

DECENTRALISED FOREST GOVERNANCE AND ITS FUNCTIONING IN ORISSA, INDIA

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ABSTRACT: Decentralisation and devolution have been a major policy theme in Common Property Resources (including forest) governance in developing countries over last few. Participatory Forest Management has become one of the key objectives of forest policies and programmes in India including in the state of Orissa since late 1980s. Simultaneously efforts by local communities, which have evolved since early 1960s in different areas, have resulted into evolution and development of self initiated forest protection groups in the state. These groups have grown and matured into viable institutions with self governance and they have been protecting and conserving forest of their own. There is provision for incentives for the members which influence them for effective participation in the protection and development of this natural resource.

However the present status of decentralisation of forest governance has a number of problems including exclusion of marginalised groups including women in decision making process and in the distribution of benefits.

The nature of decentralisations of forest governance is analysed by using three contextual components, namely, access to resource, rules designed to govern it and the characteristics of the community and its involvement. Successful decentralised governance creates opportunities for agents for effective participation in decision making that reduces transaction cost of monitoring the behaviour of agents. It also provides incentives for hard work for safeguarding and development of resources. Based on historical evidences, secondary sources of materials and authors' own findings this paper tries to understand the nature of forest governance in general and in the context of Orissa in particular with a view to understand its functioning. It also studies the implications in regard to the access to benefits accruing to the primary stakeholders and its impact on management and conservation of forest.

Key Words: *Forest institutions, Incentive structure, Decentralisation, Orissa*

I

INTRODUCTION

This paper is an attempt to understand the forest governance in general and in the context of Orissa in particular with a view to understand its working. It also points out the weaknesses present in the institutions. A number of factors including access to resource, organisational efficiency, characteristic of community and its involvement affect governance of natural resource like forest. The evidence (both historical and case studies) provided in the paper shows that forest governance in the state of Orissa lack

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tenurial rights for forest dwellers which has affected the motivation of them for conservation and proper use of forest resources on long term basis. Further, the forest protection communities, both Joint Forest Management (JFM) and Community Forest Management (CFM) have been working in the state over the years. However these groups are organisationally weak in the decision making due to lack of their rights on the forest they are protecting. Further there is intra group problem. The weaker members (for example women and poor) are excluded in the decision making due to elite capture within the groups. As a result the distribution of benefits is not equitable among the members. This reduces the motivation of these excluded members. Further the policy of sharing the final output between the JFM and the Forest department is also not just for the JFM members. The FRA 2006 is being implemented now. But the progress in the community forest right is very low. If the FRA is implemented effectively, it will strengthen the motivation of the forest dwellers in the conservation and development of forest, which in turn will lead to better benefit sharing and it will reduce the free riding and moral hazard.

The structure of the paper is as follows: The *first* section provides a discussion on the state's restriction on the rights on forest and forest land of forest dwellers and alienating them in the process of decision making relating to governance of forest in pre and post-independent periods. The *second* section analyses the nature and outcome of participatory forest management as it works in the state of Orissa. The *third* section discusses the problems associated with malfunctioning of forest institutions and it is followed by a brief summary of the paper. First some analytical issues relating to natural resource governance is discussed below.

The last century has experienced much degradation due to increased biotic pressure in terms of increased population, technological revolution and unsustainable exploitation of natural resources. In India, as in most other developing countries environmental degradation has manifested itself in rapid rates of natural capital depletion exemplified by forest degradation and soil erosion. Nationalisation of forests and other natural resources without due importance to traditional common property institutions has made these resources de facto open access resources and consequently faced the 'tragedy of commons'. Inefficient management of state owned resources, market failure, increasing interdependence between the livelihood system and natural resources and the widespread concern for sustainable development has led to the evolution of the alternative institutions for management of natural resources.

Decentralisation is an increasingly popular theme in management of natural resources in recent times all over the world. Countries have devolved and decentralised their resource use and management system to the users. There has been effort to involve the local people and build participatory institutions to manage the natural resources. In fact, a large body of case studies has demonstrated that local user groups can devise institutions to manage resources sustainably (Baland and Platteau, 1996; and Ostrom, 1990). A large number of countries are currently experimenting with some form of community resource management by transforming some of their power to the community to use and manage such resources. However, empirical outcomes of such

devolution of resource use and management are mixed and the reasons for differences in performance of outcomes are not fully understood.

