

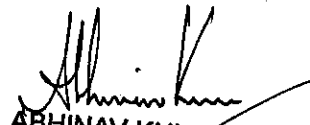
राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार
वन एवं वन्य जीव विभाग,
ए-ब्लॉक, द्वितीय तल, विकास भवन, आई. पी. एस्टेट,
नई दिल्ली-110002.

तारांकित प्रश्न संख्या: 2
दिनांक - 15.12.2023
प्रश्नकर्ता का नाम - श्री अभय वर्मा

क्या माननीय पर्यावरण मंत्री यह बताने की कृपा करेंगे कि:

क्रम संख्या	प्रश्न	उत्तर
(क)	दिल्ली के आवासीय, सरकारी और व्यावसायिक परिसरों में बड़े-बड़े पेड़ काटने के क्या नियम हैं और नियम के खिलाफ जाकर पेड़ काटने पर सजा के क्या-क्या प्रावधान हैं;	दिल्ली में पेड़ काटने के नियम और नियम के खिलाफ जाकर पेड़ काटने पर सजा के प्रावधान दिल्ली वृक्ष (परिरक्षण) अधिनियम, 1994 के प्रावधानों के अंतर्गत आते हैं। दिल्ली वृक्ष (परिरक्षण) अधिनियम, 1994- Annexure- A पर संलग्न है। दिल्ली वृक्ष (परिरक्षण) नियम, 1996- Annexure- B पर संलग्न है।
(ख)	माननीय मुख्यमंत्री के नये सरकारी आवास के निर्माण के दौरान कुल कितने पेड़ काटे गये;	समस्त प्रस्ताव केंद्रीय अन्वेषण ब्यूरो (Central Bureau of Investigation) एवं माननीय राष्ट्रीय हरित अधिकरण (Hon'ble National Green Tribunal) के संज्ञान में हैं। टिप्पणी नहीं की जा सकती है।
(ग)	उपरोक्त पेड़ को काटने में क्या नियम की प्रक्रिया अपनायी गयी;	उपरोक्त (ख) के सन्दर्भ में लागू नहीं है।
(घ)	अगर माननीय मुख्यमंत्री के नये सरकारी आवास के निर्माण के दौरान अवैध रूप से पेड़ काटे गये तो उनके खिलाफ क्या कार्रवाई की गयी है, विस्तृत जानकारी दें; और	उपरोक्त (ख) के सन्दर्भ में लागू नहीं है।
(ङ)	एक आवास के निर्माण हेतु एक बार में अधिकतम कितने पेड़ काटने की अनुमति दी जाती है और मुख्यमंत्री आवास के निर्माण हेतु कितने पेड़ काटने की अनुमति दी गयी थी, विस्तृत जानकारी दें;	उपरोक्त (ख) के सन्दर्भ में लागू नहीं है।

यह सक्षम प्राधिकारी के अनुमोदन से जारी किया जाता है।


ABHINAV KUMAR, IFS
Dy. Conservator of Forest (HQ)
Deptt. of Forests & Wildlife
A-Block, 2nd Floor, Vikas Bhawan,
I.P. Estate, New Delhi-110002

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Tel : + 91 124 4774444 Fax: + 91 124 4774100

Website : www.lexisnexis.co.in / E-mail : help.in@lexisnexis.com

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Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan
I.P. Estate, New Delhi-110002

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THE DELHI PRESERVATION OF TREES ACT, 1994

INTRODUCTION

Due to ever increasing population in the National Capital Territory of Delhi the need for accommodating large number of people has forced the private as well as Government agencies to construct more and more residential as well as commercial complexes with the result the forest area in and around the National Capital Territory of Delhi is declining. The trees are being axed indiscriminately either to pave way for the residential or commercial complexes or for widening of roads for free flow of increasing traffic. The declining forest area, urbanisation of rural belts and widening of roads has been affecting the environment very badly. In order to safeguard the forest area and to provide for the preservation of trees the Delhi Preservation of Trees Bill was introduced in the Legislative Assembly.

ACT 11 OF 1994

The Delhi Preservation of Trees Bill having been passed by the Legislative Assembly received its assent on 12th October, 1994. It came on the Statute Book as THE DELHI PRESERVATION OF TREES ACT, 1994 (11 of 1994).

