Operation of Tree Authority in Digital, Online Way
Report of the Expert Committee\(^1\) Submitted with Assistance from Janwani\(^2\), Pune

Following is a brief report on As-Is Process and recommendation on To-Be process of Online Application for Tree felling to be processed by Tree Authority. This is in the context of PIL 93/2009 in the Hon High Court of Bombay. This procedure is based on processes in PMC and need to be generalized for other Municipal corporations and Local authorities.

**Transition Plan**
1. As the Tree Census in PMC area is about to start, the transition period should implement the following digital process as optional and preferred.
2. Once the census is in place, after a period of six months, the suggested process may be made mandatory
3. Facilitation centers may be allowed to be opened in colleges where students should be able to take up earn-and-learn activities. PMC already has some schemes for poor children on these lines. It is also suggested that the facilitation centers may also be run at the Ward Offices for convenience to the citizens.

**PART A : ‘As Is’ Process**
Existing Tree Cutting Procedure of Pune Municipal Corporation Tree Authority:
As per Maharashtra (Urban Areas) Preservation of Trees, 1975 & 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.

**Constitution of tree Authority**
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 min 5 to 15 other appointed members. 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.

**Permission mandatory**
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.

I. Application by the applicant
1. Provisional Garden NOC
   The applicant makes an application to the Garden Department for provisional NOC for

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\(^{1}\) As per the order of Hon High Court of Bombay dated 21 March 2013, an expert committee of three members has been appointed to conduct a pilot of tree census. Of the three members two are experts (Mr Sunil Limaye, Director SGNP and CCF, and Prof Jitendra Shah from GISE Lab, IIT Mumbai) and the third member is Mr Rajendra Jagtap (Addl Municipal Commissioner, PMC).

\(^{2}\) Janwani, is a social initiative of Mahratta Chamber of Commerce- Industries and Agriculture, with an objective of addressing challenges of growth and making Pune an attractive place to live and work.
sanctioning the plan for building permissions. The required documents for this application are:

- Application with address
- Map showing trace locations of existing trees as well as proposed trees to be planned (existing with green colour, proposed with blue colour and with number and side margin to be kept as per MCO circular no 233 dated 26/11/2007
- 7/12 extract of property
- Photos of existing numbered trees

2. **Remove/ transplant the tree for construction**

Following documents are required:

- Application with address duly filled with form C under section 8(2)
- Undertaking duly filled in the form D under section 11 (2)
- Commencement certification
- Sanction plan showing trace location of trees to be cut/ transplanted, existing trees as well as proposed trees (obstructing trees with red colour, remaining existing trees with green colour and proposed to be planted in blue colour)
- Photos of obstructing trees with number on it
- 7/12 extract of the property

3. **Trimming of branches of trees**

- Application with address
- Photos of branches to be trimmed
- If the tree is having bird nest, the concerned person will have to take opinion from forest department, S B Road, Pune.

4. **Garden completion certificate**

- Application with address
- Commencement certificate
- Sanctioned plan showing trace location of existing trees and new trees planted with green colour
- Copy of provisional garden NOC
- Copy of tree cutting/ re-plantation permission (if any)
- Photos of existing trees
- 7/12 extract of property

5. **Refund of deposit**

- Application with address with original challan/ receipt
- Photos of planted trees
- Map showing the existing planted trees location

II. **Scrutiny of the application**

Once the application is received by the Horticulture Mistry in the area for inspecting the site and make detailed report. The Horticulture Mistry scrutinizes the application, and raises queries, if any. The queries are answered by the applicant and then the application is considered to be filed. The report is forwarded to Asst Garden Superintendent, and then finally to the tree officer.

After approval from tree officer, the application is directed to Expert Committee (appointed
by Tree Authority) for site inspection and after the inspection, the Expert Committee either recommends or rejects the tree cutting permission.

III. Public Notice:
After the above process, a docket is published in two local newspapers on rotating basis and also on PMC website compiling all applications in the month open for citizens’ objections for 5 days. Notice for removal is then displayed on trees for 15 days. After the above steps, the docket is presented before the tree authority for their knowledge.

IV. Final Decision

Role of Tree Authority in final decision as per the Act
According to the Act, the TA must give or refuse 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.

Existing process of 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. After the matter is duly published for citizens’ suggestions/objections, the copies of the proposal are given to the applicant for obtaining the permission from Hon High Court, Mumbai.

Decision within 60 days
The applicant must wait for a period of 60 days from the date of receipt of the application (all queries of the TA should be solved for the application to be considered. If the TA does not inform the applicant of their decision within this period, the application shall be deemed as granted.

