

2. *Amendment of section 47.*— In section 47 of the Goa Industrial Development Act, 1965 (Act No. 22 of 1965) (hereinafter referred to as the “principal Act”), sub-section (2) thereof shall be omitted.

3. *Amendment of section 49.*— In section 49 of the principal Act,-

(i) in sub-section (1), for the expression “with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both”, the expression “with fine which may extend to fifty thousand rupees” shall be substituted;

(ii) in sub-section (2), for the expression “with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 1000/- or with both”, the expression “with fine which may extend to fifty thousand rupees” shall be substituted

Statement of Objects and Reasons

The Bill seeks to amend sections 47 and 49 of the Goa Industrial Development Act, 1965 (Act No. 22 of 1965), so as to decriminalize the provisions of imprisonment in the said Act.

The Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Secretariat, Shri. MAUVIN GODINHO
Porvorim-Goa. Minister for Industries
Dated: 20-07-2022.

Assembly Hall, NAMRATA ULMAN
Porvorim, Goa. Secretary to the Legislative
Dated: 20-07-2022 Assembly of Goa.

LA/LEGN/2022/1392

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Preservation of Trees (Amendment) Bill, 2022

(Bill No. 30 of 2022)

A

BILL

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-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Bill may be called the Goa Preservation of Trees (Amendment) Bill, 2022.

(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, in clauses (c) and (e), the expression, “Daman and Diu” shall be omitted;

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.”;

(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) Chief Secretary — Chairperson;
- (ii) Secretary (Forests) — Member.
- (iii) Principal Chief Conservator of Forests — Member.
- (iv) Chief Wildlife Warden — Member.
- (v) four Members of the Legislative Assembly of Goa nominated by the Government — Members.
- (vi) two representatives of the local bodies nominated by the Government — Members.
- (vii) Secretary (Urban Development) — Member.
- (viii) Secretary (Revenue) — Member.
- (ix) Secretary (Panchayats) — Member.
- (x) Member Secretary, Goa State Biodiversity Board — Member.
- (xi) Conservator of Forests (Conservation) — Member Secretary.”.

6. *Substitution of section 7.*— For section 7 of the principal Act, the following section shall be substituted, namely:—

“7. *Duties of Tree Authority.*— Notwithstanding anything contained in any other law for the time being in force the Tree Authority shall, subject to any general or special order of the Government,-

(a) “suggest measures for preservation of green cover including tree cover within its jurisdiction;

(b) monitor the extent of green cover including tree cover within its jurisdiction as per biannual report on state of forest and tree cover published by Forest Survey of India, Ministry of Environment, Forest and Climate Change, Government of India;

(c) specify standards regarding kind of tree which each locality, type of land and premises shall have;

(d) create an enabling environment for development and maintenance of nurseries, supply of seeds, saplings and trees to persons who are required to plant new trees or to replace trees which have been felled;

(e) monitor progress of plantations carried out in lieu of trees permitted to be felled or disposed off by Tree Officer;

(f) facilitate organization of demonstration and extension services for the purposes of this Act and assisting private and public institutions connected with planting and preservation of trees;

(g) undertake such schemes or measures as may be directed from time to time by the Government for achieving the objects of this Act;

(h) undertake critical study of the proposals involving felling of trees spread over an area admeasuring more than one

hectare under its jurisdiction 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

(i) advise on promotion, demarcation, acquisition and development of land as wood lots, gardens, parks and picnic spots in cities, towns and villages for the use and recreation of public.”

7. *Amendment 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 direction” shall be substituted.

8. *Amendment of section 22.*— In section 22 of the principal Act, in clause (a), in sub-clause (i), for the words “rupees twenty five thousand”, the words “rupees fifty thousand” shall be substituted.

9. *Amendment of section 30.*— In section 30 of the principal Act, the words “the Government” shall be omitted.

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 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 and 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” wherever occurring in the said Act.

The Bill also seeks to amend section 3 of the said Act so as to constitute a single Tree

Authority and to specify the members of the Tree Authority.

The Bill also seeks to substitute section 7 of the said Act so as to specify the duties of a Tree Authority.

The Bill also seeks to amend sub-section (1) of section 15 of the said Act so as to increase period of thirty days provided to file appeal to sixty days in view of directions of the Hon’ble High Court passed in 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.

The Bill also seeks to amend section 30 of the said Act so as to make the said Act applicable to the Government as well.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim, Goa
21-07-2022.

Shri VISHWAJIT P. RANE
Minister for Forests.

