

Instruction No.12/ 2025-Customs

F.No 711/34/2011-Commr.(Inv.-Cus.)Pt-IV-Part(2)

Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes & Customs
(Investigation- Customs)

10th floor, Tower-2, Jeevan Bharti Building, 124 Connaught Circus
New Delhi- 110001
Date 22.05.2025

To,

All the Principal Chief Commissioners/Chief Commissioners of Customs/
Customs (Preventive),
All the Principal Chief Commissioners/ Chief Commissioners of CGST and
Customs,
The Principal Director General, Directorate General of Revenue Intelligence,
The Webmaster, CBIC.

Madam/Sir,

Subject: Disposal of Red Sanders seized by DRI and Customs field formations-reg.

The Disposal Manual 2019 lays down the responsibilities of the Custodian/Warehouse in-charge and the Disposal units in the Customs field formations regarding custody of the seized goods and further process of disposal of such goods. These seized goods include goods seized by DRI. The Manual also provides that on account of having notional custody, the custodian shall safeguard the interest of the Government in respect of confiscated goods left with the Port Trusts or other agencies.

2. It has been observed that in many cases, Red Sanders seized by DRI and field formations are pending disposal, resulting in grievances from the Port Trusts or other agencies including custodians of ICDs/CFSs, where the seized goods are kept. A doubt also persists whether field formations are required to undertake the disposal of Red Sanders seized by DRI, due to disposal process taken up by DRI in the past.

3. In view to streamline and expedite the disposal process, it is to clarify that the disposal of Red Sanders seized by DRI should also be undertaken by the Disposal units of the jurisdictional Customs field formations, as is being done in case of all other seized goods.

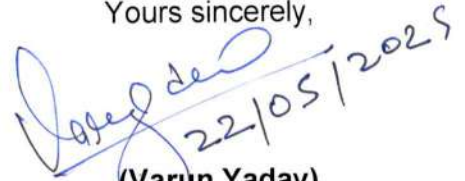
4. For guidance of the field formations, procedure to be followed for disposal of Red Sanders has already been informed vide this office letter of even no. dated 17.04.2025 (copy enclosed as **Annexure A**). However, as there is separate allocation of quota by DGFT for disposal of Red Sanders by export for DRI and Customs formations, the Customs field formation, in respect of DRI seizures, should obtain authorization from DRI in the format as per **Annexure-B** (copy enclosed), for use at the time of filing of Shipping Bill for export.

5. It is also reiterated that before undertaking disposal through export, it needs to be ensured that guidelines laid in MoEFCC OM F.No 3-1/2019 WL (Part-2) (Volume-1) dt. 12 .09.2022 on export of Red Sanders (**Annexure-A, page-17**) are scrupulously adhered to.

Enclosed:

- (i) Annexure - A
- (ii) Annexure - B

Yours sincerely,



(Varun Yadav)

Deputy Commissioner (Investigation-Customs),
CBIC, New Delhi.

Email ID: inv-customs@gov.in

Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes & Customs
(Investigation- Customs)

10th floor, Tower-2, Jeevan Bharti Building, 124 Connaught Circus
New Delhi- 110001
Date: .04.2025

To,

All Principal Chief Commissioners/Chief Commissioners of Customs/ Customs
(Preventive),
All Principal Chief Commissioners/ Chief Commissioners of CGST and Customs,
The Principal Director General, Directorate General of Revenue Intelligence,

Madam/Sir,

Subject: Disposal of seized/confiscated Red Sanders-reg.

The undersigned is directed to draw your kind attention to Ministry of Environment Forest and Climate Change (MoEFCC) OM F.No 3-1/2019 WL (Part-2) (Volume-1) dt. 12 .09.2022 and DGFT Notification No. 50/2015-20 dated 27.12.2022 amending the policy condition of Red Sanders under Chapter 44 of ITC (HS),2018, Schedule - 2 (Export Policy) vide which Customs and DRI have been allocated quantity of 1907.365 MT & 3857.564 MT of Red Sanders respectively for disposal by way of export from seized confiscated sources (copies enclosed). Earlier in 2013, DRI had been allocated quantity of 1200 MT for export.

2. Further, regarding domestic disposal, Hon'ble SC's order dt. 29.10.2004 in I.A. 981 in I.A. 458 in W.P. (Civil) No. 202 of 1995 T.N Godavarman Thirumulpad Vs Union of India & Ors in 2004 had held that Customs Department and Border Security Force are at liberty to take appropriate action under the provisions of Customs Act, 1962 for confiscation and disposal of the timber and timber products and recovery of fines/penalties in all the States/UTs except North-Eastern States of Arunachal Pradesh, Assam, Manipur Meghalaya, Mizoram, Nagaland and Tripura. However, such confiscated timber and timber products should be disposed off through open auction/sealed tender through the respective state Forest department and the sale proceeds, after deducting the expenses, should be deposited with the concerned Central Government Department.

3. MoEFCC had issued letter dt. 30.04.21 addressed to Pr. Secretaries (Forest) to all States/UT's desiring compliance with the directions of Hon'ble SC's enabling judgement and referring to MoEFCC's letter dt. 11.08.2014 wherein *inter-alia* it was informed that DRI and BSF may like to take necessary action as per orders of Hon'ble apex court. The letter from MoEFCC had also been circulated, to all Customs field formations and DRI for necessary action vide this office letter dt.

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04.06.2021 (copies enclosed).

4. It is noticed that there has been little traction on ground in terms of actual disposal of seized and confiscated Red Sanders. Active interdiction by Customs/DRI has led to ever burgeoning stocks of seized/confiscated red sanders, taking up valuable storage space incurring recurring security and storage expenditures, depreciation in quality and value over time by natural ageing/rot and are also prone to mischief such as chance of substitution by inferior quality woods.

5. The steps generally to be followed for export/disposal of Red sanders are enclosed as Annexure-A for ready reference. Moreover, before undertaking disposal through export, it needs to be ensured that guidelines laid in MoEFCC OM F.No 3-1/2019 WL (Part-2) (Volume-1) dt. 12 .09.2022 on export of Red Sanders are scrupulously adhered to. In case of any difficulty, Customs field formations may also approach concerned ZU's of DRI.

