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APPENDIX- I

THE NATIONAL FOREST POLICY

The Government of India presented in Parliament in December 1988 the National Forest Policy, 1988. Following is the speech made by the minister concerned on the occasion.

“The issue of revision of the Forest Policy formulated in 1952 has been under the active consideration of the Government for some time. In view of social, economic and ecological importance of forests, considerable thought has to be given to the multifarious implications of the Forest Policy. Although the 1952 Forest Policy aimed at forest coverage of one-third of the total land area of the country, due to various constrains, this could not be attained. Rather, extensive diversion of forestland has taken place for non-forest use. The genetic diversity has also been considerably affected by the destruction of flora and fauna. The Government have increasingly realised the great importance of forests in contributing to the ecological stability of the country. This has necessitated a re-examination of the Forest Policy and giving emphasis to the conservation and ecological aspects. The salient features of the new Forest Policy are:

1. Maintenance of environmental stability through preservation and restoration of ecological balance.
2. Conservation of the natural heritage of the country by preserving remaining natural forests and protecting the vast genetic resources for the benefit of the posterity.
3. Meeting the basic needs of the people, especially fuel wood, fodder and small timber for the rural and the tribal people.
4. Maintaining the intrinsic relationship between forests and the tribal and other poor people living in and around forests by protecting their customary rights.

The main approach outlined is as follows:

1. Existing forestland and forests will be fully protected and their productivity will be improved. Emphasis will be given to enhance forest cover on hill slopes and catchment areas of rivers.
2. In order to conserve biological diversity, a network of sanctuaries, national parks, biosphere reserves and other protected areas will be extended and better managed.
3. The people will be actively involved in programmes of protection, conservation and management of the forests. We believe that the New Forest Policy will be able to achieve nature conservation and ecological balance and at the same time meeting the essential requirements of the people.”

TEXT OF THE NATIONAL FOREST POLICY
No.3A/86-FP
Ministry of Environment and Forests
(Department of Environment, Forests & Wildlife)
Paryavaran Bhavan, CGO Complex,
Lodi Road, New Delhi - 110 003.
Dated the 7th December, 1988.
APPENDIX

Resolution

National Forest Policy, 1988

1. PREAMBLE
1.1. In Resolution No. 13/52-F, dated the 12th May 1952, the Government of India in the erstwhile Ministry of Food and Agriculture enunciated a Forest Policy to be followed in the management of State Forests in the country. However, over the years, forests in the country have suffered serious depletion. This is attributable to relentless pressures arising from ever-increasing demand for fuel wood, fodder and timber; inadequacy of protection measures; diversion of forest lands to non-forest uses without ensuring compensatory afforestation and essential environmental safeguards; and the tendency to look upon forests as revenue earning resource. The need to review the situation and to evolve, for the future, a new strategy of forest conservation has become imperative. Conservation includes preservation, maintenance, sustainable utilisation, restoration, and enhancement of the natural environment. It has thus become necessary to review and revise the National Forest Policy.

2. BASIC OBJECTIVES
2.1 The basic objectives that should govern the National Forest Policy are the following
- Maintenance of environmental stability through preservation and, where necessary, restoration of the ecological balance that has been adversely disturbed by serious depletion of the forests of the country.
- Conserving the natural heritage of the country by preserving the remaining natural forests with the vast variety of flora and fauna, which represent the remarkable biological diversity and genetic resources of the country.
- Checking soil erosion and denudation in the catchment areas of rivers, lakes, and reservoirs in the interest of soil and water conservation, for mitigating floods and droughts and for the retardation of siltation of reservoirs.
- Checking the extension of sand dunes in the desert areas of Rajasthan and along the coastal tracts.
- Increasing substantially the forest/tree cover in the country through massive afforestation and social forestry programmes, especially on all denuded, degraded and unproductive lands.
- Meeting the requirements of fuel wood, fodder, minor forest produce and small timber of the rural and tribal populations.
- Increasing the productivity of forests to meet essential national needs.
- Encouraging efficient utilisation of forest produce and maximising substitution of wood.
- Creating a massive people's movement with the involvement of women, for achieving these objectives and to minimise pressure on existing forests.

2.2 The principal aim of Forest Policy must be to ensure environmental stability and maintenance of ecological balance including atmospheric equilibrium, which are vital for sustenance of all life forms, human, animal and plant. The derivation of direct economic benefit must be subordinated to this principal aim.

3. ESSENTIALS OF FOREST MANAGEMENT
3.1 Existing forests and forestlands should be fully protected and their productivity improved. Forest and vegetal cover should be increased rapidly on hill slopes, in catchment areas of rivers, lakes and reservoirs and ocean shores and on semi-arid, and desert tracts.
3.2 Diversion of good and productive agricultural lands to forestry should be discouraged in view of the need for increased food production.
3.3 For the conservation of total biological diversity, the network of national parks, sanctuaries, biosphere reserves and other protected areas should be strengthened and extended adequately.
3.4 Provision of sufficient fodder, fuel and pasture, especially in areas adjoining forest, is necessary in order to prevent depletion of forests beyond the sustainable limit. Since fuel wood continues to be the predominant source of energy in rural areas, the programme of afforestation should be intensified with special emphasis on augmenting fuel wood production to meet the requirement of the rural people.

3.5 Minor forest produce provides sustenance to tribal population and to other communities residing in and around the forests. Such produce should be protected, improved and their production enhanced with due regard to generation of employment and income.

4. STRATEGY

4.1 Area under forests

The national goal should be to have a minimum of one-third of the total land area of the country under forest or tree cover. In the hills and in mountainous regions, the aim should be to maintain two-thirds of the area under such cover in order to prevent erosion and land degradation and to ensure the stability of the fragile eco-system.

4.2 Afforestation, Social Forestry & Farm Forestry:

4.2.1 A massive need-based and time bound programme of afforestation and tree planting, with particular emphasis on fuel wood and fodder development, on all degraded and denuded lands in the country, whether forest or non-forest land, is a national imperative.

4.2.2 It is necessary to encourage the planting of trees alongside of roads, railway lines, rivers and streams and canals, and on other unutilised lands under State/corporate, institutional or private ownership. Green belts should be raised in urban/industrial areas as well as in and on tracts. Such a programme will help to check erosion and desertification as well as improve the microclimate.

4.2.3 Village and community lands, including those on foreshores and environs of tanks, not required for other productive uses, should be taken up for the development of tree crops and fodder resources. The Government should provide technical assistance and other inputs necessary for initiating such programmes. The revenues generated through such programmes should belong to the panchayats where the lands are vested in them; in all other cases, such revenues should be shared with the local communities in order to provide an incentive to them. The vesting, in individuals, particularly from the weaker sections (such as landless labor, small and marginal farmers, scheduled castes, tribals, women) of certain ownership rights over trees, could be considered, subject to appropriate regulations; beneficiaries would be entitled to usufruct and would in turn be responsible for their security and maintenance.

4.2.4 Land laws should be so modified wherever necessary so as to facilitate and motivate individuals and institutions to undertake tree-fanning and grow fodder plants, grasses and legumes on their own land. Wherever possible, degraded lands should be made available for this purpose either on lease or on the basis of a tree-patta scheme. Such leasing of the land should be subject to the land grant rules and land ceiling laws. Steps necessary to encourage them to do so must be taken. Appropriate regulations should govern the felling of trees on private holding.

4.3 MANAGEMENT OF STATE FORESTS

4.3.1 Schemes and projects, which interfere with forests that clothe steep slopes, catchments of rivers, lakes, and reservoirs, geologically unstable terrain and such other ecologically sensitive areas should be severely restricted. Tropical rain/moist forests, particularly in areas like Arunachal Pradesh, Kerala, Andaman & Nicobar Islands, should be totally safeguarded.

4.3.2 No forest should be permitted to be worked without the Government having approved the management plan, which should be in a prescribed format and in keeping with the National Forest Policy. The Central Government should issue necessary guidelines to the State Government in this regard and monitor compliance.

4.3.3 In order to meet the growing needs for essential goods and services which the forests provide, it is necessary to enhance forest cover and productivity of the forests through the application of scientific and technical inputs. Production forestry
programmes, while aiming at enhancing the forest cover in the country, and meeting national needs, should also be oriented to narrowing, by the turn of the century, the increasing gap between demand and supply of fuel wood. No such programme, however, should entail clear-felling of adequately stocked natural forests. Nor should exotic species be introduced, through public or private sources, unless long-term scientific trials undertaken by specialists in ecology, forestry and agriculture have established that they are suitable and have no adverse impact on native vegetation and environment.

