

The U.P. Wood Based Industries (Establishment and Regulation) Rules, 1978

UTTAR PRADESH

India

The U.P. Wood Based Industries (Establishment and Regulation) Rules, 1978

Rule

THE-U-P-WOOD-BASED-INDUSTRIES-ESTABLISHMENT-AND-REGULATION of 1978

- Published on 1 August 1978
- Commenced on 1 August 1978
- [This is the version of this document from 1 August 1978.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. Wood Based Industries (Establishment and Regulation) Rules, 1978Published vide Notification No. 432/14-3-32-73-CA-16-16-1917-Rule, 1979, dated August 1, 1978, published (Extraordinary), dated 1st August, 1978, pages 4-6In exercise of the powers under clause (a) of Section 51-A of the Indian Forest Act, 1927 (Act No. XVI of 1927), the Governor is pleased to make the following Rules, namely :

Chapter I

Preliminary

1. Short title, extent and commencement.

(1)These Rules may be called the Uttar Pradesh [Wood Based Industries (Establishment and Regulation)] [Substituted 'Establishment and Regulation of Saw-Mills' by Notification No. 621/14-2-2018-165G-2017, dated 14.3.2018 (w.e.f. 1.8.1978).], 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.

2. [Definitions. [Substituted by Notification No. 621/14-2-2018-165G-2017, dated 14.3.2018 (w.e.f. 1.8.1978).]

(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)"Licence' means a licence 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 centimetre 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 case 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, scantling planks, battens and such other product obtained from sawing of a round log.(g)'State Level Committee' means a Committee constituted by the State Government under Para 12(z') 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 thereunder 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.

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 kilometres of aerial distance from the boundary of nearest notified forests or protected areas, excluding road side/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 licence in e-format prescribed by the State Level Committee. The application shall be made and disposed of through online system only as developed by U.P. Forest Department on behalf of State Level Committee. No application shall be disposed of 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 licence. After approval from the State Level Committee the Divisional

Forest Officer shall grant the licence, 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 licence or rejection through online system only.

5A. Relocation 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 relocation. 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 relocation of wood based industry from one place to another.

6. Period of validity of licence.

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

7. Grant or renewal of a licence to a wood based industry.

- No licence 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 licence to a wood based industry to the Divisional Forest Officers of the concerned Forest Divisions. The renewal of licence 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 licence or the licensee is involved in activities prejudicial to the interests of forest conservancy at any time, revoke the licence granted after giving one month notice.

9. Appeal against revocation of licence.

- 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 thereupon 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/licence 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. | 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 per cent of these members.]

2. Definitions.- In these Rules, unless the context otherwise requires, -(a) ['Saw-mills' means and includes any mechanical devices whether operating with electric power, fuel-power or man-power for the purpose of cutting, sawing or converting timber and wood into pieces or the like acts, but shall not include such mechanical devices whose engine power is up to 3 H.P.] [Substituted by Notification No. 4219/XIV-2-98-405 (209)-96-TC, II, dated 26.6.1998.]; (b) 'One unit of saw-mill' shall be taken as equivalent to 25 H.P. engine or any part thereof. (Thus a saw-mill using 65 H.P. engines will be deemed as equivalent to 3 units.) Chapter II Regulation and Establishment of Saw-Mills 3. [Licence for Restriction on Establishment of Saw-Mills. [Substituted by Notification No. 1117/XIV-3-32-73, dated 6th June, 1990, published in U.P. Gazette (Extraordinary), Part 4, Section (Kha), dated 20th June, 1990, w.e.f. 1-11-1990.]- No person shall establish, erect or operate any saw-mill or machinery for converting or cutting timber and wood without obtaining a licence from the Divisional Forest Officer concerned.] 3A. Restriction on establishment of saw-mills.- With the limits of any reserved or protected forests and within a radius of 80 kilometres of such limits no person shall establish, erect or operate any existing saw-mill or machinery for converting or cutting timber and wood without obtaining a licence from the Divisional Forest Officer concerned. 4. Application for obtaining licence.- Any person desiring to establish, erect or operate any existing saw-mill shall make an application in that behalf to the Divisional Forest Officer concerned for obtaining a licence in the form given in the Schedule I appended to these Rules. 5. [Grant of licence.

