

# The U.P Protection of Trees Act, 1976

## (U.P Act No. 45 of 1976)

An act to provide for regulation of felling of trees and replanting of trees<sup>2</sup> [x x] Uttar Pradesh.it is hereby enacted in the Twenty-seventh Year of the Republic of India as follows:

**1. Short title, extent and commencement**<sup>-3</sup>[(1) This Act may be called the Uttar Pradesh Protection of trees Act 1976.]

(2) It extends to whole of Uttar Pradesh.

(3) It shall come into force at once.

**2. Act not to apply to certain Areas.**- This act shall not apply to-

(a) trees situate in reserved and protected forests:

(b) trees situate in a forest or forest land in respect of which any notification under the Indian Forest Act. 1927 as amended in its application or Uttar Pradesh is in force:

<sup>4</sup>[(c) trees situate in Cantonment areas:]

**3. Definitions-** In this Act, unless there is anything repugnant in the context:

**1.** Received the assent of the Governor on November 19, 1976 and published in part 1 (a) of the legislative Supplement of the Uttar Pradesh Gazette. (Extraordinary) dated November 22, 1976.

**2.** Omitted by U.P Act 28 of 1998.

**3.** Subs. By *ibid*.

**4.** Subs. for Clause © and (d) by Act 28 of 1998.

**(i)** 'Blank area' means any piece of land (not being under cultivation) measuring one half of hectare or more, which has five or less trees growing or it;

**(ii)** 'Bhoomi Sanrakshan Adhikari' shall have the meaning assigned to it under the Uttar Pradesh Bhoomi Evam Jal Sanrakshan Adhiniyam, 1963;

**(iii)** 'Competent authority' means an authority appointed by the State Government by notification to perform the duties and exercise the powers imposed or conferred upon a competent authority by this act; and different competent authorities may be appointed in respect of different classes of timber, fruit and other trees, and for different purposes;

**(iv)** 'Divisional Forest Officer' means an officer-in charge of a forest division and exercising jurisdiction over the area;

**(v)** 'Fell a tree', with its cognate expressions, means cutting, girdling, looping, pollarding or damaging a tree in any other manner:

**(vi)** 'Government garden' means a piece of land belonging to the central or state Government used for growing flowers, fruit or vegetables or for planting or raising trees, and includes a grove land belonging to the Central or State Government;

**(vii)** 'Hill Areas' means the districts of Almora Pithoragarh, Garhwal, Chamoli, Tehri-Garhwal and Uttarkashi and the hill patties of District Nani Tal and areas of Chakrata Tahsil and Mussoorie Municipal board of Dehradun district but does not include any cantonment area;

**(viii)** 'Holding' and tenure holder' shall have the meaning assigned to them in the Uttar Pradesh Zamindari Abolition and Land Reforms Act.1950;

**(ix)** 'Public Premises' shall have the meaning assigned to it in the Uttar Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 1972;

**(x)** 'Revising Authority' means an authority appointed by the State Government as revising authority under this Act;

**(xi)** 'Tree' means any woody plant whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than five centimeter in diameter at height of thirty centimeters from the ground level and is not less than one meter in height from the ground level , and the expression 'timber trees' and 'fruit trees' means respectively the trees of the species specified in Schedule I and schedule II respectively:

Provided that the State Government may notification add to or modify the Schedules:

**(xii)** 'Urban Area' means an area (not being a hill area), which is included within the limits of a Nagar Mahapalika, Municipal Board, Notified-Area committee, Town Area Committee, Cantonment Board or of a development Authority;

**(xiii)** 'Words and expression' used in this Act and defined in Indian Forest Act,1927 as amended in its application to Uttar Pradesh, But not defined in this Act shall have the meaning respectively assigned to them I that Act.

