

Ministry of Urban & Environmental Education
 Diary No. 688
 23 MAY 2013
 Muzi Meen From Mang
 Delhi Post. New T.V. Tower
 Delhi-110048

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
 DEPARTMENT OF FORESTS & WILDLIFE
 A-BLOCK, 2ND FLOOR, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI

No.F.1(2159)/Legal(HQ)/12-13/1063-76

Dated: 14.05.2013

Hon'ble National Green Tribunal, New Delhi under Application No.82 of 2013 of Aditya N.Prasad Vs. Union of India & Ors. has directed to ensure that the concrete surrounding the trees within one meter 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 at least within one meter radius of the trunk of the trees.

The Ministry of Urban Development has issued guidelines title "Guidelines for greening of urban areas and landscaping" in Delhi (Copy enclosed). The guidelines aim for better protection of trees in urban landscapes in Delhi. This has also been endorsed by the Hon'ble High Court of Delhi vide their order dated 19th September, 2007 in W.P.(C) no. 1772/2007 wherein it is stated that concretization around trees should be stopped and remedial action be taken to save trees from concretization already done.

As per provisions under DPTA, 1994, the Tree Authority constituted under section - 4 of the Act has to ensure preservation of all trees standing within its jurisdiction (NCT of Delhi). It is, therefore, directed that compliance on deconcretization around the tree should be initiated within a period of 30 days otherwise suitable action may be initiated as per provisions under the Act.

This is as per the approval of the competent authority.

Enclosed copy of section 23 of DPTA, 1994.

Pertains to Co-ordination Branch.
 28/5/13

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 Conservator of Forests

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Copy to:

1. The Vice Chairman, Delhi Development Authority, Vikas Sadan, INA, New Delhi 110023.
2. The Chairperson, New Delhi Municipal Council, Palika Kendra Building, Opp. Jantar Mantar, Parliament Street, New Delhi- 110001.
3. The Principal Secretary, Urban Development Department, Govt. of NCT of Delhi, Vikas Bhawan, I.P. Estate, New Delhi-110002.
4. The Secretary, Department of Public Works (PWD), B-Wing, 5th level, Delhi Secretariat, I.P. Estate, New Delhi-110002
5. The President, Delhi Cantonment Board, Delhi Cantonment Board Office, Delhi Cantt – 110010.
6. The Commissioner, North Delhi Municipal Corporation, Civic Centre, JLN Marg, New Delhi- 110001.
7. The Commissioner, South Delhi Municipal Corporation, Civic Centre, JLN Marg, New Delhi 110001.
8. The Commissioner, East Delhi Municipal Corporation, Udyog Sadan, Patparganj Industrial Area, New Delhi- 110092.
9. The Director General, Central Public Works Department, Nirman Bhawan, New Delhi – 110011.
10. The Engineer-in-Chief, Public Works Department, Govt. of NCT of Delhi, 2nd Floor, MSO Building, I.P. Marg, New Delhi-110002.
11. The Chairperson, National Highways Authority of India, G-5 & 6, Sector-10, Dwarka, New Delhi- 110075.
12. The Secretary, UGC, University Grants Commission (UGC) Bahadur Shah Zafar Marg, New Delhi -110 002 for all Institutions situated in Delhi.
13. The Director (Education), Directorate of Education, Old Secretariat, Delhi-54.
14. The Director (Technical Education), Directorate of Training and Technical Education, Muni Maya Marg, Pitampura, Delhi.

23. Offences by organisations

(1) If the person committing an offence under this Act is an organisation, the organisation as well as every person in charge of, and responsible to, the organisation for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be prosecuted against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by an organisation and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of its Head of the Department/Office/Unit, director, manager, secretary, treasurer or other officer of the organisation such head of the Department/Office/Unit director, manager, Secretary treasurer or other officer of the organisation shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly:

24. Penalty

(1) Any person who contravenes any of the provisions of this Act or rules or orders made thereunder shall, on conviction, be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

25. Award of penalty or forfeiture not to interfere with other punishment

The award of penalty or forfeiture of any property under this Act shall not prevent the inflicting or any punishment to which the person affected thereby is liable under any other law.

CHAPTER VII MISCELLANEOUS

26. Officers to be public servants

The officers exercising powers or discharging any duties or functions under the Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

27. Bar of Proceedings

No suit or proceedings shall lie against the Government or any person empowered to exercise power or to perform duties or discharge functions under this Act, for anything done or purporting to be done or omitted to be done in good faith under this Act or the rules and orders made thereunder.