V. 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.

As per court, the department gives a challan to the applicant as deposit against new plantation and preservation of trees. After the challan amount is deposited in treasury, tree officer from Garden Dept give permission to the applicant (for every tree to replant/cut, applicant will have to plant three new trees of indigenous species)

PART B: Process ‘To-Be’
(Draft) Recommendations for Tree Cutting Procedure:

I. **Online application by applicant:**
A website shall be developed to host online interactive application for the following:

1. Provisional Garden NOC,
2. Remove/ transplant the tree for construction,
3. Trimming of branches of trees,
4. Garden completion certificate, and
5. Refund of deposit

**Documents to be enclosed**
The necessary enclosures will also be uploaded on this site. All the Required documents are to be submitted online. Each ward office will have agencies appointed for the purpose and officers to facilitate and assist the citizens that do not have access to the digitizing facility or internet. For the online application process the following items may be submitted thru an online form or a mobile app. The applicant will be provided a suitable and convenient application for the following:

1. If the tree census has covered the area, the tree ID will be available in terms of Prabhag no, Cluster no and Tree Number. The website will need to have a citizen interface for Tree cutting application. The applicant will be able to easily locate the tree and also its photographs and other info. Applicant can go to the site and download this info. If applicant has any different information, either in addition or contrary to given info, the same will be possible to be indicated on the interactive website.
2. The plot map will have to be in CAD format with all polygons created as closed polygons and overlapping layers clearly separated indicating at least.
3. Plot outline to scale, not less that 1:1000, with surrounding landmarks 'chatu-seema' with references to Survey no or plot numbers in Municipal record.
4. The plot map may be GIS enabled i.e. it may be kml or shape file format. Any one of the following few options (detail procedures will be published on the PMC website).
5. CAD drawing be projected on a Coordinate Reference System like WGS 4326 or similar standard with proper datum. If not the same, may be drawn on Google Mapmaker (a website, free) or drawn on Quantum GIS a desktop software with Google Map or Open Street map as background (both are free of cost).
6. The map can be very cheaply made by a GPS handheld using a free app called MyTracks or similar.
7. Plan of building with plinth area marked, same scale locations of trees accurately located with distances from boundaries and planned construction lines measured and indicated planned cutting of trees indicated by red colored tree symbol.
8. For each tree the details are filled as per format online as is done during the tree survey but with only selected fields. Photographs must be minimum resolution: 1600X1200 (approx size 700 kB). (They can be better: 2kX1k)
9. Photographs must be geotagged (i.e. the digital photo must have in its Meta-data Lattitude
10. -Longitude) and time-stamped (the time of the photo with camera synched with correct local time). The Photograph must not be tampered with including its Meta data. This can be ensured by sending the copy of the photo on the website. Citizen's interface will allow
11. Citizen to submit the photo online and get the ID. In that case online application
only needs to choose the ID online while filling the form.
12. Photographs must be fresh not be older than 1 month ago from the date of
application.
13. Photographs must be two for each tree, one with tree fully visible and one with a
panorama view which should be from a distance around half the height of tree
from the tree trunk and should cover +/-60 degree around the tree.
14. Undertaking that the owner will submit annual progress report with photographs
of the re-planted trees for three years to be eligible for refund of deposits.

II. Scrutiny of the application
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/mobile alert will also be sent to the applicant
once the queries are uploaded by the TA if so opted and enabled by applicant.

Inspection by Tree Officer: Online
1. 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. In case of
discrepancy the department will re-survey the trees and update the census so that
public can verify.
2. The inspection report will be also accompanied by Track of inspection, with
time, device, and path recorded as in case of tree survey.
3. All members of the Tree authority and also expert committee will have full
access to the Census data and can have special interface on the website. This
interface will have to be designed after discussions with the authorities. The
members will be able to keep track of all applications pending etc and will be
able to enable alerts as they desire.

III. 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
applicant will need to apply with charges for the change of data available with tree
census. In case the data of the Census is found correct and that of the applicant found
wrong, the application is rejected since the applicant has not taken care that tree census
data for his property is accurately documented. The applicant, in this case, will need to
apply by paying due charges to correct the tree census data. After the data in the census
is corrected, his application will be accepted.

Application for updating in the tree census data
The applicant with a rejected application may apply for correction in tree census data
by paying stipulated fees for the same. If the data supplied is found correct and original
data in census is required to be modified, the same will be done and the applicant's
money will be duly refunded. 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.

IV. 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 3 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 newly planted 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.

V. Monitoring
As the conditions include re-plantation and maintenance of trees over certain number of
years, the website can be used for the same. Applicants may be asked to submit
annually updated photographs to be uploaded.

VI. Facilitating agency
PMC can appoint selected agencies, preferably academic institutions with some
incentive to facilitate non-corporate applicants at cost or even corporate applicants at a
price with creating the digital applications where needed. Such agencies can be spread
across the city.

Role of Nodal Agency
The design of the above procedure may be required to be fine tuned with trouble
shooting without losing the essence of the purpose. The expert Committee may be
requested to supervise the design and thereafter its implementation of the process for 6
months. The software development and facilitation of this transition from the current
paper-based procedure to completely online (paperless) procedure shall be prescribed
by the committee and implemented by the PMC. The Expert committee appointed by
the High Court will be free to use the good offices of a Nodal Agency selected for the
tree census.

Janwani, as an NGO wing of Mahrratta Chamber of Commerce, Industries and
Agriculture, has expressed the desire to assist the Pune Municipal Corporation for the
above said procedure. This present report was made with substantial help from Janwani.
The organization would be well suited to act as nodal agency for PMC and also to
spread the process across other cities using its networking with several NGOs, citizens
as well as administrators. Janwani can undertake training of facilitating agency and
even maintenance of the website at cost. Janwani can then also facilitate the other
downstream activities like calculating ecological impact, carbon credits etc.