

**THE MAHARASHTRA (URBAN AREAS) PROTECTION AND  
PRESERVATION OF TREES ACT, 1975**

[Text as on 24<sup>th</sup> January 2025]

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<sup>1</sup> Maharashtra Ordinance No. IV of 2012 was repealed by Mah. VI of 2012, s. 12.

<sup>2</sup> This Act came into force *w.e.f.* 1<sup>st</sup> April 2017, *vide* G.N. U.D., No. TPS - 1816/CR.525/UD – 13, dated the 31<sup>st</sup> March 2017, published in *Maharashtra Government Gazette*, Part-IA, Central Sub-section, Extraordinary No. 29, dated the 31<sup>st</sup> March 2017.

<sup>3</sup> Maharashtra Ordinance No. I of 2022 was repealed by Mah. XXV of 2022, s. 5(I).



MAHARASHTRA ACT No. XLIV OF 1975<sup>1</sup>[THE MAHARASHTRA (URBAN AREAS) PROTECTION AND  
PRESERVATION OF TREES ACT, 1975.]

[This Act received the assent of the Governor on the 10<sup>th</sup> September 1975; assent was first published in the *Maharashtra Government Gazette*, Extraordinary No. 54, Part IV, on the 16<sup>th</sup> September 1975.]

**An Act to make better provision for trees in urban areas in the State by regulating felling of trees and providing for planting of adequate number of new trees in those areas.**

WHEREAS with the growing pace of urbanisation and industrialisation, there has been indiscriminate felling of large number of trees in the urban areas of the State of Maharashtra;

AND WHEREAS it is expedient to make better provision <sup>2</sup>[for protection and preservation] of trees in urban areas in the State, by regulating felling of trees and providing for planting of adequate number of new trees in those areas and to provide for matters connected therewith; It is hereby enacted in the Twenty-sixth Year of the Republic of India as follows, namely :—

## CHAPTER I

## PRELIMINARY

**1. Short title, extent and commencement.**— (1) This Act may be called the Maharashtra (Urban Areas) <sup>3</sup>[Protection and Preservation] of Trees Act, 1975.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force in any urban area or part thereof on such date as the State Government may, by notification in the *Official Gazette*, specify; and different dates may be specified for different urban areas or parts thereof.

**2. Definitions.**— In this Act, unless the context otherwise requires,—

<sup>4</sup>[(1a) “heritage tree” means a tree categorised as such by the Tree Authority, in accordance with the norms as may be notified by the Government;]

<sup>5</sup>[(1aa)] “prescribed” means prescribed by rules made under section 22 of this Act;]

(a) “preservation of trees” includes planting of new trees and <sup>7</sup>[other operations for survival and propagation of the trees;]

(b) “relevant Act” means the Act under which the urban local authority concerned is constituted;

(c) “to fell a tree” includes burning or cutting or <sup>8</sup>[in any way damaging a tree;]

<sup>9</sup>[(d) “tree” means any perennial woody plant, whether in the seeding or sappling stage or fully grown stage, and includes shrubs whose branches spring from the ground level;]

<sup>1</sup> For Statement of Objects and Reasons of the L. A. Bill No. XLV of 1975, see *Maharashtra Government Gazette*, 1975, Extraordinary No. 53, Part V, dated the 14<sup>th</sup> August 1975, pages 596-597.

<sup>2</sup> These words were substituted for the words “for preservation” by Mah. 7 of 1996, s. 2.

<sup>3</sup> These words were substituted for the word “preservation” by Mah. 7 of 1996, s. 3.

<sup>4</sup> Clause (1a) was inserted by Mah. 9 of 2021, s. 2(2).

<sup>5</sup> Clause (1a) was inserted by Mah. 7 of 1996, s. 4.

<sup>6</sup> Clause (1a) was re-numbered as clause (1aa) by Mah. 9 of 2021, s. 2(1).

<sup>7</sup> These words were substituted for the words “transplanting trees to other sites” by Mah. 3 of 1977, s. 2(a).

<sup>8</sup> These words were substituted for the words “lopping a tree to cause substantial damage or destruction thereto” by Mah. 3 of 1977, s. 2(b).

<sup>9</sup> Clause (d) was substituted for the original by Mah. 3 of 1977, s. 2(c).

(e) “Tree Officer” means an officer appointed as such by the Tree Authority for the purpose of this Act;

(f) “Urban area” means a municipal corporation area for which a municipal corporation is constituted under <sup>1</sup>[the Mumbai Municipal Corporation Act (Bom. III of 1888), the Maharashtra Municipal Corporations Act (LIX of 1949), or a municipal area within the meaning of clause (24) of section 2 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965),] and includes a notified area for which a Special Planning Authority is constituted or appointed under section 40 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or an area designated as the site for a new town for which a Development Authority is constituted under section 113 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966);

(g) “urban local authority” in respect of any urban area, means the municipal corporation, municipal council, Special Planning Authority or Development Authority, as the case may be, having jurisdiction over that area;

(h) words and expressions used in this Act, but not defined herein, shall have the meanings assigned to them in the relevant Act.

## CHAPTER II

### ESTABLISHMENT AND PROCEDURE OF TREE AUTHORITY

**3. Establishment of Tree Authority.**— <sup>2</sup>[(A-1) As soon as may be, after the commencement of the Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Act, 2021 (Mah. IX of 2021), the State Government shall constitute the Maharashtra State Tree Authority, by notification in the *Official Gazette*, consisting of officials not below the rank of Secretary to Government.]

