

**Democratization of Forest Governance:
Myths and Realities**

(An analysis of implications of decentralized forest policies and processes in Orissa, India)

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Democratization of Forest Governance: Myths and Realities
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In the last 15 years decentralization has been accorded high priority in forest governance by the state. In order to move in this direction various policies and programmes have been implemented in the forestry sector. Enhancing local participation and ensuring sustainable local livelihoods constituted the core themes of these policy moves alongwith other broader objectives such as, conservation, environmental services etc. However, when one looks into the ground realities, it speaks a different story.

Forestry policies and programmes designed for development of forest and forest dwellers by the state such as Social Forestry Project or the popular participatory forest management arrangement in the form of Joint Forest Management (JFM) or the more recently Forest Development Agency under National Afforestation Programme have failed to yield desirable results. Promoting decentralization through participatory management constituted one of the key objectives of the above-mentioned forestry policies and programmes. However, the policy framework and implementation process suffered from several flaws making the objective a distant reality. A major drawback has been the process of policy formulation itself remaining non-participatory. Secondly, forestry development being made a fund- driven activity without banking upon community forestry initiatives, which demonstrates extensive potentiality of protecting and managing forest with little external support.

This is aided by increased threats to forest resource as well as forest dependent communities and forest protecting groups from mining and industries coming up in large scale in forested regions of the state in the name of 'development'. These forest resources have immense significance in the rural livelihoods. Again, this vitiates the very essence of steps taken towards strengthening grassroots governance in terms of Extension of Panchayati-raj to Scheduled Areas (PESA) that provides for greater stake and control of Gram Sabha/Gram Panchayat over local natural resources.

This paper is an attempt to bring out the issues confronting forest-people interface, community rights and local livelihoods emerging as a result of the collision between state led resource management paradigm and the self-emerged and governed management systems and broadly discuss on possible strategies and approaches to ensure greater decentralization and democratization of forest governance. The paper draws upon the findings of the studies undertaken by Vasundhara on Impacts of devolution policies in forest management and Implications of National Afforestation Programme on Community Forestry Management in Orissa.

1. The State of Orissa

Orissa is located on the eastern side of Indian sub-continent and is abundant with natural resources. The state has an area of 1,55,400 sq. kms (4.74% of India's landmass) with a population of 36.71 millions (2001 Census). Forests are one of the most important natural resources that cover about 37% of the total landmass of the state. The concentration of forest is high in scheduled areas, which cover approximately 44.70% of Orissa's land area and substantially large tribal population. Over 23% of the state's population is comprised of

tribals and forest resources occupy a centre stage in the lives and livelihood of them and other marginalized sections. Forests particularly, Non-Timber Forest Products (NTFPs) provide critical livelihood support to the tribal communities thus, constituting an important means of sustenance for around 7-8 months in a year. Besides this, all the more important is the role played by forests in socio-cultural life of the dwellers living in and around forests. However, forest policies have continued to maintain their colonial legacy completely ignoring these aspects. To get a comprehensive picture about forest management situation the following section describes in brief the historical perspective of forest management in India and elaborates in detail the forest management perspective and implications in terms of devolution in the context of Orissa.

2. Forest Management in India: A Historical Perspective

The year 1855 marked the beginning of systematic forest management with the enactment of first ever forest policy of the country. This also set the ground for establishment of a centralized 'Imperial Forest Department'. The policy contained the primary objectives of exploiting forest resource for commercial purpose. The first step of implementing this policy was through 'nationalization of forests' in the year 1860 based on the premise of ownership and control of the state over resources. This followed demarcation of forest areas as 'Reserve Forest' and 'Protected Forest' for the first time. This whole approach of the colonial government under the pretext of 'Scientific Forest Management' initiated the process of alienation of forests from the forest dwellers which got strengthened in subsequent period following the enactment of several policies and acts by the independent state leading to further squeezing of rights of the dwellers.

| Nationalisation of forests and squeezing of people's rights | |
|---|--|
| Policies: | |
| 1855 : | Creation of Imperial Forest Department and demarcation of forests (RF, PF), nationalization of forests to meet industrial and revenue needs. |
| 1894 : | Community control and access (Customary rights) to forests got recorded as <i>Rights</i> . |
| 1927 : | The rights of the communities were defined as <i>Rights</i> and <i>Privileges</i> of Persons. |
| 1952 : | The rights and privileges were redefined as <i>Rights</i> and <i>Concessions</i> |
| 1976 : | Centralisation of forestry administration by putting it in concurrent list. |
| (Pal, Sarthak K. Community based forest management (CFM) in Orissa; a new way forward, Forests, Trees and People Newsletter, No. 42, June 2000.) | |

2.1 Forest management in the context of Orissa

The existing legal framework for forest management and administration, Orissa Forest Act, 1972 in the state is based on the Indian Forest Act, 1927 formulated during the pre-independence period. Formulation of this act has been the first major attempt to bring uniformity in forest administration and management in the state. The objectives of this act were drawn from the Indian Forest Act, 1927 which includes revenue maximization and meeting industrial and commercial demands considering forest as a 'state property'. Thus, in a sense the act only formalized the process, which the state was following since independence. The rights and access of local communities on forest and forest products further got restricted with the enactment of policies such as Wildlife Protection Act, nationalization of NTFFPs in the subsequent period.

3. Community Based Forest Management: Models of sustainable and decentralized forest governance

Orissa stands apart from other states for providing numerous examples of community based and self emerged institutional arrangements surrounding protection and management of forest resource. This community process, which has spread like a socio-cultural movement across the state, is popularly known as Community Forest Management (CFM). Community forestry initiatives are found in almost all the districts of the state with higher concentration in Nayagarh, Balangir, Mayurbhanj, Koraput, Dhenkanal, Nabarangpur and Phulbani districts. The green coloured areas in Orissa map represent the regions having higher concentration of community forestry initiatives. Thus, a large forest area in Orissa is now de-facto a common property managed by communities though these are de jure a state property (Kant, et. al., Community Based Forest Management Systems -Case Studies from Orissa).



Community forestry initiatives are manifestations of rural communities' response to the situation of forest denudation. Usually, the leading role is played by the poorer and marginalised sections of the society whose lives and livelihood is embedded in forests. Besides livelihood concerns, ecological effects of forest degradation i.e. loss of soil fertility at the foothills, erratic rainfall and drying-up of streams, have also played a significant role in inducing forest protection by local communities. CFM initiatives has brought recognition and pride to many villages and has been a strong driving force motivating the non-protecting villages in the neighbourhood to undertake protection and regeneration of degraded forest patches. CFM, has thus resulted from a desire to save forest patches for the posterity and also quite strikingly from an urge to assert the villagers control over the forest patch otherwise open to all (Singh, Neera M. Community forest protection and management in Orissa: Issues and Concerns, 1994).

The success of community based institutional arrangement lay on the inherent processes, which are democratic, flexible and have emerged responding to local situations and context. CFM embraces a feeling of collectiveness and this has been a strong factor contributing to the sustenance of community forestry in wide scale across the state. The existence of about 10,000 forest protecting communities protecting around 10-12% of the total forest area in the state is a strong evidence of extensive spread of CFM which has evolved over a period of time. The factors that played a key role in facilitating CFM in the state are (Kant Shashi et.al. Community Based Forest Management Systems -Case studies from Orissa, 1991):

- Presence of strong informal village organizations.
- Ambiguous status of protected forests.
- Regeneration of forests being a 'gain-gain' situation (i.e. all stand to gain) for all the sections of communities.

