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HC sets aside govt's 'arbitrary, illegal' tree pruning guidelines

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NEW DELHI, JUNE 19

THE DELHI High Court recently set aside and called "arbitrary and illegal" the Delhi government's guidelines that allowed pruning of tree branches of girth of up to 15.7 cm without the tree officer's permission.

In its May 29 order, a single-judge bench of Justice Najmi Waziri said that there is no sanction to cut a tree branch with 15.7-cm girth under the Delhi Preservation of Trees (DPT) Act. The court observed this figure was therefore "incongruous with the statutory requirements" under the Act.

"So-called permission granted under guidelines seeks to overreach the statute. The guidelines are in conflict with the DPT Act, they are arbitrary and illegal. Consequently, permission for pruning, presumed to be or granted under the guidelines, would be of no consequence and shall always be non est. Therefore, guidelines permitting regular pruning of branches of trees with girth up to 15.7 cm without specific prior permission of the tree officer are hereby set aside. The only permission that can be granted for pruning, etc is under section 9 of the Act," Justice Waziri said.

The court further directed that "no pruning of trees will be permitted in Delhi" except in accordance with the DPT Act. "It will be open to the respondents to frame guidelines and/or rules as may be requisite," the court added.

The order was passed on a plea moved by Dr Sanjeev Bagai and others challenging a January 19 order of the National Green Tribunal that allowed "further pruning of trees" to be carried out by civic authorities concerned — DDA or MCD — in strict accor-



Justice Najmi Waziri said there is no sanction to cut a tree branch with 15.7-cm girth under Delhi Preservation of Trees Act. Archive

dance with Delhi Preservations of Trees Act 1994 and guidelines issued by the Deputy Conservator of Forest (member secretary, tree authority for pruning of trees) under the Act. Advocate Aditya N Prasad appeared as amicus curiae in the case.

The court stayed clause 5 of the guidelines, which allowed such pruning, on May 10.

Observing that a "tree is a living being", Justice Waziri said it must be given at least a "last look" and "final inspection" before a decision is taken to permit its felling or sanctioning "extensive amputation of its live branches".

Questioning how the 15.7-cm figure was arrived at by authorities, the court observed, "The granting of permission for cutting, girdling, lopping, pollarding etc of trees is to be strictly regulated and such permission is not to be granted for the asking. Yet the guidelines permit cutting/ pruning of branches of trees having a girth/circumference of up to 15.7 cm. How did this figure come about? What is the scientific basis? What is justification for applying the same thickness of branches to all species of trees in Delhi?..."

असोला गांव : जोहड़ को संवारने की योजना तैयार

■ एनबीटी न्यूज, छतरपुर

असोला गांव के लोगों की लंबी कोशिशों के बाद गांव के पुराने तालाब (जोहड़) के सौंदर्यीकरण की योजना तैयार हो गई है। इसके लिए पिछले दिनों गांव में शिलान्यास किया गया है।

तालाब के सौंदर्यीकरण की मुहिम से शुरू से जुड़े ऋषिपाल महाशय ने बताया कि जोहड़ की हालत काफी खराब है। इस समस्या को लेकर गांव वालों ने एनबीटी से संपर्क किया था। एनबीटी ने इस मुद्दे को उठाया था। उसके बाद तालाब के पानी को साफ करने को लेकर प्रशासन के रवैये से संबंधित खबर भी



पिछले दिनों किया गया शिलान्यास

प्रकाशित की थी। जिसके बाद साउथ दिल्ली से सांसद रमेश बिधूड़ी ने डीडीए को निर्देश दिए थे। अब योजना के तहत जोहड़ की बाउंड्री बनाकर पानी साफ करने, हरियाली को बढ़ाने, वॉकिंग ट्रैक और बैटने की जगह के निर्माण आदि काम होने हैं।