

**COMMUNITY-INITIATED FOREST MANAGEMENT WITHOUT LAND TENURE:
HOW FEEBLE, HOW STRONG?¹
A study of three villages from central India.**

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Abstract

In situations where human being and forest co-exist, sustainability of the resource largely depends upon the suitability of the Institution governing the common pool resource, but choice regarding the form of Institution for these commons depends on ideological, political and social background of a given country state. In India forests have been under state control for the past 150 years, but due of several reasons, one being it's policy of exclusive management, it has proved to be inefficient. As a result, it has neither been able to maintain the existing forest cover nor increase the total area under forest. On the other hand, there are communities that have made self-initiated attempts to manage the resource. Some NGOs too have attempted to promote resource management among these communities. These successful independent attempts have lead to the acceptance by the State of community participation in forest management, which is reflected in programs like Joint Forest Management (JFM). Thus, collective action has become the main ingredient of any institution managing natural resources either promoted by an NGO, or a State Program or by a Self organized group. But none of these three collective action based regimes have any clear-cut land tenure rights transferred to communities. While JFM has arrangements for sharing profits in distant future, in the case of other two institutions the communities are investing in the form of labor and time in exchange of *de facto* usufructs only. This is so because all the forestland in Central India belongs to the Government. Present paper brings out the fact that despite the absence of land-tenure there is evidence of successful collective action in managing forests. However, its sustainability is questionable. The study is based on empirical work wherein data is collected from three villages, each representing an Institutional structure, located in 'forest-tribal' rich Gadchiroli district of Maharashtra, India.

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Historically, forests have been under diverse tenure structures in India. Until the end of the nineteenth century, at least 80 percent of India's natural resources were common property (Singh, 1986). Community ownership with not very stringently demarcated geographical boundaries, often finds mention in old gazetteers and travelogues. Community ownership exists even today in some pockets of India, especially in the North Eastern states of the country. It is only after the British consolidated their control over forest resources that the resource became a public property. The forests were categorized into 'reserved', 'protected' and 'unclassed', with

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use-rights varying from ‘total absence’ in reserved forests to ‘very liberal’ in unclassed forests. With the increased physical and administrative integration of fragile, remote, marginal areas with the mainstream political-economic systems, most of the local natural resources belonging to the communities were taken over by the state either through formal law or through disregard of customary laws and practices (Proffenberger et. al 1996, Jodha 1996, Guha 1983). The tenure over forestland and its classification holds good in independent India as well. However, there has been a slight change in usufruct rights for the communities that are residing in and near forests, and are protecting it actively.

Though one-third of the total geographical area has been targeted to be brought under forests in India after independence, only 23 percent of land is under the control of Forest department. With the exception of Protected areas and some reserved forests, which are away from human habitat, all other forests have turned to open access in practice. From 55.52 mha in 1972-75, the forest cover decreased to 46.35 mha. in 1982 (First citizen’s Report, 1982). This further justified the need for consolidation of authority by the State till early 1980s. But in 1988, the dramatic shift in the approach of government towards forest dwelling communities has changed the expectations as well as mutual relationship between the communities and the Forest Department. Recent increase in forest cover from 63.33 mha. in 1997 to 67.55 mha. in 2002 (Forest Survey of India report, 2003) is being attributed to reasons like stringent laws against the conversion of forest land to non-forestry uses, deserting the populist policy of regularizing encroachment of forest lands, but moreover to voluntary efforts of communities and NGOs with nation-wide spread (Baalu, 2002). Rooted in the Forest Policy of 1988, Joint Forest Management (JFM) program of the Government of India is considered an attempt to legally forge a partnership between the forest department and the local community. This partnership is based on joint management objectives in which communities are expected to share both responsibilities and benefits that would be generated. In a way, it is partially promoting common-property regimes as a means of restraining degraded forests and building up a community resource base (McKean, 2000). With the increase in the success stories of JFM villages, discussions regarding a major limitation of JFM on an important question of “tenure” that includes clear, secure, and exclusive rights of access to the resource are also taking place (Lele and Rao, 1996).

In this paper we first discuss the arguments for and against secure land tenure as a precondition for co-management, then present the observations from the three communities, and then conclude with the summary of arguments and suggestions. Data for the paper was collected using IFRI protocols, during 2001 – 2002. International Forestry and Resources Institutions’ (IFRI)⁴ has developed ten instruments to collect socio-economic and botanical data. These instruments record not only the geographical and other physical attributes of an settlement but also capture information on the institutional aspects like rules in-use, infractions, sanctions, use of forest resource etc. in addition to the history of the settlement as well that of the institution.

LAND TENURE: A NECESSARY CONDITION?

Community based natural resource management emphasizes on power, participation, and property rights of frequently marginalized people (Kellert et al., 2000, Gilmour and Fisher 1991, Little 1994, Lynch and Alcorn 1994, Strum, 1994, Sarin 1995.) It is commonly believed that

⁴ International Forestry and Resources Institution Research Program, Indiana University Bloomington, USA

lack of secure land tenure of forest user rights is a major reason why local people do not commit themselves to participatory forest conservation, because people without such rights experience lack of a predictable future and a diminishing willingness to invest labour in conserving forests (Isager, Theilade and Thomsen, 2002). It has long been argued that the ownership of a resource to a large extent influences the way that the resource is used at present and managed for future use. The basic tenet is: When an individual owns a resource and can expect to own and profit from the resource in the future as well, the individual has incentive to invest in the resource in the form of protective measures, restrained use and careful management.(Baltzer, (...)). The wasteful use of resources is attributed to the absence of property rights assignments in that good rather than the individual's greed or lack of social responsibility (Pejovich, 1972). Thus the absence of property rights assignment would lead to overuse and under-investment in the resource, due to the free-rider problem (Chakravarty-Kaul, 1996). It follows that private property assignments would result in more efficient use and allocation of resources, since the benefits will be reaped and the cost will be borne by owners who will have incentive to keep the cost low. From individual's point of view the specification of property rights is associated with his search for more utility. As Demsetz puts it, not all costs of a person's activity are borne by himself and therefore he tends to overuse. On the other hand since the commonly owned resource is non-transferable and individual 'cannot capture for himself the full value of that good', the cost of policing any agreement for the controlled use of the good is quite high (Demsetz, 1967). In case of forests, they easily convert into open access especially where considerable ambiguity surrounds the awareness and recognition of customary and state legislated tenure systems (Unruh, 1995).

