

**KARNATAKA ACT NO 08 OF 2015
THE KARNATAKA PRESERVATION OF TREES
(AMENDMENT) ACT, 2014**

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 3
4. Amendment of section 5
5. Amendment of section 6
6. Amendment of section 8
7. Insertion of new section 27B

STATEMENT OF OBJECTS AND REASONS
(As appended to the time of Introduction)

Amending Act 08 of 2015.- It is considered necessary to amend the Karnataka Preservation of Trees Act, 1976 (Karnataka Act No. 76 of 1976). to provide for :-

- (i) change in the designation of the Principal Chief conservator of Forest (General) as the Head of the Forest Department;
- (ii) to comply with the decision of High Court of Karnataka in Writ Petition No.7107/2008;
- (iii) to re-constitute the Tree authority;
- (iv) relaxation of restriction on felling of trees to fifty minimum and maximum hundred poles and fifty minimum and maximum hundred bamboos;
- (v) to exempt some more species of trees from felling permission.
- (vi) to empower the State Government to provide for delegation of powers.
- (vii) Increasing the number of tree to cut in public interest and domestic purpose.

Hence the Bill.

[L.A. Bill No.68 of 2014, File No. Samvyashae 15 Shasana 2013]

[entry 17A of List III of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT NO 08 OF 2015

(First Published in the Karnataka Gazette Extra-ordinary on the Thirteenth day of January 2015)

**THE KARNATAKA PRESERVATION OF TREES
(AMENDMENT) ACT, 2014**

(Received the assent of the Governor on the Ninth day of January 2015)

An Act further to amend the Karnataka Preservation of Trees Act, 1976.

Whereas it is expedient further to amend the Karnataka Preservation of Trees Act, 1976 (Karnataka Act 76 of 1976), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty-fifth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Preservation of Trees (Amendment) Act, 2014.

(2) It shall come into force with effect from such date as the State Government may, by notification, appoint.

2. Amendment of section 2.- In the Karnataka Preservation of Trees Act, 1976 (Karnataka Act 76 of 1976), (hereinafter referred as principal Act) in section 2, in sub-section (1),-

(a) after clause (a), the following shall be inserted, namely:-

"(aa) "Head of the Karnataka Forest Department" means the officer holding such designated post as may be notified by the State Government from time to time." ; and

(b) in clause (h), for the words "Principal Chief Conservator of Forests (General)", the words "the Head of the Karnataka Forest Department" shall be substituted.

3. Amendment of section 3.- In section 3 of the Principal Act, in sub-section (2),-

(a) for clause (a), the following shall be substituted, namely:-

"(a) For urban areas,-

- (i) The Forest Officer incharge of a Territorial Forest Circle – chairman;
- (ii) The Joint Director Horticultural, having Jurisdiction;
- (iii) The Superintending Engineer, Communication and Building having jurisdiction;
- (iv) In respect of Bruhat Bangalore Mahanagara Palike a representative of the Commissioner and in respect of other Corporations and Municipalities the Commissioner of City Corporation or Municipality, as the case may be;
- (v) One Botanist or Ecologist nominated by the State Government."

(b) for clause (b), the following shall be substituted, namely:-

"(b) For a rural area specified in Schedule-I,-

- (i) The Forest Officer incharge of a Territorial Forest Circle – Chairman;
- (ii) The Deputy Commissioner of the district or his representative not below the rank of Assistant Commissioner;
- (iii) The Superintending Engineer Communication and Buildings having jurisdiction; and
- (iv) two non-official members with background in Environmental Conservation and Protection nominated by the State Government."

4. Amendment of section 5.- In section 5 of the principal Act, in sub-section (1), for the words "The Principal Chief Conservator of Forests (General)", the words "the Head of the Karnataka Forest Department" shall be substituted.

5. Amendment of section 6.- In section 6 of the principal Act, for the words "The Principal Chief Conservator of Forests (General)", the words "The Head of the Karnataka Forest Department" shall be substituted.

6. Amendment of section 8.- In section 8 of the principal Act,-

(1) in sub-section (3), in the proviso after clause (vi), the following shall be inserted, namely:-

"(vii) felling is more than 50 that are necessitated for any public purpose like road widening, construction of road, canal, tanks, buildings etc., subject to condition that permission is issued after issue of public notice to invite objections from the public and the same is considered by the Tree Officer."

(2) for sub-section (6), the following shall be substituted, namely:-

"(6) Notwithstanding anything contained in sub-sections (1) to (5), but subject to such conditions and restrictions as may be prescribed, for bonafide use of a family, one or more members of such family may, in the aggregate fell, in a calendar year, such number of trees as would fetch not more than 2.8 cubic meters of timber, 100 poles, 100 bamboo and 5 tons of firewood."

(3) in sub-section (7), for the words "and Subabul trees", the following shall be substituted, namely:-

"subabul trees, Areca nut, Coffee, Guava, Hebbevu (melia dubia), Ailanthus excelsa, Lemon, Maeopsis eminii, Mango, Sapota, Seemegala (Dendracalamus stocksii), Burma Bamboo (Bambusa burmanica) , Yellow Bamboo (Phyllostachys aurea), Acacia mangium, Acacia Hybrid, Acrocarpus fraxnifolius (Belanji) and Cashew."

7. Insertion of new section 27B.- After section 27A of the principal Act, the following shall be inserted, namely:-

"27B. Delegation of powers.- The State Government may, by notification, delegate to any officer or authority subordinate to it, any of the powers conferred on the State Government or any Officer subordinate to it under this Act, except power to make rules, to be exercised by such officer or authority, subject to such restrictions and conditions, if any, as may be specified in the said Notification."

By Order and in the name of the Governor of Karnataka,

S.B. GUNJIGAVI
Secretary to Government
Department of Parliamentary Affairs