

GOVERNMENT OF JAMMU AND KASHMIR
ORDER ON JOINT FOREST MANAGEMENT

Notification SRO 61 OF 19-03-1992.

Whereas certain areas in the demarcated forests have been identified as degraded forests; and

Whereas it is necessary to afforest the waste khalsa land not under cultivation for the benefit of agriculture and agriculturist and to prevent denudation and soil erosion in such areas; and

Whereas raising of village wood lots in these areas is necessary to meet the fuel, fodder, fiber and small timber requirements of the local people; and

Whereas active participation of local people is vital for regeneration, maintenance and protection of plantation done for afforestation and rehabilitation as aforesaid.

Now, therefore, the Government in exercise of the powers conferred under sections 5 and 14-A of the Jammu and Kashmir Forest Act, Svt 1987 (Act No. II of 1987) is pleased to make the following rules :-

THE JAMMU AND KASHMIR
(REHABILITATION OF DEGRADED FORESTS AND VILLAGE PLANTATION)
RULES, 1992.

CHAPTER - I

1. **Short title and commencement** :-

- (1) These rules may be called the Jammu and Kashmir (Rehabilitation of degraded Forests and Village Plantation) Rules, 1992.

- (2) These shall come into force from the date of their publication in Government Gazette.

2. **Definitions** :-

In these rules unless the context otherwise requires the words and expressions used shall have the same meaning as assigned to them respectively in Jammu and Kashmir Forest Act, Svt 1987.

CHAPTER - II

VILLAGE (REHABILITATION OF DEGRADED FORESTS) COMMITTEE.

3. **Composition** :-

- i. There shall be constituted a village (Rehabilitation of Degraded Forests) Committee in each Forest Range for the purpose of protection and management of degraded forests.
- ii. People residing at the edge of degraded forests shall form the basis of membership of the village (Rehabilitation of Degraded Forests) Committee.
- iii. One adult male / female member of each independent household residing at the edge of degraded forests shall have the right to become member of a village (Rehabilitation of Degraded Forests) Committee. The Block Forester and / or Forest Guard shall verify the membership of all members of village (Rehabilitation of Degraded Forests) Committee within their area of jurisdiction.
- iv. Each village (Rehabilitation of Degraded Forests) Committee shall have an Executive Committee of 11 members (including at least two women and two members from Scheduled Caste / Scheduled Tribe / Backward Classes), etc. to carry out the task of such Committee.
- v. The members of the executive committee shall be elected annually by the respective village (Rehabilitation of Degraded Forests) Committee. The concerned Forest Range Officer / Block Forester shall be the returning Officer for conducting such elections.
- vi. The Executive Committee shall elect one of its members as President and also choose a Treasurer amongst themselves.

- vii. The concerned Block Forester / Forest Guard shall act as member-Secretary and shall be responsible for assisting the village (Rehabilitation of Degraded Forests) Committee to co-ordinate its activities with other Government Departments and shall also be responsible for the maintenance of records of the concerned committee.
- viii. Constitution of all the committees under these rules shall be subject to the approval of concerned Divisional Forest Officer (Territorial) or Divisional Forest Officer, Social Forestry, as the case may be.
- ix. If any inclusion or change in the Village (Rehabilitation of Degraded Forests) Committee or executive committee is necessitated after its initial constitution, the executive committee shall make the recommendations to the Divisional Forest Officer (Territorial) Divisional Forest Officer, Social Forestry as the case may be, whose decision shall be final.

4. **Meetings:**

The member-Secretary of the executive Committee shall convene at least 4 meetings of the Executive Committee and 2 meetings of the general body in a Calendar Year.

5. **Supervision :**

The functioning of the Executive Committees shall be subject to the supervision and review of the District Level Policy Review Committee which shall consist of the following :-

- (a) Deputy Commissioner of the District
Concerned / Divisional Forest Officer (Territorial)
Or Divisional forest Officer
(Social Forestry) Chairman
- (b) Forest Range Officer Member
- (c) Block Forester Concerned Member

6. **Agreement :**

The village (Rehabilitation of Degraded Forests) Committee shall enter into an agreement with the Divisional Forest Officer (Territorial), or Divisional Forest Officer Social Forestry, as the case may be, in terms of the conditions agreed upon by the parties. The Agreement shall be in the Form "A" appended to these rules.

