

COMPLIANCE OF ORDER OF HON'BLE HIGH COURT OF DELHI DATED 10.2.2021

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No. 5 – DDR/VIP/2000 – DDVI Ministry of Urban Development and Poverty Alleviation (Delhi Division) ********

Nirman Bhavan, New Delhi Dated:21st July, 2000

OFFICE MEMORANDUM

Sub: Environmental damage use to unnecessary and wasteful building exercises undertaken by Municipal agencies – Issuing of guidelines.

The undersigned is directed to state that after considering the views of experts, government agencies, local bodies and NGO's, the 'Guidelines for Greening of Urban Areas and landscape' have been formulated. These guidelines are issued to all concerned for taking follow up action.

(MAHENDRA KUMAR) Under Secretary to the Govt. of India

To:

- 1. Principal Secretary (UD), GNCTD, Vikas Bhavan, I.P Estates, New Delhi.
- 2. Commissioner, MCD, Town Hall, New Delhi.
- 3. Chairperson, Palika Bhawan, New Delhi.
- 4. Vice Chairman, DDA, Vikas Sadan, New Delhi.
- 5. CEO, Delhi Jal Board, Jhandewalan, New Delhi.
- 6. Chairman, DVB, Shakti Sadan, New Delhi.
- 7. DG (W), CPWD, Nirman Bhawan, New Delhi.
- 8. Engineer-in-charge, PWD (Delhi Admn.), GNCTD, KG Marg, New. Delhi.
- 9. Director of Horticulture, CPWD, I.P.Bhawan, New Delhi.
- 10. Director of Horticulture, MCD, Under School Lane Fly-over, Deen Dayal, Upadhyay Marg, Rouse Avenue, New Delhi –2.
- 11. Director of Horticulture, NDMC, Palika Kendra, New Delhi.
- 12. Director of Horticulture, DDA, Vikas Minar, New Delhi.
- 13. Conservator of Forests, GNCTD, kamla Nehru ridge, Delhi 7.
- 14. Head of Department, Floriculture, IART, Pusa Road, New Delhi.

Copy to:

- 1. APS to UDM/PS to MOS(UD)
- 2. SPPS to Secretary (UD)/PS to JS(UD)/PS to JS(DL)/PS to DS(DD)

Guidelines for greening of urban areas and landscaping

- 1. To avoid use of excessive tiling of pavements: porous materials to be used Unnecessary and excessive tiling of the roadside pavement should be avoided. The area around trees lined along the road should not be covered with tiling as it hampers the basic necessary functions and needs of the trees i.e root aeration and availability of water get drastically reduced. Whenever tiling is done, porous tiles alone should be used. Roots of the trees should be protected, top soil should be preserved while taking up civic works. Indiscriminate tiling of road dividers and footpaths should be avoided.
 - 2. Tiling should be done only on pavements with heavy pedestrian traffic: Tiling should be only done on the roadside which have heavy pedestrian movements. In case of bridges and such areas where there are no pedestrian movements, tiling may be avoided and in case tiling is to be done, preference is to be given to porous tiles as porous materials allows seepage of ground water. The species of trees may be chosen for their pollution reduction abilities including dust trapping to avoid reliance of a single species, a combination of trees, shrubs, grasses should be grown.
 - 3. Growth of grasses to be encouraged

The necessity of grasses playing a vital role in making soil suitable for vegetation should be realized and unnecessary digging of soil should be stopped forthwith.

4. Excessive pruning to be avoided

Practice of excessive pruning of crops should be avoided. Pruning of plants in a well nurtured garden and pruning of roadside plants should be differentiated. Excessive pruning may lead to upsetting the root shoot ratio. Leaf pruning should not be resorted to.

5. Compost to be made of leaves

Leaf is an excellent material for making of compost and burning of leaves causes pollution. A system of composting of leaves in nearby parks should be adopted which will provide water retentive manure to civic agencies. Some fallen leaves may be left near the base as water retentive mulch.

6. Adequate space to be left around trees

An area of 6"x 6" around the trees should be left uncemented. Widening of roads upto the trunk of trees is to be avoided as roots come under the asphalted roads and will gradually die. In case of storm, these trees can topple down. Activities which adversely affect the roots are to be kept at a minimum.

7. Digging near trees to be avoided

Digging near the trees by allowing telephone, electricity, sewage lines should be avoided to avoid root injury; sufficient space should be left along the ground for the trees. In no case should roots be exposed. Washing avenue trees foliage may be done on a tri-monthly basis to get rid of particulate matter from the foliage.

8. Use of Organic Compost:

The dead trees may be replaced by young plants after providing sufficient compost in the pits. Organic manure added with compost FYM mix with nitrogen fixing

bacteria culture and neem cake should be spread on the green and poured into the soil before either irrigating the tree basin or before rains.

9. Planting of second line trees to be encouraged:

New trees which may be called as second generation trees must be planted preferably 2-3 meters behind the existing road trees in an alternate position or inside the bungalow compounds. A mix of foliage and fruit trees should be planted. Planting of fairly well established large trees should be undertaken as chances of their survival will be more. Cues of species to be adopted may be taken from the old trees lining Delhi's roads.

10. Initiation of EEC activities

Horticulture dept. may initiate education/awareness campaign with school students and elders and users of the park where the different species of trees are present in the particular park and importance about preservation of eco-systems is explained. School students may be taken for nature walks in a major garden to get them associated with the flora and fauna around them. Also the citizens of an area residing near a park can be involved for this awareness campaign.

11. Compactness of soil near trees to be avoided

Compactness of soil should be avoided within at least one meter around the tree. Perforated metallic frame can be used for this purpose. Soil surveys around the trees should be done by removing stones.