4.3.4 Rights and Concessions
4.3.4.1 the rights and concessions, including gazing, should always remain related to the carrying capacity of forests. The capacity itself should be optimised by increased investment, silvicultural research and development of the area. Stall-feeding of cattle should be encouraged. The requirements of the community, which cannot be met by the rights and concessions so determined, should be met by development of social forestry outside the reserved forests.
4.3.4.2 The holders of customary rights and concessions in forest areas should be motivated to identify themselves with the protection and development of forests from which they derive benefits. The rights and concessions from forests should primarily be for the bonafide use of the communities living within an around forest areas, specially the tribals.
4.3.4.3 the life of tribals and other poor living within and near forests revolves around forests. The rights and concessions enjoyed by them should be fully protected. Their domestic requirements of fuel wood, fodder, and minor forest produce and construction timber should be the first charge on forest produce. These and substitute materials should be made available through conveniently located depots at reasonable prices.
4.3.4.4 similar consideration should be given to scheduled castes and other poor living near forests. However, the area, which such consideration should cover, would be determined by the carrying capacity of the forests.
4.3.5 Wood is in short supply. The long-term solution for meeting the existing gap lies in increasing the productivity of forests, but to relieve the existing pressure on forests for the demands of railway sleepers, construction industry (particularly in the public, sector), furniture and paneling, mine-pit props, paper and paperboard etc. substitution of wood needs to be taken recourse to. Similarly, on the front of domestic energy, fuel wood needs to be substituted as far as practicable with alternate sources like biogas, LPG and solar energy. Fuel-efficient "Chula" as a measure of conservation of fuel wood need to be popularised in rural areas.

4.4 Diversion of forest lands for non-forest purposes
4.4.1 Forest land or land with tree cover should not be treated merely as a resource readily available to be utilised for various projects and programmes, but as a national asset which requires to be properly safeguarded for providing sustained benefits to the entire community. Diversion of forest land for any-non-forest purpose should be subject to the most careful examinations by specialists from the standpoint of social and environmental costs and benefits. Construction of dams and reservoirs, mining and industrial development and expansion of agriculture should be consistent with the needs for conservation of trees and forests. Projects, which involve such diversion, should at least provide. In their investment budget, funds for regeneration/ compensatory afforestation.
4.4.2 Beneficiaries who are allowed mining and quarrying in forest land and in land covered by trees should be required to repair and re-vegetate the area in accordance with established forestry practices. No mining lease should be granted to any party, private or public, without a proper mine management plan appraised from the environmental angle and enforced by adequate machinery.

4.5 Wildlife Conservation
Forest Management should take special care of the needs of wildlife conservation, and forest management plans should include prescriptions for this purpose. It is especially essential to provide for "corridors" linking the protected areas in order to
maintain genetic continuity between artificially separated sub-sections of migrant wildlife.

**4.6 Tribal People and Forests**

Having regard to the symbiotic relationship between the tribal people and forests, a primary task of all agencies responsible for forest management, including the forest development corporations should be to associate the tribal people closely in the protection, regeneration and development of forests as well as to provide gainful employment to people living in and around the forest. While special attention to the following:

- One of the major causes for degradation of forest is illegal cutting and removal by contractors and their labor. In order to put an end to this practice, contractors should be replaced by institutions such as tribal cooperatives, labor cooperatives, government corporations, etc. as early as possible.
- Protection, regeneration and optimum collection of minor forest produce along with institutional arrangements for the marketing of such produce;
- Development of forest villages on par with revenue villages;
- Family oriented schemes for improving the status of the tribal beneficiaries; and
- Undertaking integrated area development programmes to meet the needs of the tribal economy in and around the forest areas, including the provision of alternative sources of domestic energy on a subsidised basis, to reduce pressure on the existing forest areas.

**4.7 Shifting Cultivation**

Shifting cultivation is affecting the environment and productivity of land adversely. Alternative avenues of income, suitably harmonised with the right land use practices, should be devised to discourage shifting cultivation. Efforts should be made to contain such cultivation within the area already affected, by propagating improved agricultural practices. Area already damaged by such cultivation should be rehabilitated through social forestry and energy plantations.

**4.8 Damage to Forests from Encroachments, Fires and Grazing**

4.8.1 Encroachment on forest lands has been on the increase. This trend has to be arrested and effective action taken to prevent its continuance. There should be no regularisation of existing encroachments.

4.8.2 The incidence of forest fires in the country is high. Standing trees and fodder are destroyed on a large scale and natural regeneration annihilated by such fires. Special precautions should be taken during the fire season. Improved and modern management practices should be adopted to deal with forest fires.

4.8.3 Grazing in forest areas should be regulated with the involvement of the community. Special conservation areas, young plantations and regeneration areas should be fully protected. Grazing and browsing in forest areas need to be controlled. Adequate grazing fees should be levied to discourage people in forest areas from maintaining large herds of non-essential livestock.

**4.9 Forest based Industries**

The main considerations governing the establishment of forest-based industries and supply of raw material to them should be as follows:

- As far as possible, a forest-based industry should raise the raw material needed for meeting its own requirements, preferably by establishment of a direct relationship between the factory and the individuals who can grow the raw material by supporting the individuals with inputs including credit, constant technical advice and finally harvesting and transport services.
- No forest-based enterprise, except that at the village or cottage level, should be permitted in the future unless it has been first cleared after a careful scrutiny with regard to assured availability of raw material. In any case, the fuel, fodder and timber requirements of the local population should not be sacrificed for this purpose.
- Forest-based industries must not only provide employment to local people on priority but also involve them fully in raising trees and raw-material.
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- Natural forests serve as a gene pool resource and help to maintain ecological balance. Such forests will not, therefore, be made available to industries for undertaking plantation and for any other activities.
- Farmers, particularly small and marginal farmers would be encouraged to grow, on marginal/degraded lands available with them, wood species required for industries. These may also be grown along with fuel and fodder species on community lands not required for pasture purposes, and by Forest department/corporations on degraded forests, not earmarked for natural regeneration.
- The practice of supply of forest produce to industry at concessional prices should cease. Industry should be encouraged to use alternative raw materials. Import of wood and wood products should be liberalised.
- The above considerations will however, be subject to the current policy relating to land ceiling and land-laws.

4.10 Forest Extension
Forest conservation programme cannot succeed without the willing support and cooperation of the people. It is essential, therefore, to inculcate in the people, a direct interest in forests, their development and conservation, and to make them conscious of the value of trees, wildlife and nature in general. This can be achieved through the involvement of educational institutions, right from the primary stage. Farmers and interested people should be provided opportunities through institutions like Krishi Vigyan Kendras, Trainers’ Training Centers to learn agrisilvicultural and silvicultural techniques to ensure optimum use of their land and water resources. Short term extension courses and lectures should be organised in order to educate farmers. For this purpose, it is essential that suitable programmes are propagated through mass media, audio-visual aids and the extension machinery.

4.11 Forestry Education
Forestry should be recognised both as a scientific discipline as well as a profession. Agriculture universities and institutions dedicated to the development of forestry education should formulate curricula and courses for imparting academic education and promoting post-graduate research and professional excellence, keeping in view the manpower needs of the country. Academic and professional qualifications in forestry should be kept in view for recruitment to the Indian Forest Service and the State Forest Service. Specialised and orientation courses for developing better management skills by in service training need to be encouraged, taking into account the latest development in forestry and related disciplines.

4.12 Forestry Research
With the increasing recognition of the importance of forests for environmental health, energy and employment, emphasis must be laid on scientific forestry research, necessitating adequate strengthening of the research base as well as new priorities for action. Some broad priority areas of research and development needing special attention are:

i. Increasing the productivity of wood and other forest produce per unit of area per unit time by the application of modern scientific and technological methods.
ii. Revegetation of barren/marginal/waste/mined lands and watershed areas.
iii. Effective conservation and management of existing forest resources (mainly natural forest eco-systems).
iv. Research related to social forestry for rural/tribal development.
v. Development of substitutes to replace wood and wood products.
vi. Research related to wildlife and management of national parks and sanctuaries.

4.13 Personnel Management
Government policies in personnel management for professional foresters and forest scientists should aim at enhancing their professional competence and status and attracting and, retaining qualified and motivated personnel, keeping in view particularly the arduous nature of duties they have to perform, often in remote and inhospitable places.
4.14 Forest Survey and Data Base
Inadequacy of data regarding forest resources is a matter of concern because this creates a false sense of complacency. Priority needs to be accorded to completing the survey of forest resources in the country on scientific lines and to updating information. For this purpose, periodical collection, collation and publication of reliable data on relevant aspects of forest management needs to be improved with recourse to modern technology and equipment.

