

The West Bengal Forest (Establishment and Regulation of Saw-Mills and other Wood-Based Industries) Rules, 1982.

Short title, extent and commencement.

1. (1) These rules may be called the West Bengal Forest (Establishment and Regulation of Saw Mills and other wood-Based Industries) Rules. 1982.

(2) These rules extend to the whole of the State of West Bengal.

(3) They shall come into force on such date as the State Government may, by notification in the official Gazette, appoint and different dates may be appointed for different provisions of these rules and for different districts and any reference in any such provision to the commencement of these rules shall be construed as a reference to the coming into force of that provision in relation to such district to which these rules have been brought into force. ^{1,2}

Definitions:

2. (1) In these rules, unless there is anything repugnant in the subject or context -

(a) “the Act” means the Indian Forest Act, 1927 (16 of 1927):

(b) “Authorised Officer” means a Forest Officer not below the rank of an Additional Divisional Forest Officer whom the State Government or any officer empowered by the State Government in this behalf may, by notification in the Official Gazette, authorize to carry out the provisions of all or any of the purposes of these rules and may assign him such local limits as may be specified in the notification; ³

1. Vide Notification No.3173 - For dated 30.06.1982, published in the Calcutta Gazette.

2. Amended vide Notification No.2730 - For dated 16.08.2004, published in the Calcutta Gazette.

3. Vide Notification and subsequent amendment by Notification No.2080-F or dated 22.06.2004

(b) “document “ includes a valid record in the form of a pass or permit or receipt indicating the transaction of forest produce;

(c) “factory” means any premises including the precincts thereof -

(i) whereon ten or more worker are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on, or

(ii) wherein twenty or more workers are working or were working on any day of preceding twelve months and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on but does not include a mine subject to the operation of the Mines Act, 1952 (35 of 1952) or a railway running shed:

(d) "Form' means a Form appended to these rules;

(e) “Licence” means a licence granted under the rules;

(f) "permit” means a written permission for carrying out any of the acts or operations covered by these rules;

(g) “person” includes a body, a company or a society duly registered for the purpose of carrying on a business;

(h) “saw-mill” means a mill for sawing timber or logs into logs or beams or scantlings or planks or battens

and includes hand saws whether in a fixed structure or enclosure or not;

(i) “section” means a section of the Act;

(j) “unit” means an establishment for manufacturing or processing or preparing and having a distinctive existence which may or may not be the part of a whole.

(2) Any expression used in these rules but not defined and defined in the Act, shall have the same meaning as in the Act.

Circumstances prohibiting establishment of saw-mills, etc. and grant of licence.

3. (1) No person shall establish a saw-mill and other units including factories of the categories mentioned in section 5 A ----

- (a) within a straight distance of two kilometres from the nearest Government forest boundary; and
(b) without obtaining a licence in Form I issued by an Authorised Officer.

(2) (a) All persons carrying on business in saw-mills and other units including factories immediately before the commencement of these rules shall also obtain licence from the Authorised Officer.

(b) for the purpose of clause (a) such persons shall apply in Form II within a period of 5 (five) months ^{4,5} from the date of commencement of these rules and may carry on the said business or occupation until a licence is granted under these rules or is informed in writing about the refusal thereof.

Application for licence.

4 (1) Every person intending to carry on business or occupation covered by these rules shall apply to the Authorised Officer in Form II for a licence mentioned in Rule 3 together with the clearance certificate of ST/IT, Panchayat Samity/Municipality/ Municipal Corporation / WBSEB / CESC and District Industries Centre with location details, viz, PS, sheet No., Mouza, JL No. and Plot No. ⁶

(2) On receipt of an application for licence, the Authorised Officer shall after making such inquiry as he may think fit and within a period of sixty days from the date of receipt of such application either grant or refuse to grant the licence. Provided that no licence shall be granted unless the Authorised Officer is satisfied about the location, availability of raw material, financial capacity and past records in business of such person. Where the Authorised Officer refuses to grant such licence, he shall record the reasons for so doing and such reasons shall be communicated to the person in writing.

(3) For the purpose of inquiry under sub-rule (2) the Authorised Officer may exercise the following powers:

-
4. Amended vide notification No.6466 - For dated 01.10.1982.
5. Substituted by “in Form IIA within the 31st December, 1986”, vide Notification No. 3627-For/F.P/8P-II/82 Pt. I dated 08.09.1986.
6. Amended vide Notification No.2730 - For dated 16.08.04.

(a) enter into or upon any land, survey and demarcate the same, make a map thereof and authorized any other officer to do so;

(b) call for such documents as he deems necessary for ascertaining the merit of the application.

(4) In disposing of the applications for licence, the Authorized Officer shall consult the Ban-O-Bhumi Sanskar Sthayee Samiti of the Zilla Parishad as constituted under the West Bengal Panchayat Act, 1973, (West Ben. Act XLI of 1973). A representative of the Department of Cottage and Small-Scale Industries of the concerned district shall be associated in such consultation. In the case of Calcutta, a Committee shall be constituted by the State Government with such members as it may consider necessary for such consultation by the Authorised Officer. ⁷

4 (A) (1) Change of ownership may be permitted by the Authorised Officer. However, in case of transfer of ownership through inheritance due to the death of the owner, legal-heir certificates by the next of kin, together with no objection certificate by the other heirs shall have to be produced. In cases of transfer of ownership by sale, a copy of the 'Sale-deed" together with ST/IT Clearance Certificate of the new owner shall have to be produced.

