (3) of rule 6”, the words, figure, letter and symbols “and sub-rule (3A) of rule 3”, shall be inserted;

(f) in rule 8, in sub-rule (1),—

(i) for condition number (v), the following shall be substituted, namely:—

“(v) The period of licence granted under these rules shall be three years from the date of issuance of the licence for all sawmills or other wood based industrial units located within a radial distance of five kilometres from the nearest Reserve Forest boundary and five years in all other cases.”;

(ii) in condition number (xii), the words “or ownership” and the words and figures “under rule 15” shall be omitted;

(iii) condition number (xiii), shall be omitted and condition number (xiv) and (xv) shall be renumbered as (xiii) and (xiv) respectively.

(g) in rule 9,—(i) in item (i) under *Category 1*, after the words “Local Self Government Institution”, the words “or licence from the Department of Factories and Boilers, Government of Kerala” shall be inserted;

(ii) for item (iii) under *Category 1*, the following item shall be substituted, namely:—

“(iii) A sawmill and a small scale furniture unit that were functioning together in the same premises prior to the 30th October, 2002 shall continue as such and in other cases sawmill and other small scale furniture unit shall not be located in the same premises.”

(iii) for item (vi) under *Category 2*, the following item shall be substituted, namely:—

“(vi) and a sawmill that were functioning together in the same premises prior to 30th October, 2002 shall continue as such and in other cases sawmill and other small scale furniture unit shall not be located in the same premises.”;

(iv) in item (i) under *Category 3*, after the words “Local Self Government Institution”, the words “or licence issued by the Department of Factories and Boilers, Government of Kerala” shall be inserted;

(v) item (ii) under *Category 3* shall be omitted and items (iii) and (iv) shall be renumbered as (ii) and (iii), respectively;

(vi) after *Category 9*, the following category and items under it shall be inserted, namely:—

“*Category 10*: Small scale units for processing coconut palm or palmyrah wood or both—

(i) All units under this category which were functioning prior to the 30th October, 2002 with a licence from a Local Self Government Institution or the Department of Factories and Boilers, Government of Kerala shall be eligible for licence, provided the other conditions are satisfied;

(ii) Any unit under this category which started functioning after the 30th October, 2002 will be given licence only after assessing the availability of wood from all sources by the Advisory Committee and on satisfaction that adequate quantity of wood for the unit is available;

(iii) All units under this Category shall use only coconut wood or palmyrah wood or both;

(iv) Units under this category shall use band saw and resaw upto 10 HP;

(v) A written assurance shall be given by the applicant that he shall use only coconut wood and palmyrah wood.”;

(h) in rule 10, for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4) Applications for renewal of licence received after three months from the date of expiry of the period of licence shall be considered only after realizing a late fee of 200 rupees for the delay for each month or part thereof for wood-based industrial units included in Categories 2 and 3 under rule 9 and 500 rupees for all other categories.”

(i) in rule 11, for sub-rule (6), the following sub-rule shall be substituted, namely:—

“(6) The period of renewed licence shall be three years for all wood-based industrial units located within a radial distance of 5 kilometre from the nearest reserve forest boundary and five years in all other cases.”;

(j) in rule 12, for sub-rule (3), the following sub-rule shall be substituted, namely:—

“(3) Licence for enhancing the installed capacity of a sawmill or other wood-based industrial units using all types of wood, by installing additional band saw, resaw of having the power above 5 HP or any other machine having the power above 5 HP suitable for converting round log and hydraulic press for plywood manufacturing shall be granted only after assessing the availability of wood from all sources by the Advisory Committee and on satisfaction that adequate quantity of wood is available for permitting such enhancement of capacity of the unit.”;

(k) rule 15 and rule 16 shall be omitted;

(1) in rule 18, for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) The Authorised Officer may also cancel any licence issued under these rules on receipt of a report from the authorities of Pollution Control Board to the effect that the unit is causing health hazard to local people.”;

(m) in rule 23, for the word "Forester", the words "Range Forest Officer" shall be substituted;

(n) in rule 25, after the words "hand tools", the words and figures "or machines requiring power of less than 5 HP or both" shall be added;

(o) in rule 26,—(i) in clauses (viii) and (ix) of sub-rule (2), for the words "A representative", the words "Two representatives" and for the word "Member" appearing against them, the word "Members" shall be substituted;

(ii) in sub-rule (3), item (iv) shall be re-numbered as item (v) and before item (v) as so re-numbered the following item shall be inserted, namely:—

"(iv) To receive the applications for licence submitted under sub-rule (1A) of rule 6 to examine and decide the bonafides and admissibility of such application and to forward the same with its recommendations or comments to the Authorised Officer for considering it under the provisions of these rules"

By order of the Governor,

P. MARA PANDIYAN,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Government of Kerala issued the Kerala Forest (Regulation of Sawmills and Other Wood-based Industrial Units) Rules, 2012 as per notification published as S.R.O. No. 269/2012 in the Kerala Gazette Extraordinary No. 805 dated 19th April, 2012. The Government have found that it is necessary to amend the said Rules to avoid the practical difficulties in implementing certain provisions of the Rules.

The notification is intended to achieve the above object.