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**Policy Goals and JFM Practice:
An Analysis of Institutional
Arrangements and Outcomes**

Madhu Sarin

Policy and Joint Forest Management Series: 3

Policy Goals and JFM Practice: An Analysis of Institutional Arrangements and Outcomes by Madhu Sarin 1999

Collaborative research supported by

WWF – India

and

International Institute for Environment and Development (IIED)

Published by the World Wide Fund for Nature – India, 172-B, Max Mueller Marg, Lodi Estate, New Delhi 110 003. Designed and printed by Stet.

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WWF

World Wide Fund for Nature – India

Forests & Wildlife
Division



International
Institute for
**Environment and
Development**

Forestry and Land
Use
Programme

Foreword

It is being recognised that the Joint Forest Management (JFM) programme has made progress in different parts of the country during the past decade. Actually, JFM received a fillip through the National Forest Policy adopted in 1988 and then came the Ministry of Environment & Forests circular of 1st June, 1990, which emphasised the importance of involving the local communities in the protection and regeneration of degraded forests.

As the JFM programme has unfolded in the country in recent years, many researchers have analysed the institutional and legal arrangements that are needed to make the implementation more effective. Ms. Madhu Sarin has been engaged in studying this issue and in this publication, she argues that in order to sustain JFM it is necessary to have in position appropriate legal provisions as well as institutional arrangements. She rightly highlights the point that unless this happens, the sustainability of the JFM programme is doubtful.

It is hoped that this publication, which is the outcome of a very useful collaboration between WWF-India and the International Institute of Environment and Development, UK, will have a wide readership among the policy makers, implementors and researchers and will make a positive contribution to the debate on JFM in India.



(Samar Singh)

Secretary General, WWF-India

About WWF-India

The World Wide Fund for Nature – India (WWF-India), formerly known as the World Wildlife Fund – India, was established in 1969 as a Charitable Trust under the Bombay Public Trusts Act of 1950. Today, WWF-India is the country's largest conservation NGO with a network of State/Divisional and Field Offices spread across the country. Its Secretariat is in New Delhi. The organization is part of the WWF family worldwide, with 25 independent WWF National organizations. The coordinating international Secretariat, the WWF International, is located at Gland in Switzerland.

WWF-India started life as a modest wildlife conservation organization with a focus on protecting particular species of wild fauna. Over the years, the perspective broadened to encompass conservation of habitats, ecosystems and support to the management of the country's protected areas network. In 1989, WWF-India articulated its Mission as follows, to suit India's specific ecological and sociocultural circumstances:

"The promotion of nature conservation and environmental protection as the basis for sustainable and equitable development".

The WWF-India's Mission has five broad programme components:

- Promoting India's ecological security; restoring the ecological balance
- Conserving biological diversity
- Ensuring sustainable use of the natural resource base
- Minimizing pollution and wasteful consumption
- Promoting sustainable lifestyles.

In achieving its Mission, WWF-India uses the following *main programme methods*: **field programmes** that serve as demonstration projects, **public policy analyses and debates** through independent research, consultation, and campaigns, **education** activities for key target groups including the youth, professionals and administrators; **communication** through multimedia approaches; **networking** and supporting the work of fellow NGOs in India, and **mobilizing** necessary financial, scientific and technical resources.

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Acronyms Used

AKRSP(I)	Aga Khan Rural Support Programme(India), Ahmedabad
A.P.	Andhra Pradesh
CES	Centre for Ecological Sciences, Indian Institute of Science, Bangalore
CPR	Common Pool Resource
CWDS	Centre for Women's Development Studies, New Delhi
DFO	Divisional Forest Officer
EC	Executive Committee
FD	Forest Department
FPC	Forest Protection Committee
GB	General Body
GFD	Gujarat Forest Department
GOI	Government of India
GOWB	Government of West Bengal
HFD	Haryana Forest Department
H.P.	Himachal Pradesh
HRMS	Hill Resource Management Society (Haryana)
IDS	India Development Service, Dharwad
JFM	Joint Forest Management
KFD	Karnataka Forest Department
LI	Local Institution
MC	Managing Committee
MFP	Minor Forest Produce
MOEF	Ministry of Environment and Forests, GOI.
MOU	Memorandum of Understanding
M.P.	Madhya Pradesh
NBS	Nari Bikas Sangh, Jhilmili, Dist. Bankura
NGO	Non Government Organisation
NTFP	Non-Timber Forest Produce
PA	Protected area
PMS	Pragatishheel Mahila Sabha, Dist. Dumka, Bihar
SARTHI	Social Action for Rural & Tribal Inhabitants of India (Dist. Panchmahals, Gujarat)
SC	Steering Committee
SEWA	Self Employed Women's Association
SIFP	Self-Initiated Forest Protection
SIFPG	Self-Initiated Forest Protection Group
U.P.	Uttar Pradesh
VDF	Village Forest Development Fund
VFMS	Village Forest Management and Protection Samitis (Bihar)
VFFMC	Village Forest Planning and Management Committee (H.P. & Karnataka)
VSS	Van Samrakshana Samiti (Orissa & Andhra Pradesh)
WBFD	West Bengal Forest Department
WG	Working Group
WLPA	Wild Life (Protection) Act, 1972

POLICY GOALS AND JFM PRACTICE: AN ANALYSIS OF INSTITUTIONAL ARRANGEMENTS AND OUTCOMES

The 1988 forest policy of India aims to achieve environmental stability and biodiversity conservation while treating local villagers' needs as the first charge on forest produce. "Generating a massive people's movement, with the involvement of women" is seen as a means for achieving the policy objectives. The only institutional arrangement devised for soliciting people's participation to date is 'Joint Forest Management' (JFM), guidelines for which have been issued through an administrative order by the Government of India (GOI). These guidelines outline incentives which may be offered to participating communities for protecting degraded forests, the organisational structures to which their community institutions must conform, and the division of responsibilities and authority between the 'community' institutions and the state for co-management.

This paper attempts an institutional analysis of JFM in relation to the objectives of the 1988 forest policy. Institutional arrangements, consisting of official and unofficial rules, norms and procedures, are conceptualised as the means for achieving policy ends by reshaping day to day practice. The inadequate attention given to developing congruent institutional arrangements, both at the macro and micro levels, is explored with the ensuing gaps between the new policy goals and the actual outcomes of JFM practice.

The paper has six sections. The first section examines the institutional context at the macro level and the effective bounds of participatory forest management defined by it in contrast to the sweeping policy mandate.

Even within the forest areas open for JFM, the forest product 'needs' of local women and men dependent on forests are shaped by the historical and socio-economic context of increasing differentiation and social change. The second section, therefore, examines the nature and extent of forest dependence differentiated by caste, class, ethnicity and gender among forest dependent communities and the challenges this poses for making JFM relevant to the needs of the poorest forest users, both women and men.

The third section moves on to analyse the basic JFM 'deal' and the extent of its responsiveness to the needs of poor forest dependent women and men in the above context. Section four analyses the institutional construction of 'community' and 'participation' through the 'community' institutions being promoted for JFM, counterposing these against grassroots initiatives for regenerating forests. The issues of gender and equity raised by the dynamics of inclusion and exclusion in both are explored.

The interface between state forest departments and communities, as constructed through JFM 'partnerships', and the extent of community empowerment possible through them is discussed in section five.

The concluding section summarises the institutional challenges for making JFM produce outcomes more compatible with the policy mandate.

1. THE POLICY MANDATE VERSUS THE INSTITUTIONAL CONTEXT: THE LIMITED BOUNDS OF PARTICIPATORY FOREST MANAGEMENT

While tabling the 1988 Forest Policy in Parliament, the Minister of Forests & Environment summarised its key objectives as follows:

1. Maintenance of environmental stability through preservation and restoration of ecological balance.
2. Conservation of the natural heritage of the country by preserving the remaining natural forests and protecting the vast genetic resources for the benefit of posterity.
3. *Meeting the basic needs of the people, especially fuelwood, fodder and small timber for the rural and the tribal¹ people.*
4. *Maintaining the intrinsic relationship between forests and the tribal and other poor people living in and around forests by protecting their customary rights and concessions on the forests*² (SPWD, 1993).

The main strategies outlined for achieving the above objectives were:

1. "Existing forest land and forests will be fully protected and their productivity will be improved.
2. In order to conserve biological diversity, a network of sanctuaries, national parks, biosphere reserves and other protected areas will be extended and better managed.
3. *The people will be actively involved in programmes of protection, conservation and management of the forests.*" (ibid).

The minister expressed his government's belief "*that the new Forest Policy will be able to achieve nature conservation and ecological balance and at the same time meet the essential requirements of the people.*"³ (ibid).

The new policy represents a radical reversal of the 1952 forest policy priorities of meeting the industrial and commercial demand for forest produce, and maximising state revenue, while treating the satisfaction of local needs as secondary to 'national interest'. A shift from totally state controlled forest management to decentralised, participatory and local *need*-based co-management is mandated.

¹ The term *adivasi* i.e. indigenous inhabitant, is commonly used for people belonging to scheduled tribes, particularly those inhabiting the forested regions of central and eastern India. As a consequence, the terms *tribal* and *adivasi* have been used inter-changeably in this paper.

² Emphasis added.

³ Emphasis added.

1.1 The dynamics leading to policy change

Such a radical change in policy was an outcome of changing social and political dynamics spread over 10 to 15 years. Within the Government of India, the initiative to formulate a new forest policy was personally taken by the late Prime Minister, Mrs Indira Gandhi, in the 1970s. She felt deeply disturbed by the ruthless destruction of the country's forests due to the low priority they received from the state governments. The Forest Conservation Act, 1980, which made it mandatory for state governments to obtain GOI's permission for converting any forest land to other uses, was an earlier outcome of her concern.

Debate on the need for a new forest policy began in the GOI's Estimates Committee in the mid 1970s and was continued on Mrs Gandhi's return to power in 1980. The present policy was drafted during her last tenure from 1980 to 1984 by the then Cabinet Secretary who organised several discussions ensuring participation of all secretaries of the GOI. With consensus in favour of the new policy among the bureaucracy, almost every word of it had already been written before Mrs Gandhi's assassination in 1984. (Singh, S., 1997).

Parallel to the nascent environmental concern within the government, from the mid 1970s, movements in support of civil rights had also started burgeoning among progressive and democratic sections of the society. Questioning of the dominant development model, which was resulting in large scale displacement of tribal and other forest dwellers, further worsening their socio-economic condition, had started becoming widespread. The early 1980s had witnessed one of the first major successful mobilizations by civil rights groups, social activists and voluntary agencies against a new forest bill which proposed further curtailment of forest dwellers' rights, while vesting forest departments with increased penal powers.

With Rajiv Gandhi continuing to give high priority to forest conservation and wasteland development after becoming the Prime Minister in 1984, and the growing visibility and voice of environmental and civil rights movements in the country, tabling of the 1988 forest policy in Parliament was preceded by widespread debate and discussion both within and outside the government.

1.2 The Institutional Context of the 1988 Policy

The new policy, however, was tabled in a context of strong and deeply entrenched existing institutions for forest management.

A simple definition of institutions is as a framework of rules for achieving certain social or economic goals; organisations refer to the specific structural forms that institutions take (North, 1990).

For instituting state control over the country's vast forest resources, the colonial government had established an array of carefully designed new institutions. The overarching framework for this was provided by the Indian Forest Act of 1927, which was based almost entirely on a forest Act of 1878. By the operation of the 1927 Act, which remains in force till today, over 90 percent of India's forests have been brought under the proprietorship of the state, the aim of which was to secure monopoly control over timber for the Colonial Government.

The Act lays down procedures for the 'settlement' of certain 'rights'⁴, 'concessions' and 'privileges' for local people to collect and use some forest products in different classes of forests. This legal instrument of 'forest settlements' legitimised replacement of existing, often locally evolved institutional arrangements for resource use and management, by those defined by the state. This single instrument took the power of making resource management decisions away from diverse local resource users in equally diverse socio-economic and ecological settings, and vested it in remote officials of the state. Hierarchical forest departments, organised for disciplined execution of top down commands, and manned by a forest service moulded for the task by a sophisticated, almost para-military, training establishment, were created for putting the colonial forest policy into practice. A research establishment was set up to develop technical silvicultural practices for maximising state revenue from timber.

While leaving the above institutional infrastructure intact, after Independence, both the GOI and the state governments introduced several new institutional measures for consolidating state control over forests. These include new legislations, specifically the Wild Life (Protection) Act, 1972 and the Forest Conservation Act, 1980. Monopoly rights over the collection/processing and marketing of several important non-timber forest products (NTFPs) were vested in forest departments or newly created Forest Development Corporations. Forest Labour Co-operative Societies and Large Adivasi Multi Purpose Societies (LAMPS) were also created, ostensibly to protect the interests of forest labour and tribal NTFP collectors. In addition, a complex variety of rules, varying from state to state, have been framed to police the storage, transport, processing and disposal of both timber and a vast number of NTFPs. These specify mandatory transit permits, licenses and registration not only for forest produce from nationalised forests but also for 'forest' produce from private lands.

