

PEOPLE'S NATURE, HEALTH AND EDUCATION BILL

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*Technical report # 55
(307.2)*

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February 1995

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In response to criticisms of the draft forest bill, Shri Kamal Nath, India's Minister for Environment and Forests has called on the voluntary sector to come up with an alternative. This is a significant opportunity, particularly in view of the current thrust on decentralization of the political institutions. The proposed alternative should take an integrated view of the whole area of natural resource management, introduce a flexible system capable of fine-tuning to the local situation, and link it to maintenance of public health, while taking full advantage of local educational institutions to manage the pertinent information.

INTRODUCTION

We stand on the threshold of a potential revolution in the way country's natural resources are managed. We have arrived at this juncture for a variety of reasons. Last four decades have witnessed a process of development focusing on intensifying the flows of natural resources with large scale state investments to benefit a narrow elite, while passing on the costs of environmental degradation to the masses of people. But over these decades democracy has slowly taken root in our soil, and with gradually increasing levels of literacy these disempowered people are beginning to make their voices felt. At the same time, costs of the highly wasteful, centralized, bureaucratic management of natural resources can no longer be accepted, especially in the increasingly competitive economic environment. Similar developments in other parts of the world, coupled to the new promises of biotechnology have forced all nations to take cognizance of the need to steer economic development on to a sustainable course and to protect the global heritage of biological diversity. This prompted adoption of the Agenda 21 for sustainable development and the signing of the international convention on biological diversity at the Rio Earth Summit in June 1992 (1,2). These documents recognize the role of indigenous communities and women in prudent management of ecological resources and call on nation states to respect their traditions and practices and strive for more equitable sharing of benefits of use of natural resources, especially biological diversity with the local communities.

We have every reason to be proud that amongst the Third World countries India is in the forefront of empowering people through democratic institutions, as witness the recent 73rd and 74th amendments to the constitution (3,4). India is also in the lead in revitalizing institutions for involving local communities in the management of natural resources as manifest in the joint forest management programmes, in force in West Bengal since 1974, and formalized through a Central Government circular in June 1990 (5). There have also been other significant initiatives such as the involvement of ryot sanghas, farmers' clubs in watershed development programmes in Karnataka. The spontaneous grass-roots support to the Literacy Mission in many parts of the country, and the development of village level resource mapping as a component of the post-literacy programmes by the Bharat Gyan Vigyan Samithi are pointers in the same direction (6).

India has a vibrant voluntary sector that has played a significant role in involving people in prudent management of environmental resources. The women of Chipko movement in Garhwal Himalayas continue to be active in ecodevelopment camps in the Alakananda valley (7). The farmers of in Sangli district of Maharashtra have worked with engineers to build the famous Baliraja dam and organize a system of equitable sharing of water resources on their own. Voluntary efforts have often concentrated simultaneously on health, education and environmental protection

and restoration. The recent plague epidemic in India has also focused attention on the need for much more serious effort at and people's involvement in maintenance of public health (8).

Simultaneously, we are increasingly realizing that working against nature will not help in the long run (9). We cannot indefinitely go on sucking out ground water while allowing the traditional small scale irrigation works to get silted up. We cannot forever control mosquitoes through broadcast spraying of DDT for they will evolve resistant strains. We cannot go on cutting down species rich rain forests and planting them with Eucalyptus for the monocultures will fall prey to the pink disease. We cannot go on multiplying the number of trawlers and purse seiners for the fish and shrimp stocks will be simply wiped out. Instead, we must work with nature, carefully fine-tuning our interventions, to get the services we want as efficiently as possible without introducing excessive perturbations. Thus we must keep levels of fertilizer usage as low as possible through carefully monitoring soil conditions, helping it retain its natural store of organic matter and microorganisms and then adding only the required nutrients at times geared to promote efficient uptake by crop plants. We must manage forests as far as possible by promoting natural regeneration of the multitude of indigenous species. We must deal with disease vectors like fleas and mosquitoes by controlling their breeding sites rather than by broadcast use of pesticides.

Such a programme of managing nature carefully by working with, rather than against it, calls for substantial inputs of information. For in this instance we are dealing with exceedingly complex systems highly variable in time and space. Detailed locality and time specific information is therefore an essential prerequisite of any system of careful, prudent handling of natural resources and the public health environment. Such detailed information, continually updated is available only with farmers, graziers, fisherfolk and forest dwellers who depend on it for the success of their day to day subsistence activities (10,11). Moving towards an information based management of natural resources will therefore have to depend on involving these practical ecologists in the management process. It is also these masses of Indians living close to the earth who stand to gain most from a shift towards a regime of sustainable use of natural resources, maintenance of local diversity and of a healthy public health environment. But today they have little or no control over their local environment and have instead become instruments of abuse of the country's common property resources. The challenge before us then is to move towards a system of sustainable use of natural resources, conservation of biodiversity and maintenance of a healthy public health environment by creating appropriate institutions that would put to good use the potential for genuine motivation and detailed practical ecological knowledge of local communities (12, 13).

As mentioned above. several tentative moves have already been made in this direction, moves such as the initiation of the

joint forest management programmes, extensive involvement of the voluntary sector in the literacy and drinking water missions, and the village level resource mapping programmes as a post-literacy activity. These moves need to be consolidated and appropriately linked to the country wide set up of Panchayat Raj institutions now being established. Unfortunately, the draft forest bill of 1994 makes little progress in this direction (14,15). As a result, the voluntary sector organized a series of local and regional meetings to discuss this draft culminating in a national conference in New Delhi between October 25-28, 1994 that opposed it. In response, Shri Kamal Nath, the Central Minister for Environment and Forests called on the voluntary sector to come up with its own alternative draft (16). The conference on draft forest bill concluded by stating that it will collectively work towards incorporating the views of tribals and forest dwellers all over the country and will then present an alternative plan, programme and draft legislation of the people for ratification (17).

This paper is based on a draft of what was termed as the "People's Natural Resource Management Bill" which was submitted to the Minister for Environment and Forests at this conference as a beginning towards the development of an alternative. This alternative was extensively discussed on October 26 and 27, 1994 at this conference, as also circulated widely to people in different parts of the country. This has generated extensive, very useful and detailed suggestions. The purpose of this paper is to present a version of the alternative draft revised fully in the light of these suggestions in the hope that it will help take further the process of development of a viable alternative plan, programme and legislation.

THE APPROACH

The current bureaucratic regime has greatly fragmented the control over and management of the country's natural resources amongst revenue, forest, irrigation, public works, public health and other departments. It has also established a bureaucratic monopoly over all information pertinent to environmental management treating the practical ecological knowledge of the people as irrelevant and providing no role for the extensive network of schools, colleges, universities and research institutes of the country in this process. We visualize instead that all public lands and waters will be managed in an integrated fashion in conjunction with the privately controlled lands and waters in any locality with the threefold objectives of sustainable use of natural resources, conservation of biological diversity and maintenance of a healthy public health environment. We also visualize this process as involving local communities as the principal actors, and being based on careful use of locality specific information through extensive involvement of local schools, colleges and research institutions. The Panchayat Raj

institutions must play an important role in this process. But the coverage of the lowest level panchayats is still too extensive to do justice to the highly locality specific task of managing natural resources. The proper basic units for such a task will have to be individual hamlets, settlements or villages. We therefore visualize "Village Nature, Health and Education Committees (VNHEC)" as the foundation on which the environmental management of the entire country would be built up through a bottom-up process. These institutions are also expected to play an important role in more effective management of public health, and revitalization of the educational system by linking it closely to first hand experience of local environment and development issues. These village level institutions will have to be properly linked to the Panchayat Raj institutions at village cluster, taluk and district levels.

In place of the incredibly fragmented bureaucratic system, we instead propose two basic regimes of environmental management : a supply regime for fulfilling the natural resource demands of the local people, as well as the larger economy, and a safety regime focusing on provision of ecosystem services and conservation of biological diversity. We must also create a system of positive incentives to ensure maintenance of high levels of biodiversity in the supply regime especially through protection of smaller safety zones, and provision for basic needs of people in the larger safety sites. We therefore visualize management of the entire landscape and waterscape of the country as a mosaic of supply sites and safety sites. This will have to be a co-management between local communities and the larger society and the larger society will especially have to help through the support of nature protection squads, help in conflict resolution and provision of technical inputs.

