

VAN (FOREST) PANCHAYATS IN UTTAR PRADESH HILLS :
A CRITICAL ANALYSIS

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Introduction

One may dispute the exact time of origin of the panchayat system of administration in Indian polity but no one denies its prevalence, in diverse forms, in several parts of the country in the precolonial and colonial period (1). The recent public concern about the decay and depletion of natural resources particularly those held communally by collective ownership or usufruct right or otherwise like village pastures, wastelands, forests, ponds etc has created ample interest among scholars and economic historians to review the management of these resources from historical perspective. These reviews are considered important to isolate (i) those factors and institutional arrangements that led to successful management of these resources in the past; and (ii) those factors and interventions that led to deterioration of these institutions and hence depletion of the resources. One immediate output of these exercises is greater understanding about how various village institutions and organisations work and this, in turn, would be helpful in devising more pragmatic policy framework for management of the common

India's forest resources is the policy adopted by the Government which has alienated people from these resources (Guha, 1983). While this may be true in the case of reserved forests under the control of the Forest Department; the same cannot be said about the Van Panchayat forests (2). In this system of forest management, it is stipulated that people would participate in the management of forests at the grassroot (village) level.

This article has a two-fold objective; on the one hand, it attempts to analyse the existing organisation, operation, management, and problems faced by the Van Panchayats in Uttar Pradesh hills and, on the other, it seeks to isolate the factors and situations that led to collective action in the management of forests. There is no unified theory governing common property resource management. A number of key elements have been identified in the recent literature that avoid classic 'Tragedy of the Commons', where in the short run, individual rationality is to increase the use of the resource whereas reduction in the use would benefit all in the long run (Hardin, 1968). The objective of this study is also be limited to isolating these factors.

The methodology adopted for the study included

Committee members either individually or in groups, Forest Panchayat Officers, Forest Van Panchayat Inspectors and the Forest department officials concerned and ascertained their opinions about the Van Panchayats. Although we conducted a detailed study of only four Van Panchayats, we visited many other Van Panchayats and held discussions with many villagers about the management and problems faced by the Van Panchayats and validated the information and impressions gathered from four selected Van Panchayats. In fact, in the hills of Uttar Pradesh, most people know about Van Panchayats and this facilitated our discussion with local people about operation and management of Van Panchayats.

Historical Perspective

The history of the Van Panchayats in U.P. hills (3) is the history of land and forest settlements, their reservations, and the various social and political movements that followed these settlements. Prior to British occupation and even in the early period of British occupation till 1865, people had unlimited and unrestricted rights in the use of forest resources. The waste and forest lands did not attract the attention of pre-British rulers; the native governments did however, subject the produce of the forests to small cess as and

The first land settlement was carried by Mr. Traill in the year 1823; boundaries of the villages were demarcated within which each village was free to exercise its rights of grazing, cutting timber and collecting fire wood (Rawat, 1985). This settlement is known as Sal Assi settlement after Vikram Samvat 1880 coinciding with that year. Since the British occupation of Kumaon from 1816 to 1865, practically no system of conservancy was introduced; infact, till 1858, forest contractors freely exploited forests as they wished on petty small payment (Pant, 1922). This was further accentuated by the attitudes prevalent among the administrators that the forests represented an obstruction to the prosperity of the country, as their removal would add to the class of land paying revenue (Guha, 1983). In 1865, for the first time, Government tried to restrict the utilisation of forest resources. It was stated that due to increase in both human and animal populations over time and the consequent increase in demand for resources, formal institutional control over forests became necessary. Furthermore, it was also argued that national interest should not be sacrificed for the local needs. This was effected with the enactment of the Indian Forest Act, 1865. A more comprehensive and modified act was framed

arrangements or guarantees, rights of very extensive character (Pant, 1922). Consequently, cattle were allowed to graze freely, and people allowed to remove forest products for fuel, fodder, timber and for making mats, baskets etc. In the intervening period of these two forest acts, in 1872, another land settlement was done. In this settlement, only private cultivated lands were measured. These lands were termed as nap land and rest as benap land.

The forest settlement has been done twice since the enactment of the Indian Forest Act, 1878; initially some 280 square miles of forest was declared as reserved forest in 1879. This reservation of forest did not affect people at any significant scale because the forests reserved during this period were away from the habitation. However, through a series of legislation and government orders all benap land was declared as protected forest by the year 1897 (5). This brought real hardship to the people and several social movements started in the region. While people were still unaccustomed to the newly imposed rules and regulations and were struggling to get back their curtailed rights, the government reserved these protected forest in the second settlement between 1911-1917. One of the forest

from them and is robbing them of their own property. The notion seems to have grown from the complete lack of restrictions or control over the use of forest during the first 80 years of the British occupation. The oldest inhabitant, therefore, and he is naturally regarded as the greatest authority, is the most assured of the antiquity of the people's right to uncontrolled use of the forests; and to a rural community there appears no difference between uncontrolled use and proprietary right. Subsequent regulations - and these are all comparatively very recent - only appear to them as gradual encroachment on their rights, culminating in final act of confiscation. (My) best efforts, however, I fear, failed to get the people generally to grasp the change in conditions or to believe in their historical fact of government ownership" (Nelson, 1916).

In the 1918, Kumaon Association was formed to deal with the forest problems of Kumaon (Rawat, 1985). The Association basically consisted of Indian elite group. It was this group which organised people in U.P. hills and took up the demand of inhabitants regarding their rights and concessions. These demands were earlier reflected in the occasional outburst on forest officials and forest burning in protest against the severe and

then Commissioner, Kumaon division, was set up in 1921 to look into the people's grievances. The committee interviewed 5040 people from Nainital, Almora and British Garhwal districts and noted that the hill men were impatient of control and the committee had it on record from the Deputy Commissioner and subdivisional officers that any attempt to strictly enforce these (forest regulations) would lead to riots and bloodshed (Forest Grievance Committee for Kumaon, 1921, p.2). The committee identified following grievances (p.3):

1. Demarcation; forest boundary pillars often come too close to cultivation or buildings.
2. Lopping restrictions.
3. Restrictions on grazing.
4. Exclusion of sheep and goats from reserves.
5. Employment of forest guards to enforce numerous rules and regulations and their constant interference with women and children, who under the customs in vogue in Kumaon, are the chief people to exercise on behalf of the village such rights as lopping, collection of minor produce, grazing etc.
6. Large number of forest cases which either have compounded or fought out in criminal courts.
7. Unsatisfactory method of dealing with indents for timber.
8. Rules regarding fire protection.
9. Strict restriction on the exercise of minor rights to those which are formally recorded in the rights list.

The committee recommended reclassification of the forests. In areas where local demand was heavy, it was recommended that Van Panchayats be formed to manage the forests. Accepting these recommendations, the Government reclassified forests as class I and class II forests. Class I forests have little commercial value but they are important for water retention and supply of fuel and fodder to local people. Class II forests have comparatively more valuable tree species. On the recommendations of the Forest Grievances Committee for Kumaon, class I forests were handed over to the revenue department (Dewadi, 1978). Simultaneously, Forest Panchayat Rules were enacted for these regions in 1931. The rules have been augmented and modified from time to time; the latest modified rules pertain to 1976 (7). Regarding the formation of Van Panchayats what Gulab Singh, from the village Parwara in Nainital district, (8) had told us in our previous survey, was quite revealing (Ballabh and Singh, 1987). He narrated that when the second forest settlement was done and the forest around the village was reserved, large scale illicit felling was done in the forest. Some prominent people of the village were called to Haldwani by the district administration and were questioned as to who had cut the trees. According to him, villagers blamed the thieves

quite old, told us the same story but with a difference that heavy penalties and punishments were imposed on villagers. They further told us that the then Deputy Commissioner, Shri Kailash Chandra had approached the villagers to find out if they would like to form a village Van Panchayats and in both the villages it was readily accepted. Government had already made the plans for establishing the Van Panchayats and class I forests were dereserved. Thus the Van Panchayats were formed on class I dereserved forests, and civil forests areas.

These accounts are, by no means, an indepth analysis of the process of evolution of Van Panchayats. But this short analysis amply demonstrates people's interest in and their dependence on forest resources. In retrospect, if we evaluate the British forest policy in India particularly in the U.P. hills; it does not seem to us that their sole motive was to conserve the forest in the larger interest of the country as advocated by Rawat (1982, 1985). Majumdar Bist (1988) and Guha (1983) have convincingly argued that the industrialisation in England, beginning of railways, and setting up of industries based on forest raw materials enlarged the demand and enhanced the value of forest products. The Kumaon region of Uttar Pradesh, rich in forest was one of the major suppliers of this new

forest resources on which people were so much dependent for their livelihood. It appears to us that the state tried to impose its monopoly over forest resources and people resisted it. The concept of Van Panchayat was born and accepted as a result of these conflicts and compromises(9).

Forestry in the Study Area

The hill region of Uttar Pradesh has a total geographical area of about 51,435 sq.km and a total population of 4,787 million (1981 census) and 3.40 million cattle units. A typical feature of land use pattern in the region is preponderance of forests; some 65 per cent of total geographical area is under forests (Appendix Table 1). Classification of the forests in the region by ownership is given in Table 1.

