

WORKING PAPER

By Resolution dated 7th February, 2003, the National Forest Commission has been established. The preamble of the Resolution set outs the reasons for the establishment of the Commission. It is, inter alia, stated therein that the forests have a direct role in poverty eradication and sustainable development which have a bearing on the economic and social development, protection of environment and conservation of biological resources. There is a need for sound and efficient management of forests and at the same time, the demand of wood for commercial and industrial purposes through agro forestry and plantations has to be met. In addition thereto, there was an increase in demand for medicinal plants.

The preamble also refers to the population in and around the national parks and their participation and involvement in the management of the said areas. There is also a reference to the desire for an increase in the forest and tree cover to 25% by 2007 and 33% by 2012.

With the aforesaid objectives in view, five terms of reference have been made to the Commission which are as under:

- (i) 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.
- (ii) 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.
- (iii) Make recommendations indicating policy options for achieving sustainable forest and wildlife management and development, bio-diversity conservation and ecological security.
- (iv) Suggest ways and means to make forest administration more effective with a view to help to achieve the above policy options.
- (v) Establish meaningful partnership and interface between forestry management and local communities including tribals.

SCOPE OF WORK – ANALYSIS OF THE TERMS OF REFERENCE:

REFERENCE NO. 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 viewpoint.

1. The first term of references requires gathering of information and reviewing the same. This term would require the Commission to do the following:

- (i) Ascertain existing
 - (a) policy and legal frame work regarding forests; Central/State
 - (b) policy and legal frame work regarding wild life; Central/State
 - (c) Impact of policy and laws on forest dwellers, forest dependent communities and officials.

2. In ascertaining the policy and the legal frame work, the Commission will have to ascertain the policies and the laws of the Central Government as well as the policies and the laws of the State Governments in view of the fact that the environment comes under the concurrent list.

3. Review and assess/determine the impact of the policy and the existing legal frame work from the point of view of:

- a) environmental
- b) ecology
- c) biodiversity

- d) scientific
- e) economic
- f) social
- g) cultural

4. After ascertaining the aforesaid, the Commission will have to review and assess the overall impact of the said policies and legal framework. In doing so, the Commission will also have to keep in mind, apart from the laws of the Centre and the States, the international treaties and conventions which exist and specially those to which India is a signatory.

The Commission will have to see what are the positive and negative impacts of the current policy and law vis-à-vis:

- a) Ecology
- b) Biodiversity
- c) Tourism
- d) Industry and Competing land uses like mines, habitation, agriculture, etc.
- e) Usage of water both surface and underground
- f) People as regards their livelihood aspirations, economic upliftment, etc.
- g) Water regimes
- h) Culture
- i) Scientific research
- j) Education
- k) Shifting cultivation
- l) Extension

5. Recommend modifications if necessary, in respect of laws, rules and policies.

REFERENCE NO. 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.

This term would require the Commission to ascertain:

- (i) How the forests, forest lands and Wildlife are being administered in India? Whether the budgetary support for Forestry and Wildlife Sector is adequate and if not, what should be the level of budget for the sector.
- (ii) What are the forestry and Wildlife institutions, both at all India and State level?
- (iii) Is the existing forests and wildlife administration adequate and if not, what areas need more attention or alterations so as to meet the emerging needs of the civil society and the ecological and conservation imperatives on others.
- (iv) How local people and prevailing circumstances have been incorporated?
- (v) Are the State Forest Development Corporations delivering the goods for which they were established and if not, what ails them and what are the mitigation measures?
- (vi) To make suitable recommendations

The working of the forestry and wildlife department and institutions will have to be examined and at the same time, and their administrative set up will have to be examined. This will cover the salient areas being dealt with by these departments and institutions, including *inter alia* recruitment, specialization in service and cadre management and training etc.

The Commission will also have to see whether this sphere of activity of forest and wildlife administration should be extended or modified and whether non-governmental institutions or village institutions can help in management and administration of the forest.

REFERENCE NO. 3

Make recommendations indicating policy options for achieving sustainable forest and wildlife management and development, bio-diversity conservation and ecological security.

On the basis of its findings with regard to terms 1&2, the Commission will have to make recommendations indicating policy options from which the Government

can chose for framing forest and wildlife policies. In making the recommendation, the underlying principle which has to be kept in mind is that of achieving sustainable forest and wildlife conservation ,management and development, biodiversity ,water and ecological security.

Some of the aspects which will have to be examined while giving the recommendations indicating policy options, is to see whether there is a need to:

- (i) Reconsider the strategies being adopted for conservation and management of forests, wildlife and forest lands, including grasslands and whether forestry research, training and management plans are receiving desired attention of the Central and State Governments and if not, suggestions for bringing these three components in the mainstream of the forestry administration.
- (ii) whether the requisites essential for the long-term conservation of wilderness, wildlife and water regimes and their augmentation wherever possible have been incorporated.
- (iii) Consolidate forest areas by realignment of boundaries.
- (iv) Reconsider the sharing mechanism of forest products over different areas and time.
- (v) Reconsider the sector's role in revenue generation and whether the revenue should come from consumptive or non-consumptive use.
- (vi) Reconsider the mechanism for resolution of cross-sectoral issues and also recommend action to be taken.
- (vii) To reconsider the role of local communities and village institutions like Van Panchayats, Forest self help groups, JFM Committees, eco-development Committees etc.

The Commission will also have to recommend whether the current legal frame work is sufficient to achieve the goals and if not, what changes are required in the policies and legal frame work.

REFERENCE NO. 4

Suggest ways and means to make forest administration more effective with a view to help to achieve the above policy options.

After taking into consideration the existing manner and method of forest administration, infrastructure and recruitment, training and in service specialization of personals, the Commission will have to examine as to whether the same is sufficient or adequate to achieve the goals. It will also have to be seen and suggestions made with regard to making the forest administration and infrastructure more effective and meaningful.

REFERENCE NO. 5

Establish meaningful partnership and interface between forestry management and local communities including tribals.

(A) What are the current policies and strategies adopted for sustainable forest development, wildlife conservation, management and development, biodiversity conservation , water and ecological security by different States? What are their impacts on various stakeholders? Do these need a change? If yes, what? Suggest means to achieve these recommendations?

(B) How can a meaningful partnership be developed in areas of conflict with forest

and wildlife administration specially with -

- Tribal and local communities living within and around forests
- Competing development
- Scientific community
- Industry including tourism and mining

(C) What impetus needs to be to the tribal, communities and individual to conserve and manage forest and wildlife and to increase biomass?