

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

INDEX

IN

REJOINDER AFFIDAVIT

IN

ORIGINAL APPLICATION NO. 928 OF 2024

In the matter of:

Saurabh Tiwari

Aged about 34 Years

S/o Uma Shankar Tiwari

R/o Ratnakar Vihar Colony , Samne Ghat

BHU, Varanasi, Uttar Pradesh-221005.

..... Applicant-IN-Person/Petitioner.

Versus

Union Of India & 7 Others.

..... Respondent(s)/Opposite

Parties.

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Prof. Arun Kumar Singh) can be seen together.	
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Place- Varanasi

Dated- 03.03.2025



Applicant-In-Person

SAURABH TIWARI (Advocate)

Adv. Roll. No. D/966/2017

**Office At- R/o Ratnakar Vihar Colony , Samne Ghat
BHU, Varanasi, Uttar Pradesh-221005.**

Mobile No.- 9889282315

E-mail- saurabhtiwarihighcourt@gmail.com



3415 — 1
03 March, 2025

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

(Under Section 18 r/w Section 14 & 15 of the National Green
Tribunal Act, 2010.)

**Rejoinder Affidavit against the Counter/reply filed by the
Respondent No. 2 i.e., BHU.**

IN

ORIGINAL APPLICATION NO. 928 OF 2024

In the matter of:

Saurabh Tiwari

Aged about 34 Years

S/o Uma Shankar Tiwari

R/o Ratnakar Vihar Colony , Samne Ghat

BHU, Varanasi, Uttar Pradesh-221005.



..... Applicant-IN-Person/**Petitioner-In-Person.**

Versus

- 1. Union Of India
Through The Secretary
Ministry Of Environment , Forest & Climate Change ,
Indira Paryawaran Bhawan , Jorbagh Road, New Delhi-
110003.
Ph. No.- 011-20819308. E-mail id – secy-moef@nic.in**
- 2. Banaras Hindu University ,
Through Vice- Chancellor,
Banaras Hindu University, Varanasi .
Pin Code- 221005. Ph. No.- 0542-2368938,
E-mail- vc@bhu.ac.in .**
- 3. State Of Uttar Pradesh
Through Chief Secreatry, State Of U.P. 101, 'B' Block,
Lok Bhawan, U.P. Secretariat, Lucknow – 226001, Ph.
No-0522-2289212.E-mail – csup@nic.in.**



Central Pollution Control Board

**Through The Chairman , Parivesh Bhawan , East Arjun ,
Delhi-10032. Ph. No.- 011-22307233. E-mail –
ccb.cpcb@nic.in.**

Saurabh Tiwari

5. **Uttar Pradesh Pollution Control Board Through The Member Secretary , Vibhuti Khand , Gomti Nagar , Lucknow**
Uttar Pradesh- 226010. Ph. No.- 0522-2720699. E-mail- ms@uppcb.in.
6. **Environment Forest and Climate Change Department , Government of Uttar Pradesh. Through The Additional Chief Secretary, 524-25 , Bapu Bhavan , Secretariat , Lucknow-226001. Ph. No.- 0522-2239387 E-mail- psforest2015@gmail.com, pccf-up@nic.in**
7. **District Forest Officer, Varanasi.**
Ashok Vihar , Ram Nagar , Varanasi(U.P.)-221001
Ph. No.-9411255515 , E-mail- up327@ifs.nic.in
8. **District Magistrate , Varanasi.**
Collectorate Compound , Varanasi, Uttar Pradesh-221102
Mob. No.- 9454417579, E-mail id- dmvar@nic.in

Affidavit Of Saurabh Tiwari , Advocate

Aged About- 35 Years

(Almnus Law- School , BHU)

S/o- Shri. Uma Shankar Tiwari

**R/o – Ratnakar Vihar Colony , Samne Ghat , BHU
Varanasi (U.P.) – 220105 , Mobile No. – 9889282315.**



This Reply/Rejoinder is being filed on behalf of Present Petitioner against the reply/counter affidavit filed by the Respondent No. 2 i.e Banaras Hindu University .

MOST RESPECTFULLY SHEWETH AS UNDER-

1. That , this rejoinder affidavit is being filed by the present petitioner/deponent to assist this Hon'ble Tribunal because

Saurabh Tiwari

being a alumnus of Law School , BHU because it is very painful to see the butchering of trees including the illegal felling of 8 Sandalwood trees also in recent years .

2. That , Pt. Madan Mohan Malviye ji a great freedom fighter , lawyer and scholar has established this Asia largest residential University which has care of environment since its inception. Ram Dev Mishra , father of ecology who started teaching in BHU and due to his effort Banaras Hindu University was one of the first leading university in environmental science. But , now in this university mass illegal trees felling including the Sandalwood trees were happened.
3. That , Respondent No. 2 i.e BHU has security budget of more than 12 Crore rupees , surrounded by high wall with total 7 entry and exit gates each gate having security personal and except main gate every gate is closed in the night after 10 PM & having more than 700 security personal in 1300 acres Campus. The spot in Department Of Dravyaguna, in BHU from were 8 Chandan(Sandalwood) Trees were cut illegally in two separate incidents , 4 trees in the year 2018 and 4 trees in the year 2023 . **Furthermore, in the year 2018, 4 Sandalwood trees were cut illegally dated on 3rd October , 2018 however FIR were registered dated on 6th October , 2018. As well as further important point is, in second FIR dated 13.10.2023 , name of trees i.e Sandalwood Trees name were missing from FIR. So , it is needless to say that despite the availability of CCTV footage of the spot and availability of security of Proctorial Board and security personal no one has been found guilty and further, local Lanka Police Station has filed the Summery Final Report in the light of no evidence is found , can be seen as clear attempt to save the offenders. Even , the forest department were not informed.**



Sandeep Kumar

4. That , it is pertinent to mention that Joint Committee Report dated 28.10.2024 concluded that 7 Sandalwood trees were cut however careful reading of FIR NO. 403/2023 , dated 13.10.2023 & FIR NO. 1052/2018 , dated 03.10.2018 (For FIR , Refer to Page No. 215 to 224 of the Counter Affidavit filed by Respondent No. 2) discloses that in each occasion 4 Sandalwood trees were cut illegally meaning thereby **total 8 Sandalwood trees were cut illegally**. However , in FIR No. 403/2023 , dated 13.10.2023 has only mentioned that precious trees were stolen even name of the trees i.e Sandalwood trees were not mentioned in the FIR that is registered in the FIR. **It is further important to mention that local Police in collusion with the University official has filed the Final Report** (Refer to Page No. 226 of the Counter Affidavit filed by Respondent No. 2) in both the incident. **True Copy of both the FIR** is being annexed as **Annexure NO. RA-1** to this Affidavit.

