

**Comments on the Draft National Forest Policy, 2018**

**Prepared by Centre for Social Justice**  
**for Working Group for Women and Land Ownership (GWLO)**

**Based on inputs from GWLO members**

## **Background and Preface to the Comments:**

The Ministry for Environment, Forests and Climate Change (MoEFCC) recently released the Draft National Forest Policy, 2018 for comments from the public and civil-society organisations. Over the last thirty years, several changes have occurred in and around forests in the country. Most significant, are the passage of several keystone legislations *inter alia* those recognising rights traditionally enjoyed by Adivasi and forest-dwelling communities over forest land and resources (the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006), and those that have accorded – at least in principle – significant powers to village-level Gram Sabhas as a push towards participative democracy and relatively autonomous governance (the Panchayats (Extension to Scheduled Areas) Act, 1996). Further Schedule V and Schedule VI of the Constitution have forged a model of local governance in Scheduled areas through laws like PESA and FRA. Since Schedule V and Schedule VI form the basis of governance in Scheduled areas, no law or policy can be formulated in contravention to them. Simultaneously, at the international stage, fulfilment of State obligations has led to the passage of legislations such as the Biological Diversity Act, 2002 that protects traditional knowledge systems, and indigenous biodiversity.

These legislative milestones also highlight a more crucial shift. Over the last three decades the very nature of the State's obligations towards forests and forest governance has changed entirely. The Draft Policy of 2018 attempts to recognise this transformation, by signalling a shift from mere quantity of forest cover, to the quality of the forests themselves. The focus seems to shift towards viewing forests as central to economic, industrial and livelihood security. However, as the Comments enclosed herein point out, the present Draft Policy does not account for the momentous transformations in forest governance and management that have occurred in the recent past.

Firstly, the provisions of – and right recognised in – the Forest Rights Act, 2006 and the PESA Act, 1996 appear to be diluted in this present Draft Policy.

Secondly, it is pertinent to note that this Policy attempts to construct an administrative machinery for forest management without considering the extant forest management mechanisms already in place. This in effect will result in the destruction of extant mechanisms, such as the Gram Sabhas, the village-level Committees established by the Gram Sabha such as the Forest Rights Committee, traditional management systems, etc. Legislations such as the Forest Rights Act and the PESA Act were passed after long and bitter struggles for recognition of the historic injustices, oppression and disempowerment faced by Adivasi and forest-dwelling communities. It is highly undesirable that a policy can single-handedly erase the rights of millions of citizens.

Thirdly, the Draft Policy places forests against the metric of economic valuation – a market-oriented approach. This reduces the historically conditioned, organic symbiotic relationship between Adivasis and forest-dwelling communities into a reductionist linear framework. It is of great importance that forests be viewed in conjunct with the communities that inhabit them. It is only through this lens, that biodiversity loss, wildlife protection and forest conservation can effectively be addressed.

What is contained above are broader comments on the direction the Draft Forest Policy seeks to take. In the pages below, each relevant provision – where a comment is appropriate – have been listed. With several provisions suggestions for removal from the Draft Policy are made, and several others have been redrafted entirely. Where relevant, we had added experiences from Adivasi and forest-dwelling communities Throughout the comments, the following points mentioned above have been kept in mind, namely:

- i. Ensuring consonance with the provisions of the Forest Rights Act, 2006, the PESA Act, 1996 and with historical, traditional customary rights over forest land and resources of Adivasi and forest dwelling communities.
- ii. Ensuring that the autonomy secured by forest dwellers particularly women in the management of forest and its resources is not jeopardized. Also recognizing and safeguarding the role of women as bearers of traditional knowledge.
- iii. Ensuring that extant mechanisms for forest governance and management are not rendered useless by the imposition of a novel administrative machinery, and in fact, that only extant mechanisms, with adequate representation of women – recognising their unique role in forest management – are utilised for forest management and governance, keeping in mind point (i.) above.
- iv. To reject the economic valuation of forests as a metric for driving conservation, sustainable use or management efforts. Forests exist in a symbiotic relationship with the communities that inhabit them and the only way to ensure conservation and sustainable use is to return autonomy, ownership, and control over the forests to these communities, especially to women.

