

Government of Jammu and Kashmir
Office of the Pr. Chief Conservator of Forests (HoFF) Jammu

Notification

Sub: MANGEMENT PLAN FOR KHAIR GROWING ON Non -FOREST LAND IN J&K STATE

**Ref: SRO 111 dated 31-03-2016 issued by Revenue department under Endstt.
No. Rev/Lit/14/2014 dated 31-03-2016 &**

Adm. Department letter No: FST/Land/37/2016 dated: 22-04-2016

Whereas on the recommendations of the Central Empowered Committee (CEC) the Hon'ble Supreme court vide its judgment dated 26-09-2013 passed in IA Nos.2, 9, 11 of 1996, 16, 17, 19 of 1998, 33-34/2005, 37/2009 and Suo Motu contempt petition Nos. 290-292 of 1998 issued an order, the operative part of which reads as under:-

" The felling of khair trees in the state of Jammu and Kashmir is, therefore, allowed subject to the conditions stipulated in Para 45 of the report of Central empowered Committee. The extract of Para 45 of Central Empowered Committee (CEC) constituted by the Hon'ble Supreme Court Order is reflected here under:-

"In the above background the following recommendations are submitted for the consideration of this Hon'ble Court:-

- I. In modification of this Hon'ble court's order dated 10-05-1996; in WP (C) No. 171 of 1996 and the order dated 12-12-1996 in WP(C) No. 202 of 1995, felling of khair trees from the private lands in the state of Jammu and Kashmir may be permitted to be undertaken subject to the following conditions:-
 - i. The state of Jammu & Kashmir will notify the draft "The Jammu & Kashmir Non-Forest Land Khair trees 'Acacia catechu' (Management Plan) Rules 2012" as modified by the CEC and enclosed as Annexure R-6 to this report.
 - ii. The state of Jammu & Kashmir will notify the draft "Management Plan for khair growing trees on non-forest lands in J&K state" as modified by CEC and enclosed at Annexure-7 to this report.
 - iii. The Annual felling of Khair trees from the Private land in the State of Jammu & Kashmir will not exceed 20,970 cubic metre of volume, including firewood and lops and tops and will be regulated as per the division-wise details as given in Table 4 of this Report;
 - iv. The notification of Form 'A' as provided in the draft Rules, giving year wise details of the villages identified for permitting felling of Khair trees during the year will be issued within two weeks and a copy thereof will

be filed before the Hon'ble court. The felling of Khair trees during a year will be permitted /undertaken accordingly.

- v. No modification in the notified "The Jammu & Kashmir Non-Forest Land Khair Trees Acacia catechu" (Management Plan) Rules, 2012 and /or the Management Plan for Khair Growing in the Non-Forest Lands in J&K State" and /or the notified Form 'A' will be made without obtaining the prior permission from this Hon'ble court , and
 - vi. The marking of tress for felling, the permission for the felling of trees, the inspection of felled trees, the permission for the transportation of the trees and the issue of transit passes will be strictly regarded as per the notified Rules, the Management Plan and Form 'A'.
- II. The felling of Khair trees from the non- forest areas associated with the development projects undertaken in the State of Jammu & Kashmir and also from the forest areas for which necessary approvals under the Jammu & Kashmir Forest (Conservation) Act, 1990 have been accorded by the competent authority will be permissible.

Whereas in compliance to the above mentioned Hon'ble court orders the government issued SRO 111 dated 31-03-2016 through Revenue Department notifying "The Jammu & Kashmir Non-Forest Land Khair trees 'Acacia catechu' (Management Plan) Rules 2016".

Whereas sub section 2 of section 4 of SRO 111 dated 31-03-2016 provides that on the basis of assessment report prepared after survey, a management plan shall be prepared by the Forest Department covering all management units and the same shall be submitted to the Pr. Chief Conservator of Forests for approval by the end of assessment year.

Whereas the Government of Jammu & Kashmir had already entrusted the assessment of khair trees growing on private lands in the year 2010-11 to the "Himalayan Forest Research Institute", Shimla-A Regional Research Institute of ICFRE under the Ministry of Environment & Forests, GoI, following standard sample survey techniques backed by scientific technology and statistical Validations. The HFRI completed the survey in all khair growing areas of J&K state (Jammu Province).

Whereas the aforementioned report of HFRI was filed before the CEC (constituted by the Hon'ble supreme court), by the J&K Forest Department and requested for lifting of ban on felling of khair trees from private lands. On the directions of Hon'ble Supreme Court the members of CEC visited the state of Jammu & Kashmir on 14th & 19th May 2011 and assessed the ground situation, interacted with the farmers and other stakeholders. The committee finally recommended to the Hon'ble Supreme Court for lifting of ban on felling of khair trees from private lands.