5. That , 12 trees which has been cut illegally , regarding which an Forest Crime No. (FIR) 43/2024-25(Under Section 4 & 10 of "The U.P. Protection of Trees Act , 1976 and Section/Rule 3 & 8 of the U.P Timber and other Forest Produce Transportation Rules 1978), dated 23.10.2024 has been registered against the Registrar , BHU , now respondent no. 2 is claiming that 12 Tress which has been found to be felled illegally by joint committee is not true as provisos of Section 5 of the UP Protection of Trees Act , 1976 allowed them to do so. However, **careful reading of Section 5 of The UP Protection of Trees , 1976** clearly established that when **the Competent Authority is failed to provide the requisite permission within 15 days then , it shall be deemed that the permission applied for, has been granted. However , in this instant case no application has been moved before the**

Sauvala P. Kumar



competent authority as required under The UP Protection of Trees , 1976. Hence claim of the University is not correct.

For ready reference , relevant provision of Section 5 of The UP Protection of Trees , 1976 is extracted/reproduced herein below-

5. Procedure for permission to fell remove trees- (1) Any person entitled to fell a standing tree or to cut, remove or otherwise dispose of a fallen tree, may make an application to such officer in such form as may be notified by the State Government, for permission to fell such standing tree or to cut, remove or otherwise dispose of such fallen tree and the officer to whom such application is made, shall, within twenty days after making such enquiry as he thinks fit, forward the application along with his report to the competent authority.

(2) The competent authority shall, within fifteen days from the date of receipt of the report under sub-section (1), grant or refuse the permission applied for;

Provided that the competent authority may, if he is not satisfied with the report made under sub-section (1), make such further enquiry as he thinks fit:

Provided further that such permission shall not be refused without affording the opportunity of hearing to the applicant;

Provided also that such permission shall not be refused if the tree constitutes danger to person or property:

Provided further that except in such areas as may be notified by the State Government in this behalf, such permission shall not be required for felling of any tree with a view to appropriating the wood or leaves thereof for bona fide use for



Souabhi Puri

purposes of fuel, fodder, agricultural implements or other domestic use:

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

(3) Where the competent authority fails to take any decision under sub-section (2) within the time specified therefore, it shall be deemed that the permission applied for, has been granted.

(4) Every permission granted under this Act shall be subject to such conditions, including taking of security for ensuring regeneration of the area and replanting of trees or otherwise, as may be specified from time to time by the State Government by notification.

(Section 5 and 6 Subs. by U.P. act No. 12 of 2001 and Notification. No. 993/17-V-1-1(a)-5-2001, dated 30 April, 2001, published in U.P. Gazette, Extra Part-1, Section (ka), dated 30 April, 2001.).

True Copy Of the **The UP Protection of Trees Act , 1976 ,** is being annexed and marked as **Annexure No. RA-2** to this Rejoinder Affidavit.

6. That , it is also pertinent to mention that after matter was under consideration before this Hon'ble Tribunal dated on 25th December , 2024 a three day Malviye flower exhibition has been inaugurated at Malviye Bhawan , BHU and in first time in last 14 years any IFS Officer has been invited as guest in inaugural session. An IFS officer Dr. Ravi Kumar Singh , Conservator of Forest , Varanasi Circle has been invited , such attempt may affect the independence and outcome of enquiry held at the end of the Forest range office at Varanasi . A Hindustan news link -

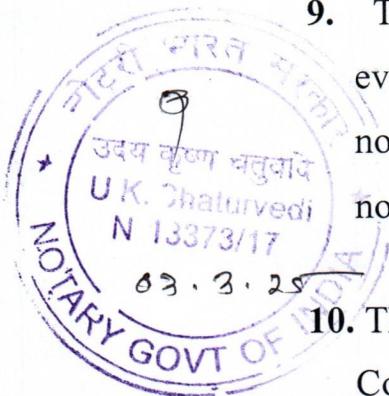


Souabhi Prasad

<https://www.livehindustan.com/uttar-pradesh/varanasi/story-bhu-s-malaviya-smriti-flower-exhibition-a-showcase-of-art-and-agriculture-201735162071344.html>. **Relevant Photograph dated 25.12.2025** , whereas Forest Conservator, Varanasi along with Rector , BHU & Registrar , BHU (an accused named in Forest Crime No. 43/2024-25, Prof. Arun Kumar Singh) can be seen together, Annexed as Annexure No. RA-3 to this Rejoinder Affidavit.

Para-wise Reply of the Counter Affidavit Filed By Respondent no. 2 As Under-

7. That , the contents of paragraph No. 1,2 & 3 of the reply filed by respondent No. 2 is matter of record therefore reply is not needed. However , paragraph No. 3 is partly denied as they claimed 9000 sapling were planted between June to October , 2024 is mere on paper only.
8. That , the contents of paragraph No. 4,5 and 6 of the Counter affidavit is denied , in response it is stated that Joint Committee report dated 29.10.2024 clearly found that illegal felling of trees including the Sandalwood trees illegally in the BHU Campus.
9. That , the contents of paragraph No. 7 is matter of record even if in reply it is stated that there is data manipulation only not done ground work as claimed in the Reply by Respondent no. 2 .
10. That , the contents of Paragraph No. 9,10 & 11 of the Counter Affidavit/reply is denied in response it is stated that , so far as consolidated survey conducted by BHU himself from 29.11.2024 to 06.12.2024 is concern as stated by the



Sandeep Kumar

respondent no. 2 i.e BHU in para no. 9 of the counter affidavit , there were claimed that the survival rate of newly planted saplings stands at an impressive rate of 93.47 % is misleading . In the recent 10 years trees in BHU were cut indiscriminately without any authority of law to raise newly construction, needless to say that more trees were fallen than permission were granted. Satellite image from the last 10 years may be bring on record. It is further stated that , BHU is lungs of Varanasi and in recent past hundred nos. of trees were felled illegally.

11. That , Paragraph No. 12 & 13 is matter of record i.e Hon'ble this Tribunal Order & Joint Committee Report hence need no reply.

