
JOINT FOREST MANAGEMENT

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FROM CONFLICT TO COLLABORATION: LOCAL INSTITUTIONS IN JOINT FOREST MANAGEMENT

By

Madhu Sarin



National Support Group for Joint Forest Management,
Society for Promotion of Wastelands Development, New Delhi

&

The Ford Foundation, New Delhi

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ABSTRACT AND ACKNOWLEDGEMENTS

Collaborative or joint forest management (JFM) is gaining popularity as a means of soliciting the participation of forest-dependent villagers in the sustainable management of nationalized forests*. The aim is to reverse the alienation of forest users from forests, brought about by over 12 decades of state forest management, by nurturing JFM partnerships between forest departments (FDs) and local institutions of villagers on the basis of clearly defined rights and responsibilities of both parties.

This paper examines some of the major issues related to local institutions which will need to be addressed to effectively translate the goals of JFM into practice.

Part I explains some of the guiding principles on which democratic and effective local institutions need to be based to undertake the resource management tasks expected of them. It also addresses the challenges forest departments will face in nurturing such institutions in the diversity of ecological, historical, cultural and forest dependency contexts in different parts of the country.

Part II deals with the complexity of existing forest-people relationships. Such relationships will need to be comprehended to facilitate consensus-based linkages between groups of users and the forest areas to be managed by them. Without facilitating such a consensual process in each setting, neither the local institutions nor the partnerships they enter into are likely to be sustainable.

Part III examines the internal structure and functioning of participatory local organizations capable of performing the role expected of them in JFM. The importance of the leadership's representativeness, transparency and accountability in decision-making and commitment to principles of equity for the sustainability of autonomous local organizations is highlighted.

Part IV deals in greater depth with the organizational functions of local institutions concentrating on operational rules and procedures necessary to ensure the proper functioning of local institutions.

The paper emphasizes the participatory process of nurturing and empowering diverse and autonomous local institutions. This process must become an integral part of implementing JFM, in contrast to the tendency among forest bureaucracies to command people's participation through top-down directives and executive fiat.

It is hoped that the paper will contribute to an improved understanding of the institutional challenges posed by JFM among all those committed to decentralized, democratic and sustainable management of the country's forests on which the well-being and livelihood of millions of the country's forest-dependent villagers depends.

The author has relied heavily on her personal learnings during 13 years of involvement with the Aryan Forest Department's JFM program and the sharing of insights with friends and colleagues in the Haryana JFM support team, particularly with Mr. J. R. Gupta, Coordinator of Haryana's JFM program, and with colleagues working on JFM in other states. Particular thanks are due to Dr. Mark Poffenberger, Ms. Betsy McGean and Mr. Jeffrey Y. Campbell for their valuable comments and suggestions on

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INTRODUCTION

Historically, the introduction of 'scientific forest management' in India has consisted of imposing a uniform, centralized and bureaucratic management system upon a wide diversity of local situations. This has included a diversity not only in vegetation and ecology, but also in types and levels of economic dependence of local people on forest resources and their autonomously devised local resource management systems. Traditional communal resource management institutions in India have included the kans in Uttara Kannada, the sacred groves in the Himalayas, the orans in Rajasthan, the shamilat forests in the Punjab, the supply and safety forests in Mizoram and the cumindade lands in Goa (Chakravarty-Kaul 1992; Gadgil 1989). The process, and consequences, of this imposition have been less than smooth. Indian forest management history is replete with rebellions and uprisings by forest-dependent communities against the state's attempt to deprive them of their access to and control over local forest resources (Gadgil and Guha 1992; Guha 1989).

The nationalization of forests in the post-Independence era and the forest policy of 1952 continued the process of expanding custodial state control over forests while further curtailing community rights and authority. This was accompanied by another institutional intervention, that of superimposing the gram panchayat structure, often grouping several socially unrelated villages for administrative convenience, on existing communities as the new structure of local governance. This further weakened local institutions¹ and their authority by redefining the community itself. With the state controlling elections to gram panchayats as well as their financial and resource management powers, and elected panchayat representatives often being supervised by the bureaucracy, the legitimacy of local leadership and traditions of collective decision-making were replaced by state-regulated 'representative democracy' at the village level. A major consequence of these radical institutional upheavals has been a progressive alienation of local villagers from the forests, weakening or near destruction of traditional community resource management systems, and vast degradation and destruction of the country's forests.

Today, while conflict continues to characterize the forest department-community relationship, a more favorable socio political climate for restructuring forest management is developing. Consensus is beginning to emerge in favor of collaborative forest management between forest departments (FDs) and groups of local villagers. 'Joint forest

¹ The terms local institution, local organization and community organization have been used interchangeably.

management' (JFM) seeks to develop partnerships between local institutions and FDs for the sustainable management of forest areas on **the** basis of trust and mutually defined rights and responsibilities of both parties.

Institutional Implications of JFM

While developing this new, innovative forest management framework, it is important to identify the institutional parameters on which it must be based. Far into the future, forest department-local institution partnerships will remain asymmetrical. For over a century, state FDs have wielded enormous power and authority, with no concomitant accountability to forest-dependent villagers. For JFM partnerships to succeed, they must be rooted in **mutual** acceptance of clearly defined rights, responsibilities, and accountability by both FDs and local institutions.

For the forest bureaucracy, working with a large number of diverse and scattered local institutions will mean a radical shift from centralized, top-down planning and authority to developing a capacity for decentralized decision-making responsive to the diversity of local needs and priorities. Prescriptive Working Plans based only on technical and revenue considerations will need to be replaced by flexible planning sensitive to socio-economic concerns and processes for nurturing collaborative partnerships. This implies challenging reforms in the forest departments' orientation, training, internal structure, decision-making processes and priorities. Given the variation in the availability and capabilities of local institutions in different regions, combined with the institutional imperatives of their expected roles in JFM, the FD as the larger institutional partner will also have to play the role of guiding and nurturing the development of strong, sustainable and autonomous local institutions.

On their part, forest-dependent villagers will need to make a commitment to strengthening or developing their own institutions which have the capacity to sustainably manage forest resources on transparent principles of equity and accountability, where individual interest must be curtailed for the common benefit of all members.

Participatory decision-making and decentralized management are unfamiliar concepts for forest departments. Few forest officers or field staff, and even many of the non-government organizations (NGOs) involved in JFM, are familiar with the basic principles upon which strong, stable and democratic local institutions need to be founded and the kind of nurturing and empowerment they are likely to require before being able to undertake the resource management tasks expected of them (see Figure 1). This is particularly crucial in areas where there are no strong surviving traditions of community organization to build upon. In such situations, new traditions of collective *resource* management will need to be cultivated and tested, a process which is likely to be slow and yield uneven results. Unfortunately, the poor performance of externally-imposed organizational structures on non-cohesive, diverse groups of villagers, which includes gram panchayats covering anywhere from one to 22 villages in different states, has eroded the credibility of what are equated with 'village institutions'. It needs to be emphasized that the generally inadequate performance of government-sponsored local institutions in India has largely been due to their not being 'founded on sound participatory and democratic principles. Only through such a covenant can the credibility and effectiveness of village

institutions be re-established.

FIGURE 1
GUIDING PRINCIPLES FOR DEMOCRATIC AND EFFECTIVE LOCAL INSTITUTIONS

Adherence to a broad set of basic guiding principles is imperative for the effective, accountable and sustainable functioning of any local institution. As elaborated below, these principles include: a viable social group, organizational norms and procedures, a transparent and effective system of accountability, reliable conflict resolution mechanisms, and autonomous status.

Viable Social Unit of Organization

Membership consisting of smaller, socio-economically and culturally homogenous groups such as village hamlets living in close enough proximity to ensure consistent communication and social interaction tends to be a desirable, though not essential, condition for an effective local institution. The majority of members should have a common interest around which to organize.

Organizational Norms and Procedures

The local institution must evolve norms and procedures, whether formal or informal, acceptable to the majority of members for regulating their actions. These must be based on the principle of equitable rights and responsibilities of all members. Desirable norms include: keeping membership open for all resident adult women and men; effective representation of all minority groups; commitment to promoting gender equity.

Accountability Mechanisms

For sustainability, each local institution must have effective mechanisms to ensure accountability of individual members and the leadership. These should ideally include: clear and accessible records of accounts and collectively taken decisions; annual elections of formal representatives; participatory and open decision-making with major decisions subject to the approval of the general body; general body power to recall corrupt representatives; penalties for violation of consensual rules.

Conflict Resolution Mechanisms

As periodic conflicts between individual members or different interest groups are inevitable in any collectivity, an effective local institution must have a variety of reliable conflict resolution mechanisms. These could include: strong and trusted leadership; access to impartial, respected outside individual(s) or agencies (e.g. FD, panchayat, council of elders); delegation of arbitration powers to the managing committee or other trusted individuals or organizations.

Autonomous Status

For any local institution to genuinely function as the voice of its members, it must be an autonomous entity. For effective participation in a JFM partnership, its creation and dissolution should not be controlled by the FD. Both parties may have an equal right to terminate the agreement between them but not to disband the partner institution itself. To enter into a formal JFM agreement with the FD, the local institution should also have an independent legal status.

Existing Local Institutions in Forest Protection

During the last few decades, three broad types of local institutions engaged in forest protection and management have developed in various states (Figure 2).

The first type has emerged out of local initiative, primarily as a response to the hardships of scarcity faced by local villagers due to the near total destruction of forests in their areas. Strong local leaders, youth groups, concerned outside individuals including local FD personnel or local NGOs have often acted as catalysts in organizing the villagers. These groups are primarily confined to areas where communities continue to have a strong

Figure 2
Types of Existing Local Institutions

Inputs	Local Leaders or NGOs	Outside Resource Persons	Tradition	National/State Policy Support	Forest Deptt.	Donor Agencies	Statutory Body	Govt Deptt. NGO	Grassroots Organization/Movement
Type	Local Initiative			Forest Department Promoted			Government/NGO/Local Initiative Broader Mandate		
Examples	Jungle <u>sewa</u> Youth club Council of elders	Village council, <u>shamli</u> forest, sacred groves		Van <u>panchayats</u> .* Forest cooperative** Forest labor cooperative		FPC, VFPC HRMS*	<u>Gram panchayats</u> Tree growers' cooperatives, <u>Gram vikas mandal</u> * <u>Mahila mandal</u> **		Chhatisgarh Mukt Morcha, Ghad Forest Users Orgn., CHIPKO
Locations	Onssa, Bihar, Rajasthan, Gujarat	Onssa, Punjab,* Karnataka, Rajasthan (most states)		UP* HP**, Gujarat		W. Bengal Orissa, J&K, Haryana*	Several states, Gujarat*, HP**		MP, UP, Karnataka
Characteristics	Informal hamlet/ village group	Informal clan, caste or hamlet group		State govt./ FD, recognized		Created/ promoted by FD, a few with legal autonomy, most FD- dependent	Multiple functions including forest protection. Diverse mandates		Lobbying for local rights, strong grassroots base
	Tribal areas, strong forest dependency, up to 20 to 30 years old, some more recent	Pastoral areas, ranked agnc., strong forest plus grassland dependency, some over 100 years old		Older		More recent			

Note: * Where a particular example applies to a particular state only, it has been matched by asterisks down the same vertical column.

+ Forest protection committee, village forest protection committee, village resource management society.

economic dependence (whether for subsistence or for cash income) on forest produce and where a tradition of community resource management still survives.

Representative of this first type, thousands of such community organizations are reportedly protecting over 200,000 ha of forests on both state and community lands near their villages in each of the eastern states of Orissa and Bihar (Saxena 1992; Singh and Singh 1993) and, on a smaller scale, in parts of Rajasthan, Gujarat, Karnataka and Punjab (Chakravarty-Kaul 1993). Interestingly, the FDs of the concerned states seem to have played only a minimal, if any, role in their development, regulation or operations. Within them, there is tremendous diversity. While some are small and informal, others are large with more formalized written rules and regulations. Leadership structures vary from a single, strong and trusted 'natural' leader to a more democratic and representative collective leadership selected on the basis of one person from each sub-group, hamlet or neighborhood. In Orissa, informal forest protection organizations include 'group of village elders', 'village forest protection committees' and 'village councils', while 'village youth clubs' belong to the formal category (Kant et al. 1991). Within larger villages in Orissa, it is common to find several smaller, homogeneous hamlet (sahi)-based organizations. These appear to be the most effective, particularly where they have successfully negotiated area boundaries and access controls with the other sahi groups. Local institutions also encompass various levels of complexity. The shamilat forests in Punjab not only involve collective management by several villages but also reciprocal agreements with nomadic pastoral groups (Chakravarty-Kaul 1993).

There is also wide diversity in the ages of autonomous village institutions. The Punjab shamilat forests, the sacred groves in the Himalayas and the temple forests in the Western Ghats are over 100 years old. In the tribal areas of Orissa and Bihar, although many local organizations have initiated forest protection during the last two to three decades, some of them have been managing other community affairs for much longer. These encouraging grassroots initiatives and traditions need to be further studied and monitored closely to generate an improved understanding of the dynamics by which such locally-based organizations emerge, their strengths and weaknesses, and how they can best be supported and sustained.

Having multiplied on a significant scale in recent years, the second type of community organization engaged in forest management has been promoted by the state FDs. Older versions of these include the forest cooperative societies in Kangra district of Himachal Pradesh (HP) and the van panchayats in the hills of Uttar Pradesh (UP), both set up in the 1930s. The more recent goal has been to solicit villagers' cooperation in rehabilitation of degraded state forests under the forest departments' more formal JFM programs. West Bengal supports the largest of these programs, with over 2,300 forest protection committees (FPCs) registered by the West Bengal Forest Department (WBFD) which now protect approximately 320,000 hectares of regenerating public forest land.² Thirteen other states - Gujarat, Rajasthan, Haryana, Jammu and Kashmir (J&K), Madhya Pradesh, Maharashtra, Andhra Pradesh, Bihar, Orissa, Tripura, Punjab, Karnataka and

² Personal communication, 11 June 1992. S. Palit, Chief Conservator of Forests, Social Forestry, West Bengal Forest Department.