Whereas the Hon'ble Supreme court vide its judgment dated 26-09-2013 passed in IA Nos.2, 9, 11 of 1996, 16, 17, 19 of 1998, 33-34/2005,

37/2009 and Suo Motu contempt petition Nos. 290-292 of 1998 lifted the ban on felling of khair trees growing on the private lands on the recommendations of the Central Empowered Committee (CEC).

Now, therefore, in view of the above and in pursuance of the powers vested with undersigned under sub section 2 of Section 4 of SRO 111 dated 31-03-2016 the "Management Plan for khair growing on non-forest lands in J&K State" as modified by the Central Empowered Committee (CEC) forming Annexure "A" to this notification is hereby approved and notified accordingly.

Encl. Annexure "A"

Sd/-

(A.K.Singh) IFS

Pr. Chief Conservator of Forests (HoFF)
Jammu & Kashmir

No. PCCF/Coord/Khair/Management Plan/2016/2608-78 Dated 26/04/2016

Copy for information and necessary action to the:-

1. Financial Commissioner Revenue, J&K, Jammu
2. Pr. Secretary to Government Forest, Ecology & Environment Department.
3. Pr. Secretary to the Hon'ble Governor
4. Divisional Commissioner Jammu/Kashmir
5. Commissioner/Secretary to government, General administration department
6. Commissioner/Secretary to government, Department of Law, Justice & Parliamentary Affairs.
7. All HoDs of Forest Department.
8. Secretary to Government, Revenue Department.
9. Chief Conservator of Forests, Jammu.
10. Chief Conservator of Forests, Kashmir.
11. Director General Information.
12. All Conservators of Forests.
13. All Deputy Commissioners.
14. All DFOs of Forest Department
15. Manager Government Press, Jammu/Srinagar for publication in the government Gazette.
16. Notification file/Stock file.

(Abdul Gani) IFS
Conservator of Forests
(CAMPA)



May to October : Shiekh Bagh, Lal Chowk, Sgr-190001.
Phone: 0194-2483937, Fax: 0194-2455027.
November to April: Van Bhawan, Below Gumat, Jammu-180001.
Phone: 0191-2560585, Fax: 0191-2547276.

Government of Jammu and Kashmir
Office of the Pr. Chief Conservator of Forests (HoFF) Jammu

Sub: Annexure "A" to the Notification issue under No. PCCF/Coord/Khair M.Plan/2016/ 2608-78 Dated 26-04-2016 in pursuance of Hon'ble Supreme Court Order dated 26-09-2013 and under SRO 111 dated 31-03-2016

**MANAGEMENT PLAN
FOR
KHAIR (Acacia Catechu)
GROWING ON NON-FOREST LAND
IN
JAMMU AND KASHMIR STATE (JAMMU PROVINCE).**

A. Introduction:-

Khair (Acacia catechu) grows in sub-tropical areas of Jammu region of this state. It is an important cash crop for the farmers of the area especially in Kandi zone. It comes profusely in non-irrigated lands and thus plays important role in compensating the farmers of the area for their less productive land. Khair exists in the nine territorial divisions viz; Reasi, Mohare, Udhampur, Ramnager, Rajouri, Nowshera, Jammu, Kathua and Billawar Forest Divisions of the state. These divisions are spread over six Districts viz; Reasi, Rajouri, Jammu, Samba, Kathua Udhampur.

J&K State issued SRO-194 on 3rd August 1995 where under notified "The Jammu and Kashmir Khair trees "Acacia Catechu"(Regeneration and Utilization) Rules, 1995"for regulation of felling of Khair trees standing on State land or private Land. However, in 1998 the Hon'ble Supreme Court banned the felling of Khair trees growing on forest as well as private lands. Since then the case was sub- judice before the Hon'ble Supreme Court. The Central Empowered Committee (CEC) examined the issue of permission for felling of Khair trees and desired to have the assessment of the availability of Khair trees growing on private lands in the state. Accordingly, an assessment survey was got conducted through the Himalayan Forest Research Institute, Shimla. The assessment survey report has dealt with khair growing on non-forest lands giving the estimate of trees private lands and those growing on non-forest areas (other than private areas).

Based on assessment survey report submitted by Himalayan Forest Research Institute (HFRI), Shimla and as per suggestions given by Central

Empowered Committee during their visit to the different Khair sites in Jammu on 18th and 19th May 2011, the SRO 194 of 3rd August of 1995 has been proposed to be revised. As per the proposed revised SRO, under the rule 4, the management plan of khair trees growing on private lands has been prepared after taking the assessment report of Himalayan Research Institute as basis.

