



क्षेत्रीय कार्यालय, उ०प्र० प्रदूषण नियन्त्रण बोर्ड

दूरभाष : 2713526

33/18 कपिल बिहार, सहारनपुर-247001

सन्दर्भ सं: 608 /ओ०ए०-118/2022(उदय एजुकेशन)/2022

दिनांक : ०५.०८.२०२२

To,

The Registrar
National Green Tribunal
Principal Bench
New Delhi.
E-mail : judicial-ngt@gov.in

Sub.-Compliance to the Order issued on 23.03.2022 by Hon'ble National Green Tribunal in the matter of O.A. No. 118/2022 (I.A. No. 59/2022) Uday Education & Welfare Trust V/s State of U.P. & Ors

Sir,

With reference to the subject mentioned above kindly find enclosed herewith the Joint Committee Report of Additional Commissioner(Admin), Saharanpur, Divisional Forest Officer, Saharanpur Range, Saharanpur, A.S.P., Muzaffar Nagar & Regional Officer, U.P. Pollution Control Board, Saharanpur, in Compliance to the Order issued on 23.03.2022 by Hon'ble National Green Tribunal in the matter of O.A. No. 118/2022 (I.A. No. 59/2022) Uday Education & Welfare Trust V/s State of U.P. & Ors.

Encl. : As above.

Yours faithfully,

(Dr. D.C. Pandey)
Regional Officer.

Ref. No. and Date as above:-

Copy to :

1. Member Secretary, U.P. Pollution Control Board, Lucknow for information.
2. Chief Law Officer, U.P. Pollution Control Board, Lucknow for information.
3. Chief Environmental Officer (Circle-3), U.P. Pollution Control Board, Lucknow for information.
4. Shri Pradeep Mishra, Advocate, Hon'ble Supreme Court/NGT, Noida for perusal and necessary action.

Regional Officer

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 118/2022
(I.A. No. 59/2022)

In the Matter of :

Uday Education and Welfare Trust Applicant

Versus

State of U.P. and Ors. Applicant

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JOINT COMMITTEE REPORT IN REFERENCE TO HON'BLE NGT ORDER IN THE MATTER OF OA NO 118/2022 (IA NO 59/2022) UDAY EDUCATION & WELFARE TRUST VERSUS STATE OF U.P. & ORS.

1. Hon'ble NGT vide its order dated 23.03.2022 in the matter of OA No 118/2022 constituted an independent four members committee comprising Commissioner, Saharanpur, DIG , Saharanpur, State PCB and PCCF(HoFF) U.P.
2. The relevant Para of said Hon'ble NGT order pertaining to the mandate of the committee is reproduced here under "Having regard to the above averments, we find it necessary to require the Commissioner, Saharanpur, DIG, Saharanpur, State PCB and PCCF(HoFF) U.P. to jointly look into the matter in coordination with the other concerned authorities and ensure further remedial action following due process of law. The State PCB will be the nodal agency for coordination and compliance....."
Hon'ble NGT Order is annexed as **Annexure-1**.
3. In compliance of Hon'ble NGT directives following members have been nominated by the concerned departments :-
 - I. Shri D.P. Singh, Additional Commissioner(Admin), Saharanpur
 - II. Shri I.C. Singh, Divisional Forest Officer, Saharanpur Range, Saharanpur
 - III. Shri Prashant Kumar Prasad, A.S.P., Muzaffar Nagar.
 - IV. Shri D.C. Pandey, Regional Officer, U.P. Pollution Control Board, Saharanpur.
4. The committee made field visit of the units mentioned in OA NO 118/2022 (IA NO 59/2022) as well as other units located in Muzaffar Nagar district on dated 25.05.2022. The complainant has been also informed and interactions held on phone with the representative of the complainant UDAY EDUCATION & WELFARE TRUST during the field visit.

Salient details and observation based on inspection is as follows:-

S.N	Name of Units	Representative	Site details
1	M/s Shahnawaz S/o Mustkeem Village Bhopa, Tehsil Jansat, District Muzaffarnagar.	Shri Shahnawaz	Chipper machine, Eicher Tractor Engine 26 HP
2	M/s Naseem S/o Ameer Hasan, Village Bhopa, Tehsil Jansat, District Muzaffarnagar.	Shri Naseem	Chipper machine, Eicher Tractor Engine 26 HP

