

DISCUSSION DRAFT
OF
PEOPLE'S NATURAL RESOURCE
MANAGEMENT BILL

P.R. SESHAGIRI RAO

AND

MADHAV GADGIL

Technical Report #74
(333.37)

Centre for Ecological Sciences
Indian Institute of Science
Bangalore - 560 012

September 1994



CONTENTS

3183

PART A

CHAPTER 1

Preamble	3-7
----------	-----

CHAPTER 2

Definitions of certain terms used in this bill	8-11
------------------------------------------------	------

PART B

CHAPTER 3

Formation and Functioning of Village Natural Resource Management Committees VNRMC	12-20
-----------------------------------------------------------------------------------	-------

CHAPTER 4

Formation and Functioning of Panchayat Natural Resource Management Committees PNRMC	21-24
-------------------------------------------------------------------------------------	-------

CHAPTER 5

Formation and Functioning of Taluk level Natural Resource Management Committees TNRMC and Regional Federation of VNRMC'S RFN	25-30
------------------------------------------------------------------------------------------------------------------------------	-------

CHAPTER 6

Formation and Functions and Powers of District level Natural Resource Management Committees DNRMC	31-37
---------------------------------------------------------------------------------------------------	-------

CHAPTER 7

Formation and Functions and Powers of State level Natural Resource Management Committees SNRMC	38-41
------------------------------------------------------------------------------------------------	-------

CHAPTER 8

Formation and Functions and Powers of National level Natural Resource Management Committees NNRMC	42-45
---------------------------------------------------------------------------------------------------	-------

CHAPTER 9

Management of Safety sites 46-50

CHAPTER 10

Property rights, Planning and Implementation of Management Plan 52-56

CHAPTER 11

Powers and Administration of Natural Resource Management Committees NRMCS 57-65

CHAPTER 12

Prevention of Environmental Offenses and Nature Protection Squads 66-71

CHAPTER 13

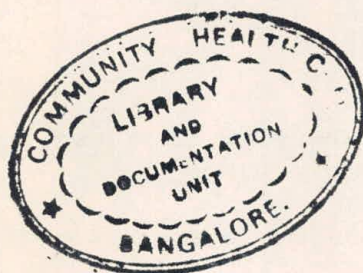
Monitoring and Evaluation of Performance of VNRMC'S and National Biodiversity Fund 72-76

CHAPTER 14

Forums for Redressal and Checks and Balances in Functioning of NRMCS 77-83

CHAPTER 15

Sedentary and Migratory Graziers, Fisher folk, Pollutuion Control 84-88



NATURAL RESOURCES MANAGEMENT BILL

PART - A: PREAMBLE AND DEFINITIONS

CHAPTER 1

PREAMBLE

We stand on the threshold of a new paradigm for the management of India's natural resource endowment. This will involve a shift from the current non-sustainable, centralized, sectorial, bureaucratic regime towards a sustainable, biodiversity friendly, integrated people oriented system. Its point of departure is the recognition that such a system must be based on empowerment of the masses of Indians living close to the earth, for it is this component of the society which stands to gain most in the long run from a shift towards a regime of sustainable use. Dependent for their subsistence on gathering many natural resources it is these people, especially their womenfolk, who also have an intimate and integrated knowledge of the natural resource base, each in their own localities. India's live democratic traditions have been further strengthened recently by the passage of the 73rd Amendment to the Constitution establishing Panchyati Raj institutions throughout the country. These Panchyati Raj institutions are expected to play an important role in natural resource management. But the coverage of the lowest level Panchyats 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 have to be individual hamlets, settlements or villages. We therefore visualize village natural resource management committees as the foundation on which the natural resource management of the entire country would be

built through a bottom-up process. These village level institutions of course have to be properly linked to the Panchyati Raj institutions at village clusters, taluk and district levels.

The current bureaucratic regime has greatly fragmented the control over the natural resource base of the country amongst revenue, forest, irrigation, public works and other departments. We visualize all public lands and waters being managed in an integrated fashion in conjunction with the privately controlled lands and waters in any locality. We therefore propose two basic regimes of management: a supply regime for fulfilling the natural resource demands of the people and the larger economy, and a safety regime focusing on provision of ecosystem services and conservation of biodiversity. It must however be emphasized that we must also create a system of positive incentives to ensure maintenance of high levels of biodiversity in the supply regime, and provision for basic needs of people in the safety regime. We therefore visualize management of the entire landscape and waterscape of the country as supply sites and safety sites. This will of course 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. While this debate has been stimulated by the move to enact a Forest Bill, we have advisedly broadened the discussion to drafting a Natural Resource Management Bill, and avoid the use of more restrictive notions such as village forest, reserve forest or national park.

This people's Natural Resource Management Bill has been designed based on the

following principles

1. Forest areas of dense forest cover, with low population densities and areas of relatively low forest cover, with high population densities are considered distinctly different situations needing separate systems of management.
2. The operational unit of management shall be a village or a hamlet and the existing resource catchments of primarily such a unit should be managed by a representative body of such a unit.
3. The enjoyment of property rights and benefits from such lands shall be linked to continuing good management of such lands by people.
4. The forest land cannot be developed / managed in isolation. It has to be considered as a part of the overall resource catchment of people which includes cultivated lands, grazing lands, waste lands, streams etc. and for this purpose a landscape level approach is to be followed in managing the natural resources.
5. The village community shall have enough powers and control over natural resources to plan and develop such lands, to exclude outsiders, prevent offenses, make operational rules for management of the lands, share equitably the benefits accruing from such resources.
6. There should be an additional system of rewards for the village community

linked to continued maintenance of high levels of biodiversity in order to encourage conservation of biodiversity.

7. It is important to ensure that the benefits reach equally to all sectors of village community especially the weaker sections. To ensure that such weaker sections would not be marginalised it is necessary to build-in adequate checks and balances like periodic selection/elections, power to withdraw representatives etc and provide for adequate forums for redressal of grievances.

8. As most of the components of natural resource management fall under the purview of Panchayat Raj, the institutions for management of natural resources should be linked to the Panchayat Raj system from village cluster to district level.

9. There is a need for institutions at various higher levels from region to national level to perform several higher order of functions. Such bodies shall consist of VNRMC representatives drawn from members of lower level bodies in the hierarchy along with NGO representatives and appropriate government representatives as ex-officio members.

10. As the rewards / enjoyment of property rights is to be linked to continuing good performance and maintenance of high level of biodiversity it is required that an independent agency shall evaluate such performance and monitor levels biodiversity on a continuous basis.

11. The funds for rewarding for conservation of biodiversity should come from contributions of central and state governments and from a cess on products using elements of biodiversity. There should be a mechanism to distribute such funds to village level bodies based on their evaluated performance.

12. Forums are needed at higher levels of hierarchy for redressal of grievances, conflict resolution amongst village level bodies, and coordination in management of contiguous forest patches.

13. As the forests and other natural resources are managed at the village level, such village level bodies shall be mainly responsible for prevention of environmental offenses. However, they shall be assisted in this by law enforcement agencies, higher level bodies and through appropriate legislations / policies. Such help should also be extended for planning and development.

14. It should be ensured that the institutions are accountable to people. Hence free access to information like proceedings, accounts, records and dissemination of relevant information should be ensured at all levels.

15. Prevention of environmental offenses requires the assistance of law enforcement agencies. Development of natural resources is currently undertaken by various government departments. Control over such departments and agencies shall be shared with Panchayat Raj institutions.

Chapter 2

Definitions of certain terms used in this Bill

1. This draft shall be referred as People's Natural Resource Management Bill.
2. **Supply sites :** These are forest and non forest public lands from which all kinds of biomass can be extracted by people as per the provisions of this bill. These refer to areas which are currently under high levels of such extraction and generally with low canopy cover and in the vicinity of habitation.
3. **Safety sites :** These are forest and non forest public lands in which only NTFP can be extracted as per the provisions of this bill. These refer to areas which have high canopy cover, and with low population densities.
4. **Grama sabha :** An assembly of all adult voting members of the village/ hamlet.
5. **VNRMC:** Village Natural Resource Management Committee consists of the village people either elected or selected by grama sabha who are responsible for the management of all natural resources within the territory assigned to the village under the provisions of this bill.
6. **Resource catchment :** Refers to various elements of landscape and waterscape around the village like grazing lands, forests, ponds, streams, hillocks etc from which the people in the village meet their biomass requirements for fuel, fodder, fiber, food,

manure, medicine etc.

7. RFN : Regional Federation of VNRMC's refers to a committee of all VNRMC presidents with overlapping resource catchments in contiguous forest patch or hill range, which would coordinate the activities of all its members.
8. Zonation : Demarcation of specific areas for conservation by VNRMC within its territory in which there is very little extraction of biomass or disturbance. Such areas shall be clearly mentioned in management plan.
9. Panchayat Raj institutions : Refers to Panchayat Raj institutions at village, taluk and district level as per Panchayat Raj act in each state under the provisions of 73rd amendment to constitution 1993.
10. PNRMC, TNRMC, DNRMC, SNRMC, NNRMC : These refer to Natural Resource Management Committees set up at village cluster, taluk, district, state and national levels respectively consisting of VNRMC representatives, Panchayat Raj body representatives (upto district level) as members and NGOs, government officials, teachers as ex-officio or nominated members.
11. Nyaya panchayat : This is a forum for dispute settlement at gram panchayat level constituted from people of the village as per the procedure and provisions under Karnataka Mandal Panchayat and Nyaya Panchayat Act 1983.

12. Management plan : Plan prepared by VNRMC members for management of all natural resources in its territory as per the provisions of this bill and shall be executed by PNRMC as such activities come under its purview (11th schedule of 73rd amendment to constitution 1993). The funds earmarked for this shall be referred as component M and the implementation shall be monitored by VNRMC.

13. Levels of Biodiversity : The extent of diversity of microorganisms, plants and animals present in the territory of VNRMC as assessed by a monitoring committee according to the format provided by DNRMC.

14. Service charges : Refers to untied funds given to VNRMC's from National Biodiversity Fund through DNRMC's. The quantum of funds depends on the level of biodiversity maintained by VNRMC. These are referred to as Component C .

15. Community register : Is a document maintained by VNRMC containing information on levels of biodiversity, knowledge systems regarding usage of elements of biodiversity and individual efforts in in-situ conservation within its territory. It shall be reviewed every year by the monitoring committee appointed by TNRMC.

16. In-situ conservation efforts by individuals : Refers to efforts in cultivation of indigenous varieties, local cultivars of crops by farmers or maintenance of a collection of such varied genetic strains of animals, crops, trees on their own initiative.

17. Collective property : The rights over lands, water and benefits accruing from

such in the territory assigned VNRMC shall be deemed as jointly owned by all members of the village.

18. Intellectual Property Rights (I.P.R.) : Rights of the community arising out of their past, present and future knowledge of systems of conservation and usage of elements of biodiversity.

19. DNRMC Norms : These are a set of rules which will have to be specifically formulated by each DNRMC and effectively implemented from district to village level NRMCs by DNRMC.

20. Nature protection squad : Formed by personnel recruited from forest department by DNRMC to assist VNRMC in prevention environmental offenses. It is responsible for enforcement of DNRMC Norms.

21. NTFP : Non-timber forest produce such as fruit, bark, leaves etc.

PART B: SUPPLY SITES AND SAFETY SITES

CHAPTER 3

Formation and Functioning of Village Natural Resource Management

Committee VNRMC

1.0 Awareness about this bill and opportunities offered for people.

1.1 There is a need to create awareness at village level especially amongst weaker sections about provisions and opportunities offered under this new bill and this should be done prior to initiating any of the processes envisaged under this bill.

