

154256

**THE UTTAR PRADESH PROTECTION OF TREES IN RURAL
AND HILL AREAS ACT, 1976**

(U. P. ACT No. 45 OF 1976)

[Authoritative English Text of the Uttar Pradesh Gramin Aur Parwatiya
Kshettra Men Vriksha Sanrakshan Adhiniyam, 1967]

AN
ACT

*to provide for regulation of felling of trees and replanting of trees in
rural and hill areas of Uttar Pradesh*

IT IS HEREBY enacted in the Twenty-seventh Year of the Republic of India
as follows :—

1. (1) This Act may be called the Uttar Pradesh Protection of Trees
in Rural and Hill Areas Act, 1976.

Short title,
extent and com-
mencement.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

2. This Act shall not apply to—

Act not to apply
to certain Areas.

(a) trees situate in reserved and protected forests ;

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

(c) trees situate in urban areas ;

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

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

Definitions. उत्तर प्रदेश

(i) "blank area" means any piece of land (not being under culti-
vation) 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 incharge of a forest
division and exercising jurisdiction over the area ;

(v) "fell a tree", with its cognate expressions, means cutting, girdl-
ing, lopping, pollarding or damaging a tree in any other manner ;

(vi) "Government garden" means a piece of land belonging to the
Central or State Government used for growing flowers, fruit or vege-
tables or for planting or raising trees, and includes a grove land belong-
ing to the Central or State Government ;

(vii) "hill area" means the districts of Almora, Pithoragarh, Garhwal,
Chamoli, Tehri-Garhwal and Uttarkashi and the hill patts of district
Naini Tal and areas of Chakarata Tahsil and Mussoorie Municipal
Board of Dehra Dun district but does not include any Cantonment area ;

[For Statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extraordinary),
dated March 31, 1976].

(Passed in Hind by the Uttar Pradesh Legislative Assembly on November 8, 1976 and
by the Uttar Pradesh Legislative Council on November 10, 1976).

(Received the Assent of the Governor on November 19, 1976 under article 200, of the
Constitution of India and was published in Part I (a) of the Legislative Supplement of the
Uttar Pradesh Gazette (Extraordinary), dated November 22, 1976).

(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 centimetre in diameter at a height of thirty centimetres from the ground level and is not less than one metre in height from the ground level, and the expressions "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 notification add to or modify the Schedules ;

(xii) "urban area" means an area (not being a hill area), which is included within the limits of a Nagar Mahapalika, Municipal Board, Notified Area Committee, Town Area Committee, Cantonment Board or of a Development Authority ;

(xiii) "words and expressions" 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.

Restriction on felling and removal of trees.

4. 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 tree other than a tree which is completely dead and has fallen without the aid of human agency on any such land.

Permission to fell or remove trees.

5. The competent authority may, on the application of any person entitled to fell a standing tree or to cut, remove or otherwise dispose of a fallen tree, after making such inquiry, as it thinks fit, grant permission to him to do so :

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

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

Procedure for obtaining permission to fell or remove trees.

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

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

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

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

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

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

Obligation to plant trees.

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 tree.

8. (1) Where the Divisional Forest Officer is of opinion, on the basis of the report of a revenue officer, not below the rank of a Sub-Divisional Officer, or a Horticulture Officer, not below the rank of a 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, or otherwise that trees should be planted in a blank area, he may issue a notice to the owner, occupier or tenure-holder (hereinafter referred to as claimant) of such area to show cause why trees should not be planted in such area as may be specified in such notice.

Plantation of trees in blank area.

(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 Forests concerned, whose decision shall be final.

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

Implementation of directions given under sections 7 and 8.

(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. Whoever fells or causes to be felled any standing tree, or cuts, removes or otherwise disposes of any fallen tree, in contravention of the provisions of section 4, or contravenes any 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.

Penalty for felling or removal of trees in contravention of section 4.