It is evident from the table that practically all of the forest area is owned either by the state government through its Forest and Revenue Department or by the Panchayats. The major portion of civil and soyam forests

Table 1: Classification of forests in U.P. hills by ownership

Ownership	Area in hectares	Percentage of total forest area
1. Reserved forest under control of the Forest Department	23,75,517	68.92
2. Civil Forests*	4,25,100	12.33
3. Soyam Forests*	1,53,450	4.45
4. Panchayat Forest	4,69,326	13.63
5. Private Cantonment and municipal forests	23,262	0.67
Total	34,48,655	100

Source : Forest Department, Government of Uttar Pradesh Van Panchayat Afforestation Project (draft), p.3.

* Civil and soyam forests are under the direct control of Revenue Department. Usually people have unlimited rights and concessions in civil and soyam forests.

is under the control of the Revenue Department and a part of it is controlled by the civil and soyam sections of the Forest Department. This has been effected through Government orders where-under civil and soyam forest lands were transferred to the Forest Department for afforestation purposes. It is estimated that some 15 percent of the civil and soyam forests is under the control of the Forest Department. The rights and

the powers are derived from the Indian Forest Act. People are free to graze their animals, collect fallen wood except from the areas closed for regeneration and rights for timber etc are also provided which are executed by the Forest Department on receipt of applications from the village pradhan.

The civil forest is under the direct control of the district magistrate who regulates it through the Patwari and the Village Pradhan. In practice, however, the regulation in civil and soyam forests is almost nil. Extensive encroachment by both officials and villagers on these forest lands has been reported (Saxena, 1987). Where the degraded civil and soyam forest land has been transferred to the Forest Department, reforestation has already done or is in operation. The Forest Department officials, however, reported that they have little regulatory power in these areas and tremendous difficulties are faced in protecting these newly planted areas because people are used to freely exploit these lands.

The Van Panchayat forest lands form approximately 15 percent of the total forest land in the hills of Uttar Pradesh. The management of these forests is done by the people under the regulatory control of District

Table 2 : Distribution of Van Panchayats in different districts by number and by area

District	Number	Area in hectares	Percentage to total forest land in district
1. Nainital	198	20718	5.20
2. Almora	1719	295889	66.47
3. Pithoragarh	983	62966	19.54
4. Paurigarhwal	662	37604	8.00
5. Chamoli	496	52149	9.89

Source: Forest Department, Government of Uttar Pradesh, Van Panchayat Afforestation project (draft).

It can be seen from the table that the Van Panchayats are concentrated in five districts of U.P. hills. Three districts, namely, Dehradun, Tehrigarhwal, and Uttar-Kashi do not have any Van Panchayats. These three districts were governed by princely states in the pre-independence era and were not under the control of the Britishers. The table reveals marked inter-district variations in the number of Van Panchayats and their area. These differences can hardly be explained in terms of geographical area, number of villages and population of the districts. These factors have, undoubtedly, contributed but to a lesser extent. The

preponderance of civil or class I type of forests in the district: for example in Nainital district, of the total area under forests, 89.4 percent is in reserved forest, and therefore less area was available in civil forests to form Van Panchayats; (ii) timing of reservation and settlement: since most of the social and forest movements followed the second forest settlement and reservation, most concessions were given in the second reservation. For example, in Almora district, hardly 100 square kilometer area was reserved during the first settlement, which increased manifold in the second settlement and, a similar case was with Pauri district; and (iii) local leadership and literacy rate: Imperial Gazetteer of India (1908) records that Almora takes a high place as regards the literacy of its inhabitants and this explains its relatively higher proportion of forests under Van Panchayats (10). Almora was also known for its honest and committed leaders; Kumaon Association formed in 1916, was led by Pandit Gobind Ballabh Pant who hailed from Almora district.

Profiles of the Selected Van Panchayats

The four Van Panchayats selected for the study were Farwara in Nainital district, Devikhal and Naikada in Ranikhet(11) subdivision of Almora district and Jaharikhal in Lansdowne subdivision of Pauri Garhwal

Farwara is situated 50 km away from Nainital approximately 1800 m above the mean sea level. The nearest market place is Bhatelia and the main village is situated 2 km away from the pucca road. The predominant commercial crops grown in this area were apple and potato. Other crops grown included wheat, barley, maize etc. The Van Panchayat forest had a good vegetative cover but not uniformly; at many places denuded and vacant patches were visible. About 250 acres of the Van Panchayat land was leased out to the soil conservation programme of the Forest Department (FD) in 1985 for tree plantation purposes. The FD planted trees but their maintenance was poor.

Devikhal Village Van Panchayat was selected because at the time of selection this Van Panchayat was managed by a lady Sarpanch. In spite of the fact that forest related work in hills such as fuel and fodder collection is done by the women folk, in the Ranikhet subdivision, there were only two Van Panchayats, Devikhal and Nawala, which were headed by female Sarpanches. We visited both, but selected Devikhal which was relatively poor in both forestry and agriculture. The village is situated 11 km away from the Block head-quarters, Salt, and nearest pucca road was at Naikada. Since the

Panchayat forests in these two villages were not good; Naikada had a slightly better forest than Devikhal. We were, in fact, surprised to see the barren rocks and hills in these villages after having passed through the dense reserved forest in Chimatakhal area and very well developed and man-made Van Panchayat forest at Jhadugaon. From Jhadugaon to Naikada, a distance of 40-50 km, only denuded hills were visible, trees were seen in scattered patches. We were told that they were newly planted areas which were either under the control of civil forest authorities or the Van Panchayats. The soils are shallow and the crops grown are mostly rainfed. Major crops of this area were wheat, ragi, bhatt (a pulse bean), masoor (lentil) and chilli which is a commercial crop. Fruits like lemon, chestnut, chiku, walnut, and oranges are grown for home consumption. Jeharikhal which is situated 4.5 km away from Lansdowne municipal town was selected to represent the Garhwal region. Because of its location in the vicinity of Lansdowne municipality, external demand for forest based products particularly fuel and timber was very strong. Another factor which favoured the selection of this Van Panchayat was that it had once been managed by women folk but reverted back to management by men. The major crops grown in the village

the common features of these villages was that all of them were dominated by the Kshatriyas (Rajputs). In Devikhal, all the resident households were Kshatriyas, who were further subdivided into two sub-castes, i.e., Bist and Rawat. Naikada is the only multi-caste village where the Brahmin, Rajputs and Scheduled Caste people were living.

The mix of tree species in the forests also varied markedly in these four villages. Farwara, Van Panchayat forest had predominantly broad leaved species, like oak, khasra, kafal etc. and there were very few pine trees and they were either newly planted trees by the Forest Department, or natural scattered in the degraded area. In contrast to Farwara Panchayat forest, the other three Van Panchayat forests had predominantly pine trees. But in a few patches, other species like acacia in Naikada, padam and, Eucalyptus in Devikhal and oak and burans etc. in Jeharikhal were also visible. But none of these forests had been used for resin tapping or commercial timber exploitation because, according to villagers, the trees were not matured enough for these purposes.

Procedure of Organising a Van Panchayat

If a village desires to form a Van Panchayat, the gaon

Table 3 : Basic statistics about selected village Van Panchayats

Particular	Village			
	Parwara	Devikhal	Naikada	Jeharikhal
A. Year Van Panchayat establishment	1932	1960	1933	1957
B. Land Statistics				
Total geographical area (ha)	504.4	66.8	368.8	170.8
Cultivated land (ha)	130.4	23.2	231.8	44.0
Van Panchayat forest(ha)	248.8	20.0	42.5	22.8
Civil Forest (ha)	37.8	7.2	34.8	30.8
C. Demographic statistics				
Total household	107	17	105	56
Kshatriyas	100	17	56	54
Brahmin		-	34	-
Scheduled caste	7	-	15	2
Total population	650(a)	79(b)	536(a)	367(b)
D. Livestock population (Cattle unit)(c)	677	70	742	176

(a) As per 1981 census

(b) Counted with the help of PPI's and village people during survey.

