

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIATô FOREST, ENVIRONMENT AND
ECOLOGY DEPARTMENT JAMMU/SRINAGAR

Notification

Srinagar, the 4th July, 2022.

SO-321.66Whereas, in compliance of directions contained in the Order dated 5 October, 2015 of the Honöble Supreme Court of India in Writ Petition (Civil) No. 202 of 1995 in the matter of TN Godavannan Thirumulpad versus Union of India and others, the Ministry of Environment, Forest and Climate Change has issued Wood Based Industries (Establishment and Regulation) Guidelines, 2016 ; and

Whereas, the States and Union territories are required, to conform their rules according to the said Guidelines.

Now, therefore, in exercise of powers conferred by clause (d) of Section 76, and Section 76-A of the Indian Forest Act, 1927 (Act 16 of 1927), the Government of Jammu and Kashmir hereby makes the following rules ; namely :ô

1. **Short title and commencement.** (1) These rules may be called the Jammu and Kashmir Wood-based Industries (Establishment and Regulation) Rules, 2022.

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

2. **Definitions.** (1) In these rules, unless the context otherwise requires,

- (a) **“Act”** means the Indian Forest Act, 1927 (Act 16 of 1927) ;
- (b) **“Chief Conservator of Forests”** means the Chief Conservator of Forests, Jammu or the Chief Conservator of Forests, Kashmir as the case may be ;
- (c) **“Divisional Forest Officer”** means the Divisional Forest Officer of the Territorial Division including the Divisional Forest Officer, Urban Forestry Division, Jammu/Srinagar ;
- (d) **“Form”** means the forms appended to these rules ;
- (e) **“Furniture unit”** mean plants and machinery and the premises including the precincts thereof in which or in any part thereof wood based finished products are manufactured using sawn timber, cane, bamboo, reed, plywood, or any other wood-based product except a log, procured from legitimate sources and operating without a band saw or re-saw or circular saw of more than thirty-centimetre

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diameter but will not include wooden handicrafts unit as defined in Rule 2(s) :

Provided that if a furniture unit processes only timber of species exempted from transit permit under the Jammu and Kashmir Forest Produce Transit Rules, 2020, and no other species, use of logs as raw material and installation of circular saw of up to 60 centimeter may be permitted by the licensing authority ;

- (f) **“Government”** means Government of Jammu and Kashmir ;
- (g) **“Industrial Estate”** means industrial area/estate notified as such by the Government from time to time. This will also include industrial estates as notified by the Government for relocation of the existing five or more licensed wood-based industries ;
- (h) **“Licence”** means the licence issued under these rules ;
- (i) **“Licencing Authority”** means the Territorial Conservator of Forests concerned ;
- (j) **“Log”** means a piece of wood in its natural form whether stripped of bark or sapwood or not and includes logs whose round surfaces have been made flat by any means to form wood of roughly rectangular cross-section and having mid girth or perimeter of forty-two centimeter or more under bark ;
- (k) **“Municipal Area”** means the area falling within the territorial limits of Municipal Committee, Municipal Council, Municipal Corporation, as the case may be ;
- (l) **“Owner”** means the person(s) in whose name(s) the license or certificate of registration has been granted under these rules ; provided that in case of a partnership or a limited company, the ownership of licence or certificate of registration shall be in the name of the concern with nominated person(s) or managing partner(s) as person(s) responsible for day-to-day affairs ;

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capacity, or operate any wood-based industry including the existing units
as defined in Rule 2(r) without a licence, or, furniture unit including
the existing units as defined in Rule 2(e) without a registration, as provided
under and in accordance with Rule 4 of these rules :ô

Provided that :

- I. no wood-based industry shall be installed or operated within 8 kilometres (aerial distance) from the boundary of nearby reserved forests, unless located within the boundaries of ôMunicipal Areaö and/or ôIndustrial Estateö notified by the Government irrespective of distance from the nearby reserved forests ;

Exception :ô *Nothing contained in aforesaid proviso (i) shall apply to the existing saw mills installed and operated by Forest Department or by Jammu and Kashmir Forest Development Corporation Limited as may be specified by the Government ;*

