THE MEGHALAYA TREE (PREVENTION) ACT, 1976.

(Meghalaya Act 13 of 1976)

(As passed by the Assembly)

Received the assent of the Governor on the 5th October, 1976_

(Published in the Gazette of Meghalaya, Extra-ordinary, dated 9th October, 1976)

An Act to make provisions for regulating the felling of trees for purpose of protection of catchment areas and soil from erosion and to preserve the special characteristics of the hilly areas as regard landscape, vegetal cover and climate and to provide for matters connected there with and incidental thereto.

Be it enacted by the Legislature of Meghalaya in the Twenty-Seventh Year of the Republic of India as follows: -

Short title, extend and commencement

1 (1) This Act may be called the Meghalaya Tree (Preservation) Act, 1976

(2) It shall extend to the Municipality and Cantonment areas of Shillong.

Provided that the State Government may, by notification, extend the Act to other areas of Meghalaya.

(3) It shall be deemed to have come into force on the 18th May, 1976.

Definition

2 In this Act unless the context otherwise requires: -

(a) "Government" means the Government of Meghalaya;

(b) "Trees" means any trees specified in the Schedule to this Act, and the State Government may, by notification, add to or modify, the Schedule.

(c) "To fell a tree" includes burning, cutting, damaging, uprooting or lopping a tree to cause sustainable damage or destruction thereto.

Restriction on felling of trees.

3 (1) No person shall fell any tree or cause of permit such trees to be felled in any land, whether of his ownership or otherwise, except with the prior permission of the Divisional Forest Officer who may grant such permission subject to such conditions not inconsistent with the provisions of this Act.

Provided that such permission shall not be refused if he tree is dead, diseased, over-matured, wind-fallen, has become dangerous to life and property or if it is necessary for the purpose of preventing or abating a nuisance.

(2) Every order granting or refusing permission shall be in writing and in the case of refusal shall contain reasons thereof.

(3) Every application for permission under this section shall be disposed of by the Divisional Forest Officer as early as possible as and not later than two months from the date of submission of the application failing which permission shall be deemed to have be accorded.

Appeal.

4 Any person aggrieved by an order of the Divisional Forest Officer refusing permission under this Act may within 30 days from the date of such order, prefer an appeal to the Conservator of Forests.

Penalty for felling trees in contravention of Section 3.

5 Any person who, without obtaining prior permission as provided in the Act, fells any such trees, or causes or permits it to be felled, shall be liable, on conviction before a Magistrate to a fine not exceeding one thousand rupees, and the court of such a magistrate may further order that any such tree so felled together with all tools and other articles used in committing such contravention shall be forfeited to the Stare Government.

Power of entry, search and seizure

6 (1) Any Forest Officer not below the rank of a Range Officer and Police Officer not below the rank of Sub-Inspector may enter upon any land, where he has reason to believe that any tree has been or is being felled, in contravention of Section 3 and Seize such felled trees or any lopping thereof, together with its produce, tools, implements and other articles used in committing such contravention and shall make a report of such seizure to the Divisional Forest Officer.

(2) If the property so seized is not ordered to be forfeited to the State Government under Section 5, that property shall be returned to the person from whom it was seized.

(3) If any claim is set up by a third person to the property seized as aforesaid, Magistrate shall inquire into the claim and may admit or reject it, after hearing such person in respect thereof.

Bar against proceedings

7 No suit or proceedings shall lie against the State Government or against any person empowered to exercise power or to perform duties or discharge functions under this Act, for anything in good faith done or purporting to be done under this Act.

Exemption

8 Notwithstanding anything contained in this Act no permission shall be required for –

(1) the trimming or laying of hedges;

(2) lopping of branches or pruning of any trees as required by ordinary agricultural or horticultural practices;

(3) the felling of any trees in pursuance of any order or direction made or issued by any authority under the provisions of any law for the time being in force.

Provision of this Act to be in addition to any other law for the time being in force

9 The provision of this Act shall be in addition to the provisions of any other law for the time being in force prohibiting or regulating the felling of trees.

