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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
I.A. No. 2
WRIT PETITION (C) NO. 109

FILED ON
31 MAR 2008
Supreme Court of India

(Writ Petition under Article 32 of the Constitution of India challenging the legality and Constitutional validity of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008.



In the matter of:

Wildlife First & Ors.

PETITIONERS

VERSUS

Union of India & Ors

RESPONDENTS

With

VOLUME -II

PAPER-BOOK

(For Index see inside)

ADVOCATE FOR THE PETITIONERS: MR. P.K. MANOHAR

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of India. All the facts are set out in detail in the said petition and the petitioner
prayer to be filed and rely upon the same for the petition.

That since the said petition is a summary, the annexures to the said
petition are being filed in a separate volume and marked as Volume II
to the petition. All the documents contained in the said annexures are
described in the said petition. All the said documents are true and
their respective originals.

PRAYER

This Hon'ble Court may be graciously pleased to permit the petitioners to file
the enclosed documents as volume II to the petition and pass such other and
further orders.

 **cjp.org.in**

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND
SHALL EVER PRAY

Dated: 28.3.2008

Drawn & Filed By

P. K. MANOHAR

Advocate for the Petitioner

NOTORIAL STAMPS
Are not Affixed
as the Govt of Karnataka
has suspended Supplying Stamps

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A. NO. 2 OF 2008

IN

WRIT PETITION (CIVIL) NO. OF 2008

In the matter of:

Wild Life First & Ors. Petitioner
VERSUS
Union of India & Ors. Respondents

AFFIDAVIT

I, Praveen Bhargav, S/o late V.S. Bhargav, Aged about 44 years,
R/o. Resident of 1235, 1st Floor, 26 A Main, 4th T Block Jayanagar,
Bangalore, 530 041 do hereby solemnly affirm and state as under:

1. I am the Trustee of the 1st petitioner in the above Writ Petition and
as such I am conversant with the fact and circumstance of the case. I am
competent to swear this affidavit.

2. I have gone through the accompanying application for filing
additional documents in a separate volume and marked as volume II to
the writ petition. I say that all the said documents are referred to in the writ
petition and the same are true and correct copies of their respective
originals.

Dated this the 24th day of March, 2008.

For WILD LIFE FIRST
[Signature]
Trustee/Authorised Signatory
DEPONENT



No. of CORRECTIONS NIL
MANUSCRIPT

24 MAR 2008

Verification

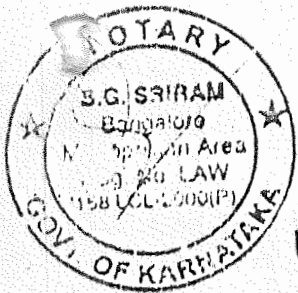
I, the above named deponent do hereby verify and state that the contents of the above affidavit are true and correct and nothing material has been suppressed therefrom.

Verified this the 24th day of March, 2008.

For WILD LIFE FIRST

Trustee/Authorised Signatory

DEPONENT



No. of CORRECTIONS NIL
MANUSCRIPT

24 MAR 2008

sworn to / Signed before me

B. G. SRIRAM

ADVOCATE & NOTARY

Metropolitan Area Bangalore City

No. 82, 10th 'C' Main Road, 1st Block,
Jayanagar, BANGALORE - 560 011.

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. NO. 2 OF 2008

IN

WRIT PETITION (C) NOS. OF 2008

In the matter of:

Wildlife First & Ors

Petitioners

Versus

Union of India & Ors.

Respondents

APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS

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To,

The Hon'ble Chief Justice of India
And His Companion Justices of the
Hon'ble Supreme Court of India

The humble petition of the
Petitioners above named

MOST RESPECTFULLY SHOWETH:

2. The petitioners have filed the above writ petition under Article 32 of the Constitution challenging the legality and Constitutional validity of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Impugned Rules, 2007 as being unconstitutional and violative of the petitioners fundamental rights guaranteed under Article 14 and 21 read with Articles 48A and 51A(g) of the Constitution

ANNEXURE D-3

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NATIONAL FOREST POLICY

1988

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GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT AND FORESTS
NEW DELHI

No.3-1/86-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.

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 erst-while Ministry of Food and Agriculture enunciated a Forest Policy to be followed in the manage-ment 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 fuelwood, fodder and timber; inadequacy of protection measures; diversion of forest lands to non-forest uses without ensuring compensatory afforestation and essential environmental safe-guards; 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 preservaton, maintenance, sustainable utilisation, restoration, and enhance-ment 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, resto-ration 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, 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 fuelwood, 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.

- 2
- 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 forest lands 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, 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, specially in areas adjoining forest, is necessary in order to prevent depletion of forests beyond the sustainable limit. Since fuelwood continues to be the predominant source of energy in rural areas, the programme of afforestation should be intensified with special emphasis on augmenting fuelwood 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-third 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 timebound programme of afforestation and tree planting, with particular emphasis on fuelwood 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 arid tracts. Such a programme will help to check erosion and desertification as well as improve the micro-climate.

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. Technical assistance and other inputs necessary for initiating such programmes should be provided by the Government. 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 labour, 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-farming 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 fuelwood. 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 grazing, 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 and 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 fuelwood, fodder, 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 panelling, mine-pit props, paper and paper board etc. substitution of wood needs to be taken recourse to. Similarly, on the front of domestic energy, fuelwood needs to be substituted as far as practicable with alternate sources like bio-gas, LPG and solar energy. Fuel-efficient "Chulhas" as a measure of conservation of fuelwood 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 specially essential to provide for "corridors" linking the protected areas in order to maintain genetic continuity between officially 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 forests is illegal cutting and removal by contractors and their labour. In order to put an end to this practice, contractors should be replaced by institutions such as tribal cooperatives, labour 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.
- 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 Centres 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 inservice 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

ANNEXURE 3/4
National Wildlife Action Plan
(2002-2016)



THE SURVIVAL OF MAN IS DEPENDENT ON THE
SURVIVAL OF ANIMAL AND PLANT LIFE

Ministry of Environment and Forests, Government of India



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Released by the Prime Minister of India on January 21, 2002 at the XXI Meeting of the Indian Board for Wildlife.

<p>NWAP : National Wildlife Action Plan PAs : Protected Areas NP : National Park / National Parks S : Sanctuaries WII : Wildlife Institute of India MoEF : Ministry of Environment & Forests UT : Union Territories NGOs : Non Government Organisations SWOT : Strengths, Weaknesses, Opportunities, Threats HWLWs : Honorary Wildlife Wardens BNHS : Bombay Natural History Society SACON : Salim Ali Centre for Ornithology and Nature IUCN : International Union for Conservation of Nature & Natural Resources ZSI : Zoological Survey of India BSI : Botanical Survey of India CZA : Central Zoo Authority GOI : Government of India</p>	<p>CITES : Convention on International Trade in Endangered Species of Wild Fauna and Flora IPRs : Intellectual Property Rights IISC : Indian Institute of Social Sciences FSI : Forest Survey of India IFS : Indian Forest Service GIS : Geographical Information System EIA : Environment Impact Assessment SFS : State Forest Service JGNFA : Indira Gandhi National Forests Academy IIFM : Indian Institute of Forest Management TISS : Tata Institute of Social Sciences NCERT : National Council of Educational Research & Training CEE : Centre for Environment Education HRD : Human Resource Development CRZ : Coastal Regulation Zone WLPA : Wildlife Protection Act ICFRE : Indian Council of Forests Research & Education</p>
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(Cover) Panthera tigris, focus of Project Tiger, one of India's most ambitious conservation projects. (Photo: Vivek Sinha/Sanctuary)

(Facing page) Malabar gliding frog: The term wildlife encompasses all un-cultivated flora and undomesticated fauna. (Photo: Ashok Captain/Sanctuary)



PREAMBLE

The first National Wildlife Action Plan (NWAP) was adopted in 1983, based upon the decision taken in the XV meeting of the Indian Board for Wildlife held in 1982. The plan had outlined the strategies and action points for wildlife conservation which are still relevant. In the meanwhile, however, some problems have become more acute and new concerns have become apparent, requiring a change in priorities. Increased commercial use of natural resources, continued growth of human and livestock populations and changes in consumption patterns are causing greater demographic impacts. Biodiversity conservation has thus become a focus of interest. The National Forest Policy was also formulated in 1988, giving primacy to conservation. Hence this new National Wildlife Action Plan.

The term wildlife encompasses all uncultivated flora and undomesticated fauna. Every species has the right to live and every threatened species must be protected to prevent its extinction.

Water, wilderness and wildlife are irrevocably interlinked. With mounting agricultural, industrial and demographic pressures, wilderness areas, which are the richest repositories of wildlife and biodiversity have either shrunk or disappeared. Their continued existence is crucial for the long-term survival of the biodiversity and the ecosystems supporting them.

Effective ecosystem conservation is the foundation of long-term ecological and economic stability. Natural processes, forests and other wild habitats recharge aquifers, maintain water regimes and moderate the impact of floods, droughts and cyclones. Thereby they ensure food security and regulate climate change. They are also a source of food, fodder, fuel and other products supplementing the sustenance of local communities.

India ranks sixth among the 12 mega biodiversity countries of the world. Conservation of biodiversity is directly linked with conservation of ecosystems and thus with water and food security. These together constitute a major plank of Indian economy.

National planning has not taken into account the adverse ecological consequences of shrinkage and degradation of wilderness from the pressures of population and commercialisation. As a result, we have witnessed the alarming erosion of our natural heritage which comprises rivers, aquifers, forests, grasslands, mountains, wetlands, coastal and marine habitats, arid lands and deserts. This has also affected natural phenomena such as breeding, ranging and migration of wildlife and geomorphological features.

The increased frequency and intensity of natural disasters, the plummeting fertility of our soils and the accelerated degradation of our fresh water resources have imposed a crippling financial burden on the nation. This underscores the need to realign development priorities to take into account ecological imperatives including the protection of wild species, which sustain and enhance natural habitats, even as they depend on such areas for their survival.

Rural development for communities inhabiting forest lands and other wilderness regions suffers both from inadequate resources and inappropriate measures. It has failed to address their strong dependence upon natural biomass resources vis-a-vis the shrinking and degrading resource base. Farm productivity has also declined due to lack of proper support, causing impoverishment and enhanced pressures upon natural areas. Resource impoverished communities have therefore begun to place even greater pressure on the biomass of our forests and has led to widespread alienation of people from the goals of nature conservation efforts.

Habitat loss caused by developmental projects such as dams, mines, etc. compound the problems of wildlife conservation.

The constraining impact of habitat loss has been compounded by illegal trade fuelled by a rising demand of wildlife products and their lucrative prices in the international market.

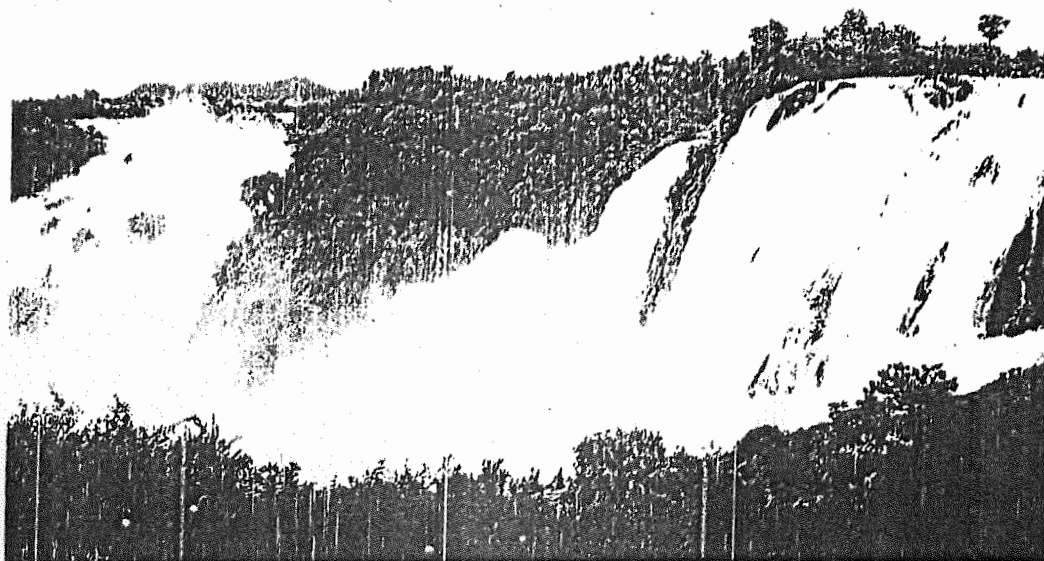
*(Facing page) Nandapha Tiger Reserve: Water, wilderness and wildlife are closely interlinked. Water must be recognised as the prime produce of natural forests.
(Photo: Kunal Verma/Sanctuary)*



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POLICY IMPERATIVES

18



DR. T. SHIVANANDAPPA / SANCTUARY

To protect the long-term ecological security of India, the national development agenda must recognise the imperative of identifying and protecting natural ecosystems from over-exploitation, contamination and degradation. Short-term economic gains must not be permitted to undermine ecological security.

Assigning conservation a high priority both at the level of central and state governments is an imperative. Its integration in all development programmes, evolving appropriate funding mechanism, enhancement of financial allocations and provision of adequate personnel with requisite expertise has to be ensured, to arrest the ongoing trend of degradation and to restore wildlife and its habitat.

The NWAP cannot be executed in isolation. Wildlife conservation cannot be restricted to national parks and sanctuaries. Areas outside the protected area network are often vital ecological corridor links and must be protected to prevent isolation of fragments of biodiversity, which will not survive in the long run. Land and water use policies will need to accept the imperative of strictly protecting ecologically fragile habitats and regulating use elsewhere.

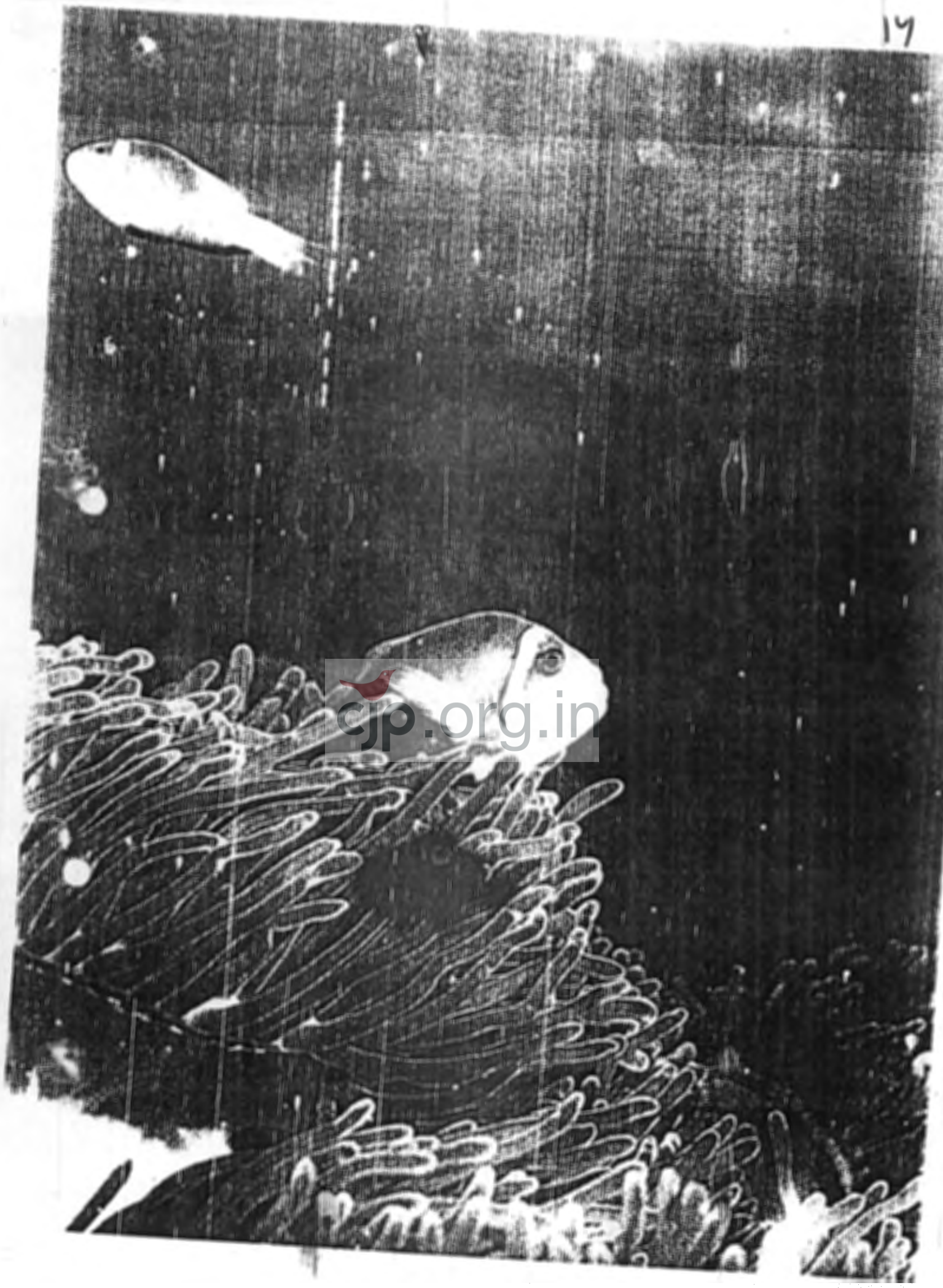
Water must be recognised as a prime produce of natural forests. Forests must be managed to optimise and protect hydrological systems. The National Forest Policy of 1988 which emphasises conserving our natural heritage in the form of natural forests, flora and fauna, is in consonance with this imperative. A critical imperative is also to recognise forests, wetlands and other natural habitats as a source of survival for millions of people, in particular as a source of NTFP and aquatic resources.

Primacy must be accorded to *in situ* conservation, the sheet anchor of wildlife conservation. *Ex situ* measures in zoological parks and gene banks may supplement this objective, without depleting scarce wild resources.

Local communities traditionally depend on natural biomass and they must, therefore, have the first lien on such resources. Such benefits must be subject to assumption of a basic responsibility to protect and conserve these resources by suitably modifying unsustainable activities. Conservation programmes must attempt to reconcile livelihood security with wildlife protection through creative zonation and by adding new Protected Area (PA) categories in consultation with local communities, such as an inviolate core, conservation buffer, community buffer and multiple use areas.

While increasing man-animal conflict is an outcome of shrinkage, fragmentation and deterioration of habitats, it has caused destruction of wildlife and generated animosity against wild animals and protected areas. This is a crucial management issue, which needs to be addressed through innovative approaches.

(Facing page) The Common Mormon Papilio polites: India ranks sixth among the 12 mega biodiversity countries of the world. (Photo: Anish Andheria/Sanctuary)



STRATEGY FOR ACTION

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Adopting and implementing strategies and needs outlined above will call for action covering the following parameters:

- I *Strengthening and Enhancing the Protected Area Network*
- II *Effective Management of Protected Areas*
- III *Conservation of Wild and Endangered Species and Their Habitats*
- IV *Restoration of Degraded Habitats outside Protected Areas*
- V *Control of Poaching, Taxidermy and Illegal Trade in Wild Animal and Plant Species*
- VI *Monitoring and Research*
- VII *Human Resource Development and Personnel Planning*
- VIII *Ensuring Peoples' Participation in Wildlife Conservation*
- IX *Conservation Awareness and Education*
- X *Wildlife Tourism*
- XI *Domestic Legislation and International Conventions*
- XII *Enhancing Financial Allocation for Ensuring Sustained Fund Flow to the Wildlife Sector*
- XIII *Integration of National Wildlife Action Plan with Other Sectoral Programmes*

Clown fish Amphiprion nigripes, Lakshadweep: Coral ecosystems, coastal areas and mangroves need protection as these are prime breeding grounds for marine species. (Photo: Hugues Vitry/Reefwatch)

I. STRENGTHENING AND ENHANCING THE PROTECTED AREA NETWORK

In keeping with the objectives of the 1983 National Wildlife Action Plan, the Union Government of India, has successfully initiated the process of setting up a representative network of scientifically-managed PAs. The area under National Parks (NP) and Sanctuaries (S) at present is around 1.56 lakh sq. km. Out of ten identified biogeographic zones, some are still deficient in Protected Areas (PA) coverage. Efforts to increase the extent of Protected Areas (PA) in these zones need to be strengthened and enhanced as the strike strategy for the protection of our wildlife and biodiversity.



Project Elephant: These migratory animals need large contiguous forest areas.

Apart from national parks and sanctuaries new legal PA categories are required, namely 'Conservation Reserves' and 'Community Reserves'. Together with these categorisations and by including suitable adjacent habitats and corridors with PAs, we should aim to bring 10 per cent of India's land mass under the PA network, of which at least half should be inviolate habitats. PA network should adequately cover all biogeographic zones, forest types and wild species of flora and fauna, especially the endangered ones. Suitable amendments need to be made for this purpose in the Wildlife (Protection) Act, 1972.

In case readjustment of legal status and boundaries of existing and proposed PAs is required to be done, the same must be done on the basis of ecological, natural boundaries and features. Denotifications and deletions of areas from PAs to accommodate commercial or non-forest activities must be avoided.

1. Statewise review of the PA network to identify the gaps with reference to the parameters mentioned above and to rectify the inadequacies.

2. Create a series of inviolate areas in representative biogeographic zones and provide linkages between all PAs within biogeographic sub-divisions.

1.1 Complete the review and publication of the 1988 WII report on Protected Area Network.

Timing: To complete by the year 2002.

Responsibility: MoEF and WII.

1.2 Develop guidelines and identify sites

that can potentially be declared as Conservation Reserves and Community Conserved Areas under Wildlife Protection Act, 1972.

Timing: To start in 2002 and complete by the year 2005.

Responsibility: MoEF, WII and scientific institutions.

1.3 Follow up with all States/Union Territories, for establishment of new Protected Areas including the proposed Conservation Reserves and Community Reserves. Implementation of the recommendations given in WII's PA network report.

Timing: To start in 2002 and complete by the year 2007.

Responsibility: MoEF and State Governments.

2.1 Complete legal procedures for final notification of existing and new PAs. Readjustments of boundaries of NP/WLS if required should be done according to ecological and natural physical features.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF and State Governments.

2.2 Prepare a time bound programme to assist voluntary relocation and rehabilitation of people living in national parks and sanctuaries and get it implemented through State Governments.

Timing: To start in 2002 and complete by the year 2011.

Responsibility: MoEF, State Governments, UT, Ministry of Tribal Welfare, Ministry of Rural Development and NGOs.

2.3 Institute a five year review of the existing Protected Area Network in India.

Timing: To start in 2002 and complete by the year 2003. To be repeated every five years.

Responsibility: MoEF, State Governments, assisted by WII and other scientific institutions.



II. EFFECTIVE MANAGEMENT OF PROTECTED AREAS

Each PA should have its own management plan, based on sound scientific and ecological data. Strict conservation zones will require more protection than management. These areas should be free of all urban facilities, tourism and public thoroughfare. Degraded habitats, or areas where conditions need to be created to favour endangered species, will also need extra-careful managing and monitoring.

The guiding principle for PA managers should be to minimise the adverse impact on natural processes by human acts. These may include existence of exotics, monocultures, fires, poaching, diseases, timber felling, removal of dead wood, contamination from toxics and pollution. Management plans should be based on scientific knowledge, adequate field data and traditional knowledge and expertise. They should also include periodic assessment of the contribution of PAs towards augmenting water resources of the region.

In all situations, the prime management objective must be to protect the PA from adverse impacts and thus promote natural regeneration, as this is the surest way to ensure the perpetuity or return of wild indigenous flora and fauna. The introduction of exotic species, or planting monoculture harms the interests of wildlife conservation and must be prohibited.

From their inception, management plans should seek to involve local communities and make them aware of PA objectives including the control of fire, prevention of overgrazing, disease and poaching. Their involvement in the enhancement of exploitable biomass, including wild foods, fodder and fuelwood in areas *outside* the PAs should be sought. This would serve the dual objectives of reducing biotic pressures on the PAs and to buffer the impact of wildlife on humans, crops and livestock. Since activities that are not in the interest of wildlife conservation are not permissible, populations within the existing PAs, desirous of availing civic and other amenities should be encouraged and aided to move out.

1. Preparation of scientific, ecologically-sound, PA-specific management plans by teams of officials, experts and local community representatives, incorporating case studies of past management successes and failures. Strict conservation zones and degraded habitats to be identified for each PA and special management measures to be formulated for these areas.

2. Consolidate management practices

and infrastructure of existing PAs and linkages between management of all PAs within the biogeographic region.

3. Man-animal conflicts to be mitigated around PAs.

4. Remediation and enhancement of water resources to be done in all terrestrial PAs.

5. Listing of streams and rivers in these special PAs, with estimates of flow and duration must also be done.

6. Periodic SWOT analysis (Strengths, Weaknesses, Opportunities, Threats) to be undertaken for each Protected Area.



1.1 Review and revise existing manuals on preparation of management plans and forest division working plans to emphasise biodiversity conservation, landscape level planning and local community participation.

Timing: To start in 2002 and complete by the year 2003.

Responsibility: MoEF, WII and State Governments.

1.2 Preparation of scientific and ecologically sound management plans should be finalised for all Protected Areas.

Timing: To be completed by 2002.

Responsibility: MoEF and State Governments.

1.3 Set up a central monitoring mechanism to ascertain timely preparation of management plans/schemes, to review quality of PA management plans and monitor its implementation

Tim 2002

Responsibility: MoEF.

1.4 Institute rewards for PA staff for successful restoration of habitat and conservation of threatened species/communities.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF and State Governments

2.1 Review management practices and infrastructure of all national parks and sanctuaries, hold workshops for training field personnel and local people in forest, wetland, desert, mountain and marine PA management with the aim of capacity building in habitat management and monitoring.

Timing: To start in 2002 and complete by the year 2016.

Responsibility: MoEF, WII, State Governments and scientific institutions.

2.2 Institutionalise a five-year periodic review of Protected Areas on parameters such as status of management, protection, habitat restoration, diversity indices, conservation of threatened and indicator species, adequacy of infrastructure, staff and financial resources and socio-economic status of local communities.

Timing: To start in 2006, repeated every five years.

Responsibility: MoEF, Scientific Institutions, NGOs and HWLWs.

3.1 Development and standardisation of techniques for capture, translocation and rehabilitation of species (including mass capture), and dissemination of knowledge and training therein.

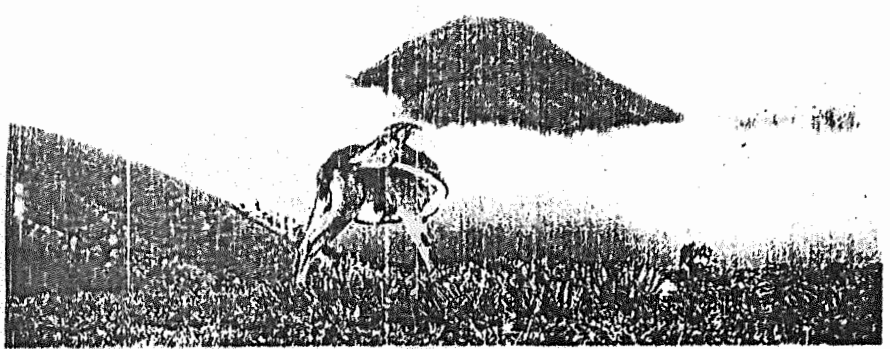
Timing: To start in 2002 and ongoing.

Responsibility: MoEF and WII.

3.2 Help evolve innovative techniques, including change in cropping pattern for prevention and diversion of crop raiding wildlife populations.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, State Governments and Scientific Institutions.



The famed Nilgiri tahr is a source of tourism in the (southern) Western Ghats.



3.3 Timely and adequate compensation to prevent revenge killings of wild animals and initiation of crop insurance scheme.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF and State Governments.

4.1 Demonstrate the hydrological contribution of the PA network by measuring the lean season flow of water from PAs. Illustrate how wildlife conservation through natural regeneration in catchment areas of water bodies and reservoirs can reduce siltation and regulate year round water flow.

Timing: To start in 2002



The long finned banner fish India is a world leader in the presence of marine ecosystems.

5.1 Provide to each PA technical assistance for restoration of degraded habitats, control and eradication of exotic invasive species. Restoration processes and ecology to be monitored and documented.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, BNHS, SACON, WII and Universities.

5.2 Provide effective prevention of fire as well as ecologically unsustainable grazing and other exploitation in national parks and sanctuaries by involving local communities through incentives and alternatives.

Timing: To start in 2002 and ongoing.

Responsibility: State Governments.

6.1 Annual Report of all PAs to be prepared and placed before the State Wildlife Advisory Boards. These should include management achievements and also principal threats to the PA or wildlife, including those from sources such as dams, mines, roads, tourism projects, chemical pollution, etc., and measures taken to redress the threats. Views of the Honorary Wildlife Wardens may also be taken into account while preparing the Annual Reports.

Timing: To start in 2002 and ongoing.

Responsibility: PA managers and State Governments.

III. CONSERVATION OF WILD AND ENDANGERED SPECIES AND THEIR HABITATS

The aim of the NWAP is to conserve *in situ* all taxa of flora and fauna along with the full range of ecosystems they inhabit. The ecological requirements for the survival of threatened, rare and endangered species, together with their community associations of flora and fauna, must be ensured.

The isolation of animal species due to fragmentation of habitats reduces relict populations to unviable levels, leading to local extinction. For highly endangered species like the Great Indian Bustard, Bengal Florican, Asiatic Lion, Wild Buffalo, Dugong, the Manipur Brow Antlered Deer and the like, alternative homes are imperative. Where *in situ* conservation efforts are unlikely to succeed, *ex situ* captive breeding and rehabilitation measures may be necessary, in tandem with the preparation of their wild habitats to receive back captive populations, specially in respect of lesser-known species where status and distribution of wild animals are not fully known.

Alteration of genetic purity of certain wild species through inbreeding with domesticated, feral counterparts is yet another grave impending threat, seriously jeopardising genetic purity of species like the Wild Buffalo, Wild Pig and Jungle Fowl. It must be ensured that natural phenomena involving *inter alia* pollination, breeding, feeding, movements and migrations are not hampered but assisted.

Action required

1. To identify all endangered species of flora and fauna, study their needs and survey their environs and habitats to establish the current level of security and the nature of threats. Conduct periodic reviews of flora and fauna species status, and correlate the same with the IUCN Red Data List every three years.
2. Invest special care and resources to protect habitats that harbour highly endangered species especially those having single population and a high degree of endemism.
3. Initiate action to prevent the "genetic swamping" of wild species.
4. To undertake a programme of *ex situ* captive breeding and rehabilitation in the wild for critically endangered species in accordance with IUCN guidelines, after developing requisite techniques and capabilities in this regard.
5. To publish flora and fauna species status reports periodically, which should be translated into local languages.
6. To declare identified areas around Protected Areas and corridors as ecologically fragile under the Environment (Protection) Act, 1986, wherever necessary.

- 1.1 Initiate a time-bound plan to identify and conduct status surveys of all endangered species covering all groups of rare and threatened species of

The Whistling Thrush (see below) has survived only in the Bangalore area in Karnataka.



The isolation of animal species due to fragmentation of habitats reduces relict populations to unviable levels, leading to local extinction.

flora and fauna. Provide protection to the environs and habitats of all rare and threatened species of flora and fauna under PAs.

Timing: To start in 2002 and complete by the year 2009.

Responsibility: MoEF and Scientific Institutions.

1.2 Identify for each threatened species the key threats to survival and develop an action plan to deal with the problems. Due priority to be given to conservation of less charismatic species of both flora and fauna, especially about which little information exists.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, State Governments, IIT, Scientific Institutions and NGOs.

1.3 Review and update flora and fauna species status every three years to correlate with the IUCN Red Data List.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, ZSI and BSI.

2.1 Creation of a new Centrally Sponsored Scheme for assisting the State Governments in protection of wildlife and its habitat outside Protected Areas.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, State Governments and NGOs.

2.2 Identify suitable alternative homes for single isolated populations of species such as Jerdon's Courser, Asiatic Lion, Manipur Deer, Wroughton's Free Tailed Bat and the like, and manage the same as Protected Areas effectively.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, State Governments, Scientific Institutions and NGOs.

2.3 Special schemes for the welfare of local people outside PAs to be taken up on priority basis where critically endangered species are found. These Centrally Sponsored Schemes will be for helping the local people to get better access to health, education and alternate ways to meet their everyday livelihood needs.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, State Governments and NGOs.

3.1 Take immediate steps for preventing the entry of domestic and feral species that may lead to genetic swamping. Safeguards have to be taken to prevent wild populations of such species from straying out of their habitats.

Timing: To start in 2003 and ongoing.

Responsibility: MoEF, State Governments and NGOs.

3.2 Genetically pure populations to be safeguarded from future genetic contamination and where genetic swamping has occurred, to phase out such swamping.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF and scientific institutions.

3.3 Take preventive action against the introduction of related species which may cause interbreeding among taxa.



and hybridisation. Further introductions of floral and faunal species exotic to the locality must not be permitted in Protected Areas, nor in areas from where they are likely to invade protected areas.

Timing: To start in 2003 and ongoing.

Responsibility: MoEF, State Governments, Scientific Institutions and NGOs.

4.1 Develop capabilities for planned breeding and reintroduction of captive bred populations of identified endangered species in accordance with IUCN guidelines.

Timing: To start in 2003 and ongoing.

Responsibility: CZA, State Governments and Scientific Institutions.

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Kashyapa, Anam: The one-horned rhino has been targeted by poachers and international.

4.2 Develop the technical expertise for capture, translocation, rehabilitation of species at 1 selected sites.

Timing: To start in 2002 and complete by the year 2007.

Responsibility: WII, State Governments and Scientific Institutions.

5.1 Publications of species status papers periodically covering all rare, endangered and vulnerable species of flora and fauna. Translation of these papers in relevant local languages will also be done.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, BSI, ZSI and Scientific Institutions.

5.2 All identified areas around Protected Areas and wildlife corridors to be declared as ecologically fragile under the Environment (Protection) Act, 1986.

Timing: To complete by the year 2004.

Responsibility: MoEF.

IV. RESTORATION OF DEGRADED HABITATS OUTSIDE PROTECTED AREAS

The restoration and management of degraded habitats outside PAs is a vital objective, both to provide sufficient habitat for spatial movement of spill-over species outside PAs, and to provide biological resources needed by the local communities to prevent their dependency on PA resources. This is also critical to the linking of PAs with effective wildlife corridors to provide for genetic continuity and prevention of insular wild animal populations. Land use policies in keeping with the objectives of biodiversity conservation are vital in such zones.

Degraded habitats outside PAs and their needs must urgently be identified for restoration, which would involve a combination of protection, soil and water conservation and planting of local species, coupled with the removal of exotics. The primary strategy for restoration should be through natural regeneration with the help of wild pollinators and seed dispersal. Grasslands, wetlands and common grazing lands are extremely valuable for wildlife conservation. Their productivity potential needs to be restored urgently. Incentives to promote wildlife conservation on private lands also need to be given.

1. Each State/UT to identify and prioritise degraded habitats outside PAs for the natural regeneration of forests/wetlands; identify and restore linkages and corridors between wildlife habitats using a combination of satellite imageries and ground truthing.
2. The policies of other ministries require to be assessed and suggestions/changes be recommended, so that budgets allocated by different sectors can be harmonised and used to enhance the process of natural regeneration outside PAs through carefully monitored soil and water conservation works and effective protection activities. Plantations of appropriate indigenous species should be done wherever necessary, apart from working with scientific institutions specialising in ecological restoration of degraded ecosystems.

1.1 Identify degraded habitats including forests, grasslands, wetlands, around each Protected Area and in potential 'wildlife corridors' where protection and restoration will yield best results. Identify key factors responsible for degradation and prepare recovery plans to restore degraded areas.

Timing: To start in 2002 and complete by the year 2004.

Responsibility: MoEF, State Governments, Scientific Institutions, NGOs and local people.

1.2 Identify areas outside the present national park and sanctuary network, sites of community managed areas like sacred groves and tanks, pasture lands, etc. where endemic or localised threatened species may continue to exist, and support their continued conservation.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, State Governments, NGOs and Scientific Institutions.

2.1 Develop time-bound recovery plan for degraded ecosystems and areas in non-forest lands, in consultation with other ministries and implement the same.

Timing: To start in 2002 and complete by the year 2011.

Responsibility: MoEF, Rural Development Ministry, Agriculture Ministry, Ministry of Water Resources, Planning Commission, State Governments, Scientific Institutions, NGOs and local people.

V. CONTROL OF POACHING AND ILLEGAL TRADE IN WILD ANIMAL AND PLANT SPECIES

30

Poaching and illegal trade in wild animals and plants and their parts and products has emerged as one of the most serious threats to wildlife in the country. If not controlled effectively, it has the potential to substantially nullify achievements in other fields of wildlife conservation. It may even result in extinction of some plants and animals and substantial decline in the wild prey populations leading to crop raiding by wild ungulates, increased incidences of livestock predation and sometimes loss of human life by carnivores. This has alienated the communities in several locations and they tend to resort to revenge killings and sometimes connive with poachers. Man-animal conflict situations require urgent amelioration to avoid these becoming a source of retaliatory action against the animals in question by the affected people, and later foci of illegal trade in animals parts and products. This trend has to be reversed. Although some efforts have been made for better coordination between wildlife managers and law and order enforcement agencies, yet prevention of wildlife crime remains a priority area in wildlife conservation and related law enforcement.

India, as a signatory to CITES, is obliged to take all necessary steps to implement the provisions of the treaty to ban international commercial trade in Appendix-I species of plants and animals and regulate trade in Appendix-II and III species.

adequate information and database on wildlife offences is scanty. Resultantly, there is little scope to devise suitable strategies to combat it effectively. Wildlife crime detection and follow-up is conducted in an ad hoc manner by most enforcement agencies due to lack of investigation skills and infrastructure.

Large number of court cases dealing with wildlife crime continue to remain pending over long periods. Even the cases that get decided do little to deter offenders, as punishment awarded is often meagre. Slow rate of conviction in court proceedings leads to the accused getting easy exemption from appearances, thus prolonging the evidence stage. Insufficient or badly presented evidence often coupled with non-availability of witnesses, frivolous appeals and interim orders stall most cases at trial courts. There is urgent need to provide adequate professional skills in prosecution matters related to wildlife offences for the frontline staff.

Wildlife forensics as a science and tool for wildlife crime prevention and control needs to be fostered.

Commercially valuable animals and plants are more vulnerable to poaching and smuggling. Some examples are poaching of tiger, elephant, leopard, rhino, bear, musk deer, snakes, turtles and their eggs, monitor lizards, mongoose, jackals, pangolins, otters, several fish and marine invertebrates, butterflies, birds like pheasants, Edible-nest Swiftlet and plants like orchids.

Some regions, specially international borders of India are vulnerable to illegal



Pench Tiger Reserve: Poaching seriously threatens the country's wildlife.

WALMIK TIGER / SANCTUARY

trade in wildlife. Lucrative prices offered for wild animal skins, bones, ivory, musk, bear bile and other wildlife products as well as endangered species of butterfly, birds and plant products has significantly enhanced the pecuniary gains of illegal trade. This has led to the growth of a large number of mafia-like operations, which the present staff and infrastructure find difficult to counter. The Judiciary and the Police also do not have the desired sensitivity to appreciate the need for timely apprehension and disposal of cases relating to wildlife offences. A number of such cases pending in courts remain untried for several years. The Subramanian Committee and the High Court Committee have made certain relevant recommendations in this regard, and efforts are on at the centre and state to implement these.

Media, has of late started taking welcome interest in wildlife issues for a well-researched and responsible coverage.

1. Effective prevention of poaching and illegal wildlife trade.
2. Setting up of designated courts to try wildlife and forest-related offences.
3. Wildlife forensic lab at the WII needs to be strengthened. Regional forensic labs also need to be set up in states.
4. International land borders with Nepal, Bhutan, Myanmar and Bangladesh and coastal waters to be made more secure to prohibit smuggling of wildlife.
5. Setting up of a National Wildlife Crime Cell with links to such units to be established at the State level. A professional set-up for gathering intelligence on wildlife criminals for effective and timely action is urgently needed at the States as well as the GoI level.
6. Speedy and effective amelioration of man-animal conflict situations require professional and innovative approaches including recourse to suitable insurance schemes. This may require amendments in insurance laws.

1.1 Reorganise forest staff into viable units and arm them with sophisticated weapons and other equipment to combat poaching and the illicit trade effectively. This includes better and faster communication facilities.

Timing: To start in 2002 and end by 2003.

Responsibility: MoEF and States/UTs.

Arming and equipping forest protection staff is imperative if poaching is to be effectively tackled.



1.2 The forestry/wildlife personnel must have a status on par with the police in the use of weapons and other equipment to enable them to combat poaching and illicit trade effectively.

Timing: To complete by the year 2003.

Responsibility: MoEF and State Gov.s.

1.3 Institute awards for bravery and meritorious service. Necessary amendments in the relevant rules and codes should be made to this effect.

Timing: To start in 2003 and ongoing.

Responsibility: MoEF and State Govts.

1.4 State/UTs to provide all needed training assistance in their respective forest and wildlife circles for an effective

disposal of wildlife related cases through special courts and public prosecutors especially assigned for the purpose.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF and State Govts.

1.5 Provide for 'Secret Funds' to assist the state government for intelligence gathering in cases of illegal trade and seizures of wildlife species and their products.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, State Governments and Ministry of Finance.

1.6 Outreach of all enforcement agencies especially, police, paramilitary forces, Customs, Coast Guard, Intelligence agencies and the like to be strengthened through meetings and training programmes. To ensure priority action by them for control of illegal trade in wildlife.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, State Governments/UTs, Home Ministry, Defence Ministry and Ministry of Finance.

2.1 To provide special Courts for effective implementation of the WLPA, 1972 especially in States or regions which have a large number of wildlife cases pending in the courts of law.

Timing: To start in 2002 and ongoing

Responsibility: State Governments/MoEF/Ministry of Home/Ministry of Agriculture.

3.1 Wildlife forensic lab at WII to be strengthened. Regional forensic labs also need to be set up in the States.

Timing: To start in 2002 and complete by the year 2003.

Responsibility: MoEF, State Governments and Scientific Institutions.

3.2 Prepare identification material of all restricted trade plant and animal species and their products for use by all enforcement agencies.

Timing: To start in 2002 and complete by the year 2003.

Responsibility: MoEF, NGOs and Scientific Institutions.

4.1 Set up extra and specialised vigilance at exit points of illegal trade in wildlife species and their products with help from other enforcement agencies such as Customs, Army, Coast Guard, Police

Timing: To start in 2002 and complete by the year 2003.

Responsibility: MoEF, State Governments, Home Ministry and Defence Ministry.

5.1 Set up special cell to formulate and disperse required information about wildlife species and the products in wildlife trade, consequence of such action on our national heritage and national economy through appropriate methods including the Internet. Emphasis should also be given on smaller animal species and plants.

Timing: To start in 2002 and complete by the year 2009.

Responsibility: MoEF, NGOs and Scientific Institutions.

6.1 Provide special funds to judiciously and effectively deal with compensation payments in all States/UTs against assessed damage to life and property by wild animals.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF and State Governments.

6.2 To initiate special schemes to assist in the rehabilitation of individuals who continue to follow old, presently illegal and unsustainable practices of wildlife use. Alternate livelihood practices need to be provided.

Timing: To start in 2002 and ongoing.

Responsibility: NGOs.

VI. MONITORING AND RESEARCH

Monitoring and research are tools for a better understanding of nature, its functions and to enable optimum or sustainable utilisation of its resources, as well as to evaluate the conservation status of species and habitats and the extent of impact of conservation endeavours undertaken. Such understanding will also help reduce man-animal conflicts. There is a marked deficiency in baseline biological data and on information we need to manage and monitor PAs. We know little about the impact of human activities on wildlife habitats, or about the full range of benefits that flow from biodiversity-rich old growth, natural forests and ecosystems. While we know, for instance, that forests help to maintain water regime, no studies are in place to quantify the lean season flows of water out of protected areas. Not much is known about techniques, which could *inter alia* help restore, at a very minimal cost, degraded habitats, whose run-off are sedimenting reservoirs of most large dams, rivers and other wetlands.

Decisions to exploit resources in PAs are often based on expediency rather than hard data and this sometimes results in permanent damage to fragile ecosystems. Experimental research on alternatives to resources from the wild habitats is vital. There is need to establish benchmarks for measuring diversity and to monitor the status of indicator/flagship/threatened species of flora and fauna and their breeding biology. Applied research is also needed to help overcome specific management problems in protected areas. Multi-disciplinary integrated research encompassing scientific and socio-economic aspects related to PA management needs to be encouraged.

Research for making use of ethnic knowledge in wildlife conservation and management as well as in applied research to obtain IPRs (Intellectual Property Rights) capable of benefiting the local communities and country should receive special attention.

1. Networking between WII, BNHS, SACON, BSI, ZSI, IISC, Universities and other smaller institutions should help evolve integrated, multi-disciplinary research in representative ecosystems. This will require greater financial allocations for field research and monitoring through centrally sponsored schemes.
2. Focus research to acquire a better country-wide understanding of diversity indices, populations of indicators and endangered species and habitat conditions.
3. Review current management practices and translate research findings into management applications and effective monitoring systems.
4. Study ethnic knowledge and apply it to wildlife management and work with communities to obtain IPRs to benefit both the communities and the nation.
5. Monitor and document the impact of human activities on natural habitats, including the spread of disease, impact of fires started to facilitate grazing and NTFP collections within and outside PAs.
6. Document and assess damage done by large projects and intrusions, such as dams, mines, canal systems, roads and the use of pesticides and chemicals.
7. Prepare research priorities for PAs, which would be consolidated into a State Wildlife Research Plan (5 year period).
8. Review present research approval procedures to ensure research in biological conservation.
9. Identification of wildlife corridors between important PAs harbouring endangered and long ranging species.

1.1 Establish a National Wildlife Research Coordination Committee to prioritise, monitor and coordinate research needs and monitor and coordinate policy, strategy and research undertaken

by institutions and universities, particularly those funded by the government.

Timing: To start in 2002 and complete by the year 2004.

Responsibility: MoEF and WII.

2.1 To carry out research on various aspects for a better understanding of diversity indices, populations of indicators and endangered species and habitat conditions.

Timing: To start in 2002 and ongoing.

Responsibility: WII and other scientific institutions.

3.1 Undertake long-term projects to assess water contribution of PAs and connected forests in terms of lean season flows, ground water recharge and flood and drought mitigation.

Timing: To start in 2002 and complete by the year 2007.

Responsibility: WII and Scientific Institutions.

3.2 To acquire, evaluate and disseminate available scientific findings and data to enable better management of species and habitats.

Timing: start in 2002 and complete by the year 2006.

Responsibility: MoEF, States/UTs and WII.

4.1 Coordinate the study of ethnic knowledge with anthropological/social science institutions with a view to apply such knowledge to wildlife management and to obtain IPRs to benefit local communities and the nation.

Timing: To start in 2002 and ongoing.

Responsibility: WII and Scientific Institutions.

5.1 To develop and standardise methodologies for disease surveillance epidemiology of wildlife.

Timing: To start in 2002 and complete by the year 2006.

Responsibility: MoEF, WII and Veterinary Institutions.

6.1 Carry out impact assessment through IA managers, renowned individuals and institutions regarding large-scale habitat alterations/destruction by way of dams, mines, canal systems, roads and the spread of chemical contaminants.

Timing: To start in 2002 and complete by the year 2004.

Responsibility: MoEF, WII and Veterinary Institutions.

7.1 Each PA manager to prepare research priorities for his PA, which will be consolidated in a State Wildlife Research Plan (five year period). These plans should be funded partly/fully by GoI.

Timing: To start in 2002 and complete by the year 2004 and ongoing every 5 years.

Responsibility: State Governments and PA managers.

8.1 Review research approval procedures for conservation projects.

Timing: To start in 2002 and complete by the year 2003.

Responsibility: MoEF, State/UT Governments.

9.1 Undertake studies to identify corridors between the present and proposed PA network. Migration corridors of large mammals like elephants and for aquatic animals like fish also need to be addressed.

Timing: To start in 2002 and complete by the year 2004.

Responsibility: State/UTs, WII, FSI, Scientific Institutions and NGOs.



Applied research is needed to help overcome specific management problems in protected areas.

VII. HUMAN RESOURCE DEVELOPMENT AND PERSONNEL PLANNING

The challenging wildlife conservation scenario today requires committed wildlife managers who possess scientific competence and social awareness aided by communication skills. They also need sharp detection and enforcement capabilities against organised criminal elements nursed by big-money illegal trade. Accomplished wildlife biologists and social scientists are also necessary. Frontline staff equally must have similar skills at the grassroots level. The current capacity building and personnel planning and management measures need to be greatly strengthened to meet these challenges.

Wildlife conservation and PA management are often neglected in relation to other functions of forest management such as commercial plantation, extraction of timber and non-timber produce from forests. Understandably therefore, we see fewer people opting for wildlife training and postings. The lack of opportunities for promotion in wildlife postings and the current recruitment process of IFS candidates exacerbates this situation.

A premium on the right aptitude and commitment towards wildlife and nature must be recognised as key qualifications when recruiting and training staff, officers and volunteers. People trained in wildlife must be given wildlife postings. Professionals dedicated solely to protection of wildlife are crucial to achieve wildlife conservation objectives.

At appropriate levels, skills for the use of Internet, GIS and related technology must be imparted. To ensure that competent managers, biologists, social scientists and enforcement personnel staff the PA network, career graphs must offer scope for professional growth. Universities should initiate undergraduate and graduate courses in wildlife biology and EIA techniques.

Wildlife Institute of India (WII) is the main training facility in order to train Indian Forest Service (IFS) and State Forest Service (SFS) officers as well as the Forest Rangers whose responsibility is to protect and manage wildlife in the States/UTs. The frontline staff is trained in State-run forest training schools, only a few of which have exclusive programmes in wildlife management. Also, not all States have dedicated Wildlife Wings to manage PAs. The availing of WII's training programmes by States falls far short of their requirement and also WII's capacity. As a result, in a majority of States, officers not trained in wildlife management man many PAs. Besides shortage of trained officers, often there is little consistency in wildlife postings. Aberrations surface as short tenures on postings in PAs as well as posting of available trained officers on non-wildlife jobs. Paucity of funds is a major stated reason for under-utilisation of WII's training programmes. This is also the reason for inadequate training facilities in States for frontline staff.

