

THE KERALA PRESERVATION OF TREES ACT, 1986

(ACT 35 of 1986)

An Act to provide for the preservation of trees in the State of Kerala

Preamble.- WHEREAS there has been indiscriminate felling and destruction of trees in the State of Kerala resulting in considerable soil erosion and destruction and loss of the timber wealth of the State;

AND WHEREAS with a view to prevent soil erosion and destruction and loss of the timber wealth in the State, it is necessary to regulate the felling and destruction of trees in the State;

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

1. Short title, extent and commencement.- (1) This Act may be called the Kerala Preservation of Trees Act, 1986.
 - (2) It extends to the whole of the State of Kerala.
 - (3) It shall be deemed to have come into force on the 18th day of June, 1983.
2. Definitions.- In this Act, unless the context otherwise requires.-
 - (a) "appellate authority" means an appellate authority appointed under sub-Section (2) of Section 3;
 - (b) "authorised officer" means an officer appointed under sub-section (1) of Section 3;
 - (c) "owner" in relation to any land, includes a mortgagee, lessee or other person having right possession and enjoyment of the land;
 - (d) "prescribed" means prescribed by rules made under this Act;
 - (e) "tree" means any of the following species of trees, namely:-

Sandalwood (*Santalum album*), Teak (*Tectona grandis*), Rosewood (*Dalbergia latifolia*), Irul (*Xylia Xylocarpa*), Thempavu (*Terminalia tomentosa*), Kampakam (*Hopea parviflora*), Chempakam (*Michelia chempaca*), Chadachi (*Grewia tiliaefolia*), Chandana vempu (*Cedrela toona*), Cheeni (*Tetrameles nudiflora*).

Comments and Case Law

This is the culmination of earlier ordinances starting with the Kerala Preservation of Trees and Regulation of cultivation in Hill Areas Ordinance, 1983 (21 of 1983), which was a pioneering attempt in the line of soil and moisture conservation and the protection of trees. The provisions relating to the soil and moisture conservation by way or regulation of cultivation in hill areas were rescinded by the agricultural communities and

the political parties without fully realizing the benefits from them. Unfortunately those provisions had to go for the sake of protection of trees. But of late, this is also under criticism. Even, the external lending agencies have found this as a harsh law.

The Kerala Preservation of Trees Act, 1986 does not apply to lands, which is not a Private Forest. *Kottal Ayishumma V. State* - ILR 1998 (3) Ker. SN P.1.

If trees are cut indiscriminately apart from trees mentioned in S. 2(e) that will lead to soil erosion and would cause large scale destruction and loss of timber wealth in the private forests as well as the cardamom Hills Reserve. *Mathew V. DFO* - 1997 (1) KLT 61 : 1996 (2) KLJ 461.

As far as S.2 (e) is concerned the legislature has used the expression mean to make the definition restrictive to the species mentioned in that Section. *Mathew V. DFO* - 1997 (1) KLT 61 : 1996 (2) KLJ 461.

3. Authorised officers and appellate authorities.- (1) The Government may, by notification in the Gazette, appoint such officers not below the rank of a Ranger as they think fit to be authorised officers for the purposes of this Act and may assign to them such local limits as the Government think fit.

(2) The Government may, by notification in the Gazette, appoint such officers as they think fit to be appellate authorities for the purposes of this Act and may assign to them such local limits as the Government think fit.

4. Restriction regarding cutting, etc., of trees.- (1) No person shall, without the previous permission in writing of the authorised officer, cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree.

(2) The permission under sub-section (1) shall not be refused if -

(a) the tree constitutes a danger to life or property; or

(b) the tree is dead, diseased or windfallen:

Provided that where permission to cut a tree is granted on the ground specified in clause (b), the authorised officer shall impose as a condition for the grant of such permission the effective regeneration of an equal number of the same or other suitable species of trees; or

(C) Such cutting is to enable the owner of the land in which the tree stands to use the area cleared or the timber cut for the construction of a building for his own use.

