

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE**

Original Application No. 46 / 2018

Joint Forest Management Committee

... Applicants

v.

Principal Secretary,

Revenue & Forest Dept. (Forest) & Ors.

... Respondents

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Pune

Date : 11/09/2021



Aniruddha S Kulkarni

Aniruddha S Kulkarni

Advocate for the Applicants
14, Rambaug Colony, Agasti,
Paud Road, Kothrud,
Pune - 411 038
Mobile No. 90287-36209

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 Document Number & Registered
 SL No. 738/2021
 Dated

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14 JUL 2021

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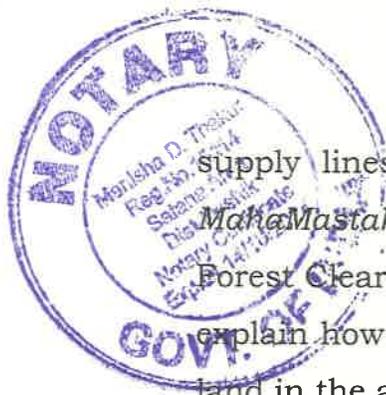
... Respondents

COMMENTS IN THE FORM OF AFFIDAVIT TO THE REPLY DATED
 09/02/2021, FILED BY RESPONDENT NO. 13, BHAGWAN SHRI.
 RUSHABHDEV 108 FT. VISHALKAY DIGAMBAR JAIN MURTI
 NIRMAN COMMITTEE

I, ShamaNamu Mali, Applicant in the present case, do hereby state on solemn affirmation that,

1. I am in receipt of the Affidavit dated 09/02/2021, filed by Shri. Sanjay Papdiwal, authorized signatory on behalf of Respondent No. 13. The reply is supported by various annexures. I have noted the contents of the same.
2. I am filing these comments on the basis of the averments in the Affidavit. Nothing in the said Affidavit be deemed to be admitted by me unless specifically stated so.
3. Respondent No. 13 has appeared in the matter in the year 2018 and is filing their reply in the year 2021 that is almost after 4 years. They haven't filed on record any application for condonation of delay for filing their present reply hence their reply can't be considered.
4. In para 14 of their reply, they state that they are yet to commence their project and that no construction of whatsoever nature has commenced on site. Applicant has already stated in the original application that Respondent No. 13 laid water pipelines, electricity

ShamaNamu Mali



supply lines, used the *kachha* road in the year 2016 for the *MahaMastak Abhishek* program. Respondent No. 13 was accorded Forest Clearance for those activities in the year 2018. They should explain how did they undertook those activities in Reserved Forest land in the absence of any Forest Clearance for the same.

5. In the same para 14 they say that there is no question of restoration or restitution of the environment. However they remain silent on how did they provide the amenities in the year 2016, when they got a **Post Facto Forest Clearance in the year 2018 for the said work. Murti construction is complete, stones out of Murti carving have been dumped on the hill slopes as brought on record by the Forest Dept., Revenue Dept. and MPCB in three different reports. The reports also acknowledge that *kaccha* approach road till the Murti site has been made by the Respondent No. 13. For all these activities forest land has been destroyed which needs to be restored.**
6. Contention in para 17 are vehemently denied. There is no ulterior motive in filing of the original application. Applicants want all unauthorized encroachments removed, forest land to be restored and environment to be protected for future generations.
7. Respondent No. 13 cannot utilize the resolution of the Gram Sabha dated 14/12/2015 as a license to destroy forest and carry out activities in violation of the Environmental and Forest Laws. Grams Sabha resolution can't be interpreted as blanket permission to do all activities. Gram Sabha resolution cannot be equated with Forest Clearance.
8. In reply to the contentions in para 34 (1), the Applicant would like to state, the Respondent No. 13 and Sub - DFO for obtaining Forest Clearance, have submitted certain undertakings and certificates. Archeological Importance Certificate by Sub - DFO, Malegaon is annexed with the Original application, Compilation II, Annexure A/6, page 81.

In that certificate, Sub-DFO has stated that the proposed facilities is not likely to affect any monument site of cultural, historical, religious, archeological or recreational purpose. Whereas ancient

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Jain Caves very much exist there. Applicant has submitted the said certificate to highlight the point that inspite of existence of the ancient caves of archeological importance which have already been destroyed by Respondent No. 13, Sub-DFO filed false certificate to the Central Government for obtaining Forest Clearance. Illegal Dumping of stones and boulders by Respondent No. 13 have not only destroyed forest land but even destructed those ancient caves.

Photos showing destruction of the ancient archeological Jain caves are collectively marked and annexed with the Compilation II, Annexure A/7, pages 82 – 85 of the present Original Application.

Certificates of registration of Antiquities are collectively annexed as Annexure A/A-5, pages 137 – 155 along with the comments filed by the Applicants dated 13/10/2020 to the Reports filed by the Revenue and Forest Departments.

9. In reply to para 34(2) the Applicant would like to state that Dr. PannalalPapdival and Mr. Sanjay Papdival are from Paithan, Aurangabad. Both of them are not residents of the Village Bhilwad, MangiTungi as they are not registered voters over there. Voter registration details as available on the websites of National Voters Service Portal of the Election of India and Chief Electoral Officer, Maharashtra show that both Dr. PannalalPapdival and his son Mr. Sanjay Papdival are registered as voters in Paithan Assembly Constituency, Aurangabad. Voter registration details of both Dr. PannalalPapdival and his son Mr. Sanjay Papdival are collectively attached herewith as **Annexure A/A-1.**
10. In addition to that, in the year 2015, Dr. Sanjay Papdival gave an authority letter in favour of Mr. Sanjay Papdival. In that letter he states that Mr. Sanjay Papdival, is a resident of Paithan. In the said letter in the side margin, address of Dr. PannalalPapdival is Paithan, Aurangabad. Copy of the said authority letter is marked and annexed as **Annexure A/A-2.**
11. According to the guidelines issued by the Govt. of Maharashtra GR No. SLF-1091/CR-119/91/F-11 dated 16/03/1992, Govt. of

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India's GR No. 22.8/2000-JFM (FPD) dated 25/04/2000, and the Handbook issued by the MoEF& CC on JFMC, members of the Joint Forest Management Committee should comprise of local villagers who are members of the Gram Sabha. Dr. PannalalPapdival is not a local resident of the Village Bhilwad, MangiTungi. Dr. PannalalPapdival was Vice President of the previous Joint Forest Protection Committee (JFPC) and also represented the Respondent No. 13. By acting in dual capacity, he abused his position as the Vice President of the previous JFPC and dominated the former JFPC and got all the works done in favour of Respondent No. 13. Details of the same are given in Para 17 (2) page 8 onwards of the Compilation I of the present Original Application.

Copy of relevant extract from the Maharashtra Government's GR Dated FDM 2011/C. No. 100/F2 dated 05/10/2011 is marked and annexed as **Annexure A/A-3**. Copy of the relevant extract from Joint Forest Management : A Handbook published by the MoEF is marked and annexed as **Annexure A/A-4**.

12. Dr. Papdival claimed that MurtiNirman works were authorised by the former JFPC. Whereas JFPC hadn't undertaken any such work. Instead of protecting the forest and undertaking plantation activities, Respondent No. 13 cut down hundreds of trees and the hill by using heavy machinery. Therefore the then JFPC removed him as the Vice President of JFPC. Copy of the resolution of the former JFPC dated 28/02/2002 removing Dr. PannalalPapdival as the Vice President of JFPC is attached herewith as **Annexure A/A-5**.

13. Regarding dumping of stones and boulders, it is already an established fact that Respondent No. 13 has dumped them in the Murti carving activity. It has come on record by way of all the three court appointed committee reports. Photos on record speak for themselves. Forest destruction is evident.

14. Respondent No. 13 is blowing hot and cold at the same time. It is accepting only those findings of the SDO's report which are supporting them. **Although the said report talks about lesser**



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area than 0.80 Ha occupied by Respondent No. 13, it even talks that no identification and demarcation was done of 0.80 Ha forest land for *Murti* construction. Respondent No. 13 will have to accept findings of the SDO's report that no identification and demarcation was done of 0.80 Ha by the Forest Department.

15. Respondent No. 13 denies dumping of stones at the same time it accepts finding of the Sub-DFO and MPCB committee report dated 12/10/2020. They should clarify from where did the stones and boulders appear on the hill slopes.

16. In reply to para 65 of the Respondent No. 13, the Applicant has already contended in para 4 and 5 above, which may kindly be referred to and is not reproduced here to avoid repetition.

17. In para 99 of the reply, Respondent No. 13 states that road to *Murti* has been constructed by the Collector and Forest Department. In para 3 of the report filed by the Sub-DFO dated 09/08/2018 and in para 3 joint report filed by the Sub-DFO and SDO dated 08/02/2019, the Forest Dept. admits that the RFO, Taharabad made provisions regarding improvement of the Kachha road to the *Murti* site, based on approval granted by the Collector in the year 2011.

18. This admission on the part of the State Forest Dept., supports the contention of the Applicants that the road is existing long before permission for its construction was granted by MoEF& CC in the year 2018. Road was constructed by doing hill cutting and tree cutting without any Forest Clearance.

