

L. A. BILL No. XXV OF 2024.

A BILL

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

WHEREAS both Houses of the State Legislature were not in session;

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Mah.
XXXIV of
1964.
Mah.
Ord.
VII of
2024.

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Felling of Trees (Regulation) Act, 1964, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Felling of Trees (Regulation) (Amendment) Ordinance, 2024 on the 6th September 2024;

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AND WHEREAS it is expedient to replace the said Ordinance, by an Act of the State Legislature; it is hereby enacted in the Seventy-fifth Year of the Republic of India as follows :--

Short title
and
commencement.

1. (1) This Act may be called the Maharashtra Felling of Trees (Regulation) (Amendment) Act, 2024.

(2) It shall be deemed to have come into force on the 6th September 2024.

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”),—

Mah.
XXXIV
of 1964.

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(1) for clause (e), the following clause shall be substituted, namely :—

“(e) “to fell a tree” includes burning or cutting or lopping or girdling or debarking a tree to cause death of tree or destruction thereto;”;

(2) for clause (g), the following clause shall be substituted, namely :—

“(g) “urban area” means a municipal corporation area for which a municipal corporation is constituted under the Mumbai Municipal Corporation Act or 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, and includes a notified area for which a Special Planning Authority is constituted or appointed under section 40 of the Maharashtra Regional and Town Planning Act, 1966 or an area designated as the site for a new town for which a Development Authority is constituted under section 113 of the Maharashtra Regional and Town Planning Act, 1966 ;”.

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III of 1888.
LIX of 1949.

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Mah. XL
of 1965.

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Mah.
XXXVII of
1966.

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Mah.
XXXVII
of 1966.

Amendment
of section 4 of
Mah. XXXIV
of 1964.

3. In section 4 of the principal Act, for the portion beginning with the words “ shall be liable ” and ending with the words “ deem fit to impose ;”, the following portion shall be substituted, namely :—

“ shall be liable to penalty of rupees fifty thousand. The Tree Officer empowered under section 3 may, after holding an enquiry and giving such person an opportunity of being heard, impose the penalty ;”.

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Repeal of
Mah. Ord.
VII
of 2024 and
saving.

4. (1) The Maharashtra Felling of Trees (Regulation) (Amendment) Ordinance, 2024, is hereby repealed.

Mah. Ord.
VII of
2024.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

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STATEMENT OF OBJECTS AND REASONS

The Maharashtra Felling of Trees (Regulation) Act, 1964 (Mah. XXXIV of 1964) has been enacted to make better provision for regulating the felling of certain trees in the State of Maharashtra, for the purpose of the preservation thereof. It extends to the whole of the State of Maharashtra excluding an urban area.

2. Section 4 of the said Act provided for penalty of not exceeding one thousand rupees for felling a tree without permission of the Tree Officer. The said maximum limit of penalty of rupees one thousand had not been increased since the year 1964. Due to this meager amount of penalty, there is rampant increase in incidences of unauthorized felling of trees. The effective regulation of felling of trees is necessary to protect the environment. Therefore, it was necessary to provide for stringent penalty for unauthorized felling of a tree. It was, therefore, considered expedient to amend section 4 of the said Act with a view to provide for a fixed amount of penalty of rupees fifty thousand for felling a tree.

3. The definition of the term "urban area" in the said Act and the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 (Mah. XLIV of 1975) was different, which gave rise to ambiguity regarding their application. Therefore, the definition of the said term in the said Act was proposed to be substituted so as to have similar definition thereof as provided in the Maharashtra Act No. XLIV of 1975.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Felling of Trees (Regulation) Act, 1964 (Mah. XXXIV of 1964) for the purposes aforesaid, the Maharashtra Felling of Trees (Regulation) (Amendment) Ordinance, 2024 (Mah. Ord. VII of 2024), was promulgated by the Governor of Maharashtra on the 6th September 2024.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Nagpur,
Dated the 15th December, 2024.

DEVENDRA FADNAVIS,
Chief Minister.

*ANNEXURE TO THE L.A. BILL No. XXV OF 2024-
THE MAHARASHTRA FELLING OF TREES (REGULATION)
(AMENDMENT) BILL, 2024.*

**(Extracts from the Maharashtra felling of Trees (Regulation) Act,
1964)**

(Mah. XXXIV of 1964.)

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|-------------------|--|---|---|---|--|
| 1. | * | * | * | * | |
| 2. | In this Act, unless the context otherwise requires, - | | | | Defination |
| | (a-1) | * | * | * | * |
| | (a) to (d) | * | * | * | * |
| | (e) "to fell a tree" includes buring or cutting or lopping a tree to cause substantial damage or destruction thereto ; | | | | |
| | (f) and (ff) | * | * | * | * |
| | (g) "Urban area" means the area within the limits of a municipality, municipal corporation, Municipal Committee, Town Committee, or notified area committee, or Cantonment constituted under any law for the time being in force; and includes a local area which is specified by the State Government in the Official Gazette, being an area which has a population of not less than five thousand and has not less than three-fourths of male workers engaged in non-agricultural pursuits ; | | | | |
| | (h) | * | * | * | * |
| 3. | * | * | * | * | |
| 3A. | * | * | * | * | |
| 4. | Any person who, without permission being granted or deemed to have been granted to fell any tree, fells any such tree or causes it to be felled, shall be liable to such penalty not exceeding one thousand rupees as the Tree Officer empowered under section 3 may, after holding an enquiry and giving such person an opportunity of being heard, deem fit to impose; and the Tree Officer may further order that any such tree so felled which is not the property of Government shall be forfeited to the State Government along with the tools, boats, vehicles or other conveyances used in felling and removing any such tree. | | | | Penalty for felling trees in contravention of Section 3. |
| 5 to 15. | * | * | * | * | |
| SCHEDULES. | * | * | * | * | |

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XXV OF 2024.]

**[A Bill further to amend the
Maharashtra Felling of Trees
(Regulation) Act, 1964.]**

**[SHRI DEVENDRA FADNAVIS,
Chief Minister.]**

**JITENDRA BHOLE,
Secretary (1) (I/C),
Maharashtra Legislative Assembly.**