

THE MEGHALAYA TREE (PREVENTION) ACT, 1976.

(Meghalaya Act 13 of 1976)

(As passed by the Assembly)

Received the assent of the Governor on the 5th October, 1976_

(Published in the Gazette of Meghalaya, Extra-ordinary, dated 9th October, 1976)

An Act to make provisions for regulating the felling of trees for purpose of protection of catchment areas and soil from erosion and to preserve the special characteristics of the hilly areas as regard landscape, vegetal cover and climate and to provide for matters connected there with and incidental thereto.

Be it enacted by the Legislature of Meghalaya in the Twenty-Seventh Year of the Republic of India as follows: -

- | | | |
|---|----------|---|
| Short title,
extend and
commencement | 1 | (1) This Act may be called the Meghalaya Tree (Preservation) Act, 1976

(2) It shall extend to the Municipality and Cantonment areas of Shillong.

Provided that the State Government may, by notification, extend the Act to other areas of Meghalaya.

(3) It shall be deemed to have come into force on the 18 th May, 1976. |
| Definition | 2 | In this Act unless the context otherwise requires: -

(a) "Government" means the Government of Meghalaya;

(b) "Trees" means any trees specified in the Schedule to this Act, and the State Government may, by notification, add to or modify, the Schedule.

(c) "To fell a tree" includes burning, cutting, damaging, uprooting or lopping a tree to cause sustainable damage or destruction thereto. |

- Restriction on felling of trees.** **3** (1) No person shall fell any tree or cause of permit such trees to be felled in any land, whether of his ownership or otherwise, except with the prior permission of the Divisional Forest Officer who may grant such permission subject to such conditions not inconsistent with the provisions of this Act.
- Provided that such permission shall not be refused if the tree is dead, diseased, over-matured, wind-fallen, has become dangerous to life and property or if it is necessary for the purpose of preventing or abating a nuisance.
- (2) Every order granting or refusing permission shall be in writing and in the case of refusal shall contain reasons thereof.
- (3) Every application for permission under this section shall be disposed of by the Divisional Forest Officer as early as possible as and not later than two months from the date of submission of the application failing which permission shall be deemed to have been accorded.
- Appeal.** **4** Any person aggrieved by an order of the Divisional Forest Officer refusing permission under this Act may within 30 days from the date of such order, prefer an appeal to the Conservator of Forests.
- Penalty for felling trees in contravention of Section 3.** **5** Any person who, without obtaining prior permission as provided in the Act, fells any such trees, or causes or permits it to be felled, shall be liable, on conviction before a Magistrate to a fine not exceeding one thousand rupees, and the court of such a magistrate may further order that any such tree so felled together with all tools and other articles used in committing such contravention shall be forfeited to the State Government.

- Power of entry, search and seizure** **6** (1) Any Forest Officer not below the rank of a Range Officer and Police Officer not below the rank of Sub-Inspector may enter upon any land, where he has reason to believe that any tree has been or is being felled, in contravention of Section 3 and Seize such felled trees or any lopping thereof, together with its produce, tools, implements and other articles used in committing such contravention and shall make a report of such seizure to the Divisional Forest Officer.
- (2) If the property so seized is not ordered to be forfeited to the State Government under Section 5, that property shall be returned to the person from whom it was seized.
- (3) If any claim is set up by a third person to the property seized as aforesaid, Magistrate shall inquire into the claim and may admit or reject it, after hearing such person in respect thereof.
- Bar against proceedings** **7** No suit or proceedings shall lie against the State Government or against any person empowered to exercise power or to perform duties or discharge functions under this Act, for anything in good faith done or purporting to be done under this Act.
- Exemption** **8** Notwithstanding anything contained in this Act no permission shall be required for –
- (1) the trimming or laying of hedges;
- (2) lopping of branches or pruning of any trees as required by ordinary agricultural or horticultural practices;
- (3) the felling of any trees in pursuance of any order or direction made or issued by any authority under the provisions of any law for the time being in force.

