

**Gateway to  
Sustainable and Participatory  
Community Forest Management**

# **VILLAGE FOREST**

**with  
Draft Rules under \*  
Sec. 28 of Indian Forest Act 1927**



**Mohan Hirabai Hiralal  
Vrikshamitra  
Chandrapur / Gadchiroli**

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Dedicated to  
**Anil Agarwal**

*who is with all of us; in our thoughts and work.  
He has not left us; in fact, has come nearer to us.  
Wherever a process for the empowerment  
of the people at the grassroot level is there,  
we feel his presence.*

# Foreword

In India, majority of the tribals live in the predominantly forest areas. Incidence of poverty is also quite high there. The tribals, as well as other people living inside or around the forests are dependent on the forests for their livelihood to a great extent. On the other hand, appropriate management of the forests for sustainable development is the need of the hour.

When it was realised that the governments alone, with their laws and the forest bureaucracies, cannot protect and manage the forests properly, the programme of Joint Forest Management (J.F.M.) was started in many states, particularly on degraded forest lands. We have the experience of its working for about a decade to learn from. It has become clear from that experience that the government has committed a great mistake in not utilizing positively the provision for the village forests in Indian Forest Act 1927. It has also to be conceded that apart from the lack of the political will, callousness of the administration and the ignorance of the people and the voluntary agencies are also equally responsible for non-utilization of the said provision.

It was Shri Tasneem Ahmed (I.F.S.), a senior forest officer and a teacher to the core, who acquainted us with the provision for village forests in the Indian Forest Act 1927. We hereby express our gratitude to him. One of his articles on the subject is included in this booklet.

We had organised a workshop on "Village forest : an old provision in the new context" at Bangalore on the 12th and 13th of January 2002 in collaboration with Prof. Madhav Gadgil of the Centre of Ecological Sciences, Indian Institute of Science, Bangalore and Prof. M.K.Ramesh of the Indian Law School of India University, Bangalore. Many researchers and activists attended the same.

Prof. Ramchandra Guha spoke on the subject in detail. The discussion that followed helped in clarifying the matter and enthusing all of us to pursue the subject. The workshop was followed by another workshop at New Delhi on the 5th October 2002 organised by us in collaboration with Ms. Neema Pathak of Kalpavriksha, Pune and Shri Manoj Pattanaik of R.C.D.C., Bhubaneswar with assistance from S.P.W.D., New Delhi. Participants in this workshop included, among others, Dr. N.C.Saxena (A senior ex-I.A.S. officer) and Ms. Madhu Sarin. It has to be gratefully acknowledged that we could learn much from both of these workshops.

As decided in the Bangalore workshop, Shri Manoj Pattanaik prepared a draft of the village forest rules and Prof. Ramesh made supplementary suggestions. I have drawn on both these drafts while drafting model rules.

Needless to say, the Draft of the village forest rules presented here is for consideration of all the concerned. I seek contribution by all to make it better.

A part of Mr. Mark Poffenberger's lecture delivered in 1995 and an article by Mr. Manoj Pattanaik in the journal 'Community Forestry' are also given in this booklet as supplementary reading to serve as a background for the plea made herein. I am thankful to both of them.

My friend Dr. Parag Cholkar (Editor, Samyayog) helped in the preparation of this booklet through all the stages - right from the stage of conception; from translation and editing to proof-reading. I am indebted to him for his co-operation.

It is hoped that this booklet will prove to be useful to the government and the administration, as well as to researchers and activists. Suggestions of all are welcome in this regard.

**- Mohan Hirabai Hiralal**

# **Timeline of Forest management in India**

## **1 Pre-British period**

## **2 British period**

## **3 Post-Independence period**

**1. Pre-British period :** The period before the advent of colonialism

**2. British period :** The period of slavery

**2.1** The period before the enforcement of forest act and establishment of the forest department, i. e. the period before 1864, when the forests were being managed in the traditional way and the people had traditional rights over them.

**2.2** The period thereafter -

*1864* - Establishment of the forest department, appointment of the first Inspector General of Forests. Beginning of survey, demarcation and silvicultural management efforts. Encroachment on the people's natural and traditional rights.

*1865* - First Forest Act enacted, providing for three types of forests : Reserved forests, Protected forests and Village forests. (Provision for the last type was not implemented.)

(The period thereafter is marked with the struggle of the tribals, particularly the Santhals, the Gonds and the Bhils against the British.)

*1878* - Forest Act revised, keeping intact the provision for the abovementioned three types of forests. Provision for the Village forests remained unimplemented.

*1894* - First Indian Forest policy announced.

*1914-18* - World War I. Large-scale forest felling.

1922-24 - *Panchayats* established by a Government order in the old Bombay province. The provision for Village forests remained unimplemented.

1927 - The present Indian Forest Act passed, keeping intact the provision for the abovementioned three types of forests. The provision for Village forests remained unimplemented.

1927-31 - Revolt in Kumaon-Garhwal (U.P.); legal recognition to *van-panchayats* by framing rules for *panchayat* forests under District Scheduled Act 1874 in 1931.

1939-45 - World War II. Forest destruction.

### **3. Post-Independence period** (*Period of the representative parliamentary democracy*)

1950 - Zamindari abolished. Large-scale forest felling by Zamindars before handing over the forests to the Government.

1952 - The first Forest Policy of Independent India formulated, with emphasis on meeting 'national needs' from the forests for economic development.

1950-70 - Massive forest degradation due to commercial exploitation (legal as well as illicit) and pressure of growing human and livestock population.

1970-75 - Early experiment with Joint Forest Management at Arabari in West Bengal.

1976 - Framing of 'U.P. *van-panchayat* rules 1976' under Sec. 28 of the Indian Forest Act 1927. Rules for the Village forests formulated for the first time.

1976-80 - '*Chipko*' movement in Uttarakhand (U.P.). '*Appiko*' movement in Karnataka.

1976 - Report of the National Commission on Agriculture suggests that the state forests should be managed only for timber, and



non-forest common or private lands should be utilised for meeting people's livelihood needs.

*1976-88* - Influenced by the thinking in this Report, massive social forestry programmes were launched, with foreign funding, on non-forest lands to ease pressure of people and livestock on the state forests. They were unsuccessful in meeting the goals.

*1985* - 'The Orissa Village Forest Rules' formulated under Sec. 28 of Indian Forest Act 1927, mainly for meeting the need of the social forestry programme.

*1970-90* - Forest protection and management voluntarily started by village communities in Orissa on a large scale, without any co-operation from the forest department.

*1980-81* - Central Government's Draft Forest Bill found anti-people, anti-environment, and also against national interests, and therefore vehemently opposed. N.G.O.s, mass organisations and researchers came together, despite their differences on other points, and worked together, finally succeeding in blocking the tabling of the Forest Bill in parliament.

*1985-86* - Remote sensing data revealed massive forest destruction, resulting in alarm in the country.

*1988* - New national Forest Policy announced. Focus on conservation and meeting subsistence requirements of the local rural and tribal communities rather than earning revenue.

*1990* - Central Government's letter to the State Governments asking them to formulate a scheme for joint forest management and implement the same.

*1994* - Draft Bill for an act to replace the Indian Forest Act 1927 - Forest Bill 1994. Included the provision that a reserved forest cannot be made a village forest. This, as well as other anti-people provisions again opposed by N.G.O.s, mass organisations

and researchers.

1995 - 'People's Forest Bill 1995' drafted through a participatory process. The Government decides not to table its Bill.

1990-2000 - G.R.s issued on Joint Forest Management in many states. Programme implemented mainly with the support of World Bank and other international financial agencies.

2000 - Establishment of Forest Development Agency (F.D.A.) by the forest department on the lines of D.R.D.A. Integrated village afforestation scheme (*Samanwit gram vanikaran samriddhi yojana*) formulated for implementation of the schemes of Central Government's Ministry of Environment and Forests. (In selected villages during the Ninth 5-Year Plan and in all the villages during the Tenth Plan.)

2001 - Central Government issues guidelines for evaluation and changes in J.F.M. : i) Programme should be implemented in good, non-degraded forests also. ii) J.F.M. should have legal support. iii) There should be efforts to have greater participation of women. iv) There should be permanent structural arrangements at all the levels for conflict-resolution.

## **J.F.M. and the need to go beyond it**

The Central Government's stress on the Joint Forest Management (J.F.M.), its pressure on the State Governments to implement the scheme, and the latter agreeing to it - all these clearly appear to have three main reasons behind them -

1. The shock due to remote sensing data which woke them up and aroused apprehensions.
2. Failure of the social forestry programme despite massive foreign funding.
3. Insistence of World Bank and other international financiers to involve people in the forest management as a pre-condition for loans to governments on the brink of bankruptcy.

The pressure was thus there. However, the contradiction between the parliamentary system based on the representatives of individual voters and the forest bureaucracy akin to landlordism ensured that J.F.M. would be implemented only on degraded forest lands and that it would be formulated in such a way that the reins remain in the hands of the forest bureaucracy despite the people's participation in its implementation. And this was possible because of the weakness of the people, absence of primary village communities which could serve as a tool for powerful assertion of the people's power, the people's reluctance to accept responsibilities and their desire that 'others' should do for them whatever is necessary, and the hope that the representative government would do something for them. All these factors are equally responsible for the present state of affairs.

But the J.F.M. experience did prove to be beneficial in at least one respect. At least for the forest protection and management, a way out of the impasse that remained even after the enactment of 73rd Constitutional Amendment and the *Panchayats* (Extension

to the Scheduled Areas) Act. What could be the basic, primary unit wherein people's direct participation is possible? To this question, the unequivocal answer of *Panchayat Raj* was not 'Gramsabha' (assembly of all the residents in the village); it used the phrase 'an assembly of all the voters in the *gram-panchayat* area'. But the *gram-panchayats* continued to encompass large populations and secondly, the decision-making powers remained concentrated in the hands of representatives elected through majority vote. The J.F.M. experience clearly demonstrates that if direct and effective participation of the people is really desired, whatever be the motivation, a *gram-panchayat* is not an effective unit; it has got to be a small revenue village, *pada*, *tola* or *mohalla* having population of around 200 to 500. A structure like a *gram-panchayat* which is based on the principle of representation of the individual voters is not suitable; the Village Forest Protection and Management Committee constituting of the representatives of all the families in the village is the only structure that is a step towards the *Gramsabha*. But if it is provided that one member from each family should be there in the Village Forest Protection and Management Committee, there is a possibility that only the male members would attend its meetings. To avert it, the structure should ensure equal participation of women.

If it is accepted that (i) only the people dependent on forests for their livelihood and development can protect and manage them properly and sustainably, (ii) the role of government and the forest department should not be like that of an owner or a manager or the police; it should rather be that of a facilitator and it should render friendly assistance whenever needed, then one will realise in no time that the present structure and working methodology of *Panchayat Raj* and J.F.M. are not efficacious.

For going in the desired direction, and beyond the *Panchayat Raj*, the *Gramdan* Acts in some of the states (e.g. Rajasthan,

Maharashtra) are useful. A *Gramsabha* capable of taking decisions for a small village community can come into being through these acts. Likewise, the provision for Village forest in the Indian Forest Act 1927 is useful for taking us beyond J.F.M. But it must also be borne in mind that a good legislation must be accompanied by appropriate rules to ensure effective implementation.