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

Provided that the provisions of this sub-section shall not be deemed to prevent the pruning of any tree as required by ordinary agricultural or horticultural practices.

(4) No person shall, without the previous permission in writing of the authorised officer, destroy any plant of any tree or do any act which diminishes the value of any such plant.

(5) Nothing contained in sub-section (1) or subsection (2) or sub-section (3) or sub-section (4) shall apply in respect of any tree or plant in the compound of any residential building.

1[(6) Notwithstanding anything contained in this section or in any judgement, decree or order of any Court, the owner of any land shall have the right to cut or cause to be cut any tree, other than a tree as defined in clause (e) of Section 2, standing on such land, without obtaining a permission under this section.]

Provided that where such compound exceeds one hectare in extent, the provisions of this sub-section shall apply only in respect of an extent of one hectare immediately surrounding the residential building.

Comments

The Government has issued G.O (M.S). No. 85/99/F&WLD. dated 28./09/1999 in this regard:

While considering the contempt of cases, CCC 318/98 and 337/98, a Divisions Bench of the High Court found that though Sections 4 and 5 of the Kerala Preservation of Trees Act, 1986 contained reference to the term 'diseased trees', there was no foolproof method to assess the diseased trees. The High Court, therefore directed Government to issue a set of guidelines which would satisfy scientific requirements for assessing 'dead and diseased' trees under Sections 4 and 5 of the Kerala Preservation of Trees Act, 1986.

2. Government, therefore, after consulting the scientific community in the Kerala Forest Research Institute, Peechi, issued the following guidelines for granting permission by Authorised Officers for cutting 'Dead Trees' and 'Diseased Trees' under Sections 4 and 5 of Kerala Preservation of Trees Act, 1986.

1. Dead Tree:

i) Definitions: A tree which has no sign of life.

ii) Criteria for determination of a dead tree:

A tree may be classified as dead if there is

a) Natural absence of bark, or

b) Absence of all the following conditions:

1) Green (live) leaves,

2) Buds,

3) Live tissues

Note.- The presence of live tissues can be examined at the base of the tree by blazing with a knife.

II. Diseased Tree:

i) Definition: A tree which is disturbed or abnormal in structure or physiological action in the living organisms as a whole or in any of its parts and no chance to recover or survive in the ordinary course of nature.

ii) Criteria for determination of a diseased tree for the purpose of cutting:

A tree having any of the following conditions:

- a) Top drying of main trunk at least, down to half the height of the tree
- b) Multiple borer bores throughout the tree.
- c) Severe decay of bole and roots indicated by extensive cavities, abnormally swollen bole and presence of bracket fungi.

The Principal Chief Conservator of Forests (General) will have to give necessary instructions to the concerned to see that the above guidelines are strictly followed while granting permission for cutting 'Dead Trees' and 'diseased trees'.

5. Prohibition of cutting of tree in notified areas.- (1) Notwithstanding anything contained in any law for the time being in force, or in any judgment, decree or order of any Court, tribunal or other authority, or in any agreement or other arrangement, the Government may, with a view to preserving the tree growth in private forests or in the Cardamom Hill Reserve or in any other areas cultivated with cardamom, by notification in the Gazette, direct that no tree standing in any such area specified in the notification shall be cut, uprooted, burnt or otherwise destroyed except on the ground that -

- (a) the tree constitutes a danger to life or property; or
- (b) the tree is dead, diseased or windfallen:

Provided that the provisions of this sub-section shall not be deemed to prevent the pruning of any tree as required by ordinary agricultural or horticultural practices.

(2) No person shall, without the previous permission in writing of the authorised officer, cut, uproot burn or otherwise destroy or cause to be cut, uprooted, burnt or otherwise destroyed any tree in any area specified in the notification under sub-section (1) on any of the grounds specified therein.

Explanation I.- For the purpose of this section, the term "tree" shall include any species of tree.