19. According to Ex. D-2 annexed by the Forest Department in that report, letter dated 06/01/2011 by the District Collector, amount of Rs. 10,00,000/- was released for Mangi Tungi Fort Tourist Development works which includes

1. Making road ;
2. Constructing iron grills ;
3. Construction of Pagoda.



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The Collector gave administrative approval with various conditions. First condition is to utilize the funds specifically for Adivasi improvement works and the same was to be used in Adivasi area only. Second condition specifically says that funds cannot be used outside Adivasi area. If they are used in other areas, Dy. Conservator of Forests, Western Zone, Nashik and Sub Divisional Forest Officer, Malegaon will be responsible.

20. Contents of Administrative Approval granted by the District Collector, dated 06/01/2011 are self-contradictory. It is surprising that funds meant for Adivasis as per the conditions of the letter, have been utilized by the Forest Department for developing tourist facilities which are owned, operated and maintained by Respondent no. 13. In the said letter, there is no mention of any prior approval granted neither by the State Govt. nor the Central Govt. **These works were sanctioned and carried out without any Forest Clearance.** Letter by Collector is irrelevant. It does not permit diversion of forest land for non forest purpose.

21. The Collector, Nashik has no power to grant permission for construction of a road in forest area, so he has exercised his power without any jurisdiction.

22. In paragraph no. 3, sub para 5 of the Forest Affidavit, that they did all that temporary work on permission given to them by the State Forest Dept. bearing Ex.-E-1. Works were carried out in the year 2016 whereas Central Govt. has given the final approval (Stage II) on 02/02/2018.

23. Such permission for temporary works accorded by the Central Govt. letter dated 07/10/2014 is an alien concept to the Forest Conservation Act. The Act is very clear, no non forest works can be carried out in Forest Area without prior approval from the Central Govt. in the form of Forest Clearance. Central Govt.'s letter dated 07/10/2014 and State Govt.'s letter dated 20/01/2016 are totally violative of the provisions of the Act. Copy of the Central Govt.'s Guidelines dated 07/10/2014 is marked and annexed as **Annexure A/A-6.**

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24. Larger Bench Judgment of the Hon'ble NGT, Principal Bench in OA No. 87/2015, Social Action for Forest and Environment (SAFE) v. Union of India, dated 10/12/2015 has laid down that-

“State Government cannot suo motu de-reserve or reserve the forest land and permit the use for non forest purpose without obtaining prior approval of the Central Government. (Para 55)

Prior approval is required in regard to the diversion of the forest land for non-forest activity for temporary purposes as well. (Para 54) The approval of the Central Government, even as a policy matter would be necessary. (Para 95)

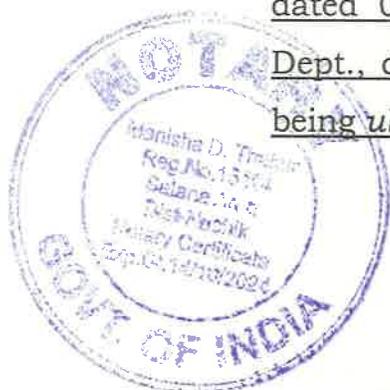
An Office letter cannot waive what is statutorily covered under the Act. An office letter granting such permission for temporary works is clearly in conflict with the Act. This Act even does not vest any power in MoEF to exclude non-forest activities in a forest area which do not fall within the specified category in the section itself. (Para 95)

It is a settled principle of law that statutory provisions cannot be amended or varied by office letters, much less the letters which could not be implemented when they are in not conformity with the statutory provisions. (Para 95)

State Govt. is under legal obligations to strictly adhere to the Forest Conservation Act and cannot avoid the approval of the Central Government in that behalf for carrying on of such activity. (Para 95)

Whether utilisation of the forest area has to be permitted or not must essentially follow the legislative provisions contained under Sec. 2 of the Act. (Para 95)”

And therefore, in the present case, the Central Govt.'s Guidelines dated 07/10/2014 and permission given by the State Forest Dept., dated 20/01/2016 need to be quashed and set aside as being ultra vires to the provisions of the Forest Conservation Act.



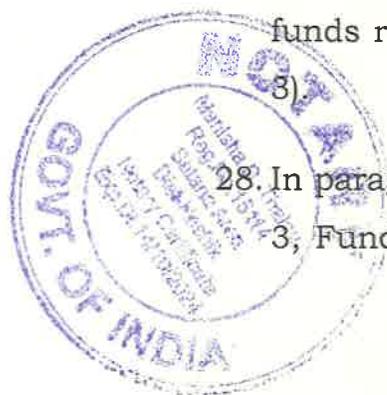
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Copy of the Larger Bench Judgment of the Hon'ble NGT, Principal Bench in OA No. 87/2015, Social Action for Forest and Environment (SAFE) v. Union of India, dated 10/12/2015 is annexed as Annexure A/A-4 to the Comments filed by the Applicants dated 13/10/2020.

25. Accepting for the sake of arguments, but not admitting the legality of the guidelines issued by the Central Govt. dated 07/10/2014, the said guidelines specifically state that permission for temporary work can be granted, wherein work in forest land doesn't involve breaking up or clearing forest land or portion thereof.
26. Whereas, in the present case, Revenue & Forest Officials and Respondent No. 13, have caused hill cutting and tree cutting, breaking up and clearing of forest land for construction of road, laying down water pipelines and electricity lines, construction of iron railings, construction of pagoda etc. All these activities are essentially non forest activities which require prior approval of the Central Government according to the observations in the Larger Bench Judgment of the Hon'ble NGT, Principal Bench in OA No. 87/2015 as stated above. On this ground itself, Central Govt.'s guidelines dated 07/10/2014 need to be held as *ultra vires* the provisions of the Forest Conservation Act.
27. The State Forest Department vide letter dated 20/01/2016 has granted permission for temporary works which were asked for by Respondent No. 13 in their application dated 17/12/2015 for diversion of 2.73 Ha of reserved forest land for construction of road, electric and water pipeline, parking shade, murti platform etc. Some of these works were already done by Revenue & Forest Dept. and Respondent No. 13 by taking the umbrage of Collector's administrative approval dated 06/01/2011 (Exh-D-2), State Forest Dept.'s approval dated 20/01/2016 (Exh-E-1) and funds release letter by the Collector, dated 07/01/2016 (Exh-E-3).
28. In paragraph no. 3, sub - para no. 6 of their report, as per Ex-E-3, Funds release letter by Collector dated 07/01/2016, there is

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mention of releasing funds for pathway, road works, iron railings, etc. Whereas, in the same paragraph no. 3, sub - para no. 4, the State Forest Dept. granted permission for the said works later on 20/01/2016 as per Exh. E-1. It is strange to see that funds for a particular project are released even before the said project is granted permission to be undertaken. Normally, approval for any project is granted first and then funds are released, but in the present case it seems to be the other way round. Forest Dept. is put to strict proof thereof.

29. There is no Res Judicata applicable in the present case.

30. Respondent No. 13 in para 103 of their reply accepts the findings of Joint Visit Report of Forest Department and MPCB. It accepts that dumping of stones and boulders is derived from the carving of Jain Murti. Respondent No. 13 is blowing hot and cold again. In the foregoing paragraphs they have denied dumping of the stones and boulders, whereas they are accepting it in this paragraph. Environmental Cost needs to be imposed on Respondent No. 13 for dumping of the stones and boulders and destruction of forest land due to the same.

31. Forest Department has shown expenditure of plantation they have done over the years. But in reality trees to that effect don't exist on ground.

Whatever is stated is true and correct to the best of my knowledge, information and belief and I affirm it to be true.

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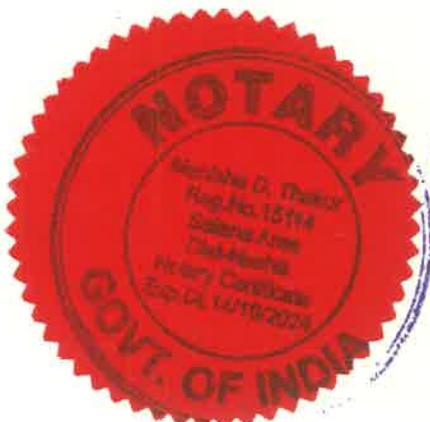
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Date :

Solemnly affirmed by Shri
Shama Namu Mali
Of Nangi Tungi who has signed in
my presence and is identified by
Shri - belp
of whom I personally known.
Date 14/7/2021.



