The Delhi Preservation Of Trees Rules, 1996

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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.
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 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 array 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.

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 alongwith a copy of the valuation report to the Secretary of Forests of the Government and dispose of the forefeited 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-vile (2) and report compliance to the Secretary or Forests of the Government.

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).

Place .....

.....

Date .....

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: .....

Applicant's Signature

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.) MCD/ N.D.M.C.

(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) (Locality) I .....aged.....years, resident of..... village ..... 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.....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) Appplicant'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.

(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 scatting).

(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)

S1.No.	Name & 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			
		Date	Date of reciept	For felling or Removal/disposal	Last Date for disposal		Nature	Date on which taken	Date of communication to be applicant	Remarks
(1)	(2)			(3)		(4)	(5)		(6)	

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

(.....) Tree Officer and Conservator of Forests

Shri/Smt .....

.....

.....

TERMS AND CONDITIONS

1. The Ranger 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(s) 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 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, by 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 material	No.	Vol. or Wt.	Destination where property is to be removed	Period of validity of he 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.

(.....)

Tree Officer and Conservator of Forests

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;

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.

(.....).

Tree Officer and Conservator of Forests

Shri/Smt .....

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.

(.....) Tree Officer and

Conservator of Forests

Shri/Smt..... .

FORM I

[See sub-rule (3) of rule 10]

REGISTER OF APPEALS

Sl. No.	Name & address of the applicant	Particulars of Appeals							
		Date	Date of receipt	Designation of the authority whose order is challenged in appeal.	No. & date	Date of decision	Nature of decision	Date of communication of the decision	Remarks
1	2	3	4	5	6	7	8	9	10
1.									
2.									
3.									
4.									
5.									

FORM J

(See rule 11)

STOCK REGISTER

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

FORM K

(rule 13)

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 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.....) only.

I/we do hereby state that I/we have received this .....day of..... (month) ..... (year) the above mentioned property valued at Rs..... (Rupees.....) only 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) intact and in the same condition as they are now (reasonable wear and tear excepted) whenever called upon to do so by the Tree Officer and Conservator of Forests ..... (indicate the address of the office) and not to deliever the same to any person or otherwise dispose of or deal with the same without an order in writing from the aforesaid Tree Officer and Conservator of Forests.

Witnesses:-

(i) .....

(Signature, name and address) Signature

(ii) .....

(Signature, name and address) Signature

FORM L

[See sub-rule (4) of rule 14]

FORM OF REGISTER OF NOTIFIED TREES

SI. NO.	Name & address	Date of Report	No. of trees (species-wise to be given)	Date on which trees are marked with identification marks	Date on which report submitted to the Secretary of Forests	Remarks
1	2	3	4	5	6	7