Dy. Conservator of Forests (HQ)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan
1P, Estate, New Delhi-110002

THE DELHI PRESERVATION OF TREES ACT, 1994

(Delhi Act 11 of 1994)

An Act to provide for the preservation of trees in the National Capital Territory of Delhi. [12th October, 1994]

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Forty-fifth Year of Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.—(1) This Act, may be called the Delhi Preservation of Trees Act, 1994.

(2) It shall extend to the whole of the National Capital Territory of Delhi.
(3) It shall come into force at once.

2. Definitions.—In this Act, unless the context otherwise requires,—
(a) "Appellate Authority" means an authority appointed by the Government as appellate authority under this Act;
(b) "Deputy Conservator of Forests" means a forest officer in charge of a forest division and exercising jurisdiction over the area;
(c) "Secretary" means the Secretary of Forests, Government of the National Capital Territory of Delhi;
(d) "forest produce" includes—

- (a) the following whether found in, or brought from, forest or not, that is to say:—
timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural narnish, bark, lac, mahua flowers, mahua seeds, kuth and myrabolams, and
- (b) the following when found in, or brought from, a forest, that is to say:—
(i) trees and leaves, flowers and fruits, and all the other parts of produce and herein before mentioned, of trees,
(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,
(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and
(iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils, and oil products of mines or quarries);
(e) "Government" means the Government of the National Capital Territory of Delhi;

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Dy. Conservator of Forests (HQ)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi

A-Block, 2nd Floor, Vikas Bhawan
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3

(f) "notification" means a notification published in the Official Gazette;

(g) "organisation" means any company (public or private) government or semi-government department, undertaking, board or local authority;

(h) "to fell a tree" with its cognate expression, means severing the trunk from the roots, uprooting the tree and includes bulldozing, cutting, girdling, lopping, pollarding, applying arboricides, burning or damaging a tree in any other manner;

(i) "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 five centimetres in diameter at a height of thirty centimetres from the ground level and is not less than one metre in height from the ground level;

(j) "Tree Officer" means a forest officer appointed as such by the Government for the purposes of this Act;

(k) "prescribed" means prescribed by rules made under this Act;

(l) words and expressions used in this Act and defined in the Indian Forest Act, 1927 (Central Act 16 of 1927), but not defined in this Act, shall have the meanings respectively assigned to them in that Act.

CHAPTER II

TREE AUTHORITY

3. Establishment of the Tree Authority.—(1) The Government shall, by notification, constitute a Tree Authority for the whole of the National Capital Territory of Delhi.

(2) The Tree Authority shall consist of the following members, namely:—

(i) Secretary of Forests or any other officer not below the rank of Secretary to the Government nominated by the Government.

(ii) Deputy Commissioner, Delhi.

(iii) Two Members of the Legislative Assembly Dominated by the Government.

(iv) Two Representatives of the local bodies nominated by the Government.

(v) Deputy Conservator of Forests, Secretary

—Chairman

—Member

—Members

—Members

—Member

(3) The Tree Authority may co-opt as members in such manner and for such period as it may determine not more than five representatives of non-official organisations and Government Departments having special knowledge or practical experience in the preservation of trees.

NOTIFICATION

In exercise of the powers conferred under sub-section (1) and (2) of section 3 of the Delhi Preservation of Trees Act, 1994 (Act No. 11 of 1994) and in supersession of all the previous notifications, the Lt. Governor of National Capital Territory of Delhi, constitutes the Tree Authority for the purposes of the said Act as mentioned in Sections 4 and 7, for whole of the National Capital Territory of Delhi, comprising of the following:—

- i. Secretary (E&F), Government of NCT of Delhi —Chairman
- ii. Shri Anil Choudhury, Member of the Legislative Assembly of NCT of Delhi —Member
- iii. Shri Devendra Yadav, Member of the Legislative Assembly of NCT of Delhi —Member
- iv. Addl. Pr. Chief Conservator of Forests, Govt. of NCT of Delhi —Member
- v. Chief Conservator of Forests & Chief Wildlife Warden, Govt. of NCT of Delhi —Member
- vi. Additional District Magistrate (HQ) as representative of Divisional Commissioner, Govt. of NCT of Delhi —Member
- vii. Director (Hort), MCD as representative of the local bodies —Member
- viii. Director (Hort.), NDMC as representative of the local bodies —Member
- ix. Prof. C. R. Babu, Director, CMEDE, Delhi University, Delhi —Member
- x. Smt. Usha Srinivasan of Development Alternatives —Co-opted Official Member
- xi. Managing Director, DMRC or his representative —Co-opted Non-official Member
- xii. Chief Executive Officer, Delhi Parks & Gardens Society, Department of Environment, Govt. of NCT of Delhi —Co-opted Non-official Member
- xiii. Director (Hort.), Delhi Development Authority —Co-opted Non-official Member
- xiv. Conservator of Forests — Member-Secretary

