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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONAL BENCH, KOLKATA  
IN  
OA No. 133/2025/EZ  
(Earlier OA. No. 313/2025/PB)

**IN THE MATTER OF:**

News Item titled "Largest green zone in south Bengal Jungle Mahal's Forest cover shrinks by more than half: Study" appearing in The Telegraph Online dated 05.06.2025

...Applicant(s)

Versus

Central Pollution Control Board & Ors.

...Respondent(s)

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Handwritten signature of Mrinal Kanti Biswas  
**Mrinal Kanti Biswas**

Regional Director & Scientist E,  
CPCB, Kolkata

Filed through  
Handwritten signature  
Counsel

Dated: \_\_\_\_, 2025

Place: Kolkata

- X -

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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**IN  
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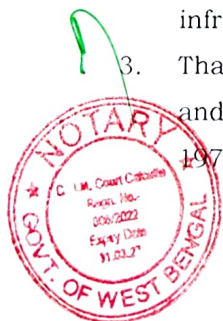
**Versus**

**Central Pollution Control Board & Ors.**

**...Respondent(s)**

**REPLY ON BEHALF OF RESPONDENT NO. 01 i.e. CENTRAL POLLUTION CONTROL BOARD**

1. That, the instant matter has been taken Suo-Motu by the National Green Tribunal, Principal Bench (hereinafter referred to as "Hon'ble NGT (PB)") on the basis of News Item titled "Largest green zone in south Bengal Jungle Mahal's forest cover shrinks by more than half: Study" appearing in The Telegraph Online dated 05.06.2025 and has been registered as Original Application (hereinafter referred to as "OA") No. 313 of 2025 (PB). In the subject OA, Hon'ble NGT vide order dated 04.07.2025 has impleaded Central Pollution Control Board (hereinafter referred to as "CPCB") as respondent in the instant matter and directed for filing response/reply by way of affidavit before the Eastern Zonal Bench of the Tribunal. Subsequently the matter has been transferred to the Hon'ble NGT Eastern Zonal Bench. Thereby, the reply is made in this instant OA in succeeding paragraphs.
2. That, the issue raised in the OA i.e. above stated "News Item" alleges about the shrinkage of dense forest cover of traditional Sal trees by 59.43% between 1992 and 2022 in Jungle Mahal, West Bengal particularly in the four Jungle Mahal Districts - Jhargram, West Midnapore, Purulia and Bankura reportedly due to increasing deforestation for expansion of agriculture land; development activities like building homes, roads, bridges and other infrastructures.
3. That, CPCB has been constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "Water Act, 1974"). It performs the functions under the Water Act, 1974, The Air



(Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "Air Act, 1981") and The Environment (Protection) Act, 1986 (hereinafter referred to as "E (P) Act, 1986").

4. That, the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) in every State/Union Territory have been constituted under the Water Act, 1974 & the Air Act, 1981 and are responsible for implementation of the provisions of both the Acts in their respective State/Union Territory.

### Reply

5. That, in context of declining forest cover of native tree species Sal, Kendu, Mahua etc. it is respectfully submitted that all activities pertaining to forest areas including the felling or cutting of trees, are governed by the provisions of the Indian Forest Act, 1927 and the Forest (Conservation) Act, 1980. In furtherance of these central legislations, Government of West Bengal has notified the Indian Forest (West Bengal Amendment) Act, 1988, vide Gazette Notification dated 3rd February 1989 (**Annexure I**) for better regulation and protection of forest resources in West Bengal. The implementation of this Act is governed by the State Government of West Bengal through its Department of Forests and empowered forest officers as specified under the Act.

In West Bengal , protection of trees in non forest areas is governed under the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 (**Annexure II**) published by Govt. of West Bengal in Gazette Notification dated of dated April 12, 2006 and the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Rules, 2007 (**Annexure III**). The implementation of this Rule is governed by the State Government of West Bengal through the designated competent authorities and officers appointed under the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006.

Therefore, reply submitted by the Respondent No. 03 (*Principal Chief conservator of Forest & Head of Forest Force, West Bengal , Government of West Bengal* ) may be important for adjudication of the instant matter.

6. That, apart from obtaining the forest clearance/tree felling or cutting permission; development activities like construction of buildings ,homes, roads, bridges and other infrastructures based on their size need to obtain clearance, consent, and other relevant permissions from concerned Authorities. It is further submitted that: -



- i. In context of requirement of Environmental Clearance (hereinafter referred to as "EC"), it is submitted that, the Clause 2 of the Environmental Impact Assessment Notification, 2006 (hereinafter referred to as EIA Notification, 2006) provides for the Requirements of prior EC and as per the above mentioned clause, the projects or activities which are falling under the category 'A' of the Schedule of the EIA Notification, 2006; the project proponent shall obtain the EC from the Ministry of Environment, Forest and Climate Change (hereinafter referred to as 'MoEF&CC') and the projects which are falling under the 'B' category of the Schedule of the EIA Notification, 2006; the project proponent shall obtain EC from the State Environment Impact Assessment Authority (hereinafter referred to as 'SEIAA') before carrying out the construction works.
- ii. In context of consent required to be obtained by the project, it is also humbly submitted that, State Pollution Control Boards/Pollution Control Committees are the concerned authorities to grant Consent (Consent to Establish/Consent to Operate) under the Water Act, 1974 and the Air Act, 1981 in their respective jurisdiction of State/Union Territory and are concerned authorities for ensuring the compliance of conditions of consent and prescribed environmental standards.

7. That, in light of the above submission, it is respectfully submitted that this answering respondent i.e. CPCB shall abide by all the order(s) or direction(s) passed by this Hon'ble Tribunal in this original application.

8. The Answering Respondent seeks liberty to file additional reply if the same is considered necessary at later stage.

  
**Mrinal Kanti Biswas**

Regional Director & Scientist 'E'

CPCB, Kolkata



- X -

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONAL BENCH, KOLKATA**

IN  
OA No. 133/2025/EZ  
(Earlier OA. No. 313/2025/PB)

**IN THE MATTER OF:**

**News Item titled "Largest green zone in south Bengal Jungle Mahal's Forest cover shrinks by more than half: Study" appearing in The Telegraph Online dated 05.06.2025**

...Applicant(s)

**Versus**

**Central Pollution Control Board & Ors.**

...Respondent(s)

**AFFIDAVIT**

I, Mrinal Kanti Biswas, S/o Saroj Kumar Biswas aged about 43 years, having office at the Regional Directorate, Central Pollution Control Board, Southend Conclave' Block No. 502, 5<sup>th</sup> & 6th Floor, 1582, Rajdanga Main Road, Kolkata-700107, do hereby solemnly affirm and sincerely state as follows: -


1. That, the deponent is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That, the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That, the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

**Identified by me**

  
**DEPONENT**

**Advocate**

**N. DASGUPTA**  
Notary  
Regn. No. 006/2022  
3, Bankshal Street  
Calcutta-700001

SOLEMNLY AFFIRMED  
&  
Declared Before me  
on Identification Adv.  
  
NOTARY  
N. DASGUPTA, Reg. No. 006/2022  
CJMS' Court, Govt. of W.B.

**26 AUG 2025**

**VERIFICATION**



Verified at Kolkata on this day of \_\_\_\_\_ 2025 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Verified at Kolkata on this the... Day of August, \_\_\_\_\_ 2025.

**Identified by me**

**DEPONENT**

**Advocate**

**N. DASGUPTA**  
Notary  
Regn. No. 006/2022  
3, Bankshal Street  
Calcutta-700001

SOLEMNLY AFFIRMED  
&  
Declared Before me  
on Identification Adv.  
  
NOTARY  
DASGUPTA, Reg. No. 006/2022  
CJMS' Court, Govt. of W.B.

**26 AUG 2025**

The

Annexure - I

Calcutta



Gazette

Extraordinary

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FRIDAY, FEBRUARY 3, 1989

[ SAKA 1910

## PART III—Acts of the West Bengal Legislature

## GOVERNMENT OF WEST BENGAL

## LAW DEPARTMENT

## Legislative

## NOTIFICATION

No. 266-L.—3rd February, 1989.—The following Act of the West Bengal Legislature, having been assented to by the President of India, is hereby published for general information :—

## West Bengal Act XXII of 1988

THE INDIAN FOREST (WEST BENGAL AMENDMENT)  
ACT, 1988.

[Passed by the West Bengal Legislature.]

[Assent of the President of India was first published in the *Calcutta Gazette, Extraordinary*, of the 3rd February, 1989].

*An Act to amend the Indian Forest Act, 1927, in its application to West Bengal.*

WHEREAS it is expedient to amend the Indian Forest Act, 1927, in its application to West Bengal, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-ninth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

Short  
title.

1. This Act may be called the Indian Forest (West Bengal Amendment) Act, 1988.

Applica-  
tion of  
the Act.

2. The Indian Forest Act, 1927 (hereinafter referred to as the principal Act) shall, in its application to West Bengal, be amended for the purposes and in the manner hereinafter provided.

*The Indian Forest (West Bengal Amendment) Act, 1988.**(Sections 3—6.)*

Amend-  
ment of  
section 26  
of Act 16  
of 1927.

