

Tamil Nadu Panchayats (Action Against Illicit Cutting of Tree) Rules, 2001

TAMILNADU

India

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Rule

TAMIL-NADU-PANCHAYATS-ACTION-AGAINST-ILLICIT-CUTTING-OF- of 2001

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Tamil Nadu Panchayats (Action Against Illicit Cutting of Tree) Rules, 2001 Published vide Notification No. G. O. Ms. No. 179, Rural Development (C-4), dated 13th August 2001 - No. SRO-A-49(a)/2001 Published in Part III - Section 1(a) of the Tamil Nadu Government Gazette Extraordinary, dated the 16th August 2001. In exercise of the powers conferred by sub-section (1) of section 242, read with clause (f) of sub-section (1) of section 131 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), the Governor of Tamil Nadu hereby makes the following rules: -

1. Short title.

- These rules may be called the Tamil Nadu Panchayats (Action against illicit cutting of Tree) Rules, 2001.

2. Reporting of illicit cutting of tree.

- The Panchayat Assistant/Rural Welfare Officer, Grade-II shall report every case of illicit cutting of tree standing on road margins and lands belonging to, or vesting with, the village panchayat or in panchayat union council or in district panchayat, as the case may be, to the Executive Authority or the Commissioner or the Secretary, as the case may be. The Executive Authority or the Commissioner or the Secretary, as the case may be, shall, thereupon, send a report based on such reports received from the Panchayat Assistant/Rural Welfare Officer, Grade-II to the Tahsildar. The Executive Authority or the Commissioner or the Secretary, as the case may be, shall, within seven days from the date on which the said report has been sent, inform the Tahsildar of the action taken

or proposed to be taken against the person or persons responsible for the illicit cutting. If no communication is received from the Executive Authority or the Commissioner or the Secretary, as the case may be, within seven days from the date of the report received by him, the Tahsildar shall, after ascertaining the factual position, he himself lay the complaint of the said offence before the appropriate Judicial Magistrate. Whenever the Panchayat Assistant/Rural Welfare Officer, Grade-II apprehends an offender in the act of illicit cutting of trees, seize the cut tree trunk and branches and hand over them to the Executive Authority or the Commissioner or the Secretary, as the case may be, or to any person authorised by him for that purpose.

3. Failure of Panchayat Assistant/Rural Welfare Officer Grade-II to report about illicit cutting of tree.

- In a case of illicit cutting of tree, in the panchayat area, wherein the Panchayat Assistant/Rural Welfare Officer, Grade-II, fails to report the same and where the Executive Authority or the Commissioner or the Secretary, as the case may be, notices the incident, the Executive Authority or the Commissioner or the Secretary, as the case may be, shall be competent to take action as specified in these rules.

4. Assessment of value of the tree and compounding of offences.

- The Executive Authority or the Commissioner or the Secretary, as the case may be, within two days from the receipt of the report of illicit cutting of tree from the Panchayat Assistant/Rural Welfare Officer, Grade-II, shall inspect the site of the offence, satisfy himself about the truth of the report, take measurements of the trunk of the tree in question, conduct enquiries in the vicinity, record statements of any possible witnesses, if available, who might disclose the identity and the name of the offender, if mentioned, in the report of the Panchayat Assistant/ Rural Welfare Officer, Grade-II or revealed from the evidence of the witnesses, the Executive Authority or the Commissioner or the Secretary, as the case may be, shall decide whether to prosecute the offender or to compound the offence as per rule 2 of the Tamil Nadu Panchayats (Composition of Offences) Rules, 2000. In case the cut tree parts are seized by the Panchayat Assistant/Rural Welfare Officer, Grade-II and handed over to the Executive Authority or the Commissioner or the Secretary, as the case may be, and where he decides to compound the offence, the Panchayat Assistant/Rural Welfare Officer, Grade-II, as the case may be, shall assess the value of the tree parts by following the procedure prevailing in the Revenue Department and communicate the same to the Executive Authority or the Commissioner or the Secretary, as the case may be. The Executive Authority or the Commissioner or the Secretary, as the case may be, shall measure the cut tree parts, assess all the value of the tree parts and decide the quantum of penalty byway of compounding fee to be imposed which shall represent the compensation for the offence committed and shall be in terms of number of times the value of tree, which shall not be less than twice the value of the tree assessed, and then pass orders for compounding of the offence. The orders so passed shall be communicated to the offender by means of a written notice, to be served on him in the manner specified in the Annexure, informing him of the offence committed, enquiries made thereon, the decision made requiring the offender to pay the value of the cut tree parts assessed and the amount of the compounding fee imposed. These amounts shall be mentioned separately in the said notice for remittance by the offender within a

