

Working Paper 197

**Devolution as a Threat to Democratic
Decision-making in Forestry?
Findings from Three States in India**

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with
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Abbreviations

BJFPC	Budhikhamari Joint Forest Protection Committee
CFM	community forest management
DFID	Department for International Development, UK
DFO	Divisional Forest Officer
GOI	Government of India
IFA	Indian Forest Act, 1927
JFM	Joint Forest Management
MOEF	Ministry of Environment & Forests, GOI
MTO	Mass Tribal Organisation
NGO	Non government organisation
NTFP	Non-timber forest product
PESA	Panchayats (Extension to the Scheduled Areas) Act
RF	Reserve Forest
VC	Village Committee (a generic term used for <i>Van Panchayats</i> , VFCs and proposed JFM committees under the new draft Village Forest JFM rules)
VFJM	Village Forest Joint Management

Definitions of Local terms used

<i>Begar</i>	System requiring free labour
<i>Benaap</i>	Unmeasured
<i>Bhawan</i>	Building
<i>Chipko</i>	Literally sticking to or hugging
<i>Dasholi Gram Swaraj</i>	A Gandhian NGO based in Gopeshwar
<i>Mandal</i>	
<i>Gram Sabha</i>	In Uttar Pradesh, term used for the elected representatives of the lowest local government institution; in most other Indian states it means the general body of electors of a Gram Panchayat
<i>Haq Haquque</i>	Legal rights
<i>Jhapto Cheeno Andolan</i>	Snatch and grab movement
<i>Lakh</i>	An Indian unit for 100,000
<i>Lath Panchayat</i>	Traditional institution using a stick for protection and enforcement
<i>Mahila Mangal Dal</i>	Women's welfare association
<i>Mahila Samakhya</i>	Name of a government programme for women's empowerment and literacy
<i>Naap</i>	Measured
<i>Nali</i>	A local unit of land area
<i>Nyaya</i>	Justice
<i>Panchayati Raj</i>	Local self governance institutions
<i>Paryavaran</i>	Environment
<i>Patwari</i>	Lowest level revenue official
<i>Ped Kato Andolan</i>	Cut trees movement
<i>Pradhan</i>	President, head
<i>Sal assi</i>	80 th year (according to Indian calendar)
<i>Sarpanch</i>	President of <i>Van Panchayat</i> council
<i>Soyam</i>	Term used for revenue forest land in the princely state of Tehri Garhwal
<i>Tehsil</i>	An administrative unit within a district
<i>Van Panchayat</i>	Democratic community forest management institution
<i>Van Samiti</i>	Forest Committee
<i>Zila Parishad</i>	Elected district government institution

Summary

This paper looks at two interfacing trends shaping devolution of forest management in India: *appropriation* of space for forest management by diverse self-initiated community formations; and state-driven *devolution* where government policies define the scope of local authority in forest management. Current devolution policies are located in the historical trajectory of conflict between local interests in forest livelihoods and community-based decision making on the one side, and state interests in forest revenue, environmental protection and centralised control on the other. The paper assesses whether state devolution policies are increasing or decreasing space for exercising democratic local control over forest management decisions, enhancing livelihoods and improving forest quality. Devolution policies considered include Joint Forest Management (JFM), which solicits peoples' 'participation' in state forest management. The paper is based on research studies undertaken in three states, Orissa, Madhya Pradesh and the Uttarakhand region of Uttar Pradesh. Set in a larger policy and historical context, devolution policies emerge as a further extension of state control, at best a meagre palliative for mobilised forest users, rather than a real move towards greater democracy, improved local livelihoods, and healthier forests. The relationship is being given a new form rather than changing its balance of power or reducing the conflict between state and local interests. Government agencies have not bothered to engage villagers already involved with community forest management (CFM) in policy formulation, nor have they aimed to strengthen existing initiatives and institutions through jointly analysing local problems, perspectives and priorities. Meaningful devolution requires nurturing democratic, self-governing CFM institutions with clear communal property rights and empowerment of forest-dependent women and men to make real choices for enhancing sustainable livelihoods in accordance with their own priorities. This needs to be accompanied by holistic forest sector reform processes with multi-sectoral and multi-stakeholder participation in the context of the growing threats posed by market-driven globalisation to genuine devolution and democratisation.

1 Introduction

This paper looks at two interfacing trends shaping devolution of forest management in India:

- *appropriation* of space for forest management by diverse self-initiated community formations at the grass roots level despite state seizure of forests;
- state-driven *devolution* where government policies define the scope of local authority in forest management.

Devolution policies are a recent development in the historical trajectory of conflict between local interests in forest livelihoods and community-based decision making on the one side, and state interests in forest revenue, environmental protection and centralised control on the other. We assess whether state devolution policies are increasing or decreasing space for exercising democratic local control over forest management decisions, enhancing livelihoods and improving forest quality.

The term ‘space’ here refers to the rights or entitlements, authority and responsibilities enjoyed by local women and men, whether on a *de facto* or *de jure* basis. Devolution policies considered include Joint Forest Management (JFM), which solicits people’s ‘participation’ in state forest management, and the *Panchayats* (Extension to the Scheduled Areas¹) Act, 1996 (PESA), which devolves considerable authority to self-defined and self-organised communities to manage their local forest resources.

Eco-development represents another variation of state-driven devolution for villagers living within or on the periphery of protected areas. Eco-development solicits people’s participation in devising alternatives for their resource-dependent livelihoods from areas subsequently brought under the protected area network. Local structures may include single or multiple villages or hamlets within them, or sub-groups of youth or women within any of the former. Institutional structures may include formally constituted *Gram Panchayats* – the lowest level of local self-government, self-organised or traditional village institutions, mobilised *Gram Sabhas* (the collective body of adult electors of self-defined *communities* under PESA) or women’s or youth associations or government-promoted participatory village ‘committees’.

Research studies were undertaken in three states,² Orissa, Madhya Pradesh and the Uttarakhand region of Uttar Pradesh.³ All three states have ongoing JFM programmes, the latter two funded by World Bank loans. They also have various forms of pre-existing community-based forest management institutions, though only the legally demarcated Village Forests managed by elected *Van Panchayats* (forest councils) in Uttarakhand are officially recognised. All three regions, as most other forested regions in the country, have histories of local rebellions and struggles for protecting community forest rights against forest reservation and ruthless commercial exploitation by the state, both during the colonial period and since Independence. All three states have also experienced significant replacement of natural forests by commercial species (Guha, 1989; Sundar, 2000), and forest destruction and displacement for ‘development’ projects such as mining, industry or submergence for large dams.⁴

¹ Areas with tribal majority populations to which special provisions for protecting tribal identity, culture and interests are applicable under Schedule V of the Indian Constitution.

² Research work in Orissa was coordinated by Neera M. Singh, then Secretary of Vasundhara, a non-government organisation (NGO) actively involved with community forest management (CFM) issues in Orissa. In Madhya Pradesh, the research work was undertaken by Dr Nandini Sundar, then Reader at the Institute of Economic Growth, Delhi, and Ranu Bhogal. The Uttarakhand study was undertaken by Madhu Sarin with field work for the case studies by Tarun Joshi, Geeta Gairola and Seema Bhatt. The different state studies were jointly coordinated by Madhu Sarin and Neera M. Singh.

³ In November 2000, three new Indian states were created by subdividing Uttar Pradesh, Madhya Pradesh and Bihar. Bastar now falls in the new state of Chhattisgarh, carved out of Madhya Pradesh and Uttarakhand in the new state of Uttaranchal, carved out of Uttar Pradesh. As the research predated creation of the new states, this paper refers to them as falling in Madhya Pradesh and Uttar Pradesh respectively.

⁴ According to Planning Commission of India estimates, 21.3 million persons were displaced for various ‘development’ projects between 1951 and 1990 alone. Of these, 8.54 million, constituting 40 per cent of the displaced persons, belonged to Scheduled Tribes

In contrast to the more developed regions of the country, the study sites have large areas of the erstwhile uncultivated commons declared state-owned forest land, between 38 and 67% of their total geographical area. Large proportions of their population live below the poverty line and, forest lands claimed by the state continue to be critical for supporting local livelihoods. Consequently, all three are sites of significant ‘appropriated’ space for local forest management. These provide valuable insights into community perspectives on JFM and other forms of state-driven devolution. They indicate where state and local interests in local management diverge, how the two interests affect and reshape one another, and the outcomes of such interaction for local people and forests. Analysis of these three states highlights the changes required for making state-driven devolution policies more responsive to the priorities of forest-dependent women and men. Forest-dependent people have developed their own strategies for shaping such policy reform. These include building alliances between community-based forest management groups through federations in Orissa (Vasundhara, 2000), asserting community interpretations of the empowering provisions of PESA in pockets of Madhya Pradesh (Behar & Bhogal, 2000; Sundar, 2000), and challenging the parameters of existing devolution policies and donor-funded projects through advocacy and people’s movements in all three states. (Vasundhara, 1999; Behar & Bhogal, 2000; Sundar, 2000, Sarin, 2001a; 2001b & 2001c).

Given India’s sub-continental size and the cultural, ethnic, historical and ecological diversity it encompasses, the findings from three of 25 states cannot be generalised for the impact of devolution policies in the country as a whole. Not only are there significant differences between the studied regions of the 3 study states but also between them and other states in the nature and extent of pre-existing community-based forest management. However, with state appropriation of forests at best 150 years old in any state, pre-existing community-based forest management arrangements have survived to some extent almost everywhere. Yet current devolution policies have not attempted to take these into account or build upon their strengths.

1.1 The Historical Context for Devolution Policies

This section describes the historical trajectory of forest control and management up to the present. This historical context is important for understanding the continuum of interactions between the state and local people, and the hazards of taking the political, economic and environmental claims of the state about present devolution policies at face value.

- ◆ *Set in a larger policy and historical context, devolution policies emerge as a further extension of state control, at best a meagre palliative for mobilised forest users, rather than a real move towards greater democracy, improved local livelihoods, and healthier forests.*

Barring the north eastern states, state appropriation of the uncultivated commons, termed ‘the wastes’⁵ by the colonial government due to their not yielding land revenue, began in the late 19th century. The 1878 Indian Forest Act, precursor to the present Indian Forest Act 1927 (IFA), created three classes of forest – Reserve Forests, in which people have no rights unless specifically recorded; Protected Forests, with all rights unless specifically forbidden; and Village Forests for meeting local needs. Although areas for meeting community needs were set aside in response to protests and rebellions against forest reservation, none of these were declared Village Forests under the IFA during the colonial period. Forest classification artificially fragmented people’s holistic

which constitute only 8 per cent of the total population, and predominantly live in forest areas. Only 2.1 million of them are reported to have been rehabilitated and the remaining 6.4 million tribals were left to fend for themselves (Bhuria, 2001).

⁵ This is a highly misleading and unfortunate term for the uncultivated commons which remains in official use even today. Such lands remain a critical common pool resource for supporting a very wide diversity of livelihoods of poor villagers. For policy makers remote from rural realities, and due to the poor recognition of common property rights in Indian law, the term ‘wasteland’ triggers the perception of land actually lying waste. Millions of rural livelihoods dependent on such lands, such as those of nomadic pastoralists, have been destroyed due to their allocation to other uses without taking their existing uses into account.

livelihood resource base into different legal categories. Access to the Reserve and Protected Forests was further fragmented through the allocation of individual rights, privileges or concessions administered by the state.

- ◆ *Reservation of forests under these Acts was probably the single most important turning point in forest-people relations in rural India.*

The Forest Acts were powerful legal instruments. In areas such as Uttarakhand, forest reservation was accompanied by forest ‘settlements’ involving the recording of customary rights of users. In other areas, such as Bastar in Madhya Pradesh, some people were physically removed from forests while for others twice the area of cultivated land was left aside for villagers’ domestic use (Sundar, 2000). In many cases sweeping notifications were issued declaring all uncultivated ‘wastes’ as Protected Forests.

- ◆ *The legal designation of such lands has remained frozen as forest till today, irrespective of whether they have, or ever had, forest cover.*

This has hindered the development of rational land use appropriate for local agro-ecological and socio-economic conditions and local people’s aspirations. Thus, in 1893, all uncultivated lands, including those under permanent snow and alpine pastures in the area of Uttarakhand under direct British rule, were declared ‘District Protected Forests’ owned by the state. The Forest Department has since attempted marginally productive, and certainly locally less valued, plantations on these lands, often at the expense of village grazing lands and pastures.

Post Independence, the Indian state has continued appropriating the commons. Between 1951 and 1988, the *net* area under the control of Forest Departments increased by 26 million hectares (from 41 to 67 million hectares), the bulk of the increase being in Reserve Forests (Saxena 1995a; 1999) in which people have limited or no rights. Ironically, large parts of this consisted of areas set aside for community use during the colonial period. In the tribal district of Bastar in Madhya Pradesh, for example, all *nistari* (community) forests, left alone by the colonial state in response to violent rebellions by the *adivasis*⁶ (tribal people), were declared state Protected Forests in 1949, just two years after Independence. In Orissa also, large areas of the commons under the jurisdiction of former Princely states or large landlords, in which the villagers had extensive customary rights, were ‘deemed to be (state) Protected Forests’ under the Indian Forest Act (GoO, 1996:28) in the early 1950s. Present devolution policies are effectively continuing this trend by bringing remaining common lands under JFM.

- ◆ *The unexamined assumptions are, firstly, that their most appropriate use is forestry, irrespective of diverse existing uses by local communities and, secondly, that the Forest Department is the most competent manager for them.*

The state also centralised forest administration after Independence. In 1976, forests were moved from the state to the concurrent list of the Constitution empowering the Government of India to have a decisive say in forest management priorities, rather than the individual Indian states. The Forest Conservation Act, 1980, made central government permission mandatory for converting even small parcels of forest land to non-forest uses. Centralisation severely reduced villagers’ access to basic development facilities in forested regions, and also prevented state governments from meeting basic needs of their rural populations without central government clearance. The *Chipko* (hug the trees) movement of the 1970s was in part a response to the indiscriminate commercial felling by the state in Uttarakhand. Yet activists of the same movement initiated a ‘Tree Felling Movement’ in the late 1980s in protest against the interminable delays in obtaining central government’s permission for using forest land for basic development facilities for hill villages. In Bastar, in Madhya Pradesh and in forested regions of Orissa, the land cultivated by large numbers

⁶ The term *adivasi* literally means ‘indigenous people’ and is commonly used for referring to the tribal population.

of forest dwellers has either never been surveyed or was excluded from revenue land surveys due to being sloped. In tribal areas in Orissa, such lands were simply recorded as government forests or 'wastelands' from which large numbers of tribals have since been evicted due to lacking land titles (Saxena, 2001). Till 1980, the state governments periodically granted legal tenure to such *de facto* ancestral cultivators and settlers. Following the Forest Conservation Act, 1980, they can no longer legalise supposedly illegal forest 'encroachment' without central government approval. In May 2002, the Central Ministry of Environment and Forests issued a circular to all state governments to evict all encroachers on forest land by the end of September. An estimated 10 million tribal forest dwellers may face eviction from their ancestral lands simply because they were never provided land title deeds.

With increasing market value of what was originally classified minor forest produce, from the 1960s onwards, important non-timber forest products (NTFPs) were also nationalised and monopoly control over their collection and marketing vested in state forest corporations or other agencies. In the 1960s and 70s, many states also appropriated ownership or monopoly marketing rights over the more valuable NTFPs and tree species, even from private lands.

During the past three decades, state appropriation of forest resources has been increasingly justified in terms of conservation goals. The national Wildlife Protection Act, 1972, enables physical displacement and exclusion of local villagers from protected areas. Over 4.5% of India's geographical area has already been brought under the protected area network by a decision-making process in which the people living in, or dependent on, these areas have had no role. This has led to acute conflicts between the affected villagers and the protected area managers. The geographic distribution of biodiversity and wildlife-rich areas within the country overlaps with areas with the highest concentrations of tribal people, underdevelopment and poverty. The livelihood and human rights of such already marginalised people have been inequitably appropriated for providing ecological and conservation benefits to distant regional, national and global interests. Impacts of today's devolution policies thus are inextricably intertwined with the impacts of past macro-level policies determining tenurial rights of impoverished forest dwelling communities to land and livelihood resources.

To sum up, increasing state control for a century has de-linked forest-dependent communities from management of local forest and land resources. The state has broken the uncultivated commons into different legal categories of forests with differentiated access for different categories of people. State interventions have further atomised the resource into specific products and services, and converted holistic local authority into a series of rights, concessions and privileges granted at the pleasure of the state only for what it considered to be *bona fide* domestic needs. Simultaneously, the state itself monopolised the right for commercial forest exploitation and conservation. Though met with frequent and widespread resistance, this process restructured people forest relations in a fundamental manner.

A change of heart or a change in tactics?

New forest policy and JFM

Increasing prominence of environmental concerns and the human and resource rights of indigenous forest dwelling communities from the 1970s led to major reversals in forest management priorities during the 1980s. In contrast to the earlier focus on maximising revenue and promoting forest-based industry in the national interest, the new 1988 forest policy of India articulated the twin objectives of ecological stability and social justice. Highlighting the symbiotic relationship between the tribal and other poor people and the forests, the new policy emphasises protection of their rights and treating local needs as 'the first charge' on forest produce (GoI, 1988). Stating the need to generate 'a massive people's movement, with the involvement of women' for achieving its objectives, the

1988 forest policy for the first time created space for the participation of forest-dependent women and men in the management of state-appropriated forest lands.

The ambiguities in the dual objectives of the 1988 policy, however, have left considerable room for the politics of interpretation. While social activists emphasise the policy's support for forest dwellers' rights and improved livelihoods, conservation interests highlight its environmental and ecological objectives. While in principle the two objectives can be met simultaneously, they have often conflicted in actual practice. The social justice objectives have had no clear legislative support while the environmental objectives have been enforceable with the Forest Conservation and Wild Life Protection Acts. Livelihood activists have been at a clear legal disadvantage in confrontations with conservation interests.

For translating the participatory policy objectives into practice, the Ministry of Environment and Forests (MOEF), issued a circular on June 1, 1990, to all states and union territories providing guidelines for the '*Involvement of Village Communities and Voluntary Agencies in the Regeneration of Degraded Forests*' (GoI, 1990). This led to the adoption of what has come to be called JFM by several state Forest Departments. As of October, 2001, 27 out of 28 states had issued JFM orders specifying their respective bases for working in partnership with local villagers, and 14.25 million hectares of forest land (18% of total forest area) was already being officially protected by roughly 62,890 village organisations under JFM (INFORM, Oct 2001).

In February, 2000, MOEF issued revised guidelines for JFM. These permitted a cautious extension of JFM to well-stocked instead of only degraded forests, specified women's representation in JFM groups (minimum 33% in executive committees and 50% in the general body), and clarified the relationship between JFM microplans⁷ and the Forest Department's technical working plans, specifying that JFM microplans must conform to the silvicultural prescriptions in the working plans. While suggesting that all village organisations participating in JFM be registered as societies to provide them with an independent legal identity, the new guidelines also recommended calling them JFM committees across the entire country, irrespective of their diverse histories, legal status and institutional structures⁸ (MoEF, 2000).

There are, however, wide variations in the state JFM orders. These include the legal status of the land to which JFM may be extended and the organisational structure, autonomy and entitlements of village institutions participating in JFM. Some states restricted JFM to legally notified degraded forest lands, whereas others, including Orissa and Uttar Pradesh, extended it to revenue lands under Revenue Department jurisdiction. The JFM orders of Rajasthan and Karnataka have brought even village grazing and other common lands under JFM's ambit. In Uttarakhand JFM aimed to bring the only autonomously managed community forests with any legal standing under joint management with the Forest Department.

PESA and NTFPs

A related, significant shift to decentralisation was brought about by the 73rd amendment to the Indian Constitution in 1992 that made it mandatory for all states to decentralise governance through a three-tier structure of *Panchayati Raj* (local self-government) Institutions. The 29 functions recommended for decentralisation to *Panchayat Raj* Institutions include common lands, social forestry, fuelwood plantations and NTFPs. Management of nationalised forest lands is not included unless specifically notified by a state government. The relationship between democratic *Panchayat Raj* Institutions and parallel village organisations for JFM promoted by the Forest Department has

⁷ Most state JFM orders require the preparation of local needs-based microplans. State Forest Departments, however, also have 10 to 20 year working plans for each division specifying technical management prescriptions. The enforceability of JFM microplans, where these go against the prescriptions of legally binding working plans, has been an issue of considerable debate and discussion in JFM circles.

⁸ For example, *Van Panchayats* of Uttarakhand were born out of peasant resistance to forest reservation that led to large areas of Reserve Forests being taken away from the Forest Department. Naming *Van Panchayats* managing community forests on such lands 'JFM committees' allows the Forest Department to make a back door re-entry into community forests.

been a major issue of debate and discussion in policy advocacy and analysis forums. Yet, the recently revised central guidelines for JFM do not even mention the role of local self-government institutions in JFM.

Enactment of the central Provisions of the *Panchayats (Extension to the Scheduled Areas) Act (PESA)*, in 1996, provided a more radical constitutional and legislative mandate for devolution of local self-governance in Schedule V (tribal majority) areas. PESA makes the *Gram Sabha* (the body of all adult voters of a self-defined community) 'competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution' (GOI, 1996, Clause 4d). Every *Gram Sabha* is also empowered to approve the plans, programmes and projects for its social and economic development before their implementation, besides having ownership of minor forest produce within its area either directly or through the *Gram Panchayat*. Most states (including Madhya Pradesh and Orissa) with Schedule V areas have enacted their state Acts under PESA as stipulated by the central Act.

PESA is arguably the most empowering legislation for India's tribal people supported by an amendment of the Indian Constitution. Yet, as in the case of the 1988 forest policy, the Act is riddled with ambiguities, making it equally vulnerable to the politics of contradictory interpretations. PESA effectively mandates community-based forest management by *Gram Sabhas* in Schedule V areas. This is in contrast to JFM, which establishes new village committees under Forest Department supervision to manage forest lands. Forest Department and administrative officers assert that PESA does not apply to the management of nationalised forest lands. Mobilised tribal communities, on the other hand, insist that their community resources include forest areas they have traditionally used but which have been taken over by the state over the past few decades. That the revised JFM guidelines do not even mention PESA indicates the low importance given to its provisions and their potential bearing on the JFM framework in Schedule V areas by the central Ministry of Environment and Forests. PESA co-exists with totally contrary legislation such as the Land Acquisition, Wild Life Protection, Forest Conservation and the Indian Forest (1927) Acts with no clarity about which is to prevail over the others. The lack of central government commitment to tribal empowerment is evident from the fact that while PESA remains unimplemented, it has proposed amending Schedule V of the Constitution itself to open up tribal areas for commercial exploitation by national and multi-national corporate interests (Pattnaik, 2001).

It is against this historical and current backdrop that we analysed state-driven devolution policies and locally appropriated space for forest management. The following sections discuss both processes in Orissa, Madhya Pradesh and Uttarakhand as well as some of the key interactions between the two. The sections evaluate what sort of spaces for local forest management were created or destroyed by each and analyse why that happened. In Orissa and MP we compare JFM with self-initiated forest management commonly referred to as community forest management (CFM). In Uttarakhand we compare Village Forest Joint Management (VJFM) with *Van Panchayat* management as well as with informal CFM. The cases give special attention to how local women and men forest users have appropriated space for their own management efforts despite the national and state government policies.

- ◆ *Unfortunately, as the cases indicate, devolution policies have largely reinforced state control over forest users, giving the relationship new form rather than changing its balance of power or reducing the conflict between state and local interests.*

2 Orissa

Orissa, more than any other state in India, provides extensive examples of the appropriation of space for forest management by local villagers. Local initiatives to protect and manage forests (and other common property resources) through community-based arrangements have existed on a large scale in Orissa for several decades. Orissa is one of the poorest states in India with 49% of the rural population living below the official poverty line (GoO, 2000). With Scheduled Castes and Scheduled Tribes comprising 16% and 22% of the population, respectively, and NTFPs estimated to contribute between 15-40% of rural household income (Vasundhara, 1998), forest lands are a critical livelihood resource for the rural poor. This dependence has shaped local responses to forest degradation in the form of community forest management (CFM). In the late 1980s, these self-initiated forest management groups intensified their demand for official recognition and devolution of forest management authority to them. The state response to these demands has been Joint Forest Management (JFM).

