

COMPILATION
OF
SUPREME COURT
AND
CENTRAL EMPOWERED COMMITTEE
AND
ORDERS OF STATE GOVERNMENT, U.P.
AND
SAW MILL RULES WITH AMENDMENTS
ON
SAW MILLS AND VENEER/PLYWOOD
UNITS OF UTTAR PRADESH

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FOREWARD

Modernisation, industrialization and phenomenal increase in human population have augmented the demand for wood and wood-based products. As a consequence, saw mills and wood based industries have emerged as essential urban and rural forces. For the last several decades they have been established as prime generators of fashioned wood products. Being dependent upon wood they create direct or indirect pressure upon trees and forests. So to regulate their operation and to check their excessive proliferation several laws, rules, enactments and guidelines have been framed. All of them have their bases in the provision of Indian Forest Act, 1927. Different States have framed separate set of rules pertaining to them. Proper control and regulation over saw mills and wood based industries is necessary for sustainable Forest Management and Environmental balance. Realising the gravity of the problem the Hon'ble Supreme passed specific orders in W.P. (C) 202/1995 (T.N. Godavarman versus U.O.I. and others) on 12-12-1996 and 04-03-1997. They explicitly emphasized upon the enforcement of Forest Conservation Act, 1980 and broadened the meaning of the term 'Forest'. Subsequently the Central Empowered Committee was constituted by the Apex Court which in turn created the State Level Committee. The State Level Committee created the District Level Committees. Henceforth came into being, the triumvirate of the Saw mills and the Veneer /Plywood units. A sound knowledge of the three is essential for officers of all departments and helpful for the common citizen. We intend to go deep into the intricacies of definitions of related legal terms and statutory provisions in a simple but lucid way. To augment the effect, a comprehensive glossary of pertaining legal terms is being provided and to supplement the assertions, the relevant orders of the Hon'ble Supreme Court and the salient instructions of the Central Empowered Committee are being provided as Annexures.

We hope and expect that the book shall enlighten the readers with respect to saw-mills, veneer/plywood units and Committees in the context of the State of Uttar Pradesh.

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AJAI PRAKASH

CHAPTER 1- SAW MILLS

The Term

The **Oxford advanced learner's dictionary** defines a saw mill as a factory in which wood is cut into boards using machinery while the **Cambridge advanced learner's dictionary** defines a saw mill as a factory where trees are cut up into pieces using machines. The rapid growth in human population and the consequent phenomenal increase in demand of wood and wood products in the last three hundred years have augmented the number of saw mills all over the world. Gradually the environmentalists and ecologists aroused general awareness regarding the depletion of forests and tree cover. Different sets of modes and rules were framed for the legal regulation of saw mills.

The Indian Forest Act 1927

The Indian Forest Act 1927 in its provision of **section 51** [Power to make rules and prescribe penalties] indirectly emphasized upon the need for the regulation. It states that the State Government may make rules to regulate the following matters, namely:

- (a) The salving, collection and disposal of all timber mentioned in section 45.
- (b) The use and registration of boats used in salving and collection of timber,
- (c) The amounts to be paid for salving, collection, moving, storing or disposing of such timber, and
- (d) The use and registration of hammers and other instruments to be used for marking such timber.

Addition of **Section 51 A (Regulation of manufacture and preparation of articles based on Forest Produce)** to the act vide UP Act 13 of 1976 section 21 went a little further. It provided that the State Government may make rules-

- (a) to provide for the establishment and regulation by licences, permits or otherwise (and the payment of fees therefor) or saw mills and units including factories engaged in the manufacture or preparation of –
 - (i) Katha out Khair tree,
 - (ii) resin, turpentine and other products out of resin,

- (iii) plywood and match out of timber,
 - (iv) such other preparations based on forest produce as the State Government may by notification in the official, Gazette, from time to time specify,
- (b) to provide for the regulation by licences, permits or otherwise of the supply of raw materials relating to the preparations mentioned in clause (a), the payment of fees therefor, the deposit of such sum for due performance of the conditions of any such licence, permit or other documents, the forfeiture of the sum so deposited or any part thereof for contravention of any such conditions and the adjudication of such by such authority as may by notification in the official Gazette be specified by the State Government.

The new provision added as the sole member of a new chapter (VIII A) added to the Act explicitly uses the terms saw mills and units including factories.

The Legal Base (UP Establishment and Regulation of Saw Mill Rules 1978)

It is noteworthy that the legal rules and enactments related to the establishment and regulation of saw mills were framed under clause (a) of section 51 A of the Indian Forest Act 1927.

Clause (a) of Rule No. 2 of the Uttar Pradesh Establishment and Regulation of Saw Mill Rules, 1978 defines a Saw Mill as

'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;

Clause (b) provides **one unit of saw mill shall be taken as equivalent to 25 hp engine or any part thereof.** (Thus a saw mill using 65 hp engines will be deemed to be equivalent to 3 units)

The definition is comprehensive. It streamlines three basic categories of saw mills namely –

(a) those operating with electric power

(b) those operating with fuel power

(c) those operating with man power

It is also elucidates three primary purposes of Saw Mills namely-

(a) cutting of timber and wood

(b) sawing of timber and wood

(c) converting timber and wood into pieces.

As regards the legality or illegality of sawmills, Rule 3 of the U.P. Establishment and Regulation of Saw Mills Rules 1978 (**Licence for Restriction on Establishment of Saw Mills**) lays down that -

"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.

The rule specifically emphasizes that not only the operation but even the mere establishment or erection of a saw mill without obtaining a licence from the concerned Divisional Forest Officers is illegal. The rule makes use of the word '**timber**' which as per the Interpretation clause 2(6) of the I.F.A. 1927 includes **trees when they have fallen or have been felled and all woods whether cut up or fashioned or hollowed out for any purpose or not.**

The rules also lay down that within the limits of any reserved or protected forests and within a radius of eighty Kilometres of such limits no person shall establish, erect or operate any existing saw mill or machinery for converting timber and wood without obtaining a licence from the Divisional Forest Officer concerned.

As per the rules **every saw mill 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.** Rule 7 governs Renewal of Licence. It states that on an application made to the DFO 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. Failure to get the licence renewed before the expiry of date will make the licence liable to punishment in accordance with section 77 of the Indian Forest Act, 1927. The particular section of the Indian Forest Act, 1927 (section 77 Penalties for breach of rules) states that **"Any person contravening any rule under this Act, for the contravention of which no special penalty is**

provided, shall be punishable with imprisonment for a term which may extend to one month or fine which may extend to five hundred rupees or both."

The Godavarman Heal

Despite all the rules and strictures most of the States faced the problem or possibility of mushrooming of illegal sawmills, which was considered detrimental to the cause of Forest Conservation and Vegetative cover. In this regard, the Hon'ble Supreme Court passed a landmark Interim Order in its hearing in Writ Petition (Civil) no. 202 of 1995 T.N. Godavarman Thirumulkpad versus U.O.I. and others [with writ petition (civil) no. 171/96]. Making specific observations upon non-execution of orders of the Forest Conservation Act, 1980 it ordered on 12-12-1996 as follows:-

In view of the meaning of the word "Forest" in the act it is obvious that prior approval of the Central Government is required for any non-forest activity within the area of any "Forest". In accordance with Section 2 of the Act, all ongoing activity within any forest in any State throughout the country without the prior approval of the Central Government, must cease forthwith. It is therefore, clear that the running of saw mills of any kind including veneer or plywood mills and mining of any mineral are non-forest purposes and are therefore not permissible without prior approval of the Central Government. Accordingly any such activity is prima facie violation of the provisions of the Forest Conservation Act, 1980. Every State Government must promptly ensure total cessation of all such activities forthwith.

Para 6 of the historic INTERIM ORDER ordered as follows :

Each State Government should within two months file a report regarding-

- (i) the number of sawmills, veneer and plywood mills actually operating within the State with particulars of their real ownership.**
- (ii) the licenced and actual capacity of these mills for stock and sawing.**

(iii) their proximity to the nearest forest.

(iv) their source of timber.

Paragraph 7 of the INTERIM ORDER ordered as follows:

Each state government should constitute within one month, an Expert Committee to assess:

(i) the sustainable capacity of the Forests of the State qua saw mills and timber based industry.

(ii) the number of existing saw mills which can safely be sustained in the State.

(iii) the optimum distance from the forest qua that State at which the saw mill should be located.

Paragraph 8 of the INTERIM ORDER directed as follows:

The expert committees so constituted should be requested to give its report within one month of being constituted.

Further, paragraph 9 of the INTERIM ORDER directed each State Government to constitute a committee comprising of the Principal Chief Conservator of Forests and another senior officer to oversee the compliance of this order and file status reports:

The Interim Order emphatically provided that **"This order will operate and be complied with the all concerned, notwithstanding any order at variance, made or which may be made hereafter, by any authority, including the Central or any State Government or any court (including High Court) or Tribunal"**

Thus the INTERIM ORDER dated 12-12-96 of the Hon'ble Supreme Court was a landmark in several respects. It explicitly reminded the States of their prime obligation of legal supervision over the saw mills and the veneer and plywood mills. It also laid sufficient emphasis over the sustainability of Forests. In addition to the two it made it obligatory upon the States to assess legal availability of legal timber and the capacity of saw mills and veneer and plywood units.

The Order and the Ban

The Hon'ble Supreme Court in its Interim Order passed on 04-03-1997 in Writ Petition (Civil) 202/1995 (T.N. Godavarman Vs UOI and others) ordered as follows:

"All unlicenced sawmills, veneer and plywood industries in the State of Maharastra and the State of Uttar Pradesh are to be closed forthwith and the State Government would not remove or relax the condition for grant of permission/licence for the opening of any such saw mill, veneer and plywood industry and it shall not grant any fresh permission/licence for this purpose. The Chief Secretary of the State will ensure strict compliance of this direction and file a compliance report within two weeks."

The Role of the Central Empowered Committee

On 30-10-2002 the Hon'ble Supreme Court passed an order as follows:

"No State or union Territory shall permit any unlicenced saw mill, veneer, plywood industry to operate and they are directed to close all such unlicenced units forthwith. No State Government or Union Territory will permit the opening of any saw mills, veneer or plywood industry without prior permission of the Central Empowered Committee. The Chief Secretary of each State will ensure strict compliance of this direction. There shall also be no relaxation of rules with regard to the grant of licence without previous concurrence of the CEC. It shall be open to this court for relaxation and or appropriate modification or orders qua plantations or grant of licences."

On the basis of sevral reports filed by the State Government the Central Empowered Committee recommended as follows:

- (a) Suspending the functioning of all 1607 saw mills to where licences have been renewed after 04-03-1997.**
- (b) directing the Chief Secretary, Uttar Pradesh to file report of each of the 1607 saw mills giving details of the old licences, the year in which such liences were issued, the year upto which the old licences were**

renewed, the date on which the saw mill was closed, the number of years for which the saw mills were run illegally, the officer who had verified and cross verified the genuineness of the old licence, the basis of reopening of the saw mill, the details of the machinery and electric connection at the time of the renewal of the old licence and whether the delay in the renewal was due to administrative reasons or due to lapse on the part of the saw mill owner.

The Order of September 1, 2006

The Hon'ble Supreme Court in its hearing held on September, 2006 in I.A. No. 1399 with I.A. No. 946, I.A. Nos. 301-382 in Writ Petition (c) No. 202 of 1995 accepted the above recommendations of the CEC and ordered as follows.

In this view, we direct the suspension of all 1607 saw mills in respect of which licences were renewed after 4th March 1997. The State Government would ensure that the saw mills do not operate. The Chief Secretary, Uttar Pradesh, is directed to file a report in terms of paragraph 13(b), which recommendation we have accepted, within a period of eight weeks.

The above order of the Hon'ble Supreme Court opened the path for proper analysis and categorisation of all those saw mills whose licences were renewed after 04-03-1997.

Closure and Categorisation

In compliance of the Hon'ble Supreme Court's order all the saw mills whose licences were renewed after 04-03-1997 were closed. In consequence to the Closure Report filed, the Central Empowered Committee in its INTERIM REPORT **dated 10-10-2006** regarding the closure of the saw mills and other wood based industries in the State of Uttar Pradesh pursuant to the Hon'ble Supreme Court's order dated 01-09-2006 in I.A. No. 1399 and I.A. No. 946 recommended as follows:

The closed saw mills will be classified into the following four categories depending upon the year upto which the sawmill licence was renewed before 04-03-1997:

Category I- Licence upto December, 1996

	Renewed before 04-03-1997
Category II-	Licence upto December, 1995
	Renewed before 04-03-1997
Category III-	Licence upto December, 1994
	Renewed before 04-03-1997
Category IV-	Licence upto December, 1993
	Onward not renewed before 04-03-1997

The saw mills falling in each of the Category will further be subdivided into three subgroups on the basis of the period during which the licence fee was deposited namely

- (a) licence fee paid before 04-03-1997**
- (b) licence fee paid between 04-03-1997 to 31-12-1997**
- (c) licence fee paid after 31-12-1997**

In consonance with the recommendation of the Central Empowered Committee, the **Chief Secretary vide his letter 3949/14-2-2000-405(55)/2004** ordered the classification of the closed saw mills (that stood not renewed on 14-03-1997) into the following categories.

Category- I Those saw mills whose licences stood renewed for period upto 31-12-96 before the date 04-03-1997 and whose licence renewal for 1997 was carried out after 04-03-1997.

- (a) saw mills whose renewal fees were deposited before 04-03-1997.**
- (b) saw mills whose renewal fees were deposited between 05-03-1997 to 31-12-1997**
- (c) saw mills whose renewal fees were deposited after 31-12-1997**

Category-II Those saw mills whose licences stood renewed for year upto 1995 before the date 04-03-1997 and whose licence renewal for years 1996 and 1997 was carried out after 04-03-1997. This category was also divided into the following three sub categories-

(a) saw mills whose renewal fees were deposited before 04-03-1997.

(b) saw mills whose renewal fees were deposited between 05-03-1997 to 31-12-1997

(c) saw mills whose renewal fees were deposited after 31-12-1997

Category-III Those saw mills whose licences stood renewed for year upto 1994 before the date 04-03-1997 but whose licence renewal for the years 1995,1996 and 1997 were carried out after 04-03-1997. This category was also subdivided into the following three subcategories-

(a) saw mills whose renewal fees were deposited before 04-03-1997.

(b) saw mills whose renewal fees were deposited between 05-03-1997 to 31-12-1997

(c) saw mills whose renewal fees were deposited after 31-12-1997

Category-IV (Other saw mills)- All saw mills other than those of Category-I, Category-II and Category-III whose licence renewal for period after 1993 were not carried out before 04-03-1997.

In respect of these saw mills it is to be known that their licence renewals were carried out in which previous years and also the year of last renewal before 04-03-1997.

The notification specifically provided that for each saw mill **the date of establishment, name of owner, number of units and other informations have to be compiled and verified. The licence fee deposited by saw mills of category 1(a), 1(b), 2(a) and 2(b) shall be verified from the original records and it shall be confirmed that they are not involved in any FOREST OFFENCE.**

The State Level Committee

The CEC had already constituted a **State Level Committee** comprising **Principal Secretary, Forests Shri. V.N. Garg, Principal Chief Conservator of**

Forests U.P. Shri B.K. Patnaik and Chief Conservator of Forests (Regional)

Shri N.C. Bahuguna for the compilation and verification of the above information. To facilitate the process the notification issued by the Chief Secratry constituted the District Level Committee for each District of the State headed by the District Magistrate and having senior Superintendent of Police/Superintendent of Police and Divisional Forest Officer as members. It was ordered that the District Level Committees shall supervise and conduct the collection, compilation and verification of the informations of the District.

The Subsequent Orders/Recommendations

After receiving specific informations regarding saw mills closed pursuant to Hon'ble Supreme Court's order dated 01-09-2006 from the District level Committees, the State Level Committee began the process of categorising the saw mills into the four categories. The provisional categorisation was displayed on the official website wherin time period for filing of objections was indicated. The State Level Committee considered the objections and sent the Final Categorisation to the Central Empowered Committee. After analysing the Report of the Central Empowered Committee **the Hon'ble Supreme Court by order dated 18-05-2007 has permitted the reopening of the saw mills falling in Category I, II and III.** Subsequently, the Hon'ble Supreme Court by **Order 27-07-2007** directed that **subject to availability of wood the saw mills falling in Category IV may be considered for grant of Fresh licence subject to such terms and conditions as are and/or may be prescribed.**

Decision

After considering the recommendations of the State Level Committee and other detailed examination the following decisions were taken:

(I) saw mills categorized as category IV saw mills by the SLC may be considered for grant of licence under the saw mill rules subject to the fulfillment of the following conditions:

(a) there has not been any transfer of licence after 04-03-1997 except by inheritance or sucesion. The units in respect of which the original licence was transferred to others will not be eligible for grant of licence,

- (b) it will be considered as a new licence with prospective effect from the date of grant of permission by the competent authority under the Saw mills Rules.**
- (c) there is adequate timber availability in the State,**
- (d) there is no forest offence pending against the unit on 01-09-2006.**
- (e) such units will not be transferable except by inheritance or succession,**
- (f) detailed procedure and guidelines for grant of licence to the units will be issued by the State Level Committee, and**
- (g) saw mills falling in the various categories will deposit one time payment, in addition to the normal licence**

Odd Saw Mill Units

There are several Saw mill units who had paid licence fee regularly before 04-03-1997 but were never granted licence by the Forest Department. Their fate remained uncertain for several years. But **as per the recommendations made by the CEC on 4thApril 2008 they may also be considered or grant of licence under the saw mill Rules subject to the fulfilment of the following conditions:-**

- (a) licence shall be granted in order of seniority to only such units who regularly paid licence fee from the year 1989 onwards till 1996.**
- (b) it will be considered as a new licence with prospective effect from the date of grant of permission by the competent authority under the Saw Mill Rules.**
- (c) there is adequate timber available in the State.**
- (d) there is no forest offence pending against the unit as on 01-09-2006.**
- (e) the unit will not be transferable except by inheritance or succession,**
- (f) detailed procedure and guidelines for grant of licence to the units will be issued by the SLC, and**
- (g) licence shall be granted in the name of person in whose name the licence fee was deposited or to his/her legal heir in case of his/her death.**

Peculiar Ones

During the process of categorizing of Saw mills cropped up some cases of saw mills whose licences had been renewed upto the year 1994-95 whereafter because of non payment of licence fee, the licences of such units were cancelled and subsequently have not been included in any category of the Saw mill. **In its meeting held on 4th April 2008 the CEC decided** that all such cases may be considered by the SLC on merit and a decision may be taken after verifying the details of the renewals. The CEC has recommended that such units should be categorized as per CEC's letter dated 06-10-2006. which explicitly defines the four categories and the three sub-categories.

Saw Mill Licence

Under Rule-4 of the U.P. Establishment and Regulation of Saw Mills Rules 1978 is laid down the provision of Application for obtaining licence. It is laid down that 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 Schedule-I appended to these Rules.

Under Rule 5 it is provided that **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 the following factors, grant the licence in the form given in Schedule-II appended to the Rules:-**

- (i) that the required quantity of timber through by 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 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.

Rule-6 provides that 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 of renewal as may be specified in the licence.

But presently as per Hon'ble Supreme Court's order passed on 29/30-10-2002 **"No State Government or Union Territory will permit the opening of any saw mills, veneer or plywood industry without prior permission of the Central Empowered Committee. There shall also be no relaxation of rules with regard to the grant of licence without previous concurrence of the CEC. It shall be open to apply to this court for relaxation and or appropriate modification of orders qua plantation or grant of licences."**

As per Rule 11 of the rules as amended by U.P. Establishment and regulation (Third Amendment) Rules 2004 **an annual fee of Rupees five thousand per unit of saw mill for grant or renewal of licences shall be payable by the applicants/licence which will be credited to the revenue of Forest Department through a treasury chalan under the receipt head "0406-01-800-03".**

Revocation of the Saw Mill Licence

Rule- 8 of the Uttar Pradesh Establishment and Regulation of Saw Rules 1978 provides for Revocation of a saw mill licence. It states that "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 revoke the licence granted under Rules-5 or renewed under Rule-7."

Intimation to applicant or licensee

Rule- 9 provides that 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.

Provision For Appeal

Rule 10 provides for Appeal against refusal to issue or renew or against revocation of licences. It provides that "**Any person aggrieved by an order of Divisional Forest Officer under Rule 9 may within thirty days of the service of the order on him, appeal to the concerned Conservator of Forests. The 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 on such appeal shall be final.**"

Since the constitution of the Central Empwered Committee and the State Level Committee, any person dissatisfied with the final order may represent in writing to the State Level Committee or the Central Empowered Committee.

Relocation of Saw Mills

The provision for relocation of saw mill is governed by the **Interim Order passed by Hon'ble Supreme Court on 08-05-1997** in writ petition (c) no. 171 of 1996 and 597 of 1996 which directed that "**PCCF, may on a case to case basis consider grant of permission to an existing licenced saw mill to relocate itself, provided that the relocated site is not within ten kilometres of any existing Forest.**"

Further the Hon'ble Supreme Court's Order in **I.A. No. 385** clarified and ordered that trees in plantations by the sides of roads and railways be excluded from the definition of forests while considering the Relocation of Sawmills.

Installed Capacity and Timber Requirement

For the purpose of assessing the timber requirement, the Saw mills may be classified into different categories either on the basis of **the type and the number of the horizontal and vertical band saws used them or on the basis of the horse power of the machines used by them.**

On the basis of power used by them the saw mills may be divided into

- (i) saw mills of 10 H.P. and below**
- (ii) Saw mills between 10 H.P. and 20 H.P.**
- (iii) saw mills between 20 H.P. to 40 H.P.**
- (iv) saw mills between 40 H.P. to 60 H.P. and**
- (v) saw mills above 60 H.P.**

On the basis of the actual production figures of the Saw mills operated by the U.P. Forest Corporation till 1996 and as given in the report of the Expert Committee filed through an affidavit dated 22-02-1997 before the Hon'ble Supreme Court, the **normative installed capacity of Saw mills is 540 cubic metres.** The perusal of the report of the Expert Committee constituted for the State of U.P. clarifies that this figure is actually for **the saw mills of 10 H.P.**

Accordingly, the timber requirement of saw mills installed with machines of higher H.P. has to be different and may be taken as under:-

- | | | | |
|--------------|---|----------|--------------------|
| (i) | saw mills of 10 H.P. and below | - | 540 cu.mt. |
| | (base value) | | |
| (ii) | saw mills between 10 H.P. to 20 H.P. | - | 810 cu.mt. |
| | (1.5 time the base value) | | |
| (iii) | saw mills between 20 H.P. to 40 H.P. | - | 1080 cu.mt. |
| | (2 time the base value) | | |
| (iv) | saw mills between 40 H.P. to 60 H.P. | - | 1620 cu.mt. |
| | (3 time the base value) | | |
| (v) | saw mills above 60 H.P. | - | 2160 cu.mt. |
| | (4 time the base value) | | |

In compliance of the order of Hon'ble Supreme Court passed in I.A. 1399, I.A. 946 (W.P. 202/95 T.N. Godavarman Vs. U.O.I and others) on 01.09.2006 out of a total of five thousand five hundred and sixty six saw mills in the State of Uttar Pradesh the operation of three thousand two hundred and twenty two saw mills were suspended. This figure comprised 2246 saw mills of category I and II, 127 saw mills of category III and 847 saw mills of category IV.

As per the recommendations of the Central Empowered committee out of the 2246 suspended saw mills of category I and category II, 2226 have been opened while 20 saw mills have been kept suspended due to their involvement in Forest Offences. In the same way out of 127 suspended saw mills of category III 122 have been opened while five have been kept suspended.

The situation may be expressed in a tabular nutshell as follows-

Sl.No.	Description	Total number	Total No. of Saw mills in operation	Number of closed Saw mills
1.	Operational Saw mills whose licences stood renewed as on 4.03.1997 or before	2347	2347	-
2.	Saw mills of Cat I and Cat II	2246	2226	20
3.	Saw mills of Cat III	127	122	5
4.	Saw mills of Cat IV	847	310	537
5.	Granted to saw mills who regulary paid fees from the year 1989 onwards till 1996	94	94	
	TOTAL	5661	5099	562

The Latest position can be ascertained on the website [http//Forest.up.nic.in](http://Forest.up.nic.in)

CHAPTER II- VENEER/PLYWOOD UNITS

The terms 'veneer' and 'plywood' are latest offshoots of the modernised wood based industry. 'Veneer' implies a thin layer of decorative wood or plastic used to cover a cheaper material. 'Plywood' implies wood that consists of several thin layers of wood stuck together. From these two terms emerge the concepts and realities of veneer units or plywood units or veneer and plywood units. **The basic difference between a veneer unit and a plywood unit is that while the former is a primary consumer of wood the latter is a secondary consumer of wood.** Strictly speaking these units fall under the definition of Saw Mill provided in Rule-2 of the U.P. Establishment and Regulation of Saw Mills Rules 1978.

'Saw Mills' means and includes and includes any mechanical devices whether operating with electric power, fuel power or manpower, for the purpose of cutting, sawing or converting timber and wood into pieces or the like acts."

In view of the above definition **peelers, slicers, converters and chippers used for different processes with conversion of raw material into the end product in the plywood, veneer, matchwood or paper industries, sports goods and other industries come under the definition of a saw mill.** But prior to the order of Hon'ble Supreme Court date 12-12-96 and 04-03-1997 in the matter of Writ Petition no. 202/1995 (T.N. Godavaraman versus U.O.I. and others) the Saw mills rules had in practice been applied to only traditional saw mills which had been engaged only in sawing of logs or large size timber and had never been applied to regulate, plywood, veneer, handicrafts or sports goods industries. Neither any licence was being issued nor any regulation of the U.P. Establishment and Regulation of Saw Mill Rules 1978 was applied to these units. The common practice that had prevailed was that of plywood and veneer industries getting themselves registered as small scale industries in the Industries Department. **In the year 1989 the U.P. Govt. order no. 739(1)/14-2 dated July 26, 1989 imposed a ban on licensing/registration of new wood based industries in the State of Uttar Pradesh.**

In the year 1995 **U.P. Govt. order no. 4938/14-2-94-687/1988 dated Feb 15, 1995** exempted certain wood based industries (plywood, decorative veneers, particle board, medium density board, fiber board, block board and pulpwood, toys, packing case, agricultural implements) **from the ban imposed on July 26, 1989**. The lifting of ban was declared to be made in view of increased availability of raw materials from farmer's fields. The exemption was only for 38 districts specified in the Govt. order of 1995. The role of Forest department was limited to issuance of No. Objection Certificate for establishment of New Units which were thereafter registered in the Industries department. The first explicit regulation/order arrived on 04-03-1997 whence Hon'ble Supreme Court in its hearing in writ petition No. 202 of 1995 T.N. Godavarman Vs. U.O.I. ordered as follows:-

"All unlicenced saw mills, veneer and plywood industries in the State of Maharashtra and the State of U.P. are to be closed forthwith and the State would not remove or relax the condition for grant of permission/licence for the opening of any such saw mills, veneer and plywood industry and it shall not grant any fresh permission/licence for this purpose. The Chief Secretary of the States will ensure strict compliance of this direction and file a compliance report within two weeks". However at the field level most of the divisions due to the then existent practices and provisions of the Govt. order dated 15-02-1995 did not close those units which had been registered under Industries Department.

To avoid any possibility of violation of the Hon'ble Supreme Court's order dated 04-03-1997, the Government of U.P. in the year 1999 vide its **Government order no. 7123(1)/14-2687/99 dated 28-09-1999** banned establishment of new plywood and veneer industries by amending the exemption provisions of Government order dated 15-02-1995. However the provision contained in the Government order dated 15-02-1995 regarding requirement of No Objection Certificate from the Forest department for the registration of wood based industries was retained.

The Hon'ble Supreme Court in its hearing in **W.P. (C) no. 202/1995 held on 30-10-2002** ordered as follows:

No State or Union Territory shall permit any unlicensed sawmill, veneer, plywood industry to operate and they are directed to close all such unlicensed units forthwith. No State Government or Union Territory will permit the opening of any sawmills, veneer or plywood industry without permission of the Central Empowered Committee. The Chief Secretary of each State will ensure strict compliance of this direction. There shall also be no relaxation of rules with regard to the grant of licence without previous concurrence of the CEC. It shall be open to apply to this Court for relaxation and or appropriate modifications of orders qua plantation or grant of licences.

The Central Empowered Committee in its report dated 01-09-2005 submitted to the Hon'ble Supreme Court recommended as follows:

- (a) a seniority list of plywood/veneer units operating in the State of Uttar Pradesh and Uttaranchal (part of undivided UP) on the strength of "No Objection Certificate" issued by the Forest department prior to 04-03-1997 may be prepared after verifying the validity and genuineness of such No Objection certificate.**
- (b) after accessing timber availability qua capacity of existing licensed saw mills depending upon the availability of timber the existing plywood/veneer units may be granted licence on the principle of first come last go. The units found not eligible for grant of licence may be closed.**
- (c) the electricity connection of all unlicensed units shall be disconnected their machinery shall be dismantled and the various registration etc. issued to such units shall be cancelled by the respective authorities.**

The Hon'ble Supreme Court in its hearing in I.A. No. 1399 and I.A. No. 569 with I.A. No. 946 in I.A. Nos. 301-382 in writ petition (c) no. 202 of 1995, held on sept 1, 2006 accepted the above recommendations of the CEC and ordered accordingly.

In compliance of the Hon'ble Supreme Courts dated 01-09-2006 the U.P. Government vide its notification 660/14-2-2006-405(55)/2004 dated 13-09-

2006 instructed all the divisions to immediately close all such veneer/plywood units which were operating in their jurisdictions without having No Objection Certificate from the concerning Divisional Forest Officer.

Consequently 105 veneer/plywood units were closed in the State and the closure report was submitted to the Central Empowered Committee.

In its Report File no. 1-19/EC/SC/2005-pt. XII dated Oct 10, 2006 the Central Empowered Committee directed the classification of veneer/plwood units into four broad categories as follows:

- Category I -Units established prior to 26-07-89**
- Category II -Units established between 27-07-89 to 15-02-95**
- Category III -Units established between 16-02-95 to 04-03-97**
- Category IV -Units established after 04-03-97**

The Central Empowered Committee also directed that in the case of each veneer/plywood unit, **details such as SSI Registration, NOC from the forest department, date of the commencement of the production, sales tax paid during the first three years of production, machinery purchased by it, the type and the number of machines purchased by it** shall be compiled and the above information shall be provided to the CEC at the earliest.

The Central Empowered Committee constituted a State Level Committee consisting of **Shri B.N. Garg, Principal Secretary (Forest), Shri B.K. Patnaik, Principal Chief Conservator of Forests and Shri N.C. Bahuguna, Regional Conservator of Forests, MoEF Lucknow** constituted for the compilation and verification of the information about the saw mills and the other wood based industry.

Through notification no. 3949/14-2-2000-405(SS)/2004 VAN ANUBHAG-2 dated Oct 11, 2006 **a District Level Committee headed by the District Magistrate and having Senior Superintendent of Police/Superintendent of Police, Divisional Forest Officer, General Manager District Industries Centre and Trade Tax Officer** as members was declared constituted which were entrusted with the task of compilation and verification of documents/records of veneer/plywood units. The District level Committees were instructed to send information of units of Category-I and

Category-II latest by 20-10-2006 and those of Category-III and Category-IV latest by 30-10-2006.

After receiving the informations from the District Level Committees, the State Level Committee analysed them during its meetings held on different dates. The provisional categorization was displayed on the Website and in leading news papers and the duration for filing objections was indicated. The units wherein specific categories could not be ascertained were provisionally placed in Special Category and in their cases further informations were called for. The objections were considered by the State Level Committee and the final report was sent to the CEC.

The Central Empowered Committee in its Report submitted to the Hon'ble Supreme Court through file no. 1-19/CEC/SC/2006-pt.xv dated 19th April 2007 stated that the process had been completed for the units provisionally falling in Category-I and II and for others was in progress. Subject to the availability of timber they may be granted licence under the Saw Mill Rules in the order of their seniority. The CEC recommended that **"while granting the licence, the details of the machinery such as press, vertical band saw and peeler installed by such units should be mentioned on the licence itself. Units with saw mill licence should have the option to continue either as a saw mill or as a plywood/veneer unit. No expansion of the existing machineries should be permissible"**

The CEC made specific recommendation for units allotted Category-I as follows:

"the permission may be granted to the plywood/veneer units established prior to 26-07-1987 without any penalty as there was no restriction on the establishment of the plywood/veneer units prior to this date. There are 29 plywood/veneer units falling in this category."

As regards the Category II and Category III units the CEC recommended as below:-

The units established between 27-07-1989 to 04-03-1997 may be granted licences on the payment of one time amount for operating in violation of the U.P. Saw Mill Rules. The CEC may be permitted to decide

this additional amount in consultation with the SLC. This amount should be payable in addition to the normal licence or other fee otherwise payable by such units.

As regards the Category IV units (i.e. the plywood/veneer units established after 04-03-1997) irrespective of timber availability they should be directed to be closed permanently as such units have been established in flagrant of the Hon'ble Court's Order dated 04-03-1997.

The CEC emphatically recommended as follows:-

"to ensure that the plywood/veneer units are not causing any environmental pollution, the grant of licence should be effected by the Forest Department only after they obtain the NOC from the State Pollution Control Board. The units which fail to obtain the NOC within the period stipulated by the SLC should be liable to be closed permanently."

The CEC in its meeting held on 08-06-2007 recommended the One Time Payment for Grant of Licence to Category-II and III VENEER/PLYWOOD UNITS as follows:

- | | | | |
|-----|--|---|------------------------|
| (a) | Only Veneer Units | - | Rs. 1,50,000.00 |
| | per peeler/slicer in the unit | | |
| (b) | Plywood Units | - | Rs. 4,50,000.00 |
| | (including block boards, table tops and all types of doors) | | |

[Note- The plywood units having peelers and slicers along with the press for the plywood machinery shall not pay additional amount for the machines other than the amount of for the press]

As regards the Grant of Licence under Saw mill Rules the Central Empowered Committee decided as follows:

(I) the veneer/plywood units established prior to 04-03-1997 and allowed to operate as per Hon'ble Supreme Court's Order on the basis of the availability of timber shall be granted licence under the U.P. saw mill rules 1978 after the payment of one time payment and the licence fee payable for year 2007 onwards under the said rules. The licence fee shall be charged from the units with prospective effect.

(II) the SLC shall authorize the competent licencing authority under the Saw mill rules for the grant of licence on realization of the aforesaid amount and the licence fee prescribed under the rules and after completing all the formalities by the units such as obtaining the No Objection from the U.P. Pollution control board etc.

(III) the closed units falling in category II and III may be reopened after deposition of the one time payment amount. The units of Category-II and III which are open may be given 15 days time to deposit the same. All the units in Category-I, II and III may be given upto 4 months (120 days) time to comply with all the other formalities, uner the Saw Mill Rules and also to obtain the NOC from the U.P. Pollution Control Board. In case they fail to comply with the same in the given period, their units are liable to be closed.

(IV) while granting the licence, the following details of the machinery installed by such units shall be clearly mentioned in the body of the licence to be issued to the concerned unit:

- (a) Number and type (size & daylight) of press.**
- (b) Number and type (size) of peelers.**
- (c) Horizontal Band Saw (HBS) with or without trolley with the size and the Horse Power (HP).**
- (d) Vertical Band Saw (VBS) with size and the Horse Power (HP) and**
- (e) other types of saw including culture chippers with their respective sizes and the Horse Power (HP).**

(V) The unit shall not be eligible to add or expand the capacity of such machines. If any unit is found to have violated the above conditions, the licence issued in respect of such units shall be liable to be cancelled.

(VI) Plywood/veneer units with saw mill licence shall have the option to continue as a saw mill or as a veneer/plywood unit. However, plywood units may be allowed to have vertical band saw for captive conversion for its own consumption. In case any unit requires to

retain the horizontal band saw for its captive use, it can only be allowed after obtaining the express permission of the S.L.C. It is reiterated that under no circumstances the VBS/HBS shall be used for purpose of making veneer or plywood in the same unit.

Regarding the Category IV veneer/plywood units the CEC decided as follows:

"It was decided that to ensure permanent closure of sawmills units belonging to category IV and veneer/plywood units established after 04-03-1997, the SLC shall direct the District Level Committees to issue notices to all such units which are to be closed. The DLC shall give thirty days notice to the owners of all such units to carry out the closure of their units failing which the District Level Committee shall affect the closure by disconnecting the electricity and cancelling the various licences and registrations."

INSTALLED CAPACITY AND TIMBER REQUIREMENT

In the Report of the **Indian Plywood Industries Research and Training Institute (IPIRTI), Bangalore**, an autonomous body under the Ministry of Environment and Forests, the timber requirement for peeling lathe of 4 ft and 7ft size has been assessed 5 cubic metre and 11 cubic metre respectively per day on an average of 8 working hours per day. Assuming that the peeling units work for 8 hours per day on an average of 300 days in a year the normative timber requirement of the peeling Lathe of 4 ft size in Veneer units comes out to be 1500 cubic metres. Thus the total timber requirement for the stand alone veneer units may be assessed by calculating the equivalent number of 4 feet lathe machines and by taking its normative installed capacity as 1500 cubic metres per annum.

