GOVERNMENT OF MEGHALAYA
FOREST AND ENVIRONMENT DEPARTMENT

NOTIFICATION
Dated Shillong, the 23rd December, 1998.

NO.FOR.86/98/Pt/43 : In pursuance of the direction contained in para 30 of the Order dated 15th January, 1998 of the Hon'ble Supreme Court ofIndia in Writ Petition © No.202 of 1995, and of the recommendation of the State Level Expert Committee constituted in pursuance of the said Order and in exercise of the powers conferred by Clause (1) of Sub-Section (2) of Section 40 of the Meghalaya Forest Regulation (Assam Forest Regulation No. 7 of 1891 as applied and amended by Meghalaya), the Governor of Meghalaya is pleased to make the following rules, namely:-

1. Short title and commencement :-
    1. These Rules may be called the Meghalaya Forest – Based Industries (Establishment & Regulation) Rules, 1998.
    2. They shall extend to the whole State of Meghalaya.
    3. They shall come into force from the date of their publication in the Official Gazette.

2. Definition: (1) In these rules, unless specifically mentioned otherwise :-
    (a)Director of Industries means the Director of Industries, Government of Meghalaya.
    (b) Government means the Government of Meghalaya.
    (c) H.P.C. means the High Power Committee constituted by the Hon'ble Supreme Court of India.
    (d) Industrial Estate means area notified by the Government from time to time as per the Supreme Court Order;
    (e) P.C.C.F's means the Principal Chief Conservator of Forests, Government of Meghalaya.;

(f) Saw Mills' means plant and machinery with which along with the premises including the presinet thereof in which, or in any part of which, sawing is carried out with aid of electrical and mechanical power; which include cutting and conveying timber/wood into pieces or the like acts;

(g) State Level Expert Committee' (SLEC) means Government of Meghalaya, in pursuance of para 30 of Hon'ble Supreme Court Order dated 15.01.98 in writ petition (C) No.202 of 1995 read with writ petition (C) No. 171 of 1996.

(h) Tribal' means a person belonging to any of the Scheduled Tribe pertaining to Meghalaya and as specified in the Constitution (Scheduled Tribe) Order, 1956 as amended from time to time; and

(i). Veneer Mill/Plywood Mill' means plants and machinery with which and the premises including the precincts thereof in which, or in any part of which conversion into required size, slicing, peeling, fashioning or seasoning of timber/wood, including preservation and treatment thereof either by mechanical process or chemical process with the aid of electrical or mechanical power or manually, is carried out.

2. Words and expression used but not defined under these rules and defined in the Meghalaya Forest Regulation (Assam Regulation No.7 of 1891 as applied and amended by Meghalaya) shall have the meaning respectively assigned to them in the said Act.

3. On any dispute, regarding interpretation of any word/expression/clause, the decision of the Principal Chief Conservator of Forests, Government of Meghalaya shall be final.

3. No Saw Mills, Veneer Mill, Plywood Mill or any other wood based industrial unit shall be established or run except as provided in these Rules.

4. Restriction or Establishment of Saw Mills, Veneer Mills, Plywood Mills and other wood-based industrial units:-

(1) Saw Mills, Veneer Mills, Plywood Mills and all other wood-based industrial units shall be established only in the industrial.

5. Procedure for obtaining License.

(1). The existing Saw Mills, veneer Mills, Plywood Mills fulfilling the conditions of Rule 4(1) and (2) and desiring a license to establish such Mill in the Industrial Estate, shall make an application to the Principal Chief Conservator of Forests or his nominee not below the rank of DFO/DCF in the form given in Schedule – I appended to these Rule.

(2) Each application shall be accompanied by a non-refundable application fee of Rs. 500/- (Rupees Five Hundred)only in the form of a receipted Treasury Challan.

(3) On receipt of such application the Principal Chief Conservator of Forests shall be use necessary verifications to whether –

(a) Conditions laid down in sub-rules (1) (2) and (4) of Rule 4 have been fulfilled.

