

# INDIAN TEA ASSOCIATION



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Circular No.112/2022-23

20<sup>th</sup> January 2023

**To: All Member Companies with Interest in Assam**

## **Assam Trees Outside Forest (Sustainable Management) Rules, 2022**

Further to ITA Circular No 34/2002-03 dated 4<sup>th</sup> June 2002.

Members are hereby informed that the Environment & Forest Dept., Govt. of Assam has published in the Assam Gazette on 2<sup>nd</sup> January 2023, the notification regarding The Assam Trees Outside Forest (Sustainable Management) Rules, 2022. Consequently, the Assam (Control of Felling and Removable of Trees of Non-forest Lands) Rules 2022 stands repealed.

The Rules of 2022 have come into force w.e.f. 2<sup>nd</sup> January 2023. The Gazette Notification referred above is attached.

The highlights of the new Rules are as follows:

1. Tea garden land would usually fall under the category of “Non-forest land” unless a section of the plot where felling is sought to be undertaken has an area recorded as ‘forest’ in government records maintained by the Forest department or has a continuous patch of 10 hectares or more having not less than 200 naturally grown trees per hectare on an average.
2. “Plantation” means a plantation scheme covering a continuous patch of 0.1 hectare or more having plantation of trees grown in a single year or over the course of many years. It does not include tree species as specified under Schedule I in terms of Clause (i) of Sub-Rule 1 of Rule 5 and shade trees in tea estates as specified under Schedule II in terms of Clause (ii) of Sub-Rule 1 of Rule 5. Further, it also does not include single trees and/or rows or clusters of trees if planted along farm bunds, homesteads, farm lands etc. covering an area less than 0.1 hectare.

3. Registration of Plantation (Rule 3): All 'plantations' of trees which have attained age of 5 years need to be registered except the tree species specified under Schedule I and Schedule II and single trees and/or rows or clusters of trees if planted along farm bunds, homesteads, farm lands etc. covering an area less than 0.1 hectare. In case any plantation is already registered under the Assam (Control of Felling and Removal of Trees from Non- Forest Lands) Rules, 2002, the same shall be deemed to have been registered under these rules.

In case there is mix of species as specified under Schedule I & II with Schedule III, the plantation needs to be registered.

4. Permission for felling and issuance of Certificate of Origin (Rule 4 read in conjunction with Rule 5): No permission for felling and conversion of trees shall be required for the species listed under Schedule I & Schedule II in terms of Clauses (i) and (ii) of Sub-Rule 1 of Rule 5. For trees specified under Schedule III in terms of Sub-Rule 2 of Rule 5, no prior permission for felling and conversion is required. However, the provisions of Rule 4 for felling and conversion of trees shall apply to tree species listed under Schedule III.

For rest of trees, felling permission under Rule 4 shall be required.

Further no permission shall be required for felling of trees for self-consumption within the premises (meaning within the tea garden) where the trees are standing.

The permission for felling (operation) of trees, wherever required, is to be obtained in the Certificate of Origin.

*(Under Rule 2, Certificate of Origin means a Certificate and / or a document testifying the origin of the product(s) as defined under these Rules issued by the jurisdictional DFO of the area from where the raw material used in making the product(s) originated. This is issued to the owners or legal title holders owning the product and / or raw materials for traceability of the origin of the products).*

5. Transportation of Outturn (Rule 4 sub-rule 5 read with Rule 5): For transport of felled trees within the state of Assam, No transit pass shall be required. However, Certificate of Origin under Rule 4 is required. For transport outside Assam, Transit Pass shall be required.

For shade trees specified under Schedule II, no permission for transport is required. For trees specified under Schedule III, no prior permission for transportation of outturn is required when meant for consumption within Assam.

6. Plantation working scheme (Rule 6): In case of plantations having an area of more than 10 hectares including 'captive plantation' as defined under Clause (a) of sub- rule (1) of Rule 2 (which may include fuel bari/ bamboo bari etc.), plantation working schemes are required to be prepared by the owner which shall be approved by the Forest department.
7. For 'captive plantations' and 'plantations', 'tree' as per the Assam Forest Regulation 1891, includes palms, bamboos, stumps, brushwood and canes.

For any clarification, Members may contact the respective Branch or Zones Secretary as the case may be.

Sd/-

**D Chakravarti**  
**Secretary**

Encl : As stated

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