Explanation II.- For the purpose of sub-section (1), the expression "private forest" means any land which immediately before the 10th day of May, 1971, was a private forest as defined in the Kerala Private Forests (vesting and Assignment) Act, 1971.

Comments and Case Law

Explanation I to S.5 Explains the term tree as to include any species of trees for the purpose of that section. So for the purpose of other sections, the term tree may not

include any species of tree. S.5 applies to only those lands covered by the Government notification. For other lands whether it be a private forest or cultivated with cardamom not covered by the notification, S.4 of the act applies. Explanation to a section is not a substantive provision by itself. It is entitled to explain the meaning of the words, Contained in the section or clarify ambiguities or clear them up. It becomes a part and parcel of section. Its meaning must depend upon its terms. Sometimes it would be, added to include something it or to exclude from the ambit of the main provision or condition or some words occurring in it. Indian Forest Act 1927 as well as Kerala Forest Act, 1961 define tree as to include Bamboos as well as when both Acts give particular meaning to tree there is no justification in importin dictionary meaning so as to understand what is Bamboo. It is not possible to accept the contention that Bamboo will not come within the expression of tree in explanation I to S.5 of the 1986 Act. Mathew v. DFO.- 1997 (1) KLT 61 : 1996 (2) KLJ 461.

S.5 is attracted if the land concerned is within the area where cardamom is cultivated. The land concerned need not be cultivated with cardamom as such. Raja Sekharan Nair v. Assistant Settlement Officer - 1998 (2) KLT 721.

Non-obstante clause in the section does not have any relevance if the area is not Private Forest if the area is not Private Forest, Government cannot issue notification prohibiting cutting of trees. Kottam Ayishumma v. State - 1998 (2) KLJ 651 : AIR 1997 SC 1228.

6. application for permissson,- (1) Every application for permission under Section 4 or Section 5 shall be in such form and shall contain such particulars as may be prescribed and shall be made to the authorised officer.

(2) The procedure to be followed by the authorised officer in graning or refusing permission under Section 4 or Section 5 shall be such as may be prescribed.

7. Appeal.- (1) Any person aggrieved by an order refusing to grant permission under section 4 or Section5 may, within ninety days of the receipt of such order, prefer an appeal to the appellate authority:

Provided that the appellate authority may admit an appeal preferred after the expiry of the said period of ninety days if it is satisfied that the applicant had sufficient cause for not preferring the appeal within the said period.

(2) An appeal under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, pass such order thereon as it thinks fit.

8. Revision.- (1) The Government may, either suo motu or on application by any person aggrieved by an order of the appellate authority under Section7, call for and examine the record of any order passed by the appellate authority for the purpose of satisfying themselves as to the legality, propriety or regularity of such order and pass such order thereon as they think fit.

(2) The Government shall not of their own motin revise any order under sub-section (1) if that order has been passed more than three months previously.

(3) An application under sub-section (1) by an aggrieved person shall be made within a period of sixty days from the date on which the order of the appellate authority was communicated to him:

Provided that the Government may admit an application made after the expiry of the said period of sixty days, if they are satisfied that the applicant had sufficient cause for not making the application within that period.

(4) An order prejudicial to a person shall not be passed under sub-section (1) unless that person has been given a reasonable opportunity of showing cause against such order.

Explanation.- An order declining to interfere shall, for the purposes of this sub-section, be deemed to be an order prejudicial to a person.

9. Penalties.- Whoever contravenes any of the provisions of Section 4 or sub-section (2) of Section 5 or a direction contained in a notification under sub-section (1) of Section 5 or any of the terms and conditions subject of which a permission has been granted under this Act shall be punishable,-

(a) in the case of first offence, with imprisonment for a term which shall not be less than six months but which may extend to two years, and with fine which shall not be less than five hundred rupees but which may extend to two thousand rupees; and

(b) in the case of a second or subsequent offence, with imprisonment for a term which shall not be less than one year but which may extend to three years, and with fine which shall not be less than one thousand rupees but which may extend to five thousand rupees.