I know the Affiant



BEFORE ME

M. Thakur

Signature of Notary
Manisha D. Thakur
Advocate & Notary
Satana-Nashik(Govt. of India)



CHIEF ELECTORAL OFFICER, MAHARASHTRA

Search Your Name By

Name Wise *ID Card Wise*

Search your Name in

District *Assembly*

Select District

First Name

Last Name

Middle Name

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AC NO	PART NO	SR NO	Voter Name	Voter Name En	ID CARD NO	GENDER	AGE		
107	262	52	पवनकुमार बाबुलाल पापडीवाल	PAVANKUMAR BABULAL PAPDIWAL	ADE8591935	M	63	Polling Station Address	Family
110	264	704	पन्नलाल बालचंद पापडीवाल	Pannalal Balchand Papadival	JSF1111509	M	85	Polling Station Address	Family



CHIEF ELECTORAL OFFICER, MAHARASHTRA

मतदाराचे नाव : पन्नलाल बालचंद पापडीवाल

मतदान केंद्राचे नाव : स्वच्छता निरीक्षक कार्यालय नगर परिषद पैठण

Visitor Count : 265808698

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राज्य/State Maharashtra

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कुल परिणाम / Number of Record(s) Found: 1

Action	EPIC No.	Name	Age	Relative's Name	State	District	Polling Station	Assembly Constituency	Parliamentary Constituency
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मतदाता सूचना/Voter Information	
राज्य/State	Maharashtra
विधान सभा निर्वाचन क्षेत्र/Assembly Constituency	Paithan
नाम/Name	पन्नलाल बालचंद ❖ पापडीवाल ❖
	Pannalal Balchand Papadival
लिंग/Gender	M
पहचान पत्र क्रमांक/EPIC No	JSF1111509
रिश्तेदार का नाम/ Relative's Name	बालचंद ❖ पापडीवाल ❖
	Balchand Papadival
भाग संख्या/Part Number	264
भाग का नाम/Part Name	Hatai Galli Paithan V Itar
मतदाता क्रमांक/Serial No	704
मतदान केंद्र/Polling Station	Sanitary inspectors office Municipal council Paithan
मतदान की तारीख/Polling Date	Currently no election scheduled.
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Note 2 : This is not an identity document.	

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AHARASHTRA**

Voter Name: Sanjay Kumar Pannalal Papadiwal

Polling Station Name: Sanitation Inspector Office Municipal Council Paithan

Visitor Count: 265311934

Search Your Name By

Name Wise ID Card Wise

Search your Name in

District Assembly

Select District

Select Assembly

First Name

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Search

AC NO	PART NO	SR NO	Voter Name	Voter Name En	ID CARD NO	GENDER	AGE		
110	264	706	संजयकुमार पन्नलाल पापडीवाल	Sanjay Kumar Pannalal Papadival	JSF1111665	M	53	Polling Station Address	Family

Visitor Count : 265311887

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राज्य/State Maharashtra

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[खोजें/Search](#)

कुल परिणाम / Number of Record(s) Found: 1

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मतदाता सूचना/Voter Information	
राज्य/State	Maharashtra
विधान सभा निर्वाचन क्षेत्र/Assembly Constituency	Paithan
नाम/Name	संजयकुमार पन्नलाल ❖ पापडीवाल ❖
	Sanjay Kumar Pannalal Papadival
लिंग/Gender	M
पहचान पत्र क्रमांक/EPIC No	JSF1111665
रिश्तेदार का नाम/ Relative's Name	पन्नलाल ❖ पापडीवाल ❖
	Pannalal Papadival
भाग संख्या/Part Number	264
भाग का नाम/Part Name	Hatai Galli Paithan V Itar
मतदाता क्रमांक/Serial No	706
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Note 2 : This is not an identity document.	

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● प्रेरणास्रोत ●

प.पू. गणिनीप्रमुख, आर्यिका
श्री ज्ञानमती माताजी

पो.मांगीतुंगी, ता.सटाणा (नाशिक) महा. - ४२३ ३०२

☎ : (०२५५५) २८६५२३

॥ 10/12/2015

● अध्यक्ष

अधिकार पत्र

कर्मयोगी पीठाधीश
स्वास्तिश्री रवीन्द्र कीर्ति स्वामीजी,
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● महामंत्री

डॉ.पन्नालाल बा.पापडीवाल
पैठण - ४३१ १०७,
जि.औरंगाबाद (महा.)
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रा. पैठण त्राना मोजे शिल्पाड येथील भगवान
ऋषभदेव मूर्ति निर्माण कामाचे संकघान प्रस्तावाचे
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श्री. संजय पन्नालाल पापडीवाल हे सधिलेचे
सदस्य असून महोत्सव समितीचे राष्ट्रीय मंत्री
कार्ये वन प्रस्ताव व इतर अनुबोलीत कामे ते करतील.
बरीत.

अधिकार पत्र देणार

Pannalal B Papadewal
डॉ. पन्नालाल बा.पापडीवाल
(महामंत्री)

पीठाधीश रवीन्द्रकीर्ति
स्वस्तिश्री रवीन्द्रकीर्ति स्वामी
(अध्यक्ष)

भगवान श्री ऋषभदेव मूर्ति निर्माण कमेटी
मु.पो.मांगीतुंगीजी तह.सटाणा
जि.नाशिक (महा.)पिन-423302
☎ 02555-286523, मो.9404589183

**Bhagwan Shri Rushabhdev 108 Ft. Vishalkay
Digambar Jain Murti Nirman Committee, Mangi
Tungi**

Post. Mangi Tungi, Tal. Satana, (Nashik) Maha. – 423 302

(02555) 286523

1/10/2015

Authority Letter

Bhagwan Shri Rushabhdev 108 Ft. Vishalkay Digambar Jain Murti Nirman Committee, Mangi Tungi by this letter authorises, Shri. Sanjay Pannalal Papdival, age 51 years, R/at. Paithan, is hereby given all powers on behalf of the committee regarding Rushabhdev Murti Nirman works at Village Bhilwad. He is being appointed for the said works.

Shri. Sanjay Pannalal Papdival is a committee member and is national general secretary of the committee. He will do Forest Proposal and other allied works.

Authority Letter Given by

Sd/-

Dr. Pannalal Papdival
(General Secretary)

Sd/-

Svastishri Ravindrakirti Swami
(President)

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MOU for the execution of the programme, Micro-Plan preparation, formation of committee for approving the Micro-Plan, Duties & responsibilities of the members in the Joint Forest Management Committee, benefits available to the committee and its members, the interim and final benefits from the nursery plantation and degraded and good forest area, control on the grazing/ pasturing activities, cancellation of the membership, de-recognition of the committee, appeal etc., the 'State level Steering Committee' formation for observation and guidance in the execution of the programmes, by Joint Forest Management Committee etc. All these points have been discussed in the G.R.

The Central Ministry of Forest, vide its letter dt. 21.10.2010, considering the Panchayat (Extended in scheduled area) Act 1996, have given some instructions, regarding, bringing the Joint Forest Management Committee under the Gramsabha (Village Council). With respect to these instructions, and since it is necessary to make changes in the programmes of the Joint Forest Management Committees, due to the implementation of the 'Forest-Rights Act', the matter of strengthening of the Joint Forest Management Committees and attaching it to the Gram Sabha (Village Council), was under the consideration of Govt. Also, though the 'Forest Tourism' activities are increasing, there being no-body's control on the 'Hill-forts' / 'Fortresses' and the 'Natural Panoramic/ Scenic Places' (picnic spots) in the forest areas, they have been, and are being damaged and the spots are spoiled by throwing the after-use materials and defaced, by the tourists, the protection and the conservation of these Hill-forts and picnic spots is necessary. Hence the Rights over the bamboos, water resources, water-falls, water storages, lakes, forts & fortresses etc., and the panoramic/scenic picnic spots, being visited by the tourists in the forest area, the control on the tourists and the maintenance and conservation of these places, by the Gram Sabha, (Village Council) and the Joint Forest Management Committee, being formed under it, were also under consideration.

Govt. Resolution

Considering all above matters, and omitting those matters in the G.R. dt. 25.4.2003 which have been continued in this G.R., superceding the rest of the things, the Govt. resolution about this programme is drawn as per following.

1. The policy regarding the Objectives of the Joint Forest Management Committee, formation of the committee, its duties & responsibilities, benefits to the committee, the

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benefits of interim and final cutting / extraction in the forest area, de-recognition of the Joint Forest Management Committee or its membership, State level committee etc. 795

1. Objectives –

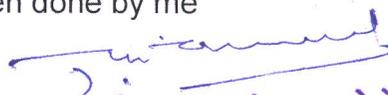
To achieve the all-round development of the villages, through the sustainable protection of the forests in the country, their conservation and maintenance.

- Proper protection and management of the forests and developing them as 'production units', and achieving /creating favourable management for this, through the villagers participation.
- To make efforts for making the forest as the main /chief support of development of the forest –prone-area, and through that, achieving the sustainable development of the area.
- Chalking out the planning for the use of 'forest' and 'non-forest' land, which will satisfy the needs of the Rural & Adivasis of their requirements of fuel-wood, pasturing grass, minor building-wood material, life-essential forest-produce etc. and to meet their employment requirements through their participation in the programme.
- Chalking out the work programme and considering the 'Forest Standards', the management and conservation of the minor forest-produce, including bamboos, and using them for the development of the village.
- Providing information to the tourists about the picnic spots and panoramic / scenic places in the forest and managing the forest conservation activities.

2. Forest areas to be selected under the Programme.

The declined and the degraded forest area in rural vicinity, and the non-forest area (leaving the National Parks and Sanctuaries) would be mainly used for this program. The 'Good Forests' i.e. forests having density more than 40%, would also be taken under this program.