1.2 Such a programme should be built along the lines of 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 places of the village.

1.3 Prior to the first meeting of gramasabha for the formation of VNRMC 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.

2.0 Formation of village level NRMC (VNRMC)

2.1 Formation of VNRMC takes place in the gramasabha meeting called after the satisfactory completion of activities indicated in section 1.0.

2.1.1 The unit of VNRMC can be a revenue village, hamlet or tribal settlement.

2.2 Organizing the gramasabha should be the joint responsibility of the panchayat members, school teachers, local NGOs and Revenue department functionary at the village level. The gramasabha shall be chaired by the president of the panchayat.

2.3 The members of VNRMC shall be selected/chosen by consensus in the gramasabha. The number of such members should be proportional to village population as decided by DNRMC in section 16.3.7.

2.4 There should be reservation of 1/3 of the seats for weaker sections and women in the VNRMC constituted.

2.5 In case of failure to reach consensus to choose VNRMC members, elections should be held for this purpose.

2.5.1 Such elections will only be held after formation of TNRMC and DNRMC at higher levels of taluk and district. TNRMC shall conduct the elections with the help of election machinery of the government.

2.5.2 The entire expenses of such elections shall be deducted from the funds of component C of VNRMC.

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

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

2.8 VNRMC members should be permanent residents of the village and should not hold any transferable jobs either in private or public sector. At least one local expert

hold any transferable jobs either in private or public sector. At least one local expert on matters regarding biodiversity such as a knowledgeable herbal medicine dispenser should be nominated by gramsabha.

3.0 Delimitation of boundaries and accrual of property rights to VNRMC

3.1 As delimitation of boundaries is a complex task and can get contentious, it shall be carried out by PNRMC and TNRMC with NGOs and concerned VNRMCs.

3.2 To the extent possible, revenue boundaries shall be used for this purpose. However existing rights and privileges in parts of resource catchments outside revenue boundaries also have to be considered. Attention should be paid to the traditional rules and conventions governing the sharing of such resource catchments by two or more communities. Decision shall be given by TNRMC as per section 14.5 in the event of dispute.

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

3.4 VNRMCs sharing a continuous patch of forest or hill range shall be subject to the authority of a federation of all such VNRMCs as per section 12.0.

3.5 After delimitation of territories, the boundaries are demarcated conspicuously and permanently. A permanent record of the boundaries, land survey numbers and extent of area of each survey number involved shall be created.

3.6 The entire public lands within the territory as declared in 3.5 and benefits accruing from minerals and rocks found within this territory and the organisms like

plants, animals, microorganisms in it including intellectual property rights pertaining to knowledge of conservation and usage shall be deemed as the collective property of the village community.

3.7 Notwithstanding anything said anywhere else, the enjoyment of the property rights under section 3.6 shall be subject to certain conditionalities prescribed by DNRMC in section 16.3.

3.8 Records regarding the territory of VNRMC shall be sent to TNRMC and DNRMC, any tempering/alteration with either the demarcated boundaries or records shall be considered an offense under section 21.7

4.0 Documenting status of natural resources and biodiversity within the territory of VNRMC.

4.1 The process of documenting shall be initiated by PNRMC and shall include VNRMC members, students and teachers from local schools and colleges, NGOs and members of the community as per section 14.3.1.

* 4.3 The information shall be recorded ~~as per~~ as per the formats decided by DNRMC as in section 16.3.8.

4.4 The concerned high school/college teacher/NGO conducting the survey shall receive adequate financial reward as per section 16.3.9 and be responsible for authenticity of the recording.

4.5 Such a bench mark survey shall be created as a permanent record along with information on socio-economic condition, status of natural resources and resource usage pattern of the particular village in the prescribed format as per section 16.3.8.

* Sec 4.2 has been omitted from the Bill

4.6 All such records shall be vested with VNRMC and copies sent to PNRMC & TNRMC. Any unauthorized alterations shall be considered an offense under section 21.7.

5.0 Preparation of the management plan and its approval

5.1 The management plan shall be prepared by members of VNRMC in consultation with gramasabha. It shall concern all the public lands and waters in its territory and also certain aspects in development of private lands as agreed in the gramasabha. The plan shall be reviewed every year.

5.2 The plan shall clearly indicate on the map the location of any physical works to be taken up, give plan and estimates of the development works suggested, the time frame for implementation, mechanisms for monitoring during implementation and further operational maintenance.

5.3 It shall carry out zonation of its territory to identify areas suitable for conservation like water-sheds, religious places etc, and take measures to promote and conserve biodiversity in both public and private lands and waters.

5.4 Individual efforts in conservation like cultivation of local cultivars, maintenance of wild relatives of cultivated plants/animals should be promoted and rewarded as per section 16.3.6.

5.5 This plan shall be implemented only after approval of gramasabha, PNRMC, and the relevant RFN. The implementation shall be by PNRMC. Local labour and initiative should be given priority in carrying out physical works.

5.6 Decision of VNRMC shall be final regarding the plan in any case of dispute with

PNRMC's or RFN provided it does not violate section 16.3.

6.0 Sources and control over funds of VNRMC.

6.1 There shall be a fund called VNRMC 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 3.6

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

(c) Payments from National Biodiversity Fund as service charges as per section 22.4.2.

6.2 The component 6.1 (c) shall depend on level of biodiversity maintained in the community and shall be reviewed every year by annual monitoring of performance and evaluation.

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

6.4 Funds sanctioned by DNRMC for the management plan prepared by VNRMC referred to as component M shall be vested with PNRMC. It shall be deposited in the nearest ^{Post} office/Bank and shall be operated by president of gram panchayat, representative of VNRMC in panchayat and operators of VNRMC fund.

6.5 VNRMC funds shall be treated as untied funds and can be allocated in any means deemed fit by VNRMC.

6.6 Gramasabha shall have full knowledge of extent and allocation of VNRMC funds

and all records have to be presented in its meeting. PNRMC also has an advisory role in allocation of VNRMC fund and shall receive a copy of dealings regarding VNRMC fund.

6.7 Further allocation of funds to VNRMC management plan shall depend on evaluation of performance by monitoring committee.

7.0 Administration by VNRMC.

7.1 VNRMC shall design appropriate operational rules for usage and appropriation of all natural resources in its public lands and waters, conservation and promotion of biodiversity in public and private lands, monitoring implementation of management plan, allocation of VNRMC fund, and maintenance and updating of the community register.

7.2 It shall appoint necessary staff for this purpose and shall bear the expenses incurred from VNRMC fund. It shall also maintain the records of property, management plan, evaluation reports and accounts of VNRMC fund.

7.3 All these records are open to public scrutiny and shall be given on written request and payment of duplication charges.

7.4 It shall organize gramasabha on a regular basis of at least once in 3 months to be chaired by either the PNRMC chairman or the VNRMC representative to it. All the details of various activities of VNRMC shall be placed before it and discussed.

7.5 VNRMC shall also decide on what actions constitute Environmental offense and take effective measures to prevent it. Provisions of section 16.3 supersede this section.

7.6 It shall be ensured that local labour is employed and award of contracts are given to the community as first priority. VNRMC can appoint committees to oversee the implementation and also for operational maintenance of physical works.

7.7 Counter signature of president of such committees will be needed before release of any money to the awarded for the contract.

7.8 As per the management plan prepared/approved by PNRMC, the village NRMC shall monitor implementation of management plan along with PNRMC by the government agencies.

7.9 VNRMC shall be bound to cooperate with and furnish all the requested material and infrastructural support for and internal auditors as chosen by TNRMC Monitoring Committee. Any failure to do so shall be considered an offense under section 21.7.

7.10 For all legal disputes or offenses with respect to VNRMC the president or appropriate officers of VNRMC shall be held responsible and burden of proof to prove their noninvolvement/innocence rests on them.

8.0 Prevention of offenses and law enforcement

8.1 VNRMC shall devise mechanisms for prevention of offenses as declared in 7.5 which include

- (a) formation of village defense 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 forest produce.
- (e) any other measures found suitable/needed

8.2 The burden of proof shall be on the offender and VNRMC can levy a fine or any other punishment deemed fit under section 7.5.

8.3 The offender under section 8.2 shall have an appeal to Nyaya Panchayat under section 16.3.10. within 7 days of receiving verdict from VNRMC.

8.4 VNRMC shall request the help of Nature protection Squad through PNRMC for prevention of offenses and help in law enforcement and such requests should be in the written format specifying nature of help, location and duration for which it is required as per section 18.9.5.

8.5 VNRMC shall make efforts to give publicity to the information on Environmental offenses and punishments for such offenses.

Chapter 4

Formation and Functioning of Panchayat level Natural Resource Management Committee, PNRMC

9.0 Formation of PNRMC and its composition

9.1 The subcommittee of the gram panchayat in charge of natural resources management shall function as the PNRMC. It shall consist 3 of elected members of the and panchayat 1 representative from each of the VNRMC in its jurisdiction.

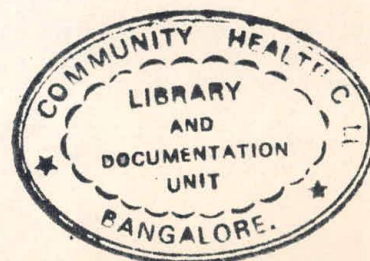
9.2 It shall also have one NGO representative, representative of teachers from high school/college, one person knowledgeable in matters regarding biodiversity and a member deputed from the Nature protection Squad. All of them shall be the ex-officio members.

9.3 It shall have the power to summon any officer of government below the taluk level jurisdiction and examine any government records relevant to the PNRMC functioning. The secretary of the panchayat shall give 10 days prior notice to the concerned government officer regarding this as per section 16.3.10.

9.4 It shall be mandatory for such an officer to present himself with the required information in PNRMC meeting unless he has a valid reason no to do so; in which case he should depute a person along with the requested information.

10.0 Functions of PNRMC

It shall have the power to summon any officer of government below the taluk level PNRMC shall carry out the following functions and the responsibility shall rest with the



president of PNRMC who is to be assisted in this by the vice president. Both of whom shall be chosen amongst the members of VNRMC.

10.1 Carry out delimitation of boundaries of VNRMC and ensure creation of permanent records.

10.2 Organize with the help of local high school/colleges and NGOs the initial survey on statistics of natural resources and documentation of biodiversity. Such information shall be recorded in the community register maintained for this purpose by VNRMC.

10.3 It shall also be primarily responsible for implementation of annual monitoring and evaluation for VNRMCs after giving it an adequate notice of 15 days as in section 16.3.

10.4 It shall consolidate the findings of such committees in (10.3) and send the report to TNRMC.

10.5 The evaluators nominated by TNRMC shall receive payments from component M of VNRMC as per section 16.3.9 by PNRMC and are held responsible for their findings.

10.6 From the individual management plans of VNRMC it shall prepare a panchayat level management plan integrating into such a plan all the areas in which it has been given control of under 11th schedule of 73rd constitutional amendment 1993.

10.7 Such plan once prepared shall need the approval of TNRMC in general and VNRMC with respect to areas/issues relevant to it.

10.8 All the development departments concerned with subjects under 11th schedule shall take cognizance of such a PNRMC management plan and development works shall be carried out by all such departments in accordance with the PNRMC development plan as per section 16.3.

10.9 Members from Nature protection Squad shall attend the PNRMC meetings and be available constantly for specific PNRMCs to accept written complaints by president or vice president and to take necessary action. The exact strength of such members assigned to PNRMCs shall be decided upon by TNRMC.