B. Silvicultural System:-

On non-forest lands, Khair often occur in small patches. Normally, it grows on bunds of the fields, backyards and grazing areas of private land owners. Thus, in view of sustainable removal of khair from private lands selection types of felings are prescribed. Only those trees which are above exploitable diameter and are silviculturally available are to be removed in the annual coupes.

The assessment survey report of HFRI has observed that the recruitment dia-classes of Khair trees are higher in number in private lands in comparison to the remaining non-forest lands. Thus, the systematic/ scientific regulations for harvesting can ensure long term sustained yield. In view of that as prescribed in rule 5 (b) (I), no felling will be permitted from non forest area other than private land except removal of dry and dead trees.

C. Demarcation: - the demarcation of the areas to be taken up for felling shall be done as provided in rule 6(2).

D. Exploitable Diameter, Rotation and Felling Cycle.

The exploitable diameter for Khair is 20 cms dbh (ob), rotation period is of 33 years and the felling cycle of 11 years.

As per rule 4(I), the felling will not be permitted in the 11th year which has been defined as assessment year.

Accordingly, the Management unit wise ten year felling programmes have been prepared taking the territorial Divisions as Management Units.

E. Growing Stock and Yield from the private land (non forest).

It has been decided that for the purpose of fixing for maximum permissible volume of khair that will be allowed to be felled/ extracted from private land(non Forest) in a year, the Khair trees of 20 cm dbh and above will be taken into consideration. As per the assessment report, there are total 3511169 Khair trees on 3,21,629 ha out of which 15,31,011 trees are of 20 cm dbh and above. The growing stock corresponding to the trees of 20 dbh and above works out to be 7, 66,156 cubic meter. On prorata basis, the number of trees in 144614.7 ha of private (non forest) land works out to be 6, 73,901 trees.

(2 of 8)

The details of number of Khair trees 20 Cm dia class and above in different divisions are as below in table 1.

Table 1: Total no of trees of 20 Cm dbh and above in Non forest land
(Dia Class in cm)

Division	20-30	30-40	40-50	50-60	60-70 above	Total
Mahore	649	546	402	174	0	1771
Billawar	36950	16170	1158	23	0	54301
Jammu	346109	127365	48481	26213	0	548168
Kathua	112013	67065	25691	2935	0	207704
Nawshera	78020	34897	4962	12	4	117895
Rajouri	70194	23161	3768	908	669	98700
Ramnagar	8783	5122	975	8	0	14888
Reasi	334271	134774	7845	151	8	477049
Udhampur	4166	4168	1994	211	0	10539
Total	991155	413268	95276	30635	681	1531015

The details of the growing stock corresponding to Khair trees of 20 cm dbh and above in different divisions are as below in Table. 2

Table 2:- Growing stock of Khair Trees on 20 dbh and above (Vol. in Cu.mts)

Division	20-30	30-40	40-50	50-60	60-70 above	Total
Mahore	201	375	487	328	0	1391
Billawar	11463	11096	1404	44	0	24007
Jammu	107378	87400	58737	49445	0	302960
Kathua	34751	46021	311127	5536	0	117435
Nawshera	24205	23947	6012	23	11	54198
Rajouri	21777	15894	4566	1712	1813	45762
Ramnagar	2725	3515	1181	16	0	7437
Reasi	103705	92484	9504	285	23	206001
Udhampur	1293	2860	2415	297		6965
Total	307498	283592	115433	57786	1847	766156

The division wise/ diameter class wise details of the growing stocks corresponding to Khair trees of 20 cm dbh and above in private lands (non forests) on pro-rata basis i.e (Growing stock in given dia/total non forest area) X private area in different divisions are as below in Table 3:

(3 of 8)

Table 3: Growing stock of Khair trees of 20 cm dbh and above in private land (Non Forest)

(Vol. in cu.mts)