12. Setting up a Central Resource Centre

A Central Resource Centre should be set up to aid and advise the State Governments, Municipal Corporations and other development agencies dealing with matters pertaining to horticulture and landscaping. A manual on the subject should also be prepared.

13. Stress on shelter beds of thick trees

Around the cities vulnerable to desert wings, shelter – beds of special design of thick trees should be planted.

14. Updating technology of transplantation of trees

Technology of transplantation of trees should be updated to ensure at least 80 percent of the success rate of planted trees. As far as possible, trees grown in the nursery with a height of four to six meters should be planted. Presently, survival rate of trees is less due to animal menace and non-caring of trees. The public participation in caring of trees planted around their houses may be ensured.

15. Setting up of a tree disease surgery unit in Horticulture Dept.

A small tree disease/surgery unit should be created in all horticulture departments to cure tree maladies.

16. Earmarking of some cost of projects for landscaping

In any layout plan of land and housing development, at least two and a half percent of the cost of the project should be earmarked for landscaping and green development.

17. Use of kitchen and garden waste for compose

Technology to use the kitchen and garden waste to fabricate building and landscaping material should be perfected and made available to all the urban development agencies.

18. Proper care of water fronts

Underground water does not gets recharged sufficiently because of use of concrete around them. Efforts should be made to get the water fronts recharged and these fronts kept clean.

19. Heritage building to be landscaped

Areas around heritage buildings should be suitable landscaped and beautified.

20. Greening of void areas not required for minimum construction

Urban void areas should not be allowed to exist and the area not required for immediate development or construction, should be made green and fenced with suitable landscaping. Similarly road berm/right of way required for future road widening should be landscaped and maintained as green.

21. Encouragement for water harvesting technologies

Information regarding water harvesting has to be disseminated in public and its use encouraged. It should be ensured that quality of water does not get deteriorated for which required measures are to be taken.

22. For maintenance of greens internally

Criss-cross paths should be provided for in the gardens and lawns. There should be connecting gated at all corners so that people do not walk on the grass.

23. Public participation to be ensured

Public participation at present is poor in maintenance of green. This has to be activated and Residents Welfare Association and to be involved in planting of new trees and in their survival. User groups need to be activated; NGO's can play a catalytic role in this. Each NGO may earmark a selected area for its activities thereby dividing the entire Net area. A Committee with officials from MCD, NDMC, DDA, GNCTD, etc will act as a nodal agency and will review every month or as necessary.

IN THE HIGH COURT OF DELHI AT NEW DELHI

WP(C) No.1772/2007

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Date of Decision: 19th September, 2007

KALPAVRIKSH

..... Petitioner
Through Mr.Ritwick Dutta with
Mr.Rahul Choudhary, Advocates

versus

UOI & ORS.

..... Respondent
Through Mr.Abhinav Bajaj, proxy counsel for Mr.Rakesh Tiku, Advocate for UOI.
Mr.Ajay Verma, Advocate for DDA.
Ms.Manpreet Kaur, proxy counsel for Mr.V.K. Tandon, Advocate for respondents 1 & 5.
Ms.Anjana Gosain with Ms.Sadiqua Fatima. Advocates for NDMC.

CORAM:

HON'BLE THE CHIEF JUSTICE HON'BLE MR. JUSTICE SANJ V KHANNA

- Whether reporters of local papers be allowed to see the judgment?
- 2. To be referred to the Reporte or not?
- Whether the judgment should be reported in the Digest?

DR. MUKUNDAKAM SHARMA, CJ (Oral)

1. We have perused the additional affidavits filed by the petitioner as also by the NDMC and the Municipal Corporation of

WP(C) No.1772/2007

page 1 of 4



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Examiner J. State Copartment
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Authorized to a section 70 of
Middle E. Lenge Act

- 2. We had issued orders for stopping concretization around trees and asked the authorities to take remedial action to save the trees as concretization is causing damage to the trees. Such concretization is also in violation of the Delhi Preservation of Trees Act, 1994, as indiscriminate concretization and constructions have been made around trees on the pavements of Delhi.
- 3. After our orders, there is definite improvement and deconcretization has been done in many areas. We have found that the NDMC has taken up projects of de-concretization and re-tiling around the trees on the pavements. We expect that the New Delhi Municipal Council shall continue to take steps to preserve greenery and the trees. They shall also carry out inspection of the entire area falling under the NDMC from time to time and take all necessary steps to de-concertize and re-tile, where concretization around trees has been made by the contractors.
- 4. We issue similar directions to the Municipal Corporation of Delhi so as to stop further violation of the provisions of the Delhi Preservation of Trees Act, 1994.

WP(C) No.1772/2007

page 2 of 4



- on going through the records, we find that although some remedial measures have been taken by the Municipal Corporation of Delhi, further action called for and required on their part for stopping the concretization around trees in their area.
- greening of urban areas and landscaping in Delhi. The first paragraph of the said guidelines provides that unnecessary and excessive tiling of the roadside pavements should be avoided. There are some other constructive points and directions incorporated in the same, which are required to be implemented by the public utility departments of Delhi.
- Since the aforesaid guidelines have been issued by the Central Government, the public utility services of Delhi are bound to comply with the aforesaid guidelines, which are issued.
- 8. We, therefore, issue a direction to the public utility departments including the Municipal Corporation of Delhi, New Delhi Municipal Council, PWD and also the DDA to comply with the directions contained in the guidelines and also to see that the intention behind issuance of the aforesaid guidelines is understood and the said guidelines should be implemented in

WP(C) No.1772/2007

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page 3 of 4





their letter and spirit.