10.10 All the funds received for the management plan of VNRMC shall be controlled jointly as per section 6.4. The funds received as service charges shall be handed over to VNRMC.

10.11 All proceedings of PNRMC and records shall be open to public scrutiny and copies can be obtained after payment of the duplication charges.

10.12 It shall ensure internal auditing of the VNRMC and send the reports to TNRMC and also ensure that VNRMC convenes the gramasabha regularly and follows the provisions under sections 16.3.

10.13 The functioning of PNRMC is subject to authority and powers of other subcommittees of grama panchayat regarding welfare and protection of weaker sections, as per the provisions of the state panchayat raj act.

10.14 There shall be reference of all disputes at the level of panchayat to Nyaya Panchayat under the provision of section 16.3 and the decision given by it shall be binding on all parties including PNRMC and VNRMC.

11.0 Powers and working of PNRMC

11.1 The president of PNRMC can authorize search and grant permission of entry to any premises to the Nature protection Squad as per section 18.9.

11.2 It can by written request and sufficient notice ask for the help of development

department officials or Nature protection Squad. Such officers shall be bound to help PNRMC. Any refusal to do so would be considered an offense under 16.3.10.

11.3 It can take up punitive measures against VNRMC for violation of norms of DNRMC as per the provisions of section 16.3.12.

11.4 For all legal disputes and offenses president and vice president are held responsible.

11.5 PNRMC shall meet at least once in a month at 7 days notice to all its members. An extraordinary meeting can be called for by giving 5 days notice by president or by request of 1/3 members.

11.6 The quorum shall be of at least 50% of members and absence from 2 consecutive meetings without prior permission shall result in cancellation of membership.

11.7 It shall maintain the records like management plan of VNRMC, PNRMC and evaluation reports, resolution book of PNRMC and other relevant records.

11.8 Any VNRMC representative at PNRMC can be removed by 2/3 majority no-confidence vote by VNRMC and president and vice president also shall be removed by such a vote at PNRMC.

11.9 It shall also have the powers to accept or reject any change in the operational rules ^amade by individual VNRMC if it violates section 16.3.

CHAPTER 5

Formation and Functioning of Taluk Level Natural Resource Management

Committee TNRMC and Regional Federation of VNRMC'S RFN

12.0 Formation and composition of Regional Federation of VNRMCs (RFN)

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

12.2 Such RFN shall consist of Presidents of constituent VNRMCs and representative of Nature protection Squad and NGO representative.

12.3 It shall ensure that the measures taken under management plan and prevention of Environmental offenses shall not adversely affect the operation of other adjoining VNRMCs. It shall ensure coordination and close cooperation amongst its members.

12.4 The president of RFN shall be elected by the constituent VNRMC Presidents. In case of failure to ensure subsection 15.3 he shall seek the intervention of TNRMC.

12.5 There shall be special rewards for good performance amongst RFN in a taluk judged by the level of coordination and cooperation by TNRMC and the rewards shall be given by DNRMC.

13.0 Formation and composition of TNRMC.

13.1 The subcommittee of the taluk level panchayat body in charge of subjects related with natural resources shall function as TNRMC. It shall have along with 5 taluk panchayat members 1 representative from each of the PNRMC in the taluk and President^s of all RFN's.

13.2 It shall also include as ex-officio members, representative of NGOs, high school and college teachers, officer in charge of Nature protection Squad, 3-4 knowledgeable people on matters in relating to biodiversity such as dispensers of herbal medicine, grazier, fisher folk from PNRMCs.

13.3 The president and vice president of the TNRMC shall be elected amongst the members of VNRMC.

14.0 Functions of TNRMC

14.1 The president shall ensure that TNRMC performs the following functions and in general, support and coordinate functioning of PNRMC and VNRMC; he shall be aided in this respect by vice president.

14.1 It shall extend technical and infrastructural support to VNRMC and PNRMC for preparation of VNRMC and PNRMC plans.

14.2 It shall have in its deposition the records of property rights of all the VNRMC, management plans of PNRMC and VNRMC, evaluation reports of all VNRMCs.

14.3 It shall store all the information in the community register in a preferably computerized data base. Such information shall be updated every year. 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 monitoring^{and} evaluation committee of the concerned area.

14.3.1 TNRMC shall provide the necessary technical manpower for documentation purposes if required. The necessary maps, instruments, funds and expertise shall be provided by TNRMC which again would be deductible from future grants to VNRMC.

14.4 It shall prepare an abstract of performance evaluation reports of PNRMC regarding performance of individual VNRMCs with respect to management plan (component M) and efforts with respect to conservation and promotion of biodiversity (component C).

14.5 Such a report shall be based on similar abstracts of PNRMC and president of PNRMC is held responsible for its authenticity along with the respective monitoring committee.

14.6 It shall identify VNRMCs with poor performance and pay special attention to improve its working through the respective PNRMCs. On persistent poor performance (2 consecutive years) it can take over such VNRMC under section -16.3.11.

14.7 It shall exercise operational control over the Nature protection Squad as per section 18.9.3. It shall also have sufficient control over all development departments and ensure that the regional programmes taken up by such departments are in conformity with the management plans of the PNRMC in the specific localities under the provisions of section 16.3.10.

14.7.1 It shall resolve conflicts between PNRMCs and VNRMCs and conduct necessary investigation after obtaining evidence from both the parties.

14.8 It shall exercise operational authority in appointment of monitoring committees for VNRMCs.

14.9 It shall oversee the functioning of PNRMC and VNRMC, receive written complaints and take up preventive measures as per section 16.3.12

14.10 It shall depute up to 7 members of neighboring PNRMC as internal auditors to PNRMC. They shall be chosen on a lottery basis during the regular meeting of TNRMC.

14.11 Such an internal audit shall be carried as per the provisions of sections 16.3.15 and each PNRMC shall undergo such an audit at a minimum of once in 2 years.

14.12 It shall promote maintenance of specimens of elements of biodiversity in colleges and pay special attention to *in situ* conservation of biodiversity in VNRMCs.

14.13 It shall operate in conformity with the provisions of subcommittee on welfare of weaker sections of Taluk panchayat as formulated by state government.

14.14 Based on evaluation reports of monitoring committee and internal auditing it can recommended to DNRMC every year 5 VNRMCs for cash/rewards which shall go to the component ~~B~~.^C

14.15 Based on such reports, it shall also accord non-material rewards like titles or certificates to honour either persons/VNRMCs with exceptional contributions in these efforts.

14.16 It shall closely coordinate with NGOs in making these efforts a people's movement and spread awareness about the provisions of this bill especially to weaker sections of the society.

14.17 It shall depute an officer of the Nature protection Squad to receive complaints from weaker sections regarding operations of VNRMC and PNRMC and give a written acknowledgement of receipt of the same. This provision would be publicized widely.

14.18 Within 10 days of such complaint the secretary of TNRMC shall seek an

explanation from concerned VNRMC/PNRMC president and place it before TNRMC and notify the subcommittee for welfare of weaker sections and social welfare department at taluk and Panchayat level in this regard.

15.0 Powers and working of TNRMC

15.1 It shall have access to any government records relevant to Natural Resource management and all records belonging to PNRMC and VNRMC.

15.2 It shall appoint necessary staff to maintain records and a secretary to execute the functions of TNRMC. The president shall be provided with a suitable vehicle to carry out his functions. Such vehicle shall be taken for hire and not maintained exclusively for this purpose as per section 16.3.14.

15.3 It shall exercise punitive powers in offenses regarding monitoring and evaluation, corruption charges against VNRMC, PNRMC, and Nature protection Squad members and take necessary action under section 21.7.

15.4 The TNRMC shall have a permanent office in taluk centre.

15.5 TNRMC shall decide on partitioning of territories in case of disputes between VNMRCs by considering population, biomass demand of contending parties, status of resource catchment, existing conventions and rules of use. Such a decision given by TNRMC shall be open to appeal to DNRMC. However, decision by DNRMC shall be final and binding on the parties.

15.6 TNRMC shall meet atleast once in a month and the quorum shall be 50% of the members being present. Absence for 2 consecutive meetings without prior permission shall lead to cancellation of membership

15.7 Any member or president/vice president of the TNRMC shall be removed by 2/3 majority no confidence vote by PNRMC members or TNRMC members respectively.

CHAPTER 6

Formation, Functions and Powers of District Natural Resource Management Committee, DNRMC

16.0 Formation and Composition of DNRMC

The sub committee concerning Natural resources. of district level panchayat body shall function as DNRMC. It shall have 5 elected members of district level panchayat body and one representative each from the TNRMC.

16.1 It shall also have as ex-officio members of the DNRMC, 2 representatives each from NGOs and college or school teachers, a representative from district lawyers association, officer in charge of Nature protection Squad, 3 people knowledgeable on matters relating biodiversity.

16.2 The president and vice president of the DNRMC shall be elected from amongst the VNRMC members.

16.3 DNRMC norms are a set of rules which all DNRMCs shall have to specifically design and ensure their compliance within their territories.

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

16.3.2 The existing conservation practices like sacred animals, trees, groves, ponds, etc. shall also be protected under VNRMC.

16.3.4 No forest produce shall be harvested except under the plan prepared / procedures laid down by VNRMC.



16.3.5 Clear felling of trees and sale of timber above a certain ceiling limit would need prior written permission of TNRMC.

16.3.6 It shall lay down procedures for VNRMC to reward individuals involved in in-situ conservation efforts like cultivation of local cultivars and maintenance of other genetic resources of value.

16.3.7 It shall stipulate the total number of members of VNRMC in proportion to the population and its distribution .

16.3.8 It shall in consultation with the technical cell and NGO's prepare formats for recording information on the following.

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

(b) Information on socioeconomic parameters especially relating to resource use by people.

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

16.3.9 It shall also design procedures for rewarding members by PNRMC, for the members involved in initial benchmark survey mentioned in section 16.3.8 and also for regular monitoring of VNRMC's using component M of VNRMC.

16.3.10 In coordination with SNRMC and in conformity with the laws of the particular state

(a) It shall ensure that all government employees are bound to cooperate with Nature protection Squad upon obtaining a written request.

(b) It shall also ensure that development departments like agriculture, horticulture, fisheries, animal husbandry, cottage industries etc (which are also under purview of

Panchayat Raj institutions) should follow the PNRMC plans while taking up works in such areas.

(c) The DNRMC shall design procedures for establishing 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.

16.3.11 It should devise procedures by which TNRMC shall be empowered to take over VNRMC's with persisting bad performance as per the Monitoring Committee reports.

16.3.12 It shall be the responsibility of PNRMC and TNRMC and especially Nature protection Squad that norms prepared by DNRMC under this section are implemented by VNRMC. Noncompliance of this section shall be reported to DNRMC and could result in prosecution of concerned VNRMC president/members and/or take over of VNRMC by TNRMC.

16.3.13 Each DNRMC shall also design procedures for recruitment, pay structure and service rules for its staff in the DNRMC and TNRMC level which shall be entirely met by the DNRMC fund.

16.3.14 The DNRMC shall also decide on allowances, facilities to be given for VNRMC members at Panchayat, taluk and district level. For this particular matter approval of SNRMC is needed.

16.3.15 DNRMC shall also design procedures for internal auditing of PNRMC to be carried out by members of the other PNRMCs.

17.0 Functions of DNRMC

The president of the DNRMC shall carry out the functions mentioned below. He shall assisted by the Vice president in this regard.

17.1 DNRMC shall provide assistance for planning and development to VNRMC and PNRMC by

(a) Maintaining a technical cell of scientists, knowledgeable individuals and NGOs as consultants who can help in planning and development.