Division	Total area	Total private area	No of trees in Private land on prorated basis	Growing stock of Khair trees of 20 cm dbh and above in private land (Non Forest)						Annual yield
				20-30	30-40	40-50	50-60	60-70 above	Total	
Mahore	4826.08	161.6	59.30	6.73	12.56	16.31	10.98	0.00	46.58	2.82
Billawar	28077.7	22659.55	43822.48	9250.97	8954.79	1133.07	35.5	0.00	19374.34	1174.20
Jammu	104578	60582.53	317555.68	62204.46	50631.13	34026.55	28643.7	0.00	175505.8	10636.72
Kathua	63883	34832.44	113251.35	18948.11	25093.12	16972.11	3018.52	0.00	64031.85	3880.72
Nowshera	36724.1	1846.38	5927.42	1216.96	1203.99	302.27	1.16	0.55	2724.92	165.15
Rajouri	22293.3	621.93	2753.49	607.53	443.40	127.38	47.76	50.58	1276.65	77.37
Ramnagar	12767.2	8407.43	9804.03	1794.46	2314.69	777.71	10.54	0.00	4897.41	296.81
Reasi	40026.6	15124.24	180255.26	39185.43	34945.53	3591.13	107.69	8.69	77838.47	4717.48
Udhampur	8453.08	378.59	472.01	57.91	128.09	108.16	17.78	0.00	311.94	18.91
Total	321629	144614.7	673901.03	133272.6	123727.30	57054.69	31893.6	59.82	346008.0	20970.2

F. Annual Sustained Yield.

Based on details of growing stock assessed in different forest divisions as given in table -3, annual sustained yield for different divisions in respect of private land (non forest) are to be as under.

(Vol. in cu.mts)

Forest Div	Total area	Total Private area	No of trees in Private land on prorated basis	Total Growing stock	Annual Yield
Mahore	4826.08	161.6	59.30	46.58	2.82
Billawar	28077.7	22659.55	43822.48	19374.34	1174.20
Jammu	104578	60582.53	317555.68	175505.8	10636.72
Kathua	63883	34832.4	113251.35	64031.85	3880.72
Nawshera	36724.1	1846.38	5927.42	2724.92	165.15
Rajouri	22293.3	621.93	2753.49	1276.65	77.37
Ramnagar	12767.2	8407.43	9804.03	4897.41	296.81
Reasi	40026.6	15124.24	180255.26	77838.47	4717.48
Udhampur	8453.08	378.59	472.01	311.94	18.91
Total	321629	144614.7	673901.03	346008.0	20970.2

Accordingly , the maximum permissible annual volume of Khair wood that may be permitted to be felled /extracted including firewood, lop and top, has been decided to be 20970.2 cubic meter per year from the private land (non forest). The division wise break up is as under:

(4 of 8)

(Vol. in cu.mts)

Forest Div	Maximum permissible annual volume of Khair trees (including lop & top and firewood) from private lands (non Forest)
Mahore	2.82
Billawar	1174.20
Jammu	10636.72
Kathua	3880.72
Nawshera	165.15
Rajouri	77.37
Ramnagar	296.81
Reasi	4717.48
Udhampur	18.91
Total	20970.2

G. Procedure for marking the exploitable trees.

- Every year in the month of April, the territorial Divisional Forest Officer shall give advertisement in print and electronic media, notifying the villages to be taken up for felling of exploitable Khair trees in the said year and total volume of the khair trees including lops and tops and firewood from all villages for which the felling programme can be granted during the year . **Selection of villages during a year will be one tenth of villages in every stratum of villages having 0-1 tree, 1-10 tree, 10-50 tree, 50-100 tree and 100 trees above. This will result in selection of every village at least once in every 10 year felling programme with representation of every stratum every year.**
- The Interested land owners shall, accordingly, apply to the Divisional forest Officer within prescribed time concerned on prescribed proforma alongwith copies of land Ownership papers for permissions for felling of exploitable khair trees growing on their private lands.
- The processing of the application for felling permission shall be done in accordance with the procedure laid down in the SRO issued for the purpose by the Government.
- The Block Forest Officer alongwith Forest Guard of the area shall enumerate the exploitable khair trees on the private land upon which Nishandehi and demarcation has been done as per the SRO in this regard. During enumeration, numbering of the trees shall be done with red paint after shaving of bark at dbh. The numbering will be done giving serial number starting from 1 with oblique khasra No and year. Thus, tree No 6 in Khasra No.715 enumerated in 2012 shall be marked as 6/715/2012. The enumeration of all the exploitable trees sought to be felled shall be done.
- There shall be a remarks column in the enumeration of list for any comments with regard to status of the tree like dead/diseased, its location or any special feature. The enumeration list shall be signed by the land owner besides the Block Forest Officer and Forest Guard concerned. The enumeration list

alongwith verification certificate countersigned by the Range Officer shall be submitted to the Divisional Forest Officer.