THE FRAMEWORK

1. Elements of land and water in any particular locality are linked together by flows of energy and material as well as by human resource use and are an integral part of the overall ecosystem of the region. Long term sustainable management of these resources calls for an integrated and decentralized approach. The basic unit of such a system of decentralized, integrated management should be a village/ hamlet / settlement.

2. The current fragmented system of management of public lands and waters should be replaced by a system based on reclassification of these lands and waters into safety sites and supply sites. The larger safety sites shall primarily consist of existing protected areas and areas with dense forest cover, low population density and a high proportion of tribal population. They shall also include ecologically significant areas in sea, rivers and wetlands. The remaining public lands and waters shall form supply sites for fulfilling the natural resource demands of

the people and the larger economy. A series of much smaller safety zones embedded in the supply sites would complement the larger sites. The management of safety sites will focus on provision of ecosystem services and conservation of biodiversity with adequate provisions for fulfillment of the basic needs of the local people. A system of positive incentives should be created to promote maintenance of high levels of biodiversity in both supply and safety sites.

3. All state controlled natural resources within the territorial limits of a unit of management such as village/hamlet/settlement, whether classified as supply or safety sites should be the collective property of the local community. The community should enjoy rights over all biomass, minerals, rocks and intellectual property rights pertaining to knowledge of uses associated with these lands and waters. The community shall have an advisory and supportive role in management of private property as well. Enjoyment of these rights shall be linked to continued good management of these resources and adherence to certain norms by the community. Such norms should aim to protect long term interests of the community, as well as of the ecosystems, promote equitable sharing of benefits especially with the weaker sections and incorporate a system of performance based rewards. *particular*

4. Village community level institutions involved in the management of natural resources should be simultaneously responsible for a comprehensive system of primary health care under decentralized management to replace the current system of primary health care. These institutions should look after all the promotive and preventive health care services, as well as organize certain curative aspects of primary health care needing simple skills and facilities for diagnosis, management and care. It should work closely with NGO's that are already providing these services or are willing to do so. These institutions should take full advantage of local human and veterinary health traditions. The village community should share control with the Government over the health care delivery system and contribute towards its operational costs. *carving*
rehabilitate
Gmt allocation

5. The village community institutions involved in the management of natural resources and public health should also be responsible for primary, secondary, vocational and non-formal education. Both the formal and nonformal systems of education at the village level should have significant components of interactive learning with the students and teachers involved in monitoring the status of local environment and public health situation. Such efforts in monitoring and preparation of management plans for local environment and health care, along with technical information from departments of agriculture, horticulture, animal husbandry, soil conservation, forestry, fishery, public health etc. should provide the learning situation and material for adult education. Vocational education should be designed to fit the local needs, infrastructure and natural resource availability with substantial inputs from the local community. The village community should make the fullest use of the information gathered through

monitoring as an integral component of the educational process for devising plans for the management of natural resources and public health.

6. The grama sabha of the village should be considered as the owner of all natural resources in the public domain within its territory and the final decision making body in management of natural resources, health and education. Benefits flowing from the utilization of natural resources should be equitably shared amongst members of gramasabha. Such benefits may be treated as tradeable but a person's share in the collective property is to be considered as inalienable. An elected or selected body termed as the Village Nature, Health and Education Committee (VNHEC) should function as a trustee for management of this collective property. It should serve as the executive body implementing the decisions of the gramasabha and management plan prepared by it. The VNHEC should have adequate powers to regulate access by outsiders, as well as group members, and to make the needed operational rules for management, and equitable sharing of benefits. The VNHEC should prepare plans for management of natural resources, health and education with participation and approval of gramasabha. These village level plans should form the basis of a larger regional plan incorporating management plans of other villages.

7. The government departments should not have a monopoly over executing works in the management plan, but should have to compete with private agencies and gramasabha members in winning contracts to do so. The VNHEC should closely monitor the implementation of such works and should have the powers to withhold payment in case of improper execution of works.

8. Several functions can be efficiently performed only at larger spatial scales above the village level such as taluk, district, or nation. For this purpose, representative committees should be formed at higher levels involving NHEC representatives from the preceding levels as members. Such committees should aid and support VNHECs in the following functions : (a) Coordinate management of contiguous patches of forests, water bodies, hill ranges belonging to individual VNHECs, (b) Organize sharing of indivisible, fugitive resources like surface and ground water, natural biological populations based on traditional arrangements and current requirements, (c) Deal with transboundary issues such as downstream influences and prevention of offences, (d) Disburse funds to VNHECs and also receive payments for certain services rendered by them to the larger society like conservation of biodiversity, monitoring of status of contagious diseases and vectors and participatory environmental impact assessment, (e) Ensure redressal of grievances of weaker sections and protection of their interests, (f) Organize evaluation of performance of individual VNHECs by an independent agency and allocation of funds on this basis. (g) Resolve disputes amongst lower level committees, (h) Provide advice and facilities to ensure that VNHECs get a fair price for market transactions involving surplus biomass, rocks, minerals, and intellectual property.

9. These institutions should function in close coordination with panchayat raj institutions at village cluster, taluk and district levels and with state and central governments and should include the elected members of such bodies at the respective levels along with VNHEC representatives. VNHEC should have primacy in all aspects of ownership and management of its collective property unless it violates the norms to be established by the district level panchayat body.

10. Currently, natural resources, health and education are separately managed in a centralized manner by various government agencies and departments. The role and powers of these Government agencies will be so redefined as to support the activities of VNHEC and be a part of an integrated, decentralized process of planning, implementation and management of natural resources, health and education. The development departments concerning natural resources like forest, agriculture, horticulture, animal husbandry and fisheries etc. should provide technical expertise and training. They should be one of several possible implementation agencies for the management plans prepared by the VNHEC and consolidated at panchayat level. Relevant departments concerned with law enforcement regarding natural resources like forest, revenue, pollution control, coast guard etc. should depute their officers to form a Nature Protection Squad. Control over and maintenance of such Nature Protection Squad shall be shared by district level NHEC body and the state government.

11. Environmental offences shall be defined in light of the norms and laws at state and national level. However there should be enough flexibility allowed at various levels to define offences and penalize offenders to suit the local context. The scope of the offences should be widened to include pollution, and commercial overexploitation.

12. Adequate provisions should be made for protection of interests of weaker sections by providing forums for redressal of grievances at appropriate levels. All activities of VNHEC and higher committees should come under the purview of the sub committee on welfare of weaker sections of the respective panchayat bodies and other relevant institutions at state and national level.

13. All conflicts between NHECs should be resolved by higher committees only. Nyaya panchayats should be constituted at panchayat level as per Karnataka 1983 act with all activities of VNHEC and panchayat level NHEC body within its jurisdiction. From taluk level upwards appropriate legal courts should perform this function. Special benches should to be constituted for speedy disposal of cases.

14. Continuous monitoring of status of natural resources, health and education with special reference to status of contagious diseases, population levels of crop pests, vectors and

Capable of
pathogens of humans and livestock diseases is essential for proper planning and efficient implementation. Such an effort should become a part of the interactive learning process in both formal and non formal education and help in increasing the general level of awareness amongst people.

2
evaluation for improvement
15. Allocation of funds to VNHEC should be based on the performance as evaluated by the local pre-university and college students and teachers. Parameters for evaluating performance of VNHEC should be defined and weights assigned to each parameter for management of natural resource, health, education at state level and for conservation of biodiversity at the national level. The payments to VNHEC's will be enhanced with good performance and withheld in case of very poor performance. Persistent bad performance should result in the takeover of the management of the VNHEC by higher level bodies until the VNHEC can ensure good performance. There should be internal auditing and evaluation of performance to scrutinize the utilization of funds by VNHEC and higher bodies. There should be no auditing by the government.

16. Livelihood and culture of tribals is closely inter-linked with forests. Livelihood of traditional fisherfolk and nomadic graziers and shifting cultivators may depend on access to resources across territories of several village communities. The new collective property regime of under VNHEC is likely to increase their cost of resource gathering and bring uncertainty in contractual arrangements made with individual VNHECs. The interests of such special groups should be adequately protected.

17. There should be a National Environmental Commission consisting of NHEC representatives, NGOs and scientists functioning as an independent authority to : (a) adjudicate over matters affecting natural resources, public health, pollution, displacement of people by development projects, commercial exploitation etc. (b) continuously monitor status of environment and health at the national level.

