

GOVERNMENT OF GOA, DAMAN AND DIU

Forest and Agriculture Department

NOTIFICATION

7-1-83-FOR-Part-II

In exercise of the powers conferred by section 36 of the Goa, Daman and Diu Preservation of Trees Second Ordinance, 1983 (Ordinance No.2 of 1983), the Government of Goa, Daman and Diu hereby makes the following rules, namely:-

1. Short title and commencement. - (1) These rules may be called the Goa, Daman and Diu Preservation of Trees Rules, 1983.

(2) They shall come into force at once.

2. Definitions. - In these rules, unless the context otherwise requires, -

(a) "Form" means a Form appended to these rules;

(b) "Ordinance" means the Goa, Daman and Diu Preservation of Trees Second Ordinance, 1983 (Ordinance No.2 of 1983);

(c) "Section" means a section of the Ordinance;

(d) Words and expressions which are used in these rules or in the Ordinance shall have the meaning respectively assigned to them in the Indian Forest Act, 1927 (Central Act 16 of 1927).

3. Form of Report.- Every report under section 8 shall be made in Form "A".

4. Form of Application under section 9.- (1) Every application for permission for felling a tree shall be made in Form "B".

(2) Every application for removal or disposal of a tree or forest produce shall be made Form "C".

(3) Court fee stamps of the value of Re. 1.50 paise (Rupee one and paise fifty only) shall be affixed on every application made under this rule.

5. Form of Register. - A register of applications made under section 9 shall be in Form "D".

6. Form of Permission. - The permission which may be granted under section 9 shall be in one of the following Form and shall be subject to the terms and conditions specified therein: -

(i) in respect of felling of a treeForm "E".

(ii) in respect of removal or disposal of a tree or forest produceForm "F".

¹[6A. Tree felling fee and security deposit.- The permission granted under sub-section (5) of section 9 shall be subject to the payment of a tree felling fee and security deposit as follows:-

(a) Tree felling fee	Rs. 100/- -per tree.
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(b) Security deposit for ensuring regeneration of the area and replantation of trees or otherwise	Rs. 2100/- -per tree.]
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7. Obligation to plant trees. - The Tree Officer, while granting permission to fell or dispose of a tree. or forest produce under section 9, shall, after giving. the applicant a reasonable opportunity of being heard and having due regard to his wish for planting any particular kind of tree, his capacity to plant the required kind and number of trees and also the nature of land, make an order directing the applicant to plant such number and kind of trees as deemed proper by him.

8. Form of Notice. - The notice to be given under sub-section (3) of section 11 shall be in Form “G”.

9. Preservation of Trees. - (1) where a Tree Officer has reason to believe that the owner or occupier of any property has failed to carry out any direction given by him under the Ordinance or these rules with regard to the taking of measures for the protection of any tree in such property, he shall issue a notice in Form 'H' to such owner or occupier of the property, as the case may be.

(2) The Tree Officer shall, after giving the owner or occupier of the property a reasonable opportunity of being heard having due regard to his wishes in capacity and nature of law, make an order, specifying the measures which he proposes to take for protection of the tree and the cost thereof, which such owner or the occupier shall be liable to reimburse to the Tree Officer within such reasonable period as the Tree Officer may specify in the order.

10. Implementation of orders made under sections, 9, 10 or 11. – (1) Where the Tree Officer has reason to believe that any person has failed to carry out the obligations regarding planting of trees pursuant to an order made under section 9 or a direction given under section 10 or 11, he shall issue a notice in Form I, to such person.

(2) The Tree Officer shall, after giving the owner or occupier of the property a reasonable opportunity of being heard, as regards the cost of which the trees shall be planted or the measures for the protection of the trees shall be taken by him, pass an order, as regards the cost, which such person shall be liable to reimburse to the Tree Officer within such reasonable period as the Tree Officer may specify in the order.

11. Procedure of Appellate Authority. - (1)Every petition of appeal shall be presented to the Appellate Authority in person or through a legal practitioner or a duly authorised agent.