(c) One cow or bullock is taken as one unit, one buffalo as 1.5 units and one sheep/goat as 0.2 unit and young stock below 3 years as 0.5 unit.

propriety of forming a Van Panchayat. Then, the SDM invites objections from the villagers and from neighbouring villages. The inquiry made at this stage is meant to make sure that (i) most villagers are willing to form a Van Panchayat on their civil or class I reserved forest; and (ii) the rights of the villagers and neighbouring villagers are recorded. These rights and concessions are of various types. It is explicitly recorded that the formation of Van Panchayat would not debar any eligible person from using these rights in the forest. In some Van Panchayat forests, people from many villages have rights and in others only from one village. Sometimes, neighbouring villagers have specific rights. For example, in the Parwara village Van Panchayat forests, people from a neighbouring village Sunderkhal are allowed to collect dry, fallen oak leaves only and no other concessions. After attending to the objections, if any, the SDM forwards the application with his recommendations to the District Magistrate (DM). The DM, then, directs the Forest Panchayat Inspector (FPI) to hold an election for constituting a Van Panchayat Committee. Date, time, and place of election are notified in the village through the Village Pradhan (Chairman, gaon sabha) and village Patwari. Anyone, who has a voting right, possesses

document showing right of possession and ownership). Simultaneously, bye-laws are framed under the direction of the FPI by the elected members of the committee. All these documents are sent to the Forest Panchayat Officer (FPO) who, after having satisfied himself, forwards them to DM and DM finally to the Commissioner for approval and sanction. All the expenditure on survey and preparation of map and khasra etc is borne by the villagers. To what extent people participate in these processes is a question whose answer should be of interest to the planners who are engaged in making developmental plans with people's participation. There is some evidence, i.e., social movements against forest reservation, people's monetary contribution to the preparation of forest map and khasra, and the story narrated by late Shri Gulab Singh which suggests that people do participate in these activities. Lately, however, in some areas government is insisting that local people form Van Panchayats on newly planted civil forest areas. One of the FPIs suggested that the expenditure on formation of Van Panchayats which is approximately Rs.100-150 per Van Panchayat should be borne by the government, if the area and number of Van Panchayat are to be increased this way.

Organisational Structure

is done by raising hands, not by secret ballot. The election is mostly informal, it is generally ensured that all parts and all groups of the village are represented in the committee. To bring about unanimity and equal representation of each patti(13) the leader of each patti is asked to nominate his representative for the Van Panchayat Committee. Generally all these nominated members are elected. This method is generally followed in most villages. A village Van Panchayat Committee can have 5-9 members. The elected members, who are called Panchas, elect their leader, the Sarpanch. The composition of present Van Panchayat Committee in selected villages is presented in Table 4 along with their castes.

Two of the Panchas and the Sarpanch in Devikhal village were female. The elections are conducted by a person nominated by the Government, usually the FPI or village

Table 4: Composition of Van Panchayat Committees by Caste in Selected Villages, January 1988.

Caste/Village	Farwara	Devikhal	Naikada	Jeharikhal
Total members	9	7	9	9
Kshatriya	8	7	6	8

patwari. There are two advantages of this system of election. First, it encourages informal discussion and generally helps reach a consensus about good and committed candidate. Second, it avoids wastage of money, time and bitterness in electioneering, which is a common feature in Village Panchayat elections. This however does not make Van Panchayats free from factionalism and groupism. A case in point is Parwara village, where two strong groups of Kshatriyas co-exist and compete for the membership of the Van Panchayat in every election. But this system provides room for participation across the groups and moderate members of the opposition group are always co-opted in the Van Panchayat Committee. Several other factors help ensure that such informal elections are not manipulated by those who are socially and economically strong. These include homogeneity in caste, less skewed distribution of land compared to the plains. Besides, the system is flexible enough to adopt additional member, if someone is dissatisfied. From our discussions with the villagers, it seemed that there were generally no foul plays in the election process. In Naikada, however, a few villagers reported a foul play in the election process and mentioned that a particular community was represented less than proportionately. But still, as we

The functioning of village Van Panchayats is supervised and regulated by SDM/DM and their sub-ordinates. The hierarchical arrangement for the regulatory functions of village Van Panchayats is given in Exhibit 1.

Exhibit 1 : Organisational Structure of Van Panchayat Forest Management

A. At District Level

District Magistrate
(DM)

B. At Subdivision and
Tehsil Levels

Sub-divisional Magistrate
Ex-officio
Forest Panchayat Officer
(FPO)

Forest Panchayat Inspector
(FPI)

C. At Village level

Patwari

Sarpanch Van Panchayat
&
Van Panchayat Committee

At the district level, the DM is overall in-charge of all Van Panchayats for the regulatory purposes in the district. He is assisted by the Forest Panchayat Officer (FPO), the SDM at subdivision level. Under FPO, in each tahsil, there is one or more than one Forest Panchayat Inspector (FPI). The number depends upon the number of Van Panchayats in the division. The

Van Panchayat Rules, as early as 1931, the Forest Panchayat Inspector and his staff still work as a temporary arrangement. The resources provided to the FPI are too meagre vis-a-vis his responsibilities. Each FPI is entitled to draw at the maximum only Rs.5 per month for stationery and Rs.80 per month as travelling allowances (this includes both travel expenses and other cash allowances). In practice, what happens is that the FPI is paid actual travelling allowance minus Rs.80 from administrative funds or otherwise. Table 5 shows the number of Van Panchayats, FPIs and their subordinate staff strength in different divisions.

Table 5: Number of Van Panchayats and FPIs in Different Sub-divisions

Subdivision	No. of Van Panchayats	No. of FPI	Subordinate staff
Mainital	198	1	1
Ranikhet	744	2	2
Lansdowne	536	2	2

We cannot expect intensive supervisory and regulatory work with these limited resources. Added to it, this is one form of institutionalising corruption, because one

election of Van Panchayats Committee and thereafter once in 2-3 years to check the records of Van Panchayat forests. The visits, the villagers told us, used to be quite frequent in the initial years when even the commissioner and the district magistrate used to visit the Van Panchayats. There are two important roles that the FPI's should perform. First, they should create and strengthen Van Panchayats as an institution building task and second, they should provide technical know how to the Van Panchayats. The FPI's have little technical knowledge about forestry. For technical knowledge, therefore, they have to depend on FD which according to rules should prepare developmental plan. It seemed to us that FPI's performed the institution building task well as it is evident from their number (4058) in the UP hills. But a deeper probe revealed that this is because of several other reasons discussed in the paper and there is need to motivate the FPI's to do a better job of institution building. All administrative control is vested in the District Magistrate and commissioner who operates through FPO and FPI. The Van Panchayat Committee has to take permission from the commissioner to make changes in the bye-laws, and appoint a watchman to guard the forest. Besides, DM/SDM can dissolve the Van Panchayat Committee if they think the committee is

resin etc. is provided by the forest department. Secondly, it is stipulated that FD would prepare developmental plans for the forests under Van Panchayats and execute them in initial years. For these services, the Department would receive a portion of the sale proceeds of Van Panchayat forests. In practice, however, the Forest Department has never prepared any comprehensive working plans for the Van Panchayats as it does for the reserved forests. Lately, of course, the soil conservation section of FD is preparing reforestation projects for the degraded/denuded Van Panchayat forests under the World Bank project. In the absence of any working plans, the Forest Department cannot spend the money received from the Van Panchayats for their development.

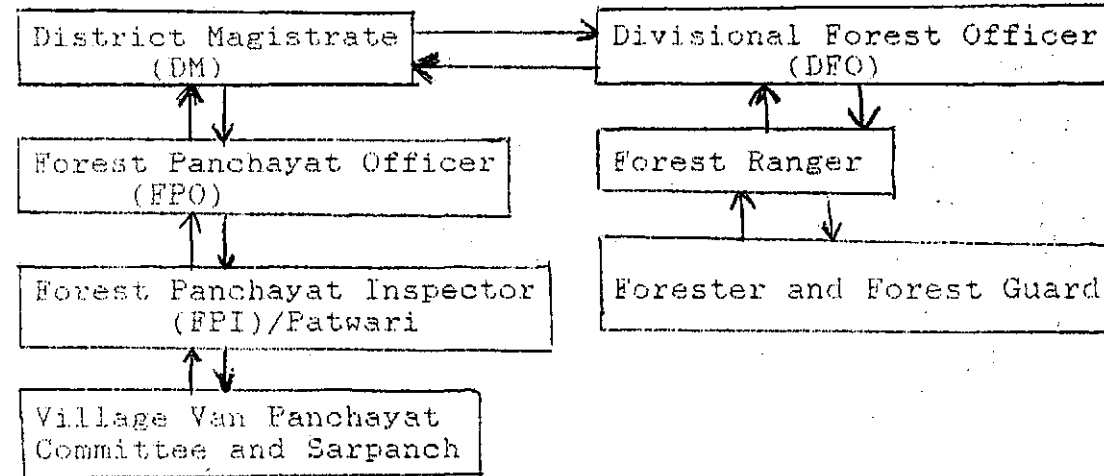
The Forest Panchayat Rules (1976) provide broad guidelines for supervision of commercial activities of Van Panchayats. The supervision is done either by the Divisional Forest Officer (DEO) or the Conservator of Forests (CF) in the area depending upon the expected level of proceeds irrespective of whether, the forest is managed by Van Panchayats or afforestation done by FD for soil conservation. The Van Panchayat can sell only fallen and dead trees without prior permission of FD to right holders. Even the fuel wood needed to meet

Panchayat collects the indents from the needy village households, consolidates them and sends the consolidated indent to FPI along with a resolution of the Panchayat Committee to this effect. The FPI, in turns, forwards

Exhibit 2: Flow diagram of a typical procedure used to obtain permission for utilising forest products and technical guidance from the Forest Department.