[Vide Notification No. F. 8(193)/CF/TA/07-08/6144 - 6160, dated 28th December, 2011, published in the Delhi Gazette, Extra., Pt. IV, dated 28th December, 2011.]

4. Meeting of the Tree Authority.—(1) The Tree Authority shall meet at least once in three months at such place and time as the Chairman may decide.
(2) The quorum to constitute a meeting of the Tree Authority, shall be three members referred to in sub-section (2) of section 3.

- (3) No co-opted member shall have the right to vote at a meeting.
- (4) In the case of an equality of votes on any matter, the Chairman shall have a second or casting vote.

CHAPTER III

OFFICERS AND SERVANTS

5. Appointment of Tree Officer.—The Government may appoint one or more Forest Officers of the rank not below that of a Deputy Conservator of Forests as Tree Officers for the purposes of this Act.

6. Appointment of other officers.—The Government may, from time to time, appoint such other officers and servants as may be considered necessary who shall be subordinate to the Tree Officer.

CHAPTER IV

DUTIES OF TREE AUTHORITY

7. Duties of Tree Authority.—Notwithstanding anything contained in any other law for the time being in force, the Tree Authority shall, subject to any general or special order of the Government, be responsible for—

- (a) the preservation of all trees within its jurisdiction;
- (b) carrying out census of the existing trees and obtaining, whenever considered necessary, declarations from all owners or occupants about the number of trees in their lands;
- (c) development and maintenance of nurseries, supply of seeds, saplings and trees to persons, who are required to plant new trees or to replace trees which have been felled;
- (d) getting planting and transplanting of trees necessitated by construction of buildings, new roads or widening of existing roads or replacement of trees which have failed to come up along roads or for safeguarding danger of life and property;
- (e) organization of demonstrations and extension services for the purposes of this Act and assisting private and public institution is connected with planting and preservation of trees;
- (f) undertaking such schemes or measures as may be directed from time-to-time by the Government for achieving the objects of this Act;
- (g) undertaking critical study of the proposals of various government departments and private bodies for construction of buildings, roads, factories, irrigation works, laying out of electric, telephone, telegraph and other transmission lines with regard to protection of existing trees and planting of more trees, wherever possible.

CHAPTER V

RESTRICTIONS ON FELLING AND REMOVAL OF TREES AND LIABILITIES FOR PRESERVATION OF TREES

8. Restrictions on felling and removal of trees.—Notwithstanding anything contained in any other law for the time being in force or in any custom or usage or contract and except as provided in this Act or the rules made thereunder, no

Dy. Conservator of Forests (HQ)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan
I.P. Estate, New Delhi-110002

person shall fell or remove or dispose of any tree or forest produce in any land, whether in his ownership or occupancy or otherwise, except with the previous permission of the Tree Officer.

Provided that if the tree is not immediately felled, there would be grave danger to life or property or traffic, the owner of the land may take immediate action to fell such tree and report the fact to the Tree Officer within twenty-four hours of such felling.

COMMENTS

No person can fell or remove or dispose of any tree or forest produce in any land either owned or occupied by him, without the permission of the Tree Officer, but in case if the tree is not immediately felled, there would be grave danger to life or property or traffic, the owner of the land can take immediate action to fell such tree and should report the fact to the Tree Officer within twenty-four hours.

9. Procedure for obtaining permission to fell, cut, remove or dispose of, a tree.—(1) Any person desiring to fell or remove or otherwise dispose of, by any means, a tree, shall make an application to the concerned Tree Officer for permission and such application shall be accompanied by attested copies of such documents as may be prescribed in support of ownership over the land, (the number and kind of trees to be cut, their girth measure at a height of 1.85 metres from ground level and the reasons therefor, copy of *sejra* showing clearly the site and *khasra* numbers of the property.