One more positive feature of J.F.M. is that it accepts, at least in principle, that 'one who protects is entitled to the accruing benefits'. It follows that the entitlement of rights should be linked to contribution to protection. This principle should be effectively enforced so that people have an incentive and motivation for undertaking responsibility in an increasing measure. The present structure of J.F.M. allows little scope for people to undertake responsibility. How can people be expected to undertake responsibility when decisions are taken by somebody else ?

Everything would certainly not change overnight. But the government and the forest department must be ready to make changes in their structure and working methodology wherever people, as a community, are ready to undertake full responsibility. They should entrust decision-making completely to the concerned village communities, and be content in the role of a friend and a facilitator. Working of this arrangement would go on making further steps clear. How to frame rules to bring this about ? - This is the point of extreme significance in this context..

## Village Forest : a way out

The pivotal role of *Gramsabha*, which takes all the decisions by consensus, as the basic socio-political unit of polity is being increasingly realised in different quarters. The significance of *gramdan* lies in being a legal provision that gives an opportunity to the village community to become such a *Gramsabha*. The provision for village forests in the Indian Forest Act 1927 is equally important in the area of forest management. The provision has however been completely neglected, both by the British Imperial power and the Government of Independent India.

The Forest Policy 1988 laid stress on meeting the subsistence needs of the people. The scheme of joint forest management that the government announced in 1992, in fact, confessed, albeit indirectly, that the government cannot manage the forests through its laws and the forest department without participation from the people. J.F.M. is a good beginning, but there is a need to go beyond it. Firstly, it does not repose full faith in the village communities and does not give them an opportunity to undertake all the responsibilities. Secondly, it lacks legal support. It is the provision for village forests that does not have both of these deficiencies / defects that have been realised through the experience of about ten years. The provision for village forests, although an old one, has therefore assumed a new significance in the new context.

Village forest is the forest that has been legally transferred to the village community by the State Government. The provision is contained in Sec. 28 of Indian Forest Act 1927. The forest in the vicinity of the village can be so transferred even if it is a reserved or a protected one. Once a forest is so declared, the rights of villagers about grazing, woodcutting, collecting forest produce etc. are no longer the rights over the property of others, they become the rights over the property legally assigned to the village community.

The process of notifying a village forest is the same as that of notifying a reserved forest, but the reserved forest is then to be assigned to the village community. The State Forest Acts in many states have this provision, but most of the State Governments have not yet drafted rules ! But this also provides an opportunity of framing them with people's participation.

Needless to say, the village community will have to take care that the benefits accrued are equitably distributed. The villagers will also be able to frame rules about the utilisation of income earned from the sale of forest produce. They are expected to manage the forest prudently.

The legal provision about the village forest is as under -

### **The Indian Forest Act 1927**

(Act No. 16, 1927)

#### **Chapter III of Village Forests**

**Section 28. Formation of village forests** - (1) The (State Government) may assign to any village community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village forests.

(2) The (State Government) may make rules for regulating the management of village forests, prescribing the conditions under which the community to which any such assignment is made may be provided with the timber or other forest produce or pasture, and their duties for the protection and improvement of such forest.

(3) All the provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to village forests.

# **Forest Management : A Review**

## **It is in vain to expect that**

\* a genuine assertion of the people's power is possible through parliamentary democracy wherein representatives are chosen by individual voters and decisions are taken by majority vote.

\* the forests can be managed on a sustainable basis by a centralised government made up of representatives of individuals and its Forest Department.

\* the obedience to laws can be ensured simply by making them stricter.

\* the forests and the wildlife can be protected by providing more money, more power and more weapons to the Forest Department.

\* the people can have rights without undertaking responsibilities.

\* the sustainable development of the predominantly forest areas can be brought about when the forests are looked upon as an obstacle in the path of development.

\* the people will participate in the process of implementation of something that has been decided by somebody else for them.

\* the demand for new laws is beneficial to the people when the positive features of the existing laws are not taken benefit of.

\* the Joint Forest Management programme (J.F.M.) can strengthen voluntary participation of the primary village communities in the management of forests.

## **What should happen ?**

\* The forests should be the basis of sustainable development of the predominantly forest areas.

\* Poverty and unemployment in those areas should be



completely eradicated through sustainable forest management by the village communities.

\* The people should accept the responsibility for the conservation of biodiversity - including the forests, the wildlife and the rare plant species - for the protection of their own lives.

\* The village communities should look after their own affairs, to the extent possible, through consensus. The decision-making process at the levels beyond them should involve representatives of the village communities chosen by them through consensus.

If all this is to happen, the Joint Forest Management programme (J.F.M.) will not suffice. J.F.M. is not of much help in strengthening the village communities, that have voluntarily come forward to protect and manage their forests, and enhancing their capacities. This is clearly demonstrated by the experience in Orissa and Uttaranchal.

In Orissa, more than 10000 village communities are voluntarily protecting and managing more than 400,000 hectares of the forests. The State Government tried to bring them under J.F.M. This did not evoke any response; in fact, the people opposed the move. Likewise, the Uttaranchal Government's efforts to bring the traditional *van-panchayats* in the ambit of J.F.M. are being strongly opposed. In Karnataka, voluntary agencies and organisations have come together at the state level; they are opposing the J.F.M. and demanding a new, comprehensive and participatory Forest Policy. The experience in Maharashtra and Andhra Pradesh is also not encouraging in this respect. The credibility of the government, already at a low level, is getting further eroded because of the structure of J.F.M. and its method of working. It is imperative to go beyond the J.F.M. and design a structure and method of working that is more participatory, transparent and accountable. This will entail new legislation that will have to be amended regularly in the light of experience of its implementation. Let all this take its own time. Till then, it will be worthwhile to see whether any provisions in the existing

legislation are useful in this respect.

The research of Prof. Ramchandra Guha, an eminent scholar and historian, has shown that there does exist a provision, useful in this respect, in Indian Forest Act 1927 – the provision for Village Forest in Sec. 28. Mr. Dietrich Brandis, India's first Inspector General of Forests had insisted for such a provision in the Forest Act in 1865. Prof. Guha's article in the book 'Village voices – Forest choices' (edited by Mark Poffenberger and published by Oxford University Press) makes this point with conclusive evidence.

This provision for the Village Forest was, and is even now, on the statute book Why then did all of us – the government, administration, people, voluntary organisations, researchers; in fact, everybody – fail to make its use ? Not only did everybody fail to use this provision, it was so totally disregarded, with only a few exceptions, that one wonders whether it was known to them or not. Indian Forest Policy 1988, which claims to break new ground, did not even mention the Village Forest. The Central and the state governments, which have been promoting the J.F.M. since 1990, never remembered the Village Forest; Uttaranchal, Orissa and Karnataka were the only exceptions. And the height is that the Central government itself tried, albeit unsuccessfully, to negate the said provision in the name of amending the law for the better. Indian Forest Act 1927, as applied to different states, does have the provision for the Village Forest, but most of the state governments have not yet framed the Rules; so there is no question of its implementation!

Why should this happen? Ignorance on the part of the people and apathy on the part of voluntary organisations and researchers are certainly contributing factors; but it cannot be said that the government had no knowledge of the said provision. Prof. Ramchandra Guha has noted in his study that the British rulers and influential forest officials like Baden-Powell had strongly opposed

the provision for the Village Forest in 1865. One can understand the opposition of the British imperialism to let the people have power to manage the forests. But the fact that the provision continued to be neglected even after Independence tells much about the political will. The government's attempt to amend this provision has now clearly revealed its true colours.

The provision for Village Forest in Sec.28 of the Indian Forest Act 1927 is a step ahead of the provision for Reserved forests, as any forest to be notified as the Village Forest has to be reserved first. This means that a Reserved forest too can be notified as a Village Forest and entrusted to the village community for management. In 1995, the Central government proposed an amendment that 'Reserved forests cannot be converted into Village Forests.' But, by then, most of the forests had already been declared as Reserved ones. Had this amendment been passed, the area available for notification as Village Forests would have become negligible. The provision about the Village Forest would have remained on the statute book, but it would have been rendered completely meaningless. This was averted because of the opposition by several voluntary agencies and organisations in 1995. Voluntary agencies and organisations did thus wake up, albeit belatedly, and hence deserve congratulations. On the background of the government's intention that has become clear from the amendment it proposed and the frustration in the wake of J.F.M.'s failure, the need to press for appropriate implementation of the provision for Village Forest has become all the more urgent. It is proposed to highlight the salient features in the existing legal provisions and suggest a framework for the Rules that need to be framed for their appropriate implementation.

As already noted, Uttaranchal (formerly a part of Uttar Pradesh) and Orissa are prominent among the few state governments that tried to use (or misuse) the provision for the Village Forest in

the post-Independence period. Let us, therefore, have a look at their experience and learn from it.

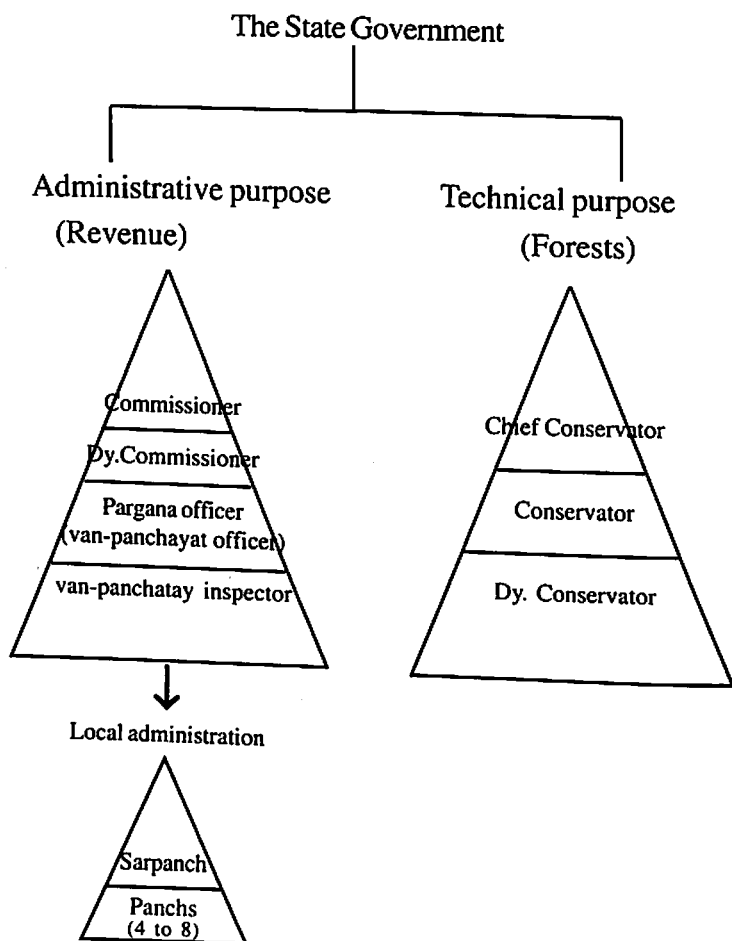
### **1. Experience in Uttarakhand when it was a part of Uttar Pradesh :**

Village communities in Uttaranchal (also called Uttarakhand) used to manage their forests through *lath panchayats* before 1865. They used to take decisions in their meetings about the protection of the forests and the distribution of minor forest produce needed for their livelihood, and everybody would discharge the responsibility of their implementation by rotation, carrying a *lath* (stick); hence the term '*lath panchayat*'. (This system is strikingly similar to the *thenga palli* system in Orissa.) The British wanted to have complete and exclusive control over all the forest areas in view of their importance as a resource. Framing of the Forest Act in 1865 was a part of this process, whereby they sought to take control of all the forest areas by declaring them 'reserved forests', ostensibly for the sake of scientific forestry. People were dependent on the forests for their livelihood. Their traditional right to take, from the forest in the vicinity of their villages, forest produce for personal and domestic use was accepted and respected by the earlier States. The British takeover of the forests, therefore, naturally resulted in widespread discontent which exploded many a times. Prof. Ramchandra Guha has described this in detail in his book 'Unquiet woods'. It was to assuage the people's anger that some forests were entrusted to the villagers for collective management by constituting *van-panchayats* in 1931. The then Governor framed Rules for *van-panchayats*, 1931 under Scheduled District Act 1874 under the title 'Rules for *panchayat* forests in Kumaon'. The British crushed the opposition by all possible means.

