

***The Orissa Forest Saw Pits and Saw Mills (Control) Rules, 1980**

S.R.O. No 375/80 – In exercise of powers conferred by Clauses (h) and (j) of Sub-section (2), of Section 45 of the Orissa Forest Act, 1972 (Orissa Act 14 of 1972), the State Government do hereby make the following Rules namely-

1. Short Title and Commencement – (1) These rules may be called The Orissa Forest Saw Pits and Saw Mills (Control) Rules, 1980.

(2) They shall come into force on the date of their publication in the *Official Gazette*.

2. Definitions – (1) In these Rules unless the context, otherwise requires-

(a) **Act** means the Orissa Forest Act, 1972;

(b) **Forest area** includes all lands notified as forest under any law or administered as forest, whether State owned or private and whether wooded or maintained as a potential forest land;

(c) **Form** means a form appended to these rules;

(d) **Saw Mill** includes all sawing contrivances.

(2) All other words and expressions used but not defined in these Rules shall have the same meaning respectively assigned to them in the Act.

3. Saw Mills, Saw Pits etc. cannot be Erected without Valid Licence – (1) No person shall establish any Saw Pit or Saw Mill within the reserve forest, protected forest area or any forest area within eighty kilometers from the boundary of any such forest or forest areas without a valid licence.

Explanation – For the purpose of this rule the entire village or notified area or town or city shall be treated as within eighty kilometers even if a portion of the village or notified area or municipal area or city, as the case may be, falls within the above limits.

Besides that in respect of any Saw Mills or Saw Pits which have already been established at the commencement of these Rules, the owner thereof shall be required to apply for licence within such time as may be notified by the concerned Divisional Forest Officer for continuance of the Saw Pit or Saw Mill, as the case may be, under these Rules.

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(2) A separate licence shall be taken out for each Saw Pit and Saw-mill.

CASE LAW: Accordingly *Rules 3 and 13* saw mills and saw pits cannot be erected without licence and contravention of the same leads to penalty No case of violation of terms of licence shown-So no case of conviction under Rule 13-Section 83 of the Act applies to cases for offences not otherwise Provided for-When there is specific Rule 13 for penalty Section 83 is not attracted: **1990 (II) OLR 558.**

4. Application for Licence and Fees – Application for licence shall be made to the Divisional Forest Officer having jurisdiction over the site plan for establishing the saw pit or saw mill in Form No.1, and shall be accompanied by a treasury receipted chalan for rupees ten for each saw pit and rupees fifty for each saw mill.

CASE LAW : Difference of stock with the book balance-Offence is under Rule 14-A and not under Section 45 of the Forest Act or under Rule 21 of the Transit Rules, 1980 : **1989 (II) OLR 124.**

5. Issue of Licence and its Validation and Renewal – Every licence shall be granted in Form No. 2 for a period of three years from the date of issue, within thirty days from the date of the application unless otherwise decided by the Divisional Forest Officer as per Rule 6. The licence can also be renewed for further period of three years at a time by the Divisional Forest Officer concerned a payment of the fees prescribed for original licence in Rule 4.

6. Grounds for Rejection to be written – The Divisional Forest Officer may, for good and sufficient reason to be recorded in writing, reject any application for licence or renewal thereof.

7. Issue of Duplicate Licence – If the Divisional Forest Officer is satisfied that the original licence issued to a licensee is lost, destroyed or otherwise rendered useless, he may, on payment of a fee of rupees five, issue a duplicate of the licence.

8. Cancellation and Suspension of the Licence – The Divisional Forest Officer may at any time, for good and sufficient reason to be recorded in writing, cancel or suspend any licence. Before taking any action to be under this rule or Rule 6 for rejection of any application for licence, or for renewal thereof, the Divisional Forest Officer shall issue a show-cause notice fixing a time for submission of his explanation, which shall be taken into due consideration while passing final orders and if the explanation is not received within the time limit fixed, it shall be construed that the party has no explanation to offer and the issue will be decided as deemed fit:

¹[Provided that while passing an order of rejection for renewal of licence under Rule 6 of cancellation or suspension of any licence under this rule, the Divisional Forest Officer may also order that no transit permit under the Orissa Timber and Other Forest Produce Transit Rules, 1980 shall be issued for transport of timber etc. to or from the

concerned Saw Mill as the order of such rejection, cancellation or suspension, as the case may be.]