18. Adequate access to and dissemination of information is crucial to the success of the NHEC system. All VNHEC members and NHEC functionaries should have full right of information regarding any of activity of NHEC at all hierarchical levels. Grassroots level awareness of provisions of this bill, status of natural resources, health, management plans, budget allocations evaluation reports of VNHEC, working of higher committees are important for success of the programme.

19. The system envisages involvement of several institutions including NHECs at various levels of hierarchy, people's elected representatives, government departments, NGO's and commercial interests in management of natural resources, health and education. Under such a set up, it is important to ensure that the balance of power favours VNHEC and panchayat level institutions.

20. As the NHEC system is based on democratization and decentralization of power across the board, it is bound to face resistance from certain sections of government and vested interests and initially apathy from people. For it to be successful it has to be built up as a people's movement, with successful implementation of the system a part of the grass roots political agenda.

21. Decentralization of powers down to the village settlement levels would undoubtedly permit the dominant social elements at such levels to exert their influence. The system provides several checks and balances to minimize the distorting effects of such influences. In the more open, transparent processes thus visualized, the role of these influences should in any case be reduced in comparison with the role they can play in the current system.

THE BILL

Formation of Village Nature, Health and Education Committee and Higher Committees

1. Awareness of the bill and opportunities offered to people

1.1 It is necessary to create awareness at village level especially amongst weaker sections about provisions and opportunities offered under this bill. This should be attempted prior to initiating any of the processes envisaged under this bill. *creating awareness of health and problems*

1.2 Such a programme should be built along the lines of the National Literacy Campaign with active involvement of NGO's, local schools and colleges and local people. This should involve posters, information brochures and setting up permanent notice boards to display relevant information in prominent public places.

2. Formation of Village Nature, Health and Education Committee

2.1 Prior to the first meeting of gramasabha (assembly of all individuals of 18 years or above in the village or hamlet) for the formation of VNHEC sufficient notice and publicity should be given regarding its purpose, venue and date. Invitations should be sent to each family of the village and acknowledgement of receipt obtained. Similar procedures shall be followed for all subsequent meetings of gramasabha by VNHEC.

2.2 The unit of VNHEC can be a revenue village, hamlet or tribal settlement. The decision as to the appropriate unit to be

*docs
ANNEX*
selected should be arrived in the meetings of the various gramasabhas within the jurisdiction of a panchayat. Organizing a gramasabha as specified in 2.1 is the joint responsibility of the panchayat members, school teachers, local NGO's and the concerned revenue department functionary. This gramasabha shall be chaired by the president of the panchayat.

2.3 Members of VNHEC shall be selected/chosen by consensus in the gramasabha. The number and composition of such members is specified in section 25.6.

2.4. In case of a lack of consensus in gramasabha regarding selection of members of VNHEC, elections shall be held as per section 26.3.

2.5 During the initiation of this process of VNHEC formation the higher committees above VNHEC would not have been constituted during elections for VNHEC. In such a case, only the president of VNHEC and its representatives to PNHEC shall be elected by grama sabha. The elections should be supervised by the taluk panchayat body.

2.6 The entire expenses of such elections to VNHEC shall be deducted from its funds of component C as specified in section 13.1.

3. Qualifications for membership

3.1 The VNHEC members shall have a term of office equivalent to gram panchayat and the process of selection/election of members be staggered by at least 1 year with respect to that of panchayat elections.

3.2 Existing members of panchayat raj institutions, state legislative, or office bearers of cooperative institutions shall not be selected/elected as VNHEC members. Any sitting member of VNHEC shall lose the membership in case of acquisition of any of the memberships mentioned above.

3.3 VNHEC members should be permanent residents of the village and should not hold any transferable jobs either in private or public sector. *for one year*

4. Formation of higher committees

4.1 The higher committees shall be formed in a sequential manner at panchayat (PNHEC), regional (RFN), taluk (TNHEC), district (DNHEC), state (SNHEC) and national (NNHEC) level with membership as indicated in table 1.

4.2 Each committee shall select or elect its representative(s) for the next higher committee. Only VNHEC members shall hold the office of the president upto district level and acting vice

president at state and national level.

4.3 The representatives to higher committees, as well as the president\ vice president shall be recalled by 2/3 majority vote of the electorate.

5. Functioning of higher committees

5.1 All the Nature, Health and Education Committees (NHECs) shall have their permanent office in appropriate administrative headquarters. Such committees shall meet at least once every month for PNHEC and TNHEC, every two months for DNHEC, every four months for SNHEC and every six months for NNHEC. An extraordinary meeting can be called either by president or 1/3rd of members at a minimum notice of a quarter of this period to all members.

5.2 For NHEC committee meeting the quorum shall be the presence of at least half of its voting members. Such members shall lose membership for absence in two consecutive meetings without prior information and valid reasons for doing so. The non-voting members can be absent with prior permission and only after deputing a suitable person in their place.

5.3 The NHECs should have power to summon any relevant government official or examine any relevant record within its area of jurisdiction by giving adequate written notice.

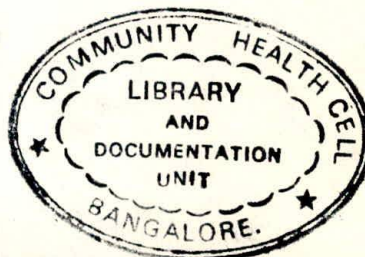
5.4 All proceedings and records of NHECs shall be open to public scrutiny and copies shall be provided on payment of duplication charges.

5.5 Allowances and facilities for NHEC members shall be equivalent to those of the elected members of panchayat bodies, state legislature and parliament at corresponding levels. The expenses in this regard shall be met by DNHEC funds till district level. At SNHEC and NNHEC level it shall be funded by state and central government respectively.

5.6 They shall operate in conformity with the provisions of subcommittee on welfare of weaker sections of panchayat bodies and other mechanisms for protection of weaker sections formulated by state government.

6. Nature, Health and Education Committee as a people's movement

6.1 As the NHEC system envisages decentralization and democratization of power in various sectors it is bound to face resistance on various fronts from certain sections government, vested interests and initial apathy from people. For NHEC to be successful, it has to be a people's movement with adequate protection to interests of weaker sections of society.



6.2 While legislation and policies are absolutely necessary for the functioning of NHEC system, they are by no means sufficient conditions. Protection of interests of weaker sections, preferential or increased allocation of benefits to poor, protection of livelihoods of groups of people dependent on grazing, shifting cultivation, non timber forest produce, inland fishing etc. cannot be ensured by rules alone.

6.3 NGO's should take up this challenge and strive to

a) create awareness amongst people about provisions of the NHEC system;

b) ensure transparency and accountability in NHEC;

c) make the issues of section 6.1 as social norms of people.

d) make successful working of NHEC system as a political agenda at the grassroot level democratic institutions.

6.4 TNHEC shall promote this by constituting NGO watchdog committees from active local NGOs.

6.5 The elected / selected president of NGO watchdog committee shall attend all NHEC meetings from TNHEC level onwards. Issues raised by him shall be answered within ten days by the relevant NHEC president. Each such committee shall select/elect one representative to the NGO watchdog committee for the next higher level in the hierarchy.

Village Nature, Health and Education Committee (VNHEC)

7. Delimitation of boundaries of VNHEC

7.1 As delimitation of boundaries is a complex task and can get contentious, it shall be carried out by PNHEC and TNHEC with the help of NGO's and concerned VNHECs.

7.2 To the extent possible, village revenue boundaries shall be used for this purpose. However existing rights and privileges in resource catchments, i.e., areas outside revenue boundaries from which people are used to meeting their biomass and other natural resource needs also have to be considered.

7.3 In case of two or more VNHECs sharing a single resource catchment like a forest patch, grazing lands etc. an attempt shall be made to arrive at a mutually agreeable consensus to the extent possible.

7.4 Attention should be paid to the traditional rules and conventions governing the sharing of such resource catchments especially with respect to water bodies like ponds, rivers and

sea by two or more communities. In the event of dispute decision shall be given by TNHEC as per section 21.

7.5 VNHECs sharing a continuous resource patch as in section 7.3 or indivisible resources like ground water and streams shall be subject to the authority of a federation of all such VNHECs as per section 19.

8. Accrual of property rights

8.1 After delimitation of territories the boundaries are to be demarcated conspicuously and permanently. A permanent record is to be made consisting of location map of boundaries, land survey numbers and area of each of the survey number involved. Special attention should be paid to boundaries in water bodies and their satisfactory demarcation ensured based either on traditional practices or any other appropriate method.

