

The Chandigarh Trees Preservation Order, 1952

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Rule THE-CHANDIGARH-TREES-PRESERVATION-ORDER-1952 of 1952

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The Chandigarh Trees Preservation Order, 1952Published vide Notification No. C-4200-52-4/3540 issued on 23rd June, 1952No. C-4002-52-IV/3540. - Whereas it appears necessary to preserve trees generally in Chandigarh.Now, therefore, in exercise of the powers conferred by section 11 of the Capital of Punjab (Development and Regulation) Act, (President's Act V of 1952), the Chief Administrator is pleased to make the following Order :-

1. Title and extent.

(1)This Order shall be called the Chandigarh Trees Preservation Order, 1952.(2)It shall come into force at once.

2. Definitions.

- In this Order, unless there is anything repugnant in the subject or context,-(i)"Operational land" means land which is used by public service undertakers for the purpose of carrying on the undertaking of such undertakers.(ii)"Owner" includes a mortgagee with possession.(iii)"Public service undertakers" means a person (including a firm or other body of individuals whether incorporated or not) who is carrying on or is authorised to carry on any public utility service including a railway, light railway, or is engaged in road transport, water transport, disposal of waste, or in the supply of electricity or water.(iv)"Zoning Plan" means the numbered plan authenticated by the Chief Administrator and kept in his office, defining the layout of any numbered sector showing the streets, boundaries of building sites, open spaces, position of protected trees or other features and showing the specified land, building lines, permissible heights of buildings, site coverages and other restrictions on the development of land or buildings.

3. Application.

- (i) No person shall, except with the permission of the Chief Administrator cut down, lop or destroy or cause or permit the cutting down, lopping or destruction of any tree in any part of the woodland area shown in the zoning plan as "protected trees" or in "protected woodland areas".(ii)An application under sub-clause (i) shall be in writing and shall specify the trees, groups of trees or the woodland area to which the application relates, and the operations for the carrying out of which the permission is required; and where necessary, for the identification of such trees, groups of trees or woodland area, shall be accompanied by a map or plan on a scale of 1" to 80".

4. Permission or refusal.

- (i) The Chief Administrator may grant such permission either unconditionally or subject to such conditions (including conditions requiring the replacement of any one tree by one or more trees of the same or a specified kind on the site or in the immediate vicinity thereof) as he may deem fit, or he may refuse permission.(ii)Where the Chief Administrator refuses permission under this Order or grants such permission subject to conditions, he shall, when refusing or granting permission, certify that in respect of any trees, groups of trees or any woodland area for which he has so refused or granted permission, he is satisfied that -(a)the refusal or permission is in the interest of good forestry, or(b)in the case of a woodland area, it has amenity value in relation to the woodland character of the area, or(c)in the case of trees or groups of trees, the trees have an outstanding amenity value for offering shade to the building or roads, or(d)there is any other special amenity provided by the trees or woodland area.

5. Register of applications.

- The Chief Administrator shall keep and maintain a register of all applications for permission under this Order containing information as to the nature of the application, name of the applicant, the decision thereon and any directions as to the replanting of the trees and every such register shall be available for inspection by public during office hours.

6. Applications deemed to have been sanctioned.

- An application made under clause 3 of this Order shall be deemed to be sanctioned if a decision thereon is not conveyed to the applicant within one month of the receipt of the application by the Chief Administrator.

7. Register of trees.

- The protected tree or trees, groups of trees or woodland areas shall be listed by the Chief Administrator in a register.

8. Numbering of trees.

- All protected trees or groups of trees or woodland areas shown on the zoning plan or listed in the register of trees shall bear a number corresponding to its number in the register of trees.

9. Replanting.

- Where permission is granted under this Order or otherwise, the Chief Administrator may give directions to the owner of any site as to the planting or replanting of any trees or kinds of trees. Any such directions may include requirements as to -(a)species of trees.(b)planting distances.(c)the erection and maintenance of fencing necessary for protection of the planted or replanted trees.(d)the preparation of ground, drainage, removal or brushwood, lop and top; and(e)protective measures against drought or fire.

10. Exemptions.

- This Order shall not apply to -(a)the cutting down, topping or lopping of any tree in an operational land;(b)for normal forestry operations in young plantations such as weeding, brushing and high pruning;(c)the usual pruning or trimming of a tree from time to time.