4.15 Legal Support and Infrastructure Development
Appropriate legislation should be undertaken, supported by adequate infrastructure, at the Centre and State levels in order to implement the Policy effectively.

4.16 Financial Support for Forestry
The objectives of this revised Policy cannot be achieved without the investment of financial and other resources on a substantial scale. Such investment is indeed fully justified considering the contribution of forests in maintaining essential ecological processes and life-support systems and in preserving genetic diversity. Forests should not be looked upon as a source of revenue. Forests are a renewable natural resource. They are a national asset to be protected and enhanced for the well-being of the people and the Nation.

(K.P. Geethakrishnan)
Secretary to the Government of India
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APPENDIX- II
The Circular Concerning Joint Forest Management
No. 6-21/89-P.P

Government of India
Ministry of Environment and Forests
Department of Environment, Forests and Wildlife
Paryavaran Bhavan, C.G.O. Complex, B-Block
Lodi Road, New Delhi

Dated: 1st June, 1990

The Forest Secretaries
(All States/UTs)

Subject: Involving of village communities and voluntary agencies for regeneration of degraded forest lands.

Sir,

The National Forest Policy, 1988 envisages people's involvement in the development and protection of forests. The requirements of fuel-wood, fodder, and small timber such as house building material, of the tribals and other villagers living in and near the forests, are to be treated as first charge on forest produce. The policy document envisages it as one of the essentials of forest management that the forest communities should be motivated to identify themselves with the development and protection of forests from which they derive benefits.

2. In a D.O. letter No. 1/188-TMA dated 13th January, 1989 to the Chief Secretary of your State, the need for working out the modalities for giving to the village communities, living close to the forest land, usufructory benefits to ensure their participation in the afforestation programme, was emphasized by Shri. K.P. Geethakrishnan, the then Secretary Environment and Forests).

3. Committed Voluntary Agencies/NGOs, with proven track record, may prove particularly well suited for motivating and organizing village communities for protection, afforestation, and development of degraded forest land, especially in the vicinity of habitations. The State Forest Department's Social Forestry Organization ought to take full advantage of their expertise and experience in this respect for building up meaningful people's participation in protection and development of degraded forest lands. The Voluntary Agencies/NGOs may be associated as interface between State Forest Departments and the local village communities for revival, restoration and development of degraded forests in the manner suggested below:

- The programme should be implemented under an arrangement between the Voluntary Agency/ NGO, the village community (beneficiaries) and the State Forest Department.

- No ownership or lease right over the forest land should be given to the beneficiaries or to the Voluntary Agency/NGO. Nor should the forest land be assigned in contravention of the provisions contained in the Forest (Conservation) Act, 1980.

iii) The beneficiaries should be entitled to a share in usufructs to the extent and subject to the conditions prescribed by the State Government in this behalf. The Voluntary Agency/NGO should not be entitled to usufructory benefits.
iv) Access to forest land and usufructory benefits should be only to the beneficiaries who get organized into a village institution, specifically for forest regeneration and protection. This could be the panchayat or the Co-operative of the village, with no restriction on membership. It could be a Village Forest Committee. In no case should any access or tree pattas be given to individuals.

v) The beneficiaries should be given usufructs like grasses, lops and tops of branches, and minor forest produce. If they successfully protect the forests, they may be given a portion of the proceeds from the sale of trees when they mature. The Government of West Bengal has issued orders to give 25% of the sale proceeds to the Village Forest Protection Committees. Similar norms may be adopted by other States.

vi) Areas to be selected for the programme should be free from the claims (including existing rights, privileges, and concessions) of any person who is not a beneficiary under the scheme. Alternatively, for a given site the selection of beneficiaries should be done in such a way that any one who has a claim to any forest produce form the selected site is not left out without being given full opportunity of joining.

vii) The selected site should be worked in accordance with a Working Scheme, duly approved by the State Government. Such scheme may remain in operation for a period of 10 years and revised/renewed after that. The Working Scheme should be prepared in consultation with the beneficiaries. Apart from protection of the site, the said Scheme may prescribe requisite operations, eg. Inducement to natural regeneration of existing root stock, seeding gap filling, and wherever necessary, intensive planting, soil-moisture conservation measures etc. The Working Scheme should also prescribe other operations eg. Fire-protection, maintenance of boundaries, weeding, tending, cleaning, thinning etc.

viii) For raising nurseries, preparing land for planting and protecting the trees after planting, the beneficiaries should be paid by the Forest Department from the funds under the Social Forestry Programme. However, the village community may obtain funds from other Government agencies and sources for undertaking these activities.

ix) It should be ensured that there is no grazing at all in the forest land protected by the village community. Permission to cut and carry grass free of cost should be given so that stall feeding is promoted.

x) No agriculture should be permitted on the forest land.

xi) Along with trees for fuel, fodder and timber, the village community may be permitted to plant such fruit trees as would fit in with the overall scheme of afforestation, such as aonla, Imli, mango, mahua, etc. as well as shrubs, legumes and grasses which would meet local needs, help soil and water conservation, and enrich the degraded soils/land. Even indigenous medicinal plants may be grown according to the requirements and preferences of beneficiaries.

xii) Cutting of trees should not be permitted before they are ripe for harvesting. The Forest Dept. also should not cut the tress on the forest land being protected by the village communities except in the manner prescribed in the Working Scheme. In case of emergency needs, the village communities should be taken into confidence.

xiii) The benefit of people's participation should go to the village communities and not to commercial or other interests which may try or other interests which may try to derive benefit in their names. The selection of beneficiaries should,
therefore, be done from only those families which are willing to participate through their personal efforts.

xiv) The Forest Department should closely supervise the works. If the beneficiaries and/or the Voluntary Agency/NGO fail or neglect to protect the area from grazing, encroachment or do not perform the operations prescribed in the Working Scheme in a satisfactory manner, the usufructory benefits should be withdrawn without paying compensation to anyone for any work that might have been done prior to it. Suitable provisions in the Memorandum of Understanding (MOU) of this purpose should be incorporated.

Yours faithfully.

Sd/-

(Mahesh Prasad)
Secretary to Government of India.

Copy for information and necessary action to:

1. Principal Chief Conservator of Forests/Chief Conservator of Forests All States/ UTs)
3. Chief Conservator of Forests (Central) of all Regional Offices located at: Bhubaneshwar, Bangalore, Bhopal, Shillong, Lucknow, Chandigarh.
4. All DIGFs including N.W.D.B., New Delhi.
5. All Officers of the Ministry of Environment and Forests.

Sd/-

(K.M. Chadha)
Joint Secretary to Govt. of India.

Copy for information to the:-

1. Secretary (Co-ordination), Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.
2. Secretary, Department of Rural Development, New Delhi.

Sd/-

(K.M. Chadha)
Joint Secretary to Government of India.
APPENDIX

APPENDIX-III

JFM RESOLUTION OF GOVERNMENT OF ORRISA, 1988
PROTECTION OF RESERVE FOREST AREA BY THE COMMUNITY

FOREST, FISHERIES & A. H. DEPARTMENT, GOVERNMENT OF ORISSA
RESOLUTION NO. 10F (PRON) - 47/88/17240/FFAH, DATED BHUBANESWAR, 1.08.1988
SUB: - PROTECTION OF RESERVE FOREST AREAS BY COMMUNITY.

The question of involving village communities for effective protection and conservation of Reserve Forests was, for sometime past, under the active consideration of Government. After careful appraisal, Government are of the view that the task of protecting forests is so urgent and so enormous that the rural community should be fully and actively involved in it. Accordingly it has been decided that the following scheme of involving the rural community will be implemented in the state. Under this scheme, villagers will be assigned a specific role in the protection of Reserve Forest adjoining their village and will in return, be granted, under section 24 of the Orissa Forest Act, 1972 certain concessions in the matter of meeting their bonafide requirement of firewood and small timber.

1. The concerned Divisional Forest Officer shall assign the peripheral Reserve Forest areas to be adjoining villages according to the compartment line. The area in one compartment may cover one or more villages. Wherever the compartment line does not exist, natural boundary like nala, Bridges etc will form the demarcation point. Reserve Forest area notified under Section 18 (1) of the Wildlife (Protection) Act, 1972 will however, be excluded from the assignment.

2. The concerned DFO shall constitute a Forest Protection Committee for each of the assigned village. The communities shall comprise the Sarpanch of the concerned Gram Panchayat, the Ward Members belonging to the village, the local Forester, Revenue Inspector, VLW and such other persons of the said village not exceeding three as may be nominated by the concerned Gram Panchayat. The total number of the members of the Committee shall be at least eight, which shall, as far as possible include persons belonging to the Scheduled Castes or Tribes women and landless categories. The Sarapanch of the Gram Panchayat and the local Forester shall be the Chairman and Convener of the Committee respectively.

