

# **The U.P. Establishment and Regulation of Saw Mills Rules, 1978<sup>1</sup>**

In exercise of the powers under Clause (a) Section 51-A of the Indian Forest Act, 1927 (Act No. XVI of 1927) , the Governor is pleased to make the following Rules, namely:

<sup>2</sup>[General Amendment-In the Uttar Pradesh Establishment and Regulation of Saw Mills Rules, 1978 hereinafter referred to as the said rules for the words "Establishment and Regulation of Saw Mills" the words " Wood Based Industries (Establishment and Regulation)", wherever occurring including heading shall be substituted]

## **CHAPTER-I Preliminary**

1. Short title, extent and commencement.- (1) These rules may be called the Uttar Pradesh[ Wood Based Industries (Establishment and Regulation of Saw-mills)] Rules, 1978.
2. They shall extend to whole of Uttar Pradesh.
3. They shall come into force with effect from the date of their publication in the official Gazette.

<sup>3</sup>[2. **Definition.**-(1) In these rules, unless the context otherwise requires-

- (a) 'Industrial Estate' means areas notified by the State Government for establishment of Wood Based Industries.
- (b) 'License' means a license granted under the rules notified by the State in pursuance of these Rules.
- (c) 'Principal Chief Conservator of Forests' means a Forest officer of the rank of Principal Chief Conservator of Forests and it also includes an officer designated as a Head of Forest Department in the State.
- (d) 'Round log' means a piece of wood in its natural form, having mid girth of thirty centimeter or more under bark and it includes such round log even after its bark has been removed or its surface has been dressed, manually or by using a band saw or any other machine or equipment to make its cross section square or near-square for the purpose of ease in its transportation and/or storage.
- (e) 'Saw Mill' means plants and machinery in a fixed structure or enclosure, for conversion of round logs into sawn timber.
- (f) 'Sawn timber' means beams, scantlings, planks, battens and such other product obtained from sawing of a round log.

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1. Vide Notification No. 432/XIV-3-32-73-CA-16-1917, dated 1st August, 1978, published in U.P Gazette (Extraordinary), dated 1st August, 1978.
2. These Amendment by Noti No. 621/14-2-2018-165G-2017, dated 14th March, 2018 shall be Substituted and Published in U.P. Gazette, Extra., Part 4, Section (Ka), dated 14th March, 2018 (w.e.f. 14.3.2018)
3. for the Rules 2,3,4,5,5-A, 6,7,8,9,10,11,11-A and 12 Subs, by Noti No. 621/14-2-2018-165G-2017, dated 14th March, 2018, Published in U.P. Gazette. Extra., Part 4, Section (Ka), dated 14th March, 2018 (w.e.f. 14.3.2018)

- (g) 'State Level Committee' means a Committee constituted by the State Government under para 12 (i) of these Rules.
- (h) 'wood based industry' means any industry which processes wood as its raw material (Saw mills/veneer/plywood or any other form such as sandal, katha wood etc. )
- (2) Words and expressions used but not defined under these Rules and defined in the Indian Forest Act, 1927 or the relevant local Forest Act as applicable in the State, and the Rules framed there under shall have the meaning assigned to them in such Act or Rules.
- (3) In case of any dispute regarding interpretation of any word or expression, the decision of the Ministry of Environment, Forest and Climate Change shall be final.

## **CHAPTER-II**

### **Regulation and Establishment of Saw-Mills**

- 3. Restriction on location of Wood Based Industries- (1) In respect of distance from the boundary of nearest notified forests or protected areas, Wood Based Industries shall be allowed to operate as per State-specific order/approval of the Hon'ble Supreme Court/Hon'ble High Court of the concerned state/Central Empowered Committee:
  - or, beyond ten kilometers of aerial distance from the boundary of nearest notified forests or protected areas, excluding roadside/railway side/canal side plantations, whichever is less.
- (2) A Wood Based Industries can be established in an industrial Estate or a Municipal area, irrespective of the aerial distance from the boundary of nearest notified forest or protected area.
- 4. Application for obtaining licence.- Any person desiring to establish, erect or operate any wood based industry shall make an application in that behalf to the State Level Committee for obtaining a license in e-format prescribed by the State Level Committee. The application shall be made and disposed off through online system only as developed by U.P. Forest Department on behalf of State Level Committee. No application shall be disposed off manually. This online system shall be developed to facilitate public viewing and tracking status of application and their disposal.
- 5. Grant of licence- On receipt of an application under Rule 4, the State Level Committee shall acknowledge the same and thereafter shall make such enquiries as it may deem fit and after satisfying itself State Level Committee shall approve the license. After approval from the State Level Committee the Divisional Forest Officer shall grant the license, in the format prescribed by the State Level Committee, through online system only.
 