The plywood units use presses of various sizes such as 8x4x6, 8x4x12, 8x4x15, 4x4x7, 4x4x10. A 8x4x10 capacity press can produce 10 plywood pieces of 8'x4' size per hour whereas a 8x4x15 capacity press can produce upto

15 plywood of 8'x4' size per hour and so on. **The normative installed capacity of 8x4x10 capacity press is approximately 2000 cubic metres per annum.**

Latest position of Veneer/Plywood Units

In compliance of Hon'ble Supreme Courts order dated 01-09-2006 a total number of three hundred and fourteen Veneer/Plywood units were classified into four categories as per the directions/instructions of the Central Empowered Committee. The Category-wise summary is indicated below:-

S.No.	Description	Total Number
1	2	3
1	Veneer/Plywood Units of Category I	34
2	Veneer/Plywood Units of Category II and III	183
3	Veneer/Plywood Units of Category IV	97
	Total	314

As per Hon'ble Supreme Court order dated 18-05-2007 and CEC's consequent recommendation Veneer/Plywood Units of Category I, Category II and Category III have been made operational and the process/procedure of granting them licence is in progress.

**CHAPTER 3- IMPORTANT ORDERS OF HON'BLE SUPREME COURT
IN WRIT PETITION (civil) 202/1995 T.N.
GODAVARMAN Vs U.O.I. AND Others**

Sl No.	Date of Hon'ble Supreme Court's order	Case reference	Order in brief (pertaining to U.P.)
1.	12-12-96	writ petition (C) No. 202 of 1995	Ban was imposed upon felling in forest. All those forestry works which had not been approved by the Central Government were ordered to be stopped. The meaning of "Forest Land" and the word "Forest" was clarified. The State Govts. were ordered to constitute Expert Committees. Each State Govt. was directed to file within two months a report regarding the number of saw mills and plywood mills actually operating within the State with particulars of their real ownership, their proximity to the nearest forest, their source of timber.
2.	04-03-97	writ petition (C) No. 202 of 1995	All unlicensed saw mills, veneer and plywood industries in the State of Maharashtra and the State of U.P. are to be closed forthwith and the State would not remove or relax the condition for grant of permission/licence for the opening of any such saw mills, veneer and plywood industry and it shall also not grant any fresh permission/licence for this purpose.

			The Chief Secretary of the State will ensure strict compliance of this direction and file a compliance report within two weeks.
3.	08-05-97	writ petition (C) No. 171 of 1996 and 597 of 1996	P.C.C.F. may, on a case to case basis consider grant of permission to an existing licenced saw mill to relocate itself, provided that the relocated site is not within 10 Kms. of any existing forest. The Forest Corporation may with prior permission of PCCF remove dead or dry trees for supply in the same manner in depot to people residing in these areas. The Forest Corporation shall undertake such activity itself without engaging outside agencies.
4.	05-05-98	IA Nos. 60, 166, 291, 276, 385	Trees along road and railways to be excluded from Forest's definition for relocation. The State Govt. was allowed to amend the relevant rules in accordance with the law keeping in view of various orders and directions issued by the Hon'ble Supreme Court from time to time.
5.	24-01-2002	Jawahar Lal Sharma and others Vs DFO, U.P. and others with civil Appeal no. 669 of 2002 (Arising out of SLP (c) dd No.	The appeals are allowed and disposed of by directing that the prayer for renewal of the licence made by each of the applicants shall be dealt with by the competent authorities of the State in accordance with law. In doing so, the authorities shall keep in view the directions issued or which may be issued by the Hon'ble Supreme Court

		4694/2001)	of India from time to time.
6.	30-04-2002	I.A. No. 664	The Hon'ble Supreme Court set aside amendment of the Establishment and Regulation of Saw Mill Rules made by the State on June 26, 1998 in so far as it exempted saw mills using mechanical devices up to 3 H.P. from obtaining licence.
7.	09-05-2002		Order of Notification for Constitution of Central Empowered Committee.
8.	22-10-2002	IA. No. 301, 382 held by various saw mills of U.P. Many of them had deposited the licence fee from time to time but were not issued any licence.	The Hon'ble Supreme Court dismissed the IAs treating such saw mills as unlicensed saw mill. While dismissing the IAs the PCCF, U.P. Forest Department was directed to file the details of the saw mills which have been closed and dismantled.
9.	29/30-10-2002	writ petition (C) No. 202 of 1995	No State or Union Territory shall permit any unlicensed saw mill, veneer, plywood industry to operate and they are directed to close all such unlicensed units forthwith. No State Govt. or Union Territory will permit the opening of any sawmills, veneer or plywood industry without prior permission of the Central Empowered Committee. The Chief Secretary of each State will ensure strict compliance of this direction. There shall also be no relaxation of rules with regard

			to the grant of licence without previous concurrence of the CEC. It shall be open to apply to this Court for relaxation and or appropriate modifications of orders qua plantation or grant of licences.
10.	06-05-2003	IA No. 129, 132, 135, 139, 175, 178, 447-452, 461 & 464 filed by the various saw mills of the State of U.P. against the closure of the saw mill in purported compliance of the Hon'ble Court's order dated 04-03-1997	The I.A.s were dismissed by the Hon'ble Supreme Court.
11.	01-08-2003	I.A. 946	The Hon'ble Supreme Court directed PCCF, U.P. to file fresh affidavit giving saw mill wise details of each of the saw mills closed pursuant to the Hon'ble Supreme Court's order dated 04-03-97.
12.	25-08-2003	I.A. No. 942 (Recommendations of CEC in I.A.s Nos. 822 & 919 and IA No. 937 (recommendations of CEC in IA	The Hon'ble Supreme Court rejected all the applications observing that the exemption provided under Rules 12 does not entitle the applicants to use powered saws which are nothing but saw mills for sawing of timber irrespective of their claim that this is to be used only for carpentry

		Nos. 211, 214, 216, 455, 468, 140, 153, 505, 508 and 179-183)	purposes and not for commercial purposes.
13.	01-09-2006	I.A. No. 1399 and IA No. 1569 with I.A. No. 946 in I.A. Nos 301-382 in writ petition (c) 202/95	<p>Most of the recommendations made by CEC through letter dated 01-09-2005 accepted.</p> <p>"In this view we direct the suspension of all 1607 saw mills in respect of which licences were renewed after 4th March 1997. The State Government would ensure that the saw mills do not operate."</p> <p>"A seniority list of plywood/veneer units operating in the State of Uttar Pradesh and Uttaranchal (part of undivided U.P.) on the strength of 'No Objection Certificate' issued by the Forest Department prior to 04-03-1997 may be prepared after accessing timber availability qua capacity of existing licenced saw mills depending upon the availability of timber the existing plywood/veneer units may be granted licence on the principle of first come last go. The units found not eligible for grant of licence may be closed. the electricity connection of all unlicenced units shall be disconnected, their machinery shall be dismantled and the various registrations etc issued to such units shall be cancelled by the respective authorities"</p>

14	18-05-2007	IAs 1399 in 946 in 301-382 and IA 9 in SLP (c) 24951-24954/2005	The matters relate to Saw mills and Plywood and veneer. The CEC has considered the availability of wood for industries which was assessed as 43.70 lakh cu.mt. from trees outside Forests and 2.00 cu.mt. from Government Forests. It also assessed the units into four categories. We accept the CEC'S recommendations. The saw mills may be permitted on the basis of recommendations made by the CEC. Licences may be given on the basis of recommendations made by the State Level Committee. If there are any objections regarding grant of licences, the parties would be at liberty to submit their applications before the CEC for consideration.
15	27.07.2007	I.A. No. in I.A.1873 No. 1399 in writ petition (c) 202/95	those saw mills which have been functioning right from 1983 and some of them who claim to be functioning from 1985 to 1997 and which are included in category IV of the CEC report, may submit fresh applications before the appropriate authorities for running their saw mills and the appropriate authorities shall consider the availability of wood and if sufficient wood is available they may be granted fresh licences, subject to such terms and conditions as are and/or may be prescribed.

16	21.11.2008	<p>I.A Nos. 2160-2161 in 1399, 2185 in I.A. 728, 2248-2249 in 1694, 2254, 2280, 2284-2286, 2314-2315, 2316-2317, 2323-2324, 2325-2327, 2376-2377, 2383-2385, 2393-2394 in W.P. (c) No. 202/1995 WITH W.P. (C) NO. 23/2008, W.P. (C) NO. 24/2008, W.P. (C) NO. 33/2008 W.P. (C) NO. 131/2008, W.P. (C) NO. 522/207, W.P. (C) NO. 116/2007</p>	<p>The applicants are transferees of saw mills which were either not given licences or these saw mills were not being operated. CEC has filed a report and has suggested that along with other applications received for renewal, subject to availability of timber in the State of U.P. and after meeting the requirement of licence of wood based industries in the units covered by CEC report dated 6.5.2008 in I.A. No. 2185 in 728 of the wood based industries and in terms of the orders passed by this Court on 18.5.2007 and 27.7.2007, these applications will also be considered. The applications for licence may be considered by the CEC within a period of three week</p>
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CHAPTER IV- THE COMMITTEES

Those concerned with the implementation planning or knowledge pertaining to sawmills or veneer/plywood units have to be conversant with the existence of three committees namely the Central Empowered Committee, the State Level Committee and the District Level Committee. Let us attempt to describe the origin and the functions of these committees.

CENTRAL EMPOWERED COMMITTEE

The Central Empowered Committee has been constituted by the Hon'ble Supreme Court by its order dated 09-05-2002 in Writ Petitions (Civil) Nos. 202/95 and 171/96 (T.N. Godavarman versus U.O.I. and others).

The powers and functions of the Committee as per the orders of the Hon'ble Supreme Court of India are as under:

- 1- Pending interlocutory application in these two writ petitions as well as the reports and affidavits filed by the States in response to the orders made by the Hon'ble Supreme Court shall be examined by the committee, and their recommendations will be placed before Hon'ble Supreme Court for orders.
- 2- Any individual having any grievance against any steps taken by the Government or any other authority in purported compliance with the orders passed by this Hon'ble Supreme Court will be at liberty to move the Committee for seeking suitable relief. The Committee may dispose of such applications in conformity with the orders passed by Hon'ble Supreme Court. Any application which cannot be appropriately disposed of by the Committee may be referred by it to this Hon'ble Supreme Court.
- 3- The Committee shall have the power to
 - (a) Call for any documents from any person or the government of the Union or the State or any other official.
 - (b) Summon any person and receive evidence from such person on oath either on affidavit or otherwise.
 - (c) Seek assistance/presence of any person(s)/official(s) required by it in relation to its work.

- 4- The Committee may decide its own procedure for dealing with applications and other issues. Union of India shall provide suitable and adequate office accommodation for the committee. The expenditure incurred on the working of the Committee including salary/remuneration to the extent not payable by the Government to the members and supporting staff, may be met out of income accruing to the **Special Investigation Team (SIT)**. Necessary procedure for this may be formulated by the committee in consultation with the SIT.
- 5- The Committee is empowered to co-opt one or more persons as its members or as special invitees for dealing with issues pertaining to a particular State, wherever feasible, the Chief Secretary and Principal Chief Conserator of Forests of the State shall be co-opted as special invitees.
- 6- The committee shall submit quarterly reports to the Hon'ble Supreme Court. It will be at liberty to seek clarifications/modifiations needed by it from Hon'ble Supreme Court.

In pursuance to para 2 of the order the following were nominated to the Central Empowered Committee with the approval of the Ministry of Environment and Forests (MoEF) and concurrence of the Solicitor General of India/Amicus Curiae in the said cases:

- (i) Shri P. Jaya Krishanan, erstwhile Secretary to the Government of India, MoEF- CHAIRMAN
- (ii) Shri N.K. Joshi, Additional Director General of Forests, MoEF- Member (Representative of MoEF)
- (iii) Shri Valmik Thapar, Ranthambore Foundation- Member (NGO)
- (iv) Shri Mahendra Vyas, Advocate Supreme Court- Member (NGO)

Shri M.K. Jiwrajka (erstwhile Inspector General of Forests, Ministry of Environment and Forests) was appointed the Member Secretary of the Committee.

As per Notification No. 2 of the Central Empowered Committee (No 1-1/CEC/2002) the provisions and procedures pertaining to Applications are as follows:

1- Any person shall be at liberty to move the Central Empowered Committee, hereinafter referred to as the Committee, by filing an application for seeking suitable relief against any action taken by the Central/State Governments or any other authority, regarding:

(a) deforestation, encroachments, working of the wood based industries, Working Plans, compensatory afforestation, plantations, regeneration, illegal felling and transportation of timber, illegal mining in forest area, and any other conservation issue; and

(b) the implementation of the **Indian Forest Act, 1927, Wildlife (Protection) Act, 1972, Forest (Conservation) Act, 1980, Environment (Protection) Act, 1986** and the **National Forest Policy, 1988** including the Rules, Regulations and Guidelines framed thereunder;

in respect of which the Hon'ble Supreme Court of India have passed orders in Writ Petitions no. 202/95 and 171/96.

2- All applications should be addressed to :

The Member Secretary,
Central Empowered Committee constituted
by the Hon'ble Supreme Court of India,
Room No. 106, Paryavaran Bhawan,
C.G.O. Complex, Lodi Road,
New Delhi – 110003

3- Every application shall set out the name, description and complete postal address of the applicant and the respondent(s). It should be typed in double space on a full-scape (legal size paper) and shall set forth in chronological order and in consecutively numbered paragraphs, all relevant facts, grounds and reliefs claimed and shall be signed by the applicant or his Advocate.

4- Six copies of the application shall be filed and it shall be accompanied by copies of such documents as are in the possession of the applicant, in support of his application, which shall be supported by a duly attested affidavit of the applicant. All the pages of the application shall be numbered.

5- A copy of the application shall be sent by the applicant to all the respondents and photocopy of postal or courier receipt as proof of the same shall be filed along with the application.

6- Every application shall have an index.

7- In the case of the pending Interlocutory Applications (I.A.s), affidavits and reports filed by the States in response to the orders passed by the Hon'ble Supreme Court of India, the Committee will examine them and after hearing the parties, place its recommendations before the Hon'ble Court for passing appropriate orders.

Monitoring of implementation of Hon'ble Supreme Court's orders.

8- The Committee will monitor the implementation of the orders passed by the Hon'ble Supreme Court of India and place before it cases of non-compliance in respect of encroachment removal, implementation of Working Plans, compensatory afforestation, plantations and other conservation issues.

9- After the receipt of the application a notice of hearing shall be issued to the parties through the counsel, Central Government, State Governments, any other authority, electronic mode or through any other means. The notice shall specify the date and place of hearing before the Committee.

10- Where there are a number of applications in which common issues have been raised and similar reliefs are sought, the Committee may issue notice to the parties through public notice/advertisement in newspapers. The Committee in such cases may determine as to who shall bear the cost of publication of such a notice.

11- The respondents shall be at liberty to file written objections to the application in the form of a counter affidavit (reply) with proof of service of advance copy to the applicant. The counter affidavit shall give para-wise reply on merits and no general replies or denials would be entertained. In cases where the respondent(s) is an office of the Central Government, the State Government, Government Undertaking or any authority owned, managed or controlled by the Central/State Government, the counter affidavit shall be signed by the Head of such Department, Authority or Undertaking.

12- The Committee shall have the powers to :

- (a) Call for any documents from any person or the Government of the Union or the State or any other official;
- (b) Summon any person and receive evidence from such person on oath either on affidavit or otherwise;
- (c) Seek assistance/presence of any person(s)/official(s) required by it in relation to its work.

13- A quorum comprising three members will be competent to hear the applications and pass orders.

14- The Committee may, as and when necessary, undertake field visits, hold public hearings, hold meetings with officials and NGOs through one or more of members or through Special Committees or such Central Government/State Government officials, NGOs, institutions and experts as the Committee may deem fit.

15- The Committee may pass interim order(s) to meet the ends of justice. In cases as far as feasible, the Committee will pass the final order within 90 days from the date of issue of the interim order.

16- The committee, after giving opportunity of hearing to the parties, pass orders in writing, copies of which shall be sent to the concerned parties.

17- The orders passed by the Committee shall be in conformity with the orders passed by the Hon'ble Supreme Court of India. In other cases, the Committee shall place its recommendations before the Hon'ble Supreme Court of India for passing appropriate orders.

18- The Committee shall submit Quarterly Progress Reports to the Hon'ble Supreme Court of India.

19- All orders passed by the Committee shall be authenticated by the Member Secretary and shall bear the seal of the Committee.

The initial address of the office of the Central Empowered Committee was Room No. 106, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi-110003, TeleFax-4363976. Later on the office as shifted to Jawahar Lal Nehru Stadium, Lodhi Road, New Delhi. The present office address of the CEC is IInd Floor Chanakya Bhawan, Chanakya Puri, New Delhi.

THE STATE LEVEL COMMITTEE

The State Level Committee as pertains to the State of Uttar Pradesh owes its existence to F.No. 2-7/CE/SC/2006/Pt.IV Dated 6th October, 2006 of the Central Empowered Committee.

In its meeting held on 05-10-2006 regarding the implementation of the Hon'ble Supreme Court's order dated 01-09-2006 in I.A. No. 1399 and I.A. No. 1569 with I.A. No. 946 regarding the closure of the unlicensed saw mills and the other wood based industries in the State of Uttar Pradesh, the Central Empowered Committee while laying down explicit guidelines for categorisation of saw mills and veneer/plywood units and streamlining the informations pertaining to the two created the legal existence of the State Level Committee in para 7 of the Minutes of Meeting as follows:

"For compilation and verification of the above information, a committee consisting of Shri. B.N. Garg, Principal Secretary (Forest), Shri B.K. Patnaik, Principal Chief Conservator of Forests and Shri N.C. Bahuguna, Regional Chief Conservator of Forests, MoEF, Lucknow is hereby constituted. The committee is empowered to evolve its own procedure and co-opt any officer as a special invitee for the purpose of compilation/verification of the information. The Principal Secretary Industries, In-charge of the wood based industries shall ensure that all the information sought by the committee in respect of the Plywood/veneer units is immediately made available."

Consequent to the above direction/order of the Central Empowered Committee the State Level Committee framed policy for the categorisation and analysis of saw mills and veneer/plywood unit of the State of Uttar Pradesh. In its periodic meetings it reviewed and analysed the reports regarding sawmills and veneer/plywood units received from the pertaining District Level Committees in compliance of the Government of U.P.'s G.O. No. 3949/14-2-2000-405(55)/2004. The process of categorisation is near completion. As per the latest position the State Level Committee has identified thirty four veneer/plywood units of Category-I, one hundred and eighty three veneer/plywood units of Category-II and Category-III and ninety seven veneer/plywood units of Category-IV. In the same way analysing the

documents of the saw mills whose licences were renewed after 04-03-1997 the SLC has identified two thousand two hundred and forty six saw mills of Category-I and II, one hundred and twenty seven saw mills of Category-III and eight hundred and Forty seven saw mills of Category-IV. The State Level Committee sends the compiled reports of its analysis to the Central Empowered Committee. It also played a prominent role in the assessment of timber availability in the State of U.P. and the Central Empowered Committee makes its recommendations regarding saw mills or veneer/plywood units only after due analysis of the reports sent by the analysis of the reports sent by the State Level Committee. Through its notification no. F.N. 2-7/CEC dated 4th April 2008 the CEC has reconstituted the State Level Committee of U.P. with Principal Seretary (Forest) Goernment of U.P. as Chairman, Principal Chief Conservator of Forests U.P. and Regional Chief Consvrator of Forests MoEF as members and Shri P.K. Verma, Chief Consvrator of Forests as Member Secretary.

THE DISTRICT LEVEL COMMITTEE

The District Level Committees pertaining to sawmills owe their existence to the G.O. No. 3949/14-2-2000-405(55)/2004 dated 11-10-2006 of the Government of U.P. Reiterating the proedure for categorisation of saw mills and veneer/plywood laid down the Central Empowered Committee in its meeting date 05-10-2006 and notified in CEC's notifications no. F. No. 2-7/CEC/SC/2006/pt. IV dated 6th October 2006.

As per the U.P. Government's Notification no. 3949/14-2-2000-405(55)/2004 dated 1-10-2006 ther are two categories/types of district level committees one for saw mills and another for veneer/plywood units which are being separately described as below:-

THE DISTRICT LEVEL COMMITTEE FOR SAW MILLS

The District Level Committee pertaining to saw mills was ordered/directed by the State Level Committee to have the District Magistrate of the District its Chairman and the Senior Superintendent of

police/Superintendent of police and the Divisional Forest Officer of the district as members.

The task assigned to this committee was the collection, compilation and the verification of the informations of saw mills of the district in compliance of CEC's directions namely category (I,II,III or IV), sub category (a,b or c), location, owner's name, the number of saw mill units and other relevant details. In this respect Category-I is of those saw mills whose licences upto 31-12-1996 were renewed before 04-03-97 and the licence for the year 1997 have been renewed after 1997. Category-II is of those saw mills whose licences upto December 1995 were renewed before 04-03-1997 but licence for 1996 and 1997 were renewed after 04-03-1997. Category III is of those saw mills who licences upto December 1994 were renewed before 04-03-1997 but licences for the year 1995, 1996 and 1997 were renewed thereafter. Category IV includes all the other saw mills i.e. those saw mills whose saw mill licences for the year 1993 onwards were not renewed before 04-03-1997. Each Category was to be further subdivided into three subcategories namely (a) the licence fee paid before 04-03-1997 (b) the licence fee paid between 05-03-1997 to 31-12-1997 (c) the licence fee paid after 31-12-97. In respect of the saw mills falling in Category I(a), I(b), II(a) and II(b) the details of the licence fee paid were to be verified by referring to the original records. For such units it was also to be verified that they were not involved in any forest offence registered by the Forest Department. All the District Level Committees of the State of U.P. submitted their reports pertaining to saw mills to the State Level Committee. The submission facilitated and accelerated the provisional and final categorisation of saw mills and reopening of most of the closed ones of Category I, II and III with some conditions.

THE DISTRICT LEVEL COMMITTEE FOR VENEER/PLYWOOD

The District Level Committee for Veneer/Plywood for a District was directed/ordered by the State Level Committee to have the District Magistrate of the District as its chairman and the Superintendent of Police/Senior Superintendent of Police, Divisional Forest Officer, General Manager, District Industries Centre and the Trade Tax officer of the District as Members. The

task assigned to such committees was the categorisation (I,II, III or IV) of all Veneer/Plywood units of the District (Cat-I Units established before 26-07-1989, Cat-II- Units establishment between 27-07-1989 to 15-02-1995, Cat-III- Units established between 16-02-1995 to 04-03-1997 Cat-IV- Units established after 04-03-1997. The District Level Committees were given the task to collect, compile and verify for all the Veneer/Plywood Units details such as (a) Provisional Registration as SSI Unit (b) Permanent registration as SSI Unit (c) NOC from the Forest Department (d) the date of commencement of Production (e) the sales tax paid during the first three years of production (f) details and date of purchase of machinery (g) details of the saw mill licence if any (h) whether in addition to plywood/veneer unit saw mill is also being run (i) the number of peelers/slicers of various sizes (J) the number and type of presses.

ORDERS OF

ANNEXURES

HON'BLE SUPREME COURT

OF INDIA

in T.N. Godavarman Vs

U.O.I & ors.

W.P.(C) No. 205/95

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 202 OF 1995

T.N. Godavarman Thirumulkpad Petitioner

Versus

Union of India & others Respondents

(With W.P. (Civil) No. 171/96)

DECIDED ON Dt.12.12.1996

ORDER

In view of the great significance of the points involved. In those matters, relating to the protection and conservation of the forests throughout the country, it was considered necessary that the Central Government as well as the Governments of all the States are heard. Accordingly, notice was issued to all of them. We have heard the learned Attorney General for the Union of India, learned counsel appearing for the States and the parties/applicants and, in addition the learned Amicus Curiae Shri H.N. Salve assisted by Sarvashri U.U. Lalit Mahender Das and P.K. Manohar. After hearing all the learned counsel, who have rendered very able assistance to the court, we have formed the opinion that the matters require a further indepth hearing to examine all the aspects relating to the National Forest Policy. For this purpose, several points which emerged during the course of the hearing require further study by the learned counsel and, therefore, we defer the continuation of this hearing for some time to enable the learned counsel to further study these points.

However, we are of the opinion that certain interim directions are necessary at this stage in respect of some aspects. We have heard the learned Attorney General and the other learned counsel on these aspects.

It has emerged at the hearing, that there is a misconception in certain quarters about the true scope of the Forest Conservation Act, 1980 (for short the 'Act') and the meaning of the word "forest" used therein. There is also a resulting misconception about the need of prior approval of the Central Government, as required by Section 2

of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position.

The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of section 2(i) of the Forest Conservation Act. The term “forest land”, occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this court in **Ambica Quarry Works and others versus State of Gujrat and others (1987 (1) SSC 213)**, **Rural Litigation and Entitlement Kendra versus state of U.P. (1989 Suppl.(1)SCC 504)** and **recently in the order dated 29th November, 1996 in W.P. (C) No. 749/95 (Supreme Court Monitoring Committee Vs Mussoorie Dehradun Development Authority and others)**. **The earlier decision of this court in State of Bihar vs Bansi Ram Modi and others (1985(3) SCC 643)** has, therefore to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay.

We further direct as under:-

I- GENERAL

1. In view of the meaning of the word “forest” in the act, it is obvious that prior approval of the Central Government is required for any non-forest activity within the area of any “forest”. In accordance with Section 2 of the Act, all on-going activity within any forest in any state throughout the country, without the prior approval of the central government, must cease forthwith. It is, therefore, clear that the running of saw mills of any kind including veneer or plywood mills, and mining of any mineral are non-forest purposes and are, therefore not permissible without prior approval of the Central Government. Accordingly any such activity is prima facie violation of the provisions of the Forest Conservation Act, 1980. Every State Government must promptly ensure total cessation of all such activities forthwith.
2. In addition to the above, in the tropical wet ever-green forests of Tirap and Changlang in the State of Aurnachal Pradesh, there would be a complete ban on felling of any kind of trees therein because of their particular significance to maintain ecological balance needed to preserve bio-diversity. All saw mills, veneer mills and plywood mills in Tirap and Changlang in Arunachal Pradesh and within a distance of 100 Kms. from its border in Assam should also be closed immediately. The State Governments of Arunachal Pradesh and Assam is to ensure compliance of this direction.
3. The felling of trees in all forests is to remain suspended except in accordance with the Working Plans of the State Governments as approved by the Central Government. In the absence of any Working Plan in any particular State such as Arunachal Pradesh, where the permit system exists, the felling under the permits can be done only by the Forest Department of the State Government or the State Forest Corporation.
4. There shall be a complete ban on the movement of the cut trees and timber from any of the seven North-Eastern States to any other state of the country either by rail, road or water-ways. The Indian Railways and the State Governments are directed to take all measures necessary to ensure strict compliance of this direction. This ban will not apply to the movement of certified timber required for defence or other Government purposes. This ban will also not affect felling in any private plantation comprising of trees planted in any area which is not a forest.

5. Each State Government should constitute within one month an Expert Committee to :
 - (i) Identify areas which are “forests” irrespective of whether they are so notified, recognised or classified under any law, and irrespective of the ownership of the land of such forest;
 - (ii) Identify areas which were earlier forests but stand degraded, denuded or cleared and
 - (iii) Identify areas covered by plantation trees belonging to the Government and those belonging to private persons.
6. Each State Government should within two months, file a report regarding –
 - (i) the number of saw mills, veneer and plywood mills actually operating within the State, with particulars of their real ownership;
 - (ii) the licenced and actual capacity of these mills for stock and sawing;
 - (iii) their proximity to the nearest forest;
 - (iv) their source of timber.
7. Each State Government should constitute within one month, an Expert Committee to assess:
 - (i) the sustainable capacity of the forests of the State qua saw mills and timber based industry;
 - (ii) The number of existing saw mills which can safely be sustained in the State;
 - (iii) The optimum distance from the forest, qua that State, at which the saw mill should be located.
8. The Expert Committees so constituted should be requested to give its report within one month of being constituted.
9. Each state government would constitute a Committee comprising of the Principal Chief Conservator of Forests and another Senior Officer to oversee the compliance of this order and file status reports.

II- FOR THE STATE OF JUMMU AND KASHMIR

- 1- There will be no felling of trees permitted in any “forest”, public or private. This ban will not affect felling in any private plantations comprising of trees planted by private persons or the Social Forestry Department of the State of Jammu and Kashmir and in such plantations, felling will be strictly in accordance with law.
- 2- In “forest”, the State Government may either departmentally or through the State Forest corporation remove fallen trees or fell and remove diseased or dry standing timber, and that only from areas other than those notified under the Jammu and Kashmir Wild Life Protection Act, 1978 or any other law banning such felling or removal of trees.
- 3- For this purpose, the State Government will constitute an Expert Committee comprising of a representative being an I.F.S. Officer posted in the State of Jammu and Kashmir, a representative of the State Government and two private experts of eminence and the Managing Director of the State Forest Corporation (as Member Secretary) who will fix the qualitative and quantitative norms for the felling of fallen trees, diseased and dry standing trees so felled and removed by it are strictly in accordance with these norms.
- 4- Any felling of trees in forest or any otherwise or clearance of land for execution of projects shall be in strict compliance with the Jammu and Kashmir Forest Conservation Act, 1980 and any other laws applying thereto. However, any trees so felled and the disposal of such trees shall be done exclusively by the State Forest Corporation and no private agency will be permitted to deal with this aspect. This direction will also cover the submerged areas of THEIN Dam.
- 5- All timber obtained, as aforesaid, or otherwise, shall be utilised within the state, preferably to meet the timber and fuel wood requirements of the local people, the Government and other local institutions.
- 6- The movement of trees or timber (sawn or otherwise) from the state shall, for the present, stand suspended, except for the use of DGS and D., Railways and Defence. Any such movement for such use will-
 - (a) be affected after due certification, consignment-wise made by the Managing Director of the State Corporation which will include

certification that the timber has come from State Forest Corporation sources; and

(b) be undertaken by either the Corporation itself, the Jammu and Kashmir Forest Department or the receiving agency.

- 7- The State of Jammu and Kashmir will file, preferably within one month from today, a detailed affidavit specifying the quantity of timber held by private persons purchased from State Forest Corporation Depots for transport outside the State (other than for consumption by the DGS and D. Railways and Defence) Further directions in this regard may be considered after the affidavit is filed.
- 8- No saw mill, veneer or plywood mill would be permitted to operate in this State at a distance of less than 8 Kms. from the boundary of any demarcated forest areas. Any existing mill falling in this belt should be relocated forthwith.

III- FOR THE STATE OF HIMACHAL PRADESH AND THE HILL REGIONS OF THE STATE OF UTTAR PRADESH AND WEST BENGAL

- 1- There will be no felling of trees permitted in any forest, public or private. This ban will not affect felling in any private plantation comprising of trees planted in any area which is not a 'forest'; and which has not been converted from an earlier 'forest'. This ban will not apply to permits granted to the right holders for their bonafide personal use in Himachal Pradesh.
- 2- In a 'forest' the State Government may either departmentally or through the State Forest Corporation remove fallen trees or fell and remove diseased or dry standing timber from areas other than those notified under section 18 or Section 35 of the Wild Life Protection Act, 1972 or any other Act banning such felling or removal of trees.
- 3- For this purpose, the State Government is to constitute an Expert Committee comprising a representative from MoEF, a representative of the State Government, two private experts of eminence and the MD of the State Forest Corporation (as Member Secretary), who will fix the qualitative and quantitative norms for the felling of fallen trees and diseased and standing timber. The State shall ensure that the trees so felled and removed are in accordance with these norms.
- 4- Felling of trees in any forest or any clearance of forest land in execution of projects shall be in strict conformity with the Forest Conservation Act, 1980 and any other laws applying thereto. Moreover, any trees so felled and the disposal of such trees shall be done exclusively by State Forest Corporation and no private agency is to be involved in any aspect thereof.

IV- FOR THE STATE OF TAMILNADU

- 1- There will be a complete ban on felling of trees in all 'forest areas'. This will however not apply to: –
 - (a) trees which have been planted and grown, and are not of spontaneous growth and
 - (b) are in areas which were not forests earlier but were cleared for any reason.
- 2- The State Government, within four weeks from today, is to constitute a committee for identifying all "forest".
- 3- Those tribals who are the part of social forestry programme in respect of patta lands, other than forests, may continue to grow and cut according to the Government Scheme provided that they grow and cut trees in accordance with the law applicable.
- 4- In so far the plantations (tea, coffee and cardamom etc.) are concerned, it is directed as under:-
 - a) The felling of shade trees in these plantations will be -
 - i) limited to trees which have been planted, and not those which have grown spontaneously;
 - ii) limited to the species identified in the TANTEA report.
 - iii) in accordance with recommendations of (including to the extent recommended by) TANTEA and
 - iv) under the supervision of the statutory committee constituted by the State Government.
 - b) In so far as the fuel trees planted by the plantations for fuel wood outside the forest area are concerned, the State Government is directed to obtain within four weeks, a report from TANTEA as was done in the case of shade trees and the further action for felling them will be as per that report. Meanwhile, eucalyptus and wattle trees in such areas may be felled by them for their own use as permitted by the statutory committee.
 - c) The State Government is directed to ascertain and identify those areas of the plantation which are a "forest" and are not in active use as plantation. No felling of any trees is however to be permitted in these areas, and sub-paras (b) and (c) above will not apply to such areas.
 - d) There will be no further expansion of the plantations in a manner so as to involve encroachment upon (by way of clearing or otherwise) of "forests".
- 5- As far as the trees already cut, prior to the interim orders of this court dated December 11, 1995 are concerned, the same may be permitted to be removed provided they were not so felled from Jnamam land. The State Government

would verify these trees and mark them suitably to ensure that this order is duly complied with. For the present, this is being permitted as one time measure.

In so far as felling any trees in Janmam lands is concerned (whether in plantations or otherwise), the ban on felling will operate subject to any order made in the Civil Appeal Nos. 367 to 375 of 1977 in C.A. Nos. 1344-45 of 1976. After the order is made in those Civil Appeals on the I.A.s pending therein, if necessary, this aspect may be re-examined.

6- This order is to operate and to be implemented, notwithstanding any order at variance, made or which may be made by any government or any authority, tribunal or court, including the High Court.

The earlier orders made in these matters shall be read, modified wherever necessary to this extent. This order is to continue, until further orders. This order will operate and be complied with by all concerned, notwithstanding any order at variance, made or which may be made hereafter, by any authority, including the Central or any State Government or any court (including High Court) or Tribunal.

We also direct that notwithstanding the closure of any saw mills or other wood-based industry pursuant to this order, the workers employed in such units will continue to be paid their full emoluments due and shall not be retrenched or removed from service for this reason.

We are informed that the Railway authorities are still using wooden sleepers for laying tracks. The Ministry of Railways will file an affidavit giving full particulars in this regard including the extent of wood consumed by them, the source of supply of wood, and the steps taken by them to find alternatives to the use of wood.

I.A. Nos. 7,9,10,11,12,13 and 14 in writ petition (Civil) No. 202 of 1995 and I.A. Nos. 1,3,4,5,6,7,8 and 10 in writ petition (Civil) No. 171 of 1996 are disposed of accordingly.

List the matter on February 25, 1997 as part-heard for further hearing.

New Delhi
Dec 12, 1996

..... J
[J.S.VERMA]

[B.N.KIRPAL]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 202 OF 1995

T.N. Godavarman Thirumulkpad Petitioner

Versus

Union of India & others Respondents

[With W.P. (C) No. 171 of 1996 and W.P. (C) No. 897 of 1996]

DECIDED ON Dt.04.03.1997

ORDER

1. After hearing Mr. Harish N. Salve , the learned Amicus Curiae, learned Attorney General and learned counsel appearing for the States and other parties in these matters, it is clear that no substantial variation in the earlier order dated 12-12-1996 is required to be made as an interim measure, and that some minor variation to the extent indicated hereinafter is all that is required to be done at present.

We are satisfied that there is need to constitute a High Power Committee to oversee the strict and faithful implementation of the orders of this Court in the North Eastern Region and for certain ancillary purposes. Accordingly we direct as under:-

(i) There shall be a Committee as under:-

(a) Shri T.V. Rajeshwar, Chairman;

(b) Shri R.N. Kaul, Rtd. I.G. of Forests –Member; and

(c) One representative nominated by the Ministry of Environment and Forests (MOEF)-Member Secretary.

Shri T.V. Rajeshwar and Shri R.N. Kaul have given their consent for the purpose.

(ii) This Committee shall oversee preparation of inventory of all timber in all forms (including timber products)

(a) lying in the forest or in transit depots, and

(b) lying in mill premises.

The inventory should, wherever possible, indicate the origin and source of the timber.

The Committee may for this purpose select suitable persons who would be made available by the concerned State Government at its request.

As far as possible, such inventory should be prepared within eight weeks from today.

(iii) The Committee may, if it considers appropriate, permit the use or sale of any part of the timber or timber products. Any sale shall be effected through the Forest Corporation of the State under overall supervision of the Committee.

(iv) The net sale proceeds after deduction of the transaction related costs and payment of wages to the labour and staff shall be deposited by or through the Forest Corporation/Forest Department in a designated account.

The modalities will be worked out by the Committee.

(v) The committee may, through the Amicus Curiae, apply for such directions from time to time as it considers appropriate.

(vi) The MoEF will make available as far as possible within a week suitable office space and provide secretarial and all other related facilities in Delhi (including local transport and telecommunication) befitting the stature of the Committee.

The MOEF will make arrangements for and meet expenses of travel of the committee. All arrangements for stay etc. of the Committee (outside Delhi) as may be necessary, would be the responsibility of the State Government concerned.

The Assam Government will make similar office and other facilities available in Gauhati.

