

**INSTITUTIONS AND SUSTAINABLE DEVELOPMENT:
A STUDY OF JOINT FOREST MANAGEMENT IN ASSAM**

*Dissertation submitted to Jawaharlal Nehru University
in partial fulfillment of the requirements for
the award of the degree of*

MASTER OF PHILOSOPHY

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We recommend that this Dissertation may be placed before the examiners for evaluation.

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***IN MEMORY OF MY DEAR FATHER
WHO HAS BEEN A CONSTANT
SOURCE OF INSPIRATION AND
ENCOURAGEMENT***

ACKNOWLEDGEMENTS

The writing of this dissertation has received a lot of cooperation from different quarters. I wish to extend my sincere thanks to all of them who very kindly extended their help for the preparation of this dissertation.

I am immensely grateful to my supervisor Dr. Asha Sarangi for her incisive and constructive criticisms. I express my deep feeling of gratitude to her who has been the guiding spirit throughout the preparation of this work.

I take this opportunity to thank Prof. Kuldeep Mathur for providing initial thoughts on this topic.

I am also grateful to the staff members of Jawaharlal Nehru University, Centre for Science and Environment, Teen Murty and Omio Kumar Das Institute of Social Change and Development libraries for providing me the essential study materials related to my topic.

My last word of thanks is reserved for my dear mother and for my brother , Lafu without whose constant support and encouragement none of this would have happened.

Any omission in the study is my responsibility.

Pritam Dutta

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INTRODUCTION

India's forests are critically important in meeting a wide diversity of needs for her large population and more specifically to the lives of millions of poor rural communities who depend directly on forest resources for their livelihood. However, forests have suffered continuous decline over time and increasing deforestation and rapid degradation of forest land have become issues of deep environmental concern both at local and international levels. The current crisis in forest management is profoundly embedded in the historical process through which state forestry institutions evolved over the last century. The forces driving deforestation are complex and forests suffered a process of degradation through a series of human interventions reflected through systems of centralized bureaucratic control of forest lands and forest policies that evolved since the advent of the British colonial era.

The real thrust of forest policies in post independence period was to cater to the interests of industries and to generate revenue by the forest department at the expense of the rights and needs of forest dependent communities. Further, forest agencies entrusted with the task of protecting forests alone were incapable to stem forest degradation. In recent times, a consensus seems to be emerging for the need to radically restructure forest management practices through institutional arrangements that prioritize the maintenance of diverse, secure and sustainable livelihoods of forest dependent communities.

The reconceptualization of development from development as economic growth and material prosperity has called for recognizing the limits of state control over forest resources and hence the need for participatory management. The new definitions of development have recognized the importance of local communities in defining development through programmes and practices based on concepts of participation, empowerment, knowledge sharing and co-production/ co-management strategies.

In the forestry sector, the 1988 National Forest Policy completely reversed the earlier objectives of forest management and emphasized the management of forest for meeting local communities needs. In 1990, based on the new forest policy objectives and encouraging results from some pioneering experiments in community based forest management, most notably the Arabari experiment in West Bengal, the Sukhomajri experience in Haryana and also lessons drawn from traditional institutions like the Van Panchayats in Uttaranchal, the government launched the JFM programme. A central government circular dated 1st June, 1990, directed all states to involve local communities in the protection and management of degraded lands.

JFM is a new organizing principle that gives stake to people in the sustainable use of forests by involving them in their management. It has therefore emerged as an 'intermediate' arrangement between 'pure state forestry' and 'pure community forestry'. The two principal stakeholders in the JFM system

includes the state as represented by the functionaries of the forest department at the field level and communities, usually grouped together as a collective decision making body.

This research intends to study the experience of participatory forest management through JFM programmes and to relate it to the wider concerns of development, people's participation and institutional arrangements designed theoretically to manage common property resources within the broad imperatives of efficiency, equity, empowerment and democratic governance. In this context, the experience of participatory forest management practices in the state of Assam is taken up as an empirical study to understand the institutional support system and the operational constraints of JFM in the context of its operation in the state. This would mean an understanding of the problems experienced in managing people's participation, the nature of social groups harnessed for implementing JFM programmes and also an examination of the relationship between local communities and forest department staff, the two principal stakeholders of the JFM programmes.

The objective of the study is to understand:

- a) The emerging relationship between the state and local communities in managing natural resources sustainably.
- b) The wider socio political environment under which participatory institutions can produce efficient outcomes

within the broad objectives of ecological, economical and social sustainability.

- c) Conditions that promote effective people's participation and
- d) Identify some major issues relating to the institutionalization of JFM programmes.

The research will be both exploratory and descriptive. It will review existing literatures on institutions for managing CPRs and people's participation and also draw insights from the working of the forestry sector in Assam's Sonitpur East Forest Development Agency. Data on its working has been collected from secondary sources as well as from interviews conducted with forest staff involved with JFM programmes.

In chapter one an effort is made to trace the changing discourse of development and people's participation by understanding the process of the state led development experience, the role of the bureaucracy and the emergence of new participatory institutions, most notably the JFM in the forestry sector.

Chapter two examines the theoretical underpinnings of the concept of participation as used in the contemporary development discourse and also attempts to understand the theoretical concepts of different institutional arrangements for managing CPRs.

Chapter three seeks to trace the evolution of policies governing the forestry sector and the ongoing debate among the principal actors in changing forest governance practices. It then

examines the evolution of JFM programmes in the country and raises issues related to the institutionalization of JFM programmes.

Chapter four reviews the policies that have had a bearing on contemporary problems in the forestry sector in Assam and also examines the institutional arrangements at the micro level to protect, preserve and regenerate forest resources. It then makes an empirical study of Sonitpur East Forest Development Agency to understand the problems in institutionalizing people's participation in JFM programmes.

CHAPTER - I

People's Participation and Sustainable Development

The career of the concept of development has undergone numerous twists and turns.¹ 'Development theory' which originated in the immediate aftermath of the Second World War came to equate economic growth and material prosperity as the primary tool to realize progress. The state was assumed to be the prime lever of this process of development. Development planners assumed that the growth oriented top down development strategy based on a techno managerial model could accomplish the desired trickle down effect and reap the benefits of development to the marginalized sections. But the experience of the last five decades showed that growth does not trickle down – development must address human needs directly. In tune with the changing discourse of development, there was a recognition that problems of providing and maintaining public services and infrastructure and the effective management of local resources calls for decentralization, effective local decision making bodies and institutional mechanisms that can sustain the

¹ Jan Nederveen Pieterse identifies three major perspectives in the trajectory on development. These are mainstream perspective on development (MPD), alternative perspective on development (APD) and post development perspective (PDP). The goal of APD is the same as that of MPD but the means differ. In APD, the agency of development becomes crucial, a shift from state and/or market to civil society is emphasized. PDP rejects development as conceptualized by MPD and APD. PDP advocates the death of development; it is beyond development. Jan Nederveen Pieterse (2001), *Development Theory: Deconstruction /Reconstructions*, Vistaar Publications, New Delhi.

self organizing capacities of communities and groups in the development process.

The disillusionment with failures of plans and programmes sensitized policy makers and administrators to the need of understanding local realities. Larger questions about the nature of the state and domestic power structure were raised to critically scrutinize the reasons for the failure of development. 'Participation' emerged in response to global demands for greater individual and social control over the activities of the state and especially to the manifest failures of the traditional 'top down' management systems. Mainstream development gradually shifted its pre occupation with economic growth towards a more people centered definition of development – growth with equity, sustainable development and human development.