A real cause for this deficiency is the continuing low priority assigned to the forestry sector in States, and within the forestry sector to the wildlife sub-sector, despite the critical role that these have in the security of soil, water and biodiversity. Close integration of wildlife and forest management is considered essential in view of the dependence of PAs upon neighbouring forests for viability and because a significant proportion of wildlife inhabits forests outside PAs. But, the low priority to wildlife within the forestry sector resulting in the aforesaid deficiency is a cause for concern. The issue of appropriate priority to forestry at the State level, as well as to wildlife within the forestry sector, needs to be urgently addressed in conformity with the National Forest Policy adopted in 1988. Likewise, the integration of forest and wildlife management and rural development in

these regions is essential and the initiative for this must come from the forest-wildlife sector. Informed accommodation and responsible people participatory stance would be necessary on part of the forest-wildlife personnel for such a strategy to be implemented. It is clear that the initiation and success of such a strategy would greatly depend upon the professional quality of personnel and a meaningful personnel policy.



NGOs working together with government agencies can play a key role in tackling the problems facing wildlife.

1. To review and strengthen existing mechanisms for recruitment, training and career development of protected area personnel and to strengthen and sustain a professional wildlife cadre capable of helping to achieve the above objectives.
2. The thrust of the current and fresh capacity building effort, with special focus on WII, shall need to sharply focus upon the scientific and human aspects of the present requirements of field conservation. The overall HRD effort shall have to be increased both in quantum and coverage so as to also cover the frontline staff in the States/UTs, duly supported by 100% incremental Central assistance. Training programmes are to increasingly use case studies of innovative approaches, which have yielded simultaneous success in scientific, management and human aspects of field conservation. Wildlife and biodiversity conservation along with allied people issues need to be built into the training programmes of foresters at all levels by enlarging the syllabi and their delivery in all forestry institutions, right from the IGFA and IIFM to state institutions training frontline staff.
3. Institutions e.g. WII, IGFA and UFM to undertake awareness programmes for personnel of other departments/services whose work has a bearing upon forest and wildlife conservation. Their thrust to be upon values and benefits of sound conservation and responsible use of natural resources for the sustenance of agriculture, animal husbandry and fisheries. Conservation ethos of traditional practices should be recalled for disciplining the current overuse. Modalities of reorienting rural development and allied activities so as to be compatible with forest and wildlife conservation would need to be demonstrated. Case-study based deliveries should convince participants that this is possible and that it would also benefit local people.
4. States should have adequate wildlife-trained personnel to man all positions right from the Park Director down to forest guards. Cadres below the Forest Rangers should remain with the Wildlife Wing from initial recruitment to retirement. Wildlife-trained personnel must not be transferred to non-wildlife postings. Adequate promotional avenues should be provided to them. Lateral movement of forest rangers and above should be permitted only after ensuring that all sanctioned posts in protected areas are manned by trained personnel.
5. It is essential that all PAs and their buffer zones are placed under the unified command of a dedicated Wildlife Wing headed by the Chief Wildlife Warden (CWLW), in States where it is not already so. A substantial proportion of wildlife exists outside PAs and its care is an important integrated function of the forest department. The CWLW, as the legal

custodian of wildlife in the State should be authorised to make entries in the annual confidential performance reports of all territorial Divisional Forest Officers and Conservators of Forests.

1.1 Initiate forthwith (MoEF & WII) a 100% Centrally-funded special scheme for capacity building of field staff from PA managers trained in WII to frontline staff trained in state institutions, with the following components:

Adequate and dedicated grant placed with WII to fully meet the cost of training at Diploma (IFS and SFS) and Certificate (Rangers) levels, so that lack of funds does not stand in the way of States/UTs deputing required number of trainees.

100% incremental Central assistance to States in strengthening infrastructure and training staff at state forestry training institutions for undertaking full-time training of frontline staff in wildlife management and allied people issues. WII is to assist in developing syllabi and training of trainers.

Timing: To start in 2002 and complete by the year 2003.

Responsibility: MoEF and WII.

2.1 Upgrade syllabi of WII's training programmes (Diploma, Certificate and M. Sc.) to cover conservation of the full range of biodiversity. Aspects on which strengthening is required are:

Conservation of small fragmented populations including corridor revival.

Habitat amelioration and on-ground weed control.

Application of modern IT techniques in wildlife management including use of GIS in combination with remote sensing.

Ensuring people's participation in planning and implementation of PA management plans and PA sponsored ecologically sound rural development schemes. Also include local community participation and benefits from well-organised 'ecotourism'.

Use of people-participatory management zoning as a tool for integrating wildlife conservation with rural development on a landscape scale.

Human-animal conflict mitigation and damage control based on case studies.

Case study-based demonstration that forest and wildlife conservation and ecologically sound rural development are mutually complementary.

Techniques developed from ethnic knowledge for use in wildlife management, based upon prior investigations.

Developing capacity in trainees to find and harness ethnic knowledge in developing IPRs to benefit local communities.

Wildlife protection in the face of current threats including carriage and use of fire arms in dealing with poachers as well as intelligence based action against mafia involved in poaching for illegal trade. Collection of samples for forensic investigations, procedures for arrests, seizures and effective prosecution and liaison with enforcement agencies should also be built in.

Timing: To start in 2002 and complete by the year 2003.

Responsibility: MoEF and WII.

3.1 Country-wide database for wildlife-trained officers to be maintained by MoEF and at State level by the Secretariat, PCCF and CWLW. MoEF will monitor and constantly pursue with defaulting States, linking if necessary, the flow of Central assistance in the entire forestry sector with such compliance.

Timing: To start in 2002, complete by the year 2003 and ongoing.

Responsibility: MoEF and States/UTs.

4.1 WII, IGNFA and IIFM to undertake short-term refresher/special-subject courses for in-service forest and wildlife officers, District Collectors on subjects mentioned above and in integrating forest-wildlife conservation with development at eco-regional scale.

Timing: To start in 2001 and complete by the year 2002.

Responsibility: MoEF, concerned institutions and Ministry of Personnel.

4.2 WII, IGNFA and IIFM to conduct annual workshops for rural development and enforcement personnel, as well as legislators and NGOs in methodologies for biological diversity conservation, landscape level integration of development and PA management, control of poaching and illegal trade in flora and fauna.

Timing: To start in 2002 and complete by the year 2003 and ongoing.

Responsibility: MoEF and Concerned Institutions.

5.1 Evolve appropriate personnel management policy.

Timing: To start in 2002 and complete by the year 2003.

Responsibility: MoEF, States/UTs.

6.1 Issue appropriate guidelines regarding entries in ACRs.

Timing: To start in 2002 and complete by the year 2003.

Responsibility: MoEF, States/UTs.

7.1 Each state to establish a wildlife training centre for frontline staff.

Timing: To start in 2002 and complete by the year 2003.

Responsibility: MoEF, States/UTs, UPSC and State PSCs.

8.1 In view of the serious danger now faced by the wildlife personnel in performing protection tasks, those designated for such tasks must have a status on par with the police in the carriage and use of weapons in self-defence and in protecting wildlife and its habitat. This needs to be further supported by grant of awards for bravery and meritorious service. Necessary amendments in the relevant rules and codes should be made to this effect.

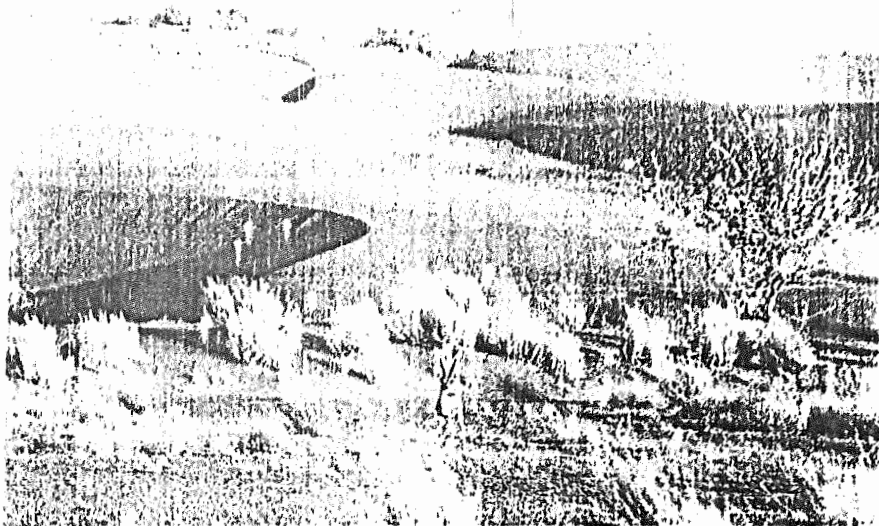
Timing: To start in 2002 and complete by the year 2003.

Responsibility: MoEF, Ministry of Home.

8.2 Boost investigation and enforcement capacity of existing wildlife personnel by imparting training on forensic science, and legislation through a centrally sponsored scheme.

Timing: To start in 2002 and complete by the year 2003 and ongoing.

Responsibility: MoEF, State Governments, UTs and NGOs.



The Indian desert has its own unique life forms such as this chinkara, as much in need of protection as the tiger.

KAILASH SANKHALA / SANCTUARY

VIII. ENSURING PEOPLES' SUPPORT & PARTICIPATION IN WILDLIFE CONSERVATION

An age-old feature of forest as well as non-forest natural tracts in India is an intimate interspersed human habitation through them. The people here have all along been traditionally dependent upon the natural biomass resources for their subsistence, income supplementing and socio-cultural well being. A variety of external factors such as increased commercial extraction of timber and other forest produce to meet urban demands, development projects and a phenomenal rise in both human and livestock populations have led to widespread shrinkage and degradation of these natural areas. This has adversely affected the people as well as the conservation status of forests and wildlife.

Rural development as packaged for these areas has all along failed to take into account the strong linkage between effective conservation of such areas and the sustainable welfare of people. As a result, the measures employed have often been inappropriate. This is further compounded by the inadequate per capita inputs that have been going into rural development in these regions. These long-standing deficiencies have been responsible for the degradation of both community and private resource base, resulting in widespread impoverishment of people.

Winning local support, particularly the youth, is imperative for effective species and habitat conservation. It is now well recognised that the local communities are put to a lot of hardship after notification of any area as national park or sanctuary, because of denial of the forest usufructs and other natural produce like fish and other marine products. They are also exposed to the threats from wild animals to life and property. For effective conservation of wildlife it is necessary that Government of India launches programmes and schemes, which can compensate for the loss of opportunities suffered by the communities and for the damage caused to life and property by wild animals.

There have been complaints about forced displacement of the people from the areas where they have been living for generations. A conscious effort should be made by the government to ensure that as far as possible the relocation and rehabilitation should be made in a participatory manner taking the concerned people into confidence particularly with regard to the selection of new sites. The inputs given by the government for relocation/rehabilitation should include civic amenities to be created at the new site.

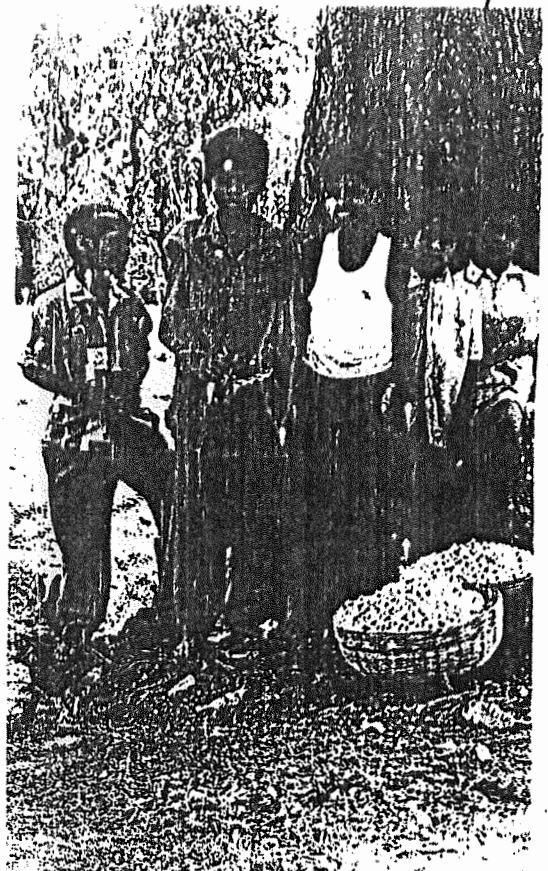
While all the facilities should be provided to the people who volunteer to move outside national parks and sanctuaries, adequate safeguards will have to be taken to prevent land-based developmental activities within national parks and sanctuaries, because such an effort will be violation of Section 29 of Wildlife (Protection) Act. However there should be no ban on imparting skills to local communities which will reduce their dependence on natural resources of the Protected Areas.

Commercialisation of a host of non-wood forest produce (NWFP) including medicinal plants, in this situation, has made the impoverished people a hapless tool of over-exploitation of the forests. The traditional conservation ethos stands compromised in many situations and the collection practices as now employed cause heavy damage to the resource base through deliberate forest fires, lopping and cutting of trees/shrubs. The forest management strategies have also generally failed to see these factors of the vicious cycle of attrition. The recent responses by way of Joint Forest Management (JFM) initiatives have been inadequate in scale and varying in the quality of genuine stakeholder participation. Given these circumstances, mere enforcement strategies of wildlife and Protected Area management only cause alienation of people and loss of their support, compounding the already impaired efficacy of conservation. Fragmentation of

wildlife habitats has also enhanced the levels of damage to crops and livestock from wild animals in neighbouring villages, worsening the already tenuous interface situation.

So far the work of making elephant-proof trenches, erection of electric fences and taking other measures to prevent crop degradation have been carried out departmentally. The government should encourage such initiatives at an individual level so that they can look after the maintenance of the barriers. Such initiatives will also prevent isolation of the populations in Protected Areas.

Only co-ordinated and balanced strategies for forest and wildlife management and rural development can help reverse these adverse trends. Local stakeholder-based genuine participation of people in both planning and implementation of such programmes aided by enhanced per capita inputs would be essential. The IBWL Task Force Report of 1983, which sought to evolve prescriptions for the management of multiple use areas in support for PAs, while enhancing the biomass available for basic everyday use as fuel, fodder and food for local communities, is still valid today. In this way peoples' alienation can be mitigated and their support can be secured for conservation by reviving their stake in natural areas. The same does not need to be done and is not to be done at any detriment to conservation concerns. This is rather to be achieved by proving on the ground that rationalised accommodation and responsible conduct on either side, backed by judicious restorative inputs can restore the age-old harmony, notwithstanding the vitiated humans to wilderness ratio.



BITTU SANGAL / SANCTUARY

Genuine participation of local people in both planning and implementation of forest and wildlife programmes is essential.

1. Organise and implement measures with full stakeholder participation, which are ecologically appropriate and yield sustainable benefits to people through amelioration of private and community resources and their responsible use on a reciprocal basis. Package of measures have to be site specific and must be developed and implemented in full participation with different categories of stakeholders. These should also include alternatives for natural biomass products and energy, alternate techniques for collection and use of natural produce and income enhancement through value addition to farm and non-farm produce, better market access, etc.
2. Aquifer recharging, water harvesting, livestock population management and development, pasture and fisheries development as well as organised and disciplined livestock grazing and collection of NWFP including medicinal plants, would require special measures that strengthen the resource base and yield steady benefits to stakeholders outside PAs.
3. Undertake awareness promotion, using also folk art and tradition-based programmes, about the need and benefits of nature conservation, family planning, health care, etc. These themes should also be built into school syllabi.
4. Wherever relevant, integrate local community knowledge, skills and practices into conservation research, planning and management and involve them in its use. Preference in regular jobs among frontline staff as well as regular or occasional employment in ecotourism activities has to be given to local people.
5. Devise innovative ways to avoid or reduce human-animal conflicts, e.g. the use of green fences such as bamboo and cactus, alternate cropping patterns, community watch and ward schemes. Where problems persist, set up faster, more efficient compensation mechanism in consultation with forest protection committees and/or community leaders.

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6. Relocation and Rehabilitation of villages should be undertaken on a voluntary basis or by persuasion from high conservation value segments of PAs e.g. pristine/old-growth areas or the core segments of national parks.
7. Involve NGOs in promoting dialogue of managers with communities, formation of participatory stakeholder groups, formation and functioning of committees at village, PA and district levels and formulation and conduct of awareness programmes.
8. Launch cogent monitoring programmes with the involvement of scientific institutions and NGOs in order to assess the success of such initiatives. The yardsticks would be the measures of improvement in habitat and wildlife status within PAs on the one hand, and in the well being of participating communities on the other.
9. Empower local communities with knowledge and techniques to ensure their participation in achieving the objectives of PA management and protection.
10. Involve children living in and around PAs for nature education and park/sanctuary visits.

1.1 Evolve and prescribe guidelines for local community involvement in the different management zones of PAs and adjacent areas. These guidelines would complement the WII guidelines for planning PA management and concurrent ecologically sound community welfare programmes.

Timing: To complete in the year 2002.

Responsibility: MoEF and WII in association with NGOs.

1.2 Initiate orientation programmes for PA staff and developing capacities to implement developmental activities for the local people in a way compatible to conservation.

Timing: To start in 2003 and ongoing.

Responsibility: MoEF, State/UTs governments, PA managers and WII.

1.3 Evolve guidelines to identify PA communities on the basis of a) bonafide use of forest resources for subsistence and b) communities seeking to exploit market opportunities.

Timing: To start in 2002 and complete by 2005.

Responsibility: MoEF, State/UTs governments, TISS, NGOs PA managers and WII.

2.1 WII and IGNEA should strengthen all their training programmes in association with other institutions and NGOs for different levels of forest and wildlife managers for genuine encouragement, and modalities of people participation in all the above issues. Also undertake syllabi development and training of trainers in these issues for State institutions training frontline staff. Training activities for other services connected with rural development and land management should also be strengthened.

Timing: To start in 2002 and complete by 2003 and ongoing.

Responsibility: MoEF, State/UTs, WII, IGNEA and NGOs.

2.2 Design people participation schemes for all PAs by focussing upon landless families so as to provide them gainful employment in various field works of PA management and development of community resources. They are to be involved as prime stakeholder groups in JFM of all NTFP operations from collection and processing to marketing.

Timing: To start in 2002, complete by 2004 and implementation ongoing.

Responsibility: MoEF, PA managers, State governments and NGOs.

2.3 Develop and implement guidelines for providing incentives and measures for benefit sharing among local communities e.g.:

Reward local individuals for harmonising livelihood earnings with wildlife conservation.

Assign access to water and biomass resources (including materials generated from management operations), but in conformity with the prescriptions applicable to the concerned management zone in the PAs.

Give preference in both regular and occasional employment to local communities, priority being accorded to the landless and the poorest.

All tourism receipts and the penalties collected in a PA to go to a local trust fund operated by joint committees headed by the PA manager. It should be appropriated in the proportion of 70% for community benefit works and 30% for park management/development activity, not covered or only partly covered by the PA's budget.

NGOs to be associated in all aspects of planning and implementing community support programmes as well as management activities involving people.

Community support programmes to follow as far as possible traditional practices with appropriate technology inputs and adaptations to site requirements.

Timing: To start in 2002 and complete by 2003 and implementation ongoing.

Responsibility: MoEF and State/UTs.

3.1 Enhance allocations for and strengthen ingredients on the above lines of the schemes in the forestry and wildlife sector for community support through ecologically sound development

Timing: To start in 2002 and complete by the year 2003 and ongoing.

Responsibility: MoEF and State/UTs.

4.1 Persuade State governments to amend recruitment rules for forest guards and other posts with equivalent pay scales to the effect that only persons from the local communities get appointed against these posts.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF and State/UTs.

5.1 Hold public hearings in affected areas around the PA once every year. These should cover damage from wild animals to crops, livestock and human life as well as adversity to wildlife from forest fires, excessive livestock grazing, encroachments on forests or PA lands, illegal tree cutting and poaching. Planned prevention and control measures should be implemented in participation with affected people as interest groups. Staff, community and NGO based committees should be formed for transparent and speedy assessment of damage and distribution of compensation.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF and State/UTs.

6.1 Evolve comprehensive national guidelines on voluntary relocation from PAs by holding discussions with resident PA villagers in various parts of the country. Relocation and Rehabilitation (R&R) schemes to be finalised for all national parks in the first phase, ensuring alternative lands, funds for it. Second phase to include necessary R&R for sanctuaries.

Timing: To start in 2002 and complete by 2003 and implementation of Phase I by 2006, Phase II by 2012.

Responsibility: MoEF, TISS, State Governments and NGOs.



Tribal communities, such as the Onge in Little Andaman, depend on the health of their ecosystem.

7.1 Formulate schemes for conflict management, especially prevention and control of crop/property damage and injury to or loss of human life, in all ongoing and new wildlife schemes. This should also cover transparent and speedy assessment and disbursement of compensation for such damage. All processes for this purpose should be people-participatory through institutionalised local committees. Where feasible efficient insurance cover should be provided.

Timing: To start in 2002 and complete by the year 2004 and ongoing.

Responsibility: MoEF, State/UTs and NGOs.

7.2 Make all relevant information on conservation policies and programmes publicly accessible in local languages, well in time for a meaningful dialogue with local people with the objective of conflict resolution.

Timing: To start in 2002 and complete by the year 2005.

Responsibility: MoEF, State Governments and NGOs.

7.3 Give priority to the local communities in employment for various protection and conservation works such as fire protection, road repair, improvement of habitat and water and soil conservation measures.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, State/UT Governments and local people.

8.1 Provide a component under a centrally-sponsored scheme for monitoring the wildlife conservation programmes through scientific institutions.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, State Governments and Research Institutions.

9.1 Set up participatory management committees for each PA, consisting of PA officials, community representatives, NGOs and independent experts to enable effective public involvement in conservation, management and benefit-sharing.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, PA managers and local people.

9.2 Provide a range of incentives to conserve wildlife in different landscapes across different land and water uses: rewards and public honour for commendable conservation work and actions, granting of biomass and water resource rights for personal consumption for communities that have helped protect or restore wildlife habitats, employment in local conservation works, financial rewards and incentives to protect sacred groves, share in penalties extracted from poachers, share in tourism revenues, incentives to move away from ecologically ill-advised activities.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, PA managers, NGOs and local people.

9.3 Encourage people to help protect and take measures to manage wildlife habitats outside PAs (including community conserved forests, wetlands, grasslands and coastal areas) as these areas are often critical for wildlife, or as vital corridors that link the PA Network.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, PA managers, State/UT government and local people.

10.1 Initiate orientation programmes for PA staff to build a positive attitude towards local people and their rights.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, States/UTs governments, PA managers and NGOs.

IX. CONSERVATION EDUCATION AND PROTECTED AREA INTERPRETATION

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To win support for wildlife conservation by explaining the rationale behind the protection of natural ecosystems to politicians, legislators, judges, planners, technocrats and bureaucrats who manage the nation. To elicit broad-based public support from different sections of society, particularly communities neighbouring PAs and forests. To convey a sense of urgency to young people and win their support for the protection of India's natural heritage. To inform and involve the media on issues surrounding wildlife conservation and to highlight the connections between destabilised ecosystems and the falling quality of human life. To explain the connection between healthy ecosystems and India's water and food security.

1. Review and formulate education and awareness promotion measures for different target groups.
2. Training personnel, especially from local communities, for wildlife education so that they can be employed as interpreters/guides at PAs, zoological gardens, natural history museums, etc.
3. Create interpretation centres, posters and exhibition material for use by people. Emphasise the role played by forests and wetlands in maintaining our fresh water and food security.
4. Enhance the role of zoos as centres of conservation awareness.

1.1 Incorporate environment and forest conservation values in school curricula. Also support non-formal nature conservation efforts through school systems.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF.

1.2 Launch mass awareness campaigns through print and electronic media. Create awareness among urban citizens of the critical links between their consumption patterns and destruction of wildlife species and habitats.

Timing: To start in 2003 and ongoing.

Responsibility: MoEF.

1.3 Create a series of wildlife conservation brochures and leaflets both in English and regional languages highlighting the status of biodiversity and its importance. Efforts should be made to incorporate local knowledge, understanding and management of natural habitats.

Timing: To start in 2002 and complete by 2005.

Responsibility: MoEF.

1.4 NCERT to enhance educational material for primary and higher secondary schools.

Timing: To start in 2003 and complete by 2005.

Responsibility: MoEF and Ministry of Human Resource Development.

We hold India's precious natural heritage in trust for our children.



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X. TOURISM IN PROTECTED AREAS

Regulated, low-impact tourism has the potential to be a vital conservation tool as it helps win public support for wildlife conservation. However, in recent years the mushrooming of tourist visitation and tourist facilities have led to overuse, disturbance and serious management problems for PA managers.

In case of any conflict between tourism and conservation interests of a PA, the paradigm for decision must be that tourism exists for the parks and not parks for tourism, and that tourism demands must be subservient to and in consonance with the conservation interests of PA and all wildlife. While revenues earned from tourism can help the management of the PA, maximisation of income must never become the main goal of tourism, which should remain essentially to impart education and respect for nature.

DR. K. V. JAYARAMAN / BANGALURU



Tourism, if properly managed and regulated can benefit Protected Areas and lead to enhanced protection.

The objective of wildlife tourism should be to inculcate amongst the visitors an empathy for nature, both animate and inanimate and to provide a communion with nature, rather than to merely ensure sightings of a maximum number of animal populations and species. Students of all level must be encouraged to visit PAs and to participate in conservation action therein, and concessions and park interpretations must facilitate these educative processes.

Eco-tourism must primarily involve and benefit local communities and the first benefits of tourism activities should flow to the local people. This should be in the form of employment opportunities and support for panchayat programmes such as watershed restoration, afforestation, health schemes, etc.

Strict energy and water conservation and waste disposal guidelines need to be laid down and implemented for existing and new tourist facilities. Any new tourist residential

facilities and eateries must be established outside PAs and all efforts should be made to relocate the existing ones inside PAs to suitable spots outside of them, to the extent possible.

Regular monitoring of direct and negative impacts of tourism is needed. The parameters for such an evaluation should include ecological effects on the habitat, animal behaviour as well as secondary effects caused by changes in lifestyles and cultures of local populations. Representatives from local communities, local NGOs and field personnel should be a part of eco-tourism advisory boards that monitor and regulate tourism activities in the area. These boards should help develop tourism and conservation plans or strategies.

Guidelines to also make tourism in PAs environment-friendly and educative needs to be formulated and followed, both for visitors and for tourist agencies. To this end, an emphasis must be placed on tourism facilities that are sustainable, environmental-friendly, moderately priced, clean and wholesome – rather than lavish five-star facilities.

1. New national guidelines to be developed for tourism, particularly in Protected Areas in a manner compatible with objectives of wildlife conservation and management of PAs.
2. Prepare a Tourism Management Plan for each Protected Area providing due safeguards against the negative impacts of tourism. Regular monitoring of the impact of tourism to be carried out on soil, water resources, vegetation, animal life, sanitation or waste disposal, natural surroundings and cultural environments. The 'Wildlife Tourism' component of the PA management plan should also include PA interpretation and visitor centres. As far as possible such facilities should only be provided in buffer areas, or adjacent to PA boundaries.
3. Rules and Regulations of visitor conduct need to be framed and widely circulated to tourists and tourist agencies as well as prominently displayed on notice boards.
4. Commission on evaluation of impacts of tourism in selected PAs across the country.

1.1 Develop national guidelines on tourism within Protected Areas. Ways of benefiting local people directly by the tourism process should be specified in the guidelines.

Timing: To start in 2003 and complete by the end of 2004.

Responsibility: MoEF, MOT, States/UTs and NGOs.

1.2 Review component on wildlife tourism in WII guidelines for management plans.

Timing: In 2003.

Responsibility: WII.

2.1 Develop tourism management plan for each protected area. Also conduct surveys of accommodation and tourist facilities within PAs to ascertain their head to be relocated outside PAs.

Timing: To start in 2002 and complete by the end of 2004.

Responsibility: MoEF, States/UTs and NGOs.

2.2 WII in collaboration to develop impact assessment techniques and standards that can be used by PA managers to evaluate negative impacts of tourism on soil, water resources, vegetation, animal life, sanitation or waste disposal, and cultural environments.

Timing: To start in 2002 and complete by the end of 2004.

Responsibility: MoEF, WII and outside experts.

2.3 Develop stringent standards of waste disposal, energy and water consumption, construction plans and materials used therein; measures to prevent damage to forest and mountain vegetation, coral beds and marine products including shells in coastal areas must be clearly laid out.

Timing: To start in 2002 and complete by 2004.

Responsibility: MoEF, States/UT governments, tourist agencies, Tourism Ministry and NGOs.

2.4 A ceiling on the number of tourists/tourist vehicles permitted to enter the PA should be laid down, keeping in mind each PA's individual characteristics. The PA managers must be empowered to use their discretion in closing off certain sensitive areas of the PA, for example, an area where a tiger has littered.

Timing: To start in 2003 and complete by 2005.

Responsibility: MoEF, States/UT governments and Department of Tourism, PA managers and NGOs.

3.1 Framing of rules and regulations for visitors' conduct, while in Protected Areas.

Timing: To start in 2002 and complete by the end of 2003.

Responsibility: States/UTs.

3.2 Set up State/UT ecotourism advisory boards that will regulate tourism activities in different areas of the regions. Representatives of local people near PAs, local NGOs, PA managers to be part of these boards to develop and regulate tourism activities.

Timing: To start in 2003 and complete by the end of 2005.

Responsibility: MoEF, States/UTs governments, PA managers, NGOs and local people.

3.3 Conduct orientation programmes for tour operators within which appraisal of the regulations governing tourism are emphasised.

Timing: To start in 2004 and ongoing.

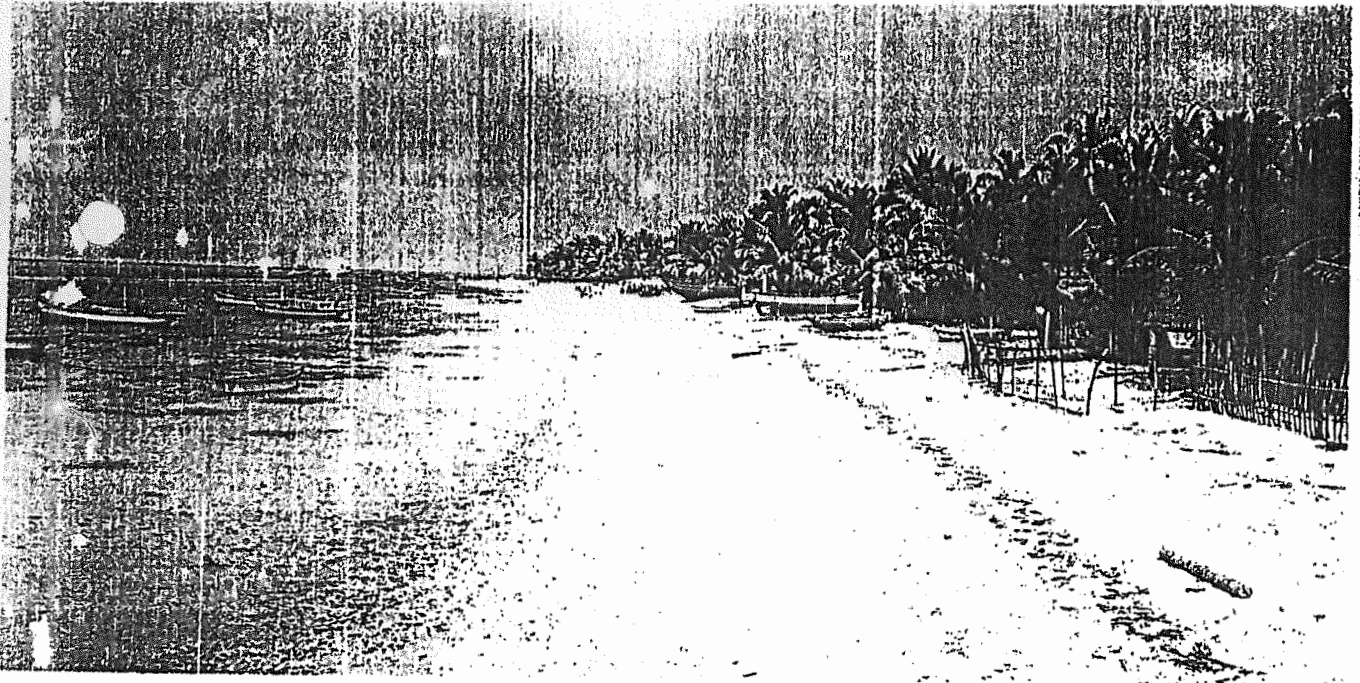
Responsibility: States/UTs govts., HWLWs and NGOs.

4.1 Conduct carrying capacity studies to gauge the extent of tourism in 25-30 most visited PAs, covering all natural regions, i.e., forests, coastal and fresh water wetlands, deserts (including cold deserts), mountains.

Timing: To start in 2002 and complete by the end of 2005.

Responsibility: MoEF, States/UTs govts., Environment Sciences Departments of Universities.

India's coasts play an important role in meeting the sustenance needs of millions. For this reason they need to be protected from degradation and over-exploitation.



ANKSH ANDHERIA / SANCTUARY

XI. Domestic Legislation and International Conventions

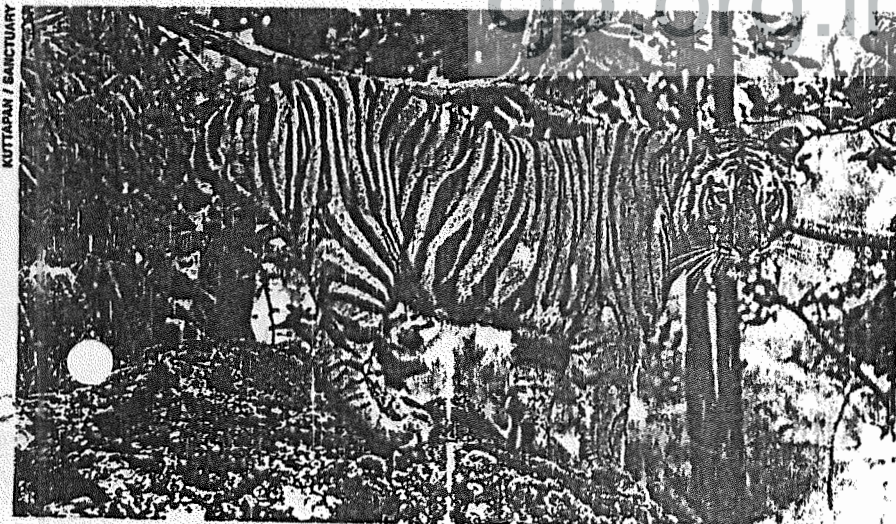
To provide comprehensive and effective legislation to safeguard wild flora, fauna and wilderness areas, with particular reference to threatened species, Protected Areas, and their environs, "corridors", ecologically fragile areas and ecosystems and to give expression to the national policies in this regard.

In pursuance of the above, to urgently review and upgrade the concerned legislations, especially the Wildlife (Protection) Act of 1972 and the schedules thereunder, the Indian Forest Act of 1927, the fisheries laws, Coastal Regulation Zone Rules, and to extend these laws to those States where they still do not apply, especially to the State of Jammu and Kashmir.

Comprehensive amendments to the Wildlife (Protection) Act, 1972 have already been finalised and await enactment. The proposed Schedules must be reviewed to ensure better protection to all threatened taxa. 'Ecologically Fragile' status under the Environment (Protection) Act, 1986, should be used as an additional tool to strengthen the buffers and corridors around the PA Network. The Coastal Regulation Zone (CRZ) Rules should be implemented in conjunction with other wildlife and environmental legislation to bring about more effective protection and ecologically viable habitats outside the PA Network, including inland and coastal fish breeding grounds such as mangroves and corals.

Since wild fauna is a shared resource, especially migratory species, those living along international boundaries and those affected by international trade, clandestine or otherwise, it would be necessary to maintain constant dialogue and cooperation with other concerned

countries and to execute and implement bilateral and international agreements and treaties in this regard, amending existing legislation and creating new legislation where essential to implement the same.



Habitat fragmentation and the trade in tiger parts combine to threaten the species with extinction.

1. While the Wildlife (Protection) Act of 1972 (WLPA) has been reviewed and would be subjected to such review from time to time, a comprehensive review of the Forest Act, 1927 with a view to make it more conservation oriented and relevant to the realities of the present day is most imperative. It then must be uniform and applicable to all the States

of the country and its subsequent modifications should only be done by the Government of India.

2. The State of Jammu and Kashmir should be persuaded to ensure that the Jammu and Kashmir Wildlife Protection Act, 1978 is on par with the Wildlife Protection Act, 1972.
3. Set up periodic monitoring system to ensure timely amendments to statutes so as to safeguard wild flora, fauna and their habitats.
4. The fishing laws of the various States need to be revised into a central legislation and thereafter to be effectively implemented. Similar legal coverage needs to be extended to other aquatic life forms and ecosystems especially sponges, corals and shells.

5. A monitoring mechanism needs to be set up to continuously assess the implementation and impact of various legislation concerned with wildlife and to suggest rectification where needed. Certain areas surrounding PAs and areas of 'wildlife corridors' to be declared as ecologically fragile areas under the EPA, 1986.
6. Wildlife Protection Rules need to be updated in all the States to bring them on par with the amended WLPA, 1972.
7. Enact a separate legislation for enforcing the provisions of CITES. All species that appear in Appendix I and II of CITES need to be protected.
8. Microbial fauna are highly specialised and essential elements of natural ecological processes. Identification and protection of the most essential micro-organisms under the WLPA, 1972 is required.
9. Important International Conventions such as the Convention on Global Biodiversity (1992), Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973) (CITES), Convention on the Conservation of Migratory Species of Wild Animals (1979) (Bonn Convention), Convention on Wetlands of International Importance especially on Waterfowl Habitat (1971) (Ramsar Convention) require the GOI to make certain actions under them, some of which may have not been adequately enforced in India.

Convention on Global Biodiversity (1992)

- Create PAs.
- Restore degraded ecosystems.
- Legislate to protect threatened species.
- Identify, regulate and manage damaging activities.
- Introduce impact assessments and develop national strategies, plans or programmes for the conservation and sustainable use of biodiversity.

Bonn Convention (1979)

- Strict protection of listed species.
- To have collaborative conservation agreements between the countries through which each species on a second list migrate.
- Mainly applied to birds, bats, dolphins, further research and surveys to be done.

CITES (1973)

- Regulate and forbid trade in listed species.
- Create a national management authority and implement the treaty.

Ramsar Convention (1971)

- Wetland conservation needs within national land use planning.
- Designate at least one wetland as per specified criteria.
- Promote wetland conservation by creating reserves.
- Train staff in wetland management, research, collaborate with nations with common species.

10. Review combined effect of existing legislation on natural resource management. Prepare guidelines to enable conjunctive use of all laws and statutes by government departments, forest staff and NGOs.

1. To amend the Indian Forest Act, 1927 to make it conservation oriented and more relevant to the current situation, as well as to make it applicable to the entire country.

Timing: To start in 2002 and complete by 2003.

Responsibility: MoEF.

2.1 Proposed amendments of the Wildlife (Protection) Act, 1972 to be enacted expeditiously and the Jammu and Kashmir Wildlife (Protection) Act, 1978 to be brought on par with this Act and its amendments.

Timing: To complete in 2002.

Responsibility: MoEF.

3.1 Endangered plant species and their habitats to be notified as Specified Plants under Chapter III A of the Wildlife Protection Act, 1972.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, BSI, Scientific Institutions and State Governments.

4.1 Aquatic flora and fauna, both marine and fresh water, to be protected by strengthening laws and enacting new Central Fisheries Legislation to replace/supplement the current inadequate legislation in States.

Timing: To start in 2003 and complete by 2005.

Responsibility: MoEF, Ministry of Agriculture, ICAR, ICFRE, outside experts and NGOs.

5.1 Identify contradictions between wildlife/environmental laws on one hand and development/utilisation laws and policies on the other, and recommend removal of these contradictions by ensuring that the latter are in tune with the wildlife and environmental laws.

Timing: To start in 2002 and complete by the year 2005.

Responsibility: MoEF, Planning Commission, Ministry of Law, Scientific Institutions and NGOs.

5.2 Extend 'Ecological Fragile' status under EPA, 1986 to adjoining areas of PAs, crucial 'wildlife corridors' and to all Biosphere Reserves, World Heritage Sites, Ramsar Sites and other areas declared or notified under international environmental treaties.

Timing: To start in 2002 and complete by 2004.

Responsibility: MoEF, States/UTs, Experts and NGOs.

As a signatory of the Ramsar Convention, India has made a global commitment to protect its wetland areas for their ecological value.



5.3 Central government should ensure that the provisions of Wildlife Protection Act, 1972 have overriding effect on the right of access to biodiversity provided under any other Act.

Timing: 2002.

Responsibility: MoEF.

5.4 Policy and rules to be framed about conservation, extraction, sustainable use, cultivation of medicinal plants.

Timing: To start in 2002 and complete by 2003.

Responsibility: MoEF, Ministry of Commerce, Ministry of Health, Ayurvedic and other centres of Indigenous Health Systems and NGOs.

5.5 Institute periodic assessment procedure to monitor and speedily advise government on the implementation, effectiveness and amendment (if necessary) of conservation laws.

Timing: To start in 2005 and ongoing.

Responsibility: MoEF, WII, State/UT governments and NGOs.

6.1 Upgrading of Wildlife Protection Rules in all States/UTs in India, bringing them on par with Central Wildlife Protection Rules.

Timing: To start in 2002 and complete by 2003 and ongoing.

Responsibility: MoEF, State/UT governments and NGOs.

7.1 Finalise draft legislation for enforcement of CITES.

Timing: To start in 2002 and complete by the year 2003.

Responsibility: MoEF.

8.1 Microbial fauna are highly specialised and essential elements of natural ecological processes. Identification and protection of the most essential micro-organisms under the WLPA is required.

Timing: To be completed by 2003.

Responsibility: MoEF / Universities and Scientific Institutions.

9.1 Enter bilateral protocols with neighbouring countries for effective implementation of International Conventions leading to improved protection of wildlife and its habitat.

Timing: To start in 2003 and ongoing.

Responsibility: MoEF, Ministry of External Affairs.

9.2 Create a cell in the MoEF under the Director, Wildlife Preservation to monitor and advise government on implementation of all International Conventions and Treaties concerning wildlife and nature conservation, particularly those that affect migratory species of avifauna and marine species.

Timing: To start in 2003 and ongoing.

Responsibility: MoEF.

10.1 Review the combined effect of all existing legislations on natural resource management. Evolve guidelines for conjunctive use of such laws by user groups and various Government Departments.

Timing: To start in 2002 and complete by 2004.

Responsibility: MoEF / State Governments / Ministry of Law / all concerned ministries.

XII. ENHANCING FINANCIAL ALLOCATIONS FOR ENSURING SUSTAINED FUND FLOW TO THE WILDLIFE SECTOR

Protected Area management in particular has suffered grievously on account of an acute scarcity of financial resources. This has sometimes led to field situations where staff has not been paid salaries, or where money for petrol was not available for anti-poaching squads and protection staff. Belated fund flows to PAs and a lack of priority at the State Government level has only aggravated this situation, resulting in a shortage of manpower, equipment, infrastructure and legal resources.

Forests occupy about 20 per cent of the country's land area and at the very minimum two per cent of the national budget should be allocated to the protection of forests, of which at least 15 per cent should be set aside for wildlife conservation.

The process of settlement of rights of the local people has not been carried out and the relocation programmes not implemented. It is estimated that nearly a sum of Rs. 2,000 crores are needed for the purpose.

The basic amenities of life also need to be provided to the frontline staff working in far-flung areas under inhospitable circumstances. Insurance cover available to them is inadequate. In the event of any casualties, the families find it very difficult to fend for themselves.

VALMIK THAPAR / SANCTUARY

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Legal and illegal mining can seriously damage ecologically fragile habitats, which are the foundation of India's long-term ecological and economic stability.

No scheme is available for providing compensation for the loss of standing crops caused by the wild animals. Even all cases of human deaths and injuries are not compensated adequately. Tigers and panthers have lost public sympathy due to large number of cases pertaining to killing of livestock.

Redressal of the problems mentioned above warrant a quantum jump in allocations to the wildlife sector.

1. The nation should have 15 per cent of the forest budget allocated for wildlife conservation and other related issues. Planners and economists must be convinced that enhanced allocations to ensure national ecological security and biodiversity conservation is a wise economic investment that will improve the quality of life of the poor, even as it strengthens the economy in the long run.
2. A working link must be created between the MoEF, Ministry of Finance and the Planning Commission to ensure adequate and timely financial allocations as above, perhaps along the lines of the DRDA.
3. State governments must be convinced to allow assistance by the central government to be used by the park authorities directly on the pattern of DRDA.
4. Planning Commission should be convinced to earmark funds for wildlife conservation under state plans.

1.1 Government of India to take up the issues at appropriate levels.

Responsibility: MoEF.

2.1 Prepare a document justifying and demanding enhanced allocations for wilderness and wildlife conservation, as stated above, for submission to the National Development Council, Planning Commission and Ministry of Finance.

Timing: To start in 2002 and complete by 2003.

Responsibility: MoEF, State/UT governments, WII, scientific institutions.

3.1 Develop documents for the establishment of PA Development Authority for acceptance by State/UT governments.

Timing: To start in 2003 and complete by 2004.

Responsibility: MoEF, State Governments/UTs.

4.1 Ensure thrust-specific schemes that can use additional fund flows to address wildlife management imperatives including:

- (i) Filling up vacancies and creating new posts required.
- (ii) Providing adequate infrastructure and equipment.
- (iii) Setting up combat forces in areas facing severe threat of poaching.
- (iv) Setting up legal cells and training modules for wildlife staff involved in court cases.
- (v) Identifying degraded habitats and habitat restoration and regeneration.
- (vi) Voluntary relocation and rehabilitation of villages out of Protected Areas.

Timing: To start in 2004 and complete by 2006.

Responsibility: MoEF, State/UT governments, Ministry of Finance.

XIII. INTEGRATION OF NATIONAL WILDLIFE ACTION PLAN WITH OTHER SECTORAL PROGRAMMES

There should be total harmony between the National Conservation Strategy and the National Wildlife Action Plan. Both, along with other related Action Plans, must be recognised as vital national developmental priorities. The central rationale is the fact that biodiversity protection has a bearing on India's water and food security and is the foundation upon which the Indian economy is based.

National planning has not thus far adequately taken into account the ecological and economic consequences of extracting short-term commercial gains from wildlife habitats. It becomes necessary therefore to engage national decision-making bodies, including the Parliament, Prime Minister's Office, Planning Commission, National Development Council and Committee of Secretaries in direct discussions on the need to protect our natural treasury, which comprises rivers, aquifers, forests, grasslands, mountains, wetlands, coastlines, marine habitats and even deserts, and the various species that inhabit them. Decision-makers need to recognise that these natural ecosystems are the best way to reduce the frequency and intensity of "natural" disasters including floods, droughts, cyclones and landslides, and are the lifeline for the livelihood requirements of hundreds of millions of rural people. The emphasis in these discussions should be that protecting the environment is in the nation's economic, health and human interests, apart from being a moral imperative.

The development and planning process has not been able to address the problems pertaining to poverty of dwellers living around national parks and sanctuaries. Whatever programmes have been implemented are also not sustainable on a long-term basis. Poverty has increased, water levels have been going down and landless labourers do not have opportunities for sustaining their life, many communities of local people still depend upon forest usufructs.

It is therefore necessary that the Ministry of Environment and Forests should approach various ministries to integrate their activities in such a manner that the poverty in these areas can be evaluated without affecting the wildlife resources.

1. Planning Commission to recognise areas within the radius of 5 km. from the boundary of national parks and sanctuaries as special development areas and earmark separate funds for this purpose under the State plans.

Various Union Ministries to work out the following details:

Ministry of Agriculture and Rural Development should be approached to give priority to soil conservation, partial development, organic farming, evolving appropriate cropping pattern to minimise crop damage from wild animals and adopt crop insurance scheme.

Ministry of Agriculture should also concentrate on cattle breed improvement, stall feeding and developing appropriate methodology for marketing milk.

Ministry of Water Resources to be convinced not to pursue big projects for irrigation in the area and to opt for minor irrigation relying on check dams, ponds, wells and other appropriate water harvesting units.

Transfer of technology and grant of loan for development of sericulture, pisciculture, apiculture for piggery and poultry.

Department of Small Scale Industries should develop all industries based on traditional crafts and development of information technology.

Ministry of Non Conventional Energy Sources should popularise biogas, solar energy on solar pump sets, biogas plants, solar cookers and other new technologies as an alternative to fuelwood.

Ministry of Surface Transport and Ministry of Railways to plan roads in such a manner that all national parks and sanctuaries are by-passed and integrity of the PA is maintained. Wildlife corridors also need to be avoided, or mitigative measures (such as restricting night traffic) need to be employed

Ministry of Human Resource Development to introduce the subject of conservation as part of the curriculum at all levels and provide training in vocations that do not involve consumptive use of wood at ITI and other institutions.

Ministry of Information and Broadcasting should launch special programmes on conservation and the need for harmony.

Ministry of Tourism to adopt a model of tourism that would help flow of direct benefits from protected areas to local people.

Ministry of Home Affairs to sensitise all the forces to help in protection of wildlife and their habitats.

Ministry of Defence to provide help to armed forces in the census and survey of endangered species in far-flung and remote areas of the country, and to help apprehend criminals indulging in smuggling.

Ministry of Finance to issue directions to state governments that like the police and other law enforcing agencies, the field formations of forest departments are exempt from all financial and other cuts. Adequate funds should be made available for protection, prevention of poaching and protecting wildlife habitats through eco-development and other activities. Wildlife should be declared as a 'priority sector'.

Ministry of Steel and Mines to exclude wildlife protected areas/corridors from their mining plans. Proper rehabilitation of degraded and abandoned mining areas should also be done. A programme to phase out all existing operations in wildlife areas should be prepared.

1.1 Initiate briefing sessions/discussions with Members of Parliament, various Ministries, the Prime Minister and his Office, the Planning Commission, the National Development Council and the Committee of Secretaries, either individually or collectively, on the economic importance of protecting and sustainably using, not over-exploiting, our natural treasury. Similarly, briefing sessions should be held with Chief Ministers, Finance Ministers, Home Ministers and Agriculture Ministers of States/UTs.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF.

1.2 State Wildlife Wings will carry out similar briefing discussions with Panchayat Raj Institutions and other grassroot level institutions involved in the field of rural development.

Timing: To start in 2002 and ongoing.

Responsibility: States and UTs.

1.3 Preparation of a report accessing policies and action plans of other related Ministries to provide guidelines for the Planning Commission, which would help to harmonise other sectoral activities outside PAs.

Timing: To start in 2002 and ongoing.

Responsibility: MoEF, Planning Commission, State Governments and Scientific Institutions.

