

10. INSTRUCTION REGARDING FELLING OF TREES

**Government of West Bengal
Office of the Board of Revenue, West Bengal
Section-A(I) : GE Branch**

No.4347(2)-GE/130/90

Dated, Calcutta, the 1st June, 1990

To
The Collector, _____

Sub : Provisions of indiscriminate felling of fruit bearing trees from orchards.

It has come to the notice of the Board that trees such as mango and jack-fruit trees are being indiscriminately felled from the orchards in the districts of Malda and Murshidabad. In terms of Sec. 4B of the W.B.Land Reforms Act, 1955 every raiyat holding any land shall maintain and preserve such land in such manner that its area is not diminished or its character is not changed or the land is not converted for any purpose other than the purposes for which it was settled or held except with the previous order in writing of the Collector under section 4C *ibid.* It, therefore, follows that any raiyat intending to change the character or use of land comprised in an orchard has to obtain permission under section 4C from the Collector before such changes may be effected. Again, in terms of Section 4D of the Act any change, conversion or alteration in the area, character or mode of use of any land without permission of the Collector under Sec. 4C is a penal offence.

2. Indiscriminate felling of trees in large number from an orchard would amount to change of its character. This act is contrary to the purpose for which the land was settled or held. Such an act without obtaining Collector's previous permission is against the provision of law. It is necessary that all measures are taken to prevent such indiscriminate felling of trees in large number and to take legal steps where the relevant provision of law has been contravened in this regard. He is, therefore, requested to arrange for wide publicity of the relevant provision of the W.B.L.R. Act through the local newspapers published from the Districts and from the Sub-divisional Headquarters. As soon as any case of such indiscriminate felling of trees from an orchard in large number without previous permission of the concerned authority comes to his notice, necessary action in accordance with law should be initiated. The field-level officers should also be asked to cause necessary enquiry in areas where there is a sizeable number of orchard for detection of cases of such illegal felling of trees in large number so that action according to law may be initiated with respect to these cases also.

3. It is emphasized that preservation of orchards is necessary not only to implement the provision of law but also to protect the local economy and environment. Therefore, measures should be taken at all levels so that such indiscriminate felling of trees in large number involving change of character of an orchard is prevented and that cases of such illegal felling are suitably dealt with according to law.

A. K. Chakraborti
Special Secretary, Board of Revenue,
West Bengal.

No.4347/1(32)-GE

Copy forwarded for information and necessary action to :-

1. The Forest Department.
2. The Collector, _____
3. The District Land & Land Reforms Officer, Hooghly.

A.K.Chakraborti
Special Secretary,

Government of West Bengal
Office of the District Magistrate, Midnapore

No. _____ DM

Dated _____

To

Divisional Forest Officer, West at Midnapore.
Divisional Forest Officer, East at Tamluk
Divisional Forest Officer, Rupnarayanpur (Planning & Survey), Midnapore.
Divisional Forest Officer, Social Forestry at Kharagpur.
District Land & Land Reforms Officer, Midnapore / Tamluk

Sub: Implementation of the Hon'ble Green Bench Order dated 15.7.98 & further instructions of the Tree cutting Committee regarding felling of trees.

The following are the guidelines to be followed and implemented strictly.

- (1) There shall be a total ban on the felling of Mahua or Kendu trees. In case of dead trees or trees destroyed due to natural reasons such as storms etc. there is no bar to an application for the removal and transportation of these trees. Forest officials shall exercise close scrutiny on these applications.
- (2) Efforts shall be made by all including Panchayats to plant trees on roadside, canals, bandhs, Tanks and other communal lands. The following species such as Piasal, Jamun Bat, Ashwath, Gamhar, Babul, Kusum, Palash, Chandan, Rakta Chandan, Eucalyptus, Akashmoni, Minjiri, Neem, Karanj, Sisoo, etc. shall be preferably planted. The planting and harvesting of these trees shall be done on the advise and supervision of the Forest Deptt.
- (3) Cutting and felling of trees in Forest area of the Forest Deptt. will be according to the working plan framed for the area. A report shall be sent to me regarding the felling of any tree by the concerned D.F.O.
- (4) In case of felling of trees or removal of dead trees on private/community land/vested land/ departmental land all applications shall be addressed to the concerned Divisional Forest Officer. Every application shall contain the approx. number and description of trees and the land schedule of the area. It shall also contain an undertaking to replace the trees with new trees without fail. The application shall contain the recommendation of the area Gram Pradhan / Sabhapati and then the application shall be handed over to the BL&LRO of the block. After the BL&LRO verifies the ownership and furnishes the no-objection on the body of the application, the application shall be sent to the area Range Officer. The Range Officer shall undertake whatever enquiry is necessary and put up the matter to the Divisional Forest Officer. The request for permission shall be disposed off by the D.F.O., A.D.M. & DLLRO and Karmadhyaksha, Ban-O-Bhumi-Sanskar Sthayee Samiti, Zilla Parishad jointly. Consequent to which necessary order for felling and transportation would be issued from the D.F.O.'s Office. In case, if the Tree Card is already available, then permission can be directly given by the DFO, ADM & DLLRO and Karmadhyaksha, Ban-O-Bhumi Sanskar Sthayee Samiti, Zilla Parishad without recourse to the preliminary process.
- (5) In case of any isolation of these orders of the Green Bench the Offender shall be arrested by the local Police or the assistance of the local police shall be sought . The tree shall be seized and confiscated and the offender shall be produced before the Green Bench, Calcutta High Court. Ignorance shall not be an excuse.
- (6) All Panchayats, village level social organisations and forest protection committees shall give wide publicity and undertake steps for the mass awareness of the orders of the Green Bench as well as these instructions to avoid any offence out of ignorance.

All concerned including local departments be also informed. Efforts should be made to dispose off all applications as quickly as possible and monitoring of disposal should be made.

Yours faithfully,
Arun Bal
District Magistrate & Collector, Midnapore.

No. _____

Dated _____

Copy circulated to :

1. Sabhadipati, Midnapore Zilla Parishad
2. Karmadhyaksha, Ban-O-Bhumi Sanskar Sthayee Samiti, Zilla Parishad.
3. Sabhapati _____ Panchayat Samiti – for wide publicity.
4. Pradhan _____ for wide publicity.
5. Block Development Officer, _____
6. Executive Engineer, PWD, Divn. I & II/Roads, Divn. I & II/National Highway, Divn. II.
7. Executive Engineer (I & W), East – Tamluk / West – Midnapore.
8. Executive Engineer, PHE, Divn. I at Midnapore / Contai Divn. At Tamluk
9. D.I.C.O., Midnapore – for wide publicity
10. Chief Executive Officer, Haldia Development Authority
11. Administrator, Digha Development Authority
12. Chairman, _____ Municipality.

Arun Bal
District Magistrate & Collector, Midnapore.

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**THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.5110 OF 1999

Sri Ram Saha Appellant

Versus

State of West Bengal & Ors. Respondents

J U D G M E N T

Shivaraj V. Patil J.

The short question that arises for consideration in this appeal is whether any permission is required under Sections 4B read with Section 4C of the West Bengal Land Reforms Act, 1955 (for short 'the Act') by the owners of the orchards to fell the old trees for replacing them by new saplings having greater potential of yield.

The appellant is the owner of certain land classified as 'Bagan' (garden) in the record of rights. Since old trees in the land had been affected with uncontrollable worms and had lost their fruit bearing ability, the appellant decided to uproot them with an intention to renovate the garden by planting high breed saplings. After he cut two to three trees, the local police personnel and the Block Land Reforms Officer prevented the appellant from further felling, citing the judgment of the Supreme Court in T.N. Godavarman Thirumulkpad etc. Vs. Union of India and Ors. [AIR 1997 SC 1228]. The appellant, in these circumstances, approached the High Court by filing Writ Petition No.16280/1997 challenging the action of the officers and seeking certain directions. A learned Single Judge of the High Court referred the writ petition to the Division Bench (Green Bench). By the Impugned judgment the Division Bench of the High Court disposed of the writ petition permitting the appellant to fell trees standing in garden but subject to certain conditions and restrictions. Hence this appeal is filed by the appellant questioning the validity and correctness of the impugned judgment contending that to

fell the trees within his garden land, the appellant was not required to seek any permission under Section 4-B read with Section 4C of the Act.

The learned counsel for the appellant in his arguments reiterated the submissions that were made before the High Court. He contended that in the absence of any provision in the Act or any other legislation requiring the appellant to take permission to fell tree in his garden land, admittedly it being not a forest land and the High Court was not right and justified in imposing certain restrictions and conditions to fell the trees. He also brought to our notice the decisions of the High Court dealing with similar issue. He added that the decision of the Supreme Court in T.N.Godavarman Thirumulkpad (supra) could not be applied to the facts of the case because the observations made and directions given in that case relate and confine to forest lands.

In opposition, the learned counsel for the respondents made submissions supporting the impugned judgment.

In order to appreciate the respective contentions, it is useful to refer to the relevant provisions of the Act:-

“Section 4A. Certain restrictions on rights of raiyats in Sadar, Kalimpong and Kurseong sub-divisions of Darjeeling district – (1) In the Sadar sub-division, Kalimpong sub-division and Kurseong Sub-division of the district of Darjeeling, the Collector of the district may, from time to time, give directions regarding the form of cultivation to be adopted by a raiyat in respect of his plot of land or prohibiting a raiyat from cutting more than one tree from his plot of land except with the previous permission in writing of the Collector or such other officer as may be authorized by the State Government in this behalf :

Provided that in giving directions as aforesaid, the Collector shall follow such procedure as may be prescribed.