A. District Administration

B. Forest Department



it to FPO/ DM. The District Magistrate refers the matter to the Divisional Forest Officer (DFO) of the Forest Department for identifying and marking the trees. The DFO, in turn, passes on the responsibility to the Forest Range Officer (FRO) and the FRO to the Forest Guard who is supposed to identify and mark the trees for felling. The paper goes up through the same channel and back to the Sarpanch. In practice, what happens is that

Committee and its president (Sarpanch). The foremost responsibilities of the Van Panchayat Committee are to protect the forest from indiscriminate felling and fire, prevent encroachment of forest land, regulate the use of forest resources, and if some revenue is generated, use it for community welfare and development programmes. The implicit objective of forest management by the Van Panchayats is, therefore, to maintain and possibly improve the productivity of forest and use it for the benefits of the local people. Given this objective, the Van Panchayats are required to develop instrumentality (i) to exclude the people who do not have a right in the forest; (ii) to prevent encroachment; and (iii) to devise rules and regulations for the use of forest resources by the right holders. Who has a proprietary right and who does not is determined at the time of formation of Van Panchayats. Hence, outsiders are easily detectable. Most Van Panchayat Committee members and even villagers know about the right holders and the nature of their rights. Any addition to the number of proprietary right holders, say by immigration to the village, could be done under certain stipulated conditions, i.e., (i) the immigrant should reside in the village for at least 10 years; and (ii) he should be ready to contribute his share of the total expenditure

Van Panchayats very close to towns, e.g., Pauri. Normally, if someone migrates to a village, he is allowed to use the forest resources like other residents, after 2-3 years with nominal payments.

Encroachment in Van Panchayat forest land is reported to be negligible at the aggregate level, and there are only a few stray cases where Van Panchayat forest have been extensively encroached upon. Of the four selected villages, only in Parwara and Naikada, some villagers reported encroachment to a very limited extent. Isolated cases of heavy encroachment were also reported during our visits. In Dhancholi, a village near Parwara, a very good forest under the Van Panchayat was destroyed by the people of the same village and was brought under cultivation. In another village, Satbunga, extensive encroachment was reported by the villagers. In yet another village, Lingwanda which is situated very close to Jeharikhal near Lansdowne, encroachment by affluent class was reported. In Nainital tahsil (14), existing records show that there were 39 cases of encroachment involving approximately 15 hectares of Van Panchayat lands. The extent of area encroached as per records, however, was negligible; it might be highly under-estimated. Our casual observations also confirmed that the number of Van

eleven Van Panchayats established between 1932 and 1964. Eight out of the eleven Van Panchayats had effectively prevented the encroachment of their land (Saxena, 1987). Wherever there was encroachment, the encroachers were mostly from the same village. The Van Panchayat committee adopts various precautionary measures, mostly informal, to prevent encroachment, but once encroachment has been done, it could be evicted only through recourse to legal measures.

Resource Utilisation

Forest provides grazing space, green leaves for fodder, dried and fallen leaves for litter which is used in composting, grasses, fuelwood, poles and timber for house construction. Some tree species also provide eatable fruits but their use is not regulated. The availability of these products is not uniform and depends largely on the type and size of the forest. For example, oak dominated forest provides many of these products but not the pine dominated forests. However, pine is considered to be a good species for timber and is widely used in house construction. Depending upon the demand and supply of the forest product, each Van Panchayat makes its own rules, regulations and determines methods of utilisation. The rules pertaining

Table 6: Rights, Restrictions and Methods of Forest Product Utilization in Selected Van Panchayats in U.P. Hills

Particular	Parwara	Devikhal	Naikada	Jeharikhal
1. Area of Van Panchayat Forest (hectares)	248.8	20	42.5	22.6
2. No. of compartments	5	3	7	2
3. Rights to outsiders	For dry and fallen leaves to a neighbouring village	nil	nil	nil
4. Grazing	Unrestricted	Prohibited	Prohibited in 3 compartments open in 4.	Prohibited
5. Lopping for fodder	Restricted for 20-25 days in January-February in 1-2 compartments	N.A.	N.A.	Few oak trees are lopped in some years in January.
6. Years of rotation for lopping	3-4	-	-	4
7. Grass cutting	Unrestricted	1. Collective harvesting or 2. Parcelling and selling to households for 15 days in October-November	Parcelling and allotment to each household for 15-20 days in October-November	Collectively harvested and weighed or measured by ropes 15-20 days in October-November
8. Collection of dry and fallen leaves	Unrestricted	-	Unrestricted	Nobody collects but unrestricted
9. Fallen twigs	-do-	Unrestricted	Unrestricted	Unrestricted
10. Fallen branches and dried trees	Auctioned or given to needy at nominal charges	Auctioned	Auctioned	Auctioned
11. Timber	Not available	Not available	One, for house construction, if dead and dry trees are available/household/year	One, if someone constructs house household/year
12. Any other	1. 8-10 poles if someone is constructing a	One tree for funeral without any charges.	Branches are lopped in some parts for fuel	Every third year branches are lopped for fuelwood. Equal

Villagers say that grazing is difficult to control and requires more stringent punishment than provided in the Van Panchayat Rules. Collection of dry fallen leaves and twigs is not controlled. Almost every household collects dry leaves, which are used as litter and stall bedding for animals. One villager remarked that "how much potato one can harvest depends upon how much dry leaves one can collect and use as compost". In addition to these two resources, which are almost freely available to every right holder, they have limited and regulated access to green leaves, trees and poles for house construction and repair, or to make agricultural implements. The Parwara Van Panchayat has divided its forest into 5 compartments. To make it convenient to the right holders such that they do not have to carry head loads for longer distance due to location of houses, each year two or three portions of two of the compartments are opened for lopping purposes such that the same area is again lopped in about four years, i.e., for lopping, a four-year rotation is followed. Each household has to pay Rs.4/head load of green leaves for the period when lopping is allowed and can collect upto a maximum of three head loads per day. Supervision of lopping is done by the two forest guards employed by the Van Panchayat for the purpose and by the Van Panchayat Committee members. There is a restriction

discipline of the villagers. For fuel, house construction and repair and making of agricultural implements, annually a right holder is entitled to get one tree and 10-12 poles with a nominal payment of Rs.15/- per tree and Rs.5/- per pole. On receiving the requisition for these products, the Van Panchayat Committee asks 2-3 members of its committee to ascertain the validity of the demand and on their recommendation it issues a permit after receipt of the prescribed fee. According to the Sarpanch, only dry and dead trees are allowed to be felled. But in practice, some green trees are also felled and their stump burnt, so that it looks as if the tree felled was dry and dead. They have to adopt this practice, to by pass the regulations under Uttar Pradesh Tree Protection Act 1976.

In Davikhal the area of the forest was too small and pine was the dominant tree species in the forest. In some parts, plantation is still coming up. The only product that right holders get is grass that naturally grows due to closure of the area for grazing and strict control of stray cattle during the rainy season by the forest guard kept by the van panchayat. The committee decides the mode and method of harvesting of grass. Last year (1987), it was collectively harvested and distributed equally to each household. The year before

collected. According to the villagers, fallen leaves of pine tree are poor material for littering and making compost. But elsewhere, we observed that fallen pine leaves were being used as litter and in composting.

In Naikada there were seven compartments in the forests, in three of them grazing was strictly prohibited and four are used for grazing. Due to the enclosure and strict restrictions on grazing, the grasses naturally grow during rainy season. In the months of October-November, small plots are made and distributed equally; each household gets one good plot and one not so good plot. None of the households interviewed complained about the method of allotment of the plots. There were also no restrictions on collection of fallen dry leaves. If some dry tree is available, it is auctioned to the right holders. In addition, if someone constructs a house, the Van Panchayat Committee may provide one tree at a nominal price if a dry tree is available in the forest. In the past, there was a convention that if someone was allotted a tree from the forest for timber for house construction, he was required to plant atleast two trees. But gradually this system has vanished because people consider that plantation is now done by the Forest Department.

The grasses are harvested in the month of October-November. A member from each household would go for harvesting. After harvesting, the grasses would be weighed or sometimes measured by ropes. The whole operation is supervised; the area and quantity of grass that should be harvested, weighing etc. are supervised by the forest guard and a member of the village Van Panchayat Committee. In lieu of these services, a bundle of grass (approximately 400-500 gms) is taken from each household and the quantity accumulated thus is shared between the forest guard and the member concerned. A similar operation is done when lopping of oak trees is carried out. For the last four years, they had not lopped any oak trees. This year (1988) they decided to start lopping from 20th January onwards. Dry and dead trees are auctioned. At the time of our survey, one tree was auctioned for Rs.30. For house construction purposes, the Panchayat provides one tree, the prices of which depends on the thickness of the tree.

What do these differences in rules and regulations mean? Undoubtedly, the higher the number of cases, the higher the variability in rules and regulations (15). This implies that given sufficient freedom and flexibility, local bodies can devise their own methods of resource

considerably. As forest resources decline relative to human and livestock population and cultivated land, the privileges and rights of people in the Van Panchayat forest become more and more restricted (Table 6). In fact, the villagers told us that depending upon resource availability, the rules keep changing. For example, in the 1930s when the population of village Parwara was much less than what it is today, the villagers told us that they were permitting quite a few households from the neighbouring village to do lopping, but now they do not because their own demand has increased manifold. This shows that people could organise and manage their resources even under scarcity by curtailing their use or imposing additional costs/penalties for violation of the rules.