It is for the sake of convenience at this stage that the Central Government and the State Governments are being directed to make certain payments and meet all the expenses. However, the question of liability for payment of these amounts would be considered at the final hearing and suitable directions for the purpose to be given at that stage indicating the principle for determining the liability for making the payment.

2. It is clarified that the directions contained the order dated 12-12-1996 and this order would not apply to minor forest produce, including bamboos, etc.

3. The State of Meghalya has asserted in its affidavit that a significant quantity of timber is required for use in the State by the rural tribal population. It has also asserted that there is a loss of revenue to the State Government on account of

restrictions placed by the order of 12-12-1996; and a large number of people of the State have been deprived of the employment. The State is directed to file an affidavit with full and complete particulars of :

- i) the quantity of timber which comes from its forest for use by the rural tribal population, the extent to which it is made available to the rural tribal population including the terms on which it is so made available;
- ii) the revenue derived by the State by way of royalty from the minerals, mines and forest areas, purchase tax on export of timber, sale value of timber drawn from the Government forests and the extent and quantity of such sale and the manner of sales;
- iii) the number of wood-based industries within the State and the number of persons employed in such industry.

4. All unlicensed saw mills, veneer and plywood industries in the State of Maharashtra and the State of Uttar Pradesh are to be closed forthwith and the State Government would not remove or relax the condition for grant of permission/licence for the opening of any such saw mill, veneer and plywood industry and it shall also not grant any fresh permission/licence for this purpose. The Chief Secretary of the State will ensure strict compliance of this direction and file a compliance report within two weeks.

5. A total of 5322.97 cubic meters of timber presently held by the private parties in their stock purchased from the J & K State Forest Corporation as per Annexure D to the affidavit dated 18th February, 1997 filed on behalf of the Government of J & K is permitted to be moved; and any such movement be effected after due certification, consignment-wise made by the Managing Director of the State Corporation which will include certification that the timber has come from State Forest Corporation sources (as per para 6(a) at page 11 of the earlier order dated 12-12-1996). The stocks of kail, chir and fir in the depots of the Forest Corporation are permitted to be disposed of by the Forest Corporation in any manner which would include movement and disposal of the same even outside the State as per the requirements as indicated in above said para 6(a). All this would be done by the Forest Corporation itself.

The above directions are to be read along with those contained in the order dated 12-12-1996.

MINING MATTERS

We direct that-

1. where the lessee has not forwarded the particulars for seeking permission under the FCA, he may do so immediately.
2. the State Government shall forward all complete pending applications within a period of 2 weeks from today to the Central Government for requisite decisions;
3. applications received (or completed) hereafter would be forwarded within two weeks of their being so made.
4. the Central Government shall dispose of all such applications within six weeks of their being received. Where the grant of final clearance is delayed, the Central Government may consider the grant of working permission as per existing practice.

General Directions

It is made clear that the order passed by the court in these matters, including the order dated 12.12.1996 and the present order shall be obeyed and carried out by the Union Government as well as the State Governments, notwithstanding any order or direction passed by a court, including a High Court or Tribunal, to the contrary.

We further direct the Registrar General to communicate the order dated 12.12.1996 as well as the present order to the Registrars of all the High Courts to ensure strict compliance. It is also clarified that the order passed by the court including the order dated 12.12.1996 and this order will apply to all Autonomous Hill Councils in the North-Eastern States as well as the Union Territories.

It is made clear that all the concerned authorities would, in the meantime, continue to examine the various aspects of the problems requiring solution and try to solve these problems in collaboration with the Central government and the State Governments. An efficacious exercise of this kind would enable reduction of the area which may require judicial scrutiny and adjudication in these matters.

.....

Sd/-

[J.S.VERMA]

Sd/-

[B.N.KIRPAL]

New Delhi
March 4, 1997

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

RECORD OF PROCEEDINGS

Wirt petition (civil) No.202/95
T.N. GODAVARMAN THIRUMALPAD Petitioner

VERSUS

UNION OF INDIA AND OTHER Respondent (s)

DECIDED ON Dt.07.05.1997

Date: 7.5.97 These Petitions were called on for hearing today.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE B.N. KARPAL

HON'BLE MR. JUSTICE S.P. KURDUKAR

CORAM & APPEARANCE : THAT AS ON 07-05-1997

And

Ms. Indira Jaisingh, Sr. Adv. With

Mr. J. Raja Adv. (in I.A. 208-209)

Mr. Manoj Prasad, Adv.

Mr. Umesh Shagat, Adv.

Upon hearing counsel the court made the following

O R D E R

.....

“After hearing the learned advocates and the learned Attorney General and the other learned counsel, we direct as under-

A. In the State of Uttar Pradesh the following is permitted-

1. Principal Chief Conservator of Forests (PCCF) may, on a case to case basis, consider grant of permission to an existing licenced saw-mill to relocate itself, provided that the relocated site is not within 10 Kms. Of any existing forest.

2. To alleviate the unintended hardship which may be caused to the ordinary populace in the hill areas who need forest produce for their survival, it is clarified as under:

- (a) Nothing contained in the orders passed by this court would prevent the Forest Corporation from directly undertaking the exercise of collecting forest produce including fallen wood (but not any felling or cutting of trees or timber) to the extent strictly necessary, and distributing the ex-depo to the people living in the hill areas.
- (b) The Forest Corporation may, with the prior permission of the PCCF, remove dead or dry trees for supply in the same manner ex-depot to people residing in those areas. The Forest Corporation shall (i) undertake such activity itself without engaging any outside agencies, and (ii) Keep an account of the dead and dry trees felled and removed by them, and shall by way of an affidavit file the case in this court.

.....

(D.P.Walia)
Court Master

(S.L.Goyal)
Court Master

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

I.A Nos.60, 166. 291, 276,
285 &in
Wirt Petition (Civil) No.202/95
Union of India & ORS
(FOR DIRECTIONS)

DECIDED ON Dt.05.05.1998

Date: 5.5.98 This Petition was called on for hearing today.

CORAM:

HON'BLE DR. JUSTICE A.S. ANAND
HON'BLE MR. JUSTICE B.N. KARPAL
HON'BLE MR. JUSTICE V.N. KHARE

For Petitioner (s)	Mr. H.N. Salve, Sr. Adv.(A.C.) S/sh. Uday Umesh Lall and Mr. Meenakshi Sakhardanand, Advs.
For UOI For States/U.T.	S/Sh. ADH Rao & P. Parma..... Mr. G.L. Sanghl, Sr. Adv. Mr. S.K. Agnihotri & Ms. Madhur Dadlani, Advs.
Arunachal Pradesh Assam Nagaland Hills Aotonomous Dist. Etc. Tripura Gujrat & Mizoram	Mr. U. Hazarika, S.R. Hegde & Ms. N. Saikla, Adv. Mr. A.S. Bhasma, Adv. S/Sh. Kailash Vasdev & C.K. Sasi, Adv. Mr. Gopal Singh Adv. Ms. Hemantika, Ms. S. Hazarika & Ms. Nelthone Rhateo, Adv.
Manipur Meghalaya Rajasthan Kerala	Sh. Kh. Nobin Singh, Adv. Mr. Rajan Mukharjee, Adv. Mr. Aruneshwer Gupta, Adv. Mr. G. Prakash & Ms. Beena Prakash, Adv. Mr. R.K. Mehta, Adv.
Chandigarh Karnataka Sikkim Haryana Tamil Nadu	K.B. Nagraja, Advs. S/Sh. K.R. Mrgaraja & K.K. Tyagi, Advs. S/Sh. B.S. Chahar & Ashok Mathur, Adv. S/Sh. Prem Malhotra & Jasbir Malik, Adv. Mr. H.N. Salve, Sr. Adv.

Goa	Mr. A. Mariarputham & Ms. Aruna Mathur, Advs.
U.P.	Ms. A. Subhashini, Adv.
West Bangal	S/Sh. R.B. Misra & Kamlendra Misra, Advs.
Maharashtra	S/Sh. H.K. Puri & Ujjwal Banerjee, Advs.
Panjab	Mr. D.R. Nargolkar, Adv.
Bihar	Mr. R.S. Sodhl, Adv.
J & K	Mr. BB. Singh, Adv.
	Mr. S.A. Salaria, Advocate General
	State of Jammu & Kashmir
	Mr. Ashok Mathur, Adv.
CPCD	Mr. Vijay Panjwani, Adv.
	Mr. S. Sukuman, Adv for
	M/s JBD & Co.
	Mr. Rana Mukharjee, Ms. Sumita Mukharjee
	& Mr. Goodwill Imdeavar, Adv.
	Mr. P.P. Tripathi, Adv.
	Mr. D.N. Gobardhan, Adv.

Upon hearing counsel the Court make the following

ORDER

I.A. NO. 60

The Final Report of the Bastar Malik Makbuja Enquiry Committee with comments of the learned Lokayukta, Madhya Pradesh has been received from the office of the Lokayukta, Madhya Pradesh. Learned counsel for the parties are permitted to examine the report and in case they want copies of the report, the same shall be made available to them on payment. So far as the supply of copy to the learned amicus curiae is concerned the same shall be made without payment. Learned counsel may after examining the report, file their response, if any, within eight weeks.

List after eight weeks.

I.A. No. 166

Mr. Sanghi, learned Senior counsel appearing for the State of Madhya Pradesh, submits that a detailed affidavit giving the difficulties being experienced by the tribals in the area on account of the order of this Court and suggesting certain remedial steps shall be filed within eight weeks. Its advance copy shall be served on Mr. Lalit.

List after eight weeks.

I.A. No. 291

The Third Interim Report has been furnished by the Committees appointed by this Court after visiting the borer affected areas on 27th & 28th April, 1998. According to the Committee, some more detailed study is required to be undertaken. We request the committee to do the needful and furnish their report within eight weeks.

It appears that Prof. J.S. Singh, Head, Department of Botany, Banaras Hindu University, Varanasi has expressed his inability to join the Committee because of his office pre-engagements. Learned counsel appearing before us may suggest a substitute for Mr. Singh. List on 12-05-1998 for nominating a substitute in place of Prof. Singh.

I.A. No. 276

This application presents rather a disturbing picture of the manner in which forests in Chaikamagalur division have been denuded. It appears that forests have been destroyed and fragmented due to encroachments for growing coffee plantation and agriculture etc. The affidavit filed by Mr. Prasad on behalf of the State of Karnataka on 4th February, 1998 does not make us any wiser about the effective steps taken by the State to prevent de-forestation, remove encroachments and restore the forests to its original position. Mr. Nagaraja, learned counsel appearing for the State of Karnataka prays for and is granted one weeks time to file a proper affidavit giving full details. Besides giving the Status Report, it shall also be disclosed in the affidavit as to why action under section 64A of the Karnataka Forest Act, 1963 has not been taken against the encroachers, even though as many as 410 cases of encroachment are reported to have been detected by the State Government itself. It is stated that cases have been registered and in some cases even charge sheets have been filed. Mr. Nagaraja shall inform us the progress made in all such cases.

On 12th of December, 1996, directions were issued by this Court banning the felling of trees all over the country including in the State of Karnataka to save forests and prevent deforestation. The State of Forest Report, 1997, however, discloses that the area of forest has come down by 5 sq. k.m. in 1997. Obviously, trees have been permitted to be felled after the order

of this Court dated 12th December, 1996 in violation of that order. Before we proceed to bring to book the violators, we grant an opportunity to the State of Karnataka to explain its position in the light of the 1997 Status Report. The learned Amicus Curiae submits that because of the violation of the orders of this court and the inaction on the part of the State to protect the forests in Karnataka, a District Judge may be appointed as a Receiver for the entire area of erstwhile forests. We shall examine that request at a later stage.

I.A. No. 385

This order will dispose of I.A. No. 385 of 1997 filed by the State of U.P. seeking certain directions and modifications of our earlier order.

On 8th of May, 1997 this court permitted the Principal Chief Conservator of Forest of the State of U.P., on case to case basis, to consider grant of permission to an existing licensee of saw mill to relocate itself, provided that the relocated site is not within 10 Kms. of any existing forest. Mr. Goel, learned counsel for the State of U.P. submits that a clarification is necessary to be made that the area of 10 Kms., would not include trees standing on either or both side of the road and railways. We clarify that the direction dated 8th May, 1997 not to relocate the saw mill within 10 Kms. of any existing forest, would mean and imply 10 Kms. of any existing forest, excluding the trees on either side of the roads and the railways outside the existing forests and the 10 Kms. can be considered in that light.

Mr. Goel further submits that the State Government has examined the existing rules on the subject and is of the opinion that the rules require to be amended and a cabinet decision has been taken to amend the rules but before notifying the same to bring it to the notice of this Court, and seek permission.

We allow the State Government to amend the relevant rules in accordance with the law keeping in view various orders and directions issued by this Court from time to time on the subject. It is, however, made clear that the permission hereby granted is not in dilution of any order passed by this Court on this subject. We also clarify that by the grant of this permission, we should not be taken to have pronounced as to the validity or otherwise of the Rules nor

expressed any opinion on the correctness or otherwise of the proposed amendments.

In case any other clarification or modification is required of the earlier orders of this Court, the state of U.P. shall be at liberty to file an appropriate application in that behalf.

Application (I.A. No. 385) is disposed of.

(Sudhir Kapoor)
P.A. to Addl.
Registrar

sd/-
(Inder Pal Singh)
Court Master

sd/-
(Prem Prakash)
Court Master

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

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 670 OF 2002

(Arising out of S.L.P.(C) No. 4695/2001)

Jawahar Lal Sharma & Anr. Appellants

Versus

Divisional Forest Officer U.P. & Anr. Respondents

WITH

CIVIL APPEAL NO. 669 OF 2002

(Arising out of S.L.P.(C) No. 4695/2001)

Azeemun Nisha & Anr. Appellants

Versus

Divisional Forest Officer U.P. & Anr. Respondents

DECIDED ON Dt.24.01.2002

J U D G M E N T

R.C. Lahoti. J.

Leave granted in both the S.L.Ps.

In these appeals by special leave the question arising for decision is the right of the appellants to renewal of their licences under the provisions of U.P. Establishment and Regulations of Saw Mills Rules, 1978.

Jawahar Lal Sharma appellant No. 1 in civil appeal arising out of S.L.P.(C) No. 4695/2001 purchased the saw mill from one Gauri Ram on 15-01-1985. Gauri Ram was holding a licence for establishing and operating of the saw mill since 15-07-1981. The licence was sought to be transferred in the name of appellant No. 1 by Divisional Forest Officer, Ghazipur. Thereafter, year by year, fees for renewal of the licence has been deposited and applications moved in that regard. In case of Munna Khan appellant No. 2 he purchased the saw mill in the year 1991 from one Ram Prasad Vishwakarma who was holding the requisite licence since 16-06-1990. He too sought for transfer of the licence and went on depositing renewal fee year by year upto the year 1997. The

controversy arose for the years 1998, 1999 and 2000 when the prayer for renewal was refused. The appellants approached the High Court of Allahabad by filling a writ petition. By order dated 14-11-2000 a Division Bench of the High Court dismissed the writ petition by simply observing that the appellants were at liberty to move fresh applications for grant of licence. The High Court did not go into the question of renewal.

In civil appeal arising out of S.L.P.(C) No. 4694/2001 also the two appellants namely Azeemun Nisha and Govind Prasad Sharma are holding licences for establishment and operation of saw mills. They have been seeking renewals. Renewal was not granted in the years 1998 and 1999 and rejected by order dated 26-07-2000. They also filed a writ petition before the High Court of Allahabad which has been disposed of by a similar order by a Division Bench allowing liberty to the appellants to move fresh applications for grant of licence.

It is not necessary for us to go into noticing further details of facts in view of the direction which we propose to make. It appears that a large issue dealing with ecology, protection and conservation of forest (W.P.(C) No. 202/1995 (T.N. Godavarman Thirumalkpad Vs Union of India & ors) is pending in this court wherein from time to time directions are being issued. Two such directions dated 12-12-1996 and 04-03-1997 are to be found reported as (1997) 2 SCC 267 and (1997) 3 SCC 312. On account of the Supreme Court of India being seized of the matter and monitoring the issue there has been reluctance on the part of the Government officials to deal with saw-mill licence and their renewals. In the cases before us the renewal fees have been deposited by the appellants but orders of renewal are not passed. A vague plea is raised on behalf of the respondents that the applications for renewal were not in perusal protection. If that be so the defect could have been pointed out to the concerned applicant and an appropriate application in the prescribed proforma could have been called for to be substituted in place of defective application, if any or such other particulars as may be necessary could have been called for. The relevant consideration for and the rights and obligations flowing from a prayer for renewal of a pre-existing licence are different rather substantially at variance from those for an application for the grant of a fresh licence. The

learned counsel for the appellants submitted that an application for the grant of a fresh licence may not be entertainable at all though the appellants may be entitled to renewal subject to such directions, as the Supreme Court of India may be pleased to make. The orders made by the High Court do not therefore meet the ends of justice. Admittedly, the licence of any of the appellants has not been cancelled.

No order or direction made by the Supreme Court of India to the effect that even existing licences shall not be renewed has been brought to our notice. On the contrary the learned counsel for the appellants has invited our attention to orders dated 24-10-2000 passed in Civil Misc Writ Petition No. 991/2000 Gydheshwer Prasad Singh Vs Van Sanrakshak Varanasi Vritya Varanasi & Ors order dated 19-02-2000 in Civil Misc. Writ Petition No. 9148 of 2000 Kanwal Deen Chauhan and Ors. Vs Conservator of Forests and Ors. dated 31-03-2000 in Civil Misc. writ Petition No. 15002/2000 Vishwa Bhandar Saw Mills Vs Divisional Forest Officer & Anr. wherein having noted the directions made by this court in T.N. Godavarman Thirumalkpad Vs Union of India & Ors. (1997) 3SCC 312, the High Court of Allahabad has in similar circumstances, quashed the orders passed by the respondents and directed that on completing all the necessary formalities by the petitioners therein and depositing the licence renewal fee for all the previous years as well as the current years, licences to run the saw mill in favour of the petitioner therein shall be granted if there be no legal impediment. The learned counsel submitted that there is no reason why the same High Court should not have taken a similar view in the cases of these appellants. We find merit in the submission of the learned counsel.

For the foregoing reasons, the appeals are allowed and disposed of by directing that the prayer for renewal of the licence made by each of the appellants shall be dealt with by the competent authorities of the State in accordance with law. In doing so, the authorities shall keep in view the directions issued or which may be issued by the Supreme Court of India from this matter.

We make it clear that we have disposed of the individual cases of the appellants before us and if any orders generally made or to be made by the Supreme Court of India in public interest may be inconsistent with the directions made hereinabove, then the former shall be given effect to. The appeals stands disposed of accordingly.

.....
(R.C. LAHOTI)

.....
(BRIJESH KUMAR)

New Delhi;
January 24, 2002

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

RECORD OF PROCEEDINGS

T.N. GODAVARMAN THIRUMALPAD

Petitioner

VERSUS

UNION OF INDIA & ORS.

Respondents

DECIDED ON Dt.29.04.2008

Date: 29/04/2002 These Petitions were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE B.N. KIRPAL

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE H.K. SEMA

Amicus Curiae

Mr. Harish N Salve, SG (AC)

Mr. U U Lalit, Adv. (AC)

Mr. Siddharth Chaudhary, Adv.

For Petitioner(s)

Mr. Mahendra Vyas, Adv.

Mr. P K Manohar, Advs.

For Ministry of Environ-

ment & Forests/UoI

Mr. A D N Rao, Adv.

Mr. R N Poddar, Adv.

Mr. S Wasim A Qadri, Ms. Alka Agarwal,

Mr. A K Raina, Mr. P Parmeswaran,

Ms. Anil Katiyar and Mr. B V Balram

Das, Advs.

For Applicant (s)

IA 664

Ms. Rani Chhabra, Adv.

For Respondent(s)

State of U.P.

Mr. Ajay K Agrawal, Adv.

Mr. Mahesh Chandra, Adv.

Mr. Rajiv Mehta, Adv.

Mr. Madhusudan Ray, Adv.
Mr. Vijay Hansaria, Adv.
Mr. Sunil Kr. Jain, Adv.
Mr. S Sukumaran, Adv.
Ms. Divya Nair, Adv.
Mr. Ramesh Babu M.R., Adv.

.....
I.A. No. 664

Our attention has been drawn to the Rules which have been amended by the State of Uttar Pradesh on 26th June, 1998 permitting saw mills having engine power of 3 HP not to have a licence. This amendment was made after this Court's order dated 4th March, 1997 directing closure of all unlicensed saw mills in the States of Uttar Pradesh and Maharashtra. It is quite obvious that with a view to circumvent this Court's order dated 4th March, 1997, the State of Uttar Pradesh has used the device of changing the law. That this was done with a view to help the saw mills, is quite evident from the affidavit of Shri Anup Malik, Forest Utilisation Officer, U.P., Lucknow, who in paragraph 4 of the affidavit states that three saw mills, namely, M/s. Punjab Sawmill, M/s. Rana Sawmill and M/s. Nur Handicraft having sawmills of 15 HP, 19 HP and 8 HP respectively within the municipal limits of Saharanpur were sealed pursuant to the orders of this Court dated 4th March, 1997. This affidavit further goes on to state that presently these very sawmills are in operation using power less than 3 HP. We refuse to believe that the saw mills which were having 15 HP, 19 HP and 8 HP would today be functioning using less than 3 HP. It is only the State of Uttar Pradesh which can be gullible, willingly or unwillingly, to accept this. We, therefore, set aside the amendment of the U.P. Establishment and Regulation of Saw Mills Rules, 1978, which was effected on 26th June, 1998, in so far as it exempted saw mills using mechanical devices with the use

of power upto 3 HP from obtaining a licence. As a result of the order passed today, each and every saw mill running in the State of Uttar Pradesh would require a licence, whether the saw mill is running with the aid of power or otherwise. The rule which provides for deemed licences in the event of the application for the grant of licence not being dealt with contained in the Saw Mills Rules, being Rule 7, is also held to be contrary to the letter and spirit of the Indian Forest Act and the orders of this Court and is, accordingly, set aside.

As far as the applicants are concerned, we see no reason to issue any directions to the respondents.

I.A. stands disposed of.

(D.P. WALIA)

Court Master

(JANKI BHATIA)

Court Master

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

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 202 OF 1995

T.N. GODAVARMAN THIRUMALPAD

APPELLANTS

Versus

UNION OF INDIA & ORS.

RESPONDENTS

WITH

I.A. NO. 295 IN W.P. (C) NO. 202 OF 1995

AND

WRIT PETITION (C) NO. 171 OF 1996

DECIDED ON Dt.09.05.2002

O R D E R

After hearing the learned Amicus Curiae, counsel for the parties and taking into consideration the suggestions placed before us by the learned Attorney General, we pass the following order:-

- (1) It is submitted that till the Central Government constitutes a statutory agency as contemplated by Section 3 of the Environment (Protection) Act, 1986, it is necessary and expedient that an authority be constituted at the national level to be called Central Empowered Committee [hereinafter the Empowered Committee] for monitoring of implementation of Hon'ble Court's orders and to place the non-compliance cases before it, including in respect of encroachment removals, implementations of working plans, compensatory afforestation, plantations and other conservation issues.
- (2) The Empowered Committee shall comprise of a Chairman to be nominated by Ministry of Environment and Forest [MoEF] in consultation with the Amicus Curiae. It will have one nominee of the MoEF, and two NGOs (also to be nominated in consultation with the Amicus Curiae). Shri M.K. Jiwrajka will be its Member-Secretary. The persons so appointed (other than the nominee of the Ministry) shall not be removed without leave of the Court.

- (3) Pending interlocutory applications in these two writ petitions as well as the reports and affidavits filed by the States in response to the orders made by the Court shall be examined by the Committee, and their recommendations will be placed before Hon'ble Court for orders.
- (4) Any individual having any grievance against any steps taken by the Government or any other authority in purported compliance with the orders passed by this Hon'ble Court will be at liberty to move the Committee for seeking suitable relief. The Committee may dispose of such applications in conformity with the orders passed by Hon'ble Court. Any application which cannot be appropriately disposed of by the Committee may be referred by it to this Hon'ble Court.
- (5) The Committee shall have the power to:
 - (a) Call for any documents from any person or the Government of the Union or the State or any other official;
 - (b) Summon any person and receive evidence from such person on oath either on affidavit or otherwise.
 - (c) Seek assistance/presence of any person(s)/official(s) required by it in relation to its work.
- (6) The Committee may decide its own procedure for dealing with applications and other issues. Union of India shall provide suitable and adequate office accommodation for the Committee. The expenditure incurred on the working of the Committee including salary/remuneration (to the extent not payable by the Government) to the members and supporting staff, may be met out of income accruing to the Special Investigating Team [SIT]. Necessary procedure for this may be formulated by the Committee in consultation with the SIT.
- (7) The Committee is empowered to co-opt one or more persons as its members or as special invitees for dealing with specific issues. While dealing with issues pertaining to a particular State, wherever feasible,

the Chief Secretary and Principal Chief Conservator of Forests of the State shall be co-opted as special invitees.

- (8) The Committee shall submit quarterly reports to the Hon'ble Court. It will be at liberty to seek clarifications/modifications needed by it from Hon'ble Court.

I.A. No. 295 is disposed of in the aforesaid terms.

.....CJI

.....J

(ARIJIT PASAYAT)

New Delhi,

May 09, 2002.

.....J

(H.K. SEMA)

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

RECORD OF PROCEEDINGS

I.A. No.566 in W.P.(C) No.202/1995

T.N. GODAVARMAN THIRUMALPADPetitioner

VERSUS

UNION OF INDIA & ORS.Respondents

DECIDED ON Dt.29/30.10.2002

I.A. No. 276 with 413, 437, 453, 454 in wp(c) No. 202/1995

I.A. No. 703 in wp(c) No. 202/1995

Monitoring Report (First) of Central Empowered committee in w.p.(c) No.
202/1995

I.A. No. 756 in wp(c) No. 202/1995

T.N. GODAVARMAN THIRUMALPADPetitioner

VERSUS

UNION OF INDIA & ORS.Respondents

WITH

I.A. No.634-635 in W.P.(C) No.202/95

(For impleadment and directions)

Date : 29/10/2002 These Petitioners/Applications were called hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE ARIJIT PASAYAT

Amicus Curiae Mr. Harish N Salve, SG (AC)

Mr. U U Lalit, Adv. (AC)

Mr. Siddharth Chaudhary, Adv.

For Petitioner(s) Mr. Mahendra Vyas, Adv.

Mr. P K Manohar, Advs.

UPON hearing the counsel, the Court made the following

O R D E R

IA Nos. 634-635, 697 and 698

I.A. Nos. 697 and 698 are taken on board.

These application have been filed for permission to direct transmission lines by Power Grid Corporation, which lines are to pass through the Rajaji National Park.

Since the filling of these application lot of discussion has taken place, ground situation examined and now it is reported by the learned counsel for the applicant that through the proposed corridor where the transmission lines will be erected 14, 739 trees will have to be cut. Permission for erecting the lines through the Raja ji National Park and cutting these trees had been accorded by the Union of India as well as the State of Uttaranchal. Permission was not made operative because of the earlier orders of this Court.

Taking all circumstances into consideration, these applications are allowed. Permission is granted to the power grid corporation to erect the transmission lines through the RajaJi National Park. Aforesaid 14739 trees will be cut by the Forest Department of the State of Uttaranchal under the supervision of the Central Empowered Committee. Trees so cut shall be sold by the Forest Department under the supervision of the Central Empowered Committee by public auction. The amount so realized as well as the sums payable by Power Grid Corporation for afforestation etc. will be kept by the Central Empowered Committee in a fixed deposit initially for a period of three months and with the constitution of the body for the management of the Compensatory Afforestation Funds, the principal amount so realized by the Central Empowered Committee shall be transferred to the said body. This permission which is granted will be operational on Rs. 50 crores being deposited with the Central Empowered Committee who shall deposit the same in fixed deposit and after twelve weeks transfer the same to the body constituted for the purpose of managing the Compensatory Afforestation Funds.

MONITORING REPORT (FIRST) OF THE CENTRAL EMPOWERED COMMITTEE

We have perused the First Monitoring Report of the Central Empowered Committee. Three suggestions have been made in the said Report. First is that the ban with regard to issue of licence for establishment of new saw-mills or establishment of now wood-based industries in the north-eastern states should be extended by a further period of five years. The second prayer is that the High Powered Committee may be allowed to dispose of all the assets of the defaulting units who have not paid the penalty imposed by the said committee on the wood-based units in north-eastern states. It is stated that only a small traction of the penalty imposed has so far been realized. The other recommendation is that the ban of issuing further permission or licence to all unlicensed saw-mills veneer and plywood industries now imposed in the State of Maharashtra and in the State of Uttar Pradesh should be extended to all other states in India.

Despite notice, there is no opposition to this Report. Affidavit has been filed by the Union of India accepting this Report.

We, accordingly, direct as follows:

- 1) The ban imposed with regard to the opening of the new saw-mills and other wood-based industries by this court's order dated 15th January, 1998 in the State of Nagaland is extended by a further period of five years.
- 2) The High Powered Committee is allowed to dispose of the assets on such defaulting units, including plants, machinery, land, shed, timber and timber products who have not paid the penalty imposed by the High Powered Committee at the wood-based units of north-eastern states. This will be subject to such orders which may be passed by the Central Empowered Committee.

No State or Union Territory shall permit any unlicensed saw-mills, veneer, plywood industry to operate and they are directed to close all such unlicensed unit forthwith. No State Government or Union Territory will permit the opening of any saw-mills, veneer or plywood industry without prior permission of the Central Empowered Committee. The Chief Secretary of each State will ensure strict compliance of this direction. There

shall also be no relaxation of rules with regard to the grant of licence without previous concurrence of the Central Empowered Committee.

It shall be open to apply to this court for relaxation and or appropriate modification or orders qua plantations or grant of licences.

.....

(S.L. GOYAL)
COURT MASTER

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

RECORD OF PROCEEDINGS

I.A. NOS.1624-1625 IN WRIT PETITION (C) NO.202 OF 1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

DECIDED ON Dt.01.09.2006

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

.....

I.A. No.1399 and I.A. No.1569 with I.A. No.946 in I.A. Nos.301-382 in Writ
Petition (C) No.202 of 1995

(Report of C.E.C. in I.A. No.946 in I.A. Nos.301-382)

.....

Date: 01/09/2006 These Matters were called on for hearing today.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

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

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

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

For Petitioner(s)

Mr. P.K. Manohar, Adv.

For Applicant(s)

.....

For Uttar Pradesh: Mr. Rakesh Dwivedi, Sr. Adv.

Dr. R.G. Padia, Sr. Adv.

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

Mr. R.K. Dubey, Adv.

Mr. Kamalendra Mishra, Adv.

.....

UPON hearing counsel the Court made the following

ORDER

.....
I.A. No.1399 and I.A. No.1569 with I.A. No.946 in I.A. Nos.301-382 in Writ
Petition (C) No.202 of 1995 and I.A. Nos.1327-1328 and 1526 in
Writ Petition (C) No.202 of 1995:

The Central Empowered Committee, in its report dated 1st September, 2005, after noticing in the Report how 1607 saw mills have been re-opened in the garb of renewal of the old licences, has made the following recommendations:

"(a) suspending the functioning of all the 1607 saw Mills to where licences have been renewed after 04.3.97."

The further recommendation of the Central Empowered Committee is that the Report in respect of each of 1607 saw mills shall be filed by the State Government giving details of old licences and other particulars in the recommendation, i.e., paragraph 13(b) of the Report which reads as under:

"directing the Chief Secretary, Uttar Pradesh to file a Report of each of the 1607 saw mills giving details of the old licences, the year in which the such licences were issued, the year upto which the old licences were renewed, the date on which the saw mill was closed, the number of years for which the saw mills had run illegally, the officer who had verified and cross-verified the genuineness of the old licence, the basis of reopening of the saw mill, the details of the machinery and electric connection at the time of the renewal of the old licence and whether the delay in the renewal was due to administrative reasons or due to lapse on the part of the saw mill owner."

The learned counsel appearing for the State of Uttar Pradesh submits that, having regard to the facts of the case, the aforesaid recommendations may be accepted. In this view, we direct the suspension of all 1607 saw mills in respect of which licences were renewed after 4th March, 1997. The State Government would ensure that the said saw mills do not operate. The Chief Secretary, Uttar Pradesh, is

directed to file a report in terms of paragraph 13(b), which recommendation we have accepted, within a period of eight weeks. We also accept the third recommendation contained in paragraph 13(c) to the effect that after receipt of the report, the saw mills in respect of which regular renewals have been given, the renewal fees were deposited regularly and the renewal of licences were delayed due to administrative/technical reasons and not due to default on the part of the applicant saw mills may be permitted to be reopened. The Central Empowered Committee has also made the following recommendations:

- "(a) a seniority list of plywood/veneer units operating in the State of Uttar Pradesh and Uttaranchal (part of undivided U.P.) on the strength of 'No Objection Certificate' issued by the Forest Department prior to 04.3.97 may be prepared after verifying the validity and genuineness of such 'No Objection Certificate';
- (b) after accessing timber availability qua capacity of existing licenced saw mills depending upon the availability of timber the existing plywood/veneer units may be granted licence on the principle of first come last go. The units found not eligible for grant of licence may be closed;
- (d) the electricity connection of all unlicenced units shall be disconnected, their machinery's shall be dismantled and the various registrations etc. issued to such units shall be cancelled by the respective authorities."

The State Government has no objection to the acceptance of the aforesaid recommendations. We order accordingly.

Another recommendation made by the Central Empowered Committee is:

- "(c) as far as feasible, the plywood/ veneer units should be permitted to operate only in the industrial estates identified for this purpose. This is particularly necessary in Uttaranchal where practically all areas are

within an aerial distance of 10 km. from the nearest forest."

As prayed, we permit the State Government to file an affidavit placing on record the difficulty, if any, in accepting the aforesaid recommendation.

The recommendation for fixing the responsibility against the officials responsible for allowing large number of wood based industries to re-open/continue in violation of this Court's orders would be considered at an appropriate stage.

.....
[T.I. Rajput]

A.R.-cum-P.S.

[V.P. Tyagi]

Assistant Registrar

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

RECORD OF PROCEEDINGS

I.A. NOs. 1324 & 1474 in W.P. (C) No. 202/1995

(For directions)

T.N. GODAVARMAN THIRUMULPAD

Petitioner (s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

DECIDED ON Dt.18.05.2007

.....

Date : 18-05-2007 These applicants/Petitions were called on for hearing today.

IAs 1399 in 946 in 301-382 etc. &

IA 9 in SLP (C) 24951-24954/2005

The matters relate to Saw Mills and Plywood and Veneer.

The CEC has considered the availability of wood for the industries, which was assessed as 43.70 lakh cu.mt. from trees outside forests and 02.00 lakh cu.mt. from Government Forests.

It has also assessed the units into four categories.

We accept the CEC's recommendations.

The Saw Mills may be permitted on the basis of the recommendations made by the CEC. Licences may be given by the State Level Committees.

If there are any objections regarding grant of licences, the parties would be at liberty to submit their applications before the CEC for consideration.

(Mera Hemant)

(Verra Verma)

Asstt. Registrar

Court Master

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

RECORD OF PROCEEDINGS

I.A. NOs. 1873 in IA No. 1399 in W.P. (C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner (s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(To grant permission for impleadment of the applicant as respondent & grant permission to run the licenced saw mill of the applicant)

Date: 27-07-2007 These appln. (s)/petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

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

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner (s)

Mr. P/K/ Manohar, Adv.

In CP (C) 114/07

Mr. Lakshmi Raman Singh, Adv.

Mr. Vijay Panjwani, Adv.

Mr. R.S. Suri, Adv.

Mr. Viplav Sharma, Adv.

Mrs. Naresh Bakshi, Adv.

For Applicant(s)/UOI(MoEF)

Mr. T.S. Doabia, Sr. Adv.

Respondent(s)

Mr. Haris Beeran, Adv.

Mrs. Kiran Bhardwaj, Adv.

Mr. P. Parmeswaran, Adv.

For UOI-MOD

Mr. P.S. Patwalia, Sr. Ad.

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

Mr. R.C. Kathia, Adv.

Mrs. Asha G. Nair, Adv.

For Mr. D.S. Mahra, Adv.

State of Karnataka

Mr. Udaya Holla, Adv. Genl,

Ms. Anitha Shenoy, Adv.

I.A. Nos. 1873, 1874-79, 1880-89, 1890-92, 1893-1900, 1901-05, 1906-13, 1914, 1915-20, 1922-42, 1943, 1944-46, 1947-49, 1952-53, 1954-55, 1956-57, 1958, 1959-60, 1961-62, 1964, 1965-70, 1971-76, 1982-87, 1988 & 1994;

These applications relate to the various Saw Mills in the State of Uttar Pradesh. This Court by order dated 18th May, 2007 permitted the Saw Mills to function, subject to the availability of wood and fulfillment of other conditions. These applications are disposed in terms of the order passed by this Court on 18th May, 2007. The appropriate authorities pay permit the saw mills to run, subject to the order passed by this Court at 18th May, 2007.

Learned counsel appearing in some of the Saw Mills which were allegedly functioning from 1983-85 and thereafter, submit that they have been functioning as Saw mills but they were not having proper licence because and or applications, in some cases, are pending since long with the authorities. In some cases, we are told that they have filed applications and those saw mills have been included in category IV of the CEC report and they were now denied their right to operate their saw mills. Counsel appearing for those applicants submitted that those saw mills may be permitted to file fresh applications for running their units, subject to availability of wood and that they will also follow the norms prescribed in the order passed by this Court on 18th May, 2007, if they are granted licences for which they shall make necessary applications.