(b) By establishing linkages with universities and R & D institutions in the appropriate disciplines to carry out research on problems of the region.

17.2 Develop a format for collecting information.

17.3 Based on the abstracts sent from TNRMC it shall allot funds to individual PNRMCs as per the PNRMC management plan (component M) and for TNRMC.

17.4 It shall distribute the service charges component C of the funds to the individual VNRMCs through the channel of PNRMC.

17.5 It shall also recruit the needed office staff including DNRMC secretary for its own and TNRMC activities and such recruited officials shall be in the total control of DNRMC.

17.6 The funds for maintenance of DNRMC and TNRMC shall come from the DNRMC fund which is formed by contribution of a fixed percentage from all VNRMC service charges which shall be clearly indicated in the processes of distribution of funds to VNRMC.

17.7 It shall formulate a set of rules to define offenses as in section 21.7 and which shall be binding on TNRMC, PNRMC and DNRMC itself. Such rules shall form the general basis of trial of offenders in the court of law and Nyaya Panchayat and all NRMC forms below the district level.

17.8 It shall also form Nature protection Squad and is responsible for its allocation to various TNRMCs and shall enjoy the final authority in control over such squads as in section 18.9.

17.9 It shall ensure that other members of the respective departments shall cooperate with the Nature protection Squad which shall be responsible for law enforcement in VNRMC as per section 18.9.

17.10 It shall also exercise control over district development authorities to ensure that development works shall be implemented according to management plan of PNRMC as per section 16.3.10.

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

17.12 It shall set up a district level watch dog committee involving NGOs. It shall be mandatory for DNRMC to enquire into the written complaint given by the same and carry out follow up action within one month of such complaint.

17.13 It shall be the final forum for resolution of conflict between any VNRMC and PNRMCs. However in the case of TNRMCs the final authority shall be SNRMC.

18.0 Powers and working of DNRMC.

18.1 It shall have the power to take over VNRMC as per section 16.3.11, under persistent violation of section 17.6 despite adequate warnings.

18.2 It shall have power to make new rules and change any of the provisions regarding NRMCS under its control.

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

18.4 It shall be required that 3/4th of the majority in DNRMC support the new rules/amendments. The quorum for such meetings shall be 80%.

18.5 An appeal against such rules will be with the court of law and not any state NRMC or NNRMC.

18.6 It shall have a permanent office at district centre and it shall meet once in 2 months. The quorum for such meetings shall be 50% of the members being present. Absence for 2 consecutive meetings without prior permission shall be sufficient for cancellation of membership. Any member or president/vicepresident of the DNRMC can be removed by 2/3 rd majority no confidence vote of the TNRMC members and DNRMC members respectively.

18.7 It shall also suggest changes in management plan of VNRMC in accordance with RFN as per recommendation of TNRMC after giving a fair hearing to concerned VNRMC

18.8 It shall give rewards to VNRMCs and RFNs as per recommendations of the TNRMC.

18.9 DNRMC shall recruit the staff of Nature protection Squad from the existing staff of State Forest Departments depending on its requirements.

18.9.1 The control over such squad shall be shared between DNRMC and forest department. Exact mechanisms of such sharing of control shall have to be worked out in each state (as forest and other natural resources are concurrent subjects) with respect to payments, increments, promotions, transfer etc.

18.9.2 The share of expenses of DNRMC towards such a Nature protection Squad shall be met by DNRMC funds.

18.9.3 Nature protection squads shall ensure that DNRMC norms are followed by VNRMC, PNRMC, RFN and TNRMC. In case of non compliance they can report to DNRMC president and also to state level officer of Nature protection Squad.

18.9.4 DNRMC 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.

18.9.5 The primary task of Nature protection Squads is to assist VNRMCs in prevention of Environmental offenses.

CHAPTER 7

Formation, Functions and Powers of State Level Natural Resource Management Committee, SNRMC

19.0 Formation, composition of State NRMC

19.1 The state NRMC shall be formed by the following members.

- (a) 1 representative from each DNRMC of the state from amongst VNRMC members
- (b) 1 representative from each of the safety forest authorities as defined in Section 32.0.
- (c) 3 representative from the state legislature belonging to opposition parties nominated by speaker or from subcommittees concerned with natural resources.
- (d) Ministers for Agriculture, Horticulture, Forests, Livestock of the state cabinet.

19.2 The President of the state NRMC shall be the chief minister of state. However the acting Vice-President shall be elected by members as specified in section 19.1 and shall be a VNRMC member.

19.3 The SNRMC shall have the following as ex-officio members.

- (a) Sate level officer in charge of Nature protection Squad
- (b) Department head and secretary of state law enforcement agencies
- (c) Secretaries of development departments
- (d) Representatives from NGOs, teachers of high school/colleges, state planning board.

19.4 The secretary of the SNRMC shall be the development commissioner. He shall however be assisted by a deputy secretary chosen by SNRMC.

20.0 Functions of SNRMC

20.1 It shall ensure that adequate funds are provided for DNRMCs for component M to carry out management plans and also attempt to generate funds from other sources at national and international levels.

20.2 It shall recommended necessary policy changes to be made in government orders or laws after consultation with DNRMC.

20.3 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 areas as suggested by DNRMC and TNRMC and provide expertise for planning and development.

20.4 It shall ensure effective cooperation of law enforcement machinery of the state with Nature protection Squad in preventing Environmental offenses including all relevant infrastructural support.

20.5 It shall ensure coordination amongst various development departments concerning natural resources. The works of such departments shall also be in accordance with implementation of PNRMC and RFN management plans.

20.6 It shall exercise final authority regarding safety sites located within the state boundaries.

20.7 It shall provide special attention and support to the working of safety sites and it shall be the final arbitrator in case of conflicts regarding such forests. It shall also ensure cooperation and coordination between safety sites authority and PNRMCs adjacent to it.

20.8 It shall set up a separate committee for monitoring and evaluation with

representatives from such district level committee and they shall give the status report at DNRMC level.

20.9 It shall also set up a watch dog committee of NGO's at state level having representatives from each district.

20.10 It shall be the final forum for appeal of any disputes about TNRMC located within the state.

20.11 It shall set up a computer based data bank containing information on biodiversity. Such data bank shall remain in the joint control of SNRMC Vice President and Presidents of NGO watch dog committee and monitoring committee.

21.0 Power and working of SNRMC.

21.1 It shall have the power to summon any officer or examine any record relevant to natural resource.

21.2 It shall ensure that DNRMCs and safety site authorities shall cooperate with each other.

21.3 It shall ensure that information/material lodged with the data bank or at any other level shall not be used without prior informed consent of VNRMCs concerned.

21.4 The costs for maintenance of SNRMC shall be borne by state government.

21.5 The state NRMC shall meet once in 3 months and quorum shall be set at 50% of the members being present. Two consecutive absences without prior permission shall be considered sufficient for disqualification of a member.

21.6 DNRMC retains the power to call back its representative to SNRMC by 2/3 majority vote and vice president of SNRMC shall be recalled by 2/3 rd majority no

confidence vote by SNRMC members.

21.7 Penal provisions for Environmental offenses: The SNRMC shall have to devise a system of penalties for various offenses referred in this text which are in conformity with the existing related laws at state and national level.

CHAPTER 8

Formation, Functions and Powers of National Natural Resource Management Committee (NNRMC)

22.0 Formation, composition of National NRM (NNRMC)

22.1 National NRM shall be formed by the following members

- (a) 1 representative from each SNRMC, from amongst VNRMC members
- (b) 5 representatives belonging to opposition parties from parliamentary committees concerned with natural resources deputed by the Lok Sabha speaker.
- (c) 1 representative from each of safety forest that extend to more than one state.
- (d) Cabinet ministers of Environment and Forestry, Agriculture, Horticulture, Animal husbandry, Fisheries, Science and Technology.

22.2 It shall have the following ex-officio members

- (a) Representatives from NGOs and teachers from state level NRM.
- (b) The heads of departments and secretaries of law enforcement agencies
- (c) The secretaries of all ministries concerned with natural resources
- (d) Officers in charge of state Nature protection Squads.

22.3 The president of the NNRMC shall be the Prime Minister and the acting vice president shall be elected amongst VNRMC members. The secretary shall be the Secretary, Ministry of Environment and Forests. There shall be a deputy secretary chosen by NNRMC to assist him.

22.4 The Central Government shall establish a National Biodiversity Fund. It should

be jointly managed by NNRMC and National Monitoring Committee and a NGO watch dog committee.

22.4.1 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.

(d) Future payments received for royalties based on genetic resources and knowledge pertaining to it on which India has sovereign rights.

22.4.2 Funds shall be allotted to individual DNRMCs based on their performance reports submitted by the district level monitoring committees.

23.0 Functions of NNRMC

23.1 It shall ensure that sufficient funds are allocated to National Biodiversity Fund created under section 22.4 by central government. It shall also attempt to procure funds from other national and international sources also.

23.2 It shall stake claims in all appropriate forums for IPR of the VNRMC's as per recommendations of either DNRMC or SNRMC under section 22.4.1.

23.3 It shall set up a group of competent scientists to assign values for various elements for biodiversity and they shall be assisted by National Monitoring Committee and NGO watch dog committee.

23.4 On the basis of reports compiled by each DNRMC monitoring committee and the value assigned by valuation authority the funds are allocated to each DNRMC directly.

23.6 The country's interest in matters regarding natural resources shall be represented by this committee in all international forums.

23.7 It shall also support working of Nature protection Squads in DNRMC and also ensure that law enforcement agencies cooperate with it and also extend infrastructural support.

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

23.9 It shall coordinate the laws and plans for development between states so that Environmental offenders shall not take advantage of such differences between DNRMCs. This shall be done by giving appropriate directions to DNRMCs and SNRMC's.

23.10 It shall be the final authority to decide in disputes/conflicts of DNRMCs and SNRMCs.

23.11 It shall set up a monitoring committee and an NGO watch dog committee and both shall have one representative from each from the respective state committees.

24.0 Powers and working of NNRMC

24.1 It shall have access to any records of NRMCs and all government records relevant to natural resources. It can summon relevant officers of government with a prior notice of one month to its meeting.

24.2 It shall ensure that various states and DNRMCs coordinate the measures with

respect to prevention of Environmental offenses and they shall not be to the advantage of offenders. This shall be especially ensured in case of DNRMCs and safety site authorities sharing borders and also in case of neighbouring states.

24.3 The costs for maintenance of NNRMC shall be borne by the Government of India. The NNRMC shall meet once in 3 months and quorum shall be 50% of the members being present. Two consecutive absence without prior permission shall be considered sufficient for disqualification of a member. SNRMC retains the power to call back its representative to NNRMC by 2/3 majority vote and vice president of NNRMC can also be recalled by 2/3 majority no confidence vote by NNRMC members.

CHAPTER 9

Management of Safety Sites

25.0 Management of safety sites.

25.1 The safety sites in contrast with supply sites shall be carved out of areas of sparse population and dense forests, existing sanctuaries, biosphere reserves and other protected areas. The emphasis shall be on continuity of the patch and on *in situ* conservation of biodiversity elements. Suitable mechanisms shall be designed for this purpose keeping in mind the interests of both tribals living in the interior of such patches and non tribals at the periphery.

26.0 Delimitation of boundaries and VNRMC formation

26.1 the task of delimiting safety sites within the state shall be carried out by state government and across states by central government. It shall however be under powers of SNRMC and NNRMC to change the boundaries.

