



**KARNATAKA LEGISLATIVE ASSEMBLY
FOURTEENTH LEGISLATIVE ASSEMBLY
FIFTH SESSION**

**THE KARNATAKA PRESERVATION OF TREES
(AMENDMENT) BILL, 2014
(L.A. Bill No. 68 of 2014)**

A Bill further to amend the Karnataka Preservation of Trees Act, 1976.

Whereas it is expedient further to amend the Karnataka Preservation of Trees Act, 1976 (Karnataka Act 76 of 1976), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty-fifth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Preservation of Trees (Amendment) Act, 2014.

(2) It shall come into force with effect from such date as the State Government may, by notification, appoint.

2. Amendment of Section 2.- In the Karnataka Preservation of Trees Act, 1976 (Karnataka Act 76 of 1976), (hereinafter referred as principal Act) in section 2, in sub-section (1),-

(a) after clause (a), the following shall be inserted, namely:-

"(aa) "Head of the Karnataka Forest Department" means the officer holding such designated post as may be notified by the State Government from time to time." ; and

(b) in clause (h), for the words "Principal Chief Conservator of Forests (General)", the words "the Head Karnataka of the Forest Department" shall be substituted.

3. Amendment of section 3.- In section 3 of the Principal Act, in sub-section (2),-

(a) for clause (a), the following shall be substituted, namely:-

"(a) For urban areas,-

- (i) The Forest Officer incharge of a Territorial Forest Circle – chairman;
- (ii) The Joint Director Horticultural, having Jurisdiction;
- (iii) The Superintending Engineer, Communication and Building having jurisdiction;
- (iv) In respect of Bruhat Bangalore Mahanagara Palike a representative of the Commissioner and in respect of other Corporations and Municipalities the Commissioner of City Corporation or Municipality, as the case may be;
- (v) One Botanist or Ecologist nominated by the State Government."

(b) for clause (b), the following shall be substituted, namely:-

"(b) For a rural area specified in Schedule-I,-

- (i) The Forest Officer incharge of a Territorial Forest Circle – Chairman;
- (ii) The Deputy Commissioner of the district or his representative not below the rank of Assistant Commissioner;
- (iii) The Superintending Engineer Communication and Buildings having jurisdiction; and
- (iv) two non-official member with background in Environmental Conservation and Protection nominated by the State Government."

4. Amendment of section 5.- In section 5 of the principal Act, in sub-section (1), for the words "The Principal Chief Conservator of Forests (General)", the words "the Head of the Karnataka Forest Department" shall be substituted.

5. Amendment of section 6.- In section 6 of the principal Act, for the words "The Principal Chief Conservator of Forests (General)", the words "The Head of the Karnataka Forest Department" shall be substituted.

6. Amendment of section 8.- In section 8 of the principal Act,-

(1) in sub-section (3), in the proviso after clause (vi), the following shall be inserted, namely:-

"(vii) felling is more than 50 that are necessitated for any public purpose like road widening, construction of road, canal, tanks, buildings etc., subject to condition that permission is issued after issue of public notice to invite objections from the public and the same is considered by the Tree Officer."

(2) for sub-section (6), the following shall be substituted, namely:-

"(6) Notwithstanding anything contained in sub-sections (1) to (5), but subject to such conditions and restrictions as may be prescribed, for bonafide use of a family, one or more members of such family may, in the aggregate fell, in a calendar year, such number of trees as would fetch not more than 2.8 cubic meters of timber, 100 poles, 100 bamboo and 5 tons of firewood."

(3) in sub-section (7), for the words "and Subabul trees", the following shall be substituted, namely:-

"Subabul trees, Areca nut, Coffee, Guava, Hebbevu (*melia dubia*), *Ailanthus excelsa*, Lemon, *Maeopsis eminii*, Mango, Sapota, Seemegala (*Dendracalamus stocksii*), Burma Bamboo (*Bambusa burmanica*) , Yellow Bamboo (*Phyllostachys aurea*), *Acacia mangium*, *Acacia Hybrid*, *Acrocarpus fraxnifolius* (Belanji) and Cashew."

7. Insertion of new section 27B.- After section 27A of the principal Act, the following shall be inserted, namely:-

"27B. Delegation of powers.- The State Government may, by notification, delegate to any officer or authority subordinate to it, any of the powers conferred on the State Government or any Officer subordinate to it under this Act, except power to make rules, to be exercised by such officer or authority, subject to such restrictions and conditions, if any, as may be specified in the said Notification."