(1) As soon as may be after this Act is brought into force in any urban area the urban local authority concerned shall constitute a Tree Authority, consisting of <sup>3</sup>[the Chairman and other] not less than five and not more than fifteen persons from amongst its members, appointed in such manner and for such period as that authority may determine:

Provided that, where an administrator by whatever name called is appointed for any municipal corporation or municipal council, he shall during the period of his appointment, act as the Tree Authority and exercise all the powers and perform all the duties of the Tree Authority.

(2) In the case of an urban local authority specified in column (1) of the table below the Chairman of its Tree Authority shall be the person specified against it in column (2) thereof.

Name of the urban local authority (1)	Chairman of its Tree Authority (2)
1. A Municipal Corporation	<sup>4</sup> [The Commissioner] of the Corporation.
2. A Municipal Council	<sup>5</sup> [The Chief Officer of the Council].
3. A Special Planning Authority constituted under section 40(1)(a) of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966).	<sup>6</sup> [The Chief Executive Officer] of the Special Planning Authority.

<sup>1</sup> These words were substituted for the words “the Bombay Municipal Corporation Act, the Bombay Provincial Municipal Corporation Act, 1949 or the City of Nagar Corporation Act, 1948, or a municipal area for which a Municipal Council is constituted under the Municipalities Act, 1965” by Mah. 15 of 2015, s. 2.

<sup>2</sup> Sub-section (A-1) was inserted by Mah. 9 of 2021, s. 3(1).

<sup>3</sup> These words were inserted by Mah. 7 of 1996, s. 5(a).

<sup>4</sup> These words were substituted for the words “The Mayor” by Mah. 7 of 1996, s. 5(b)(i).

<sup>5</sup> These words were substituted for the words “The President of the Council” by Mah. 9 of 2021, s. 3(2).

<sup>6</sup> These words were substituted for the words “The Chairman” by Mah. 7 of 1996, s. 5(b)(ii).

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|----|---|--|
| 4. | A New Town Development Authority constituted under section 113(2) of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966).  | <sup>1</sup> [The Chief Executive Officer] of the New Town Development Authority.                      |
| 5. | A New Town Development Authority declared under section 113(3A) of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or a Special Planning Authority appointed under section 40(1)(b) of that Act. | The Managing Director of the Corporation or company declared to be the New Town Development Authority. |
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(3) Every Tree Authority may <sup>2</sup>[nominate] <sup>3</sup>[experts from non-official organisations including retired Government Officials, with an experience in planting, preservation and conservation of trees, for minimum period as may be notified by the Government, from time to time,] as members of the Tree Authority, but the number of <sup>4</sup>[such nominated members shall not exceed the number of members appointed under sub-section (1)]. These members shall be <sup>5</sup>[nominated in such manner and for such period as may be prescribed].

(4) Any vacancy in the Tree Authority shall be filled as soon as may be by the authority competent to appoint the member in whose place fresh appointment is to be made.

<sup>6</sup>[Notwithstanding anything contained in sub-sections (1) and (2), where, in respect of the area of a Municipal Corporation or, as the case may be, a Municipal Council, the Tree Authority is not constituted or is not able to function for any reason whatsoever, the Municipal Commissioner of such Municipal Corporation or, the Chief Officer of such Municipal Council, shall act as the Tree Authority and shall exercise all the powers and discharge all the duties of a Tree Authority in such area, till such Authority is duly constituted or is able to function:

Provided that, every decision taken by the Municipal Commissioner or the Chief Officer under this section, shall be placed before the general body of such Municipal Corporation or, as the case may be, the Municipal Council, in its immediately next meeting held after such decision.]

**4. Meetings of Tree Authority.**— <sup>7</sup>[(1) The Tree Authority shall meet at least once <sup>8</sup>[every fortnight] at such place and time as the Chairman may decide but, <sup>9</sup>[twenty-one days] shall not intervene between its two consecutive meetings.]

(2) The quorum to constitute a meeting of the Tree Authority shall be one-third of the total number of its members including <sup>10</sup>[the nominated] members, if any.

(3) The <sup>11</sup>[nominated] member shall have the right to vote at a meeting of the Tree Authority.

(4) Save as otherwise provided by or under this Act, the rules of procedure for the meeting of the urban authority shall *mutatis mutandis* apply to the meetings of the Tree Authority.

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<sup>1</sup> These words were substituted for the words “The Chairman” by Mah. 7 of 1996, s. 5(b)(iii).

<sup>2</sup> This word was substituted for the word “co-opt” by Mah. 7 of 1996, s. 5(c)(i).

<sup>3</sup> These words were substituted for the words “representatives of non-official organisations, who have special knowledge or practical experience in the field of planting and preservation of trees,” by Mah. 9 of 2021, s. 3(3).

<sup>4</sup> These words, brackets and figure were substituted for the words “such co-opted members shall not exceed three” by Mah. 7 of 1996, s. 5(c)(ii).

<sup>5</sup> These words were substituted for the words “co-opted in such manner and for such period as the Tree Authority may determine” by Mah. 7 of 1996, s. 5(c)(iii).

<sup>6</sup> This sub-section was added by Mah. 15 of 2015, s. 3.