The development experience in India since independence has thrown up several challenges to the development debate itself. In this introductory chapter, an attempt is made to trace the changing discourse of development and then to place it within the context of India. This would mean tracing the historical underpinnings of development policy and an analysis of the role of the state and its agent, the bureaucracy in promoting development. The redefinition of development has meant a change in the role of the state. 'People's participation' has emerged as a response to the manifest failure of earlier strategies of development. In this context an attempt is made

to critically examine the concept of people's participation as evolved in India after independence.

In the first part of the chapter an attempt is made to trace the trajectory of the development discourse from development as economic growth to sustainable development and the human development perspective. Besides it also makes an effort to examine the role of the state in the development process. In the second part of the chapter an attempt is made to critically review the Indian development policy in relation to the principal institutions in the development process. It then seeks to trace the trajectory of people's participation from the Community Development Programmes in the early 1950s to the new forms of participatory practices, more particularly in managing common property resources (CPRs). In this context the case of Joint Forest Management (JFM) in the forestry sector as a participatory programme is taken up. People's participation in JFM thus becomes the framework for analysis throughout the subsequent chapters.

I

THE CHANGING DISCOURSE OF DEVELOPMENT

Development as economic growth and industrialization

The advent of capitalism in the fifteenth and sixteenth century and of industrial capitalism in late eighteenth century forced people's attention to human progress. Industrialization dramatically altered the natural world through new methods of resource extraction, production and transportation. With the end of

the Second World War, the idea of development captured the imagination of people all over the world. The post colonial newly emerging nations thus became an arena of a unique 'development' experiment which for western countries meant 'westernization' and 'modernization'.²

Two competing models – modernization/westernization and dependency emerged, both concerned with the specific problem of national development in the newly independent countries. The reconstruction of war ravaged Europe provided the model for the state directed modernization of the new nations. In this scheme, development implied the bridging of the gap between rich and poor nations, by means of an imitative process, in which the less developed countries gradually assumed the qualities of the developed. The western modernization model, influenced by Keynesian economics, argued strongly in favour of state intervention in the development process.³

From the late 1960s, modernization theory came to be challenged by the Latin American dependency school, which together with the more global world systems theory articulated the weak structural position of third world countries in the world system. The 'dependentistas' asked for a radical political transformation within these countries, as well as a delinking of their economies from the world market. With its focus on state

² Wolfgang Sachs (1997) 'Introduction', in Wolfgang Sachs (ed), *The Development Dictionary: A Guide to knowledge as Power*, Orient Longman, Hyderabad, pg. 1-7.

³ Colin Leys (1996), *The Rise and Fall of Development Theory*, Bloomington, Indiana U Press, pg. 1-15.

driven industrial urbanization and economic growth, dependency theory, however, did not differ much from the modernization school with respect to the *content of development*.⁴

Basic Needs Approach

By the end of the 1960s, there was growing disillusionment with the practice of development. There was mounting evidence to suggest that the new resources generated through development were cornered by the powerful and the rich. Development itself instead of solving problems has been continuously creating and recreating them. It was argued that economic growth that actually took place in most developing countries seemed to go together with the increase in absolute and relative poverty. In response to this dilemma, the Basic Needs Approach emerged as a new strategy to deliver welfare outcomes. In due course, the Basic Needs Approach searched for more human centered and locally relevant process and patterns of development.⁵

The environment development interface and the emergence of the concept of sustainable development

The devastation wrought by industrialization on the environment produced a new trend in development thinking. By the middle of the 1970s, the concepts of environmental conservation

⁴ Ibid.

⁵ Gustavo Esteva (1997) 'Development' in Wolfgang Sachs (ed), *op. cit* 2, pg. 8-34.

and management came to be directly linked to the practice of development.⁶ There was a growing realization that too little emphasis has been placed on the development environment interface. However, since the Brundtland Commission in 1987, attention has been increasingly focused on the concept of sustainable development. Sustainable development as defined by the Brundtland Commission meant, *'development that meets the needs of the present without compromising on the ability of future generations to meet their own needs.'*⁷

The interpretation of sustainable development and its implications for planning vary as widely as the ideologies of its various proponents. However, rather than dwelling on the ideological differences per se, in this chapter the focus is on people's participation as an important ingredient to translate the goals of sustainable development in an institutional context at the local level. The initial attempts to make the concept of sustainable development operational were primarily focused on the economic and environmental dimensions of sustainability.⁸ People's participation in the management of natural resources was conceived to promote efficiency in natural resource use and conservation from a purely instrumental point of economic and ecological sustainability. However, the contribution of the human

⁶ Michael Radcliff (1992) 'Sustainable Development and Global Environmental Change: Implications of the Changing Agenda' *Global Environmental Change*, pg. 32-42.

⁷ Ibid.

⁸ Ibid.

development perspective has considerably enriched the debate on sustainable development. In concurrence with this new perspective, development policies have acknowledged the importance of the social dimensions of sustainable development practices.

Human Development Perspective

A very significant contribution to the development debate came from the human development perspective associated with the writings of Mahbub ul Haq⁹ and Amartya Sen.¹⁰ Haq critically examined the dimensions of sustainable development and emphasized that a model of sustainable development must deal with the multiple threats of poverty, population growth and environmental degradation. Haq outlined a model that recognized that economic growth must be woven around people, not people around growth. Thus, to Haq if the process of economic and social development is defined in terms of an increase in a country's welfare, a concept of development is required which embraces not only economic variables and objectives, but also social objectives and values for which societies strive.¹¹

In this context, Amartya Sen argues that economic growth should not be viewed as an end in itself, but as a means to the achievement of a much wider set of objectives by which economic

⁹ Mahbub ul Haq (1995), *Reflections on Human Development*, Oxford University Press, New Delhi.

¹⁰ Amartya Sen and Jean Dreze (ed) (1996), *Indian Development: Selected Regional Perspectives*, Oxford University Press, New Delhi.

¹¹ Op. cit. 9.

and social development should be measured. Development should focus on and be judged by the expansion of people's entitlements and the capabilities that these entitlements generate and income is not always a good measure of entitlements. Sen defines 'entitlements' as the set of alternative commodity bundles that a person can command in a society using the totality of rights and opportunities that he or she faces. Entitlements depends on factors as what individuals can extract from the state (in the form of welfare provision); the spatial distribution of resources and opportunities and power relations in society.¹²

Influenced by this new human development perspective, development policies have approached the question of social sustainability from two complementary angles –

- a) A policy that is to be socially sustainable must avoid an increase of serious social dysfunctions – social exclusion, increase of poverty, reduction of capacity and access to resources and
- b) A policy that acknowledges the concepts of equity, empowerment and democratic governance.

Thus, sustainability has come to refer to the legitimacy and to the social acceptance of the decisions of policies. In this context, better sustainability can occur only by associating the interested parties with the decisions that concern them, and thus an explicit reference to the various modalities of governance such as the whole

¹² Op. cit. 10.

process by which 'collective rules are elaborated, decided, legitimized, implemented and controlled'.¹³ Participation becomes the major theme in this goal for democratic governance and since the Rio Conference in 1992 participation has grown in popularity as mechanisms of governance that help to treat complex questions linked to sustainable development.¹⁴ The concept of governance is extended to the field of environment and natural resources to designate the interactions between diverse actors in the decision making processes that have an impact on the ecological sphere. It is thus based on elements of political, administrative and economic governance in so far as political, administrative and economic authorities are involved in environmental management and/or in the elaboration of environmental policies.