The Crucial role played by institutions in the context of resource governance is increasingly being recognised in development studies. Institutions, viewed as a set of rules actually used (Ostrom 1992) or 'rules of the game in society' (North 1990) are important transaction cost-minimising arrangements. In situations such as those widespread in the developing tropics, where human beings and forests co-exist in an intricately intertwined web of interdependence, the sustainability of resource extraction largely depends upon the existence of, as well as adherence to, rules governing the common property resource (Gibson et al. 2005).

As rule structures, community-based institutions minimise transaction cost because people themselves develop their rules suitable for a particular situations. Realising the shortcomings of traditional top-down state forest and bio-diversity management, developing countries are increasingly embracing participatory approaches to Natural Resource Management (NRM). The goal is to promote local people's active involvement in management of protected areas and other natural resources (Kiss 1990). The same trend has manifested in India with the adoption of Joint Forest Management, which aims to involve user groups on a large scale, marking an important shift in official forest policies. In parallel, the recent literature on Common Property Resource (CPR) management emphasises the ability of user communities to effectively manage collectively owned natural resources through informal institutional arrangements (e.g. Wade 1988; Ostrom 1990). Example of this variety is found in the state of Orissa where local communities have been protecting forest of their own (Sarap 2007).

With the introduction of Joint Forest Management (JFM) in 1990s, a dramatic shift took place in the approach of the government towards the forest dwelling communities. It changed the expectations as well as the relationship between the communities and the Forest Department. Much before JFM become a programme of government, however, communities-initiated, collective action based resource management had emerged sporadically throughout the country. Studies in different parts of the country (Gadgil and Berkes 1991; Gadgil and Guha 1992; Gadgil and Chandran 1992; Ghate 2000, 2003, 2004; Pathak and Gour-Broome 2001) point to the existence of communities that were consciously maintaining and managing the forests within their village boundaries, with or without tenure rights. Thus local community participation in forest management and in forest ownership is increasing (White and Martin 2002).

It is essential to ensure rule compliance by community member as well as protection from poaching by outsiders in order to ensure effective management of degraded and dense forests. Monitoring is a necessary condition for the long term sustainability of participating CPR regimes in order to guard against conditions that tempt individuals to cheat and gain benefits to the disadvantage of others (Ostrom 2000). When sanctions are strictly enforced they prevent the spread of free-riding

behavior, thereby instilling a sense of trust in the community. It is essential to provide conditions that facilitate a sense of justice and fair play in the participants, by ensuring that all individuals who break the rules will be sanctioned irrespective of their position in the community.

A significant fraction of local communities who are dependent on the forest have developed de-facto arrangements for use and management of forest over vary long periods of time (Gadgil and Guha 1992; Gardgil and Chandran 1992). It is only recently, however, that participation of communities in forest management has received de-jure acceptability. Participatory policies are now being considered relevant and consistent with India's overall development strategy of reducing poverty and protecting the environment. But this understanding has come after a prolonged experience of dwindling forest cover under centralised forest management (CSE 1982). Now we discuss as to how forest policies in India have been alienated from the governance process.

II

FOREST POLICIES IN INDIA: A HISTORICAL PERSPECTIVE

Pre independence period

Keeping in view the importance of natural resources and commercial significance of forest resource, certain regulations were formulated and implemented by the colonial administrator to appropriate revenue benefits from the forest based resources. The beginning of a forest policy in the pre-independence India started in 1855 when the then Governor General, Lord Dalhousie, issued a memorandum on forest conservation restricting the customary rights of the forest dwellers on the use of forest resources through a ban on their movement in the forest. Further, the 1865 Act empowered the government to declare authority on such resources for national interests. It was noticed that for all purposes the state seems to have played a dominant role over the right of the individuals and communities. Later during 1878 the Indian forest Act classified all forests of India into three categories, i.e., reserve forest, protected forest and village forest. The first ever forest policy came into existence in 1894. The primary objectives for maintenance of adequate forest cover to assume preservation of climate, physical conditions of the forest was emphasised. Therefore, the policy regulated the rights and put restriction on privileges previously enjoyed by the local inhabitants. Since then this has banned shifting cultivation and protected hill slopes resulting in conflicting situation for the forest dwellers with the forest department.

The Indian Forest Act 1927 and Government of India Act 1935 consolidated the power of the Government on forest, emphasised on the revenue yield aspects and resource requirement of British economy.

