

**GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN, I.P.ESTATE,
NEW DELHI-110002.**

Dated:-

CIRCULAR

Permissions for felling of trees are being given by Tree Officers as per process laid out in section 9 of Delhi Preservation of Trees Act, 1994 (DPTA,1994) which is reproduced as below:

“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, (he 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 sajra 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 slop;

or (iii) constitutes a danger to life or property; or

(iv) constitutes obstruction to traffic; or

(v) is substantially damaged or destroyed by fire, lightening, 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 bone 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."

Further, applicants are being given permission on conditions consistent with section 9(5) one of them being plantation of 10 saplings for each tree felled and maintaining the same for 5-7 years based on land identified for compensatory plantation as per decision of Government through cabinet decision no 1629 dated 24/02/2010 issued as per section 9(5) & 10 of DPTA, 1994. Section 10 of DPTA,1994 is reproduced as below:

"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."

It has been observed that there are many permissions against which compensatory planation has not happened at all after passage of prescribed timelines or haven't been done within timeline prescribed in the permission. This is in violation permissions given as per provisions of section 9 & 10 under DPTA, 1994. Further, section 11 & 12 empowers Tree Officers to minimise the lost of ecosystem services due to felling of trees by planting saplings at the earliest by applicant. In case of applicant failing to comply with the directions under section 9& 10 in permission, section 11&12 of DPTA, 1994 provides following:



“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.”

In addition to this, section 31 of DPTA, 1994 provides following powers to Tree Officers:

“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;

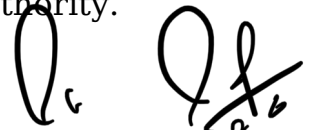
(f) power to direct release of property or withdrawal of charges; and

(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."

In view of above provisions of the DPTA, 1994, all Tree Officers are directed to initiate action under section 11, 12 & 31 of Delhi Preservation of Trees Act (DPTA), 1994 in cases of non-compliance by user agencies in compensatory plantation and take up plantation by taking over the land identified for the purpose using forfeited security deposit.

This issues with the approval of the Competent Authority.



Amit Anand, IFS

Dy Conservator of Forests

To:-

1. Deputy Conservator of Forests (South) & Tree Officer, South Forest Division, Govt. of NCT of Delhi, Near Dr. Karni Singh Shooting Range, Tughlakabad, New Delhi-110044.
2. Deputy Conservator of Forests (North) & Tree Officer, North Forest Division, Govt. of NCT of Delhi, Bakoli, Alipur, Delhi-110036.
3. Deputy Conservator of Forests (Central) & Tree Officer, Central Forest Division, Govt. of NCT of Delhi, Kamla Nehru Ridge, Delhi-110007.
4. Deputy Conservator of Forests (West) & Tree Officer, West Forest Division, Govt. of NCT of Delhi, Birla Mandir Marg, Delhi-110060.

Copy to:-

1. PS to PCCF, Department of Forest & Wildlife, Govt. of NCT of Delhi.
2. PA to CWLW Department of Forest & Wildlife, Govt. of NCT of Delhi.
3. PA to CCF (A), Department of Forest & Wildlife, Govt. of NCT of Delhi.
4. PA to CF, Department of Forest & Wildlife, Govt. of NCT of Delhi.



Amit Anand, IFS

Dy Conservator of Forests