3	M/s Naved S/o Ali Hasan, Village Bhopa, Tehsil Jansat, District Muzaffarnagar.	Shri Naved	Cutter machine, Eicher Tractor Engine 26 HP
4	M/s Nadeem S/o Sameem, Village Bhopa, Tehsil Jansat, District Muzaffarnagar.	Shri Nadeem	Chipper machine, Eicher Tractor Engine 26 HP
5	M/s Israr S/o Musarraaf, Village Village Bhopa, Tehsil Jansat, District Muzaffarnagar.	Shri Israr	Chipper machine, Eicher Tractor Engine 26 HP
6	M/s Nitin Cutter Village Bhopa, Tehsil Jansat, District Muzaffarnagar.	Shri Nitin	Cutter machine, Eicher Tractor Engine 26 HP
7	M/s Bhoora S/o Mustkeem, Village Bhopa, Tehsil Jansat, District Muzaffarnagar.	Shri Bhoora	Cutter machine, Electric Motor 7.5HP
8	M/s Israr S/o Late Murssalin, Village Pimola, Block & Tehsil Janshat, Muzaffarnagar	Shri Ahsan	Chipper machine, Tractor Engine 26 HP
9	M/s Abbas S/o Faiz Ali, Village Maksudabad, Tehsil Janshat, Muzaffarnagar	Shri Abbas	Chipper machine, Tractor Engine 26 HP
10	M/s Nafees Village Meerapur, Janshat Road, Muzaffarnagar	Shri Nafees	Chipper Machine Mahindra Tractor Engine 28 HP
11	M/s Shahruk Village Meerapur, Janshat Road, Muzaffarnagar	Shri Mahesh	Chipper Machine Eicher Tractor Engine 26 HP
12	M/s Gaffar S/o Yasin, Village Meerapur, Janshat Road, Muzaffarnagar	Shri Gaffar	Chipper Machine Mahindra Tractor Engine 32 HP

5. Later on committee made a field visit of the units mentioned in OA NO 118/2022 as well as other units located in Saharanpur District, inspected on dated 20.06.2022. The









committee has also informed and interactions have also been held on phone with representatives of the complainant UDAY EDUCATION & WELFARE TRUST.

Salient details and observation based on inspection is as follows:-

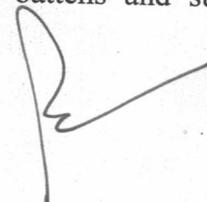
S. No.	Name of Units	Representative	Site details
1	M/s Bhoora Cutting Machine, Village Mukkabans, Bhagwanpur Road, Gagalheri, Saharanpur	Shri Bhoora	Cutter machine, Eicher Tractor Engine 26 HP
2	M/s Mehtab S/o Ikram, Village Mukkabans, Bhagwanpur Road, Gagalheri, Saharanpur	Shri Mehtab	Chipper Machine Mahendra Tractor Engine 32 HP
3	M/s Haji Shehzad S/o Haji Sarif Village Mukkabans, Bhagwanpur Road, Gagalheri, Saharanpur	Shri Haji Shehzad	Chipper Machine Eicher Tractor Engine 26 HP
4	M/s Adnan S/o Sadakat, Village Mukkabans, Bhagwanpur Road, Gagalheri, Saharanpur	Shri Adish	Chipper Machine Eicher Tractor Engine 26 HP
5	M/s Javed Hasan S/o Abdul Wahid, Village Dhalla Choor, Bhagwanpur Road, Saharanpur	Shri Manoj	Chipper Machine Mahendra Tractor Engine 32 HP
6	M/s Wasim Cutter Machine, Dehradun Road, Chhutmalpur, Saharanpur	Shri Wasim	Cutter machine, Eicher Tractor Engine 26 HP
7	M/s Abad S/o Gaffar, Dehradun Road, Chhutmalpur, Saharanpur	Shri Akhtar	Chipper Machine Mahendra Tractor Engine 32 HP
8	M/s Shamim Cutting Machine, Behat Road, Chhutmalpur, Saharanpur	Shri Fayyad	Chipper Machine Eicher Tractor Engine 26 HP
9	M/s Roa Aslam Cutting Machine, Behat Road, Chhutmalpur, Saharanpur	Shri Rao Aslam	Cutter Machine Eicher Tractor Engine 26 HP
10	M/s Shakeel Ahmed Chipper Machine, Behat Road, Chhutmalpur, Saharanpur	Shri Shajaan	Chipper Machine Mahendra Tractor Engine 32 HP