Assembly Hall
Porvorim, Goa
21-07-2022.

NAMRATA ULMAN
Secretary to the
Legislative Assembly.

ANNEXURE

Detailed Justification for the Amendments Proposed

Section	Existing Provision	Proposed Amendment	Justification
1	2	3	4
	Goa, Daman and Diu Preservation of Trees Act, 1984	Goa Preservation of Trees Act, 1984	
1	<i>Short title, extent and commencement.—</i>	<i>Short title, extent and commencement.—</i>	Amendment proposed as the earlier Act was enacted in 1984 when Goa was part of Indian Union as Union Territory and now it is a State and Daman & Diu are Union Territories
(i)	This Act may be called the Goa, Daman and Diu Preservation of Trees Act, 1984.	This Act may be called the Goa Preservation of Trees Act, 1984.,	
(i)	For the words "Union Territory" wherever they occur	the words "State of Goa" shall be substituted	
2	<i>Definitions.—</i> In this Act, unless the context otherwise require	<i>Definitions.—</i> In this Act, unless the context otherwise require	
(a), (aa) & (e)	Government	Government of Goa	
(c) & (e)	The expressions " Daman and Diu"	Shall be omitted	
3	<i>Establishment of the Tree Authority.—</i>	<i>Establishment of the Tree Authority.—</i>	The members of two authorities are same except public representatives. The agenda of both tree authorities are more or less same and usually joint meetings are convened. Therefore, Goa being a small State, it is proposed that instead of two there may be a single apex authority at State level.
(1)	The Government shall, by notification, constitute a Tree Authority for each revenue district in the union territory of Goa, Daman & Diu.	The Government shall, by notification, constitute a Tree Authority for the State of Goa.	
(2)	The Tree Authority shall consist of the following members, namely:—	The Tree Authority shall consist of the following members, namely:—	1. Since the notification of the Act in 1984, when the Forest Department in Goa was headed by Conservator of Forests, the organizational set up and its functions have increased manifold. The Department was headed by Chief Conservator of Forests in 2002, by Additional Principal Chief Conservator of Forests in 2009 and by Principal Chief Conservator of Forests since 2012.
(i)	(Development Commissioner or any other officer not below the rank of Secretary to the Government nominated by the Government — Chairman;	(i) Chief Secretary— Chairperson;	
(ii)	Collector of the concerned Revenue District— Member;	(ii) Secretary (Forests)— member.	
(iii)	Two Members of the Legislative Assembly	(iii) Principal Chief Conservator of Forests— member.	
		(iv) Chief Wildlife Warden— member.	
		(v) four Members of the Legislative Assembly of	

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<p>nominated by the Government— Member.</p> <p>(iv) Two Representatives of the local bodies nominated by the Government— Members;</p> <p>(v) Conservator of Forests or his nominee — Member-Secretary.</p>	<p>Goa nominated by the Government — members.</p> <p>(vi) two representatives of the local bodies nominated by the Government—members.</p> <p>(vii) Secretary (Urban Development) — member.</p> <p>(viii) Secretary (Revenue) — member.</p> <p>(ix) Secretary (Panchayats)— member.</p> <p>(x) Member Secretary, Goa State Biodiversity Board— Member.</p> <p>(xi) Conservator of Forests (Conservation) — member secretary.</p>	<p>2. In view of the proposed changes to sub-section (1) of section 3 of the Act, it is proposed to include Principal Chief Conservator of Forests, Chief Wildlife Warden & Secretaries of three concerned Departments and other experts to ensure larger stakeholder participation. The proposed amendment does not exclude any of the earlier members.</p> <p>3. Presently, Deputy Conservator of Forests (DCF) of two territorial forest divisions i.e. North & South Goa are the Member Secretaries of their respective District-wise Tree Authorities. Since both the DCF's/Tree Officers are under administrative control of Conservator of Forest (Conservation), it is proposed that for the State level Tree Authority, he may be designated as Member Secretary of the Tree Authority.</p>	
<p>7 Duties of Tree Authority Notwithstanding anything contained in any other law for the time being in force, the Tree Authority shall, subject to any general or special order of the Government, be responsible for:</p>	<p>Duties of Tree Authority Notwithstanding anything contained in any other law for the time being in force the Tree Authority shall, subject to any general or special order of the Government:</p>	<p>Ever since 1984, either due to technical advancements or due to increased functions of Forest Department, some of the duties of Tree Authority are proposed for substitution and renumbered.</p>	
<p>(a) the preservation of all trees within its jurisdiction;</p>	<p>suggest measures for preservation of green cover including tree cover within its jurisdiction;</p>	<p>The provision under this sub clause is proposed for modification in light of reports of Forest Survey of India which includes both tree cover and extent of green cover outside forest area and provides a comparative picture on both in its biannual report.</p>	
<p>(b) carrying out census of the existing trees and obtaining,</p>	<p>monitor the extent of green cover including tree cover</p>	<p>The primary objective of this duty of Tree Authority is to</p>	