8.2 The boundaries thus fixed shall be altered only under certain special circumstances. The entire public lands and waters within the territory as declared in section 8.1 and benefits accruing from minerals, rocks and living organisms like plants, animals, microorganisms in it including intellectual property rights (IPR) relating to knowledge of uses of living organisms shall be deemed as the collective property of the Gramasabha.

8.3 Notwithstanding anything said anywhere else enjoyment of the collective property rights under section 8.2 shall be subject to certain conditionalities prescribed by DNHEC as per section 25. Records regarding the territories of VNHEC shall be deposited with PNHEC and TNHEC.

8.4 The share of the collective property to any member of gramasabha is inalienable and shall not be traded. However, the specific benefits accrued to a member are tradeable.

8.5 The existing privileges in the public lands and waters shall continue under the new regime of collective property. The privileges shall be reviewed by DNHEC as per section 29.2.

9. Bench mark survey on status of Nature, Health and Education

9.1 This process shall be initiated by PNHEC. It shall involve closely all the VNHEC members, volunteers from local people, teachers and students of local school and NGO's.

9.2 The survey shall make use of and also record practical ecological knowledge of local people. The parameters for status on natural resources, health, education shall be specified as per procedures and formats indicated in section 26.1. Such a process shall involve simple techniques of data gathering.

9.3 Findings of such a survey shall constitute a 'community register' which shall be treated as a permanent record of VNHEC. It shall be updated based on annual evaluation reports of VNHEC and copies sent to PNHEC and TNHEC. Any unauthorized alterations shall be considered an offense under section 33.1.

10. Preparation of management plan and recruitment of staff by Village Nature, Health and Education Committee

10.1 After preparation of community register the VNHEC shall prepare a comprehensive management plan regarding natural resources, primary health care and education within its jurisdiction. Such a plan shall be prepared at and shall also have the approval of one or more meetings of gramasabha called for this purpose.

10.2 The gramasabha shall appoint village health worker (VHW)(s) and village education worker (VEW)(s) . It shall also appoint other staff necessary for management of natural resources. Such staff shall receive training as per section 20.2 and be subject to service rules as per section 26.5.

10.3 The management plan shall include the following:

(a) Measures needed for development / improvement of natural resources, village sanitation, primary health care and formal, nonformal and vocational education. It shall also specify prioritization of works to be taken up for implementation.

(b) Physical works to be carried out like soil and water conservation, village sanitation, drainage, afforestation etc. shall be clearly indicated on the map and plan and estimates made for them.

(c) It shall identify as safety zones certain areas suitable for conservation like water-sheds, pristine areas including those in sea and wetlands, and sacred groves. It shall specify measures to promote and conserve biodiversity in both public and private lands as well as waters. Such efforts shall include individual efforts in conservation like cultivation of local cultivars, maintenance of wild relatives of cultivated plants/animals.

(d) Decision of VNHEC shall be final regarding the plan in case of any dispute with PNHEC's or RFN provided it does not violate section 25.

(e) This plan shall also take into account outside pressures like commercial demand, pollution effects, and nomadic graziers.

10.4 The management plan shall be incorporated into a larger regional plan by PNHEC preferably on a watershed basis. It shall decide on the works to be taken up and suitably allot funds of

component M of VNHEC as per section 13.4. Government departments like PWD, soil conservation etc. shall not have a monopoly in carrying out these works and shall compete with gramasabha members and private agencies for contracts for the works.

10.5 The payments for works executed shall be made by the committee handling component M as in section 13.4.

(a) It shall, if necessary appoint a monitoring committee of gramasabha members to supervise the implementation of works.

(b) It shall withhold payments for unsatisfactory completion / quality of works.

11. Functioning of Village Health Worker (VHW)

11.1 The VHW(S) shall perform the following functions along with any other functions assigned by gramasabha from time to time.

(a) Provide treatment to certain categories of ailments as per section 37.4 and table 3 refer other ailments to the Primary Health Centre and Community Health Centre. She/he shall maintain records of the patients treated or referred. *Subcentre*

(b) Assist gramasabha in planning for village sanitation and public health, conservation of medicinal plants and utilization of local health traditions and monitor implementation of these programmes.

(c) Create awareness regarding family planning, maternity care, nutrition by involving local people / NGO's, local teachers / students in periodic monitoring of health status and campaigns. She/he will ensure that trained Dais provide adequate maternity care.

(d) She/he shall maintain records and carry out monitoring of status of communicable diseases, vectors, stomach worms, drinking water and other relevant health parameters.

(e) She/he shall involve local village education worker(s), school teachers/students, local health practitioners and other volunteers in monitoring the health status of the people as well as public health related aspects of the environment.

12. Functioning of Village Education Worker (VEW)

12.1 VEW shall function as the secretary to VNHEC and shall perform the following duties along with others assigned by gramasabha.

12.2 Send invitations for and give publicity about gramasabha meetings and training programmes.

12.3 Maintain relevant records of VNHEC like community register, management plan, proceedings of VNHEC, budget allocations etc.

12.4 Coordinate the implementation of extension activities of development departments and vocational training.

12.5 These records and technical inputs shall form the learning situation for adult literacy programme. Along with a team of volunteers, she/he shall run the adult literacy programme and work with the local school teachers and students in monitoring the parameters of natural resources and education.

12.6 Formulate a vocational training programme for the village and ensure that such trainees get continued support from PNHEC and TNHEC.

12.7 Both VEW and VHW shall receive periodic training as per section 20.2. They shall receive payments from PNHEC from component M of VNHEC subject to recommendations of gramasabha.

13. Handling finances

13.1. There shall be a fund called VNHEC fund and it shall receive the money from following sources.

(a) All proceeds from sale, auction and appropriation of benefits from the property in its territory as in section 8.1.

(b) From certain taxes levied and fees as decided by it.

(c) Payments from National Environment Fund as Component C or service charges as per section 32. The quantum of these funds shall depend on services performed with respect to conservation of elements of biological diversity, participatory environmental impact assessment, monitoring of disease vector populations etc.

13.2 This VNHEC fund shall be deposited in the nearest Bank or post office and the accounts shall be operated jointly by 2 VNHEC members nominated by gramasabha one of whom shall belong to weaker sections.

13.3 VNHEC funds shall be treated as untied funds and can be allocated in any way deemed fit by VNHEC. Gramasabha shall have full knowledge of extent and allocation of VNHEC funds and all records have to be presented in its meeting. PNHEC also has an advisory role in allocation of VNHEC fund and shall receive a copy of dealings regarding VNHEC fund.

13.4 Funds sanctioned by DNHEC for the management plan prepared by VNHEC referred to as component M shall be vested with PNHEC. It shall be deposited in the nearest post office/Bank and shall be operated by president of gram panchayat, representative of VNHEC in panchayat and operators of VNHEC fund.

14. Working of Village Nature, Health Education Committee

14.1 The VNHEC shall function as the trustee to manage collective property of gramasabha. It shall carry out the management plan and other decisions of gramasabha. It shall have sufficient powers to ensure effective management of natural resources, health and education.

14.2 It shall design appropriate operational rules for usage and appropriation of benefits from collective property of grama sabha and implementation of management plan in general.

14.3 It shall ensure proper functioning of VEW and VHW and receive complaints regarding their functioning.

14.4 It shall share control over all facilities of primary, secondary, non-formal and vocational education and primary health care within its jurisdiction and ensure their proper functioning.

14.5 It shall organize gramasabha on a regular basis of at least once in 2 months to be chaired by either the PNHEC chairman or the VNHEC representative to it. All the details of various activities of VNHEC shall be placed before it and discussed.

14.6 It shall participate in environmental impact assessment of development projects and pollution causing industries affecting them as per section 30.

14.7 Certain groups like nomadic graziers, fisherfolk, shifting cultivators, artisans depend on de-facto open access to government owned lands and waters across resource catchments of several villages for their livelihood. Under the new collective property regime of VNHEC the costs of obtaining such access would increase and the informal arrangements made amongst themselves and as well as with the villagers would be put on uncertain footing. VNHEC shall take cognizance of these issues and make suitable provisions in the management plan.

15. Prevention of offences and law enforcement

15.1 VNHEC shall also decide on what actions constitute an environmental offence and take effective measures to prevent it as per table 2. Provisions of section 25 supersede this section.