9. Copy of each Order shall be supplied to the Applicant Free of Cost – A copy of every order under Rules 6 and 8 shall be supplied to the applicant, free of cost by the Divisional Forest Officer.

10. Appeal – (1) Any applicant aggrieved by an order of the Divisional Forest Officer under Rules 6 and 8 may, within thirty days of the receipt of the copy of the order, present an appeal in writing before the Conservator of Forests concerned:

Provided that the applicant can prefer a second appeal, the Chief Conservator of Forests in the event of his being aggrieved by the orders of the Conservator of Forests within thirty days of the receipt of the copies of the order of the Conservator of Forests.

(2) The decision of the Chief Conservator of Forests shall be final and binding.

11. Order of Stay – On appeal being preferred under Rule 10, the Conservator of Forests of the Chief Conservator of Forests, as the case may be, may order stay of further proceeding in the matter pending decisions on such appeal.

12. Personal Hearing – The Conservator of Forests or the Chief Conservator of Forests, as the case may be, shall after giving the appellant an opportunity to represent his case in person and after obtaining such other particulars, as he may deem necessary, decide the appeal and communicate copies of his orders to the appellant.

13. Penalty – Any person who contravenes Rule 8 or any conditions of a licence granted under 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.

14. Non-application of the Rule vide Provision to Rule 16 – These Rules shall not apply to the ordinary operation of domestic carpentry or to other similar work on a small scale or for sawing of the timber for *bona fide* use of the owner of such timber.

¹[**14-A. Maintenance of Registers and Returns** – Every person granted a licence under Rule 5 shall maintain regular accounts of all timber (both round and sawn) received and sold by him in form Nos.3 to 8 and shall also furnish a half-yearly return thereof to the Divisional Forest Officer on or before the 3rd April and 31st October in every year in Form No. 9.]

CASE LAW: Under Rule 14 (a) the Court held that the act of taking cognizance of an offence is not a mere formality-Therefore, before taking cognizance of an offence, it is the duty of the Magistrate to apply his mind in order to find out on the facts alleged by the prosecution whether there is a prima facie case so as to issue process- The revision was allowed and the impugned orders were set aside: **1989 (II) OLR 124.**

Rule 14-A-Difference of stock with the book balance-Offence under Rule 14-A but not under Section 45 of the Act or under Rule 21 of the Forest Produce Transit Rules, 1980: **1989 (II) OLR 124.**

¹[**15. Inspection** – Any Forest Officer and above the rank of Forester may enter into the premises of any saw mill or saw pit for the purpose of inspection and securities compliance with the provisions of these rules and of the conditions of the licence granted thereunder.]

16. Repeal and Saving – All rules or orders corresponding to these Rules are in force immediately before the commencements of these rules are hereby repealed:

Provided that all rules and orders made, permits, licence and passes granted, fees levied, imposed or assessed, proceedings instituted and all actions taken or things done under any of the rules or orders so repealed shall be construed to have been made, granted, levied or done under the corresponding provisions of these rules:

FORM No. 1

[**Vide Rule 4**]

APPLICATION FOR LICENCE TO ESTABLISH A SAW PIT AND SAW MILL

To
The Divisional Forest Officer.....Division

Sir,
I.....residing at.....Tahasil.....
District..... request that I may be granted at licence to establish and to run the Saw Pit/Saw Mill in the locality of (location and site plan enclosed).

2. I hereby declare that I shall abide by the provisions of the Act, Rules and the conditions, if any, imposed.

Place.....
Date.....

Signature of the applicant.

¹[**FORM No. 2**]

[**Vide Rule 5**]

FORM OF LICENCE FOR THE ESTABLISHMENT AND RUNNING OF SAW MILL AND SAW PIT

Licence No.....Forest Division.....

This licence is granted under Rule 5 of the Orissa Forest Saw Pit and Saw Mill (Control) Rules, 1980 to..... owner/partner/principal officer of Situated at (address of locality)..... to establish and run the Saw Mill/Saw Pit as per the location and site plan enclosed subject to the terms and conditions hereunder mentioned which shall remain valid up today of issued by me thisday ofseal.

Place.....
Date.....

Signature.....
Designation.....

TERMS AND CONDITIONS OF LICENCE

1. The licence is not transferable.

2. The licensee shall maintain the registers prescribed under Rule 14-A which shall be produced for inspection and check when demanded by any Forest Officer as mentioned in Rule 16.

The licence is renewed and shall be valid up to.....

- (a)
- (b)

Signature of the Authority
Date.....
Signature of the Authority
Date.....