3. The village shall through the Forest Protection Committee, Furnish an undertaking to the concerned DFO for proper upkeep and maintenance of the assigned Reserve Forest areas. The assigned villages shall be responsible for fire protection and prevention of fellings, thefts of forest produce and encroachments in the assigned Reserve Forest areas. The Forest Protection Committee shall be responsible for ensuing performance of the above functions by villagers of the assigned village.

4. For performance of the duties enumerated in para 3 the villagers shall be titled to obtain their bonafide requirement of small timber and firewood for household consumption only and not for sale or barter. The Forest Protection Committee shall be responsible for proper distribution of small timber and firewood among the household keeping in view the following guidelines.
   (a) The minimum requirement of the Household for the Committee and distribution should work out building and agriculture purpose made accordingly on the basis of available produce, before meeting their demand for other purposes.
   (b) As regards supply pf firewood, the same shall be apportioned among the households keeping in view their real requirement as far as possible.

5. Small timber and firewood shall be removed from the assigned Reserve Forest areas only in accordance with a permit issued by the two members of the
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committee authorized for the purpose. The permit issued as above shall be valid only within the limits of the village boundary to which the household belongs.

6. The above scheme of assignment will come into force with effect from 2.10.1998 in the intervening period, the DFO will assign specific constitute the Forest Protection Committee,

ORDER

Ordered that the Resolution be published in the extraordinary issue of the Orissa Gazette.

By Order of the Government

P.K. Mohanty
Secretary to Government
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APPENDIX - IV

JFM RESOLUTION OF GOVERNMENT OF ORISSA, 1990
PROTECTION OF RESERVE FOREST AND PROTECTED FOREST AREA BY THE COMMUNITY

FOREST, FISHERIES & A.H. DEPARTMENT, GOVERNMENT OF ORISSA
RESOLUTION NO. 10 F (PRON) 47 / 90 / 29825 / FFAH, BHUBANESWAR, DATED 11.12.1990
SUB: PROTECTION OF RESERVE FOREST AND PROTECTED FOREST AREAS BY THE COMMUNITY AND ENJOYMENT OF CERTAIN USUFRUCTS BY THE COMMUNITY.

The question of involving village community for effective protection and conservation of Reserved Forest and Protected Forest was for some time past, under active consideration of Government. After careful consideration, Government are of the view that the task of the protecting forest is so urgent and enormous that the community should be fully and actively involved in it. Accordingly, it has been decided that the following scheme of involving the rural community will be implemented in the state. Under this scheme villagers will be assigned a specific role in the protection of Reserved Forest and Protected Forests adjoining their villages and will in return, be granted under section 24 of the Orissa Forest Act, 1972 certain concessions in Reserved Forest and taking into account prevalent practice and rights if any, in respect of Protected Forest in the matter of meeting their bonafide requirement of firewood and small timbers.

1. The concerned Divisional Forest Officer shall assign the peripheral reserved a Forest Protection and protected forest area to the adjoining villagers according to the Compartment line. The area in one compartment may cover one or more villages. Wherever the compartment line does not exit, natural boundary like nalla, bridges, etc will form the demarcation point. Reserve Forest areas notified under section 18 (1) of the wild Life (protection) act, 1972 will however be excluded from the purview of the assignment.

2. The concerned Divisional Forest Officer shall constitute a Forest Protection Committee for each of the concerned villages in consultation with the local villagers. The committee shall comprise the Sarpanch of the concerned Gram Panchayat, the Ward Members belonging to the village, the local Forester, Revenue Inspector, VLW and such other non official members of the village to be selected by convening a meeting of the concerned villagers. The total number of the member of the Committee shall be at least 8 which shall, as far as possible include, women and persons belonging to SC or ST and the landless, categories. The Sarpanch of the Gram Panchayat and the local Forester shall be the Chairman and convener of the Committee respectively.

3. The villagers shall through the Forest Protection Committee, Furnish an undertaking to the concerned Divisional Forest Officer for proper upkeep and maintenance of the assigned Reserved Forest and Protected Forest areas. The assigned villages shall be responsible for fire fighting and prevention of illicit fellings, theft of forest Produce and encroachment in the assigned Reserved Forest and Protected are. The Forest Protection Committee shall be responsible for ensuing performance of the above function by villagers of the assigned villages.

4. For performance of the duties enumerated in para 3 the villagers shall be entitled to obtain their bonafide requirement of small timber and firewood for household consumption only and not for sale barter. The Forest protection committee shall be responsible for proper distribution of small timber and firewood among the households.
5. a) The minimum requirement of the household for building and agriculture purpose should be worked out by the committee and the distribution made according on the basis of available produce, before meeting their purposes.

(b) As regards supply of firewood the same shall be apportioned among the household keeping in view their real requirement as far as possible.

6. Small timber and firewood shall be removed from assigned Reserved Forest areas and protected Forest areas only in accordance with a permit issued by the two members of the Committee authorized for the purpose. The permit issued as above shall be valid only within the limits of the village boundary to which the household belongs.

7. This supersedes this Departments resolution No. 17240 / FFAH, Dated 01.08.88 and 236 / FFAH, Dated 13.10.1988.

ORDER

Ordered that the Resolution be published in the next ordinary issue of the Orissa Gazette.

By Order of the Governor
P.K. Mohanty
Secretary to Government
APPENDIX

APPENDIX -V

JFM RESOLUTION OF GOVERNMENT OF ORISSA, 1993
THE ORISSA GAZETTE
NO.875 CUTTACK, MONDAY, JULY, 5TH, 1993/ASADHA 14, 1915

FOREST AND ENVIRONMENT DEPARTMENT, GOVERNMENT OF ORISSA
RESOLUTION NO.16700- 10 F (PRON)-20 /93 - F & E DATED 3RD JULY 1993
SUBJECT: - PROTECTION OF RESERVED FOREST AND PROTECTED FOREST
AREAS BY THE ENJOYMENT OF CERTAIN USUFRUCT BY THE COMMUNITY.

1. Large chunks of forest land in our state have been rendered degraded and unproductive over the years. According to recent estimates the extent of such degraded forest land in the state is about twelve lakh hectares. Degradation sets in on account of over use of the forest and ever increasing pressure of human and animal population on the forest. Forests are basically a local resource. The society has to address itself with urgency to the task of regeneration and rehabilitation of the degraded forests. The problems can be tackled effectively at the local level with the active participation of the adjoining village communities. Germaine to the question of protection and regeneration of the forest is the system of management. Forest management has to be reoriented to forge an effective partnership between the Government Department and the concerned village communities.

2. In Orissa, the tradition of community initiative to protect degraded forests goes back to the early 1950s. In August 1988, the State Government had passed a resolution to formally introduce a scheme of protection of peripheral Reserve Forest areas with participation of the adjoining villages. The scope of this resolution was enlarged in December, 1990 to include the Protected Forest, and it was also laid down that Village Level Forest protection Committees should be constituted by convening meeting of the concerned villages in return for helping the Forest Department in protection of the earmarked forest areas the villagers would be entitled to get small timber and firewood as may be available from these forest for meeting their bonafide requirement free of royalty. For a variety of reasons however this scheme has not made the desired impact in generating people's participation in protection of forests. After careful consideration Government has decided to implement the following scheme of Joint Forest Management in the State in which the Forest Department and the villagers of the adjacent village(s) will be equal partners in the task of regeneration and restoration of the degraded forests.

SELECTION OF THE AREA

3. The scheme will operate in degraded forest land (Reserved and Protected Forest) with potential for regeneration. Only such forest area will be selected where the villagers of the adjacent village or cluster of villages are willing or can be motivated to offer active cooperation in regeneration and protection of forest tract, and only such villages shall be involved which are situated adjacent to the forest area. Sanctuaries and National Parks and forest land allotted for the purpose of commercial or industrial plantation or any other Departmental afforestation scheme shall ordinarily be excluded from the ambit of this scheme. A single village committee may be allowed to develop up to about 200 ha of forest land. All the village woodlots and Social Forestry Block Plantation raised under SIDA assisted social Forestry Project between 1984-1994 after being notified as Village Forest will also come under the purview of this scheme. The village in which such plantation has been raised may also be selected for the taking of regeneration and protection of abundant degraded forest tract along with management of the said plantation.

