

SIKKIM

GOVERNMENT



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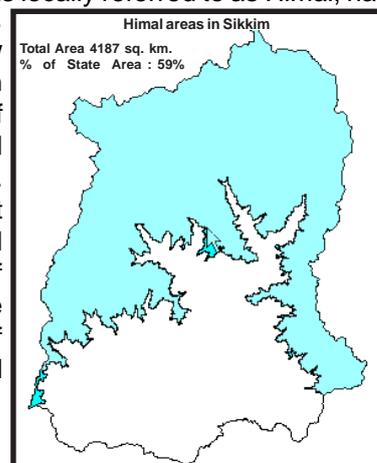
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Guidelines for the Appointment of *Himal Rakshak*

The Need:

- (1) About 59% of Sikkim (4,187 sq. km) lies above 3000 meters and most of this is classified as Reserve Forests. This sub-alpine and alpine landscape of the Sikkim Himalayas locally referred to as *Himal*, has a unique ecosystem and cultural and wildlife values associated with it. It is a repository of unique, globally significant wildlife like the Snow Leopard, Musk Deer and Black Necked Crane and also provides an ideal habitat for their survival. The *Himal* also forms the headwaters of important perennial rivers and conserving this water bank is essential for the survival of thousands of villagers who live at the lower elevations. Improved ecological health of this ecosystem translates to sufficient water in the streams even in the lean season, which sustains agricultural and horticulture crops, directly translating to food and health security of the villagers living down stream. The *Himal* is also a repository of valuable medicinal plants, which form the basis for the indigenous systems of medicine. Most of the peaks, lakes, rivers and caves here are considered sacred and are visited by pilgrims to pay homage.



Present Status, Gaps and Challenges:

- (2) Though most of lower and middle hill forests have been brought under the Joint Forest Management (JFMC/EDC) network, the upper hill forests of the Himalayas, inspite of determined efforts, still continue to be under inadequate management, beset with threats and need urgent interventions. The main threats being unregulated grazing, unplanned trekking tourism, hunting and trapping of wild animals, smuggling of medicinal and aromatic plants and lack of awareness amongst the security forces. Effective conservation of the *Himal* by forest staff alone is very difficult due to its high altitude, remoteness, tough terrain, harsh climate and limited resources available. Further lack of adequate infrastructure and facilities make every patrolling visit more like an expedition, with a large contingent of support staff and resultant high attendant costs.

The Strategy:

- (3) Hence it is proposed to enlist the support of the villagers, practicing traditional subsistence livelihoods in the high altitudes of the Himalayas, in conservation management. Such villagers, who are willing, shall be recognized as *Himal Rakshaks* (Honorary Mountain Guardians) and their capacity building done. This

will result in a more effective, participatory “on ground” conservation of the *Himal* jointly with the Forest Department. Since it is their traditional livelihoods which compel the *Himal Rakshaks* to access the *Himal*, these livelihoods will be permitted in a regulated manner, provided they perform their duties and responsibilities.

Legal Status:

- (4) Section 4(1) of the Wildlife (Protection) Act 1972 empowers the state government to appoint
 - a. A Chief Wildlife Warden
 - b. Wildlife Wardens
 - [(bb) Honorary Wild Life Wardens]
 - c. Such other officers or employees as may be necessary for the purposes of the Act. *Himal Rakshaks* can be appointed on a honorary basis, under sub-section (c) of section 4 of the Act read in conjunction with clause (b) of section 33, read with sub-section (8) of section 35 and sub-section (2) of section 36A of the Wildlife (Protection) Act, 1972 (53 of 1972). Under section 59 of the aforesaid act, such *Himal Rakshaks* shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.
- (5) The legal status, land tenure and ownership of the *Himal* shall remain unchanged.

Criteria for Selection:

- (6) The following criteria should be kept in mind while assessing the suitability of a person as a *Himal Rakshak*. (a) Bonafide resident of the state of Sikkim. (a) Genuine concern for wildlife conservation. (b) Personal record free of any current involvement in any activity detrimental to the interests of nature and wildlife conservation. Any person involved in commercial exploitation of wildlife should not be considered. (c) Personally visit the *Himal* regularly in the normal course of his lifestyle (d) Willingness to render support to the official machinery. The nature of the livelihood is traditional and has been carried out since generations. (e) The livelihood is of subsistence level and for bonafide personal use and not for any commercial purpose. (f) This livelihood is the sole basis for the sustenance of the household. (g) The sensitive habitats / strict conservation zones are not disturbed. (h) Any other regulation that may be assigned by the concerned divisional forest officer or any other high authority.

