

CONFLICTS IN JOINT FOREST MANAGEMENT

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Background - The National Forest Policy of 1988 and the Joint Forest Management resolution of 1991 acknowledged the need to give greater rights and authority to community groups. The policy envisaged a process of joint management of forests by the state government and the local people, who would share the responsibility for managing the resource and the benefits accruing from this.

As per the guidelines of the National Forest Policy (1988) the local people along with the Non-Governmental Organizations can come together in an effort to conserve and manage their forests under Joint Forest Management (JFM) project. This would be done through the formation of village forest protection and management committee. To regenerate the degraded and barren forest areas, NGOs and villagers could cooperate in order to bring about improvements in the condition of the forest land as well as improving upon the benefits it can provide in its role of a CPR.

Seva Mandir undertook one of the first JFMs in Rajasthan in 1991 in association with the Shyampura Forest Protection Committee (FPC). Subsequently, under this scheme, it tried to develop 15 more sites and conducted plantations on about 810 hectares of degraded forest lands and closed 200 hectares of good forests for natural protection.

Objectives of the Study – Interestingly each of these sites and each JFM implementation with the brought forth issues that highlight dynamics, which can disturb a functional institution and impede protection or development of the community resource.

The paper attempts to document the experiences of Seva Mandir in the field of JFM and the various conflicts that arose in the process. These conflicts recounted here illustrate

Firstly, the constraints to community based natural resource management options such as JFM at the level of policy – formulation as well as implementation that fails to address issues like encroachment and boundary disputes.

Secondly they bring to the fore the limitations of a framework like JFM at the level of the community itself due to conflicts arising between external players like the forest department and the FPC or between two or more FPCs.

Thirdly, Capacity and leadership development in the FPC for management of the developed resources can get weakened sometimes due to intra-institutional conflicts triggered by politics or erratic benefit sharing mechanisms.

1. TRADITIONAL VS LEGAL RIGHTS

Traditional rights refer to the user rights being exercised by the community because of being proximal to a particular natural resource. Legal right pertains to the rights and concessions given to the villages by the forest department during its settlement operations. Besides because of the Joint forest management exercises this issue has become all the more pertinent as only the people who are part of the FPC can exercise usufruct rights.

Thus in a nutshell it means that even if the people have been traditionally using a particular patch of forests but if they are not registered as legal users or right holders than it might lead to conflict as happens in the following case.

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Case study one - Kojon Ka Guda²

Issue - This case documents the negotiations over rights to a forest patch amongst three villages: Kojon Ka Guda, Saharia and Padtal. After decades of peaceful coexistence, the communities found themselves pitted against each other when the forest that was seen as being common to all three villages was enclosed under joint forest management with only one village represented in the forest protection committee constituted for the purpose because legal rights had been accorded to only one village under the forest settlement.

The entire case can be seen as being a case of tussle between the rights of traditional users and that of the legal users of the forest. Traditionally, for years, the three villages Kojon Ka Guda, Padtal and Saharia (hamlets of Lalpura) had traditional rights for grazing and collection of fuelwood over the forest in block Phalet B. However, legally only Kojon Ka Guda could be given rights over the forests as the FPC constituted to protect and manage the forest. This sparked off a conflict between the three villages who were coexisting peacefully earlier enjoying rights on a traditional basis.

Resolution – Later, the dispute was resolved by the villagers themselves. A consolidated list of villagers from all three villages was drawn up and an FPC was reconstituted. In 2003 this FPC received sanction to work on 50 ha areas of forestland under the JFM programme. Seva Mandir also used a bit of coercion by suspending all its development activities in these villages to bring the parties to the negotiating table. In 2005, the committee started work on another patch of 50 ha of Forest land. Though the conflict now stands resolved it took nearly 7-8 years for the villagers and Seva Mandir to find a resolution suitable for everyone.

2. BOUNDARY ISSUES

Most of the forest blocks in Rajasthan have been constituted by including land of 4-5 or even more revenue villages. Though in the forest settlement maps and record, the area of the village included in the block is demarcated but on physical demarcation exists on the ground. Even the FD officials are ignorant of these boundaries on the land. This becomes a major point of contention between villages especially when usufruct rights are given in the forest block. Under the JFM programme the village can form a FPC to protect and develop forests where they have been given usufructuary rights. There are many instances where conflicts have occurred in JFM sites due to boundary disputes between two villages which has resulted in damages to the JFM protected areas.