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to amend the Karnataka Preservation of Trees Act, 1976 (Karnataka Act No. 76 of 1976). to provide for :-

- (i) change in the designation of the Principal Chief conservator of Forest (General) as the Head of the Forest Department;
- (ii) to comply with the decision of High Court of Karnataka in Writ Petition No.7107/2008;
- (iii) to re-constitute the Tree authority;
- (iv) relaxation of restriction on felling of trees to fifty minimum and maximum hundred poles and fifty minimum and maximum hundred bamboos;
- (v) to exempt some more species of trees from felling permission.
- (vi) to empower the State Government to provide for delegation of powers.
- (vii) Increasing the number of tree to cut in public interest and domestic purpose.

Hence the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed legislative measure.

B. RAMANATHA RAI
Minister for Forest,
Ecology and Environment

P. OMPRAKASHA
Secretary
Karnataka Legislative Assembly

ANNEXURE

EXTRACT FROM THE KARNATAKA PRESERVATION OF TREES ACT, 1976 (KARNATAKA ACT 76 OF 1976)

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2. Definitions.- (1) In this Act, unless the context otherwise requires,-

(a) 'appointed day' in relation to any area means the date notified under subsection (3) of section 1;

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(h) 'Tree Officer' means a Forest Officer appointed as such by the Principal Chief Conservator of Forests (General) for the purposes of this Act;

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3. Establishment of the Tree Authority.- XX XX

(2) Such Authority shall consist of five members as follows:-

(a) For an urban area,-

(i) the Mayor or the President of the Municipal Corporation, the Municipal Council or the [Town Panchayat, as the case may be;

(ii) the Divisional Forest Officer or his nominee;

(iii) the District Horticultural Officer having jurisdiction;

(iv) the Municipal Commissioner or the Chief Executive Officer, as the case may be; and

(v) one member of the Municipal Corporation, the Municipal Council or the Town Panchayat, as may be, nominated by the Mayor or the President, as the case may be;

Provided that where the Corporation or the Municipal Council or the [Town Panchayat is superseded, such person as the State Government may nominate shall be the member.

(b) For a rural area specified in Schedule I , -

(i) the concerned Conservator of Forests having jurisdiction;

(ii) the Special Deputy Commissioner and where there is no Special Deputy Commissioner, the Deputy Commissioner of the district.

(iii) the Superintending Engineer, Communication and Buildings having Jurisdiction; and

(iv) two non-official members appointed by the State Government.

(c) For a rural area specified in Schedule II , -

(i) the Adhyaksha of the Taluk Panchayat;]

(ii) the Block Development Officer having jurisdiction;

(iii) the Assistant Conservator of Forests nominated by the Divisional Forest Officer;

(iv) the District Horticultural Officer having jurisdiction:

(v) one member of the Taluk Panchayat nominated by the Adhyaksha:

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5. Appointment of Tree Officer.-(1) The Principal Chief Conservator of Forests (General) may, subject to sub-section (2) appoint for each urban area and rural area one or more Forest Officers as Tree Officers for the purpose of this Act.

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6. Appointment of other officers.- The Principal Chief Conservator of Forests (General) may from time to time, appoint such other officers and servants to assist the Tree Officer as he may consider necessary who shall be subordinate to the Tree Officer.

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8. Restriction on felling of Trees.- XX XX XX

(3) On receipt of the application, the Tree Officer may, after inspecting the tree and holding such inquiry as he deems necessary, either grant permission in whole or in part or refuse permission:

Provided that permission shall not be refused, if the tree, -

(i) is dead, diseased or wind-fallen; or

(ii) has silviculturally matured; or

(iii) constitutes a danger to life or property; or

(iv) constitutes obstruction to traffic; or

(v) is substantially damaged or destroyed by fire, lightning, rain or other natural causes; or

(vi) is required to be removed either for cultivation, extension of cultivation or change in crop cultivation in areas specified in Schedule II, (except where such removal does not involve felling of all trees in the areas proposed for cultivation, extension of cultivation or change in crop cultivation) or for the bonafide use of the applicant.

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(6) Notwithstanding anything contained in sub-sections (1) to (5) but subject to such conditions and restrictions as may be prescribed, for bona fide domestic use of a family, one or more members of such family may, if they are otherwise entitled to do so, in the aggregate, fell , in a calendar year, such number of trees as would fetch not more than 2.8 cubic metres of timber, fifty poles and bamboos and five tonnes of firewood.

(7) Nothing in this section shall apply to felling of Casuarina, Coconut, Erythrina, Eucalyptus', Glyrecidia, Hopea Wightina, Prosipis, Rubber, Sesbania, Silver Oak and Subabul trees

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