<sup>7</sup> Sub-section (1) was substituted by Mah. 7 of 1996, s. 6(a).

<sup>8</sup> These words were substituted for the words “every month” by Mah. 13 of 2017, s. 2(a).

<sup>9</sup> These words were substituted for the words “forty-five days” by Mah. 13 of 2017, s. 2(b).

<sup>10</sup> These words were substituted for the words “co-opted” by Mah. 7 of 1996, s. 6(b).

<sup>11</sup> This word was substituted for the word “co-opted” by Mah. 7 of 1996, s. 6(c).

## CHAPTER III

## OFFICERS AND SERVANTS

**5. Appointment of Tree Officer.**— (1) As soon as may be after this Act is brought into force in any urban area, the urban local authority concerned shall, subject to sub-section (2), appoint one or more of its officers as Tree Officers for the purposes of this Act.

(2) In Greater Bombay any officer to be appointed as Tree Officer shall not be below the rank of Ward Officer, and in other municipal corporation areas such officer shall not be below the rank of Assistant Municipal Commissioner. In every municipal area, the Chief Officer of the municipal council concerned shall be Tree Officer, and the Council may appoint one or more of its other officers as Tree Officers.

(3) Every Tree Officer shall exercise jurisdiction over the whole or such part of the urban area as <sup>1</sup>[the Tree Authority] may, from time to time, determine.

**6. Appointment of other officers and servants.**— (1) The urban local authority may, from time to time, appoint, such other officers and servants subordinate to the Tree Officer, as it considers necessary:

Provided that, where the urban local authority is a municipal council notwithstanding any restrictions on the appointment of staff contained in the <sup>2</sup>Maharashtra Municipalities Act, 1965 (Mah. XL of 1965), the municipal council shall be competent to appoint the staff considered necessary by it for the purposes of this Act.

(2) The conditions of appointment and service and the powers and duties of such officers and servants shall be such as may be determined by the urban local authority.

## CHAPTER IV

## DUTIES OF TREE AUTHORITY

<sup>3</sup>[**6A. Duties of Maharashtra State Tree Authority.**— Notwithstanding anything contained in the relevant Act or in any other law for the time being in force, and subject to any special or general directions given by the State Government, the Maharashtra State Tree Authority shall be responsible for,—

- (i) monitoring the functioning of the Tree Authority;
- (ii) protection and conservation of heritage trees across the State;
- 4\* \* \*
- (v) any other functions related to protection and conservation of trees.]

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

- (a) <sup>5</sup>[protection and preservation] of all trees in all lands within its jurisdiction;
- (b) <sup>6</sup>[carrying out a census of the existing trees in all lands within its jurisdiction, <sup>7</sup>[once before December 1996 and thereafter once in every five years] <sup>8</sup>[by using new technological means such as GIS based tree census or any other modern technology]];

<sup>1</sup> These words were substituted for the words “the urban local authority” by Mah. 7 of 1996, s. 7.

<sup>2</sup> See now, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

<sup>3</sup> Section (6A) was inserted by Mah. 9 of 2021, s. 4.

<sup>4</sup> Clauses (iii) and (iv) were deleted by Mah. 43 of 2023, s. 2.

<sup>5</sup> These words were substituted for the words “preservation” by Mah. 7 of 1996, s. 8(a).

<sup>6</sup> Clause (b) was substituted for the original by Mah. 3 of 1977, s. 3(a).

<sup>7</sup> These words and figures were substituted for the words “from time to time, as may be directed by the State Government” by Mah. 7 of 1996, s. 8(b).

<sup>8</sup> These words were added by Mah. 9 of 2021, s. 5(J).

(c) prescribing standards specifying the number and types of trees which each plot of land shall have and which shall be planted therein;

(d) development and maintenance of nurseries for the supply of seeds, sapplings and trees to persons who desire to plant new trees or to replace trees which have been felled with the previous permission of the Tree Officer <sup>1</sup>[or involuntarily uprooted];

(e) transplanting of trees necessitated by construction of new roads or widening of existing roads or for safeguarding danger to life or property;

<sup>2</sup>[(f) organisation of flower, fruit, vegetable, tree or plant shows <sup>3</sup>[at least once a year] and assisting private and public institutions in organising such shows, and creation of consciousness of importance of trees and vegetation to the human welfare];

(g) grant of advice and technical assistance to any person seeking such advice or assistance in any matter connected with <sup>4</sup>[planting, protection and preservation] of trees;

(h) planting and maintaining such number of trees as it considers necessary, according to the prescribed standards, <sup>5</sup>[along the roads,] in public parks and gardens and on banks of rivers or takes or <sup>6</sup>[sea shores, on hills, open spaces or public places];

<sup>7</sup>[(i) planting number of trees of the same variety or any other local or native variety, in such number equal to the age of the tree being transplanted and carry out such transplantation under the expert guidance only;

(j) ensuring that compensatory plantation is carried out and survival of trees, including the compensatory plantation, in all lands within the jurisdiction of the urban local authority;

(k) ensuring utilisation of tree cess for conservation and preservation of trees;

(l) carrying out any other activity as assigned by the Maharashtra State Tree Authority, from time to time;

(m) deciding which tree is to be categorised as heritage tree, and enumerate heritage trees;

(n) ensuring that the land owned by the urban local authority or land owned by the Government is earmarked for the purpose of plantations and ensure such plantations shall be scientific in nature and should be carried out with an objective to preserve local species and improve green cover of the area, to the extent of not less than 33 per cent.;

(o) ensuring pruning and maintenance of trees is carried out in a scientific manner under expert guidance, every year;

(p) ensuring that the compensatory plantation for each of the naturally fallen tree is carried out by the urban local authority;

(q) undertaking any other schemes or measures for achieving the objects of this Act.]

