

LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Preservation of Trees
(Amendment) Bill, 2021**

(Bill No. 51 of 2021)

(As introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA**

October, 2021

The Goa Preservation of Trees

(Amendment) Bill, 2021

(BILL No. 51 of 2021)

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further to amend the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act No. 6 of 1984).

BE it enacted by the Legislative Assembly of Goa in the Seventy –second Year of the Republic of India as follows: -

1. Short title and commencement. - (1) This Act may be called the Goa Preservation of Trees (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of long title. - In the Goa, Daman and Diu Preservation of Trees Act, 1984(Act 6 of 1984)(hereinafter referred to as the “principal Act”), in the long title, for the expression “Union territory of Goa, Daman and Diu”, the words “State of Goa” shall be substituted.

3. Amendment of section 1. – In section 1 of the principal Act, -

- (i) in sub-section (1), the expression, “Daman and Diu” shall be omitted;
- (ii) in sub section (2), for the expression “Union territory of Goa, Daman and Diu”, the words “State of Goa” shall be substituted.

4. Amendment of section 2. - In section 2 of the principal Act, -

- (i) in clauses (c) and (e), the expression, “Daman and Diu” shall be omitted;
- (ii) for clause (j), the following clause shall be substituted, namely: –
“(j) “tree” means any woody plant whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than ten centimeters in diameter at a breast height (dbh- 1.37 metres) from the ground level and includes coconutpalm;”

5. Amendment of section 3. - In section 3 of the principal Act, -

(i) for sub section (1), the following sub-section shall be substituted, namely: -

“(1) The Government shall, by notification, constitute a Tree Authority for the State of Goa which shall be the principal advisory body for protection and conservation of trees covered by this Act.”;

(ii) for sub-section (2), the following sub-section shall be substituted, namely: -

“(2) The Tree Authority shall consist of the following members, namely: -

- (i) Principal Secretary (Forests)-Chairperson;
 - (ii) Principal Chief Conservator of Forests – Member.
 - (iii) Additional Principal Chief Conservator of Forests and Chief Wildlife Warden – Member.
 - (iv) Four Members of the Legislative Assembly of Goa nominated by the Government - Members.
 - (v) Two Representatives of the local bodies nominated by the Government-Members.
 - (vi) Secretary (Urban Development) –Member.
 - (vii) Secretary (Revenue) –Member.
 - (viii) Secretary (Panchayats) –Member.
 - (ix) Member Secretary, Goa State Biodiversity Board – Member.
 - (x) Head of Botany Department, Goa University –Member.
 - (xi) Deputy Conservator of Forests (Planning & Statistics) - Member Secretary.
- (2A) Experts from the relevant fields based on requirement may be invited by the Chairperson for deliberation.”.

6. Amendment of section 7. - In section 7 of the principal Act ,

for clauses(a),(b), (d), (e), (g) and (i),the following clauses shall be respectively substituted, namely: -

“(a) advising Government and all concerned for preservation of all trees within its jurisdiction;

(b) maintaining record of tree cover outside forest based on the report of Forest Survey of India, Ministry of Environment Forest and Climate Change, Government of India and update the same from time to time and take measures, whenever and wherever required, to further increase the tree cover. Obtain, whenever considered necessary, declarations from all owners or occupants about the number of trees in their lands;

(d) creating an enabling environment, to encourage and promote tree plantation on non- forest, private land for improving quality and quantity of Tree Cover outside forest. Advise stakeholders for development of nurseries and supply of saplings to persons who are required to plant new trees or to replace trees which have been felled;

(e) advising concerned departments for planting and transplanting of trees whenever feasible, considering all relevant aspects, necessitated by construction of building, new roads or widening of existing roads or replacement of trees which have failed to come up along roads or for safeguarding danger to life and property;

(g) advising and guiding all concerned for planting and maintaining such number of trees as may be considered necessary according to the prescribed standards on roads, public parks and gardens and on the banks of the river or lakes or sea shores;

(i) whenever considered necessary, to undertake critical study of the proposals of various Government Departments and private bodies for construction of buildings, roads, factories, irrigation works, laying out of electric, telephone, telegraphic and other transmission lines with regard to protection of existing trees and planting of more trees, wherever possible ; and ”.

7. Amendment of section 9. - In section 9 of the principal Act, in subsection (1), for the figure and the word “1 meter”, the figures and word “1.37 meter” shall be substituted.