(2) For contravention of any of the directions given under sub-section (1), the Collector may, after giving the defaulting raiyat an opportunity to show cause against the action proposed to be taken, impose upon him, by order, a fine not exceeding one thousand rupees which, if not duly paid, shall be recoverable as a public demand.

(1) An appeal, if presented within thirty days from the date of the order appealed against, shall lie to the Commissioner against any order passed by the Collector under sub-section (2) and the decision of the Commissioner shall be final.

4B. Maintenance and preservation of land – Every raiyat holding any land shall maintain and preserve such land in such manner that its area is not diminished or its character is not changed or the land is not converted for any purpose other than the purpose for which it was settled or previously held except with the previous order in writing of the Collector under Section 4C.

Provided that any raiyat may plant and grow trees on any land held by him within the ceiling area applicable to him and to his family without any previous order under Section 4C, if such land is not cultivated by bargadar;

Provided further that without prejudice to the provisions of Chapter IIB of the Act, the provisions of this Section shall not apply to the diminution in area or the change of character of any land or the conversion of any land for any purpose other than the purpose for which it was settled or previously held, if such diminution or change of character or conversion was made in accordance with the provisions of any law for the time being force.

4C. Permission for change of area, character or use of land – (1) A raiyat holding any land may apply to the Collector for change of area or character of such land or for

conversion of the same for any purpose other than the purpose for which it was settled or was being previously used or for alteration in the mode of use of such land.

Explanation – For the purposes of this sub-section, mode of use of land may be residential, commercial, industrial, agriculture plantation of tea, pisciculture, forestry, sericulture, horticulture, public utilities or other use of land.

(2) On receipt of such application, the Collector may, after making such inquiry as may be prescribed and after giving the applicant or the persons interested in such land or affected in any way an opportunity of being heard, by order in writing either reject the application or direct such change, conversion or alteration, as the case may be, on such terms and conditions as may be prescribed.

(3) Every order under sub-section (2) directing change, conversion or alteration shall specify the date from which such change, conversion or alteration shall take effect.

(4) A copy of the order passed by the Collector directing change, conversion or alteration, if any, under sub-section (2), or in an appeal therefrom shall be forwarded to the Revenue Officer referred to in Section 50 or section 51, as the case may be, and such Revenue Officer shall incorporate in the record-of-rights changes effected by such order and revise the record-of-rights in accordance with such order.

(5) If the Collector is satisfied that any land is being converted for any purpose other than the purpose for which it was settled or was being previously held, or attempts are being made to effect alteration in the mode of use of such land or change of the area or character of such land, he may, by order, restrain the raiyat from such act.”

By the impugned judgment, although the appellant is permitted to fell trees standing in his garden land, as already stated above, certain conditions and restrictions were imposed. In the impugned judgment, it is stated that the appellant is entitled to cut one out of ten trees in two years and replace that one with new sapling. In case, number of trees are less than ten, permission was granted to cut one out of 5 but subject to condition that to cut one tree, the appellant was required to replace with a new sapling. It was further directed that the appellant will not take recourse to felling of trees without giving one month's notice to the Collector stating therein all necessary particulars and an undertaking to the effect that the new saplings would be planted within one month of felling the tree. The Collector was also empowered to inspect the land, if so desired and to take appropriate action in case either the impugned order or the provisions of Section 4 are not complied with. In the impugned judgment, the Division Bench also observed that the State Government should consider enacting a comprehensive law as early as possible on the felling of trees in non-forest areas keeping in view the environmental concerns of the day.

This Court in T. N. Godavarman Thirumulkpad (supra) was dealing with forests having regard to the provisions of the Forest Conservation Act, 1980 (for short 'the Conservation Act') and to the environmental and ecological aspects of the matter, considering the possible effect due to deforestation. In para 4 of the judgment, it is stated thus :-

“4. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forest irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term “forest land”, occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forest and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof _____”

Directions given under para 5, to the extent they are relevant for the purpose, are extracted below :-

“1. In view of the meaning of the word “forest” in the Act, it is obvious that prior approval of the Central Government is required for any non-forest activity within the area of any “forest”. In accordance with section 2 of the Act, all on-going activity within any forest in any State throughout the country, without the prior approval of the Central Government, must cease forthwith.

2. _____

3. _____

4. _____ This ban will also not affect felling in any private plantation comprising of trees planted in any area which is not a forest.”

In the said judgment, certain specific directions are given to the States specified therein. Relevant directions given for the State of Himachal Pradesh and the hill regions of the States of Uttar Pradesh and West Bengal, to the extent relevant, read as under :

“1. There will be no felling of trees permitted in any forest, public or private. This ban will not affect felling in any private plantation comprising of trees planted in any area which is not a ‘forest’; and which has not been converted from an earlier “forest”. _____

(2) _____

(3) _____

(2) _____”

It is clear from the aforesaid judgment of this Court that the observations made and directions given were in relation to forest land. The term of “forest land” occurring in Section 2 of the Conservation Act will not only include “forest” as understood in the dictionary sense but also includes any land recorded as forest in the Government record irrespective of the ownership. It is also stated that the provisions of the Conservation Act for the conservation of forest and the matters connected therewith must apply clearly to all forests so understood irrespective of ownership or the classification thereof. By the directions given in the said judgment, certain bans are imposed including a ban in respect of felling of trees in forest, irrespective of the nature of the forest, i.e. whether the forest is public forest or private, reserved, protected or otherwise. It is clear from the observations made and directions given in the aforesaid judgment of this Court that though ban was imposed in respect of undesirable activities in the forest irrespective of the nature of the forest and its ownership but such a ban did not affect felling of trees in any private plantation in an area which is not a forest. Thus, it is clear that the direction given by this Court is clearly confined to felling of trees in forest land and the said ban was not extended to non-forest private plantation. It is made clear in the judgment that the directions given are to be implemented notwithstanding any order at variance made or which may be made by Government or any authority, tribunal or court including the High Court. In the impugned judgment, the High Court having referred T. N. Godavarman Thirumulkpad etc. (supra) of this Court, has stated thus :-

“In other words, the direction of the Supreme Court regarding the application of ban on felling of trees in forests and non-application of the same in non-forest private plantations has to prevail over any other deviating order even if such order has been or is passed by the High Court. It is however to be noticed here that while the Supreme Court expressly recorded in its direction about the non-application of the ban in any non-forest private plantation, the Supreme Court only nullified in clear words the orders at variance which might have been or might be passed by any Government, authority, tribunal or court. The Supreme

Court however did not say nor purported to say that any statutory or enacted law regarding non-forest private plantation will not be given effect to.”

In the impugned judgment, the High Court has clearly stated that ban on felling of trees imposed by this Court was only relating to trees in forest area and not to non-forest private plantation and that any order contrary cannot prevail. Having said so, the High Court went on to say that this Court did not direct that any statutory or enacted law regarding non-forest private plantation will not be given effect to. This legal position cannot be faulted but the High Court committed an error in its observation. Admittedly, there is no statutory or enacted law which enabled the state authorities either to take action for felling of trees in private plantation not being forest and in the absence of any requirement of any statutory enactment to take permission for felling of tree in a private plantation, the High Court could not have imposed restrictions and conditions as is ultimately done in the impugned judgment while permitting the appellant to fell the trees.

The Division Bench of the same High Court dealing with a similar situation in M.A.T. No. 3681/97 in **Md. Mustafijur Rahman & Ors. -Vs- The State of West Bengal & Ors.** having due regard to the decision of this Court in T.N.Godavarman Thirumulkpad (supra) held that the ban on felling of trees would not affect felling in any private plantation comprising trees planted in any area which is not a forest. However, whether the land in that case was a forest land or not was left to be decided by the authorities. That was a case in which learned Single Judge had taken the view that the restrictions with regard to the forest imposed in the decision of T. N. Godavarman Thirumulkpad (supra) did not apply to the case as the lands were recorded as orchard / garden in the record of rights. However, in conclusion, the learned Single Judge imposed certain restrictions with regard to removal of trees. In appeal in M.A.T. 3681/97, the Division Bench of the High Court passed the order as stated above.

Another Division Bench of the same High Court in Re: **Cutting of trees at Mankundu** [1998 2 CLJ 119] passed an order dated 15.7.1998 directing that there should be total ban on felling of Mahua and Kendu trees and that apart, no other tree should be cut or fell by anybody without obtaining permission from the local authority concerned or the District Forest Officers. This decision runs contrary to the earlier Division Bench judgment in M.A.T. 3681/97 referred to above. Unfortunately, the decision of the Division Bench in M.A.T. 3681/97 and the decision of this Court in T.N. Godavarman Thirumulkpad (supra) were not brought to the notice of the Division Bench while deciding the case of Mankundu on 15.07.1998. In the impugned judgment, the High Court itself has observed that the directions given in Mankundu are inconsistent with the directions given by this Court in T. N. Godavarman Thirumulkpad (supra) particularly where this Court had specifically directed that its order was to operate and had to be implemented notwithstanding any order made or that may be made by any court or Government etc., which might be at variance and that there was no scope for issuing such directions in respect of non-forest private plantation.