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

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

26.4 The VNRMC shall be nominated by people of tribal settlement/village in a

gathering to be organized as in section 1.0 and 2.0. In this case NGO shall play an active role in facilitating interaction with tribal community.

27.0 Assigning territories and conferring property rights.

27.1 Territories to individual VNRMCs 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.

27.2 After such a process, the property rights are given to VNRMC as in section 3.5 and in this case final authority shall be the Safety Site Authority (SSA) as per section 32.0.

28.0 Management plan and its implementation

28.1 The VNRMCs shall prepare management plan as per section 5.0. Sale of timber is completely prohibited.

28.1.1 The emphasis of such plans shall be on sustainable resource harvests, NTFP, value addition, and cottage industries^e specially in peripheral areas.

28.1.2 In case of shifting cultivation being practiced with short cycles, it shall be converted to agroforestry.

28.2 Management plan has to be accepted by the community as per section 5.0.

28.3 The works in the management plan shall be implemented by government departments. If the VNRMCMs are willing to take up the works themselves it shall be assigned to them, upon obtaining a written request. Such works shall be monitored as in section 7.9.

28.4 The funds for such works shall come from SSA and be treated as component M.

28.5 The VNRMCM shall receive service charges component C from SSA and shall deal with it as per section 6.0.

29.0 Monitoring and evaluation

29.1 The monitoring and evaluation shall be along the lines of supply sites. But special mechanisms shall be devised by SSA/SNRMCM to avoid exploitation of people by VNRMCM.

29.2 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.

30.0 Administration and prevention of offenses.

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

31.0 Formation of RFN (regional federations).

31.1 If the total number of VNRMCS exceeds 25 they shall be federated to RFNs based on watershed boundaries with clear natural demarcation.

31.2 It shall function, be constituted and have powers equivalent to like TNRMC of chapter 5.

32.0 Formation and functioning of SSA (safety site authority)

32.1 SSA shall be the equivalent of DNRMC. In case VNRMCS being more than 25 it shall be formed from RFNs like DNRMC. In cases where less than 25 VNRMCS are present it shall be directly formed from VNRMCS.

32.2 In addition to the functions and powers of DNRMC the SSA shall also perform the following functions and be vested with following powers.

(a) It shall finalize management plan for the safety sites and works shall be assigned to various development departments for implementation.

(b) It shall be the authority to release money for VNRMCS and directly receive reports from monitoring committees.

(c) It shall have certain powers to penalize government officials based on monitoring reports and in the context of corruption or mismanagement by them with regard to the works assigned by it.

(d) It shall maintain full fledged R & D net work of educational and research institutions to help devise suitable planning and development strategies for this region.

(e) Such a set up shall interact closely with VNRMCS and help them to

implement various development strategies which are in tune with the culture and tradition of people.

(f) It shall assess any damage caused by wildlife to tribals or VNRMCs in the periphery and give speedy and suitable compensation.

(g) With the help of its R and D cell and expertise from SNRMC and NNMRC it shall evolve suitable strategies for management of wild life, livestock and fodder management and trade and value addition to forest produce, cottage industries based on forest produce.

(h) It shall encourage social forestry, agroforestry, alternatives to fuel wood like gohar gas, stall feeding, improved management of live stock in peripheral areas to avoid pressures on safety sites.

(i) It shall be ensure that the management of safety sites shall become a movement of people. This can be done by involving NGOs closely, giving high importance to monitoring committee reports, ensuring that the VNRMCs receive their rightful funds and creating awareness about provisions of this bill and establishing free flow of information regarding working of SSA.

CHAPTER 10

Property rights, Planning and Implementation of Management plan

Note: This chapter is a consolidation of various sections/sub sections mentioned in earlier chapters regarding property rights, planning and implementation of management plan.

Property Rights

3.2 To the extent possible, revenue boundaries shall be used for this purpose. However existing rights and privileges other resource catchments also have to be considered. Attention should be paid to the traditional rules and conventions governing the sharing of such resource catchments by 2 or more communities.

3.3 The attempt shall be to arrive at a mutually agreeable consensus to the extent possible. In case of a persisting dispute the TNRMC shall decide on partitioning of territories by considering population, biomass demand of consisting parties, status of resource catchment, existing conventions and rules of use. Such a decision given by TNRMC shall be open to appeal to DNRMC. However, decision by DNRMC shall be final and binding on the parties.

3.6 The entire public lands within the territory as declared in 3.5 and benefits occurring from the organisms like plants, animals, microorganisms in it including IPR rights shall be deemed as the collective property of the village community. It shall also include minerals and rocks found within this territory.

3.7 Notwithstanding anything said anywhere enjoyment of the property rights under

section 3.6 shall be subject to certain conditionalities prescribed by DNRMC. [REDACTED]

27.1 Territories to individual VNRMCs in SSA 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 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.

27.2 After such a process the property rights are given to VNRMC as in section 3.5 and in this case final authority shall be the Safety Site Authority (SSA) as per section 32.0.

Planning

4.2 The necessary maps, instruments, funds and expertise shall be provided by TNRMC which again would be deductible from future grants to VNRMC.

4.3 The format and information to be recorded shall be as per format decided by DNRMC

4.5 Such a bench mark survey shall be created as a permanent record along with information on socio-economic condition. Resource usage pattern of the particular village in the DNRMC prescribed format.

5.3 VNRMC shall also identify areas for conservation like water sheds, religious places etc also take measures to promote and conserve biodiversity in both public and private lands. Individual efforts in conservation like cultivation of local cultivars,

maintenance of wild relatives of cultivated plants/animals should be promoted and rewarded.

7.6 As per the management plan prepared/approved by PNRMC, the village NRMC shall carry out implementation of management plan along with PNRMC.

10.6 From the individual management plans of VNRMC it shall prepare a panchayat level management plan integrating into such a plan all the areas in which it has been given control of under 11th schedule of 73rd constitutional amendment 1993.

10.7 Such plan once prepared shall need the approval of TNRMC in general and VNRMC with respect to areas/issues relevant to VNRMC.

17.1 DNRMC shall provide assistance for planning and development to VNRMC and PNRMC by

(a) Maintaining a technical cell of scientists, knowledgeable individuals and NGOs as consultants who can help in planning and development.

(b) By establishing linkages with universities and R & D institutions in the appropriate disciplines to carry out research on problems and possible solutions of the region.

28.1 In SSA the VNRMC's shall prepare management plan as per section 5.0. Sale of timber is completely prohibited.

28.1.1 The emphasis of such plans shall be on NTFP value addition, small scale and cottage industries.

28.1.2 In case of practice of shifting cultivation being practices with short cycles, it shall convert it to agroforestry.

28.2 Such a plan has to be accepted by the community as per section 5.0.

32.2(d) It shall maintain full fledged R & D net work set up of educational and research institutions to help devise suitable planning and development strategies for

this region.

(e) Such a set up shall interact closely with VNRMCs and help them to implement various development strategies which are in tune with the culture and tradition of people.

(f) It shall assess any damage caused by wildlife to tribals or VNRMCs in the periphery and give speedy and suitable compensation.

(g) With the help of its R and D cell and expertise from SNRMC and NNMRC it shall evolve suitable strategies for management of wild life, livestock and fodder management and trade and value addition to forest produce, cottage industries based on forest produce.

Implementation

10.1 TNRMC shall carry out delimitation of boundaries of VNRMC and cause creation of permanent records.

10.8 All the development departments concerned with subjects under 11th schedule shall take cognizance of such a PNRMC management plan and development works to be carried out by all such departments in accordance with the PNRMC development plan.

17.9 DNRMC shall ensure that other members of the respective department shall cooperate with the Nature protection Squad which shall be responsible for law enforcement in VNRMC as per section 18.9.

28.3 The works in the management plan shall be implemented by government departments. If the VNRMC's are willing to take up the works themselves it shall be

assigned to them, upon obtaining a written request. Such works shall be monitored as in section 7.9.

28.4 The funds for such works shall come from SSA and be treated as component M.

32.(h) It shall encourage social forestry, agroforestry, alternatives to fuel wood like gobar gas, stall feeding, improved management of livestock.

CHAPTER 11

Powers and Administration of Natural Resource Management Committees (NRMC)

Note: This Chapter is a consolidation of various sections/sub-sections in earlier chapters regarding powers and administration of NRMC institutions from village to National level.

Village Level Natural Resource Management Committee (VNRMC)

2.6 VNRMC shall have the term of office equivalent to gram panchayat and the process of selection/election of members be staggered by at least 1 year with that of panchayat elections.

3.4 VNRMCs sharing a continuous patch of forest or hill range shall be subject to the authority of a federation of all VNRMCs the patch without being inimical to other constituent VNRMCs. Such federations are to be functioning under an appropriate TNRMC and DNRMC as the case may be.

5.6 Decision of VNRMC shall be final regarding the plan in case of dispute but it should not be against the regulations laid out by DNRMC.

6.1 There shall be a fund called VNRMC fund and it shall receive the money from following sources.

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

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

(c) Payments from national biodiversity fund as service charges.

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

6.5 VNRMC funds shall be treated as untied funds and can be allocated in any means deemed fit by VNRMC with the consent of gramasabha.

6.7 Allocation of funds for management plan shall depend on the performance of the village community and monitoring committee. It shall be done in accordance with the consolidated management plan prepared by PNRMC or a regional federation.

7.1 VNRMC shall design appropriate operational rules for usage and appropriation of all natural resources in its public lands and water, conservation and promotion of biodiversity in public and private lands implementation of management plan, allocation of VNRMC fund.

7.2 It shall appoint necessary staff for this purpose and shall bear the expenses from VNRMC fund. It shall also maintain the records of property, management plan, evaluation reports and accounts of VNRMC fund.

7.3 All these records are open to public scrutiny and shall be given on written request and payment of duplication charges.

7.4 It shall organize gramasabha on a regular basis of at least once in 3 months to be chaired by either the PNRMC chairman or the VNRMC representative to it. All the details of various activities of VNRMC shall be placed before it and discussed.

7.5 VNRMC shall also decide what constitute Environmental offense and take effective measures to prevent it. Provisions of section 16.3 supersede this section.

7.8 Counter signature of president of such committees needed before release of any

money to the awarded for the contract.

8.4 VNRMC shall request the help of Nature protection Squad through PNRMC for prevention of offenses of law enforcement and such requests should be in the written format specifying nature of help, area and duration for which it is required.

Panchayat Level Natural Resource Management Committee (PNRMC)

9.3 It shall have the power to summon any officer of government below the taluk level jurisdiction and examine only government records relevant to the PNRMC functioning. The secretary of the panchayat shall give 10 days prior notice to the concerned government officer regarding this.

10.1 Carry out delimitation of boundaries of VNRMC and cause creation of permanent records.

10.2 Organize with the help of local high school/colleges and NGOs the initial survey on statistics of national resources and documentation of biodiversity. Such information shall be recorded in the community register for this purpose.

10.3 It shall also be primarily responsible for organizing annual monitoring and evaluation for VNRMC after giving it an adequate notice of 15 days.

10.4 It shall consolidate the findings of such committees and send the report to TNRMC.

10.10 All the funds received for the management plan of VNRMC shall be controlled jointly by gram panchayat president and VNRMC. The funds received as service charges shall be handed over to VNRMC.

10.12 It shall ensure internal auditing of the VNRMC and send the reports to TNRMC

and also that VNRMC calls the gramasabha regularly and follows the provisions under section 16.3.

11.6 It shall maintain the records like management plan of VRMC, PNRMC and evaluation reports, resolution book of PNRMC and other relevant records.