The changing role of the state in development

Soon after independence most newly emerging nations lacked a private sector with an abundance of locally mobilizable capital and entrepreneurial experience and skill. Where it did exist, there

¹³ Geraldine Froger, Philippe Meral and Vestalys Herimandimby 'The expansion of participatory governance in the environmental policies of developing countries' *International Journal of Sustainable Development*, Vol. 7, No. 2, 2004, pg. 164-181.

¹⁴ In recent years, the concept of governance has been evolving from the narrow definition used by the World Bank as 'the manner in which power is exercised in the management of a country's economic and social resources', to the broader definition adopted by the Commission on Global Governance as 'the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action may be taken. It includes formal institutions and regime empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest.'

was a mood of distrust of the profit motive of such entrepreneurial class. The bureaucracy was thus seen as the key instrument of development, the prime location of skills, education, organization and initiative, provider of public equity and generator of development. Thus the case was made for the state with the bureaucracy as its agent to take the lead in restructuring the economy towards inward directed economic development.¹⁵

Many efforts were made to improve state capability by strengthening the bureaucracy, like inculcating professionalism and changing their attitudes and behaviour to make them development oriented.¹⁶ This statist model however came in for serious criticism from several scholars who challenged the view that public administration could act as an agent of development. The development theories of the early 1950s had assumed that the bureaucracies would be essentially 'non political' institutions of public policy, subservient to the basic political choices made by some kind of representative government.¹⁷ However, the assumption that a broad agreement existed about the goals of development proved to be misleading as the tasks of nation building and the goals of development became issues of keen contestation in later years.

¹⁵ David Hirschman 'Development Management Versus Third World Bureaucracies: A Brief History of Conflicting Interest', *Development and Change*, Vol. 30, 1999.

¹⁶ Kuldeep Mathur, 'Strengthening Bureaucracy: State and Development in India', *Indian Social Science Review*, Vol. 1, No. 1, January-June, 1999, pg. 22.

¹⁷ Op. cit. 15.

Gunnar Myrdal's *Asian Drama* was one of the earliest critics of the development model pursued by the newly emerging nations. Myrdal observed that the inefficiency, rigidity and inequality of the established institutions and the economic and social power relations embodied in this framework of institutions have been primarily a road block to the effective implementation of economic development. In the case of India, Myrdal held that the state apparatus had only a tenuous hold over society, lacking legitimacy and therefore the capacity to enforce policy. He, thus, characterized the Indian state as a 'soft state'.¹⁸

The role of the state in development came to be seriously challenged with the rise of neo-liberalism in the 1970s. The neo liberal view held a deep skepticism about the capacity of the state administration to play a developmental role under any circumstances. It was argued that bureaucracies were biased to stability or only incremental change, were anti developmental and suppressed entrepreneurial interests. Moreover, public sector agencies, which on the surface looked like rational bureaucracies, in practice often served particular interests. Hence, neo liberal theorists made a strong case for increasing the role of the market in the development process.¹⁹

¹⁸ Gunnar Myrdal (1968), *Asian Drama: An Enquiry into the Poverty of Nations*, New York.

¹⁹ *opcit*, 15.

The most severe attack on the bureaucracy came from the public choice theorists. Vincent Ostrom²⁰ argued that bureaucratic structures were necessary, but not sufficient structures for a productive and responsive public service economy. In Ostrom's words, 'Perfection in the hierarchical ordering of a professionally trained public service, accountable to a single centre of power will reduce the capability of a larger administrative system to respond to diverse preferences among citizens for many different public goods and services and cope with diverse environmental conditions. A variety of different organizational arrangements can be used to provide different goods and services. Such organizations can be coordinated through, various multi organizational arrangements'.

In the 1980s, there emerged another scholarly tradition²¹ that argued that the East Asian countries achieved development through strong state capability. The East Asian 'Newly Industrializing' countries demonstrated that the government can play a positive role in achieving development. State administration had authority and capacity to give direction to market development, respond flexibly to private sector needs and develop technology and human resources.

Drawing from this experiences, the 1990s and the first decade of the twenty first century have seen a shift from simple commitment to market forces. Markets and liberal economic policies are now seen to be important but not enough on their own.

²⁰ Quoted from Shriram Maheshwari, 'Public Choice Approach in Public Administration', *Administrative Theory*, Macmillan, New Delhi, 2004, pg. 119.

²¹ Op. cit. 16, pp. 15.

This does not constitute a simple return to previous conceptions of the state's role as the lead agent in development. Governments and public administration will perform their own direct functions but they will also interact with and support private and community actors. In the arena of development policy, the important contribution needed from the state is in terms of creating a congenial, stable, long term macro policy environment within which institutions of development can emerge and operate. Thus, the state and the administration is expected to provide-

- a) A more efficient, transparent, accountable and responsive system of public service.
- b) A more constructive relationship with private 'for profit' and 'non profit' sectors and civil society in general and
- c) A political, legal and regulatory environment that facilitates private sector and associational initiative.²²

II

THE INDIAN EXPERIENCE: A CRITIQUE OF STATE LED DEVELOPMENT

The Mahalanobis Nehru strategy of planned economic development laid the foundation for the future course of development in India. The central core of that strategy was a move towards capital intensive, fast paced heavy industrialization, led by

²² A Brett 'Participation and Accountability in Development Management' in *The Journal of Development Studies*, Vol. 40, No. 2, December 2003.

the public sector leaving the private sector to play a complementary role in the mixed economy. In the field of agriculture and rural development, emphasis in the pre 1965 period was on land reforms, community development programmes and cooperative farming. However, in the post 1965 period, following the failure of the structural institutionalist approach the emphasis shifted to intensive development of favoured districts and to technical changes in agriculture through the development of an elaborate research and extension system. The new approach was consistent with the overall design of the planning process initiated by Nehru and Mahalanabis since it did not call for drawing significant resources away from the heavy industry strategy.²³

Development policies in the fifties had assumed the necessity for state intervention along with the belief that the state was inherently benevolent in its desire for the material betterment of the people and essentially oriented to the development of the whole country rather than favouring particular classes or groups.²⁴ As government activity proliferated tremendously with planned development, the scope of development administration also got enlarged. The First Five Year Plan clearly pointed out that economic planning has to be viewed as an integral part of a wider process aiming not merely at the development of resources in a narrow technical sense but at the development of human faculties and the

²³ Paul Brass (1995) :*The Politics of India Since Independence*, Cambridge University Press, New Delhi, pg. 278-279.

²⁴ Op. cit. 16, pp. 17.

building up of an institutional framework adequate to the needs and aspirations of the people. The administrative agenda emphasized on a shift from the maintenance of law and order and collection of revenue to the development of human and material resources and the elimination of poverty and want.²⁵

But the subsequent evolution of the economy brought out the inner contradictions of state intervention and the planning process. The role of the administrative apparatus in development also came under serious scrutiny with the inability of the administration to respond adequately to the challenges of implementing development plans. Further the centrality of politics in the development process was captured by scholars like Rajni Kothari. As Kothari wrote, 'Alongside an administration which enjoyed virtual monopoly of power so long, a new power now emerged, the politician. The conflict between the civil servant hardened by experience and cynicism and the politician full of ideas and impatient for power assumed many forms, not the least of which were opportunistic alliances between utterly incompatible elements'.²⁶

Another set of criticism came from scholars like Pranab Bardhan²⁷ who observed that the state is not autonomous at all but rather is completely subordinated to the pressures and pulls of interest groups. For Bardhan, 'The Indian public economy has

²⁵ Ibid.