- Provision of this Act to be in addition to any other law for the time being in force** **9** The provision of this Act shall be in addition to the provisions of any other law for the time being in force prohibiting or regulating the felling of trees.
- When Court to take cognizance of offence** **10** No court shall take cognizance of any offence punishable under this Act –
- (1) Except on the complaint of the Divisional Forest Officer or any other officer authorised by the Government in this behalf; and
 - (2) Unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.
- Power to make rule** **11** (1) The State Government may make rules to carry out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely: -
 - (a) the form and manner of applications to be made for permission under sub-section (1) of Section 3 and disposal thereof, appeals to the Conservator of Forests and the fees payable therefore;
 - (b) the procedure to be followed in hearing and deciding appeals under Section 4;
 - (c) any other matter.
- Repeal of the Meghalaya Rules 1 of 1976** **12** The Meghalaya Tree (Preservation) Rules, 1976 (1 of 1976) is hereby repealed.

SCHEDULE

(See section 2(b))

1. Pine
- 2.
- 3.
- 4.
- 5.
- 6.

Sd/-

S.N. Phukan

Secretary to the Government of Meghalaya,
Law Department

The 20th August, 1976

No.MFG.23/2/72-76: - In exercise of powers conferred by Section II of the Meghalaya Tree (Preservation) Rules, 1976, the Government of Meghalaya is hereby make the following rules namely: -

THE MEGHALAYA TREES (PRESERVATION) RULES, 1976.

1. **Short title, extent and commencement:** - (1) These rules may be called the Meghalaya Tree (Preservation) Rules, 1976.
 - (2) They shall extend to the areas where the Rules is in force.
 - (3) They shall come into force, with effect from the date of their publication in the Official gazette.

2. **Definitions :** - In these rules unless the context otherwise requires: -
 - (1) Conservator of Forests – means the Conservator of Forests, Meghalaya.
 - (2) Divisional Forest Officer – means the Divisional Forest Officer, Khasi Hills Division.
 - (3) Form – means the form appended to these rules.
 - (4) Rules – means the Meghalaya Tree (Preservation) Rules, 1976
 - (5) words and expressions used but not defined in these rules but defined in the Rules shall have the meaning respectively assigned to them respectively in the Rules.

3. **Application: Application how to be made :-** (1) An application for permission to fell a tree or trees shall be made to the Divisional Forest Officer in Form No.1.
 - (2)The application shall be submitted in duplicate and a court Fee stamp of Rupees three and paise thirty shall be affixed to one copy thereof.

Application to be acknowledged:- (3) On receipt of an application referred to in sub-rule (1) duly stamped with proper fee the Divisional Forest Officer shall issue a written acknowledgement in Form No. II.

 - (4)The Divisional Forest Officer shall maintain a register if receipt and disposal of the applications in Form No. III.

4. **Grant of or refusal of permission –** (1) On receipt of an application referred to under Rule above, the Divisional Forest Officer may cause such enquiry as he deems fit and

call for a report from such forest officer not below the rank of forester within 7 (seven) days from the date of receipt of such application.

(2) The enquiry referred to under sub-rule (1) above shall be completed within 10 (ten) days from the date of order and a detailed report thereof submitted to the Divisional Forest Officer, in Form No. IV.

(3) In case the Divisional Forest Officer is not satisfied with the report referred to the sub-rule (2) above, he may cause a second enquiry before passing any order on the application.

(4) The Divisional Forest Officer on receipt of the report referred to under sub-rule (2) and /or (3) above shall accord such permission to fell the tree or trees or shall reject the application.

(5) Permission for felling the tree or trees shall be communicated to the applicant in Form No. V

(6) Rejection of the application shall be communicated to the applicant in Form No. VI stating the reasons therefore,

5. Appeal: - (1) Any person aggrieved by the order of the Divisional Forest Officer refusing permission under sub-rule (4) and (6) of Rule 4 may prefer an appeal to the conservator of Forests within 30 (thirty) days from the date of receipt of such order by the applicant.

(2) The appeal petition shall be submitted in duplicate and a court fee stamp of Rs. 11 only shall be affixed on one submitted copy thereof and the same submitted directly to the Conservator of Forests.

(3) The duplicate copy of the appeal petition shall be submitted through the Divisional Forest Officer who shall forward the same to the Conservator of Forests with his comments within 7 (seven) days from the date of receipt thereof.