Taluk Level Natural Resource Management Committee

14.1 TNRMC shall extend technical and infrastructural support to VNRMC and PNRMC for preparation of VNRMC and PNRMC plans.

14.2 It shall have in its deposition the records of properly rights of all the VNRMC, management plans of PNRMC and VNRMC, evaluation reports of all VNRMCs.

14.4 It shall prepare an abstract of performance evaluation reports of PNRMC regarding performance of individual VNRMCs with respect to management plan (component M) and efforts with respect to conservation and promotion of biodiversity (component C).

14.5 Such a report shall be based on similar abstracts of PNRMC and president of PNRMC is held responsible for its authenticity along with the respective monitoring committee.

14.6 It shall identify VNRMCs with bad performance and pay special attention to improve its working through the respective PNRMCs. On persistent bad performance (2 consecutive years) it can take over such VNRMC under section 16.3.11.

14.9 It shall oversee the functioning of PNRMC and VNRMC, receive written complaints and take up preventive measures as per section 16.3.11.

District Level Natural Resource Management Committee (DNRMC)

17.4 It shall also distribute the service charges i.e. (component) of the funds to the individual VNRMCs through the channel of PNRMC.

17.6 The funds for maintenance of DNRMC and TNRMC shall come from the DNRMC fund which is formed by contribution of a fixed percentage from all VNRMC service charges which shall be clearly indicated in the processes of distribution of funds to VNRMC.

17.10 It shall also exercise control over district development authorities to ensure that development works shall be implemented according to management plan of PNRMC as per section 16.3.10.

17.13 It shall be the final forum for resolution of conflict between any VNRMC and PNRMCs. However in the case of TNRMCs the final authority shall be SNRMC.

18.1 It shall have the power to take over VNRMC as per section 16.3.11 upon persistent violation of section 17.6 despite adequate warnings.

18.2 It shall have power to make new rules and change any of the provisions regarding NRMCS under its control.

18.8 It shall give rewards to VNRMCs and RFNs as per recommendations of the TNRMC.

18.9 DNRMC shall recruit the staff of Nature protection Squad from the existing staff of State Forest Departments depending on its requirements.

State Level Natural Resource Management Committee (SNRMC)

21.2 It shall ensure that DNRMCs and safety site authorities shall cooperate with each other.

21.3 It shall ensure that information/material of data bank or at any other level shall not be used without prior informed consent of VNRMCs concerned.

20.4 It shall ensure effective cooperation of law enforcement machinery of the state with Nature protection Squad in preventing Environmental offenses including all relevant infrastructural support.

20.6 It shall exercise final authority regarding safety sites located within the state boundaries.

20.7 It shall provide special attention and support to the working of safety sites and it shall be the final arbitrator in case of conflicts regarding such forests. It shall also ensure cooperation and coordination between safety forest authority and PNRMCs adjacent to it.

20.10 It shall be the final forum for appeal of any disputes about TNRMC located within the state.

20.11 It shall set up a computer based data bank containing information on biodiversity. Such data bank shall remain in the joint control of SNRMC Vice President and Presidents of NGO watch dog committee and monitoring committee.

National Level Natural Resource Management Committee (NNRMC)

23.1 It shall ensure that sufficient funds are allocated to national biodiversity fund created under section 22.4 from sources from central government. It shall also

attempt to procure funds from other national and international sources also.

23.2 It shall stake claims in all appropriate forums for IPR of the VNRMC as per recommendations of either DNRMC or SNRMC under section 22.4.1.

23.4 It shall set up a group of competent scientists to assign values for various elements for biodiversity and they shall be assisted by National Monitoring Committee and NGO watch dog committee.

23.6 The country's interest in matters regarding natural resources shall be represented by this committee in all international forums.

23.10 It shall be the final authority to decide in disputes/conflicts of DNRMCs and SNRMCs.

Safety Site Authority SSA

28.1 The VNRMCs shall prepare management plan as per section 5.0. Sale of timber is completely prohibited.

30.0 Administration and prevention of offenses.

The provisions shall be similar to VNRMC, However strength of Nature protection Squad shall be increased and SSA shall be equivalent to DNRMC in powers. There will have to be more cooperation amongst VNRMCs to prevent offenses as the forest patches are continuous.

31.1 If the total number of VNRMCs exceeds 25 they shall be federated to RFNs based on watershed boundaries with clear natural demarcation.

31.2 It shall function and be constituted like TNRMC of chapter 5.

32.2 In addition to the functions and powers of DNRMC the SSA shall also perform

32.2 In addition to the functions and powers of DNRMC the SSA shall also perform the following functions and be vested with following powers.

(a) It shall finalize management plan for the safety sites and works shall be assigned to various development departments for implementation.

(b) It shall be the authority to release money for VNRMCs and directly receive reports from monitoring committees.

(c) It shall have certain powers to penalize government officials based on monitoring reports and in the context of corruption or mismanagement by them with regard to the works assigned by it.

(d) It shall maintain full fledged R & D net work set up of educational and research institutions to help devise suitable planning and development strategies for this region.

(e) Such a set up shall interact closely with VNRMCs and help them to implement various development strategies which are in tune with the culture and tradition of people.

(f) It shall assess any damage caused by wildlife to tribals or VNRMCs in the periphery and give speedy and suitable compensation.

(g) With the help of its R and D cell and expertise from SNRMC and NNMRC it shall evolve suitable strategies for management of wild life, livestock and fodder management and trade and value addition to forest produce, cottage industries based on forest produce.

(h) It shall encourage social forestry, agroforestry, alternatives to fuel wood like gobar gas, stall feeding, improved management of live stock in peripheral areas to avoid pressures on safety forest.

(i) It shall be ensure that the management of safety forest shall become a movement of people. This can be done by involving NGOs closely, giving higher importance to monitoring committee reports, ensuring that the VNRMCS receive their rightful funds and creating awareness about provisions of this bill and establishing free flow of information regarding working of SSA.

CHAPTER 12

Prevention of Environmental Offenses and Nature Protection Squads

Note: This chapter is a consolidation of various sections and sub-sections in earlier chapters regarding Environmental offenses and Nature protection Squad.

Village Level Natural Resource Management Committee (VNRMC)

7.5 VNRMC shall also decide what constitute Environmental offense and take effective measures to prevent it. Provisions of section ^{16.3} supersede this section.

8.1 VNRMC shall devise mechanisms for prevention of offenses as declared in 7.5 which include

- (a) formation of village defense committees as in 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 harvests of forest produce.
- (e) any other measures finds suitable/needed

8.2 The burden of proof shall be on the offender and VNRMC can levy a fine or any other punishment deemed fit under section 7.5.

8.3 The offender under section 8.2 shall have an appeal to nyaya panchayat at under section 16.3.10. within 7 days of receiving verdict from VNRMC.

8.4 VNRMC shall request the help of Nature protection Squad through PNRMC for prevention of offenses of law enforcement and such requests should be in the written format specifying nature of help, area, and duration for which it is required.

8.5 VNRMC shall make efforts to give publicity to the information on Environmental offenses and punishments for such offenses.

Panchayat Level Natural Resource Management Committee (PNRMC)

10.9 Members from Nature protection Squad shall attend the NRMC meetings and be available constantly for specific PNRMCs to take written complaints by president or vice president and take necessary action. The exact number of such members and assigning to PNRMCs shall be done by TNRMC.

10.14 There shall be reference of all disputes at the level of panchayat to nyaya panchayat under the provision of section 16.3.10 and the decision given by it shall be binding on all parties including PNRMC and VNRMC

11.1 The president of PNRMC can authorize search and grant permission of entry to any premises to the Nature protection Squad as per norms of DNRMC under section 16.3 .

11.2 It can by written request and sufficient notice to ask for the help of development department officials or Nature protection Squad for help. Such officers shall be bound to help PNRMC under section 16.3.10. Any refusal to do so would be considered an offense under section 16.3.12

Taluk level Natural Resource Management Committee (TNRMC)

14.7 It shall exercise operational control over the Nature protection Squad as per

section 16.3.11. It shall also have control over all development departments and ensure that the regional programmes taken up by such departments are in congruence with the management plans of the PNRMC in the specific localities under the provisions of section 16.3.10.

14.7.1 It shall resolve conflicts between PNRMCs and VNRMCs and conduct necessary investigation after the evidence from both the parties.

14.9 It shall oversee the functioning of PNRMC and VNRMC, receive written complaints and take up preventive measures as per section 16.3.12.

District Level Natural Resource Management Committee

16.3.10 In coordination with SNRMC and as per with the laws of the particular state

(a) It shall ensure that all government employees are bound to cooperate with Nature protection Squad after obtaining a written request.

16.3.12 It shall be the responsibility of PNRMC and TNRMC and especially Nature protection Squad that norms prepared by DNRMC under this section are implemented by VNRMC. Noncompliance of this section shall be reported to DNRMC and could result in prosecution of concerned VNRMC president/members and/or take over of VNRMC by TNRMC.

17.7 It shall formulate a set of rules to define offenses as in section 21.7 and which shall be binding on TNRMC, PNRMC and DNRMC itself. Such rules shall form the general basis of trial of offenders in the court of law and Nyaya Panchayat and all NRMC forms below the district level.

17.8 It shall also form Nature protection Squad and is responsible for its allocation to

and is responsible for its allocation to various TNRMCs and shall enjoy the final authority in control over such squads as in section 18.9.

17.9 It shall ensure that other members of the respective departments shall cooperate with the Nature protection Squad which shall be responsible for law enforcement in VNRMC as per section 18.9.

18.9 DNRMC shall recruit the staff of Nature protection Squad from the existing staff of State Forest Departments depending on its requirements.

18.9.1 The control over such squad shall be shared between DNRMC and forest department. Exact mechanisms of such sharing of control shall have to be worked out in each state (as forests and other natural resources are concurrent subjects) with respect to payments, increments, promotions, transfer etc.

18.9.2 The share of expenses of DNRMC towards such a Nature protection Squad shall be met by DNRMC funds.

18.9.3 Nature protection squads shall ensure that DNRMC norms are followed by VNRMC, PNRMC, RFN and TNRMC. In case of non compliance they can report to DNRMC president and also to state level officer of Nature protection Squad.

18.9.4 DNRMC 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 to state level officer also.

18.9.5 The primary task of Nature protection Squads is to assist VNRMCs in prevention of forest offenses.

State Level Natural Resource Management Committee

20.4 It shall ensure effective cooperation of law enforcement machinery of the state with Nature protection Squad in preventing Environmental offenses including all relevant infrastructural support.

21.7 Penal provisions for Environmental offenses: The SNRMC shall have to devise a system of penalties for various offenses referred in this text which are in conformity with the existing related laws at state and national level.

National Level Natural Resource Management Committee (NNRMC)

23.7 It shall also support working of Nature protection Squads in DNRMC and also ensure that law enforcement agencies cooperate with it and also extend infrastructural support.

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

24.2 It shall ensure that various states and DNRMCs coordinate the measures with respect to prevention of Environmental offenses and they shall not be to the advantage of offenders. This shall be especially ensured in case of DNRMCs and safety forest authorities sharing borders and also in case of different states.

Safety Sites Authority (SSA)

30.0 Administration and prevention of offenses.

The provisions shall be similar to VNRMC, However strength of Nature protection

Squad shall be increased and SSA shall be equivalent to DNRMC in powers. There will have to be more cooperation amongst VNRMCs to prevent offenses as the forest patches are continuous.

32.1 SSA shall be the equivalent of DNRMC. In case VNRMCs being more than 25 it shall be formed from RFNs like DNRMC. In cases where less than 25 VNRMCs are present it shall be directly formed from VNRMCs.

