

Sociology and Resource Management
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Module - 04
Participatory Approaches to Resource Management in India
Lecture - 17
Reformistic legislations on resource management

Hello, everyone. I welcome you back to the course on Sociology of Resource Management and we will begin with Lecture 7 today, which will cover the Reformistic Legislations on Resource Management.

So, just in a nutshell if you remember in the last class, we had already started talking about the rights-based approaches to resource management and while talking about the need and the evolution of many of such rights-based approaches towards resource management, I was also talking about specific issues and specific problems associated with the ground implementation of many of such rights-based legislation.

So, if you remember I discussed the work of Sharachandra Lele, who had specifically given us a very very interesting scheme of the laws as they evolved the resource management laws from being extremely exclusionary and top down particularly in the pre independence and also in the post independence period towards these kinds of reformistic and rights-based legislations.

And, what exactly led to the evolution of the rights-based legislations of resource management because as I was telling you that there was a time particularly during the 1970s, the early 1980s when there was widespread contestations and, conflicts across the country due to the massive eviction and dispossession displacement of the tribal and the non-tribal communities by the state forest departments, and these all these evictions were very ruthless - in most of the cases they were done without settling the pre-existing rights of these communities towards the forests as well as the resources.

So, at one point of time the state itself realized that without the active cooperation of the communities who are the users of these resources for such a long time, the forest cannot be conserved in an effective manner. If there is so much of antagonism between the

states and the communities, then it would be extremely difficult to manage the resources sustainably.

So, I will continue a bit with that and I will be specifically talking about some reformistic legislations part of which I have already discussed in the last class, but I felt somewhere that those policies need a bit of elaboration. So, I would be talking about many of these policies in order to delve deeper into the mission and the objective of many of these reformistic legislations as they evolved in our country.

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So, primarily what would be done in today's class? So, we will be covering some important legislations like I would be talking about mainly two policies – one is the Joint Forest Management - I had peripherally talked about JFM in the last class and the Forest Rights Act on both of these legislations policies I have myself worked, when I was doing my PhD on the Sundarbans.

I had the opportunity to observe the ground realities of the implementation of these two reformistic legislations very closely by talking to the primary stakeholders by talking to many of the state bodies and also while I would be talking taking examples from my own work, I would also be a bit critical about the ground implementation of these policies. So, I would be talking about cases and also, I would be generally speaking about some of the cleavages in the implementation of these reformistic rights-based legislations of resource management so, wherein despite being I would say a revolutionary approach

towards resource management - where the effectiveness of many of these legislations are actually falling short or where are they lagging behind, is it because of the implementation itself or there are realities, other political and structural realities that are actually encumbering the proper implementation and effectiveness of many of these legislations.

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The slide is titled "Important Legislations" and features a small image of a wooden gavel and a book. The text on the slide describes the National Forest Policy of 1988, stating it was established to ensure compensatory afforestation, environmental safeguards, sustainable utilization, maintenance, restoration, and enhancement of forest areas. It also mentions that the policy stressed that forests should meet the subsistence requirements of people and was intended to decrease degradation by forest dwellers through better management.

So, I would be starting with discussion of the National Forest policy, as I was telling you, that during the 1970s and the 1980s, there was a major shift in the thinking in the policy approaches towards the rights based reforms of resource management. And, the national forest policy of 1988 was perhaps the first reformistic policy, which thought about resource management in a different way in an equitable way.

And, this policy was established primarily to ensure compensatory afforestation because as I was telling you that due to growing antagonisms between the state bodies and the resource dependent communities, a lot of forest degradation was happening, the forests were overexploited and for a very long period of time there was no proper way that was found in order to solve these challenges and these growing assault on the resources.

So, this policy was designed keeping in mind several things, but the most important being - the rights-based approach focus on the livelihoods of the communities. Compensatory afforestation was one of the major objectives along with that essential

environmental safeguards, sustainable utilization, maintenance, restoration, and enhancement of the forest areas.

And, along with that it also stressed that the forests should meet the subsistence requirements of the people and was intended to decrease degradation by forest dwellers through better management or I would say co-managed. Now, according to the Ministry of Environment and Forests and climate change, the basic objectives that should govern the national forest policy were the following and I would point out some of them.

Maintenance of environmental stability through preservation and where necessary restoration of the ecological balance, that has been adversely disturbed by serious depletion of the forests across the country. Conserving the natural heritage of the country by preserving the remaining natural forests with the vast variety of flora and fauna, which represent the remarkable biological diversity and the genetic resources of the country.