6. A detailed SOP for obtaining NoC & export license from DGFT, Survey and Utilization Division (SU) of MoEFCC and CITESMA before exporting Red Sanders and a flowchart for domestic disposal to be carried out in conjunction with State Forest Department shared by Trichy (Preventive) Zone are also enclosed for ready reference.

7. In view of foregoing, Customs field formations and DRI are hereby requested to take immediate steps for initiating appropriate and proactive action for disposal.

Encl: As above.

Yours sincerely,
Digitally signed by
Varun Yadav
Date: 17-04-2025
17:58:35 (Varun Yadav)
Deputy Commissioner (Investigation-Customs),
CBIC, New Delhi.

General steps to be followed for export/disposal of Red Sanders

- i. Custom formation to engage public agencies like Public Sector Undertakings (PSUs)/State Trading Corporation (STC)/State Trading Enterprises (STE's) for undertaking the export process.
- ii. Allocation of seized/confiscated Red Sanders lots to PSU/STC/STE for disposal.
- iii. Grading of confiscated Red Sanders by PSU/STC/STE (either through forest department or tender process).
- iv. Floating of Tender by PSU/STC/STE inviting bids for export of Red Sanders. Bids so received are opened by PSU/STC/STE and summarized on specified technical parameters.
- v. PSU/STC/STE submits the Technical Bids along with the summary to Technical Evaluation Committee constituted for the purpose by the Customs formations/DRI.
- vi. Upon approval of Technical Bids, price bids are opened and tabulated by PSU/STC/STE and submitted to Customs formations/DRI for finalization.
- vii. Price bids are finalized by a Reserve Price Committee.
- viii. Upon finalization of price bids, PSU/STC/STE issues LOA to foreign buyers.
- ix. PSU/STC/STE applies to Customs formations/DRI for issuance of Certificate of Origin.
- x. Upon receipt of CoO, PSU/STC/STE applies to Directorate General of Foreign Trade (DGFT), New Delhi for issue of Export License.
- xi. DGFT upon receipt of applications, processes the same and forwards it to Ministry of Environment Forest and Climate Change (MoEFCC). MoEFCC after processing the same, sends same to CITES for NOC.
- xii. After granting of NOC, CITES sends it back to MoEFCC.
- xiii. MoEFCC finally sends its NOC to DGFT, New Delhi.
- xiv. DGFT, New Delhi issues necessary instructions to Jt. DGFT of the concerned State for issuance of Export License.
- xv. Upon receipt of Export License, PSU/STE approaches buyer to complete the export formalities and receive the final payment.
- xvi. PSU/STC/STE remits the money to Customs formations/DRI after making necessary deductions.

F. No. 711/34/2011-Cus (AS) Pt.IV

Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes & Customs
(Investigation – Customs)

10th Floor, Tower-2, Jeevan Bharti Building,
Parliament Street, New Delhi-110001.

Tel. 011-21400625

Email ID: inv-customs@gov.in

Dated: .05.2021

To,

All Principal Chief Commissioners/ Chief Commissioners of Customs/ Customs (Preventive),
All Principal Chief Commissioners/ Chief Commissioners of Customs & Central Excise,
The Director General, DRI.

Madam/ Sir,

Sub: Disposal of Red Sanders-reg.

It is informed that Board has been making continuous deliberations in the matter of disposal of seized/ confiscated Red Sanders lying with various field formations of Customs taking up the matter with MoEF&CC and DGFT.

2. In this regard, I am directed to forward MoEF&CC instructions issued vide F.No. 3-1/2019 WL (Part-3) dated 30.04.2021 in the matter for necessary action at your end.

Encl: as above.

Yours Sincerely,


(Suraj Kumar Gupta)
Joint Commissioner (Inv.- Cus)
CBIC, New Delhi

File No: 3-1/2019 WL (Part-3)
Government of India
Ministry of Environment, Forest and Climate Change
Wildlife Division

6th Floor, Vayu Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road, Allganj,
New Delhi-110003.
Date: 30th April 2021

To

The Principal Secretary (Forests)
all States/UTs

Sub: Disposal of seized / confiscated red sanders wood

Ref: 1) MoEFCC letter F.No. 4-11/2007/WL-I dated 17 July 2013; and
2) MoEFCC letter F. No. 5-2/2001-SU (Pt.) dated 11 August 2014.

Sir / Madam,

Reference is invited to the Ministry's letters mentioned above. In this regard, the Ministry again invites notice to the order of the Hon'ble Supreme Court dated 29 October 2004 in I.A. 458 of *T.N. Godavarman Thirumulpad vs. Union of India* wherein the Hon'ble Court has directed as follows:

"Having heard learned counsel, in respect of order dated 15th January, 1998, we accept the recommendation of CEC dated 29th August, 2003 which is in the following terms:

The CEC, therefore, recommends that I.A. No. 458 may be disposed off with the clarification that the Custom Department and the Border Security Force are at liberty to take appropriate action under the provisions of the Custom Act, 1962 for confiscation and disposal of the timber and timber products and recovery of fines / penalties in all the States / UTs, except North-Eastern States (Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura). However, such confiscated timber and timber products should be disposed off through open auction / sealed tender through the respective State Forest Department and the sale proceeds, after deducting the expenses, should be deposited with the concerned Central Government Department."

The undersigned has been directed to request compliance with the directions of the Hon'ble Supreme Court as above, and the Ministry's letter F. No. 5-2/2001-SU (Pt.) dated 11 August 2014.

Yours faithfully,

(Rakesh Kumar Jagenia)
Deputy Inspector General of Forests (WL)
Email: digwl-mefcc@gov.in

Encl: As above.