3.1 CFM in Orissa: A historical trail

The history of forest protection by local communities is deep rooted and dates back to pre-independence period in Orissa. Infact, in some of the tribal dominated areas such as, Nabarangpur and Keonjhar, forest protection initiatives have been reported in the pre 1900 and between 1900-30 periods respectively (Community Forestry, RCDC). Further, the oldest recorded CFM case i.e., Lapanga in Sambalpur district exhibiting strong tradition of forest protection has been in existence since 1936. By the 60's, as a spontaneous response to forest degradation many villages in Western Orissa, took to forest protection on their own. The following period between 1970s and 80s experienced extensive spread of community forestry efforts in different parts in the state.

| Timeline of CFM in Orissa | |
|---------------------------|---|
| 1900-40 | Initiation of forest protection in Sambalpur & Nowrangpur |
| 1941-50 | Forest Protection initiatives in Koraput, Keonjhar & Mayurbhanj regions |
| 1951-60 | Forest Protection initiatives in Nayagarh, Cuttack, Bolangir |
| 1970-80 | Initiation of forest protection initiatives in massive scale in Dhenkanal, Keonjhar, Mayurbhanj, Phulbani, Deogarh & Sundergarh regions |

(State level Workshop on "CFM: Ways Forward", Bhubaneswar, 22nd December 2005)

The forested regions, which witnessed degradation and the resulting implications earlier, were the first to exhibit CFM. Over the period, the communities in the neighbourhood of forest protection villages moved by the gains of protection joined in the movement. Another factor, which triggered the movement has been increasing hardships faced by the local communities in meeting their subsistence needs (such as, firewood and small timber) because of declining forest resource as well as due to curtailment of access to community protected forest areas.

3.2 CFM: Diverse institutions and practices

CFM embraces creativity, flexibility and diversity in institutional arrangements and protection and management practices which is primarily based on local situations and need. The local institutional arrangement engaged in forest protection comprises of varied institutions such as, village council, youth group, women group etc. Protection system(s) comprised of one or a combination of arrangements such as merely keeping an eye, *Thengapalli* i.e. voluntary patrolling on rotation basis or paid watchmen. The customary practices of 'thengapalli' (voluntary patrolling), household contribution facilitated involvement of all the people in protection efforts. This popular patrolling practice "*Thengapalli*" has received wide accolade at the international level. *Thengapalli* has been introduced as an innovative method for forest protection and social mobilisation in the cross-cultural curriculum for the students of 6th standard under the new Education policy in Britian in the year 1988 and around 35000 students in 6000 schools in the Hampshire country are being taught about this course (Community Forest Management: Agenda for the future', Background note shared in State level workshop on CFM: Ways forward, RCDC, 2005).

Similarly, punitive measures also vary such as, social pressure or monetary punishment and are decided taking into account the nature of offence. Elaborate rules and regulations based on local experiences and common prudence are evolved addressing a wide range of issues such as, forestry conflicts, benefit sharing, protection system, management and equity and social capital. These characteristics are evidence of participatory and democratic spirit of CFM. CFM movement is thus, driven by the basic philosophy: ('Community Forest

Management: Agenda for the future', Background note shared in State level workshop on CFM: Ways forward, RCDC, 2005)

- Draw a balance between conservation and livelihoods
- Forest needs to be sustainably managed for succeeding generations
- No timber harvesting
- Stress on minor forest products for livelihoods

Over the period, CFM has evolved as a socio-cultural movement and is not restricted to forest protection only. In certain areas communities engaged in forest protection christened themselves as 'forest caste' to strengthen the relationship existing with forest. CFM in many cases also helped the local communities in establishing new relationships through marriage. Some communities prohibited marriage of their children in non-protecting villages. An exciting practice is followed in CFM villages particularly in Nayagarh district where every newly wedded couple during marriage goes for planting trees to mark the beginning of their conjugal life.

3.3 Perspective of forest management: Moving towards self-sustenance

In contrast to the objectives of state led policies and programmes, which are more oriented towards revenue generation, local communities look upon forest as a development resource. This gets evidenced from the formal and informal management rules and regulations adopted which reflects on sustained supply of various forest produces like fuelwood, tubers, fruits, berries, leaves, fibre etc. to meet individual needs as well as for the development of village. In several instances, CFM institutions engage themselves in various development activities using the forest fund which is generated from the incomes earned by imposing fines to the offenders, auctioning out fallen, decayed small timber to neighbouring villages and cleaning and thinning activities. Besides, undertaking activities like running village schools, constructing roads, pond renovation, building house for post office and committee hall, sometimes the fund is also lent out on low interest rate to the needy and poor households in the village.

The differences in perceptions of forest management have been a major factor leading to mis-match between community evolved forest management system and the state led initiatives. CFM groups have different views and thoughts about policy contours and principles of forestry policy for the state. In this context, a state-wide consultation process had taken place during 1997-99 facilitated by Vasundhara (NGO working in the area of natural resources conservation and sustainable livelihoods in Orissa) and Sanhati (State level network of NGOs) during which the CFM groups in the state discussed and designed an alternate policy framework for community forest management.

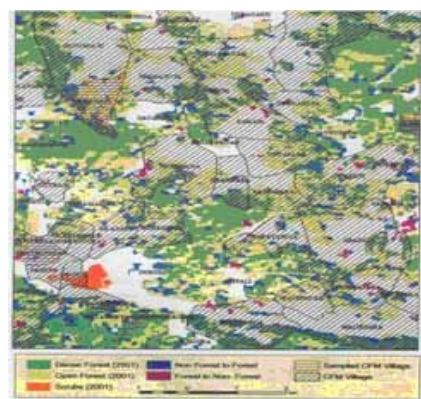
This people's charter on forestry contained the following principles (An approach to an Alternate Forest Policy/Community Based Forest Management Policy, synthesis note of discussion and debate on Community Forest Management Policy, Vasundhara, 1999):

1. Give *primacy to local needs over national needs*; and seek to take steps in the direction of establishing *forests as a local resource*. It should seek to protect the customary and ethical rights of local population over forests. More specifically the emphasis should be on *community needs*. It should seek to manage forests in a manner, which gives primacy to meeting local requirements of fuelwood, fodder, minor forest produces and timber.

2. *Environmental stability and services and local needs fulfillment should be the primary objectives of forest management* and revenue objectives for the State should take a back seat.
3. *Local communities should be the basic unit for management of forests.* Forest Management needs to be Community / Village based. Village / hamlet / group of villages (depending on natural emerging user/management groups) should be the management unit for managing most of the forests, only with a few exceptions of ecologically fragile regions. *Most forest areas should be brought under community based management, including Wildlife Sanctuaries and National Parks.*
4. Conceptually, local communities that take up protection and management responsibility should be viewed upon as Trustees for managing the forests on behalf of larger human community. *Local Communities should however have clear management rights over the forests they are entrusted to manage.* Local Communities need to have complete rights to forest produces obtained from forests. There needs to be emphasis on managing forests in an ecologically sustainable fashion.
5. Local rural population depends critically on forests for subsistence and livelihood needs. This dependence becomes especially critical in case of NTFP. NTFP policies in the State should be guided by welfare considerations and should seek to maximize gains to primary gatherers instead of being guided by revenue considerations. The State should play a facilitative role in NTFP trade seeking to protect the interests of primary gatherers, instead of being a 'trader'. Revenue interests of the State should be secondary and should not come in the way of fair value and livelihood to primary gatherers.
6. While pursuing the goals of social justice and equity, mechanisms to safeguard the interests of weaker sections, including women, in forest management have to develop. Community institutions that take up management of forests should have representation of all sections and should have mechanisms to ensure that interests of all section are reflected in forest management after a fair negotiation process.

