

## 16. The Telangana Charcoal(Production and Transport) Rules, 1992

The Andhra Pradesh Charcoal (Production and Transport) Rules, 1992, issued in G.O.Ms.No.291, EFES&T (For.III), dt.28.12.1992, published in A.P. Gazette, Pt. I, dt.28-1-1993 has been adopted in the State of Telangana vide Notification issued in G.O.Ms.No.22, E.F.S. & T (For.I) Department, dated 13.05.2015.

In exercise of the powers conferred under Section 68 of Andhra Pradesh Forest Act, 1967 (Act I of 1967) the Governor of Andhra Pradesh hereby makes the following rules for regulating the production and transport of charcoal in the State of Andhra Pradesh.

**1. Short title, extent and commencement:-** (1) These rules may be called the Telangana Charcoal (Production & Transport) Rules, 1992.

(2) They shall be applicable to the entire State of Telangana and come into force with immediate effect.

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

- (i) "Forest Officer" means an officer of the Forest Department not lower than the rank of a Forest Guard;
- (ii) "Commercial Tax Officer" means an officer of the Commercial Taxes department, not lower than the rank of an Assistant Commercial Tax Officer;
- (iii) "Revenue Officer" means an officer of the Revenue Department not lower than the rank of a Revenue Inspector;
- (iv) "Police Officer" means an officer of the Police Department not lower than the rank of a Head Constable;
- (v) "Charcoal" means a form of Carbon derived from incomplete combustion of wood derived from a tree;

(2) The words and expressions used but not defined in these rules shall have meanings respectively assigned to them in the Act.

3. (1) No person shall make charcoal, or cut or cause to cut trees for the purposes of making charcoal, without the previous written permission of Divisional Forest Officer concerned.

(2) No person shall transport or cause to be transported charcoal within the state of Telangana except in accordance with the provisions of Telangana Forest Produce Transit Rules, 1970.

<sup>1</sup>[xxx]

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1. Deleted by issue of orders of High Court vide case law.

## CASE LAW

(i) Levy of fee of Rs. 5/- per bag as per rule 3 (3) is illegal, as no service is being rendered to the trader or producer of charcoal. *R.Ramanaiah and others vs Govt. of Andhra Pradesh*, 1997 (4) ALD 373.

(ii) The licence taken under Telangana Forest Produce (Storage and Depot) Rules, holds good for the purpose of Rule 5 of Telangana Charcoal (production and Transport) Rules, even though the person is exclusively dealing in charcoal, *S. Rajamouli and others vs. Special Secretary to Government* 1997 (3) ALD 369 (DB).

4. When the charcoal is under manufacturing in kilns, in storage or in transit, any Forest Officer, Commercial Tax Officer, Revenue Officer, Police Officer may inspect the same and scrutinise the permits issued.

5. (1) In the event of storage of charcoal for trade purpose, the person who intends to do the trade, should obtain a licence as provided in Telangana Forest Produce (Storage and Depot) Rules, 1989.

(2) Such licensee should maintain a register showing the details of receipts, disposal of charcoal and it should be in the form appended to these rules.

(3) A quarterly abstract of total quantity of charcoal received and disposed with balance of stock on hand shall be submitted in the Form appended to these rules, to the Divisional Forest Officer concerned.

(4) If the quarterly abstract is not submitted before 15<sup>th</sup> of succeeding month, a penalty of Rs. 250/- per each month or part of the month for the delay, shall be levied on the licensee.

6. Any Forest Officer shall have the power to enter into any charcoal depot for the purpose of inspection and securing compliance with these rules.

7. (1) For any violation of the provisions of the Telangana Forest Act, 1967 or the rules and made there under, any Forest Officer, Police Officer, Revenue Officer, or Commercial Tax Officer, shall seize the charcoal involved along with all tools, vehicles, implements etc.

(2) When seizures as mentioned in sub-rule (1) are made by an officer other than Forest Officer, they should immediately handover the seizures to the nearest Forest Officer for further action.

8. (1) For any contravention of rules in respect of the licence, the provisions of Telangana Forest Produce Depot Rules, 1989 shall be applicable.

(2) For dealing with the offence cases booked the provisions of Telangana Forest Offences (Compounding and Prosecution) Rules, 1969 would be applicable.

## **APPENDIX**

### **Form of Register showing stocks of Charcoal**

*[See Rule 5 (2) Telangana Charcoal (Production and Transport) Rules, 1992]*

| <b>Sl. No</b> | <b>Date</b> | <b>Receipts</b> |                    |                     | <b>Disposals</b> |              |                     | <b>Balance</b> |              | <b>Remarks</b> |
|---------------|-------------|-----------------|--------------------|---------------------|------------------|--------------|---------------------|----------------|--------------|----------------|
|               |             | Permit No.      | From whom obtained | Qty. In Kgs. (Bags) | Permit No.       | To whom sent | Qty. In Kgs. (Bags) | No. of Bags    | Qty. In Kgs. |                |
| 1             | 2           | 3               | 4                  | 5                   | 6                | 7            | 8                   | 9              | 10           | 11             |
|               |             |                 |                    |                     |                  |              |                     |                |              |                |