The Rules framed in 1931 continued to be enforced for many years after Independence. In 1976, Uttar Pradesh government framed Rules for *van-panchayats* using Sec. 28(2) of Indian Forest

Act 1927. The structure of *van-panchayats* as envisaged therein is largely akin to that of *gram-panchayats* and they were linked to the revenue department for administrative purpose and to the forest department for technical purposes. (Please see the figure below.)

*The structure in Uttaranchal as per van-panchayat rules 1976*



The *van-panchayat* constituted of 5, 7 or 9 members elected through majority vote for a period of 5 years; one of them being the *sarpanch*. To review the working of the *van-panchayats*, the state

government organised a conference at Almora on the 22nd June 1991. U.P.'s 'Forestry and the *van-panchayat* training centre' at Haldwani (Nainital) published a booklet on that occasion. It will be interesting to have a look at some of the important reasons for the *van-panchayats* becoming gradually ineffective as listed in that booklet.

At the village level

1. Lack of knowledge about *van-panchayat*.
2. Lack of knowledge about duties and rights on the part of *van-panchayats*.
3. Absence of practicable experiments on account of this lack of knowledge.
4. Enforcement of rights, but neglect of duties on the part of *van-panchayat* committees.
5. Lack of internal coordination in the *van-panchayat* committees and of appropriate coordination between the *gramsabha* and the *van-panchayat*.
6. Inappropriate distribution of the forest produce, leading to discontent.
7. Transgression of limits by the right-holders.
8. Breaking of rules by the members of *van-panchayats* themselves.
9. Lack of proper control of the *panchayat* committee on illegal felling.
10. Lack of proper utilisation of the available resources in the *panchayat* forests.
11. Lack of technical know-how in the programmes for the development of *panchayat* forests, social forestry and fodder development.
12. Non-receipt of the amount of fines imposed.
13. Lack of cooperation from the *panchayat* members to the *sarpanch*.

14. No procedure for issuing passes for entry in the *panchayat* forests.
15. Limited rights to the *van-panchayats*.
16. Lack of awareness about *van-panchayats* and accountability towards them on the part of women.
17. Ignorance of *van-panchayats* about the boundaries.
18. No proper upkeep of the forest records.
19. Mishandling and misuse of the funds by the *van-panchayat* or its members.
20. Misuse of powers by the *sarpanch*.
21. No proper maintenance of account books and other records of the *van-panchayat*.

At the level of the government

1. No entrustment to the *van-panchayat* committee of the concerned developmental work.
2. Financial assistance not given directly to the *van-panchayats*.
3. Failure to vacate illegal habitation.
4. No adequate punishment to those doing illegal felling.
5. No demarcation of boundaries.
6. No assistance of the revenue department in the collection of fines.
7. No entry of the *panchayat* forests in the name of *van-panchayats* in the revenue records.
8. No timely payment of the sale proceeds of the forest produce by the forest department to the *van-panchayats* and advice of the details about the sale.
9. Assignment of 40% of the income to the forest department and 20% to the Zilla Parishad.
10. Lack of proper training facilities for the development of the *panchayat* forests.
11. Neglect of the work relating to the *van-panchayats* by the revenue staff.

12. No incentive to good workers.

13. Lack of regular review of the working of the *van-panchayats*.

14. Lack of adequate financial resources.

It is clear that the reasons for the failure of the *van-panchayats* are similar to those for the failure of the *gram-panchayats*. What we learnt from the implementation of the 73rd Constitutional amendment and the amendment of the *Panchayat Raj* act for the scheduled areas in 1996, therefore, applies here too. It shows that the defects in the structure and the method of working are not removed merely by having the provision of the village forest in the Forest Act. This must be borne in mind.

### *Experience in the new State of Uttaranchal :*

Carving out a separate state of Uttaranchal from Uttar Pradesh was thought to be a panacea (just as freedom from the British yoke was thought to be a panacea) and a strong all-party mass movement fought for the same. A new hill state of Uttaranchal was subsequently established, constituting of Kumaon and Garhwal, in the year 2000. The government of the new state notified 'Uttaranchal *Panchayati* Forest Rules' under Sec. 28 (2) and Sec. 76 of the Indian Forest Act 1927 on the 3rd July 2001. This is now being opposed by a people's movement. Its main objections are as under –

1. Deputy Ranger or a forester will be the secretary of the *van-panchayat* (Rule 16.5).

2. Even a single tree that is customarily gifted at the time of marriage can now be sold only at the price decided by the Conservator and with the permission of the *sarpanch* or the D.F.O. (Rule 18-V).

3. Signatures of two *panchs* as witnesses are required whenever the *sarpanch* affixes his seal (Rule 25-2).

4. Operation of the bank account of the *van-panchayat* will



be jointly done by the *sarpanch* and the representative of the forest department (secretary) (Rule 28-2). However, the whole responsibility of the audit rests on the *sarpanch*. There will also be an internal audit of the *van-panchayat*, for which the forest department will nominate 3 villagers (Rule 34).

5. All the functions of the *van-panchayat* and the rights of the villagers over the forests will be decided in terms of the management plan prepared by the D.F.O. (Rule 11). The *van-panchayat* will prepare the 5-year micro-plan in consultation with the Ranger in terms of the directions and the stipulations spelt out in the said management plan (Rule 12). And then the forester and the *van-panchayat* will together draft the annual working plan (Rule 13). (For the aforesaid three plans, consent by the Conservator, D.F.O. and Ranger respectively is necessary before their implementation.)

6. D.F.O. can amend or veto any proposal or plan passed by the *van-panchayat* (Rule 49).

7. Bureaucrats are in majority in the advisory committee. Even the *sarpanchs* and the block chiefs on the committee will be those nominated by the Collector (Rule 52).

8. Joint Forest Management (J.F.M.) forms part of the *van-panchayat* rules (Rule 55).

9. There is no time limit set for the Collector to dispose off the objections and the claims of the villagers regarding the constitution of the *van-panchayat* (Rule 5-2).

10. There is no propriety in the provision that the *van-panchayat* should give 20% of its income to the district *Panchayat* (Rule 30-2-C).

Uttarakhand *van-panchayat Sangharsh Morcha* was formed to spearhead the movement. It noted that 'the government of Uttaranchal had made the new rules for the *van-panchayat*

applicable on the 3rd July 2001. It has not thought fit to consult the people having relationship with the forests. Framing of the rules was done with such secrecy that even the district level administrative officers and forest officers were not aware of them. The new rules will end the autonomy of the *van-panchayats* and they will come under the control of the forest department.'

As if this was not sufficient, the state government notified, on the 26th December 2001, the enforcement of 'Uttaranchal village forests joint management rules'. These rules too have been framed under Sec. 28 (2) and Sec. 76 of the Indian Forest Act 1927. The *Sangharsh Morcha* termed this as 'a malicious move to bring *van-panchayats* under J.F.M. and girded up its loins for the struggle.

*( I, alongwith my co-workers, participated in the state-level conference organised by Uttarakhand van-panchayat Sangharsh Morcha on the 28th and 29th September 2002 at Bhawali, Dist. Almora and thereafter visited Shama van-panchayat in Kumaon region and Makku and Lata van-panchayats in Garhwal region to have first-hand information and learn from them. We also met some researchers, journalists and forest officials. It was revealed that there is absolute clarity in their minds about what must not be there; but there is no clarity as to what should take its place; they seemed to be somewhat confused and in a dilemma. It is hoped that the discussion here will provide food for thought to them too.)*

The experience of Uttaranchal clearly demonstrates that if a structure akin to J.F.M. is created, we cannot proceed in the desired direction even if the term 'Village forest' is retained.

## ***2. Experience in Orissa :***

(For information about the community forest management process in Orissa, please read the article by Shri Manoj Pattanaik in this booklet.)

As per the Indian Constitution, forest is a state subject. It is not therefore sufficient to have the provision about Village forest only in the Indian Forest Act 1927. The State governments too should have this provision in their Forest Acts. Orissa Forest Act 1972 provides for the village forest in Sec.30 to 32. But the Orissa government has made some changes in the language of the Central Act. The actual wording is extremely important in the acts and rules. Let us see the implications of the change in wording in the Orissa act.

Sec. 28 of the Indian Forest Act 1927 states as under –

*'Formation of village forests – 1) The (State Government) may assign to any village community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forest so assigned shall be called village forests.'*

Sec. 30 of the Orissa Forest Act 1972 states as under –

*'Constitution of village forests – 1) The State Government may, by notification, constitute any land at their disposal to be a village forest for the benefit of any village community or group of village communities, and may in like manner vary or cancel any such notification.'*

The Central Government has said that a village forest will be constituted by assigning to a village community the rights of the State Government over any land that has been declared as a reserved forest, while the Orissa act avoids the mention of the reserved forest and that of the assignment of the State Government's rights. It instead talks of the constitution of the village forest on any government land by notification. Why should it avoid certain words? From what we know of the mind of the State Government and the forest department about the reserved forests and assignment of their rights over them, there does arise a suspicion about the motive behind this change. When Sec. 30 of the Orissa act is read alongwith Sec. 29 (3), the

matter becomes clear. Sec. 29 (3) states as under –

‘Whenever any reserved forest or any portion thereof ceases to be a reserved forest by virtue of a notification issued under Sub-section (1) the State Government shall, as far as possible, constitute other lands equal in area to the reserved forest so notified, to be a reserved forest in accordance with the provisions of this Chapter.’

Herein it has been stipulated that if any reserved forest ceases to be a reserved forest, an equivalent area of land will have to be made a reserved forest. According to the Central act, the reserved forest does not cease to be a reserved forest even if it is notified as a village forest. Therefore, there does not arise any question of reserving an equivalent area as a reserved forest. If this is accepted in a State act, the State Government can assign its rights over any land, including a reserved forest, to the village communities. However, the change in the wording in the Orissa Act closes this option. The intention is clear – that the village forests could be constituted only on lands other than the reserved forests. This shows that we should not be carried away merely by the mention of the village forest in the State Acts; the actual wording is what really matters.

