Charcoal

Spare - Copy - CHARCOAL Rules/2

VERNMENT OF MEGHALAYA
S & ENVIRONMENT DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Shillong, the 5th November, 2008.

NO.FOR.136/2001/213 – In exercise of the powers conferred under section 40 and 72(e) of the Meghalaya Forest Regulation (Application and Amendment) Act, 1973, the Governor of Meghalaya is pleased to notify the rules to control production, storage, trade and transit of charcoal.

1. Short title, extent and commencement :

(1) These rules may be called the Meghalaya Charcoal (Control of Production, Storage, Trade and Transit) Rules, 2008.
(2) They shall extend to the whole of the State of Meghalaya.
(3) They shall come into force with immediate effect.

2. Definitions :

(1) "Act" means the Meghalaya Forest Regulation (Application and Amendment) Act, 1973.
(2) "Government" means the State Government of Meghalaya.
(3) "District Council" means an Autonomous District Council constituted under the Sixth Schedule to the Constitution of India.

(4) "Legal timber" includes the following:

(a) trees felled under prescription of an approved working plan or working scheme;

(b) trees felled from registered plantations from non-forest land under prescribed rules;

(c) trees felled from non-forest areas for commercial purpose under prescribed rules;

(d) isolated trees felled from homestead or farm under lawful permission;

(e) timber purchased from the Government or a Government agency.

(5) "Producer" means a person who converts wood obtained from legal sources into charcoal by a process of destructive distillation of wood by burning in a kiln in the presence of regulated but limited amount of air or any other process.

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(6) "Stockist" means a person who stores more than one metric tonne (ten quintals) of charcoal for the purpose of trade or consumption.

(7) "Conservator of Forests" means the Conservator of forests having territorial jurisdiction over the area.

(8) "Divisional Forest Officer" means the Divisional Forest Officer having territorial jurisdiction over the area.

(9) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act unless the context otherwise requires.

3. Restriction on production, stocking, sale, purchase, import and export of charcoal:

On and after the appointed day

(a) No person shall burn/convert a tree, timber or wood for the purpose of charcoal production except under and in accordance with these rules.

(b) Charcoal shall be produced only from wood obtained from legal sources.

(c) Application for production or storage of charcoal shall be submitted by registered producers or stockists in Form II and Form III respectively to the Divisional Forest Officer concerned under whose jurisdiction the place for conversion of wood to charcoal is situated.

(d) Charcoal shall be produced and stocked only in such quantities and places as specified for the purpose in Form IV by the Divisional Forest Officer concerned or any other officer acting in his behalf.

(e) No person shall procure charcoal from any source other than a registered producer or stockist.

(f) No person shall import charcoal into or export charcoal from the State unless specific permission is accorded by the Principal Chief Conservator of Forests Meghalaya. Such permission would specify the source, the route of import or export in the State and the quantity.

4. Permit for sale, transport etc :

(1) Notwithstanding anything contained in the preceding paras, the Chief Conservator of Forests Territorial, with the prior approval of the Principal Chief Conservator of Forests, may on such terms and conditions and in such manner as may be prescribed, permit any person who had purchased any charcoal before the appointed day within an area to which these Rules apply, to sell and transport such charcoal to any person within the State

(2) A person to whom a permit is granted under sub-section (1) shall be liable for payment of such fees as may be prescribed.

Registration of producers and stockists :

(1) Every intending producer or stockist of charcoal shall apply for registration to the Divisional Forest Officer concerned and obtain a certificate of registration in Form I.

(2) The registration and the renewal fee shall amount to Rs.1000/- (Rupees One thousand) and Rs.500/- (Rupees five hundred) respectively, which may be revised from time to time by the Chief Conservator of Forests Territorial with the concurrence of the Principal Chief Conservator of Forests.

Provided the registration and the renewal fee shall be half the amount in case of a producer or individual stockist who belongs to scheduled tribe/caste community.

The registration/renewal fee would be payable by a receipted treasury Challan for the amount.

(3) The registration/renewal shall be valid till the 31st December of the year of registration/renewal.

(4) An application for renewal shall be submitted to the Conservator of Forests concerned sixty days before the expiry of the validity period of the registration/renewal.

(5) The Divisional Forest Officer concerned may refuse to register any producer or trader:

(a) if he does not possess or in the opinion of the Divisional Forest Officer concerned is not likely to procure legal timber required for charcoal production;

(b) on account of a conviction for any offence in respect of forest, wildlife or environmental laws;

(c) if the number of persons who have applied for and those who have already been registered in the locality are sufficient; or

(d) for any other reason which seems to the Divisional Forest Officer concerned to be sufficient, to consider a person not fit to produce or trade in charcoal.