Checking soil erosion and denudation in the catchment areas of rivers, lakes, reservoirs in the interest of soil and water conservation, for mitigating floods and drought and for the retardation of siltation of reservoirs. Checking the extension of sand dunes in the desert areas of Rajasthan and along the coastal tracks. Increasing substantially the forest or tree cover in the country through massive afforestation and social forestry programs especially on all denuded, degraded and unproductive lands.

Very importantly, the next point meeting the requirements of fuel, wood, fodder, minor forest produce and small timber of the rural and the tribal population. So, as I was telling you, that this policy mentioned about the livelihood needs of the people and also discreetly about the rights of the people towards the resources that they had been governing and utilizing for generations.

Also, it mandated increasing the productivity of forests to meet essential national needs, encouraging efficient utilization of forest produce, and maximizing substitution of wood, creating a massive people's movement with the involvement of women for achieving these objectives and to minimize pressure on existing forests.

However, there was many of you would be knowing that a very recently about 4 years back there was an amendment in the National Forest Policy in 2018 and which among

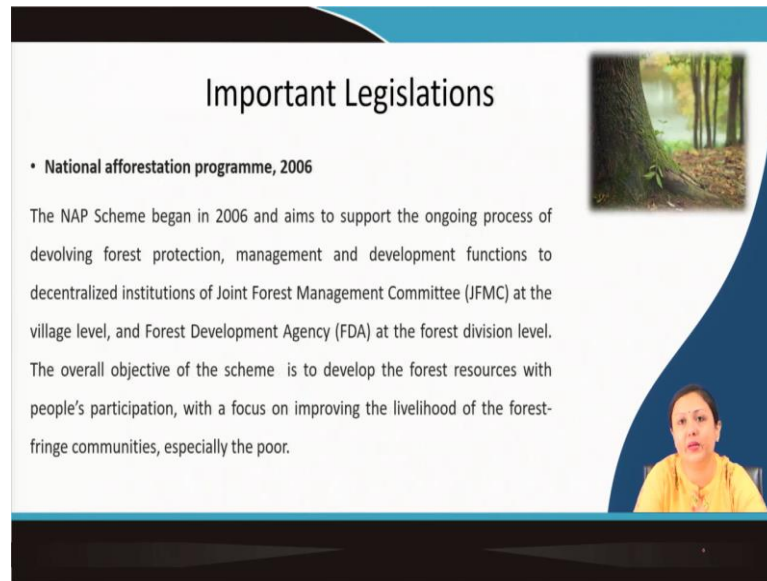
others while many of the provisions remained the same; certain aspects of the policy were found to be problematic. This revision, this amendment of the NFP, there were certain provisions which were identified to be problematic by some civil groups, academicians, researchers and environmental activists and I will come to that.

So, this particular amendment stressed on the maintenance of environmental stability, improvement of people's livelihoods and public private participation for undertaking afforestation as well as reforestation. But, as I was telling you, that the amendment was not convincingly effective for a range of institutions, civic bodies, environmental activists, as well as different researchers and ecologists who are part of very leading institutions across the country.

And, I quote from an article in Mongabay where Sharath Chandra Lele whose work I had already introduced earlier. He is a very renowned ecologist, environmental activist and he is currently a distinguished fellow at the ATREE in Bangalore. He says in this article and I quote him that, "on the issue of community participation, the draft National forest policy 2018 has actually moved backwards rather than building on the progress made from the time of the actual National Forest Policy implementation in 1988 followed by Joint Forest Management and the implementation of the Forest Rights Act. The fact that there are communities that either live in the forests or are heavily dependent on it for their resources is not at all mentioned." And he further said that the Forest Rights Act is mentioned only in the context of harmonization with other laws through the proposed CFM.

This negates all the work that has gone before for giving rights to the forest dwelling and the forest dependent community. So, as you can see that he remained quite critical about the community about the aspect of community participation and the recognition of rights that had been mandated in this Draft, National Forest Policy in 2018.

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Important Legislations

- **National afforestation programme, 2006**

The NAP Scheme began in 2006 and aims to support the ongoing process of devolving forest protection, management and development functions to decentralized institutions of Joint Forest Management Committee (JFMC) at the village level, and Forest Development Agency (FDA) at the forest division level. The overall objective of the scheme is to develop the forest resources with people's participation, with a focus on improving the livelihood of the forest-fringe communities, especially the poor.

So, there is another legislation the National Afforestation Program that was introduced in 2006 and this National Afforestation Program scheme it began in 2006 and it aims to support the ongoing process of devolving forest protection, management and development functions to the decentralized institutions of the Joint Forest Management Committees at the village level, the Forest Development Agency at the forest division level.

