

BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH AT KOLKATA

OA NO. **53** /2025

IN THE MATTER OF -:

RAJAN KUMAR

Petitioner

VERSUS

STATE OF BIHAR AND ORS.

Respondents

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DATE 08/03/2025

Place EAST CHAMPARAN



PRAKASH PANDEY

COUNSEL FOR THE PETITIONER
E- MAIL –advprakashpande@gmail.com
Mobile No 7805008055

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COMPILATION NO I

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DATE 08/03/2025

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PLACE- EAST CHAMPARAN

COUNSEL FOR THE PETITIONER

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SYNOPSIS

The grievances is that more than 20 of illegal saw mills are operating in the block Sugauli & Ramgahrwa ,Dist East Champaran ,Division of Motihari .Trees are cutting illegally for saw mills ,degrading environment and adversely impacting forest.

Respondent no 7 to 11 are saw mills owner, these Saw mills being operated in the area without obtaining license from Department of Environment, Forest & Climate Change, Govt. of Bihar, under the Bihar Saw Mill (Regulation) Act, 1990, and without obtaining CTE & CTO from State PCB.

Such illegal saw mills and composite unit will be against the principle of sustainable development, precautionary principle and public trust of doctrine, allowing illegal saw mills/WB(wood based industry) equal to felling of more trees illegally, its violation of Environment (Protection) Act 1986

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DATE 08/03/2025

PRAKASH PANDEY

PLACE EAST CHAMPARAN

COUNSEL FOR THE PETITIONER

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OA NO . /2025

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CHRONOLOGY OF EVENTS

Date	Particulars
28/06/2024	Petitioner Complaint to PCCF Bihar regarding illegal saw mills
09/01/2025	Petitioner petition dismissed because violators name not impleaded
09/02/2025	Petitioner Approach to Hon'ble NGT

DATE 08/03/2025

PLACE EAST CHAMPARAN



PRAKASH PANDEY

COUNSEL FOR THE PETITIONER

BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH AT KOLKATA**

OA NO . /2025

IN THE MATTER OF -:

RAJAN KUMAR**S/O** MANEJAR BHAGAT ,AGED ABOUT 26 YRS**R/O** Sugauli ,PO Sugauli Dist. East Champaran Bihar -855456

Email- rajansgl24@gmail.com

PETITIONER**VERSUS****1. STATE OF BIHAR**

Through Chief Secretary ,General Administration Department

Government of Bihar, Main Secretariat, Patna-800015

E Mail Id : cs-bihar@nic.in

2. DEPARTMENT OF ENVIRONMENT,FOREST & CLIMATE CHANGE**GOVERNMENT OF BIHAR**

Through Secretary

Aranya Bhawan,State Forest HQ,Shahid Pir Ali khan path near Patna

Airport, Riding Road,Sheikhpura ,Patna Bihar 800014

E-Mail ID efd-bih@nic.in**3. PRINCIPAL CHIEF CONSERVATOR OF FOREST**

BIHAR FOREST DEPARTMENT,GOVERNMENT OF BIHAR

Vishweshwariah Complex , Chowthi Manzil, Technology Bhavan,

Beli Road, Patna Bihar -800015

Email: pccf-br@sify.in ,pccfbihar@gmail.com

4. BIHAR STATE POLLUTION CONTROL BOARD

Through Member Secretary

Parivesh Bhawan ,Plot No NS-B/2

Paliputra Industrial Area

Patliputra Patna (Bihar)

E Mail- msbspcb-bih@gov.in

5. DISTRICT MAGISTRATE

Office of the Collector & District Magistrate,

At & PO : Motihari

District : East Champaran PIN : 845401

E Mail dm-motihari.bih@nic.in

6. DIVISIONAL FOREST OFFICE, MOTIHARI DIVISION

Office of Divisional Forest Office ,Motihari Division ,Gandhi maidan

road motihari near SP Office

District – East Champaran Pin code 845401

Email- dfomotihari@gmail.com

7. NATHU SHARMA

S/o Late Ganesh Sharma,

R/o Village Bahuarwa, Thana Majhuliya,

District West Champaran Bihar Pin Code 845456

8. LAL BAHADUR SHARMA

S/o Late Ganesh Sharma,

R/o Village Bahuarwa, Thana Majhuliya,
District West Champaran Bihar Pin Code 845456

9. ASHOK THAKUR

S/o Village Bhataha, kachhari tola, Thana Sugauli
District East Champaran Bihar Pin Code 845456

10. BHUSHAN THAKUR

S/o Village Bhataha, kachhari tola, Thana Sugauli
District East Champaran Bihar Pin Code 845456

11. MANOJ THAKUR

S/o Village Bhataha, kachhari tola, Thana Sugauli
District East Champaran Bihar Pin Code 845456

RESPONDENTS

**ORIGINAL APPLICATION UNDER SECTION 14,15,READ
WITH SECTION 18 OF THE NATIONAL GREEN TRIBUNAL
ACT 2010**

It is humbly submitted by the Petitioner as under

(A) DETAIL OF PETITIONER

As mention above in cause title

(B) DETAILS OF THE RESPONDANTS

As mention above in the cause title

(C) FACTS OF THE CASE

1. That petitioner is resident of Sugauli ,Dist East Champaran , division motihari where many illegal saw mills are running ,these are causing pollution and saw mills owner cutting illegally trees in nearby area. is exercising his right to a clean environment under Article 21 of the Constitution. He is actively involved in socio-environmental activities.
2. Respondent No. 1 is entrusted with the responsibility of ensuring the smooth and proper functioning of the state administration. Respondent No. 2 & 3 is tasked with managing forests, environment, and wildlife issues. Respondent No. 4 is responsible for Promotion of sustainable development for economic growth of the nation along with environmental protection and social equity, respondent no 5 is responsible for general administration of district, Respondent No. 6 is responsible for the protection, conservation, and management of forests at the district level, Respondent no 7 to 11 are saw mills owner who are running saw mills illegally , who violating Environmental laws.
3. That Petitioner earlier filed petition before Hon'ble Tribunal But that was dismissed because violators was not impleaded as respondent , order annexed as **ANNEXURE A1 Page 22-24**
4. That in District East champaran , block sugauli and Ramgahrwa ,there are more than 20 illegal saw mills are running , without taking permission under Bihar Saw Mill Regulation Act, 1990 as well as state pollution control Board
5. That list of some illegal saw mills along with address mentioned below

S.NO	BLOCK AND THANA NAME	PANCHAYAT NAME	Saw mill owner name	ADDRESS (Pata)	LANDMARK
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1	Sugauli	Bagahi panchayat	Not known	Sirkhindi gaon (bela to nakardehi nahar pe)	1.5 km from NH28 A road Sugauli-Raxual road (Right side)
2	Sugauli		Not known	Bahuari gaon, Bagahi panchayat	Bela Nakardehi Nahar se 1.5 km ander bahuari gaon mai
3	Sugauli	Karamawa raghunathpur panchayat	Not known	karmwa bajar k pass	karamwa bajar pasawan choke k pass
4	Sugauli		Not known	Karmwa Madhopur gaon	karamwa bajar mishra choke k pass
5	Sugauli	Uttari mansingha panchayat	Not known	shampur (nakardehi nahar pe)	(karmawa Raghunatpur bajar se 2 km purab side)
6	Sugauli	Fulwariya panchayat	Lalbahadur sharma s/o Ganesh sharma	Khaptata Gaon East Chmparan	Railway Fatak K pass
7	Sugauli		nathu sarma s/o Ganeanesh sharma	Khaptata Gaon East Champaran	Government School k pass
8	Sugauli	Bhargawan panchayat	.Not Known	6 abaidh aaramill hai karuaini gaon	chapwa turkoliya road se 1 km ander west side mai
9	Sugauli				
10	Sugauli				
11	Sugauli				
12	Sugauli				
13	Sugauli				
14	Sugauli	Bhataha panchayat	Bhusan Thakur s/o Ramashrey thakur	dhubiya tola,kachahari tola k pass	chapwa -harsidhi road or kobaya choke se 1.5 km west side
15	Sugauli	Bhataha	Ashoke		

			Thakur s/o kanhaiya thakur		
16	Sugauli	Bhataha	Manoj thakur s/o Ramashrey thakur		

S.NO	BLOCK AND THANA NAME	PANCHAYAT NAME	Name of saw mill owner	ADDRESS	LANDMARK
1	Ramgahrwa	Murla panchayat	Not known	Bheriharwa gaon (bela nahar pe)	1.2 km form NH 28A Road sugauli-raxaul road (East-side)
2	Ramgahrwa	Singhasini panchayat	Not known	singhasini gaon se pachime side	2.5 km form NH 28A Road sugauli-raxaul road (west- side) singasing gaon
3	Ramgahrwa	singhasini panchayat	Not known	singhasini gaon se pachime side	2.5 km form NH 28A Road sugauli-raxaul road (west- side) singasing gaon
4	Ramgahrwa	Adhkapariya panchayat	Not known	murgiyatola,phulwariya gaon	murgiyatola kabristan k pass
5	Ramgahrwa	Mangalpur	Not known	Bardiyahi ghat	Tilwae nadi k pass

6. That photographs of illegal saw mills are annexed as **annexure A2** , (page 25-27) whereas it can be seen that they are running illegally, also they are operating secretly.
7. That Private respondent no 7 to 11 are saw mill owners and they are running saw mills illegally, without having valid Permission from State Pollution Control Board , which is a violation of Air Act ,Environment (Protection)Act .

8. That petitioner had complaint this issue to DFO And PCCF of Bihar but no action has been taken , Complaint report attached as **annexure A3 page 28**
9. That these Respondent no 7 to 11 saw mills equipped mechanically are running with the collusion local forest official and guard, having patronage of responsible officer, most of the saw mills are operating in night .
10. That in State of Bihar Saw Mills are regulated under the Bihar Saw Mill Regulation Act, 1990 (hereinafter referred to as 'Act of 1990'). The preamble of the Act of 1990 reads as: "An Act to make provision for regulating in the public interest the establishment and operation of Saw Mills and Saw Pits and trade of sawing for the protection and conservation of forest and the environment." Saw mill have been defined under Section 2 (g) of the Act of 1990 as:

"saw mill means the plant and machinery with which and the premises including the precincts thereof in which or in any part of which sawing is carried on with the aid of electrical or mechanical power. it shall also include veener plywood manufacturing unit."

