THE TAMIL NADU HILL AREAS (PRESERVATION OF TREES) ACT, 1955 (ACT No. XVII OF 1955)

(Received the assent of the Governor on 2nd September 1955)

An Act to provide for the regulation of the cutting of trees and the cultivation of land in hill areas in the State of Tamil Nadu .

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 2nd September, 1955 and Is hereby published for general information.

WHEREAS there has been indiscriminate cutting of trees in hill stations in the State of Tamil Nadu involving large-scale deforestation and resulting in considerable soil erosion;

AND WHEREAS with a view to prevent deforestation and soil erosion and also to preserve the special characteristics of the hill areas as regards landscape, vegetal cover and climate. It is necessary to regulate the cutting of trees and also the cultivation of land in hill areas in the State of Tamil Nadu

BE it enacted in the Sixth Year of the Republic of India as follows:-

1. **Short title and application** - (1) This Act may be called the Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955.

2. It applies to all hill areas in the State specified in the Schedule and to such other hill areas as may by notification, be specified by the Government.

3. The Government may, by notification exclude from any hill areas to which this Act applies, any area within it or include within any such area any area in the vicinity thereof.

2. **Definitions** - In this Act, unless the context otherwise requires-

(a) ‘committee' means any committee constituted under section 2-A and having jurisdiction; (b) 'cultivation' means raising of cereals, tubers or plantation crops but shall not include the raising of kitchen gardens of flower gardens;

Explanation - "kitchen garden" in this clause means the areas not exceeding fifty cents apartment to a residence and used for growing vegetables for bona-fide consumption of the residents therein;

(c) "Government" means the State Government;

(d) "new cultivation" means cultivation of land which remained uncultivated for three consecutive years;

(e) "notification" means a notification published in the Tamil Nadu Government Gazette; (f) "prescribed" means prescribed by rules made under this Act;

(g) "tree" includes bamboo, but does not include brushwood.

2-A **Constitution of Committee** - (1) The Government may, by notification with effect from such date as may be specified therein, constitute for each hill area a committee for the purpose of this Act consisting of the following member, namely-

(a) the District Collector having jurisdiction as Chairman of the Committee;

(b) The District Forest Officer having jurisdiction over the hill area;

(c) The Tahsildar having jurisdiction over the hill area;

(d) The Executive Engineer of the Agriculture Department in charge of soil conservation having jurisdiction over the hill area;

(e) The Personal Assistant (General to the Collector of the District, who shall be the Secretary of the Committee;

2-B **Meetings of Committee**-(1) The committee may meet as often as may be necessary and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be

prescribed by the Government under this Act, provided that not more than two months shall elapse between one meeting of the committee and another.

(2) The Chairman of the committee or in his absence any member nominated by him in that behalf shall preside at a meeting of the committee.

(3) All questions at a meeting of the committee shall be decided by a majority of the votes of the members present and voting and in case of an equality of votes the Chairman of the committee or in his absence the person presiding, shall have a second or casting vote.

2-C Vacancy in committee, etc, not to invalidate acts or proceedings - No act or proceeding of the Committee shall be deemed to be invalid by reason only often existence of any vacancy in the committee or any detect in the nomination of a member thereto or on the ground only that more than two months have elapsed between one meeting of the committee and another.

3. **Prohibition of cutting of trees** – (1) No person shall without the previous permission in writing of the committee;

(a) cut, uproot or burn or cause to be cut, uprooted or burnt, any tree, or

(b) fell or remove any tree which, constitutes

(c) cut or remove any tree for the improvement of coffee crop in any coffee plantation in such area in any hill area as the Government may, by notification, specify in this behalf:

Provided that where permission to cut or remove a tree is granted on the grounds referred to in clauses (a) to (c) above, the Committee shall impose as a condition the effective regeneration of a equal number of the same or other suitable species of trees, and for that purpose, may require the person to whom the permission is granted to deposit with the committee a sum not exceeding one hundred rupees for each tree permitted to be cut or removed

(1-A) Notwithstanding anything contained in sub-section (1), permission may be granted by the Government to any person to clear any land by cutting uprooting or burning or causing to be cut, uprooted, of burnt, any tree subject to the condition that the land so cleared shall be used for growing coffee or tea.

(2) No person shall cut or otherwise damage or cause to be cut or damaged the branch of any tree:

Provided that this shall not be deemed to prevent the pruning of any tree as required by ordinary agricultural or horticultural practices:

Provided further that nothing contained in this sub-section shall be deemed to prevent the cutting or pruning of the branch of any tree for the purpose of providing proper shade for coffee or tea plantation.

4. **Prohibition of cultivation** - (1) No person shall use or cause to be used any land with a slope of more than one in three for any purpose other than the growing of trees.

(2) No person shall use or cause to be used, any land with a slope of less than one in three for new cultivation except with the previous permission of the committee which may while granting such permission impose such conditions as it may be deem fit including those relating to soil conservation measures.

(3) No person shall, after the expiry of one year from the date on which this Act comes into force in any hill areas, use or cause to be used for cultivation any land in such hill area with a slope of less than one in three except with the previous permission of the committee which may, while granting such permission, impose such conditions as it may deem fit including conditions relating to soil conservation measures.

(4) Nothing contained in sub-section (2) and (3) shall apply to any land with a slope of less than one in ten.

(5) Application for permission - Every application for permission shall be made in writing to the committee and shall be in such form and shall contain such parti-culars as may be prescribed.

(6) Appeal - Any person aggrieved by an order refusing to grant permission under section 3 or section 4 may, within two months of the receipt of such order prefer, and 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.