(2) If the owner desires to change the name of the Unit, the owner has to apply, stating reasons for doing so and by depositing a fee of Rs.100/- to the Authorised Officer, along with relevant papers including Income Tax/Sales Tax Clearance Certificate. ⁸

Category of Licence: ⁹

4 (B) Licence for saw mills and other wood based industries would be issued under three categories as -

- 1) Licence for wood based industries of general category.
- 2) Licence for secondary units of wood based industries.
- 3) Licence for units of wood based industries dependent completely on imported timber.

7. Inserted vide Notification No.3637 - For/FP/8P-1 1/82 Pt. I dated 08.09. 1986

8. Inserted vide Notification No.2730 - For dated 16.08.2004

9. Inserted Vide Notification No: 3086 - For/FR/O/FP/6M – 49/2002 Pt. II dt. 12.07.2005

Terms and Conditions for issue of licence under various categories

4 (C) I. General :

- i) All provisions of the West Bengal Forests (Establishment and Regulation of Saw Mills and other Wood Based Industries) Rules, 1982 and its amendments made time to time would be applicable.
- ii) Units having licence under this category would be free to use raw material procured from any source, e.g. local timber, timber sold by FD through auction, timber imported from other states, timber imported through Open General Licence etc.
- iii) Such units would be free to install machinery of any category subject to prior clearance of the Authorised Officer and also subject to restriction to already specified annual installed capacity.
- iv) New licence under this category will be issued only if it is found by the competent authority that there is surplus timber available from all sources qua capacity of existing licensed units.

II. Secondary Units:

All provisions of the West Bengal Forests (Establishment and Regulation of Saw Mills and other Wood Based Industries) Rules, 1982 and its amendments made time to time would be applicable. Besides this, the following specific regulations would also be applicable -

- (i) The secondary units of saw mills and wood-based industries would be categorized on the basis of the machinery installed.
- (ii) These units will have only vertical band saw, for cutting of Blocks of timber (sawn timber) into smaller pieces. No machinery for sawing of round logs (e.g. horizontal saw and trolley) or peeling/slicing of timber for plywood would be permitted.
- (iii) These units will also include ply board pasting units (without peeling / slicing machines), furniture manufacturing units, handicrafts, toys making units and other ancillary units which use/process sawn timber.

(iv) Such units would not be eligible to carry out sawing of round logs. If the unit is found to have used round timber, whether from legal sources or otherwise, its licence will be liable to be cancelled in addition to other penalties as applicable.

(v) Units having licence under this category would have to procure raw material from those converted by the primary licensed units under General Category.

(vi) Sawn timber can be brought to the unit only with a valid transit permit. Record of all such TPs will be maintained and made available during the course of inspection/surprise visit by the authorities.

(vii) The annual installed capacity of the unit cannot be enhanced.

(viii) Conversion of licence from this category to any other category of wood based units will not be permissible. New licence under this category may be issued by the competent authority without linking it with timber availability qua capacity of existing licensed units.

III. Units running exclusively on imported timber

Wood based industries licence for units dependent completely on imported timber will be issued for units located in identified zone as per Annexure. All provisions of the West Bengal Forests (Establishment and Regulation of Saw Mills and other Wood Based Industries) Rules, 1982 and its amendments made time to time would be applicable. Besides, the following regulations would be applicable :

(i) The unit will exclusively use only imported timber and under no circumstance it will use any other timber in its unit.

(ii) If at any point of time, during inspections/surprise check or by other means, the unit is found to have utilized any timber other than the imported timber brought under cover of a valid transit permit, the licence of such unit shall be cancelled in addition to other applicable penalties/action.

(iii) The units will maintain complete and authenticated documents regarding the details of the imported timber and submit a periodical report to the Authorized Officer in the prescribed form. In addition, copies of agreement with importer, timber utilized, balance timber, import-export license, transit permits and other relevant documents will be kept at the factory premises by the licensee and make them available during inspection /surprise checks by the authority.

- (iv) Timber will be brought to the factory only under the cover of a valid transit permit. Record of all such TPs should be maintained and made available during the course of inspection/surprise visit by authorities.
- (v) The annual installed capacity of such units will not be enhanced.

Special licence fee may be prescribed by the State Government for this category, to be notified from time to time in Official Gazette⁹

Application for renewal of Licence

5. (1) An application for renewal of a licence shall be made in Form III along with the declaration in form-VII (Proposed hereinafter) once in a year¹⁰ and with the fee specified in Sub-rule (I) of Rule 6 before the expiry of the previous licence.

A fine of Rs.10/-per day shall have to be paid if the application for renewal of licence reaches the office of the Authorised Officer after the expiry of the licence but within three months, from the date of such expiry beyond which such unit shall be treated as unauthorized.¹¹

(2) The Authorised Officer shall deal with the application for renewal of licence in the manner provided in Sub-rule (2) of Rule 4 and shall renew or refuse the license within 30 days from the date of receipt of the application.¹²

(3) No application for renewal of a licence shall be rejected unless the holder of such licence has been given an opportunity of presenting his case and unless the Authorised Officer is satisfied that –

10. Inserted vide notification No.2 730-For dated 16.08.2004

11. Inserted vide notification No.2730-For dated 16.08.2004

12. Inserted vide notification No.2730-For dated 16.08.2004

- (i) the application for such renewal has been made after the expiry of the period specified therefore, or
- (ii) any statement made by the person making application for the grant or renewal of the licence was incorrect or materially false, or
- (iii) such person has contravened any of the terms or conditions of the licence or any provision of the Act or these rules, or
- (iv) Such person does not fulfil the terms and conditions for such licence.

