



महाराष्ट्र शासन राजपत्र

असाधारण
शक्ति प्रकाशन

सोमवार, ऑगस्ट ७, १९८९/श्रावण १६, शके १९११

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत

भाग चार

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रस्थापित केलेले अभ्यावेश व केलेले विनियम

अनुक्रमणिका

	PAGES
MAHARASHTRA ACT No. XXVI OF 1989. — An Act further to amend the Maharashtra Felling of Trees (Regulation) Act, 1964	264-267

The following Act of the Maharashtra Legislature having been assented to by the Governor on the 5th August 1989, is hereby published for general information.

D. N. CHAUDHARI,
Secretary to the Government of Maharashtra,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXVI OF 1989.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 7th August 1989.)

An Act further to amend the Maharashtra Felling of Trees (Regulation) Act, 1964.

Mah.
XXX-
IV of
1964.

WHEREAS, it is expedient further to amend the Maharashtra Felling of Trees (Regulation) Act, 1964, for the purposes hereinafter appearing; It is hereby enacted in the Thirty-ninth Year of the Republic of India, as follows:—

1. This Act may be called the Maharashtra Felling of Trees (Regulation) (Amendment) Act, 1988. Short title.

भाग चार—६२

(२६४)

Amendment of section 2 of Mah. XXXIV of 1964. 2. In section 2 of the Maharashtra Felling of Trees (Regulation) Act, 1964 (hereinafter referred to as "the principal Act"), after clause (f), the following clause shall be inserted, namely:—

Mah. XXX-IV of 1964.

“(ff) ‘Tree Officer’ means a ‘Forest Officer’ not below the rank of a Range Forest Officer;”.

Amendment of section 3 of Mah. XXXIV of 1964. 3. In section 3 of the principal Act,—

(a) in sub-section (I), for the words “Revenue Officer not below the rank of a Deputy Collector” the words “Tree Officer” shall be substituted;

(b) in sub-section (IA), for the words “Revenue Officer” the words “Tree Officer” shall be substituted;

(c) in sub-section (IB),—

(i) for the words “Revenue Officer” the words “Tree Officer” shall be substituted;

(ii) in the proviso, after the words “silviculturally matured,” the words “or if it constitutes obstruction to traffic, or if it is substantially damaged or destroyed by fire, lightning, rain, or other natural causes,” shall be inserted;

(iii) after the proviso, the following proviso shall be added, namely:—

“Provided further that such permission shall be granted subject to the condition that the applicant shall plant equal number of trees of the same or any other species as the Tree Officer may direct on the same site or other suitable place in the vicinity in the ensuing planting season”;

(d) in sub-section (IC),—

(i) for the words “Revenue Officer” the words “Tree Officer” shall be substituted;

(ii) for the words “ninety days” the words “sixty days” shall be substituted;

(e) in sub-section (2),—

(i) for the words “Revenue Officer” the words “Tree Officer” shall be substituted;

(ii) for the word, brackets and figure “sub-section (I)” the word, brackets, figure and letter “sub-section (IB)” shall be substituted.

Insertion of section 3A in Mah. XXXIV of 1964. 4. After section 3 of the principal Act, the following section shall be inserted, namely:—

Powers of Tree Officer to order planting of trees.

“3A. (1) If in the opinion of the Tree Officer the number of trees in any land (other than the land falling in any permanent drought-prone area identified by the State Government) is not adequate according to the standards prescribed by rules made under section 15, the Tree Officer may, by order, after giving a reasonable opportunity to the owner or occupier of the land of being heard, require him to plant such trees or additional trees, as the case may be, at such places in the land as may be specified in the order; and the owner or occupier of the land shall comply with the order by planting such trees or additional trees in the ensuing planting season.

(2) It shall be the duty of the owner or occupier of the land who is required by an order made under sub-section (1) to plant a tree or trees to ensure that they grow properly and are well preserved.

(3) Where the owner or occupier fails to comply with an order made under sub-section (1) the Tree Officer may, after giving a reasonable opportunity to such owner or occupier of making representation and without prejudice to any other action which may be taken against the defaulter under this Act take necessary action himself and recover the expenditure incurred therefor from the owner or occupier, as the case may be, after giving a notice of demand for the amount payable by him. If the amount is not paid within the time specified by the Tree Officer in the notice, it shall be recovered alongwith interest at six per cent per annum and other incidental expenses, if any."

5. In section 4 of the principal Act,—

Amendment
of section 4
of Mah.
XXXIV of
1964.

(a) for the words "Revenue Officer" in both the places where they occur, the words "Tree Officer" shall be substituted;

(b) after the words "the State Government" the words "alongwith the tools, boats, vehicles or other conveyances used in felling and removing, any such tree" shall be added.

6. In section 5 of the principal Act,—

Amendment
of section 5
of Mah.
XXXIV of
1964.

(a) in sub-section (2),—

(i) for the words "vehicles or cattle" the words "vehicles and other conveyances" shall be substituted;

(ii) for the words "the Revenue Officer empowered" the words "the Tree Officer empowered" shall be substituted;

(b) in sub-section (5), for the words "Revenue Officer" the words "Tree Officer" shall be substituted.

7. In section 8 of the principal Act, for the words "Revenue Officer" the words "Tree Officer" shall be substituted.

Amendment
of section 8
of Mah.
XXXIV of
1964.

२६७. महाराष्ट्र शासन राजपत्र, असा., ऑगस्ट ७, १९८९/श्रावण १६, शके १९११ [भाग चर]

Amendment
of section 10
of Mah.
XXXIV
of 1964.

8. In section 10 of the principal Act, for the words " Revenue Officer " the words " Tree Officer " shall be substituted.

शासकीय मध्यवर्ती मुद्रणालय, मुंबई