

Government of West Bengal
Department of Forests
Aranya Bhahan, Block-LA/ 10A,
Sector-III, Salt Lake City, Kolkata-700106

No.40-For

Date: 03/01/2017

JOINT FOREST MANAGEMENT COMMITTEE RESOLUTION

The Joint Forest Management Committee Resolution has been in vogue for last 26 years and there are 4 (four) resolutions for implementation of the Joint Forest Management in the State. It was noticed that there are some discrepancies in implementing the various resolutions, resulting in administrative problem. In order to overcome these discrepancies it was under active consideration of the Government in the Department of Forests, West Bengal, to have one common Resolution covering all Districts of the State including the Protected Areas with the Objectives of:

- (1). Bringing FPC & EDC under a common nomenclature;
- (2). Redefining the eligibility for membership in the JFMC;
- (3). Redefining the mechanism for sharing of usufructary benefits;
- (4). Motivating Forest Communities in the Development, Protection, Forest Management & Conservation of Wildlife as envisaged in the National Forest Policy, 1988.

Now, in suppression of Government Resolutions No. 3481-For/FR/0/IIM-7/95 dated 26.06.1996, No. 5969-For dated 03.10.2008, No. 5970-For dated 03.10.2008 and No. 5971-For dated 03.10.2008 and in suppression of all other orders and instructions issued on the subject, the Governor is pleased to decide that Joint Forest Management Committees (JFMCs) shall be constituted for the purpose of management and development of degraded forests/forests prone to forces of degradation and for the purpose of protection, management and development of PAs and conservation of wildlife in the districts of Darjeeling, Kalimpong, Alipurduar, Jalpaiguri, Coochbehar, Uttar Dinajpur, Dakhin Dinajpur, Malda, Murshidabad, Nadia, Hooghly, Purba Medinipur, Paschim Medinipur, Bankura, Purulia, Burdwan, Birbhum, North 24 Parganas and South 24 Parganas and direct that composition, duties, and functions, the usufructuary benefits and restrictive measures pertaining to such Joint Forest Management Committees shall be the following:

1. COMPOSITION:

- (i) The Divisional Forest Officer/Deputy Field Director/Divisional Manager in consultation with "Bon-O-Bhumi Sanskar Sthayee Samiti" of concerned Panchayat Samiti or in consultation with the concerned Sabhasad of Gorkhaland Territorial Authority (GTA)/Councilor of local Municipality shall select members for constitution of the Joint Forest Management Committee(s) within his/her jurisdiction and within the framework of this resolution.
- (ii) Every family living adjacent to the forests shall have the option of becoming a member of the Joint Forest Management Committee at any time if such family is interested in protection, management and conservation of forests and wildlife.
- (iii) There shall be normally a joint membership for each household (i.e. if husband is a member, wife automatically becomes a member and vice versa). Either of the two can exercise right to represent the household at any point.
- (iv) Constitution of the Joint Forest Management Committee including the Executive Committee will be approved by the Divisional Forest Officer/Deputy Field Director/Divisional Manager concerned on recommendation of the "Bon-O-Bhumi Sanskar Sthayee Samiti" of the concerned Panchayat Samiti or the concerned Sabhasad of GTA / Councilor of local Municipality as may be the case.
- (v) The Divisional Forest Officer/Deputy Field Director/Divisional Manager approving the committee shall, as soon as possible, demarcate the area of forest, allocated to each JFMC on the field as well as on maps.
- (vi) The concerned Gram Panchayat(s) /Sabhasad under GTA / Councilor(s) of local Municipality shall extend necessary support and help to such committee(s) to ensure their smooth and proper functioning.