(4) Up to six months the power to renew the license or refuse the renewal shall vest with the concerned Conservator of Forests, subject to payment of Rs.1000/- lump sum and further subject to the conditions laid down in paras (ii) (iii) & (iv) of sub-rule (3) of rule 5". The Conservator of Forests shall remain empowered up to 6 months of expiry of the license after which such unit shall be treated as unauthorized and will be liable for closure and the license will automatically be treated as cancelled.¹³

Procedure for making application for licence or renewal of licence.

6. (1) Every application referred to in Clause (b) of Sub-rule (2) of Rule3, Sub-rule (1) of Rule 4 and Sub-rule (1) of Rule 5 shall be accompanied by a challan as a token of deposit in the Government Treasury or the State Bank of India or the Reserve Bank of India, Calcutta, of a non-refundable application fee of Rs.300 (Rupees three hundred) only.¹⁴

(2) The licence referred to in Sub-rule (2) of Rule 4 shall be issued on payment of a licence fee of-

- (a) For small industries Rs.1500 (Rs. One thousand and five hundred) only.
- (b) For medium industries Rs.3000 (Rs. Three thousand) only.
- (c) For large industries Rs.5000 (Rs. Five thousand) only.¹⁵

13. Inserted vide notification No.2730 - For dated 16.08.2004

14. Modified and inserted vide Notification No.2730 - For dated 16.08.2004

15. Modified and inserted vide Notification No.2730 - For dated 16.08.2004

6. (2) (I) ¹⁶ Licence for units under the category of units dependent completely on imported timber shall be issued on payment of such licence fee to be prescribed by the State Government by issuing notification from time to time in the Official Gazette.

6. (2) (II) a) Every unit based on imported timber, during the time of issue of licence, shall have to pay a one time processing fee of Rs. 75,000/-only for saw mills and Rs. 1.5 lakh only for veneer/plywood mill.

b) Every unit under General category, during the time of issue of licence shall have to pay a one time processing fee of Rs. 25,000/- only, irrespective of its area of operation.

c) Every unit under the secondary unit category, during the time of issue of licence shall have to pay a one time processing fee of Rs. 5,000 /- only, irrespective of its area of operation, provided that secondary units dealing with ply board pasting shall have to pay a one time processing fee of Rs.25,000/-.

6. (2) (III) Units issued licence under all categories will have the category mentioned clearly on the body of the licence and will be issued in different coloured papers and it will be incumbent upon all licensed units to display the licence in original in the office of the unit. The colour of licence for general units will be white, for secondary units pink and for units based on imported timber green. ¹⁶

(3) Licence granted under these rules ----

(a) shall be valid for one year from the date it is granted,

(b) shall not be transferable, and

(c) shall be renewable for a period not exceeding one year at a time on payment of renewal fee of –

(i) for small industries Rs.500 (Rs. Five hundred) only

(ii) for medium industries Rs.1000 (Rs. One thousand) only

(iii) for large industries Rs.2000 (Rs. Two thousand) only and such renewal shall be in Form IV for each unit.

16. Inserted Vide Notification No: 3086 - For/FR/O/FP/6M - 49/2002

Pt. II dt. 12.07.2005

Note for the purpose of Sub-rule 2 and 3 of Rule 6, small industries will mean industries having installed capacity below 300 cum per year, medium industries will mean industries having installed capacity more than 300 cum but less than 1500 cum per year and large industries will mean industries having installed capacity above 1500 cum per year.¹⁷

Shifting:¹⁸

6 (A). If the owner desires to shift his saw mill/unit from one place to another but within the jurisdiction of the same Authorised Officer he will apply to the Authorised Officer stating the reasons thereof. The Authorized Officer after making such enquiry as he deems fit, in terms of sub-Rule(2) of Rule(4), but within 30 days of receipt of the application, may grant the prayer, provided the nature of the business remains same or he may refuse it and record the reason(s) of the refusal in writing.

However, if the application is made to shift the unit outside the jurisdiction of the present Authorised Officer, the Authorised Officer shall forward the application along with all relevant papers/documents together with a report after proper enquiry on the good conduct or otherwise of the unit to the second Authorised Officer in whose jurisdiction the unit is requested to be shifted. The second Authorised Officer shall deal with the matter in the same manner as mentioned herein before, and within 30 days of the receipt of the documents from the first Authorised Officer, shall grant the application or refuse the same after recording the reasons in writing.

Provided that the shifting of wood based industries falling in the general category and the special category of the secondary wood-based units from one place to another would be allowed and shifting of industries from one place to another place, for units falling under imported timber based category, will not be permissible.¹⁸

Suspension or Cancellation of Licence

7. Authorised Officers within those jurisdiction the unit lies may

17. Modified vide Notification No.2730 dt. 16.08.2004

18. Inserted Vide Notification No: 3086 - For/FR/O/FP/6M – 49/2002 Pt. II dt. 12.07.2005

for reasons to be recorded by him in writing, suspend or cancel any licence granted or renewed under these rules. ¹⁹

Provided that no such suspension or cancellation shall be made except after giving the holder of the licence an opportunity of being heard.

Appeal

8. (1) An appeal from an order refusing to grant or to renew a licence under sub-rule (2) of rule 4 or sub-rule(2) of Rule 5 as the case may be, or an order suspending or cancelling a licence under rule 7, shall lie ---

(a) if the order is made by the Authorised Officer with the Conservator of Forests of the Circle concerned

Or

(b) if the order is made by the Conservator of Forests of the Circle concerned, with the Chief Conservator of Forests, West Bengal.