## **Comments on Specific Provisions of the Draft National Forest Policy, 2018**

### **Goal and Objectives:**

The following objectives have been redrafted/amended with specific inputs as under:

- 2.1.** Maintenance of environmental stability and conservation of biodiversity through preservation and conservation of natural forests and by recognizing, facilitating, and the preserving symbiotic relation between people and forest. In this manner, reinforcing the value of traditional knowledge, forest management systems and extant administrative mechanisms, such as the Tribal Advisory Councils, as a means for effective forest management.
- 2.2** Reverse the degradation of forest by taking up rehabilitation without compromising its natural profile and taking special measures to protect local indigenous varieties. in consonance with Section 18 (3) of the Biological Diversity Act, 2002 and Rule 12 (ii), (iii) and (xix) of the Biological Diversity Rules, 2004
- 2.3** Improvement in livelihoods for people based on sustainable use of ecosystem services in consonance with the provisions of the Scheduled tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA), Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA),
- 2.4** Contribute towards achieving forestry related Nationally Determined Contribution Targets (NDC's) of the country and ensure proper implementation of provisions of PESA and FRA law to activate the bodies set up under the same for forest management – Simultaneously recognising the importance of extant administrative mechanisms in achieving these targets, and thus activating and rejuvenating bodies such as the National Biodiversity Board, the State Biodiversity Boards, the Tribal Advisory Councils, the Wildlife Advisory Board and most importantly, the Gram Sabha.
- 2.5** Checking denudation and soil erosion in the catchments of rivers and the wetlands and forest vegetation through existing water resource management mechanism under Section 4 (d) of PESA and through the mechanism laid down under the FRA. Further leverage traditional

mechanisms for micro-watershed management and ensure a mandatory 50% representation of women in these mechanisms.

**2.8** Increasing substantially the forest/tree cover in the country through afforestation & reforestation programmes, and community-based forest management in consonance with Section 3 (1) (i), Rule 4 (1) (f) of FRA and Section 4 (d) of PESA especially on all denuded and degraded forest lands and area outside forests and ensuring that bio diversity of the area is maintained in consonance with the principles of Sections 18, 19, 20, 21, 23 and 24 of the Biological Diversity Act, 2002 and Rule 22 of the Biological Diversity Rules, 2004, and not replaced by commercially viable varieties, and activating the bodies entrusted with the task of forest management under FRA and PESA. Simultaneously, developing frameworks for monitoring of/securing community-based forest management through the Tribal Advisory Councils.

**2.9** Manage protected areas and other wildlife rich areas with the primary objective of biodiversity protection and for enriching other ecosystem services in compliance with extant mechanisms to ensure the same under Chapter IIIA and Chapter IV of the Wildlife Protection Act, 1972, Rules 20 and 22 of the Biological Diversity Rules, 2004.

**2.10** Conserve and sustainably manage mountain forests to ensure continuous flow of ecosystem services, including biodiversity, cultural and spiritual services to both upstream and downstream population.

**2.11** to be removed from the policy. We recommend removal since the paragraph places forests into an economic metric. Economic, or monetary valuation of forest dependence fails to recognise the importance of intangible services offered by the forests, such as being places of immense cultural, religious or spiritual significance. At the same time, an economic valuation of the forest, orients the policy towards a market-lens, that fails to recognise the symbiotic relationship between people and forests, seeing in its stead a relationship of exploitation.

**2.12 and 2.13** The measures to be undertaken in both sections should be carried out in tandem with the Green India Mission (GIM) objective to providing livelihood support as mentioned in India's NDC targets.

**2.16** Ensure effective implementation of this policy by leveraging established monitoring mechanisms, and implementational frameworks, such as the Biodiversity Management Committees, the Gram Sabhas, the FRCs, the Biodiversity boards, and the Tribal Advisory Councils.