32.2(c) It shall have certain powers to penalize government officials based on monitoring reports and in the context of corruption or mismanagement by them with regard to the works assigned by it.

CHAPTER 13

Monitoring and Evaluation of Performance of VNRMC'S and National Biodiversity Fund

Note: This Chapter is a consolidation of various sections/sub-sections on monitoring, evaluation of performance and Natural biodiversity found in the earlier chapters.

Village Level Natural Resource Management Committee (VNRMC)

4.1 The process of documenting shall be initiated by PNRMC and include VNRMC members, students and teachers from local schools and colleges, NGOs and members of the community. TNRMC shall provide the necessary technical manpower if required.

4.4 The concerned high school/college teacher/NGO conducting the survey shall receive adequate financial reward (as per DNRMC norms) and be responsible for authenticity of the recording.

6.2 The component 6.1 (c) shall depend on level of biodiversity maintained in the community and shall be reviewed every year by annual monitoring of performance and evaluation.

6.7 Allocation of funds for management plan shall depend on the performance of the village community by monitoring committee. It shall be done in accordance with the consolidated management plan prepared by PNRMC or a regional federation.

Panchayat Level Natural Resource Management Committee (PNRMC)

10.2 PNRMC shall Organize with the help of local high school/colleges and NGOs the initial survey on statistics of national resources and documentation of biodiversity.

Such information shall be recorded in the community register for this purpose.

10.3 It shall also be primarily responsible for organizing annual monitoring and evaluation for VNRMC after giving it an adequate notice of 15 days.

10.5 The evaluators nominated by TNRMC shall receive payments as per norms of DNRMC by PNRMC and are held responsible for their findings.

Taluk Level Natural Resource Management Committee (TNRMC)

13.3 It shall store all the information in the community register in a computerized data base. Such information shall be obtained every year. 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 monitoring evaluation committee of the concerned area.

13.5 Such a report shall be based on similar abstracts of PNRMC and president of PNRMC is held responsible for its authenticity along with the respective monitoring committee.

14.10 It shall depute members of particular PNRMC of strength not more than 7 as internal auditors to PNRMC. They shall be chosen on a lottery basis during the regular meeting of TNRMC.

District Level Natural Resource Management Committee (DNRMC)

16.3.8 It shall prepare formats for recording information on the following.

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

(b) Information on socioeconomic parameters especially relating to resource use by people.

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

16.3.9 It shall also design procedures for rewarding members by PNRMC, for the members involved in initial benchmark survey mentioned in section 16.3.8 and also for continuing monitoring using the VNRMC funds.

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

State Level Natural Resource Management Committee (SNRMC)

20.8 It shall set up a separate committee for monitoring with representatives from such district level committees and they shall give the status report of DNRMC I.

National level Natural Resource Management Committee (NNRMC)

23.4 It shall set up a group of competent scientists to assign values for various

elements for biodiversity and they shall be assisted by National Monitoring Committee and NGO watch dog committee.

23.11 It shall set up a monitoring committee and an NGO watch dog committee and both shall have one representative from each from the state committees.

Safety Site Authority (SSA)

29.1 The monitoring and evaluation shall be along the lines of supply sites. But special mechanisms shall be devised by SSA/SNRMC to avoid exploitation of people by VNRMC.

29.2 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.

National Biodiversity Fund

22.4 The Central Government National Biodiversity Fund shall establish a National Biodiversity Fund. It should be jointly managed by NNRMC and Presidents Monitoring Committee and NGO watch dog committee.

22.4.1 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.

(d) Future payments received for royalties based on genetic resources and knowledge pertaining to it on which India has sovereign rights.

22.4.2 Funds shall be allotted to individual DNRMCs based on their performance reports submitted by the district level monitoring committees.

CHAPTER 14

Forums of Redressal Checks and Balances over NRMCS

Note: This Chapter is a consolidation of various sections and sub-sections in earlier chapters regarding forums of redressal and checks and balances over NRMCS.

Village Level Natural Resource Management Committee (VNRMC)

1.0 Awareness about this bill and opportunities offered for people.

2.4 There should be reservation of 1/3 of the seats for weaker sections and women in the VNRMC constituted.

2.7 The current members of panchayat raj institutions, state legislative, or cooperative institutions shall not be eligible as VNRMC members and any sitting member would automatically lose the membership of the VNRMC in case he acquires such a status.

3.7 Notwithstanding anything said anywhere enjoyment of the property rights under section 3.6 shall be subject to certain conditionalities prescribed by DNRMC in section 16.3.

5.1 The management plan shall be prepared by members of VNRMC in consultation with gramasabha. It shall concern all the public lands in the territory and also development of private lands. It shall be reviewed every year.

5.4 This plan shall be implemented only after approval of gramasabha regional PNRMC and TNRMC. The implementation shall be jointly done with PNRMC or regional federation as in 3.4. Local labour and initiative should be given priority in carrying out the works.

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

7.4 It shall organize gramasabha on a regular basis of at least once in 3 months to be chaired by either the PNRMC chairman or the VNRMC representative to it. All the details of various activities of VNRMC shall be placed before it and discussed.

Panchayat Level Natural Resource Management Committee (PNRMC)

8.3 The offender under section 8.2 shall have an appeal to nyaya panchayat at under section 16.3.10. within 7 days of receiving verdict from VNRMC.

7.9 VNRMC shall be bound to cooperate with and furnish all the requested material and infrastructural support for and internal auditors as chosen by TNRMC Monitoring Committee. Any failure to do so shall be considered an offense under section 21.7.

7.10 For all disputes or offenses with respect to VNRMC the president or appropriate officers of VNRMC held responsible and burden of proof to prove their noninvolvement/innocence rests on them.

10.7 Such plan once prepared shall need the approval of TNRMC in general and VNRMC with respect to areas/issues relevant to VNRMC.

10.11 All proceedings of PNRMC and records shall be open to public scrutiny documents can be obtained after payment of the prescribed fee.

10.12 It shall ensure internal auditing of the VNRMC to be done and send the reports to TNRMC and also that VNRMC calls the gramasabha regularly and follows the provisions under section 16.3.

10.13 The functioning of PNRMC is subject to authority and powers of other subcommittees of grama panchayat regarding welfare, protection of weaker sections, as per the provisions of the state panchayat raj act.

10.14 There shall be reference of all disputes at the level of panchayat to nyaya panchayat under the provision of section 16.3 and the decision given by it shall be binding on all parties including PNRMC and VNRMC.

11.3 It can take up punitive measures against VNRMC for violation of norms of DNRMC as per the provisions of section 16.3.12.

11.4 For all disputes and offenses president and vice president are held responsible and PNRMC shall meet at least once in a month at 7 days notice to all its members an extraordinary meeting can be called for by giving 5 days notice by president or by request of 1/3 members.

11.7 Any VNRMC representative at PNRMC can be removed by 2/3 majority no confidence vote and president and vice president also shall be removed by such a vote.

Taluk Level Natural Resource Management Committee (TNRMC)

14.4 It shall prepare an abstract of performance evaluation reports of PNRMC regarding performance of individual VNRMCs with respect to management plan (component M) and efforts with respect to conservation and promotion of biodiversity (component C).

14.6 It shall identify VNRMCs with poor performance and pay special attention to improve its working through the respective PNRMCs. On persistent poor performance

(2 consecutive years) it can take over such VNRMC under section -16.3.11.

14.8 It shall exercise operational and financial authority in appointment of monitoring committees for VNRMCs as per the provisions of section 16.3.9

14.9 It shall oversee the functioning of PNRMC and VNRMC, receive written complaints and take up preventive measures as per section 16.3.12.

14.10 It shall depute up to 7 members of neighboring PNRMC as internal auditors to all PNRMCs. They shall be chosen on a lottery basis during the regular meeting of TNRMC.

14.11 Such an internal audit shall be carried as per the provisions of sections 16.3.15 and each PNRMC shall undergo such audit at a minimum of once in 2 years.

14.13 It shall operate in conformity with the provisions of subcommittee on welfare of weaker sections of Taluk panchayat as formulated by state government.

14.16 It shall closely coordinate with NGOs in making the efforts a people's movement and spread awareness about the provisions of this bill especially to weaker sections of the society.

14.17 It shall depute an officer of the Nature protection Squad to receive complaints from weaker sections regarding operations of VNRMC and PNRMC and give a written acknowledgement of receipt of the same. This provision would be publicized widely.

15.3 It shall exercise punitive powers in offenses regarding monitoring and evaluation, corruption charges against VNRMC, PNRMC, and Nature protection Squad members and take necessary action under section 21.7.

15.5 TNRMC shall decide on partitioning of territories in case of disputes between VNMRCs by considering population, biomass demand of contending parties, status of resource catchment, existing conventions and rules of use. Such a decision given

by TNRMC shall be open to appeal to DNRMC. However, decision by DNRMC shall be final and binding on the parties.

District level Natural Resource Management Committee (DNRMC)

16.3 DNRMC norms are a set of rules which all DNRMCs shall have to specifically design and ensure their compliance within their territories.

16.3.1 The lands and waters vested with VNRMCs should not be privatized nor put to any use benefiting private parties to the detriment of the general community by altering their status quo.

16.3.2 The existing conservation practices like sacred animals, trees, groves, ponds, etc. shall also be protected under VNRMC.

16.3.4 No forest produce shall be harvested except under the plan prepared/procedures laid down by VNRMC.

16.3.5 Clear felling of trees and sale of timber above a certain ceiling limit would need prior written permission of TNRMC.

16.3.10 (c) The DNRMC shall design procedures for establishing and operation of Forums of Redressal and Conflict Resolution at each Panchayat level called Nyaya Panchayats. These shall follow the model of the Karnataka Mandal Panchayat and Nyaya Panchayat Act 1983.

16.3.11 It should devise procedures by which TNRMC shall be empowered to take over VNRMC's with persisting bad performance as per the Monitoring Committee reports.

16.3.12 It shall be the responsibility of PNRMC and TNRMC and especially Nature

protection Squad that norms prepared by DNRMC under this section are implemented by VNRMC. Noncompliance of this section shall be reported to DNRMC and could result in prosecution of concerned VNRMC president/members and/or take over of VNRMC by TNRMC.

16.3.15 DNRMC shall also design procedures for internal auditing of PNRMCs to be carried out by other PNRMC members.

17.13 It shall be the final forum for resolution of conflict between any VNRMC and PNRMCs. However in the case of TNRMCs the final authority shall be SNRMC.

18.2 It shall have power to make new rules and change any of the provisions regarding NRMCs under its control.

18.7 It shall also suggest changes in management plan of VNRMC in accordance with RFN as per recommendation of TNRMC after giving a fair hearing to concerned VNRMC

State level Natural Resource Management Committee SNRMC

20.8 It shall set up a separate committee of monitoring and evaluation with representatives from such district level committees and they shall give the status report at DNRMC level.

20.9 It shall also set up a watch dog committee of NGO at state level having representatives from each district.

20.10 It shall be the final forum for appeal of any disputes about TNRMC located within the state.

21.7 Penal provisions for Environmental offenses: The SNRMC shall have to devise

a system of penalties for various offenses referred in this text which are in conformity with the existing related laws at state and national level.

Safety Site Authority SSA

28.3 The works in the management plan shall be implemented by government departments. If the VNRMC's are willing to take up the works themselves it shall be assigned to them, upon obtaining a written request. Such works shall be monitored as in section 7.9.