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<p>whenever considered necessary, declarations from all owners or occupants about the number of trees in their lands;</p>	<p>within its jurisdiction as per biannual report on state of forest and tree cover published by Forest Survey of India, Ministry of Environment, Forest and Climate Change, Government of India;</p>	<p>ascertain/assess the tree/green cover within its jurisdiction i.e. all areas in Goa except Government Forest lands. This sub-section is proposed to be deleted for the following reasons:—</p>	<p>a. This Act is of 1984 when the technology was neither readily available nor widely used for assessment of forest and tree cover; and tree census was one of the methods to assess tree cover.</p> <p>b. Forest Survey of India, Ministry of Environment, Forest & Climate Change, Government of India (FSI) has been publishing biannual report on state of forest and tree cover in all States since 1987. Over a period of time, with technological and methodological improvements owing to better satellite data, higher scale mapping and improvements in method of interpretation, the successive reports of FSI present a continuous, comprehensive and comparative picture of extent and quality of forest and tree cover in all states including Goa. The report also provides necessary information for the purpose of management of trees outside forest areas.</p> <p>c. As per FSI, there is no record of tree census worldwide as complete enumeration of all the trees is neither possible nor feasible due to large non-sampling error. Moreover, the cost and manpower required for such enumeration will be</p>

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<p>(c) specifying standards regarding the number and kind of trees which each locality, type of land and premises shall have and which shall be planted subject to minimum of five trees per hectare in the case of rural areas;</p>	<p>specify standards regarding kind of tree which each locality, type of land and premises shall have;</p>	<p>huge.</p> <p>d. As per an exercise carried out by forest department, tree census in entire Goa will include approximately 3.17 Crore trees spread over in about 2,482 Sq. Km area and is likely to entail expenditure of Rs. 89.09 Crore.</p> <p>e. Moreover, deliverables of census i.e. the tree/green cover may not be of much significance for any specific implementation considering that Goa is one of the greenest States in country. This sub-section is proposed to be inserted in lieu of the extant sub-clause (b) of clause 7 to achieve its primary objective i.e. to ascertain/assess the tree/green cover within its jurisdiction.</p> <p>a. The provision under this sub clause is proposed for modification with regards to number or number per hectare trees to be planted because number of trees to be planted by a private person will depend on his own requirement and land availability. Moreover, it will be very difficult to implement this clause on ground.</p> <p>b. However, the Tree Authority from time to time may suggest and issue advisory/guideline about type of tree species suitable for plantation in a particular locality/area and desired spacing between two trees and between tree lines for proper growth of the tree.</p>	

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(d)	development and maintenance of nurseries, supply of seeds, saplings and trees to persons who are required to plant new trees or to replace trees which have been felled;	create an enabling environment for development and maintenance of nurseries, supply of seeds, saplings and trees to persons who are required to plant new trees or to replace trees which have been felled;	Tree authority may guide and suggest measures for further scientific development of nurseries for raising of Quality Planting Material [QPM] which may be supplied to individuals to plant new trees in lieu of trees felled.
(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;	monitor progress of plantations carried out in lieu of trees permitted to be felled or disposed off by Tree Officer;	The primary objective of this duty of Tree Authority is to ensure that trees are planted in lieu of the trees that have been permitted to be felled. This subsection is proposed to be deleted since a duty for compensatory plantation has already been cast by virtue of provisions of Section 10 of the Act as per which "Every person, who is granted permission under section 9 of this Act to fell or dispose off any tree, as specified in clauses (j) of section 2 of this Act, shall be bound to plant/replant such number and kind of trees in the area from which the tree is felled or disposed off by him under such permission, as may be directed by Tree Officer. Regarding transplantation of trees both the tree officers have been directed to critically examine all the tree felling permissions and give specific reasons/recommendations with respect to trees which can be preserved at the site and trees which could be transplanted at the cost of user agency. This subsection is proposed to be inserted in lieu of the extant sub clause (e) of clause 7 to achieve its primary objective i.e. to ensure that trees are planted in lieu of the trees that have been permitted to be felled. This additional provision is to ensure that section 10 of Act is followed in letter and spirit and for each tree felled the requisite number of trees are planted. It is

