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Paper Presentations

Prior to the workshop, papers had been commissioned on several issues relevant to the workshop theme. This session was set aside for the presentation of these papers concurrently in order to allow time for them all to be presented to the workshop participants. The presenters were clustered into three groups to incorporate different countries and topics and to maximise the exposure of the participants to various aspects of the issues. Participants were free to choose

which of the sets of presentations to attend. A subsequent plenary session incorporated summaries of the papers so that all participants could be familiar with the issues presented in the concurrent sessions.

GROUP ONE

Conservation and Fundamental Aspects of Natural Resources in Uttarakhand

by Chandni Prasad Bhatt and Ramesh Pahari



Mr. A.L. Joshi, Chief Planning Officer, Ministry of Forests and Soil Conservation, Nepal, giving a presentation on forestry.

It was not so long ago that tribal areas could consider natural resources as the basis of livelihood, and resource conservation was an integral part of culture. The reasoning behind such a lifestyle was that it established the tribal peoples as independent societies. Stories related to these cul-

tures were famous in the Himalayan region; their independent economies allowed for the development of reli-

gious, social, and cultural aspects of the area. The Himalayan region had been home to many societies for centuries. Despite different lifestyles, natural resources remained the main source of livelihood, so conservation and proper use were common.

The Himalayas were storehouses of water and forests and thus regulated the weather for the continent of Asia. Uttarakhand, in the middle of the Himalayas, provided water for a large part of India and was rich in forests, minerals, and natural beauty. It was famous for religious places, and considered a *deo-bhumi*, abode of the gods. Despite the difficult geographical location, the people of the area managed easily thanks to the abundance of fertile agricultural land, water, and forests. Up to 80 per cent of their needs were met from the natural resources, and the culture flourished. Two centuries ago, Uttarakhand was considered rich in grain, livestock, herbs, and other forest products, and, for this reason, many royal families tried to capture it. Finally, it was conquered by the British. Since that time forest resources had declined drastically.

From early in the 19th century, the people of Uttarakhand were kept from using their resources without disturbance as the British began exercising their authority over the land and forests. Measurement and organization of forests for revenue were carried out between 1817 and 1823, and forests were given to contractors for commercial exploitation. Thus the destruction of the forests began. The Forest Department (FD) was formally established in 1878, and over the following 50 years more and more forests were declared 'protected', seriously affecting the lives of local people and their traditional management strategies. Village people began neglecting forests and fires

broke out frequently. Dissatisfaction against the government was voiced as people protested the portering and forced labour that were imposed.

In an effort to reduce people's grievances, the U.P. government established a Forest Grievance Committee, between 1911 and 1917, that made several recommendations. As a result, two classes of forests were delineated: Class I included forests with no commercial value in which people could have tenancy rights and Class II forests were a definition as in Class I kept under FD control. In addition, the Committee suggested that forests located near villages should be handed over to the *Panchayat(s)*. In 1927, the Indian Forest Act was passed, and it clearly defined the role of forest officers and *Van Panchayat(s)*; in 1931 *Van Panchayat* rules were approved.

The *Panchayat* tradition was a well known and positive institution of local governance throughout India, popular as well in Uttarakhand. Under British rule, however, the *Van Panchayat(s)* became pro-government institutions, and, even after 50 years of independence, they maintain this pro-government stance. Currently three classes of forests are found: *Van Panchayat(s)* under *Panchayat* control, Protected Forests under the Forest Department, and Civil Forests under the Revenue Department. At present, only 10 per cent of Uttarakhand's total forest area is under *Van Panchayat* control.

It was well known that, whatever arrangements the British made concerning natural resources, they were for their own purposes and not to benefit the local population. The biggest effect of their rule was the crippling of traditional institutions and an increase in people's dependence

on the government. The very forests that used to support people's livelihoods were destroyed by the people. Independence did not bring a reorientation or any attempt to re-establish the relationship between forests and local communities, and the 1980 Forest (Conservation) Act increased centralization and did not lead to expected forest development. In 1988 a new Forest Policy was announced that dealt with the relationship of forests and the people who depend on them. This policy emphasised protecting local people's rights.

Two hundred years of exploitation by the government and alienation of people from forest resources and their traditional protective attitude had taken a big toll. Forest degradation meant that both government revenue was declining and the environment was suffering in many ways, the drying up of water sources to soil erosion and increased flooding showed this. During the 1970s, when discussions of environmental problems were beginning at the international level, the *Dasholi Gram Swaraj Mandal* (DGSM) was beginning its creative work in the remote Uttarakhand district of Chamoli.

The declared aim of the DGSM was village self-government and an equitable society. It also worked for proper use and conservation of forest resources and advocacy of people's traditional rights. In addition, local people's organizational capacities were to be strengthened and women organized to take up issues of particular concern to them such as fighting against alcohol. The work of DGSM in fighting for people's traditional rights brought it into conflict with forest officials. A devastating flood in 1970 caused by large-scale deforestation made DGSM realise that forest conservation was necessary to be safe from natural disasters.

The Chipko movement started in 1973 to save trees from government exploitation and auction. This movement spread rapidly and became well-known. The movement emphasised non-violence on one hand and the love people have for the trees on the other. Women members of the movement declared the forest their mother, since the forest cared for human beings. Recognising that development of the forest was the development of the people, the movement put forward six demands.

- Forest policy was to establish forests as the protector of soil and water and was to fully ban cutting trees for business purposes in the sensitive Himalayan region.
- Proper inspection of forests was to be made and forest products were to go to those who depended on forests for their daily needs.
- Afforestation was to be carried out on barren land by local people in programmes related to village employment. Social forestry and agro-forestry was to be encouraged.
- The contract system was to be completely abolished in regard to forestry work and local people were to be fully responsible for all types of forest work.
- Small-scale industries based on forest products were to be established in forest areas. Raw materials and timber were to come from the forest and technical assistance was also to be provided.
- Plantation programmes were to be based on natural plant species that helped meet people's needs rather than rapidly growing trees used for commercial purposes.

Had these demands been honestly implemented, positive results would have resulted, but the government had not implemented many of these

programmes. Nevertheless the Chipko movement became a pioneer and many other forest protection movements followed. Not only had many forests been saved but other fundamental issues had been brought to the fore also such as women's rights in decision-making, Forest Act violations by Forest staff themselves, and how people would meet their fuel needs if all dry trees were sold by the department.

DGSM also worked on organizing village women and started a series of camps on the subject of forestry and environmental protection aimed at saving land from soil erosion and making barren land fertile and green. Many positive results were seen. Stability was returning to the soil and water supplies were being replenished. These programmes were more successful than various government-sponsored forest development projects which did not achieve their goals despite major expenditure. The difference was that whereas the government was seeking to fulfil targets, the people were putting their full hearts, minds, and emotions into the work.

A similar pattern could be seen throughout the world where declining natural resources, especially forests, were no longer sufficient to meet people's needs and practical programmes to solve this problem had not been developed. One of the main causes was the imperialistic attitude that abolished local people's control over natural resources and governments and worked only for their own purposes. The termination of imperialism had not changed this attitude or the structures that it built. In fact, regarding natural resources, the government's role should have been to provide technical guidance and planning to build people's expertise in these areas once again.

As a first step, rules and regulations were to be cooperative and programmes were to be people-oriented and not government-oriented. Although, in India, Joint Forest Management had initiated people's participation in forestry work, its success was doubtful since people's cultures, values, and traditions had not been put at the centre of this programme. The government needed to abandon the notion that natural resource conservation was the duty of the government alone and that only the government could carry it out. As long as the government thought that the development of the population was its responsibility, the theory of people's participation would only be an exhibition of the government's pride.

People were to be engaged in conserving resources and making working plans according to their traditions and needs, and the government needed to support their efforts. Such a venture would awaken the sleeping mentality of the people and would trigger their enthusiasm and capabilities. Attempting to re-establish the actual *Panchayat* system of ancient times was unrealistic talk, but certain positive aspects should not be ignored. The goal was to consider the village society as a basic unit. However, the *Panchayat(s)* were neither given the right to regulate natural resources nor village citizens encouraged to attend the *Gram Sabha* meetings. They were not truly representative institutions.

DGSM experience showed that there was neither scarcity of forest lands nor scarcity of human resources. What was needed was to establish consistency between them, but the mentality of both the government and the people did not allow this. Such thinking could not be changed at once, and an administrative struc-

ture that would persuade two different mentalities to move in the same direction was to be created. DGSM's vision was that the village management system that prevailed two centuries earlier again be made practical, that every village was to possess its own forest managed by the villag-

improve the conditions of village resources, and village institutions themselves were to avoid conflict and work properly. DGSM was to establish the concept of developing people's resources and only then could it face the challenges that had emerged from their decline.

Lessons from the Chipko Movement

- Each group and community had its own particular situation. Problems were to be solved by working together although people had different political viewpoints.
- The Chipko movement worked for the preservation of forests and natural resources and also for development of villages and local people. It had created awareness and women's empowerment through *Mahila Mangal Dal(s)*.
- People spread awareness among other local people so that they had the opportunity and came forward and helped in this quest. DGSM could use their potential and skills for natural resource management and that was a big step.
- Environmental policies were to accord with people's own traditions. DGSM believed that everyone had an equal share in forests and the environment and so everyone was to participate in helping preserve this precious heritage before it was lost.
- People had been paying too much attention to Western methods and techniques. Why could they not act on their own? They had been going towards the Western culture and had left their own values behind.
- DGSM believed that forests belonged to the people and that the grass roots' level people could take care of forests properly. Therefore, forests were to be handed over to communities and freed from government control.
- Resources were the people's, but people's participation was also needed. The government was to provide a supportive role. Government programmes were not to serve the government but the people.

ers themselves. As people were suffering from the effects of deforestation, they would accept the opportunity of revitalising their forests if it were to be offered.