Himachal Pradesh have similar efforts underway. In contrast to the self-initiated, autonomous organizations, the majority of the forest department-promoted ones are created and regulated by rules and directives specified by the concerned FDs and the state, with the former having unilateral powers to disband them at will. While representing a long overdue initiative by traditionally insular and unresponsive FDs to involve local villagers in forest management, many of the initial state government resolutions, unfortunately, show little sensitivity to the basic principles on which democratic community organizations need to be founded and the dynamics of the participatory processes through which they must evolve to be sustainable. To date, the government resolutions of only Haryana, Gujarat and Rajasthan permit the partner local institution to have an independent legal status.

There is a danger that conventional, top-down forest planning and management may be extended to an equally centralized and inflexible prescription of rules and regulations which direct the creation, constitution and functioning of community organizations expected to participate in JFM. Such an approach goes contrary to the spirit of nurturing healthy partnerships in which both parties are equally and actively involved in negotiating mutually binding agreements. It assumes that people's participation and creation of villagers' institutions can be achieved through executive fiat. As many of these organizations will be inherently incapable of performing the resource management role expected of them, skepticism about the viability of partnerships with local communities among conventionally oriented foresters is likely to be reinforced, resulting in the real potential of JFM remaining unexplored.

The third type of local institution is also mostly government, and occasionally NGO, sponsored for performing more general development tasks to whom the responsibility for forest protection and/or management has also been assigned. Gram panchayats in different states, mahila mandals in HP and the tree growers' cooperatives in Gujarat belong to this type of government-sponsored organization while gram vikas mandals being promoted by the Aga Khan Rural Support Program (AKRSP) in Gujarat are an example of multi-functional local institutions initiated by an NGO.

An Existing or a New Local Institution?

One of the first questions to be addressed in a new area to be brought under JFM is whether any of the existing local organizations can perform the necessary resource management functions. In some areas, villagers may already have other formally recognized and/or registered groups such as dairy, marketing, savings, forest labor or other cooperative societies. The same village may also have one or more 'committees' to assist in implementing forest or other government programs. For example, in Orissa the same village may often have a village forest committee (VFC) for 'social forestry', a village forest protection committee (VFPC) to protect government forests, and a village pasture management committee (VPMC) for pasture lands. Alternatively, villagers may have constituted their own informal organization for forest protection or to meet other local needs. It should not be assumed that an existing local institution can necessarily perform the task of forest protection and management. However, in order to avoid confusion and possible overlap caused by a multiplicity of local organizations in the same village (as in Orissa), it is important to assess the orientation and management capacity of the existing

local institution as a first step. This is particularly important where local groups have already initiated forest protection on their own and have earned legitimacy among local residents. In such cases, special care must be taken to avoid eroding viable, local institutions by superimposing new, redundant ones. This took place during the Orissa government's crash program of forming 6,000 VFPCs in a few months in 1988. In many cases, areas already being protected by local groups were allotted to other, more distant groups (Kant et al. 1991).

Where no active local organization exists, it will be necessary to support the development of a new group organized around forest management activities. In either case, to facilitate evaluation, selection or development of an appropriate local organization, it is necessary to be clear about the unique characteristics of JFM and the generic institutional issues it will raise at the community level. For this, it is important to develop an understanding of the distinction between the generic and non-generic institutional parameters for local institutions engaged in JFM. While certain non-negotiable terms based on generic parameters will need to be secured to make JFM partnerships sustainable, ample opportunity for local institutions to develop their own diverse solutions for addressing the non-generic, locally-specific issues and problems must be provided.

The following sections of this paper examine some of the important issues which need to be addressed while developing institutional capacity among local communities to participate in collaborative or joint forest management.

II

LINKING PEOPLE WITH FORESTS

To be effective, JFM requires linking clearly defined groups of people with the management of clearly defined forest areas. The process by which both the collectivity of people as well as the resource they are to manage are defined needs to be open, facilitative and participatory as it involves intervening in a complexity of existing forest-people relationships. These have been shaped by historical and cultural factors, 'rights' or 'concessions' given under revenue and forest settlements, reciprocal agreements between settled cultivators and nomadic pastoralists, de facto usage by resettled displaced persons or recent settlers, and customary usage by residents of more distant villages. In situations where there are multiple users, their dependence may vary by extent, type and season. Unless the interests of all user groups are protected through a process of inter-group negotiations and a consensus reached about the most appropriate group for taking on joint management responsibilities, the agreement is unlikely to be stable. On the contrary, it may generate new conflicts instead of promoting improved and sustainable forest management.

Membership of the local institution, and whether an existing or a new one will be more appropriate, will depend largely on the above diagnostic process. In areas where local user groups have already started protecting certain forest areas themselves, they may have successfully worked out territorial demarcations and access controls with the other users, thereby avoiding serious inter- or intra-user group conflicts over boundaries and access. However, forceful assertion of control over a particular forest area by a more

powerful or dominant user group by depriving other users of access can result in inter-village antagonism and an unstable management system. In such situations the FD or a local NGO may need to intervene to facilitate re-negotiation of area and access regulations between the different groups.

Analysis of the considerable field evidence now available indicates that to ensure the most effective community protection and access controls, certain criteria can help determine whether a conducive match can be achieved between user groups and forest areas. These include: close physical proximity, prior or current formal or informal rights, high forest dependency, perceptions of resource scarcity, indigenous organizational forms of resource management, traditional socio-religious forest values, and strong local leadership. Due to tremendous diversity in local conditions, a broad mix of some of these criteria may be relevant for each local situation.

Proximate Residence

Residence in physical proximity to a forest area is a major factor weighing in favor of practical involvement and commitment to sustainable management. In Haryana's pilot hill resource management societies (HRMSs) of Sukhomajri and Nada formed in the early 1980s, permanent residence in the adjoining hamlet or village was originally made a non-negotiable condition for eligibility to HRMS membership. Owning land in the village without residing there disqualified a person from membership on the premise that such a situation would not permit adequate participation in improved forest protection and management on a day-to-day basis. This condition also enabled the exclusion of non-forest-dependent persons living in urban or distant settlements from gaining access to and control over a forest area on which other, local residents may be highly dependent.

Formal and Informal Rights

Residence in geographic proximity alone, however, may often be inadequate as an eligibility criterion for user group or local institution membership. With the expansion of the Haryana program, in many cases the residents of adjoining and, at times, fairly distant villages, started protesting against joint management agreements which had been exclusively negotiated with only one of the numerous traditional user groups. They claimed equal, if not greater, traditional rights in the same forest area as those resident closer to it.

Case diagnosis of such conflict situations has revealed a diverse variety of relationships between user groups and forests. The only one of these formally recognized by the FD are the rights or 'concessions' granted to villagers under various forest settlements. In many areas, however, although no rights are specified in the forest settlement, people still claim rights in well-defined areas according to an earlier revenue settlement. While not recognized by the FD, these rights are accepted and honored among village groups and effectively determine which groups have access to a particular forest tract to meet their subsistence needs. By overlooking such tacit arrangements, FDs may inadvertently deprive one group of its traditional access to a local resource by legitimizing exclusive access by another group. In addition to increasing inequity between different users, this may also sow the seeds of inter-group conflict where none existed before. The following case from Haryana illustrates such a situation and the process by which

resolution_of conflict was facilitated.

After systematic institutional development of Harvana's JFM was initiated in 1989, several agreements made with single villages had to be modified to remove conflict generated by the unintended exclusion of other user groups. For example, the Haryana Forest Department (HFD) started selling the fodder grass lease for Reserve Forest Compartment No.3 (C3) in Surajpur block of Pinjore range to the HRMS of Lohgarh village in 1983. In 1986, Lohgarh started purchasing even the commercial bhabbar (*Eulaliopsis binata*) lease for C3 (Figure 3A). By 1990, the HRMS had evolved a management system for the leases under which its own members had to pay a dati (seasonal fodder cutting fee) rate of only Rs. 150, whereas residents of adjoining villages were charged up to Rs. 300 for the same. Similarly, whereas HRMS members were permitted to collect one free headload of bhabbar for their domestic needs, non-members were not provided this benefit. Besides, all the income from the leases went into Lohgarh's HRMS account and was used for various development works in the village.

In 1991, eight years after Lohgarh's HRMS entered into an agreement for joint management of C3, leaders of the adjoining village of Manakpur Thakur Das (MTD) protested their exclusion to the HFD. They claimed that their village had exclusive rights over one part of C3 which was clearly demarcated by boundary pillars from the area on which Lohgarh had its rights. The last forest settlement of the area done in 1938 mentions no such clear demarcation of forest territory between individual villages. However, in a joint meeting of the two villages, residents of even Lohgarh accepted and confirmed MTD's claim. The boundary pillars mentioned by the villagers were also found in existence on visiting the forest. These rights were probably granted during the earlier revenue settlement of the area in 1908.

As Lohgarh did not contest MTD's claim, Haryana's JFM support team facilitated re-negotiation of the JFM agreement for C3 by organizing a number of joint meetings of the two villages. On the basis of consensus, MTD formed a separate HRMS and started leasing its part of C3 from 1991 (Figure 3B). Subsequent problems related to lease pricing were similarly resolved by facilitating an open and consultative process of discussion between the two villages.

FIGURE 3A
 MAP OF DHANMALA FOREST BEAT

THE ENTIRE C-3 LEASED TO LOHGARH FROM 1983 TO 1990

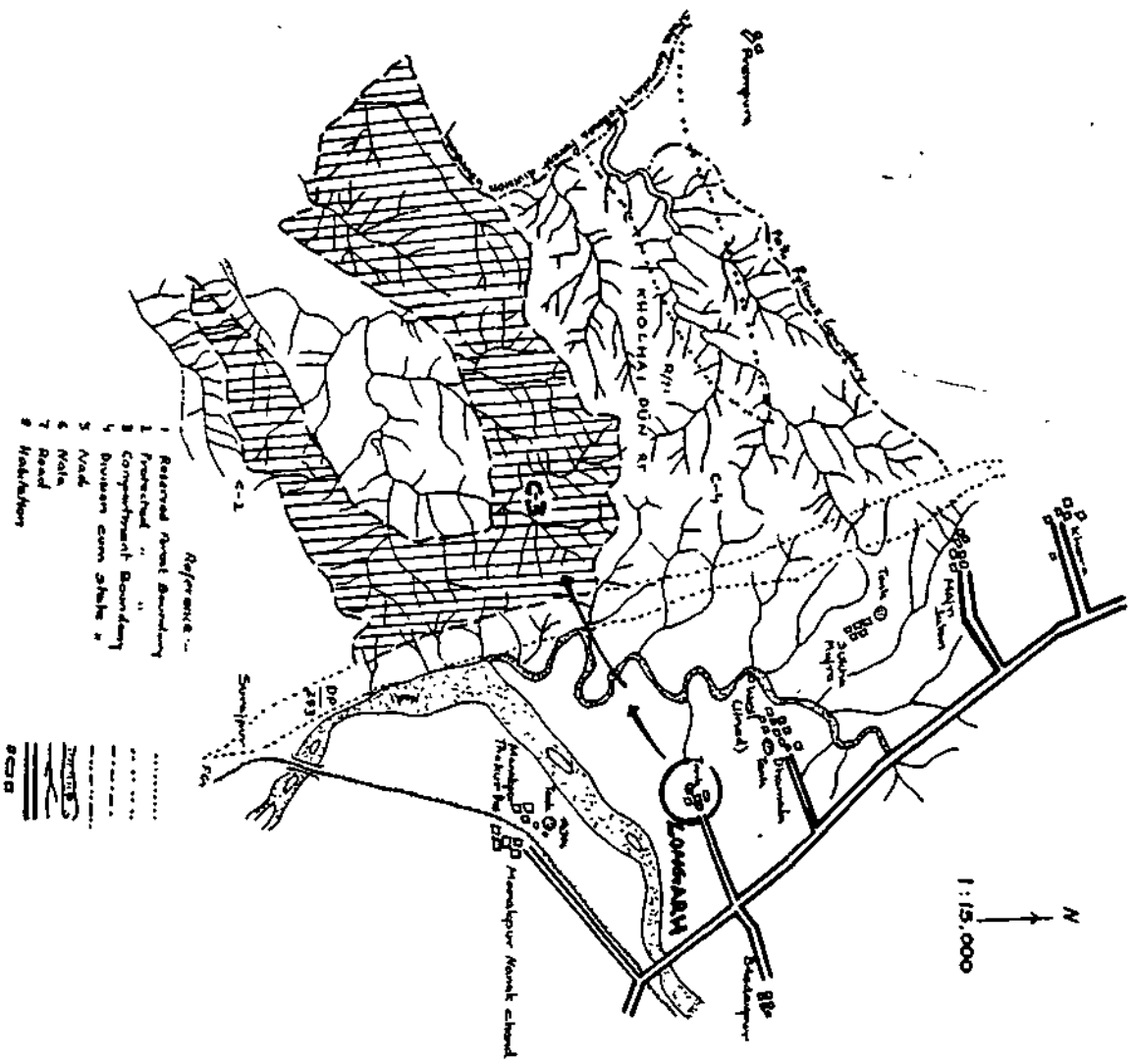
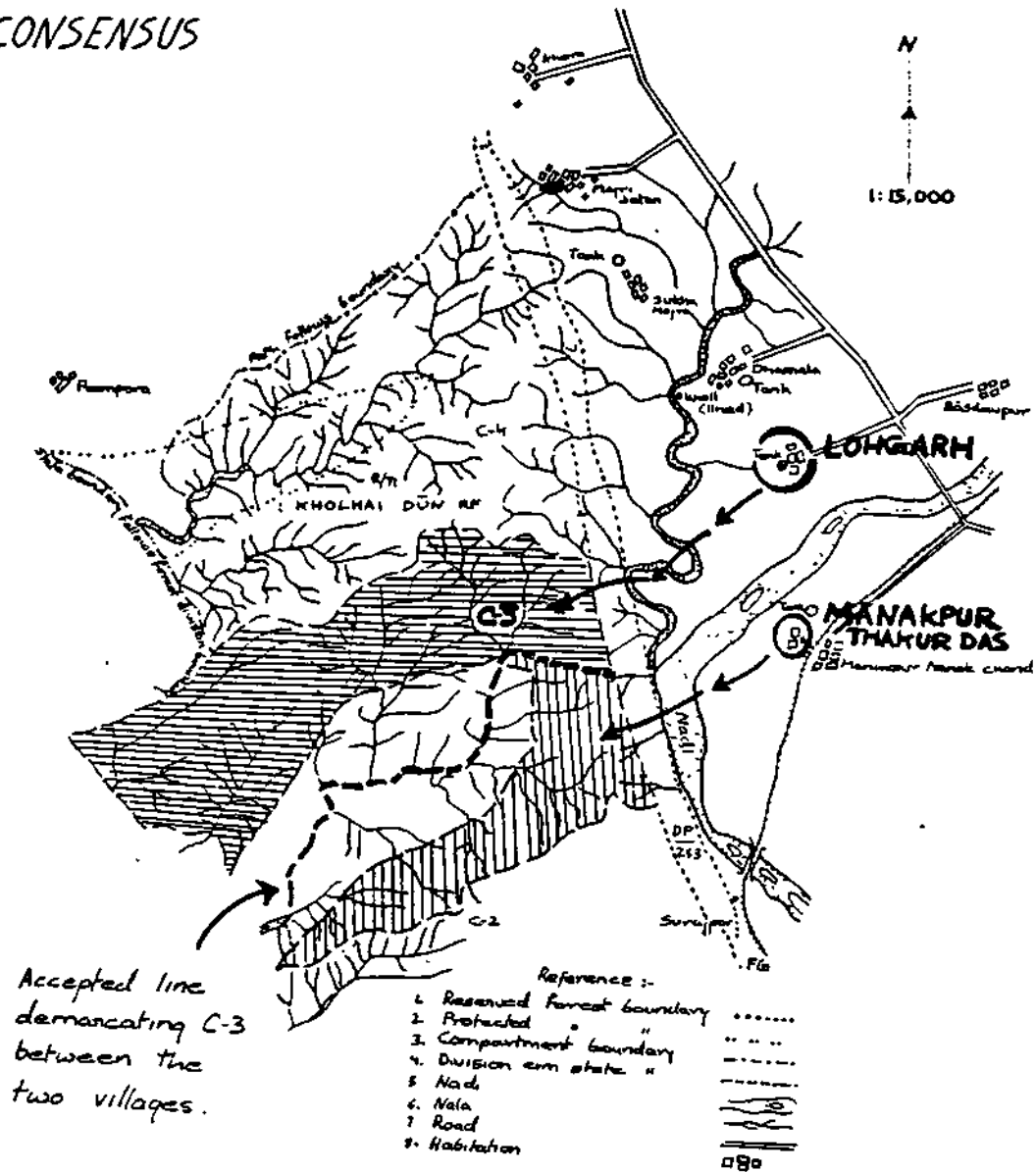