**3. Essential Principles of Forest Management:**

The following essential management principles in this policy have been redrafted as follows:

**3.1** Existing natural forests should be fully protected, and their productivity improved. Adequate measures will be taken to increase rapidly the forest cover on hill slopes, in catchment areas of rivers, lakes and reservoirs and ocean shores and, on semi-arid, and desert tracts with special focus on protecting and preserving indigenous plant variety and maintaining bio diversity, a duty of the State established under the provisions of the Biological Diversity Act, 2002.

**3.2 and 3.3** Effective community-based and driven management of natural biodiversity rich forests, on the basis of traditional knowledge systems, for maximizing not just ecosystem services but fulfilling cultural, religious, identitarian, and/or livelihood roles of the forest. This can only be achieved, through effective decentralization of forest governance and management, handing control over forests to Gram Sabhas, Committees of the Gram Sabha, the Biodiversity Management Committee, etc, with oversight from mechanisms attuned to the unique position of Adivasi and forest dwelling communities, such as the Tribal Advisory Council.

**3.4** For conservation of flora, fauna and total biodiversity, the network of national parks, sanctuaries, conservation reserves, community reserves, biosphere reserves and important wildlife corridors and biodiversity heritage sites will be strengthened in accordance with the FRA, PESA, Chapter IIIA and Chapter 4 of the Wildlife Protection Act, 1972, Sections 18, 19, 20, 21, 24, 36, 39 and Chapter X and XI of the Biological Diversity Act, 2002 and Rules 14, 16, 18, 20 of the Biological Diversity Rules, 2004.

- 3.5 Afforestation with suitable indigenous species will be intensified so as to cater to the needs of the rural population for fuel wood and small timber. Further alternative sources of energy like LPG etc will be promoted in rural areas to reduce dependency on forests without restricting access of the inhabitants. to be carried out in consonance with local forest management mechanisms and ownership of forest produce under FRA, PESA.
- 3.6 Non-Timber Forest Produce (Non-Timber Forest Produce (NTFP) such as medicinal and aromatic plants, oil seeds, resins, wild edibles, fibre, bamboo and grass etc. will be sustainably managed in accordance with Section 3 (1) (c), Rule 2 (1) (d) and Rule 4 (1) (e) FRA and PESA in scheduled areas for improving the livelihood and food security of the tribals & other forest dependent populations.

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*In Gujarat's Dahod District where the organisation ANANDI has been working actively for several years, it has been observed that the collection of NTFP is carried out by women. Women trade these products as part of a barter system in order to obtain household commodities. Women have played a vital role in promoting natural ways of carrying out afforestation. Biomass through dried leaves that are burnt by the Forest Department are used as vermin-compost by women of the community for soil enrichment. They have struggled to secure rights over this biomass in Devgad Baria block of the district of Dahod. The community shares a co-dependent relationship with the forest particularly during the migration period, when there is an acute shortage of food. It is almost exclusively women who collect NTFP and sell it. Women thus have a strong relationship with the forest. The Draft of the NFP, especially by introducing the PPP model, would adversely impact on their livelihoods and food security.*

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- 3.7 Promotion of trees outside forests & urban greens will be taken up on a mission mode for attaining the national goal of bringing one third of the area under Forests & trees cover and also for achieving the Nationally Determined Contribution (NDC's) targets of the

country the area should be in managed by the communities in scheduled and non-scheduled area.

**3.8** It is further proposed that all interventions towards forest management should in principle and action, protect and promote the traditional knowledge of adivasi and forest dwellers. Women as bearers of this knowledge should be recognized and empowered to manage and control the forest management.