## **Notification**

**Notification No. 4448/xiv-Parti Bhumi Voisas Anubhag-93 dated September 23, 1993- published in the U.P Gazette, Extra, Part 4, section (kha) dated 23<sup>rd</sup> September,1993-** in exercise of the powers under Clause (3) and (10) of Section 3 of the Uttar Pradesh Protection of Trees in Rural and Hill Areas Act, 1976 (U.P Act No. 45 of 1976) and in continuation of Notification No. 72/xiv-3-377-76, dated January 20, 1982. the Governor is pleased to appoint the following competent authorities and a revising authority is to perform the duties and exercise the powers imposed or conferred upon a competent authority and revising authority respectively under the said Act for the areas and trees as noted below;

For notified fruit belts under the Uttar Pradesh Promotion and Protection of Fruit, Trees (Regulation of Harmful Establishments and Housing Schemes) Act, 1985 (U.P Act No. 18 of 1985):

Class of trees	Competent Authority	Revising Authority
Fruit.	1. Divisional Director/divisional Forest Officer 2. District Horticulture Officer.	Concerned Conservator of Forest Regional Director Social Forestry.

**4. Restriction on felling and removal of trees-** Except as provided in this Act or the rules made there under, no person shall-

(a) fell any tree standing on any land, whether included in a holding or not;

(b) cut, remove or otherwise dispose of any tree other than a tree which is completely dead and has felled without the aid of human agency of any such land.

# Comments

Permission to fell and remove tree-petitioner's application for permission regarding trees standing in their lands-No order passed within 90 days as provided under section 6(3)-Writ of mandamus sought-held, in absence of any proof that their application were actually received by competent authority, no writ of mandamus can be issued-However opposite party No.1 directed to dispose of their applications, if received within ten days and pass reasoned order in case applications are rejected.

**5. Permission to fell or remove trees.-** The competent authority may on the application of any person entitled to fell a standing trees or to cut, remove or otherwise dispose of a fallen tree, after making such inquiry. as it thinks fit grant permission to his to do so: Provided that such permission shall not be refused if the tree constitutes danger to person or property:

Provided further that except in such area as may be notified by the State Government in this behalf such permission shall not be required for the felling of any tree with a view to appropriating the wood or leaved thereof for bona fide use for purposes of fuel, fodder, agricultural implements or other domestic use:

Provide also that such immediate steps as are necessary to remove any obstruction or nuisance or to prevent any danger may be taken without such permission.

## **6. Procedure for obtaining permission to fell or remove trees-**

(1) Every application under Section 5 shall be in writing and shall be made in such manner and contain such particulars as may be prescribed.

(2) The competent authority shall give his decision in the case of an application in respect of any tree other than a tree growing in forest, grove, or public premises, within ninety days from the date of receipt of such application

(3) if the competent authority fails to give his decision within the time allowed by sub-section (2), the permission referred to in Section 5 shall be deemed to have been granted.

## Comments

Permission to fell and remove trees- Petitioner's application for permission regarding trees situating in their lands- No order passed within 90 day in view of Section 6(2)-whether deemed to be allowed for same in view of Section 6(3). Writ of mandamus sought-Held. in absence of any proof that their applications were received by competent authority, no writ of mandamus can be issued- Opposite party No. 1 directed to dispose of their applications, if any received, within ten days with reasoned order in case applications are rejected.

(4) Any person aggrieved from the decision of the competent authority under sub-section (2) may make a representation within thirty day from the date of such decision to the Revising Authority and his decision on such representation shall be final.

(5) Every permission granted under this Act shall be in such form and subject to such conditions, including taking of security for ensuring regeneration of the area and replanting of trees or otherwise, as may be prescribed.

**7. Obligation to plant trees-** Every person to whom permission has been granted under this Act to fell, cut, remove or dispose of any trees, shall be bound to plant and tend two trees in place of every trees in the area, from whether such tree has been felled, cut, removed or disposed by him under such permission:

Provided that the competent authority may for reason to be recorded in writing, permit lesser number of trees to be planted or trees to be planted in any different area, or exempt any person from the obligation to plant or tend any trees.