Post independence period

The national forest policy formulated during 1952 mainly focused on forest as the source of timber but neglected the village commons. The state restricted the common people to have agricultural operations within forest land and also in the periphery areas of reserved forest. The free grazing of forest and free enjoyment of private forests were controlled whereas tribal people were denied from practicing shifting cultivation. Due to the abolition of *Zamindari system* in 1952, the government of Orissa took over the management of forests and formulated a number of legislations to reduce freedom of tribals over the use of forest and its resources. Apart from this, cultivation, hunting and fishing were also prohibited inside the reserved and protected forests. These measures increased the deprivation of people from forest resources while assuming greater use of forest produce by the neighboring communities. The emphasis was laid more on national interest, often, interpreted as commercial interest by reducing the access of forest dwellers as forest resources.

Subsequently, during 1976 the Government of India formulated the National Commission on Agriculture and the Social Forestry was recommended for creation of Forest Corporation to improve the commercial feasibility. According to the recommendations, many conservation oriented production forestry programmes were implemented. More restrictions were made for entry tribals into forest. In addition to this, the culture, tradition and ethos of the forest dwellers were also not given proper attention by the commission. Again, no special programmes were implemented for enhancing the economy of the tribals. Instead, programmes were essentially drawn for developing forest resources benefiting tribals indirectly through wage earnings.

Deprivation of tribals along with degradation of forests influenced the policy makers to look forward to a new forest law that appeared later on as the Forest Conservation Act, 1980 enacted by the Government of India (GOI), further restricted the rights of the state Governments. However, the law expanded the definition of 'non forest purposes' which included the cultivation of cash crops like tea, coffee, spices, rubber plants, oil bearing plants, horticultural crops and medicinal plants. This new bill initiated a debate with respect to policies, legislations and also on the role of different stakeholders such as activists, scientists, forest department contractors and industrialists. Consequently, it resulted in creating a Forest department by separating it from Agriculture department and named it as Ministry of Environment and Forest (MoEF). The new department deals with forestry issues with a kind of pragmatic approach, so that the forest related issues, both for the benefit of government and people, could be dealt with properly. Accordingly various forest issues and related matters concerning people participation, forest revenue, deforestation, ecology, etc., could be taken care of by this ministry as and when necessary.

Table 1: Phases of Forest Governance during the Post Independence in Orissa

Phase	Time Frame	Main Focus
Phase 1	1947–1972	This was the phase of commercial exploitation of forests for industrial development as well as for creating farmland for the large peasantry class.
Phase 2	1972–1988	It was a phase of conservation with increased Government control. Forest conservation was made a directive principle, a fundamental duty in the Constitution, and brought to the Concurrent List for greater control of the Government. It was also the time when powerful legislative instruments like the Wildlife Protection Act and the Forest Conservation Act were put in place. This phase, like the previous one, had no space for forest dwellers and tribals in the protection and management of local forests.
Phase 3	1988 onwards	The third phase began with the introduction of the National Forest Policy in 1988. It emphasised participation of forest dwellers in management of forest and increasing their access to forest products for enhancing their livelihoods.

Forest management in the context of Orissa

Orissa Forest Act 1972 in the state is based on the Indian Forest Act 1927. Formulation of this act has been the first major attempt to bring uniformity in forest administration and management in the state. The objectives of this act include revenue maximisation and meeting industrial and commercial demands considering forest as a 'state property'. In a sense, the act only formalised the process, which the state was following since independence. The rights and access of local communities on forest and forest products further got restricted with the enactment of policies such as Wildlife Protection Act (1972).

National forest policy, 1988: A paradigm shift

A wide discussion at national and international level forums suggested various ways and means to formulate a package of programmes to ensure sustainable forest development and ensuring livelihood of forest dependent population. Similarly, there was a lot of criticism of many provisions of the Forest Conservation Act 1980. These provided inputs to the government of India's National Forest Policy, 1988 which modified a number of provisions of earlier acts for the benefit of the poor. For the first time recognition of non-market and ecological benefits was emphasised in the Seventh Plan Document (1985–90). It was made clear that raw materials for forest based industries would be provided only after meeting the needs of the local people. The Central Board of Forestry recommended a ban on commercial exploitation of degraded

forests and regeneration of national forest, in order to reduce the growing pressure on forest resources.

Thus, the new forest Policy seems to have planned for protection, conservation and management of the forest and its resources. It also honoured the customary rights of the people; replaced the contractors with tribal co-operatives, co-operative government undertakings and corporations. It suggested suitable alternatives for shifting cultivators such as engagement of these people in forest based industries. With the adoption of National Forest Policy 1988, the colonial forest Policy establishing straight control over forest by the Forest Department was relatively weakened in comparison with earlier years.