8. Amendments of section 15. - In section 15 of the principal Act, in sub section (1), for the words “thirty days”, the words sixty days from the date of such order or directions.” .
9. Amendment of section 22.- In section 22 of the principal Act, in clause (a), in sub - clause (i), for the words “rupees twenty-fivethousand”, the words “rupees fifty thousand” shall be substituted.
10. Amendment of section 32A. - In section 32A of the principal Act, for the words “such area”, the expression “such area and/ or tree grown thereupon”shall be substituted.

Statement of Objects and Reasons

The Goa, Daman and Diu Preservation of Trees Act, 1984 (Act No. 6 of 1984) (hereinafter referred to as the “said Act”) was enacted by Legislative Assembly of Goa, Daman and Diu when Goa was a part of the Union Territory of Goa, Daman and Diu. After enactment of the Goa, Daman and Diu Reorganization Act, 1987 (Central Act 18 of 1987), a new State of Goa as also a new Union Territory of Daman and Diu were formed. After Goa attained statehood, the said Act remained in force and it is now proposed to omit the expressions, “Daman and Diu” and “Union territory” from the said Act.

The Bill further seeks to amend clause (j) of section 2 of the said Act, as the State of Goa is situated in Western Ghats characterized by heavy rainfall and luxuriant growth of vegetation the need to suitably define the dimensions of tree in a more reasonable manner has been felt for a long time. The definition of the tree is now proposed to be changed as any woody plant whose branches spring from and are supported upon the trunk or the body and whose trunk or body is not less than ten centimeters in diameter at a **breast height (dbh- 1.37 metres)** from the

ground level and includes coconut palm. As in Forestry/ Silviculture tree diameter is always measured at 1.37 m (Diameter at breast height (DBH), due to its practical application and ease for its measurement in field conditions. This is also in accordance to the definition of tree as followed by Forest Survey of India and in other forestry measurements

The Bill also seeks to amend section 3 of the said Act, so as to ensure holistic approach with a single apex authority at the State level for effective guidance and supervision for protection and conservation of trees in Goa.

The proposed Authority shall act as principal advisory to the Government for protection, preservation and conservation of trees covered under the said Act. The proposed amendment has not excluded any of the earlier members instead strengthen the authority with additional senior level members including Principal Chief Conservator of Forests, Chief Wildlife Warden and Member Secretary, State Biodiversity Board to ensure larger stakeholder participation.

The Bill also seeks to amend section 7 of the said Act, so as to ensure holistic approach for the duties of the single apex Tree Authority at the State level for effective guidance and supervision for protection and conservation of trees in Goa.

The Bill also seeks to amend sub-section (1) of section 15 (1) of the said Act so as to increase quantum of the period of thirty days provided to file appeal to sixty days in view of directions of Hon'ble High Court passed by an order dated 08/07/2021 in Public Interest Litigation Writ Petition No. 08/2021 (Living Heritage Foundation Vs State of Goa and Others) .

The Bill also seeks to amend section 22 of the said Act so as to increase quantum of the compounding fee with a view to make it more deterrent and also considering the increase in the market value of timber/ produce over the years. Further, the maximum penalty specified in section 25 of the said Act is one lakh which is more than the compounding fee. The compounding fee is proposed to be increased to rupees fifty thousand from the existing rupees twenty five thousand.

The Bill also seeks to amend section 32A of the said Act, so as to enable the Government to exempt trees from the provisions of said Act; in order to facilitate agroforestry and farm forestry in Goa.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 5 of the Bill empowers the Government to issue notification for constituting a Tree Authority.

This delegation is of normal character.

Porvorim, Goa
_____, 2021

Dr. Pramod Sawant
Chief Minister/Minister for Forests.