#### **4. Strategy:**

The following strategies will be adopted to achieve the objectives of this policy:

##### **4.1.1 Sustainable Management of Forests**

###### **(a) Reducing Threats to Forests:**

The various threats to Forests due to encroachments, illegal tree fellings, forests fires, invasive weeds, grazing, etc. will be addressed within the framework of the approved Working Plan/ Management Plan and by engaging community participation in forest management. Ensuring that the working plan cannot include lands owned, either titular or traditionally, by Adivasi and forest-dwelling communities. At the same time, keeping in mind that provisions of the PESA/FRA are not vitiated, and in consonance with the recognition of the unique role played by Adivasi communities in forest conservation and management. Further the recommendations of the TAC established under the 5<sup>th</sup> Schedule shall also be taken into account before proceeding on this front.

###### **(b) Forest fire prevention**

With changes in climate and land use, fire is increasingly being viewed as a major threat to many forests and their biodiversity. Rising intensity and frequency of forest fires and their spread is resulting in substantial loss of forest functions and related ecosystem services every year. Adequate measures would be taken to safeguard ecosystems from forest fires, map the vulnerable areas and develop and strengthen early warning systems and methods to control fire, based on remote sensing technology and community participation. Also, awareness will be created about



causes and impacts of fire on forests and local livelihoods. These measures will be approved, decided and addressed by the involvement of tribals and other forest dwellers, via the TAC established under Schedule V.

**(c) Enhance Quality and Productivity of natural forests:**

Many of our forest ecosystems have been significantly altered and degraded due to land conversion, pollution, over exploitation, deforestation and degradation etc. with adverse impacts on biological diversity and livelihoods of the local population. Protection and enrichment of dense forests will be a top priority. Degraded forests will be rehabilitated by promoting natural regeneration, by taking strict protection measures and also by planting locally suitable indigenous species for assisting the existing regeneration. They will be regenerated with the involvement of tribals and other forest dwelling communities within the frameworks established under the PESA, the FRA, and the local Biodiversity Management Committees u/s 41 of the Biological Diversity Act, 2002 and Rule 22 of the Biological Diversity Rules, 2004, keeping in mind community ownership, management and control over forest regeneration.

**(d) Increase the productivity of forest plantations:**

This provision in the scheme ought to be removed.

We oppose the provision of forest plantations and planting commercial species *per se*. However, if trees, plants, grasses need to be planted then they must be of an indigenous species in line with obligations of the State to protect indigenous biodiversity under Sections 18, 23 and 41 of the Biological Diversity Act, 2002, and Rules 12, 14, 16, 20 and 22 of the Biological Diversity Rules, 2004. We oppose scientific management mechanisms. This is in lieu of the recognition of Adivasi and other forest dweller communities - such as pastoralists, fisherfolk etc – as rightful owners of the forest. Thus, forest management must be carried out under their control, ownership and management.

**(e) Protecting & enriching the Catchments**

Schemes and projects which interfere with forests that cover steep slopes, catchments of rivers, lakes, and reservoirs, geologically unstable terrain and such other ecologically sensitive areas shall be restricted. The ecologically sensitive catchment areas shall be stabilized with suitable soil & water conservation measures and also by planting with suitable trees and grasses like bamboo etc.

**(f) Biodiversity Conservation**

Natural forests are rich repositories of biodiversity in the country. The following steps will be taken for the conservation of the biodiversity in the natural forests.

- (i) Biodiversity of the forest areas of the country will be surveyed and documented systematically, and sites having exceptional taxonomic and ecological value will be conserved. Legal and administrative measures for protection of biodiversity against bio-piracy will be taken, in sync with National Biodiversity Act.

**(g) Management of forests to be as per the approved Working Plan**

Management of forests & forest plantations will be done as per the Central Government approved Working/Management plans, and also in accordance with the guidelines issued by the Government of India, Ministry of Environment, Forests and Climate Change from time to time. Private forests/ forest plantations/ tree lots will be regulated as per the management plans. Ensuring that the Working plan is made in consonance with the TAC, does not encroach on community-owned lands, and does not violate key provisions of the PESA/FRA.

