






Centralized National Risk Assessment for India

FSC-CNRA-IN V1-0 EN

Title:	Centralized National Risk Assessment for India
Document reference code:	FSC-CNRA-IN V1-0 EN
Approval body:	FSC International Center: Policy and Standards Unit
Date of approval:	15 December 2017
Contact for comments:	FSC International Center - Policy and Standards Unit - Charles-de-Gaulle-Str. 5 53113 Bonn, Germany
	 +49-(0)228-36766-0  +49-(0)228-36766-30  policy.standards@fsc.org
<p>© 2017 Forest Stewardship Council, A.C. All rights reserved.</p> <p>No part of this work covered by the publisher's copyright may be reproduced or copied in any form or by any means (graphic, electronic or mechanical, including photocopying, recording, recording taping, or information retrieval systems) without the written permission of the publisher.</p> <p>Printed copies of this document are for reference only. Please refer to the electronic copy on the FSC website (ic.fsc.org) to ensure you are referring to the latest version.</p>	

The Forest Stewardship Council® (FSC) is an independent, not for profit, non-government organization established to support environmentally appropriate, socially beneficial, and economically viable management of the world's forests.

FSC's vision is that the world's forests meet the social, ecological, and economic rights and needs of the present generation without compromising those of future generations.

Contents

Risk assessments that have been finalized for India	4
Risk designations in finalized risk assessments for India.....	5
Risk assessments	7
Controlled wood category 1: Illegally harvested wood	7
Overview	7
Sources of legal timber in India.....	8
Risk assessment	9
Recommended control measures	41
Controlled wood category 2: Wood harvested in violation of traditional and human rights	44
Risk assessment	44
Recommended control measures	44
Detailed analysis	45
Controlled wood category 3: Wood from forests in which high conservation values are threatened by management activities	101
Experts consulted.....	107
Risk assessment	108
Recommended control measures	119
Information sources	120
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use	123
Risk assessment	123
Recommended control measures	126
Controlled wood category 5: Wood from forests in which genetically modified trees are planted	127
Risk assessment	127
Recommended control measures	128

Risk assessments that have been finalized for India

Controlled Wood categories		Risk assessment completed?
1	Illegally harvested wood	YES
2	Wood harvested in violation of traditional and human rights	YES
3	Wood from forests where high conservation values are threatened by management activities	YES
4	Wood from forests being converted to plantations or non-forest use	YES
5	Wood from forests in which genetically modified trees are planted	YES

Risk designations in finalized risk assessments for India

Indicator	Risk designation (including functional scale when relevant)
Controlled wood category 1: Illegally harvested wood	
1.1	Specified risk
1.2	N/A
1.3	Low risk
1.4	Specified risk Low risk for species from agroforestry sources not requiring harvesting permits
1.5	Specified risk Low risk for species exempted royalties and harvesting fees and APMC taxes, harvested by forest department which is exempted from royalties
1.6	Specified risk
1.7	Specified risk for private plantations N/A for government forest and farm plantation
1.8	Low risk
1.9	Specified risk
1.10	Low risk
1.11	Low risk for government forests Not applicable for agroforestry activities by individual farmers
1.12	Specified risk for private forests and harvesting by private parties in Government forests. Low Risk for government forests where a government department is undertaking harvesting operations
1.13	Specified risk
1.14	Specified risk for government forests Low risk for private plantations and agroforestry activities owned by small farmers
1.15	Specified risk
1.16	Specified risk
1.17	Specified risk
1.18	Low risk
1.19	Specified risk
1.20	Specified risk
1.21	N/A
Controlled wood category 2: Wood harvested in violation of traditional and human rights	
2.1	Low risk
2.2	Specified risk for freedom of association, the right to organize and collective bargaining, the prevention of child labour and forced labour, and discrimination against women, Adivasi and Dalits in the labour market.
2.3	Specified risk
Controlled wood category 3: Wood from forests where high conservation values are threatened by management activities	
3.0	Low risk
3.1	Specified Risk
3.2	Specified Risk
3.3	Specified Risk
3.4	Specified Risk

3.5	Specified Risk
3.6	Specified Risk
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use	
4.1	Low risk
Controlled wood category 5: Wood from forests in which genetically modified trees are planted	
5.1	Low risk

Risk assessments

Controlled wood category 1: Illegally harvested wood

Overview

Most of the natural forests in India are state-owned and managed. Such forests in India are legally recognized through government notifications based on the Indian Forest Act, 1927 (IFA) and the Wildlife Protection Act, 1972 (WPA). The forests are classified as unclassed, Reserved Forests (as notified under IFA 1927) and Wildlife Sanctuaries or National Parks (notified under WPA, 1972) and, for very sensitive ecosystems, Biosphere Reserves under the Man and Biosphere Programme. Commercial extraction of forest produce is not allowed from Protected Areas (under WPA 1972) and Biosphere Reserves. Since the National Forest Policy, 1988, the government has encouraged trees outside forests mainly in the form of agroforestry plantations on private lands to substitute for the vastly degraded natural forests.

The Joint Forest Management Program which was conceived through the National Forest Policy, 1988, and the recently legislated Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (commonly called Forest Rights Act) has encouraged more participation from forest-dependent communities to protect and rejuvenate the degraded natural forests as well as recognize the traditional rights of forest dwellers to the resources from state forests.

As per the latest assessment (State of Forest Report 2013 by Forest Survey of India), about 3.3% of the total geographical area of the country (about 3 million hectares) is made up of agroforestry plantations, mostly on private lands. More than 12 million hectares of degraded natural forests have been brought under Joint Forest Management resulting in perceptible improvement in forest protection and forest productivity.

To ensure scientific felling operations, the Supreme Court of India has directed (Godavarman vs Union of India, 1996) that no felling operations in government forests will be carried out without scientific management plans (Working Plans) prescribed as per the National Working Plan Code. In the case of plantations on private land, management plans are mandatory. However, as per individual states' harvesting rules, the forest department has specified certain species for which a harvest permit is required to be obtained by FMU owners from the local village administration (panchayat) or local forest officer (Deputy Conservator of Forests).

Nationally across India, the transport of forest products from government forests is accompanied by a transit pass, a document that details the origin and destination of the consignment along with the fees paid to the Forest Department. In some cases, for specific species grown on agricultural and privately owned lands, the requirement for a transit pass has been waived (only for movement within a state). In such cases, the receipt of taxes paid to the local Agriculture Produce Market Committee (APMC) is considered a legal document of transit. The Supreme Court as per its above order has also directed wood-based industries involved in saw-milling activities to obtain the relevant license from the Forest Department.

The Report of High Level Committee to review various acts administered by the Ministry of Environment, Forests and Climate Change, Government of India, published in November, 2014 (http://envfor.nic.in/sites/default/files/press-releases/Final_Report_of_HLC.pdf) has provided a number of recommendations which, if adopted, may influence forest governance in the country as well as affect the findings of the criteria for legality. Some of the relevant recommendations are as follows:

- i) Define forests in the forest laws as opposed to current Supreme Court interpretation of the definition of forest as per the dictionary meaning
- ii) Exclude farm forestry and agroforestry plantations from the definition of forests and outside the purview of the Forest Department
- iii) Transparent and streamlined process of providing clearances for diversion of forest land and enhancing the requirement for Compensatory Afforestation in cases of loss of forestland
- iv) Harmonization of the Wildlife Protection Act, 1972, schedule with CITES
- v) Provide statutory nature of Wildlife Management Plans in the Wildlife Protection Act, 1972
- vi) Delineation and demarcation of eco-sensitive zones with emphasis on using GIS tools
- vii) Recognition in the relevant laws of cultural traditions linked to forests.

During the evaluation of risk, the Transparency International Corruption Perception Index (CPI) has been used. India has a current score of 38, which places it at a global ranking of 85 out of 175 countries. This is considered to be a relatively low score that warrants caution related to corruption in the forest sector too. In addition, the World Bank (WB) Worldwide Governance Indicators show that India also here scores relatively low. Especially in the control of Corruption indicator, India scores relatively low. It is therefore generally assumed that India is a country with a high level of corruption. Other FSC sources of information listed in the FSC-PRO-60-002a V1-0 EN have only been used where referred to in the risk description directly.

Sources of legal timber in India

Forest classification type	Permit/license type	Main license requirements (forest management plan, harvest plan or similar?)	Clarification
Government Reserved Forests/ Unclassed Forests	Harvested only by Forest Department	Forest Working Plans (Forest Management Prescriptions as per the National Working Plan Code for a period of ten years)	The consignment is always accompanied by a transit pass which details the origin and destination of the consignment. The Government Forests in India are managed either solely by the State Forest Department or jointly by the State Forest Department and local communities through Joint Forest Management Committees (JFMCs). The JFMCs were initiated to encourage involvement of communities in forest management. Government forests in India may refer to natural forests, plantations, degraded areas or barren land but are referred to as Government Forest Areas nonetheless.
Private Plantations	Permits required from Forest Department or local panchayats (local elected representative bodies) as per harvesting rules for specific species	Harvest permission letter from Forest Department/ local government (panchayat) head	The state-specific harvest rules specify the species that are exempt and those that require harvest permission. The requirement for a transit pass is optional as per transit rules. In cases where the transit pass requirement is waived, substitute documents such as Agricultural Produce Market Committee (APMC) tax receipts are considered as legal documents. Private plantations include block plantations, agroforestry plantations or farm

forestry plantations, industrial plantations etc. managed by private individuals or organizations.

Risk assessment

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
Legal rights to harvest			
1.1 Land tenure and management rights	<p>Applicable laws and regulations</p> <p>Land Registration Act, 1908</p> <p>The Joint Forest Management Program initiated as per the National Forest Policy, 1988, and on the basis of Government of India circular (order) dated 1 June 1990 is a forest management policy initiative that promotes involvement of forest-dependent communities in managing Government-owned forests and has been integrated into the forest management practices of the country.</p> <p><u>Rights of the traditional forest dwellers within Government forests:</u></p> <p>Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (commonly called Forest Rights Act)</p> <p>Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 recognizes the tenure rights of traditional forest dwellers.</p>	<p>Government of India Order on JFM: http://www.ielrc.org/content/e9004.pdf</p> <p>Indian Forest Act, 1927: http://envfor.nic.in/legis/forest/forest4.html</p> <p>Wildlife Protection Act, 1972: http://envfor.nic.in/legis/wildlife/wildlife1.html</p> <p>State Forest Department websites: www.pbforests.gov.in www.haryanaforest.gov.in hpforest.nic.in forest.up.nic.in rajforest.nic.in www.mpforest.org www.gujaratforest.org mahaforest.nic.in www.cgforest.com forest.bih.nic.in www.jharkhandforest.com www.westbengalforest.gov.in assamforest.in http://www.odisha.gov.in/forest_environment/index.htm forest.ap.nic.in aranya.gov.in www.forest.kerala.gov.in</p>	<p>Specified risk</p> <p>Government forests in India are classified as unclassified forests (notified as government forests as per the Indian Forest Act, 1927 but not yet classified), Reserved Forests (as per Indian Forest Act, 1927, Chapter II) and Protected Areas (Wildlife Sanctuaries and National Parks as per the Wildlife Protection Act, 1972, Chapter IV). Management rights of all such forests primarily rest with the State Forest Department. In some Reserved Forest areas, management is jointly carried out by the State forest departments and communities under the Joint Forest Management Program. Commercial extraction of forest produce from Protected Areas is prohibited.</p> <p>The land tenure and management rights rest solely with the landowners. The registration of such land is carried out as per the Registration Act, 1908 with the land holding size restricted as per Agricultural Land Reforms Acts of respective states. The produce from private lands is the sole property of the owner.</p> <p>Description: The ownership and management of natural forests in India lies mostly with the State governments. In some states in North East India, the forests are community-owned but managed by the Forest Department. The process of land acquisition for 'notified government forests' e.g. Reserved Forests, Wildlife Sanctuaries and National Parks involves public notification regarding proposed acquisition, public hearings and settlement of land ownership cases as per the Indian Forest Act, 1927 and Wildlife Protection Act, 1972, thus providing transparency in the entire process.</p> <p>Land tenure with respect to private lands is well-defined in India. The ancestral and traditional rights to land are recognized in India as per the State Land Ceilings Act (Agriculture Land Ceiling Act). The Act also aims for re-distribution</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legal Authority</p> <p>State forest Department (for management of government forests, natural forest)</p> <p>Land Revenue Department (for land registration and classification)</p> <p>Village Panchayat (local elected representative body, generally a dispute resolution body)</p> <p>Legally required documents or records</p> <p><u>Government forests</u> The legality of land tenure regarding Government forests is available through periodic government notifications (gazettes) and the area of forests is mentioned in the Forest Working Plans. All Government-related information is available and can be verified at respective forest departments and forest depots.</p> <p><u>Private lands</u> The land ownership records (e.g. khasra/ khatauni) are legal documents of record; a Village Panchayat Head or Revenue Officer can verify the legality of land ownership. Each land owner is given a land ownership document (patta) that contains the details of allocated land including disputed status, if any. In many</p>	<p>www.forests.tn.nic.in</p> <p>For private land records: http://210.212.41.167/frmSelectDistrict.aspx?lang=Eng http://jamabandi.nic.in/ http://admis.hp.nic.in/lrc/ http://bhulekh.up.nic.in/ http://apnakhata.raj.nic.in/ http://www.landrecords.mp.gov.in/ http://revenuedepartment.gujarat.gov.in/index.asp http://mahabhulekh.maharashtra.gov.in/emojni/ http://cg.nic.in/cglrc http://lrc.bih.nic.in/RoR.aspx http://164.100.150.11/jhrlrmsmis/Index/Index.aspx http://banglarbhumi.gov.in/ http://bhulekh.ori.nic.in/ http://apland.ap.nic.in/main.asp http://www.bhoomi.karnataka.gov.in/landrecordsonweb/ http://taluk.tn.nic.in/eservicesnew/index.html</p> <p>EPW 2015 "Dissenting Voices from the Margins" http://www.epw.in/journal/2015/39/reports-states-web-exclusives/dissenting-voices-margins.html</p>	<p>of land among landless individuals with traditional rights but no legal title over such land. The legal right to land is described in the Land Registration Act, 1908. Today most of the States make available online the records of land titles. Any dispute regarding ownership is recorded in the khasra/ khatauni (land record documents).</p> <p>The potential risks considered under this category are as follows: i) Non-recognition and deprivation of rights of traditional forest dwellers ii) Encroachment on forest land iii) Private land disputes and the mechanism of resolution</p> <p>Evaluation of Risk: Encroachment on forest land in India has been widespread. An area of about 1.5 million hectares of forest land is recognized as encroached upon (as per parliament question press release in 2011). The government has recognized this phenomenon for quite some time and has brought out a set of guidelines as per the Forest Conservation Act, 1980, for systematic settlement of claims and avoidance of arbitrary recognition of encroachers. Traditional forest settlements inside Reserved Forests too have been granted revenue status to recognize the tenure rights of the people living in such areas. The Joint Forest Management Program (JFM), initiated as part of the National Forest Policy of 1988, has recognized the importance of local communities who are dependent on forest resources participating to protect and manage the forests they rely on. Through JFM Committees, which include both Government forest as well as local community representatives, about 30% of the natural forests in India are included in the JFM Program, where local communities (25% of whom are tribal) have a stake in protecting and managing the forests they are dependent upon. Furthermore, with the legislation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (commonly called Forest Rights Act) and Rules, 2008, the traditional rights of forest dwellers who were considered as encroachers and squatters under the colonial era forest laws have been recognized and the process of formal recognition of their rights is being implemented. There have been doubts regarding the effectiveness of implementing such legislation, however (IWGIA 2014, EPW 2014, EPW 2015)</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	states such land records are digitized and available online.	<p>EPW 2014 "No Rights to Live in the Forest Van Gujjars in Rajaji National Park" http://www.epw.in/journal/2014/1/reports-states-web-exclusives/no-rights-live-forest.html</p> <p>IWGIA 2014 – INDIA: http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2014/IndiaIW2014.pdf</p>	<p>The management rights of private lands rest solely with the landowners. Any dispute over private land ownership is traditionally settled by the village elders with the consent of the affected parties. In some cases, however, judicial recourse is taken to resolve disputes. Dispute resolution mechanisms for private land ownership are thus available at the community as well as judicial level.</p> <p>Justification of Risk and conclusion: The natural forests in India are mostly owned by the Government. There has been a paradigm shift in the way the forests are managed in that the rights of forest dwellers and the importance of community involvement in forest management have been recognized, legislated for and practiced. Hence the risk of encroachment on forests and disruption of forest management practices have been mitigated to a great extent – as the rights of the forest dwellers and forest-dependent communities have been legally recognized and they have been made stakeholders in forest management activities. However, there is evidence that illegal logging is conducted on land not under the legal tenure of loggers and there is doubt over the enforcement of such laws. Therefore, it is concluded that the risk is specified.</p>
1.2 Concessions on licenses	<p>Applicable laws and regulations</p> <p>N/A. As per the Forest Conservation (FCA) Act, 1980 and following the Supreme Court order on Godavarman vs Union of India order, concession licenses to private companies for Government-owned forests have been discontinued as they constitute a diversion of forest land.</p> <p>Legal Authority</p> <p>N/A</p>	<p>Discontinuity of Concession licenses http://www.banajata.org/pdf/ntfp-profile/OR-Bamboo.pdf</p> <p>Forest Conservation Act 1980 http://envfor.nic.in/legis/forest/forest2.html</p> <p>Forest Leases a Violation of Forest Conservation Act, 1980 http://www.thehindu.com/todays-paper/tp-national/tp-kerala/government-annuls-renewal-of-forest-land-</p>	N/A

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legally required documents or records</p> <p>N/A</p>	<p>lease/article3174043.ece</p> <p>Supreme Court Order in Godavarman vs Union of India Order, 1996 http://judis.nic.in/supremecourt/imgs1.aspx?filename=14617,</p>	
<p>1.3 Manage ment and harvestin g planning</p>	<p>Applicable laws and regulations</p> <p><u>Government forest</u> National Working Plan Code (latest version: 2014) (Details the management strategy of a forest division for a ten year period).</p> <p>Supreme Court Order (Godavarman vs Union of india). (No forest management practices can be carried out in Government forests without approved Forest Working Plans).</p> <p><u>Private forest</u> No Working Plans are applicable to private forest plantations.</p> <p>Legal Authority</p> <p>Forest Department</p> <p>Ministry of Environment and Forests</p> <p>Government of India</p> <p>Supreme Court Monitoring Committee</p>	<p>The National Working Plan Code, 2014 http://fri.icfre.gov.in/UserFiles/File/rsm/NWPCode%202014%20pdf.pdf</p> <p>Supreme Court Order in Godavarman vs Union of India Order, 1996 http://judis.nic.in/supremecourt/imgs1.aspx?filename=14617</p> <p>Ministry of Environment and Forests (MoEF) order on annual plan of operations under Working Plan http://www.moef.nic.in/sites/default/files/fc_prescription.pdf</p> <p>Divisional Working Plans www.pbforests.gov.in www.haryanaforest.gov.in hpforest.nic.in forest.up.nic.in rajforest.nic.in www.mpforest.org www.gujaratforest.org</p>	<p>Low risk (Plantations: N/A)</p> <p>No Working Plans are applicable to private forest plantations.</p> <p>As per Supreme Court Order (Godavarman vs Union of India), no forest management practices can be carried out in Government forests without approved Forest Working Plans. Forest Working Plans, formulated by specially designated officers of the Forest Department (Working Plan Officer, i.e. WPO as per the National Working Plan Code), details the management strategy of a forest division for a ten-year period and executed as per the Forest Working Plan for each forest division (administrative unit). The Forest Working Plans stipulate the areas of harvest, conservation, regeneration and rehabilitation (in the case of degraded forests), Joint Forest Management, etc. For Government forests, harvest is carried out either by the Government Forest Department or by forest development corporations or contractors appointed by them as per the approved Forest Working Plans.</p> <p>The potential risks considered under the category are as follows: i) Absence of Forest Working Plans for sustainable harvest planning ii) Failure of implementation of Forest Working Plans</p> <p>Evaluation of Risk: The Forest Working Plans are implemented by the State forest departments and the implementation is monitored by the Supreme Court of India-appointed monitoring committee. Currently, Forest Working Plans are kept up-to-date with harvesting activities carried out according to the Working Plan</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legally required documents or records</p> <p>Forest Working Plans, micro-plans for forests under Joint Forest Management Committees.</p>	<p>mahaforest.nic.in www.cgforest.com forest.bih.nic.in www.jharkhandforest.com www.westbengalforest.gov.in assamforest.in http://www.odisha.gov.in/forest_environment/index.htm forest.ap.nic.in aranya.gov.in www.forest.kerala.gov.in www.forest.tn.nic.in</p>	<p>recommendations only. The annual plan of operations (including any deviations from the Working Plan prescriptions as a result of unavoidable events) is approved in advance by the Ministry of Environment and Forests (MoEF) as per its order in 2009 (http://www.moef.nic.in/sites/default/files/fc_prescription.pdf). Forest operations are not allowed without such a plan (e.g. http://angul.nic.in/forest.htm and http://timesofindia.indiatimes.com/city/nagpur/Forestry-work-comes-to-halt-as-18-forest-divisions-go-without-plans/articleshow/34505077.cms).</p> <p>No such harvest planning requirements are applicable to private FMU owners.</p> <p>Justification of Risk and conclusion: Due to bureaucratic and judicial oversight and stringent implementation, unauthorized deviations from approved Working Plans are rare and attract penalties in the form of suspended forest operations. The Supreme Court of India has set a high standard for judicial activism (refer http://awsassets.wwfindia.org/downloads/indias_forests_and_the_judiciary_2.pdf). In addition, the judiciary is effective in acting as a balance to Government powers with a high score of 0.67 related to its credible process of judicial review (refer 2014 World Justice Project Rules of Law report (http://worldjusticeproject.org/sites/default/files/files/wjp_rule_of_law_index_2014_report.pdf)).</p> <p>Private plantations, which form about 80% of the supply of furniture and pulpwood in India, (see http://sa.indiaenvironmentportal.org.in/files/Agroforestry%20potential.pdf) do not require any formal forest management plans for harvesting and maintenance.</p> <p>For these reasons, the risk can be categorized as low.</p>
1.4 Harvesting permits	<p>Applicable laws and regulations</p> <p>The process and criteria of issuing harvest permits is specified in the respective State Harvesting rules.</p>	<p>Harvesting rules in different states http://www.pbforests.gov.in/Pdfs/policies/PUNJAB%20LAND%20PRESERVATION%20Act</p>	<p>Specified risk Low risk for species from agroforestry sources not requiring harvesting permits</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Applicable State Harvesting rules: The Punjab Land Preservation (CHOS) Act, 1900 Punjab Act II of 1900. Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2013 The Uttar Pradesh Protection of Trees in Rural and Hill Areas Act, 1976 Rajasthan Forest Act 1953 The Madhya Pradesh Van Upaj Adhyadesh 1969 Bombay Forest Rules 1942 The Maharashtra Felling of trees (Regulation) Act 1964 Bihar Private Forest Act 1947 The West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 and The West Bengal Protected Forest Rules Assam Forest Regulation 1891 THE ORISSA FOREST (AMENDMENT) ACT, 1982 THE ANDHRA PRADESH FOREST ACT, 1967 Karnataka Forest Rules, 1969 THE KERALA RESTRICTION ON CUTTING AND DESTRUCTION OF VALUABLE TREES RULES, 1974 and The Kerala Preservation of Trees Act, 1986 The Tamil Nadu Forest Act 1882)</p> <p>The rules are applied by respective State Forest Departments.</p>	<p>%201900.pdf http://hpforest.nic.in/pages/display/ZjY0ZjZiNGY2NXM=-actsrules http://www.lawsofindia.org/statelaw/1606/TheUttarPradeshProtectionofTreesinRuralandHillAreasAct1976.html http://rajforest.nic.in/writereaddata/Raj%20Forest%20Act%201953.pdf http://www.mpforest.org/pdf/Van%20Upaj%20Adhinyam.pdf http://www.mahaforest.nic.in/act_rule.php?aid=1 http://wbxpress.com/wp-content/uploads/2013/06/Compendium-Forest-Acts-Rules-Orders.pdf http://assamforest.in/actsRules/assamForestRegulation1891.pdf http://www.odisha.gov.in/forest_environment/Forest_Act/pdf/Acts/OFAA_1982.pdf http://forest.ap.nic.in/apforest_act_1967.pdf https://164.100.133.59/aranya/downloads/KF_Rules_1969.pdf http://www.forest.kerala.gov.in/images/legislations/Kerala%20Restriction%20Cutting%20Valuable%20trees%201974.pdf http://www.forest.kerala.gov.in/</p>	<p>Description: For Government forests, harvest is carried out either by the Government Forest Department or by forest development corporations and – in some cases – the harvesting permits (termed working permits) are sometimes provided to private parties on the basis of auctions conducted by State forest departments or State forest corporations, wherein designated stands (termed coupes) as described in the auction documents are harvested by the private party winning the auction, although the harvesting activity is overseen by the Forest Department. The harvesting is done on the basis of the approved Working Plan. The auction process is made transparent with the State forest development corporations specifying the location of harvest, the woodlots to be harvested and other information in publicly available media e.g. websites http://www.fdcn.nic.in/latest_auctions_fdcn_ltd.htm.</p> <p>For private plantations, harvesting permits are issued by local Government representatives or forest department officials for species as defined in the harvesting rules. The harvesting rules also mention the species – originating from private lands – that do not require harvest permits. For private lands, the harvesting rules of each respective state specify the harvesting permits required for specific species and species that are exempt from any harvesting permits.</p> <p>The potential risks considered under the category are as follows: i) Illegal felling ii) Corruption in connection of the issuing of harvesting permits</p> <p>Evaluation: The harvesting rules governing the issue of harvesting permits are well defined for each State. The auction documents for harvesting permits define the specific coupes for harvest to prevent any additional areas being subjected to illegal harvesting. Copies of the harvest permits issued by the Forest Department – relating to extraction of trees from private lands – are enclosed along with the consignments of harvested timber to certify the legality of the harvested produce. Forest check-gates have been established on major routes to check illegally harvested wood including wood harvested without the required permits. However, despite regular seizures of illegally harvested timber by the Forest</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legal Authority</p> <p><u>Government forest</u> Supreme Court Monitoring Committee oversees the implementation of working plan prescriptions.</p> <p><u>Private lands</u> Harvesting permission for defined species needing permit is granted by Government forest officer (Deputy Conservator of Forests) or local elected representative (panchayat).</p> <p>Legally required documents or records</p> <p><u>Government forests</u> Auction documents, allotment letters and payment records to the Government</p> <p><u>Private lands</u> Harvesting permits in cases of specified species</p>	<p>images/flash/gazette71014.pdf http://www.forests.tn.nic.in/Legislations/r_tmtr.html</p> <p>FAO India Forestry Outlook Study, 2009 (www.fao.org/docrep/014/am251e/am251e00.pdf)</p>	<p>Department, the FAO India Forestry Outlook Study, 2009 estimates that the annual quantum of illegally harvested logs in India is in the range of 2 million cubic metres. Given the high level of corruption prevalent in Indian Government institutions (Corruption Perception Index 2014 Score of 38), the enforcement of harvesting-related rules and regulations in a free and transparent manner in the country is suspect.</p> <p>Justification of Risk and conclusion: Given a number of factors – including the quantum of illegal wood in circulation (mostly for economically important species), the high perception of corruption, the risk of timber harvesting without a permit or in excess of the permitted amount – this criterion can be considered as specified risk. However, for species from agroforestry sources that have been exempted from any harvesting permits as per the existing State harvesting rules, the criterion has been classified as low risk.</p>
Taxes and fees			
1.5 Payment of royalties and harvesting fees	<p>Applicable laws and regulations</p> <p>Indian Forest Act, 1927 (Chapter VII) (Royalties are collected from specified species as per State harvesting and forest transit rules)</p> <p>The harvesting rules are State specific. Applicable harvesting rules (per Chapter VI of Indian Forest Act, 1927) based on which</p>	<p>State Forest Department sites for harvesting rules (based on which royalties and harvesting fees are charged)</p> <p>http://www.pbforests.gov.in/Pdfs/policies/PUNJAB%20LAND%20PRESERVATION%20Act%201900.pdf</p> <p>http://hpforest.nic.in/pages/display/ZjY0ZjZiNGY2NXM=-</p>	<p>Specified risk</p> <p>Low risk for species exempted royalties and harvesting fees and APMC taxes, harvested by forest department which is exempted from royalties</p> <p>Description: The royalties for forest produce are well-defined in respective states. The harvesting rules in respective states specify the species to which harvesting fees apply and the species that are exempted. Such fees are collected by the Forest Department when issuing a harvest permit on private land; or on</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>royalties and harvesting fees are charged: THE PUNJAB LAND PRESERVATION (CHOS) ACT, 1900 Punjab Act II of 1900. Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2013</p> <p>The Uttar Pradesh Protection of Trees in Rural and Hill Areas Act, 1976</p> <p>Rajasthan Forest Act 1953</p> <p>The Madhya Pradesh Van Upaj Adhyadesh 1969</p> <p>Bombay Forest Rules 1942</p> <p>The Maharashtra Felling of trees (Regulation) Act 1964</p> <p>Bihar Private Forest Act 1947</p> <p>The West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 and The West Bengal Protected Forest Rules</p> <p>Assam Forest Regulation 1891</p> <p>THE ORISSA FOREST (AMENDMENT) ACT, 1982</p> <p>THE ANDHRA PRADESH FOREST ACT, 1967</p> <p>Karnataka Forest Rules, 1969</p> <p>THE KERALA RESTRICTION ON CUTTING AND DESTRUCTION OF VALUABLE TREES RULES, 1974 and The Kerala Preservation of Trees Act, 1986</p> <p>The Tamil Nadu Forest Act 1882</p> <p>The rules are applied by respective State Forest Departments</p> <p>(Applicable Transit Rules based on Chapter VII of Indian Forest Act, 1927: Punjab Land Preservation Act, 1900)</p>	<p>actsrules</p> <p>http://www.lawsfindia.org/statelaw/1606/TheUttarPradeshProtectionofTreesinRuralandHillAreasAct1976.html</p> <p>http://rajforest.nic.in/writereaddata/Raj%20Forest%20Act%201953.pdf</p> <p>http://www.mpforest.org/pdf/Van%20Upaj%20Adhinyam.pdf</p> <p>http://www.mahaforest.nic.in/act_rule.php?aid=1</p> <p>http://wbxpress.com/wp-content/uploads/2013/06/Compendium-Forest-Acts-Rules-Orders.pdf</p> <p>http://assamforest.in/actsRules/assamForestRegulation1891.pdf</p> <p>http://www.odisha.gov.in/forest_environment/Forest_Act/pdf/Acts/OFAA_1982.pdf</p> <p>http://forest.ap.nic.in/apforest_act_1967.pdf</p> <p>https://164.100.133.59/aranya/downloads/KF_Rules_1969.pdf</p> <p>http://www.forest.kerala.gov.in/images/legislations/Kerala%20Restriction%20Cutting%20Valuable%20trees%201974.pdf</p> <p>http://www.forest.kerala.gov.in/images/flash/gazette71014.pdf</p> <p>http://www.forests.tn.nic.in/Legislations/r_tmtr.html</p>	<p>government forest land where a harvest permit has been given to a private party through auction by the Government forest development corporation. For species classified as agricultural produce (for wood coming from agroforestry activities), the Mandi Samiti tax as per the APMC Act is levied as well as harvesting fees – as specified in the harvesting rules.</p> <p>The potential risks considered under this category are as follows:</p> <p>i) High incidence of corruption in implementing the harvesting rules and collecting harvesting fees; and illegal wood trade</p> <p>ii) Evasion of APMC taxes</p> <p>Evaluation:</p> <p>The State harvesting rules clearly specify the requirement for harvesting fees, classification of species for harvesting fees etc. The copy of the receipt for harvesting fees (relating to specified species) and APMC fees (in the case of agroforestry species) is enclosed along with the timber consignments during transit to demonstrate legality of forest produce. However, despite regular seizures of illegally harvested timber by the Forest Department, the FAO India Forestry Outlook Study, 2009 estimates that the annual quantum of illegally harvested logs in India is in the range of 2 million cubic metres. There have also been various instances of evasion of Mandi Samiti taxes (www.telegraphindia.com/1140505/jsp/jharkhand/story_18306743.jsp) although in some cases there has been prosecution and penalties applied (http://indiankanoon.org/doc/316626/).</p> <p>Justification of Risk and conclusion: Given a number of factors – including the quantum of illegal wood in circulation (mostly for economically important species), the high perception of corruption, the risk of timber harvesting without permits or in excess of the permitted amount – this criterion can be considered as specified risk. However, for species which are exempted royalties or Mandi Samiti (i.e. APMC tax) and Government harvesting operations that do not require any royalty payment, this criterion can be considered as low risk.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 1978 Uttar Pradesh Transit of Timber and other Forest Produce Rules Rajasthan Forest (Produce Transit) Rules, 1957 Madhya Pradesh Van Upaj Adhiniyam, 1969 Bombay Forest Rules, 1942 Madhya Pradesh Van Upaj Adhiniyam, 1969 Bihar Private Forest Act, 1947 Jharkhand Forest Transit Rules, 2004 West Bengal Forest Produce Transit Rules, 1959 Assam Forest Regulations, 1891 Orissa Timber and Other Forest Produce Transit Rules, 1980 Andhra Pradesh Forest Act 1967 Karnataka Forest Rules, 1969 Kerala Forest Produce Transit Rules , 1975 Tamil Nadu Timber Transit Rules, 1968 Mandi Samiti tax (as per State APMC Act governing Agriculture Produce Market Committee) for species harvested from agroforestry sources</p> <p>Legal Authority</p> <p>State Forest Department is the legal authority regarding collection of royalties and transit fees as specified in the regulations.</p>	<p>APMC Acts and Rules (Refer State websites) www.telegraphindia.com/1140505/jsp/jharkhand/story_18306743.jsp http://indiankanoon.org/doc/316626/ mandiboard.nic.in www.hsamb.gov.in hpsamb.nic.in www.upmandiparishad.in www.rsamb.rajasthan.gov.in www.mpmmandiboard.org agri.gujarat.gov.in www.msamb.com www.samb.cg.gov.in jsamb.nic.in www.wbagrimarketingboard.gov.in asamb.in www.osamboard.org market.ap.nic.in krishimaratavahini.kar.nic.in http://www.tnagmark.tn.nic.in/default.htm</p>	