Copy to:

Validity unknown
Digitally signed by RAKESH KUMAR JAGENIA
Date: 2021.04.30 09:50:22 IST
Ministry of Indirect Taxes and Customs, Ministry of Finance, Government of India
All States/UTs
(WL)/PPS to IGF (WL)/PS to JD (WL), MoEFCC, New Delhi

F. No. 5-2/2001-SU (PL)

Government of India

Ministry of Environment, Forests & Climate Change
(SU Division)Room No. Vayu-52,
Indira Paryavaran Bhawan,
Jor Bagh Road, Ali Ganj,
New Delhi - 110003Dated: 11th August, 2014

To

(i) The Director General,
Directorate of Revenue Intelligence,
7th Floor, D Block, I.P. Bhawan, I.P. Estate,
New Delhi-110002(ii) The Director General,
Border Security Force,
CGO Complex, Lodhi Road,
New Delhi-110003(iii) The Principal Secretary (Forests),
Department of Forests,
All State/UTs(iv) The Principal Chief Conservator of Forests,
Department of Forests
All States/UTs

Subject: Disposal of seized Red Sanders wood -regarding

Sir,

I am directed to inform that Hon'ble Supreme Court vide their order dated 29.10.2004 (copy enclosed) accepted the recommendations of CEC dated 29th August, 2003 which are as below:-

"The CEC, therefore, recommends that I.A. No. 458 may be disposed off with the clarification that the Custom Department and the Border Security Force are at liberty to take appropriate action under the provisions of the Custom Act, 1962 for confiscation and disposal of the timber and timber products and recovery of fines/penalties in all the States/UTs except North-Eastern States (Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura). However, such confiscated timber and timber products should be disposed off through open auction/sealed tender through the respective state Forest department and the sale proceeds, after deducting the expenses, should be deposited with the concerned Central Government Department."

Contd./

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Therefore, DRI & BSF may like to take necessary action as per above orders of the Hon'ble Supreme Court.

Further it is also informed that MoEF & CC vide its letter number 4-11/2007-WL-I dated 17th July, 2013 (copy enclosed) issued directions in modification of its earlier advice of even number dated 26 September, 2011 regarding disposal of seized red sanders wood. As per the direction, State Government and Union Territories may deal with forest produces in accordance with policies/rules/regulations/conventions in force and directions of the Courts in this regard as applicable.

Further, as the Red Sanders is listed under appendix I of the CITES and a quota has been notified regarding export, clearance of CITES Management Authority in MoEF & CC is mandatory including reporting of the origin and quantity of the material to be exported in each case. For this purpose, the Ministry has issued detailed instructions and proformas for stock keeping and issue of Certificate of Origin vide letter number 4-14/2012 - WL dated 7th August 2012 and 5-3/2012-SU dated 23rd August 2013. The action in accordance with these directions may be taken in the cases of applications seeking export of Red Sanders specimens disposed off as above.

This is for your kind information and further necessary action.

Encl. As Above

Yours faithfully,

(Ashok Kumar)

Deputy Inspector General of Forests

Telefax-011-24695273

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S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A.No.981 in I.A.458 in W.P. (Civil) No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For recommendation of CEC in I.A.No.458)

A N D

I.A.No.994 in I.A.548 in in W.P. (Civil) No.202 of 1995

(For clarification of order dt.14.2.2000)

I.A.Nos.1005-1006 in I.A.945 in I.A.883 in W.P. (Civil) No.202 of 1995

(For recalling of order dt.25.8.2003 and c/delay)

I.A.Nos.1021-1022 in W.P. (Civil) No.202 of 1995

(For direction and intervention)

I.A.Nos.1030-1031 in I.A. 921 in IA 813-815 in W.P. (Civil) No.202 of 1995

(For modificatin/clarification of order dt.18.8.03 and exemption
from filing O.T.)

I.A.No.941 in IA Nos.754-755 with IAs.777 & 1036 in W.P. (Civil) No.202/95

(Recommendation of CEC in I.A.Nos.754-755)

I.A.No.1131 in I.As.754-755 in W.P. (Civil) No.202 of 1995

(For impleadment and direction)

I.A.Nos.1133, 1138-1146, 1148, 1184 in I.A.Nos.754-755

in W.P. (Civil) No.202 of 1995

(For impleadment and direction)

I.A.Nos.1190-1191 in I.A.Nos.754-755 in W.P. (Civil) No.202 of 1995

(For modification/vacation of the interim order)

I.A.Nos.956 & 1121 in W.P.(Civil) No.202 of 1995

(For impleadment/direction and amendment of I.A.No.956)

I.A.No.960 in W.P.(Civil) No.202 of 1995

(For impleadment)

I.A.Nos.963-964 in W.P.(Civil) No.202 of 1995

(For direction & impleadment)

I.A.Nos.969-970 in I.A.No.729 in I.A.No.424 in WP (C) 202/1995

(For direction and exemption from filing O.T.)

Date: 29/10/2004 These Petitions were called on for hearing today.

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CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner(s)

Mr. Harish N. Salve, Sr.Adv. (A.C.) (NP)

Mr. U.U. Lalit, Sr.Adv. (A.C.)

Mr. Sidhartha Chaudhary, Adv. (A.C.)

For Applicants:

in IA 994:

Mr. T.L.V.Iyer, Sr.Adv.

Mr.K.R. Sasiprabhu, Adv.

in IAs.1005-06:

Mr. Sandeep Sethi, Sr.Adv.

Mr. Manish Kumar, Adv.

Mr. Shri Prakash Sinha, Adv.

Mr. Rahul Kishan, Adv.

Mr. R.K. Sharma, Adv.

in IAs.1021-22: Mr. H.L. Agrawal, Sr.Adv.
Mr. K.K. Gupta, Adv.

in IAs.1030-31: Mr. A.P. Sahay, Adv.
Mr. Kuldip Singh, Adv.

in IA 777: Mr. J.R. Das, Adv.
Mr. Swetaketu Mishra, Adv.
Ms. Moushumi Gahlot, Adv.

in IAs.956, 1121: Mr. S. Ravi Shankar, Adv. (NP)

in IA 960: Mr. K.S. Rana, Adv. (NP)

in IAs.963-864: Mr. Sreepal Singh, Adv.

in IAs.969-970: Mr. Prakash Srivastava, Adv. (NP)

in IAs 754-755: Mr. Harish Chander, Sr.Adv.
Mr. Naresh Kumar Sharma, Adv.
Mr. Swetaketu Mishra, Adv.
Ms. Moushumi Gahlot, Adv.
Mr. Naresh Sahoo, Adv.

in I.A.1036: Mr. V.S. Raju, Adv.
Mr. T.N. Rao, Adv.

in IAs.1190-91: Mr. Shibashish Misra, Adv.

For MOEF: Mr. A.D.N. Rao, Adv.