11.	M/s Arushi Trading Company, Nanauta, Saharanpur	Shri Akshay Kumar	Chipper Machine Eicher Tractor Engine 26 HP
12.	M/s Arvind S/o Palla Singh, Nanauta, Saharanpur	Shri Julfkar	Chipper Machine Eicher Tractor Engine 26 HP
13	M/s Nadeem Traders, near Jai Durga Dharmkanta, Nanauta, Saharanpur	Shri Chandrapal	Chipper Machine Eicher Tractor Engine 26 HP
14	M/s Ilmas, near Ujjawal Dharmkanta, Village Tikrol, Nanauta ,Saharanpur	Shri Nadeem	Chipper Machine Eicher Tractor Engine 26 HP
15	M/s Gaffar S/o Noor Mohammad, Islam Nagar, Thana Rampur Maniharan, Nakur, Saharanpur	Shri Gaffar	Chipper Machine Mahindra Tractor Engine 32 HP
16	M/s Muneer Alam S/o Aneesh , near Alam Dharmkanta, Sanpla road, Deoband Saharanpur	Shri Muneer Alam	Chipper Machine Eicher Tractor Engine 26 HP
17	M/s Akram, S/o Meer Hasan, Manglore road, Deoband Saharanpur	Shri Akram	Chipper Machine Mahindra Tractor Engine 32 HP
18	M/s Dilshad S/o Shamshad, Barla road, Deoband, Saharanpur	Shri Dilshad	Chipper Machine Eicher Tractor Engine 26 HP
19	M/s Kishanpal S/o Madanpal, Barla road, Deoband, Saharanpur	Shri Kishanpal	Chipper Machine Eicher Tractor Engine 26 HP
20	M/s Şadik S/o Zahid, Barla road, Deoband, Saharanpur	Shri Sadik	Chipper Machine Mahindra Tractor Engine 32 HP
21	M/s Julfkar Rao S/o Zareef, near Bharat Dharmkanta, Saharanpur road, Nanagal, Saharanpur	Shri Julfkar Rao	Chipper Machine Eicher Tractor Engine 26 HP
22	M/s Arushi Trading Company, Nanauta, Saharanpur	Shri Akshay Kumar	Chipper Machine Eicher Tractor Engine 26 HP
23	M/s Arvind S/o Palla Singh, Nanauta, Saharanpur	Shri Julfkar	Chipper Machine Eicher Tractor Engine 26 HP

24	M/s Nadeem Traders, near Jai Durga Dharmkanta, Nanauta, Saharanpur	Shri Chandrapal	Chipper Machine Eicher Tractor Engine 26 HP
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6. Some relevant photograph of visited sites are attached as **Annexure-2**.
7. It was found during the visit that the chipper machines with a long conveyer belt in operation are using wastage wood/branches/twigs/leaves of trees mainly Eucalyptus and Popular to cut into small pieces that are used mainly for the purposes of fuel in Boiler's/Furnaces in the industries.
8. The chipper machine are mostly established at a fix place however can't be ruled out to be used as trolley based as observed at one site.
9. On some sites cutter machines are also established along with chipper machines. In the cutter machines round Saw is used. These cutter machine are established at a fixed place and used to cut the lops and tops even wood logs into small pieces.
10. Storage of logs of Eucalypts/Popular trees and loading of these logs to vehicle are also seen on some sites.
11. The chipper machines/cutter machines are mostly operated with Tractor Engines having capacity of 26 H.P. to 32 H.P. as informed by representatives of Units.
12. It is inform by the representatives present during inspection that local farmers to remove the branches and twigs of Eucalypts/Popular trees to clear in the form of wood logs and Chipper/Cutters used to cut the branches and twigs into the pieces and is sold to industries as a fuel and clear wood logs are sold to timber merchants/wood based industries. Divisional Forest Officer, is also of the view that the cutter machines are mainly used to cut thin branches of trees less than 10 centimetre dia into small pieces.
13. The Uttar Pradesh Establishment And Regulation Of Saw Mills (Sixth Amendment) Rules, 2017 is annexed as **Annexure-3**.
14. That as per Rule-2 (d) of the Rules 'Round Logs' means a piece of wood in its natural form, having mid girth of thirty centimetre or more under bark and it includes such round log even after its bark has been removed or its surface has been dressed, manually or by using a band saw or any other machine or equipment to make its cross section square or near-square for the purpose of ease in its transportation and/or storage.
15. That Rule-2 (e) of the Rules difines 'Saw Mill' as plants and machinery in a fixed structure or enclosure for conversion of round logs into saw timber. As per Rule-2 (f) of the Rules 'Sawn Timber' means beams, scantlings, planks, battens and such other product obtained from sawing of a round log.



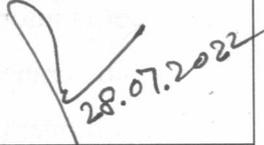



16. That Rule – 2 (h) of the Rules defines ‘wood based industry’ as an industry which processes wood as the raw material (Saw mills/veneer/plywood or any other form such as sandal, katha wood etc).

Recommendations:-

The nominated joint committee visited the site and based on the field Observation/Interactions with the representative present during visit, the following is recommended:-

1. The fixed Chipper machines are also called as “Kutti” Machines by local farmers. Eucalypts/Poplar Trees are grown by farmers in their field and the lops and tops of these trees are cut to small pieces through these chipper machines and sold to local industrial unit. These are not categorised as saw mills and may not be regularized.
2. Chipper/Cutter Machines that are used to cut round logs of the dia more than 10 centimetre and using high power Engines/Motors required to be inventorised and regulated through a guidelines made by Forest Department.

