

ANNEXURE VIII

GOVERNMENT OF PUNJAB

Department of Forests

NOTIFICATION ON JOINT FOREST MANAGEMENT (JFM)

Notification No. 46/242/99-Ft.III/18759 Dated 18.11.2003

The Government of Punjab issued guidelines for Joint Forest Management (JFM) in forests of Kandi area of Punjab vide resolution No. 46/27/93-FT-III/8284 Dated 14-07-1993. These were subsequently revised in 1995. The Process of JFM has, however, been slow in taking off in the State in spite of the initial efforts made in this regard. After due consideration, the government of Punjab feels that there is a need to issue revised and more comprehensive guidelines for JFM in the State. Therefore in supper- session of earlier JFM guidelines and their subsequent amendments, the following JFM guidelines are now being issued.

- 1.1 The process of Joint Forest Management (JFM) may be instituted in the entire State. JFM provisions will be applicable on the Reserved, Protected and Un-classed Forests (hereinafter called forests) of Kandi area of Punjab While implementing the JFM Programme following will be kept in view : -
- a) Local people's interest and responsiveness prior to starting the programme at any given location.
 - b) Initial emphasis should be on places where good and constructive local leadership is forthcoming and forest dependency is higher
 - c) The process should provide for local people's requirements and needs in planning, including some non-forestry developmental initiatives and programmes to be implemented by the Punjab Forest Department.
 - d) It is intended to adopt a three-pronged strategy to involve local people through Forest Protection Committee (FPCs). Non Government Organizations (NGOs)/Voluntary Agencies (VAS)/Institutions/Religious Bodies etc and farmers.
 - e) There shall be regular annual review of the programme by the Forest Department, involving other stakeholders for the lessons learnt, and also to

identify strength and weaknesses so as to amend the rule and regulations to steer the course of events towards a positive direction in the overall interest of forest conservation and local people development.

2. Forest Protection Committee (FPCs) :

2.1 Constitution of Forest Protection Committees

In supersession of earlier instructions, the following guidelines are now being laid for constitution of the Forest Protection Committees: -

- 2.1.1 After adequate initial exploration and spadework the Forest Range Officer will convene in his jurisdiction a series of general meeting of a hamlet, a village or a cluster of village (hereinafter called “village”), in which all adults of the village should be invited to participate.
- 2.1.2 During these meetings, the Range Officer (RO) will explain in detail about the spirit and concept of JFM and the proposals of the Government towards the benefits and responsibilities at various levels. The Range Officer can take the assistance of appropriate NGO(s) for mobilization of the local people. After explaining the concept of Joint Forest Management to the villagers and evaluating the responsiveness of the villagers, the Range Officer will take steps to constitute an FPC within the framework of these regulations. The RO shall endeavor to constitute FPC in as many villages as possible. The villagers themselves on their own, may also take initiative in this regard and approach the local office of the Forest Department for formulation of FPCs.
- 2.1.3 Members of every household living in the Village (with adequate emphasis on households having greater dependence on forests for meeting their daily needs), would have the option of becoming members of the FPC. Any one adult members of a household, who ordinarily reside in the village, could represent the household.
- 2.1.4 After due deliberations and constitution of the FPC, a Management Committee (MC) will be constituted including elected representatives from amongst the members of the FPC to run the day –to-day affairs of the FPC.
- 2.1.5 The concerned Block Forest Officer (Forester) or the Forest Guard shall be the Ex-officio Secretary of the Management Committee (to be nominated by the Range Officer, after consultation with the DFO).

2.1.6 A register of FPC members will be maintained in the village and a decision should also be taken on contribution of a token annual membership fee. Similarly the FPC, through its MC, could also take decision on any other contributions to be made members of the FPC in the overall interest of forest conservancy and village development. A record of time and other resources spent by individual household/members of the FPC in interest of forest conservancy will also be maintained in an appropriate form so that it can help the FPC/MC to decide on the proportionate sharing of benefits.