- 9. In terms of the aforesaid order, we dispose of this writ petition. We, however, grant liberty to the petitioner to point out any shortfall on the part of Municipal Corporation of Delhi, New Delhi Municipal Council or others and also to sensitise them and to make them aware of any default or lapse by them in any part of Delhi.
- The writ petition stands disposed of in terms of the aforesaid observations and directions.

CHIEF JUSTICE

SANJIV KHANNA, J

SEPTEMBER 19, 2007

WP(C) No.1772/2007

page 4 of 4



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Examine for the Standard Standard

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 11162/2009

S.C.JAIN

..... Petitioner

Through:

versus

UOI &ANR.

..... Respondents

Through:

Mr. N. Waziri, Standing Counsel with Mr.

Shoaib Haider, Advocate for GNCTD.

Mr. Anil Amrit, Standing Counsel for NDMC. Ms. Maninder Acharya, Advocate for MCD.

CORAM:

HON'BLE THE CHIEF JUSTICE HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

SE MR. JUSTICE RAJIV SAHAT ENDE.

ORDER 10.02.2010

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6.

Status report filed by the Govt. of NCT of Delhi is taken on record. The counsel appearing for the MCD & NDMC to file their status report during the course of the day. DDA is given further time of two weeks to file status report. Needless to say that the Authorities shall continue to carry out the work of removal of concretes around the trees and file farther status report. The Authorities shall not use an area of 6'x6' around the trees while laying down pavements or any other road etc.

Adjourned to 3rd March, 2010.

CHIEF JUSTICE

RAJIV SAHAI ENDLAW, J

FEBRUARY 10, 2010

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BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Application No. 82 of 2013

Aditya N. Prasad Vs. Union of India & Ors.

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON

HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER

HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER HON'BLE DR. G. K. PANDEY, EXPERT MEMBER HON'BLE DR. R. C. TRIVEDI, EXPERT MEMBER

HON BLE DR. R. C. TRIVEDI, EXPERT MEMBER

Present:

Applicant: Mr. Rajiv Dutta, Sr. Advocate, Mr. Kumar Dushyant

Singh, Advocate and Mr. Arijeet Singh, Advocate

Respondent No. 1 to 14: Ms. Neelam Rathore, Advocate along with Ms.

Syed Amber

Respondent No. 2:
Respondent No. 3 & 4:
Respondent No. 5&12:
Respondent No. 6:

Ms. Puja Kalra, Advocate
Mr. Balendu Shekhar, Advocate
Mr. D. Rajeshwar Rao, Advocate
Mr. Sunil Satraparthi, Advocate

Respondent No.7: Mr. M. Dutta, Advocate

Respondent No.8: Ms. Sakshi Popli, along with Mr. Deshpal

Advocate

Respondent No.10: Mr. M Tya, Advocate

Respondent No.11: Mr. Bharat Khanna, Manager Legal

Orders of the Tribunal		
Service is complete, except to Respondent No.13. Learned counsel appearing for Respondent No.1 and 14 submits that she will take instructions from Respondent No.13 for appearing on their behalf on the next date of hearing before the Tribunal. The learned counsel appearing for the respective parties pray for time to file their Replies. Reply, if any, be filed within two weeks from today. Rejoinder, if any, thereto be filed within one week thereafter. The learned counsel appearing for the Applicant has placed on record a report on tree census conducted by the NGO wherein it is pointed out that nearly 89% of the trees at Sarvodaya Enclave alone suffer from concretization. He also brings to our notice an article appearing in the Times of India dated 22nd April, 2013, titled "Ads nail city's greens". In this article, it is shown that the Delhi Transport Corporation (DTC) has fixed its Bus Stop boards in the and trees, advertising boards on the trees. Not only this, even electric line wirings of high tension have been tightened fitted on the trees. Apparently, from these indisputable facts, it is clear that all public		

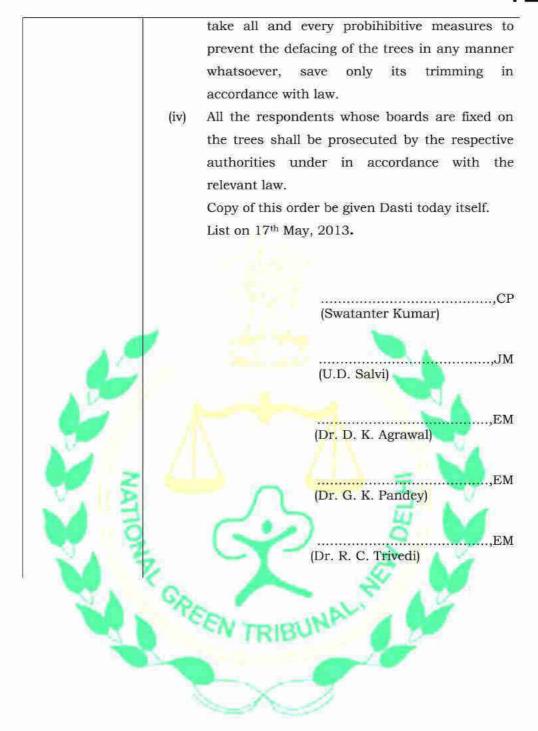
statutory obligations. They have not only violated various statues but in turn have also infringed their legal obligations arising out of the Environment Act. It is the obligation of the State to provide healthy environment to the citizens and prevent reckless injury to the trees, which ultimately results in their felling. This is a clear infringement of law and failure on the part of the authorities concerned to discharge their statutory obligations.

The learned counsel appearing for Respondent No.1 and 14 submits that they have issued directions under the Central Laws but still the authorities concerned in this regard are not carrying out orders in true spirit.

In the light of the above and at the oral request of the applicant, DTC is also impleaded as Respondent No.15.

