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Joint Forest Management Resolution

ORISSA

Notification No. 16700 - 10F (Pron) - 20/93-F&E dated 3-7-1993.

Subject - Protection of reserved forest and protected forest areas by the community and enjoyment of certain usufructs by the community.

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

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

Selection of the Area

The scheme will operate in degraded forest land (Reserved and Protected Forests) with potential for regeneration. Only such forest area will be selected where the villagers of the adjacent village or cluster of village are willing or can be motivated to offer active cooperation in regeneration and protection of the forest tract; and only such villages shall be involved which are situated adjacent to the forest area. Sanctuaries and National Parks and forest land allotted for the purpose of commercial or industrial plantation or any other department afforestation scheme shall ordinarily be excluded from the ambit of this scheme. A single village committee may be allowed to develop up to a maximum forest area of 200 hectares.

Vana Samrakshana Samiti

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

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

The concerned forester shall be the ex-officio secretary of the Samiti. He will convene meetings of the Samiti once in three months, and keep minutes of the meetings.

Constitution of the Executive Committee

Each VSS will form its own executive committee for the term of two years at a time

II The committee will comprise ten to fifteen members, and its composition will be as follows:

a. Naib sarpanch Chairperson

Ward Members representing the villages Member(s) Six to eight representatives elected/Selected by the Samiti of whom at Least three shall be women Member(s).

d. Concerned Forester Member

e. Concerned forest guard Member

Nominee of a concerned NGO in the Area to be selected by the DFO Member

The range officer concerned will act the returning officer for filling in the quota of selected members at the commencement of each term of the committee

The executive committee shall select its own treasurer whose tenure shall be co-terminous with that of the committee. The forester and forest guard will not have any voting right.

Half the number of members of the committee shall constitute the quorum in any meeting.

In some cases where single villages are not coming forward to take up the responsibility, the concerned Gram Panchayat may resolve to regenerate a tract of degraded forest over which the village comprising the Gram Panchayat have been traditionally exercising the rights of usage. The divisional forest officer/range officer/forester may explain the scheme of JFM to the members of Gram Panchayat in a meeting, and after considering all aspects, he may recommend to the conservator of Forests for allowing all the particular gram Panchayat as a body to participate in the scheme of JFM. On getting approval of the conservator of forests, the concerned Gram Panchayat will be required to constitute an Executive committee in the above manner for the purpose of implementation of the JFM programme.

Duties and Responsibilities of the Samiti

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

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

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

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

There shall be a meeting of the Samiti at least once in three months and more often if required, to review the work of the executive committee and to decide on the future programmes and plans to be followed. For each such meeting the Samiti members will nominate their own chairperson (if the Naib Sarpanch is absent) who will continue as such till the holding of the next meeting. The quorum in any meeting of the Samiti shall be 60% of the members.

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

Duties and Responsibilities of the executive committee

The executive committee shall meet at least once every month and take stock of the condition of the forest, the offences committed and other hurdles encountered in protection of the forest. There will be detailed deliberation all aspect of protection and regeneration of the forest and execution of management plan.

The local forester who is the member-secretary will prepare the agenda notes in advance for each meeting and he will keep the minutes of the meeting. The quorum in any meeting of the executive committee will be two-thirds of the total number of members.

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

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

The committee shall assist the forest officials in carrying out various silvicultural operations, intermediates and final fellings in accordance with the management plan and in distribution of the forest produce among the villagers.

Divisional forest officer/assistant conservator of forests/forest range officer will frequently familiarise themselves with the work of each committee, and may give guidance from time to time for proper functioning of the committee which will be binding on the committee members.

Role of the Forest Department

The Range Officer will have the freedom to attend the meetings of the Executive Committee and those of the Samiti, to participate in their discussions and tender advice. He would have no voting right. The forester concerned shall maintain the records of all meetings.

The DFO shall have the overall responsibility for implementation of the scheme, including formation of the Samitis and constitutions of the executive committee.

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

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

The DFO/ACF shall intervene in any village conflict arising out of forest issue or affecting forest protection and regeneration activities.

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

Role of the Gram Panchayat

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

Joint Forest Management Plan

The ACF/Range officer concerned will prepare a Joint Forest Management Plan by carrying out microplanning exercise. The objective of the plan will be to identify the measures necessary to increase productivity of the forest so as to cater to the demand

for traditional forest products in that area, particularly fuel, fodder, bamboo and timber requirement of the local people. Due emphasis will be laid on maintaining the standing bio-mass in all its diversity, and on increasing the availability of non-timber forest products. If necessary, the DFO may convene a meeting of the Vana Samrakshana Samiti where he will explain the contents of the proposed management plan to the members clearly and obtain their comments and suggestions. The DFO shall also take the opinion and suggestions of the executive committee before submitting any plan for approval. Each plan will be scrutinized, corrected, modified if necessary, and approved by a technical committee headed by the territorial conservator of forests, and comprising the DFO, WPO and the deputy director social forestry project. The Joint Forest Management plan will be prepared for a period of ten years.

Soil and water conservation measures shall form an integral part of the M. Plan.

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

The implementation of the plan programme will be the responsibility of the range officer with active assistance and participation of the Executive Committee.

The management plan will give the following details.

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

Action programme for restocking the area and covering the gaps.

Nature and model of plantation and choice of species. Socially useful trees like neem, mohua, myrobalans, fruit bearing trees like mango, jack-fruits, kendu, tamarind and bamboo plants must be planted in reasonable number in consultation with the Samiti.