(b) the required quantity of timber is available on an annual basis as determined by the approved Working Plan.

(4) The Principal Chief Conservator of Forests shall then forward the application together with verification report and his recommendations to the State Level Expert Committee for their consideration and recommendation.

6. Grant of License:-

(1) After consideration the recommendation of the State Level Expert Committee in each case, the State Government may give application in the form given in Schedule –II appended these Rules, or reject same for reasons to be recorded.

(2) While granting the license, the Government shall decide against while providing industrial estates or additional industrial estates as are notified by Government for such purpose.

(3) Only those Saw Mills, Veneer Mills, Plywood Mills and other wood-based industries which have been cleared by the High Power Committee without

penalty before 15.01.1998; neither cleared with penalty before the 9th February, 1998 have been permitted for grant of license by the HPC as per para 14 of the Order dated 15.01.1998 of the Supreme Court of India in Writ Petition (C) No.202 of 1995, provided such Saw Mills, Veneer Mills, Plywood Mills or other wood-based industrial unit is approved by the State level Expert Committee, will be eligible for consideration for allotment of land in the notified Industrial estate or additional industrial estate and grant of license..

(4) Allotment of Land in the Industrial Estate and grant of license to individual non-tribal, firm, partnership firm, Company, Society shall be made only on –

(a) Production of the sanction of the Competent Authority for transfer of land as lay down in the Meghalaya Transfer of Land (Regulation) Act, 1971.

(b) Production of a Trading License from the concerned District Council as laid down in the Trading By Non-Tribal Act, applicable at that point of time.

(c) Provided that the provision of this sub-rule shall not apply to saw mills, Veneer Mills and Plywood Mills that was already on existence as on 12.12.1996.

(4) On receipt of the Allotment of land, saw Mills, Veneer Mills and Plywood Mills shall have to register their unit with Director of Industries in the case of Small Scale Industries where investment in plants and machinery does not exceed Rs. 3.00 crores, or file an I.E.M (Industrial Entrepreneur memorandum) with the Ministry of Industries, Government of India, where such investment exceeds Rs. 3.00 crores. Estate the applicant is granted license; regulated the authorised capacity of the unit keeping in view the quantity of timber likely to be available in the area on a sustainable basis as per working Plan; and the extent of land to be allotted to the applicant, where applicable.

7. Period of Validity of License.

License granted under Rule 6 or renewed under Rule remain valid for the calendar year ending of the 31st day of December following the date of such issue or renewal of License.

8. Renewal of License.

Application for renewal of license granted under Rule 6 shall be made to the Principal Chief Conservator of Forests, one month before the expiry of validity period, failing which the license will stand revoked.

9. Revocation of License.

Notwithstanding anything in the fore-going Rules, the Government may, where there are reasons to believe that the License is operating the Saw Mill, Veneer Mill or Plywood Mill in contravention of the Provision of these Rules or conditions of License or is indulging in activities prejudicial to the interest of forest Conservancy or public interest, at any time after giving one month notice, revoke the license granted under Rule 6.

10. Fees for Grant or Renewal of License.

The following fees shall be paid by each tribal applicant for the grant or renewal of license which shall be credited to the revenue of the Forest & Environment Department, through a Treasury Challan under the appropriate receipt head.

Sl.No.		Grant of License	Renewal of License
1	Saw Mill/Unit	Rs. 10,000.00	Rs. 5,000.00
2.	Veneer Mill/Unit	Rs. 50,000.00	Rs. 10,000.00
3.	Plywood Mill	Rs. 1,00,000.00	Rs. 25,000.00

(1) A Unit in case of Saw Mill means two blades whether horizontal or vertical or a single peeling Unit would.

(2) The Fee for grant or renewal of license may be revised from time to time as deemed necessary by the Government and shall be done by issuing executive orders to this effect.

(3) For Non-Tribal applicants, the rates will be double the above.

11. Exception

Nothing contained in this Rules shall apply to other wood-based small scale Units manufacturing final consumable wooden articles using manually operated non-powered tools.