12. That , contents of paragraph no. 14 ,15 and 17 of the reply filed by respondent no. 2 is categorically denied in response it is stated as under -

Respondent No. 2 i.e Banaras Hindu University is trying to cover up the illegal tree felling activities/act. The Joint Committee has submitted the report dated 29.10.2024 before this Hon'ble Tribunal and on the same date i.e 29.10.2024 , a professor In-Charge , Horticulturist Unit , BHU communicated a letter (Refer to Annx. No. R-2/12 of Counter Affidavit filed by the Respondent No. 2) regarding detail of the 12 trees which has been cut illegally regarding which an Forest Crime No. (FIR) 43/2024-25(Under Section 4 & 10 of "The U.P. Protection of Trees Act , 1976 and Section/Rule 3 & 8 of the U.P Timber and other Forest Produce Transportation Rules 1978), dated 23.10.2024 has been registered against the Registrar , BHU . That , in paragraph No. 14 of the Counter Affidavit filed by the Respondent No. 2 i.e BHU is relying upon the proviso of Section 5 of The UP Protection of Trees , 1976 and stated that



Souabh Prasad

if any immediate danger/necessity is arises then permission of competent authority is not needed . However , Respondent No. 2 i.e BHU has misinterpreted the provision , **careful reading of Section 5 of The UP Protection of Trees , 1976** clearly established that when the Competent Authority is failed to provide the requisite permission within 15 days then , it shall be deemed that the permission applied for, has been granted. However , in this instant case no application has been moved before the competent authority as required under The UP Protection of Trees , 1976.

For ready reference , relevant provision of Section 5 of The UP Protection of Trees , 1976 is extracted/reproduced herein below-

5. Procedure for permission to fell remove trees- (1) Any person entitled to fell a standing tree or to cut, remove or otherwise dispose of a fallen tree, may make an application to such officer in such form as may be notified by the State Government, for permission to fell such standing tree or to cut, remove or otherwise dispose of such fallen tree and the officer to whom such application is made, shall, within twenty days after making such enquiry as he thinks fit, forward the application along with his report to the competent authority.

(2) The competent authority shall, within fifteen days from the date of receipt of the report under sub-section (1), grant or refuse the permission applied for;

Provided that the competent authority may, if he is not satisfied with the report made under sub-section (1), make such further enquiry as he thinks fit:

Provided further that such permission shall not be refused without affording the opportunity of hearing to the applicant;



Souabhi Prasad

Provided also that such permission shall not be refused if the tree constitutes danger to person or property:

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

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

(3) Where the competent authority fails to take any decision under sub-section (2) within the time specified therefore, it shall be deemed that the permission applied for, has been granted.

(4) Every permission granted under this Act shall be subject to such conditions, including taking of security for ensuring regeneration of the area and replanting of trees or otherwise, as may be specified from time to time by the State Government by notification.

(Section 5 and 6 Subs. by U.P. act No. 12 of 2001 and Notification. No. 993/17-V-1-1(a)-5-2001, dated 30 April, 2001, published in U.P. Gazette, Extra Part-1, Section (ka), dated 30 April, 2001.).

That , further it is stated that under the garb of alleged incident (dated 03.08.2024 wherein 3rd year Ph.D research scholar of Physics Department got severely injured due to natural and sudden falling of a dry Palm tree as stated by the respondent no.2 i.e BHU in paragraph 14 of the Counter affidavit) , BHU is trying to cover up their illegal act of tree felling without following the due process. If a such a



Souabhi Prasad

vague narrative is accepted then every trees standing beside the road IN BHU is eminent danger. **However it is pertinent to mention that all these cover up exercise has been undertaken after Hon'ble this Tribunal has taken cognizance of the matter.**

13. That , the contents of Paragraph No. 15 & 16 is denied in response it is stated that the joint committee report found that the averment of the Petitioner is true as the Joint Committee has submitted the report dated 29.10.2024 disclosing that the Divisional Forest Officer, Varanasi in the year 20221 23, 2023-24 and 2024-25 (till now) had granted permission to cut 135 trees in the campus. But as against this, Respondent No. 2 had cut 149 trees, and university could not clarify the position in respect of 14 trees. The Joint Committee had found that 6 Mango, 3 Gold Mohar, 1 Kathal and 2 Mahua trees were illegally cut on the spot for which the Forest Department of Varanasi has registered the Forest Offence No. 43/202425 dated 23.10.2024. The report of the Joint Committee further discloses that Committee constituted by the Forest Department, Varanasi had found that total 161 trees were cut in the campus and permission only for 135 trees was granted, therefore, 26 trees were cut by the university administration without the permission of the Forest Department for which the Conservator of Forest, Varanasi Circle, Varanasi had sent the letter no. 1053/2-43 dated 15.10.2024 to the Deputy Director, Forest (Central), Regional Office, Ministry of Environment, Forest and Climate Change. The report further reflects that 7 sandalwood trees have been cut illegally without any permission, However as per FIR 8 Sandalwood trees were cut illegally.



Sawabh Duni

14. That , contents of para-wise reply filed by respondent no. 2 i.e Paragraph No. 1 to 9 and Reply to Ground i.e A-B , C-E is already answered in above paragraph hence it is not suitable to repeat same content again and again. However , none of the reply filed by the respondent no. 2 i.e BHU is admitted by the present petitioner.

15. That , whatever has been left will be duly answered during the course of argument , every paragraph of the counter affidavit filed by respondent no. 2 is denied. So , it is humbly requested before this Hon'ble Tribunal to kindly take on record this reply/rejoinder.

16. That , in the light of fact and circumstances of the present case as stated above a heavy fine as environmental compensation may be imposed for causing environmental damage on the respondent no. 2 i.e BHU apart from it criminal action is also required against the culprit/guilty persons. A high independent empowered committee may also be constituted for further action in the matter in the interest of justice. It is most humbly prayed that Hon'ble this Tribunal may kindly pass such order(s) as may be deemed fit and proper.

Dated – 03.03.2025

Place- Varanasi

Sawabh Purohit

(DEPONENT)

VERIFICATION

Verified at Varanasi on this day 3rd March , 2025 that the contents of this reply/rejoinder affidavit are true and correct



Sawabh Purohit

to my knowledge and no part of it is false and nothing material has been concealed there from.