2.1.7 **Village Forest Committees (VFCs)**

Village Forest Committees and their executive committees already constituted under the framework of Forest Development Agencies (FDAs) shall be deemed to be FPCs/Joint Forest Management Committees (JFMCs) / MCs constituted under this notification and vice-versa and all the provisions applicable to FPCs shall apply to VFCs as well.

2.2 **Duties and Responsibilities of the FPCs :**

2.2.1 The members of the FPC, individually and collectively will:

- (a) Proactively participate and help the local forest officials in protection of assigned forest area against grazing, fires and theft of forest produce and other injurious influences on forest;
- (b) Make fellow villagers and their family members aware of the importance of forests and need for such participatory initiatives;
- (c) Actively participate in the preparation of Joint Forest Management Plan for assigned forest/area;
- (d) Cooperate with the Forest Officers in carrying out forestry and development works in accordance with the approved Joint Forest Management Plan.

2.2.2 A general body meeting of the FPC shall be held with at least quarterly periodicity to review the functioning of the FPC, the Management Committee and activities being carried out under Joint Forest Management Plan (JFMP). The Member-Secretary of the Management Committee will convene such meetings at a time and place convenient to the people in general and help maintain the records of the MC/FPC.

2.2.3 The FPC will discharge the above stated duties in the manner and procedure stated below:

- a) In the event of any forest offence like illicit felling grazing encroachment etc. the concerned local forest official shall take action in accordance with the provisions laid down in Indian Forest Act, 1927 or Punjab Land Preservation Act, 1900 and other relevant laws, as the case be. Members of the FPC will actively assist the Forest Guard in the above-mentioned process especially in the detection of the offence.
- b) Thereafter offences shall be dealt as per procedure laid down by Punjab Forest Department.
- c) The members of FPCs/MC will institutionalize arrangements for preventive patrolling and guarding of the forest against theft and fire other injurious influences.
- d) In the event of any fire, not only will be FPC members bring it to the notice of the Forest Guard, Forester or Range Officer but they are expected to take initiative in actively helping in controlling the same.

2.3 **Constitution of the Management Committee (MC) :**

2.3.1 In order to carry out an approved Joint Forest Management Plan within the scope of these rules as well as to mobilize people for forest protection, every FPC shall have a Management Committee (MC); FPC may constitute new MC in consultation with DFO if the performance of existing MC is not up to the satisfaction of FPC.

2.3.2 (i) The composition of the Management Committee shall be as follows:

- (a) Sarpanch of the concerned Gram Panchayat: Member
- (b) Six to nine elected representatives from the FPC: Members
- (c) Representative of Panchayat Department
(in case of Panchayat Forests) : Member
- (d) Concerned Forester or Forest Guard : Member Secretary

(ii) The Committee will elect its own Chairperson/Deputy Chairperson. Either the Chairperson or the Deputy Chairperson shall be a woman.

(iii) Depending upon the size and number of the households in a village, number of elected representatives in a MC shall be between Six to Nine.

(iv) The Range Officer shall act as returning officer for election of the members and office bearers of the MC. Not less than one third of elected representatives shall be women. Also, amongst the elected members of the MC, at least two members should be from

Scheduled Caste or the landless or the marginal families and two members from among the landowners of the village. No habitual forest offender will have the right to be elected to, or remain the member of the MC. The matter of disqualification of a habitual forest offender will be decided by the DFO.

- (v) The Sarpanch will help in maintaining liaison of MC and FPC with the Panchayat.
- (vi) Half the total number of members of the Management Committee shall constitute the quorum for the meeting of the MC.
- (vii) One of the elected members of the MC will be elected to function as its Treasurer. Joint signature of the Chairperson and the Member-Secretary shall operate any bank account of the FPC. The treasurer will maintain account of all the transactions.