It should however be conceded that the Orissa Act mentions ‘village communities’ rather than ‘village community’ as in the Central Act; and it is a better provision. While identifying what went wrong, we must also note the positive features.

The Orissa State Government framed rules about the village forests in 1985. The structure of the Village Forest Committee as stipulated therein is as under –

\* *Sarpanch* / ward member of the concerned *gram-panchayat*. All the *Sarpanchs* / ward members if more than one *gram-panchayat* are concerned.

\* All the concerned foresters and revenue inspectors.

\* 3 to 5 elected representatives from the village /villages.

*Sarpanch* of the *gram-panchayat* will be the Chairman of the Committee. The forester will convene meetings of the Committee and the *Sarpanch* will chair them. Further, forest or revenue officials have the power to take most of the important decisions.' (Sec. 3.)

The implications are clear.

It is also learnt that the rules in Orissa are so framed that the provision for the village forest can be utilised for the area under social forestry, although this has not been clearly stated. The nature and content of the rules are so, evidently because it is not the primary intention to provide a proper legal framework to voluntary efforts of the village communities in the area of forestry being done on a large scale.

### 3. Experience in Maharashtra :

The Maharashtra State Government has not altered the wording about the reserved forest and the rights of the government while providing for the village forest; however, after the term 'village community' it has inserted in a bracket 'village *panchayat* established under the Bombay Village Panchayat Act 1958 or co-operative society registered or deemed to be registered under Maharashtra Co-operative Societies Act 1960' and created confusion.

This reveals that the government is not willing to hand over power directly to the village community. When there is a legal provision for the village forest, what is the point in entangling it in the Co-operative Societies Act, which has nothing to do with it ? It is certainly not proper to make such changes in the wording which defeat the original purpose, when the Central Government itself is talking of the assignment of the powers of the State Governments directly to the village communities. In fact, the State Governments have no right to make such changes. The changes that are effected

must not be against the spirit behind the Central legislation. This is the lesson to be learnt from this study.

*To sum up, it can be said that if justice is to be given to the provision for the village forest, the rules for the same should not be (i) like those for gram-panchayat (ii) like those for J.F.M. (iii) like those for the social forestry.*

A draft for the model rules is presented in the following pages for consideration of all the concerned.

# **A Draft for (State) Village Community Forest Rules, (Year)**

In exercise of the powers conferred vide Sec. 28 (2) and Sec. 76 of Indian Forest Act 1927 and Sec.- of (State) Forest Act - , the Government of -- hereby makes the following rules which will come into force from the date of their publication in the Official Gazette.

**Title :** These rules may be called (State) village community forest rules, (Year).

**Assumptions :** These rules are based on the following assumptions by the State Government -

i) The State power, without the aid of the people's power, cannot fulfil its purpose.

ii) Legislation or the framing of rules in itself does not guarantee its implementation. Only when the acts and rules are such that they are normally followed by the people on their own accord or are generally acceptable to them, they can be successfully implemented.

iii) Initiative should rest with the people. The Government should help them if they are taking a step forward.

iv) The centralised, representative government should encourage the people to accept the responsibility to deal with most of their affairs at the level of the primary village community through consensus. Only that which cannot be done at the lower level should be done at the higher level - this should be accepted as a guiding principle. This will lead to the empowerment of both the people and their representative government.

**1. Definitions :** In these rules, unless the context otherwise requires -

**1.1 Village community (gram-samaj)** means a group of people numbering 200 to 500, who live near each other and resolve (vide Form 1) -

i. to take all the decisions in the village community meetings through consensus and implement them strictly.

ii. to see to it that at least one male and one female member from each family is present in every village community meeting and to undertake to pay fines decided by the village community in the event of abstention without any cogent reason.

iii. to deposit 2.5% of their personal income or produce, in cash or kind, in the village community fund.

**1.2 Village community assembly (gram-samaj-sabha)** means the assembly of the village community wherein at least one male and one female member from each family is present, if available. (The expression 'if available' is used because there may not be a male or a female member in some of the families.)

**1.3 Village forest management community (or VFMC)** means the village community, as defined above, which has decided to manage the surrounding forests.

**1.4 Act** means the (State) Forest Act, (Year).

**1.5 Village forest** means a forest which the State Government has duly entrusted to the village community for management.

All other words and expressions used but not defined in these rules shall have the same meaning as respectively assigned to them in this Act.

## **2. Procedure for constitution of village forests :**

**2.1 Campaign for dissemination of information** - The forest department, with the co-operation of other government departments and voluntary agencies, will organise, from the 26th January to the 31st January every year, a campaign to make the



people aware of the Act and the Rules, in all the districts having 20% or more forest area.

**2.2 Filing declaration in Form 1** - All the adult members (those having age of 18 years or more) of the village community should, after full consideration, fill the declaration in Form 1, sign it or affix his/her thumb impression, and file the same with the Tehsildar, taking his acknowledgement, with signature, seal and date, on a copy thereof.

**2.3** All the declarations in Form 1 received at the Tehsildar's office will be noted in Form 2. The action taken will also be noted thereon.

**2.4** On receipt of every declaration at his office, the Tehsildar will issue written notice (vide Form 3) to first two persons signing the declaration, within 8 days, advising the time, date and place where he or his representative will be coming for inquiry and verification of the declarations. It will be the responsibility of these two persons to intimate other persons who had signed the declaration. A copy of Form 3 will also be affixed on the notice board at the village *panchayat* office. A copy of Form 3 will also be sent to the concerned Deputy Conservator of Forests with a request to attend the verification meeting or depute his representative for the same.

It is incumbent on the Tehsildar to see that the notice in Form 3 reaches the recipients at least 8 days before the verification meeting.

It is also incumbent on the Tehsildar to complete inquiry and verification of Form 1 within a period of 60 days after the receipt.

**2.5 Meeting for verification of declarations in Form 1** -

This meeting should be held at a public place in the village concerned; in no case should it be held at a distant place.

Arrangement for the meeting will be done by the Tehsildar through the concerned revenue official subordinate to him.

The Tehsildar himself or his competent representative will chair

the meeting. He will read out the contents of Form 1 along with the names of those who have signed, or affixed thumb impressions, on the form. Proceedings of the meeting will not be recorded. The Tehsildar will note the conclusions of his verification in Form 4 then and there and hand over a copy of Form 4, with his seal and signature, to the first-named person in Form 1, and also to the representative of the forest department. If it is found in the verification that the declarations are genuine and filed after due consideration, the Tehsildar will announce then and there that the village community has been duly constituted. If the declarations are not so found, he will tell the meeting about it, spelling out the reasons therefor.

The Tehsildar will give not more than three opportunities to those who are not able to attend the aforesaid meeting on account of some cogent reason like illness, absence from the village, requirement of appearance in a court of law etc. to take part in the verification process. He will note the date on which the absent person is to attend his (the Tehsildar's) office on the Form 4 itself. Not more than three opportunities would be given for this purpose. The dates for the second and the third time, if necessary, would be given in the manner adopted by a court of law.

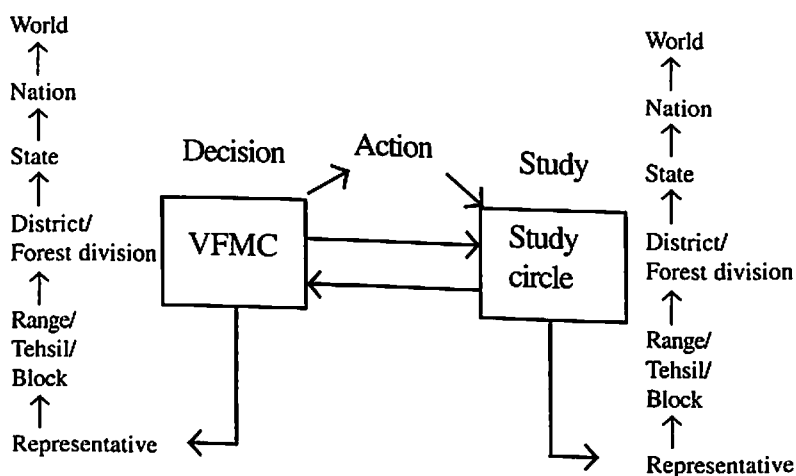
If the final verification is done in the office of the Tehsildar, he will intimate his conclusions in writing to the first two persons signing Form 1 and the concerned Deputy Conservator of Forests within a period of 15 days from the date of such verification.

When the village community is constituted, the said village community will automatically get the status of a village *panchayat* and a multipurpose co-operative society which will be duly noted in the records of the B.D.O. and the Deputy Registrar of Co-operative societies. For this purpose, the Tehsildar will give written intimation of the same to them within a period of 30 days from the date of announcement of the constitution.

## 2.6 Village Forest Management Community\* (VFMC) :

\* Village community will be the VFMC for the purpose of forest management. Therefore, VFMC will be automatically constituted on the constitution of the village community and it will legally have the status of a forest officer.

\* Methodology of the working of VFMC will be as shown in the Figure below.




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\* The word 'community' is of key significance. Forest management is not supposed to be done by any committee, however broadly constituted; but by the whole village community. Establishment of such community is vital for the constitution of the village forest.

### Decision-making

\* All the adult members of the village community will be members of the VFMC..

\* Attendance of at least one male and one female member from each family will be compulsory in every meeting. Fine will be imposed for abstention without cogent reason, and its amount will be deposited in the village community fund.

\* All the decisions regarding the village forest will be taken in the village community assembly by consensus.

\* Village community assembly will be held at least once in a month at the date, time and place fixed in the previous meeting.

\* Normally, representatives of the forest or the revenue department and the voluntary agencies or any other persons are not expected to attend the the village community assembly. They can, however, attend only with the prior permission of the village community.

\* There can be any number of meetings of the village community assembly besides the predetermined meetings, as per the requirement.

\* Only the members of the village community can participate in the decision-making.

\* The VFMC can constitute an advisory committee and decide about its structure and functions.

### The Study process

\* It will be absolutely clear that no decision concerning the village forest or the village community is to be taken in the Study circle.

\* Participation in the Study circle will be optional. Only those interested in the study process and the acquisition of knowledge will

take part in it.

\* The Study circle will meet at least once in every month at the time, place and date fixed by it; but excluding the days of the the village community assembly.

\* Attendance of the representatives of the forest department, the revenue department and the voluntary agencies working in the area in the monthly meetings of the Study circle will be compulsory. They could be fined if they fail to attend the same without cogent reason. Amount of the fine will be deposited in the village community fund.

\* There can be any number of meetings of the Study circle besides the predetermined meetings, as per the requirement. The representatives of the forest department, the revenue department and the voluntary agencies working in the area may not attend such additional meetings.

\* Outsiders can freely attend the meetings of the Study circle.

### ***3 Structure and working of the VFMC :***

**3.1** Every VFMC will have its own office on which there will be a board with the name of the VFMC written on it in English and the local language and the date of its constitution. Decision about the office and the board will be taken in the very first meeting of the VFMC and implemented within 30 days.

