

The U.P. Forests Corporation Act, 1974

UTTAR PRADESH

India

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Act 4 of 1975

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The U.P. Forests Corporation Act, 1974(U.P. Act No. 4 of 1975)An Act to provide for the establishment of a Corporation for better preservation, supervision and development of forests and better exploitation of forest produce within the State and for matters connected therewith.Published in U.P. Gazette, Extraordinary, dated 13-3-1975, vide Notification No. 896 (2)/XVII-V-1-85-74, dated March 13, 1975.It is hereby enacted in the twenty-fifth year of Republic of India as follows :

Chapter I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Uttar Pradesh Forest Corporation Act, 1974.(2)It extends to the whole of Uttar Pradesh.(3)It shall come into force on such date as the State Government may, by notification in the Gazette, appoint in this behalf.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Corporation" means the Uttar Pradesh Forest Corporation established under Section 3;(b)"local body" means a Nagar Mahapalika, Municipal Board, Town Area Committee, Notified Area Committee, Zila Parishad, Antarim Zila Parishads, Kshettra Samiti or Gaon Sabha;(c)"Managing Director" means the managing Director of the Corporation appointed under clause (a) of sub-section (1) of Section 4;(d)"Prescribed" means prescribed by rules made under this Act;(e)"regulations" means regulations made under this Act;(f)"State Government" means the Government of Uttar Pradesh.

Chapter II

Establishment and Constitution of the Corporation

3. Establishment of the Corporation.

(1)The State Government shall, by notification in the Gazette and with effect from a date to be specified therein, constitute a corporation by the name of the Uttar Pradesh Forest Corporation.(2)The Corporation shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and shall have the power to acquire, hold and dispose of property for the purposes of this Act.(3)The Corporation shall for all purposes be a local authority.(4)The Corporation shall have its Head Office at Lucknow and may have offices at such other places as it may consider necessary.

4. Constitution of the Corporation.

(1)The Corporation shall consist of a Chairman, to be appointed by the State Government and the following other members, namely-(a)five members to be appointed by the State Government from amongst the officers serving under it, one of whom shall be appointed as the Managing Director of the Corporation; and(b)not more than three non-official members to be appointed by the State Government from amongst the persons who in its opinion possess experience in matters relating to the preservation and development of forests.(2)The appointment of the Chairman and other members shall be notified in the Gazette.

5. Disqualification for being Chairman or other member.

- A person shall be disqualified to be appointed as, and for being the Chairman or other member of the Corporation, if he-(a)has been convicted of an offence which in the opinion of the State Government involves moral turpitude; or(b)is an undischarged insolvent; or(c)is physically or mentally incapable of acting as such member; or(d)in the opinion of the State Government has failed to act or has become incapable of acting in the best interests of the Corporation or has so abused his position as the Chairman or other member, as to render his continuance as such detrimental to the interests of the Corporation or the general public; or(e)has directly or indirectly by himself or by any partner, employer or employee has any share or interest, whether pecuniary or of any other nature, in any contract or employment, with, by, or on behalf of the Corporation; or(f)is a Director, Secretary, Manager or other officer of any company which has any share or interest in any contract or employment with by, or on behalf of the Corporation :Provided that a person shall not be disqualified under clause (e) or clause (f) by reason only of his or the company in which he is a Director, Secretary, Manager or other officer having a share or interest in-(i)any sale, purchase, lease or exchange of immovable property or any agreement for the same;(ii)any agreement for loan of money, or any security for payment of money only;(iii)any newspaper in which any advertisement relating to the affairs of Corporation is published;(iv)an occasional sale to the Corporation up to a value not exceeding ten thousand rupees in any year, of any article in which he or the company

regularly trades.Explanation. - A person shall not be deemed to have to any share or interest in any contract or employment with, by or on behalf of the Corporation by reason only of his being a share-holder of the company which has such share or interest.

6. Term of office of the Chairman and non-official members.

(1)The term of office of the Chairman if he is not an officer serving under the State Government, or of a non-official member of the Corporation shall be three years unless it is determined earlier by the State Government by notification in the Gazette.(2)The Chairman or a non-official member of the Corporation may at any time, by writing under his hand addressed to the State Government, resign his office and on such resignation being accepted he shall be deemed to have vacated his office.