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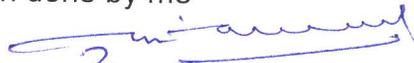
3. Formation of Joint Forest Management Committee

This committee will be formed under the provisions of section 49 of Mumbai Gram Panchyat Act 1958. Its structure will be as per Sub Sections 1,2,3,4 of Section 49 of this Act, and it will be called as the 'Joint Forest Management Committee for Forest Conservation and Development'. The Gram Sabha (Village Council) will form this committee. The tenure of this committee will be matching with the tenure of the Gram Panchayat. The powers of this committee, its operational extent / limits etc. are to be decided by Gram Sabha (Village Council), in consultation with the Gram Panchyat. Similarly, the Gram Sabha (Village Council) have to keep watch on the working of this committee and regulate over its working procedure, under the supervision of Gram Panchyat. The member strength of this committee will be, between 12 and 24. Not less than 1/3rd members of the committee, will be from Panchyat and not less than 50% will be ladies (women) members. Apart from this, there will be representation of the Scheduled Casts / scheduled tribes, tribals and Nomadic tribes, compulsory, as per the Govt. directives. While appointing the ladies members on the committee, the consideration of recommendation of the village-level 'Ladies Gram Sabha', will be necessary. The Resolution of formation of the Joint Forest Management Committee, to be formed in above manner, will be passed by the Gram Sabha (Village Council, and it will be sent to the local Range Forest Officer (RFO).

On behalf of the Govt., the Forest Guard/ Forester (Van-Pal) will act as the Ex-officio Member-Secretary of the Joint Forest Management Committee. Generally, the village, having more than 1000 population, the 'Van-Pal' (Forester) will be the Member Secretary. The Joint Forest Management Committee, which has been formed as per the procedure of the 25.4.2003 G.R., such committee, after the expiry of its tenure, the new Joint Forest Management Committee will be formed as per the procedure mentioned as above. Till such new Joint Forest Management Committee is formed, the existing (Earlier) committee will be acting. But the approval of the Gram Sabha (Village Council) to the actions of the old committee, will be necessary & compulsory. By doing so, the on-going works will not be disturbed.

If there are 'Bastis' and 'Padas', in the Group Gram Panchyat of the Adivasi area, the separate Joint Forest Management Committee for every 'Basti' / 'Pada' should

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be formed from their Gram Sabha (Village Council) and the villagers from the Basti/Pada will be eligible as the member of the Joint Forest Management Committee.

4. Selection of the Forest area to be attached to the Joint Forest Management Committee

The Range Forest Officer will send his report, along with the list of committee members and the Executive Committee, to the Dy. Conservator of Forest. The Dy. Conservator of Forest will scrutinize the proposals received by him and discuss with the Asstt. Conservator of Forest. Range Forest Officer and Members of the Joint Forest Management Committee, will select forest and non-forest areas / sites, to be given to the committee. While selecting the sites, the number of the committee members, productivity of the forest area, picnic/ panoramic (scenic) spots in the area and other related matters, will be considered. Generally, the forest area upto 3 k.m. distance from the Gaothan, should be selected for the management by the committee. If there are more than one village, the forest area from the mid point of the distance between the villages, should be finally selected, by discussing with the villagers and with their cooperation.

5. Memorandum of Understanding (MOU)

After selection of the site and registration of the committee, the Memorandum of Agreement will be formulated between the Dy. Conservator of Forest (Regional) and the Joint Forest Management Committee, in the approved format. Similarly, if the tenure of the earlier such agreement is over, the new agreement will be formulated as per above procedure. The modified 'Agreement of Understanding' will be formulated within one month from the date of registration of the Joint Forest Management Committee. The decision to make any changes in the 'Memorandum of Agreement', thus formulated, will be at the level of the Principal Conservator of Forest and the 'Head of Forest-Force'.

6. Micro-Plan

Since the Forest, Forest-lives and the bio-diversity, are inseparably related with each other, the Joint Forest Management Committee, with consideration of following factors, will prepare a Micro-Plan, for the conservation and development of above

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factors, including the Soil & Water conservation, village development, employment generation and income-raising schemes etc. with the participation of the Forest Deptt. It will include mainly, the points like, reducing the dependency on forest area, modified 'Chulha's', use of bio-gas and other resources, houses and cattle-sheds and related factors like grass / fodder-production, maintenance of Picnic spots and appointing 'Guides' for the tourists & visitors, giving information & knowledge about bamboos & other forest produce etc.

The farmers and cultivators living in the villages, adjoining to the forest area, satisfy their daily needs, from older-times (generations), from the (jungle) forest area, meant and reserved for the purpose. Hence, if the responsibility of conservation of such forest area is rested on them by the Joint Forest Management Committee, the crimes like, illegal cattle grazing, forest-fires, thefts of the forest wealth, encroachments etc. can be controlled effectively. To give stress on this point, the Micro-Plan will contain the implementation of the encouraging schemes for such farmers and cultivators.

In Micro-Plan, the forest management work will be based on the 'work-planning principle'. Precaution will be taken in the Micro-Plan, that the Forest Conservation Act 1980, the provisions there-under, and also the related Acts, will not be vitiated or breached/ encroached and abused in it. The Forest Area Committee will prepare the scheme, in consultation with the Joint Forest Management Committee and will submit it, to the Dy. Conservator of Forest (Regional). After receipt of the Micro plan, the Dy. Conservator of Forest who will scrutinize it, will give sanction to the plan and will inform to the Joint Forest Management Committee.

The responsibility of preparing the Micro-Plan within 2 months, after the MoU Agreement is done, rests with the Dy. Conservator of Forest (R).

7. Saving Account of the Joint Forest Management Committee

For the purpose of management of the funds received from Government, the Joint Saving Account will be opened in the Nationalized Bank or Post Office. This Account will be operated jointly by the Chairman of the Executive Committee and the Member Secretary. This Saving Account should be called as the "Govt. Account". The

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sanction for the transactions under this Account, will be taken at the level of Dy. Conservator of Forest (R).

Annual Audit

The procedure for the Annual Audit of the Government Account of the Joint Forest Management Committee, will be adopted as per the existing procedure of Government for (SFDA) State Forest Development Agency Account.

For management of the funds received from other sources, and from the self income of the committee, a separate saving Account will be opened in the Nationalized Bank or Post Office. This Account will be operated by the Chairman and the Treasurer or a Member in the Executive Committee, Jointly. This saving Account will be called as "Joint Forest Management Committee A/C", The approval to the transactions under this A/C, will be obtained in the Gram Panchyat's Annual General Meeting.

8. The Duties & Responsibilities of the Joint Forest Management Committee.

1. To achieve the conservation and Development of the Forest, Forest- lives and bio-diversity, jointly.
2. To cooperate with the Forest Officers for controlling the forest crimes.
3. To implement the Micro-Plan properly.
4. To plan and implement the Rural Development Schemes by coordinating with other departments.
5. To boost-up the work of forest-tourism, by planning and implementing the schemes as per State Govt. Tourism Policy, in the assigned forest-area. In such activities, it will be seen that, without damaging or hampering the natural beauty of the local panoramic/ picnic spots, to achieve their development, to make available the employment opportunities for the local residents, and to make available the information about the beauty spots in the forest, to the General Public.
6. At the beauty spots and the worth-visiting / scenic places in the forest area, similarly at forts & fortresses, water falls, deep water storages etc. the rights / powers of recovering the fine from the visitors for disfiguring or damaging, or spoiling the natural beauty of the spot (Nuisance tax) will rest with the Joint

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Forest Management Committee. That will help to maintain the cleanliness and religious or natural importance of such places. 800

- 7. Checking of the illegal tree felling/ extraction, cattle grazing, forest-fires, hunting/ poaching activities etc. and imposing fines for such actions are expected from Joint Forest Management Committee.
- 8. To implement the Government programmes, and the works allotted by the Government. The Joint Forest Management Committee will provide man-power to the Govt. schemes.

The Range Forest Officer and the Forest Management Committee, will jointly evaluate about the performance of the duties & responsibilities of the Joint Forest Management Committee performed during the financial year, and will submit the report to the Dy. Conservator of Forest, every year.

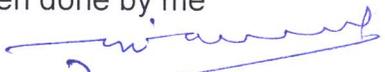
9. The benefits of the Forest Produce to Joint Forest Management Committee.

a) Non-Timber Forest Produce

After preparation of the Micro Plan, the members of the Joint Forest Management Committee, will get the non-timber forest produce (except the Tendoo & Apta leaves) for their household use at the concessional rates, fixed by the committee, without any-way harming the forest, and without any-way, breaching the provisions under the Work Plan Scheme. After supplying this forest produce to the members, the Joint Forest Management Committee will sell the remaining forest produce. The income received from this, will be deposited in the joint A/C of the Joint Forest Management Committee, similarly, if other non-timber forest produce, like bamboo/ grass (fodder) etc., if available in the forest conservation activities, the benefits of those, can also be taken as per provisions in the work organizing plan.

