

## **THE KERALA PRESERVATION OF TREES (AMENDMENT) BILL, 2008**

A bill to amend the Kerala Preservation of Trees Act, 1986.

*Preamble.*—WHEREAS it is expedient to amend the Kerala Preservation of Trees Act, 1986 (35 of 1986) for the purposes hereinafter appearing;

1. *Short title and Commencement.*—(1) This Act may be called the Kerala Preservation of Trees (Amendment) Act, —

(2) It shall come into force at once.

2. *Amendment of Preamble.*—In the Kerala Preservation of Trees Act, 1986 (hereinafter referred to “the principal Act”) after the existing preamble, the following shall be added namely:—

“AND WHEREAS Article 48A of the Constitution of India provides that the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country;

AND WHEREAS Article 51A promotes as a fundamental duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures”;

3. *Amendment of Section 2.*—In section 3 of the principal Act, the following shall be added to clause (e) after the words “Cheeni (*tetramiles nudiflora*), namely:—

“(e) Bamboo and medicinal plants and other ornamental or other useful plants”.

4. *Amendment of Section 6.*—In section 6 after sub-section (2) the following may be added as sub-section (3).

“(3) The authorized officer shall before granting permission for cutting any tree or trees take an undertaking from the owner of the tree or land where it stands that he will plant any two trees chosen from the list of trees mentioned in Section 2

(e) of the Act in the same land or in any other land owned by him with in a specified period not exceeding one month from the date of cutting.”

5. *Amendment of Section 9.*—(1) Section 9 of the principal Act shall be numbered as sub-section (1) of that section and after sub-section (1) so numbered, the following provision shall be inserted as sub-section (2).

“(2) In cases any tree or substantial portions of a tree is cut by any person, the authorized officer and any other functionary who is to any extent responsible for protection of such tree shall be punishable with a fine which may extend to Rs. Ten thousand:

Provided that such officer shall not be liable for punishment if it is proved that the tree or substantial portions of the tree was cut without his knowledge or that he had exercised all

due diligence to prevent the cutting of the tree or portions thereof he has other just grounds to be excused.

(3) Any person who willfully buys the tree cut shall also be liable for punishment for an amount which may extend to Rs. Ten Thousand”.

### **Statement of Objects and Reasons**

In spite of the enactment of the Kerala Preservation of Trees Act, 1986 with the avowed object of preserving the trees, cutting of trees is taking place on a large scale and no effort is made to plant fresh trees to maintain the ecological balance. Cutting of trees without an objection to plant fresh trees is liable to be treated as an offence. In this view it is thought expedient to incorporate suitable provisions in the Act to permit cutting of trees only subject to the condition of planting two fresh trees for a tree permitted to be cut under the Act. A new provision is also sought to be incorporated in the Act to punish the officers who are found responsible for allowing trees to be cut illegally without taking permits. Further purchasing of trees cut illegally is also made a punishable offence as per the provisions newly added. Thus the main object and reasons for amendment is the need for making the parent enactment more effective.