

GOVERNMENT OF KARNATAKA

No.FEE 46 FDP 2022

Karnataka Government Secretariat,
M S Building
Bangalore, Dated: 31.12.2022.

NOTIFICATION

In exercise of the powers conferred by section 102 of the Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964) the Government of Karnataka hereby makes the following rules further to amend the Karnataka Forest Rules, 1969, namely:-

RULES

1. Title and Commencement; -(1) These rules may be called the Karnataka Forest (Amendment) Rules, 2022.

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

2. Substitution of rule 108: - For rule 108 of the said rules, the following shall be substituted namely,

108. Extraction and disposal of Sandal trees form any land, owners of which possess a right there to -

(1) Any owner who intends to extract his Sandalwood trees shall apply to the concerned Range Forest Officer furnishing particulars regarding the village, Sy. No., other particulars of the land and the list of trees to be extracted in Form 12. The owner shall also indicate whether he intends the extracted Sandalwood to be transported to the Government Sandal Depot to sell it to the State Government or to any State Government undertaking notified by the State Government from time to time or to any other entity. The applicant shall enclose the relevant documents duly obtained from the authorities concerned.

(2) The Range Forest Officer shall visit the spot and after due enquiry and verification of the documents, obtain revenue opinion regarding tenure and ownership of land & sandal trees from the concerned jurisdictional Assistant Commissioner, in cases where trees are of reserved kind and value of the tree/s is more than Rs.10 lakhs and from the concerned jurisdictional Tahsildar in case of trees, where value is up to Rs.10 lakhs.

Provided that Revenue Opinion shall not be necessary if

- (a) the land in question is a Hiduvali land; and
- (b) the land in question is fully surrounded by other Hiduvali lands; and
- (c) details of sandalwood trees are recorded in RTC

The Range Forest Officer after making such enquiry and verification, if satisfied about the ownership or interest of the applicant to the trees, report the matter to the Deputy Conservator of Forests through Assistant Conservator of Forests, within thirty days from the date of receipt of the application. The Deputy Conservator of Forests may after due enquiry and verification of the documents, if satisfied about the ownership and the title, permit extraction of the tree within fifteen days of receipt of the report.

Ordinarily such permission shall not be refused if the tree

- a) Wind fallen.
- b) Constitute a danger to life or property
- c) As is required to be removed for extension of cultivation or for any other reason irrespective of age of the tree.

Before the extraction and removal of tree, the applicant shall sign a declaration in Form 13, agreeing to abide by such of the conditions specified therein and to indemnify the State Government or such other person due to any misrepresentation on his part about his title to the tree or about the ownership of the land.

(3) The tree permitted to be extracted shall be serially numbered and girth measurement taken at a height of 1.37 metres above ground level. The place where the girth measurement was taken shall be marked with a red band in paint. A Forest Guard shall supervise these operations and he shall record the measurements. The details shall be forwarded by the Forest Guard to the concerned Range Forest Officer who shall record the details in the register in Form 14 and maintain the register.

Provided that the sub rule (3) of rule 108 shall be applicable, only if sandal trees belong to the Government or sold to forest department.

(4) Thereafter, the tree permitted to be extracted shall be uprooted, cut into proper pieces, each piece serially numbered and its mid-girth and length measured and recorded as specified in the Karnataka Forest Code and the material shall be stocked until transportation. The cost of extraction and stacking will be borne by the owner. A Forest Guard shall supervise these operations.

- (a) In case, owner desires to send the extracted sandalwood to the Government depot, the material shall be transported by the department as provided in Rule 155, under a transit pass in Form No. 38 to be issued by the concerned Range Forest Officer or by a subordinate not below the rank of a Deputy Range Forest officer duly authorized by the Range Forest Officer, after giving a receipt to the owner in Form-15. The material shall be accompanied by a Forest Guard during transit. The owner is also at liberty to arrange for transport at his cost;
- (b) When the owner desires to dispose the extracted sandalwood to any State Government Undertaking notified by the State Government from time to time, the extracted material shall be transported as provided in Rule 155, to the required destination under a transit

pass in Form No.38-A to be issued by the concerned Range Forest Officer or by a subordinate not below the rank of a Deputy Range Forest officer duly authorized by the Range Forest Officer. On receipt of the Sandalwood, the State Government Undertaking concerned shall issue a receipt in Form 15-A to the owner and a copy of the same shall be sent to the Range Forest Officer concerned and another copy shall be retained by the State Government Undertaking.

(c) In case, owner desires to dispose the extracted sandalwood to any other entity other than State Government or to any State Government undertaking notified by the State Government, the owner shall submit an application either through online or manual mode in Form No.31. On receipt of such application, the Deputy Conservator of Forest shall forward the application to the concerned Range Forest Officer for field verification and after receipt of the report, shall issue transit permission.

(5) When the Sandalwood is brought to the Government depot, the officer in charge of the depot shall check, measure and acknowledge the material and pass on a receipt to the Forest Guard accompanying the material. Thereafter, the sandalwood shall be cleaned, roughly dressed, assorted, classified and weighed in the same manner as the Government sandalwood as specified in the Karnataka Forest Code. The owner or his authorized agent is at liberty to be present at the time of cleaning, dressing, assortment, classification and weighing. The Depot Officer shall submit to the Deputy Conservator of Forests in whose jurisdiction the Government depot lies, the details of sandalwood received in the depot and the final outturn of sandalwood obtained in Form No. 16, forwarding a copy of it to the concerned Range Forest Officer from whom he had received the sandalwood and to the owner. Thereafter, the Depot Officer shall prepare a bill for payment, indicating the outturn of sandalwood and value to be paid to the owner and submit the same to the Deputy Conservator of Forests having jurisdiction over the depot for making payment. The Deputy Conservator of forests shall get the bill scrutinized, pass the bill and make payment to the owner.

(6) The rates at which the value the sandalwood has to be paid to the owner shall be fixed by the Principal Chief Conservator of Forests for each financial year based on average prices obtained for sandalwood in the auction sales held in the State. In case no auction sales were conducted in Karnataka State recently, the average price obtained in the auction sale held in Tamilnadu shall be applied. The average rates obtained in the last two auction sales shall be the basis. After deducting the cost of transportation (if transported departmentally), preparation, supervision and other incidental charges as fixed by the Principal Chief Conservator of Forests, the value of sandalwood shall be paid to the owner, as soon as possible but not later than three months from the date of receipt of the material in the depot.

3. Substitution of rule 122: - For rule 122 of the said rules, the following shall be substituted namely,

122. Appeal: Any person aggrieved by an order of the [Deputy Conservator of Forests] under sub-rule (4) of Rule 118 or Rule 120 may, within 30 days of the receipt of the order under Rule 121, present an appeal thereupon in writing to **the officer in charge of the Circle**, whose decision thereon shall be final. Appeals received after the specified period shall be summarily rejected.

4. Substitution of rule 123: For rule 123 of the said rules, the following shall be substituted namely,

123. Maintenance of accounts by the licensee. -The licensee shall maintain accounts of transactions in a stock register in Form 18 and produce them for inspection and check when demanded by any Forest or Police Officer not below the rank of **Range Forest Officer** or Sub-Inspector of Police. Any refusal to produce the register of accounts or the non-maintenance of the accounts or the maintenance of incorrect accounts shall entail cancellation of the license, in addition to any other penalty that may be imposed under the provisions of these rules.

By Order and in the name of the
Governor of Karnataka

(M. S. LEELAVATHI)
Under Secretary to Government,
Forest, Ecology & Environment Department.
(Forest-B)

