



GOVERNMENT OF GUJARAT

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

# SAURASHTRA ACT No. XVII OF 1951

## The Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951.

*(As modified upto the 31st May, 2012)*

**THE SAURASHTRA FELLING OF TREES  
(INFLECTION OF PUNISHMENT) ACT, 1951**

CONTENTS

PREAMBLE

SECTIONS

1. Short title, extent and commencement.
2. Interpretation.
3. Unauthorised felling of trees prohibited.
4. Appeal.
- 4-A. Procedure
5. Provision of this Act to be in addition to, and not in derogation of, any other law for the time being in force.
6. Fine recoverable as arrear of land revenue.
7. Payment of portion of fine to informer.
8. Persons seeing tree or portion being felled to take felled tree or portion to nearest Revenue Officer.
9. Order of disposal of property.
10. Revisional power of Government.
11. Rules.

SAURASHTRA ACT No. XVII OF 1951<sup>1</sup>[THE SAURASHTRA FELLING OF TREES (INFLICTION OF PUNISHMENT)  
ACT, 1951]

[ 13th July 1951 ]

Amended by Sau. 28 of 1952.

Amended by Sau. 27 of 1954.

Amended by Sau. 21 of 1955\*

Adapted and modified by the Bombay (Saurashtra Area) Adaptation of Laws ( State and Concurrent Subjects ) Order, 1956.

Amended by Guj. 9 of 1960.

## AN ACT

to provide for heavier punishment for felling of trees and for certain  
other matters

WHEREAS it is expedient to provide for heavier punishment for the unauthorised felling of trees and for certain other matters; It is hereby enacted as follows :-

1. (1) This Act may be called the Saurashtra Felling of Trees (Infliction of Punishment) Act, 1951.

Short title, extent and commencement.

<sup>2</sup> [(2) It extends to the whole of the State of Gujarat. ]

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context-

Interpretation.

(a) "Collector" means a Collector of the District having jurisdiction.

<sup>3</sup>\* \* \* \* \*

<sup>4</sup> [(c) "tree" shall not include shrubs, bushes and such other varieties as may be notified by Government by notification in the *Official Gazette* ].

<sup>5</sup>\* \* \* \* \*

<sup>6</sup> [(e) "Code" means—

(i) in relation to the Bombay area and the Saurashtra area of the State of Gujarat, the Bombay Land Revenue Code, 1879 ; and

(ii) in relation to the Kutch area of the State of Gujarat, the Bombay Land Revenue Code, 1879 as applied to that area ;] :

(f) expressions used, but not defined in this Act, shall have the same meanings as are assigned to them in <sup>7</sup>[ the Code ].

3. (1) Notwithstanding anything contained in <sup>8</sup>[ the Code ] or in any other law for the time being in force in the State-

Unauthorised felling of trees prohibited.

(a) no person either by himself or through any other person shall, without the written permission of the Collector or any other officer <sup>9</sup>[or<sup>10</sup>] [any Village Panchayat constituted or deemed to be a Village Panchayat under the Bombay Village Panchayats Act, 1958]] duly empowered in this behalf by the Government, voluntarily fell, appropriate or damage, or cause to be felled., appropriated or damaged, any tree, or any portion thereof <sup>11</sup>[\*\*\*]

(b) any person who contravenes the provisions of sub-clause (a) shall, on conviction by a revenue officer not below the rank of a Mahalkari authorised by Government in this behalf, be liable to fine which may extend to rupees one thousand <sup>12</sup>[and which shall not be less than rupees fifty, unless the Revenue Officer inflicting such fine considers it

improper, for special reasons to be recorded in writing, to inflict such minimum amount of fine ].

<sup>13</sup>[(2) Nothing contained in sub-section (1) shall apply to the felling, appropriating or damaging any branch of babool tree for the purpose of using it or causing it to be used for cleaning teeth ].

4. <sup>14</sup>(1) The order of the revenue officer passed under clause (b) of sub-section (1) of section 3 shall be final subject to appeal which may be preferred, within 30 days of the date of communication of such order, to the Collector.

Appeal.

<sup>15</sup>(2) It shall be lawful for the Collector to delegate his power to hear appeal under sub-section (1) to the Assistant Collector or any Deputy Collector subordinate to him].

<sup>16</sup>[4A. In dealing with cases under this Act, the revenue officers and the Collector shall follow, as far as may be practicable, the procedure prescribed in Chapter XII or XIII, as the case may be, of <sup>17</sup>[ the Code ]].

Procedure.

5. Provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Provisions of this Act to be in addition to and not in derogation of, any other law for the time being in force.

6. Any fine inflicted under this Act shall be recoverable as arrear of land revenue.

Fine recoverable as arrear of land revenue.