Enforcing Regulations

To enforce the rules and regulations, the Van Panchayats have been empowered to compound an offence upto Rs.50 (and with prior permission from Sub-divisional Magistrate upto Rs.500), (18) forfeit the instruments or weapons used for illicit lopping, catch the stray cattle and take them to the cattle-pound. Three methods are used to detect and guard against the misappropriation and illicit use of the forests, namely, (i) keeping a paid forest guard, (ii) villagers - since every villager

going on well there. But the most important method is employment of a paid guard. Depending upon the financial position and resource mobilisation from the right holders, the forest is guarded against illicit use. The Van Panchayats which do not have enough financial resources and are unable to mobilise the required resources, guard their forest themselves; each household turn by turn. This method is known as Muasaxari. Table 7 provides information about the number of guards employed by the selected Van Panchayats, their wages, and sources of funds. The Forest Panchayat Rules envisage that the Van Panchayat should take prior approval from the commissioner before it appoints a forest guard (17). The Sarpanchas and Committee members interviewed suggested that the forest guards should be provided by the Government or at least a part of their salary be met by the Government to improve the management and protection of the Van Panchayat forests.

Each Van Panchayat committee meets periodically. This period varies from one Van Panchayat to another. Good Van Panchayats like Parwara normally meet every month. In Parwara, they have fixed 25th day of each month for the meetings. Other Van Panchayats meet if and when

and in the subsequent meeting(s) the offender is called to defend his case. Depending upon his explanation, the

Table 7: Forest guards, their wages and source of payment in selected Van Panchayats 1987.

Particulars	Parwara	Devikhal	Naikada	Jeharikhal
No. of Guards	2	1 (for 3 months only)	1	1
Wages/ month	Rs. 200	Additional share in grass harvested	* Grains	* Rs. 150
Source of payment	Fine fees, and royalty	Forest grass	Members' contribution. Each household contributes grains from 2	Rs. 3/month/ household levied, fines and fee collected.
			** Nali area in both seasons.	

* In Devikhal, forest guard receives grass as his wages to protect the forest and grass but in Jeharikhal the forest guard receives grass described in text, for the additional services provided by him in fair distribution of the product and helping in weighing and measurement (described in text).

** 20 nalis are equal to one acre. It is assumed that on an average one nali can yield 2-3 kg of grains.

management committee decides how much fine should be imposed upon the offender(s).

Our visit to Farwara village coincided with one of the scheduled meetings of the Van Panchayat Committee on December 25, 1987. This meeting was conducted after two months because an elderly person from the village had died in the month of November. In the last two months, the Van Panchayat received 40 cases of mis-appropriation and illicit use of the forest. Some of the offenders who were asked to be present at the meeting turned up and some did not. The committee discussed in detail each case and if the offender concerned was present, he was also questioned. Depending upon the nature and seriousness of the offence, fines ranging from Rs.10 to 30 per case were imposed. In one case, one family was involved in four offences and the total fine imposed on them was Rs.60. In another case, the daughter of the forest guard was involved along with three other women. The incident was reported by the forest guard himself. When we asked the forest guard as to why he had reported the case involving his daughter, he answered "how could I have avoided that, what would other women involved have said to me, I would have lost my credibility as a forest guard." Each Van Panchayat Committee has tentatively decided as to how much fine to impose for

meetings. Somewhat similar procedures were followed at the meetings of the other Van Panchayats but we were told that in some Van Panchayats the meetings were not conducted properly and at regular intervals. Table 8 presents information about the number of cases of illicit use, fines imposed and recovered in the selected Van Panchayats. At present, the Van Panchayats are facing a serious problem in recovering these fines. On refusal of offenders to pay the fines imposed on them, the Van Panchayat could complain to the FPI and FPO who then try to recover these dues as land revenue arrears. But if the offender still does not pay, the only recourse available to the Van Panchayat is to file a suit in a court of law. This has, in part, been due to gradual erosion in the authority of the Van Panchayats. The rules stipulate that the Van Panchayat can impose a fine only with the agreement of the offender. Therefore, if the offender does not accept the offence committed, the fine imposed is invalid. The original rules of 1931 did not have this clause.

According to some Van Panchayat Committee members, the fine imposed on right holders is still not difficult to collect. They told us that by putting moral and social

Table 8 : Illicit use of Van Panchayat forests, compounded amount and amount received in selected Van Panchayats, 1987

Particulars of illicit use	Farwara	Devikhal	Naikada	Jeharikhal
No. of cases	400	50	15	8
By proprietary right holders in the village	200	35	15	5
By outsiders	200	15	-	3
Total compounded amount (Rs.)	7000	750	50	303
Recovered (Rs.)	2000	550	50	303
Nature of offence	Lopping, illicit/pole and tree felling, dry leaves collection by outsiders.	Grass cutting, grazing by stray cattle	Grazing by stray cattle, illicit felling	Grazing grass cutting, illicit felling

* For Naikada and Jeharikhal figures given in table are accurate. But for Farwara and Devikhal they are estimates; it is our contention that these figures are not over estimates for the year 1987

done in proposed amendments of Van Panchayats rules, but to improve the authority of the Van Panchayats such that the imposed fine is recovered.

Income, Expenditure and Revenue Utilisation

There are two principal sources of income of the Van Panchayats. First, income from collection of fines, taxes and royalty received by the Van Panchayat by selling dead and fallen trees, twigs etc to the proprietary right holders. This income is kept in an account in the name of Van Panchayat in the local post office. This is a minor source of income and the income is spent for payment of wages to forest guards, purchase of receipt books and stationery etc. The second source of income is sale of timber and resin which is under the control of the Forest Department. Not all Van Panchayat forests have these resources. Therefore, income from resin tapping and timber sale varies considerably across Van Panchayats. Once, however, some income is generated, its distribution is done as follows.

Out of the total receipts, 10 per cent goes to the Forest Department for their technical services like assessment of value, marking of trees for felling etc. Of the remaining 90 percent, 20 percent goes to the Zilla Parishad for use in the development of the area

the community. This money can be spent by the Van Panchayat Committee with the prior approval of the District Magistrate. The remaining 40 percent goes back to the Forest Department for preparing and executing development programmes for the Van Panchayat forest.

Utilisation of revenue at both the ends has been very poor. The Forest Department has never prepared a comprehensive development programme for the Van Panchayats except very recently under their soil conservation project which is financed by the World Bank. The Sarpanchas and the Van Panchayat Committee members interviewed did not know the amount accumulated in the accounts of their respective Van Panchayats. Our cursory examination of the relevant documents maintained in the Nainital and Ranikhet subdivisional offices indicated that only a few Van Panchayats had utilised some money for community works like building schools, purchasing utensils for community purposes etc. On the whole, there were many Van Panchayats whose accounts were not operational. Some of the Van Panchayats had as high a balance as Rs.50,000 or more but had not spent any amount. Table 9 provides information about financial status of Van Panchayats in Nainital and Ranikhet subdivisions. A total of about Rs.38 lakhs in Ranikhet subdivision and about Rs.9 lakh in Nainital

Table 9: Financial status of Van Panchayats in Nainital and Ranikhet subdivisions.

Balance of money (Rs.)	No. of Van Panchayats	
	Nainital Sub-division	Ranikhet Sub-division
Nil	48	433
1-500	29	12
501-1000	17	7
1001-2000	23	12
2001-3000	12	5
3001-5000	18	17
5001-10000	28	52
10001-25000	18	61
25001-50000	3	27
50001-100000	2	14
Above 100000	-	4
All	198	644

Out of the total 644 Van panchayats, 433 in Ranikhet and 48 in Nainital had no balance in their accounts; some Van Panchayats had sufficient funds to take up developmental programmes and were able to use these funds for the purpose. Almost an equal amount must have gone to the Forest Department (20). Since the Forest Department has not prepared any developmental programmes for the Van Panchayats, that amount also remained unspent. The total amount of money available with the District Magistrate and the FD is considerable. This has been pointed out by other investigators also. For

approach need to be designed to utilize these funds; perhaps these funds could be better used in conjunction with other developmental funds rather than keeping them lying unused in the savings accounts and earning a meagre amount of interest. Since the accumulated capital belongs to Van Panchayats, it would be worthwhile to try and see as to what degree the Van Panchayat could be provided autonomy in using these funds for local (village) development purpose. Given autonomy in using surplus resources, the Van Panchayats may also improve the productivity per unit area by taking appropriate measures required for the purpose. Some evidences are available to support this argument. For example, Jhadugaon forest was established by the people on completely denuded land. If some Van Panchayats are, however, unable to utilise these resources still, as it has been argued in official circle, they need to be encouraged to do so.

Role of Women in Van Panchayat Forest Management!