Under the above circumstances, those saw mills which have been functioning right from 1983 and some of them who claim to be functioning from 1985 to 1997 and which are included in category IV of the CEC report, may submit fresh applications before the appropriate authorities for running their saw mills and the appropriate authorities shall consider the availability of wood and if sufficient wood is available they may be granted fresh licences, subject to such terms and conditions as are and/or may be prescribed.

We are told that some other saw mills have made grievance that there was wrong categorization. These applications may approach the CEC and the CEC may hear them and appropriate directions be issued by the CEC, subject to the order passed by this Court on 18th May, 2007.

All these applications are disposed of accordingly.

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

RECORD OF PROCEEDINGS

I.A. NO. 1785 IN WP (C) NO. 4677/1985

M.C. MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For directions on behalf of ridge management Board)

AND

I.A Nos. 2160-2161 in 1399, 2185 in I.A. 728, 2248-2249 in 1694,
2254, 2280, 2284-2286, 2314-2315, 2316-2317, 2323-2324, 2325-2327,
2376-2377, 2383-2385, 2393-2394 in W.P. (c) No. 202/1995

(For impleadment, directions/stay, exemption from filling O.T., intervention)

Date: 21/11/2008 These Applns./Petitions were called on for hearing today.

CORAM

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

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

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

Mr. Siddhartha Chowdhury, Adv. (A.C.)

Mr. A.D.N. Rao, Adv. (A.C.)

Mr. Ranjit Kumar, Sr. Adv. (A.C.)

Mr. Kamal Gupta, Adv. (A.C.)

I.A Nos. 2160-2161 in 1399, 2185 in I.A. 728, 2248-2249 in 1694,
2254, 2280, 2284-2286, 2314-2315, 2316-2317, 2323-2324, 2325-2327,
2376-2377, 2383-2385, 2393-2394 in W.P. (c) No. 202/1995

WITH W.P. (C) NO. 23/2008, W.P. (C) NO. 24/2008, W.P. (C) NO. 33/2008

W.P. (C) NO. 131/2008, W.P. (C) NO. 522/207, W.P. (C) NO. 116/2007

The applicants are transferees of saw mills which were either not given licences or these saw mills were not being operated. CEC has filed a report and has suggested that along with other applications received for renewal, subject to availability of timber in the State of U.P. and after meeting the requirement of licence of wood based industries in the units covered by CEC report dated 6.5.2008 in I.A. No. 2185 in 728 of the wood based industries and in terms of the orders passed by this Court on 18.5.2007 and 27.7.2007, these applications will also be considered. The applications for licence may be considered by the CEC within a period of three weeks.

The applications/petitions are disposed of accordingly.

.....CJI.
(K.G. BALAKRISHNAN)

.....J.
(Dr. ARIJIT PASAYAT)

.....J.
(S.H. KAPADIA)

NEW DELHI;
21ST NOVEMBER, 2008

SUPREME COURT OF INDIA**RECORD OF PROCEEDINGS**

I.A No. 1137 WITH 1319

In WP(C) No. 202/1995

T.N. GODAVARMAN THIRUMULKPAD

Petitioner(s)

Versus

UNION OF INDIA & ORS

Respondents (s)

(For directions)

Date: 30/04/2010

These Applns./Petitions were called on for

I.A. Nos. 2453-2454, 2455-2457 in 1399 with 2462-2464 with 2244 alongwith 2512-2521 with 2544-2545, 2572-2573, 2548-2549, 2065, 2114-2115, 2481-2482, 2489, 2551-2552, 2553-2554, 2711, 2559-2560, 2561-2562, 2563-2564, 2665-2566, 2592-2593, 2753-2754, 2755-2756, 2683-2685, 2779-2780, 2738-2739

WITH

W.P.(C) No. 117/2008, 547/2008, 43/2009, 55/2009, 284/2009, 414/2009, 567/2009, 568/2009, 574/2009, 575/2009, 576/2009, 578/2009 and 4/2010:

In re: Saw Mills:

Heard learned amicus curiae, learned counsel for the State of U.P. and other parties.

The CEC has filed a report in this Court. On 18.5.2007, this court had directed to grant licenses for reopening of the saw mills falling under categories I to III. The present report relates to category IV. The C.E.C. in its report has opined that fresh licenses may be granted subject to the following conditions: The saw mill was established prior to July, 1989 and the license fee was deposited with the U.P. Forest Department prior to 04.03.1997 and the license fee up to the year 1995 has also been deposited with the U.P. Forest Department in respect of 90 saw mills and no offence case, pursuant to illegal use of transportation is pending against the holder of license; further, in addition to the normal saw mill, licensee fee/renewal fee, they will deposit a sum of Rs. 50,000/- each as one time measure to be refunded. This amount will be kept in an interest bearing deposit in a nationalized bank and will be released after getting approval by this Court.

In re: Plywood & Veneer:

The following conditions have been imposed by the C.E.C.:

- (i) the seniority list if plywood/veneer units established after 4.3.1997 (Category IV units) should be finalized by the State Level Committee for Uttar Pradesh Wood Based industries in consultation with the C..E.C. The said list should be finalised after giving wide publicity to the provisional seniority list, inviting objections from the affected parties, giving personal hearing to them and after considering the objections/submission made by them;
- (ii) after meeting the requirement of the licensed wood based industry, the units permitted by this Hon'ble Court and the units whose category is yet to be finalised, the plywood/veneer units falling in category IV may be considered for grant of license to the extent of timber availability and strictly in the order of seniority, subject to the one-time payment of Rs. 9 lakhs per press in respect of the veneer units and compliance of the other conditions that have been stipulated. The one-time payment of penalty will be in addition to the normal licence fee and the other charges, if any payable to the U.P. Forest Department. As decided earlier, the above said amount should be kept in a designated interest bearing bank account the should be utilized only after the scheme in this regard is approved by this Hon'ble Court; and
- (iii) in case the timber availability is found to be inadequate for all the plywood/veneer units falling in category IV, the permission granted to the plywood unit should be restricted to one press whereas for the veneer unit it should be restricted to one peeler only. In addition, the plywood units may be permitted one peeler each, if it had one or more peeler functional in the unit before it was closed.

Learned counsel for the State of U.P. has got certain objections regarding these recommendations. In case the State has any problem, it would be at liberty to approach this court again. Subject to these, the recommendations of C.E.C. are accepted appropriate action would be taken accordingly.

Sd/-
(G.V. Ramana)
Court Master

Sd/-
(Madhu Saxena)
Assistant Registrar

HON'BLE SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

T.N. GODAVARMAN THIRUMULKPAD

Petitioner(s)

Versus

UNION OF INDIA & ORS
Respondents (s)

(FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILLING O.T.)

310. I.A. No. 2664-2665, 2860 AND 2861 IN W.P. (C) NO. 202 OF 1995 (FOR IMPLEADMENT, DIRECTIONS, EXEMPTION FROM FILLING O.T. AND PERMISSION TO FILE REJOINDER)

Date: 27-09-2010 These applications were called on for hearing today.

CORM:

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

Item 310

I.A. No. 2664-2665, 2860 AND 2861 IN W.P. (C) NO. 202 OF 1995

We have heard learned counsel for the applicant as well as learned amicus curiae.

In view of the recommendations of the CEC dated 07-09-2010 and in the light of the orders passed by this Court in I.A. 385 dated 05-05-1998, these applications are ordered and the relief as prayed for in Clause 'b' and 'c' * of the prayer Clauses is granted.

These interlocutory applications are accordingly disposed of.

Sd/-
(Sukhbir Paul Kaur)
Court Master

Sd/-
(Renuka Sadana)
Assistant Registrar

- b) to direct for exemption of Eastern Yamuna Canal like plantation of Roadside and Railway as all plantation are protected forest and not forest;
- c) to direct the respondent to treat applicants similarly like Saw Mill established prior to 04.03.1997 and permit the applicants without enforcing condition of 10 kms from Eastern Yamuna Canal;

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

MM-9A : I.A. No.....of 2011 IN I.A. NO. 2079 OF 2007 IN W.P.

(C) NO. 202 OF 1995

301. I.A. NO. 19 IN W.P. (C) NO. 47 OF 1998

T.N. GODAVARMAN THIRUMULKPAD

..... **Petitioner(s)**

Versus

UNION OF INDIA & ORS

.....**Respondents (s)**

302. I.A. No. 2968-2970 IN W.P. (C) NO. 202 OF 1995

(FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILLING O.T.)

DECIDED ON DATED : 14.03.2011

“Item No. 302

We have heard learned counsel for the applicant as well as learned Amicus Curiae.

In view of the recommendations of C.E.C. dated 07.09.2010 and in the light of our earlier order, these applications are ordered directing the respondents herein to consider the applications of the applicant for relocation of saw mills and other wood based industries in

(a) industrial areas notified by the U.P. Government/Government of India and (b) Nagar Nigam Area (Municipal Corporations) Areas irrespective of the distance of such areas from the nearby forest in the State of Uttar Pradesh.

This clarification is in furtherance of this Court’s order dated 08.05.1997 made in I.A. Nos. 171 and 897 of 1996.

These applications are, accordingly, ordered.”

Sd/-
(Sukhbir Paul Kaur)
Court Master

Sd/-
(Renuka Sadana)
Court Master

RECOMMENDATIONS
AND
DIRECTIONS
OF
THE CENTRAL EMPOWERED
COMMITTEE

CENTRAL EMPOWERED COMMITTEE

(Constituted by Hon'ble Supreme Court of India by order dated 9.5.2002)

in

Writ Petitions (Civil) Nos 202/95 & 171/96)

Room No. 106, Paryavaran Bhavan

CGO Complex, Lodi Road,

New Delhi- 110003

Tele Fax: 4363976

File No. 1-1/CEC/SC/2002

Dated: 3.6.2002

NOTIFICATION

- 1.0 The Central Empowered Committee (hereinafter referred to as the Committee) has been constituted by the Hon'ble Supreme Court by its order dated 9.5.2002 in Writ Petitions (Civil) Nos. 202/95 & 171/96. In pursuance to para 2 of the said order, the following are nominated to the Central Empowered Committee with the approval of the Ministry of Environment & Forests (MoEF) and concurrence of the Solicitor General for India/Amicus Curiae in the said cases.
- (i) Shri P.V. Jayakrishnan, presently Secretary to the Government of India, MoEF- Chairman
 - (ii) Shri N.K. Joshi, Additional Director General of Forest, MoEF- Member (Representative of MoEF)
 - (iii) Shri Valmik Thapar, Ranthambore Foundation- Member (NGO)
 - (v) Shri Mahendra Vyas, Advocate Supreme Court- Member (NGO)
- 2.0 Shri M.K. Jiwrajka, presently Inspector General of Forests, Ministry of Environment & Forests shall be the Member Secretary of the Committee.
- 3.0 The powers and functions of the Committee as per the orders of the Hon'ble Supreme Court of India are as under:
- “(3) Pending interlocutory application in these two writ petitions as well as the reports and affidavits filed by the States in response to the orders made by the Court shall be examined by the Committee, and their recommendations will be placed before Hon'ble Court for orders.
- (4) Any individual having any grievance against any steps taken by the Government or any other authority in purported compliance with the orders passed by this Hon'ble Court will be at liberty to move the Committee for seeking suitable relief. The Committee may dispose of

such applications in conformity with the orders passed by Hon'ble Court. Any application which cannot be appropriately disposed of by the Committee may be referred by it to this Hon'ble Court.

(5) The Committee shall have the power to:

- (a) Call for any documents from any person or the government of the Union or the State or any other official.
- (b) Summon any person and receive evidence from such person on oath either on affidavit or otherwise.
- (c) Seek assistance/presence of any persons(s)/official(s) required by it in relation to its work.

(6) The Committee may decide its own procedure for dealing with applications and other issues. Union of India shall provide suitable and adequate office accommodation for the Committee. The expenditure incurred on the working of the Committee including salary/remuneration to the extent not payable by the Government to the members and supporting staff, may be met out of income accruing to the Special Investigation Team (SIT). Necessary procedure for this may be formulated by the Committee in consultation with the SIT.

(7) The Committee is empowered to co-opt one or more persons as its members or as special invitees for dealing with specific issues. While dealing with issues pertaining to a particular State, wherever feasible, the Chief Secretary and Principal Chief Conservator of Forests of the State shall be co-opted as special invitees.

(8) The Committee shall submit quarterly reports to the Hon'ble Court. It will be liberty to seek clarifications/modifications needed by it from, Hon'ble Court."

(M.K. Jiwrajka)

Member Secretary

ANNEXURE III

CENTRAL EMPOWERED COMMITTEE

CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA IN WRIT
PETITIONS NO. 202/95 AND 171/96

No. 1-1/CEC/2002

Dated 20.6.2002

NOTIFICATION NO.2

RULES AND PROCEDURE

Applications

1. Any person shall be liberty to move the Central Empowered Committee, hereinafter referred to as the Committee, by filing an application for seeking suitable relief against any action taken by the Central/State Governments or any other authority, regarding:

(a) deforestation, encroachments, working of the wood based industries, working Plans, compensatory afforestation plantations, regeneration, illegal felling and transportation of timber, illegal mining in forest area, and any other conservation issue; and

(b) the implementation of the Indian Forest Act, 1927, Wild Life (Protection) Act, 1972, Forest (Conservation) Act, 1980, Environment (Protection) Act, 1986 and the National Forest Policy, 1988 including the Rules, Regulations and Guidelines framed thereunder;

In respect of which the Hon'ble Supreme Court of India have passed orders in Writ Petitions no. 202/95 and 171/96.

2. All applications should be addressed to:

The Member Secretary

Central Empowered Committee constituted

By the Hon'ble Supreme Court of India

Room No. 106, Paryavaran Bhawan

C.G.O. Complex, Lodi Road

New Delhi- 110003

3. Every application shall set out the name, description and complete postal address of the applicant and the respondent(s). It should be typed in double space on a full-scape (legal size paper) and shall setforth in chronological order

and in consecutively numbered paragraphs, all relevant facts, grounds and relief claimed and shall be signed by the applicant or his Advocate.

4. Six copies of the application shall be filed and it shall be accompanied by copies of such documents as are in the possession of the applicant, in support of his application, which shall be supported by a duly attested affidavit of the applicant. All the pages of the application shall be numbered.

5. A copy of the application shall be sent by the applicant to all the respondents and photocopy of postal or courier receipt as proof of the same shall be filed along with the application.

6. Every application shall have an index

Pending I.A.'s

7. In the case of the pending Interlocutory Applications (I.A.'s), affidavits and reports filed by the States in response to the orders passed by the Hon'ble Supreme Court of India, the Committee will examine them and after hearing the parties, place its recommendations before the Hon'ble Court for passing appropriate orders.

Monitoring of implementation of Hon'ble Supreme Court's orders.

8. The committee will monitor the implementation of the orders passed by the Hon'ble Supreme Court of India and place before it cases of non-compliance in respect of encroachment removal, implementation of Working Plans, compensatory afforestation, plantations and other conservation issues.

Proceedings

9. After the receipt of the application a notice of hearing shall be issued to the parties through the counsel, Central Government, State Governments, any other authority, electronic mode or through any other means. The notice shall specify the date and place of hearing before the Committee.

10. Where there are a number of applications in which common issues have been raised and similar reliefs are sought, the Committee may issue notice to the parties through public notice/advertisement in news papers. The Committee in such cases may determine as to who shall bear the cost of publication of such a notice.

11. The respondents shall be at liberty to file written objections to the application in the form of a counter affidavit (reply) with proof of service of advance copy to the applicant. The counter affidavit shall give para-wise reply on merits and no general replies or denials would be entertained. In cases where the respondent(s) is an office of the Central Government, the State Government, Government Undertaking or any authority owned, managed or controlled by the Central/State Government, the counter affidavit shall be signed by the Head of such Department, Authority or Undertaking.

12. The Committee shall have the powers to:
 - (a) Call for any documents from any person or the Government of the Union or the State or any other official;
 - (b) Summon any person and receive evidence from such person on oath either on affidavit or otherwise;
 - (c) Seek assistance/presence of any person(s)/official(s) required by it in relation to its work.
13. A quorum comprising three members will be competent to hear the applications and pass orders.
14. The Committee may, as and when necessary, undertake field visits, hold public hearings, hold meetings with officials and NGOs through one or more of its members or through Special Invitees or such Central Government/State Government officials, NGOs, institutions, and experts as the Committee may deem fit.
15. The Committee may pass interim order(s) to meet the ends of justice. In such cases, as far as feasible, the Committee will pass the final order within 90 days from the date of issue of the interim order.
16. The Committee, after giving opportunity of hearing to the parties, pass orders in writing, copies of which shall be sent to the concerned parties.
17. The orders passed by the Committee shall be in conformity with the orders passed by the Hon'ble Supreme Court of India. In other cases, the Committee shall place its recommendations before the Hon'ble Supreme Court of India for passing appropriate orders.
18. The Committee shall submit Quarterly Progress Reports to the Hon'ble Supreme Court of India.
19. All orders passed by the Committee shall be authenticated by the Member Secretary and shall bear the seal of the Committee.

(M.K. Jiwrajka)

Member Secretary

(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA)
IN WRIT PETITION (CIVIL) NO. 202/95 & 171/96)

Gate No. 31, Ground Floor, Jawahar Lal Nehru Stadium, Lodhi Road, New Delhi 110003, Fax No. 24363976

File No. 1-19/CEC/SC/2006-Pt.XII

Dated 10 October 2006

To,

The Registrar,
Supreme Court of India,
(Atten: PIL Section)
New Delhi

Sub- Report (Interim) of the Central Empowered Committee regarding the closure of the saw mills and other wood-based Industries in the State of Uttar Pradesh pursuant to the Hon'ble Supreme Court's order dated 01-09-2006 in IA No. 1399 and IA No. 1569 with IA No. 946.

Sir,

The Report (Interim) of the Central Empowered Committee on the above subject is enclosed (six copies). It is requested that the Report may please be placed before the Hon'ble Court.

Your faithfully,

sd/-

(M.K. Jiwrajka)

Member Secretary

Copy to:

- i) Mr. Harish N. Salve, Amicus Curiae in Writ Petition Civil No. 202/1995.
- ii) Mr. Udai Lalit, Amicus Curiae.
- iii) Secretary to the Government of India, MoEF.
- iv) Shri A.D.N. Rao, Standing Counsel for the MoEF.
- v) Standing Counsel for the State of Uttar Pradesh, Lucknow.
- vi) Chief Secretary, Government of Uttar Pradesh, Lucknow
- vii) Principal Chief Conservator of Forests, Uttar Pradesh Forest Department, Lucknow
- viii) Applicant/Respondents.

CENTRAL EMPOWERED COMMITTEE

REPORT (INTERIM) REGARDING THE CLOSURE OF THE SAW MILLS AND OTHER WOOD BASED INDUSTRIES IN THE STATE OF UTTAR PRADESH PURSUANT TO THE HON'BLE SUPREME COURT'S ORDER DATED 01-09-2006 IN I.A. NO. 1399 AND I.A. NO. 1569 WITH IA NO. 946.

Pursuant to this Hon'ble Court's order dated 01-09-2006 in IA No. 1399, 1569 and 946, about 3000 saw mills, which did not have a valid saw mill licence as on 04-03-1997 have been closed by the State of Uttar Pradesh. In addition, about 105 plywood veneer units which did not have a No Objection Certificate (NOC) from the competent authority have been closed.

2. M/s Hindustan Plywood Industries & Others have filed an IA (Dy. No. 3273/2006) against the closure of their units, a copy of which been filed with the CEC pursuant to the observation made by this Hon'ble Court when the matter was mentioned. In addition, a large number of applications have also been filed before the CEC by the affected wood based industries.

This Interim Report is being filed by the CEC after considering the issue raised in the said IA and the various applications filed before the ECE in the matter.

3. A meeting was convened by the CEC with the Principal Secretary (Forests) and the Principal Chief Conservator of Forests of Uttar Pradesh and the MoEF on 05-10-2006 to firm up the procedure to examine the relevant details of the saw mills and the other wood based industries in the State of Uttar Pradesh. A copy of the minutes of the meeting is enclosed at **ANNEXURE R-I** to this report.
4. As decided during the meeting, a Committee consisting of Shri B.N. Garg, Principal Secretary (Forest), Shri B.K. Patnaik, PCCF, and Shri N.. Bahuguna, Regional CF, MoEF, Lucknow has been constituted for the compilation and the verification of the information about the saw mills and the other wood based industry.
5. It has been decided that :

- i) the closed saw mills will be classified into the following four categories depending upon the year upto which the saw mill licence was renewed before 04-03-1997 :

Category I – licence upto December, 1996 renewed before 04-03-1997

Category II- licence upto December, 1995 renewed before 04-03-1997

Category III- licence upto December, 1994 renewed before 04-03-1997

Category IV- licence from 1993 onwards were not renewed before 04-03-1997

- ii) the saw mills falling in each of the category will further be sub-divided into three sub-groups on the basis of the period during which the licence fee was deposited namely (a) licence fee paid before 04-03-1997, (b) licence fee paid between 04-03-1997 to 31-12-1997 and (c) paid after 31-12-1997;
- iii) As per the information complied by the U.P. Forest Department, there are about 270 plywood/veneer units located in the State. None of them have a valid licence issued under the Saw Mill Rules for operating the plywood/veneer units. These units, on the basis of their date of establishment, may broadly be divided into four broad categories as below:

Category I- Units established prior to 26-07-1989- till then there was no restriction on the establishment of the new plywood/veneer unit;

Category II- Units established between 27-07-1989 to 15-02-1995 – during the period there was a plywood/veneer units.

Category III- Units established between 16-02-1995 to 04-03-1997 – during this period the plywood/veneer units

were permitted to be established after obtaining the NOC from the Forest Department; and

Category IV- Units established after 04-03-1997- the Hon'ble Supreme Court banned the establishment of any saw mill, plywood or veneer unit in the State after 04-03-1997.

- iv) in the case of each plywood/veneer unit details such as SSI Registration, NOC from the Forest Department, date of commencement of the production, sales tax paid during the first three years of production, machinery purchased by it, the type and the number of the various machines purchased by it, the type and the number of the various machines will be complied.
- v) the above information will be provided to the CEC at the earliest.

6. As per the information made available to the CEC vide letter dated 6th October, 2006 of the PCCF, U.P. (ANNEXURE R-II) there are 239 saw mills falling in Category-1(a) i.e. whose licence upto 31-12-1996 were renewed before 04-03-1997 and who had also deposited the renewal fees for the year 1997 before 04-03-1997. Similarly there are in all 21 plywood/veneer units falling in Category I i.e. which were established prior to 26-07-1989.
7. Considering that the saw mills falling in Category I(a) had valid licence upto December, 1996 and had already deposited the renewal fee before this Hon'ble Court's order dated 04-03-1997 and that the delay in the renewal of the licence was not because of any fault on their part, it is recommended that as an interim measure this Hon'ble Court may consider permitting reopening of these saw mills. Similarly considering that plywood/veneer units falling in Category I were established prior to 26.7.1989, when no NOC was required to be issued by the Forest Department and they are the senior most plywood/veneer units, as an interim measure, it is recommended that this Hon'ble Court may consider permitting the reopening of these units also. The above

permission for reopening of the saw mills and the plywood/veneer units may be granted subject to the following conditions :

- (i) the details of each of the saw mill will be certified under the supervision and to the satisfaction of the State Level Committee to confirm that their saw mill licences upto December, 1996 were renewed before 04-03-1997 and that they had also deposited the renewal fee before that date. The verification of the fees deposited will be done by referring to the original records.
 - (ii) details of each of the plywood/veneer unit will be verified under the supervision and to the satisfaction of the State Level Committee to ensure that it as established prior to 26-07-1989. The verification will be done by referring to the documents such as the details of the sales tax paid, the machinery purchased, electricity connection and other reliable documents;
 - (iii) no forest offence related to the use of the illegal timber has been booked against the unit;
 - (iv) the unit is otherwise eligible for reopening.
8. As has been done in the case of the other States, after compilation of the details of the saw mills, the plywood and the veneer units in the various categories, the list will be published by the State Level Committee, inviting objections and the final list will be prepared by it after considering the objections.

Thereafter the list will be filed by the CEC before this Hon'ble Court alongwith the recommendations for seeking appropriate directions.

The Hon'ble Court may please consider the report and may please pass appropriate order in the matter.

(M.K. Jiwrajka)
Member Secretary

Dated : 09-10-2006

**MINUTES OF THE MEETING HELD ON 08-06-2007 REGARDING THE
FOLLOW-UP ACTION ON THE HON'BLE SUPREME COURT'S ORDER DATED
18-05-2007 REGARDING THE WOOD BASED INDUSTRIES IN THE STATE
OF UTTAR PRADESH**

1. The list of the officers and the representative of the wood based industrial units of Uttar Pradesh who attended the meeting is enclosed at Annexure-I. After detailed discussion, the following decision were taken :

OPENING OF SAWMILL UNITS BELONGING TO CATEGORY III

2. The State Level Committee made a reference to the CEC regarding the opening of the 128 saw mill units belonging to Category III. After considering the recommendations of the SLC, it was decided that the 126 sawmill units belonging to Category III may be allowed to be opened provisionally by the SLC subject to the availability of timber and subject to any order/direction of the Hon'ble Supreme Court of India to be passed in this matter.

MATTER RELATING TO PENDING FOREST OFFENCE AGAINST SAWMILL UNITS OF CATEGORY I, II & III

3. The CEC had made recommendations that the sawmill units belonging to the categories recommended for opening may be opened provided no forest offence case is pending against the concerned wood based units. After discussion, it was decided that the wood based units found to be involved. In the use of the illicitly cut/procured timber from the forest shall be closed permanently. However, units having other types of forest offences pending against them may be allowed to be reopened by the SLC after the final disposal of the case.

ONE TIME PAYMENT FOR GRANT OF LICENCE TO CATEGORY II & III VENEER/PLYWOOD UNITS

4. The CEC has earlier in its report date 19-04-2007 recommended that the veneer/plywood units established between 27-07-1989 to 04-03-1997

may be granted licences on the payment of one time amount for operating in violation of the U.P. Sawmill Rules. After discussion with the SLC and the representative of the wood based industrial units of Uttar Pradesh, it was decided that the one time amount for the different types of units shall be 50 percent of the amount fixed for such units of the State of Haryana. Based on the above, the following amount was decided to be recovered from the Category II and III units as one time payment before allowing operation/grant of licence to them. The units shall be considered for the grant of licence only after the one time payment is deposited by them.

(a) Only Veneer Units

per peeler/slicer in the unit Rs. 1,50,000

(b) Plywood Units (Including block boards, table tops & all types of doors)

Per press in the unit Rs. 4,50,000

(Note- The plywood units having peelers and slicers along with the press for the plywood machinery shall not pay additional amount for the machines other than the amount prescribed for the press)

5. All the receipts from the one time payments shall be deposited in a separate bank account to be maintained in a nationalized bank as revolving corpus of fund. This amount and the interest thereon shall be used by the State Forest Department for wildlife and forest protecting measures including intelligence gathering timber assessment and such other works for which either the funds are not available or are insufficient. This amount shall not under any circumstances or plantation purposes. A separate Society shall be created for this purpose preferably within a period of two months, and which shall include the Principal Secretary (Forest) as its ex-officio Chairman, Principal Chief Conservator of Forests, U.P. and the Chief Wildlife Warden, U.P. as members and an officer of the rank of CCF who shall act as the Member Secretary of the said Society. The Society shall lay down the arms and

objectives, the procedure, modalities of expenditure, maintenance of accounts and other related matters. As suggested by the SLC, for the time being, this amount may be deposited in a separate account under the existing registered society, Centre for Management of Forest, Social & Water (CMF). Soonest the Society is created the funds collected along with interest, if any, shall be transferred to the account of the society.

GRANT OF LICENCE UNDER SAWMILL RULES

6. It was decided that-

- I. the veneer/plywood units established prior to 04-03-1997 and allowed to operate as per Hon'ble Supreme Court's order on the basis of the availability of timber shall be granted licence under the U.P. Sawmill Rules, 1978 after the payment of one time amount and the licence fee payable for year 2007 onwards under the said rules. The licence fee shall be charged from the units with prospective effect;
- II. the SLC shall authorize the competent licensing authority under the Sawmill Rules for the grant of the licence on realization of the aforesaid amount and the licence fee prescribed under the rules and after completing all the formalities by the units such as obtaining the No. Objection Certificate from the U.P., Pollution Control Board etc;
- III. the closed units falling in Category II & III may be reopened after deposition of the one time payment amount. The units of Category II & III which are open may be given 15 days time to deposit the same. All the units in Category I, II & III may be given, up to 4 months (120 days) time to comply with all the other formalities, under the Sawmill Rules, and also to obtain the NOC from the U.P. Pollution Control Board. In case they fail to comply with the same in the given period, their units are liable to be closed;

- IV. while granting the licence, the following details of the machinery installed by such units shall be clearly mentioned in the body of the licence to be issued to the concerned unit-
- a) Number and type (size & daylight) of press
 - b) Number and type (size) of peelers
 - c) Horizontal Band Saw (HBS) with or without trolley with the size and the Horse Power (HP)
 - d) Vertical Band Saw (VBS) with size and the Horse Power (HP) and
 - e) other types of saws including culture, chippers with their respective sizes and the Horse Power (HP)
- V. The unit shall not be eligible to add or expand the capacity of such machines. If any unit is found to have violated the above conditions, the licence issued in respect of such units shall be liable to be cancelled;
- VI. Plywood/veneer units with sawmill licence shall have the option to continue as a saw mill or as a veneer/plywood unit. However, plywood units may be allowed to have vertical band saw for captive conversion for its own consumption. In case any unit requires to retain the horizontal band saw for its captive use, it can only be allowed after obtaining the express permission of the SLC. It is reiterated that under no circumstances the VBS/HBS shall be used for purpose of making veneer or plywood in the same unit.

PERMANENT CLOSURE OF WOOD BASED UNITS

7. It was decided that to ensure permanent closure of sawmill units belonging to category iv and veneer/plywood units established after 04-03-1997, the SLC shall direct the DLCS to issue notices all such units which are to be closed. The DLC shall give 30 days notice to the owners of all such units to carry out the closure of their units failing which the DLC shall affect the closure by disconnecting the electricity and cancelling the various licences and registrations.

**IMPLEMENTATION OF THE DECISION OF THE STATE LEVEL COMMITTEE
IN RESPECT OF THE VENEER/PLYWOOD UNITS AS PER THE
RECOMMENDATIONS OF THE CEC**

8. As suggested by the SLC, in view of the time involved in deciding, each case of veneer/plywood units, it was decided that the units in the provisional list of Category III, IV and espial, whose categories have been finalized or ill get finalized subsequently after considering the objections shall be opened or closed as per the recommendations of the CEC depending the category to which they are finally assigned by the SLC without waiting for the completion of the finalization of category of all the units. The SLC shall submit a consolidated report after the disposal of all the objections, giving the list and the details of all such units along with the categories to which they are finally assigned.

REGARDING RESTRICTION OF 10 K.M. FROM FOREST AREA

9. It was clarified that pursuant to the Hon'ble Supreme Court's order re-location of wood based units within 10 k.m. from the forest area is not permissible. However, this restriction does not apply to the units already existing in such area.

The meeting ended with a vote of thanks of the Chair.

(M.K. Jiwrajka)
Member Secretary

Dated 12th June, 2007

CENTRAL EMPOWERED COMMITTEE

(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA)

IN WRIT PETITION (CIVIL) NO. 202/95 & 171/96)

Gate No. 31, Ground Floor, Jawahar Lal Nehru Stadium, Lodhi Road, New Delhi 110003, Fax No. 24363976

File No. 1-19/CEC/SC/2006-Pt.Xv

Dated 19th April 2007

To,

The Registrar,
Supreme Court of India,
New Delhi
(Atten: PIL Section)

Sub- Report of CEC in IA No. 1399 in IA No. 946 in IA 301-302 regarding timber availability, capacity of the wood-based industries and related matters in respect of the State of Uttar Pradesh.

Sir,

The Report of the Central Empowered Committee on the above subject is enclosed (six copies). It is requested that the Report may please be placed before the Hon'ble Court.

Your faithfully,

sd/-

(M.K. Jiwrajka)

Member Seretary

Copy to:

- ix) Mr. Harish N. Salve, Amicus Curiae in Writ Petition Civil No. 202/1995.
- x) Mr. Udai Lalit, Amicus Curiae.
- xi) Standing Counsel for the MoEF.
- xii) Secretary, Ministry of Environment & Forests, New Delhi.
- xiii) Chief Secretary, Government of Uttar Pradesh, Lucknow
- xiv) Principal Chief Conservator of Forests, Uttar Pradesh Forest Department, Lucknow
- xv) Standing Counsel for the State of Uttar Pradesh.
- xvi) Petitioners/Respondents.

REPORT OF THE CEC IN IA NO. 1399 IN IA NO. 946 IN IA 301-382 REGARDING TIMBER AVAILABILITY, CAPACITY OF THE WOOD BASED INDUSTRIES AND RELATED MATTERS IN RESPECT OF THE STATE OF UTTAR PRADESH

This report is being filed by the CEC pursuant to this Hon'ble Court's order dated 16-03-2007 in IA No. 1399 in IA No. 946 in IA No. 301-382 regarding the closure of the unlicensed wood based industries in the State of Uttar Pradesh after examining the report dated 12-04-2007 of the State Level Committee for the State of Uttar Pradesh (SLC). The report in respect of Uttarakhand will be filed separately after the receipt of their response.

I. TIMBER AVAILABILITY FOR THE WOOD BASED INDUSTRIES

From trees outside forests

2. As per the details given in the report of the SLC, the Forest Survey of India (FSI) vide its report dated 03-04-2007 has assessed **the total growing stock of wood from trees outside the forest in Uttar Pradesh as 87.31 million cubic meter and the annual availability of wood as 55.6 lakh cubic meter.**
3. The SLC has worked out the annual availability of timber for the wood based industries using the growing stock assessed by the FSI and on the basis of the following assumptions:
 - (a) While the FSI has calculated that 9.51 lakh cu.mt. of wood is annually available from the miscellaneous tree species, the SLC has assessed the timber availability from this category as 'nil' because no miscellaneous species timber is used by the wood based industries;
 - (b) for the other species 85% of the wood is available/used by the wood based industries. The balance 15% consists of fire wood and small wood;
 - (c) plantation of eucalyptus and poplar raised by the farmers are normally felled after eight years and six years respectively. The rotation period of 15 years and 10 years respectively taken by the

FSI on the basis of the Working Plan for the Government forests needs to be modified accordingly.

4. **The SLC has accordingly calculated the annual available of timber for wood based industries from trees outside the forest as 53.01 lakh cu. mt.**
5. The CEC is of the view that since all plantations of eucalyptus and poplar raised outside the forest in U.P. are not privately owned, it would be appropriate that for the purpose of calculating the annual availability of timber, the rotation period is taken as the average of the rotation period provided in the Working Plans and the number of years after which felling is normally done by the farmers. The annual availability of timber of eucalyptus and poplar from trees outside the forest by taking the rotation period as 11.5 years and 8 years respectively works out to 14.69 lakh cu.mt. and 7.54 lakh cu.mt. respectively.
6. The species wise details of the annual yield calculated by the FSI by the SLC and as modified above by the CE are given below:

(in lakh cubic meters)

	By the FSI	By the SLC	Modified by the CEC
Eucalyptus	13.48	21.48	14.69
Mango	10.30	8.75	8.75
Poplar	7.10	10.06	7.54
Misc. species	9.51	nil	nil
Shisham	3.36	2.86	2.86
Babool	2.55	2.16	2.16
Neem	2.97	2.52	2.52
Mahua	2.53	2.15	2.15
Jamun	1.76	1.49	1.49
Other species	2.05	1.54	1.54
Total	55.61	53.01	43.70

Total timber availability for wood based industries

7. The annual availability of timber from the forest area on the basis of the production figures of U.P. Forest Corporation has been taken by the SLC as two lakh cubic meter. This has been accepted by the CEC. The annual availability of imported timber has been taken as 0.6 lakh cu.mt. After considering that there is a net export of timber and veneer from the State of U.P. to the other, State and which more than offsets the quantity of timber imported from the other countries, the CEC has, therefore, taken the net availability of timber imported from other countries and States as 'nil'.
8. Accordingly, the annual timber availability for the wood based industries may be taken as under :

From trees outside forest :	43.70 lakh cu.mt.
From Govt. forests :	2.00 lakh cu.mt.
imported timber :	NIL
TOTAL	45.70 Lakh cu.mt. or say 45 lakh cu.mt.

II. INSTALLED CAPACITY NORMS AND TIMBER REQUIREMENT

For saw mills

9. The installed capacities of the various wood based industries depend upon the number and the type of the machines used. For the purpose of assessing the timber requirement, the saw mills may be classified into different categories either on the basis of the type and the number of the horizontal and vertical band saws used by them or on the basis of the horse power of the machines used by them. In the State of Uttar Pradesh, the saw mills have traditionally been classified on the basis of the horse power used by them and a reliable data base in this regard is available with the Forest Department. Considering the above, for the purpose of assessing the timber requirement of the saw mills, they may be divided into (i) saw mills of 10 HP and below (ii) saw mills between 10 and 20 HP (iii) saw mills between 20 HP to 40 HP (iv) saw mills between 40 to 60 HP and (v) saw mills above 60 HP.