Yet, in many places, the ground experience is that the status of the resource has experienced effective conservation in spite of the absence of tenure rights. On the other hand, there are instances of deterioration despite legal ownership even by indigenous people, who are generally believed to have tradition of conservation. It is important to keep in mind the fact that in rural areas the rights, obligations and enforcement mechanisms, as the society's institutional arrangements are a product of community's collective concerns, norms and actions for common good, which in turn are manifestations of what is described as 'social capital' (Jodha, 2002). Especially in places with difficult access, and less frequently visited by government officials, *de jure* provisions have less significance than the *de facto* understanding. It is obviously due to default, and not a result of conscious decision that the communities often use various products from forest over which they do not have rights. It is possible because either the concerned officials are unwilling to go to, let alone enforce law, at places with difficult access or simply because they are ignorant or totally indifferent to the practices of communities that may not be in keeping with the legal provisions. In case of CPR management, communities' participation does not simply depend on land tenure, legal use rights and autonomy (Jodha, 2002). Many rural groups recognize individual or family ownership of land and trees based on occupancy and use, although government can ignore traditional tenure systems and regard such areas as part of the public domain ((Bruce & Fortmann 1989, Bruce & Noronha 1985, Barker 1990, Dove 1983, Weinstock 1984). In case of agro forestry as well, it has been argued that the usual belief that clear and secure land tenure arrangements must be in place because people will not be motivated to plant and maintain trees on land that they do not own or control, is frequently not the case (Unruh, 1995).

PRESENT PAPER

In this paper we present three case studies from central India to show that forests are being protected collectively by communities despite the absence of property rights (land tenure). Collective action based participatory forest management in India can be categorized into three: community initiated, NGO promoted, and state sponsored like Joint Forest Management (JFM). The three categories are represented by the three case studies. Although all the three communities are under JFM fold now, the genesis of collective action has been different. Except in case of JFM, the communities had started protecting their forests without any rights, either over land or over minor forest products. Under JFM there is a provision of usufruct rights and partial rights on timber, but no land tenure. Yet, JFM program is gaining popularity amongst villagers all across the country. Beginning in 1992, 64,000 JFM committees have been reportedly formed till August 2002 (Baal, 2002). The argument we make is, for successful participation of local population in forest conservation, secure land tenure is not a sufficient condition. It is not even a necessary condition in the short run. Yet the sustainability of collective action would be better ensured with the cooperation between the formal and the informal efforts, which requires clear statement of rights and tenure. We also argue that while self-initiated or NGO promoted efforts are necessarily based on collective action, JFM may not be so. JFM is a participatory endeavor in which the community may or may not work collectively. But its success will very much depend on it. Similarly, in self-initiated and NGO promoted collective efforts, the government may or may not 'participate' by giving it legal backing in the form of JFM, but sustainability of such collective efforts will depend on it in the long run.

Participatory process will inevitably vary from institution to institution and from one community to another within the category of an institutional structure. In the three case studies presented here, since all the three are covered under JFM now, we have concentrated on the process of participation by looking into genesis, leadership initiatives, interest-holder analysis (i.e. who is affected by conservation activities? What are the interests? Who has a right to participate? How do different interest holders affect the conservation area?), local land-use history, institutional analysis (rule structure, infractions, compliance), legal rights and privileges etc.

The three villages, i.e. Deulgaon, Markegoan, and Ranvahi are predominantly tribal villages with comparable forest dependence. They are situated in Gadchiroli district of Maharashtra State (Appendix-2). Gadchiroli is one of the eleven districts of Vidarbha region of Maharashtra State (India). Most of the forest in the State is concentrated here. Yet, the per capita income of Gadchiroli district is 48 percent less than the State average. The total geographical area of the district is 14412 sq. kilometers, which works out 4.68 percent of the State. 61.34 percent of total forest yield comes from this district. Population density of the region is very low, only 0.99 percent of the State's population resides in this district, and 38 percent of it is the tribal population.

Deulgaon was chosen to represent the category of self-initiated participatory forest management, as the people of the community started collective effort for forest protection and management. It was only after eight years of protection that JFM came to the village. Markegoan is a pure JFM effort that initiated forest management activities in the village. Ranvahi was able to initiate forest management with the guidance of a local NGO. JFM was introduced here two years later. The

social, economic and geographical profile of the these case studies are given in tabular form in Appendix-1

CASE STUDY-1

VILLAGE DEULGAON

“We protect forest because without the forest, we would have no water in our wells” is what the people of this village feel. This belief has its roots in the recent history of the village. Around 60 years ago there was a severe shortage of water forcing people to sell off their land. As a result a massive exodus took place, where people moved out in all directions. A few settled in neighbouring villages. Only half of the 300 households survived the impact. Once again, approximately 40 years ago, malaria took its toll and another exodus took place where all the households except ten, left the village, selling their land to outsiders. A new settlement was established by the newcomers, which is present Deulgaon.