Van Panchayat(s) were to be kept free of government interference and only those who worked within the village were to be members. Women were especially to be encouraged. Government was to provide technical guidance, resources, an appropriate environment, and capacity building of the people as needed. Government officers were to stop putting themselves above the common people. Arrangements were to be made to

Contemporary Panchayati Raj: Pro-People Forest Management—Is There a Meeting Point? by Subhash Mendhupurkar

This presentation began with an introduction to *Panchayat(s)* as local self-government institutions and moved into a history of control over forests in Himachal Pradesh, including people's dynamic relationship with forests and its effect on women and marginal people. Himachal Pradesh's particular *Panchayati Raj* system was analysed and possibilities explored for making *Gram Panchayat(s)* into bodies to further pro-people management of forests.

A system of *Panchayat(s)*, literally 'five wise men' had been established as a local governance system before the first millenium in the Indian sub-continent. Derived from a caste-based strongly patriarchal system, women and non-Aryan caste people were excluded from participation in these bodies. The *Panchayat(s)* functioned to distribute natural resources and to resolve conflicts arising therefrom. They had the strongest social sanction, and there were no appeal mechanisms for such decisions.

The British era brought in a Justice Delivery and Conflict Resolution system based on written records and officially caused to recognise the caste hierarchy. Land records began to be kept and a court system was introduced, making everyone equal before the law. The British also defined the village on the basis of land revenue collection rather than as a site of natural resource management. Realising that people could be controlled through their natural resources, non-private land, forests, and water became government property. *Panchayat(s)* lost support for village-level governance and lost legitimacy. Nonetheless, social approval prevailed.

The *Panchayati Raj* system was debated during the preparation of the Constitution of the Republic of India. Aware of the caste system and domination by Aryan castes, 'depressed classes' opposed providing Constitutional sanction to this system. The definition of a 'village' was apparently not debated and remained as defined by the British. Similarly, ownership of common natural resources rested with the government. Shortly after independence, the Government of India appointed the

Balwant Rai Mehta Committee to study *Panchayati Raj* systems and make recommendations. The general recommendations were to establish elected and organically linked democratic bodies at village, block, and district levels; to entrust planning and development activities to these bodies; and to provide them with adequate resources to discharge their duties. Some scholars advocated a non-party based group nominated by consensus as *Panchayat(s)* while others believed in a party-based, democratically elected body.

The Committee went beyond delegation of power and aimed at devolution whereby the government completely divested itself of certain responsibilities and devolved them on to another authority. The institution to which power was to be devolved was to be located at the intermediate level, the *Panchayat Samiti*, an institution assumed to be democratically structured at the lowest possible level, and yet commanding sufficient resources for development work. In 1977, the Ashok Mehta Committee was appointed to assess the functioning of the *Panchayati Raj* system and to make recommendations. Breaking some new ground on equity and gender, this Committee essentially conceived of the *Panchayati Raj* Institutions (PRIs) as delivery systems. Neither committee, however, discussed the definition of a village nor established any links between natural resource management and livelihood.

Some states accepted these recommendations and created PRIs. These in turn became models for the 73rd Constitutional Amendment in India. Thus, the amendment also failed to address the issue of 'what constitutes a village?' and it did not address the

dichotomy of 'self-managed units' and 'self-governing units'. To address gender and equity, reservations of seats were mandatory, but its manner of devolving power was vague and left room for manipulation. It was in this context that the H.P. *Panchayati Raj* Act 1994 was to be examined.

H.P., as with the rest of India, retained control over most forest land and used revenue raised from forests to carry out development and provide basic services after independence. To satisfy the demands of Scheduled Caste (SC) people for land, the government promulgated the H.P. Village Common Lands' Act and distributed a large part of the common land between 1975-77. Essentially, instead of taking over surplus land owned by high caste people, the state converted community assets into private assets. For various reasons there was no organized resistance to this move.

In H.P. itself people had had a dynamic relationship with forest resources. The state recognised various 'rights' of the people over forests and had fulfilled them to a certain extent. Since 1948, the amount of timber extracted to fulfill the needs of right holders had increased relative to the amount extracted for commercial purposes, but the section of society that had access to these benefits was generally the affluent who least depended on the forest for daily sustenance. In addition to timber, people relied on the forest for fodder, fuelwood, and medicinal herbs. An assessment of the Forest Department's plantations in H.P. revealed that most planting had been done for timber and not to meet people's basic needs. This had adversely affected the people since undergrowth (grasses and shrubs) was minimal in forests heavily populated by timber species.

The people most affected by this were women, who traditionally collected fodder and fuelwood, and poor families from the upper hills who depended on extraction of medicinal plants for cash income. When, in the early eighties, certain village common lands were closed to grazing and fenced by barbed wire after plantation with timber species under a World Bank project, people in certain districts revolted, opening the eyes of the Department and project monitoring committees, and this led to the planting of broad-leaved species. Donor pressure led to the inclusion of representatives of *Mahila Mandal(s)* in project-sponsored village development committees (VDCs). The department favoured their inclusion instead of NGO representatives because they were easier to manipulate. Despite extensive formation and institutionalisation of *Mahila Mandal(s)* in H.P., most of them were headed by women from influential families and had developed a dependency syndrome that had lost them their bargaining power with the government.

Other factors also influenced H.P. forests. After gaining statehood, the government carried out large development and welfare activities, requiring a large number of employees, every 16th adult by 1988. Steady cash income and male urbanisation reduced dependence on agriculture and supported the perception that forests were meant for timber supplies. At the same time, horticulture was spreading on so-called waste lands, and decreased fodder and fuel supply as well as grazing land.

Different sections of society reacted differently to this divorce of livelihood from local resources, and it led to a new stratification. Three socio-ecological classes developed: people

still dependent on natural resources for subsistence, people deriving their livelihood from state employment or trade; and those who lacked access to natural resources and lacked access to state largesse.

Turning to H.P.'s *Panchayati Raj* system, the original Act of 1968 apparently conceived of these bodies as agents of the state government involved in planning development activities and providing certain civil services. The 1994 Act indicated the purpose of ensuring "effective involvement of the PRIs in local administration and developmental activities." The question arose as to whether there was a desire to make these *Panchayati Raj* bodies real units of self-governance. The State totally controlled the formation of the *Gram Sabha*, which generally included five to six villages, spread over eight to 10km and could be formed with considerations of 'administrative convenience', although 'people's convenience' was nowhere mentioned. In addition to the query about whether such an administrative unit could become a functioning body, a typical village in H.P. contained a variety of socio-political interest groups, and there were no indications concerning what principles of gender, equity, or social justice were to be followed in planning or carrying out development activities. Likewise the governing rules regarding quorums and requesting meetings made it easier for a chairperson to push through his/her decisions with a small number of participants rather than for unsatisfied members to call a meeting against his/her will.

A chasm existed between the people and their elected representatives and people of poorer classes were totally unable to put pressure on the elected representatives to act for their wel-

fare. Widespread corruption existed and people failed to participate in *Panchayat* planned development activities. The *Panchayat* Secretary assigned to several *Gram Panchayat(s)* hindered activities rather than facilitating them and acted as a bureaucratic overlord. Together with junior engineers and administrative staff, they blocked any development synergy that could be generated at the village level. The underlying assumption of the H.P. *Panchayati Raj* Act saw *Panchayat(s)* as agents of the state; while the state entrusted functions to *Panchayat(s)*, *Panchayat(s)* needed approval before taking any initiative. While provisions had been made for Standing Committees to oversee *Panchayat* work and Vigilance Committees to monitor it, these had either not been formed or were not functioning.

The important question that arose was whether PRIs could play a role in pro-people management of common property resources. The law permitted the government to transfer to any *Gram Panchayat* management of a forest, wasteland, pasture, or other vacant land situated in the village area and to provide funds for such management. Were this to be implemented, the *Panchayat(s)* were to actively manage nearby forests to provide daily needs, especially to women and the poorest people. However, no rules had been framed in support of implementation. Similarly, although the Forest Department had a list of powers and functions entrusted to *Gram Panchayat(s)*, analysis revealed widespread confusion and inconsistency. The main issue was how the Forest Department could create a system of accountability toward *Panchayat(s)*. The *Gram Panchayat(s)* had to be made accountable to the *Gram Sabha* and processes were to be initiated to cre-

ate such accountability among the people's representatives of PRIs in relation to common property resources.

Gram Panchayat(s) had to work effectively if the *Gram Sabha* functioned effectively, as the *Panchayat* was created out of the *Gram Sabha*. However the H.P. *Panchayati Raj Act 1994* did not provide much space for the *Gram Sabha* to act, and its decisions had little value. In addition, neither women nor marginal people participated. In order to activate this institution, the *Gram Sabha* needed to be organized, and they needed to create an environment that encouraged participation regardless of gender or class. Separate discussions with each socio-political group in the village were necessary before each group's plans for meeting various needs could be brought before a larger group or representatives of the common interest groups. These *Gram Sabha* could be asked to take over common lands or demarcated non-reserved forest for regeneration.

The larger *Gram Panchayat(s)* would then function to give strength and credence to the work of the *Gram Sabha*. Their current resources were inadequate for this task, but local human resources were to be generated. This would not only be cost-effective; it would also ensure people's participation, resulting in transparency in dealing with the *Panchayat(s)*. Institutional arrangements were also to be developed between the *Panchayat(s)* and other local level groups such as *Mahila Mandal(s)*. For this to occur, there had to be attitude change among the *Panchayat* leaders. One strategy was to develop a mechanism for continuous interaction and dialogue among local-level groups and *Gram Panchayat(s)* in Himachal Pradesh.