In case, the State Level Committee is not satisfied, it may reject the application. The applicant must have facility to track status of the application thereof and receive the license or rejection through online system only.

5-A. Re-location of Wood Based Industries- Any person desiring to relocate any wood based industry shall give an application to the Divisional Forest Officer or equivalent officer concerned in regard to re-location. Divisional Forest Officer or equivalent officer as the case may be on the receipt of an application shall give his comments to Conservator of Forests/Zonal Chief Conservator of Forests who may submit the application along with his comments to the State Level Committee, which may enquire, or if it deems right may allow re-location of wood based industry from one place to another.

6. Period of validity of licence- Any Wood Based Industries license granted shall remain valid for such period not exceeding five year from the date of issue or renewal as may be specified in the license.

7. Grant or renewal of a license to a wood based industry- No license to a wood based industry shall be granted or renewed without obtaining prior approval of the State Level Committee. However, a State Level Committee may delegate the power of renewal of license to a wood based industry to the Divisional Forest Officers of the concerned Forest Divisions. the renewal of license shall be done through online system only.

8. Revocation of the licence-Notwithstanding anything contained in the foregoing Rules, the Divisional Forest Officer concerned may, where he has reason to believe that a licensee is operating wood based industry in contravention of the provisions of these Rules or conditions of license or the licensee is involved in activities prejudicial to the interests of forest conservancy at any time, revoke the license granted after giving one month notice.

9. Appeal against revocation of license- Any person aggrieved by an order of the divisional Forest Officer under Rule 8, may within 30 days of the service of the order on him, appeal to the concerned Conservator of Forests/Zonal Chief Conservator of Forests. The Conservator of Forests/Zonal Chief Conservator of Forests there upon shall decide the appeal after giving the divisional Forest Officer and or appellant, an opportunity of being heard. The decision of the Conservator of forests/Zonal Chief Conservator of Forests on such appeal shall be final.

10. Fees for grant and renewal of licence.- Annual fees for applicants/license holder shall be paid by them as per decisions taken by State Level Committee from time to time. The fees shall be deposited online only.

11. constitution of the State Level Committee-(1) State Level Committee shall consist of the following members-

a	Principal Chief Conservator of Forests/Head of Forest Department	Chairperson
b	A representative of the Regional Office of the Ministry of Environment, Forest and Climate Change,	Member
c	A representative of the State Forest Department not below the rank of a Conservator of Forests dealing with preparation of Working Plans/Working Schemes	Member

d	Director/Additional Director of Department of Industries	Member
e	Representative of the forest Development Corporation	Member
f	An officer not below the rank of Conservator of Forests working in the Forest Head Quarters.	Member Secretary

(2) The State Level Committee may co-opt an officer from territorial wing of the Forest Department not below the rank of Conservator of Forest and officers from Department of Agriculture and Department of Revenue of the State Government.

(3) The State Level Committee shall meet at least once in three months.

(4) The quorum of the State Level Committee meeting shall be at least fifty percent of these members.

(5) State Level Committee will invite one representative of the industry nominated by the saw-mill association as a special invitee to every meeting of the State Level Committee.

12. **Powers and functions of the State Level Committee-** the State Level Committee shall-

- (a) assess the availability of timber in the State by way of appropriate study in demand and supply as and when it decide. State Level Committee shall devise suitable mechanism for sustainable use of timber in a way that does not affect the forests of the area adversely;
- (b) approve the names of Wood Based Industries which may be considered for grant of fresh license or enhancement of the existing licensed capacity in case the State Level Committee is satisfied that timber is available legally for the said new Wood Based Industries (such as Trees outside forest, Forests etc.);
- (c) ensure that the amount lying with the respective State Forest Department (recovered from Wood Based Industries) is utilized for the purpose of afforestation only;
- (d) examine and make appropriate recommendations or any other matter referred to by the State Government to the Ministry of Environment, Forest and Climate Change.

13. **Appeal against the decision of the State Level Committee-** (1) Any person aggrieved by the decision taken by the State Level Committee may file an appeal before the concerned Regional Office of the Central Government in the Ministry of Environment, Forest and Climate Change seeking appropriate relief within 60 days.

(2) Head of Regional Office shall within 60 days of filing the appeal pass appropriate order.

(3) If, for any reason, any person is aggrieved by the orders so passed in the appeal, he may prefer an appropriate petition/application/appeal in the High Court.

14. **Records to be maintained by Wood Based Industries-** Each wood based industry shall maintain and regularly update records as prescribed by State Level Committee.