**8. Plantation of trees in blank area-** when the Divisional Forest Officer is of opinion, on the basis of the report of a revenue officer, not below the ranks of a sub-divisional officer or a Horticulture officer, Conservation Officer not below the rank of Bhoomi Sanrakshan Conservator of Forest officer not below the rank of Assistant Conservator of Forest, officer not below the rank of Assistant area, he may issue a notice to owner, occupier or tenure-holder thereafter referred to as claimant) of such area to show-cause why trees should not be planted in such area as may be specified in such notice.

(2) The notice referred to in sub-section (1) shall be given in such form and shall contain such particulars and shall be served in such manner as may be prescribed.

(3) The Divisional forest officer, may after considering the cause, if any shown by the claimant, direct him to plant such number and class of trees as may be specified in the direction.

(4) any person aggrieved from any direction given under sub-section (3) may within 30 days from the date of such direction, prefer and appeal to the Conservator of Forest concerned, whose decision shall be final.

**9. Implementation of directions given under Sections 7 and 8-**(1) Every person who is under an obligation to plant trees under section 7 or to whom any direction has been given under section 8 shall start preparatory work within ninety days, from the date of the permission or the date of receipt of direction, as the case may be, and shall plant the trees in accordance with such direction in the next following rainy season or within such extended time as the Divisional Forest Officer concerned may allow.

(2) in case of default by such person the Divisional Forest officer may cause trees to be planted and may recover the cost of plantation from such person in the prescribed manner.

**10. Penalty for felling or removal of trees in contravention of Section 4-** whoever fells or cause to be felled any standing tree, or cuts, the provisions of section 4, or contravenes and condition of any permission granted under this Act, shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

**11. offences by companies-**(1) if the person committing an offence under this Act is a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provide in this Act, if he proves that the offence was committed without his knowledge or tht he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of any managing Agent, Secretary, Treasurer, Director, Manager or other officer of the Company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation-For the purposes of this section

- 'company' means a body corporate and includes a firm or other association of individuals, and
- 'director' in relation to a firm means a partner in the firm.

**12. Forfeiture of timber-** (1) Where any person is convicted of an offence under this Act in respect of any timber or the tree in respect of which an offence is committed and the implements used for felling such trees may be ordered by the court to be forfeited to Government.

(2) Any timber forfeited under this section shall be disposed of by the competent authority in such manner as may be prescribed.

**13. Power to arrest without warrant-**(1) Any forest Officer not below the rank of a Forest Ranger or police officer, not below the rank of a sub-inspector, may without a warrant, arrest any person against whom there is reason to believe that he has been concerned in any offence under this Act.

Provided that in relation to the hill area the reference to Sub-inspector in this sub-section shall be construed as a reference to Naib Tehsildar.

(2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the officer-in-charge of the nearest police station.

(3) Any person arrested under this section shall be released on his executing a bond to appear, if and when so required, before, the Magistrate having jurisdiction in the case.

**14. Power of seize-** (1) When there is reason to believe that any tree has been felled or cut to remove in contravention of the provisions of this Act, the wood of such trees, together with boat, vehicle carrier or cattle, if any used in such contravention may be seized by any Forest Officer not below the rank of a Forest Ranger or any police officer not below the rank of a Sub-Inspector or any other person empowered in this behalf by the State Government.

(2) Every seizure under this section shall be reported to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made, and such timber, boat, vehicle, carrier or cattle shall, subject to the order of such Magistrate, be disposed of in the prescribed manner.

(3) Any forest officer and Police Officer who vexatiously and unnecessarily arrests or seizes any property on pretence of such property being liable to forfeiture under this Act shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

**15. Power to compound offences-** (1) The state government may by notification authorize any officers to accept from any person against whom there is reason to believe that he has committed offence under this Act in respect of any tree other than a tree situate in a forest, grove or public-premises, such sum of money not exceeding Rs.5,000 by way of composition for the offence which such person is suspected to have committed.