10. Offences by companies.- (1) Where an offence under this Act has been committed by a company, every person who, at a time the offence was committed, was in charge of, and was responsible to, the company for the conduct of its business, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any person liable to punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manger, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section.-

(a) "company" means any body corporate and includes firm, society or other association of individuals; and

(b) "director",-

(i) in relation to a firm, means a partner in the firm;

(ii) in relation to a society or other association of individuals means the person who is entrusted, under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be.

11. Powers of authorised officers and appellate authorities.- Every authorised officer and appellate authority shall, for the purpose of performing his or its functions under this Act, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavit; and

(d) such other matters as may be prescribed.

12. Powers of entry and inspection.- The authorised officer or any other officer generally or specially authorised by the Government in this behalf may, with such assistants, if any, being persons in the service of the Government, as he thinks fit, at all reasonable times enter upon any land for the purpose of ascertaining whether any of the provisions of this Act or any of the terms and conditions subject to which any permission has been granted under this Act has been contravened.

13. Power to seize timber and other articles involved in commission of offence.- (1) Where any officer of the Forest Department not below the rank of Forester or any Police Officer not below the rank of Sub-Inspector has reason to believe that any tree has been cut in contravention of Section 4 or sub-section (2) of Section 5 or a direction contained in a notification under sub-section (1) of Section 5, he may seize the timber of such tree together with all tools, ropes, chains and other articles used in the commission of such offence and all boats, vehicles and animals used for carrying such timber.

Explanation.- The terms "boat" and "vehicle" in this section, Section 14 and Section 15 shall include all the article and machinery kept in the boat or vehicle, as the case may be whether fixed to the same or not.

(2) Every officer seizing any timber under sub-section (1) shall place on such timber a mark indicating that the same has been so seized and shall, as soon as may be, make a report of such seizure to the authorised officer.

(3) On receipt of a report under sub-section (2), the authorised officer shall,-

(a) if he is satisfied that the timber mentioned in such report is of any tree cut in contravention of Section 4 or sub-section (2) of Section 5 or a direction contained in a notification under sub-section (1) of Section 5, make a report of such seizure to the

judicial Magistrate of the First Class having jurisdiction over the area in which such seizure has been made;

(b) if he is not so satisfied, make a report of such seizure to such authority as may be prescribed.

(4) The authority to which a report is made under clause (b) of subsection (3) shall,-

(a) if it is satisfied that the timber mentioned in such report is of any tree cut in contravention of Section 4, or sub-section (2) of section 5 or a direction contained in a notification under sub-section (1) of Section 5, make a report of the seizure of such timber to the judicial magistrate of the First Class having jurisdiction over the area in which such seizure has been made;

(b) if it is not so satisfied, order that such timber and any tool, rope, chain or returned to the person from whom they were seized.

14. Power to release property seized under Section 13.- The authorised officer may release any tool, rope, chain or other article or any boat, vehicle or animal seized under Section 13 and in respect of which a report has been made to the judicial Magistrate of the First Class under clause (a) of sub-section (3) or clause (a) of sub-section (4) of that section, on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before such Magistrate.

15. Procedure by Magistrate.- Upon the receipt of a report under clause (a) of sub-section (3) or clause (a) of sub-section (4) of Section 13, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the timber and any tool, rope, chain or other article or any boat, vehicle or animal seized along with it, according to law.

16. Procedure as to perishable property seized under Section 13.- (1) Notwithstanding anything herein before contained,-

(a) the Magistrate to whom a report is made under Section 13 may direct the sale of any property seized under that section, which is subject to speedy and natural decay; and
(b) if, in the opinion of the authorised Officer, it is necessary to dispose of the property, which is subject to speedy and natural decay, such officer shall immediately after, and in any case not later than one month from, the date of report under Section 13 make an application to the Magistrate referred to in clause (a) for permission to sell the property by such officer himself and on getting such permission, may sell the property himself, remit the sale proceeds into the nearest Government Treasury and make a report of such sale and remittance to that Magistrate and thereupon such Magistrate shall take such measures as may be necessary for the trial of the accused.

