

**REPORT OF THE EXPERT COMMITTEE CONSTITUTED BY THE
MEGHALAYA BIODIVERSITY BOARD (MBB) TO REVIEW THE PROCESS OF
CONSTITUTION OF THE BIODIVERSITY MANAGEMENT COMMITTEES (BMCs)
AND THEIR COORDINATION.**

1. Background:

Pursuant to the decision taken in the meeting of the Meghalaya Biodiversity Board (MBB) held on 19.09.2016, the Chairman, MBB constituted an Expert Committee to review the process of constitution of Biodiversity Management Committees (BMCs) in Meghalaya, their funding and coordination. The following are the Members of the Committee:-

- (i) Dr. Subhash Ashutosh, IFS, Additional Principal Chief Conservator of Forests (Research and Training), Forests & Environment Department – Chairman.
- (ii) Shri D. Sathiyar, IFS, Chief Conservator of Forests (Social Forestry & Environment) cum Secretary, MBB - Member Secretary.
- (iii) Dr. C.O. Rangad, Director (Retd), Horticulture Department, Meghalaya and member of the MBB – Member
- (iv) Dr. Daniel Ingty Director (Retd), Horticulture Department, Meghalaya and member of the MBB – Member.
- (v) The Chief Forest Officers of the KHADC, JHADC & GHADC - Members
- (vi) Shri Rupanker K. Marak, MFS, Divisional Forest Officer, Social Forestry Division, West Garo Hills, Tura cum District Nodal Officer (Biodiversity) – member.

2. Meetings & Discussions:

The Expert Committee had two meetings. The first meeting was held on 15th December, 2016 and the second meeting was held on 24th January, 2017.

During these meetings, the Committee members have had detailed discussions on various aspects relating to constitution of BMCs in the State and their effective coordination. The aim was to suggest to the MBB suitable processes/mechanisms by which all Local Bodies in the State could be facilitated for constitution of BMCs and also to ensure that the BMCs function effectively to achieve the objectives of the Biodiversity Act.

3. Recommendations:

After detailed deliberations, the Expert Committee hereby submits the following recommendations for the consideration of the MBB:-

3.1. Legal aspects of constitution of BMCs:

The Committee noted that as per the Biodiversity Act 2002, every Local Body shall constitute a BMC. The term 'Local Body' is defined in Section 2 of the Biological Diversity Act. Since Meghalaya is a Sixth Schedule State as per of the Constitution of India, where there is no Panchayat Raj institution, the 'Local Body' would mean institution of self-government constituted under any provisions of the Constitution, any Central Act or State Act.

Against this backdrop, the Committee examined the present practice of constitution of BMCs through the village durbars in Khasi Hills and Jaintia Hills and through the Nokmas under Garo Hills and found that these institutions satisfy the requirement of Local Bodies in respect of the Biodiversity Act, as these traditional institutions are recognized and governed by the respective Autonomous District Councils (ADCs). ADCs have been created under the Constitutional provisions of the Sixth Schedule. The Committee also noted that in one or two instances, BMCs have been constituted by a higher level Local Body like Syiemship, Sirdarship etc. and found that they too are legally valid.

Accordingly, the committee recommends that

- (i) the smallest unit for constitution of BMC would be the Local Bodies i.e. Durbar Shnong in Khasi & Jaintia Hills and Nokmas in Garo Hills;**
- (ii) BMCs can also be constituted at a higher level** of traditional institutions such as Syiemship/Doloiship/ Sirdarship etc. which are recognized by the respective ADC, **when there is general consensus in the constituent Dorbar Shnongs/Nokmas in favour of such BMC at higher level;**
- (iii) in Garo Hills, in case of villages founded on the Akhing lands, the institution of Nokma shall be the Local Body** who can constitute the BMC. **In case of villages existing on non-Akhing lands, the BMCs can be constituted through the Gaonbura.**

- (iv) **MBB shall facilitate constitution of BMCs in the municipal corporations too, as prescribed in the Biodiversity Act.**
- (v) **it would be desirable to ensure participation of women-folk in the meetings of the Local Body when matters of biodiversity is discussed,** since they are the primary stakeholders and often the real owners of lands.