In **Biswanath Kumar -Vs- State of West Bengal** [1996 (II) CWN 407]; a learned Single Judge of the High Court considered a question whether the owner of an orchard had any right to fell down trees standing there which had become old and had lost their optimum fruit bearing capacity. In the light of Sections 4B and 4C of the Act, it was held that so long as area, user and character of the land was not changed, the provisions of Section 4B as also the proviso thereto would not be attracted in a given case. However, keeping in mind factors relating to the environment and ecological balance, the learned Single Judge directed that the raiyat will not be entitled to cut down all the trees in the orchard or garden at a time but shall be entitled to cut once every two years and replace the old, uneconomic and/or unproductive tree or trees in the ratio of 1:10 on condition of replacing the same by new sapling. The learned Judge also gave certain other directions. It may be noted that this judgment was delivered before this Court rendered decision in T.N. Godavarman Thirumulkpad (supra).

It is not in dispute that there is no enactment in the State of West Bengal regarding felling of trees in non-forest area. It is abundantly clear and unambiguous that the ban imposed by this Court in T.N. Godavarman Thirumulkpad (supra) would apply only to forest land irrespective of the nature or classification or ownership of such forest land and that the ban did not apply to non-forest private plantation. In the impugned judgment, the Division Bench of the High Court also accepts this position. But the Division Bench reading Sections 4A, 4B and 4C and thereafter reading Sections 4B and 4C together took the view that Section 4B of the Act definitely projects a bar against felling of trees; it may not be in respect of felling of single tree; but felling of a number of trees at a time may in particular circumstances amount to changing nature and character of land or the mode of its use and thereby attract provisions of Sections 4B and 4C. It was further held by the High Court that for felling of trees in non-forest private plantation definitely Section 4B will be attracted and in that case such a felling cannot be done without obtaining permission of the Collector under Section 4C. Observations of the High Court in this regard are :

“The learned Judge in the decision in Biswanath Kumar Vs. State of West Bengal (supra) was of the opinion that anticipated change of the character and user of the lands comprising orchards cannot be a ground for objecting to the felling of the trees belonging to the owners in the absence of any law prohibiting them from doing so. In our opinion, however, the position becomes rather different when sections 4B and 4C are read together. The bar imposed by section 4B is against changing the character of land or its conversion for use for a different purpose without the previous permission of the Collector. Cutting of only one tree in an orchard may not by itself change the nature and character of the land or may not amount to conversion of the land for any purpose other than the purpose for which it was settled or was previously held. But felling of a number of trees at a time may in particular circumstances amount to changing the nature and character of the concerned land and thereby attract provisions of sections 4B and 4C. That trees may have some bearing on the nature and character of the land on which they are standing or on the mode of its use is beyond doubt. This gets exemplified by the first proviso to section 4B which permits a raiyat to plant and grow trees on his land without the previous order of the Collector if such land is not cultivated by Bargadar. A land which is used as cultivable land may be converted into a different type by planting quite a number of trees on it thereby replacing cultivation by afforestation. The proviso permits afforestation or planting or growing of trees on the land without any order of the Collector although by doing so the nature and character of the land or its user may be changed. But this is not permitted if the land is under the cultivation of Bargadar so that the Bargadar's interest in the matter of growing crops in that land and receiving share thereof may not be jeopardized or affected. This is one aspect of the matter. Similarly if an orchard is cleared of the trees or a number of trees are cut down without taking any measure to protect and preserve the nature and the character of the land, in that event section 4B and Section 4C will be definitely attracted to such felling of trees. It, therefore, cannot be said that there is altogether no statutory provision imposing any restriction on the felling of trees in non-forest private plantation.”

Section 4A of the Act imposes certain restrictions on rights of raiyats in Sadar, Kalimpong and Kurseong Sub-divisions of Darjeeling District. In these sub-divisions under Section 4A(1), the Collector of the district may, from time to time, give directions regarding the form of cultivation to be adopted by a raiyat in respect of his plot of land or prohibit a raiyat from cutting more than one tree from his plot of land except with the previous permission in writing of the Collector or such other officer as may be authorized by the State Government in this behalf. Under sub-section (2) of the said Section, the Collector may take action against defaulting raiyat for contravention of any of the directions given under sub-section (1) and may impose fine upon him. Under sub-section (3), an appeal is also provided against an order made under sub-section (2). Thus, from Section 4A, it is clear that its application is confined to the three sub-divisions of Darjeeling District only. When by legislation, scope and application of Section 4A is

consciously confined to the said three sub-divisions of Darjeeling District, court cannot enlarge or extend its scope to the other lands in the State of West Bengal situated in areas other than these sub-divisions. An attempt to extend the scope and application of Section 4A to the area beyond the said three sub-divisions amounts to courts assuming legislative functions which is impermissible particularly when there is no ambiguity or uncertainty as to the area to which Section 4A applies. The said provisions cannot be read so as to extend its application to other areas which legislature consciously did not intend to do so. If the legislature wanted to apply Section 4A to the entire State of West Bengal it could have done so. On the other hand, the legislature had expressly confined its application to the three sub-divisions of Darjeeling District.

Section 4B speaks of maintenance and preservation of land. Under this Section, every raiyat holding any land is obliged to maintain and preserve such land in such manner that its area is not diminished or its character is not changed or the land is not converted for any purpose other than the purpose for which it was settled or previously held except with the previous order in writing of the Collector under Section 4C. Under the first proviso to the said Section, any raiyat may plant and grow trees on any land held by him within the ceiling area applicable to him and to his family without any previous order under Section 4C, if such land is not cultivated by Bargadar. From plain reading of this Section, it is clear that a raiyat cannot diminish area of the land or change its character or cannot convert the land for any purpose other than the purpose for which it was settled without the previous order in writing of the Collector. Felling of trees is not covered by this Section. Mere felling of trees cannot be taken as diminishing the area of the land or changing its character or converting it for any purpose other than the purpose for which it was settled. The first proviso shows that even a raiyat can plant and grow trees in any land held by him within the ceiling area, if such land is not cultivated by bargadar.

Section 4C deals with the permission for change of area, character or use of land. Under this Section, a raiyat holding any land may apply to the Collector for change of area or character of such land or for conversion of the same for any purpose other than the purpose for which it was settled or was being previously used or for alteration in the mode of use of such land. Explanation to sub-section (1) of Section 4C says that for the purpose of sub-section (1) of Section 4C, mode or use of land may be residential, commercial, industrial, agriculture plantation of tea, pisciculture, forestry, sericulture, horticulture, public utilities or other use of land. In this view, permission of Collector is required under Section 4C for the purpose of change of area, character or use of land not for felling of trees in private plantation. Mere felling of trees neither diminishes the area nor changes the character or use of land covered by explanation to sub-section (1) of Section 4C. Under Section 4C(2), the Collector on receipt of application from a raiyat for change of use of land, conversion or alteration, as the case may be, pass an order. Under sub-section (5) of the said Section, the Collector, if satisfied that any land is being converted for any purpose other than the purpose for which it was settled or attempts are being made to effect alteration in the mode of use of such land or change of the area or character of such land, he may, by order restrain the raiyat from such act. Thus, Collector has to satisfy himself about any contravention in regard to conversion, change of use or change of area or character of land before passing an order to restrain the raiyat from such act. For any contravention of the provisions of the Act, the Act itself has provisions to take care of contravention, if any, under the Act. Thus, even combined reading of Sections 4B and 4C of the Act does not show that a permission of Collector is required to fell trees in non-forest private plantation area/garden.

It is well-settled principle of interpretation that a statute is to be interpreted on its plain reading; in the absence of any doubt or difficulty arising out of such reading of a statute defeating or frustrating the object and purpose of an enactment, it must be read and understood by its plain reading. However, in case of any difficulty or doubt arising in interpreting a provision of an enactment, courts will interpret such a provision keeping in mind the objects sought to be achieved and the purpose intended to be served by such a provision so as to advance the cause for which the enactment is brought into force. If two interpretations are possible, the one which promotes or favours the object of

the Act and purpose it serves, is to be preferred. At any rate, in the guise of purposive interpretation, the courts cannot re-write a statute. A purposive interpretation may permit a reading of the provision consistent with the purpose and object of the Act but the courts cannot legislate and enact the provision either creating or taking away substantial rights by stretching or straining a piece of legislation.

This Court in **The Commissioner of Sales Tax, U.P. Lucknow vs. M/s. Parson Tools and Plants, Kanpur** [(1975) 4SCC 22] has taken the view that if the legislature did not, after due application of mind, incorporate particular provision, it cannot be imported into it by analogy, observing that “An enactment being the will of the Legislature, the paramount rule of interpretation, which overrides all others, is that a statute is to be expounded “according to the intent of them that made it”.

Further in para 16 of the said judgment, this Court has observed thus:-

“16. If the Legislature wilfully omits to incorporate something of an analogous.....in a subsequent statute or.....there is a cautious omission in....., the language of which is otherwise plain and unambiguous, the court is not competent to supply the omission by engrafting on it or introducing in it, under the guise of interpretation, by analogy or implication, something what it thinks to be a general principle of justice and equity. To do so “would be entrenching upon the preserves of Legislature” (At p 65 in Prem Nath L Ganesh V. Prem Nath, L. Ram Nath, AIR 1963 Punj 62, Per Tek Chand, J.), the primary function of a court of law being jus dicere and not jus dare.”

Further para 23 of the same judgment reads:-

“23. We have said enough and we may say it again that where the Legislature clearly declares its intent in the scheme and language of a statute, it is the duty of the Court to give full effect to the same without scanning its wisdom or policy, and without engrafting, adding or implying anything which is not congenial to or consistent with such expressed intent of the law-giver:.....”