Case Study Two – Madla³

Issue – The forest boundary between the villages of Madla and Upli Sigri are not clear, and therefore, the Madla villagers are unable to exert social pressure on the encroachers from Sigri to evict them. The contention related to encroachments in Madla springs from the fact that Madla residents resent the advance of Sigri people on forest land traditionally belonging to Madla, with the support of some powerful local communist leaders. The encroachments of the Sigri residents seem to be in the customary forest boundary of Madla village, while those of some Madla residents are just on the fringe of forest and revenue land within Madla.

Resolution - In 2001, Madla villagers proceeded to enlist the assistance of the forest department in vacating encroachers from forestland. The local forest committee was in regular contact with the forest officials to clarify the limits of Madla's forests. This clarification of forest boundaries would provide the Madla villagers with moral and legal rights to ask encroachers to vacate from the village forestlands. At the *samuh* meeting in May 2002, ten of the twelve encroachers willingly promised to move out of their encroachments. After sustained pressure from the community the forest department officials from the forest range and beat along with the *Patwari* of Madla decided to demarcate forest boundary on site on

² Researched and authored by Prakash Kashwan

³ [2004](#). Decolonising the commons. [S.N. Bhise \(ed.\). Seva Mandir, Udaipur.](#)

June 24, 2002. The *patwari* of Upli Sigrī also came to the site along with the *patwari* of Madla and forest officials on the designated day. The revenue maps of both villages were matched and the boundary dividing the forest of both villages was laid out. Now the Madla villagers have enclosed the reclaimed land as a protected model JFM.

Recent developments - Madla & Sigrī – Another dispute has been going on between Madla and Sigrī villages. While Sigrī villagers are working in collaboration with another NGO called FES, Madla villagers have been working with Seva Mandir for its JFM programme. The issue concerns the boundaries between the two villages and got highlighted when the people of Sigrī beat up the guard Prabhulal appointed by the FPC of Madla. Attempts shall be made to organize a joint meeting between the two villages.

Case study Three - Som and Bhamti

Issue - The issue in this case is about rights of multiple revenue villages on a Forest Block. The area of Som village falling under Som II Forest block includes land of six villages, which is not demarcated on the ground. This multiplicity of rights of many villages over a particular forest block without clear-cut demarcation of village land leads to inter-village encroachments and subsequent boundary disputes.

Resolution - During August, some of the people from the nearby village of Bhamti had encroached upon the forestland of Som. With the efforts and motivation of the leaders of *Van Uthan Sangh (VUS)*⁴, some 200 people from Som and same number from Bhamti tried to convince these people about the importance of forests. Ultimately these people were forced to vacate the Encroachments.

3. MANAGEMENT OF GRAZING IN JFM VILLAGES

Issue – In certain villages like Bada Bhilwada and Nayakhola in Jhadol block of Udaipur, enclosure of forest lands in a haphazard manner has highlighted how it sometimes leads to problems related to grazing. These villages have forest patches which are already degraded due to grazing but due to lack of alternatives continue to experience heavy livestock pressure on the forest land and the consequent tussles over grazing. Thus sharing of benefits from JFM area in terms of grazing is also an issue without which even a mature JFM can become unsuccessful as was reflected during a workshop conducted on 17-18 January 2006.

Nayakhola				
Serial No.	Intervention	Area	Year of the works	Current Condition
1	Seva Mandir	100	2003	Open Grazing
2	Aravali	50	Na	
	Total Area	150		
<u>Major Problems</u>				
<ul style="list-style-type: none"> • Delayed payment of the guard led to the plantation left vulnerable to grazing. • Grazing being carried out by influential people. 				
<u>Solutions</u>				
<ul style="list-style-type: none"> • Social boycotting from the death ceremony for those who cut wood. • Phala-wise responsibility given to people for guarding their portion of the forests. 				

⁴ [Van Uthan Sangh is a federation of FPCs based in Jhadol, Udaipur District. Since 1998 it has been carrying out a varied set of functions/activities like liaising with the forest department, conflict resolution both intra and inter FPCs, spreading awareness about JFM, training and capacity building of FPCs, and state level JFM policy advocacy.](#)

4. ENCROACHMENTS ON FORESTS

The JFM guidelines and the need to adopt a participatory approach towards forest protection, management and sharing of benefits derived from the programme, has created an awareness among the rural people about the importance of the forest area over which they have traditional as well as legal rights. As such any encroachment or illegal cutting etc is contested. One positive effect of JFM has been that villagers are not allowing new encroachments in their forest areas and also trying to evict old encroachments from their forest areas. This has resulted in intra-village conflicts. There are many examples of such conflicts amongst FPCs e.g Shyampura, Bada Bhilwada, Talai etc.