(2) Every petition shall state succinctly the grounds of appeal and the relief prayed for.

(3) The Appellate Authority shall, on receipt of a petition of appeal, cause it to be registered in Form “J” and give notice of such appeal to all persons concerned who, in his opinion” may be interested in the same.

(4) The Appellate Authority may, after holding such enquiry as it deems fit and after giving the persons concerned a reasonable opportunity of being heard, confirm; modify or set aside the order appealed against or pass such order as it may deem fit.

12. Record of forfeited property. - The Tree Officer shall maintain a register of the property forfeited to the Government under section 10 in Form “K”.

13. Preparation of valuation report of forfeited property. - (1) On receipt of the

property forfeited to the Government, the Tree Officer shall prepare a valuation report of such property.

(2) In preparing the valuation report, the Tree Officer shall give due regard to the condition of such property and shall follow the instructions issued by the Government from time to time in the matter of preparing such report. .

(3) The Tree Officer shall make a report alongwith a copy of the valuation report to the Conservator of Forests and dispose of the forfeited property in accordance with the instructions issued by the Conservator of Forests from time to time in that behalf.

14. Release of seized property. - The, bond to be executed by the owner or occupant for release of the property seized under section 16 shall be in Form “L”.

15. Management of certain classes of trees. - (1) Every owner or occupant of the land on which trees notified under section 32 exist shall, within 60 days 'of the date of the date of the Notification, number such trees and furnish the following particulars of such trees to the Tree Officer, with a copy thereof to the Conservator of Forests: -

(1) Specieswise number of the trees.

(2) Age of the trees.

(2) Where such owner or occupant is not in a position to number such trees and make a report within the specified period in sub-rule (1) ,he may seek extension of time for making such report and the Tree Officer, if satisfied with the reasons given, may extend the time limit by another 30 day's. .

(3) The Tree Officer shall cause all such trees to be marked by suitable identification marks, within 60 days of the date of receipt of the report under sub-rule (1) or sub-rule (2) and report compliance to the Conservator of Forests.

(4) The Tree Officer shall also keep a record of" such trees in a Register in Form “N”.

16. Service of Notice. - (1) Every notice under the Ordinance or these rules may be served in any” of the following manners namely: -

(a) by delivery or tender of a copy of the notice to the addressee or his agent or other person duly authorised to receive notice on his behalf;

(b) by registered post acknowledgement due; provided that if the Tree Officer is satisfied that the addressee is deliberately avoiding service or if, for any reason, the notice cannot, be served by any of the above methods, he shall order the service of the notice by affixing, in the presence of two witnesses, who are residents of that locality, on some conspicuous part of the place of business or the place of ordinary residence of the addressee and such service shall be effective as if it had been made on the addressee personally.

(2) When the serving Officer delivers or tenders the notice to the addressee personally or to his agent or other person on his behalf, he shall obtain the signature or thumb impression of the person to whom the notice is so delivered or tendered, on the copy of the notice and make a report thereon of such delivery or tender and return the same to the Tree Officer.

(3) When the notice is served by affixing the same in accordance with sub-rule (1), the serving officer shall return the copy thereof to the Tree Officer who issued the notice with

a report endorsed thereon stating that he has so affixed the notice, the circumstances under which he did so and the names and address of persons who, identified the place of business or ordinary residence of the addressee and in whose presence the notice was so affixed.

(4) When service by post is effected by correctly addressing, pre-paying and posting the notice by registered post with acknowledgement due, then unless contrary is proved, the said service shall be deemed to have been effected at the time at which the notice would have been delivered in the ordinary course of transmission.

(5) If the person to whom the notice was issued does not appear at the appointed time the Tree Officer may, if he is satisfied from the report of the serving officer or the postal acknowledgement, or after taking such evidence as he deems proper, that the notice has been served in accordance with, this rule, pass an order to that effect and proceed to dispose of the matter. If he is satisfied that the notice has not been properly served, he may direct the issuance of a fresh notice.