FIGURE 3B

MAP OF DHAMALA FOREST BEAT
 REALLOCATION OF C-3 TO THE TWO VILLAGES IN 1991 ON THE BASIS
 OF CONSENSUS



In many states, villages located far from forest areas have settlement and nistar³ rights. It will be difficult for them to participate in day to day protection and management. Yet, they cannot be excluded from a JFM agreement unless either the rights regime is changed or inter-group negotiations facilitated, under which the distant right-holders agree to delegate the responsibility of forest management to more proximate groups upon mutually agreed terms of access. The inability to negotiate such consensus-based demarcation of boundaries by many of the self-initiated forest protection groups in Orissa and Bihar, and even among many of the formally recognized FPCs in West Bengal, often results in the collapse of the local organization as well as destruction of the regenerated forest they had been protecting through 'mass loots' (Mehrotra and Kishore 1990; Saxena 1992; Singh and Singh 1993). Alternatively, economically and politically powerful groups with vested interests start asserting control over such forest areas, thereby excluding the less powerful but more forest-dependent users. This reportedly took place in many villages during the hasty formation of village forest protection committees to meet politically set targets in Orissa in 1988 (Sharma 1993). In this respect, the powers granted to Divisional Forest Officers (DFOs) in many government resolutions to 'assign' or 'allot' a 'suitable' forest area to a group applying for participation in JFM may, by neglecting to recognize the importance of the process of inter group negotiations between existing users for determining boundaries, generate new conflicts instead of facilitating sustainable JFM.

The greatest and perhaps least recognized limitation of the criterion of proximate residence, however, is its inability to recognize the needs and rights of nomadic pastoral communities. Pastoral nomads are animal herders and breeders found in most parts of India and include herders of camels (Rajasthan, Gujarat), donkeys (Maharashtra), yaks (Ladakh), pigs (Andhra Pradesh), sheep, goats, buffaloes, cows (in most parts of the country, especially in arid and semi-arid regions as well as in the western Himalayas) and ducks (southern India). Pastoral nomadism as a way of life is about 10,000 years old and essentially entails moving seasonally in search of natural pastures for the animal herds. Over 200 castes are engaged in pastoral nomadism, or up to 6 percent of the total Indian population (CSE 1982:118).

Pastoral communities have been the worst sufferers of the progressive decline in the country's common lands, forcing large numbers to give up their traditional livelihood to join the ranks of the urban and rural poor. Professional foresters view nomadic graziers as the worst enemies of forests, and forest settlements and other legislation since the last century have attempted to curtail or deny their grazing rights in forest lands. But in many regions, these communities continue to have strong seasonal dependences on forest lands whether on a de facto or de jure basis. For example, the nomadic Bakkarwals who keep large herds of sheep and goats spend the summer months in Kashmir and the upper regions of Jammu. During the winter months, they move with their herds, families and possessions to the lower regions of Jammu. Initiation of VFCs for the protection of social forestry plantations by the J&K forest department brought the conflict between the Bakkarwals' grazing land requirements and the resident communities' need to protect the

³ Customary usufruct rights over forest resources which belong to all villagers.

plantations to the surface. In Jasrota village, a plantation protected for eight years had not been used by either party due to the unresolved conflict between the two (Chatterji and Lobo 1991).

In Surendranagar district of Gujarat, the AKRSP's attempts to motivate local villagers to plant trees on their private lands proved unsuccessful as the nomadic Rabaris, who have legal grazing rights even on private lands during certain months of the year, had not been taken into confidence. Similarly, the Gaddis and Gujjars continue to move annually between the higher Himalayas in HP, UP and J&K to the lower Shiwalik hills in Punjab, Haryana and western UP.

The role and participation of these nomadic pastoral groups in JFM remains an unaddressed issue that requires urgent attention:

Primary and Secondary Dependence

Field investigation indicates that a high level of forest dependency may be the single most important factor in determining a user group's motivation to organize, protect and manage the forest resource. This is particularly true if primary subsistence or economic forest dependence is combined with local perceptions of resource scarcity. Some village residents situated at greater distances from the forest may claim no formal or informal rights, but nonetheless use the forest periodically for the collection of subsistence goods such as firewood and fodder. Villages closer to the forests with primary dependencies often seem to accept this secondary dependence, permitting access by these 'de facto' users without generating conflict.

Old Residents and Tradition versus Dependent New Settlers

While traditional users or right-holders may no longer be so dependent on the adjoining forests, a more recently settled but more disadvantaged group may assume a primary dependence. In some situations, the right-holding community could be averse to the FD entering into a joint management agreement (JMA) with such recent settlers. The question is whether greater priority should be given to older, traditional rights or newer and stronger forest dependencies.

This situation is illustrated by the case of the Jholuwal Jats and the Momawali Banjaras in Haryana. Jholuwal is a large and fairly prosperous Jat village in the Nawanager block of Pinjore range in Haryana. Although the Jats claim traditional rights in the adjoining forest compartment, they depend on it only marginally to supplement fodder available from their private landholdings. In contrast, a more recently settled community of Banjaras in Momawali, living closer to the forest, has primary dependence on bhabbar grass for earning their livelihood through rope-making. During exploratory negotiations initiated by Haryana's JFM support team, the Jats refused to accept that the bhabbar grass lease be sold to the Banjaras while they purchased the fodder grass lease for the forest compartment. They wanted even the bhabbar grass lease to be sold to them on the strength of their traditional rights. As a consensus could not be reached on Momawali's right to participate in the JMA, no agreement could be concluded. The support team found it difficult to accept the Jats' demand to perpetually dominate the Banjaras simply

on the basis of the former's traditional rights.

In the effort to minimize future inter-group conflicts in jointly managing an area, the issues of equity surrounding tradition must be considered. By accepting traditional usage patterns as the primary determinant for the selection and extent of forest area allocated to certain group(s), reliance on historical accident may become the basis for allocating usufruct rights to a common property resource. In many areas this may be of little consequence as local availability of the forest resource in relation to the traditional user population is already barely adequate. However, in other areas, small but more politically powerful groups may demand exclusive management rights to relatively large forest tracts simply on the premise of having enjoyed rights earlier. This monopoly may be at the cost of a much larger, adjacent population which has also traditionally depended on obtaining subsistence goods from the same area, but without the benefit of formal rights there.

Haryana's JFM program is faced with this type of situation in the Raipur Rani range. The area was owned by a Mir from UP till the late 1960s, after which it was acquired by the HFD. Under the revenue settlement of the area at the turn of the century, the residents of its 14 bhojs (revenue estates) were given liberal rights. These rights were extinguished when the land was acquired by the HFD. Bhoj Rajpura, with an area of approximately 7,000 ha, today has 22 small villages, some consisting of only two to three houses each. A handful of politically powerful leaders of the bhoj have been demanding that bhabbar leases to the entire 7,000 ha bhoj be given to the bhoj villages. They want to deny access to forest produce to residents of much larger villages just outside the bhoj boundary which have substantial numbers of landless families who have also traditionally collected fodder and bhabbar from the forests. However, the latter never enjoyed formal rights under any settlement. Today, although legally even the bhoj villagers do not have any rights, they want to use their earlier rights as a basis for being granted exclusive control over a large public resource.

In such situations, it may be necessary for FDs to use their discretion in reallocating selected patches to different groups. Criteria for such interventions must include both levels of dependency and equity considerations.

Two variations on the situation of traditional right-holders and more recent, or less formalized user groups, are the new urban-industrial settlements arising near forest areas and the displacement of communities by development projects. The issue of displacement is illustrated by the case of Limbi forest in southern Gujarat. The original tribal settlements in that area have burgeoned with the arrival of oustees of a large dam project whose lands were inundated in the 1970s. Rendered landless and without employment alternatives, the majority of displaced women have become highly dependent on daily commercial fuelwood headloading from the Limbi forest. Participation in a joint management agreement by such recent 'development refugees' may generate resentment among the earlier settlers if they perceive that access to and control over their traditional forest area is being extended to outsiders.

Furthermore, a system of sustainable forest management which is suddenly burdened with increased pressures of new user groups poses additional ecological challenges. With increasing displacement and population migrations spurred by

development projects and economic opportunities, striking a balance between preserving traditional rights and redistributing forest access on the basis of greater equity will require a much better understanding of the history, socio-political dynamics and forest dependencies of the full range of past, current and potential user communities. Ideally, consensus-based decisions among the user groups need to be evolved. If consensus cannot be achieved, the ensuing conflict may undermine the viability of the local community organization attempting to protect and sustain a forest tract.

In summary, it is crucial from the outset to identify and comprehend the perspective of the actual primary users of the forest resource. Frequently, these may be predominantly women, or a subset of women such as the displaced Limbi headloaders. In certain communities, gender roles may be rigidly defined in relation to forest-based activities, but this may vary widely from village to village. With particularly poor rural communities, often tribals, it is usually a combination of women, men and children, such as with the West Bengal sal (Shorea robusta) leaf collectors and the Limbi mahua (Bassia latifolia) flower collectors, who gather and/or process and market forest products.

To avoid future inter-village conflict between different communities, years of learning based on field experience and experimentation have led the HFD to introduce mapping techniques as a tool for planning. Existing usage patterns of a potential joint management area are mapped as a basis for finalizing which groups and sub-groups will enter into the management agreement. Every group identified as a forest user, however small, and whether by rights or on a de facto basis, is consulted. All parties are encouraged to reach a consensus about which groups and organizational unit should become the legitimate partner of the FD in the joint management agreement.

Due to certain user groups living at distances of 3 to 5 km from the forest, and therefore unable to participate in day-to-day protection and management, a 'two-tiered' access structure is beginning to evolve in the Haryana case. While the primary users, who tend to reside nearer the forest area, enter into a joint management agreement with the FD and accept primary management responsibility, they also agree to permit continued access to the non-member secondary users on clearly defined terms. This compromise strategy helps prevent the inequitable exclusion of periodic benefits to the more distant secondary users, while also formalizing access rules and clarifying the range of user rights in the villagers' minds.

Similar two-tier access structures have also been evolved by many of the self-initiated forest protection groups in Orissa. In Kishorenagar block, residents of 17 or 18 gram panchayats have started protecting forests near their villages. They permit villagers of three or four other panchavats which do not have forests in their vicinity to collect forest produce from the protected forests.⁴ Similarly, the VFPC of Budhikhamari in Mayurbhanj district of Orissa, the formation of which was facilitated by an officer of the Orissa Forest Department (OFD) prior to the state government resolution being issued, permits its own members to collect sal leaf free of cost whereas non-members are

⁴ Reported by Mr. A. P. Singh, Forest Minister of Orissa, during the State Workshop on JFM, Bhubaneswar, 28 May 1993.

allowed access for a small fee of Rs. 2 per person per day (Singh 1993).