Sr. No.	Committee Member	Signature
1-	Shri D.P. Singh, Additional Commissioner (Admin), Saharanpur.	 28.07.2022
2-	Shri I.C. Singh, Divisional Forest Officer, Saharanpur Range, Saharanpur.	
3-	Shri Prashant Kumar Prasad, A.S.P. Muzaffarnagar,	
4-	Dr. D.C. Pandey, Regional Officer, U.P. Pollution Control Board, Saharanpur.	

Item No. 03

(Court No.01)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 118/2022
(I.A. No. 59/2022)

Uday Education & Welfare Trust

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

Date of hearing: 23.03.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Ankit Verma, Advocate

ORDER

1. Grievance in this application is against illegal operation of chipper/cutter machines by respondent Nos. 5 to 37 and other unknown persons in District Muzaffarnagar, UP.

2. According to the applicant, the said respondents as well as others are using such machines for converting round timber into small chips and pieces to make the raw material for MDF/HDF and particle Board Units, without following regulatory regime under U.P. Saw Mill Rules, 1978, as amended upto 2017. The statutory authorities have failed to take remedial action as per MoEF&CC Guidelines dated 11.11.2016. 40 HP power engines are used in the process which requires obtaining of license from the Forest Department.

3. Having regard to the above averments, we find it necessary to require the Commissioner, Saharanpur, DIG, Saharanpur, State PCB, and PCCF (HoFF), U.P. to jointly look into the matter in coordination with the other concerned authorities and ensure further remedial action following due process of law. The State PCB will be the nodal agency for coordination and compliance. An action taken report may be filed within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. If violations are found, apart from taking action in exercise of statutory powers of the authorities, the violators may be informed about these proceedings so that if they so wish, they may file their respective responses before this Tribunal.

4. I.A. No. 59/2022 for closure of the wood based industries of Respondents No. 5 to 37 cannot be entertained at this stage till the facts are verified. However, the statutory authorities may consider appropriate action, as already directed, in light of facts found. I.A. is accordingly stands disposed of.

5. The applicant may furnish a set of papers to the Commissioner, Saharanpur, State PCB, DIG, Saharanpur and PCCF (HoFF), U.P. to facilitate compliance of the above order.

List for further consideration on 08.07.2022.

A copy of this order be forwarded to the Commissioner, Saharanpur, State PCB, DIG, Saharanpur and PCCF (HoFF), U.P. by e-mail for compliance.

Adarsh Kumar Goel, CP

9

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

Dr. Vijay Kulkarni, EM

Dr. Afroz Ahmad, EM

March 23, 2022
Original Application No. 118/2022
(I.A. No. 59/2022)
A



Latitude: 29.468361
Longitude: 77.859775
Accuracy: 2600.0 m
Time: 25-05-2022 11:28
Note: Shah Najar s/o Mustahak Village Bhala Muzaffarnagar

Powered by NoteCam



Latitude: 29.47327
Longitude: 77.862719
Elevation: 376.1220 m
Accuracy: 32.3 m
Time: 25-05-2022 11:28
Note: Shah Najar s/o Mustahak Village Bhala Muzaffarnagar

Powered by NoteCam



Latitude: 29.47608
Longitude: 77.868065
Elevation: 284.0245 m
Accuracy: 4.2 m
Time: 25-05-2022 11:34
Note: Naseem S/o Amir Hasan, Naya Gawn Nagla Bujurg, Tehsil - Jansath, Muzaffarnagar

Powered by NoteCam



Latitude: 29.476136
Longitude: 77.868149
Elevation: 285.3248 m
Accuracy: 3.0 m
Time: 25-05-2022 11:36
Note: Naseem S/o Amir Hasan, Naya Gawn Nagla Bujurg, Tehsil - Jansath, Muzaffarnagar

Powered by NoteCam

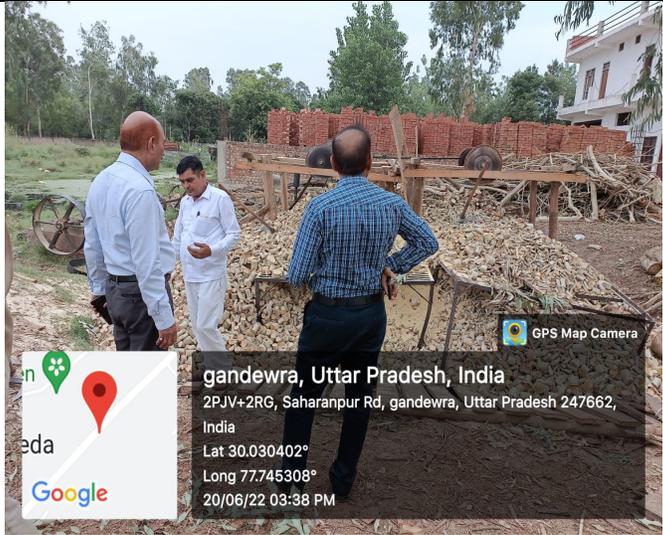








Latitude: 30.049377
Longitude: 77.757212
Elevation: 299.98±54 m
Accuracy: 8.9 m
Time: 20-06-2022 16:12
Note: Raja/Shakeel Ahmad Cutting Machine Chhutmalpur, Kalsiya Road,Saharanpur
Rajaseel.com