Date - 03.03.2025
Place - Varanasi

Saurabh Tiwari

(DEPONENT)

(SAURABH TIWARI)

PETITIONER IN-PERSON



Notarial
 उद्यय कृष्ण थतुवादे
 U.K. Thaturvedi
 N 13373/17
 03-3-25
 स्थान/Date Varanasi

Uday Krishna
 Notary Govt. of India
 Civil Court Varanasi, U.P.
 03-03-25



Saurabh Tiwari

Saurabh Tiwari

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

ANNEXURE NO. (RA-1)
IN
REJOINDER AFFIDAVIT

IN
ORIGINAL APPLICATION No. 928 OF 2024

IN THE MATTER OF :-

Saurabh Tiwari

..... Applicant-IN-Person/Petitioner-In-
Person.

Versus

Union Of India & Ors.

.....Respondent(s)/Opposite Parties.



Saurabh Tiwari

N.C.R.B (एन.सी.आर.बी)

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

प्रथम सूचना रिपोर्ट

(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District/Unit (जिला/इकाई): काशी P.S. (थाना): लंका Year (वर्ष): 2018
(कमिश्नरेट वाराणसी)

FIR No. (प्र.सू.रि. सं.): 1052

Date and Time of FIR (प्र.सू.रि. की दिनांक और समय): 06/10/2018 20:53 घंटे

S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	भा दं सं 1860	379
2	वन (संरक्षण) अधिनियम, 1980	5
3	वन (संरक्षण) अधिनियम, 1980	4

3. (a) Occurrence of offence (अपराध की घटना):

1 Day (दिन): बुधवार Date from (दिनांक से): 03/10/2018 Date To (दिनांक तक): 03/10/2018
Time Period (समय अवधि): पहर 1 Time From (समय से): 00:00 बजे Time To (समय तक): 00:00 बजे

(b) Information received at P.S. (थाना जहां सूचना प्राप्त हुई): Date (दिनांक): 06/10/2018 Time (समय): 20:53 बजे

(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 049 Date and Time (दिनांक और समय): 06/10/2018 20:53 बजे

4. Type of Information (सूचना का प्रकार): लिखित



1

Saulabh Jha

N.C.R.B (एन.सी.आर.बी)

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): दक्षिण, 02 कि. मी. Beat No. (बीट सं.):
- (b) Address (पता): द्रव्यगुण विभाग परिसर बीएचयू,
- (c) In case, outside the limit of this Police Station, then Name of P.S. (यदि थाना सीमा के बाहर है तो थाना का नाम):

District (State) (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता / सूचनाकर्ता):

- (a) Name (नाम): श्री पी०एन० तिवारी
- (b) Father's/Husband's Name (पिता/पति का नाम):
- (c) Date/Year of Birth (जन्म तिथि / वर्ष): 1973
- (d) Nationality (राष्ट्रीयता): भारत
- (e) UID No. (यूआईडी सं.):
- (f) Passport No. (पासपोर्ट सं.):

Date of Issue (जारी करने की दिनांक): Place of Issue (जारी करने का स्थान):

- (g) ID Details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) (पहचान विवरण (राशन कार्ड, मतदाता कार्ड, पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पैन कार्ड))

S. No. (क्र.सं.)	ID Type (पहचान पत्र का प्रकार)	ID Number (पहचान संख्या)

- (h) Occupation (व्यवसाय):

- (i) Address (पता):



Sewabhi P. Kumar

N.C.R.B (एन.सी.आर.बी)

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	वर्तमान पता	सुरक्षा अधिकारी , काशी हिन्दू विश्वविद्यालय , लंका, काशी (कमिश्नरेट वाराणसी), उत्तर प्रदेश, भारत
2	स्थायी पता	सुरक्षा अधिकारी , काशी हिन्दू विश्वविद्यालय , लंका, काशी (कमिश्नरेट वाराणसी), उत्तर प्रदेश, भारत

(j) Phone number (दूरभाष सं.): Mobile (मोबाइल सं.): 0

7. Details of known / suspected / unknown accused with full particulars (ज्ञात /
संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या): 0

S. No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address(वर्तमान पता)
1	अज्ञात1			

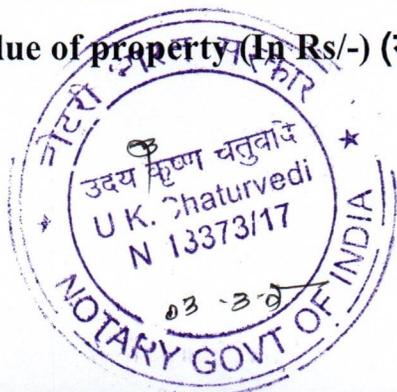
8. Reasons for delay in reporting by the complainant / informant (शिकायतकर्ता /
सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S. No. (क्र.सं.)	Property Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति के प्रकार)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))
1	अन्य		04 अदद चन्दन का पेड़	.00

10. Total value of property (In Rs/-) (सम्पत्ति का कुल मूल्य(रु में)):

11.



3

Sumeet Prasad

N.C.R.B (एन.सी.आर.बी)

Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण सं., यदि कोई हो):

S. No. (क्र.सं.)	UIDB Number (यू.डी.प्रकरण सं.)
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12. First Information contents (प्रथम सूचना तथ्य):

संदर्भ सं० सीपी / 2018- 2019/ 890, थानाध्यक्ष थाना लंका वाराणसी, महोदय दिनांक 03.10.2018 को चिकित्सा विज्ञान संस्थान के द्रव्यगुण विभाग के विभागाध्यक्ष प्रो० कमल नयन द्विवेदी द्वारा इस कार्यालय में लिखित रिपोर्ट की गई कि विभागीय परिसर में चन्दन के चार पेड़ काटे गये हैं तथा काटी गई लकड़ी चुरा ली गई है। इस कार्यालय के सुरक्षाधिकारी सर्व श्री रामअवतार एवं पी.एन. सिंह द्वारा उपरोक्त मामले की छानबीन की गई। छानबीन में पाया गया कि द्रव्यगुण विभाग से बहुमूल्य लकड़ी की चोरी की गई है। अतः आपसे अनुरोध है कि उपरोक्त चोरी की घटना की एफ.आई.आर. दर्ज कर अग्रिम कार्यवाही करने की कृपा करें। P.N. Tiwari भवदीय अ०ह० सुरक्षा अधिकारी मय मुहर काशी हिन्दू विश्वविद्यालय वाराणसी-221005 दिनांक 06.10.2018, नोट- मैं का०मु० विजय कुमार यादव प्रमाणित करता हूँ कि तहरीर की नकल मुझ द्वारा बोल कर का० सभाजीत कुमार द्वारा कम्प्यूटर में अक्षरशः अंकित कराया गया।

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है.):

(1) Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के लिए लिया गया): / or (या)

(2) Directed (Name of I.O.) (जांच अधिकारी का Rank (पद): उपनिरीक्षक/ नाम): PARMANAND YADAV अवर निरीक्षक

No. (सं.): 132760113 to take up the Investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3) Refused investigation due to (जांच के लिए): or (के कारण इंकार किया था)



Sauval Punai

N.C.R.B (एन.सी.आर.बी)

(4) Transferred to P.S. (थाना): District (ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.

(शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी)

R.O.A.C. (आर.ओ.ए.सी.)

Signature of Officer in charge,
Police Station (थाना प्रभारी के
हस्ताक्षर)14. Signature / Thumb impression
of the complainant / informant
(शिकायतकर्ता / सूचनाकर्ता के
हस्ताक्षर / अंगूठे का निशान)Name (नाम): BHARAT
BHUSHAN TIWARI

Rank (पद): I (Inspector)

No. (सं.): 072760257

15. Date and time of dispatch to the court (अदालत में प्रेषण की दिनांक और
समय):Attachment to item 7 of First Information Report (प्रथम सूचना
रिपोर्ट के मद 7 संलग्नक):Physical features, deformities and other details of the
suspect/accused: (If known / seen)(संदिग्ध / अभियुक्त की शारीरिक विशेषताएँ, विकृतियाँ और
अन्य विवरण: (यदि ज्ञात / देखा गया))

Sandeep Kumar

N.C.R.B (एन.सी.आर.बी)

S. No. (क्र.सं.)	Sex (लिंग)	Date / Year Of Birth (जन्म तिथि / वर्ष)	Build (बनावट)	Height (cms) (कद (से.मी.))	Complexion (रंग)	Identification Mark(s) (पहचान चिन्ह)
1	2	3	4	5	6	7
1				-		चेचक: नहीं

Deformities / Peculiarities (विकृतियाँ / विशिष्टताएँ)	Teeth (दाँत)	Hair (बाल)	Eye (आँखें)	Habit(s) (आदतें)	Dress Habit (s) (पहनावा)
8	9	10	11	12	13

Language/ Dialect (भाषा/बोली)	Place of (का स्थान)					Others (अन्य)
14	Burn Mark (जले हुए का निशान)	Leucoderma (लुकोदेर्मा (सफ़ेद धब्बे))	Mole (मस्सा)	Scar (घाव)	Tattoo (गूदे हुए का)	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

(यह क्षेत्र तभी दर्ज किए जाएंगे यदि शिकायतकर्ता / सूचनाकर्ता संदिग्ध / अभियुक्त के बारे में कोई एक या उससे अधिक जानकारी देता है)



Sauabh Prasad

N.C.R.B (एन.सी.आर.बी)

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

प्रथम सूचना रिपोर्ट

(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District/Unit (जिला/इकाई): काशी P.S. (थाना): लंका Year (वर्ष): 2023
(कमिश्नरेट वाराणसी)

FIR No. (प्र.सू.रि. सं.): 0403

Date and Time of FIR (प्र.सू.रि. की दिनांक और समय): 13/10/2023 20:42 घंटे

S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	भा दं सं 1860	379

3. (a) Occurrence of offence (अपराध की घटना):

1 Day (दिन): शुक्रवार Date from (दिनांक से): 13/10/2023 Date To (दिनांक तक): 13/10/2023
Time Period (समय अवधि): पहर 3 Time From (समय से): 06:15 बजे Time To (समय तक): 06:15 बजे

(b) Information received at P.S. (थाना जहां सूचना प्राप्त हुई): Date (दिनांक): 13/10/2023 Time (समय): 20:42 बजे

(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 067 Date and Time (दिनांक और समय): 13/10/2023 20:42 बजे

4. Type of Information (सूचना का प्रकार): लिखित

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): दक्षिण, 03 कि. मी. Beat No. (बीट सं.):

(b) Address (पता): दृव्य गुण विभाग बी0एच0यू0 ,



Sanjay Kumar

N.C.R.B (एन.सी.आर.बी)

(c) In case, outside the limit of this Police Station, then Name of P.S. (यदि थाना सीमा के बाहर है तो थाना का नाम):

District (State) (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता / सूचनाकर्ता):

(a) Name (नाम): श्री विजय कुमार सहायक सुरक्षा अधिकारी मुख्य आरक्षाधिकारी कार्यालय

(b) Father's/Husband's Name (पिता/पति का नाम):

(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1973 (d) Nationality (राष्ट्रीयता): भारत

(e) UID No. (यूआईडी सं.):

(f) Passport No. (पासपोर्ट सं.):

Date of Issue (जारी करने की दिनांक): Place of Issue (जारी करने का स्थान):

(g) ID Details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) (पहचान विवरण (राशन कार्ड ,मतदाता कार्ड ,पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पैन कार्ड))

S. No. (क्र.सं.)	ID Type (पहचान पत्र का प्रकार)	ID Number (पहचान संख्या)

(h) Occupation (व्यवसाय):

(i) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	वर्तमान पता	काशी हिन्दू विश्वविद्यालय , लंका, काशी (कमिश्नरेट वाराणसी), उत्तर प्रदेश, भारत
2	स्थायी पता	काशी हिन्दू विश्वविद्यालय , लंका, काशी (कमिश्नरेट वाराणसी), उत्तर प्रदेश, भारत

(j) Phone number (दूरभाष सं.):

Mobile (मोबाइल सं.): 91-95323XXXXX



2

Sauabhi Dhanu

N.C.R.B (एन.सी.आर.बी)

7. Details of known / suspected / unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या): 0

S. No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address(वर्तमान पता)
1	अज्ञात1			

8. Reasons for delay in reporting by the complainant / informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S. No. (क्र.सं.)	Property Category (सम्पत्ति श्रेणी)	Property Type (सम्पत्ति के प्रकार)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))

10. Total value of property (In Rs/-) (सम्पत्ति का कुल मूल्य(रु में)):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण सं., यदि कोई हो):

S. No. (क्र.सं.)	UIDB Number (यू.डी.प्रकरण सं.)



N.C.R.B (एन.सी.आर.बी)