3.4 Community Forest Management: Combining the twin objectives of resource sustainability and livelihood security

Community based forest management have resulted in several positive outcomes. The most important contributions of CFM has been in terms of regeneration of degraded forest patch and building social capital. In most of the areas forests had reached to a denuded condition and were left with only root stocks when protection was initiated. The collective actions of local communities have resulted in regeneration of good forest stock leading to revival of the lost biodiversity. According to a study undertaken by Ashoka Trust for Research on Ecology and Environment (National level NGO) on impacts of CFM in Kandhamal district which comes under Schedule V area (consisting of high tribal population), forest cover shows an increase from 53.7% to 67.2% in the study area between 1991 and 2001. The study findings attribute the increase in forest cover to protection of forests by local communities. [The satellite map of forest area of Kandhamal given above shows the conversion of open forest (represented in blue patches) to good vegetation cover as a result of community efforts, FAO Publication, 2005]. A similar observation has also been made in the State of Forest Report-1999 published by Forest Survey of India showing a remarkable increase in forest areas in Mayurbhanj and Balangir



districts to the tune of 90 sq. km (34.74 sq miles) and 10 sq. km (3.86 sq. miles) respectively between 1997 and 1999 because of existence of protection efforts by the villagers.

In most cases regeneration of forest helped the local communities in easing out hardships faced in meeting subsistence needs. Following the degradation of forest in their locality people had to travel long distances for collection of forest produces, which are now readily available in the nearby forest areas. CFM has also helped the forest dependents in these areas in resuming their livelihood from forest. In many instances, it has been instrumental in checking migration by providing a sustained livelihood from NTFPs to the landless. Besides, improvement in forest conditions, it has led to improvement of water regimes, enrichment of soil nutrients, reduced soil erosion, regularity in rainfall etc. and thus, contributing to strengthening of forest-agriculture ecological linkages.

CFM has emerged as a people's movement to protect forest for sustaining multiple services provided by it. Infact, it represents the only form of sustained community initiatives towards management of natural resources and thus possess enormous potential and inertia in itself. It has contributed significantly in bringing people together cutting across the caste, class and political lines. Besides, livelihood and environmental gains, it has fostered capacity of local institutions to undertake management of other common property resources and enhanced their participation in different social and development processes taking place in the locality.

3.5 Strengthening collective power through networking and alliance building

Community forestry institutions operate at different scale in terms of their spatial dimensions. These operations can be found in form of individual efforts or collective efforts by federating together at different levels. Federation building emerges out of the need of building up collective strength, enhancing cross-learning, improving resilience to deal with externalities, resolving intra and inter community conflicts and more importantly, to act as a pressure group for establishing community rights over forest.

In Orissa, federations have evolved over the years and a state level federation named, Orissa Jungle Manch has been formed since 1999. While not all but a few of them are playing an active role in addressing the forestry issues at regional level such as addressing forest related conflict matters, advocating on NTFP livelihood issues, raising plantations and spreading and strengthening community forestry initiatives. Besides, common agenda of these federations focuses on establishment of tenurial rights to forest protecting communities.

4. The Historical context of Decentralized Policies

4.1 Policy shifts in forestry sector – National context

Policy shifts in forest management began at the national level in India in 1980, when increasing concern related to the degradation and depletion of the environment led to the passage of the Forest Conservation Act. Ecological stability became the key objectives of Forest Conservation Act, 1980. In order to prevent the state governments from allowing indiscriminate conversion of forest areas for non-forestry purposes permission of central government was made mandatory. While on one hand, the policy has been successful to some extent in arresting the indiscriminate conversion of forest areas for non-forestry uses; at the same time it adversely affected the livelihood benefits of local communities by imposition of several restrictions.

Changes began taking place with promulgation of National Forest Policy (NFP) in 1988. National Forest Policy, 1988 made a significant departure from the earlier forest policies of India, which were primarily focused on maximising revenue and meeting industrial needs. The formulation of National Forest Policy 1988 is considered to be a remarkable episode in the history of forestry sector in the country for giving priority to people's need and involvement of people (with emphasis on women's participation) in protection and management of forests. The policy was the result of the realization that the life of the tribal communities and other people living within and near forests revolves around the forest and rights and concessions enjoyed by them should be fully protected. The failure of the state in protection and sustainable management of the resource also prompted for involving the local communities in forest protection. Thus, this policy had two major objectives, ecological stability and social justice. To translate the objectives of National Forest policy in ground, the Ministry of Environment and Forest, GoI issued a circular in 1990 to all the states and union territories providing for the involvement of village communities in protection and regeneration of forest (*Involvement of Village Communities and Voluntary Agencies in the Regeneration of Degraded Forests*, GoI, June 1, 1990) which provided the base for promotion of Joint Forest Management. In 1990, when the JFM programme was launched the planners and policy makers viewed it as a historic policy shift towards a decentralization of forest management in India. Currently, JFM is implemented in 27 states and represents 85000 village committees, which cover more than 17.3 million hectares of forest land (India Unlocking opportunities for Forest-Dependent People in India, Agriculture and Rural Development Sector Unit South, Asia region, World Bank, 2005).

With an aim to strengthen JFM programme in the country, MoEF issued revised guidelines in February 2000 and 2002. These JFM resolutions primarily talked about the followings:

- Legal backup to JFM groups under Society Registration Act, 1860 and thus, promoting registration of all JFM committees as Societies.
- Extending JFM to forest areas with good vegetation (excluding protected areas) alongwith degraded forests
- Minimum 33% women's representation in executive committees and 50% in the general body in JFM committees
- Strengthening relationship between PRIs and JFM committees
- Ensuring conformity of JFM micro-plans with the silvicultural prescriptions as mentioned in the working plans
- Strengthening NTFP based livelihoods through capacity building of JFM Committees for the management of Non-Timber Forest Products (NTFPs).

The major issue has been that while government and development agencies focus and financial support for JFM increased exponentially, important issues such as JFM flaws and larger recognition of existing community efforts were not taken into account.

4.2 Policy shifts in forestry sector – Orissa context

In context of decentralization in forest governance Orissa is considered to be a pioneering state. Orissa government introduced participatory forest management policy even before the National Forest Policy was enacted by the central government. This policy formulated on 1st August, 1988 sought to involve local communities in protection of Reserve Forests and was then extended to protected forests in the year 1990. In lieu of protection efforts, these policies provided very little benefits to the local communities and granted them access to forest area

to meet their bonafied requirements only. The policies however, remained silent on the issue of tenurial rights to the local communities which the forest protecting groups has been advocating for long.