MEMBERS OF THE WILDLIFE ACTION PLAN
DRAFTING COMMITTEE

1. Shri B.G. Deshmukh, Retired Cabinet Secretary and present President of Bombay Natural History Society (BNHS).	Chairman
2. Shri Rao Inderjit Singh M.P.	Member
3. Shri J.C. Daniel (BNHS)	-do-
4. Shri Samar Singh (WWF-India)	-do-
5. Shri H.S. Panwar, (Retired Director (WII))	-do-
Shri Valmik Thapar, Member, IBWL	-do-
7. Shri L.M. Nath, Member, IBWL	-do-
8. Dr. M.K. Ranjitsinh, Member, IBWL	-do-
9. Shri Bittu Sahgal, Member, IBWL	-do-
10. Shri Subimal Roy, Retired CWLW, West Bengal	-do-
11. Shri Pushp Kumar, Retired PCCF, Andhra Pradesh	-do-
12. Director, Project Tiger	-do-
13. Director, Project Elephant	-do-
14. Director, Wildlife Institute of India	-do-
15. Shri Ashish Kothari	Special Invitee
16. Mrs. Pratibha Pande	Special Invitee
17. Addl. DGF (Wildlife)	Convenor

(Facing page) The highly endangered Great Indian Bustard Ardeotis nigricaps is an indicator of the health of its grassland habitat. The quality of a nation's environment is a major indicators of the level of its development. (Photo: Dr. Asad Rahmani/Sanctuary)

(Back cover) The food chain: A White-breasted Kingfisher Halcyon smyrnensis, has caught a skink, which in turn has captured a grub... an image that symbolises uncounted food chains that together represent the spirit of India's wildernesses. (Photo: Manjunath Hegade/Sanctuary)

Designed and printed for the Ministry of Environment and Forests, Government of India, by Sanctuary Magazine, Mumbai.

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ANNEXURE - P 5 59

MINISTRY OF ENVIRONMENTS
Government of India
Tel/Fax: 4360379
Dated: 03.05.2002

The Chief Secretary
(All States/UT's)

The Secretary (Forests)
(All States/UT's)

The Principal Chief Conservator of Forests
(All States/UT's)

**Subject: Eviction of Illegal encroachment of forest lands in various States/UT's
time bound action plan.**

I am directed to draw your attention to the problem of encroachments of forest lands which is assuming a serious proportion in the country. These encroachments have been attracting the attention of Central Government and States Governments have been requested from time to time to take prompt action against the encroachers under various Acts and Rules. Such encroachments are generally done by the powerful lobbies and cause great harm to forest conservation particularly, when these are carried out in the remote areas in a honey comb pattern. These encroachments are also seriously threatening the continuity of the Wild Life corridors between the various National Parks and Sanctuaries. Somehow, timely action is not being taken by the frontline staff for the eviction of the encroachers which further emboldens other also for similar actions. As per the information received from various States approximately 12.50 laksh hectares of forest land is under encroachment. There may be many more unrecorded instances which will add to the over all tally.

Hon'ble Supreme Court has also been greatly concerned with this pernicious practice and in their order of 23.11.2001 in IA No. 703 in WP No. 202/95 have restrained the Central Government from regularization of encroachments in the country. There is now a need to frame a time bound programme for eviction of the encroachers from the forest lands for which following steps are suggested:

- i) AF encroachments which are not eligible for regularization as per guidelines issued by the Ministry vide No. 13.1/90-F.F. (1) dated 18.9.90 should be summarily evicted in a time bound manner and in any case under that 30th September 2002.
- ii) A cell should be constituted in the PCCF office headed by the CCT level officer to plan and monitor eviction of encroachments on forest land on a continuous basis.
- iii) Forest officers should be delegated powers under relevant acts for trials of encroachers and adequate steps should be taken for the completion of the eviction process through summary trials in a time bound manner.
- iv) At the State level, a monitoring committee may be constituted under the Chairmanship of the Chief Secretary, which may meet biannually to take stock of the situation. The Committee while monitoring forest encroachments should also fix responsibility of the situation. The Committee while monitoring forest encroachments should also fix responsibility of the field formations including the revenue officials for their failures to prevent/evict encroachments on the forest lands.

- v) At the forest Circle level, a Committee should be constituted under the Chairmanship of Conservator of Forests with District Collector and Superintendent of Police as member which may meet every quarter and take effective steps to assist the Divisional Forest Officers or the Territorial Division/Wildlife Warden/National Park and Sanctuary Director for the eviction of the encroachers.
- vi) A comprehensive list of encroachments in your State with current status of eviction process etc. may please be prepared as the base line information and a copy of the same be also sent to this Ministry preferably by June 30th, 2002. Principal Chief Conservator of Forests may be bound to give detail progress report of the action taken, area evicted and area reclaimed/planted etc. every quarter commencing from July 2002.
- vii) It may please be noted that the Ministry may be constrained to link processing of requests for clearance under Forest (Conservation) Act 1980, approval of relevant working plan and, furling under Centrally-Sponsored Schemes as well as the progress shown in eviction of the encroachers as per the instant guidelines.

Yours faithfully,

signed
(Dr. V.K. Bahuguna)
Inspector General of Forests
03.05.02

Copy for information and necessary action to:

All Chief Conservator of Forests/Conservator of Forests (Central), Ministry of Environment and Forests, Government of India. They are requested to fix a meeting with the concerned senior functionary of the State Government to sensitise them about the urgency of the implementing these guidelines and monitor action taken by the State regularly. While giving approval of the working plans they may also insist for a detailed status report on encroachment and vacation thereof in that particular division.

signed

(Dr. V.K. Bahuguna)
03.05.02

ANNEXURE - P6 61



सत्यमेव जयते

भारत सरकार

पर्यावरण एवं वन मंत्रालय

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS

N.K. JOSHI

Director General of Forests & Special Secretary

Tele: 91 11 24361509

91 11 24363957

No.2-3/2004-FC (Pt-II)

21st December 2004

To

The Chief Secretary,
All States/UTs.

Sub: Traditional rights of tribals on forest lands - discontinuance of eviction of tribals thereof.

Sir,

All over the world, forestry, as a land-use, has survived on the concept of sustained yield which was ensured by creating compatible legal systems. In India, consolidation of forest laws started during the British period with the inception of Indian Forest Department in 1864 and scientific management of forests was introduced for planned and systematic management of the forests. The British Government enacted the first law on forests in 1865. To consolidate the law relating to forests, the transit of forest produce and other related matters, the Indian Forest Act was enacted in 1927. According to the Indian Forest Act, 1927, the Government can constitute any forest land or waste land which is the property of Government or over which the Government has proprietary rights, a reserved forest, by issuing a notification to this effect. Commercial interests of the then British Government motivated it to declare more and more lands as reserved forests, without ascertaining the rights of the tribals and other forest dwellers.

Even after independence in 1947, during the process of amalgamation of princely states, the activity of consolidation of government forests continued. The State Governments/UT Administrations proclaimed the lands of ex-princely states and the zamindari-lands as Reserved Forests. However, no effective steps were taken to simultaneously settle the rights of tribals and other forest dwellers. Absence of records

Contd/-



जहाँ है हरियाली।
वहाँ है खुशहाली।।

पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स, लोदी रोड, नई दिल्ली-110003
PARYAVARAN BHAVAN, C.G.O. COMPLEX, LODHI ROAD, NEW DELHI-110003



सत्यमेव जयते

भारत सरकार

पर्यावरण एवं वन मंत्रालय

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS

of rights which never existed for these people, became the main constraint in resolving this issue. As a result, the rural people, especially tribals and forest dwellers who have been living in the forests since time immemorial, have come to be erroneously looked upon as encroachers of forest lands.

The burning human problem of non-recognition of tribal rights over land with its origin in faulty implementation of legal provisions in pre-independent India, and the same remaining unresolved even after independence, has, continued to attract public attention. Having acknowledged the gravity of the problem, the Government has been contemplating ways and means to address it. Consequently, for the first time, the guidelines under the Forest (Conservation) Act, 1980 showed the way for legal solutions to the long pending unresolved problem of settlement of rights of the tribals and other forest dwellers living on the forest lands since time immemorial. Side by side, recognition of the concept of sustainable forest management through participatory approach, in the National Forest Policy, 1988, brought to the fore mutual interdependence of forests and people. Unlike the 1952 Forest Policy which centred around production and commercial forestry, the Policy of 1988 gives due regard to the traditional rights of the tribal people on forest land. While recognizing the symbiotic relationship between the tribal people and forests, it also safeguards the customary rights and interests of the tribal people and forest dwellers on forest lands.

To fulfill the commitments as enshrined in the National Forest Policy, 1988, in respect of settlement of people's rights, especially rights of tribals and forest dwellers, over forest lands in a regulated manner, the Central Government on 18th September 1990 issued guidelines for settlement of disputed claims of tribals, which were reiterated on 30-10-2002, requesting State/UT Governments to consider the settlement of disputed claims of tribals over forest lands and to set up Commission/Committees at the district levels involving Revenue, Forest and Tribal Welfare Departments for the settlement of disputed claims of tribals and forest dwellers. The State Governments/UT Administrations were also requested to submit proposals in this regard to enable the Central Government to take a final decision in the matter in a time bound manner. However, the State/UT Governments could not implement the guidelines effectively and the issue remained unresolved.

Contd/-



जहाँ है हरियाली।
वहाँ है खुशखली।।

पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स, लोधी रोड, नई दिल्ली-110003
PARYAVARAN BHAVAN, C.G.O. COMPLEX, LODHI ROAD, NEW DELHI-110003



भारत सरकार
पर्यावरण एवं वन मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS

The situation of the tribals became more vulnerable when, in pursuance of the Hon'ble Supreme Court order dated 23-11-2001 in LA No.703 in LA No.502 in Writ Petition (C) No. 202 of 1995, the Central Government instructed all the State/UT Governments on 3rd May 2002 to evict the ineligible encroachers and all post-1980 encroachers from forest lands in a time bound manner. Consequent follow up action by the State/UT Governments for evicting the ineligible encroachers, brought more intensely to the forefront, the issue of the disputed claims and rights of the genuine tribals and forest dwellers. They could not be distinguished from encroachers, and were proceeded against. This generated much consternation. Various organizations took up the case of such tribals and forest dwellers whose disputed claims had not been enquired into, and who were being proceeded against and evicted. This prompted the Central Government to issue a clarification on 30-10-2002 to the effect that there is no change in the policy of the Ministry with regard to regularisation of pre-1980 eligible encroachments, and the commitment with reference to forest-tribal interface on the disputed settlement claims remained valid.

The Central Government in its continuous bid to settle the disputed claims of the tribals and the forest dwellers, and to legitimize their traditional rights over forest lands, of subsistence agriculture, and trade in MFP issued supplementary Guidelines on 5-2-2004 to encourage the State Governments/UT Administrations to take up the matter of settlement of rights of tribals and forest dwellers in the right earnest and perspective. However, before action could start on these guidelines, their operation was stayed by the Apex Court ex-parte on 23-2-2004. Central Government has moved an application before the Apex Court for vacation of the order.

After a critical examination of the issue of settlement of claims over forest lands and eviction of in-eligible encroachers of forest lands, what emerges is that the State/UT Governments were not able to distinguish between the encroachers, and the original tribals and other forest dwellers living on forest lands since time immemorial. The Central Government is convinced that the difficulty in distinguishing between genuine tribals/forest dwellers and in-eligible encroachers by the State Governments/UT Administrations is the main cause of the problems of tribals. Therefore, some kind of interim measures are necessary to safeguard the interests of the tribals and forest dwellers who have been living in forests since long, and whose disputed claims are yet to be settled.

Contd/-



जहाँ है हरियाली।
वहाँ है सुरहाली।।

पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स, लोदी रोड, नई दिल्ली-110003
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सत्यमेव जयते


भारत सरकार
पर्यावरण एवं वन मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS

In view of the above, and without prejudice to Supreme Court's order dated 23-11-2001 and 23-2-2004, it has been found appropriate to request the State / UT Governments, that as an interim measure, they should not resort to the eviction of tribal people and forest dwellers other than in-eligible encroachers, till the complete survey is done for the recognition of such people and their rights, after setting up of District level Committees involving a Deputy Collector, a Sub-Divisional Forest Officer, and a representative of Tribal Welfare Department, by the State/UT Governments as reiterated in guidelines dated 18-09-1990 and 30-10-2002 of the Central Government. The State/UT Governments are advised to exclude such tribals/forest dwellers, other than ineligible encroachers, from the eviction drives. Simultaneously, it is also clarified here that this interim measure does not stop the State / UT Governments from evicting the ineligible encroachers from forest lands.

Suitable instructions may be issued to forest functionaries at all levels to keep the aforesaid in view while dealing with eviction of in-eligible encroachments from forest lands.

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Yours faithfully,


(N.R. Joshi)

Copy to:

1. The PMO (Attn. Shri K.V. Pratap, Deputy Secretary).
2. Officer on Special Duty (Attn. Shri Dhiraj Srivastava), National Advisory Council, 2, Motilal Nehru Place, New Delhi.
3. Secretary, Ministry of Tribal Affairs, Government of India.
4. All PCCFs/Nodal Officers (All States/UTs).
5. All Regional Offices, Ministry of Environment and Forests.
6. Director (FC)
7. AIGs (FC)
8. Guard file.



जहाँ है हरियाली।
वहाँ है खुशखली।।

पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स, लोदी रोड, नई दिल्ली-110003
PARYAVARAN BHAVAN, C.G.O. COMPLEX, LODHI ROAD, NEW DELHI-110003.

ANNEXURE- P7 65

Most Immediate
By Special Messenger

F.No.2-3/2004-FC
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhawan, C.G.O. Complex,
Lodi Road, New Delhi-110003.
New Delhi, the 30th March 2005

OFFICE MEMORANDUM

Sub: Draft Cabinet Note on the "The Scheduled Tribes (Recognition of Forest Rights) Bill, 2005".

Sir,

With reference to the Ministry of Tribal Affairs' Office Memorandum No.17014/4/2005-S&M dated:14-3-2005 on the above-mentioned subject, the undersigned is directed to convey that the Ministry of Environment and Forests does not agree with introduction of the proposed Bill for enactment of "The Scheduled Tribes (Recognition of Forest Rights) Bill, 2005" in view of the following facts:

1. The approach adopted in the proposed Bill requiring de-notification of vast tracts of forestlands, and elimination of all legal protection for the forest cover, will lead to irreparable ecological damage of immense proportion. Decimation of forests as a result of enactment of proposed Act, is likely to lead to more frequent and intense natural calamities like floods, soil erosion, adversely affecting livelihoods of people. The precious biological diversity, wildlife, and the natural resource base for maintenance of the carbon, nitrogen, and oxygen cycles, are also likely to be affected adversely and irreparably.
2. While there is no doubt that the non-recognition of traditional rights of tribals over their ancestral domain, constitutes a historical injustice to them, but the approach in the proposed bill is likely to cause more damage, without necessarily being of significant benefit to tribals in the long run. The whole issue needs to be looked at from perspectives of ecological science, equity and overall costs to the society.
3. Forests are a National Natural Resource. Hence, the whole population of the country enjoys rights over this natural resource either in tangible terms or intangible terms. Also, it is the duty of the every citizen of the country to protect forests and environment as per the Directive Principles laid down in the Constitution. It implies that every citizen of the country enjoys rights over forests. Therefore, it would not be appropriate to allocate disproportionately large areas of natural resource of the country, to only 8.2% of the population.

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4. The draft bill aims at distribution of 2.5 ha of forest land to each tribal nuclear family which will result in the loss of large chunk of forest cover. This is against the goal of National Forest Policy, 1988 to have one third of the geographical area of the country under forest and tree cover and also the country's commitment to Sustainable Forest Management.
 5. In the meeting held on 19-01-2005, the Ministry of Environment and Forests had made it clear that there is no necessity of bringing a fresh legislation as sufficient provisions already exist under Forest (Conservation) Act, 1980, and the guidelines issued in 1990 thereunder. What is required is modification of the orders of the Supreme Court regarding stay on dereservation of forests, regularization of eligible categories of encroachments and letter dated 5-2-2004 of the Ministry of Environment and Forests.
 6. The subject "Forests" is the business allocated to the Ministry of Environment and Forests as per Government of India (Transaction of Business) Rules, 1961 and hence it is implied that settlement of rights over forest lands is also the mandate of the Ministry of Environment and Forests and of no other Ministry including the Ministry of Tribal Affairs.
 7. The Ministry of Environment and Forests has already filed an affidavit in the Supreme Court requesting for modification of various orders and have also clarified that 25-10-1980 would be a cut off date for settlement of rights of Tribals while the proposed bill keeps the date open ended which would be against the interests of Forest Conservation.
 8. The Ministry of Environment and Forests feels that the provisions of Forest (Conservation) Act, 1980 and the guidelines of 1990 have sufficient provisions to address the problem. What is required now, non-existent earlier, is a clearly laid down procedure for the implementation of the 1990 guidelines.
 9. The proposed Act will not be effective because the Ministry feels that following orders of the Supreme Court will still be operative even after the intended promulgation of new Act:
 - (i) Ban on dereservation of Reserved Forests.
 - (ii) Ban on regularization of encroachment.
 - (iii) Ban on dereservation of National Parks and Sanctuaries.
 - (iv) Stay on the operation of order dated 5-2-2004 of the Ministry of Environment and Forests.
 10. The proposed Act is not in the interest of Forest and Wildlife Conservation as it intends barring the operation of Indian Forest Act, 1927, Forest (Conservation) Act, 1980, and the Wildlife (Protection) Act, 1972 so far as their provisions are in contradiction with the proposed new Act

11. Further, under Forest (Conservation) Act, 1980, Ministry of Environment and Forests stands committed to regularisation of pre-1980 eligible encroachments and conversion of forest villages into revenue villages. This commitment takes into consideration all the forest dwellers including tribals. Fulfilment of this commitment under Forest (Conservation) Act, 1980, will benefit the tribals.
12. Up-liftment of the socio-economic status of the people living in and around the forest areas in terms of providing them education, employment, basic facilities and to give them earning capacity by inculcating various skills, has been the mandate of various Line Departments other than Forest Department. Forests have to be utilised mostly for providing subsistence support to such people, so that the conservation of natural resources is not compromised. Failure on the development front should not be compensated by any mechanism which leads to irreparable damage of our natural resource base. The Draft Bill, *inter-alia*, proposes to compensate the failure on the developmental/welfare fronts by distributing natural resource base of the country.
13. The draft bill puts a question mark on the very existence of National Parks and Sanctuaries where the current policy is to shift the habitations outside the protected area under a suitable rehabilitation plan/package.
14. In the proposed Act, the power of settlement of claims has been vested in Gram Sabha/Sub divisional Committee/District Committee which is a local level institution and there is every likelihood that for practical reasons, the interests of forest and wildlife conservation would be overlooked and taken over by local vested interests.
15. There is no cut off date fixed in the proposed bill which is very desirable.
16. The proposed Act is likely to encourage fresh encroachments and destruction of forests and it is feared that the situation may also become difficult to control.
17. There is no role for Ministry of Environment and Forests which is the Nodal Ministry for all matters related to Forests, Wildlife and Environment.
18. Last but not the least, the MoEF has issued a circular on 21-12-2004 restraining the eviction of tribals from the forest lands and as such there should not be any immediate problem to be addressed. Ministry has also issued a circular on 03-01-2005 for one time dispensation under Forest Conservation Act, 1980 for certain developmental works for a period of two years aiming at a balance between development and forest conservation.

In view of the above-mentioned points and the discrepancies in the proposed legislation, there is no need of the any new legislation in the matter. There are good chances that the proposed legislation may act against the basic tenets of the National

Forest Policy, 1988 and the goals as enshrined in Directive Principles of our Constitution, posing thereby, a threat to the ecological security of the country. The Ministry of Environment and Forests strongly feels that the subject should be dealt by no Ministry other than Ministry of Environment and Forests, and there is no need to bring a separate legislation and the solution lies in modification of the orders of the Supreme Court coupled with a well laid down procedure for the implementation of 1990 guidelines.

This issues with the approval of the Minister of Environment and Forests.



(ANURAG HAJPAD)

Asstt. Inspector General of Forests

Shri Rajeev Kumar,
Joint Secretary,
Ministry of Tribal Affairs,
Government of India,
Shastri Bhawan, New Delhi.

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ANNEXURE - P8



Report of the
National Forest Commission

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Government of India
Ministry of Environment & Forests
2006

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**Report of the
National Forest Commission**


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**Government of India
Ministry of Environment and Forests
2006**

PREFACE

The National Forest Commission is the first of its kind ever. There were thus no precedents. The terms of reference and indeed, the subject itself, is so vast and multi-faceted that the task was both complex and challenging.

It is impossible to cover all the diverse aspects and to satisfy all the stakeholders. We have, however, attempted to make the report as comprehensive as possible. In our recommendations we have kept one axiom constantly in view – the long-term survival and betterment of forest and wildlife of India and at the same time the safeguarding of the interests of the forest dependent populace. The subject area is unique. Designated forest land, both private and government owned, constitutes about a fourth of the country's landmass. No governmental set-up has such total, multiple and onerous responsibility over so vast an area as the forest personnel. Yet they are amongst the most neglected and distrusted.

The forest personnel on their part also need to radically change their mindset, vision and professionalism. Forests are not just trees – let alone the commercially valuable ones – not even non-timber forest produce, but the wetlands, grasslands and all forest lands with whatever animate and inanimate life below and above those lands, including humans living on those precincts. It also includes all water and ecological services that emanate from these lands. Unless the forest services become more specialized and professional and receive political, infrastructural and financial support, they will neither be able to meet the need of the forests nor of the civil society.

The State and the Central Governments must also alter their priorities and mindset. For too long have forests been regarded as an earning sector rather than a repository of biodiversity natural heritage and a provider of water and of ecologic and biotic goods and services. India has an excellent forest policy. It is not being fully implemented. Forests have neither voice nor votes and, therefore, one acid test of good governance should be a government's handling of forests and wildlife of doing the right thing for the Nation.

This report contains a large number of suggestions – perhaps too many. We have tried to take into consideration every valid suggestion that we received.

I would wish to thank my colleagues for their valuable contribution and cooperation, the staff of the Commission and the officers of the Ministry of Environment and Forests for their unstinted help and the Governments, Institutions and the individuals for their inputs.

Lastly, I would wish to compliment the Hon. Prime Minister for initiating this novel endeavour of getting an outside opinion on our forests and wildlife. One only hopes that the recommendations would prove useful, would get implemented and a mechanism is created for its implementation periodic updates and revisions undertaken.

B.N. Kirpal

[B.N. KIRPAL]
CHAIRMAN
NATIONAL FOREST COMMISSION

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Chapter 1 Introduction

1.1 Background: Genesis of the Commission

Pursuant upon the recommendation made by the Indian Board of Wildlife in its 21st meeting held on 21 January 2002 under the chairmanship of Honorable Prime Minister of India, Government of India resolved to constitute a National Forest Commission to review the working of the forest and wildlife sector. The resolution recalled that the livelihood issue of around seven crore tribal and more than 20 crore non-tribal rural population is linked with the forest. The necessity of meeting the demand for wood for commercial and industrial purposes through agroforestry and plantations, and the desirability of evolving appropriate strategy and knowledge base for in situ conservation and ex situ propagation of medicinal plants in view of their increasing demand, were further recognized. The resolution emphasized the paradigm shift in the tenets of forest management from timber primacy to ecological and stakeholder-oriented forestry taking cognizance of the recommendations of the Forest Policy of 1988, of the Stockholm Conference (1972) and the Rio de Janeiro Conference (1992), and of the continued pressure of encroachers and poachers on forest and wildlife despite the enactment of the Wild Life (Protection) Act, 1972, and the Forest (Conservation) Act, 1980. The resolution also underlined the importance of joint forest management and community/people's participation, with gender equality, for providing for the growing demand of forest products particularly to the population of four crore humans living in 1.73 lakh villages in or around the forest, along with the desirability of working out special measures for the attainment of tree and forest cover to 25 % of the land area of the country by 2007 and up to 33 % by 2012.

For the fulfilment of the above resolution, the Ministry of Environment and Forests (MoEF), Government of India, through notification S.O. 142 E dated 7 February 2003, constituted the National Forest Commission (NFC) to review the working of the forest and wildlife sector, with the following terms of reference (TOR):

- Review and assess the existing policy and legal framework and their impact in a holistic manner from the ecological, economic, social and cultural viewpoint.
- Examine the current status of forest administration and the forestry institutions both at all India and State level to meet the emerging needs of the civil society.
- Make suggestions indicating specific policy options for achieving sustainable forest and wildlife management and ecological security.
- Suggest ways and means to make forest administration more effective with a view to help achieve the above policy options.
- Establish meaningful partnership and interface between forestry management and local communities including the tribals.

The composition of the Commission is as follows: -

- | | |
|---|--|
| 1. Justice B.N. Kirpal, ex-Chief Justice of India | Chairman (Part-time) |
| 2. Director General of Forests | Member (ex-officio)
and Special Secretary, MoEF |
| 3. Prof. J. S. Singh, Banaras Hindu University | Member (Part-time) |
| 4. Sh. Chandi Prasad Bhatt | Member (Part-time) |
| 5. Dr. M. K Ranjitsinh | Member (Part-time) |

6. Sh. A. P. Muthuswami

Member (Part-time)

7. Addl. Director General of Forest, MoEF

Member Secretary (ex-officio)

Initially the tenure of the Commission was for two years i.e. up to 6 February 2005. However, it was given three extensions, thus having a total tenure of more than three years up to 31 March 2006.

1.2 Deliberation of the Commission

The National Forest Commission (NFC) had 29 meetings in all, the first being on 21 February 2003 which discussed the mandate and scope of work, finalization of rules and business procedures to be adopted, identification of stakeholders, development of the questionnaire, allocation of subjects, report format and infrastructural support for the Commission. These points were deliberated on in subsequent meetings as well and additional issues were included for discussion. The last meeting of the Commission was held on 28 February and 1 March 2006 in which the Report of the Commission was adopted. The dates of the meetings and details of the members present are given in Annexure I.

1.3 Methodology and Procedure

To receive the desired inputs from different stakeholders, the Commission decided to adopt the following methodology:

1. Obtaining responses of the general public through public notices.
2. Obtaining responses from selected target groups through replies of questionnaires.
3. Interacting with various stakeholders including State Governments, local communities, non-governmental organizations (NGOs), institutions, individuals, etc., through visit to the various places.
4. Soliciting the views of various Ministries of the Government of India.
5. Organizing workshops to get input on specific issues.

To get the responses of the public in general, an advertisement was published in the national dailies in English and other vernacular languages throughout the country intimating the constitution of NFC along with its terms of reference, and requesting the people to send their views on forestry and the wildlife sector. The copy of the advertisement is given in Annexure - II. In response to these advertisements, the Commission received responses from 2021 persons, which were compiled, tabulated and analyzed to get the proper input.

As the responses to the public notification were being received, the Commission developed a questionnaire, after due deliberation, the same was sent to selected target groups, including the Chief Ministers of States and Union Territories through a DO letter from the Chairman of the Commission on 20.10.2003. The questionnaire was also sent to different Principal Chief Conservators of Forests (PCCFs) of State and Union Territories, NGOs, conservationists, social activists, environmentalists, private sector, local bodies, etc., by the Director General of Forests and Special Secretary. A copy of the questionnaire is given in Annexure - III. The questionnaire was responded to by 1,635 persons. However, as many as 1,471 responses were verbatim copy of one another from the villages where the Gujarat-based NGO Adivasi Sarvangi Vikas Sangh is in operation. Of the remaining 164 responses, category-wise break up was as follows:

Respondent Category	No of Respondents
Public Representatives	22
Central Ministries	3
State Governments.	36
Forest Corporations	3
Representatives of Associations/Unions	10
Educational/Research Institutes	25
Non-government Organizations	30
Representative of Village Level Organizations.	9
Representatives of Industry	4
Foreign Funding Agencies/Institutions/ Individuals	1
Experts/Researchers/Academicians	5
Environmentalists	5
Tribals or their Representatives	2
Forest Dwellers or Their Representatives	2
Interested Citizens/Others	7
Total	164

Most of the responses were received from Gujarat, Nagaland and Karnataka, numbering 67, 22 and 13 respectively. There was no response from States / Union Territories (UTs) of Goa, Kerala, Manipur, Meghalaya, Mizoram, Tamil Nadu, Tripura, Dadra and Nagar Haveli, Lakshadweep, and Pondicherry. The stakeholders responding to the questionnaires ranged from teachers, farmers, tribal communities, forest guards to a Chief Minister.

While the responses of the public, in general, and target groups, in particular, were being analyzed, the Commission decided to have interaction with various stakeholders including State Governments, local communities, non-governmental organizations, institutions, individuals, etc., by visiting various places. The places visited and the interaction done is discussed in subsequent paragraphs.

Though it was important to have interaction with State Governments, it was also desirable to have the views of other Ministries of the Government of India, whose activities are closely related to the forest. Accordingly, the Commission requested 30 Departments/Ministries to send their views with respect to the terms of reference of the Commission. However, only the following three Ministries and one institution responded.

1. Indian Council of Agriculture Research, Krishi Bhavan, New Delhi
2. Ministry of Commerce and Industry, Department of Industrial Policy and Promotion, Udyog Bhavan, New Delhi
3. Ministry of Coal and Mines
4. Ministry of Shipping, Road Transport and Highway, Department of Road Transport and Highways

While the consultations were going on with the various stakeholders, inputs received in response to the public notices and questionnaires were being documented and analyzed, the Commission also decided to constitute subcommittees to prepare reports on the

various TORs of the Commission. Accordingly, the following four subcommittees were constituted :-

To report on TOR no.1

1	Sh. A.P. Mathuswami	Chairman
2	Dr. J.S. Singh	Member
3	Dr. Leena Sreevastva	Member
4	Sh. Manoj Misra	Member
5	Sh. J.V. Sharma, DIG	Member Secretary

To report on TOR nos. 2 and 4

1	Dr. M.K. Ranjitsinh,	Chairman
2	Sh. Samar Singh	Member
3	Dr. R.V. Singh	Member
4	Dr. V.B. Easwaran	Member
5	Dr. Gopa Pandey	Member
6	Sh. A.K. Goyal, DIG	Member Secretary

To report on TOR no. 3

1	Dr. M.K. Ranjitsinh	Chairman
2	Sh. H.S. Panwar	Member
3	Sh. S.S. Patnaik	Member
4	Dr. A.R. Rahmani, BNHS	Member
5	Sh. Vivek Menon, WTI	Member
6	Dr. Rajesh Gopal, IG	Member Secretary
7	Dr. L.M. Nath	Special invitee

To report on TOR - 5

1	Sh. Chandi Prasad Bhatt	Chairman
2	Sh. Anupam Misra	Member
3	Sh. M.S. Kanwar	Member
4	Sh. Ramesh Pahari	Member
5	Dr. R. N. Dube	Member
6	Dr. Sanjay Kumar, Director	Member Secretary

These subcommittees were constituted on 18 August 2004 with the request that the reports be submitted by 30 November 2004. The subcommittees held a number of meetings and could complete their work by 31 March 2005. The reports of these subcommittees form the basis of this report though their recommendations have been suitably modified after due deliberations, by the members of the Commission in the final report.

The Commission also desired to have additional information on a few issues like agroforestry and joint forest management. Consequently, the following two worksnops were organized in the month of December 2005, which were attended by the following resource persons.

Workshop on Joint Forest Management

1. Dr. S.B. Roy, Director, IBRAD, Calcutta
2. Sh. R.C. Sharma, (Retd.), Principal Chief Project Director, Chhattisgarh
3. Sh. R.B.S. Rawat, Chief Project Director, Uttaranchal Project, Dehradun
4. Sh. Ramesh Kalghatgi, Chief Conservator of Forest, Andhra Pradesh, Hyderabad
5. Dr. S.K. Barik, North-Eastern Hill University, Shillong
6. Sh. Vineet Kumar, Conservator, Himachal Pradesh, Shimla
7. Sh. B.B. Panda, Regional Centre for Development Cooperation, Bhubaneswar
8. Sh. Vijay Kaushal, Vikram Sarabhai Centre for Development Interaction, Ahmedabad
9. Dr. K.D. Singh, ex-FAO Expert

Workshop on Agroforestry

1. Pradeep Khanna, Additional Chief Conservator of Forest, Gujarat
2. Dr. Pravej Ahmed, Managing Director, Forest Corporation, Haryana
3. Sh. R.B.S. Rawat, Chief Project Director, Uttaranchal Project, Dehradun
4. Dr. P.P. Boj Vaid, The Energy Research Institute, Delhi
5. Sh. V.P. Singh, ex-Additional Principal Chief Conservator of Forest, West Bengal
6. Sh. S.K. Dhyani, Director, Agroforestry Institute, Jhansi
7. Dr. Pyarelal, Managing Director, Pragati Bio-Technology, Phagwada, Punjab
8. Sh. Raj Chaurasia, formerly with BILT, New Delhi
9. Sh. Ashwani Kumar, Chief Conservator of Forest, Allahabad
10. Sh. Rajiv Kumar, CF, Agra
11. Sh. H.D. Kulkarni, ITC, Hyderabad
12. Sh. Ram Chahal Saini, Nursery Owner, Sharanpur, Uttar Pradesh

1.4. Consultations

The following table summarizes the visits of the Commission to various places and details of the state holder with whom consultations were made:

24 - 25 May 2004

Dangshree

Government of Kerala

Government of Karnataka

Government of Andaman and Nicobar Islands

Government of Pondicherry

- Indian Plywood Industries Research and Training Institute
 Foundation for Revitalization of Local Health Traditions, FRLHT, Bangalore (NGO)
 IFS Association, Karnataka
 IFS Association of Kerala
 State Forest Service Association, Karnataka
 Forest Rangers Association, Karnataka
 Forest Law Association, Karnataka
- 4 29 - 30 June 2004 Bhopal
 Government of Chhattisgarh
 Government of Madhya Pradesh
 Indian Institute of Forest Management, Bhopal
 State Forest Research Institute, Jabalpur
 IFS Association, Madhya Pradesh
 IFS Association, Chhattisgarh
 Chhattisgarh Forest Rangers Association, Raipur
 Madhya Pradesh Rajya Van Seva Sangh, Bhopal
 State Forest Range Officers (Gazetted) Association, Madhya Pradesh
 Madhya Pradesh Forest, Wildlife Conservation and Social Forestry
 Akhil Bharatiya Vanvasi Gramin Majdoor Mahasangh, Bhopal
 Panchmarhi Cantonment and Civil Areas reg. Panchmarhi Sanctuary, Madhya Pradesh
 Narmada Valley Development Authority
 Narmada Vikas Sumiti
 Society for Environment and Ecology
 Saroj Khadi Gramodyog Sansthan
 Bhopal Timber Merchants and Sawmills Owners Association
 National Centre for Human Settlement and Environment, Bhopal
- Retired forest officers including Dr. J.B. Lal, Sh. V.B. Saharia, Sh. D.P. Singh, Sh. M. Dixit and Sh. R.C. Saxena
- 5 1 - 2 August 2004 Mumbai
 Government of Gujarat
 Government of Maharashtra
 Government of Goa
 IFS Association, Maharashtra
 Maharashtra State Gazetted Forest Officers Association
 Association of RFO and ACF (combine)
 Gujarat Forest Rangers Association
 All Goa Forest Executive Employee Association
 Gujarat Timber Merchants Association
 Bombay Environmental Action Group
 Bombay Natural History Society
 GEER Foundation

6	18 - 19 October 2004	Ahmedabad	Government of Gujarat – Tribals Members of JFM Committees working with SAKHAM - organized through VIKSAT (Vikram Sarabai Centre for Development Interaction)
7	31 August 2004 and 24 September 2004	Delhi	Representatives of Paper Industries through Confederation of Indian Industries.
8	1 - 2 December 2004	Delhi	Government of Punjab Government of Himachal Pradesh IFS Association, Punjab IFS Association, Himachal Pradesh Unit Punjab Non-Gazetted Forest Officers Union Forest Ministerial Staff Association, Punjab World Bank
9	10 - 12 January 2005	Guwahati	Government of Assam Government of Meghalaya Government of Mizoram Government of Nagaland Government of Manipur Government of Arunachal Pradesh Bodoland Territorial Council Karbi Anglong Autonomous Council North Cachar Hills Autonomous Council IFS Association, Assam IFS Association, Arunachal Pradesh Continued Assam Forest Service (C-I) Association Arunachal Pradesh Range Forest Officers' Association Assam Forest Rangers' Association Arunachal Pradesh Forest Service Officers' Association Mizoram Forest Rangers' Association Assam Forest Employees' Association Mizoram Environment and Forest Field Staff Association Retired Forest Officers' Association, Assam Human Rights Network of Indigenous Tribal Peoples (HR-NIT) Primate Research Centre Wildlife Areas Development and Welfare Trust Dibru – Saikhowa Wildlife Conservation Society Centre for Environment Protection
10	22 - 23 February 2005	Delhi	Ministry of Environment and Forests, Government of India Government of Tripura Government of National Capital Territory, Delhi Government of Haryana Government of Uttar Pradesh

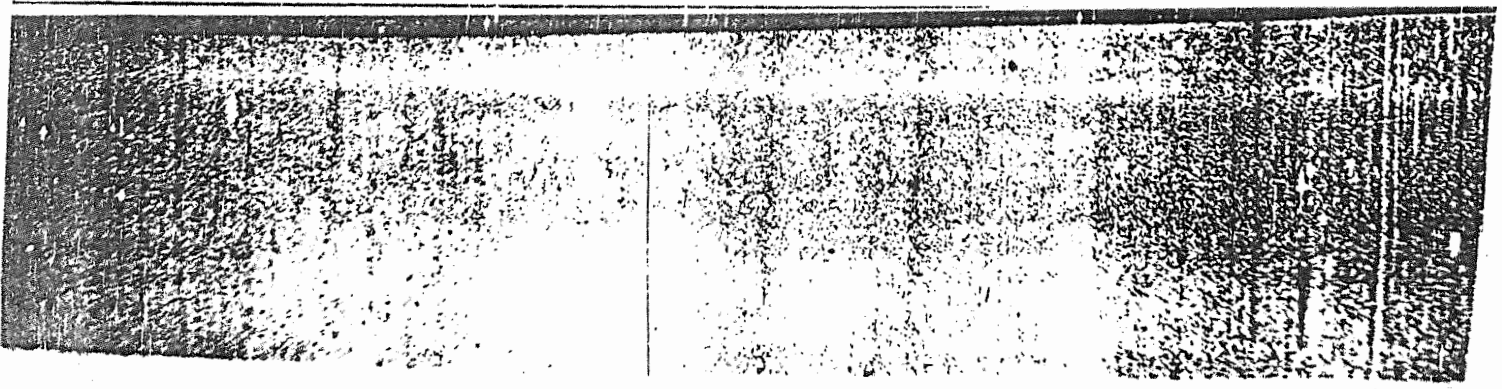
			Government of Jammu and Kashmir Government of Rajasthan Government of Union Territory, Chandigarh IFS Association, Haryana IFS Association, Tripura Delhi Van Karmchari Association Uttar Pradesh Van Rakshak Sangh Sh. Pyarelal of Pragati Biotechnologies, Dr. K. D. Singh, Global Forest Assessment Specialist Sh. A.K. Mukerji, ex-DG, Forests, GOI
11	2 - 3 April 2005	Delhi	Government of West Bengal Government of Jharkhand Government of Sikkim Government of Bihar West Bengal Forest Service Association Dr. V.K. Bahuguna, MD, Tripura Forest Development and Plantation Corporation Ltd. Sh. P.K. Sen, Tiger and Wildlife Programme, WWF-India
12	15 - 16 July 2006	Hyderabad	Government of Andhra Pradesh Government of Orissa Government of Tamil Nadu IFS Association, Andhra Pradesh State Forest Service Officer, Andhra Pradesh Joint Association of Range Officers' and other field staff. Association of Retired Forest Officers Various NGOs

Presentations on behalf of the State Governments were mostly done by the Secretaries of Forest, and the PCCFs of the States, and in some cases Forest Ministers and Chief Secretaries of the States were also present. In the case of Uttaranchal, the Chief Minister, Sh. N. D. Tiwari made himself available for interaction.

In the case of Madhya Pradesh, Sh. Digvijay Singh, the then Chief Minister of Madhya Pradesh made a presentation before the NFC on 13 May 2003 in MP Bhawan in New Delhi. Further, during the Commission's visit to Bhopal, it also interacted with Ms Uma Bharati, the then Chief Minister of Madhya Pradesh.

The presentations made by the various States during these consultations have been documented and kept as the record of the Commission. The list of documents is given in Annexure IV.

It would have been of great value to the Commission if at the very outset MoEF would have made a presentation to the Commission, outlining the problems both at the national and state levels and conveyed to the Commission its own suggestions in this regard. This, the Ministry chose not to do. After more than one reminder, MoEF did make a brief presentation towards the end of the proceedings of the Commission, which never met the Secretary, MoEF.



In the 19th meeting of the Commission held at Guwahati on 11 January 2005 Sh. Chandi Prasad Bhatt, Member of the Commission, underlined the need of having greater interaction with the tribals by visiting the areas having predominant tribal population. During the discussion it was decided that Sh. Bhatt should identify the places to be visited so that some members accompanied by the Ministry official could visit such areas. Accordingly, Sh. C.P. Bhatt, along with Sh. D.C. Khanduri, Forestry Expert in the Office of the National Forest Commission, New Delhi, visited Koraput in Orissa and Vishakhapatnam District of Andhra Pradesh in the 1st week of February 2005.

Similarly, while drafting the chapter on the North-East, it was felt that sufficient input, particularly on shifting cultivation, had not been received and therefore the Commission in its 25th meeting held in Delhi on 14 November 2005 requested Sh. Chandi Prasad Bhatt to undertake the visit of North-East and prepare a report. Accordingly, Sh. Chandi Prasad Bhatt along with Sh. D.C. Khanduri, Forestry Expert visited Shillong and Guwahati in the first week of December 2005 and had discussion with researchers, administrators, politicians, village representatives, villagers, students and thinkers in NIRD, NEHU, NEC, ICAR, CBTC, Guwahati University, etc.

1.5 Drafting of the Report

Having collected the information and inputs from various stakeholders, the Commission constituted a drafting committee in its meeting held on 2 and 3 October, 2005 with the following members :-

1. Dr. M.K. Ranjitsinh
2. Prof. J.S. Singh

The Drafting Committee held a number of sessions and after incorporating the various suggestions and comments made by the members of the National Forest Commission, circulated a draft to the members on 18 February 2006 which was discussed in the last meeting of the Commission, held on 28 February and 1 March 2006.

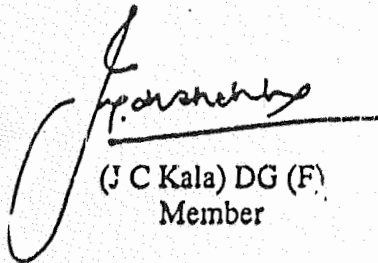
1.6 Scope of the Report

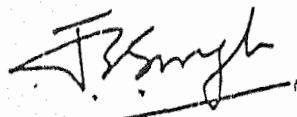
The Report examines the current status of forests, reviews the forest policy, legal framework, institutions, and the administrative structure of the forestry sector. Goals and constraints of the forestry sector, approaches to forest, wildlife and nature conservation, farm and agroforestry, centre-state relations, forests and local communities and peoples' participation have been considered in depth. The Report also examines forest-related international instruments, forestry research, relation between forests and industries, and financial support to the forestry sector. Emerging thoughts on the place of forests in national resource accounting have been discussed. The above considerations have led to an array of recommendations which need to be implemented so that the goals of ecologically sustainable forest and wildlife management, enhancing ecological security, meeting needs of the civil society, and establishing a meaningful partnership between forest management and local communities can be realised. The Report is divided into 23 chapters

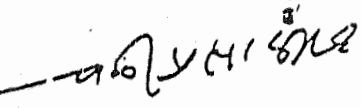
1.7 Adoption of Report

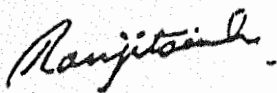
The Drafting Committee, after including the views of the Members of the Commission on different chapters, submitted a complete draft to the Chairman and other members of the Commission on 18 February 2006. The Commission considered the Report at its 29th and final meeting held on 28 February and 1 March 2006 and adopted the final version of the Report* and signed it on 1 March 2006. The Commission resolved to present it to the Prime Minister in the last week of March 2006.

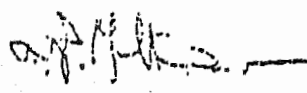

(Justice B N Kirpal)
Chairman


(J C Kala) DG (F)
Member


(Prof J S Singh)
Member


(Chandi Prasad Bhatt)
Member

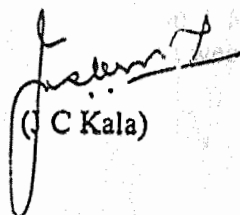

(Dr M K Ranjitsinh)
Member



(A P Muthuswami)
Member

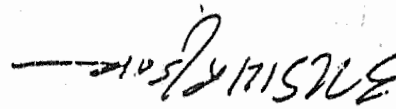

(G K Prasad) ADG (F)
Member Secretary

*Dissents : Four members namely Shri J.C. Kala, DG (F), Shri Chandi Prasad Bhatt, Shri A.P. Muthuswami and Shri G.K. Prasad, ADG (F), have expressed reservations for inclusion of Sub Cadre element in various recommendations. The dissent note is at Annexure V.

: Similarly Shri Chandi Prasad Bhatt does not agree with the recommendation Nos. 340 to 345 regarding proposed Scheduled Tribes (Recognition of Forest Rights) Bill.


(J C Kala)


(A P Muthuswami)


(Chandi Prasad Bhatt)


(G K Prasad)

Chapter 23

Recommendations

Chapter 2

- [1] Forests should be classified on the basis of their status, such as pristine, climax, managed and degraded forests. There is a need to undertake scientific research to assess the optimum forest/tree cover in a given area according to the forest type and topography to meet the intended objectives. The quality of the forest should also be classified as 'open forest', 'dense forests' and 'very dense forests' and the rest may be in the form of grassland, glacier, desert, etc. Extent of forest cover in recorded forest boundaries needs to be separated from tree cover due to plantations of species such as coffee, tea, apple, mango, palm, orange, etc, as well as to exotics like lantana.
- [2] The National Forest Commission endorses the recommendation of the Forest Policy of 1988 that one-third of the landmass of India should be under tree cover, with 60% in the Himalaya.

Chapter 3

- [3] The Commission is of the considered view that there is no need to amend the 1988 Forest Policy. The recommendations made by the National Forest Commission can be adopted within the broad framework of the existing Forest Policy of 1988.
- [4] Within the broad parameters of the National Forest Policy, each State should have its own forest policy statement, for the sustainable management of its forest and wildlife resources.
- [5] Making provisions in a National Forest Policy/State Forest Policy statement cannot achieve the desired results unless these are properly implemented. A mechanism needs to be put in place at the Ministry of Environment and Forests and State levels to monitor implementation of forest policy provisions and suggest rectifications.

Chapter 4

- [6] The Indian Forest Act, 1927, needs revamping, taking into account current requirements, inter alia:
- (a) The revised version must give emphasis to the conservation of forestlands and not only forest alone. It must address itself to the ecology, biodiversity and overall significance of forests including grasslands and wetlands and to forests as a biotic community and as a life-supporting factor to the local communities and to the populace downstream.
 - (b) The term 'forest' needs to be defined for the purpose of the Act
 - (c) Non-timber Forest Products need to be defined.
 - (d) Bamboo, including ringal and cane must be included in minor forest produce and excluded from 'tree', under Sec. 2 of the Indian Forest Act, 1927.
 - (e) There needs to be greater control over unsustainable biotic pressures especially over grazing and tendu leaves, sal seed and fuelwood extraction

- (f) Powers of summary eviction of encroachment may be vested with the local Divisional Forest Officer.
- (g) Limits of penalties prescribed under the various sections of the Act be raised and there need to be more warrant cases.
- (i) Responsibility of prevention and control of fire needs to be fixed upon those responsible for the management of the forest concerned and punishments for non-compliance, have to be provided for and should be stringent.
- (i) Forest officers should be given the power of confiscation, including of vehicles used for illegal purposes under the Act.
- (j) A Central Board for Forestry with adequate functions and powers be set up.
- (k) Indigenous knowledge of the forest communities and their intellectual property rights in this regard need to be safeguarded.
- [7] Felling regulations on private lands may be restricted to 'Highly Restricted Tree Species', meaning such endangered and valuable tree species which are almost entirely found in forest areas. Some examples are sandalwood, red sanders, rosewood, khair, sal, deodar, bhojpatra, taxus, Quercus semicarpifolia.
- [8] Transit rules / regulations are preventive tools for forest protection and should continue on such highly restricted and endangered tree species only and there should be no restriction and regulation on the felling and removal of other trees planted on private holdings.
- [9] Under the Land Ceiling Act, no land ceiling shall be imposed on land under plantation of forest tree species. This will motivate the corporate sector and big farmers to invest in plantations.
- [10] As regards saw milling regulations / rules,
- The state government should assess the demand and supply of wood.
 - The working capacity of the sawmills should be assessed by the respective State Government.
 - The number of licenses should be based on the legal and ecologically sustainable timber supply and the working capacity of the sawmills.
- [11] In respect of the Biological Diversity Act, 2002, no agency has been identified for the implementation of this Act. The implementing agency may be the Forest Department (FD), in coordination with other agencies, in areas under the control of the FD.
- [12] With respect to the Environment Protection Act, 1986, no agency has been identified for the implementation of this Act at the field level. The Forest department may be considered as an implementing agency for this Act in areas under its control. It may coordinate its efforts with those of other agencies.
- [13] The Forest Conservation Act, 1980, serves its purpose only in its existing stringent form. It may not be diluted or made less effective.
- [14] In respect of the Wild Life (Protection) Amendment Act, 2002,
- List of endangered species in different schedules needs to be periodically reviewed
 - Species may be added or deleted to the list on the basis of review
 - Rules for community reserves and Conservation Reserves need to be framed.

