

Government of Jammu and Kashmir
Forest, Ecology & Environment Department
Civil Secretariat, J&K, Jammu.

Subject:- Policy for sustainable Collection and Utilization of Non-Timber Forest Produce (NTFP) in J&K.

Reference: Administrative Council Decision No. 168/14/2022 Dated 19.12.2022.

Government Order No: 200- JK (FST) of 2022
Dated: 22-12-2022

Sanction is hereby accorded to the laying of a policy for Sustainable Collection and Utilization of Non-Timber Forest Produce (NTFP) in J&K, forming **Annexure "A"** with this order.

By order of the Government of Jammu and Kashmir.

Sd/-

(Sanjeev Verma), IAS

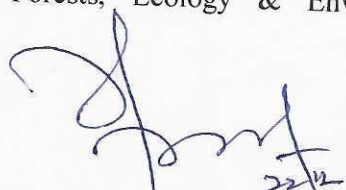
Commissioner/Secretary to the Government

No: FST-FRI/3/2021-02

Dated: 22-12-2022

Copy to the:-

1. All Financial Commissioners (Additional Chief Secretaries).
2. Director General of Police, J&K.
3. All Principal Secretaries to the Government.
4. Principal Secretary to the Hon'ble Lieutenant Governor.
5. Principal Resident Commissioner, J&K Government, New Delhi.
6. Chief Electoral Officer, J&K.
7. Principal Chief Conservator of Forests & HoFF, J&K.
8. Chairman, Special Tribunal, J&K.
9. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India.
10. Director General, IMPA, J&K.
11. All Commissioners/Secretaries to the Government.
12. Divisional Commissioner, Jammu/Kashmir.
13. All Deputy Commissioners.
14. Director, Information, J&K.
15. All Heads of Departments/Managing Director (Forest, Ecology & Env. Department).
16. Director, Archives, Archaeology and Museums, J&K.
17. General Manager, Government Press, Srinagar/Jammu.
18. Private Secretary to the Chief Secretary, J&K.
19. Private Secretary to Advisor (B) to Lieutenant Governor.
20. PS to Commissioner/Secretary to Government, Forests, Ecology & Environment Department.
21. I/c Website.
22. Government Order file/Stock file.


(Mohammad Arshad Jan)
Under Secretary to the Government

Government of Jammu & Kashmir
Forest, Ecology & Environment Department
Civil Secretariat

Jammu and Kashmir
Policy for Sustainable Collection and Utilization of NTFP in J&K.

1. Short title and commencement.-

- a. This policy be called the Jammu and Kashmir Policy for Sustainable Collection and Utilization of NTFP in J&K.
- b. It shall come into force from the date of issue of order.

2. Application of the Policy. - This policy shall be applicable to whole UT of Jammu and Kashmir.

3. Introduction:

- a. Jammu and Kashmir forms part of the north-west Himalayas with around 48% of its geographical area is a recorded forest. The forest is repository of biodiversity including NTFP and medicinal plant diversity. This region is also home to diverse ethnic communities, each with their own unique culture and traditional knowledge especially on these biological resources.
- b. The medicinal plants sourced from the wild or cultivated in habitats outside the forests support livelihood of rural households and population living near forests, who are traditionally engaged in the collection of these resources from the wild. Local communities are important stakeholders in conservation of NTFP and engaging them in sustainable collection and utilization of NTFP will help to motivate them further in conservation of NTFP: to adopt sustainable methods of collection/harvesting.
- c. The present management of NTFPs, including medicinal plants, involves collection of certain species by way of auction for royalty by the Forest Department, based on their availability. NTFP is also collected by local communities for their bonafide use. Some of the common species which are auctioned at Forest Division level, on royalty basis are Guchhies, Anardana, Rasount, Artemesia, Banakakri, Pyrethrum, Dhoop, Kuth, Dioscorea, Banafsa etc. Traditional collectors are engaged by the royalty holders for collecting the NTFP. Other than the auctioned NTFP, some NTFP may also be collected which is not documented. There is a need to empower the local communities to realise livelihood support as envisaged in the Forest policy of J&K; the Forest Acts and relevant laws.

