THE TAMIL NADU HILL AREAS (PRESERVATION OF TREES) RULES, 1957

(G.O. No.2795, Food and Agriculture, 15th September 1957)

S.R.O No. D-510 of 1957

In exercise of the powers conferred by section 12 of the Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955 (Madras Act XVII of 1955), the Governor of Madras hereby makes the following rules:

1. These rules may be called **The Tamil Nadu Hill Areas (Preservation of Trees) Rules, 1957**.

In these rules, repugnant in the subject or

2. (i) **"Act"** means the Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955. (Madras Act XVII of 1955).

(ii)**"section"** means a section of the Act;

(ii)**"form"** means a form appended to these rules; **context**

(iv)**"slope of more than one in three"** means slope steeper than 1 in 3;

(v) "**slope of less than one in three"** and "slope of less than one in ten' means slope milder than one in three and slope milder than one in ten respectively;

Nothing shall apply

3. (a) to the felling of trees in Government Reserved Forest by or under the authority of the District Forest Officer concerned; **contained in these rules**

(b) to the felling of trees in Government Cinchona plantations by or under the authority of the Director of Cinchona and

(c) to the cutting or pruning of the branch or any tree for the purpose of providing proper shade for coffee or tea plantation.

A tree shall be to

4. (a) When it is 0.61metre in girth at a height of 1.37 metres (i.e., breast height). If it is a blue – gum or wattle tree; and **considered have**

silviculturally

(b) When it is 1.83 metres in girth at a height of 1.37 metres (i.e., breast height), if it is any other tree, except sandal which can be extracted only, if the sandal tree is found dead. **matured**

Every for to

5.[1]**[5-A**. If the application is for the cutting of the trees by the clear felling method, that is to say, the felling of all the trees in the area, for growing tea or coffee, it shall be accompanied by the following, namely:- **application permission the committee**

under section 3(i) of the Act form

(1) A certificate to the effect that the boundaries of the area containing the trees proposed to be felled have been demarcated clearly on the ground by lines of 2 metres wide or are defined already by natural features such as roads. **shall be in 1**

(2) Three copies of surveyed showing the location, name, survey number and acreage of the area containing the trees proposed to be felled.

1. Rule 5-A (3) was inserted by G.O. Ms. No. 696, Forest and Fisheries, 7th January 1983.

(3) A working plan drawn up and certified by a person who is or who has been an officer of the Forest Department not below the rank of an Assistant Conservator of Forest.]

6. Every application for permission to the Committee under sub-section (2) or sub-section (3) of section 4 shall be in

Form II.

7. Every application for permission under rule 5 or 6 shall be affixed with Court-fee label of ten rupees which shall not be refunded even if the application rejected by the Committee.

8. (i) the Committee shall, before granting permission under section 3(1) require a Forest Officer not below the rank of Rank Officer to inspect the tree concerned and to make a report to the Committee on the application in

(ii) the Committee shall before granting permission under section 4(2) or 4(3), require the State Silviculturist, the Assistant Agricultural Engineer or the District Forest Officer to inspect the land concerned and make report to the Committee on the application in

Form IV.

(iii) the Committee shall thereafter either accord permission under section 3(1) or 4(2) or 4(3) as the case may be, subject to such conditions as he may think fit or refuse to grant the permission applied for, after recording his reasons thereof. In case where permission is granted, the Committee shall communicate a copy of his order to the Officer authorised by him to enforce the conditions (Subject to which the permission is accorded).

9. (1) In case where permission is granted by the Committee to cut a tree on the ground that it has Silviculturally matured the Committee shall besides requiring the person to whom the permission is granted to make the deposit referred to in the second provision to section 3(1) impose as a condition:-

(i) that the felled area shall be regenerated with an equal number of trees of the same species or those of other suitable species, if the regeneration is proposed to be done artificially;

(ii) if the regenerating is proposed to be done naturally from copied:-

(a) That the tree shall be felled at a height not exceeding six inches from ground; the bark being left intact on the stump and adhering to it all round the stump, without being torn off or otherwise damaged; and

(b) the felled area shall be devoted only for raising a tree – crop and the tree crop raised on it either naturally or artificially shall be adequately protected against fire, grazing and trampling by cattle.

(2) The person to whom permission is granted, shall deposit with the Committee as security, a sum of Rs.1,000 (rupees one thousand only) per hectare or Rs.100 (rupees one hundred only) for each tree proposed to be felled whichever is less for the successful regeneration of tree.

(3) Regeneration of the felled area will be done by the Forest Department at the cost of the permit holder in the event of his failure to regenerate the area with the tree crop to the satisfaction of the Committee within the time limit stipulated in the permit. If the security deposit is insufficient for regeneration by the Forest Department, the excess amount required will be recovered from the permit – holder, If the security deposit is found to be excess of the amount spent by the Forest Department for regeneration the excess amount will be refunded to the permit holder three years after the completion of the regeneration by the Forest Department.

