

MEGHALAYA ACT 13 OF 1976

THE MEGHALAYA TREE (PRESERVATION) ACT, 1976

(As passed by the Assembly)

[Received the assent of the Governor on the 5th October, 1976](Published in the Gazette of Meghalaya, Extra-ordinary, dated 9th October, 1976)

An

Act

**to make provisions for regulating the felling of trees for purpose
of protection of catchment areas and soil from erosion and
to preserve the special characteristics of the
hilly areas as regards landscape, vegetal
cover and climate and to provide
for matters connected therewith
and incidental thereto.**

Be it enacted by the Legislature of Meghalaya in the Twenty-seventh Year of the Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Meghalaya Tree (Preservation) Act, 1976.

(2) It shall extend to the Municipality and Cantonment areas of Shillong;

Provided that the State Government may, by notification, extend the Act to other areas of Meghalaya.

(3) It shall be deemed to have come into force on the 18th May, 1976.

Definitions.

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

(a) "Government" means the Government of Meghalaya ;

(b) "tree" means any tree specified in the Schedule to this Act, and the State Government may, by notification, add to or modify, the Schedule ;

(c) "to fell a tree" includes burning, cutting, damaging, uprooting or lopping a tree to cause substantial damage or destruction thereto.

Restriction on felling of trees.

3. (1) No person shall fell any tree or cause or permit such tree to be felled in any land, whether of his ownership or otherwise, except with the prior permission of the Divisional Forest Officer who may grant such permission subject to such conditions not inconsistent with the provisions of this Act.

Provided that such permission shall not be refused if the tree is dead, diseased, over-matured, wind fallen, has become dangerous to life and property or if it is necessary for the purpose of preventing or abating a nuisance.

(2) Every order granting or refusing permission shall be in writing and in the case of refusal shall contain reasons thereof.

(3) Every application for application for permission under this section shall be disposed of by the Divisional Forest Officer as early as possible and not later than two months from the date of submission of the application, failing which permission shall be deemed to have been accorded.

Appeal.

4. Any person aggrieved by an order of the Divisional Forest Officer refusing permission under this Act may within thirty days from the date of such order, prefer an appeal to the Conservator of Forests.

Penalty for felling trees in contravention Section 3.

5. Any person who, without obtaining prior permission as provided in the Act, fells any such tree, or causes or permits it to be felled, shall be liable, on conviction before a Magistrate, to a fine not exceeding one thousand rupees; and the Court of such a Magistrate may further order that any such tree so felled together with all tools and other articles used in committing such contravention shall be forfeited to the State Government.

Power of entry, search and seizure.

6. (1) Any Forest Officer not below the rank of a Range Officer and Police Officer not below the rank of a Sub-Inspector may enter upon any land, where he has reason to believe that any tree has been or is being felled, in contravention of Section 3 and seize such felled tree or any lop-pings thereof, together with its produce, tools, implements and other articles with its produce, tools, implements and other articles used in committing such contravention and shall make a report of such seizure to the Divisional Forest Officer.

- Power of entry, search and seizure.
- (2) If the property so seized is not ordered to be forfeited to the State Government under Section 5, that property shall be returned to the person from whom it was seized.
- (3) If any claim is set up by a third person to the property seized as aforesaid, the Magistrate shall inquire into the claim and may admit or reject it, after bearing such person in respect thereof.
- Bar against proceedings.
7. No suit or proceedings shall lie against the State Government or against any person empowerment to exercise powers or to perform duties or discharge functions under this Act, for anything in good faith done or purporting to be done under this Act.
- Exemption.
8. Notwithstanding any thing contained in this Act no permission shall be required for –
- (1) the training or laying of hedges :-
- (2) lopping of branches or pruning of any tree as required by ordinary agricultural or horticultural practices ;
- (3) the felling of any tree in pursuance of any order or direction made or issued by any authority under the provisions of any law for the time being in force.
- Provisions of this Act to be in addition to any other law for the time being in force.
9. The provisions of this Act shall be in addition to the provisions of any other law for the time being in force prohibiting or regulation the felling of trees.
- When court to take cognizance of offence
10. No court shall take cognizance of any offence punishable under this Act ,-
- 1) Except on the complaint of the Divisional Forest Officer or any other officer authorised by the Government in this behalf ; and
- 2) Unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.
- Power to make rules.
11. The State Government may make rules to carry cut the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely,-

- (a) the form and manner of applications to be made for permission under sub-section (1) of Section 3 and disposal thereof ; appeals to the Conservator of Forests and the fees payable therefore ;
- (b) the procedure to be followed in hearing and deciding appeals under Section 4 ;
- (c) any other matter;

Repeal of the
Meghalaya Ordinance
1 of 1976.

12. The Meghalaya Tree (Plantation) Ordinance, 1976 (1 of 1976) is hereby repealed.

SCHEDULE

(See Section 2 and 3)

- 1. Pine**
- 2.**
- 3.**
- 4.**
- 5.**
- 6.**