The overall objective of the scheme is to develop the forest resources with people's participation, with a focus on improving the livelihood of the forest fringe communities, especially the poor.

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The slide is titled "Important Legislations" and features a small image of a forest on the right side. It contains two main bullet points:

- **Joint forest management (1900s onwards)**
Under JFM, village communities along with state forest officials are entrusted with the protection and management of nearby forests. The areas concerned are usually degraded or even deforested areas.
- **Forest Rights Act 2006**
The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (FRA) is a landmark statutory law which aims to grant ownership rights and forest management powers to the marginalized forest-dependent communities in India.

Now, I would come to the two most important reformistic legislations the Joint Forest Management and the Forest Rights Act, both of which I have personally worked on. So, the environmental information system of the Government of India states that the Ministry of Environment, Forests and climate change consolidated the intervention on participatory forest management through the National Forest Policy of 1988 and then through the enabling guidelines in 1990 on the joint forest management.

According to the Joint Forest Management policy, states followed their own guidelines of the JFM program. As it happens with any change in the management regime, the progress of JFM was slow in the initial years as many policy technical and institutional issues cropped up in the field. Only around 4 million hectares of forests in 17 states were under the Joint Forest Management until 1988.

The program received a major boost when a JFM cell was created in August 1988, in the Ministry of Environment and Forests to monitor the progress of Joint Forest Management and act as a clearing house for information on JFM.

After wide ranging discussions among all the stakeholders through a committee of experts, the Ministry of Environment and Forests issued another set of guidelines in February 2000, which inter alia included uniform nomenclature and legal backup to the Joint Forest Management committees across the country and extension of JFM to good forest areas with focus on management of non timber forest product.

Further guidelines were issued in December, 2002 on setting up conflict resolution mechanism with Panchayati Raj institutions to ensure the support in forest management.

And, this program received further impetus when the Joint Forest Management cell and the national afforestation and eco development board evolved the concept of forest development agencies as autonomous federation of Joint Forest Management committees registered under the Societies Act 1860 for the empowerment of the local communities, for the regeneration of the forests and for livelihood creation activities.

This provided financial support to JFM program by the government of India and facilitated fund flow to the implementing agency that is the FDA, to their bank account directly from the NAEB that is the National Afforestation and Eco-development Board.

Now, as you can see that this had been a very very path breaking - the Joint Forest Management had been a very path breaking policy in terms of recognizing the rights of the communities who had been deprived of their ownership and access to the resources earlier, and primarily this policy focused on a co-managed approach where the communities along with the state bodies can effectively come together.

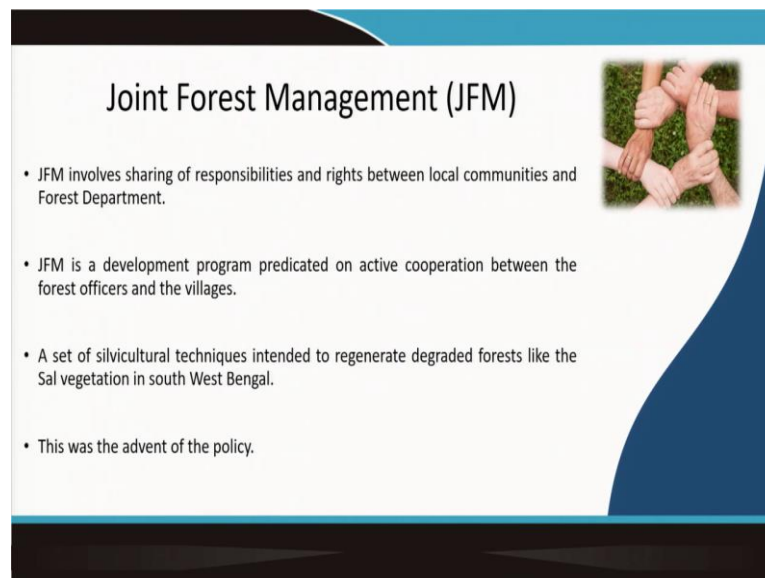
And, this was for the very first time that there was such a holistic vision which made possible the coming together of the state bodies and the forest communities. And, there had been as I was telling you, there had been quite a bit of policy thinking and institutional approaches towards making this policy particularly effective in areas where there had been degraded forests quite some time due to different issues like I was telling you about conflicts between the state bodies and the communities.