**3.2** Executive Committee of the VFMC will consist of the following 11 members whose functions will be as under -

- i. Chairman - To chair the meetings, and sign on behalf of the VFMC
- ii. Vice-chairman - To help the Chairman and work in his absence
- iii. Treasurer - To mobilise funds, keep the accounts and get them audited

- iv. Secretary - To keep the papers and documents in his custody, do correspondence and the writing work
- v. Joint Secretary - To help the Secretary and do his work in his absence
- vi. Account-holder no. 1 - To operate the bank account as per the directives of VFMC jointly with the Account-holder no. 2
- vii. Account-holder no. 2 - To operate the bank account as per the directives of VFMC jointly with the Account-holder no. 1
- viii. Passbook-holder - To keep the Bank Passbook in his custody and not to part with it unless directed to do so by VFMC
- ix, x xi. Members - To work as per the directives of VFMC

\* The Executive Committee will be elected in the very first meeting of VFMC.

\* The term of the Executive Committee will be upto the next meeting of VFMC.

\* The Executive Committee will not be empowered to take any decision independently without the concurrence of VFMC; its function is only to implement the decisions taken by VFMC.

\* Out of the 11 members of the Executive Committee, at least 5 will be women.

**3.3** The Village Community Assembly will send the information about the declarations, verification, office, executive committee, and the first meeting of the Study circle to the Tehsildar, B.D.O., forest officer, and the voluntary agencies (if any) vide Form 5 within 15 days after the first meeting of the Village Community assembly so as to reach all the concerned at least 8 days before the date of the meeting of the Study circle and obtain their acknowledgements with signature, seal and date. Subsequent changes, if any, in the

office address or the composition of the executive committee will also be advised to all the concerned in like manner.

#### **4 Functions of VFMC :**

The primary function of the Village Forest Management Community ~~mittee~~ <sup>Community</sup> is protection, conservation and management of the village forest assigned to it. In this context, VFMC will undertake, inter alia, the following activities -

\* Preparation of the resource inventories; preparation and maintenance of Village Community Biodiversity Register (VCBR).

\* Documentation of traditional knowledge and practices of forest conservation and management.

\* Undertaking all possible interventions for natural regeneration of the forest.

\* Wildlife management.

\* Development of benefit-sharing mechanisms.

\* Conflict-resolution and redressal of grievances.

\* Mobilisation of resources for fulfilment of its objectives.

\* Demarcation of the area and maintenance of boundaries.

\* Maintenance of the required books of record.

## Form 1

(See rule 2.2)

### Declaration as a Village Community

We, the undersigned, residents of ----- (*pada, tola, wada, mohalla*) of revenue village ----- under village *panchayat* ----, post -----, pin code -----, Tehsil -----, District -----, having taken the decision by consensus, declare that -

1. We undertake to take all the decisions regarding our village community by consensus in our village community assembly meetings.

2. At least one male and one female member, if available, from every family will participate in every village community assembly meeting, and will pay the fines decided by the village community if we fail to do so without cogent reason.

3. We agree to make a periodic contribution equal to one fortieth (2.5%) of our income or produce, in cash or kind, to the village community fund.

Signing this declaration, we hereby declare ourselves as a Village Community.

*(All further correspondence should be addressed to the first two persons signing below)*

<b>S.No. Name, Address and Phone no.</b>	<b>Signature / Thumb impression</b>
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**Form 3**

(See rule 2.4)

**Notice for the meeting for verification of Form 1**

To

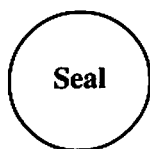
Shri / Smt -----(Person no. 1 and 2 in Form 1)

----- (Full Address)

Subject - *Notice for the meeting for verification of Form 1*

This office has received your declaration vide Form 1. A meeting for verification of the same will be held on --- (day), dated the --- at -- a.m. / p.m. at ----- (place). Please intimate other persons signing this declaration about the meeting, be present at the meeting and cooperate in the work of verification.

Received the notice on - - (date)

*(Signature/Thumb impression of Person no. 1)**(Signature/Thumb impression of Person no. 2)*

Yours Sincerely

(Tehsildar)

**Form 4**

(See rule 2.5)

**Record of the verification of Form 1**

Tola/pada/wada/mohalla ----- Revenue village -----

Tehsil ----- District ----- State -----

Verification meeting Date ----- Time ----- Place -----

1 Total number of signatories of Form 1 -

Out of them number of those present ----- Their S.No. -----

No. of those absent ----- Their S.No. -----

Number of those absent because of illness ----/ other reasons ---

-----

2 Number of those saying that the signature / thumb impression is not his / her ----Their S.No.s in Form 1 -- --- ----

3 Are there any residents whose names do not appear in Form 1 - Yes / No. If yes, the reasons therefor and their no.

\* They do not want to make the declaration -----

\* They were wilfully excluded by the signatories -----

\* Inadvertently excluded -----

4 Other notes -----

### *Verification*

5 The declaration was found true and genuine; therefore the concerned group of people is hereby declared as a village community.

6 It is being advised that the concerned persons are requested to attend the tehsil office to remove the shortcomings in the verification at ----- (time) on -----(date).

7 The declaration was found false.

*(Strike off whichever is not applicable)*

(Signatures of person no. 1 and 2 in Form 1)

(Signature of Tehsildar or his representative)

(Signature of Dy. Conservator for forests or his representative)

Seal

Seal

**Form 5**  
(See rule 2.8)

To

- 1 The Tehsildar, ----- 2 B.D.O., -----3 Forest officer,-----  
4 Dy. Registrar, Co-operative Societies, ---  
5 Representative, Voluntary agency (if any)

Sub. - \* *Notice / Information about declarations, verification, office address, executive committee and the first Study circle meeting.*

*\* Change in office address / executive committee  
(Strike off whichever is not applicable)*

The Village Forest Management Community, At ---, Post ---, Tehsil ----, District ----, -----(State) advises as under -

1. Our village community filed declarations vide Form 1 with the Tehsildar, ---- at his office on -----.

2. The declarations were verified by the Tehsildar / his representative and he announced the constitution of our village community on -----.

3. The first meeting of our Village Community and Village Forest Management Community was held on ---- .It was decided in the meeting that -----

*or*

As decided in the meeting of our Village Community and Village Forest Management Community, our office address has been changed to ----- / our new executive committee is as under ---

4. The first meeting of our Village Forest Study circle will be held on --- at --- (time), at ---- (place). Please attend the same or depute your competent representative.

Yours Sincerely

(Chairman, VFMC -----)

## **SUPPLEMENTARY READING**

# **India's forest-keepers**

**Mark Poffenberger**

In recent years, India has taken a position of world leadership in exploring strategies to stabilize natural forests through empowering communities as “keepers” of these valuable ecosystems. The evolution of this approach to resource management draws on both ancient traditions and emerging strategies. It is rooted in the concerns and initiative of India’s villagers. While foresters, NGOs, and researchers have assisted in supporting and illuminating this grassroots environmental movement, the restoration of an estimated one to two million hectares of degraded natural forests in central India must be credited to the efforts of the country’s forest protection committees. In thousands of villages, men and women are guarding their newly regenerating forests, often without government projects or the advice of outside experts. Villagers have done so to ensure that their children, and children’s children, will have the forest, water, and soil resources critical for their survival. It is a story of cooperation, environmental understanding and appropriate action. Forest protection is often initiated by a deep understanding of ecological systems and relationships, even though it is expressed in the metaphors of rural people.

It is clearly naive to assume that rural communities will easily rise to resolve the world’s resource crisis, drawing upon their traditions alone. Social conflicts exist, inequities are present, and injustices common. The resources they can protect are usually those within a few hours’ walk at the most. Yet, in order to survive, it is incumbent upon rural inhabitants, so directly dependent on natural resources for their livelihood and habitat, to protect and conserve them. There is mounting evidence that in eastern India, as scarcities grow, villagers are finding ways to organize and sustain their forests.

And they are not waiting for governments or non-government organizations to lead the way; they are frequently initiating effective management controls on their own; and while sometimes they falter, the momentum appears to be growing and deserves support for their sake, and for ours. To do so, we must better understand the actions of our brothers and sisters in the villages, their concerns, their strategies for resource stabilization, the problems they face, and where supportive action from outside individuals and agencies might be most helpful.

### *Understanding the Problem*

The forces driving deforestation in India are complex. There is an urgent need to understand the relationships between resource degradation and social unrest, which threaten both the environment as well as the nation's social and economic stability. India's forest ecosystems have suffered from extensive, successive disturbances over the past century. While the nation's investment in massive plantations of exotic species was impressive and meaningful, few would argue that it had any significant impact on conserving India's natural forests. Today their existence is threatened.

Statistics concerning rates of deforestation are misleading. They imply that forests are either present or gone, disappearing absolutely at a rate of so many hectares per day. Although some forests do disappear abruptly through clear-felling or devastating fires, most forest ecosystems instead suffer a process of degradation. This occurs through a series of human interventions that result from a lack of management controls. Often responsibility for deforestation is cast on a single user group, whether it be loggers, farmers, or women fuelwood headloaders; yet, more often, multiple actors are involved in disturbing the same tract of forest at different points in time. Millions of hectares of forest land are overexploited through selective logging, illegal cutting, grazing, migrant farming and fire. Most of India's forests are degrading over time, "ratcheting down"

biologically as they lose biomass, diversity, and topsoil, eroding their complex structural and functional integrity.

Attempted solutions to the problems of deforestation are often misguided and ineffective. Too commonly they are defined in terms of capital investments, state-of-the-art technologies, and enhancement of modern professional capacities. Yet the huge investments and new technological strategies of past decades have had relatively little impact, as witnessed by unabated rates of forest degradation. A recent World Bank report noted, after spending \$ 1.5 billion on forestry projects in Asia between 1979 and 1990, "The Bank's investments have had a negligible on borrowers' forestry sectors as a whole." Even in the well-funded, best-protected "Project Tiger" parks in India, the amount of forest land classified as degraded increased by an estimated 186 per cent between 1983 and 1989, while good quality forest, with canopy closure of more than 40 per cent, declined by 50 per cent during the same period. If the most intensively "managed" and heavily funded wildlife parks in India are deteriorating at such a relentless pace, reserved and protected forests with far fewer guards and much smaller budgets appear to have even less chance of surviving.

Forest management systems evolving since the nineteenth century colonial era have been premised largely on models of unilateral, centralized state control. In India, an estimated 97 per cent of all forests are owned by the state. The nation's forest departments, entrusted with the protection of these lands are comprised of only one and one-half lakh staff, most of whom are office-bound and heavily burdened with administrative duties. Despite their limited field time, they are responsible for monitoring the forest use of an estimated three hundred millions of rural inhabitants, as well as loggers and livestock. The ongoing failure to stem forest degradation indicates that forest departments alone are simply incapable of such an unrealistic mandate.



With the rapid expansion of human populations and the transformation of national politics and economies, the world has changed dramatically. Rural communities in India have growing political power to demand rights to manage the local forest resources upon which they depend. Elected political representatives are gaining influence under emerging local governance systems (*Panchayati Raj*) and are attempting to respond to the concerns of village constituencies. India's natural forests have suffered severe degradation over the past two centuries. Deforestation has accelerated even faster during the last three decades. Remote sensing of India's forest cover between 1980 and 1987 indicated that deforestation was proceeding at a rate of 1.48 million hectares per year, far more rapidly than previously believed. More recent imagery for 1989-91 suggests that deforestation may be slowing, possibly due to the combination of an immense national investment in fast-growing tree plantations. Yet, plantations of fast-growing species cannot be equated with natural forests. Monoculture eucalyptus and other plantation species do not possess the biological characteristics of natural forests. Further, plantations are not generally established for environmental reasons and are usually felled within a decade of establishment. By the early 1990s, estimates of good forest cover in India, with a crown density of at least 40 per cent, ranged between 9 and 13 per cent of the land area. These figures stand in stark contrast to the national goal of maintaining one-third of the nation under forest.

