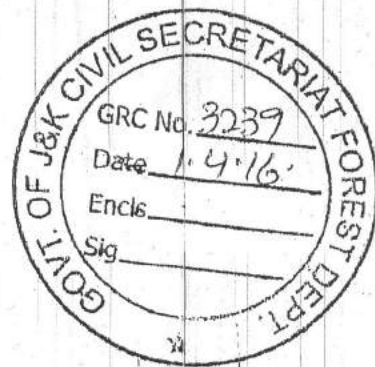


Government of Jammu and Kashmir
Civil Secretariat, Revenue Department

Notification
Jammu, the 31st March, 2016



SRO III :- In pursuance of powers conferred by section 137 read with sub-section (2) of section 37 of Jammu and Kashmir Land Revenue Act, Samvat 1996 (XII of 1996), the Government hereby makes the following rules, namely:-

1. Title, commencement and application

- (1) These rules may be called "*The Jammu and Kashmir Non-Forest Land Khair Trees 'Acacia catechu' (Management Plan) Rules, 2016*".
- (2) These rules shall come into force from the date of their publication in the Government Gazette.
- (3) These rules shall apply to the Khair trees standing on non-forest land including private (Milkiyat) lands, and shall not apply on Khair Trees standing on forest lands.

2. Definition

- (1) In these rules, unless the context otherwise requires:-

- a. "Assessment Year" means last year of the eleven year felling cycle;
- b. "Divisional Forest Officer" means the Divisional Forest Officer of the Territorial Division including the Divisional Forest Officer, Urban Forestry Division, Jammu;
- c. "Empowered Officer" means the Chief Conservator of Forests, Jammu;
- d. "Forest Lands" mean demarcated and un-demarcated forests under the control of J&K Forest Department and shall have the same meaning as assigned in the Jammu and Kashmir Forest Act, 1987 (A.D. 1930);

- e. "Form" means the form appended to these rules;
- f. "Khair Tree" means tree having, the botanical name 'Acacia catechu' and shall include its roots, stumps, stem and branches whether standing or fallen and shall also include seedlings, saplings and pole of the species;
- g. "Management Plan" means the plan prepared under these rules for scientific management of Khair trees covering all management units;
- h. "Management Unit" means the aggregate of areas of non-forest land Khair trees falling within the jurisdiction of a Territorial Division;
- i. "Outturn" means a quantity of produce obtained from any unit of an area;

(2) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Jammu and Kashmir Land Revenue Act, Samvat 1996, and in the Jammu and Kashmir Forest Act, Samvat 1987 (A.D. 1930).

3. Restriction on felling, conversion and utilization of trees

(1) No Khair tree shall be felled or converted for any purpose without permission granted under these rules.

(2) No Khair tree/wood shall be used for any purpose except in accordance with the provisions made under these rules.

4. Preparation and approval of management plan

(1) The identification of Khair tree bearing areas and assessment of growing stock in all management units including the working out of the silvicultural availability of Khair trees in each management unit shall be made by the Forest Department directly or through a credible agency, as may be deemed necessary, appointed for the purpose following a transparent process, in the assessment year. During the assessment year, no felling of Khair trees shall be permitted.

(2) On the basis of assessment report prepared after survey as in sub-rule (1), a management plan shall be prepared by the Forest Department covering all management units, and the

same shall be submitted to the Principal Chief Conservator of forests for approval by the end of the assessment year.

(3) The management plan shall be prepared by a committee comprising the following:-

- i. Chief Conservator of Forests, Working Plan (Chairman).
- ii. Conservator of Forests, West Circle (Member).
- iii. Conservator of Forests, East Circle (Member Secretary).

(4) On the basis of approved management plan, the concerned Divisional Forest Officer shall prepare year-wise felling programme/block for the management unit under his jurisdiction, for ten years as per FORM-'A'.

(5) No Deviation from eleven year felling programme fixed as in above mentioned FORM- 'A', shall be permissible.

5. Accord of sanction to the felling programme in Milkiyat land.

a) In Proprietary Land

- (1) The Divisional Forest Officer shall submit the ten year felling programme as drawn by him for the management unit under sub-rule (4) of rule 4 for sanction by the Empowered Officer.
- (2) The Empowered Officer shall accord sanction to the adoption of the felling programme for each management unit after obtaining a report from the concerned Territorial Conservator of Forests, in accordance with rule 4.
- (3) The concerned territorial Conservator of Forests shall publish the same for information of all concerned within a period of one month from the date of accord of approval by the Empowered Officer.

b) In Non-Forest Land

No felling of Khair trees shall be permitted on non-forest land excluding private (Milkiyat) land, except dead and dry trees, till next assessment survey. The revenue realised from disposal of these Khair wood, Khair firewood and other remnants shall be remitted into the State Treasury immediately.