7. Casual vacancy.

(1)If the Chairman or any non-official member is, by infirmity or otherwise, rendered temporarily incapable of carrying on his duty or is absent otherwise, in circumstances not involving the vacation of his appointment, the State Government may appoint another person to officiate for him and to carry out his functions under this Act.(2)A casual vacancy created by the resignation of the Chairman or any nonofficial member under sub-section (2) of Section 6 or for any other reason shall be filled by fresh appointment and the Chairman or non-official members so appointed shall hold office for the remainder of the term of the Chairman or, as the case may be, of the non-official members in whose place he is so appointed.

8. Appointment of employees of the Corporation.

(1)The Corporation may appoint such employees as it considers necessary for the efficient performance of his functions under this Act :Provided that the appointment of such employees as the State Government may, by general or special order, specify shall be made in consultation with the Public Service Commission, Uttar Pradesh or With the approval of the State Government, as the State Government may direct.(2)The Corporation may, with the previous approval of the State Government, appoint an employee of the Central Government or the State Government or local body on such terms and conditions as may be agreed upon.

9. Salaries and allowances.

(1)The Chairman and non-official members shall be entitled to draw such travelling and daily allowances from the fund of the Corporation as may be determined by regulations.(2)The Managing Director and other employees of the Corporation shall be entitled to receive from the fund of the Corporation such salaries and allowances and shall be governed by such conditions of service as may be determined by regulations.

10. Control by Managing Director.

- Subject to the superintendence of the Corporation, the general control over the employees of the Corporation shall be vested in the Managing Director.

11. Meetings.

(1)The Corporation shall meet at such times and places and shall observe such procedure in regard to the transaction of business in its meeting as may be determined by regulations.(2)The Chairman or in his absence, a member of the Corporation elected by the members present from amongst themselves, shall preside at the meeting of the Corporation.(3)All questions at the meetings of the Corporation shall be decided by majority of votes of the members present and voting and in the case of equality of votes, the Chairman, or in his absence the member presiding, shall have a second or casting vote.(4)The Chairman may invite any person to attend a meeting of the corporation for the purpose of assisting or advising it on any matter and the person so invited may take part in the discussion of the Corporation but shall have no right of vote.

12. Disqualification for participation in proceedings on account of interest.

- A member who is directly or indirectly concerned or interested in any contract, loan, arrangement or proposal, entered into or proposed to be entered into by or on behalf of the Corporation shall at the earliest possible opportunity disclose the nature of his interest to the Corporation and shall not be present at any meeting thereof when any such contract, loan, arrangement or proposal is discussed unless his presence is required by other members for the purpose of eliciting information, and no member so required to be present shall vote on any such contract, loan, arrangement or proposal.

13. Acts to be invalidated by vacancy, etc.

- No act done or proceeding taken under this Act, by the Corporation shall be deemed to be invalid by reason merely of any vacancy or defect in the constitution of the Corporation.

Chapter III

Functions and Powers of the Corporation

14. Functions of the Corporation.

- Subject to the provisions of this Act, and to any general or special directions of the State Government, the functions of the Corporation shall be following, namely-(a)to undertake removal and disposal of trees and exploitation of forest resources entrusted to it by the State Government;(b)to prepare projects relating to forestry within the State;(c)to undertake research programmes relating to forests and forest products and render technical advice to State Government

on matters relating to forestry;(d)to manage, maintain and develop such forests as are transferred or entrusted to it by the State Government;(e)to perform such functions as the State Government may from time to time require.

15. Powers of the Corporation.

(1)The Corporation shall, subject to the provisions of this Act, have power to do anything which may be necessary or expedient for carrying out its functions under this Act.(2)Without prejudice to the generality of the foregoing provision, such power shall include the power-(a)to set up workshops or factories for processing forest raw materials;(b)to establish, maintain and operate laboratories and experimental and research stations;(c)to enter into such contract or arrangement with any person as the Corporation may deem necessary for performing its functions under this Act;(d)to borrow money, issue debentures and manage its fund; and(e)to incur expenditure and grant loans and advances to such persons as the Corporation may deem necessary for performing its functions under this Act.

16. Power of the Corporation to undertake projects at the instance of others.

- The Corporation may undertake the execution of any afforestation project at the request of the State Government or, with the previous approval of the State Government, at the request of any other person on such terms and conditions as may be agreed upon.