It has been estimated that India's forest-dependent populations minimally require 0.5 hectare of forest land per capita, while the mean availability is only 0.1 hectare or one-fifth that required. Further, India's burgeoning population, which is now approaching 1 billion and continuing to expand rapidly in poor rural areas, faces a shrinking pool of forest resources. Given these trends, a predictable response has been continuous overexploitation and further degradation.

Formal economic indicators fail to reveal the importance of

forest resources for subsistence and informal users. In the 1970s, decisions to make major capital investments in industrial forest development in Bastar and other areas were based on the forest sector's minor contribution of 1.3 per cent to the GDP and its ability to formally involve only 0.2 per cent of the national industrial labour force. Yet, India's forests are critically important in meeting a wide diversity of needs for millions. Natural forests directly contribute to the survival of more than 50 million of the world's poorest tribal people. Hundreds of millions of rural people heavily depend on informal sector forest-based livelihoods. In addition, millions of lowland farmers rely on upland forests and the watersheds they protect to control flooding and to provide a stable supply of irrigation water. India's vast population of city dwellers also depends on water and electrical power originating far upstream.

A major objective of modern forest management has been to optimize the production of a few valuable timber species. Until the 1970s, foresters relied primarily on manipulating natural forest ecosystem processes to enhance timber productivity. The establishment of plantations of exotic timber species was adopted because degraded forests were failing to regenerate naturally. Overexploitation eroded the natural resilience of the ecosystem to generate new growth. Traditional community forest use practices and protection systems also broke-down as indigenous rights declined, and local authority to control access and protect forestlands was lost. Simultaneously, growing local and migrant population pressures often reduce fallow periods, diminishing soil fertility and pushing rural farmers onto more marginal forest lands. Without effective protection to prevent further exploitation and allow for a period of recovery, the natural process of secondary forest succession is slowed or ceases entirely with even further occurrence of ecological degeneration.

As poorly protected natural forests repeatedly failed to regenerate, and as industrial demands for raw materials rose, foreign

donors and national governments began advocating the adoption of fast-growing plantations and increased capital investments. Ironically, the lack of access controls, which were driving the degradation of natural forests, also generated similar management problems. In both cases, effective protection was a fundamental prerequisite for forest stability. In fact, monoculture plantations of exotic species often proved to be even more vulnerable to natural disturbances and far more costly to establish. Driven by growing concerns over timber requirements and rural fuel supplies, the Indian Government, often assisted by donor funds, initiated a massive social forestry programme. Billions of fast-growing trees, primarily eucalyptus, were planted in India. The strategy sought to raise wood for local needs on common and private land, taking local pressures off natural forests, so that they could be used for industrial purposes and environmental conservation.

Social forestry, and particularly farm forestry, was successful in increasing the availability of construction poles, pulpwood, and small timber. The programme also began to sensitize forest department staff to community needs. Yet, the broader social forestry programme failed in a number of areas. First, it did not relieve pressures on natural forests, which continued to degrade. In fact, it can be argued that in many states the reserve and protected forests received less attention from the forest department, since staff became heavily occupied with the establishment and administration of social forestry plantation projects. Social forestry programmes were often not designed to respond to local community interests or institutional capacities. Communities were frequently dissatisfied placing responsibility for plantation management with politicised *panchayat* organizations. In many communities, members felt they would never receive any tangible benefits from the project, and often did not. Finally, and most critically, social forestry programmes failed to respond to or resolve conflicts between communities and government over rights to natural forest lands. This failure led to continued overuse

and frustrated attempts to stabilize forest use and allow ecological regeneration.

By 1985, there was still a sense among senior planners that plantations could continue to help achieve the broader goal of restoring forests on an estimated 70 million hectares of degraded lands. Yet, experience indicates the nation was only able to replant 3.7 million hectares between 1950 and 1980, with little information regarding the survival of these plantations, while the pace of deforestation during the 1970s and 1980s was averaging 1 to 1.5 million hectares annually. Even the targets of the Sixth Five-Year Plan only anticipated planning of 0.4 million hectares per year. B.B. Vohra notes, "The very serious limitations from which our forestry establishment suffers in this field arise mainly from their traditional lack of rapport with local populations."

Sheer logistical problems involved in covering millions of hectares appear far beyond existing institutional capacities. The monetary investments required are also staggering. Finally, covering India's degraded lands with fast-growing, short-rotation monoculture plantations, from an ecological and economic standpoint, may not respond to the nation's environmental needs, nor to the requirements of her rural population.

Only through the resolution of conflicts at the local level can sustainable management systems be established. Increasingly natural regeneration is recognized as the only practical solution to restore much of the nation's degrading forest resources. Community protection of these degraded forests is increasingly viewed as the key element to facilitate this process of ecological restoration. There is a growing movement worldwide to move away from industrial forestry based on plantation technologies towards a holistic or new forestry that emphasizes management of the entire ecosystem including the soil, shrubs, as well as the tree species. This approach can rely both on indigenous wisdom gathered over generations of

experience as well as modern science.

In recent decades, some communities have begun protecting natural forests on their own initiative, or with the encouragement of forest department staff. Rather than relying on exotic species, communities attempt to regenerate the ecosystem by protecting it from grazing, fires, and cutting. Recently referred to as joint or participatory forest management, this approach to forestry is very distinctive when contrasted with the social forestry programmes of past decades.

### *People Creating Solutions*

A growing number of foresters and planners acknowledge that one of the most promising strategies to stabilize forest resources may be through creating partnerships between rural people and forest agencies. When given clear rights and responsibilities, disempowered forest communities are proving they can work as allies with government field staff and non-governmental organizations (NGOs) to establish effective access controls and install regulated forest use systems. This strategy, however, implies a massive transfer of responsibility to hundreds of thousands of forest communities.

A strong political commitment is essential from government if it expects to successfully devolve and delegate authority to rural communities. Often this transfer will require a shift away from powerful private commercial interests at the risk of alienating them. Government agencies possess limited experience with cooperative endeavours involving rural people as equal decision-makers and partners. Past alliances of foresters have primarily been limited to industry. Techniques, procedures, and institutional norms for decentralizing forest management have not yet been well developed or tested.

Planners are beginning to recognize the need to address more fundamental institutional and political problems that drive forest

destruction. While the process of change urgently needs to be accelerated, foresters, NGOs, and social scientists are beginning to work collaboratively to adapt their strategies to meet a changing forest management environment upon entering the twenty-first century.

India appears to be leading the way. Many thousands of communities in India are taking action to protect their threatened natural forests. Tribal communities, particularly, are building upon traditional resource management practices, as well as developing new strategies to gain authority over forest lands and water. Not surprisingly, these grassroots environmental efforts are most common in the poorest regions, where villagers are suffering most from growing resource scarcities. Many of India's tribal people depend on forest tubers as a staple food for six months of the dry season each year. If the forest cannot be stabilized to meet such compelling subsistence needs, its disappearance may eventually dismantle entire villages, forcing them to migrate to urban slums and destroying even their subsistence economy, community, and traditions in the process. Instead, they will place an immense burden on urban infrastructures and create growing dependencies upon the state for their survival.

Fortunately, relying on local leaders, village councils, volunteer patrols, indigenous knowledge, and consensual decision-making, a growing number of communities are stabilizing and regenerating their forests. This experience stands in stark contrast with conventional development strategies that depend on outside capital and new technologies managed by government officials. It is a humbling thought to recognize that rural people are accomplishing what investments of hundreds of millions of dollars could not.

### ***Historical Patterns of Community Forest Protection***

While India's rural environmental movements are poorly understood and documented, they appear to be gaining momentum and receiving support at the village, state and national levels. Clearly

local environmental activism is not a new phenomenon but is rooted in the past with strongholds in certain regions of the country. One study identified sixty-four incidences of major tribal revolts between 1778 and 1971, most of which reflected repeated uprisings by the tribal people of the Chotanagpur Plateau, the Bhils of Gujarat, and the tribes of northeastern India. Often resistance was triggered by encroachment of agricultural land, though there is increasing evidence that tribal concerns over the loss of their forest resources was an important factor in many insurrections. The curtailment of tribal rights and privileges over forest resources under the 1894 national policy on forests was a major blow to the rights of forest dwellers, initiating a process of alienation from critical resources. For more than a century, tribal people have been squeezed between the alienation of their land to moneylenders and high caste Hindus and the loss of their forest resources to contractors and state agencies. This has led to a deep-seated antagonism between tribals and foresters, not improved by the general attitudes of agency staff toward forest communities.

Aside from armed struggle, tribal communities throughout India have sought greater control over their natural resources through political movements. In some cases, tribal communities have allied themselves with communist insurgency groups (Naxalites) to better empower their struggle. In explaining the incidence of violent tribal struggle, one anthropologist notes that a primary factor has been the "harshness of the forest laws and regulations and the lack of sympathy and understanding in administering them."

For decades, many political leaders, social scientists and foresters have championed the cause of India's tribal communities, and much progressive legislation was passed to protect their land tenure rights. Notwithstanding these sincere efforts, the position of tribal peoples has declined with the degradation of their forest resources, the shrinking of common property grazing lands, and the loss of agricultural land. Driven into poverty, tribal communities, which

once practised more sustainable forest management, began overexploiting local resources, including overgrazing pastures and forests, shortening rotation periods on agricultural land, and intensively hacking and uprooting trees to obtain firewood for commercial sale in order to survive. As the resource base degraded further under these pressures, the cycle of poverty, migration and social erosion has intensified.

Yet, as forest resource shortages became acute, in some areas village leaders have drawn attention to the problem suggesting that strict forest controls be established. Voluntary patrols to regulate use have been successful in many villages, allowing rapid regeneration to take place, while encouraging other communities to adopt similar management systems. The spread of these initiatives is apparent throughout south Bihar, southwest Bengal and Orissa, and it is now being identified in southern Rajasthan, Gujarat, the hills of Uttar Pradesh, and parts of Madhya Pradesh and Maharashtra.

The speed at which this grassroots environment movement has spread in eastern India during the 1980s is possibly unprecedented in Asia. Villagers are increasingly cognizant that they cannot rely on government to resolve their resource crisis, and that only through their independent local actions can they meet their natural resource needs. That community acquisition of state forest lands has not been opposed by state agencies appears to be tied to their diminished value. To the extent that forest departments are passing supportive orders for community forest protection, it is generally limited to badly degraded areas.

During the 1970s and 1980s, while state forest departments were preoccupied with large plantation-oriented social forestry projects, community forest protection groups began emerging with little attention from forest agencies. With the possible exception of West Bengal where a few progressive foresters, encouraged by the state's populist government actively supported and facilitated the



emergence of Forest Protection Committees, no formal programme or projects were initiated to foster the spread of local forest protection. It was not until the scale of grassroots forest management initiatives began to be recognized in the late 1980s that the national and state governments began to perceive its significance and acknowledge a need to recognize and legitimize community efforts.