**(h) Strengthen participatory forest management**

India has rich and varied experience in participatory forest management. There is a need to further strengthen this participatory approach, for which a National Community Forest Management (CFM) Mission will be launched. This mission will

have a legal basis and an enabling operational framework.. The national, state and local level development programmes shall be converged in these villages. All efforts to ensure synergy between Gram Sabha & JFMC will be taken for ensuring successful community participation in forest management.

Forest Management will be done by FRCs with the approval of the Gram Sabha in accordance with Section 3 (1) (i), Rule 4 (1) (f) of FRA and Section 4 (d) of PESA.

Similarly, there exists no need to carry out a new mission for community forest management. The mechanisms for management are already in place. It is a question of strengthening them and providing them the autonomy to function. The Gram Sabha must be the key node for forest governance and management and oversight/monitoring can be provided by the TAC.

**(i) Management of Non Timber Forest Produce**

Non-Timber Forest Produce (NTFP) such as medicinal and aromatic plants, oil seeds, resins, wild edibles, fibre, bamboo, grass etc. provide sustenance to forest dependent communities by supplementing their food and livelihood security. Such produce should be managed sustainably ensuring increased employment and income opportunities for the local communities. Gram Sabhas would be given complete ownership over NTFP and they will be encouraged and incentivised to establish Gram-Sabha cooperatives for effective sale of NTFP where desired by them. The monitoring and oversight on this mechanism of sale of NTFP will be vested in the Tribal Advisory Council of the State.

**4.1.2 Management of trees outside forests**

**(a) Promote agro-forestry and farm forestry**

Agro-forestry and farm forestry have taken deep roots in the country and Trees Outside Forests (TOF) are contributing to the increase in tree cover and enhancing ecosystem services, while meeting a bulk of the country's wood demand and providing climate resilient incomes to the farmers. Agro forestry should be carried out in line with the **National Agroforestry Policy (NAP)** which aims at “encouraging and

expanding tree plantation in complementarity and integrated manner with crops and livestock” and also finds a mention as an adaption strategy in the NDCs.

## **4.2 New Thrust Areas in forest & tree cover Management**

### **4.2.1 Production Forestry**

This provision of the Scheme ought to be removed.

### **4.2.2 Economic valuation of the forests**

This is flawed and should be removed.

If, as the policy does, we recognise the cultural, religious, and livelihood importance of forests to Adivasi and forest-dwelling communities, the economic valuation of forests cannot be an effective metric. It discounts all the above.

### **4.2.3 Forest management for water recycling**

Water is critical for all life forms and is one of the most valuable outputs from the forests. Healthy forest ecosystems helps recharge of aquifers by increasing percolation and reducing surface runoff, thereby nourishing springs, streams, rivers and other aquatic systems. Forests and other ecosystems that function as key catchments need to be identified and conserved. There is a need to rejuvenate traditional mechanisms for watershed development, in place of scientific and technologically advanced methods. Owned and managed by the community, micro-watersheds should be the central focus for promotion. Gram Sabhas must be given the autonomy to leverage NREGA funds for production of such micro-watersheds, that are owned and managed by the community.

## **4.3 Strengthen Wildlife Management**

Wildlife management does not require a special mechanism. Once the forest is restored to its natural condition and the autonomy of the forest is in the hands of tribals and other forest dwellers completely. The biodiversity of the forest will be restored with the

management mechanism of tribals and other forest dwellers given the symbiotic relationship between the two.

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***Tribals and other forest dwelling communities have co-existed peacefully with wildlife for several centuries. In the Ratanmahal sanctuary, during summer, the Black Bear frequently enter the village to drink water and eat berries. In response, the communities never resort to violence. In order to protect their farms from destruction, community members create loud noises or light fires to keep the bears at bay. They do not rely on any methods that would hurt the animals.***