11. (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 :

Offences by companies.

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 managing agent, Secretary, treasurer, director, manager or other officer of the Company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purposes of this section—

(a) "company" means any 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.

Forfeiture of timber.

12. (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.

Power to arrest without warrant.

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

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

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

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

Power to seize.

14. (1) When there is reason to believe that any tree has been felled or cut or removed in contravention of the provisions of this Act, the wood of such tree, 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.

Power to compound offences.

15. (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 Rs.5,000 by way of composition for the offence which such person is suspected to have committed.

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

Contravention of Act to be reported by certain officers.

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

Award of penalty or confiscation not to interfere with other punishment.

18. The officers exercising powers or discharging any duties or functions under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Officers to be public servants.

19. 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.

Execution of order for payment of money.

20. 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.

Bar of Proceedings.

21. 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 trees from all or any of the provisions of this Act.

Exemption.

22. 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.

Provision of this Act to be in addition to any other Law for the time being in force.

23. (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.

Power of the State Government for preservation of trees.

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

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

Power to make rules.

25. (1) The Uttar Pradesh Protection of Trees in Rural Areas Ordinance, 1976 is hereby repealed.

Repeal and savings.

(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)]

Sl. no.	Common Name	Botanical Name
1	Akhrot	Juglans regia
2	Arjum	Terminalia arjuna
3	Am	Mangifera indica
4	Imli	Tamarindus indica
5	Kardhai	Anogeissus pendula
6	Kanju	Holoptelea integrifolia
7	Kusum	Schleichera Trijuga
8	Kail	Pinus excelsa
9	Kharshu	Quercus Semecarpifolia
10	Khair	Acacia catechu
11	Gutel	Trewia nudiflora

Sl. no.	Common Name	Botanical Name
12	Dhau/Bakli	Anogeissus latifolia
13	Chandan	Santalum album
14	Chamkharik	Carpinus viminea
15	Chironji	Buchanania latifolia
16	Chil	Pinus roxburgii
17	Jamun	Syzygium cumini
18	Dhak-Palas	Butea Monosperma*
* (For Mirzapur, Varanasi, Banda and Jhansi districts only)		
19	Tuni	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 incona
29	Mahua	Terminalia belerica
30	Morinda	Abies pindrow
31	Moru	Quercus dilatata
32	Rai	Picea morinda
33	Rianj	Quercus Lanuginosa
34	Shisham	Dalbergia sissoo
35	Salai	Boswellia serrata
36	Sagaon	Tactona grandis
37	Sal	Shorea robusta
38	Siris	Albizia species
39	Sain/Asna	Terminalia tomentosa
40	Semal	Sabnalia melabarica
41	Harr	Terminalia chebula
42	Haldu	Adina cordifolio

SCHEDULE II (FRUIT TREES)

[See SECTION 3 (xi)]

Sl. no.	Common Name	Botanical Name
1	Anar	Punica Granutum
2	Amrood	Psidium Guyava-
3	Aroo	Prunus perrico
4	Aloobukhara	Prunus communis
5	Am	Mangifera indica
6	Aonla	Embllica officinale
7	Kathal	Artocarpus integrifolia
8	Khubani	Prunus armeniaca
9	Naspati	Pyrus communis

No. 1425 (2)/XVII-V-1-1 (KA)-21-1998

Dated Lucknow, July 29, 1998

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Gramin aur Parvatya Kshetra Men Vriksha Sarnakshan (Samsiddhan) Adhiniyam, 1998 (Uttar Pradesh Adhiniyam Sankhya 28 of 1998) as passed by the Uttar Pradesh Legislature and assented to by the Governor on July 28 1998.

THE UTTAR PRADESH PROTECTION OF TREES IN RURAL AND
HILL AREAS (AMENDMENT) ACT, 1998

[U.P. ACT No. 28 OF 1998]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to amend the Uttar Pradesh Protection of Trees in Rural and Hill Areas Act, 1976.