(2) On the payment of such sum of money to any such officer, the suspected person if any custody, shall be released and no further proceeding under the Act shall be taken against such person and notwithstanding anything contained in section 14, such officer may on payment on such amount, not exceeding five thousand rupees as he may in the circumstances of the case think fit, release the property seized under this Act.

**16. Contravention of Act to be reported by certain officers-** if shall be the duty of every Forest officer, Lekhpal, Panchayat Secretary, Police Constable Assistant Horticulture Inspector or Assistant Soil conservation Inspector or any officer superior to them:

(a) to give immediate information coming to his knowledge, of any contravention of Section 4 and of preparation to commit such contravention to the competent authority, and  
(b) to take all reasonable measures in his power to prevent such contravention which he may know or have reason to believe that it is about or likely to be committed.

**17. Award of penalty or confiscation not to interfere with other punishment-** The award of penalty or confiscation of any property under this Act shall not prevent the inflicting of any punishment to which the person affected thereby is liable under any other law.

**18. Officers to be public servants-** The officers exercising powers or discharging any duties or function under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

**19. Execution of order for payment of money-** Any sum, including any amount for composition of an offence, the payment of which has been directed to be made by any person under this Act shall, without prejudice to any other mode of recovery under any law for the time being in force, be recoverable from him as an arrear of land revenue.

**20. Bar of proceedings-** No suit or proceedings shall lie against the State Government or against any person empowered to exercise power or to perform duties or discharge functions under this Act, for anything in good faith done or purporting to be done under this Act.

**21. Exemption-** Subject to such conditions, if any, as may be imposed the State Government may, if it is considered necessary so to do in the public interest by notification in the official Gazette, exempt any area or any species of tree from all or any of the provisions of this Act.

**22. Provisions of this Act to be in addition to any other law for the time being in force-** The provisions of the Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force prohibiting or regulation the felling of trees.

**23. Power of the State Government for preservation of trees-** (1) The state government may in the interest of general public, declare by notification that any class of trees shall not be felled for such period as in specified in that notification.

(2) The management of such trees shall be regulated in the prescribed manner.

**24. Power to make rules-** The State Government may, by notification make rules to carry out the purposes of this Act.

**[24-A, Transitory provision on the change of name U.P Act No. 45 of 1976-** On and from the commencement of the U.P Protection of Trees in Rural and Hill Areas (Amendment) Act, 1998, any reference to the U.P. Protection of Trees in Rural and Hill Areas Act. 1976, in any law or statutory instrument shall be construed as a reference to the U.P protection of Trees Act. 1976.]

**25. Repeal and savings-**(1) The Uttar Pradesh Protection of Trees in Rural Areas Ordinance, 1976 {U.P. Ordinance No. 26 of 1976} is hereby repealed.

(2) Notwithstanding such repeal any thing done or any action taken under the aforesaid Ordinance shall be deemed to have been done or taken under this Act as if this Act were in force at all material times.

**SCHEDULE I**  
**(TIMBER TREES)**  
[See Section 3(xi)]

<u>Sl. No.</u>	<u>Common Name</u>	<u>Botanical Name</u>
1	2	3
1.	Akhrot	Jaglans regia
2.	Arjun	Terminalia arjuna
3.	Am	mangifera indica
4.	Imli	Tamariadus indica
5.	Kardhai	Anogeissus pendula
6.	Kanju	Holoptelea integrifolla
7.	Kusum	Schleichera Trijuga
8.	kail	Pinus excels
9.	Kharshu	Quercus Semecarpifolia
10.	Khair	Acacia Catechu
11.	Gutel	Trewia nudiflora
12.	Dhau/Bakli	Anogeissus latifolia

