

# **THE JAMMU AND KASHMIR FOREST (CONSERVATION & AFFORESTATION) RULES, 2000**

**SRO 203, dated 13th June, 2000.**

In exercise of the powers conferred by section 6 of the Jammu and Kashmir Forest (Conservation) Act, 1997 (Act No. XXX of 1997), the government hereby makes the following rules, namely:

## **1. Short title, extent and commencement**

(i) These rules may be called the Jammu and Kashmir Forest Conservation and Afforestation) Rules, 2000.

(ii) They shall extend to the whole of Jammu and Kashmir State.

(iii) They shall come into force from the date of their publication in the Government Gazette

## **2. Definitions**

In these rules unless the context otherwise requires:

- (a) Act means the Jammu and Kashmir Forest (Conservation) Act, 1997;
- (b) Committee means the committee constituted under section 3 of the Act;
- (c) Chairman means the Chairman of the Committee.
- (d) Member means the member of the Committee.
- (e) Section means a section of the Act.

## **3. Composition of the committee**

The Committee shall consist of the following members:-

i)	Chief Secretary, Jammu & Kashmir State	Chairman
ii)	Financial Commissioner, (Revenue) Jammu & Kashmir Government	Member
iii)	Principal Secretary and Secretary to Government, Planning and Development Department	Member
iv)	Principal Secretary and Secretary to Government, Finance Department	Member
v)	Principal Secretary and Secretary to Government, Forest Department	Member
vi)	Principal Chief Conservator of Forests, Jammu and Kashmir Government	Member
vii)	Director Soil Conservation	Member
viii)	Chief Wildlife Warden, Jammu and Kashmir Government	Member
ix)	Director Environment	Member
x)	Two eminent Environmentalists	Member
xi)	A representative of Central Ministry of Environment and Forests	Member
xii)	Conservator of Forests, Working Plan Circle	Member Secretary

## **4. Terms of Appointment of non-official members**

The terms of appointment of non-official members shall be as follows:-

- (1) A non-official member shall hold office for a period of two years.
- (2) A non-official member shall cease to hold office if he dies, resigns, become of unsound mind, becomes insolvent or is convicted by a court of law on a criminal offence involving **moral turpitude**.
- (3) Any vacancy in the membership caused by any reason mentioned in sub-rule (2) shall be filled up by the Government for the remaining portion of 2 years.
- (4) Travelling and daily allowances shall be payable to the non-official members of the committee at the rate as admissible to class - I officers of the Government under the rules and orders made by the Government from

time to time.

**5. Conduct of business of the Committee:-**

(1) The Chairman shall call the meeting of the committee as and when necessary, but at least once in 6 months.

(2) The meetings of the committee shall normally be held at the State Capital (Jammu or Srinagar) provided that in case the Chair man is satisfied that inspection of sites of forest land proposed to be used for non - forest purposes, would be necessary or expedient in connection with the consideration of the proposal received under sub rule (1) of rule 7, he may direct that the meeting of the committee will be held at a place other than the capital, from where such inspection of site or sites can be undertaken conveniently

(3) The Chairman shall preside over every meeting of the committee at which he is present.

Provided that if the Chairman is absent from a meeting and it is not expedient to adjourn the meeting, the senior most member of the committee shall preside over the meeting.

(4) Every question upon which the committee is required to advise, shall be considered at its meeting; provided that in urgent cases if the meeting of the Committee cannot be convened within 6 months, the Chairman may direct that necessary papers may be sent to the members for their opinion by a stipulated date in rotation.

(5) The quorum for the meeting of committee shall be six.

**6. Procedure to make proposals by the Forest Department:-**

The Principal Chief Conservator of Forests shall send its proposals to the Government in the Forest Department along with the particulars specified in the Annexure to these rules.

**7. Committee to advice on proposals received by Govt.:-**

(1) The Forest Department shall refer every proposal received by it under rule 6 to the committee for its advice thereon.

