

<sup>1</sup>[TAMIL NADU] ACT No. XVII OF 1955.<sup>2</sup>

[THE <sup>1</sup>[TAMIL NADU] HILL STATIONS (PRESERVATION OF TREES) ACT, 1955.]

(Received the assent of the Governor on the 2nd September 1955 ; first published in the Fort St. George Gazette Extraordinary on the 2nd September 1955.)

An Act to provide for the regulation of the cutting of trees and the cultivation of land in hill stations in the <sup>3</sup>[State of Tamil Nadu.]

WHEREAS there has been indiscriminate cutting of trees in hill stations in the <sup>3</sup>[State of Tamil Nadu] involving large-scale deforestation and resulting in considerable soil erosion ;

AND WHEREAS with a view to prevent deforestation and soil erosion and also to preserve the special characteristics of the hill stations as regards landscape, vegetal cover and climate, it is necessary to regulate the cutting of trees and also the cultivation of land in hill stations in the <sup>3</sup>[State of Tamil Nadu.]

BE it enacted in the Sixth Year of the Republic of India as follows :—

Short title and application.

1. (1) This Act may be called the <sup>1</sup>[Tamil Nadu] Hill Stations (Preservation of Trees) Act, 1955.

(2) It applies to all hill stations in the State specified in the Schedule and to such other hill stations as may, by notification, be specified by the Government.

<sup>1</sup> These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969;

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, Extraordinary, dated the 29th July 1955, page 124.

This Act was extended to the added territories by section 3 of, and the First Schedule to, the Tamil Nadu (Added Territories) Extension of Laws Act, 1964 (Tamil Nadu Act 8 of 1964), repealing the corresponding law in force in those territories.

<sup>3</sup> This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969;

(3) The Government may, by notification, exclude from any hill station to which this Act applies, any area within it ; or include within any such station any area in the vicinity thereof.

2. In this Act, unless the context otherwise requires— Definitions.

(a) " Collector " means the District Collector ;

(b) " cultivation " means raising of cereals, tubers or plantation crops but shall not include the raising of kitchen gardens or flower gardens ;

*Explanation.*—" kitchen garden " in this clause means the area not exceeding fifty cents appurtenant to a residence and used for growing vegetables for *bona fide* consumption of the residents therein ;

(c) " Government " means the State Government ;

(d) " new cultivation " means cultivation of land which remained uncultivated for three consecutive years ;

(e) " notification " means a notification published in the \**Fort St. George Gazette* ;

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

(g) " tree " includes bamboo, but does not include brushwood.

3. (1) No person shall, without the previous permission in writing of the Collector cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree : Prohibition of cutting of trees.

Provided that such permission shall not be refused if—

(a) the tree constitutes a danger to life or property ;  
or

(b) the tree is dead, diseased or wind-fallen ; or

<sup>1</sup>[(c) the tree is to be cut for the improvement of coffee crop in any coffee plantation in such area in any hill station as the Government may, by notification, specify in this behalf ; or

<sup>1</sup> These clauses were substituted for original clause (c) by section 2 (i) of the Tamil Nadu Hill Stations (Preservation of Trees) Amendment Act, 1961 (Tamil Nadu Act 45 of 1961).

\* Now the *Tamil Nadu Government Gazette*.

(d) the tree has silviculturally matured :]

Provided further that, where permission to cut a tree is granted on the ground that it has silviculturally matured, the Collector shall impose as a condition the effective regeneration of an equal number of the same or other suitable species of trees, and for that purpose, may require the person to whom the permission is granted to deposit with the Collector a sum not exceeding ten rupees for each tree permitted to be cut.

<sup>1</sup>[(1-A) Notwithstanding anything contained in sub-section (1), permission may be granted by the Government to any person to clear any land by cutting, uprooting or burning or causing to be cut, uprooted or burnt, any tree subject to the condition that the land so cleared shall be used for growing coffee or tea.]

(2) No person shall cut or otherwise damage, or cause to be cut or damaged, the branch of any tree :

Provided that this shall not be deemed to prevent the pruning of any tree as required by ordinary agricultural or horticultural practices.

<sup>2</sup>[Provided further that nothing contained in this sub-section shall be deemed to prevent the cutting or pruning of the branch of any tree for the purpose of providing proper shade for coffee or tea plantation.]

**Prohibition of cultivation.** 4. (1) No person shall use, or cause to be used, any land with a slope of more than one in three for any purpose other than the growing of trees.

(2) No person shall use, or cause to be used, any land with a slope of less than one in three for new cultivation except with the previous permission of the Collector who may, while granting such permission, impose such conditions as he may deem fit including those relating to soil conservation measures.

<sup>1</sup> This sub-section was inserted by section 2 (ii) of the Tamil Nadu Hill Stations (Preservation of Trees) Amendment Act, 1961 (Tamil Nadu Act 45 of 1961).

<sup>2</sup> This proviso was added by section 2 (iii) of the Tamil Nadu Hill Stations (Preservation of Trees) Amendment Act, 1961 (Tamil Nadu Act 45 of 1961).

