

STRATEGY AND ACTION PLAN FOR NTFPS –
THOUGHT THROUGH FOR NATIONAL LEVEL INTERVENTION

Backdrop...

Non Timber Forest Produce and the forests where they are found are the backbone of Adivasi life. Interaction with NTFPs is one of the many ways in which the relationship of the Adivasi communities with their forests gets expressed. Evidences are galore about the existence of systems of management of forests amongst Adivasi communities across the country with varying degrees of depth. Over a period of time these systems got swept aside with the advent of the Policies, Legislations and other programmatic frameworks imposed by the different Government regimes. Pioneers in this hegemony were the British and their legacy has been carried out by different Governments of independent India. The recently passed The Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, for the first time in a written form acknowledges and accepts that a Historical Injustice has been meted out to the Adivasi communities of this country. Better late than Never!!

This admission does not take away the reality of multifarious ‘ creative’ ways in which the State continues to usurp the Natural wealth and Habitat of the Adivasi communities. This seizure of the Adivasi lands and the natural wealth present on them is very conveniently facilitated by the creation of multitudes of laws, policies and programmes, SEZ Act, CRZ management regulation, Joint Forest Management programme are few illustrations which crop up.

Legal and Policy dimensions...

Forests in India are controlled and owned by the Government which administrates the same through the Forest Department (FD). It is rightly said that FD is the largest landlord of the country. As a result the different policies and legislations which the Central and State Governments formulate govern the forestry regime in India. This legal regime affects the relationship of the communities in and around forests. The scenario in the post liberalization, privatization and globalization regime is adding into this by reformulating land use patterns left, right and centre.

As it is common knowledge that Forests was made a concurrent subject i.e. both in the State list and the Central list during emergency, hence there are State specific legislations, policies and programmes which add into the complexity of the chaos. Just to have an idea a list of some of the central legislations, institutions and authorities which impact forests and hence the NTFPs found in them are annexed.

Role of India NTFP Exchange Programme...

The India NTFP EP has been working in the domain of NTFPs for the last five years as a collective. In a recently concluded meeting of the collective three thematic work

groups have been constituted for attaining more effectiveness. The three thematic groups are:

- ▶ Livelihood and Market Access
- ▶ Conservation
- ▶ Policy - Law and Advocacy

As part of the Policy – Law and Advocacy thematic group the following strategic plan emerges. The time period to be looked at is three years.

Who and where are WE as EP...

When we are responding and positioning ourselves in the changing legal regime impacting Forestry and other Natural resources then it becomes imperative to reflect on – where do we as a Collective stand in this changing canvas, what is our Position from which we shall engage with the State and other actors in the domain?

Hence one of the foremost requirements is to arrive at a position paper of the India NTFP EP vis-à-vis NTFPs. This position paper should cover all the dimensions of NTFPS - Socio-Cultural, Economic, Ecological, and Legal. This position document shall make our stand, vision and pose tangibly clear to both us and others in the light of the changing scenarios affecting NTFPs and the communities who are interacting with them. It could be visualised as a reference document for the EP members that helps all of us when we interact with other networks and forums. It should be a 'live' document with a yearly review of the same built in as mechanism to keep it alive and relevant.

STRATEGY AND BROAD ACTION PLAN PROPOSED BY ECONET –

INVITING SUPPORT

To build on the existing processes in place vis-à-vis Policy – Law and Advocacy...

Already a Policy study encompassing eight States has been conducted by NTFP India EP partners. This study has mainly examined the legal frameworks present in the respective States represented in the EP.

- *To chalk out an action plan for addressing the gaps identified in the policies of respective states. These gaps would have to be intervened keeping TFRA (2006) PESA (1996) in mind.*

For e.g In Maharashtra the NTFP policy and regulation regime needs to be critically examined from the perspective of PESA, TFRA. Similarly in other States the gaps identified could be taken up for advocacy, intervention etc in the light of TFRA and PESA wherever applicable. Here TFRA should

certainly be looked at more deeply as it is applicable to all the States involved in the EP process.