3.2. Jurisdiction of the BMCs:

In view of the statutory duties assigned to the BMCs under the Biodiversity Act, **the Committee recommends that the jurisdiction of each BMC shall be mapped and records be maintained** in order to avoid possible conflicts between the BMCs in respect of benefit sharing, access control and levy of access fee. The Committee noted that at present, cadastral survey has not been carried out to demarcate the boundaries of the local bodies in Meghalaya but there are boundary descriptions based on natural features and in few cases maps are available with the Local Bodies.

To strengthen this process further, **the committee recommends that the Forests & Environment Department and the Meghalaya Biodiversity Board (MBB) shall facilitate boundary survey and mapping of the jurisdiction of the BMCs on a case to case basis wherever such need arises.** Towards this, **a GIS Cell may be created under the MBB** and that the facility of the GIS cell under the Forests & Environment Department may be used for building capacity.

3.3. Coordination of the activities of the BMCs:

The Committee scrutinized the existing practices adopted by the MBB to co-ordinate the activities of the BMCs. Taking into consideration the future requirements and in the interest and effective coordination, the Committee recommends the following:-

3.3.1. Coordination at the District Level:

The Committee noted that the Govt. of Meghalaya has already notified the Technical Support Group (TSG) to guide the activities of the BMCs in every District. A Divisional Forest Officer (DFO) has been nominated as the Convener of the TSG cum District Nodal Officer in each district.

To strengthen the existing arrangement, the Committee further recommends as follows:-

- (i) **The Deputy Commissioner of the District concerned shall be made as the Chairman of the TSG in the District.** The Government may issue suitable amendment to the existing notification on TSG.
- (ii) **The DFOs who have already been nominated as the District Nodal Officer shall continue to function in that role. MBB may provide suitable manpower to the DFOs** for effective implementation of the activities.
- (iii) **The District Nodal Officer shall maintain records of the BMCs in the District. The District Nodal Officer shall communicate the proceedings and recommendations of the TSG to the MBB on periodic basis.**

3.3.2. Technical support to each BMC:

The committee noted that, **in accordance with the NBA guidelines, each BMC shall have an ex-officio Secretary** who shall take care of the accounting, recording of the minutes of the meetings and resolutions of the BMC, etc. He shall be jointly operating the accounts of the BMC (Local Biodiversity fund) along with the Chairman of the BMC. As per the guidelines on BMCs issued by the National Biodiversity Authority (NBA), a permanent staff of the State Government shall be appointed as the ex-officio Secretary of the BMC.

The Committee deliberated on the situation when large number of BMCs are constituted by the local bodies in future and accordingly there would be a requirement for large number of staff to be appointed as ex-officio Secretaries of the BMCs.

The committee recommends that the existing practice of nominating a permanent staff from the Forests & Environment department shall continue to the extent it is possible. It was noted that the Forests & Environment Department won't have enough staff to support all the BMCs that are likely to be constituted in Meghalaya in future (there are about 7000 village level Local Bodies in Meghalaya). To address this issue, **the committee recommends that, henceforth all the Ex-officio secretaries of the BMCs shall be nominated by the Deputy Commissioner of the District concerned** (who is proposed to be nominated as the Chairman of the Technical Support Group-TSG) **in consultation with the District**

Nodal Officer. The District Nodal Officer concerned shall first try to identify and propose for nomination, a staff of the Forest & Environment Department who is working in the district. For this purpose, the staff of the Forest Departments under the three Autonomous District Councils (ADCs), in the rank of Forester and above, proposed by the Chief Forest Officers of the ADC concerned may also be considered. When the above step is not yielding a candidate, **the Deputy Commissioner shall nominate the ex-officio secretary, from among the staff of other line departments, as indicated hereunder:-**

Sl. No.	Line Departments	Rank of officials who can be nominated as ex-officio Secretary of BMC	Authority who will nominate
1	Forests & Environment Department	Forester and above.	Deputy Commissioner cum Chairman of the TSG, in consultation with the District Nodal Officer and the district level officers of the line departments concerned.
2	Soil & Conservation	} Field Demonstrator and above	
3	Agriculture		
4	Horticulture		
5	Veterinary		
6	Fishery		
7	Sericulture		
8	District Administration / (C & RD) Deptt.	Gramsevaks and Gramsevikas	

