

# Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951

GUJARAT

India

## Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951

### Act 17 of 1951

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Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951(Saurashtra Act No. 17 of 1951)Last Updated 11th March, 2020[13th July 1951]For Statement of Objects and Reasons, see Saurashtra Government Gazette, 1951, Part I-A, pages 372-373.An Act to provide for heavier punishment for felling of trees and for certain other matters Whereas it is expedient to provide for heavier punishment for the unauthorised felling of trees and for certain other matters; It is hereby enacted as follows :-

### 1. Short title, extent and commencement.

(1)This Act may be called the Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951.(2)[ It extends to the whole of the State of Gujarat. ] [Sub-section (2) was substituted for the original by Gujarat 9 of 1960, section 3(a).](3)It shall come into force at once.

### 2. Interpretation.

- In this Act, unless there is anything repugnant in the subject or context-(a)"Collector" means a Collector of the District having jurisdiction.(b)[ \* \* \* \* ] [Clause (b) was deleted by the Bombay ( Saurashtra Area ) Adaptation of Laws ( State and Concurrent Subjects) Order, 1956.](c)[ "tree" shall not include shrubs, bushes and such other varieties as may be notified by Government by notification in the Official Gazette ] [This clause was substituted for the original by Saurashtra 28 of 1952.](d)[ \* \* \* \* ] [Clause (d) was deleted by the Bombay ( Saurashtra Area ) Adaptation of Laws (State and Concurrent Subjects) Order, 1956.](e)[ "Code" means - [Clause (e) was substituted for the original clause by Gujarat 9 of 1960, section 3(6)(i).](i)in relation to the Bombay area and the Saurashtra area of the State of Gujarat, the Bombay Land Revenue Code, 1879 ; and(ii)in relation to the Kutch area of the State of Gujarat, the Bombay Land Revenue Code, 1879 as applied to that area ;](f)expressions used, but not defined in this Act, shall have the same meanings as are assigned to

them in [ the Code ] [These words were substituted for the words and figures 'The Bombay Land Revenue Code, 1879', by Gujarat 9 of 1960, section 3 (d) (ii).].

### **3. Unauthorised felling of trees prohibited.**

(1)Notwithstanding anything contained in [ the Code ] [These words were substituted for the words and figures 'The Bombay Land Revenue Code, 1879', by Gujarat 9 of 1960, section 3 (c)(i).] or in any other law for the time being in force in the State-(a)no person either by himself or through any other person shall, without the written permission of the Collector or any other officer [or] [The words and figures 'or any Gram Panchayat constituted under the Saurashtra Gram Panchayat Ordinance, 1949' were inserted by Saurashtra 21 of 1955, section 2.] [any Village Panchayat constituted or deemed to be a Village Panchayat under the Bombay Village Panchayats Act, 1958] [These words and figures were substituted for the words and figures any Gram Panchayat constituted under the Saurashtra Gram Panchayat Ordinance, 1949' by Gujarat 9 of 1960, section 3(c)(ii).] duly empowered in this behalf by the Government, voluntarily fell, appropriate or damage, or cause to be felled., appropriated or damaged, any tree, or any portion thereof [\*\*\*] [The words 'unless it be his own property' were deleted by Saurashtra 28 of 1952.](b)any person who contravenes the provisions of sub-clause (a) shall, on conviction by a revenue officer not below the rank of a Mahalkari authorised by Government in this behalf, be liable to fine which may extend to rupees one thousand [and which shall not be less than rupees fifty, unless the Revenue Officer inflicting such fine considers it improper, for special reasons to be recorded in writing, to inflict such minimum amount of fine ] [These words were added by Saurashtra 27 of 1954.](2)[ Nothing contained in sub-section (1) shall apply to the felling, appropriating or damaging any branch of babool tree for the purpose of using it or causing it to be used for cleaning teeth ] [This sub-section was substituted for the original, by Saurashtra 27 of 1954.].

### **4. Appeal.**

- [(1)] [This was renumbered as sub-section (1), by Saurashtra 27 of 1954.] The order of the revenue officer passed under clause (b) of sub- section (1) of section 3 shall be final subject to appeal which may be preferred, within 30 days of the date of communication of such order, to the Collector.(2)[ It shall be lawful for the Collector to delegate his power to hear appeal under sub-section (1) to the Assistant Collector or any Deputy Collector subordinate to him] [This sub-section was added, by Saurashtra 27 of 1954.].

#### **4A. [ Procedure. [This section was inserted by Saurashtra 28 of 1952.]**

- In dealing with cases under this Act, the revenue officers and the Collector shall follow, as far as may be practicable, the procedure prescribed in Chapter XII or XIII, as the case may be, of [ the Code ]].

**5. Provisions of this Act to be in addition to and not in derogation of, any other law for the time being in force.**

- Provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

**6. Fine recoverable as arrear of land revenue.**

- Any fine inflicted under this Act shall be recoverable as arrear of land revenue.

**7. [ Payment of portion of fine to informer. [This section was added by Saurashtra 28 of 1952.]**

- The revenue officer trying any case under the provision of clause (b) of sub-section (1) of section 3, or the Collector [ or the Assistant Collector or the Deputy Collector, as the case may be ] hearing an appeal under section 4 may direct that any portion, not exceeding one-fourth, of any fine which may be imposed under any of the said sections, shall be paid to, or distributed amongst, such person or persons as may have given assistance in the detection of the offence, as reward].

**8. [ persons seeing tree or portion being felled to take felled tree or portion to nearest revenue officer. [These sections were added by Saurashtra 27 of 1954.]**

- It shall be lawful for any person present at or near the place where an offence of contravention of the provisions of clause (a) of sub-section (1) of section 3 is, or is being committed, to take the felled, appropriated or damaged tree or any portion thereof, as the case may be, to the nearest revenue officer ].

**9. [ Order for disposal of property. [These sections were added by Saurashtra 27 of 1954.]**

- While passing an order under clause (b) of sub-section (1) of section 3, the revenue officer may make such order as he thinks fit for the disposal by confiscation or delivery to any person claiming to be entitled to possession thereof or otherwise, of felled, appropriated or damaged tree or any portion thereof, produced before him or in. his custody or regarding which any offence appears to have been committed.]

**10. [ Revisional power of Government. [These sections were added by Saurashtra 27 of 1954.]**

(1)The Government may call for and examine the records of any proceedings of any revenue officer under this Act for the purpose of satisfying itself as to the legality or propriety of any decision or

order passed and as to the regularity of the proceedings of such officer.(2)If in any case it shall appear to the Government that any decision or orders passed in any proceedings called for under sub-section (1) requires to be modified annulled or reversed, it may pass such orders thereon as it deems fit:][ Provided that no such order which adversely affects any person shall be passed under this section unless such person has been given reasonable opportunity of being heard] [This proviso was added by Gujarat 9 of 1960 section 3 (e).].

**11. [ Rules. [These sections were added by Saurashtra 27 of 1954.]**

- The Government may make rules for the purpose of carrying into effect the provisions of this Act].