III

INTERNAL STRUCTURE AND FUNCTIONING OF LOCAL INSTITUTIONS

To achieve sustainable forest protection and management, it is the internal structure and day-to-day functional capacity of the community or local institution or organization which will determine success or failure. Sound principles and criteria upon which to base organizational membership, both for the general body and its leadership structure (which could be a formal executive [or managing] committee or an informal leadership), are crucial to gender, equity and accountability concerns. Equally important, the ability to carry out daily management functions such as controlling access through rules and regulations, compensating costs and allocating benefits equitably, and effective dispute resolution mechanisms must be nurtured and assured so that local organizations can operate democratically, with relative self-sufficiency and independence at the grassroots level.

Here it is pertinent to highlight the difference between the ordinary members constituting the main body of the organization and its representatives or leadership. A 'committee' of so-called representatives cannot comprise a local organization by itself without the general body of members whose interests it represents. In this respect, the widespread use of such terms as village or forest protection 'committees' in state-sponsored JFM programs is quite problematic. Many state government resolutions do not provide for a general membership at all and equate a 'committee' of a handful of individuals with a local organization.

The Process of Constituting a Local Institution

The principal function of a local institution in JFM is to provide an institutional structure which can articulate and represent the interests of all user sub-groups of a forest area in the partnership agreement with the FD. This can happen only if each interest group is adequately represented in the organization which must have an autonomous identity and, secondly, if the organization facilitates inter group negotiations and consensus on balancing the relative costs and benefits of various forest management options. Ideally, all (general body members should have a strong sense of identity with the local organization and feel that it will safeguard their respective interests.

Such partnerships are easier to negotiate with local organizations consisting of homogenous groups in which members share a similar socio-economic status and dependence level on the forest. Heterogeneous groups, not only in social and caste terms, but also in degrees and nature of forest dependence, however, are more common, and often more difficult to organize. A joint management agreement acceptable to one user sub-group may be against the interests of another, or at least be perceived as working against the latter's interests. For example, an agricultural sub-group may be interested in enforcing a total grazing ban in the forests to protect its irrigation tank from siltation. Another user sub-group of local or nomadic graziers, using the same forest area, may find this totally unacceptable unless provided with a viable, alternative grazing option or source

of livelihood. The immediate opportunity costs of banning grazing would be very different for the two sub-groups. Unless a mutual agreement can be reached on how to fairly compensate the higher costs borne by one, effective JFM is likely to remain elusive.

Traditional power relations and perceptions about the relative superiority and inferiority of different groups in the social hierarchy also need to be considered while designing community organizations. Very often, the sub-group most dependent on forests is also on the lowest rung of the socio-economic ladder. The community organization must be able to ensure equal representation of the interests of the most disadvantaged minorities in negotiating a partnership with the forest department. Otherwise, if left to the identified user group as a whole, the most dominant sub-group within it may easily appropriate control of the community organization to serve its own interests.

Thus, the constitution of a representative and stable organization capable of performing its forest management tasks needs to be facilitated by an empowering and participatory process of open discussions and negotiations among all those likely to be affected by the JFM agreement. During this process, the criteria elaborated below can be useful in determining eligibility to the community organization's general body membership. These include: voluntary membership open to all resident users; feasibility of attending meetings at short notice; option of future inclusion of new settlers; and ensuring equal and independent eligibility for women.

Eligibility Criteria for General Body Membership

Universal versus Selective Membership

In principle, eligibility to membership of a local organization should be open to all right-holders/users of the concerned forest tract, irrespective of the extent and nature of their dependence on forests, in areas where a user sub-group includes nomadic graziers, a special arrangement to ensure their representation in the local institution's decision-making process may be required. Restricting eligibility to individuals or households selected on the basis of caste, tribe, class or economic status tends to prove divisive, often creating resentment among those left out, which can evolve into a counter-productive conflict.

While some users have only a marginal interest in forest produce, a particular sub-group may be totally dependent on it, such as Gujarat's Kotwalia and Haryana's Bhanjda bamboo basket-makers who depend on access to regular and ample bamboo supplies. While those with only a marginal interest will have little motivation to invest additional time and effort in improved forest management, those totally dependent on forest produce have a high stake in increasing productivity. Users with marginal interest may choose not to become members of the organization provided their forest access for meeting limited needs is not hindered. Such a decision should ideally emerge from the larger group, with those opting not to become members explicitly giving their consent to the more dependent users to constitute their organization for JFM. Those users not interested in membership should not be compelled to join unless their motive is to prevent the group as a whole from participating in JFM. Disruptive activities of uncooperative individuals or sub-groups are best controlled through larger group pressure and persuasion. If these

strategies fail, the organization may have to request the FD to take disciplinary action.

The outlining of universal eligibility criteria on an agreement or resolution is often inadequate in itself, particularly in groups with high levels of socio-economic disparity. It is most important to ensure that all those eligible are informed and aware of their right to join the organization, and that the most underprivileged, especially women, are encouraged and empowered to do so. Careful monitoring can ensure that no household or sub-group is being wilfully prevented from membership. As the larger and more powerful of the two partners, the FD must be firm about demanding compliance with such generic principles. This position will facilitate the breakdown of traditional barriers inhibiting closer cooperation and interaction between different sub-groups, particularly the more disadvantaged users.

Feasibility of Attending Meetings at Short Notice

For a genuinely representative and participatory community organization, its formal executive committee or informal leadership should be able to consult the general membership on critical decisions, sometimes at very short notice. If the membership is scattered over too large an area so that such meetings are difficult to organize, it may be more desirable to restrict membership to a smaller, more cohesive physical unit to whom others are willing to entrust the responsibility of day-to-day decision-making and management. If this is not acceptable to the other user groups, the formation of a number of smaller organizations may be considered. Determining which sub-groups or physical sub-units should form a part of which organization is best left to the villagers to decide. If a number of smaller organizations are formed, division of territorial and management responsibilities and the benefit-sharing mechanism ensuring equity between them need to be clearly worked out by the user groups, with the FD playing a facilitative role when necessary. Additional intervention may be required if a dominant sub-group attempts to usurp disproportionate benefits or control.

The ability of forest-dependent multi-caste villages to perform the above tasks on their own is demonstrated by the case of Mahapada village located near Rupabalia Reserve Forest in the Sarangi range of Orissa's Dhenkanal Forest Division. Originally, Saura tribals settled in the village three generations ago by clearing forests and developing rainfed rice fields at the base of the hill. Brahmin families who moved into the area gradually acquired all the farm land in the village and brought Scheduled and cultivator caste families with them. The forest was well managed by the community to meet subsistence needs until about 16 years ago when the Brahmins sold clear felling rights to outsiders, probably from Dhenkanal. With the once rich forest being quickly reduced to scrub, the Saura tribals went to the Brahmins and said, 'you can cut down your part of the forest, but let us manage our share'. The Saura began protecting a tract of 25 hectares 14 years ago. Rapid regeneration resulted, encouraging three other groups to form forest protection committees two years after. These forests are now over 10 meters in height and support a diverse range of tree, shrub, climber and herb species, generating significant flows of non-timber forest produce (NTFP). Wildlife too has begun to appear, witnessed by the scant emergence of a bear from the forest. Two years ago the Brahmins also began tending their section of the forest. The five FPCs now operating in Mahapada are in Figure 4 and their territories delineated in Figure 5 (Poffenberger et al. 1992).

FIGURE 4: FPC GROUPS IN MAHAPADA VILLAGE

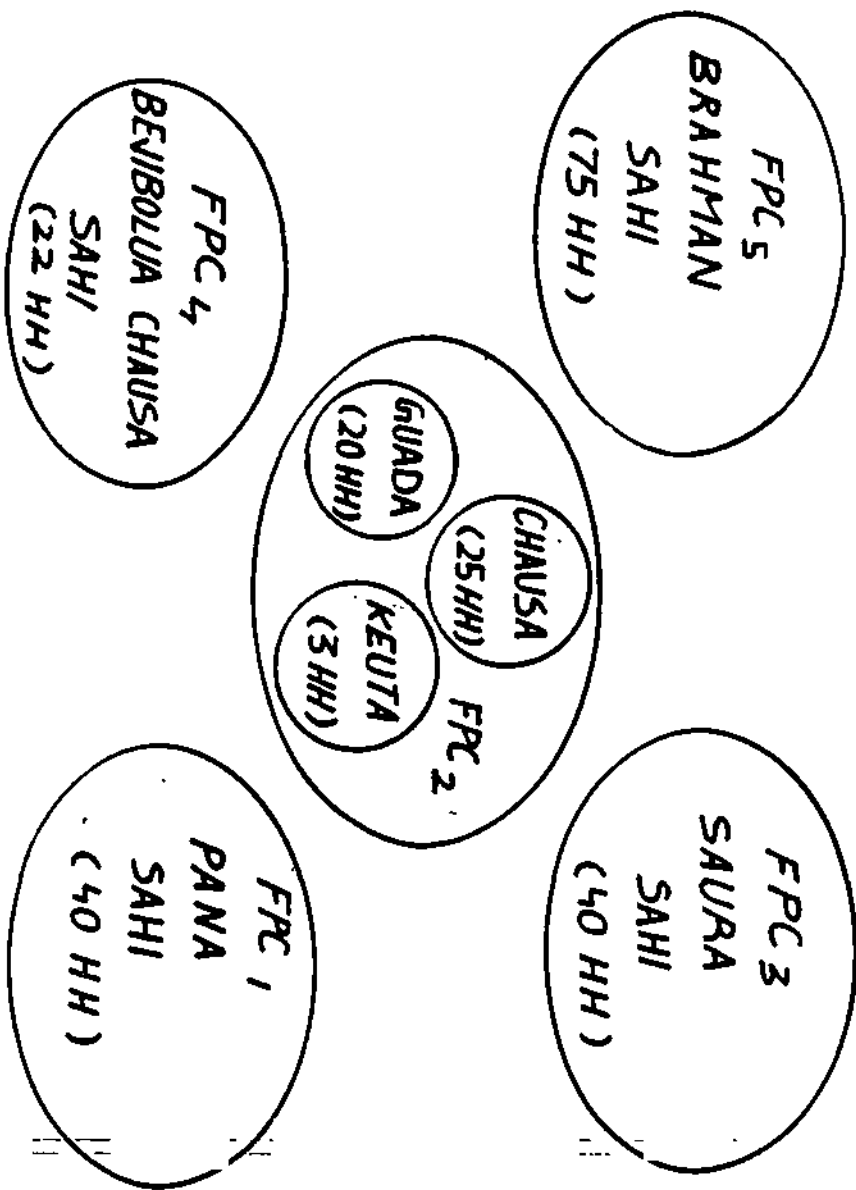
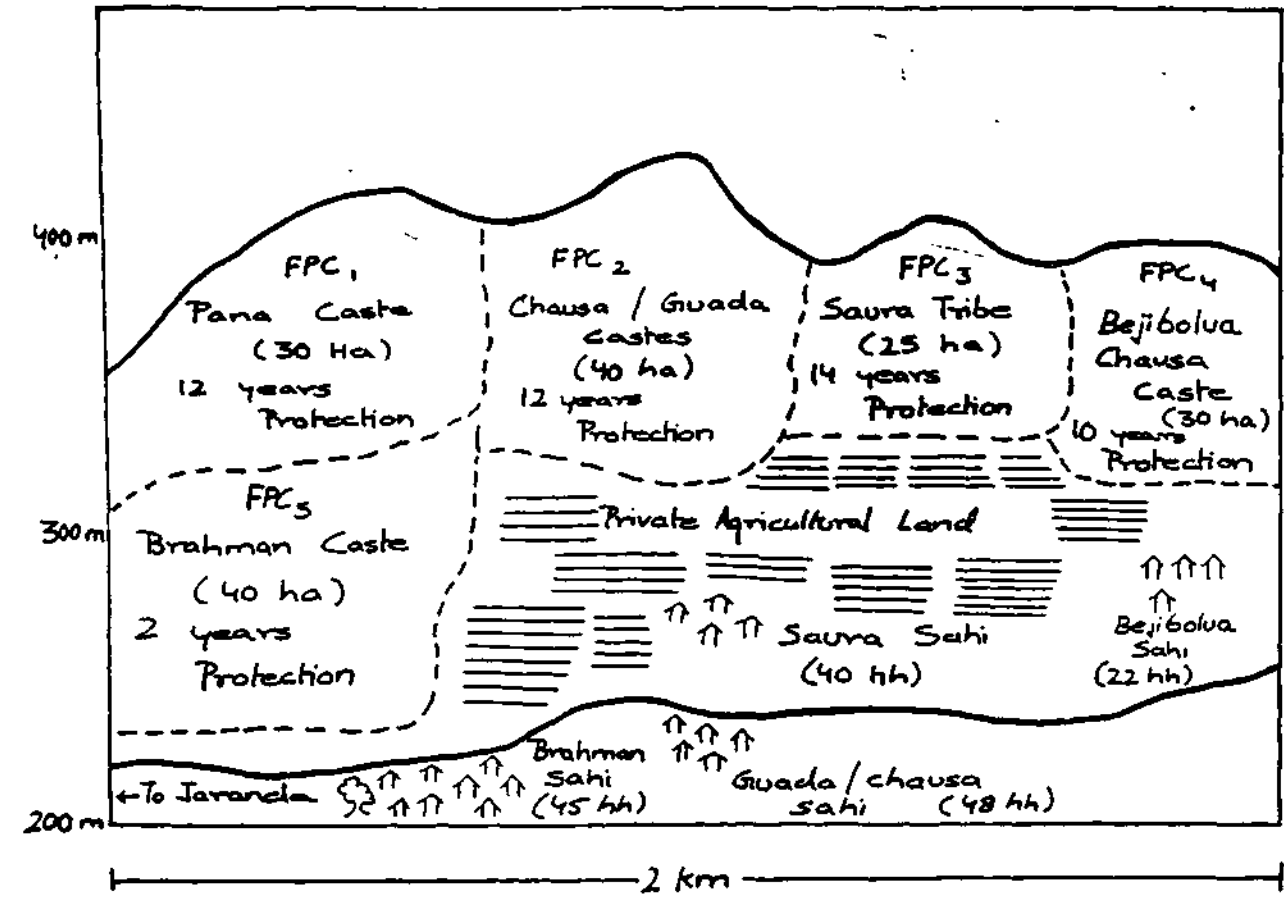


FIGURE 5 : MAHAPADA FPCs FOREST MANAGEMENT AREAS



20

Eligibility of Recent Settlers

With industrial and other economic activities expanding near forest areas, the inevitable in-migration of new settlers searching for employment will continue. While the more advantaged newcomers depend less on forest produce, factory or casual wage workers tend to supplement their low incomes by collecting subsistence goods such as firewood and fodder from forest areas. Although dependent users of the forest, their commitment to investing time and effort in improved forest management may be limited due to their non-permanent residence. Whether or not they should be eligible for membership to local institutions becomes an issue in such situations. Instead of prescribing to any rigid rule, traditional residents should be encouraged to reach an appropriate decision through discussion and consensus.