VANA SAMRAKSHANA SAMITI
The Gram Panchayat will convene on the suggestion of the DFO / Range Officer / Forester a general meeting of all adults living in the selected village, where the DFO/
Range Officer / Forester will explain in the scheme of Joint Forest Management as outlined in the following paragraphs. After evaluating the response and motivation of all villagers, and after taking due account of relevant factors, he may recommend constitution of Vana Samrakshana Samiti (VSS) of the village by the Gram Panchayat. There should be one Samiti for a group of helmets or villages if these are all located adjacent to the Forest area to be regenerated.

Vana Samrakshana Samiti should include as its members two adults from every household living in the village / cluster of the village, including all those who have been exercising any rights, concession or privileges over the forest area. One member of each house should be a woman.

The concerned Forester shall be the ex officio Secretary of the Samiti. He will convene meeting of the Samiti once in three months and keep minutes of the meetings.

8. CONSTITUTION OF THE EXECUTIVE COMMITTEE

(i) Each VSS will form its own executive committee for a term of two years at a time.

(ii) The Committee will comprise ten to fifteen members and its composition will be as follows.

a) NaiK Sarpanch Chairperson
b) Ward Member (s) representing the villages Members
c) Six to Eight representatives elected/ selected by the Samiti of whom atleast three shall be women members

d) Concerned Forester Member
e) Concerned Forest Guard Member
f) Nominee of a concerned NGO in the area to be selected by the DFO.

The Range Officer concerned will act as Returning Officer for filling in the quota of elected members of the commencement of each term of the committee.

(iii) The Executive Committee shall select its own treasurer whose tenure shall be coterminous with that of the committee. The Forester and Forest Guard will not have any voting right.

(i) Half the number of members of the Committee shall constitute the quorum in any meeting.

(ii) In some cases where single villages are not coming forward to take up the responsibility, the concerned Gram Panchayat may resolve to regenerate tract of degraded forest over the villages comprising the Gram Panchayat have been traditionally exercising the rights of usage. The Divisional Forest Officer / Range Officer / Forester may explain the scheme of JFM to the members of the Gram Panchayat in a meeting and, after considering all aspects, he may recommended to the Conservator of Forests for allowing the particular Gram Panchayat as a body to participate in the scheme of JFM. On getting approval of the Conservator of Forests, the concerned Gram Panchayat will be required to constitute an Executive Committee in the above manner for the purpose of implementation of the JFM programme.

9. DUTIES AND RESPONSIBILITIES OF THE SAMITI

i) The members of the Samiti individually and collectively will ensure protection of the forest against grazing, fire, illicit felling, theft of forest produce and encroachment on forest land. The Samiti will adopt its own patrolling system and will contribute in cash, kind or in labor to control and regulate access to the forest by people and by domestic cattle.

ii) It shall be the duty of all members to prevent forest offence and pass on relevant information and intelligence in this regard to the forest officials.
APPENDIX

iii) The member shall actively help the forest officials in apprehending any person committing offence in the forest area, and in giving proper evidence against any such person in the court of law.

iv) The members shall assist the forest officials in carrying out silvicultural and other forest improvement work in accordance with the joint forest management plan.

v) There shall be a meeting of the Samiti at least once in three months and more often if required, to review the work of the Executive Committee and to decide on the future programmes and plans to be followed. For each such meeting the Samiti members will nominate their own Chairperson (if the Naib Sarpanch is absent) who will continue as such till the holding of the next meeting. The quorum in any meeting of the Samiti shall be 40% of the members.

iii) The Samiti will have the power to remove any non-official member from the Executive Committee by a majority vote in its meeting if the concerned executive committee member does not discharge his/her duties correctly and satisfactorily.

10. DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE

i) The Executive Committee shall meet at least once every month and take stock of the condition of the forest, the offence committed and other hurdles encountered in protection of the forest. There will be detailed deliberation on all aspects of protection and regeneration of the forest and execution of the management plan.

ii) The local Forester who is the Member-Secretary will prepare the agenda notes in advance for each meeting and he will keep the minutes of the meeting. The meeting of the Executive Committee can be convened either by the concerned Forester or by the Naib Sarpanch. In the absence of the Naib Sarpanch the Committee members should nominate any one of them to preside over a meeting. The Naib Sarpanch any depute her representative to the meeting to the committee on her behalf will be two third of the total number of members.

iii) The committee will actively associate itself with the concerned forest officials in carrying out all operations as per the approved management plan, in arranging laborcrs, in apprehending offenders and in starting legal action against them.

iv) The committee will be the first forum for resolution of conflicts that may arise within the village and with other villages. Information / reports on the persons committing forest offence will be discussed in the monthly meeting of the committee and suitable action as deemed proper will be initiated by the committee. Where the committee cannot amicably resolve any conflict or check any offence or restrain any offender, it shall bring the same to the concerned Forest Range Officer, with its recommendation of action to be taken.

v) The Committee shall assist the forest officials in carrying out various silvicultural operations, intermediate and final feelings in accordance with the management plan and in distribution of the forest produce among the villagers.

vi) Divisional Forest Officer / Assistant Conservator of Forest / Forest Range Officers will frequently familiarize themselves with the work of each committee, and may give guidance from time to time for proper functioning of the committee which will be binding on the committee members.

11. Role OF THE FOREST DEPARTMENT

i) The Range Officer will have the freedom to attend the meeting of the Executive Committee and those of the Samiti, to participate in their discussions and tender advice. He would have no voting right. The Forester concerned shall maintain the records of all meetings.
ii) The DFO shall have the overall responsibility for implementation of the scheme, including formation of the Samiti and constitution of the Executive Committee.

iii) The DFO will be responsible for preparation of the Joint Management Plan for the forest areas providing for the local people's requirements and wishes in the plan. It will be his responsibility to see that the approved programmes as per the JFM plan are properly executed associating the executive committee at each stage.

iv) The Forest Officials will take suitable and immediate action against cases of forest offence brought to their notice by the Samiti or Executive Committee members.

v) If the work of the Executive Committee found to be detrimental to protection/regeneration or proper management of the forest, the DFO shall record his findings, and he may dissolve the Executive Committee. On dissolution of the Executive Committee a meeting of the Samiti shall be convened to constitute a new Committee. The DFO may also remove any particular member from the Executive Committee if he is satisfied about the validity of the charges against the said member. Any such action of the DFO is appeasable to the concerned Conservator of Forest whose decision shall be final.

11. ROLE OF THE GRAM PANCHAYAT

i) The Gram Panchayat in whose jurisdiction the scheme will be in operation would be advised to have a committee on Joint Forest Management. The subcommittee will review once in a quarter, the functioning of the Vana Samrakshana Samiti in general and particularly whether the responsibilities cast on the parties in the MOUs were being discharged satisfactorily. The Gram Panchayat would keep the concerned DFO apprised of the working of the Scheme form time to time.

12. JOINT FOREST MANAGEMENT PLAN

(i) The ACF / Range Officer concerned will prepare a Joint Forest Management Plan by carrying out micro-planning exercise. The objective of the plan will be to identify the measures necessary to increase productivity of the forest so as to cater to the demand for traditional forest products in that area particularly fuel, fodder, bamboo and timber requirement of the local people. Due emphasis will be laid on maintaining the standing bio-mass, its diversity and on increasing the availability of non-timber forest products. If necessary, the DFO may convene a meeting of the Vana Samrakshana Samiti where he will obtain their comments and suggestions. The DFO shall also take the opinion and suggestions of the Executive Committee before submitting any plan for approval. Each plan will be scrutinized, corrected, modified if necessary, and approved by a technical committee headed by the territorial Conservator of Forests, and comprising the DFO, WPO and the Deputy Direct, Social Forest Project. The Joint Forest Management plan will be prepared for a period of ten years.

ii) Soil and water conservation measures shall form an integral part of the micro-plan.

iii) The plan will prescribe community based protection measures and work out the involvement of labor inputs including free labour to be contributed by the Samiti members. The executive committee shall assign specific duties and responsibilities to different members of the Samiti for smooth implement of the Management Plan. In respect of any wage employment to be created in accordance with the management Plan the members of the Samiti will have the first preference.

iv) The implementation of the plan programme will be responsibility of the Range Officer with active assistance and participation of the executive committee.

v) The Management Plan will give the following details.

a) Area to be naturally regenerated, and species expected to regenerate and establish in the area.

b) Action programme for restocking the area and covering the gaps.
c) Nature and model of plantation and choice of species. Socially useful trees like Neem, Mohua, Myrobolans, and fruit bearing trees like Mango, Jackfruit, Kendu, Tamarind and Bamboo plants must be planted in reasonable numbers in consultation with the Samiti.

d) Details of soil and moisture conservation measures.

e) Demarcation of boundaries, watch and ward and maintenance of plantations.