(2) On receipt of the application, the Tree Officer may, after inspecting the tree and holding such enquiry as he may deem necessary, either grant permission in whole or in part or for reasons to be recorded in writing, refuse permission:

Provided that such permission may not be refused if the tree—

- (i) is dead, diseased or wind fallen; or
- (ii) is silviculturally mature, provided it does not occur on a steep slope; 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; or
- (vi) is required in rural areas to be cut with a view to appropriating the wood or leaves thereof, or any part thereof for *bona fide* use for fuel, fodder, agricultural implements or other domestic use.

(3) The Tree Officer shall give his decision within sixty days from the date of receipt of the application:

Provided that no permission shall be granted to any person from the same area on more than two occasions during the same year subject to a maximum area of one hectare at a time.

(4) If the Tree Officer fails to communicate his permission on request within the period specified under sub-section (3), the permission referred to in section 8, shall be deemed to have been granted.

(5) Every permission granted under this Act shall be in such form and subject to such conditions, including taking of security for ensuring regeneration of the area and replanting of trees or otherwise, as may be prescribed.

COMMENTS

Any person who wants to fell or remove or otherwise dispose of any tree has to make an application to the concerned Tree Officer and with the application he has to submit attested copies of the documents in support of his ownership on the land. He has also to state the number and kind of trees to be cut, their girth measure at a height of 1.85 meters from ground level and the reasons therefore. A copy of *sejra* showing the site and *khasra* numbers of the property is also required to be submitted.

10. Obligation to plant trees.—Every person, who is granted permission under this Act to fell or dispose of any tree, shall be bound to plant such number and kind of trees in the area from which the tree is felled or disposed of by him under such permission as may be directed by the Tree Officer.

Provided that the Tree Officer may, for reasons to be recorded in writing, permit lesser number of trees to be planted or trees to be planted in any different area or exempt any person from the obligation to plant or tend any tree.

COMMENTS

Every person, to whom permission has been granted to fell or dispose of any tree, is bound to plant such number and kind of trees in the area from which the tree is felled or disposed of by him as may be directed by the Tree Officer.

11. Preservation of trees.—(1) Subject to the provisions of section 13, it shall be the duty of the owner of the land to comply with an order made under section 9, or a direction issued under section 10 and to plant trees in accordance with such an order or direction and to ensure that they grow well and are well preserved.

(2) All the owners shall effectively protect all lands or trees growing in the lands or the areas under their control and where the Tree Officer is of the opinion that adequate measures have not been taken to protect the trees from any damage, he may direct the owner to take such measures as are considered necessary to protect trees from damage. In case of default, the Tree Officer may himself arrange such measures and recover the expenditure thereon from the owner in the prescribed manner.

12. Implementation of order made or direction given under sections 9 and 10 and recovery of expenditure on failure to comply with them.—(1) Every person who is under an obligation to plant trees under an order made under section 9 or a direction given under section 10 shall start preparatory work within thirty days of the date of receipt of the order or directions, as the case may be, and shall plant trees in accordance with such order or direction in the ensuing or following rainy season or within such extended time as the Tree Officer may allow and shall provide adequate and effective protection to the trees that exist or are planted in the land or the area from any damage.

(2) In case of default by such person, the Tree Officer may cause trees to be planted and may recover the cost of plantation from such person in the prescribed manner.

13. Adoption of trees.—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, after giving notice to the owner of the tree to show cause, if any, as to why the trees should not be given in adoption, allow, by a written permission, any body corporate or institution to adopt the tree for such period as may be specified in the permission and during

Dy. Conservator of Forests (HQ)
Deptt. of Forests & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan
I.P. Estate, New Delhi-110002

such period, the said body corporate or institution shall be responsible for the maintenance and preservation of the said tree.

14. Appeal.—(1) An appeal shall lie against the order or direction of the Tree Officer under sections 9, 10 and 11, to the Appellate Authority within a period of thirty days of passing the order or direction by the Tree Officer.

(2) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a copy of the order or direction appealed against and a fee of rupees ten.

(3) In disposing of an appeal, the Appellate Authority shall follow such procedure as may be prescribed.

Provided that no appeal shall be disposed of unless the applicant has been given a reasonable opportunity of being heard.