(2) An appeal under this rule shall be preferred within 30 days from the date of communication of the order appealed against and shall be registered in a book to be called the Register of appeal which shall be maintained by the appellate authority in Form V:

Provided that the appellate authority may admit any appeal preferred after the expiry of the period as aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

(3) Every order passed in appeal under these rules shall be final.

Maintenance of register and submission of declaration to the Authorised Officer.

9. (1) A licensee under these Rules shall maintain register in form VI & Form VII ²⁰

(2) Deleted ²¹

19. Modified vide Notification No.2730 dt. 16. 08.2004

20. Modified vide Notification No.2730 dt. 16.08.2004

21. Modified vide Notification No.2730 dt. 16.08.2004

Inspection and verification of records

10. (1) The Conservator of Forests of the Circle concerned or the Authorised Officer or any Inspector not below the rank of a Deputy Ranger / Forester duly appointed, may inspect and verify during working hours without notice the following within the premises of the saw-mills and other units including factories or a licensee --

- (a) records required to be maintained under sub-rule (1) of rule 9;
- (b) stock of raw materials present; and
- (c) stock of sawn timber or manufactured products or processed products.

(2) During such inspection and verification, the licensee or his authorised agent, employees and workers shall be lawfully required to extend all possible assistance and produce all documents and records as may be required during such inspection and verification.

Production of licence, permit etc for inspection and verification

11. For the purpose of rule 10, the licensee shall when required to do so, produce immediately for inspection and verification ---

(1) any licence, permit or other documents granted to him or required to be kept by him under the provisions of these rules;

(2) any forest produce or raw material or manufactured or processed product or any product in the process of manufacturer in his control, custody or possession whether located in the premises or not.

Transit pass for Forest Produce

12. All forest produce entering or leaving a saw-mill and other units including factories shall be covered by a transit pass duly issued under the provisions of the West Bengal Forest Produce Transit Rules, 1959.

Appointment of Forest Officer as Inspector

13. As soon as may be after the commencement of these rules in any district, the Conservator of Forests of the Circle concerned may, for the purpose of these rules, appoint one or more Forest Officer not below the rank of a Deputy Ranger / Forester as Inspector or Inspectors for an area to be specifically mentioned in the order.

Penalties

14. Any person contravening any of the provisions of these rules shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.²²

14 (A)²³

(i) For violation of any provision as prescribed above, a notice for closure of such mill would be issued by the Authorized Officer.

(ii) The owner of the licence would be given an opportunity of being heard for the violation of rule and for the first time, a penalty in the form of fine may be imposed by the Authorised Officer along with suitable compensation for causing harm to the nature and environment.

(iii) For second violation, the Authorised Officer will be at his liberty to issue an order for suspension of licence for a period up to six-months along with suitable fine and compensation.

(iv) For subsequent violation, the Authorised Officer will be at his liberty to issue an order for the closure of the unit.

(v) In such cases, the licensee would be free to appeal to the respective Conservator of Forests and Appellate Authority, against the order of the closure within 30 (thirty) days from the date of receipt of the said order. The decision of the Conservator of Forests (CF), in this regard will be final.

(vi) If the CF finds it appropriate, he may refer the case to a committee comprising three members which would be constituted by the Principal Chief Conservator of Forests, in consultation with the Department of Forests.

(vii) A defaulting unit will not be given any license in future for any other wood based industries.

22. Modified vide Notification No 2730 - For dt. 16.06.2004

23. Inserted Vide Notification No: 3086 - For/FR/O/FP/6M – 49/2002 Pt. II dt. 12.07.2005

(viii) These provisions will be applicable to licensed units of all categories.

(ix) For units having licence under secondary unit category, if at any point of time, during checking, they are found to have used round timber, whether from legal sources or otherwise, their licence will be cancelled immediately by the Authorised Officer.

(x) For units having licence under the category of imported timber based units, if at any point of time during the course of checking, are found to have used indigenous timber, whether from legal sources or otherwise, their licence will be cancelled immediately by the Authorised Officer.

(xi) The rates of compensation would be prescribed by the State Government from time to time, by issuing Government Order through notification.²³

FORM I

[See rule 3(1) (b)]

Form of Licence

Licence No. _____ dated the _____ day of _____ (month) _____ (year).

Subject to the provisions of Chapter VIIIA of the Indian Forest, 1927 (16 of 1927) and the rules made thereunder _____

(Name /Names), inhabitants (s) of _____

(address to be given in details) in the Police Station _____

District _____, by profession _____, is /are hereby permitted to set up / run the following _____

Mill / Factory / Unit using _____ as raw materials for a period of one year

commencing on the _____ day of _____ and ending with the

_____ day of _____

- 1. Name of the Mill/Factory/Unit :
 - 2. Location :
 - 3. Installed capacity :
 - 4. Capital value of the Mill/Factory Unit :
 - 5 Employment ----
 - (i) No. of regular employees :
 - (ii) No. of daily workers :
 - 7 Licence fee paid :
- Signature of Issuing Authority

(Seal) Place : Date :

FORM II

[See rules 3(2)(b) and 4(1)]

Form of application for licence for setting up to manufacture/for existing unit / Manufacturing products based on forest produce.

To The Conservator of Forests (or the Authorized Officer) _____ Circle, West Bengal
Sir,

I/We _____, inhabitant(s) of _____

(in block letters)

_____ in the Police Station _____, District

(address to be given in details) _____, by profession _____ apply
for a licence for setting up of

Factory/Mill/Unit to manufacture / manufacturing _____ for existing Unit / Factory /
Mill / and using _____ as raw materials. The particulars of the Factory / Mill/Unit are
given herein below.