(2) The Magistrate may deal with the proceeds of the sale of any property sold under clause (a) or clause (b) or sub-section (1) in the same manner as he might have dealt with the property if it has not been sold.

17. Saving or power to release property seized.- Nothing hereinbefore contained shall be deemed to prevent the authorised officer from directing at any time the immediate release of any property seized under Section 13 and the withdrawal of any charge made in respect of such property:

Provided that the powers under this section shall be exercised by the authorised officer only for good and sufficient reasons to be recorded in writing and with the previous approval in writing of the Divisional Forest Officer concerned.

18. Institution of prosecution.- No prosecution shall be instituted against any person without the sanction of the authorised officer.

Comments

This is a formal requirement and for want of the same, prosecution has failed many times. The prosecuting officers have failed to understand this mandatory requirement.

19. Cognizance of offences.- No Court inferior to that of a Judicial Magistrate of the First Class shall try any offence under this Act.

20. Bar of jurisdiction of Civil Courts.- No Civil Court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by any officer or authority or the Government.

21. Indemnity.- No suit, prosecution or other legal proceedings shall lie against the Government or any officer or authority or any other person for anything which is in good faith done or purporting to have been done under this Act or any rule or order made thereunder.

22. Restriction regarding cutting etc., of trees in future assignments.-

Notwithstanding anything contained in any law for the time being in force, any assignment after the commencement of this Act, of land belonging to the Government, under any law for the time being in force shall be subject to the condition that the assignee shall not, without the previous permission in writing of the authorised officer, cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree standing on such land at the time of such assignment, and the provisions of this Act shall apply in relation to such permission as if they apply in relation to a permission under Section 4.

23. Power to make rules.- (1) The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

- (a) the girth of trees which may be permitted to be cut;
- (b) the terms and conditions subject to which permission may be granted;
- (c) the procedure to be followed by the authorised officer before granting or refusing

permission;

(d) the procedure to be followed by the appellate authority in the disposal of an appeal under Section 7;

(e) any other matter which has to be, or may be, prescribed.

24. Laying of notifications and rules before Legislative Assembly.- Every notification issued under sub-section (1) of Section 5 and every rule made under Section 23 shall be laid, as soon as may be after it is issued or made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the notification or rule or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule.

25. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the gazette make such provisions not inconsistent with the provisions of this Act, which appear to them necessary for the purpose of removing the difficulty.

(2) Every such order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly.

26. Repeal and saving.- (1) The Kerala Restriction on cutting and Destruction of Valuable Trees Act, 1974 (7 of 1974), and the Kerala Preservation of Trees Ordinance, 1986 (65 of 1986) are hereby repealed.

(2) Notwithstanding the repeal of the Kerala Preservation of Trees Ordinance, 1986 (65 of 1986) anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Act:

Provided that no person convicted of an offence with respect to anything so deemed to have been done under this Act, shall be subjected to a penalty greater than that which might have been inflicted under the law applicable to such offence, in force at the time of the commission of such offence:

Provided further that nothing contained in this section shall render any person liable to be convicted of an offence in respect of anything done or omitted to be done by him after the 1st day of August, 1983 and before the 30th day of August, 1983 and after the 6th day of January, 1984 and before the 15th day of February, 1984.

NOTIFICATIONS

I

Preservation of Trees and Regulation of Cultivation in Hill Areas Ordinance - Notn.
commencement
(Published in Kerala Gazette Ext. No.635 dated 18/06/1983)

S.R.O. No. 772/83.- IN exercise of the powers conferred by sub-section (3) of Section 1 of the Kerala Preservation of Trees and Regulation of Cultivation in Hill Areas Ordinance, 1983 (21 of 1983), the Government of Kerala hereby appoint the 18th day in June, 1983 as the date on which all the provisions of the said Ordinance shall come into force.