In **Sankar Ram & Co. vs. Kasi Naicker & Ors.** [(2003) 11 SCC 699], this Court in para 7 has stated thus :-

“7. It is a cardinal rule of construction that normally no word or provision should be considered redundant or superfluous in interpreting the provisions of a statute. In the field of interpretation of statutes, the courts always presume that the legislature inserted every part thereof with a purpose and the legislative intention is that every part of the statute should have effect. It may not be correct to say that a word or words used in a statute are either unnecessary or without any purpose to serve, unless there are compelling reasons to say so looking to the scheme of the statute and having regard to the object and purpose sought to be achieved by it.....”

Thus, in the light of legal position explained in various decisions, the High Court was not right in expanding the scope and application of Section 4A so as to apply it to the areas in the State of West Bengal other than the area specified in three sub-divisions of Darjeeling District. When the intention of the legislature is clear to confine its application to the limited area, the court could not ignore it. The High Court was also not right in reading something more in Sections 4B and 4C in regard to the felling of trees in the absence of any such legislative intention expressed in these provisions. The court could not have added something more to these Sections.

The High Court, being clear in its mind that the ban imposed in **T.N. Godavarman Thirumulkpad** (Supra) in the matter of felling of trees did not extend to non-forest private plantation as there was no state enactment dealing with the felling of trees in non-forest private plantation, in our view, was not right and justified in reading in the provisions of Sections 4B and 4C that a permission of the authorities is required for

felling of trees even in non-forest private plantation/orchard. The High court was also not correct in imposing further restrictions and conditions on the appellant for felling trees in his private non-forest garden land. The High Court in impugned judgment itself has observed that the State Government may consider the desirability of having enacted a comprehensive law as early as possible regarding felling of the trees in non-forest areas with a view to taking care of environmental necessities of the time. If the provisions of Section 4B read with Section 4C of the Act serve such a purpose and if the High Court was clear in that regard, there was no reason to make such a observation. Nothing prevents the State Government to enact law in this regard but in the absence of such a law and till law is enacted in that regard, the High Court was not right in imposing restrictions as is done in this case in regard to felling of trees.

The question set out above in the beginning of this judgment is answered in the negative.

In the result, the impugned judgment so far it relates to imposition of restrictions and conditions on the appellant for felling the trees cannot be sustained and they are set aside. To make the position clear, we state that no such permission is required for felling trees in the non-forest private plantation/orchard/began. The appeal is allowed accordingly in the above terms. No costs.

NEW DELHI
OCTOBER 14, 2004

(SHIVARAJ V. PATIL)
(B.N. SRIKRISHNA)

Copy of the above order forwarded to the respondent No. 4

The District Land and Land Reforms Officer, Malda, P.O. and District – Malda, W.B. for information and guidance

30/11/04
High Court
Calcutta.

By Order
Assistant Registrar IX.

Registered No.WB/SC-320

No.144(III)

**The Kolkata Gazette
Extraordinary Published by Authority**

CHAITRA 22]

WEDNESDAY, APRIL 12, 2006

[SAKA 1928

PART III – Acts of the West Bengal Legislature

**GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative**

NOTIFICATION

No.452-L. – 12th April, 2006 – The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :-

**West Bengal Act X of 2006
THE WEST BENGAL TREES (PROTECTION AND CONSERVATION
IN NON-FOREST AREAS) ACT, 2006.**

**[Passed by the West Bengal Legislature]
[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 12th April, 2006]**

An Act to encourage and promote plantation of trees, and to protect and conserve trees, particularly those looked upon as sacred groves, or identified as belonging to an endangered species or given the status of heritage, bearing in mind that trees have great environmental value and are a renewable resource.

WHEREAS it is expedient, in the public interest, to prevent the felling of trees in Non-Forest Areas and to encourage and promote plantation of trees, and to protect and conserve trees, particularly those looked upon as sacred groves, or identified as belonging to an endangered species or given the status of heritage, bearing in mind that trees have great environmental value and are a renewable resource;

AND WHEREAS it is considered expedient to make provisions for protection and improvement of environment as envisaged under article 48A of the Constitution of India;

It is hereby enacted in the fifty – seventh Year of the Republic of India, by the Legislature of West Bengal, as follows :-

- | | | |
|---|--|------------------------------|
| Short title,
extent and
commencement. | 1. (1) This Act may be called the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006.
(2) It extends to the whole of West Bengal.
(3) It shall come into force at once. | |
| Application. | 2. This Act shall apply to trees in Non-Forest Areas viz. The Areas other than forest and the Areas declared as community reserve under the Wild Life (Protection) Act. 1972. | 53 of 1972. |
| | Explanation – for the purpose of this section, the word ‘forest’ has the same meaning as is assigned in the West Bengal Private Forests Act, 1948. | West Bengal Act XIV of 1948. |
| Definitions. | 3. In this Act, unless the context otherwise requires–
(1) “appellate authority” means an appellate authority appointed under sub-section (1) of section 7;
(2) “competent authority” means an authority appointed by the State Government, by notification, to perform the duties and exercise the powers conferred upon a competent authority under this Act;
(3) “felling of tree” means cutting, girdling, pollarding, uprooting or damaging a tree in any manner but shall not include lopping off of a limb of tree for such purposes as may be prescribed ;
(4) “notification” means a notification published in the Official Gazette;
(5) “person” shall include any company or association or body of individuals, whether incorporated or not; | |

(6) "raiyat" shall have the same meaning as in the West Bengal Land Reforms Act, 1955; West Bengal Act X of 1956.

(7) "Schedule" means a Schedule to this Act;

(8) "State Government" means the State Government of West Bengal;

(9) "tree" has the same meaning as in the Indian Forest Act, 1927, and includes any woody plant whose branches spring from an area supported upon a trunk or body and whose trunk or body is not less than ten centimetres in diameter at breast height from the ground level ; 16 of 1927.

Explanation – For the purpose of this clause 'breast height' means the standard height for measuring girth, diameter and basal area of standing trees which is taken as 4 feet 6 inches (1.37 metre) above ground level and on slopes breast height is taken on the up-hill side.

(10) "prescribed" means prescribed by rules made under this Act;

(11) Other expressions used in this Act, but not defined, shall have the same meanings as defined in the Indian Forest Act, 1927.

Restriction on felling of trees.

4. Except as provided in this Act or the rules made thereunder, no persons shall –

- (a) Fell any tree in the Non-Forest Areas; and
- (b) cut, remove or otherwise dispose of any tree other than a tree which has felled without the aid of human agency.

Permission to fell trees.

5. (1) A competent authority may, on receipt of an application from a person to fell a tree or otherwise dispose of any tree, for such purposes as may be prescribed, and on being satisfied with regard to the legality of documents towards the proof of ownership or lease of the land on which such tree stands and after making an inquiry, in such manner as may be prescribed, grant permission, in writing, to fell tree;

Provided that no such permission shall be granted, if it is found on inquiry that the nature or character of the land may change or the mode of use of the land may alter, unless the person concerned produces the conversion certificate obtained from the collector concerned under the provisions of section 4C of the West Bengal Land Reforms Act, 1955; West Bengal Act X of 1956.

Provided further that in the Sadar sub-division, Kalimpong sub-division and Kurseong sub-division of the district of Darjeeling, no such permission shall be required, if a raiyat obtains permission under provisions of section 4A of the West Bengal Land Reforms Act, 1955, read with rule 474 of the West Bengal Land and Land Reforms Manual, 1991;

Provided also that the competent authority shall, within three days from the date of receipt of application, give permission of felling of trees, if it constitute such immediate danger, as may be prescribed to any person or property.

(2) Notwithstanding anything contained in sub-section (1), no permission shall be required if felling of trees is undertaken for not more than three trees at a time in rural areas;

Provided that felling of trees shall not be undertaken in a particular plot of land more than once in a year.

Explanation 1. – For the purposes of this section, “rural area” shall include all areas under Gram Panchayat and exclude the areas under Municipality, Notified Area Authority or Municipal Corporation.

Explanation II. – For the purposes of this section “Municipality” and “Notified Area Authority” shall have the same meaning as defined in the West Bengal Municipal Act, 1993. West Bengal Act XXII of 1993.

Procedure for obtaining permission to fell trees.

6. (1) Every application under section 5 shall be in writing giving particulars of the tree, the details of the plot of land on which the tree is located and the reasons for felling the tree and shall be accompanied with such fee, as may be prescribed.

(2) The competent authority shall, on receipt of an application in respect of any tree, issue an acknowledgement to the applicant, and after making inquiry, shall dispose of the application, within forty-five days of the receipt of such application, either giving permission to fell such tree or rejecting the application giving reasons therefor.

(3) Every permission to fell tree shall, granted under this Act, be in such form and subject to such conditions, including taking of security for undertaking plantation for trees, as may be prescribed;

Provided that in the case of tea garden such permission shall be subject to the condition that the sale proceeds be utilized strictly for the purpose of welfare of the labourers of tea garden on the basis of a specific scheme framed under the provisions of the Plantations Labour Act, 1951. 69 of 1951.

Appeal.

7. (1) Subject to the provisions of sub-section (2), an appeal shall lie from every order of the competent authority under this Act to the appellate authority, to be appointed by the State Government.

(2) Every such appeal shall be preferred within thirty days from the date of communication of the order :

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing it in time.

(3) On receipt of any such appeal, the appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such inquiry as it deems proper, dispose of the appeal for reasons to be recorded in writing.

