

Process of Tree Felling / Transplantation Permission Under the Delhi Preservation of Trees Act (DPTA), 1994

Department of Forests & Wildlife
Govt. of NCT of Delhi

Section 2 (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;

Section 2 (i) & (j):

- ▶ (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;

Section 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 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

Section 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 therefore, copy of sajra showing clearly the site and khasra numbers of the property.

Section 9

- ▶ (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

Section 9

(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.

Section 9

- ▶ (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.

Section 9

- ▶ (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.

Section 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.

Mandatory Compensatory Plantation

- ▶ As per the Cabinet Decision No. 1629 dated 24.02.2010, the Compensatory Plantation in the component of ratio of 1:10 is carried out in lieu of each tree to be transplanted / felled under Delhi Preservation of Trees Act (DPTA), 1994.
- ▶ As per the Cabinet Decision No. 2161 dated 19.06.2015, the existing amount for security of Rs. 34,500/- in case of individuals and Rs. 57,000/- in case of developmental & commercial projects for each tree to be removed with refundable component of Rs. 15,000/- & Rs. 25,000/- in case of individuals and projects respectively.

Salient Features of Tree Transplantation Policy 2020

- ▶ First preference to retain maximum numbers of trees at site .
- ▶ Minimum 80% (excluding exotic species) of the total trees to be transplanted.
- ▶ Ensuring 80% survival rate of the trees to be transplanted.
- ▶ First preference to transplant the trees at the project site, itself.
- ▶ Second preference to transplant the trees along PWD roads and Nurseries.
- ▶ Third preference to transplant the trees nearest to the project site.

100 % transplantation of native species trees

- ▶ The operative part of the order dated 28.04.2022 of Hon'ble High Court of Delhi, in **Neeraj Sharma Vs. Vinay Sheel Saxena & Ors.** Cont. Cas(C) 851 of 2021 Hon'ble High Court of Delhi, order dated 28.04.2022 is reproduced below:-
 - ▶ 4. *It will be logical and prudent to transplant fully grown trees instead of cutting them down.*
 - ▶ *“8. In the circumstances, it would be appropriate that the Tree Officer(s) give due consideration to transplantation of each tree which is sought to be cut, before granting any further permission for cutting of trees. This would entail inspection of the trees which are sought. The reason for grant or denial of permission would have to be spelt out in the order of the Tree Officer along with photographs of each tree.”*

Section 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.

Section 11

- ▶ In case of default, the Tree Officer may himself arrange such measures and recover the expenditure thereon from the owner in the prescribed manner.

Submission of online application

- ▶ Submission of online application along with requisite documents as per SOP dated 24.04.2025 by the applicant through DPTA e-forest portal (link- <https://dpta.eforest.delhi.gov.in>)
- ▶ The concerned O/o Tree Officer verifies / checks the information and documents submitted in the application.
 - ▶ If the information/documents are **incorrect**, the application is sent back online to the applicant.
 - ▶ If the information/documents are **correct**, the case proceeds to field verification.

Field verification / inspection

- ▶ A Tree Inspector conducts **field verification / inspection** of the project area
- ▶ The report submitted by the Tree Inspector is **reviewed and verified by the Tree Officer.**
- ▶ The Tree Officer shall make every effort to save as many trees as possible.
- ▶ The Tree Officer shall consider whether the trees can be preserved by pruning or by adopting other suitable methods, instead of felling/transplantation.
- ▶ The **verified report is then submitted online.**

The Process being followed at present in view of the Hon'ble Supreme Court of India's order dated 19.12.2024.

<50 Trees <1 Ha	>50 Trees <1 Ha	<50 Trees >1 Ha	>50 Trees >1 Ha
➤ The Tree Officer shall take the decision at his / her own level ➤ Proposal need not to be sent to CEC	➤ The proposal is submitted to CEC by Tree Officer for approval ➤ Tree Officer conveys the permission after the approval of CEC	➤ Exemption is obtained from the State Government (Hon LG) u/s 29 of the DPTA, 1994 ➤ Tree Officer shall take the decision at his/her own level after exemption	The proposal is submitted to CEC by Tree Officer for approval Exemption is required from the State Government (Hon LG) u/s 29 of the DPTA, 1994 Tree Officer shall take the decision at his/her own level after exemption

Decision-Making Process

- ▶ **If the number of trees is less than 50 and the project area is less than 1 hectare** – there is **no need to send the application to CEC**. The Tree Officer shall take the decision at his/her own level.
- ▶ **If the number of trees is more than 50** – the application is required to be submitted to the **CEC in hard file for approval**, in view of the Hon'ble Supreme Court of India's order dated *19.12.2024*.
- ▶ **If the project area is more than 1 hectare** – an **exemption is required from the State Government under Section 29 of the DPTA, 1994**.
- ▶ After inspection, the **CEC submits an Office Memorandum**.
- ▶ After approval from CEC and State Government- A **Notification is issued under Section 29 of the DPTA, 1994**.
- ▶ A **Security Deposit letter** along with compliance conditions for Advance **Compensatory Plantation** is issued by the Tree Officer.
- ▶ Finally, **permission is granted in the form of a Speaking Order by the Tree Officer**.