15. **Savings-** Industries/processing plants not using round logs of domestic origin or operating without a band saw or re-saw or circular saw of more than thirty centimeter diameter shall not require license-

- (a) Sawn timber, cane, bamboo, reed, plywood, veneers or imported wood, procured for legitimate sources.
- (b) Block board, MDF or similar wood-based products, procured from legitimate sources.
- (c) Round log/timber form species declared as agro-forestry/agricultural crops and/or exempted from the purview of the felling and transit regime in the State, and procured from legitimate sources.

However, State Level Committee of the State may allow installation of circular saw of diameter upto 60 centimeter in such industries having specialized requirement.

Such industries shall be registered with the Forest Department of the State and shall be regulated, details of which are to be prescribed by the State.

Transfer of license on sale/succession etc. shall be done only with the approval of State Level Committee.]

## **SCHEDULE -I**

To

The Divisional Forest Officer..... Forest Deivision.

Subject: Application to erect establish a saw-mill.

1. Name and full address of the applicant
2. Name of the place where the saw-mill is to be erected
3. Where machinery and power etc., required for the saw-mill is available
4. Production capacity of the proposed mill
5. No objection certificate of the District Magistrate
6. Other details if any

Place.....

Date.....

Signature of the applicant

## **SCHEDULE -II**

Form of licence to establish, erect and operate saw-mills for cutting or converting of timber

Licence is hereby granted to Sri.....s/o.....r/o.....(full address) herein after called licence to establish, erect/operate saw-mill for converting/cutting timber at..... full address of the place of business subject to the provisions contained in the Indian Forest Act, 1927 as amended from time to time in its application to Uttar Pradesh and rules made thereunder and on the following conditions namely:

### **Conditions**

1. This licence shall remain in force for the period commencing on and ending on.....  
.....20.....
2. The licence shall establish/erect/operate saw-mill required for converting/cutting of timber at..... (mention full address of the place of business).
3. The licensee shall not alter the location of the saw-mill without obtaining prior permission in writing of the Divisional Forest Officer concerned.
4. The licensee shall maintain such register and records and submit such returns as may be directed, in writing by the Divisional Forest Officer and when required produce them for inspection by any officer or member of staff of Forest Department.
5. The licensee shall ensure that-
  - (1) The site of the saw-mill including the yard for storage of round timber and waste wood is enclosed within a fence fitted with proper gates;
  - (2) All the round timber sawn timber and wood waste is properly stocked according to the instructions that may be issued from time to time by the Divisional Forest Officer or the staff authorised by him in this behalf;
  - (3) Timber for sawing or conversion is not accepted unless it bears property marks and is covered by a forest transit pass or other documentary evidence such as receipt from the timber merchant or any other seller thereof;
  - (4) Timber which does not confirm to the requirement of condition 5(3) above, is not excepted for conversion and so intimation in writing in respect of such timber is forthwith given to any forest staff available or to the nearest forest officer;
  - (5) The saw-mill as well as the timber stored within the premises of the saw-mill are open to the inspection at all times by any officer of the Forest Department or any member of the Forest staff appointed for this purpose or by any police officer not below the rank of Sub-Inspector of Police or by any Magistrate.
  - (6) The licence and all relevant records are produced, or inspection on demand by any of the authorities mentioned in (5) above.

(7) The licence shall be transferable and where it is transferred, the transferor shall forthwith inform the Divisional Forest Officer concerned of such transfer and the transferee shall hold the licence for the period specified therein.

Date.....day of .....20

Signature of the  
Divisional Forest Officer, (Seal)

**SCHEDULE -II**  
**Fruit Trees**  
**[See Section 3(xi)]**

Sl.No.	Common name	Botanical name
1	Anar	<i>Punica granatum</i>
2	Amrood	<i>Psidium guava</i>
3	Aroo	<i>Prunus perrico</i>
4	Aloobukhara	<i>Prunus communis</i>
5	Am	<i>Pangifera indica</i>
6	Aonla	<i>Emblica officinale</i>
7	Kathal	<i>Artocarpus integrifolia</i>
8	Khubani	<i>Prunus armeniaca</i>
9	Naspatti	<i>Pyrus communis</i>
10	Narangi, Neebu, Malta, Messammi, Santra	All varieties of citrus
11	Litchi	<i>Nephelium Litchi</i>
12	Sharifa	<i>Amona squemosa</i>
13	Sev	<i>Pyrus malus</i>

**SCHEDULE -III**  
**Fruit Trees**  
**[See Section 3(xi)]**

Trees other than those specified in Schedule I and II