2. EXECUTIVE COMMITTEE:

- (i) Each Joint Forest Management Committee shall have an Executive Committee to carry out the various activities assigned to the Committee.
- (ii) The composition of the Executive Committee shall be as follows:
 - a. Representative of the Local M.L.A. to be nominated from the concerned JFMC. Member
 - b. Karmadhakshya or any member of the "Bon-O- Bhumi Sanskar Sthayee Samitf of the local Panchayat Samitias may be nominated by the Karmadhakshya, or Local Sabhasad of GTA or any member nominated from the local area by the Sabhasad of GTA. Member
 - c. Any Councilor of the local Municipality as nominated by the Chairman of the said Municipality or the Pradhan of the local Gram Panchayat or his local representative. Member
 - d. Elected representative of the beneficiaries. (The number of elected representatives shall be eight, where total number of members of the JFMC is within 100; fifteen, where total number of JFMC members is between 101 to 200; twenty, where total number of JFMC members is between 201 to 400 and maximum twenty five where total number of JFMC members is above 400. 40 % of the members of EC shall be from SC, ST and women out of which a minimum of at least one third shall be women and one from each category of SC & ST where JFMCs are having SC & ST members.) Member
 - e. Concerned Beat Officer/Deputy Range Manager or his nominee in the rank of Head Forest Guard/ Forest Guard/Ban Majdur/Ban Shramik/Nigam Shramik Member Secretary
 - f. The Executive Committee shall have three office bearers besides the Member Secretary out of which the President/Vice President/Treasurer will be from among the elected members and out of which at least one shall be woman.

- (iii) The Member Secretary shall convene the meetings of the Executive Committee as well as Joint Forest Management Committee as per agreed procedure, preferably in Government premises.
- (iv) Quorum for each meeting of the Executive Committee shall be 50% of the elected members and that for the AGM shall be 50% of ordinary members.
- (v) The representatives of the JFMC to the Executive Committee shall be elected after every three years in Annual General Meeting of the Committee, where the concerned Range Officer will be the Returning Officer following the Guidelines for the election procedure to be prescribed by the Principal Chief Conservator of Forests, HoFF, W.B.
- (vi) If any inclusion or change in the JFMC/EC is necessitated, after initial constitution, the Executive Committee shall make suitable recommendation to the forest officer duly endorsed by the Ban-O-Bhumi Sanskar Sthyaee Samiti of the local Panchayat Samiti / concerned Sabhasad under GTA / Councilor(s) of local Municipality as the case may be.

3. DUTIES OF EXECUTIVE COMMITTEE:

- (i) The Executive Committee of Joint Forest Management Committee shall maintain a register showing the necessary particulars of beneficiaries who are members of the committee, i.e. name, father's name, address, age, bank details, contact number, Aadhar number, number of family members, name of nominee, etc. Nomination forms duly filled in and approved by the Executive Committee should be pasted on the register. A copy of such register is also to be maintained in the concerned Range Office of the Forest Department for permanent record.
- (ii) The Executive Committee of Joint Forest Management Committee shall maintain a "Minute Book" wherein proceedings of the meeting of the Executive Committee held from time to time as well as the proceedings of the Annual General Meeting of the Joint Forest Management Committee will be recorded under the signature of the President of the Committee and such Minute duly attested by the

Member Secretary shall be sent to concerned Range Officer/Range Manager for record.

- (iii) The Executive Committee of Joint Forest Management Committee shall hold an Annual General Meeting once every year where, *inter alia*, activities of committee as well as details of distribution of usufructuary benefits are to be discussed, besides electing representatives of the beneficiaries to the Executive Committee. Nothing mentioned herein prevents holding any number of Special General Meetings as and when deemed necessary.
- (iv) The Executive Committee shall meet at least once every three months and discuss issues related to ongoing forestry works, preparation and implementation of action plan and other emergent works etc.
- (v) Every JFMC will have an account in bank/post office for maintaining a common fund by deposits from the members/or other sources. The fund will be operated jointly by the Beat Officer/ Deputy Range Manager and the Treasurer as per written resolution of the executive committee. Receipts and withdrawals from this account shall be presented in every AGM for approval.