III

CHANGE IN POLICY AND LEGAL FRAMEWORK (1988-2008)

The policy and legal regime in the forestry sector will keep focus on poverty alleviation through forestry, increasing productivity, enabling environment for private sector to grow more trees, ecological security of the nation, empowerment of communities along with their capacity building and biodiversity conservation in 2000.

The ecological security became the prime objective and focus was given for providing livelihood to the forest dependent communities in the country³. The Environment Protection Act was enacted in 1986 for improving the environment of the country. It has shown some progress during last 15 years for enhancing contribution of forests towards poverty alleviation through empowering people with the ownership of NTFP (PESA, 1996). Forests have traditionally been the habitats of tribal communities with a variety of lifestyles ranging from nomads, hunters, wild food gatherers to the agrarians. The traditional lifestyles of tribes and their recorded rights have been respected and embedded in the forest management practices as well as in subsequent policies.

The Parliament of India passed Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 to extend the provisions of the 73rd Constitutional Amendment 1993 to the Schedule fifth areas of the country. The PESA Act specifies that State Governments will endow *panchayats* in the scheduled areas with such powers and authorities as considered necessary to enable them to function as institutions of self governance.

³ India has initiated the implementation of this policy in a big way to involve local communities in the conservation, protection and management of forests through joint forest management institutions in 1990 and expanded this programme to more than 22 million hectares of forests with the involvement of approximately 21 million people.

Decentralised policies: PESA and tribal right

The 73rd Act of Indian Constitution vested *Panchayati Raj Institutions* (PRIs) with subjects such as social forestry and minor forest produce. The management of forest resources by the PRIs is another step to empower the local self-government at the grass root level. However, in the administrative perspective, no effective coordination was found between PRIs and Forestry institution over controlling forest resources. The linkage of PRIs and Joint Forest Management Committees is further complicated in the Fifth Scheduled Areas under the Constitution.

Under this provision of the Constitution of India, the Governor is empowered to administer in the Fifth Schedule Area and also he can make, repeal or amend any act of Parliament or of the state legislature or any existing law, if he thinks them to be detrimental to the interests of the tribals. The Governor may make regulations for the good government in the Scheduled Area, he can prohibit or restrict the transfer of land of the tribal people and regulate the carrying on of business of money lending in this area.

However, most cases it was found that the interest of the tribal people has not been addressed, when the state governments started enacting *Panchayat* laws, they continued with the past practices of not taking into account the needs and interest of Scheduled Areas. The enactment of the *Panchayat (Extension to Scheduled Areas) Act, 1996* (PESA) by the Indian Parliament is supposed to rectify some of the problems of Scheduled Areas.

The PESA inter-alia empowers the *Gram Sabhas* and *Gram Panchayats* in scheduled areas to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources, and customary methods of dispute resolution and more specifically to provide for endowing *Panchayats* with appropriate ownership of minor forest produce. By and large, the PESA provides a lot of useful guidelines, directives to the state government for formulation of appropriate Forest Laws and Acts for the larger benefit of the forest dwellers living in and around the forests.

Following the Central guidelines Orissa has amended its *Panchayati Raj Act* in December 1997. However, practically, the state Government has not transferred the power as per the provision of the central Act, 1996. The PESA Act devolved power to the local self-government to preserve, protect and manage the forest resources in regards to traditional rights of the forest dwelling communities. The Act also empowered the *Gram Sabha* to preserve and protect the traditional rights and ownership of Minor Forest Produce at the village level. But it is to be noted that the Orissa state Act does not give any power to *Gram Sabha* on matters relating to Land Acquisition, minor minerals, planning and management of minor water bodies. Instead it has entrusted all these power to *Zilla Parisad*, which is not required to consult *Gram Sabha* while exercising all these power. Over the years it has been found that the *panchayat*, because of adhering to a particular mode of functioning, could not grow as units of self-governance, as per the provisions of the PESA Act.

In the management of Minor Forest Products, there have been various shortcomings in the state Act as well as in the function of *Gram Panchayat*. In Orissa the *Gram Panchayats* are now empowered to register the traders in their territorial jurisdiction for trading of 68 items. However, they have not been legally empowered to take any penal measures against traders who do not pay fair prices (prices fixed at the regional level) to primary collectors. In case they want to take penal action they have to approach the Divisional Forest Officer for further action.