10. The SLC has taken the normative installed capacity of the saw mills as 540 cu.mt. per year. This figure has been arrived at on the basis of the actual production figures of the saw mills operated by the U.P. Forest Corporation till 1996 and as given in the report of the Expert Committee filed through an affidavit dated 22-02-1997 before the Hon'ble upreme Court. On perusal of the report of the Expert Committee constituted for the State of U.P. it is seen that this figure is actually for the saw mills of 10 H.P. Accordingly, the narrative timber requirement of saw mills installed with machines of higher H.P. has to be different and may be taken as under :

i)	Saw mills of 10 HP and below (base value)	540 cu.mt.
ii)	Saw mills between 10 to 20 HP (1.5 time the base value)	810 cu.mt.
iii)	Saw mills between 20 to 40 HP (2 times of the base value)	1080 cu.mt.
iv)	Saw mills between 40 to 60 HP (3 times of the base value)	1620 cu.mt.
v)	Saw mills above 60 HP (4 times the base value)	2160 cu.mt.

For plywood/veneer units

11. In the report of the Indian Plywood Industries Research and Training Institute (IPIRTI), Bangalore, an autonomous body under the Ministry of Environment and Forests, the timber requirement for peeling leth of 4 feet and 8 feet size in the plywood/veneer units has been assessed as 5 cu.mt. and 11 cu.mt. respectively per day on an average of 8 working hours per day. By assuming that the peeling units work for 8 hours per day on an average for 300 days in a year the SLC has assessed the normative timber requirement of the peeling leth of 4 feet size in veneer units as 1500 cu.mt. The timber requirement of the plywood units has been taken as 'nil' on the ground that the round timber is used as raw material in the veneer units only and that the plywood units are the

secondary users which use the veneer as the raw material produced by the veneer units.

12. The CEC is of the view that the above assessment is on the lower side. The plywood units use presses of various sizes such as 8x4x6, 8x4x12, 8x4x15, 4x4x7, 4x4x10. A 8x4x10 capacity press can produce upto 10 plywood pieces of 8'x4' size per hour whereas a 8x4x15 capacity press can produce upto 15 plywood pieces of 8'x4' size per hour and so on. The normative installed capacity of the **plywood units will accordingly depend upon the number and the type of presses.**
13. This number and type of presses installed in each of the plywood unit may be assessed and thereafter equivalent number or presses of 8x4x10 capacity may be calculated. **The normative installed capacity of 8x4x10 capacity press may be taken as 2000 cu.mt. per annum,** as has been done in the case of Haryana and accordingly the total requirement of timber for the plywood units should be calculated.
14. The total timber requirement for the stand alone veneer units may be assessed by calculating the equivalent number of **4 feet leth machines** and by taking its normative installed capacity as **1500 cu.mt. per annum** as has also been done for the State of Haryana. The sum total of the timber requirement of the plywood units and the stand alone veneer units would be the total timber requirement of the plywood/veneer units.
15. In the absence of reliable data about the interstate movement of veneer, the ease with which unrecorded/unlicenced units could be established with a small investment and the tendency of under reporting the veneer/plywood production by a large number of units, it would be prudent to follow the above suggested conservative approach to calculate the timber requirement of the plywood/veneer units. It may be mentioned that the above approach has been followed by the CEC for assessing the timber requirement for the wood based industries in the State of Haryana and other States.

III. RECOMMENDATIONS REGARDING THE REOPENING OF THE SAW MILLS AND THE PLYWOOD/VENEER UNITS

16. The timber requirement of the existing licenced wood based units may be calculated by the SLC by using the normative installed capacity of the saw mills and the plywood/eneer units on the basis of the norms discussed above. After deducting the above quantity from the total annual availability of timber as assessed above, the balance quantity of timber available for the closed saw mills and plywood/veneer units may be assessed.

Recommendation regarding saw mills

17. Subject to (a) availability of balance timber and (b) no forest offence case pending against the concerned wood based unit, the following recommendations are made.
- i) the saw mills in Category I i.e. whose licence upto the year 1996 were renewed before 4.3.1997 and in Category II i.e. saw mills whose licences upto the year 1995 were renewed before 04-03-1997 but the saw mill licence for the year 1996 and 1997 were not renewed as on 04-03-1997 may be allowed to be responded. There are about 1,548 and 328 units falling in Category I and II, respectively.
 - ii) In respect of a large number of saw mills the date of renewal of licence of various years has been recorded on the licence on a much later date than the date on which the renewal fee was deposited by them. The CEC is of the view that since the delay in making the appropriate entry in the licence is attributed to administrative reasons and not because of any fault on the part of the saw mills, it would be fair that for the purpose of the categorization of the saw mills, the date of the deposit of the licence renewal fee is taken as the date on which the licence is deemed to have been renewed. Accordingly, the category of the units presently falling in category III and IV may be modified. On the above principles, 122 and 255 saw mills presently falling in Category III and

IV respectively would become eligible for being classified into Category I and II respectively.

- iii) the units falling in Category III are saw mills whose licences for the year upto 1994 were renewed before 04-03-1997 but the saw mill licence for the year 1995, 1996 and 1997 were not renewed as on 04-03-1997. These units have been recommended for permanent closure by the CEC in its earlier report. During the meeting held on 13-04-2007, the State Level Committee strongly recommended opening of the saw mills falling in this Category also on the ground that these saw mills were granted licence after following the due process of law. The permanent cancellation of their licences on the ground of delay in depositing licence fee for three years may cause undue hardship and a lenient view may be taken. It has also been pleased that the number of the saw mills falling in this category after excluding the saw mills who had paid their licence fee in time comes to only 126. This Hon'ble Court may pass appropriate direction in the matter after considering the views of the SLC;
- iv) the units falling in Category IV are saw mills whose licences for the year 1997, 1996, 1995, 1994 and earlier years were neither renewed nor the licence fee deposited as on 04-03-1997. These saw mills were closed pursuant to this Hon'ble Courts order dated 04-03-1997 and subsequently reopened in the garb of renewal of the saw mill licence even though in many cases the saw mills did not have a valid licence and were not operating for 15-20 years. These units have been allowed to be reopened in flagrant violation of the Hon'ble Supreme Court's order without even verify whether these units were in existence or not, the last date on which the saw mill was operating and other relevant details. The CEC is of the view that it would be in fitness of things that

irrespective of the timber availability, such defaulting units are not allowed to be reopened and are permanently closed. As per the report of the SLC there are about 851 saw mills which fall in this category.

18. It is submitted that a decision regarding the opening/permanent closure of the saw mills may be taken on the basis of the period during which the saw mill was working illegally without a valid saw mill licence and not on the basis of the date of their establishment.

Recommendation regarding plywood/veneer units

19. In the State of Uttar Pradesh, almost all the plywood and veneer units have been established without a valid saw mill licence issued under the Uttar Pradesh Saw Mills (Establishment and Regulation) Rules, 1978 though such units required a licence under these Rules. The State Government Forest Department had from time to time issued circulars but these were often not in conformity with the Saw Mill Rules. The U.P. Forest Department had put no restriction on the establishment of the plywood/veneer units upto 26-07-1989. Thereafter, a complete ban was imposed by the U.P. Forest Department on the establishment of the plywood/veneer units upto 15-02-1995. However, a large number of units were allowed to be established between 27-07-1989 to 15-02-1995 by the Industries Department and were registered as small scale units. With effect from 16-02-1995, the plywood/veneer units were permitted to be established in 38 districts ever obtaining the NOC from the U.P. Forest Department in the remaining districts the ban continued. During this period some of the units were established with the NOC issued by the Forest Department while the others were established without the NOC but registered by the Industries Department. No guidelines were issued or followed for issuing of the NOC by the Forest Department. No authentic record of the NOC issued by the Forest Department has been maintained pursuant to this Hon'ble court's order dated 04-03-1997 the establishment of new plywood/veneer units was prohibited.

20. In the above background, the CEC is of the view that subject to the availability of timber, the plywood/veneer units in U.P. may be considered eligible for the grant of licence under the U.P. Saw Mill Rules on the basis of their seniority i.e. the date of establishment. As regards the units established between 1995 to 1997 no distinction on the basis of the NOC issued by the Forest Department may be made as no reliable record about the validity and the authenticity of such NOCs exists. In any case, the NOC cannot be a substitute for a licence required under the Saw Mill Rules.
21. The following recommendations are made for the plywood/veneer units in the State of U.P.
- i) a seniority list of the plywood/veneer units established upto 04.03.1997 may be prepared by the SLC. As stated in the CEC's earlier report dated 19-01-2007, the District Level Committees comprising of District Magistrates, Superintendents of Police and the Divisional Forest Officers have, after verifying the original records and taking into account the details provided by the plywood/veneer units, compile their category wise details. These details are verified by the SLC after which the provisional list is drawn up and details are displayed on the website of the Forest Department as well as in the office of the PCCF, Lucknow. Objections are invited after giving wide publicity through newspapers and the final seniority list is prepared after considering the objections received by the State Level Committee. The above process has been completed for the units provisionally falling in Category I and II and for others it is in progress. Subject to the availability of timber they may be granted licence under the Saw Mill Rules in the order of their seniority. While granting the licence, the details of the machinery such as press, vertical band saw and peelers installed by such units should be mentioned on the licence

itself. Units with saw mill licence should have the option to continue either as a saw mill or as a plywood/veneer unit. No expansion of the existing machineries should be permissible;

- ii) the permission may be granted to the plywood/veneer units established prior to 26-07-1989 without any penalty as there was no restriction on the establishment of the plywood/veneer units prior to this date. There are 29 plywood/veneer units falling in this category.
- iii) the units established between 27-07-1989 to 04-03-1997 may be granted licences on the payment of one time amount for operating in violation of the U.P. Saw Mill Rules. The CEC may be permitted to decide this additional amount in consultation with the SLC. This amount should be payable in addition to the normal licence or other fee otherwise payable by such units;
- iv) the plywood/veneer units established after 04-03-1997 irrespective of the timber availability should be directed to be closed permanently as such units have been established in flagrant violation of this Hon'ble Court's order dated 04-03-1997. There was absolutely no ambiguity about the applicability of the order of this Hon'ble Court by which it was directed that no plywood/veneer units shall be established in the State of Uttar Pradesh after 04-03-1997. These units have been established and have continued to operate for the past 10 years in spite of the clear directions issued by this Hon'ble Court and in spite of the fact that the issue of the wood based industries illegally functioning in Uttar Pradesh was time and again being raised before this Hon'ble Court.
- v) **to ensure that the plywood/veneer units are not causing any environmental pollution, the grant of licence should**

be effected by the Forest Department only after they obtain the NOC from the State Pollution Control Board. The units which fail to obtain the NOC within the period stipulated by the SLC should be liable to be closed permanently;

The Hon'ble Court may please consider the report and may please pass appropriate order in the matter.

(M.K. Jaiwrajka)
Member Secretary

Dated : 18-04-2007

CENTRAL EMPOWERED COMMITTEE

(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA)

IN WRIT PETITION (CIVIL) NO. 202/95 & 171/96)

Gate No. 31, Ground Floor, Jawahar Lal Nehru Stadium, Lodhi Road, New Delhi 110003, Fax No. 24363976

File No. 2-7/CEC/SC/2006-Pt.Xv

Dated 4th April, 2008

Sub- Minutes of the meeting held on 03-04-2008 regarding the wood-based industries in Uttar Pradesh.

The Minutes of the meeting held by the CEC on the above subject is sent herewith for information and necessary follow up action.

sd/-

(M.K. Jiwrajka)

Member Secretary

Distribution:

- xvii) Chief Secretary, Government of Uttar Pradesh, Lucknow
- xviii) Principal Secretary (Forest) & Chairman, SLC, U.P. Lucknow
- xix) Principal Chief Conservator of Forests & Member, SLC, U.P., Lucknow
- xx) Regional Chief Conservator of Forests, Lucknow & Member SLC, U.P.
- xxi) Mr. Bipin Dahari, DIGF (SU), MoEF.
- xxii) Standing Counsel for the MoEF.
- xxiii) Standing Counsel for the State of Uttar Pradesh.

MINUTES OF THE MEETING HELD ON 03-04-2008 REGARDING THE WOOD BASED INDUSTRIES IN UTTAR PRADESH

1. The list of participants is enclosed at (ANNEXURE-R-1).
2. The saw mills which did not have a valid licence as on 04-03-1997 have been classified into Category, I, II, III and IV by the State Level Committee (SLC) for U.P. on the basis of the last year up to which their licence were renewed before 04-03-1997. After considering the report of the Central Empowered Committee (CEC), the Hon'ble Supreme Court by order dated 18-05-2007 has permitted the reopening of the saw mills falling in Category I, II, and III. Subsequently, the Hon'ble Supreme Court by order dated 27-07-2007 has directed that subject to availability of wood, the saw mill falling in Category IV may be considered for grant of fresh licence, subject to such terms and condition as are and/or may be prescribed.
3. The issue regarding grant of licence to the units falling in Category IV and other unlicensed saw mills was considered in the meeting held on 09-01-2008 with the SLC. It was decided that the U.P. Forest Department may give its suggestion for dealing with (a) saw mills falling in above two Categories (b) new secondary wood units (c) new saw mill (d) new plywood/veneer units etc. Accordingly the SLC after considering the matter in its meeting held on 31-03-2008 has given its recommendation vide its letter dated 01-04-2008. A copy of the recommendations of the SLC are enclosed at (ANNEXURE-R2).
4. After considering the recommendations of the SLC and after detailed examination, the following decisions were taken:
Saw mills categorized as Category IV saw mills by the SLC may be considered for grant of licence under the Saw Mill Rules subject to the fulfillment of the following conditions:

- a) there has not been any transfer of licence after 04-03-1997 except by inheritance or succession. The units in respect of which the original licence was transferred to others will not be eligible for grant of licence.
- b) it will be considered as a new licence with prospective effect from the date of grant of permission by the competent authority under the Saw Mill Rules.
- c) there is adequate timber available in the State.
- d) there is no forest offence pending against the unit as on 01-09-2006. The decision taken during the meeting held on 08-06-2007 regarding pending forest offence will be equally applicable in such cases.
- e) such units will not be transferable except by inheritance or succession.
- f) detailed procedure and guidelines for grant of licence to the units will be issued by the SLC and
- g) saw mill units falling in the various Categories will deposit one time payment, in addition to the normal licence fee, as detailed below:-

A. Saw mill having only vertical band Saw

a)	the licence fee up to the Year 1997 has been deposited during the Year 1997 and thereafter the licence fee has been continuously deposited without any break.	Rs. 10,000/-
b)	the licence fee up to the Year 1998 has been deposited during the Year 1998 and thereafter the licence fee has been continuously deposited without any break.	Rs. 15,000/-
c)	the licence fee up to the Year 1999 has been deposited during the Year 1999 and thereafter the licence fee has been	Rs. 20,000/-

	continuously deposited without any break.	
d)	the licence fee up to the Year 2000 has been deposited during the Year 2000 and thereafter the licence fee has been continuously deposited without any break	Rs. 25,000/-
e)	the licence fee up to the Year 2001 has been deposited during the Year 2001 and thereafter the licence fee has been continuously deposited without any break	Rs. 30,000/-
f)	the licence fee up to the Year 2002 has been deposited during the Year 2002 and thereafter the licence fee has been continuously deposited without any break	Rs. 35,000/-
g)	the licence fee up to the Year 2003 has been deposited during the Year 2003 and thereafter the licence fee has been continuously deposited without any break	Rs. 40,000/-
h)	the licence fee up to the Year 2004 has been deposited during the Year 2004 and thereafter the licence fee has been continuously deposited without any break	Rs. 45,000/-
i)	the licence fee up to the Year 2005 has been deposited during the Year 2005 and thereafter the licence fee has been continuously deposited without any break	Rs. 60,000/-

B. Saw mill units with Horizontal Band Saw without trolley (HBS) (with or without VBS)- Rs. 50,000/- for each HBS.

Saw mill units with Horizontal Band Saw with trolley (with or without VBS)- Rs. 1,00,000/- for each HBS with trolley.

I) Saw mill units who had paid licence fee regularly before 04-03-1997 but were never granted licence by the Forest Department

may also be considered for grant of licence under the Saw Mill Rules subject to the fulfillment of the following conditions:

- a) licence shall be granted in order of seniority to only such units who regularly paid licence fee from the year 1989 onwards till 1996;
- b) it will be considered as a new licence with prospective effect from the date of grant of permission by the competent authority under the Saw Mill Rules;
- c) there is adequate timber available in the State;
- d) there is no forest offence pending against the unit as on 01-09-2006. The decision were taken during the meeting held on 08-06-2007 regarding pending forest offence will be equally applicable to the unit;
- e) the unit ill not be transferable except by inheritance or succession;
- f) detailed procedure and guidelines for grant of licence of the unit will be issued by the SLC; and
- g) licence shall be granted in the name of person in whose name the licence fee was deposited or to his her legal hair in case of his/her death;.

5. During the meeting it was pointed out by the Chairman SLC that there are some cases where the saw mill has been renewed upto the year 1994/1995 whereafter because of non payment of licence fee, the licence of such units was cancelled and subsequently have not been included in any category of the saw mill. It was decided that all such cases may be considered by the SLC on merit and a decision may be taken after verifying the details of the renewals. Such units should be categorized as per CEC letter dated 06-10-2006 and formal orders thereon may be issued by the SLC.
6. Pursuant to the transfer of Shri N.C bahuguna, who was working as Member of the SLC, U.P. and after considering that de-facto Shri P.K.

Verma, CCF is working as the Nodal Officer for the SLC, the SLC, U.P. is reconstituted as under:-

S.No.	Name	Designation
1.	Principal Secretary (Forest), Government of Uttar Pradesh	Chairman
2.	Principal Chief Conservator of Forests, Uttar Pradesh Forest Department	Member
3.	Regional Chief Conservator of Forests, MoEF, Lucknow	Member
4.	Shri P.K. Verma, Chief Conservator of Forests**	Member Secretary

It was also decided that as the post of the Regional Chief Conservator of Forests, Lucknow is presently vacant, the DGF & SS, MoEF would be requested to nominate his representative in the Committee till a Regional Chief Conservator of Forests, Lucknow is appointed by the MoEF.

7. It was clarified that the amount collected as penalty/one time payment, which is to be kept in the interest bearing bank account, can be used only after the Rules/Guidelines in this regard are finalized and the permission is granted by the Hon'ble Supreme Court.

The meeting ended with a vote of thanks to the chair.

sd/-

(M.K. Jiwrajka)

Member Secretary

Dated 03-04-2008

** Sri C.P. Goyal Chief Conservator of Forests became Member Secretary, SLC in place of Sri P.K. Verma by CEC letter no. 2-24/CEC/SC/2008 Dt. 30.01.2009 and UP Govt. letter no. Writ 48/14-2-2009--405(55)/2004 TC-4 dt. 02.02.2009

Sri A.K. Dwivedi Chief Conservator of Forests became Member Secretary, SLC in place of Sri C.P. Goyal by CEC letter no. 2-24/CEC/SC/2014-Pt. VII Dt. 22.07.2014 and UP Govt. letter no. 3734/14-2-2014 dt. 17.11.2014

CENTRAL EMPOWERED COMMITTEE

(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA)

IN WRIT PETITION (CIVIL) NO. 202/95 & 171/96)

IIInd Floor, Chankyapuri, New Delhi 1100021, Tel 26884921, 26884823, 24101928, Fax No. 24101925

File No. 2-24/CEC/SC/2008Pt.II

Dated 22nd December, 2008

Sub- Minutes of the meeting held on 18-12-2008 regarding grant of permission to the wood-based industries in Uttar Pradesh.

The Minutes of the meeting held by the CEC on the above subject is sent herewith for information and necessary follow up action.

sd/-

(M.K. Jiwrajka)

Member Secretary

Distribution:

- i) Chief Secretary, Government of Uttar Pradesh, Lucknow
- ii) Principal Secretary (Forest) Government of Uttar Pradesh, Lucknow
- iii) Principal Chief Conservator of Forests, Uttar Pradesh Forest Department, Lucknow
- iv) DIGF (SU), MoEF
- v) Standing Counsel for the MoEF.
- vi) Standing Counsel for the State of Uttar Pradesh.

MINUTES OF THE MEETING HELD ON 18-12-2008 REGARDING GRANT OF PERMISSION TO THE WOOD BASED INDUSTRIES IN UTTAR PRADESH

The list of the participants is enclosed.

2. During the meeting, the Hon'ble Supreme Court Order's dated 21.11.2008 in IA No. 2314-15 and 2316-17 regarding grant of licences to wood based units falling in category IV (Transferred cases) was discussed. It was seen that the Hon'ble Supreme Court has permitted the CEC to consider grant of licences to category IV units (transferred) provided adequate wood is available for them after meeting the requirement of units covered in CEC's earlier Report dated 6.5.2008 in IA No. 2185
3. As per the details provided by the SLC, 5.82 lakh cub meter of timber is available in the State of U.P. after meeting the requirement of licenced wood based industries and Category I, II, III and Category IV (non-transferred) units. Out of the above 3.42 lakh cub meter timber is required for the units pending consideration as detailed below:
 - i) earlier unreported plywood/ veneer 1.16 lakh cub meter units falling in category I, II and III (118 units)
 - ii) units who have filed applications 1.70 lakh cub meter for change/upgradation of Category (I.A. No. 2258-60, 2261-63 etc., 97 plywood/veneer units and 101 saw mills)
 - iii) saw mill units whose documents 0.56 lakh cub meter have not been forwarded by the DLC to the SLC (about 100 units)

Total 3.42 lakh cub meter

After setting aside the timber requirement for the pending units as detailed above, a balance of above 2.40 lakh cub meter of timber is available.

4. It has been informed by the SLC that there are about 403 Category IV (transferred) units. At the rate of 560 cubic meters of timber per saw mill unit consisting of one VBS and one HBS, these saw mills will require 2.26 lakh cubic meter of timber. After considering that adequate timber is available for meeting their requirement, it was decided that all the Category IV (transferred) units will be considered by the SLC to grant of licence subject to the fulfillment of the following conditions:

- i) no forest offence related to the use of illegal timber is pending against the unit as on 1.9.2006 i.e. the decision taken during the meeting held on 8.6.2007 regarding pending forest offences will be equally applicable to such units;
 - ii) it will be considered as a new licence with prospective effect from the date of grant of permission by the competent authority under the Saw Mill Rules;
 - iii) each saw mill will deposit one time penalty of Rs 1 lakh (Rupees one lakh only) with the Forest Department. As has been done earlier, this amount will be kept in fixed deposit (s) with the nationalized bank (s)) and will be utilized only after the guidelines for its use are approved by the Hon'ble Supreme Court. This amount will be in addition to the normal licence fee payable by such units;
 - iv) the relevant Saw Mill Rules and the terms and conditions as decided by the U.P. Forest Department will be complied with; and
 - v) the licence will be non-transferable except by inheritance or succession.
5. It was decided that instead of calling applications from each of the units, as per the details given in the Final List of Category IV saw mills, appropriate directions will be issued to the concerned Divisional Forest Officers for grant of licences in such cases.
6. It was also decided that

- (i) the details of earlier unreported plywood, veneer and saw mills will be made available by the SLC to the CEC including their date of establishment, date of starting commercial operations, documents based on which the above dates have been determined; date of sales tax and registration, date of registration as a SSI unit, details of sales tax payment, year-wise details of sale/purchase of timber and timber products for the first five years, date on which the partnership/company was formed and other relevant details; and
- (ii) the State Level Committee will provide the details of the closure of each of the Category IV plywood/veneer units including the date of dismantling of the machines of the unit and the date on which the electricity has been disconnected.

The meeting ended with a vote of thanks to the Chair

sd/-

(M.K. Jiwrajka)

Member Secretary

18.12.2008

CENTRAL EMPOWERED COMMITTEE

(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA)

IN WRIT PETITION (CIVIL) NO. 202/95 & 171/96)

IInd Floor, Chankyapuri, New Delhi 1100021, Tel 26884921, 26884823, 24101928, Fax No. 24101925

File No. 2-24/CEC/SC/2008-Pt.II

Dated 12nd January, 2009

To

The Principal Chief Conservator of Forests,
Uttar Pradesh Forest Department
Lucknow.

Sub- Regarding the Status of Category III saw mills.

Sir,

Please refer to letter No. 438/41-1 dated 16th December, 2008 of SLC on the above subject. As per the details provided by the SLC, there is adequate timber available in Uttar Pradesh for meeting the requirement of Category III saw mills and other subsequently cleared saw mills. In view of the above, the provisional status of Category III saw mill unit may be treated as cleared.

sd/-

(M.K. Jiwrajka)

Member Secretary

File no. 2-24/CEC/SC/2008-PL-II

Central Empowered Committee

Sub: Minutes of the meeting convened by the Central Empowered Committee (CEC) on 26.05.2009 regarding wood based industries in Uttar Pradesh.

The list of the participants in enclosed. The issues raised by the SLC/others and the decision taken thereon are as under:

ONLY IMPORTANT ISSUES

Issue No. 2: Applications for following a vertical band saw for captive consumption have been received from following plywood units that have been granted license earlier. This is in the preview of SLC as per the directions issued by CEC in its meeting dated 08.06.2007 (Annexure 5 page 6 itme 6vi). All such applications were approved in the meeting of 06-01-2009. Five other applications were received after 06-01-2009 and were considered by SLC.

It was brought to its notice of SLC that apart from demand for vertical band saw, plywood units are also demanding peelers for captive consumption, in this regard the case of M/s A.R. Polymer of Fatehpur and M/s Choithi Industry of Unnao are worth mentioning. The committee deliberated on this issue at length and went through the directions of CEC in this regard.

The CEC has directed that

"6v. The units shall not be eligible to add or expand the capacity of such machines. If any unit is found to have violated the above conditions, the license issued in respect of such units shall be liable to be cancelled.

vi. Plywood/veneer units with saw mill license shall have the option to continue as saw mill or as a veneer/plywood unit. However, plywood units may be allowed to have vertical band saw for its captive consumption. In case any unit requires to retain the horizontal band saw for its captive use, it can only be allowed after obtaining the permission of SLC. It is reiterated that under no circumstances the VBS/HBS shall be used for purpose other than sawing timber for the purpose of making veneer or plywood in the same unit."

The committee decided to send the decision of SLC dated 06.01.2009 to CEC for approval. The list of 15 such units is at item No. 4 page No. 5 Annexure No. 1 of agenda. Kind consideration and approval of CEC is requested.

It was also decide to seek direction from CEC on following additional points:

- (a) Can Vertical Band Saws be allowed to all plywood units as per their demand and requirement or it is to be provided only to those units who were already having it?

- (b) Can peeler for captive consumption be allowed to all plywood units as per their demand and requirement or it is to be provided only to those units who were already having it?

The CEC may kindly give suitable directions

Decision taken during the meeting held on 26.05.2009

- (a) SLC may allow the plywood units to install Vertical Band Saw subject to the prescribed norms.
- (b) Additional /new peelers cannot be permitted to installed/approved by the SLC.

Issue No. 6: Transfer of plywood/Veneer units from one party to another

Licenses have been issued to Plywood/Veneer units by respective DFO's in compliance of the instructions issued by SLC. Now can DFO change the name of owners on his own or will he require instructions from SLC. CEC may also decide about the fee to be charged if any.

Decision taken during the meeting held on 26.05.2009

Since the process of grant of verification of license is yet to be completed, no change in the ownership should be permitted for a period of three years. The issue will be reviewed thereafter.

Issue No. 7: Relocation of Plywood/Veneer units from one place to another:

Two units have applied for relocation after the change of original owners. CEC may decide the procedure of relocation if has to be allowed.

Decision taken during the meeting held on 26.05.2009

The PCCF, U.P. may permit on merit relocation within the same District without change of ownership subject to the compliance of the order of the Hon'ble Supreme Court and applicable Act, Rules and Guidelines.

Issue No. 8: Issue of laminating units:

Some parties have approached for permission to start melamine paper/decorative wood veneer over plywood, or other wooden boards. They will not manufacture plywood on their own. The approach on these maybe clarified.

Decision taken during the meeting held on 26.05.2009

The orders of the Hon'ble Supreme Court does not prohibit/apply to laminating units provided such units otherwise do not fall in the category of saw mill, veneer or plywood unit.

Issue No. 9: Representations/applications received regarding guidelines issued by the SLC in respect of eligibility criteria for grant of license to unlicensed units who have regularly deposited license fee.

The guidelines regarding the eligibility criteria for the grant of license to the unlicensed saw mill who have regularly deposited the license fee were reviewed. After detailed discussions, it was decided to revise the guidelines as under:

"The saw mills, who fulfill the following two conditions will be eligible for consideration for grant of license (Subject to compliance of applicable Act, Rules and Guidelines including the payment of license fee)

- (a) the saw mill has deposited the license fee for one year prior to july, 1989 when the ban on grant of new license was imposed in the state of UP; and
- (b) the license fee for the year 1990 to 1995 have been deposited prior to 04.03.1997

The meeting ended with the vote of thanks to the chairman

(M.K. Jiwrajka)
Member Secretary
27.05.2009

CENTRAL EMPOWERED COMMITTEE

(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA)

IN WRIT PETITION (CIVIL) NO. 202/95 & 171/96)

IIInd Floor, Chankya Bhawan, Chankyapuri, New Delhi 1100021, Tel. 26884921, 26884923, 24101926, Fax

No.24101925

File No. 2-24/CEC/SC/2010-Pt.IV

Dated 31st May, 2010

Sub- Minutes of the meeting regarding wood-based Industries held with the State Level Committee, Uttar Pradesh and representative of wood-based Industries Association of Uttar Pradesh on 26.05.2010 at New Delhi.

The Minutes of the meeting held by CEC on the above subject is sent herewith for information and necessary follow up action.

sd/-

(M.K. Jiwrajka)

Member Secretary

Distribution:

- xxiv) Chief Secretary, Government of Uttar Pradesh, Lucknow**
- xxv) Principal Secretary (Forests), Government of Uttar Pradesh, Lucknow.**
- xxvi) Principal Chief Conservator of Forests, Uttar Pradesh Forest Department, Lucknow**
- xxvii) Additional Principal Chief Conservator of Forests, Ministry of Environment & Forests, Regional Office, Lucknow**
- xxviii) Member Secretary, State Level Committee, wood-based Industries in Uttar Pradesh, Lucknow.**
- xxix) Standing Counsel for the MoEF.**
- xxx) Standing Counsel for the State of Uttar Pradesh.**
- xxxi) Uttar Pradesh Plywood Manufacturing Association**

MINUTES OF THE MEETING RERARDING WOOD BASED INDUSTRIES HELD WITH THE STATE LEVEL COMMITTEE, UTTAR PRADESH AND REPRESENTATIVES OF WOOD-BASED INDUSTRIES ASSOCIATIONS OF UTTAR PRADESH ON 26.05.2010 NEW DELHI

The list of the participants is enclosed at ANNEXURE.1

Timber Requirement

2. At present there are 5727 licensed units of Saw Mills in UP. The band saw wise break up is as follows:

Only VBS	2124 units
Only HBS	608 units
VBS+HBS both	1995 units

3. The timber requirement for the Saw Mills in UP has been assessed on the basis of Horse Power and for the saw mills VBS only has also been taken as 540 cum to 2160 cum. The timber requirement for VBS has been taken as 100 cum/VBS in Haryana whereas in Gujarat the requirement for a composite unit (VBS+HBS or HBS Only) has been taken as 490 cum and for VBS only it has been taken as half of 490 cum i.e. 245 cum/VBS. The SLC suggested that the timber requirement for units with VBS only as 540 cum is on the higher side and can be taken as half of 540 cum i.e. 270 cum/VBS as has been done in the case of Gujarat. The PCCF, UP has also recommended as above (Annexure-2). The CEC agreed to the above suggestions. Accordingly, the timber requirement for the WBI units that have so far been allowed to operate in the State will be as follows:

Saw Mill Units

HORSE POWER CATEGORY (H.P.)	TOTAL NO. OF SAW MILLS	NO OF VBS BEING USED	NO. OF UNITS WITH HBS ONLY	NO. OF UNITS WITH BOTH VBS AND HBS	TIMBER REQUIREMENT PER YEAR (cu.mt.)	TOTAL TIMBER REQUIREMENT PER YEAR (cu.mt.)
ONLY VBS	3124	3549	-	-	270	958230
10 HP & BELOW	1679		542	1137	540	906660
ABOVE 10 TO 20	495		33	462	810	400950

ABOVE 20 TO 40	427		32	395	1080	461160
ABOVE 40 TO 60	2		1	1	1620	3240
TOTAL	5727					2730240

Plywood & Veneer

Type of Unit	NO. OF UNITS	NO OF PRESS	NO. OF PEELERS	TIMBER REQUIREMENT PER UNIT		TOTAL TIMBER REQUIREMENT PER UNIT (cu.mt.) (Tentative)
				Press	Peeler	
Plywood & Veneer	117	214	165	2000	0	428000
Plywood	43	67	0	2000	0	134000
Veneer	70	0	86	0	1500	129000
TOTAL	230	291	251			691000

Timber Requirement	3421240
Timber Available	4570000
Balance Timber	1148760

Saw Mill units

4. **The Hon'ble Supreme Court by order dated 30.04.2010 has granted permission in UP for grant of saw mill license to the unlicensed saw mill who fulfill the following conditions:**
 1. **the sawmill was established prior to July 1989**
 2. **the license fee for the year 1989 has been deposited with the UP Forest Department prior to 4.3.1997**
 3. **the license fee up to the year 1995 has also been deposited with the UP Forest Department in one or more installments prior to 31.03.1997**
 4. **the saw mill otherwise fulfill the relevant Saw Mill Rules and Guidelines issued from time to time by the State Forest Department**
 5. **no offence case pertaining to the illegal use or transportation of timber is pending against the saw mill**

6. in addition to the normal sawmill license fee/renewal fee the saw mill will deposit Rs.50000/- (Rs Fifty Thousands) as onetime payment. This amount along with the amount received from other wood based industries will be kept in an interest bearing bank account in a nationalized bank and will be utilized after the scheme in this regard is approved by the Hon'ble Supreme Court; and
 7. irrespective of the number of band saws earlier installed each of the saw mill will be eligible for grant of license for one Vertical Band Saw (VBS) only. No permission for Horizontal Band Saw (HBS), with or without trolley, will be granted.
5. As per the information provided by the SLC there were 1407 reported unlicensed saw mills who have deposited the license fee for certain years but were not granted license. Out of these, 222 units have already been granted licenses as per guidelines of CEC. Out of remaining 1185 units who fulfill the eligibility criterion as above will be considered by the SLC for grant of license. It was also decided that:
- i. If for a saw mill license fee for the year 1989 has been received prior to 4.3.97 the unit will be considered to have been established prior to July 1989.
 - ii. The decision for all sawmill units falling in a division will be taken by the SLC in one go and not in installments or on different dates.
 - iii. The details of 1185 sawmill along with name of owner, address, details of fee received and other relevant details will be uploaded on the website of UP Forest Department within three days.
 - iv. All units which for any reasons are found to be ineligible due to any reason will be given opportunity of personal hearing before taking the final decision.

Plywood and Veneer units:

6. The Hon'ble Supreme Court by order dated 30.04.2010 has permitted grant of license to plywood and veneer units falling in category IV subject to certain conditions. It was decided that:
 - i. Units be allowed permission in order of seniority and only if adequate timber is available.
 - ii. Permission granted to the plywood unit should be restricted to one press only and for veneer units to one peeler only. In addition the plywood units may be permitted one peeler each if it had one or more peeler functional in the unit before it was closed.

- iii. Inter se seniority of all plywood/veneer units whose application has been received till 28th February 2010 is to be finalized within a period of one month.
- iv. If the DLC report is not received before meeting of the SLC the decision is to be taken without waiting for the DLC report.
- v. Onetime payment to be deposited will be Rs.9 lakh per press (inclusive of peeler if available with unit) for plywood units and Rs.3 lakh per peeler for veneer units.
- vi. As all units in this category have been established after 4.3.1997 the condition of a distance not less than 10 kms will be applicable as ordered by the Hon'ble Supreme Court for relocation of sawmill units after 4.3.1997
- vii. Before granting permission to open a unit it will be ensured that no forest offence is pending against that unit.
- viii. All provisionally delisted units will be given opportunity of personal hearing before taking a final decision to delist them. The final decision for delisting will be done after obtaining concurrence of the CEC.
- ix. The decision to grant permission for all the plywood/veneer units falling in category IV including for delisting of units, will be taken in one go and after obtaining concurrence/approval of the CEC.

sd/-

(M.K. Jiwrajka)
Member Secretary
31.5.2010

CENTRAL EMPOWERED COMMITTEE

(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA)

IN WRIT PETITION (CIVIL) NO. 202/95 & 171/96)

Ind Floor, Chankya Bhawan, Chankyapuri, New Delhi 1100021, Tel. 26884921, 26884923, 24101926, Fax No.24101925

File No. 2-30/CEC/SC/2010-Pt.II

Dated: 18th October, 2010

To,

**The Principal Chief Conservator of Forests
Uttar Pradesh Forest Department
Lucknow**

Sub- Hon'ble Supreme Court order dated 29th September, 2010 in IA no. 2664 of 2009 Smt. Shahnaj Begum and others Vs UP Government and others regarding permission for relocation of the saw mill in areas falling within 10 km from the canal side.

Sir,

Please refer to your letter no. F.UO. 330/41-1 dated 13th October, 2010 on the above subject. The Hon'ble Supreme Court by order dated 29th September, 2010 in IA No. 2664 of 2009 has granted relief in terms of prayer b and c of the said IA, wherein exemption has been sought for relocation of saw mills within the distance of 10 km from the Eastern Yamuna Canal like plantations on sides of roads and railways-whether forest or otherwise. The CEC is therefore of the view that in terms of the above said orders, in the entire state the relocation of saw mills is permissible within a distance of 10 km from the plantations raised in the sides of canals, roads and railways including the plantations notified as forests.