So, another very very revolutionary legislation that was passed in 2006 and subsequently implemented in 2008 was the Schedule Tribes and the other traditional forest dwellers recognition of Forest Rights Act which is actually it is we refer to this particular act as the Forest Rights Act. And, this has been considered as a landmark statutory law in terms of recognizing and vesting the historically denied forest rights of the scheduled tribes and the other traditional forest dwellers in India and, it succeeded a range of forest laws which excluded the rights of these communities to the forests that they inhabited and the resources on which they subsisted. The Forest Rights Act was notified for operation from 1st January 2008, guaranteeing a statutory mandate towards regularizing lands

particularly which are under subsistence cultivation and habitation in areas that are officially considered as forests.

And, according to this particular Act, the inviolate conservation areas which were earlier constituted or which were earlier notified without the consent of the local people, but this act particularly mandated that any notification any marking of inviolate conservation areas which are particularly known as the critical wildlife habitats can be constituted only with the informed consent of the forest dwellers, the forest dependent communities and, in such cases where this notification has to be made a secure livelihood package to the affected communities and approval of the concerned village assembly that is commonly known as the Grama Sabha, would be mandatory.

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Joint Forest Management (JFM)

- JFM involves sharing of responsibilities and rights between local communities and Forest Department.
- JFM is a development program predicated on active cooperation between the forest officers and the villages.
- A set of silvicultural techniques intended to regenerate degraded forests like the Sal vegetation in south West Bengal.
- This was the advent of the policy.

Now, I will come to a bit of elaboration about these two policies. So, Joint Forest Management as you can already understand it involves sharing of responsibilities and rights between the local communities and forest department. So, Joint Forest Management is basically a development program predicated on active cooperation between the forest officers and the villages.

A set of silvicultural techniques intended to regenerate degraded forests like the Sal vegetation of south West Bengal, I will come to that. With this particular. South West Bengal was actually the advent of the Joint Forest Management committee, the formation of Joint Forest Management and the subsequent formation of the committees.

And, it will be actually very interesting to know about the detail, the advent of this policy and to begin with we should mention here that the Ministry of Environment, Forests and Climate Change website actually states about this that in 19, in the late 1960s and 1970s the political atmosphere particularly in parts of the eastern West Bengal was quite tense.

And, there was tremendous and this was also the same in the south West Bengal and there was tremendous pressure during this time on the state forests. The communities, the forest communities actually had, were, they were left with no alternative, but to indiscriminately cut trees and meet their basic needs.

And, in order to stop this, what the forest department in the state did was that it they sought the help of the police to protect the remaining forest, but they were met with quite a bit of antagonism which resulted in violent and very very violent confrontation and even death of several people on both sides. And, this situation was particularly volatile in the Purulia district, where several tribal communities died, several tribals actually died because of this growing antagonisms.

So, around this time, many of you might have heard about this particular place called the Arabari - so, the Arabari is a very renowned forest range in the Midnapore district of south West Bengal. So, in this particular tract of forest in the Arabari forest range an Indian Forest Service officer whose name was Doctor Ajit Kumar Banerjee wanted to do certain experiments, certain silviculture experiments on particular plot.

And, these particular plots, he noticed that the local communities are often trespassing these plots in search of their fuel wood and for different other needs like cattle grazing. And this was the time due to the partly, also because of the growing conflicts this very wise forest officer Doctor Banerjee actually realized that forest fencing would not work well -this would not be a viable and sustainable solution because this would only increase the growing antagonisms and it would not result in any kind of worthwhile conservation plans. So, he realized that the fences alone would not work and this was also the time when he himself visited and interacted with multiple villagers, began discussions and negotiations with the communities of around 11 villages surrounding this particular experimentation - Arabari forest experimentation area.

And, an informal agreement was actually reached with which benefited both the parties and this was that the villagers would have to stop grazing and grass cutting on the field

plots and in nearby areas and in return so, there has to be some incentive otherwise why would they do this? something that they have been doing. So, in return the forest officer Doctor Banerjee ensured that they would get 25 percent of the revenues from the sale of timber from these particular plots in the Arabari range and all rights to non timber forest products.

So, they would be having absolute ownership of the minor forest products, this is something that he ensured that this is something that he promised in order to incentivize the people to stop the indiscriminate felling of the trees and the use of utilization of resources. And, also along with this a comprehensive employment program was offered to the communities by involving them - involving the communities in the plantation work.

And, this agreement paved the way for natural regeneration resulting in a very substantial increase in biomass productivity and enhanced availability of fuel, fodder, fiber and other non timber forest products. And, with this particular intervention, it you would be very happy to know that the first forest protection group was formed in this way in West Bengal that was recognized by the forest department and this was sometime in 1972.