(4) The appeal petition shall contain a copy of the order of the Divisional Forest Officer against which the appeal is preferred.

(5) On receipt of the appeal petition submitted through the Divisional Forest Officer, the Conservator of Forests may call for such aggrieved party and record his statement before passing orders.

6. Seizure and seized articles : - How to be disposed – (1) Seizure of any produce or produce thereof or any articles under Section 6 (1) of the Rules shall be reported to the Divisional Forest Officer within 24 hours of such seizure in Form No. VII in duplicate. On receipt of the report the Divisional Forest Officer shall arrange for the custody of the seized trees or articles.

(2) The Divisional Forest Officer on receipt of the seizure report, shall forward a copy to the report forthwith to the District magistrate.

(3) Any property confiscated under Section 5 shall be disposed off by the Divisional Forest Officer by Public Auction or any other way he deems fit. The sale proceeds thereof shall be duly credited to Government account.

(4) A record of all materials seized and their disposal shall be maintained by the Divisional Forest Officer in F.D. Form No. 3.

7. Offence reports how to be drawn – (1) A report about any person or persons committing an offence punishable under the Rules shall be submitted to the Divisional Forest Officer in Form No. VIII.

(2) The report referred to under sub-rule (1) above shall include:

(a) A copy of the seizure report referred to under Rule 6 (1)

(b) A detailed offence report in Form IX.

8. Offence report how to be disposed – (1) The Divisional Forest Officer on receipt of the offence report referred to in Rule 7 shall cause such enquiry to find if a prima-facie case exists and if so shall forward the offence report to the Magistrate with an application for issue of process in Form X.

(2) In case the Divisional Forest Officer on enquiry is satisfied that no prima facie case exists he may drop the offence report and order for release of seized property if any.

9. Record of offences detected – A register of all offences detected under the Rules shall be maintained by the Divisional Forest Officer in Form No. XI.

FORM NO. I

Rule 3 (1)

(Meghalaya Tree (Preservation) Rules , 1976).

To,

The Divisional Forest Officer,
Khasi Hills Division, Shillong.

Sub : Felling of trees within the Municipal area/Cantonment area: Permission for.

Sir,

I, Shri/Shrimati..... request the favour of your kindly permitting me to fell burn uproot/lop/cut/the trees particulars of which are mentioned below. I shall be responsible for any damage that may be caused during felling/burning/uprooting/lopping cutting the trees and shall compensate for any such damage.

Strike out whichever is not applicable.

1. Name of applicant in full:
2. Full postal address:
3. Detailed information about the trees felling of which is applied for.
 - (i) Number of trees
 - (ii) Species
 - (iii) Location of the trees :
 - (a) Land holding/House No.
 - (b) Ward
 - (c) Road/Locality
 - (d) Patta No. in the name of
.....
4. Ownership of the land/trees
5. If applicant is not the owner, whether owners written consent obtained (enclosed in original)
6. Reasons for felling : (Mark appropriate reason) –

Dead

Dying

Diseased

Wind fallen

Has become dangerous to life and property.

Any other reasons (Give details)

The particulars furnished above are true to the best of my knowledge and belief.

Dated

.....

The _____

(Signature of Applicant)

No..... dated

Form No. II

Rule 3(3)

From :- The Divisional Forest Officer,
Khasi Hills Division, Shillong.

To,

Shri/Shrimati

Sir/Madam,

Your application dated For felling oftrees
inarea has been received in this office on
day of200.....

Yours faithfully,

Divisional Forest Officer,
Khasi Hills Division, Shillong.

Form No. IV

Rule 4 (2)

Meghalaya Tree (Preservation) Rule, 1976

No.

Date.....

To,

The Divisional Forest Officer,
Khasi Hills Division, Shillong.

Sub:: Application for felling of trees submitted by Shri/ Shrimati**Ref :** Your order videdated

Sir,

I have conducted the necessary enquiry on the aforesaid application in the presence of the applicant/applicant's representatives on My report is as follows.