²⁶ Quoted from Mohit Bhattacharya *Social Theory and Development Administration*, Jawahar, New Delhi, 2002, pg. 33.

²⁷ P K Bardhan (1984) *Political Economy of Development in India*, Oxford: Basil Blackwell.

become an elaborate network of patronage and subsidies. The heterogeneous interest groups fight and bargain for their share in the spoils of the system and often strikes compromises in the form of log rolling in the usual fashion of pressure group politics'.

The bureaucratic apparatus also came in for criticism based on the argument that they were unable to appreciate the problems of development and were averse to the administrative requirements of rural development. They were criticized for not demonstrating enough commitment to development needs and programmes. Many empirical studies revealed that programmes to involve the rural poor in making collective efforts for development usually resulted in the domination by the administrative system, which adversely affected people's participation. In this context it would be appropriate to understand the dynamics of people's participation in the development framework of India.

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People's Participation and the Development Process

The origin of concern for people's participation in rural development can be tracked down right from the 1950s, but in varied dimensions and contexts, adapting to the angles from which development was viewed. After, the Second World War and until the mid 1960s, people's participation was viewed and sidelined to a mere derivative role in development strategies. The emphasis was on physical capital formation and people's participation was expected in the form of paying taxes, consuming domestic products,

saving and investment and holding down their consumption. During the late 1960s, a severe turning point in the ideas of development was witnessed with greater concern for the use of labour as an abundant resource, for greater employment generation and the distribution of benefits. By the turn of the decade, the stress was on a decentralized local role of development as the economic model of development came to be challenged by new models of sustainable human development.²⁸

The beginning of the planning era was marked by the Community Development Programme and the land reforms to bring out the small and marginal farmers as the major actors in the development process. The involvement of the community in the development dynamics was considered crucial. But, as many studies later revealed, the Community Development Programme was only responsible to create a good bureaucratic infrastructure but with little initiative on the part of the people, to take part in the development process per se.²⁹ Land reforms on which much stress was laid also failed to achieve the desired outcomes. There was a broad consensus among the central leadership of the Congress at independence that inequalities in the countryside were inconsistent with the democratic and socialistic goals of the Congress and

²⁸ R.S Deshpande, D Rajasekhar, Pradeep Apte and Dhanamanjari Sathe (2004) 'NGO and Farmer's Movements' in *State of the Indian Farmer: A Millennium Study*, Vol. 23, Department of Agriculture and Cooperation, Ministry of Agriculture, Government of India, New Delhi, pg. 30.

²⁹ Tushar Shah (1996) 'Agriculture and Rural Development in the 1990s and Beyond: Redesigning Relations between the State and Institutions of Development' in Kuldeep Mathur (ed) *Development Policy and Administration*, Sage, New Delhi.

therefore land ceilings should be imposed and the surplus land made available be distributed among poorer farmers and landless. But the administrative machinery and the political elite failed to honour the commitment of land reforms except for a few states.³⁰

With the failure of the community development programmes, Area Development Programmes took the centre stage. Regional disparity was considered a crucial factor and the programmes like Intensive Agricultural District Programme, Drought Prone Area Programme, Tribal Area Development Programme were initiated across the country. Once again the strategy was that people would participate and there would be an automatic distribution of gains. The assumptions did not sustain too long and the inequitable distribution of gains across regions as well as classes became a major issue of debate. In response to this failure, target group specific programmes to reach the hitherto deprived classes were initiated. But these target specific schemes considered the beneficiary participation as granted. By the 1980s, there was serious disillusionment about the failures of rural development strategies and it was recognized that the task of development cannot be taken up by the official machinery alone and it needed support from the people.³¹

³⁰ Ibid.

³¹ opcit. 27, pg. 41-42.

Participation as a Development Alternative

The move towards liberalization of the Indian economy in 1991 and the dismantling of the Nehruvian state directed development strategy has seen several new policy changes. The Seventh Five Year plan had suggested that the state should rely on the voluntary sector as an agent of development. By recognizing the importance of voluntary agencies and people's participation, the Seventh Plan began a process which saw the shrinking role of the state in development and thereby upholding the view that there are alternative ways of development, hitherto untapped, in which people's participation was crucial. There was two serious implications of this change that strengthened the role of participatory institutions in the development process. First, the state, through a determining influence, formally accepted the importance of many village level groups. The second implication was the radical shift in the approach of the state to development. The state was just an actor, the success of which depended on its cooperation with various other actors involved in the process of development.³²

The Eighth Plan set out the policy directions of rural development by proclaiming that 'It is necessary to make development a people's movement. People's initiative and

³² Quoted from Bidyut Chakrabarty 'Voluntary Associations and Development: The Indian Experience', *Indian Journal of Public Administration*, Vol. 1, No. 1, January-March, 2004, pg: 376.

participation must become the key element in the whole process of development. A lot in the area of education (especially literacy), health, family planning, land improvement, efficient land use, minor irrigation, watershed management, recovery of wastelands, afforestation, forestry, animal husbandry, dairies, fisheries and sericulture can be achieved by creating people's institutions accountable to the community'. This thrust has been further strengthened by the Tenth Plan which suggests that given market liberalization and globalization, the state should yield to the market and the civil society in many areas where it, so far, had a direct but distortionary and inefficient presence. Many developmental functions as well as functions that provide stability to the social order have to be progressively performed by the market and civil society domain at the expense of the state in some areas. In this context, the Tenth Plan has recognized the issues of governance as critical to the better performance of development outcomes. The Tenth Plan thus says that development is an outcome of efficient institutions rather than the other way around.³³

In the context of rural development, the emphasis has therefore shifted to participatory institutions of development. There is fairly a large volume of literature which have concluded that participatory approaches and institutional arrangements have helped to reduce poverty and exclusion, by giving local communities direct control over some services and allowing them to exercise

³³Ibid.

more influence over decision making processes.³⁴ Policies evolving out of these experiences have therefore tried to evolve a new system where village communities develop a stake in the use and conservation of resources. As an experiment, Water User's Association, Participatory Irrigation and Joint Forest Management have evolved to develop a system of institutions that can conserve and use natural resources in a sustainable manner.

The Joint Forest Management (JFM) programme in India, by making the local community a stakeholder in the protection and management of forests have been markedly successful in creating conditions for improving forest governance in the country. In formal existence since the passage of a resolution by the government of India in 1990, it has involved the creation of village based forest committees, known variously as forest protection committees, or Van Suraksha Samity. JFM has had several positive impacts on forest governance in the form of improved forest condition, increased income and livelihood opportunities for participatory communities and most importantly a dramatic change in the attitude of communities and the forest department toward each other and toward forest.³⁵

The success of the JFM programmes in many parts of the country, most notably the JFM programme in south western West Bengal has thrown light on many aspects of peoples participation in

³⁴ E Ostrom (1993) *Governing the Commons: The Evolution of Institutions of Collective Action*, Cambridge University Press.