## 3. In section 26 of the principal Act,—

(a) in sub-section (1), for the words "six months, or with fine which may extend to five hundred rupees," the words "one year, or with fine which may extend to one thousand rupees," shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted :—

"(1A) (a) The Forest-officer may evict from a reserved forest or from any land in a reserved forest any person who, in such forest, trespasses or pastures cattle, or permits cattle to trespass, or clears or breaks up such land for cultivation or for any other purpose, and may demolish any building erected or construction made by such person on such land.

(b) Any agricultural or other crop grown, or any building erected or any construction made, by any person on any land in a reserved forest shall be liable to confiscation by an order of the Divisional Forest Officer.

(c) The provisions of this sub-section shall have effect notwithstanding any penalty inflicted under sub-section (1)."

Amend-  
ment of  
section  
33.

## 4. In section 33 of the principal Act,—

(a) in sub-section (1), for the words "six months, or with fine which may extend to five hundred rupees," the words "one year, or with fine which may extend to one thousand rupees," shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted :—

"(1A) The Forest-officer may, notwithstanding any penalty inflicted under this section, evict from any land in any protected forest any person who, contrary to any prohibition under section 30, clears or breaks up such land for cultivation or for any other purpose."

Amend-  
ment of  
heading  
of chap-  
ter VII.

## 5. In chapter VII of the principal Act, for the heading, the following heading shall be substituted :—

"OF THE CONTROL OF TRADE, POSSESSION AND TRANSIT OF TIMBER AND OTHER FOREST-PRODUCE".

Amend-  
ment of  
section  
41.

## 6. In section 41 of the principal Act, —

(a) for sub-section (1), the following sub-section shall be substituted :—

"(1) The control of all rivers and their banks as regards the floating of timber and other forest-produce, as well as the control of transit of all timber and other forest-produce by land or water and the control of trade and possession of timber and other forest-produce, is vested in the State Government, and it may make rules to regulate the transit of all timber and other forest-produce as well as the trade and possession of timber and other forest-produce."

*The Indian Forest (West Bengal Amendment) Act, 1988.**(Sections 7—10.)*

(b) in sub-section (2), after clause (i), the following clause shall be inserted:—

“(j) provided for the regulation by licence or permit of trade and possession of timber and other forest-produce, and the levy of fees for such licence or permit.”.

Amend-  
ment of  
section  
42.

7. In sub-section (1) of section 42 of the principal Act, for the words “six months, or fine which may extend to five hundred rupees,” the words “one year, or fine which may extend to one thousand rupees,” shall be substituted.

Amend-  
ment of  
section  
51.

8. In sub-section (2) of section 51 of the principal Act, for the words “six months, or fine which may extend to five hundred rupees,” the words “one year, or fine which may extend to one thousand rupees,” shall be substituted.

Amend-  
ment of  
section  
51A.

9. In sub-section (2) of section 51A of the principal Act, for the words “six months, or fine which may extend to five hundred rupees,” the words “one year, or fine which may extend to one thousand rupees,” shall be substituted.

Amend-  
ment of  
section  
52.

10. In section 52 of the principal Act,—

(a) in sub-section (1), for the words “boats, carts”, the words “ropes, chains, boats, vehicles” shall be substituted ;

(b) in sub-section (2),—

(i) after the words “on such property”, the words “or the receptacle, if any, containing such property” shall be inserted, and

(ii) for the proviso, the following proviso shall be substituted :—

“Provided that it will not be necessary to make a report of such seizure to the Magistrate in the following cases, namely :—

(i) when the forest-produce with respect to which such offence is believed to have been committed is the property of the State Government and the offender is unknown, it shall be sufficient to make a report of the circumstances to the official superior;

(ii) when the offence falls under the purview of section 59A;

(iii) when the offender agrees in writing to get the offence compounded.”;

(c) after sub-section (2), the following sub-section shall be inserted:—

“(3) Any Forest-officer or Police-officer may, if he has reason to believe that a vehicle has been or is being used for the transport of any forest-produce in respect of which a forest-offence has been committed, require the driver or other person in charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary to examine the content in the vehicle and inspect all records relating to goods carried, which are in possession of such driver or other person in charge of the

*The Indian Forest (West Bengal Amendment) Act, 1988.*

(Sections 11-16.)

Insertion  
of new  
section  
52A.

**11.** After section 52 of the principal Act, the following section shall be inserted:—

“Penalty for 52A. Whoever forcibly opposes the seizure of tools, ropes, chains, boats, vehicles or cattle liable to be seized under this Act, or receives the same after seizure, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.”.

Amend-  
ment of  
section 53.

**12.** In section 53 of the principal Act,—

(a) for the words “boats, carts”, the words “ropes, chains, boats, vehicles” shall be substituted, and

(b) after the words “the seizure has been made”, the words, figures and letter “except in respect of offences falling under section 59A for which the procedure laid down in that section shall be followed” shall be inserted.

Amend-  
ment of  
section 54.

**13.** In section 54 of the principal Act, for the words “any such report,”, the words, figures and brackets “any report under sub-section (2) of section 52,” shall be substituted.

Amend-  
ment of  
section 55.

**14.** In sub-section (1) of section 55 of the principal Act, for the words “boats, carts and cattle”, the words “ropes, chains, boats, vehicles or cattle” shall be substituted.

Amend-  
ment of  
section 56.

**15.** In section 56 of the principal Act, for the words “When the trial of”, the words, figures and letter “Without prejudice to the provisions of section 59A, when the trial of” shall be substituted.

Amend-  
ment of  
section 58.

**16.** Section 58 of the principal Act shall be renumbered as sub-section (1) of that section and,—

(1) in sub-section (1) as so renumbered,—

(a) the words “and may deal with the proceeds as he would have dealt with such property if it had not been sold” shall be omitted;

(b) the following proviso shall be added at the end:—

“Provided that if in the opinion of the officer seizing such property it is not possible to obtain the orders of the Magistrate in time, such officer may sell the property himself, remit the proceeds of sale into the Government treasury and may make a report of such seizure, sale and remittance to the Magistrate.”;

(2) after sub-section (1), the following sub-section shall be inserted:—

“(2) The Magistrate may deal with the proceeds of the sale of any property sold under sub-section (1) as he would have dealt with such property if it had not been sold.”.

*The Indian Forest (West Bengal Amendment) Act, 1988.**(Section 17.)*

Insertion  
of new  
sections  
59A, 59B,  
59C, 59D,  
59E, 59F  
and 59G.

17. After section 59 of the principal Act, the following sections shall be inserted:—

“Confiscation by 59A. (1) Notwithstanding anything contained in the foregoing provisions of this chapter or in any other law for the time being in force, where a forest-offence is believed to have been committed in respect of the timber or other forest-produce which is the property of the State Government, the Forest-officer or the Police-officer

seizing the timber or other forest-produce under sub-section (1) of section 52 shall, without any unreasonable delay, produce the same, together with all tools, ropes, chains, boats, vehicles and cattle used in committing the offence, before an officer of a rank not inferior to that of an Assistant Conservator of Forests, authorised by the State Government in this behalf by notification in the *Official Gazette* (hereinafter referred to as the authorised officer).

(2) The State Government may, for any local area, authorise one or more officers under sub-section (1).

(3) Where any timber or other forest-produce which is the property of the State Government is produced before an authorised officer under sub-section (1) and the authorised officer is satisfied that a forest-offence has been committed in respect of such property, he may, whether or not a prosecution is instituted for the commission of such offence, order confiscation of the property together with all tools, ropes, chains, boats, vehicles and cattle used in committing the offence.

(4) (a) Where the authorised officer, after passing the order of confiscation of the property together with all tools, ropes, chains, boats, vehicles and cattle as aforesaid under sub-section (3), is of opinion that it is expedient in the public interest so to do, he may order such property or any part thereof and such tools, ropes, chains, boats, vehicles and cattle to be sold by public auction.

(b) Where the order of confiscation of any property or tools, ropes, chains, boats, vehicles or cattle under sub-section (3) is set aside or annulled under section 59C or section 59D, the proceeds of sale by auction shall, after deduction of the expenses of auction and other incidental expenses relating thereto, if any, be paid to the owner of such property or tools, ropes, chains, boats, vehicles or cattle or to the person from whom the same was seized as may be specified in the order under section 59C or section 59D.

Issue of notice  
before  
confiscation.

59B. (1) No order confiscating any property or tools, ropes, chains, boats, vehicles or cattle shall be made under section 59A except after giving a notice in writing to the owner of, or the person from whom, such property or tools, ropes, chains, boats, vehicles or cattle have been seized for showing cause as to why the same

*The Indian Forest (West Bengal Amendment) Act, 1988.**(Section 17.)*

should not be confiscated and considering his objections, if any:

Provided that no order confiscating any motor vehicle shall be made except after giving a notice in writing to the registered owner thereof if, in the opinion of the authorised officer, it is practicable to do so and considering his objections, if any.

*Explanation.*—"Motor Vehicle" shall have the same meaning as in the Motor Vehicles Act, 1939. 4 of 1939.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, rope, chain, boat, vehicle or cattle shall be made under section 59A if the owner thereof proves to the satisfaction of the authorised officer that such tool, rope, chain, boat, vehicle or cattle was used in carrying the timber or other forest-produce without the knowledge or connivance of the owner himself or his agent, if any, or the person in charge thereof and that each of them had taken all reasonable and necessary precautions against such use.