6. Notification of felling block, invitation and processing of application for grant of felling permission

- (1) The concerned Divisional Forest Officer, on receipt of the sanction to the adoption of the ten year felling programme for management unit under his jurisdiction, shall notify the village (s) having trees sanctioned for being felled during a particular year and shall invite application in Form -'B' from the owners of Khair trees or any person authorized by him in this behalf.
- (2) The applications received in this behalf shall be referred to the concerned Tehsildar and territorial Range Officer for Nishandehi/demarcation and enumeration of trees with reference to the relevant revenue records. The Nishandehi/ Demarcation report alongwith enumerated trees shall be made in presence of the Block Forest Officer concerned and the same shall be countersigned by the Naib Tehsildar concerned and attested by the Tehsildar concerned. A certificate shall be made by the Naib Tehsildar certifying:
 - a) that the identified private land is neither encroached land/Government land nor under any dispute/ mortgage and that the trees have been enumerated after following the prescribed procedure for demarcation/enumeration.
 - b) that all the enumerated trees fall within the demarcated private land of the applicant.
 - c) that the connected papers, applications and an affidavit of the land owners etc have been duly scrutinized and found in order.
- (3) The territorial Range Officer shall direct the concerned Block Forest Officer for verification and enumeration of the silviculturally available trees. The Block Forest Officer shall make an inspection report in Form-'C' after verification and enumeration of the silviculturally available trees and submit the same to the territorial Range Officer.
- (4) On receipt of the verification report alongwith enumeration list from the concerned Range Officer and Nishandehi/ Demarcation report alongwith the prescribed certificate from the concerned Tehsildar, the Divisional Forest Officer may invite objections, if required, from the residents of the 'felling blocks' which shall be submitted to him within a period of 10 days. Such objections, if

any received, shall be disposed off by the concerned Divisional Forest Officer in such manner as may be necessary under rules within 15 days from the date of receipt.

- (5) Thereafter, the DFO may accord permission or reject the application giving reasons in writing for marking, felling and conversion of particular tree (s) in favour of applicant (owner) or the authorized person in Form-'D' within 15 days.

7. Conditions for felling

- (1) The owner of the Khair trees or any person authorized by him for the purpose of these rules shall be required to pay a fee of Rs 10/- per tree or such amount as may be fixed by the Government from time to time, for grant of permission for felling of the tree.
- (2) The felling shall be done only after adhering to conditions regarding payment of fees for each Khair tree, prescribed felling conditions, compensatory plantation as mentioned in management plan approved under rule 4.

8. Marking, felling, conversion, transportation and disposal

- (1) After the accord of marking and felling permission, the marking shall be conducted by the *Block Forest Officer concerned*. The felling, conversion and transportation shall be done under the strict supervision of the Block Forest Officer/ Forest Guard Incharge of the area and shall submit an outturn report to the Range Officer. After receipt of the outturn report from Range Officer, the Divisional Forest Officer/Empowered Officer, as the case may be, may accord transportation permission.
- (2) The owner shall be free to sell their Khair wood to anybody, for utilization within or outside the State, on the price acceptable to him.
- (3) The registered co-operative societies/institutions formed by owners and registered under the Societies Registration Act VI 1998 Samvat (1941 AD) shall be eligible to deal with sale/purchase/disposal of Khair wood.
- (4) The transportation permission may be issued within the State by the Divisional Forest Officer concerned and outside the State by the Empowered Officer, for a specified purpose under these rules in favour of the Khair Tree owner or any other agency to

whom the owner may have sold the Khair wood, Khair firewood and other remnants of the felled Khair trees.

- (5) The fee of Rs 20/- per quintal within State and Rs 120/- per quintal for export outside State or such sum as may be fixed by the Government from time to time, shall be payable for transportation permission.
- (6) Marking, felling, conversion, transportation and disposal of the Khair wood from the non-forest land excluding private (Milkiyat) land shall be done by the Divisional Forest Officer after receiving approval from the Empowered Officer.
- (7) The Divisional Forest Officer shall submit a monthly return to Empowered Officer with regard to the felling, conversion, transportation in Form-'E' and a consolidated report at the end of financial year in Form-'F'.