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Mandi Samitis (Agriculture Produce Market Committees) collect fees from farmers for species of agroforestry origins.</p> <p>Legally required documents or records</p> <p>Royalty and fees receipts from Forest Departments, tax receipts from Mandi Samities (i.e. Agriculture Produce Marketing Committees or APMCs).</p>		
1.6 Value added taxes and other sales taxes	<p>Applicable laws and regulations</p> <p>Central Sales Tax Act, 1956 (In case of inter-state purchases)</p> <p>Value Added Tax Act (In case of intra-state purchases)</p> <p><u>Applicable State Value Added Tax Acts:</u> Punjab Value Added Tax Act, 2005 Haryana Value Added Tax Act, 2005 Himachal Pradesh Value Added Tax Act, 2005 Uttar Pradesh Value Added Tax Act, 2008 Rajasthan Value Added Tax Act, 2003 Madhya Pradesh Value Added Tax (amendment) Act, 2011 Gujarat Value Added Tax Act, 2006 Maharashtra Value Added Tax Act, 2003 The Chhattisgarh Value Added Sales Tax Act, 2003 Bihar Vat Act, 2005 Jharkhand Value Added Tax Act, 2003 West Bengal Value Added Tax</p>	<p>State commercial tax department websites www.pextax.com www.haryanatax.com hptax.gov.in http://comtax.up.nic.in/ rajtax.gov.in mptax.mp.gov.in commercialtax.gujarat.gov.in www.mahavat.gov.in comtax.cg.nic.in www.biharcommercialtax.gov.in jharkhandcomtax.gov.in http://wbcomtax.nic.in/ www.tax.assam.gov.in https://odishatax.gov.in www.apct.gov.in vat.kar.nic.in www.keralataxes.gov.in www.tnvat.gov.in and Central Revenue Department (http://dor.gov.in/)</p>	<p>Specified risk</p> <p>Description: Value Added Tax is levied on the sale of products where value adding occurs to raw materials. Value added tax is governed by the Value Added Tax Act (in the case of intra-state purchases). When such products are sold across state boundaries, Central Sales Tax (CST) is levied, governed by the Central Sales Tax Act (in the case of inter-state purchases).</p> <p>For commercial establishments, a unique Tax Deduction Account Number (TAN) and Permanent Account Number (PAN) are provided by the Income Tax Department. No tax is credited and no business activity is possible without these. The company has to be registered with the Registrar of Companies as per The Companies Act, 2013.</p> <p>The VAT schedule of individual States defines the rate of taxation based on classification of products. The same can be checked from invoice details so as to confirm the payment of taxes due. For inter-state purchases, the Central Sales Tax rates are applicable and are applied uniformly across the country. The taxes paid are listed in the invoices for legal purposes and can be checked.</p> <p>The potential risks considered under the category are as follows: i) Mis-classification of goods ii) Tax evasion and high incidence of corruption among tax authorities</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>(Amendment) Act, 2014 Assam Value Added Tax Act, 2003 Orissa Value Added Tax (Amendment) Act, 2003 Andhra Pradesh Value Added Tax Act, 2005 Karnataka Value Added Tax Act, 2003 Kerala Value Added Tax Act, 2003 Tamil Nadu Value Added Tax Act, 2006)</p> <p>Legal Authority</p> <p>The State Commercial Tax Department, Registrar of Companies</p> <p>Legally required documents or records</p> <p>Relevant invoices showing payment of prescribed sales tax rates</p>	<p>Controller and Auditor General of India (CAG) Report: http://www.saiindia.gov.in/english/home/Our_Products/Other_Reports/Study_Reports/SRA-value-added-tax.pdf www.dailypioneer.com/state-editions/lucknow/corruption-rampant-in-sales-tax-dept-claims-activist.html</p> <p>Central Sale Tax Act, 1956: http://comtax.up.nic.in/central%20sales%20tax/CENTRALS_ALESTAXACT1956.htm</p>	<p>Evaluation: The VAT Act and Rules are defined for each State and handled by a dedicated sales tax department. The Act and Rules are universally applicable and reportable for each sales transaction. However, VAT evasion in India is widespread as described in the Comptroller and Auditor General of India (CAG) Report (http://www.saiindia.gov.in/english/home/Our_Products/Other_Reports/Study_Reports/SRA-value-added-tax.pdf).</p> <p>The perception of corruption for India is high (CPI 2014 score of 38) and there is reportedly wide-spread corruption in the Sales Tax Department, responsible for implementation of VAT Act and Rules (e.g. www.dailypioneer.com/state-editions/lucknow/corruption-rampant-in-sales-tax-dept-claims-activist.html).</p> <p>Justification of Risk and conclusion: Given the high incidence of tax evasion and corruption in implementation of VAT laws, the risk relating to evasion and non-payment of VAT and related taxes can be considered as Specified Risk.</p>
1.7 Income and profit taxes	<p>Applicable laws and regulations</p> <p><u>Government forest - Not Applicable</u> The income from timber sale from government forests is considered as government revenue and no income tax is levied on such revenue.</p> <p><u>Private forest</u> Income Tax Act 1961, Section 1 to 10 (not applicable in case of income from farm products i.e. agroforestry in case of income from timber sales)</p>	<p>incometaxindia.gov.in, business.gov.in</p> <p>Tax evasion in India: http://www.businessweek.com/magazine/in-india-tax-evasion-is-a-national-sport-07282011.html</p> <p>http://www.bloomberg.com/news/2011-07-18/india-government-sees-growth-imperiled-with-rising-greek-like-tax-evasion.html</p>	<p>Specified risk for private plantations Government forest: N/A Farm plantation: N/A (as farm income is exempted from taxation)</p> <p>Description: In relation to sale of timber by private parties and resulting profit, the private parties are liable to pay taxes depending on the nature of the party (income tax for individuals, corporate tax for companies etc. as per the Income Tax Act, 1961). However, income from farmlands is exempt from any taxes in India. Hence farmers making a profit from sale of timber from agroforestry plantations are not liable for any income tax.</p> <p>The income tax paid can be checked from corporate balance sheets and publicly available Income Tax Returns or those available for review from the Registrar of Companies.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legal Authority</p> <p>Income Tax Department</p> <p>Legally required documents or records</p> <p>Income Tax Return and Balance Sheets</p>	<p>Under Reporting of income: http://www.ibtimes.com/how-many-people-india-pay-income-tax-hardly-anyone-1294887</p> <p>World Banks Worldwide Governance Indicator: http://info.worldbank.org/governance/wgi/index.aspx#reports</p> <p>http://www.transparency.org/research/cpi/overview</p>	<p>The potential risks considered under the category are as follows: i) Non-declaration/ under-declaration of income, and evasion of income tax ii) High incidence of corruption among tax authorities</p> <p>Evaluation: Income Tax is collected by a dedicated Income Tax department and is universally applicable for non-farm incomes. However, it is difficult to ascertain the correct tax payments made by individuals and smaller firms without thoroughly checking their accounts and the income tax returns filed by them with the Income Tax authority. Tax evasion is rampant (see http://www.businessweek.com/magazine/in-india-tax-evasion-is-a-national-sport-07282011.html and http://www.bloomberg.com/news/2011-07-18/india-government-sees-growth-imperiled-with-rising-greek-like-tax-evasion.html) as is under-reporting of income (http://www.ibtimes.com/how-many-people-india-pay-income-tax-hardly-anyone-1294887).</p> <p>The perception of corruption for India is very high. According to the World Bank Worldwide Governance Indicator, India has scored 52.6% in ranking for the rule of law and, in relation to control of corruption, India was ranked 34.9% in 2013 (a fall from 43.4% over a ten-year period). The CPI of India is 38 as of 2014 (below the threshold of 50) and there is reportedly wide-spread corruption among tax officials.</p> <p>Justification of Risk and conclusion: Given the high incidence of income tax evasion and prevalent corruption, the risk regarding non-payment of Income tax and related profit taxes can be considered as Specified Risk.</p>
Timber harvesting activities			
1.8 Timber harvesting regulations	<p>Applicable laws and regulations</p> <p><u>Government forest</u> National Working Plan Code, 2014</p> <p><u>Private Forest</u></p>	<p>National Working Plan Code (http://www.moef.nic.in/content/national-working-plan-code-2014)</p> <p>State Forest Divisional</p>	<p>Low Risk N/A for private plantations</p> <p>The scope and schedule of harvesting in government forests is governed by Approved Forest Working Plans (for Government forests only). The Working Plans include the harvesting methods to be applied, available growing stock for</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>No harvesting code is legally binding on private landholders</p> <p>Legal Authority</p> <p>The State Forest Departments, in some cases local panchayats (elected village representative bodies)</p> <p>Legally required documents or records</p> <p><u>Government forest Working Plans</u></p> <p><u>Private Forests</u> Not Applicable</p>	<p>Working Plans www.pbforests.gov.in www.haryanaforest.gov.in hpforest.nic.in forest.up.nic.in rajforest.nic.in www.mpforest.org www.gujaratforest.org mahaforest.nic.in www.cgforest.com forest.bih.nic.in www.jharkhandforest.com www.westbengalforest.gov.in assamforest.in http://www.odisha.gov.in/forest_environment/index.htm forest.ap.nic.in aranya.gov.in www.forest.kerala.gov.in www.forests.tn.nic.in</p>	<p>sustainable harvest, extraction of non-timber forest products (NTFPs) as well as other forest management activities. The guidelines for developing Working Plans are developed and codified in the National Working Plan Code, 2014.</p> <p>In the case of private landholders, the harvesting is regulated by individual State harvesting rules, which specify the species that are exempted from any harvesting regulations and species for which permission to harvest is required from the State forest department or local government.</p> <p>The potential risk considered under the category is as follows: i) Lack of enforcement of Working Plans</p> <p>Evaluation: The Forest Working Plans are implemented by the State Forest Departments. The Supreme Court through its monitoring committee has devised a mechanism for monitoring the implementation of the Working Plan prescriptions. The Supreme Court of India has ordered all harvesting in Government forests to be as per approved Forest Working Plans (http://judis.nic.in/supremecourt/imgs1.aspx?filename=14617). Forest Divisions with no approved Working Plans are not permitted to carry out any commercial forest management practices. Any violation of such order is considered as contempt of court. The Supreme Court has taken action against such violations, as in the case of violations in Goa (http://supremecourtindia.nic.in/outtoday/41437.pdf). In addition, the Ministry of Environment and Forests has its own monitoring unit that performs on-site audits focussing on implementation of Forest Working Plans.</p> <p>Justification of Risk and conclusion: Due to bureaucratic and judicial oversight and stringent implementation, unauthorized deviations from approved Working Plans are rare and attract penalties in the form of suspended forest operations. The Supreme Court of India has set a high standard for judicial activism (refer http://awsassets.wwfindia.org/downloads/indias_forests_and_the_judiciary_2.pdf). In addition, the judiciary is effective in acting as a balance to Government powers with a high score of 0.67 related to its credible process of judicial review (refer 2014 World Justice Project Rules of Law report (http://worldjusticeproject.org/sites/default/files/files/wjp_rule_of_law_index_201</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
			<p>4_report.pdf).</p> <p>Private plantations, which form about 80% of the supply of furniture and pulpwood in India (see http://sa.indiaenvironmentportal.org.in/files/Agroforestry%20potential.pdf) do not require any formal forest management plans for harvesting and maintenance. For this reason, the risk can be categorized as low.</p>
1.9 Protected sites and species	<p>Applicable laws and regulations</p> <p>Wildlife Protection Act, 1972 (Chapter IV and Schedules) Indian Forest Act, 1927 (Chapter IV) The Forest Conservation Act, 1980 (Section 2)</p> <p>State harvesting rules based on Chapter VI of Indian Forest Act, 1927 THE PUNJAB LAND PRESERVATION (CHOS) ACT, 1900 Punjab Act II of 1900. Himachal Pradesh Forest (Timber Distribution to the Right Holders) Rules, 2013 The Uttar Pradesh Protection of Trees in Rural and Hill Areas Act, 1976 Rajasthan Forest Act 1953 The Madhya Pradesh Van Upaj Adhyadesh 1969 Bombay Forest Rules 1942 The Maharashtra Felling of trees (Regulation) Act 1964 Bihar Private Forest Act 1947 The West Bengal Trees (Protection and Conservation in Non-Forest Areas) Act, 2006 and The West Bengal Protected</p>	<p>Indian Forest Act, 1927: http://envfor.nic.in/legis/forest/forest4. Wildlife Protection Act, 1972: http://envfor.nic.in/legis/wildlife/wildlife1.html Forest Conservation Act, 1980: http://envfor.nic.in/legis/forest/forest2.html http://www.downtoearth.org.in/dte/userfiles/images/Koyna%20Petition%20in%20CEC.pdf infochangeindia.org/environment/news/sc-raps-karnataka-forest-dept-over-illegal-activities-in-bhimgad-sanctuary.html</p> <p>State harvesting rules (where protected species can be found): http://www.pbforests.gov.in/Pdfs/policies/PUNJAB%20LAND%20PRESERVATION%20Act%201900.pdf</p>	<p>Specified risk</p> <p>Description: The Protected Area network in India is well-documented, Government-owned and managed, and the legal requirements – as documented in the Wildlife Protection Act, 1972 – are recognized and implemented across the country. Protected areas in India are classified as Wildlife Sanctuaries and National Parks depending on the level of protection. In the protected areas such as Wildlife Sanctuaries and National Parks, the commercial extraction of forest produce is prohibited. Some species are protected in respective states to the extent that harvesting permits are also required for them from private lands.</p> <p>The potential risks considered under the category are as follows: i) Violation of exclusive protection zones within Protected Areas through harvesting activities ii) Unauthorized trade in protected species</p> <p>Evaluation: The Protected Area Network in India is well-defined, with notifications made under the Wildlife Protection Act, 1972. The Wildlife Protection Act, 1972 (Chapter IV) defines the restrictions in place for access or entry or any activity pertaining to protected areas within Forest Management Units. Despite this, core areas and buffer zones in Protected Areas are often violated (http://www.thehindu.com/todays-paper/tp-features/tp-sundaymagazine/the-story-of-the-other-one-per-cent/article3876028.ece). Diversion of Protected Areas is regulated by the Forest Conservation Act, 1980 and is strictly controlled by Supreme Court appointed Empowered Committee. There have been incidences of illegal felling within Protected Areas; however, a major issue</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Forest Rules Assam Forest Regulation 1891 THE ORISSA FOREST (AMENDMENT) ACT, 1982 THE ANDHRA PRADESH FOREST ACT, 1967 Karnataka Forest Rules, 1969 THE KERALA RESTRICTION ON CUTTING AND DESTRUCTION OF VALUABLE TREES RULES, 1974 and The Kerala Preservation of Trees Act, 1986 The Tamil Nadu Forest Act 1882</p> <p>Legal Authority</p> <p>State Forest Departments</p> <p>Legally required documents or records</p> <p>Government notifications regarding protected areas.</p> <p>In keeping with the State harvesting policies, for some selected species, written permission (harvesting permit) is required for harvesting of designated species even for private lands</p>	<p>http://hpforest.nic.in/pages/display/ZjY0ZjZiNGY2NXM=-actsrules http://www.lawsofindia.org/statelaw/1606/TheUttarPradeshProtectionofTreesinRuralandHillAreasAct1976.html http://rajforest.nic.in/writereaddata/Raj%20Forest%20Act%201953.pdf http://www.mpforest.org/pdf/Van%20Upaj%20Adhiniyam.pdf http://www.mahaforest.nic.in/act_rule.php?aid=1 http://wbxpress.com/wp-content/uploads/2013/06/Compendium-Forest-Acts-Rules-Orders.pdf http://assamforest.in/actsRules/assamForestRegulation1891.pdf http://www.odisha.gov.in/forest_environment/Forest_Act/pdf/Acts/OFAA_1982.pdf http://forest.ap.nic.in/apforest_act_1967.pdf https://164.100.133.59/aranya/downloads/KF_Rules_1969.pdf http://www.forest.kerala.gov.in/images/legislations/Kerala%20Restriction%20Cutting%20Valuable%20trees%201974.pdf http://www.forest.kerala.gov.in/images/flash/gazette71014.pdf</p>	<p>is the extraction by local communities of NTFP and firewood from Protected Areas (http://www.ecologyandsociety.org/vol16/iss3/art10/ and http://www.fao.org/docrep/ARTICLE/WFC/XII/0742-A1.HTM and http://www.downtoearth.org.in/dte/userfiles/images/Koyna%20Petition%20in%20CEC.pdf). Any violation of Protected Areas is dealt with by the Central Empowered Committee and the newly constituted National Green Tribunal. There is thus an overarching legal framework for protection of Protected Areas, overseen by the judiciary (infochangeindia.org/environment/news/sc-raps-karnataka-forest-dept-over-illegal-activities-in-bhimgad-sanctuary.html). Wildlife India has made good progress in delineation of the Protected Area network across the country and maintaining their integrity as per the 5th National Report submitted by India under the Convention on Biological Diversity (http://www.cbd.int/doc/world/in/in-nr-05-en.pdf; refer pages 24–28 particularly for Protected Areas). The species protected in individual States for their social and religious importance (e.g. fruit-bearing trees in Uttar Pradesh, Acacia nilotica in Rajasthan, Madhuca indica trees etc.) are rarely felled. Species of commercial importance can be harvested with approval from local administration or forest officials. However given the prevalence of illicit felling and corruption among government officials, there is substantial risk of protected species being felled illegally.</p> <p>Justification of Risk and conclusion: Protected Areas are well-defined and the laws governing such areas are implemented in India. However, there is substantial risk of protected species being felled illegally. For this reason, the risk of violation of protected areas and species can be considered as specified risk.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		http://www.forests.tn.nic.in/Legislations/r_tmtr.html	
1.10 Environmental requirements	<p>Applicable laws and regulations</p> <p>EIA is not applicable in India for forest activities. The National Working Plan Code, 2014 includes best practice for environment conservation under Eco development Plan guidelines (Annexure VI), which are included in the Forest Working Plans. However, this is not legislation. The Guidelines are implemented as part of the Forest Working Plan.</p> <p>Such activities are not applicable to any private plantations.</p> <p>Legal Authority</p> <p>Government Forest Departments monitored by Supreme Court appointed Monitoring Committee.</p> <p>Legally required documents or records</p> <p>Working Plans of Forest Departments</p>	<p>The National Working Plan Code, 2014 http://fri.icfre.gov.in/UserFiles/File/rsm/NWPCode%202014%20pdf.pdf</p> <p>Approved Working Plan Databases of Forest Departments (forest department websites) www.pbforests.gov.in www.haryanaforest.gov.in hpforest.nic.in forest.up.nic.in rajforest.nic.in www.mpforest.org www.gujaratforest.org mahaforest.nic.in www.cgforest.com forest.bih.nic.in www.jharkhandforest.com www.westbengalforest.gov.in assamforest.in http://www.odisha.gov.in/forest_environment/index.htm forest.ap.nic.in aranya.gov.in www.forest.kerala.gov.in www.forests.tn.nic.in www.ercindia.org/files/otherresource/Eco%20sensitive%20zone%20Declaration%20</p>	<p>Low risk</p> <p>Description (applicable only for Government forests): The management of Government forests in India is planned and executed as per Forest Working Plan for each forest division (administrative unit). The Forest Working Plans are written on the basis of the latest version of the National Working Plan Code. The National Working Plan Code, 2014, provides guidelines for Eco development Plans including such aspects as soil and water conservation, establishment of buffer zones etc.</p> <p>The potential risks considered under the category are as follows: i) Absence of Forest Working Plans for sustainable harvest planning ii) Failure in Implementation of Forest Working Plans</p> <p>Evaluation of Risk: The Forest Working Plans are implemented by the State forest departments and the implementation is monitored by the Supreme Court of India-appointed monitoring committee. As per Supreme Court Order (Godavarman vs Union of India), no forest management practices can be carried out in Government forests without approved Forest Working Plans. Hence Forest Working Plans are kept up-to-date and harvesting activities are carried out according to the Working Plan recommendations only. The annual plan of operations (including any deviations from the Working Plan prescriptions as a result of unavoidable events) is approved in advance by the Ministry of Environment and Forests (MoEF) as per its order in 2009. Forest operations are not allowed without such plan (e.g. http://angul.nic.in/forest.htm and http://timesofindia.indiatimes.com/city/nagpur/Forestry-work-comes-to-halt-as-18-forest-divisions-go-without-plans/articleshow/34505077.cms).</p> <p>The Government of India has recently undertaken the process of demarcation of eco-sensitive zonation around Protected Areas, the process of which is still being implemented by the State governments (see</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p>%20MoEF%20OM%2031.12.2012.pdf</p>	<p>www.ercindia.org/files/otherresource/Eco%20sensitive%20zone%20Declaration%20-%20MoEF%20OM%2031.12.2012.pdf).</p> <p>Justification of Risk and conclusion: Due to bureaucratic and judicial oversight and stringent implementation, unauthorized deviations from approved Working Plans are rare and attract penalties in the form of suspended forest operations. The Supreme Court of India has set a high standard for judicial activism (refer http://www.supremecourtindia.nic.in/speeches/speeches_2009/judicial_activism_tcd_dublin_14-10-09.pdf) and is a credible organization.</p> <p>Private plantations, which form about 80% of the supply of furniture and pulpwood in India, do not require any formal Forest Management Plan for harvesting and maintenance. For this reasons, the risk can be categorized as low.</p>
<p>1.11 Health and safety</p>	<p>Applicable laws and regulations</p> <p>The Plantation Labour Act, 1951 Adopted separately by State governments to ensure health and safety. Only applicable to Government forests and privately owned industrial plantations.</p> <p><u>Individual farm land</u> - Individual farmers, such as agroforestry farmers, are outside the scope of such acts and hence health and safety laws in this case are not applicable.</p> <p>Legal Authority</p> <p><u>Government forest</u> Government forest Department for forest operations.</p>	<p>http://business.gov.in/legal_aspects/plantation_act.php http://labourbureau.nic.in/Report_Plant_Act_2008.pdf http://labourbureau.nic.in/Report_Plant_Act_2008.pdf</p>	<p>Low risk for government forests Not applicable for agroforestry activities by individual farmers</p> <p>Description (applicable only to government forests and private industrial plantations): The health and safety provisions of workers engaged in industrial plantations are governed by the Plantation Labour Act and its State-specific adaptations. Its provisions are widely recognized and accepted as standard industry practice and overseen by the Labour Department. The State Forest Department implements the Act for its forest operations including areas under Joint Forest Management, where the provisions are implemented by the Government. In cases where private contractors are given harvesting rights, the operation is overseen by the Forest Department to ensure compliance with applicable laws. Private farm forestry in India is generally of small scale due to the restrictions in land-holding size. Such plantations are owned and managed by individual farmers and are not included under the Act.</p> <p>The potential risk considered under the category is as follows: i) Non-implementation of Indian Plantation Labour Act provisions.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p><u>Privately owned Industrial plantation</u> overseen by Labour Commissioner as specified in respective States.</p> <p><u>Private agroforestry and farm-forestry plantations:</u> Not applicable</p> <p>Legally required documents or records</p> <p>Records with Government Labour Department, e.g non-employment of child labour, access to Government health care schemes, maternity leave and safety of women labourers etc.</p>		<p>Evaluation: The large-scale forest areas in India are owned and managed by the Government Forest Department. Due to the land ceiling rules, private plantations are not of industrial scale in India. There are rarely any instances of Government departments violating labour laws in India (see http://labour.gov.in/upload/uploadfiles/files/Reports/annualreprt.pdf). There are statistics available in relation to occupational hazards in industries in India (http://dginasli.nic.in/info1.htm) but no focussed statistics on the plantation sector as such. In case of forest management operations in farmers' fields, such activities are outside the purview of the Plantation Labour Act and not monitored by any external agency.</p> <p>Justification of Risk and conclusion: Due to direct government management of natural forest activities, the risk of violation of the relevant labour legislation is considered to be low.</p>
1.12 Legal employ ment	<p>Applicable laws and regulations</p> <p>The Minimum Wages Act, 1948 (to ensure minimum mandated wages are paid to the labourers)</p> <p>The Child Labour Act, 1986 (for prohibition of employing child labour below 14 years of age and identification of hazardous industries)</p> <p>The Bonded Labour System (Abolition) Act, 1976 (to ensure people are not employed under duress)</p> <p>The Plantation Labor Act, 1951 (Applicable for industrial plantations only to ensure health and safety)</p>	<p>indiacode.nic.in (for all laws)</p> <p>The Minimum Wages Act 1948: http://pblabour.gov.in/pdf/acts_rules/minimum_wages_act_1948.pdf</p> <p>Child Labour Act, 1948: http://clc.gov.in/Acts/shtm/chla.php</p> <p>Child labour (Prohibition and Regulation) Act 1986 [http://labour.gov.in/upload/uploadfiles/files/Divisions/childlabour/act.pdf]</p> <p>Child Labour (Prohibition and Regulation) Rules 1988 [</p>	<p>Specified risk for private forests and harvesting by private parties in Government forests. Low risk for government forests where a government department is undertaking harvesting operations</p> <p>Description: The minimum wage is well-defined in India as per the Minimum Wages Act, 1948. The minimum wage is defined for rural and urban areas on the basis of cost of living, which varies from state to state. The Child Labour (Prevention) Act, 1986, outlines the laws against engagement of children as labour. The Bonded Labour Act is implemented to ensure people are not employed under duress. Relevant legislation regarding freedom of association, discrimination of women, and specific ethnic groups is lacking, and is therefore unassessed.</p> <p>The potential risks considered under the category are as follows: i) Non-payment of minimum wages ii) Involvement of child labour in forest management activities iii) Incidences of bonded labour</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>National Rural Employment Guarantee Act</p> <p>Legal Authority</p> <p>The State Government (Labour Department).</p> <p>Panchayati Raj Department for Implementation of National Rural Employment Guarantee Act.</p> <p>Legally required documents or records</p> <p>The latest notification regarding Minimum Wages, State-specific provisions of plantation Labour Act as made by the State labour departments etc.</p>	<p>http://labour.gov.in/upload/uplo adfiles/files/Divisions/childlabo ur/rule.pdf],</p> <p>proposed amendment in Year 2014 to the Child Labour (Prohibition & Regulation) Act 1986</p> <p>[http://labour.gov.in/upload/upl oadfiles/files/Divisions/childlab our/child%20labour%20compr essed.pdf]</p> <p>Bonded Labor Abolition Act (1976)</p> <p>http://pblabour.gov.in/pdf/rti/rti _chapter18.pdf</p> <p>The Plantation Labor Act: http://business.gov.in/legal_as pects/plantation_act.php</p> <p>http://www.dol.gov/ilab/reports/ child-labor/india.htm</p> <p>Bonded labour in india: https://www.du.edu/korbel/hrh w/researchdigest/slavery/india. pdf</p> <p>http://nhrc.nic.in/Documents/S PEECH_2012_10_25.pdf</p> <p>National Rural Employment Guarantee Act www.nrega.nic.in</p>	<p>Evaluation of Risk:</p> <p>The nation-wide implementation of the National Rural Employment Guarantee Act has ensured that labourers in villages receive at least the minimum wage. Due to the specialized nature of work, the harvesting labourers are generally paid a higher rate than the minimum wage. The problem of child labour in India is as much a social problem as it is a legal issue and the Government is confronting the problem with legislation such as the Child Labour (Prevention) Act, 1986 and social measures including the universal education program. Child labour in India is widespread across sectors (http://www.dol.gov/ilab/reports/child-labor/india.htm) and the application of the law seems to be ineffective at least in the private sector given the prevalence of the phenomenon. Bonded labour too has been persistent in India despite long-term efforts of the Government (https://www.du.edu/korbel/hrhw/researchdigest/slavery/india.pdf http://nhrc.nic.in/Documents/SPEECH_2012_10_25.pdf).</p> <p>However, there is no record of child labour or bonded labour being appointed in Government-operated activities as there is stringent control over recruitment norms and application of age restrictions. Salary payment in the case of Government institutions is transparent and as per mandated salary structure. Existing labour unions too play an important role in ensuring that labour rights are being followed in Government departments.</p> <p>Justification of Risk and conclusion:</p> <p>The labour involved in forest management activities is specialized and justifies payment greater than the mandated minimum wage. However, despite efforts by the Government and non-government agencies, there is widespread prevalence of child labour and bonded labour in India; and the presence of such in the case of forest management activities in private plantation areas cannot be ruled out without an on-site inspection. Reviews of labour reports and monitoring by labour unions leads to the conclusion that labour laws are being followed in Government forests, but not in private forests. The category is therefore classified as Specified risk for private forests and harvesting by private parties in Government forests, and low risk for government forests where a government department is undertaking harvesting operations.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
Third parties' rights			
<p>1.13 Customary rights</p>	<p>Applicable laws and regulations</p> <p>The Indian Forest Act, 1927 (Chapter II and Chapter III)</p> <p>Wildlife Protection Act, 1972 (Chapter IIIA and IV)</p> <p>The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (commonly called Forest Rights Act) (Chapter II and III)</p> <p>The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008</p> <p>The National Forest Policy, 1988 (related to Joint Forest Management)</p> <p>The above laws are applicable to government forests only. The rights of private plantations and agroforestry produce rests with the land owners.</p> <p>Legal Authority</p> <p>The Forest Department</p> <p>Local panchayat (elected village level representatives)</p>	<p>Indian Forest Act, 1927: http://envfor.nic.in/legis/forest/forest4Wildlife</p> <p>Protection Act, 1972: http://envfor.nic.in/legis/wildlife/wildlife1.html</p> <p>Forest Rights Act: http://www.fra.org.in/ http://www.forestrightsact.com/ http://forestrights.nic.in/www.moef.nic.in/sites/default/files/Document1_3.pdf</p> <p>Heading http://infochangeindia.org/environment/community-forests-of-orissa/what-difference-has-the-forest-rights-act-made.html</p>	<p>Specified risk</p> <p>Description: The Joint Forest Management Program (JFM) initiated as part of the National Forest Policy of 1988, has recognized the customary rights of local communities dependent on forest resources. Furthermore, with the legislation of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (commonly called Forest Rights Act) and Rules, 2008, the traditional rights of forest dwellers have been recognized and the process of formal recognition of their rights is being implemented. Such issues do not exist in the case of privately owned plantations.</p> <p>The potential risk considered under the category is as follows: i) Denial of customary rights of communities in forest management activities</p> <p>Evaluation of Risk: There has been a change in the concept of forest management in India since the National Forest Policy, 1988, in that it has become more inclusive to accommodate the rights of communities in the hitherto exclusive domain of State-owned forests, managed and protected by the Government. The Joint Forest Management (JFM) Program and the Forest Rights Act have facilitated recognition and empowerment of the forest-dependent communities in India, allowing them to have a meaningful stake in the forest management activities of State forest departments. The JFM Program (www.moef.nic.in/sites/default/files/Document1_3.pdf) and Forest Rights Act and Rules (http://infochangeindia.org/environment/community-forests-of-orissa/what-difference-has-the-forest-rights-act-made.html) have been widely implemented in India.</p> <p>Justification of Risk and conclusion: The Government of India along with State forest departments have recognized the customary rights and role of traditional communities in Government forest protection through the Joint Forest Management Program. However, the wider issue of traditional rights of communities over forest produce is only now being</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legally required documents or records</p> <p>Forest Department notifications regarding Joint Forest Management Committees, patta (i.e. land-ownership documents) issued to forest dwellers by the Government under the Forest Rights Act, traditional rights granted to communities by Government in Government forests</p>		<p>legally recognized through the Forest Rights Act and it is still too early to determine whether the Act has been successfully implemented. Hence, the risk related to recognition of customary rights in the context of forest management activities is determined as specified risk.</p>
1.14 Free prior and informed consent	<p>Applicable laws and regulations</p> <p>The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Chapter II , III and IV)</p> <p>The Indian Forest Act, 1927 (Chapter II, III)</p> <p>Wildlife Protection Act, 1972 (Chapter IV)</p> <p>The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (commonly called Forest Rights Act) (Chapter IV)</p> <p>Legal Authority</p> <p>The Forest Department, Local panchayat (elected village level representatives) for implementation of Indian Forest Act and Wildlife Protection Act provisions</p> <p>Rehabilitation and Resettlement Authority</p>	<p>Indian Forest Act, 1927: http://envfor.nic.in/legis/forest/forest4 Wild Life</p> <p>Protection Act, 1972: Wildlife Protection Act, 1972: http://envfor.nic.in/legis/wildlife/wildlife1.html</p> <p>Land Acquisition 2013 Act: indiacode.nic.in/acts-in-pdf/302013.pdf</p> <p>Forest Rights Act: http://www.fra.org.in/ http://www.forestrightsact.com/ http://forestrights.nic.in/</p> <p>Recent Supreme Court of India judgement on Vedanta Mines http://www.thehindu.com/news/national/other-states/court-directs-gram-sabhas-to-take-a-call-on-vedantas-mining-</p>	<p>Specified risk for government forests Low risk for private plantations and agroforestry activities owned by small farmers</p> <p>Description (applicable to Government forest areas): The new Land Acquisition Act, 2013, the existing Indian Forest Act, 1927 and Wildlife Protection Act, 1972, incorporate extensive and well-defined mechanisms to apprise affected communities and families regarding any land acquisition measures for forestry activities (in case of Indian Forest Act, 1927) or displacement of communities due to declaration of forest areas as Wildlife Sanctuaries or National Parks (Wildlife Protection Act, 1972, which also regulates forest produce extraction from within Wildlife Sanctuaries and National Parks). The Indian Forest Act, 1927 and the Wildlife Protection Act, 1972 require notification regarding declaration, establishment, expansion etc. of Reserved Forests or Wildlife Sanctuaries respectively to be made available to potentially affected communities but does not require explicit consent from the affected community or persons to proceed with the proposed forest management activities under the afore mentioned acts. This has been addressed in the Forest Rights Act, under which written consent is required from local elected government (panchayats or gram sabhas), but the mechanism of synergies between the different sets of legislations is still not clear.</p> <p>The potential risks considered under the category are as follows: i) Lack of participation of affected communities in decision-making processes</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>constituted under the new Land Acquisition Act, 2013 and Ministry of Tribal Affairs for implementation of provisions of the Forest Rights Act.</p> <p>Legally required documents or records</p> <p>Public Notices issued by government agencies in local media, records of public consultations.</p>	<p>project/article4629659.ece</p> <p>Amnesty International implementation of FPIC in India http://14for2014.com/one.html</p> <p>Greenpeace Report on coal field allocation in forest areas and FPIC: http://www.greenpeace.org/india/Global/india/report/Countering-coal.pdf</p>	<p>related to forest management activities and</p> <p>ii) Denial of customary rights of communities in forest management activities as a result of lack of information or mis-information</p> <p>Evaluation: The Indian Forest Act, 1927 and Wildlife Protection Act, 1972 has provisions for public notification regarding plans for declaration of reserved forests or Wildlife Sanctuaries – and resolution of all cases before final notification is issued. However, these two legislations do not require prior consent from the affected communities. The concept of free, prior and informed consent regarding forest management activities and their potential fallout on forest-dependent communities has been institutionalized in the Forest Rights Act. In a recent judgement (http://www.thehindu.com/news/national/other-states/court-directs-gram-sabhas-to-take-a-call-on-vedantas-mining-project/article4629659.ece), the Supreme Court empowered the local elected village council as per the Forest Rights Act to consent to any activities related to the forests on which the local communities were dependent for their livelihoods. The principle of free, prior and informed consent (http://www.livemint.com/Opinion/d5q0MD1tKT4c417hJxN0FJ/Development-and-Adivasi-rights.html) is now being implemented in India. However, it is still to be universally implemented and in the spirit of the principle, especially for traditional forest dwellers (http://14for2014.com/one.html and http://www.greenpeace.org/india/Global/india/report/Countering-coal.pdf). This risk is classified as low risk in the case of private plantations and agroforestry activities where the land owners are themselves owner of the forest produce and are undertaking forest management activities on their own.</p> <p>Justification of Risk and conclusion: On the basis of recent legislation and judicial activism regarding ensuring free, prior and informed consent from local communities regarding any activities that may affect their livelihood vis-à-vis the forests, the issue has been increasingly acknowledged in India. However, as stated above, the synergies and modalities of FPIC wrt forest management practices in India are still not well defined. Hence this indicator has therefore been considered as specified risk in case of government forests, and low risk for agroforestry and private plantations.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.15 Indigenous peoples rights	<p>Applicable laws and regulations</p> <p><u>Government forest</u> The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (commonly called Forest Rights Act) (Chapter II)</p> <p>The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008</p> <p>The Indian Forest Act, 1927 (Chapters II, III and IV)</p> <p><u>Private forest</u> (The laws are applicable only for Government-owned forest lands and not for trees on private land)</p> <p>Legal Authority</p> <p>Ministry of Environment and Forests (MoEF), local panchayats (elected village level representatives)</p> <p>Legally required documents or records</p> <p><u>Government forests</u> Details regarding allocation of forest lands to forest dwellers are advised by the Government in official notification. Allotees are issued <i>patta</i> (i.e. land-ownership documents) by the Government.</p>	<p>Forest Rights Act website India: http://www.fra.org.in/</p> <p>The Forest Rights Act: http://www.forestrightsact.com/</p> <p>Indian Forest Act, 1927: http://envfor.nic.in/legis/forest/forest4</p>	<p>Specified risk</p> <p>Description: The rights of forest dwellers have been formally recognized in India through the legislation Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (commonly called Forest Rights Act) and Rules, 2008.</p> <p>Evaluation and Justification of Risk and Conclusion: The legislation pertaining especially to the rights of traditional forest dwellers has recently been put in place and is in the process of being implemented across States. The individual State rules and modalities, and synergies with existing forest legislation, are still being worked out and in some cases clarified by the Supreme Court. Hence it is too early to analyse the effectiveness with which the law is being implemented. However, given the fact that legislation is already in place, the risk is being classified as specified risk as the indicator cannot be assessed at the current stage.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
Trade and transport			
1.16 Classifica tion of species, quantities , qualities	Applicable laws and regulations State Forest Produce Transit Rules Applicable harvesting rules based on Chapter VII of Indian Forest Act, 1927 Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 1978 Uttar Pradesh Transit of Timber and other Forest Produce Rules, 1978 Rajasthan forest (produce transit) Rules, 1957 Madhya Pradesh Van Upaj Adhiniyam, 1969 Bombay Forest Rules, 1942 Madhya Pradesh Van Upaj Adhiniyam, 1969 Bihar Private Forest Act, 1947 Jharkhand Timber and other Forest Produce Transit Rules, 2004 West Bengal Forest Produce Transit Rules, 1959 Assam Forest Regulations, 1891 Orissa Timber and Other Forest Produce Transit Rules, 1980 Andhra Pradesh forest transit rules, 1970 Karnataka Forest Rules, 1969 Kerala Forest Produce Transit Rules , 1975 Tamil Nadu Timber Transit Rules, 1968) Value Added Tax (Respective Schedules) and Central Sales Tax, (Applicable State Value Added Tax Acts: Punjab Value Added Tax Act, 2005 Haryana Value Added Tax Act, 2005	Case Studies on Frauds in Value Added Tax: http://saiindia.gov.in/english/home/Public_Folder/Training/Case%20Study%20&%20Reading%20Material/Case%20Studies/Participant%20Note.pdf Forest dept. sends notice to stone crushing firms over non-payment of taxes, 2014: http://timesofindia.indiatimes.com/city/dehradun/Forest-dept-sends-notice-to-stone-crushing-firms-over-nonpayment-of-taxes/articleshow/44841158.cms Report on police vigilance on forest crimes , 2011: http://odishavigilance.gov.in/Pub%20File/Chapter-3.pdf State Forest Transit Rules: http://www.pbforests.gov.in/Pdfs/policies/PUNJAB%20LAND%20PRESERVATION%20Act%201900.pdf http://hpforest.nic.in/files/transit%20rules.pdf http://forest.up.nic.in/ac_1978.pdf	Specified risk Description: The transit rules, fees and exemptions as defined in the respective State forest transit rules and periodic government notifications; and classification of goods as per the VAT Act are well-defined and shall be followed for all commercial transactions. The same can be checked through relevant receipts. The potential risks considered under the category are as follows: i) Incorrect classification of goods ii) Evasion of transit fees Evaluation: The species-specific transit fees are defined by periodic Government notifications and State transit rules and are thus well-defined and transparent. The same applies to product classification under the VAT and CST Acts. However, there is significant tax evasion occurring in India including methods such as the incorrect classification of goods (http://saiindia.gov.in/english/home/Public_Folder/Training/Case%20Study%20&%20Reading%20Material/Case%20Studies/Participant%20Note.pdf). Given the scale of illicit felling of timber in India, it can be concluded that there are corresponding incidences of evasion of payment of forest transit fees. The perception of corruption for India is very high (CPI 2014 score of 38). There are reported incidences of evasion of forest transit fees as a result of collusion of a section of forest officials (http://timesofindia.indiatimes.com/city/dehradun/Forest-dept-sends-notice-to-stone-crushing-firms-over-nonpayment-of-taxes/articleshow/44841158.cms , http://odishavigilance.gov.in/Pub%20File/Chapter-3.pdf page 4). Justification of Risk and conclusion: In the light of evidence regarding rampant tax evasion through incorrect declaration, as well as evasion of transit fees in collusion with corrupt government personnel, the risk relating to incorrect classification of species,