13. **FINANCIAL ARRANGEMENT**

   Government will bear the expenditure to be incurred for implementing the Joint Management Plan through the Forest Department. Financial assistance may be availed in shape of grant in aid from the NAEDB of the Ministry of Environment and Forest of Government of India, and assistance from Social Welfare Institutions, Industrial and commercial houses, and foreign donor agencies.

14. **USUFRUCTUARY BENEFITS**

   i) The Vana Samrakshana Samiti will enjoy usufructuary benefits provided it discharges its duties and responsibilities as laid down in the scheme. Further duties and responsibilities in the task of regeneration and protection of the forests may also be cast on the Samiti / Committee from time to time. The Executive Committee will be responsible for distribution of the usufruct equally among the members, each household being treated as one member. If a particular household has not discharged the duties and responsibilities assigned to him, the executive committee may lessen or do away with its share.

   ii) Usufruct like leaves, fodder, grasses, and thatch grasses, broom grasses, thorny fencing materials, brush wood and fallen lops and tops and twigs used as fuel wood shall be available to the members free of cost. Other usufruct like leased out minor forest produce, kendu leaves etc. can be collected by the members, but these will have to be delivered to the departmental agency or lessee against payment of prescribed wages for the collection and delivery.

   iii) All intermediate yield in shape of small wood, poles, firewood etc. as may be obtained in silvicultural operations will be equitably distributed among the members by the executive committee.

   iv) Timber and poles as may be obtained from a major harvest or final felling shall be shared between the forest department and the Vana Samrakshana Samiti in equal shares. The executive committee on behalf of the Samiti will have the option either to distribute the said 50% of the total produce among the members of the Samiti in equal shares or to request the Forest Department to dispose of the same and make the net sale proceeds available for distribution in cash among the members.

   v) In respect of the village wood lots and other Social Forestry Plantation raised under the SIDA Forestry Project on land which has been notified as village forest and brought under Joint Forest Management, village community shall be entitled to 100% usufruct including final harvest of the plantation. When the area is subsequently planted regenerated in a second rotation, usufructuary benefits will however be as prescribed in the proceeding para 14 (i) to (iv).

15. **MEMORANDUM OF UNDERSTANDING**

   Vana Samrakshana Samiti through its executive committee shall execute an MOU with the concerned Divisional Forest Officer for active participation in the task of protection, regeneration and management of the forest area and for implementation of the programmes as per the Joint Management Plan. The members of the Samiti will allowed to remove fallen and dry branches, leaves, grass, various usufruct of the trees, free of charge after execution of the MOU. The villagers will be eligible for getting further benefits under the scheme in shape of the
share in the final harvest after successful implementation of the scheme continuously for five years. The MOU shall be in the following form.

We, the members of the executive committee of the Vana Samrakshana Samiti of village do hereby undertake individually and collectively to perform the duties and shoulders the responsibilities as detailed in the resolution No.16700/F&E dated 03/07/1993 of the Forest and Environment Department, Government of Orissa, for proper protection and regeneration of the degraded forest area as per the schedule given here under Schedule.

1. Name of the Vana Samrakshana Samiti
2. District or Forest Division
3. Subdivision or Forest Range
4. Police Station
5. Village
6. Name of the Forest Block
7. Legal status of the Forest land
8. Area (Hectare) of the Forest Land
9. Boundaries of the area

We understand that the usufructuary benefits as detailed in the aforesaid resolution shall be allowed only upon satisfactory observance of the duties, responsibilities and functions by this executive committee and by the members of the Vana Samrakshana Samiti as per the aforesaid resolution.

A copy of the aforesaid resolution is annexed herewith duly signed by us one every page in proof / evidence of our having read / understood the same in letter and spirit. It is hereby agreed that this MOU will come in to effect from.

Signature of the members of Signature of the Witnesses
Name and address Signature Name and address Signature
with date with date
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2
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SIGNATURE OF THE LOCAL FOREST OFFICERS

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16 STEERING COMMITTEE

There shall be a steering Committee at the State level which will meet once in a quarter to guide and direct the operation of the scheme. It will hold extensive deliberations on specific problems and hurdles faced in implementation of the scheme. It will take up review to identify good points and shortcomings and to amend rules and regulations to steer the course of events in a positive direction. The Steering Committee shall be headed by the Minister, Forest as the Chairman, and will have the following ten members.

1. Secretary to Government of Orissa Forest and Environment Department Member
2. Principal Chief Conservator of Forests Member
3. Director, Social Forestry Project Member
4. Two Officers of the rank of CCF/Addl. CCF/ Conservator of Forests to be Members
5. Nominated by the Forest Department, Conservator of Forests, Development Circle, Member Secretary

6. Any two activists in the field of JFM Members selected by Government

7. Two non-official Experts nominated by Members of Government

Once nominated to the Steering Committee, the incumbent will have tenure of two years.


ORDER
Order that the resolution be published in the extraordinary issue of the Orissa Gazette.

By order of the Governor
HIMANSU SEKHAR SARKAR
Commissioner – Cum Secretary to Government

N.B. Amendments made vide No. 10 F (Pron) – 1/94, 14292/ F & E Bhubaneshwar, dated 4.8.94 and No. f(TR) – 1/94.227/6/f & e (Policy and Law) DATED Bhubaneshwar 7.12.94 notifications is included.
Sub : Incentives to villagers for protection of forests and conferment of right to usufruct in respect of forests protected by villagers.

In our State it has been the policy of the Government to involve the villagers as partners in the task of protection of forests and rehabilitation of degraded forests in their locality. However, on account of uncertain tenure of the villagers on forests in general and forest produce in particular, satisfactory progress has not been achieved in this direction. In order to obtain active cooperation of the villagers in halting degradation of forests, it is necessary to confer specific rights in favor of the Village Communities in respect of various forest products. After careful consideration, Government has decided that right on the forest produce shall be conferred on the villagers in respect of the forest areas within the limits of the respective villages or situated adjacent to the villages. For this purpose, the concerned villagers have to form Vana Samrakshana Samiti through question, which will also be notified as Village Forest for that village. To work out such a process of conferring collective right on the villagers, the management of the peripheral forests has to be village based, and the village has to be treated as the basic unit of management of such forests. All kinds of forests including degraded forests will be protected with the cooperation of the concerned villagers and in lieu of extending such cooperation, the villagers will be entitled to take from the forests various forest products to meet their bonafide requirements. The villagers of any particular village can exercise their collective right over the forest situated within the boundaries of the village or area notified as village forest for the village. The local forest officer will not allow villagers of other distant villages to collect firewood and other forest produce from such forests.

THE SCOPE OF THE COLLECTIVE RIGHT TO BE CONFERRED ON THE VILLAGE COMMUNITIES WILL BE AS FOLLOWS:

(a) The village community which has taken active part in the plantation and rehabilitation of village forests and in their protection and maintenance under the Social forestry project, or have been guarding and protecting forests situated within the boundaries of the village or adjacent to the village for a number of years will be conferred the responsibilities for control, management and protection of the forests in question. Which part of the forest in question located outside the boundaries of the village will come under the control of the village community will be decided taking in to account the situation and other aspects of the surrounding villages. For this purpose, the boundaries of the forest area will be demarcated on the ground through durable marks and the said forest will be declared as the “village forest” for that village. Such work of demarcation of boundaries of village forests will be carried out in a formal manner by the Divisional Forest Officer, Sub-Collector and the Tahasildar concerned on the basis of a joint verification.

(b) The local village community will gave the primary right of usage and management of the forest notified as village forest. A management scheme will be prepared by the village community for the purpose, and the same will be approved by the DFO concerned. As the village community takes responsibility for protection and management of the forests; it will get authority for regulating the usage of the said forest in accordance with the management scheme.

(c) Each resident family who is a member of the village community will be eligible to gather wood and bamboo etc as may be available from the said forest area, free of any such collection by its members in its own authority. The village
community may grant such permission keeping in view the state of forest and rules and regulations of management adopted for the same.

(d) The members of the village community will have the full right to collection of non timber forest produces from the said forest area, the possession and storage of the same and for processing the products for preparation of their commodities. However, any such produce can be disposed of only to the lessees, agents or authorized officials of the Government at prices fixed for the same.

(Unofficial translation provided by Shri S. C. Mohanty, IFS, Special Secretary to Government, Forest & Environment Department, Orissa.)