IT IS HEREBY enacted in the Forty-ninth Year of the Republic of India as follows :—

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Protection of Trees in Rural and Hill Areas (Amendment) Act, 1998.

(2) It shall come into force on such date, as the State Government may, by notification, appoint in this behalf.

2. In the long title of the Uttar Pradesh Protection of Trees in Rural and Hill Areas Act, 1976, hereinafter referred to as the principal Act, the words "rural and hill areas of" shall be *omitted*.

Amendment of long title of U. P. Act no. 45 of 1976

3. In section 1 of the principal Act, for sub-section (1) the following sub-section shall be *substituted*, namely :—

Amendment of section 1

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

4. In section 2 of the principal Act, for clauses (c) and (d) the following clause shall be *substituted*, namely :—

Amendment of section 2

"(c) trees situate in cantonment area."

5. After section 24 of the principal Act, the following section shall be *inserted*, namely :—

Substitution of new section 24-A

"24-A On and from the commencement of the Uttar Pradesh Protection of Trees in Rural and Hill Areas (Amendment) Act, 1998, any reference to the Uttar Pradesh Protection of Trees in Rural and Hill Areas Act, 1976 in any law or statutory instrument shall be construed as a reference to the Uttar Pradesh Protection of Trees Act, 1976."

Transitory provision on the change of name of U. P. Act no. 45 of 1976

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

No. 993(2)/XVII-V-1—1 (KA)5/2001

Dated Lucknow, April 30, 2001

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Vriksha Sanrakshan (Sanshodhan) Adhiniyam, 2001, (Uttar Pradesh Adhiniyam Sankhya 12 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 30, 2001 alongwith the Statement of Objects and Reasons thereto:—

**THE UTTAR PRADESH PROTECTION OF TREES
(AMENDMENT) ACT, 2001**

(U. P. Act No. 12 of 2001)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Protection of Trees Act, 1976.

IT IS HEREBY enacted in the Fifty-second Year of the Republic of India as follows :—

- | | |
|---|--------------------------------------|
| 1. (1) This Act may be called the Uttar Pradesh Protection of Trees
(Amendment) Act, 2001. | Short title and
commence-
ment |
| (2) It shall be deemed to have come into force on February 24, 2001. | |

Substitution of
sections 5 and 6
of U.P. Act no.
45 of 1976

2. For sections 5 and 6 of the Uttar Pradesh Protection of Trees Act, 1976, hereinafter referred to as the Principal Act, the following sections shall be substituted, namely:—

“5(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 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 therefor, 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.

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

Representation
against the
decision of the
Competent
Authority

Repeal and
savings

3. (1) The Uttar Pradesh Protection of Trees (Amendment) Ordinance, 2001 is hereby repealed.

U.P. Ordinance no.
5 of 2001

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the Principal Act as amended by this Act as if this Act were in force at all material times.

By order,

Y. R. TRIPATHI
Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

Sections 5 and 6 of the Uttar Pradesh Protection of Trees Act, 1976 provided, *inter alia*, that the competent authority may, on the application of any person entitled to fell a standing tree or to cut, remove or otherwise dispose of a fallen tree, after making such inquiry as he thinks fit, grant permission to do so and that the competent authority shall give his decision in the case of an application in respect of any tree other than a tree standing in a forest, grove or public premises, within ninety days from the date of the receipt of the application, and, in the case of an application in respect of a fallen tree, within seven days from the date of receipt of the application. The general public was facing difficulty in obtaining such permission and consequently losing interest in plantation. Therefore, with a view to motivate the general public towards plantation it was decided to amend the said Act for simplifying the procedure for obtaining permission to fell or remove trees.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Protection of Trees (Amendment) Ordinance, 2001 (U. P. Ordinance no. 5 of 2001) was promulgated by the Governor on February 24, 2001.

This Bill is introduced to replace the aforesaid Ordinance.