The issue of new settlers as a dominant group arose in relation to the eligibility of employees of a cement factory located near Pinjore, Haryana. The residents of **three** villages (Surajpur, Rajjipur and Manakpur Nanak Chand) share certain rights in the adjoining reserve forest. The families of some of the factory workers also collect fodder grass from the forest for their few cows or buffaloes kept for domestic milk consumption. To start with, a small group of enterprising factory employees from two of these villages formed a registered society and successfully lobbied to obtain a fodder grass lease from the HFD for two forest compartments.

During follow-up meetings with the society representatives, the HFD's JFM support team encouraged the small group to increase and open up their society's membership. However, Haryana's principle of universal eligibility of all resident adults proved totally impractical in this case. While the combined number of households in the three villages does not exceed 100, the factory settlement has over 1,000 families. Encouraging all adults to join the society would have made it an unwieldy and unmanageable body, with disproportionately low representation of older residents compared to the factory workers. Discussion of the issue at a society meeting led to a simple solution proposed by the members. It was agreed that irrespective of gender, length of residence or occupation, only those persons who actually go to the forest to collect fodder would be entitled to membership. This condition effectively screened out those with no direct dependence on the forest, thereby making the HRMS an organization of actual forest users.

Examined from the point-of view of the above eligibility criteria for local organizations, the JFM resolutions passed by 14 state governments so far are varied. The provisions either require selective membership on the basis of socio-economic status of households (i.e. Scheduled Caste/Scheduled Tribe/landless/Other Backward Classes) or offer universal membership to all resident households. In the case of the small north-eastern state of Tripura, the power of selecting 'beneficiaries' has been vested in the DFO. In Orissa, an executive committee consisting of five externally nominated officials, with only six to eight village representatives, is assumed to be capable of representing the villagers' interests.

Selective membership criteria were initially also adopted by the 1989 West Bengal resolution. In 1991, due to objections raised by those excluded, membership was made

open to all households resident in the vicinity of the forest area, subject to their being interested in forest protection:

Where membership is open to all, it is usually on the basis of residence in the vicinity of the forest area. However, the definitions of 'residence' and 'vicinity' tend to be vague and arbitrary. For example, the Jammu and Kashmir resolution specifies residence 'at the edge of the degraded forest' as a membership qualification. The Rajasthan resolution offers membership to all those resident in the 'revenue village' adjacent to the allotted land. Residents within a revenue village may only partially overlap with a larger sphere of user groups. Other state government resolutions mention a village, a group of villages, or the panchayat as the qualifying place of residence.

Although the West Bengal amendments are a positive example of response to learnings from the field, such externally imposed membership prescriptions hinder, rather than promote, organic development of effective local organizations. They neither, acknowledge the complexity of people-forest linkages discussed in Part II, nor indicate any sensitivity to the participatory process by which strong and effective grassroots local organizations need to evolve.⁸

Promoting Independent Eligibility for Women

By promoting women's independent eligibility for membership in community organizations, the issue of women's participation in JFM can be placed on the discussion agenda and the process of empowering women to actively participate in organizational decision-making initiated.

Where the formation of new groups is being promoted by FDs, they are in the advantageous position of introducing progressive changes in India's traditional organizational forms by insisting that priority be given to equity and gender issues in the new organization's structure and functioning. Placing gender equity on the agenda from the outset is often avoided or cautioned against on grounds of the resistance it is likely to produce from conservative, tradition-bound village men. However, if the community has a high stake in a benefit-sharing partnership with the FD, there is surprisingly little resistance to acceptance of gender equality as a founding principle of a new organization.

This has been the case in Haryana where women's traditional socio-economic status is amongst the lowest in the country. Irrespective of religion or caste, few village men have questioned the FD's insistence on treating women as equal and independent members in HRMSs as a precondition to finalizing a partnership agreement. It has been much easier to secure this acceptance from the outset. In contrast, once an HRMS has been formed, and a particular structure and pattern of functioning already established, it is far more difficult to introduce such changes.

This strategy, turnover, is unlikely to be appropriate to introduce the principle of gender equality in the more autonomous forest protection groups which have started

⁵ For an analysis of institutional aspects of state JFM orders, refer to the Appendix.

functioning in large numbers in Orissa, Bihar and certain other states. Despite the diversity of Indian cultural traditions, it is rare for women to have a role in decisions related to community affairs. Besides, there are few, if any, traditional forums which enable women to get together to discuss and share even their own problems. Hence, it is not surprising that most community organizations that have initiated forest protection on their own have¹ only male members. In a case study of two self-initiated forest protection groups in Orissa, it was found that in one, the Kudamanda Youth Association, women were not allowed to attend general body meetings even when they were a party to a dispute being discussed. In the second case, that of the Dangarmunda Yuvak Sangh, women's participation was found to be non-existent (Pati et al. 1993). In another youth club protecting a forest in Orissa, although women were not eligible for membership, only women were allowed to collect NTFP from the protected area as a means of regulating collection (Pattnaik 1993).

However, according to the traditional gender-based division of roles in the majority of forest-dependent communities in the country, it is the women who are the main collectors, users and processors of NTFP. This factor alone makes women's participation in JFM crucial. Compared to new groups, while initiating formal JFM partnerships with such traditional groups, interventions for introducing principles of gender equality in their functioning will need to be designed with greater care and diplomacy to ensure that already operational and effective forest protection groups are not destabilized.

The majority of government JFM resolutions do not address this gender aspect of general body membership (see Appendix). By prescribing eligibility for only one person per household as that household's 'representative' in the village organization, most women are automatically excluded. This is because the one-person per family is normally a man as the formal 'head of the household' except in the case of all-women households or of widows without adult sons. The exceptions to this limitation in the government resolutions are the Jammu and Kashmir order, which provides eligibility for 'one adult male/female member of each individual household' (it is unclear whether this means one man and a woman or one man or a woman); the Andhra Pradesh order which provides for one male and one female member from each household; and the West Bengal order which made a retrospective amendment in 1990 according to which, 'if the husband is a member, the wife automatically becomes a member'. The husband or wife can exercise the household's right to a share of the produce or income.

Although an improvement over the earlier provision, the West Bengal resolution continues to use the 'household' as the unit of reference, allowing the woman to exercise 'the right of the household as the husband's wife'. However, there is no guarantee of the wife getting a share of the income if the family breaks up after she has participated in protection for several years and is forced to leave the home before the FPC's share of income from timber is distributed.

The problem with using the typical family or household as the qualifying unit is that it cannot deal with a diverse variety of situations in which a growing percentage of rural women find themselves. According to the 1981 census, 8.5 percent of adult women in the country were either widowed or divorced. Another study found that in 25.9 percent of the families, women contributed 100 percent of family income (National Commission on

Self-Employed Women 1987). With the rapid pace of socio-economic change, an increasing percentage of women are effectively becoming the sole supporters of their dependents. Such households are disproportionately concentrated among the population living below the poverty line. Male dominated migration, unofficial abandonment of women, men bringing in second wives to beget sons, male unemployment or disability, or women choosing to remain single are resulting in the growth of such women-dependent households. As many such women form invisible sub-units within larger households, it is important to entitle them to their independent share of usufruct and income benefits through JFM. Reaching out to such women can be facilitated by opening membership to local organizations to all adults, female and male. This has so far been provided for only in the draft JFM rules in Haryana where considerable thought has been given to gender issues in local institutions participating in JFM.

It is useful to trace the process by which this decision was reached. Originally, Haryana's formal membership rules for HRMSs were restricted to the head of each independent household. This was the case with the well-known pilot HRMSs of Sukhomajri and Nada in the early 1980s. When institutionalization of Haryana's JFM program was begun in 1989, it was realized that the membership criterion effectively excluded most women. To overcome this problem, the initial response was to make one man and one woman from each household eligible for membership. This would guarantee that at least 50 percent of HRMS members would be women. During negotiations with villagers for the formation of several new HRMSs during 1989-90, this condition was imposed. Written undertakings given by villagers expressing their commitment to participate in JFM had to be signed by one man and one woman from each household.

Nonetheless, over time the inherent arbitrariness of the criterion of one man, one woman per household became evident. It could not deal with cases of all-male or all-female households, and single male or single female households. Furthermore, as many families are extended or joint families, with three to four generations represented, selection of one man and one woman could pose problems. In the case of the eligible female member, options would include the mother-in-law, elder or younger daughter-in-law, unmarried daughter, an unofficial second wife, a widowed or abandoned daughter who has returned to her parental home, or women in other atypical circumstances. Who, and on the basis of what criteria, would decide which man and which woman would become members? It was realized that the generational issue is also related to gender equity. While the younger daughter or daughter-in-law would most likely be collecting fodder from the forest, it would more likely be the older mother-in-law, who no longer performs such tasks, who would be designated the member. The perspective and participation of the actual women users of forests would still remain unreflected in HRMS decision-making. In any case, for the future sustainability of the HRMS, it would be desirable to encourage participation of the younger generations of both women and men in its affairs.

On the basis of the foregoing analysis, the most equitable and non-discriminatory solution was seen to be that of opening membership to all adults, men and women, young and old, irrespective of their status or relationship within a family. All eligible individuals would not necessarily choose to participate actively in HRMS activities, but the opportunity would remain open for any interested adult. By engendering participation from a younger age group, leadership development among both male and female youth could be

initiated. Through efforts to reach out specifically to younger women, their empowerment could begin **at** an early age. both as future leaders and supporters of other young women breaking **out** of their traditional roles early in life.

The HFD's firm insistence on this condition has had the beneficial impact of raising awareness and making the villagers accept equal representation of female members in HRMSs. When told that 50 percent of the population cannot be excluded from membership of any representative local organization, the men find it difficult to present a counter-argument. Comments alluding to women as 'ignorant' or 'illiterate' are countered by the response that if indeed that is the case, women must be provided with greater opportunities to gain access to information and experience so that they may contribute on the basis of their own needs and perspectives. Now, in many villages, village men have themselves started encouraging women to participate in village meetings. Despite the initial apprehensions of the FD's male field staff and male villagers that women would not attend meetings out of shyness or due to the observance of purdah, in many villages a surprisingly large number of women have started turning up.

Still, a number of unresolved questions and concerns remain about the 'all adults' membership criterion. For one, the total membership may become too large in some groups for effective participation in general body meetings. Where state government resolutions provide for distributing a share of cash income to members, the logistics of distributing it to all adults will prove complex. This problem will not arise if, as in the Haryana case, satisfaction of members' subsistence needs is given first priority by HRMSs and there is no provision for distributing shares of cash income to individual members. Further field testing and experiences with the all-adult membership criterion will help address such concerns.

The Management Committee

Structure and Function

There is some debate over the need for and value of a separate management committee (MC) which wields greater decision-making authority than the general body membership. Traditional community organizations have evolved over long periods of time and many have developed appropriate responsibilities and codes of conduct for their representatives entrusted with managerial responsibilities. These codes may or may not have been formalized but effectively serve to guide the representatives' actions. Certain community organizations, particularly older, smaller, traditional ones which tend to operate with high levels of accountability, often reach decisions based on consensus-building by the entire membership body, or by representatives of various sub-groups comprising an informal committee. In other small and homogeneous traditional communities, the task of daily operational decision-making may be performed by a single, strong leader whose judgement is trusted by the ethers.

However, with membership of local organizations, particularly recently constituted ones, expanding beyond a certain size, there is often a felt need to delegate powers of day-to-day decision-making to a more formal sub-group of individuals. In the more formalized structures of a management/executive committee, a number of elected or

selected office bearers are supported by non-office bearing representatives. Interestingly, many of the self-initiated organizations protecting forests in Bihar and Orissa have evolved fairly sophisticated rules for constituting such MCs (Mehrotra and Kishore 1990; see also Kant et al. 1991). Where *no* indigenous traditions of communal management exist, or earlier traditions have been weakened, the roles and responsibilities of both general body members and members of their MC need to be clearly defined and understood by all parties for effective functioning. Unfortunately, this has generally been ignored in the development of new local organizations promoted by FDs for JFM (see Appendix). While formal structures are designed and individuals appointed to fill various positions, neither the general membership nor the managerial representatives are informed or empowered to play their roles effectively for proper organizational functioning. This is particularly true where MC members are officially imposed upon a community from the outside without any consultative process with those whose interests they are supposed to represent. Such prescriptions only inhibit the organic development of representative, strong and dynamic village leadership. Given the opportunity to exploit their position as a means to further their personal status and interest, facilitated by the lack of accountability to the community they represent, MC members of such officially promoted local organizations have generally been ineffective in performing their tasks. The outcome has been a serious loss of credibility and capability of local organizations in general.