4. FUNCTIONS OF JOINT FOREST MANAGEMENT COMMITTEE:

- A. (i) To ensure protection of forests (including plantations) and wildlife by preventing trespass, encroachment, grazing, fire, poaching, theft etc. through' the members of the committee.
- (ii) To inform forest personnel about wilful or malicious attempts of trespass and encroachment, grazing, fire, poaching, theft etc in forests / PAs.
- (iii) To apprehend or assist the forest personnel in apprehending of such person or persons committing any of the offences mentioned above.
- (iv) To actively participate in mitigation of human-wildlife conflict and to render assistance to the forest personnel during animal driving / rescue operation.

- B. (i) To ensure smooth and timely execution of all forestry and fringe area development works taken up in their jurisdiction by extending necessary help to the officials of Forest. Department.
- (ii) To involve every member of the Committee in the matter of protection of forests and wildlife as well as other duties assigned to the Committee.
- (iii) To assist the concerned Forest Officials in the matter of engagement of labourers required for forestry work.
- C. (i) To ensure smooth implementation of activities like regeneration, harvesting of the forest produce and eco-development by the Forest Department.
- (ii) To assist the concerned Forest Official in proper distribution of the earmarked portion of the net sale proceeds among the eligible members of the Committee.
- (iii) To ensure that usufructuary rights allowed by the Government is not in any way misused by any of the members and forest/ plantation sites are kept free from any encroachment whatsoever.
- D. (i) To prevent any activity that is in contravention of the provisions of Indian Forest Act, 1927 and any Act and Rule made there under and the Wildlife (Protection) Act, 1972 as amended from time to time and any Act and Rule made there under.
- (ii) To report about activities of particular member which are found prejudicial and detrimental to the interest of a particular plantation and or/forest and wildlife to the concerned Beat Officer/ Deputy Range Manger/Range Officer/Range Manager which may result in cancellation of membership of the erring member.
- (iii) To assist the forest officials to take action or proceed under Indian Forest Act, 1927 and the Wildlife (Protection) Act, 1972 and any Act and Rule made there under, against, the offenders, including any erring members of the Committee found to be violating the Act or damaging the forest/ plantation/wildlife.

5. USUFRUCTUARY BENEFITS:

A. From Forests other than PAs under JFMCs in districts of Purba Medinipur, Paschim Medinipur, Bankura, Purulia, Burdwan, Birbhum, North 24 Parganas and South 24 Parganas.

1. The members will have to protect the forest and wildlife for at least 5 years to be eligible for sharing of usufructs under this programme.

For the purpose of counting length of eligible service rendered by a particular member, his/ her membership in any household in the same JFMC area will be counted.

2. The members shall be entitled to collect following items free of royalty without causing any damage to the forest.

i) Fallen twigs, grass, fruits (including cashew), flowers including Mahua flowers, mushroom, seeds including Sal seeds, leaves including Kendu leaves and intercrops raised by JFMCs subject to any restriction imposed from time to time. Provided, the Government may at any time, by suitable legislation, regulate collection of Sal seeds and Kendu leaves and prescribe their marketing procedure.

ii) Free collection of medicinal plants by JFMC members will be permitted on the basis of approved plans.

iii) Members of the concerned JFMC will receive 40% of net sale proceeds of final harvest obtained during clear felling coupe operations and 100% of the produce obtained from thinning and cultural operations. Such produce shall however be utilised for bonafide use of the members only.

iv) 25% share of Government receipts on account of tourist and transport entry and photography and such other activities related to Ecotourism in the concerned forest area.

3) The eligible members will receive share of the usufructs from the harvesting from concerned forest officials after discharging satisfactory service as detailed hereinbefore.

- 4) The usufruct sharing will be subject to restrictions imposed from time to time on account of silvicultural and management requirements of Forest and Wildlife.
- 5) Goods and services generated by community benefit oriented activities will be enjoyed by each member of the JFMC in equal proportion. Those generated by individual benefit oriented activities will be enjoyed by the individual concerned.

