

Bihar Saw Mills (Regulation) Rules, 1993
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S.O.225, dated the 24th, June 1993 - In exercise of the powers conferred by Section 23 of the Bihar Saw Mills (Regulation) Act, 1990 (Bihar Act 19, 1990) the Governor of Bihar is pleased to make the following Rules which have already been published *vide* S.O. No. 339, dated 16th December, 1992.

1. Short title, extent and commencement. - (1) These Rules may be called the Bihar Saw Mills (Regulation) Rules, 1993.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force at once.

2. Definitions. - In these Rules unless the context otherwise requires-

(a) "*Act*" means Bihar Saw Mills (Regulation) Act, 1990 (Bihar Act 19, 1990);

(b) "*Divisional Forest Officer*" means the Officer incharge of a Territorial Forest Division;

(c) "*Conservator of Forests*" means Officer incharge of a Forest Circle.

3. Application for licence. - (1) Any person to obtain licence under Section 5 to establish a Saw mill or saw pit or such saw mill or saw pit which is in existence on the appointed day may make an application to the licensing authority.

(2) The application to establish saw mill or saw pit shall be in Form "A" and the application to operate saw mill or saw pit which is in existence on the appointed day shall be in Form "B". Such application form may be obtained from the office of the concerned licensing officer.

(3) A non-refundable fee of rupees one thousand or rupees one hundred respectively shall be paid for each application of licence for saw mill or saw pit. The amount shall be payable to the account of such Divisional Forest Officer, where saw mill or saw pit is in operation from before or proposed to be established. Separate application for each saw mill or saw pit is required.

(4) (i) The application for licence for saw mill or saw pit, complete in all respects including the prescribed application fee, shall be submitted to the licensing officer.

(ii) No person shall be permitted to file application on behalf of any person or company until he encloses executed copy of the Power of Attorney authorising him to work on behalf of such person or company and produces its original or the certificate of registration of such company of which he claims to be a partner before the licensing officer.

(iii) A co-operative society may file application enclosing 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) Each such application shall be accompanied by a Bank Draft of rupees *two thousand*, as advance security is for saw mill in the designation of the licensing officer.

When the period of licences expired or is not renewed, the amount of security on application by the Licensee shall be refunded:

Provided that the amount of security, in part or full shall be forfeited for violation of prescribed condition; under the rules between date of acknowledgement of licence and the date of refusal of renewal:

Provided further that before forfeiture of amount of security the licensee shall have an opportunity of being heard.

(6) The licensing officer, while refusing to grant the licence, shall consider the followings apart from any other fact which in his opinion justifies his action of refusing to grant the licence:-

- (1) The area of the saw mill or saw pit falls within the restricted area under Section 6 of the Act.
- (2) The person of the company applying for the licence has been found guilty of any forest offence.

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) The sawing operations in the saw mill and saw pit shall not be carried out after sunset and before sunrise.
- (b) The certified copies of the licence granted under sub-rule (1) shall be displayed at conspicuous place in the saw mill or saw pit.
- (c) The Licensee shall maintain daily account of receipt of wood purchased, sawing and disposal in Form D.
- (d) The monthly account of wood received for sawing only shall be maintained in Form E.
- (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 saw pit has reason to believe that the wood brought to the saw mill or the saw pit is illicit, he shall inform the nearest Range Officer of Forests as early as possible, about the arrival of illicit wood. In no case, the illicit 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 a calendar year for which it was issued.

(4) The copies of condition (under whom the licence is being granted) and the copies of forms of accounts (in which receipt of wood, sawing and disposal) shall be shown to the applicant by the licensing officer before grant of the licence. The licensing officer shall explain the conditions and the subject matter of draft to the applicant, if he is unable to read. The Licensing officer shall obtain the signature or thumb impression of the applicant, as the case may be, on the application in token of the acceptance of the conditions. The applicant shall be supplied with one copy each of conditions and terms, in which account shall be maintained.

(5) In case the licence is lost and mutilated the licensee may obtain a certified copy of the licence on payment of rupees *one hundred* for each saw mill and rupees ten for each saw pit, from the licensing officer.

5. Effect of declaration. - In the event of declaration of any area as prohibited under Section 6 of the Act, any licensed saw mill or saw pit shall be allowed to operate in that area for six months from the date of such declaration provided that the said saw mill or saw pit shall not receive any new wood for sawing and shall saw only such wood which has been received till the date of such declaration. Any such licensed saw mill or saw pit existing in such prohibited area shall be given preference as far as possible in granting licence in new area.

6. Renewal of the licence. - (1) Every licensee shall apply to the licensing officer for renewal of the licence, at least one month before the expiry of the licence.

(2) The application fee for renewal of licence for saw mill shall be rupees one thousand and for saw pit shall be rupees *fifty*.

(3) The licensing officer after making such enquiry, as he may deem fit, may renew or may order in writing stating the reasons in brief, refuse to renew the licence:

Provided that no order of refusing to renew the licence shall be passed unless the applicant has been given reasonable opportunity of being heard.

(4) The licence shall be renewed for one 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 shall ordinarily be renewed and within one month from the date of application the licensing authority must inform the licensee regarding renewal or refusal of the licence as the case may be.

7. Submission of returns. - (1) The licensee shall maintain a register of daily purchase of wood for sawing and disposal in Form 'D'.

(2) The licensee shall maintain a register of the monthly account of arrival, sawing and disposal of wood received for sawing only in Form 'E'.

(3) The licensee shall submit the returns of these accounts to the concerned Divisional Forest Officer by a date not later than 10th of the following month.