For St.of T.N. in
IA 1121: Mrs. Sangeeta Kumar, Adv.

For St.of Maharashtra:
Mr. Ravindra K. Adsure, Adv.
Mr. Mukesh K. Giri, Adv.

St. of UP:

Mr. S.W.A. Qadri, Adv.

Mr. Pramod Dayal, Adv.

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M/o Defence:

Mr. S.W.A. Qadri, Adv.

Mrs. Anil Katiyar, Adv.

St. of Tripura:

Mr. Gopal Singh, Adv.

Mr. Anurag Sharma, Adv.

Mr. Rithuraj Biswas, Adv.

St. of Manipur:

Mr. KH. Nobin Singh, Adv.

St. of Rajasthan:

Mr. Aruneshwar Gupta, AAG.

St. of Punjab:

Mr. R.K. Rathore, AAG.

St. of Goa:

Ms. A. Subhashini, Adv.

Ranchi Assn.:

Mr. Bhavanishankar V. Gadnis, Adv.

Mrs. Sunita B. Rao, Adv.

Mr. Nitin Popli, Adv.

St. of Orissa:

Mr. Raj Kumar Mehta, Adv.

Mr. J.S. Attri, Adv.

Mr. Vijay Panjwani, Adv. (NP)

UPON hearing counsel the Court made the following

O R D E R

I.A.No.1159:

Taken on Board.

Issue notice to respondents.

Copy of the application has also been given to learned amicus curiae who may

also examine the matter.

Adjourned, to be listed on the next date when this Bench assembles.

I.A.No.981 in IA 458:

Having heard learned counsel, in respect of order dated 15th January, 1998,

we accept the recommendation of CEC dated 29th August, 2003 which is in the following terms:

"The CEC, therefore, recommends that I.A.No.458 may be disposed off with the clarification that the Custom Department and the Border Security Force are at liberty to take appropriate action under the

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provisions of the Custom Act, 1962 for confiscation and disposal of the timber and timber products and recovery of fines/penalties in all the States/UTs except North-Eastern States (Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura). However, such confiscated timber and timber products should be disposed off through open auction/sealed tender through the respective State Forest Department and the sale proceeds, after deducting the expenses, should be deposited with the concerned Central Government Department."

In addition, we direct that before auction/tender, reserved price must be fixed.

The I.As. are disposed of accordingly.

I.A.No.994 in IA 548:

List the I.A. along with I.A.No.548.

I.A.Nos.1005-1006 in IA 945 in IA 883:

The I.As. are dismissed.

These IAs. are dismissed as not pressed.

I.A.Nos.1030-1031 in IA 921 in IAs.813-815:

We have heard learned counsel and perused the order dated 18th August,

2003 as also the resolution of the Government of Bihar, Department of Environment and

Forest, dated 13th November, 2003. Sub-clause (b) of Clause (6) of Paragraph 4(B) of

Resolution No.418-E, dated 8th July, 2002 reads as under:

"(b) The seniority of sawmills falling under Section 5(b) of the Bihar Saw mills (Regulation) Act, 1990 shall be determined on the basis of their date of registration in the Industries Department. Under this rule only those saw mills shall come who were operational prior to coming into force of the Act and who have applied for license within 30 days from the date of implementation of the Act i.e. 1.5.90 and license has been granted to them."

It is implicit that the aforesaid date would, in fact, be the date when the Rules came into operation as the application for grant of license could be filed within thirty days therefrom. This would be kept in view while determining seniority in terms of the order dated 18th August, 2003.

The I.As. are disposed of accordingly.

I.A.No.941 in I.As. 754-755 & I.A.No.777:

A copy of the affidavit filed by the State of Orissa shall be handed over to

learned Amicus Curiae who shall have the same examined by CEC and file response

thereto. The parties are permitted to give their suggestions, if any, in respect of the area

beyond 10 Kms. from the forest to the State Government as also to CEC. Those

suggestions shall also be examined and necessary responses filed.

The I.As. are adjourned.

I.A.Nos.1090 & 1091:

Let the CEC send its recommendation in respect of the pra
yer made in the application.

I.A.No.1036:

The CEC shall examine this application and file its recommendation.

I.As.1131-1133, 1138-1146, 1148, 1184:

List along with I.A.No.941 in I.As.754-755.

I.A.Nos.956, 1121 & 960:

None appears for the applicants. The I.As. are dismissed.

I.A.Nos.963-964:

However, Learned counsel seeks leave to withdraw the applications.

Mr.Lalit, learned amicus curiae, submits that there is something serious about which

HPC would like to place a report before this Court. Let that report be filed within four weeks.

List the I.As. thereafter.

I.A.Nos.969-970:

These applications be taken up along with I.A.No.1126 on the next date when

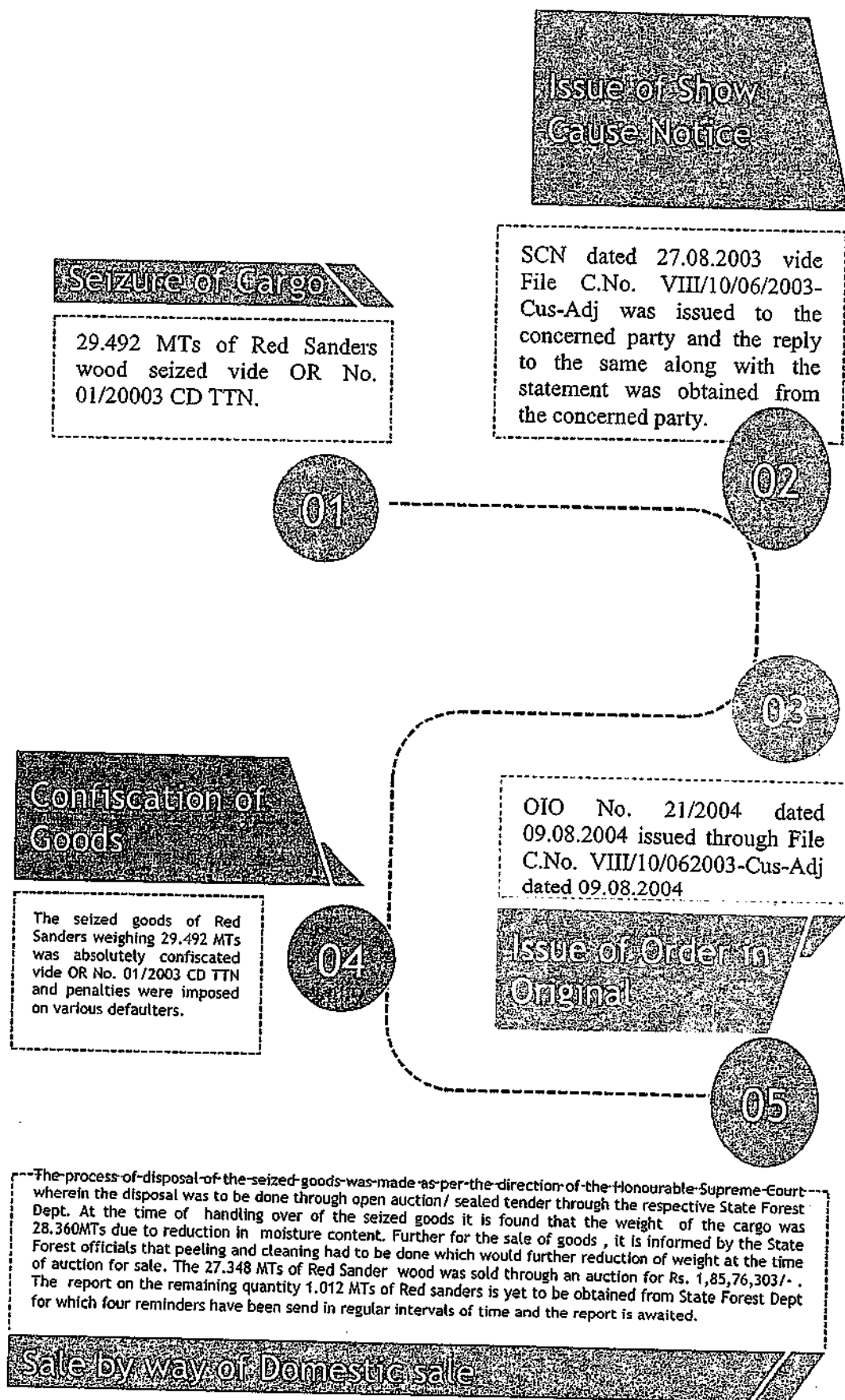
this Bench assembles.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master



File No: 3-1/2019WL (Part-2) (Volume-1)
Government of India
Ministry of Environment, Forest and Climate Change
Wildlife Division

1st Floor, Agni Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi-110003.

Date: 12th September 2022

OFFICE MEMORANDUM

Sub: Export of Red Sanders (*Pterocarpus santalinus*)

At the request of this Ministry, the Botanical Survey of India, a designated Indian CITES Authority conducted a Non-detriment Finding Study on Red Sanders (copy enclosed) and had submitted its report to the Ministry in 2019 (the BSI NDF Report).

2. In accordance with the recommendations of the BSI NDF Report, the Ministry has communicated to the CITES Secretariat the following annual export quotas for red sanders (*Pterocarpus santalinus*):

a) An export quota of 1190 Metric Tonnes (1190000 kg) per annum (April to March) for artificially propagated red sanders; and

b) a zero export quota for wild specimens of red sanders;

3. In addition to the above, the CITES Management Authority of India (CITES MA) will also permit export of seized / confiscated red sanders in a phased manner as per the demands raised by the States, DRI and Customs subject to fulfilment of CITES at the time of export and only up to a maximum of the amounts reported to this Ministry by the States, DRI and Customs as mentioned in Annexure I to this letter.

4. It is anticipated that there will be applications from various agencies / private parties / individuals from time to time to the SU Division from the DGFT, and the CITES MA would be requested to provide comments for such applications.

5. The following steps / conditions should be fulfilled before submitting the files to the CITES MA for comments:

A. For Wild Specimens

- i. No export of wild specimens of red sanders (CITES source code 'W') is permitted. No harvesting from the wild population is contemplated. Therefore, any application for

export of specimens from the wild should be rejected categorically and the same must be reported to the CITES MA and to the concerned State Government.

B. For Artificially Propagated Specimens

- ii. Export of artificially propagated red sanders (CITES source code 'A') shall be allowed from the States of Tamil Nadu (900 MT per annum), Andhra Pradesh (280 MT per annum), and Karnataka (10 MT per annum). For specimens originating from artificially propagated sources, a certificate of origin from the concerned Divisional Forest Officer of the State is required. In order for specimens to qualify as artificially propagated, it is very important that the CITES definition of 'artificially propagated' in CITES Conference Resolution 11.11 (Rev. CoP18) (copy enclosed) is conformed to.
- iii. The SU Division shall maintain and update a register of the applications received in order to ensure that the total export of red sanders from artificially propagated sources does not exceed the total quota of 1190 MT per annum and the individual quotas of the three States mentioned in paragraph 2 above. All CITES Assistant Management Authorities (AMAs) / Regional Deputy Directors (WCCB) will also maintain data for their respective region. The office of the CITES MA will also maintain the register of all export applications, which will be reconciled with the register of the SU Division from time to time, and also with the offices of the CITES AMAs.
- iv. For harvest of artificially propagated red sanders from Government lands, including forest areas, the State Governments shall be requested to include specific management plans/harvest plans for red sanders with approved rotation periods in the Working Plans of the concerned Divisions. At least 10 percent of the plantation trees shall be left unharvested to allow seed production for future use in keeping with CITES recommendations.
- v. The concerned State Governments shall be requested to ensure that all future plantations are established through seed / plantation material derived from cultivated parental stock.