1. Non-Timber Forest Produce (NTFP) has traditionally been perceived as important source of forest revenue. Accordingly the policies relating to NTFP over the years have generally tended to aim of maximization of revenue. However NTFP is an important source of livelihood of tribals and the rural poor. These gatherers of NTFP, majority of whom are women, have limited access to the market, and their primary concern is getting a fair price for the NTFP gathered by them and being able to dispose off the produce gathered. The prevailing system does not adequately provide these facilities to the primary gatherers. At the same time, it is also equally important that collection of NTFP must be on non-destructive basis so that sustainability of forests and long term sustainability of the NTFP based livelihood can be reasonably ensured.

2. The State Government have had under their consideration proposals for formulation of an appropriate policy on Non-Timber Forest Produce, keeping in view the consideration outlined in the preceding paragraph. While formulating the policy the provisions of the Panchayats (Extension to scheduled areas) Act, 1996 have also to be kept in view. The term 'minor forest produce' has not been defined. Under the policy of Joint Forest Management, the local communities are being closely involved as partners of Forest Department in the management of degraded forests; and the members of the Vana Samrakshyana Samiti are entitled to share of the usufructs, including the entire NTFP gathered from such a forest area. Considering all aspects of the matter, Government have been pleased to approve of the following policy guidelines for streamlining the system of collection and disposal of various Non-Timber Forest Produce items:

**MINOR FOREST PRODUCE.**

3 (a). The items of Non-Timber Forest Produce listed in Appendix A will be treated as Minor Forest Produce (MFP) and the term MFP will only mean and include items listed in Annexure-- 'A'. The list of items of NTFP to be treated as MFP may however be modified by Government from time to time, Gram Panchayat/ Gram Sabha in the scheduled areas will have the ownership over MFP produced within its territorial jurisdiction, i.e. in respect of the MFP produced in and collected from the Government lands and forest lands within the limits of the revenue villages comprising the Gram Panchayat. Under law, ownership of MFP in non-scheduled areas will however, have the authority to regulate purchase, procurement (as distinct from collection by primary gatherers) and trading in MFP in accordance with the policy outlined in the succeeding paragraphs.

(b) No Gram Panchayat, whether situated within or outside the scheduled area will have ownership over MFP produced in Reserve Forests, in forest areas under Wildlife Sanctuaries and National Parks which are outside the limits of revenue villages. The Gram Panchayats will not therefore have the right to grant lease or license to any individual or agency for collection of Minor Forest Produce from any Reserve Forest or Sanctuary or National Park. However, members of Vana Samrakshyana Samitis, and tribals, artisans, etc. as part of their customary rights will be free to collect Minor Forest Produce from forest areas s excluding sanctuaries and National Parks. When any such MFP collected from forest areas is brought to a village, i.e. into the territory within a Gram Panchayat, it will come under the Gram Panchayat's power to regulate procurement and trading. Where Vana Samrakshyana Samiti has been formed, the Samiti and its members will have priority over the Gram Panchayat in the matter of collection and disposal of Minor Forest Produce of the respective forest area.
APPENDIX

(c) Any person desirous of purchasing MFP from primary gatherers or treading in MFP so purchased shall apply for registration to the concerned Gram Panchayats and the Gram Panchayat may register such dealers or traders for a season from the first day of October to the last day of September of the following year. Dealers and Traders will have to seek fresh registration for the next season. Gram panchayats shall make all efforts to promote free competition in procurement of MFP by engaging as many dealers for each item of Minor Forest Produce as reasonably practicable. The Gram Panchayat shall also levy an annual registration fee from such dealers or traders at such rate as maybe determined by the Gram Panchayats will have to furnish a monthly return to the concerned Range Officer indicating the item of MFP procured quantity procured and the GP from which procurement was made during the month. No person will be allowed to operate as a Dealer/Trader in MFP in any area without being registered as such by the concerned GP.

3 (d). The collection of MFP by the primary gatherers will be subject to reasonable control to be exercised by the DFO in accordance with the provisions of law and sound silvicultural principles laid down in the Forest Working Plan, which shall be given publicity in advance in the adjoining GPs.

3 (e). The Government agencies like Orissa Forest Development Corporation; Tribal Development Co-operative Corporations etc. may also register themselves with one it more Gram Panchayats for procurement and trading in one or more items of Minor Forest Produce.

3(f). A Gram Panchayat may cancel the registration of any dealer/trader or may refuse to grant registration for the subsequent seasons if after summary inquiry in course of which the affected party shall be given an opportunity to show cause it is satisfied that the dealer/trader has produce any MFP from the primary gather at a rate lower than the minimum procurement price fixed for that item of MFP under para- 5 of this resolution for the relevant year.

3(g) No leased shall be granted by Government in respect of any Minor Forest Produce nor shall it levy any royalty on these items after commencement of this Resolution. No forest Department Transit permit will be required thereafter for transport/ movement of any Minor Forest Produce within the State).

OTHER ITEMS OF VTFP:

4 (a) The Trade in Kendu leaf will continue to be directly controlled by the State Government as there are well laid down statutory provisions for control of trade in this item. Sal Seed which is the one NTFP items notified as a specified forest produce under the Orissa Forest Produce (Control of Trade) Act 1981 will also be dealt with in accordance with the provisions of law by Government keeping the overall interest of the trade, the industries and the gatherers in view.

(b) Certain items, namely Sal leaves, Gums and res is of different trees and climbers and roots of various species which have medicinal or other uses will not be leased out, as the collection of these items on commercial scale has adverse impact o the sustainability of the particular species and the forest. In particular localities, however, based on sound assessment of silvicultural availability and enforcement of appropriate collection procedure, any of these lease-barred items may be allowed to be collected either directly by field organisation of Forest Department or a Government undertaking.

(c) The remaining items of CTFP as per the lost of Appendix-B, which may be modified by Government from time to time, will be allowed to be procures and traded by the dealers who have been registered for the purpose under this Resolution by the concerned Divisional Forest Officer. Individuals, societies, Co-operatives, Government Undertakings and Corporations may be registered as a dealer for the above purpose. Such registration shall ordinarily be granted by the Divisional Forest Officers for a season (from the first day of October to the last day of September of the following Calendar Year) to applicants seeking such registration, unless there are valid reasons for refusing registration. TDFO will endeavor to promote competition among the traders and dealers by registering as many dealers as reasonably practicable for a specified area. For each items, as many dealers as may come forward can be engaged for each Forest Division/Range. OFDC, TDCC, Co-operative
APPENDIX

Societies like LAMPS etc. will also be eligible to register themselves with the DFOs and should be encouraged to engage themselves in trading in these items. The Vana Samrakshyana Samiti, Mahila Samiti, recognised groups of primary gatherers may also get themselves registered for this purpose. The fees to be paid for registration shall be prescribed by Government.

d) The registered dealers will be required to furnish the names of their authorised agents/nominees and the names of their collection and storage centers to the concerned Divisional Forest Officers, and will also record the daily transactions in prescribed formats. The dealers will also record the daily transactions in prescribed formats. The dealers will have to enter into an agreement with the concerned DFOs under which the dealers will be responsible for achieving a minimum target of procurement to be fixed by Divisional Officer, of a particular item during a collection season. If the collection method of any particular item in any particular area is considered to be harmful or injurious to the forest, the DFO may impose temporary ban on such collection.

e) The registered dealers will have to pay royalty to the local forest Range Officer at the rate fixed for the quantity of produce collected. The rate of royalty shall ordinarily nor be less than 10 percent of the minimum procurement price for the particular item, but this rate may be varied by Government from time to time, suo muto or on proposals submitted by the Divisional Forest Officers.

f) The registered dealers will be required to take transit permits from competent Forest Officers for movement/transports of the produce out of the collection centers after setting the royalty dues, etc.

g) The Divisional Forest Officer may cancel the registration of any dealer/trader if after summary inquiry in course of which the affected party shall be given an opportunity to show cause it is found that the dealer has procured any forest produce from the primary gatherers at a price less than the minimum procurement price fixed for the relevant year under para-5 of this Resolution or has failed to achieve the minimum target of procurement, or has failed to file the prescribed returns or has failed to settle the royalty dues in time.

5. For all NTFP items including MFP, the Committee appointed by Government in SC & ST Development Department will fix the minimum procurement price each collection season or part thereof. These procurement prices shall be announced every year ordinarily during the month of September and will be given wide publicity as decided by Government.

By Order of the Governor
HS Chahar
Commissioner-cum-Secretary to Government.

