PART A

Existing Tree Cutting Procedure of Pune Municipal Corporation Tree Authority

As per Maharashtra (Urban Areas) Preservation of Trees, 1995 & 2009, Order of Bombay High Court, following procedure is followed for provisional Garden Department NOC to remove dangerous trees, obstructions to new constructions/ road widening and other development work.

As soon as the Act is brought into force, the urban local authority concerned shall constitute a Tree Authority. The Tree Authority includes Chairman and 5-15 other appointed corporators. They are appointed by the General body of the P.M.C. Tree Officers (one or more) are appointed in urban areas to perform the functions under the act.

According to the act, no person can fell any tree or cause any tree to be felled, whether of ownership or otherwise, in an urban area without seeking the permission of the Tree Authority. This would include all Pune citizens, officers of the urban local authority, state or central government officials. If a tree needs to be felled then permission to do so must be gained from the TA through an application.

The steps involved in the Tree Cutting Procedure are as follows:

1. Application for tree cutting to the tree authority:
   
   A. The applicant makes an application to the Garden Department for provisional NOC for sanctioning the plan for building permissions. The required documents for this application are:

       • Application
       • 0.6 to 1.5 m side margin kept for plantation
       • Location of that on map
       • Show the existing trees on map as green colour
       • Photos of existing trees

   B. To remove the trees/ transplant the trees obstructed for construction and other works:

       • Under proforma ‘C’, clause 8(3) application
       • Commencement certificate
       • Show the obstructed trees as Red colour and other trees as Green colour on the sanctioned plan
       • Location of proposed tree plantation/ transplantation on map as Blue colour
       • Photo of obstructed trees
       • Land ownership documents
       • Under proforma ‘D’ clause 11(2) undertaking

   C. For trimming of dangerous branches of trees, a similar application is made in which the application and photographs of branches to be trimmed are submitted.
2. **Scrubtny of the application:**

The Tree Officer scrutinizes the application, and raises queries, if any. The queries are answered by the applicant and then the application is considered to be filed.

3. **Inspection Report by Tree Officer and Expert Committee:**

Within 30 days of receiving the application, a Tree Officer must personally inspect the tree, hold an enquiry and report back to the TA. Adequate public notice is to be given by the Tree Officer by advertising in the local newspapers for inviting any suggestions/objections. These are done on a rotation basis by the PRO, as well as a notice must be fixed on the tree itself. The expert committee appointed by the Tree Authority also inspects the site and presents their recommendations regarding the application.

4. **Decision by Tree Authority:**

The TA must gives or refuses permission within 60 days from receipt of application with/without conditions. Such permission shall not be refused if, in the opinion of the TA, the tree is dead, diseased, wind fallen, poses a danger to life or property, and/or obstructs traffic. However, no tree shall be felled until fifteen days after such permission is given if any objection is received against such permission, the matter shall be placed before the TA for reconsideration. A decision shall be taken within two weeks after giving a hearing to the person who has raised the objection. One can raise an objection through a written letter submitted to the Tree Officer or to the Tree Authority.

5. **Final decision by High Court:**

Currently, under PIL No 93/2009, the tree inspection report is to be presented by the applicant to Hon High Court, Mumbai for permissions. After permission is granted by the High Court, it is further processed by the Tree Authority.

6. **Decision within 60 days:**

The applicant must wait for a period of 60 days from the date of receipt of the application. If the TA does not inform the applicant of their decision within this period, the application shall be deemed as granted.

7. **Permission by TA with conditions:**

When the permission is granted, it is subject to condition that the applicant shall plant another 3 trees of the same or suitable species on the same site or another suitable place within 30 days from date on which tree is felled, or the time given by the Tree Officer. The individual is also asked to deposit Rs 10,000 per tree that is felled. This amount is refunded after 3 years, if the trees are growing satisfactorily. At the time of refund, an inspection is carried out by the TA. Any order received by the owner/occupier should be complied with, within 90 days of the receipt of the order.
PART B

Janwani’s Draft Recommendations for Tree Cutting Procedure:

1. **Online application by applicant:** A website shall be developed to host online application for tree cutting process along with enclosures to be uploaded. All the required documents are to be submitted online. Each ward office will have officers to assist the population that do not have access to the internet.

2. **Preliminary scrutiny of documents:** Tree officer may raise queries online within 7 days after preliminary scrutiny of documents. The applicant will be responsible to keep a track of the queries and answer them within 7-15 days online. An email will also be sent to the applicant once the queries are uploaded by the TA.

3. **Inspection by Tree Officer:** The TA will access available tree census data and verify if the data submitted by the applicant matches the available data of tree census. This data has been collected by onsite inspection and validation by Garden Department. If the data matches the available data, the application is processed further.

4. **Acceptance or Rejection of application:** It is also suggested in conjunction with this step that in the tree census process, the tree census data should be made available for suggestion objections so that the citizens have an opportunity to correct any errors in data. If the data available with the tree census does not match with the application, the application is rejected since the applicant has not taken care that tree census data for his property is accurately documented.

5. **Updating in the tree census data by paying fees:** The applicant with a rejected application may apply for correction in tree census data by paying stipulated fees for the same. Once the census data is updated, the applicant may re-apply for permission for cutting of the tree/s.

Within 15 days of receiving the application, a Tree Officer must carry out inspection as stated above with the available tree census data, report to the applicant as well as the TA through the same website. Suggestions/ objections are also received through the same website.

8. **Final decision by High Court:**

Currently, under PIL No 93/2009, the entire report generated online is to be presented by the applicant to Hon High Court, Mumbai for permissions. After permission is granted by the High Court, it is further processed by the Tree Authority.

9. **Permission by TA with conditions:**

When the permission is granted, it is subject to condition that the applicant shall plant another 3 trees of the same or suitable species on the same site or another suitable
place within 30 days from date on which tree is felled, or the time given by the Tree Officer. The individual is also asked to deposit Rs 10,000 per tree that is felled. This amount is refunded after 3 years, if the trees are growing satisfactorily. At the time of refund, an inspection is carried out by the TA. Any order received by the owner/occupier should be complied with, within 90 days of the receipt of the order.

10. Role of Nodal Agency:

The software development and facilitation of this transition from the current paper-based procedure to completely online (paperless) procedure shall be handled by the nodal agency selected for the tree census. Janwani would like to assist the Pune Municipal Corporation for the above said procedure. Janwani would, in this regard, benefit from its networking with several NGOs, citizens as well as administrators.

---