## CHAPTER V

### RESTRICTIONS ON FELLING OF TREES AND LIABILITY FOR PLANTING AND PRESERVATION OF TREES

**8. Restrictions on felling of trees.**— (1) On and after the date on which this Act is brought into force in any urban area, notwithstanding any custom, usage, contract or law for the time being in force,

<sup>1</sup> These words were added by Mah. 7 of 1996, s. 8(c).

<sup>2</sup> Clause (f) was substituted for the original by Mah. 3 of 1977, s. 3(b).

<sup>3</sup> These words were inserted by Mah. 7 of 1996, s. 8(d).

<sup>4</sup> These words were substituted for the words “planting and preservation” by Mah. 7 of 1996, s. 8(e).

<sup>5</sup> These words were substituted for the words “on roads” by Mah. 7 of 1996, s. 8(f).

<sup>6</sup> These words were substituted for the words “sea shores” by Mah. 3 of 1977, s. 3(c).

<sup>7</sup> Clauses (i), (j), (k), (l), (m), (n), (o), (p) and (q) were substituted for clause (i) by Mah. 9 of 2021, s. 5(2).

no person shall fell any tree or cause any tree to be felled in any land, whether of his ownership or otherwise, situated within that urban area, except with the previous permission of the Tree Officer.

(2) If <sup>1</sup>[any person, including an officer of the urban local authority or an officer of the State Government or the Central Government, proposes] to fell a tree, he shall apply in writing to the <sup>2</sup>[Tree Officer] for permission in that behalf. The application shall be accompanied by <sup>3</sup>[the description of the tree and] a site plan, indicating the position of the tree required to be felled and the reasons therefor:

<sup>4</sup>[Provided that, where the significant number of trees are proposed to be felled, the alternate design alongwith the number of trees required to be felled for respective design shall be submitted alongwith the application.]

<sup>5</sup>[(3) <sup>6</sup>[(a) On receipt of such application, the Tree Officer shall,—

(i) give public notice by advertising it in at least one local newspaper;

(ii) affix such notice on the conspicuous part of the tree that is to be felled;

(iii) personally inspect the tree; <sup>7</sup>\*\*\*

(iv) hold an inquiry.

<sup>8</sup>[(v) specifically mention in the advertisement, if the tree to be felled is a heritage tree; and

(vi) determine the age of the tree being felled as per the criteria and method as may be notified by the Government.]

The Tree Officer shall, after expiry of the period of submission of objections and suggestions which shall not be less than seven days, submit his report alongwith objections or suggestions, if any, received to the Tree Authority or an officer mentioned in sub-section (6), as the case may be:

Provided that, the Tree Officer shall submit his report within a period of twelve days from the date of receipt of the application:

Provided further that, no personal inspection of the trees by the Tree Officer shall be required, if the applicant submits images and details of the trees to be felled, by using Information Technology enabled system developed by the urban local authority which suffices the requirement of submission of report by the Tree Officer:

Provided also that, no such permission shall be refused if, in the opinion of the Tree Authority or the Officer, as the case may be, the tree is dead, or diseased or windfallen, or it constitutes a danger to life or property, or obstructs traffic; and if any objection is received against such permission, the matter shall be placed before the Tree Authority or the Officer, as the case may be, for reconsideration, and a decision shall be taken within two weeks after giving a hearing to the person who has raised the objection.

(a-1) The Officer referred to in sub-section (6) or the Tree Authority, as the case may be, shall allow the application, with or without conditions or, may refuse it, within a period of forty-five days from the date of receipt of the application:]

<sup>9</sup>\* \* \*

<sup>1</sup> These words were substituted for the words “any person wishes” by Mah. 7 of 1996, s. 9(a)(i).

<sup>2</sup> These words were substituted for the words “Tree Authority” by Mah. 13 of 2017, s. 3(a).

<sup>3</sup> These words were inserted by Mah. 7 of 1996, s. 9(a)(iii).

<sup>4</sup> This proviso was added by Mah. 9 of 2021, s. 6(1).

<sup>5</sup> Sub-section (3) was substituted for the original by Mah. 7 of 1996, s. 9(b).

<sup>6</sup> Clauses (a) and (a-1) was substituted for clause (a) by Mah. 13 of 2017, s. 3(b)(i).

<sup>7</sup> The word “and” was deleted by Mah. 9 of 2021, s. 6(2)(a)(i).

<sup>8</sup> Clause (v) and (vi) were added by Mah. 9 of 2021, s. 6(2)(a)(ii).

<sup>9</sup> These provisos were deleted by Mah. 43 of 2023, s. 3(1).

(b) A report of permissions granted by the Tree Authority for felling trees shall be submitted at least once in <sup>1</sup>[three months] to the concerned urban local authority in whose jurisdiction the Tree Authority is functioning.]