1. Name of the Mill/Factory/Unit : 2 Location : 3 Whether a Limited Company, a Partnership :

or a Proprietorship business and the relationship of the applicant(s) with such Company or partnership or
proprietorship business (documents to be attached). 4 Capital value : 5 Rated capacity (volume of timber,
etc. :

consumed per year) 6 Expected source/sources of raw materials : 7 Labour :

(a) Strength of regular employees (b) Strength of daily rated workers 8 Source of capital investment : 9
Whether convicted of / penalized in any :

criminal/forest offence case 10 Whether processing more than one such

Factory/Mill/Unit in the same circle 11 Whether the licence fee is attached and if so, :

No. and date of challan/draft

I have read Chapter VIII A of the Indian Forest Act, 1927 (16 of 1927) and the rules made
thereunder and undertake to abide by the same.

Yours faithfully,

Place:

Date:

Signature of the Applicant(s)

FORM III

[See rule 5(1)]

Form of Applications for Renewal of Licence.

To The Conservator of Forests _____ Circle West Bengal

Sir,

I/We _____, inhabitant(s) of _____

(in block letters)

_____ (address in details) in the Police Station

_____, District _____, by profession _____ apply for
renewal of my/our licence No. _____, dated _____ the validity of
which expired on _____.

The renewal fee of Rs. _____ only is enclosed as per challan/Bank Draft No.

_____ dated _____.

Yours faithfully,

Date: Place: Signature of the Applicant(s)

FORM IV
[See rule 6(3) (c)]
Form of Renewal of Licence

NO. _____

Dated: _____

The licence is renewed and shall be valid upto_____. The licensee has paid the renewal fee of Rs..... (Rupees) only.

Signature of the Issuing Authority
(Seal)

Place:

Date:

Form V

[See Rule 8(2)]

Register of appeals

Appeal Case No	Name and Address of the appellant	Name and Address of the respondent	Date of receipt	Date of the order appealed against	Grounds of the appeal in brief	Date of hearing	Order passed	Remarks
1	2	3	4	5	6	7	8	9

FORM VI (DAILY STOCK)

[See Rule 9(1)]

Date	Opening Balance		Received			
	Round	Converted cu. m or units	Round	Reference T.P/Challan	Converted cu. m or units	Reference T.P/Challan

TOTAL		DISPOSAL	REF	BALANCE	
Round	Converted cu. m or units	Converted cu. m or units	T.P/Challan	Round	Converted cu. m or units

At the end of the month, an abstract showing totals of receipts and disposals should be prepared.

FORM VII (ANNUAL RETURN)

[See Rule 9(1)]

OPENING BALANCE		RECEIVED		DISPOSED		CLOSING BALANCE	
Round	Converted	Round	Converted	Round	Converted	Round	Converted

ANNEXURE

Prescribed area for setting up of Saw Mills & other Wood Based Industries exclusively with imported timber

District	Sub-division	Block/Municipality/Municipal Corporation
Purba Medinipore	Tamluk	All 7 Blocks & 1 Municipality
	Haldia	All 5 Blocks & 1 Municipality
Hooghly	1. Sadar	All 5 Blocks & 2 Municipalities
	2. Chandannagore	All 3 Blocks, 3 Municipalities & 1 Municipal Corporation
	3. Sreerampore	All 4 Blocks, 5 Municipalities
	4. Arambagh	All 6 Blocks, 1 Municipality
Howrah	1. Sadar	All 5 Blocks, 1 Municipality & 1 Municipal Corporation
	2. Uluberia	All 9 Blocks, 1 Municipality
North 24-Parganas	1. Bangaon	All 3 Blocks & 1 Municipality
	2. Barasat	All 7 Blocks & 6 Municipalities
	3. Barrackpore	All 2 Blocks & 16 Municipalities
	4. Salt Lake	Bidhannagar Municipality
	5. Basirhat	All 10 Blocks & 3 Municipalities
Nadia	1. Ranaghat	All 4 Blocks & 3 Municipalities
	2. Kalyani	All 2 Blocks & 3 Municipalities
Kolkata		Entire Area
South 24 - Parganas	1. Sadar	Entire Area
	2. Diamond Harbour	Entire Area

GOVERNMENT OF WEST BENGAL FORESTS DEPARTMENT FOR BRANCH

No. 2080-For

Dated: 22.06.2004

NOTIFICATION

In exercise of power conferred by clause (b) of sub-rule (1) of Rule 2 of the West Bengal Forest (Establishment and Regulation of Saw Mills and other wood based Industries) Rules 1982 (hereinafter referred to as the said rules), the Governor is pleased hereby to authorise the officers mentioned in column (1) of the schedule below (hereinafter referred to as the said schedule) to carry out all the purposes of the said rules and to assign their legal limits specified each in column (2) of the said schedule.

The Schedule

Sl. No.	Name of Officer(s)	Areas
1.	DFO, Darjeeling	Sadar Sub-Division of Darjeeling Dist.
2.	DFO, Kurseong Divn.	Sub-Division of Kurseong and Siliguri of Darjeeling District.
3.	Divisional Manager, Kalimpong Divn.	Sadar Sub-Division of Kalimpong
4.	DFO, Jalpaiguri Divn.	Dist. of Jalpaiguri
5.	DFO, Baikunthapur Divn.	Dist. of Jalpaiguri and Siliguri Sub-Divn. of Darjeeling Dist.
6.	DFO, 24-Pgs. (North) Divn.	24-Pgs. (North) Dist.
7.	DFO, 24-Pgs. (South) Divn.	24-Pgs. (South) Dist.
8.	DFO, Nadia & Murshidabad Divn.	Dist. of Nadia & Murshidabad
9.	DFO, West Medinipur Divn.	Dist. of Paschim Medinipur
10.	DFO, East Medinipur Divn.	Dist. of Paschim Medinipur
11.	DFO, Kharagpur Social Forestry Divn.	Dist. of Purba Medinipur and the Dist. of Paschim Medinipur
12.	DFO, Rupnarayan Planning and Survey Divn.	Dist. of Paschim Medinipur
13.	DFO, Bankura (North) Divn.	Dist. of Bankura
14.	DFO, Bankura (South) Divn.	Dist. of Bankura