(6) The Divisional Forest Officer concerned may issue a duplicate copy of the registration certificate if the original is lost or destroyed and on receipt of payment of a fee of Rs.250/- (Rupees two hundred and fifty).

Suspension or cancellation of registration :

If any registered producer or stockist, either by himself or through his agent or servant acting on his behalf contravenes any of the provision of these rules then, without prejudice to any other action that may be taken against him, the Divisional Forest Officer concerned may, after giving him a reasonable opportunity for representation, suspend or cancel the registration. A copy of the order suspending or canceling the registration shall also be sent to the concerned producer or stockist.

7. Records to be maintained and furnished by the registered producer or stockist

Every registered producer or stockist shall maintain correct and true records in respect of production, receipt, disposal and trade in form No.V and in such manner as the Divisional Forest Officer concerned may specify. Every registered stockist shall submit a monthly return in Form VI showing monthly transaction. Such return shall be submitted within the seventh day of the month following to the Divisional Forest Officer concerned.

8. Industries using charcoal as raw material :

Industries using charcoal as raw material shall be treated as stockists of charcoal and shall

(a) source charcoal only from registered producers or stockists or from imports;

(b) maintain a stock register in form V and submit a quarterly return in Form VI to the Divisional Forest Officer concerned;

(c) retain transit passes in support of the entries in the stock register; and

(d) allow inspection of stock of charcoal and scrutiny of stock register and connected documents by a forest officer not below the rank of a forester.

9. Production, storage and transit of charcoal:

(1) No charcoal shall be transported unless covered by a transit pass issued by a Forest Officer authorized by the Divisional Forest Officer concerned in token of full payment of all amounts due to the Government.

(2) Charcoal shall be imported into, exported from or moved within the State only on the route prescribed.

(3) A transit pass for transport of charcoal shall be issued only on production of a certificate of origin or document in support that the charcoal has been produced from legal timber.

(4) Every officer issuing a transit pass at the point of production of charcoal shall satisfy himself that the timber or wood used for production of charcoal consignment is of legal origin after verifying the documents.

(5) Any premises used for production or storage of charcoal and the stock register and other connected documents shall be subject to inspection and scrutiny at any time by any forest officer not below the rank of a forester and all facilities for such inspection and scrutiny shall be provided by the owner of such depot or premises.

(6) Charcoal in transit may be stopped and inspected at any place by any forest officer and all persons in charge of the consignment shall be bound to produce the permit, certificate of origin or transit pass covering the consignment when called upon to do so by such Forest Officer.

10. Appeal :

Any person aggrieved by any order passed by any competent authority under these Rules may, within a period of sixty days from the date the order is communicated and on payment of such fee not exceeding fifty rupees, prefer an appeal to the next higher authority whose order shall be final.

Provided that the Appellate authority may admit an appeal after expiry of sixty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

11. Exemption of Government transactions :

Nothing in these rules shall apply to the production, trade transit, storage, export and import of charcoal by or on behalf of the State Government or a State Government agency or for making and use of small quantities not exceeding 200 kilograms of charcoal for bona fide domestic use by the local people or to the charcoal produced from bamboos subject to compliance with other acts and rules in this regard. The industries using bamboo charcoal shall however maintain stock registers, submit returns, retain transit passes and be subject to inspection as provided in Rule 8 sub rules (b), (c) and (e) of these rules. The stock registers and record of transit passes for bamboo charcoal shall be maintained separately and returns shall also be submitted separately.

12. Penalty :

Any person infringing any of the above rules shall be punishable as provided under section 41 of the Meghalaya Forest Regulation Act, 1973.

13. Effect of other rules :

The provisions of these rules shall have effect notwithstanding anything inconsistent therewith contained in any other rules framed under the Act.

Sd/- V.S.Oberoi,
Principal Secretary to the Govt. of Meghalaya,
Forests & Environment Department.

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FORM - I

[See Rule 5 (1) (2) & (3)]

Registration for charcoal production / storage

To,

Shri / Smt / M/s .....
.....
.....

Registration No .....

* (i) You have been registered as a producer / stockist of charcoal under Section 5 (1) of the Meghalaya Charcoal (Control of Production, Storage, Trade and Transit Rules, 2004). Your registration would expire on 31st December _____.

* (ii) Your registration as charcoal producer / stockist is hereby renewed till 31st December .....

Yours faithfully,

Divisional Forest Officer,
..... Division,
.....

