

NOTE ON

ANDHRA PRADESH WATER, LAND AND TREES ACT -2002
(APWALTA-2002)

Act No: 10 of 2002

This is an act (to promote Water Conservation **and Tree cover** and regulate the exploitation and use of Ground and surface water for protection and conservation of water sources, Land and **Environment and matters connected therewith or incidental thereto**) of the AP Legislative Assembly received the assent of the Governor on the 18th April, 2002 and was published on 19th April, 2004 in the A P Gazette for general information.

2(2) '**Designated Officer**' Means an officer or any person so designated by the Authority to perform the functions, under the Act.

2(11) "**Preservation of trees**" includes planting of new trees and transplanting trees to other sites, including protection measures such as fence, tree guards etc.,

2(18) '**to fell a tree**' includes burning, cutting, debarking, girdling and release of harmful chemicals and such other operations which cause damage to any part of the tree;

2(19) '**Tree**' means any woody plant, whose branches spring from and are supported upon a trunk or body and whose trunk or body is **not less than 5.5 cm in diameter** and is **not less than one metre in height** from the ground level; and includes young saplings and seedlings etc., which are planted at sites;

Act No: 6 of 2004

This is an act (to amend the Andhra Pradesh Water, Land and Trees Act, 2002) of the AP Legislative Assembly received the assent of the Governor on the 11th August, 2004 and was published on 13 th August, 2004 in the A P Gazette for general information.

For the Words " District and Mandal levels", (at certain clauses in the AP WALTA, 2002) the words "District, Division, and Mandal level" shall be substituted

Andhra Pradesh Water, Land and Trees Rules, 2004

(G.O.Ms.No: 339, Panchayat Raj & Rural Development (RD-IV) Dept., Dt: 6-11-2004)

In exercise of the powers conferred by the Sub section (1) of Section 45 of the AP WALTA,2002, these rules are made to promote water conservation and tree cover and to regulate the exploitation and use of ground and surface water for protection and conservation of water sources, land and matters connected therewith or incidental thereto in the State of A.P.

Felling of trees

24 (4) Permission for felling of trees

- Owner of the tree has to apply in writing in **Form 13** to be submitted to the designated officer
- Site plan indicating the position of the tree required to be felled to be enclosed along with prescribed fee.
 - (i) For urban residential and institutional areas Rs. 50-00 per tree
 - (ii) For urban commercial areas Rs.100-00 per tree

24(5) The Designated Officer or an officer authorized by him, may after inspecting the trees and holding such enquiry as he deems necessary either grant or refuse the permission applied for (**in Form 14**)

Permission shall not be refused, if the tree:-

- (i) is dead, diseases or wind fallen or
- (ii) has silviculturally matured; or
- (iii) constitutes a danger to life or property; or
- (iv) constitutes obstruction to traffic, or
- (v) is substantially damaged or destroyed by fire, lightning, rain or other natural causes.

Provided further that, if the tree permitted to be felled is not exempted from purview of Forest Produce Transit rules, the Designated Officer shall inform the concerned District forest Officer for grant of transit permit and the owner shall not transport felled material without a valid permit.

(6) The Designated Officer shall **dispose the application within fifteen days** from the date of receipt of application by him,

(7) The permission to fell a tree may be granted subject to the condition that the owner of the premises shall plant another two trees of the same or suitable species on the same site or other suitable place, within thirty days from the date the tree is felled.

Offence cases:

25. Dealing with cases of Offence

Any violation of provisions of Act and Rules

- ❖ a case shall be booked in the Offence Report (in Form-7)
- ❖ where an offence is committed, the Designated Officer may seize any instrument or machinery or any other devise, vehicles or other conveyance or any other movable property used in or involved in committing such offence. List of Seizures (Form-8)
- ❖ Safe Custody of the seizures can be given in (Form-9)
- ❖ Compounding Order (Form-10)

Penalties :

35(3) of APWALTA, 2002:

Whoever without any lawful Authority fells a tree shall be punishable with a fine which shall not be less than two times of the value of such tree but which may extend to five times of value of such tree:

Provided that the person responsible for the abetment of such offence or connivance shall also be liable and punished accordingly.

35 (4). In case of a second or subsequent offence, the offender shall be punished with twice the amount of fine prescribed for such offence.

Provided that the person responsible for the abetment of such offence or connivance shall also be liable and punished accordingly.

Tree plantation in urban areas (Section 28 of APWALTA, 2002)

28(1) The Authority may direct that every Municipal Corporation or Municipality or any Local Authority, as the case may be to insist for compulsory plantation with such number of trees and their maintenance as may be prescribed while according approval of building plans.

28(2) The Authority may also direct the Municipal Corporation or Municipality or the other Local Authorities, as the case may be, to designate an officer to be incharge of tree plantations in their respective areas.