Another e.g could be of Mahua and Hirda as regulated NTFPs in Maharashtra to be investigated from the point of view of filing a PIL. We may actually not file one but the legal and regulatory framework research should be that strong that it can be used for filing a PIL. Similarly, in other States there could be such regulated NTFPs which could be investigated. This to be done as per the requirement of that State' s regulatory framework vis-à-vis NTFPs.

- *Regional action plan – say the Central Indian States which have contiguous forest areas- a process to examine the possibility of a regional policy-legal framework was initiated. These consultations and documents generated during them are well recorded and in the Government system. Action to restart this should be undertaken.*
- *Initiate national level dialogue with policy makers to whet the different forest governance regimes from the perspective of NTFPs. Examine the wildlife protection act (1972,2003,2006) especially from the stand point of Critical wildlife habitat Critical Tiger habitat, TFRA –especially ownership of NTFPs, conservation and management as a right, PESA – ownership of NTFPs, governance in Adivasi areas.*
- ▶ *An EP level capacity building process to prepare a decentralised cadre which could play the role of ' barefoot lawyers' and respond to the situations demanding legal interventions. Each one of us as members could think of our needs and a relevant module could be developed. External resource persons could be invited for this process.*

The action plan which emerges in this avenue is -

Involvement of youth in the NTFP related work is of criticality, one of the processes to be initiated based on the concept of ' barefoot legal interventionist' . Identification of individuals, the laws which need to be understood and used will be undertaken and training modules to be prepared. External experts can be involved like Sanjay upadhyay, B.D.Sharma, Pradip Prabhu, Shomona Khanna, B.J.Krishnan etc.

- ▶ *On the lines of the Central Indian Belt policy study a Policy and Law Implementation Status study needs to be commissioned which examines NTFPs in the Western Ghats. This could also be a tool to engage with the recently revived process of Save the Western Ghats Campaign post the Goa meeting held on February 8th to 10th 2009. It could also feed into the debate revolving around declaring Western Ghats as ecologically sensitive region.*
- ▶ *There are various policies and legislations which impact NTFPs and forests (a sample list in Annexure A – it is not an exhaustive list!!).*
 - *We as EP need to initiate an analysis of prioritised policies and legislation which shall have a direct impact on our work. For e.g. the*

- threat of Mining, the wide scale propagation of Jatropha and other Biofuel plant species, rehabilitation and resettlement polices public private partnership regimes etc.*
- *This analysis should be strengthened with a process of sharing and consolidating with other actors involved in addressing the aforementioned issues.*
 - *EP needs to be represented at the different consultations and forums raising these issues with the Government say at the National level.*
 - *An internal process of capacity sharing on these issues is also needed so that EP members in their respective States could also engage with these processes which extends into National processes and also creates space for backward extensions.*
- ▶ *A pilot process in all the EP members' work areas needs to be initiated which puts in place NTFP Management rules at the Gram Panchayat level with the involvement and legitimisation of the Gram Sabha. The idea is to ' walk the talk' . A set of NTFP management rules were made by ECONET especially keeping in mind the Panchayat Extension to Schedule Areas Act. The draft management rules could be tweaked keeping in mind the TFRA (2006). These could be taken as a reference point for exploring further context based management rules. This needs to be undertaken at the EP level so that it does not get dismissed as it can happen at one site but is not replicable, a consolidated body of knowledge comprising of all the sites emerges which could be fodder for the Regional, State and National advocacy processes. This also becomes relevant in the light of the Tribal Forest Rights Act which envisages the Gram Sabha to institutionalise management of the forest and biodiversity as this is seen as a Right under the said Act.*
- ▶ *It is common knowledge that PESA has been put on the backburner by all concerned. At EP the need is to put it back on the front. Especially the areas which come under its regime, the need of the hour is to initiate and strengthen its implementation.*
- *In all the States where PESA is applicable rules have not been formed. We as a collective could put forward a set of rules to implement the Act.*
 - *All the States where PESA is applicable there is a need to engage with the Tribes Advisory Council which is supposed to oversee the implementation of the Act. This body is defunct.*
 - *There is a process in Non PESA states for the demand of applying PESA; the EP effort could strengthen this initiative in Tamilnadu, Karnataka, and Kerala.*
 - *EP' s work visà-vis TFRA could be strengthened by bringing in PESA.*
 - *Internal capacity building to mobilise our understanding on this arena which could impact NTFPs needs to be put in place.*