(4) The deposit shall be refunded to the person to whom the permission was granted after the expiry of the three years from the date of felling of the original tree growth if the Committee is satisfied that the regeneration has been successfully under taken by the owner.

Explanation:- For the purpose of the above rule- (i)" field crop" shall mean crops of short duration mostly less than a year raised in cultivated fields. This will also include plantation crops like tea, coffee, cardamom and plantations whose management involves working of the intervening soil at intervals.

(ii) **"tree crops'** shall mean crops of trees which are grown for long duration which do not require frequent working of the soil for their development except at the initial stages of raising; and

(iii) **"cattle"** shall mean and include elephant, camels, buffaloes, bullocks, cows, heifers, calves, horses, mares, ponies, flies, mules, asses, deer, pigs, ram, cives, sheep, lambs, goats and kids.

10. If the Committee has reason to believe that any person to whom permission under the Act was granted

has in his application furnished particulars are materially incorrect or has contravened any provisions of these rules the conditions subject to which the permission was granted, the Committee shall have power to cancel such permission immediately or modify the same, after giving in writing to the parties concerned, a notice to shoe – cause why the permission given should not be cancelled, or modified as the case may be and after considering the representation, if any.

11. Any person aggrieved by an order of the Committee refusing to grant permission under section 3 or section 4 of the Act may within two months from the date of such order, prefer an appeal in writing to the Government and the Government shall, after giving the appellant an opportunity of being heard, pass such order thereon as they may think fit.

12.[1] [……]

1. Omitted as per G.O. Ms. 774, Forest and Fisheries, 29.07.1987.

SCHEDULES

APPENDIX

FORM – I
(SEE RULE 5.)

Form of application under section 3(1) of the Act.

1. Name and address of the applicant.
2. Survey number of the filed of fields which the tree or the trees to be felled stand.
3. Name of the village, taluk and district where the land on which tile trees stand lie. 4. Proof of ownership of the tree in the case of lessee.
5. "Enumeration list" showing the species and girth at 1.37. metres from ground level of tree or trees proposed to be felled.
6. Whether the tree or trees proposed to be felled are proposed to be regenerated naturally from coppice or by artificial regeneration and if tile later the species and the number of seedlings proposed to be planted.
7. The period within which area will be planted up.

Place:
Date:

Signature of the applicant

I declare that the information furnished above is true to the best of my knowledge and belief. I also undertake to comply with the conditions, subject to which the permission may be granted by the collector.

Signature of the applicant

FORM- II
(See rule 6.)

Form of application under section 4(2) and 4(3) of the Act.

1. Name and address of the applicant.
2. Survey number or survey numbers of the field or fields proposed to be cultivated. 3. Name of the village, taluk and district, where the land lie.
4. Proof of ownership in case the applicant is other than registered holder of the field. 5. Is the land owned by a single individual or owned jointly, if the latter names of all he joined holders.
6. The present surface condition of the land.
7. Nature of crop proposed to be raised and the nature of cultivation proposed to be adopted.
8. Is the land proposed to be brought under new cultivation ? If not, the date from which the land was originally broken open for cultivation.
9. Whether the applicant is prepared to carry out such of the conservation measures as may be ordered by the Collector within the period that may be allowed by him and abide by such other conditions as may be imposed by the Collector in this regard.

Place:
Date:
Signature of applicant.

I declare that the information furnished above is true to the best of my knowledge and belief. I also undertake to comply with the conditions, subject to which the permission may be granted by the collector.

Signature of the applicant.

FORM- III

[SEE RULE 8(1)]

(To be filled in by the inspecting Authority)

1. Whether the applicant is the owner of tree or trees proposed to be felled.
2. In case of joint ownership whether all the joint holders have given their consent to the application (Statement to be obtained if all of them have not made a joint application) 3. Number of trees proposed to be cut with their silvicultural names.
4. Whether the trees constitute a danger to life or property (full information to be given). 5. Age of the trees in the case of blue gum and wattle and measurement of girth at breast height (1.37m. from ground level) in the case of all other trees.
6. Remarks about the conditions that have to be imposed in case permission applied for is recommended.
   (a) Number and kind of species of trees that the applicant should be required to plant up the area with, and
   (b) The period within which the area would be required to be planted up.
7. Reasons, if the applications is not recommended.

Place:

Date:

Signature of the Inspecting Authority, Designation

FORM- IV

(See rule 8(ii)) (To be filled in by the inspecting Authority)

1. What is the average slop of the land?
2. What is the nature of the soil and its depth?
3. What is the nature of the surface?
4. What is the average annual rainfall of the locality?
5. What is the condition of the land? Whether soil is seen slightly eroded?
6. Degree of erosion; moderate to serve.
7. Recommendations relating to cropping and, manorial system.
8. What soil conservation measures are necessary if permission for cultivation is granted?
9. Period within which soil conservation measures that may be considered necessary should be completed on the land by the applicant.
10. Recommendations of the Inspections Authority.

Place:
Date:
Signature of the Inspecting Authority, Designation.