Chapter 5

- [15] As a statewide application may not be feasible to implement, it is recommended that specific crucial grasslands be selected for effective conservation, as part of the protected area network, or as a part of watershed management under the Environment Protection Act. Grazing would have to be regulated and fires prevented. Each area must have prescribed management practices, the emphasis being on harvesting grass rather than grazing it, which would result in augmentation of both the generation of grass as well as its nutrition value.
- [16] A policy should be formulated to regulate inter-state movement of livestock to enable the States to control grazing pressure on eco-sensitive areas.
- [17] The animal husbandry departments should relate the number of goats and sheep to the availability of natural fodder especially in such areas where these animals could cause further degradation to natural ecosystems.
- [18] Efforts be enhanced to improve cattle quality, as it is proven that improved varieties tend to be stall-fed and sent less to free-graze on rangelands.
- [19] The provision of a sustainable supply of fuel be undertaken by a newly created Fuelwood Mission. Not only will this mitigate the drudgery of millions of women who have no option but to forage for every possible scrap of fuel, but also will reduce pressure on trees and shrubs whereby our remaining forest and trees will be well-protected. This can be started initially with a phased programme in and around forests and protected areas.
- [20] Alternative sources of fuel, especially liquid petroleum gas [LPG] connections, need to be provided to rural areas in and around forests. Solar energy also needs to be given a much greater impetus, especially in the mountainous and other areas where energy needs are greater and the sunshine available for a greater number of days in a year.
- [21] The sale of fuelwood head loads from forests by individual sellers must stop. Head loads should only be permitted for bonafide personal use of the local communities, as earlier. The forest departments should bring out fuelwood to depots and supply wood to those who are the current head loader-seller and who derive their livelihood from such sale, at subsidized / no loss basis, rather than the head-loaders being allowed to go into the forest.
- [22] In the interest of the survival of the land, people, forests and the practice of shifting cultivation itself, jhum be regulated to a more sustainable level. This can only be achieved by the State Governments themselves, with active assistance of the Government of India.
- [23] Some young members of the present generation of tribals are not keen to continue with jhum in many areas, and jhuming itself is becoming less and less remunerative. People are looking for alternatives like settled agriculture, horticulture and animal husbandry, which must be extended to them forthwith. Recommendations made to wean away the 'jhumias' of the Northeastern states under Chapter 10, would also apply here as well.
- [24] The main objective of forest management should be ecological security. For assessing the effectiveness of forests in contributing to ecological security on the basis of a number of parameters and paradigms such as volume of growing stock,

biodiversity, health of forest soil, soil moisture, hydrology, carbon sequestration and crown density, the scope of work of the Forest Survey of India (FSI), Dehradun should be expanded and adequate infrastructure be provided for this purpose. Monitoring of ecological security should be done at five year's interval and a national level report should be published by the FSI. In addition, the FSI should undertake research required to conduct necessary forest surveys and assessments.

Chapter 6

- [25] In order to ensure that forests meet the emerging and increasing needs of society, their conservation and management on scientific principles to enhance their ecological contribution and to increase their productivity, is necessary. A well-conserved and managed forest is very efficient in ensuring ecological security. For intensively and sustainably conserving and managing forests and improving their productivity, required resources, both physical and financial, should be made available in accordance with the provisions of the approved Working Plans.
- [26] Perhaps the most important contributions that the Central and State Governments can make to achieve the above objective, is to give forest conservation unstinted political support, without which financial and infrastructural support, crucial though they are, will not achieve the objective.
- [27] The future challenge to the forestry sector in India is to create an enabling environment to facilitate assessment, monitoring and reporting on national level criteria and indicators. These should be assessed periodically, through a set of simple formats to assess changes. Sustainable forest management (SFM) and its threshold also need to be defined.
- [28] There should be appropriate rural development and animal husbandry policies and projects to address issues of grazing and fodder for cattle. The grazing requirements of livestock of villages located in and around forests (within five kilometers), should be addressed within the carrying capacity of forest areas. The practice of unregulated grazing should gradually be replaced by stall-feeding.
- [29] The medicinal plants growing in forest areas play a very important role in primary health care of neighboring communities who do not have access to hospitals or cannot afford to buy costly medicines. Besides, the knowledge of these medicinal plants is an intellectual property right of the forest dwellers, which must not be allowed to be lost. Special programmes should be undertaken by the State Forest Departments to conserve, manage, scientifically harvest and sustainably utilize medicinal plants found in forest areas. This endeavor, however, should not involve the removal of any forest cover, nor put at risk forests or forest ecology, either in propagation of medicinal plants or in their harvesting or removal.
- [30] Forests must play an important role in the sustenance of forest-dependent communities, especially the tribals, living in and around forests. While assessing the results of past systems of forest management in the Working Plans, the contribution of forests in sustenance of forest-dependent communities should also be assessed and recorded while revising the plans. The Working Plan prescriptions should clearly prescribe measures to enhance the contribution of forests in the sustenance of such communities.

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- [31] For about two-third of the country's rural population living in areas where there are no forests, fuelwood demand should be met from agroforestry and farm forestry supplemented by agricultural 'wastes', biogas, liquid petroleum gas, solar energy, etc. There needs to be a very clear policy that each land owning family in rural areas should grow sufficient number of trees on its land to meet its fuelwood requirement. It can be dovetailed with the agriculture policy in India wherein emphasis should be given to raising fuelwood for domestic needs, on private, communal and wastelands.
- [32] Approximately 1.73 lakh forest fringe villages/habitations, which are within and on the forest fringe, should be given special attention to provide substitution to wean them away from dependence on fuelwood. In this context a special programme could be developed to provide alternate energy, such as liquid petroleum gas, solar energy, biogas, etc.
- [33] The sale of fuelwood by individuals must be stopped. Persons requiring the fuelwood could obtain their requirement as per the norms of Joint Forest Management (JFM) /Gram Van based on sustainable use, but only the Forest Department (FD) should be permitted to extract fuelwood from the forest for sale, which should be on no loss no profit basis. Wherever FD is unable to provide this facility, it could be entrusted to the concerned JFM institution / Gram Van.
- [34] Attainment of self-sufficiency in forest products should be an important goal at state and national levels. For assessing country's self-sufficiency in forest products, database of demand and supply should be created and regularly updated at the state and national levels. At the time of formulation of five-year plans, strategies to meet forest product demands should be critically analyzed and appropriate programmes prepared and implemented to achieve this goal.
- [35] Joint Forest Management / Gram Van, particularly that which concerns areas undergoing significant demographic impact, involves a special approach and mindset. This presages specializations and training where sociological issues would be as important as the technological requirement for tree propagation. Such specialization and training, therefore, needs to be adopted.
- [36] The objectives of management for Joint Forest Management (JFM) /Gram Van need to be revised and clearly stated to broadly include restoration and development of degraded forest areas in order to meet demands for fuelwood, fodder and small timber and also to contribute towards poverty alleviation. It must also be clearly understood by all parties that JFM is a social contract and that benefits and rights would only accrue if the people fulfil their obligations and duties.
- [37] The assistance of appropriate non-government organisations and Gram Sabhas/ Panchayats, etc., should be taken in the afforestation activity.
- [38] Tree planting in open areas along railway lines, canals and roads, must be undertaken and adequate funds for both tree planting and their maintenance be provided for by the departments concerned. Assistance in tree planting may be acquired from the concerned State Forest Departments wherever required.
- [39] Urban population needs to have access to areas of nature and wilderness. Towns and cities may be encouraged to adopt suitable areas available near by, where forest exist or can be regenerated, so that city population could have access to

areas where they can have communion with nature and at the same time forest and wilderness in the proximity of urban habitation could be nurtured and preserved.

- [40] The concerned municipal authorities need to prepare master plans for parks and green belts, selecting site-specific plant species for propagation. Cooperation of the State Forest Departments may be required in this regard.
- [41] Appropriate flowering and shade tree seedlings should also be made available to private house owners.
- [42] Management plans need to be prepared for tracts holding substantial natural vegetation and vested with the military, paramilitary and police and the overall authority in charge of management assigned. The effort should be to both preserve as well as propagate natural vegetation and wildlife in so far as these do not affect the functions of the area.
- [43] If any forest / habitat linkages with other natural vegetation growth/forest area exist outside of these properties of the army, paramilitary and police, that continuity should be maintained by the authority in charge of that area.
- [44] If any harvesting of forest produce is to be done from the areas with the army, etc, any surplus should not be sold in the open market, but first offered to the neighboring people to cut and carry away, under the supervision of the officer in charge.
- [45] The State Forest Departments should cooperate with the officers in charge of these areas to both preserve and augment their natural resources.
- [46] A number of forest areas have been declared protected areas as wild life sanctuaries and national parks to conserve endangered wild animals, but not much thought has been given to identify and declare forest areas as protected areas, which are rich in plant diversity. Areas having populations of endemic and endangered plant species should also be declared as protected areas and all the forest sub-types of India should be covered in the network of such protected areas.
- [47] Water is one of the most important factors in increasing productivity and forests play an important role in maintaining sustained supply of water in the rivers and streams for irrigation, drinking, industrial and various other uses. Hence special emphasis should be given on water conservation and water harvesting, which can improve productivity substantially and will help in making more water available to mitigate the water crisis. Water conservation in forests, therefore, deserves special attention and should be an important objective of forest and grassland management and adequate financial resources should be provided and should form an integral part of every forest working / management plan.
- [48] The Ministry of Environment and Forests should evolve a detailed mechanism for multi-stakeholder partnership comprising communities, governments and private bodies for funding increase in forest cover.

- [49] There should be some code for management of areas under forest/tree cover not under the control of the State Forest Departments and incentives should be provided for retaining tree growth for ecological security. The Government has an obligation and must play an important role in extending technical advice to them for increasing both tree-cover and productivity.
- [50] Unclassed forests should be covered under working schemes/working plans which should incorporate recorded rights and concessions of the people, and portray the genuine bona fide personal and other needs of the local people.

Chapter 8

- [51] Fires extending over 20 km² of forest and grasslands should be declared as a disaster by the concerned State Government.
- [52] Fire prevention and fire control deserve to be given a far greater importance than at present. Techniques need to evolve that are more appropriate and equipment provided, keeping in view the experience gained from a UNDP-assisted project of the Ministry of Environment and Forests in the 1980s. Entries in annual confidential reports of every field staff should reflect the work done or not done vis-à-vis fire control.
- [53] Since fire cases are underreported, in terms of number of occurrences, the qualitative damage caused and the area affected, by the field functionaries, a mechanism should be developed for higher authorities to crosscheck these reports.
- [54] Protection against insect pests and diseases is not given the attention it deserves. Consequently, the productive capacity of forests is reduced. The loss in nurseries and plantations is also sizeable. Strong research support is needed to provide protection against diseases and pests.
- [55] The use of pesticides, insecticides and rodenticides be regulated so that applications are done in consultation with the local wildlife departments in areas where threatened species occur and species-specific test be conducted before application.
- [56] Practices such as coating of seeds with pesticides be discontinued for less harmful measures or biological or organic pesticide methods be used.
- [57] The Agriculture and Forest Departments, Ministries concerned and Commissions set up by the Government of India coordinate, so that a holistic management of pesticides and their application are carried out, which would prevent the long-term damage to the land, air, water and species including man.
- [58] Environmental impact assessments that are mandated for every developmental project of a certain size must be carried out scientifically, in an un-biased manner and with enough autonomy. Such assessments must not only deal with pollution and deviation of forestland, but also with effects to water sources, species and local communities. Such clearances must necessarily be taken before the starting of any part of the project, so that a clearance is not redundant or a fait accompli.
- [59] Conditions made at the time of project clearance must be enforced. This would require periodic monitoring. If any significant condition is not fulfilled, the authority that has imposed the condition must have the power to bring the project

to a halt till the deficiency or omission is rectified. There must not be any ex-post facto clearance or approval.

- [60] Ecologists, environmental scientists and conservationists must be involved in developmental projects so that they may be conducted in as ecologically sound a manner as possible.
- [61] Greater integration must take place at local and regional levels between government departments involved in developmental projects and those involved in forest and nature conservation.
- [62] The Ministry of Environment and Forests, and State Forest Departments should create awareness and special cells to address the menace of invasive species. A policy document should be developed on the introduced and invasive species. Deliberate or misguided introduction of an invasive species should be considered as an offence.
- [63] A cell or nodal point needs to be established in the Ministry of Environment and Forests to monitor the status and control of exotics, perhaps in collaboration with the Forest Survey of India and the Indian Council of Forestry Research and Education, and to prepare and issue guidelines for restorative ecology to curb and remove exotics and regain indigenous biodiversity. The implementation of these guidelines and directives also needs to be monitored.
- [64] Research to find safe, biological or other applications for the control and eradication of weeds without the use of pesticides needs to be urgently started under the aegis of the Indian Council of Forestry Research and Education. Very little if at all has been done in this regard so far.
- [65] Attempts should be made to find commercial/consumptive use of exotic weeds so as to encourage their exploitation. The Indian Council of Forestry Research and Education and the Indian Institute of Forest Management should be involved in this expertise.
- [66] It is essential to start special schemes by the Ministry of Environment and Forests and State Forest Departments (especially of Rajasthan, Gujarat, Uttar Pradesh, Maharashtra, Tamil Nadu, Andhra Pradesh etc) to protect their grasslands.
- [67] A centrally sponsored long-term scheme called Project Marine Ecosystems is necessary to focus attention on this aspect. As millions of fishermen would be involved in protecting and sustainably harvesting biodiversity, it is necessary to involve the Fisheries Department, Navy, Coast Guards, etc.
- [68] Establishment of a central coordination unit within the National Institute of Oceanography that will oversee coordination and implementation of the above-mentioned policies and maintain a resource database, is necessary.
- [69] Review and assessment of the impact of priority lending in the fisheries sector (a five year action plan) is necessary.
- [70] Special plans for the dugong, giant clams, sea horses and finless porpoises and their respective habitats, should be prepared.
- [71] Corals are threatened everywhere for various reasons and would be more so with the impending climate change. A special conservation plan needs to be prepared.

both for the conservation of corals and of biodiversity, as well as for coastal conservation. Marine protected areas need to be established for this purpose.

- [72] Management plans for coastal and shelterbelt plantations, which include mapping of habitat utilization patterns including sea turtle and sea birds resting beaches, should be prepared.
- [73] There is an urgent need to establish trans-boundary protected areas and monitoring mechanism, specially for corals, sea turtles, dugongs, whale sharks and whales.
- [74] Strengthening of the coastal regulation zone in the wake of the recent tsunami tragedy is vital.
- [75] Establishment of a dedicated IFS sub-cadre for conservation and a training centre for coastal and marine biodiversity conservation and management, are necessary.
- [76] An Institutional mechanism to empower Coast Guards to enforce the Wild Life (Protection) Act, 1972, must be considered.
- [77] Mangroves should be officially classified as forests and mangroves found anywhere should be placed under the control of State Forest Departments. The important mangrove areas need to be made Protected Areas if they are not so covered already.
- [78] A concerted effort needs to be made to undertake plantation of mangroves wherever possible along the creeks, estuaries, deltas and shores, and of appropriate species of trees as wind breakers along the coastline and the dunes that back them.
- [79] A National Wetland Conservation Act should be framed.
- [80] Inclusion of all types of wetlands (freshwater, coastal, marshes, swamps, mangroves, waterlogged areas) in the land use classification in the country should be done.
- [81] A National Wetland Biodiversity Register should be started.
- [82] An inventory of 'user groups' also should be prepared while collecting information for the biodiversity register. It should also list out the priorities of the communities on particular wetland resources.
- [83] To establish a National Wetland Inventory and Monitoring Programme and a National Wetland Information System and therefore, to develop a sustained and serious programme for monitoring wetlands
- [84] The economic evaluation of wetlands must be computed and it must be integrated with National Resource Accounting.
- [85] Wetland productivity studies on a long-term basis by identified organizations from different parts of the country need to be undertaken. This would bring out indisputable data on wetland productivity, which is many times more than that of other ecosystems. Moreover, it would be an excellent tool to check the wetland ecosystem health

- [86] International links and cooperation involving trans-boundary water issues and conservation of shared wetlands are important.
- [87] At the outset, the Government of India should take leadership and commission a state-wise survey of people-conserved areas which would be appropriate to be designated as community reserves, and have them notified by the respective State Governments and then have management plans prepared for them providing annual financial inputs for specific items in the manner that is given to national parks and sanctuaries. A special centrally sponsored scheme needs to be prepared by Ministry of Environment and Forests in this regard.
- [88] The people of the communities concerned must be encouraged and actually involved in conservation efforts. Their pride in respect of the Reserve must be acknowledged and enhanced. They must be made honorary wardens of the community reserve under the provisions of the Wild Life (Protection) Act.
- [89] Governments must exercise caution in theoretically accepting or advocating the involvement of local communities in the preservation of wild fauna, other than where the communities themselves are protecting fauna for religious sentiments. While it may not be difficult to involve communities in the protection of forests and grasslands whereby they can derive economic and personal benefit, it is a totally different matter to get local support for the protection of animals and birds, especially those that threaten human life or property.
- [90] Local communities living in and around forest areas be trained in eco-tourism activities, which will not only help ensure their livelihood security but could facilitate their involvement in forest conservation. The rickshaw pullers at Keoladeo National Park, Bharatpur, are an excellent example.
- [91] Urban communities need to be made aware of the impact of their consumption on forest resources. The awareness should mainly focus on scientific, ecological, aesthetic, economic, and spiritual and several other values associated with forests.
- [92] Decision makers should also be made aware about the important role of education, awareness and training as a management tool.
- [93] The existing textbooks should be revised to incorporate aspects of forest, wildlife and ecosystem conservation with local and real life examples. Although efforts have been made by agencies such as National Council of Education Research and Training and State Councils of Education Research and Training of certain states to introduce new textbooks on environment, a project-based approach and hands-on experience is the key to effective learning. The involvement of non-government organisations in formal education should be enhanced, which can play an important role in providing practical experience in nature conservation. The teacher is an important ally in education for forest and nature conservation. Capacity enhancement programmes through existing training institutes such as the State Council of Education Research and Training and DIET should be held on priority, with the help of institutes involved in conservation education such as the CEE, Uttarkhand Seva Nidhi, Eklavya, Bombay Natural History Society, BVEERI and several other institutes.
- [94] Efforts should be made to strengthen existing programmes such as Green Corps Programme initiated by the Ministry of Environment and Forests, by providing

- locale specific educational resources to the schools involved in this activity. Such programmes should involve local groups and non-government organizations in implementation and evaluation of the programmes.
- [95] It is recommended that formal training institutes where civil servants and armed forces are trained, need to incorporate forest and wildlife conservation as an important aspect of their induction training programme, as well as in-service training programmes.
- [96] State and Central Governments should convey the conservation message much more frequently and vigorously in state sponsored advertisements and Doordarshan-controlled channels.
- [97] Industries, which consume forest resources and affect forest areas adversely, should be identified and a comprehensive training programme should be evolved. Industries such as paper, pharmaceutical, mining and tourism could be the focus of such training. Environment-friendly practices adopted by certain industries should be documented and such information should be provided to other industries. The lending institutes, which provide financial support to large infrastructure development projects, should be made aware of potential damage to forest ecosystems. The professional auditors should also be oriented about forest conservation as an important part of auditing procedure.
- [98] The role media could play in spreading awareness is very crucial. Forest conservation should be a part of journalism curricula and practicing journalists should regularly be oriented towards issues of nature conservation through workshops, field visits and briefing papers.
- [99] Traditional communal hunts - Paradh in Bastar and Akhand Shikar in Simlipal, Orissa - are a bane of the two tiger reserves concerned. While preventing physically these extremely destructive practices, all efforts must be made for the awareness and education of the tribals concerned and by finding symbolic alternatives to these ritualistic hunts.
- [100] The forest service should have well defined visions and goals. It is, therefore, strongly recommended that a statement 'Forestry Sector Vision 2020' should be prepared on priority. The National Forestry Action Programme cannot serve this purpose.
- [101] Forests that lie outside the protected area network should be sustainably managed through clear working plan prescriptions rather than only having a complete moratorium on felling.
- [102] A Forest Conservation Fund should be created to ensure adequate financial resources for forest and wildlife management through levy of a cess on sale of forest produce. Revenue generated from lease of mines in forest areas should be credited to the Forest Conservation Fund. Contributions to be made to the Forest Conservation Fund by corporate companies or individuals should be exempt from income tax.
- [103] Corporate funding should be invited for revival of degraded forests. Mechanisms for the same may be worked out.
- [104] Joint forest management should be a social contract, a quid pro quo, wherein the exercise of rights and benefits are subject to the fulfillment of specified duties and

obligations, e.g. the yearlong protection of forest from fire, grazing, felling and degradation. If the beneficiaries do not fulfill their duties and obligations, they should not avail the benefits occurring from forests.

- [105] Currently, a major part of the fund made available to forests is utilized for joint forest management (JFM) activities and inadequate funds are available for proper management of non-degraded forests. More funds need to be provided for the management of non-degraded forests. Half of the forest revenue may be made available for management of non-degraded forests on the pattern of JFM.
- [106] For a meaningful partnership, both partners i.e. Forest Department and local communities should be equal partners in joint forest management (JFM). Villagers may provide inputs for protection and some forestry operations through their labour. This approach will lead to a low-cost model of JFM, which is necessary for sustainability of the programme and for improving the benefits from JFM to village communities. Timber obtained by Joint Forest Management Committee members as their share should generate income for them. Sale by individual members and the related problem of illicit cutting in the garb of such sales must stop and such JFM societies need to be suspended.
- [107] The objectives of management for joint forest management need to be revised and clearly stated to broadly include restoration and development of degraded forest areas in order to meet local village community (LVC)'s demands for fuelwood, fodder and small timber and also to contribute towards poverty reduction of LVC members.
- [108] To give expression to the changed priorities of forests as contained in the Forest Policy of 1988, the working plans and working schemes of forests must give priority to conservation and to the enhancement of biodiversity, and thereby change the focus from the current continuing emphasis on production forestry.
- [109] Each working plan should have one chapter on Biodiversity Conservation, selecting compartments, which should be managed to enhance biodiversity.
-] The nation's biodiversity needs to be assessed and inventoried in detail.

Chapter 9.

- [111] A serious attempt must be made to rationalize protected area boundaries by implementing the recommendations of the committees appointed for this purpose earlier and taking up work in states where there may be no such reports. The leadership and funds must come from Ministry of Environment and Forests. In lieu of the areas that would be excised from the protected areas in pursuance of this effort, the states on their part would add other larger human settlement-free habitats to the protected areas concerned, or to others, within their states. There must be a quid pro quo, with the approval of the Supreme Court. By this exercise, a large number of human settlements on the periphery of the protected areas could be excluded, some huge protected areas which are only on paper like the Solapur Sanctuary in Maharashtra and the National Chambal Sanctuary between Rajasthan and Madhya Pradesh, could be made practical and effective, as smaller sized protected areas. In lieu, other larger trouble-free areas could be added to the protected area system, the caveat being that deservation of inhabited areas from protected areas to be only done after the areas chosen to be added to

the protected area system in lieu of those deservations, would be first notified as protected areas

- [112] In keeping with the Supreme Court directives, after undertaking a rationalization of park/sanctuary boundaries, those rights that need to be acquired should be acquired and those rights in sanctuaries that can be allowed to be exercised keeping the long-term conservation of that sanctuary in view, should be allowed to continue as per the provisions of the Wild Life (Protection) Act.
- [113] In keeping with the 2002 Amendment of the Wild Life (Protection) Act, parks and sanctuaries should be regarded as final and wherever legal action still remains in view of the said amendment, it should be completed in a time-bound programme.
- [114] Though it would not be feasible to relocate all the human settlements that would still remain in the protected areas, certain settlements that are particularly problematic because they are in the middle of the protected areas or occupying some crucial habitat, could be motivated to move out voluntarily. The best solution would be to give resident communities a choice of degraded forestland away from the protected area (if non-forest land is not available) and more land than they would surrender, grants for building houses and all facilities that would be available under the National Policy on Resettlement and Rehabilitation, 2003. Non-government organizations must be involved to monitor the requirements of the people and a generous package must be provided. The land must come from the state governments, the resettlement costs from the Government of India, and no 'Net Present Value' would be calculated for the forestland to be allocated. The cost of translocation of villages from protected areas would thus be far lower than that projected (e.g. 3200 crores for 273 villages cited by the Tiger Task Force, 2005) and not all villages are required to be relocated from the protected areas. This work of translocation must be accorded very high priority and the central government must provide the funds in a phased manner,
- [115] A clear reason for the establishment of a protected area be established from the outset, i.e. conservation of endangered species, representative wildlife habitat; tourism; catchment area protection of a dam, etc. Every protected area should be given a clear mandate and necessary conservation measures should be taken up with that mandate in mind. The protected area manager should be judged whether that mandate has been achieved, and not by taking easy conservation options. New protected areas should be established in consultation with local people.
- [116] Protected area managers do not have a clear mandate, vision and priorities vis-à-vis the protected area they are in charge of. Most protected areas do not still have management plans. This combined with the protected area manager's lack of knowledge and commitment leads them to undertake "development" of their protected area through construction activities like road building, constructions, watch towers, etc, which are often uncalled for and even detrimental to conservation.
- [117] Each protected area should have a comprehensive management plan, which needs to be followed and revised periodically
- [118] The State Governments must forthwith stop illegal activities banned under the Wild Life (Protection) Act, such as the continued exploitation of protected area

areas for commercial or other purposes, including collection of tendu leaves, sal seed, harra and mahua fruit, etc.

- [119] The financial outlays given to protected areas, and to nature conservation and control of illegal wildlife trade, need to be substantially enhanced.
- [120] A system should be developed where important records are maintained for posterity in each district/state. Here, proper training to record accurately and scientifically becomes important. A protocol for data maintenance, storage and retrieval should be devised. Each protected area should also develop a library where research reports and papers are maintained.
- [121] A concerted effort be made to identify which sanctuary or portions thereof can be upgraded into a national park, where human habitations or rights do not exist or where they need to be acquired on a priority basis.
- [122] Whenever possible, protected areas should have linkages with other protected areas and habitats by extension of the protected areas over the corridors – either as national parks or sanctuaries and where that is not possible by establishing Conservation Reserves or Community Reserves. Tree cover over these identified linkages may also be achieved by encouraging and actively supporting van-vaniki and farm-agroforestry on private lands. Such linkages be given adequate on-ground protection and ecologically harmful activities in these areas be restricted and regulated.
- [123] Linkages between management actions in protected areas falling in the same biogeographic region must be kept in mind at all times.
- [124] In all endeavors and decision making related to wildlife tourism, the axiom would be that tourism must be in consonance with and subservient to the long-term conservation interests of the protected area, habitat or species it relates to, and never the other way round.
- [125] Entry into the protected area must be regulated according to an assessment of the capacity of that protected area to absorb vehicles / tourists without impinging on the interest of wildlife and the habitat.
- [126] Besides the designated tourism zone, protected area authorities must choose alternate ranges to throw open to tourists on a one or two year rotational basis. In protected areas where there is a heavy rush of tourists, those visiting parks for longer periods may be refused re-admission to the designated tourism zone and first offered entry into the alternate range opened for tourism. In areas of low tourist pressure, the alternate zone may be offered as a choice.
- [127] No attempts to develop recreational facilities in the protected area or its buffer area should be permitted. Park managers must ensure that even private sector entrepreneurs do not do so.
- [128] Existing tourist complexes should be constructed in a way that they merge with the surrounding landscape and as far as possible use local material
- [129] Resorts set up for wildlife and ecotourism must undertake to ensure that at least 60% of their staff and 40% of their salary expenses go to local residents of the area. This must be rigorously enforced, especially in tribal areas.
- [130] A clear reason for the establishment of a protected area be established from the outset, i.e. conservation of endangered species, representative wildlife habitat;

tourism; catchment area protection of a dam, etc. Every protected area should be given a clear mandate and necessary conservation measures should be taken up with that mandate in mind. The protected area manager should be judged whether that mandate has been achieved, and not by taking easy conservation options. New protected areas should be established in consultation with local people.

- [131] Funds generated by tourism should not go to the public exchequer. Rather they should go for eco-development of the local communities, especially the tribals. A special fund should be created for this purpose, as has been attempted in some states. Donations made by visitors should also go into this fund, which could also cater to the welfare needs of the protected area staff. As funds given by Government of India are often kept back by the State Governments, such funds for individual protected areas could also provide an alternative source or routing financial assistance.
- [132] Besides being trained to serve as wildlife guides, local and tribal people should be involved in anti poaching activities. They should also be encouraged to develop and improve local handicrafts.
- [133] Protected area authorities must train and certify local wildlife guides to accompany tourists into the park. Any infringement of protected area rules by tourists must be punished by a suspension of the guide for a week in the first instance and for six months on subsequent occasions. A similar discipline should be enforced on vehicles for hire to visiting tourists or even those belonging to tourist resorts in the area.
- [134] Interpretation Centres should be developed to provide visitors with an opportunity to learn about the local flora and fauna and the role of the protected area in protecting and conserving the environment and wildlife. These centres can also be used for training the cadre of guides and motivating schoolchildren and youth.
- [135] Material in the form of user-friendly guidebooks on the protected areas, giving maps, flora and fauna and some information on the important rivers and other geographical features need to be published. They should also include information on the historical as well cultural importance of the area to make the visit informative and meaningful, as well as the "dos" and "don'ts" while visiting the protected areas.
- [136] A system should be developed where important records are maintained for posterity in each district/state. Here, proper training to record accurately and scientifically becomes important. A protocol for data maintenance, storage and retrieval should be devised. Each protected area should also develop a library where research reports and papers are maintained.
- [137] The Wildlife Wings and protected areas should be manned by personnel with interest and aptitude. A sub-cadre needs to be developed for this. This would ensure the four prerequisites – selection of the appropriate personnel, longevity of tenure, training and prevention of posting of unsuitable persons. If personnel of such requirements are not available from the IFS or SFS, they should be recruited from the open field.
- [138] An ecologist must be available on the staff or as an advisor to the managers of important protected areas.

- [139] The protected area managers, and not the territorial authorities of the Forest Department, should have full and effective control over their protected areas, and also of their buffers and corridors to the extent possible. Linkages with the local people should be built up in the buffers.
- [140] The Chief Wildlife Warden should have full and effective control, including financial control, over the protected areas and buffers and over the officers and staff, which man them.
- [141] The Chief Wildlife Warden needs to make entries in the annual confidential reports (ACRs) of territorial Conservator of Forests, DCFs and ACFs as to the work done by them vis-à-vis nature conservation.
- [142] The duties enjoined upon protected area managers and the Chief Wildlife Warden under the Wild Life (Protection) Act, needs to be conscientiously carried out in both letter and spirit.
- [143] Training and motivation must be provided to the protected area personnel, including promotional avenues and cadre management.
- [144] The forest service as a whole be mandated to combat wildlife crime and undergo basic level training in this regard. For combating specific wildlife crime (poaching, trading and smuggling), training be imparted to field wildlife staff, taking the assistance of specialized technical agencies, governmental or non-governmental, in doing so.
- [145] Intelligence gathering be given adequate resources as contingency funds allocated to the Chief Wildlife Warden and managers of important protected areas, and special groups of personnel be trained in it and this be budgeted as a regular part of anti-poaching operations. Wherever possible, special "cells" to deal with organized illicit trade in wildlife be set up and suitable persons from the police or other departments be taken on deputation.
- [146] To assist the 'cells' to curb illicit trade in wildlife products, expertise in wildlife forensics should be developed in each state, preferably in an established institution or laboratory equipped with the requisite tools, in collaboration with the Wildlife Institute of India.
- [147] Each State and Regional Deputy Directors of Wildlife Preservation under the Government of India, should set up computerized database on illegal wildlife trade and the ongoing cases in court. These would feed a national level database in the Ministry of Environment and Forests.
- [148] The role of non-wildlife agencies in curbing wildlife crime is to be underscored and they be given adequate mandate, training and incentive to help Government curb wildlife trade.
- [149] All forest protection staff must have group insurance against death, disease and disability by the state to increase their morale and as a staff welfare measure.
- [150] The broad recommendations of the Subramaniam Committee report of 1994, especially the formation of the wildlife crime unit and the provision of legal training and support to wildlife law enforcement agencies, be implemented.
- [151] Government should enforce CITES more stringently and cooperate more with other nations in doing so, especially our neighbouring nations, as ultimately this would be in the country's interest in preventing illegal trade. Recently, the

Association of South East Asian Nations (ASEAN) has decided to set up a ASEAN Wildlife Enforcement Network (ASEAN-WEN). Government of India must join the process and both provide and seek cooperation from this set-up, and endeavor to establish a similar set-up for South-Asia or South Asian Association of Regional Cooperation.

- [152] There have been numerous instances of wild animals being deliberately electrocuted by cutting overhead wires, amongst them elephants, rhinos and tigers. Livestock and humans have also perished. As far as possible, no electric lines be laid over national parks and sanctuaries and those that exist should be safeguarded against such vandalism and misuse.
- [153] Though two new categories of protected areas have now been recognized under the amended Wild Life (Protection) Act, namely, Conservation Reserves and Community Reserves, hardly any new protected area under these two categories have been established. As demographic restrictions envisaged under these two categories are far less than in the case of national parks or sanctuaries, a definitive effort needs to be undertaken by each state to identify and designate protected areas under these two new categories. The Ministry of Environment and Forests needs to undertake a survey to identify areas, which have potential under these two categories of protected areas and need to persuade the States to establish them, providing financial and other support for the same.
- [154] Situations in which biosphere reserves can be set up be delineated and it be ensured that they follow the principles as laid down in the Man and Biosphere programme in so far as it is not inconsistent with domestic legislation relating to conservation and management of natural resources. It would also be useful to include biosphere reserves within the legal framework, either through a separate legislation or through its inclusion in the Biological Diversity Act, 2002 or similar legislation.
- [155] Biosphere reserves should not be established in lieu of national parks or sanctuaries but when due to demographic factors the establishment of a national park, sanctuary, Conservation Reserve or Community Reserve is not feasible. It would also be improper to impose a Biosphere Reserve over an existing park or sanctuary, as that causes a dichotomy and confusion in approach and management.
- [156] Significant wildlife habitats including biological corridors where immediate declaration as protected area is not possible, be designated as ecologically sensitive areas (ESAs) under the Environment (Protection) Act, 1986, (EPA) with a view to restrict certain identified hazardous activities as also change in land-use pattern. Ecologically sensitive areas should also include areas such as elephant corridors, important bird areas, etc.
- [157] Specified areas, including buffer zones of protected areas be designated as ecologically sensitive areas (ESA) with a view to restrict identified hazardous activities. This process should be based on a comprehensive and realistic assessment of the current threat perception in the area surrounding a protected area. An ad hoc and arbitrary fixation of ESA, such as a blanket restriction, is likely to be counterproductive and can create hurdles in the creation of new protected areas (PAs). Control of effluents and emission levels must be enforced and PA managers must be involved in this control activity.

- [158] Since the power to declare protected areas largely vests with the State Government, similarly, the concurrent power to declare ecologically sensitive areas should also vest with the state government.
- [159] Mitigation measures for man-animal conflict must be both long-term and short-term. Short-term measures may include barriers after considering whether they act as barriers to wildlife movement or not, scaring and repelling techniques etc. Long-term measures must include establishment of animal corridors, elephants being a priority, attempting alternate cropping patterns around forests and areas seriously impacted by wild ungulates and having wildlife clearances as a mandatory part of broader environmental clearances of development projects.
- [160] Catching and translocating animals should not be seen as the easiest and most politically-expedient solution to conflict, although it could be advisable in some cases) and must be done only after the troublesome animals have been identified, and when the biology of the species and its needs are taken into account and monitoring measures are in place. Capture of social beings such as elephants in particular is counterproductive to conflict resolution, unless whole herds as social units are translocated. It must be borne in mind that according to the Wild Life (Protection) Act as recently amended, the capture of Schedule I animals should only be done after its release area has been identified and the release must be done in the prescribed time-frame.
- [161] Compensation mechanisms must be reviewed and schemes put under way in areas of man-animal conflict. Compensation must be paid immediately and without hindrance, and it must be commensurate with the damage caused and there must be transparency in the whole operation. Attempt should be made to have crop insurance against damage by wild animals around major protected areas.
- [162] A very important field of applied research and its extension to field application, which would greatly assist in reducing man-animal conflict, is identification of crops, which could be planted around protected areas and elsewhere to reduce the quantum of crop-raiding by species such as nilgai, blackbuck, wild pigs and elephants. Needless to say, such crops should be suitable for the area and be remunerative.
- [163] Except perhaps for the tiger, elephant and rhino, there is no long-term monitoring of most of our endangered species. As birds are easy to monitor and are a good indicator of habitat quality, long-term monitoring protocols should be developed for all our protected areas. Universities and non-government organizations should also take up regular monitoring of birds and other wildlife outside protected areas. The Government of India should encourage and fund animal and bird monitoring and migration.
- [164] Prioritizations such as that of Rodgers and Panwar (1988) and others brought out by the Wildlife Institute of India, be seriously considered and gaps in the protection of habitats of endangered species, unique or threatened ecotypes, deficiency in coverage of biome and biographic representation, or some other factor, be rectified by adding on such critical areas to the protected area network. Wherever possible, this should be by establishment of a National Park or Sanctuary. If it is not feasible to establish any of these two categories of protected

area, then Conservation Reserves or where land is privately owned, Community Reserves could be established. The help of non-government organizations may be taken in this wherever considered appropriate.

- [165] Ex-situ conservation should start complementing in-situ conservation, both from the captive propagation and educational standpoints.
- [166] It is essential to store genetic material of gravely endangered species in gene banks, as a safeguard against extinction in the wild, and both the Zoological Survey of India and the Botanical Survey of India should ensure this. At an opportune time, not only can the species be regenerated in captive conditions, but if adequate measures have been taken, can also be introduced into the wild. A very significant development has been the establishment of the Laboratory for Culture of Endangered Species (LaCONES) by the Centre for Cellular and Molecular Biology (CCMB) at Hyderabad, to undertake this important task. All support needs to be given to LaCONES in this regard to save the genes of endangered species and to help recover species from genetic 'degeneration'.
- [167] As a very valuable experiment both to restore a locally extinct mega-species and to conserve its endangered prey-base and habitat, as well as to inculcate national pride and interest, a serious effort be made to re-introduce the cheetah into the wild in India.
- [168] If any captive reared population of any species is sought to be introduced into the wild, it must be carefully and clinically assessed to ascertain that they do not carry pathogens, which could be conveyed to the wild population.
- [169] Scientific re-assessment of the status of each species/taxon should be done by experts and thereafter they be reassigned under the Schedules of the Wild Life (Protection) Act. Such reassessment should be done every five years
- [170] All those species that are in Schedule I, the Government of India, with the help of State Forest Department and experts, should start Species Recovery Plans. Sufficient funds and expertise should be provided for Species Recovery Plans. The aims should be that once these Species Recovery Plans are successfully executed, and the status of the species is improved, it could be down listed to Schedule II or Schedule III. It should be considered a credit to the Ministry of Environment and Forests and the concerned state Forest Department that a species has recovered and is no longer under threat of extinction. For some species it may take 15-20 years to recover, but it should be seen that systems are in place that help the species to recover. Periodic monitoring of the status of each species would be very essential. At the same time, if status of a particular species deteriorates, it should be upgraded to a higher Schedule and a Species Recovery Plan is started. Even for so-called common species, whose populations are on the decline, there should be targeted recovery plans, mainly by saving their habitats. An indicative list of species for whom recovery plans need are a top priority, are: Malabar civet, hangul, , wild buffalo, Nicobar megapod, Andaman teal, white-winged wood duck, pygmy hog, greater adjutant stork, Ladakh ural, Gangetic dolphin, Jerdon's courser, vultures, and greater one-horned rhinoceros
- [171] Project Elephant and Project Tiger have shown that by targeting rare and flagship species, many habitats and associated species can be saved. However, there are many species/habitats that are not covered by these two Central

government schemes, e.g. grasslands, wetlands, high altitude mountain, riverine and marine environment. Certain species and their habitats need urgent attention of the Ministry of Environment and Forests and state governments to formulate projects in the fashion of Project Tiger. The snow leopard, the great Indian bustard, the Gangetic dolphin and the dugong are prominent examples for this purpose.

- [172] To protect the highly endangered great Indian bustard (less than 500 left in the whole world), lesser florican, Bengal florican and other grassland associated flora and fauna, Project Bustard should be initiated. As protection of grasslands would greatly benefit livestock, the Ministry of Agriculture and Animal Husbandry should also be involved. These bustards are found in at least ten states of India and therefore, it is vital to develop a centrally coordinated and funded scheme.
- [173] The snow leopard of the Himalaya is one of the most famous flagship species of the ecosystem where it lives. This ecosystem is also very fragile and coming under increasing human impact. Most of the rivers of north India originate from snow leopard habitats, so it is in the national interest to protect and nurture such habitats. As the snow leopard is found in five states (Jammu and Kashmir, Himachal Pradesh, Uttaranchal, Sikkim and Arunachal Pradesh), it is necessary to develop a centrally funded and coordinated scheme called Project Snow Leopard. An attempt had been made in this direction in the 1980s, but Ministry of Environment and Forests later merged the scheme with the on-going C.S.S on development of national parks
- [174] The lion has established permanent habitats in the Girnar, along the Saurashtra coast, Hipavadi in Amreli district and elsewhere. The Government of Gujarat should declare Girnar as a sanctuary and bring the outlying lion population in Saurashtra within an overall lion conservation programme, and approach the entire lion populations on a zonal or landscape basis.
- [175] India has five species of sea turtles and the world's largest known turtle breeding beaches for the Olive Ridley sea turtle (Gahrimatha, Devi and Rushikulya river mouths in Orissa). Mechanized fishing trawlers have created new problems for these sea creatures, as they have to come to the beach to lay eggs, sometimes twice a year. As the turtles found near the coasts of West Bengal, Orissa, Andhra Pradesh, Tamil Nadu, Kerala, Karnataka, Maharashtra, Goa, Gujarat and Andaman and Nicobar Islands face various problems, some general and some site-specific, a centrally-sponsored scheme is necessary to save them. Moreover, the State Forest Departments are not geared to protect turtle habitats. Only a long-term central scheme would be effective.
- [176] The terrestrial tortoises are today one of the most threatened group of animals in the country. The commonest species, the star tortoise, is affected by illegal trade. The Travancore tortoise and the Assam tortoise are gravely endangered due to habitat destruction and other factors. Recovery Plans are needed for these species.
- [177] The Wildlife Institute of India, in collaboration with countries/organizations which have the requisite expertise, must evolve techniques suitable for group capture of species like the nilgai, blackbuck and wild pig. After due testing, the

techniques should be transferred to the states, who should set up special 'cells' for such capture and translocation.

- [178] Thereafter, locally excess animals and those that are proving to be intractably harmful to crops and other property, need to be captured, relocated and rehabilitated where they could be accommodated without causing the same problems to the local people. In this endeavor, the Government of India should render financial support, at least in the initial phase.
- [179] In this operation, every effort must be made to reduce the trauma and injury and the chances of contraction of pathogens during captivity. The period of captivity must be very short.
- [180] After careful analysis and overcoming or mitigating the factors leading to local extinction or reduction, certain species need to be re-introduced in some protected areas. For this again, special techniques for capture and translocation need to be evolved. Some examples of this category are the reintroduction of rhinoceros and the eastern swamp deer in Manas; the gharial in the Brahmaputra and Beki in Assam; the gaur in Bandhavgarh; the blackbuck in Kanha; the tiger in Sariska; the wild buffalo from Indravati to Barnawapara in Chhattisgarh or Kanha in Madhya Pradesh; the hog deer in Corbett National Park; the pygmy hog in Nameri National Park and elsewhere in Assam and, of course, the lion in Kuno-Palpur in Madhya Pradesh. Besides, the possibility of introducing the brow-antlered deer from the captive populations, in Pobitora in Assam, needs to be explored. This would be a special case of introduction into a new habitat, as its previous habitats in Manipur are now not viable any more and the total world population of this taxon is now confined to the Keibul Lamjao National Park in Manipur. All endeavours must be made to bring back the Siberian crane to Bharatpur, if necessary, from the more numerous eastern population now migrating between China and Russia. The need to undertake a re-introduction of the cheetah in India, after careful study and prior preparation, has been mentioned elsewhere.
- [181] The re-introduction of the lion in the designated protected area of Kuno-Palpur be expedited on a priority basis. The Chairman of the National Board of Wildlife could request the Chief Minister of Gujarat for the translocation of lions that have strayed out of the Gir, to the project site of Kuno-Palpur.
- [182] Studies be undertaken by the Centre for Cellular and Molecular Biology of Hyderabad to identify the extent of genetic 'swamping' occurring in the current populations of wild buffalo and in sample areas in the case of the red jungle fowl and wild pig. The studies also need to identify the surviving populations that can be termed as truly wild and parameters to judge the wild specimens of these species.
- [183] The same studies should recommend corrective/administrative action to curb the threat and to retrieve the situation to the extent possible, with special recovery plans for the wild buffalo and for wild pig in the Andamans.
- [184] Investigations leading to practical recommendations, be carried out to prevent future inbreeding between domestic and wild jungle fowl, pig and wild buffalo, specially around protected areas

- [185] In the interim period, a special effort and plan needs to be undertaken to save the surviving wild buffalo populations that are apparently least genetically "swamped" and at the same time the most threatened, in Chhattisgarh.
- [186] The Ministry of Environment and Forests and State Forest Departments develop centres of restoration ecology and to remove exotic species, even from a national park, after thorough investigation. The Ministry of Environment and Forests should develop a nodal agency that should look in to this problem and involve ecologists, conservation non-government organizations and media.
- [187] Strict guidelines should be developed for the removal of exotic trees and restoration of natural habitats. No commercial interest should be involved to remove exotic trees and they could be supplied first to the local people as per the provisions of the Wild Life (Protection) Act. However, the money generated from the sale of such timber should go back to the protected area.
- [188] The following species are candidates for priority intervention by the Indian Armed Forces, Border Security Force Indo-Tibetan Border Police and coast guards. It is recommended that species programmes be initiated in conjunction with them for these species:
- [189] Northern Command - Ladakh: black-necked crane, snow leopard, Tibetan argali, ibex, Ladakh urial, Tibetan antelope and Tibetan gazelle; Jammu and Kashmir: markhor, hangul, western tragopan
 Eastern Command: clouded leopard, snow leopard, Tibetan gazelle, Tibetan argali, and takin; Orissa: Oliver Ridley turtle
 Southern Command - Gulf of Mannar: Dugong, corals; Lakshadweep: Leatherback turtle, hawksbill turtle, giant clams and corals; Andaman and Nicobar Islands: Leatherback turtle, hawksbill turtle, dugong, whales, sharks, giant clams, Nicobar megapod
 Western Command - Gujarat: Dugong and whale shark
 Central Command - Musk deer, western tragopan, Himalayan tahr and serow
- [190] The Indian Armed Forces can arrange environmental training programmes for officers and jawans through their Green Governance initiative. Army training manual on environment can be developed in a structured format, which will then form an integral part of Army training.
- [191] Army, Navy, Indo-Tibetan Border Police, Border Security Force and coast guards should also contribute in prevention of smuggling of wildlife products along the borders.

Chapter 10

The traditional rights of the North-eastern people's forest and land must be honoured. They should have the right to conserve, manage and utilize their forest.

- [192] Weaning away of the jhumias from shifting cultivation by improved animal husbandry, horticulture, settled agriculture, apiculture and other appropriate agricultural and pastoral practices and occupations. In this context, it is pertinent to note that the Administrative Staff College of India, Hyderabad has reported (1989) that approximately 4.5 lakh families of this region were practicing shifting cultivation and that the total cost of weaning one family away

from shifting cultivation was Rs.50,000. This would have made the total outlay worth Rs. 2,250 crores, which was not too high a requirement if phased over some 10 or 15 years. The situation may have changed, but a detailed assessment of the acceptable alternatives and the financial requirements thereof need to be carried out and given the highest priority in administrative attention and allocation.

[193] While the process of weaning away people from shifting cultivation must be encouraged, in the meantime;

- a) Increase security of land tenure for shifting cultivators for both the agricultural and fallow phases by reconsidering the classification of shifting cultivation areas and categorizing them as agricultural land with adaptive forest management in the fallow period.
- b) Strengthen and capacitate customary institutions for improved local level governance, management of tribal, community-based natural resources, and tenurial access and control.
- c) Reorient existing credit policies to be sensitive and proactive to situations where common property regimes apply.
- d) Encourage coordination among different government agencies that have responsibilities for aspects of shifting cultivation especially forestry, agriculture, rural development.

[194] Propagation and sale of medicinal plants in the North-East would be a very promising proposition to provide to the land-owner in the region an alternative to jhuming. A special ecologically sustainable programme needs to be undertaken in this regard.

[195] Bamboo is the most versatile crop of the North-East and its management and protection can be best served if the propagation, cultivation, management, harvesting, value addition and marketing is done through a "mission mode" and the mandate is with the Ministry of Environment and Forests, Government of India. Bamboo is a fire-succession plant and grows profusely in the North-East. There must be facilities for its commercial usage.

[196] Agroforestry is another very viable alternative. But to ensure its success there should be no hindrance to the harvest, transportation and sale of the produce. Mizoram has taken up teak plantation on a large scale. But the farmers must be enabled to extract this tree without waiting for government clearances.

[197] ICAR Centre at Barapani has developed many models for agro-climatic zone settled agriculture, with horticulture / poultry etc. to make livelihood self-sustaining and remunerative. This activity needs to be encouraged and supported.

[198] The Central Government and the North-Eastern Council must play a much more proactive role in forest conservation and in the phasing out of shifting cultivation. This would include greater financial allocations, more schemes for afforestation, regeneration, eco-development, agriculture, animal husbandry and development of local arts and crafts.

[199] Village Councils and individuals have donated land for the setting up of parks and sanctuaries, and in some instances have sold forestlands as well. Murlem and Dampa in Mizoram, Mehow in Arunachal Pradesh and Nokrek in Meghalaya are

some examples. This trend must be encouraged and the local people should be associated with the protected areas and must derive economic benefit from them through tourism, etc. The people of Murlem are prepared to add another 50 sq km to the Murlem National Park if an alternative road to the village was developed for them and some eco-development activity was initiated.

- [200] Wherever possible, Community Reserves under the Wild Life (Protection) Act be set up on community lands and sacred groves called Lyngdohs in Meghalaya and the concerned tribal community should be involved in its conservation and management and a sense of pride in these protected areas should be inculcated. In this respect;

A complete inventory of sacred forests in the region should be undertaken. These should be registered either with the Autonomous District Councils or with the State Forest Department under the existing Acts and Rules.

The survey for different components of biodiversity in each sacred forest should be completed on an urgent basis.

The sacred forests should be brought under the protected area network, including Community Reserves, without altering the land ownership status. The interventions, if at all required, as in case of degraded ones, may be designed by the government agencies jointly with the communities. Due approval must be taken from the traditional institutions administering the sacred forests, before initiating such interventions.