28(3) Tree plantation and landscaping shall be adopted in all public and private premises for which purpose Municipal Corporations or Municipalities or other local Authorities, as the case may be, may issue directions to individuals, organisations or other persons for tree planting and landscaping in their premises. The directions issued shall be implemented by the individual, organizations or other persons within a period as may be prescribed failing which Municipal Corporations or Municipalities or other Local Authorities, as the case may be, shall implement the directions and cost there of shall be recovered from the individual, organization or other persons along with a penalty as may be prescribed.

28(4) Tree plantations in urban public areas and road margins **shall be owned** by the Municipal Corporation or Municipality or other Local Authority, as the case may be.

28(5) **No felling of the trees or branches is permitted without the prior permission of the designated officer. In case when a tree is to be felled, not less than two seedlings should be planted and when such planting is not possible, cost of raising seedlings and their maintenance shall be recovered from the concerned, individual, organisation or other persons for raising plantations in public places.**

29. Protection of trees:

29(1) Any person, institution, organization or department, public or private, providing a public or private utility service including Roads and Buildings department, Energy department of the Government and Telecommunications Department shall ensure protection of trees and their branches while developing their infrastructure or carrying on their activities.

29(2) Wherever laying of new roads or widening of roads involves cutting of existing tree, the Authority may issue suitable guide lines for protection of such tree growth as it deems fit.

30. Tree plantations by Government Departments, etc.:

30(1) The Authority may formulate guidelines for tree plantations along with the road margins, canal banks, tank-foreshores and water bodies:

Provided that the cost of plantation and further maintenance shall be included in the cost of formation of the roads, canals and tanks and suitable amount may be earmarked for plantation and protection of trees within any of the existing provisions for supervision of miscellaneous or unforeseen expenditure under all works estimates as prescribed.

Tree Planting (Rule 24 of AP WALT Rules, 2004)

24(1) In every Municipal Corporation or Municipality or other local area, the number of trees to be planted and their subsequent maintenance shall be on the following scale:

- (h) Residential areas: Every household having above 100 square meters area shall plant at least small or medium variety in their premises as follows:

Below 100 Square meters ... 03 Trees

101 to 200 Square meters ... 05 Trees

201 to 300 Square meters ... 10 Trees

301 Square meters and above ... 10 Trees plus 5 trees for every increase of 100 Square meters.

- (ii) Commercial or institutional areas: Commercial establishments shall plant trees as follows:

Plot area	No. of trees
Below 200 Square meters	02
201 to 500 Square meters	04
501 to 1000 Square meters	06
Above 1001 Square meters	06 trees plus 02 trees for every increase of 100 Square meters

41. The Fund.:

41. The authority shall create a separate fund to be called the Andhra Pradesh Water, Land and Trees Authority Fund, to which shall be credited all monies received by the Authority including :

- (a) all cesses or surcharges levied and collected under the Act;
- (b) all penalties received by the Authority as prescribed under the Act;
- (c) all money received by the Authority as fees prescribed under the Act;
- (d) all grants made by the Government.

Vide G.O.No: 47, PR & RD (RD-IV) Dept., Dt: 03-03-2003

Orders were issued on Designation of implementation agencies for effective implementation of the Act,

As per Para 2(v) of the above order

FOREST DEPARTMENT is designated – for granting permission of tree felling.

As per Para 3 of the above order the Government also declared the officers of Forest Department at various level i.e., State, District and Mandal as Designated Officers for the purpose of implementation of the Act including detection of offences regarding violation of the Act and its compounding fee.

Vide Govt of A.P., PR&RD(RD.IV)Dept Memo No: 7618 /RD.IV/ A2 /2003-1, Dt:06-06-2003

List of Designated officers at Mandal, District and State level appointed by various departments .

Sl. No.	Name of the Dept.	Mandal level	Divisional level	District level	State level
1.	EFS & T Dept Designated Officer	Forest Range Officer (Territorial) of the nearest range to the Mandal H.Qrs	---	District Forest Officer (Territorial) at the District H.Qrs	Chief Conservator of Forests (FCA), O/o the PCCF, AP, Hyd.

The following officers have been nominated to be ex-officio members of the various levels of Authorities under the Act.

Sl. No.	Name of the Dept.	Mandal Authority	Divisional Authority	District Authority	
1	Forest Department Ex-Officio member of the Authority.	Forest Section Officer (having jurisdiction)	Forest Range Officer (having jurisdiction)	Deputy Conservator of Forests (Planning & Extension)	Amended as per Act No: 6 of 2004 and District/ Divisional/ Mandal

Species exempted.:

Vide Govt. of Andhra Pradesh, PR & RD Dept. Memo : 7175-A (RD-IV), Dt: 11/06/2005 have exempted the following Species from taking permission for felling under AP WALTA 2002.

1. Subabul
2. Casuarina
3. Eucalyptus

Lr.No: 9541/APWALTA/2003, Dt:07-04-2003 from the Commissioner, RD & Administrator APWALTA to all the PDs of DWMAs in the state:

Head of account to be adopted for remitting the money received by Authorities of APWALTA: "0515 Other Rural Development Programmes.

MH 800 Other Receipts.
SH (81) Other items"