II

Preservation of Trees and Regulation of Cultivation in Hill Areas Ordinance, 1983 Notn.
under S.3 (1) appointing Authorised Officers
(Published in Kerala Gazette Ext. No. 820 dated 30/07/1983)

S.R.O. No 972/83.- In exercise of the powers conferred by sub-section (1) of Section 3 of the Kerala preservation of Trees and Regulation of Cultivation in Hill Areas Ordinance, 1983(21 of 1983), the Government of Kerala hereby appoint the Range Officers in charge of the Territorial Forest Ranges, Range Officers in charge of Special Tanges for vested forests in the Malabar district referred to in sub-section (2) of Section 5 of the State Reorganisation Act, 1956 (Central Act 37 of 1956), and Assistant Wild Life Preservation Officers in the Periyar and Neyyar Sanctuaries, to be authorised officers for the purposes of the said Ordinance within their respective jurisdictions.

III

Kerala Preservation of Trees and Regulation of Cultivation in Hill Areas Ordinance, 1983
Notn. under S.3 (2) appointing appellate authorities
(Published in Kerala Gazette Ext. No. 820 dated 30/07/1983)

S.R.O.No. 973/83.- In exercise of the powers conferred by sub-section (2) of Section 3 of the Kerala Preservation of Trees and Regulation of Cultivation in Hill Areas Ordinance, 1983 (21 of 1983), the Government of Kerala hereby appoint the Divisional Forest Officers in charge of Territorial Divisions, Divisional Forest Officers in charge of Special Divisions for vested forests in the Malabar district referred to in sub-section (2) of Section 5 of the State Re-organisation Act, 1956, (Centreal Act 37 of 1956), the Wildlife Preservation Officer Thekkady and the Wildlife Warden, Neyyar to be appellate authorities for the purposes of the said Ordinance, within their respective jurisdictions.

IV

Notn. under S.3(1) of Preservation of Trees and Regulation of Cultivation in Hill Areas
Ordinance, 1983 appointing Authorised Officers
(Published in Kerala Gazette Ext. No. 956 dated 05/09/1983)

S.R.O.No. 1108/83.- In exercise of the powers conferred by sub-section (1) of Section 3 of the Kerala Preservation of Trees and Regulation of Cultivation in Hill Areas

Ordinance, 1983 (29 of 1983), the Government of Kerala hereby appoint the Range Officer in charge of the Territorial Forest Ranges, Range Officers in charge of Special Ranges for vested forests in the Malabar district referred to in sub-section (2) of Section 5 of the States Re-organisaiton Act, 1956 (Centreal Act 37 of 1956), and Assistant Wild Life Preservation Officers in the Periyar and Neyyar Sanctuaries, to be authorised officers for the purposes of the said Ordinance with their respective jurisdictions.

(Published in Kerala Gazette Extra No. 956 dated 05/09/1983)

V

S.R.O.No. 1109/83.- In exercise of the powers conferred by sub-section (2) of Section 3 of the Kerala Preservation of Trees and Regulation of Cultivation in Hill Areas Ordinance, 1983 (29 of 1983), the Government of Kerala hereby appoint the Divisional Forest Officers in charge of the Territorial Divisions, Divisional Officers in charge of Special Division for vested forests in the Malabar district referred to in sub-section (2) of Section 5 of the States Re-organisaiton Act, 1956 (Centreal Act 37 of 1956), and Assistant Wild Life Preservation Officers, Thekkady and Wild Life Warden, Neyyar, to be appellate authorises for the purposes of the said Ordinance with their respective jurisdictions.