CHAPTER VI

PENALTIES AND PROCEDURE

15. Seizure of property.—Where the Tree Officer has reasons to believe that an offence under this Act has been committed in respect of any tree, he may seize the tools, implements, any boats, vehicles, animals or other conveyances used for the commission of the said offence, along with the tree or part thereof, which has been severed from the ground or the trunk, as the case may be.

COMMENTS

If any offence has been committed under the Act in respect of any tree, the Tree Officer can seize the tools, implements, any boats, vehicles, animals or other conveyances used for the commission of the said offence, along with the tree or part thereof.

16. Forfeiture of timber and other produce from the tree, implements used for felling and the vehicle and animals used for transport of such trees.—(1) Where any person is convicted of an offence under this Act, any timber of the tree in respect of which an offence is committed, the tools and implements used for felling and any boats, vehicles, animals or other conveyances used for its transport, may be ordered by the court to be forfeited to Government.

(2) Any timber produce from the tree, tools and implements, etc., and any boats, animals or other conveyances forfeited under sub-section (1) shall be disposed of by the Tree Officer in such manner as may be prescribed.

17. Power to release property seized under section 15.—The Tree Officer may release the property seized under section 15 if the owner of the land executes a bond in such form as may be prescribed for its production whenever required.

18. Power to arrest without warrant.—(1) Any Tree Officer or a Forest Officer not below the rank of a Forest Ranger or a Police Officer not below the rank of a Sub-Inspector may, without a warrant, arrest any person reasonably suspected of having been concerned in any offence under this Act, and such person refuses to give his name or address or gives a name or address which the concerned officer has reason to believe to be false or if he has reason to believe that the person will abscond.

(2) Any person arrested under sub-section (1) shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest

Magistrate having jurisdiction in the case within twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of the Magistrate.

COMMENTS

Any person suspected of having been concerned in any offence under the Act, and if such person refuses to give his name or address or gives a name or address which is believed to be false or he is likely to abscond, can be arrested without a warrant by the Tree Officer or a Forest Officer not below the rank of a Forest Ranger or a Police Officer not below the rank of a Sub-Inspector.

19. Power to release person arrested.—Any officer, who has arrested any person under the provision of sub-section (1) of section 18 may release such person on his executing a bond with proper surety to appear, if and when so required before the Magistrate having jurisdiction in the case, or before the Police or the Forest Officer not below the rank of Deputy Conservator of Forests or the Tree Officer.

20. Power to prevent commission of offence.—Every Tree Officer or his subordinates or any Forest, Revenue or Police Officer shall prevent and may interfere, for the purpose of preventing the commission of any offence under this Act.

21. Power to compound offence.—(1) The Government may, by notification empower a Tree Officer or any Forest Officer not below the rank of Deputy Conservator of Forest—

(a) to compound any offence committed under this Act on payment of—
(i) a sum not exceeding rupees ten thousand by way of composition for the offence which such person is suspected to have committed; and

(ii) the value of timber and other produce, if any, from the tree in respect of which the offence has been committed;

(b) to release any property seized or liable to confiscation, on payment of the value thereof as estimated by such officer and the amount determined as payable for composition of the offence, as of ordered by the Tree Officer or any Forest Officer, as the case may be.

(2) On the payment of such sums or such value or both, as the case may be, to such officer, the property seized and the offender, if in custody, shall be released and no further proceeding shall be taken against such offender or property.

22. Contravention of Act to be reported by certain officers.—It shall be the duty of every Forest Officer, Panchayat Secretary, Police Constable or any officer superior to him and every officer of the Department of Agriculture, Horticulture, Block Development and Revenue—

(a) to give immediate information coming to his knowledge of any contravention of section 8 and of preparation to commit such contravention to the Tree Officer or the Deputy Conservator of Forests;

(b) to take all reasonable measures in his power to prevent such contravention which he may know or has reason to believe that it is about or likely to be committed.

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23. Offences by organisations.—If the person committing an offence under this Act, is an organisation, the organisation as well as every person in charge of, and responsible to, the organisation for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be prosecuted against and punished accordingly.

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

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by an organization and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of its Head of the Department/officer/unit, director, manager, secretary, treasurer or other officer of the organisation shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

COMMENTS

If any organisation commits any offence under the Act, the organisation as well as every person in charge of, and responsible to, the organisation for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be prosecuted against and punished accordingly.