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Himachal Pradesh Value Added Tax Act, 2005 Uttar Pradesh Value Added Tax Act, 2008 Rajasthan Value Added Tax Act, 2003 Madhya Pradesh Value Added Tax (amendment) Act, 2011 Gujarat Value Added Tax Act, 2006 Maharashtra Value Added Tax Act, 2003 The Chhattisgarh Value Added Sales Tax Act, 2003 Bihar Vat Act, 2005 Jharkhand Value Added Tax Act, 2003 West Bengal Value Added Tax (Amendment) Act, 2014 Assam Value Added Tax Act, 2003 Orissa Value Added Tax (Amendment) Act, 2003 Andhra Pradesh Value Added Tax Act, 2005 Karnataka Value Added Tax Act, 2003 Kerala Value Added Tax Act, 2003 Tamil Nadu Value Added Tax Act, 2006) Entry Tax and Control (if applicable for entry of goods into a state)</p> <p>Legal Authority</p> <p>State Forest Departments (responsible for implementation of State Forest Transit Rules)</p> <p>Sales Tax Department (responsible for collection of VAT and CST).</p>	<p>http://www.rajforest.nic.in/downloads/act_rules/rajasthan_forest(produce_transit)rules,1957.pdf http://www.mpforest.org/pdf/Van%20Upaj%20Adhinyam.pdf http://www.mahaforest.nic.in/act_rule.php?aid=1 http://www.mahaforest.nic.in/act_rule.php?aid=1 http://www.mpforest.org/pdf/Van%20Upaj%20Adhinyam.pdf http://www.ielrc.org/content/e4701.pdf http://india.gov.in/jharkhand-timber-and-other-forest-produce-regulation-transport-rules-2004 http://www.westbengalforest.gov.in/pdf/transit_rules.pdf http://assamforest.in/actsRules/assamForestRegulation1891.pdf http://www.odisha.gov.in/forest_environment/Forest_Act/pdf/Rules/6TOTAOFTR_1980.pdf http://forest.ap.nic.in/ap_forest_laws.htm https://164.100.133.59/aranya/downloads/KF_Rules_1969.pdf http://www.forest.kerala.gov.in/images/pdf/kfptr.pdf http://www.forests.tn.nic.in/Legislations/r_tmtr.html</p>	<p>quantities, and qualities of forest produce being transported can be classified as specified risk.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legally required documents or records</p> <p>Forest Department Transit Fees Receipts, VAT/ CST forms submitted</p> <p>Transit passes are documents issued universally in India by State forest departments for transit of wood from one place to another detailing the classification and quantity of wood being transported, the origin and destination of wood, vehicle details, route of transport, the despatcher and the recipient. Without the pass, timber consignments are deemed illegal unless other-wise mentioned in the State transit rules.</p>		
1.17 Trade and transport	<p>Applicable laws and regulations</p> <p>i) Central Motor Vehicles Act, 1988 (Chapters II, IV and V) and State rules implemented under the Motor Vehicles Act</p> <p>ii) Tax Information Network (TIN) Unique Number and TAN (Tax Deduction and Collection Account Number) issued by Income Tax Department</p> <p>iii) Value Added Tax/ Central Sales Tax Registration by the Sales Tax Department under the VAT Act/ Central Sales Tax Act (Chapter III)</p> <p>iv) Transit passes issued by the State forest departments under the respective transit rules:</p>	<p>i) Central Motor Vehicles Act, 1988 https://delhitrafficpolice.nic.in/wp-content/uploads/2014/11/motor-vehicles-act-1988.pdf</p> <p>ii) Tax Information Network (TIN) Unique Number and TAN (Tax Deduction and Collection Account Number) issued by Income Tax Department www.tin-nsdl.com/tin-facilities.php http://incometaxindia.gov.in/ http://morth.nic.in/ http://www.transportindia.org/</p>	<p>Specified risk</p> <p>Description: Commercial licensing of vehicles is universally followed in India. Without a TIN number, no valid commercial invoice can be raised, without which goods cannot be transported from one place to another. No business is possible in India without sales tax registration. The invoices of sales carry the details of sales, product classifications and taxes paid. Similarly, transit passes are universally used throughout India for transport of forest products from one part of the country to another, if otherwise not mentioned in the harvesting rules. If an agriculture product is not exempt (including agroforestry produce), Mandi Samiti has to be paid, i.e. Agriculture Produce Marketing Committee-levied taxes. The details of these documents accompany forest produce during transit and transportation. The details are readily verified against the goods transported.</p> <p>The potential risks considered under the category are as follows: i) Mis-reporting of tonnage and mixing of timber from unknown sources during transport ii) Incorrect classification of produce to evade tax</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Applicable Transit Rules based on Chapter VII of Indian Forest Act, 1927: Punjab Land Preservation Act, 1900 Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 1978 Uttar Pradesh Transit of Timber and other Forest Produce Rules Rajasthan Forest (Produce Transit) Rules, 1957 Madhya Pradesh Van Upaj Adhiniyam, 1969 Bombay Forest Rules, 1942 Madhya Pradesh Van Upaj Adhiniyam, 1969 Bihar Private Forest Act, 1947 Jharkhand Forest Transit Rules, 2004 West Bengal Forest Produce Transit Rules, 1959 Assam Forest Regulations, 1891 Orissa Timber and Other Forest Produce Transit Rules, 1980 Andhra Pradesh Forest Act 1967 Karnataka Forest Rules, 1969 Kerala Forest Produce Transit Rules, 1975 Tamil Nadu Timber Transit Rules, 1968</p> <p>v) Mandi Samiti tax (as per Agriculture Produce Marketing Regulation Act, governing Agriculture Produce Market Committee) for species harvested from agroforestry sources</p>	<p>iii) Sales Tax related links State commercial tax department websites www.pextax.com www.haryanatax.com hptax.gov.in http://comtax.up.nic.in/ rajtax.gov.in mptax.mp.gov.in commercialtax.gujarat.gov.in www.mahavat.gov.in comtax.cg.nic.in www.biharcommercialtax.gov.in jharkhandcomtax.gov.in http://wbcomtax.nic.in/ www.tax.assam.gov.in https://odishatax.gov.in www.apct.gov.in vat.kar.nic.in www.keralataxes.gov.in www.tnvat.gov.in and Central Revenue Department (http://dor.gov.in/ http://www.saiindia.gov.in/english/home/Our_Products/Other_Reports/Study_Reports/SRA-value-added-tax.pdf www.dailypioneer.com/state-editions/lucknow/corruption-rampant-in-sales-tax-dept-claims-activist.html Central Sale Tax Act: http://comtax.up.nic.in/central%20sales%20tax/CENTRALS</p>	<p>iii) Evasion of Mandi Samiti-levied taxes iv) Incorrect transit pass details issued by the Forest Department</p> <p>Evaluation: During transportation of forest produce in India, the consignment is accompanied by multiple documents e.g. invoices, transit passes or Mandi Samiti tax receipts etc. which are issued independently by different Government departments. Hence it is very difficult in relation to transport of timber to forge all sets of documents without such discrepancy being noted or detected. In addition, the issuing authority has in place a mechanism to check the documentation through a network of check-gates where the documentation is checked during transit of the wood. However, given the high incidence of corruption (CPI of 38 in 2014), there is always a risk of fraud in relation to any one of the documents.</p> <p>Justification of Risk and conclusion: The practice of enclosing commercial and forest department documents along with each consignment and also the practice by the issuing authority of checking the documents at check-gates during transit of wood helps minimize the risk of manipulation and mixing of materials during transport. However, given the high prevalence of corruption in Government departments, the risk of irregularities in the issuing of such permits has been designated as specified risk.</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Legal Authority</p> <p>i) State Transport Department for implementation of Motor Vehicles Act provisions ii) Income Tax Department (for issuance of TIN) iii) Sale Tax Department iv) State Forest Department (for issuance of forest transit pass) v) Mandi Samitis (i.e Agriculture Produce Market Committee) for collection of tax on agroforestry produce</p> <p>Legally required documents or records</p> <p>i) Commercial license issued by the transport department ii) Unique TIN issued by Income Tax Department iii) Sales Tax Registration and tax payment iv) Forest Transit pass and fees paid for forest produce originating from government forest land or species requiring transit pass as per State Forest Transit Rules v) Mandi Samiti tax receipts for agroforestry produce</p>	<p>ALESTAXACT1956.htm</p> <p>iv) Mandi Samiti Tax related links APMC Acts and Rules (refer State websites) www.telegraphindia.com/1140505/jsp/jharkhand/story_18306743.jsp http://indiankanoon.org/doc/316626/ mandiboard.nic.in www.hsamb.gov.in hpsamb.nic.in www.upmandiparishad.in www.rsamb.rajasthan.gov.in www.mpmmandiboard.org agri.gujarat.gov.in www.msamb.com www.samb.cg.gov.in jsamb.nic.in www.wbagrimarketingboard.gov.in asamb.in www.osamboard.org market.ap.nic.in krishimaratavahini.kar.nic.in http://www.tnagmark.tn.nic.in/default.htm</p> <p>v) Forest Transit Rules: http://www.pbforests.gov.in/Pdfs/policies/PUNJAB%20LAND%20PRESERVATION%20Act%201900.pdf</p>	

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
		<p> http://hpforest.nic.in/files/transit%20rules.pdf http://forest.up.nic.in/ac_1978.pdf http://www.rajforest.nic.in/downloads/act_rules/rajasthan_forest(produce_transit)rules,1957.pdf http://www.mpforest.org/pdf/Van%20Upaj%20Adhinyam.pdf http://www.mahaforest.nic.in/act_rule.php?aid=1 http://www.mpforest.org/pdf/Van%20Upaj%20Adhinyam.pdf http://india.gov.in/jharkhand-timber-and-other-forest-produce-regulation-transport-rules-2004 http://www.westbengalforest.gov.in/pdf/transit_rules.pdf http://assamforest.in/actsRules/assamForestRegulation1891.pdf http://www.odisha.gov.in/forest_environment/Forest_Act/pdf/Rules/6TOTAOFTR_1980.pdf http://forest.ap.nic.in/ap_forest_laws.htm https://164.100.133.59/aranya/downloads/KF_Rules_1969.pdf http://www.forest.kerala.gov.in/images/pdf/kfptr.pdf http://www.forests.tn.nic.in/Legislations/r_tmtr.html </p>	

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
1.18 Offshore trading and transfer pricing	<p>Applicable laws and regulations</p> <p>Sections 92 to 92F of Income Tax Act, 1961; Rules 10A to 10TG of Income Tax Rules, 1962; Circular No. 12 of 23 August 2001; Circular No. 14 of 24 December 2001; Circular No. 06/2013 dated 29 June 2013; and Administrative Guidelines of 20 May 2003</p> <p>Legal Authority</p> <p>Income Tax Department (Transfer Pricing Officer)</p> <p>Legally required documents or records</p> <p>Form 3 CEB under Section 92E of Income Tax Act (1961) duly submitted by organization in time after verification by qualified chartered accountant and acknowledgement of receipt of the same by Income Tax department.</p>	<p>Income Tax Act: law.incometaxindia.gov.in</p> <p>Enforcement of Transfer Pricing in India: http://www.quanteraglobal.com/wp-content/uploads/2014/04/QG_Transfer-pricing-in-India_14May2014.pdf www.ficci.com/events/21132/ISP/Presentation-on-Domestic-TransferPricing.pdf www.ey.com/Publication/vwLUAssets/EY-2013_Global_Transfer_Pricing_Survey/\$FILE/EY-2013-GTP-Survey.pdf</p> <p>OCED MULTI-COUNTRY ANALYSIS OF EXISTING TRANSFER PRICING SIMPLIFICATION MEASURES: http://www.oecd.org/ctp/transfer-pricing/48131481.pdf</p>	<p>Low risk</p> <p>Description: The transfer pricing mechanism related to offshore trading is governed by relevant sections of the Income Tax Act, 1961.</p> <p>The potential risk considered under the category is as follows: i) Mis-stating of transfer pricing to evade taxation</p> <p>Evaluation: Risk related to tax avoidance in international transactions have been recognized and dealt with through legal measures undertaken by the Government of India. Following a recent Supreme Court judgement, the transfer pricing regulations have been extended to domestic transactions (termed specified domestic transactions). As per a FICCI report (www.ficci.com/events/21132/ISP/Presentation-on-Domestic-TransferPricing.pdf), India has some of the toughest transfer pricing regulations among Asia–Pacific countries. The focus on enforcement of transfer pricing in India is strong and the penalties relating to violations are quite high (refer http://www.quanteraglobal.com/wp-content/uploads/2014/04/QG_Transfer-pricing-in-India_14May2014.pdf and www.ey.com/Publication/vwLUAssets/EY-2013_Global_Transfer_Pricing_Survey/\$FILE/EY-2013-GTP-Survey.pdf). India has quite an effective mechanism to curb tax evasion related to transfer pricing (http://www.oecd.org/ctp/transfer-pricing/48131481.pdf).</p> <p>Justification of Risk and conclusion: In the light of its stringent implementation of a transfer pricing mechanism as discussed above, the risk of artificial transfer pricing in India is low.</p>
1.19 Custom regulations	<p>Applicable laws and regulations</p> <p><u>Updated Export Policy Schedule-2 (ITC HS 2012)</u> (Goods restricted for export and require licenses; or are banned from export. All materials not mentioned in the</p>	<p>Central Board on Excise and Customs: http://www.cbec.gov.in/</p> <p>Director General Foreign Trade:</p>	<p>Specified risk</p> <p>Description: The export and import of timber and related items is regulated in India as per the Export–Import Policy, 2012, which is well-publicized and followed universally for foreign trade between India and other countries. Export of timber</p>

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Schedule can be exported freely without any license)</p> <p><u>Import Policy Schedule I (ITC HS 2012) (Chapters 44, 47, 48)</u> (If not mentioned in the Import Schedule, the material can be imported without any license)</p> <p><u>International Standards for Phyto Sanitary Measures (IPSM),</u> (Solid wood imports and other such imports are governed)</p> <p>Legal Authority</p> <p>I) Central Board of Excise and Customs ii) Director General Foreign Trade III) Directorate of Plant Protection, Quarantine & Storage (DPPQ&S) under the Department of Agriculture and Cooperation (DAC)</p> <p>Directorate of Excise and Customs. (N.B. ITC: Indian Trade Clarifications; HS: Harmonized System of coding)</p> <p>Legally required documents or records</p> <p>Ayat Niryat Form (ANF) i.e. Import–Export Form submitted to DGFT (for restricted items only)</p>	<p>http://www.dgft.gov.in/,</p> <p>International Standards for Phyto Sanitary Measures (IPSM): www.plantquarantineindia.org</p> <p>Illegal origin of timber imported by India: http://www.chathamhouse.org/sites/files/chathamhouse/home/chatham/public_html/sites/default/files/20140400IllegalWoodThailandSKIndiaLawson.pdf</p> <p>Export and Import Policy Schedule: dgft.gov.in/Exim/2000/NOT/itc(hs)/Eschedule2.pdf (for Export Policy Schedule) http://dgft.gov.in/Exim/2000/NOT/itc(hs)/Columnndescription.pdf (for Import Policy Schedule)</p>	<p>in the form of logs and billets is banned from India; whereas sawn timber can only be exported if it has been imported into India as logs (refer Export–Import policy, 2012) and such export is allowed only through designated ports.</p> <p>The potential risks that have been identified for this category are as follows: i) Export of forest products in violation with existing policies ii) Export of products using illegally felled timber</p> <p>Description: The export and import restrictions relating to specific items are well-defined and categorized in the Import-Export Policy. But there have been frequent seizures of wood exported illegally from India (http://bsienvi.nic.in/News/The%20Times%20of%20India_21.5.2014_Ships%20with%2040t%20red%20sanders%20to%20return.pdf, http://www.scmp.com/news/hong-kong/article/1544450/100-fold-rise-seizures-illegal-red-gold-timber, and http://www.bbs.bt/news/?p=29246). As per trade estimates, (http://www.chathamhouse.org/sites/files/chathamhouse/home/chatham/public_html/sites/default/files/20140400IllegalWoodThailandSKIndiaLawson.pdf), India is mainly exporting finished products like furniture and handcraft items made of wood of indigenous species; India is not generally involved in the export of logs. Given the widespread occurrence of illegal felling in the country, there is always a likelihood that timber from illegal sources could be channelled into products meant for exports.</p> <p>Justification of Risk and conclusion: The frequent seizure of illegal timber originating from India makes it a prerogative to scrutinize each consignment to ascertain its legality and origin. Hence the risk of inadequate screening of illegal timber at customs can be considered as specified risk.</p>
1.20 CITES	Applicable laws and regulations	Export Policy Schedule: dgft.gov.in/Exim/2000/NOT/itc(Specified risk

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
	<p>Updated Export Policy Schedule-2 (ITC HS 2012) (APPENDIX 2) specifies the regulations related to export of CITES species. Similarly Import Policy Schedule I specifies the species related to import of CITES species.</p> <p>Legal Authority</p> <p>i) Director General Foreign Trade ii) CITES Management Authority of India (under Ministry of Environment and Forests) iii) Wildlife Crime Control Bureau</p> <p>Legally required documents or records</p> <p>Ayat Niryat Form (ANF) i.e. Import–Export Form submitted to DGFT</p>	<p>hs)/Eschedule2.pdf (for Export Policy Schedule)</p> <p>Wildlife Crime Control Bureau: www.wccb.gov.in</p> <p>ASEAN Wildlife Enforcement Network www.asean-wen.org</p> <p>CITES Management Authority of India, CITES, S.C. Dey. Global Tiger Forum, Chapter 10 http://www.newindianexpress.com/thesundaystandard/Chinese-Timber-Mafia-Gets-a-New-Red-Sanders-Route/2014/01/12/article1995456.ece</p>	<p>Description: India is a signatory to the CITES Convention. Updated Export Policy Schedule-2 (ITC HS 2012) specifies the regulations related to export of CITES species. Similarly Import Policy Schedule I specifies the species related to import of CITES species.</p> <p>The potential risk which has been identified for this category is as follows: i) Illegal import and export of timber from CITES species</p> <p>Evaluation: India is presently well equipped with Wildlife Crime Control Bureau (WCCB) and CITES Cell, with the expertise to support Customs officers in cases of false declarations. Indian law enforcement authorities have been recognized for their efforts by the CITES Secretariat (www.asean-wen.org). However there have been cases of seizure of CITES species (Red Sanders; http://www.newindianexpress.com/thesundaystandard/Chinese-Timber-Mafia-Gets-a-New-Red-Sanders-Route/2014/01/12/article1995456.ece), and there is still a risk that the illegal trade in CITES species will continue; with Customs houses still lacking technical knowledge to intercept many such shipments (http://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/20140507AnalysisTradeCITESTaxaFerriss.pdf).</p> <p>Justification of Risk and conclusion: The CITES guidelines in India are stringently applied and dedicated institutions are in place implement the regulations. However, risk still exists with respect to continued illegal trade in CITES species due to collusion and lack of technical knowledge of Customs agencies. Hence the risk related to export of CITES species can be defined as specified risk.</p>
Diligence/due care procedures			
1.21 Legislation requiring due	Applicable laws and regulations N/A	N/A	N/A

Indicator	Applicable laws and regulations, legal Authority, & legally required documents or records	Sources of Information	Risk designation and determination
diligence/ due care procedures	Legal Authority N/A Legally required documents or records N/A		

Recommended control measures

Indicator	Recommended control measures
1.1 Land tenure and management rights	<ul style="list-style-type: none"> - Land records and ownership documents - Records of rights to government forests as provided to private persons - Public notifications showing government ownership of forests
1.2 Concession licenses	
1.3 Management and harvesting planning	
1.4 Harvesting permits	<ul style="list-style-type: none"> - Harvesting permits, auction documents, allotment letters and payment records shall exist. - Checking the basis of harvest from relevant Forest Division Working Plans in the case of Government forests - Harvest permits issued by Forest Department in the case of specific agroforestry species - Government orders showing species that have been exempt from harvest permits in the case of agroforestry sources - Harvesting limits shall be clearly defined based on maps and quantities. - Authorities shall confirm the validity of harvesting permit. - Stakeholder consultation shall confirm that the harvesting permit has been issued according to the relevant laws and regulations by the legally designated competent authority. - Field inspection shall confirm that harvesting takes place within limits specified in the harvesting permit. - Field inspection shall confirm that information regarding area, species, volumes and other detail given in the harvesting permit is correct and within the limits prescribed in the legislation
1.5 Payment of royalties and harvesting fees	<ul style="list-style-type: none"> - Receipts shall exist for payments of harvesting-related royalties, taxes, harvesting fees and other charges. - Volumes, species and qualities given in sales and transport documents shall match the paid fees. - Classification of species, volumes and qualities shall match the royalties and fees paid. - APMC receipts from Mandi Samities shall correspond to harvested material where applicable (agroforestry products)
1.6 Value added taxes and other sales taxes	<ul style="list-style-type: none"> - Sales documents shall include applicable sales taxes. - Receipts for payment sales taxes shall exist. - Volumes, species and qualities given in sales and transport documents shall match the fees paid. - Sales prices shall be in line with market prices. - Authorities shall confirm that operations are up-to-date regarding payment of applicable sales taxes.

Indicator	Recommended control measures
	<ul style="list-style-type: none"> - The taxes paid are in line with the relevant VAT schedule of classification of goods and applicable VAT rates - Records of VAT paid and filed with the sales tax authorities - Receipts for payment of sales taxes shall exist. - PAN and TAN shall be valid
1.7 Income and profit taxes	- Consultation with financial authority to verify that all required income and profit taxes have been paid
1.8 Timber harvesting regulations	
1.9 Protected sites and species	<ul style="list-style-type: none"> - Verify from purchase documents the origin of the wood to ensure that it is not sourced from Protected Areas - In the case of timber from Government forests, ensure that the wood is not sourced from Protected Areas - In the case of protected species, verify specific permission letters as required by State harvesting rules
1.10 Environmental requirements	- In case of government forests, check implementation of Working Plan recommendations
1.11 Health and safety	<p>References: P&C V4, Criterion 1.1 and 4.2 P&C V5, Criteria 2.3 Generic</p> <ul style="list-style-type: none"> - All safety and health regulations shall be followed and all required safety equipment shall be used - Occupational health and safety requirements shall be observed by all personnel involved in harvesting activities. - Interviews with staff and contractors shall confirm that legally required protective equipment is required/provided by the organisation. - All requirements on prevention of air and water pollution shall be followed and are verified through reports monitoring pollution (when applicable) <p>Country specific: records for compliance of provisions as per the Plantation Labor Act, 1951</p>
1.12 Legal employment	<ul style="list-style-type: none"> - All workers are employed according to the regulations and required contracts are in place - Persons involved in harvesting activities shall be covered by obligatory insurances. - Persons involved in harvesting activities shall hold required certificates of competence for the function they carry out. - At least the legally established minimum salaries shall be paid for personnel involved in harvesting activities. - Salaries shall be paid officially and declared by the employer according to requirements for personnel involved in harvesting activities. - Minimum age shall be observed for all personnel involved in harvesting activities. - Minimum age shall be observed for all personnel involved in hazardous work. - Stakeholders shall confirm that forced or compulsory labour is not involved in harvesting activities.
1.13 Customary rights	- Stakeholder consultation shall confirm that customary rights are observed during harvesting activities.
1.14 Free prior and informed consent	<ul style="list-style-type: none"> - Where applicable, prior and informed consent has been given by stakeholders. - Interviews with all stakeholders to verify that this has been agreed between the management and all applicable stakeholders. <p>Country specific</p>
1.15 Indigenous peoples rights	- Stakeholder consultation shall confirm that indigenous peoples' established rights are not being violated.
1.16 Classification of species, quantities, qualities	- Products shall be correctly classified (species, quantities, qualities etc.) on sales documents, custom declarations and other legally required documents

Indicator	Recommended control measures
	<ul style="list-style-type: none"> - Evidence shall be provided upon request (photographs of labelling) - Physical control where it should be verified that the present material equals what has been invoiced and marked
1.17 Trade and transport	<ul style="list-style-type: none"> - Requirements related to transport means (e.g. trucks) shall always be followed. - Species and product types shall be traded legally. - Required trade permits shall exist and be documented. - All required transport documents shall exist and be documented. - Volume, species and qualities shall be classified according to legal requirements. - Documents related to transportation, trade or export shall be clearly linked to the specific material in question. - The vehicle commercial license shall be in place. - Excise forms and other such legal documentation shall be in place. - Details of species and the quantity transported to be documented in the legal receipts.
1.18 Offshore trading and transfer pricing	<ul style="list-style-type: none"> - Relevant income tax records as submitted by the organization to the tax authorities.
1.19 Custom regulations	<ul style="list-style-type: none"> - Products shall be correctly classified (type, custom code, species, quantities, qualities, etc.). - All required import and exports permits shall be in place.
1.20 CITES	<ul style="list-style-type: none"> - All cross-border trade of CITES-listed species shall be documented and accompanied by required export, import and re-export certificates issued by the Director General Foreign Trade for export–import.
1.21 Legislation requiring due diligence/due care procedures	

Controlled wood category 2: Wood harvested in violation of traditional and human rights

Risk assessment

Indicator	Sources of Information	Functional scale	Risk designation and determination
2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.	See detailed analysis below.	Country	Low risk All low risk thresholds (1, 2, 3, 4 and 5) are met and there is no other evidence of specified risk. None of the specified risk thresholds are met.
2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.	See detailed analysis below.	Country	Specified risk for freedom of association, the right to organize and collective bargaining, the prevention of child labour and forced labour, and discrimination against women, Adivasi and Dalits in the labour market. The specified risk thresholds 14, and 15 apply.
2.3. The rights of Indigenous and Traditional Peoples are upheld.	See detailed analysis below.	Areas claimed by indigenous peoples/Scheduled Tribes in the country, (except in the States Punjab and Haryana and the Union Territories (UT) Chandigarh, NCT of Delhi and Puducherry)	Specified risk The specified risk thresholds 23, 24, 25 and 26 apply.

Recommended control measures

Indicator	Recommended control measures
2.2	CM should be based on clear evidence that the Organization has policies in place that guarantee freedom of association and the right to organize and collective bargaining, and prevent child labour, forced labour and discrimination against women, Adivasi and Dalits in the labour market.
2.3	Clear evidence that a forest operation is not taking place in a territory with IP rights Or, (1) clear evidence that the FMU is managed by the governance structures of Indigenous Peoples, or (2) an (FPIC) agreement with the IPs with rights in the FMU after a fair, transparent, cultural appropriate and inclusive procedure.

Detailed analysis

Sources of information	Evidence	Scale of risk assessment	Risk indication ¹
Context (the following are indicators that help to contextualize the information from other sources) <ul style="list-style-type: none"> Searching for data on: level of corruption, governance, lawlessness, fragility of the State, freedom of journalism, freedom of speech, peace, human rights, armed or violent conflicts by or in the country, etc. 			
World Bank: Worldwide Governance Indicators - the WGI's report aggregate and individual governance indicators for 215 countries (most recently for 1996–2012), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption http://info.worldbank.org/governance/wgi/index.aspx#home	http://info.worldbank.org/governance/wgi/index.aspx#reports (click on table view tab and select Country) In 2013 (latest available year) India scores between 12.32 (for Political Stability and Absence of Violence/Terrorism) and 61.14 (for Voice and Accountability) on the percentile rank among all countries for all six dimensions (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).	country	
World Bank Harmonized List of Fragile Situations: http://siteresources.worldbank.org/EXTLICUS/Resources/511777-1269623894864/Fragile_Situations_List_FY11_%28Oct_19_2010%29.pdf	India does not feature on this list	country	
Committee to Protect Journalists: Impunity Index CPJ's Impunity Index calculates the number of unsolved journalist murders as a percentage of each country's population. For this index, CPJ examined journalist murders that occurred between January 1, 2004, and December 31, 2013, and that remain unsolved. Only those nations with five or more unsolved cases are included on this index. http://cpj.org/reports/2014/04/impunity-index-getting-away-with-murder.php	http://cpj.org/reports/2014/04/impunity-index-getting-away-with-murder.php India ranks nr. 13 in this list. "The world's largest democracy's repeated failure to advance justice in the killings of its journalists has kept it on CPJ's Index since the survey started in 2008. At least seven journalists, all working for local print publications and reporting on corruption, politics, or crime, have been slain in connection to their work in the last decade , with state responses rarely going beyond a perfunctory police investigation. Two journalists were murdered with impunity in 2013. They include Narendra Dabholkar, shot by two gunmen on motorcycles as he took an early morning walk in August. Dabholkar had received threats in the days before his murder and often published articles on sensitive issues including student suicides, farmer suicides, slums, and India's Maoist movement. Impunity Index Rating: 0.006 unsolved journalist murders per million inhabitants"	country	
Carleton University: Country Indicators for Foreign Policy: the Failed and Fragile States project of Carleton University examines state fragility using a combination of structural data and current event monitoring http://www4.carleton.ca/cifp/ffs.htm	http://www4.carleton.ca/cifp/app/serve.php/1419.pdf India scores medium on State fragility map 2011.	country	
Human Rights Watch: http://www.hrw.org	http://www.hrw.org/world-report/2014/country-chapters/india	country	

¹ A risk indication is provided for each source analyzed, except in the first part that addresses the general country context as that is not a risk indicator. A cumulative risk assessment for each risk indicator is provided in the row with the conclusion on each risk indicator, based on all the sources analyzed and evidence found.

	<p>“India took positive steps in 2013 by strengthening laws protecting women and children, and, in several important cases, prosecuting state security force personnel for extrajudicial killings. The impact of these developments will depend in large part on effective follow-up by central government authorities. The year also saw increased restrictions on Internet freedom; continued marginalization of Dalits, tribal groups, religious minorities, sexual and gender minorities, and people with disabilities; instances of remained marginalized and often without redress; and persistent impunity for abuses linked to insurgencies, particularly in Maoist areas, Jammu and Kashmir, Manipur, and Assam.</p>		
<p>US AID: www.usaid.gov Search on website for [country] + ‘human rights’ ‘conflicts’ ‘conflict timber’ For Africa and Asia also use: http://pdf.usaid.gov/pdf_docs/pnact462.pdf</p>	<p>www.usaid.gov No information found on specified risks after searching India + ‘human rights’ ‘conflicts’ ‘timber conflicts’.</p>	country	
<p>Global Witness: www.globalwitness.org Search on website for [country] + ‘human rights’ ‘conflicts’ ‘conflict timber’</p>	<p>No information found on specified risks after searching India + ‘human rights’ ‘conflicts’ ‘timber conflicts’.</p>	country	
<p>http://wwf.panda.org/about_our_earth/about_forests/deforestation/forest_illegal_logging/</p>	<p>India not mentioned in article</p>	country	
<p>Transparency International Corruption Perceptions Index http://cpi.transparency.org/cpi2013/results/</p>	<p>India scores 36 points on the Corruption Perceptions Index 2013 on a scale from 0 (highly corrupt) to 100 (very clean). India ranks 94 out of 177 with rank nr. 1 being the cleanest country.</p>	country	
<p>Chatham House Illegal Logging Indicators Country Report Card http://www.illegal-logging.info</p>	<p>http://www.illegal-logging.info/sites/default/files/Lawson_Thailand_SK_India_PP_2014_0.pdf <i>Illegal Wood Import and Re-export: The Scale of the Problem and the Response in Thailand, South Korea and India – April 2014</i> “About 17% of imports to India are estimated to be of illegal origin. Although per capita illegal wood consumption is low, the country’s size means that it is nevertheless a major importer of illegal wood. Its consumption of illegal wood is rising more rapidly than that of any other country surveyed.” (p. 2)</p> <p>“It should be noted that while this study examines only the role of these three countries as consumers (South Korea and India) or as processor re-exporters (Thailand) of illegal wood from elsewhere, Thailand and India also suffer from domestic illegal logging, while both Korea and India also re-export significant volumes of wood products (albeit less than do countries such as Thailand, China and Vietnam).” (p. 5)</p> <p>“In response to rapid deforestation and degradation, in 1988 the Indian government placed major restrictions on legal domestic harvesting. Deforestation slowed thereafter but the rate has picked up again recently, driven by fuelwood demand and conversion for mining. Domestic illegal logging and smuggling of</p>	country	

	<p>high-value timber is a major problem in many parts of the country (including in protected areas), and involves organized criminals, but the total volumes involved are uncertain. In 2009 the Ministry of Environment and Forests estimated that 2 million cubic metres of logs were being illegally felled each year.¹⁴ Partly as a result, 40% of India's forests are thought to be degraded." [...] India's wood imports are trebling every 10 years, and the proportion of India's wood consumption supplied by imports has increased dramatically over the last 20 years. In 1994 just 2% of consumption was from imports; by 2006 the figure had risen to 17%.¹⁷ Chatham House estimates that the current figure may now be higher than 30%." [...] India is the second largest importer of tropical logs in the world: around 30% of all tropical logs in trade at any one time are destined for India. Like China, India's list of major timber suppliers reads like a 'who's who' of countries known to be badly affected by illegal logging. Two-thirds of Burma's log exports go to India, as do two-thirds of those from Sarawak in Malaysia. India is also the second largest buyer of logs from PNG." (p. 7)</p> <p>"Although India is a major importer of high-risk wood from Malaysia (Sarawak) and Burma, NGOs campaigning for attention to be paid to exports from these countries have instead focused on China (for Burma) and Japan (for Sarawak)." (p. 9)</p> <p>"India's imports of illegally sourced timber and wood products increased dramatically between 2002 and 2011, from 1 million to 3.5 million cubic metres RWE (worth \$1.3 billion in the latter year) (see Figure 8). Estimated imports of illegally sourced wood products increased by 30% in 2011 alone. The vast majority of the estimated imports of illegally sourced wood are logs from Sarawak (Malaysia) and Burma, plywood, furniture and paper from China, and pulp and paper from Indonesia (see Figure 9). All of these sources increased dramatically in 2011, with the exception of logs from Sarawak. [...] Although the volumes of trade are small when compared with the major flows shown in Figure 9, India is one of the largest destinations for illegal wood exports from a number of other countries. In 2007 India was exposed as the second most important destination for illegal wood exports from Tanzania; and more recently it has been exposed as the second largest destination for illegal timber from Liberia, with 43% of exports from illegal Private Use Permits between August 2012 and February 2013 found to be destined for India." (p. 20)</p> <p>http://www.illegal-logging.info/content/illegal-wood-import-and-re-export-scale-problem-and-response-thailand-south-korea-and-india <i>Illegal Wood Import and Re-export: The Scale of the Problem and the Response in Thailand, South Korea and India – 1 April 2014</i></p> <ul style="list-style-type: none"> - "Thailand, South Korea and India are among the world's principal importers of illegally sourced timber and wood products, each sourcing timber from some of the countries most badly affected by illegal logging; 		
--	---	--	--

	<ul style="list-style-type: none"> - There has been very limited recognition of the problem in these three countries to date, and none of the governments has yet developed an action plan or policies to address it; - The response of the private sector in all three countries has also been slow: as most high-risk wood is consumed domestically, a lack of consumer concern and government regulation has provided little incentive for companies to take action;” 		
Amnesty International Annual Report: The state of the world’s human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights	http://files.amnesty.org/air13/AmnestyInternational_AnnualReport2013_complete_en.pdf “Torture and other ill-treatment, extrajudicial executions, deaths in custody and arbitrary detentions persisted. Victims of human rights violations and abuses were frustrated in their quest for justice largely due to ineffective institutions and a lack of political will. The first execution in India since 2004 took place in November. At least 78 people were sentenced to death. The authorities persistently failed to curb violence against women and girls , and a high-profile rape case in December spurred countrywide protests for legal and other reforms. At least 340 people, including civilians, were killed in clashes between armed Maoists and security forces . Accountability for crimes under international law remained outside the scope of ongoing peace initiatives in Nagaland and Assam. At least 65 people were killed in intra-ethnic and communal clashes in Assam leading to the temporary displacement of 400,000 people. Adivasi (Indigenous), fishing and other marginalized communities continued to protest against forced eviction from their land and habitats, while official investigations progressed into the allocation of land for corporate mining. Defenders of human rights were threatened and harassed by state and non-state actors; some were sentenced to long-term imprisonment. The government attempted to censor websites and stifle dissent expressed through social media, prompting protests against internet restrictions.” (p. 119)	country	
Freedom House http://www.freedomhouse.org/	http://www.freedomhouse.org/report-types/freedom-world#.U-3g5fl_sVc The status of India on the Freedom in the World index is ‘free’. http://www.freedomhouse.org/report-types/freedom-net#.U-3hUvl_sVc The status of India on the Freedom of the Net is ‘partly free’. http://www.freedomhouse.org/report-types/freedom-press#.U-3hkvI_sVc The status of India on the Freedom on the Net is ‘partly free’.	country	
Reporters without Borders: Press Freedom Index	2013: http://en.rsf.org/spip.php?page=classement&id_rubrique=1054 India ranks nr. 140 out of 179 with a score of 41,22 on the 2013 World Press Freedom Index, which ranks it among the countries with very limited press freedom in the world. “In Asia, India (140th, -9) is at its lowest since 2002 because of increasing impunity for violence against journalists and because Internet censorship continues to grow.” http://fr.rsf.org/IMG/pdf/classement_2013_gb-bd.pdf	country	

	<p><i>2013 World Press Freedom Index</i></p> <p>“Four journalists were killed in India and Bangladesh in 2012, which fell to 140th and 144th respectively in the index. In India, the “world’s biggest democracy”, the authorities insist on censoring the Web and imposing more and more taboos, while violence against journalists goes unpunished and the regions of Kashmir and Chhattisgarh become increasingly isolated.” (p. 11)</p>		
<p>Fund for Peace - Failed States Index of Highest Alert - the Fund for Peace is a US-based non-profit research and educational organization that works to prevent violent conflict and promote security. The Failed States Index is an annual ranking, first published in 2005, of 177 nations based on their levels of stability and capacity http://www.fundforpeace.org/global/?q=cr-10-99-fs In 2014 the FFP changed the name of the Failed State Index to the Fragile State Index: http://ffp.statesindex.org/rankings-2013-sortable</p>	<p>http://ffp.statesindex.org/rankings-2013-sortable India is ranked 79 out of 178 countries on the failed states index. (No. 1 being the most failed state). This ranks India in the category between ‘stable’ and ‘warning’.</p>	country	
<p>The Global Peace Index. Published by the Institute for Economics & Peace, This index is the world’s leading measure of national peacefulness. It ranks 162 nations according to their absence of violence. It’s made up of 23 indicators, ranging from a nation’s level of military expenditure to its relations with neighbouring countries and the level of respect for human rights. Source: The Guardian: http://economicsandpeace.org/research/iep-indices-data/global-peace-index</p>	<p>http://www.visionofhumanity.org/sites/default/files/2014%20Global%20Peace%20Index%20REPORT.pdf The state of Peace in India is labelled ‘Low’ with India ranking number 143 out of 162 countries with a score of 2.571 (p. 6).</p> <p>“India suffers from international strife and widespread internal conflict. Maoist movements are the biggest threat to India’s internal security, while sporadic conflict with China and Pakistan threaten the country’s external security. An estimated 65 operational terror groups compound the challenge of maintaining peace in the world’s biggest democracy. [...] India’s internal conflicts originate from the existence of several ethnic groups, terrorist camps and state-level independence movements. [...] The [Maoist] movement began in the eastern state of West Bengal in the 1860s and, according to some estimates, encompasses over 20,000 armed rebels. The Maoists have a particularly strong presence in the eastern and south-western states of India [...] Extremist groups demanding independent states are especially active in the north-east of the country and many dormant movements were revived when the government decided to carve out the new state of Telangana from Andhra Pradesh in south India. [...] The partition of India and Pakistan in 1947 was characterized by violence and turmoil and, since then, border disputes over Kashmir in northern India have ensured frequent conflict, including three major wars between the two countries. [...] China and India also have unresolved border disputes, in Kashmir in the north and Arunachal Pradesh in the east. These disputes have resulted in one war and several lesser conflicts to date.” (p. 29-30).</p>	country	