VI

S.R.O.No. 143/89.- In exercise of the powers conferred by sub-section (1) of Section 3 of the Kerala Preservation of Trees Act, 1986 (35 of 1986), the Government of Kerala hereby appoint all Range Officer in charge of the Territorial Forest Ranges, all Range Officers in charge of Special Ranges for vested forests in the Malabar district referred to in sub-section (2) of Section 5 of the States Re-organisaiton Act, 1956 (Centreal Act 37 of 1956), and Assistant Wild Life Warden and Assistant Wild Life Preservation Officers Specified in the Schedule below, to be authorised officers for the purposes of the said Act within their respective jurisdictions.

SCHEDULE

Assistant Wild Life Warden, Aralam Wild Life Sanctuary.

Assistant Wild Life Warden, Kurinchiyatt Range, Kuppady.

Assistant Wild Life Warden, Batherry RANge, Sulthan Battary.

Assistant Wild Life Warden, Muthanga RANge, Muthanga.

Assistant Wild Life Warden, Tholpetty Range, Begur.

Assistant Wild Life Warden, Silent Valley National Park, Mukkaly.

Assistant Wild Life Warden, Sumgam Range, Sumgam.

Assistant Wild Life Warden, Parambikulam RANge, Parambikulam.

Assistant Wild Life Warden, Orukompan Range, Orukompankutty
Assistant Wild Life Warden, Karimala Range, Parambikulam.
Assistant Wild Life Warden, Chimmany Wild Life Sanctuary, Echippara, Chimmany.
Assistant Wild Life Warden, Peechi, Vazhani Wild Life Sanctuary, Peechi.
Assistant Wild Life Warden, Chinnar Wild life Sanctuary, Marayoor.
Assistant Wild Life Warden, Eravikulam National Park, Eravikulam.
Assistant Wild Life Warden, Idukki Wild Life Sanctuary, Idukki.
Assistant Wild Life Warden, Thattekkode Birds Sanctuary, Thattekkode.
Assistant Wild Life Preservation Officer, Thekkady.
Assistant Wild Life Warden, Vallakkadavu Range, Vallakkadavu.
Assistant Wild Life Warden, Wild Life Sanctuary, Neyyar Dam, Neyyar.
Assistant Wild Life Warden, Peppara Wild Life Sanctuary, Peppara.
Assistant Wild Life Warden, Chenthurny Wild Life Sanctuary, Thenmala.

(Notification No. 6468/B1/87/F&WLD dt. 21/01/1989, published in K.G No. 91 dt. 27/01/1989 as SRO. No. 143/89.)

VII

S.R.O.No. 144/89.- In exercise of the powers conferred by sub-section (2) of Section 3 of the Kerala Preservation of Trees Act, 1986 (35 of 1986), the Government of Kerala hereby appoint all Divisional Forest Officer in charge of the Territorial Divisions, all Divisional Forest Officers in charge of Special Divisionas, for vested forests in the Malabar district referred to in sub-section (2) of Section 5 of the States Re-organisaiton Act, 1956 (Centreal Act 37 of 1956), and the Wild Life Warden and Assistant Wild Life Preservation Officers incharge of Wild Life Divisions specified in the Schedule below, to be appellate authorises for the purposes of the said Act within their respective jurisdictions:-

Wild Life Warden-Wayanad, Sulthanbattery

Wild Life Warden-Silent Valley National Park, Mukkaly.

Wild Life Warden- Parambikulam.

Wild Life Warden-Idukki

Wild Life Preservation Officer-Thekkady

Wild Life Warden- Wild Life Division, Trivandrum.

Explanatory Note

(This is not part of the notification, but is intended to indicate its general purport.)

Government have decided to empower Range Officers of the Forest Department (Territorial and Special Ranges) and the Assistant Wild Life Wardens and Assistant Wild life Preservation Officer of Thekkady in charge of the ranges of the respective sanctuaries to be authorised Officers for the purposes of the Kerala Preservation of Trees Act, 1986 (35 of 1986) within their respective jurisdiction.

