



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक १०]

सोमवार, जानेवारी १६, २०१७/पौष २६, शके १९३८

[पृष्ठे ३ किंमत : रुपये २७.००

असाधारण क्रमांक १८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Act, 2016 (Mah. Act No. XIII of 2017), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,
Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XIII OF 2017.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 16th January 2017).

An Act further to amend the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975.

Mah.
XLIV of
1975.

WHEREAS it is expedient further to amend the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Act, 2016.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

(१)

भाग आठ-१८-१

Amendment of
section 4 of
Mah. XLIV of
1975.

2. In section 4 of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 (hereinafter referred to as "the principal Act"), in sub-section (1),—

Mah.
XLIV of
1975.

(a) for the words "every month" the words "every fortnight" shall be substituted;

(b) for the words "forty-five days" the words "twenty-one days" shall be substituted.

Amendment of
section 8 of
Mah. XLIV of
1975.

3. In section 8 of the principal Act,—

(a) in sub-section (2), for the words "Tree Authority" the words "Tree Officer" shall be substituted;

(b) in sub-section (3),—

(i) for clause (a), the following clauses shall be substituted, namely:—

"(a) On receipt of such application, the Tree Officer shall,—

(i) give public notice by advertising it in at least one local newspaper;

(ii) affix such notice on the conspicuous part of the tree that is to be felled;

(iii) personally inspect the tree; and

(iv) hold an inquiry.

The Tree Officer shall, after expiry of the period of submission of objections and suggestions which shall not be less than seven days, submit his report alongwith objections or suggestions, if any, received to the Tree Authority or an officer mentioned in sub-section (6), as the case may be:

Provided that, the Tree Officer shall submit his report within a period of twelve days from the date of receipt of the application:

Provided further that, no personal inspection of the trees by the Tree Officer shall be required, if the applicant submits images and details of the trees to be felled, by using Information Technology enabled system developed by the urban local authority which suffices the requirement of submission of report by the Tree Officer:

Provided also that, no such permission shall be refused if, in the opinion of the Tree Authority or the Officer, as the case may be, the tree is dead, or diseased or windfallen, or it constitutes a danger to life or property, or obstructs traffic; and if any objection is received against such permission, the matter shall be placed before the Tree Authority or the Officer, as the case may be, for reconsideration, and a decision shall be taken within two weeks after giving a hearing to the person who has raised the objection.

(a-1) The Officer referred to in sub-section (6) or the Tree Authority, as the case may be, shall allow the application, with or without conditions or, may refuse it, within a period of forty-five days from the date of receipt of the application.";

(ii) in clause (b), for the words "six months" the words "three months" shall be substituted;

(c) in sub-section (4),—

(i) for the words "If the Tree Authority fails to inform" the words "Subject to the provisions of sub-section (5), if the Tree Authority fails to inform" shall be substituted;

(ii) for the words "sixty days" the words "forty-five days" shall be substituted;

(d) for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) Where permission to fell a tree is granted or deemed to have been granted under sub-section (4), the applicant shall plant twice the number of trees to be felled of the same or other suitable local species on the same site and if required at other suitable places as decided by the Authority. The number of trees to be planted on the same site and that on other suitable place alongwith location of such suitable place shall be mentioned in the permission to be granted by the Authority. The trees shall be planted within fifteen days from the date the tree is felled, or such extended time as the Tree Officer may allow in this behalf:

Provided that such extended time granted shall not exceed fifteen days."

(e) after sub-section (5), the following sub-section shall be added, namely:—

"(6) Notwithstanding anything contained in this Act, if the number of trees proposed to be felled is twenty-five or less, in such cases all the functions and powers of the Tree Authority shall be exercised by the Municipal Commissioner of Municipal Corporation or the Chief Officer of Municipal Council or the Chief Executive Officer of the Authority as the case may be."

4. In section 10 of the principal Act, in sub-section (1), for the words "one or more trees" the words "twice the number of trees" shall be substituted.

Amendment of section 10 of Mah. XLIV of 1975.