C. For Seized / Confiscated Specimens

- vi. For export of red sanders from seized / confiscated origin (CITES source code 'I'), the SU Division shall obtain a certificate of origin from the competent State authorities certifying that the specimens have been obtained from confiscated stock disposed by the State / Agency. No application beyond the stocks reported to the Ministry by the States / DRI / Customs (set out in Annexure I to this letter) will be considered for NoC by the CITES MA / CITES AMAs.
- vii. The SU Division shall maintain and update a register of the applications received for export of red sanders from seized / confiscated sources in order to ensure that the export of red sanders specimens from seized / confiscated sources does not exceed the amounts mentioned for each State / Agency in Annexure I to this letter. All CITES AMAs will also maintain data for their respective region. The office of the CITES MA will also maintain the register of all export applications, which will be reconciled with the register of the SU Division from time to time, and also with the offices of the CITES AMAs.
- viii. Regarding disposal / sale of the confiscated stocks of Red Sanders, the States / Agencies shall be requested to ensure that the person responsible for the offence does not receive

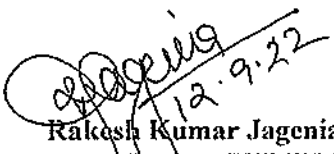
financial or other gain from the disposal and that such disposal does not stimulate further illegal trade. The States / Agencies may consider entrusting the international trade of Red Sanders to public agencies like State Trading Corporations, which have the mandate and capacity to deal with international trade.

- ix. The State Government of Andhra Pradesh shall be requested to ensure that 30% of the proceeds of the sale of seized / confiscated red sanders specimens shall be invested for the express purpose of protection, management and regeneration and recovery of the natural / wild red sanders population.

D. Other Conditions

- x. The SU Division shall ensure that applications for export of red sanders material in processed form are accompanied by a certificate from the concerned State authorities certifying the quantity of red sanders (in metric tonnes) used in the manufacture of the red sanders specimens proposed for export, and the source of the said red sanders material. In order to ensure this, the States shall be requested to implement a strict system for monitoring the acquisition, maintenance and utilisation of red sanders stock, including regular verification of stocks.
- xi. It may be noted that the present OM only concerns permission from the CITES point of view. Decisions relating to other extant laws, rules and regulations applicable in India such as the EXIM Policy, forest legislations, etc., will be independent of this OM. The SU Division may process applications for export of red sanders keeping those applicable laws, rules, and regulations in mind.
- xii. The State Governments shall be requested to organize inventory and maintain a database on the standing stock of red sanders both in the wild population as well as artificially propagated areas in their respective territories and report the same to the Ministry.
- xiii. The State Governments / Agencies shall be requested to strengthen enforcement measures against illegal felling and trade of the species. The State Governments / Agencies may also be requested to allocate a significant part of the sales proceeds of red sanders material to strengthen the protection measures for the wild population of the species and promote artificial propagation of the species to meet the market demands and reduce the pressure on the wild population.

Encl: As mentioned above


 Rakesh Kumar Jagenia
 Deputy Inspector General of Forests (Wildlife)
 Email: digwl-mefcc@gov.in

Inspector General of Forests,
 Survey and Utilization Division,
 Ministry of Environment, Forest and Climate Change,
 New Delhi.

Copy for information and necessary action to the:

1. The Principal Secretary, Forest Department, Andhra Pradesh, Assam, Chhattisgarh, Gujarat, Haryana, Karnataka, Madhya Pradesh, Maharashtra, Manipur, Rajasthan, Tamil Nadu, Telangana and Uttar Pradesh.
2. PCCF and HoFF, Andhra Pradesh, Assam, Chhattisgarh, Gujarat, Haryana, Karnataka, Madhya Pradesh, Maharashtra, Manipur, Rajasthan, Tamil Nadu, Telangana and Uttar Pradesh.
3. The Chairman, Central Board of Indirect Taxes and Customs, New Delhi.
4. The Director General, Directorate of Revenue Intelligence, New Delhi.
5. Additional Director, WCCB
6. AMAs / RDDs, WCCB

Copy also for information to:

1. PS to the Hon'ble MEFCC
2. PS to the Hon'ble MoS EFCC
3. PPS to the Secretary, EFCC
4. PPS to the DGF & SS, EFCC
5. PPS to the CTTES MA
6. PPS to the ADG (WL)
7. PPS to IG (WL)
8. Director, BSI

Annexure I**Amounts of Seized / Confiscated Red Sanders reported to MoEFCC by States, DRI and Customs**

| Sr. No. | State / Agency | Amount Reported by State to Ministry (MT) |
|----------------|-----------------------|--|
| 1. | Andhra Pradesh | 5376.043 |
| 2. | Assam | 161.04 |
| 3. | Chhattisgarh | 2.354 |
| 4. | Gujarat | 89.545992 |
| 5. | Madhya Pradesh | 28.435 |
| 6. | Manipur | 45.37705 |
| 7. | Tamil Nadu | 747.0509 |
| 8. | Telangana | 150.391 |
| 9. | Rajasthan | 41.70897 |
| 10. | Maharashtra | 618.781 |
| 11. | Uttar Pradesh | 51.71666 |
| 12. | Haryana | 174.291 |
| 13. | Karnataka | 50.02825 |
| 13. | DRI | 3857.564 |
| 14. | Customs | 1907.365 |
| | Total | 13,301.691822 |

To be published in the Gazette of India Extraordinary Part- II, Section-3, Sub-Section (II)

Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade

Notification No. 50/ 2015-2020
New Delhi, Dated: 27th December, 2022

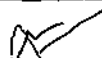
Subject: Amendment in Export Policy of Red Sanders wood exclusively sourced from cultivation origin obtained from private land (including Pattaland) and Confiscated source — regarding

S.O. (E): In exercise of powers conferred by Section 3 read with section 5 of Foreign Trade (Development & Regulation) Act, 1992, read with paragraph 1.02 and 2.01 of the Foreign Trade Policy, 2015-2020, as amended from time to time, the Central Government hereby amends the policy condition of Red Sanders (*Pterocarpussantalinus*) under Chapter 44 of ITC (HS), 2018, Schedule — 2 (Export Policy).