Governing Principles for Constituting a Management Committee

A basic set of governing principles can help ensure that an equitable and effective MC is constituted. These are discussed below.

Equitable Representation: Only the general body of the organization should be empowered to elect the MC representatives. Instead of prescribing pre-specified numbers of individuals to represent different interest groups (i.e. backward classes, tribal, women, sarpanch, school teacher, etc.) the principle of equal representation of all parties must be followed. The FD or local NGO can help facilitate the selection process and, through monitoring, ensure that the weakest and most disadvantaged groups are not sidelined by the more dominant ones. Special effort will be required to facilitate women's representation on the MC in the light of women's traditional exclusion from such roles.

Nomination of Selected 'Outsiders': This can be desirable for a number of reasons. A respected individual such as a school teacher or a village elder may be inducted as an ex-officio member (i.e. without voting rights) to play an advisory or conflict-resolution role. An FD representative can serve as a two-way communication channel and liaison between the agency and the village, keeping the group informed about the FD's policing and programs. The selection of an outside MC member should be guided by factors of local availability and degree of community respect, trust and credibility among the group members with the (decision left to the villagers).

Selection/Election Process: It is crucial that the process by which MC members are selected/elected is open and transparent. In more stratified groups, facilitation by an outsider may be required to guarantee that the disadvantaged sections have a genuine opportunity to influence choices. Where a particular department is promoting community organizations for one of its specific programs (e.g. the forest department in JFM), staff

members often tend to select the office bearers, or at least strongly influence their selection. If an agency staff member is insensitive to the political dynamics between the stronger and weaker sections of a community, and assumes that representatives of the stronger group would be the most suitable candidates, the weaker sub-groups will lose their ability to get their specific concerns reflected in MC decisions. To prevent this, FD field staff must be sensitized to the importance of empowering the traditionally weaker sections to articulate their needs and priorities.

Concentration of MC Membership among a Few Families: This often results in the group becoming divided into distrusting, antagonistic factions, leading to the eventual collapse of the organization. To avoid family-monopolized membership, the Haryana support team advocates the rule that HRMSs should disallow more than one MC member from the same family, particularly in the case of female members.

It has also been observed that consensus-based 'selection' of MC members at an open general body meeting may not be fully representative since traditionally disadvantaged groups, including women, effectively feel too inhibited or intimidated to fully participate in such meetings. A compromise solution may be for each forest-related interest group to select its representative during smaller sub-group meetings. Such a tradition already exists in many areas, including among many of the community organizations which have started forest protection in Orissa and Bihar (Kant et al. 1991 see also Mehrotra and Kishore 1990).

In Haryana, the typical pattern while MC members are being 'elected' is that a small group of dominant men move away from the general assembly. After discussion and debate among themselves, they return and announce the names of the proposed MC members, including the designated office bearers. Occasionally, an individual declines to accept the responsibility and a replacement is chosen. At least two women are now also selected as MC members as the Haryana FD has prescribed that as a condition. However, village women are seldom consulted in choosing their own representatives unless this is facilitated by the JFM support team. Further, female MC members often turn out to be the wives, mothers or daughters-in-law of male MC members.

Voting by secret ballot or campaigning for votes is seldom practiced. Its merits are also questionable as it tends to split the community into factions of supporters and opposers, with candidate election becoming a prestige and patronage issue. Such negative consequences have already occurred with panchayat elections in many villages. In lieu of a breakdown in communication between members of opposing factions, groups organized around issues such as JFM require a conducive environment for increased dialogue and discussion between different interest sub-groups.

Accountability of the MC

The MC's accountability to the general body is one of the key determinants of the effectiveness and stability of a community organization. Case after case reveals that both indigenous and new, externally promoted organizations break down when the majority of the members lose confidence in their MC or informal leadership and cannot find any channels for redress other than simply withdrawing from participation. This is particularly

so when the local organization is handling community income and suspicions about misappropriation of funds have developed. A variety of institutional mechanisms can be adopted by local organizations to minimize the chances of such collapse.

The first is to institutionalize regular consultations with the general membership. This is crucial in terms of how MC members and office bearers arrive at decisions. Too often, it is falsely assumed that as the organization's 'representative', the MC automatically understands what is best for the community's interest. In reality, many MC members may have assumed such public decision-making roles for the very first time. With no experience, training or clear notion of their responsibilities, they may remain inactive, indecisive or prone to misguided, inequitable decisions. To avoid such a situation, the mandate of the MC must be defined as clearly as possible in consultation with the general membership. For example, while the MC may be empowered to take certain types of decisions or make particular types of commitments on behalf of the organization on its own, it must be obliged to obtain the general body's approval before finalizing major decisions which are likely to directly affect the organization's members. The latter would include matters such as approval of a joint forest management plan which commits all members to halt grazing for a specified period, the terms for obtaining a grass or fodder lease from the forest department, or incurring expenses from the organization's common fund above a certain amount. Unless such important decisions insist on prior approval from the general body - permitting general members the opportunity to not only accept or reject them, but also to suggest modifications - the MC can rapidly lose the general body's confidence.

To operationalize such accountability mechanisms, a minimum of two, preferably more, general body meetings need to be formally scheduled each year by the local organization. These provide an opportunity to the MC to inform members about its activities during the intervening period, present an income and expenditure statement, discuss problems and seek membership approval for planned future activities. By binding the leadership to regular consultations with the general body, such meetings provide a forum for ordinary members to raise issues so that any disenchantment or resentment can be expressed early and remedial measures applied. In areas with a tradition of community organization, a practice of members' meetings once or twice a month usually exists, although these are generally an exclusive male forum and need to be adapted to accommodate women. Introducing the practice of holding such regular meetings where no such prior tradition has existed will usually require a great deal of initial facilitation and support.

Similarly, consultations among the MC members also need to be structured at regular intervals. The office bearers should consult other MC members while taking decisions and planning activities. The roles, responsibilities and mandates of each office bearer need to be clear to them. For example, the secretary must be clear that it is his or her responsibility to organize the general body meetings at the prescribed intervals, inform all members well in advance about the exact date and venue, prepare the agenda for the meeting, and write up the minutes of the meeting. The treasurer must maintain the accounts, keep no more cash on hand than the maximum amount approved by the general body, and not accept or expend funds without receipts which document each financial transaction. Suspicions over mishandling of funds, both founded and unfounded, are

among the most common reasons for community organizations breaking down. A tightly managed accounting system with numerous checks and balances is crucial to the stability of the local organization.

Another mechanism for increasing the MC's accountability to the membership is the opportunity for the general body to change MC members at regular intervals. A provision for annual elections is useful in this respect. If the MC has been functioning well and the general body is satisfied with its performance, it can approve continuation for another year. Alternatively, one or more individual members can be changed at a time so that the organization's continuity is not overly disrupted. If the group decides on a policy that every year at least one or two members will be changed, it will offer an opportunity for others to gain managerial experience and help build up the organization's collective in-house capacity. The HRMS of Harijan Nada in Haryana has adopted this policy. In extreme situations, if the actions of one or more MC members are strongly disapproved by the majority, the general body should have the power to call a special meeting to request the concerned MC representative to step down.

IV

ORGANIZATIONAL FUNCTIONS OF A LOCAL INSTITUTION

Despite concurrence with the institutional mechanisms described earlier, particularly in areas without a strong tradition of community institutions, the local institution will not necessarily function properly at the outset. This is often because of a lack of clarity about organizational functions and how to translate them into practice with the help of unambiguous operational rules and procedures. To be effective, these need to be based on consensus and principles of equity.

The forest management functions of local institutions can vary from simple protection to a diverse, and sometimes complex, range of resource management tasks. These may include:

- developing micro-plans for enrichment planting based on differential needs of members;

- designing harvesting systems based on continuous and diverse product flows to meet diverse subsistence needs as against single product flows for long-term cash income;

- evolving consensus on how to compensate higher immediate costs for one or more sub-groups due to closure of a forest area;

- evolving rules and regulations for all members based on equitable sharing of costs and benefits;

- defining the roles and responsibilities of general body and MC members and developing effective conflict resolution mechanisms to deal with conflicts which may emerge from time to time.

The sub-set of functions a local institution has to perform may vary with the specificities of each local context but its primary and overriding function is to evolve a consensus on the members' objectives and priorities of forest management and define the practical measures for translating them into action on principles of equitable sharing of costs, benefits and responsibilities.

Defining Forest Management Objectives

Community decisions to initiate forest management are often triggered by rapid environmental changes or dramatic problems. These may include landslides, dam bursts and flooding, droughts, illegal logging raids, departmental felling, forest fires, loss of agricultural land through erosion, hardships experienced due to depletion of forest produce needed for subsistence or earning livelihoods, drying up of water sources or protecting the forest area from encroachment.

In most areas where community groups are taking the initiative to protect natural forests, their goal is to facilitate natural regeneration of degraded areas or to protect them from excessive exploitation or encroachment by outsiders. These forest areas have generally been degraded through uncontrolled access and overuse, often stemming from a combination of departmental or commercial exploitation followed by unregulated subsistence extraction and grazing. Experiences from different agroclimatic regions of India indicate that where rootstock still survives, natural regeneration is often extremely successful if strict access and harvesting controls can be agreed to and enforced. These restrictions are most effectively implemented by local communities, particularly those who are (or have previously been) primary users.

In highly degraded areas where little rootstock has survived, and where state FDs have started promoting JFM under their more formal programs, enrichment or comprehensive planting is also being introduced, often based on participatory micro-planning.

In either case, a primary function a local forest management organization has to perform is to control access to the resource. It is unlikely to be successful in doing so without a consensus on the objectives of regulating access and clarity about the costs and benefits to different members. In some situations, the primary objective of the community could be restricted to preventing outsiders from unsustainably exploiting or encroaching on a forest tract on which they are dependent. If this does not involve any major restrictions on community members themselves, consensus on both the need and the necessary rules for restraining outsiders is likely to be easier to achieve. However, if controlling access involves complete and sudden stoppage of grazing for a grazier sub-group or a total ban on headloaders collecting wood for sale without providing them viable alternatives for earning their livelihoods, it will be difficult to reach a consensus. A dominant sub-group may still succeed in enforcing closure for its own interest but the system is unlikely to be sustainable due to the suppressed but unresolved conflict of interests within the membership.

Inequitable distribution of costs and benefits emerged as a major impediment in reaching a consensus in favor of discontinuing grazing by the grazier Gujjar community in

Sukhomajri in Haryana. Some members of the community, who had started receiving the benefit of irrigation water, were interested in protecting the water harvesting earthen dam from siltation by discontinuing grazing. However, others who had not received water were unwilling to stop grazing without also getting the benefit of increased agricultural ~ production with irrigation. It was not until consensus was reached on every resident household being entitled to an equal share of water that all community members agreed to voluntarily accept a grazing ban in the forest.

Available evidence indicates that while many of the self-initiated forest protection groups in Orissa and Bihar have evolved consensus in favor of access controls through open and democratic discussions, in some cases over zealous sub-groups have enforced such controls through pressure without dealing with such generic issues of equity. For example, some youth clubs in Orissa have imposed a total ban on collection of firewood by residents from supposedly 'community'-protected forests while appropriating the right to sell firewood collected during cleaning operations to outsiders. The 'community' funds thus generated are used for purposes such as building youth clubs at the cost of depriving the most disadvantaged members of access to an essential subsistence commodity like firewood (Singh and Singh 1992). In Bihar, in two out of 10 self-initiated forest protection groups, similar unilaterally determined priorities were imposed on the majority of residents by a dominant or militant sub-group (Mehrotra and Kishore 1990). A similar problem has also been reported from Bankura district in West Bengal, where villagers prevented from resorting to headloading to earn their livelihood without being offered a viable alternative have composed songs against the FPCs being promoted under West Bengal's JFM program.' The questions such situations raise are first, how such policing by some members of the community is different from policing by the FDs and second, how sustainable both such local institutions and their forest management systems are likely to be in the long term. Both are equally insensitive to the link between equity and sustainability and the survival dependence of the most vulnerable members of a community on forest produce. In such situations, a community organization does not perform its basic function of building consensus in favor of closure through open discussions on balancing differential costs and benefits among its membership and enabling all sub-groups to switch from an unsustainable to a sustainable forest management system.

Such contradictions between the priority and immediate subsistence needs of the most forest-dependent membership and the priorities of the leadership of a local institution arise from inconsistencies in the perceived objectives of forest management by the two groups and the local institution's ineffectiveness in defining its forest management objectives through a consultative and democratic decision-making process. While the youth clubs are often motivated by the more abstract goal of general 'environmental' improvement through forest protection, the forest-dependent membership is likely to support them only on the assurance of improved access to the NTFP they need.

The reverse situation can also be true. Most forest officers are so conditioned by

⁶ Personal communication, November 1992. Narayan Banerjee, Deputy Director, Centre for Women's Development Studies, New Delhi.

the premises on which 'rights and concessions' under forest settlements were granted to villagers, namely, the satisfaction of only 'bona fide domestic needs', that they find it difficult to come to terms with local institutions resorting to the sale of surplus forest produce not needed by their membership. Under Haryana's JFM program, HRMSs are sold bhabbar grass leases on conditions entitling them to 75 percent of the increased bhabbar they help generate free of cost. As in most villages HRMS members need only limited quantities of bhabbar for their domestic needs, HRMSs have been selling the surplus to outsiders. Despite the issue being repeatedly discussed in several state Working Group meetings, and a provision to this effect being made in Haryana's JFM policy and rules, many senior officers continue to raise objections to bhabbar sales by HRMSs. Within HRMS membership, the concern is not over bhabbar sales per se, but about clear rules and operational procedures defining how individual members can obtain access to bhabbar for their own needs and have a say in the terms and conditions on which the leadership sub contracts the leases and determines the priorities for which HRMS income from bhabbar is used for community benefit. Resentment and suspicions over how the leadership was using bhabbar income subsided only after the adoption of a rule that decisions on such matters must be taken only with the consent of the majority in general body meetings.' This simple rule is enabling HRMSs to perform their function of soliciting consensus for major decisions implemented by the leadership.