³⁵ Mark Poffenburger and Betsy McGean (ed) (1996), *Village Voices, Forest Choices: Joint Forest Management in India*, Oxford University Press, New Delhi.

development programmes. The foremost among these being institution building, leadership formation, creation of awareness and capacity building. The key to the success of JFM would also depend on the wider political environment, where institutions of participation are created in all fields of governance practices, supported by the state and administrative authorities. This alone can provide the necessary incentives to the local communities to sustain their interest in the conservation of land and water resources and indeed for easing pressures on such resources.

As Poffenberger and Malhotra have observed, 'Through partnership between foresters and forest communities, effective protection can be established with ecological and economic benefits for the community and the larger society. However, the task is not an easy one. It requires the political will of the state to delegate responsibilities to the forest community and changes in policies and procedures that may have been in effect for over a century. Ultimately, it requires a transition from management practices developed during the 19th century, to a management system that can respond to the social, economic and ecological needs of the 21st century.'³⁶

³⁶ KC Malhotra and M Poffenberger (ed) (1989) 'Forest regeneration through community protection : the West Bengal experience', Proceedings of the Working Group Meeting on Forest Protection Committees, Calcutta, June 21-22, Calcutta: West Bengal Forest Department.

CHAPTER II

Participation and Institutions: Theoretical Considerations

The devolution of responsibility and control over natural resources from governmental agencies to user groups has become a widespread policy trend in recent years.¹ This devolution programme known as community based natural resource management, co-management or participatory management range from those that simply try to increase user's involvement in management as a supplement to state management or to those that transfer full responsibility and control over resources to organized users.² A common feature, however, is the emphasis on increasing the participation of resource users in the management of the resources. This trend towards devolution or co-management has been fuelled by the recognition of the limits of government agencies in managing resources at the local level along with political moves towards decentralization, democratization and people's participation.³

A consensus seems to be emerging in both academic and policy making circles that people's participation in local resource

¹ JJ Baland and JP Platteau (1996): *Halting degradation of natural resources: Is there a role for rural communities* Oxford: FAO and Clarendon Press.

² Devolution of resource management to user groups is distinct from but often accompanied by policies of decentralization which involve transfer of state powers from central or state governments to local governments like Panchayats in India.

³ Along with academic work on decentralization and democratization, environmental movements have also demanded greater decentralization in the implementation of development programmes and greater people's participation in the process of development.

management would lead to improvements in efficiency and effectiveness in natural resource use and conservation.⁴ It is being argued that local people are more likely to identify and prioritise their environmental problems accurately, resources allocation would be more efficient and information costs lower and local groups/communities are more likely to have greater respect for decisions made with local inputs. 'Participation' has therefore come to be seen as an instrument for furthering the goals of efficiency, equity, empowerment and democratic governance.

In this chapter an attempt will be made to understand the theoretical underpinnings of participation and then to capture the reality of the dynamics of community participation which are embedded in the inherent hierarchies, power differentials and socio economic disparities of local communities. This is done to show that advocates of community participation ignore the idea of community and looks at it as an uncontested whole. Community participation can only be successful when institutions of participation function in an overall democratic framework where the state creates spaces for participation and where communities truly function within the ideals of efficiency, equity and empowerment. In the second part of the chapter an attempt is made to understand the theoretical concepts of different institutional arrangements arrived at in the management of local natural resources (which have come to be

⁴ A Agrawal and C Gibson (2001): 'Introduction', *Communities and the Environment: Ethnicity, Gender and the State in Community Based Conservation*, (ed) A Agrawal and C Gibson, Rutgers University Press, New Brunswick, pg. 1

identified as common property resources) with special focus on forestry. This exercise is undertaken to identify the most ideal institutional arrangement required to institutionalize people's participation.

I

Meaning of Participation

'Participation' in common parlance is used to mean 'act or fact of partaking' or 'sharing in'. According to Kadekodi, 'participation is a process of initiating and continuation of an active process by which beneficiary/ client groups influence the direction and execution of a development activity with a view to enhancing their well being in terms of personal income growth, self reliance or the values they cherish including equity.'⁵

Participation involves the key inter linked concepts of power, authority, control and responsibility. According to Wolfe 'Participation is the organized effort to increase control over resources and regulative institutions in a given social situation, on the part of groups and movements hitherto excluded from such control.'⁶ Thus, participation is directly interlinked and associated with the nature of power, authority, control and responsibility shared among the group members in an organization.

⁵ G Kadekodi (2004): *Common Property Resource Management: Reflections on theory and the Indian experience*, Oxford University Press, pg. 131.

⁶ N Wolfe (1983) as quoted by D Goulet (1995) *Development Ethics: A Guide to Theory and Practice*, Zed Bodes, London.

The concept of participation has acquired varied meanings over a period of time. According to Puri,⁷ at one end of the spectrum it could mean just a nominal membership in a group and at the other end it could mean an effective voice in the decision making process. The concept of participation can be traced to the writings of Aristotle who in *The Politics* defined a citizen as one who 'is entitled to participate in an office involving deliberation or decision' for the ultimate aim of making the city self sufficient. In the works of Rousseau, participation embodied an end in itself. In the Indian context, Gandhiji's concept of Gram Swaraj or MN Roy's idea of people's committees were akin to the ideas of participation for an ideal social existence. In the contemporary political science literature, participation has come to be seen as a mechanism through which needs and preferences of citizens are communicated to political decision makers and by which pressure is brought to bear on them to respond. In the contemporary context of development thinking, participation has come to be viewed in terms of two broad categories –

1. Participation as a means to achieve institutional efficiency and
2. Participation as a goal of empowerment, equity and democratic governance.

⁷ Ellora Puri (2004) "Understanding Participation: Theoretical Foundations and Practical Implications", *Economic and Political Weekly* July 12, 2004, pg. 254-2517

Participation for Efficiency

The participation for efficiency approach is best found in Robert Putnam's seminal book *Making Democracy Work*. Putnam attempts to answer the question of what conditions are conducive 'for creating strong, responsive, effective representative institutions.' His research on the Italian regional experiments with decentralization leads him to the conclusion that there are basically two prerequisites for effective 'good government'. The first prerequisite is the active participation of the civic community in public affairs and second is a civic culture in which the participants are 'bound together by horizontal relations of authority and dependency' and whose norms and values install in the members habits of cooperation, solidarity and public spiritedness. The latter constitutes 'social capital' and in Putnam's words include 'features of social organization, such as trust, norms and networks that can improve the efficiency of society by facilitating coordinated actions.'⁸

Borrowing heavily from Putnam's idea of social capital and civic participation, policy prescriptions of the World Bank and many advocates of community participation started questioning the idea of top down state facilitated development programmes and begun talking of 'people's involvement' and participation in these programmes.

⁸ Robert Putnam (1993): *Making Democracy Work: Civic Traditions in Modern Italy*, Princeton University Press, New Jersey.