The Veener plywood manufacturing unit has been included in definition of saw mills by amendment in year 2002 in Bihar Saw Mills (Regulation) Act, 1990. **(Annexure A4 Page 29-37)**

11. That from the above reproduced definition, it can be seen that a very wide definition has been given to saw mill and it includes the plant and machinery and the premises in which sawing is carried. Therefore, any premises (be it house campus/ small shed area/ backyard of house) in which sawing is done with help of plant and machinery is a saw mill as per the Act of 1990.

12. That Section 5 read with Section 1 (3) of the Act of 1990 provides that from 1st May, 1990, no person shall establish a saw mill or a saw pit except under the authority and subject to the conditions of a license granted in that behalf under the Act of 1990. Further, the saw mill existing on 1st May, 1990, also ought to obtain license under the Act of 1990 for operating the existing saw mills. However, in case of Veneer and Plywood Industries this provision is applicable after the date of amendment in the year 2002.

That Respondent no 7 to 11 saw mills owner have not taken any consent from pollution control board as these are green category industries CPCB vide letter dated 07.03.2016 directed all SPCBs/PCCs under section 18(1)(b) of the Water Act, 1974 and Air Act, 1981 to adopt CPCB categorization along with Final Document on ReVised Classification of Industrial Sectors under Red, Orange, Green and White Categories wherein scoring methods have been explained to categorize the industrial sectors into Red, Orange and Green Category, **CPCB Guidelines attached as Annexure A5 page 38-47** ,As per categorization of industrial sectors "Saw Mills" has been categorized into "Green" category under S. No. 42 of aforesaid Final document on Revised Classification of Industrial Sectors and Green categories of industries comes under the purview of consent mechanism. It is further submitted that SPCB is the sole responsible authority for issuance of CTE and CTO for any industrial establishment in the state and to prevent environmental pollution in the state. Local authorities and SPCB

are the concern authorities to take necessary action the instant matter

That it is well settled that wood based industries/saw mills can be allowed only after ensuring timber and raw material availability to sustain industries ,

13. That if illegal units are allowed to open may resort to illegal means to procure round timber on order to keep its unit afloat
14. That illegal saw mills will be against the principle of sustainable development, precautionary principle and public trust of doctrine, allowing illegal saw mills/WBI(would based industry), will undermine above principles and its violation of Environment (Protection) Act 1986

GROUNDS

15. Because these illegal saw mills operating by Respondent no 7 to 11 are running without taking permission under Bihar Saw Mill Regulation Act, 1990
16. Because these illegal saw mills operating by Respondent no 7 to 11 are running without having permission from state pollution control Board as these saw mills are green category industries
17. Because these saw mills are causing air pollution and illegal cutting trees in nearby area as well as forest area
18. The need to preserve the forests and environment for maintaining proper ecology is the need of the day. Considering the manner and the scale, in which trees are being illegally cut and felled,

which if not checked may in the long run become a threat to existence of mankind on the earth. It was for this reason that Article 48A was Inserted by the 42nd Amendment in Chapter IV of the Constitution as a directive principle of State Policy to protect and improve the environment and safeguard forests, and wild life, in the following terms:—

“The State shall endeavour to protect and Improve the environment, and to safeguard the forests and wildlife of the country.”

19. That in case of **Tata engineering and locomotive pvt ltd Vs state of bihar and another 2000 (5)supreme court case 346** held that

“The object underlying section 9 and 10 seem to be to trace the origin or identity as well as the source of the timber /wood and keep track of transit movement of the wood utilized to prevent and effectively check ultimately indiscriminate and illicit felling of trees resulting in deforestation”

20. That in the judgment of **Utkal Contractors and joinery (p) ltd Vs State of Orissa(1987)3SCR317**. Hon’ble Supreme Court held that

“ the supreme court on more than one occasion proclaimed the need for strict regulation of wood based industries after identifying the Proliferation of such industries to constitute the main cause of degradation of forest , resulting into serious threat of forests, resulting in a serious threat to ecology and the environment . apparently conscious of the nature of the evil to be curbed and laudable object to be achieved the legislature has enacted in the BIHAR SAW

MILLS (REGULATION) ACT ,1990 a very liberal and wide definition of “sawing” of an all comprehensive nature all kinds of activities connected with the use and consumption of wood and ultimately classified the users under two different categories depending upon the nature of operation viz. manual operation with the aid of electrical or mechanical power . section 5 of the act not only prohibits the establishment of a sawmill/sawpit except under the authority and subject to the condition of a licence granted but also further interdicts the operation of such mill or pit even in the existence on the appointed date ,with grant of the leeway period to enable the existing mills/pits to apply and obtained the required license . keeping in view in all these and the provisions contained in section 10 of the act , the words “ business of sawmill or saw pit “ used in relation to submission of returns have to be construed in their generic sense of calling, occupation or pursuit and not restrict the same to the use of the word in a commercial sense of trade parlance . the object underlying section 9 and 10 seems to be trace the origin or identity as well as the source of timber/wood and keep track of the transit movement of the wood utilized to prevent and effectively check ultimately the indiscriminate and illicit falling of trees resulting in deforestation.

Being a bulk consumer of the huge quantity of timber/wood , utilizing them by carrying on sawing activities in their

sawmills though located in their premises driven with electrical and mechanical power, it is but necessary that the appellant company should obtained a license under the act so that the authorities of the forest department can effectively keep track of their purchase and utilization and thereby ensure that there activities do not in any manner help or encourage even indirectly those engaged in illicit felling of trees in disposing of such ill gotten timber/wood. The maintenance of account and submission of return as enjoined under section 9 and 10 and the rules made thereunder will help to effectively enforce the provision of the act as also the other legislation in force in order to conserve and safeguard the forests. “

LIMITATION

That Petitioner has filed complaint before PCCF Bihar on 28th June 2024 then Petitioner Approached to Hon'ble NGT within 6 month , however Petitioner OA got Dismissed , but illegal saw mills is still functional so cause of action is continuous in nature , and petition file within time limit .

PRAYER/RELIEF SOUGHT

IN View of the above fact and circumstance, the Hon'ble Tribunal may be Please to grant the following relief as Under-

- I. Issue Direction to respondent no 2 ,3 for closure of illegal Saw mill running by Respondent no 7 to 11 without permission under Bihar Saw Mill (Regulation) Act, 1990 and Water Act, 1974 and Air Act, 1981.
- II. Impose environment compensation for illegal operation of the Saw Mill
- III. Any other relief which this Hon'ble Tribunal deems fit and proper in the interest of justice, equity and good conscience.

**(A)That The Requisite Court Fees of Rs.1000(Rupees One Thousand)
Has been Paid along with the Original Application**

Date 08/03/25

PLACE EAST CHAMPARAN



**Prakash Pandey
Counsel For Petitioner**

Sl No. 34
Smt/Sr. RAJAN KUMAR
S/o W/o MANEJAR BHAGAT
has been identified by Sr. _____
Advocate

34
16.1.25



and who affirm and declare the facts mentioned in the affidavit to be true.
Notary

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE, BENCH AT KOKLATA

OA NO 2025

IN THE MATTER OF:-

RAJAN KUMAR

Petitioner

VERSUS

STATE OF BIHAR AND ORS.

Respondents

AFFIDAVIT

R.B. Sinha
Notary Public
16/1/25

I RAJAN KUMAR S/O MANEJAR BHAGAT AGED About 26 YRS R/O Sugauli, PO Sugauli Dist. East Champaran Bihar -855456 do hereby solemnly affirm on oath as under:-

1. That, I am the applicant in the instant case and fully conversant with the facts of the case and hence, competent to swear on this affidavit.
2. That, I am filing the present Original Application Along with Annexure before the Hon'ble Tribunal the Contents from Para 1 to last have been drafted on our instruction and the same have been explained to us by my counsel.
3. That, I have read and understood the contents and based on the documents filed along with the application

राजन कुमार
DEPONENT

VERIFICATION

I, The above named deponent do hereby verify that the contents of the paras above are true and correct and no material fact has been concealed.

Signed and verified on 16 Jan 2025 at



राजन कुमार
DEPONENT

BIHAR COURT FEE

₹10



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16 Jan 2025

BIHAR COURT FEE

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16 Jan 2025

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16 Jan 2025

NOTARY
 Advocate
 RAVI BHUSHAN SINHA
 Area-East Champaran
 Reg No.-17353/2019
 GOVT OF INDIA

NOTARY
 Advocate
 RAVI BHUSHAN SINHA
 Area-East Champaran
 Reg No.-17353/2019
 GOVT OF INDIA

NOTARY
 Advocate
 RAVI BHUSHAN SINHA
 Area-East Champaran
 Reg No.-17353/2019
 GOVT OF INDIA

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DATE 08/03/2025

Place EAST CHAMPARAN



PRAKASH PANDEY

COUNSEL FOR THE PETITIONER
E- MAIL –advprakashpande@gmail.com
Mobile No 7805008055

Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.03/2025/EZ

Ranjan Kumar

S/o Manejar Bhagat,
Aged about 26 years
r/o Sugauli, PO – Sugauli,
Dist. – East Champaran,
Bihar – 855456

.... Applicant(s)

Versus

1. State of Bihar

Through Chief Secretary
Government of Bihar, Main Secretariat,
Patna – 800015

2. Department of Environment, Forest & Climate Change

Government of Bihar,
Through Secretary,
Aranya Bhawan, State Forest HQ,
Shahid Pir Ali Khan Path near Patna Airport,
Riding Road, Sheikhpura,
Patna,
Bihar – 800014

3. Principal Chief Conservator of Forest

Bihar Forest Department,
Government of Bihar,
Vishweshwariah Complex, Chowthi Manzil,
Technology Bhavan, Beli Road,
Patna,
Bihar – 800015

4. Bihar State Pollution Control Board

Through Member Secretary,
Parivesh Bhawan, Plot No. NS-B/2,
Patliputra Industrial Area,
Patliputra Patna (Bihar),
Pin Code – 800010

5. District Magistrate

Office of the Collector & District Magistrate,
At & PO : Motihari,
District : East Champaran,
PIN – 845401

6. Divisional Forest Office, Motihari Division

Office of Divisional Forest Office, Motihari Division,
Gandhi Maidan Road,
Motihari near SP Office,

District – East Champaran,
Pin Code – 845401

.... Respondent(s)

Date of hearing: 09.01.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Prakash Pandey, Adv. (in Virtual Mode)

ORDER

1. Heard Mr. Prakash Pandey, learned Counsel appearing for the Applicant.
2. This Original Application has been filed by the Applicant alleging that there are a number of saw mills operating without permission under the Bihar Saw Mill Regulation Act 1990 as well as the requisite permissions and certificates from the Bihar State Pollution Control Board. It is alleged that the saw mills have not obtained any consent from the Bihar State Pollution Control Board as these are stated to be Green category industries in terms of the Central Pollution Control Board guidelines/letter dated 07.03.2016 wherein industries have been categorized as Red Category, Orange Category, Green Category and White Category as per the relative Pollution Index (PI).
3. Not a single alleged violating Saw Mill has been impleaded in the array of Respondents. Only geo coordinates of the alleged violators has been given in para 4 of the Original Application. Geo coordinates cannot be relied upon nor is it possible for any authority to trace the location of the violators on the basis of geo coordinates. If the Applicant is seeking relief against alleged illegal Saw Mills, he must implead them giving their names and particulars. We give this option to Mr. Prakash Pandey, learned

Counsel for the Applicant but he continued to argue the matter on merit and does not want to file any impleadment application.