[Substituted by Notification No. 4219/XIV-2-98-405 (209)-96-TC II, dated 26.6.1998.]- On receipt of an application under Rule 4, the Divisional Forest Officer shall acknowledge the same and thereafter shall make such enquiries as he may deem fit and after satisfying himself with regard to following factors, grant the licence in the form given in Schedule II appended to these Rules-(i) that the required quantity of timber through legitimate means would be available at the proposed venue of the saw-mill without causing any damage to the tree-growth in the forests under the control of the Government and the adjacent rural areas;(ii) that the applicant has acquired or is in a position to acquire necessary area for erecting and running a saw-mill in accordance with the conditions specified in the licence;(iii) that the necessary machinery, power etc., is available or is likely to be available to the applicant;(iv) that the applicant has obtained a "No Objection Certificate" from the District Magistrate concerned for erecting and running the saw-mill;In case the Divisional Forest Officer is not satisfied he may reject the application within sixty days of its receipt :Provided that in case the said application is not disposed of within sixty days from the date of receipt of the application by the Divisional Forest Officer, the licence shall be deemed to have been granted to the applicant under this rule on the terms and conditions as laid down in Schedule II appended to these rules with effect from the expiry of the said sixty days and in that event the acknowledgement shall be adequate proof of the licence :Provided further that the aforesaid proviso shall not apply to saw mills situated within ten kilometre area of any existing forest.Explanation.- In this rule existing forest shall not include trees situated on either side of the roads and the railway tracks.]6. [Period of validity of licence. [Substituted by Notification No. 4219/XIV-2-98-405 (209)-96-TC II, dated 26.6.1998.]- Every licence granted under Rule 5 or renewed under Rule 7 shall remain valid for such period not exceeding three years from the date of issue or renewal as may be specified in the licence :Provided that, in case of a licence referred to in the proviso to Rule 5 or Rule 7 the period of validity shall be three years.]7. [Renewal of licences. [Substituted by Notification No. 4219/XIV-2-98-405 (209)-96-TC II, dated 26.6.1998.]- On an application made to the Divisional Forest Officer concerned for renewal of the licence granted under Rule 5, he may renew the same indicating thereon the period for which it has been renewed. The renewal application for licence shall be disposed of within sixty days of its receipt :Provided that in case the said application is not disposed of within sixty days, from the date of receipt of the application by the Divisional Forest Officer, the licence shall be deemed to have been renewed for a period of three years : Provided further that the aforesaid proviso shall not apply to saw mills situated within ten kilometres area of any existing forest.Explanation.- In this rule existing forest shall not include trees situated on either side of the roads and the railway tracks.Failure to get the licence renewed before the expiry of date will make the licensee liable to punishment in accordance with Section 77 of the Indian Forest Act, 1927 for operating the saw-mill without licence.]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 the saw-mill in contravention of the provisions of these Rules or conditions of licence or the licensee is indulging in activities prejudicial to the interests of forest conservancy, at any time, after giving the Divisional Forest Officer and/or appellant, an opportunity of being heard, revoke the licence granted under Rule 5 or renewed under Rule 7.9. Procedure on refusal, non-renewal or revocation of licence.- Where the concerned Divisional Forest Officer refuses to issue or renew the licence, he shall send intimation thereof to the applicant or the holder of the licence, as the case may be, giving reasons therefor.10. Appeal against refusal to issue or renew or revoke licences.- Any person aggrieved by an order of Divisional

Forest Officer under Rule 9 may, within 30 days of the service of the order on him, appeal to the concerned Conservator of Forest. The Conservator of Forest thereupon, shall decide the appeal after giving the Divisional Forest Officer and/or appellant, an opportunity of being heard. The decision of the Conservator of Forest on such appeal shall be final.¹¹. [Fees for grant and renewal of licence. [Substituted by Notification No. 1117/XIV-3-32-73, dated 6th June, 1990, published in the U.P. Gazette (Extraordinary), Part 4, Sec (Kha), dated 20th June, 1990, w.e.f.1-11-1990.]- An annual fee of rupees one thousand per unit of saw-mill for grant or renewal of licences shall be payable by the applicants/licensee which will be credited to the revenue of Forest Department through a treasury challan under the receipt head "113-VAN".]

11A. [Power to exempt from the provision and rules. [Inserted by Notification No. 4219/XIV-2-98-405 - (209)-96-TC II, dated 26.6.1998.]

- Where the State Government is satisfied that the operation of the timber-based industries, such as, Plywood Mill, Veneer Mill, Katha industries, Paper and Pulp industries and Cooling towers manufacturing industries and like industries whose final product is not timber and also the machinery used as saw mills are integral parts of their production process, is not possible due to application or all or any of the provisions of these rules, the State Government may, by notifications, for reasons to be recorded, exempt such industries from the operation of such rules subject to such conditions, as it may deem fit, for the conservation of the tree growth in the forests under the control of the Government and in the areas adjacent thereto.]

12. Savings.

- Nothing contained in these Rules shall apply to the ordinary operations of domestic carpentry or to other similar works on small-scale.

I

To, The Divisional Forest Officer, Forest Division..... 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. Whether machinery and power etc. required for the saw-mill is available.

4. Production capacity of tire proposed mill.

5. No objection certificate of the District Magistrate.

6. Other details, if any.

Place :Date :Signature of the applicant.

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 resident of (full address) (hereinafter called licensee) 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 (Act No. XVI of 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 19.....**
- 2. The licensee shall establish/erect/operate the existing 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, sawn 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 conform 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 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 for 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.Dated the day of 19.....Signature of the Divisional Forest Officer.(Seal).