

REVENUE AND FORESTS DEPARTMENT
Mantralaya, Mumbai 400 032, dated the 19th December 2005

NOTIFICATION

MAHARASHTRA FELLING OF TREES (REGULATION) ACT, 1964.

No. TRS. 1094/C.R. 177/F-6.—In exercise of the powers conferred by sub-section (1) of section 15 of the Maharashtra Felling of Trees (Regulation) Act, 1964 (Mah. XXXIV of 1965), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Felling of Trees (Regulation) Rules, 1967, the same having been previously published as required by sub-section (1) of the said section 15, as follows :—

1. These rules may be called the Maharashtra Felling of Trees (Regulation) (Amendment) Rules, 2005.

2. Throughout the Maharashtra Felling of Trees (Regulation) Rules, 1967 (hereinafter referred to as "the principal rules"), including the Forms appended thereto, for the words "Revenue Officer" the words "Tree Officer" shall be substituted.

3. In rule 3 of the principal rules, after sub-rule (2), the following sub-rules shall be added, namely :—

"(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 (1Ba) 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."

4. The existing rule 5 of the principal rules shall be renumbered as sub-rule (1) thereof, and after sub-rule (1) as so renumbered, the following sub-rules shall be added, namely :—

"(2) If any person, institute or company who has artificially planted scheduled tree species on the privately owned lands and wishes to do

thinning 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 unfelled 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.

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भाग चार-ब] महाराष्ट्र शासन राजपत्र, असा., डिसेंबर २०, २००५/अग्रहायण २९, शके १९२७ ११७७

(b) 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 (*Karya Yojana*) and after the prior approval of the said working plan by the Government of India. The owner of such plantation shall not take any action before obtaining such prior approval."

5. After Form II appended to the principal rules, the following, Form shall be added, namely :—

" FORM III

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, 1967.

To,

.....
.....

Name of the applicant :

Occupation :

Residence/Contact Address

.....

I 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 (1Ba) of section 3 of the Maharashtra Felling of Trees (Regulation) Act, 1964 (Mah. 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.

महाराष्ट्र शासन राजपत्र, असा., डिसेंबर २०, २००५/अग्रहायण २९, शके १९२५ [भाग चार-ब

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PROFORMA

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

By order and in the name of the Governor of Maharashtra,

A. V. ASHTEKAR,
Joint Secretary to Government.