4. The case cannot proceed in the absence of Respondents against whom the Applicant wants relief, nor can this Court pass any adverse orders against any person unless he is impleaded in the array of Respondents.
5. We, accordingly dismiss the Original Application.
6. There shall be no order as to costs.

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

January 09, 2025,
Original Application No.03/2025/EZ
SKB

NGT

ANNEXURE A2



01
Feb 2025
Saturday
07:49 AM

VQ34+7J8, Raj Singhasni Rd,
Singasani, Ahiraulia, Bihar
Lat: 26.853144, Long: 84.756201



01
Feb 2025
Saturday
07:51 AM

Piparpanti - Raj Singhasni Rd,
Singasani, Bihar 845433, India,
Lat: 26.849988, Long: 84.745917







Rajan Kumar Jun 28



to pccfbihar@g... ^

From Rajan Kumar • rajansgl24@gmail.com

To pccfbihar@gmail.com

Date Jun 28, 2024, 1:51 PM

[View security details](#)

अवैध आरा मिल का शिकायत वन प्रमंडल पदाधिकारी मोतिहारी को लगातार किया जा रहा है परन्तु वन विभाग के द्वारा कोई कानूनी कार्यवाही नहीं किया जा रहा है

श्रीमान से हाथ जोड़ के अनुरोध करता हुं कि कृपा करके अवैध आरा मिलों पर कानूनी कार्यवाही किया जाए

[Show quoted text](#)



← Reply →



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Bihar Saw Mills (Regulation) Act, 1990

[Bihar Act 19 of 1990]¹

[7th December, 1990]

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7. Grant, renewal, revocation or suspension of licence
8. Power of entry, inspection, search, seizures, etc.
9. Submission of returns
10. Keeping of account of stock of wood in saw mill and saw pit
11. Prohibition of electric connection etc., in unlicensed saw mill
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Bihar Saw Mills (Regulation) Act, 1990

[Bihar Act 19 of 1990]

[7th December,
1990]

An Act to make provision for regulating in the public interest the establishment and operation of Saw Mills and Saw Pits and trade of sawing for the protection and conservation of forest and the environment

Be it enacted by the Legislature of the State of Bihar in the Forty-first year of the Republic of India for the purpose hereinafter appearing as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Bihar Saw Mills (Regulation) Act, 1990.

(2) It extends to the whole of the State of Bihar.

(3) It shall be deemed to have come into force with effect from the 1st May, 1990.

2. Definitions.—In this Act unless there is anything repugnant in the subject or context—

- (a) "appointed day" means a date appointed under sub-section (3) of Section 1;
- (b) "licence" means a licence granted under Section 7 of this part;
- (c) "licensee" means any person to whom a licence is granted under Section 7;
- (d) "licensing officer" means a licensing officer appointed under sub-section (1) of Section 3;
- (e) "prescribed authority" means a prescribed authority appointed under Section 4;
- (f) "notified order" means an order notified in the Official Gazette;
- (g) ²["saw mill" means the plant and machinery with which and the premises including the precincts thereof in which or in any part of which sawing is carried on with the aid of electrical or mechanical power. It shall also include veneer plywood manufacturing unit.
- (h) "saw pit" means a place where wood is sawn by manually-operated saws;
- (i) "sawing" with its grammatical variations and cognate expressions means operations of sawing, cutting, converting, fashioning or seasoning wood and includes preservation and treatment thereof either by mechanical process with the aid of electrical or mechanical power or manually-operated saws;
- (j) "Vehicle" means a mechanically propelled vehicle or any vehicle drawn by human being or animals and includes truck, tractor, trolley, motor vehicle, boat and carts;
- (k) "wood" includes trees when they have fallen or have been felled, and all wood of any species whether cut, converted, fashioned, sawn or hollowed out for any purpose or not;

(l) words and expressions used but not defined in this Act and defined in the Indian Forest Act, 1927 (XVI of 1927), shall have the meaning respectively assigned to them in that Act.

3. Appointment of Licensing Officer.—The State Government may, by notification—

- (1) appoint an officer not below the rank of Divisional Forest Officer to be Licensing Officer for the purpose of this Act;
- (2) define the local limits within which a Licensing Officer shall exercise the powers conferred and perform the duties imposed on him by or under this Act.

4. Appointment of prescribed authority.—The State Government, may by notification—

- (1) appoint an officer not below the rank of a Conservator of Forests to be prescribed authority, for the purpose of this Act;
- (2) define the local limits within which a prescribed authority shall exercise the powers conferred and perform the duties imposed on him by or under this Act.

5. Application for licence.—On and from the appointed day:—

- (1) no person shall establish a saw mill or a saw pit except under the authority and subject to the conditions of a licence granted in that behalf under this Act;
- (2) no person shall operate a saw mill or a saw pit in existence on the said date, unless he is granted a licence in that behalf under this Act on an application made by such person within a period of *thirty* days from such date:

Provided that for the period of *thirty* days and thereafter the period during which the application is pending for consideration, it shall be deemed as if such person was granted a licence under this Act and he was operating the saw mill or saw pit accordingly.

6. Declaration of prohibited area.—(1) The State Government may, by notification, for reasons to be prescribed therein, declare any area to be a prohibited area for such period not exceeding *three years* at a time, as may be specified therein.

(2) During the period any area is declared to be a prohibited area under sub-section (1), the following consequences shall ensue, namely—

- (a) no licence shall be granted for establishment of a saw mill or saw pit in that area;
- (b) no licence shall be renewed during that period;
- (c) a saw mill or saw pit situated in that area shall cease to operate and keep its sawing operation closed;
- (d) no claim on account of damages because of closure shall be entertained nor any damages shall be payable.

7. Grant, renewal, revocation or suspension of licence.—(1) An application for licence under Section 5 shall be in such form and shall be accompanied by such application fee and such security deposit for due observance of the conditions of the licence, as may be prescribed.

(2) On receipt of the application under sub-section (1), the Licensing Officer may after making such enquiry, as it may deem fit:—

- (i) grant the licence; or
- (ii) by order in writing for reason in brief to be stated therein, refuse to grant the licence:

Provided that no order refusing to grant the licence shall be passed unless the applicant has been given a reasonable opportunity of being heard.

(3) A licence granted under sub-section (2) shall be subject to the provisions of this Act and to such conditions as may be prescribed.

(4) The provisions of this Section shall apply to renewal of licence as they apply to grant of licence or refusal to grant a licence.

(5) If the Licensing Officer is satisfied, either on a reference made to it in this behalf or otherwise, that—

- (a) the licensee has parted, in whole or in part with his control over the saw mill or saw pit or has otherwise ceased to operate or own such mill or saw pit; or
- (b) the licensee has without reasonable cause, failed to comply with any of the conditions of the licence or any direction lawfully given by the Licensing Officer or has contravened any of the provisions of this Act or the Rules made thereunder; or
- (c) the licensee has, in the premises of the saw mill or saw pit-wood which he is not able to account for satisfactorily and consequently which is liable for confiscation under Section 10.

Then without prejudice to any other penalty to which licensee may be liable under this Act the Licensing Officer may, after giving the licensee an opportunity of showing cause, revoke, or suspend the licence and forfeit the sum, if any, or any portion thereof deposited as security for the due performance of the conditions subject to which the licence has been granted.

(6) A copy of every order issued under sub-section (5) shall be given to the licensee.

8. Power of entry, inspection, search, seizures, etc..—(1) For the purpose of ascertaining the position of, examining the working of, any saw mill or saw pit or with a view to secure compliance of the provisions of this Act and the Rules made thereunder, the Licensing Officer or any other person authorised by the Licensing Officer in this behalf may,—

- (a) enter and inspect any saw mill and saw pit;
- (b) examine and for this purpose order the production of any document, book, register or records in the possession or power of any person having the control of or employed in connection with, any saw mill and saw pit;
- (c) search any person or search any premises, vehicle, machine, tools and equipments used or intended to be used in contravention of the provisions of this Act and Rules made thereunder and may stop any vehicle or person for this purpose;
- (d) seize any wood, plants and machinery, tools, vehicle and any other article which he suspects is already involved or used or is about to be involved or used in contravening the provisions of this Act or Rules made thereunder.

(2) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall so far as may apply to searches and seizure under this Section.

9. Submission of returns.—Every licensee shall submit such returns relating to the business of the saw mill or saw pit, as the case may be, and in such forms and to such officers and on such dates as may be prescribed.

10. Keeping of account of stock of wood in saw mill and saw pit.—All wood whether sawn or not, found in or brought to the saw mill or saw pit or at the site of sawing at any time or during any period by any person in any manner or by any means for purpose of sawing or for any other purpose shall always be properly accounted for and all relevant evidence, documents, receipts, order and certificate as are necessary to show that the wood is legally obtained, shall be maintained and made available at the time of inspection, it shall be presumed in respect of the stock of wood which is not accounted for satisfactorily that the same has been obtained unlawfully and the stock of wood shall be liable for confiscation.

11. Prohibition of electric connection etc., in unlicensed saw mill.—(1) On and from the appointed day and notwithstanding anything contained in any enactment relating to electricity for the time being in force, no electric energy shall be consumed and no electric connection shall be installed for the purpose of a saw mill or continued for that purpose unless such saw mill is duly licensed or deemed to be licensed in accordance with the provisions in this Act and such electric connection shall be continued so long as the saw mill operates under a valid licence granted or deemed to be granted under this Act.

(2) The State Government may make Rules for carrying out the purpose of this Section.

12. Appeal.—(1) Any person aggrieved by the order of refusal of a Licensing Officer to grant or renew a licence or by the order of suspension or revocation of a licence may within *thirty* days of the service on him of the order of such refusal or suspension or revocation, appeal to the prescribed authority, who shall decide the appeal after giving the appellant and the Licensing Officer an opportunity of being heard. The decision of the prescribed authority shall be binding on the Licensing Officer.