4.2.1 Social Forestry Project: ‘Very Little Social’ and ‘Very little Forestry’

The post 1970s period saw the emergence of the concept of social forestry, primarily in response to perceptions of a rural biomass energy crisis. The Orissa government supported by an international donor agency (SIDA) pumped in huge funds for implementing the social forestry project, which continued from 1983-84 to 1996. This project held the primary aim of declining pressure on Reserve Forest by creating village woodlots on revenue wastelands for meeting the fuelwood and small timber needs of rural communities. Huge fund, Rs. 16, 71 million rupees was invested in creating woodlots in thousands of villages in different parts of the state. (Orissa Forest 1999, Govt. of Orissa). This forestry programme professed to have a shift in the style of functioning of forest department and emphasized on participatory approach. But, in contrast to the stated objectives, it had ‘*very little social*’ and ‘*very little forestry*’ components. Eventhough, under the project physical targets i.e. area bought under plantations were achieved, the village woodlots created failed to achieve the goal of meeting the local fuelwood needs sustainably. This was mainly because of the lack of involvement of local communities in site selection and species choice, and the absence of sustainable local level institutions that would protect and manage the resource created. Acacia and Eucalyptus species alien to the local areas were planted instead of giving priority to local species, which had high preference in paper industries and of little importance to the local community. On the whole, social forestry plantations dole out cheap raw materials to the paper industries at the expense of the poor villagers who repaid the debt burden of the state.

Social Forestry Project resulted in diversion of funds and attention of the state from natural forest to plantations. Instead of building upon natural regeneration of forest through existing community protection efforts, major focus was given on creating plantations which was also otherwise guided by heavy funding priorities. Further, social forestry plantations also resulted in alienation of local communities from the common lands. In the subsequent period, these social forestry plantations were declared as ‘Village Forest’ under Orissa Village Forest Rules (OVFR), 1985 and this resulted in restriction on use of the land for local need (grazing) as Forest Conservation Act, 1980 prohibits use of forest area for non-forest use (Local Forest Management: The Impacts of Devolution Policies, edited by David Edmunds and Eva Wollenberg, CIFOR, 2003).

According to Orissa Village Forest Rules (OVFR), 1985 Village Forest Protection Committees shall have 100% usufruct rights over the produce harvested from the plantations. These usufruct rights got limited with the extension of Joint Forest Management to Social Forestry Plantations thus, applying 50:50 benefit sharing system even on these lands and taking away 50% share which was enjoyed earlier by the villagers. “*Theoretically, social forestry provided an avenue for regenerating non-forest lands through scientific and silvicultural management, and providing subsistence resources to local communities. In practice, it did not stem the exhaustion of nature as a resource, and politically alienated millions of rural and forest communities*” (Shiva, 1989).

4.2.2 Joint Forest Management

Participatory forest approach in its present form i.e. Joint Forest Management came as a successor to the above-mentioned policies in the year 1993. This was developed more on the lines of the central government resolution promoting involvement of local communities in forest protection enacted in 1990. Theoretically, JFM resolution looked upon the local communities as equal partners with Forest Department in protection and management of forest and seems to be a more progressive resolution in comparison to the earlier policies. The salient features of JFM are:

| | |
|------|---|
| 1988 | Historic resolution by Government of Orissa to involve villagers in protection of RFs by forming Village Forest Protection Committees (VFPCs). |
| 1990 | Extension of 1988 resolution to Protected Forests. |
| 1993 | Formulation of Joint Forest Management resolution to encourage people's participation in protection of degraded forest lands (RF and PF) by constituting VSS. |
| 1996 | Resolution to give more rights to communities by declaring forests under joint management as 'Village Forests'. |
| 2002 | Implementation of centrally sponsored afforestation programme (NAP) through constituting Forest Development Agency. |

- JFM shall operate in degraded forestland (Reserve and Protected forests) having potential for regeneration. However, Sanctuaries and National Parks and forestland allotted for the purpose of commercial or industrial plantation or any other departmental afforestation scheme shall be excluded from the ambit of JFM.
- A single village committee may be allowed to develop up to a maximum forest area of 200 hectares. *In the subsequent period the forest area limit has been amended to 'around 200 hectares'.*
- To undertake forest protection and management activity, Vana Samrakshana Samiti(VSS) shall be constituted by the Gram Panchayat.
- VSS shall comprise as its members two adults from every household in the village including those who have been exercising any rights, concessions or privileges over the forest area. One member from each household should be a woman.
- VSS shall have 100% rights over intermediate products such as, leaves, fuelwood, fodder, grasses, fencing materials etc. and 50% rights on every major harvest or final felling of timber and poles in return of protection and management responsibilities.

The period following 1993 witnessed constitution of Vana Samrakshan Samiti (VSS) as one of the main activity of forest department. A close look into the JFM trend in the state reveals a sudden increase in number of VSSs in the year 1999. As a result of mounting pressure from the ground for legal recognition to the protection efforts the then Chief Minister made a commitment to constitute VSS in all the forest protecting villages. Following this, VSS formation process was carried out hastily by the forest department in different parts of the state. The forest department claims to have constituted 9,606 nos. of VSS undertaking protection of 8,518 sq. kms. of forest areas in the state till September 2005(Website of Forest Department, Govt. of Orissa).

These forest management systems were meant to include and empower the community but the nature of empowerment remained very limited (Saxena, 2001). Joint Forest Management has been in the state for more than a decade still, it has simply refused to take off. JFM is facing a strong opposition from community forest management groups in the state. This is primarily so because of the fact that in reality JFM has failed to yield 'devolution' in forest governance. Furthermore, JFM has been used as a strategy to co-opt CFM and to enable the

forest department establishes and expands its control over the forest areas which are under 'defacto-control' of local communities. In this context, a basic question arises, "where do JFM stands in terms of devolution?"

Joint Forest Management: How much 'decentralized' & 'democratic'?

JFM was launched with the basic premise that forest protection without the involvement of local communities is not possible. JFM created a participatory framework where the forest protecting communities were projected as equal partners. But with all its expectations of being a viable participatory forest management model, experiences show that JFM has not been successful in achieving the stated objectives of decentralization and democratization of forest governance.

JFM though was supposedly to be a 'process' but it has been implemented in a programmatic mode placing the forest department as a donor and the people as beneficiaries. This hardly makes for a relationship of equality and trust between the two partners (Community Forestry, RCDC). This has been one of the major factors leading to emerging tensions between JFM and CFM. As a result, in many instances CFM communities have straight forwardly rejected to accept JFM.

Some of the major disjoints between CFM and JFM are described as under:

i. Uniform organizational structure vs. diverse local institutional arrangements

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

Since CFM initiatives are self-emergent, dynamic, adaptive and have grown over a long period taking into account local need and conditions, they seldom felt the need for a formal organizational structure. Though their organizational structures differ, they are essentially democratic bodies reflecting the ground realities of the area. On the other hand, appointment of Local Forester in the position of Secretary replacing the natural leadership virtually puts the power on the hands of forest officials. Since the forester had responsibilities of number of committees at the same time fails to perform the duty of a functional leader and is unable to give adequate time to the affairs of the committee. The local communities strongly resent the replacement of local leaders by official members, such as the forester (as the member secretary), Naib-Sarpanch (as President) and ward member (Vasundhara, 1999). In certain areas local communities have responded to this situation by following both locally developed systems and JFM rules and regulations. The forest protecting committee maintains two registers simultaneously, one during the meeting of the self evolved committee and the other whenever the meeting of VSS is convened by the Forester.