12. First Information contents (प्रथम सूचना तथ्य):

सेवा में, थाना प्रभारी महोदय थाना लंका वाराणसी द्वारा- मुख्य आरक्षाधिकारी बी0एच0यू0 वाराणसी विषय:- द्रव्य गुण विभाग में कीमती पेड़ चोरी होने के सन्दर्भ में महोदय, आज लगभग प्रातः 06.15 AM को चौकीदार दीपक राम ने कन्ट्रोल को सूचना दिया कि विभाग के गेट पर टीन सेड में कीमती पेड़ था जो गायब है, मौके पर टीम ने निरीक्षण किया तो पेड़ नहीं था। विभाग के बाउण्ड्री के अन्दर झाड़ियों में सर्च किया गया तो 03 और कीमती पेड़ काटे गये हैं अतः 04 पेड़ काटे गये हैं और मौके से लकड़ी गायब है। प्रार्थी ह0 अंग्रेजी अपठनीय विजय कुमार 95323XXXX दि0 13.10.23 मुहर सहायक सुरक्षा अधिकारी/ मुख्य आरक्षाधिकारी कार्यालय काशी हिन्दू विश्वविद्यालय वाराणसी 221005 नोट- 30नि0/हे0मु0 घूरा प्रसाद प्रमाणित करता हूँ कि जी0डी0 में कायमी व धारा तथा प्रार्थना पत्र की नकल मेरे द्वारा अक्षरशः बोल बोलकर का0 मुकेश यादव से सीसीटीएनएस में अंकित करवाया गया।

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(की गयी कार्यवाही : चूँकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है.):

- (1) Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के लिए लिया गया): / or (या)
- (2) Directed (Name of I.O.) (जांच अधिकारी का Rank (पद): उपनिरीक्षक/ नाम): ADITYA KUMAR RAI अवर निरीक्षक
No. (सं.): 192766180 to take up the Investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)
- (3) Refused investigation due to (जांच के लिए): or (के कारण इंकार किया या)
- (4) Transferred to P.S. (थाना): District (ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित).



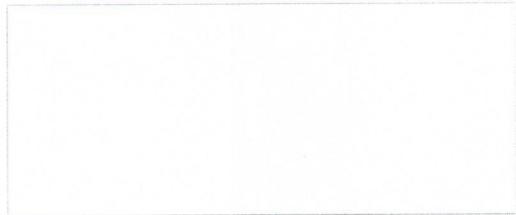
Signature

N.C.R.B (एन.सी.आर.बी)

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant /informant, free of cost.

(शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी)

R.O.A.C. (आर.ओ.ए.सी.)



Signature of Officer in charge,
Police Station (थाना प्रभारी के
हस्ताक्षर)

14. Signature / Thumb impression
of the complainant / informant
(शिकायतकर्ता / सूचनाकर्ता के
हस्ताक्षर /अंगूठे का निशान)

Name (नाम): ASHWANI
PANDEY

Rank (पद): I (Inspector)

No. (सं.): 092050017

15. Date and time of dispatch to the court (अदालत में प्रेषण की दिनांक और
समय):

Attachment to item 7 of First Information Report (प्रथम सूचना
रिपोर्ट के मद 7 संलग्नक):

Physical features, deformities and other details of the
suspect/accused: (If known / seen)

(संदिग्ध / अभियुक्त की शारीरिक विशेषताएँ, विकृतियाँ और
अन्य विवरण: (यदि ज्ञात / देखा गया))



Saurabh Kumar

N.C.R.B (एन.सी.आर.बी)

S. No. (क्र.सं.)	Sex (लिंग)	Date / Year Of Birth (जन्म तिथि / वर्ष)	Build (बनावट)	Height (cms) (कद (से.मी.))	Complexion (रंग)	Identification Mark(s) (पहचान चिन्ह)
1	2	3	4	5	6	7
1				-		चेचक: नहीं

Deformities / Peculiarities (विकृतियाँ / विशिष्टताएँ)	Teeth (दाँत)	Hair (बाल)	Eye (आँखें)	Habit(s) (आदतें)	Dress Habit (s) (पहनावा)
8	9	10	11	12	13

Language/ Dialect (भाषा/बोली)	Place of (का स्थान)					Others (अन्य)
	Burn Mark (जले हुए का निशान)	Leucoderma (लुकोदेर्मा (सफ़ेद धब्बे))	Mole (मस्सा)	Scar (घाव)	Tattoo (गूदे हुए का)	
14	15	16	17	18	19	20

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

(यह क्षेत्र तभी दर्ज किए जाएंगे यदि शिकायतकर्ता / सूचनाकर्ता संदिग्ध / अभियुक्त के बारे में कोई एक या उससे अधिक जानकारी देता है)



Sauabhi Puri

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

ANNEXURE NO. (RA-2)
IN
REJOINDER AFFIDAVIT

IN
ORIGINAL APPLICATION No. 928 OF 2024

IN THE MATTER OF :-

Saurabh Tiwari

..... Applicant-IN-Person/Petitioner-In-
Person.

Versus

Union Of India & Ors.

.....Respondent(s)/Opposite Parties.



Saurabh Tiwari

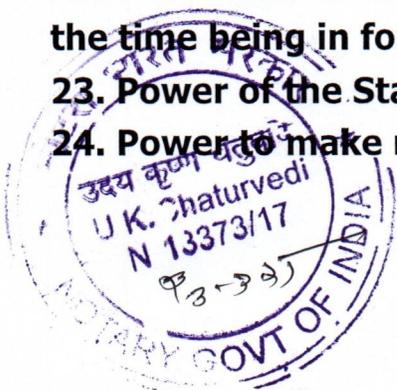
License & Printed By : SAURABH TIWARI | <https://www.aironline.in> |

3/3/2025



UTTAR PRADESH PROTECTION OF TREES ACT, 1976 (45 OF 1976)

1. Short title, extent and commencement
2. Act not to apply to certain Areas
3. Definitions
4. Restriction on felling and removal of trees
5. Procedure for permission to fell remove trees
6. Representation against the decision of the Competent Authority
7. Obligation to plant trees
8. Plantation of trees in blank area
9. Implementation of direction given under Section 7 and 8
10. Penalty for felling or removal of trees in contravention of Section 4
11. Offences by companies
12. Forfeiture of timber
13. Power to arrest without warrant
14. Power of seize
15. Power to compound offences
16. Contravention of Act to be reported by certain officers
17. Award of penalty or confiscation not to interfere with other punishment:--
18. Officers to be public servant
19. Execution of order for payment of money
20. Bar of proceedings
21. Exemption
22. Provisions of this Act to be in addition to any other law for the time being in force
23. Power of the State Government for preservation of trees
24. Power to make rules



Saurabh Tiwari

24A. Transitory provision on the change of name U.P. Act No. 45 of 1976

25. Repeal and saving

SCHEDULE-I.

SCHEDULE-II.