(4) The proceedings before the appellate authority shall be completed within a period of one month from the date of preferring appeal under sub-section (2).

Obligation to plant trees.

8. Every person, who fells any tree, shall undertake plantation of such number of trees as may be prescribed, in place of every tree felled, in the same plot of land and tend such plantation for trees in accordance with the directions of the competent authority:

Provided that the competent authority may, for such reasons, as may be prescribed, to be recorded in writing, permit a lesser number of plantation for trees to be undertaken in a different plot or plots , or exempt any person from the obligation of such plantation;

Provided further that any person,unable to undertake plantations of trees, may deposit such amount of money, as may be prescribed considering the importance of trees, to the competent authority, facilitating the designated agency of the State Government to undertake plantation of trees for the trees felled.

Note – ‘designated agency of the State Government’ for the purpose of this section means a designated agency of the State Government, as may be specified by the State Government, by order.

Compulsory plantation for trees in certain cases.

9. (1) Every person or development agency or the benevolent activist or the entrepreneur or the promoter (hereinafter in this section called ‘developer’) shall, as the case may be, intending to carry out development in the form of erection of highrise multi-unit building or otherwise construction for the purposes of residential or commercial or industrial or institutional uses, as the case may be, on any plot or plots of land, undertake plantation for trees, in the prescribed manner and to the prescribed extent having regard to the total area of such plot or plots of land, in the same plot or plots of land as subject to such development.

Explanation I. – For the purposes of this sub-section, ‘development agency’ includes any of the Government Department or any other body created under any statute for the purpose of carrying out development works.

Explanation II – For the purposes of this sub-section, ‘promoter’ means a person who constructs or erects or causes to be constructed or erected a building or otherwise construction on a plot or plots of land for the purpose of transfer of such building by sale or gift or otherwise to any other person or to a company, co-operative society or association of persons and includes his assignee.

(2) The development, under sub-section (1), shall subject to sub-section (5), be carried out after obtaining the certificate of clearance, on an application in the prescribed form and the prescribed manner accompanied by such fee, as may be prescribed, from the competent authority;

Provided that the plantation shall be implemented within such period as may be specified in the certificate of clearance, before the development project is initiated.

(3) The application, under sub-section (2), shall be accompanied by such plan (in quadruplicate) (hereinafter called the “plantation plan”) drawn on the prescribed scale as showing the proposed plantation in the prescribed manner and to the prescribed extent as well as the location of the proposed plantation within the area of the proposed building or otherwise construction on the same plot or plots of land.

(4) The competent authority may, after being satisfied on proper scrutiny of the plantation plan and completing the field inquiry, if necessary, that the proposed plantation of trees as shown in the plantation plan is in accordance with the provisions of this Act and the rules made thereunder, approve the plantation plan (in quadruplicate) under his signature with proper stamp and seal and shall issue the certificate of clearance in the prescribed Form:

Provided that the competent authority shall, before issuing the certificate of clearance under this sub-section, obtain the concurrence of the West Bengal Pollution Control Board.

(5) The authority, sanctioning the building or otherwise construction plan under the relevant Act, shall, before approving such plan, require the developer to produce before him both the certificate of clearance as issued and the plantation plan as approved under this Act and verify whether the proposed plantation as shown in the plantation plan

is properly incorporated in the building or otherwise construction plan as submitted before him for approval. After being satisfied on verification, the sanctioning authority shall certify under his signature with stamp and seal on each copy of the building or otherwise construction plan as approved by him under the relevant Act, stating that this plan is compatible with the plantation plan so far as the proposed plantation is concerned.

(6) No building or otherwise construction plan, even if sanctioned under the relevant Act, shall be treated as valid if the same is not found compatible with the said plantation plan.

Implementation of directions

10. Every person who is to undertake plantation for trees under section 8, shall start preparatory work for plantation within sixty days from the date of permission or the date of receipt of direction as the case may be, and shall undertake plantation for trees, in accordance with directions.

Penalty for felling of trees.

11. (1) Whoever fells or causes to be felled any tree or cuts, uproots or otherwise disposes of any fallen tree, in contravention of the provisions of section 4, or contravenes any condition of any permission granted under this Act, shall be punished with imprisonment which may extend to one year or with fine which may extend to five thousand rupees or with both and until the plantation of requisite number of trees are undertaken, shall be fined for each day of default of fifty rupees.

(2) If any person, or development agency or the benevolent activists, or the entrepreneur of the promoter, as the case may be, fails to implement the plantation plan as approved under sub-section (4) of section 9, shall be punished with imprisonment which may extend to two years or with fine which may extend to ten thousand rupees or with both.

Previous sanction of the State Government necessary.

12. No prosecution shall be instituted against any person in respect of any offence under this Act without the previous sanction of the State Government or such officer or authority as may be authorised by the State Government by order in writing in this behalf.

Offence by firm, company, institution etc.

13. If the person committing an offence under this Act is a firm, a company, an institution or an association or body of individuals, the firm, the company, the institution or the association or the body of individuals as well as every person in charge of, and responsible, the firm, the company, the institution or the association or the body of individuals for the conduct of its business at the time of the commission of such offence shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this section shall render such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Forfeiture of timber etc.

14. (1) Where any person has been convicted of committing an offence of felling a tree, the timber of tree, and implements used for felling such tree, may be ordered by the Court to be forfeited to the State Government;

Provided that if the timber is found to have been disposed of, the Court may order an additional penalty of not exceeding five thousand rupees.

(2) Unless the Court otherwise directs, any timber or implements forfeited under sub-section (1), shall be disposed of by the competent authority in such manner as may be prescribed.

(3) Such forfeiture may be in addition to any other punishment specified in this Act for such offence.

Power of seizure.

15. (1) When there is reason to believe that any tree has been felled, cut or removed in contravention of the provisions of this Act, the wood of such trees, together with the boat, vehicle, carrier or cattle, if any, used for felling, cutting or removing of such tree, may be seized by any Forest Officer not below the rank of a Forest Ranger or any Police Officer not below the rank of a Sub-Inspector or any other officer empowered in this behalf by the State Government.

(2) Every seizure made under sub-section (1) shall be reported to the Magistrate having jurisdiction to try the offence on account of which such seizure has been made and the wood of such trees, together with boat, vehicle, carrier or cattle shall, subject to the order of such Magistrate, be disposed of in such manner as may be prescribed.

Compounding of offence.

16. (1) Any offence, which has been committed and is punishable under this Act, may either before or after institution of the prosecution, be compounded by such officer, and for such amount not exceeding ten thousand rupees, as the State Government may by notification in the Official Gazette, specify:

Provided that such net present value of timber, as may be prescribed by rules considering the importance of timber, may also be recovered from the offender.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceeding shall be taken against him in respect of such offence and the property seized under this Act shall be released.

(3) The compounding of an offence under sub-section (1) shall be allowed only in respect of the first offence committed by any person and no such compounding shall be made for any subsequent offence committed by the same person.

Power to prevent commission of offence.

17. (1) It shall be the duty of every Forest Officer, Gram Panchayat Secretary, Gram Panchayat Karma Sahayak, Krishi Prajukti Sahayak, Gram Sevak, Revenue Inspector, officer dealing with environmental protection or Police personnel to make efforts to prevent any contravention of section 4 and section 9 and to report to his superior officer, in such manner as may be prescribed, of such contravention or preparation to commit such contravention.

(2) The superior officer so informed shall inform the competent authority of such commission or probable commission of offence.

(3) The competent authority shall take all reasonable measures in his power to prevent such contravention which he has reason to believe that it is likely to be committed.

Officers to be public servant

18. The Officers, exercising any powers, or discharging any duties or functions, under this Act shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

Execution of order for payment.

19. The amount of composition of an offence, the payment of which has been directed to be made by any person under this Act shall, without prejudice to any other mode of recovery under any law for the time being in force, be recoverable from him as an arrear of land revenue.

Bar on proceedings.

20. No suit, prosecution or other legal proceedings shall lie against the State Government or against any Officer or against any designated agency of the State Government empowered to exercise power or to perform duties or to discharge functions under this Act, for anything which is in good faith done or intended to be done under this Act.

Exemption.

21. (1) Subject to such conditions, if any, as may be imposed, the State Government may, if it considers necessary so to do in the public interest, by notification in the Official Gazette, exempt any area or any species of tree or a specified number of trees of any species from all or any of the provisions of this Act.

	(2) Notwithstanding anything contained in sub-section (1), permission of competent authority shall be obtained for felling of trees specified in the Schedule.
Provision of this Act to be in addition to other Law.	22. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force prohibiting or regulating the felling of trees.
Power of State Government for preservation of trees.	23. (1) The State Government may, in the interest of public, declare by notification, that any class or classes of tree shall not be felled for such period as is specified in that notification. (2) The management of such trees shall be regulated in such manner as may be prescribed.
Power to make rules.	24. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters :- (a) the Form in which and the authority to whom an application for felling tree shall be made; (b) the Form in which the permission, if any, shall be granted to the applicant; (c) any other matter necessary for proper implementation and enforcement of this Act. (3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.
Overriding effect.	25. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.
Power to amend Schedule.	26. (1) The State Government may, by notification, amend the Schedule, (2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before the State Legislature.