Sl. No.	Name of Officer(s)	Areas
15.	DFO, Panchet Soil Conservation Divn.	Dist. of Bankura
16.	DFO, Purulia Divn.	Dist. of Purulia
17.	DFO, Kangsabati Divn. - I	Dist. of Purulia
18.	DFO, Kangsabati Divn. - II	Dist. of Purulia
19.	DFO, Birbhum Divn.	Dist. of Birbhum
20.	DFO, Durgapur Social Forestry	Dist. of Burdwan
21.	DFO, Howrah Social Forestry	Dist. of Howrah and Hooghly
22.	DFO, Burdwan Divn.	Dist. of Burdwan
23.	DFO, Raiganj Social Forestry Divn.	Dist. of Uttar Dinajpur and Dakshin Dinajpur
24.	DFO, Malda Divn.	Dist. of Malda
25.	DFO, Cooch-Bihar Social Forestry Divn.	Dist. of Cooch-Bihar
26.	Dy. Field Director Sunderban Tiger Reserve	Dist. of South-24 Pgs.
27.	Dy. Field Director Buxa Tiger Reserve (East)	Dist. of Jalpaiguri
28.	Dy. Field Director Buxa Tiger Reserve (West)	Dist. of Jalpaiguri
29.	DFO, Wild-Life Divn.- I	Dist. of Darjeeling
30.	DFO, Wild-Life Divn.-II	Dist. of Jalpaiguri and Kalimpong, Sub-Divn. of Darjeeling Dist.
31.	DFO, Cooch-Bihar Divn. - II	Dist. of Jalpaiguri
32.	DFO, Utilisation Divn.	Dist. of Kolkata within the meaning of Kolkata Municipal Corporation Act, 1980 (W.B. Act. LIX of 1980).

This issues in supersession of this Dept's Notification No. 2385-For dated 20.07.2001 and all other previous orders issued in this respect.

Sd/-

(PD.BANDHOPADHYAY)

Dy. Secy. to the Govt. of West Bengal

No.2080/1(50)-For

Dated: 22.06.2004

Copy to –

1. The Principal Chief Conservator of Forests, West Bengal
2. The Divisional Forest Officer(s)

Sd/-

Dy. Secy. to the Govt. of West Bengal

GOVERNMENT OF WEST BENGAL

Department of Forests

Forests

NOTIFICATION

No. 770 For 19th October 1959.--- In exercise of the powers conferred by sections 41, 42 and 76 of the Indian, Forest Act, 1927 (16 of 1927), and in supersession of the West Bengal Forest Produce Transit Rules, 1955, the Governor is pleased to make the following rules to regulate the transit by land or water of timber and other forest produce into, from and within the districts of Jalpaliguri, Cooch Behar, Birbhum, Bankura, Burdwan, Midnapore, Malda, Darjeeling [including the territory since transferred from Bihar under section 3 of the Bihar and West Bengal (Transfer to Territories) Act,1956 (40 of 1956)], West Dinajpur, Darjeeling [including the territory since transferred from Bihar under section 3 of the Bihar and West Bengal (Transfer to Territories) Act, 1956 (40 of 1956)], Murshidabad, Nadia, Hooghly, Purulia and 24-Parganas (excluding the areas of the 24-Parganas Forest Division and Sunderbans tiger reserve to which the Forest Produce Transit rules for 24 Parganas Forest Division apply)¹ and Calcutta and Howrah² (in respect of timber imported from abroad under Open General Licence),³ namely:-

The West Bengal Forest-Produce Transit Rules, 1959

1. These rules may be called the WestBengal Forest-Produce Transit Rules, 1959.
2. In these rules, "forest-produce has the same meaning as in the Indian Forest Act,1927 (16 of 1927).

1. Inserted Vide Notification No. 4032-For../FP/4A-5/85 dit. 28.08.1985.

2. Inserted vide Notification No. 41 77-For/4A-1/87. dt. 25.05.1988.

3. Inserted Vide Notification No. 4487-For-FP/4A-1/87 dt. 28.10.1987.

3. These rules shall apply to timber and other forest-produce from any source within the districts of Jalpaliguri, Cooch Behar, Birbhum, Bankura, Burdwan, Midnapore, Malda, Darjeeling (including the territory since transferred from Bihar), West Dinajpur (including the territory since transferred from Bihar), Murshidabad, Purulia, Nadia, Hooghly and 24-Parganas (excluding the areas of the 24-Parganas Forest Division and Sunderbans Tiger reserve to which the forest Produce Transit Rules for 24-Parganas Forest Division apply)⁴ and also to timber imported to and transported out of Calcutta and Howrah⁵ under Open General Licence⁶ which are moved by any of the routes within the boundaries of these districts.

Provided that veneer produced from timber imported under Open General Licence (OGL) and converted by veneer mills having licence for this purpose (OGL licenced units) will not require any in lieu T.P. for movement. However, while transporting such veneer, relevant documents showing the proof of origin of the veneer must be carried for checking.⁷

4. (1) Within the limits of the areas specified in rule 3, no person shall conceal any timber.