15.2 VNHEC shall devise mechanisms for prevention of offences as declared in section 15.1 which can include :

(a) formation of village defence committees as in the Indian Penal Code.

(b) system of rewards for information/apprehending offenders.

(c) organize checks along roads and paths on to the forest patch.

(d) regulate harvest of timber forest produce/fish/grazing pressure/NTFP extraction.

(e) any other measures found suitable/needed

15.3 The burden of proof of there being an offence shall be on the VNHEC and it can levy a fine or any other punishment deemed fit under section 15.1. The offender under section 15.2 shall have recourse to an appeal to Nyaya Panchayat under section 18.2 within 7 days of receiving a verdict from VNHEC.

15.4 VNHEC shall request the help of Nature Protection Squad constituted as per section 33.3 through PNHEC for prevention of offenses, and help in law enforcement. Such requests should be in the written format specifying nature of help, location and duration for which it is required.

15.5 VNHEC shall make efforts to give publicity to the information on environmental offences and punishments for such offences.

Panchayat Nature, Health and Education Committee (PNHEC)

16. Working of Panchayat Nature, Health and Education Committee

16.1 It shall function as a subcommittee of the Panchayat and enjoy autonomous powers unless it violates the DNHEC norms and provisions of Panchayat subcommittee on weaker sections.

16.2 From the individual management plans of VNHEC it shall prepare a Panchayat level management plan integrating into such a plan prescriptions for all the areas over which it has control under 11th schedule of 73rd constitutional amendment act 1993.

16.3 Members from Nature Protection Squad set up as per section 33 shall attend the PNHEC meetings and be available constantly for specific PNHECs to accept written complaints and to take necessary action. The exact strength of such members assigned to PNHECs shall be decided upon by TNHEC.

16.4 All the funds received for the management plan of VNHEC shall be controlled jointly as per section 13.4. The funds received as service charges shall be handed over to VNHEC.

16.5 It shall ensure proper evaluation of VNHEC by a team appointed by TNHEC and as well as internal auditing as per section 23.2. It shall send the reports to TNHEC and be responsible for their authenticity along with the evaluating agencies.

16.6 It shall make payments to VEW and VHW as per gramasabha recommendations and to evaluating agencies as per DNHEC norms.

16.7 It shall share control over all educational and health facilities provided for as per SNHEC decisions in section 37.4.

16.8 It shall arrange for vocational education as per PNHEC management plan and also provide market, technical, credit linkages for trainees at Panchayat level itself.

16.9 It shall initiate participatory environmental impact assessment as per section 30 by VNHEC.

16.10 It will undertake all activities to support functioning of VNHEC and any other tasks assigned by DNHEC.

17. Monitoring and evaluation

17.1 PNHEC shall make payments for students/teachers, people from village community who are involved in the initial benchmark survey and continuous monitoring of natural resources, health and education.

18. Conflict resolution and redressal of grievances

18.1 It shall refer all disputes between VNHECs to TNHEC and shall carry out delimitation of boundaries for VNHECs.

18.2 Any grievances shall be referred to Nyaya Panchayats which shall be set up as per Karnataka Mandal Panchayat and Nyaya Panchayat Act 1983. Such grievances can also be referred to all relevant forums and panchayat level subcommittee on weaker sections.

Regional Federation (RFN)

19. Functioning of RFN

19.1 Whenever control over a physically continuous patch like a forest, hillock, or pond happens to be under more than one VNHEC belonging to different PNHECs such regional federations shall be formed.

19.2 Such RFN shall consist of Presidents of constituent VNHECs and representatives of Nature Protection Squad and NGOs.

19.3 It shall ensure that the measures taken under management plan and prevention of environmental offences shall not adversely affect the operation of other adjoining VNHECs.

19.4 It shall ensure coordination and close cooperation amongst its members especially in sharing indivisible resources like ground water, streams, natural biological populations like wild life.

19.5 The president of RFN shall be elected by the constituent VNHEC Presidents. In case of failure to implement section 19.3 and 19.4 he shall seek the intervention of TNHEC.

19.6 Certain groups like migrant graziers, artisanal fisherfolk and non timber forest produce collectors though residents of a particular village/hamlet/settlement depend for their livelihood on free and/or subsidized access to resources over large tracts extending over several villages or even districts in certain cases. The representatives from such groups should form one or more regional federations (RFN) at an appropriate level at or below the district level as per section 25.6.

19.7 The president of such an RFN shall be elected/selected by the representatives. He/she shall seek to protect the interests of his/her constituents such as migrant graziers, traditional fisherfolk, non timber forest produce collectors as the case may be.

Taluk Nature, health and education committee (TNHEC)

20. Supporting activities of VNHEC

20.1 TNHEC shall provide all technical support like maps, instruments, training needed for benchmark survey, monitoring and evaluation of health, education and natural resource parameters in coordination with technical cell of DNHEC.

20.2 It shall train VEW and VHW periodically, provide for vocational training as per PNHEC management plan, also extend technical and market linkages through relevant institutions at taluk level.

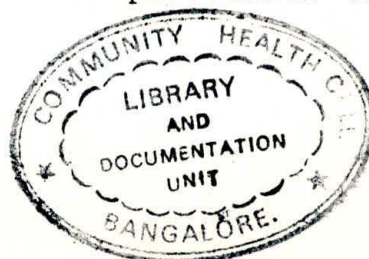
20.3 It shall share control with all relevant departments over health care facilities and education institutions upto pre-university level and ensure that they function as per PNHEC management plan and DNHEC norms.

21. Allotment of territories to VNHEC

21.1 TNHEC shall decide on partitioning of territories in case of disputes between VNHECs by considering population, biomass demand of contending parties, status of resource catchment, existing conventions and rules of use.

21.2 The criteria for allotment of territories shall be worked out by DNHEC. It shall also outline the procedures to ascertain

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such criteria in the field.

21.3 The decision given by TNHEC shall be open to appeal to DNHEC. However, decision by DNHEC shall be final and binding on the parties.

21.4 TNHEC shall take the final decision on sharing or management of indivisible resources between VNHECs like streams, ground water, wildlife etc. or in dealing with claims of migrant graziers, artisanal fisherfolk, non timber forest produce collectors. This shall be done either in case of an appeal by relevant RFN of such groups, concerned VNHECs or RFN president.

22. Working of Taluk Nature, Health and Education Committee

22.1 It shall have in its deposition the records of collective property rights of all the VNHECs, management plans of PNHEC and VNHEC, evaluation reports of all VNHECs. It shall store all the information in the community register in a preferably computerized data base. Such information shall be updated every year.

22.2 It shall also maintain a counter in the local college/high school to receive inputs for community register. Such information shall have to be verified by annual evaluation committee of the concerned area.

22.3 It shall promote maintenance of specimens of elements of biodiversity in colleges and pay special attention to in situ conservation of biodiversity in VNHECs.

22.4 It shall identify VNHECs with poor performance and pay special attention to improving their working through the respective PNHECs. On persistent poor performance (2 consecutive years) it can take over such VNHEC under section 27.2.

22.5 It shall exercise punitive powers with respect to offences regarding monitoring and evaluation, corruption charges against VNHEC, PNHEC, and Nature Protection Squad members and take necessary action under section 27.2.

22.6 The TNHEC shall have a nodal centre of the National Informatics Centre Electronic Network, NICNET, which is currently at district level. This shall be used for communication with higher committees, to send time bound information on status of communicable diseases, population of vectors etc.

23. Monitoring and evaluation of Village Nature, Health and Education Committees and Panchayat Nature, Health and Education Committees

23.1 It shall exercise operational authority in appointment of evaluation committees for VNHECs from students and teachers of

local pre-university and under-graduate colleges and NGO's.

23.2 It shall depute up to 7 members of PNHEC as internal auditors to PNHEC. They shall be chosen on a lottery basis during the regular meeting of TNHEC. Each PNHEC shall undergo such an audit at a minimum of once in 2 years as per section 26.4

23.3 It shall prepare an abstract of performance evaluation reports of PNHEC regarding performance of individual VNHECs with respect to management plan (component M) as also conservation and promotion of biodiversity (component C).

23.4 Based on evaluation reports and internal auditing it can recommend to DNHEC every year 5 VNHECs for rewards which shall go to their component C. Based on such reports, it shall also accord non-material rewards like titles or certificates to honour either persons/VNHECs with exceptional contributions in these efforts.