1.3 Institutional Interventions for Implementing the 1988 Forest Policy

Stripped to its essential elements, a policy statement can be conceptualised as a relationship between desired ends and the range of means selected to achieve them (Kabeer & Subrahmanian, 1996: 24). *Institutional arrangements may be defined as the means for achieving policy ends.*

The radical change in forest management objectives stipulated by the 1988 forest policy required congruent institutional change, including measures to deconstruct or redesign the institutions developed over one and a half centuries for achieving contrary policy objectives. The policy itself advocates a number of institutional interventions. These include promotion of tribal and labour cooperatives, replacement of private contractors by government corporations and developing institutional arrangements for optimising production and marketing of

⁴ Whereas 'rights' are bound by law, and therefore legally enforceable, 'concessions' may be granted or withdrawn at the discretion of the state government. 'Privileges', for example, permission to collect dry and fallen firewood, may be granted by the forest departments.

NTFPs. The policy specifically requires enactment of appropriate legislation, supported by adequate infrastructure at the central and state levels, to ensure effective implementation. However, what institutional change has actually been effected for the purpose?

To translate the new policy objectives into practice, the Ministry of Environment and Forests (MOEF), Government of India, issued a circular (No.6.21/89-FP) on June 1, 1990 to the forest secretaries of all states and union territories providing guidelines for the 'Involvement of Village Communities and Voluntary Agencies in the Regeneration of Degraded Forests'. In accordance with these guidelines, to date, 16 state governments have issued orders specifying their respective basis of working in partnership with local communities. All these orders are administrative instruments unaccompanied by parallel legislative change.

'Joint forest management' (JFM), as the approach of involving villagers in forest management has come to be called, represents more or less the only new institutional instrument for implementing the new policy mandate. JFM involves two principal actors; the state forest department (FD) and a local institution (LI) of

The JFM Framework

In essence, the state JFM orders assure participating villagers free access to specified non-timber forest products (NTFPs) and a 25 to 50 percent (net or gross) share of poles/timber (in cash or in kind) on 'final felling'. In return, the villagers are expected to protect their JFM forests from grazing, encroachment, poaching, fire, and timber smugglers through their local institutions³. The local institutions, however, are not delegated any authority for enforcing protection.

Most state JFM orders contain detailed prescriptions for the membership norms and organisational structures of the local institutions eligible for participation in JFM. Most orders also prescribe a forest officer as the member secretary responsible for conducting the local institutions' proceedings. In contrast, both the GOI guidelines as well as all state JFM orders are silent on the need for organisational change by the FDs themselves to make their functioning compatible with co-management.

The FDs reserve the right to unilaterally cancel the JFM agreement (and in most cases, to even disband the LI itself) if the LI is considered to be violating any of the terms and conditions. In such a situation, the LI has no right to any compensation for its investments of labour, time or capital during the validity of the agreement. If the FD fails to honour its commitments, the villagers have no reciprocal rights for penal action against the FD.

³ These local institutions are variously called FPC (Forest Protection Committee) in West Bengal, VSS (Van Samrakshana Samiti) in Orissa and Andhra Pradesh, HRMS (Hill Resource Management Society) in Haryana and VFPMC (Village Forest Planning and Management Committee) in Karnataka and Himachal Pradesh.

forest users and right holders. The two agree to work together in accordance with a JFM agreement or Memorandum of Understanding (MOU) specifying their respective rights and responsibilities.

A third category of actors, encouraged to play a facilitative role by the GOI guidelines, are voluntary agencies or non-government organisations (NGOs).

Although the policy advocates integrated rural development by involving agricultural extension agencies and involvement of educational institutions for increasing environmental awareness, for achieving its objectives, the GOI guidelines make no mention of inter-sectoral or inter-institutional linkages for implementing JFM.

JFM is commonly perceived to represent a radical departure from the past tradition of centralised, top down, forest management by the state. However, its actual applicability as an alternative approach to forest management at the macro level is severely restricted by two major institutional constraints. These are discussed below.

1.4 Exclusion of Protected Areas from JFM's ambit

Unfortunately, the policy does not specifically mention people's participation in the management of protected areas (PA) for "maintaining the intrinsic relationship between forests and the tribal and other poor people".

National parks and sanctuaries declared as protected areas are governed by the Wild Life (Protection) Act of 1972. The WLPA provides for banning all human activities within the core areas of national parks, implying displacement of the forest dwellers often living within them since time immemorial.

In the case of sanctuaries, the Act empowers the authorities to forbid those activities considered inimical to wildlife conservation. Many state governments have banned collection of NTFPs from sanctuaries, adversely affecting not only the people living inside them, but also those living outside, who depended on NTFP collection from such areas.

An estimated 3 million people live within PAs (Kothari, A., 1996: 34). Instead of their land and forest rights being protected as mandated by the forest policy, these have been extinguished or severely curtailed in most protected areas resulting in acute conflicts between local communities and PA managers.

With the PA network likely to be expanded further, while existing protected areas remain outside JFM's ambit, there is no mechanism to prevent even the areas brought under JFM being declared PAs in the future. Present JFM not only does not assure secure new rights to forest dwellers but leaves even existing rights of participating villagers threatened by existing legislation with contrary provisions.

India today has one of the world's most extensive networks of officially protected areas (PAs), totalling 521 national parks and sanctuaries, covering over 4.5 percent of the country's territorial area (MOEF, 1995). This constitutes 20 percent of the area under forests. Thus one fifth of the country's total forest area remains totally out of bounds for JFM with even villagers' existing forest rights likely to be, or already, extinguished.

1.5 Restriction of JFM to 'Degraded' forests

Further, the GOI June 1, 1990 order restricts people's participation only to degraded forest areas although the policy itself stipulates no such restriction. With about 40 percent of the country's forests considered to be degraded, this single provision excludes 60 percent of even the remaining forest area from the purview of JFM.

As no precise parameters for defining 'degraded forests' have been specified, the term is interpreted differently by different states. While some state JFM orders have left it to the discretion of local forest officers to differentiate degraded from non-degraded forests, others have defined it so precisely that only a fraction of the total forest area can be brought under JFM. Thus, due to Karnataka's order restricting JFM only to areas with less than 0.25 crown density, barely 2 to 3 percent of Uttara Kannada district's forest area is actually eligible for JFM. The situation in Rajasthan and Maharashtra is fairly similar. The macro picture of JFM's present reach is summarised in the box below.

The Actual Reach of JFM	
● India's territorial area under forests:	23% of total
Percentage of total forest area out of bounds for JFM:	
● Due to declaration as 'Protected areas'	20%
● Due to having 'non-degraded' forests (60% of non-PA forest area)	48%
● Total forest area out of bounds for JFM	68%
● Potential (balance) forest area eligible for JFM	32%
Actual forest area eligible for JFM:	
● In Karnataka	2 to 3%
● In other states depending on how 'degraded' forests are defined ⁶	5 to 20%

The condition of JFM's applicability only to 'degraded' forests is particularly problematic for thousands of self-initiated forest protection groups (SIFPGs) in different states (refer section II) whose existence is neither acknowledged by the GOI, June 1, 1990 order nor by any of the state orders. Rigid restriction of JFM to only 'degraded' forests by forest officers often demoralises such highly motivated groups who have already regenerated degraded forests through years of collective

⁶ Haryana is an outstanding exception due to JFM not being restricted to degraded areas. This is because Haryana had formulated its JFM policy based on the concept of 'social fencing' developed in Sukhomajri village in the state before the GOI June 1990 order was issued.

effort. In the Panchmahals district of Gujarat, on an officer declining to bring some SIFPGs' regenerated forests under JFM on the ground that these were no longer 'degraded', the villagers' immediate reaction was to threaten to 're-degrade' them to gain eligibility. The lack of any transparent procedure and criteria for assessing forest degradation vests exclusive power of arbitrary, often whimsical interpretation, in the hands of the local forest officers. A transparent procedure for verifying the SIFPGs' claims and granting retrospective recognition to the years of effort already put in by them requires immediate attention.

The arbitrary manner in which the critical decision determining the villagers' eligibility for JFM may be taken is illustrated by the subsequent experience of the above SIFPGs. A new officer transferred to the same post reversed many of the decisions taken by his predecessor. He not only agreed to permit areas considered 'non-degraded' by his predecessor being brought under JFM, but also felt the need to issue new JFM 'authority letters' to the same groups as he felt that the ones issued earlier had too many flaws. Although the second officer's approach has been favourable to the SIFPGs, the fragility of the institutional arrangement lies in the possibility of the next officer occupying the post reversing *his* predecessor's decisions all over again!

Thus, the operative institutional arrangements leave JFM far short of the sweeping mandate of the 1988 forest policy. At best, less than 30 percent of the country's total forest area is presently eligible for JFM, it being as low as 2 to 3 percent in some states.

Even in the limited area eligible or already brought under JFM, the villagers do not enjoy any security of existing or new rights. No mechanism exists to prevent such areas from being declared protected areas or being acquired for other 'development' projects. Powerful industrial interests have been successful in getting even some PAs denotified for mining or industrial purposes. Increasingly fierce competition for the country's natural resources accompanying economic liberalisation, particularly for forest *land*, is only adding to such threats.

Due to non-degraded forests being kept out of its ambit, present JFM is an inadequate instrument even for achieving the policy's mandate of forest conservation. Surviving natural forests are under the greatest pressure of illicit felling and poaching by organised interests and unregulated use by local forest dependent villagers. Once destroyed, it is next to impossible to regenerate their biodiversity. Natural forests provide a continuing flow of multiple NTFPs, assured access to which can act as a strong incentive for villagers to participate in JFM. Yet, despite the policy mandate, they remain outside JFM's purview.

1.6 Reasons for Inadequate Institutional Interventions

Several factors have been responsible for the weak institutional interventions for operationalising the new policy mandate.

Firstly, by the time the new policy resolution was tabled in Parliament, the ruling political leadership had started getting embroiled in massive corruption scandals with their inevitable political fall outs. Ensuring implementation of a new

forest policy became a low priority.

As a consequence, even the GOI June 1990 order may not have been issued but for the concerted efforts of a few individuals. Unlike the prolonged debates and discussions within the government which preceded the 1988 forest policy, the GOI June 1990 circular was hurriedly drafted and got approved by the then Forest & Environment Minister by a handful of MOEF officials and non-government individuals. Many of the initial state JFM orders were similarly pushed through by ad hoc initiatives taken by interested individuals without any open debate or discussion. Many of the subsequent state orders have been issued under pressure from donor agencies who started demanding inclusion of JFM as an important component of large externally aided forestry projects. These include the orders of Maharashtra, Madhya Pradesh, Andhra Pradesh, Uttar Pradesh, Kerala (all with World Bank aided projects) and Karnataka and Himachal Pradesh (with projects supported by the British Department for International Development).

Unfortunately, no systematic analysis has yet been attempted of the compatibility between the provisions of these orders and the mandate of the policy itself. Although the JFM orders have played a historical role in somewhat opening custodial forest management to involving local villagers, they continue to be riddled with serious contradictions discussed later.

Secondly, the present structure and staffing of the MOEF has extremely limited capacity for policy analysis and promoting compatible institutional change. MOEF's policy wing has only a couple of forest officers burdened with multiple responsibilities. Rather than pursuing systematic implementation of the forest policy they tend to respond to ad hoc, often contradictory orders, from their political bosses.

As powerful industrial and commercial lobbies have much greater access to politicians, they have been trying to subvert the new policy by pressing the Minister to approve leases to thousands of hectares of degraded forest *land* for raising captive plantations. But for the alertness of pro-poor civil rights and activist groups, who launched a massive campaign against the move in 1995, the industrial lobby may have succeeded not only in getting the MOEF to approve leasing of forest land to industry, but also, in getting the Forest Conservation Act, 1980, amended to make such leasing legal.

Another strong lobby, which enjoys considerable support among the Indian Forest Service, is that of the conservationists. In 1994-95, a conservation oriented new Forest Bill which would have *reduced* rather than increased forest dwellers' rights, as well as the areas eligible for JFM, and which did not even *mention* JFM, was almost submitted to Parliament. Once again, it was intense lobbying and popular mobilisation by activist groups which prevented the contradictory bill from being enacted.

In late 1995, the MOEF actually issued a contradictory order (MOEF, 1995a) at the behest of the then Minister, which, if implemented, would negate even the limited legitimacy acquired by the several thousand JFM groups already protecting forests in several states. This order empowers forest officers to select an individual

from each village as the 'van mukhiya' (forest president/head) to assist the FD in winning the villagers' cooperation. In return for his services, the van mukhiya shall be entitled to a share of the forest produce in his *individual* capacity. This order remains in place, although due to a change in government, its implementation has not been pursued.

Till now, non-government activists and civil rights groups have been quick in reacting to moves intended to subvert the new policy and have successfully stalled them. However, playing only a watchdog role by itself is inadequate. Developing appropriate institutional mechanisms needed for translating policy goals into practice and proactively pressuring the government to put them in place, requires greater attention. This needs to include a thorough review of existing legislation pinpointing necessary amendments; lobbying for a restructuring of the MOEF with a much stronger policy analysis and implementation wing and creation of new cells specifically responsible for i. monitoring and implementation of JFM; ii. NTFP production, processing and marketing; and iii. research on silvicultural practices compatible with the new policy mandate. The same is required at the state level including strengthening of the links and interaction between the MOEF and state forest ministries and forest departments.