B. From Forests other than PAs under JFMCs in districts of Darjeeling, Kalimpong, Alipuduar, Jalpaiguri, Coochbehar, Uttar Dinajpur, Dakshin Dinajpur, Malda, Murshidabad, Nadia and Hooghly.

- 1) The members will have to protect the forest and wildlife for at least 5 years to be eligible for sharing of usufructs under this programme.

For the purpose of counting length of eligible service rendered by a particular member, his/ her membership in any household in the same JFMC area will be counted.

- 2) The members shall be entitled to collect following items free of royalty without, causing any damage to the forest.
 - i) Fallen twigs, grass, fruits (including cashew), flowers including Mahua flowers, mushroom, seeds including Sal seeds, leaves including Kendu leaves and intercrops raised by JFMCs subject to any restriction imposed from time to time. Provided, the Government may at any time, by suitable legislation, regulate collection of Sal seeds and Kendu leaves and prescribe their marketing procedure.
 - ii) Free collection of medicinal plants by JFMC members will be permitted on the basis of approved plans.
 - iii) Members of the concerned JFMC will receive 40% of net sale proceeds of firewood and poles, which are harvested during thinning and cultural operations. The poles for the purpose of this order will be under 90 cm GBH for all species except Teak. For Teak the upper limit of GBH is 60 cm.

iv) Share of the JFMC shall be 25% of the net sale proceeds of timber which is harvested at the time of final felling and all other legal extraction of timber done by the Directorate. Such share shall be distributed in the following manner:

a) 20% will be distributed to the concerned JFMC.

b) 80% will be distributed to the other JFMCs of the Division proportionately.

v) 25% share of Government receipts on account of tourist and transport entry and photography and such other activities related to Ecotourism in the concerned forest area.

- 3) The eligible members will receive share of the usufructs from the harvesting from concerned forest officials after discharging satisfactory service as detailed hereinbefore.
- 4) The usufruct sharing will be subject to restrictions imposed from time to time on account of silvicultural and management requirements of Forest and Wildlife.
- 5) Goods and services generated by community benefit oriented activities will be enjoyed by each member of the JFMC in equal proportion. Those generated by individual benefit oriented activities will be enjoyed by the individual concerned.

C. From Wildlife PAs under JFMCs in all districts:

i) The members of the JFMC will have to protect and participate in the management of the Protected Area to the satisfaction of the forest officer for a minimum period of one year to become eligible for 40% share of Government receipts on account of tourist and transport entry and photography and such other activities related to Ecotourism in the Protected Area.

ii) The eligible members will receive their share from concerned forest officials after discharging satisfactory service as detailed hereinbefore.

iii) Usufruct sharing, as mentioned above, will be subject to restrictions imposed from time to time on wildlife management and other related considerations

(iv) Goods and services generated by community benefit oriented activities will be enjoyed by each member of the JFMC in equal proportion. Those generated by individual benefit oriented activities will be enjoyed by the individual concerned.

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

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

ii) The concerned Divisional Forest Officer/Deputy Field Director/ Divisional Manager shall be entitled to take appropriate action including dissolution of any Executive/Joint Forest Management Committee on the grounds stated above by giving prior notice to the Executive/Joint Forest Management Committee and such information to the concerned Bon-O-Bhumi Sanskar Sthayee Samiti of the concerned Panchayat Samiti/Sabhasad under GTA / Councilor(s) of local Municipality as the case may be.

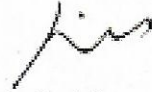
iii) The concerned Range Officer/Range Manager may be authorized by the Divisional Forest Officer/Deputy Field Director/ Divisional Manager to take appropriate action, including suspension for a specified period or termination of an individual membership, on the above mentioned grounds, on the recommendation of the Executive Committee of Joint Forest Management Committee.

During the period of suspension the suspended member will not be eligible to receive his usufructuary benefits and exercise his rights as a JFMC member.