Yak (and Hybrid Yak) herders from the districts of West, South and East Sikkim are not eligible for selection under this criterion, since there is no cold desert in these districts, which is the only natural home for the yak in the state.

An important point to bear in mind is the identification of *Himal* areas prone to threats or close to sanctuaries, national parks and conservation reserves. Selection of persons as *Himal Rakshaks* must be related to such high altitude problem areas because it is these areas which need priority attention and where public participation is needed most.

Procedure for Appointment, Performance Appraisal and Termination:

- (7) These guidelines for the appointment of *Himal Rakshaks* should be approved by the State Government.
- (8) When recommending any person for such appointment, the criteria laid down in paragraph 6 above must be kept in mind.
- (9) It is very important that the right persons are selected for appointment as *Himal Rakshaks*. The selection process would involve an initial selection by the concerned JFMC/EDC jointly with the concerned Ward Panchayat and forwarded to the concerned Divisional Forest Officer who shall verify whether the criteria for selection has been adhered to or not. He shall then forward the names of suitable persons to the Chief Wildlife Warden of the state for onward appointment.
- (10) The appointment of any *Himal Rakshak* should in the first instance be generally for a period of one year. Thereafter on the recommendation of the concerned Divisional Forest Officer, it may be renewed for a period not exceeding 2-3 three years at a time.
- (10) Each *Himal Rakshak* should be issued an identity card having his signature and photograph duly attested by the concerned divisional forest officer.
- (11) The performance of the *Himal Rakshaks* shall be reviewed annually by the concerned divisional forest officer jointly with the concerned JFMC/EDC and the Gram Panchayat. In the absence of such appraisal, the appointment of the *Himal Rakshak* shall be automatically renewed for the next year.

- (12) The divisional forest officer may at his/her discretion, terminate the appointment of any *Himal Rakshak* at any time, if he/she does not perform his duties and responsibilities or carries out any activity detrimental to the interests of nature and wildlife conservation.

Duties and Responsibilities:

- (13) The main duty and responsibility of a *Himal Rakshak* is to assist whole heartedly in wildlife conservation work with regard to the following matters:
- a. Control of poaching and clandestine trade in wild animals and products / articles thereof
 - b. Detection of offences under the Wildlife (Protection) Act and the rules made thereunder.
 - c. Preventing damage to the habitat of wildlife
 - d. Preventing smuggling of medicinal and aromatic plants for trade
 - e. Preventing instances of bio-piracy by tourists and others
 - f. Reducing the negative impacts from unplanned trekking tourism
 - g. Carrying the message of conservation to the people and enlisting their public support for nature and wildlife conservation
 - h. Carrying out biological surveys and monitoring
 - i. Render assistance to the forest personnel during their visits to the *Himal*
 - j. Any other matter related with the conservation of wildlife, which may be entrusted by the concerned Divisional Forest Officer.

Powers:

- (14) The *Himal Rakshak* shall report to the concerned JFMC/EDC and the concerned divisional forest officer and under section 59 of aforesaid Act he/she shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Protection for action taken in good faith is provided under section 60 of the Act.
- (15) With a view of making the *Himal Rakshaks* useful and effective it is necessary that the following specific powers under the Wildlife (Protection) Act 1972 should be delegated to them: (a) Powers of entry, search, seizure and detention under section 50 for prevention and detection of offences under the Act.
- (16) Apart from the above, the State Government may delegate any other power under the aforesaid Act, as it may consider necessary.

Benefits and Capacity Building:

- (17) The *Himal Rakshaks* shall be permitted to continue their existing livelihood in the *Himal* in a regulated manner provided they perform their duties and responsibilities. The State Government is however not liable to pay any monetary remuneration to the *Himal Rakshaks*, in lieu of their service.
- (18) The State Government should recognize outstanding work or service rendered by a *Himal Rakshak*. Such recognition can be by way of a letter of commendation, or a certificate signed by the Forest Minister or Forest Secretary. Cash awards could also be considered for suitable cases.
- (19) The Forest Department shall in partnership with reputed NGOs and others seek to build the capacity of the *Himal Rakshaks* in conservation management. This would include trainings and support for collection of data in prescribed formats on status, distribution and threats to wildlife and their habitat.

Cooperation:

- (20) If the circumstance warrant, the departmental staff should provide all possible help and assistance. However no staff or vehicle support can be provided to *Himal Rakshaks* as a matter of course.
- (21) Just as it is expected that the *Himal Rakshaks* should assist the forest personnel, it is equally essential that the Forest Department should take all possible steps to associate the *Himal Rakshaks* in their work. This can be achieved best by fostering a spirit of mutual trust and confidence.

T.R. Poudyal, IFS
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Department of Forest, Env. and Wildlife Management
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