<u>Sl. No.</u>	<u>Common Name</u>	<u>Botanical Name</u>
13.	Chandan	Santalum ablum
14.	Chamkharik	Carpinu viminea
15.	Chironji	Buchanania larifolia
16.	Chil	Pinus roxburgii
17.	Jamun	Syguzium cumini
18.	Dhek-Palas	Butea Monosprema
19.	Tuni	Cedrella Serrata
20.	Tun	Cedrella toona
21.	Tendu	Diospiruous tomentosa
22.	Deodar	Cedrus Deodara
23.	Neem	Azadirachta indica
24.	Papri/Sansadu/Chikri	Buxus Sempervirens
25.	Phaliyant	Quercus glauca
26.	Bakain	Melia azedarach
27.	Bahera	Terminalia belerica
28.	Banj	Quercus incona
29.	Mahua	Madhuca latifolia

<u>Sl. No.</u>	<u>Common Name</u>	<u>Botanical Name</u>
30.	Morinda	Abies pindrew
31.	Moru	Quercus dilatata
32.	Rai	Picea morinda
33.	Rianj	Quercus Lanuginosa
34.	Shisham	Dalbergia sissoo
35.	Salai	Boswellia serrata
36.	Sagaon	Tactona grandis
37.	Sal	Shorea robusta
38.	Siris	Albizia species
39.	Sain/Asna	Terminalia tomentosa
40.	Semal	Sahmalia melabarica
41.	Harr	Terminalia chebula
42.	Haldu	Adina cordifolio

# [See Section 3(xi)]

## SCHEDULE II

[See Section 3(xi)]

Sl. No.	Common Name	Botanical Name
1.	Anar	Punica Granatum
2.	Amrood	Psidium Gurava
3.	Aroo	Prunus perrico
4.	Aloobukhara	Prunus communis
5.	Am	Magifera indica
6.	Aonla	Embica officinale
7.	Kathal	Artocarupus integrifolia
8.	Khubani	Prunus armeniaca
9.	Naspati	Pyrus communis
10.	Narangi, Neebu, Malta, Mussammi, Santra	All verieties of citrus
11.	Litchi	Nephelium litchi
12.	Sharifa	Amona squemosa
13.	Sev	Pyrus malus

# **SCHEDULE III**

**{Full Trees}**

**[See Section 3(xi)]**

**Trees other than those specified in Schedules I and II.**

## **NOTIFICATION UNDER SECTION 5 OF U.P PROTECTION OF TREES IN RURAL AND HILL AREAS ACT, 1976**

**Notification No. 2432/XIV-3-503-76, dated May 6,1977, Published U.P Gazette,  
Part I, dated 8-5-1977, at p.1738**

In exercise of the powers under second proviso of Section 5 of the Uttar Pradesh protection of Trees in Rural and Hill Areas Act, 1976 (U.P. No. 45 of 1976) the Governor is pleased to notify that no person shall fell, cut or remove any tree with a view to appropriating the wood or leaves thereof for bona fide use for purposes of fuel, fodder, agricultural implements or other domestic use without prior permission of the competent Authority in the areas, which are included within the limits of a Municipal Board, Notifies Area Committee, Town Area Committee or a Development Authority of the districts of Nani Tal, Almora, Pithoragarh, Garhwal, Chamoli, Tehri Garhwal, Uttar kasha and Dehradun.

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
3	For areas other than the fruit bells of districts of Sonbhadra, Mirzapur Banda, Jhansi, Lalipur, Gorakhpur, Maharajgang, Gonda, Baharaich, Lakhimpur Kheri and Pilibhit and Chakiya tehsil of Varansi District and all the hill districts in the State.	All classes of trees	Concerned Divisional Forest officer/ Divisional Director	concerned Conservator of Forests/Regional Director

## **NOTIFICATION UNDER SECTION 5**

**English translation of Van Anubhag-3 Notification No. 118/XIV-3-377-76, dated February 7, 1983. published in U.P Gazette, Extra, dated 10<sup>th</sup> February, 1983.p.2**

In exercise of the power under the second proviso to section 5 of the Uttar Pradesh Protection of Trees in Rural and Hill Areas Act, 1976 (U.P Act No. 45 of 1976), read with Section 21 of the U.P . General Clauses Act. 1904 (U.P Act No. 1 of 1904), the Governor is pleased to rescind, with effect from the date of publication of this notification in the Gazette, Government Notification No. 895/XIV-3-37776, dated May 30, 1979.