24. Conflict resolution and redressal of grievances

24.1 It shall resolve conflicts between PNHECs and VNHECs and conduct necessary investigations after obtaining evidence from both the parties.

24.2 It shall depute an officer of the Nature Protection Squad to receive complaints from weaker sections regarding operations of VNHEC and PNHEC and give a written acknowledgement of receipt of the same. This provision would be publicized widely.

24.3 Within 10 days of such complaint the secretary of TNHEC shall seek an explanation from concerned VNHEC/TNHEC president and place it before TNHEC and notify the subcommittee for welfare of weaker sections and social welfare department at taluk and panchayat level in this regard.

District Nature, Health and Education Committee (DNHEC)

25. Norms

25.1 DNHEC norms are a set of rules which all DNHECs shall have to specifically design and strive towards their compliance within their territories. These norms should ensure that :

25.2 The lands and waters vested with VNHECs should not be privatized or put to any use benefiting private parties to the detriment of the general community by altering their status.

25.3 Existing conservation practices like sacred animals, trees, groves, ponds, etc. shall be protected, as also practical ecological knowledge of people would be recognized, respected and rewarded.

25.4 No forest produce shall be harvested except under the plan prepared / procedures laid down by VNHECs. Clear-felling of trees and sale of timber above a certain ceiling limit would need prior written permission of TNHEC.

25.5 It shall lay down procedures for VNHEC to reward individuals for in situ conservation efforts like growing of local cultivars and maintenance of other genetic resources of value.

25.6 It shall stipulate the total number of members of VNHEC in proportion to the population and its composition. It shall also specify the proportion of seats reserved for weaker sections in the VNHEC. It shall also specify the number and spatial coverage of special regional federations representing resource users like migrant graziers, artisanal fisherfolk and non timber forest produce collectors.

25.7 The migrant graziers shall have their traditional right of way across any of the VNHEC property. It shall be altered only after providing them with a satisfactory alternate passage.

26. Procedures and formats to be designed

26.1 It shall in consultation with the technical cell set up as per section 28.1 and NGO's prepare formats for recording information on the following.

(a) Details regarding property assigned to VNHEC and permanent records regarding such property.

(b) Information on socioeconomic and environmental parameters especially relating to natural resource use, health and education of people.

(c) Community register which documents elements of biodiversity and associated knowledge systems.

26.2 It shall design procedures for rewarding persons involved in the initial benchmark survey and also for regular monitoring, evaluation and internal auditing of VNHECs from component M.

26.3 It shall set up the procedure for the election process of VNHEC members.

26.4 DNHEC shall also design procedures for internal auditing of PNHEC to be carried out by members of the other PNHECs.

26.5 DNHEC shall formulate the service rules for village health and education workers.

27. Ensuring compliance to the norms

27.1 It shall be the responsibility of PNHEC and TNHEC and

especially Nature Protection Squad that norms prepared by DNHEC are implemented by VNHEC. Noncompliance of this section shall be reported to DNHEC and could result in prosecution of concerned VNHEC president/members and/or take over of VNHEC by TNHEC.

27.2 It should devise procedures by which TNHEC shall be empowered to take over VNHECs collective property with persistent bad performance as per the Evaluation Committee reports and also terms for restoring it to VNHEC.

28. Establishment of a Technical Cell

28.1 The DNHEC shall set up a Technical Cell with adequate infrastructure. This shall work in close association with scientific research institutions, universities, colleges as well as the local population, especially people with high levels of practical ecological knowledge such as fisherfolk or traditional health practitioners.

28.2 The Technical Cell shall address the environmental and public health problems/issues faced by VNHECs or other bodies or individuals to generate locality specific solutions taking cognizance of modern scientific knowledge as well as practical ecological experience of people.

28.3 It shall extend to VNHEC & PNHEC technical help for preparation of management plan. It shall disseminate relevant information for the people in the local language.

29. Working of District Nature, Health and Education Committee (DNHEC)

29.1 DNHEC shall function as a sub-committee of Zilla Parishat. It shall have autonomous powers in matters concerning natural resources, health and education unless it violates the laws of the land or verdict of Zilla Parishat sub-committee on protection of weaker sections.

29.2 It shall have power to make new rules and change any of the provisions regarding NHECs under its control as in table 2. An appeal against such rules will be with the court of law and not any state NHEC or NEC.

29.3 For this, it shall convene a meeting of NGO watch dog committee along with DNHEC and allow for sufficient debate, after giving one month notice about such meeting and circulating the information on new rules/amendments to all participants.

29.4 Any further changes in the policies to be recommended shall require a quorum of 80 percent of members and 3/4 majority, the NGO watchdog committee representatives shall have voting rights at such meetings.

29.5 It shall give rewards to people, VNHECs and RFNs as per recommendations of the TNHEC.

29.6 It shall also recruit the needed office staff for its own and TNHEC activities and such recruited officials shall be under total control of DNHEC.

29.7 The funds for maintenance of DNHEC, technical cell and TNHEC shall come from the DNHEC fund which is formed by contribution of a fixed percentage of components C and M and shall be clearly indicated in the processes of distribution of funds to VNHEC.

30. Participatory Environmental Impact Assessment

30.1 There shall be a participatory environmental impact assessment of various impacts on VNHECs like pollution, urban sewage and waste, mining and various development projects.

30.2 This shall be initiated by DNHEC either on its own, or on suggestions by concerned VNHECs, on request from the National Environment Commission, Government agencies, or private enterprises.

30.3 The technical cell of the DNHEC shall carry out such an exercise with the help of affected VNHEC members. The state pollution control authorities and other such Governmental agencies shall provide needed expertise, infrastructural support and training.

30.4 This process shall be carried out for existing problems as well as proposed projects which come under conditions of section 41.6. The finalized report shall be used to present the case of VNHEC as per section 41.7.

31. Monitoring and Evaluation

31.1 It shall set up a standing committee for monitoring and evaluation at district level consisting of one member from each Taluk evaluation committee which shall submit status report of each TNHEC level functioning.

31.2 Such reports shall be compiled and analyzed by the technical cell. The DNHEC shall receive compiled evaluation reports and internal auditing reports from TNHECs directly.

32. Sources of Funds and Handling of Finances

32.1 It shall annually receive from SNHEC funds towards component M upon submission of abstracts of evaluation reports of PNHECs, and from NNHEC funds towards component C on submission of evaluation report abstracts of VNHECs.

32.2 The funds shall be allotted based on performance as per section 32.1. The sum total of the performance of constituent VNHECs shall be considered as the performance of the DNHEC for both components.

32.3 In the event of false performance claims the president of the concerned agency like VNHEC \ PNHEC \ TNHEC or evaluation committee leader shall be held accountable under section 35.2.

32.4 It shall publish the evaluation reports and financial allocations.

33. Prevention of Offences and Nature Protection Squad

33.1 It shall formulate a set of rules to define offences as in table 2 which shall be binding on TNHEC, PNHEC and DNHEC itself. Such rules shall form the general basis of trial of offenders in the court of law and Nyaya Panchayat and all NHEC bodies below the district level.

33.2 DNHEC shall request deputation for staff of Nature Protection Squad from the existing personnel of state forest department and other relevant departments like coast guard, police, excise, revenue, etc. depending on its requirements.

33.3 The control over such squad shall be shared between DNHEC and the concerned departments. Exact mechanisms of such sharing of control shall have to be worked out in each state with respect to payments, increments, promotions, transfer etc.

33.4 The primary task of Nature Protection Squads is to assist VNHECs in prevention of environmental offences. Nature Protection Squads shall ensure that DNHEC norms are followed by VNHEC, PNHEC, RFN and TNHEC. In case of non-compliance they can report to DNHEC president and also to state level officer of Nature Protection Squad at SNHEC.

33.5 DNHEC must take notice of such written reports by Nature Protection Squad and take appropriate action within 21 days of receiving such reports and send a copy of action taken to state level officer of Nature Protection Squad.

34. Conflict Resolution and Redressal of Grievances

34.1 The DNHEC shall design procedures for establishment and operation of Forums of Redressal and Conflict Resolution at Panchayat level called Nyaya Panchayats. These shall follow the model of the Karnataka Mandal Panchayat and Nyaya Panchayat Act 1983.