Moreover, local communities also find the limit of forest area to be allocated to a Joint Forest Management committee (VSS) unacceptable. The initial JFM resolution provided for

allocation of ‘maximum of 200 hectares’ of forest area to a committee, which was changed following an amendment to ‘around 200 hectares’. Even though, the policy situation has changed but things do not seem to improve at the implementation level. Forest areas brought under community protection varies while area allocated to JFMC is limited to 200 hectares ignoring the ground realities which often leads to inter-village conflicts on forest boundary.

ii. Unequal power relationship

JFM though professes to treat local communities as equal partners but in actual structures an imbalanced power relationship putting the authority of decision-making in the hands of forest department. Approval of Memorandum of Understanding (MoU) between local communities and Forest Department needs ratification by the DFO. Further, FD holds the discretion of terminating the MoU. CFM groups find this unacceptable since they de-facto have been undertaking all forest resource related decisions since the initiation of forest protection.

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| <p>JFM: How much ‘Participatory’?</p> <ul style="list-style-type: none"> ▪ Imposition of an uniform institutional structure ignoring the regional diversity ▪ Decisions taken by the communities need ratification by FD. ▪ Rigid, unilaterally defined benefit sharing formula. ▪ No space for diverse local livelihood needs and forest values. ▪ Technical management has to conform to the FD’s vision of a good forest. ▪ FD has the right to dissolve an EC. ▪ FD plays the lead role in deciding the management objectives and formulating a plan to achieve them. |
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Micro-planning exercise to prepare resource management plan at micro-level under JFM is supposedly to be carried out in participation with the local communities. But, the implementation process in the field witnessed a departure from the guideline. In most of the cases micro-plan preparation was a hastily performed activity carrying active participation of forest official whereas local communities remained passive participants.

Forest officials have done very little to address the equity and gender issues. In contrary, in certain cases forest officials support to the elite sections has resulted in appropriation of benefits by the latter. JFM has also failed to promote equitable and democratic participation of all sections. Despite the provisions of 33% representation of women in Executive Committee, this hardly takes place. These processes have resulted in marginalization of forest dependents and particularly women.

iii. Benefit sharing: Local needs vs. Timber orientation

The most contentious issue in JFM has been that of benefit sharing. JFM offers a system of 50:50 benefits sharing between the JFMC and FD on all final harvests. To the local communities this appears to be a ‘share cropping system’, which is unreasonable since forest is not a crop (Community Forest Management vs. Joint Forest Management in Orissa: Need to look beyond JFM, Vasundhara, 2003). This system of benefit sharing reflects the ‘timber/revenue oriented’ attitude of forest department. In Orissa, local communities have initiated forest protection with the primary objective to meet their local forestry needs by ensuring a sustained flow of forest products (especially, NTFPs) and commercialization of forest resource has never been in their protection agenda. Moreover, JFM follows rigidity in rules and regulations, which are in contradictions with the flexible rules for benefit sharing in CFM evolved depending on the need of the community.

Besides, the members of JFM committee were given 100% rights on intermediate harvest such as, dry firewood, small timber and NTFPs. However, for a long period till 2000 most of the economically important NTFPs remained under the monopoly control of the state and the members (co-managers of forest resource) were looked upon as the labourers who received wage labour in return of collection of forest produces. Eventhough, monopoly of the state was removed from a majority of NTFPs in 2000 and the regulation authority was transferred to Gram Panchayats, these have largely remained notional in absence of enabling mechanisms.

Another pertinent issue emerging in JFM villages relates to sharing of bamboo harvest. In many parts of the state, bamboo forms dominant forest species. The unwillingness of forest department to share the operational costs with the committee has been a primary reason for not undertaking bamboo harvesting operations in several JFM areas and has been a reason of tensions between forest department and VSS. This case is best illustrated by the incident of Dhani area (a cluster of five villages) under Khurda Forest Division in Nayagarh District. In initial period the villagers shared a cordial relationship with the forest department, which got strained owing to non-harvest of bamboo. The communities initiated harvesting operation on an experimental basis but after finding it a costly affair due to denial by the forest department to share the operational cost abandoned the task. Another major setback to the local forest protection has been in terms of loss of income due to non-harvesting of bamboo. According to the villagers their share of bamboo as per the JFM guidelines would have given them an income of around 0.1 million rupees in a year to be used for development of forest and village developmental activities.

iv. Operational inconsistencies

Even after a decade has passed after implementation of JFM, many ground level staff is not conceptually clear about JFM. The formation of VSS as stipulated in the resolution of 1993 is not followed properly. Formation of JFM committees usually turns out to be a target fulfilling exercise which points out gross flaws in implementation. There exist several cases which show formation of VSS in official record but is non-existent in the ground. MoU between the VSS and the forest department is not signed in majority of the cases and this seems to be deliberately done to keep the local communities away from decision-making.

v. Weak legal standing

Till the date, JFM is based on an administrative order and thus, the JFM committees formed lack a legal identity. There is a growing need felt among the JFM practitioners and supporters for implementation of a legislation on JFM. There is an apprehension within these groups that JFM in absence of a legal backing might face the same fate like any other failure government programme. Simultaneously, there is also increased demand for tenurial security and custodian rights with local community groups.

4.2.3 Government Resolution, 1996

In 1996, Orissa Ministry of Forest and Environment came out with another resolution seeking to declare the community protected forests as 'Village Forest'. The resolution provided for considering the village as the unit for management of forest resource. This has been a revolutionary step by the government and considered as a progressive resolution enacted so far in forestry sector as it talked about the tenurial rights of the forest protecting communities

for which they have been advocating for long. The implementation of the resolution however, witnessed lack of political will and interest on the part of forest officials and it remained as a dead letter in the official records.

4.2.4 Orissa Forest (Amendment) Bill, 2000

The Orissa Forest (Amendment) Bill 2000 came as a result of advocacy by forest department for stringent laws and enhanced penal powers by bringing in necessary amendments in the Orissa Forest Act 1972. The bill was accepted in the state legislative in the year 2001. The stated objective of the bill was to arrest further degradation of forest resources by imposing stringent punitive measures against the offenders and empowering the forest officials with increased penal powers. The presumption was that stringent penal powers will enable the forest officers to be effective in protecting forests and reprimanding the forest offenders. However, the introduction of this bill was carried out without undertaking any public debate or consultation with forest protecting communities. In Orissa, there are about 8000-10000 forests protecting groups and any changes in the legal framework should be in consultation with them, as they are the major players in forest protection. This evoked strong criticism from CFM groups and they argued that legal recognition to their protection efforts and tenurial rights are necessary for ensuring sustainability of ongoing protection efforts. The CFM groups apprehended that the current bill would only help the forest officials in consolidating power to exercise their authority and decisions and further act as a stumble block in the path of CFM.

4.2.5 Forest Development Agency: Strengthening control over forest resource

With the introduction of FDA scheme a renewed drive for formation of VSS was started by Forest Department in the state. The scheme was launched in 2002 by MoEF to implement the National Afforestation Programme (NAP). NAP was introduced during tenth five year plan and has been formulated by merging four centrally sponsored afforestation schemes of MoEF i.e., Integrated Afforestation and Eco-Development Projects scheme (IAEPS), Area Oriented Fuel Wood and Fodder Projects scheme (AOFPS), Development of Non-Timber Forest Produce including Medicinal Plants Scheme and Association of Scheduled Tribes and Rural poor in regeneration of Degraded Forests (ASTRP). The National Afforestation and Eco-Development Board (NAEB) of the MoEF is in charge of operation of this 100 % centrally sponsored scheme and its tenure has been kept till the end of the 10th plan period.