Your faithfully,

sd/-

**(M.K. Jiwrajka)
Member Secretary**

CENTRAL EMPOWERED COMMITTEE

(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA)

IN WRIT PETITION (CIVIL) NO. 202/95 & 171/96)

11nd Floor, Chankya Bhawan, Chankyapuri, New Delhi 1100021, Tel. 26884921, 26884923, 24101926, Fax No.24101925

File No. 2-24/CEC/SC/2012-Pt.IV

Dated 12.11.2014

Sub- Minutes of the meeting held on 12th November, 2014 with the Uttar Pradesh Forest Department regarding wood-based Industries in the State of Uttar Pradesh

The Minutes of the meeting held by CEC on the above subject is sent herewith for information and necessary follow up action.

sd/-
(M.K. Jiwrajka)
Member Secretary

Distribution:

1. Principal Secretary (Forests), Government of Uttar Pradesh, Lucknow.
2. Principal Chief Conservator of Forests, Uttar Pradesh Forest Department, Lucknow
3. Sh. Siddhartha Chowdhury, Supreme Court Advocate and Amicus Curiae
4. Standing Counsel for the State of Uttar Pradesh.
5. M/s Jai Hanuman Plywood Industries, Haser, Sant Kabir Nagar, Uttar Pradesh.
6. DIG (SU), MoEF

Minutes of the meeting held on 12th November, 2014 with the U.P. Forest Department regarding Wood-Based Industries in the State of Uttar Pradesh

During the meeting the U.P. Forest Department was represented by the Principal Chief Conservator of Forests and HOFF. The CEC was represented by Chairman, CEC, Member Secretary, CEC and Mr. Mahendra Vyas, Member and Mr. Siddhartha Chowdhury, Learned Amicus Curiae was present during the meeting.

2. In the meeting convened by the CEC on 26.05.2009 regarding wood based industries in Uttar Pradesh it was inter alia decided that "the PCCF, U.P. may permit on merit relocation within the same District without change of ownership subject to the compliance of the order of the Hon'ble Supreme Court and applicable Act, Rules and guidelines." After detailed discussion it was decided that in partial modification of the above decision the State Level Committee for Wood Based Industries in Uttar Pradesh may permit, on merit, relocation of plywood/veneer units from one district to another without change of ownership subject to the compliance of the orders of Hon'ble Supreme Court and applicable Act, Rules and Guidelines and provided that

- (a) the Principal Secretary (Forest) and Chairman, SLC and Principal Chief Conservator of Forest and Member, SLC are both personally present in the meeting in which such a decision is taken;
- (b) the Principal Secretary (Forest) as well as Principal Chief Conservator of Forest both agree to such a proposal; and
- (c) wherever there is a difference of opinion between the Principal Secretary (Forest) and the Principal Chief Conservator of Forest a decision will be taken by the CEC after considering the Report of the SLC in the matter."

The meeting ended with a vote of thanks to the chair.

sd/-
(M.K. Jiwrajka)
Member Secretary

Dated 12.11.2014

ORDERS
OF
STATE GOVERNMENT
OF
UTTAR PRADESH
REGARDING WOOD BASED
INDUSTRY

प्रेषक,

श्री सुरेश चन्द्र जैन,
संयुक्त सचिव,
उत्तर प्रदेश शासन।

सेवा में,

समस्त जिलाधिकारी,
उत्तर प्रदेश।

वन अनुभाग-3

दिनांक, लखनऊ, 28 फरवरी 1987

विषय: आरामशीन लाइसेंस के लिए जिलाधिकारी द्वारा अनापत्ति प्रमाण पत्र दिये जाने हेतु मार्ग दर्शक सिद्धान्त।

महोदय,

उपर्युक्त विषय पर मुझे आपसे यह कहने का निदेश हुआ है कि उत्तर प्रदेश आरामिल की स्थापना और विनियमन नियमावली, 1978 के अध्याय-2 के नियम 5(4) के अन्तर्गत आरामिल स्थापित करने हेतु जिला मजिस्ट्रेट से अनापत्ति प्रमाण पत्र लेने का प्राविधान किया गया है। जिला अधिकारी द्वारा अनापत्ति प्रमाण पत्र जारी करने हेतु प्रारूप एवं मार्ग दर्शक सिद्धान्त संलग्न कर आपको आवश्यक कार्यवाही हेतु भेजे जा रहे हैं। कृपया इन्हीं के आधार पर अनापत्ति प्रमाण पत्र जारी करने का कष्ट करें।

भवदीय

ह0/-

(सुरेश चन्द्र जैन)

संयुक्त सचिव,

संख्या-6111(1)/14-3-उपरोक्त दिनांक

प्रतिलिपि- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. प्रमुख वन संरक्षक, उत्तर प्रदेश, लखनऊ।
2. मुख्य वन संरक्षक, सामाजिक वानिकी, उत्तर प्रदेश, लखनऊ।
3. समस्त वन संरक्षक, उत्तर प्रदेश।
4. समस्त प्रभागीय वनाधिकारी/प्रभागीय निदेशक, उत्तर प्रदेश।

आज्ञा से

ह0/-

श्री सुरेश चन्द्र जैन)
संयुक्त सचिव,

**जिला मजिस्ट्रेट द्वारा अनापत्ति प्रमाण पत्र जारी किये जाने के लिए
मार्ग दर्शक सिद्धान्त**

- 1- इस बात की जिला उद्योग अधिकारी से पुष्टि करवा ली जाय कि स्थान विशेष पर अथवा आस-पास पूर्व से कितनी आरामशीनें स्थापित है तथा वे स्थानीय जनता की लकड़ी चिरान की जरूरतों को पूरा करने में समर्थ है अथवा नहीं। यदि पूर्व में स्थापित आरामशीन स्थानीय जनता की जरूरतों को पूरा करने के लिए अपर्याप्त है तभी नयी आरामिल स्थापना हेतु अनापत्ति प्रमाण पत्र दिया जाय।
- 2- किसी स्थान विशेष पर आरामिल यूनिट चलाना व्यवहार्य (Viable) हो सकेगा अथवा नहीं, की पुष्टि जिला उद्योग अधिकारी से करवा ली जाय। यदि यह पाया जाता है कि आरामिल यूनिट व्यवहार्य नहीं होगी जो अनापत्ति प्रमाण पत्र न दिया जाय।
- 3- साधारणतया किसी स्थान पर आरामिल स्थापना हेतु अनापत्ति प्रमाण पत्र तभी दिया जाए यदि वह स्थान विशेष किसी वन सीमा से 10 कि०मी० दूरी के बाहर हो विशेष परिस्थितियों में वन सीमा से 10 कि०मी० की सीमा के भीतर अनापत्ति प्रमाण पत्र तभी दिया जाय जब कि आरामिल लगने के स्थान के पहुँचने वाले समस्त मार्गों पर वन चौकी स्थापित हो। इन बातों की पुष्टि सम्बन्धित प्रभागीय वनाधिकारी/वनाधिकारियों से कराई जाय।
- 4- ऐसे प्रार्थी की जो स्वयं अथवा जिनके परिवार के सदस्य विगत पाँच वर्षों से वन अपराध के मामले में लिप्त रहे हो, उन्हें अनापत्ति प्रमाण पत्र न दिया जाय। इस बात की पुष्टि सम्बन्धित प्रभागीय वनाधिकारी/प्रभागीय निदेशक से करवा ली जाय।

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

अनुसूची-(अ)

उत्तर प्रदेश आरामिल नियमावली, 1978 के अध्याय-2 के नियम 5(4) के अन्तर्गत आरामिल स्थापित करने के लिए आवेदक को जिला मजिस्ट्रेट द्वारा जारी किए जाने वाले “अनापत्ति प्रमाण पत्र” का प्रारूप

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

- 1- आवेदक का नाम व पूरा पता-.....
- 2- आवेदित स्थान पर आरामशीन-.....
लकड़ी चिरान की स्थानीय
आवश्यकताओं की पूर्ति हेतु
आवश्यक है अथवा नहीं।
- 3- आवेदित स्थान पर आरामिल
यूनिट चलाना व्यवहार्य (Viable)
होगा अथवा नहीं।
- 4- आवेदित स्थान वन सीमा से-.....
10 कि०मी० से अधिक दूरी पर
स्थित है अथवा नहीं।
- 5- आवेदक अथवा उसके परिवार के.....
सदस्यों विगत पाँच वर्षों में
किसी वन अपराध के मामलों में
लिप्त रहे हैं अथवा नहीं।
- 6- संस्तुति.....
स्थान.....
दिनांक.....

जिला मजिस्ट्रेट के हस्ताक्षर
मोहर

प्रेषक,

श्री गोपी मोहन श्रीवास्तव,
संयुक्त सचिव,
उत्तर प्रदेश शासन।

सेवा में,

- (1) आयुक्त एवं निदेशक,
उद्योग निदेशालय,
कानपुर (उ०प्र०)
- (2) निदेशक,
ग्रामीण एवं कुटीर उद्योग,
8-तिलक मार्ग, पीरपुर हाऊस, लखनऊ

वन अनुभाग-2

दिनांक, लखनऊ 26, जुलाई 1989

विषय: वन उपज पर आधारित नई औद्योगिक इकाईयों के पंजीकरण पर प्रतिबन्ध।
महोदय,

उपर्युक्त विषय पर मुझे यह कहने का निर्देश हुआ है कि प्रदेश में वन उपज की घटती हुई मात्रा एवं बढ़ती हुई मांग के दृष्टिगत भविष्य में वन उपज पर आधारित नई औद्योगिक इकाईयों की स्थापना को हतोत्साहित किया जाना नितान्त आवश्यक है। कुछ ऐसे प्रकरण भी प्रकाश में आये हैं, कि उद्योग विभाग ने वनाधारित उद्योगों का पंजीकरण इस शर्त पर किया है कि कच्चे माल का प्रबन्ध उद्योग स्वयं करेंगे। वास्तव में मुख्य उद्देश्य वनों पर कम से कम निर्भरता का है। वन उपज प्राप्त ही वनों से होती है, अतः उद्योग लगने से भार प्रत्यक्ष अथवा परोक्ष रूप से वनों पर ही पड़ता है।

2- तदनुसार निवेदन है कि वन उपज पर आधारित नई औद्योगिक इकाईयों का कृपया पंजीकरण न किया जाये।

भवदीय,

ह०/-

(गोपी मोहन श्रीवास्तव)

संयुक्त सचिव

संख्या-739(1)/14-2 उक्त दिनांकित

1- प्रतिलिपि निम्नलिखित को इस निवेदन सहित प्रेषित कि वह अपने स्तर से भी यथोचित निर्देश प्रसारित करने की कृपा करें:-

(क) प्रमुख सचिव, उद्योग विभाग, उत्तर प्रदेश शासन।

(ख) सचिव, लघु उद्योग, उत्तर प्रदेश शासन।

2- प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

(क) प्रमुख वन संरक्षक, उत्तर प्रदेश, लखनऊ को इस अनुरोध के साथ प्रेषित कि शासन के इस निर्णय से समस्त वनाधिकारियों को अवगत कराने का कष्ट करें।

(ख) वन संरक्षक, वन उपयोग वृत्त, उत्तर प्रदेश, लखनऊ।

ह0/-

(गोपी मोहन श्रीवास्तव)

संयुक्त सचिव

प्रेषक,

श्री आर०एस शुक्ला,
विशेष सचिव,
उत्तर प्रदेश शासन।

सेवा में,

- (1) आयुक्त एवं निदेशक,
उद्योग निदेशालय,
कानपुर (उ०प्र०)
- (2) निदेशक,
ग्रामीण एवं कुटीर उद्योग,
8-तिलक मार्ग, लखनऊ

वन अनुभाग-2

दिनांक, लखनऊ 15, फरवरी 1995

विषय: वन उपज पर आधारित इकाईयों के पंजीकरण पर प्रतिबन्ध आंशिक शिथिलीकरण।

महोदय,

वन उपज पर आधारित नये औद्योगिक इकाईयों के पंजीकरण पर श्री गोपी मोहन श्रीवास्तव, संयुक्त सचिव, वन अनुभाग-2 द्वारा निर्गत शासनादेश संख्या-739/14-2-607/1988 दिनांक 26.07.1989 के द्वारा पूर्ण प्रतिबन्ध लगाया गया था। उपर्युक्त विषय पर मुझे यह कहने का निर्देश हुआ है कि सामाजिक वानिकी योजना के अन्तर्गत किसानों द्वारा अपनी भूमि पर पर्याप्त मात्रा में वृक्ष लगाये गये हैं जो परिपक्व भी हो गये हैं तथा जिनका पातन आवश्यक हो गया है। वनाधारित उद्योगों के पूर्ण अभाव में किसानों को अपनी वन उपज का सही मूल्य नहीं मिल पा रहा है। शासन की उद्योग के सम्बन्ध में उदारीकरण नीति तथा लोगो को उद्योग धन्धे की ओर अग्रसर करने तथा रोजगार के अवसर सुलभ कराने की दृष्टि से वन उपज पर आधारित निम्न उद्योगों को लगाने के प्रतिबन्ध को तत्कालिक प्रभाव से समाप्त किया जाता है।

“प्लाईवुड, डिकोरेटिव-विनियर्स, पार्टिकल बोर्ड, मीडिया डेक्सटी बोर्ड, फाईबर बोर्ड, ब्लॉक-बोर्ड व पल्प उड, खिलौना, पैकिंग केस, कृषि यन्त्र”

2- इन उद्योग धन्धों में लगने वाली निम्न प्रकाष्ठ प्रजातियों के सम्बन्ध में शासनादेश संख्या-3688/41-3-377/16 टी.सी. दिनांक 16 सितम्बर 1991 के अनुसार कोई प्रतिबन्ध नहीं है।

“अगस्त, अरु, कैजूरीना, जंगल जलेबी, पोपलर, फरास, बबूल, बिलायती बबूल, रोबीनिया, शतिरित, सुबबूल, कठघेर, जामुन, ढाक, यूकेलिप्टस, पेपर गलवरी, देर, सैजनस, शहतूत”।

3- उपर्युक्त प्रजातियों के अतिरिक्त उत्तर प्रदेश पर्वतीय एवं ग्रामीण वृक्ष संरक्षण अधिनियम 1990 के प्राविधानों के अन्तर्गत पातन अनुज्ञा प्राप्त करके निम्न प्रकाष्ठ व कोमल काष्ठ का उपयोग इन उद्योगों में किया जा सकता है:-

“अगस्त, कन्जूझीगन, गुटेल, आम, सेमल, शीशम व सागौन आदि”

4- यह छूट शासनादेश संख्या-4311/14-3-377-76 टी.सी., वन अनुभाग-3, दिनांक 25 अक्टूबर 1991 के स्तम्भ-दो में उल्लिखित निम्न जनपदों के सम्बन्ध में दी जाती है:-

1- मेरठ	2- बुलन्दशहर	3- गाजियाबाद	4- मुजफ्फरनगर
5- मुरादाबाद	6- रामपुर	7- आगरा	8- फिरोजाबाद
9- मथुरा	10- मैनपुरी	11- अलीगढ़	12- एटा
13- बरेली	14- बदायूँ	15- शाहजहाँपुर	16- इलाहाबाद
17- फतेहपुर	18- प्रतापगढ़	19- हरदोई	20- फैजाबाद
21- देवरिया	22- बस्ती	23- सिद्धार्थनगर	24- मऊ
25- आजमगढ़	26- जौनपुर	27- गाजीपुर	28- बलिया
29- लखनऊ	30- उन्नाव	31- रायबरेली	32- सीतापुर
33- बाराबंकी	34- सुल्तानपुर	35- कानपुर नगर	36- कानपुर देहात
37- इटावा	38- फर्रुखाबाद		

5- इन उद्योगों के लिए प्रकाष्ठ की आपूर्ति के सम्बन्ध में शासन की कोई बचनबद्धता नहीं होगी। इनके अतिरिक्त अन्य प्रकाष्ठ व प्रकाष्ठ आधारित इन उद्योग जैसे कत्था, लीसा व आरामिल आदि पर प्रतिबन्ध पूरे प्रदेश में सहित नियमों/आदेशों के अन्तर्गत यथावत बना रहेगा।

6- उपरोक्त उद्योग धन्धों को स्थापित करने में स्थानीय प्रभागीय वनाधिकारी द्वारा अनापत्ति प्रमाण पत्र निर्गत किया जायेगा। प्रभागीय वनाधिकारी को कारखाने पर आने वाली प्रकाष्ठ की जाँच तथा इस सम्बन्ध में रखे जाने वाली पंजिकाओं को नियत करने व जाँच करने का अधिकार होगा। उद्योग विभाग द्वारा प्रभागीय वनाधिकारी के अनापत्ति प्रमाण पत्र के पश्चात ही उपरोक्त उद्योग इकाईयों की स्थापना हेतु पंजीकृत

किया जायेगा। अवैध पातन करने वाले व अवैध प्रकाष्ठ क्रय करने वाले उद्योगों का पंजीकरण शासन द्वारा निरस्त किया जा सकता है।

भवदीय,

(आर0एस0 शुक्ला)

विशेष सचिव

संख्या-4938 (1)/14-2-उक्तदिनांकित

प्रतिलिपि निम्नलिखित को इस निवेदन के साथ प्रेषित कि वे अपने स्तर से भी यथोचित निर्देश प्रसारित करने की कृपा करें:-

- (1)- प्रमुख सचिव, उद्योग विभाग, उत्तर प्रदेश शासन।
- (2)- सचिव, लघु उद्योग, उत्तर प्रदेश शासन।

(आर0एस0 शुक्ला)

विशेष सचिव

संख्या-4938 (1)/14-2-उक्तदिनांकित

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- 1- प्रमुख वन संरक्षक, उत्तर प्रदेश, लखनऊ को इस अनुरोध के साथ प्रेषित कि शासन के इस निर्णय से समस्त वनाधिकारियों को अवगत कराने का कष्ट करें।
- 2- समस्त मुख्य वन संरक्षकों को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित। कृपया अपने अधीनस्थ समस्त वनाधिकारियों को अवगत कराने का कष्ट करें।
- 3- महाप्रबन्धक, उ0प्र0 वन निगम, लखनऊ।
- 4- वन उपयोग अधिकारी, उ0प्र0, लखनऊ।

(आर0एस0 शुक्ला)

विशेष सचिव

प्रेषक,

श्री बृजेन्द्र सहाय,
मुख्य सचिव,
उत्तर प्रदेश शासन।

सेवा में,

- 1- समस्त मण्डलायुक्त,
उत्तर प्रदेश।
- 2- समस्त जिलाधिकारी,
उत्तर प्रदेश।
- 3- प्रदेश के समस्त जनपद के वरिष्ठ पुलिस अधीक्षक /
पुलिस अधीक्षक, उत्तर प्रदेश।

वन अनुभाग-2

लखनऊ, दिनांक 06 मार्च, 1997

विषय: रिट याचिका (सिविल) संख्या-202 / 1995 टी0एन0 गोडावर्मन बनाम यूनियन आफ इण्डिया व अन्य में दिनांक 04.03.1997 को पारित निर्णय का अनुपालन कराया जाना।

महोदय,

मा0 उच्चतम न्यायालय में दायर उक्त जनहित रिट याचिका में दिनांक 04.03.1997 को मा0 उच्चतम न्यायालय द्वारा दी गयी सुनवायी में मा0 उच्चतम न्यायालय द्वारा निम्न निर्देश दिये गये हैं:-

All unlicensed saw mills, veneer and plywood industries in the State of Maharashtra and the State of Uttar Pradesh are to be closed forthwith and the State Government would not remove or relax the condition for grant of permission/licence for the opening of any such saw mill, veneer and plywood industry and it shall also not grant any fresh permission/licence for this purpose. The Chief Secretary of the State will ensure strict compliance of this direction and file a compliance report within two weeks.

(2) अतः मा0 न्यायालय के उक्त निर्देश के परिप्रेक्ष्य में यह आदेशित किया जाता है कि कृपया प्रदेश में समस्त गैर लाइसेंसशुदा आरामिल, विनियर्स तथा प्लाईवुड उद्योगों को तत्काल बन्द करा दिया जाये। कृपया इसकी अनुपालन आख्या शासन के वन विभाग को दिनांक 11.03.1997 तक उपलब्ध करा दी जाये ताकि मा0 उच्चतम न्यायालय को आदेश के अनुपालन में की गयी कार्यवाही से निर्धारित समयावधि के भीतर अवगत कराया जाना सम्भव हो सके।

भवदीय,
ह0 / -
(बृजेन्द्र सहाय)
मुख्य सचिव

संख्या: जीआई-124(1)/14-2-97-उक्तदिनांकित

1- प्रतिलिपि प्रमुख सचिव, औद्योगिक विकास विभाग को इस आशय से प्रेषित कि उनके द्वारा कृपया यह तत्काल सुनिश्चित कर लिया जाये कि आरामिल, विनियर्स तथा प्लाईवुड उद्योगों को कोई नयी लाइसेंस/अनुमति नहीं दिया जायेगा और न ही आरामिल तथा विनियर्स व प्लाईवुड उद्योगों को खोले जाने के सम्बन्ध में अनुमति/लाइसेंस प्रदान किये जाने के लिये निर्धारित किन्हीं भी शर्तों को हटाया/शिथिल किया जायेगा। इस दिशा में कृत कार्यवाही से शासन के वन विभाग को दिनांक 11 मार्च, 1997 तक अवगत करा दिया जाये ताकि मा0 उच्चतम न्यायालय को आदेश के अनुपालन में कृत कार्यवाही से निर्धारित समयावधि के भीतर अवगत कराया जा सके।

2- प्रतिलिपि निम्न को इस निर्देश के साथ प्रेषित कि मा0 उच्चतम न्यायालय के आदेशों का कड़ाई से अनुपालन सुनिश्चित कराया जाये एवं कृत कार्यवाही से शासन को तत्काल अवगत कराया जाये:-

- (क) समस्त प्रमुख वन संरक्षक, उ0प्र0।
- (ख) समस्त मुख्य वन संरक्षक, उ0प्र0।
- (ग) प्रबन्ध निदेशक, उ0प्र0 वन निगम, उ0प्र0, लखनऊ।
- (घ) निदेशक, उद्योग विभाग, उ0प्र0, कानपुर।

आज्ञा से,
ह0/-
(पी0एल0 पुनिया)
प्रमुख सचिव

प्रेषक,

नवीन चन्द्र बाजपेई,
मुख्य सचिव,
उत्तर प्रदेश, शासन ।

सेवा में,

- 1- समस्त जिलाधिकारी, उत्तर प्रदेश ।
- 2- समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक, उत्तर प्रदेश ।
- 3- समस्त प्रभागीय निदेशक/प्रभागीय वनाधिकारी, उत्तर प्रदेश ।

वन अनुभाग-2

दिनांक, लखनऊ, 11, अक्टूबर, 2006

विषय- आरामशीनों एवं विनियर/प्लार्डवुड इकाइयों के सम्बन्ध में आई0ए0 नं0 1399, 1569 एवं आई0ए0नं0 946 में उच्चतम न्यायालय द्वारा पारित आदेश दिनांक 01-09-2006 का अनुपालन किया जाना ।

महोदय,

उपर्युक्त विषयक शासनादेश संख्या-3130/14-2-2006-405(55)/2004, दिनांक 08-09-2006, शासनादेश संख्या-रिट 660/14-2-2006-405(55)/2004 दिनांक 13-09-2006, तथा शासनादेश संख्या-3653/14-2-2006-405(55)/2004, दिनांक 03-10-2006 की ओर आपका ध्यान आकृष्ट करते हुए मुझे आपसे यह कहने का निर्देश हुआ है कि टी0एन0गोडावर्मन बनाम भारत सरकार तथा अन्य मामले में मा0 उच्चतम न्यायालय द्वारा गठित सेन्ट्रल इम्पावर्ड कमेटी ने मा0 उच्चतम न्यायालय के आदेश दिनांक

01-09-2006 के क्रम में प्रदेश में बन्द करायी गयी आरामशीनों एवं प्लार्डिबुड इकाईयों के सम्बन्ध में निम्नानुसार कार्यवाही करने के निर्देश दिये हैं:-

1- आरामशीनों के सम्बन्ध में -

(1) दिनांक 04-03-1997 को जिन आरामशीनों के लाइसेंस नवीनीकृत नहीं थे उन्हें निम्नानुसार चार श्रेणियों में विभक्त किया जाना है-

श्रेणी-I: ऐसी आरामशीनें जिनके लाइसेंस दिनांक 31-12-96 तक की अवधि के लिए दिनांक 04-03-97 के पूर्व में नवीनीकृत थे एवं वर्ष 1997 के लिए लाइसेंस का नवीनीकरण दिनांक 04-03-97 के बाद किया गया -

(ए) आरामशीनें जिनका नवीनीकरण शुल्क दिनांक 04-03-97 के पूर्व जमा किया गया है,

(बी) आरामशीनें जिनका नवीनीकरण शुल्क दिनांक 05-03-1997 से 31-12-1997 के मध्य जमा किया गया है तथा

(सी) आरामशीनें जिनका नवीनीकरण शुल्क 31-12-97 के बाद जमा किया गया है।

श्रेणी-II: आरामशीनें जिनके वर्ष 1995 तक के लाइसेंस दिनांक 04-03-97 के पूर्व नवीनीकृत थे परन्तु वर्ष 1996 एवं 1997 के लिए लाइसेंस का नवीनीकरण दिनांक 04-03-97 के पश्चात् किया गया है। इस श्रेणी को भी निम्न तीन उप श्रेणियों में विभक्त किया जाना है -

(ए) आरामशीनें जिनका नवीनीकरण शुल्क दिनांक 04-03-97 के पूर्व जमा किया गया है,

(बी) आरामशीनें जिनका नवीनीकरण शुल्क दिनांक 05-03-1997 से 31-12-1997 के मध्य जमा किया गया है तथा

(सी) आरामशीनें जिनका नवीनीकरण शुल्क 31-12-97 के बाद जमा किया गया है।

श्रेणी-III: ऐसी आरामशीनें जिनके लाइसेंस दिसम्बर, 1994 तक का नवीनीकरण दिनांक 04-03-97 के पूर्व किया गया था परन्तु वर्ष 95, 96 तथा 97 का नवीनीकरण उसके बाद हुआ। इस श्रेणी को भी निम्न तीन उप श्रेणियों में विभक्त किया जाना है -

(ए) आरामशीनें जिनका नवीनीकरण शुल्क दिनांक 04-03-97 के पूर्व जमा किया गया है,

(बी) आरामशीनें जिनका नवीनीकरण शुल्क दिनांक 05-03-1997 से 31-12-1997 के मध्य जमा किया गया है तथा

(सी) आरामशीनें जिनका नवीनीकरण शुल्क 31-12-97 के बाद जमा किया गया है।

श्रेणी-IV: (अन्य आरा मशीन) इस श्रेणी में उपरोक्त के अतिरिक्त समस्त ऐसी आरामशीनें शामिल होंगी जिनके वर्ष 1993 के बाद के लाइसेंस का नवीनीकरण दिनांक 04-03-97 के पूर्व नहीं हुआ था इनके सम्बन्ध में 04-03-97 के पूर्व विगत वर्षों में जब-जब लाइसेंस नवीनीकरण किये गये थे तथा 04-03-97 के पूर्व अन्तिम बार जिस वर्ष लाइसेंस का नवीनीकरण किया गया था यह भी ज्ञात किया जाना है।

(2) प्रत्येक आरा मशीन के सम्बन्ध में उनके स्थापना का स्थान, मालिक का नाम, इकाईयों की संख्या व अन्य सूचनायें संकलित कर उनका सत्यापन किया जायेगा ।

(3) श्रेणी- I(ए), I(बी),II(ए) एवं II(बी) में आने वाली मशीनों के द्वारा जमा की गयी लाइसेंस फीस की पुष्टि मूल अभिलेखों से कराना तथा उनके किसी वन अपराध में लिप्त न होने की भी पुष्टि करायी जायेगी ।

2- प्लाईवुड/विनियर इकाइयों के सम्बन्ध में -

(1) 30प्र0 के समस्त विनियर/प्लाईवुड इकाइयों को निम्नानुसार चार श्रेणियों में विभक्त किया जायेगा-

श्रेणी-I: दिनांक 26-07-89 से पूर्व स्थापित इकाइयां- उक्त तिथि तक नई विनियर/प्लाईवुड इकाइयों की स्थापना पर कोई रोक नहीं थी ।

श्रेणी-II: दिनांक 27-07-1989 से 15-02-1995 के मध्य स्थापित इकाइयों- इस अवधि में नई प्लाईवुड/विनियर इकाइयों की स्थापना पर पूर्ण प्रतिबन्ध था।

श्रेणी-III: दिनांक 16-02-1995 से 04-03-1997 के मध्य स्थापित इकाइयों- इस अवधि में वन विभाग से अनापत्ति प्रमाण पत्र प्राप्त कर प्लाईवुड/विनियर इकाइयों को स्थापित करने की अनुमति थी ।

श्रेणी-IV: दिनांक 04-03-1997 के बाद स्थापित इकाइयों- मा0 उच्चतम न्यायालय द्वारा दिनांक 04-03-1997 के बाद किसी भी आरामशीन/प्लाईवुड/विनियर इकाइयों की स्थापना पर प्रतिबन्ध लगा दिया गया था ।

(2) उपरोक्तानुसार वर्णित प्लाईवुड/विनियर की प्रत्येक श्रेणी के लिए इकाई मालिक का नाम व स्थान जहां स्थापित है, के साथ-साथ निम्नानुसार सूचनायें, यथा (ए) उनका प्रोविजनल एस0एस0आई0 पंजीकरण (बी) परमानेंट एस0एस0आई0 पंजीकरण (सी) वन विभाग से अनापत्ति प्रमाण पत्र (डी)

उत्पादन प्रारंभ होने की तिथि (ई) उत्पादन शुरू होने के प्रथम तीन वर्षों में उनके द्वारा दिया गया व्यापार कर (एफ) संयंत्र क्रय करने की तिथि एवं विवरण (जी) आरामशीन का लाइसेंस यदि है तो उसका विवरण (एच) क्या प्लाईवुड/विनियर के अतिरिक्त आरामशीन भी संचालित की जा रही है (आई) विभिन्न प्रकार की पीलर्स/रलाईसर्स की संख्या (जे) विभिन्न प्रकार के प्रेसेस की संख्या आदि, संकलित की जायेगी ।

- (3) सी0ई0सी0 द्वारा उपरोक्त सूचना के संकलन एवं सत्यापन का कार्य कराने हेतु प्रमुख सचिव, वन, प्रमुख वन संरक्षक, उ0प्र0 एवं मुख्य वन संरक्षक (क्षेत्रीय) पर्यावरण एवं वन मंत्रालय, भारत सरकार की समिति गठित की गयी है। समिति को इस कार्य हेतु व्यवस्था निर्धारित करने एवं किसी भी अन्य अधिकारी की सेवाओं को संकलन एवं सत्यापन के लिए लेने का अधिकार है।

2- अतः शासन द्वारा सम्यक विचारोपरान्त यह निर्णय लिया गया है कि सी0ई0सी0 के उपरोक्त निर्देश के अनुपालन हेतु प्रत्येक जनपद में उपरोक्त सूचना के एकत्रीकरण, संकलन एवं सत्यापन हेतु जिलाधिकारी की अध्यक्षता में वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक एवं प्रभागीय वनाधिकारी की एक समिति गठित की जाय। उक्त समिति द्वारा समयबद्ध तरीके से निम्न कार्यवाही सम्पादित की जायेगी-

आरामशीनों के सम्बन्ध में

- 1- प्रत्येक आरामशीन के सम्बन्ध में उनके स्थापना का स्थान, मालिक का नाम, इकाइयों की संख्या व अन्य सूचनायें संकलित कर उनका सत्यापन किया जायेगा।

2- श्रेणी I(ए), I(बी),II(ए) एवं II(बी) में आने वाली मशीनों के द्वारा जमा की गयी लाइसेंस फीस की पुष्टि मूल अभिलेखों से कराना तथा उनके किसी वन अपराध में लिप्त होने की भी पुष्टि भी कराया जाएगा ।

उपरोक्त सूचना संलग्न प्रारूप-1 में समिति के तीनों सदस्यों द्वारा हस्ताक्षरित/प्रमाणित करते हुए प्रमुख वन संरक्षक, उत्तर प्रदेश को प्रेषित की जायेगी ।

प्लाईवुड/विनियर इकाइयों के सम्बन्ध में

प्लाईवुड/विनियर इकाइयों के सम्बन्ध में सूचना का संकलन एवं सत्यापन का कार्य प्रत्येक जनपद के जिलाधिकारी की अध्यक्षता में वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक, प्रभागीय वनाधिकारी की उपरोक्त द्वारा किया जायेगा । इसमें महाप्रबन्धक जिला उद्योग केन्द्र एवं व्यापार कर अधिकारी को अतिरिक्त सदस्य के रूप में रखा जाएगा। उपरोक्त सूचना संलग्न प्रारूप-2 में समिति के सभी सदस्यों द्वारा हस्ताक्षरित/प्रमाणित करते हुए प्रमुख वन संरक्षक, उत्तर प्रदेश को प्रेषित की जायेगी ।

3- श्रेणी I एवं II की आरामशीनों एवं श्रेणी-I एवं II प्लाईवुड/विनियर इकाइयों के सत्यापन की रिपोर्ट निर्धारित प्रारूपों में उपरोक्तानुसार गठित समिति प्रमुख वन संरक्षक, उत्तर प्रदेश को विलम्बतम दिनांक 20-10-2006 तक उपलब्ध कराना सुनिश्चित करेगी।

4- श्रेणी III एवं IV की आरामशीनों एवं श्रेणी- III एवं IV प्लाईवुड/विनियर इकाइयों के सत्यापन की रिपोर्ट निर्धारित प्रारूप में उपरोक्तानुसार गठित समिति प्रमुख वन संरक्षक, उत्तर प्रदेश को विलम्बतम दिनांक 30-10-2006 तक उपलब्ध कराना सुनिश्चित करेगी।

5- जिलाधिकारी की अध्यक्षता में गठित समिति द्वारा सत्यापन का कार्य मूल अभिलेखों से किया जायेगा तथा समिति अपनी रिपोर्ट में उसकी सत्यापित प्रति भी संलग्न कर प्रमुख वन संरक्षक, उत्तर प्रदेश को प्रेषित करेगी ।

भवदीय,

ह0/-

(नवीन चन्द्र बाजपेई)

मुख्य सचिव ।

संख्या- 3949(1)/14-2-2006-405(55)/2004 तद्दिनांकित ।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

- 1- प्रमुख सचिव, गृह/पुलिस महानिदेशक, उ0प्र0 को इस आशय से प्रेषित कि वे कृपया उपर्युक्त आदेशों का अनुपालन किये जाने हेतु वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक, उ0प्र0 को अपने स्तर से निर्देश जारी करने का कष्ट करें ।
- 2- प्रमुख सचिव, लघु उद्योग, उ0प्र0 शासन लखनऊ को इस आशय से प्रेषित कि वे उक्त निर्देश के अनुरूप समिति द्वारा अपेक्षित सूचना तत्काल उपलब्ध कराना सुनिश्चित करायेंगे। उक्त के अतिरिक्त जिलाधिकारी की अध्यक्षता में गठित समिति को भी सूचना उपलब्ध कराने हेतु अपने अधीनस्थ सम्बन्धित जिलों के डी0एम0 जी0आई0सी0 को अपने स्तर से निर्देश जारी करने का कष्ट करें ।
- 3- प्रमुख सचिव, व्यापार कर, उ0प्र0 शासन, लखनऊ को इस आशय से प्रेषित कि वे अपने अधीनस्थ सम्बन्धित जिलों के व्यापार कर अधिकारियों को उपरोक्तानुसार कार्यवाही हेतु अपने स्तर से निर्देश जारी करने का कष्ट करें ।

- 4- प्रमुख वन संरक्षक, उत्तर प्रदेश, लखनऊ को इस आशय से प्रेषित कि वे जिलों से प्राप्त रिपोर्ट को संकलित कर सी०ई०सी० द्वारा गठित कमेटी को उपलब्ध कराये।
- 5- समस्त मण्डलायुक्त, उत्तर प्रदेश ।

आज्ञा से,

(वी०एन० गर्ग)
प्रमुख सचिव।

UTTAR PRADESH
ESTABLISHMENT
AND
REGULATION OF SAW MILLS
RULES 1978
(with amendments)

उत्तर प्रदेश सरकार

वन अनुभाग-3

संख्या-4321/14-3-32/73-सीए-16/1927-रूल-1978

लखनऊ : दिनांक : 01 अगस्त, 1978

अधिसूचना

प्रकीर्ण

सा0 प0 नि0-67

भारतीय वन अधिनियम, 1927 (अधिनियम संख्या 16, 1927) की धारा 51-के खण्ड (क) के अधीन शक्ति का प्रयोग करके राज्यपाल निम्नलिखित नियमावली बनाते हैं, अर्थात:-

उत्तर प्रदेश आरामिल की स्थापना और विनियमन नियमावली, 1978

(भारतीय वन अधिनियम, 1927 की धारा 51- क देखिये)

अध्याय एक

- 1- (1) यह नियमावली उत्तर प्रदेश आरा मिल की स्थापना और विनियमन नियमावली, 1978 कही जाएगी ।
- (2) इसका विस्तार सम्पूर्ण उत्तर प्रदेश में होगा ।
- (3) यह सरकारी गजट में प्रकाशित होने के दिनांक से प्रवृत्त होगी।
- 2- जब तक संदर्भ के अन्यथा अपेक्षित न हो इस नियमावली में....
- (क) “आरा मिल” का तात्पर्य इमारती लकड़ी और अन्य लकड़ी