24. Penalty.—(1) Any person who contravenes any of the provisions of this Act or rules or orders made thereunder shall, on conviction, be published with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

COMMENTS

Contravention of any of the provisions of the Act or rules or orders made thereunder is, on conviction, punishable with imprisonment up to one year or with fine up to one thousand rupees or with both.

25. Award of penalty of forfeiture not to interfere with other punishment.—The award of penalty or forfeiture of any property under this Act shall not prevent the inflicting or any punishment to which the person affected thereby is liable under any other law.

CHAPTER VII MISCELLANEOUS

26. Officers to be public servants.—The officers exercising powers or discharging any duties or functions under the Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, (Central Act 45 of 1860).

27. Bar of proceedings.—No suit or proceedings shall lie against the Government or any person empowered to exercise power or to perform duties or discharge functions under this Act, for anything done or purporting to be done or omitted to be done in good faith under this Act or the rules and orders made thereunder.

28. Execution of order for payment of money.—Any sum, including any 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.

29. Power of the Government to exempt.—Subject to such conditions, if any, as may be imposed, the Government may, if it considers it necessary so to do in the public interest, by notification, exempt any area or any species of trees from all or any of the provisions of this Act.

30. Power of the Government for preservation of trees.—(1) The Government may in the interest of general public, declare by notification that any class of trees shall not be felled for such period as is specified in that notification.

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

31. Investing Trees Officer with certain powers.—(1) The Government may, by notification, invest the Tree Officers and other officers with all or any of the following powers, namely:—

- (a) power to enter upon any land and to survey, demarcate and make a map of the same;
- (b) powers of a civil court to compel the attendance of witness and the production of documents and material objects;
- (c) power to issue a search warrant under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);
- (d) power to hold enquiries into offence under the Act and in the course of such inquiry to receive and record evidence;
- (e) power to take possession of property under the Act;
- (f) power to direct release of property or withdrawal of charges; and
- (g) power to require any person to plant tree or trees of suitable species in adequate numbers on any land owned or occupied by him.

32. Transit of felled material.—The provisions of sections 41 and 42 of the Indian Forest Act, 1927 (Central Act 16 of 1972) shall *mutatis mutandis*, apply to the transit of the felled trees under this Act.

33. Power of the Government to give directions.—The Government may, from time to time, give to the Tree Officers, other officers of the Tree Authority and officers subordinate to them general or special directions regarding the discharge of their functions and for carrying out effectively the purposes of this Act, and such Tree Officers and other officers shall comply with the directions issued.

34. Power to make rules.—(1) The Government may, after previous publication make, by notification, in the Official Gazette, rules to carry 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, namely:—

- (a) specifying attested copies of documents to be attached with application for obtaining permission to fell, cut, remove or otherwise dispose of a tree and prescribing the form in which such permission shall be granted;

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- (b) specifying the manner for recovery of the expenditure by Tree Officer from owners who default to protect trees from damage;
 - (c) specifying the manner for recovery of cost of plantation from persons who fail to plant trees;
 - (d) regulating the procedure for disposal of appeal by the Appellate Authority;
 - (e) specifying the manner of disposal of forfeited timber, other produce from the trees, tools and implement etc.;
 - (f) prescribing the form of bond to be executed by an owner in case of release of property seized under section 15;
 - (g) specifying the manner of regulating the management of class of trees felling of which for specified period is prohibited;
 - (h) any other manner which is to be, or may be, prescribed under this Act.
- (3) Every rule made by the Government under this Act, shall be laid as soon as may be after it is made, before the Legislative Assembly.

35. **Provision of this Act to be in addition to any other law for the time being in force.**—Nothing in this Act shall be deemed to affect the operation of any other law and the rules made thereunder and the provisions of this Act shall be in addition to and not in derogation of the provisions of the said Act and rules made thereunder.



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Govt. of NCT of Delhi
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THE DELHI PRESERVATION OF TREES RULES, 1996¹

In exercise of the powers conferred by section 34 of the Delhi Preservation of Trees Act, 1994 (Delhi Act 11 of 1994), the Government of National Capital Territory of Delhi, hereby makes the following rules, namely:—

1. Short title, extent and commencement.—(1) These rules may be called the Delhi Preservation of Trees Rules, 1996.

(2) They extend to the whole of the National Capital Territory of Delhi.