When Court to take cognizance of offence

10 No court shall take cognizance of any offence punishable under this Act –

(1) Except on the complaint of the Divisional Forest Officer or any other officer authorised by the Government in this behalf; and

(2) Unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

Power to make rule

11 (1) The State Government may make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely: -

(a) the form and manner of applications to be made for permission under sub-section (1) of Section 3 and disposal thereof, appeals to the Conservator of Forests and the fees payable therefore;

(b) the procedure to be followed in hearing and deciding appeals under Section 4;

(c) any other matter.

Repeal of the Meghalaya Rules 1 of 1976

12 The Meghalaya Tree (Preservation) Rules, 1976 (1 of 1976) is hereby repealed.

SCHEDULE

(See section 2(b))

1. Pine
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Sd/-
S.N. Phukan
Secretary to the Government of Meghalaya,
Law Department

(C O P Y)

GOVERNMENT OF MEGHALAYA
FOREST DEPARTMENT

MEGH. TREE PRESER ACT 1976 + RULES

NOTIFICATION

Shillong, the 9th December, 1985.

No.FOR.40/80/154. It is notified for general information that consequent to the Government Notification vide FOR.40/80/Pt/9 dt.22nd August, 1980 making the provision of Meghalaya Tree (Preservation) Act, 1976 Meghalaya Act 13 of 1976 applicable to all areas within a radius of 10 (ten) Km from District Council's Court Shillong, all areas within the village jurisdiction of the villages mentioned below have now come under the purview of the said act, felling, burning, cutting uprooting of any trees or permitted any tree to be felled, burned, out or otherwise within the areas to which the act extends, except permission in writting from the Deputy Conservator of Forests, Khasi Hills Division is a punishable offence under the aforesaid act.

Sd/- L. Roy
Deputy Secretary, Govt. of Meghalaya
Forest Department.

List of villages within 10 Km of District Council's Court at Shillong.

1. Greater Shillong area including Shillong Cantonment.
2. Barapani
3. Mawtawar
4. Mawpat
5. Diengiong
6. Mawlong
7. Mawdiangdiang
8. Mawkasiang
9. Tynring
10. Mawpdang
11. Nongrah
12. Mawlynred
13. Mawshabuit
14. Schryngkham
15. Mawlngad
16. Lamlyer
17. Umphymai
18. Laitkor
19. Kynton-U-Mon
20. Smit
21. Nongkren
22. Mylliem Mawpynthih
23. Pomlakrai
24. Madew
25. Mylliem
26. Pomlum
27. Mawkriah
28. Umlyngka
29. Mawklot
30. Nongpiur
31. Mawreng
32. Nonglum
33. Baniun
34. Marbaniang
35. Mawsing
36. Nongumlong
37. Nongkseh
38. Shilliangum
39. Mawmih
40. Nongpathaw.

No.FOR.40/80/154-A Shillong, the 9th December, 1985

Copy forwarded for information and necessary action to :-

1. The Chief Conservator of Forests, Meghalaya, Shillong.
2. The Deputy Commissioner, East Khasi Hills Shillong.
3. The Deputy Conservator of Forests, Khasi Hills Division Shillong.
4. The Divisional Forest Officer, Social Forestry Division Shillong.
5. Divisional Forest Officer, Forest Resources Survey Divn. Shillong.
6. Working Plan Officer, Shillong.
7. Director of Soil Conservation, Meghalaya, Shillong.
8. Law Department.
   Cabinet Affairs Department.
9. Director of Printing & Stationery, Meghalaya, Shillong for publication in the Gazette.
10. Chief Executive Member, Khasi Hills District Council, Shillong.
11. Managing Director, Forest Dev. Corporation of Meghalaya Ltd., Lower Lachumiere, Shillong.
12. Director of Information & Public Relation, Meghalaya, Shillong for wide publicity through office, Radio & Local News papers both in English and Khasi.

Sd/- L. Roy
Deputy Secretary, Govt. of Meghalaya
Forest Department.