Public Awareness Enhancement: Role of Autonomous Organizations in Community Forest Management In Nepal

by Hari Prasad Neupane

Although forest resources were very important for Nepal's population and national economy, there had been a decline in forest-derived government revenue over the years. Management of forest resources was not going well, and the 1992 Forest Act, promoting community forestry, had to be properly implemented and followed to effectively conserve and protect forests. Community Forest Users Groups' (UGs) should be formed and made active in the *Terai*, and the hill and forest areas outside the community management system were to be managed in a participatory manner that involved local people in forest management activities.

A historical perspective of forest regulations in Nepal revealed that until the Forest Development Master Plan in 1989 recognised the importance of community participation in forest management, forest management rested in the hands of the government. However, the Forest Act and Regulations (1993) ensured community participation in forest management. The community forestry concept gave local people new hope. By the end of 1996, 5,300 user groups had been formed and had community forest areas handed over to them. The forming of community forest user groups and handing over community forests to their management resulted in improving the condition of Nepal's forests. Community forestry also helped promote a number of other important policy objectives such as fulfillment of people's basic needs, sustainable use of forest resources, people's participation in decision-making processes and gain sharing,

and general socioeconomic progress. At the same time, authorities had to be careful about the local capability to take over and manage community forests. Local people had to know about and be trained in community forestry, user group formation, work plan preparation, active participation, and programme implementation; otherwise, the whole concept of community forestry, people's participation, and gain sharing would remain mere provisions in the law and regulations. The efficiency of UGs was the backbone of the success of the community forestry policy in Nepal. Government officials played a key role in educating the people about legal provisions concerning forest related matters. They guided, initiated, and facilitated the activities of UGs and took a lead role in institutional coordination, conflict resolution, work plan formulation, and planning activities in the process of guiding the UGs. Therein lay the success of the community forestry process.

When forest resources were used for industrial purposes, proper attention was to be paid to the matters relating to the environment, as stated in the Forest Development Master Plan and the Forest Act. Users were greatly concerned about using forest resources productively. Not opposed to forest-based industries, people wanted assurance that they would not be deprived of use of the forest to meet their basic needs and needed to be convinced of the un-exploitative, non-monopolistic, and non-destructive use of the forest for industrial purposes.

The Federation of Community Forest User Groups was founded in 1995 as a result of several earlier workshops among members of FUGs. The Federation's first convention, held in Kathmandu in April 1996, was attended by 178 representatives from

40 districts and inaugurated by the Minister of Forest and Soil Conservation. The convention formed a National Working Committee with one man and one woman representative from each development zone of Nepal.

The Federation aimed to strengthen solidarity amongst user groups and promoted their institutional development in order to promote proper implementation of government forest policies, acts, and regulations. Local users were the guardians of the forest and environment and had priority preference in harnessing local resources. They had to have a say in all aspects of forestry. Accelerating the process of community forestry in the Himalayan Region with full adherence to the Forest Act was essential. Special programmes had to be launched on government initiative to increase awareness and to empower rural people in various ways to use forest resources and to infuse a sense of belonging, a participatory attitude, and sustainable use of forest resources. The Federation sought to institutionalise those issues with commitment and conviction and to this end had been conducting a mass media programme through radio in collaboration with the Nepal Federation of Environmental Journalists and foreign donor agencies.

In Bara district in the *Terai*, there were rumours of a plan to hand 32,430 hectares of forest over to a company from Finland in a joint venture with three Nepali business companies. If it did not come about, it was said that the government of Finland might stop its grant and assistance to Nepal's forest development programme. Although this was a matter of public concern, as it would have led to desertification of the *Terai*, the government was keeping quiet. The Federation was showing

concern over this issue. Since the user groups in the local community were quite competent and willing to take over and manage the forest in that area, why should the forest be given to a foreign company and a few commercial concerns? Did this not ridicule Nepal's Law? It was essential to protest against such a wrong approach, but the government remained silent. Ironically many inhabitants of Bara were unaware of the issue. Mr. Neupane wished to raise the question of whether people were to support such actions or repudiate them with a common voice.

Another issue concerned some proposed revisions in the Forest Act presented by the Forest Ministry in the winter session of Parliament (1997). This might have been against the interests of user groups. Such issues were to be discussed with stakeholders in consultation with legal experts and a consensus was to be reached amongst parties concerned. The government's duty was not simply to transfer forests to User Groups but to make certain the transfers were sustainable. Certain necessary prerequisites had to be met prior to the hand over, and this was

Major Concerns

The following issues were raised by participants.

- Local bodies and CFUGs should have more authority and power to coordinate.
- When politicians came to the villages asking for votes they all talked and made a hundred and one promises, of which hardly any were fulfilled once they were elected. The people should be made aware of and examine the politician's background and the work he/she has done for the people. Then only should they elect those who deserve the vote. Generally, many people won votes with money, which was unfair and criminal.
- Contractors were also very corrupt. If one *lakh** came for village development, the contractor gulped down fifty per cent of it as his/her commission. Something had to be done to stop such practices. Strict rules and regulations were to be made.
- Women had to be brought forward and made aware of their rights.
- Auction of forest products in mountain areas should be banned.
- Commissions and government corruption had to be stopped.
- Local bodies had to be given power and responsibility.
- Misuse of PRIs needed to be stopped.
- Corruption was increasing day by day. People argued about this law and that law, but what was the use of laws when they were not used in the proper way? In villages, forests were under the control of forest officials and they too were corrupt. When there was a permit for one tree, four were chopped down.
- The forests were to be given to the people and they were to be given some authority to make rules for the preservation of the forests. They were to be given a chance to demonstrate their potential. The *Gram Panchayat* could help in a big way. In villages, where awareness had spread, the villagers were working towards saving forests and natural resources. But when people had to go into the forests they had to ask the permission of forest officials. People have done a lot for the forests and think they should be given some rights too.
- In the decision-making process, people's views and suggestions should be given importance. The *Gram Panchayat* knows better than outsiders what needs to be done in their villages or in the region. The government should not have an authoritarian approach to management of common resources in mountain areas.
- There must be linkages between local bodies and community forestry for decentralization to take place.

* A lakh is a hundred thousand rupees. Exchange rates vary, in Nepal there are Rs 68.40 to one U.S. dollar

an area in which the Federation could come forward to help. Some problems had been aggravated by surveys and land reform administration; for example when the forest handed over to a community belonged to an individual and was registered in his/her name. Such conflicting situations had to be prevented and solved by persons holding local leadership and local representative positions. Coordination and a spirit of inter-dependence amongst UGs, VDCs, DDCs, government agencies, and the Federation were necessary in order to bring forth the promises of community forestry for both local farmers and the general public in Nepal.

GROUP TWO

Conflicts between Local Institutions and FUGs in Community Forestry Management and Solutions

by Dil Raj Khanal

Equal participation in governance means that every citizen should have equal opportunities to participate. Decentralization is considered to be the backbone of a democratic system, with various tiers of government from the local to the central levels ensuring the system of local self-governance; facilitating economic growth, social development, and cultural progress; and improving living conditions through collective efforts.

This paper was about collective ownership of natural and forest resources in a democratic way. Resources could not be preserved for future generations until their collective and continued ownership system was legalised. To some extent, legal provisions had been made regarding the rights and responsibilities of local, elected bodies in the process of local, self-governance and community participa-

tion in management of forest resources. Community forestry user groups had been playing an important role in local community forestry management. Leasehold and religious forest management groups had also played an effective role. Despite these achievements, however, the use of forest resources in Nepal had remained a sensitive issue, and they had often been misused in the course of political change. Likewise, the current legal framework and regulations had led to a situation of possible conflict among local, elected bodies and community forestry user groups. There was a lack of clarity and transparency in enforcement of rules and regulations. Moreover, the forthcoming Local Self-Government Bill in Nepal and revisions of the Forest Act might further increase the possibilities of conflict. Timely corrective measures should be identified and implemented to minimise the conflicts and to strengthen the relationship of local institutions and community forestry groups.

Nepal lacked a well-established tradition of local self-governing institutions because of the past tradition of centralized government. Community-based traditional institutions that had been successful during ancient times had mostly been demolished under the Rana regime and by 1950 almost all forest areas were privately owned. Later efforts at giving local bodies responsibility for development activity and natural resource management were weak and generally failed. Lack of community participation in forest management led to wide-scale encroachment and destruction of forests. The Forestry Sector Master Plan, introduced in 1988, contributed substantially to the promotion and development of community forestry by providing for user group ownership of community forests.

The Forest Act 1993 and the 1995 Forest Regulations had legally established the community forestry and user group committee concept. CFUGs were bodies organized to manage forest resources for the benefit of the community. Once registered, the UG could function as an autonomous body in the capacity of a legal person with legal rights and responsibilities under the administrative system. At the same time, other acts had given rights over and duties towards management of natural and forest resources to locally elected institutions, the VDCs, municipalities, and DDCs. This situation led to conflicts in community forestry management.

Two case studies were presented to analyse the nature of these conflicts. The conflicts studied arose because of dual authority over local natural resources and forests. The UGs concerned refused to honour the authority of the VDC even to intervene in conflicts between them. Other conflicts resulted from provisions requiring NGOs to maintain coordination with the VDC in matters of project implementation. It was unclear what types of NGOs were required to follow this rule, since CFUGs registered with the District Forest Office and Water User Groups registered with the Department of Irrigation. Conflicts occurred because of uncertainty whether these groups and community organizations were required to function under locally elected institutions or local administrative agencies. Conflicts arose in matters of natural resource use and management; and these were mainly related to income derived from forests, irrigation canals, and mining activities.

The Local Self-Governance Bill pending in Parliament promised to delegate considerable autonomy to local bodies, and it could not be denied

that it would curtail the authority of other community-based organizations (CBOs). If passed, locally elected institutions would have considerable control over the activities of CBOs, and the CBOs would be subjected to dual control. The report on Decentralization and Local Self-Governance (1996) had recommended amendments to the Forest Act and suggested that community forests be handed over for management to the local government. It also recommended amendments in other acts that would put local CBOs under the control of local government to a greater extent than currently was the case.