9. Validity of felling permission and timeframe for various operations.

- (1) The felling permission granted shall be valid for a period of two months from the date of its issuance.
- (2) Any Extension in the validity period of the felling permission upto the maximum of two months may be granted by the Conservator of Forests concerned upon the recommendations of the Divisional Forest Officer concerned in the same financial year.
- (3) Time frame for various operations shall be followed as per approved management plan/felling programme.

10. Control over Katha manufacturing units

The Katha manufacturing units in the State, utilizing Khair wood, shall be governed by the J&K Wood Based Industries (Registration and Regulation) Rules, 2012 as a Primary Wood Based Industry.

11. Remittance of the Fees/Revenue

The revenue generated as a result of felling permission fee, transportation permission fee and revenue realized from disposal of Khair wood shall be remitted into the State Treasuries immediately on its being realized, as revenue receipts of Forest Department. These

charges shall be realized by the authorities who are empowered to grant such permissions.

12. Appeal

- (a) Any person or agency aggrieved of any order of the Empowered Officer may prefer appeal against that order before the Principal Chief Conservator of Forests, J&K, within a period of 30 days from the date of issue of such order.
- (b) Any person or agency aggrieved of any order of the Divisional Forest Officer under sub-rule (5) of rule 6 or sub-rule (1) of rule 8 may prefer an appeal against that order before the concerned Conservator of Forests, within a period of 10 days from the date of issue of such order.

13. Penalty

Any person, who contravenes any of the provisions of these rules, shall be liable to penalties provided under section 38 of the Jammu and Kashmir Land Revenue Act, Samvat 1996 (1939 A.D.) and the Jammu and Kashmir Forest Act, 1987 (A.D. 1930).

14. Application of other laws not barred

The provisions of these rules shall be in addition to, and not in derogation of, any other law for the time being in force, save as otherwise expressly provided under the Jammu and Kashmir Land Revenue Act, Samvat 1996 (1939 A.D.).

15. Repeal and Savings

The Jammu and Kashmir Khair Trees 'Acacia catechu' (Regeneration and Utilization) Rules, 1995 are hereby repealed. However, any actions taken under the rules so repealed shall be deemed to have taken under the provisions of these rules.

By order of the Government of Jammu and Kashmir.

Sd/-

(Muhammad Afzal) IAS
Secretary to the Government
Revenue Department

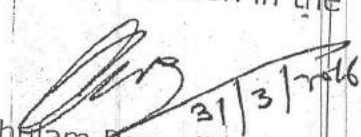
Dated:- 31-03-2016

No:- Rev/Lit/14/2014

Copy to the:-

- 1. Financial Commissioner, Revenue, J&K, Jammu.
- 2. Principal Secretary to the Government, Forest Department.

3. Principal Secretary to the Hon'ble Governor.
4. Divisional Commissioner, Jammu/Kashmir.
5. Commissioner/Secretary to Government, General Administration Department.
6. Commr/Secretary to Government, Department of Law, Justice and Parliamentary Affairs (with 07 spare copies)
7. All Deputy Commissioners
8. Director General Information, J&K, Jammu.
9. Pvt. Secretary to Secretary to Government, Revenue Department.
10. Manager Government Press Jammu/Srinagar, for publication in the Government Gazette.
11. Notification file/Stock file.


(Ghulam Rasool) KAS
Deputy Secretary to the Government
Revenue Department

and N. N. N.

[illegible]

FORM-'B'

Application for Grant of Permission for Felling Khair tree

(Refer sub-rule (1) of Rule 6)

To
The D.F.O.
_____ Forest Division,

Photo attested
by Notary

Sir,

Kindly grant permission for felling of Khair Tree in my favour as per following detail:-

- I) Name with parentage:
- II) Address:
- III) Number of Khair trees intended to be felled, converted and sold:
- IV) Location of the tree:
 - a) Village:
 - b) Khasra No:
- V) Purpose of felling:
- VI) Name/names of the Co-shares with parentage and complete address(s)

2. The following documents are enclosed:-

- I) Affidavit of the applicant to the effect that above particulars are correct.
- II) Khasra Girdawari signed by the Patwari of the Halqa.
- III) Attorney of Co-shares if any.
- IV) Identity proof.

3. Certified that Khair saplings have been planted by me in lieu of the intended felling which are alive as on date.

Date and Place

Signature

FORM-'C'

Verification Report of the R. O.

(Refer sub-rule (3) of Rule 6)

- I Reference to DFO's letter No. and date on which verification is based.
- II Name/names of the tree growers.
- III Khasra No./Nos.
- IV Area of the Khasra No./Nos.
- V Enumeration list of the silviculturally available trees

VI Tree Number

Girth of the tree

Remarks

At breast Height (CM)

TOTAL:

Under remarks column the details regarding dry, green, health, growth etc should be shown.