JFM has limited space for local initiatives in many ways in Orissa. Firstly, decisions earlier taken by the villagers on their own need ratification by the Forest Department under JFM. Secondly, local institutions that were flexible and able to adapt to changing social and environmental conditions are replaced by an institutional arrangement applied uniformly under diverse conditions. Thirdly, forest benefits under JFM need to be shared with the state in accordance with a rigid, unilaterally-defined formula that does not take diverse local livelihood needs and forest values into account. And fourthly, technical management has to conform to the Forest Department's vision of a good forest. In sum, instead of any real devolution of authority, the state has manoeuvred devolution policies to regain control over local forest management initiatives by imposing its own institutional arrangements on them.

Forest-dependent communities have in turn responded by attempting to preserve local control both within and outside the context of JFM. They have continued to lobby for greater community-based rights over forests and forest products using a variety of advocacy tools and processes, including federating at various levels to strengthen CFM.

We begin the Orissa case with an overview of the research methods used and sites selected. We then discuss CFM and its effects on forests, livelihoods, and local institutions and decision making. The imposition of JFM is considered next, with a discussion of the consequences for local forest users. Finally, we take up the issue of how local forest-dependent groups are responding to efforts by the state to control local forest management practices, and discuss their evolving strategies and dilemmas.

2.1 Research Methods and Site Selection

The research in Orissa was undertaken by Vasundhara, an NGO with extensive experience of working with CFM groups and networking with NGOs for policy advocacy. Vasundhara conducted case studies, policy analysis, process documentation and archival research, and also drew material from its earlier studies and the collective experience of its community and NGO partners.

Five participatory village case studies focussed on understanding institutional arrangements under CFM and their interface with JFM. Sites were selected to demonstrate a range of policy environments and community initiatives to maintain or expand their space for forest management. Policy constraints and local responses, including mobilisation for rights over NTFPs were analysed for six NTFPs.

Process documentation of advocacy approaches and developing federations of CFM groups⁹ included interviews with key advocacy groups, federation leaders and Forest Department field staff. Archival research on forest management and administration in several princely states merged to form the state of Orissa, attempted to place present devolution policies in their historical context. The major characteristics of the five case study sites are summarised in Table 1.

2.2 CFM in Orissa

In the words of the women of Baghamunda ‘We realised that if we do not protect our forest, it would be gone; and we would be the ones most affected by that...the forester would be least affected. He will still get his salary. For us, nothing would be left...’ Rapid degradation of state-appropriated forest lands due to their becoming open access created resource scarcities and led thousands of villages in Orissa to take up protection and invest in evolving forest management arrangements.

Officially, about 37% of the total geographical area of Orissa, or about 58,000 sq. km, is recorded as state-owned forests, of which 45.3% consists of Reserve Forests under the administrative jurisdiction of the Forest Department. Another 26.7% consists of Demarcated Protected Forests and Undemarcated Protected Forests and the remaining 28% of Village and Unclassed forests, under the jurisdiction of the Revenue Department, also referred to as Revenue Forests (GoO, 2001). These different forest categories however, need to be treated with great caution since the settlement of rights, demarcation of boundaries and conversion of one category into another have either not been done at all or suffer from serious infirmities. Historically under diverse administrative, managerial and rights regimes in the erstwhile feudatory states, these latter revenue lands were ‘deemed to be Protected Forests’ under the Indian Forest Act (GoO, 1996: 28) in the early 1950s after merger of the feudatory states with the Indian Union after Independence. There are no detailed surveys or management plans for these forests, and there is ambiguity over their line of control. While they come under the jurisdiction of the Revenue Department, responsibility and control over their technical management is vested in the Forest Department, which leads to confusion. Livelihood conflicts over land use are evident from the fact that about 8.8% of the state’s total forest area is under shifting cultivation (FSI, 2000) with poor, often no recording of the tribal shifting cultivators’ ancestral rights. According to recent data, only 30% of the state’s total area had any forest cover and only 16.74% had dense forests (FSI, 2000).

The Revenue Forests are known by various names, including *Khesra* forests, and are generally in small patches (50-1000 hectares) interspersed among agricultural fields and surrounded by several villages. These forests have traditionally met most of the forest product needs of the local population. Under many of the feudatory states, parts or all of these were meant for the villagers use as *Gramya jungles* (village forests). The absence of clear management arrangements has made these areas more vulnerable to degradation, providing villagers cause, and space, for initiating their own management institutions. In some feudatory states villagers had generous rights in these forests, which was probably another factor creating conducive conditions for the initiation of CFM.

According to latest available estimates, over 5,000 out of 12,000 villages¹⁰ within or near forests (out of a total of approximately 51,000 villages in Orissa) are actively protecting and managing state-owned forest lands in their vicinity. While some villages have been protecting their forests for as long as 60 to 70 years, the majority started protection in the late 1970s or early 1980s. The

⁹ The study of federations built upon an earlier study of six federations of CFM groups from a gender & equity perspective undertaken by Vasundhara with DFID funding.

¹⁰ Verbal communication with Manoj Patnaik of the NGO Regional Centre for Development Communication (RCDC), April, 2001. This is based on extrapolation from an almost completed survey of CFM in all districts of Orissa.

management unit ranges from a group of households, to a settlement or hamlet, to a cluster of villages and the area under protection from a few hectares to a 1,000 or more hectares. Various forms of community organisations evolve within villages and hamlets or between villages. These include Forest Protection Committees with an executive committee selected/elected by the village general body, usually excluding women. Other organisations include Councils of Elders, Youth Clubs or occasionally, *Mahila Samities* (women's organisations).

CFM develops and enforces rules for restricting access to forests, regulating use and penalising offenders. Villagers generally start with a few simple rules in the initial stage, but as the forest protection system evolves, further rules are added or modified. The complexity of rules tends to increase as the villagers are faced with situations that require more elaborate arrangements. Adaptation also takes place at the level of group formation and composition. Groups may dissolve or reform based on dissatisfaction with earlier arrangements. There also tends to be a ripple effect. When some villages start forest protection and restricting outsiders' access, other villages are prompted to enclose their own patches to retain secure access to at least some forest area before others claim all of it. Protection systems vary between *thengapalli* (voluntary patrolling in rotation) and paid watchmen. CFM groups often have elaborate rules for penalties for those from within the community and outside of it. Enforcement of these rules is done through social sanctions in the absence of formal legal authority. These arrangements are dynamic, adaptive and flexible.

Why did CFM emerge in Orissa on such a large scale? Many factors contribute to an explanation. According to villagers, local leaders and NGO activists, the most important were: high dependence on forests for livelihoods and subsistence; presence of other village institutions and strong social capital for collective action; legal rights to forest products from *Gramya* (village) forests; the lack of day-to-day presence of the Forest Department particularly in revenue forests; and the ripple effect that led villagers to emulate neighbors who initiated forest protection.

The level of forest dependence ranged from moderate to high in the five case study sites (see Table 1), and villagers often commented that their motivation for initiating forest protection was the loss of an important forest product or service. In many cases, the initiative to protect forests came from the farming community, primarily out of an interest in ecological services, such as reducing soil erosion and increasing water retention in soils. Scarcity of forest products and wood for house construction and agricultural implements was an especially significant factor for the poor. Typically, CFM was most pronounced in areas that had witnessed rapid forest degradation over a short period, with drastic impacts on people's lives.

In all the studied sites, and as corroborated by several earlier studies (Kant *et al*, 1991; Jonsson and Rai, 1994; Singh & Singh, 1993 & 1994; Singh, 1995; Vasundhara, 1997 & 1999; Sarin *et al*, 1998; Conroy *et al*, 2000), the presence of village institutions, and their prior experience with managing common property resources, was a major factor contributing to the emergence of CFM. Although most of the commons have been appropriated by the state, collective community-based arrangements still exist for management of water bodies and village *haats* (markets), celebrating cultural and religious events,¹¹ and managing conflicts. Weak presence of *Panchayati Raj* Institutions for local governance – due to infrequent elections till 1993 – also contributed to the development of informal village institutions. All five sites had vibrant village institutions prior to forest protection. In three cases the villagers had prior experience of managing other common pool resources. In Jhargaon and Berham, the villagers had well-defined arrangements for managing common lands used for temple upkeep, water-harvesting structures and springs used for irrigation. Although community-based forest protection is not limited to Revenue Forest lands, the villagers' substantial customary rights in these forests, combined with the weak presence of the Forest

¹¹ Marginalised sections of communities, such as lower castes, may often be socially excluded but village-based norms exist for observing festivals together, even though these may be discriminatory.

Table 1 Site characteristics

Site	Suruguda	Baghamunda	Berham	Jhargaon	Aonlapal
District	Sundergarh, Schedule V area	Deogarh	Angul	Jharsuguda	Balasore, Schedule V area
Nature of space for local forest management	Self-initiated, formalised under JFM	Self-initiated, No JFM	Self-initiated for DPF, JFM for R.F.	Self-initiated, formalised under JFM	Self-initiated, formalised under JFM
Legal status of forest	RF and KF	RF, VF	RF, KF converted to DPF	Proposed RF, KF	RF
Forest type and quality ¹²	Dry deciduous, Sal	Sal dominated	Mixed forest	Mixed forest	Sal
Number of village households	155	26	199	100	87
Presence of village institutions prior to CFM	Yes	Yes	Yes	Yes	Yes
Prior experience of managing other resource commons	No	No	Yes	Yes	Yes
Institutional capacity/ social capital ¹³	High	High	High	Moderate	Low
Reasons for initiating forest protection	Acute scarcity of forest products & fuelwood due to forest degradation.	Acute shortage of wood for agricultural implements and fuel.	Degradation of adjoining RF intensified pressure on KF. Villagers then decided to protect KF.	Shortage of wood for agricultural implements and house construction due to forest degradation.	To prevent neighbors from damaging local rice fields on the way to their forests & to stop forest degradation & scarcity of forest products.
Year of Initiation of forest protection	1985	1991	1990	1970-71	1980
Dependence on forests ¹⁴	Medium	High	High	Medium	High

RF: Reserve Forest (under Forest Department),

KF: *Khesra* Forest (Undemarcated Protected Forests under Revenue Department)

VF: Social forestry plantation notified as a village forest (mostly under Revenue Department)

DPF: Demarcated Protected Forest (under Revenue Department)

¹² In all sites, forests in poor condition had improved considerably after the initiation of community protection.

¹³ Institutional capacity was determined by the presence of development activities undertaken by the village on a collective basis, whether formal village institutions had developed to manage these activities, and the extent to which the activities and institutions depended on external support from donors and others. We also assessed the level of village unity in confronting common problems.

¹⁴ Dependence on forests was identified through a detailed livelihood analysis and participatory ranking of forest dependence. The criteria used for assessing forest dependence were land holding pattern in the village, size of forest-dependent population, and percentage of household income accruing from forests.

Department in them, probably facilitated community initiatives. Berham villagers were actively protecting their well-stocked Revenue forests, which they considered their own, while the adjoining Reserve Forest was lying unprotected and highly degraded. The villagers simply said, ‘*This (Revenue forest) is ours, while that (Reserved Forest) is theirs (Forest Department’s)*’.

CFM: Regeneration of forests as well as local institutional capacities

CFM has had dramatic, positive impacts on forest quality, as well as on enhancing the capacity of local institutions to deal with issues relating to villagers’ lives and livelihoods. Most villages started protecting forests that had been extremely degraded. In many cases, the villagers had even started digging up tree roots for cooking fuel. In all our case study sites, both the Sal-dominated and mixed forests had responded very well to protection. Within a period of ten years, they had regenerated substantially to meet local requirements of forest products as well as improving water availability and soil fertility. In all the cases studied the villagers were highly enthusiastic about the renewed benefits from their regenerated forests. In Suruguda village, availability of Char seeds had gone up and is an important source of income. In Jhargaon village, in addition to increased availability of various NTFPs, regenerating medicinal plants could now meet the requirements of local traditional health practitioners. In Aonlapal village, sal leaves were now available throughout the year, and provided sufficient material for households engaged in leaf plate stitching (see Box 1). In Jhargaon and Baghamunda villages, wildlife had returned with forest regeneration.

Box 1 Sal leaf plate stitching

Daily wage labour and sal leaf plate stitching is a significant source of income in Aonlapal village. Out of 83 households, 12 are landless and earning Rs.8000-9000 per year from it. Another 33 households take up seasonal leaf stitching as an important source of supplementing agricultural income, earning Rs.4000-5000 per household over a 5-6 month period. Some members of landless households who had migrated to cities for employment had returned to the village on improvement in sal leaf availability following forest regeneration. Recent moves by the Forest Department to clamp down on the sal leaf trade on grounds of sustainability, however, were likely to adversely affect the livelihoods of poor villagers dependent on this trade.

The restoration of forest quality improved the quality of life by providing critical livelihood support to forest-dependent women & men. In Baghamunda, forest regeneration led to reduced soil erosion and improved water regimes for agricultural lands in lower catchment areas. The villagers were taking up regular thinning and pruning operations, using the wood as fuel. Villagers were also getting a variety of edible tubers, leafy vegetables, fruits, mushrooms and other products for consumption and sale in local markets.

Many CFM villages in Orissa also use their income from forests, mostly from occasional cleaning and thinning operations, for building village assets. Among our case study villages, the salaries of two teachers at the upper middle school were being paid from the forest fund in Jhargaon village. Suruguda village had received Rs.50,000¹⁵ in 1989 as a national award for its exemplary environmental conservation work. A part of this money was used to construct a building for the forest protection committee and for repairing the village school, the rest being kept as a fixed deposit in the bank for future use. In Berham, the income was used to provide loans to needy persons at low interest rates.

In all the case study villages, forest regeneration improved the availability of NTFPs and related incomes for poorer women and men, although inequity in the distribution of benefits existed. Distorted NTFP markets and lack of marketing support by the government, for example, still left

¹⁵ In late 2002, one US Dollar was approximately equal to Indian Rupees (Rs) 49; in 1989, a USD was about Rs 30.

NTFP gatherers at the mercy of petty traders and middlemen. Lack of clear tenurial rights further constrained local communities from tapping the full potential of forests for supporting local livelihoods and village development. Nevertheless, forest regeneration had, to some extent, restored NTFPs to their place in the household economy of the gatherers.

Collective action for forest protection also strengthened local institutions enabling villagers to take up management of other common pool resources. In some cases, as in Baghamunda, women's involvement in forest protection increased their self-confidence and ability to deal with the outside world, including government officials, and the women's association is now playing a leading role in the campaign for higher prices for *kendu* (*Diospyros melanoxylon*) leaf. Collective action at the village level also led to inter-village cooperation and the development of federations of CFM groups, which are playing an important role in addressing livelihood concerns. The District Forestry Forum in Balangir, for example, successfully lobbied for better prices for NTFPs, support for marketing of surplus agricultural commodities, as well as timely availability of seeds. In Ranapur, the block level federation was successful in thwarting a state move to privatise management of cashew plantations on revenue lands. In Dhani Panch Mausā, the Forest Protection Committee was able to access government funds for a leaf-plate stitching machine for a women's group and dairying loans for the poorest village households to provide them with alternative livelihoods to fuelwood headloading.

In sum, CFM has created substantial space for local forest management in Orissa. Based on local demand and building upon existing local institutional forms and management practices, CFM has improved forest quality and supported local livelihoods, and the experience of managing forests has improved local institutional capacities. However, as common elsewhere (Sarin *et al*, 1998) dominant sections within villages have benefited disproportionately from the regenerated forest, and have been able to impose their perspectives on how forests should be protected and utilised on the poorer and marginalised sections. We discuss such equity issues in greater detail in a later section.

State response to CFM: from a 'conspiracy of silence' to JFM

The initial state response to these CFM initiatives was to ignore their existence. A Social Forestry Project implemented in Orissa in the 1980s exemplified this. The project spent large amounts of money on developing village woodlots *outside* state-owned forest land in order to 'save' the forests from the very people who were protecting them. Instead of building upon local forest protection initiatives *by* villagers, the state imported the concept of protecting the forests *from* villagers by planting for their needs on non-forest lands. Towards the end of the Social Forestry Project, a component for supporting regeneration of degraded sal forests through community involvement was introduced. Foresters, however, continued to show little interest in this work. According to a Range Forest Officer, most Social Forestry Deputy Directors preferred surrendering their natural regeneration targets to compete for increased targets for village woodlots because these had higher budgetary allocations. Controlling larger budgets, rather than adopting cost effective, community-based methods for improving forest quality, was manifestly the incentive for Forest Department staff.

With the Social Forestry Project ending in the mid-1990s, the Forest Department's attention shifted back to natural forests. By then, community initiatives were too visible to be ignored.

From the mid-1980s, CFM groups started pressurising the state government to grant them formal recognition. From 1986-88 villagers in Orissa, with the support of social activists, academics and NGOs conducted a state-wide postcard campaign addressed to the state Chief Minister demanding rights over community Protected Forests. In response, a government resolution was issued by the

Forests, Fisheries and Animal Husbandry Department (Forest Department for short) in 1988 that provided for villagers' involvement in the protection of Reserve Forests. This, however, did not offer them much in return for their efforts. They were only permitted to meet their *bonafide* domestic requirements of fuel and small timber free of royalty. A revised resolution in 1990 extended this provision to Protected (both demarcated and undemarcated) Forests falling under the jurisdiction of the Revenue Department. In 1993, the Forest Department issued yet another government resolution more in line with the standard JFM framework developed in other states during the intervening period, as a further response to mounting grassroots demands for greater community forest rights. The 1993 JFM resolution provided for sharing 50% of the income from timber and access to NTFPs (from both Reserve and Protected Forests) with forest protection committees, called *Vana Samrakhana Samitis*, to be constituted by the Forest Department.

In 1996, the Forest Department issued yet another government resolution, which, in some respects, could be termed revolutionary in the present Indian context. This allowed forest areas under the villagers protection to be declared Village Forests by the Forest Department, granting villagers rights to manage all NTFPs within them. The 1996 resolution was issued in response to the then Chief Minister's insistence on giving greater forest rights to local villagers. This resolution, however, has remained a dead letter. The Orissa Ministry of Forests & Environment (under which the Forest Department falls) issued it in haste, without consulting the foresters responsible for its implementation, to satisfy the then Chief Minister. The foresters, for their part, effectively subverted the policy by not implementing it.

A Range Officer's comment on the 1996 resolution reflected the Forest Department's attitude. According to him: 'How can you possibly declare Reserve Forests as Village Forests? Reserve Forests are of much "higher status". How can you expect a college or graduate school student to go back and study in primary school?! Officially, the Forest Department argued that the Forest Conservation Act prohibits de-reservation of Reserve Forests. Section 28 of the Indian Forest Act, however, specifically permits the state government to designate any Reserve Forest as a Village Forest to be managed by the community. A committee was set up to recommend how best to operationalise the 1996 resolution and took a year to give its recommendations. These included:

- that a beginning be made by declaring Protected Forests as Village Forests while seeking legal opinion on conversion of Reserve Forests to Village Forests;
- at least five villages per forest division be declared as Village Forests on a pilot basis;
- forestry field staff be given clear operational guidelines for implementation.

No action was taken on any of the committee's recommendations.¹⁶ The 1993 JFM order has continued to be the operational one.

Moreover, as Revenue Forests are under the jurisdiction of the Revenue Department and the undemarcated ones among them only 'deemed to be Protected Forests', attempts by the Forest Department (which is not the land owner) to extend JFM to them (and claim 50% of income from them in the process) are of dubious legality (Mishra, 1998). Further complicating the situation, the Orissa *Gram Panchayat* Act, 1965, vests the management of *Gramya Jungles* (coming within the fold of Protected Forests) within revenue village boundaries with the *Grama Panchayat*. The 73rd Constitutional amendment also mandates devolution of such resource management responsibilities to the *Gram Panchayats*. In Schedule V (tribal majority) areas PESA devolves further natural resource management authority to the *Gram Sabha* (assembly of all resident adult voters). All of

¹⁶ In 1942, a draft Forest Policy for the Eastern Feudatory States (under the Eastern States Agency) was circulated for obtaining comments from various princely rulers in Orissa. This policy stated that the first claim on any forests is that of the local population. Village Forests were to be managed by village *panchayats*. Although most rulers approved the draft policy, no systems for operationalising it were established.

these legal provisions have been ignored by the Forest and Revenue Departments and even the *Gram Panchayats*, with most foresters and *Panchayats* unaware of these provisions. A recent study of legal aspects of JFM/CFM (Mishra, 1998) pointed out that the Forest Department does not have any *locus standii* for negotiating JFM partnerships with villagers for Protected Forests. There is thus utter jurisdictional confusion over 55% of 'forest' lands in the Protected and Unclassed Forest categories in Orissa, as well as the legal status of both JFM and CFM over them.

By 1993, local forest management initiatives had met state-driven devolution policies in a struggle over the nature of the role of local people in state forest management. Although the state was forced to recognise community forest protection efforts, it has attempted to regain control by recognising these on its own terms. In general, villagers protecting their forests consider state-promoted JFM unacceptable. JFM is seen as an implant that ignores community forest management efforts, eroding *de facto* local management and decision-making powers appropriated by organised communities.

*Tensions between the expectations of CFM groups and JFM*¹⁷

The imposition of JFM on locally-initiated CFM has created tensions that make forest management more difficult, threatening the well-being of forests and forest users alike. The major sources of tensions are discussed below.

Benefit sharing

Orissa's 1993 JFM resolution provides a 50% share in major/final harvest and 100% of intermediate produce to the *Vana Samrakhan Samitis*, the 'local' organisation created by the Forest Department. A general response of CFM groups to this was: '*Where was the Forest Department all these years when the villagers were struggling with forest protection on their own? How come it has now come to claim a 50% share?*' The villagers feel that instead of 'giving' them 50%, JFM actually takes away 50% of what is rightfully theirs.

The Forest Department has not improved its credibility by blatantly violating its commitments under JFM in many cases. Even under the 1993 order, 100% of the intermediate produce (including NTFPs) from JFM forests, is supposed to go to the *Vana Samrakhan Samitis*. Till 1999 however, monopoly collection and marketing rights over 29 NTFPs from all forests were leased to a private trader. The state fixed NTFP prices paid to collectors on the basis of minimum wages for unskilled work and not the value of the produce. Thus, even on supposedly 'jointly' managed forest lands, the co-managers were treated as mere labourers. Policy changes in the year 2000 maintained state control over major revenue-earning NTFPs transferring control over 67 low-value ones to *Gram Panchayats* under Orissa's Gram Panchayat Act. Through the end of 2001, even this transfer of control was notional, as *Gram Panchayats* had been granted only regulatory powers, and no efforts were made to improve the bargaining power of NTFP gatherers.

The Orissa Forest Department has also, in several cases, not honoured the commitment to share with the villagers 50% of the bamboo harvested from JFM forests. Bamboo forests under JFM have often been leased to paper industries who harvested them without consulting or sharing any produce with the villagers (see Box 3 on page 20).

¹⁷ In addition to the village case studies, this section has drawn on community perceptions articulated at various meetings and workshops in Orissa over the past 7 years. During 1998-99, overlapping with this research, Vasundhara and Sanhati (an NGO alliance in Orissa) were also involved in facilitating broad-based discussion and debate on a pro-people forest policy with CFM groups all over Orissa supported by ActionAid (India). Nineteen district workshops, several local meetings in different districts and 2 state level workshops were organised for this.

Differences in forest values and forest management priorities

There is considerable difference in the perceptions of forest-dependent women and men, and the Forest Department, between the value of forests and management priorities. Many village leaders feel that the Forest Department's objectives of forest management have not changed under JFM. Benefit sharing based on a percentage share of timber or income from it, reflects a continuing state focus on revenue and timber. CFM groups prefer to focus on location and group specific need fulfilment, especially flows of NTFPs and ecological services from forests. During a discussion on benefit sharing under JFM at a meeting in Balangir, an old man walked out of the meeting saying: '*We have nurtured the forest as our child, now you are discussing who would take what percentage of it!*' In Nayagarh district, the district level federation leaders emphasised: '*Our forest is not a crop. Do not impose your share-cropping model on us.*' This sentiment was echoed in many places and in many forms (Vasundhara, 1999). In the absence of effective participation of village women and men in how forests should be managed, sharing products or profits with them is totally inadequate.

JFM's weak legal standing

Forest protection groups, with support from NGOs, have been advocating clear community rights over forests and forest products. Villagers feel these rights are theirs by virtue of their regenerating forests through protection, their dependence on forests for livelihoods, and their often long-standing presence and customary forest rights. They also argue that clear legal and tenurial rights are necessary for enabling local communities to realise the full benefits from their self-initiated management efforts. JFM does not offer any tenurial security. The JFM resolutions of most states are mere administrative orders unsupported by changes in forestry legislation. The colonial Indian Forest Act of 1927 continues to provide the overarching legal framework for forest management and administration in the country.