4. Definitions

- a. "Department" Department means Forest, Ecology and Environment Department.
- b. "Government" Government means Government of Jammu and Kashmir.
- c. "Policy" Policy means Jammu and Kashmir Policy for Sustainable Collection and Utilization of NTFP in J&K, 2022.
- d. "UT" UT means the UT of Jammu and Kashmir.
- e. "NTFP" means the non-timber forest produce, which includes all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons,

- honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like produces.
- f. BMC" BMC means Biodiversity management Committee constituted under section 41 of the Biological Diversity Act, 2002.

5. Aims and Objectives

- a. To ensuring sustainable collection and utilization of Non-Timber Forest Produce (NTFP) including medicinal plants, while extending livelihood support for the people residing in and around, by promoting sustainable extraction, value addition and development of market linkages.
- b. To promote in-situ conservation of the NTFP occurring in the forests of J&K with the participation of forest dependent communities.
- c. Sustainable collection and utilization of NTFP occurring in the forests of J&K.
- d. To support livelihood of local communities by facilitating value addition, value chain creation and developing market linkages in collaboration with J&K Rural Livelihood Mission, Department of Tribal Affairs and Mission Skill Development.
- e. To facilitate conservation and development of medicinal plants in natural forests, including high and low level pasturelands; local communities will be encouraged to form co-operatives at village level for non-destructive harvesting, processing and marketing of medicinal plants and other species having commercial value with a view to augmenting their income.

6. Legal Framework

6.1 Indian Forest Act. 1927:

Section (2) ii (4) of the Indian Forest Act, as amended for J&K defines forest produce as:

g) "forest produce" includes:-

(a) timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, kuth, myrobalans, dioscorea, firewood, humus, rasaunt, morels (*Morchellaspp*), *Aconitum spp*, *Podophyllumspp*, *Picrorhizaspp*, *Trilliumspp*, *Nardostachyssspp*, *Taxus spp*, *Valerianassp*, *Rheum spp*, wild animals, skins, tusks, horns, bones and all other parts or produce of wild animals whether found in, or brought from, a forest or not; and

(b) the following when found in, or brought from, a forest, that is to say:-

(i) trees and leaves, flowers and fruits and all other parts or produce not hereinbefore mentioned of such trees;

(ii) plants not being trees (including Kuth, grass, creepers, reeds and moss) and all parts of produce of such plants/medicinal plants

(iii) silk, cocoons, honey and wax; and

(iv) peat, surface soil, rock, and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries);"

- i. Extraction of forest produce is an offence unless allowed by the government or under concessions / rights provided by the Government. The act regulates the transportation of forest produce wherein the government is empowered to make rules for regulating the transportation of forest produce. It also prescribes that Government is empowered to exempt application of such rules on any specified or other forest produce of any specified local area.
- ii. The Act deals with confiscation of illicit forest produce along with tools and vehicles etc., if any section of Forest Act has been violated. The onus of proof of forest produce not being illicit lies with the person in possession.

6.2 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

This confers the individuals and the community with certain rights. The act provides for the right of ownership, to access, use and dispose of minor forest produce which has traditionally collected within or outside village boundaries. Forest Rights Act, 2006 however has given the ownership of these NTFP to the communities/right holders along with right to trade and transportation.

6.3 The Biological Diversity Act 2002

Section 41 (3) of the act empowers the BMC to levy charges by way of collection fee from any person for accessing or collecting any biological resource for commercial purposes from areas falling within their territorial jurisdiction.

6.4 Jammu Forest Notice and Kashmir Forest Notice of 1912

These notices allow collection of NTFP, which have not been auctioned by the forest department and those that are not exempted by any special orders. So, all the species which are not restricted by a special order are free to be collected by the right holders. Jammu Forest Notice and the Kashmir Forest Notice issue by the Maharaja in 1912 also allows the concessions to collect the NTFPs other than those restricted by special orders for their bona-fide use. But these concessions were given to people living in adjoining to forests.