Assembly Hall, ()
Porvorim, Goa.
_____, 2021

) Namrata Ulman
Secretary to the
Legislative Assembly of Goa

ANNEXURE II

| Section | Existing Provisions | Proposed Amendment | Remarks |
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| 1 | 2 | 3 | 4 |
| | GOA, DAMAN AND DIU PRESERVATION OF TREES ACT, 1984 | GOA PRESERVATION OF TREES ACT, 1984 | |
| <p>1</p> <p>(i)</p> <p>(i)</p> | <p>Short title , extent and commencement .-</p> <p>This Act may be called the Goa , Daman and Diu Preservation of Trees Act, 1984 .</p> <p>For the words “ Union Territory “ wherever they occur</p> | <p>Short title , extent and commencement .-</p> <p>This Act may be called the Goa Preservation of Trees Act, 1984 .,</p> <p>the words “State of Goa” shall be substituted</p> | <p>Amendment proposed as the earlier act was enacted in 1983 when Goa was part of Indian Union as Union Territory and now it is a state and Daman & Diu are union territories</p> |
| <p>2</p> <p>(a), (aa) &(e)</p> <p>(c) & (e)</p> <p>(j)</p> | <p>Definitions. ,- In this Act , unless the context otherwise require</p> <p>Government</p> <p>The expressions “ Daman and Diu”</p> <p>“tree” means any woody plant whose branches spring from and are supported upon the trunk or the body and whose trunk or body is not less than ten centimeters in diameter at a height of one metre from the ground level(and includes Coconut palm)</p> | <p>Definitions. ,- In this Act , unless the context otherwise require</p> <p>Government of Goa</p> <p>Shall be omitted</p> <p>“tree” means any woody plant whose branches spring from and are supported upon the trunk or the body and whose trunk or body is not less than ten centimeters in diameter at breast height (dbh – 1.37 mts) from the ground level(and includes Coconut palm)</p> | <p>Proposed for legal definition in this Act</p> <p>In forestry / silviculture tree diameter is always measured at 1.37 metres (Diameter at breast height – DBH) due to its practical application and ease for its measurements in field conditions . this is also in accordance to the definition of tree as per Forest Survey of India report , 2019</p> |

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| <p>3 (1)</p> <p>(2)</p> | <p>Establishment of the Tree Authority.— The Government shall, by notification, constitute a Tree Authority for each revenue district in the union territory of Goa, Daman & Diu.</p> <p>The Tree Authority shall consist of the following members,namely: —</p> <ul style="list-style-type: none"> (i) Development Commissioner or any other officer not below the rank of Secretary to the Government nominated by the Government —Chairman; (ii) Collector of the concerned Revenue District—Member; (iii) Two Members of the Legislative Assembly nominated by the Government— Member. (iv) Two Representatives of the local bodies nominated by the Government—Members; (v) Conservator of Forests or his nominee — Member-Secretary. | <p>Establishment of the Tree Authority.— The Government shall, by notification, constitute a Tree Authority for the State of Goa.</p> <p>The Tree Authority shall consist of the following members,namely:—</p> <ul style="list-style-type: none"> i. Chief Secretary or Principal Secretary (Forests)—Chairman; ii. Principal Chief Conservator of Forests – Member iii. Additional Principal Chief Conservator of Forests & Chief Wildlife Warden – Member iv. Four Members of the Legislative Assembly nominated by the Government— Members. v. Two Representatives of the local bodies nominated by the Government—Members vi. Secretary (Urban Development) —Member | <p>At present, there are two Tree Authorities viz North Goa & South Goa under the Chairmanship of Principal Secretary (Forests)</p> <p>Proposed amendment is to ensure holistic approach with a single apex authority at the state level with more effective consequential action for protection & conservation of Trees in Goa</p> <p>The proposed authority will act as principal advisory to the government for protection, preservation and conservation of trees covered under the act.</p> <p>The amendment has not</p> |
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| | | <ul style="list-style-type: none"> vii. Secretary (Revenue) —Member viii. Secretary (Panchayats) —Member ix. Member Secretary, State Biodiversity board x. Dy. Conservator of Forests (Planning & Statistics) —Member Secretary. | <p>excluded any of the earlier members instead strengthen the authority with additional senior level members including Principal Chief Conservator of Forests and Chief Wildlife Warden to ensure larger stakeholder participation. Proposed for the constitution the tree authority for the conservation of trees in urban, Semi-urban and in any particular rural area</p> |
| 7 | <p>Duties of Tree Authority</p> <p>(a) the preservation of all trees within its jurisdiction;</p> <p>(b) carrying out census of the existing trees and obtaining, whenever considered necessary, declarations from all owners or occupants about the number of trees in their lands;</p> | <p>Duties of Tree Authority</p> <p>“advising Government and all concerned for preservation of all trees within its jurisdiction;”</p> <p>“maintaining record of tree cover outside forest based on the report of Forest Survey of India, Ministry of Environment Forest and Climate Change, Government of India and update the same from time to time and take measures, whenever and wherever required, to further</p> | <p>The Tree Authority of Goa is reorganized for larger stakeholder participations by the Government at L..... Cabinet meeting held on /07/2007.</p> <p>It necessary to amend the duties of the Tree Authority so</p> |