(2) The order of the Licensing Officer shall, unless the prescribed authority, conditionally or unconditionally directs, otherwise, remain in force pending the disposal of an appeal under sub-section (1).

13. Confiscation of saw mills etc.—(1) Save as provided in clause (b) of Section 5—

- (a) where a saw mill or saw pit is established or operated in an area declared to be a prohibited area under sub-section (1) of Section 6; or
- (b) where a saw mill or saw pit is established or operated without a licence or without renewal of licence under sub-sections (2) and (4) respectively of Section 7; or
- (c) where the saw mill or saw pit is operated after suspension or revocation of a licence under sub-section (5) of Section 7; or
- (d) where the saw mill or saw pit is operated with the aid of electrical energy or electrical installation in contravention of the provision of sub-section (1) of Section 11; or
- (e) unaccounted wood is stored in the saw mill or saw pit, the Licensing Officer may order confiscation of the stock of wood unlawfully stored together with whole or portion of the plants and machinery, implements and equipments which have been used in the commission of the offence.

(2) No order confiscating any property shall be made under sub-section (1) unless the person from whom the property is seized and in the case the owner of such property is known, such person is given—

- (a) a notice in writing informing him of the grounds on which it is proposed to confiscate such property;
- (b) an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds for confiscation; and
- (c) a reasonable opportunity of being heard in the matter.

(3) Any Forest Officer not below the rank of a Conservator of Forests empowered by the State Government in this behalf by notification, may within thirty days from the date of order of confiscation by the Licensing Officer under sub-section (1), either *suo motu* or on application call for and examine the records of that order and may make such enquiry or cause such enquiry to be made and pass such orders as he may think fit:

Provided that no order prejudicial to any person shall be passed without giving him an opportunity of being heard.

(4) Any person aggrieved by an order passed under sub-section (3) may, within *thirty* days from the date of communication to him of such order, appeal to the District Judge having jurisdiction over the area in which the property has been seized and the District Judge shall, after giving an opportunity to the parties to be heard, pass such order as it may think fit and the order of the District Judge so passed shall be final. Where an order of confiscation of any property passed under sub-section (1) or sub-section (3) or sub-section (4) has become final in respect of the whole or any portion of such property, such property or the portion thereof, as the case may be, shall vest in the State Government free from all encumbrances.

(5) An order of confiscation under sub-section (1) or sub-section (3) or sub-section (4) shall not be deemed to bar the imposition of any such other penalty to which the person from whom the property is seized is liable under this Act.

14. Penalties.—(1) If any person contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or Rules made thereunder he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to *ten thousand* rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to *two hundred* rupees for every day during which such contravention continues after conviction for the first such contravention:

Provided that for the second or subsequent offence the minimum imprisonment in either case shall be *three* months and minimum fine in either case shall be *three* thousand rupees where such contravention, attempt or abetment relates to Section 6 or when unlawful wood involved in the contravention is more than 5 cubic metres in volume.

(2) If any person—

- (i) when required by this Act or by any order under this Act to make any statement or furnish any information, makes such statement or furnishes such information which is false in any material particular and which he knows or has reason to believe to be false or does not believe to be true; or
- (ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required to maintain or furnish under this Act;

he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to three thousand rupees, or with both.

15. Offence by Companies.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, 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 provided in this Act if he proves that the offence was committed without his knowledge or that he exercises 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 has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this Section—

- (a) “company” means any body corporate, and includes a firm or other

association of individuals;

(b) "director" in relation to firm, means a partner in the firm.

16. Burden of Proof.—(1) Where wood, whether sawn or unsawn, is recovered from a saw mill or saw pit for which no valid licence exists in accordance with the provisions of this Act or the rules made thereunder, it shall be presumed that saw mill or saw pit was in operation until the contrary is proved, the burden of proving the same shall lie on the accused.

(2) Where, in any prosecution for an offence against this Act or rules made thereunder, it is established that any wood declared unlawful was seized in the premises of a saw mill of a person, or at any site where sawing was being done, it shall be presumed such person has contravened the provisions of this Act or rules, made thereunder until the contrary is proved, the burden of proving the same shall lie on the accused.

17. Cognizance of offence.—No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by the Licensing Officer or any person duly authorised by the State Government or the Licensing Officer in this behalf.

18. Jurisdiction of court.—No court inferior to that of a Judicial Magistrate of the first class, shall try offence punishable under this Act.

19. Composition of offence.—(1) Forest Officer empowered by the State Government in this behalf may—

(a) accept from any person whose licence is liable to be revoked or suspended under sub-section (5) of Section 7 or who is reasonably suspected of having committed for the first time of an offence relating to non-submission of return under Section 9 or of non-maintenance of account of wood under Section 10 or sawing of wood unlawfully obtained which is of less than half a cubic metre in volume, a sum not exceeding *five thousand* rupees in lieu of such revocation or suspension or by way of composition for such offence, as the case may be and may impose as a penalty a sum not exceeding *five thousand* rupees and shall order confiscation of unlawfully obtained wood which was seized;

(b) in any case in which any property has been seized as liable to confiscation under this Act at any time before an order of confiscation is passed by the appropriate authority under this Act release the same on payment of the value thereof as estimated by the Forest Officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be to the forest officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceeding shall be taken against such person in or in relation to such property.

20. Licensing Officer or authorised person to be public servant.—The Licensing Officer and every person duly authorised to discharge any duties imposed on him or under this Act shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (XLV of 1860).

21. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the State Government or any officer or person or authority for anything which is done in good faith or intended to be done in pursuance of the provisions of this Act or any Rules or order made thereunder.

22. Rewards.—The court or the Licensing Officer as the case may be, may by order permit giving of reward in the shape of an amount which is not more than *one-fourth* of the amount of fine and/or of the value of the property forfeited and/or confiscated to such person or persons whose information has indisputably led to the detection of the

contravention of any of the provisions of this Act or Rules made thereunder.

23. Power to make Rules.—(1) The State Government may by notification and subject to the condition of previous publication make Rules to carry out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such Rules may provide for all or any of the following matters, namely—

- (a) The Form in which application shall be made under sub-section (1) of Section 7 and the fee and security deposit which shall accompany such application;
- (b) conditions subject to which licence may be granted under sub-section (3) of Section 7;
- (c) the period for which, the fee on the payment of which and the condition subject to which the licence may be renewed under sub-section (4) of Section 7;
- (d) the form in which the officer to whom and the dates on which returns shall be submitted under Section 9;
- (e) for installation of electric connection, etc. under sub-section (2) of Section 11;
- (f) the authority to which appeal may be preferred under Section 12;
- (g) any other matter which is required to be or may be prescribed.

(3) Every Rule made under this Act shall be laid as soon as may be after it is made, before each house of the State Legislature while it is in session for a total period of *fourteen* days which may be comprised in one session or in *two* successive sessions, and if, before expiry of the session in which it is so laid or the session immediately following both the Houses agree in making any modification in the Rule or both the Houses agree that the Rule should not be made the Rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Rule.

24. Other Acts and laws not to apply to saw mill or saw pit.—Nothing contained in any other Act, or Law, Rule, Order or any other thing having a force of law in any area of the State shall apply to the saw mill and saw pit and sawing in respect of matters for which provisions are contained in this Act.

25. Saving.—The provisions of this Act or the Rules made thereunder shall not apply to—

- (a) the ordinary operations of carpentry not involving saw mill or saw pit operations;
- (b) any saw mill or saw pit owned by the State Government.

26. Power to remove difficulty.—If any difficulty arises in giving effect to the provisions of this Act the State Government may, by order, do anything not inconsistent with the provisions of this Act which appear to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

27. Repeal and Saving.—(1) The Bihar Saw mills (Regulation) Ordinance, 1987 (Bihar Ordinance No. 3 1990) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if the Act, were in force on the date on which such thing or action was done or taken.

1: Published in Bihar Gazette (Ex-ord.) dated 7.12.1990.

2: *Subs.* by Act No. 4 of 2002.

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ANNEXURE A5



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
(पर्यावरण एवं वन मंत्रालय, भारत सरकार)
(MINISTRY OF ENVIRONMENT & FORESTS, GOVT. OF INDIA)

No.B-29012/ESS(CPA)/2015-16/

March 07, 2016

To

The Chairman
All the State Pollution Control Boards / Pollution Control Committees
(List Attached)

SUB: MODIFIED DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 and THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 REGARDING HARMONIZATION OF CLASSIFICATION OF INDUSTRIAL SECTORS UNDER RED / ORANGE / GREEN / WHITE CATEGORIES.

WHEREAS, under section 16 (2)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 (2)(c) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under the Water (Prevention and Control of Pollution) Act, 1974, is to coordinate activities of the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs); and

WHEREAS, under section 16 (2)(c) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 (2)(d) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the CPCB is to provide technical assistance and guidance to SPCBs and PCCs; and

WHEREAS, it was brought to the notice of CPCB, that different SPCBs /PCCs were following different criteria for classification of industrial sectors under Red/Orange/ Green category and that classification was being used by the SPCBs/PCCs for grant of consents to industries and for Inventorization / surveillance of industries.

WHEREAS, the issue regarding classification of industries was deliberated upon in the 56th Conference of Chairmen & Member Secretaries of CPCB & SPCBs/PCCs held on August 31, 2010 and a working group comprising of representatives from SPCBs & CPCB was constituted to prepare a consolidated list of industrial sectors falling under Red/Orange/Green category to bring uniformity in classification of industrial sectors across the country;

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

'Parivesh Bhawan', East Arjun Nagar, Delhi - 110032

दूरभाष/Tel. : 43102030, फ़ैक्स/Fax : 22305793, 22307078, 22307079, 22301932, 22304948

ई-मेल/e-mail : cpcb@nic.in वेबसाइट/Website : www.cpcb.nic.in

WHEREAS, the report prepared by the Working Group was discussed in the 57th Conference of Chairmen & Member Secretaries of CPCB & SPCBs/PCCs held in Delhi on September 15, 2011, wherein some modifications were proposed;

WHEREAS, the final report of the working group was prepared, incorporating the suggestions/observations made in the 57th Conference of Chairmen and Member Secretaries of CPCB & SPCBs/PCCs and in exercise of the powers delegated to the Chairman, CPCB under Section 18(1)(b) of the Water Act, 1974, following directions were issued for compliance to all SPCBs/PCCs to maintain uniformity in categorization of industries as red, orange and green as per list finalized by CPCB, which identified 85 types of industrial sectors as 'Red', 73 industrial sectors as 'Orange' and 86 sectors as 'Green':

a). To maintain uniformity in categorization of industries under Red/ Orange/Green category, the SPCBs /PCCs shall adopt the list as finalized by CPCB based on the recommendations of that Working Group for grant of Consent, inventorization of industries under Red, Orange and Green categories and other related activities.