Participation as empowerment, equity and democratic governance

Amartya Sen's work on entitlement and capabilities provides the normative foundation for conceptualizing participation as empowerment, equity and democratic governance. For Sen, the normative goal of empowerment (which focuses on enlarging a person's functioning and capabilities to function), equity (of both costs and benefits) and human agency far outweigh the issues of efficiency as the main objectives of development. In Sen and Dreze's words, "The life of a person can be seen as a sequence of things the person does or states of being he or she achieves and these constitute a collection of 'functionings' – doing and beings the person achieves. 'Capability' refers to the alternative combinations of functionings from which a person can choose the range of options a person has in deciding what kind of life to lead..." The basic objective of development is expansion of these capabilities for their 'intrinsic value'. So development policies should not view people as the 'means of production' but as an 'end' in themselves. For achieving this broad goal, 'people centred' approach puts human agency and its contribution to 'changing policy, social commitment and norms that require collective action at the centre stage.⁹

⁹ Jean Dreze and Amartya Sen (1995): *India: Economic Development and Social Opportunity*, Oxford University Press, New Delhi, pg. 10-11

Reality of Community Participation

Current writings on development champions the roles of communities in bringing about decentralization, meaningful participation and conservation. The concept of community is mainly seen as a small spatial unit, as a homogeneous social structure and as shared norms. As Ellora Puri¹⁰ writes, both advocates of equity based or agency based idea of participation privileges the idea of community and the local and end up looking at the community as an undifferentiated cohesive whole. Puri further writes, the champions of community participation ignores the fact that a community, like any other human collective, is a space of internal differentiation, contestation and power differentials. As such, the social capital theorists seem to ignore the existence of what others call 'bad social capital' for norms of thrust, reciprocity and cooperation also exist in coercive, hierarchical and exclusive communal formations. Further, collective action at the community and local level may also be based on ascriptive affiliations such as caste, religion and tribe. In the Indian context, the power structure in the village influence the mechanism of the development process. It is observed that decision making in the rural society rests with the rural elites who occupy high social position in the class and caste hierarchy.

Thus, the nature and composition of local communities have a strong bearing on the effectiveness of community participation.

¹⁰ op. cit. 7.

Studies on resource use at the local level have recognized that a homogeneous community, sharing important social, cultural or economic characteristics may increase the predictability of interactions. Predictability may in turn provide a basis for trust. Even if trust does not arise from predictability, common traits may suggest common interests. Whether because it promotes trust or reflects common interests, homogeneity may facilitate collective action. Heterogeneity resulting from social, ethnic or other kind of cultural divisions and the differences in the nature of economic interests among individuals may adversely affect community participation and thereby weaken steps to use local resources sustainably. Yet many studies have also demonstrated that even in highly differentiated communities, community participation could be successful¹¹ if appropriate institutions of managing local resources are created with the support from higher state authorities and non governmental organizations. The best illustrated example is the case of the successful working of JFM in southwestern West Bengal where villagers inspite of considerable heterogeneity with respect to caste, class and ethnic groups, successfully implemented JFM programmes. This was mainly possible due to the forging of genuine partnership by the Forest Department (the state) and local communities and the creation of appropriate institutional

¹¹ E Ostrom (1993): *Governing the Commons: The Evolution of Institutions of Collective Action*, Cambridge University Press, New Jersey, pg. 20-21.

arrangements facilitated by the presence of strong grass root democracy in the Panchayati Raj institutions.¹²

II

Institutions can be seen as sets of formal and informal rules and norms that shape interactions of humans with others and nature.¹³ They constrain some activities and facilitate others; without them social interactions would be impossible. Institutions promote stability of expectations *ex ante*, and consistency in actions, *ex post*. They contrast with uncertain political interaction among unequally placed actors and unpredictable processes where performances of social actors do not follow any necessary script. Strategic actors may attempt to bypass the constraints of existing institutions and create new institutions that match their interests. But institutions remain the primary mechanisms available to mediate, soften, attenuate, structure, mold, accentuate and facilitate particular outcomes and actions.¹⁴ When actors do not share goals for conserving resources and are unequally powerful, institutions are significant for two reasons –

- a) They denote some of the power relations that define the interactions among actors who created the institutions and

¹² KC Malhotra and M Poffenberger (ed) (1989) 'Forest regeneration through Community Protection: the West Bengal experience', *Proceedings of the Working Group Meeting on Forest Protection Committees*, Calcutta, June 21-22, Calcutta: West Bengal Forest Department.

¹³ D North (1990): *Institutions, Institutional Change and Economic Performance*, Cambridge University Press, Cambridge, pg. 3.

¹⁴ A Agarwal (1999) 'Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation' in *World Development* Vol. 27, No. 4, pg. 629-649.

- b) They help to structure the interactions that take place around resources.¹⁵

Institutions can change because of constant challenge to their form by the actions of individuals whose behaviour they are supposed to influence. No actual behaviour conforms precisely to a given institutional arrangement. Everyday performances of individuals around conservation goals possess the potential to reshape formal and informal institutions. Institutions can also change when explicitly renegotiated by actors. Institutions should be understood, therefore, as provisional arrangements on how to accomplish tasks.

Authority to manage resources effectively at the local level requires the exercise of authority and control by local actors over three critical areas –

- a) making rules about the use, management and conservation of resources
- b) implementation of the rules that are created and
- c) resolution of disputes that arise during the interpretation and application of rules.¹⁶

The authority to make rules defines who has the right to access, use and conserve resources and exclude others from carrying out these activities. It also includes the determination of the ability to transfer these above rights. The authority to

¹⁵ Ibid.

¹⁶ Op cit. 11, pg. 20-21.

implement implies the rights and the abilities to meter and monitor the use of the resource and specify sanctions against those who violate existing rules. The authority to resolve disputes includes the rights and capacities to ensure that sanctions are followed and adjudicate in the case of disputes.¹⁷

Institutions and Common Property Resource Management¹⁸

In understanding the framework for analyzing institutional arrangements for the management of local natural resources, the following framework is adapted from Ostrom's *Alternatives for Delivering Public Services: Towards Improved Performance* (ed. E.S. Savas). The framework assumes that inherent in the attributes of goods are patterns of incentives which influence the way individuals conduct themselves concerning those goods. Goods can be categorized along a range, from private to public. The following figure shows how two characteristics – *ease of exclusion* and *character of consumption (joint or separable)* can be used to distinguish various types of goods. These characteristics inherent in the very nature of the goods determine how individuals can use them and create distinctive incentives and disincentives which strongly influence the terms on which individuals will produce such goods.

¹⁷ Op. cit , 14.

¹⁸ V Ostrom and E Ostrom (1977), 'Public Goods and Public Choices', *Alternatives for Delivering Public Services: Toward Improved Performance*, (ed) by ES Savas, Boulder, Western Press.

Figure – 1 Types of goods and services

EASE OF EXCLUSION		
	Difficult	Feasible
CHARACTER OF CONSUMPTION	Joint	<i>Public goods and services</i> - air quality - environmental management <i>Toll goods and services</i> - toll roads - admission-charging parks
	Separable	<i>Common pool goods and services</i> - forests - fishery - ground water <i>Private goods and services</i> - field crops - garden-grown trees - livestock - building poles

Source: E Ostrom and V Ostrom (1977)

Private goods

These are subject to exclusion, that is, they can be easily packaged or measured. Would be users can be prevented from using them (excluded) unless they are prepared to pay the price producers demand. Consumption is also separable or rivalrous, that is, what one individual consumes of a good is no longer available for another to use. Thus, if a demand exists for the good, producers have an incentive to try to meet the demand because they can expect to cover their costs of production and make a profit. These goods are generally produced and distributed most efficiently through private competitive market relationships. Supply and

demand is apportioned efficiently through market relations by producers seeking profit and consumers pursuing benefit maximizing strategies in light of their own preferences. The government need not play any role in the production of private goods other than ensuring a reliable framework for private market transactions, like enforcement of contracts and dispute settlement.