(3) They shall come into force with effect from the date² of their publication in the Delhi Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,

(a) "Act" means the Delhi Preservation of Trees Act, 1994 (Delhi Act 11 of 1994);

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

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

(2) Words and expressions which are used in these rules but not defined under these rules or the Act, shall have the meaning as assigned to them under the Indian Forest Act, 1927 (Central Act 16 of 1927).

3. Form of report under section 8.—Every report of trees felled 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 of forest produce shall be made in Form C.

(3) Court-fee stamps of the value 5.00 (rupees five only) shall be affixed on every application, made under these rules.

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

6. Form of Permission.—(1) The permission which may be granted under section 9 shall be in one of the following forms and shall be subject to the terms and conditions specified therein:—

(i) in respect of felling of a tree.....Form E;

(ii) in respect of removal or disposal of trees or forest produce.....Form F.

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

1. Vide Notification No. F. 10/PA/DCE/94/5131, dated 8th November, 1996, published in the Delhi Gazette, Extra., Pt. IV, No. 182, dated 8th November, 1996.

2. Came into force on 8-11-1996.

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. 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 Act 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 G 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 and having due regard to his wishes, incapacity and nature of land, 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.

9. Implementation of orders made under section 9 or 10(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, he shall issue a notice in Form H to such persons.

(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.

10. 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 the Form I 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.

11. Record of forfeited property.—The Tree Officer shall maintain a register of the property forfeited to the Government, under section 16 in Form J.

12. 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 along with a copy of the valuation report to the Secretary of Forests of the Government and dispose of the forfeited property as directed by the Government.

Conservator of Forests (HQ)
Valuation of Forests & Wildlife
Deptt. of Forests
Govt. of NCT of Delhi

A-Block, 2nd Floor, Vikas Bhawan
1P, Estate, New Delhi-110002

property in accordance with the instruction issued by the Secretary of Forests of the Government from time-to-time in that behalf.

13. Release of seized property.—The bond to be executed by the owner or occupant for release of the seized property under section 17 shall be in Form K.

14. Management of certain classes of trees.—(1) Every owner or occupant of the land on which trees notified under section 30 exist shall, within sixty days 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 Secretary of Forests of the Government—

Serial Number Species Diameter at 30 cm from the ground level
(2) Whereas 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 thirty days.

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

(4) The Tree Officer shall also keep a record of such trees in a Register in Form L.

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 village.....and District.....I declare that if the said tree/s 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 khasra 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 metres from ground level.
- (v) Justification for felling the tree/trees (Here describe the way in which the tree posed danger and the reason why you could not wait to seek permission for cutting it).

Signature

FORM B

[See sub-rule (1) of rule 4]

The Tree Officer,

Sir,

I apply for grant of permission for felling tree/s located in the property situated in the village.....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 of the village and khasra number of property.
 - (v) Total area of the property with 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 species-wise are.
- | Species | No. | 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 intended 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:

Attested copies of:—

- (i) Property/occupancy documents.
- (ii) Plan of the property showing the khasra number.
- (iii) Enumeration list (duly signed by the applicant).
- (iv) Boundary list (duly signed by the applicant).
- (v) Latest jamabandi of land record issued by the Tehsildar.
- (vi) "No-Objection Certificate" from the concerned local body (e.g.) District of Forests & Wildlife Govt. of NCT of Delhi not less than one metre from the ground.

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Form C]

The Delhi Preservation of Trees Rules, 1996

(vii) "No-Objection Certificate" from adjoining property owners.

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

I, aged years, resident of village (Locality) 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 bearing khasra 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 trees from the aforesaid property. All the trees have been numbered with paint.

3. That there is no other owner/occupant of this property 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 future regarding the ownership/occupancy of the said property or the forest produce from the said property.

Deponent

Verification

I hereby solemnly declare and affirm that to the best of my knowledge and belief the contents of my above affidavit are correct and true and that nothing material has been concealed or omitted therefrom.

Verified at this the day of 20.....