Additional sources of information (These sources were partly found by Googling the terms '[country]', 'timber', 'conflict', 'illegal logging')	Evidence	Scale of risk assessment	Risk indication
	http://www.wilsoncenter.org/sites/default/files/schweithelm.pdf SEEKING PEACE AND SAVING ASIA'S FOREST:FOREST CONFLICT IN ASIA – powerpoint presentation. “Also Forest Conflict in India and Pakistan” (p. 10)	country	
From national CW RA: Info on illegal logging	not available		
Conclusion on country context: India scores medium to low on most indicators reviewed in this section on the country context, such as in relation to peace, governance, press freedom and absence of corruption. India faces several violent conflicts. Serious human rights issues are reported mainly in relation to continued marginalization of Dalits, tribal groups, religious minorities, sexual and gender minorities, and people with disabilities; persistent impunity for abuses linked to insurgencies, and violence against women and girls, while human rights defenders are threatened and harassed by state and non-state actors. No specific information was found on a relation between these human rights issues and the forestry sector, but India is reported as being among the world's principal importers of illegally sourced timber and wood products.		country	
Indicator 2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.			
Guidance <ul style="list-style-type: none"> • Is the country covered by a UN security ban on exporting timber? • Is the country covered by any other international ban on timber export? • Are there individuals or entities involved in the forest sector that are facing UN sanctions? 			
Compendium of United Nations Security Council Sanctions Lists http://www.un.org/sc/committees/list_compend.shtml	There is no UN Security Council ban on timber exports from India. India is not covered by any other international ban on timber export.	country	low risk
US AID: www.usaid.gov	There are no individuals or entities involved in the forest sector in India that are facing UN sanctions		
Global Witness: www.globalwitness.org			
From national CW RA			
Guidance <ul style="list-style-type: none"> • Is the country a source of conflict timber? If so, is it at the country level or only an issue in specific regions? If so – which regions? • Is the conflict timber related to specific entities? If so, which entities or types of entities? 			
www.usaid.gov http://pdf.usaid.gov/pdf_docs/pnact462.pdf Conflict Timber is defined by US AID as: - conflict financed or sustained through the harvest and sale of timber (Type 1),	http://pdf.usaid.gov/pdf_docs/pnact462.pdf <i>Conflict Timber: Dimensions of the Problem in Asia and Africa – Volume 1</i> “Country-level conflict timber profiles were developed for ten Asian countries where conflict timber interactions occur: Afghanistan, Burma, Cambodia, India , Indonesia, Laos, Nepal, Pakistan, the Philippines and Vietnam. Of these ten only half—Afghanistan, Burma, Indonesia, Nepal and the Philippines—currently involve possible efforts to tax or convert timber (or other forest products) into means to finance conflict (Type 1 conflict timber). All ten countries are currently experiencing some level of Type 2 conflict arising from competition	country	low risk

<p>- conflict emerging as a result of competition over timber or other forest resources (Type 2) Also check overlap with indicator 2.3</p>	<p>over forest resources, although the characteristics and the rates of incidence vary markedly.”(p. 10)</p> <p>http://www.globalsecurity.org/military/library/report/2003/pnact463.pdf <i>Conflict Timber: Dimensions of the Problem in Asia and Africa - Volume II Asian Cases</i> [no date on report but seems to be outdated; around 2004] “In Nepal, currently engaged in a civil war launched by Maoist rebels against His Majesty’s Government (HMG), domestic demand for fuel and construction wood is not insignificant but, just as in Afghanistan, the major commercial demand for wood as an input for wood processing firms originates outside Nepal. Indian companies are contracting with loggers in the terai, Nepal’s one flat area, adjacent to the Indian border, to fell wood in terai forests for export to India. Given the size of the Indian domestic economy, any wood felled can be readily disposed of in local markets.” (p. 3)</p> <p>This source is outdated and conflict in Nepal ended in 2006. The report does not mention conflict timber sourced in India.</p>		
<p>www.globalwitness.org/campaigns/environment/forests</p>	<p>http://www.globalwitness.org/library/logging-company-flouts-liberian-president%E2%80%99s-timber-export-ban-and-drives-breakdown-rule-law <i>Logging company flouts Liberian President’s timber export ban and drives breakdown in rule of law- 21st December 2012</i> The logging company Atlantic Resources has shipped millions of dollars worth of illegal timber from Liberia in breach of President Ellen Johnson Sirleaf’s August order to halt timber exports, Global Witness revealed today. [...]The timber was cut by Atlantic Resources, a company that is linked to notorious Malaysian logging giant Samling and owes the Liberian government millions in unpaid taxes. [...]The first ship carrying illicit timber arrived at Mundra in northwest India on 10 December. India has become a major destination for tropical timber from countries with track records of illegal logging such as Malaysia, Burma and Guyana, and is now second only to China in its imports of tropical logs. Once they reach India, the illegal logs are likely to be processed and sold on the Indian market, but if processed products were re-exported restrictions in other countries may apply.” The report does not mention conflict timber sourced in India.</p>	country	low risk
<p>Human Rights Watch: http://www.hrw.org/</p>	<p>No information on conflict timber related to India found.</p>	country	low risk
<p>World Resources Institute: Governance of Forests Initiative Indicator Framework (Version 1) http://pdf.wri.org/working_papers/gfi_tenure_indicators_sep09.pdf Now: PROFOR http://www.profor.info/node/1998</p>	<p>http://www.profor.info/node/1998</p> <p>This work resulted in a publication: Assessing and Monitoring Forest Governance: A user’s guide to a diagnostic tool (available on this page) published by PROFOR in June 2012. This tool has not yet been applied to India.</p>	country	low risk
<p>Amnesty International Annual Report: The state of the world’s human rights -information on key human rights issues, including: freedom of expression; international justice;</p>	<p>No information on conflict timber related to India found.</p>	country	low risk

corporate accountability; the death penalty; and reproductive rights http://amnesty.org/en/annual-report/2013/			
World Bank: Worldwide Governance Indicators - the WGIs report aggregate and individual governance indicators for 213 economies (most recently for 1996–2012), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption http://info.worldbank.org/governance/wgi/index.aspx#home Use indicator 'Political stability and Absence of violence' specific for indicator 2.1	http://info.worldbank.org/governance/wgi/index.aspx#reports In 2013 (latest available year) India scores 12.32 for Political Stability and Absence of Violence/ on the percentile rank among all countries (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).	country	specified risk
Greenpeace: www.greenpeace.org Search for 'conflict timber [country]'	No information on conflict timber related to India found.	country	low risk
CIFOR: http://www.cifor.org/ http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm	http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm “Forests and conflict Illegal forestry activities and poor governance in tropical forested regions are two factors which can encourage violent conflict. Widespread violence in turn makes forestry and conservation policies in forested areas less effective. The scope of the problem There are currently violent conflicts in forested regions in Colombia, Côte D'Ivoire, Democratic Republic of the Congo, India , Indonesia, Liberia, Mexico, Myanmar, Nepal, Philippines, Sierra Leone, Solomon Islands, Sudan, and Uganda. In the past twenty years there have also been violent conflicts in the forested regions of Angola, Burundi, Cambodia, Central African Republic, Guatemala, Mozambique, Nicaragua, Peru, Republic of Congo, Rwanda, and Surinam. Together these countries account for about 40 percent of the world's tropical forest and over half of all tropical forest outside Brazil. Timber incomes have financed violent conflict in Cambodia, Democratic Republic of Congo, Indonesia, Liberia, Myanmar, Sierra Leone, and other countries. While Illicit drugs are widespread in the forested regions of Bolivia, Colombia, Laos, Myanmar, and Peru.”	country	low risk

	Although violent conflicts are reported in forested regions in India it is not reported that timber incomes have financed violent conflict in India.		
Google the terms '[country]' and one of following terms or in combination 'conflict timber', 'illegal logging'	file:///C:/Users/Leo/Downloads/Forest-Related%20Conflict%20-%20Impacts,%20Links,%20and%20Measures%20to%20Mitigate.pdf <i>Forest-Related Conflict Impacts, Links, and Measures to Mitigate - 2007</i> “A most recent upsurge of forest-based conflict can be witnessed in central India, where Maoist rebels are calling for a peasant revolution in marginalized forest areas.” Data on violent conflicts in Asia in this reports stem from 2004 – outdated. http://www.thebhutanese.bt/gun-trotting-indian-timber-mafia-loots-bhutan-forests/ <i>Gun-Trotting Indian Timber Mafia Loots Bhutan Forests - 10 March 2012</i> “An investigation by The Bhutanese has found that well-armed timber mafia from India and local tribes in collusion with corrupt law enforcement officials there are engaged in large scale illegal logging and smuggling of trees from southern Bhutan.” No specified risk information on conflict timber related to India found.	country	low risk
From national CW RA			
Conclusion on indicator 2.1: There is no UN Security Council ban on timber exports from India. India is not covered by any other international ban on timber export. There are no individuals or entities involved in the forest sector in India that are facing UN sanctions. Although information was found on India’s involvement in importing illegally harvested timber, and on violent conflicts in India (see also section on country context), no information on conflict timber in India was found. The following low risk thresholds apply: (1) The area under assessment is not a source of conflict timber ² ; AND (2) The country is not covered by a UN security ban on exporting timber; AND (3) The country is not covered by any other international ban on timber export; AND (4) Operators in the area under assessment are not involved in conflict timber supply/trade; AND (5) Other available evidence does not challenge ‘low risk’ designation.		country	low risk
Indicator 2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work. Guidance <ul style="list-style-type: none"> • Are the social rights covered by the relevant legislation and enforced in the country or area concerned? (refer to category 1) • Are rights like freedom of association and collective bargaining upheld? • Is there evidence confirming absence of compulsory and/or forced labour? • Is there evidence confirming absence of discrimination in respect of employment and/or occupation, and/or gender? 			

² “Conflict timber” limited to include “timber that has been traded at some point in the chain of custody by armed groups, be they rebel factions or regular soldiers, or by a civilian administration involved in armed conflict or its representatives, either to perpetuate conflict or take advantage of conflict situations for personal gain - conflict timber is not necessarily illegal (see FSC-PRO-60-002a).

- Is there evidence confirming absence of child labour?
- Is the country signatory to the relevant ILO Conventions?
- Is there evidence that any groups (including women) feel adequately protected related to the rights mentioned above?
- Are any violations of labour rights limited to specific sectors?

general sources from FSC-PRO-60-002a V1-0 EN	information found and specific sources	scale of risk assessment	risk indication
<p>Status of ratification of fundamental ILO conventions: http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO:: or use: ILO Core Conventions Database: http://www.ilo.org/ilolex/english/docs/declworld.htm C29 Forced Labour Convention, 1930 C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 C98 Right to Organise and Collective Bargaining Convention, 1949 C100 Equal Remuneration Convention, 1951 C105 Abolition of Forced Labour Convention, 1957 C111 Discrimination (Employment and Occupation) Convention, 1958 C138 Minimum Age Convention, 1973 C182 Worst Forms of Child Labour Convention, 1999</p> <p>Ratification as such should be checked under Category 1. In Cat. 2 we take that outcome into consideration. Refer to it.</p>	<p>http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102691 India has ratified four of the eight ILO Core Conventions. India did not ratify: C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 C98 Right to Organise and Collective Bargaining Convention, 1949 C138 Minimum Age Convention, 1973 C182 Worst Forms of Child Labour Convention, 1999</p>	country	specified risk for right to organize and child labour
<p>ILO Declaration on Fundamental Principles and Rights at Work. Country reports. http://www.ilo.org/declaration/lang-en/index.htm Source of several reports. Search for 'racial discrimination', 'child labour', 'forced labour', 'gender equality', 'freedom of association'</p>	<p>http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_150428.pdf <i>Gender Equality and Social Dialogue in India – 2011</i> “Discrimination at the work place: Women workers are paid differential wages for the same work and have limited access to control of resources and to better skills” [...] Occupations performed by women are often classified as unskilled under the Minimum Wages Act, 1948. For instance, this is the case in agriculture for weeding and transplanting (performed exclusively by women in most parts of India, though skills and experience are required for both activities.) [...] Sexual harassment: Women at the work place are regularly subjected to sexual harassment. Norms to seek redress and remedy through a special procedure for sexual harassment complaints, though mandated by the judgement of the Supreme Court, are rarely found to be implemented. [...] Inclusive work spaces: Exclusion of women from marginalised communities, such as Dalits, Muslims and tribals, persists despite protective and preventive legislations. Doubly discriminated, women workers from these communities populate occupations that are the least paid and least protected and suffer widespread exploitation. While the affirmative action policy has ensured</p>	country	specified risk for gender and ethnic discrimination

	<p>their entry in limited numbers into the formal sector, the growing informalisation of the labour market has only contributed to their further marginalisation. ” (p. 33-34)</p> <p>http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_165765.pdf <i>Challenges, Prospects and Opportunities of Ratifying ILO Conventions Nos. 87 and 98 in India – ILO, 2011</i></p> <p>“The rate of unionization of workers in the country is as such low and is particularly low for workers in the unorganized sector or informal sector workers. [...]Even permanent workers in industrial establishments are often unable to form and join trade unions of their choice and exercise their collective rights on account of widespread anti-union acts by employers. Employers often refuse to recognize representative unions. They often by-pass representative unions and enter into settlements with management supported minority unions or even with individual workers.</p> <p>The system of law enforcement is ineffective. Employers are seldom prosecuted or penalized for the commission of unfair labour practices under the Industrial Disputes Act, 1947. Both conciliation proceedings and adjudicatory proceedings in industrial disputes are usually long drawn out. [...] In short, there is a rampant violation of the freedom of association and collective bargaining rights of workers, by employers in the country. (p. 45)</p>	country	specified risk for right to organize
<p>ILO Child Labour Country Dashboard: http://www.ilo.org/ipecc/Regionsandcountries/lang--en/index.htm</p>	<p>file:///C:/Users/Leo/Downloads/Doc_02_India_Convergence_MGNREGS_Report_Web.pdf <i>Impact of Mahatma Gandhi National Rural Employment Guarantee Scheme on Child labour – ILO 2013</i></p> <p>“The incidence of child labour exists across all states in India in varying degrees. In terms of the demographic share, children constitute more than one-third (37 per cent) of the total population of the country while working children constitute 18.4 per cent of the total children in the age group of 15-17 years (adolescents).⁴ According to the National Sample Survey Organisation (NSSO) estimates, in 2009-10, around 6 per cent of the children in the age group of 5-17 years and 3.3 per cent in the age group of 5-14 years were working. The incidence of working children in the older age group (15-17 years) was significantly higher (18.4 per cent).</p> <p>In terms of inter-state variation, the incidence of child labour is higher in the states of Andhra Pradesh and Karnataka in southern India, West Bengal and Odisha in eastern India, Uttar Pradesh and Madhya Pradesh in the Hindi heartland, and Rajasthan and Gujarat in western India (NSSO, 2009-10). The incidence was found to be higher in the rural than in urban areas. In rural areas, the incidence of working children is mainly observed in agriculture and services. In agriculture, children work mostly in farms, dairy, fisheries and poultry farming, while in services, they mostly work in occupational services such as barbers, cobblers, domestic workers, in hotels and restaurants, in home- based industries and construction. In urban areas, they work mostly in manufacturing, construction, trade, hotels and restaurants, and shops.</p> <p>India, like many other countries around the world has witnessed a decrease in the incidence of child labour (5-14 years) from 8.3 million in 2004-05 to 4.5 million in 2009-10 (NSSO) that can be attributed to the various legislative (noted in section 1.1 above), policy,</p>	country	specified risk for child labour

	<p>institutional and programmatic interventions put in place that include the National Commission for the Protection of Child Rights that aims at the prevention of child labour As well as other welfare and poverty alleviation measures that have contributed to the reduction in the incidence of child labour. Notwithstanding the perceptible decline in the incidence of child labour, the very fact that it prevails across all states in spite of legal bans, starting as young as five years old is a matter of concern.” (p. 3)</p> <p>file:///C:/Users/Leo/Downloads/Businesses fight Child Labour EN 20131025 Web%20(2).pdf <i>Business and the Fight against Child Labour. Experience from India, Brazil and South Africa. – ILO 2013</i></p> <p>“Thus, the definition used by the NSSO is really that of children working for a wage or in independent own-account work. It does not include: those working with the family, particularly in agriculture; those who are irregularly employed; nor children, basically girls, who look after young siblings or otherwise participate in domestic work. [...] Adding the two categories together gives an idea of the actual magnitude of child labour in India. It also shows that the crux of the problem of child labour is not so much those in employment, but those working at home or otherwise with their families.” (p. 1)</p> <p>file:///C:/Users/Leo/Downloads/India Convergence Project Training manual for Trade Unions WEB.pdf <i>Converging against Child Labour - A training manual for Trade Unions – ILO 2013</i></p> <p>“Child labour in India</p> <ul style="list-style-type: none"> • According to the 2001 Census of India, the total number of child labourers (in the age group of 5–14 years) is 12.6 million, while some NGOs estimate that the figure is higher. • According to the 2001 Census, 1,219,470 children work in hazardous occupations in India. • According to the National Sample Survey Office (NSSO), earlier known as the National Sample Survey Organisation, the number of working children in India during 2004–05 is 90.75 lakhs and for the period 2009–10 it is 49.86 lakhs. [1 lakh = 100,000 LV] • The National Family Health Survey-3 (2005–06) says that nearly one in every eight (11.8 per cent) children aged 5–14 years works either for their own household or for somebody else. Among the children who work for others, 2.2 per cent are engaged in paid work and 2.9 per cent in unpaid work. It is further noted that 3.1 per cent children are engaged in household chores for 28 or more hours in a week, and 4.8 per cent are engaged in work in a family business. • As per estimates by civil society organizations (CSOs), the number of children working in hazardous occupations/industries is much higher. • The estimates of child labour in India are varied due to various reasons. • Differing figures notwithstanding, the fact is that in India child labour is a serious problem. It is visible in all the major sectors of the economy, be it agriculture, industry, or services. <p>The Census enumerates only those workers who are engaged in economically productive work; when it comes to child labour, they are merely counted as part of the labour force. Among male child workers, though about 78 per cent are concentrated in the</p>	country	specified risk for child labour
--	---	---------	---------------------------------

	<p>agricultural sector, their presence seems to be quite considerable in the non-agricultural sector, totaling over 20 per cent. Among female working children, about 52 per cent are agricultural labourers and their presence in the non-agricultural sector is only 12.61 per cent. This makes appropriate intervention in the agricultural sector crucial to any strategy to eliminate child labour.</p> <p>Child labour is prevalent in the areas/sectors mentioned here (but is not limited to these):</p> <ul style="list-style-type: none"> • bonded labour; • fishing industry; • beedi making; • food processing; • brick making; • textiles; • plantations; • gem polishing and jewellery; • match and fireworks production; • bangle making; • motor repair workshops; • work in factories and shops; • mining and quarrying; • construction; • hotels and restaurants; • domestic service; • self-employed; • rag-picking; • agricultural work; • street selling; • industrial/service sectors; and • home-based work.” (p. 13-15) 	country	specified risk for child labour
<p>Global March Against Child Labour: http://www.globalmarch.org/</p>	<p>http://www.globalmarch.org/event/government-india-set-ban-all-forms-child-labour-children-in-india-march-to-demand-total-abolition-of-child-labour-29-august-2013</p> <p>“On 29th August 2013, more than 300 children in New Delhi, India supported by adults marched to the Parliament demanding the passage of the Child Labour (Prohibition and Regulation) Amendment Bill, which would prohibit hazardous work for all children below 18 years. It will also ban any employment of children below 14 years thereby aligning with the Right to Education Act. The children’s march was convened by the Global March’s partner organisation Bachpan Bachao Andolan (BBA). Global March Against Child Labour, Walk Free and Avaaz joined BBA to deliver 1 million petition signatures on behalf of the global community outraged over Indian laws and practices that push around 55 million (according to civil society estimates) Indian children to labour in deplorable working conditions. The petition called on the Indian Parliament to pass the Child and Adolescent Labour (Prohibition and Regulation) Bill without further delay. After leading the march to the Parliament, members of</p>	country	specified risk for child labour

	<p>National Children's Parliament also submitted a memorandum to Prime Minister's Office demanding a complete ban on child labour in the country."</p> <p>http://www.globalmarch.org/content/ituc-releases-report-core-labour-standards-india-0 "16 September 2011: Global March's Governing Body member International Trade Union Confederation (ITUC) released a report "Internationally Recognised Core Labour Standards in India, Report for the WTO General Council Review of the Trade Policies in India (Geneva, 14 and 16 September 2011). [...] The report finds that the rights to organise, collective bargaining and strike are restricted both in law and in practice and that thousands of detentions and arrests are reported every year. The report reveals also that the situation is graver in Export Processing Zones, where organising is even more difficult. [...] The report quotes "Dalits are also the most usual victims of bonded and forced labour." An excerpt from the report mentions: "Women's average earned income (PPP) is US\$ 1,304, whereas men's earnings are US\$ 4,102. Women occupy only 3 per cent of senior and management positions. For every 100 working men, there are only 42 working women. In urban areas unemployment is much higher for young women than for young men in both the formal and informal economic activity." [...]The law does not sufficiently protect children from forms of labour that are illegal under ILO Conventions No. 138 and No. 182. The report finds that even these laws are not well-enforced and child labour, including its worst forms, is prevalent throughout India. Furthermore, forced labour and trafficking in human beings are prevalent in agriculture, mining and commercial sexual exploitation. "In practice, child labour is a widespread problem in India due to the prevalence of extreme poverty in many areas, low law enforcing capacity, the absence of universal free education and tolerant societal norms. Governmental sources show that there are 16.4 million working children between 5 and 14 years old. However, NGO estimations consider the number to be between 55 and 87 million. Most of the children work in agriculture and perform informal economic activities, such as domestic servitude. Children can be found in a wide variety of industries, sometimes undertaking hazardous tasks, including in mining and quarrying, textiles, leather and garment factories, fireworks factories and many others. Children are also employed in the services sector, particularly in restaurants, hotels and auto repair. Reports show that a considerable number of children are scavengers and manually collect trash for recycling. Forced child labour is prevalent. Children are reported to be forced into prostitution, beggary, domestic servitude and numerous other practices. Particular problems are noticed in carpet production, seed production, textiles, circuses, brick kilns and mills, among others." [...] On the Forced Labour, the report summarises "Forced labour and trafficking in human beings are prohibited by law. However, forced labour is a problem in agriculture, mining, commercial sexual exploitation, and other sectors. Overall law enforcement is poor and judicial capacities are not effective in addressing the problem."</p> <p>http://www.ituc-csi.org/IMG/pdf/final_India_TPR_Report_3.pdf INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN INDIA</p>	<p>country</p> <p>country</p> <p>country</p> <p>country</p>	<p>specified risk for right to organize</p> <p>specified risk for gender and cast discrimination</p> <p>specified risk for child labour</p> <p>specified risk for forced labour</p>
--	--	---	---

	<p>REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE TRADE POLICIES OF INDIA by INTERNATIONAL TRADE UNION CONFEDERATION (ITUC) (Geneva, 14 and 16 September, 2011)</p> <p>See summary of this report in previous source). The report has no hits on “forest” or “timber”.</p>		
<p>Office of the United Nations High Commissioner for Human Rights (OHCHR), Committee on Rights of the Child: http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx</p>	<p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIND%2fCO%2f3-4&Lang=en</p> <p>Committee on the Rights of the Child - Concluding observations on the consolidated third and fourth periodic reports of India, 13 June 2014, ADVANCE UNEDITED VERSION</p> <p>“Economic exploitation, including child labour</p> <p>81. The Committee reiterates its serious concern that, despite some efforts made by the State party, there is still a large number of children involved in economic exploitation, including child labour in hazardous conditions, such as in bonded labour, mining, agriculture and as domestic servants, as well as in the informal sector (CRC/C/15/Add.228, para. 72).” (p. 18)</p>	country	specified risk for child labour
<p>ILO Helpdesk for Business on International Labour Standards: http://www.ilo.org/empent/areas/business-helpdesk/lang-en/index.htm</p>	<p>http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/publication/wcms_158360.pdf</p> <p>Gender equality and social dialogue in India, Industrial and Employment Relations Department and Bureau for Gender Equality International Labour Office • Geneva December 2010.</p> <ul style="list-style-type: none"> • “Discrimination at the work place: Women workers are paid differential wages for the same work. They also have limited access to and control over resources, poor access to information and improving skills. Women are often times regarded as additional or supplementary workers, further marginalising their ability to consolidate their position as workers. Aside from this, there is widespread gender bias in recruitment and promotion of women workers. • Nature of work: Women are largely found in jobs that are low skilled, labour intensive and repetitive. • Access to facilities: Women have less access to facilities and benefits. Welfare facilities and services such as sanitary facilities, arrangements for drinking, eating and resting, and access to first aid, health care and transport are at times not regarded from a gendered perspective. In the case of night work, it is acknowledged that transport and security is provided for women workers. • Indirect discrimination: Indirect discrimination practices such as poor terms of conditions of work, poor performance ratings for women, lack of access to skill training and other resources are commonly encountered by women workers. The proverbial ‘glass ceiling’ creates invisible barriers for women from accessing higher positions, thus preventing career advancement. • Occupational health and safety: Given the specific needs of women, most work places do not take care to protect the reproductive health of women workers. Elimination of exposure to chemicals, radiation, biological contaminants, poor working posture and stressful working conditions is yet to be prioritized. 	country	specified risk for gender and cast discrimination

	<ul style="list-style-type: none"> Sexual harassment: Women at the work place are regularly subjected to sexual harassment. Norms to seek redress and remedy through a special procedure for sexual harassment complaints, though mandated by the judgement of the Supreme Court, is rarely found to be implemented. Inadequate and poor representation: Women do not get adequate representation in trade unions, employers' organisations, social dialogue bodies and other relevant fora so as to address and improve their working conditions. The lack of representation in decision making positions in organized sector (both public and private sectors) has wider ramifications on their ability to demand and transform their work environments. Exclusion of women from marginalised communities such as Dalits, Muslims and tribals persist despite protective and preventive legislations. Doubly discriminated, women workers from these communities populate occupations that are the least paid, least protected and suffer widespread exploitation. Heinous practices such as bonded labour and untouchability continue to impact workers lives in rural India. While the affirmative action policy has ensured their entry in limited numbers into the formal sector, the growing informalisation of the labour market has only contributed to their further marginalisation. Their inability to unionise compounds their marginalisation as they cannot voice their demands.” (p. 8-9) 		
<p>Committee on the Elimination of Discrimination against Women http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx (Use the link to 'Key documents' on the left hand side. Go to 'observations' and search for country.) (Refer to CW Cat. 1) Or: Right top select country click on CEDAW treaty, click on latest reporting period and select concluding observations</p>	<p><i>Committee on the Elimination of Discrimination against Women - Concluding observations on the combined fourth and fifth periodic reports of India, 24 July 2014</i> “Employment 28. The Committee notes with concern the declining participation of women in the labour force, both in rural and urban areas, and at the situation of women working in the informal economy (agriculture, domestic and home -based work) not covered by labour laws and other social protection measures. It is concerned at the gender wage gap indicating that women earn only 50 to 75 per cent of the wages earned by men and statistical data showing that women only own 9 per cent of land. The Committee is further concerned that the newly enacted Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act includes clauses that could undermine its efficiency, such as prescribing conciliation as a preliminary step, that it includes no effective complaints mechanism for domestic workers and that the State party has not ratified the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.” (p. 10) “Women with disabilities [...] The Committee is further concerned that women with disabilities experience a high rate of poverty, lack access to education, employment and health services, especially in rural areas, face multiple challenges, including the lack of adequate access to public spaces and utilities, often experience harassment in public and are excluded from decision-making processes.” (p. 12)</p>	country	specified risk for gender and disability discrimination
Human Rights Watch: http://www.hrw.org/	<p>http://www.hrw.org/world-report/2014/country-chapters/india?page=2 “Protection of Children’s Rights</p>	country	specified risk for child labour

	<p>Many children in India remained at risk of abuse and deprived of education. Despite efforts to forbid any employment of children under 14, millions remained in the work force, including the worst forms of labor. By some estimates nearly half of India's children under the age of five are malnourished. Thousands of children remain missing, many of them trafficked within and outside the country.</p> <p>The 2009 Right of Children to Free and Compulsory Education Act led to increased enrollment. However, children from vulnerable communities, particularly Dalits and tribal groups, faced various forms of discrimination, with many dropping out and eventually becoming child workers.</p>																						
<p>Child Labour Index 2014 produced by Maplecroft. http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/</p>	<p>http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/</p> <p>India scores 'extreme risk' on the Child Labour Index 2014.</p> <table border="1"> <caption>BRIC Child labour risk trajectories 2014</caption> <thead> <tr> <th>Country</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>Brazil</td> <td>1.5</td> <td>1.4</td> <td>2.4</td> </tr> <tr> <td>China</td> <td>1.2</td> <td>1.2</td> <td>0.6</td> </tr> <tr> <td>India</td> <td>1.0</td> <td>0.9</td> <td>1.0</td> </tr> <tr> <td>Russia</td> <td>2.2</td> <td>2.2</td> <td>1.6</td> </tr> </tbody> </table> <p>The graph illustrates how child labour risks to business have begun to diverge within the BRIC countries. All four countries score below 2.50 and are therefore within the 'extreme risk' category. However, the implementation of programmes to combat child labour and its underlying causes in Brazil has placed the country on a trajectory up the index, while persistent risks in China are driving the country to the bottom. As risks in India have remained stable, China has replaced India as the BRIC country with the highest risks of child labour. Also, as risks intensify in Russia, Brazil is now the BRIC country presenting the lowest risks.</p>	Country	2012	2013	2014	Brazil	1.5	1.4	2.4	China	1.2	1.2	0.6	India	1.0	0.9	1.0	Russia	2.2	2.2	1.6	country	specified risk for child labour
Country	2012	2013	2014																				
Brazil	1.5	1.4	2.4																				
China	1.2	1.2	0.6																				
India	1.0	0.9	1.0																				
Russia	2.2	2.2	1.6																				
<p>http://www.verite.org/Commodities/Timber (useful, specific on timber)</p>	<p>"According to the U.S. Department of Labor (2010), timber is produced with forced labor in Peru, Brazil and Myanmar (Burma)."</p> <p>India not mentioned.</p>	country	low risk on forced labour																				
<p>The ITUC Global Rights Index ranks 139 countries against 97 internationally recognised indicators to assess where workers' rights are best protected, in law and in practice. The Survey</p>	<p>http://www.ituc-csi.org/IMG/pdf/survey_ra_2014_eng_v2.pdf</p>	country	specified risk on right to organize																				

<p>provides information on violations of the rights to freedom of association, collective bargaining and strike as defined by ILO Conventions, in particular ILO Convention Nos. 87 and 98 as well as jurisprudence developed by the ILO supervisory mechanisms. http://www.ituc-csi.org/new-ituc-global-rights-index-the?lang=en</p>	<p>India is classified in the category 5 – No guarantee of rights:</p> <p>“Score: 36+ • Countries with the rating of 5 are the worst countries in the world to work in. While the legislation may spell out certain rights workers have effectively no access to these rights and are therefore exposed to autocratic regimes and unfair labour practices.” (p. 15)</p>																				
<p>Google the terms '[country]' and one of following terms 'violation of labour rights', 'child labour', 'forced labour', 'slave labour', 'discrimination', 'gender gap labour', 'violation of labour union rights' 'violation of freedom of association and collective bargaining'</p>	<p>http://www.dol.gov/ilab/reports/child-labor/india.htm <i>India, 2013 Findings on the Worst Forms of Child Labor</i></p> <p>“I. Prevalence and Sectoral Distribution of Child Labor Children in India are engaged in child labor, including in agriculture and in the worst forms of child labor in the manufacturing of a number of products in the informal economy.(1-4) Data from the Government’s 2009-2010 National Sample Survey indicate that four-fifths of child workers reside in rural areas. Children who belong to scheduled castes or tribes are also more likely than other children to be engaged in child labor.(5, 6) Children engage in the manufacturing of goods, many in the informal economy and increasingly in home-based production.(6-9) Table 1 provides key indicators on children’s work and education in India.</p> <p style="text-align: center;">Table 1. Statistics on Children's Work and Education</p> <table border="1" data-bbox="801 678 1615 1066"> <tr> <td>Working children, ages 5 to 14 (% and population):</td> <td>2.0 (4,371,604)</td> </tr> <tr> <td>Working children by sector, ages 5 to 14 (%)</td> <td></td> </tr> <tr> <td>Agriculture</td> <td>69.5</td> </tr> <tr> <td>Industry</td> <td>17.5</td> </tr> <tr> <td>Services</td> <td>13.0</td> </tr> <tr> <td>School attendance, ages 5 to 14 (%):</td> <td>88.8</td> </tr> <tr> <td>Children combining work and school, ages 7 to 14 (%):</td> <td>0.8</td> </tr> <tr> <td>Primary completion rate (%):</td> <td>96.5</td> </tr> </table> <p><i>Source for primary completion rate: Data from 2008, published by UNESCO Institute for Statistics, 2014. (10)</i> <i>Source for all other data: Understanding Children's Work Project's analysis of statistics from NSS Survey, 2009-2010. (11)</i> Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.</p> <p style="text-align: center;">Table 2. Overview of Children's Work by Sector and Activity</p> <table border="1" data-bbox="801 1246 1615 1321"> <thead> <tr> <th>Sector/Industry</th> <th>Activity</th> </tr> </thead> </table>	Working children, ages 5 to 14 (% and population):	2.0 (4,371,604)	Working children by sector, ages 5 to 14 (%)		Agriculture	69.5	Industry	17.5	Services	13.0	School attendance, ages 5 to 14 (%):	88.8	Children combining work and school, ages 7 to 14 (%):	0.8	Primary completion rate (%):	96.5	Sector/Industry	Activity		
Working children, ages 5 to 14 (% and population):	2.0 (4,371,604)																				
Working children by sector, ages 5 to 14 (%)																					
Agriculture	69.5																				
Industry	17.5																				
Services	13.0																				
School attendance, ages 5 to 14 (%):	88.8																				
Children combining work and school, ages 7 to 14 (%):	0.8																				
Primary completion rate (%):	96.5																				
Sector/Industry	Activity																				

	Agriculture	Farming, including producing rice and hybrid cottonseeds, picking cotton, and harvesting sugarcane†(1-3, 12-17)			
	Industry	Quarrying†and breaking stones†(4, 18-21)			
		Manufacturing matches,†bricks,†locks,†glass bangles,†fireworks,†footwear, garments,†hand-loomed silk fabric,†silk thread,†leather,†embellished textiles,†and brassware†(7, 19, 22-31)			
		Polishing gemst†(13, 32)			
		Weaving carpets†(33-36)			
		Rolling cigarettes (<i>bidis</i>)†and incense sticks (<i>agarbatti</i>)†(37-39)			
		Spinning thread/yarn†, embroidering, sewing beads to fabric†(7, 35, 40)			
		Stitching soccer balls†(17, 41-43)			
	Mining mica*†(44-47)				
	Services	Working in hotels, food service, and certain tourism-related occupations (48,49)			
		Working on the street selling food†and other goods, repairing vehicles and tires,†scavenging,†and rag picking†(3, 17, 50)			
		Construction, activities unknown†(51, 52)			
		Domestic servicet†(17, 35, 53)			
Categorical Worst Forms of Child Labor‡	Forced or bonded labor in gemstone cutting,* quarrying stones, brick kilns, rice mills and in the production of hybrid cottonseeds, garments, and embroidered textiles (<i>zari</i>) (4, 35, 53-55)				
	Commercial sexual exploitation, sometimes as a result of human trafficking (35, 56)				
	Forced labor in domestic service, agriculture, carpet weaving,* and begging (35, 53)				
	Use of under-age children in armed conflict (35, 57)				

	<p>*Evidence of this activity is limited and/or the extent of the problem is unknown. †Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182. ‡Child labor understood as the worst forms of child labor <i>per se</i> under Article 3(a) - (c) of ILO C. 182. India remains a source, transit, and destination country for minors trafficked for commercial sexual exploitation and forced labor in domestic service, agriculture, and activities such as begging and brick making. (35,53, 58) The majority of these children are Indians trafficked within the country. (35) There are also reports that children have been recruited to serve as soldiers by extralegal armed groups in zones where armed conflict is occurring. (35, 57, 59)”</p> <p>Forestry or saw mills are not mentioned in this list.</p> <p>http://www.indiatribune.com/index.php?option=com_content&id=2884:over-60-million-child-laborers-in-india&Itemid=400 <i>Over 60 million child laborers in India!</i></p> <p>“A recent report, produced by the International Confederation of Free Trade Unions, says there are as many as 60 million children working in India's agricultural, industrial and commercial sectors. [...] Child labor in India is mostly practiced in restaurants, roadside stalls; matches, fireworks and explosives industry; glass and bangles factories; beedi-making; carpet-making; lock-making; brassware; export-oriented garment units; gem polishing export industry; slate mines and manufacturing units; leather units; diamond industry; building and construction industry; brick kilns, helpers to mechanics, masons, carpenters, painters, plumbers, cooks, etc.”</p> <p>Forestry or saw mills are not mentioned in this list.</p> <p>http://idsn.org/caste-discrimination/key-issues/bonded-labour/india/ “In spite of the encompassing and seemingly progressive legislative framework, the use and abuse of Dalit bonded labourers in India remains endemic within a range of occupations and branches, both rural and urban, such as agriculture, forestry, fishing, domestic work, and cleaning. A report by Anti-Slavery International in 2008, revealed that dalit bonded labourers are employed to carry out the most physically straining and menial types of work in industries such as silk farms, rice mills, salt pans, fisheries, quarries and mines, tea and spice farming, brick-kilns, textile and domestic work(2).” [...]Various reports and studies have identified bonded child labour in a number of occupations including agriculture, brick kilns, stone quarries, carpet weaving, bidi (cigarette) rolling, rearing of silk cocoons, production of silk sarees, production of silver jewellery, gem cutting, diamond cutting, manufacture of leather products, in circuses, fisheries, shops and tailoring establishments, and domestic work(5).</p>	<p>country</p> <p>country</p> <p>country</p>	<p>low risk on child labour</p> <p>low risk on child labour</p> <p>specified risk for forced labour for Dalits</p>
--	---	--	--