34.2 It shall be the final forum for resolution of conflict between any VNHEC and PNHECs. However in the case of TNHECs the

final authority shall be SNHEC.

34.3 It shall set up a district level watchdog committee with representatives from each of the TNHEC level watchdog committees. It shall be mandatory for DNHEC to enquire into written complaints given by the same and carry out follow up action within one month of such complaints.

34.4 It shall also suggest changes in management plan of VNHEC in accordance with RFN as per recommendation of TNHEC after giving a fair hearing to concerned VNHEC.

State Nature, Health and Education Committee (SNHEC)

35. Changes in policy at state level

35.1 The provisions of this bill need large scale changes in the existing laws and policies of state. At the initiation of this process the SNHEC shall be responsible for drafting the required changes.

35.2 The new policies shall promote management of all natural resources on an integrated and decentralized basis. The environmental offences shall be defined with respect to natural resources and public health including pollution and deleterious effects of commercial exploitation and urban waste and sewage, and with respect to false claims of performance, for instance of conservation of biological diversity.

35.3 The process of preparation of drafts of new legislation shall involve DNHECs and NGO watchdog committee members.

35.4 Any further changes in the policies to be recommended shall require a quorum of 80 percent of members and 3/4 majority. The NGO watchdog committee representatives shall have voting rights in such meetings.

35.5 In the task of formulating and drafting of the policies SNHEC shall be helped by the relevant departments and legal cell of state government.

36. Sharing control over relevant government departments

36.1 The powers and functioning of government departments concerning natural resources, health and education shall have to be reoriented as per the provisions under the NHEC system. The SNHEC shall design appropriate set of rules and procedures for this purpose along with NGOs and relevant departmental secretaries.

36.2 It shall share administrative control on Nature Protection Squad and education, and health facilities provided on the basis

of section 37.4.

37. Working of State Nature, Health and Education Committee

37.1 It shall set up a standing committee of scientists belonging to R and D institutions and universities to take up research and evolve management strategies on specific problems as suggested by the technical cell of DNHEC and provide expertise for planning and development.

37.2 There shall be internal auditing of every DNHEC at least once in two years by other DNHEC members.

37.3 It shall reward the best performing DNHECs with respect to component M every year

37.4 It shall ensure that state government shall provide the facilities for health care and education mentioned in tables 3 and 4 as the minimum requirement. The number of such facilities to be provided and categories of diseases to be treated at each level shall be decided on a regional basis considering its remoteness and extent of current availability of such services.

37.5 The curriculum for formal education till pre-university level shall include interactive learning through monitoring the status of local natural resources, public health environment, socio-economic milieu and ongoing development processes. There should be enough flexibility built in for the DNHECs to tailor the education to their locality specific needs and culture of people. The non-formal and vocational education shall be designed and implemented at the TNHEC and PNHEC levels.

37.6 It shall deal with losses caused by pollution, urban waste and sewage and unfair trade practices by commercial interests causing loss to VNHECs. It shall be vested with enough penal powers by National Environment Commission for this purpose as per sections 41.5, 41.6 and policies of section 35.

37.7 The costs for maintenance of SNHEC shall be borne by the state government.

37.8 There shall be a State Nature, Health, Education Fund which shall receive contributions from state government funds earmarked towards development of Natural resources, Health and Education. The relevant procedures and norms of election by state government should be worked out under sections 35.0 and 36.0. DNHEC and SSA shall receive their component M from this Fund as per their evaluated performance.

38. Monitoring and evaluation

38.1 The SNHEC shall decide on the parameters for evaluation of natural resources, education and health care. It shall compile

the results of monitoring these parameters from TNHEC and DNHEC reports which are to be published by it periodically.

38.2 It shall set up a body of scientists, NGOs and SNHEC members to assign values to parameters of health, education and natural resources which shall be periodically reviewed based on the findings of section 38.1.

38.3 The entire process in section 38.2 shall be transparent and the copies of the decisions sent to all VNHECs by the committee.

38.4 It shall set up a computer based data bank with adequate safeguards for relevant intellectual property rights containing information on natural resources including biodiversity, health and education and community registers of VNHECs and link this to the NICNET operated by the National Informatics Centre.

38.5 Such data bank shall remain under the joint control of SNHEC Vice President and Presidents of NGO watchdog committee and evaluating committee mentioned in sections 39.2 and 38.2.

39. Conflict resolution and forums for redressal

39.1 It shall be the final forum for appeal regarding any disputes about TNHEC located within the state.

39.2 It shall also set up a watchdog committee of NGO's at state level having representatives from each district which shall help SNHEC functioning.

National Nature, Health and Education Committee (NNHEC)

40. Supporting the policies of NHEC

40.1 As in the case of SNHEC it shall draft new policies required for the central government under the NHEC system. It shall follow the procedures similar to those in sections 35, 36. The focus shall be on concurrent subjects of state and center and on safety sites.

41. National Environment Commission (NEC)

41.1 It shall be constituted from NNHEC representatives, scientists and NGOs with outstanding contributions in natural resources, health, and education. It shall have an independent status and shall be answerable only to the parliament.

41.2 It shall be vested with judicial powers for resolving disputes within areas of its mandate. It shall have the mandate on all external impacts on VNHEC like pollution, commercial exploitative forces, loss/displacement by development projects of

government, pest and disease epidemics, etc.

41.3 Based on the monitoring committee reports from DNHEC, SSA and SNHEC it shall assign values to elements of biodiversity and identify parameters for evaluation of biodiversity which shall apply to the entire country.

41.4 It shall also collect information on status of communicable diseases, vector populations and pest and disease outbreaks of crops as well as livestock on a regular basis.

41.5 It shall receive petitions on pollution, adverse effects of urban areas, displacement of persons in developmental projects etc. and initiate an enquiry at DNHEC or / and SNHEC levels.

41.6 Such cases shall be classified based on the magnitude of the problem and loss and assigned to appropriate levels. Decisions at lower forums shall be open to appeal in NEC and its verdict shall have an appeal only to the special bench of the Supreme Court.

41.7 In order to conduct an enquiry NEC shall appoint a panel of relevant scientific experts, lawyers, NGOs and NNHEC members at national, state and district levels. They shall hear the case of affected VNHECs or people and conduct direct investigations in the field. The findings of the panel and its judgement shall be published.

41.8 The panel shall receive financial assistance and honorarium from NEC and shall be held accountable for their findings.

41.9 The scope of the enquiry shall include existing instances of section 41.5. The proposed projects shall obtain a clearance certificate at the appropriate forums as per section 41.6.

42. Functioning of National Nature, Health and Education Committee

42.1 There shall be a National Environment Fund and such a fund shall receive the following contributions.

(a) From biodiversity cess to be levied by central government on all commodities which benefit from usage of elements of biodiversity.

(b) Funds earmarked for conservation of biodiversity and towards management of protected areas by state and central governments.

(c) Contributions from international forums, future payments received for royalties based on genetic resources and knowledge pertaining to it on which India has sovereign rights.

(d) Fees charged to development projects, industries etc.

for organizing participatory environmental impact assessment.

(e) Cess on industries and urban areas causing pollution.

(f) Funds earmarked for monitoring status of contagious diseases, pests and diseases of crops and livestock and vector populations.

42.2 Funds shall be allotted to individual DNHECs based on performance reports submitted by the district level monitoring committees.

42.3 It shall stake claims in all appropriate forums for intellectual property rights of the VNHECs as per recommendations of either DNHEC, SSA or SNHEC.

42.4 The country's interest in matters regarding natural resources shall be represented by NNHEC in all international forums.

42.5 It shall support working of Nature Protection Squads in DNHEC and also ensure that law enforcement agencies cooperate with it and extend infrastructural support.

42.6 It shall pay special attention and extend support to management of safety sites and ensure their smooth functioning.

42.7 The costs for maintenance of NNHEC shall be borne by the Government of India.

42.8 It shall coordinate the laws and plans for development between states so that environmental offenders shall not take advantage of such differences between DNHECs. This shall be done by giving appropriate directions to DNHECs and SNHECs.

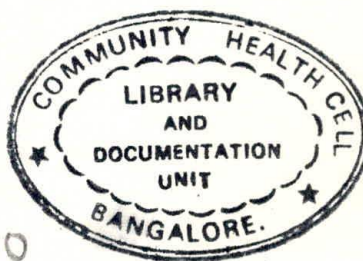
42.9 It shall be the final authority to decide in disputes/conflicts at DNHEC and SNHEC level.

