



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक १९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Bill, 2015 (L.A. Bill No. VIII of 2015), introduced in the Maharashtra Legislative Assembly on the 11th March 2015, is hereby published under the authority of the Governor.

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

M. A. SAYEED,
Principal Secretary and R.L.A. to Government,
Law and Judiciary Department.

L. A. BILL No. VIII OF 2015.

A BILL

further to amend the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975.

WHEREAS it is expedient further to amend the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

Mah.
XLIV of
1975.

1. This Act may be called the Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Act, 2015. Short title.

Mah.
XLIV of
1975.

2. In section 2 of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 (hereinafter referred to as “ the principal Act ”), in clause (f), for the portion beginning with the words “ the Bombay Municipal Corporation Act ” and ending with the words “ Municipalities Act, 1965 ”, the following shall be substituted, namely :— Amendment of section 2 of Mah. XLIV of 1975.

“ the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act, or a municipal area within the meaning of clause (24) of section 2 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 ”.

III of 1888,
LIX of
1949,
Mah. XL
of 1965.

Amendment of
section 3 of
Mah. XLIV of
1975.

3. In section 3 of the principal Act, after sub-section (4), the following sub-section shall be added, namely :—

“(5) Notwithstanding anything contained in sub-sections (1) and (2), where, in respect of the area of a Municipal Corporation or, as the case may be, a Municipal Council, the Tree Authority is not constituted or is not able to function for any reason whatsoever, the Municipal Commissioner of such Municipal Corporation or, the Chief Officer of such Municipal Council, shall act as the Tree Authority and shall exercise all the powers and discharge all the duties of a Tree Authority in such area, till such Authority is duly constituted or is able to function :

Provided that, every decision taken by the Municipal Commissioner or the Chief Officer under this section, shall be placed before the general body of such Municipal Corporation or, as the case may be, the Municipal Council, in its immediately next meeting held after such decision. ”.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 (Mah. XLIV of 1975) has been enacted to make better provision for trees in urban areas in the State by regulating felling of trees and providing for planting of adequate number of new trees in those areas. Sub-section (1) of section 3 of the said Act provides for the constitution of a Tree Authority, by every urban local authority, consisting of not less than five and not more than fifteen persons from amongst its members. Such Tree Authority is required to discharge its duties in accordance with the provisions of the said Act.

2. However, it is observed that, for administrative reasons or otherwise, it may not be possible for the urban local authority to constitute Tree Authority and sometimes such Authority though constituted, cannot function due to various reasons. This adversely affects the execution of development work in the areas of such Municipal Corporations and Municipal Councils.

3. It is, therefore, considered expedient to suitably modify section 3 of the said Act, so as to provide that, in respect of the area of a Municipal Corporation or, as the case may be, a Municipal Council, if the Tree Authority is not constituted or is not able to function for any reason whatsoever, the Municipal Commissioner of such Municipal Corporation or, the Chief Officer of such Municipal Council, shall act as the Tree Authority and shall exercise all the powers and discharge all the duties of a Tree Authority in such area, till such Authority is duly constituted or is able to function. It is also proposed to provide that every decision taken by the Municipal Commissioner or the Chief Officer, shall be placed before the general body of such Municipal Corporation or, as the case may be, the Municipal Council, in its immediately next meeting held after such decision.

4. An opportunity is also taken to carry out amendment in clause (f) of section 2 of the Act, due to change in the short titles of the Acts relating to certain urban local authorities.

5. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 10th March 2015.

DEVENDRA FADNAVIS,
Chief Minister.