In 1988 and 1989, Orissa and West Bengal passed state Resolutions recognizing the validity of community forest protection. In June 1990, the Government of India passed guidelines notifying that exclusive rights to forest products be extended to those villages effectively protecting public forest lands. By 1994, sixteen states passed similar orders. With the support of these resolutions, and under the banner of joint or participatory forest management, a mechanism is evolving to facilitate communication and coordination between forest villages and government.

Although the primary objective of joint forest management is to ensure sustainable use of the nation's forests to meet local needs equitably while achieving India's broader environmental goals, some contend that forest department's recognition of independent community forest management activities may be used to co-opt them and bring them under government control. Indeed, in some areas villagers are extremely wary of forest department's involvement and have banned them from entering their areas. In other regions, however, they are anxious for forest department staff to register their groups and demarcate their protected forests.

Most state forest departments have now been authorized to establish formal dialogues with communities and devolve some management responsibilities to them for the forests central to their survival. Still, many conflicts exist between village expectations and needs and state guidelines for forest management and product sharing. It may be best to view community initiatives to re-establish effective forest management systems as an initial reversal of more

than a century of state consolidation of forest control. How successful forest departments will be in establishing effective partnerships with communities remains to be seen. The devolving of management responsibilities for India's forests back to communities will require decades. We can only recognize that it is under way and that it is part of a historic process of social change likely to be irreversible.

### *Summary*

India's population of more than 900 million continues to grow steadily at a rate of two per cent a year. Most specialists estimate that the nation's population will not stabilize until it reaches between 1.5 and 2 billion, surpassing that of China by the year 2050. Given these demographic projections, the nation's natural resource base will require extremely careful and intensive management to meet basic human and environmental needs. At present, forests, groundwater and soil resources are being degraded and drawn down at a rapid, unsustainable rate. Highly decentralized local community protection may offer the best prospect to achieve controls that can ensure environmental conservation and sustainably productive use. Yet, given the emergence of bureaucratic systems of management over the past century, a major socio-political transition will be necessary to formally re-engage communities in the new equation. Reversals in policy, practice, and attitude at all levels of government will be essential to stabilize resource use.

Fortunately, many communities in India are responding to resource scarcities by developing localized forest protection and management systems. They are attempting to regain control over the forests and water resources central to their survival. Villagers are demonstrating that they can effectively protect degraded natural forests and enhance their rapid regeneration, biodiversity, biological productivity and ecological functioning. Yet, local resource management initiatives based on small communities, often comprised of fewer than twenty to fifty households, are vulnerable to collapse,

induced by more powerful individuals and groups, whether they be neighbouring villages, local politicians, business people or state agencies. These grassroots environmental movements, interpreted as local responses to environmental crises, will need encouragement to grow in their capacity as able forest keepers and leaders in the rehabilitation of vast areas of wasteland throughout India. In some states forest departments and local non-government organizations are beginning to play facilitating roles in both building community management capacity and legitimizing their efforts. The rights and responsibilities of sub-*grampanchayat* level communities require further clarification and support; not to regiment and rule them, but to help them in their diverse forms and functions. To do so, it is essential to understand better the conditions, incentives and processes that are driving this environmental activism. This learning has important implications for the future of India's environment and that of many other countries as well.

*(Abridged from Lovraj Kumar Memorial Lecture on July 14, 1995 published by Society For Promotion Of Wastelands Development, New Delhi. Mark Poffenberger is a social scientist specializing in natural resource management and has lived in India for many years.)*

# Community Forest Management in Orissa

Manoj Pattanaik

Not many people know that long before the term 'community forest management' (CFM) gained currency, people in parts of Orissa were consummate practitioners of the art. The first recorded instance of voluntary forest protection by communities goes as far back as 1936. Lapanga in Sambalpur district is where it all started.

By the 60's, many villages in western Orissa took to forest protection on their own. The 70's saw the trend which, by now, had taken on the proportions of a veritable movement, spread to newer areas in central Orissa. The districts where community forest protection has made substantial headway are Nayagarh, Mayurbhanj, Keonjhar, Dhenkanal, Sambalpur, Bolangir and Phulbani.

As per the estimate of NGOs and federations of forest protecting communities, there are no less than 8,000 village groups protecting some 2 mha of forest in the state now. What is particularly heartening about the number is that most of them were born out of the people's own volition, without any prodding from the Forest Department. The disappointing part, however, is that the implementation of a formal, FD-driven programme of joint forest management (JFM) has either created frustrating hurdles for local initiatives or, worse still, killed them altogether.

Despite the step-motherly treatment by the FD, community forest management has gathered strength day by day. Bald patches, having only root stock, where once stood the forest, have been carefully tended by the communities into lush green vegetation. The patches which once yielded next to nothing have now started yielding fuelwood, small timber, tubers and non-timber forest produces. Bushy forests, degraded forests, open forests and even the forests not yet considered degraded by the forest department have come

under the protective hands of the communities. Communities have taken control and management of the forests irrespective of the legal status of the forests.

The beauty of CFM in Orissa is the great diversity that it encompasses. There is no uniform pattern in motivation, methods, management practices and institutional structure of forest protection initiatives at various places. In some places, the acute scarcity of fuelwood, fodder and small timber has motivated the communities to create their own forests. In other places, villagers have protected forest as an economic asset. In still others, 'cultural identity', environmental degradation or even village pride has been the motivation factor for the protection initiative.

The methods of protection of forest are just as diverse. At some places, a '*thenga*' (bamboo shaft), as a symbol of the community's authority, is placed in front of the house of the person who is responsible for forest protection on that particular day. In other villages or even in the same village in subsequent years, the watchman, appointed by the communities and paid from contribution from each household, has been primarily responsible for forest protection. The village, as a whole, also keeps a vigilant eye on forest. Anybody who detects any theft or irregularity in the forest informs others and all villagers present at that time are duty-bound to respond immediately. Yet another option exercised by the communities is religious fencing— making good use of the religious belief of the villagers and their fear of the unknown.

It is not always a single village which protects forest. There are groups of villages protecting a single patch of forest or a cluster of forest patches. There are also individual crusaders like Bhubaneswar Thakur of Gadiajore village in Bolangir district who have made forests their home and have been single-handedly protecting chunks of forests. The institutional arrangements are no less varied. It could be a one-man institution like Bhubaneswar Thakur or the traditional

village body, the village forest protection committee, youth clubs or the *mahila mandals*. There are quite a few all-woman forest protection committees in Orissa.

The indigenous management practices adopted by the villagers are location and situation-specific and always strike a balance between conservation and the livelihood needs of the villagers. The resolution book, wherever maintained, could be a matter of study for the professional managers on how to strike the delicate balance between conservation and consumption.

Forest protection by communities has resulted in role reversal between forest department officials and communities, at least in a few places. Earlier, in case of need for bamboo or poles, communities had to request forest department officials to get them. But, now there are instances where the forest department people are approaching the village communities to get poles or other timber. This speaks volumes about the strength of the community forest protection initiatives in Orissa.

### *Networking : The new 'mantra'*

The villages involved in forest protection have developed their own networks for solidarity and exchange of information at district and, in some places, regional level. *Jangal Surakshya Mahasangha* (Forest Protection Federation), Nayagarh is the pioneer network formed in the mid-1980's to bring together more than 300 villages protecting their forests. Now the network has members from more than 500 villages and leads the State-level networking on forestry and related issues i.e. *Orissa Jangal Mancha*. District-level federations are playing active roles in Nayagarh, Dhenkanal, Bolangir, Baleswar, Angul, Khurda and Mayurbhanj. Networks at cluster or forest block level are actively mobilising people for collective protection and management of forest in the districts of Sambalpur, Deogarh, Sundergarh, Kalahandi, Koraput, Nabarangpur, Rayagada, Gajapati, Phulbani, Boudh etc. As the forest resources keep growing,

conflicts within the village at the inter-village level are also on the rise. An important function of the networks at different levels has been to resolve these conflicts and fight for greater rights over forest and its produces. In a general convention of *Orissa Jangal Mancha* in September 2000, the leaders of the forum developed a plan of action for strengthening networking among forest protection groups in different parts of the State. Networking efforts among forest protection communities have received greater attention following the meeting.

### *A real bonanza*

CFM has had a tremendous impact on ecology, society and economy. The overall impact of community-based forest management has been the regeneration of biologically rich forests and increase in the availability of both timber and non-timber forest produces. At many places, wildlife has come back to the protected patch of forest. Another significant contribution of people's involvement in forest protection is the change in perception about the ownership of forest. Now there is a 'we and our resource' feeling that questions the authority of the State to protect and manage the resource. On the economic front, the regeneration of forests has provided the people with a traditional livelihood resource they can fall back on in times of emergency like drought, flood and cyclones.

The social functions of community forest management have been far beyond expectation.

\* Because of forest protection by the communities, unity and solidarity within the village which is protecting forest has been strengthened. It gives the people a scope and platform to discuss community matters at a regular interval. Protecting the resources has led to a 'we' feeling and a concept of 'our resource' among the people.

\* Inter-village relationship and dependence has developed.

\* Social and cultural activities have increased manifold because of forest protection. Collective intervention has also helped the villages to revive their cultural practices. Because of forest protection, they now have the resources for organising socio-cultural activities. At many places, resources are being raised within the community to meet emergency requirements. In the district of Nayagarh, for instance, numerous villages have revived the system of "*chuli chanda*" i.e. regular collection of subscriptions from each family having one hearth for meeting the expenses on forest management and networking.

\* Networking on forestry has had profound social ramifications as well. With their newly found collective spirit, many villages have revived the traditional village judiciary systems whereby any conflict within the village is settled within the community without rushing to the police or the courts.

### ***Development through forest protection***

Though it is yet to spread to all forest protecting communities, many groups in Nayagarh, Bolangir and Mayurbhanj districts have taken to developmental activities in a big way. Villages have been constructing temples and other religious institutions. Forest protection efforts have often been launched with the promise that a temple or some religious activities would be constructed / organised once some money is raised from forestry operations. Some of the villages protecting forests have constructed primary and high schools in their respective villages. These schools are run on resources raised from the forests under protection, till the government takes over the management of the schools. Construction of community hall, office for forest protection committee, clubhouse and renovation and management of ponds are also being done by some forest protection committees. In emergency situations, the committees render relief services and provide interest-free loans to the people. In some places, the forest protection committees have been taking up income



generation activities, mostly using forest produces, though such instances are not numerous yet. Trading of *sal* leaf plates and cups is a common income-generation activity undertaken by many VFPCs in the State.

### ***Challenges ahead***

Although exemplary work has been done by the communities protecting and managing natural forests, there are issues which pose a threat to their sustainability. Some such issues are :

- \* Non-recognition of community initiatives by the government, especially the forest department.

- \* The carrot and stick policy of the government whereby the people, while entitled to certain incentives, stand to lose control over their forest resources, if they choose not to come under the formal ambit of JFM. The new JFM guidelines of Government of India issued in February 2000 lay down that all self-initiated forest protection efforts are to be brought under the purview of JFM by way of registration. The communities have predictably opposed this act of the Government as this would affect their traditional structure and functions, and there would hardly be any flexibility in operation.