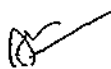
2. The existing entries against Sl. No. 188 and 188A in Chapter 44 of Schedule 2 of ITC (HS) Classification of Export & Import Items shall be substituted as follows:

| S.No | HS Code | Unit | Item Description | Export Policy | Current Policy Condition | Revised Policy Condition |
|------|----------------------|------|--|---------------|---|---|
| 188 | 44039918 44079990 | | Red Sanders wood in any form, whether raw, processed or unprocessed, except at Sl. No. 188A [of cultivation origin obtained from private land (including Pattaland)] and Sl. No. 189 [specified value added products of RSW and other handicrafts made from RSW procured from legal sources] below | Prohibited | Not permitted to be Exported However, in accordance with the recommendations of the BSI NDF Report. MoEF&CC the following annual export quotas for red sanders (<i>Pterocarpussantalinus</i>) is allowed: An annual export quota (April to March) of 280 MT for Andhra Pradesh for artificially Propagated red sanders; and a zero export quota for wild specimens of red sanders: subject to the following conditions :- State Govt shall develop a digital platform with Geo referenced sites and MIS giving the no of trees, their age and diameter at breast height. The working plan Guidelines of States | The CITES Management Authority of India (CITESMA) will also permit export of seized/confiscated red sanders in a phased manner as per the demands raised by the States. DRI and Customs subject to fulfilment of CITES at the time of export and only up to a maximum of the amounts reported to MoEF&CC by the States. DRI and Customs as mentioned in Annexure - I (total quota 13,301.69822 MT). However, one time relaxation granted to Govt. of Andhra Pradesh, Directorate of Revenue Intelligence (DRI), Govt. of Tamil Nadu, Govt. of Maharashtra and Government of Karnataka for export of 8498.095 MTs, 1200 |

| | | | | | | |
|------|----------------------|----|--|------------|--|---|
| | | | | | need to include specific management plans/ harvest Plans with approved rotation periods for sustainable harvest of red sanders wood from plantations in forest and non forest areas. | MTs. 299.732 MTs. 83.40 MTs and 186.588 MTs respectively of Red Sanderswood (in log form) obtained out of confiscated/seized stock, either by itself or through any entity / entities so authorized by them will continued to be followed as per Notifications issued by DGFT in the past. |
| 188A | 44039918 44079990 | Kg | Red Sanders wood in log form and roots, exclusively of cultivation origin obtained from private land (including Pattaland) | Restricted | Export permitted under license subject to the following conditions /documentation: (i) Applications for export license should be accompanied by attested copies of certificate of origin issued by the Principal Chief Conservator of Forests (PCCF) of the State from where the stocks were procured / exported, giving details of the date of procurement from legal sources and quantities procured; (ii) A certificate of the current position of stocks so procured and available with the applicant given after physical verification of the stocks, by the authority nominated for the purpose by the PCCF, should also accompany application for export license. (iii) The applications shall be considered on merits for issue of export license, which shall be subject to any other conditions such as MEP, quantity ceilings requirements under CITES, etc. as may be prescribed from time to time; (iv) As per the recommendation of CITES Management Authority India, the MOEF&CC will fix an yearly quota, which may be reviewed based on | Export permitted under license subject to the following conditions /documentation: (i) Applications for export license should be accompanied by attested copies of certificate of origin issued by the Principal Chief Conservator of Forests (PCCF) of the State from where the stocks were procured / exported, giving details of the date of procurement from legal sources and quantities procured; (ii) A certificate of the current position of stocks so procured and available with the applicant given after physical verification of the stocks, by the authority nominated for the purpose by the PCCF, should also accompany application for export license. (iii) The applications shall be considered on merits for issue of export license, which shall be subject to any other conditions such as MEP, quantity ceilings requirements under CITES, etc. as may be prescribed from time to time; (iv) As per the recommendation of CITES Management Authority India, the MOEF&CC will fix an yearly quota, which |



| | | | | | |
|--|--|--|--|--|--|
| | | | | | <p>NDF study or recommendations of the Government agencies;</p> <p>may be reviewed based on NDF study or recommendations of the Government agencies;</p> <p>However, in accordance with the recommendations of the BSI NDF Report. MoEF&CC the following annual export quotas for red sanders (<i>Pterocarpus santalinus</i>) is allowed:</p> <p>(a) An annual export quota (April to March) of 280 MT for Andhra Pradesh for artificially Propagated red sanders; and</p> <p>(b) a zero export quota for wild specimens of red sanders;</p> <p>subject to the following conditions :-</p> <p>(i) State Govt shall develop a digital platform with Geo referenced sites and MIS giving the no of trees, their age and diameter at breast height.</p> <p>(ii) The working plan Guidelines of States need to include specific management plans/ harvest Plans with approved rotation periods for sustainable harvest of red sanders wood from plantations in forest and non forest areas</p> |
|--|--|--|--|--|--|



Annexure 1:

| S.No | State/Agency | Amount reported by State to Ministry (MT) |
|------|----------------|---|
| 1. | Andhra Pradesh | 5376.043 |
| 2. | Assam | 161.04 |
| 3. | Chhattisgarh | 2.354 |
| 4. | Gujarat | 89.545992 |
| 5. | Madhya Pradesh | 28.435 |
| 6. | Manipur | 45.37705 |
| 7. | Tamil Nadu | 747.0509 |
| 8. | Telangana | 150.391 |
| 9. | Rajasthan | 41.70897 |
| 10. | Maharashtra | 618.781 |
| 11. | Uttar Pradesh | 51.71666 |
| 12. | Haryana | 174.291 |
| 13. | Karnataka | 50.02825 |
| 14. | DRI | 3857.564 |
| 15. | Customs | 1907.365 |
| | Total | 13301.691822 |

3. Effect of this Notification:

Red Sanders quota for both Artificially propagated and confiscated red sander wood/logs is notified under Sl. No. 188 and 188A.

[Signature]
27.12.2022

(Santosh Kumar Sarangi)
Director General of Foreign Trade &
Ex-officio Addl. Secretary to the Government of India
E-mail: dgft@nic.in

[File No. 01/91/180/03/AM-19/EC/E- 33958]

E.F. No. 14-9/2020-SU (Pt.)
Government of India
Ministry of Environment, Forest & Climate change
(SU Division)

Agni Wing, 4th Floor,
Indira Paryavaran Bhawan,
Jor Bagh Road, Ali Ganj,
New Delhi - 110003

Dated: 10th January, 2023

Subject: Standard Operating Procedure (SOP) for issue of No Objection Certificate for export of Red Sanders Wood and Wood Products and Notification for export of new quota/extension of time for export of quota for red sanders - regarding.