SCHEDULE-III.

U.P. Protection of Trees Act, 1976 (45 of 1976)^{a/b}

[19 November, 1976]

An Act to provide for regulation of felling of trees and replanting of trees ^c[] Uttar Pradesh.

PREAMBLE

It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows:

[a] Received the assent of the Governor on November 19, 1976, and Published in Part 1(a) of the Legislative Supplement of the Uttar Pradesh Gazette, (Extraordinary) dated November 22, 1976.

[b] The words 'Rural and Hill areas' of omitted by U.P. Act No.28 of 1998 (w.e.f. 1-12-1998).

[c] The words 'Rural and Hill areas' of omitted by U.P. Act No.28 of 1998 (w.e.f. 1-12-1998).

1. Short title, extent and commencement

(1) This Act may be called the Uttar Pradesh Protection of Trees Act, 1976.

(2) It extends to whole of Uttar Pradesh.



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(3) It shall come into force at once.

2. Act not to apply to certain Areas

This Act shall not apply to

- (a) trees situate in reserved and protected forests;
- (b) trees situate in a forest or forest land in respect of which any notification under the Indian Forest Act, 1927 as amended in its application to Uttar Pradesh is in force;

^a[(c) trees situate in Cantonment areas;]

(d) trees situate in a Government garden or on land held by the Government.

[a] Subs. for Clause (c) and (d) by Act 28 of 1998. (w.e.f. 1-12-1998)

3. Definitions

In this Act, unless there is anything repugnant in the context:

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

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

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

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

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



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

(vii) "Hill areas" means the districts of Almora, Pithoragarh, Garhwal, Chamoli, Tehri- Garhwal and Uttrakashi and the hill patties of District Nainital and areas of Chakrata Tahsil and Massorie Municipal Board of Dehradun District but does not include any Cantonment area;

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

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

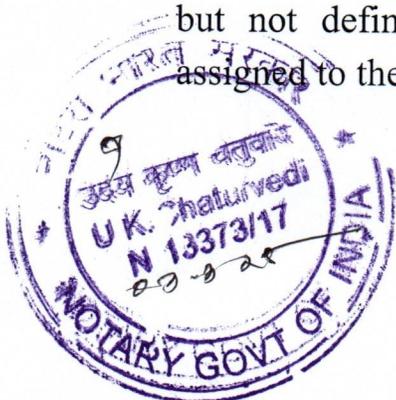
(x) "Revising Authority" means an authority appointed by the State Government as revising authority under this Act;

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

Provided that the State Government may by notifications add to or modify the Schedules;

(xii) "Urban Area" means an area (not being a hill area), which is included within the limits of a [Nagar Nigam]^a Municipal Board, (Notified-Area committee, Town Area Committee), Cantonment Board or of a Development Authority;

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



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[a] Subs. by U.P. Act No. 12 of 1994 for the word "Nagar Mahapalika"
(w.e.f. 30-5-1994)

4. Restriction on felling and removal of trees

Except as provided in this Act or the rules made thereunder, no person shall-

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

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

^a[5. Procedure for permission to fell remove trees

(1) Any person entitled to fell a standing tree or to cut, remove or otherwise dispose of a fallen tree, may make an application to such officer in such form as may be notified by the State Government, for permission to fell such standing tree or to cut, remove or otherwise dispose of such fallen tree and the officer to whom such application is made, shall, within twenty days after making such enquiry as he thinks fit, forward the application along with his report to the competent authority.

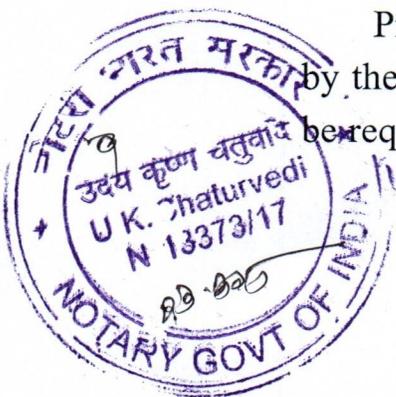
(2) The competent authority shall, within fifteen days from the date of receipt of the report under sub-section (1), grant or refuse the permission applied for;

Provided that the competent authority may, if he is not satisfied with the report made under sub-section (1), make such further enquiry as he thinks fit:

Provided further that such permission shall not be refused without affording the opportunity of hearing to the applicant;

Provided also that such permission shall not be refused if the tree constitutes danger to person or property:

Provided further that except in such areas as may be notified by the State Government in this behalf, such permission shall not be required for felling of any tree with a view to appropriating the



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wood or leaves thereof for bona fide use for purposes of fuel, fodder, agricultural implements or other domestic use:

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

(3) Where the competent authority fails to take any decision under sub-section (2) within the time specified therefore, it shall be deemed that the permission applied for, has been granted.

(4) Every permission granted under this Act shall be subjects to such conditions, including taking of security for ensuring regeneration of the area and replanting of trees or otherwise, as may be specified from time to time by the State Government by notification.

[a] Section 5 and 6 Subs. by U.P. act No. 12 of 2001 and Noti. No. 993/17-V-1-1(a)-5-2001, dated 30 April, 2001, published in U.P. Gazette, Extra Part-1, Section (ka), dated 30 April, 2001.

^a[6. **Representation against the decision of the Competent Authority**

Any person aggrieved from the decision of the competent authority under Section-5 may make a representation within thirty days from the date date of such decision to the Revising Authority and the decision of the Revising Authority on such representation shall be final.]

[a] Section 5 and 6 Subs. by U.P. act No. 12 of 2001 and Noti. No. 993/17-V-1-1(a)-5-2001, dated 30 April, 2001, published in U.P. Gazette, Extra Part-1, Section (ka), dated 30 April, 2001.

7. Obligation to plant trees

Every person to whom permission has been granted under this Act to fell, cut, remove or dispose of any trees, shall be bound to plant and



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tend two trees in place of every tree in the area, from whether such tree has been felled, cut, removed or disposed by him under such permission:

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

8. Plantation of trees in blank area

(1) When the Divisional Forest Officer is of opinion, on the basis of the report of a revenue officer, not below the ranks of a Sub-Divisional Officer or a Horticulture Officer, not below the rank of District Horticulture Officer or a Soil Conservation Officer not below the rank of Bhoomi Sanrakshan Adhikari or any forest officer not below the rank of Assistant Conservator of Forest, otherwise that tree should be planted in a blank area, he may issue notice to owner, occupier or tenure-holder (hereinafter referred to as claimant) of such area to showcause why trees should not be planted in such area as may be specified in such notice.