7. **Functions:**

The Village (Rehabilitation of Degraded Forests) Committee shall perform the following functions, namely :-

- a. To assist the Social Forestry Department / Forest Department, as the case may be, in protecting the Social Forestry / Forest Department Plantations through the members of the committee.
- b. To inform Forest personnel of any person or persons attempting trespass and willful damage to the Social Forestry/ Forest Department plantations or commit theft thereon;
- c. To assist Social Forestry/Forest Department in preventing such trespass, encroachment, grazing, fire, theft or damage;
- d. To assist Social Forestry/Forest Department in smooth and timely execution of all plantation works taken up in the Degraded Forests;
- e. To assist the concerned Social forestry/Forest Department Officials in selecting/engaging labourers required for plantation works;
- f. To assist in harvesting of the plantation by the Social Forestry/Forest Department.
- g. To assist the concerned Social Forestry/Forest Department officials in the distribution of the usufructs among the members of the village (Rehabilitation of Degraded Forests) Committee as per-the register of members maintained by the Committee;
- h. To assist in preventing any activity done at the plantation site in contravention of the provisions of Jammu and Kashmir Forest Act, Svt. 1987 and the rules made there-under;
- i. To report about activities of a particular member which are prejudicial and detrimental to the interests of plantation, to the concerned Range Officer which may result in cancellation of membership of the erring member;
- j. To assist Forest Officials to take action or proceed under J&K Forest Act, Samvat 1987 (Act No.II of 1987) and the rules made there under against the persons involved in Forest offences in Degraded Forests; and
- k. To evolve procedure in consultation with Social Forestry/ Forest Department Officers to be adopted by its members for collecting produce

such as fodder, grass, dry and fallen wood from the plantation site in a manner which ensures sustainable yields of such produce from the area.

8. **Termination** :-

The Divisional Forest Officer or any Range Officer authorized by the Divisional Forest officer in this behalf may take action including termination of the membership against any member who has failed or neglected to perform his functions under these rules.

9. **Appeal**:

(1) Any person aggrieved by the order made under rule 8 may, within 15 days, prefer an appeal to-

- a. The Divisional Forest Officer against an order of Range Officer,
- b. The Circle Conservator of Forests/ Regional Director. Social Forestry concerned against the order of Divisional Forest Officer.

(2) The Order passed under sub-rule (1) shall be final.

10. **Maintenance of Register**:

(i) The village (Rehabilitation of Degraded Forests) Committee shall maintain a register showing necessary particulars of beneficiaries who are members of the Committee, e.g;

- a. Name
- b. Father's Name
- c. Address
- d. Age
- e. Members of the family
- f. Name of the nominee.

(ii) The nomination forms duly filled in and approved by the Executive Committee should be pasted in the register. Such registers are also to be maintained in the concerned Range Office of the Social Forestry/Forest Department for permanent records.

11. **Proceedings**:

The village (Rehabilitation of Degraded Forests) Committee shall maintain a "Register " where-in proceedings of the meetings of the Executive

Committee held from time to time as well as proceedings of the annual general meetings of the village (Rehabilitation of Degraded Forests) Committee will be recorded under the signature of the president of the Committee and such minutes duly attested shall be sent to the concerned Range Officer for record.

12. **Sharing of harvest:-**

The Committee in consultation with all the members will determine, how to share a minimum 25% of the proceeds from the first major harvest of the plantation in kind or the sale proceeds of the produce of the plantation of Degraded Forest amongst members after deducting the costs incurred by the Forest Department / Social Forestry to raise, protect and maintain the plantation.

13. **Works :**

- (1) An Agreement specifying the rights and responsibilities of all parties shall be signed before commencement of any works in the plantation.
- (2) The content of the works to be undertaken shall be decided in consultation with the village (Rehabilitation of Degraded Forests) Committee.

14. **Usufructary benefits :-**

- (1) The Block Forester / Range Officer in consultation with the Execution Committee and with the approval of the Divisional Forest Officer concerned will distribute to the beneficiaries their proportionate share of usufructs from the final harvesting, not before the crop attaining the age of 10 Years.
- (2) The members shall be entitled to collect free of royalty, without causing any damage to the plantation, grass, fodder, dry and fallen wood, pruning, thinning etc. with the permission of Block Forester.
- (3) The members will have to assist in protecting the plantation to be eligible for sharing of usufructs under these rules.
- (4) The members will not be entitled to trees produce from trees preserved under Jammu and Kashmir preservation of specified trees Act 1969 (V of 1969).

- (5) An individual whose membership stands terminated under any of these rules shall not be entitled to benefit / sharing of usufructs under these rules.

15. **Reviews:-**

The major rights and responsibilities of village (Rehabilitation of Degraded Forests) Committee and Executive Committee will be reviewed by principal Chief Conservator of Forests / Chief Conservator of Forests (Project Director) Social Forestry Project annually.

CHAPTER - III

VILLAGE PLANTATION (PROTECTION AND MANAGEMENT) COMMITTEE

16. **Composition :-**

- (1) There shall be constituted a village plantation (Protection and Management) Committee in each Forest Range for purposes of protection and management of such waste undemarcated forests and khalsa lands as are not included in demarcated forests.
- (2) The Committee shall consist of the following :-
- a. Tehsildar Chairman
 - b. Range Officer Social Forestry or
Range Officer, Territorial,
as the case may be Member
 - c. Two representatives of the village
concerned..... Member

17. **Meetings and procedure :-**

- (1) The Committee will meet at such place as may be convenient to members or in such villages where such plantations are to be raised on the dates that may be notified by the Chairman.
- (2) The committee will in consultation with people of the village concerned select area as required for the benefit of the villagers, their Cattle and agriculture and for prevention of denudation and soil erosion.'