(b). The SPCBs/PCCs shall revise the list of Red, Orange and Green categories of industries operating in their jurisdiction based on the criteria specified in the final report of that Working Group and submit the same to CPCB within 90 days in hard copy as well as soft copy;

WHEREAS, later-on, it was observed that the process of categorization thus far was primarily based on the size of the industries and consumption of resources and pollution due to discharge of emissions and effluents and its likely impact on health was not considered as primary criteria;

WHEREAS, there have been proposals from the SPCBs / PCCs and industrial associations for categorization of the industrial sectors in a more pragmatic manner. The issue was discussed during the national level conference of the Environment Ministers of the States, held in New Delhi during April 06-07, 2015 and also during the Conference of the Chairmen and Member Secretaries of CPCB and SPCBs/PCCs held in New Delhi on April 08, 2015. Accordingly, a 'Working Group' comprising of the Members from Central Pollution Control Board and State Pollution Control Boards representing the States of Andhra Pradesh, Punjab, Tamilnadu, West Bengal, Madhya Pradesh and Maharashtra, was constituted to revisit the criteria of categorization of industries and suggest rationale based on pollution potential for categorization of industrial sectors and adopting it for implementation of pollution control plan;

WHEREAS, the Working Group has developed the criteria of categorization of industrial sectors based on the concept of Pollution Index which is a function of the emissions (air pollutants), effluents (water pollutants), hazardous wastes generated and consumption of resources. For this purpose the references are taken from the the Water (Prevention and Control

of Pollution) Cess (Amendment) Act, 2003, Standards so far prescribed for various pollutants under Environment (Protection) Act , 1986 and Doon Valley Notification, 1989 issued by MoEFCC. The Pollution Index (PI) of any industrial sector is a number from 0 to 100 and the increasing value of PI denotes the increasing degree of pollution load from the industrial sector;

WHEREAS , based on the series of consultations with SPCBs, different Government / Non-government Institutions including industries and MoEFCC , the following criteria on 'Range of Pollution Index 'for the purpose of categorization of industrial sectors has been finalized:

- o Industrial Sectors having Pollution Index score of 60 and above - Red category
- o Industrial Sectors having Pollution Index score of 41 to 59 -Orange category
- o Industrial Sectors having Pollution Index score of 21 to 40 -Green category
- o Industrial Sectors having Pollution Index score incl. & upto 20 -White category

WHEREAS, based on the revised criteria, the 'Final Report on Revised Categorization of Industrial Sectors under Red/Orange/Green/White' has been evolved. The 'Categorization' is based on the relative pollution potential of the industrial sectors and grouping of the industrial sectors based on the use of raw materials, manufacturing process adopted and pollutants likely to be generated;

WHEREAS, based on relative Pollution Index, the number of industries in various categories are as under :

- i. The Red category of industrial sectors: 60
- ii. The Orange category of industrial sectors: 83
- iii. The Green category of industrial sectors: 63 and
- iv. The Newly introduced White category: 36

WHEREAS, there shall be no necessity of obtaining the Consent to Operate" for White category of industries and an intimation to concerned SPCB / PCC shall suffice;

WHEREAS, the purpose of categorization is to ensure that the industry is established in a manner consistent with the environmental objectives and to prompt industrial sectors to adopt cleaner technologies, ultimately resulting in generation of no or minimum pollutants.

WHEREAS the new categorization system shall also facilitate in self-assessment by industries;

Now, therefore, in exercise of the powers delegated to the Chairman, CPCB under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 18(1)(b) of the Air (Prevention & Control of Pollution), Act , 1981 the earlier Directions issued in June 2012 in the context of categorisation of industries as Red, Orange & Green are withdrawn with immediate effect and following '**Directions**' are hereby issued for compliance by all SPCBs and PCCs :

1. That the SPCBs and PCCs shall adopt the Revised Criteria of categorization of industrial sectors as detailed in table nos. F1, F2, F3 and F4 and Revised Lists of Red, Orange, Green and White categories of industrial sectors, presented at table no. G2, G3, G4 and G5 respectively, in the 'Final Report' as attached herewith immediately.
2. That all pending applications for consideration of 'Consent to Establish' and 'Consent to Operate' and future such applications shall be processed as per revised criteria.
3. That the SPCBs and PCCs will provide the list of industries identified in each category existing in the State which have been considered for grant of consents. SPCBs/PCCs will forward the list of such industries before 31.05.2016 and the same will be uploaded on the websites of respective SPCB/PCC.
4. That the 'Revised Lists of Red, Orange, Green and White category of industrial sectors' shall be used by the SPCBs and PCCs for Consent Management and inventorization of industries under Red, Orange, Green and White categories. Siting of industries shall be only in conforming areas. SPCBs / PCCs shall evolve sector specific plans for control of pollution and industrial surveillance for verifying compliance.
5. That the SPCBs and PCCs shall revise /prepare the inventory of Red, Orange, Green and White categories of industries operating in their jurisdiction based on the revised criteria specified in the Final Report and submit the same to CPCB within 90 days i.e., before 30.05.2016 in hard copy as well as soft copy.
6. That the listed category of industries or those identified later-on under different categories shall not be linked to sanction of loan / finance or bank proceedings.
7. That any further addition of any new or left-over industrial sector and their categorization which is not listed in the revised list of Red, Orange, Green and White industrial sectors, shall be done at the level of concerned SPCB /PCC following revised criteria & guidelines as detailed in the attached document and no concurrence of CPCB shall normally be required. It is further clarified that while categorizing the industries, fractional numbers shall be rounded off to nearest integer.

The SPCBs/PCCs shall acknowledge the receipt of directions and submit the 'Action Taken Report' in compliance with these directions to CPCB before 15.04.2016.

(Arun Kumar Mehta)
Chairman
7/3/16

Copy to:

1. The Chief Secretary of all the States and UTs
2. The Secretary ,
Ministry of Micro, Small and Medium Entrepreneurs
Udyog Bhawan, Rafi Marg, New Delhi - 110 011
3. The Secretary ,
Ministry of Heavy Industries
Udyog Bhawan, Rafi Marg, New Delhi - 110 011
4. The Secretary,
Ministry of New and Renewable Energy
Block-14, CGO Complex,
Lodhi Road, New Delhi-110 003,
5. The Advisor(CP Division)
Ministry of Environment ,Forests and Climate Change
Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi - 110 003
6. All Zonal Offices of CPCB

(A. B. Akolkar) 7.3.16
Member Secretary

Table G-4 : Final List of Green Category of Industrial Sectors

Sl. No.	Orgnl Sl. No.	Industry Sector	W1	W2	W	A1	A2	A	H	W+A+H	Revised Category	Remarks
1.	2	Aluminium utensils from aluminium circles by pressing only (dry mechanical operation)	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from buffing operations.
2.	6	Ayurvedic and homeopathic medicines (without boiler)	10	--	10	--	--	--	--	25	G-G	Small quantities of waste-waters are generated from washing operations.
3.	8	Bakery /confectionery /sweets products (with production capacity <1tpd (with gas or electrical oven)	10	--	10	--	--	--	--	25	G-G	Small quantities of waste-waters are generated from washing operations.
4.	6	Bi-axially oriented PP film along with metalizing operations	10	--	10	--	--	--	--	25	O-G	Mainly extrusion process involving Cooling water recirculation
5.	10	Biomass briquettes (sun drying) without using toxic hazardous wastes	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from pulverization / mixing operations.
6.	13	Blending of melamine resins & different powder, additives by physical mixing	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from pulverization / mixing operations.
7.	15	Brass and bell metal utensils manufacturing from circles(dry mechanical operation without re-rolling facility)	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from buffing operations.
8.	16	Candy	10	--	10	10	--	10	--	25	G-G	Small quantities of waste-water and minor

												PM emissions are generated.
9.	17	Cardboard or corrugated box and paper products (excluding paper or pulp manufacturing and without using boilers)	--	--	--	10	--	10	--	25	G-G	This score is valid with Small gas / electricity operated oven / furnace for making glue.
10.	18	Carpentry & wooden furniture manufacturing (excluding saw mill) with the help of electrical (motorized) machines such as electrical wood planner, steel saw cutting circular blade, etc.	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from cutting operations.
11.	19	Cement products (without using asbestos / boiler / steam curing) like pipe ,pillar, jafri, well ring, block/tiles etc.(should be done in closed covered shed to control fugitive emissions)	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from mixing operations.
12.	20	Ceramic colour manufacturing by mixing & blending only (not using boiler and wastewater recycling process)	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions.
13.	11	Chilling plant, cold storage and ice making	10	--	10	--	--	--	--	25	O-G	Cooling water recirculation only.
14.	13	Coke briquetting (sun drying)	--	--	--	10	--	10	--	25	O-G	Mainly air polluting industry. Sources of air pollution (PM) are pulverizes and mixers. Air pollution score is normalized to 100.
15.	28	Cotton spinning and weaving (small scale)	--	--	--	10	--	10	--	25	G-G	Minor PM emissions from spinning process.
16.	17	Dal Mills	--	--	--	10	--	10	--	25	O-G	Some fugitive emissions of PM.

17.	29	Decoration of ceramic cups and plates by electric furnace	--	--	--	10	--	10	--	25	G-G	Fumes of enamels. Minor air pollution.
18.	19	Digital printing on PVC clothes	--	--	--	10	--	10	--	25	O-G	Minor emissions / odour generations are expected.
19.	25	Facility of handling, storage and transportation of food grains in bulk	--	--	--	10	--	10	--	25	O-G	Some fugitive emissions of PM during handling of grains.
20.	36	Flour mills (dry process)	--	--	--	10	--	10	--	25	G-G	Fugitive dust emissions.
21.	41	Glass , ceramic, earthen potteries, tile and tile manufacturing using electrical kiln or not involving fossil fuel kiln	--	--	--	10	--	10	--	25	G-G	Minor fugitive emissions only.
22.	34	Glue from starch (physical mixing) with gas / electrically operated oven /boiler.	--	--	--	10	--	10	--	25	O-G	Some fugitive emissions of PM during mixing of raw materials.
23.	42	Gold and silver smithy (purification with acid smelting operation and sulphuric acid polishing operation) (using less or equal to 1 litre of sulphuric acid/ nitric acid per month)	--	--	--	10	--	10	--	25	G-G	Minor fumes from cleaning process.
24.	36	Heat treatment with any of the new technology like ultrasound probe , induction hardening , ionization beam, gas carburizing etc.	10	--	10	10	--	10	--	25	O-G	<ul style="list-style-type: none"> Cooling waters and minor heat fumes. Finalization of categorization subject to field verification.
25.	46	Insulation and other coated papers (excluding paper or pipe manufacturing)	--	--	--	10	--	10	--	25	G-G	Minor fumes due to application of poly-urethane
26.	49	Leather foot wear and leather products (excluding tanning and hide processing except cottage scale)	--	--	--	10	--	10	--	25	G-G	Minor fumes due to use of adhesives / gums.

