



The Maharashtra Felling of Trees (Regulation) Act, 1964

Act 34 of 1964

Keyword(s):

Collector, Forest Officer, Relevant Code, Revenue Officer, to Fell a Tree, Tree, Urban Area

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THE MAHARASHTRA FELLING OF TREES (REGULATION) ACT, 1964.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and extent.
2. Definitions.
3. Restriction on felling of trees.
4. Penalty for felling trees in contravention of section 3.
5. Contravention of section 3 to be reported by certain officers.
6. Cases under Act to be dealt with according to relevant provisions of relevant Code.
7. Award of penalty or confiscation not to interfere with other punishments.
8. Inquiries and proceedings to be judicial proceedings.
9. Officers to be public servants.
10. Execution of order for payment of money.
11. Bar of proceedings.
12. Exemption.
13. Savings.
14. Provisions of this Act to be in addition to any other law for the time being in force.
15. Power to make rules.

SCHEDULE.

MAHARASHTRA ACT No. XXXIV OF 1964.¹

[THE MAHARASHTRA FELLING OF TREES (REGULATION) ACT, 1964.]

[7th September 1964]

Amended by Mah. 31 of 1967.

Amended by Mah. 19 of 1969.

An Act to make better provision for regulating the felling of certain trees in the State of Maharashtra, for the purpose of the preservation thereof.

WHEREAS, it is expedient to make better provision for regulating the felling of certain trees in the State of Maharashtra, for the purpose of the preservation thereof, and for the protection of the soil against erosion and to provide for matters connected therewith ; It is hereby enacted in the Fifteenth Year of the Republic of India as follows, namely :—

1. (1) This Act may be called the Maharashtra Felling of Trees (Regulation) Act, 1964. Short title and extent.

(2) It extends to the whole of the State of Maharashtra but excluding an urban area.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Collector" includes a Revenue Officer appointed by the State Government to exercise the powers and perform the functions of the Collector under this Act;

(b) "Forest-Officer" means a Forest Officer within the meaning of the Indian Forest Act, 1927;

(c) "relevant Code" means in relation to—

(i) the Bombay area of the State, the Bombay Land Revenue Code, 1879;

(ii) the Vidarbha region of the State, the Madhya Pradesh Land Revenue Code, 1954; and

(iii) the Hyderabad area of the State, the Hyderabad Land Revenue Act;

(d) "Revenue Officer" means a Revenue Officer within the meaning of the relevant Code;

(e) "to fell a tree" includes burning or cutting or lopping a tree to cause substantial damage or destruction thereto;

(f) "tree" means any tree specified in the Schedule; and the State Government may, by notification in the *Official Gazette*, add to or modify the Schedule, after considering the necessity for the protection of any variety of trees; and the provisions of sub-section (2) of section 15 in so far as they relate to laying before, and modification by the State Legislature shall apply in relation to such notification as they apply in relation to any rule made under that section;

(g) "urban area" means the area within the limits of a municipality, municipal corporation, Municipal Committee, Town Committee, or notified area committee or Cantonment constituted under any law for the time being in force; and includes a local area which is specified by the State Government in the *Official Gazette*, being an area which has a population of not less than five thousand and has not less than three-fourths of male workers engaged in non-agricultural pursuits;

(h) words and expressions used but not defined in this Act shall have the meanings, respectively, assigned to them in the relevant Code.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1964, Part V, p. 197.

Restriction
on felling
of trees.

3. (1) Notwithstanding any custom, usage, or law for the time being in force, or the decree or order of a Court, or anything contained in any instrument to the contrary, no person shall fell any tree or cause such tree to be felled in any land, whether of his ownership or otherwise, except with the previous permission in writing of a Revenue Officer not below the rank of a Mahalkari or Naib-Tahsildar duly empowered by the State Government in that behalf ^{1*} * *

²(1A) If any person wishes to fell a tree, he shall apply in writing to the Revenue Officer empowered under sub-section (1) for permission in that behalf.

(1B) The Revenue Officer on receipt of an application—

(a) shall acknowledge the application within seven days;

(b) may, after due enquiry, either grant or refuse the permission applied for in accordance with the provisions of rules made under section 15:

Provided that, no such permission shall be refused if the tree is dead, diseased or windfallen, or if it has silviculturally matured, or if it constitutes an obstruction to efficient cultivation.

(1C) If the Revenue Officer fails to inform the applicant of his decision within ³[ninety days] from the date of acknowledgement of the application, or from the date of receipt of the application, if the application is not acknowledged, the permission applied for shall be deemed to have been granted.]

(2) Any person aggrieved by an order, of the Revenue Officer refusing to grant permission under sub-section (1) may, within thirty days of the receipt of such order, appeal to the Collector. Subject to such rules of procedure as may be prescribed, the Collector may, after giving such person a reasonable opportunity of being heard, pass such order on the appeal as he thinks just and proper.

Penalty for
felling trees
in contraven-
tion of
section 3.

4. Any person who, ⁴[without permission being granted or deemed to have been granted] to fell any tree, fells any such tree or causes it to be felled, shall be liable to such penalty not exceeding one thousand rupees as the Revenue Officer empowered under section 3 may, after holding an inquiry and giving such person an opportunity of being heard, deem fit to impose; and the Revenue Officer may further order that any such tree so felled (which is not the property of Government) shall be forfeited to the State Government.

Contraven-
tion of
section 3 to
be reported
by certain
officers.