2.4. **Duties and Responsibility of the Management Committee :**

- 2.4.1 The Management Committee will meet at least once in a month.
- 2.4.2 The Member – Secretary shall be responsible for convening the meetings and maintaining the record of proceedings. He shall promptly send a copy of the proceedings to the Range Officer to keep him informed and also to obtain necessary guidance from him. The Range Officer shall also forward a copy of the proceedings to the DFO.
- 2.4.3 The Conservator of Forest/ Divisional Forest Officer or the Range Officer may give directions from time to time for smooth and proper functioning of the committee and, depending on the nature of the issue under consideration, such direction will either be of advisory or binding in nature. Binding directions are to be given only in case the trend of the FPC activities reveals non-observance of forest laws or sound principles of forest conservation.
- 2.4.4 Since the MC will be a representative body of the FPC, other duties and responsibilities of MC remain the same as for the FPC mentioned earlier. The MC will ensure that all its obligations as well as obligations of the FPC are properly honoured.
- 2.4.5 Apart from concerned Range Officer; any other senior forest officer may also attend the Management Committee or FPC meetings in order to facilitate discussion and tender advice. The forest department may involve other government officials, consultants, nongovernmental organization, academicians etc. In such discussions it is likely to help in promoting the cause of forest conservancy and the welfare of the local people. None of such participants however will have any voting rights in the meetings.

2.5 **Approval by the Divisional Forest Officer :**

2.5.1 upon receipt of the proposal from the Range Forest Officer regarding the constitution of the FPC and MC, the Divisional Forest Officer (DFO), after considering the same, should accord recognition to it. Only such recognized institutions are entitled to operate under these rules.

2.5.2 The benefits of this notification shall also accrue to Forest Committees, which are already constituted, and functioning provided they agree to abide by the terms and conditions of this notification.

3. **Involvement of Voluntary Agencies (VAs) :**

Reputed voluntary agencies such as NGOs, institutions, religious bodies etc, may be involved in afforestation and ancillary works in areas, which are neither taken up nor intended to be taken up by any FPC/VFC. The areas covered under the Punjab Apportionment of trees Rules, 2000 and in respect of which the concerned farmer has already signed an agreement under these rules, will also not be available to the voluntary agencies.

3.1 There must be a written agreement between the NGO and the local Forest Deptt. for involvement of NGO in Forestry works in a particular area. Whenever, an industrial House or an outside agency is supporting the NGO, there must be a tripartite agreement between NGO, local forest department and the industrial House or outside agency.

3.2 The agreement must have the commitment of the industrial house to bear the cost of the scheme of the NGO to faithfully implement the scheme under the supervision and direction of the Forest Department.

3.3 The industrial house and the NGO will not claim any right whatsoever over the forest land or the produce anytime thereafter.

3.4 The rights of local people, if any over the forest land will not be affected by this agreement.

3.5 The agreement will be for a period of say 5 to 7 years during which the area is likely to be tackled including maintenance.

3.6 These scheme should be prepared in such a way so that naturally occurring species should be given priority in the rehabilitation and plantation programme.

3.7 Only such forest lands that are less than 0.4 density and that cannot be regenerated with natural regeneration should be taken up under this scheme.