The areas of present and possible conflicts revolved around issues of authority, control mechanisms, and coordination. Various efforts had been made to resolve conflicts related to these matters. Some had been successful and others remained unresolved. Taking legal action to resolve conflicts might be the most agreeable approach, but it had its own problems such as procedural delays, legal formalities, and win-lose situations that lacked egalitarian principles and social justice in the sensitive issue of forest use that greatly affected the day-to-day survival of communities who relied heavily on forests.

Alternative approaches, such as negotiation, arbitration, mediation, and conciliation, were suggested. Arbitration was used to resolve conflicts between labour and management in industry, but it had not yet been used effectively in Nepal. Conciliation and mediation sought to convince parties to resolve conflicts through mutual understanding for common benefit. These approaches might prove effective in resolving community forestry conflicts. Negotiation was practised through participation of representatives from both conflicting groups

and could be effective in CF matters. It was not expensive or time consuming and the parties concerned could openly discuss ways to solve their problems. It could be mandatory as the first option to resolve community conflicts and other approaches could then be tried if it failed.

Preventative measures could be used even before conflicts arose. These included increasing community awareness, educating the UG in legal matters, and regularly listening to their views and problems. Authorities and local leaders kept information on legal matters to themselves, and their tendency to be secretive and uncommunicative had left local

Community Forestry Management: Reflections from the Garhwal Himalayas on Forest Policy, Panchayat(s) and Van Panchayat(s)

by S. Shreedhar and Hem Gairola

India's federal polity presented a complex scenario regarding control and access to physical and economic resources. Garhwal's forests had been subject to successive measures eroding community control and restricting community access. Nearly 50 years after Indian independence, the imprint of colonial history was so strong that most people's lives had not changed at all. From the early '90s, balance of payments' problems

Acts Related to VDC, Municipality and DDC Rights to Manage Natural Resources and Forest Resources

Act	Elected Institution	Legal Rights and Duties
VDC	Village Development Committee	<ul style="list-style-type: none"> • Right to forest resources • Right to change forest resources into its own property • Right to sell forest resources
Municipality	Municipality	<ul style="list-style-type: none"> • Right to protect forest property • Right to change forest resources into its own property
DDC	District Development Committee	<ul style="list-style-type: none"> • Right to sell-forest resources • Right to raise taxes on forest resources

people uninformed or misguided. This must change. Communities should be informed, educated, and counselled about community forestry use and management. Laws could also be amended based on feedback about the reasons for conflict and policy cohesiveness. This was an effective preventative measure.

Whatever measures were adopted to resolve conflict, the resolution process should ensure that solutions were long term and provided social justice and equity.

forced India into globalisation and a reform era, with the current uncertainty being characteristic of a transitional period. The 73rd and 74th Constitutional amendments and the recognition of the need to bring about an equitable Centre-State relationship would alter the basic framework of the national structure, but these changes would not lead to the necessary outcomes for communities without conscious attempts to focus on the benefits and distribute control and access in a judicious, democratic manner.

Conflict Management Options

Solutions through judicial bodies have the following drawbacks

- ♦ traditional court process
- ♦ sustainable decisions
- ♦ full victory, full defeat
- ♦ very expensive

Solutions are through semi-judicial bodies and have the following drawbacks

- ♦ decisions in favour of one party to the detriment of the other
- ♦ decisions for the party related to the institution that takes the decision

Mediation

- ♦ discussion by an institution not related to the conflict
- ♦ DDC, DFO, or other institution
- ♦ by arbitration
- ♦ by people elected by the parties in conflict
- ♦ by those eligible to be elected

Negotiation

- ♦ solution of conflicts from amongst conflicting parties
- ♦ antagonism replaced by harmony
- ♦ capacity development due to direct involvement in the process

Prevention

- ♦ building people's awareness and legal knowledge
- ♦ appropriate legal amendments
- ♦ uniformity in policies

The final aim of conflict management is long-term solutions, social justice, and equality and equity.

India's federal framework provided for a hierarchy of legislation and enforcement with central legislative enactments governing the sectors allocated throughout the country. Forest and wildlife resources were a sector area in which progressive centralization had occurred. Centralization was so pervasive that the State had usurped the right to deal not only with forest resources but also with timber output from private lands. Similarly, the Central government had taken over decision-making on alienation of even the smallest tract of forest land. In addition, the laws were succeeded by specific rules and regulations, and the current administrative control was such that administrative orders were often used beyond the framework of the law and

policy, especially where there was possible ambiguity.

Currently, the most glaring national example was the Joint Forest Management programme supported and funded by the World Bank. The Joint Forest Management (JFM) order came through an administrative order of the Ministry of Environment and Forests, a subordinate instrument to the *Van Panchayat(s)* that had legislative sanction for raising resources and managing areas in their control. The *Panchayat(s)* could not exercise their power under the 73rd Amendment without access and control of forest resources.

Many critical comments could be made about current forest policies,

especially as forests continued to be treated completely as state property (as they were under the British) and the policy reflected a loss of faith in people for forest conservation, seeking only servile participation and ignoring that certain tribal communities depended entirely on forests for their livelihood. The objective of increasing productivity to meet 'essential national needs' referred only to commercial and industrial needs, not to people's needs for fuelwood and fodder. In minimising pressure on forests, commercial exploitation - the main cause - was ignored. New objectives had to be incorporated; for example, generating employment through afforestation and conserving India's natural heritage by preserving the remaining natural forests that represented great biological diversity and genetic resources.

Faced with growing feelings of alienation as a result of the progressive dilution of the role of local communities in governance, the *Panchayati Raj* Act was finally enacted in 1993, enjoining States to ratify its provisions and to establish a State Finance Commission to devolve financial benefits between the State and local bodies. However, despite ratification, the State governments kept executive functions to themselves, grossly violating the spirit of the amendment that aimed at assuring that resource management was undertaken with the people's consent and according to their needs. Complementary legislation, vesting powers out of the existing functionaries, was lacking. Similarly there was no specific legal provision for forming *Van Panchayat(s)* as bodies within the *Panchayat* so that the *Van Panchayat(s)* only acted to legitimise the use of forests. To be effective, the *Panchayat* Act had to address issues that were controlled by different institutions, but it was being discussed

as there was no infrastructure to undertake these tasks. The *Panchayat(s)* were now only a facade for continued strengthening of the current power structures.

Van Panchayat(s) were an important institutional form in the hills, having been originally established to provide local control over forests in limited areas. The provisions had been geographically extended and now, although the *Van Panchayat* offered a mechanism for local control, formation and subsequent operations faced severe problems. A meeting of local representatives in March 1994 identified a variety of important issues that needed to be addressed. These included concentration of power in the *Sarpanch* and consequent alienation of other members, the negligible role of women, ignorance about administrative procedures, lack of awareness of rights and duties, lack of proper guidelines for operations, and other specific problems.

The current period was that of a development scenario in a state of flux, especially in the U.P. hills. Initiatives being considered were eroding the capacity to transform local conditions into a semblance of providing sustenance. The new cluster of programmes initiated through bi- and multi-lateral aid touched on fundamental elements of sustenance for local communities. For example, the Swajal Programmes addressed drinking water and environmental sanitation, issues directly under the *Panchayat*. However the government had established an NGO to look after the programme. The water sources might be in forests, under the *Van Panchayat* or the Forest Department, so this institutional framework was ignored and conflicts emerged. The JFM programme raised many issues of control and access that were already problems.

Thus, without a clear framework of legal, administrative, and governmental policy, local communities were alienated from forest management and suffered. An integrating framework and adherence to the constitutional intent were necessary to enable sustainable management of forests and other resources in the Garhwal Himalayas of Uttar Pradesh.

Issues and Challenges for Community Forestry and Local Governance in Chittagong Hill Tracts of Bangladesh

by Dr. M.M. Khan

The Chittagong Hill Tracts (CHT) in south-east Bangladesh were mountainous areas with an estimated population of about 974,445. With 5,098 square miles, the CHT covered about one-tenth of the Bangladesh land mass with hardly one per cent of the population living in the area. Most of the CHT was suitable only for afforestation and about a third of the total area was either Reserved or Protected government forest, controlled by the Forest Department. The most serious problem confronting government forests was alleged to be appropriation of forest resources for sale in the lucrative black market.

The paper reviewed and compared various acts and regulations pertaining to the area and highlighted certain issues and challenges pertaining to community forestry and local governance in CHT.

These hills, located in south-eastern Bangladesh, had an estimated population of 974,445. Under British rule they were governed somewhat differently from the rest of the country. In 1900 a CHT Regulation was promulgated with the objectives of "*protecting the rights and interests of tribal*

people, their customs and practices; their local and racial peculiarities and prejudices and thus preserve their cultural identities." All powers - executive, judicial and financial - were vested in the Deputy Commissioner of Chittagong District and the Divisional Commissioner of Chittagong Division. Possession of land by people who were not from the hills and migration from outside were restricted. In 1964, the then government of Pakistan lifted the restrictions against non-tribals, causing dissatisfaction among local tribal people who feared increased movement of non-tribals into their area and encroachment of their lands. This led to insurgency against the government by certain tribal groups in the CHT.

Subsequently, in March 1989, the President of Bangladesh assented to three Acts of Parliament pertaining to governance of the Hill Districts. In December 1997, a peace treaty was signed between the Bangladesh government and CHT residents, ending two decades of insurgency. The treaty was of critical significance for the devolution of power and authority through local government institutions and a regional body in CHT.