<sup>2</sup>[(4) <sup>3</sup>[Subject to the provisions of sub-section (5), if the Tree Authority fails to inform] the applicant of its decision within <sup>4</sup>[forty-five days], from the date of the receipt of the application by it, or if the receipt of the application has been acknowledged by it within this period, from the date of acknowledgement of the receipt of the application, the permission applied for shall be deemed to have been granted:]

<sup>5</sup>[Provided that, the provisions of this sub-section shall not be applicable in case of felling of a heritage tree.]

<sup>6</sup>[(5) <sup>7</sup>[(a) Where permission to fell a tree is granted or deemed to have been granted under sub-section (4), <sup>8</sup>[applicant shall plant such number of trees equal to the estimated age of the tree being felled and such trees to be planted shall be of atleast six feet height,] of the same or other suitable local species on the same site and if required at other suitable places as decided by the Authority. The number of trees to be planted on the same site and that on other suitable place alongwith location of such suitable place shall be mentioned in the permission to be granted by the Authority. The trees shall be planted within fifteen days from the date the tree is felled, or such extended time as the Tree Officer may allow in this behalf:

Provided that such extended time granted shall not exceed fifteen days.]

<sup>9</sup>[(b) Tree Officer shall determine the age of the tree being felled as per the criteria and method as may be notified by the Government.]

<sup>10</sup>[(5A) The applicant and the Tree Authority or Tree Officer shall ensure that, compensatory plantation shall be carried out and the trees planted shall survive for a minimum period of seven years. It shall also be ensured that, the tree mortality during this period shall be compensated by planting equal number of new trees:

Provided that, in case it is not possible for applicant to do the compensatory plantation, the applicant shall deposit an amount not less than valuation of trees being felled. Such valuation shall be based on methodology as may be notified by the Government:

Provided further that, such amount deposited shall be utilized only for the purpose of compensatory plantation, its preservation and compensatory plantation in lieu of the tree mortality during this period.

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(5C) New trees planted, *in lieu* of the permission to fell a tree granted under sub-section (5), shall be geo-tagged and monitored using latest technologies available.]

<sup>1</sup> These words were substituted for the words "six months" by Mah. 13 of 2017, s. 3(b)(ii).

<sup>2</sup> Sub-section (4) was substituted for the original by Mah. 7 of 1996, s. 9(c).

<sup>3</sup> These words were substituted for the words "If the Tree Authority fails to inform" by Mah. 13 of 2017, s. 3(c)(i).

<sup>4</sup> These words were substituted for the words "sixty days" by Mah. 13 of 2017, s. 3(c)(ii).

<sup>5</sup> This proviso was added by Mah. 9 of 2021, s. 6(3).

<sup>6</sup> Sub-section (5) was substituted by Mah. 13 of 2017, s. 3(d).

<sup>7</sup> Sub-section (5) was re-numbered as clause (a) by Mah. 9 of 2021, s. 6(4)(a).

<sup>8</sup> These words were substituted for the words "the applicant shall plant twice the number of trees to be felled" by Mah. 9 of 2021, s. 6(4)(b).

<sup>9</sup> Clause (b) was added by Mah. 9 of 2021, s. 6(4)(c).

<sup>10</sup> Sub-sections (5A), (5B) and (5C) were added by Mah. 9 of 2021, s. 6(5).

<sup>11</sup> Sub-section (5B) was deleted by Mah. 43 of 2023, s. 3.

<sup>1</sup>[(6) Notwithstanding anything contained in this Act, if the number of trees proposed to be felled is twenty-five or less, in such cases all the functions and powers of the Tree Authority shall be exercised by the Municipal Commissioner of Municipal Corporation or the Chief Officer of Municipal Council or the Chief Executive Officer of the Authority as the case may be.]

**9. Power to require planting of adequate number of trees.**— (1) If, in the opinion of the Tree Officer, the number of trees in any land is not adequate according to the standards prescribed under paragraph (c) of section 7, the Tree Officer may, after giving a reasonable opportunity to the owner or occupier of the land of being heard, by order require him to plant such trees or additional trees and at such places in the land as may be specified in the order.

(2) When an order is made under sub-section (1), the owner or occupier of the land shall comply with the order within ninety days from the receipt thereof.

**10. Power to require planting of a tree in place of fallen or destroyed tree.**— (1) Where any tree is fallen or destroyed by wind, fire, lightening or torrential rain, the Tree Officer may, *suo motu* or on information given to him, after holding such inquiry as he deems fit and giving a reasonable opportunity to the owner or occupier of the land where the tree existed, by order, require such owner or occupier <sup>2</sup>[to plant <sup>3</sup>[twice the number of trees] of the local species] in place of the tree so fallen or destroyed of the same or <sup>4</sup>[other local species] at the same or other suitable place as may be specified in the order.

(2) Where an order is made under sub-section (1), the owner or occupier of the land shall comply with the order within ninety days from the receipt thereof.

**11. Responsibility for preservation of trees <sup>5</sup>[and power to take deposit for proper compliance].**— <sup>6</sup>[(1)] Where an order is made <sup>7</sup>\* \* \* under sections 8, 9 or 10 subject to the provisions of section 12, it shall be the duty of the owner or occupier of the land who is directed to plant a tree to see that the tree grows properly <sup>8</sup>[and is well preserved and shall give a report to the Tree Officer once in six months about the conditions of such tree or trees for a period of three years]. It shall also be the duty of such owner or occupier to preserve all other trees existing on the land on the date of coming into force of this Act in the urban area in which the land is situated.