- vi. On receipt of Nishandehi and Demarcation report along with the prescribed certificate from Tehsildar and verification report alongwith enumeration list of silviculturally available trees from the Range Officer, the Divisional Forest Officer shall issue marking and felling permission. If the total volume of trees enumerated in respect of all applications received for felling of trees during a year is found to exceed the maximum permissible volume of khair tree that can be permitted to be exploited from all villages in the forest division during the year, the Divisional Forest Officer shall restrict the permission for marking to such number of trees on pro-rata basis, whose volume does not exceed the permissible volume for the year. For this purpose, preference should be given to trees of higher girth classes. The permission for all the applications for all the notified villages shall be granted in one go. The marking shall be done as under:

1. Marking shall be done personally by a Block Forest Officer level officer.
2. All the dead, diseased, dying and dry trees shall be marked.
3. At least 10% healthy trees, tick marked with red ink, by the Divisional Forest Officer on the enumeration list shall not be marked and retained as mother trees and for environmental considerations.
4. Marking number should be carved at 6" above ground level and facsimile of marking hammer must be discernible.
5. The trees with special features may also be retained.

VI. At least 10% of the cases for marking of trees will be verified by the Assistant Conservator of Forest and above level officer.

H. Procedure for Felling and Conversion:-

The Divisional Forest Officer shall accord felling permission on prescribed proforma. The copy of felling permission shall also be endorsed to the Tehsildar concerned. These felling, conversion and transportation shall be done under the strict supervision of a Forest officer not below the rank of Block Forest Officer. Felling of the marked trees shall be done as under:-

1. The tree shall be cut and felled at 6" height above the ground level on uphill side in a slanting manner in order to ensure emergence of coppice and preservation of marking the number and hammer facsimile for future verification.
2. The felled trees shall be converted into billets of standard one meter length except the terminal billets which may be length of 0.5 mtr to 1.5 mtr.
3. Standard 1 meter length billets would be further sorted out and stacked in following mid girth classes i.e;
20.1 Cm to 30 cm
30.1 Cm to 40 cm
40.1 cm to 50 cm
50.1 cm to 60 cm and so on upto 90.1 cm and up girth classes.

4. All the non standard size billets i.e remaining billets shall be stacked in one lot after actual measurement.
5. On each billet, on one face, felling permission No. and tree No. shall be written.
6. All the lops , tops and branches which are not convertible into billets of minimum 20 cm mid girth under bark are to be stacked as fuel wood.

I. Time frame for various operations:-

S.N	Operation	Time Schedule
1	Notification of villages by the DFO	April.
2	Invitation and processing of applications	April to August
3	Nisandehi/Demarcation/ Enumeration of private land and trees therein	September to October
4	Issuance of marking and felling permission by the divisional forest Officer	November
5	Felling and conversion	November to December
6	Transportation	January to February

These time period for different operations shall be followed except in case of Natural calamities/ unforeseen natural problems.

J. Uprooting of Khair Trees/ Stumps.

Uprooting of Khair Trees as well as standing stumps shall not be done unless permitted by the Empowered officer as designated in the SRO. This is required as the khair is good coppicer and uprooting or grubbing shall effect its re-generation.

K. Compensatory Plantation:

The applicant (owner) shall be required to plant, protect and maintain at least three Khair seedlings in lieu of the each tree to be felled by him. These seedlings can be obtained by him from the Social Forestry Department or the territorial Forest Division at the available rates of the Department for the purpose.

- (1) The owner shall have to deposit Rs 20/- (or as fixed by the Empowered Officer) per plant to be planted for carrying out compensatory planting. The Divisional Forest Officer concerned shall issue the marking/ felling permission on receipt amount including the compensatory plantation deposit.
- (2) A certificate by the concerned Range Officer shall be furnished certifying the compensatory planting by the owner in whose favour felling permission was granted. The certificate shall be furnished within six months from the

date of issuance of felling permission. Upon receipt of such certificate, the deposit amount on account of compensatory plantation shall be released.

- (3) In case of non receipt of compensatory planting certificate within prescribed period, the amount deposited with the Divisional Forest Officer shall be forfeited and the compensatory plantation shall be carried out by the department.

K. Reporting:

With a view to have information about the total removal of khair trees an abstract of all the felling permissions given by the territorial Divisional Forest Officer will be sent to concerned Conservator of Forests immediately after the closing of prescribed year of felling as prescribed in the rule. The conservator of Forests will forward the same in a consolidated form for the whole circle to the Chief Conservator of Forest, Jammu.

CONSERVATOR OF FORESTS, EAST CIRCLE MEMBER SECRETARY	CONSERVATOR OF FORESTS, WEST CIRCLE	CHIEF CONSERVATOR OF FORESTS, WORKING PLAN, J&K CHAIRMAN
--	--	---

(A.K.Singh)IFS 26/4
Pr. Chief Conservator of Forests (HoFF)
J&K Forest Department.
26/4/16 (8058)