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- (a) For tradable biodiversity a strong regime of inventory, assessment of status, and sustainability will be made part of the working/ management plans. Where relevant ensure local communities are made owners of their traditional knowledge and biological diversity in line with Section 21, 39 and 41 of the Biological Diversity Act, 2002 and Rule 20, 22, and the Schedules under the Biological Diversity Rules, 2004.
- (e) Import and trade of exotic species, their uses and upkeep shall be subjected to strict regulations to ensure that the native biodiversity does not face genetic contamination,
- (f) Wildlife crime and illegal trade pose grave challenge to conservation efforts. The existing central monitoring, sharing of information and on line updating of data on forest/ wildlife crime would be institutionalised and further strengthened. The detection, investigation and prosecution capacity shall be augmented by technical support in form of network of forensic laboratories.
- (g) Ecotourism models would be developed with a focus on conservation of the sites and nature education of the visitors while supplementing the livelihood needs of the local communities and without compromising the profile of habitats and behaviour of wildlife. Free, prior consent of the local community shall be obtained through Gram Sabhas under

Section 4 (1) (d) of PESA in Scheduled Areas before such projects are undertaken. The monitoring of such consent procedures shall fall within the purview of the TAC.

- (h) Zoological gardens, botanical gardens and biodiversity parks would be designed with modern and interactive methods for effective communication/interpretation about the value of flora and fauna as part of the awareness creation and nature education. Zoos and rescue centres would also be used for harbouring rescued species and conservation breeding.
- (i) Trans boundary and regional cooperation will be strengthened to effectively manage wildlife across borders.

#### **4.4 Facilitate forest industry interface**

This provision needs to be removed.

The policy need not facilitate any industry. We strongly oppose the Public Private Partnership model and Joint Forest Management that the policy is promoting in various ways. Forest management must reinforce the ownership of forests by local communities. Since JFM and PPP seek to vitiate from this goal, and in the process violate PESA, FRA, not to mention BD Act, it is imperative that this step not be taken.

- 8. This policy will ensure that it does not amend laws pertaining to forest land tenure rights and local self-governance laws, esp. FRA and PESA. Further instead of formulating new institutional mechanism in the form of the National Forestry Board and State Forestry Board, existing mechanisms such as Tribal Advisory Council, provisions under the 5<sup>th</sup> and 6<sup>th</sup> Schedule, and traditional management systems will be utilised. The Ministry of Tribal Affairs (MoTA) will be the Nodal Ministry.

#### **4.11 Harmonization with other policies and laws in consonance**

Forests influence, and in-turn are influenced by activities and functions of different sectors such as Tribal affairs, mining, water, roads, tourism, agriculture, rural

development, industry, irrigation and transmission lines etc. As far as community forest resources management under Forest rights Act is concerned, the new policy will ensure compliance with the provisions of the Forest Rights Act, Rules and Guidelines. It is also seen that the prescriptions under the farm forestry and urban greenings will ensure synergy with the existing agroforestry policy also. Necessary collaborative steps will also be undertaken to ensure that the policies, laws and programmes of various sectors and institutions, both at Centre and State level are in harmony with the objectives of this policy particularly Schedule V and Schedule VI of the Constitution.

#### **4.13 Good governance**

The public service delivery system will be strengthened by optimizing human resource availability at all levels, through massive capacity building efforts, reinforcing transparency and accountability measures, prompt grievance redressal and use of cutting edge technology. Institutional restructuring to enable effective implementation of this policy will be facilitated wherever needed. Human resource strategy for professional foresters and forest scientists will aim at attracting and retaining qualified and motivated personnel, keeping in view, particularly the arduous nature of duties often in remote and inhospitable places. Opportunities for professional growth and specialization will be provided and proper utilization of such specialization will be ensured. These measures of good governance should be located against the background of democratic principles of local governance.

**We also propose restoration of the following provisions from the 2016 Draft National Forest Policy into the current Draft Policy:**

**4.1.5 from the 2016 policy** – Restore village common lands and common pool resources based on participatory approaches under the FRA and PESA, ensuring the Gram Sabha is retained in control and ownership of the process.

**4.3.14 from the 2016 policy** - evaluation mechanisms for CFM – The evaluation of CFM efforts conducted under the control of a Gram Sabha shall be evaluated by the Tribal Advisory Council in the State.