

# THE DELHI PRESERVATION OF TREES RULES, 1996

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## FORMS

### **Noti. No. F. 10/PA/DCF/94/5131, dated 8<sup>th</sup> November, 1996.<sup>1</sup>-**

Whereas a draft of certain rules when the Government of National Capital Territory of Delhi proposes to make in exercise of the powers conferred by Section 34 of the Delhi Preservation of Trees Act, 1994 (Delhi Act 11 of 1994), was published for the information of persons likely to be affected thereby and inviting their objections and suggestions before the expiry of a period of fifteen days from the date of publication of the draft rules in the Delhi Gazette.

Whereas the said rules were published in Delhi Gazette on the 15<sup>th</sup> April, 1996;

And whereas no objections or suggestions have been received within the stipulated period;

Now, therefore, 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 [date] 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 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.

(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 alongwith a copy of the valuation report to the Secretary of Forests of the Government and dispose of the forfeited 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
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(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.

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