

Uttar Pradesh Protection Of Trees Act, 1976

45 of 1976

[19 November 1976]

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Uttar Pradesh Protection Of Trees Act, 1976

[19 November 1976]

An Act to provide for regulation of felling of trees and replanting of trees in 3[* * *] Uttar Pradesh It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows : 1. The words "in rural and hill areas" omitted by U.P. Act 28 of 1998 (w.e.f. 1.12.1998). 2. Received the assent of the Governor on November 19, 1976, published in U.P. Gazette, Extra., dated 22nd November, 1976, pp. 8-13. 3. The words "rural and hill areas of", omitted by U.P. Act 28 of 1998, Section 2 (w.e.f. 1.12.1998).

1. Short Title, Extent And Commencement :-

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

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

(3) It shall come into force at once.

1. Substituted by ibid, Section 3 (w.e.f. 1.12.1998).

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;

1[(c) trees situate in cantonment areas;]

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

1. Substituted. by U.P. Act 28 of 1998, Section 4 (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 incharge of a forest division and exercising jurisdiction over the area;

(v) "fell a tree", with its cognate expressions, means cutting, girdling, 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 vegetables or for planting or raising trees, and includes a grove land belonging to the Central or State Government;

(vii) "hill area" means the districts of Almora, Pithoragarh, Garhwal, Chamoli, Tehri-Garhwal and Uttarkashi and the hill pattis of district Naini Tal and areas of Chakrata Tahsil and Mussoorie Municipal Board of Dehra Dun 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 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.

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

5. Permission To Fell Or Remove Trees :-

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.

6. Procedure For Obtaining Permission To Fell Or Remove Trees :-

(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. Obligation To Plant, Trees :-

Every person, to whom permission has been granted under this Act to fell, cut, remove or dispose 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 :

Provided that the competent authority may for reasons 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. Plantation Of Trees In Blank Area :-

(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.

(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. Implementation Of Directions Given Under Sections 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 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 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.

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 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 UPLA-(XII)--39

(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 (sic) 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 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.

14. Power To Seize :-

(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.

15. Power To Compound Offences :-

(1) The State Government may by notification authorise any officers to accept 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 situated 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.

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 officers 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 other law.

18. Officers To Be Public Servants :-

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.

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 trees 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.

24. Power To Make Rules :-

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

24A. Transitory Provision On The Change Of Name Of U. P. Act No. 45 Of 1976 :-

1[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.]

1. Inserted. by U.P. Act 28 of 1998, Sec. 5 (w.e.f. 1.12.1998).

25. Repeal And Savings :-

(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 anything 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 1

SCHEDULE I

(TIMBER TREES)

[See Section 3 (xi)]

Sl. No.	Common Name	Botanical name
1	2	3
1.	Akhrot	Juglans regia
2.	Arjum	Terminalia arjuna
3.	Am	Mangifera indica
4.	Imli	Tamarindus indica
5.	Kardhai	Anogeissus pendula
6.	Kaniu	Holoptelea integrifolia

Sl. No.	Local Name	Scientific Name
7.	Kusum	Schleichera trijuga
8.	Kail	Pinus excelsa
9.	Kharshu	Quercus semecarpifolia
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.	Chil	Pinus roxburgii
17.	Jamun	Syzygium cumini
18.	Dhak-Palas	Butea monosprema
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 semperirens
25.	Phaliyant	Quercus glauca
26.	Bakain	Melia azedarach
27.	Bahera	Terminalia belerica
28.	Banj	Quercus incona
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.	Sal	Shorea robusta
38.	Siris	Albizia species
39.	Sain/Asna	Terminalia tomentosa
40.	Semal	Salmaal melabarica
41.	Harr	Terminalia chebula
42.	Haldu	Adina cordifolio

1. For Mirzapur, Varanasi, Banda and Jhansi Districts only.

SCHEDULE 2

SCHEDULE II

(FRUIT TREES)

[See Section 3 (xi)]

Sl. No.		Common name	Botanical name
1.	Anar		Punica granatum
2.	Amrood		Psidium guava
3.	Aroo		Prunus perrico
4.	Aloobukhara		Prunus communis
5.	Am		Magifera Indica
6.	Aonla		Emblica officinale
7.	Kathal		Artocarpus integrifolia
8.	Khubani		Prunus armeniaca
9.	Naspati		Pyrus communis
10.	Narangi, Neebu, Malta, Musambi, Santra		All varieties of citrus
11.	Litchi		Nephelium litchi
12.	Sharifa		Amona squemosa
13.	Sev		Pyrus malus

SCHEDULE 3

SCHEDULE III

(FUEL TREES)

[See Section 3 (xi)]

Trees other than those specified in Schedules I and II.