<sup>9</sup>[(2) Where an order is made under sections 8, 9 or 10, the Tree Officer may require the owner or, as the case may be, the occupier, of the land to deposit with him such sum as he may specify in this behalf, as security for ensuring proper compliance with the order made <sup>10</sup>[under sections 8, 9 or 10]. The sum to be deposited shall not exceed such amount as may be prescribed.]

**12. Adoption of trees.**— (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Tree Authority may, subject to such terms and conditions as it may specify in that behalf, allow by a written permission any individual, body corporate or institution to adopt any tree for such period as may be specified in the permission, and during such period the said individual, body corporate or institution shall be responsible for the maintenance and preservation of the said tree.

<sup>1</sup> Sub-section (6) was added by Mah. 13 of 2017, s. 3(e).

<sup>2</sup> These words were substituted for the words "to plant a tree" by Mah. 7 of 1996, s. 10(a).

<sup>3</sup> These words were substituted for the words "one or more trees" by Mah. 13 of 2017, s. 4.

<sup>4</sup> These words were substituted for the words "other species" by Mah. 7 of 1996, s. 10(b).

<sup>5</sup> These words were inserted by Mah. 3 of 1977, s. 5(3).

<sup>6</sup> Section 11 was renumbered as sub-section (1) by Mah. 3 of 1977, s. 5(1).

<sup>7</sup> The words "by the Tree Officer" were deleted by Mah. 7 of 1996, s. 11(a)(i).

<sup>8</sup> These words were substituted for the words "and is well preserved" by Mah. 7 of 1996, s. 11(a)(ii).

<sup>9</sup> Sub-section (2) was added by Mah. 3 of 1977, s. 5(2).

<sup>10</sup> These words and figures were substituted for the words "by him" by Mah. 7 of 1996, s. 11(b).

(2) Where any order is made <sup>1</sup>\* \* \* under sections 8, 9 and 10, in lieu of planting a new tree, the Tree Authority may by written permission allow the person concerned to adopt a tree specified by it and then the person shall be responsible for the maintenance and preservation of that tree for such period as may be specified <sup>2</sup>[by the Tree Authority]:

<sup>3</sup>[Provided that, the trees to be adopted shall be less than one year old and their number shall not be less than the number of trees, which the person concerned could have been required to plant under sub-section (5) of section 8, sub-section (1) of section 9 or sub-section (1) of section 10, as the case may be.]

**13. <sup>4</sup>[Forfeiture of deposit and recovery] of expenditure on failure to comply with orders for planting trees.**— Where the owner or occupier of any land fails to comply with any order made <sup>5</sup>[under sections 8, 9 or 10, the Tree Authority or the Tree Officers, as the case may be, may,] after giving a reasonable opportunity to such owner or occupier of being heard <sup>6</sup>[forfeit the deposit, in full or in part to the Tree Authority] and without prejudice to any other action which may be taken against the defaulter under this Act, take the necessary action <sup>7</sup>\* \* \* and recover the expenditure incurred therefor from the owner or the occupier, as the case may be. <sup>8</sup>[For the purpose of recovery of the amount of such expenditure, the Tree Authority <sup>9</sup>[or the Tree Officer] shall have the same powers as are available to the urban local authority for the purpose of recovery of arrears of a property tax or where such tax is not levied, for the purpose of recovery of arrears of betterment charges or other dues levied by the urban local authority under the relevant Act.]

**14. Appeals.**— (1) Where any decision is given or order is made under section <sup>10</sup>\* \* \* 9 or 10 by the Tree Officer, an appeal shall lie to the Tree Authority.

(2) The appeal shall be made within fifteen days from the date the decision is communicated to, or the order is received by, the owner or occupier of the land and shall be accompanied by a fee of Rs. 50.

(3) The Tree Authority shall, as far as possible, decide the appeal within sixty days from the date of its receipt, after giving a reasonable opportunity to the appellant of being heard. The decision of the Tree Authority shall be final, and shall not be questioned in any Court of Law:

Provided that, where an appeal is made in time, the period for compliance, specified in the order of the Tree Officer appealed against, shall be reckoned from the date on which the appeal is decided against the appellant and where the appeal is allowed, the fee of Rs. 50 paid with the appeal shall be refunded to the appellant.

## CHAPTER VI

### FINANCE, BUDGET AND ACCOUNTS

**15. Fund of Tree Authority.**— Notwithstanding anything contained in the relevant law or any other law for the time being in force, the urban local authority shall create a separate fund to be called the Tree Authority Fund, to which shall be credited all moneys received by the Tree Authority including—

<sup>1</sup> The words “by the Tree Officer” were deleted by Mah. 7 of 1996, s. 12(a).

<sup>2</sup> These words were substituted for the words “by the Tree Officer” by Mah. 7 of 1996, s. 12(b).

<sup>3</sup> This proviso was added by Mah. 3 of 1977, s. 6.

<sup>4</sup> These words were substituted for the words “Recovery” by Mah. 7 of 1996, s. 13(e).

<sup>5</sup> These words and figures were substituted for the words and figures “by the Tree Officer under sections 8, 9 or 10, the Tree Officer may” by Mah. 7 of 1996, s. 13(a).

