

6. Resolution on JFM Committees in Darjeeling Gorkha Hill Council Areas

GOVERNMENT OF WEST BENGAL
FOREST DEPARTMENT
FOREST BRANCH

No. 5970-For

Dated: 03.10.2008

RESOLUTION

Whereas the National Forestry Policy, 1988 envisages it as one of the essentials of forest management that the forest communities should be motivated to identify themselves with the development and protection of forests from which they derive benefits. National Forest Policy, 1988 also recognises the symbiotic relationship between the tribal people and forests, and implores to associate the tribal people closely in the protection, regeneration and development of forests.

Whereas the National Forest Policy, 1988 envisages people's involvement in the development and protection of forests and whereas the requirements of fuelwood, fodder and small timber such as house-building material, of the tribal and other villagers living in and near the forests, are to be treated as first charge on forest produce.

And whereas “The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006” also recognises the responsibility and authority of tribals in conservation of biodiversity and maintenance of ecological balance and thereby strengthening conservation regime of forests.

And whereas State of West Bengal has been the pioneer in development of Joint Forest Management which has now been acknowledged as a tool for management of forest resources universally and implemented successfully in the different states of the country.

And whereas the Forest Department has taken up a massive programme for resuscitation of the degraded forests of the State as a whole for converting the areas into productive forests.

And whereas, active participation and involvement of local people are vital for generation, maintenance and protection of aforesaid forests/plantations and successful implementation of the programme.

In supersession of this department’s resolution No. 2757-For Dated 17th August 2004, the Governor has been pleased to decide that Joint Forest Management Committees shall be constituted for the purpose of development of degraded forests and forests prone to forces of degradation in Darjeeling Gorkha Hill Council Areas, and direct that the composition, duties and functions, the usufructuary benefits and restrictive measure pertaining to such Joint Forest Management Committees shall be follows:

1. COMPOSITION:

- (i) The Divisional Forest Officer/Divisional Manager, W.B. Forest Development Corporation Ltd. in consultation with the people living in the fringe areas of the forests shall select beneficiaries for constitution of the Joint Forest Management Committee(s), within their jurisdictions and within the framework of this resolution.
- (ii) The beneficiaries ordinarily shall be economically backward people living in the vicinity of the forest concerned. Every family living in the vicinity of the forests shall, however, have the option of becoming members of the Joint Forest Management Committee if such family, including the female members, is interested in the work of protection.
- (iii) There shall be normally a joint membership for each household (i.e. if husband is a member, wife automatically becomes a member and vice versa). Either of the two can exercise rights to represent the household at any point.
- (iv) Constitution of the Joint Forest Management Committee including the Executive Committee will be approved by the Divisional Forest Officer / Divisional Manager, W.B. Forest Development Corporation Ltd. concerned in consultation with the Councilor in whose jurisdiction the JFMC area falls.
- (v) The concerned Councilors shall extend necessary support and help to such committee(s) to ensure their smooth and proper functioning.

2. EXECUTIVE COMMITTEE :

- (i) Each Joint Forest Management Committees shall have an Executive Committee to carry out the various activities assigned to the Committee.
- (ii) The composition of the Executive Committee shall be as follows :

- a. Local Councilor of the D.G.H.C. or his authorised representative..... Member.
- b. Elected representative of the beneficiariesMember (Three number of members of the JFMC subject to the condition that at least one member will be woman and tribal).
- c. Concerned Beat Officer/Dy. Range Manager..... Member Secretary.
- d. One Head Forest Guard/Forest Guard/Ban Majdur/Ban Shramik/Nigam Shramik to be nominated by concerned Range Officer/Range Manager Member.

The members of the Executive Committee shall elect the President in each meeting.

- (iii) The Range Officer/Range Manager in whose jurisdiction the JFMC occurs will monitor, supervise and review the functions of the Joint Forest Management Committee.
- (iv) The Member Secretary shall convene the meetings of the Executive Committee as well as Joint Forest Management Committee, as per agreed procedure.
- (v) The representatives of the beneficiaries to the Executive Committee shall be elected in each year in Annual General Meeting of the Committee, where the concerned Range Officer will be the observer.
- (vi) No member of the Executive Committee shall be elected or nominated for more than three years in succession.
- (vii) In order to ensure better coordination among the JFMCs and further consolidation of JFM practices, Coordination Committees of the JFMCs shall be constituted both at Beat and Range level. The composition and function of such coordination committees shall follow guideline to be prescribed by Principal Chief Conservator of Forests.

3. DUTIES OF EXECUTIVE COMMITTEE:

- (i) The Executive Committee of Joint Forest Management Committee shall maintain a register showing the necessary particulars of beneficiaries who are members of the committee, i.e. name, father's name, address, age, number of family members, name of nominee, etc. Nomination forms duly filled in and approved by the Executive Committee should be pasted in the Register. Such Register is also to be maintained in the concerned Range Office of the Forest Department for permanent record.
- (ii) The Executive Committee of Joint Forest Management Committee shall maintain a "Minute Book" wherein proceedings of the meeting of the Executive Committee held from time to time as well as the proceedings of the Annual General Meeting of the Joint Forest Management Committee will be recorded under the signature of the President of the Committee and such Minute duly attested by the member secretary shall be sent to concerned Range Officer for record.
- (iii) The Executive Committee of Joint Forest Management Committee shall hold an Annual General Meeting once in every year where activities of Committee as well as details of distribution of usufructuary benefits are to be discussed, besides electing representatives of the beneficiaries to the Executive Committee.
- (iv) The Executive Committee shall meet at least once every two months and discuss issues related to ongoing forestry works, preparation and implementation of microplan and other emergent works etc.