GPS Map Camera
gandewra, Uttar Pradesh, India
2PJV+2RG, Saharanpur Rd, gandewra, Uttar Pradesh 247662, India
Lat 30.030402°
Long 77.745308°
20/06/22 03:38 PM



Accurat Dharam
GPS Map Camera
Makka Bans, Uttar Pradesh, India
Bhagwanpur Road, District Saharanpur, XMCC+MQ8, near Umar Masjid, Makka Bans, Uttar Pradesh 247669, India
Lat 29.970632°
Long 77.671555°
20/06/22 03:14 PM

**Uttar Pradesh Shasan
Van Avam Vanya Jeev Anubhag-2**

The Governor is pleased to order the publication of the following English translation of Notification no. 2903 /14-2-2017-165G/2017, dated 04 December, 2017 for general information.

NOTIFICATION

No. 2903 /14-2-2017-165G/2017

Lucknow, Dated 04 December, 2017

In exercise of the powers under clause (a) of section 51-A of the Indian Forest Act, 1927 (Act no. 16 of 1927), read with section 21 of the General Clauses Act, 1897, (Act no. X of 1897), the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Establishment and Regulation of Saw Mills Rules, 1978 :-

THE UTTAR PRADESH ESTABLISHMENT AND REGULATION OF SAW MILLS (SIXTH AMENDMENT) RULES, 2017

Short title and Commencement	1 (1) These rules may be called the Uttar Pradesh Establishment and Regulation of Saw Mills (Sixth Amendment) Rules, 2017. (2) They shall extend to the whole of Uttar Pradesh. (3) They shall come into force with effect from the date of their publication in the official <i>Gazette</i> .		
General Amendment	2 In the Uttar Pradesh Establishment and Regulation of Saw Mills Rules, 1978, hereinafter referred to as the said rules for the words "Establishment and Regulation of Saw Mills" the words "Wood-Based Industries (Establishment and Regulation)", wherever occurring including heading shall be substituted.		
Amendment of rules 2 to 12	3 In the said rules for rules, 2, 3, 4, 5, 5A, 6, 7, 8, 9, 10, 11, 11A and 12 set out in column-1 below the rules as set out in column-2 shall be <i>substituted</i> , namely:-		
	Column-1 Existing rules		Column-2 Rules as hereby substituted
Definitions	2. In these rules, unless the context otherwise requires :- (a) "Saw mills" means and includes any mechanical devices whether operating with electric power, fuel-power or man power for the purpose of cutting, sawing or converting timber and wood into pieces or the	Definitions	2. (1) In these rules, unless the context otherwise requires :- (a) 'Industrial Estate' means areas notified by the State Government for establishment of Wood Based Industries. (b) 'License' means a license granted under the rules notified by the State in pursuance of these Rules.

	<p>like acts, but shall not include such mechanical devices whose engine power is up to 3 H.P.* <i>(*Substituted by Notification No. 4219/14-2-98-405(209)96TC II dated 26.06.1998)</i> (b) 'One unit of saw-mill' shall be taken as equivalent to 25 H.P. engine or any part thereof. (Thus a saw mill using 65 H.P. engines will be deemed as equivalent to 3 units).</p>	<p>(c) 'Principal Chief Conservator of Forests' means a Forest officer of the rank of Principal Chief Conservator of Forests and it also includes an officer designated as a Head of Forest Department in the State.</p> <p>(d) 'Round log' means a piece of wood in its natural form, having mid girth of thirty centimeter or more under bark and it includes such round log even after its bark has been removed or its surface has been dressed, manually or by using a band saw or any other machine or equipment to make its cross section square or near-square for the purpose of ease in its transportation and/or storage.</p> <p>(e) 'Saw Mill', means plants and machinery in a fixed structure or enclosure, for conversion of round logs into sawn timber.</p> <p>(f) 'Sawn timber' means beams, scantlings, planks, battens and such other product obtained from sawing of a round log.</p> <p>(g) 'State Level Committee' means a Committee constituted by the State Government under para 12 (i) of these Rules.</p> <p>(h) 'wood based industry' means any industry which processes wood as its raw material (Saw mills/veneer/plywood or any other form such as sandal, katha wood etc.).</p> <p>(2) Words and expressions used but not defined under these Rules and defined in the Indian Forest Act, 1927 or the relevant local Forest Act as applicable in the State, and the Rules framed there under shall have the meaning assigned to them in such Act or Rules.</p> <p>(3) In case of any dispute regarding interpretation of any word or expression, the decision of the Ministry of Environment, Forest and Climate Change shall be final.</p>
<p>Restriction of Establishment of Saw Mills</p>	<p>3. Within the limits of any reserved or protected forests and within a radius of 80 Kilometers of such limits No person shall establish, erect or operate any saw mill or machinery for converting or cutting timber and wood obtaining a license from the Divisional Forest Officer concerned.* <i>*Substituted by Notification No. 1117/XIV-3-32-73 dated June 6,1990</i></p>	<p>Restriction on location of Wood Based Industries</p> <p>3- (1) In respect of distance from the boundary of nearest notified forests or protected areas, Wood Based Industries shall be allowed to operate as per State-specific order/approval of the Hon'ble Supreme Court/Hon'ble High Court of the concerned state/Central Empowered Committee: or, beyond ten kilometres of aerial distance from the boundary of nearest notified forests or protected areas, excluding roadside/railway side/canal side plantations, whichever is less.</p> <p>(2) A Wood Based Industries can be established in an industrial Estate or a Municipal area, irrespective of the aerial distance from the boundary of nearest notified forest or protected area.</p>