The committee also recommends that the **Deputy Commissioners and the line departments mentioned above shall play an active role in facilitating constitution of BMCs in all local bodies**, so that the process can be completed quickly. **The Biodiversity Board shall render guidance and assistance to them in this regard.**

Whenever the above authorities constitute BMCs, **the resolution passed by the local body to constitute the BMC shall be forwarded by them to the Meghalaya Biodiversity Board**, along with the name, designation and contact details of the ex-officio secretary. **They shall facilitate opening of a bank account in the name of the BMC ('Local Biodiversity Fund of ____BMC') which shall be jointly operated by the Chairman of the BMC and the Ex-officio Secretary** and intimate the details to the Board. **On receipt of such intimation the board shall release the start up fund to the BMC which is Rs. 20,000/- per BMC** at present.

The committee recommends that MBB shall make efforts for introducing an on-line system of registration of the BMCs, to simplify the procedure and to fast track the process of registration.

Regular programmes of capacity building of the BMC members shall be organized by the MBB. For this existing institutions in the State shall be empanelled and provided with funds for conducting 2-3 days training programmes.

4. Managing the funds of the BMC:-

The Committee noted that as per the Biodiversity Act 2002, **the BMCs are Statutory Bodies who can raise and manage their funds.** The ex-officio Secretary shall help the BMCs in maintaining their accounts. The cheques of the BMCs shall be signed by both the Chairman and the ex-officio Secretary. **Every drawal from the BMC account shall be backed by a BMC resolution, which shall be properly recorded by the ex-officio secretary of the BMC.**

The committee recommends that the District Nodal Officer shall facilitate auditing of the BMC accounts annually. He shall ensure that the annual report of the BMC shall be prepared and submitted to the Deputy Commissioner annually, as prescribed in the Meghalaya Biological Biodiversity Rules 2010.

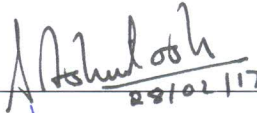
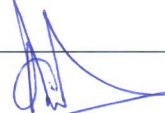
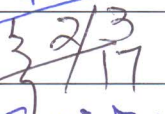
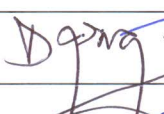
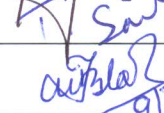
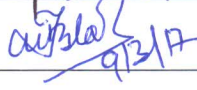
The Committee recommends that the BMCs may be encouraged to submit project proposals to the Deputy Commissioner of the District or to the line Departments, with intimation to the Board, seeking funds from the Government Departments, Companies, NGOs, etc. The Deputy Commissioner/ line departments may arrange funds based on the proposal submitted by the BMCs and release them to the BMCs with intimation to the Board and the District Nodal Officer concerned.

The Committee recommends that the BMCs shall be consulted by all the line departments in all matters connected with the management of natural resources and biodiversity. The BMCs shall be encouraged to prepare biodiversity conservation plans or thematic conservation/management plans (e.g. forest working plan) for their jurisdiction.

The BMC shall seek funds only for activities related to their domain (biodiversity) and connected to the three objectives viz. Conservation,

Sustainable Use and Fair & equitable sharing of benefits. The BMC shall be solely responsible for the satisfactory management of funds received from various sources, their accounts and for proper execution of works in the field.

The report is submitted by the following members of the Expert committee, to the Chairman, Meghalaya Biodiversity Board for his kind information and suitable follow up action.

- (i) Dr. Subhash Ashutosh IFS – Chairman  28/02/17
- (ii) Shri. D. Sathiyar, IFS - Member Secretary  28/2/17
- (iii) Dr. C.O. Rangad, – Member 
- (iv) Dr. Daniel Ingty Director – Member  2/3/17
- (v) The Chief Forest Officer, KHADC – Member  2/3/17.
- (vi) The Chief Forest Officer, JHADC – Member  2/3/17
- (vii) The Chief Forest Officer, GHADC – Member —
- (viii) Shri. Rupankar K. Marak, MFS – member *Confirmed by email*