There should be an umbrella scheme of the government for conserving the community forest areas including the sacred forests. Development of adjoining community forests areas is essential to meet the biomass needs of the community, thereby reducing the pressure on the sacred forests. Such schemes should be implemented jointly by the Forest Department and the concerned traditional institution. Under the scheme, provision should be made for incentives to the tribal people, who are conserving/preserving the sacred forest

The sacred forests can no more be protected based only on religious beliefs. Therefore, it is essential to educate the people about the scientific value of such forests and the conservation ethos should be blended with the religious beliefs.

The diversity of ecosystem services derived from the sacred forests must be recognized and valuation of such services must be done. The policy for adopting the 'user pay' principle in respect of these services must be developed and the benefits must be given to the people who are protecting the sacred forests.

- [201] In forests, prone to organized or large scale violations or insurgency, special protection staff or para-military forces need to be deployed to prevent illicit felling, encroachment, infiltrations, smuggling and poaching, especially on the international borders and in insurgency affected areas.

- [202] The Forest Survey of India needs to be assigned the task of periodically undertaking detailed remote-sensing of the forest areas and tree cover to assess qualitative and quantitative changes, including extent of invasion of exotics and changes in the type of tree cover.

- [203] The forest of the various communities, individuals and of the Forest Department itself needs to be cadastrally surveyed and physically marked and mapped.

- [204] *Disputed boundaries between the North-eastern States has created problems of lack of control, resulting in encroachment and illicit felling. Boundary disputes must be settled as urgently as possible, under the aegis of Government of India*
- [205] *There is illegal traffic of wood, wildlife and forest products between the North-eastern States and Myanmar on one side and Bangladesh on the other. This must be stopped by the paramilitary forces on the borders.*

Chapter 11

- [206] *Establish the institutional infrastructure for democratic decentralization by creating clear and secure tenure over the forest resource to be decentralized. The respective governments should designate suitable lands in the villages or in urban areas as Village Forests. Chapter III of the Indian Forest Act, 1927 already has provisions for the constitution of village forests on lands recorded as Reserve Forests. Amendments may be made in the section 28 to accommodate all types of lands, not Reserve Forests only, for being eligible to be declared as Village Forests. In such villages or urban areas where Reserve Forests are not available, any other category of forests, or any common land which may or may not have forests but has the potential to be developed as forests, may be notified as Village Forests, or in urban areas, Smriti Van (Memorial Forest), municipal forests, avenue plantations, or green reserves. For the purpose of constitution of VF, a village or an urban area shall be a habitation in which people live as a unit. This unit may not necessarily overlap with the existing revenue village boundary, but has the defining features as enumerated in the Panchayati Raj (Extension into Schedule Areas) Act, 1996.*
- [207] *The Government should develop the framework for creating democratic forestry institutions (DFIs) at primary, secondary and tertiary levels across the whole country with an aim to increasing the efficiency of the ongoing decentralisation. The DFIs at above levels may respectively correspond to Van Panchayat at the village or urban habitation, e.g., ward level, Van Samiti at the block or equivalent level in the urban areas level, and Van Parishad at the district level. A Van Panchayat should have jurisdiction over the respective Village Forest, and should be constituted of all resident adult members of the village, and the membership should be suo moto abrogated once one becomes non-resident of that village.*
- [208] *Government and other organizations should foster local accountability by choosing to work with and build-on on only such democratic forestry institutions, which are constituted by due process of election, or consensus of the cross-section of the participating community. Further, the DFIs should be accountable to weaker sections of the village or urban community (e.g. Scheduled Castes, minor groups within Schedule Tribes, women of weaker sections, widows, women-headed households).*
- [209] *The responsibility and the powers to manage the forestry resources should continue to rest with the democratic forestry institutions. The democratic forestry institution shall be a member of Panchayati Raj Institutions at the respective level, and for this purpose suitable amendment may be brought in the Panchayati Raj Act, 1993 also.*
- [210] *In the initial years of institution building, the Government should subordinate the objectives of forestry management to accommodate the needs of the local people.*

Disadvantaged sections of the village or urban community must be included at the decision making level of the democratic forestry institutions. Favouring democratic process in the short run will help build institutions able to take up sustainable management in the long run.

- [211] Forests should be maintained as a 'public good' over which each member of respective democratic forestry institution would have equitable access. Private tenures should not be created in the forests by way of monopoly lease or regularisation of encroachments therein. In case of diversion of forestlands for non-forestry purposes, or for grant of forestry leases to private or public companies, concurrence of the democratic forestry institution at the appropriate level should be made mandatory.
- [212] Ecologically sound traditional practices should be identified, and formally recognized and incorporated in the forest management plans. Similarly, the livelihood strategies of the members of the primitive tribal groups should be properly incorporated in these plans.
- [213] The Government should provide adequate funds and fund raising power to enable democratic forestry institutions to fulfil their mandate. The fund raising power at appropriate level of democratic forestry institution may include powers to borrow, levy charges, fines or compensation, raise tax or fees, and transfer funds. Commercially valuable and ecologically sound resource-use opportunities should also be available to the democratic forestry institution in addition to subsistence-use of the resources. Accounting standards should be developed, and each level of democratic forestry institution should ensure the maintenance of these standards.
- [214] The members of democratic forestry institutions, as individuals or groups, need to be made aware of the opportunities available with other schemes and programmes in the government or the non-governments sector, and should be suitably supported to forge these linkages. Capacity building of officials in this regard should be a continuous process.
- [215] Simple but effective extension mechanisms should be introduced to reach the outputs of research to the common people. One such mechanism is establishing Van Vigyan Kendras at the Block level. Where Krishi Vigyan Kendras are operating, these may be made responsible for education, research, training and extension in forestry matters also. The compulsory environment education in schools and colleges should be based on the ecology of the local natural resources.
- [216] The Union Government should oversee the decentralization process and provide essential support, including capacity building, to the democratic forestry institutions at all levels to enable them to manage their forests.
- [217] Since decentralization of forests is creating a new set of right-regime, the existing records of rights be reviewed in view of the ecologically sustainable capacity of forests, to ascertain the minimum essential requirements of the local community with respect to the forest products.

Chapter 12

- [218] The country's forests must now be looked upon as ecological entities – regulators of water regimes, watersheds and catchments, gene pools, habitats of wildlife, providers of the needs of the neighboring communities and as treasure troves of

the nation's natural heritage. The country's needs of timber, fuelwood, fodder, industrial wood, and medicinal plants must mainly be met with plantation forestry and through agroforestry, which thus must receive much greater attention and support than now. This would also require a change in the role of forests, forestry and forest personnel, with corresponding change in recruitment, training, attitudes and mindset.

- [219] *Plantation forestry must be on degraded forest areas. It must add biomass, not substitute it, even if the tree growth in such degraded areas would not be as good as in areas requiring removal of existing good forest cover for plantation purposes.*
- [220] *The focus of agroforestry must filter down to the tahsil / block levels. While the responsibility in this regard would rest mainly with the agricultural departments and institutions, the forest departments must cooperate and support by providing quality seedlings and technical guidance and by enabling the farmers to freely harvest, transport and sell their produce. All restrictions on the harvest of trees, transport and sale of timber etc. must be removed.*
- [221] *There needs to be a much greater coordination and close cooperation between State Forest Departments, State agriculture, irrigation, animal husbandry and fisheries departments. If the State agriculture departments are to take a lead in agroforestry, they must take on board forest officers and staff for technical help to the extent required. At the national level, there should be a close collaboration between Ministry of Environment and Forests and the Ministry of Agriculture for the advancement of agroforestry.*
- [222] *Import of timber and import duty thereupon should be regulated to keep agroforestry remunerative to the farmer.*
- [223] *Tissue culture and cloning needs to be practised for multiplication of planting material. For this, quality seed and material needs to be obtained by the Forest Departments.*
- [224] *If the forest departments themselves cannot changeover to the new biotechnology methods of multiplication mentioned above, they should establish linkages with approved institutions and registered private growers who would undertake the task for them. Department of Biotechnology has already recognized The Energy Research Institute, the National Chemical Laboratory and the Jainarayan University of Jodhpur for multiplying trees and bamboo through tissue culture.*
- [225] *The need of medicinal plants cannot be met with from forests alone, even with their improved management. There is a great scope for growing medicinal plants on private agriculture holdings, which would require the supply of planting material, marketing assistance, and technical inputs at least in the initial stages, and this must come from the State agriculture departments with inputs from State forest departments as well.*
- [226] *Bamboo has multifarious uses and is in increasingly short supply, especially in the north, central and western India. Bamboo cultivation has great prospects as a remunerative crop under agroforestry and can be grown along field boundaries and in homesteads. Bamboo propagation thus needs to be made a rational priority, for State Forest Departments, State Agricultural Departments, and local bodies including panchayats and Gram Sabhas.*

- [227] Assistance and cooperation of concerned panchayats, Gram Sabhas and appropriate non-government organizations need to be taken in agroforestry extension.
- [228] The State Forest Departments must establish appropriate extension services to provide necessary technological support to tree growers. In order to provide single-window-services to farmers, agroforestry extension should be handled by the extension services of the agricultural universities and agriculture departments. Subject matter specialists in forestry species should be posted at Krishi Vigyan Kendras and in other appropriate extension units undertaking forestry extension.
- [229] Wood-based industries should also be encouraged to supply certified quality planting stock to farmers and to enter into buyback arrangements with them for the raw material produced by them. The farmers should be free to sell to the market if they get higher prices.
- [230] Liberal credit facilities at lower interest rates may be channelized through banks and other financial institutions to farmers to raise tree and bamboo plantations.
- [231] Suitable lands outside village forests, falling in the category of permanent agricultural fallows or wastelands fit for agriculture (e.g. canal side lands), or problem lands (e.g. usar, ravines, etc.), should be assigned to individuals or groups for tree cultivation in any form (including agroforestry, farm forestry, silvi-pasture, horti-silviculture), and suitable incentives should be designed and put in place to promote tree planting on lands distributed to the landless persons.

Chapter 13

- [232] Ecological relations of species with their environments should be documented.
- Ecological keystone species in major forest types should be identified.
 - Optional and truly obligate physiological or behavioral relationship among species should be identified and studied.
 - Key agents in biogeochemical cycles and energy flow chains, and quantify the rates of nutrient and energy transfers should be identified.
- [233] Genetic markers for identification of plus strains of important tree species for forestry and utilitarian purposes should be developed.
- [234] Soil processes in forest ecosystems, particularly aboveground -belowground interactions including role of mycorrhizae in forest regeneration and rehabilitation should be studied, and indicators of soil quality be identified.
- [235] Carbon sequestration of degraded forests using forestry practices should be improved, and carbon sequestration by major forest types be evaluated.
- [236] The role of coarse woody debris in forest regeneration/restoration should be determined.
- [237] Pollutant sensitivity of major tree species and the response of forest to carbon dioxide and nitrogen enrichment should be determined; the impacts of toxins and pollutants in perturbing biogeochemical cycles be considered.
- [238] Tree species for urban forest in different agro-climates should be designed and identified.

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- [239] Biodiversity database for major forest types should be developed and the uses of this biodiversity be examined.
- [240] The effect of changes in ecosystem structure and functioning in response to global biophysical and sociological impacts on the delivery of ecosystem services, both tangible and non-tangible, should be documented.
- [241] The linkage of ecosystem services to human well-being should be determined, and the level of well-being dependency on ecosystem services for different forest systems under different socio-economic conditions be evaluated.
- [242] Robust analytical framework and methodological foundations for valuation of ecosystem services and their delivery across social groups should be developed.
- [243] Indian Council of Forestry Research and Education should assess the local research needs of States and prioritize.
- [244] Forest Departments and the Government of India should encourage universities and organizations to take up research proactively, particularly applied research; the topics/areas for required baseline data collection and research should be identified, researchers be supported, and the findings of applied research in the working / management plans be incorporated.
- [245] Research permits, getting of which is a difficult task, should be given without arbitrariness and quickly, provided certain conditions are met. Each management plan should list: i) research required, ii) research carried out in the area, and iii) publications and summary of findings that are relevant to the management plan.
- [246] Long-term research on grassland ecology, fire, flood, invasive species, forest regeneration, wildlife diseases, inter-relationships and inter-dependence of species, groups and habitats, multidisciplinary integrated research encompassing scientific and socioeconomic aspects related to protected area management, reintroduction, rehabilitation of species, etc. should be undertaken in different eco- regions with proper funding by the government and provision of facilities by the Forest Department. Research for making use of ethnic knowledge in wildlife conservation and management, and applied research to obtain intellectual property rights capable of benefiting the local communities and the country, should receive special attention.
- [247] ICFRI (Indian Council of Forest Research and Education) institutes should focus on basic research, and on research relating to national or regional problems which cannot be handled by State Forest Research Institutions (SFRIs), such as genetics and tree breeding, wood science and technology, forest hydrology, chemistry of forest products and their utilization, bio-pesticides, global warming, biodiversity conservation and management, forest sociology including participatory management, and forest economics. Strong linkage should be ensured between SFRIs, ICFRE institutes and agricultural universities undertaking forestry research in the same State. Networking of scientists working in these research organizations on common problems needs to be done.
- [248] A quinquennial review of the research projects should be undertaken by a committee of outside experts in respect of each research institute. An expert committee may be constituted to critically examine and recommend revamping and refocusing forestry research in the country.
- [249] The outlay on forest research needs to be very substantially enhanced.

- [250] Keeping in view the paucity of personnel in forestry research, certain thrust areas of research in forestry should be put on contract to agricultural or other universities, as well as private institutions engaged in such research activities. Simultaneously, the extraneous posts of research officers in State Forest Departments, who do no research as such but merely help in providing posts for unwanted personnel, should be abolished.

Chapter 14

- [251] Appointment of faculty should be done through a constant interaction with the State officials. A committee consisting of the director, Indira Gandhi National Forest Academy (IGNFA), one professor, and a representative of the Ministry of Environment and Forests should screen the officers and draw up a list. The officers who have put in a minimum of ten years service and having a very good service record, aptitude and a competence in teaching should only be eligible for appointment. Since there is a dearth of young and willing officers at the level of DCF in the cadres, the faculty positions in the IGNFA should be made flexible and filled up at the level of DCF or Conservator of Forest, depending on the suitability and availability of officers or by getting suitable persons from outside the service. The criteria of selection should not be seniority of service or plain experience, but a combination of experience and aptitude with a greater emphasis on the latter. A detailed guideline of such a selection process should be worked out by the IGNFA in consultation with Ministry of Environment and Forests. Only those members of Indian Forest Service/ State Forest Service should be eligible for selection for a faculty position in IGNFA or training colleges/schools, who must have had at least 10 years service and should have annual reports of not lower than 'very good', besides having an aptitude for teaching.
- [252] Seniority should also not be the only criteria for selection of director of the Indira Gandhi National Forest Academy. The Ministry of Environment and Forests should ensure that the officer selected is suitable for this very important post and delivers what is expected of him as the head of the premier forest academy of the country.
- [253] The recruitment of the faculty, their assessment and tenure of deputation for the faculties of the Directorate of Forest Education, should be on the same lines as recommended in the case of the Indira Gandhi National Forest Academy.
- [254] Keeping in view the low intake at the level of State Forest Service and Forest Range Officers by the State Governments, there is need to review the mandate of the Directorate of Forest Education, the utilization of the existing infrastructure and of the upgradation of the post of the Director, Forest Education.
- [255] The Indian Council of Forestry Research and Education (ICFRE) should be granted autonomy on the pattern of the Indian Council of Agricultural Research and the DG, ICFRE should be made Chairman of the Board of Governors, ICFRE. The post of the DG, ICFRE should be made equivalent to the level of Secretary, Government of India.
- [256] Since the major clients for forestry research are the State Forest Departments which do not have funds to sponsor paid research projects and there is not much scope for the Indian Council of Forestry Research and Education to generate its own financial resources except for a few externally aided projects, the Ministry of Environment and Forests must increase the plan and non-plan allocation to the

Indian Council of Forestry Research and Education for pursuing research activities as per the National Forestry Research Plan. At least five per cent of the revenue from forests should be earmarked for forestry research. The States must increase the allocation to the State Forest Research Institutes, and other research units for carrying out research.

- [257] There is an urgent need to review the mandate of the institutes and fix research priorities for each institute/advanced centre, based on themes and regional research needs, to maintain focus on critical forestry issues. An 'Expert Committee' may be constituted to critically examine and recommend the revamping and refocusing of forestry research in the country and which should be need based applied research.
- [258] More emphasis should be given on field oriented applied research.
- [259] Certain glaring omissions in the field of applied research remain. This was shown, for example, by the sal-borer infestation in Madhya Pradesh. The know-how to deal with this periodically recurring menace to one of the most widespread and valuable biomes in the country's forests, has made no progress since what was advocated in the 1940s.
- [260] There needs to be much greater attention given to research to achieve biological control over exotic weeds like eupatorium, Mikenia, Strobilanthes, lantana, mimosa and parthenium, which are a serious threat to the regeneration of natural forests.
- [261] The non-plan component of grants-in-aid must be increased to meet the establishment expenses, so that the plan funds could be utilized for only research activities.
- [262] For attending to the State's specific problems and research needs, there should be a separate State Forest Research Institute in each state with autonomy on the pattern of the Kerala Forest Research Institute and these must undertake field oriented research in close coordination with the State Forest Department (SFD). This can be done through reorganizing the Silvicultural Wing of the SFD. The institute should be manned by competent officers and scientists. The useful findings should be widely disseminated. Indian Council of Forestry Research and Education should avoid duplication in their own research work.
- [263] Strong linkages must be ensured between State Forest Research Institute, ICFRE (Indian Council of Forestry Research and Education) institutes and agricultural universities undertaking forestry research in the same State. Networking of scientists working in these research organizations on common problems, should be done.
- [264] There has to be an in-built system of dissemination of research results to the State Forest Departments, other stakeholders, trainees in forest academy / colleges / schools etc. through conduct of refresher courses, seminars, workshops, electronic and print media. Effective linkages should be established between all the research institutes and the beneficiaries of research. The Ministry of Environment and Forests may devise mechanisms for quick transfer of research results to the stakeholders and receive feedback from them.
- [265] Detailed procedures for selection of IFS (Indian Forest Service) officers and scientists on research and training posts should be formulated. The officers with adequate aptitude, experience and real interest in the areas of responsibilities of

a particular post should only be appointed. The IFS officers who are not performing must be given one year's time to perform. If they fail to do so, they should be repatriated to their cadres.

- [266] The working of the Indian Institute of Forest Management should be reviewed and the curricula of various courses being organized by the Institute should be suitably modified. The 'perspective plan' for the faculty must be completed on a priority basis and action taken for filling up all the vacant posts.
- [267] The an Institute of Forest Management should publicize its achievements and strengths in the field of forest management, education and training, to improve its image and attract consultancies and projects.
- [268] The problems with the staff at the an Institute of Forest Management need to be sorted out.
- [269] The Indian Plywood Industries Research and Training Institute must have a detailed vision paper for the next 20 years. The Institute must have constant interaction with industries and other stakeholders for deciding research priorities and other activities to be taken up. Adequate grants-in-aid should be made available to carry on with research and extension activities and for facilitating the work of the institute.
- [270] Assessment of research needs of the Wildlife Institute of India should be carried out in consonance with the current wildlife strategy/action plans and policies of the Government of India. The Institute must lay more emphasis on applied research on field related problems pertaining to management of wildlife, especially those related to the reduction of man-animal conflict and to develop methodologies and applications for the capture, translocation and rehabilitation of problem animals.
- [271] The Wildlife Institute of India must also devise short-term courses for various levels of forest officers (DCF, Conservator of Forest and Chief Conservator of Forest) which can be sponsored by the Ministry of Environment and Forests.
- [272] A thorough assessment of role identification of the officers on deputation should be undertaken to utilize the potential of officers in full, to supplement and complement the needs of the Wildlife Institute of India. Vacancies need to be filled up and the posts allocated to spheres now requiring attention and priority.
- [273] Trainees receiving long-term training at Wildlife Institute of India must be posted in the respective wildlife wings in the States
- [274] Each manager of a protected area should have received training at Wildlife Institute of India. There should be an incentive by way of an allowance, to achieve this end.
- [275] The States must fully utilize the "slots" of training available to them at Wildlife Institute of India and indeed, should ask for more than the present quotas.
- [276] Develop a dynamic database under the geographical information system domain at the Wildlife Institute of India for monitoring changes in prime wildlife habitats, for facilitating adaptive management.
- [277] Establish a special laboratory for forensics and conservation genetics at the Wildlife Institute of India and to disseminate knowledge in this regard to the States.

- [278] To grant real autonomy to the Wildlife Institute of India as contained in the Memorandum of Association.
- [279] The zonal establishments of the Forest Survey of India (FSI) should be strengthened with enough budgetary and staff support so that more periodic information on forest resources can be made available to State Forest Departments. Since field verification and interpretation of the data obtained through satellite imagery is very essential and is to be done on a time-bound basis, the staff and budgetary requirements of the zonal offices of the FSI should be properly assessed and they should be provided with adequate finances and essential field staff, which can be kept on a contractual basis. Two more zonal offices, one exclusively for the North-East and the other for the western region needs to be established.
- [280] The Ministry of Environment and Forests must impress upon the State Governments the need to ensure that the forest training institutions are administered and managed properly and the posts are filled with willing and competent officers.
- [281] Forestry personnel have to be equipped with necessary tools for managing forests according to emerging needs of the civil society and in view of the increasing pressures on the forests. Hence, there is need to regularly review the contents of training being imparted to forestry personnel at various levels, at least once in five years, and the training be modified suitably.
- [282] The Forest Development Corporations (FDCs), in their current mandate and functioning, are redundant. Their existing work can readily be transferred to territorial forest divisions and afforestation wings, if any. Some of the staff of the FDCs may be transferred with the charge. The mandate and role of Forest Development Corporations need to be reviewed and other functions assigned to them. The FDCs can also be entrusted with the work of fuelwood supply, to extract and supply fuelwood in lieu of the ongoing practice of sale of 'head load' fuelwood in towns and cities and which therefore can be stopped. The people currently extracting and selling fuelwood could be given fuelwood from established depots of the FDCs and they in turn can sell them. But extraction of fuelwood from forests for the purpose of sale must remain the monopoly of the Forest Department.
- [283] The Forest Development Corporations should be given the task of extending forestry to grassland/watershed management in government lands outside of forests, as well as to cooperate with agriculture departments in the extension of farm and agroforestry.
- [284] The State governments must ensure that all the administrative and scientific posts in these institutes are filled up in time with competent and willing personnel and adequate facilities and incentives are provided so as to attract the best talent for manning these institutions. These posts must not be a preserve of in-service personnel, but should be filled up with recruitment of the best possible talent, within the State Forest Department as well as from universities and from the open market.

Chapter 15

- [285] A separate Department of Forests and Wildlife within the Ministry of Environment and Forests should be created to ensure adequate importance and

attention to the management of natural resources. Forestry related subjects of biodiversity, mangroves, wetlands, medicinal plants, forestry issues under climate change and combating desertification, which are being dealt mostly by the forest departments in the State governments, should be transferred to the proposed new department, from the Environment Wing. This department should also handle coastal development, National Wasteland Development Board and watershed management in areas having forests, as well as coastal conservation involving the biota. The new department also needs to be given adequate resources to fulfill its duties.

- [286] On most of the international forestry issues wherein India has a larger stake as a developing nation, generally wider consultations are not held among the forest officials within the Ministry as well as with the State Forest Departments. As a result, in international consultations the country does not get the benefit of collective work experience of a wider section of foresters. Even the officers do not get to know the latest happenings in the sector at the global level, which have a bearing on the development of forestry and wildlife at the national and regional levels. Appropriate mechanisms should be evolved for wider consultations and dissemination of information to foresters at the national and State levels.
- [287] Presently, there are no detailed defined duties and responsibilities for various levels in the forestry hierarchy, except the mention of some broad duties in the forest codes/forest manuals of the State Forest Departments. Detailed job description for all levels including that of the ministerial staff should be documented by revising the forest codes and it be given to all the personnel. Need based training for the personnel at different levels should be arranged.
- [288] For efficient administration and better coordination among the various wings of the State Forest Department, it is necessary to have a single line command. Only the Principal Chief Conservator of Forest should report to government on policy issues.
- [289] Over the last three decades, there has been an immense change in the aims and objectives of managing forests and wildlife resources in keeping with emerging needs of the civil society. However, the structure of the State Forest Departments (SFDs) including the strength of the frontline staff has not undergone adequate changes. The Ministry of Environment and Forestry should undertake a detailed review of the structures of various SFDs and issue appropriate guidelines to States in the next two years, for the restructuring of each State/Union Territory State forest department.
- [290] Accountability of officers at various levels in the forestry services needs to be closely laid down and monitored, to improve their performance.
- [291] For the welfare of the service (housing, educational facilities for children, conveyance, facilities for maintaining physical fitness, grievances handling and counseling etc.), the State Governments should establish Forest Services Beneficiary Funds.
- [292] Professional knowledge of the forest staff, especially the field staff is very poor in respect of the procedural requirements to prosecute a case in court. They need to be provided regular training in legal requirements pertaining to search, seizure, evidence collection and prosecution in court. Legal cells need to be established in each State to pursue the backlog of court cases and in hiring good lawyers in important cases.

- [293] In States where the backlog of pending cases pertaining to forest offences is especially large, the High Court could be requested to appoint special courts to hasten the process of law.
- [294] Grievance redressal cells should be established at circle and headquarters level to address the problems and grievances of the subordinate staff.
- [295] The delegation of administrative and financial powers should be reviewed and for efficient administration and service delivery to the society, there has to be more devolution of these powers to the middle level management and the field officers, with corresponding increase in accountability.
- [296] Professionalism should receive priority within the department. Measures to reduce unnecessary administrative work at different levels are necessary, as these consume a major time and attention of senior staff and hampers technical and professionalism improvement and specialization.
- [297] The State governments must complete demarcation of forest boundaries, and mutation in revenue records. The process requires financial and technical capacity building of forest settlement offices. A trained team of surveyors be equipped with global positioning system and other technical tools to carry out the process of demarcation. Forest maps should be updated after demarcation and be incorporated in the working plans.
- [298] Staff and vehicles of the Forest Departments are requisitioned for non-forestry purposes, the advantage of which is taken by wood and wildlife poachers. Such requisitioning must be avoided.
- [299] In view of prevalent threats to forests and forest personnel who unlike the police have to function alone or in very small units, the forest field staff need to be armed and need to be given protection under the law in the exercise of their duties, as is given to the police and the paramilitary forces, under section 197 of the Criminal Procedure Code. They need to be safeguarded against wrongful accusations under the various anti-SC/ST (Scheduled Castes/Scheduled Tribes) atrocities legislations and need to be provided reasonable and just indemnities in fabricated cases.
- [300] Making frontline staff a satisfied lot is a most important tool for achieving effective conservation and management of forest. For this, it is necessary that their housing problem is addressed. Keeping in view the remoteness of the posting of the frontline staff; they are not in a position to keep their families at their place of posting. It is, therefore, recommended that Forest Housing Corporations be created by every State Government to construct primarily family accommodations for the frontline staff. An adequate corpus fund be allotted to the proposed corporations for their effective functioning.

Chapter 16

- [301] Forest administration should take advantage of forestry education in the universities by at least giving preference in selection for the posts of forest officers.
- [302] Recruitment to forest rangers should be from amongst B. Sc. Forestry graduates produced by universities imparting forestry education. Induction training in the forest rangers colleges will, however, still be necessary for trainees who might already be forestry graduates.

- [303] Forestry should be recognized as a subject for competitive examinations in state and All India Administrative Services.
- [304] In view of the serious shortage of forest staff at the field level, the general ban by the State Governments on filling up of vacant posts should not apply to the field posts of wildlife guards, forest guards, foresters and others up to the level of forest range officers. Tribal and other backward communities need to be given preference in the filling up of the vacant posts of Forest Guards, and educational qualifications need to be relaxed in the case of such recruits.
- [305] The number of beat guards needs to be substantially increased and a revision of beat areas needs to be done state-wise. No change has been done in this regard since before Independence. Each State needs to appoint a committee to go through the exercise of re-delineating beat boundaries.
- [306] The field staff is also poorly provided for by way of transport, communication and other facilities required in the better exercise of their duties. A state-wise assessment needs to be carried out and these basic requirements have to be provided to make the field staff more effective for protection work, on a priority basis.
- [307] Specialization is a prerequisite in forestry to enable the service to fulfill its role in conserving the forest ecosystems and its biota, in extending forestry within and without existing forests, and in fulfilling the needs and aspirations of the people vis-à-vis forestry. Experience has shown that specialization in real terms can only be achieved by restructuring the personnel setup and setting up specific sub-cadres, by changing recruitment rules and by providing the complementary training and cadre management. Four broad areas of specialization for purposes of developing sub-cadres are recommended. They are:
- a) Forest conservation, including protection, harvesting and sale of forest produce;
 - b) Extension forestry, including plantations and nurseries, joint forest management, grassland and watershed management and eco-development outside Reserve Forests;
 - c) Wildlife management, including management of protected areas and their buffers and corridors; collection of basic data, control of wildlife trade and taxidermy, etc. implementation of international conventions pertaining to nature conservation;
 - d) Research, training, working plans, technical support to agro- and farm forestry
- [308] However, a detailed and impartial study needs to be commissioned to define in detail, (i) which precise work spheres should be assigned to the respective sub-cadres (ii) what should be the required strength of each sub-cadre for the Indian Forest Service and other cadres in the States (iii) guidelines for the cadre management of the various sub-cadres.
- [309] The same study referred above should also consider as to what changes are required in the recruitment rules for the individual specialized sub-cadres, and the training and training periods required for recruits with degrees in subjects related to forestry and forestlands like botany, biology, zoology, ecology, forestry, ethology, environmental sciences, etc, and for those recruits who have other science degrees. But weightage has to be given to those recruits who have graduated in subjects related to forestry as against those who have science

degrees not related to forestry and ecology, and this should be reflected in the period of induction training. This, in itself, will encourage candidates to opt for relevant subjects in their college education.

- [310] It is a regrettable fact that very few amongst the present personnel of all cadres of forest services would opt for the proposed sub-cadres of categories b, c and d mentioned in the recommendation 308 above. They would vie to remain in the traditional work sphere of the service – territorial forest divisions and in the harvesting and marketing of forest produce. This mindset and the lack of specialization that emanates from it, is one of the main reasons for the setting up of specialized sub-cadres. The needs and interests of forestry and forestlands are paramount and hence the services at all levels must be organized to suit the current job requirements, and not the other way around. Once the cadre strength at various levels for categories b, c and d of the proposed sub-cadres are worked out, a certain number of ex-cadre posts would have to be kept in each sub-cadre, so that if an adequate number of appropriate personnel from the existing forestry staff do not opt for them in the initial stages, the required manpower could be recruited from the open field, both through deputation and through competitive examinations. Once the recruitment for different sub-cadres begins and the recruits are imparted the requisite training, the problem of vacancies would not persist.
- [311] In order to take care of the training required to be imparted to equip Indian Forest Service (IFS) officers to handle newly emerging roles and responsibilities, IFS training at Indira Gandhi National Forest Academy should be of three years duration, followed by one year training in the State on different assignments.
- [312] Training for the staff at field levels, i.e., forest guards, wildlife guards, foresters and forest rangers, need priority. Direct recruitment may be only at the level of forest guards and forest rangers to improve promotional avenues in subordinate services. All those promoted to the level of foresters and forest rangers should undergo one-year training. No person should be appointed as forest guard, wildlife guard, forester or forest ranger without receiving training prescribed for these posts. It should be ensured that every frontline personnel gets at least two promotions / equivalent pay scales in his career span.
- [313] Forestry research and training in the State should be integrated and conducted at the State Forest Research Institute (SFRI). The existing Forest Rangers Training College or Foresters Training School in the State should be upgraded as SFRI. It will help in making available competent faculty for training and will ensure quick transfer of research results to the trainees.
- [314] Each forest training institution may have a 'training forest' to be managed by the institution, where all operations should be done by the trainees as a part of their training.
- [315] Pattern of staffing in most of the States and union territories is similar, but for the National Capital Territory (NCT), Delhi, where IFS officers are posted as Conservator and Deputy Conservators as per cadre, allocation of the AC/MUT (Andaman, Goa, and Mizoram Union Territory) cadre, there is no well-developed structure of forest rangers and others. It is recommended that cadre strength, and recruitment rules of all categories of frontline staff be framed by government of the NCT, Delhi by making them at par with the other States / union

territories; but ensuring that personnel presently working here are not put to any hardship in this process.

Chapter 17

- [316] A strategy is required for improving productivity of degraded forests (10-40% crown density) by assisted regeneration and afforestation through joint forest management in forest areas near villages, and by the Forest Departments in areas away from the villages. This would involve prevention of fire and effective reduction/elimination of biotic pressures.
- [317] A strategy is needed for meeting the needs of construction timber, panel, pulp paper, packaging and particle board panel and chip board industries, through quick growing high yielding plantations of softwoods
- [318] A new strategy for social and agroforestry be evolved, which would include planned involvement of forest-based industries in the distribution of high quality seedlings, with buy-back guarantee to the farmers, to ensure qualitative support to the planting programme and market support for the produce. This is to help bring about an additional 10 million ha. under farm forestry/agroforestry and to meet substantially the needs of industry
- [319] In order to promote tree plantation on government revenue wastelands, a survey on the availability of such areas be carried out and at the same time some pilot projects involving van panchayats / village communities, government departments and the investor in such plantations, be formulated in states where such land is available.
- [320] Establishment of a forum for periodic discussion between Ministry of Environment and Forest, Ministry of Industry and Commerce and recognised associations of wood-based industries, to review and evolve a rational import export policy and review tariff rates keeping in view local demand, supply and market conditions, would be useful.
- [] It is necessary to assess the demand and supply scenario of forest products, including exports and imports, to make projections for 2020 A.D. and to suggest strategies to bridge the gap between demand and supply of raw material for forest based industries
- [322] The efforts to develop cottage industries should be concentrated in farm forestry areas. It is also necessary to evolve a strategy to ensure availability of raw material in adequate quantity and quality at a competitive prices to the small entrepreneur. The Khadi and Village Industries Commission, Council of Scientific and Industrial Research and non-government organisations have a major role to play. Linkages with such organizations/institutions need to be established and strengthened.
- [323] Cooperation between forests authorities, community groups and industry is required.

Chapter 18

- [324] There needs to be a detailed advance planning and more attention given to the formulation of any new international arrangements and agreements at both global and regional levels, pertaining to forests and wildlife, so that interests and needs of the country are well safeguarded.

- [325] There also need to be a far more concentrated effort to implement in both letter and spirit, the national duties and obligations envisaged in international agreements to which India is a party, and not just merely participate in the periodic meetings related to these instruments and to give vocal support. Many of these international instruments and agreements including those related to suppression of illegal trade, have a direct bearing on the conservation of the country's biodiversity and natural resources and it is in India's interests to give full cooperation and seek the same, at both regional and international levels.
- [326] There needs to be greater financial inputs provided to fulfil these international obligations, and there needs to be a nodal cell to monitor the follow-up action and implementation of each instrument, within the Forest and Wildlife Wing of the Ministry of Environment and Forests.
- [327] We may also learn lessons from other regional instruments such as the Amazonian and Central African and establish regional instruments, at least at the South Asian regional level, for the purpose of achieving cooperation and collaboration of the countries concerned vis-à-vis international commitments and obligations pertaining to wildlife and forests in the Asian region.
- [328] The views of India should be framed well before international negotiations and after wider consultation from all stakeholders.
- [329] The size of the delegation for the participation in different conventions and international meetings is very small. Since almost one fourth the land mass in the country belongs to the forestry sector and around 28% population of the country have dependence on forests, there is need to have an adequate delegation representing all sectors of the country, including industry, non-government organisations and individual experts.
- [330] It was observed that many forest-related international instruments such as the Convention on Biological Diversity, United Nations Convention to Combat Desertification and Commission on Sustainable Development are not dealt with by the Forest and Wildlife Wing of the Ministry of Environment and Forests. This needs to be rectified.

Chapter 19

- [331] A national level coordination committee for forest resource accounting (FRA) should be constituted to provide technical support and strengthening networking of concerned institutions/agencies, with a view to promote use of FRA at all levels (national/state/local). The committee shall comprise institutions and individuals including economists, ecologists, and physical science experts working in the area of forest resource data generation, valuation and accounting, along with the practitioners. The committee would work out a dynamic formula based upon paradigms and parameters which can be revised from time to time as more data becomes available and better norms get evolved.
- [332] The data requirements for natural resource accounting are very high and the Central Statistical Organisation should create a cell or a separate wing to generate the required data on a continuous basis. Major data gaps are inconsistent data from different sources in the forest sector as well as other line departments, and the lack of resource inventory data. Some of the specific data gaps are forest resource stocks and exploitation data, change in forest stock, time

series data on ecosystem services provided by forests and biodiversity, data on encroachment, data on resources drawn from forests by industrial units and data on intermediate consumption by industrial units, etc. On account of lack of data from secondary sources, primary level studies need to be conducted to cover varied dimensions to bridge the existing data gaps.

- [333] As forests have multiple stakeholders and multi-sectoral linkages, the knowledge generated and the formula of assessment and accounting shall be disseminated in the form of working or policy papers on developing the framework for valuing forests, to guide the formulation of a policy in respect of forest resource accounting, which would then determine the valuation of forests, forestlands and their goods and services and put the assessment of their valuation in its true perspective.
- [334] A manual containing basic concepts, methodology for economic valuation and accounting of forests and forestlands may be prepared for handy use by the end users. Necessary capacity building regarding a new system of forest resource accounting should also be done amongst the personnel of forest departments who are expected to be involved in implementing the proposed system.
- [335] The new system of forest resource accounting (FRA) proposed through the efforts of the expert group shall comprise tools and techniques of capturing values of tangible and intangible goods and services provided by forests and shall produce a set of accounts for systematically recording such values in the system of national accounts. The proposed system can be implemented at the functional unit level, which may be a division or State level. Since the forest sector is a dynamic sector and any change in it will have a multiplier effect on itself as well on other sectors, it is essential that the exercise of valuation and accounting be taken on a regular basis. For this purpose, it is proposed that the exercise should be made as a component of the existing working plan preparation exercise. As the Working Plan is prepared every 8-10 years, the FRA shall also be automatically done. In fact, if FRA exercises are performed first, important signals can be generated for the new working plan itself.

Chapter 20

- [336] While fulfilment of requirements of the community from adjoining forests cannot be denied, the fact remains that the 'forests' are a national wealth and their protection and preservation must be viewed from that angle and not only from regional, sectoral, ethnic or political standpoints.
- [337] Forest-rich States, which are having forest/tree cover more than the target fixed in the National Forest Policy, 1988, should be provided special incentives to maintain that area under forest/tree cover, but their demand for compensation cannot be acceded.
- [338] Forest-deficient States should be provided incentives to increase their forest/tree cover, but the content and approach of this incentive should of course be different.
- [339] While there should be no dilution in implementing the Forest Conservation Act and the existing guidelines are fairly balanced, care should be taken that legitimate demands for basic needs should be cleared without any delay, while safeguarding the long term interests of forests, wildlife and the environment.

- [340] *The National Forest Commission is of the considered opinion that the proposed Scheduled Tribes (Recognition of Forest Rights) Act would be harmful to the interests of forests and to the ecological security of the country. It would be bad in law and would be in open conflict with the rulings of the Supreme Court. Another legislation, therefore, needs to be framed providing the forest dwelling communities a right to a share from the forest produce on an ecologically sustainable basis and Ministry of Environment and Forests could be asked to do the needful, after taking into account the inputs of the State Governments as recommended by the Sarkaria Commission as a subject under the concurrent list.*
- [341] *Forest encroachments to the extent of 3.60 lakh per annum have already been regularized. If any State feels that any encroachments done prior to 25-10-1980 still remains unsettled, the concerned State governments could appoint commissions, perhaps headed by judges, to finalize the claims within a time frame. Settlement of such claims and disputes arising therefrom should be done by quasi-judicial bodies and not left to the discretion of Gram Sabhas.*
- [342] *The Bill implies that tribals would be permitted to exploit forests for commercial purposes and not only for bona fide livelihood purposes as was originally intended, with only the concerned Gram Sabha empowered to decide as to what exploitation would be unsustainable. The extent and nature of forest exploitation on an ecologically sustainable basis must be decided by forest managers in consultation with the local communities, who would have first charge over any forest produce extracted, to meet their bona fide livelihood requirements, and an economic share of any surplus produce that may be disposed off thereafter.*
- [343] *The proposed legislation should not apply to national parks and sanctuaries, which are the last havens of hope for the nation's forests, wildlife, wilderness and biodiversity. The villagers that remain within them have their pattas and rights and encroachments within them must not be condoned. Many communities themselves wish to resettle outside of such protected areas and this must be facilitated and alternative forestland provided. The politically motivated and ecologically suicidal proposal of providing temporary rights in these protected areas for a period of five years and then if they are not relocated in that period the rights to become permanent, is a mere facade, and considering the past record and political motivations will never be achieved and the grant of such rights will irrevocably impair the ecological viability of protected areas.*
- [344] *The clause that no encroacher should be evicted from forestland under his occupation till the recognition and verification of his claims are completed, with no time limit for such a process, is again self-defeating and will give an impetus and license to more encroachments in forests and to corruption. Such a provision must not apply, at least to national parks and sanctuaries, if not to all forests.*
- [345] *There is an ambiguity in the Bill about the applicability of laws. If the laws of the land pertaining to forests and wildlife are to apply to all tribals and non-tribals, this must be clearly stated and the current confusion about duality in the application of law to tribals and non-tribals, be done away with.*
- [346] *It is recommended that to provide an incentive to the forested States to retain and augment their forests, it would be appropriate if additional allocations could be given by Government of India annually, commensurate to the quantum of forest held by the State and the efforts being made by the State to implement national policies for the conservation of forests and watersheds. Such annual grants must*

be linked with conservation performance and not just forest area alone. The quantum of annual aid given must have a certain matching grant quotient from the State concerned and which must be in addition to current State outlays on forest conservation and not just substitution of ongoing expenditure and must go entirely for forest conservation and must be directly linked with qualitative and quantitative improvement of forest cover, periodically to be reviewed by the Forest Survey of India or any other designated agency.

Chapter 21

- [347] The allocation to the forestry sector must be increased, both in central and State budgets, and must not be less than 2.5% of the total plan outlay.
- [348] To finance the normal forestry operations like fire protection, regeneration etc. funds should be made available to State forest departments, either by increasing non-plan expenditure or covering this under plan expenditure
- [349] Whereas the Supreme Court order not to harvest forests as per the working plan prescriptions without getting funds for regeneration must be honoured in letter and spirit, forest working must not be stopped for want of funds and funds must be made available for regeneration.
- [350] Funds for plantation should be grouped under two sub-heads – one for achieving plantation target for that year and another for advance work for the next year.
- [351] In the subsequent year funds for raising plantation in that year should commensurate with the target set and the funds made available for advance work in the previous year.
- [352] 20% funds of all the Rural Development Programme should be incurred on forestry and watershed operations as was done in case of NRER and RLEGP.
- [353] All disaster management programmes of the Central and State Governments must have a component of forestry, which should not be less than 5% of the total outlay.
- [354] Efforts should be made by Central and State Government to obtain adequate funding from external sources to fulfill the NFAP targets.
- [355] Before accepting funding both from donors and lending agencies, the executing agencies namely, the State governments, must provide in real terms matching/required contributions, which should be additions to and not substitution of existing funding, and also make provision for continuing the posts and the programme that have been initiated, after the project has come to an end.
- [356] Fund releases should be timely and in keeping with the requirement. Funds should not be held up by the states to improve their own financial way and means situation.
- [357] Programmes under the National Rural Employment Guarantee Act (NREGA) 2005 should also be extended to forestry operations.
- [358] Currently, industries pay a 2% cess on water, which goes to the concerned Pollution Control Boards. However, water is a commodity that is regulated by forests and most rivers have their upper catchments in forests. At least half of

the 2% cess should go to the concerned SFDs or, more appropriately, the cess be enhanced to 4% with half going to SFDs.

Chapter 22

- [359] *An independent mechanism of the appropriate status be set up to monitor and monitor the implementation of the recommendations of the National Forest Commission and to draw attention of the concerned implementing agencies where implementation is deficient.*
- [360] *To assess and advise on the conservation needs and priorities of forests and grasslands, of biodiversity and wildlife, and of the civic society in this regard in future, it is recommended that a National Forest Commission be set up from time to time.*

Summary

1.1 Introduction

The Indian Board of Wildlife in its 21st Meeting held on 21.1.2002, under the chairmanship of Prime Minister of India, resolved to constitute a National Forest Commission (NFC) to review the working of the Forest and Wildlife sector. In pursuant of the said resolution, Government of India in the Ministry of Environment and Forests (MoEF) constituted the NFC through notification (S.O. 142E dated 7.2.2003 under the Chairmanship of Justice B.N. Kirpal (Ex-Chief Justice of India) with 6 Members, including a Member – Secretary from the MoEF.

The Commission was given the following terms of reference

1. Review and assess the existing policy and legal framework and their impact in a holistic manner from the ecological, scientific, economic, social and cultural view point.
2. Examine the current status of forest administration and the forestry institutions both on all India and State level to meet the emerging needs of the civil society.
3. Make recommendations indicating policy options for achieving sustainable forest and wildlife management and development, bio-diversity conservation and ecological security.
4. Suggest ways and means to make forest administration more effective with a view to help to achieve the above policy options.
5. Establish meaningful partnership and interface between forestry management and local communities including tribals.

1.2 Methodology

To receive the desired inputs from different stakeholders, the Commission adopted the following methodology and procedure:

Obtaining responses of the general public through public notices;

Obtaining responses from selected target groups through replies to questionnaires;

Interacting with various stakeholders including State governments, local communities, NGOs, institutions, individuals; etc., through visits to various places;

Soliciting the views of various Ministries of the Government of India; and

Organizing workshops to get inputs on specific issues.

2.1 The Report

Using the above methodology and instruments of response, as well as data available from various reports, the Commission was able to collect a considerable volume of information, data and inputs. These were analyzed fully and were utilized by the four sub-committees constituted to go into the ramifications of the five 'terms of reference' and their individual reports were subsequently used by the Drafting Committee. The

Commission has been aware that Forest and Forestry constituted a section which is interconnected with a large number of other sectors and also spans so many disciplines, that the organization of the content in a report of this nature has the risk of repeating and cross-cutting themes and making integrated recommendations in one place a truly difficult exercise. There has been an attempt to rationalize the degree to which such repetitions could be avoided.

The content is spread over 22 chapters, of which the first Chapter gives the background in which the Commission was set up, the progress of its work, consultations with various people and writing and organization of the present report. The concluding chapter (Chap-22) presents in one place all the recommendations that have been made in the other 20 chapters, in close juxtaposition with the different issues discussed therein.

2.2 Forests of India

The second chapter is on 'Forests of India', giving an overview of the forest sector, its history and present situation, statistics on forest cover, land use and classification, forest policy outlook and so on. It has been pointed out that the Joint Forest Management (JFM) concept has taken firm roots in the country since 1990, however, the pace of institutionalization of JFM has been highly uneven. The specific problems confronting the Indian forest sector, first documented in the National Forestry Action Programme, 1999 (NFAP) are reiterated in this chapter, revealing the enormity of the problem the forest sector is faced with.

2.3 Forest Policy

Chapter 3 goes into the history of national policies on forests before independence and after, also the views of past commissions and committees that had gone into Policy considerations. After the establishment of a structured forestry set up in 1864, with the appointment of the first Inspector-General of Forests, the first National Forest Policy was formulated in 1894. This Policy document discussed the principles which should underlie the management of state forests in British India. It is felt that the 1894 Forest Policy did not accord due recognition to forestry which it was entitled to and in respect of land use, it was placed only next to agriculture.

After independence, the 1894 policy was replaced by another policy - the National Forest Policy in 1952. This policy identified certain vital national needs in a system of balanced and complementary land use and also dispelled "the notion widely entertained that forestry, as such, has no intrinsic right to land, but may be permitted on sufferance on residual land not required for any other purpose". The policy also set a target for proportion of forest cover, for the first time, stating that, "India, as a whole, should aim at maintaining one-third of its total land area under forest". However, even after enunciation of this new policy of 1952, things did not change materially on the ground.

A major shift was noticed when the National Commission on Agriculture, 1970 (NCA) was asked to recommend on improvement of the forestry sector. After deliberating for several years the Commission came out with a report in 1976, which has 6 chapters on 'Forestry' in its part-IX. The chapters were on Forest policy; Production and Social Forestry; Minor Forest Produce; Forest Ecology and Wildlife Management; Forest protection and law; and Forest Planning, Research and Education.

Two major recommendations were on: Institutional changes to be brought about in the management of production forestry, and man-made forests to be raised on an extensive scale with the aid of institutional financing; and the existing system of harvesting of major and minor forest produce through contractors be replaced by taking it up either directly by the State Forest Departments (SFDs), or by a network of forest

labour cooperative societies, or by a combination of the two. Both of these were in total contrast to the tradition that had prevailed for over a century and both of them directly flowed from the increasing threats to existing forests.

Based on the recommendation of the NCA, the Government of India took the following important steps:

- i) Creation of Forest Development Corporations by States for harvesting forest produce and thereby eliminating the contractor.
- ii) Establishment of the Indian Institute of Forest Management to produce managers.
- iii) Initiating the programme of social forestry on village and forest land.
- iv) Formulating a new National Forest policy in 1988.
- v) 'Forests' was shifted from the State list to the Concurrent list of the Constitution; whereby both central and state governments share legislative jurisdiction.
- vi) Creating a separate Ministry of Environment and Forests in 1984.
- vii) Ensuring people's participation through a resolution issued in 1990 for adoption of Joint Forest Management as a tool of managing forest resource.
- viii) Conferring ownership right of minor forest product to Panchayats through a Constitutional amendment, and
- ix) Enactment of the Panchayat Raj (Extension to Scheduled Areas) Act (PESA) 1996.

The new Forest Policy (1988) is a clear improvement over the Forest Policy of 1952, as for the first time "Environmental stability" was considered as the prime object and direct economic benefits were subordinated to this principal aim. Naturally, preservation, restoration of ecological balance, conservation of natural heritage and preserving the vast variety of flora and fauna, were given due importance.

Major aspects of policy consideration of a number of other commissions and committees have also been considered in this chapter.

Significantly, the NFC has stated in its recommendation that "there is no need to amend the 1988 Forest Policy", and has reiterated that one third of the country's land mass should be under tree cover.