(2) The Committee shall have due regard to all or any of the following matters while tendering its advice on the proposals referred to it under sub: rule (1), namely:

(a) whether the forest land proposed to be used for non-forest purpose forms part of a natural reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or of any area lying in severely eroded catchment.

(b) whether the use of any forest land is for agriculture purposes or for the rehabilitation of displaced person.

(c) whether the Principal Chief Conservator of Forests had certified that it has considered all other alternatives and that no other alternative in circumstances are feasible and that the required area is the minimum needed for the purpose, and

(d) whether the department or authority requisitioning forest land for non-forest uses undertakes to provide at its own cost acquisition of an equivalent area and afforestation thereof.

(3) While tendering its advice the committee may also suggest any condition or restriction on the use of any forest land for any non-forest purposes which, in its opinion, would minimize adverse environmental impact.

#### **8. Steps to compensate for loss of forest area (Compensatory Afforestation):-**

- (i) The proposal under rule 6 shall specify the steps to be taken to compensate for the loss of forest land and specific provisions shall be submitted for compensatory afforestation, the financial allocation for which shall be incorporated in the project itself for which the forest land is required.
- (ii) Once the proposal is approved under rule 9, the user agency shall remit the cost for compensatory afforestation to the Forest department in the shape of crossed cheque or Bank Draft drawn in favour of Chief Accounts Officer in the office of the Principal Chief Conservator of Forests.
- (iii) Where non-forest land are available compensatory afforestation shall be raised over equivalent area of non-forest land.
- (iv) Where non-forest land are not available compensatory afforestation shall be raised over degraded forests, twice the area being diverted:

Provided that in case if diversion of forest land is for laying transmission lines, compensatory afforestation shall not be insisted upon if area diverted is less than 5 hectares, and also in other cases if the diversion of forest land involves less than one hectare area.

**9. Action of the Government on advice of the Committee:-** The Government after considering the advice of the committee tendered under rule 7 and, after such further inquiry, as it may deem necessary, may refer the case to the council of Ministers for granting approval to the proposal with or without conditions or rejecting the same

#### **10. Preparation & execution of compensatory afforestation schemes:-**

- (i) The Forest Department shall accordingly prepare Proposals/ schemes from time to time indicating full details and specifications for taking up the compensatory afforestation. These schemes should in no case exceed the limit of funds available.
- (ii) The Principal Chief Conservator of Forests shall exercise the powers for sanction of afforestation schemes up to Rs. 20.00 lakhs in each case. Any proposal/ scheme exceeding Rs. 20.00 lakhs shall be sanctioned by the Administrative Department. The Principal Chief conservator of Forests however shall have full powers for accord of technical sanction. Any Proposal/Scheme shall not be sanctioned administratively or technically unless sufficient funds are available in the Bank Account maintained for the purpose.

#### **11. Custody & utilization of funds received for Compensatory Afforestation:**

- (i) The amount of compensatory cost received from the department or authority acquiring forest land for non-forest purpose under these rules, shall be deposited in a current account in the J & K Bank. The current account shall be opened and operated upon by the Chief Accounts Officer working in the office of Principal Chief Conservator of Forests.
- (ii) The department shall be free to invest from time to time such portion of the credit balance available in the said account in secured deposit schemes/funds of the Government State or Central, nationalized scheduled banks and insurance companies fully owned or controlled by the Central or State Governments as the Principal chief Conservator of Forests may deem fit. The interest earned on such deposits shall form part of the main account.
- (iii) Once the compensatory afforestation schemes are drawn and approved by the competent authority, the Chief Accounts Officer shall release required funds to the executing officer(s) through cheques *out of* the current account. The executing officer(s) shall render the account of the expenditure made out of such released fund to the Chief Accounts Officer who after applying necessary checks required under financial

rules shall accept the said expenditure and shall adjust it against the amount released. These accounts shall be subject to audit of the Accountant General Jammu and Kashmir. The Chief Account Officer shall furnish quarterly statement of receipt and expenditure to the Administrative Department.