NAP holds the following broad objectives:

- Protection and conservation of natural resources through active involvement of people
- Ecological restoration and environmental conservation and eco-development
- Evolving village level people's organizations, which can manage the natural resources in and around village in a sustainable manner
- Fulfillment of the broader objectives of productivity, equity and sustainability for the general good of people
- Improvement in quality of life and self-sustenance aspect of people living in and around forest areas
- Capacity endowment and skill enhancement for improving livelihood options of the rural poor

The operational guidelines of the scheme states that village would be reckoned as a unit of planning and implementation and all the activities under the scheme would be conceptualized

at the village level. The two-tier approach apart from building capabilities at the grassroots level would also empower the local people to participate in the decision making process. The salient features of institutional structure are:

- Evolution of FDA as an offspring of the 10th five-year plan holds upper-tier of the institutional set up of the NAP. It is to be registered under the Societies Registration Act 1860 with the concerned district registration authority as a Federation of all Joint Forest Management Committees (JFMCs) within the jurisdiction of a Territorial/Wildlife Forest Division. JFM committees lay in the bottom tier of the institutional arrangement.
- While the operational constitution of one FDA shall be Forest Division while that of JFMC shall be a village. This meant JFMC will constitute of one notified village.
- FDA and JFMC shall be registered under Societies Registration Act, 1860 thus, their legal identity shall be a Society.
- All development activities shall be undertaken as per micro-plan and action plan developed and approved.
- Funds for carrying out development activities shall be directly channelised to FDA from the GoI.
- For accountability purpose FDA will sign MOU with JFMC indicating the mutual obligations, authority, role and responsibilities.

NAP was developed on the basic premise to reduce multiplicity of afforestation schemes, making these schemes bottlenecked and result-oriented, avoiding delay in availability of fund at the ground level and institutionalizing peoples' participation in project formulation and implementation. The programme though primarily aimed at afforestation but, it consists of entry point developmental initiatives component aimed towards increasing people's participation.

Within the forest department some forest officials believed that NAP would take them out of the crisis of JFM. They believe that since JFM had fund crisis as a result of which it has not been able to solicit actual participation of people. Since, NAP has huge fund it would compensate all the setbacks that JFM has suffered till date.

Despite holding all good intentions of promoting decentralization and enhancing people's participation in forest governance NAP has failed to achieve desired results. This has been primarily due to the approach and the process of implementation, which continues to be centralized in nature. The implementation of FDA consists of several flaws, which are mentioned as below:

i. Constitution of FDA and VSS: Top to Bottom approach

National Afforestation Programme envisaged a bottom to top approach emphasising on formation of JFM committees at village level and then constituting a federation of all JFM committees at Forest Division level. This, was however, not translated into practice. A reverse process was followed by the forest department wherein FDAs were first constituted before grounding work was initiated in the field. During the inception year i.e. in 2002, 23 FDAs had submitted project proposals to NAEB while no process was followed at village level. The process of formation of JFM committees in the ground began only after the approval of project proposals and release of fund in March 2003. Since, the project guidelines prescribed for transfer of fund to the account of JFMC within 15 days, forest department hurriedly carried out the process of VSS constitution in the subsequent period. To accomplish

the target within the stipulated period, in several places the existing JFM committees were reorganised overnight taking along few vested individuals and keeping the general public uninformed about the change. The period also witnessed a strong drive by forest department for conversion of CFM groups to VSS and money was used as a tool to motivate the communities for forming VSS. The community managed forest protection groups were promised that their village would gain monetary support under many new schemes. Financial assistance given to the neighbouring villages through national afforestation programme further gave credential to such claims. This led a rush among the villages to form VSS even at the cost of giving some bribe.

ii. Selective approach

Further, selective approach of forest department has been another contentious issue resulting in tensions between the local communities. Despite that, NAP guidelines state that all JFM committees should be involved only 50 VSS were covered under a FDA. Out of 9606 JFM committees existing across the state only 1286 committees have been covered under NAP which is mere 14% of total committees (Aranya Bhawan, Govt. of Orissa). The selection criteria of VSS are also not clear and this has resulted in disturbances between the VSSs receiving fund under NAP and those not covered under NAP.

iii. Power Dynamics

FDA money has created new leadership in the process of forest protection at village level. The inflow of huge funds through FDA for forest and village developmental activities had brought the non-forest users on forefront putting the actual users behind. Most of the forest non-users who kept least interest on forest matters before the implementation of FDA suddenly started showing great enthusiasm and interest in JFM activity. Infact, implementation of FDA helped the elite sections in appropriating leading positions in the committees replacing the natural leadership. The emerging inter and intra community conflicts has been a direct outcome of this changes. The worst consequence of intra community conflicts arising due to FDA money is best illustrated by the case of bloodshed in Gopalpur village of Badamba Block in Cuttack district. The dispute resulting from forming a new VSS replacing the ten years old JFMC and misappropriation of fund costed the life of a villager when the latter raised voice against the above-mentioned concerns (Vasundhara, 2006).

iv. Gender and Equity concerns in the context of participation of women and marginalized sections

The representation and participation of women at both levels i.e., JFM committee and FDA remains weak. Eventhough, NAP guidelines prescribes about 50% representation of women in General Body and 33% representation in Executive Body in the committees but these rules are not complied at any level. Eventhough, where there is any representation of women it is notional and carried out only for the sake of formality. The process of selection of women to different bodies is the evidence of this fact. In contrary to the guidelines, women are represented in Executive Body of VSS while they are not a member of General body and vice-versa. It is even more striking that in most cases women members remained ignorant from the fact they have been selected as members of the Executive Body till they were invited to attend a meeting. Inclusion of women has been a formality to get FDA fund easily. Often, a woman representative is approached only when her signature is required in the

records for accomplishment of formalities. There have also been cases where undemocratic process has been followed and women from the close relatives of the office bearers have been selected to the Executive Committee. The gender inequality is aided further by the undemocratic and callous process adopted by forest officials in implementing NAP.

The basic structure of village level institutions and practices of managing forest resources in CFM villages have been firmly based on the principles of equity. In-fact, equitable access to forest resources and distribution of forest produces had helped to sustain the informal norms set up by these villages over decades. In contrast to policy objectives which emphasizes on promoting active involvement of disadvantaged sections of society, FDA resulted in disruption of community-evolved process. The natural leadership and unanimously selected leadership got replaced by some powerful vested interest groups. Presence of powerful and vested interest groups within the new VSS committee not only led to misappropriation of fund allocated under the afforestation programme but also inequitable access of some powerful people to the financial resources of the FDA programme created divisions within the village and led to alienation of majority of community members from the plantation and entry point activities.

v. People's Participation

The decentralised institutional framework of the NAP is expected to pave the ways for greater participation of communities in planning, decision-making and implementation of the afforestation programme. The guideline however, represents several contradictions. Further, it talks about following a common format for all the regions ignoring the regional differences and diversity.