- II. no new wood-based industry shall be installed/operated without consent to establish/operate from Jammu and Kashmir Pollution Control Committeel Board ;
- III. no furniture unit shall be installed or operated within 3 kilometres (aerial distance) from the boundary of nearby reserved forests. unless located within the boundaries of ôMunicipal Areaö and/or ôIndustrial Estateö notified by the Government irrespective of distance from the nearby reserved forests ;
- IV. the Government may, on the recommendations of a broad-based committee constituted for the purpose, restrict the maximum number of wood-based industries that may be installed in any given locality.

4. Issue of licence/certificate of registration.ô (1)

- (i) Any person, seeking a licence under these rules for wood-based industry shall make an application to the licencing authority in **Form-1** along with specified annexures.
- (ii) Any person, seeking registration under these rules for furniture unit, shall make an application to the licencing authority in **Form-2** along with specified annexures.

(iii) No licence or registration will be required for wooden handicrafts unit.

(2) On receipt of an application under sub-rule (1) (i) and (ii) of Rule 4, the licencing authority shall seek a report from the concerned Divisional Forest Officer regarding feasibility of installing/continuation/relocation of wood-based industry or furniture unit, verification of antecedents of the applicant the facts of application, and based thereon his precise recommendation on the application. On receipt of such verification report, and recommendations thereon, from the Divisional Forest Officer and after recording his own satisfaction, the licencing authority shall issue a licence in **Form-3** for wood-based industry, or a certificate of registration in **Form-4** for furniture unit.

(4) The licencing authority may refuse issuance of the licence or certificate of registration, as the case may be, for reasons to be recorded in writing and inform the applicant accordingly.

5. Fee for grant of licence/certificate of registration. The person seeking licence for wood-based industry or registration of furniture unit shall pay such fee, as may be prescribed by the Government from time to time.

6. **Renewal of licence.** (1) Any person who has been granted licence under these rules, may apply for renewal of the licence in **Form-5** within a period of three months before the expiry of the period for which licence was granted to him, along with prescribed documents and such fee as may be prescribed by the Government from time to time.

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(2) On receipt of an application under Sub-Rule (1), the licencing authority, after obtaining verification and recommendation of the Divisional Forest Officer concerned, and on its satisfaction, shall renew the licence, within a period of three months, for further period of five years from the date of renewal.

(3) In case, the renewal of licence is refused, the licencing authority shall provide an opportunity of being heard to the person(s) concerned and record the reasons for refusing such renewal.

(4) In case an application for renewal of the licence for wood-based industry is neither renewed nor refused by the licencing authority within three months as provided in Sub-Rule (2) above the licence shall be deemed to have been renewed for one year from the date of receipt of application of renewal by the licencing authority. However, for subsequent years, deemed renewal shall not be valid.

(5) In case the owner fails to apply for renewal of license before expiry of the period for which licence was granted to him, the license shall be deemed to have been suspended after expiry of the said period :

Provided that the after 90 days of expiry of the period for which licence was granted, the licensing authority may cancel the license under Rule 11.

7. Duplicate licence/certificate of registration.ô If a licence or certificate of registration issued under these rules is defaced, lost, destroyed or otherwise rendered illegible, the licencing authority shall, on receipt of application made in **Form-6** for issuance of duplicate licence/certificate of registration, along with such fee as may be specified by the Government from time to time, issue a duplicate licence or certificate of registration as the case may be.

8. Directions of licencing authority.ô The licencing authority may, from time to time, issue such directions to the owner of the wood-based industry or furniture unit as it deems necessary, with regard to any matter directly connected to the business of the industry, and the same shall be binding on the owner.

9. Maintenance of record.ô Every owner shall maintain proper record of the receipt and disposal of timber in **Form-7** for wood-based

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industry and in **Form-8** for furniture unit, and, also furnish annual returns
in the month of January for the previous calendar year in such form
and manner as may be directed by the licencing authority, from time
to time.