During the series of village, village-cluster and district level workshops facilitated by Vasundhara and Sanhati, villagers repeatedly raised the problem of weak community forest tenure under the existing legal framework. They also articulated a number of alternative, more conducive rights regimes that would meet local needs better than the legal recognition of benefits offered by JFM (see Box 2).

Locus of decision making

In all Indian states, JFM involves an unbalanced power relationship between the Forest Department and local communities, with the department retaining control over most forest management decisions. Forest protection groups in Orissa are unwilling to accept such a relationship after having effectively 'controlled' and regenerated their forests. Despite lacking *de jure* autonomy, CFM groups have been taking all forest management decisions *de facto*, and are unwilling to see that changed. Villagers particularly object to the superimposition of the *Vana Samrakhan Samitis*' organisational structure, rule-making procedures and bureaucratic culture on their existing self-governing institutions. They strongly resent the replacement of local leaders by official members, such as the forester (as member secretary), *Naib-Sarpanch* (as President) and ward member (Vasundhara, 1999).

Forest Department – community relationship under JFM

Despite their reservations about JFM, many villagers considered it strategically important to gain some formal recognition from the Forest Department. Out of the approximately 2,000 *Vana Samrakhan Samitis* formed for JFM in Orissa till April 2000, about 1,500¹⁸ were formalised CFM initiatives. Where relations between forestry staff and villages had been good, JFM brought the

¹⁸ According to recent Forest Department data, the number of *Vana Samrakhan Samitis* in the state had increased to 5931 by August 2001 (OFD, 2001). It is unclear how the number of official *Samitis* had increased so rapidly. Many of the *Samitis* initiated by the Department exist only on paper, formed in a rush to show results.

benefits of Forest Department support for handling forest offenders and providing technical guidance, as well as formal recognition. Forest Department support, for example, helped Suruguda win a national environmental award. Demarcation of forest areas between villages, however, has emerged as a particularly serious problem, as most inter-village conflicts are over boundaries. The villagers expected the Forest Department to facilitate boundary demarcation and give recognition to their own efforts.

Box 2 Alternative community rights regime for forests in Orissa

While there was a general consensus among villagers on the need for local rights and control over managing forests as a community resource, there were disagreements on the nature of community control and the mechanics of exercising it. Elite male leaders generally argued in favour of a complete transfer of forest ownership to individual groups defined by specific geographic boundaries. Others, particularly women, opposed this on the grounds that those dependent on forests came from larger spatial landscapes whose rights also needed protection. ‘Community’ ownership can imply strong rights of exclusion and transformation, often at the expense of forest-dependent people. A community rights regime must address the access of NTFP gatherers (most of whom are impoverished women) from villages without their own forests to forests claimed by other villages. In a discussion on community property rights, Sumoni Jodha, a leader from *Ama Sangathan*, an apex organisation of women’s associations based at Kashipur, said: *‘We don’t believe in complete rights over the forest being given to individual communities or villages. Women from villages who do not have forests also come to our forests to collect broom grass. That cannot and should not stop. These women are also poor and need to collect various forest products for their survival. We cannot engage our “forest-guards” and stop them from coming to “our” forests.’* In many CFM areas, restrictions on access to valuable NTFPs have already been imposed on outsiders, even those with a history of access and current dependence on the forest. While regulation of access is needed to check over-exploitation, there is a strong danger of control over forest resources concentrating in the hands of a few when it is defined only in narrow geographic terms.

This is especially problematic given the stratification and gross inequities in village society. Ownership rights could include rights to lease or transfer forest resources. If such rights are placed in the hands of communities dominated by elite minorities, forests may be leased out to industries that manage them for the benefit of a few, just as many state forests are now. In a state-level workshop on Pro-People Forest Policy, women leaders, as well as some men, vehemently opposed such leases. One woman said: *‘We are not talking about our rights, so that some men in the village can lease our forest out to industries. Restrictions on such leasing out must be there. Simultaneously, even the Forest Department should not have any right to lease out our forests for commercial use.’*

Community forest management requires a shift in *who* is managing forests and *how* forests are managed. In many parts of India, forests are an essential component of the local livelihood support system. A community-based rights regime with built in safeguards for the access rights of forest-dependent women and men could support sustainable forest management as well as sustainable local livelihoods. The challenge would lie in developing self-governance systems based on principles of participatory democracy, ethical values of equity and creating conducive conditions for informed, and gender-equal collective choice arrangements.

The Forest Department, however, has done little to create confidence that it will provide villagers with the type of support they expect. Local resentment is especially strong where villagers failed to get any departmental cooperation when they were struggling to protect their forests. Forest offenders handed over to the Forest Department were often allegedly let off for petty bribes, or villagers were kept in the dark on the action taken in such cases. Against such a background of poor accountability and support from the Forest Department, JFM is seen as an intrusion on local decision-making space.

Resource allocation, dispute management, and the enforcement of local regulations require sensitivity and special facilitation skills, which Forest Department personnel lack. Consequently, the department’s interventions often disturb existing arrangements and the enforcement of access restrictions, creating more problems than they solve. One such example from our case studies was Aonlapal village, where the forester’s insensitive intervention led to the breakdown of a well-

functioning CFM institution. Here, the village Youth Club had successfully regenerated the adjoining Reserve Forest during the 1980s with the passive support of 7 adjoining villages and 2 hamlets. In 1992, a joint committee of the 9 villages and hamlets was set up, reflecting the growing community interest in managing a regenerated forest. Tensions developed and tribal villagers felt excluded from the decision-making process. The Forest Department intervened and registered one of the factions as a *Vana Samrakhan Samiti* with the promise of generous funds without understanding the ongoing dynamics. In response, other villagers formed two more *Vana Samrakhan Samitis* with membership based on political party affiliations. The multi-village collaborative arrangement broke down completely with some of the villagers finding themselves totally excluded from the new arrangements.

Addressing equity concerns in CFM

Traditionally, women have been marginalised in all community affairs and community-level decision making in Orissa. Their voices have at best been represented through their husbands or other male members of the household. Community forest management systems are no exception to this, despite the fact that the poorest women depend heavily on forests and forest products.

At times, poor women were actively involved in forest protection but their role was not recognised. For example, in Tandamunda village in Balangir district, although it was women who protected the forest, the men claimed that they were doing so by rotational patrolling. In several cases it was found that when men take up protection responsibilities they look upon these as separate tasks, while women integrate protection with their daily chores, such as fuel and NTFP collection. In Jhargaon village, men were involved in protection but were barred from any forest product collection while on patrol. In Baghamunda village, five women patrolled every day, but they used their time on patrol to collect various forest products, especially fuel and food supplements.

In all but one of our case study sites, women's involvement in decision making was marginal. In Aonlapal, Jhargaon and Suruguda villages, women were included only notionally to meet the requirements for women's presence in *Samitis*, with no real involvement in making decisions about forest management. The exception was Baghamunda village. Initially, men used the women as a front to check pressure on forests while taking all decisions themselves. Gradually the women gained confidence and started protesting against men's dominance in decision making. One remarkable outcome of this process was that the women were included in the local *Tribal-Panchayat* (traditional community forum), although tradition excludes them from such institutions.

Baghamunda represents a rare example of poor women seizing decision-making power in CFM. In general, CFM had made little difference to poor women, since their needs and priorities have not been reflected in local forest management systems. Large farmers in particular were more interested in the non-consumptive ecological functions of forests, as they gained most from improved soil fertility associated with forest protection. Yet the costs of protection were borne by those dependent on consumptive uses, both in the form of lost wages for the time spent in patrolling and from restricted access to forest products, especially fuelwood for sale. Some initial restriction on forest access is clearly necessary under community-based management of degraded forests. Rules relating to fuel and NTFP collection, however, are commonly relaxed at a much later stage than for other forest products. As fuel and NTFP collection are generally women's responsibility, the CFM committees dominated by men feel no urgency to address these issues. In many cases, while elaborate rules were developed for small timber extraction, rules for fuel and NTFP extraction were not – simply because they were considered cumbersome to work out and regulate. If women had a stronger voice in decision making, they would probably address these issues much earlier.

The negative impact of elite male control over CFM decision making on women's access to forest benefits is best illustrated by Gadabanikilo village in Nayagarh district (Vasundhara, 1997). Prior to CFM, *Mahua* (*Madhuca indica*) seed collectors kept all the seed they gathered. As Mahua seed is primarily collected by women, this was an important source of income and household nutrition for poor women. The male village committee then introduced a rule that 50% of the *Mahua* seed collected from the community-managed forest must be deposited with the committee for equal distribution among all village households. In one sweep, poor women collectors were deprived of 50% of their collection for the benefit of non-collecting households. In 1999, the village committee changed the rule again and auctioned the right to collect Mahua seeds to a private individual who offered the highest bid. This individual then employed labour for collecting Mahua seed, giving them 50% of the quantity they collected as wages, keeping the other 50% himself. The village committee also restricted the access of NTFP gatherers from other villages, again predominantly women, adversely affecting their livelihoods.

The state JFM order does prescribe representation of different socio-economic sections and women in *Vana Samrakhan Samitis*. However, formal representation is inadequate by itself in the absence of explicit recognition of unequal gender and power relations within communities and firm provisions to ensure that livelihood interests and rights of the poorest are given priority and protection. In practice, Forest Department field functionaries have often reinforced existing inequalities within communities by strengthening the hands of the rich rather than siding with the poor. Suruguda village, in Sundergarh district, provides an example.

Suruguda is a large heterogeneous village that has received wide acclaim and awards for its forest protection efforts. The village started forest protection on its own in 1985 but its efforts were later formalised under JFM around 1990. The *Harijans* (lower castes) took the lead in forest protection. As the forest regenerated, the dominant, higher-caste majority community of the *Agarhias* appropriated control over management decision making. As a result, forests were 'opened up' for extraction only for a few days, allowing the *Agarhia* households, who could hire labor and forego their own income earning activities in a way that the *Harijans* could not, to take full and unfair advantage of extraction. The Forest Department staff supported the *Agarhias*, as reflected in the handling of many forest offence cases. While the *Agarhias* got away with cutting even large timber trees, the *Harijans* were fined both by the village committee and the Forest Department for taking even fuelwood.

Such cases highlight the problems with simplistic discussions of 'community' rights that do not assure protection of the rights and interests of overlapping groups such as NTFP gatherers. For many poor women, CFM has only meant a shift in the '*danda*' (stick) from the hands of the forest guard to the local youth.

- ◆ *Thus the issue is not just that of who – the Forest Department or the community – manages the resource, but more importantly how resource management is governed within the community.*

Unless the management objectives and priorities for community resource management are defined through broad based participation of forest-dependent women and men in inter and intra village forums, mere decentralisation of existing protection and management systems will have little meaning for poor women. The Forest Department has done little to address this issue in formulating its JFM policies, and has instead often reinforced local inequalities.

2.3 Federations of Community Institutions

As forests regenerate and become more valuable there is increased pressure on the resource, and conflicts over sharing forest products surface. Communities are increasingly faced with situations that require concerted and coordinated responses on a larger geographic scale. This prompts villagers to come together to build alliances.

Villages in Orissa are federating at various levels and in various forms to share experiences, solve problems together and gain strength from each other. At a local level, clusters of villages have federated to develop agreements over resource access and sharing among themselves, and to resolve conflicts over trespassing of their respective boundaries. Federations have also been used in order to enhance the bargaining power of villagers as they deal with external agencies (especially the Forest Department) over issues of benefit sharing, management practices, and decision-making authority. One important example of collective strength is from Paiksahi village where villagers were able to keep the paper industry out of their forests (see Box 3).

These federations represent an advanced stage in the development of community management of natural resources, providing a support system to member CFM groups. They have played an important role in expressing a collective voice for various CFM groups, resolving conflicts and sharing experiences. They have also faced a number of challenges that threaten their continued contribution to creating space for local forest management. Six such federations were studied in detail by Vasundhara. A brief description of three of these highlights where federations have made progress and what sort of problems they have encountered.

Budhikhamari Joint Forest Protection Committee (BJFPC) is a federation of 95 villages in Mayurbhanj district. The villages came together in 1988 primarily to counter the high pressure from timber smugglers and to provide patrolling support to member villages. In the initial years, the Forest Department played an important role in supporting forest protection efforts as well as in bringing villagers together. Later, an NGO also came in to provide support. This NGO introduced the system of payments to watch-persons and to village youth functioning as cluster level coordinators. This led to a breakdown of 'voluntary' contributions and, with the subsequent withdrawal of NGO support, the federation faced problems paying for protection and coordination. The federation had problems with the Forest Department, too, as the Department tried to use the federation to promote JFM in the area which villagers were unwilling to accept. BJFPC is now wary of both NGO and Forest Department 'support (see Box 4).

In Bonai Forest Division in Sundergarh district, a federation of 128 forest protection groups was formed in 1994. The experience of the Bonai federation illustrates the complex relationships CFM federations often develop with state agencies. In this case, the forest protection groups initially came together to try and stall the Divisional Forest Officer's transfer from Bonai as he had been quite supportive. While the Forest Department extended initial support to the federation, this waned once the federation started taking up issues which made the administration uncomfortable such as its granting leases for stone-quarrying in forest areas and the rights of *kendu* leaf pluckers. The withdrawal of department support, coupled with several other internal problems, weakened the federation. It was in the process of revival at the time of the research.

The case from Balangir District illustrates another common problem in the alliance-building process. The process of federation formation has often moved too quickly to give institutional form to existing networking efforts. As a result, the links between these apex bodies and village groups are weak and democratic mechanisms for representation not fully evolved. In Balangir district, the

Box 3 Strength of collective action: Paikasahi Village, Orissa

Paikasahi is a small village of 75 households in Ranpur block, Nayagarh district which took up protection of 800 hectares of degraded Patia Reserve Forest in 1990. In 1996, the Forest Department formed a *Vana Samrakhan Samiti* in the village and allotted 801.71 hectares of the Reserve Forest for JFM. However, on October 28, 1997, they found a representative of a paper manufacturing company on their doorstep. The Range Forest Officer told them that the Reserve Forest fell under a bamboo working circle and had been leased to Ballarpur Industries Ltd (BILT) for harvesting bamboo. Despite JFM, rights over bamboo from the forest had been granted to the paper company without any prior consultation with the so-called 'joint managers'. JFM's commitment to benefit sharing with the *Samiti* had been totally disregarded.

Paikasahi villagers decided to protest, supported by other villages in the locality, and formed a Forest and Environment Protection Forum. More than 300 villages participated in a joint protest rally on 9th November 1997, marching silently to the local Range Office with placards reading '*Aama jungle amara, Purna aain rad karo*' (*Our forest is ours, change old policies*), '*Aame baunsa katai debu nahi*' (*We will not allow the bamboo to be cut*). A memorandum was submitted to the Range Officer, and copied to various senior officials and the Chief Minister. The forum mobilised support from various quarters, including hundreds of forest-protecting villages from all over Orissa. The case received local and national press coverage. Women from Paikasahi and nearby villages participated in the rally, attended meetings, and sat with men on roads blocking the entry of industry staff and agents to the forest. Women leaders from Paikasahi walked from village to village to inform other women in the area about their problem.

A group of village representatives met the Agriculture Minister and other political leaders at Bhubaneswar. The Minister gave assurances to look into the matter. The Principal Chief Conservator of Forests' (PCCF) response was a major disappointment. He asked the villagers '*Who asked you to protect the forest? The Reserve Forests belong to the Forest Department. The bamboo forests have been given on lease to the paper industry, and villagers can have no rights over these forests.*' Following this meeting with the PCCF, on 27th November, some Forest Department staff visited the village and asked the villagers to call off the protest. They were offered higher wage rates for harvesting the bamboo. When the villagers refused to budge, they were threatened. Two days later, the agents of BILT started harvesting using labour hired from distant villages. A tussle ensued, with the villagers snatching the labourers' axes. Industry staff were forced to withdraw and the 18 poles cut in the process were brought to the village and deposited in the forest fund.

In response to mounting public protest and criticism, the Divisional Forest Officer invited local leaders for a discussion at the local Range Office. The leaders suggested an open house discussion, and the officer agreed. People insisted on holding this meeting at Kendu village instead of at the department's office, and on all the costs being met. This was a significant step by the Forest Department and villagers towards negotiating a settlement to the conflict. In spite of heavy rain over 300 villagers, men and women, from Paikasahi and other villages, gathered. Women who hardly ever attend public meetings shared the floor with village men and officials. They described the pain and effort of protecting their forest and their disappointment over the industry being permitted to harvest the bamboo. They asked, '*We were assured by Forest officials that under JFM villagers would have rights over the jointly managed forests. Is **this** Joint Forest Management?*'

The villagers also lamented the delay in the signing of the Memorandum of Understanding (MoU) between the Forest Department and villagers for JFM, as this left Paikasahi village in a weak position legally. The Range Officer was directed by the Divisional Forest Officer to complete the formalities of registration of the committee within 21 days. The officer assured the villagers that in future people would be consulted prior to any management decision such as bamboo harvesting, and their rights safeguarded. The villagers felt happy with the meeting's outcome but this happiness proved short-lived. The 1993 JFM resolution permits 'about 200 hectares' to be allocated to a *Vana Samrakhan Samiti* while Paikasahi had been protecting 800 hectares of forest. The Forest Department asked the President of Paikasahi *Samiti* to sign a MoU for 200 hectares of the forest. Paikasahi found this unacceptable. Since then, no further action had been taken by the department to formalise the *Samiti* or sign a MoU till April 2001.

The people of Paikasahi were successful in preventing the harvesting of bamboo from the patch of Patia Reserve Forest under their protection. Although their position was weak legally, the movement succeeded due to the strength of collective action. The inflexible JFM framework continues to present hundreds of other villages with such hurdles (Vasundhara, 1998).

Box 4 Formation of Budhikhamari Joint Forest Protection Committee (BJFPC)

In 1987, there was an incident of illicit felling of teak trees from Manchabandha Reserve Forest that was being protected by Budhikhamari and Kailashchandrapur villages. About 25 persons from these two villages rushed to the forest and stopped the vehicle loaded with smuggled trees. The timber smugglers offered Rs. 2000 to the watchers. When this did not work, there was a physical confrontation and eighteen people from the forest-protecting villages were injured and had to be hospitalised. Further, a false case of looting was lodged in the local police station by the smuggler against these twenty-five individuals and they were arrested. Budhikhamari and the surrounding villages approached the Divisional Forest Officer and the District Collector and persuaded them to release the arrested individuals. After this incident the villagers decided to form a joint committee to deal with timber smugglers. On 30th January 1988, villagers from 20 villages came together to discuss this and BJFPC was formed.

A joint mobile patrolling squad consisting of village volunteers was formed. Initially the squad was 100 persons strong with five persons from each of the twenty villages. By 1998 the number of member villages increased to 95. In 1989, the watchers in two villages faced problems stopping women headloaders. In 1990 it was decided to include women in the patrolling squad. Initially the members of patrolling squad were unpaid volunteers but from 1992 they were paid. The patrolling squad was very effective in combating timber smuggling in the area. Consequently, in 1992, its strength was reduced to 21 members, including three women. Although women were included in the patrolling squad in 1990, they were not included in the Executive Committee till 1997-1998. Unlike men, these women were not in the federation as representatives of their villages, or as village leaders, but to demonstrate women's involvement in the federation and to motivate other women for forest protection. Through 2000, these women continued to be Executive Committee members, but as paid watchers having an employee-employer relationship with other Committee members instead of as equals.

Regional Centre for Development Communication (RCDC), an NGO working on natural resources management was involved in facilitating the formation of a district level federation. RCDC started the process in 1994 with general exploration in the area. The need for networking was articulated in various forms at meetings with villagers. At a meeting in Balangir in 1995, a decision was taken by the village representatives and local leaders to form a district forum when the process of alliance building had commenced in only 2 of the blocks in the district. The NGO later realised that this step had been taken prematurely. Vasundhara faced similar problems in Ranapur block, Nayagarh district, when a block-level forum in the form of an ad-hoc committee was formed at a meeting with representatives from only a small number of the total forest-protecting villages in the area. The ad-hoc office bearers of the forum became responsible for initiating processes of internal democracy and representation. Unfortunately, the office bearers then wanted to retain their positions, and in some subtle ways blocked the process of fair representation and distorted the federation's elections in 1999.

The inherent gender and social inequalities of village community institutions were also magnified at higher levels of organisation. One rarely finds any women or persons from weaker sections in organisations representing village clusters. At district and state levels, women or persons belonging to weaker sections are often completely absent. Thus the ability of the federations to genuinely represent and articulate the requirements of the real forest-dependent people – women, Scheduled Castes and Scheduled Tribes – is severely compromised. The transaction costs involved in being an active leader of a federation, involving meetings at regular intervals and travelling, also make it very difficult for genuine community leaders and forest-dependent poor to take leadership roles. The leadership in general passes on to full-time paid persons, teachers, professional politicians and others with less direct dependence on the forest. In the absence of clear mechanisms for downward accountability of the leaders to member CFM groups and village women and men, these leaders cease to be true 'representatives' of their constituent group. A profile of the executive committee members of the two district level federations – *Jungle Surakshya Mahasangh Nayagarh* and *Zilla Jungle O'Paribesh Surakshya Samiti, Dhenkanal* – revealed the relatively elite backgrounds of committee members.

The weakness of the CFM federations is also evident from the fact that few of them have depended on internal resources. To some extent this is a reflection of contamination from NGO ideology, as NGOs invariably depend on donor support for their activities. The process of building up funds through contributions of the people is an important strategy for grassroots mobilisation. However, this difficult option has in general been given up in view of the easy funding available from NGOs and donors. The NGOs and donors also encourage the same, as funding makes it easier for them to control federations.

The state-level Orissa *Jungle Manch* (Forest Forum) is a prime example of institutional form being given to an alliance without adequate groundwork, mainly to cater to the needs of external agencies. The Orissa *Jungle Manch* was formed at a two-day meeting held in March 1999 in Bhubaneswar. The immediate need was to have a body to deal with the Orissa State Government, and represent communities in the Sectoral Policy and Planning Unit to be formed by the Forest Department as one of the conditions for the continuation of Swedish aid. This *Manch* was thus formed before adequate processes for formations at other levels had been initiated. Ironically, the two spontaneously evolved federations at the sub-district level, the Bonai federation and BJFPC, were not included as members of the state-level forum on the grounds that the prescribed structure for it envisaged only district forums being the member units. At the time of *Manch* formation there were only three district forums, all promoted by NGOs and donors.

While these federations provide critical support to their constituents, their acceptance by the state and other external actors as the legitimate voice of CFM offers both opportunities as well as threats. There are clear possibilities of cooption of these emerging institutions by the NGO/donor nexus as well as by the state. In sum, the federations are yet another arena where the struggle for control over forest management is played out.

2.4 Conclusions

Villagers have appropriated significant space for local forest management in Orissa, bringing clear benefits in terms of forest regeneration and the maintenance of local livelihoods, although significant problems of social and gender inequalities persist.

- ◆ *Rather than nurturing these local initiatives and facilitating more democratic and gender-equal self-governance by them, the state has imposed a model of JFM that reduces local control over decision making, endangers local livelihoods of the poor and women, and often hastens the degradation of forests. While JFM does offer formal recognition and some level of technical support valued by CFM groups, the reassertion of Forest Department control over local initiatives represents an extension of centralisation rather than any devolution of authority and entitlements to local levels.*

The weaknesses of JFM have encouraged local forest management groups to organise and oppose state encroachments on local forest management. Many of these are now formed at larger spatial scales, acting as federations of CFM groups, to tackle the problems ignored or created by JFM. The process of federating, however, brings its own challenges. Co-option by outsiders and poor representation of the weakest and most forest-dependent sections of the population, in particular women, are the most critical. Here too, there is room to improve the types of support offered to villagers who have formed their own institutions to manage forests to meet their own needs.

3 Madhya Pradesh

Madhya Pradesh provides diverse examples of community forest management systems and their conflict-prone interface with state initiatives to ‘devolve’ forest management to local villagers. Local people appropriate space for forest management in three forms here:

- customary local forest management based on traditional village boundaries;
- self-initiated community forest management facilitated by NGOs and people’s social movements;
- assertion of the right to self-governance under PESA, including local control over management of community forest and land resources, by a small number of villages.

These local initiatives have confronted serious challenges from official forest management policies. In contrast to Orissa, where Forest Department presence has been relatively weak, in Madhya Pradesh World Bank funding for a forestry project has substantially strengthened the Department’s presence and jurisdiction, even in remote forest areas. Although lauded as a success story by the Madhya Pradesh Forest Department and the World Bank’s evaluation mission, Joint Forest Management (JFM) has limited space for local forest management in several ways.