The beginning of collective forest protection

Forest protection activities started in the village in 1990. The villagers had felt the need to stop the indiscriminate felling by the neighbouring villagers, taking place in the forest adjacent to Deulgaon. But the villagers were not sure whether the forest was within their village boundary or not. On the other hand the activities of the *Tendu* leaf (also known as *bidi* leaves, in which country cigarettes are rolled) contractors appointed by the Forest Department, in the Deulgaon forest were making the community impatient, as these contractors neither employed the villagers for leaf-extraction, nor did they spare any trees for the villagers to extract *tendu* leaves from. Collection of *tendu* leaves is a major source of cash income for most of the communities living in the proximity of forests in central India. But the community was not being vocal about it since they were not sure of their village boundaries, as no land survey had taken place since 1922. Thus, immediately after the land survey in 1988, the villagers decided that all that forest that was in their revenue boundary would be protected from outsiders. The decision was also influenced by the spurt of forest protection activities taking place in a nearby village called Mendha.

It was the Police ‘*Patil*’ (a person nominated by the Police Department) of the village, one Mr. Raoji Dev Madavi’ who was instrumental in getting the people together, assisted by another resident, Mr. Marutrao Kaluram Gedam. In 1990, during one informal meeting, the community finally decided to take steps for not only stopping neighbouring villagers from harvesting from their forest, but also for imposing restrictions on itself. It was decided in consensus that each household would have to harvest according to its genuine requirement, and would not sell any forest product. This was the simple rule introduced by the community at the outset. No formal forest association was formed. Day patrolling by the community members was started. The community continued to believe that they had traditional usufruct rights to harvest from the forest, and therefore protecting forests would only ensure better availability. They were not aware of the fact that their ‘*nistar*’ (usufruct) rights in Reserved forests had been withdrawn since the abolition of ‘*malgujari*’ system of management, way back in 1955.

A step forward

These informal efforts of the community continued in the form of ‘protection’ work allowing natural regeneration alone, with no access to funding or technical know how for increasing the stock and quality of the resource. A step forward in this direction was taken when Mr. Gedam was elected as the ‘*Sarpanch*’ (chief of the local public body) of the village in 1992. He happened to attend a meeting in a neighbouring village at the end of his tenure. The meeting was held for setting up of a Forest Protection committee (FPC) under JFM in the presence of the Range Forest Officer (RFO). It is here that the RFO spoke to Mr. Gedam about what he had heard of the good work being done by the people of Deulgaon and informed him about his desire to visit the village. A visit by the RFO to the village and the meeting with him generated further interest within the community to consider joining JFM. The villagers took time in taking a decision, they held frequent meetings amongst themselves, discussed the pros and cons of joining JFM, and only after consensus was reached, it was decided that they would register under JFM. The proceedings of the meeting along with the application were submitted to the Forest Department to register under JFM. This was followed by visits from Senior Forest Officials who explained the importance of forest protection for the development of the village. The community was appreciative of the benefits like the fifty percent of the proceeds from the sale of timber that they would share under JFM, and right to harvest non-timber forest products from the forest. It was only then that the villagers discovered that under the state ownership, their traditional rights to harvest did not hold good at all. In 1998 the Forest Protection committee under JFM was formed. An executive committee and a general body were constituted, where the office-bearers and the members of the executive body held office for a year. It was in 2000 that it formally registered under JFM under the name of ‘*Samyukt Van Vyavasthapan Samiti*’ (Joint Forest Management Committee).

After the formal set-up, now the General body of the association constitutes of one male and one female member from each household. All members are eligible to participate in the meetings that are held once a month and on an average are well attended. The decisions related to forest are taken only in the general body meetings as no separate executive committee meetings take place. Decisions taken in these meetings are normally regarding daily wages in plantation works, punishments, and fines related to infractions. There also is a provision to call an emergency meeting in special case like theft, but no such meeting was required to be called as yet. Suggestions from all members are invited. Night patrolling, for example, was started along with day patrolling on the basis of a suggestion made by one of the members. The suggestions are, however, incorporated only if they are accepted unanimously by all the members.

Self-initiated attempt and JFM backing - a healthy combination

Under the wings of JFM, the self-initiated attempt of forest management got a boost in the form of technical know-how and funds that they lacked. From the year of the initiation of the Forest association, plantation on 85 hectares of forestland has been done by the Forest Department, where species that the forest lacked or the villagers desired, were planted. For the village forest association to carry out the various forest related activities, no full time or part time employees have been appointed. Forest patrolling is on voluntary basis, where two persons are sent from two households everyday, throughout the year on rotational basis as was done earlier. The association now looks into activities like harvesting of forest products, distribution of forest products to local users, determining the quantity of forest product that can be harvested,

determining who is authorized to harvest these forest product, monitoring compliance to rules, sanctioning the rule breakers, arbitrating in dispute among local users, restricting areas of forest for harvesting, monitoring of forest condition, and interaction with higher authorities etc.

Rules governing forest activities

The association, independent of the rules under JFM, has developed a rule structure regarding harvesting of forest products, determining who is authorized to harvest from this forest, monitoring forest condition and conformance to rules, and sanction rule breakers. There are restrictions on felling of some trees even for self-consumption e.g. species like *Tendu*, *Moha*, gum that have traditional value and are regular suppliers of fruits. Similarly, trees of a certain minimum girth alone can be harvested, thus ensuring protection to saplings. For fuel, only dead wood and fallen branches are allowed to be collected. Sale of timber, fuel wood and fodder is not allowed. In case anyone needs to harvest more than the legitimate requirement for any special occasion, one has to submit a request at the monthly meeting where decision is taken unanimously.