Application for obtaining license	4. Any person desiring to establish, erect or operate any existing saw mill shall make an application in that behalf to the Divisional Forest Officer concerned for obtaining a license in the form given in the Schedule I appended to these Rules.	Application for obtaining license	4- Any person desiring to establish, erect or operate any wood based industry shall make an application in that behalf to the State Level Committee for obtaining a license in e-format prescribed by the State Level Committee. The application shall be made and disposed off through online system only as developed by U.P. Forest Department on behalf of State Level Committee. No application shall be disposed off manually. This online system shall be developed to facilitate public viewing and tracking status of application and their disposal.
Grant of License	5. On receipt of an application under rule 4, the Divisional Forest Officer shall acknowledge the same and thereafter shall make such enquiries as he may deem fit and after satisfying himself with regard to following factors, grant the license in the form given in Schedule II appended to these Rules:- (i) that the required quantity of timber through legitimate means would be available at the proposed venue of the Saw Mill without causing any damage to the tree growth in the forests under the control of the Government and the adjacent rural areas; (ii) that the applicant has acquired or is in a position to acquire necessary area for erecting and running a saw mill in accordance with the conditions specified in the license; (iii) that the necessary machinery, power etc, is available or is likely to be available to the applicant, (iv) that the applicant has obtained a "No objection Certificate" from the District Magistrate concerned for erecting and running the saw mill, In case the Divisional Forest Officer is not satisfied he may reject the application.	Grant of License	5- On receipt of an application under rule 4, the State Level Committee shall acknowledge the same and thereafter shall make such enquiries as it may deem fit and after satisfying itself State Level Committee shall approve the license. After approval from the State Level Committee the Divisional Forest Officer shall grant the license, in the format prescribed by the State Level Committee, through online system only. In case, the State Level Committee is not satisfied, it may reject the application. The applicant must have facility to track status of the application thereof and receive the license or rejection through online system only.

<p>Re-location of Saw Mills.</p>	<p>5A- The Principal Chief Conservator of Forests, Uttar Pradesh, on an application and after such inquiry as he deems fit, may order for Re-location of an existing Saw mill from one place to another within the State.</p>	<p>Re-location of Wood Based Industries</p>	<p>5A- Any person desiring to relocate any wood based industry shall give an application to the Divisional Forest Officer or equivalent officer concerned in regard to re-location. Divisional Forest Officer or equivalent officer as the case may be on the receipt of an application shall give his comments to Conservator of Forests/ Zonal Chief Conservator of Forests who may submit the application along with his comments to the State Level Committee, which may enquire, or if it deems right may allow re-location of wood based industry from one place to another.</p>
<p>Period of validity of license</p>	<p>6 – Every license granted under rule 5 or renewed under rule 7 shall remain valid for such period not exceeding five year from the date of issue or renewal as may be specified in the license. Provided that in case of a license referred to in the proviso to rule 5 or rule 7 the period of validity shall be five year.</p>	<p>Period of validity of license</p>	<p>6- Any Wood Based Industries license granted shall remain valid for such period not exceeding five year from the date of issue or renewal as may be specified in the license.</p>
<p>Renewal of license</p>	<p>7- On the application made to the Divisional Forest Officer concerned for renewal of the license granted under rule 5, he may renew the same indicating thereon the period for which it has been renewed. The renewed application for license shall be disposed off within sixty days of its receipt. Provided that in case the application is not disposed off within sixty days, from the date of the receipt of the application by the Divisional Forest Officer, the license shall be deemed to have been renewed for a period of three years: Provided further that aforesaid proviso shall not apply to saw mills situated within ten kilometers of any existing forest. Explanation- In this rule existing forest shall not include trees situated on either side of the roads and the railway tracks. Failure to get the license renewed before the expiry of date, will make the licensee liable to punishment in accordance with Section 77 of the Indian Forest Act, 1927 for operating the saw mill without license.</p>	<p>Grant or renewal of a license to a wood based industry</p>	<p>7- No license to a wood based industry shall be granted or renewed without obtaining prior approval of the State Level Committee. However, a State Level Committee may delegate the power of renewal of license to a wood based industry to the Divisional Forest Officers of the concerned Forest Divisions. The renewal of license shall be done through online system only.</p>