*Revision.* 59C. Any Forest-officer of a rank not inferior to that of the Conservator of Forests specially empowered by the State Government in this behalf by notification in the *Official Gazette* may, *suo motu*, or on application by the aggrieved person call for and examine any record of any order under section 59A and may make such inquiry or cause such inquiry to be made and may pass such order as he deems fit:

Provided that no such record shall be called for after the expiry of thirty days from the date of the order under section 59A, and no order under this section shall be passed if, in the meantime, an appeal has been preferred under section 59D against any order under section 59A:

Provided further that no order prejudicial to any person shall be passed under this section without giving him an opportunity of being heard.

*Appeal.* 59D. (1) Any person aggrieved by an order under section 59A or section 59C may, within thirty days from the date of communication to him of such order, prefer an appeal to the District Judge having jurisdiction over the area in which the property and the tools, ropes, chains, boats, vehicles or cattle have been seized and the District Judge shall, after giving the appellant and the Officer who passed the order an opportunity of being heard, pass an order confirming, modifying or annulling the order appealed against.

(2) The order of the District Judge under sub-section (1) shall be final and shall not be called in question by any Court

*The Indian Forest (West Bengal Amendment) Act, 1988.*

(Sections 18, 19.)

Award of punishment under other provisions of the Act.

59F. Notwithstanding any order under section 59A or section 59C or section 59D, nothing in any of the said sections shall be deemed to prevent the award to any person affected by such order of any punishment to which such person is liable under this Act or any other law for the time being in force.

Confiscated property and proceeds of sale to vest in Government.

59F. When an order for the confiscation or sale by auction of any property or any tools, ropes, chains, boats, vehicles or cattle is passed under section 59A and is confirmed in whole or in part on revision under section 59C or on appeal under section 59D, such property or tools, ropes, chains, boats, vehicles or cattle or the proceeds of sale, as the case may be, shall vest in the State Government free from all incumbrances.

Bar of Jurisdiction in certain cases.

59G. Notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, the officer authorised under section 59A or the Forest-officer specially empowered under section 59C or the District Judge to whom an appeal may be preferred under section 59D shall have and any other officer or Forest-officer or Court, tribunal or authority shall not have jurisdiction to make orders with regard to the custody, possession, delivery, disposal or distribution of any property or tools, ropes, chains, boats, vehicles or cattle seized under section 52."

2 of 1974.

Amendment of section 63.

18. In section 63 of the principal Act, for the words "which may extend to two years, or with fine, or with both.", the words "which shall not be less than three months but which may extend to three years and also with fine which shall not be less than five hundred rupees but which may extend to five thousand rupees." shall be substituted.

Insertion of new section 65A.

19. After section 65 of the principal Act, the following section shall be inserted:—

Certain offences to be non-bailable.

65A. (1) Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973, any offence punishable under—

- (a) clause (a) or clause (b) or clause (f) or clause (g) or clause (h) or clause (i) of section 26, or
- (b) clause (a) or clause (b) or clause (c) or clause (d) or clause (f) or clause (h) of sub-section (1) of section 33, or
- (c) section 42, or
- (d) section 63, shall be non-bailable.

(2) No person accused of any offence as aforesaid shall, if in custody, be released on application for release on bail or on his own bond unless—

*The Indian Forest (West Bengal Amendment) Act, 1988.*

(Sections 20--23.)

- (a) the prosecution has been given an opportunity to oppose the application for such release, and
- (b) where the prosecution opposes the application as aforesaid, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence."

Insertion  
of new  
section  
66A.

20. After section 66 of the principal Act, the following section shall be inserted:--

"Punishment of abetment. 66A. (1) Whoever abets any offence punishable under this Act shall, if the offence abetted is committed in consequence of abetment, be punished with the same punishment as is provided for such offence.

(2) Whoever abets any offence punishable under this Act shall, if the offence abetted is not committed in consequence of abetment, be punished with the same punishment as is provided for such offence, but such punishment shall extend up to the one-fourth of the maximum punishment provided for such offence."

Amend-  
ment of  
section 68.

21. In section 68 of the principal Act, after sub-section (3), the following sub-section shall be inserted:—

"(4) Notwithstanding anything contained in the foregoing provisions of this section, no forest-offence, other than a forest-offence under section 62 or section 63, shall be compounded by a Forest-officer if the value of the forest-produce seized exceeds five thousand rupees or if a cart or other vehicle has been used in committing the offence."

Substitu-  
tion of  
new sec-  
tion for  
section 74.

22. For section 74 of the principal Act, the following section shall be substituted:—

"Indemnity for acts done in good faith. 74. (1) No suit or criminal prosecution or other legal proceeding shall lie against any public servant for anything done by him in good faith under this Act.

(2) No Court shall take cognizance of any offence alleged to have been committed by a Forest-officer while acting or purporting to act in the discharge of his official duty except with the previous sanction of the State Government."

Insertion  
of new  
section  
84A.

23. After section 84 of the principal Act, the following section shall be inserted:—

"Application of the Act to land. 84A. The State Government may, by notification in the *Official Gazette*, declare that any of the provisions of this Act shall apply to any land which is the property of the State Government or the Central Government, and thereupon such provisions shall apply to such land accordingly."

By order of the Governor,  
S. N. MUKHERJEE,  
Secy. to the Govt. of West Bengal

*Annexure - II*

The

Kolkata



Gazette

Extraordinary  
Published by Authority

CAITRA 22]

WEDNESDAY, APRIL 12, 2006

[SAKA 1928

PART III.—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 452-L.—12th April, 2006.—The following Act of the West Bengal Legislature, having been assented to by the Governor is hereby published for general information:—

**West Bengal Act X of 2006**

**THE WEST BENGAL TREES (PROTECTION AND CONSERVATION  
IN NON-FOREST AREAS) ACT, 2006.**

*[Passed by the West Bengal Legislature.]*

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 12th April, 2006.]

*An Act to encourage and promote plantation of trees, and to protect and conserve trees, particularly those looked upon as sacred groves, or identified as belonging to an endangered species or given the status of heritage, bearing in mind that trees have great environmental value and are a renewable resource.*

WHEREAS it is expedient, in the public interest, to prevent the felling of trees in Non-Forest Areas and to encourage and promote plantation of trees, and to protect and conserve trees, particularly those looked upon as sacred groves, or identified as belonging to an endangered species or given the status of heritage, bearing in mind that trees have great environmental value and are a renewable resource ;

*The West Bengal Trees (Protection and Conservation  
in Non-Forest Areas) Act, 2006.*

(Sections 1-3.)

AND WHEREAS it is considered expedient to make provisions for protection and improvement of environment as envisaged under article 48A of the Constitution of India ;

It is hereby enacted in the fifty-seventh Year of the Republic of India, by the Legislature of West Bengal, as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006.

(2) It extends to the whole of West Bengal.

(3) It shall come into force at once.

Application.

2. This Act shall apply to trees in Non-Forest Areas viz. the Areas other than forest and the Areas declared as community reserve under the Wild Life (Protection) Act, 1972.

53 of 1972.

*Explanation.*—for the purpose of this section, the word ‘forest’ has the same meaning as is assigned in the West Bengal Private Forests Act, 1948.

West Ben. Act  
XIV of 1948.

Definitions.

3. In this Act, unless the context otherwise requires,—

(1) “appellate authority” means an appellate authority appointed under sub-section (1) of section 7 ;

(2) “competent authority” means an authority appointed by the State Government, by notification, to perform the duties and exercise the powers conferred upon a competent authority under this Act ;

(3) “felling of tree” means cutting, girdling, pollarding, uprooting or damaging a tree in any manner but shall not include lopping off of a limb of tree for such purposes as may be prescribed ;

(4) “notification” means a notification published in the *Official Gazette* ;

(5) “person” shall include any company or association or body of individuals, whether incorporated or not ;

(6) “*raiya*” shall have the same meaning as in the West Bengal Land Reforms Act, 1955 ;

West Ben. Act  
X of 1956.

(7) “Schedule” means a Schedule to this Act ;

(8) “State Government” means the State Government of West Bengal ;

(9) “tree” has the same meaning as in the Indian Forest Act, 1927, and includes any woody plant whose branches spring from an area supported upon a trunk or body and whose trunk or body is not less than ten centimetres in diameter at breast height from the ground level ;

16 of 1927.

*The West Bengal Trees (Protection and Conservation  
in Non-Forest Areas) Act, 2006.*

(Sections 4-6.)

*Explanation.*—For the purpose of this clause ‘breast height’ means the standard height for measuring girth, diameter and basal area of standing trees which is taken as 4 feet 6 inches (1.37 metre) above ground level and on slopes breast height is taken on the up-hill side.

- (10) “prescribed” means prescribed by rules made under this Act ;
- (11) Other expressions used in this Act, but not defined, shall have the same meanings as defined in the Indian Forest Act, 1927.

4. Except as provided in this Act or the rules made thereunder, no person shall—

- (a) fell any tree in the Non-Forest Areas ; and
- (b) cut, remove or otherwise dispose of any tree other than a tree which has felled without the aid of human agency.