The transfer of ownership of the "Minor quality produce from the scheduled area of Maharashtra" and the "Maharashtra Minor produce commercial Exchange Regulation (modified) Act 1997", has empowered the Gram Sabha (Village Council) for transferring the ownership of the Minor Produce to it i.e. Gram Sabha (Village Council). Therefore, the Joint Forest Management Committee, before collection of the non-timber forest produce, will seek permission for the same, through the resolution of the Gram Sabha (Village Council). The Joint Forest

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Management Committee will also have binding to abide by the provisions in the Maharashtra Minor produce commercial Regulation (modified) Act 1997 and Maharashtra Jan-Jati persons financial condition (improvement) Act 1976, should also be followed.

While managing the forest conservation in this way, if more forest produce has been extracted/ taken-out from the forest area than its potential, then these rights will have to be temporarily suspended, till the reproduction of these produce are brought to its normal potential and the local Range Forest Officer will give such recommendations to the Dy. Conservator of Forest.

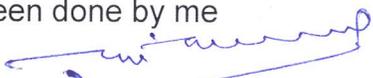
If the Joint Forest Management Committee has been formed in any Forest-life sanctuary, National Park, or Tiger project area, such Joint Forest Management Committee will be called as "Eco-Development Committee", and such committee will not get the benefits of any forest-timber and also the benefits of non-timber forest produce will not be available to them. But those other rights which are available to the Joint Forest Management Committee, will be given to this committee also.

b) The benefits of final and interim cutting/extraction (felling from the forest area)

The Joint Forest Management Committee can get the forest produce obtained from the area allotted to it upto 20% share in the 'Good forest' and upto 50% share in the 'degraded forest area' as per following:-

After performing the works of forest conservation and forest development, as per the duties and responsibilities assigned, for 5 years, the Joint Forest Management Committee will be eligible to get the benefits. The benefits of bamboo production in the degraded forest area will get after 3 years from formation of the committee, only if, conservation and development of bamboo forest is done. But in 'good forest', if the bamboos are available for cutting/ extraction, as per work-plan execution, the removal of those bamboos will be eligible from the period from when the Memorandum of Agreement was done. The work of bamboo removal will be done scientifically in the area allotted to the Joint Forest Management Committee, as mentioned in the 'work plan execution scheme'. By doing so, the

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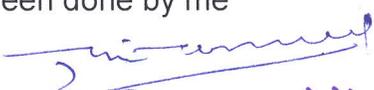
Joint Forest Management Committee will get the bamboo production from the area in the continuous manner.

The process of deciding eligibility of the Joint Forest Management Committee will be carried out by a joint committee of Forest Officers, the representatives of the Joint Forest Management Committee and NGO's at the Forest Range level. Dy. Conservator of Forest will form this joint committee and will submit the report, received from them, to the Chief Conservator of Forest. But, all the benefits of the final and interim cutting/extraction, and their share in the produce, the Joint Forest Management Committee will get, only from the 5th year from its formation. From the income from the auction of forest produce from the Good forest, after deducting the Sales tax and the Income tax etc. the amount of eligible share of 20% and 50% from Good and degraded forest respectively, will be deposited in the Joint Forest Management Committee account and remaining 50% amount will be deposited in the Government account. The use of this amount will be done for forest development and village development, as per the Micro-Plan. Generally, this amount will be used to reduce the burden on the forest for meeting the daily needs of the villagers residing in the forest area.

c. Bringing the hill forts, fortresses and the Picnic/ scenic sites / natural beautiful Places in forest area, under the jurisdiction of the Joint Forest Management Committee perview.

The forest area under the perview of the Joint Forest Management Committee's management, including the natural tourists-visiting places, can be made attraction for the tourists, by developing such places, thereby increasing the income from tourism, in the form of 'Entrance Fee, Camera Fee' etc, which will be the Joint Forest Management Committee's income. The above fees will be decided by the Joint Forest Management Committee. But the Government staff and the persons working in this area, on behalf of Government, will be exempted from these fees. In order to avoid the damages to the picnic places, the Joint Forest Management Committee will make available the services of the trained Guides, thereby, the employment will be available to the Adivasi's and other youths. The fees for the services of these Guides will be fixed by the Joint Forest Management Committee

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like other fees. The amount of the fees paid by the tourists will be deposited in the Joint Forest Management Committee's account.

The Joint Forest Management Committee, which will take responsibility to keep the footpaths, leading to the hill-forts and fortresses, clean and in good condition, will receive grants from the Government tourism department. The Joint Forest Management Committee will work with the officers of the Forest deptt. In the following ways.

- 1) The conventional routes and footpaths leading to all the hill-forts and fortresses will be shown with the marks or signs.
- 2) The routes from the olden-times, leading to the forts will be maintained in good condition.
- 3) Drinking water arrangement and the toilet places, will be provided on the forts. If there are old Rest houses, they will be kept in working condition. The Archeological Deptt. will be permitted to carryout necessary improvements within the frame work of the forest conservation Act. These works will be performed by the Forest Deptt.

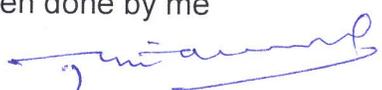
d. Using the Income of fees collected.

The income of the fees collected from the tourist's will be used for the work of clearing, protection of the picnic spot, providing information- boards and providing the help of Guides, to the tourists.

e. The benefits available to the eligible Joint Forest Management Committee.

The benefits which were available to the eligible Joint Forest Management Committee, before the declaration of this policy, as per the G.R. dt. 16.3.1992 and dt. 25.4.2003, will be available to these eligible Joint Forest Management Committee. To decide the eligibility, a committee will be formed at Forest Range level, under the Chairmanship of Dy. Conservator of Forest comprising 1 Asstt. Conservator of Forest, concerned Round Forest Officer and 2 members of the Joint Forest Management Committee. It will be binding to hold this meeting in the Forest Range area only. The benefits of the Forest .

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Nursery and the interim felling/extraction of trees from the degraded forest, will be given to the Joint Forest Management Committee, as per the actual quality of the cut or extracted produce. All works concerning the forest, should be carried out through the Forest Committee as per the, Forest Deptt.'s approved work programme only. Where there is no jurisdiction of Jungle Kamgar Sahakari Sanstha, in that village (there) the coupe works should be given to the committee. 7% tax on the produce obtained from the jurisdiction of this committee, will be given to the Zilla Parishad by the Dy. Conservator of Forest and the Zilla Parishad will give this share to the committee. The forest Deptt. will prepare planning of the aforestation programmes for the degraded forest area, through CAMPA and the "13th Finance Commission Assistance" and the implementation of this work will be done through the Joint Forest Management Committee as planned by the Forest Deptt.

10. Cancellation, De-recognition of the Approval to the Joint Forest Management Committee and the membership of the Committee.

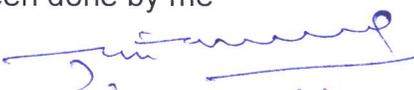
If the Joint Forest Management Committee is negligent about, or disregards the Duties & responsibilities, in carrying out the works being done through it, and the provisions under the work program are not followed properly, the Dy. Conservator of Forest (R) can terminate this committee. The decision of cancellation of the membership, will be taken by the Joint Forest Management Committee. While doing so, the principle of 'Natural Justice' will be adhered to.

Appeal – After termination of the committee or membership of its member, the committee / member can make appeal against the action, to the Chief Conservator of Forest (R) which will be final.

11. State Level Committee

While implementing the programmes of the Joint Forest Management, different problems can arise. For solving such problems, and to make sure that the Joint Forest Management Committee can work smoothly, a state level steering committee is being formed, as following, under the Chairmanship of Principal Chief Conservator of Forests (Forest Force) Maharashtra state, Nagpur.

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- 1 Principal Chief Conservator of Forest (Head of Forest Force) Maharashtra State Chairman
- 2 Principal Chief Conservator of Forest (Production & Management) Member
- 3 Additional Principal Chief Conservator of Forest (Budget, Planning & Development) Member
- 4 Additional Principal Chief Conservator of Forest (Production) Member
- 5 Additional Principal Chief Conservator of Forest (Non-Timber Forest Produce, Control & Valuation) Member
- 6 Additional Principal Chief Conservator of Forest (Policy & Technology) Member
- 7 3 ladies representatives, 7 gents representatives, selected from the committee and 2 representatives of NGO's, Member
- 8 Chief Conservator of Forest (Joint Forest Management) Member / Secretary

12. Implementation Mechanism

To avoid the misuse of the forest area by the Joint. Forest Management Committee, some important terms & conditions will be put, while giving powers to them and also the scheme of giving attracting rewards to them, if they perform the forest management properly, will be implemented.

This Government Resolution is being issued with the concurrence of Rural Development Deptt., Adivasi Development Deptt. and the Finance Deptt.

This G.R. has been made available on the Maharashtra Govt. website www.maharashtra.gov.in and its computer code No. is 20111010143443001.

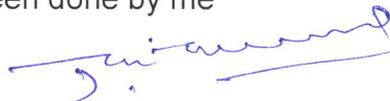
With the order of and in the name of Governor of Maharashtra.

Sd/-
(Pravinsimha Pardesi)
Principal Secretary, Maharashtra Govt.)