Unlike Orissa and Uttar Pradesh, the Madhya Pradesh state government has taken several apparently progressive policy initiatives. In line with the 73rd Constitutional Amendment, a structure for decentralisation of government to district, block and *Panchayat* levels has been put in place. On paper, Madhya Pradesh has also devolved maximum authority to village *Gram Sabhas* under PESA among states with Schedule V tribal areas. Little of this, however, has been translated into practice. Most government schemes continue to be implemented through parallel ‘participatory committees’ set up in villages by different government departments. These have ambiguous, if any, links with *Panchayati Raj* (local government) institutions and remain answerable to the sector departments that set them up rather than to elected *Panchayats* or village assemblies of adult voters. Prominent institutions include *Van Suraksha Samities* (Forest Protection Committees – for well-stocked forests) and *Gram Van Samities* (Village Forest Committees¹⁹ – for degraded forests) for JFM and Eco-Development Committees in and around Protected Areas.

Case studies were conducted in 13 villages for a more in-depth understanding of the impacts of JFM in Madhya Pradesh. In Bastar, where community involvement was already high, the interaction between JFM and existing local management was studied in the Central Bastar and Sukma forest divisions of Jagdalpur Circle. The villages studied were Darbha, Chindawara, Pedawada, Paknar, Chandragiri, and Jeeram (in Darbha range), and Kokawada, Urmopal, and Rokel (Tongpal range) (Sundar, 2000). In Harda forest division, the functioning of JFM committees in Badwani, Keljhiri and Gorakhal villages (Rahetgaon range) and Malpon village (Handia range) were studied (Bhogal and Bhogal, 2000).

Two detailed studies of the implementation of state NTFP policies were also completed (Bhogal and Shankar, 2000a and 2000b). A separate study looked at two people’s social movements, *Ekta Parishad* and *Bharat Jan Andolan*, and their perspectives on people-centred forest management (Behar & Bhogal, 2000).

We begin the Madhya Pradesh case with a discussion of the context for local forest management in our study area of Bastar. We then turn to a discussion of community forest management (CFM) in Bastar, and its roots in the customary respect for village resource boundaries as the basis for negotiated inter-village resource access and regulation of forest use. The imposition of JFM in

¹⁹ Village Forest Committee formed under the Gram Panchayat Act where there is no *Van Panchayat*

Bastar and Harda is considered next with its consequences for surviving traditions, local control over decision making, institutional capacity for self-governance, livelihoods and forest quality. In the conclusion we discuss local responses to devolution policies, the nature of interaction between different, often contradictory, policies and the parameters on which policy reforms need to be based to enhance democratic space for local forest management.

3.1 The Historical Context of Bastar for Today's Policies

Madhya Pradesh is the largest Indian state in area and the 6th largest in population, at 66.18 million people in 1991. Forests account for 35% of the state's geographic area and represent 20% of the total forest area of India. Thirty thousand of the state's 71,526 villages are located within or on the fringes of forests. 90% of the state's Scheduled Tribe population (representing 22% of its total population, and the largest Scheduled Tribe population among Indian states) lives within or near forests. 44% of the state population lives below the poverty line – 80% of this percentage in concentrated in forest areas (MPFD, undated). Formerly a Princely State, Bastar, in the *adivasi* (tribal) belt, is sparsely populated and has the highest percentage of forest cover (57.25% of its geographic area) in a state known for its forests.²⁰ Bastar has seen concerted efforts to exploit its forests by the state and private mercantile interests, as well as efforts to preserve its forests by villagers, activists, and some elements in the local administration and higher levels of government.

Bastar has tropical moist deciduous forests with sal (*Shorea robusta*) dominance shading into teak (*Tectona grandis*), as one goes from north to south. A wide diversity of NTFPs provides critical seasonal income and nutrition (in the form of tubers, leaves, fruits and flowers) to the villagers during lean agricultural periods. Forests also provide material for housing, fencing and artisanal production besides fuelwood, pasture and fodder. In the late 1990s, the annual turnover of NTFPs and agro-production of Bastar was Rs.5000 million. 98% of the produce, however, left the district in raw, unprocessed form (Bhogal & Shankar, 2000b).

During the pre-colonial period and upto Independence in 1947, strong traditions of community forest management seem to have existed all over Bastar. Unlike self-initiated community forest protection as in present day Orissa, this local forest management rested on the recognition of village boundaries in forests which effectively defined communal property rights, and the custom of making offerings to the earth gods for use of the forest. Villages used a system of charging residents of other villages a small fee known as *devsari*, *saribodi*, *man* or *dand*, for cutting timber or other produce from their forest.

Colonial policy encouraged settled agriculture whilst clamping down on shifting cultivation and initiated large-scale reservation of forests in 1905. The area proposed for reservation constituted a sweeping one-third of the total area of Bastar. Reservation involved complete deportation of some villages, either because they practised shifting cultivation or because they were simply in the heart of good forest coveted by the state. In response to a major rebellion against reservation in 1910, the area to be reserved was reduced to approximately half of that originally planned and the administration made less intrusive. In villages near the boundaries of the reserves, the state left additional land equal to the existing cultivated area for future extension of cultivation. Twice the existing cultivated area was also left aside for *nistar* purposes. These were forested lands from which villagers could collect forest products for non-commercial household use. At the same time, minor forest produce was redefined as state property and *nistar* and grazing dues were imposed in 1898. The fight against shifting cultivation continued, however, as did various forms of protest. (Sundar 1997).

²⁰ In 1991, the per capita forest area in Bastar was 9.5 ha. compared to 0.30 ha. for Madhya Pradesh and 0.11 ha. for the whole of India. (GoMP, 1998: 208).

In 1949, just two years after Independence, all the *nistari* (community) forests of Bastar were also declared Government Protected Forests with the condition that the *nistari* rights of the people would not be affected. The better blocks were surveyed and demarcated as Protected Forests under Forest Department control during the 1960s while others were left unsurveyed and painted 'orange' in the maps. With control shared uneasily between the Revenue and Forest Departments, the orange areas largely became open access lands. The Revenue Department continued granting title deeds or *pattas* to land in these orange areas as government policy favoured their distribution to the landless through the 1970s. A fresh survey of the orange areas was ordered around 1998-99 and instructions issued that the areas found unsuitable for demarcation as Protected Forests could be de-notified and reverted to the Revenue Department.²¹ Despite appropriation by the state, however, villagers have continued to refer to various patches as *their nistari* forests and feel proprietary towards them.

Post facto declaration of large areas as state-owned Protected Forests in the absence of comprehensive surveys and registration of existing cultivation, made large numbers of cultivators illegal 'encroachers' on 'forest' land they had been cultivating for generations. Whereas earlier the state government regularised such *de facto* cultivation periodically, the Forest Conservation Act 1980 made prior approval from the Central Government mandatory for doing so. Although not all 'encroachers' are necessarily landless or poor, in a context like Bastar's the issue of encroachments is closely intertwined with the question of basic land rights of the poor. With only about 27.5% of the total area of Bastar (officially) under cultivation and 57.25% declared as state-owned forests, legal access to land for subsistence agriculture has continued to evade the poor, and they form a large share of those labeled 'illegal' encroachers.

This, then, is the context for both the local appropriation of space for forest management and state driven devolution in Bastar. Local communities have sustained and adapted their cultural resource-use traditions for managing high dependence on forests. These traditions have survived despite efforts by the state to 'protect' and 'reserve' forests from local uses and replace local institutions with those of the state. Protests and other forms of resistance to state seizure of land and forest led to the development of several formal, often contradictory, devolution policies in response. We now turn to the case study findings and other studies to highlight the tensions between local appropriation of space for forest management and state-driven devolution policies.

3.2 Surviving Traditions of Customary Forest Management in Bastar

Villagers have developed and maintained local institutions for regulating forest use in many villages in Bastar. These institutions have evolved and survived in spite of appropriation of legal control by the state. We describe some of these institutions in our case sites and the types of local decision making they support.

Ulnar is a large, head village of a cluster of 12 villages in Jagdalpur *tahsil*, which had a *nistari* (mainly sal) forest of approximately 6,000 acres that was distributed among the 12 villages. As in much of Bastar, Ulnar had a traditional community-based system for regulating inter-village use of forests.²² Each village had a forest *sarpanch* and engaged watchmen. If there was excessive felling in any of the villages, the other villages would scold them saying that if they deforested their own area, they would not be let into any of the other villages' forests.

In 1937, S. R. Daver, the Chief Forest Officer, formalised this customary multi-village management system of Ulnar's *nistari* forest in a working scheme, which operated until 1952. The scheme

²¹ Note prepared by Divisional Forest Officer, Working Plans, Kanker.

²² In return for use of the forest, the other villages each had to bring Rs.100, a goat and 15-30 kg of rice to the Ulnar *Dharmi jatra* (festival at the shrine of the earth) in December and to the *Chornia mandai* in April.

divided the forest into 7 or 8 felling series, each assigned to a set of villages made responsible for its management, including the payment of watchers. Species such as mahua (*Bassia latifolia*), tamarind (*Tamarindus indicus*), hurra (*Terminalia chebula*), mango (*Mangifera indica*) and trees in the sacred grove around the local deity's shrine were not to be cut.

The forest *sarpanches* (heads) collected 1.5-2 kg per rupee of land revenue, which went towards paying the watchmen, buying uniforms,²³ axes, the construction and repair of the grain depot and meeting other work-related needs. The watchmen were paid 30-60 kg paddy per year and exempted from supplying free labour for landlords or state officials. The forest *sarpanches* met weekly at the market in Bajawand. This system ran successfully for many years as it built upon an existing system. Declaration of *nistari* forests as state-Protected Forests reduced the efficacy of the system as neighbouring villages stopped recognising Ulnar's customary authority over these forests. More recently, the Forest Department had introduced JFM with two of the twelve villages in the system without giving any consideration to the surviving multi-village institutional arrangement (see 3.3).

Junawani village also had a system of customary management similar to that in Ulnar. Since the 1930s, every household has contributed paddy to employ three watchmen. If they needed additional funds, they sold a tree to a neighbouring village that did not have its own forest. Some of these villages also gave a fee to Junawani for use of its forest. Anyone needing timber for building a house or for a funeral would ask the forest *sarpanch*, who would hold a meeting and generally grant permission. Anybody caught felling without permission was fined. The forest *sarpanches* rotated. In contrast, in some villages around Kanker, the required contribution varied with the amount of timber taken. In others, it was not levied for dry or fallen wood, but only for good timber or only if the wood was stolen. Some villages expected contributions for grazing, while others did not. Apart from Ulnar *pargana* (an administrative unit comprising several villages), other villages in the area also followed a similar system (see Sundar, 2000, for details).

These customary systems still seem to be fairly effective at the inter-village level, but are clearly under pressure. For instance, somewhat bitterly, Junawani villagers recounted that while the neighbouring villages slowly stopped giving a fee to them, they continued to take for their needs from the Junawani forest. '*We don't say anything since people have become educated and tell us that it is not our forest but belongs to the government*'. The turning point came in 1983-84, when Ulnar attempted to prevent illicit felling by villagers from Devda. The dispute was taken to court and, ironically, the police took away Junawani's leaders and a few elders in handcuffs. The case was still going on, but Junawani stopped asking any of the villages for a fee for use of their forest, and protection had become lax. By condoning illicit felling by Devda, the police forcefully conveyed to Junawani villagers that their customary authority over their forest no longer had any legitimacy.

CFM initiatives with outside facilitation

Some villages have developed management systems under the influence of activists or NGOs, systems that often co-exist with customary systems and JFM. Activists of *Ekta Parishad*, a people's social movement, has organised forest protection in several villages, including Salebhata. In this area, villagers would cut timber from each other's forests and give Rs 2-4 as a fee, following long-established custom. Around 1985-86, under the influence of *Parivartan* (an NGO affiliated to *Ekta Parishad*), Salebhata and three neighbouring villages began to protect their own *nistari* forests. Since protection began, the giving of fees came to an end because they stopped allowing each other to cut timber at all. Under this system, 5 or 6 men from different households patrol the forest in

²³ The practice of giving watchmen a khaki uniform and the Jungle *sarpanches* a turban apparently stopped in the mid 1990s

turn. When people need firewood (by cartloads rather than headloads) or timber, they apply to the village committee for permission, who inspect the timber after it is cut. There is no ban on grazing. Women also come to meetings and take part in *Ekta Parishad* rallies.

A consistent feature of community forest management in the Bastar case studies is the readiness of women to protect their forests. For instance, in Belgaon, Korkotti, Bade Khauli and some other villages in Keskal range, *Mahila Mandals* (women's associations) formed by Parivartan had started protecting their forests around 1997. In all these cases, however, the women had faced problems from men from their own and neighbouring villages when they had attempted to stop large-scale felling by men.

In 1987, the Forest Department tried to enclose some of the Reserve Forest adjoining Asna village near Jagdalpur. This provoked strong resistance from the Asna women, led by Mitkibai and guided by a local activist. Since then, the Asna women have been protecting their forests, and some of them have been successfully running a Primary Cooperative Society to buy NTFPs. This in turn led to deep differences within the village and attempts to form a Forest Protection Committee for JFM failed (also see Sundar 1998).

The women of Metawada were assisted by the same activist to form a Forest Protection Committee for JFM in 1994. Initially, they had appointed a young man as their President and a woman as the Vice-President. For 2-3 years they all went on night patrols. However, as the President would not call them for the meetings, they decided to have an all-women Forest Protection Committee. As Harawati, the Forest Protection Committee President said in a village workshop in December 1999: '*You people (men) say what can the women do, but if you don't tell them about the meetings, then really what **can** they do?*' Harawati, like other women activists, had faced threats, and even been thrown out of caste, for her work.

Bastar thus clearly had, and continues to have, a wide range of customary and evolving community-based systems for regulating forest use at the village and landscape levels. All have represented the exercise of local authority in institutionalised, widely-respected forms. They have all maintained a space for local forest management in an increasingly centralised colonial and post-colonial state. We now examine government policies, first describing what they are and then analysing their impact on the space for local forest management.

3.3 Madhya Pradesh's JFM Framework

Madhya Pradesh passed its first JFM order titled '*Community participation in preventing illicit felling and rehabilitation of the forests*' in December 1991. This order was revised in 1995 to coincide with a large World Bank funded forestry project. The 3rd and latest 4th revision of the state JFM order were issued on 7th February 2000 and 22nd October 2001.²⁴

Madhya Pradesh has brought the largest forest area under JFM of any state. By the middle of 2000, 6,556 Village Forest Committees, 5,316 Forest Protection Committees²⁵ and 323 Eco-Development Committees (for Protected Areas) had been formed, 'jointly' managing 5.8 million hectares of forest land. This accounted for 37.54% of the state's total forest area of 15.45 million ha (MPFD, undated). The state's 1995 JFM order stood out among other state orders for making even well-stocked forests eligible for JFM. Forest Protection Committees within 5 kms of well-stocked areas,

²⁴ The last two orders were issued after fieldwork for this study was completed.

²⁵ Out of the almost 12,000 VFCs and Forest Protection Committees constituted, only 1,140 received generous funding under the World Bank forestry project. The rest received limited or no funding except where funds from other government programmes could be mobilised.

however, were only entitled to their *bonafide* domestic requirements with no share of income from timber while the Forest Department continued harvesting it for revenue. Village Forest Committees 5 kms of degraded forests were to get 30% of net income from timber. One man and one woman from every household were to be made general body members of both Forest Protection and Village Forest Committees.

The February 2000 order went one step further by including even Protected Areas in its ambit. Although there is to be no benefit sharing of produce from such areas, according to the order, Eco-Development Committees on the periphery or within Protected Areas shall be entitled to monetary compensation equivalent to the share received by Forest Protection Committees in the vicinity. The proposed benefits to Eco-Development Committees, however, leave unstated the costs imposed on their members in the form of lost forest-based livelihoods. Members of Forest Protection and Village Forest Committees shall now be entitled to:

- royalty-free *nistar* (forest produce for domestic needs);
- all intermediate products (through cleaning, multiple shoot cutting, etc.), both these and *nistar* on payment of the Forest Department's extraction costs (which implies that harvesting of even intermediate products shall continue to be undertaken by the Forest Department rather than the villagers);
- NTFPs in accordance with government policy framed under PESA.

Forest Protection Committee members are now also entitled to 10% of the income from final timber/bamboo harvest (compared to none in the 1995 order), while Village Forest Committee members continue to be entitled to 30%. The latest 2001 order has further increased the villagers' entitlements but not the distribution of power and control between the villagers and the Forest Department.

The Madhya Pradesh State Act passed under the central PESA on December 5, 1997, provides that the *Gram Sabha* (village assembly of all adults) in Schedule V areas shall have the powers to 'manage natural resources including land, water and forests within the area of the village, in accordance with its traditions and in harmony with the provisions of the Constitution'. However, this is to be done 'with due regard to the spirit of other relevant laws for the time being in force'. The Forest Department has used the latter provision to argue that *Gram Sabha* powers under PESA remain subject to the provisions of existing forestry legislation.

Madhya Pradesh's February 2000 and October 2001 JFM orders have incorporated some PESA provisions and made all adult voters constituting the *Gram Sabha* eligible for general body membership of the three types of committee (in contrast to one man and one woman per household in the 1995 order). Another significant provision is that committee members shall be treated as public servants while on patrolling duty and entitled to legal protection and the same compensation as forest staff in case of death or injury.

The World Bank-funded Madhya Pradesh Forestry Project²⁶ had a sizeable component for providing alternative development inputs to villagers to wean them away from the forests through 'eco-development' in the case of Protected Areas, and the Village Resource Development Programme in JFM villages. The Development Programme funds allocated to each participating village were Rs.300/ha/year over seven years for a maximum area of 300 hectares per village. Up to one-third of its annual entitlement was to be paid to each Village Forest Committee on a monthly basis, either directly or into its bank account. In theory, the committee could use this money either to pay wages for protection or for community benefit, provided it took care of protection through

²⁶ Phase I of this project ended in 1999. A proposed Phase II is now being designed, after being held up till mid-2002 due to allegations by Mass Tribal Organisations that Phase I had violated the land, forest and human rights of poor tribal people.

voluntary effort. Rs.700 million had been credited to committee bank accounts by the middle of 2000 (MPFD undated). The remaining two-thirds of the Village Forest Committee's annual entitlement was to be used for village development works such as minor irrigation, for which the Divisional Forest Officer made direct payment, although decentralisation to local self governments requires that these responsibilities be assigned to *Panchayati Raj Institutions*.

Impacts of JFM in Bastar and Harda

In addition to the case studies in Bastar, four case studies were undertaken in the different context of Harda forest division in central Madhya Pradesh, where JFM is ten years old and has been acclaimed for its 'success'. The key findings of our studies about the nature of space created for local forest management under JFM in Madhya Pradesh are summarised below. We pay special attention to the impacts on existing local management practices and ongoing attempts by village women and men to appropriate greater space for themselves.

Organisational inclusiveness

All nine JFM villages studied in Bastar failed to meet the membership norms prescribed by Madhya Pradesh's 1995 JFM order of including one man and one woman from every household. According to the data supplied by the Divisional Forest Officer, for all 24 JFM groups formed in Darbha range, the number of women members varied from only 2 to 10, while the number of men varied from 6 to 110. One of the Deputy Rangers said that although they had attempted to involve the entire village, membership was not such an issue yet since distribution of the harvest had not started. JFM committee meetings were held on a random basis every three to five months, although one of the Divisional Forest Officers had recently ordered that they should be held once a month. In Harda forest division, however, one man and one woman from each household had at least been listed as members, although the women in all four cases knew little about their Committees.

The problem was not just a failure to include women and other disempowered groups in the Forest Protection and Village Forest Committees. Superimposition of JFM committees on pre-existing CFM systems in Bastar had in some cases made decision making much less inclusive. For example, in Belgaon, the *Mahila Mandal* (women's association) was protecting a forest in cooperation with two other villages. At the initial meeting for Forest Protection Committee formation, all households were invited and the signatures of those who came were taken. However, they were told nothing about JFM rules and the division of roles and responsibilities between the Committee and the Forest Department. The Committee had received money to trade in tamarind and urea, doubling up as a NTFP marketing committee but no one, except the office bearers, knew anything about either the trading or the accounts. The women's major complaint, however, was that the Committee President took money on behalf of the Committee for allowing people from other villages to cut trees from their forest, kept it for himself and did not inform them. When they tried to stop the offenders, they were told that money had already been paid and that they could do nothing. Rather than increasing forest-dependent women's control over their forest, JFM here had deprived them even of the space they had appropriated on their own.

Democratic village leadership or agents of the Forest Department?

In contrast to the official claim that villagers have been substantially empowered to take forest management decisions through the formation of village organisations under JFM, our research found that the majority of villagers in all JFM sites had little knowledge of the decision-making process within the committees, and little say in that process. Where attempts were made by villagers to participate actively in Forest Protection Committee decisions, the Forest Department often thwarted the effort by controlling committee leadership appointments, record keeping and other key decisions.

This was the case even in the celebrated Harda forest division, which piloted JFM in Madhya Pradesh in the early 1990s. While the Divisional Forest Officer who pioneered the 'Harda' model was individually committed to villagers' empowerment, his successors reverted to old patterns of centralised control. As the secretaries and joint account holders of Forest Protection Committees, beat guards decided which decisions and accounts were recorded and how 'community funds' were spent. They even controlled the appointment of Committee Presidents. Members of the JFM committee of Gorakhal village, for example, elected a new President in February 2000 to replace the one who had held that post since the Committee's constitution in 1992. Within 3 weeks, however, the beat guard got the earlier President reinstated, as he found the villagers' representative too independent for his liking. The residents of Gorakhal²⁷ village were visibly annoyed with their Forest Protection Committee. Their Committee had approximately Rs. 117,000 of its own funds, but requests for loans for bullocks or sickness were turned down. The villagers claimed not to know who the President of their Forest Protection Committee was, but a man close to the beat guard asserted that he was the President (Bhogal & Bhogal, 2000). Even after ten years, JFM in Harda had failed to develop broad-based democratic village institutions capable of managing forest resources on a democratic, sustainable and equitable basis.

Efforts to maintain the Forest Department's control are equally evident from the manner in which some potentially empowering provisions of PESA have been incorporated in the state's February 2000 and 2001 JFM orders. The essence of PESA is to promote tribal self-rule through democratic *Gram Sabhas* (village assemblies) making their *own* collective decisions. This implies that *Gram Sabhas* define the boundaries of their community (including forest) resources and take over their management, as done by some villages in Nagari block. The JFM order, on the contrary, empowers the Forest Department to constitute *Gram Sabhas* as JFM Committees with the guard or forester as member secretary-cum-joint account holder. The JFM order also vests the authority to allocate forests to JFM Committees and approve and supervise village management plans (including non-forestry development works), in the Divisional Forest Officer. In the case of well-stocked forests, the Forest Department retains the right over 90% of the income from timber, even from *nistari* (community) forests within revenue village boundaries and to unilaterally dissolve committees, in which case members lose all their entitlements to the promised benefits. In effect this implies that the department can dissolve the constitutionally empowered *Gram Sabhas* themselves.

- ◆ *The legal empowerment of Gram Sabhas for democratic decision making by PESA is thus potentially subverted by the Forest Department's administrative order.*

Control over decision making related to 'community' funds

Of all the areas in which JFM has constrained the space for local decision making, control over community funds is perhaps the most egregious. The vast majority of villagers in our case sites knew nothing about the total budgetary allocation for their villages, nor that they had the freedom to decide how to use their own share of funds. The Forest Department, when challenged, claimed the authority to make financial decisions on behalf of villagers on grounds of being accountable for their 'judicious' use.

²⁷ Three (including Gorakhal) of the four villages studied in Harda division were 'forest' villages. These were set up several decades ago as settlements for labour brought in by the Forest Department for undertaking forestry operations. The labourers were permitted to cultivate small patches of land for their subsistence without any land rights. Even after several decades, these villages are yet to be converted into regular revenue villages. They lack legal rights even to their agricultural land and remain totally dependent on the Forest Department for health and education services. This has provided fertile ground for perpetuating highly feudal and exploitative relations between forest villagers and department staff. This became evident during a public hearing organised by a mass tribal organisation in May, 2001 (See Diwan *et al*, 2001).