- 3.8 Any usufruct sharing with NGO's will be subject to the approval of the Govt. of India.
4. **Involvement of Farmers :**
Involvement of farmers shall be governed by the rules and procedures as laid down under the Punjab Apportionment of Trees Rules, 2000 the areas along roads and adjoining farmers fields in respect of which an agreement has already been signed between the farmer and the Forest Department. These areas may however, be taken up by the JFMC/VFC/FPC/VA for afforestation and ancillary works subject to a tripartite, agreement between the farmers, the Forest Department and the FPC/VA as per mutually agreed terms and conditions.
5. **Joint Forest Management Plan (Microplan) :**
- 5.1 The Forest areas to be managed jointly by the department and FPC's will be decided by the territorial DFO in consultation with the FPCs. These forest areas need not be coterminous with the revenue village i.e. forest areas in a particular revenue village may be managed under JFM by an FPC of another neighboring village also. A Joint Forest Management Plan (JFMP) will be prepared for the area using tools like Participatory Rural Appraisal (PRA). During this process the FPC will be actively involved through the meeting of its General Body Prior to starting such exercises the Range Officer should collect available information (and also prepare maps) on the forest types, the species occurring in the forest, legal status of forest, in the area and extent of forest under each category, history of the forest, the land use of the non forest land in the area, important information on the concerned micro-watershed, population and other socioeconomic data of the villages in the vicinity of the forest. A copy of the JFMP proposal should be sent by the Range Officer to the DFO so that, if necessary, he may tender his advise. FPCs should also take up the Panchayat Forest Area in consultation, and with concurrence of the village Panchayat. This arrangement will benefit both the Panchayat and the members of the FPC, as improved protection is likely to enhance the quality and quantity of the forest produce available from the Panchayat forest areas. In case of Panchayat forest areas the Forest Department will act as facilitator to evolve a workable institutional arrangements between the Panchayat and the Forest Protection Committee as per these guidelines. No such arrangement is, however, possible for the Panchayat Forest areas without wholehearted and constructive support from the Rural Developments and Panchayat Department. The Rural Development and Panchayat Department shall, therefore, provide full and constructive support in facilitating such an

arrangement for the protection and management of Panchayat Forests. The sharing of benefits between the Panchayat and the FPC can be on the same lines as the sharing of benefits between the FPC and the Government in case of the Protected/Reserved/un-classed Forest under these guidelines. If, after gaining initial experience in a village, the villagers wish to extend similar arrangements to forest areas which are common private holdings of a number of families of the village, they could decide to do so provided all the landholders and other local stakeholders come to a mutual agreement in this regard. The local forest officials can help in facilitating such arrangements if the landowners and other village stakeholders collectively decide so.

- 5.2 During preparation of the JFMP, specific attention should be paid to identification and participation of those stakeholders who are the most forest dependent and the poorest. The plan should also specifically address the issue of involving the women and taking care of their forest based and other developmental needs.
- 5.3 The Forest Department may also try to organize or support the existing self- help groups of villagers in the area, especially those of women and impart training to them for suitable income generating/ value addition activities and also facilitate process of obtaining loans/ grants by such groups through banks, NGOs etc.
- 5.4 In order to promote women's participation, the Forest Department may also consider engaging women facilitators and NGOs to facilitate adequate gender balance in community mobilization.
- 5.5 The overall implementation of the Joint Forest Management Plan and its supervision will be the responsibility of the Range Officer with the active assistance and participation of the FPC.
- 5.6 Soil and water conservation measures may also be incorporated as part of the Joint Forest Management Plan.
- 5.7 It shall also be the responsibility of the FPC/ Management Committee/VA/ Farmers to chalk out and implement an action plan assigning duties and responsibilities to ensure protection of the forest under its charge from theft, biotic interference, fire and other injurious influences and also to implement other measures involving paid labour and even unpaid inputs. In case of wage employment the members of the FPC shall have the first preference. The DFO shall have the discretion of getting works, which are otherwise conventionally executed under the direct supervision of the Forest Deptt. staff at the approved schedule rate, executed through MC/FPC by passing earmarked

resources to MC after formally signing a Memorandum of Understanding (MOU) with the MC in this regard. In all such cases, if the FPC can save some money within the limits of the government approved scheduled rates for such jobs, by contributing voluntary labour or otherwise, the expenses saved would be credited to the FPC account. The MC will maintain and present for inspection appropriate record in all such cases. Such pooled money could also, in the long run, attract matching grants/loans for the village from Government, Banks, Non Governmental Organizations (NGOs), or other funding agencies. The FPC will decide the use of the money pooled in the MC account. Such money can be very useful for maintaining the works done under various Government Schemes/ projects implemented in the area, especially after the Government Agency withdraws from the area. Minimum 50% amount shall be spent on forestry development projects. The Forest Department may help identify possibilities of grants/ loans for the FPC in order to help in sustainability and strengthening of these institutions. Wherever feasible, the Joint Forest Management Plan shall also explore the possibility of “Sharamdan”(unpaid labour contribution) from the FPC members.