5. (1) A competent authority may, on receipt of an application from a person to fell a tree or otherwise dispose of any tree, for such purposes as may be prescribed, and on being satisfied with regard to the legality of documents towards the proof of ownership or lease of the land on which such tree stands and after making an inquiry, in such manner as may be prescribed, grant permission, in writing, to fell tree :

Provided that no such permission shall be granted, if it is found on inquiry that the nature or character of the land may change or the mode of use of the land may alter, unless the person concerned produces the conversion certificate obtained from the collector concerned under the provisions of section 4C of the West Bengal Land Reforms Act, 1955 :

West Ben. Act  
X of 1956.

Provided further that in the Sadar sub-division, Kalimpong sub-division and Kurseong sub-division of the district of Darjeeling, no such permission shall be required, if a *raiyat* obtains permission under provisions of section 4A of the West Bengal Land Reforms Act, 1955, read with rule 474 of the West Bengal Land and Land Reforms Manual, 1991 :

Provided also that the competent authority shall, within three days from the date of receipt of application, give permission of felling of trees, if it constitute such immediate danger, as may be prescribed to any person or property.

(2) Notwithstanding anything contained in sub-section (1), no permission shall be required if felling of trees is undertaken for not more than three trees at a time in rural areas :

Provided that felling of trees shall not be undertaken in a particular plot of land more than once in a year.

*Explanation I.*—For the purposes of this section, “rural area” shall include all areas under *Gram Panchayat* and exclude the areas under Municipality, Notified Area Authority or Municipal Corporation.

*Explanation II.*—For the purposes of this section ‘Municipality’ and ‘Notified Area Authority’ shall have the same meaning as defined in the West Bengal Municipal Act, 1993.

West Ben. Act  
XXII of 1993.

6. (1) Every application under section 5 shall be in writing giving particulars of the tree, the details of the plot of land on which the tree is located and the reasons for felling the tree and shall be accompanied with such fee, as may be prescribed.

Restriction on  
felling of trees.

Permission to  
fell trees.

Procedure for  
obtaining  
permission to fell  
trees

*The West Bengal Trees (Protection and Conservation  
in Non-Forest Areas) Act, 2006.*

(Sections 7-9.)

(2) The competent authority shall, on receipt of an application in respect of any tree, issue an acknowledgement to the applicant, and after making inquiry, shall dispose of the application, within forty-five days of the receipt of such application, either giving permission to fell such tree or rejecting the application giving reasons therefor.

(3) Every permission to fell tree shall, granted under this Act, be in such form and subject to such conditions, including taking of security for undertaking plantation for trees, as may be prescribed :

Provided that in the case of tea garden such permission shall be subject to the condition that the sale proceeds be utilized strictly for the purpose of welfare of the labourers of tea garden on the basis of a specific scheme framed under the provisions of the Plantations Labour Act, 1951.

69 of 1951.

Appeal.

7. (1) Subject to the provisions of sub-section (2), an appeal shall lie from every order of the competent authority under this Act to the appellate authority, to be appointed by the State Government.

(2) Every such appeal shall be preferred within thirty days from the date of communication of the order :

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing it in time.

(3) On receipt of any such appeal, the appellate authority shall, after giving the appellant reasonable opportunity of being heard and after making such inquiry as it deems proper, dispose of the appeal for reasons to be recorded in writing.

(4) The proceedings before the appellate authority shall be completed within a period of one month from the date of preferring appeal under sub-section (2).

Obligation to plant trees.

8. Every person, who fells any tree, shall undertake plantation of such number of trees as may be prescribed, in place of every tree felled, in the same plot of land and tend such plantation for trees in accordance with the directions of the competent authority :

Provided that the competent authority may, for such reasons, as may be prescribed, to be recorded in writing, permit a lesser number of plantation for trees to be undertaken in a different plot or plots, or exempt any person from the obligation of such plantation :

Provided further that any person, unable to undertake plantations of trees, may deposit such amount of money, as may be prescribed considering the importance of trees, to the competent authority, facilitating the designated agency of the State Government to undertake plantation of trees for the trees felled.

*Note.*— 'designated agency of the State Government' for the purpose of this section means a designated agency of the State Government, as may be specified by the State Government, by order.

9. (1) Every person or development agency or the benevolent activist or the entrepreneur or the promoter (hereinafter in this section called 'developer') shall, as the case may be, intending to carry out development in the form of erection of highrise multi-unit building or other construction for the purposes of residential or commercial or industrial or

Compulsory plantation for trees in certain cases.

*The West Bengal Trees (Protection and Conservation  
in Non-Forest Areas) Act, 2006.*

( Section 9. )

institutional uses, as the case may be, on any plot or plots of land, undertake plantation for trees, in the prescribed manner and to the prescribed extent having regard to the total area of such plot or plots of land, in the same plot or plots of land as subject to such development.

*Explanation I.*—For the purposes of this sub-section, 'development agency' includes any of the Government Department or any other body created under any statute for the purpose of carrying out development works.

*Explanation II.*—For the purposes of this sub-section, 'promoter' means a person who constructs or erects or causes to be constructed or erected a building or otherwise construction on a plot or plots of land for the purpose of transfer of such building by sale or gift or otherwise to any other person or to a company, co-operative society or association of persons and includes his assignee.

(2) The development, under sub-section (1), shall subject to sub-section (5), be carried out after obtaining the certificate of clearance, on an application in the prescribed form and the prescribed manner accompanied by such fee, as may be prescribed, from the competent authority :

Provided that the plantation shall be implemented within such period as may be specified in the certificate of clearance, before the development project is initiated .

(3) The application, under sub-section (2), shall be accompanied by such plan (in quadruplicate) (hereinafter called the "plantation plan") drawn on the prescribed scale as showing the proposed plantation in the prescribed manner and to the prescribed extent as well as the location of the proposed plantation within the area of the proposed building or otherwise construction on the same plot or plots of land .

(4) The competent authority may, after being satisfied on proper scrutiny of the plantation plan and completing the field inquiry, if necessary, that the proposed plantation of trees as shown in the plantation plan is in accordance with the provisions of this Act and the rules made thereunder, approve the plantation plan (in quadruplicate) under his signature with proper stamp and seal and shall issue the certificate of clearance in the prescribed Form :

Provided that the competent authority shall, before issuing the certificate of clearance under this sub-section, obtain the concurrence of the West Bengal Pollution Control Board.

(5) The authority, sanctioning the building or otherwise construction plan under the relevant Act, shall, before approving such plan, require the developer to produce before him both the certificate of clearance as issued and the plantation plan as approved under this Act and verify whether the proposed plantation as shown in the plantation plan is properly incorporated in the building or otherwise construction plan as submitted before him for approval . After being satisfied on verification, the sanctioning authority shall certify under his signature with stamp and seal on each copy of the building or otherwise construction plan as approved by him under the relevant Act, stating that this plan is compatible with the plantation plan so far as the proposed plantation is concerned .

(6) No building or otherwise construction plan, even if sanctioned under the relevant Act, shall be treated as valid if the same is not found compatible with the said plantation plan .

*The West Bengal Trees (Protection and Conservation  
in Non-Forest Areas) Act, 2006.*

(Sections 10-15.)

Implementation of directions.

**10.** Every person who is to undertake plantation for trees under section 8, shall start preparatory work for plantation within sixty days from the date of permission or the date of receipt of direction, as the case may be, and shall undertake plantation for trees, in accordance with directions.

Penalty for felling of trees.

**11.** (1) Whoever fells or causes to be felled any tree or cuts, uproots or otherwise disposes of any fallen tree, in contravention of the provisions of section 4, or contravenes any condition of any permission granted under this Act, shall be punished with imprisonment which may extend to one year or with fine which may extend to five thousand rupees or with both and until the plantation of requisite number of trees are undertaken, shall be fined for each day of default of fifty rupees.

(2) If any person, or development agency or the benevolent activists, or the entrepreneur of the promoter, as the case may be, fails to implement the plantation plan as approved under sub-section (4) of section 9, shall be punished with imprisonment which may extend to two years or with fine which may extend to ten thousand rupees or with both.

Previous sanction of the State Government necessary.

**12.** No prosecution shall be instituted against any person in respect of any offence under this Act without the previous sanction of the State Government or such officer or authority as may be authorised by the State Government by order in writing in this behalf.

Offence by firm, company, institution etc.

**13.** If the person committing an offence under this Act is a firm, a company, an institution or an association or body of individuals, the firm, the company, the institution or the association or the body of individuals as well as every person in charge of, and responsible to the firm, the company, the institution or the association or the body of individuals for the conduct of its business at the time of the commission of such offence shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this section shall render such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Forfeiture of timber etc.

**14.** (1) Where any person has been convicted of committing an offence of felling a tree, the timber of tree, and implements used for felling such tree, may be ordered by the Court to be forfeited to the State Government :

Provided that if the timber is found to have been disposed of, the Court may order an additional penalty of not exceeding five thousand rupees.

(2) Unless the Court otherwise directs, any timber or implements forfeited under sub-section (1), shall be disposed of by the competent authority in such manner as may be prescribed.

(3) Such forfeiture may be in addition to any other punishment specified in this Act for such offence.

Power of seizure.

**15.** (1) When there is reason to believe that any tree has been felled, cut or removed in contravention of the provisions of this Act, the wood of such trees, together with the boat, vehicle, carrier or cattle, if any, used for felling, cutting or removing of such tree, may be seized by any Forest Officer not below the rank of a Forest Ranger or any Police Officer not

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(Sections 16-20.)

below the rank of a Sub-Inspector or any other officer empowered in this behalf by the State Government.