Public goods

These goods are not subject to exclusion and are used or consumed jointly. Once produced any one within a range can get access to them. Public goods cannot be easily packaged or measured. The nature of the good itself creates a situation in which those who do not pay their share of the costs of providing the good can nonetheless enjoy it. They can in effect 'free ride' at others expense. Pure public goods are also characterized by joint rather than separable consumption. What one individual consumes does not detract at all from the amount available for the use of others. This characteristic makes public goods non rivalrous goods. Examples of public goods would be air quality or national defense. In these two examples, if any amount of the public good is produced, it is available to all, and consumption or enjoyment by some does not impair enjoyment by others.

Common pool resources

Like public goods, these goods are not easily subject to exclusion among the group of users. However, by contrast with public goods, consumption is separable not joint. Individual users

can continue to use or consume the good without rivalry or interfering with each other so long as the total demand for “use units”¹⁹ does not exceed the productive capacity of the resource. When demand does outstrip supply, users operating within the context of purely voluntary relations have strong incentives to continue to appropriate as much of the good as quickly as they can. Because others are at liberty to use it, voluntary efforts to limit consumption will not usually slow use or consumption rates, but will more likely shift use and consumption patterns in favour of those who do not limit consumption. Common pool resources, which remain so under circumstances of excessive demand, will be managed effectively only when non market relations are invoked. This typically involves management of a common property resource by small groups and perhaps by local or overlapping government jurisdictions or both. However management of common pool resource is problematic and as such distinction must be made of the following three concepts –

a) **Common pool resources** which denotes the economic character of the good, that is, exclusion is difficult given existing technology and consumption is separable or rivalrous.

b) **Open access resource** which denotes a common pool resource which is not owned and which all are at liberty to use as they wish;
and

¹⁹ Elinor Ostrom uses the term ‘use units’ to denote both the consumables that may be produced by a common property resource, for example, fruits from the forests and the amount of traffic that a structure such as a bridge can bear.

c) **Common property resource** which denotes a common pool resources to which access is controlled by a group recognized as owners.

Toll goods

These goods are subject to exclusion and characterized by joint consumption. Examples of toll goods are roads, admission charging parks, cinemas and theatres.

To understand common property resources it is also necessary to understand the meaning of two concepts 'property' and 'rights'. According to Bromley²⁰, 'property is a benefit (or income) stream and a property right is a claim to a benefit stream that the state will agree to protect through the assignment of duty to others who may covet, or somehow interfere with the 'benefit stream'. In this sense the property is not just physical object but also a social relation involving income streams, property right holders and duty bearers. Depending on the nature of rights to a resource or property, one could conceive of four categories of property, namely

²⁰ Danniell Bromley (1991): *Environment and Economy: Property Rights and Public Policy*, Oxford, Basil Blackwell, Inc. pg. 2.

(a) private property (b) state property (c) common property and (d) non exclusive property. Exclusive property and non exclusive property are the two extremes on a continuum of property rights. In between these two extremes lie state properties, that is owned by the state and common property, that is property owned by more than one individual. In India CPR include grazing land, fisheries, ground water, degraded forest land, protected and unclassed forests and so on.

Forestry as Common Property Resource

At the local level, forestry represents a kind of mid point on a CPR spectrum stretching from pure to non pure CPR.

Figure 2. Common Property Resource Types and Management

Characteristics

CPR spectrum	Example	Controlling access to resource	Perceived cost/benefit linkage	Sanctions against free riders	User desire to preserve resource	Class mix of users
Pure	Small scale irrigation	Easy	Obvious	Easy	High	Similar – small farmers
↑ ↓	Local forest resource	↑ ↓	↑ ↓	↑ ↓	↑ ↓	↑ ↓
Non pure	Local road	Difficult	Obscure	Difficult	Absent	Very mixed – all classes

Source : Blair (1996)

At the pure or straight forward end, small scale, user managed irrigation systems constitute a CPR for which access by both outsiders and insiders is relatively easy to control, costs in

maintaining the resources can be linked in user's minds to concrete benefits, and management group members can enforce sanctions against shirkers or free riders. With roads, at the other end of the spectrum, access can very rarely be controlled, users see little or no connection between any personal contribution they might make to maintenance and benefits they might receive and any attempt to enforce rules for contributing costs (such as collecting user fees) would be virtually impossible to administer.

Forestry lies somewhere in the middle of the continuum. Access to a woodlot cannot be controlled as easily as with an irrigation system but it is much simpler to keep outsiders away from a woodlot than it is to keep them from using a public road. In short, forestry, represents a modal case in CPR, not as relatively clear cut as irrigation systems, but not nearly as difficult as roads.

Strategies for CPR Management

Garret Hardin's provocative essay *'The Tragedy of the Commons'* has become the standard frame for much of the CPR management debate. Hardin argued that users at a common are caught in an inevitable process that leads to the destruction of the resources on which they depend. The 'rational' users of a common, Hardin argues makes demand on a resource until the expected benefits of his or her action equal the expected costs. Because each user ignores costs imposed on others, individual decision cumulate to a tragic over use and the potential destruction of the commons.

Imagining a grazing commons, Hardin observed that it was in each individual herdsman's rational interest to add to his flock beyond what the commons could sustain indefinitely, for he would reap all the benefits of the extra grazing, while his fellow herdsmen would pay the cost in terms of a diminished resource. Hence, Hardin could only for see the degradation of the commons whenever many individuals use it in common. In Hardin's celebrated words, "The tragedy of the commons exemplified in the case of the pasture open to all, where each man is locked into a system that compels him to increase his herd without limit in a world that is limited. Ruin is the destination toward which all men reach, each pursuing his own best interest in a society that believes in the freedom of the commons."²¹

According to Hardin the solution to the tragedy of the commons is either 'private enterprise system' or 'centralization'. But as Ostrom²² argues, neither the state nor the market is uniformly successful in enabling individuals to sustain long term productive use of natural resources. Communities have relied on institutions resembling neither the state nor the markets to govern local resource systems with reasonable degrees of success over long periods of time. As Katar Singh writes, many local communities in India have managed their community resources carefully without major damage to the ecological balance with their traditional

²¹ G Hardin (1968) : 'Tragedy of the Commons', *Science*, 162, pg.1243

²² op. cit, 11.

wisdom and social norms.²³ In this context an attempt is made to understand the theoretical models used for recommending state or market solutions.

(1) Privatization

In Hardin's formulation, the only way to avoid the tragedy of the commons in natural resources is to end the common property system by creating a system of private property rights. The argument is that owners would take care to maintain their resources in order to assure their own continued use, whereas public authorities have no such incentive. But there are many interrelated problems to privatization. How concerned would privatized CPR owners be to maintain their property if they acquired it at give away prices? As Blair²⁴ points out, they would not put a higher value on it than the markets would offer for its produce. Further, market rationality would prevail over ecological rationality, if the latter has to be for the long term. Ostrom points out that there is considerable difficulty in understanding how it can be possible to develop private rights over some common property resources. In regard to non stationary resources like water or fishery, it is unclear what the establishment of private rights would mean.

²³ Katar Singh (1994) '*Managing Common Pool Resources – Principles and Case Studies*'.