संक्षिप्त नाम
विस्तार और
प्रारम्भ

परिभाषा

काटने, चीरने या उसे टुकड़ों में परिवर्तित करने या तत्सदृश्य कार्यों के प्रयोजनार्थ विद्युत शक्ति, ईंधन शक्ति या जन शक्ति से चलने वाले किसी यांत्रिक साधन से है और इसमें उपर्युक्त भी सम्मिलित है ।

(ख) “आरा मिल की एक इकाई” को 25 हार्स पावर के इंजन या उसके किसी भाग के समकक्ष समझा जाएगा। (इस प्रकार 65 हार्स पावर के इंजन का उपयोग करने वाले आरा मिल को 3 इकाई के समकक्ष समझा जाएगा)

अध्याय दो

आरा मिल का विनियमन और उसकी स्थापना

3- किसी आरक्षित या संरक्षित वन की सीमा में और ऐसी सीमा में 80 किलोमीटर के घेरे में कोई व्यक्ति सम्बद्ध प्रभागीय वन अधिकारी से लाइसेंस प्राप्त किए बिना, इमारती लकड़ी और लकड़ी को परिवर्तित करने या काटने के लिए न तो कोई आरामिल या मशीनरी स्थापित करेगा, न उसे लगायेगा और न किसी वर्तमान आरा मिल या मशीनरी को चलायेगा ।

आरा मिल की
स्थापना का
निर्वन्धन

4- कोई व्यक्ति जो किसी आरा मिल को स्थापित करना या लगाना चाहे या किसी वर्तमान आरा मिल को चलाना चाहे तो यह इस निमित्त लाइसेंस प्राप्त करने के लिए सम्बद्ध प्रभागीय वनाधिकारी को इस नियमावली से संलग्न अनुसूची एक में दिये गये प्रपत्र में आवेदन-पत्र देगा ।

लाइसेंस प्राप्त
करने के लिए
आवेदन-पत्र

5- नियम 4 के अधीन आवेदन-पत्र प्राप्त होने पर प्रभागीय वन

लाइसेंस का

अधिकारी उसकी अभिस्वीकृति करेगा और तत्पश्चात् ऐसी जांच करेगा जैसी वह उचित समझे और निम्नलिखित बातों के सम्बन्ध में अपना समाधान करने के पश्चात् इस नियमावली में संलग्न अनुसूची दो में दिये गये प्रपत्र में लाइसेंस देगा :-

दिया जाना

(एक) कि सरकार के नियंत्रण में वनों और आसन्न ग्रामीण क्षेत्रों में वृक्ष वृद्धि को क्षतिग्रस्त किये बिना प्रस्तावित आरा मिल के स्थान पर विधि सम्मत साधनों द्वारा अपेक्षित परिभाषा में इमारती लकड़ी उपलब्ध होगी,

(दो) कि आवेदक ने लाइसेंस में विनिर्दिष्ट शर्तों के अनुसार, आरा मिल लगाने और चलाने के लिए आवश्यक क्षेत्र अर्जित कर लिया है या अर्जित करने की स्थिति में है,

(तीन) कि आवेदक को आवश्यक मशीनगरी, विद्युत शक्ति आदि उपलब्ध है या उनके उपलब्ध होने की सम्भावना है,

(चार) कि आवेदक ने आरा मिल लगाने और चलाने के लिये सम्बद्ध जिला मजिस्ट्रेट से “अनापत्ति प्रमाण पत्र” प्राप्त कर लिया है:

यदि प्रभागीय वन अधिकारी का समाधान न हो तो वह आवेदन-पत्र को अस्वीकार कर सकता है ।

6- नियम 5 के अधीन दिया गया या नियम 7 के अधीन नवीकृत प्रत्येक लाइसेंस एक कलैण्डर वर्ष या जारी किये जाने या नवीकरण के दिनांक के ठीक पश्चातवर्ती 31 दिसम्बर, तक की अवधि के लिए

लाइसेंस की
विधि मान्यता
की अवधि

विधि मान्य रहेगा ।

7- नियम 5 के अधीन कर दिये गये लाइसेंस के नवीनीकरण के लिये सम्बद्ध प्रभागीय वन अधिकारी को आवेदन-पत्र देने पर यह उसके नवीकरण उस अवधि को इंगित करते हुए कर सकता है, जिसके हेतु उसका नवीकरण किया गया हो ।

लाइसेंस का
नवीनीकरण

यदि कोई लाइसेंसधारी उक्त दिनांक की समाप्ति के पूर्व लाइसेंस का नवीकरण कराने में विफल रहता है तो बगैर लाइसेंस के आरा मिल चलाने के लिए भारतीय वन अधिनियम, 1927 की धारा 77 के अनुसार दण्ड का भागी होगा ।

8- पूर्ववर्ती नियमों में किसी बात के होते हुए भी, सम्बद्ध प्रभागीय वन अधिकारी, जहां उसे विश्वास करने का कारण हो कि कोई लाइसेंसधारी इस नियमावली के उपबन्धों का या लाइसेंस की शर्तों का उल्लंघन करके आरा मिल चला रहा है या लाइसेंसधारी वन संरक्षण के हित के प्रतिकूल कार्यों में लगा है, वहां लाइसेंसधारी को सुनवायी का अवसर देने के पश्चात् नियम-5 के अधीन दिये गये या नियम 7 के अधीन नवीकृत लाइसेंस का किसी समय प्रतिसंग्रहण कर सकता है।

लाइसेंस का
प्रति संग्रहण

9- जहां सम्बद्ध प्रभागीय वन अधिकारी लाइसेंस जारी करने या नवीकृत करने से इन्कार करे या प्रतिसंहृत करे, वहां वह उसका कारण बताते हुए, यथास्थिति, आवेदक या लाइसेंसधारी को उसकी सूचना देगा।

लाइसेंस देने से
इन्कार करने,
नवीनीकरण न
किये जाने या
प्रति संग्रहण

10- नियम 9 के अधीन प्रभागीय वन अधिकारी के आदेश से व्यथित कोई व्यक्ति, उस पर आदेश तामील किये जाने के दिनांक से 30 दिन के भीतर सम्बद्ध अरण्यपाल को अपील कर सकता है। अरण्यपाल, तदपरान्त प्रभागीय वन अधिकारी और/या अपीलार्थी को सुनवायी का अवसर देने के पश्चात् अपील का विनिश्चय करेगा। ऐसी अपील पर अरण्यपाल का विनिश्चय अन्तिम होगा ।

11- लाइसेंस देने या उसके नवीनीकरण के लिए आवेदकों (लाइसेंसधारियों) द्वारा प्रत्येक आरा मिल की प्रति इकाई के लिये 250 रूपये वार्षिक फीस देय होगी जो वन विभाग के राजस्व में कोषागार चालान के माध्यम से प्राप्ति शीर्षक “113....वन” के अधीन जमा की जायेगी ।

12- इस नियमावली की कोई बात घरेलू बढईगीरी या लघु पैमाने पर अन्य तत्सदृश्य कार्यों के समान्य संचालन पर लागू नहीं होगी ।

पर प्रतिक्रिया

लाइसेंस जारी करने या नवीनीकृत करने से इंकार करने या प्रति संहत करने के विरुद्ध अपील

लाइसेंस देने और नवीनीकरण के लिए फीस

अपवाद

अनुसूची - एक

सेवा में,

प्रभागीय वनाधिकारी,

..... वन प्रभाग,

.....

विषय- आरा मिल लगाने/स्थापित करने के लिये आवेदन-पत्र ...

- 1- आवेदक का नाम और पूरा पता ।
- 2- स्थान का नाम जहां आरा मिल लगाया जायेगा ।
- 3- क्या आरा मिल के लिये अपेक्षित मशीनरी और विद्युत शक्ति आदि उपलब्ध है ।
- 4- प्रस्तावित मिल की उत्पादन क्षमता ।
- 5- जिला मजिस्ट्रेट का अनापत्ति प्रमाण-पत्र ।
- 6- अन्य व्योरा, यदि कोई हो ।

स्थान -

आवेदक के हस्ताक्षर

दिनांक -

अनुसूची - दो

इमारती लकड़ी को काटने या परिवर्तित करने के लिये आरा मिल स्थापित करने, लगाने और चलाने के लिये लाइसेंस का प्रपत्र

इमारती लकड़ी को परिवर्तित करने/काटने के लिये स्थान
..... (कारवार स्थान का पूरा पता) में आरामिल स्थापित करने/लगाने/चलाने के लिये श्री आत्मज निवासी
..... (पूरा पता) जिसे आगे लाइसेंसधारी कहा गया है को उत्तर प्रदेश में अपनी प्रवृत्ति के सम्बन्ध में समय-समय पर यथासंशोधित भारतीय वन अधिनियम, 1927 (अधिनियम संख्या 16, 1927) और इसके अधीन बनाये गये उपबन्धों के अधीन रहते हुए और निम्नलिखित शर्तों पर एतद्द्वारा लाइसेंस दिया जाता है अर्थात् -

शर्तें

- 1- यह लाइसेंस, 197..... को प्रारम्भ होकर और
..... 197..... को समाप्त होने वाली अवधि के लिये प्रवृत्त रहेगा ।
- 2- लाइसेंसधारी इमारती लकड़ी को परिवर्तित करने/काटने के लिये
..... (कारवार-स्थान का पूरा पता उल्लिखित कीजिए) में आरा मिल स्थापित करेगा/लगायेगा या वर्तमान आरा मिल चलायेगा ।
- 3- लाइसेंसधारी सम्बद्ध प्रभागीय वन अधिकारी की लिखित पूर्व अनुज्ञा प्राप्त किये बिना, आरामिल का स्थान नहीं बदलेगा ।
- 4- लाइसेंसधारी ऐसा रजिस्टर और अभिलेख रखेगा और ऐसे विवरण प्रस्तुत करेगा जैसा प्रभागीय वन अधिकारी लिखित रूप से निर्देश दें और अपेक्षा किये जाने पर वन विभाग के किसी अधिकारी या कर्मचारी वर्ग के सदस्य द्वारा निरीक्षण के लिए प्रस्तुत करेगा ।

5- लाइसेंसधारी यह सुनिश्चित करेगा कि -

(1) आरा मिल का स्थल जिसमें गोल इमारती लकड़ी चिरी हुयी इमारती लकड़ी और क्षेप्य लकड़ी के संग्रह के लिये प्रांगण भी सम्मिलित है, समुचित फाटकों से युक्त बाड़ा से घिरा है,

(2) समस्त गोल इमारती लकड़ी, चिरी हुयी इमारती लकड़ी और क्षेप्य लकड़ी का समुचित संग्रह प्रभागीय वन अधिकारी या उसके द्वारा इस निमित्त प्राधिकृत कर्मचारी के द्वारा समय समय पर दिये गये अनुदेशों के अनुसार किया जाय ।

(3) चीरने या परिवर्तित करने के लिये इमारती लकड़ी को तब तक स्वीकार न किया जाय जब तक उस पर सम्पत्ति चिन्ह न लगे हों और वह वन पारगमन-पत्र या अन्य दस्तावेजों साक्ष्य, यथा इमारती लकड़ी के सौदागर या उसके किसी अन्य विक्रेता की रसीद के अन्तर्गत न आता हो,

(4) ऐसी इमारती लकड़ी को जो उपर्युक्त वर्ग 5(3) की अपेक्षाओं के अनुरूप न हो, परिवर्तित करने के लिये स्वीकार न किया जाय और ऐसी इमारती लकड़ी के सम्बन्ध में लिखित सूचना वन विभाग के किसी उपलभ्य कर्मचारी या निकटतम वन अधिकारी को तुरन्त दी जाय,

(5) आरामिल तथा आरामिल की भू-गृहादि में संग्रहीत इमारती लकड़ी वन विभाग के किसी अधिकारी या इस प्रयोजन के लिये नियुक्त वन विभाग के कर्मचारी वर्ग के किसी सदस्य या पुलिस उपनिरीक्षक के पद से अनिम्न किसी पुलिस अधिकारी या किसी मजिस्ट्रेट द्वारा निरीक्षण के लिए सभी समय सुलभ हों:

(6) उपर्युक्त (5) में उल्लिखित किसी प्राधिकारी द्वारा मांग करने पर लाइसेंस और समस्त सुसंगत अभिलेख निरीक्षण के लिये प्रस्तुत किये जायें,

(7) लाइसेंस अन्तरणीय होगा और जहां इसे अन्तरित किया जाय । वहां अन्तरक सम्बद्ध प्रभागीय वन अधिकारी को ऐसे अन्तरण की सूचना तुरन्त देगा और अन्तरिती उसमें विनिर्दिष्ट अवधि तक लाइसेंस धारण करेगा ।

प्रभागीय वन अधिकारी का हस्ताक्षर

दिनांक19

(मुहर)

आज्ञा से,

एन०पी० त्रिपाठी,

सचिव,

उत्तर प्रदेश सरकार

वन (3) अनुभाग

संख्या-1417/14-3-32/73

लखनऊ : दिनांक : 06 जून, 1990

अधिसूचना

साधारण खण्ड अधिनियम, 1897 (अधिनियम संख्या-10 सन 1897) की धारा-21 के साथ पठित भारतीय वन अधिनियम, 1927 (अधिनियम संख्या-16 सन् 1927) की धारा-51 क के खण्ड (क) के अधीन शक्ति का प्रयोग करके राज्यपाल, उत्तर प्रदेश आरा मिल की स्थापना और विनियमन नियमावली, 1978 का संशोधन करने की दृष्टि से निम्नलिखित नियमावली बनाते हैं:-

उत्तर प्रदेश आरामिल की स्थापना और विनियमन (प्रथम संशोधन) नियमावली, 1990

- संक्षिप्त नाम और प्रारम्भ 1-(1) यह नियमावली उत्तर प्रदेश आरा मिल की स्थापना और विनियमन (प्रथम संशोधन) नियमावली, 1990 कही जायेगी।
- (2) यह ऐसे दिनांक से प्रवृत्त होगी जैसा राज्य सरकार इस निमित्त अधिसूचना द्वारा नियत करें।
- नियम 3, 6 व 11 का संशोधन 2- उत्तर प्रदेश आरा मिल की स्थापना और विनियमन नियमावली, 1978 में नीचे स्तम्भ-1 में दिये गये वर्तमान नियम 3, 6 व 11 के स्थान पर नीचे स्तम्भ-2 में दिये गये नियम रख दिये जायेगे:-

स्तम्भ-1

वर्तमान नियम

3- किसी आरक्षित या संरक्षित वन की सीमा में और ऐसी सीमा में 80 किलोमीटर के घेरे में कोई व्यक्ति सम्बद्ध प्रभागीय वन अधिकारी से लाइसेंस प्राप्त किए बिना, इमारती लकड़ी और लकड़ी को परिवर्तित करने या काटने के लिए न तो कोई आरामिल या मशीनरी स्थापित करेगा, न उसे लगायेगा और न किसी वर्तमान आरा मिल या मशीनरी को चलायेगा ।

6- नियम 5 के अधीन दिया गया या नियम 7 के अधीन नवीकृत प्रत्येक लाइसेंस एक कलैण्डर वर्ष या जारी किये जाने या नवीकरण के दिनांक के ठीक पश्चातवर्ती 31 दिसम्बर, तक की अवधि के लिए विधि मान्य रहेगा ।

स्तम्भ-2

एतद्वारा प्रतिस्थापित नियम

3- आरामिल के लिये लाइसेंस कोई व्यक्ति सम्बद्ध प्रभागीय वनाधिकारी से लाइसेंस प्राप्त किये बिना, इमारती लकड़ी और लकड़ी को परिवर्तित करने या काटने के लिए न तो कोई आरामिल या मशीनरी स्थापित करेगा, न उसे लगायेगा और न किसी आरा मिल या मशीनरी को चलायेगा।

6- लाइसेंस की विधिमान्यता की अवधि नियम-5 के अधीन दिया या नियम-7 के अधीन नवीनीकृत प्रत्येक लाइसेंस जारी करने के दिनांक से तीन वर्ष से अनाधिक ऐसी अवधि के लिये विधि मान्य रहेगा जैसी लाइसेंस में विनिर्दिष्ट की जाय।

11- लाइसेंस देने या उसके नवीनीकरण के लिए आवेदकों (लाइसेंसधारियों) द्वारा प्रत्येक आरा मिल की प्रति इकाई के लिये 250 रूपये वार्षिक फीस देय होगी जो वन विभाग के राजस्व में कोषागार चालान के माध्यम से प्राप्ति शीर्षक "113-वन" के अधीन जमा की जायेगी ।

11- लाइसेंस देने और नवीनीकरण के लिये फीस लाइसेंस देने या उसके नवीनीकरण के लिए आवेदकों (लाइसेंसधारियों) द्वारा प्रत्येक आरा मिल की प्रति इकाई के लिये एक हजार रूपये वार्षिक फीस देय होगी जो वन विभाग के राजस्व में कोषागार चालान के माध्यम से प्राप्ति शीर्षक "113-वन" के अधीन जमा की जायेगी ।

आज्ञा से,

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सचिव

उत्तर प्रदेश सरकार

वन अनुभाग-2

संख्या-4219/14-2-98-405(209)/96टी0सी0II

लखनऊ : दिनांक : 26 जून, 1998

अधिसूचना

साधारण खण्ड अधिनियम, 1897 (अधिनियम संख्या-10 सन 1897) की धारा-21 के साथ पठित भारतीय वन अधिनियम, 1927 (अधिनियम संख्या-16 सन् 1927) की धारा-51 क के खण्ड (क) के अधीन शक्ति का प्रयोग करके राज्यपाल, उत्तर प्रदेश आरा मिल की स्थापना और विनियमन नियमावली, 1978 का संशोधन करने की दृष्टि से निम्नलिखित नियमावली बनाते हैं:-

उत्तर प्रदेश आरामिल की स्थापना और विनियमन (द्वितीय संशोधन) नियमावली, 1998

- संक्षिप्त नाम और प्रारम्भ 1-(1) यह नियमावली उत्तर प्रदेश आरा मिल की स्थापना और विनियमन (द्वितीय संशोधन) नियमावली, 1998 कही जायेगी।
- (2) यह सरकारी गजट में प्रकाशित होने के दिनांक से प्रवृत्त होगी ।
- नियम 2 का संशोधन 2- उत्तर प्रदेश आरा मिल की स्थापना और विनियमन नियमावली, 1978 (जिसे आगे उक्त नियमावली कहा गया है) के नियम 2 में, नीचे स्तम्भ-1 में दिये गये वर्तमान खण्ड (क) के स्थान पर नीचे स्तम्भ-2 में दिया गया खण्ड (क) रख दिया

जायेगा अर्थात :-

स्तम्भ-1

वर्तमान नियम

(क) “आरा मिल” का तात्पर्य इमारती लकड़ी और अन्य लकड़ी काटने, चीरने या उसे टुकड़ों में परिवर्तित करने या तत्सदृश्य कार्यों के प्रयोजनार्थ विद्युत शक्ति, ईंधन शक्ति या जन शक्ति से चलने वाले किसी यांत्रिक साधन से है और इसमें उर्युक्त भी सम्मिलित है ।

स्तम्भ-2

एतद्द्वारा प्रतिस्थापित नियम

(क) “आरा मिल” का तात्पर्य इमारती लकड़ी और अन्य लकड़ी को काटने, चीरने या उसे टुकड़ों में परिवर्तित करने या तत्सदृश्य कार्यों को प्रयोजनार्थ विद्युत शक्ति, ईंधन शक्ति या जन शक्ति से चलने वाले किसी यांत्रिक साधन से है और इसमें उपर्युक्त भी सम्मिलित है किन्तु इसमें ऐसे यांत्रिक साधन, जिसके इंजन की क्षमता 3 हार्स पावर तक हो, सम्मिलित नहीं होंगे।

नियम 5 का संशोधन

3- उक्त नियमावली में, नीचे स्तम्भ-1 में दिये गये वर्तमान नियम 5 के स्थान पर, स्तम्भ-2 में दिया गया नियम रखा जाएगा, अर्थात :-

स्तम्भ-1

वर्तमान नियम

लाइसेंस का दिया जाना

5- नियम 4 के अधीन लाइसेंस का दिया जाना आवेदन-पत्र प्राप्त होने पर प्रभागीय वन अधिकारी

स्तम्भ-2

एतद्द्वारा प्रतिस्थापित नियम

5- नियम-4 के अधीन आवेदन-पत्र प्राप्त होने पर प्रभागीय वन अधिकारी उसकी अभिस्वीकृति करेगा और तत्पश्चात् ऐसी

उसकी अभिस्वीकृति करेगा और तत्पश्चात् ऐसी जांच करेगा जसी वह उचित समझे और निम्नलिखित बातों के सम्बन्ध में अपना समाधान करने के पश्चात् इस नियमावली से संलग्न अनुसूची दो में दिये गये प्रपत्र में लाइसेंस देगा:-

(एक) कि सरकार के नियंत्रण में वनों और आसन्न ग्रामीण क्षेत्रों में वृक्ष वृद्धि को क्षतिग्रस्त किये बिना प्रस्तावित आरामिल के स्थान पर विधि सम्मत साधनों द्वारा अपेक्षित परिमाण में इमारती लकड़ी उपलब्ध होगी;

(दो) कि आवेदक ने लाइसेंस में विनिर्दिष्ट शर्तों के अनुसार, आरामिल

जांच करेगा जैसी वह उचित समझे और निम्नलिखित बातों के सम्बन्ध में अपना समाधान करने के पश्चात् इस नियमावली की अनुसूची दो में दिये गये प्रपत्र में लाइसेंस देगा :-

(एक) कि सरकार के नियंत्रण में वनों और आसन्न ग्रामीण क्षेत्रों में वृक्ष वृद्धि को क्षतिग्रस्त किये बिना प्रस्तावित आरामिल के स्थान पर विधि सम्मत साधनों द्वारा अपेक्षित परिमाण में इमारती लकड़ी उपलब्ध होगी;

(दो) कि आवेदक ने लाइसेंस में विनिर्दिष्ट शर्तों के अनुसार, आरामिल लगाने और चलाने के लिए आवश्यक

लगाने और चलाने के लिए आवश्यक क्षेत्र अर्जित कर लिया है या अर्जित करने की स्थिति में है

(तीन) कि आवेदक को आवश्यक मशीनरी, विद्युत शक्ति आदि उपलब्ध है या उनके उपलब्ध होने की सम्भावना है

(चार) कि आवेदक ने आरामिल लगाने और चलाने के लिए सम्बद्ध जिला मजिस्ट्रेट से अनापत्ति प्रमाण पत्र प्राप्त कर लिया है:-

यदि प्रभागीय वन अधिकारी का समाधान न हो तो वह आवेदन पत्र को अस्वीकार कर सकता है।

क्षेत्र अर्जित कर लिया है या अर्जित करने की स्थिति में है;

(तीन) कि आवेदक को आवश्यक मशीनरी, विद्युत शक्ति आदि उपलब्ध है या उनके उपलब्ध होने की सम्भावना है;

(चार) कि आवेदक ने आरामिल लगाने और चलाने के लिए सम्बद्ध जिला मजिस्ट्रेट से अनापत्ति प्रमाण पत्र प्राप्त कर लिया है:

यदि प्रभागीय वन अधिकारी का समाधान न हो तो वह आवेदन पत्र इसकी प्राप्ति के साठ दिन के अन्दर अस्वीकार कर सकता है।

परन्तु यह कि यदि उक्त आवेदन-पत्र प्रभागीय वन अधिकारी द्वारा आवेदन-पत्र की प्राप्ति के दिनांक से साठ दिनों के अन्दर निस्तारित नहीं किया

जाता है, तो आवेदनकर्ता को आवेदित लाइसेंस इस नियम के अधीन उक्त साठ दिन की समाप्ति से ऐसे निबंधनों एवं शर्तों पर प्रदान किया हुआ समझा जाएगा जैसा कि इस नियमावली से संलग्न अनुसूची-2 में निर्धारित किया गया है और उस दशा में अभिस्वीकृति लाइसेंस का पर्याप्त प्रमाण होगी ।

परन्तु यह और कि उपर्युक्त परन्तुक ऐसे आरामिलों के सम्बन्ध में लागू नहीं होगा जो किसी वर्तमान वन से दस किलोमीटर के भीतर स्थित हों। स्पष्टीकरण:- इस नियम में, वर्तमान वन में, ऐसे वृक्ष सम्मिलित नहीं होंगे जो सड़कों और रेलमागों के दोनों ओर स्थित हों ।

नियम 6 का संशोधन 4- उक्त नियमावली में, नीचे स्तम्भ-1 में दिये गये वर्तमान नियम 6 के स्थान पर, स्तम्भ-2 में दिया गया नियम रख दिया जाएगा, अर्थात :-

स्तम्भ-1

वर्तमान नियम

6- नियम-5 के अधीन लाइसेंस

स्तम्भ-2

एतद्वारा प्रतिस्थापित नियम

6- नियम 5 के अधीन दिया गया या

दिया गया या नियम 7 के अधीन नवीकृत प्रत्येक लाइसेंस जारी करने या नवीकरण करने के दिनांक से तीन वर्ष के अनाधिक ऐसी अवधि के लिए विधि मान्य रहेगा जैसी लाइसेंस में विनिर्दिष्ट की जाय ।

नियम 7 के अधीन नवीनीकृत प्रत्येक लाइसेंस जारी करने या नवीनीकरण करने के दिनांक से तीन वर्ष के अनाधिक ऐसी अवधि के लिए विधि मान्य रहेगा जैसी लाइसेंस में विनिर्दिष्ट की जाय।

परन्तु नियम 5 के परन्तुक या नियम 7 में निर्दिष्ट लाइसेंस की दशा में विधि मान्यता की अवधि तीन वर्ष होगी ।

नियम 7 का संशोधन

5- उक्त नियमावली में, नीचे स्तम्भ-1 में दिये गये वर्तमान नियम 7 के स्थान पर, स्तम्भ-2 में दिया गया नियम रख दिया जाएगा, अर्थात :-

स्तम्भ-1

स्तम्भ-2

वर्तमान नियम

एतद्वारा प्रतिस्थापित नियम

लाइसेंस का नवीनीकरण

7- नियम 5 के अधीन लाइसेंस का नवीनीकरण कर दिये गये लाइसेंस के नवीनीकरण के लिये सम्बद्ध प्रभागीय वन अधिकारी को आवेदन पत्र देने पर वह उसका नवीकरण उस अवधि को इंगित करते हुए कर सकता है जिसके हेतु

7- नियम 5 के अधीन दिये गये लाइसेंस के नवीनीकरण के लिये सम्बद्ध प्रभागीय वन अधिकारी को आवेदन पत्र देने पर वह उसका नवीनीकरण उस अवधि को इंगित करते हुए कर सकता है जिसके हेतु उसका नवीनीकरण किया गया हो। लाइसेंस के नवीनीकरण के लिये दिये गये आवेदन पत्र का निस्तारण उसकी प्राप्ति

उसका नवीनीकरण किया गया हो ।

यदि कोई लाइसेंस धारी उक्त दिनांक की समाप्ति के पूर्व लाइसेंस का नवीकरण कराने में विफल रहता है तो वह बगैर लाइसेंस के आरा मिल चलाने के लिए भारतीय वन अधिनियम 1927 की धारा 77 के अनुसार दंड का भागी होगा ।

के साठ दिन के अन्दर किया जायेगा।

परन्तु प्रभागीय वन अधिकारी द्वारा आवेदन पत्र प्राप्ति के दिनांक से साठ दिन के भीतर आवेदन पत्र निस्तारित न होने की दशा में, लाइसेंस तीन वर्ष की अवधि के लिए नवीनीकृत हुआ समझा जाएगा।

परन्तु यह और कि उपर्युक्त परन्तुक ऐसे आरा मिलों के सम्बन्ध में लागू नहीं होगा जो किसी वर्तमान वन से दस किलोमीटर के भीतर स्थित हों; स्पष्टीकरण:- इस नियम में, वर्तमान वन में, ऐसे वृक्ष सम्मिलित नहीं होंगे जो सड़कों और रेलमार्गों के दोनों ओर स्थित हों।

यदि कोई लाइसेंस धारी उक्त दिनांक की समाप्ति के पूर्व लाइसेंस का नवीनीकरण कराने में विफल रहता है तो वह बगैर लाइसेंस के आरा मिल चलाने के लिए भारतीय वन अधिनियम 1927 की धारा 77 के अनुसार दंड का भागी

होगा।

नियम 11 का 6- उक्त नियमावली में नियम 11 के पश्चात् निम्नलिखित नियम बढ़ा दिया बढ़ाया जाना जाएगा, अर्थात् :-

उपबन्धों और नियमों से छूट देने का अधिकार

11-क. जहां राज्य सरकार का यह समाधान हो जाता है कि ऐसे प्रकाष्ठ आधारित उद्योग, जैसे प्लाइवुड मिल, विनियर मिल, कत्था उद्योग, कागज और पल्प उद्योग और कूलिंग टावर निर्माण उद्योग जिनका अंतिम उत्पाद प्रकाष्ठ न हो और उनमें आरा मिलों के रूप में प्रयुक्त यांत्रिक साधन उनकी उत्पादन प्रक्रिया का एक अभिन्न भाग हो, इस नियमावली के सभी या किन्हीं उपबन्धों के लागू होने के कारण संचालन सम्भव नहीं हो पा रहा हो तो ऐसे उद्योगों को राज्य सरकार अधिसूचना द्वारा, ऐसे कारणों से जो अभिलिखित किये जायेंगे और ऐसी शर्तों के अधीन रहते हए जिन्हें सरकार के नियंत्रणाधीन वनों और उसके आसन्न क्षेत्रों में वृक्ष वृद्धि के संरक्षण के लिए उचित समझा जाय, ऐसे उद्योगों को ऐसे नियमों के प्रवर्तन से छूट दे सकती है।

आज्ञा से,

टी0जार्ज जोसेफ,
प्रमुख सचिव

उत्तर प्रदेश सरकार

वन अनुभाग-2

संख्या-1007/XIV-2-2004-343(एल)/2001

लखनऊ : दिनांक : 14 जून, 2004

अधिसूचना

साधारण खण्ड अधिनियम, 1897 (अधिनियम संख्या-10 सन 1897) की धारा-21 के साथ पठित भारतीय वन अधिनियम, 1927 (अधिनियम संख्या-16 सन् 1927) की धारा-51-क के खण्ड (क) के अधीन शक्ति का प्रयोग करके राज्यपाल, उत्तर प्रदेश आरा मिल की स्थापना और विनियमन नियमावली, 1978 का संशोधन करने की दृष्टि से निम्नलिखित नियमावली बताते हैं:-

उत्तर प्रदेश आरामिल की स्थापना और विनियमन (तृतीय संशोधन) नियमावली, 2004

- संक्षिप्त नाम और प्रारम्भ 1-(1) यह नियमावली उत्तर प्रदेश आरा मिल की स्थापना और विनियमन (तृतीय संशोधन) नियमावली, 2004 कही जायेगी।
(2) यह सरकारी गजट में प्रकाशित होने के दिनांक से प्रवृत्त होगी ।
- नियम 5 क का बढ़ाया जाना 2- उत्तर प्रदेश आरामिल की स्थापना और विनियमन नियमावली, 1978, जिसे आगे उक्त नियमावली कहा गया है, में नियम-5 के पश्चात् निम्नलिखित नियम बढ़ा दिया जायेगा अर्थात्-
- आरा मिल का पुनः अवस्थापन, 5 क प्रमुख वन संरक्षक, उत्तर प्रदेश, आवेदन किये जाने पर और ऐसी जांच, जैसा वह उचित समझे, के पश्चात् राज्य के भीतर एक स्थान से दूसरे स्थान पर किसी विद्यमान आरा मिल के पुनः अवस्थापित करने के लिए आदेश दे सकता है।
- नियम-11 का संशोधन 3- उक्त नियमावली में नीचे स्तम्भ-1 में दिये गये विद्यमान नियम 11 के स्थान पर स्तम्भ-2 में दिये गये नियम रख दिये जायेंगे अर्थात्:-

स्तम्भ -1

विद्यमान नियम

11- लाइसेंस देने और नवीनीकरण

स्तम्भ -2

एतद्द्वारा प्रतिस्थापित नियम

11- लाइसेंस देने और नवीनीकरण के

के लिए फीस- लाइसेंस देने या उसके नवीनीकरण के लिए आवेदकों/ लाइसेंसधारियों द्वारा प्रत्येक आरा मिल की प्रति इकाई के लिए एक हजार रूपये वार्षिक फीस देय होगी जो वन विभाग के राजस्व में कोषागार चालान के माध्यम से प्राप्ति शीर्षक "113-वन" के अधीन जमा की जायेगी ।

और पुनः
अवस्थापन
फीस

लिए फीस- लाइसेंस देने या उसके नवीनीकरण के लिए आवेदकों/ लाइसेंसधारियों द्वारा आरा मिल की प्रति इकाई के लिए पांच हजार रूपये वार्षिक फीस और दस हजार रूपये पुनः अवस्थापन फीस देय होगी जो वन विभाग के राजस्व में कोषागार चालान के माध्यम से प्राप्ति शीर्षक "0406-01-800-03" के अधीन जमा की जाएगी ।

आज्ञा से,
सुरजीत कौर सन्धू
प्रमुख सचिव

संख्या- 1007(1)/14-2-2004/तद्दिनांक ।

प्रतिलिपि- अधिसूचना की अंग्रेजी प्रति सहित, निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित -

- 1- संयुक्त निदेशक, राजकीय मुद्रणालय, ऐशबाग, लखनऊ को इस अभ्युक्ति के साथ कि वे कृपया इस अधिसूचना को अंग्रेजी प्रति सहित, असाधारण गजट में दिनांक 14 जून 2004 के अंक में प्रकाशित करके अधिसूचना की 1000 प्रतियां शासन के वन अनुभाग-2 को तत्काल भेजने का कष्ट करें ।
- 2- प्रमुख वन संरक्षक, उ०प्र० लखनऊ ।
- 3- समस्त मुख्य वन संरक्षक, उ०प्र०/समस्त वन संरक्षक/समस्त प्रभागीय वनाधिकारी/प्रभागीय निदेशक, सामाजिक वानिकी, उ०प्र० ।
- 4- प्रबन्ध-निदेशक, उ०प्र० वन निगम, लखनऊ ।
- 5- वन सचिव शाखा के समस्त अधिकारी एवं वन अनुभाग-1, 3, 4 व 5
- 6- वित्त (व्यय नियंत्रण) अनुभाग-7
- 7- वित्त संसाधन (सामान्य) अनुभाग ।

आज्ञा से,
ह०/-
(जे०पी० शर्मा)
उप सचिव

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In 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:

THE UTTAR PRADESH
ESTABLISHMENT AND REGULATION OF
SAW-MILLS RULES, 1978

CHAPTER I
PRELIMINARY

1. **Short title, extent and commencement-** (1) these rules may be called the Uttar Pradesh 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.
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.

- (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 of Restriction of Establishment of Saw Mills	(Within the limits of any reserved or protected forests and within a radius of 80 Kilometers of such limits No person shall establish, erect or operate any saw mill or machinery for converting or cutting timber and wood obtaining a licence from the Divisional Forest Officer concerned.* <i>*Substituted by Notification No. 1117/XIV-3-32-73 dated June 6,1990</i>
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	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:-
	<ul style="list-style-type: none"> (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

	<p>and running a saw mill in accordance with the conditions specified in the licence;</p> <p>(iii) that the necessary machinery, power etc, is available or is likely to be available to the applicant,</p> <p>(iv) that the applicant has obtained a "No objection Certificate" from the District Magistrate concerned for erecting and running the saw mill,</p> <p>In case the Divisional Forest Officer is not satisfied he may reject the application.</p>
6. Period of validity of licence	<p>Every licence granted under Rule 5 or renewed under Rule 7 shall remain one calendar year or for a period not beyond 31st day of December next following the date of issue or renewal. *(valid for such period not exceeding three years from the date of issue or renewal as may be specified in the licence.)</p> <p><i>*Substituted by Notification No. 1117/XIV-3-32-73 dated June 6,1990</i></p>
7. Renewal of licences	<p>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.</p> <p>Failure to get the licence renewed before the expiry of the 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.</p>
8. Revocation of the licence	<p>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 involved in activities prejudicial to the interests of forest conservancy at any time, after giving revoke the licence granted under</p>

	rule 5 or renewed under rule 7.
9. Procedure of renewal 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 reoke licences	Any person aggrieved by an order of the Divisional Forest Officer under rule 9, may within 30 days of the service of the order on him, appeal to the concerned Conservator of Forests. The Conservator of forest 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 Forest on such appeal shall be final.
11. Fees for grant and renewal of licences	An annual fee of Rs. 250 per unit * (Rs. 1000 per unit) of saw mill for grant or renewal of licences shall be payable by the applicants/licencees which will be credited to the reenue of the Forest epartment through a treasury chalan under the receipt head "113-VAN" <i>*Substituted by Notification No. 1117/XIV-3-32-73 dated June 6,1990</i>
12. Savings	Nothing contained in these rules shall apply to the ordinary operations of domestic carpentary or to other similar works on small-scale.

SCHEDULE I

To,

The Divisional Forest Officer,

..... Forest Division.

.....

Subjects : 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 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 SriS/o resident of(full address) (hereinafter 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 the rules made thereunder and on the following conditions namely.

