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The Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955

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THE TAMIL NADU HILL AREAS (PRESERVATION OF TREES) ACT, 1955
(ACT No. XVII OF 1955)

(Received the assent of the Governor on 2nd September 1955)

An Act to provide for the regulation of the cutting of trees and the cultivation of land in hill areas in the State of Tamil Nadu .

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 2nd September, 1955 and is hereby published for general information.

WHEREAS there has been indiscriminate cutting of trees in hill stations in the 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 areas as regards landscape, vegetal cover and climate. It is necessary to regulate the cutting of trees and also the cultivation of land in hill areas in the State of Tamil Nadu

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

1. Short title and application - (1) This Act may be called the Tamil Nadu Hill Areas (Preservation of Trees) Act, 1955.

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

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

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

(a) 'committee' means any committee constituted under section 2-A and having jurisdiction;

(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 areas not exceeding fifty cents adjacent 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 Tamil Nadu Government Gazette;

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

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

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 member, 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.

3. Prohibition of cutting of trees – (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
- (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 a 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

(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, of 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:

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.

4. Prohibition of cultivation - (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 committee which may while granting such permission impose such conditions as it may be deem fit including those relating to soil conservation measures.

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

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

(5) Application for permission - Every application for permission shall be made in writing to the committee and shall be in such form and shall contain such particulars as may be prescribed.

(6) Appeal - 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, and 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.

(7) Penalty- 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, on conviction be punishable with imprisonment which may extend to one year or with fine which may extend to five thousand rupees, or both.

(8). Forfeiture-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). (* * *)

(10). Power of entry and inspection - The Committee 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 there under at any time with or without its subordinates and servants enter into and inspect any place.

(11). Cognizance of offences - No Court shall take cognizance of any offences punishable under section 7 except on a complaint in writing of the Committee.

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

(13). Saving - 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, 1973 (Central Act 2 of 1974)

(14). Power to remove difficulties - 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

P.S. By section 15 of the Tamil Nadu Hill Stations (Preservation of Trees) Amendment Act, 1979 it has been provided as follows:-

"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 the Principal Act shall be construed as references to the Tamil Nadu Hill Areas (Preservation of Trees) Act"