Further, contradiction has emerged between the Orissa Forest Policy and the PESA Act. The Orissa Forest Act 1972-Section 77 invests the powers with the Divisional Forest Officers to enter upon any land to survey, demarcate and prepare a map of the same; power to hold an inquiry into forest offences and in the course of such inquiry to receive and record evidence. The criminal procedure authority has been lying under the jurisdiction of Forest officials (Orissa Forest Manual 2005). Taking the advantage of the 1972 Act, the local level forest officials assert their power to control over forest and forest products. As a result the traditional rights of the tribal people over forest have been eroded.

The *Panchyati Raj* institutions in the present forms have neither any capacity to control the traders, who misuse their power nor have funds to buy Minor Forest Produce (MFPs) from the primary collectors. Further they also have any capacity to store the procured products and to sell the same to buyers at reasonable prices.

Another milestone has been achieved in 2006 by the enactment of a national level legislation, The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, for assigning habitation and occupation rights on forests along with responsibility of conservation of biological resource and maintenance of ecological balance to community. This Law recognises the rights of occupation of forests by tribes and forest dwellers and empowers them for management of forests used by them as common property resources. It is estimated that about 20% of the government controlled and managed forestland will come under the occupational titles recognised under this law. The recognition of right of common use conforms to the policy prescription of participatory forest management and also accepted principles of biodiversity conservation as well as community involvement in conservation.

Participatory forest management (PFM) and the state

This section provides a discussion on the development of PFM in the state of Orissa. Self-initiated Forest Protection Communities took the initiative well before the forest department, and it has spread widely across the state since the 1960s. The forest department took the initiative in the formation of *Van Samrakhyan Samitee (VSS)*, during 1993 and after.

Participatory Forest Management approach, in its present form, i.e., Joint Forest Management came as an outcome of the National Forest Policy in the year 1993 in Orissa. Theoretically, JFM resolution looked upon the local communities as equal

partners with Forest Department for protection and management of forests and seems to be a more progressive resolution in comparison to the earlier policies.

From 1993 to 1997 the process of formation of JFM was slow but later its' picked up. As a result, 9,813 VSSs have been formed by the end of September 2006. These VSSs have been protecting 8,953.87 sq.km. of forest areas in the state (Government of Orissa 2007). Similarly it has been estimated that about 10 thousand self-initiated forest protection committees have been functioning in the state. These groups are also protecting the forest, of course, without the support of the Forest Department. But it has been found that many of the JFM and CFM Committees are dormant in the sense that the committees have been formed, but they are not active in activities relating to protection or management of forests.

About 29 thousand villages have forest as recorded land. The number of forest protection committees, both, JFM and Self-initiated forest protection groups (SIFPGs) constitute about 19 thousand villages. Of course, some of the committees of both JFM and CFM are dormant. In any case about 65% of the villages have some sort of forest protection committees to look after the forest.

Forest development agency (FDA)

With the introduction of FDA scheme during the year 2002–03, a renewed drive for formation of VSS was started by Forest Department in the state. The scheme was launched in 2002–03 by Ministry of Environment and Forest (MoEF) to implement the National Afforestation Programme (NAP). The NAP was introduced during the Tenth Five Year Plan and has been formulated by merging four centrally sponsored afforestation schemes of MoEF.⁴ The National Afforestation and Eco-Development Board (NAEB) of the MoEF is in-charge of operation of this 100% centrally sponsored scheme and its tenure has been kept till the end of the 10th plan period.

Progress of FDA in Orissa

FDA was formulated for the regeneration of the depleted forest. However, the objective of FDA formation has not been achieved fully. Up to 2006–07, 1565 VSSs constituting 16% of the total VSS (9776) have been covered under FDA. These VSSs are protecting 55 thousand hectares of forest area, which constituted hardly 6.15% of area protected by VSSs in the state during this period. Clearly very few VSSs have been included under FDA and the selection is often based on subjective judgment of Forest Department officials. The structure of General Body and Executive Body is designed to favour the government officials, who control the decision making of the

⁴ i.e., Integrated Afforestation and Eco-Development Projects Scheme (IAEPS), Area Oriented Fuel Wood and Fodder Projects scheme (AOFPS), Development of Non-Timber Forest Produce including Medicinal Plants Scheme and Association of Scheduled Tribes and Rural poor in regeneration of Degraded Forests (ASTRP)

FDA. Active participation by VSS representatives is rarely found. Major decisions are taken by the forest department officials.