2.4 Legal Framework

A critical review of existing laws, analysis of problems rooted in regulatory failure and legal enforcement and recommendations for addressing them, are discussed in chapter-4. The Indian Forest Act (1927), the Forest (Conservation) Act, 1980 and the Wildlife Protection Act, 1972 are discussed at some length. Some other relevant acts have also been mentioned of which two are the Environment (Protection) Act, 1986 and the Biological Diversity Act, 2002. They have a similarity in their origin, in the sense that the

first one came as a result of India's participation in the UN Conference on the Human Environment held at Stockholm in 1972, while the second one has a reference to the UN Convention on Biological Diversity at Rio de Janeiro in 1992. Another couple of Acts relating to Panchayats, namely the Panchayat Raj Act, 1992 and the Panchayat (Extension to the Scheduled Areas) Act, 1996, are important in the sense that they helped create democratic institutions (village panchayats) which, in turn, could take active part in the Joint Forest Management programme. Rules and Guidelines of forest management have also been considered in this chapter.

Amongst the recommendations are a revamping of the Indian Forest Act of 1927, taking into account the current threats and needs, giving due emphasis upon the conservation imperatives and the Act to cover grasslands, wetlands, etc., and prevention of fire, over-grazing and over-exploitation. It is recommended that the Forest (Conservation) Act of 1980 not be diluted.

2.5 Ecological Security

Under this broad heading chapter-5 of the report describes the significance of the natural areas and their ecological values and the relation of these values to human existence in India and the ways to safeguard them. The ecological imperatives of forests are immense. Water and fertile soil are the two most important prerequisites of our food security and both are irrevocably linked with forest and watershed conservation. In the relevant recommendations, the NFC has stressed that

“a well-conserved and scientifically managed forest is very efficient in ensuring ecological security”. The Commission has further emphasized that, “the main objective of forest management should be ecological security”.

2.6 Emerging Needs and Goals of Forestry Sector

This is the scope of chapter-6. The key areas of attention and discussion here are sustainable management, demand of forest products, arresting and reversing degradation, afforestation, wildlife conservation and the issue of man-animal conflict, watershed management, multi-stakeholder partnership, and valuation of ecosystem services and ecotourism.

In the context of forest management, 'sustainable' should imply allowing the forest to recover to its optimum level of production and biodiversity and then managing it in such a way as to maintain at all time in the future, that optimum level of production, biodiversity and ecological security.

There are discussions on livelihood needs and sustenance. There are indications to suggest that people in and around forest areas are not getting sufficient benefits from revenue generated from forests as a natural resource. This needs correction through policy interventions, under which forests are used for the livelihood needs of the forest dwelling and forest dependent people for their sustenance.

The problem of unequal demand and supply of timber and fuelwood in the country has been discussed. There is a consistent increase in demand for both. There is already a large-scale import of timber which has affected the domestic pricing pattern. Supply of both the products from non-forest areas and plantations has to be increased to meet the demand. Several suggestions have been made to meet requirements of not only timber

and fuelwood, but also some other products and services, such as grass and fodder, food from forests, medicinal plants, and increasing the forest/tree cover. The extra supply has to come from large-scale plantations, rehabilitation of degraded forests, agro-forestry, afforestation of scrub forests, homestead tree planting, strip planting along roads, canals and railway lines, urban forestry, etc.

Afforestation would need to be undertaken on almost 29 million ha of land to bring one-third of India's land under forest cover. The private sector has to be a key partner in realizing this policy goal. Private sector's stake is that the forest based industries are starved for raw material.

It has been suggested that a concerted effort be made to wean away the people from the current unsustainable practice of free grazing to stall feeding, to encourage the cultivation of medicinal plants, develop alternate sources of energy to lessen dependence on fuelwood. Attainment of self-sufficiency in forest products should be a national goal. Areas rich in floral diversity should also be brought under the PA system, and watershed management must be a high priority. A document, "Forestry Vision, 2020" should be developed with a well-defined statement of goals and visions.

2.7 Constraints and Threats

Some of the perceived deterrents and impediments to the conservation and management of forests are highlighted in chapter 7. These are burgeoning human population leading to large-scale land use change; major development projects affecting forest areas, wildlife, and village commons; market pressures leading to over extraction of both timber and non-timber produce resulting in degradation of forests; lack of conservation leadership and political will for conservation; lax implementation of legislation and policy already in place; large-scale encroachment on forest lands and regularization of such encroachments in defiance of the spirit and intention of the Forest (Conservation) Act 1980 and the National Forest Policy, 1988, delayed settlement of rights in Protected Areas; poaching and illegal trade; and lastly, forests having been chosen as a refuge by insurrectionists and terrorists, a number of critical habitats have been affected.

2.8 Forest Conservation

The chapter deals with classification of Forest Types done by Champion and Seth in 1968 and Forest Productivity under various forest types. It also describes Scientific Management through Working Plans and formulation of Working Plan Code by Government of India. Important causes of Forest Degradation such as collection of fuel wood, grazing, forest fire, shifting cultivation, encroachment, mining and quarrying etc have been described in brief. The chapter after describing plantation efforts made during various Five Year Plans and importance of Criteria and Indicators (C&I) for Sustainable Forest Management (SFM), mentions importance of Saving Neglected Areas and Habitats and Conservation Education, Awareness and Training.

Recommendations of the chapter include Fire Protection Measures to be adopted, Controlled use of Pesticides, Control of Invasive Species and Exotics, role of Media and Educational Institutes in Awareness and Training and creation of Forest Conservation Fund.

2.9 *Wildlife and Nature Conservation*

The Protected Area network, administration of wildlife and of ongoing projects and recommended initiatives are dealt with in Chapter – 9. In 1935, the first National Park, the Corbett National Park was created. There has been a quantum increase in the number of national parks and wildlife sanctuaries since then, especially after independence, but very little since the 1980s. There are currently 597 parks and sanctuaries in India but hardly any under the new categories of PAs created by the 2003 amendment of the Wild Life (Protection) Act, namely, Community Reserves and Conservation Reserves.

The Wildlife Wing (WW) in the MoEF, is at the top of the administrative set-up. This Wing has three Divisions namely, *Project Tiger Division*, *Project Elephant Division*, and *Wildlife Division*. There are also two autonomous bodies under the WW, namely, the *Wildlife Institute of India*, an academic body, and the *Central Zoo Authority*. The *Wildlife Division* deals with all matters relating to national parks and wildlife sanctuaries. The working of all the three Divisions has been presented in some detail, bringing out a number of issues, problems, shortcomings, and several suggestions for policy initiatives.

Among the recommended policy initiatives, the following may be mentioned: *Grassland Management Policy*; *Livestock Grazing Policy*; *Fuelwood Policy*; *Policy for Shifting Cultivation*; *Policy on Controlling Poaching, illegal trade in wild flora and fauna and the infrastructure required to implement this, rationalization of PA boundaries, the need for relocation of human settlements, promoting research and monitoring*; *Policy on ecotourism*; *Mitigating man-animal conflict*; *Policy towards communities preserving habitats and species and creation of more Community Reserves and Conservation Reserves*; *conservation awareness and training*; *Ex-situ conservation*; *Restoration ecology*; *involvement of military and paramilitary, sustainable forest management and aid to forested States*.

It is pointed out that with the amendment of the *Wildlife (Protection) Act* effective from 2003, wherever the acquisition of rights have already occurred, the PAs or parts thereof would be regarded as final. Whatever legal action may still remain, must be completed in a time-bound programme. It is very important to retain linkages between habitats to prevent biotic isolation. Wildlife wings need to be manned by specialized and trained staff of a sub-cadre for this purpose.

The control of exotics and the need for control of genetic “swamping” is also emphasized, as is the need to develop special recovery plans for the listed more endangered species. The development of techniques for the capture, translocation and rehabilitation of troublesome animals is discussed at some length. Neglected areas like corals, grasslands, coastal and marine areas are highlighted.

The Chapter has as many as 90 recommendations on the topics discussed and has listed certain research areas where the focus should be.

2.10 *Forests of the North East*

The Commission recognized the distinctive nature of problems and existence of a high proportion of forests and of biodiversity in the north-eastern of India, and as such, decided to devote a Chapter on this region.

The North-East is considered to be one of the 'hot spots' of biodiversity in the world. Conservation of this biodiversity is of great significance for the country and also for the economy of the seven States in the region. There are 39 National Parks and Wildlife Sanctuaries in the region, covering an area of about 13555 sq. km which works out to 5.31% of the geographical area of the States.

The North-East stands unique in having different land tenure systems compared to the rest of India. An overview on the diverse land tenure systems that prevail in the States of the region, is given. Communities and individuals own the large majority of forests. The application of Acts of Parliament also varies from state to state, and sometimes from district to district within the same state.

Shifting cultivation (jhumming) is a conspicuous feature of agricultural practice in the region. Broad estimates indicate that out of the total area of 25.5 million ha of land, about 3 million ha is under settled agriculture and about 2.7 million ha is under jhum. Many studies and reports have condemned this practice and there have been suggestions to regulate it.

The Commission has recommended weaning away the jhumias from shifting cultivation by improved animal husbandry, horticulture, settled agriculture, apiculture and other appropriate agricultural and pastoral practices and occupations.

In view of the different traditional land tenures and ownership rights, the Commission has recommended that the traditional rights of the north-eastern people's forest and land must be honoured. They should have the right to conserve, manage and rationally utilize their forest in an ecologically sustainable manner.

There is another recommendation, which is timely, in view of the present disturbed situation in the region. It reads as, "In forests, prone to organized or large scale violations or insurgency, special protection staff or para-military forces need be deployed to prevent illicit felling, encroachment, infiltrations, smuggling and poaching, especially on the international borders and in insurgency affected areas".

2.11 Forests, Local Communities and People's Participation

The Chapter deals with participatory management experiences; international experiences; peoples' rights and potential for participation; experience of JFM, lessons learnt and the way ahead. The Commission has strongly recommended the creation of Democratic Forest Institutions – notably the Village Forest.

Three types of forests are recognised under the Indian Forest Act 1927: Reserve forests (RF), Village forests (VF) and Protected forests (PF). The social forestry movement in the 1980s and the new National Forest Policy of 1988 signified the reversion to people oriented forestry in the country.

Forest types, productivity and potential for people's participation in relation to people's needs in terms of goods and services, have been elaborated. Experiments were made in the 1930s by handing out management of forests to people's organizations. Ultimately, the MoEF issued policy guidelines for the involvement of village communities and voluntary agencies in the regeneration of degraded forest lands in 1990, under the JFM programme. This policy guideline was in tune with the Forest Policy announced in 1988,

which shifted the focus from commerce and investment to ecological conservation and satisfying people's basic needs. The National Forest Policy of 1988 also envisaged active participation of women in the protection of forests.

International experiences in participatory forest management have been recorded. It is generally accepted that bringing the government closer to the people increases efficiency, by helping to tap the creativity and resources of local communities, by extending them the chance to participate in development.

The Commission received responses from some NGOs which uphold the need for a greater participation of the voluntary sector, involving the NGOs. They believe that this will enhance overall efficiency in the management of national natural resources.

2.12 Farm and Agroforestry

Agroforestry (AF) has received a focal attention of NFC. The simplest definition of AF is simultaneous practice of agriculture and forestry on private land. It is believed that AF is capable of meeting the present challenges of resource conservation and improvement of environmental quality. Reasons for higher protection and the tangible and intangible benefits under the AF system are discussed. Some ongoing AF research projects and AF practice in the field are mentioned. It is stressed that with forests under increasing pressure, agro-forestry is the only segment that can record growth in production in timber, fuelwood, industrial wood, fodder and grass, medicinal plants and the rest.

The NFC held a workshop on AF, where national experts were invited to deliberate, and several latent and related issues came to light. The recommendations being made by the NFC draw heavily on the suggestions made at the workshop.

The Chapter also discusses the concept and practice of social forestry which is intended to meet basic and economic needs of the rural communities

2.13 Research and Applications

The Chapter gives a brief account of forestry research, the existing institutional setup, national research needs and research areas. The Indian Council of Forestry Research and Education (ICFRE) is the apex body in this field. The ICFRE prepared a perspective plan in 2000. The National Forestry Action Programme (NFAP) of the MoEF and the Five Year Plans of the country have heavily drawn on the ICFRE plan.

The Commission has endorsed the research activities as outlined in the National Forestry Research Plan developed by the ICFRE and has listed certain research areas where the focus should be.

2.14 Forestry Institutions

The forest and wildlife resources of the country cannot be administered and managed efficiently without the support of various training and research institutes. For this purpose there exist many institutions whose role, mandate, weaknesses and requirements are reviewed in this Chapter.

The institutes considered are: Indira Gandhi National Forest Academy (IGNFA), Directorate of Forest Education (DFE), Indian Council of Forestry Research and Education (ICFRE), Indian Institute of Forest Management (IIFM), Indian Plywood

Industries Research and Training Institute (IIRTI), Wildlife Institute of India (WII), Forest Survey of India (FSI), Forest training schools/ academies / institutes, Forest Development Corporations (FDCs) and State Forest Research institutes (only 7 States).

Several suggestions and recommendations have been made for each of these institutes. Some of them are as follows. On the appointment of faculty position, it is recommended that officers who have put in a minimum of ten years service and having a very good service record, aptitude and a competence in teaching should only be eligible for selection (IGNFA and DEF) and not on the basis of seniority. The ICFRE should be granted autonomy on the pattern of the ICAR; there is an urgent need to review the mandate of the institutes (under ICFRE) and fix research priorities; the working of the IIFM should be reviewed and the curricula of various courses suitably modified; the 'perspective plan' for the faculty must be completed on a priority basis (IIFM); the IIRTI must have a detailed vision paper for the next 20 years; assessment of research needs of the WII should be carried out in consonance with the current wildlife strategy / action plans and policies of the Government; the WII must also devise short-term courses for various levels of forest officers, each manager of a PA should have received training at WII; the zonal establishments of the FSI should be strengthened with enough budgetary and staff support so that more periodic information on forest resources can be made available to SFDs; the MoEF must impress upon the State governments on the need to ensure that the forest training institutions are administered and managed properly and the posts are filled with willing and competent officers; the original mandate of the FDCs having been given up, and as their work could well be handled by the SFDs themselves, the FDC's mandate and work sphere needs to be recast to fulfill a new and more valid role, one being to provide fuelwood.

2.15 Forest Administration

Description and critical assessment of the present administrative structure, suggestions for recruitment, training, monitoring are covered in Chapter 15.

historical background of the forest services, IFS and SFS, followed by an account of the evolution of forest administration, are given. Functions of forest administration are detailed as: Forest protection; silviculture, and management; survey, demarcation and working plans; harvesting, transport, processing and marketing; supervision, budgeting, policy formulation and legislation; research, training and extension; wildlife management; social forestry; joint forest management; watershed management, including soil and water conservation; and Non-wood forest product collection and marketing. All of them are explained in some detail.

The present forest administrative structure, both at the national level and state level, is detailed. There are observations also on recruitment, induction and in-service training at national and state levels.

It has been stressed that advantage should be taken of forestry education available in the universities and this also needs to be encouraged, both of which could be achieved by giving preference in recruitment of forest personnel. The shortage of staff at the field level must be overcome through recruitment in vacant posts. The area of the forest "beat" needs to be reduced.

Several suggestions and recommendations have been made on various aspects of administration. Some of them are as follows: Detailed job description for all levels including that of the ministerial staff should be documented; a separate 'Department of Forests and Wildlife' within MoEF, to ensure adequate importance and attention to management of the natural resources; for efficient administration and better coordination among the various wings of the department, it is necessary to have a single line command; forest administration suffers from poor documentation, consequently, the Institutional memory remains very much limited and weak; forestry administration is yet to fully realize the potential of information technology.

2.16 Personnel Management

Various cadres in the forest services and their management, postings, transfers and specialization are the topics of discussion in Chapter-16. It is a truism that the success of an organisation to a large extent depends on the capabilities of its personnel.

After dwelling on the cadre management practices of the IFS and SFS/ FRO officers, the report comes to a consideration of the possibility of specialization in forestry personnel. The NFC is clearly in favour of specialization and has suggested the following four broad subject areas for specialization:

- (a) Forest conservation including protection, harvesting and sale of forest produce;
- (b) Extension Forestry including plantations and nurseries, JFM grassland and watershed management, and eco-development outside reserve forest.
- (c) Wildlife Management including management of PAs and their buffers and corridors, collection of basic data, control of wildlife trade and taxidermy, implementation of international convention, etc
- (d) Research, training, working plans, technical support to agroforestry.

The Commission has recommended the formation of four sub-cadres, along the above mentioned subject specialization, by changing recruitment rules, including recruitment of personnel from outside the service and by providing complementary training and cadre management. However, a detailed and impartial study needs to be commissioned to study in detail,

- (i) Which precise work spheres should be assigned to the respective sub-cadres.
- (ii) What should be the required strength of each sub-cadre for IFS and other cadres in the States, and
- (iii) Guidelines for the cadre management of the various sub-cadres.

2.17 Forests and Industries

The interface of industry and forests, demand of forest products, the role of industry, and attempts to involve the private sector are the topics considered in Chapter 17.

The demand from industry on forest products comes in the form of wood for industrial purposes, such as construction timber, plywood, veneer and pulpwood. Presently India is facing a severe scarcity of wood. The paper industry in particular is plagued by raw material shortage in the face of continually increasing demand. Wood-based industry is in

a peculiar position, because while 90% of wood-based products are manufactured in the private sector, 97% of the forest area is owned and managed by the government. The role that the corporate sector can play outside government forest areas is also severely restricted, as it is unable to raise large scale plantations on non-forest lands on account of statutory land ceilings.

To overcome the difficulties, there have been a number of company-farmer partnership schemes to produce timber for industry. Attempts to involve industries in the afforestation of degraded forestlands have also been discouraged. Finally, the Government has issued guidelines for participation of the private sector through involvement of NGO and Forest Department in afforestation / rehabilitation of degraded forests.

The Commission has recommended a strategy for meeting the needs of construction timber, panel, pulp paper, packaging, particle and chip board industries through quick growing high yielding plantation softwoods. This would include planned involvement of forest-based industries in the distribution of high quality seedlings, with buy-back guarantee to the farmers.

1.18 International Forest-Related Instruments

The Chapter-18 provides an overview of the international instruments on forests and related subjects, history and developments of various fora, the terms in various instruments and examples of regional agreements.

International instruments or agreements frequently contain an articulation of general principles and framework for action to address specific problems. They often call for specific national level actions, such as the adoption of national regulations, standards and implementation strategies. Other common provisions of such instruments include international cooperation, monitoring and reporting, research, exchange of information, dispute resolution processes and coordination among related agreements. Suggestions to better implement international commitments and which would be in the national interest have been made.

2.19 Forests in National Resource Accounting

Forests are increasingly being recognized as 'natural capital'. The intangible services of forests, such as, recharging of ground water, regulation of stream flows, flood control, prevention of soil erosion, nutrient cycling, water purification, carbon storage, pollution control, micro-climatic functions, biodiversity, recreational, spiritual, and aesthetic values are grossly underestimated, or ignored, both in the system of national accounting as also during development planning.

There are now several tools, or techniques available for a far more complete computation of different values to be placed on biodiversity and ecosystem services.

Some of these techniques, including the Satellite System of Environmental and Economic Accounting (SEEA) suggested by the UN Statistical Division in 1993, the Forest Resource Accounting etc. are discussed. Also, several studies on forest valuation and resources accounting in India are considered and problems faced in the creation and operation of FRA are brought out, such as – valuation problems, capital output ratio, problem of double counting, problem of aggregation, data gaps, etc.

The Commission has recommended that, "A national level coordination committee for FRA should be constituted to provide technical support and strengthening networking of concerned institutions /agencies, with a view to promote use of FRA at all levels (National / State / local)..." There are in all four recommendations on FRA.

2.20 Center-State Relation

Initially, the subject of 'forests' was kept in the state list of the Indian Constitution. However, realizing the importance of the subject from the national perspective, it was subsequently transferred to the concurrent list by the Constitution (Forty-second Amendment) Act 1976.

To settle some of the 'ambiguous situations' arising out of center-state relations, the Government of India has constituted a Commission under the chairmanship of Justice Sarkaria. One of the recommendations of the Sarkaria Commission is that before legislating on a subject in the concurrent list, the Union government should consult the states. In this context, the case of a pending bill in the parliament, namely, the 'Scheduled Tribes (Recognition of Forest Rights) Bill, 2005', has been discussed in some detail. It has been pointed out that prior consultation with the states, as per the Sarkaria Commission recommendation, has not been done in this case and there are several flaws in the bill e.g. unfair discrimination between tribals and non-tribals, giving implicit permission to the tribals to exploit forests for commercial purposes and giving the concerned Gram Sabha the sole authority to decide as to what exploitation would be sustainable. The Commission has recommended the proposed legislation should not apply to national parks and sanctuaries, which are the last hope for the survival of the nation's forests, wildlife, wilderness and biodiversity and that giving temporary pattas in these protected areas will seal their fate. It is pointed out that 3.60 lakh ha of encroached forestland has already been "settled" and if there are still and just demands, they could be looked into by a quasi-judicial body. It is also pointed out that the provision of non- eviction of an encroacher from forest land till his claims are settled by the Gram Sabha will give further impetus to encroachment. The letter written by the chairman of the NFC to the Prime Minister discussing why the Commission feels the proposed Bill would be harmful to forests and the ecological security of the country, is reproduced.

The National Forest Policy of 1988 aims at maintaining 33% of the geographical area of the country under forest/tree cover. There are some States which have forest area much more than the targeted 33%, while there are other States with much less area under forest/tree cover. The forest-rich States have started claiming compensation for maintaining the higher level of forests or else the State should be free to fell their forest.

In dealing with the above-mentioned ambiguities(?), the NFC has brought into focus a basic consideration or guiding principle which has been articulated as the first recommendation of the chapter. It reads as, "While fulfillment of requirements of the community from adjoining forests cannot be denied, the fact remains that the "forests" are a national wealth and their protection and preservation must be viewed from that angle and not only from regional, sectoral, ethnic or political standpoints".

On the compensation claim of the forest-rich States, the recommendation is, "Forest rich States, which are having forest/tree cover more than the target fixed in the National Forest Policy, 1988, should be provided special incentives to maintain that area under

forest/tree cover, but their demand for compensation cannot be acceded." There is one recommendation for the forest deficient States also, which reads as, "Forest deficient States should be provided incentives to increase their forest/tree cover, but the content and approach of this incentive should of course be different."

There are eight more recommendations in the chapter, which are, in a way, further amplification of the NFC's disapproval of the proposed Scheduled Tribes (Recognition of Forest Rights) Act and on the nature of incentives to be given to forest-rich and forest-deficient States.

2.21 Financial Support

Chapter 21 opens with a picture of outlay in the forestry sector in the successive five-year plans. In the first plan (1951-56) the outlay was Rs. 76 crores and in the 9th Plan (1997-2002), the amount had gone up to Rs. 68,000 crores, which was 0.90 % of the total plan outlay. Fund allocation by the states is also considered. Considering the National Forestry Action Plan (NFAP) investment estimates, the present level of plan outlay is inadequate.

The Commission has recommended that the allocation to the forestry sector must be increased, both in Central and State budgets, and must not be less than 2% of the total plan outlay. It also recommends that 20% funds of all the Rural Development Programmes should be incurred on forestry and watershed operations.

It is also recommended that before accepting funds from donors and lending agencies, the state governments must provide these funds as an additionality and not as a substitution of their own outlays and they must be prepared to continue with the additional fund flow and the infrastructure created by such projects and not simply end them once the funding projects end.

2.22 Implementation and Aftermath

This chapter briefly lays down the Commission's expectations on the future course in view of its recommendations. A follow-up mechanism has been recommended. For the future of the forest sector, the Commission feels periodic reviews as by this Commission would be in order.

Site Inspection Report
on
Madhya Pradesh Government's Proposal
For
Regularization of Pre-1980
Encroachments
on Forest
land



Ministry of Environment & Forests,
Regional Office, (WR)
BHOPAL

Date : 29.03.2000

SITE INSPECTION REPORT ON MADHYA PRADESH GOVERNMENT'S
PROPOSAL FOR REGULARIZATION OF PRE 1980 ENCROACHMENTS
ON FOREST LAND.

The Madhya Pradesh Government had taken a decision in 1978 (copy at Annexure -D) to regularise the encroachments taken place up to 31.12.1976 with the stipulation that post 31.12.76 encroachments will not be regularised, rather all such encroachments will be vacated and, in future, encroachments in forest land shall not be tolerated at any cost. Accordingly, detailed instructions were issued (Annexure 2) to Revenue and Forest Department officials regarding survey, demarcation, preparation of maps, eligibility criteria, constitution of teams, issuing pattas etc. This work i.e. survey, demarcation and issuing of pattas could not be completed before promulgation of Forest (Conservation) Act, 1980, and, therefore, the State Government submitted a proposal in 1989 for regularization of 2,73,458.37 ha. encroachment on forest land. After site inspection and detailed examination of this proposal the Central Government approved diversion of 1,03,873.658 ha. of encroached forest land vide its order No. 11-29/88-FC dt. 5th July 1990 and even no. dt. 6th July, 1990 (Annexure -3) with the following stipulations.

- (i) Diversion of forest land for regularisation of encroachments approved under this order shall be restricted to only those areas which are in physical possession of the encroachers.
- (ii) Regularisation of encroached forest land in question shall be done only in favour of those encroachers who were eligible for the same in accordance with the eligibility criteria laid down by the State Government vide their GR. No. 5-102/77-TEN-2 dated 24.4.78 and the details of whom figure in the lists annexed to the D.O. letter No. F-5/56/82/10/3 dated 23.5.89 addressed by the State Government to this Ministry. In case any person shown as eligible in the said list, inadvertently or otherwise, is found ineligible at the time of issue of "Pattas" etc. the land under his possession shall not be regularised.

- (iii) Scattered encroachments shall not be regularised insitu. Instead such encroachments shall be consolidated/relocated near the outer boundaries of the forest area.
- (iv) The outer limits of the area to be regularised shall be demarcated on the ground through natural boundaries or by erecting permanent boundary marks, as the case may be.
- (v) Pattas to the eligible encroachers shall be awarded by the State Government only after taking back forest area which they may be possessing in excess of their entitlement as per eligibility criteria. Such areas should preferably be consolidated by suitably readjusting the individual plot boundaries.
- (vi) Forest land which is in possession of "ineligible" encroachers or has been encroached subsequent to the cut off date fixed by the State Government for regularization should be got vacated. Wherever eviction of such encroachments is not feasible, the State Government may bring such lands under trees cover by collectively associating the encroachers in afforestation and protection in exchange of a share in usufructs under Social Forestry programming or any other appropriate scheme. Proposals to that effect or for any other alternative deemed desirable may be sent to this Ministry for future needful in case so required under Forest (Conservation) Act, 1980.
- (vii) Compensatory afforestation should be carried out in respect of the area over which encroachments are regularized.
- (viii) Cultivation should be avoided on steep slopes and in such encroached areas, tree crops should be planted.

2. The Central Government had also directed that forest land for regularization of encroachments shall be released only after fulfillment of above conditions. The State Government was further directed to submit to CCF (C), Regional Office, Bhopal the requisite maps of the area demarcated for regularization and the list of encroachers in whose favour pattas are awarded, who was required to do 2% test checking to ascertain fulfillment of above conditions.

3. The State Government did not take cognizance of the conditions imposed by the Central Government and immediately started giving pattas to the encroachers. When this came in the knowledge of the Secretary, Ministry of Environment & Forests, Government of India, he took up the matter (Annexure -- 4) with the Chief Secretary, Government of Madhya Pradesh. However, the State Government ignored the Central Government's instructions and granted pattas to the eligible encroachers without fulfilling any of the conditions imposed by the Central Govt. In spite of repeated requests, the State Government did not provide to CCF Central the list of encroachers to whom pattas were issued and, therefore, 2% test checking could not be done.

4. In past, encroachments have been regularised from time to time with the stipulations that future encroachments on forest land shall not be tolerated. Every such order of regularization has induced more encroachments. It appears, instead of making serious efforts to contain the encroachments on forest land, the State Government have adopted this route i.e. the regularization of encroachments, to distribute the forest land to the poor people. This is clear from the analysis of following steps taken by the Government:

In 1978 while approving in principle the regularization of pre-1976 encroachments, the State Government, besides other instructions, directed that :

- (i) The regularization of the encroachments will be done in accordance with the existing rules of Revenue Deptt. and only landless persons will get the benefit.
- (ii) The encroachments taken place after 31.12.76 shall not be regularized at any cost, rather they will be vacated and future encroachments will not be tolerated.

Obviously, the landless persons as defined in M.P. land Revenue Code 1959 (Annexure -5) should get the benefit. As per this code, a person is 'landless person'

" *if he holds no land either individually or jointly with other members of his family or; if he holds any land, the area of such land is less than what is prescribed in this behalf"*

Here the term family includes (a) spouse (b) issues (daughters and sons) (c) parents. It has also been clarified that it is not necessary that his

name should be mutated or that the holdings should be in his name. In Joint Hindu Family, it is possible that the holding may be in the name of his father and he, being co-parcener, may have a share in such a holding.

Realising that with this definition very limited number of encroachers will fall within the category of "landless persons" the State Government while issuing the detailed instructions vide its letter No. 5-18-78-10-2 dt. 24.10.78 (Annexure-2) adopted a materially different definition of "landless person". As per the instructions the term family includes wife or husband, minor children and dependent parents living with him. This materially different definition of "landless person" and "family" could perhaps be adopted only after amendment of relevant section of M.P. Land Revenue Code. It is not clear whether this was done or not.

Even after adopting the revised definition of "landless person" major part of encroached land could not qualify for regularization, and therefore, Government vide its letter No. 1953-10-2-79 dt. 26.4.79 (Annexure - 6) decided to distribute excess land with eligible encroachers to their adult sons up to two numbers @ 2 ha. each. Even with these liberal norms, only 40% of the pre-1976 encroachments could qualify for regularization.

Coming to containment of future encroachments, the State Government issued clear and unambiguous instructions to field officers to vacate post-1976 encroachments, if any, and not to tolerate future encroachments, but scant regard was paid to these instructions and encroachments continued unabated. Even when the proposal for regularization of pre-1976 encroachments was under consideration of the Central Government, the State Government vide its letter No. 2907/3925/10-3/89 dt. 27.6.89 (Annexure - 7) issued instructions to field officers not to vacate the encroachments taken place between 1.1.1977 and 24.10.1980. This is a clear case of abatement of contravention of Section 2 of Forest (Conservation) Act, 1980.

It may be of interest to note that now for the purpose of determining the eligibility and extent of land admissible, the date of survey i.e. 1994-95 has been taken as cut off date, (Annexure -8) thus making the then "minor children" eligible for land allotment as they have become "major" during this period. While earlier, the PORs and other documentary evidences were taken

as basis to determine the date of encroachment but now the statements of the encroachers supported by the certificate from the Gram Panchayat Pradhans are considered.

Thus, the Government have found out ways and means to distribute all the excess land of pre-1976 encroachments and all the fresh encroachments taken place between 1.1.1977 and 24.10.1980.

5. In 1995, the State Government submitted another proposal for regularization of encroachments over 1,82,889.89 ha. forest land purported to have taken place prior to 24.10.80. The district wise number of encroachers and area encroached is at Annexure - 9. The State Government have contended that a decision was taken prior to 1980 to regularize the encroachments which have taken place before 24.10.80 and quoted H.E. Governor's speech (relevant extract of the speech enclosed Annexure - 10) in support of this policy decision. This speech, in my opinion, refers to the "Encroachment Regularization Scheme already under implementation based on the Government's order dt. 24.4.1978. It may also be noted that in this order, the State Government had directed that all encroachments that had taken place after 31.12.1976, shall be vacated and future encroachments on forest land shall not be tolerated. In July 1980, when the work of survey etc. was almost complete, the CCF (Dev) M.P. had issued stern warning (Annexure 11) to all the CFs/DFOs against any laxity in respect of containing the encroachments instructions. Therefore, truly speaking there should not have been any post-1976 encroachment requiring regularization. In any case, there was no specific Government decision after April 1978 to regularize the encroachments that have taken place between 1.1.1977 and 24.10.1980, rather as late as July, 1980, there were clear instructions to vacate post-1976 encroachments, if any. The encroachments which had taken place prior to 31.12.1976 and fall within the eligibility criteria have already been regularized and the State Government did not take any other policy decision before 1980 to regularize the encroachments that had taken place between 1.1.1977 and 24.10.80. Therefore, the present proposal for regularization of encroachments over 1.82 lakh ha. forest land does not merit any consideration. However, as desired, site inspection was organized in the following manner:

The information on the number of encroachments and the area encroached was compiled districts wise in the proforma enclosed. (Annexure - 9) and all the districts having extent of encroachment more than 1000 ha.

were selected for field visit. In each selected district, 1% of the villages/encroachment centers were selected randomly and in each selected village/encroachment center all the encroachers as available on the date of visit were contacted. The information in respect of each selected village and each encroacher in the selected village was collected in the formats I and II respectively (Annexure -12). Since, it was a time bound programme, other *Regional Offices of the Ministry* i.e. Bangalore, Bhubaneswar, Lucknow and Chandigar were requested to spare one officer each for helping in this survey. However, only one Dy.CF from Bhubaneswar joined the field survey. Seven teams were constituted, each headed by an IFS officer or the Scientist and assisted by RAs etc. The field work was done between 1st March to 15th March, 2000.

The list of villages selected for sampling was communicated to State Forest Department in advance requesting the Govt. to supply/keep the following documents/information ready which was required to be consulted by the field parties.

- i) Old and new proposal for regularization of encroachments;
- ii) Information in format I & II each selected village and encroacher.
- iii) Copies of POPs or any other document in support of date of encroachment
- iv) Forest stock maps of concerned compartments/Blocks etc. under encroachment.
- v) Topo sheet covering the selected villages.

6. The Principal Chief Conservator of Forest, Madhya Pradesh directed the concerned DFO/CFs. to accompany the team and make available all the relevant data/records. We are thankful to the State Government for co-operation extended by its officers. However, every team faced lot of difficulties in getting the access to various old records primarily due to inherent problems in locating old records and lack of initiative on the part of some of the field officers. Based on the records available, as well as the field interview of the encroachers and concerned staff, the general observations for each village and the encroachers have been submitted by the team leaders and the same are retained in this office for record. The information for the sampled villages/encroachment center is given at Annexure - 13. The observations of all the teams are summarized as under :

- (i) Most of the conditions stipulated by the Central Government in its order dt. 5th and 6th July, 1990 have not been complied with. One of

the major conditions was regarding retrieving the area from ineligible encroachers. The State Govt. did not make any effort to do so, rather in June 1989 it directed the field officers (Annexure -7) not to remove such encroachments till Government of India take a final decision on its proposals submitted in 1989. Thus, the State Govt., neither retrieved the excess area nor it approached the Central Government to revise this condition considering it to be unimplimentable. Regarding compensatory afforestation also no effort was ever made to raise even a single hectare of plantation against this approval order.

- (ii) The demarcation of area approved for regularization was done only in limited cases and presently such demarcation, wherever done, does not exist and encroachments are expanding almost everywhere.
- (iii) The list of encroachers and the area encroached has been prepared on the basis of statements given by encroachers and Gram Panchayat Pradhans. These certificates have been issued without any basis. There are cases where Gram Panchayat Pradhans have signed blank certificates giving the encroachers a chance to fill in the date of encroachment and area encroached at their sweet will.
- (iv) Only half hearted efforts have been made to verify the date of encroachment with respect to reports, returns, PORs etc. There are cases where there is a documentary evidence to prove that the encroachments have taken place after 1980 but in the proposal they have been shown to have taken place prior to 1980 e.g. Hitamata, District Eastar, Gandabharri, district Raipur etc.
- (v) In large number of cases, the status of the encroachers with regard to his land holding has not been verified from the revenue records. Many encroachers already possessed more than 1 ha. land in their own names and hence cannot be considered eligible for regularization
- (vi) While deciding the eligibility of a encroacher, his age as on the date of survey i.e. 1995 has been taken as the cut off date. Most of the now eligible encroachers were below 18 years of age as on 24.10.1980 and hence they should not have been considered as eligible encroachers.

- (vii) In many cases, the area of encroached land has not been recorded correctly. While in some cases it has been overestimated in others it is under-estimated. Thus, the proposal gives a misleading picture of the actual extent of encroachment in the forest.
- (viii) In most of the cases, the forest lands under encroachments are highly degraded having very low productivity and with honourable exceptions, all the encroached areas are without any irrigation facilities.
- (ix) The encroachment in almost all the villages/encroachment centers are still continuing and no serious efforts have been made to contain them. The area under post-1980 encroachments is estimated to be 2.66 lakh ha. which is more than one & a half the area proposed for regularization. The State Government, however, have issued strict instructions to vacate all the post-1980 encroachments (copy at Annexure 14). Only time will tell how far these instructions will be honoured.
- (x) The food grains production from the encroached land is hardly four to five times the seeds used and is not sufficient to meet their food requirements even for one to two months. Majority of the areas are not cultivated annually as the productivity is so low that it cannot sustain cultivation every year.
- (xi) Most of the encroachers and their family members go out in search of employment in the nearby areas and earn their livelihood through the wages earned by working on others fields or elsewhere.
- (xii) The encroachments made by forest villagers are comparatively limited and are generally confined within the area earmarked for the village expansion and meeting NISTAR requirements and demarcated at the time of setting up the villages.
- (xiii) In many cases, the encroachment centers will be forming enclaves within the forest, but they have not been shown so in the project proposal.

- (xiv) In some of the villages particularly where large tracts of forest are not suitable for cultivation, the Forest Protection Committees have been able to convince the encroachers to vacate the encroached land and use it for forestry purpose on a community basis.
- (xv) In some of the areas, particularly in tribal belt, unscrupulous NGO's are instigating the tribals to encroach more and more forest land, even though it may not yield any agricultural crops worth the labour they have to put in to cultivate it.
- (xvi) There are cases where Government employees and/or their family members have also encroached the forest land and their names appear in the encroachers list.
- (xvii) There are cases where the encroachers have given their encroached land on share cropping to others and their names have been included in the list which normally should not be eligible for regularization.
- (xviii) The encroachers generally are poorest of the poor and even with the cultivation of the encroached land for last two decades or more, their economical conditions are not improving.
- (xix) At many places the law abiding citizens of the village have objected to regularization on the ground that this action will amount to benefiting the law breakers at the cost law abiders.
- (xx) At most of the places the encroachers are destroying the nearby standing trees by girdling them (photo enclosed) with the intention of expanding the encroachment
- (xxi) The compensatory afforestation scheme for afforestation of 2.90 lakh ha. degraded forest has been submitted against 1.03 lakh ha. encroachment regularized earlier and 1.82 lakh ha. proposed now. The compensatory afforestation scheme is proposed to be completed within 10 years at a total cost of 402.24 crores and village Forest Committees associate with this work.

7. Recommendation of the RCCF :

- (i) The State Government's order dt. 24.4.1978 envisaged regularization of encroachments in all the villages/encroachment centers. However, the survey in forest villages was deferred, presumably with the intention to transfer these villages to Revenue Department. Therefore, encroachments in forest villages were not included in the proposal submitted by the State Government in 1989. Now these villages have been included in the present proposal. The forest villages deserve to be considered at par with revenue villages, and therefore, pre-31.12.1976 encroachments in forest villages within the village boundary demarcated at the time of setting up these villages should be regularized in accordance with the GR dt. 24.4.78 and guidelines issued thereunder.
- (ii) Pre-1976 encroachments in revenue villages have already been regularized and State Government did not take any policy decision before 1980 to regularize the encroachments that had taken place between 1.1.1977 and 24.10.1980. Therefore, these cannot be regularized unless the guidelines issued under Forest (Conservation) Act, 1980 are revised.
- (iii) As already explained, there are serious inconsistencies in the proposal, and therefore, any decision to regularise any type of encroachments should be linked with re-verification of the eligible encroachers, area encroached, etc. under the over all supervision of a committee having representatives of Ministry of Environment & Forests and State Government.
- (iv) Any order for regularization of any category of encroachments must also be linked with the implementation of the stipulations of Government of India and, in any case, the pattas should not be awarded unless all the unapproved encroachments are vacated.
- (v) It may be observed from the statement Annexure - 13 that the villages are having very poor communication facilities, some of them being located more than 50 Km. away from the nearest metal road. The

productivity of the cultivated lands is very low and irrigation facilities are almost none existent. The 'green' and/or 'white' revolution has not touched them. The fund flow for various forestry and allied activities which used to provide them some employment in lean period is drying up with the every passing years due to one reason or the other. The result is that these people are living in abject poverty and almost all are living below poverty line. In such a situation, they do not have any alternative but to fall back on forest land for cultivation for their very survival. It may be of interest to note that most of them will be too willing to surrender even their holdings, not to take of encroached land, if the Government guarantees employment at minimum wage rates to the adult members for about 300 days a year. In my opinion, whether this proposal is approved or not, the encroachments on forest land cannot be contained unless we find ways and means to increase their income and ensure availability of food grains through Public Distribution System. This can, perhaps, be done by intensive management of forest land which obviously will require many fold increase in fund flow for forestry and allied activities. In this context, it may be worthwhile to consider notifying the "village forests" by incorporating unapproved encroachments, inter-encroachment patches and possibly by adding more area from nearby degraded forest and regenerating them in a phased manner within 10 year's period.

(V.P.Singh)
Chief Conservator of Forests(C),
Bhopal.

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ANNEXURE - P 10 (COLL)
(i)

Forest lands :

Transfer of - to the Revenue Deptt. for distribution among landless cultivators. Implementation of the decisions of the High Power Committee in respect of -

GOVERNMENT OF MAHARASHTRA,
Agricultural & Forests Department,
Resolution No.FLD.4860/25766-E
Sachivalaya Annexe, Bornbay-32
3rd September 1960.

Read: Paragraph 2 of the minutes of the meeting of the High Power Committee held on 11th August 1960.

Resolution:- Govt. accepts the recommendation of the High Power Committee regarding the transfer of forest lands to the Revenue Department for distribution amongst the landless cultivators and is pleased to direct that forest lands fulfilling the conditions mentioned below should be transferred to the Revenue Department.

- (i) The gradient of the lands should not exceed 10 per cent.
- (ii) The lands should not contain more than 20 trees of timber species per acre.
- (iii) The lands should form a compact block of not less than 300 acres.

2. Cases presenting difficulty in deciding what constitutes a compact block should be decided on individual basis, by the Conservator and Collector concerned.

3. The following lands should, however, not be transferred to the Revenue Department although they may fulfil the above conditions:-

(a) Forest lands given on agri-silvi leases;

(b) Such forest lands as are required for afforestation under the 2nd Five Year Plan and also those that are so required during the 3rd Five Year Plan period finalised by the Special Committee of Secretary, Revenue Department, Secretary, Agriculture and Forests Department and the Chief Conservator of Forests.

4. In order to facilitate the implementation of the above decision, Govt. is pleased to direct that a Committee consisting of the Collector, Divisional Forest Officer and Distt. Inspector of Land Revenue of the District concerned should be set up immediately in each district where such land is available. The Committee should determine which portions of forest land should be transferred to the Revenue Department for purposes of disposal to the landless cultivators and submit proposals to Govt. in Agriculture and Forests Department through the Chief Conservator of Forests. The Divisional Forest Officers should prepare a statement showing the details of forest lands villagewise and talukawise under the three categories indicated in para. 1 above and **subsequently** the said statement to the Collectors of the districts and the use of the Committees. Copies of the statement also

be furnished to the Chief Conservator of Forests through the Conservator.

5. Government desires that 'this' matter should be given top priority so as to ensure that all available forest lands which are not required for afforestation and plan purposes are disposed of before the 1st April 1961. The Collectors should therefore, take necessary action for the formation of the Committees and start work and submit periodical reports to Government.

6. Necessary instructions for finalising data regarding forest lands required for afforestation schemes under Five Year Plan (Vide 3(b) above) will be issued separately to the Chief Conservator of Forests by Government in Revenue Department.

By order and in the name of the Governor of
Maharashtra,

W.P. Saldanha

Under Secretary to Government

To

All Commissioner of Divisions,
The Chief Conservator of Forests,
The Settlement Commr. and Dir. of Land Records,
All Collectors,
All Conservators of Forests,
All Divisional Forest Officers,
The Revenue Department,
The Finance Department

Forest Lands.

Transfer of - to the Revenue Department for distribution to landless cultivators. Implementation of the decisions of the High Power Committee in respect of -

GOVERNMENT OF MAHARASHTRA,
Agriculture & Forests Department,
Resolution No. FLD 4860/25765-E
Sachivalaya Annexe,
Bombay-32
3rd September, 1960
Bhadra, 12, 1882

Read proposals of the minutes of the meeting of the High Power Committee held on the 11th August, 1960.

Resolution:- Government accepts the recommendation of the High Power Committee and is pleased to direct that forest lands which have been leased annually for cultivation either by the Forest Department or by the Revenue Department except those leased on agri-silvi basis and those which are required for afforestation schemes under the 2rd and 3rd Five Year Plans should be transferred to the Revenue Department for disposal to the landless for cultivation.

2. The Divisional Forests Officers should take steps to intimate to the Collector the details of such lands, as directed in Government Resolution, Agriculture and Forests Department, No. FLD-4860/ 25766-E, dated the 3rd September, 1960.

By order and in the name of the Governor of Maharashtra.

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W.P. Saldanha
Under Secretary to Government

To

All Commissioners of Divisions,
The Chief Conservator of Forests,
The Settlement Commissioner and Director of Land
Records,
All Collectors,
All Conservators of Forests,
All Divisional Forest Officers,
The Revenue Department,
The Finance Department


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(iii)

Forest lands under unauthorise
cultivation in Nasik District, Transfer of -
to the Revenue Department:

Government of Maharashtra, Agriculture and
Forests Department, Resolution No. FLD
4860/25760-E Sachivalaya Annexe, Bombay-32
3rd September, 1960
Bhadra, 12, 1882

Read: Paragraph 5 of the minutes of the meeting of the
High Power Committee held on 11th August, 1960.

Resolution:- Government accepts the recommendation of
the High Power Committee regarding forest lands under
unauthorised cultivation in the Nasik District and is
pleased to direct that such lands should be transferred to
the Revenue Department for distribution to the landless
cultivators.

2. The Divisional Forest Officers should prepare
statements showing details of such lands and send them
to the Collector of Nasik for further action.

3. Detailed orders regarding the manner of disposal of
these lands will be issued separately by Government in
the Revenue Department.

By order and in the name of
the
Governor of Maharashtra,

W.P. SALDANHA
Under Secretary to
Government

To
The Commissioner of Bombay Division,
The Collector of Nasik,

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The Chief Conservator of Forests, Maharashtra State,
Poona,
The Conservators of Forests, Nasik Circle,
The Divisional Forest Officer, East Nasik Division,
The Divisional Forest Officer, West Nasik Division,
The Revenue Department


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(iv)

Forest lands under unauthorised cultivation in Thana District - High Power Committee's recommendations regarding - transfer of - to the Revenue Department for distribution to the landless persons.

Government of Maharashtra, Agriculture and Forests Department, Resolution No. FLD - 4861/20878-E, Bombay-32,
1st Sept. 1961
Bhadra, 10, 1883

Read: Item No. 1 of the minutes of the meeting of the High Power Committee held on 27th June, 1961.

Resolution:- The problem of forest lands under unauthorised cultivation in Thana District was referred to the High Power Committee by Govt. for consideration. Accordingly the Committee examined the position and made certain recommendations in the matter. Government is pleased to accept these recommendations and to direct that the forest land under unauthorised cultivation in Thana Dist. should be transferred to the Revenue Dept. for distribution to the landless cultivators on the same lines as in the case of encroached Forest land in Nasik District.

2. Since the case of encroachments in Thana District are analogous to those in Nasik District, Government is pleased to direct that the decisions taken in the case of Nasik Dist. such as those indicated, below should also be applied to the Thana Cases.

(i) The plots should be treated as 'under cultivation' if they were under cultivation for at-least 3 years during the period of five years from 1955-56 to 1959-60. If they have been under

cultivation for less than 3 years during the above mentioned period the plots should remain with the Forest Dept.

(ii) The tree growth standing on the encroached lands should be disposed of by the Forest Dept. and the lands be cleared before handing over them to the Revenue Dept..

3. The D.F.Os. should prepare statement showing details of such lands and send them to the Collector of Thana for further action.

4. Further instructions regarding disposal of such lands will be issued separately by Govt. in the Revenue Department.

By order and in the name of the
Governor of Maharashtra,


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J. Garvalho
Assistant Secretary to the Govt.
Maharashtra, R&F Department

Encroachment: Chanda
Regularisation of -

Government of Bombay
Revenue Department
Resolution No. LEN. 6959/45810-B
Sachivalaya, Bombay, 16th April 1959

Ex-Madhya Pradesh Government Land Reforms Department
Memorandum, No. 3738-479-CR/XXVIII, dated 13th October,
1954.

"Settlement of land brought under cultivation without authority after the date of vesting of proprietary rights in the State Government under the Madhya Pradesh Abolition of Proprietary Rights Act, 1950 (I of 1951) - Government's orders for the Settlement of lands brought under cultivation before the date of vesting of the proprietary rights in the State Government under the Madhya Pradesh Abolition of Proprietary Rights Act, 1950 (I of 1951), were issued in this department memorandum No. 877-2506-53-XXVIII, dated the 13th May, 1954. It was observed in that memorandum, that any areas occupied for cultivation or non-agriculture purposes after the date of vesting may be settled by the regular staff under the ordinary procedure. If no required for nistar purposes. It has been brought to Government notice that some persons have brought under cultivation without proper authority lands vesting in the State Government under the Madhya Pradesh Abolition of Proprietary Rights Act, 1950 (I of 1951), and orders have been solicited as to how such unauthorised occupation should be dealt with.

Immediately after the date of vesting of proprietary rights, the State Government and direct that no land out of lands vesting in the State Government under the Madhya Pradesh Abolition of Proprietary Rights Act, 1950 (I of 1951) should be allotted for cultivation purpose until sufficient areas were reserved for

grazing, nistar and other communal purposes. Government have recently decided that Government land in future shall be granted to Co-operative Societies of landless persons and petty cultivators and landless persons only, vide orders contained in Land Reforms Deptt. Memorandum, No. 598-124-CR-XXVIII, dated the 25th March, 1954. Government have further directed that land should be allotted in accordance with these instructions when nistar enquiry is completed in a village and a list of lands fit for cultivation is given by the Nistar Officer to the Deputy Commissioner, vide memorandum, No. 3185-2321-XXVIII, dated the 31st July, 1954.