SHCEDULE

Permission mandatory for felling (See Section 21)

1. Acacia catechu (Khair)
2. Bombax ceiba (Simul)
3. Dalbergia sissoo (Shishu)
4. Diospyros melanoxylon (Kend/Kendu/Tendu)
5. Gmelina arborea (Gamar)

6. Madhuka indica (Mahua)
7. Michelia champaka (Champ)
8. Shorea robusta (Sal)
9. Swietenia mahogany (Mahogany)
10. Tectona grandis (Teak/Segun)
11. Mangrove trees.

By order of the Governor,
SHYAMAL KANTI CHAKRABORTY,
Secy. to the Govt. of West Bengal,
Law and Judicial Departments.

Registered No. WB/SC-320

No. WB (Part-I)/07/B`CL-21

●

**The Kolkata Gazette
Extraordinary
Published by Authority**

MAGHA 20]

FRIDAY, FEBRUARY 9, 2007

[SAKA 1928

PART I – Order and Notifications by the
Governor of **SHYAMAL KANTI
CHAKRABORTY,**

Secy. to the West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL
FOREST DEPARTMENT
Writers' Buildings, Kolkata – 700 001.**

NOTIFICATION

No.517-For. Dt. The 9th February, 2007 – In exercise of the power conferred by sub-section (1) of Section 24 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 (West Bengal Act X of 2006), the Governor is pleased to make the following rules, namely :-

Rules

Short title & commencement. 1. (1) This rules may be called the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Rules, 2007.

(2) They shall come into force on the date of their publication in the Official Gazette.

Definitions. 2. (1) In these rules, unless the context otherwise requires –

- (a) “the Act” means the West Bengal Trees (Protection and Conservation in Non-Forest areas) Act, 2006 (West Bengal Act X of 2006).
- (b) “Form” means a Form appended to these rules;
- (c) “section” means a section of the Act;
- (d) “rule” means a rule of these rules.

(2) Any expression used in these rules, but not defined, shall have the same meaning as defined in the Act.

Purpose for which felling of trees shall not include lopping off a limb of tree. 3. Lopping off a limb of tree for the following purposes shall not constitute “felling of tree” as defined under sub-section (3) of section 3 –

- (a) maintenance of electric lines, roads and other works of public utility; provided that such lopping does not pose any threat to the survival of the tree,
- (b) maintenance and beautification of the Parks and Gardens;
- (c) when the limb of a tree causes serious inconvenience to the local resident, or poses threat to human life, or a building, or property; or disrupts public services (transportation system).

Permission to fell trees. 4. (1) Permission for felling or otherwise disposing of any tree under the provisions of sub-section (1) of section 5 shall be granted only for the following purposes:

- (a) if it causes serious inconvenience to the local resident; or poses threat to human life, or a building, or property; or disrupt public services (transportation system);
 - (b) if it attains natural death due to any disease, or natural calamities like storm, lightning;
 - (c) if a tree was raised with the purpose of Social Forestry or Farm Forestry and has since attained maturity for harvesting;
 - (d) if the tree is sought to be removed for facilitating re-forestation of the land for the purpose of Social Forestry or Farm Forestry;
 - (e) if the owner intends to carry out the felling of trees to meet expenses for family obligations, such as medical treatment, marriage, education or to meet requirement of timber for construction or repair of his own house;
 - (f) if it becomes absolutely necessary to fell the trees for the disposing of land or settling up of the land dispute;
 - (g) if in a tea garden, proviso to sub-section (3) of section 6 shall be complied with.
- (2) (a) A person other than a developer, seeking permission for felling or otherwise disposing of any tree under the provision of sub-section (1) of Section 5 shall submit an application to the competent authority in Form I(A) : Provided, however, that a developer shall submit application to the competent authority in the Form I(B).
- (b) The competent authority shall issue an acknowledgement to the applicant in an appropriate manner under his official seal.
- (3) An inquiry for the purpose of giving permission to fell or dispose of any tree as referred to in sub-section (1) of section 5 of the Act may be conducted in the following manner :
- (a) the competent authority either himself conduct field enquiry or will depute a suitable official from amongst his subordinates for the purpose;
 - (b) the enquiry will be completed within thirty days from the date of receipt of the application or within two days in case of application seeking immediate permission to fell such trees which constitute immediate danger as specified in sub-rule (4) of this rule;
 - (c) the enquiry officer shall intimate the applicant regarding the date and time of field enquiry and the applicant will be present during the enquiry in person or through a duly authorized representative;
 - (d) the enquiry officer may also invite some local prominent persons to be present during the enquiry;
 - (e) the enquiry officer will also consult and consider the report from the Gram Panchayat or Municipality or Municipal corporation or Notified Area Authority or the industrial township as the case may be, in Form I(c);
 - (f) The inquiry officer will submit his report to the competent authority in form – II.
- (4) For the purpose of the three provisions to sub-section (1) of section 5, the competent authority shall within three days from the date of receipt of application, give permission of felling of trees if it constitute immediate dangers of the following nature to any person or property:

- (a) imminent threat to human life, or property of any person or institution or organization;
- (b) serious disruption to maintenance of public services (transportation system).

Procedure for obtaining permission to fell tree. 5. (1) For the purposes of obtaining permission to fell tree or otherwise disposing of any tree under sub-section (1) of section 6, the applicant shall pay the following fee to the competent authority at the time of submitting application :

- (i) developer : Rs. 1,000.00 (Rupees One thousand);
 - (ii) a person other than a developer :- Rs.25.00 (twenty five rupees) (in rural areas) and Rs.100.00 (One hundred rupees) (other than rural areas);
 - (iii) Emergency Application Fee: (if the application is required to be submitted for immediate permission under sub-rule (4) of rule 4 : Rs. 200.00 (Two hundred rupees for all areas).
- (2) For the purpose of sub-section 3 of section 6, the competent authority shall grant permission to fell tree to an applicant in Form III: provided that no permission to fell tree, if there is a tree, will be given to a developer unless he has obtained a certificate of clearance from the competent authority, under sub-section (4) of section 9 and sanction of the building or otherwise construction plan from the appropriate authority under sub-section (5) of section 9.
- (3) The permission under sub-rule (2) shall be granted only after the applicant, other than a developer, has paid security for undertaking plantation for trees to the competent authority at the rate of twenty rupees per tree in rural areas and thirty rupees per tree in areas other than rural areas for each tree to be planted: Provided that no security shall be payable by an applicant who is unable to undertake plantation of trees and has deposited the prescribed amount of money to the competent authority as prescribed under sub-rule (3) of rule 6.
- (4) The security under sub-rule (3) shall be paid either in cash or through National Saving Certificates duly placed in favour of the competent authority.
- (5) The security shall be refunded in full to the applicant but not before two years from the date of grant of felling permission after the competent authority has satisfied himself that at least eighty percent of the trees planted by the applicant under the provision of rule 6 are surviving in good condition: Provided that the security shall be refunded to the applicant on pro-rata basis if the total number of trees survived are less than eighty percent of the total number of trees planted: Provided further that the security may be forfeited by the competent authority if the total number of trees survived are less than thirty percent of the total number of trees planted.
- (6) The non-refunded portion of the security shall be transferred by the competent authority to the designated agency for undertaking plantation of trees.

Obligation to plant trees 6. (1) As provided under Section 8 every person who after obtaining permission by the competent authority, fells any tree, shall undertake plantation two trees in place of every tree felled, in the same plot of land and tend such plantation for trees in accordance with the direction of the competent authority: Provided that a developer shall undertake plantation of trees as prescribed in sub-rule (1) of rule 7.

- (2) Under the provision of the first proviso to section 8, the competent authority may in writing permit a lesser number of plantation for trees to be undertaken in a different plot or plots or exempt any person, other than a developer, from the obligation of such plantation for the following reasons ;
- (a) if the felling of trees for erecting of house for self accommodation;
 - (b) if the existing plot, on which the tree is felled, does not provide space for any further plantation;
 - (c) if no other plot of land is available with the owner of the tree;
 - (d) if the total number of trees to be felled is less than ten.
- (3) Any person, other than a developer, unable to undertake plantation of trees as prescribed under sub-rule (1) shall deposit an amount of twenty rupees per tree

in rural areas and thirty rupees per tree in areas other than rural areas to the competent authority, who shall transfer the said amount to the designated agency of the State Government to undertake plantation of trees for the trees felled: Provided that the amount to be deposited shall be forty rupees per tree in rural areas and sixty rupees per tree in areas other than rural areas if the trees to be felled belong to any of the species included in the Schedule of the Act.

Compulsory plantation of trees. 7. (1) For the purpose of sub-section (1) of section 9, a developer shall undertake plantation of trees over at least twenty percent of the total area in the same plot or plots of land as subject to such development in accordance with a plantation plan approved by the competent authority under sub-section (4) of section 9: Provided that the total number of trees to be planted shall be at least five times the number of trees to be felled, if any; Provided further that the competent authority may fix up norms for plantation of trees in a particular area regarding choice of species, proportion of different species, spacing, maintenance.

- (2) The developer shall, under sub-section (2) of section 9 submit application to the competent authority in Form I(B), which shall be accompanied with a fee prescribed under sub-rule (1) of rule 5.
- (3) The developer, while applying for the certificate of clearance to the competent authority shall submit a proposed plantation plan (in quadruplicate) drawn on 1:100 scale showing the location of plantation over the extent as prescribed under sub-rule (1) alongwith the following details :
 - (a) species to be planted;
 - (b) advance soil work;
 - (c) source of seeds and seedlings for plantation;
 - (d) spacing and planting pattern; and
 - (e) time schedule for plantation and maintenance.
- (4) Before issuing the certificate of clearance to the developer, the competent authority shall cause an inquiry in the manner prescribed in sub-rule (3) of rule 4.
- (5) The competent authority shall under sub-section (4) of section 9 issue the certificate of clearance to the developer in the Form IV.