The situation was particularly bad in Harda Forest Division. In February 2000, the Divisional Forest Officer had issued instructions that no JFM Committee could use its own funds without his approval. If the officer did not consider the proposed expenditure to be 'wise', approval was refused. Rotation of Committee funds had been minimal and disproportionate benefits of loans had been taken by Committee Presidents. Committee accounts held jointly by the committee President and the beat guard facilitate such collusion. At a public hearing organised by *Shramik Adivasi Sanghatan*, a local mass tribal organisation, women and men of 12 different villages complained bitterly about not being provided with any accounts of their common funds by the forest guard and being denied access to them even for emergency loans. In response to protest rallies the Conservator of Forests promised to give them detailed accounts in April 2001, but not a single JFM Committee in the area had been provided with any accounts even till March 2002.²⁸ A major demand of the villagers at the public hearing was that their JFM committees be disbanded, as they had become tools for increasing oppression and exploitation of poor *adivasis* of the area.

Similar mechanisms for maintaining Forest Department control over 'community' funds were evident from the case studies in Bastar. In Darbha village, for example, the Executive Committee members were all petty politicians and shopkeepers, generally appointed by the Forest Department. Such people were close to the forest staff and could be expected to collude with them on fund management through the jointly held accounts. One of the major complaints of the Communist Party of India workers about JFM was that the Forest Department purposely chose non-literate youth as Committee Presidents when a sufficient number of educated youth were available. In Kandamar for instance, the Forest Protection Committee President was non-literate and the registers and passbook were kept with the beat guard. Kandamar's President asked to be told what he was signing, and how much money was being withdrawn from the Committee account, but the department staff refused. The foresters claimed that they were responsible for ensuring that 'government' funds were not misused. The Forest Protection Committee President on the other hand felt he would ultimately be held responsible by both the villagers and the department. In Chirwada and Badanpal in Tongpal range, the Presidents signed away cheques for Rs.25000, but did not know the name of the forester they had entrusted these to, or their bank account numbers. The money was to be used for a microphone set and vessels for the village, but the Deputy Ranger went and bought these on his own (and refused to disclose the cost to the villagers). The Presidents were upset that they had not been taken along, while the forest staff claimed that they had been called but had not come, and that even when they did come, expected 'to be treated like *baraatis* (pampered members of the bridegroom's marriage party)' and have their travel paid for.

Even the decision whether to pay villagers for protection or not tended to be controlled by the Forest Department. In Badanpal, Tongpal range, four watchmen were engaged but were not paid for three months work. The villagers then started rotational patrolling on their own. When asked, the Forest Department staff said that the watchmen were not paid because they did no work and money had to be saved for the Committee. The Committee members had not even been asked if they wanted to save money in this way.

So the effect in many areas was to eliminate the incentives for forest protection that helped support the local management systems developed by the villagers themselves. Where fines and fees were once collected by local institutions to support patrols and regulate forest use, the Forest Department now determines how even the villagers' money will be spent – often without even minimal transparency. JFM has undermined local incentives to protect forests and wrested decision making control over financial matters from local people.

²⁸ Despite administration orders prohibiting assemblies, about 2,500 tribals assembled outside the Harda District Collector's office on December 24, 2001 to demand details about their 'community' accounts and an end to other forms of exploitation by forestry staff. (Personal communication with *Shramik Adivasi Sanghatan*, January 1, 2002).

Negative livelihood impacts and equity

Discussions on JFM largely centre on the package of ‘incentives’ offered to villagers, such as shares of timber and NTFP revenues, to assist the Forest Department in protecting forests. What is less often discussed are the constraints imposed by JFM on the pursuit of pre-existing, forest-based livelihoods. In most instances of our fieldwork, JFM imposed – or tried to impose and failed – restrictions on the very activities crucial to the survival of the poor.

Under the Forest Department’s influence, for example, most JFM case study villages in Bastar tried to ban sales of bamboo shoots in the market. In Kukanar, however, the spectre of the ban was one of the major obstacles to JFM, since poor women depended on selling bamboo shoots for household food security. Similarly in Chandragiri, the Forest Protection Committee members said that when they started, protection had been quite strong, but declined subsequently, since ‘*we don't like catching people from our own village*’ who clearly need access to forest resources for survival. In Darbha and Chandragiri, JFM committees allowed their own villagers to get timber for building houses and implements while the Forest Department turned a blind eye. This reflected the villagers’ ability to retain at least some decision-making space within the JFM framework, especially where they were better organised. In contrast, in Harda there was a concerted campaign against both firewood headloading and grazing in forests in the early years of JFM. In one of the most well-known Village Forest Committees of Badwani, a rigorous ban on keeping goats had been enforced since 1991. Poorer village women resented this, saying that goats were like liquid cash and they could manage them so as not to harm the forest. However, they had no say in the matter (Bhogal & Bhogal, 2000). In general, there had been no discussion of the inequitable distribution of the livelihood *costs* of ‘joint’ forest management on those dependent on daily extraction and, consequently, of more livelihood-sensitive management alternatives.

At the same time, when benefits have been distributed, they have not been distributed equitably. During the May 2001 public hearing in Harda, the assembled villagers accused the Forest Department of co-opting a few better-off villagers to deprive the rest of forest access for subsistence uses. The inequitable distribution of benefits from Village Resource Development Programme investments within villages is evident from the Forest Department’s own accounting: Rs.40.8 million had been spent by the department in 145 villages in Harda division over 10 years to provide 818 households with irrigation (Dubey, 2001). This amounts to an average of 5 to 6 households per village receiving a benefit of almost Rs.50,000 each when the average number of households in each village is about 100. Ensuring equitable distribution of investment benefits among the majority of village households has clearly not been a priority. While JFM forests regenerate with such enforced exclusion of the poor, the department itself continues their ‘scientific’ fellings for state revenue.

JFM had also threatened livelihoods by cutting off forest-poor communities from neighbouring forests, exacerbating inter-village inequality in the process. In all the JFM villages studied in Bastar, poor villagers from neighbouring villages had had their tools confiscated while collecting bamboo, even where they have enjoyed long-standing *nistar* rights in the forests brought under JFM. Although this had not yet led to any major fights, mass tribal organisations allege that conflict between villages has increased due to increased inequalities in forest access.

Employment and other benefits

One of the early benefits of JFM in villages funded by the forestry project was wage employment. The Forest Department facilitated villagers’ access to a wide range of development schemes of other departments, such as loans/subsidies for house construction, wells, and lift irrigation, in Harda division even prior to the forestry project. All four case study villages in Harda division benefited substantially from improved agricultural productivity and village infrastructure development.

In general, however, already well-off JFM Committee Presidents cornered the maximum benefits in return for cooperating with Forest Department staff in preventing forest use, often of the kind most crucial to the poorest villagers. Such funding has also not nurtured villagers' informed participation in forest management decisions. In the words of the President of Malpon's Forest Protection Committee: *'The committee will get finished the day the government stops giving it money'* (Bhogal and Bhogal, 2000).

Inter-village inequities were also exacerbated. Villagers in Bastar received daily wages of Rs.60-70 for assisted natural regeneration work but only in villages covered by the Madhya Pradesh Forestry Project. Neighbouring non-project villages received nothing except the money they collected through fines or at best a monthly salary for one watchperson which could be used flexibly. In Salebhata and Mandri, for example, JFM committees were superimposed on the villagers' pre-existing NGO facilitated protection committees. Salebhata was allocated a patch of Protected Forest which the villagers were already protecting. While Salebhata received no money from the Forest Department for their protection efforts, the Village Forest Committee of Mandri village received funds to build a check dam, well and pond. Mandri also received money for a plantation in the Reserve Forest from the World Bank funded project. This led to a lot of confusion, and suspicion of the Forest Department. Village selection for project benefits seemed arbitrary and villages that got no funds suspected that the department was depriving them of their due entitlements.

Project funds created additional problems. Where pre-existing voluntary protection was replaced with paying watchmen, the department's money reduced psychological controls and some villagers felt that since the department was now paying for protection, they could cut the forests. As long as the villagers were contributing themselves, the psychological restraints were stronger.

Consolidation of Forest Department control over *nistari* forests through JFM

The loss of local decision-making space and livelihood options was most obvious in the use of JFM to extend Forest Department control over undemarcated *ex-nistari* forests. Till 1949, villagers had enjoyed formally recognised rights and authority to use these forests to meet their basic needs, with little interference from the state. Despite their declaration as government Protected Forests, the villagers continued to feel proprietary towards them due to lack of surveys and demarcation on the ground. Once brought under JFM, however, local use became subject to the Forest Department's control.

Thus in Tongpal range, 5 of the 16 JFM committees were for land formerly used for *nistar*, and were likely to be converted to Demarcated Protected Forests under Forest Department control. In the process, other land uses that had developed on them over the years were labelled 'encroachments' and, in some cases, removed and replaced with plantations.²⁹ In Junawani, the department had established a 50 ha plantation on village revenue land where villagers had been growing pulses and oil seeds to supplement paddy. In Kukanar, demarcation of two orange areas had been completed. The village was divided on the benefits of JFM. One view was that JFM would involve the department taking away villagers' land. Another view compared it to sharecropping – the village owned the land but since the department would put in money (through payment of wages), it was entitled to 70% of the harvest.

- ◆ *The latter view was obviously uninformed about the likely conversion of their nistari forest into a Demarcated Protected Forest following plantation, making the department the undisputed owner of the land also. Dissemination of such critical information to the villagers was conspicuous by its absence.*

²⁹ In Darbha, for example, the village was divided between some 22 families who were labeled encroachers and others who had tried to chase them away. The Forest Department had filed a court case against one of them.

The formation of JFM Committees by the Forest Department in Junawani and Ulnar also brought the villagers' customary, multi-village *nistari* forest management under the ambit of JFM.

- ◆ *Instead of being the managers of their own community forests, villagers were reduced to 'beneficiaries' participating in the management of a state forest.*

At the same time, because JFM was introduced in only two of the customary cluster of 12 villages around Ulnar, the department undermined the inter-village access and regulation system for a larger resource landscape. This had generated conflict and confusion among the villages over customary versus Forest Department authority.

Local appropriation of space in the face of JFM

The Forest Department has not had it all its own way in introducing JFM. Villagers have fought off its implementation in some areas and have adapted its provisions in others to better suit local needs. In many cases, there was an adaptive co-existence of traditional authority with that of the Forest Department. We provide a few salient examples among many that reflect the continued creativity and assertiveness of local people in the face of JFM provisions that reduce the space for local forest management.

In Junawani, the official structure and actual functioning of the Village Forest Committee was a mix of traditional and official norms. According to villagers, the committee officially had about ten women and ten men members but, according to the minutes of the register, about forty or fifty people actively participated in each meeting. The Forest Department staff was not following the JFM order's membership prescriptions, designed to ensure broad based participation, but villagers participated anyway, due to the strong tradition of collective decision making by the village assembly. In Ulnar, there was conflict over who should be the official forest *sarpanch*, the Protection Committee's chair. The Forest Department's nominee was replaced by one camp of villagers, who felt that he was being too strict and wanted someone of their own. The department's appointee continued to sign registers but the bulk of the work of the forest *sarpanch* was done by the other man. The customary system for satisfying the villagers' own timber needs continued to function despite having no recognition within JFM. Villagers were charged a fee of Rs.2-3000 depending on what they cut. In 1998, approximately eight houses were built and Rs.16000 collected.

Although most villagers were not aware of PESA's provisions, in the villages mobilised by *Bharat Jan Andolan* (a people's social movement) in Nagari block, Raipur district, villagers had begun asserting community control over their forests. In Chanagaon, in 'earlier times', if anyone wanted wood they would ask the headman. After the *nistari* forests were declared Protected Forests in 1949, the feeling of ownership ceased and everyone cut freely. The Forest Department also cut coupes. Once the village was mobilised by *Bharat Jan Andolan*, villagers decided to take only as much wood as they needed. The department wanted to form a JFM committee in their village but the villagers rejected it after studying the JFM order. The 30% share of revenues from timber was considered a poor deal when they could keep 100% of it under PESA. In addition, JFM had no provision for timber for villagers' own use, and they asked '*who doesn't need to build a house*'? They decided it was better to have their earlier system under which people asked for timber when they needed it.

In Uraiya, another *Bharat Jan Andolan* village, when the *Patwari* (lowest revenue official) and Forest Guard attempted to charge a youth with violating a tree felling ban when he cut a tree in his own land, the villagers took recourse to PESA and approved the felling. Villagers in Uraiya have

also taken over patrolling their erstwhile *nistari* forest from the beat guard and have been sanctioning woodcutting on application to the *Gram Sabha*.

3.4 Conclusion

JFM in Madhya Pradesh, and in Bastar particularly, was almost entirely a product of a top down process initiated by the World Bank and the state government. The JFM Committees are tightly controlled by government staff, and rarely represent the actual users of the forest. In setting up Committees for forest protection, there has been no attempt to build upon or formalise existing methods and institutions. Indeed, rather than devolving powers to manage the forest onto forest-dependent women and men, by imposing a much more restrictive and standard formal structure through JFM, the government has further appropriated initiative from the villagers. It has become another means to extend Forest Department control to new areas like the 'orange areas', further diminishing the villagers' surviving sense of ownership over them as 'their' *nistari* forests.

Our studies indicate that JFM has, firstly, undermined communal property rights regimes defined by customary village boundaries, thereby generating inter-village conflicts and inequities. Secondly, it has consolidated Forest Department jurisdiction over *nistari* forests through their demarcation as Protected Forests. Thirdly, it has destroyed survival livelihoods of impoverished 'encroachers' by converting *de facto* subsistence agricultural land use into forestry plantations. Fourthly, it has shifted the locus of control over decision making from within the community to Forest Department functionaries, despite the department's historical lack of accountability and transparency.³⁰ Instead of enhancing multi-dimensional space for local forest management, these interventions empower the Forest Department, often in alliance with male village elites, to reassert its control over local land and forest resources. Thus, even where locals had appropriated space for local management, JFM undermined local authority and livelihoods.

It can be claimed that forest protection has improved in some areas since the formation of JFM Committees and that the Forest Department has acted as a third party when offenders challenged the authority of village guards. Yet, it is in these same areas that the department exacerbated inter-village relations in the first place, weakening existing systems for managing forests at a multi-village landscape level by centralising forest management and converting *nistari* to Protected Forests.

In theory, PESA empowers *Gram Sabhas* to manage community resources, and represents a new and important alternative to the 'Committee' approach of JFM. In practice, however, there is little evidence of state commitment to operationalise PESA's empowering provisions. Madhya Pradesh's February 2000 and October 2001 JFM orders subvert *Gram Sabha* authority by keeping it subservient to Forest Department control. There has been no effort to nurture democratic decision making or technical, marketing and managerial capacity within JFM institutions organically linked to self-governing *Gram Sabhas*. Rather than representing community control mandated by PESA, these policies at best represent welfare interventions by the state while instituting new structures of bureaucratic management and control.

People's social movements, including Ekta Parishad, have condemned the Madhya Pradesh Forestry Project and its support of JFM and Eco-development. They see such projects as an underhanded means of displacing villagers from *nistari* forests and agricultural lands, encouraging more plantations to benefit industries, and getting the Forest Department staff more jeeps and

³⁰ A major scandal involving large scale illegal felling of timber from lands owned by tribals, in which the highest ranking officials of the administration, the Forest Department and the timber mafia were involved, was eventually stopped when the Supreme Court imposed a complete ban on the felling and transport of timber in the state following public interest litigation (see Sundar, 2000).

equipment. Ultimately, they argue, JFM – at least in the current version closely identified with the World Bank – is a reformist illusion aimed at diverting attention from the demand for effective people's control. According to P.V. Rajgopal, the leader of Ekta Parishad, the government must first regularise land under cultivation by tribal and other poor communities and then initiate a public debate on how much land should be reserved for forests. It is not that Ekta Parishad does not support forest conservation. Several of the villages where it is active in Bastar have been protecting their forests much before JFM was introduced. The underlying issue is of rationalising land use based on balancing conservation and livelihood needs. In other words, meaningful devolution of forest management cannot take place without resolving the basic issue in the lives of most poor Indian villagers – access to land as a means of livelihood.

While PESA has the potential to bring about a radical shift in state/people relations, its introduction has been troubled. The real force behind this Act was a handful of people who wanted to enable tribal communities to govern themselves. The tribal communities themselves were the least aware of it. A better-worded Act, emanating from rather than preceding public mobilisation, might have been more effective. In the meantime, with some people's organisations beginning to learn of its radical potential and how to use it, the central government is proposing to amend Schedule V of the Constitution itself to enable private capital to exploit the rich mineral resources in tribal lands. If that happens, PESA will become a toothless tiger.

4 Uttarakhand: from Right Holders to ‘Beneficiaries’?

Uttarakhand, the hill region of Uttar Pradesh, provides extensive examples of officially constituted and informal community forest management systems. Here, recent state initiatives are attempting to ‘re-devolve’ forest management in a modified form to such existing community forest management institutions. Democratic and autonomous community management of legally demarcated *village forests* by elected forest councils, or *Van Panchayats*, has existed in Uttarakhand for over 7 decades. Unofficial community management, with diverse institutional arrangements on all legal categories of forest lands, has co-existed with formally constituted *Van Panchayats*, and in fact predates them.

Both the *Van Panchayats* and unofficial community forest management (CFM) systems, however, confront challenges from the new systems being imposed on communities by the state. With funding from the World Bank, the Uttar Pradesh Forest Department has promoted *Village Forest Joint Management (VFJM)* with *Van Panchayats* on land no longer or never under Forest Department control. This is in contrast to Joint Forest Management (JFM) on degraded Reserve and Protected Forests *under Forest Department jurisdiction* in other states. This policy encourages the opposite of devolution, creating space for the Forest Department to intrude on village forests managed autonomously by communities instead of creating space for villagers to participate in management of Reserve Forests under departmental jurisdiction.

- ◆ *It is misleading to refer to Uttar Pradesh’s VFJM approach as JFM as it hides this crucial difference from JFM in other states – that Van Panchayats had enjoyed autonomous authority over village forests prior to VFJM.*

The decision making autonomy of *Van Panchayats* participating in VFJM is ‘*subject to the supervision, direction, control and concurrence of the Divisional Forest Officer*’ (FDUPa, 1997: 3.1). A functionary of the Forest Department has been made the joint account holder and the member secretary of *Van Panchayats* (GoU 2001), after having no role for 7 decades.

At the same time, informal community management is under pressure from state-driven *Van Panchayat* formation. The Revenue Department is demarcating civil forest lands (falling under the umbrella legal category of Protected Forests) under its jurisdiction as village forests to be managed by officially constituted *Van Panchayats*. The department is also dividing existing multi-village *Van Panchayats* into single village ones, often generating inter-village conflicts and inequity in the process. ‘Eco Development Committees’ promoted by the Wild Life wing of the Forest Department solicit villagers’ ‘participation’ in replacing their existing forest-based livelihoods with untested, non-forest-dependent alternatives. Decisions taken earlier by villagers through negotiation and consensus building, such as whether to take up community management at all, whether to do so officially or unofficially, and whether to do so at a hamlet, village or multiple-village level, are now being taken by the state on their behalf through target-driven formation of *Van Panchayats*, Eco-Development Committees and Village forest Committees for VFJM.

This confusing, often contradictory, array of state-driven devolution policies is meeting with diverse responses from forest-dependent women and men. These vary from outright rejection to (often opportunistic) acceptance. Unlike Orissa, inter-village alliance building through federations was either absent or very weak. NGOs and civil society groups, which earlier played an important role in policy advocacy, now work largely as ‘private service providers’ for the many donor-funded projects in the region.

We begin with an overview of the forest management context of Uttarakhand. Unofficial community management, increasingly initiated by women’s groups of late, is discussed next. We

examine in some detail the unique experience of official community management by the *Van Panchayats*, how it originated and changed over time, and the effect of *Van Panchayats* on forests, local institutional capabilities, decision making and livelihoods. This is followed by a discussion of the recent introduction of state-driven devolution, particularly the top down formation of new *Van Panchayats* and the introduction of VFJM with existing ones. As these policies are relatively new, we focus much of our attention on the process of policy formulation and policy content. Initial impacts on local control over decision making, livelihoods and forest quality, are examined. We also discuss local responses to these initiatives before concluding.

Our 16 cases were spread over 9 out of 12 districts of Uttarakhand. Rather than a statistically significant sample, the case studies were selected to capture the diversity of local initiatives and institutional arrangements for CFM. The selection criteria for the case studies included: self-initiated CFM; old and young *Van Panchayats* not yet brought under any of the recent devolution policies, both with and without active women's participation; villages which have rejected VFJM; VFJM villages considered good by the Forest Department and those facing problems; villages where new *Van Panchayats* have been formed or existing ones sub-divided recently and villages targeted by multiple devolution policies.

4.1 The Context for Forest Management in Uttarakhand

Uttarakhand consists of two sub-regions: Kumaon and Garhwal. With the advent of colonial rule, Kumaon and a part of Garhwal (referred to as British Garhwal) were brought under direct British rule, whereas Tehri Garhwal remained a princely state with British support. Appropriation of the uncultivated commons under the two administrations followed different trajectories, resulting in the two having somewhat different laws and land classifications. The rules for *Van Panchayats*, for example, were framed by the British and were applicable only to the territory under direct British rule. These were extended to Tehri Garhwal only in 1991. As developments in Tehri Garhwal often followed those in the territory under direct British rule, much of the historical analysis in this section analyses colonial interventions in Kumaon and British Garhwal, occasionally referred to only as 'Kumaon' for brevity.

According to the 1991 census, Uttarakhand's population was 5.93 million, 78% of which lived in rural areas. The rural population of the hill areas was even higher at over 90%. Whereas the area had a self-sufficient economy at the time of colonial occupation (Guha, 1989), today around 45% of the economically productive workforce works outside the region due to lack of local employment. Whereas only 12.6% of the hill region's area is officially under cultivation (Saxena, 1995b), the rural population actually uses about 60% of the total area for sustaining local agro-pastoral livelihoods. Most of this uncultivated land is legally classified as state-owned 'forests', about 67% of the total area of Uttarakhand (Ghildyal & Banerjee, 1998). Between 16% and 20% of the region's total geographic area has been brought under the protected area network under the Wild Life Protection Act, about four times the percentage at the national level. Although socio-economic differentiation has increased, village communities are more homogenous compared to high social stratification in the plains. The percentage of Scheduled Caste population as well as caste-based exclusion is much lower than in the plains. Land distribution is relatively equal with rare cases of land holdings of over 2 hectares, and landlessness is low. The area's agro-pastoral economy is still predominantly subsistence-based, with about 50% of rural households, including the rural elite, having high dependence on village commons and forest lands. High male out-migration in search of employment leaves the women as effective managers of the rural household economy. About 40% of households are estimated to be headed by women (CECI, 1998, quoted in Ecotech 1999).

Prior to British conquest in 1815, the hill peasantry effectively exercised direct control over the use and management of cultivated lands and uncultivated commons, with little interference from earlier rulers. Resident communities regulated use within customary village boundaries by evolving their own rules rooted in cultural traditions and practices (Guha, 1989; Somanathan, 1991; Agarwal, 1996). Agriculture and animal husbandry comprised inseparable components of the hill-farming system dependent on spatially and temporally integrated use of cultivated and uncultivated lands. Seasonal transhumance to alpine pastures and grasslands prevented resource degradation by dispensing with the need for uninterrupted use. High dependence on the forests generated conservation practices integrated in cultural and religious traditions, including the maintenance of sacred groves. Traditional village *panchayats* dealt with community affairs, including inter- and intra-village dispute resolution (Guha, 1989).

A number of interventions during colonial rule permanently altered this landscape of integrated local resource use and management. In 1823, the colonial regime undertook the first land revenue settlement in Kumaon and British Garhwal. This recorded customary village boundaries, categorising the land within them as cultivated *naap* (measured) and uncultivated *benaap* (unmeasured) lands. Although villagers continued to enjoy unrestricted use and the right to clear unmeasured land for cultivation, the state appropriated the authority, till then with local institutions, for granting recognition to village boundaries. These 1823 boundaries continue to be the basis of inter-village boundary disputes over rights in the commons, including in forest areas reserved 90 years ago, despite several boundary changes introduced subsequently (see later sections) (Nanda, 1999).

In 1893, all unmeasured ‘waste’ lands were declared *District Protected Forests* (the current category of Protected Forests) under the control of the District Commissioners. This legally classified all village common lands as ‘forests’, irrespective of whether they had tree cover or not, and converted them into state property. A resource base managed holistically was artificially and permanently divided into *forest* and *non-forest* lands. The division, and the accompanying freezing of land use, has not been reviewed since, despite the dramatic changes in socio-economic and political context.