4. FUNCTIONS OF JOINT FOREST MANAGEMENT COMMITTEE/ EXECUTIVE COMMITTEE:

- A. (i) To ensure protection of forest(s)/plantation(s)/wildlife through members of the committee.
- (ii) To protect the said forest(s)/plantation(s) with the members of the Committee.
- (iii) To inform forest personnel about any person or persons attempting trespass and wilfully or maliciously, damaging the said forest(s)/plantation(s)/ wildlife or committing theft thereon.
- (iv) To prevent such trespass, encroachment, grazing, fire, poaching, theft or damage.
- (v) To apprehend or assist the forest personnel in apprehension of such person or persons committing any of the offences mentioned above.
- B. (i) To ensure smooth and timely execution of all forestry and fringe area development works taken up in the area by extending necessary help to the officials of Forest Department.
- (ii) To involve every member of the Committee in the matter of protection of forest(s)/plantation(s)/ wildlife as well as other duties assigned to the Committee.
- (iii) To assist the concerned Forest Officials in the matter of selection/engaging of labourers required for forestry work.
- C. (i) To ensure smooth harvesting of the forest produce by the Forest Department.
- (ii) To assist the concerned Forest Official in proper distribution of the earmarked portion of the net sale proceeds among the members of the Committee (as per list maintained by Sthayee Samity).
- (iii) To ensure that usufructuary rights allowed by the Govt. is not in any way misused by any of the members and forest/plantation sites are kept free from any encroachment whatsoever.
- D. (i) To prevent any activities in contravention of the provisions of Indian Forest Act, 1927 and any Acts and Rules made thereunder and the Wildlife (Protection) Act, 1972 as amended from time to time.
- (ii) To report about activities of particular member which are found prejudicial and detrimental to the interest of a particular plantation and or/forest wildlife to the concerned Beat Officer/Range Officer which may result in cancellation of membership of the erring member.
- (iii) To assist the Forest Officials to take action or proceed under Indian Forest Act, 1927 and the Wildlife (Protection) Act, 1972 and any Acts and Rules made thereunder, against the offenders, including may erring members of the Committee found to be violating the Act or damaging the forest/ plantation/wildlife.

5. USUFRUCTUARY BENEFITS:

- (i) The members will have to protect the forest and wildlife for at least 5 years to be eligible for sharing of usufructs under this programme.
- (ii) The members shall be entitled to collect following items free of royalty without causing any damage to forest.
 - a) Fallen twigs, grass, fruits (excluding cashew), flowers, mushroom, seeds, leaves and intercrops raised by JFMCs subject to any restrictions imposed from time to time, provided, however, such collection will not be allowed in Protected Areas.

b) Medicinal plants will be permitted to be collected by the JFMC members free strictly on the basis of approved microplans, except in Protected Areas.

c) Members of JFMC will receive 25% of net sale proceeds of firewood and poles, which are harvested during thinning and cultural operations. The poles for the purpose of this order will be under 90 cm, g.b.h. for all species except Teak. For Teak the upper limit of g.b.h. is 60 cm.

(iii) Entire Sal seeds as collected shall have to be deposited with the West Bengal Tribal Development Cooperative Corporation Ltd., through the local LAMPS (where LAMPS are functioning) and LAMPS will pay the members, in approved tariff, against their individual collection.

(iv) The concerned forest official will distribute to the eligible members their proportionate share of the usufructs from the harvesting after satisfactory performance of functions detailed hereinbefore.

(v) The usufruct sharing will be subject to restrictions imposed from time to time on account of Silvicultural and Management requirements and from preservation of wildlife point of view.

6. TERMINATION OF MEMBERSHIP, DISSOLUTION OF COMMITTEE, APPEALS ETC. :

(i) Failure to comply with any of the conditions laid down hereinbefore as well as contravention of provisions of the Indian Forest Act, 1927, Wildlife (Protection) Act, or Acts and/or Rules made thereunder, may entail cancellation of individual membership and/or dissolution of the Executive/Joint Forest Management Committee, as the case may be, by the Officers of the Forest Department as stated below in (ii) and (iii) below :

(ii) The concerned Divisional Forest Officer shall be entitled to take appropriate action, even dissolution of any Executive/Joint Forest Management Committee on the grounds stated above, on the recommendation of the Bon-O-Bhumi Sanskar Sthayee Samiti, Panchayat Samiti.

(iii) The concerned Range Officer may be authorized by the Divisional Forest Officer to take proper action, even termination of an individual membership, on the above mentioned grounds, on the recommendation of the Executive Committee of Joint Forest Management Committee.

(iv) Appeal against any such penal action by the Range Officer may be preferred to the concerned Divisional Forest Officer through local Panchayat Samiti.

(e) Appeal against any such penal action by the Division Forest Officer may be preferred to the concerned Circle Conservator of Forests through the concerned Panchayat Samiti and Zilla Parishad, whose decision shall be final.

ORDER

Ordered that the Resolution be published in the Calcutta Gazette and copy sent to all concerned.

By order of the Governor

Sd/-

(Smt. Shila Nag, IAS)

*Joint Secretary to the
Government of West Bengal*