	<p>http://www.dfn.org.uk/info/slavery/42-information/slavery/91-bonded-labour “There are well over 10 million bonded labourers in India. The vast majority (80-96%) are Dalits (Untouchables) and Tribals (Adivasis).”</p> <p>http://chrgj.org/clinics/international-human-rights-clinic/caste-discrimination-and-transitional-justice-in-nepal/caste-discrimination-in-india-2/ “More than 165 million people in India continue to be subject to discrimination, exploitation and violence simply because of their caste. In India’s “hidden apartheid,” untouchability relegates Dalits throughout the country to a lifetime of segregation and abuse. Caste-based divisions continue to dominate in housing, marriage, employment and general social interaction—divisions that are reinforced through economic boycotts and physical violence.”</p> <p>http://www.redressonline.com/2014/03/gender-and-caste-discrimination-in-india/ “Discriminatory and cruel, inhuman, and degrading treatment of over 165 million people in India has been justified on the basis of caste,” according to Human Rights Watch (HRW).” [...] Although all women in India face discrimination and sexual intimidation, according to the UN the “human rights of Dalit women are violated in peculiar and extreme forms. Stripping, naked parading, caste abuses, pulling out nails and hair, sexual slavery and bondage are a few forms peculiar to Dalit women.” These women live under a form of apartheid: discrimination, and social exclusion is a major factor, denying them access “to common property resources like land, water and livelihood sources, [causing] exclusion from schools, places of worship, common dining, inter-caste marriages” [...] The Indian constitution makes clear the “principle of non-discrimination on the basis of caste or gender”. It guarantees the “right to life and to security of life”. Article 46 specifically “protects Dalits from social injustice and all forms of exploitation”. Add to this the important Scheduled Castes and Tribes (Prevention of Atrocities) Act of 1989, and a well-armed legislative army is formed. However, because of “low levels of implementation”, the UN states, “the provisions that protect women’s rights have to be considered empty of meaning”. It is a familiar Indian story: judicial indifference (as well as cost, lack of access to legal representation, endless red-tape and obstructive staff), police corruption, and government collusion, plus media indifference causing the major obstacles to justice and the observation and enforcement of the law.”</p> <p>http://www.ilo.org/global/about-the-ilo/newsroom/comment-analysis/WCMS_204762/lang-en/index.htm <i>India: Why is women’s labour force participation dropping? - 13 February 2013</i> “According to the ILO’s Global Employment Trends 2013 report, India’s labour force participation rate for women fell from just over 37 per cent in 2004-05 to 29 per cent in 2009-10. Out of 131 countries with available data, India ranks 11th from the bottom in female labour force participation. [...] Strengthening anti-discrimination legislation in employment across all occupations will be essential for expanding employment opportunities for women. In addition, reducing the large gaps in wages and working conditions, often observed between women and men, could help provide a boost to the number of women seeking employment.”</p>	<p>country</p> <p>country</p> <p>country</p>	<p>specified risk for discrimination of Dalits</p> <p>specified risk for gender and Dalit discrimination</p> <p>specified risk for gender discrimination</p>
--	--	--	--

	<p>http://www.thehindubusinessline.com/news/india-slips-13-places-in-wefs-gender-gap-ranking/article6540659.ece <i>India slips 13 places in WEF's Gender Gap ranking – 28 October 2014</i> <i>"India has performed poorly in removing gender-based disparities, ranking 114 out of 142 countries in World Economic Forum's 2014 gender gap index, scoring below average on parameters like economic participation, educational attainment and health and survival.[...] India is part of the 20 worst-performing countries on the labour force participation, estimated earned income, literacy rate and sex ratio at birth indicators."</i></p> <p>https://www.oxan.com/analysis/dailybrief/samples/IndiaGenderGap.aspx <i>Gender gap looms over India's long-term prospects – 12 November 2014</i> <i>"India has registered a significant decline in its performance as measured by the World Economic Forum's (WEF) Global Gender Gap Index for 2014. Issued annually since 2006, the Index measures relative opportunities open to India's 600 million women in four different areas. This year, it slipped 13 places in the rankings to 114 out of 142 countries. [...] Labour - India ranks poorly in economic participation on the basis of two important measures: labour force participation (where 84% of men are active in the labour force, but only 30% of women); and estimated earned income (with women on average earning 1,980 dollars/year compared to 8,087 dollars for men).</i></p> <p>http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=51b8516e18&skip=0&query=2013%20Annual%20Survey%20of%20Violations%20of%20Trade%20Union%20Rights%20-%20India <i>"Backlog of labour cases: In March 2013, the Labour Ministry reported that a total of 13,525 cases were pending in labour courts across the country. The highest number of pending labour cases is in Ahmedabad with 2,194, followed by Jabalpur with 1,914."</i></p> <p>https://www.continuetolearn.uiowa.edu/laborctr/child_labor/about/what_is_child_labor.html <i>"The International Labor Organization estimates that 215 million children between the ages of 5 and 17 currently work under conditions that are considered illegal, hazardous, or extremely exploitative. [...] Child labor can be found in nearly every industry. Agriculture An estimated 60% of child labor occurs in agriculture, fishing, hunting, and forestry."</i></p>	<p>country</p> <p>country</p> <p>country</p> <p>world</p>	<p>specified risk for gender discrimination</p> <p>specified risk for gender discrimination</p> <p>specified risk on labour rights</p> <p>specified risk on child labour</p>
<p>Additional general sources</p>	<p>Additional specific sources</p>		
<p>Additional information / sources mentioned by FSC India</p>	<p>Information from TR Manoharan from FSC India by email of 26 January 2015: "[...]there is a need to factor into account the regional variations on the risks. For example, the incidence of Child Labour is nil or very low in Kerala State whereas the same is very high in many other States. Some references/sources to validate this may be included. " http://labour.gov.in/upload/uploadfiles/files/Divisions/childlabour/NSSOEstimateofChildLabourinMajorIndianStates.pdf</p>	<p>Kerala State</p>	<p>low risk on child labour</p>

National Sample Survey Office - NSSO (66th round of Survey) on Child Labour in Major Indian States, 2009-10 (Age group 5-14)

States	Male	Female	All	% share of Child Labour
A.P.	108923	125739	234662	4.71
Assam	156488	32666	189154	3.80
Bihar	235309	41213	276522	5.55
Chhattishgarh	4305	7321	11626	0.23
Delhi	18576	0	18576	0.37
Gujrat	166432	224255	390687	7.84
Haryana	50737	21459	72196	1.45
H.P.	4456	2942	7398	0.15
J&K	12413	16872	29285	0.59
jharkhand	67807	14661	82468	1.65
Karnataka	110589	115908	226497	4.54
Kerala	1182	1583	2765	0.06
M.P.	149142	41875	191017	3.83
Maharastra	120600	140073	260673	5.23
Orissa	90912	43651	134563	2.70
Punjab	32466	16370	48836	0.98
Rajasthan	136239	269697	405936	8.14
Tamil Nadu	3471	13880	17351	0.35
U.P.	18029	9342	27371	0.55
Uttarakhand	1160114	615219	1775333	35.62
West Bengal	389211	162373	551584	11.07
All India	3057998	1925873	4983871	100.00

<http://ncw.nic.in/frmAboutUS.aspx>

“The **National Commission for Women** was set up as statutory body in January 1992 under the [National Commission for Women Act, 1990 \(Act No. 20 of 1990 of Govt.of India \)](#) to :

- review the Constitutional and Legal safeguards for women ;
- recommend remedial legislative measures ;
- facilitate redressal of grievances and
- advise the Government on all policy matters affecting women.

In keeping with its mandate, the Commission initiated various steps to improve the status of women and worked for their economic empowerment during the year under report. The Commission completed its visits to all the States/UTs except Lakshdweep and prepared Gender Profiles to assess the status of women and their empowerment. It received a large

country

low risk for discriminati on against women

	<p>number of complaints and acted suo-moto in several cases to provide speedy justice. It took up the issue of child marriage, sponsored legal awareness programmes, Parivarik Mahila Lok Adalats and reviewed laws such as Dowry Prohibition Act, 1961, PNDT Act 1994, Indian Penal Code 1860 and the National Commission for Women Act, 1990 to make them more stringent and effective. It organized workshops/consultations, constituted expert committees on economic empowerment of women, conducted workshops/seminars for gender awareness and took up publicity campaign against female foeticide, violence against women, etc. in order to generate awareness in the society against these social evils.</p> <p>http://nhrc.nic.in/</p> <p>The government of India established a “National Human Rights Commission, State Human Rights Commission in States and Human Rights Courts for better protection of human rights and for matters connected therewith or incidental thereto.” This was done through the The Protection of Human Rights Act, 1993* (No. 10 of 1994, 8th January, 1994). * As amended by the Protection of Human Rights (Amendment) Act, 2006–No. 43 of 2006.</p>	country	low risk for human rights violations
From national CW RA	not available		
<p>Conclusion on Indicator 2.2:</p> <ul style="list-style-type: none"> • Not all social rights are covered by the relevant legislation and enforced in India. In particular legislation and/or enforcement is lacking regarding the protection of freedom of association, the right to organize and collective bargaining and the prevention of child labour. (refer to category 1) • Rights like freedom of association and collective bargaining are not upheld • There is evidence confirming compulsory and/or forced labour • There is evidence confirming discrimination in respect of employment and/or occupation, and/or gender, in particular among Dalits and Adivasis. • There is evidence confirming child labour. • The country is not signatory to ILO Convention nr. 87 Freedom of Association and Protection of the Right to Organise Convention, (1948), nr. 98 Right to Organise and Collective Bargaining Convention (1949), nr. 138 Minimum Age Convention, (1973) and nr. 182 Worst Forms of Child Labour Convention, 1999). • There is evidence that any groups (including women, Dalits and Adivasi) do not feel adequately protected related to the rights mentioned above • Violations of labour rights are not limited to specific sectors. <p>The following specified risk thresholds apply, based on the evidence:</p> <p>(14) The applicable legislation for the area under assessment contradicts indicator requirement(s); AND</p> <p>(15) There is substantial evidence of widespread violation of key provisions of the ILO Fundamental Principles and Rights at work.</p>		country	specified risk for freedom of association, the right to organize and collective bargaining, the prevention of child labour and forced labour and discrimination against women, Adivasi and Dalits
<p>Indicator 2.3. The rights of Indigenous and Traditional Peoples are upheld.</p> <p>Guidance:</p> <ul style="list-style-type: none"> • Are there Indigenous Peoples (IP), and/or Traditional Peoples (TP) present in the area under assessment? • Are the regulations included in the ILO Convention 169 and is UNDRIP enforced in the area concerned? (refer to category 1) 			

- Is there evidence of violations of legal and customary rights of IP/TP?
- Are there any conflicts of substantial magnitude [footnote 6] pertaining to the rights of Indigenous and/or Traditional Peoples and/or local communities with traditional rights?
- Are there any recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to TP or IP rights and/or communities with traditional rights?
- What evidence can demonstrate the enforcement of the laws and regulations identified above? (refer to category 1)
- Is the conflict resolution broadly accepted by affected stakeholders as being fair and equitable?

general sources from FSC-PRO-60-002a V1-0 EN	information found and specific sources	scale of risk assessment	risk indication
ILO Core Conventions Database http://www.ilo.org/ilolex/english/docs/declworld.htm - ILO Convention 169	http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102691 India did not ratify Convention 169. Therefore this source does not provide information on its implementation by India.	country	specified risk on ILO 169
Survival International: http://www.survivalinternational.org/	http://www.survivalinternational.org/tribes/dongria "The Dongria Kondh of India's Niyamgiri Hills have won a heroic victory against mining giant Vedanta Resources to save their sacred hills. The Supreme Court told Vedanta in 2013 that the Dongria must decide whether to allow mining on the Mountain of the Law. The Dongria answered with an unequivocal 'No'. The Niyamgiri hill range in Odisha state, eastern India, is home to the Dongria Kondh tribe. Niyamgiri is an area of densely forested hills, deep gorges and cascading streams. To be a Dongria Kondh is to farm the hills' fertile slopes, harvest their produce, and worship the mountain god Niyam Raja and the hills he presides over, including the 4,000 metre Mountain of the Law, Niyam Dongar. Yet for a decade, the 8,000-plus Dongria Kondh lived under the threat of mining by Vedanta Resources, which hoped to extract the estimated \$2billion-worth of bauxite that lies under the surface of the hills." http://www.survivalinternational.org/news/10488 "Tribes people living inside a tiger reserve in India are being "threatened" and "cheated" into leaving their ancestral land in the name of tiger "conservation" – even though there is no evidence that they harm the wildlife, and they desperately want to stay on their land. In September 2014, members of the Munda tribe in Similipal Tiger Reserve in Odisha state met with India's Forest Department, after promises that their rights to their forest would be recognized. But the villagers reported to Survival International, the global movement for tribal peoples' rights, that they felt "threatened" and "cheated" into signing an eviction document drawn up by the foresters. They reported that they weren't aware of what the document said (most don't read or write Oriya, the language it was written in), and were only later told that there was no land available for them to be moved to." http://www.survivalinternational.org/news/9328 "A village belonging to the Soliga tribe in southern India has won an important court victory after its entire stock of honey – its key source of livelihood – was seized by local forestry	country	low risk
		Munda in Odisha State	specified risk land rights
		Soliga tribe area	low risk

	<p>officials in May. The community, with the support of local organizations, took the matter to court – and won.</p> <p>[...] The confiscation of honey was in direct violation of the 2006 Indian Forest Rights Act, which recognizes the rights of India's tribal peoples, such as the Soliga, to live in and from their forests, and protect and manage their land.</p> <p>Tribal peoples like the Soliga have been living with and protecting the wildlife in their forests for countless generations. However many forestry officials still believe that forest and tiger conservation requires the removal of all people from the forests. These prejudices often make foresters unwilling to respect tribal rights – especially the right to make a livelihood from the forest. The recent court victory exposes this injustice and the necessity for the rights of India's tribes to be respected.</p> <p>The Soliga tribe of Karnataka made history in 2011 when their rights to their forests were recognized, even though they lie inside a tiger reserve."</p> <p>http://www.survivalinternational.org/news/8805</p> <p>"[...] In the continuing civil unrest between the state and Maoist insurgents, several human rights activists have been harassed, detained and held under false charges. Although doctor and activist Binayak Sen was finally released in April 2011, many others are still being held. These arrests are part of a worrying crackdown and harassment of tribal people (Adivasis) and those defending their rights.</p> <p>Soni Sori, an Adivasi school teacher from Chhattisgarh has been held for over a year, during which time she has reportedly suffered brutal treatment at the hands of the security forces. Supporters of Adivasi rights are also being targeted, such as Madhuri Khrishnaswami in Madhya Pradesh, who has had false charges filed against her as a result of her work for the rights of Adivasi and Dalit communities.</p> <p>At the root of much of the unrest is the government's failure to protect the rights – especially the land rights – of the nation's tribal peoples, whose lands are being taken for industrial and irrigation projects on a massive scale.</p> <p>http://www.survivalinternational.org/news/7781</p> <p><i>Indian government accused of failing its forests 11 October 2011</i></p> <p>"Three highly respected experts have criticised a government body for 'routinely approving even obviously damaging projects' that affect India's forests.</p> <p>In a letter to India's Ministry of Environment and Forests, the three said the departments responsible had 'abdicated their role of due diligence'.</p> <p>Ullas Karanth, a tiger expert, Amita Baviskar, who has written extensively on India's tribal peoples, and Mahesh Rangaragan, a highly respected environmental expert, are all are non-official members of the committee they have criticised. One of the main concerns raised in the letter was the use of poor, and often biased information to make extremely important decisions.</p> <p>The committee is responsible for recommending whether mega projects such as the Niyamgiri mine should be allowed on forest land."</p>	country	specified risk land rights
	<p>[...] In the continuing civil unrest between the state and Maoist insurgents, several human rights activists have been harassed, detained and held under false charges. Although doctor and activist Binayak Sen was finally released in April 2011, many others are still being held. These arrests are part of a worrying crackdown and harassment of tribal people (Adivasis) and those defending their rights.</p> <p>Soni Sori, an Adivasi school teacher from Chhattisgarh has been held for over a year, during which time she has reportedly suffered brutal treatment at the hands of the security forces. Supporters of Adivasi rights are also being targeted, such as Madhuri Khrishnaswami in Madhya Pradesh, who has had false charges filed against her as a result of her work for the rights of Adivasi and Dalit communities.</p> <p>At the root of much of the unrest is the government's failure to protect the rights – especially the land rights – of the nation's tribal peoples, whose lands are being taken for industrial and irrigation projects on a massive scale.</p>	country	specified risk indigenous peoples rights activists
	<p>At the root of much of the unrest is the government's failure to protect the rights – especially the land rights – of the nation's tribal peoples, whose lands are being taken for industrial and irrigation projects on a massive scale.</p>	country	specified risk land rights
	<p><i>Indian government accused of failing its forests 11 October 2011</i></p> <p>"Three highly respected experts have criticised a government body for 'routinely approving even obviously damaging projects' that affect India's forests.</p> <p>In a letter to India's Ministry of Environment and Forests, the three said the departments responsible had 'abdicated their role of due diligence'.</p> <p>Ullas Karanth, a tiger expert, Amita Baviskar, who has written extensively on India's tribal peoples, and Mahesh Rangaragan, a highly respected environmental expert, are all are non-official members of the committee they have criticised. One of the main concerns raised in the letter was the use of poor, and often biased information to make extremely important decisions.</p> <p>The committee is responsible for recommending whether mega projects such as the Niyamgiri mine should be allowed on forest land."</p>	country	specified risk land rights

Human Rights Watch: http://www.hrw.org/	http://www.hrw.org/world-report/2014/country-chapters/india?page=1 [...] "The year also saw increased restrictions on Internet freedom; continued marginalization of Dalits, tribal groups , religious minorities, sexual and gender minorities, and people with disabilities;"	country	specified risk for IPs marginalization
Amnesty International http://amnesty.org	http://www.amnesty.org/en/for-media/press-releases/changes-environment-land-acquisition-laws-jeopardize-human-rights-2014-11-0 <i>5 November 2014</i> <i>Changes to environment, land acquisition laws jeopardize human rights</i> "Recent changes made and proposed to India's environment and land acquisition policies strike at the right of communities to be consulted on decisions affecting them, Amnesty International India said today. India's Ministry of Environment, Forests and Climate Change (MoEFCC) has in recent months weakened requirements for public consultation with communities affected by mining and other infrastructure projects, and sought to dilute provisions mandating the free, prior and informed consent of Adivasi (indigenous) communities. [...]Under India's Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act – also referred to as the Forest Rights Act - any use of forest land for non-forest purposes requires the prior consent of the concerned gram sabhas (village assemblies) , and documentary evidence that all individual and community claims over forest and community lands under the Act have been settled. In recent months, authorities have sought to dilute these requirements. On 4 July 2014, the MoEFCC wrote to all state governments stating that documentary evidence of settlement of claims would no longer be required for proposals for prospecting in forest land. On 28 October, the Ministry wrote to state governments stating that in cases where there were no recent census records of the presence of tribal communities and plantations had been categorized as 'forests' after 13 December 1930, gram sabha consent and documentary evidence of settlement of claims would not be required for forest land to be used for non-forest purposes. [...]Media reports also suggest that the government is planning to do away with the consent requirement for projects located outside 'scheduled areas' – certain Adivasi regions identified under the Constitution as deserving special protection. [...]In July 2014, the Ministry of Rural Development wrote to the Prime Minister's Office proposing a number of amendments to the flawed but progressive Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, which came into force on 1 January. The changes proposed included diluting or doing away with provisions requiring the consent of 70 per cent of families where land was sought to be acquired for public-private partnership (PPP) projects and 80 per cent for private projects. The Ministry also recommended that social impact assessments mandated by the Act be restricted to only large projects or PPP projects as they 'might delay the land acquisition process'. Other changes proposed include reexamining the Act's definition of 'affected families' eligible for resettlement and rehabilitation to exclude those who don't own land but whose livelihood is affected by land acquisition."	country	specified risk for FPIC

	<p>http://www.amnesty.org/en/for-media/press-releases/release-prisoners-conscience-soni-sori-and-lingaram-kodopi-2013-08-07 7 August 2013 <i>Release prisoners of conscience Soni Sori and Lingaram Kodopi</i> “Authorities in the state of Chhattisgarh must drop all charges against Adivasi activists Soni Sori and Lingaram Kodopi, and release them immediately and unconditionally, Amnesty International India said today. The organization considers Soni Sori and Lingaram Kodopi to be Prisoners of Conscience, who have been arrested on false charges solely because they criticized human rights violations by security forces in Chhattisgarh. [...]Background Information: Since 2005, Chhattisgarh has witnessed an escalation of violence between government forces and the armed Maoists who claim to be fighting on behalf of Adivasis against India’s established political order. The confrontation has seen routine killings, taking of hostages and other attacks against the civilian population. More than 30,000 Adivasis remain forcibly displaced. Soni Sori, a 36 year old school-teacher and her nephew Lingaram Kodopi, a 26-year old journalist, were critical of human rights violations committed both by security forces and armed Maoists in Chhattisgarh.”</p> <p>http://amnesty.org/en/library/asset/ASA20/043/2012/en/8b7f3bd8-b2bd-44c7-9a07-f0b484c304ee/asa200432012en.pdf <i>HUMAN RIGHTS DEFENDER AT RISK OF TORTURE</i> Aparna Marandi, a long-time human rights defender who has been repeatedly targeted by the state government for her activities, was arrested on 8 December. She is being detained in Jharkhand, India and is at imminent risk of torture or other ill-treatment. ADDITIONAL INFORMATION The arrest of Aparna Marandi is not an isolated event. The authorities in Jharkhand have used tactics of intimidation to silence many activists from marginalized groups such as the Adivasis (indigenous peoples) and the Dalits who advocate for Adivasi and Dalit rights. Activists in Jharkhand, India are under constant threat of arbitrary detention, torture and other ill-treatment by law enforcement officials for protesting and demonstrating against land grabs and discrimination against Adivasis and Dalits. Many are accused of links to armed opposition groups including the Maoists.</p> <p>http://amnesty.org/en/library/asset/ASA20/005/2012/en/40db7f13-9860-432f-8ba5-d6351f5f121e/asa200052012en.pdf [...] “A gap exists between constitutional provisions and policies, and implementation, which often results in discrimination against marginalized communities including the rural and urban poor, Dalits and Adivasis. This is exacerbated by slow legal processes and difficulties faced by these communities in accessing justice. Efforts of statutory bodies meant for protection of human rights remain weak and ineffectual due to lack of funding. [...] Human rights defenders operating in this context face threats, harassment and intimidation. Impunity persists for past violations/abuses against defenders. At least 30 defenders have been physically targeted</p>	Chhattisgarh	specified risk for forcible replacement
		Jharkhand	specified risk for land rights
		country	specified risk for

	<p>since 2008; [...] Problems faced by defenders remain particularly acute for three categories: those highlighting violations by the police and security forces, especially in regions affected by armed insurgency and political violence; those working to defend the rights of the marginalized communities who face violations by the state authorities and abuses by private agencies; and those using recent legislation to obtain information to protect their rights.”</p>		access to justice
<p>The Indigenous World http://www.iwgia.org/regions</p>	<p>http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2014/IndiaIW2014.pdf <i>IWGIA – THE INDIGENOUS WORLD – 2014 - INDIA</i> “In India, 461 ethnic groups are recognized as Scheduled Tribes, and these are considered to be India’s indigenous peoples. In mainland India, the Scheduled Tribes are usually referred to as Adivasis, which literally means indigenous peoples. With an estimated population of 84.3 million, they comprise 8.2% of the total population. There are, however, many more ethnic groups that would qualify for Scheduled Tribe status but which are not officially recognized. Estimates of the total number of tribal groups are as high as 635. The largest concentrations of indigenous peoples are found in the seven states of north-east India, and the so-called “central tribal belt” stretching from Rajasthan to West Bengal. India has a long history of indigenous peoples’ movements aimed at asserting their rights. Over the years, violent conflicts have broken out in indigenous areas all over the country but, above all, in the Northeast and in the central tribal belt. Some of these conflicts have lasted for decades and continue to be the cause of extreme hardship and serious human rights violations for the affected communities. India has several laws and constitutional provisions, such as the Fifth Schedule for mainland India and the Sixth Schedule for certain areas of north-east India, which recognize indigenous peoples’ rights to land and self-governance. The laws aimed at protecting indigenous peoples have numerous shortcomings and their implementation is far from satisfactory. The Indian government voted in favour of the UNDRIP in the UN General Assembly. However, it does not consider the concept of “indigenous peoples”, and thus the UNDRIP, applicable to India.” (p. 336) “In one of the most important developments of the year, the Government of India notified the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (LARR Act) on 27 September 2013. The LARR Act lays down various provisions and directions to be followed while acquiring land in the country and provides for rehabilitation and resettlement. It replaces the draconian Land Acquisition Act of 1894. The LARR Act has special provisions for the Scheduled Tribes (STs) and the Scheduled Castes. Article 41 states that: “As far as possible, no acquisition of land shall be made in the Scheduled Areas” and “Where such acquisition does take place it shall be done only as a demonstrable last resort” (paragraphs 1 and 2) Furthermore, it provides that in case of acquisition or alienation land in the Scheduled Areas, the prior consent of the concerned</p>	<p>country</p> <p>country</p> <p>country</p>	<p>presence of indigenous peoples</p> <p>specified risk for UNDRIP</p> <p>low risk</p>

	<p>local governments (Gram Sabha or the Panchayats or the autonomous District Councils) shall be obtained in all cases. In a project involving land acquisition that includes the involuntary displacement of Scheduled Castes or Scheduled Tribes, a development plan shall be prepared including, among other things, the details of the procedure for selling land, and a programme for developing alternatives for fuel, fodder and non-timber forest products on non-forest lands.</p> <p>The Act defines the procedures for paying compensation and provides that the affected families shall be resettled “preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity” (paragraph 7). Furthermore, Article 41 includes a provision by which any alienation of lands belonging to members of the Scheduled Tribes and Scheduled Castes conducted in disregard of existing laws and regulations “shall be treated as null and void” (Article 9). It deals with fishing rights in hydro-electric project areas and additional compensation payments in case of resettlement outside the district. Article 42 ensures the continuation of reservation benefits for members of Scheduled Tribes and the Scheduled Castes in the resettlement area and provides that families belonging to Scheduled Tribes who are residing in areas covered by the Fifth Schedule or the Sixth Schedule to the Constitution and are then relocated outside those areas will continue to enjoy the “statutory safeguards, entitlements and benefits” in the resettlement areas regardless of whether the resettlement area is a Fifth or Sixth Schedule area or not. Finally, this article provides that any rights obtained by a community under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 “shall be quantified in monetary amount and be paid to the individual concerned who has been displaced due to the acquisition of land in proportion with his share in such community rights.” (Article 3). The LARR Act comes into force on 1 January 2014.” (p.336-338)</p> <p>“Atrocities against indigenous peoples are increasing. According to the latest report of the National Crime Records Bureau of the Ministry of Home Affairs, a total of 5,922 cases of atrocities were reported in the country during 2012 as compared to 5,756 cases in 2011, an increase of 2.88 percent. Of the total 5,922 cases, 1,311 were registered under the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act 1989, while 729 cases were rapes and 156 were murders, among others. The NCRB statistics are not yet available for 2013. These are only the cases of atrocities committed by non-tribals that are reported and do not include cases of human rights violations by the security forces. [...] In 2013, the security forces continued to be responsible for fake encounter killings, torture, arbitrary arrests and other human rights violations against indigenous peoples. [...] Armed opposition groups, in particular the Maoists, continued to be responsible for gross violations of international humanitarian law, including killings, during 2013. The Maoists continued to kill innocent tribals on charges of being “police informers”, or simply for not obeying their diktats.” (p. 339-341)</p> <p>“The laws prohibiting the sale or transfer of tribal lands to non-tribals and restoring alienated tribal lands remained ineffective over the year as the lands of tribals continued to be</p>	country	specified risk on human rights violations
		country	

	<p>alienated. There is no information as to how many alienated lands have been restored. The Ministry of Rural Development has not published the status of tribal land alienation under the heading "Prevention of Alienation and Restoration of Alienated Tribal Lands" in its Annual Reports since 2007-2008. There is obviously a lack of seriousness being shown to the issue of restoring alienated land. For example, in October 2013, the Chief Secretary of Kerala stated that only 530 hectares of alienated land would be restored to the tribal people of Attappady Hills in Kerala under the Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act 1975 as amended in 1996, while as many as 10,796.16 acres of land had been alienated according to a government survey. [...] The government admits that displacement of Scheduled Tribe people takes place in connection with various development projects. However, there is no official figure available of displacement caused by development projects. The states are indifferent towards the plight of the tribals and they are denied proper rehabilitation and compensation. For example, tribals who were displaced by the Indira Sagar irrigation project in Andhra Pradesh still had not been rehabilitated as of May 2013 [...] Tribals suffer disproportionately from involuntary displacement as a result of armed conflicts. At the end of 2013, around 27,000 Bru tribals from Mizoram continued to live displaced in six relief camps in Tripura (see previous issues of The Indigenous World), and around 20,405 tribals were living in three districts of Bijapur, Sukma and Dantewada of Chhattisgarh." (p. 341-342)</p> <p>"Repression under forest laws The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter the FRA) has been touted as progressive legislation aimed at undoing the "historical injustice" committed against the forestdwelling Scheduled Tribes and other traditional forest dwellers who have been living in the forests for centuries. However, the FRA rules have simply ended up perpetuating the historical injustices.</p> <p>According to information available from the Ministry of Tribal Affairs, a total of 3,539,793 claims had been received across the country by 30 September 2013. Of these, a total of 3,078,483 (86.96% of the total received) have been disposed of, out of which 1,406,971 titles (1,386,116 individual and 20,855 community titles) or 39.74% were distributed and 1,671,512 claims (1,661,325 individual and 10,187 community titles) or 54.29% were rejected. Eleven states, namely Uttarakhand, Bihar, Karnataka, Himachal Pradesh, Uttar Pradesh, West Bengal, Maharashtra, Madhya Pradesh, Chhattisgarh, Jharkhand and Assam, had rejection rates of over 50 percent. The benefits of the FRA have been denied to many tribals. For example, tribals belonging to the Chakma community in Cachar and Nagaon districts of Assam are denied their rights. They are treated as encroachers and live under threat of eviction. On 11 April 2013, the houses of several Chakma tribals were burnt and destroyed by a team from the Forestry Department during an eviction in Nagaon district of Assam." (p. 342-343).</p> <p>http://www.iwgia.org/news/search-news?news_id=736 <i>India: Indigenous Peoples Reclaim Right to Forest in Jharkhand</i></p>	country	<p>specified risk for land rights</p> <p>specified risk for land rights</p>
--	---	---------	---

	<p>February 4 2013</p> <p>"In response to the non-implementation of the Forest Rights Act, 2006 communities in Jharkhand have started to establish physical control over their forests. The campaign is led by Jharkhand Safe the Forest Movement.</p> <p>No implementation</p> <p>The Forest Right Act of 2006 promised the forest dwellers of Jharkhand recognition of their rights over land and ecology. However six years after the law was passed the implementation of the law is not what was expected. Repeated violations of the Act and lacking willingness to implement the act from implementing bodies are the reality for the forest dwellers.</p> <p>Lacking documentation</p> <p>Documentation of the forest dwellers right to manage the forest has still not been provided by the Jharkhand state. Claim forms from 18 villages were filed last year however no claims have been passed by the authorized committee for recognition (DLC)."</p>	Jharkhand	specified risk for land rights
<p>United Nations Special Rapporteur on the rights of indigenous peoples</p> <p>http://www.ohchr.org/en/issues/ipeoples/srindigenouspeoples/pages/sripeoplesindex.aspx</p>	<p>http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/A-HRC-24-41-Add3_en.pdf</p> <p><i>Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya - Consultation on the situation of indigenous peoples in Asia - 2013</i></p> <p>"The groups in Asia that fall within the international rubric of "indigenous peoples" include groups such as those referred to as "tribal peoples", "hill tribes", "scheduled tribes" or "adivasis". The international concern for indigenous peoples, as manifested most prominently by the United Nations Declaration on the Rights of Indigenous Peoples extends to those groups that are indigenous to the countries in which they live and have distinct identities and ways of life, and that face very particularized human rights issues related to histories of various forms of oppression, such as dispossession of their lands and natural resources and denial of cultural expression. Within the Asian region, the distribution and diversity of such groups varies by country, as does the terminology used to identify them and legal recognition accorded to them. These groups, some of which span State borders, include, among others, the:</p> <p>[...] (c) Gond, Oraon, Khond, Bhil, Mina, Onge, Jarawa, Nagas of India, officially referred to as Scheduled Tribes or Adivasi (original inhabitants);</p>	country	presence of indigenous peoples
<p>UN Human Rights Council Universal Periodic Review</p> <p>http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx</p>	<p>http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/151/08/PDF/G1215108.pdf?OpenElement</p> <p><i>Report of the Working Group on the Universal Periodic Review – India, 2012</i></p> <p>"Presentation by the State under review</p> <p>[...] 24. Several recent steps have been taken to impact positively on the lives of the Scheduled Castes as well as the tribal population. Under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, as of February 2012, India had settled 2.72 million claims out of the 3.17 million filed, or 86 per cent of the total claims and 1.25 million titles distributed."</p> <p>Conclusions and/or recommendations</p>	<p>areas for which titles were distributed in country</p> <p>country</p>	low risk

	<p>[...] 138.43. Enact a law on the protection of human rights defenders, with emphasis on those defenders facing greater risks, including those working on minority rights and the rights of scheduled castes and tribes (Czech Republic);</p> <p>[...]138.72. Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, and adivasi groups, as well as, women, trafficking victims, and LGBT citizens (United States of America);</p> <p>http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/118/60/PDF/G1211860.pdf?OpenElement <i>Summary of 51 stakeholders' submissions to the universal periodic review of India - 2012</i></p> <p>"11. Minorities and indigenous peoples</p> <p>93. Zo Indigenous Forum reported that India had the largest number of indigenous people of any country and must recognize them as indigenous people.</p> <p>94. Internal Displacement Monitoring Centre (IDMC) stated that in north-east India, ethnic tensions between indigenous people (e.g. Bodos) and those they regarded as "outsiders" (e.g. Muslims or Adivasis) had led to violence and displacement.</p> <p>95. According to IDMC, in Central India, the causes of conflict were linked to discrimination against the indigenous population (or Adivasis) living in areas with large mineral deposits that were being exploited by mining companies, threatening their ancestral lands and traditional ways of life.</p> <p>96. JS7,210 JS13,211 IHRB212 and ALRC213 referred to alleged instances of violations of indigenous peoples' land rights with JS11214 reporting that the dams and hydro-power projects in Brahmaputra River Basin posed threats to the environment and the livelihood of indigenous peoples. International Institute of Peace Justice and Human Rights reported on alleged excessive use of force against groups protesting forced evictions and land expropriation. AI recommended that legislation be amended to guarantee free, prior and informed consent (FPIC) and that India ensure that proposals in the Land Acquisition, Rehabilitation and Resettlement Bill 2011 explicitly prohibit forced evictions.</p> <p>http://lib.ohchr.org/HRBodies/UPR/Documents/session13/IN/JS20_UPR_IND_S13_JointSub mission20_E.pdf <i>The State of Human Rights in INDIA: A Stakeholders' Report for the 13th Session of the UPR in 2012</i></p> <p>Indigenous/tribal peoples too face atrocities. At least 5,885 crimes were committed against the Scheduled Tribes in 2010 including 142 cases of murder, 654 cases of rape, 84 cases of abduction, 39 cases of arson, 1169 cases under SC/ST (Prevention of Atrocities) Act, 1989 among others during 2010. The Prevention of Atrocities Act has been neutralized by the police and judicial machinery by not applying the empowering sections of the law when such crimes are committed.</p> <p>http://lib.ohchr.org/HRBodies/UPR/Documents/session13/IN/ZIF_UPR_IND_S13_2012_ZoIndigenousForum_E.pdf</p>	<p>country</p> <p>Central India</p> <p>country</p> <p>country</p> <p>country</p>	<p>specified risk for human rights violations</p> <p>specified risk for rights of indigenous peoples</p> <p>specified risk for discrimination of Ips</p> <p>specified risk for land rights</p> <p>specified risk for FPIC and land rights</p> <p>specified risk for human rights violations</p>
--	--	--	---

	<p><i>Universal Periodic Review Submitted by Zo Indigenous Forum</i></p> <p>“million of thousand of indigenous/tribals peoples of India, known as the Scheduled Tribes or Adivasi, continued to be disproportionate victims of “development”, displacement and dispossession, their land contains large deposits of natural resources and the building of infrastructure (particularly dams) have already taken a serious toll on indigenous land and threaten to drive their distinct culture into extinction or threat, the concerned is that there is the lack of transparency, inclusiveness and consultation with those who own the land in the acquisition modalities of land for industrial projects has sparked protests from local socially and economically marginalized communities fearing displacement from their land and homes. In the majority of cases the displacement is also a threat to their livelihood, which for most is entirely based on production from their land. For implementation of projects that affects the lives and community rights of the indigenous people, India must follow the principle of Free Prior and Informed Consent strictly.</p> <p>[...]Recommendation: [...] 3) The Government states that it did not recognize any separate category of its citizens as “indigenous peoples” and that there is no internationally accepted definition of the term.(E/CN.4/2005/88/Add.1, para. 52) to promote and protect the rights of millions of thousand of Indigenous people in India, it has to ratified the ILO Convention 169 regarding indigenous and tribal people.</p>	<p>country</p> <p>country</p> <p>country</p>	<p>specified risk for land rights</p> <p>specified risk for FPIC and land rights</p> <p>specified risk for rights of indigenous peoples</p>
<p>UN Human Rights Committee http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx search for country Also check: UN Committee on the Elimination of All Forms of Racial Discrimination http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx</p>	<p>http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=IND&Lang=EN Latest available report of India on the implementation of the International Covenant on Civil and Political Rights dates from 1997. Outdated information</p> <p>Latest available report of India on the implementation of the International Covenant on the Elimination of All Forms of Racial Discrimination dates from 2007. Outdated information</p>	<p>country</p>	<p>-</p>
<p>Intercontinental Cry http://intercontinentalcry.org/</p>	<p>http://www.scribd.com/doc/216154458/Indigenous-Struggles-2013</p> <p>“The historic piece of legislation in India known as the Forest Rights Act (FRA), took center stage as India’s Supreme Court case continued its deliberation over Vedanta Resources’ proposed mine on the Dongria Kondh’s sacred mountain. While the Prime Ministers Office called for an alarming watering down of the FRA, saying that tribal peoples’ consent is not necessary for many industrial projects, the Minister for Tribal Affairs, Kishore Chandra Deo, expressed concern that parties to the case are ‘seeking to argue that they can bypass, ignore or undermine the Forest Rights Act’. The case regarding the Vedanta mine has increasingly become a battleground not just for the Dongria Kondh, but for tribal rights all over India.” (p. 8)</p> <p>“India’s central government walked away from its position on the need to obtain consent from Indigenous Peoples and forest dwellers before handing their lands over to industry. The government simply announced that major “linear projects” such as roads, railways, transmission lines and pipelines do</p>	<p>country</p> <p>country</p>	<p>specified risk for FPIC</p>