Case study four - Bada Bhilwada⁵

The people of neighboring Tumdar village as well as a few families of Bada Bhilwara village encroached on the forestland of village Bada Bhilwara. The FPC members of Bada Bhilwara opposed this trend and lodged a complaint against the encroachers with the local FD beat office. The officials from the Beat office visited the site and convinced the encroachers to release the occupied land. However, after a few days the people encroached again. The FPC members then approached the Van Utthan Sangh and with their support contacted the Division office at Udaipur. They met the Conservator Forests and apprised him of the situation. A FD team was sent to the site to evict the encroachers. The encroachments were removed and the 712 hectares of forestland belonging to village Bada Bhilwara was reclaimed. The FPC members then submitted a proposal to enclose the area and develop it under JFM in the year 1994-95. Another 100 hectares have been taken up under JFM in the year 2002. On the day of *Shilanyas* of the JFM site people were going towards the JFM site when the people from Tumdar started throwing stones at them from a hillock. Soon stones were being thrown from both sides. Subsequently Bada Bhilwada filed a case against Tunder and hence resolved to get the commons freed from encroachments at all costs. The people of Bada Bhilwada are now more conscious of their resources. People from Tumdar have filed a police case against FPC members of Bada Bhilwada, which they are contesting. As for now they have prevented Tumdar villagers from encroaching on their forestlands.

5. CHANGE IN LEADERSHIP

There are many ways in which a change in leadership can bring conflict in the running of FPCs and management of JFM areas. It has been observed that wherever FPCs have been constituted and works carried out local leadership has emerged who controls the implementation, protection and management of JFM sites and even the FPC members. The executive committee is there but much depends on the local leader. Sometimes such local leadership takes undue advantage of his position and any attempt to remove him causes conflict in the FPC. Consequently JFM related activities suffer as it takes time for the emergence of new leadership.

Case study Five– Mohandungri

Change in leadership due to misuse of power

In Mohandungri village, a local leader who was active in the activities of Seva Mandir in the village was entrusted to form the FPC for implementation of the JFM programme, and to implement the physical activities and manage the assets created with the support of the executive committee formed. The programme was implemented successfully initially. However, it was soon observed that he was taking undue advantage of his position and was involved in wrongful acts. Following this discovery he was relieved of the responsibilities Seva Mandir had entrusted on him. The emergence of new leadership took some time since he had a stronghold on the people and he was also present in the village, and until then some mismanagement in the JFM areas happened. But things improved once new leadership took over their responsibilities.

⁵ Suresh K Sharma and Mamta Vardhan

Case study Six – Amod

Change in the leadership of FPC due to reelection of the Executive Committee

The members of the Van Utthan Sangh undertook re-election of Village forest protection committees at the behest of the forest department (1991 JFM order requires renewal of the FPC every two years). In one such village Amod, the forest department was conducting physical works. But surprisingly even after the re-election of the committee, the Rangers and Foresters continued to patronize the ex-member, Nandu Singh. (a mate in the village)

During a training of the VFPMCs organized by the Van Utthan Sansthan, officials from the forest department were questioned by the villagers as to why the VFPMC was being ignored. VUS members also met the officials of the forest department like the DFOs, ACFs etc to sort out this issue. The forest department officials objected to the so-called "ad hoc formation of committees by VUS". Thereafter Seva Mandir clarified to the department that all such re-elections were undertaken at the behest of the forest department communication.

Further investigation revealed that the major bone of contention was the political factionism within the village. The two factions wanted their representation in the FPC so that they could have some command over the allocation of labor, village funds etc.

Case study Seven - Talai

Factionism and Political Interference- NGO vs NGO and Group Vs Group

The conflict and factionalism in Talai village date back to the time when a big dam called Mansi-Vakal was proposed near the village. The village got divided over the issue of getting rehabilitated elsewhere. Some people who were against it joined hands to form the Chandeshwar Samiti, which later on gave birth to another NGO called Ankur. At the same time many people accepted the rehabilitation proposal for the dam. This sowed the seeds of mistrust in the village. This situation was further exasperated by the scattered settlement pattern of the village which has 14 hamlets many of which somehow or the other got left out in the development interventions.

Thus the village became divided along the lines of affiliation to the NGOs, headed by two personalities – Narayanji (with Seva Mandir) and Jeevaba (with Ankur). Panchayat elections were also fought along these lines. While the first election was won by Narayanji, the last election was won by the group led by Jeevaba. There were many other development related factors that might have contributed to the factionalism. The declaration of the village Chandwas (with a Brahmin stronghold and support of Ankur group) as a Panchayat bears testimony to this fact.