(2) No timber or other forest-produce shall be moved into, from or within the districts referred to in rule 3, except under cover of a transit pass in the form prescribed in Appendix I hereto annexed from an officer of the Forest Directorate not below the rank of a Forester duly authorised by the Divisional Forest Officer to issue the same or otherwise than in accordance with the conditions of such pass.

(3) All timber, in respect of which a transit pass has been issued by the officers of the Forest Directorate, shall bear a Government hammer mark the facsimile of which shall be imprinted on the connected pass.

(4) In respect of timber and other forest-produce from Khasmahal forests transit pass shall be issued by the Divisional Forest Officer or any officer duly authorised in this behalf on the production of a certificate of origin issued by the Khasmahal officer.

(5) Movement of timber and other forest produce may be prohibited by an order of the Circle Conservator during the period from 18.00 hrs. to 6.00 hrs. of the following day.⁸

4. Inserted Vide Notification No. 4032-For/FP/4A-5/85 dt. 28.08.1985

5. Inserted vide Notification No. 4177-For/4A-1/87 dt. 25.05.1988

6. Inserted Vide Notification No. 4487-For..FP/4A-1/87 dt. 28.10.1987

7. Inserted Vide Notification No. 2357-For/6M-4/99 dt. 13.06.2005

8. Inserted Vide Notification No. 4487-For-FP/4A-1/87 dt. 28.10.1987

(6) In respect of timber and other forest-produce grown under Social Forestry Project on private lands, a tree-card in the form prescribed in Appendix-II shall be maintained by each owner of such land. The tree-card shall be in triplicate and shall be issued by the territorial Divisional Forest Officer. One copy of the tree - card shall be retained by the owner of the land and the other copies by the Beat Officer and the Divisional Forest Officer.

(7) The transit pass in respect of timber and other forest produce mentioned in sub-rule (6) shall be issued by the Beat Officer authorised by the territorial Divisional Forest Officer in this regard. The rotation, the number of trees issued against a transit pass and the balance left for harvesting shall be noted on the reverse page of the tree-card. The number of the transit pass should be recorded on the reverse page each time the transit pass is issued.

(8) The tree-card may be renewed or a duplicate issued in the event of loss, defacement or otherwise.

(9) The Beat Officer shall use the departmental passing hammer for marking the trees mentioned in the transit pass. No property mark shall be necessary in any such case.⁹

(5) Fees for transit passes in respect of different items of forestn produce moved from the districts specified in rule 3 may be levied in accordance with rates may be prescribed by the Conservator of Forests from time to time. It shall be within the competence of the Conservator of Forests subject to the approval of Government to regulate the movement of certain kinds of forest-produce in short supply from the limits of the areas specified in rule 3.

(6) Any person importing, exporting or moving timber or other forest-produce into, from or within the areas specified in rule 3 or any persons in possession or charge of timber or other forest-produce in transit, shall produce the pass referred to in rule 4 on demand by any Forest officer or Police Officer.

9. Inserted vide Notification No. 8786 - For. Dt. 26.11.1991

(7) (1) All timber and other forest-produce to which these rules apply, and any cart, vehicle, boat, or other vessel suspected of carrying the same, shall be liable to stoppage by any Forest Officer within the limits of the area specified in rule 3 for the purpose of examination and check.

(2) Any sum due and payable to the Forest Directorate, Government of West Bengal, on such timber or other forest-produce shall be realised at the nearest forest office.

(3) Any timber or other forest-produce not covered by a transit pass referred to in sub-rules (2) and (3) of rule 4 together with boats, carts, vehicles or cattle suspected to be carrying the same or any timber which is cancelled in contravention of sub-rule (1) of rule 4, shall be liable to seizure and dealt with further under the provisions contained in Chapter IX of the Indian Forest Act, 1927 (16 of 1927), and any cattle seized in this connection shall be liable to be impounded.

(8) (1) Any Forest Officer who has seized any forest-produce under rule 7 shall –

(a) Immediately issue a written notice to the owner of such forest-produce, or if the owner is unknown, to the person in charge or possession of such forest-produce at the time of seizure, calling upon him to produce proof of the origin of the forest-produce and his title thereto within thirty days from the date of issue of such written notice, a copy of which shall be pasted on a Notice Board at nearest forest office, and (b) Submit a seizure report in the prescribed form without delay to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

(2) The seized forest-produce shall be released or confiscated under the provisions contained in Chapter IX of the Indian Forest Act, 1927 (16 of 1927).

(9) (1) Any person dealing in timber fashioned or un-fashioned shall register with the Divisional Forest Officer concerned a property mark which, after approval of fees prescribed by the Conservator of Forests concerned, shall be registered in the Divisional Forest office.

Provided that the Divisional Forest Officer may, at his discretion and at any time, require the return of such registered property mark and replacement of the same by a fresh property mark duly approved by him.

(2) All timber imported, exported or moved into, from or within the limits of the area specified in rule 3 shall be marked with a registered property mark in addition to a Government hammer mark as required under rule 4 (3); timber found without a registered property mark and a government hammer mark shall be liable to detention and seizure for enquiry under the provisions of rule 8.

(3) The Divisional Forest Officer may at his discretion permit any one person to register more than one property mark, provided that no two such marks shall have identical design.

(4) A certificate of registration showing the design approved by the Divisional Forest officer and duly registered shall be furnished to the owner of a property mark. Certificates must be returned annually to the Divisional Forest Officer for the purpose of renewal.

(5) It shall be within the competence of the Divisional Forest Officer to waive the registration of a property mark in cases where small quantities of timber are to be moved within, from or into the area specified in rule 3. Application shall in all such cases be made to the nearest Forest Officer for the issue of a transit pass and the marking of such timber with a Government hammer.