The failure of government to do the above reflects a weak political commitment to the new policy objectives. The intended beneficiaries of the policy, comprising millions of unorganised and impoverished women and men, lack a political voice for influencing national political processes.

As against the early 1990s when JFM was primarily being promoted by NGOs, today, the majority of the new 'community' institutions are being formed by FDs with target driven donor funds on *their* terms. NGOs and activists need to make a strategic shift in their approach to prevent JFM from becoming a mechanism for the state to reposition itself in relation to the forests without genuine decentralisation and empowerment of the forest resource users.

2. THE SOCIO-ECONOMIC CONTEXT OF FOREST DEPENDENCE AND SOCIAL CHANGE

The previous section located JFM within the macro institutional context of forest management in the country, highlighting its limited reach. This section examines the historical and socio-economic context of dependence on forests and the increasing differentiation and social change among forest dependent communities, within which JFM is being implemented. It also looks at community initiatives for regenerating forests in contrast to those promoted by the state under JFM, posing questions about the assumed benefits of both to the poorest forest dependent women and men.

2.1 An overview of JFM & SIFP

On the surface, several indicators suggest a positive impact of both JFM and the considerable self-initiated forest protection taking place in the country, on the condition of forests. In many states, degraded forests are regenerating with

remarkable vigour and diversity. Studies on JFM (and SIFP) in Gujarat, Haryana, Madhya Pradesh, Karnataka, Jammu & Kashmir, Orissa, Bihar, Andhra Pradesh and West Bengal have recorded increases in biodiversity and forest productivity, often with increased production of several non-timber forest products (Vaghela, R.N. & Bhalani, undated; Bahuguna, V.K., 1992; Malhotra, K.C., et al, 1992; Ravindranath et al, 1996; Singh, R.P., 1996; Poffenberger et al, 1996). Local community institutions are proving far more effective in protecting their forests than the state forest departments.

West Bengal boasts of the oldest, and still among the largest, JFM programmes in different states with 2423 forest protection committees (FPCs) registered by the state forest department. These FPCs are protecting approximately 390,919 hectares of regenerating public forest land (GOWB, 1994). JFM has now started expanding rapidly in Madhya Pradesh and Andhra Pradesh, both states with large World Bank funded forestry projects. Andhra Pradesh already has 2230 Vana Samrakshana Samitis (VSS) protecting 661,638 ha. of forests (Mukherji, S.D., 1996).

Parallel to, often preceding state promotion, there has also been a resurgence of grassroots community initiatives for regenerating degraded forests to deal with hardships caused by resource scarcities. Thousands of such self-initiated forest protection groups (SIFPGs) are protecting several hundred thousand hectares of state owned forests in the eastern states of Orissa and Bihar, and on a smaller scale, in several other states (Mohanty, S.C., 1996; Sarin, M., 1994 and 1995b; Poffenberger, M., 1995; Vasundhara, 1996). Representing a revival of community resource management traditions progressively eroded by state interventions, many of these groups have already gained, or are attempting to gain, formal recognition under JFM. Such grassroots initiatives offer valuable insights into the priorities around which forest dependent villagers organise on their own, and can enable state agencies to adapt the JFM framework to make it more relevant for forest dependent villagers. These are discussed in sections III and IV.

Although precise data is not available, between 15000 to 20000 groups, both SIFPGs and those created under JFM, are estimated to be already protecting between two to three million hectares of degraded forest land. Not surprisingly, JFM is commonly perceived to be a means for restoring not only the health of the country's forests but also, the self respect and dignity of impoverished forest dwellers. It is seen as offering immense opportunities for empowering the most forest dependent and marginalised women and men to gain increased access to, and control over the use and management of common pool forest resources. In so doing, it can, in theory, improve their well being and livelihoods.

2.2 Is present JFM benefiting the most forest dependent women and men ?

However, to what extent is this happening in practice ? Are the most forest dependent and marginalised women and men, assumed to benefit from improved satisfaction of their forest based needs, *better off than before* under JFM ? Is JFM enhancing or curtailing tribal and other poor women's customary access to

common pool forest resources? Are impoverished women and men, who are compelled to resort to unsustainable forest-use for survival, being *enabled* to switch to sustainable resource use by JFM? How much voice do such actual forest users have in defining forest management priorities of the 'community' institutions being constructed for participating in JFM? (Sarin et al, 1996). Similar questions arise even with respect to the SIFPGs, partly because traditional forms of organisation are neither necessarily democratic nor equitable, particularly with regard to gender.

To explore these questions, it is necessary to first look at the historical relationship between forest dependent communities and forests, and the context of increasing differentiation and social change within communities in which both JFM and SIFP are taking place.

2.3 *Adivasis* and forests : the historical context

State-owned forests account for 23 percent of India's land area and represent the country's largest land-based common pool resource. Vast sections of the 68 million scheduled tribe population of the country, and the women and men of other disadvantaged communities living in or near forest areas, continue to depend on forests for many of their livelihood and subsistence needs.

Historically, tribal communities were characterised by a lifestyle distinct from agrarian communities. They subsisted on some combination of shifting cultivation, hunting, and gathering of forest products: all activities closely linked with forests. Their cultures celebrated and fostered this close bond with nature, while also emphasising communal ownership and consumption, closely knit kinship structures, and minimal hierarchies (Vidyarthi and Rai, 1977).

The British colonial rule proved to be a watershed in their history. The colonial government appropriated most of the subcontinent's forests and ruthlessly suppressed shifting cultivation. As a result, tribal economies and cultures were devastated forcing large numbers into wage and even bonded labour.

Some regions witnessed violent rebellions by forest dependent communities against the colonial state's denying them access to their forests. This led to several earlier initiatives for decentralised forest management for containing the unrest. The Van Panchayats formed in the U.P. hills in the 1930s, fall in this category (see sections III & IV).

During the post-independence period, nationalisation of forests, transfer of tribal lands to non-tribals and state-led modernisation - dam construction, mining, agricultural expansion and an industrially oriented forest policy - caused further dislocation and large-scale displacement. Although *adivasis* are only 8% of the total population, they are estimated to have comprised 40% or more of those displaced by 'development' projects (Fernandes, 1993). Even the increased priority given to forest and wildlife conservation in the 1970s, which sought to preserve wild (often also tribal) habitat, only caused further misery: tribals were considered "external" to the ecosystems to be preserved (Lele, S., 1996). As already mentioned,

the Wildlife Protection Act provides for removing indigenous people from protected areas.

The collection and sale of non-timber forest products (NTFPs) such as honey, *tendu* leaves, *amla* fruit, soapnut, lichen, tree gums, etc. had been a subsidiary occupation of tribal communities from the pre-British period. As they got pushed into a monetized economy, their dependence on NTFPs for income increased, even as their access to forests declined. Rapid deforestation aggravated the situation further. Declining availability of even NTFPs and lack of alternative employment, have triggered off large-scale male dominated migration, both seasonal and long term, from such areas.

2.4 Socio-economic differentiation and the nature of forest dependence

Over time, the tribal areas have undergone two other significant changes. Firstly, there has been a continuous influx of outsiders - traders, middlemen, agriculturists and industrialists - such that in many cases, the tribal population no longer constitutes the majority. Poorer non-tribals in this influx are sometimes worse off than well established tribal communities with legally recognised land and forest rights. Secondly, socio-economic differences between and within tribal communities have also increased. The forest dependence of those *adivasis* who have benefited from irrigation and other development schemes has declined whereas that of landless or displaced *adivasis* as well as non-*adivasis*, has increased.

Today, the *adivasi* majority areas which coincide with forest areas, are also areas with the highest concentrations of poverty. The lack of alternative income or employment opportunities in these areas has given rise to harvesting firewood for sale. 'Headloading', as this activity is called, has gained enormous importance as an occupation partly because firewood is available almost throughout the year. It has been estimated that 2 to 3 million people are engaged in headloading, making it the biggest source of employment in the energy sector in India (CSE, 1985). The majority of headloaders are tribal and other poor women. Men also sell firewood, but they often use shoulder bars, bicycles or carts for carriage.

Increasing socio-economic differentiation within and between communities in these areas has reinforced class, ethnicity and gender differences and it is usually the poorest women and entire marginalised sub-communities, such as the Nayaks in Panchmahals district of Gujarat or the Lodhas in South West Bengal and Orissa, who have become acutely dependent on firewood headloading or charcoal making. Because of this, they are often branded as 'forest destroyers' or semi-criminals within their own villages. Sub-communities specialising in particular occupations, such as potters and blacksmiths, who need regular supplies of firewood for practicing their vocation, are in a similar predicament.

Such economic dependence on forests poses a particular challenge for community forest management, particularly during lean agricultural work seasons when dependence on NTFPs, particularly firewood, for income is acute. Lack of alternative employment during such periods results "in conditions of semi-starvation amongst the poor" (Mukherjee, N., 1995; Shramjeevi Unnayan, 1994).

2.5 Gender differences in forest use and dependence

Within the overall dynamics of social change, gender roles and gender relations within both tribal and non-tribal forest dependent communities, are also changing. Rural women are major actors in India's forestry sector. Besides gathering a diverse range of NTFPs⁷, they participate as wage labour in forestry works. Women's employment in forest based enterprises is estimated to be approximately 571.85 million days, of which 90 per cent is in the small scale enterprises using NTFPs as raw material (Khare, 1987). Two of the main cash earners among NTFPs, sal seeds and tendu leaves, are primarily collected by women. It is estimated that more than 350,000 tonnes of tendu leaves are harvested annually by 600,000 women and children (Kaur, 1991).

The widely recognised better status of *adivasi* women within their own communities, compared to that of women in mainstream Indian society, however, is increasingly threatened. Degradation of the natural environment, deforestation and displacement, have all worsened women's material condition and social status. Male migration and abandonment of women due to increasing practice of bigamy, even trigamy, by men leaves large numbers of pauperised and indebted women to fend for themselves. Men's absence for long periods is compelling many poor women to become primary breadwinners of their households. Headloading firewood from forests and collecting other NTFPs for sale are often the only few income earning opportunities available to such women (Adithi, 1993). *However, they receive abysmally low returns for their labour* (GOI, 1988a).

Women-headed households are now estimated to represent one-third of the total households in the country. Such households are disproportionately concentrated below the poverty line due to an increasing 'feminisation of poverty' (GOI, 1995). Such women's economic productivity is particularly critical for the 60 million Indian households below the poverty line. *The poorer the family, the more it depends for its survival on the earnings of its female members.* (World Bank, 1991).

Assured access and entitlements to common pool forest resources through a programme like JFM, therefore, has particular significance for such resource poor women for increasing livelihood security. It needs to be recognised, however, that women do not constitute a *homogenous* category and are equally differentiated by caste, class and ethnicity, as men with equally diverse, often conflicting, forest related priorities shaped by their specific situations.

In the above context, it is for the poorest and most marginalised forest users that JFM has the greatest relevance. The challenge for JFM, if it is to fulfill the policy mandate, thus, is to develop reliable institutional mechanisms which firstly, enable a correct identification of such forest dependent women and men, and secondly, increase their livelihood security through participatory resource planning and management.

⁷ These include firewood for sale and self consumption, fodder for livestock and other NTFPs including food, medicines, seeds, leaves, and building materials.

3. POLICY OBJECTIVES AND THE JFM 'DEAL': AN ANALYSIS OF CONTRADICTIONS

Decisions taken at the macro level set the parameters for what people - women as well as men — can and cannot do at the micro level. This section analyses the major assumptions on which the basic JFM 'package deal' is based and how it is actually reshaping the interface between forests and forest dependent women and men in relation to the policy objective of treating forest dwellers' needs as the 'first charge on forest produce'.

3.1 Whose Needs does a share of Timber satisfy ?

The GOI June 1990 order suggests that if the villagers "successfully protect the forests, they may be given a portion of the proceeds from the sale of trees when they mature" (GOI, 1990). Accordingly, most state JFM orders assure the participating villagers between 25 to 50 percent share of the net income from timber on 'final felling' of mature trees.

The basic package on offer, thus, is 'you help us protect and we will give you a share of the (revenue from) timber'. This sets the ground rules for the nature and process of interaction with village women and men, diverting attention away from the diversity of existing forest usage and dependence.

The formula for timber sharing implicitly pre-defines JFM's *primary management objective* as the production of timber with the villagers having no say in the matter. Shares of income from timber on 'maturity' or 'final felling' also presumes continued adoption of the silvicultural management model of rotational or one-time timber/pole harvesting. In the process, the village women and men's 'participation' gets limited to *protecting degraded forests to regenerate timber for subsequent felling by the FDs*. Even the villagers' share of timber is often offered to them in the form of *monetary revenue after selling it*, instead of making it available in kind for meeting their own requirements. This is the case in West Bengal where benefit sharing on a significant scale has commenced. The Forest Development Corporation is harvesting regenerated Sal poles, selling them off, and then giving 25% of the net income to the FPCs after deducting the costs incurred on felling, transportation and sale of the poles.