## NOTIFICATION UNDER SECTION 21

English translation of Van Anubhag-3 Notification No.36/XIV-3-377-76 dated January 20'1982 published in U.P Gazette, Extra, dated 28<sup>th</sup> January, 1982 p.5 in exercise of the powers under Section 21 of the Uttar Pradesh Protection of Trees in Rural and Hill Areas Act, 196 (U.P Act No. 45 of 1976), The Governor in public interest is pleased to exempt from all the provisions of the Act, the following species of trees growing on individual cultivated or uncultivated holding measuring upto two hectares:

<u>Sl. No</u>	<u>Common Name</u>	<u>Botanical Name</u>
1.	August	Sesbania grandiflora
2.	Aru	Allanthus encelsa
3	Utis	Alunus nitida
4.	Casnarina	Casuarina equsetifolia
5	Jangal Jalebi	Pithecellobium dulce
6.	Poplar	Populus species
7.	Pharash	Tamarix aphylla

8.	Bakain	Mella azedrach
9.	Babool	Acacia nilotica
10.	Vilayati Babool	Prosopts Juliflora
11.	Ecucalyptus	Eucalyptus specles
12.	Robinia	Robinia pseudoacacia
13.	Wettle	Acacia mearusii
14.	Willow	Salix species
15.	Siris	Albizia species
16.	Su Babool	Leucaena Leucocephala
17.	Ayar	Lyonia ovalifolia
18.	Kathber	Ziziphus Galberrima
19.	Kharik	Celtis Tetrandra
20.	Jamun jamoa	Syzygium cumini
21.	Djak, Palas	Butea monosperma B. frondosa
22.	Paper mulberry	Broussonetta Papyrifera
23.	Ber	ziziphus mauritiana Z.Jujuba
24.	Bhimal, Bhekula	Grewia oppositifolia
25.	Mehal	Pyrus pashta
26.	Sainjana	Moringa oleifera, M
27.	Shahtut	Morus alba. M Pterygosperma

## **NOTIFICATION UNDER SECTION 23(1)**

**English translation of Van Anubhag-3 Notification No 71/XIV-3-377-76 dated January 20, 1982 published in U.P Gazette, Extraordinary dated 28<sup>th</sup> January 1982 at P.5**

In exercise of the powers under sub-section(1) of Section 23 of the Uttar Pradesh Protection of Trees in Rural and Hill Areas Act, 1976 (U.P Act No. 45 of 1976). The Governor, in the interest of general public. is pleased to declare that the trees of the following species shall not be felled till December 31, 1991 unless the trees is dead or is dying or it constitutes dangers to person or property or its felling is necessary for executing a development work, approved by the Government. or . in the case of Am (mangifera indicial trees, its fruit bearing capacity has declined substantially and permission. in writing, to fell such tree has been obtained from the competent authority.

<b>Sl.No</b>	<b>Common Name</b>	<b>Botanical Name</b>
1	Akhrot	Juglans regia
2	Angoo	Fraxinus micrantha
3	Am (Deshi Tukhmi) and Am (Kalami)	Mangifera indica
4	Chamkharik	Carpinus Viminea
5	Jamnoi	Prunus cornuta
6	Neem	Azadirachta indica
7	Banj, Kharsoo, Moroo	Quercus Species
8	Mahua	Madhuca latifolia
9	Sal	Shorea robusta
10	Pipal	Ficus religiosa
11	Bargad, Bar	Ficus bengalensis

**Thanks**