Deponent

FORM C

[See sub-rule (2) of rule 4]

To

The Tree Officer and Conservator of Forests,

Sir,

I apply for grant of permission for removal and disposal of tree/s located in the property situated in the village and District I furnish below the 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 the applicant) 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 of village and khasra number of the property from which trees were felled.
- (v) Total area of the property with description of the boundaries.
- (vi) Total number of felled trees (species-wise) whose trunk or body is not less than 5 cm. in diameter at a height 30 cm. from the ground and whose height was not less than one metre from the ground.

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(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 Act or had fallen due to natural causes, etc.

(viii) Details of material obtained from the felled trees Species Vol. in M3 or Wt. in Qtls. Use timber of fuel (Attach measurement in case of scattering).

(ix) The manner in which the material would be removed.

(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:

- (a) For self use Species Volume in M3 or Wt. in Qtls. Use timber of fuel.
 (b) By sale Species Volume in M3 or Wt. in Qtls. Use timber of fuel
 (c) Name(s) and full address(es) of the persons/parties to whom the material would be disposed by sale.

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 khasra number.
 (iii) Boundary list (duly signed by the applicant).
 (iv) Latest jamabandi of land record issued by the Tehsildar.
 (v) Report, if any, made pursuant to proviso to section 8 of the Act.
 (vi) Permit if any, granted by the Tree Officer.

FORM D (See rule 5)

Sl. No.	Name & address of the applicant	Details of the application		
		Date of receipt	For felling or removal/disposal	Last Date for disposal
(1)	(2)	(3)	(4)	(5)

Name of the village in which trees to be felled or removed/disposed is are situated	Nature	Details of decision taken		Remarks
		Date on which taken	Date of communication to be applicant	
(4)	(5)	(6)	(7)	(8)

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FORM E (See rule 6)

Tree Officer and
 Conservator of Forests,
 Government of National Capital
 Territory of Delhi.

Dated: 20.....

Subject—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 situated in subject to the satisfaction of the terms and conditions here into specified:—

Details of Trees

Sl. No.	Species of trees	No. of trees
Shri/Smt.....	(.....)	Tree Officer and Conservator of Forests

TERMS AND CONDITIONS

- The Ranger Forest Officer shall mark the trees before cutting them.
- Permission to fell the trees is granted at his/her own risk and without prejudice to the claim(s) of any other person/s who may be having any right(s) over the land or the trees.
- Felling of trees shall be completed within.....days.
- Material produced from felled trees shall not be removed or disposed without permission of the Tree Officer.
- He/She shall replant 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 shall deposit a sum of Rs. (Rupees.....) only 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 the 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, recovery of as arrears of land revenue.

Copy submitted for information to:-

1. The Secretary of Forests, Government of National Capital Territory of Delhi.
2. The Range Forest Officer.....

FORM F

(See rule 6)

Tree Officer and
Conservator of Forests,
Government of National Capital
Territory of Delhi.

Dated.....20.....

Subject: Permission to remove/dispose of/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 of the material (as per details indicated below) from the private property known as.....khasra number.....situated at.....subject to the terms and conditions hereunder specified:

Sl No.	Description of the material	No.	Vol.	or	Wt.	Destination where property is to be removed	Period of validity of the permit	Remarks
1.	2	3	4	5	6	7		

Note: The Driver of the vehicle, while transporting the forest produce, will carry an attested photocopy of this permission letter.

FORM G

[See sub-rule (1) of rule 8]

NOTICE

Whereas Shri/Smt.....is the owner/occupant of the property known as.....being khasra number.....and situated in the village.....and district.....

And whereas I, Shri.....Tree Officer and Conservator of Forests had found that adequate measures were not taken by him/her for protection of 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;

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And whereas I have inspected the property on.....and 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.....) only approximately on his/her behalf and recover the expenses incurred from him/her.

(.....)
Shri/Smt.....
Tree Officer and
Conservator of Forests

Copy to:-

1. The Range Forest Officer..... This has reference to his letter No.
2. The Secretary of Forests, Government of National Capital Territory of Delhi.

FORM H

[See sub-rule (1) of rule 9]

NOTICE

Whereas Shri/Smt.....was ordered/directed to plant trees in the property known as.....bearing khasra No.and situated in the village.....and district.....vide 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 Rs.(Rupees.....) only approximately on his/her behalf and recover expenses incurred thereunder from him/her.

(.....)
Shri/Smt.....
Tree Officer and
Conservator of Forests