27.	50	Lubricating oil, greases or petroleum based products (only blending at normal temperature)	--	--	--	10	--	10	--	25	G-G	Minor fumes at the time of transfers from one container to other.
28.	54	Manufacturing of pasted veneers using gas fired boiler or thermic fluid heater and by sun drying	--	--	--	10	--	10	--	25	G-G	1. Minor fumes due to application of gums / adhesives / pastes etc. 2. This score is valid only for gas fired boiler. 3. The units having coal fired boilers shall be categorized as Orange.
29.	59	Oil mill Ghani and extraction (no hydrogenation / refining)	10	--	10	--	--	--	--	25	G-G	Small quantities of floor washings & equipments washings are generated.
30.	48	Packing materials manufacturing from non asbestos fibre, vegetable fibre yarn	--	--	--	10	--	10	--	25	O-G	Some fugitive emissions of PM are expected.
31.	65	Phenyl/toilet cleaner formulation and bottling	--	--	--	10	--	10	--	25	G-G	Minor fumes of VOCs in the work zone
32.	67	Polythene and plastic processed products manufacturing (virgin plastic)	10	--	10	10	--	10	--	25	G-G	Cooling water & emissions due to mixing of raw materials.
33.	68	Poultry, Hatchery and Piggery	--	--	--	10	--	10	--	25	G-G	Obnoxious odour containing H ₂ S, CH ₄ etc. and fugitive PM emissions
34.	69	Power looms (without dye and bleaching)	--	--	--	10	--	10	--	25	G-G	Minor emissions of PM.
35.	71	Puffed rice (muri) (using gas or electrical heating system)	--	--	--	10	--	10	--	25	G-G	Minor emissions of PM.
36.	57	Pulverization of bamboo and scrap wood	--	--	--	10	--	10	--	25	O-G	Some fugitive emissions of PM are expected.
37.	72	Ready mix cement concrete	--	--	--	10	--	10	--	25	G-G	PM emissions.
38.	73	Reprocessing of waste cotton	--	--	--	10	--	10	--	25	G-G	PM emissions.
39.	60	Rice mill (Rice hullers only)	--	--	--	10	--	10	--	25	O-G	PM emissions are generated. Mainly air

													polluting. AP score is normalized to 100
40.	62	Rolling mill (gas fired) and cold rolling mill	10	--	10	10	--	10	--	25	O-G		Mainly air polluting. AP score is normalized to 100
41.	75	Rubber goods industry (with gas operated baby boiler)	--	--	--	10	--	10	--	25	G-G		Some PM emissions and obnoxious odour.
42.	63	Saw mills	--	--	--	10	--	10	--	25	O-G		Mainly air polluting. PM and noise are generated.
43.	77	Soap manufacturing (hand made without steam boiling / boiler)	10	--	10	--	--	--	--	25	G-G		Small quantities of waste-water are generated.
44.	80	Spice grinding (upto-20 HP motor)	--	--	--	10	--	10	--	25	G-G		Small quantities of fugitive emissions of raw materials.
45.	66	Spice grinding (>20 hp motor)	--	--	--	10	--	10	--	25	O-G		Mainly air polluting. Fugitive emissions of PM.
46.	81	Steel furniture without spray painting	--	--	--	10	--	10	--	25	G-G		Obnoxious gases from welding as well as noise pollution.
47.	82	Steeping and processing of grains	10	--	10	--	--	--	--	25	G-G		Washing waters are generated.
48.	86	Tyres and tube retreating (without boilers)	--	--	--	10	--	10	--	25	G-G		Due to applications of binding gum / adhesives / cement, some obnoxious fumes may generate.
49.	22	Chilling plant and ice making without using ammonia	12	--	12	--	--	--	--	30	G-G		Cooling water and brine water circuits. Spillages / blow down may take place
50.	26	CO2 recovery	12	--	12	--	--	--	--	30	G-G		Normal water pollution from scrubbing action
51.	32	Distilled water (without boiler) with electricity as source of heat	12	--	12	--	--	--	--	30	G-G		TDS as distillation residues

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released. The appellants have submitted a “note” after the arguments were concluded and judgment reserved, to the effect that since Ruhil had not signed the contract of re-engagement as Raj Kumar had, they had decided not to prefer an appeal. The reasoning is specious particularly in view of the stand taken by the appellants in their counter-affidavit before the High Court viz. that once the offer made for re-engagement by the sailor was accepted by the appellants the contract was complete and could not be rescinded.

71. I would, for all these reasons dismiss the appeals and, as far as Raj Kumar is concerned, with costs. I regret that by expressing my opinion in favour of dismissal of the appeals, I am differing with the views expressed by my learned brothers. But I do so with respect and despite the impassioned submission made by the learned Additional Solicitor General on behalf of the Government that the defence of the country would be jeopardised by a possible sudden efflux of trained personnel. Apart from the fact that this was not the ground stated by the appellants in the order of rejection, to accept this as a ground for allowing the appeal, in the view that I have taken, would be to decide the case not according to law but on policy. And, speaking for myself, I would rather the country’s defence did not rest on unwilling shoulders.

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(BEFORE V.N. KHARE AND DORAISWAMY RAJU, JJ.)

TATA ENGINEERING & LOCOMOTIVE CO. LTD. . . . Appellant;

Versus

STATE OF BIHAR AND ANOTHER . . . Respondents.

Civil Appeal No. 14755 of 1996[†], decided on April 24, 2000

A. Forests — Bihar Saw Mills (Regulation) Act, 1990 (19 of 1990) — Ss. 9, 10, 2(g), 2(h), 2(i) and 5 — Held, all sawmills are covered by provisions of the Act, whether the owner of sawmill is a bulk consumer or a trader in wood — Purpose of Ss. 9 and 10, held, is to identify the sources of timber and wood as well as to check their movement in transit in order ultimately to prevent the indiscriminate and illegal felling of trees resulting in deforestation — With this end in view, a very wide and liberal definition of “sawing” has been incorporated in the Act covering all kinds of activities connected with the consumption of wood — Under S. 5 establishing or running a sawmill without a licence is prohibited, regardless of whether the wood processed therein is all used by the owner of the sawmill or is intended to be sold — Contention rejected that word “disposal” should be interpreted to mean disposal by way of sale — Held, High Court rightly refused to quash the notice directing the appellant Company to acquire a licence under the Act — Bihar Saw Mills (Regulation) Rules, 1993, Rr. 4 and 7 — Words and Phrases — “business”, “disposal” — Environment

[†] From the Judgment and Order dated 23-4-1996 of the Patna High Court in CWJC No. 3663 of 1995

TATA ENGINEERING & LOCOMOTIVE CO. LTD. v. STATE OF BIHAR 347

Protection and Pollution Control — Generally — Forests — Prevent deforestation — Regulation of activities of sawmills

a B. Interpretation of Statutes — Basic rules of interpretation — Legislative Intent — Statutes ought not to be treated like theorems of Euclid, but rather ought to be interpreted on the basis of a clear conception of their purpose — Words and Phrases should be construed in the context and within the scheme underlying the text of the statute — Internal aids — Preamble, relied on

b The appellant Company, manufacturer of heavy and light motor vehicles, including trucks, jeeps and cars, was served notice directing its Vice-President to take out a licence under the Bihar Saw Mills (Regulation) Act, 1990. The Company contended that the Act and the Rules made thereunder were not applicable to it and appeared before the Patna High Court seeking a declaration to that effect, and to have the notice quashed. The High Court rejected the contentions of the Company, holding that the admitted activities of the appellant
c were sufficient to make the provisions of the Act applicable. The High Court found the fact that the appellant did not resell any wood and used the huge quantities purchased by it exclusively for its own purposes, in its own sawmills located inside its own premises, entirely irrelevant to its liabilities under the Act and Rules.

d Before the Supreme Court, it was contended on behalf of the appellant Company that (i) the provisions of the Act would not be attracted merely because of the existence of “sawmills” and “saw-pits” within its premises and the carrying out of the activity of sawing; (ii) such activity was ancillary and incidental to their main business, that of manufacturing motor vehicles, which was entirely unrelated to the trade in wood; (iii) it was necessary to examine the objects, reasons and application of the Act when interpreting its provisions; and (iv) as the Company was not involved in the timber trade itself and only
e purchased wood from registered and licensed dealers for manufacturing automobile components the Company did not need a licence under the Act and so could not be penalised for non-compliance with it.

f On behalf of the respondent State it was primarily contended that the object of the Act was threefold: (i) the regulation of “the trade of sawing”; (ii) the establishment and operation of sawmills and saw-pits as defined under the Act; and (iii) the protection and conservation of forests and the environment in the State. In view of the fact that industries located in and around Jamshedpur used up very large quantities of wood taken from the forested areas surrounding them, it was contended that the provisions of the Act had to be liberally construed so that the object of protecting the forests could be furthered. Therefore the appropriate provisions of the Act would be applicable to the Company, even though certain Rules and forms may not be.

g Dismissing the appeal, the Supreme Court

Held :

h Statutes should be construed not as theorems of Euclid but with some imagination of the purposes which lie behind them and to be too literal in the meaning of words is to see the skin and miss the soul. The method suggested for adoption, in cases of doubt as to the meaning of the words used is to explore the intention of the legislature through the words, the context which gives the colour, the context, the subject-matter, the effects and consequences or the spirit

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and reason of the law. The general words and collocation or phrases, howsoever wide or comprehensive in their literal sense are interpreted from the context and scheme underlying in the text of the Act. (Para 15)

Utkal Contractors & Joinery (P) Ltd. v. State of Orissa, (1987) 3 SCC 279 : (1987) 3 SCR 317, *relied on*