Forests and women are the backbone of the hill economy. Forests provide food, fuel, fodder, fibre and support to the agricultural production system and women bear the brunt of most of the household and agricultural operations except ploughing. Collection of fire wood,

therefore, hypothesize that because of their more intimate association with forests, women would be relatively more concerned about forest protection and management. In fact, due to this reason, women are encouraged to participate in social movements like chipco.

Whether, women make better forest managers than men is a matter that would be discussed and debated for quite some time until we have large scale women's participation in forest management and concrete evidences to prove or disprove this. Till then, we would be guided in this matter by assumptions and impressions. We also discussed these issues with the villagers and visited four Van Panchayats where women were participating or had participated in the past in Van Panchayat committees. At the time of our survey, Devikhal Van Panchayat committees. At the time of our survey, Devikhal Van Panchayat was headed by a female and two other women were members of the Van Panchayat committee. Nawala, another village in Ranikhet subdivision, also had a woman Sarpanch and two other women as members (panchas). In Jeharikhal, prior to the present Van Panchayat committee, all members of the committee were women but the committee was reconstituted.

protecting their fellow women friends. Lingwada, a village very close to the Jeharikhal, also had a Van Panchayat committee which consisted exclusively of women members and which completed its term successfully and there were no problems in management and protection of the forest. The cases of Devikhal and Nawala are different; both of those villages were small and consisted of seventeen and eight households respectively. Because of their small size, the transaction cost involved in collective management was almost negligible. In both of these villages, the male members in Van Panchayat committees helped their female counterparts in carrying out the day-to-day affairs of the Van Panchayat forest. In Devikhal, the women members were educated and were familiar with the Van Panchayat rules, but in Nawala, they were illiterate and depended largely on the male members for any technical and legal matters. However, protection of forest in these Van Panchayats was done by the women. We do not believe that a different set of rules and regulations in resource utilization would be necessary to evolve just because women are in the forefront of forest management. We discussed the issue of women's participation in forest management with both men and women. The opinions expressed were somewhat mixed. For example, every

rules of Van Panchayats and their legal implications before they solely become responsible for the management of Van Panchayat forests. Till that time, they should be encouraged to become members of Van Panchayat committees in association with male members. One immediate implications of the impression gathered by us in the course of our study is that the environmentalists and social workers should not only enlist women's participation in the forest management but also prepare ground for their larger participation through education - formal and informal. Or else, their effort in this regard would only partially succeed.

Results from Household Opinion Survey:

In this section we present the results of the opinion survey that we conducted in the selected Van panchayats. Many of the opinions and views expressed by the respondents have already been reported in the paper. In addition, we present a few quantitative dimensions for illustrative purposes. In all, 58 households were interviewed from the four village Van Panchayats. We tried to interview people from each caste in the village. Although, the distribution of land holdings is much less skewed in hills than in the plains, differences in land holdings still exist within a

holding, size of family and number of livestock.

Several questions were asked about the forest, elections and meetings, distribution of forest produce, role of Forest Panchayat Inspector (FPI) and Patwari, the problem faced by the Van Panchayats and their possible solutions. One point on which all of the respondents were unequivocal and unanimous was that the forests are essential to support agricultural and livestock production systems in the area. They cited many examples of areas that were agriculturally good and prosperous and also had good forests. The interdependence between agricultural production and forests in the hills is well established and hardly needs any elaboration (Singh, 1982). But the observation that the people perceive these interlinkages indicates that an intervention would bring a desired change provided a holistic approach is adopted in the development process and people are not ignored. The time is ripe now for seeking their cooperation in the management of forests. Table 10 summarises people's opinions about the management of their forests, elections, distribution of forest produce and role of FPI, and Patwari. It can be seen from the table that most respondents (55 out of 58 interviewed) believed that the distribution of forest product was fair and

of the forest product. This they attributed to the method adopted in harvesting and distribution. When we pursued with the respondents the issue of distribution of forest product further, they expressed that what was harvested collectively was distributed equally. We were also told that whatever was decided in Van Panchayat meetings was known to everybody and, therefore, everyone claimed his due share. But sometimes, the Sarpanch or any other members may provide small favour to someone. So long as it is unknown to villagers, there would be no problems but once such things are noticed they (the villagers) would try to remove the Panch/Sarpanch concerned etc. We noticed two interesting cases during our visits. One relates to the Parwara village, where villagers removed a Sarpanch because he was corrupt (Ballabh and Singh, 1987). Another case relates to a village near Ranikhet. Since the case is pending in the court, we would call this village A. In village A, Mr. X was Sarpanch and there were two strong groups; one led by Mr. X and another by Mr. Y. The committee consisted of the member belonging to Mr. X's group. The committee passed a resolution that the forest grasses would be auctioned and the highest bidder would be given the contract to harvest the grasses. According to Mr.

Table 10: People's opinions about their Van Panchayats

by number of respondents

Particular	Village			
	Farwara	Devikhal	Naikada	Jeharikhal
1. Management of forest:				
(a) Good	5	6	8	11
(b) Fair	9	3	3	8
(c) Poor	2	-	3	-
2. Distribution of forest product:				
(a) Equal	13	9	14	19
(b) Unequal	2	-	-	-
(c) No response	1	-	-	-
3. Elections:				
(a) Fair	13	9	6	19
(b) Unfair	1	-	8	-
(c) No response	2	-	-	-
4. Role of FPI:				
(a) Known	7	-	10	19
(b) Unknown	7	-	4	-
(c) No response	2	-	4	-
5. Total respondent	16	9	14	19

villagers faction ridden and could not manage their own affairs? Or was it because of their high stakes in the matter that they were concerned about the distribution/disposal of the forest product. One can interpret either way but in our opinion the latter seems to be more correct than the former. Such disputes keep coming before the Van Panchayat forest management. What is needed is a support system to solve such problems as rapidly as possible. One solution is that the commercial exploitation should not be allowed in the forest if management committee is under dispute. During the period of dispute and till a solution is found, the forest may be managed by the Patwari with the help of a committee of non-partisan persons in the village rather than by Patwari alone, as at present. It was pointed out by the villagers that after the Van Panchayat committee is suspended, the management of the forest becomes very poor. On the issue of improving the management of the Van Panchayat forests, a common demand was that one forest guard should be provided or at least a part of his salary be paid by the Government.

The role of FPI and Patwari is confined to occasional checking of records, help in collection of fines etc. Variations in understanding of FPI's role among the

FPI both as an institution builder and as a technical guide is, however, hardly known to the village people. This supports our contention that FPI's need to be motivated to do a better job of institution building.

Lessons of Experience of Van Panchayat Forests

The Van Panchayat in Uttar Pradesh Hills have come a long way. Building of appropriate institutions is the most difficult aspect of any development programme. Participation of people in Van Panchayat forest management at grassroot level is tremendous. The upkeep (vegetative coverage) of Van Panchayat forest is at least as good as in the reserved forests under the Forest Department (Ballabh and Singh, 1987, Gadgil, 1982, Guha, 1983, Saxena, 1987) and distribution of the forest produce is fairly equitable. Therefore, survival of this institution in U.P. hill region is necessary to provide a base to start any developmental work. We draw the following lessons from our analyses of the experience of Van Panchayats in managing natural forests.

1. People's Participation

People's participation in Van Panchayat forest

participate in those developmental programmes including social forestry which are aimed at satisfying their basic needs. Survival of Van Panchayats for such a long period is a testimony to people's ability to manage their common property forests. Two important factors that facilitated people's continued participation in the management of Van Panchayat forests in the hills of Uttar Pradesh are (i) homogeneity of castes; and (ii) relatively egalitarian distribution of land holdings in the hills compared to plains (Saxena, 1987). These two factors helped in preventing the benefits from forests and Van Panchayat management being cornered by those who are socially and economically strong. However, the impact of these factors would not have been as impressive, had the Van Panchayats not assured a fair and equitable distribution of the forest produce to all the right holders and if the right holders had not had a high stake in the forests. The Van Panchayats have adopted methods that have inbuilt mechanism to distribute the produce fairly and equally. In addition to this, the violators of the rules and regulation are penalized by the Van Panchayats; although their capacity to enforce the penalties has been eroded over a period of time. To some extent, factionalism within the villages has also helped in proper forest management.

unfairness, if any, in the forest management. In much of the rural India, however, wide variations exist in caste and economic power structure. These often create conflicts among the people who tend to polarize in small caste and class groups. But open discussions of the conflicts uniformly have advantages in that the interests of various groups could be discussed and conflicts can be minimized to ensure people's participation in developmental programmes on a large scale. Such open discussion was facilitated by open and informal elections to Van Panchayat Committees in the hills.

2. Organisational Structure

At the grassroot level, the Van Panchayats have simple structure and their task is to manage their forests for the benefit of proprietary right holders. On this simple structure are superimposed the regulatory and technical functions of the Revenue and Forest Departments, respectively. Both these departments lack coordination in their activities. For this reason, the surplus generated by the Van Panchayats is not properly utilised. The Forest Panchayat Inspector (FPI) who is the only additional staff employed for the Van

Various alternative mechanisms can be thought of to improve the coordination between the Revenue and the Forest Departments in relation to Van Panchayat forests. One extreme view may be that the Van Panchayats be supervised either by the Revenue Department with the help of a forester who is accountable to the Department or by the Forest Department provided the Department is willing to involve people in the management of Van Panchayat forests.