- \* The fund-driven nature of the JFM kills voluntary initiative and leads to avoidable quibbling between villages and people over government grants.

- \* Absence of proper legal sanction to forest protecting communities, which often leads to harrassment, false cases, conflicts of interest and uncertainty of rights over forest resources.

- \* Conflicts of various nature at inter-village and intra-village level leading to deforestation, mismanagement of the resources, judicial proceedings etc. Conflicts over benefit sharing / usufruct rights, illegal felling by neighbouring villages, and demarcation of forest area between small and big villages and forest protecting

villages and nearby urban centres are common.

\* Inadequate participation of all cross-sections of population within a community in forest protection and management. In some cases, it has been noticed that the poorest of the poor are not able to contribute to voluntary community patrolling to guard the forest, at the cost of their labour. Inability of the leaders to address the issue leads to exclusion of these people from forest management efforts.

\* Inadequate capacity of forest protecting communities to meet the challenges in the management of the resource, market intervention, conflict resolution, equity and gender-related issues, networking etc.

\* Lack of continuous interaction between the Forest Dept. and forest protecting villages.

\* Absence of facilitating environment for adequate information flow to the forest protecting communities, networking among the CFM groups, lobbying and advocacy for policy change etc.

\* In the context of overall management of NTFPs (non-timber forest produce), powers of village forest protection groups are still limited and there is no conducive atmosphere for their involvement in procurement, processing and marketing. Procurement and marketing rights for 67 NTFPs have been given to *Gram Panchayats*. But in the absence of an enabling / conducive environment, real power is yet to vest in the community.

### ***An attitudinal change needed***

The present situation calls for a drastic change in the focus of forest management, from protection to conservation and ecosystem management. Even within the community, the objective of forest management at some places remains collection and sale of firewood, timber and bamboo. Organised steps are imperative to sensitise

and mobilise the communities for adoption of forest management options / practices based on NTFPs management and biodiversity conservation. Forest should be considered a development resource and needs to be managed in such a manner that it can contribute to the development of the community as well as the area.

But, more than the communities, it is the Forest Department which needs a change of attitude. It still looks upon community forest management (CFM) initiatives with suspicion. In its efforts to meet targets fixed under the joint forest management (JFM) programme, the department seeks to usurp people's initiatives and bring them into the formal ambit of JFM. All possible means – from cajoling to coercion – are used to make the people fall in line and register their forest protection groups as *Vana Sangrakhyaana Samitis* (VSS). Predictably enough, the forest department plans have been opposed tooth and nail in places where forest protection groups are strong.

All the stakeholders in community-based forest management (important among them being the foresters, communities and their institutions and networks and NGOs) need to be properly oriented and conditioned for such a change, which is definitely a Herculean task.

### ***A possible recipe***

1. Direct and collaborative action for public policy research and analysis in the State on environment and forestry.
2. Research on the economic aspects of forestry and contribution of community forestry to the local as well as state economy, research on conflict management models by the communities and their networks, networking in forestry and other natural resources, NTFPs management, building up alternative forest management models etc.
3. Clearing house of information on forestry and other natural resource management.

4. Advocacy by forest protecting groups and their networks, NGOs, etc. for changes in policy and practice.

5. Initiating and supporting Forestry Federations and NGOs for strengthening networking efforts in forestry and advocacy and field demonstration initiatives for ensuring changes in forest management objectives and options.

6. Undertaking market research and back-up support for processing and marketing of NTFPs etc.

7. Facilitating product development, product profiling etc. for effective value addition and marketing of NTFPs.

8. Promoting local consumption of NTFPs and capturing local markets.

9. Strong interface between foresters and community.

10. Facilitating an interface between the forest protecting and non-protecting villages and exploring possibilities for collective management of forest.

11. Promotion of forest resource management for community development and area development.

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# **Integration of Participatory Forest Management Approach with the Provision of Sec.28 of the I.F. A., 1927**

**Tasneem Ahmad**

Participatory Forest Management (PFM) programme can be used as an effective tool for the conservation of forests and upliftment of local village communities provided that it is implemented with commitment and dedication with sound legal backing. Orders and notifications issued by various State Governments in this regard do not, in general, appear to have any statutory force and as a result, it may become difficult to pursue the objectives of the programme in an effective manner over a long period of time, which is one of the primary requirements of any forestry activity. Instances have come into notice where, without any authority and jurisdiction under law, the Forest Protection Committees (FPCs) have recovered fines from the people for grazing their cattle, felling trees, breaking land etc. in the forests for the reasons of committing forest offences as made punishable under the Forest Act. It is a matter of fact that besides right of way and right to water course, the Indian Forest Act, 1927 has the provision to allow continuance of exercise of right of pasture and to forest produce even in any lawfully constituted Reserved Forest. The position of Reserved Forests in Shirpur taluka of Dhule district in Maharashtra is an example where such rights in favour of Bhil tribals are admitted under the relevant provisions of the Forest Act. No doubt the objective of FPCs may be bonafide, but the possibility of such actions causing serious injustice to local illiterate tribals as well as other persons who lawfully hold rights in such forests cannot be ruled out. Indeed, being violative of law of the land, this kind of extrajudicial functions cannot be permitted to be performed without proper authority of law. Record of rights show lawful

existence of numerous undefined and unrestricted prescriptive rights of the people specially over forest produce (including wood-cutting) and to pasture in Protected and unclassed forests (including *zudpi jungle* in Vidarbha Region of Maharashtra). Since these records of rights are not conclusive and carry only presumption of truth, there may still exist some other lawfully acquired rights which are not recorded, and are subject matter of enquiry. As all these rights are liable to be lawfully exercised without any consideration for the safety of the forests, they will have to be restricted and controlled, while implementing PFM programme, at least to the extent that the forests are known for forests and continued exercise of rights in them (forests) on sustained basis is ensured. But from the viewpoint of justice and equity no restriction or curtailment in the enjoyment of any lawful right should be imposed on the people (or individual) without following due process of law. This is essential to avoid conflicts that arise in day-to-day implementation of the PFM programme.

Careful study of the provisions contained in Chapter III [Section 28] of the Indian Forest Act, 1927 would reveal that it provides not only a complete solution to the above problems, but also a sound legal basis to the entire programme. A brief description of "Village Forests" as contained in Section 28 of the Forest Act, and the procedure for its constitution alongwith its scope is summarised as under :

\* All the lands included in Indian Forest Act, Section 3 need not necessarily be made into Reserved Forests for the benefit of the State. Some will be best made over as Village Forests for the benefit of the villagers whose rights in them are already extensive. A Village Forest is practically a kind of reserve, for it is under the technical management of a Government Officer, but the surplus revenue goes to the village community. A Village Forest is not the village waste given up to the village under a land revenue settlement, but a "forest"

properly constituted.

\* Under the I.F.A. the process is exactly the same as for constituting "Reserved Forests"; only that in the end the area reserved would be, by a formal order by the State Government under Chapter III, Section 28, sub-section (1), assigned to the village, or group of villages intended to be benefitted. An already existing Reserve may be assigned or a reserve may be constituted *ab initio*, specially with the idea of constituting it to be a Village Forest. In the later case, the settlement of rights would be simplified by the fact that as the rights would presumably be those of the village for which the forest is being constituted, the rights that need settlement would be those of persons or estates other than the village. The grazing, wood-cutting rights etc. of the village itself would no longer be rights of the village over another property; they would become enjoyments of the estate to be assigned to the village itself, and any regulation and definition, or number of cattle, season of grazing, number of trees to be cut, area of brush wood or small wood to be cleared annually for fuel, would become matter of working plan (or scheme for the proper and sustained utilization of the forest) which ought in such cases to be prepared periodically. The prescriptions of such a working plan or scheme can be incorporated in rules to have force of law [Section 28, sub-section (2)], and duties of the village bodies for the protection and improvement of such forests may be defined. Except in the case of any rights of outsiders, grazing on all open parts (to be opened according to the working plan or the scheme referred to above keeping in view the minimum time required for the establishment of new regeneration there in that portion) of the forest, and whole annual yield of material would go to the village, to be distributed by the village officers or the FPCs, as the case may be, according to proper proportions for each farm or holding or any other suitable criteria – which would be recorded. And in case of any surplus which is available for sale, it should be prescribed what is to be done with the proceeds, which ought invariably to be devoted to some common

object like schools, hospitals, arrangement for drinking water, roads, bridges or other community welfare activities etc., and not to be distributed in small cash sums to individual villagers.

The concept behind handing over reserve forests to the villages in the form of Village Forests is not as private property to be broken up or dealt with at pleasure, but to be kept and managed as forest for the benefit of the whole community on sustained basis.

\* Section 28, sub-section (3) makes provision of reserve forest applicable to Village Forests to ensure protection and their maintenance. To make the FPCs more effective in facing problems related to protection (that may sometimes arise), the office-bearers of the committee may, by designation, be invested by issue of a notification under Sec.2 (2) of the IFA with the powers of a Forest officer particularly under sections 64,52,66,70, and 79 of the IFA regarding arrest without warrant, seizure, prevention of forest offences, impounding of cattle, and seeking aid and information respectively.

While integrating the PFM programme with the formation of "Village Forests" it has to be borne in mind that the scope of section 28 of the IFA as applicable to the State of Maharashtra is broad, where, besides the Reserved Forests, provision also exists for the assignment of the rights of the Government to village community in or over a Protected Forest. Nevertheless, the basic object of constituting a "Village Forest", as explained above, is attainable by the assignment of Reserved Forests only. It is because, among other things, there exists no provision for settlement of adverse rights in Chapter IV of the IFA related to the Protected Forests. Adverse rights, lawfully existing even in favour of persons and the estates other than the village / villages to whom the forest is intended to be assigned, continue to be exercised and grow irrespective of their magnitude and potential to cause permanent injury to the forests. No rule or prohibition can be enforced, or has any effect against a



right in protected forests as provided in Sec. 34 of the IFA. In view of such a legal position, inclusion of protected forests as such (without converting them into reserves) in the forests intended to be assigned to the villages as "Village Forests" cannot serve the purpose of forest conservancy, and as a result, the interests of the village community on sustained basis.

*(Tasneem Ahmad, a senior forest officer, is now Conservator of Forests, Amaravati Circle, Maharashtra)*

## **Government of Maharashtra's Nistar review committee recommends constitution of village forests**

The rights of the village community to take things necessary for its sustenance from the nearby forests are legally recognised in Maharashtra, Madhya Pradesh and Chhattisgarh and are called Nistar rights. National Forest Policy 1988 also talks about safeguarding the rights of and concessions to the tribals and other rural poor dependent on the forests for their sustenance and gives preference to their needs, thereby reinforcing the people's rights.

But, despite the Nistar rights, the concerned forests remained under the management of the forest departments, which led to their degradation. It has become imperative for the village community to manage its forest so that it can enjoy Nistar rights on a sustainable basis.

A committee, appointed by the Government of Maharashtra to review the Nistar policy in two of its predominantly forest districts, unanimously recommended, in June 2002, that village forests be constituted in all the villages having more than 33% area under forests and they be entrusted to the village community for management. It also recommended that suitable rules be urgently framed for this purpose with people's participation.

VILLAGE VOICES  
FOREST CHOICES

PEOPLE'S FOREST  
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