In order to standardize the procedure for issue of No Objection certificate (NoC) for export of red sanders wood and value added products of red sanders, the following Standard Operating procedure shall be followed:-

- i. The firm intending to export red sanders wood/value added products shall apply to Directorate General of Foreign Trade for issue of export license.
- ii. The Director General of Foreign Trade shall check the following documents before forwarding the application to the Ministry of Environment, Forest and Climate Change (SU Division):-
 - (a) Attested copies of certificate of origin issued by the Principal Chief Conservator of Forests (PCCF) of the State from where the stocks were procured, giving details of the date of procurement from legal sources and quantities procured. The Certificate of Origin should have at least six months validity period;
 - (b) In case the red-sanders stock sought to be exported has been transported from the State of procurement to one or more other States for the purpose of processing, storage, export, etc., documents regarding their transport and chain of custody of such stock shall be kept by the exporter till the material is exported from the country exit point;
 - (c) A certificate of the stocks so procured by the applicant shall be given after physical verification by the competent authority nominated for the purpose by the PCCF. The signature and seal of the signing authority should be visible on the Certificate.
 - (d) A purchase order/sale agreement issued by concerned firm who intend to import the material shall bear their seal and signature.
 - (e) Coloured photographs of the material duly certified by the competent authority of the State.

(SANJAY KUMAR CHAUDHARY)
Joint Secretary
Ministry of Environment, Forest & Climate Change
Government of India

(f) The quantity applied in the application may also be checked with the quantity mentioned in the Certificate of Origin.

(h) In case of red sanders in VAP form, DGFT should ensure that the material of the VAP applied by the firm for export, tally with the definition of VAP mentioned in DGFT policy.

(i) DGFT may also obtain the hard copy of all documents from the firm for proper scrutinizing.

- iii. After ensuring the documents of the firm, DGFT shall forward the application of the red sanders to the SU division of this Ministry through email/online portal/hard copy.
- iv. SU Division shall check all the documents received from DGFT complete in all manners, alongwith signature on the documents including the definitions for "specimen", "logs", "woodchips", "powder", "extracts" etc. as the case may be as per the DGFT norms.
- v. Upon satisfactorily receipt of the proper documents, the SU Division shall forward the application alongwith the documents to CITES Management Authority of India.
- vi. The CITES Management Authority shall examine the application with respect to CITES quota established for the export of red sanders.. The CITES Management Authority shall also examine the application from the perspective of the CITES definitions for "specimen", "logs", "woodchips", "powder" and "extracts", the trade of which is regulated by CITES for red sanders. After examining the application in all necessary respects, the CITES Management Authority may issue its NoC to the SU Division for allowing export of red sanders by DGFT.
- vii. The concerned State Forest Department/UT shall check the genuineness of the documents attached with the application alongwith the physical inspection report submitted by the concerned officer of the Forest Department. The Physical inspection of the material should be carefully checked by the concerned State Forest Department as the Ministry does not physically verify the material intended to be exported.
- viii. In future, the concerned State may issue the Certificate of Origin for red sanders including details of geo coordinates.
- ix. Based on the report received from CITES Management Authority and State/ States Forest Department, the Ministry with the approval of IGF (SU) may issue its 'NoC' to DGFT for issue of export license to the concerned firm/organisation for export of red sanders material.

material.

-3-

- x. The Ministry/SU Division may try to issue NoC for export of red sanders within 30 working days after receipt of the reports from State Forest Department and CITES Management Authority.
- xi. Based on the NoC of the Ministry, DGFT shall issue export license to the concerned firm for export of red sanders wood/products.
- xii. Before export of the material/during the export, the concerned authorities such as Custom and Wildlife Crime Control Bureau (WCCB) shall verify the material as species wise, dimension wise, grade wise, volume, weight etc. as per their normal rules and procedures.

Issue of New Quota/Extension of balance quota

Notification for export of new quota of red sanders/extension of time for export of balance quota of red sanders is given with the approval of DGF&SS.

(Sanjay Kumar Chaudhary)
 Assistant Inspector General of Forests
 E-mail: sudr@moef.gov.in

- i. The Principal Chief Conservator of Forests & HoFF, Department of Forest, All States/UTs.
- ii. The Chairman, Central board of Indirect Taxes & Customs, Department of Revenue, Ministry of Finance, New Delhi (E-mail: chmn-cbic@gov.in)
- iii. The Director General, Directorate General of Foreign Trade, Ministry of Commerce and Industry, Udyog Bhawan, New Delhi.
- iv. IGF(WL), MoEF&CC, New Delhi
- v. The Additional Director, Wildlife Crime Control Bureau, New Delhi.

Copy for information to:-

- (i) PS to Hon'ble MEF&CC
- (ii) PPS to DGF&SS
- (ii) PPS to ADG(Forest)
- (iii) PPS to ADG(FC)
- (iv) PPS to ADG(WL)
- (v) PPS to IGF(SU)

Annexure –B

DRI-Hqrs Authorisation for export of seized Red Sanders

No. (..../YYYY) dated DD/MM/YYYY

DRI e-office File No.....

Consent is hereby granted by DRI w.r.t. the export of Seized/confiscated Red Sanders as per details below for the purpose of export in compliance with DGFT notification No. 50/2015-20 dated 27.12.2022. A separate export authorisation may be taken by PSU/STC/STE from DGFT as per Para 3(ii) of the Notification number 47/ (RE-2013) 2009-2014 dated 24.10.2013 read with 50/2015-2020 dated 27.12.2022.

Table-A (To be filled by Customs and concerned DRI formation)

| Sl. No. | DIGIT Id of the seized Item | Qty Red of Sanders (MTs) | SCN No. & Date | Current state of litigation | DRI RFD Letter No..... and Date | Pre-trial disposal order No. and Date |
|----------------|------------------------------------|---------------------------------|---------------------------|------------------------------------|--|--|
| | | | | | | |
| | | | | | | |

Table-B (To be filled by DRI-Hqrs)

| Qty of Red Sander in MT for which DRI Authorisation issued till YYYY (Last calendar Year) | Authorisation no. for the year (Current Year) | Qty of Red Sanders (MTs) for which authorisation granted in the authorisation of current Calender year | Issued to |
|--|--|---|------------------|
| | 1. | | |
| | 2. | | |
| | 3. | | |
| TOTAL | | | |