(2) Every seizure made under sub-section (1) shall be reported to the Magistrate having jurisdiction to try the offence on account of which such seizure has been made and the wood of such trees, together with boat, vehicle, carrier or cattle shall, subject to the order of such Magistrate, be disposed of in such manner as may be prescribed.

Compounding of  
offence.

**16.** (1) Any offence, which has been committed and is punishable under this Act, may either before or after institution of the prosecution, be compounded by such officer, and for such amount not exceeding ten thousand rupees, as the State Government may by notification in the *Official Gazette*, specify:

Provided that such net present value of timber, as may be prescribed by rules considering the importance of timber, may also be recovered from the offender.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceeding shall be taken against him in respect of such offence and the property seized under this Act shall be released.

(3) The compounding of an offence under sub-section (1) shall be allowed only in respect of the first offence committed by any person and no such compounding shall be made for any subsequent offence committed by the same person.

Power to prevent  
commission of  
offence.

**17.** (1) It shall be the duty of every Forest Officer, Gram Panchayat Secretary, Gram Panchayat Karma Sahayak, Krishi Prajukti Sahayak, Gram Sevak, Revenue Inspector, officer dealing with environmental protection or Police personnel to make efforts to prevent any contravention of section 4 and section 9 and to report to his superior officer, in such manner as may be prescribed, of such contravention or preparation to commit such contravention.

(2) The superior officer so informed shall inform the competent authority of such commission or probable commission of offence.

(3) The competent authority shall take all reasonable measures in his power to prevent such contravention which he has reason to believe that it is likely to be committed.

Officers to be  
public servant.

**18.** The Officers, exercising any powers, or discharging any duties or functions, under this Act shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

Execution of  
order for  
payment.

**19.** The amount of composition of an offence, the payment of which has been directed to be made by any person under this Act shall, without prejudice to any other mode of recovery under any law for the time being in force, be recoverable from him as an arrear of land revenue.

Bar on  
proceedings.

**20.** No suit, prosecution or other legal proceedings shall lie against the State Government or against any Officer or against any designated agency of the State Government empowered to exercise power or to perform duties or to discharge functions under this Act, for anything which is in good faith done or intended to be done under this Act.

*The West Bengal Trees (Protection and Conservation  
in Non-Forest Areas) Act, 2006.*

(Sections 21-26.)

Exemption.

**21.** (1) Subject to such conditions, if any, as may be imposed, the State Government may, if it considers necessary so to do in the public interest, by notification in the *Official Gazette*, exempt any area or any species of tree or a specified number of trees of any species from all or any of the provisions of this Act.

(2) Notwithstanding anything contained in sub-section (1), permission of competent authority shall be obtained for felling of trees specified in the Schedule.

Provision of this Act to be in addition to other Law.

**22.** The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force prohibiting or regulating the felling of trees.

Power of State Government for preservation of trees.

**23.** (1) The State Government may, in the interest of public, declare by notification, that any class or classes of tree shall not be felled for such period as is specified in that notification.

(2) The management of such trees shall be regulated in such manner as may be prescribed.

Power to make rules.

**24.** (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters :—

- (a) the Form in which and the authority to whom an application for felling trees shall be made ;
- (b) the Form in which the permission, if any, shall be granted to the applicant ;
- (c) any other matter necessary for proper implementation and enforcement of this Act.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

Overriding effect.

**25.** The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to amend Schedule.

**26.** (1) The State Government may, by notification, amend the Schedule.

(2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before the State Legislature.

*The West Bengal Trees (Protection and Conservation  
in Non-Forest Areas) Act, 2006.*

*(Schedule.)*

SCHEDULE.

**Permission mandatory for felling**  
(See section 21.)

1. *Acacia catechu* (Khair)
2. *Bombax ceiba* (Simul)
3. *Dalbergia sissoo* (Shishu)
4. *Diospyros melanoxylon* (Kend/Kendu/Tendu)
5. *Gmelina arborea* (Gamar)
6. *Madhuka indica* (Mahua)
7. *Michelia champaka* (Champ)
8. *Shorea robusta* (Sal)
9. *Swietenia mahogany* (Mahogany)
10. *Tectona grandis* (Teak/Segun)
11. *Mangrove trees.*

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By order of the Governor,  
**SHYAMAL KANTI CHAKRABORTY,**  
*Secy. to the Govt. of West Bengal,*  
*Law and Judicial Departments.*

Kolkata



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THURSDAY, MAY 25, 2006

[SAKA 1928

**PART III—Acts of the West Bengal Legislature**  
**GOVERNMENT OF WEST BENGAL**  
**LAW DEPARTMENT**  
**Legislative**

**CORRIGENDUM**

Kolkata, the 25th May, 2006.

In the following Acts, namely,—

- (1) in the West Bengal Law Clerks (Amendment) Act, 2006 (West Ben. Act VIII of 2006), published in the *Kolkata Gazette, Extraordinary*, Part III, dated the 6th April, 2006, under this Department Notification No. 432-L, dated the 6th April, 2006, at page 7,
- (2) in the West Bengal Public Works Contractors (Regulation and Control) Act, 2006 (West Ben. Act IX of 2006), published in the *Kolkata Gazette, Extraordinary*, Part III, dated the 6th April, 2006, under this Department Notification No. 433-L, dated the 6th April, 2006, at page 518,
- (3) in the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 (West Ben. Act X of 2006), published in the *Kolkata Gazette, Extraordinary*, Part III, dated the 12th April, 2006, under this Department Notification No. 452-L, dated the 12th April, 2006, at page 441,
- (4) in the Kolkata Land-revenue (Amendment) Act, 2006 (West Ben. Act XI of 2006), published in the *Kolkata Gazette, Extraordinary*, Part III, dated the 20th April, 2006, under this Department Notification No. 480-L, dated the 20th April, 2006, at page 9,
- (5) in the West Bengal Premises Tenancy (Amendment) Act, 2006 (West Ben. Act XII of 2006), published in the *Kolkata Gazette, Extraordinary*, Part III, dated the 20th April, 2006, under this Department Notification No. 481-L, dated the 20th April, 2006, at page 11,
- (6) in the Rabindra Mukta Vidyalaya (Amendment) Act, 2006 (West Ben. Act XIII of 2006), published in the *Kolkata Gazette, Extraordinary*, Part III, dated the 10th May, 2006, under this Department Notification No. 535-L, dated the 10th May, 2006, at page 15, and
- (7) in the West Bengal Council of Higher Secondary Education (Amendment) Act, 2006 (West Ben. Act XIV of 2006), published in the *Kolkata Gazette, Extraordinary*, Part III, dated the 17th May, 2006, under this Department Notification No. 558-L, dated the 17th May, 2006, at page 538,

after the end rule, for the portion

“By order of the Governor,  
SIYAMAL KANTI CHAKRABORTY,  
*Secy. to the Govt. of West Bengal,*  
*Law & Judicial Departments.*”

read the following portion :—

“By order of the Governor,  
S. K. CHAKRABARTI,  
*Secy. to the Govt. of West Bengal,*  
*Law Department.*”

By order of the Governor,

S. K. CHAKRABARTI,  
*Secy. to the Govt. of West Bengal,*  
*Law Department.*



**Purpose for which felling of trees shall not include lopping off a limb of tree.** 3. Lopping off a limb of tree for the following purposes shall not constitute "felling of tree" as defined under sub-section (3) of section 3—

- (a) maintenance of electric lines, roads and other works of public utility : provided that such lopping does not pose any threat to the survival of the tree,
- (b) maintenance and beautification of the Parks and Gardens :
- (c) when the limb of a tree causes serious inconvenience to the local resident, or poses threat to human life, or a building, or property : or disrupts public services (transportation system).

**Permission to fell trees.** 4. (1) Permission for felling or otherwise disposing of any tree under the provisions of sub-section (1) of section 5 shall be granted only for the following purposes :

- (a) if it causes serious inconvenience to the local resident; or poses threat to human life, or a building, or property ; or disrupt public services (transportation system) ;
  - (b) if it attains natural death due to any disease, or natural calamities like storm, lightning ;
  - (c) if a tree was raised with the purpose of Social Forestry or Farm Forestry and has since attained maturity for harvesting ;
  - (d) if the tree is sought to be removed for facilitating re-forestation of the land for the purpose of Social Forestry or Farm Forestry ;
  - (e) if the owner intends to carry out the felling of trees to meet expenses for family obligations, such as medical treatment, marriage, education or to meet requirement of timber for construction or repair of his own house ;
  - (f) if it becomes absolutely necessary to fell the trees for the disposing of land or settling up of the land dispute ;
  - (g) if in a tea garden, proviso to sub-section (3) of section 6 shall be complied with.
- (2) (a) A person other than a developer, seeking permission for felling or otherwise disposing of any tree under the provision of sub-section (1) of Section 5 shall submit an application to the competent authority in Form I (A) : Provided, however, that a developer shall submit application to the competent authority in the Form I(B).
- (b) The competent authority shall issue an acknowledgement to the applicant in an appropriate manner under his official seal.
- (3) An inquiry for the purpose of giving permission to fell or dispose of any tree as referred to in sub-section (1) of section 5 of the Act may be conducted in the following manner :
- (a) the competent authority either himself conduct field enquiry or will depute a suitable official from amongst his subordinates for the purpose ;
  - (b) the enquiry will be completed within thirty days from the date of receipt of the application or within two days in case of application seeking immediate permission to fell such trees which constitute immediate danger as specified in sub-rule (4) of this rule ;
  - (c) the enquiry officer shall intimate the applicant regarding the date and time of field enquiry and the applicant will be present during the enquiry in person or through a duly authorized representative ;
  - (d) the enquiry officer may also invite some local prominent persons to be present during the enquiry ;

- (e) the enquiry officer will also consult and consider the report from the Gram-Panchayat or Municipality or Municipal corporation or Notified Area Authority or the industrial township as the case may be, in Form I(c);
  - (f) The inquiry officer will submit his report to the competent authority in form-II
- (4) For the purpose of the three provisions to sub-section (1) of section 5, the competent authority shall within three days from the date of receipt of application, give permission of felling of trees if it constitute immediate dangers of the following nature to any person or property :
- (a) imminent threat to human life, or property of any person or institution or organization ;
  - (b) serious disruption to maintenance of public services (transportation system).