Infractions to these rules are few and have subsided over the years with growing clarity of purpose and provisions. Since the rules were strictly implemented with monetary sanctions right from the beginning, compliance has been increasing. A penalty structure has been built wherein the fine graduates with the frequency of the infraction. For the infraction committed for the first time, Rupees⁵ 51 or fine greater than a days work is imposed. The same fine applies in case the infraction is repeated. In case it is repeated again or the person refuses to pay the fine, then there is a provision that the offender would be taken to the police, but not to the Forest Department, since communication and coordination with Forest Department is not very good. There also is a provision of 'public apology' for restoring harvesting rights if in extreme circumstances any member loses them. These penalties are decided by the vote of the executive committee members and are enforced by an official of the association. The fine so received is used for the activities of the association. The rules and regulations formed are the ones the community has developed over the years, through experience. Almost everyone in the community is aware of these rules and consider them as clear to understand, flexible to the needs of the people, fair, and legitimate. During our informal discussion one thing that came out very clearly was that no individual of the user group has been cut off of the benefits from this forest or become worse off due to the rules of the association.

Financial discipline and record keeping

The major financial source of the association has been the voluntary contributions and fines. Under the World Bank sponsored JFM program, money has been provided to the association to set-up the 'Samaj Mandir' (community hall), and for buying cooking utensils for community use. Funds have also been provided to set up biogas plants, although none of them are in use. Records on income and expenditure, identity of the office-bearers, meetings and resolutions, rules about punishments like types of punishment etc. are maintained by the association. The records are available to the general public, but there is no system of auditing. There is no organization other than the forest department to guide and help the association.

⁵ 1USD = 49INR.

Despite hurdles – the zealous community moves on

These attempts by the community to protect ‘their’ precious resource are often met by hurdles. The major disincentive has come from their very own co-guards and owner of the resource i.e. the Forest Department. Lack of cooperation is clear from the way the department deals with the poachers from neighbouring villagers, caught by the guards of Deulgaon. Earlier when the offenders were taken to the forest office, the officials although confiscated the products that were caught, the tools used by the offender were released a few days later. The villagers of Deulgaon were neither informed about it nor was the penalty amount shared with them. This served as a disincentive for the people to protect their forest. Deulgaon community also suffers from confusion of revenue boundary with a neighboring village. The department has done little to solve the dispute, which is basically over collection of forest products. Despite such discouragements the people of Deulgaon continue to protect ‘their’ forest. For them it is both a source of livelihood and water. They do realize that more forest means more rainfall and more forest produce for sustenance.

CASE STUDY – 2

VILLAGE MARKEGAON

Markegoan, a small tribal village, came into being in the period 1930 to 1935 when residents of a distant village moved in village Heti, its present neighbouring village. It was in Heti village that all the revenue related meetings used to take place at the times of *Malgujari* system. Heti had turned into a ghost town due to an epidemic that had spread in the village, resulting in an exodus of people with only a few remaining. With empty houses in Heti, it was easier for families to move in. Gradually, the village grew and in order to accommodate the growing population, a new settlement came up near Heti, which is the present Markegaon. Forest and its products have always been available in plenty here due to low density of population and abundance of forest surrounding the village. Thus the need for forest protection and restrictive use of forest products never made sense to a majority of the people.

Initiation-The JFM influence

It was with JFM that Markegoan started these forest management activities, in 1997 with the setting up of the JFM Forest Protection committee. Although the need for forest protection was felt by a few people of the village, especially an individual Mr. Chatura Halami, the community as whole was not united on this issue. Very few realized that the forest could not cope with the constant increase in the population of surrounding villages. Difficulties in harvesting forest products and rising conflicts with intruders rose continuously. With scarcity came corruption and the Forest guard started asking for some kind of a payment to allow people to harvest, every time they were caught. Due to this, discontent among the people was continuously growing. In 1995 Mr. Devaji Tofa from Village Mendha came to Markegaon to invite a representative for attending a 15-day Indo-German training program on Watershed management. Mr. Chatura Halami attended this training. The training incorporated not only techniques of watershed management but also various aspects of forest management. After returning to Markegaon, Mr. Chatura Halami shared his experiences with the community members. They got together and built rock dams in the forest. But the community did not do much as far as forest protection was concerned. In the mean time indiscriminate felling by not only the community members, but also by the neighbouring villagers for self-consumption as well as for sale, went on. It took two years

for Mr. Chatura Halami to convince the community that at this rate they would be left with no forest, and thus protection was needed for the benefit of present as well as for the future generation. There still was a section of people who did not think that forest protection from thefts and fires, and a round the clock vigil were their responsibilities. But a consensus to that effect was finally reached. With JFM already working in Mendha village and its benefits visible to its neighbour i.e. Markegaon, the next step that followed naturally was to contact the Forest Department to set-up a Forest protection committee. An application was submitted to the Range forest office, which was followed by a visit by the Range officer and the forest guard to the village to talk to the people about the provisions of JFM. The officials explained the responsibility of forest protection that came with the benefits of joining the program. The FPC was formed under JFM in 1997. The villagers in the first meeting of the Forest protection committee took the decision for three types of restrictions: unrestricted grazing (*Chara Bandi*), liquor consumption (*Nasha Bandi*), and tree felling (*Kurhad Bandi*). Forest Department promised to provide funds for plantation and soil-conservation.