Forfeiture of Timber etc. 8. Any timber or implements forfeited under sub-section (1) of Section 14; shall be disposed of by the competent authority through auction or open tender following the relevant government orders in this respect.

Power of Seizure. 9. Wood of trees together with boat, vehicle, carrier or cattle seized under the provisions of sub-section (1) of section 15 shall be handed over to the competent authority who shall dispose them of through auction or open tender following the relevant government orders in this respect.

Compounding of offence. 10. The net present value of timber, as referred to in the proviso to sub-section (1) of section 16 shall be calculated on the basis of "Scheduled of Rate" prescribed for the nearby Forest Division by the concerned Conservator of Forests.

Power to prevent commission of offence. 11. The Report, as referred in sub-section (1) of section 17 be submitted to the superior officer with the following details in respect of the offence committed or likely to be committed:

- (a) detailed location;
- (b) date and time;
- (c) nature of offence;
- (d) name and address of the offender or the offending agency; and
- (e) any other relevant information.

Power of State Government for Preservation of trees. 12. The competent authority shall not issue permission for felling of any class or classes of trees notified by the State Government under sub-section (1) of section 23 for such period as is specified in that notification.

- (3) The competent authority shall prepare an inventory of trees referred to in sub-rule (1); carry out inspection from time to time; and issue suitable directions to the owners of such trees for their protection and upkeep.
- (4) The owner of trees, as referred to in the sub-rule (1), shall take all necessary precautions for protection and upkeep of such trees; carry out the directions issued by the competent authority under sub-rule (2) and submit a report regarding any loss or damage to such trees to the competent authority without any undue delay.

FORM - I(A)

Application For Felling or Disposing of Trees in Non-Forest Areas in respect by a Person (Other than a developer)

[See rule 4(2)(a)]

- (1) Name of the Applicant (In Capitals):
- (2) Full Postal Address :
- (3) Land Details :
 - (a) Block / Panchayat / Municipality / Corporation / Others :
 - (b) Mouza / Ward :
 - (c) J.L. No. / Part No. / Plot No.:
 - (d) Area of the Land :
 - (e) Plan of land / Map of the Land:
 - (f) Total No. of trees present in the land (Species and number) :

(4) Details of Trees to be felled / disposed off:

Number of Tree	Plot No.	Species	DBH (cm)	Approx Height (Metre)	Natural or Planted	Approx Age	Physical condition

- (5) Purpose of Felling : (To be authenticated by supporting documents in original)
- (6) Particulars of previous felling of trees : (On the same plot of land, if any)

Plot No.	Date	Species	Number of Trees	References of permission from Competent Authority

(7) **[Only for applicant seeking emergency permission]**

I, hereby declare that the aforesaid trees constitute immediate danger in view of _____ (Give reasons) and permission for their immediate felling is solicited in terms of sub-rule (4) of rule 4.

(Photographic evidence to be submitted)

- (8) I do hereby, certify that the felling of trees for which permission is sought for, shall not change the nature or character of land or the mode of use of the land;

OR

A copy of the conversion certificate obtained from the Collector under section 4C of the West Bengal Land Reforms Act, 1955 is attached ;

(9) [Only in case of Tea Gardens]

I, do hereby declare that the sale proceeds from the felling of trees in question will be utilized strictly for the purpose of welfare of the labourers of the tea garden on the basis of the specific scheme framed under the provisions of the Plantation Labour Act, 1951 (A copy enclosed)

(10) I do, hereby undertake to plant _____ trees (A minimum of two trees against each tree to be felled) at the same plot / at _____ Police Station _____ District _____ and maintain the same for a period of 5 (five) years.

I, am willing to deposit the security money as prescribed under sub-rule (3) of rule 5.

OR

I, do hereby undertake, to deposit the required sum of money as prescribed under sub-rule (3) of rule 6 in lieu of plantation to the Competent Authority.

OR

I, may kindly be exempted from the obligation of planting trees / permitted to plant lesser no of trees / permitted to plant trees on a different plot on the following grounds :

(i)

(ii)

(iii)

(11) I, am enclosing an amount of Rs. _____ As application fee by Cash / Draft No. _____ at Bank _____ dated _____

Place:

Date :

Signature of the Applicant.

- Strike off which is not applicable.

FORM I (B)

❖ Application For Felling of Trees in Non-Forest Areas / Certificate of Clearance in respect of a Developer [See rule 4 (a)(2) and 7(2)]

(1) Name of the Person / Agency / Department :

(2) Full Postal Address :

(3) Nature of proposed developmental work:

(4) Land Details :

(a) Block / Panchayat / Municipality / Corporation / Others:

(b) Mouza / Ward :

- (c) J.L. No. / Part No./Plot No.
 (d) Area of Land:
 (e) Plan of land / Map of the Land :
 (f) Total no of trees present in the land (Species and Number):

(5) Details of Trees to be felled / disposed off :-

Number of Trees	Plot No.	Species	DBH (cm)	Approx Height (Metre)	Natural or Planted	Approx Age	Physical condition

- (6) Purpose of Felling : (To be authenticated with detailed project report including total financial outlay)
 (7) Plantation Plan (On 1:100 scale showing location, species, timeframe, financial outlay, maintenance etc. to be submitted in quadruplicate)
 (8) Particulars of previous felling of trees : (On the same plot of land, if any)

Plot No.	Date	Species	Number of Trees	References of permission from Competent Authority

- (9) A copy of the conversion certificate obtained from the Collector under section 4C of the West Bengal Land Reforms Act, 1955, is attached.
 (10) **[Only in case of Tea Gardens]**

I, hereby declare that the sale proceeds from the felling of trees in question will be utilized strictly for the purpose of welfare of the labourers of the tea garden on the basis of the specific scheme framed under the provision of the Plantation Labour Act, 1951 (A copy enclosed);

- (11) I, do hereby undertake, to plant trees over _____ ha (20% of the total area to be developed subject to a minimum of 5 trees against each tree to be felled) at the same plot / at _____ Police Station _____ District _____ and maintain the same for a period of five years. Plantation Plan (in quadruplicate) is enclosed.
 (12) I, am enclosing an amount of Rs. _____ as application fee by Cash / Draft No. _____ at Bank _____ dated _____

Place :

Date :

Signature of the Applicant

Name : _____

Official Seal.

- Strike off which is not applicable.

FORM I(C)

** Certificate in connection with Felling / Disposing of trees(s) in Non-forest areas by Panchayat / Municipality / Municipal Corporation / Others

[See Rules 4(3)(e)]

- (1) This is to certify that Shri / Smt. / Ms. / Organisation _____ - Village / Road / Street / Ward No. _____ Police Station _____ Pin _____ has applied to the competent authority to fell / dispose of _____ No. of tree(s) from his / her / their own / leased land bearing plot No. _____ J.L.No. _____ Mouza / Ward No. _____ Police Station _____ Panchayet / Block / Municipality/ Municipal Corporation / Others _____ District _____
- (2) The above application is recommended *.

(3) The above application is not recommended for the following reasons *

- (i)
- (ii)
- (iii)

Signature _____
Name in full _____
Designation _____
Seal :

Place :
Date :

* Please strike out which ever is not applicable.

** The Certificate may be issued by the Pradhan, Chairman, Municipal Commissioner of concerned Gram Panchayet, Municipality, Municipal Corporation or by the concerned authority of notified area authority / Industrial Township etc. respectively.

FORM II

Inquiry Report / Inquiry For Certificate of Clearance For Felling of Trees in Non-Forest Areas

[See Rules 4(3)(f) and 7(4)]

- (1) Date of Receipt of the Application in Form 1(A) / Form I(B)
- (2) Enquiry conducted on :
- (3) Enquiry conducted at :
- (4) Enquiry conducted in presence of :

Name	Identity	Signature with date
	Applicant	
	Local Prominent person	

(5) Findings :

[General]

- (a) Land Verification;
- (b) Tree Verification (Annexure Enclosed);
- (c) Verification of ownership;
- (d) Verification of purpose of Felling ;
- (e) Comments on ecological / Historical Significance of the trees (if any);
- (f) Whether nature of land may change due to proposed felling.

[Developmental Agency]

- (a) comments on Plantation plan.
- (b) Whether the said project can be carried out by felling lesser no of trees.

(6) Comments of Inquiry Officer on the contents of Form I(C);

(7) Recommendation :

- (i) Recommended / not recommended with specific reasons;
- (ii) A list of trees recommended for felling is enclosed

Submitted by

PLACE :
DATE :

Signature :
Name :
Designation :

Official Seal :

ANNEXURE OF FORM II
List of trees recommended for felling

Name of the Applicant :

Application Number _____

Date : _____

Number of Tree	Location (Plot No.)	Species	DBH (in com)	Condition of the tree

ABSTRACT

Species	Total No. of Trees
A.
B.
C.
D.
E.