Details of soil and moisture conservation measures.

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

Financial Arrangement

Government will bear the expenditure to be incurred for implementing the Joint Forest Management Plan through the forest Department. Financial assistance may be availed of in shape of grant-in-aid from the NAEDB of the ministry of environment and forest of government of India, and assistance from social welfare institutions, industrial and commercial houses, and foreign donor agencies

Usufructuary benefits

The Vana Samrakshana Samiti will enjoy usufructuary benefits provided it discharges its duties and responsibilities that laid down in the scheme. Further duties and responsibilities in the task of regeneration and protection of the forests may also be cast on the Samiti/Committee from time to time. The Executive Committee will be responsible for distribution of the usufructs equally among the members, each

household being treated as one member. If a particular household has not discharged the duties and responsibilities assigned to it, the executive committee may lessen or do away with its share.

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

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

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

Memorandum of Understanding

Vana Samrakshana Samiti through its executive committee shall execute an (MOU) with the concerned divisional forest officer for active participation in the task of protection, generation and management of the forest area and for implementation of the programmes as per the joint management plan. The members of the Samiti will be allowed to remove fallen and dry branches, leaves, grass, various usufructs of the trees free of charge after execution of the MOU. The villagers will be eligible for getting further benefits under the scheme in shape of the share in the final harvest after successful implementation of the scheme continuously for five years.

The MOU shall be in the following form

We, the members of the executive committee of the Vana Samrakshana Samiti of village do hereby undertake individually and collectively to perform the duties and shoulder the responsibilities as detailed in the Resolution no.dated..... of the forest and environment department, government of Orissa for proper protection and regeneration of the degraded forest area as per the schedule given hereunder:

Schedule

1. Name of the Vana Samrakshana Samiti

District/Forest Division

Subdivision/Forest Range Police -Station

Village

Name of the Forest Block

Legal status of the forest land

Area (ha.) of the forest land

Boundaries of the area

North..... East,.....

South West.....

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

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

Signature of the members of

Signature of the witnesses

The executive committee

Name and address

Signature Name and address

With date signature with date

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Signature of the local forest officer

Signature with date

Sl. Designation Name

DFO

ACF

Forest range officer

Forester

Forest Guard

Steering Committee

There shall be a Steering Committee at the state level which will meet once in a quarter to guide and direct the operation of the scheme. It will hold extensive deliberations on

specific problems and hurdles faced in implementation of the scheme, it will take up review to identify good points and shortcomings and to amend rules and regulations to steer the course of events in a positive direction. The Steering Committee shall be headed by the Minister, Forest as the Chairman, and will have the following ten members.

Secretary to govt. of Orissa, forest & Environment

Department Member

2. Principal chief conservator of forests Member

3. Director, social forestry project Member

Two officers of the rank CCF/Addl. CCF/conservator

Forester/to be nominated by the forest department Members

conservator of forests, Development circle Member/Secretary

Any two activists in the field of JFM selected

By government Members

7. Two non-official experts nominated by govt. Members

This supersedes F.F & A.H. Department Resolution No 29525 - 10F (Pron) - 4/90 F.F. & A.H. dated the 11th December, 1990.

Corrigendum

No 10F (Pron) 1/94 14292/F&E. Bhubneswar dated 4.8.94

In the forest and environment department resolution No. 16700/10F (Pron) - 2U/93F&E, dated the 3rd July 1993 published in the Orissa Gazette extraordinary issue No. 875 dated 5.7.1993, the following corrections and additions may be effected.

For the words "a maximum forest area of 200 Hectares" occurring in the last line of para-3 the words "about 200 hectares of forest land" shall be substituted.

For the figures and words "60 per cent" occurring in the last line of para 8(v), the figures and words "40 per cent" shall be substituted

The last sentence "the quorum in any meeting of the executive committee will be two-thirds of the total number of members" occurring in para 9(ii) shall be added at the end:

"The meeting of the executive committee can be convened either by the concerned forester or by the naib sarpanch. In the absence of the naib sarpanch the committee members should nominate any one of them to preside over a meeting. The naib sarpanch may depute her representative to the meeting of the committee on her behalf."

RESOLUTION

No. 10F(TR)-1/94. 227/6/F&E (Policy & Law) dated Bhubneswar the 7th Dec. 94.

In the forest and environment department resolution No. 167000-10F (Pron) 20/93/FE. dated 3rd July 1993 published in the Orissa Gazette extraordinary issue No. 875 dt. 8.7.93 and corrigendum thereto issued in the department letter No. 14292/ F&E dated 4.8.94 the following additions may be effected.

(i). In para - 3 the following sub-para shall be added at the end.

"All the village woodlots, and social forestry block plantation raised under the SIDA assisted social forestry project between 1984 to 1994, after being notified as village forester, will also come under the purview of this scheme. The village in which such plantation has been raised may also be selected for taking up regeneration and protection of an abundant degraded forest tract, alongwith management of the said plantation."

After para - 14 (IV) the following new para shall be added, namely:

"(V) in respect of the village woodlots and other social forestry plantations raised under the SIDA assisted social forestry project on land which has been notified as village forest and brought under Joint Forest Management, village community shall be entitled to 100% of usufructs including final harvest of the plantation. When the area is subsequently planted or regenerated in a second rotation, usufructuary benefits will however be as prescribed in a preceding paras 14(1) to (iv)