Government have also decided to appoint the Divisional Forest Officers in charge of territorial and Special Divisions, Wild Life Preservation Officer and the Wild Life Wardens specified in the schedule to Notification II to be appellate authorities for the purposes of the Kerala Preservation of Trees Act, 1986 (35 of 1986) within their respective jurisdictions. These notifications are intended for the above purposes.

VIII

G.O.(1) No. 15/98 F&WLD
Thiruvananthapuram, 20/02/1998

Dated,

S.R.O No...../98.- In exercise of the powers conferred by sub-section (1) of Section 3 of the Kerala Preservation of Trees Act, 1986 (35 of 1986), and in supersession of notification No. 972/83 in the Kerala Gazette Extraordinary No. 820 dated 30/7/1983 and in supersession of notification No. 1108/83 in the Kerala Gazette Extraordinary NO.956 dated 5-9-1983, the Government of Kerala hereby appoint the following officers to be the Authorised Officers for the purposes of the said Act in respect of the category of lands and species of trees noted against each, within their respective jurisdictions.

Authorised Officers	Category of Land	Species of Trees
Conservators of Forests of Territorial Circles	Forest land or any other Government land under lease outside Sanctuaries and National Parks	All Species
Conservators of Forests of Wild Life Circles	Forest land or any other Government land under lease within Sanctuaries and National Parks	All Species
Divisional Forest Officers of Territorial Divisions	private lands outside Sanctuaries and National Parks	Rosewood, Teak, Sandal, Ebony and Chenkurinjy
Wild life Wardens and Wild Life Preservation Officer	private lands in the enclosures within Sanctuaries and National Parks	Rose wood, Teak, Sandal, Ebony and Chenkurinjy
Range Officers of Territorial Ranges	Private land outside Sanctuaries and National parks	Species other than Rosewood, Teak, Sandal, Ebony and Chenkurinjy
		Species other than Rosewood, Teak, Sandal, Ebony and

Assistant Wildlife Wardens and Assistant Wild life Preservation officer	Private lands in the enclosures within sanctuaries and National parks	Chenkurinjy
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IX

S.R.O.No. 236/98.- In exercise of the powers conferred by sub-section (2) of Section 3 of the Kerala Preservation of Trees Act, 1986 (35 of 1986), and in supersession of notification NO. 48225/ES-A1/83/AD dated the 29th July, 1983, published as SRO. No. 973/83 in the kerala Gazette Extraordinary No. 820 dated 30/7/1983 and in supersession of notification NO.65874/FS-A1/83/AD dated the 5th September, 1983 published as SRO No.1109/83 in the Kerala Gazette Extraordinary NO.956 dated 5/9/1983, the Government of Kerala here by appoint the following officers to be the appellate Authorities for the purposes of the said Act in respect of the category of lands and species of trees noted against each within their respective jurisdictions.

Appellate Authorities	Category of Land	Species of Trees
(1)	(2)	(3)
Cheif conservator of Forests (Protection)	Forest land or any other Government land under lease outside Sanctuaries and National Parks	All Species
Cheif Conservator of Forests (Wild life)	Forest land or any other Government land under lease within Sanctuaries and National Parks	All Species Rosewood, Teak, Sandal, Ebony and Chenkurinjy
Conservator of Forests of Territorial Circles	Private lands outside Sanctuaries and National Parks	Rosewood, Teak, Sandal, Ebony and Chenkurinjy
Conservator of Forests of Wildlife Circle	Private lands in the enclosures within Sanctuaries and National Parks	Species other than Rosewood, Teak, Sandal, Ebony and Chenkurinjy
Divisional Forest Officers of Territorial Divisions	Private lands in the enclosures within Sanctuaries and National Parks	Species other than Rosewood, Teak, Sandal, Ebony and Chenkurinjy
Wildlife Wardens and Wildlife Preservation Officer	Private lands in the enclosures within Sanctuaries and National Parks	