

Development of the Forestry Institution

Forest administration in Nepal has undergone a series of fundamental changes which reflect the priorities of the government for forest products. Exploitation of forests was formalised through the legal-judicial process under the rule of Jung Bahadur Rana (1846-1877). A number of rules was drawn up to regulate access to forests and removal of forest products (Mahat et al. 1986). The promulgation of these rules coincided with an increased removal of forest products for sale to India.

British influence in the exploitation of forests in Nepal was significant. A British forest adviser, J. V. Collier (1925-1930), was appointed to advise on the regulation of the *Terai* forests and also to aid the export of sal (*shorea robusta*) from Nepal to India. Two forest offices were established: one in the *Terai* to regulate timber extraction in these areas and the other in Kathmandu responsible for the hill areas. Indian contractors, familiar with forest harvesting across the border, were brought in to work on these forests. Timber for railways was granted by the government, free of royalty charges, to the British in India, as part of Nepal's contribution to the First World War effort (Collier 1976:254). The system of forest exploitation remained centered around the use of Indian contractors. The Nepalese had little control over the exploitation of their forests and the flow of profits to the British in India.

It was not until 1942 that a forest service was created in Nepal, after another British adviser, E. A. Smythies, who had spent several years with the Indian Forest Service, was asked to advise on the structure of the new department. It was based on the Indian Forest Service, and its foresters were trained in India at the Imperial Forestry School at Dehra Dun, according to the procedures established for the regulation of Indian forests. The Department was established with three regional and 12 divisional forest offices. Forest exploitation was carried out under a series of working plans, following formats originally established in British India (NAFP 1982). Nationalisation of forests followed in 1957, in an attempt to wrest land from those who had supported the previous regime. This was only partially successful: many feudal landlords remained in control of forest resources and access to them. In other cases, the threat of nationalisation led to large-scale felling of timber to prevent the land being classified as forest land and, therefore, to become government-owned.

In 1959, the first Forest Ministry was established covering the entire country. However, there were still very few trained staff and, thus, managing each and every patch of forest

was not possible. Hill forests were not brought under any working plan. The forests remained unmanaged in the formal sense and forest administration understaffed and underdeveloped.

Following the failure of the democratic movement and the restoration of monarchy in the early 1960s, a new partyless *Panchayat*¹ system was introduced. Soon after, the Forest Act of 1961 was formulated which, together with the introduction of the *panchayat* system, had far-reaching consequences for local control of resources, including a provision for handing over forest protection to newly-formed *panchayat(s)*. Several categories of forest were delineated, each with different access rights assigned to them. These were the following.

- *Panchayat forest*: any government forest, or any part of it, which had been kept barren or contained only stumps, may be handed over by HMG (His Majesty's Government) to the village *panchayat* for the welfare of the village community on the prescribed terms and conditions
- *Panchayat Protected Forests*: a government forest of any area, or any part of it, may be handed over to the *panchayat* for protection and management purposes
- *Religious Forest*: a government forest located in any religious spot, or any part of it, may be handed over to any religious institution for protection and management purposes
- *Contract Forest*: Any Government forest area, having no trees or sporadic trees may be handed over by HMG in contract to any individual or institution for the production of forest products and their consumption.

Ownership of the forest land remained with the government and control could be resumed whenever the government deemed it necessary. The *panchayat* had some powers to fine those who transgressed against the law. However, management decisions remained with the government forest service. Private forests, which were considered to be poorly managed, could be taken over by the government for a period of 30 years. Any income from the forest would be given to the owner with a sum deducted for management costs. The Forest Act of 1961 legitimised *panchayat(s)* but not the forest users' control over local forests. This act, however, had little impact on those areas distant from Kathmandu where local people continued to use forests for their subsistence needs, regardless of legislation.

This act did, however, pave the way for later changes in legislation and provided the environment in which community forestry could emerge. One of the most important steps towards community forestry was made in 1974, as a result of the Ninth Forestry Conference held in Kathmandu. This conference convened forestry officers from all over Nepal. A community-oriented group of foresters, working in the districts, promoted a new form of forestry, in which local people were involved in forest resources' management, to be known as 'community forestry'.

¹ This system was abolished in 1990 following political changes which led to a diminution of the powers of the monarchy, and the emergence of democracy. *Panchayat(s)* have been replaced by Village Development Councils.

The proceedings of this conference formed the basis of the 1976 National Forestry Plan which reinforced the rulings of the 1961 Forest Act in allocating categories of forest land to the *panchayat*(s). However, wider powers were given to District Forest Officers under the Plan to formalise the transfer of nationalised forest land to *panchayat* control. In 1978, the *Panchayat Rules* were promulgated, which then provided the framework for the operation of forestry projects.

However, even as late as 1976 and following further administrative reorganisation, forests in remote areas were still not under the control of the Forest Department (FD) but remained the responsibility of the Chief District Officers. After 1976, the FD was organised so that each district came under the jurisdiction of a forest officer. Staffing at the field level was still relatively low, which meant that management of forests could only be implemented as strict protection. Therefore, throughout this time, the FD's role was entirely custodial, with no active management of the resources. This is perhaps an indication of the inadequacy of the rigid Dehra Dun forestry model, originally established by the British, in a situation in which the necessary physical and bureaucratic infrastructures were absent. In India, on the other hand, the colonial authorities expended great effort in the establishment of such infrastructure. It is an inappropriate model for the management of the forests of Nepal. The local people were 'illegally' using government forests to meet basic needs for firewood and fodder and, in many cases, access was regulated by local practice and not by the Forest Department staff.

This, coupled with the culture of bureaucracy, has led to the current situation, where the only option for the sustained management of hill resources lies in a partnership between local people and Forest Department staff. "The DOF has neither been able to stop the destruction of the forests nor has been able to manage the remaining forests in successive years" (Joshi 1993:10).