Continued adoption of silvicultural prescriptions designed for the diametrically opposite objectives of maximising revenue from timber, instead of meeting local needs, remains one of the least questioned, yet one of the major contradictions, in the current practice of JFM. Due to silviculture being viewed as a purely technical matter which only foresters trained in 'scientific forestry' are competent to deal with, its gender and equity impacts have remained largely unquestioned. Some of these are examined below.

3.2 The differential impact of forest closure for protecting trees

Planning for 'block felling' of poles or timber from regenerated degraded forests implies waiting for a minimum of 10 to 20 years (depending on the local species)

before the villagers get a share of the 'major' benefit⁸. However, to get this 'benefit', all those *currently* dependent on the forest for multiple products and uses⁹, *not only have to forsake current consumption in the short term but, in many cases, are expected to do so permanently*. Firewood headloading and livestock grazing, including that by nomadic pastoralists, two of the most important forest based livelihoods in the country, fall in this category.

3.2.1 Better off Non-Users become Stakeholders; Users become 'Offenders'

The rules for forest protection vary between total entry bans to permitting extraction of only dead, dry and fallen twigs, leaves and branches.

One of the *immediate* consequences of such forest closure is that instead of receiving priority consideration, existing forest users are the first to be perceived as villains. On the contrary, particularly in heterogeneous villages, the incentive of a share of revenue from timber tends to make the more powerful and "larger farmers, with little dependence on the forest, and who previously were largely uninterested in forest products, become new stakeholders to gain rights within the forest" (Femconsult 1995:49). They do not have to incur significant opportunity costs of forsaking current consumption while waiting for timber to mature.

On the other hand, substantial opportunity costs get imposed on poorer women due to gathering of firewood being one of the most widespread, and regular, gender-based responsibilities. The most common rule imposed by both forest departments, as well as by the male leaders of most local institutions that only 'dead, dry and fallen twigs and branches' may be collected for firewood *overlooks the fact that degraded forests do not have much of these*. The assumption that more firewood will become available once forests have regenerated, is also not necessarily correct unless the forests are specifically *managed* for increasing firewood availability. Even where firewood is not so scarce and the collection rules more liberal, *sale* of firewood for income is almost always forbidden. This rule semi-criminalises those dependent on headloading for survival.

Suddenly stopped or restrained from collecting firewood, those women (and men) with no alternative options are compelled to either break the local institutions' rules to 'steal' firewood from the closed areas or to go to more distant areas for collection. The former reinforces the stereotype of women and marginalised groups being forest destroyers while the latter increases their vulnerability to harassment and humiliation by outsiders, besides increasing the labour and time they have to

⁸ New plantations on barren lands are also being done under JFM but on a relatively smaller scale excepting in Karnataka and Rajasthan. In their case, the waiting period could be even longer with certain species. In some states, a few plantation models have been designed for generating NTFP based income in a shorter time span e.g. through planting species on which tasar cocoons can be raised. The discussion here is primarily focussed on issues related to the more common regeneration of degraded forests from existing rootstock through community protection.

⁹ Such as for firewood through cutting bushes, branches or stems (either for domestic consumption, income through sale or for vocations such as pottery or blacksmithy); lopping tree leaves for fodder; supporting livestock through grazing; etc.

put into gathering cooking fuel (AKRSP, 1995; Sarin, 1994, 1994a, 1997; Sarin & SARTHI, 1994; CES, 1995). Women and marginalised communities from neighbouring or distant villages dependent on headloading from the closed forests are similarly affected.

Where implemented in this manner, JFM is little different from the forest departments' traditional policing as it does not address the *root cause* of poor people resorting to unsustainable forest exploitation i.e. the lack of alternative income and employment for basic survival. Instead of FD staff policing the poor, JFM simply transfers the same role to the better off sections of participating communities.

3.2.2 Using Women to Exclude other Women

As men are vulnerable to accusations of attempted molestation while stopping women, they commonly mobilise their own women to stop outside women from collecting products from their forests. In heterogeneous villages, higher caste and better off women, who are less dependent on forests, are often mobilised to rebuke/pressure poorer women of the same village to stop extraction (Sarin 1994, 1994a, 1995 & 1997). The majority of even forest department staff consider women's 'participation' desirable only as a less risky and more effective mechanism for getting them to stop extraction rather than for understanding and responding to their needs.

Such use of the protecting communities' women to exclude forest dependent women of their own or other villages from the forests, *without either group of women having a say in JFM or SIFPG priorities and decision making*, is emerging as one of the major gender differentiated impacts of 'community' forest protection in most states (Sarin *et al.*, 1996). The pertinent question this poses is: *Why do such large numbers of women continue to be forest 'offenders' even under 'participatory' forest management?*

3.2.3 Who, and Why, are the Offenders 'Offenders'?

Unfortunately, few studies have probed the offenders' point of view; who they are, why they continue firewood extraction despite such humiliation and social stigmatisation, and what impact denial of forest access is having on their lives and livelihoods.

A study of 20 Village Forest Protection and Management Samitis in tribal dominated Santhal Parganas in Bihar found that forest protection in most of them had collapsed within a year of their being set up. In all cases, women headloaders of the villages had the same question: *"what shall we eat?"* They wanted alternative employment to be able to stop cutting firewood and marketing it (Satya Narain *et al.*, 1994).

In a rare assessment of impact of community forest closure by 45 villages, an NGO estimated that about 19,000, *mostly poor adivasi women of Churchu, Mandu and Sadar blocks of Hazaribagh district in Bihar, had been acutely affected*. While being compelled to switch to using leaves, lantana and dung as cooking fuel, in

lieu of headloading, the majority had had to start brewing alcohol for sale, working in brick kilns on exploitative terms or as unskilled manual labourers (subject to availability of such work), for survival income. Many women continue resorting to 'thieving' from the closed forests, getting fined and humiliated when caught (JSPH, 1994).

With recent initiatives to increase women's participation in JFM in West Bengal, a major question poor women in villages near markets are asking is how they will be compensated for the Rs.40 to 50 per day they earn from selling firewood (Ray, L., 1996a).

Desperate and impoverished women headloaders and other marginalised groups are not meekly accepting denial of forest access so critical to them for survival. The extent and intensity of gender and class based conflicts caused by sudden curtailment of access from community protected forests can be gauged from the fact that even for local institutions, including the self-initiated ones, one of the most difficult and common 'problems' is dealing with 'women forest offenders'. While women commonly resort to vicious abuses, accusations of attempted molestation, sometimes filing police cases against male watchers or even physically attacking them on being prevented from collecting firewood, communities like the Lodhas have taken up armed fights with traditional weapons to retain access to their source of livelihood (Singh, R.P., 1996; Poffenberger, M., et al, 1996; Sarin & SARTHI, 1994; Sarin 1994, 1994a and 1997; Singhal, R., 1995 & 1995a).

Social sanctions and efforts to 'educate', 'motivate' or 'sensitise' marginalised women and sub-communities to stop cutting firewood have had limited effect unless accompanied by providing those dependent on income from headloading or other forms of unsustainable extraction, with viable alternatives.

For the 600 households of the *Arabari pilot project*, on which West Bengal's JFM programme is modelled, approx. Rs.100,000 was spent annually for many years on generating alternative wage employment for the poorer villagers to compensate them for forsaking income earned through headloading (Banerjee, A.K., 1996). The amount was based on the estimated income the villagers were earning from the forest prior to closure. In addition, 194 ha of scrub forest was left open for the villagers to meet their day-to-day firewood requirements (Chatterji, A.P., 1996).

In contrast, none of the present JFM projects, including the large internationally funded ones, have planned any *systematic* compensation for such opportunity costs expected to be incurred by the poorest villagers.

In some areas, JFM is encountering more contentious problems. These include the practice of shifting cultivation, the fairly widespread encroachment on forest lands and use of forests for seasonal grazing by pastoralists. Allegations of JFM being used to evict poor landless encroachers on forest land have been made against the Karnataka FD (Hegde, 1995). Under the same project, a poor community of a remote village was stopped from practicing shifting cultivation by putting the land under a 'JFM' plantation without addressing the villagers' survival needs (Saxena, et al, 1997). Provision for ad-hoc 'support activities', such as 'fuel-efficient' cooking

stoves or creating future new income earning opportunities (which rarely succeed), are poor substitutes for unsatisfied essential needs, destroyed livelihoods or reduced incomes for the already disadvantaged.

Due to firewood being known to be one of the most extensively and regularly collected forest products for domestic energy and survival income, focussed planning and silvicultural research for maximising its availability on a regular basis needs to be made an explicit objective of JFM.

A few efforts are being made in this direction. In Madhya Pradesh, recognising the limitations of a totally timber focussed model, some committed senior forest officers have initiated experiments with managing teak coppice shoots for regular supply of firewood under JFM (Dubey, 1997). Similar initiatives for increasing grass production in response to local priorities have been taken in M.P., Rajasthan and Haryana.

3.3 Access to NTFPs : Ilusion and Reality due to Multiple Institutions

The common perception is that villagers gain free access to NTFPs from their JFM areas which will provide them a regular flow of benefits in lieu of the opportunity costs they have to incur for protection. What access do the villagers gain to NTFPs in reality?

The 1988 forest policy provides that the income and employment of forest dwellers should be enhanced by improving and increasing the production of NTFPs. The GOI June 1, 1990 order, however, prescribes that "the beneficiaries should be given usufructs like grasses, lops and tops of branches and minor forest produce". Accordingly, most state JFM orders provide LI members free access to specified NTFPs. These primarily include fodder grasses (although in Haryana even these have to be paid for); dry and fallen twigs and branches; leaf litter and leaves; and where available, mushrooms, edible tubers, flowers, and non-reserved fruits and medicinal herbs. The more valuable NTFPs like cashew nuts, bamboo & fibrous grasses, however, are either excluded from free access altogether or are included under the income sharing arrangement. Thus, FPCs in West Bengal are entitled to only 25% of the income from the sale of cashew. The Karnataka JFM order prescribes that the VFCs shall be entitled to only 50% of the income from the sale of *all the NTFPs* from their JFM areas excepting firewood, grasses and lops and tops from plantation harvests.

What none of the state JFM orders mention are the existing institutional arrangements for the collection and disposal of many of the NTFPs from all forest areas, which remain in force even after an area is brought under JFM. Some of these are examined below.

3.3.1 The Irony of LAMPS

In most tribal majority areas, concessional rights for collection and marketing of many NTFPs have been granted to Large-scale Adivasi Multi-Purpose (Cooperative) Societies (LAMPS). No initiative has been taken to withdraw the areas brought under JFM from the purview of LAMPS. As a consequence, while JFM transfers

the responsibility for protection to the JFM groups, it is the LAMPS who reap the benefit of any resulting increases in NTFP production. The PPCs in West Bengal have been demanding that the right to collect and market Tendu leaves and Sal seeds from their JFM areas should be granted to them instead of the LAMPS. However, the state government has yet to respond to their demand due to resistance from the co-operative department dealing with the LAMPS.

Ironically, even the institutional structure of LAMPS, intended to benefit tribal NTFP collectors through co-operative marketing, does not necessarily benefit the gatherers.

As their name suggests, LAMPS cover large areas. In Karnataka, one LAMPS covers an entire *taluka* with between 1400 to over 13,000 potential members. This is because the rules permit all adult *adivasis* in the area to become the co-operative's members. A high percentage of the members (34% in one case) were found to be better off *adivasis* who have no connection with gathering NTFPs. All of them get shares of the LAMPS' profit from marketing NTFPs, thereby reducing the shares of the actual gatherers. Further, due to the LAMPS' membership being so large and spread over a large geographical area, it is next to impossible for the scattered gatherers to have any control over their functioning and management. And lastly, the secretaries of LAMPS are government functionaries accountable to their bosses rather than to the co-op members (Lele, S. & R.J. Rao 1996).

Thus, tribal NTFP gatherers in tribal majority areas neither gain any improved access to, or income from such NTFPs through JFM due to the LAMPS set up in their names, nor do they benefit from the latter, due to having no effective control over them.

Similar contradictions are evident in Karnataka, where the JFM order provides for sharing 50% of the income even from NTFPs with the Village Forest Committees (VFCs). As all VFC members are not NTFP collectors, the VFC's expected role in NTFP collection and management is proving problematic. It is also being asked whether it is fair to entitle all VFC members to equal shares of the VFC's income from NTFPs when only some members, often the poorest, are the only ones who collect them.

In a few cases where handing over NTFP management to the VFCs has been attempted by taking their JFM areas out from the areas auctioned to private contractors, KFD's field staff has landed up with substantial additional work. The VFCs have no experience or managerial capability for organising collection and marketing of NTFPs. As all the office bearers work on an honorary basis, they have no incentive for accepting the additional burden of marketing NTFPs, particularly if they are not collectors themselves. The NTFP collectors have no incentive to hand over their gathered produce to the VFC if private traders pay them a higher price.

Another issue which has come up is whether only the VFC members should be permitted to collect NTFPs from the VFC's JFM area when traditionally non-resident collectors have also gathered from there before. This issue of inter-village equity due to an area being allocated to a particular village or hamlet, also applies

to other forest produce, and has been surfacing repeatedly in the implementation of JFM.