The micro-planning exercise, which is supposedly to be carried out by the local communities infact, in most of the cases, turned out to be an activity performed by forest officials undertaken hurriedly without discussing with larger community as is recommended in the guideline of NAP. Interestingly, micro-plans were developed after the release of fund to VSS which actually should have taken a reverse course. Thus, the role of VSS has been confined to implementation of fund with negligible role in planning. The activities undertaken in micro-plan are designed from the above i.e. at FDA level and the JFM committees have limited role. Such instances along with the undemocratic and non-participatory process of constitution of JFM committees seemed to have larger implications in the overall participation of community members. In several cases, the process of VSS constitution is dominated by forest officials and is formed overnight. The President of VSS is often, selected by the Forester who happens to be a close person of the latter and thus, is easily manipulated by the Forester. Another pertinent issue has been that forest officials have directly or indirectly contributed to the process of perpetuating inequity by helping the elite sections establish their dominance in decision making in case of heterogeneous composition. The dominance of elite sections not only marginalized the poor and the forest dependents by squeezing their participation in decision-making but also deprived them from wage employment by rewarding employment opportunities to a selected group. To the marginalized sections participation has a different meaning and is defined by options made available to them under FDA for their livelihood security. Participation in the meetings virtually makes no meaning for them if there doesn't exist a feeling of ownership and scope for livelihood security.

Under the ongoing state led NAP, local communities are treated as mere beneficiaries. Lack of participation of community in the decision making process has provided space for emergence of vested interest groups which used this space to misappropriate funds associated with programme leading to severe conflict within the village. The very objective of decentralizing power through the programme was thus failed leading to further alienation of community from the whole process.

vi. Transparency and Accountability

The FDA process has been highly non-transparent and undemocratic. Barring a few committee members (who in-fact form the power centric group in the locality) and the forester, community members were not aware of either financial support received or expenses made in different developmental activities. The provision of holding joint account by forest officials and a member of the local JFM committee indicates the mistrust of forest officials on local people and actually has resulted in enabling forest officials to exercise their say on financial decisions. In several instances, the treasurer post is not created defying the guideline and the bank account is jointly hold by the Forester and the President. Members to these positions are decided by the Forester and so, the members chosen feel their natural indebtedness to the Forester and are always ready to give their consent to every move of the forest official whatsoever. Usually financial related records and documents of the village remain in custody of the forest official instead of JFM committee. In FDA villages, most of the conflicts were mainly attributed to misappropriation of fund and lack of transparency.

The implementation of FDA programme has had adversely affected the locally evolved processes established for ensuring transparency in CFM. The local CFM groups were accountable to the public for giving details of local contribution collected for development of forest. However, following the conversion of CFM to VSS under FDA these processes were disrupted. Under the changed situation, community members were generally not kept informed about the financial matters. The memorandum of understanding (MoU) embraces a key ingredient of JFM which formalizes the relationship between the local community and forest officials in forest management. However, the local community has least understanding or is completely ignorant about MoU and in several cases while the official record shows completion of procedures and formalities but in reality, people have no knowledge about the MoU.

vii. Implications of Forest Development Agency on Community Forestry Initiatives

Forest Development Agency has emerged as a classic example of co-opting community forest management groups and bringing them under JFM. The communities were promised of tenurial rights over protected forest patch and huge fund for developmental activities in return of constituting VSS. This led to a rush among the local communities to form VSS even at the cost of the disintegration of the self-initiated institutional structure. The selective approach of the programme and funding to limited groups promoted fraction within the local communities and have resulted in breakdown of collective protection efforts going on for a long period.

The self-initiated community forest protection arrangements thrive upon equal participation, equity, transparency, accountability etc. The community based forest protection arrangements ensured participation of all sections through adopting *thengapalli* (voluntary patrolling), contribution of household token financial contribution for protection and management of forest and this upheld the collective spirit of the community. These processes however,

suffered a heavy setback following the implementation of FDA programme. The flow of FDA fund resulted in abandonment of *thengapalli* system and there was an increased preference by VSS members to replace the voluntary patrolling system with appointed watcher on FDA money. Further, FDA programme showed a marked departure from the processes of democratic participation by nurturing leadership of powerful vested interest groups. The implementation of FDA also affected the established processes of transparency maintained in CFM practices. These processes along with the conflicts perpetuated by inequity, lack of transparency severely undermined the ownership of communities over the forest protection initiatives. This is best illustrated by the feelings of an old man from a Gadabanikilo village in Nayagarh district that represents a case of old CFM converted to VSS under FDA. “We had been protecting forest for years but, never there were any differences among the people. Our village was a model village. People of all religions, Hindu, Muslim collectively observed the local religious functions. However, formation of VSS alongwith flow of money divided skillfully the village into fractions” (The implication of NAP on CFM system in Ranpur Block, Nayagarh District of Orissa, Vasundhara, 2005). For having a better understanding on implications of FDA on CFM, the changes that has taken place in this village following the conversion of CFM to VSS is presented as a case study.

Case study of Gadabanikilo: illustrating the situation before and after implementation of FDA (Vasundhara, 2005)

| Pre -FDA period | Post - FDA period |
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| General body meeting used to be held every month | No meetings involving all community members held after formation of VSS |
| Every issue was discussed with larger participation of village | No discussion on the programme. |
| Village committee was in charge of forest protection and the leaders were chosen on consensus from general body meeting. | A separate forest protection committee set up for VSS. Committee members were chosen by Forester, Village leader and some powerful people without consultation with community. |
| Proper dissemination of information through participation of general body / Community members. | No information was disseminated regarding the arrangement of 50% sharing of harvests under the system of Joint forest management prior to formation of VSS. |
| The members of village committee were often selected or appointed on rotation basis every year. | No such initiative taken after the formation of VSS. |
| Payment to watcher was made from household contribution. | Payment to watcher made from FDA money. Contribution from villagers stopped. |
| Watcher used to be appointed by the village committee in full consultation with general body. | Relative of President of VSS committee appointed as forest watcher and paid from FDA fund. |
| Community members used to monitor and cooperate with the watcher in forest protection. | Lack of commitment from the watcher is observed. Community members not involved in monitoring. |
| All financial transactions and accounts were discussed openly with full participation of general body. | The newly formed VSS committee didn't provide any details of financial assistance received through FDA to community. |
| Annual accounts were made open with full participation of community and | No such practice is followed anymore. |

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| established leaders during the local festival. | |
| Benefit sharing mechanism discussed annually and informal rules were laid out with complete involvement of community. | The process has been completely stopped. Community members completely alienated from protection and management system. |
| Involvement of community in all discussions relating to forest cleaning, reservation of forest patches, procurement of NTFP etc | Plantation programme undertaken without any prior consultation with community on common lands. |
| No serious conflict ever regarding sharing and management of forest or other natural resources like land. | Community divided into groups for control and management over natural resources like forest and land after implementation of FDA programme through VSS. |
| Village Committee successfully managed conflicts without intervention of outsiders. | Conflict has come out to open and there is no sign of reconciliation. Intervention of Govt. Officers like District Collector and Police officials sought for conflict resolution. |
| No women members were involved in forest protection and management | Women member selected to fulfil the criteria of VSS. Husband of the women committee member of VSS attends the meeting and her signature is taken at home. |

5. Contradictions between Devolution Policies in the context of JFM, PESA and NTFP Policy

The 73rd amendment to the Indian constitution in 1992 was a significant move in the direction of decentralization providing an environment for decentralization of governance through a three-tier structure of Panchayatiraj Raj institutions (local self-government). Following this, 29 functions were transferred to PRIs which includes management of common land, social forestry, fuelwood plantations and NTFPs excluding state forestlands. In 1996, another legislation PESA (Extension of Panchayati raj to Scheduled Areas Act) on devolution of local self governance particularly for Schedule V areas (consisting high tribal population) was enacted by the centre and on the basis of this the state act for Orissa was formulated in 1997. PESA bestowed upon Gram Sabhas and Gram Panchayats the authority of management of common property resources (including forests) in the locality in schedule V areas. While, under JFM a different body, Vana Samrakhyan Samiti is constituted for undertaking protection and management of forest resource. This gives rise to a contradiction between the two policies. Further, the JFM resolution enacted by Orissa prescribes for certain role of GP which includes constitution of a sub-committee on JFM to review the functions of VSS, monitoring the functions of the parties as laid don in the MoU and apprising the DFO about the progress of the work. Despite such a stipulation, nowhere has it been implemented.