Grand Total _____

(Signature of the Competent Authority)

Place : Name : _____
 Date : Designation : _____
 Official Seal : _____

FORM - III

Form for Permission for Felling / Disposing of Trees in Non-Forest Areas

[See Rule 5(2)]

Permit No. _____ Dated : _____

Whereas the applicant, Sri/Smt./Messrs _____
 Address : _____ has
 submitted an application with the prescribed fee on _____ for permission
 for felling / disposing of trees for the purpose of _____ at the following site :

- (a) Location : _____
- (b) Details of Plot(s) of Land : _____

AND Whereas the undersigned is satisfied with regard to the legality of documents towards the proof of ownership or lease of the land on which such tree stands;

AND Whereas the purpose for which the trees are required to be felled is in conformity with rule 4(1) of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Rules, 2006;

AND Whereas an inquiry in the prescribed manner has been carried out on _____ and the undersigned has examined the inquiry report with due care;

AND Whereas the land in question belongs to the _____ Tea Garden and the applicant has produced a specific scheme framed under the provisions of the Plantations

Labour Act, 1951 for utilizing the sale proceeds strictly for the purpose of welfare of the labourers;

AND Whereas the applicant is a developer who has already obtained a Certificate of Clearance No. _____ dated _____ issued by the undersigned and sanction of the building / construction plan by the sanctioning authority, viz. _____ vide his letter No. _____ Dated _____

AND Whereas it is found on inquiry that the proposed felling will not alter nature or character or mode of use of the land.

OR

The Applicant has produced the requisite permission under Section 4C of the West Bengal Land Reforms Act, 1955.

AND Whereas the applicant has deposited the prescribed security amount for plantation of trees to the undersigned;

OR

The applicant has been exempted by the undersigned from the obligation of plantation of trees under sub-rule (2) of rule 6 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Rules, 2006;

OR

The applicant has expressed his inability to undertake the plantation to trees by himself and has deposited to the undersigned the amount for the designated agency as prescribed under sub-rule (3) of rule 6 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Rules, 2007.

OR

The applicant is a developer and not required to deposit the security amount.

- Strike off if not applicable.
- Strike off the option which is not applicable.

Now, therefore, in persons to the power conferred under sub-section (1) of section 5 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006, the undersigned permits the applicant to undertake the felling of the trees as included in the Annexure.

The undersigned also permits the applicant (not a developer) under the first proviso to section 8 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006, to plant only _____ number of trees instead of the number prescribed under sub-rule (1) of rule 6 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) rules 2007. OR permits the applicant to plant _____ number of trees over different plots(s) of land (as indicated in Condition No.3 below) because (give reasons) _____ which is in conformity with sub-rule (2) of rule 6 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Rules, 2007;

The permission as given above is subject to the following conditions :-

This permit is non-transferable and valid only up to _____

1. The applicant (if a developer) shall take up plantation of trees in accordance with the approved plantation plan and the Certificate of Clearance within _____

month(s) from the date of sanction of the building / construction plan by the sanctioning authority;

2. The applicant (if not a developer) shall take up plantation of _____ number of trees _____ over the Plot(s) No. _____ within _____ months from the date of issue of this permit;
3. As provided in section 10 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006, the applicant (if not a developer) shall start preparatory work for plantation within sixty days from the date for permit or the date of receipt of directions from the undersigned, as the case may be, and shall undertake plantation for trees in accordance with such directions;
4. The applicant shall inform the undersigned in writing immediately on completion of the plantation of trees;
5. The applicant shall, within a week of carrying out felling of trees, submit a report to the undersigned indicating the total number of logs and firewood produced against each species;
6. Stamps of the felled trees shall be retained for a least one month from the date of felling;
7. The felling and carriage of trees shall not be carried out after the sun-set and before the sun-rise.
8. This permission is subject to the provisions of the West Bengal forest (Establishment and Regulation of Saw Mills and Other Wood-based Industries) Rules, 1982 and The West Bengal Forest Produce Transit Rules, 1959.
9. This permit should be produced for inspection on demand to the undersigned or any of the authorities specified in sections 15 and 17 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006.

(Signature of the Competent Authority)

Name : _____

Designation _____

Official Seal : _____

- Strike off if not applicable.

Annexure To Form III

Permit Number _____

Date : _____

Number of Tree	Location (Plot No.)	Species	Diameter at Breast - Height (in cm)	Condition of the tree

ABSTRACT

	Species	Total No. of Trees
A.
B.
C.
D.
E.

Grand Total :

(Signature of the Competent Authority)

Name :

Designation :

Official Seal :

FORM - IV

Form for Certificate of Clearance for Developers

[See Rule 7(5)]

Certificate No. _____

Dated : _____

Whereas the developer, Sri / Smt. / Messrs. _____

Address : _____

has submitted an application with the prescribed fee on _____
for Certificate of Clearance for the following developmental project:

- (a) Nature of Project _____
- (b) Location : _____
- (c) Details of Plot(s) of Land : _____
- (d) Total Area (in Ha) _____

AND Whereas the aforesaid developer has also submitted a plantation plan in the prescribed format;

AND Whereas the undersigned has approved the said plantation plan after satisfying himself on proper scrutiny of the plan and completing the field inquiry that the proposed plantation of trees as shown in the plantation plan is in accordance with the provisions of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 and the rules made thereunder;

AND Whereas the concurrence of the West Bengal Pollution Control Board has been obtained vide their letter No. _____ dated _____;

Now, therefore, the undersigned issues this **Certificate of Clearance** in favour of the aforesaid developer in accordance with sub-section (4) of section 9 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006, subject to the following conditions :-

1. This certificate is non-transferable.
2. The developer shall take up plantation of trees over _____ ha (subject to a minimum of 5 times the trees, if any, to be felled) in the same plot(s) of the land being developed in accordance with the approved plantation plan and complete the

same within _____ months(s) from the date of sanction of the building / construction plan by the sanctioning authority.

3. As provided in the proviso to sub-section (9) of section 9 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act 2006, the plantation has to be implemented before the development project is initiated;
4. Formal permission for selling of trees on the land being developed, if necessary, will be granted only after the sanction of the building / construction plan;
5. This Certificate shall cease to be valid if the building / construction plan is rejected by the sanctioning authority or if the plantation work is not completed within the period as specified in the Condition No.2 above.

(Signature of the Competent Authority)

Name : _____

Designation : _____

Official Seal : _____

By Order of the Governor.

Smt. Shila Nag

Joint Secretary to the Govt. of West Bengal.

Registered No.WB/SC-320

No.WB(Part-I)/07/BCL-22

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PHALGUNA 10]

THURSDAY, MARCH 1, 2007

SAKA 1928

PART I- Order and Notifications by the Governor of West Bengal, the High court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL
FOREST DEPARTMENT
Writers' Buildings, Kolkata 700 001.**

NOTIFICATION

No.901- For dt. The 1st March, 2007. In exercise of the power conferred by clause (2) of section 3 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 (West Ben. Act X of 2006) (hereinafter referred to as the said Act), the Governor is pleased hereby to appoint the competent authority under column (1), to perform the duties and exercise the powers conferred under the said Act within the jurisdiction as described under column (2), of the Schedule given below:-

SCHEDULE

Name of the competent authority	Jurisdiction
(1)	(2)
(1) Forest Range Officer	Reral areas under the jurisdiction of the Forest Range Officer;
(2) Divisional Forest Officer (Utilisation Division)	Kolkata Municipal Corporation;

- (3) Divisional Forest Officer All other "Rural Areas", not covered by the jurisdiction of the Forest Range Officer, and Municipalities / Corporations / Notified Area Authorities within his jurisdiction, except Kolkata Municipal Corporation area.

By Order of the Governor,

S. Nag
Joint Secretary to the Govt. of West Bengal

Registered No.WB/SC-320

No.WB(part-I)/07/BCL-23

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**GOVERNMENT OF WEST BENGAL
FOREST DEPARTMENT**

Writers' Buildings, Kolkata 700 001.

NOTIFICATION

No.902 – For dt.the 1st March, 2007. In exercise of the power conferred by sub-section (1) of section 7 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 (West Ben. Act X of 2006) (hereinafter referred to as the said Act), the Governor, for the purpose of the said Act, is pleased hereby to appoint the appellate authority under column(1), with their respective jurisdiction as described under column (2), of the Schedule given below:-

SCHEDULE

Name of the Appellate authority (1)	Jurisdiction (2)
(1) Divisional Forest Officer	Rural areas under the jurisdiction of the Forest Range Officers of his Division;
(2) Conservator of Forests, Marketing	Kolkata Municipal Corporation area;
(3) Conservator of Forests	All other "Rural areas", not covered by the jurisdiction of the Forest Range Officer, and Municipalities / Corporations / Notified Area Authorities within his jurisdiction, except Kolkata Municipal Corporation area.

By Order of the Governor,
S. Nag
Joint Secretary to the Govt. of West Bengal

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THURSDAY, MARCH 1, 2007

[SAKA 1928

PART I- Order and Notifications by the Governor of West Bengal, the High court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL
FOREST DEPARTMENT
Writers' Buildings, Kolkata 700 001.**

ORDER

No.903 – For dt.the 1st March, 2007. In pursuance of the power conferred under sub-section 8 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 (West Ben. Act X of 2006), the Governor, for the purposes of the said section, is pleased hereby to specify the designated agency of the State Government under column (I), with their respective jurisdiction as described under column (2), of the Schedule given below:-

SCHEDULE

Designated agency (1)	Jurisdiction (2)
(1) Divisional Forest Officer	Concerned Division of the Divisional Forest Officer:
(2) Deputy Conservator of Forests, Urban and Recreational Forestry.	Kolkata Municipal Corporation area;

By Order of the Governor,

S. Nag

Joint Secretary to the Govt. of West Bengal

<http://wblroa.in>