Government have, therefore, decided that the unauthorised occupation of lands after the date of vesting of the proprietary rights in the State Government should be regulated on the following lines:

(i) any land, occupied after the 31st March 1951 and upto the 25th March, 1954, may be settled with the occupier in accordance with the instructions contained in this Department Memorandum, No. 598-124-CR-XXVIII, dated 25th March, 1954. The land should be settled only if the encroacher would qualify for the allotment of land within those orders. If however it is found that any one does not qualify for the grant of land, or part of the land, under those instructions he should in respect of such land be deemed to be an encroacher and the encroachment should be removed under section 219 of the Central Provinces Land Revenue Act, 1917, or section 64 of the Berar Land Revenue Code, 1928;

(ii) any person occupying land after the 25th March 1954 without proper authority should be ejected;

(iii) in future land should be allotted in accordance with the instructions contained in this department memorandum, No. 598-124-CR-XXVIII, dated the 25th March 1954, and occupation without allotment should be deemed to be an encroachment and the encroacher should be ejected under section 219 of the Central Provinces Land Revenue Act, 1917, or section 64 of the Berar Land Revenue Code, 1928;

(iv) any person who does not want to cultivate the land may surrender or relinquish it and the land may be treated as unoccupied and allotted in accordance with the same procedure;

(v) if any person does not formally relinquish or surrender it, the land may be treated as abandoned and sold for the recovery of arrears of rent in accordance with the instructions contained in this department memorandum, No. 1015-CR-162-XXVIII, dated the 21st August, 1952. The claim of any person occupying unauthorisedly should be rejected, vide Land Reforms Department memorandum, No. 51-1254-XXVIII, dated the 9th January 1953;

(vi) no premium should be recovered but rent should be recovered from the date of occupation after the 31st March 1951".

RESOLUTION : The question of settlement of land brought under cultivation without authority in the Chanda District after the date of vesting of proprietary rights in the State Government under the Madhya Pradesh Abolition of Proprietary Rights Act, 1950 is considered by Government. It is found that there are large scale encroachments on the Ex-Zamindari areas now vesting in Government land a number of persons may have to be evicted in accordance with the orders issued in the Ex-

Madhya Pradesh Government Memorandum, No. 3738-479-CR/XXVIII, dated 13th October, 1954 presenting thereby a tremendous problem to Government for their rehabilitation. In modification of these orders, therefore, Government is pleased to direct that the distinction drawn so far between encroachments made prior to 31st March 1951, encroachments between 1st April, 1951 to 25th March 1954 and encroachments made after 25th March, 1954 for purposes of their regularisation or removal should be done away with and all encroachments made in these areas upto 31st December 1958 should be regularised on the following lines:-

- (i) The encroacher should be allowed to hold the land encroached upon provided that no person should be allowed to hold an area exceeding the unit of land for allotment as prescribed in Rule 4 of the Rules framed under sub-section (1) of section 149 of the Madhya Pradesh Land Revenue Code, 1954, if such encroacher already has his own land and / or cultivates land of others as a tenant, which exceeds the prescribed unit, he should not be allowed to keep the encroached land. In case such land held as an owner and / or tenant, does not exceed the prescribed unit, only so much portion of the encroached land as would be necessary to make up the prescribed unit should be settled with him and the remaining portion should be withdrawn;
- (ii) Every effort should be made for the formation of cooperative Societies of the encroachers and they should be persuaded to undertake cultivation of the lands either as individual members of the Cooperative Society or on joint Farming basis. If, however, it is not possible to form cooperative Societies, the encroachers need not be evicted on that ground but allowed land upto on unit only subject to the limit specified under (i) above;

(iii) Where encroachers are found interspersed in forest areas, they should be asked to move and given alternative sites so that compact forest areas are not disturbed. The surplus land held in excess of the prescribed unit by the encroachers and withdrawn from them under (i) and (ii) above, should be utilised for purposes of granting such alternative sites;

(iv) No encroachments should be allowed after 31st December, 1958 under any circumstances. If at all they are made, the encroachers should be dealt with under section 229 of the Madhya Pradesh Land Revenue Code;

(v) After regularisation of the encroachments, the encroacher should be charged the full annual assessment but no premium as provided in Rule 5 of the Rules framed under sub-section (I) of Section 149 of the Madhya Pradesh Land Revenue Code, 1954;

(vi) Full rent should be recovered from the encroachers from the date of occupation after 31st March 1951 upto the date on which the encroachment is regularised, in case this is not already done;

(vii) As the grazing area is adequate, no encroacher should be evicted on the ground that the grazing area is inadequate in the area.

2. With a view to give effect to these orders it is necessary that the land is properly surveyed and upto date information obtained. The Collector should be directed to submit a proposal for the necessary staff for the purpose, as soon as possible.

By order and in the name of the Governor of Bombay,

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(R.K. OZA)
Under Secretary to Government

G.R.R.D No. LEN. 6959/45810-B, dated the 16th April 1959

To

The Commissioner, Nagpur Division,
The Chief Conservator of Forests,
The Collector of Chanda,
The Accountant General, Bombay, (through the
The Deputy Accountant General, Nagpur, Finance Department
The Finance Department,
The Agriculture and Forests Department,
The AI, C,F, and M Branches of the Revenue Department
No. of 1959

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(vi)

Agricultural Labourers' Model
Colonisation Scheme

GOVERNMENT OF MAHARASHTRA,
Revenue & Forests Department,
Resolution No. LND-1065/4084-A
Sachivalaya, Bombay-32, 20th October 1965

READ:- Government letter No. LND-1065/4084-A, dated 27th April 1965 to the Government of India, Ministry of Agricultural & Food, New Delhi.

This Government has formulated a scheme for colonisation of Agricultural Labourers on forest land measuring about 10,000 acres which has been released for cultivation from out of the deserted villages in Yeotmal, Akola, Dhulia, Buldhana, Aurangabad, Bhir, Nanded Districts. It is expected to settle about 1000 families of agricultural labourers under this scheme. It is proposed to reclaim the forest lands and also to grant financial assistance to the settlers for initial expenditure on account of cultivation as well as on the cost of house constructions. It is thus contemplated to provide the agricultural labourers with lands both for cultivation and housing. Under the proposed Scheme Model Colonies of agricultural labourers would be established. The Scheme is prepared after taking into consideration the pattern of financial assistance laid down by the Government of India for Colonisation Scheme.

2. The main features of the Scheme are as under:-

The name of the Agricultural Labourers' Scheme Model Colonisation Scheme	Item	Provision
--	------	-----------

- | | | |
|----|---|---------------|
| 1) | Cost of reclamation at Rs. 210/- per acre for 10,000 acres. | Rs. 21,00,000 |
| 2) | Financial assistance for initial expenditure at the rate of Rs. 750/- per family (75 per cent grant and | |

	25 per cent loan)	
	Grant Rs. 5,62,500	
	Loan Rs. 1,87,500	Rs. 7,50,000
3)	Colonisation Expenditure for water supply, roads, gaothan, etc. at the rate of Rs. 1150/- per family for 1,000 families.	Rs. 11,50,000
4)	Cost of construction of houses at the rate of Rs. 1,000/- per family	<u>Rs. 10,00,000</u>
	TOTAL	<u>Rs. 50,00,000</u>

3. I am to request you to move the Government of India to approve the above mentioned Scheme and also to agree to the grant of Central assistance equal to 50 per cent of the cost of reclamation and 100 per cent of the financial Assistance to be granted to the allottees on account of initial Expenditure, general Colonisation Expenditure such as water supply, roads, gaothans and other facilities and the cost of construction of houses. In order to enable this Government to start early implementation of the proposed Scheme, I am to request you to obtain the Government of India's approval and to communicate the same to this Government immediately.

Letter from the Government of India, Ministry of Food and Agriculture (Department of Agricultural), New Delhi, No. 13-5/65-MY, dated the 3rd July 1965.

I am directed to refer to you letter Demi-official No. LND. 1065/4084-A dated the 27th April, 1965, on the subject cited above and to say that the Government of India have no objection to your taking up the Scheme for Colonisation of 1,000 families on 10,000 acres of forest land on the pattern of Central assistance conveyed to the State Government vide this Ministry's letter No. 20-113/63-MY dated the 8th April, 1964. The Central assistance for the Scheme will be released at the

end of the financial year by means of payment sanction issued on the basis of actual work done expenditure incurred during the first three quarters of the year and firm estimates for the fourth quarter.

Quarterly progress report on the implementation of the Scheme may kindly be sent to this Ministry regularly indicating the area reclaimed and the number of families settled.

RESOLUTION: The above mentioned scheme as approved by the Government of India relates to colonisation of agricultural labourers on forest lands released for cultivation. The total target of the scheme is to settle 1000 families on lands measuring 10,000 acres. Details regarding the financial assistance available under the scheme for various items such as cost of reclamation, initial expenditure on purchase of bullocks etc., colonisation expenditure on amenities, and cost of construction of houses are explained in Government letter dated the 27th April 1965 printed in the preamble of the resolution.

On enquiries made with certain Collectors it is understood that lands measuring 8639 acres as mentioned below are available for being utilised for the Scheme:-

<u>Sl. No.</u>	<u>Name of the District</u>	<u>Available acreage</u>
1)	Akola	1250
2)	Dhulia	2570 (including 570 acres granted to Jai Hind Co-operative Socy.)
3)	Buldhana	1000
4)	Aurangabad	300
5)	Nanded (Machhinder Pardi)	319
6)	Yeotmal	<u>3200</u>
		<u>8639</u>

4. The Collectors in charge of the above mentioned Districts should take immediate steps to formulate necessary proposals for establishing colonies of agricultural labourers on the lands mentioned above. The Collectors should submit the proposals to Government for approval in accordance with the prescribed pattern of the Scheme.

With a view to fulfilling the prescribed target of the scheme it would be necessary to examine if sizeable blocks, of 500 to 1000 acres are available to established colonies of agricultural labourers on the pattern mentioned above. Collectors are accordingly requested to explore the possibility of framing necessary proposals and to submit the same to Government for approval under the above mentioned Scheme.

In order to ascertain the progress made by this State in the implementation of this scheme as well as the other scheme for resettlement of landless agricultural labourers on forest lands, the Officer on Special Duty (Waste lands) Government of India, Ministry of Food and Agriculture, has toured in some parts of this State in July 1965 and in this tour notes (typed as an accompaniment to this Resolution) the Officer on Special Duty (waste lands) has furnished details of available lands found fit for cultivation in some of the Districts. The Collectors concerned should, therefore, consider the feasibility of utilising such lands for the purpose of this Scheme and submit necessary proposals for approval of Government.

By order and in the name of the Governor of Maharashtra.

(S.B. PATIL)
Under Secretary to Government

To

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All Commissioner of Divisions,
All Collectors (except of Collector of Bombay and Bombay
Suburban District),
The Settlement Commissioner and Director of Land Records,
The Director of Agriculture, Poona, The Chief Conservator of
Forest,
All Conservators of Forest,
All Divisional Forests Officer,
The Accountant General,
The Finance Department (Planning),
The Finance Department (Proper),
The Agriculture and Co-operation Department,
The Irrigation and Power Department,
The Y Branch, Revenue & Forests Department


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Tour Note of Shri A.B. Phadke, Officer on
Special Duty (Waste Lands) for Maharashtra
State visited in June, July, 1965

(vi)

I. Survey and Categorisation of Waste Lands in Blocks of 250 acre and less.

The Government of Maharashtra had undertaken survey and categorisation of waste lands in small blocks and have practically completed the work but for few isolated areas in the Districts which are being reported by the Collector. The total area so far surveyed in the State is 14,32,977 acres, out of which only 3,88,544 acres have been found fit for cultivation either with or without reclamation measures. The State Government has been allotting such waste lands to the landless Agricultural families in the State, through the Revenue Department right from 1961-62 and most of the lands so far located as a result of the survey have been allotted as is stated by the State Government. The details of the waste lands found fit for cultivation, village war after the survey, are forwarded to the Collectors of the District – who allot them to the deserving landless families. Data collected from the Districts visited by me is given below:-

(1) District	Area of waste land	55,814 acres
YEOTMAL:-	available in the District	
	Area distributed :	50,899 acres
	Land so far reserve for village common needs	4,415 "
	Area actually cultivated :	50,170 "
	No. of families benefited :	5,013
	S.C. :	486
	S.T. :	1183
	Others :	<u>3344</u>
		<u>5013</u>

Tour Note of Shri A.B. Phadke, Officer on
Special Duty (Waste Lands) for Maharashtra
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		<u>5013</u>

The lands so far distributed include the land located under the Survey Scheme. In addition the Government of Maharashtra has ordered the release of 14,382 acres of Forest land in the

S.T.	11,386
Others	<u>4,836</u>
	<u>25,993</u>

The area so far distributed includes the area located by the Waste Lands Survey Committee in this District – 28450 acres plus the land located under the survey scheme for small blocks. In addition the State Government have ordered the release of 10456 acres of Forest lands which is fit for cultivation. Out of this land 6985 acres has already been transferred to the Revenue Department and the balance is being transferred. I visited the Forest area at Apti and Palaskhada villages an extent of 3000 acres. Actually at Apti village, a colony of 56 Adivasis has been established on 570 acres of land. I would deal with this colony under the Resettlement paragraph. Adjacent to Apti village, I found that a block of about 1000 acres in Kadala village is available and can be utilised for Resettlement purpose. The fact has been brought to the notice of the Collector during discussion.

In addition to the above, it is reported by the Divisional Soil Conservation Officer, Wardha, that lot of waste land is yet available in Wardha District. The Joint Director of Agriculture (Soil Cons.) N.B., Poona, during discussion was requested to investigate and survey such extent of waste land if available.

II. Resettlement of the landless Agricultural families:

The State Government have submitted a scheme for resettlement of 17,200 families at a cost of Rs. 3.01 crores. The scheme has been approved by the Government of India. As most of the waste land in the State has already been

distributed, the State Government have released 1,72,000 acres of Forest land which is fit for cultivation after reclamation. This land would be utilised for the Resettlement of the 17,200 families envisaged in the scheme. Similarly the State Government have submitted another scheme for colonisation of District which is fit for cultivation. This land would be utilised for the colonisation of landless Agricultural families Scheme and for the displaced people from the Pus River Irrigation Project. I visited the Forest area transferred to the Revenue Department in Umrath Block. The area is quite fit for cultivation after reclamation.

(2) District Akola:-	Area of waste land available in the District.	16,601 Acres
	Area distributed :	13,115 Acres
	Area recommended for project affected persons	3,486 Acres
	No. of families benefited	1,401
	S.C. :	417
	S.T. :	433
	Others: <u>551</u>	
	<u>1401</u>	

The land distributed includes the land located as a result of the survey. In addition, the Government have released 1584 acres of Forest Land which is fit for cultivation. This land would be utilized for resettlement of the landless agricultural families on colonisation basis. I visited the Forest area in Lohara village, in company with the District Forests Officer, which area has been transferred to Revenue Department. The area is quite fit for cultivation after reclamation. Some areas of waste lands in Akola District are yet to be surveyed and categorized.

(3) Distt. Dhulia:-	Area of waste land available in the District :	1,67,614 Acres
	Area distributed :	1,63,082 Acres
	Area available for distribution :	4,532 Acres
	Area so far cultivated :	1,63,082 Acres
	No. of families benefited :	25,993
	S.C. :	9711

1000 landless agricultural families on 10,000 acres of land at a cost of Rs. 50 lakhs. This scheme is also approved by the Government of India. For this scheme also the State Govt. have located Forest lands in Yeotmal, Akola, Buldhana and Amravati Districts of Vidarbha and Dhulia District which are to be reclaimed for cultivation. I have visited 3 blocks of such lands in Yeotmal, Akola and Dhulia Districts – and they are quite fit for cultivation. Actually in Dhulia District, a block of 570 acres has been allotted to 56 adivasis landless agricultural families from the Forest Block of Apti, which families have formed a Society called Jaihind Acivasi Society and have settled down on the land allotted to them. They are cultivating the land for the last 3 years. They are living on the site in very poorly built thatched huts, their lands have not been properly reclaimed or banded as a result of which the soil is being washed away each year, they have no well for drinking water, they have to bring water from a distance of about a mile and so on.

I have discussed their proper resettlement with the Collector of the District and the Revenue Department in Bombay and have requested that they should be immediately brought under the State Government colonization resettlement scheme and

afforded proper assistance. I have also requested the Joint Director of Agriculture (Soil Cons.) M.S., Poona to have their lands properly reclaimed and banded.

During my visit to the State, I twice met the new Revenue Minister of Maharashtra State, *Shri R.A. Patil*, once in Bombay and once in Poona, who was very keen on understanding the centrally sponsored scheme of Resettlement. The provision of the Resettlement of landless agricultural families – both individual and under colonization, were explained in details to the Minister. The Minister has assured that they will not only execute the present schemes but prepare few more to benefit the landless Agricultural families in the State.

The State Government have agreed to resettle about 10,000 families during the current year under the individual Resettlement Scheme.

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(vii)

Forest land
Disposal of -Transferred to R.D.

GOVERNMENT OF MAHARASHTRA,
Revenue & Forests Department,
Resolution No. LND 2769/37076-A,
Sachivalaya, Bombay-32, 5th January 1970

RESOLUTION :

A question regarding making available forest land for cultivation to the Adivasis and backward class landless people in Thana District was under consideration of Government for some time past. It has now been decided to disforest land admeasuring about 40,000 acres in Thana District for being distributed to the Adivasis and backward class landless agricultural labourers in that District. In relaxation of the priorities as laid down in Government Resolution, Revenue Department No. LND 3960-AI dated 1st March 1960 as revised from time to time, Government is, pleased to direct that the land in question should be distributed to the Cocperative Joint Farming Societies of Scheduled Castes and Scheduled Tribes. Where it is found that the formation of Joint Farming Society is not feasible it should be distributed to individual landless agricultural labourers according to the following order of priorities.

- 1) Adivasis
- 2) Scheduled Castes and Nav Buddha
- 3) Members of other backward classes

2. The distribution of land as mentioned in para 1 above should also be subject to the conditions mentioned below:-

- i) No grant shall be made in favour of a person, excepting Army Personnel, who pays income tax.
- ii) A person who has not encroached upon Government forest land should only be held eligible for allotment of the land. A Joint Farming Society whose member is found to be an encroacher on Government forest land should not be held eligible for grant of land.

3. Government is also pleased to direct that the land in question should be distributed by a Committee consisting of the following officers. The Additional Collector Thana shall be the Chairman of the Committee. The other members of the Committee shall be as follows:-

- | | | |
|------|---|----------|
| i) | Additional Collector Thana | Chairman |
| ii) | Tahsildar of the concerned Tahsil | Member |
| iii) | Block Development Officer of
the concerned block | Member |
| iv) | The Range Forest Officer | Member |

4. As the acreage of land to be distributed as mentioned above is much less than the acreage in demand, Government is pleased to direct that the individual landless agricultural labourers should be given paddy land to the extent of 2 acres or dry crop land to the extent of 4 acres.

5. The Committee should undertake the distribution of the land immediately and complete it before 30th April 1970.

6. The point as to whether the individual cultivator holding land less than one acre should be treated as landless is under consideration of Government.

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By order and in the name of the Governor of Maharashtra

Under Secretary to Government,

To

The Collector, Thana,
The Commissioner Bombay Division, Bombay,
The Branch of Revenue and Forests Department (4
copies),
The Rural Development Department,
The Zilla Parishad, Thana,
The Chief Conservator of Forests, Poona,
The Conservator of Forests, Thana Circle, Thana


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(viii)

Forest lands : Thana
Disposal of - in, transferred
to the Revenue Department

GOVERNMENT OF MAHARASHTRA,
Revenue & Forests Department,
Resolution No. LND 2769/37076-A,
Sachivalaya, Bombay-32, 16th April 1970

- READ :- i) Government Resolution No. LND 2769/37076-A
dated the 5th January 1970,
ii) Government Corrigendum No. LND 2769/37076-A
dated the 6th January 1970,
iii) Government Memorandum No. LND 2769/37076-A
dated the 25th February 1970,
iv) Government Resolution No. LND 2769/37076-A
dated the 9th March 1970.

RESOLUTION

In modification of para 1 of Government Resolution No. LND 2769/37076-A dated the 5th January 1970, Government is pleased to direct that the plots from the encroached land out of the forest land transferred by the Forest Department, which are cultivated and developed by the encroachers, should be reserved for allotment to a member of the family of such encroachers, who may apply for the same. The allotment of the encroached land to a member of the family of the encroacher who has developed the land should be made subject to the following conditions:-

- i) that the land to be allotted should in no case be more than the encroached area except for marginal adjustments to avoid irregular shapes and the waste of un-useable areas;
- ii) that the area to be granted should be limited to the ceiling of 2 acres of paddy land or 4 acres of dry crop land prescribed for general distribution;

iii) that the allotment of the plots should be confined to the persons from the encroacher's family who are landless as defined in the instructions already issued;

iv) that a member of the encroacher's family should be held eligible for allotment even though he may not be an Adivasi, a member of Scheduled Caste, Neo-Buddha or a member of other Backward Classes;

v) that a person who pays income-tax should not be held eligible for the allotment of the encroached land;

vi) that if there are genuine cases of encroachments of forest lands, which do not appear in the records of the Forest Department, such cases may be enquired into by the Local Distribution Committees and decided on merit.

2. Government is also pleased to direct that in case if any allotment of the encroached land has already been made by Distribution Committee prior to the issue of these orders, such allotment should be cancelled and the encroached lands should be granted to the members of the encroached families according to the Principles laid down in para 1 above. If the area excluding the encroached area is of a sufficiently large size, it should be allowed to remain with the allottees, otherwise the allottees should be given alternative land either in the same village or in an adjoining village.

3. Government is further pleased to direct that in case there are no sufficient applications from the persons residing within the radius of five miles radius from the land, the Distribution Committee may consider the claims of persons outside the of radius of five miles but residing in the same or adjoining taluka.

4. Government is pleased to authorise the Collector of Thana under Section 13(1) of the Maharashtra Land Revenue Code, 1966, to delegate to the Tahsildars the powers of disposal of lands under Section 31 of the Code.

5. The Local Distribution Committee should propose allotment of the encroached land in accordance with the procedure laid down in para 1 above. In case of unencroached land, the allotment should be done by drawing lots from amongst persons belonging to a particular class of priority. The Tahsildar concerned should make the allotment in accordance with the proposals of the Local Distribution Committee.

6. The special procedure of allotment of forest lands in Thana District is in relaxation of the general orders issued from time to time as provided in para 13 of Government Resolution No. LND 3960-AI dated 1st March 1960.

7. Government desires that these orders should apply only in respect of the area admeasuring about 43,000 Acres referred to in para 1 above and in no other cases.

By order and in the name of the Governor of Maharashtra,

Under Secretary to Government

Government Resolution, Revenue & Forests Department No. LND 2969/37076-A, dated 16th April 1970

To

The Commissioner, Bombay Division, Bombay,
The Additional Collector of Thana,
The Chief Conservator of Forests, Maharashtra State,
Poona,

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The Conservator of Forests, Thana Circle, Thana,
The Chief Executive Officer, Zilla Parishad, Thana,
The Rural Development Department,
The W Branch of Revenue & Forests Department,
All the Officers in the Revenue & Forests Department
All other Branches in Revenue & Forests Department

No. of 1970

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(ix)

Waste lands
Disposal of - ,

GOVERNMENT OF MAHARASHTRA,
Revenue & Forests Department,
Resolution No. LND 4263/65625-A,
Sachivalaya, Bombay-32, 19th May 1970

READ :

- i) Government Resolution No. LND 4263/65625-A dated the 15th November 1969.
- ii) Government Resolution No. LND 1070/11309-A dated the 13th April 1970.

RESOLUTION :

In view of the heavy demand for lands for cultivation from various categories of persons and as there was a very small acreage of land available for cultivation, Government had decided that whatever land was available should be disposed of with the greatest care with a view to make it available to the most needy persons. Government had therefore directed in Government Resolution No. LND 4263/65625-A dated 15th November 1969, that the Collectors and the Subordinate Revenue Officers should not themselves dispose of any Government waste and forest lands, but the Collectors should first complete all the preliminaries for the disposal of lands in accordance with the instructions and principles laid down in the Waste Land Disposal Rules and should submit to Government proposals for the disposal of such lands through the Commissioners.

2. In view of the increasing demand of the landless persons for cultivable lands, Government has recently appointed in Government Resolution No. LND 1070/11309-A dated the 13th April 1970, district-wise Committees under the Chairmanship of the Presidents of the Zilla Parishads, for carrying out survey of Government lands in charge of Revenue Department, forest lands in charge of the Forest Department and also lands set

apart for grazing, with a view to make available additional acreage of lands for disposal. The Committees have been instructed to submit to Government the total area of cultivable lands available for distribution by the 31st July 1970.

3. Government had further decided that the landless persons should be granted all the available in the proposed survey, without further delay and in any case not later than 31st January 1971. With a view to complete the distribution of all the available cultivable waste and forest lands within this time limit, and to enable the allottees to bring the distributed land under cultivation during 1971-72 season, Government is pleased to cancel the orders issued in Government Resolution No. LND 4263/65625-A dated 15th November 1969 and to direct that the Collectors should immediately take steps to distribute all the available waste lands, without submitting the proposals to Government.

4. In order to enable the Collectors to achieve the above goal, Government is pleased to authorise the Collectors under Section 13(1) of the Maharashtra Land Revenue Code 1966, to delegate to the Tahasildars the powers of disposal of lands under Section 31 of the Code.

5. It is necessary to ensure that the Tahasildars distribute the lands strictly, following the procedure and priorities laid down in the Waste Lands Disposal Rules. It may be made clear to them that if they make any deviation from the prescribed procedure and priorities as a serious view will be taken and they will be liable to disciplinary action. Before, therefore, the Tahsildars undertake disposal of available lands, the Collectors should be requested to call for a special meeting of all the Tahsildars in the Districts in this respect and to explain to them the provisions of the rules and the manner in which the land is

required to be distributed. The Tahsildars should be then be asked to take immediate steps for the disposal of the lands by launching special drive and to complete the distribution work before 31st January 1971 and to put the allottees in possession of the land immediately thereafter.

6. The Collectors should be requested to send progress reports in the enclosed proforma (Typed as an accompaniment to this Resolution), of the land distributed under this special drive for each month, beginning from June 1970 by the 15th of the next month. The report for the month of June should reach Government by the 15th July 1970.

7. As regards the allotment of lands that would be available for cultivation, to the persons affected by the various projects of Government who have not been accommodated in the lands specifically reserved for their settlement the Collectors should be requested to consider the requirement of lands of such persons to submit the necessary proposals to Government for reservation of additional lands for their settlement.

By order and in the name of the Governor of Maharashtra,

Under Secretary to Government
Government Resolution, Revenue and Forests Department
No. LND.4263/65625-A dated, 19th May 1970

To

All the Commissioners of Divisions,
All Collectors of the Districts,
The Settlement Commissioner & Director of Land
Records,
The Chief Conservator of Forests, Maharashtra State,
Poona,
The Director of Agriculture,
The Director of Social Welfare,
The Director of Publicity,
The Accountant General, Maharashtra State, Bombay,

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The Deputy Accountant General, Maharashtra State,
Nagpur,
The Education & Social Welfare Department,
The Law and Judiciary Department,
The General Administration Department (RI),
All other Departments of Sachivalaya,
B,R,W Branches of Revenue and Forests Department,
All Officers of the Revenue & Forests Department

No. of 1970.

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District _____

Progress reports for distribution of available cultivable waste
land forest

for the month of _____

Sr. No.	Name of Taluka	Area distributed before 1.6.1970	Area distributed during the month	No. of persons to whom allotted	Balance area available for disposal
1	2	3	4	5	6

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(x)

Encroachments

Regularisation of - made on
Government waste, forest and
gairan, for cultivation

GOVERNMENT OF MAHARASHTRA,
Revenue & Forests Department,
Government Resolution No. LEN 1069/23477-A-II
Sachivalaya, Bombay-32 (BR), Dated the 14th August 1972

RESOLUTION OF GOVERNMENT

With a view to meet the increasing demand of land from landless persons, particularly from backward classes, systematic efforts have been made by Government since 1960 to distribute all available Government lands for cultivation. As a result, substantial area of Government lands has so far been distributed to landless persons, most of whom were backward class persons. In spite of these efforts to satisfy the needs of the landless persons by distributing all available lands, it is noticed that the tendency of occupying Government lands unauthorisedly and bringing them under cultivation was increasing day by day. Necessary instructions had therefore been issued to the Collectors in Government Circulars No. LND-4764/154896-B, dated 7th August 1965 and No. LEN 1067/107879/B, dated 22nd December 1967 directing that all encroachments of Government lands should be seriously dealt with and the encroachers evicted from the lands. It was, however noticed that the encroachers are generally reluctant to vacate the encroached lands and that it becomes difficult to remove the encroachments after a lapse of considerable time. In view of this, Government had issued instructions in Government Circular No. LND 1068/197549/A, dated 23rd August 1968 that the encroachers should be summarily evicted from the Government lands unauthorisedly occupied, without waiting for the crops raised by them to be harvested.

2. A recent survey undertaken by Government has revealed that a substantial area of Government waste lands, forest lands transferred to the Revenue Department and the grazing lands have been heavily encroached upon throughout the State, and that most of the encroachers belong to backward classes and are landless agricultural labourers, who belong to weaker sections of the Society. It is also reported that almost all of them have no other source of livelihood, except the lands unauthorisedly occupied by them. Having regard to a large number of encroachers who have occupied Government lands and the fact that they belong to the weaker sections of the society and have made encroachments out of economic necessity and will be put to great hardship if their only means of livelihood are taken away, Government is of the view that a lenient view of the unauthorised action on the part of the encroachers should be taken. Government has, therefore, decided that as a matter of grace the encroachments existing at present i.e. those made upto the 15th August 1972 on Government lands vesting in the Revenue Department should be settled as a special case with the encroachers to the extent mentioned below :-

(i) Government waste lands and forest lands transferred to the Revenue Department :- Encroached lands upto the area of 2 Hectares, should be granted to the encroachers, provided they are otherwise eligible for the grant of Government lands in accordance with the provisions of Part III of the Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971;

(ii) Grazing lands :- Grazing lands, which have been encroached upon, should be resumed by Government as being not required by the Village Panchayats for the purpose for

which they were vested in them in case the encroachments related to the period after 1st October 1965 and do not cease to vest in the Village Panchayats, as provided for in Section 51(1-A) of the Bombay Village Panchayat Act, 1958, and then granted to the encroachers on the same conditions as in the case of (i) above;

(iii) Forest lands in charge of the Revenue Department

- The encroached forest lands should be disforested and then granted to the encroachers subject to the same terms and conditions as in the case of (i) above.

3. All the encroachments now existing should be settled with the encroachers by 30th April 1973 as indicated above. Government is pleased to hereby declare that in future no further encroachments will be tolerated on Government lands under any circumstances and that severe action will be taken against the encroachers if any unauthorised cultivation is made in Government lands hereafter.

4. Government also is pleased to direct that all waste and forest lands transferred to the Revenue Department available for distribution should be distributed as far as possible during the current agricultural year.

5. The above orders are only applicable to the encroachments existing on lands in charge of the Revenue Department and not to forest lands in charge of the Forests Department.

By order and in the name of the Governor of Maharashtra,

A.D. VAIDYA,
Section Officer,
Government of Maharashtra

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To

All the Commissioners of the Divisions,
All the Collectors of the Districts,
The Chief Conservator of Forests, Maharashtra State,
Poona,
All Conservators of Circles,
The Rural Development Department,
A-II Section and W Branch of Revenue and Forests
Department,
All other Branches and Sections in the Revenue and
Forests Department,
All Officers in the Revenue and Forests Department

No.

of 1972

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EXHIBIT 'A'

Encroachments Regularisation of – made on
Government waste land, gairan land and
Forest land for cultivation

GOVERNMENT OF MAHARASHTRA
REVENUE AND FORESTS DEPARTMENT

Government Resolution No. LEN-1078/3483-GI

Mantralaya, Bombay-400 032, dated 27th December, 1978

READ :- Government Resolution No. LEN-1069/23477-A-II
DATED 14TH August, 1972

Government Resolution, Agriculture and Forests
Department, No. FLD-4860/25760-E, dated 3rd
September, 1960 (as amended from time to time).

Government Resolution, Agriculture and Forests
Department, No. FLD-4861/20878-E, dated 1st
September, 1961 (as amended).

GOVERNMENT RESOLUTION :- Orders were issued in the past for regularization of encroachments of Government waste land, Revenue forest land, Forest land incharge of Forest Department (in Nasik and Thane Districts) and gairans, made for cultivation, subject to certain terms and conditions. Accordingly, action has been taken by the Officers of the Forest Department and of the Revenue Department to regularize these encroachments. In a number of such cases, however, the encroachments are yet to be dealt with according to those orders. Besides, new encroachments have also taken place. In most of these cases the encroachers belong to Backward Classes or economically weaker sections of the community. Government have, therefore, decided that all the subsisting encroachments on Government land (including Forest land) which were existing on 31st March, 1978 should be regularized and for that purpose is pleased to direct in exercise of its

powers under section 40 of the Maharashtra, u/s 406 the Maharashtra Land Revenue Code, 1966 and all other powers enabling it in that behalf as under :

Eligibility for regularisation

All subsisting encroachments on Government waste land, gairan land, Revenue forest land in charge of the forest department made for cultivation which existed on 31st March, 1978 should be regularized provided:

- (i) The encroacher is
 - (a) A person belonging to backward class, i.e. Schedule Castes, Schedule Tribes, Nomadic Tribes, Wimukti Jatis or Nav-Budhist or
 - (b) A person whose total annual income including the income of members of his family does not exceed Rs.3,600/-.

NOTE :- In most cases encroachers belong to Backward classes as mentioned above, which constitute economically weaker section of community. In very few cases, if at all such an encroacher is likely to have annual income more than Rs.3,600/- in spite of his falling within the total holding limit. In view of this in the interest of speedy disposal of regularization work, it has not been considered necessary to specifically impose the income condition in respect of Backward classes (Other than other Backward classes). However, if, in any case the Collector considers that regularization of encroachment would not be desirable or advisable on account of the fact that the encroacher is affluent or well do do, he may refer the case to or advisable on account of the fact that the encroacher is affluent or well-do-do, he may refer the case to Government for orders.

- (ii) The usual place of residence of the encroacher is within the radius of 8 kilometers from the land encroached upon:
- (iii) The encroacher is a landless person or the total land lawfully held by him in any capacity is less than 2 Hectares of Jirayat land:
- (iv) The encroachment to the extent of an area equal to 2 Hectares of jirayat land shall only be regularized. Where the encroachers is holding some jirayat land either as owner or in any other capacity, the regularization shall be limited to such area as would bring his such total holding equal to 2 Hectares of jirayat land.

3. Encroachments basically ineligible

The following encroachments shall not in any case be regularized :-

- (a) Encroachments made after 31st March, 1978;
- (b) Encroachments in areas along the border of this state made by persons domiciled in other States.

NOTE :- In order areas the encroacher whose name does not appear in the Voters' List of the last Assembly Election should be deemed to be a person belonging to other State, unless to proves otherwise.

4. Encroachments on Forest Land

The encroachments made in the midst of the forests or on forest land with more than 10% gradient should not be

regularized though otherwise eligible. The encroachers on such land should however, be allowed to remain on the encroached land only to the extent of the area to the regularization of which they are otherwise eligible, till they are provided alternate land to the permissible extent. Suitable alternate land should be found out from other encroachments not eligible for regularization, or from the areas on the fringe of the forest. The suitability of the alternate land for cultivation proposed to be brought under cultivation for the first time should be decided in consultation with the Block Agricultural Officers concerned and the land so decided should be granted to the encroacher to the extent to which they are found otherwise eligible for regularization of encroachments.

5. Land in Metropolitan Region

Encroachments on land in any Metropolitan Region established under the Maharashtra Regional and Town Planning Act, 1966 shall not be regularized except with the previous approval of the State Government.

6. Disforestation

The Forest land (including Revenue Forest land) the encroachments on which are to be regularized or to which the encroachers are to be shifted, should be disforested.

7. Gairan Land

The gairan land, the encroachments on which are eligible for regularization should be resumed to Government by the Collectors under section 51 of the Bombay Village Panchayats Act, 1958.

8. Fragment

In case the land encroached upon is a fragment (i.e. less than the standard areas fixed under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1948) and the encroacher is found entitled to regularization of encroachment as per the foregoing orders, the encroachments should be regularized in the following cases by granting additional Government land, wherever necessary to make the area equal to the standard area –

- (a) The encroacher holds other land of his own which is contiguous to such a fragment. In such a case the encroached area would merge with the other land of the encroacher and therefore, the question of creation of fragment would not arise.
- (b) The encroached fragment is separated from the other land of the encroacher only by a strip of uncultivable Government land. In such a case the entire land i.e. the encroached portion and the intervening strip of Government land should be given to the encroacher (subject to other conditions) to avoid creation of a fragment.
- (c) Adequate Government land is available adjacent to the encroached fragment and the encroacher is not having any other land of his own. In such a case encroacher be granted so much land as would together with encroached area make up the standard area.
- (d) The encroacher holds some land of his own but away from the encroached fragment and adequate Government land is available adjacent to the

encroached fragment. The encroacher be given Government land (in addition to encroached fragment) to make up the standard area only if the encroached fragment is not less than 40% of the standard area.

In all other cases of encroached fragments, the encroachment should be removed.

9. There may also be some cases in which the encroacher, having regard to the other land held by him, may be found eligible to get only a part of the encroached area (situated away from the other land held by him).

If the area which he is thus entitled to get is less than the standard area, regularization of encroachment would not be possible. This will be clear from the following example (the data wherein is hypothetical) –

(i)	Encroached area	..	1 hectare
(ii)	Other land held by the encroacher	..	1.3 hectare
(iii)	The area eligible for regularization	..	0.7 hectare
(iv)	The standard area	..	0.8 hectare

In this case, if additional area of 10 area is granted the creation of fragment would be avoided. In such cases, therefore, the encroachment may be regularized by granting, where necessary additional area not exceeding 10 areas. In other

cases wherein the additional area of encroachment required for regularization exceeds 10 areas of the encroachment should not be regularized.

10. Removal of ineligible encroachments

The encroachments or parts thereof not eligible for regularization according to the foregoing orders should be removed forthwith. The Officers of Revenue Department and Forest Department should henceforth be vigilant and should not allow any fresh encroachment. Any laxity in this behalf will be viewed seriously.

11. These orders apply to all the subsisting encroachments. The scheme envisaged in these orders should be implemented as per the Time-bound-programme given in Annexure 'A' and in the light of the instructions given in Annexure 'B'. The Officers concerned should however, feel free to deviate marginally from these instructions, provided they are thereby able to implement the scheme better, more speedily and without any confusion. The listing of the encroachments as stipulated in the instructions should not, however, be dispensed with.

By order and in the name of the
Governor of
Maharashtra,

Sd/- C.K. SHIDHAYE,
Under Secretary to Government

G.R., R.&F.D. No. LEN-1078/3483-G-1, dated 27th Dec. 1978.

To,
All Commissioners.
The Chief Conservator of Forests, Pune.
The Settlement Commissioner and Director of Land Records,
Pune.
All Collectors of districts.
All Territorial Conservators of Forests.

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The Deputy Directors of Land Records, Nagpur, Aurangabad, Pune and Bombay. All Sub-Divisional Officers.

All Divisional Forests Officers and Sub-Divisional Forest Officers of Independent Sub-Divisions.

All Tahsildars

All District Inspectors of Land Records

The Chief Director of Information and Public Relations

The Rural Development Department, The Agricultural and Cooperation Department/The Urban Development and Health Department.

The F-3 Desk of Revenue and Forest Department

All other Desks of Revenue and Forest Department

All Officers of Revenue and Forest Department.

No. of 1978

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ACCOMPANIMENTS TO GOVERNMENT RESOLUTION, REVENUE AND FOREST DEPARTMENT
NO. LEN-1078/3483-GI, DATED 27TH DECEMBER, 1978

ANNEXURE - 'A'

Time bound programme for regularization of encroachments

Stage 1	Time Limit 2	By Revenue Department 3	By Forest Department 4
I. Preparation of list of all subsisting encroachments made prior to 1 st April, 1978	20.1.1979	For:- (i) Government Waste Land (ii) Revenue Forest Land. (iii) Gairan Land	For Forest Land
I-A Preparation of list of encroachments from I above in case :- (i) Encroachments in the midst of forest (ii) Encroachments on land		Nil	For Forest Land

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with more than 10% gradient

II. Determination of the eligibility and extent of land admissible with reference to :-

- (i) the other lands lawfully held by encroacher
- (ii) the place of residence
- (iii) income wherever necessary

20.2.1979

For all lands including Forest Land
 (a)&(b) for lands at (i),(ii) and (iii) above

(a) for forest land.

III. (a) provisional measurements

15.3.1979

© for lands at (i),(ii) and (iii) above land also for forests land

(b) ad hoc demarcation

(c) fixation of provisional land

(d) formal of forest lands to revenue Department for regularization of encroachment.

(d) for forest land.

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IV. Issue of order of regularization and grant of sanads with provisional details of land and assessment

31.3.1979

For all lands including forest land

V. Completion of final measurement and levy of assessment as also correction of sanads accordingly

31.5.1979

For all lands with the help of survey and settlement Department.


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EXHIBIT 'B'INSTRUCTIONS

1. (i) These orders relate to encroachment which satisfy both the following criteria, viz.
 - (a) the encroachment is at present subsisting;
 - and
 - (b) the encroachment existed on 31st March, 1978.

Essentially, the decision is recording regularization (as distinct from grant) and if there is no subsisting encroachment, there can be no regularization. The question of regularizing earlier encroachments which have ceased to exist should not therefore arise.

The earlier encroachments which are still subsisting should now be dealt with according to the present orders and not as per similar decisions in the past which were not implemented in their cases.

Stage I (ii) As a first step for implementing these decisions all continuing encroachments made prior to 1st April, 1978 and subsisting should be (List- A) listed. The Forest Department should list such encroachments on forest land and the Revenue Department should separately list such encroachments made on :-

- (a) Government waste land,
- (b) Grazing land,

(c) Forest land in charge of Revenue Department.

These lists should be prepared villagewise. In addition the Forest Department should prepare (List -B) list of subsisting encroachments made in the midst of the forest or on forest land with more than 10% gradient which are not eligible for regularization though otherwise eligible according to the above criteria.

(iii) It is true that in 'Kharif' areas no encroacher could be in physical possession of land on 31st March, 1978 when kharif season of 1977-78 was over. But if he had encroached on the land in the kharif season of 1977-78 as also in the kharif season of 1978-79, the circumstantial evidence is clearly and logically in favour of the view that he was an encroacher on 31st March, 1978 and his encroachment has continued and is subsisting. He is thus eligible for regularization upto the permissible extent provided he is otherwise entitled.

(iv) In deciding the factum of encroachment as on 31st March, 1978 and its subsistence all evidence (of every relevant sort) on record as also the evidence which the encroacher may be in a position to produce should be relied upon and recorded. The encroacher should be given an opportunity to produce his evidence for the purpose. Normally entries in the 'Pik Pahani Patrak' would form the basic evidence of encroachment. However, in those cases where other sufficient evidence is available to establishment the fact of encroachment,

absence of entry in 'Pik Pahani Patrak' need not disqualify the encroacher for getting his encroachment regularized under this scheme.

- (v) In the areas along the border of the State the subsisting encroachments made by persons belonging to other States should not be considered eligible for regularization even though they may be of the relevant period. To weed out such encroachers only those encroachers (or their heirs) whose name appeared in the voters' list of the relevant Assembly Constituency followed in the last General Election should be considered as the persons belonging to this State.
- (v-a) Encroachments on land in any Metropolitan region established under the Maharashtra Regional and Metropolitan Town Planning Act, 1966 should not be regularized except with the previous approval of Government, proposal in that behalf should be restricted to 'No Development Zones' or 'Green Zones' and should be accompanied by the opinion of the Development Authority (Land in Metropolitan Region).
- (vi) Such of the subsisting encroachment as are not included in the list prepared as per (ii) above (as they were found to have been made after 31st March, 1976) should be separately (List-E) Listed so that these lists together would record all the subsisting encroachments and it would be easier to detect and evict encroachments made after 31st March, 1978. While preparing the lists utmost care

to cover all encroachments correctly and thoroughly should be taken. Copies of the lists of subsisting encroachments which existed on 31st March, 1978 should be sent to the District Collector and Divisional Commissioner by the Tahasildar in case of Government land, Revenue Forest land and grazing land and to the Conservator of Forests and Chief Conservator of Forests by the Divisional Forest Officer in case of Forest land. One copy of the list of subsisting encroachments which existed on 31st March, 1978 should be displayed in Tahasildars' and Range Forest Officers' offices for public information. The work of these lists should be completed by 20th January, 1979.

Stage II (vii)

As soon as these lists are completed and the lists of subsisting encroachments found eligible for consideration of their regularization is thus available, the work of deciding eligibility of encroachers appearing in the list and the extent of encroachment entitled for regularization should be taken in hand with reference to the relevant factors, viz. other land lawfully held by the encroachers, income limit of Rs.3,600/- p.a. in case of persons other than those belonging to Scheduled Castes, Scheduled Tribes, Vimukta Jatis, Neo-budhists and Nomadic Tribes and the distance of the usual residence of the encroachers. This work should be done by the Revenue Department for encroached land also. A list (List -C) of ELIGIBLE encroachers and the extent of area upto which regularization is permissible accordingly found out should then be prepared. Similarly list (List-D) of encroachers who

are found ineligible should be prepared. This work should be completed by 20th February, 1979.

In case of fragments to be dealt with in accordance with the para 8 of the Government Resolution, the question whether the encroachment on fragment can be regularized and whether the encroacher is required to be granted additional area and is entitled to get it as stipulated in the aforesaid para, should be decided alongwith deciding his eligibility to get the encroachment regularized.

Similarly the extent of area of encroached land that would have been admissible to the encroachers on the forest land (in the midst of the forest or with more than 10% gradient) if their encroachments were to be regularized should also be determined simultaneously.

- (viii) Thereafter the work (Stage-III) of provisional measurement of area which is found entitled for regularization and its provisional demarcation should be done by the Forest Department for forest land and that Department should then formally hand over possession of those land to Revenue Department for further action regarding regularization of encroachment. In the meantime, the Revenue Department should complete the work of provisional measurement and provisional demarcation of other encroached land entitled for regularization. Adhoc assessment of all these land (including forest land) should also be done by the Revenue Department simultaneously.

For the purposes of identifying unsurveyed encroached land the following procedure may be followed:-

- (1) If the land encroached upon is unsurveyed and consequently does not bear a survey number, it should be provisionally assigned the number consecutive to the last survey number of the revenue village to which the land would go.
- (2) If the land encroached upon bears a survey number it should be provisionally assigned the number consecutive to the number of the last sub-division of that survey number.

Rough sketch of these land should then be prepared.

- (ix) All this should be completed by the 15th March, 1979. For that purpose the Forest Department ought to complete its work of demarcation etc. well in time to permit the Revenue Department to complete the subsequent work of provisional assessment etc. within the prescribed time.

Stage -IV (x) In the fortnight's period between the 15th March, 1979 and 31st March, 1979 the Revenue Department must issue orders for regularization of encroachments on all the eligible land and grant sanads to the encroachers showing therein the area of the land and the provisional measurement and rough of the land as also provisional assessment,

subject to correction, in area as well as assessment after final measurement, demarcation and fixation of land revenue. It is of utmost importance to finish all this work by the 31st March, 1979 so that the holders of the land can also institutional finance required for cultivation of these land in the next season.

Stage-V (xi) Thereafter, the work of final measurement, demarcation, preparation of maps and fixation of land revenue as also that of correcting the sanads (either granted) accordingly should be completed within a period of two months i.e. by the 31st May, 1979 with the help of land Records Department. The Forest Department should then disforest the land and formally transfer them to that Department. It should also, similarly disforest the land of Revenue Forest where the encroachments are regularized.

(xii) In regard to the grant of alternative land to the encroachers on the land in the midst of the forest as also on forest land with more than 10% gradient whose encroachments are not to be regularized but are to be suffered to the admissible extent till they are granted alternative land, it is not feasible nor necessary to settle them quickly on alternative so that they can raise loans required for bringing the land under cultivation and cultivate the land, properly. The Forest Department should, therefore, quickly decide the alternative land to be granted to them according to their eligibility either from out of other encroachments which cannot be regularized

or from out of the forest land on the fringe. In such cases, it is necessary to make sure that the encroachers get lands that can be brought under cultivation. Therefore, the suitability of the land should be decided in consultation with the Block Agricultural Officer concerned. As soon as the alternative land are decided upon they should be transferred to the Revenue Department, after due measurement and demarcation for granting the same to the eligible encroachers to the extent admissible to them. On grant of the alternative land, the concerned encroachments should be totally removed.

2. Whether the encroached area is a fragment, its regularization should be governed by paragraphs 8 of the Government Resolution. If such fragments are continuous to the encroacher's other land there should be no problem. If such encroached fragment is separated from the encroacher's other land only by a strip of Government land which is uncultivable, it is clear that the encroacher had intention to encroach upon Government land contiguous to his own land; but had to avoid the intervening strip only because it was uncultivable. In such cases the intervening strip of Government land should also be granted to him, so that the encroached fragment can merge in his holding.

Where the encroached fragment is away from the encroacher's other land and there is sufficient Government land and there is sufficient Government land available, it may be granted to him to make up the standard area. But the encroached fragments which are less than 40% of the standard area should not be eligible for such treatment. In case, however, the encroacher is totally landless and has no land of his own, he may be granted

adjoining Government land if any to make up the standard area, irrespective of the size of his encroached fragment.

3. If only a portion of the encroachment is found eligible for regularization and that portion is only marginally less than the standard area, the remaining encroachment should also be eligible for regularization upto maximum extent of 10 areas, if that would avoid creation of fragment. In all other such cases the encroachment should be removed.

4. In cases of gairan, they will have to get resumed to Government before final action regarding grant of the sanads.

5. While all this is being done, it is necessary to bear in mind that the Government decision is also to prevent any encroachment in future. The Forest Officers and Revenue Officers should hereafter be vigilant and take care to ensure that no fresh encroachment takes place, and if any is detected, to remove the same promptly and thoroughly. Any laxity in this regard should be viewed seriously all concerned. So also, such of the subsisting encroachments as are not found eligible for regularization should be removed quickly.

(xii)

Encroachments

Regularisation of – made on forest
lands during 1.4.1972 to 31.3.1978.
for cultivation

GOVERNMENT OF MAHARASHTRA
Revenue and Forests Department
Resolution No. FLD.1079/1366-F3
Mantralaya, Bombay-400 032
Dated:- 12th September, 1979

READ :- Government Resolution, Revenue and Forests
Department, No. LEN.1078/3483-GI, dated 27th December,
1978

RESOLUTION :- Under Government Resolution, Revenue and
Forests Department, No. LEN.1078/3483-GI, dated 27th
December, 1978 orders were issued for the regularization of
encroachments, made for cultivation on Government waste
lands, gairan lands, revenue forest lands and forest lands
incharge of the Forest Department. The criterion prescribed for
regularization was that the encroacher should be in possession
of the encroached land on 31st March, 1978. It has been
represented to the Government that the ambit of the Resolution
should be enlarged to provide for regularization of
encroachments made from 1.4.1972 to 31.3.1978 irrespective
whether an encroachment was subsisting on 31.3.1978 or not.