The Institutional set-up

The Forest association got its formal registration in the year 2000. An executive committee of the association was formed where eight men and three women were elected. According to the rules, each term is fixed for a period of five years, and the members can be removed by a majority vote by the general body. The members of the executive body work on voluntary basis and do not receive any remuneration in cash or kind. The general body of the association is formed by one male and one female member from each household. The meetings of the association are held once a month where all members are eligible to participate. The attendance in these meetings is normally 50 per cent, despite a provision of fine of Rupees 2 for every member that does not attend two consecutive meetings. Decisions in these meetings are normally taken regarding the poaching of bamboo and thefts in the plantation areas. Such instances are brought to the notice of the persons responsible for patrolling the forest. Suggestions are invited from members for improvements to be made in the vigilance or in restrictive rules, although no suggestions have come from any member yet. Payments of fines also take place in these meetings. Provision for an emergency meeting in case of special cases like theft has been also made, but no such meeting has not been needed so far.

Activities and rules of the association

The association has a written statement of its mission and objectives, which is based on the forest policy of Government of India, 1988 and the World Bank's JFM program. The rules of the forest association are based on the original set of rules provided by the government and are the same as other Forest associations under the JFM program. Although in reality the villagers of Markegaon are not aware of these rules, and the rules that are followed presently, have been developed by the community itself. For any of the forest related activities like construction of rock dams, plantation, timber contact employment etc. the villagers are paid on a daily basis (there are no full time or part time employees). Protection work is done voluntarily, where three people from three households go everyday for a twelve-hour vigil from eight in the morning till eight at night. No over-night patrolling takes place as the villagers believe that no nighttime thefts can take place due to the difficult terrain of the forest. The guards are appointed in meetings that take place every month. To meet the requirement of timber no new trees are allowed to be cut, especially valuable trees like *Tendu*, *Awala*, *Moha*, which are more important for their leaves and

fruit. Only one pole per year is allowed for house construction. For fuel wood, only fallen wood and stems can be harvested. Earlier, that is before the advent of JFM, even full grown trees were cut down for fuel wood. One cartload of fuel wood in a year is free, after that Rupees five is charged per extra cartload. For all extra requirements an application has to be submitted to the Forest Protection Committee. For meeting grazing requirements, open grazing for three quarters of the year has been allowed, except in the plantation area. For this purpose each household has to carry a Livestock grazing permit for which Rs.1 per year is charged. The rule structure has been influenced by neighbouring Forest protection committees and the local NGOs working around that area. Infractions to these rules do take place as people collect more than what the limit defines. Provision to deal with infraction is also in place, for felling of timber, fine is equal to the market price of the tree(s). It includes the value of flower, bark, and fruits. If the person is not in a position to pay the amount, the executive committee decides the amount to be paid. With a minimum amount of Rupees 51, in case of fuel wood and other forest products, a fine structure has been devised according to the economic status of the members. In general Rupees 51 are to be paid by the poor households, Rupees 101 by middle-income households, and Rupees 151 by high-income households (according to the local definition of wealth and poverty). Penalties are not strictly imposed and the offender (s) is let off in the first couple of infractions. The incidence of anyone losing his harvesting rights has not occurred as yet. Forest department does not play any role in either formation of rules, fixing penalties, or with dealing with infractions that are in practice today.

Financial management and record keeping

The major financial source of the association has been the World Bank, which through its JFM program has provided funds for building a community hall, drainage, and plantations of valuable species for improving the quality of forest. Other source of income is the practice wherein people who get employed voluntarily contribute 5 per cent of their first pay packet. Records of the identity of the office-bearers and fines collected have been maintained since last two years only. The records are kept with the Forest guard and the range forest officers. The villagers neither know about them nor have ever seen them. The range officer who is also a member of the executive body maintains these records.

The community view

The villagers feel that registration under JFM has been beneficial to them, as without it they would never have started the protection work. It is due to JFM that the villagers came to know about the importance and techniques to stop forest fires and got funds for various developmental works. They are aware of the limited tree tenure and the benefits that would follow after 10 years of JFM, yet they are happy with the harvesting rights that have been 'granted' by the government. Although the relations with the Forest Department can be labeled as cordial, there is little help coming from the Forest Department regarding development of rule structure or enforcement of rules. Meetings of the forest association are hardly attended by any representative of the Forest Department, even by the forest guard who is an ex-officio member of the Executive committee. As a result, meetings do not take place regularly, neither is the community aware of the provisions of JFM, nor is the department aware of the decisions taken by the association. Management of forests is all that the community does on its own. The 'joint ness' in day-to-day decision-making is totally missing.

CASE STUDY – 3

VILLAGE RANVAHI

Ranvahi is the largest and the oldest village among the three case studies. It is believed that this village was settled approximately in the 1800. The name of the village came from the dense forest that existed then, called 'Ran' in Marathi. The forest had many streams flowing ('vahi' in Marathi) through it, thus the village next to the forest with flowing streams, came to be known as 'Ranvahi'. One Mr. Ganu Patil Sayam was given the Zamindari of this village by the ruler of Palasgad, Raja Ranshababu Sayam. Mr. Ganu Patil Sayam, who came from Murumgaon settled here and with him, this village came up. With his sons and sons-in-law settling in this village, it grew fast. The ninth generation of Mr. Patil is seventy-three year old Mr. Parshuram Sayam, the present resident of Ranvahi, who has the records of the nine generations. The micro plan of the forest association has a different story to tell. It mentions that Raja Ranshababu Sayam gave the ownership of the village to his 'Diwan' (accountant and advisor) Mr. Sravan Sayam who set up this settlement. The descendent of Mr. Sravan Sayam is the present police 'Patil' (a person nominated from within the village by the police department) of the village.