Chapter IV

Finance, Accounts and Audit

17. Fund of the Corporation.

(1)The Corporation shall have its own fund which shall be a local fund and to which shall be credited all moneys received by or on behalf of the Corporation.(2)The fund shall be applied towards meeting expenses incurred by the Corporation in the discharge of its functions under this Act and for no other purpose.(3)The money of the fund shall be kept in the State Bank of India or in the Uttar Pradesh Co-operative Bank or in any Scheduled Bank :Provided that nothing in this sub-section shall be deemed to preclude the Corporation from retaining such balances in cash as may be necessary for current payment or from investing any portion of the fund not required for immediate expenditure in any of the securities described in Section 20 of the Indian Trusts Act, 1882.

18. Power of the Corporation to borrow.

(1)The Corporation may from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as the State Government may by general or special order determine, borrow any sum required for the purposes of this Act, whether by the issue of bonds or stocks or otherwise or by making arrangement with bankers.(2)Stock issued by the

Corporation under this section shall be issued, transferred, dealt with and redeemed in such manner as the State Government may, by general or special order, direct.

19. Subventions to the Corporation.

- The State Government may, after due appropriation by law of the State Legislature, from time to time make subventions to the Corporation for the purposes of this Act on such terms and conditions as the State Government may determine.

20. Loans to the Corporation.

- The State Government may, from time to time, advance loans to the Corporation for the purposes of this Act on such terms and conditions as the State Government may determine.

21. Repayment of loans.

(1)The Corporation shall, for the purpose of repayment of any loan raised by it establish a Sinking Fund in such manner as may be prescribed.(2)The Sinking Fund shall be maintained, invested and applied in such manner as may be prescribed.

22. Budget.

- The Corporation shall prepare, in such form and at such time every year as the State Government may direct, budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Corporation.

23. Accounts and audit.

(1)The Corporation shall maintain proper accounts and prepare an annual statement of accounts including balance-sheet in such form as the State Government may direct.(2)The accounts of the Corporation shall be subject to audit annually by the Examiner, Local Fund Accounts and any expenditure incurred by him in connection with such audit shall be payable by the Corporation to the Examiner Local Fund Accounts.(3)The Examiner, Local Fund Accounts or any person authorised by him in connection with the audit of accounts of the Corporation shall have the same rights, privileges and authority in connection with such audit as the Examiner, Local Fund Accounts has in connection with the audit of the accounts of a local body and, in particular, shall have right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Corporation.(4)The accounts of the Corporation as certified by the Examiner, Local Fund Accounts or any person authorised by him in that behalf together with the audit report thereof shall be forwarded annually to the State Government.(5)The State Government shall-(a)cause the accounts of the Corporation, together with the audit report thereon, received by it under sub-section (4) to be laid annually before each House of the State Legislature, and(b)cause the accounts of the Corporation to be published in the prescribed manner and make available copies

thereof for sale at a reasonable price.

24. Surcharge.

(1)The Chairman, the Managing Director or any other member or any employee of the Corporation shall be liable to surcharge for the loss, waste or misapplication of any money or property of the Corporation if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while acting as such Chairman, Managing Director or other member or employee.(2)The procedure of surcharge shall be such as may be prescribed.(3)Any amount found to be involved in any such loss, waste or misapplication as a result of proceedings for surcharge shall be recoverable as arrears of land revenue.(4)Nothing in sub-section (3) shall prevent the Corporation from deducting any amount referred to therein from any sum payable by the Corporation to Chairman, Managing Director or other member or employee, as the case may be.

Chapter V

External Control

25. Direction on question of policy.

(1)In the discharge of its functions under this Act, the Corporation shall be guided by such directions on questions of policy as may be given to it by the State Government.(2)If any question arises whether any matter is or is not a matter as respects which the State Government may issue a direction under sub-section (1), the decision of the State Government thereon shall be final.

26. Annual Reports.

(1)The Corporation shall, as soon as may be, after the end of each financial year, prepare and submit to the State Government before such date and in such form as the State Government may direct, a report giving an account of its activities during the previous financial year, and such report shall also give an account of the activities, if any, which are likely to be undertaken by the Corporation in the next financial year and the State Government shall cause such report to be laid before each House of the State Legislature, as soon as may be, after it is received by the State Government.(2)The Corporation shall furnish to the State Government at such times and in such form and manner as the State Government may direct such statistics and returns and such particulars in regard to any proposed or existing activities of the Corporation or any other matter under the control of the Corporation as the State Government may from time to time require.