	<p>not need to obtain consent from affected populations before clearing their lands, despite provisions in the Forest Rights Act that say otherwise. The move could make way for hundreds of new industrial projects that would have never otherwise seen the light of day.” (p. 12)</p> <p>“A landmark victory for Indigenous rights, India’s Supreme Court ruled that the Dongria Kondh will have the final word on Vedanta Resources’ plans to construct a bauxite mine in the Niyamgiri hills of Orissa, India. “This ruling is a clear vindication of the protests by local communities”, commented G. Ananthapadmanabhan, Chief Executive of Amnesty International India. “Authorities in India must now establish a clear and transparent process to ascertain the free, prior and informed consent (FPIC) of Indigenous communities in Niyamgiri and all other contexts where their traditional lands and habitats may be affected by state or corporate projects.” (p. 23)</p> <p>http://intercontinentalcry.org/wp-content/uploads/2013/01/Indigenous-Struggles-2012.pdf</p> <p>“In a landmark victory, the Soliga tribe in India’s Karnataka state finally had their ancestral land rights recognized – even though that land is now surrounded by a tiger reserve. In 1974, the Soliga were evicted from their homes by the local government in order to protect the state’s wildlife. They were subsequently denied the right to collect, use and sell forest produce from within the reserve, known as the Rangaswami Temple Sanctuary.”(p. 8)</p> <p>“A total of 47 villagers were arrested and another 5 needed hospital treatment after hundreds of Indian police and Vedanta security guards confronted a peaceful demonstration in the state of Orissa, India. The villagers had come together to protest against a new toxic mine waste dump that threatened to disrupt their way of life.” (p. 11)</p> <p>“Several prominent indigenous organizations across India began a campaign to pressure mainstream political leaders to nominate a tribal leader for the country’s next President. As noted in a memorandum by one of the campaigning organizations, “In India’s 65 years of independence, we have had Muslim, Sikh and Scheduled Caste President from the minority section of society, but the people of India have never had a President, Vice-President or Prime Minister from the Adivasis (Indigenous and Tribal Peoples) of this country”. During that same time frame, 65 years, Indigenous Peoples have been continuously “neglected, suppressed, oppressed, marginalized and exploited.”” (p. 17)</p> <p>“A consortium of indigenous and non-governmental organizations sounded the alarm over a disturbing new eco-tourism scheme by the Madhya Pradesh Forest Department (MPFD). The MPFD, a government agency responsible for managing all forest areas in the central Indian state of Madhya Pradesh, said it wanted to lease out 50 to 150 sq km bricks of land to interested tourism companies. Those companies would then be free to change the livelihoods of Indigenous Peoples to something more ‘compatible’ with conservation.” (p. 23)</p>	<p>country</p> <p>country</p> <p>State of Orissa</p> <p>country</p>	<p>specified risk for FPIC</p> <p>low risk for FPIC</p> <p>low risk for ancestral land rights</p> <p>specified risk for human rights</p> <p>specified risk for rights of IPs</p>
--	---	---	--

	<p>“Hundreds of Nagri villagers attempted to regain their agriculture lands from the State of India. Vast portions of the usurped lands were handed over to the Birsa Agriculture University, a Law University and two separate Indian Institutes. The irony of the theft, of course, was that the government could have use uncultivable land that no one would have contested; but it chose to take the Nagri’s land, which they depend on for culture and subsistence. After taking matters into the their own hands, the unarmed Nagri villagers (mostly women) were assaulted and charged with various crimes, including attempted murder.” (p. 26)</p> <p>“The international community condemned the cold blooded murder of 20 innocent tribal peoples in Chhattisgarh by the Indian State. The Chhattisgarh police and the Central Reserve Police Force claimed to have killed 20 guerillas of the Communist Party of India (Maoist). According to the villagers, however, the security forces opened fire at a peaceful gathering they had organized to discuss their seed festival which is held every year before sowing begins. Among those dead were five youths aged 12-15. The villagers also said that four teenaged girls were sexually assaulted during the encounter.” (p. 28)</p>	<p>state of Madhya Pradesh</p> <p>country</p> <p>Chhattisgarh</p>	<p>specified risk for land rights</p> <p>specified risk for land rights</p> <p>specified risk for human rights</p>
<p>Forest Peoples Programme: www.forestpeoples.org FPP’s focus is on Africa, Asia/Pacific and South and Central America.</p>	<p>http://www.forestpeoples.org/sites/fpp/files/publication/2011/02/gender-and-land-rights-asia-report-final2-ht.pdf <i>Gender and Land Rights in Asia, Workshop Report, November 20-21, 2010</i></p> <p>“This workshop was a collaborative effort of the Asian Indigenous Women’s Network (AIWN) and the Forest Peoples Programme (FPP). 29 participants from 10 countries in Asia and the Pacific [including from India, Central and North East, LV], met together for 2 days and shared case studies and experiences from their own communities and peoples.</p> <p>[...] Issue: Land acquisition by companies or government for mining or plantations” [NE India] Impacts included:</p> <ul style="list-style-type: none"> • “Monocultures, environmental destruction (teak, acacia, pulp plantations) [...] • Loss of land through relocation, impoverishment and landlessness [...] • Displacement from traditional lands” <p>[...]“Issue: Government not recognizing land ownership of indigenous peoples” [Central India] Impacts included:</p> <ul style="list-style-type: none"> • “Living under the threat of relocation [...] • Perceived notion of indigenous peoples as destroyers of resources, forests seen as threatened by indigenous peoples – and the government does not recognize ownership over forests” 	<p>NE India and Central India</p>	<p>specified risk for land rights</p>
<p>Society for Threatened Peoples: http://www.gfbv.de/index.php?change_lang=english</p>	<p>http://www.gfbv.de/pressemit.php?id=3994&stayInsideTree=1 Göttingen, May 30, 2014 “The Society for Threatened Peoples (STP) accuses the new Indian Prime Minister Narendra Modi of violating the rights of indigenous peoples. Regardless of the protests of tens of</p>		

	<p>thousands of Adivasi natives, Modi is trying to push through with the forced relocation of 300,000 people in order to pave the way for the controversial dam and irrigation project Polavaram," said the STP's Asia-consultant, Ulrich Delius, in Göttingen on Friday. After taking over government, Modi explained that the controversial project is a national priority project and ordered a local government reform to break the resistance of the people against the forced resettlement. On June 2, 2014, the state of Telangana, which was founded as India's 29th state, will lose 205 villages. Yesterday, a one-day general strike was proclaimed for ten of Telangana's districts as a form of protest."</p> <p>http://www.gfbv.de/pressemit.php?id=2838&stayInsideTree=1 Göttingen, August 04, 2011</p> <p>"In India, 95 million Adivasi have been suffering for decades from the consequences of more than 4,300 dams, 300 of which were built just last year. At least 38,000 square kilometers (14,670 square miles) of land have been flooded and several million indigenous people relocated. Approximately 300,000 people, including 150,000 indigenous people, are currently faced with forced relocation due to the Polavaram mega-project on the Godavari river. In northeastern India, a region with more indigenous communities than practically anywhere else in the world, at least 168 dams are in the planning stage."</p> <p>http://www.gfbv.de/pressemit.php?id=2361&stayInsideTree=1 India, March 05, 2010</p> <p>"Most of the murders of Christian Adivasi native people and the pillage of churches by radical Hindus in the Indian federal state of Orissa remain unpunished. This was emphasised by the Society for Threatened Peoples STP (Gesellschaft für bedrohte Völker GfbV) on Friday. "The surviving victims of the pogroms of the autumn of 2008 still fear to return to their home villages in case of new attacks", said Ulrich Delius, Asia consultant of the international human rights organisation with its centre in Göttingen. "For 18 months after the beginning of the dreadful riots Christians are still being intimidated and threatened to prevent any effective prosecution of the criminals." More than 50,000 Christians had to flee after the beginning of the pogroms in the Kandhamal district on 23rd August 2008. 75 people were killed, 5,347 of their houses and 252 churches were destroyed. Some 6,000 refugees still have to lead miserable lives in the slums of the provincial capital of Bhubaneswar. Several thousand Christian Adivasi, who sought refuge in other federal states, do not dare to return home."</p>	<p>state of Telangana</p> <p>country</p> <p>state of Orissa</p>	<p>specified risk for land rights</p> <p>specified risk for land rights</p> <p>specified risk for human rights</p>
<p>Regional human rights courts and commissions:</p> <ul style="list-style-type: none"> - Inter-American Court of Human Rights http://www.corteidh.or.cr/index.php/en - Inter-American Commission on Human Rights http://www.oas.org/en/iachr/ http://www.oas.org/en/iachr/indigenous/ - African Commission on Human and Peoples' Rights - African Court on Human and Peoples' Rights - European Court of Human Rights 	<p>There is no regional Asian human rights commission or court.</p>	<p>-</p>	<p>-</p>

<p>Data provided by National Indigenous Peoples', Traditional Peoples organizations;</p>	<p>http://www.aippnet.org/index.php/about-us/members The website of the Asia Indigenous Peoples Pact (AIPP) does not list a national Indigenous Peoples' organization in India, but only some regional or sub-national indigenous peoples' organizations.</p> <p>A google research for "indigenous peoples organization India" also did not provide a link to a national Indigenous Peoples' organization in India.</p> <p>Only some of the organizations listed as members of AIPP provide some information on internet and most information is outdated:</p> <p>https://adivasihilamahasangh.wordpress.com/2011/08/30/forest-rights-workshop/ "On paper, the government has recognized the need to protect the Korwas and have even sanctioned special development funds for their benefit. But ultimately little has been done to promote the actual rights of this highly marginalized people (sixty percent of which still live under the poverty line) to manage and control their land and resouces. The state's neglect is only made more glaring in view of the Forest Rights Act (2006). Although the FRA has granted special rights to "primitive tribal groups", in order to protect their habitat as per Section 3 (e), five years have passed since the act was passed and little has been done to implement it in Manora Block."</p> <p>The previous website links to: http://www.forestrightsact.com/current-situation This site is maintained by the Campaign for Survival and Dignity, a national platform of tribal and forest dwellers' organisations in ten States. "The state of the forest rights struggle, based on reports from our member organisations and friendly groups. [...]There are three issues that come up in the majority of the States. Here's an explanation of the terms and the problems that are being referred to.</p> <p>1. WHAT KIND OF GRAM SABHAS ARE BEING CALLED: The "gram sabha" (village assembly) is the first tier of decision-making in the Act. But which gram sabha? In reality gram sabhas can be called at three levels. A typical gram panchayat includes multiple revenue villages, which each in turn include multiple hamlets. Hence the gram sabha can be called either as the assembly of all voters in a gram panchayat, as the assembly of all the residents of a revenue village, or as the assembly of the residents of a hamlet. The movements had long demanded that the gram sabhas for this Act should be at the level of the actual settlements - the hamlets, or at most the revenue villages - and not at the artificial administrative level of the gram panchayat, where they would be very large and make democratic functioning impossible. In the final form of the law, in Scheduled Areas, hamlet level gram sabhas are required, while in other areas the law permits revenue village gram sabhas.</p>	<p>Area of Korwas in Udaipur district of State of Rajasthan</p>	<p>specified risk for land rights</p>
--	---	---	---------------------------------------

	<p>2. THE FOREST RIGHTS COMMITTEES: Each village is to elect a committee of 10 - 15 people from its own residents as a "Forest Rights Committee", which will do the initial verification of rights and place its recommendations before the gram sabha (which makes the decision).</p> <p>3. COMMUNITY RIGHTS: Contrary to common conception, the Act is not solely or even primarily about individual land claims. Many of the rights, such as the right to minor forest produce, are to be exercised as a community. The most powerful sections of the Act concern the community right to manage, protect and conserve forests, the first step towards a genuinely democratic system of forest management (sections 3(1)(i) and 5). In most areas the State and Central governments have made concerted efforts to deny or ignore these community rights and to instead treat the Act as if it is purely about individual land rights. A key aspect of the struggle is to use and expand these community rights and powers."</p>	country	specified risk for land rights
Data provided by Governmental institutions in charge of Indigenous Peoples affairs;	<p>http://www.tribal.nic.in/ "The Ministry [of Tribal Affairs, LV] was set up in 1999 after the bifurcation of Ministry of Social Justice and Empowerment with the objective of providing more focused approach on the integrated socio-economic development of the Scheduled Tribes (STs), the most underprivileged of the Indian Society, in a coordinated and planned manner."</p> <p>http://www.tribal.nic.in/Content/ForestRightActOtherLinks.aspx "Forest Rights Act 2006 The Ministry of Tribal Affairs is the nodal agency for implementing the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The Act seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The Act was notified for operation with effect from 31.12.2007. The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 for implementing the provisions of the Act were notified on 1.1.2008. As per the provisions of the Act and the Rules framed thereunder, the onus of implementation of the Act lies at the level of the State/UT Governments. [...] The Ministry, to ensure that the intended benefits of this welfare legislation flow to the eligible forest dwellers, has also issued comprehensive guidelines to the State/UT Governments on 12.7.2012 for better implementation of the Act. Further, to strengthen the Forest Right Rules, 2008, the Ministry has also notified the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 on 6.9.2012."</p> <p>More information from The Ministry of Tribal Affairs can be found below (on land titles and census data)</p> <p>http://www.ncst.nic.in/index2.asp?slid=466&sublinkid=344&langid=1 The National Commission for Scheduled Tribes (NCST) was established by amending Article 338 and inserting a new Article 338A in the Constitution through the Constitution (89th</p>	country	low risk

	<p>Amendment) Act, 2003. By this amendment, the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was replaced by two separate Commissions namely- (i) the National Commission for Scheduled Castes (NCSC), and (ii) the National Commission for Scheduled Tribes (NCST) w.e.f. 19 February, 2004.</p> <p>The term of office of Chairperson, Vice-Chairperson and each member is three years from the date of assumption of charge. The Chairperson has been given the rank of Union Cabinet Minister, and the Vice-Chairperson that of a Minister of State and other Members have the ranks of a Secretary to the Government of India.</p> <p>http://www.ncst.nic.in/index2.asp?slid=424&sublinkid=247&langid=1</p> <p>Functions of the Commission (Under Clause (5) of Art. 338A)</p> <p>1. To investigate & Monitor matters relating to Safeguards provided for STs under the Constitution or under other laws or under Govt. Order, to evaluate the working of such Safeguards.</p> <p>2. To inquire into specific complaints relating to Rights & Safeguards of STs;</p> <p>3. To participate and Advise in the Planning Process relating to Socio-economic development of STs, and to Evaluate the progress of their development under the Union and any State; [...]</p> <p>6. The Commission would also discharge the following other functions in relation to the protection, welfare and development & advancement of the Scheduled Tribes, namely:-</p> <p>(i) Measures that need to be taken over conferring ownership rights in respect of minor forest produce to the Scheduled Tribes living in forest areas.</p> <p>(ii) Measures to be taken to safeguard rights to the Tribal Communities over mineral resources, water resources etc. as per law. [...]</p> <p>(v) Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place.</p> <p>(vi) Measures to be taken to elicit maximum cooperation and involvement of Tribal Communities for protecting forests and undertaking social afforestation.</p> <p>(vii) Measures to be taken to ensure full implementation of the Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996).</p> <p>(viii) Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by Tribals that lead to their continuous disempowerment and degradation of land and the environment"</p> <p>http://www.ncst.nic.in/index2.asp?slid=427&sublinkid=248&langid=1</p> <p><i>Constitutional Safeguards for STs</i></p> <p>I. Educational & Cultural Safeguards</p> <p>Art. 15(4):- Special provisions for advancement of other backward classes (which cludes STs);</p> <p>Art. 29:- Protection of Interests of Minorities (which cludes STs);</p> <p>Art. 46:- "The State shall promote, with special care, the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes,</p>	<p>country</p> <p>country</p>	<p>low risk</p> <p>specified risk for land use rights</p>
--	--	-------------------------------	---

	<p>and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation,â€•</p> <p>Art. 350:- Right to conserve distinct Language, Script or Culture;</p> <p>Art. 350:- Instruction in Mother Tongue.</p> <p>II. Social Safeguard</p> <p>Art. 23:- Prohibition of traffic in human beings and beggar and other similar form of forced labour;</p> <p>Art. 24:- Forbidding Child Labour.</p> <p>III. Economic Safeguards</p> <p>Art.244:- Clause(1) Provisions of Fifth Schedule shall apply to the administration & control of the Scheduled Areas and Scheduled Tribes in any State other than the states of Assam, Meghalaya, Mizoram and Tripura which are covered under Sixth Schedule, under Clause (2) of this Article.</p> <p>Art. 275:- Grants in-Aid to specified States (STs&SAs) covered under Fifth and Sixth Schedules of the Constitution.</p> <p>IV. Political Safeguards</p> <p>Art.164(1):- Provides for Tribal Affairs Ministers in Bihar, MP and Orissa;</p> <p>Art. 330:- Reservation of seats for STs in Lok Sabha;</p> <p>Art. 337- Reservation of seats for STs in State Legislatures;</p> <p>Art. 334:- 10 years period for reservation (Amended several times to extend the period.);</p> <p>Art. 243:- Reservation of seats in Panchayats.</p> <p>Art. 371:- Special provisions in respect of NE States and Sikkim</p> <p>V. Service Safeguards (Under Art.16(4),16(4A),164(B) Art.335, and Art. 320(40)</p>		
--	--	--	--

	<p>http://www.ncst.nic.in/index2.asp?slid=428&sublinkid=251&langid=1 Safeguards under Various laws</p> <p>(1) The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Rules 1995 framed there under.</p> <p>(2) Bonded Labour System (Abolition) Act 1976 (in respect of Scheduled Tribes);</p> <p>(3) The Child Labour (Prohibition and Regulation) Act 1986;</p> <p>(4) States Acts & Regulations concerning alienation & restoration of land belonging to STs;</p> <p>(5) Forest Conservation Act 1980;</p> <p>(6) Panchayatiraj (Extension to Scheduled Areas) Act 1996;</p> <p>(7) Minimum Wages Act 1948.</p>								
Data provided by National NGOs; NGO documentation of cases of IP and TP conflicts (historic or ongoing);	See information of stakeholders presented above under: UN Human Rights Council Universal Periodic Review on India.	-	-						
National land bureau tenure records, maps, titles and registration (Google)	<p>http://www.tribal.nic.in/WriteReadData/CMS/Documents/201410310320057426871MPRforthemonthofSeptember2014.pdf <i>Status report on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [for the period ending 30 th September, 2014]</i></p> <p>“As per the information collected till 30 th September, 2014, 3,853,977 claims have been filed and 1,494,933 titles have been distributed. Further, 33,765 titles were ready for distribution. A total of 3,189,324 claims have been disposed of (82.75%).” This means that 52,07 % of the claims disposed of was rejected.</p> <p>State wise details of claims received, titles distributed and the extent of forest land for which titles distributed (individual and community), as on 30.09.2014, in major States. (see table on p. 2)</p> <p>Statement showing State-wise status of implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (see Annex 1 of this Status report)</p>	Areas of claims that were rejected.	specified risk for land rights						
Relevant census data	<p>http://www.tribal.nic.in/WriteReadData/CMS/Documents/201410170116549630578TribalProfile.pdf <i>Tribal Profile at a Glance - May 2014</i> Scheduled Tribe population [Census] 2011</p> <table border="1"> <thead> <tr> <th>Total</th> <th>Rural</th> <th>Urban</th> </tr> </thead> <tbody> <tr> <td>104,281,034</td> <td>93,819,162</td> <td>10,461,872</td> </tr> </tbody> </table>	Total	Rural	Urban	104,281,034	93,819,162	10,461,872	country	presence of indigenous peoples
Total	Rural	Urban							
104,281,034	93,819,162	10,461,872							

	<p>Percentage of Scheduled Tribes of total population of India in 2011: 8.6% (p. 2)</p> <p>Scheduled Tribes live in 30 of the 35 states of India. There are no Scheduled Tribes in the States or Union Territories (UT): Punjab, Chandigarh, Haryana, NCT of Delhi and Puducherry (p. 3)</p> <p>List of Tribes with more than 5 lakh [100,000] of population and their usual place of habitation per Census 2001 (see p. 4 of this document)</p> <p>Map of India with percentage of Scheduled Tribe population for each State or UT in 1991, 2001 and 2011 (see p. 6 of this document)</p> <p>State wise no. of district where the ST population is more than 50% and between 25% to 50 percent as per Census 2011. (see table on p. 7)</p> <p>http://tribal.nic.in/Content/list%20of%20Scheduled%20Tribes%20in%20India.aspx State/Union Territory-wise list of Scheduled Tribes in India.</p> <p>http://tribal.nic.in/Content/Particularly%20Vulnerable%20Tribal%20Group.aspx NAME OF THE PARTICULARLY VULNERABLE TRIBAL GROUPS (PTGs) (EARLIER CALLED AS PRIMITIVE TRIBAL GROUPS) - STATE / UT WISE.</p>		
- Evidence of participation in decision making; - Evidence of IPs refusing to participate (e.g. on the basis of an unfair process, etc.);	See sources above that indicate specified risk for FPIC.	-	-
National/regional records of claims on lands, negotiations in progress or concluded etc.	See information above from Status report on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [for the period ending 30 th September, 2014]	-	-
Cases of IP and TP conflicts (historic or ongoing).) Data about land use conflicts, and disputes (historical / outstanding grievances and legal disputes)	See information above	-	-
Social Responsibility Contracts (<i>Cahier des Charges</i>) established according to FPIC (Free Prior Informed Consent) principles where available	not applicable in India	-	-
Google the terms '[country]' and one of following terms 'indigenous peoples organizations', 'traditional peoples organizations', 'land registration office', 'land office', 'indigenous peoples', 'traditional peoples', '[name of IPs]', 'indigenous peoples+conflict', 'indigenous peoples+land rights'	http://iva.aippnet.org/northeast-india-indigenous-people-reiterate-their-stance-on-rsd/ <i>Northeast India: Indigenous people reiterate their stance on RSD</i> "Ukhrul, June 05 2014: Certain sections of the indigenous people of North East region represented by Borok Peoples Human Rights Organisation (BPHRO), Indigenous Women's Forum of Northeast India (IWFNEI), Karbi Human Rights Watch (KHRW), Meghalaya Peoples Human Rights Council (MPHRC), Naga Peoples Movement for Human Rights (NPMHR), and Zomi Human Rights Foundation (ZHRF), have reiterated their stance on the right to self-determination (RSD) of indigenous peoples and urged the Government of India to uphold its commitment to the UN Declaration on the Rights of Indigenous Peoples.		

	<p>During a joint meeting, representatives of these organisations expressed extreme concern over the deteriorating human rights situation of indigenous peoples within the region. It deliberated on the alarming rise in human rights violations resulting from increased militarization linked to developmental aggression and economic policies aimed at disenfranchising and marginalizing indigenous communities further.</p> <p>It further noted the negative impact that such approach has had on indigenous communities resulting in increasing cases of human trafficking, violence against women and children, and HIV/AIDS etc.</p> <p>[...] In a press statement, the indigenous people took serious note on the ongoing series of negotiation and dialogue between the States and the Centre with different indigenous groups and civil societies with regard to their various demands for recognition of their right to self-determination based on their distinct identities, their historical relationship with their lands, territories, resources, languages and cultures.</p> <p>Representatives of the North East indigenous organizations made strong remark at the delay, and urged the Government to expedite the process of negotiation for meaningful solution. Highlighting the racial attacks and discrimination against people from the region residing in mainland India, they appealed for ensuring safety and security of the people.</p> <p>They even dwelt at length on the serious implicit roles of successive governments in perpetuating conflicts among the indigenous peoples of the region through encouragement of land alienation by non-indigenous communities, implementation of anti-people development agendas, extraction of mineral resources etc which led to massive displacement of indigenous communities from their lands and territories.”</p> <p>https://www.dropbox.com/s/7twcgg40ya13cgy/INT_CEDAW_NGO_Ind_17414_E.pdf <i>India NGO CEDAW Shadow Report And status of Adivasi/Tribal Women in India - June 2014</i></p> <p>Submitted by Inter State Adivasi Women’s Network (ISAWN) of Mainland India Indigenous Women’s Forum of North East India (IWFNEI) Asia Indigenous Peoples Pact (AIPP), Chian Mai, Thailand.</p> <p>“In this report, —indigenous peoples refer to all the major tribes from fifth and sixth schedules as recognized under the Constitution of India. The constitution of India provides special arrangements for these areas. ‘Scheduled Tribes’ is an administrative term used for the purpose of administering certain specific constitutional privileges, protection and benefits for specific section of peoples, historically considered disadvantaged and backward. The Indian Government uses the term Scheduled Tribes (ST’s) to identify adivasis/tribal, in mainland India these ethnic communities are known as Adivasis and in northeast India as Tribals. These 8.2% (estimated to be between 80-100 million) of adivasis/tribals of the total population of India are part of the most marginalized and discriminated because of their distinct identities/ ethnicities, culture, traditions, practices and customary laws. Further, indigenous women are even more discriminated and oppressed due to their sex and gender.”</p>	North East region of India	specified risk on human rights violations
		North East region of India	specified risk on participation in decision making
		North East region of India	specified risk on land rights
		country	presence of indigenous peoples
	country	specified risk on discrimination against IPs	

	<p>Adivasi/tribal women are disproportionately experiencing systemic discrimination and injustice. They are over represented amongst the poorest of the poor, have lesser access to health and education services, opportunities for decent jobs and livelihoods. In spite of the huge funds invested for rural development, adivasi communities, including women benefitted the least. In fact, the expansion and operation of mining and extractive industries in all the Adivasi territories, and the building of large dams such as in the tribal areas of North East India created massive displacements of adivasi and tribal villages, resulting to food insecurity, poverty, violence and abuse especially amongst indigenous women and girls. This has increased even more their vulnerability to trafficking and sexual exploitation as they look for means to survive and earn income.</p> <p>Further, they remain most vulnerable to all forms of violence including domestic violence, rape and sexual assaults, trafficking, witch-hunting among others. State machineries are not addressing the increasing incidents of such violence against indigenous women. Thousands of victims are not given justice, in spite of the existence of laws and measures for the protection of women against acts of violence and abuse.</p> <p>[...]They [adivasi/tribal women, LV] are economically dis-empowered by not having land tenure in spite of their role and contributions as custodians of land and natural resources. Millions of adivasi/tribal women depend on the land, forest and water for their livelihoods and for providing food security to their families and communities. The labour of indigenous women are valued less and paid less than men in the private and public sectors despite the national scheme of MNEREGA under which equal wages are required. Due to the degrading socioeconomic and political status of adivasi/tribal women, they continue to face severe violations of their human rights, both within their own community and in the wider society.</p> <p>[...] In spite of the existence of Schedule Tribes (ST)/Schedule Caste (SC) Atrocity Prevention Act, violence against adivasi women is rarely prosecuted under this law, or treated seriously. The criminal justice system has failed to bring justice to Indigenous/tribal women survivors.</p> <p>There is very weak access to the justice system of the country by adivasi/tribal women. The legal and judiciary system is not gender sensitive and is male dominated. Likewise, most adivasi/tribal women are not aware of their rights including to due process, and have little access to competent lawyers. Further, many adivasi/tribal women in custody of the police or other authorities end up being raped or sexually abused.</p> <p>The Indian government must also examine its relationship with the Adivasi/tribal customary system and how they are strengthening their selfgoverning system by recognizing legal pluralism. The indigenous peoples' positive customary laws consistent with the respect for human rights and upholding the dignity of indigenous peoples can provide an alternative and more sustainable model for achieving justice and peace." (p. 5-7)</p> <p>http://www.indiantribalheritage.org/?p=15589</p>	<p>country</p> <p>country</p> <p>country</p> <p>country</p> <p>country</p>	<p>specified risk on discriminati on against indigenous women</p> <p>specified risk on land rights and violence against indigenous women</p> <p>specified risk for land rights of indigenous women</p> <p>specified risk for awareness of rights</p> <p>specified risk for self-government</p>
--	---	--	--

	<p><i>Video Voices of Bhil tribal from semi-arid forest: A documentary on forest Rights by Purabi Bose – Rajasthan. This film has been premiered at the International Association for the Study of Commons (IASC), January 2011 in Hyderabad, India.</i></p> <p>“The film brings the voices of marginalised scheduled tribes, in particular, the Bhil tribal of Rajasthan, to express the complexities of tribal India’s decentralisation and forest tenure reform in their lives and in tribal self-governance of forests in semi-arid areas. The story told through the voices of Bhil people (men and women) provides further insights on the issue of institutional pluralism, citizenship, forest governmentality, participation, and the challenge of access rights particularly of tribal women that are prevalent and may have increased due to the implementation of the Forest Rights Act 2006.”</p> <p>The film mentions several problems with implementation of Forest Rights Act of 2006: Villagers were told the new Forest act was just election propaganda and that the government would not give them the forest land. Villagers tell that their land claims are rejected despite their claims providing all the required evidence. Some say they are asked to pay money if they want to get their land title deeds. The interviewed villagers say they did not get a form to claim their collective forest rights. Villagers were told that the New Forest Rights act does not recognize collective rights for non-timber forest users. Villagers say it is difficult to prove collective forest rights. A villager says: “The new act does not help us.” One interviewed person mentions: “Tribal people are not aware about their rights in the new Forest Rights Act, therefore they are at the losing end”. One Adivasi woman says: “We are always seen as rule breakers but we are never involved in rule making. Tribal women access to forest resources and our forest land rights are denied by everybody.”</p> <p>http://www.indiantribalheritage.org/?p=12436 Posted on 07-09-2013</p> <p>“In 2006, the Indian State passed the Forest Rights Act, which for the first time recognised the rights of forest dwelling people on their own land. The Act makes concrete provisions to allow adivasis to enter the forest and continue using forest produce, on which they have depended for generations. However despite this, even today, adivasis are terrorized and harassed by forest officials. The Tribal communities have been warned of having a legal case slapped against them, apart from being beaten, if they try to venture into the forest in search of honey. Moreover, the authorities have installed wireless surveillance cameras in the forest (originally to track animal movement in the reserve area), which they are using to victimise tribals that wander into the forest in search of bamboo, fire wood, honey and other forest produce.”</p> <p>http://www.indiantribalheritage.org/?p=11482 Posted on 29/05/2013</p> <p>“Though the Kols are anthropologically tribal, they are recognized as a Scheduled Caste in Uttar Pradesh. Not only has this deprived them of their traditional source of living-the forest, it has largely left them dependant and landless, languishing in silica quarries and sand mines. [...]The Kols mainly inhabit the backward Bundelkhand and Baghelkhand regions bordering</p>	<p>Bhil tribal in State of Rajasthan</p> <p>country</p>	<p>specified risk for IP rights in forest</p> <p>specified risk for IP rights in forest</p>
--	---	---	---

	<p>Uttar Pradesh and Madhya Pradesh, in the districts of Allahabad, Banda, Chitrakoot, Mirzapur, Sonbhadra, Satna and Rewa. They are divided into exogamous clans-but have similar work patterns, and are patriarchal with traditional patrilocal residence. In Madhya Pradesh, they are accorded tribal status. [...] In UP, however, they remain untouched by any government schemes, even though they share the forests with Kols of MP. [...] However, the Kol's most grim concern remains the forest department's restrictions on the use of forest produce. Generally, they require permission to plant or use trees such as neem, amla and mahua. The Kols complain that they face harassment from the authorities even if they collect the twigs and barks and sell them. According to Amarnath Kol, who works with a local Kol organization, at least eight Kols have been booked by the forest department for carrying wood for sale."</p> <p>http://www.indiantribalheritage.org/?p=10607 <i>Consent from tribals no longer required by Govt. of India: handing forestlands over for projects that affect sacred places of worship</i> Nitin Sethi, Times Of India, Feb 16, 2013, "NEW DELHI: The government has diluted its stand on requiring consent from tribals before handing over their forestlands for projects in an affidavit filed before the Supreme Court on the Vedanta case. The changed policy cited in the affidavit of the government, contrary to existing regulations, could now make it easy for hundreds of other projects as well which require formal consent from tribals who have rights over forestlands under the Forest Rights Act. [...] On an odd note, now the consent, government has said, would be required for setting up dispensaries, fair price shops and providing other such basic needs to the tribals in the forestland but not for most of the industrial and development projects. [...] The environment ministry had in August 2009 passed orders bringing the forest clearance process in agreement with the Forest Rights Act and making it mandatory that rights of tribals over forests not be extinguished without their consent. But the unease of the government ensured the rules were followed more often in breach though in the case of Vedanta, they were cited, besides other reasons, for blocking the project, while Rahul Gandhi took lead in claiming he would work like a 'sipahi (soldier)' for the tribals. The first formal attempt to do away with the regulations came from the PMO after the infrastructure ministries complained against it. But leaking of the PMO report in the public domain led to uproar from tribal groups and forced the government to not go the whole hog in diluting the rules. But stealthily, it seems to have decided to get the same done through an affidavit in the Supreme Court where a judicial approval on the position could help the government seal the diluted norm without an explicit move in public domain.</p> <p>http://www.fra.org.in/new/ "Recognition of the community rights under the Forest Rights Act remain a major challenge in the implementation of the Forest Rights Act. The amended rules in 2012 require a process for delineation and mapping of the community forest resources. One of the major issues in this regard is the lack of knowledge and capacity at various levels to facilitate delineation and</p>	<p>Kols in Uttar Pradesh</p> <p>country</p> <p>country</p>	<p>specified risk for IP rights in forest</p> <p>specified risk for FPIC</p> <p>specified risk for IP rights in forest</p>
--	---	--	--

	<p>mapping of CFR. There are however encouraging examples of community and civil society initiatives on mapping of CFR using GPS/GIS technology. This page is created to share information about the CFR mapping process, related developments and initiatives.</p> <p>http://www.downtoearth.org.in/content/mass-protests-mumbai-dehradun-against-centre-s-attempts-undermine-forest-rights <i>Mass protests in Mumbai, Dehradun against Centre's attempts to undermine forest rights</i> Date: Nov 24, 2014</p> <p>Demonstrations follow T S R Subramanian Committee report recommending measures to fast-track environmental clearances.</p> <p>Thousands of people gathered in Mumbai and Dehradun on Monday to protest recent attempts by the NDA government to undermine the rights of local communities to manage and protect their forests. Specifically targeted is the requirement for gram sabha consent on all projects seeking to divert forestland for non-forest purposes, as guaranteed by the Forest Rights Act (2006).</p> <p>Attempts to bypass this consent are illegal, and against the orders of the Supreme Court in 2013, the protestors said.</p> <p>These demonstrations come just four days after the T S R Subramanian Committee released its review of the environmental laws of the country, with the aim of streamlining environmental clearances for development projects.</p> <p>Included in the report is a recommendation to implement a "fast-tracking" of "linear projects" such as roads, railways, and transmission lines. This procedure would allow approval of linear projects without gram sabha consent.</p> <p>[...] The T S R Subramanian report represents only the latest attempt by the government to weaken the Forest Rights Act. For example, on July 31, under pressure from the Prime Minister's Office, MoEF&CC issued orders, claiming that gram sabha consent is not required for the acquisition of forestland. On October 28, MoEF&CC issued another notification, giving certain district collectors the power to decide whether implementation of the FRA is required for the diversion of forestland."</p> <p>http://www.fra.org.in/new/document/A%20National%20Report%20on%20Community%20Forest%20Rights%20under%20FRA%20-%20Status%20&%20Issues%20-%202012.pdf <i>A National Report on Community Forest Rights under Forest Rights Act: Status & Issues – By Vasundhara & Kalpavriksh In collaboration with Oxfam - 2012</i></p> <p>"Finally, under much civil protests and pressure, the Scheduled Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act, was enacted in 2006 and came into force in 2008. This Act (according to its preamble) aspires to undo years of injustice to these communities by recognizing and vesting the rights to use, manage and conserve forest resources and to legally hold forest lands that they have been residing in and cultivating. By recognizing community rights over forest resources it attempts to ensure livelihood and food security while empowering them to use biodiversity sustainably and conserve it to maintain ecological balance.</p>	country	specified risk for IP rights in forest
		country	low risk

	<p>[...]Sec 3(1) of FRA includes the rights for habitation and cultivation, community rights such as nistar or those used in intermediary regimes such as Zamindari, right of ownership i.e. access, use and disposal of non-timber forest produce (NTFP), rights over the products of water bodies and grazing grounds amongst other rights. These rights can be claimed both as individuals and as a community. These rights when claimed as a community are referred to as Community Forest Rights or CFRs.</p> <p>[...]The CFR provisions are crucial for changing the manner in which forest have been viewed and governed thus far. These have a potential to change the top-down centralised governance of forests towards greater decentralisation and site-specificity, and for providing collective livelihood security to communities. This however is a process which essentially faces a number of challenges. Certain systems, processes and support structures will thus need to be in place for these provisions to realise their full potential.” (p. 05-06)</p> <p>“2. NATIONAL CFR STATUS REVIEW 2.1 National CFR status: A review of the MoTA status report The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, is in implementation since 2008. Till 30 April, 2012, more than 31.8 lakh claims have been filed and more than 12.56 lakh titles have been distributed (status report of MoTA). [...]. As shared by several groups which are part of the CFR Learning and Advocacy Process (CFRLAP) there is incorrect reporting by states. In many states community claims filed are not reported in the status report. Some states are exaggerating the status (e.g. Gujarat). There is no information on rejection of claims. In any case, as per information received from civil society groups, and as concluded also by the MoEF/MoTA Joint Committee, most of the above reported claims (made or accepted) are for developmental facilities (under Section 3(2)), not community forest rights (under Section 3(1)), which are so far very few. There is little information available on the extent of area under these claims. Compared to the number of villages reported by Forest Survey of India as having forests (about 1,70,000), with a total area of about 32 million ha., it seems that the vast majority of forest dependent villages and communities have not been able to claim or get their CFR rights recognized.” (p. 08)</p> <p>“C. ISSUES AND RECOMMENDATIONS Drawing on the first two sections for lessons from the national review and the case studies, as well as discussions which have taken place during the CFRLA meetings, this section presents a summary analysis of key issues being faced in implementation of the CFR provision because of legal, institutional and other problems. The discussion on issues is followed by a list of recommendations for consideration of the implementing agencies. The recommendations were arrived at during the National Consultation on CFRs organised as a part of the CFRLA process in March 2012.</p> <p>6. KEY ISSUES IN RECOGNITION OF CFRS Based on the inputs from different grass-root organizations, the detailed studies and various reports, the following issues/lacunae in implementation of the CFR provision have been</p>	country	specified risk for IP rights in forest
--	--	---------	--

	<p>identified:</p> <p>Inadequate awareness and support to claim making: There is a general lack of awareness about CFR provisions among local communities, PRI representatives and government officials in most states.[...]</p> <p>Institutional gaps: The necessary institutions to support and facilitate the process of recognition of rights under FRA are not in place, or not functioning as they should, at the central level and at the state and ground level. [...]</p> <p>Obstructions in claim filing: Prescribing invalid procedures for claim filing: [...] Restrictive orders:[...] Problems in collecting evidence:[...]</p> <p>Information gap and lack of transparency: There is a lack of information regarding status of claims and recognition of CFRs. Even the government website on Forest Rights Act doesn't provide any break up of what all community forest rights have been claimed, are being processed, recognised or rejected.</p> <p>Rights to protect, conserve and manage community forest resources: Local communities are not being made aware or encouraged to claim the right to protect, conserve and manage community forest resources under Section 3(1)i in many areas. Even the CFR claim format doesn't mention rights under section 3(1)i. [...]</p> <p>Rights of other traditional forest dwellers: Claims from OTFDs are not recognized in most states, partly due to the wrong interpretation that they require to have occupied land for 3 generations (and not only to have resided in the area for this period), partly due to the difficulty in finding evidence, and partly because oral evidences from elders in such villages is not being accepted. [...]</p> <p>Rights of PTGs (Particularly Vulnerable Tribal Groups), shifting cultivators, nomadic and seasonal pastoralists: The provisions for community/habitat rights of PTGs, pre-agriculture communities and shifting cultivators, seasonal access of nomadic and pastoralist communities, are not implemented so far. PTG communities have been demanding and claiming their rights in different states, for example in Odisha where habitat rights are claimed by Juangs in Keonjhar and Dongria Kondhs in Niyamgiri. [...]</p> <p>Recognition of CFR in protected areas: Awareness about the CFR provisions under FRA is very low in most Protected Areas. Despite several communities being involved in protecting forests their CFR claims are being rejected. CFRs have been recognized in only a few protected areas like Simlipal Tiger Reserve in Orissa and BRT Tiger Reserve in Karnataka. [...]</p> <p>Conversion of forest/ unsurveyed villages: The provision for conversion of forest/ unsurveyed villages into revenue villages remains unimplemented in most of the forest villages, with some notable exceptions like Gadchirolli in Maharashtra, and three forest villages in Uttar Pradesh. There has been little identification of unsurveyed and unrecorded villages within forests for implementation of FRA. [...]</p> <p>Rights in municipal areas:</p>		
--	---	--	--