**Procedure for obtaining permission to fell tree.** 5. (1) For the purposes of obtaining permission to fell tree or otherwise disposing of any tree under sub-section (1) of section 6, the applicant shall pay the following fee to the competent authority at the time of submitting application :

- (i) developer :- Rs. 1,000.00 (One thousand rupees) ;
  - (ii) a person other than a developer :- Rs. 25.00 (Twenty five rupees) (in rural areas) and Rs. 100.00 (One hundred rupees) (other than rural areas) ;
  - (iii) Emergency Application Fee :  
(if the application is required to be submitted for immediate permission under sub-rule (4) of rule 4: Rs. 200.00 (Two hundred rupees for all areas).
- (2) For the purpose of subsection 3 of section 6, the competent authority shall grant permission to fell tree to an applicant in Form III: provided that no permission to fell tree, if there is a tree, will be given to a developer unless he has obtained a certificate of clearance from the competent authority, under sub-section (4) of section 9 and sanction of the building or otherwise construction plan from the appropriate authority under sub-section (5) of section 9.
- (3) The permission under sub-rule (2) shall be granted only after the applicant, other than a developer, has paid security for undertaking plantation for trees to the competent authority at the rate of twenty rupees per tree in rural areas and thirty rupees per tree in areas other than rural areas for each tree to be planted: Provided that no security shall be payable by an applicant who is unable to undertake plantation of trees and has deposited the prescribed amount of money to the competent authority as prescribed under sub-rule (3) of rule 6.
- (4) The security under sub-rule (3) shall be paid either in cash or through National Saving Certificates duly placed in favour of the competent authority.
- (5) The security shall be refunded in full to the applicant but not before two years from the date of grant of felling permission after the competent authority has satisfied himself that at least eighty percent of the trees planted by the applicant under the provision of rule 6 are surviving in good condition: Provided that the security shall be refunded to the applicant on pro-rata basis if the total number of trees survived are less than eighty percent of the total number of trees planted: Provided further that the security may be forfeited by the competent authority if the total number of trees survived are less than thirty percent of the total number of trees planted.
- (6) The non-refunded portion of the security shall be transferred by the competent authority to the designated agency for undertaking plantation of trees.

**Obligation to plant trees 6.** (1) As provided under section 8 every person who after obtaining permission by the competent authority, fells any tree, shall undertake plantation two trees in place of every tree felled, in the same plot of land and tend such plantation for trees in accordance with the direction of the competent authority : Provided that a developer shall undertake plantation of trees as prescribed in sub-rule (1) of rule 7.

- (2) Under the provision of the first proviso to section 8, the competent authority may in writing permit a lesser number of plantation for trees to be undertaken in a different plot or plots or exempt any person, other than a developer, from the obligation of such plantation for the following reasons :
- (a) if the felling of trees for erecting of house for self accommodation ;
  - (b) if the existing plot, on which the tree is felled, does not provide space for any further plantation ;
  - (c) if no other plot of land is available with the owner of the tree ;
  - (d) if the total number of trees to be felled is less than ten.
- (3) Any person, other than a developer, unable to undertake plantation of trees as prescribed under sub-rule (1) shall deposit an amount of twenty rupees per tree in rural areas and thirty rupees per tree in areas other than rural areas to the competent authority, who shall transfer the said amount to the designated agency of the State Government to undertake plantation of trees for the trees felled : Provided that the amount to be deposited shall be forty rupees per tree in rural areas and sixty rupees per tree in areas other than rural areas if the trees to be felled belong to any of the species included in the Schedule of the Act.

**Compulsory plantation of trees. 7.** (1) For the purpose of sub-section (1) of section 9, a developer shall undertake plantation of trees over at least twenty percent of the total area in the same plot or plots of land as subject to such development in accordance with a plantation plan approved by the competent authority under sub-section (4) of section 9 : Provided that the total number of trees to be planted shall be at least five times the number of trees to be felled, if any : Provided further that the competent authority may fix up norms for plantation of trees in a particular area regarding choice of species, proportion of different species, spacing, maintenance.

- (2) The developer shall, under sub-section (2) of section 9 submit application to the competent authority in Form I (B), which shall be accompanied with a fee prescribed under sub-rule (1) of rule 5.
- (3) The developer, while applying for the certificate of clearance to the competent authority shall submit a proposed plantation plan (in quadruplicate) drawn on 1 : 100 scale showing the location of plantation over the extent as prescribed under sub-rule (1) alongwith the following details :
- (a) species to be planted ;
  - (b) advance soil work ;
  - (c) source of seeds and seedlings for plantation ;
  - (d) spacing and planting pattern ; and
  - (e) time schedule for plantation and maintenance.
- (4) Before issuing the certificate of clearance to the developer, the competent authority shall cause an inquiry in the manner prescribed in sub-rule (3) of rule 4.
- (5) The competent authority shall under sub-section (4) of section 9 issue the certificate of clearance to the developer in the Form IV.

**Forfeiture of Timber etc.** 8. Any timber or implements forfeited under sub-section (I) of section 14, shall be disposed of by the competent authority through auction or open tender following the relevant government orders in this respect.

**Power of Seizure.** 9. Wood of trees together with boat, vehicle, carrier or cattle seized under the provisions of sub-section (1) of section 15 shall be handed over the competent authority who shall dispose them of through auction or open tender following the relevant government orders in this respect.

**Compounding of offence.** 10. The net present value of timber, as referred to in the proviso to sub-section (1) of section 16 shall be calculated on the basis of "Scheduled of Rate" prescribed for the nearby Forest Division by the concerned Conservator of Forests.

**Power to prevent commission of offence.** 11. The Report, as referred in sub-section (1) of section 17 be submitted to the superior officer with the following details in respect of the offence committed or likely to be committed :

- (a) detailed location ;
- (b) date and time ;
- (c) nature of offence ;
- (d) name and address of the offender or the offending agency ; and
- (e) any other relevant information.

**Power of State Government for Preservation of trees.** 12. The competent authority shall not issue permission for felling of any class or classes of trees notified by the State Government under sub-section (1) of section 23 for such period as is specified in that notification.

- (1) The competent authority shall prepare an inventory of trees referred to in sub-rule (1); carry out inspection from time to time; and issue suitable directions to the owners of such trees for their protection and upkeep.
- (2) The owner of trees, as referred to in the sub-rule (1), shall take all necessary precautions for protection and upkeep of such trees ; carry out the directions issued by the competent authority under sub-rule (2) and submit a report regarding any loss or damage to such trees to the competent authority without any undue delay.

**Form-I (A)****Application For Felling of Disposing of Trees in Non-Forest Areas in respect by a Person  
(Other than A developer)**

[See rule 4 (2) (a)]

- (1) Name of the Applicant (In Capitals) :
- (2) Full Postal Address :
- (3) Land Details :
- (a) Block / Panchayat / Municipality / Corporation / Others :
- (b) Mouza / Ward :
- (c) J. L. No. / Part No. / Plot No. :
- (d) Area of the Land :
- (e) Plan of land / Map of the Land :
- (f) Total No of trees present in the land (Species and number) :
- (4) Details of Trees to be felled / disposed off :

Number of Tree	Plot No.	Species	DBH (cm)	Approx Hight (Metre)	Natural or Planted	Approx Age	Physical condition

- (5) Purpose of Felling : (To be authenticated by supporting documents in original)
- (6) Particulars of previous felling of trees : (On the same plot of land, if any)

Plot No.	Date	Species	Number of Trees	References of permission from Competent Authority

- (7) [Only for applicant seeking emergency permission]

I, hereby declare that the aforesaid trees constitute immediate danger in view of .....(Give reasons) and permission for their immediate felling is solicited in terms of sub-rule (4) of rule 4.