In overly degraded areas requiring enrichment planting, determining which species to plant and whether to manage them for continuous or single product flows, similarly needs to emerge out of a clear consensus-based identification of the local institution's objectives for participation in forest management. Where communities are being motivated by state FDs to participate in JFM programs, the forest departments' traditional emphasis on commercial timber production may inadvertently result in that section of the community more interested in long-term cash returns dominating decision-making within a local institution, with the subsistence needs of the less powerful sections being overlooked. This took place on a large scale in the social forestry projects implemented in many states. Under them a limited number of fast-growing, often commercial tree species were planted with the stated objective of meeting the firewood and fodder needs of villagers. However, not only were the species often inappropriate for firewood and fodder, but the management system adopted also resulted in the one-time timber harvest being auctioned to outsiders to generate cash income for the local panchayat. In the process, the villagers most dependent on panchayat lands for subsistence goods lost access to the enclosed lands as well as control over the final income. Although panchayats were assumed to be the desirable local institutions for soliciting people's participation, their institutional appropriateness for performing that role was not adequately assessed, nor was any consultative process with the actual users of the resource to define plantation objectives as well as harvesting systems incorporated in the planning process.

Under JFM programs, both FD staff and local NGOs may often have to play an important facilitative role in capacity building of local institutions to perform the key function of identifying forest management objectives from the point of view of the majority of their membership.

Clarifying Roles and Responsibilities

For any local institution to function in a participatory and representative manner, all its members, whether of the general body or in informal or formal leadership positions, must be clear about their respective roles and responsibilities. These cannot be imposed externally but must be based on consensus. External agencies and individuals can play the facilitative role of making the membership aware and able to perform this important organizational function, but they cannot short-circuit the process of consensus-based decisions. This is often a valuable input where traditions of collective action are weak and both the leadership and general body members lack experience in developing such guidelines for themselves. In such situations, the most familiar and accessible model is provided by the gram panchayat in which most decision-making powers are vested in the elected representatives while the voters neither have the power to recall ineffective or corrupt leaders nor perceive having any responsibility themselves to assist their representatives to function more effectively. Such a model generally proves ineffective for community forest management activities as it often leads to ordinary members violating imposed rules with impunity while blaming the leadership for its ineffectiveness. The panchayat representatives, on the other hand, complain of lack of cooperation by their voters.

In contrast, the majority of the autonomously formed forest protection groups in Bihar and Orissa have clearly defined the roles and responsibilities of both the leadership and ordinary members. Particularly in tribal areas, these are rooted in strong traditions of collective action and need to be studied further to develop guidelines for new organizations in other areas.

The overriding and equal responsibility which all members of a local institution engaged in forest management must accept is to personally ensure protection of the forest tract and not violate any of the collectively accepted rules related to collection, harvesting or sale of any forest produce from the area. Similarly, in the event of being caught in the act of violating any of the local institution's rules, each member must be willing to accept the agreed upon fine or other penalty for the same. Many of the autonomous protection groups in Bihar have framed rules which make it mandatory for members to attend meetings or local institutions. A member absent from three consecutive meetings can be removed from membership, which also results in loss of benefits from forest protection (Mehrotra and Kishore 1990). Such a rule makes each member equally responsible for participating in the decision-making process of local institutions, as well as ensuring that the entire membership remains constantly informed about the institution's affairs.

Similarly, the informal or formal leadership (in the form of a managing or executive committee) must be clear about its powers and responsibilities and willing to step down when found inadequate. If an ordinary member repeatedly violates his/her responsibility, the local institution can remove the person from its membership. However, if the leadership does the same, it can lead to the collapse of the local institution.

Evolving Rules to Regulate Access

A group of people cannot achieve a common resource management objective without all its members agreeing to abide by commonly agreed upon rules regulating their day-to-day behavior in rotation to the resource.

Villagers have used a range of approaches to shift 'open access' forests to more closely regulated areas. Strategies generally require a general consensus among all or most community members, especially diverse sub-groups of users, and the formulation and implementation of an access control system. This system is developed, through the establishment of boundary demarcations, patrols and watchers, fines, extraction fees and limits, benefit-sharing arrangements, conflict resolution mechanisms) and other such regulations.

The process of evolving consensus on rules regulating access may sometimes take months or even years. The process may be initiated by one or more local leaders, an NGO, or concerned local forester. Tribal or caste elders, youth club leaders, and local activists or political representatives have often played the role of catalyst. In some cases, these individuals encourage their neighbors through informal exchanges held over an extended period, with repeated visits to households to discuss environmental problems and the benefits of forest conservation. In other cases, village leaders or change agents have taken the opportunity provided by religious festivals or community development meetings to raise the need for forest protection and village involvement.

In some areas, forestry field staff have played a supportive, proactive role in encouraging communities to establish forest protection groups. In states where JFM programs are well underway, field staff are being encouraged and trained to assist communities in developing protection and management organizations. This activity often requires a series of visits to the village, where village leaders and elders are consulted, open meetings held, and information exchanged. In many cases in West Bengal, foresters have served as effective catalysts and facilitators. But most importantly, in all successful cases, communities have first exhibited a significant degree of interest and concern which motivates them to take action.

Once a community group has decided to begin protecting a forest, members must agree on the type of access control system to utilize. Peer group pressure is often most effective in controlling the behavior of members of the immediate community, provided there is a strong consensus for forest closure *and* some mechanism for compensating those incurring maximum immediate costs agreed upon. Nevertheless, peer group pressure typically needs to be reinforced by specific punitive measures, including fines or other penalties. During the initial years when closure is first imposed and natural forest recovery and regeneration is in its early phases, most communities need to maintain a system of paid or unpaid watchers. For this, they often establish volunteer patrols.

Communities in Gujarat and Orissa have developed a system of stick rotation, which is known as *tengga pali* in Orissa. A bamboo or a pole is passed from household to household each day. On the basis of which family is responsible for the daily patrol of the

forest. Patrolling may be done by a single adult male, or by teams of two or three, including older women. In general, patrolling is practiced only during the day when grazing or fuelwood cutting occurs, although if the community feels the threat of a timber raid after dark, night patrolling may also be necessary. A group of 35 tribal villages collectively protecting their forest tract in southern Rajasthan from organized gangs of timber smugglers use the system of one able-bodied person from each family immediately rushing to assist in turning the raiders away on hearing a particular call given by one of the villagers on spotting them. All families are bound by this rule irrespective of whether the alarm is raised during the day or at night. In the southern Gujarat village of Gamtalao, community members maintained active daily patrols during the first two years of forest closure in order to discourage neighbors and nomadic Rabari herders from damaging the forest. Gradually, other outside users accepted that Gamtalao had closed its forest access and they ceased attempts to enter and exploit it, after which the community shifted to a less intensive system of watchers (Pathan et al. 1990:19-21).

Such watchers are frequently used to survey and monitor access. This system requires less labor than patrols, but also provides less thorough access regulation. Women household members who collect non-timber forest products or take animals to graze frequently serve as de facto watchers. In this capacity, a female watcher may give a warning that the forest is closed to cutting if a single woman comes to collect fuelwood. If a larger group of women arrives from another village to harvest fuelwood, she may need to call upon the village men to assist in turning them away. In Sukhomajri in Haryana, the concept of 'social fencing' was developed under which all HRMS members agreed to exercise voluntary restraint on grazing in the forest and to look out for offenders without the use of any patrols or watchers.

When offenders are caught, villagers may adopt various strategies including sending them away with a warning, fining them, threatening them with social ostracism or turning them over to the FD. Offenders may also be beaten to discourage them from repeating the offence. Warnings seem to be used most commonly, especially with first-time offenders. Fines are often levied on members with previous records of warnings. Imposing fines or other forms of penalties on non-members, however, can be problematic as it raises the issue of the local institution's legal authority. Court cases have been filed against closure enforced by some autonomous groups (Mehrotra and Kishore 1990), and the President of the VFPC of Hardatal in Orissa was arrested because the local institution had detained the cows which had entered their forest (Singh and Singh 1992). Similar problems are encountered by groups when they attempt to close access to forest tracts in which other villagers also have rights.

In such situations, a better strategy is to build up support for closing access even among neighboring villages. The Gamtalao forest protection group sent representatives to meet with the elders of an offender's village, where they agreed to extract a fine of Rs. 120 from the violator for illegally grazing his animals in Gamtalao's forest (Pathan et al. 1990:19-21).

Where communities are working in active collaboration with the FD, they are more prone to turning over repeat offenders to the local field office. In Salboni village in West Bengal, the FPC had repeatedly warned an individual about cutting the forest for

commercial firewood. After discovering him loading a vegetable cart with fuelwood one day, a group of 15 FPC members dragged him, complete with cart, to the range office guard. Even though the guard eventually let him off with a small fine, the offender was ashamed and promised reform.

In Harda Forest Division in Madhya Pradesh, the VFPCs work in close collaboration with the FD field staff in bringing offenders to book. During the five-month period from November 1991 to March 1992, the FD compounded offences brought to its notice by the VFPC of Khardana with the fine amount totalling Rs. 6,150 (Bahuguna 1992:10). Sometimes, if the villagers feel that the official fine is too little for the gravity of the offence, the FD staff informally permit the VFPCs to levy a higher fine. While the official amount due is deposited with the FD, the rest is deposited in the VFPC's common fund.⁷ The seriousness with which villagers can enforce rules once framed is indicated by the fact that the VFPC of Domra in Harda division fined even the forest guard for 'failing to perform his protection duties' (Bahuguna 1992:8).

However, where FD field staff fail to provide such promised support to local institutions promoted under state JFM programs, it can result in serious loss of credibility for the institution. 'Not being legally empowered to punish outsiders itself, the HRMS of Harijan Nada in Haryana repeatedly brought offenders to the notice of the FD field staff. Due to the field staff not taking notice, the HRMS's moral authority got progressively eroded and goats, once banished, are once again grazing in its JFM area. If the local institution is unable to regulate access of outsiders, even its own members, over time, start ignoring the rules framed by the community. The system can revert to open access quite rapidly.

In certain cases, confrontations have become violent and offenders are occasionally beaten. In some contexts, 'mass loots' have occurred where dozens and even hundreds of villagers from communities outside join in the night en masse with bullock carts to fell a regenerating forest or plantation. In response, protection group members often gather together with poles, spears and bows and arrows to resist them. When local groups are outnumbered and helpless against the onslaught, the forest may be completely felled before their eyes. The appearance of local FD staff in support of the protection group can affectively break up the loot. In the face of such outside pressure from neighbors or powerful commercial interests, visible FD support can be the critical factor in protecting the rights of the community and assuring the survival of the forest.

Rules for Harvesting and Benefit Distribution

Except where communities are protecting forests primarily to prevent soil erosion, protecting natural water sources or general environmental improvement, an important function of local institutions is to devise rules regulating harvesting and collection of forest produce by its forest-dependent members. The more economically dependent members of local institutions are on forest produce, the more important such rules are. While ideally

⁷ Personal communication, 17 July 1993. M. B. S. Rathore, Divisional Forest Officer, Harda Forest Division, Madhya Pradesh Forest Department.

ensuring that users' needs are met both adequately and equitably, harvesting rules also need to ensure sustainable exploitation of the resource. Often, the extent of need satisfaction has to be balanced against the condition of the resource and the produce it can generate sustainably.

Contrary to the common distrust among foresters of villagers' ability to practice 'scientific' or sustainable management, autonomous villagers' institutions have developed sensitive and sophisticated resource exploitation rules when their members are concerned and highly motivated to protect their resource.

Rules developed by local organizations in Orissa and Bihar fall into two categories. The first aims at curbing the wasteful use of scarce produce and facilitating natural regeneration. Thus, some groups in Bihar have framed rules which disallow members to seek timber for certain types of needs before the expiry of a minimum period. The forest protection group of Chargi village in Giridih district of Bihar does not allow timber extraction for certain agricultural/irrigation implements more than once in three years. Members are encouraged through social pressure to maintain their implements properly (e.g. not leaving them exposed to rain) to prolong their life. To fell timber for sale or to gift to relatives living in other villages is forbidden. The local institution of Buzurnano village' in Hazanbagh district has similarly banned felling of timber for fencing to curb wasteful use. Instead, the members have been asked to use only Lantana, thorny bushes or dead wood for fencing. For some types of uses, replacement of timber by bamboo, which has a faster regeneration cycle, has been suggested. Other rules designed to curb wasteful consumption and facilitate regeneration of more useful forest produce include a ban on cutting young saplings or lopping the main buds of young trees, not cutting particular tree species except with prior permission of the accepted leadership, uprooting of Lantana and only supervised grazing if grazing is permitted at all. Some community groups in Bihar have also been felling coupes they have demarcated themselves. Grazing in the felled areas has been banned for two to three years to facilitate natural regeneration (Mehrotra and Kishore 1990).

The second category of harvesting rules regulates extraction of forest produce from protected areas as a mechanism for benefit distribution. Time-tested and older indigenous management systems, as well as newer community initiatives, employ a range of strategies to ensure the equitable, sustainable and timely collection, harvesting or division of forest produce. These include the allocation of rights to individual tree or plant species, to collection area or range, to total harvest quantities, to seasonal or daily collection times and areas, and to individuals involved in primary collection. In the village of Limbi in southern Gujarat, households maintain historical 'first' rights to individual mahua trees and their flowers. If a family does not claim its rights by burning the grass in the flower fall area at the base of the tree, other families can legitimately claim rights to the flowers and collect from the same trees. In some cases, communities give individual households the collection rights to specified areas of the forest, a practice that may prove inequitable as the composition of the community changes. The community management group may also decide to give each household seasonal rights to harvest grasses. The arrangement may allow one member of each family to visit the forest daily during the harvest season. In other situations, the management group may limit quantities, such as one cartload of grass per family, a specified number of fuelwood headloads, or a certain number of poles per

household

Where autonomous community groups have framed such rules, these are primarily governed by principles of legitimacy of need, equity and sustainability. For example, if availability of timber trees is limited, cutting trees is permitted only after the managing committee or mukhiya has first verified the legitimacy of the need. The local institution of Chارجi in Bihar has decided that even the mukhiya should get permission from the sarpanch before cutting any trees (Mehrotra and Kishore 1990).