C O N D I T I O N S

1. This licence shall remain in force for the period commencing on and ending on
2. The licensee shall establish/erect/operate the existing saw mill required for converting/cutting of timber at(mentioned 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 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 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 forth with given to any forest staff available or to 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.

Dated19

Signature of the Divisional Forest Officer

(Seal)

By, order

N.P. TRIPATHI,

Sachiv

The Governor is pleased to order the publication of the following English translation of notification no. 4219/XIV-2-98-405(209)-96 T.C. II, dated June 26, 1998 for general information:

No. 4219/XIV-2-98-405(209)-96 T.C. II

Dated Lucknow, June 26, 1998

In exercise of the powers under clause (a) of Section 51-A of the Indian Forest Act, 1927 (Act no XVI of 1927), read with section 21 of the General Clauses Act, 1987 (Act no. X of 1897), the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Establishment and Regulation of Saw Mills Rules 1978:

THE UTTAR PRADESH ESTABLISHMENT AND REGULATION OF SAW MILLS (SECOND AMENDMENT) RULES 1998

Short title and Commencement

1. (1) These rules may be called the Uttar Pradesh Establishment and Regulation of Saw Mills (Second Amendment) Rules, 1998.
- (2) They shall come into force with effect from the date of their publication in the official *Gazette*.

Amendment of Rule 2 2. In the Uttar Pradesh Establishment and Regulation of Saw Mills Rules, 1978 hereinafter referred to as the said rules in rule 2, for the existing clause (a) set out in column-1 below, the clause (a) as set out in column-2 below shall be *substituted*, namely;

Column-1	Column-1
<i>Existing rules</i>	<i>Rules as hereby substituted</i>
(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 in the pieces or the like acts.	(a) "saw mill" 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 upto 3 H.P.

3 . In the said rules, *for* the existing rule 5 set out in column-1 below the rules as set out in column-2 shall be ***substituted***, namely :- Amendment of Rule 5

Column-1	Column-2
<i>Existing Rules</i>	<i>Rules as hereby substituted</i>
Grant of licence 5. On receipt of an application under rule 4 the Divisional Forest Officer shall acknowledge the same and thereafter shall make such enquiries 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	Grant of licence 5. 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

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;

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 off within sixty days from the date of the 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 the schedule II appended to these

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.

6. In the said rules, *after* rule 11, the following rule shall be *inserted* namely:-

Insertion of Rule

11-A

11-A. 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 of 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.

Power of exempt from the provision and Rules

By order,
T. GEORGE JOSEPH
Pramukh Sachiv

Uttar Pradesh Shasan Van Anubhag-2

The Governor is pleased to order the publication of the following English translation of notification no. 1007/XIV-2-2004-343 (L)/2001, dated June 14, 2004 for general information:

Notification

No. 1007/XIV-2-2004-343 (L)/2001

Lucknow, Dated, June 14, 2004

In exercise of the powers under clause (a) of section 51-A of the Indian Forest Act, 1927 (Act no XVI of 1927), read with section 21 of the General Clauses Act, 1897 (Act no. X of 1987), the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Establishment and Regulation of Saw Mills Rules, 1978:

THE UTTAR PRADESH ESTABLISHMENT AND REGULATION OF SAW MILLS (THIRD AMENDMENT) RULES, 2004

Short title and
Commencement

1. (1) These rules may be called the Uttar Pradesh Establishment and Regulation of Saw Mills (Third

Amendment) Rules, 2004

- (2) They shall come into force with effect from the date of their publication in the official Gazette.

Insertion of Rule, 5A 2. In the Uttar Pradesh Establishment and Regulation of Saw Mills Rules, 1978 herein after referred to as the said rules in after 5, the following rule shall be inserted, namely;

Re-location of Saw Mills, 5A The Principal Chief Conservator of Forests, Uttar Pradesh, on an application and after such inquiry as he deems fit, may order for relocation of an existing Saw mill from one place to another within the State.

Amendment of rule-11 3. In the said rules, for the existing rule 11 set out in column-1 below the rules as set out in column-2 shall be substituted namely:-

Column-1

Existing Rules

11- **Fees for grant and renewal of licence**- An annual fee of rupees one thousand per unit of sawmill for grant or renewal of licences shall be payable by the applicants/licencees which will be credited to the revenue of the Forest Department through a treasury chalan under the receipt head "113-VAN"

Licence and reallocation fee

Column-2

Rules as hereby substituted

11- **Fees for grant and renewal of licence**- An annual fee of rupees five thousand per unit of saw mill for grant or renewal of licences and rupees ten thousand as relocation fee shall be payable by the applicants/ licencees which will be credited to the revenue of the Forest Department through a treasury chalan under the receipt head "0406-01-800-03"

By Order,

Surjeet Kaur Sandhu
Principal Secretary

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Uttar Pradesh Shasan

Van Anubhag-2

The Governor is pleased to order the publication of the following English translation of notification no. 3401/XIV-2-2010-343(L)/2001 dated October 20, 2010 for general information.

Notification

NO. -3401/XIV-2-2010-343(L)/2001
Lucknow, Date, October 20 ,2010

In exercise of the powers under clause (a) of section 51-A of the Indian Forest Act, 1927 (Act no. XVI of 1927), read with section 21 of the General Clauses Act, 1897, (Act no. X of 1897), the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Establishment and Regulation of Saw Mills Rules, 1978

**THE UTTAR PRADESH ESTABLISHMENT AND REGULATION OF
SAW MILLS (FOURTH AMENDMENT) RULES, 2010**

*Short title and
Commencement*

1. (1) These rules may be called the Uttar Pradesh Establishment and Regulation of Saw Mills (Fourth Amendment) Rules, 2010.
- (2) They shall come into force with effect from the date of their publication in the official *Gazette*.

*Amendment of
Rule 11*

4. In the Uttar Pradesh Establishment and Regulation of Saw Mills Rules, 1978 hereinafter referred as said rules for the existing rule 11 set out in column-1 below the rule as set out in column-2 shall be substituted, namely:-

Column-1
Existing Rules

Column-2
Rules as hereby Substituted

11- Fees for grant and renewal of license- An annual fee of rupees five thousand per unit of sawmill for grant or renewal of licenses and rupees ten thousand as relocation fee shall be payable by the applicants/ licensees which will be credited to the revenue of the Forest Department through a treasury chalan under the receipt head "0406-01-800-03"

11- Fees for grant and renewal of license- An annual fee for grant or renewal of licenses per unit shall be payable by the applicants/ licensees as below:-

Unit	Annual fee
Saw Mill	Rs. 25,000/- per unit
Veneer	Rs. 25,000/- per unit
Plywood	Rs. 50,000/- per unit
Veneer & Plywood	Rs. 75,000/- per unit

A relocation fee per unit for transfer of saw mill/veneer/plywood unit shall be payable by the applicants/ licensees as below:-

Propose relocated site	Fee
Rural area	Rs. 50,000/-
District Headquarter	Rs. 1,00,000
Commissionery Headquarter	Rs. 2,00,000
Mahanagar area	Rs. 5,00,000

By Order,
Sd/-
(Chanchal Kumar Tiwari)
Principal Secretary

Uttar Pradesh Shasan

Van Anubhag-2

In pursuance of provision of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification no 2232/14-2-2013-84(G)/2012, dated September 26, 2013 for general information.

Notification

No. 2232/14-2-2013-84(G)/2012,
Lucknow, dated September 26, 2013

In exercise of the powers under clause (a) of section 51-A of the Indian Forest Act, 1927 (Act no. 16 of 1927), read with section 21 of the General Clauses Act, 1897, (Act no. 10 of 1897), the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Establishment and Regulation of Saw Mills Rules, 1978 :-

THE UTTAR PRADESH ESTABLISHMENT AND REGULATION OF SAW MILLS (FIFTH AMENDMENT) RULES, 2013

<i>Short title and Commencement</i>	1.	1- These rules may be called the Uttar Pradesh Establishment and Regulation of Saw Mills (Fifth Amendment) Rules, 2013.
		2- They shall come into force with effect from the date of their publication in the official <i>Gazette</i> .
<i>Amendment of Rule 6</i>	2-	In the Uttar Pradesh Establishment and Regulation of Saw Mills Rules, 1978 for the exiting rule 6 set out in column-1 below, the the rule as set out in column-II shall be <i>substituted</i> , namely;

Column-1 <i>Existing Rules</i>	Column-2 <i>Rules as hereby Substituted</i>
<u>6- Period of validity of licence</u> 6- Every licence granted under rule 5 or renewal 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 license. Provided that in case of a licence referred to in the proviso the rule 5 or rule 7 the period of validity shall be three years.	<u>6- Period of validity of licence</u> 6- Every license granted under rule 5 or renewed under rule 7 shall remain valid for such period not exceeding five year 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 five year.

By Order,

(V.N. Garg)
Principal Secretary

ANNEXURE-E

DEPARTMENTAL

ORDERS

FOR

RELOCATION

**OF SAW MILL/
VEENER/PLYWOOD UNITS**

Departmental Orders for Relocation of Saw Mills
कार्यालय प्रमुख वन संरक्षक, उ०प्र०, लखनऊ।

पत्र संख्या-365 /41-1(आ०म०), लखनऊ, माह, सितम्बर 17, 1997

सेवा में,

समस्त वन संरक्षक,
उ०प्र०।

विषय: आरामशीनों के पुर्नस्थापना सम्बन्धी प्रस्ताव।

यह देखने में आ रहा है कि आरामशीनों के पुर्नस्थापना हेतु जो प्रस्ताव इस कार्यालय में प्राप्त हो रहे हैं उसमें कई कमियाँ रह रही हैं। आरामिलों की पुर्नस्थापना के प्रस्ताव भेजने के लिए निम्न मापदण्ड/मानक निर्धारित किये जा रहे हैं।

Relocation के उपरान्त जिस स्थान पर आरामिल स्थापित किया जाना प्रस्तावित हो वहाँ के प्रभागीय वनाधिकारियों/प्रभागीय निदेशकों द्वारा यह सुनिश्चित किया जाना आवश्यक है कि इस प्रक्रिया में मा० उच्चतम न्यायालय के आदेशों का अक्षरशः अनुपालन हो।

- 1- आरामशीन जिस स्थान पर पुनर्स्थापित किये जाने का प्रस्ताव है, वह क्षेत्र विद्यमान (Radial Distance) वन क्षेत्र (जैसा कि मा० उच्चतम न्यायालय के आदेश दिनांक 12.12.1996 में परिभाषित किया गया है) से 10 कि०मी० की परिधि (Radial Distance) के अन्दर न आता हो।
- 2- ऐसे आरामिलों के स्वामी के विरुद्ध वन अपराध का मामला लम्बित न हो।
- 3- प्रश्नगत आरामशीन "उ०प्र० आरामशीन विनियमन नियमावली 1978" के नियम 6 व 7 के अनुसार अद्यावधिक वर्ष 1997 तक नवीनीकृत हो।
- 4- प्रश्नगत आरामशीनो को पुर्नस्थापित किए जाने में मा० उच्चतम न्यायालय के आदेशों का उल्लंघन न हो रहा हो।

उपरोक्त आशय का प्रमाण पत्र प्र०व०अ०/निदेशक के स्तर से दिया जाये। इससे निम्न स्तर के अधिकारी का प्रमाण पत्र, मान्य नहीं होगा। उपरोक्त चार बिन्दुओं में से बिन्दु संख्या-2 व 3 का प्रमाण पत्र उस प्रभागीय वनाधिकारी द्वारा दिया जायेगा, जिसके क्षेत्र से आरामिल स्थानान्तरित की जा रही हो तथा बिन्दु संख्या- 1, 2 व 4 का प्रमाण पत्र उस प्रभागीय वनाधिकारी द्वारा दिया जायेगा, जिसके क्षेत्र में स्थानान्तरण के उपरान्त आरामिल स्थापित कराया जाना प्रस्तावित हो।

ह०/-
(पी०सी० श्रीवास्तव)
प्रमुख वन संरक्षक,
उ०प्र०, लखनऊ।

पत्र संख्या-365 / दिनांकित

प्रतिलिपि समस्त जोनल मुख्य वन संरक्षक, उ०प्र० को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

ह०/-
(पी०सी० श्रीवास्तव)
प्रमुख वन संरक्षक,
उ०प्र०, लखनऊ।

कार्यालय प्रमुख वन संरक्षक, उ०प्र०, लखनऊ।

पत्रांक-345 /41-1 आ०म० दिनांक लखनऊ, दिसम्बर 7, 1998

सेवा में,

1. समस्त वन संरक्षक,
2. समस्त प्रभागीय निदेशक/वनाधिकारी,
उ०प्र०।

विषय: माननीय सर्वोच्च न्यायालय के आदेश दिनांक 07.05.1997 के अनुपालन में लाइसेंस शुदा आरामिलों के पुर्नस्थापना हेतु मापदण्डों का निर्धारण।

संदर्भ: इस कार्यालय का पत्र संख्या-365/41-1(आ.म.) दिनांक 17.09.1997

उपरोक्त संदर्भित परिपत्र में आंशिक संशोधन करते हुए माननीय सर्वोच्च न्यायालय के आदेश दिनांक 07.05.1997 के अनुपालन में लाइसेंस शुदा आरामिल की एक स्थान से दूसरे स्थान पर पुर्नस्थापना हेतु निम्न मापदण्ड निर्धारित किये जाते हैं:-

मापदण्ड क्र०-(1)

आरामशीन जिस स्थान पर पुनर्स्थापना किये जाने का प्रस्ताव है वह स्थल पक्ष वृक्षावलियों एवं रेलवे लाइन वृक्षावलियों को छोड़ते हुए शेष विद्यमान वन क्षेत्रों (जैसा मा० उच्चतम न्यायालय के आदेश दिनांक 12.12.1996 में परिभाषित किया गया है) से 10 कि०मी० की परिधि के अन्दर न आता हो।

मापदण्ड क्र०-(2) (क)

आरामिल के स्वामी उनकी पत्नी (अथवा पति जैसी भी स्थित हो) एवं नाबालिग बच्चों के विरुद्ध कोई लकड़ी के अवैध कटान तथा अवैध कटी लकड़ी के चिरान से सम्बन्धित मामला लम्बित न हो। यदि उक्त के अतिरिक्त अन्य कोई वन अपराध का मामला लम्बित है तो अपराध का विवरण दिया जाय।

मापदण्ड क्र०-(2) (ख)

आरामिल के प्रस्तावित स्वामी उनकी पत्नी (अथवा पति जैसी भी स्थिति हो) एवं बच्चों के विरुद्ध कोई लकड़ी के अवैध कटान तथा अवैध लकड़ी के चिरान का मामला लम्बित न हो।

मापदण्ड क्र०-(3)

प्रश्नगत आरामशीन का लाइसेंस "उ०प्र० आरामिल की स्थापना और विनियमन नियमावली 1978" के नियम 6 व 7 के अनुसार अद्ययावधिक हो।

मापदण्ड क्र०-(4)

प्रश्नगत आरामशीन के पुर्नस्थापित किए जाने में मा० उच्चतम न्यायालय के आदेशों का उल्लंघन न हो रहा हो।

(2) उक्त के अतिरिक्त पुर्नस्थापना हेतु निम्न व्यवस्था निर्धारित की जाती है:-

- (९) पुर्नस्थापना हेतु इच्छुक लाइसेंसधारी द्वारा लाइसेंस की प्रमाणित प्रति के साथ पूर्ण विवरण देते हुए लाइसेंस जारी करने वाले प्रभागीय वनाधिकारी के समक्ष आवेदन प्रस्तुत किया जायेगा।
- (ॠ) क्र० संख्या-1 के अन्तर्गत उल्लिखित प्रत्यावेदन प्राप्त होने पर प्रभागीय वनाधिकारी द्वारा अभिलेखों के सत्यापन करने के उपरान्त संतुष्ट होने की दशा में ऊपर दिये गये मापदण्ड के पूरा होने का प्रमाण पत्र देते हुये या लम्बित वन अपराध का विवरण देते हुए आवेदन पत्र अपने वन संरक्षक को प्रस्तुत किया जायेगा तथा उनके द्वारा पुर्नस्थापना प्रस्ताव के सम्बन्ध में स्पष्ट संस्तुति प्रस्तुत की जायेगी। इस पत्र की प्रतिलिपि प्रस्तावित स्थल के प्रभागीय वनाधिकारी को भी आवश्यक कार्यवाही हेतु पृष्ठांकित किया जायेगा।
- (ॡ) प्रस्तावित स्थल के प्रभागीय वनाधिकारी द्वारा पैरा (II) में उल्लिखित पत्र प्राप्त होते ही निर्धारित मापदण्डों की कसौटी पर रख कर संतुष्ट होने की दशा में प्रमाण पत्र अंकित करते हुए पुर्नस्थापना प्रस्ताव के सम्बन्ध में जहाँ आरामशीन वर्तमान में स्थित है उसके वन संरक्षक द्वारा अपनी स्पष्ट संस्तुति प्रमुख वन संरक्षक को प्रेषित करते हुये उसकी प्रतिलिपि उस प्रभागीय वनाधिकारी तथा वन संरक्षक जिसके कार्य क्षेत्र में आरामशीन का पुर्नस्थापना किया जाना है उसे प्रेषित करेंगे।
- (ॢ) प्रस्तावित स्थल से सम्बन्धित वन संरक्षक, जिस व्यक्ति के नाम पुर्नस्थापना होनी है उसके व व उसके परिजनों के विरुद्ध वन से सम्बन्धित अपराधिक मामलों पर (यदि कोई हो) विचार करते हुये अपनी स्पष्ट संस्तुति प्रमुख वन संरक्षक, उ०प्र० को प्रस्तुत करेंगे तथा इसकी एक प्रति पूर्ववर्ती वन संरक्षक को भी प्रेषित करेंगे।
- (ॣ) क्रम संख्या (III) व (IV) में प्राप्त संस्तुतियों पर सूचित विचारोपरान्त प्रमुख वन संरक्षक, उत्तर प्रदेश द्वारा आरामशीनों के पुर्नस्थापना सम्बन्धी आदेश दिये जायेंगे।

ह० / -

(के०एन० सिंह)

प्रमुख वन संरक्षक, उत्तर प्रदेश,
लखनऊ।

पत्र संख्या-345 (1) / दिनांकित

1. प्रतिलिपि समस्त प्रमुख वन संरक्षक, उ०प्र०
2. समस्त मुख्य वन संरक्षक, उत्तर प्रदेश को सूचनार्थ प्रेषित।

ह० / -

(के०एन० सिंह)

प्रमुख वन संरक्षक, उत्तर प्रदेश,
लखनऊ।

कार्यालय प्रमुख वन संरक्षक, मूल्यांकन एवं कार्य योजना उ०प्र०, लखनऊ।

पत्रांक—व०उ०अ० 863 /जी 41-1 दिनांक लखनऊ, मई 22, 2002
सेवा में,

समस्त वन संरक्षक,
(अक्षेत्रीय छोड़कर)
उत्तर प्रदेश।

विषय: माननीय उच्चतम न्यायालय के अन्तरिम आदेश दिनांक 07.05.1997 के अनुपालन में लाइसेंस शुदा आरामिलों के पुर्नस्थापना हेतु मापदण्ड का निर्धारण।

संदर्भ: इस कार्यालय का पत्र संख्या—345/41-1(आ.म.) दिनांक 07.12.1998

उपरोक्त संदर्भित पत्र के परिप्रेक्ष्य में आंशिक संशोधन करते हुए मा० उच्चतम न्यायालय के आदेश दिनांक 07.05.1997 के अनुपालन में लाइसेंस शुदा आरामिल की एक स्थान से दूसरे स्थान पर पुर्नस्थापना हेतु निर्धारित मापदण्ड के अनुसार पुर्नस्थापना अनुमति जारी की जा रही है। मा० उच्चतम न्यायालय के आदेश दिनांक 04.03.1997 के पश्चात प्रदेश के जनपदों में आरामशीनों का असमान वितरण था। इस आधार पर ही मा० न्यायालय द्वारा प्रमुख वन संरक्षक को प्रदेश के अन्दर आरामशीन पुर्नस्थापना के अधिकार दिये गये। इस परिप्रेक्ष्य में यह भी ध्यान रखना आवश्यक होगा कि पुर्नस्थापना के फलस्वरूप किसी प्रभाग में आवश्यकता से अधिक तथा किसी प्रभाग में आवश्यकता से कम आरामिल न होने पायें। इसके समाधान हेतु पूर्व में निर्धारित मापदण्ड के अतिरिक्त निम्न बिन्दु पर भी सम्बन्धित वन संरक्षक/प्रभागीय वनाधिकारी द्वारा प्रमाण पत्र दिया जाये।

मापदण्ड—5 प्रभाग जहाँ से पुर्नस्थापना होनी है

प्रश्नगत आरामिल को इस प्रभाग से प्रस्तावित प्रभाग में स्थापित करने के (आरामिल की संख्या कम होने पर) फलस्वरूप कोई प्रतिकूल प्रभाव नहीं पड़ेगा।

मापदण्ड—6 प्रभाग जहाँ पुर्नस्थापना होनी है

प्रश्नगत आरामिल को अन्य प्रभाग से इस प्रभाग में स्थापित होने के (आरामिल की संख्या बढ़ जाने पर) फलस्वरूप कोई प्रतिकूल प्रभाव नहीं पड़ेगा।

आरामिल स्वामी द्वारा दिया गया क्रय/विक्रय शपथ पत्र (जो लागू हो) की प्रमाणित प्रति प्रस्ताव के साथ भेजी जाये।

उपरोक्त के अतिरिक्त पूर्व में निर्धारित शर्तें यथावत लागू रहेंगी।

ह०/—
(बी०के०पी० सिन्हा)
प्रमुख वन संरक्षक,
मूल्यांकन एवं कार्य योजना।
उ०प्र०, लखनऊ।

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"Item No. 302

In view of the recommendations of C.E.C. dated 07.09.2010 and in the light of our earlier order, these applications are ordered directing the respondents herein to consider the applications of the applicant for relocation of saw mills and other wood based industries in

(b) industrial areas notified by the U.P. Government/Government of India and (b) Nagar Nigam Area (Municipal Corporations) Areas irrespective of the distance of such areas from the nearby forest in the State of Uttar Pradesh.

This clarification is in furtherance of this Court's order dated 08.05.1997 made in I.A. Nos. 171 and 897 of 1996.

These applications are, accordingly, ordered."

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"The PCCF, U.P. may permit on merit relocation within the same District without change
of ownership subject to the compliance of the order of the Hon'ble Supreme Court and
applicable Act, Rules and Guidelines."

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"After detailed discussion it was decided that in partial modification of the above decision the State Level Committee for wood based Industries in Uttar Pradesh may permit, on merit, relocation of plywood/veneer units from one district to another without change of ownership subject to the compliance of the orders of Hon'ble Supreme Court and applicable Act, Rules and Guidelines and provided that..... the Principal Secretary (Forest) as well as Principal Chief Conservator of Forest both agree to such a proposal;.....

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- 2& iz'uxr fofu;j@lykbZoqM bdkbZ ds ekfydks@lk>hnrkjksa o mudh iRuh ¼vFkok ifr tSlh Hkh fLFkfr gks½ ,oa cPpksasa ds fo#} dksbZ Hkh ou vij/k yfEcr u gksA
- 3& iz'uxr fofu;j@lykbZoqM bdkbZ ^m0iz0 vkjfy dh LFkkiuk vkSj fofu;eu fu;ekoyh 1978 ds fu;e 6 o 7 ds vuqlkj v|kof/kd #i ls uohud`r gksA
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ABBREVIATIONS USED

1	F.S.I.	-	Forest Survey of India
2	I.A.	-	Interlocutory Application
3	C.E.C.	-	Central Empowered Committee
4	D.L.C.	-	District Level Committee
5	S.L.C.	-	State Level Committee
6	W.P.	-	Working Plan
7	H.P.	-	Horse Power
8	I.P.R.T.I.	-	Indian Plywood Research and Training Institute
9	N.O.C.	-	No Objection Certificate
10	G.M.	-	General Manager
11	D.F.O.	-	Divisional Forest Officer
12	T.T.O.	-	Trade Tax Officer
13	P.C.C.F.	-	Principal Chief Conservator of Forests
14	S.C.	-	Supreme Court
15	H.C.	-	High Court
16	W.P.	-	Writ Petition
17	MoEF	-	Ministry of Environment and Forests
18	P.I.L.	-	Public Interest Litigation
19	W.B.I.	-	Wood Based Industry

20	C.W.L.W.	-	Chief Wild Life Warden
21	C.M.F.	-	Centre for Management of Forests
22	Adv.	-	Advocate
23	I.O.	-	Interim Order
24	C.F.	-	Conservator of Forests
25	D.M.	-	District Magistrate
26	D.I.C.	-	District Industries Centre
27	H.B.S.	-	Horizontal Band Saw
28	I.F.A.	-	Indian Forest Act
29	O.T.	-	Official Translation
30	U.P.	-	Uttar Pradesh
31	W.B.	-	West Bangal
32	C.B.I.	-	Central Bureau of Investigation
33	F.C.A.	-	Forest Conservation Act
34	U.O.I.	-	Union of India
35	D.O.C.	-	Date of Commencement
36	S.P.	-	Superintendent of Police
37	S.S.P.	-	Senior Superintendent of Police
38	I.T.	-	Income Tax
39	P.C.B.	-	Pollution Control Board
40	F.U.O.	-	Forest Utilization Officer
41	F.R.O.	-	Forest Range Officer
42	F.S.O.	-	Forest Settlement Officer

LEGAL TERMS USED IN THE BOOK

1	abject	-	निकृष्ट, नितान्त, हतोत्साह
2	adjudicate	-	अभिनिर्णय करना
3	absurd	-	असंगत, हास्यास्पद, अर्थहीन, निरर्थक

4	accused	-	अभियुक्त, प्रतिवादी
5	acquit	-	विमुक्त करना, दोषमुक्त करना
6	ad hoc	-	तदर्थ
7	addenda	-	परिशिष्ट
8	advisory committee	-	परामर्शक समिति
9	amendment	-	संशोधन, संशुद्धि, सुधारक
10	amicus Curiae	-	न्याय मित्र, वह मनुष्य जो न्यायालय को संदिग्ध विधिक विषय में अनुदेश देता है अथवा किसी आवश्यक तथ्य की सूचना देता है
11	apology	-	क्षमा याचना
12	appeal	-	पुनर्विचार प्रार्थना, पुनर्विचार प्रार्थना करना
13	appellant	-	पुनर्विचार प्रार्थी
14	application	-	आवेदन, प्रार्थना-पत्र, लागू होना
15	authority	-	प्राधिकार, प्राधिकारी, प्रमाण, विशेषज्ञ
16	aver	-	दृढता से कहना
17	avowment	-	दृढोक्ति, प्रकथन, समभिकथन
18	avow	-	स्पष्ट करना, प्रकट करना
19	award	-	निर्णय, परिनिर्णय, प्रदान करना, पुरस्कृत करना
20	axiom	-	स्वयंसिद्ध नियम, स्वयंसिद्ध
21	axis	-	अक्ष, धुरी
22	bail	-	जमानत, जमानत पर छोड़ना

23	bonafide	-	सद्भावपूर्ण, सद्भावी, वास्तविक
24	bond	-	बन्ध, बन्धपत्र
25	bring to notice	-	ध्यान आकृष्ट करना
26	burden of proof	-	सबूत का भार, प्रमाण भार, सिद्धिभार
27	business house	-	व्यापार गृह
28	bye-law	-	उपविधि
29	cancellation	-	रद्द करना, खण्डन
30	capacity	-	सामर्थ्य, क्षमता
31	catechu	-	कत्था
32	cattle pound	-	कांजीहौस, पशु अवरोध
33	cessation	-	विराम, समाप्ति
34	claim	-	दावा, दावा करना
35	closure	-	समाप्ति, अन्त, बन्द होना
36	co-accused	-	सह-अभियुक्त
37	commencement	-	आरम्भ, प्रारम्भ
38	committee	-	समिति
39	compensation	-	प्रतिकर, क्षतिपूर्ति
40	compoundable	-	समझौते के योग्य, संयोज्य, अभिसंधेय
41	contempt	-	अवमान, अपमान, अवज्ञा
42	contradictory	-	परस्पर विरोधी, विरोधात्मक
43	counter affidavit	-	प्रतिशपथ पत्र

44	datum	-	न्यास, गणना बिन्दु
45	de-jure	-	विधि अनुसार
46	de-novo	-	अभिनवतया, नये सिरे से
47	decree	-	आज्ञप्ति, ओदश
48	defendant	-	प्रतिवादी
49	deforestation	-	वन-नाशन, निर्वनीकरण
50	density	-	घनत्व
51	deposit money	-	जमाधन, अमानत
52	detrimental	-	अहितकारी, हानिकारक
53	dismissed	-	सेवाच्युत, पदच्युत
54	due diligence	-	यथेष्ट तत्परता
55	e.g.	-	उदाहरणार्थ
56	earmark	-	विशेष प्रयोजन के लिए रखना
57	elaborate	-	जटिल, सूक्ष्म, विस्तृत
58	eligibility	-	पात्रता, योग्यता
59	encompass	-	घेरना, परिवेष्टित करना
60	encroachment	-	अतिक्रमण
61	fact	-	तथ्य, घटना, वस्तुस्थिति
62	facto	-	वस्तुतः
63	formulated	-	व्यवस्थित, सृजित
64	forthwith	-	अविलम्ब, तत्काल, तुरन्त

65	forum	-	न्यायाधिकरण, अधिकरण
66	habitat	-	प्राकृतवास, प्राकृतिक वास
67	hereinafter	-	अत्र पश्चात्, इसके आगे
68	hereunder	-	इसके नीचे, इसके अधीन
69	herewith	-	इसके साथ
70	hirer	-	भाड़ेदार
71	horizontal	-	क्षैतिज
72	horse power	-	अश्व शक्ति
73	ibid	-	उसी स्थान पर
74	illegal	-	अवैध
75	implead	-	वाद चलाना, अनुशास्त करना
76	imported	-	आयातित, आयात किया हुआ
77	imprisonment	-	कारावास, कैद
78	in contravention	-	के प्रतिकूल
79	in default of	-	न करने पर
80	in due course	-	यथा समय
81	in exercise of	-	के प्रयोग में
82	in fact	-	वस्तुतः
83	in initio	-	प्रारम्भ में
84	in lieu of	-	के स्थान में
85	in so far as	-	जहां तक, जितनी मात्रा तक

86	incognito	-	अज्ञातवासी, गुप्तरूप धारी, अज्ञात
87	incompatible	-	असंगत, बेमेल
88	incurred	-	किया गया, उपागत
89	indemnity	-	क्षतिपूर्ति
90	infructuous	-	निष्फल
91	interim	-	अन्तःकालीन, मध्यवर्ती, अन्तरिम
92	interlocutory	-	अन्तःकालीन, वाद-कालीन, अन्तर्वादीय
93	interlocutory application	-	वाद-कालीन आवेदन
94	interlocutory orders	-	वादकालीन आदेश
95	interpretation	-	निर्वचन, भाषांतरण
96	interrogators	-	प्रश्नकर्ता
97	inter-se	-	आपस में, परस्पर
98	intervolves	-	अन्तर्जीवी
99	intra vires	-	शक्ति अन्तर्गत
100	invalid	-	अमान्य, निष्प्रभाव, विधिरहित, विधिअमान्य
101	irrelevant	-	विसंगत, असंबद्ध
102	issue of fact	-	तथ्य का प्रश्न
103	issue of law	-	विधि का प्रश्न
104	judgment	-	निर्णय
105	leading	-	अग्र, प्रमुख, सूचक, दुष्टान्तात्मक
106	liable to punishment	-	दंड का भागी

107	licence	-	अनुज्ञप्ति, अनुज्ञा-पत्र
108	licence holder	-	अनुज्ञप्तिधारी
109	lien	-	सम्बन्ध, अधिकार, ग्रहणाधिकार
110	litigant	-	मुकदमेंबाज, वादार्थी
111	malafide	-	असद्भावी, दुर्भावपूर्ण
112	mala fides	-	असद्भाव, दुर्भाव
113	manpower	-	मनुष्य शक्ति
114	matter of fact	-	तथ्य की बात, तथ्यात्मक
115	matter of law	-	विधि विषय
116	memo	-	ज्ञाप
117	memorandum	-	ज्ञापन, नियम-पत्र
118	mine	-	खान
119	moharrir	-	लिपिक
120	mutation	-	उत्परिवर्तन, नामान्तरण
121	non-transferable	-	अहस्तान्तरणीय
122	notwithstanding	-	उपेक्षा करके, के होते हुए भी
123	oath	-	शपथ
124	offence	-	अपराध
125	onus	-	भार, दायित्व
126	petition	-	अर्जी, याचनापत्र, याचिका
127	plaintiff	-	वादी

128	plea	-	उक्ति, तर्क प्रतिकथन, कारण
129	preamble	-	प्रस्तावना
130	presume	-	अनुमान करना, धारणा करना
131	pretext	-	बहाना
132	prima facie	-	प्रथम दृष्टया, प्रत्यक्षतः
133	procedural Law	-	प्रक्रिया विधि
134	public nuisance	-	सार्वजनिक असुविधा, सार्वजनिक उपद्रव
135	quarrying	-	उत्खनन, खदान
136	quash	-	अभिखण्डित करना
137	quasi	-	आभास, कल्प, प्रतिभासित
138	registration	-	निबन्धन, पंजीयन
139	regular	-	नियमित, नियमशील, नियत
140	reject	-	अस्वीकार करना
141	relaxation	-	ढिलाई, शिथिलता
142	relevant	-	संगत, सुसंगत, प्रासंगिक
143	representative	-	प्रतिनिधि
144	restoration	-	पुनः स्थापन, प्रत्यावर्तन
145	review	-	पुनर्विलोकन, समीक्षा
146	revision	-	पुनरीक्षण, संशोधन
147	revocation	-	प्रतिसंहरण, खण्डन
148	saving clause	-	वाद खंड, प्रतिवादक, वाक्यांश

149	security	-	प्रतिभूति
150	silviculture	-	वनवर्धन
151	simple imprisonment	-	साधारण कारावास
152	sinecure	-	अल्पश्रमी, सुखदायक
153	sleeping partner	-	निष्क्रिय भागीदार
154	status quo	-	यथापूर्व स्थिति
155	suspend	-	निलम्बित करना, स्थगित करना
156	ultra vires	-	अधिकार से परे
157	ab initio	-	आरम्भ से
158	ad interim	-	अन्तः कालीन, मध्यवर्तीय
159	ipso facto	-	कार्य से ही, घटना से ही
160	locus standi	-	वैध स्थिति
161	raison-de-etre	-	अस्तित्व कारण
162	sine qua non	-	अपरिहार्य प्रतिबन्ध
163	subjudice	-	सक्षम न्यायालय के विचाराधीन
164	genuineness	-	मौलिकता, प्रमाणिकता
165	machinery	-	संयंत्र
166	illegally	-	अवैध रूप से
167	re-opened	-	पुनः खोलना
168	garb	-	आवरण
169	recommendation	-	संस्तुति

170	paragraph	-	प्रस्तर
171	details	-	विस्तृत विवरण
172	renewal	-	नवीनीकरण
173	cross verified	-	प्रति प्रमाणीकरण
174	basis	-	आधार
175	electric	-	विद्युतीय
176	connection	-	सम्बन्ध, व्यवस्था, सम्पर्क
177	delay	-	विलम्ब
178	administrative	-	प्रशासनिक
179	lapse	-	चूक, समाप्ति
180	owner	-	स्वामी, मालिक
181	learned	-	विद्वान
182	counsel	-	अधिवक्ता
183	aforsaid	-	पूर्वोक्त, पूर्व कथित
184	ensure	-	सुनिश्चित करना
185	operate	-	संचालन करना
186	file	-	दाखिल करना
187	accepted	-	स्वीकार किया
188	receipt	-	प्राप्ति
189	deposited	-	जमा करना
190	delay	-	विलम्ब, विलम्ब करना

191	assessing	-	आंकना, निर्धारण करना
192	availability	-	उपलब्धता
193	timber	-	प्रकाष्ठ, इमारती लकड़ी
194	grant	-	मंजूर करना, स्वीकृत करना
195	unit	-	इकाई
196	respective	-	तत्सम्बन्धी
197	permitted	-	अनुमति प्राप्त होना
198	officials	-	अधिकारी
199	responsibility	-	उत्तरदायित्व
200	wood Based Industry	-	प्रकाष्ठ आधारित उद्योग
201	considered	-	विचार करना
202	difficulty	-	कठिनाई
203	violation	-	अतिक्रमण, अतिचार
204	plywood	-	परतदार लकड़ी
205	veneer	-	पृष्ठावरण, परत, मुलम्मा
206	banned	-	निषिद्ध, प्रतिबन्धित
207	constitute	-	संघटित करना, संस्थापित करना
208	expert	-	विशेषज्ञ
209	affidavit	-	शपथ पत्र, हलफनामा
210	submit	-	प्रस्तुत करना, विचारार्थ पेश करना
211	particulars	-	विशिष्टताएं, विवरण

212	supply	-	प्रदाय, पूर्ति, भरनी
213	including	-	सम्मिलित करते हुए, शामिल करते हुए
214	alternative	-	विकल्प
215	directed	-	आदेश दिया, निदेश दिया
216	comply	-	पालन करना
217	minor Forest Produce	-	लघु वन उपज
218	tribunal	-	न्यायाधिकरण
219	imposed	-	लागू करना, थोपना
220	proximity	-	सामीप्य, सान्निध्य, निकटता
221	compliance	-	अनुपालन