

The Maharashtra Felling of Trees (Regulation) Rules, 1961

MAHARASHTRA

India

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Rule

THE-MAHARASHTRA-FELLING-OF-TREES-REGULATION-RULES-1961 of 1961

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The Maharashtra Felling of Trees (Regulation) Rules, 1961Published vide Notification G. N., R. & F. D., No. TRS. 1065/53933-B, dated 19th September, 1967 (M.G., Part 4-B, page 2204)In exercise of the powers conferred by sub-section (1) of section 15 of the Maharashtra Felling of Trees (Regulation) Act, 1964 (Maharashtra XXXIV of 1964), the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section 15, namely :-

1. Short title.

- The rules may be called the Maharashtra Felling of Trees (Regulation) Rules, 1967.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Maharashtra Felling of Trees (Regulation) Act, 1964;(b)"Form" means a form appended to these rules;(c)"Section" means a section of the Act.

3. Application for permission under [section 3(1A)] [Substituted by G. N. of 19.7.1968.].

(1)Any person seeking permission of the [Tree Officer] [Substituted for the words 'Revenue Officer' by G. N. of 19.12.2005.] under [sub-section (1A) of section 3] [Substituted by G. N. of 19.7.1968.] to fell any tree or trees shall make an application in Form I. The application shall be presented either in

person or be sent by post.(2)On receipt of the application, the [Tree Officer] [Substituted for the words 'Revenue Officer' by G. N. of 19.12.2005.] shall acknowledge its receipt if the application is complete in all respects. If the application is incomplete, he shall immediately return the application to the applicant pointing out to him the deficiencies in the application, and ask the [applicant to resubmit] [Substituted by G.N. of 19.7.1968.] the application after completing it in all respects.(3)[If any person, institute or company wishes to do silvicultural operations like thinning or felling of trees scientifically for optimum growth of an artificial plantation, as provided in sub-section (1-Ba) of section 3, he shall apply, in writing, in Form III, prescribed for obtaining the permission in that behalf.(4)On receipt of an application under sub-rule (3), if the applicant fulfills the conditions mentioned in sub-rule (2) of Rule 5, the Tree Officer shall acknowledge the receipt of application. An incomplete application shall be returned immediately to the applicant with the reasons recorded therein by the Tree Officer. The applicant may apply again after fulfilling the conditions as required in the prescribed Form III.] [Sub-rules (3) and (4) were added by G.N. of 19.12.2005.]

4. Grant of permission.

(1)On receipt of an application under rule 3, the [Tree Officer] [Substituted for the word Revenue Officer' by G.N. of 19.12.2005.] shall, after holding such inquiry as he deems fit, ascertain whether the tree or trees to be felled in the land is or are of his ownership; and if the land is not of his ownership, whether the applicant has any right otherwise to fell the trees on the land.(2)[For ascertaining if any tree is dead or deceased or windfallen or is silviculturally mature, the [Tree Officer] [Substituted by G. N. of 20.7.1970.] shall, if the tree is situated within ten miles of a reserved or protected forest and in other cases may, consult a Forest Officer not below the rank of a Range Forest Officer.](3)If the [Tree Officer] [Substituted for the word 'Revenue Officer' by G.N. of 19.12.2005.] is satisfied that the applicant has a right to fell the tree or trees applied for, and the felling of the tree or trees is applied for any of the reasons specified in the proviso to [sub-section (1B) of section 3] [Substituted by G. N. of 19.7.1968.] or will not defeat the object of the Act, he shall grant the permission to fell the tree or trees applied for in Form II. If the permission asked for is refused, the [Tree Officer] [Substituted for the word 'Revenue Officer' by G.N. of 19.12.2005.] shall record his reasons in writing for doing so.

5. Condition of permission.

- [(1)] [The existing rule 5 was re-numbered as sub-rule (1) and sub-rule (2) was added by G. N. of 19.12.2005.] Every person to whom a permission is granted under rule 4 shall be liable to pay damages for any injury caused to the property of any person as a result of the felling of a tree or trees in pursuance of the permission.(2)[If any person, institute or company who has artificially planted scheduled tree species on the privately owned lands and wishes to do thinking or felling of a tree or trees, he shall strictly fulfill the following conditions prior to applying for permission in that behalf :-(a)An entry of the artificially planted scheduled trees shall be taken by the Talathi in the 7/12 extracts of land record of the concerned land similar to the entry of other agricultural crops.(b)The entry of the existing artificial plantation in the 7/12 extracts shall be made within 3 months from the date of commencement of the Maharashtra Felling of Trees (Regulation) (Amendment) Rules, 2005, and it shall be the duty of the grower to make an application in this