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| | <p>(d) development and maintenance of nurseries , supply of seeds , saplings and trees to persons who are required to plant new trees to replace trees which have been felled ;</p> <p>(e) planting and transplanting of trees necessitated by construction of buildings , new roads or widening of existing roads or replacement of trees which have failed to come up along roads or for safeguarding danger to life and property;</p> <p>(g) planting and maintaining such number of trees as maybe considered necessary according to the prescribed standards on roads , in public parks and gardens and on the banks of rivers or</p> | <p>increase the tree cover. Obtain, whenever considered necessary , declarations from all owners or occupants about the number of trees in their lands ;”</p> <p>creating an enabling environment, to encourage and promote tree plantation on non- forest, private land for improving quality and quantity of Tree Cover outside forest. Advise stakeholders for development of nurseries and supply of saplings to persons who are required to plant new trees or to replace trees which have been felled ;”</p> <p>“ advising concerned departments for planting and transplanting of trees whenever feasible , considering all relevant aspects , necessitated by construction of building , new roads or widening of existing roads or replacement of trees which have failed to come up along roads or for safeguarding danger to life and property ;”</p> <p>“ advising and guiding all concerned for planting and maintaining such number of trees as may be considered necessary according to the prescribed standards on</p> | <p>as to ensure holistic approach with a aim of more effective consequential action for protection and conservation of Trees in Goa</p> |
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| (i) | lakes or seashores; undertaking critical study of the proposals of various Government Departments and private bodies for construction of buildings , roads , factories , irrigation works , laying out of electric , telephone , telegraphic and other transmission lines with regard to protection of existing trees and planting of more trees , wherever possible ; and | roads , public parks and gardens and on the banks of the river or lakes or sea shores ; ” “whenever considered necessary, to undertake critical study of the proposals of various Government Departments and private bodies for construction of buildings, roads, factories, irrigation works, laying out of electric , telephone , telegraphic and other transmission lines with regard to protection of existing trees and planting of more trees , wherever possible ; and ” | |
| 9 (1) | Procedure for obtaining permission to fell, cut, remove or dispose off a tree “1 meter” | Procedure for obtaining permission to fell, cut, remove or dispose off a tree “1.37 meter” | Proposed in lieu of the amendment to definition of Tree at 2(i) |
| 15 (1) | Appeal . — An appeal shall lie against the order or direction of the Tree officer or the Deputy Collector , as the case may be under sections 9,10,11, 12 and 12A to the Appellate Authority within a period of thirty days . | Appeal . — An appeal shall lie against the order or direction of the Tree officer or the Deputy Collector, as the case may be under sections 9,10,11, 12 and 12A to the Appellate Authority within a “period of sixty days from the date of issuing of order .” | Amendment proposed as per the directions of Hon’ble High Court in PIL Writ Petition No. 08/2021 (Living Heritage Foundation Vs State of Goa & Others) and also acknowledged by the Tree Authority meeting held on |

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| | | | 02/09/2021 |
| 22. 1 (a) (i) | <p>Power to compound offence</p> <p>The Government may, by notification, empower a Tree Officer or any Forest Officer not below the rank of Deputy Conservator of Forests-</p> <p>to compound any offence committed under this Act on payment of –</p> <p>a sum not exceeding [“rupees twenty-five thousand”] by way of composition for the offence which such person is suspected to have committed, and</p> | <p>Power to compound offence</p> <p>The Government may, by notification, empower a Tree Officer or any Forest Officer not below the rank of Deputy Conservator of Forests-</p> <p>to compound any offence committed under this Act on payment of –</p> <p>a sum not exceeding [“rupees fifty thousand”] by way of composition for the offence which such person is suspected to have committed, and</p> | <p>Amendment proposed to limit the power of acceptation of compensation by a Tree Officer or any Forest Officer not below the rank of Deputy Conservator of Forests up to Rs. 50,000/- due to hike in market rates and value to timber.</p> |
| 32A | <p>Power of Government in respect of Commercial Plantation</p> <p>The Government may, by notification in Official Gazette, specify the terms and conditions for carrying out commercial plantation in the State of Goa and exempt such areas from the provision of this Act.</p> | <p>Power of Government in respect of Commercial Plantation</p> <p>The Government may, by notification in Official Gazette, specify the terms and conditions for carrying out commercial plantation in the State of Goa and exempt such areas and trees under this Act.</p> | <p>Amendment proposed to give protection to some of the important commercial plantation and facilitate agro-forestry & farm forestry.</p> |
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