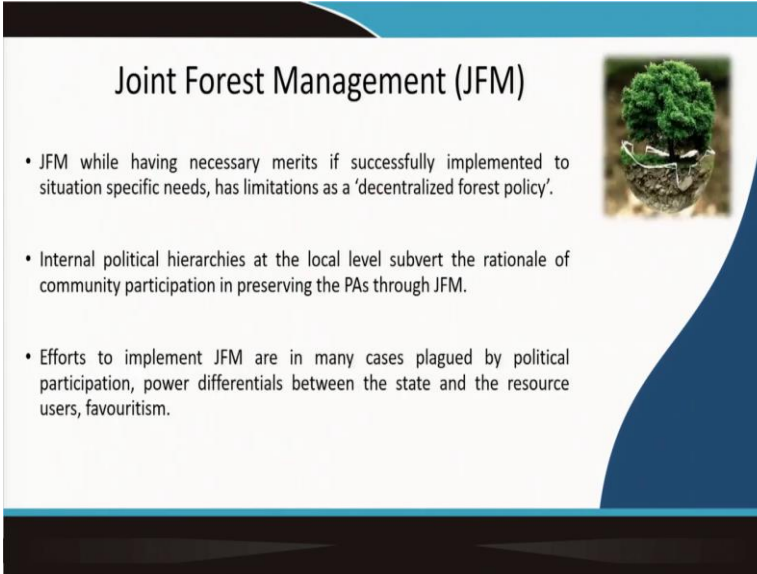
And, with this with this exemplary case of forest protection with the communities and the state coming together several other informal arrangements started emerging in multiple other parts of West Bengal or like in Bankura, Purulia and different other places. And, inspired by this success the late 1970s actually saw several villages in south West Bengal starting to deal with the forest management crisis in their own.

They started taking care of small tracts of degraded forests. People cutting trees were stopped by the villagers themselves by the village volunteers and the repeated offenders were fined; outsiders were not allowed to cut trees. Throughout the 1980s, the forest department informally supported these efforts and encouraged the formation of the forest protection committees.

The number of functional forest protection committees climbed steadily from fewer than fifty in 1985 to around two thousand in 1990. In 1989, the West Bengal government issued a resolution legitimizing Joint Forest Management drawing on the Arabari experience -the resolution encouraged the villagers and the forest department to work


collaboratively to conserve the forests and following the same trend, villagers were entitled to 25 percent share in the sale of timber products and rights to most of the non-timber products.

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Joint Forest Management (JFM)

- JFM while having necessary merits if successfully implemented to situation specific needs, has limitations as a 'decentralized forest policy'.
- Internal political hierarchies at the local level subvert the rationale of community participation in preserving the PAs through JFM.
- Efforts to implement JFM are in many cases plagued by political participation, power differentials between the state and the resource users, favouritism.



However, it also needs to be mentioned that one particular policy which was so ambitious and which started with such spirit actually most of the magnificent efforts towards Joint Forest Management we saw that it got plagued later on, I will come to the elaboration in the next couple of lectures and, but just to mention in a nutshell that the purpose and rationale of Joint Forest Management got diluted in several states of India.

And, we have to understand something here that policies like the Joint Forest Management while having necessary merits if they are successfully implemented to situation specific needs, has particular limitations as well. And, internal political hierarchies we can see that at the local level they subvert the rationale of community participation in preserving the forests - through Joint Forest Management.

Efforts to implement, similarly the efforts to implement Joint Forest Management in several states, had been plagued by political participation, power differentials between the state and the resource users and favoritism.

I also draw on a particular study on Joint Forest Management by Nandini Sundar where she says that in describing the range of local forest protecting institutions across India it

is very common to differentiate between the community forest management which actually existed before the advent of the Joint Forest Management and unpacking what is actually meant by 'joint' in Joint Forest Management.

And, in this particular paper that I would be sharing with you she actually quotes from Madhu Sarin who is again a very very renowned environmental activist and an advocate of community rights and here she quotes Madhu Sarin who lists three categories of institutions. So, first were those which emerged out of local initiatives such as there were many committees in Orissa and Bihar which were managed by village youth clubs or village elders, in many cases protecting the village forest land, but also the reserve forests.

The second category are those promoted by the forest department itself especially in states with large donor funded forestry projects like Madhya Pradesh and Andhra Pradesh. Finally, there are committees initiated by the NGOs such as the Gram Vikas Mandals in Gujarat which have been undertaking forest protection in addition to their other functions and she states that it is thus also important to consider other factors such as the parameters within which each of these groups operate and the consequences of particular intervention.