In situations where the availability of forest produce is limited, extraction is often regulated by fixing days, or months, when one or more person per family can collect or harvest. In other cases, user fees and/or permits are used to regulate benefit distribution. Fees may vary with the type of produce, often being higher for the more valuable or more scarce forest products or with the quantities harvested. Many local institutions have framed rules requiring permits from the leadership prior to extraction. Any member of the HRMS of Lohgarh in Haryana must obtain a permit from the society's President to collect one handload of free bhabbar as the household's right for the season. For fodder grasses, a seasonal harvesting fee (doll) per adult is charged. The dati rate is often lower or waived by HRMSs for the poorest members or those likely to harvest less frequently. Where user fees are charged, non-members are often permitted to harvest or collect NTFP by paying a higher rate than members. Some self-initiated groups in Orissa permit only women household members to collect NTFP from the protected forest as a regulation mechanism. Other local institutions get some types of NTFP harvested at one time themselves for subsequent distribution to members and/or sale in contrast to permitting individual members to collect when needed. The funds raised through user fees or sale are used to cover the administrative expenses of local institutions and for other community benefit activities.

Under any benefit-sharing system, the group members must feel that the division and distribution mechanism is equitable according to relevant, measurable criteria - whether it be based on greatest need, prior rights, voluntary labor contribution to protection activities, or a combination of these. If the system is perceived to be equitable and to operate smoothly, the management group will gain legitimacy and maintain the respect and support of its community membership. Alternatively, if the system is seen as biased and unfair, or corrupt and inefficient, the organization may lose the credibility of its membership and ultimately collapse for lack of support.

Conflict Resolution Mechanisms

Every community organisation is likely to face situations of conflict from time to time. Conflict is inherent in the community organization's function of persuading its members to forsake some individual benefits or freedom for a common goal. In the case of local institutions engaged in forest management, potential conflict can fall in four categories: within the membership of local institutions; with neighboring non-members; with other external commercial or industrial interests; and, with the state, primarily with the forest department. For its own sustainability, every local institution has to evolve effective conflict resolution mechanisms. In older and established institutions with trusted leaderships, it is often possible to resolve local conflicts internally, but for conflicts with

external interests or agencies, mediation by a neutral third party may be required. In newly promoted local institutions for JFM, intervention by FD staff or NGOs may often be required even to facilitate resolution of internal or intra-village conflicts.

Intra-village conflicts are more common in heterogenous villages with glaring class and caste differences and wide variations in the nature and types of forest dependencies of different sub-groups. Clash of interests between a grazer sub-group desiring grazing access and others desiring closure to facilitate regeneration of other types of forest produce is a classic example of conflict often difficult to resolve. Perceived unfairness in the distribution of costs and benefits of forest closure, suspicions over mishandling of funds, simple obstinacy of some members in accepting common rules, suspicions that the leadership is unduly favoring its own sub-community, can all lead to intra-village conflicts.

Conflicts with neighboring villages often arise over boundaries and denial of forest access to them or the usurpation of the rights of a weaker community by a more powerful one. With the FD, conflicts often arise over direct clear felling of forests on which local villagers are highly dependent, or over the FD selling felling rights to commercial or industrial interests. The goal of many self-initiated protection groups in Bihar and Orissa is to protect their forests from the FDs. Where JFM programs have been initiated by FDs, conflicts with local institutions can arise over imposition of inappropriate rules or demands. FDs not honoring their commitments, uncoordinated functioning of different wings of the department, or FDs refusing to understand or acknowledge the community's problems, priorities or knowledge.

The most effective mechanism for the resolution of intra-village conflicts in areas with strong traditions of community organizations is frequent and regular general body or gram sabha meetings. Most autonomous forest protection groups in Bihar organize such meetings with all members being bound to attend them. The effective penalty for non-participation is loss of membership and the benefits attached to it for abstention from a number of consecutive meetings. This is combined with having a representative collective leadership from each tola or hamlet. If a conflict cannot be resolved through open discussion, the leadership is expected to step in. If even the collective leadership is unable to come up with a satisfactory decision, the responsibility passes over to one or more respected individuals whose decision is binding. Conflicts generated by the initial rules introduced by such local institutions have led to their progressive improvement or modification through discussions at such meetings.

Inter-village conflicts are also often resolved through discussions and negotiations among leaders of the concerned villages, particularly where FD or other governmental presence has been weak. In areas where villagers are taking up forest management with encouragement from FDs, FD representatives are often called upon to play a neutral, facilitative role. The JFM support team in Haryana has been frequently called upon by HRMSs to assist them in resolving both intra- and inter-HRMS conflicts. Conflicts and contradictions in many of the initial assumptions on which Haryana's JFM program was based have similarly been ironed out with the help of a continuous process of dialogue and interaction with HRMSs by the JFM support team. Conflict resolution within and between HRMSs has generally been easier to deal with than assuring consistency in decision-making by the HFD. Transfers of FD personnel can result in individuals with widely

different attitudes, understanding and priorities replacing earlier ones, thereby disrupting a process of dialogue and confidence-building with HRMSs. This problem is inherent in the structure of any bureaucracy and remains a relatively unaddressed issue in the promotion of JFM in different states.

SUMMARY AND CONCLUSIONS

Representative and participatory local organizations of forest-dependent villagers are inherently likely to be the most effective institutions to ensure sustainable management of forests in their vicinity. Forest departments can benefit enormously by soliciting partnerships with such local institutions in joint management of forest areas.

However, if local institutions are to effectively perform their role in JFM, they must be founded on some generic institutional parameters. These include commitments to equity, autonomy and participatory decision-making. Given the wide diversity in local resource management traditions and capabilities, expansion of JFM in the country needs to be based on FDs restricting their role to that of facilitators of local communities developing their own capabilities and solutions for the diversity of their situations and concerns. No centralized decision-making system can unilaterally evolve appropriate interventions for the complexity of existing people-forest relationships, community resource management traditions and dependencies, or local institutional structures. Thousands of self-initiated local organizations in Bihar, Orissa and other states have demonstrated their ability to practice sustainable forest management on principles of equity and grassroots democracy. Instead of attempting to make them conform to standardized institutional forms imposed from above, the challenge for FDs lies in learning from the wealth of experience and diversity they represent and adapting their own interventions to facilitate similar processes in areas where villagers lack similar traditions.

It needs to be emphasized, thus, that principles of participatory decision-making, acceptance of transparency and accountability in mutually concluded agreements, and sensitivity to processes of empowerment are equally relevant to the internal functioning of forest departments and NGOs for translating JFM into practice.

APPENDIX
LEGAL STATUS AND COMPOSITION OF LOCAL INSTITUTIONS IN DIFFERENT STATE GOVERNMENT JFM ORDERS

State	Autonomy/ Legal Status LI	Eligibility for General Body Membership Selective	Universal	Composition of MC/EC	Women's Representation in LI	Consultation with Villagers in Constituting LI	Powers to Dissolve LI	Final Authority in Case of Disputes	1/3 Share of Production/ Income	Tenure of MC/EC	
Haryana	Auton regd soc (HRMS)	All F and M adults		Decided by HRMS general body through annual elections	All female adults	Min 2 women, could also be all women	JFM possible only with GB approval	By GB on basis of majority vote	CF but HRMS can seek compen- sation from Commis- sioner	75% of increase in gross production free of cost, 25 to 50% of gross sale proceeds from timber etc	Annual elections
Himachal Pradesh	Regd by FD, no auton legal status (VFDC)	Also Pres MM, Pres, yuvak Mandal, GP member to be nom by DFO	One adult M & F per hehd	One rep per 10 to 20 adults plus FG ex-off, mem-sec, 1 rep each of GP, 1 Antyodya family, MM to be nom	One women per household	50% women	NS; VFDC can make own by- laws with DFO's concurrence	DFO can dissolve EC, FD can de- register VFDC	CF	25% of net sale proceeds of final harvest	NS
Karnataka	Assocn regd under Karnak Soc Act by DFO	Up to 10 ex- off members specified by FD	One rep per household	Forester ex- off mem- sec, 10 elected reps inclgd 2 SC/ST, 2 women, 1 landless labourer, etc plus 4 nom members	NS	Two women	'Benefic- iarles' can approach FD only through promoters/ facilitators	DFO with final appeal with PCLF	PCCF, no compen to VFC if dissolved	26% of net sale proceeds to ing members 26% to village forest dev fund	5 years
Bihar	NS but soc bound to obey PCCF's orders		One rep per household	Min 15, max 18 members with composition specified in detai (1 mukhiya, 1 ex-mukhiya, sarpanch, teacher, etc) Vanpal to be members	NS	Min 3, max 5	GB meeting with 50% adult popn as quorum for forming society		NS	All harvested produce to be given to MC on terms decided by CCF + Commis- sioner ordinary members to purchase at market price	2 years

State	Autonomy/ Legal Status LI	Eligibility for General Body Membership		Composition of MC/EC	Women's Representation in LI		Consultation with Villagers in Consulting LI	Powers to Dissolve LI	Final Authority in Case of Disputes	LI's Share of Produce Income	Tenure of MC/EC
		Selective	Universal		GB	MC					
Gujarat	GP or regd coop society	Nothing	prescribed	Working committee to consist of GP rep, 2 women, 1 NGO rep, other interested members	NS	Min 2 women	relative can be taken by villagers	Not with FD	CF, compen- sation to LI	25% share proceeds in case of govt funds & 80% if NGO raised funds for work	Dependent on LI
Jammu & Kashmir	None const by FD		One adult M.F per habid	Forester or FG mem- sec, min 2 women & 2 SC/ST/BC	NS	Min 2 women	None. People expected to form V/RAD/FICS by order	DFO can terminate an individual's membership	CF	25% of net harvest proceeds in cash or kind	Annual elections
Madhya Pradesh	None, const by FD		One rep per habid	One rep per 10 households - all GP & Antyodaya comm members + RO, village Kotwar & teacher & village chief ex-off nominated members, RO ex-off sec	NS	NS	Approval by 50% adults present at village meeting	DFO can dissolve FPC	CF	30% of net income from nationalized MFP 100% of fuelwood, poles, bamboos from thinning etc. 30% of fire harvest or equiv net income	NS
Maharashtra	Can be regd FLCS, or FPC const by FD		One rep per family	Forester mem-sec, <u>sarpanch</u> , <u>gram sevak</u> plus 6 elected members (2 women & 2 ST/SC/BC)	NS	Two women	Approval at village meeting convened with GP head	DFO can dissolve FPC	CF	Final produce at max 50% market rate or 50% net income from sale	Annual elections

State	Autonomy/ Legal Status LI	Eligibility for General Body Membership		Composition of MC/EC	Women's Representation in LI		Consultation with Villagers in Consulting LI	Powers to Dissolve LI	Final Authority in Case of Disputes	LI's Share of Produce/ Income	Tenure of MC/EC
		Selective	Universal		GB	MC					
Orissa	None const by FD	No general body		<u>Sarpanch</u> - Chairman - Forester - Convener, ward member of village, VLW, revenue Insp plus 3 non- official members to be nom by GP		None	Non-official members to be selected by convening village meeting	NS		Only unfructs	NS
Rajasthan	Auton coop society		All residents	No provision			NS	Not with FD	CCF	80% net sale proceeds, free gross & audit	
Tripura	No legal status	Only household with at least 1 wage earner, selection by DFO	One person per household	Best guard mem sec, max 5 elected reps		No provision	None	DFO can dissolve	CF	Produce for home fide domestic needs plus 50% net income from sale of remaining produce	Annual elections
West Bengal	No auton status, regd by FD	DFO to select in consultn with PS	Jt membshp of husband & wife	FG mem-sec, reps of PS & GP max 8 elected reps	If husband is member, wife will automatically be member	No provision	No direct consultn	DFO can dissolve	CF	25% net sale proceeds of cashew & timber in S W Bengal	Annual elections
Andhra Pradesh	Regd by FD, no auton status		One M, one F member per hahid	Forester mem-sec, FO & President of <u>GLAM</u> <u>BRCHERS</u> members, 6 to 10 elected reps	1 F/hahid	At least 3 women	Village mtg with 50% hahids present for consultn	DFO can supercede	CF	Free unreserved MFP, right to collect reserved MFP for wages, 25% final harvest for local distn, 33% of revenue earned by FI through sale of rest	Annual elections

Abbreviations used

Assoc = Association
 CCF = Chief Conservator of Forests
 Coop = Cooperative
 EC = Executive Committee
 FG = Forest Guard
 GB = General Body
 Jt = Joint
 MC = Managing Committee
 MFP = Minor Forest Products
 PCCF = Principal Chief Conservator of Forests
 Regd = Registered
 SC, ST = Scheduled Caste/Tribe
 VFC = Village Forest Committee

Auton = Autonomous
 CF = Conservator of Forests
 Dev = Development
 F = Female
 FLCS = Forest Labour Cooperative Society
 GP = Gram Panchayat
 LI = Local Institution (villagers' orgn)
 Mand = Mahala Mandal
 Nom = Nominated
 Pres = President
 Rep = Representative
 Soc = Society
 VFC = Village Forest Development Committee

BC = Backward Classes
 CF = Conservator of Forests
 DFO = Divisional Forest Officer
 FD = Forest Department
 FPC = Forest Protection Committee
 Hhhd = Household
 M = Male
 Mem-Sec = Member-Secretary
 NS = Not specified
 PS = Panchayat Samiti
 RO = Range Officer
 VRACIS =
 VLW = Village Level Worker

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