<sup>18</sup>[7. The revenue officer trying any case under the provision of clause (b) of sub-section (1) of section 3, or the Collector <sup>19</sup>[ or the Assistant Collector or the Deputy Collector, as the case may be ] hearing an appeal under section 4 may direct that any portion, not exceeding one-fourth, of any fine which may be imposed under any of the said sections, shall be paid to, or distributed amongst, such person or persons as may have given assistance in the detection of the offence, as reward].

Payment of portion of fine to informer.

<sup>20</sup>[8. It shall be lawful for any person present at or near the place where an offence of contravention of the provisions of clause (a) of sub-section (1) of section 3 is, or is being committed, to take the felled, appropriated or damaged tree or any portion thereof, as the case may be, to the nearest revenue officer ].

persons seeing tree or portion being felled to take felled tree or portion to nearest revenue officer.

<sup>20</sup>[9. While passing an order under clause (b) of sub-section (1) of section 3, the revenue officer may make such order as he thinks fit for the disposal by confiscation or delivery to any person claiming to be entitled to possession thereof or otherwise, of felled, appropriated or damaged tree or any portion thereof, produced before him or in his custody or regarding which any offence appears to have been committed.]

Order for disposal of property.

<sup>20</sup>[10. (1) The Government may call for and examine the records of any proceedings of any revenue officer under this Act for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer.

Revisonal power of Government.

(2) If in any case it shall appear to the Government that any decision or orders passed in any proceedings called for under sub-section (1) requires to be modified annulled or reversed, it may pass such orders thereon as it deems fit:]]

<sup>21</sup>[ Provided that no such order which adversely affects any person shall be passed under this section unless such person has been given reasonable opportunity of being heard].

<sup>22</sup>[11. The Government may make rules for the purpose of carrying into effect the provisions of this Act].

Rules.

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<sup>1</sup> For Statement of Objects and Reasons, see *Saurashtra Government Gazette*, 1951, Part I-A, pages 372-373.

\* Section 3 of Sau. 21 of 1955 reads as follows:-

<sup>2</sup> Sub-section (2) was substituted for the original by Guj. 9 of 1960, s. 3(a).

<sup>3</sup> Clause (b) was deleted by the Bombay ( Saurashtra Area ) Adaptation of Laws ( State and Concurrent Subjects) Order, 1956.

"3. Any powers conferred by Government upon, and any permission given in the exercise of such powers by any Gram Panchayat constituted under the Saurashtra Gram Panchayat Ordinance, 1949 before the coming into force of this Act, in virtue of the provisions contained in clause (a) of sub-section (1) of section 3 of the said Act shall be, and shall be deemed to have been, as good and valid in law, as if this Act was in force on the date on which the said Act came into force and such powers and permission had been given under the provisions of clause (a) of sub-section (1) of section 3 of the said Act, as amended by section 2 of this Act."

[Validation of powers conferred upon and permission given by Gram Panchayat under Sau. Act No. XVII of 1951.](#)

<sup>4</sup> This clause was substituted for the original by Sau. 28 of 1952.

<sup>5</sup> Clause (d) was deleted by the Bombay ( Saurashtra Area ) Adaptation of Laws (State and Concurrent Subjects) Order, 1956

<sup>6</sup> Clause (e) was substituted for the original clause by Guj. 9 of 1960, section 3(6)(i).

<sup>7</sup> These words were substituted for the words and figures "The Bombay Land Revenue Code, 1879", by Guj. 9 of 1960, section 3 (d) (ii).

<sup>8</sup> These words were substituted for the words and figures "The Bombay Land Revenue Code, 1879, by Guj. 9 of 1960, section 3 (c)(i).

<sup>9</sup> The words and figures "or any Gram Panchayat constituted under the Saurashtra Gram Panchayat Ordinance, 1949" were inserted by Sau. 21 of 1955, section 2.

<sup>10</sup> These words and figures were substituted for the words and figures any Gram Panchayat constituted under the Saurashtra Gram Panchayat Ordinance, 1949" by Guj. 9 of 1960, section 3(c)(ii).

<sup>11</sup> The words "unless it be his own property " were deleted by Sau. 28 of 1952.

<sup>12</sup> These words were added by Sau. 27 of 1954.

<sup>13</sup> This sub-section was substituted for the original, by Sau. 27 of 1954.

<sup>14</sup> This was renumbered as sub-section (1), by Sau. 27 of 1954.

<sup>15</sup> This sub-section was added, by Sau. 27 of 1954.

<sup>16</sup> This section was inserted by Sau. 28 of 1952.

<sup>17</sup> These words were substituted for the words and figures "The Bombay Land Revenue Code, 1879, as adapted and applied in Saurashtra "by Guj. 9 of 1960, section 3 (d.)

<sup>18</sup> This section was added by Sau. 28 of 1952.

<sup>19</sup> These words were inserted by Sau. 27 of 1954.

<sup>20</sup> These sections were added by Sau. 27 of 1954.

<sup>21</sup> This proviso was added by Guj. 9 of 1960 section 3 (e).

<sup>22</sup> These sections were added by Sau. 27 of 1954.