Need for forest protection-an NGO effort

The seeds of change in the attitude of the community of Ranvahi towards 'its' forest were sown by a local NGO, 'Amhi Amchya Arogya Sathi'(AAA). In a 'Sakhi mela' (an all women get-together), organized by Mrs. Shubhada Deshmukh of AAA in 1995, where women from villages all over Maharashtra had come. Each woman representative of the villages was asked to share the positive and negative developments taking place in village. Ranvahi also had a representative named Mrs. Umakantabai, who spoke of the problems that Ranvahi had to face, like indiscriminate felling by timber contractors, the problem of men getting drunk etc. There were other women who spoke about forest protection work in their own villages. Umakantabai narrated her experiences and the positive developments in other villages to her fellow villagers. That very year AAA came to Ranvahi as a part of a government scheme to set up women self-help groups. It was during this process that Dr. Gogulwar of AAA called a meeting of the community and spoke to them about the need of forest protection, JFM and its advantages. He gave them the address of the DFO of Gadchiroli to send in their application. After reaching a consensus, the community sent its application to the Forest Department in 1995. After the DFO received the application, he sent the Range Forest Officer of Malegaon to hold a meeting with the people of Ranvahi and get a feeling of their commitment. In the meantime, inspired by the NGO, Ranvahi community had already started protection work on its own. The poachers were mainly from the neighbouring villages, who were habituated of harvesting forest products from the forest area belonging to Ranvahi. There is one such incident narrated by the villagers where a few people from the local road construction company came to get timber. While they sneaked in unnoticed, they were caught on their way back with logs of wood filled in a tractor. It was the women of the village who stopped them and did not allow them to leave with the timber. While the outsiders were prevented successfully from harvesting from this forest, wasteful harvesting by the Ranvahi community itself, continued. Encouraged by the suggestions coming from the NGO (AAA), some villagers tried to estimate the usage of forest products by each household. It was found that they were using forest products like timber and fuel-wood much more than what was required. For example, it was found that on an average nearly 20 cartloads of fuel wood was being harvested by each household in a year (which is three times the present average

consumption). It was decided by the community that this was to be stopped immediately and that the community members would be allowed to collect only what was genuinely required. More such decisions took place either in the '*Gram Sabha*' (village meetings) that were held on regular intervals, or in informal meetings as and when the need to get together to take a decision, arose. There was initially only one member, invariably a male member, from each household who could participate in these meetings. On the suggestion made by AAA, women were also encouraged to participate. Thus two members from each household, one male and one female, became participants in these meetings. The community started round the clock vigilance. All this went on without any forest protection association or committee. Thus protection of the forest from external and internal use was the only activity taken up by the community till 1998, when the application to register under JFM was finally accepted and a Forest protection committee was informally set up. In 2001 it was formally registered under JFM.

Structure and functioning of the association

Under its JFM status an executive committee was formed, where five men and two women were elected, for a term of five years, as members of the committee. The structure of the committee still remains unchanged. There is a provision through which members can be removed through a resolution by the general body of the association. All the executive members work on voluntary basis without any pay or material compensation. The general body of the association constitutes one male and one female member from each household. All members are eligible to participate in the meetings that are held once a month. The level of general awareness being high, these meetings are attended by almost all the members of the association. Decisions in these meetings are normally made about the requirement put forward for timber for house construction. The applications are discussed here and decisions are taken whether full or part requirement is to be met. Forest patrolling is taken very seriously, and if any irregularity is found, it is taken note of. Areas of forests most frequented by the poachers often find place in the discussions, and strategies to deal with it are also taken up. There is a provision to call special meetings in case of a special problem, but no such meeting has been called till date. Similarly, distribution of money received from the Forest Department against the forest activities undertaken by the community, also takes place in these meetings. Conventionally all decisions are taken unanimously. Conflicts within the group have decreased over the years, and this could be due to leniency in imposing penalties.

Activities of the association and formulation of rules

The association carries out its activities with the help of its members as there are no full time or part time employees of the association. All the members work on daily wages for any kind of forest activity taken up by the forest department. Guarding the forests is done on a voluntary basis so far. It has been proposed that in future the Forest department will be assigning a lump sum amount for protection work to be distributed amongst the households through the association. At present the guards are selected by lots, where two persons from two houses go for patrolling every day. In the past years the association has coordinated activities like forest maintenance, determining the quantity of forest product that can be harvested, determining who is authorized to harvest these forest products, monitoring the condition of the forest, monitoring conformance to rules, sanctioning rule breakers, distributing revenue earned through forest contracts where a lump sum amount is given by the timber contractors to the villagers, which is then distributed between households according to the work done. To ensure smooth functioning

of the forest related activities, rules have been formulated by the association itself with guidance of the NGO (AAA). Almost everyone is aware of rules that govern the association, as they are easy to understand, clear as to what behavior demonstrates following and breaking of the rules. The rules are kept flexible in the interest of the community, taking into consideration times of emergency or urgent needs of the members of the user group. This has resulted in the rules being perceived by the members as fair and legitimate. No trees can be felled for fuel wood. In case of timber for construction of houses, ten poles per year per household are permitted. If the requirement is more, upto 50 poles, permission can be sought by applying to the committee. Any requirement over 50 poles is on the basis of a payment of Rupees five per pole. In case of fodder there is no limit fixed on the quantity that can be harvested and open grazing is generally practiced. Only certain parts, like the 60-hectare plantation set up under JFM, of the forest are closed for grazing. The members of the user group generally follow these rules, but infractions do take place as fuel wood or timber is often collected more than the requirement. In case of these infractions the provision is to pardon the offender the first and second time either with a warning or with a small penalty. But the third time steps to expel him/her from the association are to be taken. The kinds of penalties to be imposed are normally decided by a vote of the individuals in the user group and it is the officials of the Forest Protection Committee who impose the fine. In case a person refuses to pay fine, there is a provision that his harvesting rights can be totally withdrawn. In case he is keen to restore his harvesting rights, it can be done only by apologizing publicly in one of the association meetings. Although FD officials are not called to enforce penalties on the community members, whenever the neighbouring villagers are caught stealing from the Ranvahi forest, they are taken to the Malewada forest office where a fine is imposed and a certain percentage is given to the association of the Ranvahi.