From 1910-17, the colonial government attempted to tighten its control over forest resources by notifying over 7,500 km² of the commons as Reserve Forests, severely restricting people’s use rights. Following rebellions and incendiarism,³¹ 4,460 km² of the commercially less valuable new reserves, classified as ‘Class I Reserve Forests’, were transferred back to the civil administration from the Forest Department, and people’s rights in them restored. However, rights in these Class I reserves were given to ‘*all bonafide residents of Kumaon*’, thereby converting common property resources defined by the 1823 village boundaries into open access areas. Provision was made for *Van Panchayats* to exercise community control over legally constituted ‘village forests’, demarcated from within the Class I reserves, and civil forests (comprising the residual area of the District Protected Forests after reservation), though only in those villages that applied for them. This enabled sections of the peasantry to retrieve some space for local forest management. The state, however, consolidated its control over the commercially valuable forests, classified as ‘Class II Reserve Forests’.

Thus, by the early 20th century, the uncultivated commons had been divided into 3 legal categories of forests: commercially valuable Class II reserves under the Forest Department; commercially less valuable Class I reserves under the civil administration; and civil/*soyam*³² (protected) forests, also under the civil administration. A fourth category of *Panchayati* forests (now ‘Village’ Forests under Section 28 of the Indian Forest Act, 1927) could be carved out of the Class I reserves and civil

³¹ Literally setting the reserve forests ablaze in protest against denial of customary access to them.

³² The term used for civil lands in the adjoining state of Tehri Garhwal.

forests to be brought under community management. This did not appease the villagers denied their resource rights, especially since the state itself commenced large-scale commercial fellings, and protests continued.

After Independence, the state continued commercial forest exploitation with even greater vigour than under colonial rule. The reach of the Forest Department and its contractors spread to the remotest corners with expansion of the road network. Local livelihoods received even less attention than under colonial rule. State policy consistently favoured export of raw timber and resin for processing by large industry in the plains. By the 1970s, the *Chipko* Movement had emerged to demand that priority be given to local employment in the extraction and processing of forest produce (Guha, 1989). Increasing incidents of landslides and floods and declining availability of biomass for subsistence needs propelled even hill women into the movement, broadening the popular base of the *Chipko* protests and giving them their 'eco-feminist' label.

The issue of local forest rights, however, was soon subsumed within the new national and global ideology of environmental conservation. Instead of priority to local forest-based livelihoods and employment, *Chipko* was used to justify a spate of centralising environmental policies and laws. The Forest Conservation Act of 1980 empowered the central government to make decisions related to the alienation of even the smallest patch of forest land. In 1981, it imposed a 15 year ban (since extended)³³ on all commercial felling in the Uttar Pradesh Himalayas above 1,000 metres. Today the only permitted fellings are for the villagers' timber rights recorded under the forest settlements of 1910-17. These, specifying timber allocations per village, have not been revised since and are completely inadequate. Rapid expansion of the protected area network has resulted in additional large-scale resource displacement affecting the livelihoods of an estimated half a million people.³⁴

Over time, the Indian Forest Act (IFA), 1927, and later the Forest Conservation Act, 1980, enabled the Forest Department to consolidate its control over the wide diversity of original forest classifications, blurring the distinctions between them. Today, all state-owned forest lands with different local names and classifications fall under one of the three categories specified by the IFA – Reserve, Protected or Village Forests. The distinction between Class I and II Reserves became redundant after most of the former were transferred back to the Forest Department in 1964. All the civil/*soyam* forests (originally called District Protected Forests) are now equated with Undemarcated Protected Forests under the IFA. The following table indicates the area under different legal categories of forests in Uttarakhand at present:

Category	Jurisdiction	Area(ha)	% total forest area ³⁵
Reserve Forest (merged Class I & II)	Forest Department	2,375,571	68.92
Civil and <i>Soyam</i> Forests (equivalent of Undemarcated Protected Forests)	Revenue Department with <i>Gram Panchayats</i>	578,550	16.78
(<i>Van</i>) <i>Panchayat</i> Forests (equivalent of Village Forests)	<i>Van Panchayats</i> (with Revenue Dept; in a few cases with Forest Department)	469,326	13.63
Private, Cantonment and others	Miscellaneous	23,262	00.67
Total		3,446,655	100.00

(Source: Jena et al, 1997)

³³ In 1986 the ban was made applicable above an altitude of 2500 metres. At lower altitudes, green felling of only pine in areas specified in forest working plans is permitted (Saxena, 1995b).

³⁴ Resal, one of our case study villages located inside the Binsar Wild Life Sanctuary, is left with half its original population due to involuntary resettlement. Those left behind are agitating for their forest and livelihood rights and struggling to survive in the face of wild life damage to crops and livestock and constant threats to human life.

³⁵ Forest area constitutes 67 per cent of Uttarakhand's total geographical area. Whereas the Reserve Forests are exclusively under the Forest Department's jurisdiction, in the case of civil/*soyam* and *Van Panchayat* forests, the Forest Department is responsible only for technical supervision. The relative area under civil/*soyam* and *Panchayati* forests changes with the conversion of more of the former into the latter.

As the largest custodian of state property, the Forest Department has been unable to maintain the forests in good condition or meet people's forest-based livelihood needs. Its responsibility for enforcing the Forest Conservation and Wild Life Protection Acts has reinforced its image as an anti-people agency. Thus, in 1988-89, some of the *Chipko* activists started yet another, relatively less known *Ped Kato Andolan* (cut trees movement). They argued that the Forest Conservation Act 'was being used to hold up basic development schemes for the hill villages while the builders' mafia continues to flout it brazenly under the guise of promoting tourism' (Rawat, 1998). More recently, resource displacement and loss of livelihoods caused by expansion of the protected area network produced the *Cheeno Jhapto Andolan* (snatch and grab movement) reflecting the intense feelings of alienation and disempowerment. Women who earned international fame for stopping contractors from felling their forests during *Chipko* have come to hate the word environment. As one of these women from Reni village complained: 'They have put this entire (surrounding forest) area under the Nanda Devi Biosphere Reserve. I can't even pick herbs to treat a stomach ache any more' (Mitra, 1993).

Centralised forest management based on a conservationist ideology was a significant propellant for the movement for a separate state. It remains to be seen, however, whether the hill peasantry will gain a greater voice in defining the new state of Uttaranchal's land use and forest management policies. We now look at informal community forest management systems in Uttarakhand, which reflect the region's enduring traditions of common lands management.

4.2 Informal community forest management

Uttarakhand has widespread community forest management outside any formal legal framework on all categories of forest lands. Traditional *Lath (stick) Panchayats*, informal Forest Committees and more recently, increasing numbers of *Mahila Mangal Dals* (village women's associations) are regenerating and regulating use of Reserve and civil/*soyam* forest lands, often compelling unofficial cooperation by Forest and Revenue Department staff. The majority of these systems rest upon the region's strong traditions of communal resource management based on customary boundaries that have survived despite more than one and a half centuries of state interventions. These informal community management systems reflect the continuing dependence of local livelihoods on access to the commons and represent an important form of appropriating space for local forest management.

Holta, one of our case study villages, initiated protection of its *soyam* land around 1986 entirely on its own. Village water sources had dried up and firewood and fodder had become scarce as a result of unregulated forest use by surrounding villages and encroachment on communal land by local families. Village youth successfully persuaded the encroachers to vacate the commons, setting an example by giving up their own encroachments. Letters were sent to the *Gram Panchayat* heads of surrounding villages that anyone entering the forest would be fined. Major conflicts followed with one village going to court against Holta over unclear boundaries of their respective *soyam* lands.

However, with improvement in forest condition and availability of water, resistance declined. At the time of our research, all the village's biomass needs, excepting those of timber, were met from the regenerated forest. Vegetable cultivation had become feasible with regeneration of 3 natural water sources. Rules had been framed for grass, tree leaf fodder and firewood collection and were strictly enforced, with all households contributing to pay a watchman. The committee had representation from all hamlets and castes, and representatives of the village women's association, mobilised by a government programme for women's empowerment, had also been able to edge their way in. Community relations with the Forest Department, however, were extremely sour. In the words of the village women, the department had made them into thieves (Gairola, 1999a).

In at least 5 of our remaining 15 case studies, informal community management arrangements were in place. In Makku and Bareth, women's groups had asserted informal control over patches of civil or communal land nearer their settlements.³⁶ In both cases, the women perceived local *Van Panchayat* councils to be male-dominated domains. *Panchayat* forests were also far from the villages, and therefore not convenient for daily fuelwood and fodder collection. The formal and informal CFM arrangements here complemented each other with the women occupying an informal space. They secured access with mediation of the *Gram Panchayat* without having to deal with cumbersome official procedures. In Arakot village, the *Mahila Mangal Dal* had been protecting the village *soyam* land for the past 20 years, paying a watchman with voluntary contributions. In Naurakh and Resal, civil land was being protected by individual families through private enclosures. Officially 'encroachment' on government lands, such informal systems are fairly widespread as these have low transaction costs (see also S. Singh, 1997a and 1997b).

We now consider the history of local forest management under *Van Panchayats*, a space that was created in the face of earlier centralising forest policy.

Van Panchayats

Van Panchayats were created through notification of the Kumaon *Panchayat* Forest Rules in 1931 and have undergone several changes since. Two points need to be noted about the 1931 rules:

- these were designed on the basis of existing, traditional communal property resource management systems in the area;
- these rules were *not* notified under the Indian Forest Act of 1927 but under the Scheduled District Act, 1878, then applicable to Kumaon.

This permitted development of special arrangements for the unique cultural and bio-physical features of the mountainous region.³⁷ The original framework provided by the 1931 Rules is summarised in Box 5.

According to recent estimates, there were 6,069 *Van Panchayats* managing 405,426 hectares of forests (13.63% of total forest area) in Uttarakhand (FDUPb, undated). Following revision of the *Panchayat* Forest Rules in 1976, these forests are now demarcated as Village Forests under Section 28 of the Indian Forest Act and are entered in the land records in the *Panchayat's* name.

- ◆ *Thus both the institution of the Van Panchayat and the Village Forests under their management are legally constituted. This is in contrast to the administrative orders governing the village institutions and forest lands brought under JFM in other states.*

Till 1976, *Panchayati* forests could be carved out of both Reserve and Civil (Protected) Forests falling within the 1823 village boundaries. The last revenue settlement done in the early 1960s, however, redefined village boundaries taking all Class I Reserves out of them. These Reserves were

³⁶ According to the *ex-sarpanch* of Makku *Van Panchayat*, the scarcity of firewood and fodder is increasing conflicts, including physical fights among women, over forests. He had encouraged the village women to enclose patches of communal *Gram Panchayat* land for meeting their needs, which would also save it from encroachment by the elite. Both he and the women faced a lot of resistance from powerful vested interests and husbands who had to do house work while women patrolled. However, effective protection by the women led to dramatic regeneration of the women's forests.

³⁷ Interestingly, although the Scheduled Districts Act was repealed in 1935, the 1931 rules framed under it continued in operation till 1976, when they were revised under Section 28 of the Indian Forest Act. Rights activists in Uttarakhand feel that this was illegal and could still be challenged.

Box 5 The Kumaon Panchayat Forest Rules, 1931

Any 2 or more right holding residents of a village could apply to the Deputy Commissioner to demarcate a specific forest area within the village's 1823 boundary as a Village Forest provided that one third or more of the right holders in that area did not object. After dealing with any claims or objections, the Deputy Commissioner called a meeting of the residents and other right holders for electing 3 to 9 *panches* (members of forest council) for managing the Village Forest. The *panches* selected a *sarpanch*³⁸ from among themselves.

The elected representatives signed an agreement that the Village Forest land would not be sold or partitioned³⁹ and that 'The produce of the *panchayat* forest shall be utilised by the *panchayat* to the best advantage of the village community and of the right holders'. The *panchayat* had the status of a forest officer with the powers to fine or prosecute offenders and 'To sell forest produce,⁴⁰ including slates and stones without detriment to the forest, and to issue permits and charge fees for grazing or cutting grass or collecting fuel'. Resin from Chir (Pine) trees was the only product that could not be extracted or sold without the permission of the Forest Department and resin income had to be shared with the department where extraction was done by the latter. ***The Van Panchayat had full control over use of its income from the forest and all dues payable to it were deemed as dues payable to the government and recoverable as arrears of land revenue.*** The only role assigned to forest officers was to inspect and report on the *panchayat* forests or their records, *if requested to do so by the Deputy Commissioner.*

subsequently transferred back to the Forest Department, effectively blurring the distinction between Class I and Class II Reserves. Revision of the *Van Panchayat* Rules in 1976 made only the forests falling within the *new* revenue village boundaries eligible for conversion to *panchayati* forests. Consequently, the majority of subsequent *Van Panchayat* forests have been demarcated out of civil forest land under the Revenue Department's jurisdiction. The area under each *Van Panchayat* ranges from a fraction of a hectare to over 2,000 hectares. The development and growth of *Van Panchayats* can be divided into 3 major phases. The first phase lasted from 1931 till the early 1960s; the second from then till the early 1990s and the last one began from the mid-1990s with a revival of state interest in them with the dawn of participatory forest management policies.

Van Panchayat functioning: Phase I (1931-60)

The Kumaon *Panchayat* Forest Rules, 1931, were notified almost 10 years after the recommendations of the Kumaon Grievances Committee for *Panchayat forests*. During this period, an open access regime was created, and both the peasantry and the state engaged in uncontrolled extraction from Class I Reserves. The *Panchayat* Forest Rules enabled the villagers to seek demarcation of specific forest areas for re-establishing communal management. However, these effectively replaced 'a system of customary rights, enforceable communally, and also judicially, by the institution of the *Van Panchayat* which came into operation only *after* it was sanctioned individually for each village by the Divisional Commissioner who sat at Nainital' (Agarwal, 1996).

Only 428 *Van Panchayats* had been formed by the time of Independence and 1,074 by 1960. Initially, two major factors inhibited villagers from applying for *Van Panchayats*. Firstly, the traumatic experience of forest reservation had made most villagers highly suspicious of the administration. Secondly, only those villages with educated men could negotiate their way through the bureaucratic labyrinth for applying for a *Van Panchayat*. By all accounts, however, these early *Van Panchayats* functioned well with limited, if any, Forest Department involvement in their affairs. They improved forest condition dramatically through effective exclusion of outsiders and had decision-making freedom to use and manage their forest resources for livelihood and subsistence needs. In 1960, the Kumaon Forests Fact Finding Committee found the condition of

³⁸ In Uttarakand, the head of the *Van Panchayat* is called *Sarpanch* whereas the head of the *Gram Panchayat* (the smallest unit of local government) is called a *Pradhan*. In most other states, the head of the *Gram Panchayat* is called *Sarpanch*,

³⁹ Although leasing, even for non-forestry purposes, was, and still is, permitted with the permission of the Deputy Commissioner.

⁴⁰ This included timber.

panchayat forests to be ‘generally satisfactory’ (GoUP 1960:33). A study of 11 *Van Panchayats* in 5 of the 8 hill districts in 1983-84 by the state planning division found that all of them had prevented illegal felling and damage due to fire, ten had prevented undue damage to the trees, nine had prevented encroachments and eight had exploited forest produce scientifically. It also found that *since the formation of the Van Panchayats, forest wealth had increased by 40 to 50%*. (GoUP 1984:28). From a random sample survey of 21 *Van Panchayats* in Nainital, Almora and Pithoragarh districts, Somanathan (1991) concluded that *Van Panchayats* have, by and large, maintained Oak forests very well, especially in contrast to the dismal condition of the Reserves near habitations, though Chir forests seemed to have done as badly under *panchayat* control as in the Reserves.⁴¹

Many *Van Panchayats* with good income from resin and charcoal invested in village development activities such as building schools and hostels for children (PSS, 1998). They received support from Revenue Department field functionaries for resolving inter-village boundary disputes, obtaining maps showing their forest boundaries, and enforcing their authority against violators of their rules. Although women remained absent from *panchayat* councils, among the men there was fairly democratic decision making. Our case study of Dungri Chopra village (Box 6) indicates the quality and resilience of early *Van Panchayats*.

All our other case study *Van Panchayats* had also evolved diverse rules, adapted in response to changing requirements, through collective decision making. *Van Panchayats* enjoyed considerable autonomy in decision making and control over the forest. They balanced the maintenance of ecological services such as soil fertility and water source protection with grazing, collecting and other forest uses necessary to support local livelihoods. High stakes in the forest and strong bonds of trust among villagers allowed many of the *Van Panchayats* to remain successful for many years. The *Van Panchayat* in Chora, for example, was formed in 1946. Until the introduction of VFJM, the *Van Panchayat* functioned very well, despite lack of support from revenue officials in enforcing its rules. It held regular meetings, working closely with an active *mahila mangal dal* to protect the Village Forest and regulate collection of fuelwood, fodder and other forest products. Similarly, the *Van Panchayat* in Gadyuda, formed in 1965, managed a Pine forest for several decades to generate income for village development activities. The *Van Panchayat* in Makku formed in 1958 has managed 2,200 hectares of forest in which 85 villages continue to exercise their legal rights. For the past 10 years a democratically elected *sarpanch* had ensured regular general body meetings and participatory decision making. He also encouraged several *mahila mangal dals* to protect communal *Gram Panchayat* land closer to villages to better meet their fuelwood and fodder needs. The *Van Panchayat* in Gadholi, although formed much later in 1988 for only 12 ha, maintained excellent coordination with the *Gram Panchayat*, which had an active woman *Pradhan*. It was able to assert collective rights over grass from the Reserve Forest that the Forest Department used to auction, and also attempted to pressurise the department to leave fallen timber for the villagers’ use. When village youth were arrested for demanding removal of encroachers colluding with the Forest Department, the whole village went to protest in their support. The *Van Panchayat* passed a resolution that the *Gram Panchayat* should allocate 15% of its budget for maintenance of the *Van Panchayat* forest. Many villages, however, had little capacity to negotiate the bureaucratic procedures for constituting a *Van Panchayat*. In other villages, people saw little advantage in constituting formal *Van Panchayats* as they continued to assert customary authority over their commons on the strength of the 1823 boundaries. Consequently, the total number of *Van Panchayats* remained low.

⁴¹ According to an often-quoted estimate (Saxena, 1995b; Singh, S.,1997a) the existing tree cover on Reserve, Civil/*Soyam* and *Panchayat* forest lands is 50 per cent, 10 per cent and 40 per cent of their potential, respectively. Civil and *Soyam* lands are more heavily degraded because they are treated as open access forests. In contrast, *Panchayat* and Reserve forests are protected and managed by local communities and the Forest Department, respectively (Saxena, 1995b). Reserve and Civil Forests, however, have benefited from a huge advantage in funding support compared to *Van Panchayats*.

Box 6 What it was like in the old days – the Van Panchayat of Dungri Chopra

Dilip Singh of Dungri Chopra village, who was instrumental in getting the *Van Panchayat* formed in 1939, said village elders were dead against the proposition. They feared that *Van Panchayats* were a ploy of the colonial government to snatch their Village Forest, leaving them with no area for grazing cattle or collecting grass. Memories of the *begar* (free labour) system were still fresh and the village elders feared its return. All the same, 4 to 5 younger men joined Dilip Singh to form a *Van Panchayat* for about 40 acres of forest and made Amar Singh, who was most resistant to the idea, the first *sarpanch*.

The condition of their forest had become deplorable after the Grievances Committee opened access to Class I forests to all *bona fide* residents of Kumaon. Only a few sal trees survived. The *Van Panchayats*' first major task was to re-assert customary village authority over its forest. The Divisional Forest Officer gave them a small amount of money to build a protection wall, which the *sarpanch* distributed equally among every man, woman and child that helped. Neighbouring villages, which had been using the forest during the years of open access, resisted its enclosure. The residents of Khobra village even filed a case against Dungri Chopra. The case failed and the forest was totally closed for 3 years. Villagers planted *Banj* Oak seedlings and Pine seeds obtained for them by the Divisional Forest Officer from Nainital. According to Dilip Singh, who remained the village *Pradhan* (head) for 30 years, things were very different in those days. There was unity in the village and disputes were resolved by the village *Nyaya* (justice) *Panchayat*. There were few government schemes and the villagers built the school and the *Panchayat* building themselves.

Today schemes worth *lakhs*⁴² come to the villages and there is rampant corruption. No government official visits the village without negotiating a commission in advance. With most men having migrated out for jobs, male interest in managing the Village Forest has declined. Two or three years ago, the village women succeeded in getting an all-women *Van Panchayat* council elected. In 1999, the District Rural Development Agency sanctioned Rs. 60,000 for undertaking plantation in the Village Forest. When Dwarka Devi, the woman *sarpanch*, went to collect the first installment of Rs.30,000 from the *Van Panchayat* Inspector, he made her sign a receipt for the full amount but gave her only Rs.24,000. She went to Dilip Singh to seek advice on what to do. He told her that in future, whenever any such payment had to be collected, she should always take other women *panches* with her and on returning to the village, place the entire amount in front of the general house to prevent anyone from suspecting her. The villagers would themselves help her work out how to deal with the situation. Dwarka Devi internalised this valuable lesson in transparent governance. This had enabled her to maintain collective responsibility for managing the Village Forest and evolve coping strategies for dealing with the increasingly unsavoury world outside the village. The *panchayat* forest was one of the best in the district and the women met almost all their forest needs from it. They even permitted every household to harvest one timber tree each for their own needs a few years ago (Gairola, 1999b).

The erosion of Van Panchayat authority

VFJM and the target-driven creation of new *Van Panchayats* are represented in official documents as a further devolution of authority for forest management to communities. Our research indicates that VFJM and hasty new *Van Panchayat* creation instead pose significant threats to local forest management authority by allowing the Forest and Revenue Departments to exert ultimate control over existing *panchayat* decision making in many areas. These, policies, however, represent only the latest in a series of official onslaughts on both *Van Panchayats* and informal community management. In 1956, the Revenue Department abolished the post of the Divisional *Van Panchayat* Officer, slowing *panchayat*-related paper and other support work substantially (S. Singh, 1997c). In 1964, 3000 km² of the Class I Reserve Forests were transferred back to the Forest Department from the Revenue Department.

The biggest blow for the *Van Panchayats* came with the revision of the 1931 Rules in 1976. These drastically curtailed *panchayat* autonomy, authority and entitlements. The new rules restricted the area eligible for new *Van Panchayat* formation to that falling within the new village boundaries drawn under the last revenue settlement of the early 1960s, instead of the 1823 boundaries. As the

⁴² One lakh is = 100,000

new village boundaries excluded Class I Reserve Forests, this amounted to a steep reduction in the forest area available for *Van Panchayat* control. *While the villagers continued to depend on these areas, they were no longer permitted to manage them* (Saxena, 1995b).

The revised rules also allocated 20% of the *Van Panchayats'* income to the *Zila Parishad* (District level Government) for development works and 40% to the Forest Department for re-investing in *panchayat* forests. The remaining 40% share left for the *panchayats* could no longer be used without prior permission from the Sub Divisional Magistrate or Deputy Commissioner. This effectively deprived the *Van Panchayats* in remote villages from access to their own drastically reduced share of income from their forests, as the costs of repeated trips to distant offices outweighed the benefits. The revised rules made the Forest Department responsible for preparing working plans for all *panchayat* forests, thereby substantially expanding its technical authority.

There is no evidence that the Forest Department used its expanded authority to improve planning or invest its share of income in *panchayat* forests. The Revenue Department similarly abused its expanded authority in many of our case sites. *Van Panchayat* councils were suspended arbitrarily with no fresh elections held for years at a time. Despite repeated requests, Bareth's *Van Panchayat* had not been informed about the amount credited to its account for resin tapped thrice from its forest since 1974. Requests for assistance in dealing with encroachments on *Van Panchayat* forests had met with a stony silence, with some local revenue officials actually abetting them. In Gadholi, despite an excellent, mutually supportive relationship between the *Gram Sabha* and the *Van Panchayat*, and their efforts to remove encroachments by powerful individuals, both Forest and Revenue Department functionaries were colluding with the encroachers instead of supporting the villagers (SKS, 1999a). Even at higher levels, the Deputy Commissioners responsible for preventing misuse of *panchayat* funds abused their authority. While denying the *panchayats* access even for essential forest protection needs, they claimed the money represented achievement of district small saving targets. At the time of the research, over 56 million rupees of *Van Panchayats'* share of income was lying locked up with the Deputy Commissioners of just 2 districts.