(3) No person shall, after the expiry of one year from the date on which this Act comes into force in any hill station, use, or cause to be used, for cultivation any land in such hill station with a slope of less than one in three except with the previous permission of the Collector who may, while granting such permission, impose such conditions as he may deem fit including conditions relating to soil conservation measures.

(4) Nothing contained in sub-sections (2) and (3) shall apply to any land with a slope of less than one in ten.

5. Every application for permission shall be made in writing to the Collector and shall be in such form and shall contain such particulars as may be prescribed.

6. Any person aggrieved by an order refusing to grant permission under section 3 or section 4 may, within two months of the receipt of such order, prefer an appeal in writing to such officer as may be prescribed, and such officer shall, after giving the appellant an opportunity of being heard, pass such order thereon, as he may think fit.

7. Any person who is guilty of an offence under section 3 or section 4 or who contravenes any condition imposed in a permission granted under this Act shall, on conviction, be punishable with fine which may extend to five thousand rupees.

8. Any Court convicting a person of any offence under section 7 may direct the forfeiture to Government of all tools and other articles used in the commission of the offence or which are the subject-matter of the offence.

9. The Collector may, with the approval of the Government, delegate all or any of the powers conferred on him by this Act to a Revenue Officer not below the rank of Tahsildar or to a forest officer not below the rank of Range

548 *Hill Stations (Preservation of Trees)* [1955: T.N. Act XVII]

**Power of entry and inspection.** 10. The Collector may, with a view to ascertaining whether there has been a contravention of any of the provisions of this Act or any rule or order made thereunder, at any time, with or without his subordinates and servants, enter into and inspect any place.

**Cognizance of offences.** 11. No Court shall take cognizance of any offence punishable under section 7 except on a complaint in writing of the Collector.

**Power to make rules.** 12. The Government may, by notification, make rules to carry out the purposes of this Act.

**Saving.** 13. Nothing in this Act shall apply to the cutting or removal of any tree in accordance with section 133 of the Code of Criminal Procedure, 1898\* (Central Act V of 1898).

**Power to remove difficulties.** 14. If any difficulty arises in giving effect to the provisions of this Act, the Government may as occasion may require, by order do anything which appears to them to be necessary for the purpose of removing the difficulty.

### THE SCHEDULE.

[See section 1 (2).]

1. Coonoor municipal area.
2. Kodaikanal municipal area.
3. Kotagiri panchayat area.
4. Ootacamund municipal area.
5. Yercaud panchayat area.

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\* See Now the Code of Criminal Procedure 1973 (Central Act 2 of 1974), section 133.

32

**TAMIL NADU ACT NO. 14 OF 1980.\***

**THE TAMIL NADU HILL STATIONS (PRESERVATION OF TREES) AMENDMENT ACT, 1979.**

[Received the assent of the President on the 18th April 1980, first published in the Tamil Nadu Government Gazette Extraordinary on the 22nd April 1980 (Chithirai 10, Rowthiri-2011—Thiruvalluvar Aandu).]

*An Act further to amend the Tamil Nadu Hill Stations (Preservation of Trees) Act, 1955.*

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Hill Stations (Preservation of Trees) Amendment Act, 1979. Short title and commencement.

(2) It shall come into force at once.

2. In the long title and preamble to the Tamil Nadu Hill Stations (Preservation of Trees) Act, 1955 (Tamil Nadu Act XVII of 1955) (hereinafter referred to as the principal Act), for the expression “hill stations” wherever it occurs, the expression “hill areas” shall be substituted. Amendment of long title and preamble to Tamil Nadu Act XVII of 1955.

3. In section 1 of the principal Act,—

(a) in sub-section (1), for the expression “Hill Station” the expression “Hill Areas” shall be substituted ; Amendment of section 1, Tamil Nadu Act XVII of 1955.

(b) in sub-sections (2) and (3), for the expressions “hill stations”, “hill station” and “such station” wherever they occur, the expressions “hill areas”, “hill area” and “such area” shall, respectively, be substituted.

4. In section 2 of the principal Act,—

(a) for clause (a), the following clause shall be substituted, namely :— Amendment of section 2, Tamil Nadu Act XVII of 1955.

“ (a) ‘ committee ’ means any committee constituted under section 2-A and having jurisdiction ; ” ;

\*For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 5th November 1979, Part IV-Section 1, page 448.

(b) in clause (e), for the expression "*Fort St. George Gazette*", the expression "*Tamil Nadu Government Gazette*" shall be substituted.

Insertion of  
new sections  
2-A, 2-B and  
2-C in Tamil  
Nadu Act XVII  
of 1955.