Annexure A

A non-exhaustive list in random order of Policy and Legal documents which affect NTFPs – Forest along with some Institutions and organisations (Source Adv. Sanjay Upadhyay and his team)

National Forest Policy 1988

Available at <http://envfor.nic.in/nfap/detailed-policy.html>

National Environment Policy, 2006

Available at <http://www.envfor.nic.in/nep/nep2006.html>

National Forestry Action Programme (NFAP) 2002

Available at <http://envfor.nic.in/divisions/forpol.html>

Joint Forest Management Programme (JFM)

Available at <http://envfor.nic.in/divisions/forprt/jfm/html/joint.htm>

Integrated Forest Protection Scheme (IFPS)

Available at <http://envfor.nic.in/divisions/forprt/ifps.pdf>

Project Tiger Scheme

Available at <http://projecttiger.nic.in/>

The National Wildlife Action Plan, 1983

Available at www.sanctuaryasia.com/resources/environlaw/nwap.doc

Wild Life Conservation Strategy 2002

Available at <http://projecttiger.nic.in/wildlifeconservation.asp>

Environmental Information System (ENVIS)

Available at <http://www.wii.gov.in/envis/sdnp/publication.htm>

Indian Forest Act, 1927

Available at <http://envfor.nic.in/legis/forest/forest4.html>

Forest Conservation Act, 1980 (with Amendments made in 1988)

Available at <http://envfor.nic.in/legis/forest/forest2.html>

Forest Conservation Rules 2003

Available at [http://envfor.nic.in/legis/forest/gsr23\(e\).pdf](http://envfor.nic.in/legis/forest/gsr23(e).pdf)

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Available at <http://tribal.nic.in/actTA06.pdf>

Wild Life Protection Act, 1972 (amended in 2003 and 2007)

Available at <http://projecttiger.nic.in/wildlifeprotection.asp>

The Environment (protection) Act, 1986

Available at <http://envfor.nic.in/>

The Biological Diversity Act, 2002

Available at <http://envfor.nic.in/>

Major Institutions and Authorities

Ministry of Environment and Forest (MoEF)

Available at <http://envfor.nic.in/>

National Natural Resource Management System (NNRMS)

Available at <http://envfor.nic.in/>

The Forest Policy (FP) Division

Available at <http://envfor.nic.in/>

The National Afforestation and Eco-Development Board (NAEB), 1992

Available at <http://envfor.nic.in/>

National Commission on Agriculture, 1976/ (2001)

Available at

<http://www.thehindubusinessline.com/businessline/2001/06/12/stories/041203ju.htm> Also at

http://www4.fao.org/cgi-bin/faobib.exe?rec_id=175175&database=faobib&search_type=link&table=mona&back_path=/faobib/mona&lang=eng&format_name=EFMON

Joint Forest Management Cell 1988

Available at <http://envfor.nic.in/divisions/forprt/jfm/html/cell.htm>

Indian Council of Forestry Research and Education (ICFRE)

Available at <http://envfor.nic.in/nfap/forestry-institute.html>

Indira Gandhi National Forest Academy (IGNFA), 1987 Dehradun:

Available at <http://envfor.nic.in/nfap/forestry-institute.html>

Directorate of Forest Education (DFE), Dehradun

Available at <http://envfor.nic.in/nfap/forestry-institute.html>

*Indian Plywood Industries Research and Training Institute (IPIPTI), 1990
Bangalore*

Available at <http://envfor.nic.in/nfap/forestry-institute.html>

Indian Institute of Forest Management (IIFM), 1982 Bhopal

Available at <http://envfor.nic.in/nfap/forestry-institute.html>

Wildlife Institute of India (WII), 1982 Dehradun

Available at <http://envfor.nic.in/nfap/forestry-institute.html>

Indian Board for Wildlife (IBWL), 2001

Available at <http://envfor.nic.in/divisions/wild.html>

Tiger Conservation Authority, 2006

Available at <http://projecttiger.nic.in/Ntcashortpaneminent.pdf>

*Conservation and Regulation of Medicinal Plants Working Plans to Manage
Forest Divisions*