The revised rules also concentrated most decision-making and administrative responsibilities in the *sarpanch*⁴³ in contrast to the earlier focus on the *Van Panchayat* council. This increased administrative convenience but impacted the *Van Panchayat's* internal governance negatively. Over the years, the administration has also issued a plethora of administrative orders regulating *panchayat* functioning. Each *sarpanch* is required to maintain as many as 17 files and stamps (Dubey et al, 2000), making the post an onerous responsibility, particularly as it carries no financial compensation.

In 1981, all commercial fellings in the hills were banned as a fallout of the *Chipko* movement. Simultaneously, the Forest Development Corporation was given monopoly rights over salvage timber even from *Van Panchayat* forests, which was used earlier by villagers for their own needs. The Department stopped giving permits for bamboo and cane harvesting to artisanal producers in the mid-1980s. The Tree Preservation Order of 1976 deprived villagers of the right to cut trees even from their private lands without cumbersome Forest Department permissions. The latest threat has come in the form of the ever-expanding protected area network. Many *panchayats* fall within protected areas and villagers have lost all or most of their rights in both village and other surrounding forests. In the words of N.K. Maithani, till recently the able *sarpanch* of Makku *Van Panchayat*: 'After the British took them over, the people never really regained control over their

⁴³ These include calling and presiding over *panchayat* meetings, getting all works executed, maintaining accounts, supervising employees, maintaining all the specified files, undertaking correspondence on behalf of the *panchayat*, and filing or defending court cases. For all these responsibilities, s/he is entitled to spend the grand sum of Rs.50 a sum not revised since 1976.

traditional forests. The Forest Conservation Act and the felling ban in the early 1980s drastically reduced the viability of large Village Forests being maintained by *Van Panchayats*.⁴⁴

These policies have weakened *Van Panchayats*' abilities to manage forests for the benefit of their people. Boundaries marking *panchayat* authority have been blurred, especially between *Van Panchayat* and civil/*soyam* forests. Confusion has been compounded by arbitrary allocation of the area of one village to another and frequent redrawing of village and *Gram Panchayat* boundaries.⁴⁵ As boundaries define communal property rights, a very large number of *Van Panchayats* are embroiled in boundary disputes. Re-allocations have also created dramatic inequalities among villages in the kinds of forest resources they can access. Progressive weakening of traditional inter-village dispute resolution mechanisms has trapped the *Van Panchayats* in prolonged and expensive litigation.

To summarise, the concentration of powers and responsibilities in the *sarpanch* is weakening collective decision making by *Van Panchayats* while reducing transparency and accountability. The bureaucracy has also attempted to cast small village institutions in its own mould by requiring each *Van Panchayat* to maintain as many as 17 different files/seals, bogging the *panchayats* down in administrative tasks. The Forest Conservation Act, the felling ban, monopoly control of the forest corporation on resin and even salvage timber, and controls over NTFP marketing, have drastically reduced the livelihood and employment benefits from Village Forests, while *Van Panchayats* have been divested of direct control over the limited income that remains their entitlement.

New Van Panchayats

Van Panchayats survived these multiple obstacles and challenges to their authority in many villages, albeit in a weakened state. They have faced two additional threats recently, however, which may bring about their demise as relatively democratic and self-governing forest management institutions. Ironically, these threats are state initiatives presented as 'devolution' policies: the rapid formation of new *Van Panchayats* under the direction of the Revenue Department; and the introduction of 'VFJM' by the Forest Department. Their practical effect has been to transfer still more authority to the state at the expense of communities.

The demarcation of remaining civil/*soyam* lands as Village Forests increased rapidly over the past few years. At the time of Independence, there were only 61 *Van Panchayats* in Nainital district. By 1995, another 138 had been constituted. In December 1999, Nainital technically became the first district in the country in which all its 495 villages with at least some civil forest land had a legally demarcated Village Forest⁴⁶ (Dubey et al, 2000). Even the normally unresponsive bureaucracy can achieve miracles when driven from above to achieve time-bound targets. It is too early to tell what the effects of state-driven *Van Panchayat* formation might be on local livelihoods, social relations and forest management practices. The process of their formation, however, gives reason for concern.

Organisational inclusiveness

Demarcation of Village Forests by the Revenue Department has been a supply-driven rather than a demand-driven process. Instead of the villagers collectively deciding to apply for a Village Forest,

⁴⁴ Makku's 2,200 hectare village forest is one of the largest in the area. Earlier, the *panchayat* raised funds for its protection and management by making charcoal, with Forest Department permission. No such permission has been granted since 1980, making it a struggle to raise resources for managing the large village forest (Field interview. Also see Bhatt, 1999).

⁴⁵ According to a study of *Van Panchayats* in Gairsain block of Chamoli district, one *Gram Panchayat* has been split into 20 *Gram Panchayats* and 32 *Van Panchayats* since the late 1950s (PSS,1998).

⁴⁶ Only 35 villages, which have no civil land within their boundaries, remain without village forests. However, the area of these village forests in 148 (30 per cent) villages, is 10 hectares or less, and in 13 cases less than 1 ha (Dubey et al, 2000).

the administration suddenly decided that they should have one – irrespective of ongoing boundary disputes, existing community management arrangements, land shortages, or encroachments or land uses which have come up during decades of neglect. In Resal village, residents were kept in the dark about the content of papers they were asked to sign, papers that authorised conversion of their civil land into a Village Forest. When villagers found out, they were furious, and demanded that the Deputy Commissioner return their ‘application’ as they have an established system of civil land management through household enclosures. They were particularly suspicious of state intentions because the forest surrounding their village has been declared a wild life sanctuary. The Wild Life wing of the Forest Department also attempted to make them form an Eco-Development Committee and develop alternatives to their forest-based livelihoods which they have also rejected as they are agitating for the restoration of their forest rights. Where there was no existing CFM system, *Van Panchayat* formation often took place without any local consensus in its favour. In Bedia Gaon, for example, constitution of a new *Van Panchayat* overlooked existing uses by some households, creating a potential for future conflicts.

Inter-village relations

Some multi-village *Van Panchayats* have been re-organised in ways that exacerbate inter-village conflicts. In Anarpa, for example, villagers developed an effective multi-village governance system that was both democratic and equitable. Their forest was in good condition and was being managed for enhancing villagers’ livelihoods. Without any say in the matter, they were told that their multi-village *Van Panchayat* would be divided, destroying existing mechanisms for sharing resources and leading to major disruption and anger (see Box 7).

Box 7 Anarpa Van Panchayat – impact of top down re-organisation

Anarpa had an old *Van Panchayat*, formed in 1945-47, which covered 4 villages. The villagers depended on the forest for fodder, grass, *Kafal*, *Amla*, branches for supporting vegetable plants, and animal bedding. Earlier, the *Van Panchayat* also earned income from resin and timber. Forest dependence had actually increased recently as requirements of fodder and branches for vegetable cultivation could no longer be met from cultivated areas. The *Van Panchayat* forest was adequate for meeting all 4 villages’ needs; the villagers did not need to go to the Reserve Forest.

The *Van Panchayat* had fairly equitable and enforceable rules. These included differential fees for firewood and fodder for *panchayat* residents and those of 3 neighbouring villages, and grass collection permits for only one person per household. Everyone went to put out a fire when necessary. The majority of the households are scheduled castes, including the *sarpanch* for the 10 years prior to re-organisation. The council had 2 women who voted but otherwise did not participate in *panchayat* meetings.

Suddenly, in 1999, Revenue Department staff descended on the village and divided the *Van Panchayat* into 4 separate *panchayats*, one for each village or hamlet.⁴⁷ As neither the forest area nor the species composition could be evenly distributed among the 4 villages, some are now left with small patches with only Chir pine, while others have all the fodder bearing areas. This has created a potential for boundary disputes where none existed before. The villagers were extremely resentful of this new arrangement. The women suffer worst as they now have to contend with the watchers of four *panchayats* while collecting forest products (SKS, 1999b).

While such new *Van Panchayats* exclude the most forest-dependent villagers from decision making and threaten inter-village relations, they also fail to address any of the major problems plaguing the existing *Van Panchayats* – the lack of effective and easily accessible dispute resolution mechanisms, inter-village inequity in availability of forest areas and erosion of *panchayat* authority. The rapid formation of *Van Panchayats*, rather than expanding space for local forest management, seemed to be reducing it still further.

⁴⁷ An enthusiastic senior civil servant supportive of *Van Panchayats* decided that all multi-village *panchayats* should be divided into single village *panchayats*, based on studies that indicated that single village *panchayats* tended to perform better.

4.3 Village Forest Joint Management (VFJM)

VFJM, implemented by the Forest Department, was even more problematic for villagers. Uttar Pradesh Forest Department's innovation with respect to JFM is to bring *Van Panchayat* and civil/*soyam* lands within the Forest Department's purview through the 'Village Forests Joint Management Rules', 1997 (see Box 8). Whereas JFM in most other states enables villagers to participate in the management of forest lands under the Forest Department's jurisdiction, in Uttarakhand, the VFJM Rules enable the department to become the dominant partner in the management of Village Forests. Excepting a few cases, the land being brought under VFJM falls under the jurisdiction of *Van Panchayats*' or the Revenue Department, and not the Forest Department. Civil/*soyam* land with the Revenue Department is managed in collaboration with *Gram Panchayats*, the democratic institutions of self-government at the lowest level.⁴⁸

Box 8 Devolution or centralisation? The language of VFJM Rules, 1997⁴⁹

Rule 3(1) commences with: '*Subject to the supervision, direction, control and concurrence of the Divisional Forest Officer,*⁵⁰ a Village Forest shall be managed jointly by the "Village Forest Committee" and such officers of the Forest Department as are nominated in this behalf by the Divisional Forest Officer, on the terms and conditions specified in Form 1 (containing the agreement to 'be signed by the Village Forest Committee/*Van Panchayats* with the Governor of Uttar Pradesh)'

Rule 3(2) states: 'If a Forest *Panchayat*, by resolution, decides that *Panchayati* Forest under its management, be managed in accordance with these Rules, *the provisions of the Uttar Pradesh Panchayati Forest Rules, 1976 shall cease to apply in respect thereof*'. This provision generated tremendous confusion among both Forest Department staff and villagers, as nothing was said about what was to be done with existing accounts, funds, and activities of the *Van Panchayat*.

The VFJM Rules 1997 use the generic term 'village committee' both for Village Forest Committees and the *Van Panchayats*. During fieldwork, it was found that *Van Panchayats* participating in VFJM were increasingly being referred to as Village Forest Committees, confusing their very identity.⁵¹

The functions and duties of the Village Forest Committee specified in the rules include those specified in the 1976 *Van Panchayat* Rules such as protecting trees, preventing encroachment, in addition to '*abiding by the approved microplan and carrying out the directions of the Divisional Forest Officer*'.

Clause 5 of the agreement provides: 'that if the beneficiary fails to carry out any of the directions issued by the Forest Officer for forest management or any of its binding obligations, *the Forest Officer shall carry out at his discretion any or all the works regarding forest management departmentally*'. The Forest Department itself did not fulfill any of its responsibilities towards *Van Panchayats* under the 1976 Rules. Still, it was again assumed that only villagers would fail and no mechanism was designed to increase the department's accountability for honouring *its* responsibilities. Further, the conservator of forests has been empowered to be the final and binding arbitrator in disputes between the two parties.

The VFJM Rules also provide for forming Village Forest Committees under the Uttar Pradesh *Panchayati Raj* Act in villages where there were no *Van Panchayats*. This was an effort to link VFJM with the *Gram Panchayat*, the lowest institution of local self-government. These forest committees were expected to be representative of key local interests, with one seat each designated for women, scheduled castes/tribes, backward castes, and for persons with a particular interest in

⁴⁸ Till the time of our research, VFJM mainly covered existing *Van Panchayat* forests and civil/*soyam* lands, although some Reserve Forest areas had also been included. No rules, however, had been framed for demarcating Reserve Forests as village forests. According to recent Forest Department data, a total of 1217 VFCs have been constituted for VFJM under a World Bank supported project. Of these, 729 were VFJM with *Van Panchayats* and 488 had other VFCs. Distribution of the forest area brought under VFJM by legal category was: *Van Panchayat* forests 780 km²; civil/*soyam* forest 604 km² and Reserve forests 679 km² (Pai, 2001).

⁴⁹ The 1997 VFJM Rules were revised in late 2001. It has not been possible to discuss their provisions in this paper.

⁵⁰ Emphasis added in this as well as subsequent clauses of the rules in the box.

⁵¹ Intriguingly, the Forest Department of the new state of Uttaranchal, under which Uttarakhand now falls, includes all the existing *Van Panchayats* under its 'achievements' of JFM in the state (see Pai, 2001).

forests. The *Pradhan* of the *Gram Panchayat* was to be the President of the forest committee and the forest guard its member secretary. While the objective of linking community forest management institutions with those of local government was highly desirable, the order constituting the forest committees was again a top down prescription. It said nothing about strengthening participatory governance by the *Gram Panchayats* and forest committees or how the forest committees would actually benefit from their link with local government institutions. Rather than devolving greater authority to self-governing village institutions, VFJM was extending the forest bureaucracy's jurisdiction and technical supervision even to civil/*soyam* and Village Forest lands.

Notification of the VFJM rules, together with other orders for 'participatory' forestry, was a condition of the World Bank \$65 million loan for the Uttar Pradesh Forestry Project over the period 1998-2002. JFM was to receive priority under the project, accounting for about 30% of the total budget. The Bank's appraisal document did not provide any analysis supporting the introduction of *village* forest joint management instead of strengthening autonomous functioning of existing *Van Panchayats* and informal community institutions. Neither did it specify any process ensuring stakeholder participation in framing the 'participatory' orders. *Van Panchayats* and other community institutions are treated as the objects of attention, not active participants in redefining their future destiny. The World Bank project simply assumed the desirability of importing the standard JFM model from other states, with all its shortcomings, into Uttarakhand.

The impact of VFJM on communities in Uttarakhand

As mentioned, it is too early to see the long term impacts of VFJM on forest based livelihoods and forest quality. The content of the VFJM Rules, however, suggested a loss of decision-making space for local villagers (see Box 8). Below, we highlight a few early effects before discussing how forest users were reacting and why.

Organisational inclusiveness

The Forest Department prioritises and selects villages for VFJM in accordance with several selection criteria. 'Spearhead teams' communicate with and develop microplans for selected villages. These teams consist of: one Assistant Conservator of Forests; one ranger or deputy ranger; one forester or forest guard; and two NGO 'social motivators', at least one of whom should be a woman (see Box 9 for a discussion of NGO roles in VFJM). The agreement to be signed by the participating villages refers to them as *beneficiaries* rather than as right holding partners. The *ex-sarpanch* of Maku *Van Panchayat* found this term highly offensive, saying that '*the villagers are legal forest right holders and not beneficiaries receiving doles from the Forest Department*'.

Clearly, new village forest committee formation was a supply-driven rather than a demand-driven process, despite the apparent representativeness of committee membership. Even where *Van Panchayats* had been in existence, small groups of elite men, with the least dependence on the forest, often made alliances with Forest Department field staff to pervert the requirement of obtaining general body resolutions accepting VFJM. The majority of genuinely forest-dependent women and men were neither aware of the content of the VFJM Rules nor of the fact that the *Van Panchayat* Rules had become inapplicable. The microplans were cast in the mould of the Forest Department's annual plantation projects. The villagers' role was reduced to providing information to spearhead teams during rapid appraisal exercises. The plans were actually written by Forest Department staff and subsequently implemented with the involvement of only the *sarpanch* and/or some of the elected *panchayat* members or by the *Pradhan* of the *Gram Panchayat*. Villagers provided only wage labour. As *Gram Panchayats* covered more than one village, the Village Forest

Committee president was not necessarily even a resident of the village managing its forest.⁵² Existing diverse community management systems, including the relationships established by them with their *Gram Panchayats*, were over-ridden with potentially damaging long-term impacts. Women's groups, in particular, had been able to negotiate their authority to manage civil/*soyam* lands with their *Gram Panchayats*. In at least 3 out of 10 case studies (Pakhi, Arakot and Chora) where VFJM was introduced, village women were actively protecting the *Van Panchayat/soyam* forests. In all 3 cases, no effort had been made to build upon and strengthen the women's efforts.⁵³

Box 9 NGOs as service providers in VFJM

Although spearhead teams are presented as a unique and successful innovation of the Uttar Pradesh Forestry Project (FDUPb, undated), the arrangement placed NGO staff in a highly compromised position. The Assistant Conservator of Forests evaluates NGO team members and can withhold their payments on grounds of unsatisfactory work. A woman staff member of a leading NGO said that although the initial 3-week training had generated enthusiasm and high expectations, the actual functioning of spearhead teams was *ad hoc*. They spent one or two days preparing each microplan instead of the required 3 weeks or more. She often received calls at short notice to reach a particular village where she had not worked before for a VFJM activity. She felt that the whole arrangement was beginning to look like a ploy to destroy the credibility of NGOs. The Forest Department staff, on the other hand, complained of multiple duties and inadequate time for genuinely participatory microplanning. Senior officials often overruled field staff decisions, making it difficult to build credibility with villagers.

In all but one of our VFJM case study villages, there were serious problems with NGO work. In Naurakh, the NGO representative accompanied Forest Department staff one late evening and asked only a handful of village men to hurriedly pass a back-dated resolution accepting an already prepared microplan. In Pakhi, where village women active in the *Chipko* movement were managing the *Van Panchayat's* forest, the spearhead team reached an agreement with the men without even informing the women. In Arakot village, although a *Mahila Mangal Dal* had protected the forest for 20 years, a male majority forest committee was formed.

In Uttarakhand, NGOs and civil society groups have historically played a strong advocacy role. *Chipko*, for example, was triggered by protests led by *Dasholi Gram Swaraj Mandal*. Today, the NGO movement is split into different camps and factions. The vast majority has been co-opted to work as 'private service providers' for several donor-funded projects, including the forestry project. Once they accept working on project terms, they effectively lose their critical and questioning voice. Consequently, no unified voice had been raised against the potential damage to the region's unique *Van Panchayats* from VFJM. A large number of concerned individuals and advocacy groups, however, had been articulating such concerns at different forums (SKS, 1999c & SPWD, 2000).

Democratic leadership

In our case studies, after forest committees were constituted, there was no discussion of their affairs in *Gram Panchayat* meetings, making the link between the two notional, rather than real. Once information for microplanning was collected, the Forest Department staff interacted primarily with the *Sarpanch* or *Pradhan*, and that mainly to get him/her to execute the planned activities. Even where general body or *Van Panchayat* council meetings were held regularly, as in our case study in Chora, the meetings declined in frequency or stopped following introduction of VFJM. In the majority of cases, ordinary villagers and even *Van Panchayat* council members had little information about what was happening in the management of their forests, and most perceived a shift in control over their *Van Panchayat* or civil/*soyam* forests to the Forest Department.

⁵² The woman president of Khatu Khal's Village Forest Committee (by virtue of being the *Gram Panchayat Pradhan*) lived in a village 1.5 kms away. The Committee accounts were being managed by her son and the forest guard and the village residents had very little information about them.

⁵³ In the case of Pakhi, an all-women *Van Panchayat* council was subsequently elected. However, the woman *sarpanch's* husband was the forest guard, muting her questioning voice (see Sarin 2001b).

Control over funds

The World Bank loan required revision of the 1976 *Van Panchayat* Rules to provide them 'greater authority and control of funds'. Ironically, the VFJM Rules, 1997, and the revised Van Panchayat Rules of 2001 did the exact opposite. The latter provide for the *Van Panchayat's* accumulated income lying locked up with the District Commissioners to be transferred to *Panchayat* common funds, in order to improve accessibility. The future share of forest income is also to be increased from 40% (under the 1976 rules) to 80%. However, villagers' access to their income may not improve substantially, as a Forest Department functionary will now be placed *inside* each *panchayat*, controlling its day-to-day activities as joint account holder and member secretary, in contrast to earlier control over only *monetary* income by a distant Divisional Commissioner. The *panchayat's* proposals for using their income will require prior approval by the Divisional Forest Officer (instead of the District Commissioner) who may modify them if s/he deems fit (GoU, 2001). Foresters are thus to enjoy final say over how the village institutions use their own income. At the time of our research, several million rupees of the *Van Panchayats* existing income remained locked up in accounts controlled by Deputy Commissioners under a similar arrangement in the past. A question repeatedly asked by local activists was why a loan from the World Bank was required for undertaking plantations on *Van Panchayat* forests when such large sums of their existing income could be released for the purpose (SPWD, 2000). The villagers' unhappy experience with such an arrangement under JFM in Harda Forest Division in Madhya Pradesh has been mentioned in the section on Madhya Pradesh.

Livelihoods and equity

A key assumption of VFJM is that the major problem plaguing *Van Panchayats* is lack of *funds*, and the best incentive for increasing villagers' stake in forest protection is to offer them attractive *shares of income* from sale of forest products. Yet, a survey of 644 *Van Panchayats* in Ranikhet sub-division in Almora district found that as many as 433 did not have any income, and only 45 could boast of a balance of at least Rs.25,000 in their passbooks (Singh & Ballabh, 1991, quoted in S. Singh, 1997c). A large number of forests were managed well by villagers without any source of income. It has also been observed that the income of a *Van Panchayat* has no bearing on what the villagers consider to be a 'good' *Van Panchayat*. A *panchayat* was often regarded as good if it met fuel and fodder needs and helped recharge water sources. Oak forests were generally preferred to pine forests even though they provided less revenue and employment (through resin tapping). In contrast, the Revenue Department considered *Van Panchayats* to be performing better if they had bigger bank balances (S. Singh, 1997a). The World Bank forestry project subscribes to the same assumption. Discussions on the merits and demerits of VFJM rules often centre around the percentage of the share of *income* that the villagers would get from their forests. Women forest users, however, have attacked one another competing for increasingly scarce fuel and fodder resources, some even resorting to suicides to end their daily drudgery (Nanda, 1999). Their priorities are to increase the direct *use* values of their forests. An improved quality of life and ecological security precedes considerations of income from sale of forest products, although additional income is never unwelcome. The project document claims to target women and the poor but provides no analysis of how a shift in management priorities to increase income would impact their access to daily subsistence or their work burdens. VFJM microplans in the case studies had few provisions for supporting livestock, a critical local livelihood requirement, instead emphasising closure of forests to grazing.

Employment and other benefits

The World Bank-funded forestry project provided an average of Rupees 1.5 to 2 million for implementing a microplan in each village brought under VFJM. This has promoted inequity between villages. The sudden offer of large sums of money to selected villages with high unemployment and limited opportunities for cash incomes has also led to the eruption of major conflicts within villages to gain control over the funds. Sustainable voluntary protection, often by

women's groups, had been replaced by patrols of externally-funded watchmen. In our case study villages, male elites selected paid watchers, providing a new avenue for patronage. In Pakhi village, a poor watchwoman paid by women's voluntary contributions was replaced by 4 watchmen paid much higher salaries with project funds.

While overlooking existing systems of voluntary contributions, the project demands that villagers contribute 20% of microplan costs. Contributions were collected through compulsory deductions from wages, transferring their costs to those doing wage work, primarily women or poorer villagers. In none of the case study villages had any open discussion been held on how the mandatory contribution could be shared more equitably by all those theoretically gaining entitlements to the specified benefits.⁵⁴ In Kharag Karki village, women thought they could at least take the firewood from cleaning operations as compensation for accepting lower wages, but were not permitted to do so, leaving them alienated and angry. Acutely forest-dependent women were bearing disproportionate costs of (in)voluntary contributions and unpaid protection duties in order to build up *panchayat* and forest committee funds controlled by the male elite.

Seizure of the best village forests through VFJM

Despite villager demands to extend JFM to well-stocked state-owned forests, the Forest Departments of most states have restricted it to only degraded forest lands. In Uttarakhand, however, better quality *Van Panchayat* forests were being selected for VFJM. This actually enabled the Forest Department to claim credit for years of management effort by the villagers. Several NGOs have questioned the justification for bringing well protected *Van Panchayat* forests under VFJM when large areas of Reserve Forests under the department's exclusive jurisdiction are acutely degraded and could be improved through JFM (SPWD, 2000).

Resistance to centralising devolution

Efforts had been made to introduce VFJM in 10 of our case study sites. Seven of these had existing *Van Panchayats* and two others had informal community management systems in place. VFJM was rejected outright in 2 sites, one with an established *Van Panchayat* (Makku) and another (Naurakh) where villagers had been protecting their civil forest land for 4 to 5 decades through private enclosures. In 2 other sites, there was no *Van Panchayat* and consequently Village Forest Committees were formed under the Uttar Pradesh *Panchayati Raj* Act. Thus VFJM had been started with existing and functioning *Van Panchayats* in 6 sites.