In the meanwhile, we direct all the public authorities, more particularly Municipal Corporation of Delhi, DDA, DTC, DMRC, NHAI and all Government respondents in this petition including the Director General of CPWD, the Chief Engineer, PWD, to ensure that

- (i) All the sign boards, names, advertisements, any kind of boards or signages, electric wires and high tension cables or otherwise are removed from the trees forthwith.
- They shall also ensure that the concrete surrounding the trees within one metre of the trees are removed forthwith and all the trees are looked after well and due precaution is taken in future so that no concrete or construction or repairing work is done atleast within one metre radius of the trunk of trees. The Vice-Chairperson, the Commissioner, the Chief Engineer, the Director General and all other officers of senior most the Departments/authorities concerned shall be personally responsible for carrying out this order.
- (iii) The Departments/authorities concerned shall



GOVERNMENT OF NCT OF DELHI DEPARTMENT OF FORESTS & WILD LIFE

2ND FLOOR, A-BLOCK, VIKAS BHAWAN I.P.ESTATE, NEW DELHI-02 Website: forest_delhigovt.nic.in, Tel#23370679 Fax# 23378513

F No. 91/DCF(S)/Legal/19-20/Pt-5//0737-68 Dated:-17/2/21

To,

- Vice-Chairman, Delhi Development Authority, Barapullah Rd, beside SBI Bank, Aviation Colony, INA Colony, New Delhi, Delhi 110023
- 2. Engineer in Chief, PWD, MSO Building, I. P.Estate, New Delhi-110002
- 3. Divisional Railway Manger, Delhi Railways, Railway Colony, Paharganj, New Delhi, Delhi 110002
- Commissioner, North-MCD, Civic Center, Dr. S.P.M. Civic Centre, Minto Rd, SKD Basti, Press Enclave, Ajmeri Gate, New Delhi, Delhi 110002
- Commissioner, NDMC, Palika Kendra Parliament Street, New Delhi-110001
- Commissioner, SDMC, South Zone, KD Colony, Sector 9, Rama Krishna Puram, New Delhi, Delhi 110022
- 7. Commissioner, EDMC, 419, Udyog Sadan, Patparganj Industrial Area, Patparganj, New Delhi, Delhi 110096
- 8. Chief Engineer, DMRC, Fire Brigade Lane, Barakhamba Road, Connaught Lane, Barakhamba, New Delhi, Delhi 110001
- Chief Engineer, DSIIDC, N-36, Bombay Life Building Connaught Circus, Rajiv Chowk, Connaught Place, New Delhi, Delhi 110001
- 10. Chief Project Manager, NCRTC, 7/6, Siri Fort Institutional Area, August Kranti Marg, New Delhi 110049
- Chief Manager, DMRC, Fire Brigade Lane, Barakhamba Road, Connaught Lane, Barakhamba, New Delhi, Delhi 110001
- Genral Manager, NDPL, Hudson Lines Kingsway Camp Delhi-110 009
- 13. Estate Officer, Delhi Cant. New, Gopi Nath Bazar, Delhi Cantonment, New Delhi, Delhi 110010
- Chief Engineer, NDMC, Palika Kendra Parliament Street, New Delhi-110001
- CEO/Director, Delhi Urban Shelter, Punarwas Bhawan, I.P. Estate, New Delhi – 110002
- 16. Principal Chief Engineer Baroda House, Central Delhi- 110001
- 17. Chief Executive, Delhi Cantonment Board, Gopi Nath Bazar, Delhi Cantonment, New Delhi, Delhi 110010



Sub: Guidelines imperative to preserve, nurture and augment the green cover of Delhi as per orders passed by Hon'ble High Court and Hon'ble National Green Tribunal.

Kindly find enclosed order passed by Hon'ble High Court of Delhi in the matter, "New Delhi Nature Society versus Shri Vinay Sheel Saxena & Ors" Cont. Cas (C) 660/2020 which is self explanatory. The Order must be read with Hon'ble National Green Tribunal Order dated 23.04.2013 in the matter, "Aditya N. Prasad versus Union of India & Ors" wherein the Hon'ble NGT directed the following:-

- i) All the sign boards, names, advertisements, any kind of boards or signages, electric wires and high tension cables or other damaging elements are removed from the trees forthwith.
- ii) The concrete surrounding the trees within one metre of trees are removed forthwith and due precautions taken in future so that no concrete or construction or repairing work is done at least within one meter radius of trunk of trees.

Instances have come to notice that direction of Hon'ble National Green Tribunal are yet to be brought in the notice by the department concerned to their field functionaries, agencies engaged in construction activities and include in terms and conditions of tenders invited by them.

Therefore, it is stressed upon all development agencies working within geographical limits of Delhi to comply with the order of Hon'ble High Court of Delhi and Hon'ble National Green Tribunal scrupulously.

Encl. as above

(Nisheeth Saxena) Chief Conservator of Forests

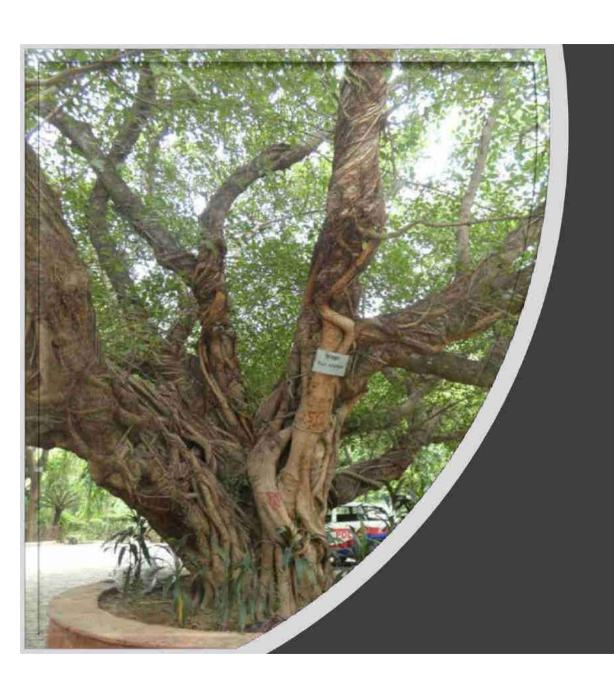


Distribution:

- Addl. Chief Secretary (UD), GNCTD, 9th Level, Delhi Secretariat, New Delhi
- 2. Pr. Secretary cum Commissioner, Transport, GNCTD, 5/9 under Hill Road, Delhi -54.
- Pr. Secretary (H&FW), GNCTD, 9th Level, Delhi Secretariat I.P. Estate, New Delhi
- 4. Pr. Secretary (Environment), GNCTD 6th Level, Delhi Secretariat, I.P. Estate, New Delhi.
- 5. Pr. Secretary (Education), GNCTD, Old Secretariat, Delhi-110054
- Pr. Secretary (Higher Education), GNCTD, 5, Sham Nath Marg, Delhi-54
- 7. Pr. Secretary (TTE), GNCTD, Muni Maya Ram Marg, Pitampura, Delhi
- 8. Secretary (Power), GNCTD, 8th Level, Delhi Secretariat, New Delhi
- 9. Secretary (IT, GNCTD, 9th Level, Delhi Secretariat, New Delhi.
- Secretary-cum-Commissioner (Development), GNCTD, 5/9, under Hill Road, Delhi-54
- 11. Secretary-cum-Commissioner(industries), GNCTD, Udyog Sadan, Patparganj, Delhi
- 12. Secretary (PWD), GNCTD, 5th Level, Delhi Secretariat, New Delhi
- Secretary (WCD), GNCTD, GNLS Complex, Delhi Gate, New Delhi -110002
- CEO (Delhi Jal Board), Varunalaya, Jhandewalan, Karol Bagh, New Delhi.
- 15. Spl. Secretary (Finance), GNCTD, 4th Level, Delhi Secretariat, New Delhi.

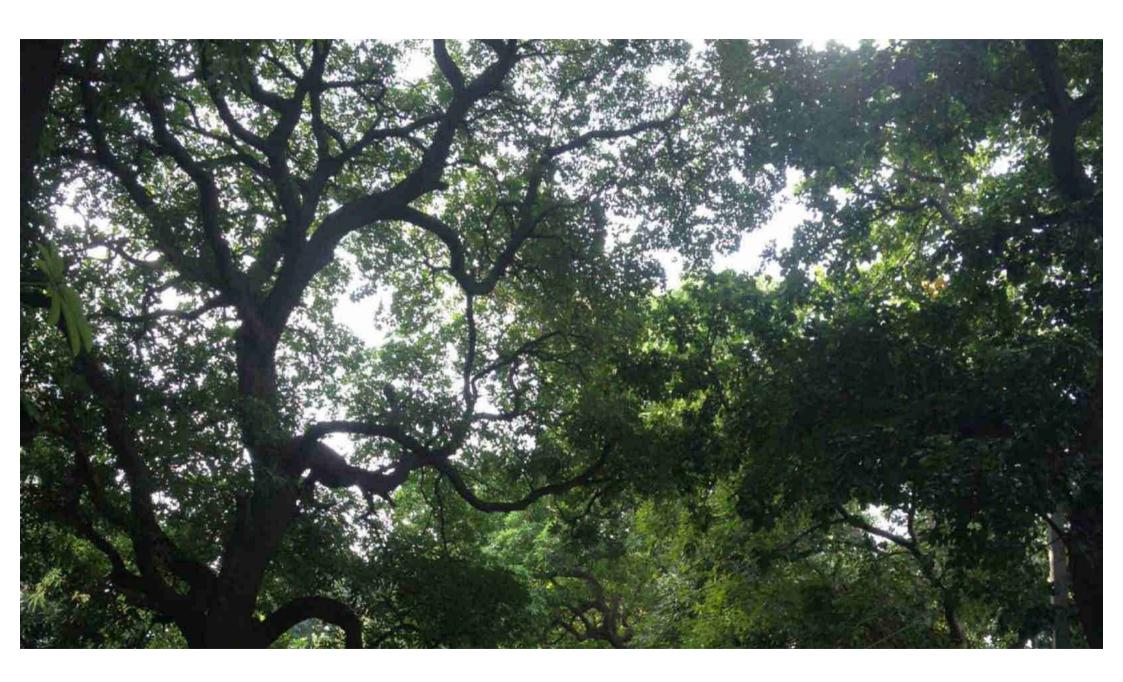
(Nisheeth Saxena)