	<p>Rights on forest land in municipal areas are not being considered under FRA in most states. [...]</p> <p>Inadequate or inappropriate titles: It has been noticed in many cases (e.g. Ranpur in Odisha, Dahanu district and Gadchirolli district in Maharashtra) that titles being given are less than the area under customary use. Often only the area under JFM is recognized, and titles given in the name of the JFMCs as reported from the states of Andhra Pradesh, Odisha. Titles in many cases are imposed with conditions which are not in the FRA and violate Sections 3&4 (e.g. that government programmes and rules will continue to operate in CFRs), causing illegal restrictions on rights as in Gadchirolli district in Maharashtra and Kalahandi district in Orissa. Furthermore, instead of being in the name of Gram Sabha, there are cases where titles for community forest rights are issued in the names of VSS or FRC or Gram Panchayat or even individuals. [...]</p> <p>Problems in exercise of rights and management of community forest resources: Even where titles have been given, Gram Sabhas are faced with a number of hurdles in exercising their rights. This is primarily due to lack of clarity regarding post title governance and management in the contested space of forests [...]</p> <p>Diversion of forest lands for non-forest purposes: Forest land diversions on a large scale (with about 2 lakh hectares diverted since FRA came into operation) are taking place without compliance to the Forest Rights Act and the MOEF circular of 30 July 2009. Cases of diversion of forest land and violation of FRA have been reported from most states. [...]</p> <p>Conflicting role of Forest Department: While there are instances of Forest officials or state forest departments taking pro active role in facilitation of rights, in many cases FD activities are conflicting and contradictory to the CFR rights recognition and assertion processes.”[...] (p. 79-85)</p> <p>http://www.indiantribalheritage.org/?p=8158 <i>Commercial varieties of trees in tribal forest areas must not replace plants on which the Adivasis are dependent</i> <i>The Hindu, HYDERABAD, October 9, 2012</i> “Indu Netam, an Adivasi leader from Chhattisgarh, on Monday, slammed the plantation of eucalyptus and other commercial varieties of trees in tribal forest areas under Green India Mission (GIM), saying this was impacting their livelihoods. Addressing the media here on Monday, she said in the name of protecting the environment, fruit-bearing trees, medicinal and other plants on which the Adivasis were dependent for ages have been replaced by plants that were not useful to them. She also complained that the Forest Rights Act was only on paper and not being implemented.</p> <p>Lands being taken away Souparna Lahiri of the All India Forum of Forest Movement alleged that under the Green India Mission, undertaken in line with the Prime Minister’s climate action plan, lands of forest communities were being taken away. In Chattisgarh [Chhattisgarh], jatropha was being planted under GIM. He said the forest department was being given the right to govern forests through the backdoor by launching joint forest management initiatives.</p>	country	specified risk for IP rights in forest
--	--	---------	--

	<p>He claimed that the forest cover in 113 tribal areas was more than 33 per cent, against the national average of 21 per cent.” [...]</p> <p>http://indigenousspeoplesissues.com/index.php?option=com_content&view=article&id=18049:international-joint-statement-on-community-forest-governance-by-the-peoples-organizations-of-nepal-and-india&catid=33&Itemid=66</p> <p>“Leading community forestry organizations, The Federation of Community Forestry Users’ Nepal (FECOFUN), Community-based Forestry Supporters’ Network Nepal (COFSUN), The Himalayan Grassroots Women’s Natural Resource Management Association (HIMAWANTI) and SAAPE (South Asian Alliance for Poverty Eradication) – from Nepal and All India Union of Forest Working People (AIUFWP) from India met in FECOFUN headquarters in Bhaktapur, Kathmandu, Nepal on 29th July 2013 and discussed about the future strategy of community forestry movement in the South Asian region.</p> <p>[...]The governments are ruthlessly signing agreements with big companies and granting them environment and forest clearance without any scientific study. The peoples’ protest of such disastrous projects is being mercilessly suppressed.”</p> <p>http://www.ibtimes.com/tribals-india-aboriginal-peoples-without-land-842895</p> <p><i>The Tribals Of India: Aboriginal Peoples Without Land, October 08 2012</i></p> <p>Up to 100,000 of India’s landless and homeless laborers and farmers have embarked on an epic 220-mile month-long march from Gwalior, in Madhya Pradesh, to the capital of New Delhi to demand land reforms and to end the state’s policy of land evictions on behalf of corporations. [...]A significant portion (at least 40,000 according to a report in the New York Times) of these protesters comes from India’s many “tribal” peoples. [...]However, the Adivasis have also suffered greatly in India as the nation moves headlong into becoming a modern economic superpower. Their land and ancient customs have come under dire threat from the inexorable forces of progress. They also endure discrimination, prejudice and displacement, despite the fact that the Constitution guarantees them many rights.</p> <p>Tribal lands (once protected by government decree) have been illegally seized and occupied by outsiders (and now by corporations) for decades.[...]</p> <p>Adivasis enjoy representation in India’s parliament, but because they are a minority in virtually every province, their hopes for passing legislation favorable to tribals tend to be defeated by other more powerful vested interests.”</p> <p>http://www.achrweb.org/ihrrq/issue2/indigenous.html</p> <p><i>Asian Centre for Human Rights</i></p> <p><i>Who are the indigenous peoples of India? [October to December 2010]</i></p> <p>“At the United Nations, the government of India consistently denied existence or applicability of the concept of “indigenous peoples” to India. India had consistently opposed the UN Declaration on the Rights of Indigenous Peoples by the United Nations though it voted in favour at the General Assembly on 13 September 2007. [...] 26. Thus the generally accepted view now is that the original inhabitants of India were not the Dravidians but the pre-Dravidians Munda aborigines whose descendants presently live in parts of Chotanagpur</p>	country	specified risk for IP rights in forest
		country	specified risk for land rights

	<p>(Jharkhand), Chattisgarh, Orissa, West Bengal, etc., the Todas of the Nilgiris in Tamil Nadu, the tribals in the Andaman Islands, the Adivasis in various parts of India (especially in the forests and hills) e.g. Gonds, Santhals, Bhils, etc. [...] Among these disadvantaged groups, the most disadvantaged and marginalized in India are the Adivasis (STs), who, as already mentioned, are the descendants of the original inhabitants of India, and are the most marginalized and living in terrible poverty with high rates of illiteracy, disease, early mortality etc.”</p> <p>http://siteresources.worldbank.org/EXTINDPEOPLE/Resources/407801-1271860301656/India_brief_clean_0110.pdf</p> <p><i>India's Adivasis – World Bank, January 2011</i></p> <p>Unlike other excluded groups in India, such as Scheduled Castes, tribal groups do not face any ritually endorsed exclusion—say, in the form of untouchability. Instead they lag behind in the development process because of their physical location, practicing mostly subsistence hill cultivation and collecting minor forest produce. However, the Scheduled Tribes in India have been losing access to their traditional lands, forcing them to migrate to cities or nearby areas to work as construction workers or as agricultural laborers. The government's 10th Five-Year Plan noted that between 1951 and 1990, 21.3 million people were displaced; 40 percent of them—or 8.5 million—were tribal people. Finally, physical remoteness and smaller numbers have gone together with political isolation and low voice in decisionmaking for the Scheduled Tribes. Restricted to remote villages, tribal groups can influence election results in only a few districts in the country. And the political leadership that represents Scheduled Tribes for the most part comes from non-Scheduled Tribe elites, making their concerns marginal in the national context.”</p> <p>http://www.iwgia.org/news/search-news?news_id=616</p> <p><i>The failure of the State and ethnic conflict in Northeast India August 28 2012</i></p> <p>The violent conflict between Muslim migrants and the indigenous Bodos in Northeast India in late July left over 70 people dead and 400,000 displaced. The killings were sparked by the murder of three Bodos, allegedly by Muslims, with Bodos attacking Muslim migrants and these retaliating in response. The conflict, however, threatens to engulf the whole Northeast regions as Muslim radicals across India vowed to stand by their Muslim brethren in seeking revenge. In Mumbai, the police opened fire to quell protests against the attacks on Muslims in Assam that turned violent and lead to large-scale arson. Conversely, in some Northeastern states, like Nagaland, influential civil society organisations are calling for the deportation of illegal Muslim migrants from Bangladesh.</p> <p>The conflict between indigenous peoples and migrants is not new and not confined to the Bodos, who are but one of the 200 ethnic groups living in the state of Assam. Several hundred more indigenous groups live in the other 6 states comprising India's Northeast region, making it one of the ethnically most diverse areas in the world. It is also a region that has been marred with conflict and suffered from heavy militarization almost since right after India's independence in 1947.”</p>	country	specified risk for IP rights
		country	presence of IPs
		country	specified risk for land rights
		country	specified risk for participation in decision making
	north east part of country	specified risk on	

Additional general sources for 2.3	Additional specific sources	scale of risk assessment	human rights violations risk indication
No additional sources found			
From national CW RA	Not available		
<p>Conclusion on Indicator 2.3:</p> <ul style="list-style-type: none"> A State/Union Territory-wise list of Scheduled Tribes in India is provided on the website of the Ministry of Tribal affairs: http://tribal.nic.in/Content/list%20of%20Scheduled%20Tribes%20in%20India.aspx which lists 716 Scheduled Tribes. These Scheduled Tribes are considered to be India's indigenous peoples by the UN and NGOs although the government of India consistently denied existence or applicability of the concept of "indigenous peoples" to India. In mainland India these STs are known as Adivasis and in northeast India as Tribals. According to the latest census of India (2011) the Scheduled Tribes have a total population of over 104 million people, about 8,6 % of the total population of India. Scheduled Tribes live in 30 of the 35 States or Union Territories of India. There are no recognized Scheduled Tribes in the States Punjab and Haryana and in the Union Territories (UT) Chandigarh, NCT of Delhi and Puducherry. The largest concentrations of Scheduled Tribes are found in the seven states of north-east India, and the so-called "central tribal belt" stretching from Rajasthan to West Bengal. Annex 1 to this CNRA shows the percentage of Scheduled Tribe population in the various States and UTs of India. The research for this CNRA did not identify a map showing areas claimed by Scheduled Tribes in India. India did not ratify ILO Convention 169 and although the Indian government voted in favour of the UNDRIP in the UN General Assembly, it does not consider the concept of "indigenous peoples", and thus the UNDRIP, applicable to India. (refer to category 1) There is evidence of widespread violations of legal and customary rights of Scheduled Tribes, including land evictions and forced displacements and serious human rights violations including killings. There are conflicts of substantial magnitude³ pertaining to the rights of Scheduled Tribes. Violent conflicts have broken out in indigenous areas all over the country but, above all, in the Northeast and in the central tribal belt. The Indian Constitution and several Acts have some safeguards for Scheduled Tribes such as the Fifth Schedule for mainland India and the Sixth Schedule for certain areas of north-east India, which recognize indigenous peoples' rights to land and self-governance. (for an overview see information above from The National Commission for Scheduled Tribes). On 27 September 2013 the Government of India notified the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (LARR Act) which came into force on 1 January 2014. The most relevant safeguard for this CNRA is the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, implemented by the Ministry of Tribal Affairs and which seeks to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest 		Areas claimed by indigenous peoples (Scheduled Tribes) in the country, (except in the States Punjab and Haryana and the Union Territories (UT) Chandigarh, NCT of Delhi and Puducherry)	Specified risk

³ For the purpose of the Indicator 2.3, a conflict of substantial magnitude is a conflict which involves one or more of the following:

- Gross violation of the legal or customary rights of indigenous or traditional peoples;
- Significant negative impact that is irreversible or that cannot be mitigated;
- A significant number of instances of physical violence against indigenous or traditional peoples;
- A significant number of instances of destruction of property;
- Presence of military bodies;
- Systematic acts of intimidation against indigenous or traditional peoples.

Guidance:

In the identification of conflicts of substantial magnitude one must also be aware of possible parallel activities of other sectors than the forest sector that also impact the rights of indigenous/traditional peoples and that there can be a cumulative impact. This cumulative impact can lead to a 'gross violation of indigenous peoples' rights' or 'irreversible consequences' but the extent of the contribution of forest management operations needs to be assessed. The substance and magnitude of conflicts shall be determined through NRA development process according to national/regional conditions. NRA shall provide definition of such conflicts.

dwellers. The Ministry of Tribal affairs and The National commission for Scheduled tribes have processes to enhance the implementation of these safeguards. Some court decisions effectively protected rights of Scheduled Tribes such as the Supreme Court decision in the case of the Dongrias in 2013 and another court decision in the case of the Soliga tribe.

- Several sources mentioned that the laws aimed at protecting indigenous peoples have numerous shortcomings and their implementation is far from satisfactory, which is further underlined by recent mass demonstrations for protection of rights of indigenous peoples. The laws prohibiting the sale or transfer of tribal lands to non-tribals and restoring alienated tribal lands remained ineffective in 2013 as the lands of tribals continued to be alienated. It was reported that a gap exists between constitutional provisions and policies, and implementation, which often results in discrimination against Adivasis and that this is exacerbated by slow legal processes and difficulties faced by communities in accessing justice. Restricted to remote villages, tribal groups can influence election results in only a few districts in the country. And the political leadership that represents Scheduled Tribes for the most part comes from non-Scheduled Tribe elites, making their concerns marginal in the national context. With regard to the Forest Rights Act (2006), the government has recently diluted its stand on requiring consent from tribals before handing over their forestlands for projects and, according to a comprehensive study, many issues/lacunae in implementation of the Community Forest Rights (CFR) provision have been identified and it seems that the vast majority of forest dependent villages and communities have not been able to claim or get their Community Forest Rights recognized. The new LARR act has just come into force and the research did not identify information on its implementation. (refer to category 1)

- It was reported that efforts of statutory bodies meant for protection of human rights remain weak and ineffectual due to lack of funding. There is very weak access to the justice system of the country by adivasi/tribal women. The legal and judiciary system is not gender sensitive and is male dominated. Most adivasi/tribal women are not aware of their rights including to due process, and have little access to competent lawyers.

The following specified risk thresholds apply, based on the evidence:

(23) The presence of IP and/or TP is confirmed or likely within the area. The applicable legislation for the area under assessment contradicts indicator requirement(s) (refer to 2.2.6);

AND/OR

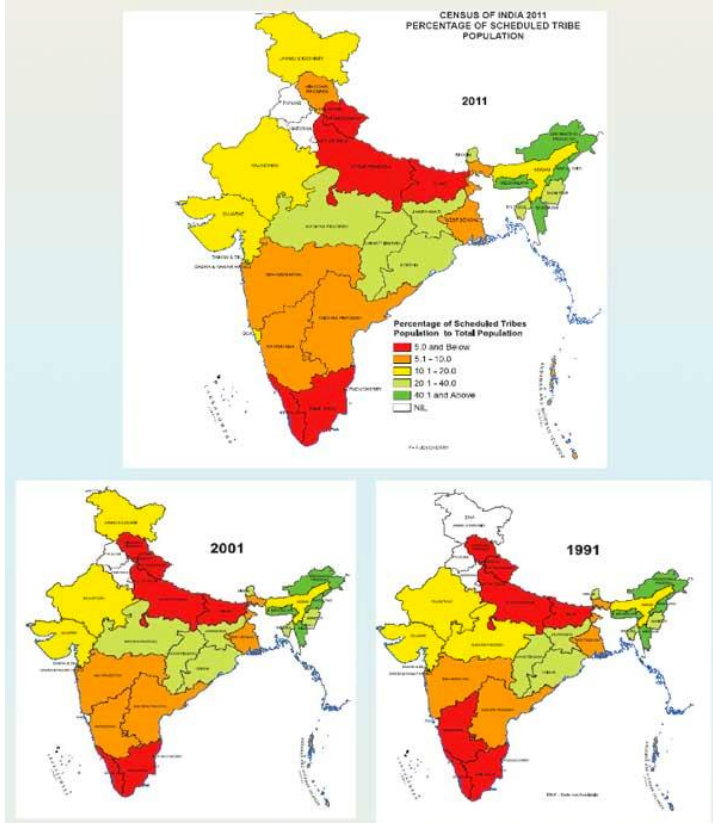
(24) Substantial evidence of widespread violation of IP/TP rights exists; AND/OR

(25) IP and/or TP are not aware of their rights;

AND/OR

(26) There is evidence of conflict(s) of substantial magnitude pertaining to the rights of IP and/or TP. Laws and regulations and/or other legally established processes do not exist that serve to resolve conflicts in the area concerned, or, such processes exist but are not recognized by affected stakeholders as being fair and equitable. Note under threshold No 20 applies.

Annex 1: Census of India 1991, 2001 and 2011; percentage of scheduled tribe population.



Source: <http://www.tribal.nic.in/WriteReadData/CMS/Documents/201410170116549630578TribalProfile.pdf> (page 6)

Controlled wood category 3: Wood from forests in which high conservation values are threatened by management activities

Overview

India, with a geographical area of 329 million hectares (ha), is located north of the equator between 08°04'-37°06'N and 68°07'-97°25'E. It is bounded by the Indian Ocean in the south, Arabian Sea in the west, Bay of Bengal in the east and the Himalayas in the north. India is endowed with a great variety of terrain and climate. The majority of India is tropical to subtropical and receives rains from the monsoons originating in the Arabian Sea as well as the Bay of Bengal. The range of topography, temperature and rainfall are responsible for the development of a great variety of macro and micro climates and the resultant rich biological diversity on the Indian subcontinent.

India is one of the twelve mega-biodiverse countries, hosting 7% of the world's biodiversity. Indian forest types include tropical evergreens, tropical deciduous, swamps, mangroves, sub-tropical, montane, scrub, sub-alpine and alpine forests. The most widely distributed genera in tropical wet evergreen forests are *Dipterocarpus*, *Hopea*, *Callophyllum* and *Syzygium*, and the families Lauraceae and Myrthaceae are also well represented. Tropical moist deciduous forests are characterized by *Tectona grandis* (teak) and others by *Shorea robusta* (sal).

The status of Forest cover in India is reported biannually by the Forest Survey of India. As per India State of Forest Report (ISFR) 2015, the forest cover included all lands which have a tree canopy density of 10 % & above and a minimum area of one hectare. The permanent forest estate (called the Recorded Forest Area) covers an area of approximately 77 million ha, approximately 23% of the geographical area of the country. 42.5 million ha of the Recorded Forest Area is designated as Reserved Forests, administered by the government for the production of wood products, 21.4 million ha are Protected Forests and 13.1 million ha are unclassified. Estimated forest and tree cover across the country is 79 million ha. This area excludes Recorded Forest Areas without forest cover (eg areas deforested or without tree growth such as montane areas above the tree line) but including areas of forest outside the Recorded Forest Area.

However, according to Global Forest Watch (GFW), in 2012 only 48.23 million ha was forested. This is significantly below the figures in the ISFR. GFW report that 41% of forest in India is classed as "degraded," due to heavy use pressure on the forest from fuel wood collection and cattle grazing. The country's fuel wood harvest totals 300 million m³/year (estimated to be 5 times the sustainable level) and 100 million cattle graze in forests, also well above the estimated sustainable level of 31 million. Furthermore, domestic illegal logging and smuggling of high-value timber is a major problem in many parts of the country (including in protected areas) - in 2009 the Ministry of Environment and Forests estimated that 2 million m³/year of logs were being illegally felled each year.

Non-timber forest products (NTFPs) in India play an important role in the social and traditional life of millions of forest dependent populations, particularly the tribal and landless people, women and other rural poor. According to the FAO⁴, in 2009 they contributed over 75% of total forest export revenue in India and nearly 400 million people living in and around forests in India depend on NTFPs for sustenance and supplemental income. NTFPs contribute significantly to the

⁴ <http://www.fao.org/docrep/014/am251e/am251e00.pdf>

income of about 30% of rural people. More than 80% of forest dwellers depend on NTFPs for basic necessities. The collection of NTFPs comprises the main source of wage labour for 17% of landless labourers, and 39% more are involved in NTFP collection as a subsidiary occupation. Traditionally, the collection of NTFPs has been a low intensity activity and generally sustainable. However, as their economic potential has improved, the intensity of collection has increased and better infrastructure for trade and processing has developed. For example, many pharmaceutical enterprises have emerged to meet the market demand for medicines. They pose a threat to many medicinal plants through demand-based overexploitation. Among the NTFPs, tendu leaves (leaves of *Diospyros melanoxylon*) used as wrappers for making bidies (country cigarettes) are the most important. The cottage industry supports about 10 million people. Other important NTFPs include seeds of sal (*Shorea robusta*), Indian gooseberry, amla (*Emblica officinalis*), myrobelan fruits of *Terminalia bellirica* Roxb (baheda) and *T. chebula* (Harra); kernels and seeds of *Buchanania lanzans*; roots like *Asparagus racemosus* (satavar) and *Chlorophytum borivilliana*; gums of *Boswellia serrata* and *Sterculia urens*; flowers and seeds of *Madhuca longifolia*, *Taxus*, *Agalochha* sp., *Celastrus paniculata*, *Andrographis paniculata*, and *Helicteres isora*. These are only some of the most prominent NTFPs being traded. In addition, there are a number of other NTFPs specific to a particular ecosystem that are traded.

In India the national and state governments are jointly responsible for the sustainable management of the forest resource with the state forest departments enacting their own state laws in accordance with the 1927 Forest Act and managing the forest resources on the basis of forest management plans that they submit to the central government. Often the state authorities also perform a commercial function, becoming involved in production, processing and trade through forest development corporations responsible for production within the public forest estate. There are three key pieces of legislation and public policy that govern forest management in the country.

The Indian Forest Act of 1927, the country's guiding forestry legislation, sought to consolidate and preserve areas with forest cover or significant wildlife, to regulate movement and transit of forest produce, and to levy duties on timber and other forest produce. It was largely based on previous Indian Forest Acts implemented under the British and provides the legal framework for the management of forests. It defines the procedure by which a state government can declare an area a Reserved or Protected Forest. It also defines what is a forest offence, what are the acts prohibited inside a Reserved Forest, and what penalties occur on violation of the provisions of the Act. In some States, the Act is applicable as it is. Some States have enacted their own laws that are in essence adopted versions of the Indian Forest Act of 1927. In 2012 the Act was amended to include prohibition of clear felling and setting fire to a Reserved Forest.

The Forest Conservation Act (1980) states that prior approval of the Central Government is essential for the conversion of forest areas for the non-forestry purposes to meet developmental needs for drinking water and irrigation projects, transmission lines, railways, roads, power projects, defense related projects, and mining. The act was introduced to curtail the indiscriminate logging and release of forestland for non-forestry purposes by state governments. While the federal government imposed such strict restrictions, it did not simultaneously evolve a mechanism to compensate state governments for loss of timber logging revenues. This anomaly coupled with increasing pressure for land due to a burgeoning population has generated considerable resentment within state governments resulting in growing pressure to dilute the restrictive provisions of the Act. The Supreme Court of India has currently imposed a complete ban on

the release of forestland for non-forestry activities without the prior approval of the federal government⁵. The Act also stipulates that compensatory afforestation must take place and plans for catchment area treatment, biodiversity and wildlife conservation, rehabilitation etc. must be submitted to the state authority. In 2003 new rules were issued to regulate the rights of tribals on forest lands, and guide the process of establishing productive village forests.

In 1988, in response to rapid deforestation and degradation, the National Forest Policy introduced major restrictions on legal domestic harvesting from public forests and introduced the concept of Joint Forest Management (JFM), which proposed that villages manage specific forest blocks in association with forest departments. The JFM concept is based on the cooperation of local communities and the state government in the protection of forest resources from fire, illegal grazing, and illegal timber harvesting, in exchange for which the communities receive non-timber forest products and in some cases a share of timber revenues. There are now reportedly over 17 million hectares under the scheme⁶. The Policy also stipulated that industrial wood needs should be met increasingly by farm (plantation) forestry and farm forestry has become an important source of pulpwood supply to the domestic pulp and paper industry.

In addition to the key forestry policies and legislation mentioned above, the Wildlife (Protection) Act 1972 (amended 2003) provides for the protection of wild fauna and flora, for setting up of PAs, and has categorised wildlife species in six schedules with variable degree of punishment for possessing and/or transporting them. And in 2002, the Indian parliament enacted the Biological Diversity Act to promote conservation, sustainable use and equitable sharing of benefits from India's biodiversity resources. It provides for the establishment of a national biodiversity authority (set up in 2004), state biodiversity boards, and biodiversity management committees (BMCs) at the level of Panchayats (village committees) and municipalities. The BMCs are required also to establish and maintain people's biodiversity registers. The Act operates side by side with a whole range of other acts, including, in particular, those pertaining to forest, wildlife, Panchayati Raj (village governance) institutions, plant varieties and farmers' rights, and patents. The Indian parliament also enacted The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which could have a profound effect on forest and its biodiversity. The Act is justified on a moral basis to undo the historic injustice to the tribal people that has rendered them encroachers on their ancestral lands in the eyes of the law; it aims to recognise the customary rights of hunters, gatherers, shifting cultivators and others who have recorded or unrecorded rights to forest lands. It further stipulates that there must be rehabilitation of landless families in situ by leasing out forest areas for agro-forestry operations as a means of livelihood.

India is a major producer of wood-based products, including pulp, paper, plywood, furniture, wooden handicrafts, and veneers. Its major export markets are the EU, US and the Middle East. The country has one of the fastest growing paper markets in the world, producing over 10.11 million tonnes of paper and consuming around 11.5 million tonnes in 2012. Consumption is projected to reach 22 million tonnes by 2020. India also has significant semi-processed and value-added timber products industries, including wooden handicrafts, pulp and paper, plywood and veneer and wooden furniture. The wooden handicrafts industry is growing rapidly, and making an important contribution to economic development and the creation of employment opportunities, particularly through SMEs. The value of

⁵<http://www.conservationindia.org/resources/the-legal-framework-for-wildlife-conservation-in-india-2>

⁶<http://www.forestlegality.org/risk-tool/country/india>

exports of wooden handicrafts increased from USD 46 million in 1996 to USD 546 million in 2012. Major markets are the UK, Germany, US, Australia, Japan and the UAE. The industry depends mainly on locally available wood species, primarily sheesham, mango, Indian rosewood, teak, babul, sandalwood.

The country cannot, however, meet its own demand for wood products with domestic supply, and is the world's 2nd largest importer of tropical logs. India's trade deficit in forest products soared from US\$1 billion in 2001 to more than \$5 billion in 2011. Due to the scarcity of domestic timber resources and rapidly growing demand, log imports in India have doubled since 2006 in order to meet the country's growing appetite for wood products. India's per capita consumption of paper and paperboard is less than 10kg (compared with 72kg/capita in China), but demand has been growing rapidly and consumption of recovered paper, wood pulp and non-wood pulp have nearly doubled over the past decade⁷. Because India is a major importer of timber from other Asian countries, it is a priority country for the EU FLEGT Asia Regional Support Programme (FLEGT Asia). About 17% of imports to India are currently estimated to arise from illegal sources. There has been limited recognition of the problem of illegal timber imports to date, either by the Government or the private sector.

Functional scale

For the purposes of this risk assessment, three potential functional scales have been identified:

1) Reserved Forest (state production forests) – There are approximately 42.5 million hectares of natural/ semi-natural forests managed by the state government for the production of wood products. The history of such forests roughly date back to 120 years when the erstwhile British government implemented a systematic and step by step approach towards acquiring and managing India's forests for production forestry. Such forests were intensively managed by silvicultural operations to promote certain timber species such as *Shorea robusta*, *Tectona grandis* etc. The Forest Department (FD) draws up 10-year Working Plans in compliance with annual extraction targets. Currently, all the states are in the process of finalizing the working plans as per the new Working plan guidelines of 2014 and there is currently a moratorium in place on extraction until the revised forest working plans are in place. The working plan code was revised in 2014 to include greater objectives of sustainable forest management and conservation of biodiversity⁸. Significant areas of Reserved Forest are under JFM schemes.

2) Protected Forest (state protection forests) – Whilst the harvesting and extraction of wood products from protected areas under the control of the state governments is prohibited by law in India, the protected areas are under tremendous pressure from the burgeoning human populations living in or adjacent to these areas. These areas are therefore inevitably sources of illegal timber, although this is mostly used to meet community subsistence needs or sold by small scale local processors into local markets.

⁷ India's Forest Products Industry Outlook, RISI, 2013 (<https://www.risiinfo.com/product/2013-indias-forest-products-industry-outlook/>)

⁸<http://www.moef.nic.in/sites/default/files/National%20Working%20Plan%20Code%202014.pdf>

3) Community/Private-owned forests—There are an estimated combined area of approximately 12 million ha of tribal, community and privately-owned forests in India, comprising areas of natural and semi-natural forests and plantation farm forests established on agricultural land. As these areas are managed independently of the Forest Department, they are considered a separate potential functional scale.

Forestland conversion for economic land concessions, such as for hydropower infrastructure, mineral extraction, road and rail projects is now probably the largest single source of natural timber in India and therefore a leading cause of rapid decline in forest areas.

Occurrence of HCV

The country is one of the 17 megadiverse countries in the world. It has around 8% of all mammals, 13% of birds, 8% of reptiles, 6% of amphibians and 6% of all plant species population and occupies just 2.4% of global land area. Of the 34 global biodiversity hotspots, four are present in the country, represented by the Himalaya, the Western Ghats, the North-east, and the Nicobar Islands. Levels of endemism are high, with approximately a third of the 16,500 species of flowering plant (angiosperms) recorded as endemic and the country ranks 10th in birds, with 69 species, fifth in reptiles, with 156 species, and seventh in amphibians, with 110 species. All production regions (forests) in the country contain HCV. Other than Protected Areas (strictly managed for wildlife conservation), it is possible to enhance HCV in forests managed for timber production.

India has an extensive body of constitutional provisions, laws and policies to promote conservation and sustainable use of biodiversity and natural resources and is a signatory to various international conventions and treaties related to environmental protection and has also taken numerous initiatives towards their implementation. As a CBD-signatory country, the National Biodiversity Strategies and Action Plans (NBSAP) were recently revised and updated based on the Strategic Plan for Biodiversity and the Aichi Targets and in accordance with national priorities and capacities.

Management threats to HCV

Despite the presence of strong biodiversity and watershed protection in the legislative framework, as well as a requirement for local involvement and benefit-sharing in the management of public forests in India, wildlife and community forestry training is inadequate and related capacity amongst the estimated 115,000 staff of the Forest Department in these areas is consequently limited⁹. This is exacerbated by a lack of coordination between the various agencies with responsibility for protecting high conservation values across the forest estate in the country. Forest working plans do not give a comprehensive account of the state of forest biodiversity nor do they identify the areas (compartments) in each division specifically requiring conservation measures as well as prescribing such measures¹⁰. As a result, forest management does not take due consideration of high conservation values and frequently leads to habitat disturbance,

⁹ Faizi & Ravichandran, A Framework for Reforming India's Forest Biodiversity Management Regime, Natural Resources Forum 40 (2016) pp103-111

(<http://onlinelibrary.wiley.com/doi/10.1111/1477-8947.12103/full>)

¹⁰ J.S. SINGH and S.P.S. KUSHWAHA, Forest biodiversity and its conservation in India, International Forestry Review Vol 10(2), 2008

(https://www.researchgate.net/publication/234100505_Forest_biodiversity_and_its_conservation_in_India)

degradation and fragmentation and inadequate participation of forest-dependent communities in production and protection activities. One symptom of this is the large scale human wildlife conflict in the country. According to a Ministry of Environment and Forests report in 2010, some 0.8-1 million hectares of cropland is destroyed each year and 400 people killed by elephants alone. Human wildlife conflict is also widely reported to involve tigers, sloth bears, leopards, wild boar, blue bulls, and wolves. Animals displaced by forest management or conversion activities enter villages to eat crops, seek out water sources and predate livestock.

Another significant cause of biodiversity loss are the high levels of unregulated grazing, shifting cultivation and forest product collection (e.g., fuelwood, timber, fodder and non-wood forest products) by local communities in state forests. Per capita forest area across the country is only 0.064 ha against the world average of 0.64 ha. As a result, as much as 78 percent of the Recorded Forest Area is subjected to heavy, unregulated grazing, and nearly 10 million ha area is subject to shifting cultivation. In addition, vast areas are still being diverted for developmental and infrastructure projects. These factors not only result in biodiversity loss but also in forest fragmentation which, in addition to species loss, disrupts gene flow among populations of a species, resulting into genetic impoverishment¹¹.

In the Western Ghats biodiversity hotspot, for example, low-elevation evergreen forests dominated by Dipterocarps constitute the most threatened habitat. Its continuum along the Western Ghats has been fragmented¹² because of selective logging in the past, an increase in permanent settlements, and rubber plantations. Consequently, several typical low-elevation species like *Buchanania barberi*, *Cynometra beddomei*, *Dialium travancoricum*, *Carcinia imbertii*, *Hopea jacobi*, *Inga cynometroides*, *Syzygium chavaran* have almost become extinct. Several species like *Litsea travancorica*, *Dipterocarpus bourdillonii* have become rare, and some species like *Buchanania lanceolata* have taken refuge in the sacred groves (NBSAP unpublished). Forest timber plantations of tree species such as eucalyptus, teak and rosewood, conifers (*Pinus*, *Cupressus*, *Araucaria*, etc) and others, such as rubber, acacia, alder, silveroak, etc. are becoming major threats to natural forest diversity. In addition, biological invasion by exotic weeds such as *Lantana*, *Mikania*, *Mimosa* and *Eupatorium* in the natural forest areas is conspicuously threatening the native biodiversity.

In the other biodiversity hot spots, ninety percent of the vegetation cover in Indo-Burma, 77 percent in Western Ghats–Sri Lanka and 75 percent in Himalaya has been lost mainly because of human encroachment. In the dry tropical forest, which currently constitutes 38.2 percent of the forest cover of India, conditions are no better¹³.

Biodiversity is also being depleted because of legal and illegal trade in economically and medicinally-important species. The international trade in biodiversity is diverse, ranging from live plants and animals to a vast array of food products, exotic leather goods, wooden musical instruments, timber, tourist curios and

¹¹See footnote 10 above

¹² PASCAL, J.P. 1982. Bioclimates of the Western Ghats at 1/500,000. Inst. Fr. Pondicherry, hors série 18, and RAMESH, B.R., DE FRANCESCHI, D. and PASCAL, J.P. 1997. Forest map of South India: Tiruvananthapuram Tirunelveli. A publication of the Kerala and Tamil Nadu forest departments and the French Institute, Pondicherry, hors série 22a.

¹³See footnote 10 above

medicines. Levels of exploitation of some plant species are high and the trade in them, together with other factors, such as habitat loss, is capable of heavily depleting their populations and even bringing some species close to extinction.

The PA network includes 96 national parks and 509 wildlife sanctuaries (including 14 biosphere reserves), covers 4.78 percent of the geographical area of India including many forest areas designated as Protection Forests within the Recorded Forest Area. However, a majority of PAs are too small in size, and some are even fragmented and in future more PAs are expected to come into being¹⁴. Further, the protected areas are under tremendous pressure, primarily because of burgeoning human populations which has led to over exploitation of non-wood forest products and habitat destruction. A large number of people reside within PAs and there is a danger of PAs becoming islands surrounded by a degraded and impoverished landscape; absence of corridors linking PAs at least within the same biogeographical region and lack of mechanism for transboundary biodiversity conservation, that is, linking PAs across country borders, are also of concern. This places greater importance on the protection of high conservation values within Reserved Forest areas (production forests).

The following experts were only involved in the draft development phase but did not participate in the creation of the final assessment.