Why did Van Panchayats accept VFJM?

Given the assertion of Forest Department authority on *panchayat* forests implied by the VFJM Rules, 1997, and the kind of impacts discussed above, we tried to understand why villagers agreed to VFJM. One of the most important reasons was a lack of information. In none of the 6 villages with existing *Van Panchayats* were the majority of villagers aware of the provisions of the VFJM Rules. At best, the *sarpanch* and sometimes the other *panches* had received copies of the rules. Such leaders, however, had either not studied them carefully or made no effort to obtain informed consent of the women and men of the community for VFJM. The majority of villagers perceived VFJM to be another of the many government plantation schemes they have seen over the last 2 to 3 decades offering short-term wage employment. Even the elected *panches*, other than the *sarpanch*, knew little about the content of the agreement that had been signed with the Forest Department suspending the *Van Panchayat's* autonomy. The *sarpanch* of Cheerapani wanted to cancel the agreement after his relations with department staff became strained, but was told that the rules had

⁵⁴ The collection of 'voluntary' contributions from wage labour was discussed during a VFJM review workshop held at Centre for Development Studies, Nainital, in July 1999. A decision was taken to ensure more equal collection of contributions. However, our field studies were done several months after the workshop and no change was evident.

no such provision. In Arakot, there was almost panic among the villagers, particularly the women, on learning of the VFJM agreement. They said they would ask the Divisional Forest Officer to sign another agreement assuring them of continued control over their *soyam* land. An ex-*sarpanch* of Gadyuda was concerned about how the village would repay the loan with which the plantation work was being undertaken. When he asked the Divisional Forest Officer, he received the retort: 'Would you like us to stop this scheme in your village?' A woman *panch* of Chora complained during a VFJM workshop that the villagers had no information about the expenditure on their microplan. She was shut up and told that 'if you don't know anything, then why have you come'.

Only information about the microplan *budgets* had been selectively publicised. This had kept ordinary village women and men off guard about the transfer of control over their Village Forests to the Forest Department. In most cases the villagers considered the work to be the *sarpanch's* responsibility. Whereas earlier the *Van Panchayat* of Chora used to have regular general body meetings, now there were periodic meetings of only the council. Other than the *sarpanch*, the role of *Van Panchayat* council members had been reduced to that of signing muster rolls. Even these were often sent to their homes for signatures.

Why was VFJM rejected?

In contrast, in 2 cases, open access to information about the content of the VFJM Rules, and an opportunity to discuss their pros and cons among the village men (in the case of Makku) and among the village women (in the case of Naurakh, see Box 10) played a key role in a collective decision to reject VFJM. In both cases, villagers' relations with the Forest Department were strained and the field staff were unable to provide satisfactory answers to their questions.

Box 10 Why women of Naurakh rejected VFJM

Naurakh is a village in Chamoli District that does not have a *Van Panchayat*. The majority of village households have longstanding private enclosures on village civil land. The guard and NGO member of the spearhead team lured a handful of powerful village men into signing a backdated resolution in favour of VFJM, saying that a scheme with a budget of Rs.2,000,000 had been approved for the village and that the resolution was needed urgently to prevent the village from being by-passed. The villagers, however, were explained the provisions of VFJM rules by a local youth activist with the help of a 'social army' of village boys and girls he has mobilised for social action. This access to detailed information about VFJM terms, especially the potential loss of control over civil forests to the Forest Department, made the women vehemently reject it. They argued that for them, retaining control over their civil land to meet fuelwood and fodder requirements was worth many times more than the Rs. 2,000,000 scheme. They already faced daily harassment by the Forest Department while collecting fuel and fodder from their civil land. They felt they would not have any say in the selection of forest committee members, who would eat up the money. No amount of pleading by the village men in favour of wage employment could make the women budge (Gairola, 1999c).

In the case of Makku, the large size of the multi-village forest vests the *Van Panchayat* with a status higher than even the *Gram Panchayat*. Elections for the *Van Panchayat* council are hotly contested and there is active participation by village men in frequent general body meetings. Progressive erosion of the *Van Panchayat's* entitlements to forest produce has reduced its substantial income of earlier days, making it suspicious of both Revenue and Forest Department intentions. There was heated discussion over the pros and cons of VFJM in well-attended village meetings over a period of 6 months before it was finally rejected by the villagers. The Range Forest Officer admitted that the Forest Department staff had been highly insensitive while approaching the villagers and unable to provide satisfactory answers to the villagers' penetrating questions about the VFJM rules.

Rumours of some *Van Panchayat* land being included in a wild life sanctuary doubled the villagers' suspicions about the department's intentions.

In most other cases, VFJM was accepted in the absence of any well attended village meetings. In Pakhi, where the women's association had effectively been managing the *Van Panchayat* forest, the women did not find out that some men had accepted VFJM till after the agreement had been signed. The manner in which the resolution for VFJM was passed by Chora *Van Panchayat*, with a record of regular meetings, diverse rules, and an active *Mahila Mangal Dal* protecting the forest, is illustrative (see Box 11).

Box 11 Introduction & impact of VFJM on Chora Van Panchayat

The resolution for VFJM was passed on 27.7.98 and has only 4 signatures on it. The second page has the signatures of 19 women. According to *Van Panchayat* council members, the forest guard came one evening and said: 'Hurry up, the money is about to come'. The meeting was held the same evening with the available *panches*. The guard told them that they could get signatures of more people later. The *panches* got the women's signatures the next day.

Custody of all the *Van Panchayat* records, including the microplan, had now been grabbed by the deputy head of the *Gram Panchayat*. He did not permit the researchers to organise a village meeting to discuss issues related to VFJM raised by members of the women's association. He screamed at them saying that '*Even if the DFO comes, the records will stay with me. I am the one who brought this scheme to the village. I even went to Nainital for the purpose*'.

The microplan had been prepared with considerable effort by the Forest Department staff with the villagers' role being confined to providing information. None of the ordinary villagers had seen it and knew little about its contents. A few villagers were aware of the total budget. The *Mahila Mangal Dal* which had been protecting the village forest voluntarily was uninformed about the investments under VFJM. One of the women said: 'Earlier I used to attend the *panchayat* meetings. But now no general body meetings are held' (SKS, 1999d).

4.4 Summary and Conclusions

Despite the imposition of crippling bureaucratic controls on their functioning, a large number of Uttarakhand's *Van Panchayats* have survived as vibrant self-governing community forestry institutions. Where livelihood and ecological dependence on forests remains high, they have successfully retained reasonable control over decision making and satisfaction of subsistence needs. The quality of forests under their management is often as good, if not better, than the Reserve Forests under the control of the substantially better resourced Forest Department.

A large number of diverse and informal institutional arrangements for community management on all legal categories of forest lands – many led by acutely forest-dependent women – co-exist with, and even within, the formal *Van Panchayats*. Such informal arrangements, often with negotiated support of elected *Gram Panchayats*, provide more accessible space for community forest management to poor women and marginalised groups because they are outside the framework of bureaucratic procedures and controls.

A series of government actions weakened these existing management systems substantially over the course of the last century. Progressive restrictions on local use of forest resources through the Forest Conservation Act, the felling ban and recent Supreme Court judgements, combined with large scale livelihood and resource displacement caused by expansion of the Protected Area network, are changing people's attitudes towards forests and undermining the primary incentives for community forest management. *Ad hoc* changes in village boundaries and poor boundary demarcation of Village Forests, inequitable distribution of forests among villages, and inattention to conflict management among villages have soured inter-village relations. Classification of natural grasslands

as forests under the management of a tree-focused Forest Department, together with extensive replacement of mixed forests by commercial pine plantations, has significantly changed *land use and the nature of the forest itself* over the years. The resource base available for sustaining Uttarakhand's agro-pastoral rural livelihood systems has diminished greatly.

State-driven devolution policies, in the form of new *Van Panchayats* and VFJM, fail to address these problems. Worse, they often undermine the remaining strengths of local forest management systems.

In the name of devolution, VFJM is empowering the Forest Department to reassert control over both *Van Panchayat* forests and *civil/soyam* lands, the only surviving village commons. Instead of re-vitalising the rich and diverse base of indigenous knowledge of local women and men, and the management systems they have developed for supporting livelihoods and maintaining ecological services, VFJM reinforces the Forest Department's claim to be the monopoly holder of technical forest knowledge, despite its historical lack of experience with forest livelihoods and biodiversity conservation. Externally imposed microplanning teams display insensitivity to how existing self-governing institutions function, threatening the latter's viability. Placing a forest department functionary as the joint account holder and member secretary inside *Van Panchayats* shifts institutional accountability to the Forest Department and away from forest users. *Van Panchayats* and community management systems have survived *despite* such government interference and controls in the past. Users continue to resist intrusions by the Revenue and Forest Departments through non-cooperation and withdrawal. There are, however, declining incentives for community management in a changing economic and social context and policy environment. Devolution policies like VFJM may well lead to their ultimate demise.

5 Conclusion

5.1 Discouraging Trends

State-directed devolution policies may appear progressive in geographic areas where state control over forests has been firm during recent decades, such as in the higher quality Reserve Forests. There are few areas of this nature, however, among the villages now targeted for JFM. Our findings suggest to the contrary that for the three study areas these policies have reduced existing (both *de jure* and *de facto*) local space for forest management. The striking commonality in the JFM (VFJM in Uttarakhand) frameworks of the three states is their a-historical nature. They overlook the diversity of:

- *existing legal rights and land use;*
- location-specific, community systems for forest management often already in place.

Government agencies have not bothered to engage villagers already involved with CFM in policy formulation, nor have they aimed to strengthen existing initiatives and institutions through jointly analysing local problems, perspectives and priorities. Instead, JFM in all the three states studied assumes that villagers need to be ‘motivated’ to protect forests in accordance with the Forest Department’s vision even when this implies destruction of existing livelihoods of the poorest. The programmes have assumed that local people require monetary (in two states with the help of World Bank loans) or timber incentives to ‘participate’ in state-defined management priorities. In the process, institutional arrangements producing relatively more accountable community leadership – dependent on facilitating consensus-based decisions (within the constraints of increasing stratification and unequal power within villages) – are being replaced by male village elites interested in increasing their personal power by allying with department staff.

- ◆ *Instead of active subjects negotiating devolution policy frameworks and their adaptation, villagers are treated as objects, to be reshaped by top down policies into instruments to achieve externally defined resource management objectives and priorities.*

As demonstrated by our cases, existing institutional arrangements that are more locally legitimate, more democratically accountable, and more sensitive to local livelihood needs – although not always equitable and gender sensitive – are being replaced by institutions amenable for extending state control.

Thus state presence *inside* formerly autonomous community institutions is being engineered in all three states by imposing the forest guard or the forester as the member secretary of community organisations. In Uttarakhand and Madhya Pradesh, this has allowed the state to control even community funds, including those raised by villagers through voluntary contributions, and put them to uses favoured by foresters, often without any transparency or accountability. Existing social capital is either destabilised or destroyed as bureaucratic and non-democratic mechanisms for monitoring and controlling community behaviour are put in place as part of JFM agreements. These are the same non-transparent, and non-accountable bureaucratic mechanisms whose failure in the past led to pressures for greater devolution and decentralisation.

- ◆ *Rather than enhancing space for local forest management, such controls undermine faith in local communities as the custodians of local resources. While bureaucratic structures and controls are being dismantled for multi-national capital in a globalising market-driven economy, they are actually being expanded for the poorest forest-dependent communities in the guise of devolution.*

All this takes place in the context of rapidly changing and contradictory legislation and public policy that legitimates central control and that state agencies can manipulate at will to suit their convenience. Foresters can pull out dusty maps with no relevance to existing land use practices and claim authority to resources long used and managed by local people. Grazing areas used for many generations by villagers can become the targets of 're' forestation or closure to grazing, on the strength of sweeping notifications issued in the past declaring lands under a wide diversity of uses and ecosystems as state-owned 'forests'. Many of these lands have still not been surveyed or their longstanding uses or users properly recorded. Existing laws providing for devolution of their management to local government institutions, such as the Orissa *Grama Panchayat* Act of 1965, vesting management of village common lands as well as Protected Forests in *Gram Panchayats* and *Gram Sabhas*, are ignored. Instead, the Forest Departments harp on the necessity of achieving a desirable percentage of 'forest cover', defined *ad hoc*, through ostensible devolution of forest management. In all three of our study states, the maximum space for local forest management was available on lands that enabled diverse CFM initiatives to flourish. Without acknowledging contestation of jurisdiction over them both by Revenue Departments and local communities, state Forest Departments are consolidating their control in the name of devolution with both government and donor support.

This is aided by the growing and relatively uncontested environmental ideology of the urban middle class (with no direct dependence on forests) reflected in a sweeping Supreme Court judgement of December 1996 on a public interest litigation against illegal forest fellings. The Court judgement brought *all* the country's 'forests' (as per dictionary definition) on all legal categories of land (including private and community-owned) under its ambit and banned all tree felling unless it was in accordance with technical working plans prepared by Forest Departments and approved by the central Ministry of Environment & Forests. In February 2000, the Supreme Court decided on another public interest litigation case banning all collection of NTFPs from legally notified Protected Areas, including the removal of dead and fallen trees within them. The impact of both these, and other similar judicial pronouncements on the livelihoods and land and resource rights of millions of already marginalised forest-dependent women and men, has been drastic. The fact that these judgments overwrite other existing constitutional provisions and laws has gone relatively unchallenged due to those most negatively affected by them being among the most disempowered and resource poor. There could hardly be space for further centralisation of control over forest management in the forest bureaucracy. Discussion on the nitty-gritty of so-called devolution policies carry little meaning without clarification of what constitutes a 'forest' and the process by which that is defined.

The latest threat is looming in the form of rapid removal of all legal hurdles for attracting national and multinational capital in a fiercely competitive global market. The central government has already drafted a proposed amendment to Schedule V of the Constitution of India, under which PESA was enacted, to legalise transfer of tribal lands to non-tribals (including private industry) banned under the Schedule. The central Ministry of Mines has similarly framed a policy for opening up forest, and predominantly tribal, areas for the mining industry. The empowering provisions of PESA, largely left un-implemented till the time of our research, will be left with even less meaning if these changes come into force. Rather than empowering forest-dependent communities in Schedule V (tribal majority) areas to bring their forests under community management, the proposed legislative changes will increase their already high vulnerability to displacement through increased acquisition of even their private cultivable lands for commercial exploitation. The nature of state response to organised tribal resistance against further displacement for 'development' became evident in December 2000 with the police shooting 3 tribals dead in Maikanch village in Rayagada district, Orissa. The objective was to break their determined refusal to permit surveys of their land for acquisition and leasing to a multinational company for bauxite mining. Many of the

villages to be displaced had held *Gram Sabha* meetings under PESA and passed resolutions against the proposed acquisition of their lands. In case of displacement, many of the villagers would not be legally entitled to any compensation as their lands were declared state-owned revenue wastelands or forests without any surveys recording their existence. The state response was to send in armed police to terrorise, frame false charges and kill (Das, 2002).

Finally, despite the increased rhetoric of participation, policy formulation itself remains non-participatory, generally deaf to the demands articulated by forest-dependent communities, CFM groups and their federations, and peoples' and civil society movements. Instead, senior government or Forest Department officials, with little understanding of forest-based livelihoods or direct experience of grassroots realities, enjoy the monopoly of formulating 'participatory' or 'devolution' policies. The intended 'beneficiaries' of supply-driven devolution policies remain deprived of the opportunity to shape the parameters of their own participation in forest management.

5.2 Local Appropriation of Space for Forest Management: different motivations, greater impact

State Forest Departments, all the same, have been neither omnipresent nor omnipotent in nationalised forest management. Despite efforts to bring more and more land under Forest Department control, local users have been able to maintain or establish their own organisations for managing local forests due to the continuing importance of forests for livelihoods and the hardships caused by resource scarcities. Some of these organisations are rooted in cultural traditions which have survived two centuries of state interventions while others date back to early in the twentieth century, including the legally constituted *Van Panchayats* in Uttarakhand. Many others are of more recent origin. Thousands of such self-initiated forest protection groups are protecting several hundred thousand hectares of state-owned forests in Orissa, Jharkhand, Madhya Pradesh and Uttarakhand, and on a smaller scale, in several other states. Forests in these areas have been maintained in good condition over decades or regenerated substantially over the past 10 to 20 years of recent local protection, and can now better serve a broad range of local livelihood needs. The Forest Protection Committees of Bengal (a large number of which represent formalisation of self-initiated management efforts through JFM) received the Paul Getty award in the mid-1990s, based on improvements in forest condition evident through satellite imagery. In Orissa also, the Forest Survey of India recorded a 100 km² increase in dense forest cover in just two districts between 1997 and 1999 on account of CFM some of which may have been formalised into JFM (FSI, 2000:82-83). Many Village Forests under *Van Panchayat* management in Uttarakhand are in as good, if not better, condition than Reserve Forests. The scale of impact of unofficial CFM in other states is less clear due to the absence of relevant data.

The more organised and better-informed, forest-dependent communities have also tried to take advantage of the provision for democratic decentralisation under PESA, to establish their authority over natural resource management in a holistic way. In pockets of Madhya Pradesh, where tribal communities were mobilised and made aware of their rights under PESA by *Bharat Jan Andolan*, some tribal communities have asserted control over all their local natural resources, challenging the authority of the Forest and other departments. In some of these villages, they have rejected the timber-sharing formula of JFM, preferring to manage their forests entirely for meeting local requirements (Behar & Bhogal, 2000; Sundar, 2000).

In Orissa, thousands of self-initiated CFM groups have been building alliances through developing their own federations to articulate collective demands and pressure the state government to formulate an alternative enabling policy for CFM. They have challenged the state's JFM framework pointing out the imbalance in power, accountability and entitlements between villagers and the

Forest Department it perpetuates. Civil society advocacy groups and NGOs supporting these formations are facilitating development of such an alternative policy framework, including a concept of community trusteeship rights (Singh, 2001) and evolving strategies for influencing the state government to replace JFM by a CFM policy.

Local organisations have also fought against donor initiatives that threaten local livelihoods, land rights and management authority. In Madhya Pradesh, strong opposition to the Madhya Pradesh Forestry Project by an alliance of Mass Tribal Organisations (MTOs) and people's social movements has made the World Bank wary of funding a second phase of the project evaluated to be highly successful by the Forest Department and World Bank consultants. The grassroots organisations have challenged the forestry project's 'unsubstantiated assumptions about indigenous resource use and its supposed negative impact on forests and wildlife' (MTOs, 1999) and protested against not being involved during the phase of project formulation itself. Shaken by these protests, and under pressure from the World Bank, the state government and the Forest Department invited public inputs for developing a new state forest policy during 2000.

Lingering doubts about the Madhya Pradesh government and Forest Department's sincerity in initiating an open policy dialogue, however, were confirmed in April, 2001. Pre-mediated state repression was unleashed on *Adivasi Morcha Sangathan*, a mass tribal organisation in Dewas district of Madhya Pradesh fighting for the local tribals' democratic rights. Members of state-promoted JFM committees helped crush the tribals' democratic struggle for their customary forest and development rights in this first incident of its kind. On April 2, 2001, 4 tribals were shot dead by the police in Mehndikhera village of Baghli tehsil during a sustained attack on several villages spread over many days, led by the District Collector, Superintendent of Police and Divisional Forest Officer. Members of 'official' JFM committees, many of them residents of the villages under attack, participated as paid labourers. Large numbers of houses, grain storage bins and agricultural implements were destroyed, sympathizers of *Adivasi Morcha Sangathan* physically assaulted and their women molested, and food grain stocks and drinking water sources poisoned. And this was done in the context of a 3rd successive year of acute drought in the area. The official version justified the action for recovering 'valuable' timber illegally felled by the tribals and to prevent them from 'encroaching' on state forests. Independent fact finding missions, however, revealed that the tribal villagers had incurred such state wrath for daring to stop paying bribes to forest staff for collecting subsistence forest products in accordance with their customary rights, stopping illicit tree felling by powerful interests and demanding that the Forest Department stop 'scientific' fellings in their forests. *Adivasi Morcha Sangathan* members continued being pressured to join official JFM committees through promises of cases against them being withdrawn and wage work (PUDR 2001). The incident was a stark demonstration of the hollowness of the devolution rhetoric.

In Uttarakhand, divergence between state and community notions of devolution became starkly evident at a meeting with community representatives, social activists, academics and Forest Department officers for disseminating the findings of the Uttarakhand research study in June 2001. Community representatives were outraged by the revised *Van Panchayat* Rules, 2001, which they saw for the first time at the meeting. Asserting that their *Van Panchayats* had not been gifted to them on a platter but had been obtained through hard struggle by their forefathers, *Van Panchayat* leaders resolved to launch a popular struggle to demand their withdrawal and draft alternative rules through broad-based consultation (Sarin, 2001c). The sheer strength of popular anger against the new rules and the sustained campaign for their withdrawal led by the *Van Panchayat Sangharh Morcha* over fifteen months has compelled both the Forest Department and the political leadership of the new state to promise their revision.

The research studies in all the three states also highlighted the nature of power dynamics within and between communities for control over the forest and major inter- and intra- village equity issues.

Poor women in particular, and the most forest-dependent sub-groups in general, remain marginalised even in community decision making and associated federation building processes. Where such groups have initiated forest protection, they face the threat of being marginalised once the value of the resource has increased through protection. Without effective checks and balances, CFM on its own in a context of increasing socio-economic differentiation within communities, is unlikely to provide democratic space for local forest management to the voiceless and disempowered within communities.

5.3 Where To From Here?

‘Devolution’ policies like JFM thus far represent instrumentalist interventions for obtaining local cooperation in improving forest condition according to traditional Forest Department criteria. This is being attempted on outdated and contested maps of the forest estate. Instead of facilitating holistic forest lands use and planning which integrates sustainable livelihoods of forest-based communities, they are extending and consolidating state appropriation of the limited remaining common lands. The 1988 national forest policy re-defined the objectives of forest management which requires re-examining forest categories and forest legislation as well as institutional structures for forest management developed for colonial interests. Rational re-categorisation of the forest estate to acknowledge and prioritise livelihood and conservation needs within a holistic land use policy framework is a pre-condition for creating democratic space for local forest management. Without restoring full livelihood and income benefits from local forests to acutely forest-dependent women and men, the sustainability of both the present forest management framework and the ‘community’ institutions being promoted for its implementation will remain in question.

In a context of rapid change, and the increasing recognition of the multiple values of forests for multiple stakeholder groups, an appropriate framework for sustainable and democratic devolution of forest management can no longer be evolved by Forest Departments on their own. Holistic forest sector reform processes with multi-sectoral and multi-stakeholder participation and multi-disciplinary analysis need to be initiated. Local people heavily dependent on forests for their livelihoods need to be assured a primary voice in such processes through their existing, often longstanding, formal and informal community forestry institutions.

Nurturing democratic, self-governing CFM institutions requires a framework ensuring tenurial security over community forests, clear boundaries defining communal property rights and empowerment of forest-dependent women and men to make real choices for enhancing sustainable livelihoods in accordance with their own priorities. State interventions need to build upon and democratise existing local initiatives and institutional arrangements instead of seeking to replace them wholesale with standardised state-engineered institutional frameworks like JFM. Similarly, existing community-based mechanisms for managing inter- and intra-village disputes need to be strengthened through democratisation and increasing their gender sensitivity, instead of replacing them with inaccessible, ineffective and often corrupt, bureaucratic and judicial processes. Inter-village forums or federations of acutely forest-dependent women and men need to be nurtured and empowered for negotiated settlement of disputes and protecting their rights and access to forest resources.

Informed participation in decision making requires improved information dissemination, especially concerning empowering legislation such as PESA, and support for building local capacity to govern and manage forests. Various NGOs and people’s movements are already engaged in this work, but additional resources and legal support are needed if forest-dependent women and men are to consolidate and expand on their existing rights in forests. Care must be taken, however, that support does not corrupt the accountability of local leaders and others to the most forest-dependent sections

of the population. Experience with ‘service provider’ NGOs and elite-dominated ‘community-based organisations’ suggests that finding ways to deliver support effectively will take innovative thinking. While new mechanisms are developed to deliver support with accountability, pressure should be placed on the state to allow the poorest forest users and their allies to mobilise on their own. Merely eliminating state repression of local forest users will go a long way towards increasing local capacity.

Lastly, the threats posed by market-driven globalisation to genuine devolution and democratisation need to be addressed. There is an acute need for strengthening global platforms where local perspectives can be shared and appropriate actions identified.

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