10. Power to inspect, search and seize etc. (1) Any Forest Officer not below the rank of Range Officer, or an officer authorized by the licencing authority in this behalf, may with a view to securing compliance of these rules :

- i. require the owner to furnish such return, information, or statistics, or to produce such accounts, books and documents relating to his business for inspection/verification as may be specified ; and
- ii. enter and search, or authorize any person to enter and search the premises of any wood-based industry, furniture unit or wooden handicrafts unit, and seize or authorize the seizure of any raw material or any finished and/or semi-finished products, together with all tools, equipment or machines, in respect of which there are reasons to believe that contravention of the Act, or of these rules, or condition of a licence/certificate of registration issued thereunder has been/ is being or is about to be committed. The property so seized shall be liable to confiscation under the Act.

(2) Any person associated with the working of the wood-based industry, furniture unit or wooden handicrafts unit referred to in Sub-Rule (1) and present at the time of inspection/search, shall afford all reasonable facilities for entry and search of the premises, otherwise it will amount to commission of an offence under these rules and will be dealt with under Rule 13.

11. Cancellation or suspension of licence/registration. Notwithstanding anything contained in these rules, the licencing authority, where it has reasons to believe that the owner is operating the wood-based industry or furniture unit in contravention of the provisions of these rules or conditions of the licence/registration, or the owner is indulging in activities prejudicial to the interest of forest conservancy or is involved in any forest offence, or is found in possession of illicit timber or any other forest produce, or has committed any offence under

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law may, after giving the owner reasonable opportunity of being heard,
cancel the licence/registration granted under these Rules :

Provided that where such hearing or perusal of record or site inspection involves time, the licencing authority may, pending decision on cancellation of licence/registration, suspend the licence/ registration up to a maximum of 90 days by passing a reasoned order. A copy of the order suspending or cancelling the licence/registration shall be communicated to the owner.

12. Appeal against the refusal, suspension or cancellation of licence/registration or refusal to renew license.ô (1) Any person, who has been refused the licence/registration under Rule 4, or renewal of licence under Rule 6, or whose licence/registration has been suspended or cancelled under Rule 11, may, within a period of thirty days from the date of the receipt of information of such refusal or suspension or cancellation of the licence/registration, as the case may be, appeal to the Chief Conservator of Forests concerned.

(2) On receipt of the appeal filed under Sub-Rule (1), the Chief Conservator of Forests shall decide the same within a period of 60 days, after giving the concerned person reasonable opportunity of being heard and after perusal of all relevant record.

(3) The decision of the Chief Conservator of Forests on such appeal shall be final.

13. Penalty.ô Any person who contravenes any of the provisions of these rules, is liable to be punished by the competent Magistrate with imprisonment for a term which may extend to two years but shall not be less than three months, or with fine which may extend to twenty-five thousand rupees but shall not be less than five thousand rupees, or both.

14. Application of other laws not barred.ô The provisions of these rules shall be in addition to, and not in derogation of any other law for the time being in force, save as otherwise expressly provided in the Act.

15. Guidelines.ô After the coming into force of these rules, the Government may issue guidelines in conformity with the Act and these rules for effective implementation of these rules.

16. Repeal and savings. (1) The Jammu and Kashmir Wood-based (Saw Mills, Veneer and Plywood) Industries (Registration and Regulation) Rules, 2012 are hereby repealed.

By order of the Government of Jammu and Kashmir.

Commissioner/Secretary to Government.

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To

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|-----|---|--|
| 1. | Name of the Applicant : | |
| 2. | Father's Name : | |
| 3. | Permanent Address : | |
| 4. | Location and complete address of place/site where the industry is to be established/continued/expanded/relocated (location map to be annexed with this application) : | |
| 5. | Title and kind of primary wood-based industry : (Sawmill/Joinery/Plywood/Veneer/other) | |
| 6. | Whether machinery and power etc. required for the industry to establish/continue/expand/relocate are available (Yes or No) : | |
| 7. | Income Tax PAN : | |
| 8. | GSTIN : | |
| 9. | Proposed installed capacity of the industry : | |
| 10. | Type and kind of machinery : | |