6. Selection of areas for afforestation :

The areas to be selected for a joint Forest Management under this Notification may preferably be those with less than 40% crown density. The first priority in respect of forest areas along roads shall be that of the farmers along whose fields the strip forest falls.

7. Funding the JFM plan :

The Government will bear the expenditure to be incurred for implementing the Joint Forest Management Plan. Wherever a provision has been made as a part of the approved estimates, these expenditures shall be borne by National Afforestation & Eco-Development Board (NAEB)/State Govt./Central Govt. For this purpose the government may also take steps to tie up with appropriate national and international funding agencies.

The voluntary Agencies / NGOs will arrange their own resources such as from Industrial Houses, Grants-in aids etc.

8. Benefit sharing

- 8.1 The FPC will be entitled to the usufruct and Non Wood Forest Produce (NWFP) rights in the area, only if it properly discharges all its duties and responsibilities under these rules. It shall be within the competence of the FPC acting through its Management Committee, to assign the shares of the usufruct and other NWFP and other benefits among its members. It shall be in order to grant fewer shares or no share to any member if he has not discharged the duties and responsibilities assigned to him. Similarly the FPC could decide to give more benefits to a family or persons if they have spent more time and efforts for the protection of the forest. For the purpose of such benefits each household is treated as one member. In case of areas covered under the Punjab Apportionment of Tree Rules 2000, the benefit sharing between FPC and farmers shall be as per the mutually agreed terms and conditions.
- 8.2 All conflicts and issues in respect of usufruct or other benefit sharing between individual members of the FPC or between members and non-members of the FPC shall be resolved by the Management Committee in the participatory manner. The Forest Department may aid and facilitate them in this process.
- 8.3 In case of compounding of an offence as per existing legal provisions, the Divisional Forest Officer can decided to pass the “price” charged for a forest produce to the MC if he is satisfied that the FPC is performing its obligations well and members of the FPC have made significant contribution in apprehending the culprits in a given case.
- 8.4 In case of protected/reserve or un-classed forest where the system of auctioning grass, fruit, palm leaves etc. to private contractors has been in operations, the FPCs will be given the lease of grass free of cost as the poorest households mostly use these materials. The FPC after meeting the requirements of its members either free or at a cost fixed by it, can sell the same. The removal of NWFP would be done under the supervision of the Department. The revenue from the sale of NWFP will be deposited in the account of FPC and used for forest conservation or common welfare schemes of its members (minimum 50% for forest conservation).
- 8.5 In case where the Forest Department or other Govt. agencies assist a FPC to get irrigation water either by constructing a dam or installing/renovating a kool system, the initial financial investments shall be made by the Forest Department or the other agency.

FPC members should however invariably contribute some voluntary labour for digging of the pipelines etc.

- 8.6 In case of commercial NWFP produce like “bhabbar” or “baggar” (*Eulaliopsis binata*), the FPCs will be given the lease of such produce free of cost. The FPC shall invest at least 50% of its income of such produce back into the joint management area for conservation, protection and regeneration of the forest area. Balance 50% will be used for other developmental and welfare activities for the common benefit of its members. However, the local requirement of users of such produce from amongst the members of the FPC will be first satisfied by the FPC before offering any produce for sale to any other agency or for any other purpose. This sale to any other agency will be made only after collection of the produce from forest area. In lieu of the lease, the FPC and the individual members will be expected to take all necessary measures for the protection of the forest and for enhancing the production of the forest produce from such areas.
- 8.7 In case of produce like timber, bamboo, khair etc. 25% of the revenue obtained by the Punjab Forest Department from auctions/ transfer of lots to Punjab State Forest Development Corporation Ltd. shall be retained by the forest department and given to the FPC as its share in lieu of protection/ assistance in management of assigned forest area. The FPC will invest at least 50% of its share of the income back into the Joint Management area for increasing its productivity. The remaining 50% of share received by the FPC could be used in an appropriate manner for other welfare activity of the FPC members or direct distribution of appropriate share among its members.