Having provided this history, Dr. Khan went on to discuss differences between the Chittagong Hill Tracts' Acts and the Forest (Amendment) Ordinance of 1989. This Ordinance substantially revised the Forest Act of 1927. Although these two pieces of legislation were dissimilar acts with different objectives, they were similar in spirit, both being very control-oriented laws. The Acts sought government control of all aspects of the Hill Councils, and the Ordinance assumed forests to be government property and gave forest service and administration officials wide powers and responsibilities to protect the

forest and its resources, giving no scope for involving local people in the protection and management of forests. Likewise, local government councils created under the Acts had almost no opportunity for meaningful participation in forestry-related activities. The Ordinance was premised on distrust of the people and emphasised punishment of alleged violation of forest rules rather than collaboration among forest officials and local people.

Dr. Khan's conclusions discussed the prospect of community forestry and local governance in Chittagong Hill Tracts. He found the situation discouraging. Actual forest cover in Bangladesh was about six per cent and per capita forest land had shrunk to 0.002ha, the lowest in the world. The annual deforestation rate was an alarming 3.3 per cent, compared to 0.6 per cent for South Asia. In CHT 750,000 acres had been completely deforested in the past few years. Local governments in Bangladesh had never been allowed the autonomy and resources required to make them viable and functional, but had also been used by the central government as mere adjuncts and mechanisms for garnering support at local levels for political purposes or military rule. Although devolution of power and authority had been talked about, nothing meaningful had been done to make local bodies effective entities. The CHT Peace Treaty was an exception, but it had yet to be ratified in parliament and made operational.

In 1978 the forest department launched a community forestry project under which the department was to cooperate with local groups to establish, manage, and protect mono-culture and exotic plantations on public property. These projects failed; even the pilot projects were unsuccessful. Looking into the rea-

sons for failure, it was found that the attitudes and values of FD officials were not conducive to CF programmes. They felt community forestry was a technical programme to be planned and run only by professionals. The prevalence of punitive laws and policies, moreover, turned foresters into policemen and villagers into thieves and continued the long-standing animosity between forest officials and villagers. In addition, most FD officials and employees involved in community forestry lacked relevant training.

Dr. Khan offered the following suggestions to improve the situation.

- Autonomy for local governments was critical and a step in the right direction. If implemented autonomy would lead to devolution of authority and power to the representatives of the people of the CHT.
- Empowering local bodies financially was a prerequisite for maintaining their autonomy. The Treaty had provisions along these lines.
- Bureaucratic control over local bodies must be reduced, and provisions of the Treaty did this.
- Recruitment, training, retention, and development of local council officials and employees were required to ensure that the councils' decisions were implemented properly.
- Honest, hardworking leadership committed to local development must emerge.

The Evolution of Community Forestry and Linkages with Local Governance in the Northern Areas of Pakistan

by Ali Gohar and Muhammad Iqbal

The history of forestry in Pakistan revealed that strong bureaucratic,

aristocratic, and technocratic institutions had disassociated forestry from the country's native society and culture. This process had created a gap between the people, with their long-standing attachment to the forests, and government departments which have taken power and authority over them. In this context, notions such as community forestry, social forestry and village forestry were meaningless.

The main challenge for the Hindu Kush-Himalayan region was the democratisation of forestry. This required institutional, legal, political, and organizational reform in order to develop effective and sustainable partnerships between stakeholders. Democratisation implied making government officials accountable to the communities. This could be done by empowering the community through skill development and by organizing them into powerful institutions.

Historically, the Moghul Empire's administrative culture was not conducive to the introduction of a modern bureaucratic model. Therefore, the East India Company formulated its forest regulation by grafting a forest bureaucracy on to the Moghul system. Its main focus was the maintenance of law and order rather than providing services to the people. Forestry staff were selected from the police, army, and other branches of the Public Service, and throughout the 19th century, forests were exploited.

The Indian forest law of 1878 introduced two main categories of forests: Reserved Forest and Protected Forest. Investigating an incident in which thousands of acres of forest were set ablaze in Kumaon, the Wyndham Commission concluded that the forest department should

devolve control of new forest reserves to villagers (Knudsen 1895). In 1923, the new forestry plan granted more control (concessions) to villagers and entitled them to a percentage of revenue resulting from commercial felling. Private forests reverted to state control in 1950 and, in reaction, people started clear cutting trees.

Pakistan had very limited forest reserves and was experiencing a growing imbalance in the extraction and production of timber and fuelwood. Pakistan's forest resources had been destroyed and degraded by various inside and outside forces over many centuries. The history of forestry in Pakistan revealed that there had been initiatives towards community involvement in management and protection of forests as well as government imposed barriers against it. In particular, since 1978, a number of initiatives, both government and donor-funded, had been taken to involve communities as stakeholders of forestry development programmes. Despite these efforts, a wide variety of constraints to the success of community and social forestry had been identified.

Nevertheless, Pakistan had experienced several successes. One example came from Chalt - Chaprote, in the Northern Areas, where six villages had taken over forest management and replaced the existing system by a traditional regime. The Chaprote case had provided new hope for the Northern Areas' forests. The immediate question for the Aga Khan Rural Support Project (AKRSP) and other agencies concerned with preservation of ecological balance and sustained development was how they could assist the community in making this new regime viable.

Public servants and elected representatives could play a wide variety

of supportive roles in the context of community forestry, most specifically in devising a policy that would lead to its implementation. However, in Pakistan and similar countries, where a small well-off group of people dominated the political system, the needs and aspirations of the common voters were usually not valued and/or ignored. Elected representatives who had contributed to fostering the forestry and other sectors were personalities who did not represent the political mandate/system. Nevertheless, the potential role of elected institutions in community forestry could be significant.

Pakistan and the countries falling in the Hindu Kush-Himalayan region faced more or less the same challenges with regard to forest management. Major challenges in community forestry related to national policies and legislation, community empowerment, integration of forestry management with related fields, and reorientation and retraining of forestry officials.

Village forestry in Pakistan was authorised by granting provincial governments the authority to assign any village community the rights of the Government over land and constitute a reserve forest. However, community participation in forest management needed an organization in which human values, a sense of responsibility, integrity, mutual trust, dedication, and accountability were more important than prestige and bureaucratic power. Unfortunately the foundation of forest organization in Pakistan was laid by police and army men who had a brutal attitude and illegitimate high-handed behaviour. Since this attitude had developed among forest staff, this had created an irreversible social gap between them and the village people. Therefore, various reforms were

needed to make participatory forestry function properly. These included policy and legal reforms as well as institutional reform designed to improve the efficiency of the forest department.

GROUP THREE

Forest Management in Nepal and the Role of Local Organizations in Forest Management

by Madhav Poudel

In Nepal, forests played an important role in maintaining the socioeconomic conditions of the population. Experience indicated that, if Nepal's forests were well managed, they could satisfy national demands and even provide opportunities to raise the living standards of the Nepalese people. However, the lack of active people's participation, political commitment, public awareness, and the condition of natural resources and sluggish agricultural growth were taking their toll on forest resources. Programmes to use, protect, and develop Nepal's forests were urgently required.

Although Nepal's forests were famous for their bio-diversity, this feature had been seriously affected by massive forest destruction since 1950. Over-grazing, use of marginal land for cultivation, deforestation for settlement purposes, and floods had degraded Nepal's forests. Lack of effective programmes to educate and raise people's awareness regarding forest protection and management were other factors that affected the forests. Nepal's growing population depended on forests for fuel, food, fertilizer, and fodder. The high rate of population growth, poverty, and lack of alternative employment opportunities had led to increased pressure on forest resources. Nepal's geographical structure was also partially

responsible for wide-scale environmental degradation. Due to heavy rainfall four months per year, many fast flowing rivers, and steep terrain, topsoil was easily swept away.

Until the 1950s Nepal's forests were managed in a traditional manner, some being used to raise revenue and others, primarily in the hills, managed sustainably for community benefit. Private ownership of forests was abolished with nationalisation in 1956 and forest preservation activities became the responsibility of the government. Private forests came under government ownership, and the former forest owners started using the forest recklessly since they felt that they no longer owned the forest. Forest degradation began to increase rapidly and government control and supervision were not adequate. Although Nepal's system of five-year plans made many provisions for forest development, the progress achieved was well below expectation. Sectoral policies lacked an integrated approach; linkages amongst central, regional, and local development related policies and programmes were very weak; and implementation of programmes was also poor. Forest destruction, desertification, and land erosion continued. Agricultural productivity had not improved, alternative employment avenues had not developed and poverty was increasing.

Nepal's constitution stated that the nation's natural resources should be harnessed in a beneficial way, that popular awareness should be increased to maintain a clean environment, that adverse environmental impacts from physical development activities should be halted, and that special provisions should be made to protect the nation's rare flora and fauna. Legal and institutional provisions had accordingly been made to

conserve forests, wildlife, natural resources, and the environment, and Nepal was considered to have a pioneering forestry legislation.

Following many unsuccessful attempts, the concept of community forestry gained ground after 1987 and efforts were made to hand forests over to community user groups. This process was further strengthened after the restoration of democracy in 1989 and local elections in 1992. The Forest Development Master Plan also supported this approach. At the same time, the ideals of decentralization and good governance considered the citizens themselves the masters of the development process and catalysts for change. Local organizations were committed to the principle that they should have a major say in decision-making, ownership, and responsibility, especially since past experience proved that development imposed from the centre was ineffective and inappropriate in addressing local needs and problems.

Despite a long-standing concern to establish autonomy in local-level organizations, there remained an unwilling attitude towards decentralization and delegating power to local bodies. The people's elected representatives were not trusted and the tendency to centralize authority still prevailed. The idea of decentralization had not been infused in people's attitudes nor had it been implemented as an effective process to directly influence common people's lives. Prevailing laws and regulations had some provisions related to the authority and responsibility of local organizations, but major problems were encountered when strengthening and empowering local organizations to solve local problems, implement development work, and play the role of facilitators of local devel-

opment processes. These problems arose because of overlapping authority and responsibility, fears of politicisation, lack of complementarity among sectoral programmes, unclear delegation of authority, and lack of authority among local representatives to deal with day-to-day problems.