*Strike off whichever is not necessary.
The Registration No would be assigned in the fashion KH, JH or GH/Year / No]

FORM - II

[See Rule 3 (C)]

From,

.....
.....
.....

To,

Divisional Forest Officer,
..... Division,
.....

Sub : Request for permission for production of charcoal

Sir,

I intend to convert wood obtained from legal sources into charcoal. The necessary particulars are as follows :

1) Name of the applicant :
2) Father's / Mother's name :
3) Permanent address :

4) Registration No ..... :
5) Description of the timber / wood to be used in production of charcoal :

Species	Quantity (in metric tonnes)

6) Source of the timber / wood
7) Location where production is to be done
8) Quantity of charcoal to be produced

The required permission may kindly be accorded

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Yours faithfully,

FORM - I

[See Rule 5 (1) (2) & (3)]

(Registration for charcoal production/storage)

To,

Shri/Smti/M/s.....

.....

.....

Registration No.....

* (i) You have been registered as producer/stockist of charcoal under Section 5 (1) of the Meghalaya Charcoal (Control of Production, Storage, Trade and Transit Rules, 2004). Your registration would expire on 31st December .....,

* (ii) Your registration as charcoal producer/stockist is hereby renewed till 31st December.....

Yours faithfully,

Divisional Forest Officer,

..... Division,

.....

*Strike off whatever is not necessary.

[The Registration No would be assigned in the fashion KH, JH or GH/Year/No]

FORM – II

[See Rule 3 (C)]

From,

.....

.....

.....

To,

Divisional Forest Officer,

..... Division,

.....

Sub: Request for permission for production of charcoal

Sir,

I intend to convert wood obtained from legal sources into charcoal. The necessary particulars are as follows:

(1) Name of the applicant :

(2) Father's/Mother's name :

(3) Permanent Address :

(4) Registration No..... :

(5) Description of the timber/wood to be used in production of charcoal :

Species	Quantity (in metric tonnes)

(6) Source of the timber/wood :

(7) Location where production is to done :

(8) Quantity of charcoal to be produce :

The required permission may kindly be accorded

Yours faithfully,

8] Meghalaya Charcoal (Control of Production, Storage, Trade and Transit) Rules, 2008

FORM No – III

[See Rule 3 (C)]

From,

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.....

.....

To,

The Divisional Forest Officer,

.....Division,

.....

Sub: Request for permission for storage of charcoal.

Ref: Registration No. .....

Sir,

In intend to stock charcoal obtained form legal sources. The necessary particulars are as follows:

(1) Name of the applicant (individual or industry) :

(2) Father's /Mother's name (in case of individuals only) :

(3) Permanent Address/ Address of Registered Office :

(4) Location of the factory (only in case of applicant being an industry) :

(5) Intended place of storage charcoal :

(6) Source of charcoal :

(7) Maximum quantity of charcoal that would be in stock at any time (in metric tonnes) :

The required permission may kindly be accorded

Yours faithfully,

FORM – IV

[See Rule 3 (d)]

Book No.....(in three foils) Page No.....

Permit for production/storage of charcoal

Shri/Smt/M/s.....Registration No.....is permitted to produce/stock charcoal at following place (s) premise (s).

Place	Quantity

This permission shall remain valid to .....

The permit holder shall maintain records and furnish information to the designated authority as per Form V and Form VI respectively of the Rules.

Dated.....
the.....

Divisional Forest Officer
.....Division,
.....

[For production of charcoal, separate permit would be accorded for each lot of production. For storage of charcoal, one time permission for the maximum quantity for the year of registration/renewal would be given]

FORM - V

[Se Rule 17]

Stock Register

Record of production/receipt and sale/disposal/consumption of charcoal

Sl No	Date	Opening stock	Quantity produced/ received (in mt)	Source of timber/wood or charcoal	TP No and date	Disposal/ sale/ consumption during the day (in mt)	Balance Stock at the end of the day (in mt)
1	2	3	4	5	6	7	8

FORM – VI

[See Rule 7]

(Monthly return for receipt and disposal of charcoal)

Return for the month ending.....

(1) Name and address of the stockist/industry :

(2) Registration No :

(3) Date of validity of Registration :

(4) Location of the factory
(only in case of stockist being an industry) :

(5) Place of storage of charcoal :

(6) Opening balance at the beginning of the month
month (in metric tonnes) :

(7) Stock received during the month
(in metric tonnes) :

(8) Stock consumed/disposed during
the month (in metric tonnes) :

(9) Closing stock at the end of the month
(in metric tonnes) :

Signature of the authorised signatory

[For one registered stockist one set of returns is to be furnished even if places of storage are more than one provided these are covered by one permit for storage]