5. After section 2 of the principal Act, the following sections shall be inserted, namely :—

" 2-A. *Constitution of committee.*—(1) The Government may, by notification, with effect from such date as may be specified therein, constitute for each hill area a committee for the purpose of this Act consisting of the following members, namely :—

(a) the District Collector having jurisdiction as Chairman of the committee;

(b) the District Forest Officer having jurisdiction over the hill area;

(c) the Tahsildar having jurisdiction over the hill area;

(d) the Executive Engineer of the Agriculture Department in-charge of soil conservation having jurisdiction over the hill area ;

(e) the Personal Assistant (General) to the Collector of the district, who shall be the Secretary of the Committee.

2-B. *Meetings of committee.*—(1) The committee may meet as often as may be necessary and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be prescribed by the Government under this Act, provided that not more than two months shall elapse between one meeting of the committee and another.

(2) The Chairman of the committee or in his absence any member nominated by him in that behalf shall preside at a meeting of the committee.

(3) All questions at a meeting of the committee shall be decided by a majority of the votes of the members present and voting and in case of an equality of votes, the Chairman of the committee or in his absence the person presiding, shall have a second or casting vote.

2-C. *Vacancy in committee, etc., not to invalidate acts or proceedings.*—No act or proceeding of the committee shall be deemed to be invalid by reason only of the existence of any vacancy in the committee or any defect in the nomination of a member thereto or on the ground only that more than two months have elapsed between one meeting of the committee and another.”.

6. For sub-section (1) of section 3 of the principal Act, the following sub-section shall be substituted, namely:—

“(1) No person shall, without the previous permission in writing of the committee—

(a) cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree, or

(b) fell or remove any tree which, constitutes danger to life or property, or is dead or diseased or wind-fallen, or has silviculturally matured, or

(c) cut or remove any tree for the improvement of coffee crop in any coffee plantation in such area in any hill area as the Government may, by notification, specify in this behalf :

Provided that where permission to cut or remove a tree is granted on the grounds referred to in clauses (a) to (c) above, the committee shall impose as a condition the effective regeneration of an equal number of the same or other suitable species of trees, and for that purpose, may require the person to whom the permission is granted to deposit with the committee a sum not exceeding one hundred rupees for each tree permitted to be cut or removed.”.

7. In section 4 of the principal Act,—

(a) in sub-section (2), for the expressions ‘Collector who’ and ‘he’, the expressions ‘committee which’ and ‘it’ shall, respectively, be substituted ;

(b) in sub-section (3), for the expression ‘hill station’, in both places where it occurs and for the expressions ‘collector who’ and ‘he’, the expressions ‘hill areas’, ‘committee which’ and ‘it’ shall, respectively, be substituted.

8. In section 5 of the principal Act, for the word ‘Collector’, the word ‘committee’ shall be substituted.

Amendment  
of section 3,  
Tamil Nadu  
Act XVII of  
1955.

Amendment  
of section 4,  
Tamil Nadu  
Act XVII of  
1955.

Amendment  
of section 5,  
Tamil Nadu  
Act XVII  
1955.

38 *Hill Stations (Preservation of [1980 : T. N. Act 14  
Trees) Amendment*

Amendment of  
section 6,  
Tamil Nadu  
Act XVII of  
1955.

9. In section 6 of the principal Act, for the expression “prefer an appeal in writing to such officer as may be prescribed, and such officer shall, after giving the appellant an opportunity of being heard, pass such order thereon, as he may think fit” the following expression shall be substituted, namely :—

“prefer an appeal in writing to the Government and the Government shall, after giving the appellant an opportunity of being heard, pass such order thereon, as they may think fit”.

Amendment  
of section 7,  
Tamil Nadu  
Act XVII of  
1955.

10. In section 7 of the principal Act, for the words “with fine which may extend to five thousand rupees”, the words “with imprisonment which may extend to one year, or with fine which may extend to five thousand rupees, or both” shall be substituted.

Omission of  
section 9,  
Tamil Nadu  
Act XVII of  
1955.

11. Section 9 of the principal Act shall be omitted.

Amendment  
of section 10,  
Tamil Nadu  
Act XVII of  
1955.

12. In section 10 of the principal Act, for the expression “Collector” and “his”, the expressions “committee” and “its” shall respectively, be substituted.

Amendment  
of section 11,  
Tamil Nadu  
Act XVII of  
1955.

13. In section 11 of the principal Act, for the word “Collector” the word “committee” shall be substituted.

Amendment  
of section 13,  
Tamil Nadu  
Act XVII of  
1955.

14. In section 13 of the principal Act, for the expression “Code of Criminal Procedure, 1898 (Central Act V of 1898),” the expression “Code of Criminal Procedure, 1973 (Central Act 2 of 1974)” shall be substituted.

Constructions  
of reference  
to Tamil Nadu  
Hill Stations  
(Preservation  
of Trees) Act.

15. References to “the Tamil Nadu Hill Stations (Preservation of Trees) Act”, in any Act or in any rule, notification, proceeding, order, regulation, by-law or other instrument made or issued under such Act, or rules, orders of notifications made or issued under the principal Act shall be construed as references to “the Tamil Nadu Hill Areas (Preservation of Trees) Act.”