<p>Revocation of the license</p>	<p>8-Notwithstanding anything contained in the foregoing Rules, the Divisional Forest Officer concerned may, where he has reason to believe that a licensee is operating the saw mill in contravention of the provisions of these Rules or conditions of license or the licensee is involved in activities prejudicial to the interests of forest conservancy at any time, after giving revoke the license granted under rule 5 or renewed under rule 7.</p>	<p>Revocation of the liense</p>	<p>8- Notwithstanding anything contained in the foregoing Rules, the Divisional Forest Officer concerned may, where he has reason to believe that a licensee is operating wood based industry in contravention of the provisions of these Rules or conditions of license or the licensee is involved in activities prejudicial to the interests of forest conservancy at any time, revoke the license granted after giving one month notice.</p>																				
<p>Procedure of renewal non-renewal or revocation of license</p>	<p>9- Where the concerned Divisional Forest Officer refuses to issue or renew the license, he shall send intimation thereof to the applicant or the holder of the license, as the case may be giving reasons therefore.</p>																						
<p>Appeal against refusal to issue or renew or revoke license</p>	<p>10- Any person aggrieved by an order of the Divisional Forest Officer under rule 9, may within 30 days of the service of the order on him, appeal to the concerned Conservator of Forests. The Conservator of forest there upon shall decide the appeal after giving the Divisional Forest Officer and or appellant, an opportunity of being heard. The decision of the Conservator of Forest on such appeal shall be final.</p>	<p>Appeal against revocation of license</p>	<p>9- Any person aggrieved by an order of the Divisional Forest Officer under rule 8, may within 30 days of the service of the order on him, appeal to the concerned Conservator of Forests/Zonal Chief Conservator of Forests. The Conservator of Forests/Zonal Chief Conservator of Forests there upon shall decide the appeal after giving the Divisional Forest Officer and or appellant, an opportunity of being heard. The decision of the Conservator of Forests/Zonal Chief Conservator of Forests on such appeal shall be final.</p>																				
<p>Fees for grant and renewal of license</p>	<p>11- Fees for grant and renewal of license- An annual fee for grant or renewal of licenses per unit shall be payable by the applicants/ licensees as below:-</p> <table border="1" data-bbox="406 1433 805 1590"> <thead> <tr> <th>Unit</th> <th>Annual fee</th> </tr> </thead> <tbody> <tr> <td>Saw Mill</td> <td>Rs. 25,000/-per unit</td> </tr> <tr> <td>Veneer</td> <td>Rs. 25,000/-per unit</td> </tr> <tr> <td>Plywood</td> <td>Rs. 50,000/-per unit</td> </tr> <tr> <td>Veneer & Plywood</td> <td>Rs. 75,000/-per unit</td> </tr> </tbody> </table> <p>A relocation fee per unit for transfer of saw mill/veneer/plywood unit shall be payable by the applicants/ licensees as below:-</p> <table border="1" data-bbox="406 1713 805 1881"> <thead> <tr> <th>Propose relocated site</th> <th>Fee</th> </tr> </thead> <tbody> <tr> <td>Rural area</td> <td>Rs. 50,000/-</td> </tr> <tr> <td>District Headquarter</td> <td>Rs. 1,00,000</td> </tr> <tr> <td>Commissionery Headquarter</td> <td>Rs. 2,00,000</td> </tr> <tr> <td>Mahanagar area</td> <td>Rs. 5,00,000</td> </tr> </tbody> </table>	Unit	Annual fee	Saw Mill	Rs. 25,000/-per unit	Veneer	Rs. 25,000/-per unit	Plywood	Rs. 50,000/-per unit	Veneer & Plywood	Rs. 75,000/-per unit	Propose relocated site	Fee	Rural area	Rs. 50,000/-	District Headquarter	Rs. 1,00,000	Commissionery Headquarter	Rs. 2,00,000	Mahanagar area	Rs. 5,00,000	<p>Fees for grant and renewal of license</p>	<p>10- Annual fees for applicants/license holder shall be paid by them as per decisions taken by State Level Committee from time to time. The fees shall be deposited online only.</p>
Unit	Annual fee																						
Saw Mill	Rs. 25,000/-per unit																						
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<p>Power of exempt from the provision and Rules</p>	<p>11A. Where the State Government is satisfied that the operation of the timber based industries, such as, Plywood Mill, Veneer Mill, Katha industries, Paper and Pulp industries and Cooling towers manufacturing industries and like industries whose final product is not timber and also the machinery used as saw mills are integral parts of their production process, is not possible due to application of all or any of the provisions of these rules, the State Government may, by notifications, for reasons to be recorded, exempt such industries from the operation of such rules subject to such conditions, as it may deem fit, for the conservation of the tree-growth in the forests under the control of the Government and in the areas adjacent thereto.</p>	<p>Constitution of the State Level Committee.