A variety of measures was necessary to make the people's representatives responsible in matters of forest management, environmental protection, and land erosion control. Clear delineation of functions, duties, and responsibilities among central, district, and village organizations was needed. Complementarity among central, sectoral, and local organizations must be strengthened. It was necessary to evolve a process of planning at the grass roots level and ensure complementarity and a coordinated approach in the local development process. Special efforts should be made to increase popular awareness.

The community forest concept had emerged as an exception to the tendency to neglect popular participation. Yet many gaps in leadership and coordination remained due to the lack of authorised and efficient institutions. In addition, certain high ranking officials and policy-makers still seemed to have narrow attitudes towards Nepal's community forestry. In general, lack of popular awareness on forest related matters, *ad hoc* approaches to the Centre's decision-making process, lack of effective programmes, and lack of coordination among concerned stakeholders still persisted.

Other problems arose from the absence of consolidating community forest management partners. The current system of community forestry bypassed locally elected organi-

zations. Therefore, local bodies had uncooperative attitudes toward community forest user groups. This had affected forest development programmes. Roles and responsibilities of local, elected leaders and FUGs were not clear. The Decentralization Act should address these problems. Decentralization not related to community forestry would be incomplete. Therefore, the role of local, elected institutions (LEI) in community forestry should be clarified. At the same time, elected organizations were eager to develop public-private partnerships in matters of infrastructural development, raising the living standards of local people, and promoting new technology for income-generating employment. This could be done in conjunction with community forest user groups. Forest policy also encouraged investments in community development activities, and local organizations could promote public and private partnerships.

The people believed that all elected representatives were guided by political ideologies. If an elected representative acted in such a way his/her role in development would be minimised and s/he would lose popularity among the voters. Elected representatives should try to work on the basis of consensus rather than on the basis of the majority of one party's members or workers. Elected representatives could play a leadership role in creating awareness among community groups, and all elected representatives did not misuse funds. All related parties should control and help elected representatives who had been elected on behalf of their parties. Moreover, they should prepare programmes on the basis of consensus among all representatives. The main issue was to ensure involvement and participation of elected representatives in community forestry, not their control over the resource.

Issues and Challenges for Community Forestry and Local Governance in the North-Eastern Region of India

by Dr. B.P. Maithani

The seven states of India's north-eastern region constituted a rich treasure house of bio-diversity, ethnic plurality, indigenous knowledge and local institutions. They formed a distinct geographical unit. Contrasts in physical features could be seen: from the plains of the Brahmaputra valley to high mountain ranges of the Eastern Himalayas. Although two-thirds of the geographical area was shown to be covered by forest vegetation, much of this cover had been disturbed, either by logging or by farmers practising

shifting cultivation. The area was home to over 200 tribal communities that represented great ethnic diversity. Each tribal and non-tribal community had its own peculiar socio-cultural patterns and this gave rise to a striking cultural mosaic.

Rapid demographic change over the last century had had a dramatic impact on the size and nature of the population (over 31 million in 1991). Despite the people's cultural and ethnic diversities, certain features were common to all. These were a subsistence economy characterised by shifting cultivation and strong traditional institutions that regulated and managed resource use and the communities' socioeconomic efforts. Significant portions of land and forests were

Recommended Strategies

- Each VDC has 53 elected representatives. If they are made aware, they can play a better role in development, protection, and management of forests.
- Elected representatives are not generally involved in FUGs so they are unaware of the FUG activities. They should be invited as VDC representatives to FUG meetings.
- The benefits and products of community forestry could be used in other social development activities if we could generate income from community forests. FUGs do not have funds to begin such income-generating activities. Therefore, loans with or without interest should be provided.
- Capacity building and skill development training are needed for FUGs and VDCs.
- Forest-based industries should be established with the initiative of the national government in conjunction with FUGs.
- The Himalayan region has a high potential for eco-tourism. Eco-tourism should be promoted while protecting forest resources.
- Complementarity between the Forest Act and the VDC, DDC, and Industries Acts is essential.
- All users in FUGs need to be mobilised equally, therefore, elected representatives should not be on the executive committee if they are users. There have been problems when elected representatives have been on executive committees. However, discussion between elected leaders and FUGs helps coordination.
- Conflicts between local, elected leaders and FUGs over control of funds and resources—similarly an individual on both the FUG executive committee and the locally elected institution is not heedful of FUGs. This must be considered seriously.
- The leadership role of FUGs should not be given to elected representatives, but should remain with the community forest user groups.
- Participation of women in politics and forest user groups should be encouraged.

owned by the community rather than by the government. Although traditional institutions were breaking down with more exposure to formal institutions, most people still sought recognition and respect for their identity, which was frequently woven around lands and land-based resources.

The situation and governance systems in the eastern Himalayas of India were completely different. Governance through the *Panchayat(s)* was the basic law in India, but it had not been implemented in the Eastern Himalayas. Special types of state government existed in this region, and these had been recognised by the national government. Each state had its own decentralization laws and regulations, and each had a variety of local, self-governing institutions, both formal and informal. Historically, different tribal groups, engaged in shifting cultivation to earn a living, had enjoyed more or less sovereign powers over their territorial jurisdiction, each being organized under a chief within a defined territory. With land (including forests) as the major and perhaps the only economic resource, all the activities and powers of the traditional institutions centred around sharing and using it. This had resulted in strong, regulatory institutions at the village level that managed common property resources and maintained law and order in conformity with customary laws. The most common traditional institution was the '*Gaon Bura(s)*', clan leaders who constituted the village council, a powerful institution based on self-governance and self-management of common property resources by the community. These traditional institutions continued to influence and guide the community, particularly in their interfacing and interaction with the authorities of

modern institutions. State governments had formalised these institutions by enacting laws conferring powers and functions on them.

Panchayati Raj and Tribal Councils were the formal statutory institutions of decentralized administration. Five years had elapsed since the 73rd Amendment Act, but progress towards decentralization had been tardy. All the states had enacted the State *Panchayat Raj* laws, but, except in Tripura, little had been achieved in activating the *Panchayat(s)*. In general, north-east India's tribal hill tracts remained isolated from the national mainstream for various reasons. When India achieved independence, a sub-committee of the Constituent Assembly examined the issue of providing constitutional safeguards for administration of tribal hill areas. The Sixth Schedule was adopted to provide hill tribes with a measure of autonomy. Accordingly, Autonomous District Councils (ADCs) were formed to interface between the state and traditional tribal institutions in many areas. They had a variety of law-making powers in subjects related to the use and management of natural resources and preservation of customary practices, and they were vested with executive, judicial, legislative, and financial powers to operate as organs of tribal self government. The ethos of the Sixth Schedule of the constitution was thus self-management and autonomy, while the new *Panchayati Raj* Act emphasised the local bodies' developmental role. The ADC's law-making power was however constrained by the fact that the laws it enacted must also have state Government approval. Other states had adopted their own particular models of local self-government dealing with decentralized resource management and rural development.

India had no specific state policies for managing forest and other natural resources. State governments generally followed national policies and legislation. The current national forest policy was announced in 1988. Its main objectives were to ensure environmental stability and maintain ecological balance. The policy subordinated the derivation of direct economic benefits to this principal aim. In Sixth Schedule areas, the Autonomous District Councils operated independently of State Government intervention. Both legislation and enforcement of law on land and forests were thus the prerogative of the ADCs, which had largely adopted the State forest acts. Each ADC had its own Forest Act, primarily for bringing about order and better conservation practices to shifting cultivation practices; their major concern. A distinctive feature of north-east India was that very little forest land was under the effective control of state governments. Less than 40 per cent of the forest was under Government control and more than 60 per cent was under people's control. People's control over the forests was of three kinds: (i) family ownership, (ii) clan ownership, (iii) village ownership. The relative size of these ownership categories was not known, but a family's right to use its forest was subject to clan or village council control, and this was where people's participation in forest policy could have a major impact.

Village chiefs and clan leaders, by virtue of their superior positions, could appropriate larger than proportionate shares of the benefits from village common property resources and, consequently, motivating people to reach a consensus on community resource management posed a challenge. Communities resented the current practice allowing the village leader to retain 50 per cent of the

income from sale of products, while the remaining 50 per cent was shared by members of the clan. There were incidences of the community destroying afforested trees before they were mature enough to harvest. However, the prevailing institutional and sociocultural setting offered a condition conducive to meaningful community participation in developing common property resources, especially forests.

The greatest advantage was the favourable institutional factor. Since control over most land and forests still remained with the people, this could be the starting point for a strategy of participatory resource management. The approach should be to create consciousness among the masses about the advantages of preserving the forests and increasing their productivity for long-term sustainable development. The second advantage was the presence of strong, local institutions of self management and governance. These institutions had been in existence for a long time, and their main function was to regulate the use and management of land and forest resources lying within their jurisdiction. However, this advantage was negated by the fact that the law-making power, judicial function, and financial power of these institutions were diluted by procedural hurdles as a result of ambiguities in the legislation and the schedules. Service could be effectively rendered in this area by intermediary, informal community-based institutions and voluntary organizations.

Much of the forest in the north-east mountain areas was unclassified; and this included private or community-owned forest. Only a small part was actually managed by local government agencies, and the resultant large-scale degradation had led to local self-government institutions - ADCs or village councils - leasing

these degraded lands to forest or soil conservation departments for plantation and regeneration. Due to inadequate preparatory work, however, community participation was not only lacking but at times negative. The presence of a third agency, an NGO or informal community-based institution, in the area might not only prevent such incidents from recurring but might also reinforce the process of participatory resource management and use. A local land revenue law would slow down the privatisation of community lands. For this to happen, democratisation of traditional institutions was crucial, and this would require political will.