Performance of an organisation is also affected by the rules particularly the rules affecting the decision making of the grassroot level i.e. the Village Van Panchayat committee. The Van Panchayats should be strengthened with effective punitive powers and the surplus income generated from the Van Panchayat forests should be given to them. Given the autonomy in using the surplus resources, the Van Panchayats may also improve the productivity per unit of forest area by taking appropriate measures required for the purpose. They should be encouraged to do so. The administration should only ensure that these funds are not misutilised. This would create more positive attitude at the bottom level and build confidence among the people.

administration and developmental activities. The officials associated with the village panchayat have to perform many tasks such as family planning, agricultural development, public health care etc. Their work is spread too thinly and impact is not tangible. Hence the lesson that the development programmes should be organised around a single activity particularly in the initial stage and later when the system is established and acquires sufficient strength, its activities may be diversified. The efficacy of this approach has also been demonstrated by the dairy cooperatives in Gujarat; initially they were organised to provide marketing support for the development of dairy but afterwards they have added various other programmes like input services, fodder programmes, social forestry etc. What is needed is strong motivational support to the people so they make their own plan and monitor it. Similar argument can be advanced for planning and management of Van Panchayat forest. The provision that the Forest Department would make comprehensive development plan for Van Panchayat forests and implement it cannot be more cost effective than if the people are motivated by an effective support system to make plans for the development of their forest and implement them. In developing a control mechanism, two kinds of issues are

Panchayats should be provided with punitive powers as mentioned earlier. Several issues are, however, involved so far as the issue of forest guard to be employed by the Government to improve management and protection of forest is concerned. At present a villager is chosen to guard the forest and every proprietary right holder contributes to his salary if the revenue from royalty and compounded amount is not sufficient or he is paid additional share in forest produce or villagers themselves guard the forest turn, by turn i.e., Mussawari. His accountability and integrity are higher than those of a forest guard employed by the Government. Besides, he has also a stake in the forest produce whereas a guard approved by the government may engage in corrupt practices. Therefore, such demands should be discouraged. But the restrictions such as that Van Panchayats should take prior approval before they employ forest guard should be removed. If some Van Panchayats have surplus funds in the central pool and wish to use them to keep a forest guard and pay him they should be allowed to do so. Occasionally, and this should not become a rule, if some Van Panchayats cannot mobilize enough resources to keep forest guards, they should be provided partial help, particularly, in those areas where the natural forest is not good and they are

have shown and discussed that under many conditions people themselves can control and protect their forests. Existing rules provide that FPI should inspect at least one-third Van Panchayat forests under his jurisdiction but it can hardly be done given the meagre resources at his disposal. The Conservator of Forest and the Divisional Forest Officer may also inspect the Van Panchayat forests under the provisions of various laws. Besides, powers are given to them for forest and soil conservation in UP hills. In practice, however, the Forest Department staff hardly involve themselves in the issues related to the Van Panchayat forest protection and management unless the forests transferred to them for plantation.

Concluding Remarks:

The structure of property rights affects the resource use and income distribution (Faruq and Pejovich, 1972). A common property resource cannot be optimally utilised due to the existence of externality and extremely high transaction cost (Dahlman, 1979) associated with the needed collective action. A possible solution to this, therefore, is to develop private property rights to avoid the tragedy of the commons (Hardin, 1968). However, the available evidence suggest

and Ballabh, 1986).

These concerns have led to a number of research and case studies that show that the people could be organised for collective resources management and the 'tragedy of the commons' is not omnipresent (Ostrom, 1986). The Van Panchayat forests could be added to the list of successful cases of common property resource management in spite of the fact that the Van Panchayats are currently facing several problems mentioned earlier. A number of factors that led to collective action by people in the management of the Van Panchayat forests have been identified. Foremost among those factors is the felt need of local people for forest based resources; it is not enough that the need exists but it should be perceived by the people. This is what is necessary for people to change and organise (Mosher, 1969). The simple system of management evolved and the open system of elections adopted by the Van Panchayats have also helped to keep them away from politicisation. Some other important elements of collective management which have been identified by other researchers and corroborated by this study are a well defined and finite group of users (Ostrom, 1985), assurance that everybody would get his fair share, and that non-members can be

environment more conducive for collective actions.

What lessons can we learn from the experience of Van Panchayats which could be useful in the management of common property resources in the larger interest of the people in general and local people in particular? First, the Van Panchayats could be used to rehabilitate the degraded forests both civil and reserved in the hill areas provided if a pragmatic approach is adopted and the Van Panchayats are encouraged to participate at every stage of planning and execution. Secondly, a similar model could be applied in other hill areas where the linkage between forestry and agricultural production is strong. In fact, in Nepal, this model is being tried and initial results are quite encouraging (Arnold and Campbell, 1986). It is surprising that the mid hills of Nepal which have almost similar conditions did not learn from the Indian experience, and nationalised their forest resources in 1957, only to see their further depletion. It is hard to stipulate as to what extent this model can be applied in the development of waste lands in the plains of the country. Although, some of the important elements identified above would certainly be helpful in designing the programme but their transplant in toto may be difficult. The heterogeneity of the caste system and wide variations in social and

Notes

- (1) See for example Myrdal (1968) about rural structure and collective monitoring of resources, prior to British occupation in India.
- (2) As we shall see later the creation of Van Panchayat was not straight forward; but was a result of several social movements against the British administration which tried to curtail the people's rights in the forest resource through enactment of Indian Forest Act in 1865.
- (3) Administratively, U.P. hills are divided in two divisions-Kumaon and Garhwal. At present Kumaon division consists of Nainital, Almora and Pithoragarh districts and the remaining five districts, i.e., Chamoli, Pauri, Tehri, Dehradun and Uttar-Kashi are in Garhwal division. Prior to independence, Garhwal division was divided in two segments i.e., British, Garhwal (erstwhile Pauri and Chamoli districts) and they formed part of the then Kumaon division and Tehri Garhwal which was governed by the Tehri princely state. The historicity presented here is about the whole British occupied region but not about the Tehri Garwal region. However, the event which occurred in the British occupied region also influenced Tehri areas.
- (4) The exact motive of enactment of the Indian Forest Act is a matter of controversy. Rawat (1982, 1985) believes that Britishers were in fact interested in conserving forests. Guha (1983) sees it as yet another design of the imperialistic government to exploit the forest resources and deprive the people of their legitimate rights. Professed policy, of course, was for conservation but the way the act was implemented creates real doubt about the conservation motive (see for example Pant, 1922).
- (5) The difference between reserved forest and protected forest is that in reserved forest everything which is not permitted is an offence but in protected forest nothing which is not prohibited is an offence.
- (6) Various working plans of Uttar Pradesh Forest

- (9) Van Panchayats were not new at that time, many old villagers told us that the Van Panchayats were formed even before the Government accepted the recommendations of the Forest Grievances Committee. These Van Panchayats were known as Latte Van Panchayats, the literal meaning being the Van Panchayats wielding a lot of muscle of physical power.
- (10) A part of area from present Pithoragarh district was part of Almora district, before the formation of the district after independence.
- (11) Ranikhet subdivision is soon going to be divided in two subdivisions. After this is done, the selected villages would be part of Bhikiasen subdivision.
- (12) The Van Panchayat committee is different from village panchayat committee, whereas former is based on the rights and concessions in a particular forest area, the latter is based on population; often these two do not correspond. Added to it, the latter is an old organisation established purely for administrative considerations.
- (13) A patti consists of a few households of very close kin and kith in the village.
- (14) We could not get consolidated statement for encroachments of Van Panchayat forest lands in Ranikhet and Lansdowne divisions.
- (15) For example, Kandolia Van Panchayat in Pauri Garhwal is a multi-village Van Panchayat and households from four villages., Pauri, Kandolia, Chuiencha and Kandar have proprietary rights. This Van Panchayat sells timber, fallen trees at market price as prescribed by the Forest Department.
- (16) Originally in the 1931 rules, the Van Panchayats were empowered to impose a fine upto Rs.5.00 see Annexure 1.
- (17) The implications of this regulation must be understood. Some time when a Van Panchayat's local resources are not enough it asks for financial assistance from its contribution which

in some cases.

- (19) According to the FPIs interviewed in the Lansdowne division, no money is centrally kept and whatever amount is received from the Forest Department is credited to the Van Panchayat accounts, but they cannot spend the money without prior approval of the District Magistrate.
- (20) This argument, however, need to be interpreted with caution because till 1972, all income from the Van Panchayat forests was being kept with District Magistrate.
- (21) This does not mean that women particularly the rural poor, in the plains and other forest areas, are better off. But the drudgery of women is certainly more in the hills than elsewhere. For other areas see Nagabrahmam and Sambrani (1983).
- (22) This appears to be so because in the Hindu society, women are primarily considered responsible for looking after the internal household affairs.