8. Installation of electric connection. - (1) The Licensing Officer shall submit a list of persons who are already operating saw mills, or the persons who have obtained licence for establishing and operating new saw mills along with the name of such saw mills to the concerned Executive Engineer of the Bihar State Electricity Board. The Licensing Officer shall also submit a list of persons along with name of saw mill who are operating the saw mills without valid licence or whose licence has either been revoked or suspended and as soon as it comes to the knowledge of licensing officer that any person is operating saw mill without valid licence he shall inform the concerned Executive Engineer of the Bihar State Electricity Board regarding the name of that person along with the name of that saw mill and its state of affairs.

(2) The concerned Executive Engineer of the Bihar State Electricity Board shall ensure that only those saw mill whose owners are operating it under a valid licence obtained from the concerned licensing officer, are consuming the electric energy.

(3) The concerned Executive Engineer of the Bihar State Electricity Board or PW shall, either on a reference made to him in this behalf or his own volition that a saw mill is being operated without a valid licence, take immediate steps to disconnect the supply of electric energy to such saw mills.

9. Authority to whom appeal shall lie. - The appeal shall lie to the Conservator of Forests under Section 12 of the Act.

Form 'A'

[See Rule 3(2)]

Application for Grant of Licence for Establishing and Operating a New Saw Mill/Saw Pit.

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/saw pit (location map will also be attached).
5. Is applicant already owning and operating any other saw mill/saw pit.
6. If answer to (5) is Yes give details of the saw mill/saw pit.
 - (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/saw pit 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/saw pit will be established.
11. Details of saw mill to be established-
 - (a) No of sawing machine.....
 - (b) Type of motive force and its horse power....
 - (c) Any other information.....
12. Any other activity which is proposed to be carried out in the saw mill/saw pit.
13. Evidence of payment of application fee.....
14. Evidence of payment of security deposit.....

Declaration

I/we.....hereby declare that I/we have, read and understood all the provisions of the Bihar Kashtha Chiran (Viniyaman) Adhiniyam, 1990 and the Rules made thereunder and I/we are 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/Saw Pit.

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 location of saw mill/saw pit (location map and sketch map of saw mill/ saw pit will also be attached).
5. 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) Any other information.....
6. Monthly capacity of the saw mill/saw pit.
7. Species of wood that are generally sawn.....
8. Source from where the wood is obtained.....
9. Besides of any other activity which is carried out in saw mill/saw pit.
10. Details of any other saw mill/saw pit for which licence has already been obtained or applied for.
11. Evidence of payment of application fee.....
12. Evidence of payment of security deposit.....

Declaration

I/we.....hereby declare that I/we have, read and understood all the provisions of the Bihar Kashtha Chiran (Viniyaman) Adhiniyam, 1990 and the Rules made thereunder and I/we agree to abide by the same.

Date

Signature of the applicant

Form 'C'

[See Rule 4(1)]

The Licence for Operating the Established Saw Mill/Saw Pit Establishing and Operating a New Saw Mill or Saw Pit.

(This form shall be used for renewing the licence)

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).
2. Profession.....
3. Full Address.....
4. Details of location of saw mill/saw pit.....
5. Legal status of the land and title of ownership of the land on which saw mill/saw pit is established or proposed to be established.
6. Details of saw mill. -
 - (a) Make and year of sawing machine.....
 - (b) No. of sawing machine.....
 - (c) Type of motive force and Horsepower.....
7. Monthly capacity of the saw mill/saw pit (approx.)

8. Species of wood that would be generally sawn.
9. The period in which saw mill/saw pit will be established.
10. Activity other than sawing which will be carried out in the saw mill/saw pit.
11. Period for which the licence is being granted/ renewed.

Place

Date.....

Signature of Licensing Officer

Name

Seal of the Officer.

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.

Form 'D'

[See Rule 7(1)]

Details of Receipts and Disposal Statement of Wood Purchased. Period From..... To.....																
<i>Name of Saw Mill/Saw pit Place of Saw Mill/Saw pit Date of Submission of Statement.</i>																
Opening Stock				Inwards (Receipt from Forest and Environment Department)							Other than Forest Department					
Species	C.mt	Saw n C.mt	Date	T.P. No.	Name of Depot	Species	Logs		Saw n C.mt	Date	T.P. No. and other evidence	Name of Source	Species	Logs		
							No.	C.mt						No.	C.mt	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
Saw n C.mt	Species	Total Logs		Sales					Inter-State			Balance stock		Remarks		
		No.	C.mt	Saw n C.mt	Local			Logos		Saw n C.mt	Species	Logos			Saw n C.mt	
					Species	No.	C.mt	Saw n C.mt	No.			C.mt	No.			C.mt
17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33

Notes - (1) This form will have to be filled date wise.

(2) At the end of the month, total will be given at the end

Signature of Owner/Partner

Name.....

Date.....

Form 'E'

[See Rule 7(2)]

Account of Wood Received for Sawing only (Monthly Statement)

Name of Saw Mill/Saw Pit..... Account for period from..... to.....
 Location of Sawmill/Saw pit.....

No.	Date	Opening Balance			Sawn C.mt.	Received during the day					Sawn C.mt.	Species	Total	
		Species	Logos			Transit Pass No. Date	Name of the person & address	Species	Logos				No.	C.mt.
			No.	C.mt.					No.	C.mt.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Sawn C.mt.	Sawn during the day				Sawn C.mt.	Delivered to the owner					Balance		
	Species	Logos				Bill no. and date	Species	C.mt.	Species	Round		Sawn C.mt.	Remarks
		No.	C.mt.	No.						C.mt.			
16	17	18	19	20	21	22	23	24	25	26	27	28	

Signature of Owner/Partner
 Name.....
 Date.....