9 Other issues :

- 9.1 The Forest Department will identify suitable entry point/development activities to establish a close and constructive rapport with the village communities. The entry point activities/developmental activities will include suitable location specific non-forestry developmental or welfare activities for the benefit of the local community.
- 9.2 The working of the MC/FPC will be reviewed at least once a year by the DFO. In case the FPC or the MC fails to perform, the duties and responsibilities envisaged under this resolution, the DFO incharge of the area will be competent to de-recognize the FPC and in such case the FPC or the MC will loose all their rights and shares in respect of forest areas assigned to them. However the MC can appeal to the Conservator of Forests against the orders of DFO and Conservator of Forests may after due consideration pass

appropriate orders on such appeal. The orders/decision of the Conservator of Forests will be treated final.

- 9.3 It is clearly being realized that initiating and consolidating the JFM process will call for radical change in mindset at all levels of hierarchy within the Government setup. This also calls for a change in the way business of the State has been conducted in the traditional mode. It was also require considerable devotion, efforts and time on the part of Forests personnel and as the process of JFM cannot be rushed through, all efforts will be made to provide necessary support and staff to the State Forest Department so that Forest personnel can spend adequate time in motivating, training and interacting with the local communities.
- 9.4 The FPCs and MCs will essentially function as apolitical bodies in the over all interest of forest conservancy and community welfare especially the welfare of the disadvantage and forest dependent groups.
- 9.5 JFM requires radically redefining the relationship between Forest Department and local communities. To bring in the attitudinal changes required for JFM and to enhance skills of the Forest Department Staff, there will be need to organize frequent trainings, workshops, field visits to other states etc. The Govt. may provide adequate support for this by providing provision for such trainings and strengthening the training infrastructure within the Forest Department as well as through tie-ups with other suitable agencies. Simultaneously, awareness training for villagers is also equally important so as to educate them about the need for forest conservancy and attitudinal change to regard Government property as their own.
- 9.6 Wherever FPCs are assigned certain forest areas for protection/management, the current state of forest will be recorded in a participatory manner as a benchmark for future comparison of changes taking place in the area.
- 9.7 Special care will also be taken to regularly document and record the process of change under JFM: in terms of health of forest, the attitudinal changes of the staff and the community, the problems faced and how they were or are being resolved, the enhancement in skills, confidence and capacities of the people and staff, the lesson learnt through the process and so on. The research and extension wings of the forest department would be strengthened to support the JFM process in the state.
- 9.8 While it is being envisaged that benefits to local FPCs may be granted from Protected Forests/ Reserve Forests areas or Panchayat forest areas, the FPCs are also expected to

help and support the forest department staff in protection and management of other categories of forest areas closed under Land Preservation Act, 1900 (LPA). As the process of JFM takes off, the Government may also regularly review, rationalize and reform the regulation under Punjab Land Preservation Act, 1900 and update them with the changing times and circumstances.

- 9.9 The Government may award appreciation letters and prizes to the officials and the FPCs which do outstanding work for promotion and success of JFM.
- 9.10 The Joint Forest Management Programmes will ordinarily be done after a period of two years by Government. However, the Government reserves the right to conduct earlier reviews if the circumstances so warrant.

10. Orders :

The orders issued from time to time by the Government of India through directions/instructions or other forms of correspondence regarding matters related to Joint Forest Management shall be deemed to be a part of this notification.

**Chandigarh
Dated 17-11-2003**

**Sd/-
(P. Ram)
Secretary to Govt. Punjab Deptt. of
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