<sup>6</sup> These words were inserted by Mah. 7 of 1996, s. 13(b).

<sup>7</sup> The word “himself” was deleted by Mah. 7 of 1996, s. 13(c).

<sup>8</sup> This portion was added by Mah. 3 of 1977, s. 7.

<sup>9</sup> These words were inserted by Mah. 7 of 1996, s. 13(d).

<sup>10</sup> The figure “8” was deleted by Mah. 7 of 1996, s. 14.

<sup>1</sup>[(a) a contribution by the urban local authority from its income from such taxes as may be prescribed or when such taxes are not levied by the Authority, from its income from the betterment charges, if any, levied by it under the relevant Act or from the income derived by it from the sale of plots made by it under the relevant Act. The rates of the contribution shall be such as may be specified by the State Government, from time to time, by a general or special order;]

(b) all moneys raised by levy of a cess under Chapter VII;

(c) any grants made by the State Government to the Tree Authority;

(d) any moneys received by the Tree Authority as donations from any individuals, or corporate bodies or institutions;

<sup>2</sup>[(e) any other money received under the Act:

Provided that, if the total receipts of the Tree Authority from all the sources specified above are less than one half per cent. of the total receipts of the urban local authority, then, the urban local authority shall credit the deficit to the Tree Authority Fund at the end of each financial year.]

**16. Budget.**— Every Tree Authority shall, on or before the 31<sup>st</sup> day of October every year, prepare in such form as the urban local authority may prescribe, an annual budget estimate in respect of the ensuing financial year of the estimated income and expenditure of the Tree Authority and shall, notwithstanding anything contained in the relevant law, submit it to the urban local authority for approval and inclusion in the budget estimate of that authority.

**17. Accounts and audit.**— The procedure applicable under the relevant law for maintenance and audit of accounts of the urban local authority shall *mutatis mutandis* apply to the maintenance and audit of the accounts of every Tree Authority.

## CHAPTER VII

### TREE CESS

**18. Levy and collection of Tree cess.**— (1) Where under the relevant law an urban local authority is levying a property tax on buildings and lands, it shall be lawful for such authority, notwithstanding anything contained in the relevant law, upon a request by the Tree Authority, to levy, for the purposes of this Act, an additional tax to be called “the Tree Cess” on the buildings and lands, at such rate not exceeding one per cent. of the rateable value of the property as the said authority may determine.

<sup>3</sup>[(1A) Where under the relevant Act, an urban local authority is levying a property tax on buildings and lands on the Capital value thereof, the Trees Cess leviable under sub-section (1) shall be levied at such rate, not exceeding 0.5 per cent. of the capital value of such building and lands, as the State Government may, by notification in the *Official Gazette*, specify:

Provided that, the Tree Cess so levied under this section shall not exceed,—

(i) in respect of buildings used for residential premises, two times, and

(ii) in respect of buildings used for non-residential premises, three times, the amount of Tree Cess leviable in respect thereof in the year immediately preceding such date of adoption of capital value as the basis for assessment of property tax:

Provided further that, for the period of five years commencing from the levy of capital value as the basis for assessment of property tax, the Tree Cess leviable in respect of residential building or tenements having carpet area of 46.45 Sq. metres (500 Sq. feet) or less, shall not exceed the amount of Tree Cess levied and payable in the year immediately preceding the year of such adoption of capital value as the basis.

<sup>1</sup> Clause (a) was substituted for the original by Mah. 3 of 1977, s. 8.

<sup>2</sup> Clause (e) was added by Mah. 7 of 1996, s. 15.

<sup>3</sup> Sub-section (1A) was inserted by Mah. 10 of 2010, s. 114.

*Explanation.*— For the purposes of this section, after the Urban local authority adopts the capital value as the basis for levy of property tax, the Tree Cess, in respect of any taxable building shall be revised after every five years and on each such revision, such amount of Tree Cess, shall not in any case exceed the forty per cent. of the amount of the Tree Cess levied and payable in the year immediately preceding the year of the revision].

<sup>1</sup>[(*IB*) No Tree Cess under sub-section (*I*) or (*IA*) shall be leviable in respect of the buildings and lands or parts thereof vesting in, or in the occupation of, any consul de carriers, whether called as a consul general, consul, vice-consul, consular agent, pro-consul or by any other name of a foreign State recognised as such by the Government of India, or of any members (not being citizens of India) of staff of such officials, and such buildings and lands or parts thereof which are used or intended to be used for any purpose other than for the purpose of profit.

<sup>2</sup>[(*IB-1*) Notwithstanding anything contained in sub-sections (*I*) and (*IA*) or any other provisions of the Act or any other law for the time being in force, from the 1<sup>st</sup> January 2022, the Municipal Corporation of Brihan Mumbai shall not levy and collect the Tree Cess specified in sub-section (*I*), in the Municipal Corporation of Brihan Mumbai area, on the residential buildings or residential tenements, having carpet area of 46.45 sq. meter (500 sq. feet) or less.]

(*IC*) In respect of the buildings and lands which are liable to be assessed for the first time on or after the 1<sup>st</sup> April 2010, it shall be lawful for the urban local authority to issue a provisional bill for the payment of Tree Cess, until the final capital value of such buildings and lands is determined under the relevant law, as if such buildings and lands are assessed as per the rateable value worked out on the basis of the prescribed letting rates by the urban local authority, in respect of the official year 2009-2010. On the determination of capital value thereof, the amount of such cess shall be determined under sub-section (*IA*) and accordingly it shall be lawful for the authority to issue the final bill in respect of the years for which the capital value is determined.]