behalf.(c)A copy of the 7/12 extracts showing the above entries shall be submitted to the Tree Officer.(d)Minimum 50 trees per hectare shall be left unfilled in the artificial plantation, and the owner shall give an undertaking in this behalf.(e)After undertaking the plantation of the scheduled tree species, an entry of the subsequent planting, thinning, felling and the existing balance of trees shall be got entered into the concerned 7/12 extracts of land, by the growers and the Talathi.(f)A note book called 'Plantation Book' containing information about the artificial plantation, the area, the species and the number of seedlings planted shall be given to the owners of the plantation by the Tree Officer. The Tree Officer shall record the survival percentage of the plantation in the Plantation Book from the fourth year of the plantation undertaken and shall also record any thinning done in the plantation, from time to time.(g)No tree within 30 meters of the extremes of the bank of any water course, spring or a tank shall be felled, except with the previous permission of the Collector.(h)If the artificial plantation, where thinning or felling of trees is to be done, is having boundary adjacent to the Government forests (reserved/protected/"E" class jungle or otherwise), the owner of the plantation shall submit the certificate which contains the boundaries and map of the said plantation demarcated by the District Inspector of Land Record.(i)If the plantation area is recorded as "Forests", the permission for thinning or felling shall be given only after the preparation of the working plan by the Government of India. The owner of such plantation shall not take any action before obtaining such prior approval.]

6. Procedure for deciding an appeal under section 3(2).

- In deciding an appeal made to him under sub-section (2) of section 3, the Collector shall follow the same procedure as he is required to follow in deciding an appeal against an order passed by an officer subordinate to him under the provisions of the relevant Code.

Form I Application for permission under [section 3(1A)] [Substituted by G. N. of 19.7.1968.] of the Maharashtra Felling of Trees (Regulation) Act, 1964

Name of the applicant Profession Place of residence I request that I may be permitted to fell the tree/trees specified in column 3 of the Table hereto which is/are standing on the land described in columns 1 and 2 of that Table for the purposes specified below. I enclose an extract from the Record of Rights concerning the land.

* The tree/trees which I desire to fell| *is/are dead/diseased/windfallen.*has/have silviculturally matured.*constitutes/constitute an obstruction to efficient cultivation.

[I desire to fell the tree/trees for utilising its/their wood for,-] [To be retained where the tree or trees sought to be felled is or are not dead, diseased, windfallen or silviculturally mature or does not or do not constitute an obstruction to efficient cultivation.]* To be struck off if not applicable.

Description of land		Description of tree/trees
1	2	3
Taluka		
Village		
Survey No.		
Pot-Hissa No.		
Area - A.G.		

Date(Signature or left hand thumb impression of the applicant.)To[The] [Here mention the designation of the Tree Officer to whom the application is addressed.]Form IIPermission under [section 3(1B)] [Substituted by G.N. of 19.7.1968.] of the Maharashtra Felling of Trees (Regulation) Act, 1964Shri/Smt./Kumari.....(hereinafter called "the grantee") residing at is hereby granted permission under [section 3(1B)] [Substituted by G. N. of 19.7.1968.] of the Maharashtra Felling of Trees (Regulation) Act, 1964 to fell the tree/trees described in the Table below in the land described in that Table, subject to the condition that the grantee shall be liable to pay damages for any injury caused to the property of any person as a result of felling a tree or trees in pursuance of this permission.This permission shall be valid for a period of thirty days from the date on which it is granted.

	Description of land	Description of tree/trees
1	2	3
	Taluka	
	Village	
	Survey No.	
	Pot-Hissa No.	
	Area - A.G.	

DateSignature of the [Tree Officer.] [Substituted for the words 'Revenue Officer' by G.N. of 19.12.2005.]Seal of the [Tree Officer] [Substituted for the words 'Revenue Officer' by G. N. of 19.12.2005.] granting permission[Form III] [Form III was added by G. N. of 19.12.2005.]An application for obtaining permission for thinning/felling of scheduled trees as per the rule 3(3) of the Maharashtra Felling of Trees (Regulation) Rules, 1967To,.....Name of the applicant :Occupation :Residence/Contact AddressI hereby request you to grant me the permission for thinning/felling of trees specified in the Column No. (3) of the following proforma, which are grown in the artificial plantations specified in Columns No. (1) and (2), for the reasons given below :The documents of the concerned land received from the Revenue Department are enclosed herewith.On the trees grown in the artificial plantations mentioned in the Column No. (3) of the proforma, the silvicultural operations like thinning/felling of trees scientifically for optimum growth of artificial plantations, as provided in sub-section (1-Ba) of section 3 of the Maharashtra Felling of Trees (Regulation) Act, 1964 (Maharashtra XXXV of 1964), are proposed. I hereby declare that I shall fulfill the conditions laid down, and made binding on me, under the Maharashtra Felling of Trees (Regulation) Rules, 1967, for such thinning/felling of trees grown in the artificial plantations.Proforma

Particulars of land	Particulars of the trees (scheduled trees)		
(1) (2)	(3)		
	Species	No. of trees existing on the land	No. of trees to be thinned/felled
	(A)	(B)	(C)
(A) District			
(B) Taluka			
(C) Village			

(D) Survey No.

(E) Part/Sub-Part No.

(F) Total area of the
land

Date :Place :Signature(Name of applicant/s)[The existing rule 5 was re-numbered as sub-rule (1) and sub-rule (2) was added by G.N. of 19.12.2005.]