Chief Conservator of Forests

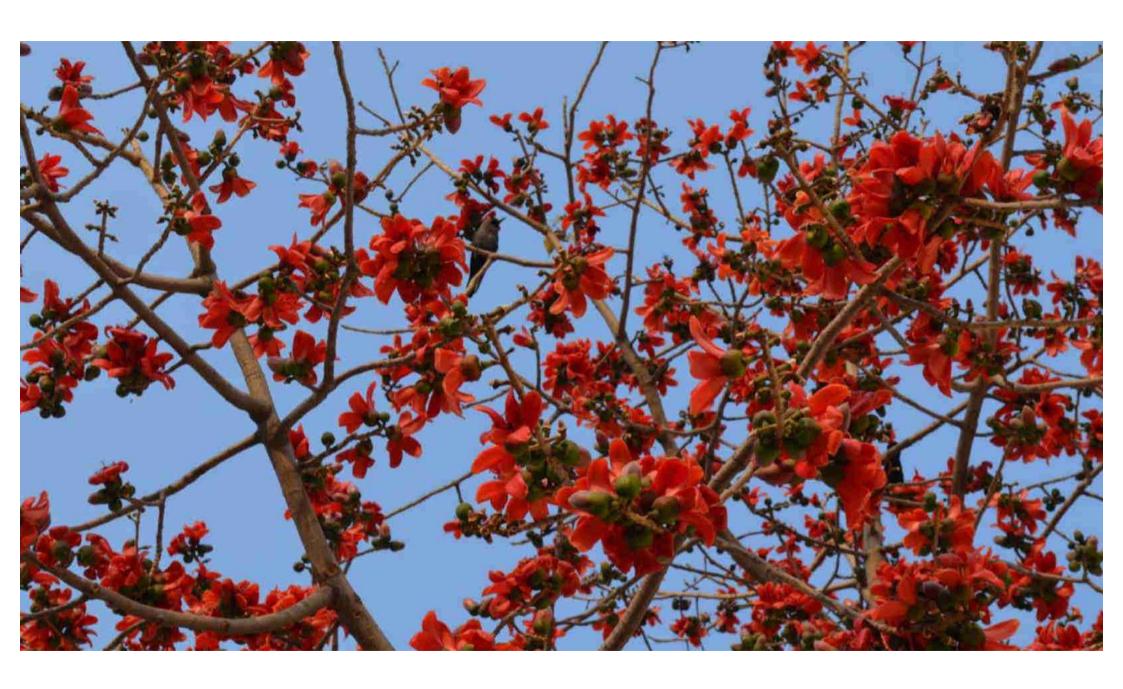


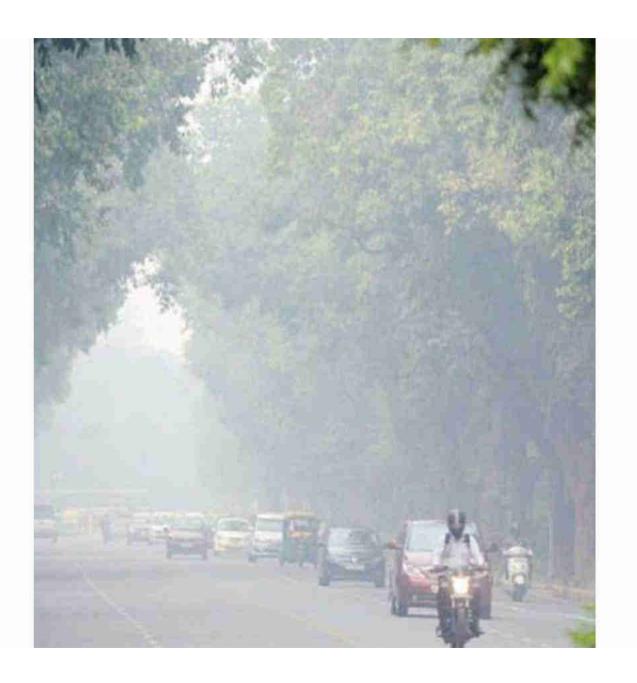
Protecting Trees in Delhi: Problems in Implementation and Enforcement of Laws

Vallari Sheel







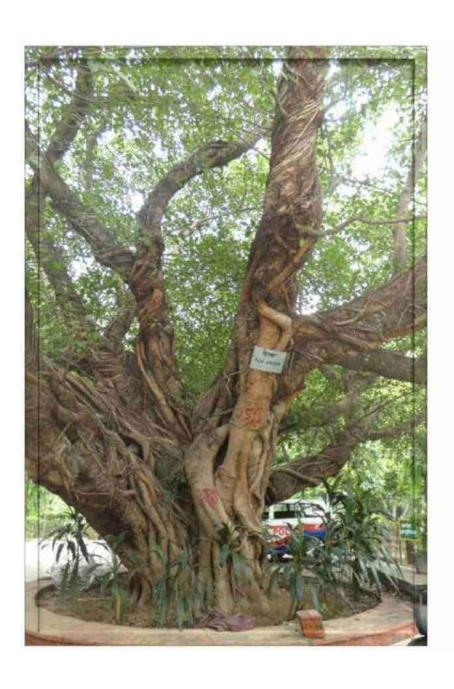








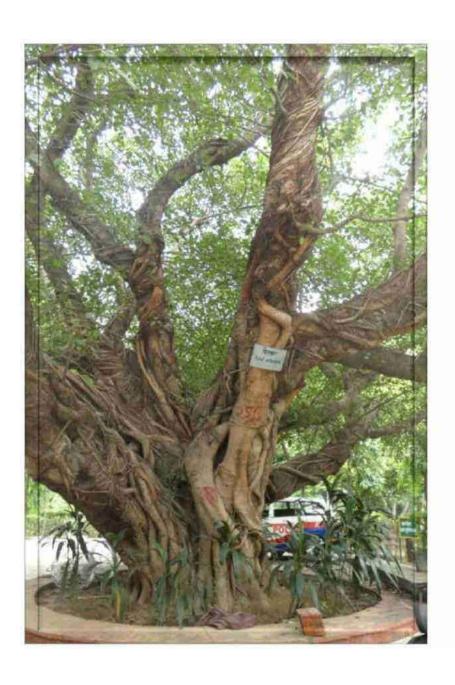




DPTA

Delhi Preservation of Trees Act, 1994

"An act to provide for the preservation of Trees in the National Capital Territory of Delhi".