FORM No. 3

[Vide Rule 14-A]

Stock Register for round timber for the month.....

Date	Truck/ Wagon number	Permit number	Challan Bill No.	From whom purchased/received	No. of places	Volume (cum)	Remarks
1	2	3	4	5	6	7	8

Monthly Abstract.....

- (a) Opening stock on the 1st day of the month (cum) :
- (b) Total quantity received/purchased during the month (cum)

Total

Less (i) Total quantity of logs sold in round from during the..... month as per register (Form 5)

(ii) Total quantity of timber given for sawing during the month as per Sawing Register (Form No. 6)

Total (cum)

Balance to be carried forward as opening stock of the next month (Cum).

FORM No. 4

[Vide Rule 14-A]

Stock Register of Sawn timber

Date	(Opening stock) Total stock of sawn timber in hand (Cum)	Quantity of sawn timber sold/disposed off (Cum)	Closing Balance (Cum)
1	2	3	4

FORM No. 5

[Vide Rule 14-A]

Sale Register for round logs for the month of 19

Date	Timber Transit permit No. and date	Challan/Bill No.	Quantity Sold		Remarks
			No. of Logs	Volume of (Cum)	
1	2	3	4	5	6

Monthly Abstract

Total quantity sold during the month.....

(1) No. of Logs.....

(2) Quantity (cum).....

FORM No. 6

[Vide Rule 14-A]

PART 'A'

Sawing Register

Daily account of Logs fed in the Saw Mill

Details of Round Logs fed to the Saw Mill

Date of sawing	Specified	Length	Girth cum	Total quantity fed into the mill during the day (cum)	Remarks
1	2	3	4	5	6

PART 'B'

Monthly Abstract of sawn sizes for the month of

Total quantity of round Logs fed into the mill during the month	Total quantity of sawn out-turn	Percentage out-turn	Remarks
1	2	3	4

FORM No. 7

[Vide Rule 14-A]

Sawn sizes sales register of the month of

Date	Timber Transit permit No.	Challan/Bill No.	Sawn Timber Sold		Remarks
			Number of pieces	Quantity cum	

1	2	3	4	5	6

Monthly Abstract.....

Total No. of pieces sold

Total quantity cum

FORM No. 8

[Vide Rule 14-A]

Stock Register of round timber by a saw mill owner who undertakes, sawing of timber of private parties for the month of.....

Date	Name of the owner of timber brought for sawing	Truck/Wagon Number	Challan/Bill No.	Number of Logs	Quantity sawn and delivered to the owner	Balance quantity of round Logs lying in the saw mill
1	2	3	4	5	6	7

Monthly Abstract

Total number of Logs received quantity (cum) No. of Logs sawn and delivered to the owner quantity (cum) Balance on hand..... Number.....quantity (Cum).....

FORM No. 9

[Vide Rule 14-A]

Half yearly return to timber sawn/disposed off by the Saw Mill For the half year ending on the 31st March/30th September.....

1. Name and address of saw mill.....
2. Licence Number and date of issue/renewal.....
3. Account of round timber of the saw mill.....
 - (i) Opening balance as on 1st April/1st October
No. of Logs.....

- Quantity (Cum).....
 - (ii) Received during the half-year.....
Total
 - (iii) Logs sold in the round form during the half year.....
No. of Logs.....
Quantity (cum).....
 - (iv) Logs fed in to the saw mill during the half year.....
Total
 - (v) Closing balance in hand on 31st September/30th March...
4. Account of timber of private parties, if any, sawn by the saw mill;
- (i) Opening balance as on 1st April/1st October
No. of Logs.....
Quantity (cum).....
 - (ii) Received during the half-year.....
Total
 - (iii) Quantity sawn and delivered to the owner.....
 - (iv) Closing balance in hand on 31st September/30th March.....
5. Account of sawn timber:
- (i) Opening balance as on 1st April/1st October.....
No. of pieces..... cum
 - (ii) Quantity sawn during the half year.....
Total
 - (iii) Quantity sold disposed of.....
 - (iv) Closing balance in hand on 31st September/30th March

Submitted in duplicate to the Divisional Forest Officer..... Division for information and necessary action, I certify that the details furnished above are correct and based on records, maintained in Form Nos. 3 to 8 in accordance with Rule 14-E of the Orissa Forest Saw Pits and Saw Mills (Control) Rules, 1980.

Signature of the Licensee
Date.....