The Supreme Court has on more than one occasion proclaimed the need for strict regulation of wood-based industries after identifying the proliferation of such industries to constitute the main cause of degradation of forests, resulting in a serious threat to ecology and the environment. Apparently conscious of the nature of the evil to be curbed and the laudable object to be achieved the legislature has enacted in the Bihar Saw Mills (Regulations) Act, 1990 a very liberal and wide definition of “sawing” of an all-comprehensive nature all kinds of activities connected with the use and consumption of wood and ultimately classified the users under two different categories depending upon the nature of operation viz., manual operation or operation with the aid of electrical or mechanical power. Section 5 of the Act not only prohibits the establishment of a sawmill/saw-pit except under the authority and subject to the conditions of a licence granted but also further interdicts the operation of such mill or pit even in existence on the appointed date, with grant of a leeway period to enable the existing mills/pits to apply and obtain the required licence. Keeping in view all these and the provisions contained in Section 10 of the Act, the words “business of the sawmill or saw-pit” used in relation to submission of returns have to be construed in their generic sense of calling, occupation or pursuit and not restrict the same to the use of the word in a commercial sense or trade parlance. The object underlying Sections 9 and 10 seem to be to trace the origin or identity as well as the source of the timber/wood and keep track of the transit movement of the wood utilised to prevent and effectively check ultimately the indiscriminate and illicit felling of trees resulting in deforestation. (Para 16)

Being a bulk consumer of a huge quantity of timber/wood, utilising them by carrying on sawing activities in their sawmills though located in their premises driven with electrical and mechanical power, it is but necessary that the appellant Company should obtain a licence under the Act so that the authorities of the Forest Department can effectively keep track of their purchases and utilisation and thereby ensure that their activities do not in any manner help or encourage even indirectly those engaged in illicit felling of trees in disposing of such ill-gotten timber/wood. The maintenance of accounts and submission of returns as enjoined under Sections 9 and 10 and the Rules made thereunder will help to effectively enforce the provisions of the Act as also the other legislation in force in order to conserve and safeguard the forests. (Para 17)

A-M/Z/22560/C

Advocates who appeared in this case :

R.F. Nariman, Senior Advocate (S. Sukumaran, Advocate for JBD & Co., Advocates, with him) for the Appellant;

Rakesh Dwivedi, Senior Advocate (Kumar Rajesh Singh and B.B. Singh, Advocates, with him) for the Respondents.

Chronological list of cases cited

1. (1987) 3 SCC 279 : (1987) 3 SCR 317, *Utkal Contractors & Joinery (P) Ltd. v. State of Orissa*

on page(s)

350c, 353e

TATA ENGINEERING & LOCOMOTIVE CO. LTD. v. STATE OF BIHAR (*Raju, J.*) 349

The Judgment of the Court was delivered by

RAJU, J.— The above appeal is against the judgment of a Division Bench of the Patna High Court whereunder the claim of the appellant to quash the notice dated 16-11-1995 asking the Vice-President of the appellant Company to take licence under the Bihar Saw Mills (Regulation) Act, 1990 (hereinafter referred to as “the Act”) came to be rejected and the Court also declined to grant a declaration sought for that the provisions of the Act and the Rules framed thereunder, namely, the Bihar Saw Mills (Regulation) Rules, 1993 (hereinafter referred to as “the Rules”) are not applicable to them.

2. The appellant Company is engaged in manufacturing and assembling of vehicles of various descriptions including trucks and light motor vehicles, such as car, jeep, etc., at its various factories situate in different parts of the country including the State of Bihar. The activities of the Company consist of manufacturing of trucks of various descriptions and size, as also their components. The Company, in the course of its manufacturing activities, requires articles and components made of wood for being used as battery base for chassis, gaggers for production of tool box, pallet platform, staging platform, staging for CED/MC wheel carrier, etc. To meet such requirements, the Company claims to purchase substantial and huge quantity of wood/timber from registered dealers having valid licences and the same is used in their own sawmills located inside their factory premises for manufacturing the various wooden components required for their main business. On an inspection made, the Company was found to have been running about 5 to 8 sawmills inside their premises and indisputably they have not obtained any licence either under the Act in question or the Forest Act for transport of the timber purchased by them, their claim throughout being that they are not carrying on any trade in timber as such, by selling the wood to any outsider nor are they engaged in the activities of saw trading as such and that they are not covered under the Act with any liability to take out any licence or pay any licence fee therefor.

3. The Division Bench of the High Court repelled the contentions of the Company and held that the admitted nature of activities of the Company are sufficient to attract the provisions of the Act and the theory of end-product use or that they are only incidental to the main business activity of manufacturing automobile vehicles, have no relevance in adjudging their liabilities under the Act and the Rules made thereunder. The definitions contained in the Act of “sawmill”, “saw-pit” and “sawing” were held to be of sufficient amplitude to cover the activities of the Company. Hence, this appeal.

4. Shri R.F. Nariman, learned Senior Counsel, while ably presenting the case of the appellants reiterated the stand taken before the High Court and vehemently contended that the existence of “sawmills” or “saw-pits” or the mere activity of “sawing” by themselves are not sufficient to attract the provisions of the Act and the Rules made thereunder — those activities of the Company being carried not by way of trade in timber but only as ancillary

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and incidental to their main business of manufacturing and selling automobiles of various kinds and varieties. The further submission on behalf of the appellant is that it is always necessary to find out the object and reason as well as the reach of the statutory provisions and the general words in the statute/rules would take colour only from the reason for it. Argued the learned counsel further that as long as the activities of the Company are not in the course of any trade as such in timber and the machineries installed in the factory premises are for cutting the timber purchased by them lawfully from registered and licensed dealers for manufacturing the various components of the automobiles only the provisions of the Act and the Rules made thereunder had no application to the appellants and consequently, they are neither obliged to take any licence or pay any licence fee nor could they be penalised for not complying with the provisions of the Act. The learned counsel placed strong reliance upon the decision reported in *Utkal Contractors & Joinery (P) Ltd. v. State of Orissa*¹ besides inviting our attention at great length to the various provisions of the Act and the Rules to demonstrate as to how, in his view, the provisions are inappropriate and inapplicable to the case of the appellants.

5. Per contra, Shri Rakesh Dwivedi, learned Senior Counsel appearing for the respondent State with equal force and vehemence contended that a careful analysis and consideration of the provisions of the Act, even in the light of the principles of construction suggested for the appellants would make them applicable to the case of the appellants — the object and reason as well as the reach of the provisions being not only to regulate “the trade of sawing” but also the establishment and operation of sawmills and saw-pits as defined in the Act and further for the protection and conservation of forests and the environment in the State, in public interest. The fact that one or the other of the Rules or Forms prescribed and some or the other particulars specified therein may not apply to the appellants is no test, according to the respondents, to exclude its application to the appellants. While inviting our attention extensively to the provisions in the Act and the Rules, it was contended that the provisions of the Act were deliberately couched in the widest possible language to regulate and control, for the protection and conservation of forests and the environment and viewed in the context of the mischief sought to be prevented, the provisions have to be liberally construed in furtherance of the laudable object of the legislation, keeping in view the factual position that those industries which are located in and around Jamshedpur consume huge volume of wood for commercial and industrial purposes and those areas are surrounded by forests in the State of Bihar and the bordering States of Orissa and West Bengal. For the respondents, it has also been pointed out that other industries located in Jamshedpur, i.e., Tata Iron and Steel Company Ltd., Indian Tubes Company, Tin Plate Company, etc., operating sawmills similarly within their factory premises have taken licences under Section 5 of the Act.

¹ (1987) 3 SCC 279 : (1987) 3 SCR 317

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6. “Sawmill” is defined in Section 2(g) of the Act as follows:

a “2. (g) ‘sawmill’ means the plant and machinery with which and the premises including the precincts thereof in which or in any part of which sawing is carried on with the aid of electrical or mechanical power;”

7. ‘Saw-pit’ is also defined in Section 2(h) in the following terms:

“2.(h) ‘saw-pit’ means a place where wood is sawn by manually-operated saws;”

8. Similarly Section 2(i) defines “sawing” to mean as hereunder:

b “2. (i) ‘sawing’ with its grammatical variations and cognate expressions means operation of sawing, cutting, converting, fashioning or seasoning wood and includes preservation and treatment thereof either by mechanical process with the aid of electrical or mechanical power or manually-operated saws;”

c **9. “Wood” has also been defined in Section 2(k) to mean and include trees when they have fallen or have been felled, and all wood of any species whether cut, converted, fashioned, sawn or hallowed out for any purpose or not.**

d **10. The other relevant provisions to appreciate the submissions of the learned counsel on either side, to which detailed reference had also been made by them, are Sections 5, 9, 10 and 25 as well as Rules 7 and Form D. Section 5 of the Act, which mandates the taking of a licence, reads as follows:**

“5. *Application for licence.*—On and from the appointed day,—

(a) no person shall establish a sawmill or a saw-pit except under the authority and subject to the conditions of a licence granted in that behalf under this Act;

e (b) no person shall operate a sawmill or a saw-pit in existence on the said date, unless he is granted a licence in that behalf under this Act on an application made by such person within a period of thirty days from such date:

f Provided that for the period of thirty days and thereafter the period during which the application is pending for consideration, it shall be deemed as if such person was granted a licence under this Act and he was operating the sawmill or saw-pit accordingly.”

11. Section 9, which provides for submission of returns by a licensee, and Section 10, which obligates the keeping of account of the stock of wood in the sawmill and saw-pit, read as follows:

g “9. *Submission of returns.*—Every licensee shall submit such returns relating to the business of the sawmill or saw-pit, as the case may be, and in such forms and to such officers and on such dates as may be prescribed.

h 10. *Keeping of account of stock of wood in sawmill and saw-pit.*—All wood whether sawn or not, found in or brought to the sawmill or saw-pit or at the site of sawing at any time or during any period by any person in any manner or by any means for purpose of sawing or for any other purpose shall always be properly accounted for and all relevant evidence, documents, receipts, order and certificate as are necessary to show that the

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wood is legally obtained, shall be maintained and made available at the time of inspection. It shall be presumed in respect of the stock of wood which is not accounted for satisfactorily that the same has been obtained unlawfully and the stock of wood shall be liable for confiscation.”

12. Section 25 contains the saving clause by virtue of which certain class and category of activities and the State Government are exempt from the application of the Act and it reads as follows:

“25. *Saving*.—The provisions of this Act or the Rule made thereunder shall not apply to—

(a) the ordinary operations of carpentry not involving sawmill or saw-pit operations;

(b) any sawmill or saw-pit owned by the State Government.”

13. The conditions of licence which cast certain obligations on the licensee and which are set out in Rule 4, read as follows:

“4. *Grant of licence*.—(1) The licensing officer shall grant the licence in Form C.