- (3) The committee will open a file in each case in which the statement of villagers, the points agreed upon and the decision of the committee are recorded in the form of a resolution in the following manner.
 - a. Description of boundaries of the area to be covered.
 - b. The produce to be removed by the villagers.
 - c. Acts that are prohibited,
 - d. Regulation on closure of grazing.
- (4) All points of disagreement between villagers, objections, claims and rights will be heard, discussed and eliminated by the committee before a final decision is recorded which should be signed by all members.
- (5) The rules of protecting the Forest will be the same as provided for in the Forest Act, Samvat 1987. Similarly the concessions as granted in Jammu and Kashmir Forest Notices will be availed of by the villagers. Any deviation from the rules and concessions should be specifically mentioned in the file.
- (6) The file be then handed over to the Revenue Official who will get the area demarcated through villagers by means of boundary pillars of the same type as Forest boundary pillars. The Revenue official will then get a map of the area prepared by the patwari.
- (7) The file having been completed will than be submitted in duplicate through proper channel to the Deputy Commissioner. The Deputy Commissioner of the respective district will be the sanctioning authority.
- (8) The file having been sanctioned, a notification will be issued by the Deputy Commissioner under Chapter II of the Forest Act, Samvat 1987. The file will then be returned to Tehsildar.
- (9) On receipt of the file, the area so demarcated will be placed in charge of the concerned village (Rehabilitation of Degraded Forests) Committee constituted under rule 3.

18. **Functions:**

- (1) The village plantation (Protection and Management) Committee will enter into an agreement in terms of resolution arrived at and sanctioned by the authority with Divisional Forest Officer, Social Forestry Wing of the area. The agreement shall be as per Form "B" appended herewith.

- (2) The village plantation (Protection and Management) Committee will then enforce the rules framed for the protection of the area and regulation of concessions, benefits and grazing rules as sanctioned in the file.
- (3) In case of an act, concession or benefits not specifically provided in the rules as sanctioned in the file then village plantation (Protection and Management) Committee will enforce rules formed under Jammu and Kashmir Forest Act, Samvat 1987.

19. **Supervision:-**

The functioning of the Village Plantation (Protection and Management) Committee shall be subject to the supervision and review of the District Level Policy Review Committee constituted under rule. 5.

20. **Motivation of villagers:-**

The Deputy Commissioner and the Divisional Forest Officer of the District in which these rules are made applicable will discuss and explain the advantages of the scheme to the villagers in their respective jurisdictions and watch the work of the village plantation (Protection and Management) Committees and report their progress to the Divisional Commissioner and Regional Director/Conservator of the province respectively.

21. **Grazing:-**

The area should usually be closed to grazing when closure of the whole area is not possible, as much of the area as can conveniently be closed for a number of years, should be closed.

22. **Joint Management:**

- (1) If the villagers undertake to carry out a programme of sowing and plantation, it will be done under the joint management of Social Forestry Department and the villagers.
- (2) For the Joint Management of the area, a development cum-management plan will be prepared by the Social Forestry in collaboration with the villagers.

23. **Cost of Planting, Maintenance and Protection:**

- (1) Cost of planting, maintenance and protection would be borne by the Social Forestry Department for the first five years but the local population will participate in protecting the plantation. Thereafter the management and protection of the plantation will be the responsibility of the village plantation (Protection and Management) Committee.

- (2) The Social Forestry Department will continue to monitor the management of the plantation even after management and protection has been taken over by the village committee.
- (3) At the first major harvest after establishment of the plantation Social Forestry Department will recover its cost (except the cost of seedling) from the sale of fuelwood, timber or poles and cash balance will be given to the village plantation (Protection and Management) Committee.

24. **Distribution of Funds:**

The village plantation (Protection and Management) Committee will utilize the funds either for replanting the area or for financing the establishment of additional village woodlot or for financing public works in the village/ villages (i.e, construction or water supply, village roads etc.)

25. **Usufructs and Benefits:**

- (1) The villagers will be entitled to collect grass, fallen wood and tree loppings from the plantation area as provided under the Kashmir Notice for Kashmir province and Jammu Notice for Jammu Province.
- (2) Social Forestry Department acting through its field staff will encourage villagers to participate in establishing village woodlots by explaining the benefits to be obtained from community plantation and assist village plantation (Protection and Management) Committee and village (Rehabilitation of Degraded Forests) Committee in demarcating areas of waste land on which plantation is to be done.

CHAPTER - IV

REPEAL AND SAVING

26. All rules and orders corresponding to these rules in force immediately before the commencement of these rules are hereby repealed:

Provided that all rules and orders made, permits, license and passes granted, fees levied, imposed or assessed proceedings instituted and all actions taken or things done under any of the rules or orders in force before the commencement of these rules shall be constituted to have been made, granted, levied or done under the corresponding provisions of these rules.

By order

Sd/-
Commissioner/Secretary to Govt.
Forest Department.