Experts consulted

	Name	Organization	Area of expertise (category/sub-category)
1	Dr Rama Chandra Khuntia	Indian National Building, Construction, Forests and Wood workers Federation	HCV 5
2	Mr Suresh Chauhan	The Energy and Resources Institute (TERI)	HCV 2
3	Dr Farhad Vaniah	GIZ India	HCV 1,2,3,5
4	Mr Advait Mohole	KPMG India	HCV 5
5	Ms Vedamitra Rao	KPMG India	HCV 5
6	Ms Anushree Shukla	IKEA India	HCV 5, 6
7	Mr Manu Jose Mattam	SCS India	HCV 5
8	Mr Prakash Kumar Mishra	TUV Nord	HCV 5
9	Mr Ashwin A.S	IORA Ecological Solutions	HCV 1, 5,6
10	Mr S K Pande	Former DGF & Special Secretary	HCV 1,2,3,6
11	Mr Anuj Sharma	National Green Highway Mission, Govt of India	HCV 1,2,3
12	Dr M A Khalid	Integral University, Lucknow	HCV 5
13	Mr Philip Tapsall	WWF India	HCV 1,2,3

¹⁴See footnote 10 above

14	Ms Rebecca Aranha	WWF India	HCV 1,2,3
15	Dr Rajat Panwar	Dept. of wood science and management, University of British Columbia (on vacation in India)	HCV 1,5
16	Ms Vishakha Sharma	UA Consultants	HCV 5
17	Dr Merwyn Fernandes	TRAFFIC India	HCV 2,3,5
18	Mr Dhananjay Kumar	Control Union Certification	HCV 5
19	Mr Ajay Abrol	UA Consultants	HCV 5
20	Ms Teena	SCS India Pvt. Ltd	HCV 5
21	Dr T R Manoharan	FSC India	HCV 1,2,3,4,5,6

Risk assessment

Indicator	Sources of Information	HCV occurrence and threat assessment	Functional scale	Risk designation and determination
3.0	All	<p>There is sufficient information and data available to draw conclusions about HCV presence and distribution across the country. See introduction text above and literature list below. With each of the HCV categories below the relevant literature is mentioned.</p> <p>There is sufficient information and data available to draw conclusions about the threats to HCVs from forest management activities. See introduction text above and associated literature references.</p> <p>Reserve Forests (classified as such under the provision of the Indian Forest Act, 1927), are functionally managed through 10 year Working Plans, which are developed at the state level, but are finally approved by the Central Ministry for Environment, Forests and Climate Change (MoEFCC). In many states, the Working Plans have an equivalent chapter for HCVS. They are identified as areas with 'special objects of management' and are described as such in the working plans, with guidelines for their conservation and management. However, these records are institutionally available only for reserve forests, and not for protected forests or community forests. Further, private forest lands/plantations may or may not record this data.</p>	Country (all regions, forest types, land classes)	<p>Low Risk</p> <p>The following thresholds are met</p> <p>1) Data available are sufficient for determining HCV presence within the area under assessment AND</p> <p>2) Data available are sufficient for assessing threats to HCVs caused by forest management activities.</p>

<p>3.1 HCV 1 Species diversity: Concentrations of biological diversity including endemic species, and rare, threatened or endangered species, that are significant at global, regional or national levels.</p>	<p>1,2,3,4,5,11,14,17,18,20</p>	<p>a) Areas that contain species that are listed as rare, threatened or endangered by IUCN and or Official National and/or regional lists.</p> <p>A number of wild animal and bird species have been listed in various schedules of the Indian Wildlife (Protection) Act, 1972. It has six schedules which give varying degrees of protection. Schedule I provides absolute protection (highest penalty) to 43 mammals, 12 herpetofauna, 6 fishes, 25 birds species, similarly Schedule II lists 12 mammals, 2 reptiles and several species under lower taxa such as butterflies for which any form of trade or harvesting is prohibited. Schedule VI of the act provides absolute protection to 5 species of plants namely the Beddome's cycad (<i>Cycas beddomei</i>), Blue Vanda (<i>Vanda coerulea</i>), Kuth (<i>Saussurea lappa</i>), Ladies slipper orchids (<i>Paphiopedilum</i> spp.), Pitcher plant (<i>Nepenthes khasiana</i>), and Red Vanda (<i>Ranantthera inschootiana</i>). Similarly, these species are also categorized under IUCN Red List, CITES and Convention on Migratory Species (CMS). As of 2014, India had 988 species under various categories of the IUCN Red Data List. Whilst information on individual taxa that comprise this HCV subcategory is available, the current status and spatial distribution are not available for all species. The only available proxy for this subcategory is therefore forest cover. Over-exploitation, illegal hunting, smuggling of commercially valuable species as well as habitat destruction, degradation and fragmentation are some of the threats to rare, threatened and endangered species found in forests across India. For example the male cones of the Beddome's cycad are used in Ayurvedic medicine as a cure for rheumatoid arthritis and muscle pains and as a result of the demand for the cones it is now an endangered species.</p> <p>b) Centers of endemism where concentrations of endemic species occur.</p> <p>India is ranked in the top ten of mega-diverse countries harboring 7-8% of all recorded species, including over 45,000 species of plants and 91,000 species of animals. Of the 34 global biodiversity hotspots, four are present in India, represented by the Himalaya, the Western Ghats, the North-east, and the Nicobar Islands. Endemism is significant across different plant groups in India. About 4,045 species of flowering plant (angiosperms) endemic to India are distributed amongst 141 genera belonging to 47 families. In terms of endemism of vertebrate groups, India's global ranking is 10th in birds, with 69 species, fifth in reptiles, with 156 species, and seventh in amphibians, with 110 species. Endemic species have been comprehensively described, although the degree of protection is largely dependent on their occurrence e.g. if they are within Protected Areas. Over-exploitation, illegal hunting, smuggling</p>	<p>Country (all regions, forest types, land classes)</p>	<p>Specified risk (8) HCV 1 is identified and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p>
--	---------------------------------	--	--	---

	<p>of commercially valuable species as well as habitat destruction, degradation and fragmentation are some of the primary threats to endemic species. Whilst information on individual taxa that comprise this HCV subcategory is available, the current status and spatial distribution are not available for all species. As with the above subcategory, the only available proxy for this HCV subcategory is also therefore forest cover. E.g., <i>Pterocarpus santalinus</i>, with the common names Red Sanders, Red Sandalwood, and Saunders wood, is a species of <i>Pterocarpus</i> endemic to the southern Eastern Ghats mountain range of South India. This species is listed as Endangered by the IUCN, because of overexploitation for its timber and other alleged uses from making musical instruments in China and southeast Asia.</p> <p>c) Areas with mapped significant seasonal concentrations of species (e.g. migratory staging areas). There are about 687 Protected Areas covering about 5% of the country's geographical area that has been set aside exclusively for conservation of biodiversity including migratory species. There are 26 RAMSAR sites and more than 100 wetlands PAs in India that protect migratory species especially birds. Scientific evidence of habitat used by several migratory species such as elephants, sea turtles, whale shark, black-necked crane, Great Indian Bustard, Bar-headed geese, Amur Falcon etc. have been made available using satellite tracking techniques. Migratory routes and patterns as well as flyways have been established for few species. The Ministry of Environment Forest and Climate Change has recently framed the Wetland (Conservation and Management) Rules 2017, that provides for conservation and management of wetlands in the country. The varied and multi-stakeholder ownership of wetlands in the country however make the governance complex and challenging. There are challenges to the scale and extent of protection that can be offered to long range migratory animals (for e.g. Amur Falcon) that may have a global status of being widely distributed but may be locally hunted for trade.</p> <p>Despite the presence of strong biodiversity and watershed protection in the legislative framework, as well as a requirement for local involvement and benefit-sharing in the management of public forests in India, wildlife and community forestry training is inadequate and capacity within the Forest Department in these areas is limited. This is exacerbated by a lack of coordination between the various agencies with responsibility for protecting high conservation values across the forest estate in the country. Forest working plans in public forests do not give a comprehensive account of the state of forest biodiversity nor do they identify the areas (compartments) in each division specifically requiring conservation measures as well as prescribing such measures. In community or private forests, management is less formalized and</p>		
--	---	--	--

	<p>not monitored, nor regulations enforced. As a result, forest management does not take due consideration of high conservation values and frequently leads to habitat disturbance, degradation and fragmentation and inadequate participation of forest-dependent communities in production and protection activities.</p> <p>Another significant cause of biodiversity loss are the high levels of unregulated grazing, shifting cultivation and forest product collection (e.g., fuelwood, timber, fodder and non-wood forest products) by local communities in state forests. In addition, vast areas are still being diverted for developmental and infrastructure projects, and there are significant numbers of exotic invasive species that pose a threat to native flora.</p> <p>Biodiversity is also being depleted because of legal and illegal trade in economically and medicinally important species. Levels of exploitation of some plant species are high and the trade in them, together with other factors, such as habitat loss, is capable of heavily depleting their populations and even bringing some species close to extinction.</p> <p>A majority of PAs are too small in size, and some are even fragmented and many are under tremendous pressure, primarily because of burgeoning local human populations leading to overexploitation and destruction of the forests' biological resources. A large number of people reside within PAs and there is a danger of PAs becoming islands surrounded by a degraded and impoverished landscape; absence of corridors linking PAs at least within the same biogeographical region and the lack of a mechanism for transboundary biodiversity conservation are also a threat to areas with high concentrations of species or wetland habitat of conservation concern. This places greater importance on the protection of high conservation values within production forests where protection of HCV1 is also inadequate.</p> <p>India has a strong legislative framework for HCV protection. A network of Protected Areas (PAs) comprising National Parks and Wildlife Sanctuaries have been established specifically for conservation purposes. However, they comprise less than 5% of the total geographical area of the country. Further, for specific 'keystone' or high profile species, the system has designated specific areas for the protection of these species, e.g., Project Tiger Reserves, Elephant Reserves etc. In addition, for areas outside these PAs, the protection and conservation of wildlife is under the aegis of the Wildlife (Protection) Act, 1972 which deals with protection of all key wildlife,</p>		
--	---	--	--

		<p>including those outside declared forest areas. However, although the legislative support is strong, there are significant weaknesses in implementation.</p> <p>Applicable to all functional scales? Laws and regulations in India provide insufficient protection for HCV1 across all production forests and boundary protection for Protected Forest is inadequate. That means that it is not necessary to make a distinction between private or state management. A distinction between plantations and semi natural forests is not made, as it is not possible, from the data available, to rule out the presence of many HCVs in plantations, or plantations in or adjacent to areas of HCV. Therefore, no separate conclusions on risk by functional scale are drawn.</p>		
<p>3.2 HCV 2 Landscape-level ecosystems and mosaics: Large landscape-level ecosystems and ecosystem mosaics that are significant at global, regional or national levels, and that contain viable populations of the great majority of the naturally occurring species in natural patterns of distribution and abundance.</p>	<p>4,5,6,7,8,11,14,17,20,25</p>	<p>a) Intact Forest Landscapes (IFL map uses the most recent coverage)- A national level assessment of biodiversity richness was undertaken for the first time in India in 2012 using spatial data on a 1:50,000 scale to identify and to map potential biodiversity-rich areas in the country. It generated a baseline database, providing information on the vegetation type, fragmentation, disturbance index and biological richness for the entire country. The biological richness map was generated by a nationwide survey conducted between 1997-2007 (where biological richness values were categorized as low (17- 33), medium (34-49), high (50-69), and very high (70-91)) and provided geospatial data to assist with conservation and management planning for the first time. North-eastern India, the Andaman and Nicobar Islands and the Western Ghats as well as some patches of the Eastern Ghats (especially Araku Valley, Andhra Pradesh) were classified as having very high biological richness.</p> <p>b) Landscape-scale natural forests that have experienced lesser levels of past human disturbance (e.g., minimal timber harvesting) or other management (e.g. fire suppression), or areas within such forests.</p> <p>The 2006 amendment to the Wildlife (Protection) Act led to the designation of areas for landscape-scale biodiversity conservation, such as Tiger Reserves, for the first time. Currently there are 50 Tiger Reserves in India that accord legal protection to over 7 million hectares of forest landscape in the country. India's Protected Area network that includes Tiger Reserves have been legally protected (under Wildlife Protection Act 1972) and have been largely set aside for <i>in-situ</i> conservation of wild</p>	<p>Country (all regions, forest types, land classes)</p>	<p>Specified risk (12) HCV 2 is identified and/or its occurrence is likely in the area under assessment, and it is threatened by management activities.</p>

	<p>flora and fauna. Hence, they are relatively less affected by past human disturbance or other management activities and are a useful proxy for this HCV subcategory.</p> <p>c) Forests recognized as being regionally significant at the bioregion or larger scale by conservation organizations (in formally recognized reports or peer-reviewed journals) due to the unusual landscape scale biodiversity values provided by size and condition of the forest relative to regional forest land cover and land use trends.</p> <p>As of August 2017, India has 7 UNESCO Natural World Heritage Sites (Kaziranga National Park, Manas Wildlife Sanctuary, Keoladeo National Park, Nanda Devi and Valley of Flowers National Park, Western Ghats, Sundarbans, Great Himalayan National Park) and 1 UNESCO Mixed World Heritage Site (Khangchendzonga National Park).</p> <p>d) Forests that provide regionally significant habitat connectivity between larger forest areas or between refugia and mosaics.</p> <p>A country-wide mapping study in 2005 provided a comprehensive list of 88 corridors throughout India that can be used as a proxy for providing regional connectivity. These corridors are critical to the long-term survival of the Asian Elephant and several other wide-ranging mammals. These corridors sometimes incorporate production forests (Reserved Forests or privately-owned areas) between fragments of Protected Areas. As these forested corridors have limited legal protection there is no mechanism currently available to protect and plan for species-specific strategies. Many corridors around PAs are largely destroyed (e.g., disruption of large mammals' corridor between Kaziranga-Karbi Anglong Landscape due to National Highways and resort construction) due to ill-conceived town planning and mushrooming of tourism facilities around such Parks.</p> <p>A majority of PAs are too small in size, and some are even fragmented and many are under tremendous pressure, primarily because of burgeoning local human populations leading to overexploitation and destruction of the forests' biological resources. A large number of people reside within PAs and there is a danger of PAs becoming islands surrounded by a degraded and impoverished landscape; absence of corridors linking PAs at least within the same biogeographical region and the lack of a mechanism for transboundary biodiversity conservation are also a threat to landscape level forest areas of conservation concern. This places greater importance on the protection of high conservation values within production forests where protection of HCV2 is also inadequate.</p>		
--	---	--	--

		<p>Another significant cause of biodiversity loss are the high levels of unregulated grazing, shifting cultivation and forest product collection (e.g., fuelwood, timber, fodder and non-wood forest products) by local communities in state forests. In addition, vast areas are still being diverted for developmental and infrastructure projects, and there are significant numbers of exotic invasive species that pose a threat to native flora.</p> <p>Biodiversity is also being depleted because of legal and illegal trade in economically and medicinally-important species. Levels of exploitation of some plant species are high and the trade in them, together with other factors, such as habitat loss, is capable of heavily depleting their populations and even bringing some species close to extinction.</p> <p>Applicable to all functional scales? Laws and regulations in India and boundary protection for Protected Forests provide insufficient protection for HCV2 across all functional scales. That means that it is not necessary to make a distinction between private or state management. The situation is the same in production and protected forests. A distinction between plantations and semi natural forests is not made, as it is not possible, from the data available, to rule out the presence of many HCVs in plantations, or plantations in or adjacent to areas of HCV. Therefore, no separate conclusions on risk by functional scale are drawn.</p>		
3.3 HCV 3 Ecosystems and habitats: Rare, threatened, or endangered ecosystems, habitats or refugia.	9,10,14,16,17,18,20,24	<p>a) Old growth forests, outside of forest biomes where the concept is redundant.</p> <p>The proxies used for HCV 3 are the same as those used for HCV 1 and HCV 2, namely the protected area network, including UNESCO World Heritage Sites, and sites identified by the national level assessment of biodiversity richness carried out in 2012 using spatial data on a 1:50,000 scale to identify and to map potential biodiversity-rich areas in the country. In addition, sacred groves comprise patches of forests or natural vegetation from a few trees to forests of several acres that are usually dedicated to local folk deities or tree spirits. These spaces are protected by local communities because of their religious beliefs and traditional rituals that run through several generations. In India, sacred groves are found all over the country and abundantly along the Western Ghats in the states of Kerala and Karnataka. Broadly, the total number of sacred groves in India could be in the range of 100,000 – 150,000, although the current health and status of such community owned areas needs to be mapped and updated on a country-wide basis. Many of these areas are</p>	Country (all regions, forest types, land classes)	Specified Risk (17) HCV 3 is identified and/or its occurrence is likely in the area under assessment and it is threatened by forest management activities

		<p>old growth forests and likely to include rare, threatened or endangered ecosystems and habitats but unlike the other HCV 3 proxies are not directly affected by forest management activities as they are subject to strict protection and prohibition of the harvesting and extraction of wood and non-wood forest products.</p> <p>Applicable to all functional scales? Laws and regulations in India and boundary protection for Protected Forests provide insufficient protection for HCV3 across all functional scales That means that it is not necessary to make a distinction between private or state management. The situation is the same in production and protected forests. A distinction between plantations and semi natural forests is not made, as it is not possible, from the data available, to rule out the presence of many HCVs in plantations, or plantations in or adjacent to areas of HCV. Therefore, no separate conclusions on risk by functional scale are drawn.</p>		
<p>3.4 HCV 4 Critical ecosystem services: Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes. These services include: consolidation of highly erodible soils including on steep slopes, forests that protect against flooding or forests that provide barriers to fire. a) protection from flooding; b) protection from erosion; c) barriers from destructive fire; d) clean water catchments.</p>	12,13, 10,15	<p>A limited number of studies at local levels are available to assess the forestry sector's contribution to ecosystem services for a) protection from flooding b) erosion c) barriers from destructive fire and c) clean water catchments.</p> <p>Global Forest Watch Water (GFW) has developed a map of key watersheds for waterbodies and wetlands in India and the level of tree cover and tree cover loss which is a useful proxy for HCV4. The database suggests that most of the watersheds in India lost more than half of their forests prior to 2000. For e.g., the watershed of Krishna river was once covered by forests, but fewer than 3 percent of these trees remain today as a result of urbanization and cropland expansion. Communities in the area suffer from frequent droughts and floods, as well as high levels of water pollution from agricultural runoff. Sedimentation is a recurring challenge to reservoirs and dams.</p> <p>Despite the presence of strong watershed and habitat protection in the legislative framework, as well as a requirement for local involvement and benefit-sharing in the management of public forests in India, capacity within the Forest Department in this area is limited and this is exacerbated by a lack of coordination between the various agencies with responsibility for protecting critical forests in the country. Forest working plans in public forests do not give a comprehensive account of the state of forest hydrological importance or their importance as fire breaks nor do they identify the areas (compartments) in each division specifically requiring protection measures as well as prescribing such measures. In community or private forests, management is less formalized and not monitored, nor regulations enforced. As a result, forest</p>	Country (all regions, forest types, land classes)	Specified risk (22) HCV 4 is identified and/or its occurrence is likely in the area under assessment and it is threatened by management activities.

		<p>management does not take due consideration of HCV 4 and frequently leads to habitat disturbance, degradation and fragmentation, associated impacts to soils and watercourses and waterbodies and inadequate participation of forest-dependent communities in protection activities.</p> <p>Another significant cause of soil and water impacts and increase in fire risks are the high levels of unregulated grazing, shifting cultivation and forest product collection (e.g., fuelwood, timber, fodder and non-wood forest products) by local communities in state forests. In addition, vast areas are still being diverted for developmental and infrastructure projects, and there are significant numbers of exotic invasive species that pose a threat to native flora.</p> <p>A majority of PAs are too small in size, and some are even fragmented and many are under tremendous pressure, primarily because of burgeoning local human populations leading to overexploitation and destruction.</p> <p>Applicable to all functional scales? Laws and regulations in India and boundary protection for Protected Forests provide insufficient protection for HCV4 across all functional scales That means that it is not necessary to make a distinction between private or state management. The situation is the same in production and protected forests. A distinction between plantations and semi natural forests is not made, as it is not possible, from the data available, to rule out the presence of many HCVs in plantations, or plantations in or adjacent to areas of HCV. Therefore, no separate conclusions on risk by functional scale are drawn.</p>		
<p>3.5 HCV 5 Community needs: Sites and resources fundamental for satisfying the basic necessities of local communities or indigenous peoples (for livelihoods, health, nutrition, water, etc.), identified through engagement with these communities or indigenous peoples.</p>	<p>6, 19, 26</p>	<p>HCV 5 is widespread in Indian forests. Throughout the country rural communities are largely dependent on rain-fed agriculture, as well as on rivers and ground water recharge to meet their water requirements of drinking water, washing and cooking. Indian agriculture is primarily rain fed with a great dependency on monsoons. There are more than 19 major river systems with numerous tributaries that mostly originate in the high mountains with a protected forest catchment.</p> <p>Non-timber forest products (NTFPs) also play an important role in the economic, social and traditional life of millions of forest dependent populations, particularly the tribal and landless people, women and other rural poor. Rural India annually consumes in the region of 270-300 million tonnes of fuelwood, 2,800 million tonnes of fodder, and about 102 million m3 of forest products - valued at about ₹27,500 crore</p>	<p>Country (all regions, forest types, land classes)</p>	<p>Specified risk (26) HCV 5 is identified and/or its occurrence is likely in the area under assessment and it is threatened by management activities.</p>

	<p>(US\$4.3 billion) a year. The country also has a thriving NTFP (also termed as Minor Forest Produce) industry, which produces latex, gums, resins, essential oils, flavours, fragrances and aroma chemicals, incense sticks, handicrafts, thatching materials and medicinal plants. According to the FAO, in 2009 NTFPs contributed over 75% of total forest export revenue in India and nearly 400 million people living in and around forests in India depend on NTFPs for sustenance and supplemental income. NTFPs contribute significantly to the income of about 30% of rural people. More than 80% of forest dwellers depend on NTFPs for basic necessities. The collection of NTFPs comprises the main source of wage labour for 17% of landless labourers, and 39% more are involved in NTFP collection as a subsidiary occupation. Traditionally, the collection of NTFPs has been a low intensity activity and generally sustainable. However, as their economic potential has improved, the intensity of collection has increased and better infrastructure for trade and processing has developed. For example, many pharmaceutical enterprises have emerged to meet the market demand for medicines. They pose a threat to many medicinal plants through demand-based overexploitation.</p> <p>No distribution maps exist for this wide range of products and therefore forest cover is the only available proxy for HCV5. High levels of unregulated grazing, shifting cultivation and forest product collection (e.g., fuelwood, timber, fodder and non-wood forest products) by local communities in state forests are leading to depletion of the forest products on which rural communities are often dependent. Per capita forest area across the country is only 0.064 ha against the world average of 0.64 ha. As a result, as much as 78 percent of the Recorded Forest Area is subjected to heavy, unregulated grazing, and nearly 10 million ha area is subject to shifting cultivation. In addition, vast areas are still being diverted for developmental and infrastructure projects. As previously mentioned in this assessment, forest clearance has been, and continues to be, a significant source of timber. These factors not only result in biodiversity loss but also in forest fragmentation which, in addition to species loss, disrupts gene flow among populations of a species, resulting in genetic impoverishment.</p> <p>Applicable to all functional scales? Laws and regulations in India and boundary protection for Protected Forests provide insufficient protection for HCV5 across all functional scales. That means that it is not necessary to make a distinction between private or state management. The situation is the same in production and protected forests, as well as in plantations and semi</p>		
--	---	--	--

		natural forests. Therefore, no separate conclusions on risk by functional scale are drawn.		
3.6 HCV 6 Cultural values: Sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and/or of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities or indigenous peoples, identified through engagement with these local communities or indigenous peoples.	21,22, 23	<p>a) Aesthetic values. There are several natural areas within India that are of particular scenic value, that also serve as eco-tourist destinations. As this is a very subjective value there is no obvious spatial delineation of scenic areas for the country. However, many of the proxies described above (such as World Heritage sites and Tiger Reserves) include many of the large tracts of remaining natural land of scenic value. These areas are not all adequately protected as described above.</p> <p>b) Historic values. Sacred groves comprise of patches of forests or natural vegetation from a few trees to forests of several acres that are of ancient origin and usually dedicated to local folk deities or tree spirits. These spaces are protected by local communities because of their religious beliefs and traditional rituals that run through several generations. In India, sacred groves are found all over the country and abundantly along the Western Ghats in the states of Kerala and Karnataka. Although, there has been limited information to map the sacred groves of the entire country, experts estimate the total number of sacred groves in India could be in the range of 100,000 – 150,000. These areas are not usually subject to harvesting and extraction activities for wood or NTFPs.</p> <p>c) Social (including economic) values. Livestock are an important part of the social and local economic fabric of rural Indian society, and in many instances livestock play a strong cultural role; being much more than commercial assets. Grazing lands (that may overlap with Recorded Forest Areas) are thus a vital part of the landscape. Farm forests and plantations can displace grazing as a form of land use, restricting the same number of animals to a smaller remaining area of grazing. This leads to a trend of increasing grazing pressure and degradation of the remaining grassland in Reserved and Protected Forests.</p> <p>d) Spiritual values In India some local communities may desire access to a geographical feature (such as a river pool or cave or similar) for cultural purposes; or a family may require access to ancestral grave sites Sacred groves as described above, also have associated spiritual values. Such sites are not directly subject to timber or NTFP extraction and</p>	Country (all regions, forest types, land classes)	Specified Risk (30) HCV 6 is identified and/or its occurrence is likely in the area under assessment and it is threatened by management activities.

		<p>the issue is thus one of access, as the plantations, woodlots or jungles themselves are a new addition to the landscape and do not necessarily contribute to cultural identity. However, it is unlikely that these types of cultural use are critical to the traditions or identity of the affected communities, rather they are more often likely to be important to the individuals or families in question and in most cases, the issue of access is not contentious, and is freely given.</p> <p>Another HCV value associated with spiritual values in forest areas is the presence of 'sacred trees' which are used for worship by the local communities e.g., <i>Ficus religiosa</i> in most forest areas is used as a sacred tree and there is a social sanction which protects this tree. In some other areas, specific trees have ascribed sacred values, and are hence afforded protection by the local communities (e.g. Konnimara teak tree in Kerala). Forests containing tribal communities also have burial grounds in forests which serve as areas of important cultural value for the local community.</p> <p>Applicable to all functional scales?</p> <p>Laws and regulations in India and boundary protection for Protected Forests provide insufficient protection for HCV6 across all functional scales. That means that it is not necessary to make a distinction between private or state management. The situation is the same in production and protected forests. for a distinction between plantations and semi natural forests is not made, as it is not possible, from the data available, to rule out the presence of many HCVs in plantations, or plantations in or adjacent to areas of HCV. Therefore, no separate conclusions on risk by functional scale are drawn.</p>		
--	--	--	--	--

Recommended control measures

N/A

Information sources

No.	Source of information	Relevant HCV category and indicator
1	Govt of India ENVIS Centre on Wildlife & Protected Areas (Last Updated: 06/07/2017) http://wiienvis.nic.in/Database/Protected_Area_854.aspx	HCV1
2	Anon (2014) India's 5 th National Report to the Convention of Biological Diversity. Ministry of Environment, Forests and Climate Change. Govt of India http://www.cms.int/sites/default/files/document/cms_cop12_nr_ind_e.pdf https://www.cbd.int/doc/world/in/in-nr-05-en.pdf	HCV 1
3	IUCN (2016) IUCN engagement in India. https://www.iucn.org/regions/asia/countries/india	HCV 1
4	Indian Geo Platform of ISRO (2017) National Remote Sensing Centre, Indian Space Research Organisation Government of India http://bhuvan-staging.nrsc.gov.in/events2/forest/moefcc_envis.php#	Cat 3, HCV 1,2,3
5	Menon, V., Tiwari, S. K., Easa P. S. and Sukumar, R. (2005). Right of Passage: Elephant Corridors of India. (Eds.). Conservation Reference Series 3. Wildlife Trust of India, New Delhi. http://projecttiger.nic.in/WriteReadData/PublicationFile/mee_tiger_2011.pdf	HCV 1
6	UNdata (2016) World Statistics Handbook http://data.un.org/CountryProfile.aspx?crName=India	Cat 3 , HCV 1,2,3,4,5
7	Govt of India (2009) 4th National Report on India's Biodiversity http://www.moef.nic.in/sites/default/files/India_Fourth_National_Report-FINAL_2.pdf	Cat 3, HCV 2,3
8	WII (2016) India's Biosphere Reserves http://wiienvis.nic.in/Database/br_8225.aspx http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/man-and-biosphere-programme/	HCV 2
9	IUCN (2016) IUCN Red Data List http://www.iucnredlist.org/	HCV 3

	https://www.pmfias.com/iucn-red-list-india-red-data-list-red-book/	
10	IUCN (2016). An Introduction to the IUCN Red List of Ecosystems: The Categories and Criteria for Assessing Risks to Ecosystems. Gland, Switzerland: IUCN. vi + 14pp. http://iucnrle.org/about-rle/ongoing-initiatives/assessments-in-progress/ https://portals.iucn.org/library/sites/library/files/documents/2016-035.pdf	HCV 3
11	ISFR (2015) India State of Forest Report. Govt of India Forest Survey of India Dehradun. http://fsi.nic.in/isfr-2015/isfr-2015-tree-cover.pdf	Cat3, HCV 1,2
12	Global Forest Watch (2016) Country Profile http://www.globalforestwatch.org/countries/overview	HCV 4
13	National Wetlands Atlas (2013) Wetlands of International Importance under RAMSAR convention. MOEFCC/ISRO http://www.indiaenvironmentportal.org.in/files/file/Atlas-Wetlands-International%20Importance-Ramsar-Convention.pdf	HCV 4
14	Govt of India (2017) National Biodiversity Authority http://nbaindia.org/uploaded/Biodiversityindia/5th_NationalReporttoCBD.pdf	HCV 1,2,3
15	MoEFCC & GIZ. 2014. The Economics of Ecosystems and Biodiversity TEEB India Initiative: Interim Report - Working Document. 92p https://www.giz.de/en/downloads/giz2015-en-ecosystems-biodiversity-interim-report-india.pdf	HCV 4
16	National Disaster Management Plan (2016) National Disaster Management Authority Government of India http://ndma.gov.in/images/policyplan/dmplan/National%20Disaster%20Management%20Plan%20May%202016.pdf	HCV 3,4,
17	Govt of India (1988) National Forest Policy http://envfor.nic.in/legis/forest/forest1.html	Cat 3, HCV 1,2,3
18	Govt of India (undated) Biodiversity Hotspots in India http://www.bsienvi.nic.in/Database/Biodiversity-Hotspots-in-India_20500.aspx http://plantauthority.gov.in/hotspots.htm	HCV 1,3
19	Govt of India (2005) Agro-Biodiversity Hotspots in India	HCV 5

	http://www.plantauthority.gov.in/hotspots.htm	
20	TPCG and Kalpavriksh. 2005. Securing India's Future: Final Technical Report of the National Biodiversity Strategy and Action Plan. Prepared by the NBSAP Technical and Policy Core Group. Kalpavriksh, Delhi/Pune.. http://www.kalpavriksh.org/images/Biodiversity/Bio_NBSAP/Chapter4.pdf	HCV 1,2,3
21	Govt of India (2017) Portal for national monuments in India https://www.india.gov.in/topics/art-culture/monuments	HCV 6
22	Eck, D.L. (2012). India –a sacred Geography. Potter/TenSpeed/Harmony, 2012	HCV 6
23	National Mission on Monuments and Antiquities http://www.asi.nic.in/asi_mission.asp	HCV 6
24	CPREEC (2008) Sacred Groves of India . CPREEC ENVIS http://ecoheritage.cpreec.org/innerpageof.php?\$mFJyBfKPkE6	HCV 3
25	Landscape Level Biodiversity Databases in India: Status and the Scope, PS Roy, SPS Kushwaha & A Roy, Proceedings of the National Academy of Sciences, India Section B: Biol.Sci. (2012) 82:261-269 (https://www.researchgate.net/publication/236033188_Landscape_Level_Biodiversity_Databases_in_India_Status_and_the_Scope)	HCV 2
26	J.S. SINGH and S.P.S. KUSHWAHA, Forest biodiversity and its conservation in India, International Forestry Review Vol 10(2), 2008 (https://www.researchgate.net/publication/234100505_Forest_biodiversity_and_its_conservation_in_India)	HCV 5

Controlled wood category 4: Wood from forests being converted to plantations or non-forest use

Risk assessment

Indicator	Source of information	Functional scale	Risk designation and determination
4.1	<p>The Forest Conservation Act, 1980, amended 1988 (Part II) Ministry of Environment, Forests and Climate Change http://envfor.nic.in/legis/forest/forest2.html</p> <p>ENVIS Centre on Forestry http://frienvis.nic.in/Database/Forest-Cover-in-Indian-States-and-Union-Territories_1825.aspx</p> <p>Ministry of Environment, Forests and Climate Change http://nromof.gov.in/guidelines.htm</p> <p>Dr. Madhuri, P. (2013). The Forest Conservation in India and the Role of Indian Supreme Court: A Critical Analysis. IOSR Journal Of Humanities And Social Science (IOSR-JHSS). Volume 13, Issue 4 (Jul. - Aug. 2013), PP 55-61: http://www.iosrjournals.org/iosr-jhss/papers/Vol13-issue4/J01345561.pdf?id=2285</p> <p>FAO (2014). Global Forest Resources Assessment 2015 – Country Report, India. Rome, Italy. Available at: http://www.fao.org/3/a-az238e.pdf (last accessed on 11 August 2017)</p> <p>Forest Survey of India (Ministry of Environment & Forests) (2015). India State of Forest Report 2015 – Forest Cover. Dehradun, India. Available at: http://fsi.nic.in/isfr-2015/isfr-2015-forest-cover.pdf (last accessed on 11 August 2017)</p>	-	<p>Assessment based on legality</p> <p>Content of law</p> <p>The competent authority is the State Forest Department, Ministry of Environment and Forests, Government of India. The conversion of natural forests in India is strictly regulated at many levels and governed by the Forest Conservation Act, 1980. All cases of forest diversions to non-forest use are monitored by the Supreme Court of India-appointed Empowered Committee. There are no exceptions, as per Forest Conservation Act, 1980.</p> <p>The forests are managed as per the approved Working Plans formulated according to National Working Plan Code. The National Working Plan Code prohibits clear-felling of forests such that forest lands would be converted into non-forest lands as a result of harvesting activities. The Forest Conservation Act, 1980 (Part II) prohibits/regulates conversion of forests to non-forests uses such as plantations, and prohibits/regulates diversion of forest land (whether forests exist or not on such land) to non-forest purpose. Conversion of forests for non-forest use is allowed on a case-by-case basis depending on the merit of each case as evaluated by Supreme Court of India-appointed Empowered Committee or by the competent authority as defined by the Forest Conservation Act, 1980. . The Forest Conservation Act, 1980, includes provision to compensate for loss of forest land through diversion by compensatory afforestation, generally in an area twice that of the affected area. Further, legislation also requires the collection of an amount equivalent to the Net Present Value (NPV) of the total area that is scheduled for conversion, which shall go into a nationally administered CAMPA (Compensatory Afforestation Fund Management and Planning Authority) Fund. The</p>

		<p>collected funds will be utilised for afforestation, regeneration of forest ecosystems, wild life protection and infrastructure development.</p> <p>Under section 3 (B), applications of the penal provisions include penalties to Authorities and Government Departments if they are found to be responsible for the use of forests or forest land for non-forest purposes. This lowers the risk for such conversion, either by action or inaction of authorities/entities/public.</p> <p>The Supreme Court has ruled that whilst considering diversion of forests for non-forest uses, the definition of forests will be considered according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act, 1980. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. Thus whether Government or private forests, the conversion of forests land is strictly regulated in India, although conversion is allowed in specific cases.</p> <p>Is the law enforced?</p> <p>The implementation of Forest Conservation Act, 1980, which is the cornerstone for regulating conversion of forest land to non-forest activities in India is being overseen by the legislature, through the federal (Central) Ministry of environment, forests and climate change and related state government departments, the bureaucracy through the Indian Forest Service (which is managed by the legislature) and the judiciary through Central Empowered Committee (CEC) of the Supreme Court and through the National Green Tribunal (NGT).</p> <p>According to categories 1 and 2 in this assessment, law enforcement in India is weak and that there are high levels of corruption and illegal logging.</p>
--	--	---

		<p>Is it possible to conclude that the spatial threshold (0.02% or 5000 ha) is met by assessing the enforcement of legislation?</p> <p>No, the applicable legislation is not sufficient to assess this indicator with the legally-based thresholds.</p> <p>Assessment based on spatial data</p> <p>According to the Ministry of Environment, Forests & Climate Change, the Government of India is gradually decreasing rates of deforestation and increasing reforestation rates in the country. In 1987 approximately 19.49% of Indian territory was composed of forest and in 2013 the percentage was 21.23%.</p> <p>According to the Global Forest Resources Assessment 2015 (FAO 2014), the forest cover in India increased by 587,000 ha between the years 2008 and 2011 (from 69,203,000 ha to 69,790,000 ha). As reported by the same assessment, the primary forest area has remained unchanged between the years 2010 and 2015. The same applies to other naturally regenerated forests.</p> <p>As stated in India's State of Forest Report, there has been large scale conversion of forest land in North East India due to shifting cultivation. However, at the country level the forest area has still increased by 377,700 ha between the years 2013 and 2015.</p> <p>Is it possible to conclude that the spatial threshold (0.02% or 5000 ha) is met?</p> <p>According to the spatial data provided above, conversion of natural forests to plantations or non-forest use in the area under assessment is below the threshold of 0.02% or 5000 hectares average net annual loss.</p> <p>Risk designation</p> <p>Low risk. Thresholds (1) and (3) are met: Thresholds provided in the indicator are not exceeded;</p>
--	--	--

			AND Other available evidence does not challenge a 'low risk' designation.
--	--	--	--

Recommended control measures

N/A

Controlled wood category 5: Wood from forests in which genetically modified trees are planted

Risk assessment

Indicator		Sources of information	Functional scale	Risk designation and determination
5.1		<p>Indian GMO Research Information System igmoris.nic.in: Indian GMO Research Information System (IGMORIS) is a web based database on activities involving the use of GMOs and products thereof in India. This source has been used as it provides comprehensive and updated information on GMO crops approval and use in the country.</p> <p>Genetic Engineering Appraisal Committee: envfor.nic.in/major-initiatives/geac-clearances: Working of GEAC, the nodal agency for approval of GM crops in India</p> <p>Coalition for a GM-Free India: http://indiagminfo.org/ :gives perspective on non-governmental monitoring of GMO use in the country</p> <p>List of field trials: http://igmoris.nic.in/field_trials2011.asp</p>	N/A	<p>LOW RISK <i>(1) GMO use is illegal according to applicable legislation of the area under assessment AND the risk assessment for relevant indicators of Category 1 confirms that applicable legislation is enforced.</i></p> <p>GMO is not illegal, but tightly regulated under the Environmental Protection Act, 1986. GEAC (Genetic Engineering Appraisal Committee) approves the field trial and commercial production of GMO in India after extensive stakeholder inputs and licenses are issued. In case of GMO cultivation, the growth areas need to be reported.</p> <p><i>(2) There is no commercial use of GMO (tree) species in the area under assessment,</i> Currently there is no approval for commercial GMO use of tree species. Up to date, only rubber has been approved for first level biosafety field trial but no field trials have been conducted so far.</p> <p>AND <i>(3) Other available evidence does not challenge 'low risk' designation.</i></p> <p>The use of GMO is monitored by the Genetic Engineering Appraisal Committee, as well as NGOs, and no unauthorized planting of GM tree species has been reported.</p> <p>GMO use is tightly regulated, and no GMO trees have been used in commercial forestry, nor field tested in India, thus the risk is considered low.</p>

GMO Context Question	Answer
1. Is there any legislation covering GMO (trees)?	Environmental Protection Act, 1986
2. Does applicable legislation for the area under assessment include a ban for commercial use of GMO (trees)?	No. But the introduction of GMOs is tightly regulated
3. Is there evidence of unauthorized use of GM trees?	There is extensive oversight from GEAC as well as NGOs
4. Is there any commercial use of GM trees in the country or region?	None presently
5. Are there any trials of GM trees in the country or region?	None presently (Up to date, only rubber has been approved for first level biosafety field trial (http://igmoris.nic.in/field_trials2011.asp) but no field trials have been conducted so far)
6. Are licenses required for commercial use of GM trees?	GEAC provides approvals after state government provides No Objection Certificates (NoCs)
7. Are there any licenses issued for GM trees relevant for the area under assessment? (If so, in what regions, for what species and to which entities?)	GEAC provides approval for licenses to GMOs. Presently no tree species have been provided for commercial licenses.
8. What GM 'species' are used?	Presently no GMO tree species have been cleared for commercial farming.
9. Can it be clearly determined in which MUs the GM trees are used?	Yes. In case of GMO cultivation, the growing areas need to be reported.

Recommended control measures

N/A