By Order and in the name of the Administrator of Goa, Daman and Diu
K M. Naik, Under Secretary to the Government of Goa, Daman and Diu

Panaji, 23rd December, 1983

FORM A

(See rule 3)

The Tree Officer,

.....

.....

Sir,

I have to report that I have felled on ... (date) at .. (time)... (number)/tree/trees from the property owned by me/ under my occupation in the occupation in the village.... Taluka ... District ... I declare that if the said tree/s had not been immediately felled, it/they would have posed grave danger to life property/traffic (delete inapplicable words).

2. The following details are furnished:-

- (i) Name and full address of the signatory (In Block letters)
- (ii) Title in respect of land in which tree's was/were situated
- (iii) Location of the site from which tree's felled (give name and survey number of plot and indicate as clearly as possible the actual situation of the tree)
- (iv) (a) Species of the tree felled
(b) Its approximate age
(c) Its girth measured at a height of 1.35 meters from ground level.
- (v) Justification for felling the tree/trees (Here describe the way in which the tree posed danger and the reasons why you could not wait to seek permission for cutting it).

Place: -

Date: -

SIGNATURE

FORM B
(See-rule 4.1)

The Tree Officer,

.....

.....

Sir,

I apply for grant of permission for felling tree/s located in the property situated in the village ... Taluka ... and District. I furnish below the following details in support of my application:-

i) Applicant's name and address (In block letters)			
ii) Name and address of the owner of the property (if different from applicant)			
iii) Title of 'the applicant i. e. whether owner/occupant of the property, etc.			
iv) Name and serial number of property			
v) Total area of the property the description of the boundaries			
vi) Total number of trees (species wise) whose trunk or body, is not less than 5 cm in diameter at a height of 30 cms. from the ground and whose height is not less than one metre from the ground			
vii) The exact area (in sq. metres) from which felling of trees for which permit is sought (description of the boundaries)			
viii) Total number of trees to be felled			
ix) Trees to be felled are numerically numbered in paint, their girth measured at a height of 1.35 metres from ground level and their details specieswise are	spices	Number	Girth
x) Purpose for which the felling of trees are intended			
xi) Intended use of felled trees (e. g. for sale, for domestic use, etc.			
xii) Intended use of land after felling of trees			
xiii) Number and species of trees in tended to be planted after felling (give details of arrangements for raising, planting and protecting trees)			
xiv) Name/s and address/es of the owners/occupants adjoining property/ies			

2. I am enclosing an affidavit and below mentioned papers in support of my application.

Declaration

I hereby declare that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place: -

Date:-

APPLICANT'S SIGNATURE

Attested copies of:-

- i) Property/occupancy documents.
- ii) Plan of the property showing the survey number.
- iii) Enumeration list (duly signed by the applicant).
- iv) Boundary list (duly signed by the applicant).
- v) Latest index of land record issued by the Mamlatdar.
- vi) "No Objection Certificate" from Administrator of Comunidade.
- vii) "No Objection Certificate" from adjoining property owners.

Affidavit

(To be signed on a stamped paper in the presence of Magistrate or authority approved for the purpose)

I, ... aged .. , years, resident of..... (locality) ... village..... Taluka, Goa District, wife/son/daughter of.....do hereby solemnly affirm and declare as under:

1. That I am the legal owner/occupant of the private property known as "....." situated at ... village ... Taluka bearing cadastral survey number ... of boundaries of which are as follows:-

East:

West:

North:

South:

2. That I have applied to the Tree Officer, ... for permission to fell (number) trees from the aforesaid property. All the trees have been numbered with paint.

3. That there is no other owner/occupant of this property or of the forest produce of this property and I hereby solemnly affirm and declare that I shall be solely responsible and answerable for any claim and litigation, if any, that may arise at any time in future regarding the ownership/occupancy of the said property or the forest produce from the said property.

4. I hereby solemnly declare and; affirm. That to the best of my knowledge and belief the information is correct and true and nothing material has been concealed and is false.