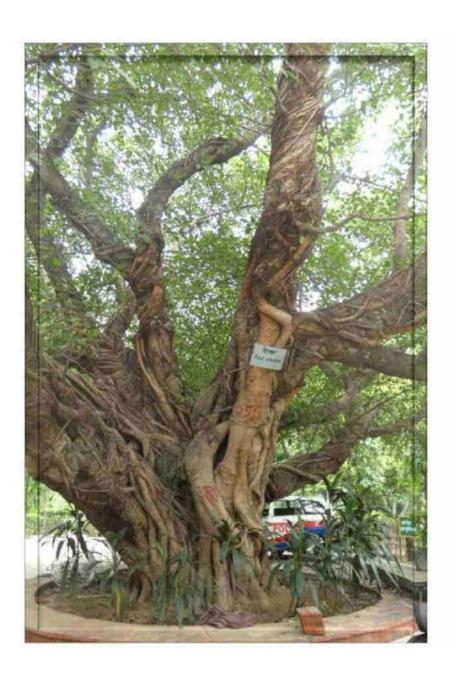
DPTA

"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,

"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 centimeters in diameter at a height of thirty centimeters from the ground level and is not less than one metre in height from the ground level;







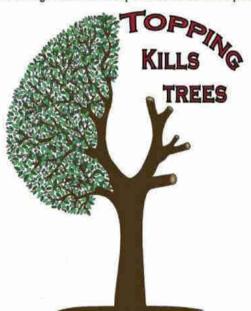
Greening Guidelines

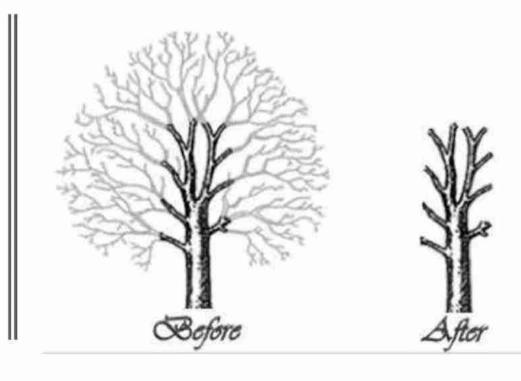
Ministry of Urban Development and Poverty Alleviation (Delhi Division), 2000

- Avoid excessive tiling of pavements, use porous materials
- Avoid excessive pruning
- Area of 6' x 6' around trees to be left uncemented
- Avoid digging near trees, compacting soil
- Composting
- Setting up tree disease surgery unit

EXCESSIVE PRUNING

DID YOU KNOW? Removing more than 25% of a tree's leaves can be fatal!