3.3.2 Other Institutional Controls over NTFPs

Even where there are no LAMPS, many states have vested monopoly rights over the collection and marketing of a wide range of NTFPs either in the forest departments, forest development corporations or other agencies created for the purpose. These agencies, in turn, either auction or lease NTFP collection to private contractors (e.g. Tendu leaves in Gujarat and most NTFPs in Orissa and Karnataka). In Orissa, only one private company has been given monopoly collection rights for 29 NTFPs for 10 years with no check on the prices it pays to the adivasis (Saxena, 1995).

The nationalised and other, particularly high value NTFPs, thus neither come under the purview of 100 percent usufructs nor under revenue sharing as a JFM benefit (Agarwal & Saigal, 1996). Collectors of such NTFPs, invariably among the poorest members of their communities and predominantly women, continue to receive only wages for their labour, often at abysmally low rates for the time and effort required for collection. The market price for the NTFPs, or the profits from value addition through processing them, go to contractors, traders, industry, LAMPS or state agencies¹⁰.

In addition, a complex and bureaucratic system for monitoring and controlling the movement and sale of NTFPs has been left intact. This places additional impediments in the gatherers' access to NTFPs.

Women Producers' Struggle Against an 'Export Fee' on Cocoons

Nari Bikas Sangh, a grassroots peasant women's organisation in Bankura district of West Bengal, most of whose members are actively involved in JFM, has been developing strategies for increasing poor women's income from NTFPs. One of its major activities has been promotion of tasar cocoon rearing on Arjun, Asan and Sal trees.

In 1993, when NBS sold the cocoons to a government marketing federation of adivasi producers, it was told that it had to pay an 'export fee' of 6 paise per cocoon, amounting to a total of Rs. 33,000/-, before the FD would issue it a 'transit pass'. Only one third of the cocoons had been raised on forest land, two thirds being from the women's own plantations on private lands.

The NBS had to lobby hard with the State Ministers of Forests, Tribal Welfare and Small Scale Industries; Chairman of the Zila Parishad; the local MLA and the Silk Producers Association for abolition of the export fee. Due to being an organised body, it finally succeeded in getting the state government to abolish the export fee (Banerjee, N.K., 1996).

¹⁰ For a more detailed discussion on the multiple contradictions in the continued nationalisation of NTFPs and JFM, see Saigal, S. et al, 1996.

A survey of some villages in the Sabarkantha district of Gujarat conducted by SEWA (Self Employed Women's Association) found that impoverished *adivasis* and others dependent on processing NTFPs have to get licenses at every step - to buy the raw material, to transport it and to sell it. They have to pay 200 to 300 percent more than what paper mills pay for the same forest produce. The government monopoly actually robs the poor to subsidise the rich. The *adivasi* women also tap gum which also requires a license. They are obliged to sell it to the Forest Corporation where they get one quarter of the market price (Chowdhry, K., 1996).

The majority of unorganised and impoverished NTFP collectors, however, are unable to get such changes made. They cannot negotiate better returns for their NTFPs either because they do not know the market price or because selling the NTFPs to private traders is 'illegal' due to their nationalisation.

3.3.3 An alternative institutional framework for NTFP gatherers

For NTFP gatherers to genuinely gain improved access to NTFPs through JFM, a thorough overhaul of existing institutional arrangements governing their control and management is a prerequisite. The parameters for designing a more appropriate institutional framework need to include the following:

- The responsibility for sustainable NTFP collection should primarily rest with the *actual gatherers* in exchange for granting them the right to realise the market value of the NTFPs. The collectors could organise themselves into functional sub-groups within the larger LIs.
- The LI's should be responsible for monitoring and supervision to ensure sustainable harvesting. They could charge a small fee from the gatherers' groups for this service.
- Groups of local gatherers should be encouraged to develop their own autonomous federations for collective marketing of their produce.

3.3.4 The Absence of Management for NTFPs

At present, providing the villagers access to relatively low value NTFPs under JFM (to which they already have legal rights in most cases) is *assumed* to be adequate for taking care of their 'needs' of firewood, fodder, small timber and other NTFPs mandated by the 1988 forest policy. An associated assumption is that forest regeneration through *protection will result in increasing production of all NTFPs* which will provide the collectors a regular flow of benefits.

However, as with firewood, due to the primary management focus being on timber, the production of even the commercially less valuable bushes, shrubs, grasses, creepers, climbers and herbs, extensively used by the poorest women and men for subsistence and income, becomes *incidental*. Field evidence is indicating that without specific management for multiple product flows, although the diversity of NTFPs may increase with protection, *there is often a decline in the availability of some of the more important NTFPs for disadvantaged women and sub-groups.*

Sal and Tendu leaves fall in this category. Sale of Sal leaf plates is an important source of income (albeit at a low return for the labour invested) for poor women for several months of the year in many areas of West Bengal, Orissa and Bihar. However, the increasing height of sal trees due to simple protection is leading to useable new leaves going beyond the women's easy reach, reducing the leaves they are able to collect.

Similarly, Tendu leaf, again an important source of seasonal cash income primarily for women, tends to decline in a regenerating forest due to the Tendu bushes getting shaded out by the growing trees. *Large numbers of women FPC members in West Bengal have complained that their incomes from Sal and Tendu leaves have gone down due to their yields declining under JFM* (Sarin et al 1996).

3.4 Need to rationalise sharing between the villagers and the State

As already mentioned, many state JFM orders assume that the most appropriate mode of sharing the 'benefit' of timber with community members is in the form of cash obtained after *selling* the produce. The irony in such an arrangement (as in West Bengal) is that there may be considerable unsatisfied need for poles or timber among the FPC members while the poles regenerated by them through years of effort are sold off by the Forest Development Corporation. Many FPCs in West Bengal are demanding that their share of the Sal poles be given to them in kind, either standing in the forest or after harvesting (Banerjee, N.K., 1996).

However, the very basis of sharing between the FDs and the local institutions even where the produce is shared in kind, has no logical co-relation with the villagers' needs. The typical 25 to 50 percent share of the local institution will not necessarily be adequate for meeting its members own timber requirements. The quantum of each LI's share will be a function of the size, condition and productivity of its JFM area. The villagers' requirements, on the other hand, will depend on the number of households and the extent and nature of their dependence on forests for timber, poles and/or bamboos.

For example, the well regenerated forest of the SIFPG of Kaimati in Sarangi range of Orissa, which started forest protection several years ago, cannot "meet more than 5 to 10% of the hamlet's fuelwood and timber needs" (Poffenberger, M., et al, 1996). According to Orissa's JFM order, the FD will take away 50% of even this produce as its share if the villagers decide to participate in JFM.

In some states, such 'benefit sharing' is applicable even to firewood. In West Bengal, the forest department takes away 75 percent of even the multiple shoot cuttings of Sal as its share despite many women having to resort to forest floor sweeping to collect leaves for use as cooking fuel.

Possibly the most inequitable 'benefit' sharing between the villagers and the state is that provided for in Karnataka's JFM order. On the surface, the net revenue from sale of harvested timber, poles as well as firewood is to be shared equally between the VFC and KFD. Half of the VFC's share is to be equally divided among individual members while the other half is to go into a Village Forest Development Fund. The VFDF is meant for replanting on the harvested plantation areas. However,

if the villagers want any of the harvested products (other than lops and tops) for their own use, they have to buy them, including firewood. Where villagers do so, the individual share of income they receive subsequently will actually be the money they first paid the FD for buying the produce. Further, irrespective of the amount coming into their VFDF, they are expected to replant the area with it. If the money is insufficient, they are expected to replant with 'voluntary' labour. Even from plantations raised in this manner, the FD will take away 50% of the income from sale of the harvest. Not only does satisfaction of the villagers' needs not count, but the villagers can get trapped into increasing state revenue on a long term basis through raising plantations with unpaid labour. The VFC of Kuntavani, a tribal village in Honavar division of Uttara Kannada, has already replanted 3 hectares with unpaid labour due to the older plantation harvested from the area yielding grossly insufficient funds for the VFDF. (Saxena et al, 1997).

Sale of forest produce before need for it within the participating community has been satisfied tends to benefit the less forest dependent and better off villagers while trivialising the priorities of those dependent on forests for survival.

This applies equally even when management of the produce is handed over to the LI unless giving priority to satisfaction of local needs is insisted upon. Although the Gujarat JFM order permits the LIs to take their share of the produce in kind, the elite male leaders of Soliya village's Gram Vikas Mandal sold off all the villagers' share of bamboo when it was harvested. The village women would have preferred using it for their own needs. (AKRSP, 1995).

3.5 Grassroots priorities and management alternatives

Contradictions in the assumptions of the official JFM framework become more evident when seen against the motivations of acutely forest dependent villagers to start forest protection themselves.

Adivasi leaders of a cluster of self-initiated forest protection groups in Panchmahals district of Gujarat, for example, were amazed when they first learnt about the basis of benefit sharing under JFM. They said that they were *not* regenerating their forests, with tremendous investments of time and effort and every household contributing grain or money for compensating watchmen, for cutting them down again. Their *primary* motivation had been to regenerate timber for house construction and agricultural implements for *their own use*. They also wanted to increase availability of firewood, fodder and other NTFPs besides getting the environmental benefits of improved recharge of sub-soil water, increased rainfall, higher agricultural productivity and a better environment. One of their key questions about JFM to a visiting forest officer was whether *the forest department would take away 50 percent of the timber from their forests, regenerated through years of painstaking effort by the villagers, even if the remaining 50 percent was insufficient for their own needs. How would they meet the balance of their timber needs when they could not afford to buy it from the market?*

Many SIFPGs as well as JFM groups question the very concept of the FDs' silvicultural model of rotational or one time block fellings as their main priority is

to meet local needs *as and when they arise*. Several self-initiated groups, which have broad-based membership and practice consensual decision making, have evolved highly equitable and transparent rules for selective harvesting of timber and other produce for meeting their members' requirements (Sarin and SARTHI, 1994; Raju et al, 1993; Kant, S, et al, 1991; Mehrotra, S & Kishore, C, 1990; Poffenberger et al, 1996; Vasundhara, 1996a). Such SIFPGs want the *authority* to undertake need-based selective fellings. Although many self-initiated and JFM groups have been doing such felling, this constitutes an 'illegal' act making the villagers vulnerable to harassment, fines and bribery.

Some of the community initiatives go well beyond simple protection to sophisticated local forest management systems. These are designed to accommodate diverse needs of the community's different user groups on principles of *equity*, and *not* mechanical prescription of *equal shares* to all member households, irrespective of their wealth status as provided for in the JFM orders.

The forest management system developed by Gadabanikito village in Orissa over 45 years, for example, is centred on ensuring firewood availability, NTFP production and livestock rearing through grazing in the forests. Instead of closing their entire forest area, the community leadership has set aside *different* areas for firewood collection, grazing and NTFPs by closing different patches to different extents (Vasundhara, 1996a). Imposition of standard rotational block fellings for timber sharing on such existing systems will not only destroy the delicate balance between satisfaction of diverse needs and sustainable resource management, but also be unacceptable to the villagers. Rather than promoting constructive LI-FD partnerships, such interventions enhance the villagers' alienation. A federation of 34 villages which have been protecting their forests for over 25 years in Kudada near Jamshedpur in Bihar, declined to participate in JFM as they did not want their forest to be felled again by the FD.

Due to similar disagreements with the JFM framework, and the fear of losing *control* over the forests regenerated by them, many SIFPGs even in other states have refused to participate in JFM altogether (CES, 1995: 17; Shranjeevi Unnayan, 1997).

In essence, the very basis of present 'benefit sharing' under JFM violates the 1988 forest policy mandate to treat the villagers' needs, including construction timber, as 'the *first charge* on forest produce'.

Benefit sharing under JFM needs to be based on the principle that *no forest produce shall go outside the participating villages until the requirements for it within them, both for subsistence and livelihood needs, have been satisfied. Any sharing between the LIs and FDs should apply to only that part of the produce which is surplus to village needs, if any surplus is available.*

For this, the villagers need to be delegated the *authority* to manage their forests for need satisfaction with the FDs playing a facilitative, instead of a directive, role.

3.6 A Glimpse at earlier Co-management Initiatives

Surprisingly, little effort has been made to incorporate the learnings from earlier

experiences with community forest management in JFM. The Van Panchayats in the U.P. hills, the Kangra Forest Cooperative Societies in H.P., the forest panchayats in Uttara Kannada in Karnataka, and in Andhra Pradesh, all created during the earlier parts of this century, are examples, still surviving in varying states of health, of earlier initiatives of decentralised forest management (Ballabh & Singh, 1988; Ahal, 1996; Murali, 1997; CES, 1995). Similar examples can be found in Orissa and M.P. and probably other states (Sundar, N., 1996a).

Most of these were far more responsive to local needs, and devolved more power for autonomous functioning to the LIs, than JFM does.

The U.P. Van Panchayats.

The U.P. Van Panchayats, formed during the 1930s, have the power to make their own rules and regulations and determine forest use in accordance with the demand and availability of forest produce. The Van Panchayat forests provide grazing space, fodder, dried and fallen leaves for composting, grasses, poles and timber for house construction to the residents. *Their primary management objective is to maintain and conserve, and if possible, improve the productivity of their forests and use them (both forest produce and cash proceeds) for the benefit of local people.* The VPs also have the right to sell fallen and dead trees to right holders without the FD's prior permission (Ballabh & Singh, 1988: 12-15).