Copy to,

- 1) Principal Secretary to Hon'bel C.M.
- 2) Chief Secretary, Govt. of Maharashtra.
- 3) Addl. Chief Secretary / Principal Secretary / Secretary - All

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(इंजि. उ पां गणेशदे)
वनस भाषा सहा. महाराष्ट्र शासन

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- 4) Principal C.C.F. (Forest Force Chief) M.S., Nagpur.
- 5) Principal C.C.F. (Forest life) M.S., Nagpur.
- 6) Principal C.C.F. (Production & Management) M.S. Nagpur.
- 7) Managing Director, Forest Development Ltd., Kadbi Chowk, Nagpur.
- 8) Director General, Social Forestry, M.S. Pune.
- 9) Addl. Principal Chief Conservator of Forest (All)
- 10) All Chief Conservator of Forest / Conservator of Forest / Dy. Conservator of Forest.
- 11) Accountant General, 1 / 2 (Pay & Accounts / Audit) M.S. Mumbai – Nagpur
- 12) All Dvl. Commissioners.
- 13) All Collectors
- 14) All C.E.O's , Z.P. (All)
- 15) All Treasury Officers.
- 16) Personal Secretaries to All Ministries, State Ministers.
- 17) Project Officers, Distt., Rural Development Agency (All)
- 18) Distt. Development Offices, (All) / Distt. Agriculture Offices/ Soil Conservation office (All).
- 19) Distt. Animal Husbandry Officers (All), Distt. Adivasi Welfare Offices (All), Distt. Industrial Offices (All)
- 20) Distt. Public Health Officers (All)
- 21) Desk Officers (All), Rev. & Forest Deptt. (Forest Cell)
- 22) Selection file, F-2 Desk, Rev. & Forest Deptt., Mantralaya, Mumbai

The above English translation has been done by me


(इंजि. उ पां. बालखेडे)
वनल भाषा तज्ञ. महाराष्ट्र शासन

Joint Forest Management: A Handbook

JICA-MoEF project on:

Capacity Development for Forest
Management and Training of Personnel



Project Director

Dr. D K Sharma, IFS

Team Leader of PMC

Mr. Abhijit Ghose, IFS (Retd.)

Project Consultant

InsPIRE Network for Environment

JFM Expert Team

Ms. Gitika Goswami (Expert of Participatory Planning & Assessment & PRA)

Mr. Chetan Agarwal (Expert of Participatory Planning & Assessment & PRA)



Disclaimer:

While preparing this manual every effort has been made to follow the existing JFMC provisions. However while adopting / modifying this Manual state concerned should carefully examine the provisions.

A Handbook

Joint Forest Management

For Front Line Staff of Forest Department & JFMC members

B

Published by

Ministry of Environment & Forests

Under

**JICA funded project “Capacity Development
for Forest Management & Training of
Personnel”, ID-P199**

Who Should Use this Handbook?

This book would be used as a reference book for carrying out JFM activities in the forest villages by the front line staff of the Forest Department, Joint Forest Management Committees and Eco-Development Committees

◀ C

CHAPTER 2

Joint Forest Management Committee / Eco-development Committee

2.1 What is a Joint Forest Management Committee

A Joint Forest Management Committee (or JFMC in short) is a democratic, decentralized and transparent local institution of forest and forest fringe dwelling communities, that is part of the Gram Sabha fully or partially and set up as per the provisions of applicable JFM rules/guidelines of the state.

Typically, there is one JFMC in one revenue village. However in special situations, e.g. historical collaboration between neighboring villages, or where it doesn't make sense to divide the forest, a JFMC may cover two or more villages. On the other hand, especially in tribal areas, there may be situations where one village may have several dispersed hamlets, JFMCs may be set up at sub-revenue village or hamlet level.

2.2 What is an Eco-Development Committee

An Eco-Development Committee (EDC) is similar to JFMCs, but meant for villages in Protected Areas and their buffer zones.

Their setup, working, role, responsibilities, powers, funds etc. are as per the state level orders.

Their area of operation is restricted to protected Areas, and forest and non-forest areas near protected areas. EDCs are set up with twin objectives – to protect wildlife and other biodiversity, and also undertake eco-development activities in the villages.

As their setup and operations are similar to JFMCs, the guidance in this Handbook can be utilized for setting up and facilitating EDC operations as well.

2.3 Rationale for JFMC/EDCs

These JFMCs/EDCs are constituted so that:

- ▶ The investment climate in forestry sector is enhanced as rural communities participate in forest protection and management.
- ▶ Rural communities are equal partners in the protection and management of forests
- ▶ They control the management of forest lands and community lands by both members and non-

members.

- ▶ They get a say in the objectives of management of their local forests
- ▶ They are motivated to contribute their time, effort and knowledge via the mechanism of the JFMC/EDC and their representatives in the Executive Committee to protect and manage the forest.
- ▶ They derive direct benefits from sustainable use of the forest
- ▶ They get a significant share in the returns from timber both for self-use, as well as for reinvestment in the forest.
- ▶ To develop local leadership for bigger role in future

In this way the interests of local communities, forest departments and overall goal of forest management and conservation are served.

Facilitators should have an open discussion with the local communities on these aspects, record any concerns and try and address them to the extent possible.

2.4 JFM Contexts

There are a variety of JFM contexts that a community and forest staff can face. These may include:

- ▶ An area with a high-functioning JFMC
- ▶ An area with an inactive JFMC
- ▶ An area with a history of past or current locally initiated protection system
- ▶ Area with other forest protection management institutions – Van Panchayats (Uttarakhand), Committees formed to manage Community Forest Resources under the Forest Rights Act, Village Forests (Sec 28 of IFA), Kangra Forest Cooperatives (HP), Biodiversity Heritage Committee etc.

FD staff, local residents promoting JFM or community forestry in the village should explore the situation in the village including any existing formal and informal institutional arrangements for forest protection and management – document them briefly and discuss the same in local discussions, so that a consensus is slowly built about the way forward, including towards JFM or other local protection options.

Ideally some of this discussion should be preceded by or happen during a transect in the forest area in question – which can lead to a discussion of a lot of site specific issues.

2.5 Administrative arrangements for formation of a JFMC

The process of formation and functioning of a JFMC would involve the following critical steps:

➤ Introduction

- ▶ Discussion/s within the village regarding:
 - history of the forest,
 - current situation – forest condition, demand and supply of forest produce,
 - how it has arisen,
 - and what a JFMC can do to help – what could be practical management options to sustain the forest and maintain and improve the flow of benefits
- ▶ Whom to meet
 - Initially it would be important to meet with opinion makers in the village
 - Hold hamlet wise small group discussions
 - Identify stakeholders by location, or activity (e.g. graziers, headloaders) who depend on the forest.
 - Transect

➤ Request for formation of JFMC

- ▶ Letter for forming a JFMC from as many people as possible – across all hamlets, both men and women, should be sent to Forest Guard or any other frontline Forest staff of the Division.

➤ Initial action on Request for Formation of JFMC

- ▶ Forest Guard/Forester to create a file for the proposed JFMC
- ▶ Mark copy of request up to DFO and mark it up for record
- ▶ Send list of steps for JFMC formation to village

➤ List of Documents and Steps

- ▶ Objectives of JFMC
- ▶ Copy of Handbook
- ▶ Copy of Rules / Guidelines under which JFMC is formed
- ▶ List of types of lands on which JFMCs can be formed
- ▶ Process of enrolling members of the JFMC
- ▶ Criteria and process for selection of Executive Committee for the JFMC (as per requirements of state rules/guidelines)
- ▶ Steps for preparing byelaws
- ▶ Draft sample byelaws for the JFMC – which can form the basis for customization of byelaws for the JFMC.
- ▶ Preparing a village level micro-plan considering the local needs and community resources available
- ▶ Steps for preparing micro plan

- Sketch map of local area showing forest and different zones for management
- Listing of management options for each zone – grazing, fuel wood collection, green fodder collection, no harvesting zones, etc.
- ▶ Draft sample micro plan for the JFMC
- ▶ Registration requirements for the JFMC (as per requirements of state rules/guidelines)
- ▶ Draft MOU between the JFMC and the FD
- ▶ List of books/registers to be maintained by the JFMC.
- ▶ Steps for opening and operating a bank account
- ▶ Accounting requirements of the JFMC.

2.6 Who can form and facilitate the formation of a JFMC/EDC?

The request for formation must be signed by the area residents.

Formation can be initiated /facilitated by:

- ▶ Residents
- ▶ Panchayat
- ▶ FD staff
- ▶ NGOs / Research or Educational institutions

2.7 How is the Executive Committee (EC) to be formed

- ▶ Once the request for formation of a JFMC is received, an informal adhoc committee may be formed to facilitate the process at the village level.
- ▶ Election / Selection of the EC would require (state specific):
 - Presence and vote of at least 40% of all voting residents of the area (hamlet/s, or village or as prescribed in JFM Resolution of the State)
 - When at least 33% of those present are women
 - DFOs/NGOs/ may be invited as observers.
- ▶ If the Body is registered, then statutory electoral requirements would require to be completed.