Finances and Records

The major financial source of the association has been the World Bank, which through its JFM program has provided funds for building a community hall, and for improving forest quality, plantations of valuable species like bamboo and teak. The records that are maintained and submitted to the forest department are that of identity of the office bearers, of meetings and resolutions, and of income and expenditure incurred by the association. The records are meant to be available to the general public for examination but in reality these are not accessible to the general public, since they do not remain in the village and with the forest department.

Added advantage

The community of Ranvahi not only has excellent relations with the Forest department and receives all kinds of help from it, it is also constantly guided by the local NGO through its voluntary workers. Along with the guidance from forest officials on forest governance and improvement techniques, Ranvahi community also has the advantage of getting income generating activities like forest nurseries with buy-back guarantee from the department. With the help of NGO, some 'study groups' on wildlife, agriculture, medicinal plants, trees etc. have been set up. These are indirectly helping the community members to realize the benefits that are available to the community through the forest. As a result of this, the level of awareness regarding their rights is also increasing.

CONCLUSIONS

It is quite clear that collective action does not necessarily depend on land tenure, at least in the short run. Existing norms, social capital, extent of dependence on forest, effective leadership (Ghate and Mehra (Talwar), 2003) are some of the factors that influence collective action in resource management. In none of the three case studies land tenure exists. Even in case of JFM, a program with government's backing, all that the communities have is a usufructs right to harvest, and a share of proceeds once the area planted or protected is harvested for timber. On the other hand, in case of Deulgaon and Ranvahi the protection of the forest was started without an eye for revenue from timber. As is the common experience in areas in the proximity of forests, local population does collect forest produce like fuel wood, fodder, timber, fruits and roots from the nearby forest. Their sustenance depends on it. The communities that are initiating collective action of their own are doing so not for large timber revenues but for ensuring their day-to-day requirement. Thus absence of land tenure does not deter communities from preserving a resource that does not belong to them. They are ready to invest time and energy to save such a resource. Thus, although JFM does not transfer the ownership or title of the land to the local community and is restricted to benefit-sharing arrangements, several hundred thousand villagers are motivated to initiate or participate in forestry regeneration through community-controlled protection (Sarin, 1995).

Yet, the fact remains that for communities to invest more in terms of time and labour for improving productivity of forests, and not restrict to protection of the resource alone, they would require some assurance of tenure security for the future. Experiences in various countries so far provide indications of conditions under which peoples' participation can be feasible. The successful emergence of a large framework of peoples' participation in the management of forests requires fulfillment of certain preconditions like serious political commitment, clear-cut policy objectives as well as policy guidelines, consistency of approach, realistic institutional arrangements for collective tenure, and the security of usage rights. Past experience of rural communities in general and forest dwelling communities in particular regarding State's ownership of forests has been disheartening. When the concept of JFM was introduced in India, local communities had doubts about the intentions of the government, disbelieving that the state can ever give-up its authority on forests and create stakes for the local population. If genuine functional autonomy over local resources is provided to these communities, it would be a key step towards strengthening as well as sustaining collective action. A conscious effort for identifying communities that have initiated forest protection of their own, and extending authority to them by bring them under the JFM fold would ensure sustainability of collective action. Similarly, JFM can become instrumental in creating social capital as local officials can play a crucial role in building or nurturing village institutions wherever the local people are not familiar with the concept or nuances of the functioning of such institutions (D'Silva et al, 2003).

The participatory approach of the government needs to lead to collective action of the community. It is all the more significant because presently about 90 percent of India's 64 million ha. of forest is under state ownership. India is fast moving towards the next stage of 'community management' after the encouraging experience of 'Joint management'. Two states – Andhra Pradesh and Madhya Pradesh have already implemented it on a limited scale. For such a major policy change, acceptance of common property rights will need to be made eventually for making more than 100 million people self-sufficient.

Analysis of these cases has led to the conclusion that joint control and management by the government and local people is possibly the optimum formula for conservation (Singh, 1996, Hirsch et al. 1999). The community alone finds it difficult to implement or enforce sustainable natural resource management without the legitimate sanctions set by the government. In the absence of autonomy, the communities have to pay a heavy price as each decision need to be taken unanimously (Ghate, 2000). Community-initiated efforts without government support in the form of law enforcement and Joint Forest Management without active cooperation of local people, are unlikely to sustain in the long run