5. (1) Every Revenue Officer, Forest Officer and Police Officer shall be bound—

(a) to give immediate information of any contravention of section 3 to the officer empowered under that section and of the intention or preparation to commit such contravention which may come to his knowledge;

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

(2) Any Revenue Officer, not below the rank of an Aval Karkun or Naib-Tahsildar, Forest Officer not below the rank of a range Forest Officer and Police Officer not below the rank of a Sub-Inspector may enter upon any land, where he has reason to believe that any tree has been or is being felled, in contravention of section 3 and seize such felled tree or any loppings thereof, together with its produce and tools, boats, vehicles or cattle used in committing such contravention, place on such property a mark indicating that the same has been so seized and shall make a report of such seizure to the Revenue Officer empowered under section 3.

¹ The portion beginning with the words "and in accordance with the provisions of rules" and ending with the words "or if it constitutes an obstruction to efficient cultivation" was deleted by Mah. 31 of 1967, s. 2(a).

² Clauses (1A) to (1C) were inserted, *ibid.*, s. 2(b).

³ These words were substituted for the words "forty days" by Mah. 19 of 1969, s. 2.

⁴ These words were substituted for the words "without obtaining permission" by Mah. 31 of 1967, s. 3.

(3) Where any property is seized under sub-section (2), the officer seizing it shall keep the property in his own custody, or in the custody of any of his subordinates, and shall be responsible for the due custody thereof:

Provided that, where the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, the officer seizing it may sell it at once :

Provided further that, where such property cannot conveniently be removed, the officer seizing it may, at the instance of the person interested in the property, leave it at the place where it has been seized in the charge of the person interested in the property, or in the charge of any respectable person as will undertake to keep such property, on his entering into a bond with one or more sureties in an amount not less than the value of the property, that he will take proper care of such property, and produce it when called for.

(4) If the property so seized is not ordered to be forfeited to the State Government under section 4, that property shall be returned to the person from whom it was seized.

(5) If any claim is set up by a third person to the property seized as aforesaid, the Revenue Officer empowered under section 3 shall inquire into the claim and may admit or reject it, after hearing such person in respect thereof.

- Bom. V of 1879. 6. The provisions of Chapters XII and XIII of the *Bombay Land Revenue Code, 1879, and the provisions corresponding thereto of the relevant Code in force in the Vidarbha region and Hyderabad area of the State shall apply in relation to cases dealt with under this Act as those provisions apply in relation to cases of unauthorised felling of trees dealt with under the relevant Code. Cases under Act to be dealt with according to relevant provisions of relevant Code.
7. The award of any 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 punishments.
- XLV of 1860. 8. All inquiries and proceedings before any Revenue Officer shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. Inquiries and proceedings to be judicial proceedings.
- XLV of 1860. 9. 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.
10. Any sum the payment of which has been directed by any Revenue Officer or State Government under this Act shall be recoverable from the person ordered to pay the same as an arrear of land revenue. Execution of order for payment of money.
11. No suit or proceedings shall lie against the State Government, or against any person empowered to exercise powers 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.

* See now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) which has also repealed the relevant Codes.

Exemption. 12. Subject to such conditions (if any) as may be imposed, the State Government may, if it is necessary so to do in the public interest, by notification in the *Official Gazette*, exempt any local area from all or any of the provisions of this Act.

Savings. 13. Nothing in section 3 shall apply to the felling of any tree for preventing damage to person or property or for abating any nuisance on one's own land.

Provisions of this Act to be in addition to any other law for the time being in force. 14. The provisions of this Act shall be in addition to the provisions of any other law for the time being in force prohibiting or regulating the felling of trees.

Power to make rules. 15. (1) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and, if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made and notify such decision in the *Official Gazette*, the rule shall, from the date of such notification, have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

SCHEDULE

[See section 2(f)]

1. *Terminalia Chebula* (Hirda).
- ¹2. Teak].
- ²3. *Madhuca Latifolia* (Mahua, Mhowra or Mahu).
4. *Tamarindus Indica* (Tamarind, Chinch or Imli).]
- ³5. *Mangifera Indica* (Mango) (except wild and naturally growing variety of trees known as "Raywal Mango" which have ceased to bear fruits).
6. *Artocarpus Integrifolia* (Jack) (except trees which have ceased to bear fruits).]
- ⁴7. *Acacia Catechu* (Khair)].

¹ Entry 2 was added, vide G. N., R. & F. D., No. TRS 1165/152115, dated the 19th January 1968.

² Entries 3 and 4 were added, vide G. N., R. & F. D., No. TRS. 1069/17631/B, dated the 27th December 1969.

³ Entries 5 and 6 were substituted, vide G. N., R. & F. D., No. TRS 1077/58767/392/G-7, dated the 20th December 1977.

⁴ Entry 7 was added, vide G. N., R. & F. D., No. TRS, 1169/187626-B, dated the 7th December 1970.

¹[8. *Santalum Album* (Sandal).]

²[9. *Pterocarpus marsupium* (Bija).]

10. *Adina cordofolia* (Haldu).

11. *Ougenia dalbergioides* (Tiwas).]

³[12. * * *]

13. * * *]

⁴[14. *Hardwickia binata* (Anjan).

15. *Syzigium cumini* (Jambhul).]

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- ¹ Entry 8 was added, vide G. N., R. & F. D., No. TRS. 1165/152115-B, dated the 15th May 1973.
² Entries 9, 10 and 11 were added, vide G. N., R. & F. D., No. TRS. 1165/152115-B, dated the 19th March 1974.
³ Entries 12 and 13 were deleted, vide G. N., R. & F. D., No. TRS. 1077/44734-(381)-G-7, dated the 4th October 1977.
⁴ Entries 14 and 15 were added, vide G. N., R. & F. D., No. TRS. 1075/4962-G-6, dated the 16th January 1976.