2.8 Byelaws for the JFMCs¹

Bye-laws are an adaptive mechanism to guide the day to day working of the JFMC. Bye-laws can be prepared and adapted to fit the situation at hand and can also be modified in the future. All JFMCs whether registered independently or not must prepare their own byelaws. Bye-laws can cover a variety of issues.

¹ Reference was taken from JFM Implementation Manual, Govt. of Rajasthan, 2010

A draft copy of model bye-laws for the state is attached at Annexure 1. **(State may include it as part of their manual)**

These draft bye-laws should be discussed by the EC and the key elements should be presented and discussed with the Gram Sabha. Based on this two-stage discussion, the byelaws may be suitably elaborated and modified.

Care must be taken to ensure that bye-laws are in broad conformity with the state JFM rules/guidelines, as well as the statutory requirements of the registration body. This can be shared in the preliminary meetings.

Once the byelaws have been revised and finalized by the JFMC, they should be sent to the FD for information and any comments and approval.

This final byelaw may be adopted by the JFMC and then sent for registration.

Annexure 2: Form 1 Request for Registration of a Joint Forest Management Committee **(State may add it as part of their JFM manual)**

This section deals with the process enrolling members and registering the JFMC.

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CHAPTER 3

Setting up a JFMC: Membership and Registration

3.1 JFMC – Who can become a member, and process of being a member

- ▶ All adult members residing within the revenue boundaries of the area where a JFMC is being proposed are eligible and must be made members. The area could be a village or group of villages, a hamlet, or a combination of whole villages and hamlets of other villages, depending on location and historical relations and forest use patterns.
- ▶ Membership criteria are as per the JFM resolution of the state. **State should “Provide quote from resolution”**
- ▶ Membership for a JFMC is open for all members of the gram sabha – i.e. voting adults. (in some states membership is open to one male and one female member of each household).
- ▶ The facilitator (Forest Guard or representative from Forest Department) should make an attempt to inform all adults about the process of setting up a JFMC, the rationale of membership and emphasize that all families are eligible and should be made members. Assistance may be sought from the panchayat and NGOs and other community based groups – e.g. *mahila dals*, youth groups, SHGs and any individuals or groups that had earlier tried to protect the forest.
- ▶ For this purpose, in addition to village level meetings, informal meetings should also be done at hamlet level, in small groups and one-to-one with individuals. This will both spread word about the process, and also help identify active individuals who can engage other community as well.
- ▶ Examples should be given of nearby villages that have taken on the management of the forests.

3.2 Forms and documents related to membership and registration²

To facilitate the process the following forms and documents may be utilized.

➤ *Record of members*

This can be in a file or register – as per the format attached. (Annexure 3).

² Reference was taken from JFM Implementation Manual, Govt. of Rajasthan, 2010

➤ *Identification Card for office bearers of JFMC/EDC*

An Photo-identity card serves several purposes for the JFMC staff/committee members. First it serves to provide an identity. Secondly, members can introduce themselves as JFMC staff/members both to people they meet or need to restrict their movement in the forest, as well as while dealing with other government departments. On the whole, it can be a tool for their distinct recognition in the society. Proposed format is attached. (Annexure 4).

➤ *Information to DFO*

Once JFMC is formed, it will be registered with DFO and MOU will be signed as per JFM Resolution of the state concerned.

➤ *Registration Certificate for the JFMC from the DFO*

The DFO may issue a Registration Certificate to the JFMC after it is duly registered. Format for Registration Certificate is attached as Annexure 5. The document will mention details like area of land under protection, the type and ownership of the land, the villages who are members of the JFMC etc.

A format for the letter may be prepared and attached with the JFM manual.

Alternatively, if a JFMC wants to be registered under the Society Registration Act, it will have to obtain a No Objection Certificate (where state JFM Resolution prevents such practice) from DFO. This letter will be sent to the Registrar of Co-operative Societies or their local representative to facilitate registration of the JFMC under the Society Registration Act.

➤ *Post –registration letter from DFO to CF*

Once the JFMC is finally registered as a society, the DFO may inform the CF giving basic details. **A format for the letter and for the basic data is attached (Annexure 6).**

➤ *Receipt book*

Receipts should be given for membership fee collected as well as for any other money charged from the members by JFMC. **A format for the receipts is attached (Annexure 7).**

➤ *Bank account (prior to registration)*

An account may be opened in a nearby bank or post office, in the name of the JFMC, prior to registration. Membership fees and any other money collected initially may be deposited in the account. This should have preferably 3 signatories, of which at least 2 are either President/Vice President or Member-Secretary.

➤ *Membership of people who live outside the village or a member move out subsequently*

Members may consider putting a non-resident member option in their byelaws. This will allow members who live outside the village to also participate in the activities of the JFMC, without necessarily having to be on site. However, they will not be able to participate in the meeting when Byelaws will be adopted. Byelaws should consider the following with respect to non-resident members:

- ▶ Voting rights
- ▶ Level of contributions
- ▶ Share in forest produce – self collected
- ▶ Share in net income, as and when received from the FD.



संयुक्त वन संरक्षक समिती

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मौजे - भिलवाड (मांगीतुंगी)

ता. बागलाण जि. नाशिक (महा.)

वन परिक्षेत्र - ताहाराबाद

अध्यक्ष

१. श्री. रमेश शिवाजी पवार
भिलवाड

उपाध्यक्ष

३. श्री. डॉ. पन्नालाल पापडीवाल
पैठण

सदस्य

३. श्री. किशोर अभिमान भामरे
भिलवाड

वनपाल तथा सचिव

४. श्री. नवल सोनु पगारे
भिलवाड

सदस्य

५. श्री. बाळु लालजी पवार
भिलवाड

६. श्री. मुरलीधर पिराजी पवार
भिलवाड

७. डॉ. सुरजमल जैन
मांगीतुंगी

८. श्री. बाळु उखा गायकवाड
भिलवाड

९. श्री. शंकर गोण्या गायकवाड
भिलवाड

१०. सौ. बायजाबाई सोनु पवार
सरपंच भिलवाड

११. सौ. सखुबाई बुधा ठाकरे
भिलवाड

प्रती,

वन अधीक्षक,
पुर्व विभाग,
नासीक,

ता. २८/२/२००६ दि. / /२००

विषय:- मांगीतुंगी येथे डोंगर पयथ्यापासुन ते डोंगर माथ्यावर सुरंग फोडुन व बुलडोझर च्या सहाय्याने असलेल्या अनधीकृत कामा बाबत हरकत व अहवाल.

महोदय,

आपणास सविनय अहवाल सादर करीत आहे की, मांगीतुंगी येथे मांगी व तुगी या दोन पैकी या पहाडावर श्री. "१०८ फिट वृषभदेव.मुर्ति निर्माण कमीटी" यांनी १९९६ पासुन या ठिकाणी १ फुट मुर्ती निर्माण करण्याचा संकल्प केला. त्या प्रमाणे या ट्रस्ट कमीटीने या पहाडाच्या कही पठार भा बेकायदेशीर रित्या स्वतःचा कब्जा मिळवण्याच्या गैर हेतुने प्रेरित होउन पठारावरील अंदाजे १०० ते १ एकर जमीनवर अतीक्रमण करण्याचा प्रयत्न चालु केलेला आहे. सदर जमिन मिळवण्यासाठी शासन डोळ्यात धुळ टाकुन व संयुक्त वन संरक्षण समिती वरील उपाध्यक्ष पदाचा गैर फायदा घेऊन पर बेकायदेशीर रित्या वडाखेल रोड झिरो पॉइंट पासुन ते १०८ फुट मुर्ती स्थलापर्यंत २४०५ मिटर लां व रुंदी ६ मिटरचा रस्ता (पुर्वी अस्तीत्वात नसलेला) तयार करण्याचे काम रात्रंदिवस चालु केले आहे रस्ता पुर्णतः रिझर्व फॉरेस्टच्या जागेत अतीक्रमण करुन तयार करण्याचे काम सुरु आहे.

या कामा करीता संयुक्त वन संरक्षण समिती, मौजे भिलवाड, ता. बागलाण, जि. नासीक यांची व वनखात कोणतीही पुर्व परवानगी किंवा संमती घेतलेली नाही. परंतु संबंधीत काम हे वन समितीच्या नावाखाली च असल्याची बतावणी समितीच्या उपाध्यक्षांकडुन केली जात आहे. परंतु संबंधीत संयुक्त वन समितीने कुठल्याही प्रकारचे काम हाती घेतलेले नाही.