(iv) Appeal against any such penal action by the Range Officer/ Range Manger may be preferred to the concerned Divisional Forest Officer/Deputy Field Director /Divisional Manager.

(v) Appeal against any such penal action by the Divisional Forest Officer/Deputy Field Director/Divisional Manger may be preferred to the concerned Circle -In-Charge/General Manager. The decision of the Circle-In-Charge/General Managers shall be final.

By order of the Governor



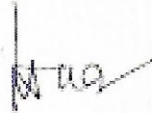
Principal Secretary,
Department of Forest

No.40/ 1(2)-For/FR/0/FP/6M-2/13

Date:03/01/2017

Copy forwarded for information to the:

1. Principal Chief Conservator of Forest & HoFF, West Bengal.
2. P.S to MIC, Department of Forests.




O.S.D & E.Ol. Secy, to the Govt. of W.B.,
Department of Forests

No.40/2-For/FR/O/FP/6M-2/13

Date 03/01/2017

Copy forwarded to the Managing Director, Saraswati Press, 11 B.T Road, Kolklata-56.

He is requested to publish the Resolution in extra-ordinary issue of the Calcutta Gazette and send (50) copies of the same to this department, for official use.



O.S.D & E.O Jt. Secy to the Govt. of W.B.,
Department of Forests

Government of West Bengal
Directorate of Forests
Office of the Principal Chief Conservator of Forests
Head of Forest Force, West Bengal
Aranya Bhawan, Block – LA-10A, Sector – III
Salt Lake City, Kolkata – 700 106.

ORDER

Order No.: 05-MISC/2017

Dated: 16.01.2017

Whereas, as per the Government Resolution No. 40-For, dated 03.01.2017, issued by the Forest Department, Government of West Bengal, under the Heading “2. Executive Committee”, on Item V the undersigned has been empowered to issue Guidelines for election procedure to be followed for Constitution of Executive Committee of Joint Forest Management Committee. Accordingly, the following procedure is hereby given:

Guidelines for Election of the Representatives during the Formation of the Executive Committee of JFMC:

- The Executive Committee should be formed within a month of Registration of the JFMC and after expiry of the specified term. The representatives of the JFMC members shall be elected to the Executive Committee in a democratic process by the JFMC members.
- The Range Forest Officer/Range Manager will act as Returning Officer for the Executive Committee elections.
- The Returning Officer and Member Secretary will disseminate information about the election date to all concerned. They will ensure that all the JFMC members are aware of the election date and participate in the meeting.
- **An attempt should be made to elect the members unanimously. This process can be followed only when all the JFMC members have the same choice and there is no resentment against any contestant.**
- **In case there is no mutual agreement, the election will be undertaken in a democratic manner that provides equal opportunity for participation to all persons, subject to the reservation prescribed.**

- The contestants should be asked to present written nomination before the elections to the Returning Officer.
- The voting process should be undertaken by secret ballot. The Returning Officer shall arrange to print/write down the names of contestants in alphabetical manner. He will provide all logistics for election. Election will be held preferably in Government premises.
- The Returning Officer will ensure that reservation prescribed in Government Resolution is enforced.
- The members of the JFMC will exercise his/her choice by putting a tick (✓) mark against the names of candidates.
- There will be one vote per family (member). Either of the joint members may exercise the voting right. In absence of both of the joint members, one nominee from the family may exercise the voting right with approval of Returning Officer.
- The number of tick marks will be restricted to the maximum number of beneficiaries mentioned in 2(d) of the Government Resolution.
- A member may opt to choose lesser number of members than prescribed in 2(d) of Government Resolution but not more. In the latter case, his/her ballot paper will be treated as invalid.
- Counting of votes will be undertaken on the spot and Returning Officer will declare result under his signature.

The above Order will take immediate effect.

(P. Shukla)

Principal Chief Conservator of Forests &
Head of Forest Force, West Bengal