The focus on local need satisfaction by the Van Panchayats is far closer to the 1988 policy mandate than the revenue/timber sharing deal offered by JFM. Ironically, the recently issued JFM order of U.P. has not incorporated the positive elements of the Van Panchayats which have been functioning quite effectively in the state for almost 7 decades.

4. CONSTRUCTION OF 'COMMUNITY', 'PARTICIPATION' AND GENDER RELATIONS THROUGH LOCAL INSTITUTIONS

Section 3 above has diagnosed how the major assumptions about villagers' priorities in the basic framework for JFM militate against the interests of the poorest women and men forest users. This section examines how 'community', 'participation' and gender are constructed through official and unofficial membership norms and practices of LIs and how these are shaping the nature of women's and marginalised groups' participation in both JFM and self-initiated community forest protection.

4.1 What are Institutions ?

At one level, institutions are a set of rules. These include the official rules and procedures as well as unofficial values, norms, traditions and practices.

All Institutions also deal with the production, management, distribution or exchange of resources. These may be material (such as forest products or shares of

income in the case of JFM) or intangible (such as information, contacts and political clout).

Institutional rules, resources and practices together determine how authority and power are distributed among the membership. *The rules and resources structure practice*; who is in and who is out; who does what and how; who gets what; and who benefits and who loses (based on Kabcer, N, 1994). Changing official rules alone does not lead to actual change unless associated *practices* are also changed.

The local institution in JFM is a critical actor as it plays the role of mediating between the forest department and its general body membership. It is through the LI that the participation and entitlements of individual members of communities are structured. For it to be able to play its role in a gender and equity sensitive manner, the local institution should be able to articulate and represent the interests of *all* user sub-groups of a forest area in the partnership agreement with the FD (Sarin, 1993). It needs to act as a forum for actual forest users to articulate and negotiate conflicting needs and priorities. To what extent do the existing rules, both formal and informal, permit actual women and men forest users to participate in decisions affecting their access to forest resources ?

To examine this question, the following two postulates need to be considered:

4.1.1 Neither communities nor households are homogenous

As discussed in section II, the communities participating in JFM are not homogenous entities but consist of diverse groups differentiated by caste, class, tribe, religion and/or ethnicity and within and between each of these groups, by gender and age. It is often the poorest and most marginalised sub-groups and individuals within communities and households who are acutely dependent on forest resources for survival and livelihoods. In contrast, the relatively better off and more powerful, may have limited or no primary dependence on forests. Yet, due to the dynamic hierarchy of social and power relations between the different groups, it is often the powerful non-forest dependent groups who have the greatest visibility and voice.

These differences are permeated by gender differences in access to and control over resources structured by unequal gender relations perpetuated through diverse social institutions such as women's exclusion from the public sphere, which severely constrain women's equal participation.

4.1.2 Local institutions mediate changes in forest access

Secondly, initiating JFM or SIFP on state owned forest lands normally entails bringing open access forests under common pool resource (CPR) management. Thus, both JFM and SIFP involve **changing prevailing norms of access** to local forests with the **control** for doing so being transferred to the community level through local institutions. This control is exercised through the framing and enforcing of **rules** for regulating access. Given the differences within communities and households, who, and by which process, take **decisions** about the access rules will determine which individuals or groups **within** 'communities' and households

acquire the power to define and enforce the 'community's' forest management priorities. The extent to which the membership norms and leadership structures of both JFM and SIFP groups permit marginalised sub-groups and women to gain access to their decision-making processes thus needs to be analysed to understand the potential nature and extent of their participation.

Imposition of often uniform access controls on all existing users with diverse levels and types of dependence on a forest, inherently implies differential distribution of opportunity costs (of forsaking current consumption), and benefits (both immediate and long term) among them. Thus, who is included, and who is excluded from participating in 'community' decision making and articulation of CPR management priorities, will tend to determine who gains and who loses within and between communities, as well as households, under both JFM and self initiated forest protection.

Further, as local institutions are supposed to enter into formal agreements with state agencies under JFM, their rules also represent a new regime of property rights to common pool forest resources. These overlap with the often complex existing regimes of customary as well as legal usufruct rights to forests. Given the state commitment to promoting gender equality, the extent to which women's equal access and entitlements to public forests are being institutionally ensured under JFM needs to be examined. This is particularly important for *adivasi* and other poor women who are major, and often the most disempowered, forest users and whose rights of access to forests have enjoyed customary sanction.

4.2 The organisational structure of local institutions

Most state JFM orders specify the membership norms and organisational structures for the LIs eligible for JFM. Formal local institutions, such as registered or co-operative societies, as well as the forest protection groups being specifically created for JFM, have a three-tier pyramidal structure. The base consists of the *general body of members*. The general body members periodically elect or select a *managing or executive committee* (of between 7 to 15 members) which is delegated the responsibility of carrying out day-to-day management tasks *on behalf of the general body*. From amongst the management committee, normally 1 to 3 or more members are appointed office-bearers who are delegated the *authority to act on behalf* of the institution as a whole. The office-bearers act as the interface between the general body membership and the outside world through signing legal agreements, operating bank accounts, etc.

Both the leadership structures and general body membership of the self-initiated forest protection groups, have much greater diversity. Some of the SIFPGs in Orissa, for example, are youth groups which may or may not have broad based membership of the concerned village or hamlet. The leadership of the SIFPGs similarly varies from 'natural' leaders, groups of elders, village councils or groups of elite men (Kant et al, 1991; Sharma, C., 1995; Sarin 1995).

In all cases, *direct access to all the institution's tangible and intangible resources and benefits is conditional to access to the institution's general body membership.*

What access do women and marginalised groups have to the membership of both formal and informal local institutions at present?

4.3 Membership norms of self-initiated groups

The SIFPGs reflect the cultural norms and socio-economic diversity and differentiation of the context in which they have evolved.

The traditional village assembly (Panchayat) in most parts of India has virtually been an all-male institution with women being provided access only under highly exceptional circumstances. As a consequence, women as a *category* are invariably excluded from the membership of self-initiated groups.

Inclusion and exclusion from them by caste, class or ethnicity varies with more complex, context specific dynamics of wealth, power and cultural norms. Relatively homogenous *adivasi* or caste groups, particularly those with strong communal resource management traditions, may be highly democratic and inclusive at least for the men. The strength and stability of such groups is rooted in consensual decision making by male representatives of all the households. Even among such groups, however, culturally marginalised minorities may remain invisible and excluded. In the otherwise highly (male) democratic *adivasi* SIFPG of Asundriya village in Panchmahals district of Gujarat, small sub-groups of *barijans* and *Rawals*, the poorest members of the village dependent on the forest for bamboo for basket making and grazing goats, remained excluded from group activities till a local NGO started facilitating their participation.

In more heterogeneous communities, the most forest dependent sub-communities may be labelled as 'destroyers of forests' or 'criminals' by the dominant groups, making their exclusion more pernicious. Many such self-initiated groups are gaining formal recognition under JFM without it being ensured that all forest users are represented.

4.4 Membership Rules in Initial State JFM Orders

Mimicking the cultural tradition, all state JFM orders, excepting that of Gujarat and the draft JFM Rules of Haryana, use the *household* as the basic unit of the LI's general body membership. Most of the early orders prescribed the eligibility of only one 'representative' per household as a general body member.

This single rule automatically denies the majority of women, and many marginalised men, often those most acutely dependent on forests, the right to participate in JFM on their own behalf and from gaining an institutional identity. This is because the one representative is invariably the man socially and culturally perceived to be the "head" of the household except in the case of all women households or of widows without adult sons (Sarin, et al, 1996).

The adoption of this norm in the recently issued JFM order by U.P. is particularly remarkable as the well established Van Panchayats in the state entitle *all* resident adults with the right to elect the Van Panchayat representatives, irrespective of their gender or status within the household. All adults also enjoy equal usufruct rights to the forests with no provision for distribution of individual shares of cash

income to selectively eligible 'members'.

In states with the 'one representative' per household membership rule, women forest users have remained more or less forgotten and invisible in the JFM process (Suess, 1995; Ray, L., 1996; Chatterjee, M., 1994; Correa, M., 1995). The only exceptions have been either where the local forest officer has taken personal interest in involving women or an NGO or a women's organisation has facilitated women's participation.

The unquestioned assumption that other household members can be reached through one (usually male) 'representative' is clearly not validated in practice. A recent study in Karnataka found that where only the men had attended VFPMC meetings, the household women were unaware of what was discussed in them. In contrast, where women had been present in meetings, other household members were well informed about the discussions. (Correa, M., 1995).

Several studies also indicate that male household 'heads' neither necessarily consult their household women nor 'represent' the women's priorities. The continuing and remarkable lack of awareness about the negative impact of sudden and total forest closure on women's gendered responsibility for procuring firewood among male decision makers of the same households, unless specifically brought to their notice, is a notable reflection of how men's priorities are shaped by their own gendered perceptions (Sarin 1994; Sarin & SARTHI, 1994; Banerjee, N.K., 1996).

4.5 Selective Inclusion and Exclusion through the '1 Man, 1 Woman' per Household Rule

In response to criticism of women's exclusion from the Forest Protection Committees despite women being major gatherers and users of forests¹¹, the West Bengal JFM order was retrospectively amended in November 1991 to make a provision that 'if husband is a member, the wife automatically becomes a member', thereby providing for 'joint membership' of husband and wife. A similar amendment, providing for automatic membership of 'spouses' has been made recently in Karnataka's order.

Some of the states which issued their orders at a later date (Himachal Pradesh, Andhra Pradesh, Tamil Nadu), and others which have revised their earlier orders (Orissa, Madhya Pradesh), now provide for membership of *one man and one woman* per household to avoid total exclusion of women from the LIs.

Again, although this rule may ensure that about 50 percent of the LI members are women, even this does not ensure membership access to the poorest and neediest women (and men) users. The problem lies in the continued use of the household as the qualifying unit of membership, on the implicit assumption that most households

¹¹ Nari Bikas Sangh, a grassroots peasant women's organisation based in Bankura District of West Bengal, was the first to raise its voice against the setting up of more or less exclusively male FPCs by the WBFD. Due to its members' high economic dependence on NTFPs, in March 1990 NBS appealed to the state Minister of Forests, the DFO (Bankura) and the Chairman, Ranibandh Panchayat Samiti, that 50 percent of FPC members should be women (Banerjee, N.K., 1996).

consist of standard nuclear families of husband, wife and minor children. However, the nuclear family is by no means universal. *The 1981 census classified households into 10 types of which nuclear households comprised only 43.7% of the total (Census of India, 1981).* Other household types include 'single member', 'broken nuclear' 'supplemented nuclear' and 'joint' (linally or collaterally extended). Many disadvantaged women as well as men, form invisible sub-units within the larger households and continue being deprived of access to LI membership.

Reaching out to disadvantaged women (and men) within households needs to be facilitated by opening membership of local institutions participating in JFM to all adult women and men, irrespective of their status within the household.

4.6 Translation of membership rules into practice

However, as already mentioned, changing institutional rules does not necessarily lead to *changes in practice*. Often, either the above changes in rules have resulted only in women's names being added to membership lists or even that has not taken place.

Although the West Bengal order was amended to provide for 'joint' membership in November '91, during a workshop with the staff of a forest division and selected couples of an FPC 3 years later, it was found that neither the village women and men nor the FD staff, including the DFO, were even *aware* of the amendment (Chatterjee, M., 1994).

In any case, the 'joint membership' provision continues to be riddled with contradictions. For example, only one of the 'joint' members in West Bengal can cast a vote on behalf of the family (GOWB, 1996). The West Bengal FD field staff have also been asking what they should do when they come across husbands having more than one wife. As either of the joint members can exercise the household's right to the shares of benefit, often men collect the firewood available from multiple shoot cuttings and sell it off while their wives continue having to scrounge for cooking fuel (Sarin, 1995a). Realising the contradiction in distributing firewood to men when women are its primary users and have been experiencing increased firewood scarcity due to JFM, a woman forest officer has started trying to ensure the presence of women when shares of firewood are distributed (Sarin et al, 1996). Similarly, during the ongoing income sharing from harvested sal poles, in many FPCs, the 'household's' share of income is reportedly being handed over to the men, despite the joint membership (Banerjee, N.K., 1997).

The problem is even more acute where existing, exclusively male, SIFPGs are being formalised for participating in JFM. In Orissa, although the state's JFM order has been revised to make 1 man and 1 woman per household general body members, often no effort is made to enforce the rule while registering exclusively male SIFPGs as VSSs (Sundar, N., 1996).

The danger of providing legitimacy to highly inequitable and exploitative power structures through JFM, unless gender and equity sensitive procedures of implementation are introduced, is illustrated by a case study from Maharashtra. A 10-year-old SIFPG protecting a reserve forest was found to consist of only the

dominant land owners. They had stopped the *adivasis* and *barijans* from entering the forest, compelling them to buy firewood from the landowners. This SIFPG was formalised as an FPC under Maharashtra's JFM order in 1992¹² (Pant *et al.*, 1994).