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

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

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

9. Implementation of direction given under Section 7 and 8

(1) Every person who is under an obligation to plant trees under Section 7 or to whom any direction has been given under Section 8



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shall start preparatory work within ninety days, from the date of the permission or the date of receipt of direction, as the case may be, and shall plant the trees in accordance with such direction in the next following rainy season or within such extended time as the Divisional Forest Officer concerned may allow.

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

10. **Penalty for felling or removal of trees in contravention of Section 4**

Whoever fells or cause to be felled any standing tree, or cuts, removes or otherwise disposes of any fallen trees, in contravention of the provisions of Section 4, or contravenes and condition of any permission granted under this Act, shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

11. **Offences by companies**

(1) If the person committing an offence under this Act is a company, the company as well as every person incharge of and responsible to the Company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of any



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Managing Agent, Secretary, Treasurer, Director, Manager or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation -For the person of this section:

(a) "company" means and body corporate and includes a firm or other association of individuals: and

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

12. Forfeiture of timber

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

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

13. Power to arrest without warrant

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

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

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



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

14. Power of seize

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

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

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

15. Power to compound offences

(1) The State Government may, by notification authorise any officers to accept from any person against whom there is reason to believe that he has committed offence under this Act in respect of any tree other than a tree situate in a forest, grove or public-premises, such sum of money not exceeding ^a[ten thousand rupees by way of composition for the offence which such person is suspected to have committed.



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

[a] Rs. 5000 Sub. by ten thousand rupees by U.P. Act No. 20 of 2011 (w.e.f. 23.09.2011).

[b] Five thousand rupees Sub. by ten thousand rupees by U.P. Act No. 20 of 2011 (w.e.f. 23.09.2011).

16. **Contravention of Act to be reported by certain officers**

It shall be the duty of every Forest Officer, Lekhpal, Panchayat Secretary, Police Constable, Assistant Horticulture Inspector or Assistant Soil Conservation Inspector or any officer superior to them:

(a) to give immediate information coming to his knowledge, of any contravention of Section 4 and of preparation to commit such contravention to the competent authority, and

(b) to take all reasonable measures in his power to prevent such contravention which he may know or have reason to believe that it is about or likely to be committed.

17. **Award of penalty or confiscation not to interfere with other punishment:--**

The award of penalty or confiscation of any property under this Act shall not prevent the inflicting of any punishment to which the person affected thereby is liable under any order law.

18. **Officers to be public servant**

The officers exercising powers or discharging any duties or function under this Act shall be deemed to be public servants within



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the meaning of Section 21 of the Indian Penal Code.

19. Execution of order for payment of money

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

20. Bar of proceedings

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

21. Exemption

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

22. Provisions of this Act to be in addition to any other law for the time being in force

The provisions of the Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force prohibiting or regulating the felling of trees.

23. Power of the State Government for preservation of trees

(1) The State Government may in the interest of general public, declare by notification that any class of trees shall not be felled for such period as is specified in that notification.

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



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24. Power to make rules

The State Government may, by notification makes rules to carry out the purposes of this Act.

^a[24A. Transitory provision on the change of name U.P. Act No. 45 of 1976

On and from the commencement of the U.P. Protection of Trees in Rural and Hill Areas (Amendment) Act, 1998, any reference to the U.P. Protection of Trees in Rural and Hill Areas Act, 1976, in any law or statutory instrument shall be construed as a reference to the U.P. Protection of Trees Act, 1976]

[a] Ins. by U.P. Act 28 of 1998

25. Repeal and saving

(1) The Uttar Pradesh Protection of Trees in Rural Areas Ordinance 1976 (U.P. Ordinance No. 26 of 1976) is hereby repealed

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

SCHEDULE-I.

TIMBER TREES

[See Section 3(xi)]

SI.No.	Common Name	Botanical Name
1	Akhrot	Jaglans regia
2	Arjun	Terminalia arjuna
3	Aam	Mangifera indica
4	Imli	Tamaradus indica



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5	Kardhai	Anogeissus pendula
6	Kanju	Holoptelea integrifolia
7	Kusum	Schleichera trijuga
8	Kail	Pinus excelsa
9	Kharshu	Quercus sernecarpifolia
10	Khair	Acacia catechu
11	Gutel	Trewia nudiflora
12	Dhau/Bakli	Anogeissus latifolia
13	Chandan	Santalum album
14	Chamkharik	Carpinus viminea
15	Chironji	Buchanania latifolia
16	Char	Pinus roxburgii
17	Jamun	Syzygium cumini
18	Dhak- Palas	Butea Monosperma (For Mirzapur, Varanasi, Banda and Jhansi districts only.)
19	Tugs	Cedrella Serrata
20	Tun	Cedrella Toona
21	Tendu	Diospiros tomentosa
22	Deodar	Cedrus Deodara
23	Neem	Azadirachta indica
24	Papri/Sansadu/Chikri	Buxus Sempervirens
25	Phaliyant	Quercus glauca
26	Bakain	Melia azedarach
27	Bahera	Terminalia belerica
28	Banj	Quercus incana
29	Mahua	Madhuca latifolia
30	Morinda	Abies pindrew
31	Moru	Quercus dilatata
32	Rai	Picea morinda
33	Rianj	Quercus Lanuginosa
34	Shisham	Dalbergia sissoo
35	Salai	Boswellia serrata
36	Sagaon	Tactona grandis
37	Sai	Shorea robusta



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38	Siris	Albizia species
39	Sain/Asna	Terminalia tomentosa
40	Semal	Sahmalia melabarica
41	Harr	Terminalia chebula
42	Haldu	Adina cordifolia

SCHEDULE-II.

FRUIT TREES

[See Section 3(xi)]

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

SCHEDULE-III.

(Full Trees)

[See Section 3(xi)]

Trees other than those specified in Schedules I and II.



Sawab Ahmed

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

ANNEXURE NO. (RA-3)
IN
REJOINDER AFFIDAVIT

IN
ORIGINAL APPLICATION No. 928 OF 2024

IN THE MATTER OF :-

Saurabh Tiwari

..... Applicant-IN-Person/Petitioner-In-
Person.

Versus

Union Of India & Ors.

.....Respondent(s)/Opposite Parties.



Saurabh Tiwari



नोटरी भारत
उदय कृष्ण चतुर्वेदी
U.K. Chaturvedi
N 13373/17
NOTARY GOVT OF INDIA



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