Place: -

Date:-

DEPONENT

FORM C

[See rule 4 (2)]

To
The Tree Officer and
Dy. Conservator of Forests,
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.....
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Sir,

I apply for grant of permission for removal and disposal of tree/s located in the property situated in the Village..... Taluka..... and District..... I furnish below the details in support of my application;-

i) Applications name and address (In Block Letters).		
ii) Name and address of the owner of the property (if different from application) from which trees were felled.		
iii) Title of the applicant i.e. whether owner/occupant of the property, etc. from which trees were felled.		
iv) Name serial number of the property from which trees were felled.		
v) Total area other property with description of the boundaries.		
vi) Total number of felled trees (Species wise) whose trunk or body is not less than 5cm .in diameter at a height 30 cm. from the ground and whose height was not less than one meter from the ground.		
vii) Describe the circumstances under which the tree/s was/were felled i.e. whether the tree/(s) was/were felled after obtaining the permit (a copy of the permit is to be enclosed) or under the proviso to section 8 of the Ordinance or had fallen due to natural cause , etc.		
viii) Details of material obtained from the felled tree	First class timber Second class matti Second class (others) Third class timber Firewood First Class Poles Second Class Poles	cu.m. cu.m. cu.m. cu.m. cu.m. Nos Nos
	Third Class Poles Nos
ix) The manner in which the material would be removed i. e. by road, rail, waterways and the mode of transport.		
x) Transit route		
xi) Removal of the material will be completed by (date),		
xii) The material is intended to be disposed in the manner indicated below:-		
	quantity	Purpose

a) For self use	First class timber Second class matti Second class (others) Third class timber Firewood First class Poles Second Class Poles Third Class Poles cu.m. cu.m. cu.m. cu.m. cu.m.Nos.Nos.Nos
b) By sale	First class timber Second class matti Second class (others) Third class timber Firewood First class Poles Second Class Poles Third Class Poles cu.m. cu.m. cu.m. cu.m. cu.m.Nos.Nos.Nos
c) Name(s) and full address (es) of the persons/parties to whom the material would be disposed by sale.		
d) Licence number of the purchaser (if purchaser is holder of a licence issued by Forest Department)		

I am enclosing below mentioned papers in support of my application.

Declaration

I hereby declare that I shall fully satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place:-

Date:-

APPLICANT'S SIGNATURE

Attested copies of:-

- (i)Property/occupancy documents.
- (ii)Plan of the property showing the survey number.
- (iii) Boundary list (duly signed by the applicant).
- (iv) Latest Index of Land record issued by the Mamlatdar.
- (v)Report, if any, _made pursuant to proviso to section 8 of the Ordinance.
- (vi) Permit, if any, granted by the Tree Officer.

FORM D

(See Rule 5)

Register of Applications

Sr. No.	Name and address of the applicant	Details of the application				Name of the village in which trees to be felled or removed / disposed is / are situated	Details of decision taken			Remarks
		Date	Date of receipt	For felling or removal/disposal	Last date for disposal		Nature	Date on which taken	Date of communication to the applicant	
1	2	3				4	5			6

FORM E

(See rule 6)

Tree Officer and
Dy. Conservator of Forests,
Government of Goa, Daman and Diu,
Forest Department,

.....
.....

Dated: //198

Sub: - Permission to fell trees.

With reference to his/her application dated, .. for grant of permission to fell trees Shri/Smt is hereby informed that he/she is granted permission to fell the tree/s (as per details indicated below) from the private property known as.... survey No, situated at ... subject to the satisfaction of the terms and conditions hereinto specified:-

Details of Trees

Sr. No.	Species of trees	No. of trees

()

Tree Officer and
Dy. Conservator of Forests

Shri/Smt,....

.....

.....