6.5 J&K Forest Policy 2011:

1. J&K Forest Policy envisages facilitating conservation of NTFP, handling of its transportation, value addition, processing, establishment of market linkage by rationalising and simplifying laws, sustainable harvesting, promoting cultivation and value addition etc. Trade related information is also to be gathered for development of market linkages. All this would be with a view to get remunerative price of NTFP, thus improving livelihood opportunity for the people.
2. J&K Forest Policy in para 4.9 provides for the management of MFP and the involvement of the local community for the same. The relevant portions of the policy are reproduced as below:
 - 4.9 **Non-timber Forest Produce**
 - a. *Package of practices for cultivation of medicinal plants will be developed and farmers will be encouraged to undertake cultivation of such medicinal plants and tree species on non-forest lands and private lands. Simultaneously, handling, processing, transportation and marketing of medicinal plants and related products will be facilitated.*
 - b. *Value addition and processing of non-timber forest produce within the State will be encouraged along with development of market linkages and trade related information so that these are not exported in raw form, and producers get remunerative price for their produce.*
 - c. *Resin tapping will be regulated in a sustainable manner ensuring that the chir crop, and its potential to regenerate, is not adversely affected.*
 - d. *Laws, rules and regulations will be revisited, reviewed and rationalized to encourage activities referred to in the sub-paragraphs above.*

6.6 The J&K Forest Produce (Transit) Rules 2020 permits transportation of any forest produce under the cover of E-Way bill generated under the GST system, as a deemed transit permit for the transportation of the forest produce.

Hence, the existing legal framework is sufficient to support the proposed changes in the management of NTFP in J&K.

7. Operation/Strategy


- a. To meet the objectives enshrined in the J&K Forest Policy, 2011. The practice of auction of NTFP shall be discontinued and local people shall be allowed to collect these resources from the wild, on sustainable basis and benefits accrued are shared equitably among them.
- b. To involve the forest dependent communities directly in sustainable collection and utilization of NTFP, thereby creating livelihood opportunities for them.
- c. Sustainable collection and utilization of NTFP shall be facilitated through Biodiversity Management Committees, as per the Biodiversity Act 2002 and rules made therein.
- d. Forest department shall play a facilitative role whereby, the collectors and traders could get the resources authenticated/labelled. The source of these materials will be authenticated, which in turn will increase the value of the produce in the market and thereby increasing their income.
- e. NTFP traders shall register their depot under J&K Forest Produce (Sale and Registration of Depot) rules, 2020. NTFP shall be transported as per the procedures, governed by J&K Forest Produce (Transit) Rules 2020. The transit permit for the transportation of the forest produce shall be issued only against GST invoice/challan.
- f. Sustainable collection of NTFP shall be ensured by facilitating the collection of NTFP and forest areas to be notified by Principal Chief Conservator of Forests, J&K, every year, on the recommendation of the committee to be constituted by Principal Chief Conservator of Forests.
- g. Forest department shall maintain the data on account of the collection of NTFP resources from the wild.
- h. Forest department shall further facilitate value addition, value chain creation and developing market linkages, in collaboration with J&K Rural Livelihood Mission, Department of Tribal Affairs and Mission Skill Development so that the collectors get better income.
- i. The forest department shall at a later stage, if required, engage in certification, for further value addition and increased returns to the collectors.
- j. The information collected from the registered depot holder/trader shall be shared with public through website, print media, magazines, pamphlets, brochures etc. This will generate information about quantum of trade of MFP/medicinal plants in J&K.
- k. Forest department will set up conservation areas, herbal gardens, nurseries, farms, botanical gardens, as per specific requirement of the area.
- l. Forest Development Corporation shall provide an electronic platform for the NTFP aggregators and Traders, for trade of NTFP.
- m. BMCs constituted are empowered to levy charges on the biological resources accessed or collected from their jurisdiction for commercial purpose, which shall constitute the "Conservation Fund" and shall be used for conservation and promotion of Biodiversity within the jurisdiction of local body/panchayat.
- n. The existing practice of auction of NTFP shall be discontinued, however, implementing agencies shall further ensure that while implementing the policy, no

- provision of Indian Forest Act, 1927 and the Biological Diversity Act, 2002 as well as court order, if any, are not violated and observed in letter and spirit.
- o. Principal Chief Conservator of Forest (Territorial) shall be the Nodal Agency for implementation of this policy.

8. Grievance Redressal Mechanism

A Grievance cell shall be established in the office of the Divisional Forest Officer (Territorial) concerned to address the genuine grievances of the public, if any, received, pertaining to the implementation of this policy.

9. Interpretation

 If any question arises relating to the interpretation of this policy, the matter shall be referred to the Government in the Forest, Ecology and Environment Department, whose decision thereon shall be final.

Sd/-

Sanjeev Verma (IAS)

**Commissioner Secretary to Government
Forest Ecology and Environment Department**