1. The particulars furnished by the applicant about the trees have been found correct/not correct on the following points.
2. The trees are standingmetres away from the existing properties/proposed construction duly permitted by the municipality/cantonment authority. The description of the trees and their royalty values are given on the reverse.
3. In my opinion the felling/lopping/uprooting/cutting/damaging the trees is necessary/unnecessary for the following reasons.

And I recommend/ do not recommend their felling/lopping/uprooting/cutting/damaging for

(Give full reasons)

Signature and designation.

Description of the trees of felling is recommended.

Tree No.	Species	G.B.H.	Approx, length of utilizable bole & volume of timber	Approx quantity of firewood
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Royalty calculation

F.D. Form No.3

(Rule 6(4))

FOREST DEPARTMENT, MEGHALAYA.....DIVISION

Forest produce and other property seized and disposed of during the month.....19

Forest produce or other property seized		Locality where stored or person to whom entrusted	Property released and date of release	Property made over to third parties and date of making over	Property confiscated to Govt. by order of Court & brought to the stock with date of order	Property sold and date of sale	Amount realised by sale	Property not disposed of during the month	Remarks
Date of seizure	Description								
1	2	3	4	5	6	7	8	9	10

Necessary particulars of items in column 9 will be brought forward in the next month's form and shown in red ink in column 1,2,and 3.

Sd/-

P.C. MISRA.

Secretary to the Govt. of Meghalaya

Forests, etc., Department

Form No. V

Rule 4(5)

Meghalaya Tree (Preservation) Rules, 1976.

No.....

Dated

From: The Divisional Forest Officer,
Khasi Hills Division, Shillong.

To,

Shri/Shrimati.....

Sir/ Madam,

With reference to your application for felling of trees dated..... and acknowledged vide this office letter No. Dated..... I am hereby according permission for felling/ burning/ lopping/ cutting/ uprooting of Trees standing at

This permission is subject to the following conditions, namely:-

1. You will arrange for felling of the trees.
2. You will be responsible for any damage caused in felling the trees and shall compensate for such damage to the aggrieved party.
3. This permission does not bind the Divisional Forest Officer or his subordinates responsible for any damage whatsoever caused during felling including lopping/uprooting/burning/cutting/and damaging.

Yours faithfully,

Divisional Forest Officer,
Khasi Hills Division,
Shillong.

Form No. VI

Rule 4 (6)

Meghalaya Tree (Preservation) Rules, 1976.

No

Dated.....

From: The Divisional Forest Officer,
Khasi Hills Division,
Shillong.

To,

Shri/Shrimati.....

Sub: Felling of Trees.

Ref: Your application dated..... for felling..... trees
acknowledged vide this office letter No.....dated.....

Dear Sir/ Madam,

The undersigned regrets his inability to accord permission to fell the trees for the following reasons:-

.....

Yours faithfully,

Divisional Forest Officer,
Khasi Hills Division,
Shillong.

Form No. VII

Rule 6 (1)

Meghalaya Tree (Preservation) Rules, 1976.

No

Dated.....

From:

.....Forest Range/

Beat..... Shillong.

To,

The Divisional Forest Officer,
Khasi Hills Division, Shillong.

Sir,

I have the honour to report that this day I seized the following property of..... Son of..... of village/ward No.....Thana..... for an offence committed in the..... punishable under Section 5 of the Meghalaya Tree (Preservation) Rules, 1976.

1.

2.

3.

Yours faithfully,

.....
.....Range/Beat.

No.....

Dated

Copy forwarded to the District Magistrate, Khasi Hills, Shillong.

Divisional Forest Officer,
Khasi Hills Division,
Shillong.

FORM NO. VIII**RULE 7 (1)**

Meghalaya Tree (Preservation) Rules, 1976.

Offence Report No.

Dated.....

Nature of offence.

.....

Dated and hour of detection

Place of occurrence

By whom detected

Offence is punishable under section 5 of Meghalaya Tree (Preservation) Rules, 1976.

Name of the accused				
Name	Father's name	Place of residence		
		Village	Thana	District
1	2	3	4	5
Name of witnesses				

Full Report of The Facts Enclosed

(To be framed not later than the day after occurrence)

_____ Beat/ Range.

Statement of the Accused.

Signature of the accused.