16. Declaration and undertaking :

Signature of Applicant

Address _____

Date : _____

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FORM-2

To

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Photograph
of applicant

Subject :—Application for registration of furniture unit.

| | | |
|-----|---|--|
| 1. | Name of the Applicant : | |
| 2. | Father's Name : | |
| 3. | Permanent Address : | |
| 4. | Location and complete address of place/site where the furniture unit is to be established/ continued/expanded/ relocated (location map to be annexed with this application) : | |
| 5. | Title and kind of furniture unit : | |
| 6. | Whether machinery and power etc. required for the furniture unit to establish/ continue/expand/relocate are available (Yes or No) : | |
| 7. | Income Tax PAN : | |
| 8. | GSTIN : | |
| 9. | Proposed installed capacity of the furniture unit : | |
| 10. | Type and kind of machinery : (here specify machine name, size, power rating (HP/kW and numbers thereof) : | |

| | | |
|-----|---|-----------------|
| 11. | (i) Species/raw material to be used : (ii) Source of timber/raw material : | |
| 12. | Provisional Registration with Industries Department, if any : | |
| 13. | Other details, if any : | |
| 14. | Particulars of treasury receipt on account of fee for the licence : | No. : Date : |
| 15. | Enclosures with the application form : a. Treasury receipt. b. Copy of provisional registration with Industries Department, if any. c. Land record of the site where furniture unit is proposed to be located duly attested by the Tehsildar concerned. d. Copy of project proposal giving detail and type of machinery along with site plan and location map. e. Photo identity proof-Copy of Driving License/Aadhaar Card/Voter ID etc. f. Proof of Permanent Address. g. Affidavit to the effect that declaration and contents given in the application Form-2 are true. h. Any other document specified by licencing authority or Government from time to time. | |

16. Declaration and undertaking :

I/we have carefully read the Jammu and Kashmir Wood-based Industries (Establishment and Regulation) Rules, 2022, and the conditions associated with the registration as mentioned in **Form-4** to the said rules and I/we agree to abide by these.

Signature of Applicant

Name (capital letters) _____

Address _____

Place :

Date :

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FORM-3

**License to establish/renew/expand/
relocate/operate Wood-based Industry**

Photograph
of
applicant

with following machinery :

1. The owner shall establish/operate/expand/relocate his/her wood-based industry at (full address)_____.
2. The owner shall not alter the location of the wood-based industry without obtaining prior permission, in writing, of the licencing authority.

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8. The licence is renewed :

[illegible]

FORM-4

[See Rule 4(2)]

**Certificate of registration to establish/
expand/relocate/operate Furniture Unit**

Photograph
of applicant

Registration No. : _____ Date : _____

Permission is hereby granted to Mr./Ms./M/s _____

son/daughter/wife of _____

resident of _____ (hereinafter called the
owner) to establish furniture unit (_____)

located at (full address) _____ with

following machinery :

Details of Machinery :

| S. No | Category of Machinery | Size | Power rating (HP/kW) | Number (in words) |
|----------|-----------------------|------|-------------------------|----------------------|
| | | | | |
| | | | | |
| | | | | |

This Registration is subject to the provisions contained in the Indian Forest Act, 1927, as amended from time to time and the rules made thereunder and on the following conditions, namely :ô

1. The owner shall establish/operate/expand/relocate his/her furniture at (full address) _____.
2. The owner shall not alter the location of the furniture unit without obtaining prior permission, in writing, of the licencing authority.

Photograph
of applicant

| | | |
|-----|---|--|
| 1. | Licence Number : _____ Date : _____ Valid up to : | |
| 2. | Name of the Applicant : | |
| 3. | Father's Name : | |
| 4. | Permanent Address : | |
| 5. | Location and address of place where the industry is located : | |
| 6. | Title and kind of wood-based industry : (Sawmill/Joinery/Plywood/Veneer/other) | |
| 7. | Type and kind of machinery : | |
| 8. | Installed capacity of the industry : | |
| 9. | GSTIN : | |
| 10. | Income Tax PAN : | |
| 11. | Power connection number : | |
| 12. | (i) Species/raw material to be used : (ii) Source of timber/raw material : | |
| 13. | Details of Registration with Industries Department : | |
| 14. | Other details, if any : | |

I/we have carefully read the Jammu and Kashmir Wood-based Industries (Establishment and Regulation) Rules, 2022, and the conditions of the licence mentioned in **Form-3** to the said rules and I/we agree to abide by the same.