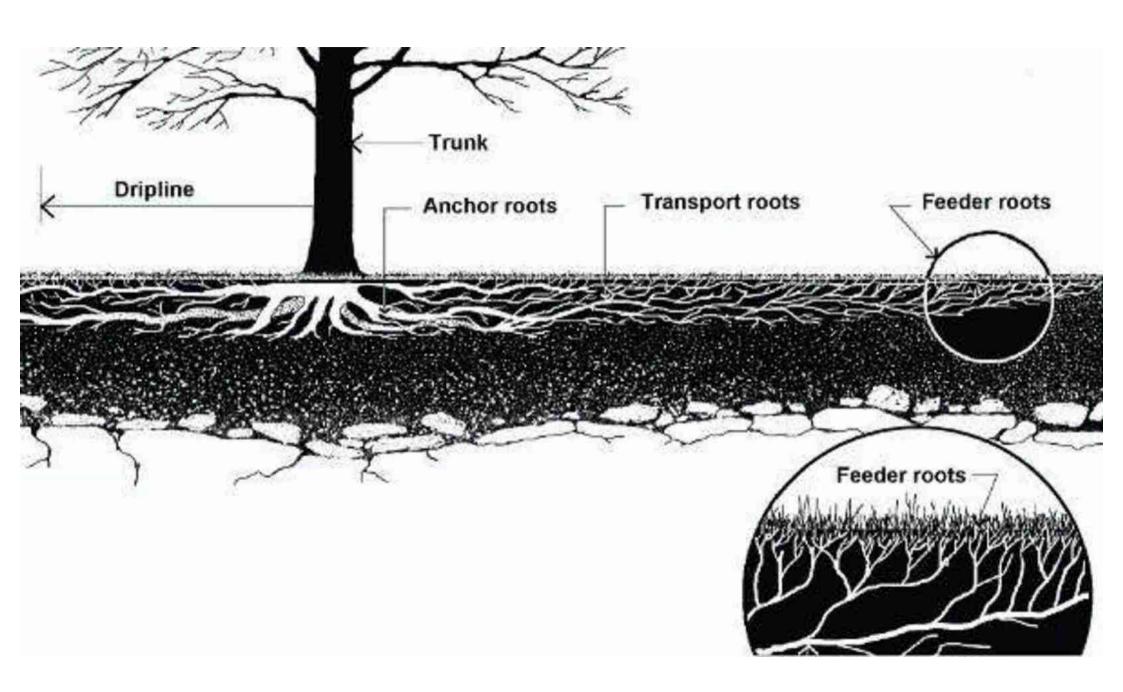


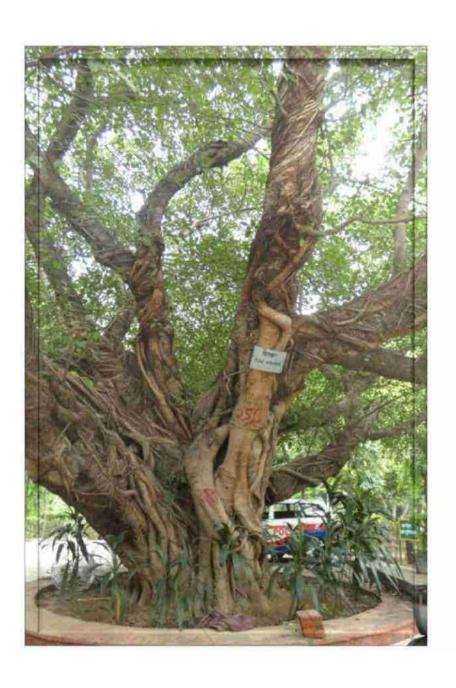
CONCRETIZATION





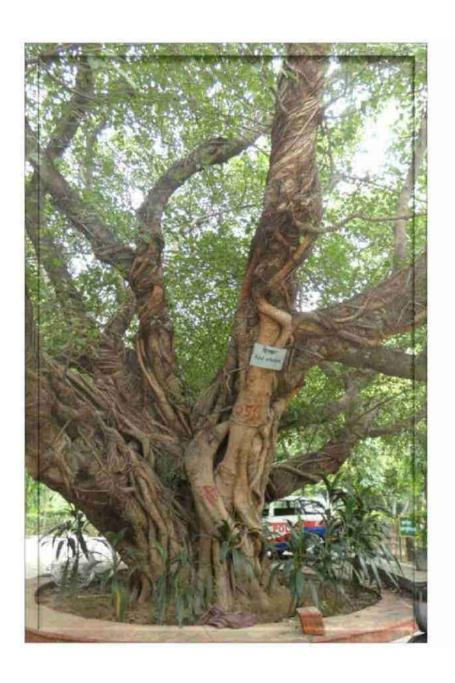
TRENCHING





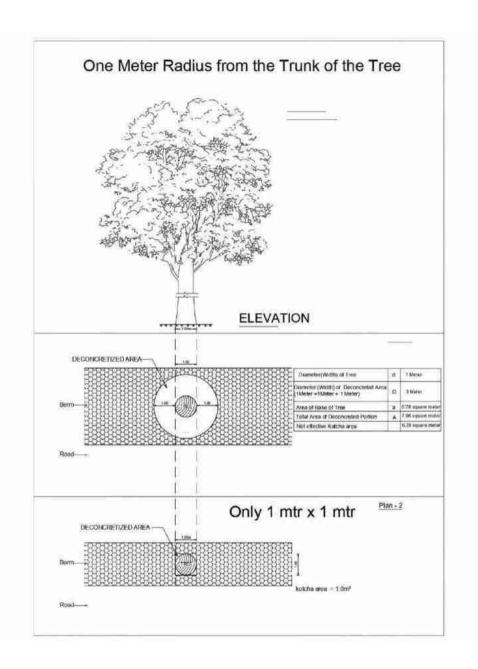
JUDGEMENTS

- Hon'ble High Court of Delhi -Kalpavriksha v Union of India, W.P (C) No. 1772 of 2007, 19.09.2007
- SC Jain v Union of India W.P (C) No. 11162 of 2009
 10.02.2010
- Hon'ble National Green Tribunal -O.A. No. 82 of 2013 - Aditya. N. Prasad & Ors. v Union of India & Ors.



DIRECTIONS

- One meter radius from the trunk of the tree to be left raw/ Kuttcha
- No construction work(s), roads etc. to be done within one meter of a tree.
- Clause in all future contracts/tenders/work orders must mention the above as condition.
- All signboards, wires, electric cables must be removed from the trees
- No mechanical equipment to be used while de-concretizing area around trees
- · Head of Departments personally liable.









DON'TS







GOOD PRACTICES





GOOD PRACTICES

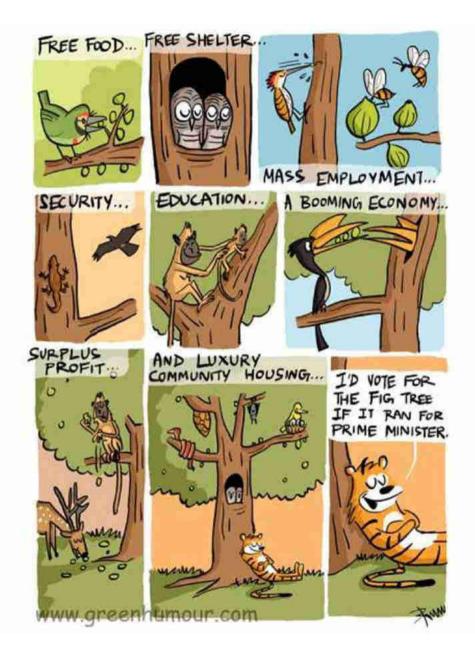


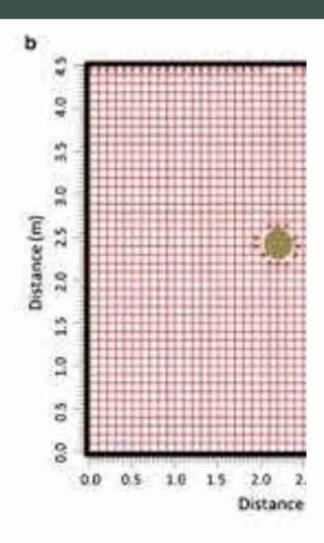


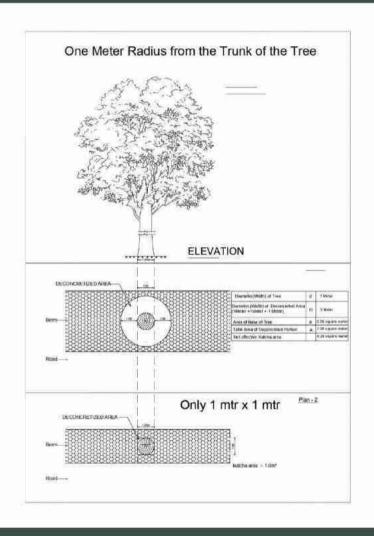
GOOD PRACTICES











Dr Rao