</p>	<p>11-</p> <p>(1) State Level Committee shall consist of the following members-</p> <table border="1" data-bbox="1054 477 1544 1256"> <tr> <td>a</td> <td>Principal Chief Conservator of Forests/Head of Forest Department</td> <td>Chairperson</td> </tr> <tr> <td>b</td> <td>A representative of the Regional Office of the Ministry of Environment, Forest and Climate Change,</td> <td>Member</td> </tr> <tr> <td>c</td> <td>A representative of the State Forest Department not below the rank of a Conservator of Forests dealing with preparation of Working Plans/Working Schemes Member</td> <td>Member</td> </tr> <tr> <td>d</td> <td>Director/Additional Director of Department of Industries</td> <td>Member</td> </tr> <tr> <td>e</td> <td>Representative of the Forest Development Corporation.</td> <td>Member</td> </tr> <tr> <td>f</td> <td>An officer not below the rank of Conservator of Forests working in the Forest Head Quarters.</td> <td>Member Secretary</td> </tr> </table> <p>(2) The State Level Committee may co-opt an officer from Territorial wing of the Forest Department not below the rank of Conservator of Forest and officers from Department of Agriculture and Department of Revenue of the State Government.</p> <p>(3) The State Level Committee shall meet at least once in three months.</p> <p>(4) The quorum of the State Level Committee meeting shall be at least fifty percent of these members.</p> <p>(5) State Level Committee will invite one representative of the industry nominated by the saw-mill association as a special invitee to every meeting of the State Level Committee.</p>	a	Principal Chief Conservator of Forests/Head of Forest Department	Chairperson	b	A representative of the Regional Office of the Ministry of Environment, Forest and Climate Change,	Member	c	A representative of the State Forest Department not below the rank of a Conservator of Forests dealing with preparation of Working Plans/Working Schemes Member	Member	d	Director/Additional Director of Department of Industries	Member	e	Representative of the Forest Development Corporation.	Member	f	An officer not below the rank of Conservator of Forests working in the Forest Head Quarters.	Member Secretary
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<p>Savings</p>	<p>12- Nothing contained in these Rules shall apply to the ordinary operations of domestic carpentry or to other similar works on small-scale.</p>	<p>Powers and functions of the State Level Committee</p>	<p>12- The State Level Committee State Level Committee shall:-</p> <p>(a) assess the availability of timber in the State by way of appropriate study in demand and supply as and when it decide. State Level Committee shall devise suitable mechanism for sustainable use of timber in a way that does not affect the forests of the area adversely;</p> <p>(b) approve the names of Wood Based Industries which may be considered for grant of fresh license or enhancement of the existing licensed capacity in case the State Level Committee is satisfied that timber is available legally for the said new Wood Based Industries (such as Trees outside forest, Forests etc.);</p> <p>(c) ensure that the amount lying with the respective State Forest Department (recovered from Wood Based Industries) is utilized for the purpose of afforestation only;</p> <p>(d) examine and make appropriate recommendations or any other matter referred to by the State Government to the Ministry of Environment, Forest and Climate Change.</p>
		<p>Appeal against the decision of the State Level Committee</p>	<p>13 (1) Any person aggrieved by the decision taken by the State Level Committee may file an appeal before the concerned Regional Office of the Central Government in the Ministry of Environment, Forest and Climate Change seeking appropriate relief within 60 days.</p> <p>(2) Head of Regional Office shall within 60 days of filing the appeal pass appropriate order.</p> <p>(3) If, for any reason, any person is aggrieved by the orders so passed in the appeal, he may prefer an appropriate petition/application/appeal in the High Court.</p>
		<p>Records to be maintained by Wood Based Industries.</p>	<p>14- Each wood based industry shall maintain and regularly update records as prescribed by State Level Committee.</p>

		Savings	<p>15- Industries/processing plants not using round logs of domestic origin or operating without a band saw or re-saw or circular saw of more than thirty centimeter diameter shall not require license.</p> <p>(a) Sawn timber, cane, bamboo, reed, plywood, veneers or imported wood, procured for legitimate sources.</p> <p>(b) Block board, MDF or similar wood-based products, procured from legitimate sources.</p> <p>(c) Round log/timber form species declared as agro-forestry/agricultural crops and/or exempted from the purview of the felling and transit regime in the State, and procured from legitimate sources.</p> <p>However, State Level Committee of the State may allow installation of circular saw of diameter upto 60 centimeter in such industries having specialized requirement.</p> <p>Such industries shall be registered with the Forest Department of the State and shall be regulated, details of which are to be prescribed by the State.</p> <p>Transfer of license on sale/succession etc shall be done only with the approval of State Level Committee.</p>
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By Order,

(Renuka Kumar)
Principal Secretary