However, Talai village had exhibited significant awareness about the need for protecting trees and forests through the various other developmental programmes that Seva Mandir had initiated at the village since 1982. By ensuring social cohesion within the village, they have been protecting, with great success, plantations on private land and common pasturelands since 1988. Seva Mandir, therefore, decided to follow up with the forest department for developing the forestland of the village. Since some people had encroachments near the forests, the villagers proposed the forestland on the upper reaches of the hills surrounding the village skipping the land occupied by the encroachers. This land (50 ha) became the first JFM site in the village. Till this day this site is being protected well.

But this protection was not without its set of hiccups. The encroachers did their best to spoil the closure and tried to even burn the grass etc. Subsequently FIRs were filed and the matter was settled. However this only widened the gap mentioned above. But once the villagers realized the potential for fodder output from these areas, further support was mobilized and the village decided to work on another patch of forest land called the JFM Site II (92 ha). This happened in 2003. The first year was marked by physical works like construction of the boundary wall while the second year saw the plantation activity.

However, around this time, the social tensions within the village was enhanced. During re-election of the FPC, Jeevaba ceased to be the President. Some people alleged that the reelection was not conducted fairly as they did not have prior information regarding the same. Moreover, some of the houses near the JFM Site II also got cut-off from the rest of the village due to the influx of water following closure of the gates of the Mansi-Vakal dam. These people had set their eyes upon the grassland in the

site for their animals and had ample support of the Ankur group. Due to the closure of the access road to the JFM site, it also became a major hurdle to reach the site for monitoring the area. Now the only way it could have been protected was through social fencing and self-inhibition. But that was not going to happen as was evident by the destruction brought about by a few people by allowing their animals to graze inside the planted area.

Although the villagers had forgotten their mutual distrust of each other to come together for the sake of the plantation and for gaining wage labor, yet somewhere the embers of revenge seemed to have remained and burning. Given the nature of deep-rooted hatred and grudges between the people it was decided to put all personal issues on the back burner and talk only about the development related issues. Seva Mandir thus tried hard to bring all the parties on a single platform (three meetings were arranged over a period of one month) and now it seems that the issue has been resolved given that work has been proposed for JFM Site III on 50 ha of forest land.

Conclusion

Through these myriad experiences it has become amply clear that the institutional dynamics are never static and a continuous process of dialogue is what is needed to keep them in close cohesion. The forest department has often been accused of failing to make its procedures and actions participatory, while being technically perfect in the development works. But somehow there has always been apprehensions about the approach to institution building.

With a background of 15 years in implementing the JFM programme, Seva Mandir which prides itself in its capacity to engage people at the grassroots in meaningful dialogue tried to analyze what kind of conflicts makes these institutions fail or succeed. Though we have derived most of these experiences from Seva Mandir's own JFM efforts, the learning can be generalized to a considerable extent. Also it has become imperative to not only study these conflicts but also to pursue them through meaningful discourse and to engage the communities in negotiations. Therefore, it also becomes a test of the institutions as to how they respond to external stimuli and encouragements.

In some cases the problem was more with the leadership rather than the institution. Probably the external agency erred in bestowing faith in just one leader leading to a lot of problems when that particular person moved out of the leadership position for various reasons.

It was also seen in some cases involving more than two villages, that it was the dormancy on the part of the forest department and ill definition of the rights over the forestlands like boundaries or usufructs that led to the failure of the procedure.

But almost in all cases the issue of privatized benefits versus social costs kept cropping up and a few people in the communities were more interested in colonizing the forests for their own personal benefits overlooking the societal gains. This issue of encroachments on the forestlands can only be resolved if the communities and the institutions realize the criticality of the commons.

We found that the process of dialogue, negotiation and conflicts have taken their own time and course. We have the example of Kojon ka Guda that took almost five years before the two parties could be brought to a platform to resolve their issues amicably. While in some cases the issues got resolved, in others it took a while before the people could realise the importance of reinstilling faith in collective action. In all such cases of negotiation the role of the external agency assumes importance in two ways. While in some cases the agency failed to ensure the institution with adequate incentives and disincentives, in other cases it was because of failure on the part of the JFM programme itself to stand up to its promises of improved livelihoods. The other important role of the agency can be that of a facilitator that can bring the varied and even equal stakeholders to one common platform for the purpose of negotiation. This might not be possible if the institution were left along to fend for itself because of the strong cultural underpinnings, which encourage the embers of revenge and rivalry to be sustained over a period of time. The third role of the NGO or the negotiating agent can be that of a bridge between the rigid and lackadaisical forest department and the preemptive institutions.