2. Government has considered and accepted the demand –
that the land so encroached upon within the aforesaid period
should (subject to the conditions appearing hereafter) be made
available for regularization. This is designed to benefit large
number of encroachers, whose encroachments were removed,

in the past and majority of whom are Adiwasis and landless. Accordingly Government is pleased to direct as under :-

3. All Forest lands which were encroached upon during the period from 1.4.1972 to 31.3.1978, irrespective of the period for which they were encroached, should be released for distribution. Following categories of encroached lands during the same period, shall be, however, excluded :-

- i) Lands eligible for regularization being subsisting encroachments as on 31.3.1978 and regularized or being regularized under the provisions of Government Resolution No. LEN.1078/3483-GI, dated 27.12.1978;
- ii) Lands brought under plantation, afforestation, fodder development or put to some specific use like construction of roads, buildings etc. after the encroachments thereon were removed;
- iii) Lands already disforested or proposed to be disforested in favour of any Government Department, Zilla Parishad or a public institution; and
- iv) Lands situated in the midst of the forest or on slopes of gradient exceeding 10 percent. (However, if the encroached land is not utilized or proposed to be utilized in terms of sub-para (ii) and (iii) above, an equivalent suitable area shall be made available either on the fringe of the forests or from some other Government land nearby).

4. Government is further pleased to direct that until the encroached forest land to be released for distribution, is

identified, all existing encroachments (except those made on the lands mentioned in para 3 supra and those eligible for regularization under Government Resolution dated 27th December, 1978) should be treated as new encroachments and removed summarily.

5. The Forest Department shall first prepare villagewise list (Form I) of all the encroachments made in any one year during the period 1.4.1972 to 31.3.1978. Thereafter two separate lists - in Form I-A and Form I-B shall be prepared. In Form I-A, the details of encroachments (made in any one year during 1.4.1972 to 31.3.1978) on the fringe of forests shall be entered. The total of column 9 shall be the area available for distribution and to be transferred to Revenue Department from allotment to the eligible encroachers. In Form I-B a separate list of encroachments made in the midst of forest or on forest land with more than 10% gradient, shall be prepared. This area, being in the midst of forests, or with more than 10% gradient, is not to be released, but an area equivalent to the total area mentioned in column 9 of Form I-B shall be made available either on the fringe of the forests or from some other Government lands nearby. It is hereby clarified that all encroached lands which are governed by paragraph 2(ii) and (iii) i.e. they are either brought under plantation or otherwise proposed to be used are not to be made available for distribution. Only the lands which are now available or equivalent area against the area in the midst of forest or more than 10% gradient which have not been planted or otherwise put to any other use, are to be released for distribution. Subsequently another list giving details of encroached land which is available for distribution, shall be prepared in Form II. Thereafter, these lists in Form I-A, Form I-B and Form II should

be forwarded to the Collector for deciding the eligibility of the erstwhile encroachers.

6. After receipt of the list of eligible persons (Form-III) from the Collector, the Divisional forest Officer should release the area which is available for distribution. Naturally the area to be released would be on the fringe of the forest.

7. The lands which are released by the Forest Department would be granted to the erstwhile encroachers (who had encroached in any one year during the period 1.4.1972 to 31.3.1978) not with standing that they comprise one or more fragments, provided –

The erstwhile encroacher is –

(a) a person belonging to Backward Class, i.e. Scheduled Castes, Scheduled Tribes, Nomadic Tribes, Vimukta Jatis, or Neo-Budhist, or

a person whose total annual income including the income of members of his family does not exceed Rs.3,600/-;

(b) a person whose usual place of residence is within the radius of 8 kilo meters from the land which was encroached upon;

(c) a person who is landless or the total land lawfully held by him in any capacity is less than 2 hectares of jirayat land;

(d) a person whose name appears in Voters List of the last Assembly Election of this State.

8. The encroached land to the extent of an area equal to standard area (as determined under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947) of jirayat land shall only be granted. Where the erstwhile encroacher is holding land either as owner or in any other capacity, the grant shall be limited to a standard area or to such area as would bring his total holding equal to 2 hectares of jirayat land, whichever is less.

9. After deciding the eligibility of the erstwhile encroacher to get the land for cultivation, the extent of land to be granted to erstwhile encroacher and the procedure to be followed shall be as follows :-

- (I) If the erstwhile encroached land is less than the 'standard area' (as determined under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947) and only one person is a claimant, the erstwhile encroached land shall be granted to him.
- (II) If the erstwhile encroached land is less than the 'standard area' and the number of claimants are more than one –
 - (a) the land shall be granted to the claimant who is landless; if however there are more than one claimants who are landless, then lots should be drawn and the person in whose favour, lot is drawn should be granted the land;
 - (b) If none of the claimants are landless persons, then the claimant whose private holding is the least should be granted the land.

(III) If the erstwhile encroached land is more than one unit of 'standard area' (as determined under section 5 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947) and

(a) if only one person is a claimant, he should be granted land equal to the standard area only;

(b) if the claimants are more than one, the land should be first divided into units of standard area and each eligible claimant should be granted one unit, provided priority is given to those who are landless, followed by those whose private holdings are the least. If the number of landless claimants or the claimants whose private holdings are the least, are more than the units available for distribution, then the units should be distributed after drawing lots, surplus units, if any, should be granted to landless encroachers, whose encroached land is not available for distribution, because of the conditions in para 3(ii) (iii) and (iv) above.

(c) fragment resulting from the division of the area into units of standard area should be granted to the person whose unit is adjacent to it.

10. Disforestation and distribution of the land should be done as per the time bound programme given in Annexure 'A' appended to this Government Resolution.

By order and in the name of the Governor of Maharashtra.

D.N. ADIVEREKAR,
Under Secretary to
Government
Revenue and Forests
Department

To

All Commissioners,
The Chief Conservator of Forests, Pune
The Settlement Commissioner and Director of Land
Records, Pune,
All Collectors of Districts,
All Territorial Conservators of Forests,
The Deputy Directors of Land Records, Nagpur,
Aurangabad, Pune, Bombay,
All Sub-Divisional Officers,
All Divisional Forest Officers and Sub-Divisional Forest
Officers of independent Sub-Divisions,
All Tehsildars
All District Inspectors of Land Records,
The Chief Director of Information and Public Relations,
The G-I and L-I Desks of Revenue and Forests
Department

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ANNEXURE-A

Time-Bound Programme for distribution of land under encroachment between 1.4.1972 to 31.3.1978

Sr. No.	Stage	Time Limit	Action to be taken by
1.	Preparation of list of encroachers and the lands encroached in Form-I, I-A, I-B and forwarding it to the Collector.	15 th October, 1979	Forests Department
2.	Preparation of list of encroached lands available for distribution and showing the encroachers of the same in Form II and forwarding it to the Collector.	15 th November, 1979	Forests Department
3.	Preparation of a list of eligible persons and area to be granted to each of them, in Form III.	31 st December, 1979	Revenue Department
	Note:-This list is to be prepared with reference to details in Form II.		
4.	Rough demarcation of the encroachment qualifying for distribution and of the alternate forest lands to be given on the fringe of the Forests.	29 th February, 1980	Forests Department
5.	Clearance of tree growth, if any, from the demarcated patches	31 st March, 1980	Forests Department
6.	Laying out of plots and	30 th April, 1979	Revenue

their distribution

Department/Land
Records Department

7. Final demarcation 31st May, 1980
measurement and
allotment of survey
numbers/levy of
assessment etc.

Revenue
Department/Land
Records Department

Form I**List of encroachments on Forest @lands made during 1.4.1972 to 31.3.1978**

Village:

Taluka:

District:

Sr. No	Name of the erstwhile encroachers	Place of residence	*Community	Year of encroachment	Area of encroached land (hectare)	Location of encroached land (S.No./F.S./Co mpt. No./Coupe No. as the case may be	Nature of documentary evidence available	#Whether the land is now available for distribution if not, reasons therefore	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

@ Note 1 :-Details of all encroachments made on the fringe of the forest, in the midst of forest or the land gradient of which exceeds 10% shall be included in this list but subsisting encroachments as on 31.3.1978 which are being regularized under Government Resolution No. LEN.1078/3483-GI dated 27.12.78 shall be excluded.

*Note 2 :- Whether the encroacher belongs to Scheduled Castes, Scheduled Tribes, Nomadic Tribes, Vimukta Jatis, Neo Buddhist, or any community other than the aforesaid communities.

#Note 3 :- Column 9:- If the land has been brought under plantation etc. (vide paragraph 3(ii) and (iii) of the Government Resolution) it cannot be made available for distribution. If however the land has not been put to any use or no works of plantation etc. (vide paragraph 3(ii) and (iii) of the Government Resolution) have been undertaken, the area can be made available for distribution.

Form I-A

Encroachments (made during 1.4.1972 to 31.3.1978) on the fringe of the Forests

Village:

Taluka:

District:

Sr. No	Reference from Form I	Name of the erstwhile encroacher	Community	Residence	Estimated area (hectare)	Details of location	Whether the land has been brought under plantation etc. vide paragraph 3(ii) and (iii) of Government Resolution	If not, area available for allotment	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

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Form I-B

Encroachments (made during 1.4.1972 to 31.3.1978) being in the midst of forests or above 10% gradient.

Village:			Taluka:				District:		
Sr. No.	Reference from Form I	Name of the erstwhile encroacher	Community	Residence	Estimated area (hectare)	Details of location	Whether the land has been brought under plantation etc. vide paragraph 3(ii) and (iii) of Government Resolution	If not, extent of area to be made available on the fringe of forests or from some other Government lands nearby	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

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Form IIDetails of encroached land which is available for distribution

Village:

Taluka:

District:

Sr. No	Reference from Form I	Name of the erstwhile encroacher	Place of residence	Community	Year of encroachment	Nature of documentary evidence available	Location of encroached land	Area encroached (hectare)	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.


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FORM - IIIList of encroachers held eligible for grant of land

Village:

Taluka:

District:

Sr. No.	Reference No. in Form I-A and Form I-B	Name of the erstwhile encroacher	Other lands held Survey No. Area (Hectare)	Annual income in case of persons other than persons belonging to the S.C./S.T./I and Neo Budhist Vimukta Jatis and Nomadic Tribes	Distance of residence from encroached land	Extent of encroached land eligible for regularization with reference to Cols.4,5,6 and 7 (Hectare)	Extent of encroached land not qualified for regularization with reference to Cols.4,5,6 and 7 (Hectare)	Remarks	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

ANNEXURE-P-II (COPY)

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ANNEXURE -XX

GOVERNMENT OF MADHYA PRADESH

REVENUE DEPARTMENT

CIRCULAR

No 773-4084-XXVIII Dated the 5th April, 1956.

SUBJECT:- Settlement of lands in merged territories with persons occupying without permission -- Final instructions.

37. In supersession of the order conveyed before the State Government are pleased to direct that the following procedure should be followed in settling lands in the former merged areas with persons who have occupied them without permission:-

- (i) lands brought under cultivation up to 31st March, 1951 should be settled with all the occupiers without charging any premium;
- (ii) lands brought under cultivation after 31st March, 1951 and up to 25th March, 1954 should be settled with the occupiers who are landless persons as defined in and up to the limit prescribed in this department memorandum No. 598-124-CR-XXVIII, dated the 25th March, 1954, without charging any premium;
- (iii) if a landless person has brought more land under cultivation after 31st March, 1951 and up to 25th March, 1954 than admissible under

- (ii) above, the excess land should be settled with him on charging premium, if it was being recovered before the merger of the State, otherwise it should be settled without charging any premium;
- (iv) if a person, who is not a landless person as defined in this department memorandum No. 598-124/CR-XXVIII, dated the 25th March, 1954, has brought any land under cultivation after the 31st March, 1951 and up to 25th March, 1954, the entire area should be settled with him by charging premium where premium was recovered and without charging any premium where it was not recovered before merger;
- (v) rent should be recovered from 1st January, 1948 or the date of occupation whichever is latter;
- (vi) any premium recovered under the previous orders but not recoverable according to these orders should be refunded. Refunds should only be made where an application is made for it;
- (vii) the amount of premium may be recovered in suitable instalments if considered necessary. The instalments may be fixed having in view the circumstances of the occupiers;
- (vii.i) if any land under occupation is required for nistar or other public purposes it should not be

settled with the occupier and the occupier should be ejected; and

- (ix) any land occupied after 25th March, 1954 should be treated as an encroachment and the encroachment should be removed.

These orders will apply to all kinds of villages, viz gaontias, kham etc. in the merged territories.

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(ii)

ANNEXURE -XXI
GOVERNMENT OF MADHYA PRADESH
REVENUE DEPARTMENT

No. 9351/VII-N, Bhopal, dated the 28th October, 1957.

To

All Commissioners of the Divisions
(Madhya Bharat, V.P. and Bhopal Regions)

SUBJECT:- Settlement of land brought under cultivation without permission.

It has been brought to Government's notice that land has been brought under cultivation in several cases without permission, and that action is being taken by Revenue Officers to evict the occupiers and that is causing hardship to poor persons. Government have already directed in Memo No. 6975-VII-N., dated 23rd August 1957 that all available land fit for cultivation should be allotted for cultivation purposes under the rules. Under the rules in force in Madhya Bharat, Vindhya Pradesh and Bhopal regions, land is usually granted to persons owning no land or land less than 15 acres upto 15 acres. Government have decided, as a special case, that lands brought under cultivation without permission upto 15th August, 1957 should be settled on the following lines:-

- (1) Where the encroacher owns no land or less than 15 acres – land up to 15 acres should be settled with him;
- (2) Any land in excess of 15 acres should be taken away from such encroacher and settled with landless persons under the ordinary

rules. Provided that if the land in excess of 15 acres forms such a piece which cannot conveniently be allowed to other persons, such a piece should be settled with the encroacher even if it is in excess of 15 acres;

(3) Where land is needed for grazing, nistar and other communal purposes of the villagers, lands should not be settled with encroachers and the encroachment should be removed and the land should be reserved for such purposes; and

(4) No premium should be charged but land revenue should be recovered with effect from the date of occupation of land.

2. Any person occupying land without proper authority after 15th August, 1957 should be ejected.

By order of the Governor,
Madhya Pradesh

Sd./ M.P. SINGH
Under Secretary to Govt.
Madhya Pradesh

No. 9352-VII-N, Bhopal, dated the 28th October, 1957.

Copy forwarded to :-

1. All Collectors of Vindhya Pradesh, Bhopal and Madhya Bharat (including Sironj) regions, for information and necessary action.
2. The Director of Information and Publicity, Madhya Pradesh, Bhopal for necessary publicity.

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Sd./ M.P. SINGH
Under Secretary
to Govt.
Madhya Pradesh

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ANNEXURE -I

GOVERNMENT OF MADHYA PRADESH

FOREST DEPARTMENT

Bl. opal, dated the 29th September, 1962.

No. 10127-X-K-62. - In accordance with the announcement of the Chief Minister to the Press on 27th July, 1962 the Government are pleased to appoint Shri Shankhadhar Singh as Officer on Special Duty for enquiry in to the problem of unauthorised cultivation in Government forests.

2. The terms of reference of the enquiry will be as follows :-

- (i) To survey the extent of encroachment on Government Forest lands in West Nimar (Khargone) district and to recommend the principles on which settlement of encroached land or eviction of encroachers should be done.
- (ii) On completion of this task, to conduct similar surveys in other districts of the State where the problem is acute viz. Bastar, Bilaspur, Durg, Shahdol, Sidhi, Chhatarpur, Surguja, Balaghat and Raipur and to make recommendations regarding the principles on which encroached land should be settled or eviction of encroacher should be done.
- (iii) To make general recommendations regarding the manner in which the problem of encroachment upon Government forests should be solved in the various districts of the State and in particular as to whether

the areas to be settled should be excised and handed over to the Revenue Department for settlement or whether they should be settled as forest villages.

3. In making the enquiry contemplated by these terms of reference, the Officer on Special Duty will need the help and co-operation of the officers of Forest and Revenue Department at all levels and such help should be forth-coming.

4. In making his recommendations the Officer on Special Duty will bear in mind the following principles:-

- (i) A definite time-table for the completion of the work should be prepared and in any case top priority should be given to the survey in West Nimar (Khargone) district, which should be completed without four months.
- (ii) The desirability or otherwise of fixing a date prior to which encroachment may generally be settled and subsequent to which encroachments should only be settled in exceptional cases, may be examined.
- (iii) Enclaves and pockets of cultivation within the Forest should not be permitted. Where it is considered desirable to settle existing encroachments, such encroachments should be brought to the fringe of the forest except in cases where the fringes contain valuable timber.
- (iv) The necessity of making a distinction between encroachers who have no other means of livelihood and those who have sufficient land or other means of livelihood should be borne in mind.

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- (v) When making proposals for settlements of land the question as to whether some penalty should be levied for the encroachment in the shape of premium, as also the question whether the encroacher should be eligible for the normal facilities that are available to a new allottee, should be examined.
- (vi) 200 acres of cultivated land or 500 acres of total area should be considered the minimum for settlement of a group of encroachments and as stated in item (iii) above, enclaves and pockets of cultivation within the forest, should not be permitted.

By order and in the name of the
Governor of Madhya Pradesh,

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Sd/- BRAHMA SWARUP,
Deputy Secretary to Government
of Madhya Pradesh,
Forest Department

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(iv)

ANNEXURE -III

No. 3865/X/67

GOVERNMENT OF MADHYA PRADESH

FOREST DEPARTMENT

Bhopal, dated the 28th April 1967.

My Dear

I am desired to enclosed herewith a copy of order-in-council of the State Government containing the decisions of the State Government in regard to the problem of encroachments upon forest lands in 9 districts of this State, including yours.

I am to request you to take immediate action to implement the decisions and to keep this department posted with progress of their implementation.

Yours sincerely,

Sd/- BRAHMA SWARUP,

To

Shri.....
Collector (all 9 districts)
District.....

ANNEXURE-II

Encroachment of forest land in nine districts of the State-Report
of O.S.D.

ORDER IN COUNCIL

Decided-

A -- (1) that no forest land encroached in the districts of Chhatarpur, Sidhi and Shahdol should be settled unless the encroacher is a bonafied resident of Madhya Pradesh. All other encroachers should be evicted irrespective of the date of encroachment;

(2) that all forest land in these districts, encroached up to the 15th August 1957, should be settled with the encroachers, subject to the conditions indicated in item (3) (b) (c) and (d). Such settlement may be in individual rights;

(3) that forest land in these districts, encroached after the 15th August, 1957, but before the 17th July 1962 may be settled with the encroachers, provided the following conditions are satisfied:-

- (a) they form co-operative farming societies within a period of six months. This provision has been made in order to protect the encroachers from fraudulent alienation,
- (b) if the lands encroached inside reserve or protected forests form enclaves, such areas may be given for cultivation, provided they form compact blocks of not less than 200 acres. If the lands under encroachment are contiguous to land under

cultivation, even smaller areas under encroachment may be settled for cultivation. Isolated patches of cultivation of less than 200 acres forming enclaves in the reserve and protected forests, should not be allowed to continue;

- (c) if the area under the encroachment in the reserve and protected forests is not a compact block of 200 acres, but is in patches of smaller size such areas may also be settled for cultivation, provided that the areas of all patches taken together exceeds 200 acres and further that the forest area lying between the patches of cultivation does not exceed 20% of the entire chak of land. Such encroachments would be settled as forest villages;
- (d) if the forest area encroached is in the form of isolated small blocks in reserve and protected forests and encroached area is up to 40% of the total area of the block, the whole block of reserve forest or the whole affected area of protected forest should be deserted and transferred to Revenue Department for administration.

All possible financial and other assistance, under the appropriate scheme of the Co-operation Department should be granted to the Co-operative societies formed by the encroachers:

Provided that no land be settled with encroachers in the districts mentioned above if the encroachment is in Reserved Forest which is (a) compact and (b) contains valuable timber.

(4) That for allotment of land in future, the Divisional Forest Officer and the Collector should prepare a list of forest lands, which are suitable for cultivation and which can be allotted to landless persons. The lists should be so prepared as to exclude lands in regard to which any of the following conditions exist :-

- (a) land which has a gradient of more than 1 to 10,
- (b) land which has 20 or more trees of timber species per acre,
- (c) land which lies along the banks of a river, nala or stream,
- (d) land which has been taken up or is likely to be taken up under any afforestation scheme of forest department,
- (e) land, excision of which will render the forest boundary tortuous and difficult to manage,
- (f) land, cultivation of which, will form an enclave of pocket of cultivation in the heart of forests, which is likely to create difficulties in the management of surrounding forests,
- (g) land, allotment of which is likely to affect adversely the nistar of the local population,
- (h) land which is required to meet customary demands of grazing.

(5) That the land under encroachment to be settled under (2) (3) and (4) would be settled with an encroacher only if the encroacher is a "landless person" as defined in the Madhya Pradesh Land Revenue Code. Land should be allotted at a maximum rate of 8 acres per individual family provided that, if the land in their actual possession is less than 8 acres then only the land in actual possession shall be allotted. Land in excess of 8 acres shall be taken back for allotment to other landless persons.

(6) The encroachers, with whom land is settled in accordance with these decisions of Government, would pay land revenue from the date of encroachment till the date of settlement at double the assessed rates. This amount will be deemed to be fined and will be collected as such. In the event of the allottee failing to pay, he would be evicted. *These conditions would have to be accepted by execution of an appropriate document by the allottee, whether individual [as in item (2) above] or co-operative [as in item (3) above].*

(7) That all forest growth on encroached land, which is now to be allotted, will belong to the Forest Department who will arrange to fell and remove it if they so desire. Felling and removal should be completed at latest within six months of actual allotment. This condition should be incorporated in the land mentioned in item (5).

B – (1) That since overwhelming majority of encroachments in the districts of Bastar, Surguja, Raipur, Durg, Bifaspur and Balaghat districts are in protected forests, the encroachments in reserve forest should be removed.

(2) That, in so far as encroachments on protected forests are concerned, they may be settled on the principles indicated below: -

- (i) That no encroached land should be settled, unless the encroacher is a bonafide resident of Madhya Pradesh. All other encroachers should be evicted, irrespective of the date of encroachment.
- (ii) That all forest lands in the districts encroached up to the 15th August, 1957 should be settled with

encroachers, subject to the condition indicated in items (iii) (b) (c) and (d), such settlement may be in individual rights.

(iii) That forest lands in the districts, encroached after the 15th August 1957, but before 17th July 1962 may be settled with the encroachers, provided the following conditions are satisfied:-

(a) They form co-operative farming societies within a period of six months. This provision has been made in order to protect the encroachers from fraudulent alienation.

(b) If the lands encroached inside the protected forests form enclaves, such areas may be given for cultivation, provided they form compact blocks of not less than 200 acres. If the lands under encroachment are contiguous to land under cultivation, even smaller areas under encroachment may be settled for cultivation.

(c) If the area under encroachment in the forest is not a compact block of 200 acres, but is in patches of smaller size such areas may also be settled for cultivation provided that the areas of all patches taken together, exceeds 200 acres and further that the forest area lying between the patches of cultivation does not exceed 20% of the entire chak of land, such encroachments would be settled as forest villages.

- (d) If the forest area encroached is in the form of isolated small blocks in forest land encroached area is up to 50% of the total area of the block the whole block of Reserve Forest should be dereserved and transferred to Revenue Department for allotment.

All possible financial and other assistance, under the appropriate scheme of Co-operation Department should be granted to the farming societies formed by the encroachers.

- (iv) That for allotment of land in future, the Divisional Forest Officers, and the Collector should prepare a list of forest lands, which are suitable for cultivation and which can be allotted to landless persons. The lists should be prepared as to exclude lands in regard to which any of the following conditions exist:

- (a) land which has a gradient of more than 1 to 10,
- (b) which has 20 or more trees of timber species per acre,
- (c) land which lies along the banks of a river, nala or stream,
- (d) land which has been taken up or is likely to be taken up under any afforestation scheme of forest department,
- (e) land, excision of which will render the forest boundary tortuous and difficult to manage,
- (f) land, cultivation of which, will form an enclave or pocket of cultivation in the heart of forests, which is likely to create

difficulties in the management of surrounding forests,

- (g) land, allotment of which is likely to affect adversely the nistar of the local population,
 - (h) land which is required to meet customary demands of grazing.
- (v) That the land under encroachment to be settled under (ii), (iii) and (iv) would be settled with encroacher only if the encroacher is a 'Landless person' as defined in the Madhya Pradesh Land Revenue Code; land should be allotted at a maximum of 8 acres per individual family provided that if the land in their actual possession is less than 8 acres then only the land in actual possession shall be allotted. Land in excess of 8 acres shall be taken back for allotment to other landless persons.
- (vi) That encroachers, with whom land is settled in accordance with these decisions of Government would pay land revenue from the date of encroachment till the date of settlement at double the assessed rate. This amount will be deemed to be a find and will be collected as such. In the event of the allottee failing to pay, he would be evicted. These conditions would have to be accepted by execution of an appropriate document by the allottee whether individual [as in item (ii) above] or co-operative society [as in item (iii) above].
- (vii) That all forest growth on encroached land which is now to be allotted, will belong to the forest department who will arrange to fell and remove it if

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they so desire. Felling and removal should be completed at latest within six months of actual allotment. This condition should be incorporated in the bond mentioned in item (vi).

Sd- R.P. NORONHA
16th April, 1967

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ANNEXURE P-12

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**GUIDELINES ON
TRIBAL-FOREST INTERFACE**

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सत्यमेव जयते

**Government of India
MINISTRY OF ENVIRONMENT AND FORESTS
NEW DELHI**

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Regularisation of Encroachments on forest-lands

Encroachment of forest land for cultivation and other purposes continues to be the most pernicious practice endangering forest resources throughout the country. Statistical information compiled by then Ministry of Agriculture during early 1980s revealed that nearly 7 lakh hectares of forest land was under encroachment in the country about a decade back. This is despite the fact that prior to 1980, a number of States had regularised such encroachments periodically and approximately 43 lakh hectares of forest land was diverted for various purposes between 1951 and 1980, more than half of it for agriculture. The decisions of the State Governments to regularise encroachments from time to time seem to have acted as strong inducement for further encroachments in forest areas and the problem remained as elusive as ever for want of effective and concerted drive against this evil practice.

2. The National Forest Policy 1988 has also observed the increasing trend in encroachments on forest land and stated that these should not be regularised. Implementation of this pronouncement has been examined by this Ministry keeping in view the constraints of various State Governments, some of whom have expressed that they stand committed to regularise encroachments of a period prior to 1980. The issue figured prominently in the Conference of the Forest Ministers held in May, 1989 and was later examined by an inter-Ministerial Committee, set up by this Ministry in consultation with the representatives of some of the States. Keeping in view the recommendations of the Forest Minister's Conference and the Committee referred to above, and with due approval of the competent authority, the following measures are suggested for review of the old encroachments and effective implementation

of the pronouncement made in this regard in the National Forest Policy, 1988.

2.1 All the cases of subsisting encroachments where the State Governments stand committed to regularise on account of past commitments may be submitted to this Ministry for seeking prior approval under the Forest (Conservation) Act, 1980. Such proposals should invariably conform to the criteria given below:-

1. PRE-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENT HAD TAKEN A DECISION BEFORE ENACTMENT OF THE FOREST (CONSERVATION) ACT, 1980, TO REGULARIZE 'ELIGIBLE' CATEGORY OF ENCROACHMENTS.

1.1 Such cases are those where the State Governments had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decision either wholly or partially before the enactment of the Forest (Conservation) Act, on 25.10.80.

1.2 All such cases should be individually reviewed. For this purpose the State Government may appoint a joint team of the Revenue, Forest and Tribal Welfare Departments for this work and complete it as a time bound programme.

1.3 In case where proposals are yet to be formulated, the final picture after taking into considerations all the stipulations specified here may be placed before the concerned Gaon Sabha with a view to avoid disputes in future.

1.4 All encroached lands proposed for regularisation should be properly surveyed.

- 1.5 Encroachments proposed to be regularised must have taken place before 25.10.1980. This must be ascertained from the First Offence Report issued under the relevant Forest Act at that point of time.
- 1.6 Encroachment must subsist on the field and the encroached land must be under continuous possession of the encroachers.
- 1.7 The encroacher must be eligible to avail the benefits of regularisation as per the eligibility criteria already fixed by the State.
- 1.8 As far as possible scattered encroachments proposed to be regularised should be consolidated/relocated near the outer boundaries of the forests.
- 1.9 The outer boundaries of the areas to be denotified for regularisation of encroachments should be demarcated on the ground with permanent boundary marks.
- 1.10 All the cases proposed to be regularised under this category should be covered in one proposal and it should give districtwise details.
- 1.11 All cases of proposed regularisation of encroachment should be accompanied by a proposal for compensatory afforestation as per existing guidelines.
- 1.12 No agricultural practices should be allowed on certain specified slopes.
2. 'INELIGIBLE' CATEGORY OF PRE-1980 ENCROACHMENTS WHERE THE STATE GOVERNMENTS HAD TAKEN A DECISION PRIOR TO THE ENACTMENT OF THE FOREST (CONSERVATION) ACT 1980.

3. A perusal of the paragraph reproduced above will make it clear that there are 2 pre-conditions for any encroachments to be considered for regularisation. These are:-

- (a) the State Government should have taken the decision on regularisation of encroachments before 25.10.1980; and
- (b) that the decision should be with reference to some eligibility criteria (normally expected to be related to social and economics status of encroachers, location and extent of encroachment, cut-off date of encroachment, etc.).

4. It would be seen that the encroachments which are proposed to be considered for regularisation, subject to the prescribed conditions, are those which fulfilled the eligibility criteria evolved by the State Government as per a *decision taken before 25.10.1980* for regularisation of encroachments. The objective is limited to permitting *implementation of decisions taken before 25.10.1980* which could not be implemented because the enactment of Forest (Conservation) Act, 1980 intervened. It is, therefore, quite clear that while all encroachments that can be considered as eligible for regularisation would have taken place before 25.10.1980, all encroachments that had taken place before 25.10.1980 would not be eligible for regularisation -- they may be ineligible because either they do not meet the eligibility criteria or are not covered by any decision taken before 25.10.1980. Thus, if the decision on regularisation of encroachment in a State covered only encroachments upto a date earlier than 25.10.1980, the guidelines on regularisation of encroachments do not envisage that the State Government would *now* survey encroachments between that date and 25.10.1980 and propose regularisation. The latter encroachments, though occurring before 25.10.1980, are *not* covered by any regularisation decision taken prior to that date and hence cannot be considered for regularisation at this juncture.

- 2.1 Such cases should be treated at par with post 1980 encroachments and should not be regularized.
3. ENCROACHMENTS THAT TOOK PLACE AFTER 24.10.80.
 - 3.1 In no case encroachments which have taken place after 24.10.1980 should be regularised. Immediate action should be taken to evict the encroachers. The State/UT's Government may, however, provide alternate economic base to such persons by associating them collectively in afforestation activities in the manner suggested in this Ministry's letter No. G-21/89-FP dated 1.6.90, but such benefits should not extend to fresh encroachers.

CLARIFICATION

A reference is invited to the guidelines issued by this Ministry for regularisation of certain cases of forest encroachments reproduced above. The relevant paragraph 1.1 of the guidelines, which clarifies the cases of encroachments, which subject to specified conditions, would be eligible for regularisation, is reproduced below:-

"Such cases are those where the State Governments had evolved certain eligibility criteria in accordance with local needs and conditions and had taken a decision to regularise such encroachments but could not implement their decisions either wholly or partially before enactment of the Forest (Conservation) Act on 25.10.1980.

2. Doubts have been raised as to whether all encroachments that had taken place upto 25.10.80 could be regularised in accordance with an eligibility formula by which some earlier encroachments were regularised.

5. Accordingly, the State Governments may take up for implementation only such decisions of pre 25.10.1980 period which could not be implemented because of Forest (Conservation) Act, 1980 intervening and propose regularisation of encroachments as per those decisions and in accordance with the eligibility criteria laid down in those decisions. No Encroachments not covered by any pre 25.10.1980 decision -- even though they might have occurred prior to that date -- should now be considered for regularisation in terms of our guidelines.

Review of disputed claims over forest land, arising out of forest settlement

It has been brought to the notice of this Ministry that local inhabitants, living in and around forest areas, have preferred claims on certain notified forest lands contending that they were in occupation of such areas prior to the initiation of forest settlements and/or their rights were not enquired and/or commuted before notifying these lands as forests under respective laws. The claimants are requesting that title of such lands should be conferred on them. It is being generally felt that even bonafide claims are persistently overlooked causing widespread discontentment among the aggrieved persons. Such instances ultimately erode the credibility of the Forest Administration and sanctity of the forest laws, especially in the tracts inhabited by tribals.

2. Seized of its complexities, the issue regarding disputed claims over forest land was got critically examined by this Ministry through an Inter-Ministerial Committee. The Committee, after prolonged deliberations and due consultations with representatives of some of the States, stressed the need to resolve such disputes with utmost urgency and suggested the feasible course of action to redress genuine grievances without jeopardising protection of forests and forest land. Keeping in view the recommendations of the said Committee and with due approval of the competent authority, the following course of action is suggested for amicably resolving disputed claims on forest land:

2.1 The State Government/UT Administration should review the cases of disputed claims over forest land and identify the following three categories of claims:

- (a) Claims in respect of forest areas notified as deemed reserved Forests without observing the due process of settlement as provided in Forest Acts provided that these pertain to:
- (i) tribal areas; or affect a wide cross section of rural poor in non-tribal areas; and
 - (ii) the claimants are in possession of the 'disputed land'.
- (b) Claims in tribal areas wherever there is *prima facie* evidence that the process of forest settlement has been vitiated by incomplete or incorrect records/maps or lack of information to the affected persons, as prescribed by law, provided that:
- (i) Such forest settlement pertains to a period after 1947; and
 - (ii) the claimants are in possession of the 'disputed land'.
- (c) Claims in tribal areas wherever the process of settlement is over but notification under section 20 of the Indian Forest Act, 1927 (or corresponding section of the relevant Act) is yet to be issued, particularly where considerable delay has occurred in the issue of final notification under section 20, provided that the claimants are still in possession of 'disputed land'.

2.2 After identifying the above three categories of the claims, the State Government/UT Administration should get these enquired through a Committee which should consist of atleast the concerned Divisional Forest Officer, Sub-divisional Officer (Revenue Department) and a representative of the Tribal

Welfare Department. The Committee should determine genuineness of the claims after examining all available evidence to establish that:

- (i) In case of category 2.1(a) the claimant was in possession of the disputed land when the notification declaring 'deemed reserved forests' was issued; and
- (ii) in case of categories 2.1 (b) and 2.1 (c) the claimant was in possession of the disputed land when the notification showing Government's intention to declare reserved forest was issued under section 4 of the Indian Forest Act, 1927 (or corresponding section of the relevant Act) and his rights were not commuted or extinguished in accordance with due process of law.

2.3 In no case either the Government or the above Committee shall entertain any claim in which the claimant has not been in possession of the disputed land throughout.

2.4 Once the bonafides of the claims are established through proper enquiry, the State/UT Government may consider restoration of titles to the claimants. While deciding to restore titles to the claimants the following aspects should be duly considered:

- (i) As far as possible, restoration of claims should not be result in honey combing of forest land. In such cases possibility of exchange of land near periphery or elsewhere (e.g. non-forest Govt. land) should be exhausted.
- (ii) The land to be restored to the claimants should be properly demarcated on the ground with permanent boundary marks.

2.5 After the State Government/UT Administration has

Disputes regarding pattas/leases/ grants involving forest land -- settlement thereof

An Inter-Ministerial Committee, which was set up by this Ministry to look into various aspects of tribal-forest-interface has pointed out that a number of cases of pattas/leases/grants involving forest land in one way or the other, have become contentious issues between different departments of the State/U.T. Govt. Such pattas/leases/grants are said to have been issued under the proper authority and orders of the respective State/U.T. Govts. and the land in question continues in the possession of the allottees or under their authorised use but its status is under dispute between different departments. Some of such cases are listed below for illustration.

1.1 Protected forests in Madhya Pradesh, termed as "Orange Areas" which according to the State Govts decision were to be transferred to Revenue Deptt. after demarcation for issuing pattas to the beneficiaries. It is observed that pattas were issued to the individuals but transfer of the land from Forest to Revenue Deptt., which should have preceded allotment of pattas, was not effected.

1.2 'Dali' lands in Maharashtra which are said to have been leased to the entire village community in the past by the State Government. The assignees continue to make use of these lands for various purposes as per original terms and conditions and, some times, in accordance with the decision of the village community wherever such leases are for collective use of the community as a whole. But the formal status of these 'Dali' lands is not clear.

1.3 . Cases in which land was assigned by the Revenue

decided in principle to restore titles to the claimants proposals may be formulated suitably and submitted for seeking prior approval of this Ministry under the provision of the Forest (Conservation) Act. 1980, alongwith proposals for compensatory afforestation.

Department supposedly from revenue lands. But eventually these were found to be notified forest land even though the assignees were not dispossessed of their holdings.

1.4 Leases granted by the State Governments for cultivation, agro-forestry or tree plantation; the lessees continue to possess the land though these have not been renewed since enactment of the Forest (Conservation) Act, 1980.

2. An ambiguity about the status of the land involved in the type of cases cited above, particularly when the forest land continues under the possession of the assignees, is likely to adversely affect forest protection in these and the neighbouring areas, apart from forcing the lawful assignees to live in a state of uncertainty. Keeping these and similar other aspects in view and after careful consideration of the recommendations of the inter Ministerial Committee, it has been decided that inter departmental issues related to pattas/leases/grants involving forest land should be settled at the earliest. The following steps are suggested in this regard-

2.1 All the cases of pattas, leases, grants involving forest land whether by intent, omission, oversight or accident, should be reviewed by the State/UT Government. Such review should enable the State/UT Government to identify those cases in which the pattas/leases/grants were awarded under proper authority. The assignees continue to be in possession of the land and the term of the pattas/leases/grant is yet to expire.

2.2 In all those cases, where pattas/leases/grants were given by the State Government Departments to Scheduled Tribes or rural poor either individually or collectively, such pattas/leases/grants should be honoured and inter-departmental disputes should not affect the rights of the leases provided they are in physical possession of the land, and term of the patta/lease/grant has not yet expired. These cases should be

examined by district level committees consisting of D.F.O., S.D.O. Revenue Department, a representative of Tribal Welfare Department. The disputes should be resolved at the district level wherever it is possible, or after obtaining suitable orders of the State/UT Government or the Government of India (if the provisions of the Forest (Conservation) Act, 1980 are attracted), as the case may be.

2.3 Lease of a period prior to 25.10.1980 which were granted to the Scheduled Tribes or to other rural poor for agro-forestry, tree plantation or alike but could not be renewed, despite the State/UT Government's intention to do so, on account of enactment of the Forest (Conservation) Act, 1980 should be examined expeditiously. Wherever the State/UT Government's desire to continue the leases proposals should be submitted to this Ministry, in the prescribed manner, for seeking prior approval under the Forest (Conservation) Act, 1980. Pending final decision the lessees should not be dispossessed of the land.

2a. In cases where Forest (Conservation) Act is attracted proposals for denotification of forest land should be accompanied by proposals for compensatory afforestation.

Elimination of intermediaries and payment of fair wages to the labourers on forestry works

Forestry works are one of the important sources of livelihood to the tribals and other rural poor living in and around forests. On a number of occasions in the past, especially in the deliberations of the Central Board of Forestry, the need to eliminate contractors and other intermediaries in forestry operations has been emphasised with a view to ensure fair wages to the labourers. The National Forest Policy, 1988, has again reiterated that contractors should be replaced by institutions such as tribal cooperatives, labour cooperatives, Government cooperatives etc. as early as possible. A number of States/UTs have taken steps to execute these works through Government agencies viz., State Forest Departments, Forest Corporations. Nevertheless, at operational level certain aberrations still persist resulting in under payment of wages to the labourers. In order to protect tribals and other rural poor from exploitation by intermediaries and for ensuring adequate and fair wages to them, the following guidelines may kindly be complied with:

- (a) no outside labour should be engaged in forestry operations where local tribal labour is adequately available;
- (b) no contract should be entered into for imported labour;
- (c) tribal cooperatives should be involved wherever labour is in short supply;
- (d) representatives of Tribal Welfare Departments should sit in the Wage Board appointed by Forest Department for fixation of daily wages rates;

- (e) norms for payment of wages for piece works should be worked out by carrying out detailed work studies; and
- (f) uniform wage rates should be prescribed for similar piece of works throughout the area by the State Government for all agencies; and
- (g) for payment of wages for forestry operations the State Forest Departments and Forest Corporations should comply with the provisions of the Minimum wages Act.

Conversion of forest villages into revenue villages and settlement of other old habitations

Forest villages, were set up in remote and inaccessible forest areas with a view to provide uninterrupted man-power for forestry operations. Of late, they have lost much of their significance owing to improved accessibility of such areas, expansion of human habitations and similar other reasons. Accordingly, some of the States converted forest villages into revenue villages well before 1980. Nevertheless there still exist between 2500 to 3000 forest villages in the country. Besides, some cases of other types of habitations e.g. unauthorised houses/homesteads, dwellings of tribals who have been living in them in virtually preagrarian life styles, are suspected to exist in forest lands even though these may not have been recognised either as revenue villages or forest villages.

2. In March, 1984, the then Ministry of Agriculture suggested to the State/UT Govts that they may confer heritable and inalienable rights on forest villagers if they were in occupation of land for more than 20 years. But this suggestion does not seem to have been fully implemented. Development of forest villages has also been addressed to in the National Forest Policy, 1988 which states that these should be developed on par with revenue villages. This issue was again examined by an inter-Ministerial Committee, set up this Ministry to look into various aspects of tribal-forest-interface, in consultation with representatives of some of the States.

3. Although the forest villagers have lived in harmony with their surrounding forests and the concept of forest villages prove an effective arrangement for sustained supply of man-power, yet it would not be appropriate to deny them legitimate

rights over such lands which were allotted to them decades ago for settlement and have been continuously under their occupation since then. Keeping this aspect and the recommendations of the inter-Ministerial Committee in view, the following measures are suggested to resolve the outstanding issues of forest villages and other types of habitations existing in forest lands:

3.1 Forest Villages

Forest villages may be converted into revenue villages after denotifying requisite land as forest. Proposals seeking prior approval of Government of India for this purpose under the Forest (Conservation) Act, 1980 may be submitted expeditiously. While converting these villages into Revenue Villages, the following principles may be adhered to:

- (i) the villagers are conferred heritable but inalienable rights;
- (ii) administration of these and other Revenue Villages enclaved in forest areas should preferably be entrusted to the State Forest Departments.

3.2. Other habitations

- (a) Habitations other than Forest Villages may be grouped into the following categories:
 - (i) Cases where dwelling belong to persons who have encroached on forest land for cultivation:
 - (ii) dwellings of other persons who have been living therein since past without encroaching on forest land for cultivation but their habitations are neither recognised as Revenue Villages nor Forest Villages.

(b) Each case may be examined on its merits. Suggestions for resolving the cases are given below:-

- (i) In case of category (a)(i) above wherever encroachments for agricultural cultivation are regularised, the house sites and homesteads, too, may be regularised either in-situ or as near to the agricultural field as possible subject to certain safe-guards in the interest of forest protection and "eligibility" criteria as may be evolved by the State Government.
- (ii) In case of category (a)(ii) above, certain specific habitations, more than 25 years old, involving sizeable group of families, may be examined, case by case, on merits for their amicable settlement.
- (iii) Scheduled Tribes and rural poor not covered under (i) and (ii) above should be resettled in non-forest Government land.
- (iv) All other unauthorised habitations must be evicted.
- (v) Wherever provisions of the Forest (Conservation) Act, 1980 are attracted, comprehensive proposals may please be submitted for seeking prior approval of this Ministry. It may kindly be noted that such proposals will be considered only when the State/UT Govt. ensure that all the measures are taken simultaneously and effectively and are accompanied with proposals for compensatory afforestation.

Payment of compensation for loss of life and property due to predation-depredation by wild animals

It has been observed that loss of life and property by wild animals is not compensated adequately by the State Government. Different States have different norms for compensating such loss. The maximum compensation for loss of human life varies from Rs.2000 (Orissa) to Rs. 20,000 (Bihar). In the interest of inhabitants in and around forests as well as wild fauna it is essential that loss of human life is compensated in such a way that it is fully commensurate with the amount required to settle the dependents of a deceased earning member of the family. The loss of property including livestock also needs to be compensated fully.

2. This issue was discussed in detail by an inter-ministerial committee set up by this Ministry for this purpose. The recommendations of the committee were considered and after obtaining approval of the competent authority it is suggested that the following norms may be accepted for the time being.

- (a) Death or permanent incapacitation -- Minimum of Rs. 20,000/- Part amount of the compensation should be paid through long deposits.
- (b) Grievous Injury -- One third of (a).
- (c) Minor Injury -- Cost of treatment.
- (d) Loss of Cattle -- Market value (categorywise)
- (e) Damage to house or crop or any other property -- As per assessment of damage. Compensation should be revised

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Road To Muthanga - Sabotaging The Tribal Act

By G. Prabhakaran

What happened in Muthanga on February 19, 2003 was the culmination of the continuous sabotaging of The Kerala Scheduled Tribes (Restriction on Transfer of Land and Restoration of Alienated Lands) Act, 1975 by the successive governments and political parties. The 1975 Bill was a revolutionary attempt on the part of the state Government backed by the then central government led by the late Prime Minister, Indira Gandhi, to restore the land taken away from the tribals by the settlers.

The 1975 Bill

The Debar Commission instituted by the first Prime Minister, Pandit Jawaharlal Nehru, in 1950s suggested restoration of alienated tribal land back to the tribals with the effect from January 26, 1950. But 25 years later, following an outbreak of unprecedented starvation death in the early 1970s, a meeting of the State Revenue Ministers called by the then Prime Minister, Indira Gandhi, in New Delhi on April 1, 1975, recommended passing of a legislation in tune with the Debar Commission report.

In April, 1975, the Kerala Assembly, with C. Achutha Menon, leading the United Front Government and CPI (M) leader, E.M.S. Namboodirippad, as the leader of the Opposition, unananimously passed the Tribal Land Act which assured restoration of all the lands lost by the tribals in the state from January 26, 1960, instead of 1950 suggested by the Debar commission.

Moving this historic Bill in Assembly, the then Revenue Minister, Baby John, declared that "the Government would treat all alienated tribal lands as "stolen property" and assured that the government was fully committed to restore it to its traditional rightful owners - the tribals.

In June 1975, as part of national Emergency, Indira Gandhi proclaimed her 20-point programme that included the restoration of alienated tribal land back to the tribals.

On November 11, 1975, the Tribal Land Act got the mandatory assent of the President of India and was included in the 9th schedule of the Indian Constitution.

Between 1975 and 1986, nothing was done by the successive UDF-LDF Governments to implement the Act.

In 1986, rules were formulated to implement the Act with the retrospective effect from January 1982 (bypassing 1950- fixed by Debar Commission and 1960 by the parent Act)

In 1988, Nalla Thampi Thera of Mananthavady, Wayanad, moved the first writ petition before Kerala High Court pleading to direct the State Government to implement the Tribal Land Act of 1975.

On October 15, 1993, the Kerala High Court directed the State Government to implement the 1975 Act. But the Governments led by K. Karunakaran and A.K. Antony sought repeated extension to scuttle the implementation of the law.

In April 1996, an attempt made by the then UDF Government led by Mr. Antony to bring an Ordinance amending the 1975 Act was rejected by the Governor on the ground that it was violation of the election code.

In May 1996, the LDF Government led by E. K. Nayanar assumed power and on August 9 the Principal Secretary of SC/ST Welfare informed the High Court through an affidavit about the Government's inability to implement the 1975 Act due to "organised resistance" from the powerful encroacher - settlers in the tribal belt. But no force was used to evict the encroachers or meet the "organised resistance."

But on August 14, 1996, rejecting the claim of the Government, the High Court of Kerala firmly gave a final directive to implement the Act within six weeks ending September 30, 1996.

The High Court also directed that the "RDOs should effect delivery of possession of alienated tribal lands to its original owners in cases where no appeals were pending against orders for restoration of land and where no compensation was payable," and that adequate law and machinery could be used to carry this out and that the RDOs had to file affidavits by September 30, 1996.

But the Government had not provided any police force where the RDOs tried to evict the encroachers. A case in point was from Attappady where when the district collector of Palakkad, W. R. Reddy, tried to implement the law, the then Revenue Minister, K.E. Ismail, and then Finance Minister, T. Sivadasa Menon, allegedly put pressure on the district administration and stopped evictions.

To top it all, the LDF brought the Kerala Scheduled Tribes (Restriction on Transfer of Land and Restoration of Alienated Lands) Amendment Bill, 1996 with the support of all the UDF MLAs, barring K.R. Gauramma, in a hurried attempt to avoid contempt of court proceedings on the RDOs.

The amendment was to scuttle the spirit of the 1975 parent Act. It was described by the tribals as the "great betrayal of tribal cause by the communists in Kerala"

The new Bill held all transactions of tribal land between 1960 to January 24, 1986 as legal and valid. In other words the same Assembly which had proclaimed in April 1975 that all alienated tribal lands since 1960 were "stolen property" tried to give it sanctity. The present Agriculture Minister, K. R. Gauramma, then described the amendment brought by the LDF Government as the "foremost reactionary bill ever introduced since the formation of Kerala Assembly in 1957."

In March 1998, despite a joint LDF-UDF delegation, led by the then Chief Minister, E.K. Nayanar and then leader of the Opposition, A. K. Antony, went to Delhi seeking Presidential assent to the widely condemned anti-tribal amendment Bill of September 1996, the same was rejected by the then President, K.R. Narayanan, on the ground that an Act included in the 9th schedule of the Constitution could not be amended by the State Assembly.

But in 1999, a second amendment was passed in the assembly to bypass the presidential assent. However, the High Court rejected both the 1996 and 1999 amendment Bills.

In 2000 and 2001, the State Government filed writ appeals before Supreme Court of India, to get stay on High Court verdicts. Petitions by Nalla Thampi Thera and 'Niyamavedi' Kochi against these stay orders are still pending before the Apex Court.

Thus political parties and the successive Governments acted "unanimously" to deny the tribals their ancestral land which the High Court had repeatedly ordered to be restored.