Terms and Conditions

1. The Range Forest Officer shall mark the trees before cutting them.
2. Permission to fell the trees is granted at his/her own risk and without prejudice to the claim (5) of any other person/s who may be having any right (s) over the land or the trees.
3. Felling of trees shall be completed within ... days.
4. Material produced from felled trees shall not be removed or disposed without permission of the Tree Officer.
5. He/she" shall repl8Jlt trees as per details given below during the ensuing/next planting season i.e. commencing from June, to August, in the property from which the trees will be felled.

SL No.

Species

No.

6. He/she shell deposit a sum of (Rupees ...) as security in the office of ... before starting felling of the tree/s for ensuring the replanting of the trees indicated at serial No.5 above.

7. In the event of failure on the part of the permit holder to replant the trees as indicated at serial number 5 above, then till Tree Officer shall himself arrange to replant the trees and recover the cost thereof from the permit holder by way of adjustment against the security deposit made by the Permit holder or failing that, by recovery as arrears of land revenue.

Copy submitted to: -

(i) The Conservator of Forests for information.

(ii) The Range Forest Officer, Mobile Squad, Ponda for information.

FORM F

(See rule 6)

Tree Officer and
Dy. Conservator of Forests;
Government of Goa, Daman and Diu
Forest Department,

.....

.....

Dated: /198

Sub: - Permission to remove/dispose off trees.

With reference to his/her application dated ... for grant of permission to remove or dispose of felled tree/s or forest produce, Shri/Smt .. , is hereby informed that he/she is granted permission to remove or dispose' off the material. (as per details indicated below) from the private property known as survey number ... situated at ... subject to the terms and, conditions hereunder specified: -

Sl. No.	Description of the material	No.	Volume	No. of trips by which removal will be completed	Period of validity of the permit
(i)	From to ...				
(ii)	Mode of transport (i.e by rail, sea or road)				
(iii)	Route ...				
(iv)	Vehicle/vessel No ...				
(v)	Name of the driver/tindal ...				
(vi)	Manner of disposal (if it is by sale, name, address and licence No. of purchaser be indicated)....				

()

Tree Officer and
Dy. Conservator of Forests

FROM G

(See rule 7)

Notice

Whereas Shri/Smt. is the owner/ occupant of the property known as ... bearing survey number.... And situated in the village.... Taluka... and District.....

And whereas I, Shri (name) ... (designation) / had inspected his/her property on ... /have received a report from ... regarding the number of trees in aforesaid, property (copy of the inspection report/report enclosed);

And whereas I am of the opinion that the number of trees in the aforesaid property is not adequate as per standard laid down by the Tree Authority pursuant to the provisions_ of sub clause~ (c). of section 7 of the Ordinance;

Now, therefore, I call upon Shri/Smt to show cause within 10 days of the date of receipt of this notice as to why a direction should not be given to him/her for planting of trees in his/her aforesaid property in such number, of such species and in such manner as indicated in the annexure.

()

Tree Officer

Shri/Smt ...
.....
.....

Copy to:-

- (i) The Range Forest Officer, ... This has reference to his letter No.
- (ii) The Conservator of Forests, Panaji

Annexure to show cause notice number ... Dated ...

Sl. No.	Species of trees	No. of trees	Manner in which planting be done	Period with in which planting is to be completed	Remarks

From H

(See rule 9 (1))

Notice

Whereas Shri/Smt. ... is the owner/ occupant of the property known as ... bearing survey number.... And situated in the village.... Taluka... and District.....

Whereas Shri/Smt is the owner/occupant of the property known as ... bearing survey numbe and situated in the village ... Taluka ... and District ... , And whereas I, Shri..... Tree Officer and Dy. Conservator of ll'orests had found that. Adequate measures were not taken by him/her for protection of the tree/s existing) on the aforesaid property and had, therefore, given him/her directions in letter number ... dated ... which was received by him/her on or about.....specifying the measures, he/she has to take for protection of the tree/s;

And whereas I have inspected the property on ... have received a report from (copy of the inspection report/report enclosed which is self explanatory);

And whereas I am of the opinion that he/she has failed to take the measures as specified in letter number ... dated ... within the stipulated period/measures taken are not adequate for protection of the tree/s (strike off whichever is not applicable) . Now, therefore, I hereby call upon Shri/Smt. to show cause within 10 days of the date of receipt of this notice as to why the undersigned should not arrange measures as specified in letter number ... dated for protection of trees in the aforesaid property at the cost of Rs (Rupees) approximately on his/her behalf and recover the expenses incurred from him/her.