Though some developmental works have been undertaken in the entry point phase of NAP, transparency has not been maintained in the use of funds. Further activities are selected mainly by the forester and the president. The performance of FDA has not been satisfactory and participatory (see Sarap 2007).

Though FDA has provided few days of employment to the poorer sections of the society, it has left out communities depending on timber, fuelwood, bamboo and charcoal trade for their livelihood. National Afforestation Programme has left problems like encroachments, salinity, desertification, vulnerability of members, etc. In some VSSs, plantation has been done without micro plan. Cooperation between the villagers and the forest officials has not been encouraging (RCDC 2004). Clearly the working of FDA has discriminated many weaker communities from its operations and the decision making process has become centralised.

Forest right act 2006

The Central Government has passed the Forest Right Act during 2006 in order to provide tenure security and to ensure access to forest products to the forest dependent communities. The land title will be given to those forest dwellers who are under the possession of the forest land upto December 2005. It is to be noted that the vested forest rights are heritable, but not alienable or transferable (Government of India, 2006).

The government of Orissa has implemented certain provisions of Forest Right Act since January 2008. By the end of October 2010 around two *lakh* forty seven thousand claims have been approved and record of rights are being distributed to the identified beneficiaries.

This tenure security will be helpful in motivating the beneficiaries for development of the forest and enhance their bargaining power vis - a- vis other stakeholders (Sarap et al 2010)

Though both the CFM & JFM institutions serve the same purpose of involving the local communities and their concerns in the management of forest, there are several cases of conflict between these institutions. At administrative level JFM is patronised by the Forest Department where as CFM initiatives do not get the official recognition from any government authority and often treated as illegal. There are several instances of conflicts between the forest department and CFM groups in many forest divisions of the state. This is mostly due to difference in approach and perspective of the stakeholders. It has been observed that CFM institutions are characterised with higher level of participation in compared to JFM. But JFM institutions have certain advantages due to the patronisation of the government (ibid). Many self-initiated CFM groups are joining in JFM to avail the benefits of government under JFM programme and to seek the government recognition (Sarap 2005).

Problems with PFM

This section discusses the problems associated with the PFM institutions. Even though local forest institutions have been working in the state for the last several years, they are besieged with a number of problems in their functioning. Some of the problems are as follows:

Organisational setup

The self-initiated community forest management institutions and joint forest management institutions are two broad categories of participatory institutions. These two forms of institutions are often characterised with different level of participation and organisational structure.

There are many reasons for failure of JFM, the foremost being the emphasis on a formal and uniform organisational structure. JFM framework prescribes for constitution of a committee termed as Van Samrakshyan Samitees (VSSs) with defined membership. The recently enacted JFM resolution 2000 by Government of India talks about facilitating a uniform structure for JFM committees i.e. Society in all the states and registration of all JFM committees under the Society Registration Act, 1860. This is in contrast to diverse institutions and organisational arrangements under CFM, which undergo changes in response to internal dynamics, local situations and context.

Since CFM initiatives are self-emergent, dynamic, adaptive and have grown over a long period taking into account local need and conditions, they seldom felt the need for a formal organisational structure. Though their organisational structures differ, they are essentially democratic bodies reflecting the ground realities of the area. On the other hand, appointment of Local Forester in the position of Secretary replacing the natural leadership virtually puts the power on the hands of forest officials. Since the forester had responsibilities of number of committees at the same time fails to perform the duty of a functional leader and is unable to give adequate time to the affairs of the committee.

Benefit sharing

The 1993 resolution of JFM by Government of Orissa provides for 50% share in major or final harvest and a 100% share of intermediate produce to the VSS members. There is a feeling among the community that 50% of the benefits are taken away from it. As such there is problem of incentive for hard work to the members of PFM. The Non Timber Forest Produce (NTFP) policy in the State is regressive in comparison with policies of other neighboring states. Upto late 1990s most of the marketable items (28 items) were leased out to private traders, alias a joint sector company. Thus, even on supposedly jointly managed forest land, the co-managers are treated as mere labourers

who are to gather NTFPs and handover to state appointed agents at the prices fixed by the state (Sarap and Sarangi 2009).