42.10 It shall reward the best performing DNHECs regarding component C based on a system of internal auditing of section 37.2.

Safety Site Authority (SSA)

43. Management of safety sites

43.1 The safety sites in contrast with supply sites shall be carved out of areas of dense forests and sparse population, well preserved freshwater and marine habitats, existing wildlife sanctuaries, national parks, biosphere reserves and other protected areas. The emphasis shall be on continuity of the patch and on in situ conservation of biodiversity elements.



43.2 The system of management shall be similar to that of supply sites with certain modifications. Suitable mechanisms shall be designed keeping in mind the interests of both people living in the interior of such patches and at the periphery as well as wildlife and other elements of biological diversity.

43.3 SSA shall be the equivalent of DNHEC. In case VNHECs being more than 25 it shall be formed from RFNs. In cases where less than 25 VNHECs are present it shall be directly formed from VNHECs.

44. Delimitation of boundaries of safety sites \ SSA and VNHEC

44.1 Initially the existing boundaries of protected areas shall be accepted.

44.2 The task of redefining the boundaries of sites from existing protected areas and other suitable areas from land, freshwater and sea within the state shall be carried out by SNHEC and across states by NNHEC. It shall however be under powers of NNHEC to change the boundaries.

44.3 Such jurisdiction of safety sites shall also include villages in the periphery, who use the forest patch or water body and/or are affected by wildlife of safety sites.

44.4 Such a process of delimitation of boundaries shall be participatory in nature involving people of the locality along with the NGOs active in the region.

44.5 The boundaries shall be decided based on the ground situation regarding status of vegetation and biological diversity of the proposed area and livelihood alternatives for the people dependent on it as assessed by experts from the technical cells of SNHEC, NNHEC. It shall strive to strike a balance between interests of biodiversity and people residing in and near safety sites.

45. Assigning territories to Village Nature, Health and Education Committees

45.1 Within SSA, the units for formation of VNHEC shall be tribal settlements, hamlets and revenue villages. The traditional leadership of tribals/non-tribals shall be consulted in this regard.

45.2 Territories to individual VNHECs shall be assigned based on the conventional traditional arrangements in practice amongst such communities. However, in demarcating such territories watershed approach and natural boundaries like stream, hillock or conventional boundaries in case of water bodies are to be followed to the extent possible. For this process traditional leadership amongst tribal and non tribals, NGOs active in the

area shall be consulted and involved.

45.3 After such a process, the property rights are given to VNHEC as in section 8.0 and in this case final authority shall be the Safety Site Authority (SSA).

46. Protection of interests of tribals and biological diversity

46.1 As a norm of SSA, harvesting, sale and transport of timber shall be banned, along with capture, collection and hunting of endangered species.

46.2 As a norm of SSA, in documenting biodiversity knowledge systems, it should be ensured by SSA that people employed on such task shall not misutilize it for commercial gains and proper safeguards shall be given to information in community register.

46.3 Strategies shall be worked out by the technical cell to minimize human-wildlife conflicts. Victims of such attacks and loss of property shall be adequately compensated as per the procedures fixed by SSA.

46.4 Service charges for the protection of biological diversity paid to VNHECs shall be at a higher rate than the supply sites. The exact quantum shall be decided by National Environment Commission.

47. Working of Safety Site Authority

47.1 The provisions shall be similar to supply sites but the strength of Nature Protection Squad shall be increased and SSA shall be equivalent to DNHEC in powers. There will have to be more cooperation amongst VNHECs to prevent offenses as the forest patches are continuous.

47.2 It shall maintain a full fledged technical cell of educational and research institutions to help devise suitable planning and development strategies for this region.

47.3 Such a set up shall interact closely with VNHECs and help them to implement various development strategies which are in tune with the culture and traditions of people.

47.4 With the help of its technical cell and expertise from SNHEC and NNHEC it shall evolve suitable strategies for management of wildlife, livestock and fodder, trade and value addition to forest produce, cottage industries based on forest produce.

47.5 It shall encourage social forestry, agroforestry, alternatives to fuel wood like gobar gas, stall feeding, improved management of livestock in peripheral areas to avoid pressures on safety sites.

47.6 It shall ensure that the management of safety sites shall closely involve the people in the area. This can be done by working closely with interested NGOs, giving special importance to monitoring committee reports, ensuring that the VNHECs receive their rightful funds and creating awareness about provisions of this bill and establishing free flow of information regarding working of SSA.

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Table 1 : Suggested norms for membership and office bearers of Nature, Health and Education Committees at different hierarchical levels. At each level the VNHEC members should constitute 75% or more and elected representatives 25% or less of the voting members.

	Village	Panchayat	Taluk	District	State	Country
VNHEC members	Elected/ selected by gramasabha	Two represent- atives from each VNHEC at least one being a woman	One represent- ative from each PNHEC	One represent- ative from TNHEC	One represent- ative from each DNHEC and SSA	One represent- ative from each of SNHEC and SSA extending across states
Elected represent- atives	-----	Members of gram panchayat	Members of taluk panchayat	Members of Zilla parishat	Members of state legislature	Members of parliamentary committees concerning nature, health, education
President	Elected by gramsabha	VNHEC members elected by PNHEC	VNHEC members elected by TNHEC	VNHEC members elected by DNHEC	Chief minister of the state	Prime Minister of the country
Vice- President	Elected by gramsabha	VNHEC member elected by PNHEC	Any voting members of the TNHEC	Any voting member elected by DNHEC	VNHEC member elected by the SNHEC	VNHEC member elected by the NNHEC
Secretary	Village Education Worker	Panchayat Secretary	Taluk Panchayat Secretary	District panchayat body secretary	Development commissioner of the state	Secretary, Environment
Departments concerning natural resources	-----	Village level functionaries	Taluk level functionaries	District level department heads	Department secretaries	Department secretaries
Health	Village Health Worker	Panchayat level functionary	Taluk level functionaries	District level department head	Department secretaries	Department secretaries
Education	Village Education Worker	Panchayat level functionary	Taluk level functionaries	District level department head	Department secretaries	Department secretaries
Nature Protection Squad	-----	One deputed member	Taluk level officer of the Nature Protection Squad	District level officer in charge	State level officer in charge	National level officer in charge
NGO committee	-----	-----	One member	One member	One member	One member
Evaluation Committee	-----	-----	One member	One member	One member	One member

Table 2 : Appropriate level of Nature, Health and Education Committee for deciding upon regulations, offences and penal provisions

----- Responsibility -----	
Village	Operationalizing the management plan
District	Norms to be followed by DNHEC, TNHEC, PNHEC
State	False claims, corruption, misappropriation regarding component M, protection of interests of weaker sections, formation of VNHEC, external impacts affecting interests of VNHEC, demands on biomass from urban areas and commercial interests
Country	Intellectual property of VNHEC and its members, false claims, corruption relating to component C, coordination between various SNHEC laws

Table 3 : Appropriate authority for supervision of health facilities

NHEC	Responsibility
Village	Village health worker, trained dais, local health practitioners
Panchayat	Primary Health Centre
Taluk	Community Health Centre

*Subcentre
ANMS*

Primary Health Centre (PHC) : to be located at headquarters of PNHEC. Should provide major facilities like outpatient care chiefly of referral nature, inpatient services like medical, minor surgery, sterilization operations, moderate risk cases of delivery, first aid and referral for services requiring further medical care. It shall have two M.B.B.S doctors, one preferably female and an additional doctor trained in the indigenous system of medicine along with other necessary staff and equipment.

Community Health Centre (CHC) : Health care facility with at least one being located at TNHEC headquarters headed by a doctor with post graduate training in medicine preferably in preventive and social medicine. She/he should be assisted by specialists consisting of physician, surgeon, gynecologist, pediatrician and anesthetist with adequate supporting staff, facilities and transport. Major functions consist of providing backup for all curative problems beyond skill and facilities at PHC, providing high level of medical and surgical care for problems referred by PHC or VHW, maintaining close liaison with PHC and providing consultancy services and periodic training for VHWs.

*Community health
Immunization*

*Health education
Nutrition*

Table 4 : Appropriate authority for supervision of educational facilities.

NHEC	Responsibility
Village	Anganwadi, primary education facilities
Panchayat	High school and pre-university and non-formal education facilities
Taluk	Graduate level education, vocational training facilities

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