()

Tree Officer and Dy. Conservator of Forest

Shri/Smt

Copy to:-

- (i) The Range Forest OfficerThis has reference to his letter No.
- (ii) The Conservator of Forests, Panaji.

FORM I
(See rule 10)
Notice

Whereas Shri/Smt was ordered/directed to plant trees in the property known as ... bearing survey No.' ... and situated in the village :.. Taluka ... and District ... vide reference bearing No. ... dated ... in such number, of such species and in such species and in such manner as specified therein;

And whereas I (name), ... (designation) have inspected his property on ... /have received a report from ... regarding the number of trees planted etc. in the aforesaid property (copy of the inspection report/report enclosed which is self explanatory) ;

And whereas I am of the opinion that Shri/Smt. ... has failed to carry out his/her obligation regarding planting of trees as specified under reference bearing No dated ...

Now, therefore, I hereby call upon Shri/Smt ... : to show cause within 10 days of the date of receipt of this notice as to why I should not arrange planting of trees in the aforesaid property in such number, of such species and in such manner as specified under reference No dated at the cost of ... (Rupees ...) approximately on his/her behalf and recover expenses incurred thereunder from him/ /her.

()
Tree Officer and Dy. Conservator of Forests

Shri/Smt.
.....

From J

Register of Appeals

Particulars of Appeals									Remarks
Sr. No	Name and address of the applicant	Date	Date of receipt	Designation of the authority whose order is challenged in appeal	No. and date of the order challengd and appeal	Date of decision	Nature of decision	Date of communication of the decision	

FORM K

(See rule 13)

Stock Register

Sr.No.	Authority which ordered forfeiture	No. and date of the order	Details of material / animals/tools and plant / vehicles ordered to be forfeited	Approx value the forfeited	The manner in which forfeited material disposed with date disposal	Remarks
1	2	3	4	5	6	7

FROM L

(Rule 14)

Bond

I/we ... wife/son/ .daughter of ... , resident of ... and owner/s of the below mentioned property which was seized under Panchanama dated ... (here state the description of property) ,

.....
.....
.....

do hereby state that on an application moved by me/us in that regard, it has been ordered by the Tree Officer and Dy. Conservator of Forests, ... (indicate the office) vide his order No dated ... that the said property be released to me/us on bond of Rs. ". (Rupees ... I/we do hereby state that I/we have received this day of ... (month) ... (year) the above mentioned property valued at Rs (Rupees ...) approximately. I/we hereby undertake to keep the -said property with me/us for safe custody. I/we further undertake to produce the said property ...

.....
.....

..... (Description of the property) in tact and in the same condition as they are now (reasonable were and tear expected) whenever caused upon to do so by the Tree Officer and Dy Conservator of Forests, (indicate the address of the officer) and not to deliver the same to any person or otherwise dispose or deal with the same without an order in writing from the aforesaid Tree Officer and Dy. Conservator of Forests and the shown undertaking is done voluntarily by me/us.

Witnesses: -

(i).....
(Signature, name and address)	Signature

(ii).....
(Signature, name and address)	Signature

FORM M

(See rule 17(2))

Form of Register Notified Trees

Sr.No.	Name and Adress of qowner/ occupant of the Land	Date of Report	Number of trees (specieswise to be given)	Date on which trees are marked with identification marks	Date on which report submitted to the conservator of forests	Remarks
1	2	3	4	5	6	7

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1. *Inserted vide Amendment Rule, 2003; published in the Official Gazette Series I No. 15 (Extraordinary-5) dated 14-7-2003.*

