

ACT 19 OF 2007
THE KERALA PROMOTION OF TREE GROWTH IN NON-FOREST
AREAS (AMENDMENT) ACT, 2007

An Act to amend the Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005.

Preamble.-- WHEREAS, it is expedient to amend the Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005 for the purposes hereinafter appearing;

1. Short title and commencement.- (1) This Ordinance may be called the Kerala Promotion of Tree Growth in Non-Forest Areas (Amendment) Act, 2007.

(2) It shall be deemed to have come into force at once on the 7th day of August, 2006.

2. Amendment of section 2.—In section 2 of the Kerala Promotion of Tree Growth in Non-Forest Areas (Amendment) Act, 2005(46 of 2005),(hereinafter referred to as the principal Act),-

(a) after clause (d), the following clauses shall be inserted, namely:-

"(da) 'Schedule' means the Schedule appended to this Act;

(db) 'small holder' means the owner of a non-forest land not exceeding one hectare in extent as on the date of coming in to force of the Kerala Promotion of Tree Growth in Non-Forest Areas (Amendment) Ordinance, 2007(Act 19 of 2007);";

(b) for clause (e), the following clauses shall be substituted, namely:--

"(e) "specified tree" means "Sandal wood (*Santalum album*)",
"Teak (*Tectona grandis*), Rosewood (*Dalbergia latifolia*), Irul (*Xylia xylocarpa*),
Thempavu (*Terminalia tomentosa*), Kampakam (*Hopea parviflora*), Chadachi (*Grewia tiliaefolia*),
Chandana vempu (*Cedrela toona*), Vellakil (*Dysoxylum malabaricum*) or Ebony (*Diospyros sp.*);"

3. Substitution of section 6.-- For section 6 of the principal Act, the following section shall be substituted, namely:--

"6. Right of owners to cut and remove trees in non-notified areas in non-forest land.-- (1) Notwithstanding anything contained in any other law for the time being in force and subject to the other provisions of this Act, every owner of non-forest land in a non-notified area shall have the right to cut and transport any tree, other than sandalwood tree, standing on his land:

Provided that the provision of this sub-section shall not apply to trees, if any, reserved by the Government at the time of assignment of such land or trees standing on any land notified under section 5 of the Kerala Preservation of Trees Act, 1986 (35 of 1986) or the areas notified by the Custodian under the Kerala Forest (Vesting and Management of Ecologically Fragile Lands) Act, 2003 (21 of 2005).

(2) For the purpose of this Act the Government may, by notification in the Gazette, appoint such officers not below the rank of a Forest Range Officer as they think fit to be Authorised Officers (referred to as 'Authorised Officer' in this Act) and may assign to them such local limits as the Government think fit.

(3) The Government may, with a view to preserving tree growth in the interest of protecting the ecology or in public interest by notification in the Gazette direct that no tree standing in any area of

non-forest land specified in the notification shall be cut, uprooted, burnt or otherwise destroyed except on the ground that the tree constitutes a danger to life or property or is wind fallen:

Provided that the small holders in the area notified under this sub-section are free to cut and remove any tree except the specified trees.

Provided further that the small holders in the area notified under this sub-section may cut and remove any specified tree other than sandalwood only with the prior permission in writing of the Authorised Officer and such prior permission shall not be required for the cutting and removal of trees except specified trees:.

Provided also that the owners other than small holders in an area notified under this sub-section may cut and remove any tree other than sandalwood tree only with the prior permission in writing of the Authorised Officer and such permission shall not be required for the cutting and removal of trees mentioned in the Schedule.

Provided also that such permission mentioned in the second and third provisos shall not be refused by the Authorised Officer if the tree constitutes a danger to life or property or is wind-fallen:

Note:- For the purpose of this sub-section all the mangrove areas or cardamom or coffee plantations shall be deemed to be notified areas.

(4) No owner including a small holder shall cut or remove any sandalwood tree in any non-forest area. Such cutting or removal may be done only by the Forest Department in the manner as may be prescribed.

(5) Where a specified tree is to be cut or any timber of a specified tree is to be transported from any non-forest land to any other place, the owner of such tree shall, before cutting the tree or transporting the timber, as the case may be, file before the Authorised Officer having jurisdiction over the area, a declaration containing details such as the survey number of the land from which the tree is to be cut, number of trees, species of trees, quantity of timber and the place to which such timber is being transported, either directly or send it by registered post with acknowledgment due.

(6) Every declaration filed under sub-section (5) shall be acknowledged by the authorised officer forthwith and a copy of the declaration so acknowledged shall accompany the timber during its transport:

Provided that if acknowledgement from the Authorised Officer is not received within twenty days on receipt of the declaration, the same shall be deemed to have been received, if the trees are to be cut and removed from a non-notified area:

Provided further that if timber of a specified tree cut as per sub-section (3) is to be transported from a non-forest land within the notified area, necessary inspection shall be conducted by the Authorised Officer and if it is found permissible, he may issue a transport permit in such form as may be prescribed, which shall accompany the timber during its transportation.

(7) The cutting and removal of trees standing on non-forest areas, owned, controlled or vested in a Local Self Government Institution and its disposal shall be governed by such rules, as may be prescribed.

(8) An appeal against the order of refusal of permission by the Authorised Officer may be preferred before the concerned Divisional Forest Officer/Wild Life Warden within such time and in such manner as may be prescribed.

Explanation.-- For the purpose of this Act, the term 'timber' wherever used shall include firewood also.

4. Amendment of section 7.-- For section 7 of the principal Act, the following section shall be substituted, namely:--

"7. Penalties.-- (1) Whoever cuts, uproots, burns or otherwise destroys any tree other than sandalwood in violation of the provisions of this Act or transports any timber contravening the provisions of the section 6 or files a false declaration shall, on conviction be punishable with imprisonment for a term which may extend to six months or with fine which may extend to twenty five thousand rupees:

(2) Whoever cuts, uproots, burns or otherwise destroys or transports any sandalwood tree in violation of the provisions of this Act shall, on conviction be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with a fine which shall not be less than fifty thousand rupees, but which may extend to One lakh rupees.

(3) All offences under this Act shall be cognizable."

5. Amendment of section 9.-- In the principal Act in section 9, in sub-section (1) for the words "any timber has been transported", the words "any tree has been cut or any timber has been transported" shall be substituted;

6. Insertion of Schedule.-- After section 16 of the principal Act, the following Schedule shall be inserted, namely:-

SCHEDULE

(See section 6 (3))

Cutting and removal of trees for which no permission is necessary

1. Coconut
2. Rubber
3. Cashew
4. Tamarind
5. Mango
6. Jack Fruit Tree
7. Kodampuli
8. Matti
9. Arecanut
10. Konna
11. Seema Konna
12. Nelli
13. Neem
14. Murukku
15. Jathi
16. Albezia
17. Silk cotton
18. Acacia auraculiformis
19. Mangium
20. Anhili
21. Kilimaram
22. Manchadimaram
23. Vatta
24. Palm tree
25. Aranamaram
26. Eucalyptus
27. Seemaplavu

28. Paala.”.

7. Omission of section 17.-- Section 17 of the principal Act shall be omitted.

8. Repeal and Saving.--(1) The Kerala Promotion of Tree Growth in Non-Forest Areas (Amendment) Ordinance, 2007 (31 of 2007) is hereby repealed.

(2) Notwithstanding, such repeal anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

GOVERNOR.