References

1. Arnold, J.E.M. and Campbell, J.G., (1986), "Collective Mangement of Hill Forests in Nepal: The Community Forestry Project," In Proceedings of the Conference on Common Property Resource Management, National Academy Press, Washington D.C.
2. Atkinson, E.T. (1884), "The Himalayan District of North-West Province," Vol. I, Allahabad, quoted from Guha (1983).
3. Ballabh, Vishwa and Singh, Katar (1987), "People's Participation in Management of Natural Forests - The Experiences and Lessons from Van Panchayats of Uttar Pradesh Hills," mimeo, Institute of Rural Management (IRMA), Anand.
4. Dahlman, C.J. (1979), "The Problem of Externality" Journal of Law and Economics, 22 (1): 141-162.
5. Dewadi, B.N. (1978), "Working Plan for Nainital Forest Division," U.P., Nainital Working Plan Circle, Forest Department.
6. Forest Grievances Committee for Kumaon (1921), "Report" 14 pages, Almora, October 27, 1921.
7. Furubotn, E.G., and Pejovich, S., (1972), "Property Rights and Economic Theory: A Survey of Recent Literature," Journal of Economic Literature, 10(4): 1137-1162.
8. Gadgil, M. (1982), "Towards an Indian Conservation Strategy," Paper presented at Workshop on a New Forest Policy, Indian Social Institute, Delhi, April 12-14, 1982.
9. Government of Uttar Pradesh, (1931), "Kumaon Ke Panchayati Jangalat Ke Niyam," In Hindi, Lucknow.
10. Government of Uttar Pradesh, (1976), "Van Panchayat Niyamawali," In Hindi, Lucknow.
11. Guha, Ramchandra (1983), "Forestry in British and Post British India - a Historical Analysis," Economic and Political Weekly, Vol. 18 (45, 46).
12. Hardin, G (1968), "The Tragedy of the Commons," Science 162: 1243-1248.

15. Mosher, A.T., (1969), "Creating a Progressive Rural Structure," Agricultural Development Council, New York.
16. Myrdal, G. (1968), "Asian Drama: An Inquiry into the Poverty of Nations" Vol. II, Pantheon, New York.
17. Nagabrahman, D. and Sambrani, S. (1983), "Women's Drudgery in Fire Wood Collection," Economic and Political Weekly, Vol.18 (1 & 2); 33-38.
18. Nelson, J.C. (1916), "Forest Settlement Report of the Garhwal District," Lucknow, mimeo.
19. Ostrom, E. (1985), "The Rudiments of a Revised Theory of Origins, Survival, and Performance of Institutions for Collective Actions". Paper in Workshop in Political Theory and Policy Analysis. Indiana University, Bloomington, Indiana, U.S.A.
20. Ostrom, E. (1986), "How Inexorable is the tragedy of the Commons?, Institutional Arrangements for Changing the Structure of Social Dilemmas", mimeo, Indiana University, Indiana, U.S.A.
21. Pant, Govind Ballabh (1922), "The Forest Problem in Kumaon," Gyanodaya Prakashan, Nainital, U.P.; Reprinted.
22. Rawat, A.S., (1982), "Forest Management in Garhwal During British Rule," In Science, and Rural Developments in Mountains, J.S. Singh, S.P. Singh and C. Shastri (Eds.), Gyanodaya Prakashan, Nainital, Uttar Pradesh.
23. Rawat, A.S., (1985), "Forest Management in Uttar Pradesh Himalaya, 1906-1947," In Environmental Regeneration in Himalaya - Concept and Strategies. J.S. Singh (Ed.), The Central Himalayan Environment Association and Gyanodaya Prakashan, Nainital, U.P.
24. Runge, C.F., (1981), "Common Property Externalities: Isolation, Assurance, and Resource Depletion in a Traditional Grazing Context," American Journal of Agricultural Economics, Vol. 63, pp. 596-606.
25. Saxena, N.C., (1987), "Commons, Trees and the Poor in Uttar Pradesh Hills," ODI, Social Forestry Network Publication, pp.43.

27. Singh S.P., (1982), "Rural Ecosystems and Development in the Himalayas," In: Science and Rural Development in Mountains, J.S. Singh, S.P. Singh and C. Shastri (Eds.), Gyanodaya Prakashan, Nainital.

COMPARATIVE STUDY OF VAN PANCHAYAT RULES PERTAINING TO 1931 AND 1976

PARTICULARS	1931	1976	REMARKS
1. Formation	Two or more <u>Hissadars</u> or <u>Khaikars</u> or artisans could apply for formation of a Van Panchayat.	Atleast one third of adult residents should apply for the formation of Van Panchayat and more than two-thirds should not object to the formation of Van Panchayat	
2. Management & obligations of Van Panchayat	The Van Panchayats had no rights to divide, sell or mortgage the Van Panchayat forest land, and it had obligation to protect the forest, use forest products to benefit the proprietary rights holders and prevent encroachment in van panchayat forest land, and protect the forest from fire etc.	Same as in 1931; in addition, the Van Panchayats should close atleast 20 per cent area each year for grazing and Van Panchayats forest land can be leased for commercial use like trade etc with prior approval of the Dy. Commissioner.	The imposition of this rule pre-supposes that people could not devise the rules for regeneration of the forest. However we have observed in that in some Van Panchayats strictly prohibited grazing, depending upon resource availability, others closed more than 20 per cent area for grazing for similar reasons. Thus, the rule is redundant.
3. Distribution & bye-laws	a)The Van Panchayats were free to make their own rules to ensure equitable distribution of product. b)They had freedom to make rules regarding grazing, grass collecting, lopping collection of twings for fuel etc.	a)Same as in 1931, but prior approval has to be taken from the Dy. Commissioner before these rules become effective. b)The Panchayat can sell fallen fuelwood, make rules for lopping grazing etc but if it wishes to sell more than one standing tree for the bonafide domestic use of right holders, permission of DFO is required.	Van Pachayats have to make and change the rules according to resource availability every year. It is difficult for them to approach Dy. Commissioner every time. As already mentioned in the paper, it takes considerable time and usually permission is not received in time.
4. Commercial sale	a)No restriction on commercial selling of timber but resin tapping was to be done by the Forest	a)Van Panchayats have no power to auction forest products for commercial purposes. It has to be done by either Forest Conservator or Divisional Forest	Van Panchayats should be free to conduct auction of fallen trees in the presence of villagers and all Van Panchayat Committee members.

PARTICULARS	1931	1976	REMARKS
	b)The forest Department tapped resin for the Panchayat.	Until special permission from the State Government is obtained, the Van Panchayats cannot extract resin without prior permission of Forest Conservator. In Practice, the resin tapping in Van Panchayat forest is done by the Forest Department and sold on direction of Conservator.	Most Van Panchayat Committee members complained that they were getting lower price from the Forest Department for their resin than what they could get from open market sale.
5. Power to employ guard/watchman	No restriction.	Not without prior approval of Dy Commissioner.	Unnecessary additional work for both Van Panchayat & Dy Commissioner. These watchmen are paid from members' contribution, royalty, etc. Occasionally they require small amount from their own fund left with the DM. Therefore, Van Panchayats should be made free to employ guard(s) as they wish.
6. Punitive powers	Panchayat had power to fine upto Rs.5.00.	The Van Panchayats can compound an offence upto Rs.50 (with prior approval from SDM upto Rs.500.00)with the agreement of offender.	Not necessarily an offender, agrees to compound the offence committed. The revised rule curtails the authority of the Van Panchayat as forest protector.
7. Recovery of dues	As arrear of land revenue and was treated like Govt. dues.	The Van Panchayats should collect their dues or it should be collected by revenue authorities and mode of collection is decided by the Dy Commissioner from time to time.	The Van Panchayat dues should be collected as arrear of land revenue. The revenue authorities should give priority to the collection of Van Panchayat dues and compounded amount.
8. Management & disposal of accumulated surplus	The entire income was at the disposal of Van Panchayats but located centrally with the DM.Panchayats were empowered to spend it-first for the improvement of the Van Panchayats forest and then in	Only 40 per cent income is available with Van Panchayats. Of the rest, 20 per cent is to go Zila Parishad and 40 per cent is to be spent by Forest Department for maintenance and development of Panchayat forest.	In practice, even 40 per cent is not readily available to the Panchayat. Procedure to obtain permission from the Dy Commissioner often takes long time. Most sarpanchas do not know the exact amount available to their Panchayat. Needs careful study and Panchayat should be given full amount

Appendix Table 1: Land use pattern in the Uttar Pradesh
Hills 1980-83

	Percentage of total reported area for land use statistics
Area under Forest	64.8
Saline, alkaline and other lands unfit for cultivation	5.50
Area in non-agricultural use	2.23
Agriculture wasteland	5.94
Pasture and other grazing land	4.09
Other tree shrubs, orchards etc.	3.48
Present fallow	0.33
Other fallow	0.60
Net sown area	12.97
Percentage of irrigated area to to total sown area	3.78

Note: Percentages were computed based on data from Uttar Pradesh Agricultural Statistics, 1984.