More so, because in all these three cases she mentions that we have to be particularly aware of the fact that communities are not only often hierarchical and conflict ridden rather than homogeneous and harmonious but, also, we can see that they are involved in a multiplicity of different relationships with different political institutions. And, this would be something that I would be elaborating when I draw on the particular case studies that I had conducted myself.

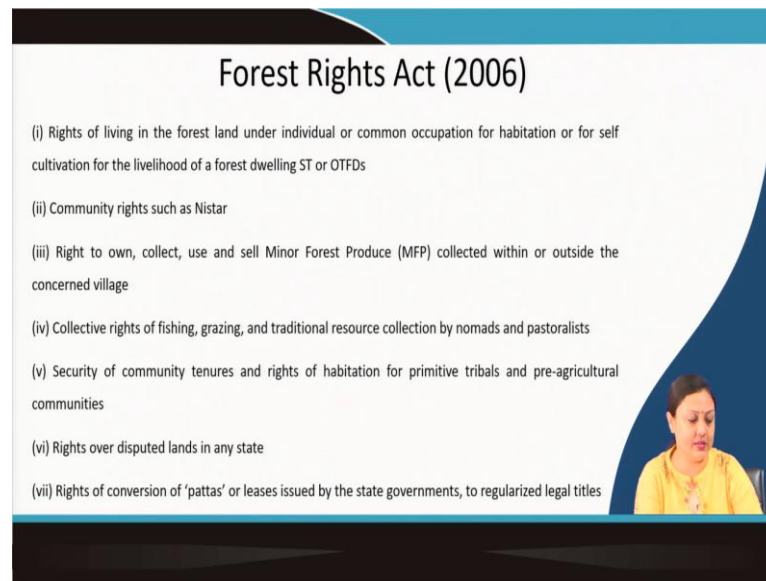
And, in any one Indian village for example, villagers have links with the members of their caste within and outside the village, with political parties, religious groupings, marital circles and so on, and this has a major impact on fair benefit sharing as prescribed by the Joint Forest Management.

And, they further mention that in most cases it has been observed that decentralized policies have occurred only in name, no mechanism for accountability, conflict resolution and effective collaboration between the forest department and the communities were put to place because there had been several other factors like social

stratification, cultural diversity and rural leadership, they were also not taken into cognizance.

And, there was a serious gap in reorientation of government officials in capacity building of NGOs and communities and in building of effective extension models.

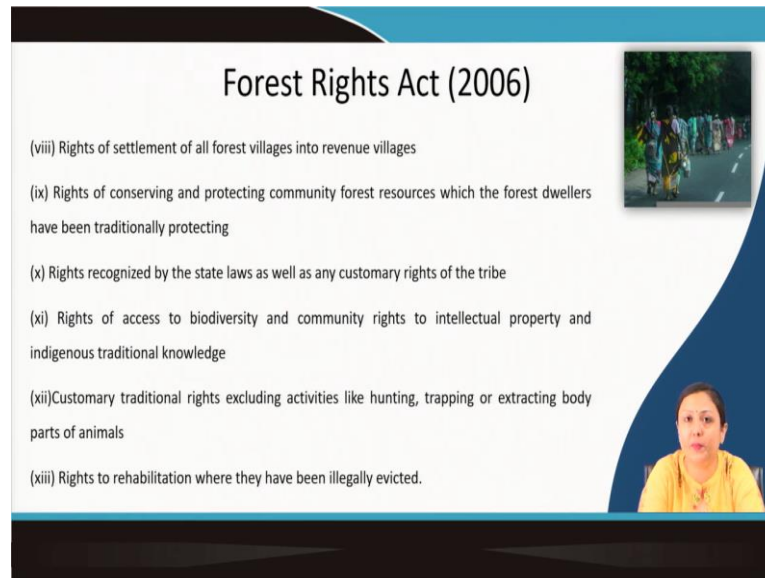
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Coming to the Forest Rights Act, first I would be making you aware as I was telling you that the Forest Rights Act mandates particular rights so, we will know what these rights exactly are. Let us see what these rights are. Rights of living in the forest land under individual or common occupation for habitation or for self cultivation for the livelihood of a forest dwelling scheduled tribe or other tribal forest dependence or other traditional forest dependents, sorry.

Community rights such as Nistar. Right to own, collect, use and sell minor forest produce collected within or outside the concerned village. Collective rights of fishing, grazing and traditional resource collection by nomads or pastoralists. Security of community tenures and right of habitation for primitive tribals and pre-agricultural communities. Rights over disputed lands in any state. Rights of conversion of patta or leases issued by the state government to regularized legal titles.