**(Photographic evidence to be submitted)**

- (8) I do hereby, certify that the felling of trees for which permission is sought for, shall not change the nature or character of land or the mode of use of the land;

OR

A copy of the conversion certificate obtained from the Collector under section 4 C of the West Bengal Land Reforms Act, 1955 is attached.;

## (9) [Only in case of Tea Gardens]

I, do hereby declare that the sale proceeds from the felling of trees in question will be utilized strictly for the purpose of welfare of the labourers of the tea garden on the basis of the specific scheme framed under the provisions of the Plantations Labour Act, 1951 (A copy enclosed)

(10) I do, hereby undertake to plant .....trees (A minimum of two trees against each tree to be felled) at the same plot / at .....  
Police Station ..... District ..... and  
maintain the same for a period of 5 (five) years.

I, am willing to deposit the security money as prescribed under sub-rule (3) of rule 5.

OR

I, do hereby undertake, to deposit the required sum of money as prescribed under sub-rule (3) of rule 6 in-lieu of plantation to the Competent Authority.

OR

I, may kindly be exempted from the obligation of planting trees / permitted to plant lesser no of trees / permitted to plant trees on a different plot on the following grounds :

(i)

(ii)

(iii)

(11) I, am enclosing an amount of Rs ..... As application fee by Cash / Draft  
No.....at Bank ..... dated .....

Place :

Date :

*Signature of the Applicant*

\*Strike off which is not applicable.

**Form I (B)****\*Application For Felling of Trees in Non-Forest Areas / Certificate of Clearance  
in respect of a Developer**

[See rule 4 (a) (2) and 7 (2)]

- (1) Name of the Person / Agency / Department :
- (2) Full Postal Address :
- (3) Nature of proposed developmental work :
- (4) Land Details :
- (a) Block / Panchayat / Municipality / Corporation / Others :
- (b) Mouza / Ward :
- (c) J.L. No. / Part No. / Plot No. :
- (d) Area of Land :
- (e) Plan of land / Map of the Land :
- (f) Total no of trees present in the land (Species and Number) :
- (5) Details of Trees to be felled / disposed off :-

Number of Trees	Plot No.	Species	DBH (cm)	Approx Hight (Metre)	Natural or Planted	Approx Age	Physical condition

- (6) Purpose of Felling : (To be authenticated with detailed project report including total financial outlay)
- (7) Plantation Plan (On 1 : 100 scale showing location, species, timeframe, financial outlay, maintenance etc. to be submitted in quadruplicate )
- (8) Particulars of previous felling of trees : (On the same plot of land, if any)

Plot No.	Date	Species	Number of Trees	References of permission from Competent Authority

- (9) A copy of the conversion certificate obtained from the Collector under section 4 C of the West Bengal Land Reforms Act, 1955, is attached.

**(10) [Only in case of Tea Gardens]**

I, hereby declare that the sale proceeds from the felling of trees in question will be utilized strictly for the purpose of welfare of the labourers of the tea garden on the basis of the specific scheme framed under the provision of the Plantation Labour Act, 1951 (A copy enclosed);

(11) I, do hereby undertake, to plant trees over ..... ha (20% of the total area to be developed subject to a minimum of 5 trees against each tree to be felled.) at the same plot / at ..... Police Station ..... District ..... and maintain the same for a period of five years. Plantation Plan (in quadruplicate) is enclosed.

(12) I, am enclosing an amount of Rs. .... as application fee by Cash / Draft No..... at Bank ..... dated .....

Place :

Date :

*Signature of the Applicant*

Name : .....

Official Seal :

\* Strike off which is not applicable.

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## Form I (C)

**\*\*Certificate in connection with Felling / Disposing of trees(s) in Non-forest areas by Panchayat / Municipality / Municipal corporation / Others**

[See Rules 4 (3) (e)]

- (1) This is to certify that Shri/ Smt./ Ms./ Orgainsation/.....  
 .....Village/Road/Street/Word No. ....  
 Police Station .....District ..... Pin .....  
 has applied to the competent authority to fell/dispose of .....No. of tree(s) from his /  
 her / their own /leased land bearing plot No. ....J. L. No. .... Mouza/  
 Ward No. .... Police Station ..... Panchayet / Block /  
 Municipality / Municipal Corporation / Others ..... District.....
- (2) The above application is recommended \*.
- (3) The above application is not recommended for the following reasons \* .
- (i)
  - (ii)
  - (iii)

Signature .....

Name in Full .....

Designation .....

Seal :

Place :

Date :

\* Please strike out which ever is not applicable.

\*\* The Certificate may be issued by the Pradhan, Chairman, Municipal commissioner of concerned Gram Panchayet, Municipality, Municipal corporation or by the concerned authority of notified area authority, Industrial Township etc. respectively.

**Form II****Inquiry Report / Inquiry For Certificate of Clearance For Felling of Trees in Non-Forest Areas**  
[See Rules 4(3) (f) and 7 (4)]

- (1) Date of Receipt of the Application in Form I (A) / Form I (B)  
 (2) Enquiry conducted on :  
 (3) Enquiry conducted at :  
 (4) Enquiry conducted in presence of :

Name	Identity	Signature with date
	Applicant	
	Local prominent person	

- (5) Findings :

**[General]**

- (a) Land Verification ;  
 (b) Tree Verification (Annexure Enclosed) ;  
 (c) Verification of ownership ;  
 (d) Verification of purpose of Felling ;  
 (e) Comments on ecological / Historical Significance of the trees (if any) ;  
 (f) Whether nature of land may change due to proposed felling.

**[ Developmental Agency ]**

- (a) comments on Plantation plan.  
 (b) Whether the said project can be carried out by felling lesser no of trees.

- (6) Comments of Inquiry Officer on the contents of Form I (C);  
 (7) Recommendation :

- (i) Recommended / not recommended with specific reasons;  
 (ii) A list of trees recommended for felling is enclosed.

PLACE :

SUBMITTED BY

DATE :

Signature : .....

Name : .....

Designation : .....

Official Seal : .....



## Form III

Form for Permission for Felling / Disposing of Trees in Non-Forest Areas  
[See Rule 5 (2)]

Permit No. ....

Dated : .....

Whereas the applicant, Sri/Smt./Messrs .....  
Address : ..... has  
submitted an application with the prescribed fee on ..... for permission for felling /  
disposing of trees for the purpose of ..... at the following site :

(a) Location :

(b) Details of Plot(s) of Land : .....

.....  
.....

AND Whereas the undersigned is satisfied with regard to the legality of documents towards  
the proof of ownership or lease of the land on which such tree stands;

AND Whereas the purpose for which the trees are required to be felled is in conformity  
with rule 4 (1) of the West Bengal Trees (Protection and Conservation in Non-Forest Areas)  
Rules, 2006 :

AND Whereas an inquiry in the prescribed manner has been carried out on .....  
and the undersigned has examined the inquiry report with due care;

AND Whereas the land in question belongs to the ..... Tea Garden and the applicant  
has produced a specific scheme framed under the provisions of the Plantations Labour Act,  
1951 for utilizing the sale proceeds strictly for the purpose of welfare of the labourers;

AND Whereas the applicant is a developer who has already obtained a Certificate of Clearance  
No. .... dated ..... Issued by the undersigned and sanction of the  
building / construction plan by the sanctioning authority, viz. ....  
..... vide his letter No. .... Dated .....

AND Whereas it is found on inquiry that the proposed felling will not alter nature or character  
or mode of use of the land.

OR

The Applicant has produced the requisite permission under section 4C of the West Bengal  
Land Reforms Act, 1955.

AND whereas the applicant has deposited the prescribed security amount for plantation of trees to the undersigned;

OR

The applicant has been exempted by the undersigned from the obligation of plantation of trees under sub-rule (2) of rule 6 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Rules, 2006 ;

OR

The applicant has expressed his inability to undertake the plantation to trees by himself and has deposited to the undersigned the amount for the designated agency as prescribed under sub-rule (3) of rule 6 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Rules, 2007.

OR

The applicant is a developer and not required to deposit the security amount.

\* Strike off if not applicable.

\* Strike off the option which is not applicable.

Now, therefore, in persons to the power conferred under sub-section (1) of section 5 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006, the undersigned permits the applicant to undertake the felling of the trees as included in the Annexure.

The undersigned also permits the applicant (not a developer) under the first proviso to section 8 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006, to plant only \_\_\_\_number of trees instead of the number prescribed under sub-rule (1) of rule 6 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) rules 2007. OR permits the applicant to plant ..... number of trees over different plots(s) of land (as indicated in Condition No. 3 below) because (give reasons) ....., which is in conformity with sub-rule (2) of rule 6 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Rules, 2007;

The permission as given above is subject to the following conditions:-

This permit is non-transferable and valid only up to .....

1. the applicant (if a developer) shall take up plantation of trees in accordance with the approved plantation plan and the Certificate of Clearance within ..... month(s) from the date of sanction of the building / construction plan by the sanctioning authority;
2. The applicant (if not a developer) shall take up plantation of ..... number of trees ..... over the Plot(s) No. .... within ..... months from the date of issue of this permit;

3. As provided in section 10 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006, the applicant (if not a developer) shall start preparatory work for plantation within sixty days from the date for permit or the date of receipt of directions from the undersigned, as the case may be, and shall undertake plantation for trees in accordance with such directions;
4. The applicant shall inform the undersigned in writing immediately on completion of the plantation of trees;
5. The applicant shall, within a week of carrying out felling of trees, submit a report to the undersigned indicating the total number of logs and firewood produced against each species;
6. Stamps of the felled trees shall be retained for a least one month from the date of felling;
7. The felling and carriage of trees shall not be carried out after the sun-set and before the sun-rise.
8. This permission is subject to the provisions of the West Bengal forest (Establishment and Regulation of Saw Mills and Other Wood-based Industries) Rules, 1982 and The West Bengal Forest Produce Transit Rules, 1959.
9. This permit should be produced for inspection on demand to the undersigned or any of the authorities specified in sections 15 and 17 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006.