(6) The Divisional Forest Officer may, in consultation with the Collector concerned, provide for the establishment and regulation of Check Posts or Depots at which timber or other forest-produce shall be stopped for examination or for the payment of dues therefore or in order that Government hammer marks may be affixed to the same.

(10) (1) There shall be no closing or obstructing of any river, stream or channel or the bank of any river, stream or channel used or capable of being used for the transit of forest-produce; nor shall there be any stoppage of navigation on such rivers, streams and channels for such transit.

(2) The Collector of the district may order any person who by any act of negligence, has caused such closure, obstruction or stoppage to remove the same within a time to be specified in writing and on the expiry of such period, may cause the obstruction to be removed at the cost of the person to whom such notice has been issued.

(11) (1) Any person contravening any of the provisions of these rules shall be punishable to six months or with fine may extend to five hundred rupees or with both.

(2) Penalties which are double of these mentioned in sub-rule (1) may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a offence.

APPENDIX I

Transit Pass

FOREST DIRECTORATE, WEST BENGAL

Book No.-----

Serial No ---

- ১) ক্রেতার নাম -
- ২) ক্রেতার ঠিকানা -
- ৩) বনজদ্রব্যের সংখ্যা/পরিমাণ ও বর্ণনা -
- ৪) গন্তব্য স্থান -
- ৫) গন্তব্য পথ -
- ৬) পাশ দিবার তারিখ সকাল/সন্ধ্যা ঘটিকা -
- ৭) পাশের মেয়াদ উত্তীর্ণ হইবার তারিখ -
সকাল/সন্ধ্যা ঘটিকা
- ৮) যে জঙ্গল বা ডিপো বা দোকান হইতে -
ঐ বনজদ্রব্য সংগৃহীত হইয়াছে
- ৯) ঐ জঙ্গলের বা ডিপোর বা দোকানের -
মালিকের নাম
- ১০) কাঠে ব্যবহৃত সরকারী হাতুড়ির -
অনুরূপ চিহ্ন

পাশ প্রদানকারীর স্বাক্ষর

(The pass shall be in triplicate in the above form in vernacular and serially numbered)

GOVERNMENT OF WEST BENGAL

পশ্চিমবঙ্গ সরকার

FOREST DEPARTMENT

(বন বিভাগ)

APPENDIX - II

পরিশিষ্ট - ২

Tree Identification Card

(বৃক্ষ পরিচয়পত্র)

1. Name (নাম) :

2. Father's/ Husband's Name (পিতার নাম/স্বামীর নাম) :

3. Address (ঠিকানা) :

4. Description of trees (গাছের বর্ণনা) :

Species (প্রজাতি) No. (সংখ্যা) Year (বৎসর)

5. Description of land (জমির বর্ণনা) :

a) Area (পরিমাণ) :

b) Plot No. (দাগ নং) :

c) Mouza and J.L.No. (মৌজা ও জে.এল.নং) :

d) Police Station & District (থানা ও জেলা) :

6. Signature (সহি) :

7. Name & Address of the first nominee
(প্রথম মনোনীত উত্তরাধিকারীর নাম ও ঠিকানা) :

8. Name & Address of the Second nominee
(দ্বিতীয় মনোনীত উত্তরাধিকারীর নাম ও ঠিকানা) :

9. The statement made above is true
(উপোরক্ত বিবরণ সত্য) :

Pradhan

B.L.L.R.O.

Range/Beat officer

Gram Panchayat

E

(Signature with Seal)

(Signature with Seal)

(Signature with Seal)

প্রধান গ্রাম পঞ্চায়েত
(মোহর যুক্ত স্বাক্ষর)

বি.এল.এল.আর.ও.
(মোহর যুক্ত স্বাক্ষর)

অঞ্চল/ক্ষেত্র আধিকারিক
(মোহর যুক্ত স্বাক্ষর)

Divisional Forest Officer

..... Division.

(বনভুক্তি আধিকারিক)

.....(ভুক্তি)

This pass will be used only by legal heirs and is not transferable

(এই পরিচয় পত্র বৈধ উত্তরাধিকারী কর্তৃক ব্যবহৃত হইবে
কিন্তু হস্তান্তর যোগ্য নহে।)

'B'

Sl No.	Date	No. of trees as per Transit Pass	Transit Pass No.	No. Of balance trees	Signature of Range/Beat Officer
(1)	(2)	(3)	(4)	(5)	(6)
ক্রমিক নং	তাং	ট্রানজিট পাসে বর্ণিত গাছের সংখ্যা	T.P. নং	অবশিষ্ট গাছের সংখ্যা	অঞ্চল/ক্ষেত্র আধিকারিকের স্বাক্ষর
(১)	(২)	(৩)	(৪)	(৫)	(৬)

**Salient conditions imposed by Central Empowered Committee (CEC)
constituted by Hon'ble Supreme Court of India regarding
issuance of new license in General Category.**

(1) The transfer of new license will not be permissible for the next five years from the date of issue except by way of inheritance succession. After five years, the transfer of license will be permissible subject to the guidelines issued by the competent authority from time to time in this regard.

(2) Any unit found dealing in illegal timber will be liable for cancellation of the license.

(3) The license will be granted strictly as per the seniority list of existing eligible Wood Based Industries of West Bengal on the principle of first come last go.

(4) No enhancement of the installed capacity or the numbers type of machine will be permissible.

(5) In addition to the above, all the relevant Sawmill rules and the condition on which the Saw Mill license has been issued shall be strictly adhered to.