संयुक्त वन संरक्षण समिती च्या बैठकीत असे ठरले होते की. संबंधीत संपुर्ण जंगलाचा सर्वे करुन व र जंगल परीसरात चारी काम करणे व संपुर्ण पठारावर आयुवेदीक दृष्टीने महत्वाच्या वनस्पतीचे रूक्षार करावे व संबंधी जंगल उत्पनाचा उपयोग वनसमिती तर्फे तेथील रहिवासी असलेल्या अदीवार्स

संयुक्त वन संरक्षक समिती

817

मौजे - भिलवाड (मांगीतुंगी)
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दि. / / २०००

उदरनिर्वाहाकरीता करण्यात यावा असे ठरले होते. तसे न करता संयुक्त वन समितीचे उपाध्यक्ष पदावर काम करीत असतांना व १०८ फुट मुर्ती निर्माण कमीटीवर देखील काम पहाणारे श्री. डॉ. पापडीवाल यांनी स्वतःच्या संयुक्त वन समितीच्या उपाध्यक्ष पदाचा गैर उपयोग करून संपुर्ण मांगी पहाडाच्या पायथ्यापासुन तर थेट १०८ फुट मुर्तीच्या स्थलापर्यंत बेकायदेशिर रित्या जंगल संपतीचे नुकसान करून व हजारो जंगली वृक्ष तोंडुन बुलडोझर, फोकलॅंड मशिन व ट्रॅक्टरचा वापर करून रिझर्व फॉरेस्टची जंगल संपती नष्ट केली आहे. सदरची बाब संयुक्त वन संरक्षण समितीच्या इतर पदाधीकाऱ्यांच्या लक्षात आल्या करणाने संयुक्त वन संरक्षण समितीच्या उपाध्यक्ष पदावरून श्री पन्नालाल पापडीवाल यांना आजरोजी बरखास्त करण्यात येत आसुन तशी सुचना त्यांना देण्यात आलेली आहे. त्यांनी केलेल्या सुर्गी स्पोटामुळे जंगल संपतीचे केलेले प्रचंड नुकसानाची चौकशी करून व त्यांच्या आज रोजी कामावर असलेली सादन सामग्री यांचा पंचनामा करून ताच्यात घेण्यात यावी. श्री पन्नालाल पापडीवाल व त्यांच्या १०८ फुट मुर्ती निर्माण कमीटीच्या सदस्यांच्या बेजबाबदार वागण्याने येथील आदीवासी रहीवासी नागरीकांच्या उपजीविकेचे साधन असलेल्या जंगल संपतीचे नुकसान पोटी त्यांचे वर कार्यवाही करण्यात यावी व संबधीत प्रकाराची रितसर चौकशी करण्यात यावी.

सोबत:-

संबंधी बेकायदेशिर कामामुळे जंगल संपतीचे व पुरातन मुर्तीचे झालेले नुकसान दर्शविणारे फोटो प्रत माहीती करीता रवान

- १) मा. वनमंत्री, श्री. बबनराव पाचपुते, मंत्रालय मुंबई,
- २) मा. वनसंरक्षक अधिकारी, पुर्व विभाग नासिक.
- ३) मा. कलेक्टर साहेब, नासिक.,
- ४) मा. तहसिलदार सो, ता. बागलाण.

अध्यक्ष

(रमेश शिवाजी पवार)

- अध्यक्ष
१. श्री. रमेश शिवाजी पवार
भिलवाड
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२. श्री. डॉ. पन्नालाल पापडीवाल
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- सदस्य
३. श्री. कि. अभिमन भामरे
भिलवाड
- वनपाल तथा सचिव
४. श्री. न. सोनु पगारे
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- सदस्य
५. श्री. बा. पन्नालालजी पवार
भिलवाड
६. श्री. मु. पिराजी पवार
भिलवाड
७. डॉ. सुरेश जैन
मांगीतुंगी
८. श्री. बा. उखा गायकवाड
भिलवाड
९. श्री. बा. गोण्या गायकवाड
भिलवाड
१०. सी. बा. बाबाई सोनु पवार
सरपंच भिलवाड
११. सी. स. बुधा ठाकरे
भिलवाड

अध्यक्ष

वनपाल तथा सचिव
ताहाराबाद

Joint Forest Protection Committee

Village Bhilwad (Mangi Tungi)

Tal. Baglan, Dist. Nashik (Maharashtra)

Forest Sub Division - Taharabad

Date : 28/02/2002

To,

Forest Superintendent,

East Division,

Nashik

Subject : Regarding objections to unauthorised works and destruction from Mangi Tungi foothills to the hilltop of height of by using dynamite and bulldozer.

Sir,

1. It is humbly submitted to you that from the year 1996, 108 ft. Rushabhdev Murti Nirman Committee have started the work of constructing 108 ft tall Murti at Mangi peak at Mangi Tungi. Accordingly the trust committee e as an authorised Li obtained certain portion of the plateau region and is encroaching around 100 to 150 acres. For obtaining the said land the government is being deceived and by abusing the position of vice president of the joint forest protection committee, an unauthorised road starting from Vadkhol Road Zero Point to the 108 Ft. Murti admeasuring around 2405 metres in length and 6 metres wide road (not existing

- before) is being constructed day and night. Road is being constructed by encroaching completely in Reserved Forest land.
2. For the said work no prior permission has been obtained from the joint forest protection committee village bhilwad, Tal. Baglan, Dist. Nashik and from the Forest Dept. Whereas Vice President of the Joint Forest Protection Committee is making people believe as if the work is being undertaken under the name of the forest committee. However the concern joint forest committee as not undertaken any such kind of work.
 3. It was decided in the Joint Forest Protection Committee meeting, to do a survey of the entire forest, to do trenching work in forest area and to plant important ayurvedic medicinal plants on the plateau and to utilise the income generated from such plantation for the adivasi community's subsistence through the forest committee.
 4. Without doing that by being vice president of joint forest protection committee and by even being on the 108 feet Murti Nirman committee, Shri. Dr. Papdiwal by abusing his position as vice president of forest committee, unauthorisedly destroyed forest wealth from the foothills of Mangi mountain still 108 feet Murti location, destroyed reserve forest twelfth by cutting down thousands of trees with the help of bulldozer pokland machine and tractor.
 5. The said irregularities have been acknowledged by the other office bearers of Joint Forest Protection Committee, and Joint Forest Protection Committee today hereby is dismissing Shri. Pannalal Papdiwal from the post of Vice President of the committee and he has been given a notice to that effect. Forest destruction done by them due to dynamite blasting has caused forest wealth destruction on a large scale which needs to be enquired and equipments which are on the site need to be audited and should be taken into custody. Irresponsible behaviour of Shri Pannalal

Papdiwal and his Associates from the 108 Ft. Murti Nirman Committee has destroyed the forest wealth on which the subsistence of aadivasis depends, detailed enquiry should be made into these incidences and action should be taken against them for such behaviour.

Attachment -

Photo showing destruction of forest wealth and ancient murtis due to illegal activities.

Copy for information to -

Hon'ble Forest Minister, Shri. Baban Rao Pachpute, Mantralaya Mumbai

Hon'ble Conservator of Forest East Division, Nashik

Hon'ble District Collector, Nashik

Hon'ble Tahsildar, Taluka Baglan

Sd/-

President
(Ramesh Shivaji Pawar)

F. No. 11-306/ 2014-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
 Jorbagh Road
 New Delhi - 110 001
 Dated: 7th October, 2014

To

The Principal Secretary (Forests),
 All State / Union Territory Governments

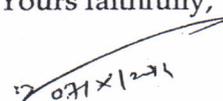
Sub: Guidelines for diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980- Exemption from the requirement obtaining prior approval of Central Government under the Forest (Conservation) Act, 1980 for execution of temporary work in forest land - *reg.*

Sir,

I am directed to say that this Ministry has received representation that for execution of any temporary work in forest land, which does not involve any tree cutting prior approval of Central Government under the Forest (Conservation) Act, 1980 (FC Act) should not be insisted.

After careful examination of the matter, I am directed to say that temporary work in forest land which does not involve breaking up or clearing of forest land or portion thereof, or assigning by way of lease or otherwise to the firm, person or organization using such forest land temporarily; and does not create any right on such forest land of such firm, person or organization, will not require prior approval of Central Government under the FC Act. State Governments and Union Territory Administrations may authorize Officer of an appropriate rank, preferably the Divisional Forests Officer having jurisdiction over the forest land proposed to be utilised temporarily, to accord permission for such temporary activities.

Yours faithfully,


 (H.C. Chaudhary)
 Director

Copy to:-

1. Prime Minister's Office (*Kind attn.:* Shri Santosh D. Vaidya, Director), North Block, New Delhi.
2. Secretary, Ministry of Coal, Government of India, New Delhi.
3. Secretary, Ministry of Mines, Government of India, New Delhi.

4. Secretary, Ministry of Steel, Government of India, New Delhi
5. The Secretary (Coordination), Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
6. Principal Chief Conservator of Forests, all State/UT Governments.
7. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
8. All Regional Offices, Ministry of Environment, Forests and Climate Change (MoEFCC), Government of India (GoI).
9. Joint Secretary, Impact Assessment Division, MoEFCC, GoI.
10. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEFCC, GoI.
11. Director, Regional Offices Headquarters Division, MoEFCC, GoI.
12. Sr. Director (Technical), NIC, MoEFCC, GoI with a request to place a copy of this letter on website of this Ministry.
13. Sr. PPS to the Secretary, Ministry of Environment, Forests and Climate Change, GoI.
14. Sr. PPS to the Director General of Forests & Special Secretary, MoEFCC, GoI.
15. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEFCC, GoI.
16. PS to the Inspector General of Forests (Forest Conservation), MoEFCC, GoI.
17. Guard File.

20/07/2015
(H.C. Chaudhary)
Director