Name (capital letters) _____

Address _____

Place : _____

Date : _____

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Photograph
of applicant

| | | |
|-----|--|--|
| 1. | Licence Number :_____ Date : _____ Valid up to : _____, OR Registration Number _____ Date : _____ | |
| 2. | Name of the Applicant : | |
| 3. | Father's Name : | |
| 4. | Permanent Address : | |
| 5. | Location and address of place where the industry is located : | |
| 6. | Title and kind of wood-based industry : (Sawmill/Joinery/Plywood/Veneer/other) | |
| 7. | Type and kind of machinery : (specify machine name, size and power rating in HP/Kw and numbers thereof) | |
| 8. | Installed capacity of the industry : | |
| 9. | GSTIN : | |
| 10. | Income Tax PAN : | |

| | | |
|-----|--|--|
| 11. | Power connection number : | |
| 12. | (i) Species/raw material to be used : (ii) Source of timber/raw material : | |
| 13. | Details of Registration with Industries Department : | |
| 14. | Other details, if any : | |
| 15. | Reason for obtaining duplicate licence/certificate of registration | |
| 16. | FIR particulars (If the licence is lost or destroyed) | |
| 17. | Treasury receipt No. : _____ Dated : _____ on account of renewal fee for the licence. | |
| 18. | Enclosures with the application form : a. Treasury receipt ; b. Defaced/mutilated/illegible licence (original) ; c. Photocopy of the original (if available) ; d. Copy of FIR ; e. Affidavit to the effect that declaration and contents given in the application Form-6 are true ; f. Any other document specified by licencing authority or Government. | |

I/we have carefully read the Jammu and Kashmir Wood-based Industries (Establishment and Regulation) Rules, 2022, and the conditions

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of the licence/certificate of registration mentioned in **Form-3/Form-4** to
the said rules and I/we agree to abide by the same.

Signature of Applicant

Name (capital letters) _____

Address _____

Place : _____

Date : _____

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Record of Receipt and disposal of timber for wood-based industry :

- a. Date of receipt ;
- b. Name and full address of the person from whom received ;
- c. Species of timber ;
- d. Number of logs, size and volume (cubic feet) or weight (quintals) ;
- e. Particulars of GST invoice ;
- f. Transit permit (Form-25) number and date/e-way bill particulars ;
- g. Remarks.

- a. Date of removal of timber /manufactured goods from depot ;
- b. Name and full address of the person to whom sold or handed over ;
- c. Particulars of GST sale invoice ;
- d. Species of timber ;
- e. Product(s) ;
- f. Number of logs, size and volume (cubic feet) or weight (quintals), as the case may be ;
- g. Transit permit (Form-25) number and date/e-way bill particulars ;
- h. Remarks.

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FORM-8

(See Rule 9)

Record of Receipt and disposal of timber for furniture unit—

(i) Record of receipt of timber :

- a. Date of receipt ;
- b. Name and full address of the person from whom received ;
- c. Species of timber ;
- d. Number of logs, size and volume (cubic feet) or weight (quintals) ;
- e. Particulars of GST invoice ;
- f. Transit permit **(Form-25)** number and date/e-way bill particulars ;
- g. Remarks.

(ii) Record of disposal of timber/manufactured goods :

- a. Date of removal of timber/manufactured goods from depot ;
- b. Name and full address of the person to whom sold or handed over ;
- c. Particulars of GST sale invoice ;
- d. Species of timber ;
- e. Product(s) ;
- f. Number of logs, size and volume (cubic feet) or weight (quintals), as the case may be ;
- g. Remarks.

(iii) Any other information desired by the licensing authority in prescribed format.