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Appendix-1: Village profile

Villages	Deulgaon (Self-initiated)	Ranvahi (NGO promoted)	Markegaon (State Program)
Latitude	N 20°15'16.0" latitude	N 20°30'22.8" Latitude	20°14'42.3" latitude
Longitude	80°11'41.4" EO longitude	80°21'37.7" EO Longitude	80°19'59.6" EO longitude
Mean sea level	230 meters ASL.	250 meters ASL	250 meters ASL
Location	18 kms from Dhanora, the subdistrict (Taluka) of Gadchiroli district of Maharashtra State	25 kilometers from the Kurkheda town which the Subdistrict of Gadchiroli district of Maharashtra state.	5 kilometers from the sub-district center that is Dhanora in Gadchiroli district of Maharashtra state.
Geographical area	718.48 hectares	924.43 ha.	530.29 hectares
Forest area	601.37 hectare	641.71 hectares	439.44 hectares
Per capita forest	3.5 hectares	2.4 ha.	2.7 hectares
Population	173	393	161
Number of households	33	81	32
Three main Ethnic/caste groups	70% = Gond (tribals) 30% = kunbi (OBC)	96% = Gond 1% = SC 1% = nomadic tribe	Gond = 100%
Languages spoken	Marathi and Gondi	Marathi and Gondi	Marathi and Gondi
Literacy	51% are literate	62.84%	48%
Main type of Houses	Mud-brick with tiled or thatched roofs.	Mud-brick & concrete houses with tiled roofs.	Mud-brick with tiled or thatched roofs.
Main occupation	Agriculture	Agriculture	Agriculture
Landed households	33 households	62 households	30 households
Land holding	2-3 acres	1-7 acres	2 to 3 acres.
Crops grown	Paddy, <i>tur lakhori</i> (pulse), <i>jawar</i> , <i>chana</i> etc	Paddy, <i>chana and tur</i> , <i>cilliy</i> (cash crop).	Paddy, tur, mung, urad, beans, kurat
Own crop consumed	8-9 months	8-9 months	8 months
Forest dependence	Fuelwood, fodder, timber, wildlife, minor forest products like <i>awala</i> , <i>hirda</i> , <i>moha</i> , <i>Tendu</i> leaves, char etc.	Fuelwood, fodder, timber, bushes, grasses, leaves (<i>tendu</i>), water, wildlife, fruits, vegetables, bamboo, <i>Maho</i> flower, gum etc.	Fuelwood, fodder, timber bushes, grasses, leaves (<i>tendu</i>), water, wildlife, agricultural implements, hunting gears, herbs to make pesticides for crops, storage

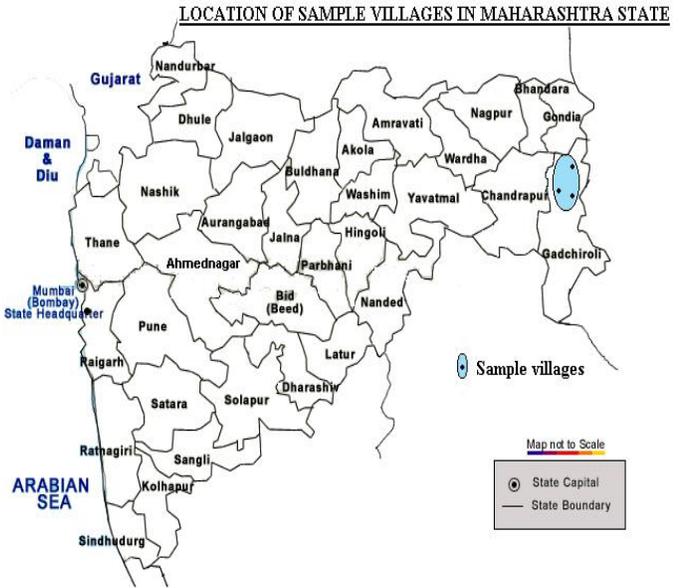
			utensils, kitchen implements, livestock sheds, furniture, toys, headgears for marriage purposes and other items like carved pillars made especially for marriages, grain crushing implements etc.
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Appendix-2: Maps

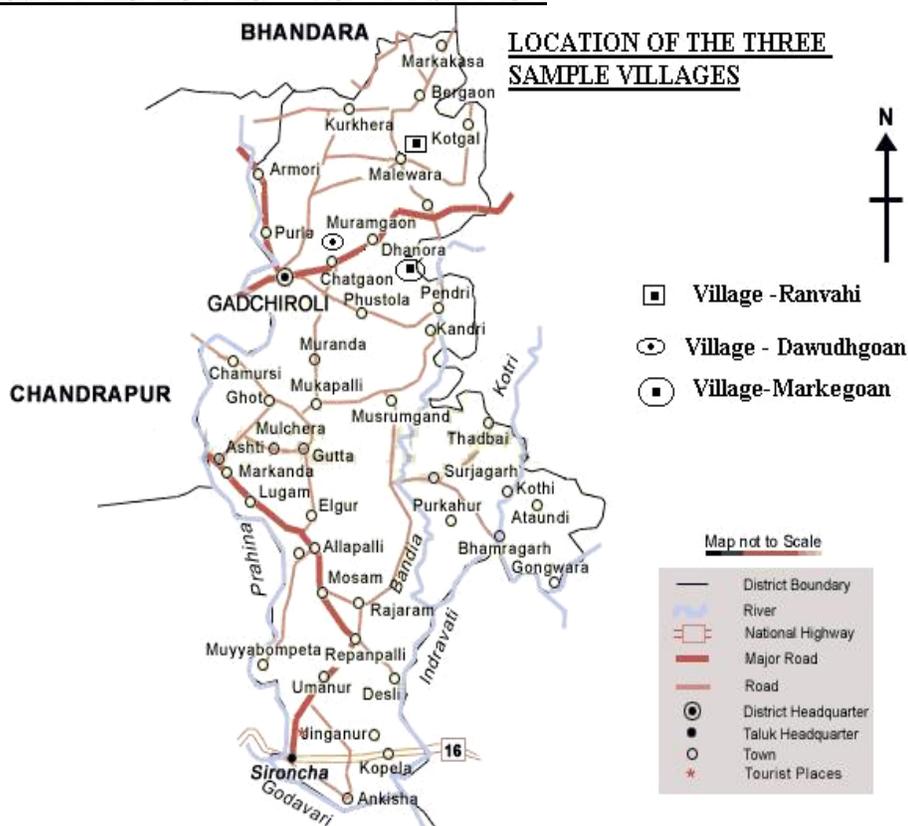
MAP-1: MAP OF INDIA



MAP-2: MAP OF MAHARASHTRA STATE



MAP-3: MAP OF GADCHIROLI DISTRICT



Source: www.mapsofindia.com