Chapter VI

Miscellaneous

27. Local bodies to assist the Corporation.

(1) Every local body shall render such assistance and furnish such information to the Corporation and make available for its inspection and examination such records, maps, plans and other documents as it may require in connection with the performance of its functions under this Act. (2) Notwithstanding anything contained in any other law for the time being in force, the State Government may give to any local body such directions as in its opinion are necessary or expedient for enabling the Corporation to perform its functions under this Act and thereupon it shall be the duty of the local body to comply with such directions.

28. Protection for action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the State Government or the Corporation or the Chairman or the Managing Director or any other member thereof or any employee of the State Government or the Corporation for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

29. Members etc., deemed to be public servants.

- The Chairman, Managing Director or other members and employees of the Corporation shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act to be public servants within the meaning of Section 21 of the Indian Penal Code.

30. Authentication of proceedings, orders and other instruments of the Corporation.

- All proceedings of the Corporation shall be authenticated by the signature of the Chairman, or as the case may be, of the member presiding in the meeting of the Corporation in the absence of the Chairman, and all orders and other instruments issued by the Corporation shall be authenticated by the signature of such employee of the Corporation as may be authorised by it in this behalf.

31. Delegation of powers.

(1) Subject to the provisions of this Act and the rules made thereunder the State Government may by general or special order delegate either unconditionally or subject to such conditions including the condition of review by itself, as may be specified in the order to the Corporation such of its powers and duties under the Indian Forest Act, 1927 or any other law for the time being in force, as it may deem necessary. (2) Subject to the provisions of this Act and the rules made thereunder the Corporation may, by general or special order, delegate either unconditionally or subject to such conditions, including the condition of review by itself, as may be specified in the order, to the Chairman or the Managing Director or any Other member or employee of the Corporation such of its powers and duties not being the powers and duties delegated to it under sub-section (1), as it may deem necessary.

32. State Government may invest the officers with powers of Forest Officer.

- The State Government may invest the Managing Director or any employee of the Corporation with all or any of the powers of a Forest Officer under Section 72 of the Indian Forest Act, 1972, and the Managing Director or such employee in relation to such powers shall be deemed to be a Forest Officer within the meaning of clause (2) of Section 2 of the Indian Forest Act, 1927.

33. Power to make rules.

(1)The State Government may, by notification in the Gazette, make rules for carrying out the purpose of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :(a)the manner in which the Sinking Fund shall be established, maintained, invested and applied under Section 21;(b)the procedure in respect of surcharge under Section 24 including the provision of appeal, if any, in respect thereof;(c)any other matter which has to be or may be, prescribed.(3)All rules made under this Act shall as soon as may be after they are made be laid before each House of the State Legislature while it is in session for a total period of not less than thirty days extending in its one session or more than one successive sessions, and shall, unless some later date is appointed take effect from the date of their publication in the Gazette subject to such modifications or annulments as the two Houses of the Legislature may, during the said period, agree to make, so however that any such modifications or annulments shall be without prejudice to the validity of anything previously done thereunder.

34. Regulations.

(1)The Corporation may, with the previous approval of the State Government make regulations not inconsistent with this Act and the rules made thereunder for the administration of the Corporation.(2)In particular, and without prejudice to the generality of the foregoing powers, such regulations may provide for or any of the following matters, namely :(a)salaries and allowances and conditions of service of the Managing Director and employees of the Corporation and travelling and daily allowances to be paid to the Chairman and non-official members;(b)times and places of, and the procedure in regard to the transaction of business in the meetings of the Corporation;(c)any other matter for which provision is to be or may be made in the regulations.(3)Until any regulations are made by the Corporation under sub-section (1) any regulations which may be so made by it, may be made by the State Government, and any regulations so made may be altered or rescinded by the Corporation in exercise of its power under sub-section (1).

35. Repeal.

(1)The Uttar Pradesh Forest Corporation Ordinance, 1974 (U.P. Ordinance No. 15 of 1974), is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had come into force on September 13, 1974.