

Fourteenth Kerala Legislative Assembly

Bill No. 154

**THE KERALA PROMOTION OF TREE GROWTH IN
NON-FOREST AREAS (AMENDMENT) BILL, 2018**

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**THE KERALA PROMOTION OF TREE GROWTH IN NON-FOREST
AREAS (AMENDMENT) BILL, 2018**

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BILL

further to amend the Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005 for the purposes hereinafter appearing;

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

1. *Short title and commencement.*—(1) This Act may be called the Kerala Promotion of Tree Growth in Non-Forest Areas (Amendment) Act, 2018.

(2) It shall come into force at once.

2. *Amendment of section 5.*—In section 5 of the Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005 (46 of 2005) (hereinafter referred to as the principal Act), after clause (d) the following clauses shall be inserted, namely:-

"(e) to encourage and promote planting and nurturing of trees in non-forest land;

(f) to approve publicly the environmental services to the society arising from the kavus and mangroves, by giving necessary support and encouragement to the owners who are protecting and maintaining them in non-forest land;

(g) to institute awards by considering the environmental services provided by trees in non-forest land and the replica models in conservation of bio diversity for the encouragement of those persons, educational institutions, Non-Governmental Organisations and farmers who are working behind them".

3. *Amendment of section 9.*—In section 9 of the principal Act, in clause (a) of sub-section (3), for the words and figure “ transported in contravention of section 6”, the words and figure “ cut or transported in contravention of section 6”, shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Kerala Promotion of Tree Growth in Non-Forest Areas Act, 2005 intends to promote cultivation of trees in non-forest areas of the State, in order to increase green cover, preserve bio-diversity and arrest soil erosion and to increase the availability of timber and bamboo for industry.

2. At present many schemes are being implemented by the Forest Department to promote the cultivation of trees in non-forest areas. Government have decided to amend section 5 of the principal Act by including provisions for planting trees in non-forest land and to protect kavus and mangroves and to institute awards for giving encouragement to those who are working behind them for the said purpose.

3. Also, section 6 of the principal Act provides the right of owners to cut and remove trees in non-notified areas in non-forest land. Section 9 provides the power to seize timber and other articles involved in the commission of the offence in contravention of the said section 6. But clause (a) of sub-section (3) of section 9 mentioned only about “ the timber of any tree “ transported in contravention of section 6”. There is no provision included at present in a manner that the timber of any tree cut or transported in contravention of the provision of section 6. Hence the Government have decided to make necessary amendment in clause (a) of sub-section (3) of section 9 also.

4. The Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

K. RAJU.

EXTRACT FROM THE KERALA PROMOTION OF TREE GROWTH IN
NON-FOREST AREAS ACT, 2005

(46 OF 2005)

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5. *Duties of Forest Department*.— Notwithstanding anything contained in any other law for the time being in force, the Forest Department shall have the following duties, namely:-

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(d) to exercise such other powers and perform such other duties, as are laid down in this Act or the rules made thereunder.

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9: *Power to seize timber and other articles involved in the commission of the offence*.— (1) Where any Officer of the Forest Department, not below the rank of a Forester, has reason to believe that any tree has been cut or any timber has been transported in contravention of section 6, he may seize the timber together with all tools, ropes, chains and other articles used in the commission of such offence and all vehicles, boats or animals used for carrying such timber.

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(3) The Divisional Forest Officer to whom a report is made under sub-section (2) shall,-

(a) if he is satisfied that the timber mentioned in such report is of any tree transported in contravention of Section 6, make a report of the seizure of such timber to the Judicial Magistrate of the First Class, having jurisdiction over the area in which such seizure has been made;

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