Sd/-

(P.J.Bazeley)
Principal Secretary to the Government of Meghalaya,
Forest & Environment Department.

SCHEDULE – I
FORM FOR APPLICATION OR FOR GRANT OF LICENSE.

1. Name of Applicant with Address:

_____

_____

2. Existing location – (i) Place :_____

(ii) District: _____

3. Type of forest based industry intended to be set up:_____

(i) Saw Mill, (ii) Veneer Mill, or (iii) Plywood Mill

4. Whether a tribal of Meghalaya (If so please indicate):_____

5. If not a tribal of Meghalaya, Please state whether,

(i) Individual Non-Tribal:_____

(ii) Registered Firm/Society/partnership:_____

(iii)Company Registered under Company Law:_____

6. If response to (5) above is in the affirmative, please state whether:

(i) Sanction for transfer of land under Meghalaya Transfer of land (Regulation)Act, 1971, read with the Meghalaya Transfer of Land (Regulation) Amendment Act, 1991 has been obtained.

(ii) A Trading License from the District Council under the trading by Non-tribal Act applicable at that point of time has been obtained.

7. Whether :-

(a) Forest based industry is a new unit being set up.

(b) If answer to (a) is in positive, has the Forest Based Industry been cleared by the High Power Committee.

If the answer is in the positive whether the industry has been cleared with penalty or without penalty.

8. The notified Industrial Estate in which the applicant wishes to establish his unit.

9. Capacity of the unit proposed to be established/continued (in cubic meters) of un-sawn timber (round logs)

10. Source of Raw materials:-

(Please indicate details of certificates of origin from A.D.C's).

11. (a) Whether at any time the applicant has registered the unit with the Director, Industries.

(b).if answer to (a) above is yes, quote Registration No.

12. Whether copy of the Treasury Challan for fees deposited is enclosed.

I hereby declare that the information provided above is true and that if found false, subsequently, my application for license may be rejected.

Dated: Signature of Applicant.

Place:

ACKNOWLEDGEMENT

I hereby acknowledge receipt of an application for grant of License under the Meghalaya Forest Based Industries (Establishment & Regulation) Rules, 1998 from –

Dated:
Place:

Principal Chief Conservator of Forests
(or his authorised individual Officer)

Sd/-
(P.J.Bazeley)
Principal Secretary to the Government of Meghalaya
Forest & Environment Department.

MEMO NO.FOR.66/98/pt/43-A Dated Shillong the 23rd December, 1998.

Copy to :-

1. The Director Printing & Stationery with a request to publish this notification in the Meghalaya Gazette Extra-ordinary of date and to furnish this Department 500 spare copies thereof.
2. The Deputy Inspector General of Forests & Head of M.E. Cell, Ministry of Environment & Forest, Government of India, Room No.707 Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi 110003 for information with reference to the approval contained in Ministry's letter No.3/93-SU dated 18th December, 1998.
3. The Principal Chief Conservator of Forests, Meghalaya Shillong for information and necessary action.
4. The Private Secretary to Chief Minister/Deputy Chief Minister/All Ministers/All Ministers of States/ Parliamentary Secretary.
5. Private Secretary to the Speaker/Deputy Speaker, Meghalaya Legislative Assembly.
6. Private Secretary to the Chief Secretary, Meghalaya.
7. All principal Secretaries/Commissioners and Secretaries/Secretaries/head of Departments.
8. All Chief Conservator of Forests/Conservator of Forests/Divisional Forest Officers.
9. Secretary, Executive Committee, JHADC, Jowai/KHADC/GHADC.
10. All Members of the Meghalaya legislative Assembly.
11. All Deputy Commissioners.
12. All Forest Based Industries cleared by the HPC within 15.01.1998.
13. The Director of Information & Publications, Meghalaya for wide publicity.

Sd/-
(P.J.Bazeley),
Principal Secretary to the Government of Meghalaya,
Forest & Environment Department.