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APPENDIX

APPENDIX-VIII
JFM RESOLUTION 2002-FDA RULES-UNDER NATIONAL FORESTATION
FOREST PRODUCE ADMINISTRATION RULES, 2002.
THE ORISSA GAZETTE EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2091, CUTTACK, FRIDAY, NOVEMBER 15, 2002/ KARTIKA 24, 1924
PANCHAYATI RAJ (G.P) DEPARTMENT
NOTIFICATION
The 14th November 2002

S.R.O. No. 934/2002—Whereas the draft of certain rules which the State
Government propose to make in exercise of the powers conferred by clause (W) of
sub-section 44 read with section 150 of the Orissa Grama Panchayats Act, 1964
(Orissa Act 1 of 1965), was published as required by sub-section (1) of section 150 of
the said Act in the extraordinary issue No. 1241. Dated the 9th August 2002 bearing
S.R.O. No. 701/2002 inviting objections and suggestions from all persons likely to
be affected thereby till the expiry of a of thirty days from the date of publication of
the same in the Orissa Gazette;
And whereas objections and suggestions received during the period specified
above have been duly considered by the State Government.
Now therefore, in exercise of the powers conferred by clause (W) of sub-
section (1) of section 44 read with section 150 of the said Act, the state Government
do hereby make the following rules, namely:-

SHORT TITLE AND COMMENCE MENT
1 (1) these rules may be called the Orissa Grama Panchayats (Minor
(2) They shall come into force on the date of their publication in the Official
Gazette.
2. (1) these rules, unless the context otherwise requires,
(i) “Act” means the Orissa Grama Panchayats Act, 1964
(ii) “Form” means a form appended to these rules;
(iii) “Minor Forest Produce” means any or all of the Minor Forest
Produce specified in the Schedule appended to these rules;
(iv) “Section” means section of the Act; and
(v) “Trading year” means the seasonal year commencing from the first day of
October and completing on the thirtieth day of September of the following
year.
(2) All other words and expression used but not defined in these rules shall have
the same meaning as have been respectively assigned to them in the Act.

3. REGULATING PROCUREMENT AND TRADING OF MINOR FOREST
PRODUCE
(1) The Grama Panchayat shall have the power to regulate procurement and
trading of minor forests produce whether produced in Government lands and
forest areas within the limits of the Grama or collected from Reserve Forests
and brought in to the Grama.
(2) In case of the forest areas where Vana Sanrakshyana Samiti has been
formed the Grama Panchayats shall give priority to such Samities and its
members in the matter of collection and trading of minor forest produce.

4. REGISTRATION OF TRADES.
(1) Any person intending to procure Minor Forest Produce from the primary
gatherers or to trade in minor forest produce within the limits of Grama, any
trading year shall register himself as a trader in Minor Forest Produce in the Grama Panchayat.

(2) Any person intending to be registered as a trader in minor forest produce shall apply to the Grama Panchayat in form No. 1. All such applications shall be placed before the Grama Panchayat immediately in its next meeting and with the approval of the Grama Panchayat the Sarpanch shall register the applicant as a trader in minor forest produce for one trading year ending next September and grant a Certificate of Registration in Form No.2 to that effect.

(3) The names of all the traders of minor forest produce registered under sub-rule (2) the applicant shall be recorded in a permanent Register to be maintained in Form No.3 in the Grama Panchayat.

(4) At the time of filing of application under sub-rule (2) the applicant shall deposit with the Grama Panchayats the required registration fees for each item of Minor Forest Produce applied for.

(5) No application for registration shall be entertained if the required fees has not been deposited under sub-rule (4)

(6) The fees for registration for every item of Minor Forest Produce for shall be such as may be notified by Government from time to time.

5. **FIXATION OF MINIMUM PRICE OF THE MINOR FOREST PRODUCE.**

(a) In the month of September every year the Panchayat Samiti shall by adopting a resolution to that affect, fix up the minimum price of procurement of different Minor Forest Produces payable to the primary gatherers during the next trading year, which shall be applicable to all the Grama Panchayats within the Block.

Provided the Grama Panchayats shall be competent to modify the minimum price so fixed under this sub-rule (3) by the Panchayat Samiti according to the local need by adopting a resolution to that effect.

(b) The representatives of Divisional Forest Officer, Tribal Development Cooperative Corporation, Orissa, Forest Development Corporation and Tribal Co-operative marketing Development Federation of India Ltd, shall be invited to the meetings convened under this sub-rule or under sub-rule(3).

(i) The minimum price fixed under sub-rule (1) or sub-rule (3) shall be notified in the notice board of the panchayat Samiti and copes thereof shall be communicated to the Collector, Divisional Forest Officer, District Panchayat Officer, Sub-Collector and all the Grama Panchayats within the Block.

(ii) If at any time or in any case it appears to the Collector that a Panchayat Samiti has failed to fix up the minimum price for procurement of Minor Forest Produce under sub-rule (1) the Collector shall convene a Special Meeting of the Panchayat Samiti preferably in the month of October to fix up the minimum price of procurement of Minor Forest produce.

(iii) On receipt of intimation under sub-rule (2) regarding fixation of the minimum procurement price of the Minor Forest Produce fixed under sub-rule (1) or (3) the Grama Panchayat shall place the same before the Grama Sabha in its next meeting for ratification.

6. **FURNISHING OF RETURNS.**

(1) A trader registered under these rules shall furnish a monthly return of Minor Forest Produce to the Grama Panchayat within fifteen days of the following month in Form No. 3.

(2) Within one month of the closure of the trading year, the dealer shall also file an annual return of the Minor Forest Produce for the trading year in Form No.3

(3) The Grama Panchayat shall communicate a copy of the annual return received under sub-rule (2) to the Forest Range officer concerned.
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7. CANCELLATION.
   (1) If at any time or in respect of any case it appears to the Sarpanch, that a trader registered under these rules, has failed to-

   (i) Pay the minimum price of procurement to the Primary gatherers fixed by the Grama Panchayat in Minor Forest Produc
   (ii) Register himself in the Grama Panchayat, or
   (iii) Comply with the conditions of registration, the Sarpanch shall issue a notice to such dealer or person, as the case may be to show cause as to why the registration shall not be cancelled or action shall not be taken against him for such illegal trading.

   (2) If such trader or person fails to show cause within seven days of receipt of the notice or show cause which is not satisfactory, the Sarpanch shall conduct an inquiry and after giving the traders of the person an opportunity of being heard, place his inquiry report before the Grama Panchayat in its next meeting together with the explanation, if any, received from such trader or person for its decision.

   (3) On consideration of the inquiry report of the Sarpanch and the explanation of the trader if the Grama Panchayat are satisfied that circumstances specified in sub-rule (1) exist in relation to such trader or person, the Grama Panchayat shall resolve to cancel the register him as trader for the subsequent reading years.

   Provided that if the person is engaged in the trading of minor forest produce without registering himself in Grama Panchayat the Sarpanch of Secretary of the Grama Panchayat shall lodge necessary complaint before the Divisional Forest Officer concerned for taking appropriate action against the person concerned for such illegal trade under the appropriate provisions of law.

   (4) In pursuance of the decisions of the Grama Panchayat under sub-rule (3), the Sarpanch/Secretary shall cancel the registration of the trader and in cadet of the person carrying an illegal trade in Minor Forest Produce; the Sarpanch shall forthwith lodge the complaint width the concerned Divisional Forest Officer.

   (5) If after cancellation of the registration under sub0rule (4) it appears to the Sarpanch/Secretary that the trader is still continuing his trade on the Minor Forest Produce, the Sarpanch/Secretary shall report the matter to the Divisional Forest Officer for taking action against the person under the appropriate provisions of law.

   (6) The item of Minor "Forest Produce seized by the Divisional Forest officer from the dealer or person shall be sold by public auction and the sale proceeds thereof be deposited under the appropriate head of Account as provided under the Orissa Forest Act.

8. APPEAL
   Any Person aggrieved by the decision of the Grama Panchayat under these rules may prefer an appeal under Section 133 of the Act. The appeal shall be disposed of within thirty days from the date of admission of the appeal.

9. DEEMED TRADERS.
   (1) Public Sector undertakings like the Orissa forest Development Corporation, Tribal Development Co-operative Corporation and Tribal Co-operative marketing Development Federation of India Ltd., shall be deemed to have been registered under these rules.
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(2) Notwithstanding the relaxation provided under sub-rule (1), the provisions of rule 6, 7, and 8 shall apply to these public sector undertakings.

10. ISSUANCE OF INSTRUCTIONS.
The Government may, from time to time, issue such instructions, as occasion may require for,
(a) Smooth implementation of these rules and
(b) Removal of any doubt or difficulties arising out of implementation of these rules.
INDEX MAP OF DHENKANAL FOREST DIVISION

Scale: 1 : 250,000