4.7 Women's access to managing committees and becoming Office-Bearers

Both the eligibility criteria for Managing Committee (MC) membership and the process by which it is constituted determine the extent of the MCs 'representativeness' of the diverse interest groups within the concerned community, and consequently, the LIs sensitivity to gender and equity concerns.

Due to political leadership traditionally having been a male domain, increasing women's presence and participation at these levels requires facilitating changes in entrenched attitudes and perceptions about women's capabilities. It also requires increasing women's self-confidence to take decisions in accordance with their own priorities.

Women's representation on the managing committees of LIs has received cursory attention in the State JFM orders. While three states do not specify any mandatory presence of women on the LI's MC, most of the others arbitrarily provide for a minimum of one to three women members. Tamil Nadu and HP's orders are the only ones requiring that 50 per cent of the *village* representatives on the MC are women although in both cases, due to several outsiders being nominated as MC members (such as the forester) who would normally be men, women's actual representation will still be less than 50 per cent. Only HP's order requires a representative of the *village mahila mandal* to be a member of the LI's MC to link it with a local women's forum. *None of the orders either requires that the women representatives be selected by the forest dependent women within the community or that they should themselves be dependent on forests to be able to articulate the problems and priorities of women forest users.*

As far as the LI's office-bearers are concerned, practically all the orders are totally silent about women's presence at that level.

Where the state orders do not prescribe a mandatory minimum number of women, there tend to be no women MC members at all as in Rajasthan (Suess, 1995) and West Bengal (Ray, L., 1996). Where a minimum number of women MC members is prescribed, it often becomes the *maximum* as in Haryana and Karnataka (Sarin, 1993 & 1996; Correa, 1995).

Further, MC membership does not necessarily result in women having a say in decision making. Due to their being in a small minority, combined with strong cultural inhibitions, women have to muster exceptional courage to speak up in traditionally male forums. However, *often they are not even invited to the M.C. meetings.* In many cases, they remain unaware that they have been made M.C.

¹² While registering the self-initiated group as an FPC, the FD staff had appointed only a managing committee without any consultative process with the villagers, particularly the most forest dependent *adivasi* and scheduled caste women and men.

members as the men select the women members on their own simply to complete the formality (Sarin, 1993 and 1996).

The Experience of a Woman MC member from Haryana

The MC of Dhamala in Haryana asked Sibb, one of the two women MC members, to join a sub-committee to go from house to house to collect outstanding dues from HRMS members. She rejected the proposal in anger saying that when she was never invited to any MC meetings or consulted for any HRMS decisions, why should she join the men in the unpleasant task of collecting pending dues from recalcitrant members? (Sarin, M., 1996).

Without clear guidelines for involving actual forest users in JFM, powerful non-forest users are tending to find disproportionate representation in the managing committees and leadership posts of local institutions. This is not surprising as FD field staff find it easier to interact with people they already know in the villages. These tend to include ex-timber merchants, contractors or their agents, 'elephant chasers' and wealthy land or areca garden owners (in Karnataka) (Banerjee, N.K., 1996, Saxena et al, 1997, Hiremath, S., 1996).

Appropriation of HRMS control by the landed in Haryana

In the HRMS of Dhamala in Haryana, although higher caste landowning jats comprise only a third of the households, the HRMS's MC had 7 jat men with only 2 lower caste women (who were seldom invited to MC meetings) representing the lower caste, primarily landless, majority acutely dependent on forests for fodder (Sarin, 1996 & 1997).

To increase forest dependent women and men's participation, the State JFM orders need to be amended to provide that:

- at least one third of the Local Institution's managing committee members, as well as the office-bearers, are women. Where women are the predominant forest users, their minimum representation should be 50 percent.
- the women MC members should be selected by women forest users in separate meetings of homogenous groups of women.
- both women and men MC members and office-bearers should themselves be forest users. This could help in preventing powerful non-users from usurping control of local institutions.
- women's proportionate presence must be made mandatory to complete the quorum of all valid LI meetings.

5. THE FOREST DEPARTMENT — LOCAL INSTITUTION INTERFACE: 'THE PROBLEM OF INSTITUTIONALISED INEQUALITY'

For over a century, state forest departments have wielded enormous power and authority, with no concomitant accountability to forest dependent villagers. JFM partnerships, on the other hand, need to be rooted in *mutual* acceptance of clearly defined *rights, responsibilities, authority and accountability* by both FDs and community institutions. How facilitative are the institutional parameters on which the prescriptions contained in the state JFM orders are based for nurturing such a relationship between the FDs and the LIs?

5.1 The imbalance in power

Two aspects of the FD-LI interface particularly constrain the development of more balanced partnerships and robust local institutions, (i) the imbalance in power and control between the FDs and LIs and (ii) the pre-determined basis of interaction between the two parties governed by the income/timber sharing formula.

Excepting for Gujarat and Haryana, where the LIs can be autonomous co-operative or registered societies, in all other states they are registered only by the FDs. In addition, the responsibilities for maintaining LI accounts, convening its meetings and preparing/approving the 'joint' management plans as well as the powers of dissolution, conflict resolution and appeal, are almost solely vested in the FDs by most state JFM orders. With a forest officer being made the LI's member-secretary in most cases, even the proceedings of the LI are controlled by the FD with the secretary's accountability naturally being to the FD, and not to the general body of the LI. Even the right to nominate non-official members, including NGOs, to the LI's MC usually lies with forest officers instead of with the villagers.

The FDs cannot only unilaterally cancel the JFM agreement but also disband the organisation itself if it is considered to be violating any condition in the agreement. Even the sharing of forest product benefits is kept conditional to the 'satisfactory performance of its duties' by the LI. However, no criteria or transparent procedure for evaluating a local institution's performance have been specified. In the event of such denial of promised benefits, the LI has no right to any compensation for its investments of labour, time or capital made during the validity of the agreement. If the FD fails to honour *its* commitments, the villagers have no reciprocal rights of penal action against the FD.

No state has any provision for arbitration by a neutral third party to resolve disputes between the two partners, the majority vesting the power of final adjudicator in a senior forest officer. Only in West Bengal, the involvement of Panchayat Samiti and Gram Panchayat representatives in overseeing the functioning of FPCs can provide some countervailing force against the unilateral exercise of power by FD officers. In Andhra Pradesh, the DFO's power to supersede a VSS for '*sufficient reasons*' is conditional to his/her obtaining approval of a District Forest Committee. However, this committee is dominated by government officials with minimal representation of local communities (Upadhyay, S., 1997)

The sum of all these provisions is that instead of the local institutions being

accountable to their general body members to assure democratic and responsive functioning, they are, instead, accountable to FD officers. This defeats the very purpose of 'participatory' forest management.

The distribution of authority between the two parties for fulfilling their respective responsibilities is similarly totally asymmetrical. While the LIs have been assigned the major responsibility of protecting their forests from encroachment, illicit felling, grazing, fire, poaching, and timber smuggling, which in some contexts involves a risk to their members' lives, they have been delegated no *authority* for executing the responsibility.

Only in Andhra Pradesh, the VSSs have been empowered to apprehend forest offenders and hand them over to FD staff, the latter being bound to report on the action taken by them to the VSSs. In other states, some committed forest officers have used their discretionary powers to informally delegate such authority to the LIs. A DFO of Harda forest division in M.P., for example, empowered the LIs to even fine FD field staff if caught resorting to illegal extraction. Similarly, during his tenure as DFO, a Bihar FD officer told scores of villages that the forests belonged to them and they had all the powers to prevent unauthorised extraction.

Unfortunately, in a bureaucratic structure, such powers are vested in the territorial *post*, and not in such exceptional individuals who occupy it for a limited tenure. Once such individuals are transferred, the next officers replacing them may have totally opposite views and reverse their predecessors' decisions. In most states, many local institutions have experienced dramatic reversals in FD responses with changes in individual forest officers. Such experiences shake the villagers' confidence in the FDs' long term commitment to JFM itself. Local institutions in many states have been demanding the delegation of commensurate authority to them but with little response from the FDs.

Such an arrangement is contrary to the spirit of nurturing healthy partnerships in which both parties are equally and actively involved in negotiating mutually binding agreements and assumes that people's 'participation' and development of village institutions can be achieved through executive fiat.

5.2 Impact of JFM on SIFPGs

Democratic and equitable SIFPGs, functioning on the basis of negotiated and transparent decision making and responsiveness to diverse, often conflicting, needs and priorities of their membership, mirror the limitations of the JFM framework most starkly when the two come face to face. They present a tremendous challenge, and an opportunity, to adapt the JFM framework to make it more relevant for local needs and priorities.

Unfortunately, in none of the states has any effort been made to *formally* adapt JFM to accommodate and strengthen such well functioning SIFPGs. As discussed in section III, many SIFPGs have refused to participate in JFM due to finding its basis unacceptable and a threat to their very survival.

A large majority, however, are willing to compromise their reservations to reduce their vulnerability against the might of the state through gaining some form of

legitimacy. Without recognition, their legitimacy is also often questioned by neighbouring villages, migratory herders, commercial interests, as well as FD staff.

Given the asymmetrical FD-LI relationship provided for, however, instead of strengthening the SIFPGs, their coming within the JFM fold has tended to transform their internal decision making processes and functioning in the following unhealthy ways:

- Instead of having to rely on creating consensus among the general body membership, now some sections of the leadership use the power they have acquired through their proximity to the FD staff, to impose their own decisions.
- Instead of the villagers continuing to undertake cleaning and harvesting operations on their own as they did earlier, now they have become dependent on obtaining permission from the FD for every activity.
- Many groups have been compelled to change their membership, often agreed upon through complex processes of inter-group bargaining and negotiations on the basis of traditional usage, residence in proximity to the forest, level of dependence on forest produce, etc. to conform to prescriptions such as only those living within the boundaries of a revenue village being eligible for LI membership. In the process, in the Panchmahals district of Gujarat, those villagers residing in adjacent villages who were group members are getting disenfranchised despite their having contributed equally towards forest protection for several years.
- Many groups whose forest protection activities were accepted by their neighbours feel disempowered when told that their protected forest falls within another village and that there is no forest area within their own village boundaries.
- Instead of the groups' earlier ability to resolve conflicts with their neighbours through dialogue and negotiation, now the FDs define the terms, often generating a plethora of new inter-group conflicts, resentment and discord.

The design of the FD-LI institutional relationship is, thus, more geared to extending the FDs' control over the community through the LI created or reshaped in accordance with its own priorities than to nurture self-governing, sustainable resource management capacity among the villagers. Combined with the traditional forest management priorities built into the benefit sharing deal, the JFM institutional arrangement essentially uses the LIs as instruments for achieving the FDs interpretation of forest policy objectives than to nurture healthy co-management partnerships responsive to local needs.

5.3 Lesser devolution of power compared to earlier co-management experiments

The reluctance to devolve any power to the LIs; or even to permit them to develop

organically on the basis of consensual decision making, reflects a level of distrust or lack of confidence in the villagers which even the colonial government did not display.

The Van Panchayats in U.P. created in the 1930s elect their own representatives with no FD officer as their member secretary. Their effectiveness in managing their forests successfully for over six decades should dispel FD doubts about forest dependent villagers' capabilities.

Similarly, the Kangra Forest Co-operative Societies, also formed in the 1930s in H.P., were autonomous organisations without any FD role in their day-to-day functioning. However, the history of the Kangra Forest Cooperatives, which were created as a time-bound government *scheme* with the FD imposing forest protection priorities on them for regenerating timber, rings alarm bells for the future of target-driven JFM groups being set up under large donor-funded projects. The Kangra Co-ops died a slow death due to the government abandoning them by simply not renewing the 'scheme' under which they were set up (Ahal, R., 1996).

The institutional trust being placed in the VSSs in Andhra Pradesh and Madhya Pradesh appears somewhat positive exceptions on the scene. The A.P. FD routes all expenditure on JFM areas through accounts jointly operated by the VSS and the FD. The state government has also recently amended its JFM order to give *all* the income from forest produce, including from timber, to VSSs on the condition that at least 50% of it will be reinvested in the forests. Similarly, in M.P., expenditure budgeted for fire and normal protection is being transferred to the LJs giving them the option to use the money for their priority needs provided they ensure that their forests are protected from fire and other damage. However, feedback and monitoring mechanisms remain weak and it is difficult to assess the *quality* of implementation in view of rapid increases in scale.

5.4 Institutional change in FDs ?

For the forest bureaucracy, working with a large number of diverse and scattered local institutions demands radical changes in its centralised, top down planning and authority to develop the capacity for decentralised decision making responsive to the diversity of local needs and priorities. This implies challenging reforms in the Forest Departments' orientation, training, organisational structure, decision-making processes and priorities.

As already mentioned however, both the GOI June 1990 order, as well as all the state government orders are silent on the need for organisational change required by the FDs to make their functioning compatible with participatory forest management.

To date, some initiatives have been taken to change the orientation and culture of FDs primarily through the training of forest officers. Modules on tribals and forests have been added to the training syllabi and a few short, compulsory training courses for IFS officers on participatory planning, use of PRA techniques, etc. have been introduced. Some NGOs have been inducted for facilitating attitudinal change through the short training courses. In some of the externally aided forestry

projects, particularly those with a focus on process, vertically integrated workshops, exposure visits and overseas training have helped expose forest officers to diverse world views and perspectives. A slow attitudinal change is clearly evident among many officers and the overall relationship between foresters and villagers has improved in many areas.

