

L. A. BILL No. XXXII OF 2023.

A BILL

*further to amend the Maharashtra (Urban Areas)
Protection and Preservation of Trees Act, 1975.*

5 **(As passed by the Legislative Assembly on the 28th July, 2023.)**

Mah.
XLIV
of
1975.

WHEREAS it is expedient further to amend the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows:—

10 **1.** This Act may be called the Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Act, 2023. Short title.

Amendment of section 6A of Mah. XLIV of 1975. 2. In section 6A of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, (hereinafter referred to as "principal Act"), clauses (iii) and (iv) shall be deleted. Mah. XLIV of 1975.

Amendment of section 8 of Mah. XLIV of 1975. 3. In section 8 of the principal Act,—
 (1) in sub-section (3), in clause (a-1), first, second and third provisos shall be deleted; 5
 (2) sub-section (5B) shall be deleted.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, (Mah. XLIV of 1975) has been enacted for the purpose of protection and preservation of trees in urban areas in the State, by regulating felling of trees and providing for planting of adequate number of new trees in those areas.

Section 6A of the said Act provides for the duties of the Maharashtra State Tree Authority. Section 8 of the said Act provides for the restrictions on felling of trees. The provisos to clause (a-1) of sub-section (3) of said section 8 provides that, the applications regarding felling of more than two hundred trees of five years or more and regarding felling of heritage trees, shall be referred by the Tree Authority or Tree Officer to the Maharashtra State Tree Authority.

2. With growing pace of urbanization and industrialization in the urban areas in the State, 'Ease of Doing Business' is one of the best way to promote development and attract investors in the State of Maharashtra. The Central Government is also constantly promoting 'Ease of Doing Business' through decentralization of powers, reducing the number of permits, granting permissions within the stipulated time frame in the various fields.

3. In view of this, it is necessary to empower the local tree authority to grant permission for felling of all types of trees without referring the applications to the Maharashtra State Tree Authority. The Government, therefore, considers it expedient to amend sections 6A and 8 of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, suitably.

4. This Bill seeks to achieve the above objectives.

Mumbai,
Dated the 24th July, 2023.

EKNATH SHINDE,
Chief Minister.

*ANNEXURE TO THE L.A. BILL No. XXXII OF 2023 – THE
MAHARASHTRA (URBAN AREAS) PROTECTION AND
PRESERVATION OF TREES (AMENDMENT) BILL, 2023.*

[Extracts from *The Maharashtra (Urban Areas) Protection And
Preservation of Trees Act, 1975.*]

(Mah. XLIV of 1975)

1. to 5. * * * *

6. (1) and (2) * * * *

6A. Notwithstanding anything contained in the relevant Act or in any other law for the time being in force, and subject to any special or general directions given by the State Government, the Maharashtra State Tree Authority shall be responsible for,—

Duties of
Maharashtra
State Tree
Authority.

(i) and (ii) * * * *

(iii) decide applications referred to it by the Tree Authority, regarding felling of more than two hundred trees of age five years or more;

(iv) decide applications referred to it by the Tree Authority, regarding felling of heritage trees;

(v) * * * *

7. * * * *

8. (1) and (2) * * * *

Restrictions
on felling of
trees.

(3) (a) * * * *

(a1) The Officer referred to in sub-section (6) or the Tree Authority, as the case may be, shall allow the application, with or without conditions or, may refuse it, within a period of forty-five days from the date of receipt of the application :

Provided that, where more than two hundred trees of age five years or more are proposed to be felled, in such cases, the Tree Authority shall refer the matter to the Maharashtra State Tree Authority with its report and recommendations :

Provided further that, where the tree proposed to be felled is a heritage tree, in such cases, the Tree Authority or Tree Officer, as the case may be, shall refer the matter to the Maharashtra State Tree Authority with its report and recommendations :

Provided also that, the Tree Authority or Tree Officer, as the case may be, shall ensure that the development of land or any other project is not sub-divided in smaller parts so as to keep the number of trees to be felled below two hundred.

(b)	*	*	*	*
(4) and (5)	*	*	*	*
(5A)	*	*	*	*

(5B) (a) The Tree Authority shall refer the application received for felling of more than two hundred trees of age five years or more to the Maharashtra State Tree Authority.

(b) The Tree Authority or Tree Officer, as the case may be, shall refer the application to fell a heritage tree to the Maharashtra State Tree Authority.

(c) The Maharashtra State Tree Authority shall either allow the application referred to it under clauses (a) and (b), by the Tree Authority or Tree Officer, as the case may be, with or without conditions or may refuse it within a period of forty-five days from the date of receipt of the reference from the Tree Authority or Tree Officer, as the case may be.

(d) Where the Maharashtra State Tree Authority allows felling of trees, the Tree Authority if considers it necessary to review the decision of the Maharashtra State Tree Authority, it may within a period of fifteen days from the date of communication of the decision, request the Maharashtra State Tree Authority to reconsider the decision with reasons therefor. Such request shall be decided by the Maharashtra State Tree Authority within ten days thereafter.

(5C)	*	*	*	*
(6)	*	*	*	*
9. to 22.	*	*	*	*

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

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Maharashtra (Urban Areas)
Protection and Preservation
of Trees Act, 1975.]**

[SHRI EKNATH SHINDE,
Chief Minister.]

**[As passed by the Legislative
Assembly on the 28th July, 2023.]**

JITENDRA, BHOLE,
Secretary (1) (I/C),
Maharashtra Legislative Assembly.