(2) The licence shall be subject to the following conditions:

(a) The sawing operations in the sawmill and saw-pit shall not be carried out after sunset and before sunrise.

(b) The certified copies of the licence granted under sub-rule (1) shall be displayed at conspicuous place in the sawmill or saw-pit.

(c) The licensee shall maintain daily account of receipt of wood purchased, sawing and disposal in Form ‘D’.

(d) The monthly account of wood received for sawing only shall be maintained in Form ‘E’.

(e) The registers of accounts shall, if so required, be produced before the licensing officer or any other officer authorised by him for inspection.

(f) If the licensee or the person in charge of the operation of sawmill or saw-pit has reason to believe that the wood brought to the sawmill or the saw-pit is illicit, he shall inform the nearest Range Officer of Forests as early as possible, about the arrival of illicit wood. In no case, the illicit wood shall be sawn.

(g) The expansion of the sawmill or saw-pit, or change in its location shall not be carried out without the written permission of the licensing officer.

(3) The licence shall be valid for a calendar year for which it was issued.

(4) The copies of conditions (under whom the licence is being granted) and the copies of forms of accounts (in which receipt of wood, sawing and disposal) shall be showing to the applicant by the licensing officer before grant of the licence. The licensing officer shall explain the conditions and the subject-matter of draft to the applicant, if he is unable to read. The licensing officers shall obtain the signature or thumb

a impression of the applicant, as the case may be, on the application in token of the acceptance of the conditions. The applicant shall be applied with one copy each of conditions and terms, in which account shall be maintained.

(5) In case the licence is lost and smattered the licensee may obtain a certified copy of the licence on payment of rupees one hundred for each sawmill and rupees ten for each saw-pit, from the licensing officer.”

b 14. Rule 7 of the Rules mandates the maintenance of a register in Form D and a monthly account in Form E and enjoins upon a licensee to submit a return of those accounts to the Divisional Forest Officer concerned by a date not later than 10th of every month. Form D pertains to details of the purchase of wood for sawing and disposal and Form E relates to the monthly account of arrival, sawing and disposal of wood received for sawing. All these are designed to assist the licensing officer and/or any authorised person, to effectively discharge their duties under Section 8 of the Act and thereby ensure proper compliance with the provisions of the Act, by everyone concerned.

c 15. Statutes, it is often said, should be construed not as theorems of Euclid but with some imagination of the purposes which lie behind them and to be too literal in the meaning of words is to see the skin and miss the soul. The method suggested for adoption, in cases of doubt as to the meaning of the words used is to explore the intention of the legislature through the words, the context which gives the colour, the context, the subject-matter, the effects and consequences or the spirit and reason of the law. The general words and collocation or phrases, howsoever wide or comprehensive in their literal sense are interpreted from the context and scheme underlying in the text of the Act. The decision in *Utkal Contractors & Joinery (P) Ltd. case*¹ also emphasises the need to construe the words in a provision in the context of the scheme underlying the other provisions of the Act as well, which ultimately was considered to be in tune with the object set out in the statement of the Objects and Reasons and in the Preamble. Apart from the fact that the observations contained in the decision have to be understood in the light of the issue raised and exercise undertaken by the Court therein, the fallacy in the submission on behalf of the appellant lies though not in the principles of construction to be adopted but in the assumption of the counsel to confine or restrict and construe the law in question to be one made to regulate the trade of sawing, contrary to the very Preamble which reads,

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g “to make provisions for regulating *in the public interest* the establishment and operation of sawmills and saw-pits and trade of sawing *for the protection and conservation of forest and the environment.*”

(emphasis applied)

h 16. This Court has on more than one occasion proclaimed the need for strict regulation of wood-based industries after identifying the proliferation of such industries to constitute the main cause of degradation of forests, resulting in a serious threat to ecology and environment protection.

Apparently conscious of the nature of the evil to be curbed and the laudable object to be achieved a most liberal and wide definition of “sawing” of an all-comprehensive nature has been enacted to rope in all kinds of activities connected with the use and consumption of wood and ultimately classify the users under two different categories depending upon the nature of operation viz., manual operation or operation with the aid of electrical or mechanical power. Section 5 of the Act not only prohibits the establishment of a sawmill/saw-pit except under the authority and subject to the conditions of a licence granted but also further interdicts the operation of such mill or pit even in existence on the appointed date, with grant of a leeway period to enable the existing mills/pits to apply and obtain the required licence. Keeping in view all these and the provisions contained in Section 10 of the Act, the words “business of the sawmill or saw-pit” used in relation to submission of returns have to be construed in their generic sense of calling, occupation or pursuit and not restrict the same to the use of the word in a commercial sense or trade parlance. The object underlying Sections 9 and 10 seem to be to trace the origin or identity as well as the source of the timber/wood and keep track of the transit movement of the wood utilised to prevent and effectively check ultimately the indiscriminate and illicit felling of trees resulting in deforestation. The decision of this Court relied upon for the appellant, properly construed and the principles laid down therein appreciated and applied in their proper perspective tend to support rather the stand taken for the respondent State. That the legislature thought of enacting a saving clause in Section 25 to make it clear that nothing in the Act or the Rules shall apply to the ordinary operations of carpentry not involving sawmill or saw-pit operations and any saw-pit or sawmill owned by the State Government also serve as an indicator of the intention of the legislature to have only an all-comprehensive regulation to effectively control, regulate and supervise the transit/movement of the wood from its origin to ultimate utilisation by those who have sawmills/saw-pits as defined under the Act.

17. The attempts made on behalf of the appellant Company to demonstrate that the obligations cast upon a licensee under Sections 9 and 10 of the Act and the Rules made thereunder and Form D prescribed are not capable of being complied with by the appellant and it would otherwise be superfluous also for the reason that they purchase the timber/wood needed for their requirements only from registered dealers and they themselves do not deal with or sell the timber as such timber to anyone else but merely utilise the same and thereby consume the timber/wood in the course of the process of manufacturing the automobiles of various kinds do not either appeal to us or merit our acceptance. Being a bulk consumer of a huge quantity of timber/wood, utilising them by carrying on sawing activities in their sawmills though located in their premises driven with electrical and mechanical power, it is but necessary that the appellant Company should obtain a licence under the Act so that the authorities of the Forest Department can effectively keep track of their purchases and utilisation and thereby ensure that their activities do not in any manner help or encourage even

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a indirectly those engaged in illicit felling of trees in disposing of such ill-gotten timber/wood. The maintenance of accounts and submission of returns as enjoined under Sections 9 and 10 and the Rules made thereunder will help to effectively enforce the provisions of the Act as also the other legislation in force in order to conserve and safeguard the forests. We find it difficult to agree with the claim of the learned counsel for the appellant that the word “disposal” in Rule 7, should be interpreted to mean only disposal by way of sale of wood in some form or other as wood by drawing inspiration
b from the columns/heads in Form D such as “sales” and “inter-State”. The word “disposal” is of wide import and would include all acts or process of disposal in the sense of regulating, ordering, conducting or conditioning of something or business and also putting in a particular place or location, anything. If the Form D had a column “sale”, the licensee need only record that the goods have been consumed by them indicating local consumption in
c their factory premises and that it was not transported as timber simpliciter outside their factory. Even otherwise, the obligation to maintain and preserve accounts as envisaged in Section 10 of the Act and the Rules made thereunder with particulars specified in Form E cannot be disowned and this obligation is independent of even the liability to submit returns as envisaged under Section 9. Therefore, we find nothing in the Rules or Forms prescribed
d to justify any claim of immunity for the appellant from the liabilities and obligations cast upon it under the Act and the Rules.

18. For all the reasons stated above, we see no merit in the challenge made to the order of the High Court. The appeal, consequently, fails and is dismissed. No costs.

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(2000) 5 Supreme Court Cases 355

(BEFORE S. SAGHIR AHMAD AND G.B. PATTANAİK, JJ.)

P. SARATHY

.. Appellant;

Versus

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STATE BANK OF INDIA

.. Respondent.

Civil Appeal No. 6900 of 1997[†], decided on May 12, 2000

Limitation Act, 1963 — S. 14 and Arts. 58 and 113 — Word “court”, occurring in S. 14 — Scope — Any authority or tribunal having trappings of a court covered and it need not be a civil court — Appellate authority under S. 41 of T.N. Shops and Establishments Act, held, is a “court” —
g **Appellant, an employee of a nationalised bank, after removal from service, challenging his removal in a departmental appeal unsuccessfully and thereafter, within time, filing an appeal under S. 41 of the T.N. Act — The latter appeal dismissed on the ground of inapplicability of the T.N. Act to nationalised banks as declared by High Court during the pendency of the appeal and the decision upheld by Supreme Court — Thereafter, the**

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[†] From the Judgment and Order dated 9-8-1996 of the Madras High Court in SA No. 1659 of 1995

VAKALATNAMA

IN THE HON'BLE COURT OF NATIONAL GREEN TRIBUNAL, EASTERN ZONE, BENCH AT KOKLATA

Case No.....

Applicant/Petitioner **RAJAN KUMAR**

Versus

Non Applicant/Respondent **STATE OF BIHAR AND ORS.**

I, the Applicant/Appellant or Respondent/Non Applicant named below do hereby appoint, engage and authorize advocate(s) named below to appear, act and plead in aforesaid case proceedings which shall include applications for restoration, setting aside of ex-parte orders, corrections, modifications, review and recall of orders passed in these proceedings, in this Court or in any other court in which the same may be tried/heard/proceeded with and also in the appellate, revisioner or executing court in respect of proceedings arising from this case/proceedings as per agreed terms and conditions and authorize them to sign and file pleadings, appeal, cross objection of the above said case in all its stages and also agree to ratify and confirm acts done by them as if done by us:

In witness whereof we do hereunto set our hand to these presents, the contents of which have been duly understood by us, this day of , 2024.

Particulars of each party executing Vakalatnama

Sr.N	Name & Father's/ Husband's Name & Age	E-mail	Tel No.	Registere d Address	Statu s in the Case	Full Signature/ Thumb Impressions
1						<i>राज कुमार</i>
2						

Particulars of each advocate accepting Vakalatnama

Sr. N	Full Name of Advocate	Address for Service	E-mail Address	Telephone Number	Full Signature
1	Prakash Pandey (mp/1611/2018)	B81 Ratan nagar, Madan Mahal Jabalpur 482001	advprakashpande@gmail .com	8871849683 7805008055	<i>TS y</i>
2	Sweccha Prakash	--			<i>Sw</i>
3	Arun Goswami	--			<i>Arun</i>