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NOTIFICATION

No.C.18011/5/2016 - FST, the 19th February, 2020: WHEREAS, the Mizoram Wood Based Industries (Establishment & Regulation) Rules, 2017 and its amendment made in 2019 give full power and authority to the State Level Committee to grant license for Wood Based Industries without obtaining approval of the State Government.

AND WHEREAS, it has been observed, after careful re-examination of the said rules at the initial stage of its implementation, that the granting of license for Primary Wood Based Industries is a policy matter that can affect the economy of the State requiring careful planning and involvement of the State Government taking into consideration the demand and availability of timber in Government forest as well as private forests;

AND WHEREAS, it is felt necessary to assign the task of examining the technical aspect for establishment of primary wood based industries [such as the availability of timber, the feasibility of the proposed site for primary wood based industries, the number of wood based industries that can be set up in the State, etc] to the State Level Committee which will give its recommendations to the State Government and the latter to consider and give final approval to such recommendations;

NOW, THEREFORE, the Governor of Mizoram is pleased to further amend the Mizoram Wood Based Industries (Establishment & Regulation) Rules, 2017 as follows:-

1. Short title, extent and commencement:

- (i) These rules may be called the Mizoram Wood Based Industries (Establishment & Regulation) (Amendment) Rules, 2020.
- (ii) They shall extend to the whole State of Mizoram except the three Autonomous District Councils.
- (iii) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of rule 2 : After sub-rule (k) of rule 2 of the Mizoram Wood Based Industries (Establishment & Regulation) Rules 2017 (hereafter referred to as the Principal Rules), the following sub-rule shall be inserted, namely:-

“(kk) ‘**State Government**’ means the State Government of Mizoram”.

3. Amendment of rule 3 : Sub-rule (i) of rule 3 of the Principal Rules shall be substituted by the following, namely:-

- “(i) *No person shall establish or operate a primary or secondary wood based industry except under a license granted in accordance with these rules and with the prior approval of the State Government.*”

4. **Amendment of rule 5 :** (1) Sub-rule (ii) of the Principal Rules shall be omitted.
 (2) Sub-rule (iv) of the Principal Rules shall be substituted by the following, namely:-
 "(iv) The State Level Committee will invite one representative of the industry nominated by the Mizoram Wood Based Industry Owners Association as a special invitee as and when required."
5. **Amendment rule 6 :** (1) Sub-rule (iii) of rule 6 of the Principal Rules shall be substituted by the following, namely:-
 "(iii) Recommend the name of wood based industries which may be considered by the State Government for grant of fresh license or enhancement of the existing licensed capacity after taking into account all the technical aspects, prevailing Government policy and other relevant criteria for establishment of Wood Based Industries."
 (2) Sub-rule (iv) of rule 6 of the Principal Rules shall be substituted by the following, namely:-
 "(iv) Take steps to ensure that the amount collected or recovered from Wood Based Industries is ploughed back and utilized for the purpose of afforestation."
6. **Amendment of rule 9 :** Sub-rule (iv), (v), (vi) & (vii) of rule 9 of the Principal Rules shall be substituted by the following, namely:-
 "(iv) The Conservator of Forests will, within five (5) days of receipt of the application and report, forward the same with his comments to the Principal Chief Conservator of Forests, who shall refer the same to the State Level Committee for its consideration and recommendation.
 (v) The State Level Committee, while exercising its power and functions under rule 6, may recommend issuance/refusal of the license or renewal of the license to the State Government.
 (vi) The State Government, after examining the recommendation of the State Level Committee, shall convey its decision on the applications for setting up of wood based industries or for renewal of license or for enhancement of existing licensed capacity to the Principal Chief Conservator of Forests for necessary follow up action.
 (vii) The State Government may, however, delegate the power of granting license for Secondary Wood Based Industries and/or renewal of license to the State Level Committee or the Principal Chief Conservator of Forests."
7. **Amendment of rule 10 :** Rule 10 of the Principal Rules shall be substituted by the following, namely:-
"10. Registration of Wood based Industry:
 On receipt of the approval of the State Government for establishment of wood based industry, the applicant shall get the wood based industry registered with the competent authority of Commerce & Industries Department."
8. **Amendment of rule 11 :** The entries "State Level Committee" or "SLC" appearing in rule 11 of the Principal Rules shall be substituted with the entries "State Government".
9. **Amendment of rule 15 :** Rule 15 of the Principal Rules shall be substituted with the following, namely:-
"15. Appeal:
 An appeal against an order or decision taken by any authority under this rules shall lie -
 (a) If the order is made by the authorized officer, with the Conservator of Forests of the Circle concerned;

- (b) If the order is made by the Conservator of Forests of the Circle concerned, with the Principal Chief Conservator of Forests;
- (c) If the order is made by the Principal Chief Conservator of Forests or State Level Committee, with the State Government whose decision shall be final.

Such appeal should be preferred within 60 days of the receipt of the order or decision and the appellate authority shall within 60 days of filing the appeal pass the appropriate order."

10. **Amendment of rule 21 :** Rule 21 of the Principal Rules shall be substituted with the following, namely:-

"21. Penalties:

Any person contravening any of the provisions of these rules shall be liable to suspension or closure of operation or cancellation of license."

11. **Amendment of Form - I :** In Form - I, after Sl. No. 10(g), the following shall be inserted, namely:-

- h) GST Registration.
- i) Consent to establish from Mizoram Pollution Control Board.
- j) Consent to operate from Mizoram Pollution Control Board (for renewal of license).

12. **Amendment of Form - II :** In Form - II, the entries "SLC" wherever it appears shall be substituted with the entries "State Government".

Dr. Ch. Muralidhar Rao,
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