

The Goa Preservation of Trees (Amendment) Bill, 2016.

(Bill No. 3 of 2016)

A

BILL

further to amend the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act No.6 of 1984).

Be it enacted by the Legislative Assembly of Goa in the Sixty-sixth Year of the Republic of India, as follows:-

1. **Short title and commencement.-** (1) This Act may be called the Goa Preservation of Trees (Amendment) Act, 2016.

(2) It shall come into force at once.

2. **Omission of section 1-A.-** Section 1-A of the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act No. 6 of 1984) (hereinafter referred to as the “principal Act”) shall be omitted.

3. **Amendment of section 2.-** In section 2 of the principal Act, for clause (j) the following clause shall be substituted,namely:-

“(j) “tree” means any woody plant whose branches spring from and are supported upon the trunk or the body and whose trunk or body is not less than ten centimeters in diameter at a height of one meter from the ground level;”

4. **Amendment of section 9 .-** In section 9 of the principal Act, in sub section (1), for the figures and word “1.85 meters”, the figure and word “1 meter” shall be substituted.

5. **Substitution of section 10.-** For section 10 of the principal Act, the following section shall be substituted, namely :-

“**10. Obligation to plant trees.-** Every person, who is granted permission under section 9 of this Act to fell or dispose off any tree,as specified in clause (j) of section 2 of this Act, shall be bound to plant/replant such number and kind of trees in the area from which the tree is felled or disposed off by him under such permission, as may be directed by the Tree Officer.”

6. **Amendment of section 12-A. -** In section 12-A of the principal Act, in sub section (1), for the expression “at any time that any tree over any land”,the

expression “at any time that any tree,including coconut tree,over any land” shall be substituted.

7. **Amendment of section 22.**-In section 22 of the principal Act, in clause (a), in sub-clause (i), for the words “rupees ten thousand”, the words “rupees twenty five thousand “ shall be substituted.

8. **Amendment of section 25 .-** In section 25 of the principal Act, in sub section (1), for the words “ one thousand rupees”, the words “one lakh rupees” shall be substituted .

Statement of Objects and Reasons

The Bill seeks to omit section 1-A of the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act 6 of 1984) (hereinafter referred to as the "said Act"), as clause (j) of section 2 of the said Act defines the term "tree" for the purposes of said Act.

The Bill further seeks to amend section 2 of the said Act so as to redefine the term "tree" in the said Act.

The Bill also seeks to amend sub-section (1) of section 9 of the said Act so as to specify in said section the girth of tree and the person desiring to fell or remove or otherwise dispose off such tree shall obtain permission from Tree Officer.

The Bill also seeks to substitute section 10 of the said Act so as to provide that the person shall be bound to plant the tree if he has felled or disposed off the tree as specified in clause (j) of section 2 of the said Act.

The Bill also seeks to amend section 12-A of the said Act, so as to bring "coconut tree" within the provisions of the said section 12-A.

The Bill also seeks to amend clause (a) of section 22 of the said Act so as to enhance the fees specified for compounding offence under the said Act from Rs.10,000/- to Rs 25,000/-

The Bill also seeks to amend section 25 of the said Act so as to enhance the fine specified for contravening any of the provisions of the said Act from Rs.1,000/- to Rs. 1 lakh.

This Bill seeks to achieve the above objects.

Financial Memorandum

No Financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa
___ January, 2016

Rajendra Arlekar
Minister for Forests

Assembly Hall,
Porvorim -Goa.
___ January, 2016.

Shri Nilkant Subhedar
Secretary to the
Legislative Assembly of Goa

ANNEXURE

EXTRACT OF THE GOA, DAMAN AND DIU PRESERVATION OF TREES ACT, 1984 (ACT NO.6 OF 1984) SOUGHT TO BE AMENDED

[1-A Definition of the term “tree”: Notwithstanding anything in the Goa, Daman and Diu Preservation of Trees Act, 1984 or in any other Act for the time being in force, the term ‘tree’ used in this Act, shall , besides other trees, include coconut trees.]

(j) “tree” means any woody plant whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than five centimeters in diameter at a height of thirty centimeters from the ground level and is not less than one meter in height from the ground level;

9. Procedure for obtaining permission to fell, cut, remove or dispose of a tree.- (1) Any person desiring to fell or remove or otherwise dispose of by any means a tree, shall make an application to the concerned Tree Officer for permission and such application shall be accompanied by attested copies of the documents as may be prescribed in support of ownership over the land, the number and kind of trees to be cut, their girth measured at a height of 1.85 meters from ground level and the reasons therefor, survey sketch showing clearly the site and survey numbers of the property.

10. Obligation to plant trees:- Every person, who is granted permission under this Act to fell or dispose of any tree, shall be bound to plant such number and kind of trees in the area from which the tree is felled or disposed of by him under such permission, as may be directed by the Tree Officer:

Provided that the Tree Officer may, for reasons to be recorded in writing, permit lesser number of trees to be planted or trees to be planted in any different area or exempt any person from the obligation to plant or tend any tree.

12(A) **Removal of trees, etc., which are in ruinous state or likely to fall:-**

(1) Notwithstanding anything contained in any other law for the time being in force, it shall be lawfull for the Tree Officer or the Deputy Collector having jurisdictions over their respective areas, if it appears to him at any time that any tree over any land or its Branch or a part thereof is in ruinous state or is in such conditions that it is likely to fall and thereby cause injury to a person living or carrying on business in the neighbourhood or passerby or to a building or house or any public place, he may, by return order require the person owning or possessing such tree to lop or cut down such tree or portion of a tree which is in such condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by:

22. **Power to compound offence:** - The Government may, by notification, empower a Tree Officer or any Forest Officer not below the rank of Deputy Conservator of Forests:-

(a) to compound any offence committed under this Act on payment of – (i) a sum not exceeding rupees ten thousand by way of composition for the offence which such person is suspected to have committed.

25. **Penalty:-** (1) Any person who contravenes any of the provisions of this Act or Rules or Orders made thereunder shall, on conviction, be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

Porvorim, Goa
___ January, 2016

N. B. SUBHEDAR
SECRETARY