Tenure security

Under the existing JFM framework villagers have hardly any secure rights over forest. As such the incentive to the members to ensure the growth of forest products on long terms basis is minimal. Even today the Forest Department is the senior partner in the control of forest and powers over forests as well as systems of management.

Conflicts

Conflicts of various natures, including intra-village and inter-village are found in the forest area. For instance, Sarap (2007) has found several types of conflicts present in his study villages located in Bolangir, Sambalpur and Phulbani districts of Orissa. There are conflicts over sharing benefits, usufruct rights, illegal felling, forest boundaries and with forest mafias. Mining, mostly located in forest areas, has led to conflict between forest-fringe communities and mining leaseholders. The VSS or the CFM institutions are unable to resolve such conflicts and when the conflicts are resolved, it is temporary in nature and occurs again after a point of time. The recent industrialisation policies in the state, which are mostly based on mining, and generally located in forest areas, have aggravated the conflicts between the forest dependent communities and mine contractors significantly due to displacement of local people from the forest area. As the traditional livelihood options of local people are affected because of this policy the conflict is becoming recurrent (see Mishra, 1998)⁵.

Equity

Equity in the distribution of benefits from the PFM forests between different sections of participant households within a community is another important issue that is likely to affect household participation in the PFM activities as well as the sustainability of PFM institutions. It has been found that poorer members in the group, whether in JFM or CFM, are unable to realise fully the benefits accruing from the forest. The participation of women is also weak. Such situations lead to exclusion of many poor from benefit sharing and forest management efforts.

⁵ As per the JFM plan the VSS, through its executive committee, is to execute an MoU with the concerned DFO for protecting, regenerating and management of forest area, VSSs constituted prior to 1993 have not been registered as VSS in full. Further, VSS institutions, in the absence of legal authority, have failed to resolve many interpersonal conflicts prevalent in the groups. In such situations VSS committee find it difficult to take strong action against erring individuals or the state for non-compliance. It also becomes difficult to ensure equitable distribution of usufructs given the prevailing socio economic inequalities in the rural communities

The Participatory Forest Management (PFM) in the state of Orissa has been a haphazard affair reflecting the weakness of the Orissa Forest Department as well as Forest Protection Committees as an institution. There has been a lack of proper participatory process, either at the outset or post-formation: local people's participation in the preparation of the 'micro-plan' is generally marginal, as the forester exerts major control over this. In VSS executive committee and general body meetings, important decisions are being taken by elites, including the forester (who is the secretary). Self-initiated groups were found to be relatively more participatory than the VSS, although few women are involved in either type of management (VSS and SIFPC). Further, women have little power in decision-making (see Sarap 2007).

These forest management systems were meant to include and empower the community, but the nature of empowerment remained very limited (Saxena, 2003). Joint Forest Management has been in the state for more than a decade, but the progress in terms of institutional development as well as impact on livelihood of local people is marginal. Furthermore, JFM has been used as a strategy to co-opt CFM and to enable the forest department to establish and expand its control over the forest areas, which are under 'de-facto-control' of local communities.

Local communities find the VSS institution uncomfortable since it tends to erode the decision-making authority at the community level. It also disregards the traditional knowledge system of the community and instead has introduced a situation where the Forest Department plays an important role in decision-making relating to forest.

Clearly the functioning of PFM in the state is at satisfactory. As a result these institutions are unable to perform their role properly in the distribution of benefits to the members.

Conclusion

On the Whole it is clear that a number of factors including clear tennurial rights and provisions of incentives to the people dependent on natural resources are important for proper functioning and governance of forest institutions. It has been found that, there have been systematic efforts on the part of the state, both in pre-independent and post-independent period upto the early 1980s, to curtail the participation of forest dwellers in the process of governance of forest institutions.

The state, through the forest department, has not only centralised the decision making in the governance of forest but also curtailed their access to forest till upto late 1980s. Some changes have taken place in regard to the participation of primary stakeholders into the forest after last 1980s in India as well as in Orissa through the formation of Van Samrakhyan Samittees by the forest department. It has grown significantly during late 1990s and later. Before this development there has been spontaneous evolution and growth of self-initiated forest protection committees in the state since 1960s.

However the governance system of participatory forest management institutions, both, JFM and CFM are weak and discriminatory against the weaker members of the group including women. As a result the incentives for members are weak and the distribution is not equitable.

There is need for making the governance system more participatory with provision of incentives to the members. The implementation of FRA 2006 in the right earnest and redesigning the structure of the FPCs will be helpful for proper governance of these forest institutions.

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