However, no initiative has been taken to even begin addressing the problem of the hierarchical internal structure of the FDs which is totally incompatible with participatory management or to introduce more participatory decision making and internal democracy *within* them with greater decentralisation of power and authority at the lower levels. The FDs' interface with the villagers takes place through their field staff who are in no position to honour any commitments they make to the villagers if they receive contrary commands from above. No amount of training or reorientation can deal with this institutional problem unless the internal culture and structure of the FDs is democratised.

It also needs to be recognised that the FDs are themselves often constrained by the perceptions and views of senior bureaucrats responsible for policy making. Training equally needs to be imparted to government policy makers on the nature of facilitative frameworks needed to permit the development of more equitable, democratic and self-governing local institutions.

5.5 The institutional experiment with working groups

In recognition of the distance of senior officers from ground realities, the absence of effective feedback mechanisms from field staff to senior levels, and the expected emergence of unanticipated problems once the new approach started being put into practice, the institutional mechanism of 'Working Groups' or 'Steering Committees' has been developed in many states. Acting as apex advisory bodies for guiding the development of JFM, state level working groups are normally chaired by the chief of the state FD with other forest officers and NGO and research/academic institution representatives as members. Besides periodic review of progress and problems, Working Group meetings create a forum for different actors to provide inputs for timely modifications in programme design and implementation. Such Working Groups or Steering Committees have been set up in Haryana, West Bengal, Gujarat, Orissa, Karnataka, H.P. and A.P. The Orissa Steering Committee is chaired by the Forest Minister while that of Karnataka has the Development Commissioner as the Chairman.

In some states, similar forums have been created even at the division and range levels where community representatives are also members.

The fact that the senior-most representative of one of the principal actors in JFM, namely the FD, is normally also the convener of these working groups is emerging as an institutional design problem. If the concerned officer happens to be resistant to the concept of JFM, or to interacting with NGOs with differing world views, he simply stops convening any meetings. This disrupts even the limited flow of feedback from field experiences to senior decision makers.

Non-representation of community members in such state level forums on the

continuing assumption that intermediary NGOs can better represent community interests, is another weakness of most WGs.

To enable such forums to facilitate meaningful interaction and dialogue between the two principal actors, not only should the representation of both be ensured, but also, the convener should ideally be a non-FD government officer commanding adequate authority to demand attendance.

5.6 The emergence of grassroots federations

The problem of unequal power between nascent and fragile local institutions and well entrenched forest bureaucracies is all too evident in the implementation of JFM. It is clear that unless the voice of impoverished forest dependent women and men increases adequately to influence both policy making and congruent institutional development, it will be difficult to give substance to even more appropriately designed institutional arrangements.

In recognition of this fact, two initiatives have emerged. The first is that of SIFPGs in states like Orissa beginning to develop their own federations for networking, conflict resolution and policy advocacy. The second is that of NGOs promoting such federating processes among local institutions and lobbying for their representation in state and district level forums like the working groups. While Orissa has both types of these federations, nascent NGO promoted ones are beginning to emerge in Gujarat and Karnataka. At a smaller scale, similar federations of grassroots womens groups are also being promoted. Nari Bikas Saugh in West Bengal is an outstanding example of this type which has already successfully achieved a number of policy changes such as getting joint membership of husband and wife instead of only one representative per household introduced in West Bengal for FPC membership. NBS is now lobbying for one-third reservation for women on FPC executive committees in line with such reservation for women in panchayati raj bodies.

Another NBS/CWDS strategy for strengthening women's voice in decision making and increasing their access and control over forest resources has been to define management domains based on gender roles. With its membership consisting of women NTFP collectors who have been lobbying for better prices and marketing support for NTFPs for over two decades, NBS is arguing that while men should manage Sal poles, women should be given the responsibility of managing NTFPs of greater interest to them. NBS and CWDS¹³ are lobbying for women being granted exclusive rights to the collection, processing and marketing of tendu leaves with a possibility of West Bengal's Tribal Welfare Department accepting this demand in the near future (Banerjee, N.K., 1996a).

NBS has also been questioning many of the FD's silvicultural prescriptions which prevent women dependent on NTFPs from increasing their incomes. It has been fighting for the women's right to raise tasar cocoons on sal trees which forest officers fear will harm tree growth. Articulate and self confident after years of

¹³ Centre for Women's Development Studies, which is providing support to NBS.

struggle and organised action, the women are not only questioning the forest officers' traditional focus on timber but are also able to confidently assert that their methods of raising cocoons on sal do not damage the trees (Banerjee, N.K., 1996a; Campbell, J., 1996).

Some of the NGOs promoting broader federations of local institutions are trying to encourage prioritisation of gender and equity concerns by the federations. Where raised at an early stage, and where progressive male leadership is available, this strategy has had a very positive impact in initiating 'people to people' processes. Such progressive male leaders were responsible for getting the principle of equal rights of all adults and equal representation of women at all levels in the emerging state level federation in Gujarat accepted. In Orissa, both the supporting NGOs and the local leadership have been more ambivalent towards gender and equity concerns. The autonomous grassroots federations are riddled with the same contradictions and inequities as their member SIFPGs.

Thus, overall, although federations of LIs hold the greatest promise of reducing the imbalance in voice and power between the FDs and individual LIs in the long term, to what extent they will really represent the interests of the poorest forest dependent users will be a function of the processes by which they gain greater voice, the composition of their leadership, how equity sensitive and democratic it is and the extent of empowerment of the weakest that they are able to promote.

6. SYNTHESIS AND CONCLUSIONS

Despite JFM representing a positive step towards decentralising forest management, with the potential of empowering and increasing livelihood security for impoverished forest dependent women and men, it remains an institutionally fragile and inadequate intervention in relation to the 1988 policy mandate. This is particularly so because JFM is being implemented in a context of deeply entrenched existing institutions designed for achieving contrary ends. These continue to function at cross purposes with the new policy objectives and with only minimal efforts to change them.

A major consequence of contradictory institutional arrangements at the macro level is that, at best, barely 30 percent of the country's total forest area is presently eligible for JFM, with this being as low as 2 to 3 percent in some states. Due to non-degraded forests being kept out of its ambit, despite the policy itself not specifying such a restriction, present JFM is an inadequate instrument even for achieving the policy's mandate of forest conservation. Surviving natural forests remain under the greatest pressure of illicit felling by organised interests and open access use by local forest dependent villagers.

Even in the limited area eligible for JFM, the villagers do not enjoy any security of existing or new rights. No mechanism exists to prevent such areas from being declared protected or being acquired for other 'development' projects due to no provisions to this effect having been introduced in the existing legislation.

Secondly, the JFM 'package deal' implicitly not only assumes production of timber to be the primary management objective, but also equates monetary

incentives from regenerated timber with satisfaction of the forest based needs of the villagers. In a socio-economic context of increasing differentiation and social change and acute dependence of the most marginalised women and men on forests for *current* survival needs, forest closure for regenerating timber transfers disproportionate opportunity costs of forsaking current consumption on such villagers. Better off villagers with minimal or no forest dependence, on the other hand, become new stakeholders in enforcing forest closure. As a consequence, instead of improving the access to and control over forest resources of the primary forest users, namely the poorest women and men dependent on forests for survival, in its present form, JFM often reduces these further.

Thirdly, the conventional, top-down forest planning and management is being extended to an equally inflexible prescription of rules, norms and procedures which direct the creation, constitution and functioning of 'community' institutions as well as the nature of their 'participation' in JFM. These are governed by a simplistic notion of 'community' which fails to recognise the inequalities of caste, class, ethnicity and gender within communities and households and the dynamics of power relations between them. By not ensuring inclusion of the most marginalised, the construction of 'community' and 'participation' by the prescriptions in the JFM orders continues to leave the voiceless without voice and entitlements.

Even at the interface with strong, democratic and consensus based self-initiated groups protecting forests for meeting their essential needs, it is the SIFPGs who are being compelled to modify their structures and functioning to conform to the prescriptions of the JFM orders rather than adapting the JFM 'deal' to build upon their strengths. This tends to radically transform the internal functioning of such SIFPGs by shifting their accountability to the Forest Departments from their general body membership. Simultaneously, no efforts are being made to see that the SIFPGs gaining recognition under JFM ensure representation and participation of all forest user groups, particularly of the most disempowered women forest users excluded from them by tradition.

The imbalance in power and control structured into the FD-LI institutional relationship is more geared to extending the FDs' control over the community through the LI created or reshaped in accordance with their own priorities than to nurture self-governing, sustainable resource management capacity among the villagers. Combined with the traditional forest management priorities built into the benefit sharing deal, the present JFM institutional arrangement essentially uses the LIs as instruments for achieving the FDs' interpretation of forest policy objectives instead of nurturing healthy co-management partnerships responsive to local needs.

If JFM is to genuinely redistribute access to and control over forest resources between the state and actual forest user, it needs to move beyond the abstract notions of the undifferentiated 'community', and specifically ensure the participation of *those women and men within communities and households who are the most dependent on forests.* This needs to be accompanied by developing strategies for empowering such groups of users to become the state's 'co-managers'

by reorienting forest management priorities to meeting their current needs and long-term interests for enhancing livelihood security. *Unless this is done, there is a danger that instead of such women- and men-users gaining improved forest access and control through JFM, they may, in fact, lose it further. On the contrary, powerful non-forest users or those with non-survival dependence on forests may usurp control over one of the few surviving CPRs still accessible to the poor.*

In principle, India's 1988 forest policy aims to work for both forests and people. In practice, inadequate attention to developing congruent institutional arrangements, which serve as the means for achieving desired ends, leaves a wide gap between policy goals and actual outcomes of JFM practice. Policy analysis and advocacy need to give greater attention to pursuing compatible institutional change for increasing the spread and durability of more equitable, sustainable and genuinely participatory co-management.

Appendix I

Reduced Access, Harsher Responsibilities: Gender & Equity Impacts of Increased Firewood Scarcity Caused by Forest Closure

Findings abstracted from several studies on JFM/SIFP about the impact of forest closure for regenerating timber on women and marginalised groups in areas characterised by resource scarcities are summarised below:

- **Manifold increase in poorer women's labour and time required for firewood collection from more distant areas. Women from better off households are able to switch to agricultural residues from private lands or to purchasing fuel from headloaders. Women from landless and small land holder households have no such options.**
- **Poorest women compelled to switch to poorer quality fuels like leaves, husks, lantana, weeds and dung. These can be smokier and/or increase women's time spent on cooking besides being ecologically damaging.**
- **Increased vulnerability to humiliation not only from forest officials and outside villagers, but also within their own households and communities due to the compulsion to 'thieve' from the protected forests.**
- **Increased tension and conflict, sometimes turning violent, between the poorest women and men and better off villagers.**
- **Loss of primary source of livelihood or supplementary income for those dependent on headloading.**
- **Particularly adverse impact on artisanal producers such as potters and blacksmiths.**
- **Impoverished women (and men) become easy pawns in the hands of middlemen and private contractors for indulging in 'mass loots' for survival income; long term sustainability of the arrangement precarious. (Sarin, et al; 1996)**

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Forests & Wildlife Division
World Wide Fund for Nature – India
172-B, Lodi Estate, Max Mueller Marg
New Delhi 110 003
Tel: +91 11 4642972, +91 11 4691761
Fax: +91 11 4626837
e-mail: fwl_wwfindia@vsnl.com
fwf@wwfind.ernet.in

and

Publications
International Institute for Environment and Development
3 Endsleigh Street, London WC1H 0DD, UK
Tel: +44 171 388 2117
Fax: +44 171 388 2826
e-mail: bookshop@iied.org

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This paper is part of a series of five papers in a Policy and Joint Forest Management Series:

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Policy Goals and JFM Practice: An Analysis of Institutional Arrangements and Outcomes

Involving local communities in protecting the forests received a strong boost with the 1988 Forest Policy which envisaged 'generating a massive people's movement, with the involvement of women'. However, the guidelines are not adequate nor flexible enough for the programme to be implemented on the ground. The paper tries to do an institutional analysis of JFM in relation to the objectives of the 1988 policy. The inadequate attention given to developing congruent institutional arrangements, both at the macro and micro levels, is explored with the ensuing gaps between the new policy goals and the outcomes of JFM practice.

The various sections analyse:

- the institutional context at the macro level and the effective bounds of participatory forest management defined by it in contrast to the sweeping policy mandate;
- the nature and the extent of forest dependence differentiated by caste, class, ethnicity and gender among forest dependent communities and the challenges this poses for making JFM relevant to the needs of the poorest forest users belonging to both the genders;
- the basic JFM 'deal' and the extent of its responsiveness to the needs of poor forest dependent people in the above context;
- issues of gender and equity raised by the dynamics of inclusion and exclusion in 'community' institutions and grassroots initiatives for regenerating forests;
- the interface of the state forest departments and communities made possible due to the JFM 'partnerships' and the extent of community empowerment.

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