**12. Transfer of credit balance from Development Fund Accounts maintained by the Divisional Forest Officers or other officers or other offices in the Forest Department** 95% of the credit balance out of the deposit account opened or to be opened in the J& K Bank or any other Bank, for crediting the said development fund collected from the buyers of timber or of any other forest produce by the Divisional Forest Officers or any other officers of the Forest Department, shall be transferred to the (Compensatory Afforestation) Bank Account maintained by the Department in the name of Chief Accounts Officer of the Principal Chief Conservator of Forests office. The transfer of the said balance shall be made every year in the month of April and such credit balance shall be utilized for the same purpose and in the same manner as prescribed herein above for compensatory afforestation schemes. The Principal Chief Conservator of Forests may, however sanction funds for any other developmental purposes other than the compensatory afforestation schemes, in emergent cases.

**13. Repeal and Saving:-** The Jammu and Kashmir Forest (Conservation) Rules, 1991 are hereby repealed. Notwithstanding such repeal, any action taken under the provisions of the rules so repealed shall be deemed to have been taken under the corresponding provisions of these rules.

#### ***ANNEXURE (Rule-6)***

#### **Format for submission of proposals by the Indenting Agency and the concerned Chief Conservator of Forests(T) for the diversion of forest land for non-forest purpose.**

1. Short narrative of the proposal and project/scheme for which the forest land is required with maps and sketches.
2. Location of the project/scheme
  - (i) State/Union Territory
  - (ii) District
  - (iv) Forest Division, Forest Block, Compartment etc.
3. Total land required for the project/scheme along with its existing land use
4. Details for forest land involved.
  - (i) Legal status of forest (namely demarcated, un-demarcated, beruine line etc).
  - (ii) The details of flora existing in the area including the density of vegetation
  - (iii) Topography of the area indicating gradient aspect, altitude etc.
  - (iv) Its vulnerability to erosion, whether it forms a part of a seriously eroded area or not
  - (v) Whether it forms a: part of national park, wildlife sanctuary, natural reserve, biosphere reserve etc. if so details of the area involved.
  - (vi) Rare/ endangered species of flora and fauna found in the area. .
  - (vii) Whether it is a habitat for migrating fauna or forms a breeding ground for them, and
  - (viii) Any other feature of the area relevant to the proposal.

**N. B.: While furnishing details of flora and fauna the species should be described by their scientific names.**

5. If the project for which forest land is required involved displacement of people or requires raw material from any

forest area, the details of proposals for their rehabilitation and procurement of raw material, respectively should be furnished.

6. Proposed steps to be taken to compensate for the loss of the forest area, the vegetation and wildlife with special reference to

- (i) Compensatory Afforestation Scheme (if enclosed)
- (ii) Cost of land (Approx.) (if assessed)
- (iii) Cost of compensation for trees and No. of trees involved (Whether cost of compensation for trees assessed and species and dia class wise abstract of trees enclosed)
- (iv) Any other step proposed.

**7. Detailed opinion of the Chief Conservator of Forests covering the following aspects, namely:**

- (i) out turn of timber, fuel wood and other forest produce from the forest land involved
- (ii) Whether the district is self sufficient in timber and fuel wood
- (iii) The effect of the proposal on :
  - a. Fuelwood, supply to rural population
  - b. Economy and livelihood of the tribals, backward communities
- (iv) Special recommendations of the Chief Conservator of Forests for acceptance or rejection of the proposal with reasons thereof.

Certified that all other alternatives for the purpose have been explored and the demand for the required area is the minimum demand for forest land.

Signature of the  
indenting\_Agency

Signature of the  
Chief Conservator of Forests (T)

7. Recommendations of the Principal Chief Conservator of For

**Pr. Chief Conservator of Forests**

N. B. : The details under item No.1, 2, 3 and 5 of the above format should be furnished by the Indenting Agency / Department alongwith the indent.