

THE UTTAR PRADESH ESTABLISHMENT AND REGULATION OF SAW MILLS RULES, 1978

CHAPTER 1

Preliminary

1. Short title, extent and commencement.- (1) These rules may be called the Uttar Pradesh Establishment and Regulation of Saw-mill 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. Definition.- 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 of the like acts, but shall not include such mechanical devices whose engine power is not more than 3 H.P.]

(b) 'one unit of saw-mill' shall be taken as equivalent to 25 H.P. engine or any part thereof. Thus a saw-mills using 65 H.P. engines will be deemed as equivalent to 3 units.

CHAPTER 2

REGULATION AND ESTABLISHMENT OF SAW MILLS

[3. License for restriction of Establishment of Saw Mills.- 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.]

COMMENTS

Forest Act, 1927 Section 41- U.P Establishment & Regulation of saw Mills rules, 1978, R.3.- Uncontrolled operation of saw mills resulting into illegal cutting of green trees and disturbing the ecological balance can be restricted. Such restriction will be reasonable will be reasonable restriction. The fact the petitioners who owning Saw Mills operated by 3 H.P. Motor would not take them beyond the purview of the Act.²

4. APPLICABILITY 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 satisfying himself with regard to following factors, grant the licence in the form given in Schedule II appended to these rules: --

- (i) that the required quantity of timber through legitimate means would be available at the proposed venue of the saw-mill without causing any damage to the tree-growth in the 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 receipt of the application by the Divisional Forest Officer, the licence shall be deemed to have been granted to the applicant under this rule on the terms and conditions as laid down in Schedule II appended to these rules with effect from the expiry of the said sixty days and in that event the acknowledgment shall be adequate proof of the licence: Provided further that the aforesaid proviso shall not apply to saw mills situated within ten kilometer area forest. Explanation- In this rule existing forest shall not include trees situated on either side of the roads and the railway tracks.]

6. Period of validity of licenece,- Every licenece 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 licenece. Provided that, in case of a licence referred to in the proviso to rule 5 or rule 7 the period of validity shall be three years.]

7. Renewal of licenece- On an application made to the Divisional Forest Officer concerned for renewal of the licenece granted the period for which it has been renewed. the renewal application for licence shall be disposed of within sixty days of its receipt : Provided that in case the application is not disposed of 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 renewed for a period of three years: Provided further that the aforesaid proviso shall not apply to saw mills situated within ten kilometers of any existing forest. Explanation:-- In this rule existing forest shall not include trees situated on either side of the roads and the railway tracks. Failure to get the licenece renewed before the expiry of date, will make the licence liable to punishment in accordance with Section 77 of the Indian Forest Act. 1927 for operating the saw-mills without licence.]

8. Revocation of the licence.- Notwithstanding anything contained in the foregoing rules, the Divisional Forest Officer concerned may, where he has reason to believe that a licensee is operating the saw-mill in contravention of the provisions of these rules prejudicial to the interests of forest conservancy, at any time, after giving revoke the licence granted under rule 5 or renewed Rule 7

9. Procedure, 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 application or the holder of the licence, as the case may be, given reasons therefor.

10. Appeal against refusal to issue, or renew or revoke licences.-- Any person aggrieved by an order 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 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 Forest on such appeal shall be final.

11. Fees for grant and renewal of licence – An annual fee of rupees one thousand per unit of saw mill for grant or renewal of licences shall be payable by the applicants which will be credited to the revenue of forest Department through a treasury challan under the receipt head ' 113 VAN'

11-A. Power to exempt from the provision and rules. 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 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 be fit. for the conservation of the tree growth in the forests under the control of the Government and in the areas adjacent thereto.]

12. Savings.—Nothing contained in these rules shall apply to the ordinary operations of domestic carpentry or to other similar works on small scale.

SCHEDULE I

To

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

SUBJECT :- *Application to erect establish a saw-mill.*

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

Place.....

Signature of the application

Date.....

SCHEDULE II

FROM OF LICENSE TO ESTABLISH, AND OPERATE SAW-MILLS FOR CUTTING OR CONVERTING OF TIMBER

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

CONDITIONS

1. This licence shall remain in force for the period commencing on....and ending on....198.....
2. The licence shall establish/erect/operate saw-mill required for converting/cutting timber at.....(mention full address of the place of business).
3. The licensee shall not alter the location of the saw-mill without obtaining prio, permission in writing of the Divisional Forest Officer concerned.
4. The licensee shall maintain such register and records and submit such return 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—
 - a. The site of the saw-mill including the yard for storage of round timber and waste wood is enclosed within a fence fitted with proper gates;
 - b. All the round timber sawn timber and wood waste is properly stocked according to the instructions that may be issued from time by the Divisional Forest Officer or the staff authorized by him in this behalf:
 - c. 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 sellor thereof:
 - d. Timber which does not conform to the requirement of condition 5(3) above, is not excepted for conversion and so intimation in writing in respect of such timber is forthwith given to any forest staff available or to the nearest forest officer;

e. The saw-mill as well as the timber stored within the premises of the saw-mill are open to the inspection at all times by any officer of the Forest Department or any member of the forest staff appointed for this purpose or by any police officer not below the rank of sub-inspection of police or by any Magistrate.

f. The licence and all relevant records are produced, or inspection on demand by any of the authorities mentioned in (5) above.

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

Date.....

Signature of the
Divisional Forest Officer
(Seal)

Thanks