Even though, JFM provided 100% rights on intermediate harvest that included NTFPs to the local villagers who were supposedly to be considered as co-manager of forest but, what they received is only wages in return of collection. Even after the policy change in 2000 which facilitates a free market for 68 NTFP items situation doesn't seem to change significantly. While NTFP policy 2000 empowers Gram Panchayat/Gram Sabha with ownership rights over MFPs but this is not applicable in case of forestlands under Forest Department. One of the key objectives of the NTFP policy 2000 is empowerment of Gram Panchayats to regulate

NTFP trade and this is being used by the forest department as a strategy to keep its hands off from the responsibilities. The issue here is that sudden withdrawal of the forest department from the responsibility of trading of NTFPs without creating any enabling mechanisms seems to be itself defeating the policy objectives. On the other hand, due to callous approach and inefficiency of state agencies, the state has been incurring heavy losses from NTFPs under its control. However, without making any efforts to remove the weaknesses, as a strategy it is withdrawing its responsibility by transferring the procurement and trade rights over the produce to Gram Panchayat in guise of 'empowerment'. The recent move in the direction of denationalization of Sal seed (NTFP) and handing over to Gram Panchayats is an illustration of the above fact.

6. Orissa Forestry Sector: Some recent developments

6.1 Orissa Forestry Sector Vision

In the past several years, the state driven decentralized policies has invited a lot of criticism from different levels. This was further aided by the vision building exercise for forestry sector undertaken by forest department with the support of an international NGO, Winrock International India. The process envisaged formulating a long-term vision and plan for forestry sector of the state. Ironically, the process didn't include the opinion and views of CFM groups which constitute a majority of the forest protecting population in the state. The process entailed limited consultations with JFM groups only. Further, no efforts were undertaken for seeking feedback from the communities on the vision document before finalization except that it was placed in website of forest department to which the rural communities have no access. Thus, the process followed has been extremely undemocratic and centralized. Alongwith the process, the management perspective designed in the vision document is also embedded with several drawbacks. The vision document emphasizes on productive forestry and market based solutions to the issues of forestry sector whereas, the long-standing issue of community rights remains unattended in the document. The vision document falls short of reflecting issues of customary and traditional rights over resources, recognition to CFM and local livelihoods. Infact, this process shows lack of attitude and willingness of forest department to strengthen people-forest interactions without which the strategies and interventions are likely to be far away from the ground realities.

6.2. Orissa Forestry Sector Development Project

The recent move by the state government seeking external loan for forestry sector created a heated debate among different stakeholders and resentment among the forest protecting groups in the state. The loan proposal was supposedly submitted to Japan Bank for International Cooperation (JBIC), the overseas development arm of the Japan Govt. during the last quarter of 2004. The proposal for a loan of Rs. 500 crores seeks to integrate poverty reduction strategies with forestry development.

In view of the fact that around 10,000 communities are undertaking forest protection activity, any forestry policy or intervention that would have a bearing on them should be undertaken in consultation with these communities. However, in case of Orissa forestry sector development project there has been no consultations with the local communities nor with the civil society. Further, in a situation where there is flow of huge fund for development of forestry sector in the state through various programmes such as National Afforestation

Programme, Revised Long term action plan for Kalahandi-Bolangir-Koraput districts, Western Orissa Development Council and National Rural Employment Guarantee Programme, the state seeking loan from an external agency representing scarcity of fund as a major constraint raises lot of apprehensions. Currently, the state is already reeling under heavy debt of 34089.49 crores and JBIC loan shall add to the burden of debt which would ultimately fall on the shoulders of the poor people who had never asked for the loan. For these reasons CFM groups under the banner of Orissa Jungle Manch protested against JBIC loan tooth and nail. Despite of strong opposition by the local communities the proposal got approved in the state legislative in May 2006.

7. Conclusion

So where do we stand in the name of decentralization? From the above discussions, it is clearly evident that decentralization has not necessarily resulted in creating democratic processes or institutions. The concept of decentralization has been set with the basic premise of State having an upper hand from where benefits or 'power' would flow down and has been largely devoid of democratic ethos and values. Democratisation of forest governance in particular has thus remained a dream yet. The fundamental reason lies in the difference of worldviews of State which considers itself as owner of the resources and that of communities managing forest who consider it as a part and parcel of their life and livelihood. Thus, a major shift in the worldview of the State could only be able to provide long lasting solutions to problems in forestry sector or for that matter any other natural resource. It is high time that we recognize the 'people's perspective'. Threats to forestry sector are further aided by the current 'development perspective' adopted by the state which, is primarily based on resource exploitation. Mining and development projects are coming in large scale in Orissa, which encroach forest areas, and most of these are located in tribal areas as well as are under community protection regime. This kind of development model has led to a situation of further impoverishment of people by plundering the resource and destructing the emerging community initiatives for resource conservation.

In light of the above realities, a shift in the current resource management perspective by acknowledging community forestry initiatives through legal backing and a shift in the development perspective from 'resource exploitation' to 'resource development' will only lead to sustainable and democratic forest resource governance. CFM institutions, which are emerging as participatory and decentralized models of resource management need to be acknowledged, nurtured and strengthened. There is a need to move beyond JFM towards CFM and develop a policy framework that provides legal recognition with tenurial security to CFM institutions over the protected forest resource. Linked to tenurial security is the issue of ownership rights over the resource. While moving towards a shift in resource management regime towards conferring greater resource rights to local communities, systems ensuring equitable participation, equity, social justice and empowerment of marginalized communities need to be developed to empower the community based institutions function in a more equitable and democratic manner.

Glossary

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| CFM | Community Forest Management |
| JFM | Joint Forest Management |
| NAP | National Afforestation Programme |
| FDA | Forest Development Agency |
| NTFP | Non-Timber Forest Produce |
| JBIC | Japan Bank for International Cooperation |
| NGO | Non-Government Organisation |
| KBK | Kalahandi-Bolangir-Koraput |
| MFP | Minor Forest Produce |
| GP | Gram Panchayat |
| GS | Gram Sabha |
| VSS | Van Samrakshana Samiti |
| PESA | Extension of Panchayati-raj to Scheduled Areas Act |
| OVFR | Orissa Village Forest Rules |
| JFMC | Joint Forest Management Committee |
| GOI | Government of India |
| MoEF | Ministry of Environment and Forest |

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