32.1 SSA shall be the equivalent of DNRMC. In case VNRMCs being more than 25 it shall be formed from RFNs like DNRMC. In cases where less than 25 VNRMCs are present it shall be directly formed from VNRMCs.

32.2(i) It shall be ensure that the management of safety forest shall become a movement of people. This can be done by involving NGOs closely, giving higher importance to monitoring committee reports, ensuring that the VNRMCs receive their rightful funds and creating awareness about provisions of this bill and establishing free flow of information regarding working of SSA.

CHAPTER 15

Sedentary and Migratory Graziers, Fisher folk, Pollution Control

Sedentary and migratory graziers, grazing over several localities are a special case in the context of decentralized control and management of lands and waters by VNRMC 's as envisaged in this bill. Such grazer groups may include people like Gowli - Dhangars in Western Ghats who stay within the dense forests and depend entirely on their buffaloes and cattle for livelihood, certain communities in various semiarid tracts of India who depend on dryland farming in kharif and migrate with their sheep to wetter regions in search of better fodder and water. Such grazer groups often have very strong community level organization. The livestock of such groups could also consist of goats, horses, camels and ducks. The resources used include tree fodder and grass in forests, grass in fallow lands and grasslands, and crop stubble, weeds and grains in croplands. Usually access to such lands is obtained in exchange of penning their livestock in the case of private crop lands, payment to village community for grazing in village common lands and by authorized or unauthorized payments to officials in forest lands.

33.0 Interests of such grazer groups spread throughout the country can be protected under this bill by the following provisions.

33.1 One to two representatives of the grazer groups regularly visiting the areas VNRMC's of a PNRMC shall be included in PNRMC as members. They shall be exempted from attending the meetings of PNRMC regularly as in sec 11.6.

33.2 Such members also can submit their requests, disputes to TNRMC in case of failure of PNRMC to take up the matter which shall find appropriate solution by consulting VNRMC's within 3 weeks of receiving such request.

33.3 The right of way or passage of nomadic graziers shall continue un-hindered through public and private lands, unless and until satisfactory provisions are made for alternative routes. This shall be added as a DNRMC Norm 16.3.16 in section 16.3.

33.4 The existing arrangements in private lands shall continue. However in public lands the grazier groups shall have to negotiate with individual VNRMC's and make payments to VNRMC's for privileges of grazing. Such arrangements are valid for the entire term of VNRMC.

33.5 While preparing management plan in section 5.0 the VNRMC shall while developing lands and water consider the interests of grazier groups also by making provisions like fodder development, rotational grazing etc.

FISHER FOLK

Fishing is an important economic activity and it is also a livelihood alternative for several fisherfolk communities along the sea coast, in inland waters and along river courses. Rights and access for such communities over the natural resources from these waters need to be included in the provisions of this bill. The fisherfolk communities have strong and viable community level organization and well defined rules of access to resources amongst them, though many such rules are not currently being practiced. They mostly employ traditional methods of fishing which are less capital intensive and some of them work in mechanized trawlers and purse seiners.

Their major problems include overfishing and fishing near the shore by mechanized boats, lack proper marketing facilities for their catch, deleterious effects of pollution on fish, Commercial aquaculture especially concentrated in highly productive estuarine areas. Though there are rules prohibiting fishing by mechanized boats within 5 Km of coast line and rules regulating seasons open for fishing, number of mechanized boats allowed in an area, they are seldom implemented by the concerned law enforcement agency and development departments.

34.0 In order to protect the interests of such fisherfolk. Keeping in mind their specific requirements the following provisions shall be included in this bill.

34.1 In selecting/ electing members to VNRMC under Section 2.4 it shall be ensured that at least 1 representative of fisherfolk will be a member of the VNRMC.

34.2 In the delimitation of boundaries in section 3.2 for demarcating and identification of boundaries in sea and inland waters the traditional leadership shall be consulted.

34.3 If more than 2 VNRMC's share a particular area of water bodies as their resource catchment as in section 3.3 and 3.4. They shall be formed into a RFN as mentioned in section 12.0.

34.4 Special attention should be paid to the process of zonation in section 5.3. The provisions should also include protected seasons for fishing, protected life history stages and protected species. Such measures would yield tangible benefits in terms of increased harvests and levels of biodiversity.

34.5 In the process of documentation in section 4.1 the resources gathered from waters and knowledge systems related to their usage should be included and recorded in community register. The DNRMC shall also prepare the format for such

a process.

34.6 In defining environmental offenses in section 7.5 offense relating such water resources are also to be included. The DNRMC should devise procedures to define clearly environmental offenses with respect to water resources usage in conformity with the laws of the land as section 16.3.17.

34.7 DNRMC should include in nature protection squads appropriate law enforcement agencies to help VNRMC's in preventing offenses in water resources like sea, river, lake, ponds in adequate strength and also provide them with required facilities.

34.8 Appropriate officers, Ministers concerned with water resources should also be included in NRMC at district, State and National levels.

34.9 The fisherfolk can make use of forums of redressal provided in this bill. However if they are in a minority (as to be decided by DNRMC in section 16.3.7) as in the case of inland fisherfolk there shall be a provision for its representative to directly appeal to TNRMC. The TNRMC president shall have to take up the matter with concerned VNRMC within 3 weeks of obtaining such a written request.

34.10 In case of certain areas of sea or inland water bodies being declared as safety sites. They shall be managed as per Chapter 9 taking to consideration the provisions made under this section.

Pollution control

35. Environmental pollution poses a serious problem for development and management of lands and waters by VNRMC's and especially in maintaining high

levels of biodiversity. For effective pollution control the following provisions should be made under this Bill.

35.1 Pollution Control Board existing at the state and national levels shall have to share the powers with DNRMC. It shall function in close cooperation with DNRMC and SSA within their territories.

35.2 The existing pollution causing units shall be required to obtain 'No Objection Certificate' from the PNRMCs which are around it or likely to be affected by its activities. Denial of such certificate by ^P/PNRMC should be accompanied by a clear statement of objections and reasons for such denial.

35.3 Such grounds stated by ^P/PNRMCs in section 35.2 shall be critically examined including other deleterious effects on environment by R & D cell maintained by DNRMC/SSA/SNRMC. The investigations shall be transparent and methodology and results be widely accessible to all, especially TNRMCs.

35.4 Any permission to start new units with possibilities of environmental pollution shall need a similar No Objection Certificate from PNRMC and from at least 80% of individual owners /beneficiaries from lands and waters likely to be affected by pollution.

35.5 The objections either by PNRMC or individual owners/beneficiaries shall be investigated as per section 35.3.

35.6 The investigating agencies/persons shall receive adequate remuneration as decided by DNRMC. They shall also be held accountable for the findings of their investigation.

VEGETABLES COMMON TO INDIA

Beans

Beets, Beet Root

Lady's Finger (Okra)

Brinjal (Egg plant)

Cabbage

Carrot

Cauliflower

Chillis

Cucumber

Knol Kohl (Kohl Rabi)

Onion

Peas

Radish

Tomato

Spinach, Coriander, Fenugreek, Pollack

Turnip

Lettuce (*Very rare in rural India*)

Gourds (Bottle, Ridge, Snake, Pumpkin)

Potato

Corn

COMMUNITY HEALTH CELL
326, V Main, 1 Block
Koramangala
Bangalore-560034
India

APPENDIX A-1 NORTH INDIA

Vegetables	Variety	Planting Season	Spacing	Planting Method	Growing Period	Harvest Time	Notes
Tomato	Pusa Ruby Sioux	July-Sept	P 15 R 27	T. P.* 4-6 Weeks	7-9 Weeks	6 Weeks	Very susceptible to insects and disease
Cauliflower	Pusa Kothi (June-July Faizabadi, Early Patna Patna Main (Aug-Sept Snowball—16 (Oct	June-Oct.	P 15 R 27	T. P. 3-5 Weeks	11-13 Weeks	1 Week	Cultivate early; watch for sucking insects
44 Peas	Donneville Pusa Purple; round	Oct-Nov	P 10 R 24-30	D. P. To Farrow	7-9 Weeks	1-2 Weeks	Will usually grow easily; Good as green manure crop. (Hi Nitrogen)
Potato	Up-to-date Kufri Kuben	Mid-Oct.	P 12 R 30	D. P.	11-13 Weeks	1-3 Weeks	Grow your own seed potatoes Plant eyes; the eye you plant will grow some potatoes
Brinjal	Pusa, purple Long Pusa, purple round	Aug-Oct	P 15 R 25	T. P. 4-5 Weeks	7-9 Weeks	7-10 Days	Most eaten food in India. Very susceptible to borers & suckers
Cabbage	Early golden Main drum- head	Aug-Oct	P 15 R 25	T. P. when plants are 4" tall	11-13 Weeks	7-10 Days	Cultivate & thin early. Very susceptible to borers & suckers
Knol Kohl	White Vienna	Aug-Oct	P 3-5 R 21	T. P. when plants are 4" tall	9-11 Weeks	10-14 Days	Good all-around veg. Easily grown; susceptible to borers

Carrot	Pusa Kisan Hantes $\frac{1}{2}$ long Chantany- Coneless	Aug-Dec Sept-Oct	P 2 R 15	D. P. to Ridge side	7-9 Weeks	1 Week	Choose variety carefully; Watch for boring worms. Plenty of H2O
Turnip	Puch Kanchem Snow, Gold	Aug-Dec Sept-Oct	P 3 R 15	D. P. to Ridge Side	8 Weeks	1 Week	"
Beet Root	Crimson globe Detroit, Dark Red	Aug-Oct	P 3 P 20	D. P. tubers in row	9-11 Weeks	2 Weeks	"
Radish	Japanese White tube red round	Aug-Dec Sept-Oct	P2 R 15	D. P. Seeds on side	4-6 Weeks	2 Weeks	Grow early; will worm. Harvest <i>on time</i> —go bad quickly
Chillies	California Wonder	June-Sept	P 15 R 20	T. P. 4" High	8-10 Weeks	6 Weeks	National food. Good grown Minimum of work
Leafy Vegetables	Spinach, Pollack, Correander Ferugreek	Oct-Dec	P 6 R 18	D. P. in Rows	8-10 Weeks	3 Weeks	High need for these vegs. Borers & suckers quite common.

ABBREVIATIONS :

P=Plants (Distance between)

R=Rows „ „

T. P.=Transplant

D. P.= Direct Plant (Seeds)

APPENDIX A-2 SOUTH INDIA

Vegetables	Season	Planting Method	Spacing	Growing Time	Harvest Time	Variety	Notes
Beans	June-Feb.	D. P.	P 3-6 R 24	5 Weeks	3 Weeks		
Beets	Nov.-Feb.	D. P.	P 3 R 24	10 Weeks	2 Weeks		
Bhindi	All Year	D. P.	P 6-12 R 30	8 Weeks	6-9 Weeks		Harvest early; pick pods every 2 days
Brinjal	All Year	T. P.	P 30 R 36	8 Weeks	9 Weeks		
Cabbage	Nov.-Feb.	T. P.	P 18 R 30	12 Weeks	1 Week		
Carrot	Sept.-Feb.	D. P.	P 2 R 20	8 Weeks	1 Week		
Cauliflower	Nov.-Feb.	T. P.	P 18 R 30	12 Weeks	1 Week		
Chillis	All	T. P.	P 18	9 Weeks	6 Weeks		
Corn	July-Feb.	D. P.	P 4-6 R 30	9-11 Weeks	2 Weeks		Plant in tight rows for better pollination.
Dosakai Cucumber	July-Feb.	D. P.	P 24 R 36	9 Weeks	2 Weeks		