Certified that:-

a) As under sub-rule (2) of rule 6, the Naib Tehsildar has certified:

- i) That the identified private land is not neither encroached land/ Government land nor under any dispute/mortgage and that the trees have been enumerated after following the prescribed procedure for demarcation/enumeration.
- ii) That all the enumerated trees fall within the demarcated private land of the applicant.
- iii) The connected papers, applications and an affidavit of the land owners etc have been duly scrutinized and found in order.

- 1) The enumeration of silviculturally available trees have been carried out by the Block Forest Officer in the Demarcated land and trees only per sub-rule (2) and (3) of rule 6.
- 2) The identification of land by the land owner and the Patwari of the Halqa with reference to the relevant revenue records have been done and signed this statement in authentication of this fact.
- 3) The felling of the tree enumerated above will not cause any major ecological problem like soil erosion, water availability.
- 4) The land owner has already planted _____ khair saplings in _____ of the proposed felling.
- 5) The enumeration have been made on private lands only and does not include any forest and State land, Nautor or village common lands.

FORM-'D'

Format for felling permission

(Ref. sub-rule (5) of Rule 6)

- 1) Reference to the PCCF's sanction to the adoption of the felling block:-
- 2) Name of the felling village/block with full description:-
- 3) Khasra No. where from felling has to be made:-
- 4) Reference to the ROs proposal of felling:-
- 5) Details of the trees allowed to be felled:-
- 6) Amount recovered on account of felling permission with reference TR No. & dates:-

Tree number as per enumeration list	Girth (CM)	Remarks
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TOTAL:-

The above permission for felling as per column 5 is subject to the following conditions:-

- I The applicant (tree grown) will plant, protect and maintain at least three Khair seedlings in lieu of each tree permitted to be felled.
- II The tree is cut and felled at 6" height above the ground level in a slanting manner so as to ensure emergence of coppice and preservation of marking number and hammer facsimile for future verifications.
- III No grubbing of stumps is made except where specifically permitted by the competent authority.
- IV Felling permission fee is deposited with the DFO concerned.
- V Marking of the trees sanctioned to be felled is done by the concerned RO only.
- VI RO will maintain a felling diary as per the prescribed procedure.
- VII The Khair wood is converted into billets of standard size of one meter length and the mid girth of each billet is measured under bark and records.
- VIII Any other condition is considered to be necessary by the departments.

FORM-'E'

Monthly return of Khair felling, Conversion, Sales and Transportation

(Refer sub-rule (7) of rule 8)

1. Name of the Division/Range/Block/beat.
 2. Name of the felling block (village).
 3. Name of the owner/owners.
 4. Number of trees marked with volume in Cms.
 5. Number of trees felled.
 6. Outturn obtained (M3)
 - a) Khair wood.
 - b) Khair Firewood.
 7. Name(s) of the agency in whose favour transportation permission has issued.
 8. Details of transportation permission.
 - a) Form 25 No. and date.
 - b) Quarterly for which form 25 issued.
 9. Accounts recovered on account of Transportation fees with reference to TR No. and date.
10. Name of the felling block (village)
11. Name of the owner/owners
12. Number of trees marked with volume in Cms.
13. Number of trees felled
14. Outturn obtained (M3)
 - a) Khair wood
 - b) Khair Firewood
15. Name(s) of the agency in whose favour transportation permission has issued
16. Details of transportation permission.
 - a) Form 25 No. and date
 - b) Quarterly for which form 25 issued
17. Accounts recovered on account of Transportation fees with reference to TR No. and date.

FORM-'F'

**Pr. Chief Conservator of Forests, Reports of availability Extraction etc. of
the Khair tree to the Government**

(Refer Sub-rule (7) of rule 8)

1. Year of Report.
2. Total area of the felling blocks operated during the year with name.
3. Aggregate gross growing stick available in the felling block as.
4. Aggregate silviculturally available stocks in the felling blocks as at (2) above (in Cms).
5. Aggregate volume marked for felling during the year (in Cms).
6. Aggregate volume of the Khair wood actually felled during the year (in Cms).
7. Aggregate volume of the Khair wood purchased by the Katha manufacturing unit during the year (in Cms).
8. Aggregate value of the Khair wood purchased by the Katha manufacturing unit during the year (in Rs per cum)
9. Aggregate sale rate of the Khair wood purchased by the Katha manufacturing units during the year (in Rs per cum)
10. Felling charges recovered from the tree owners (in Rs).
11. Permission charges recovered from the Katha manufacturing units (in Rs).