(2) The procedure for levy and collection of the property tax prescribed under the relevant Act shall *mutatis mutandis* apply to the levy and collection of the cess imposed under <sup>3</sup>[sub-sections (*I*), (*IA*) or (*IC*), as the case may be.]

<sup>4</sup>[(3) Tree cess collected under the provisions of this section shall be utilised by the urban local authority in such manner as may be directed by the Government, from time to time.

(4) The State Government may, issue directions and determine different criteria for utilisation of cess, for different urban local authorities, considering the area of existing green cover and assessment of the need of the area for preservation and conservation of trees.]

## CHAPTER VIII

### MISCELLANEOUS

**19. Permission for development of land to be given with approval of Tree Officer.**— Notwithstanding anything contained in the relevant law or any other law for the time being in force,—

(a) any authority or officer of the urban local authority, who is empowered to give any permission for development of land, shall not give such permission, except with the approval of and subject to the conditions, if any, imposed by the Tree Officer in regard to the preservation or plantation of trees on such land;

(b) no completion or occupation certificate in respect of any building shall be issued under the relevant law unless the authority competent to issue such certificate is satisfied that the

<sup>1</sup> Sub-sections (*IB*) and (*IC*) were inserted by Mah. 6 of 2012, s. 11(a).

<sup>2</sup> Sub-section (*IB-1*) was inserted *w.e.f.* 1<sup>st</sup> January 2022, by Mah. 25 of 2022, s. 4.

<sup>3</sup> These words, brackets, figures and letters were substituted for the words, brackets, figures and letter “sub-section (*I*) or, as the case may be, under sub-section (*IA*),” by Mah. 6 of 2012, s. 11(b).

<sup>4</sup> Sub-sections (3) and (4) were added by Mah. 9 of 2021, s. 7.

conditions subject to which permission for development of the land as aforesaid was given have been complied with.

**20. Power of Tree Authority to give directions.**— The Tree Authority may, from time to time, give to the Tree Officer and other Officers and servants subordinate to him such general or special directions as it thinks fit as to the policy to be followed by them in the discharge of their functions and for carrying out effectively the purposes of this Act, and such officers and servants shall comply with such directions.

<sup>1</sup>[**20A. Prevention of felling or destruction of trees.**— The Tree Officer or any other officer of the urban local authority authorised by such authority in this behalf or any police officer may take such steps and use such force as may be reasonably necessary to prevent the felling or destruction of any tree or for the protection of any tree.

**20B. Power of entry for the purposes of this Act.**— (1) <sup>2</sup>[It] shall be lawful for the Tree Officer or any officer authorised by him or by the Tree Authority in this behalf, to enter, with such assistants as he may deem necessary, upon any public premises for the purposes of proper enforcement of this Act and for that purpose carry out such inspection and take such steps and use such force as may be expedient.

<sup>3</sup>\* \* \* \* \*

**21. <sup>4</sup>[Offence and penalty].**— <sup>5</sup>[(1)] Whoever fells any tree or causes any tree to be felled in contravention of the provisions <sup>6</sup>[of the Act] or without reasonable excuse fails to comply with any order issued or condition imposed <sup>7</sup>[by the Tree Officer or the Tree Authority or voluntarily obstructs any member of the Tree Authority or the Tree Officer or any officers and servants subordinate to him in the discharge of their functions under this Act, shall, on conviction, be punished with the fine of <sup>8</sup>[an amount of valuation of tree, using methodology as may be notified by the Government but not more than one lakh rupees] for every offence and also with imprisonment for a term of not less than one week, which may extend upto one year:

Provided that, nothing in this section shall apply to the felling of trees on or along the public roads undertaken by the Public Works Department of the State or Central Government.]

<sup>9</sup>[(2) The felling or causing of felling of each tree without the permission of the Tree Authority shall constitute a separate offence.]

**22. Power to make rules.**— (1) The State Government may, subject to the condition of previous publication and by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

<sup>1</sup> Sections 20A and 20B were inserted by Mah. 3 of 1977, s. 9.

<sup>2</sup> This word was substituted for the words "Subject to the provisions of sub-section (2), it" by Mah. 7 of 1996, s. 16(a).

<sup>3</sup> Sub-section (2) was deleted by Mah. 7 of 1996, s. 16(b).

<sup>4</sup> These words were substituted for the word "Penalty" by Mah. 7 of 1996, s. 17(c).

<sup>5</sup> Section 21 was renumbered as sub-section (1) by Mah. 3 of 1977, s. 10(1).

<sup>6</sup> These words were substituted for the words and figure "of section 8" by Mah. 7 of 1996, s. 17(a)(i).

<sup>7</sup> This portion was substituted for the portion beginning with the words "by the Tree Officer or voluntarily obstructs" and ending with the words "to three months" by Mah. 7 of 1996, s. 17(a)(ii).

<sup>8</sup> The words "not less than one thousand rupees which may extend upto five thousand rupees" were substituted by Mah. 9 of 2021, s. 8.

<sup>9</sup> Sub-section (2) was substituted for the original by Mah. 7 of 1996, s. 17(b).