(7) Penalty- Any person who is guilty of an offence under section 3 or section 4 or who contravenes any condition imposed in a permission granted under this Act, on conviction be punishable with imprisonment which may extend to one year or with fine which may extend to five thousand rupees, or both.

(8). Forfeiture-Any Court convicting a person of any offence under section 7 may direct the forfeiture to Government of all tools and other articles used in the commission of the offence or which are the subject matter of the offence.

(9). (* * *)

(10). Power of entry and inspection - The Committee may with a view to ascertaining whether there has been a contravention of any of the provisions of this Act or any rule or order made there under at any time with or without its subordinates and servants enter into and inspect any place.

(11). Cognizance of offences - No Court shall take cognizance of any offences punishable under section 7 except on a complaint in writing of the Committee.

(12). Power to make rules - The Government may, by notification make rules to carry out the purposes of this Act.

(13). Saving - Nothing in this Act shall apply to the cutting or removal of any tree in accordance with section 133 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)

(14). Power to remove difficulties - If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order do anything which appears to them to be necessary for the purpose of removing the difficulty.

THE SCHEDULE

[See section 1 (2)

1. Coonoor
municipal area
2. Kodaikanal
municipal area
3. Kotagiri panchayat
area
4. Ootacamund
municipal area
5. Yercaud panchayat
area

P.S. By section 15 of the Tamil Nadu Hill Stations (Preservation of Trees) Amendment Act, 1979 it has been provided as follows:-

"References to the Tamil Nadu Hill Stations (Preservation of Trees) Act, in any Act or in any rule notification, proceeding, order, regulation, by law or other instrument made or issued under the Principal Act shall be construed as references to the Tamil Nadu Hill Areas (Preservation of Trees) Act"

TAMIL NADU HILL AREAS (PRESERVATION OF TREES) RULES 1957

(G.O.No.2795, Food and Agriculture, 16th 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:-

RULES

1. These rules may be called the Tamil Nadu Hill Areas (Preservation of Trees) Rules, 1957 2. In these rules, unless there is anything repugnant in the subject or context-

(i) "the 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

(iii) "form" means a form appended to these rules

(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.

(vi) "committee" means any committee constituted under section 2-A of the Act and having jurisdiction.

3. Nothing contained in these rules shall apply-

(a) to the felling of trees in Government Reserved Forests by or under the authority of the District Forest Officer concerned;

(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 of any tree for the purpose of providing proper shade for coffee or tea plantation.

4. A tree shall be considered to have silvi-culturally matured-

(a) when it is 0.61 metre in girth at a height of 1.37 metres (i.e, breast height), if it is a blue-gum or wattle tree; and

(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.

Every application for permission to the Committee under section 3(1) of the Act shall be in

Form I

5-A If the application is for the cutting of 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:-

(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.

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

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

(G.O.Ms.No.696 F& F Department, dated 7th June 1983)

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 rule 6 shall be affixed with a Court-fee label of ten rupees which shall not be refunded even if the application is 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 Range 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(30, require the State Silvi-culturist, 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 refused to grant the permission applied for after recording his reasons therefore. In cases where permission is granted, the Committee shall communicate a copy of his order to the Officer authorized by aim 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 proviso to section 3(1) imposed 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 regeneration is proposed to be done naturally from coppice:-

(a) that the trees shall be felled at a height not exceeding six inches from ground; the bark being left in tact 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) pr hectare or Rs.100 (rupee one hundred only) for each tree proposed to be felled whichever is less for the successful regeneration of trees.

(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 a tree crop the satisfaction of 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 in 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 three years from the date of felling of the original tree growth if the Committee is satisfied that the regeneration has been successfully undertaken by the owner.

Explanation - For the purposes of the above rule-

(i) "field crops" 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 and which do not require frequent working of the soil for their develo0pment except at the initial stages of raising; and

(iii) "cattle" shall mean and include elephants, camels, buffaloes, bulls, bullocks, cows, heifers, calves, horses, mares, ponies colts fillies, mules, asses, deer, pigs, elves, 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 which are materially incorrect or has contravened any provisions of these rules or the conditions subject to which the

permission was granted, the Committee shall have the power to cancel such permission immediately or modify the same, after giving in writing to the parties concerned, a notice to show 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 the 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. Deleted in G.O.Ms.774 F&F, dated 15.7.87 (WRI/65726/87)

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 field or fields on which the tree or the trees proposed to be felled stand.
3. Name of the village, taluk and district where the lands on which the tree stand, lie 4. Proof of ownership of the tree in the case of lessees.
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 7. The period within which are will be planted up.

Place:

Date:

Signature of applicant

I declare that the information furnished above is true to the best of may 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) or 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 on case applicant is other than the registered holder of the field.
5. Is the land owned by a single individual or owned jointly. If the latter names of all the joint 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 soil 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 the applicant

I declare that the information furnished above is true to the best of may 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 silvi-cultural 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 (1.87m from ground level) in the case of all other trees.
6. Remarks about the conditions that have to be imposed I case permission applied for is recommended-
7. number and kind of species of trees that the applicant should be required to plant up the area with, and
8. the period within which the area would be required to be planted up.
9. Reasons, if the application is not recommended.

Place :

Date:

Signature of the Inspecting Authority, Designation

FORM IV

[See rule 8(ii)]

1. What is the average slope of the land?
2. What is the nature of 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 present condition of the land? Whether soil is soon slightly eroded? 6. Degree of erosion moderate or severe.
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 a. Necessary should be completed on the land by the applicant.
10. Recommendations of the Inspecting Authority.

Place :

Date:

Signature of the Inspecting Authority, Designation