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Forest Rights Act (2006)

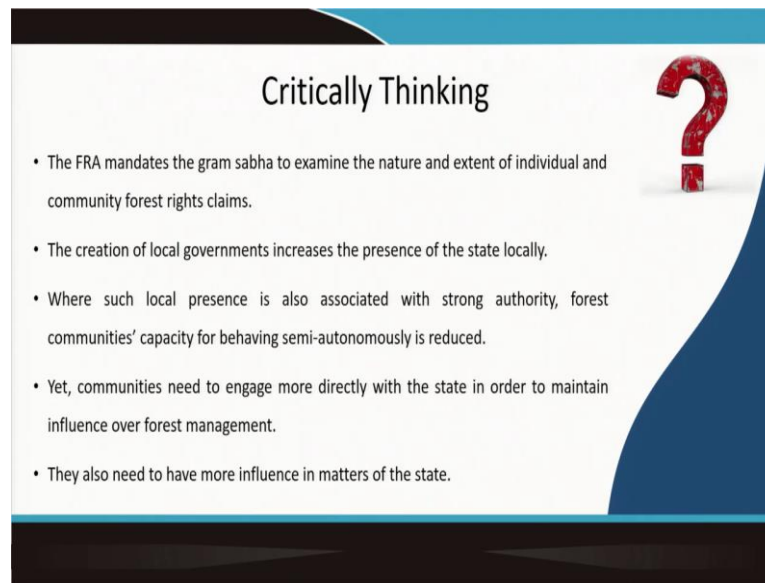
- (viii) Rights of settlement of all forest villages into revenue villages
- (ix) Rights of conserving and protecting community forest resources which the forest dwellers have been traditionally protecting
- (x) Rights recognized by the state laws as well as any customary rights of the tribe
- (xi) Rights of access to biodiversity and community rights to intellectual property and indigenous traditional knowledge
- (xii) Customary traditional rights excluding activities like hunting, trapping or extracting body parts of animals
- (xiii) Rights to rehabilitation where they have been illegally evicted.

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Rights of settlement of all forest villages into revenue villages. Rights of conserving and protecting community forest resources which the forest dwellers have been traditionally protecting. Rights recognized by the state laws as well as any customary rights of the tribe. Rights of access to biodiversity and community rights to intellectual property and indigenous traditional knowledge. Customary traditional rights excluding activities like hunting, trapping or extracting body parts of animals. Rights to rehabilitation where they have been illegally evicted.

So, as you can see that a chunk of this particular legislation, I would say at the heart of this particular law the act the Forest Rights Act had been the particularly restoring the rights and the livelihoods restoring the particular access of resources which had long been sort of, taken away from them due to the exclusionary policies of forest management.

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Critically Thinking

- The FRA mandates the gram sabha to examine the nature and extent of individual and community forest rights claims.
- The creation of local governments increases the presence of the state locally.
- Where such local presence is also associated with strong authority, forest communities' capacity for behaving semi-autonomously is reduced.
- Yet, communities need to engage more directly with the state in order to maintain influence over forest management.
- They also need to have more influence in matters of the state.

Now, we have to understand here that the creation of local governments and I would actually be talking more about this when I talk about the case studies to see where actually the lacuna - so, all these I have been explaining to you theoretically and conceptually, and I would be particularly talking about the lacuna when I talk about the case studies in the next couple of lectures, case studies drawing on my own work.

But we have to understand that the creation of local governments actually increases the presence of the state locally and this is very important. And, where such local presence is associated with strong authority, forest communities' capacity for behaving autonomously is actually reduced. Yet, communities need to engage more directly with the state in order to maintain influence over forest management and resource management. They also need to have more influence in matters of the state.

I would do not have much time, but I just would like to quote from a very important work by Neera Chandhoke who writes very frequently on decentralization and rights-based policies and particularly on power redistribution and devolving rights. And, Neera Chandhoke had written in one paper, in the Economic and Political Weekly, that I would be sharing with you and this paper I feel holds very important lessons about this particular the fact that we are discussing - the pluralization of governance and states.