For joint forest management to work in the north east, the role of the forest department and that of community-based informal institutions had to be more facilitatory and enabling in providing technical and financial support rather than simply sharing the benefits. Models of indigenously-evolved resource conservation and management were found in all the states. The problem was not having voluntary organizations in the north east to address the other issues involved in JFM. In addition, the powerful timber and forest Mafia and their agents and accomplices among the communities, who had been enjoying the profits of unhindered forest exploitation, remained a serious challenge.

Forestry and Local Governance in Himachal Pradesh

by Kulbhushan Upamanyu

Forests had long been central to the area which was now Himachal Pradesh for both their timber supply and their aesthetic value. However, the last two decades had witnessed a vigorous debate on the health and future of these forests. The presentation attempted to share the processes that had affected the forests, analyse the forces behind their changing characteristics, and suggest alternatives for the future.

For the past 150 years, forest areas in Himachal Pradesh had been subject to competing claims of local communities, colonialism, and development, resulting in the 'growth of the artificial at the cost of the natural'. Local communities had claimed forest areas for terraced agriculture and for pastoralism, both sedentary and nomadic, as well as for daily needs. To meet these demands, the characteristic vegetation on forest lands had been changed to suit community needs, and people had worked to maintain the landscape as desired, divided between agricultural land, pastures, and forests, rather than in concert with processes of natural succession and regeneration. The landscape represented the equilibrium between the forces of nature and culture.

Features of Local Governance in the Eastern Himalayas of India

- All the states have village councils and structures that have judicial and administrative authority.
- All the land and forest resources belong to the community and not to the individuals or the state.
- The local institution (village council) uses and manages the land and forest resources. Only one institution is responsible for governance and natural resource management.
- There are no adequate voluntary organizations in the region.

Problems and Constraints

- **Special land laws do not exist.** The government has introduced a programme to get rid of shifting cultivation; and it is oriented towards horticulture. This has enabled the community elite/leaders to capture land as individual property and begin horticultural farming. All community members cannot do this, so the process has facilitated the privatisation of lands and forests.
- **There is no equitable sharing of benefits.** Half goes to the village leader and the remainder to other community members.
- **Internal stratification is prevailing** and the rights of the poor have been marginalised.
- **The status of women is better than it used to be but their role in traditional/customary institutions is weak.** They do not have decision-making power. The 30 per cent provision in *Panchayat* governance is not prevailing.
- **Traditional/customary institutions lack of skills and technology needed for resource management**

Under British colonialism, supplying timber was the main objective of forest administration. Through a process termed 'forest settlement', local communities' forest use was controlled to minimise the pressure on forests producing good quality timber. In addition scientific forest management and improvement forestry were initiated to prevent depletion of growing stock and to increase the proportion of timber or revenue-yielding species. This increased exploitation profoundly affected local livelihood strategies within a relatively short time. In the post-colonial era, the welfare state's development objectives replaced commercial exploitation, diverting forest lands to use for horticulture and land reform. The process of marginalisation and dispossessing local communities of control over forest resources continued. Both colonial and post-colonial forest exploitation perceived forests as a commercial resource, subordinating local usage to commercial exploitation.

The first impact was to convert customary community forest usage into inalienable rights, treating any transgression as a crime. Restriction

on grazing and use of fire contributed to the decline of pastoralism as a means of earning a living, and growing numbers of people and livestock had to subsist on a declining resource base, leading to forest destruction and shortages of fuelwood and fodder. Women, pastoralists, and rural artisans suffered most from these changes. Perhaps the most adverse impact was on biological diversity, the substitution of monocultural plantation for natural forests having led to a decline in species' diversity and destruction of wildlife habitat.

Conservation of forest wealth was a post-colonial policy and growing awareness of the impact of forest destruction had led the H.P. government to embark on various initiatives designed to arrest forest degradation and lead to rehabilitation. These initiatives fell into three categories: biodiversity conservation, forest regeneration, and community involvement. Until recently, state forestry's principal objective of revenue maximisation guided plantation efforts. Coupled with the marginalisation and alienation of local communities from the forest resources critical to their livelihood,

forests were plundered by competing interests. Recently, the JFM concept had tried to remove the contradiction between local and Forest Department priorities. However, JFM had failed to gain momentum in H.P., being unable to break through the shackles of a department that did not seem to have accepted JFM in principle. Since joint forest management was not recognised legally by the district forest offices, forests that were managed jointly by the people and forest department could be taken back by the department.

Despite government antipathy to community initiatives in forest management, local systems persisted and sometimes thrived, even in the face of official hostility. The most successful of the traditional conservation systems was the tradition of sacred groves, spread across the state. Other systems that still prevailed regulated the extraction of resources with the objective of sustainability. These involved various regulatory mechanisms: over time, location, or seasonally. In addition, forest protection groups sprung up across the state as a community response to scarcity of resources such as fodder and fuelwood. These groups had a high degree of participation in decision-making, gave priority to local needs, and were flexible enough to allow for diverse requirements. These initiatives were generally more successful, even in terms of physical criteria such as survival rates and infringements of regulations. Women's participation was high, with women's groups taking the lead in many areas. Collaboration had taken place with many agencies and institutions.

One outstanding initiative was the popular movement against commercial forestry during the '80s in Bhatiyat *tehsil* of Chamba district. This movement challenged the com-

mercial orientation of state forestry on the grounds of destruction of livelihoods and successfully negotiated to introduce pro-people changes in the forest administration; e.g., a ban on planting Eucalyptus, protection of Ban Oak, and restrictions on commercial species. This movement remained the forerunner of pro-people changes in forest policy and practice in H.P.

Although forests always have had and will continue to play a major role in the subsistence strategies of people from H.P., many changes had occurred in the last 150 years. People had shifted their sources of resources, such as fuelwood and fodder, from the commons to private lands and the market, reducing their interest in the well-being of the local forests. This divorce of livelihood from resources had led to a new stratification of society. Ecosystem People were dependent on biomes collected from forests; the Omnivores could afford to buy their resources from the market; the Ecological Refugees, a growing group, were displaced ecosystem people, living on the margins without access to forests or purchasing power.

The Omnivores had benefitted disproportionately from the development process – the divorce between livelihoods and local forest resources – and forced the state to provide forest resources for their use. This was the growth of the urban at the cost of the rural, and the movement towards centralization of power and concentration of wealth. This process was not only socially undesirable but also ecologically unsustainable. Recent increases in landslides and flash floods indicated how much nature had been plundered and pointed to a worsening future. Both the fruits of development and its costs were unequally divided. Unequal access to

livelihood opportunities had divided even ecosystem people into different categories, some of them hostile towards prudent use of forest resources. A disproportionate burden was put on those who collected biomass directly from the forest. No section of society was positively inclined towards sustainable forest use, and the resulting uncertainty about future availability led to irresponsible harvests by all forest users. Shortages of natural resources for livelihood requirements increased steadily, leading to conflicts caused by competing claims on a shrinking resource base.

The only hope was in local communities challenging the Forest Department and devising local adaptive strategies against scarcity. These initiatives, combining the objectives of livelihood and sustainability, had generated fresh insights into the fundamental issues of governance and natural resource management. These included the link between responsibility for biomass collection and commitment to its regeneration and sustainable use, pointing to a need to reorient the target group to include both men and women. The diversity of livelihood strategies and its correlation to biodiversity were also highlighted. The rights' regime, whereby rural Omnivores, no longer dependent on forest resources, continued to have rights over forest produce without any responsibility for forest protection created obstacles to the protection efforts of ecosystem

people. Local protection groups had found the ideal unit for forest management, a group of hamlets using the same forest area. Transparent decision-making in open meetings with all members participating pointed to the positive role of participatory and direct democracy at the grass roots' level.

In H.P., 65 per cent of the development work was executed by the central government. These projects were executed to fulfill central targets, and a sense of local ownership was lacking. *Panchayati* governance was also not involved in natural resource protection, conservation, and management but only in the implementation of central projects. While local people elected the local *Panchayat* representatives, they could be dismissed by the district magistrates, so they became responsible to the magistrates rather than to the voters.

Different ministries and government departments were trying to increase the yields of agricultural products, but they had a sectoral approach. Since activities were not coordinated between departments, duplication of effort occurred in the name of people's participation. The lives of rural people were resource-based, but there was no holistic approach to resource management.

The H.P. forests were burdened beyond their productive capacity. To manage them sustainably, ecological limits to extraction would have to be

Strategies For Himachal Pradesh

- The village community should be a constitutional entity and legally recognised.
- Gender and equity issues should be solved on the basis of direct democracy not representative democracy.
- The roles of elected representatives should be those of facilitators and coordinators, but decision-making power should be based on community institutions and channelled through the village council.

determined, appropriately divided among various users, and costs passed on to those who used the produce without protecting the forest. New ways of earning a living needed to be linked to the health of the forests. Management priorities must be redirected towards the production of resources for local needs rather than supplying industrial or commercial ventures. The importance of diverse livelihood strategies to counter fluctuations in nature and markets needed to be emphasised in the long-term interest. Due consideration must be given to equity.

New institutions must be created to undertake the responsibility for judicious forest management. The most important kind of institution needed was a group of local users. Community rights to forest produce must replace individual rights divorced from responsibility. The Forest Department's role needed redefinition in order to cater to specific local requirements. Its efforts should move from policing toward facilitating and overseeing local units to ensure their proper functioning in an equitable and sustainable manner. Legal changes, such as re-ordering the rights' regime and granting legal recognition to local units, were required. Finally, concerted efforts must be made to reorient attitudes in society, in general, to ensure that the initiatives and legal changes had a strong social base and an enabling environment in which to meet the needs of the people in Himachal Pradesh.

