



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १०, अंक २६]

शुक्रवार, सप्टेंबर ६, २०२४/भाद्रपद १५, शके १९४६

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ६७

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 Felling of Trees (Regulation) (Amendment) Ordinance, 2024 (Mah. Ord. VII of 2024), is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

(Translation in English of the Maharashtra Felling of Trees (Regulation) (Amendment) Ordinance, 2024 (Mah. Ord. VII of 2024) published under the authority of the Governor).

REVENUE AND FORESTS DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,

Mumbai 400 032, dated the 6th September 2024.

MAHARASHTRA ORDINANCE No. VII OF 2024.

AN ORDINANCE

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

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

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Felling of Trees (Regulation) Act, 1964, for the purposes hereinafter appearing;

Mah.
XXXIV
of 1964.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title
and
commencement.

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

(2) It shall come into force at once.

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.

(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 ;”.

III of 1888.
LIX of 1949.

Mah. XL
of 1965.

Mah.
XXXVII of
1966.

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 ;”.

STATEMENT

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 provides 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 has 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 is necessary to provide for stringent penalty for unauthorized felling of a tree. It is, 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) is different, which gives rise to ambiguity regarding their application. Therefore, the definition of the said term in the said Act is 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 are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render 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, this Ordinance is promulgated.

Mumbai,
Dated the 5th September 2024.

C. P. RADHAKRISHNAN,
Governor of Maharashtra.

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

SHRI. VENUGOPAL REDDY,
Principal Secretary to Government.