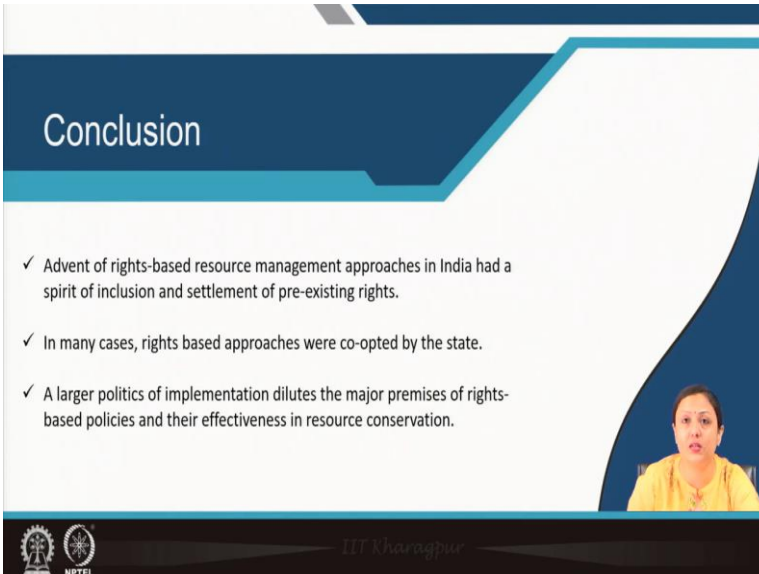
And, this particular article whose name is 'governance and the pluralization of state' raises a very important question about the devolution of power, and I quote the questions

from the paper itself and I, this would actually give you some food for thought on which you can deliberate depending on contextualizing all the discussions that we did in today's class about reformistic legislations and what these questions are.

“How do we democratize bodies that are out of reach of representation? How do we ensure that democratic procedures take into account background inequalities? Governance in other words has thrown up major challenges for the liberal democratic project and we need to think this through or should we raise new questions for the project of governance itself.”

She also talks about some case studies which particularly talks about the implementation of Joint Forest Management and the pluralization of governance. And, I would be very interested and I would be very happy if you go through the paper - this particular EPW paper by Neera Chandhoke to know about the cases that she talks about and the particular nuances about the pluralization of the state.

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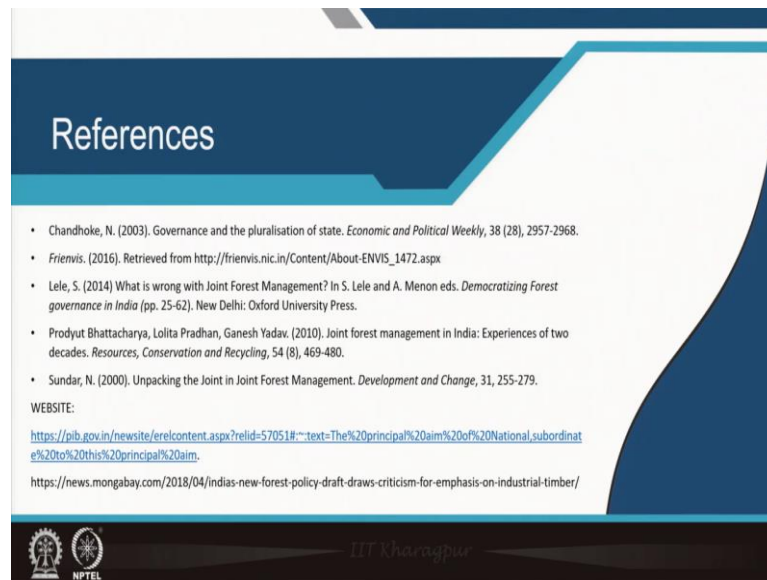
The slide features a dark blue header with the word 'Conclusion' in white. Below the header, there are three bullet points, each preceded by a checkmark. In the bottom right corner, there is a small video inset showing a woman with dark hair wearing a yellow top. At the bottom of the slide, there are logos for IIT Madras and NPTEL, and the text 'IIT Madras' is visible in the center.

Conclusion

- ✓ Advent of rights-based resource management approaches in India had a spirit of inclusion and settlement of pre-existing rights.
- ✓ In many cases, rights based approaches were co-opted by the state.
- ✓ A larger politics of implementation dilutes the major premises of rights-based policies and their effectiveness in resource conservation.

So, to sum up we can say that the advent of rights-based resource management approaches in India had a spirit of inclusion and settlement of pre-existing rights. In many cases, rights-based approaches were co-opted by the state. A larger politics of implementation dilutes the major premises of rights-based policies and their effectiveness in resource conservation.

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<https://news.mongabay.com/2018/04/indias-new-forest-policy-draft-draws-criticism-for-emphasis-on-industrial-timber/>

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NPTEL

So, these are the references that would be shared with you and these references have been used in the making of the lecture.

So, thank you and we will meet again for the next lecture.