time to be specified in the notice of the period being not less than fifteen days, or in default, face imminent prosecution. If it is decided to confiscate the seized tree parts, the offender shall not be asked to pay the value of the tree parts seized. So, such a notice shall also indicate whether the seizure of the tree parts involved in the offence will be returned to the offender or will be confiscated. In case, the offender remits the amount mentioned in the above notice, into the funds of the village panchayat or the panchayat union council or the district panchayat, as the case may be, within the period prescribed, it shall be at the discretion of the administration, either to accept the compounding of the offence or to proceed with the prosecution. The fact of compounding the offence and the payment of amount by the offender shall be reported to the Tahsildar. Where an offender after receiving the notice referred to above, fails to respond to the notice within the period specified thereon or where the Executive Authority or the Commissioner or the Secretary, as the case may be, desires to prosecute the offender instead of adopting the method of compounding the offence, the Executive Authority or the Commissioner or the Secretary, as the case may be, shall lay a complaint with concerned Judicial Magistrate.

5. Filing of complaint with the police.

- Where the name of the offender is not mentioned in the report of the Panchayat Assistant/Rural Welfare Officer, Grade-II or could not even be identified during the enquiry conducted by the Executive Authority or the Commissioner or the Secretary, as the case may be, he shall file a complaint with the police having jurisdiction over the place of crime within five days of the date of receipt of report of the Panchayat Assistant/ Rural Welfare Officer, Grade-II, obtain a copy of first information report from the police station and intimate the fact to the Tahsildar. Annexure (See rule 4) Notice for Compounding of Offence for Illicit Cutting of Tree Standing on the Road Margins and Lands Belonging to, or Vesting with, the Village Panchayat or Panchayat Union Council or District Panchayat.....village panchayat/panchayat union/district panchayat.....

District.Post.....Pincode.....To Thiru./Tmt./Messrs.Village.....Post.....District.....Sir

this village panchayat/panchayat union/district panchayat has detected illicit cutting of tree standing on the road margins and lands belonging to, or vesting with, the village panchayat/panchayat union council; And Whereas the executive authority/the Commissioner or the Secretary has inspected the site where illicit cutting of tree took place and satisfied about the truth of the report of illicit cutting of tree; And Whereas the executive authority/the Commissioner or the Secretary has come to the conclusion that you have committed the said offence of illicit cutting of tree; And Whereas, it is decided to compound the offence of the illicit cutting of tree in rule 2 of the Tamil Nadu Panchayats (Composition of Offences) Rules, 2000. This notice is issued to you that the value of the tree illicitly cut is assessed at Rs.....(Rupees.....only) and the said offence is compounded times (not less than two times) of the value of the illicitly cut tree and you are informed that the illicitly cut tree will be confiscated/returned. You are informed to pay totally Rs.....(Rupees.....only) in the office of the undersigned within.....days (not less than fifteen days), failing which action will be taken against you as per the Tamil Nadu Panchayats (Action against Illicit Cutting of Tree) Rules, 2001. Yours faithfully, Executive Authority/Commissionervillage panchayat/panchayat union council.