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(f)	organization of demonstration and extension services for the purposes of this Act and assisting private and public institutions connected with planting and preservation of trees;	facilitate organization of demonstration and extension services for the purposes of this Act and assisting private and public institutions connected with planting and preservation of trees;	proposed that it may be monitored from time to time by the Tree Authority. The words "facilitate" proposed to be inserted.
(g)	planting and maintaining such number of trees as may be considered necessary according to the prescribed standards on roads, in public parks and gardens and on the banks of rivers or lakes or seashores;	To be deleted	This sub-section is proposed to be deleted and renumbered as this proviso is covered under sub-section (c) of section 7 of the Act
(h)	undertaking such schemes or measures as may be directed from time to time by the Government for achieving the objects of this Act;	undertake such schemes or measures as may be directed from time to time by the Government for achieving the objects of this Act;	The word "undertaking" to be replaced with "undertake"
(i)	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	undertake critical study of the proposals involving felling of trees spread over an area admeasuring more than one hectare under its jurisdiction 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	The primary objective of this duty of Tree Authority is to critically analyze all development proposals involving tree felling received under the Act. The Tree Officers receive more than 1,000 tree cutting proposals per year. This would not only be humungous task for the Tree Authority to critically analyze each and every proposal but also likely to cause delay in grant of permission, if any. As per section 9 (3) of this Act, tree officer can give tree felling permission maximum in One Hectare area at a time. In case area is more than one hectare, the proposal will have to be put for approval of Government for exemption as per Section 30 of this Act.
			In view of above, it is proposed to modify this sub clause so that Tree authority may undertake critical study of development

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<p>(j) promotion, demarcation, acquisition and development of land as wood lots, gardens, parks and picnic spots in cities, towns and villages for the use and recreation of public.</p>	<p>advise on promotion, demarcation, acquisition and development of land as wood lots, gardens, parks and picnic spots in cities, towns and villages for the use and recreation of public.</p>	<p>projects which involve felling of trees spread over an area admeasuring more than one Hectare within its jurisdiction. With the recommendations of Tree Authority, development project may be placed before competent authority for consideration/approval.</p>	<p>The words “advise on” proposed to be inserted.</p>
<p>15 Appeal. — (1) 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 .</p>	<p>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 or directions.”</p>	<p>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 02-09-2021</p>	
<p>22. Power to compound offence 1(a) The Government may, by notification, empower a Tree Officer or any Forest Officer not below the rank of Deputy Conservator of Forests-to compound any offence committed under this Act on payment of –</p>	<p>Power to compound offence The Government may, by notification, empower a Tree Officer or any Forest Officer not below the rank of Deputy Conservator of Forests-to compound any offence committed under this Act on payment of –</p>	<p>—</p>	
<p>(i) 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>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 acceptance of composition 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 of timber.</p>	

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30.	<p>Act not to apply to certain areas.- Nothing in this Act shall apply to the Government, a Government forest under the control of the Forest Department, a forest or forest land notified under the Indian Forest Act, 1927.</p>	<p>Act not to apply to certain areas.- Nothing in this Act shall apply to a Government forest under the control of the Forest Department, a forest or forest land notified under the Indian Forest Act, 1927.</p>	<p>a. As per section 30 of Act, the Act and its provisions are not applicable to the Government.</p> <p>b. However, as per present dispensation, in case of Government Department, tree felling is regulated through Government of Goa, Circular No.13-3-92-FOR dated 15-11-1991. In place of tree felling permission, Tree officer issues No Objection Certificate for felling of Trees. The obligation to plant saplings three times the number of trees felled is followed. However, security deposit and felling fee is not taken from Government Department.</p> <p>c. In view of the above, it is proposed that to implement Act in letter and spirit, it should be applicable to Government as well. Accordingly, the words "the Government" is proposed for deletion/omission from section 30 as it is not in consonance with the spirit of Act i.e. "preservation of all the trees".</p> <p>d. Notwithstanding the proposed amendment, Section 31 of the Act gives power to Government to exempt any area or any species of trees from all or any of the provisions of this Act in public interest. This provision can be used on case-to-case basis for exemption to Government Department considering the importance/strategic significance of particular government project.</p>