Forests and Village Community Land in Uttarakhand

by R.S. Tolia

A large proportion of natural resources, such as land, forests, water, and fisheries, was used by people in common, and these were known as

common property resources (CPRs). These CPRs directly provided a living for countless numbers of people, particularly the rural poor, and contributed, directly and indirectly, to agricultural and economic growth, as well as to the quality of the environment. The CPRs were badly degraded with low productivity and must be regenerated so that they could contribute fully to economic growth and development. Managing CPRs sustainably required careful consideration, and the CPRs themselves must be properly valued. Lack of equitable access could lead to misappropriation and exploitative use. The causes of CPR-related problems must be identified and solutions explored. The presentation dealt with the historical relationship of land and forests with village communities in Uttarakhand, U.P. India.

CPRs in India include diverse types of property; all protected forests, all unclassified forests and degraded forest lands, and over one third of the total endowment of non-forest lands. Attention and resources must therefore be devoted to their restoration, development, and management. Forest resources were especially important to people in India's mountainous areas. Uttarakhand went through a series of land settlements in the mid 19th century and certain customary rights to village commons had survived to the present in the minds of the villagers.

Many issues relating to forest management and local practices regarding land use required an understanding of the complicated issue of *nap*, 'measured' vs. *benap* 'unmeasured' lands, and all land in Uttarakhand fell into one or the other of these categories. Different rules prevailed for determining the category of a piece of land in different parts of Uttarakhand. While all unmeasured

land was the property of the state, villagers had certain customary rights to forest areas, and, in fact, only a small portion of Uttarakhand's area was 'measured', meaning it was private property.

Liberalisation moves introduced after independence made it possible for local communities to extend their agricultural holdings to up to one acre of *benap* land. Liberalisation led to uncontrolled exploitation and encroachment, and fears arose that these areas would completely disappear. The latest land settlement, which took place from 1955 to 1966, measured all land situated within the village boundaries and shown as *benap* in earlier settlements, thus eliminating the very concept of *benap* land. Currently, the *Khatauni* (record of rights) of the hill areas referred to two types of land: *Zamindari Abolition Khatauni*, land measured prior to this settlement, and *Non-Zamindari Abolition Khatauni*, measured following the present settlement. Under this system, certain land was classified as 'forest land', bringing it under the provisions of the Forest Conservation Act 1980, which stipulated that "*forest land cannot be diverted to non-forest purposes without prior approval of the central government.*"

Forest management in Uttarakhand had a long history of government action, both exploitative and protective, and people's reactions. Massive resentment in the early part of this century led to more than 30,000 hectares of forests being burned down. The report of the Grievance Committee charged to investigate this incident included many findings supportive of the community position and made a number of recommendations that were, for the most part, accepted by the government—to the dismay of the Department of Forests.

The report noted the large amount of reserve forest that the settlement of 1911-17 had declared and the numerous rules that had been issued to regulate the residents' conduct in exercise of their forest rights, many of which were only vaguely understood by the area residents. The committee also observed that, along with their grievances, which were categorised into 11 major areas, the witnesses generally recognised that, subject to their rights, the commercially valuable forests should be protected and exploited if the profits earned from their management were returned to the locality. Side effects of the forest policy, such as the fact that forestry operations drew labour away from agriculture and tea cultivation and thereby impoverished many local people, were also noted.

Four general remedies were recommended. In brief these were: 1) exclusion of certain classes of forests from government control; 2) revision of demarcation to move the existing boundaries of the reserves further away from villages; 3) enquiry into cases of government land acquisition over which grievances had not been resolved; and 4) removal of rules and regulations in forest reserves wherever possible; this involved separating these into two classes of Reserved Forests, one in which restriction was nominal and use by local residents was allowed. Community forests, called *Panchayati* Forests or *Van Panchayat(s)* in the hills, emerged from these four remedies suggested by the Kumaon Forest Grievance Committee, as far back as October 1921.

The Kumaon Forest Grievance Committee Report had previously been considered for the role it played in creating space for community forestry. It also promoted the popular movements opposing the might of the

British Empire. However, the remaining issue was how much the other grievances related to a genuine concern for sustainable forest development or the issues of other marginalised groups living in the area. These other grievances were also significant, addressing issues relating to the economics of sustainable forest management and the interests of marginalised groups.

Other grievances regarding grazing land and fee collection from traders were considered and recommendations made. Likewise, certain allegations that temple trees and groves had been included in reserved forests were found to be correct in some cases; it was ordered that this be set right. The Committee urged the introduction in all schools on the importance of forestry and the necessity for forest protection, hoping this would result in people adopting protective measures on their own, even in forests outside reserves.

As the Government accepted the Committee recommendations, it was interesting to examine the steps taken to implement better forest management practices in the Class I reserves. For many years the people of Kumaon had been agitating for the withdrawal of Kumaon from the operations of the Scheduled Districts' Act, and a committee was established to examine this issue in 1927. However, the opportunity to provide Kumaon with flexibility was lost when, in 1937, under the Government of India (Adaptation of Indian Laws) Order, Kumaon laws were merged into the various all India Acts and Rules. This thoroughly undermined its distinctive requirements, especially those relating to common property resources such as land, forests, and water, causing severe damage to the hill areas of Uttarakhand which still continued.

The state government at the time felt that the administration of the Kumaon Division had to be brought into line with the administration of the rest of the Province and appointed a Kumaon Law Committee to make the necessary recommendations. While the earlier Kumaon Forest Grievance Committee was involved with one common property resource; i.e., forests, the Law Committee was grappling with others, e.g., land and revenue administration. When the Committee's report was submitted in 1940, the provincial government decided not to enact any new legislation as recommended but rather to amend the Rules to whatever extent possible without legislation.

During the 1920s the *Panchayati* forest movement was initiated by the Government of Madras. Its successes led the U.P. Government to depute a Special Officer to study their methods in 1927. The movement then began in U.P. and *Panchayati* forests began springing up in many places in Garhwal and Almora. Regarding Kumaon, the Kumaon Forest Advisory Committee had been constituted to assist the Commissioner in forestry matters.

The Kumaon Forest Grievance Advisory Committee, in its deliberations, also discussed the rights and concessions of the villagers in Class II forests and Old Reserves. The Committee published a report entitled 'An Investigation into the Villagers' Rights in the Reserved Forests of Kumaon'. Grazing rights were relaxed and other recommendations made. Meanwhile, *Van Panchayat(s)* continued to make progress into the 1940s and subsequently, so that, by 1993, as many as 4,064 of Uttarakhand's 15,951 inhabited villages had acquired their own Community Forests and the trend was

gathering momentum through the Joint Forestry Management (JFM) programme.

A 1976 amendment in the Indian Constitution removed Forest and Wild Life Preservation from the State List and brought them into the Concurrent List, giving them more importance. The 1980 Forest Conservation Act, the first Act passed after the transfer, prohibited State Governments from declaring any reserved forests to be non-reserved without prior Central Government permission. Amendments in 1989 widened its scope to all forest lands in an attempt to adjust the balance between peoples' requirements, on the one hand, and proper preservation of the forests on the other. In 1985 a Ministry of Forests and Environment was established. This Ministry has been given supervisory powers over the activities of State Forest departments. These various centralization measures once again destabilised this perilous equipoise, and the increasing demand for forest usufructs led to increasing conflicts, illicit felling, and alienation of the people from the forests; this time at an all-India level. Peoples' rights to management of forests and their usufructs were then conceded through the Government of India's Forest Policy Resolution of 1988 and its Policy Circular of 1 June 1990, creating space for Joint Forest Management all over the country.

These new policies facilitated the involvement of local communities and Voluntary Agencies in protecting forests and developing degraded lands, by considering them as partners with the Government. Meeting the needs of local people was given primary importance. This represented a very radical departure from all earlier policies in which the Forest Department considered the local people to be destroyers of forests who needed

to be controlled. Actually, long before the phenomenon now called Joint Forest Management was formally recognised and recommended by the Ministry of Forests and Environment, it was well established in Uttarakhand as *Van Panchayat(s)*. Similar community forestry practices also existed in several other states or have recently been initiated with the help of the Forest Department.

Van Panchayat(s) had several special features compared to community forestry practices in other states. They evolved from protests by local communities against the government's tendencies to look at forests as an economic resource, successfully asserting people's rights and privileges over them. They were still the only JFM village mechanism with the full legal backing of the 1925 Forest Act; and once created on forest land they could not be alienated. There was endless potential for their extension into all Class I reserves, and they could also be created out of Class II reserves, even out of the old reserves. Thus *Van Panchayat(s)* were the only JFM mechanism in the country that could be extended over all forest land. Creation of new *Van Panchayat(s)* did not require permission under the Forest Conservation Act, 1980. This leeway was not enjoyed by any other known JFM mechanism in the country. Thus, Uttarakhand's *Van Panchayat(s)*, as a unique JFM mechanism, were well-suited village-level forest sub committee easily manageable by any village panchayat.

Decentralized planning, brought to India in 1992 by the 73rd Constitutional Amendment, enabled *Panchayati Raj* institutions to manage their own affairs in a most democratic manner, and gave them a range of decentralized powers, many of which fell under the purview of the Village

Panchayat. Some of these directly related to *Van Panchayat(s)*, and if the *Village Panchayat(s)* were willing to take their assistance and if the *Van Panchayat* had sufficient external resources, it could be eminently suited to undertake their implementation.

Earlier the *Van Panchayat(s)* suffered from overall neglect by both the Forest Department and the Revenue Department which controlled and managed them as well. Since 1992, however, many steps had been taken to improve their overall con-

dition. A major forestry project aided by the World Bank commenced work in U.P. in March 1998. One of its objectives was to assist Uttarakhand's *Van Panchayat(s)*, once they accepted the strategy approved by the World Bank for implementation of Joint Forestry Management. This unique hill village institution was formally accepted as the ideal village mechanism for introduction of JFM in Uttarakhand, the latest vindication of the community's will to manage its own common property resources.