(Signature of the Competent Authority)

Name : .....

Designation .....

Official Seal : .....

\* Strike off if not applicable.



**Form IV****Form for Certificate of Clearance for Developers**  
[See Rule 7 (5)]

Certificate No. ....

Dated : .....

Whereas the developer, Sri/Smt./Messrs .....

Address : .....

has submitted an application with the prescribed fee on ..... for

Certificate of : Clearance for the following developmental project :

(a) Nature of Project .....

(b) Location : .....

(c) Details of Plot(s) of Land : .....

(d) Total Area (in Ha.) .....

**AND Whereas** the aforesaid developer has also submitted a plantation plan in the prescribed format;**AND Whereas** the undersigned has approved the said plantation plan after satisfying himself on proper scrutiny of the plan and completing the field inquiry that the proposed plantation of trees as shown in the plantation plan is in accordance the provisions of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 and the rules made thereunder;**AND Whereas** the concurrence of the West Bengal Pollution Control Board has been obtained vide their letter No. .... dated .....Now, therefore, the undersigned issues this **Certificate of Clearance** in favour of the aforesaid developer in accordance with sub-section (4) of section 9 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006, subject to the following conditions:-

1. This Certificate is non-transferable.
2. The developer shall take up plantation of trees over ..... ha (subject to a minimum of 5 times the trees, if any, to be felled) in the same plot(s) of the land being developed in accordance with the approved plantation plan and complete the same within ..... months(s) from the date of sanction of the building / construction plan by the sanctioning authority.

3. As provided in the proviso to sub-section (9) of section 9 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act 2007, the plantation has to be implemented before the development project is initiated;
4. Formal permission for selling of trees on the land being developed, if necessary, will be granted only after the sanction of the building / construction plan;
5. This Certificate shall cease to be valid if the building / construction plan is rejected by the sanctioning authority or if the plantation work is not completed within the period as specified in the Condition No. 2 above.

(Signature of the Competent Authority)

Name : .....

Designation .....

Official Seal : .....

By Order of the Governor,

Sd/-

**Smt. Shila Nag**

*Joint Secretary to the Govt. of West Bengal*





**The**



**Kolkata Gazette**

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THURSDAY, MARCH 1, 2007

[ SAKA 1928

PART I—Order and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL  
FOREST DEPARTMENT**

Writers' Buildings, Kolkata-700 001

**ORDER**

No. 903-For dt. the 1st March, 2007. In pursuance of the power conferred under section 8 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 (West Ben. Act X of 2006), the Governor, for the purposes of the said section, is pleased hereby to specify the designated agency of the State Government under column (1), with their respective jurisdiction as described under column (2), of the Schedule given below :—

**SCHEDULE**

Designated agency (1)	Jurisdiction (2)
(1) Divisional Forest Officer	Concerned Division of the Divisional Forest Officer ;
(2) Deputy Conservator of Forests, Urban and Recreational Forestry	Kolkata Municipal Corporation area ;


By Order of the Governor,

Sd/-

( S. Nag )

*Joint Secretary to the Govt. of West Bengal*

**The**



**Kolkata** **Gazette**

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TUESDAY, JUNE 5, 2007

[ SAKA 1929 ]

PART I—Order and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL**  
**FOREST DEPARTMENT**

Writers' Buildings, Kolkata-700 001

**ORDER**

No. 3125—For dt. the 5th June, 2007—In pursuance of the power conferred by section 12 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 (West Ben. Act X of 2006) (hereinafter referred to as the said Act.), the Governor is pleased hereby to authorise the following officers under column (1) to accord sanction as required under section 12 of the said Act within their respective jurisdiction as indicated in column (2) of the Schedule given below :—

**SCHEDULE**

Name of the Officer (1)	Jurisdiction (2)
(1) Divisional Forest Officer	Rural areas under the Jurisdiction of the Forest Range Officers of his Division ;
(2) Conservator of Forests	All other "Rural Areas" not covered by the Jurisdiction of the Forest Range Officer, and Municipalities, Corporations or Notified Area Authorities within his Jurisdiction except Kolkata Municipal Corporation Area ;
(3) Conservator of Forests, Marketing	Kolkata Municipal Corporation area.

By Order of the Governor,

Sd/-

( S. Nag )

*Joint Secretary to the*  
Government of West Bengal

# The Kolkata Gazette



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TUESDAY, JUNE 5, 2007

[ SAKA 1929

PART I—Order and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

## GOVERNMENT OF WEST BENGAL

### FOREST DEPARTMENT

Writers' Buildings, Kolkata-700 001

#### NOTIFICATION

No. 3126—For dt. the 5th June, 2007—In exercise of the power conferred by sub-section (1) of section 16 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 (West Ben. Act X of 2006) (hereinafter referred to as the said Act), the Governor is pleased hereby to specify the following officers under column (1), to be the compounding authority within the jurisdiction as described under column (2), to compound the offences punishable under the said Act for the amount indicated in column (3), of the Schedule given below :—

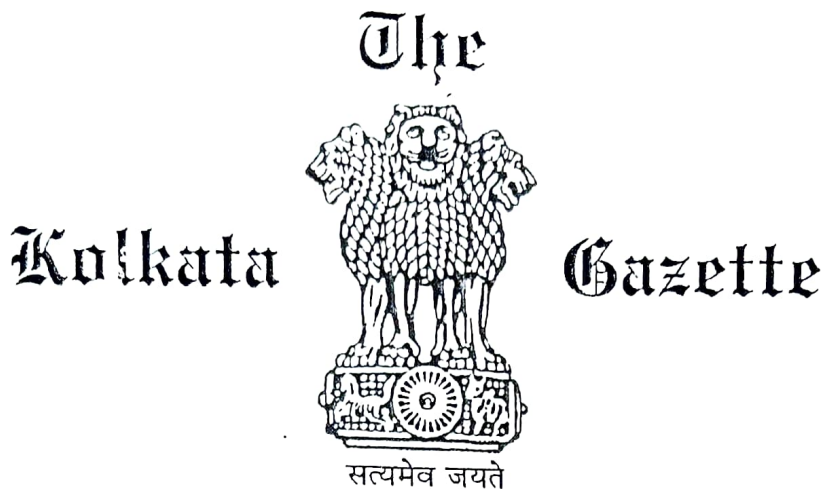
#### SCHEDULE

Name of the Compounding Authority (1)	Jurisdiction (2)	Amount of Compensation (3)
(1) Forest Range Officer	Rural areas under the Jurisdiction of the Forest Range Officer ;	Authorised to accept compensation of an amount not exceeding ten thousand rupees considering the gravity of offence ;
(2) Divisional Forest Officer	All other "Rural Areas" not covered by the Jurisdiction of the Forest Range Officer, and Municipalities Corporations or Notified Area Authorities within his Jurisdiction except Kolkata Municipal Corporation area ;	Authorised to accept compensation of an amount not exceeding ten thousand rupees considering the gravity of offence ;
(3) Divisional Forest Officer (Utilisation Division)	Kolkata Municipal Corporation area ;	Authorised to accept compensation of an amount not exceeding ten thousand rupees considering the gravity of offence.

By Order of the Governor,  
Sd/-

( S. Nag )

Joint Secretary to the Govt. of West Bengal



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WEDNESDAY, FEBRUARY 13, 2008

[ SAKA 1929

PART I—Order and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL**  
**FOREST DEPARTMENT**

Writers' Buildings, Kolkata-700 001

No. 650-for/FR/O/FP/4A-1/07(Pt-1)

Dated, Kolkata, the 13th February, 2008

**NOTIFICATION**

The undersigned is directed to say that since the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 has come into operation on and from 12th April, 2006 after its publication in the Official Gazette, this Department have received several representations from various organizations regarding the difficulties experienced in depositing Security for undertaking plantation of trees before felling as provided in Sub-Section (3) of section 6 and Section 8 of the West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006. According to Sub-Rule (3) of Rule 5 and Sub-Rule (3) of Rule 6 of the W.B. Trees (Protection and Conservation in Non-Forest Areas) Rules, 2007 the Security for each plant in rural area has been kept at Rs. 20.00 and Rs. 30.00 in urban areas.

2. The State Government in the Forests Department have reviewed the problem and observed that two species of tree i.e. Eucalyptus and Akashmoni which are widely accepted by the persons in the rural area for plantation in large scale under social and farm forestry schemes should be exempted from paying security to provide incentives for plantations.

3. Now, therefore, in exercise of the power conferred under Sub-Section (1) of Section 21 of the West Bengal Trees (Protection and conservation in Non-Forest Areas) Act 2006 the State Government in the Forest Department have decided to exempt from depositing Security in respect of undertaking plantation of two species of tree i.e. Eucalyptus and Akashmoni in the rural areas with immediate effect.

By order of the Governor

Sd/- Gurupada Bayen

Joint Secretary to the Government of West Bengal.