Forest Department, Meghalaya, Khasi Hills Division,

Offence Report No. Dated

Memo. No. Dated

Forwarded to the District Magistrate, Khasi Hills, Shillong with application for issue of process and the following documents:-

Divisional Forest Officer,
Khasi Hills Division,
Shillong.

FORM NO. IX

Rule 3 (1)

Meghalaya Tree (Preservation) Rules, 1976.

Forest Department: Meghalaya

Khasi Hills Division, Shillong.

Memo No.

Dated.....

From: **The Divisional Forest Officer,**
Khasi Hills Division, Shillong.

To,
The District Magistrate,
Khasi Hills District, Shillong.

CASE STATE VERSUS.....

Ref: Offence u/s 3 road with sec.5 of the Meghalaya Tree (Preservation) Rules,
1976.

Sir,

Whereas the marginally noted persons have committed an offence specified in the accompanying offence report and whereas the facts can be proved by the evidence of witnesses named therein, I have the honour to request that the Court will issue process against the accused and try the case as under such section of the Meghalaya Tree (Preservation) Rules, as may deem applicable.

Name of accused.

Yours faithfully,

Divisional Forest Officer,
Khasi Hills Division,
Shillong.

**GOVERNMENT OF MEGHALAYA
FOREST DEPARTMENT**

NOTIFICATION

Shillong, the 9th December, 1985

No.FOR.40/80/154. It is notified for general information that consequent to the Government Notification vide FOR.40/80/Pt/9 dated 22nd August, 1980 making the provision of Meghalaya Tree (Preservation) Act, 1976 Meghalaya Act 13 of 1976) applicable to all areas within a radius of 10 (ten) Km from District Council's Court Shillong, all areas within the village jurisdiction of the villages mentioned below have now come under the purview of the said act, Felling, Burning, Cutting, uprooting of any trees or permitted any tree to be felled, burned, out or otherwise within the areas to which the act extends, except permission in writing from the Deputy Conservator of Forests, Khasi Hills Division is a punishable offence under the aforesaid act.

Sd/-

Deputy Secretary, Govt. of Meghalaya
Forest Department

List of villages within 10 Km of District Council's Court at Shillong.

1. Greater Shillong area including Shillong Cantonment.
2. Barapani
3. Mawtawar
4. Mawpat
5. Diengiong
6. Mawiong
7. Mawdiangdiang
8. Mawkasiang
9. Tynring
10. Mawpdang
11. Nongrah
12. Mawlynrei
13. Mawshabuit

14. Sohryngkham
15. Mawlngad
16. Lamlyer
17. Umphyrnai
18. Laitkor
19. Kynton-U-Mon
20. Smit
21. Nongkrem
22. Myllem Mawpynthih
23. Pomlakrai
24. Sadew
25. Myllem
26. Pomlum
27. Mawkriah
28. Umlyngka
29. Mawklot
30. Nongpiur
31. Mawreng
32. Nognlum
33. Baniun
34. Marbaniang
35. Mawsiang
36. Nognumlong
37. Nongkseh
38. Shilliangum
39. Mawmih
40. Nongpathaw.

No.For.40/80/154-A

Shillong, the 9th December, 1985

Copy forwarded for information and necessary action to : -

1. The Chief Conservator of Forests, Meghalaya, Shillong.
2. The Deputy Commissioner, East Khasi Hills Shillong.

3. The Deputy Conservator of Forests, Khasi Hills Division, Shillong.
4. The Divisional Forest Officer, Social Forestry Division, Shillong.
5. Divisional Forest Officer, Forest Resources Survey Division, Shillong.
6. Working Plan Officer, Shillong
7. Director of Soil Conservation, Meghalaya, Shillong
8. Law Department
9. Cabinet Affairs Department.
10. Director of Printing and Stationery, Meghalaya, Shillong for publication in the Gazette.
11. Chief Executive Member, Khasi Hills District Council, Shillong.
12. Managing Director, Forest Dev. Corporation of Meghalaya Ltd., Lower Lachumier, Shillong.
13. Director of Information and Public Relation, Meghalaya, Shillong for wide publicity through office, radio & Local News papers both in English and Khasi.

Sd/-
Deputy Secretary, Govt. of Meghalaya
Forest Department.