

## THE AZAD KASHMIR RULES FOR SALES AND DEVELOPMENT OF PRIVATE FORESTS

(Passed under Council Order No. 405/58 Dated 6-10-1958)

In pursuance of the provisions of Section 2 of the Azad Kashmir Land Revenue Amendment Act of 1955, the Azad Jammu and Kashmir Government is pleased to make the following rules regarding sale and development of private forests :-

1. (i) These Rules may be called the Azad Kashmir Rules for Sales and Development of Private Forests.

(ii) These Rules shall apply to the whole of Azad Kashmir Territory and shall come into force at once.

2. These rules shall not in any way effect the provisions of the Illaqadars Undemarcated Forest Rules sanctioned under Council Order No. 1192-C of the year 1941.

3. Definitions:- In these Rules, unless there is anything repugnant to the subject or context :-

(a) "Owner" means land-lord or Zamindar in whose name the ownership of land in question is entered in the revenue records.

(b) "Private Forest" means area bearing trees, that is assessed to land revenue and over which the owner has undisputed right of ownership.

4. Sale and management of private forests:- The owner of a private forest who wants to utilize his forest for commercial purposes will apply to the Chief Conservator of Forests Azad Kashmir Government, who is authorized to sanction the sale of trees subject to and in accordance with these rules.

5. The Chief Conservator of Forests shall refer the application of the owner to the Revenue Department for verification of his title to the forest.

6. The Chief Conservator of Forests will sanction the working (sale and development) of the forest only if :-

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(a) The forest is capable of yielding (1) at least 50 trees of 24" diameter and above, at breast height under selection-cum improvement system or (ii) 400 trees of smaller dimensions under thinning-cum improvement system ;

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It is certified by the Deputy Commissioner of the district that the applicant is undisputed owner of the land and the forest in question ; and

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the owner under takes in writing, to abide by and carry out the operations, to be specified, that may be prescribed by the Forest Department for the protection and development of the forest.

The Nishandehi of private forest to be marked for sale and development, will be given by a revenue officer of the rank of the Revenue Assistant or above, to a representative of the Forest Department who will be of the rank not lower than that of the Divisional Forest Officer.

After the sanction is issued by the Chief Conservator of Forests, the owner will hand over the forest to the Forest Department for purpose of sale and management for a period to be fixed by the

Chief Conservator of Forests in consultation with the Owner.

On receipt of the sanction of the Chief Conservator of Forests, trees will be measured, marked and numbered by the Divisional Forest Officer of the Division.

Copies of the marking lists will be sent to the Chief Conservator of Forests who will draw up the tender notice and arrange sale of the forest in the manner applicable for the sale of government forests. In exceptional cases, the Chief Conservator of Forests may, however, allow the forest to be worked by the owner himself, under the supervision of the forest authorities provided that he has adequate finances at his disposal and has the capacity to complete the job within a reasonable period of time.

Twenty five percent of the gross sale - proceeds will be charged by the Government as supervision and development charges and the balance paid to the owner provided that ten percent shall be treated as Government revenue and fifteen percent for the development of the forests. The fund for development will be utilized in consultation with the owner and the manner in which the amount will be spent will be determined by an agreement to

be executed by the owner with the Forest Department under Rule 6 (c)

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of these Rules. In case the forest is worked by the owner himself, the value of trees marked and meant for sale will be assessed at the average rates, offered by the forest lessees in the forest range in which the private forest is situated.

(a) If the owner contravenes the provisions of these Rules or fails to abide by the terms of the agreement entered into by him with the Forest Department under Rule 6 (c), the Chief Conservator of Forests may direct the sale of the trees marked and confiscate an amount not exceeding one half of the value of trees marked for sale.

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If after the completion of the work the owner contravenes any provision of these Rules or any terms and conditions of the agreement relating to the development of the private forest, the Chief Conservator of Forests may, if he deems necessary, retain possession of the private forest for the purposes of development for a period not exceeding ten years.

Sale of wood from private forests in a year shall not exceed

10,000 Cft. of conifers and 20,000 Cft. of broad leaved trees throughout Azad Kashmir Territory.