²⁴ H W Blair (1996) : 'Democracy, Equity and Common Property Resource Management in the Indian Sub Continent', *Development and Change* vol. 27, pg. 475-499.

Experiences with privatization suggests that they do not necessarily provide solutions that are favourable either to the poor or to the environment. Many studies on CPRs have shown that small scale privatization have not yielded beneficial outcomes. For instance, Jodha's study²⁵ on eighty villages in Western and Southern India found that welfare schemes to aid the poor by privatizing CPRs more often proved counter productive. The greater share of land went to non poor beneficiaries and those among the poor who did receive land often found themselves unable to manage or even retain their new assets.

(2) Centralization

Hardin's second strategy for protecting CPRs is centralization. He presumes that an external agency is necessary to avoid tragedies of the commons. 'If private interests cannot be expected to protect the commons then external regulation by public agencies, governments or international authorities is needed.' Further CPRs require public control if economic efficiency is to result from their development. Proponents of centralized control therefore want an external government agency to decide the specific strategy that the central authority considers best for the situation.

However, strategies for centralization or state control of resources has been equally disappointing. The Indian government's experience in declaring itself the owner/manager of the nation's

²⁵ N S Jodha (1990) 'Rural Common Property Resources: Contribution and Crisis', *Economic and Political Weekly* 25 (26) : A65-A78

forests resources but then neglecting either to protect or manage the huge tracts has been well documented in several studies.²⁶ The Indian experience with state control exposes both the limitations of institutional tradition of scientific forestry and at the personal level the individual greed of forestry personal to conserve forests. The philosophy of scientific forestry which guided Indian forest policy in the four decades of independence concentrated on earning revenue at the expense of wanton destruction of her rich forest wealth. In the process it both alienated and neglected the rights and livelihood practices of poor forest dwellers and tribals. Further, the corruption and greed of forestry officials, selling off forest products illegally in exchange for bribes to poachers, kickbacks from concessionaires and bidders at timber auctions clearly demonstrated the limitations of centralized management practices.

Alternative Institutional Arrangements for CPR Management

(1) Local Control by democratically elected bodies

Recent years have witnessed efforts by the central governments to decentralize authority and responsibility downward to local statutory government units, along with accountability of those units to the local population through democratic elections. The Panchayat system in India under the 73rd Amendment best demonstrates this new decentralized scheme. Many efforts have therefore been made to vest responsibilities to these democratically

²⁶ Madhav Gadgil and Ramachandra Guha (1994) 'Ecological Conflicts and the Environmental Movement in India', *Development and Change* 25 (1) : 101-36 (1989)

elected local bodies to manage CPRs. The best example were the social forestry programmes which were to be managed by Panchayati Raj bodies as per the recommendations of the National Commission on Agriculture in 1976. But as many studies demonstrated, social forestry under Panchayati Raj institutions were not a viable institutional arrangement. Local elites controlled most of the Panchayat bodies and the operational scheme of social forestry programmes tended to reflect the needs of these elites to the virtual exclusion of those poor segments who were to be the real beneficiaries of the programme. These experience suggested that each settlement must have its own institution to manage its CPRs which cannot be provided by elected Panchayats, especially those that cover several settlements.²⁷

(2) User Managed CPRs

Many studies have demonstrated that what do seem to work in managing CPRs are user groups that are not local governmental units. Members of users groups include those who want to participate and to those who have a direct common material interest linking them together to a resource rather than to those who share only a common geographical boundary. Users groups may be recognized by government or even assisted by government but their foundation and legitimacy derives in each case from the

²⁷ Anil Aggrawal and Sunita Narain (1991): *Towards Green Villages: A Strategy for Environmentally Sound and Participatory Rural Development*, Centre for Science and Environment.

base of their users. There are several advantages of user groups managing CPRs.²⁸

- a) User groups are generally smaller with respect to geography and population than jurisdictional systems.
- b) Their members are more homogeneous; they tend to be more like one another as to class, ethnicity, occupation than the entire population covered by a Panchayat.
- c) The member's principal reason for joining the group to begin with is their common interest in managing the CPR in question. This common interest combined with small size and homogeneity means that the free rider problem can be controlled or perhaps even eliminated.
- d) Because of the smaller size and the elimination of free riders, benefits and costs become clearer to the participants in a user group.

The current development discourse on participation highlights the importance of institutionalizing participatory practices through institutional arrangements that meets the goals of both efficiency and equity. In the review of the different institutional arrangements for managing CPRs, it was found out that strategies based either on privatization or centralization may not fulfill the goals of sustainable CPR management. The most ideal institutional arrangement arrived at is the one where user groups manage their own CPRs. In the subsequent two chapters an

²⁸ Opcit, 20.

attempt will be made to understand the functioning of Joint Forest Management which is based on the institutional model of user groups. JFM has evolved as an alternative to state management. In chapter III, an attempt is made to understand the operational constraints, working and successful JFM experiments. This is done focusing on the multiple interests and actors involved in managing forestry and by focusing on the institutions which are a part of the forestry development programmes in India. Chapter IV is an attempt to understand the dynamics of institutions and political economy on forest governance practices in the northeastern state of Assam.

CHAPTER - III

Participatory Forest Governance: A Study of Joint Forest Management in India

In the forestry sector, the National Forest Policy, 1988 made an emphatic departure from conventional approach of forest management based on 'hierarchical, control and regulation oriented structure'¹ and proposed the creation of a 'people's movement' to protect forest resources. The new policy highlighted the importance of meeting the basic needs of the people and of upholding forest people's traditional rights and concessions.² The priority of forestry thus shifted from mere commercial and revenue concerns to poor people's livelihoods and environmental issues.

In a follow up document issued in 1990, the central government issued guidelines to all state governments to implement 'joint forest management' systems (JFM) in order to regenerate degraded forests³ and reduce rural poverty by providing an equitable distribution of the benefits of forest regeneration to members of these committees. Further, the resolution also focused on the formal representation of women in JFM and recognized women's special knowledge over the use

¹ Mark Poffenberger and Chhatrapati Singh (1996) 'Communities and the State: Reestablishing the Balance in Indian Forest Policy' in Poffenberger and McGean (ed), *Village Voices, Forest Concerns*, Oxford, New Delhi, pg. 56-81.

² Ibid.

³ In 2000, the Ministry of Environment and Forest issued a guideline which recommended that JFM should include good forest as well as degraded areas.

and management of forest resources.⁴ This guideline suggested that the state governments may devolve everyday forest protection, management and development responsibilities to local community institutions at the village or panchayat levels. Accordingly, all 28 Indian states have formally resolved to implement JFM.⁵

This chapter seeks to look at the evolution of policies governing the forestry sector as well as the organisational framework established to operationalise these policies into ground reality. The first part of the chapter briefly refers to the constitutional provisions having a bearing on the evolution and adoption of policies applicable to forestry development. It then brings out the arguments of the key actors in the ongoing debate on Indian forest management practices and explores the evolution of India's forest policy and the reasons for the radical shift in the National Forest Policy, 1988.

As an alternative to the traditional management of India's forests, JFM has emerged as a new strategy for popular participation in forest management. The second part of the chapter attempts to analyse some of the major issues towards institutionalizing JFM. Ever since the introduction of JFM, a large volume of literature has been generated on the concept and its functioning. Its implementation has led to a host of issues related to the applicability of the institutional

⁴ Madhu Sarin (1998): 'Community Forest Management: Whose Participation...?' in Irene Guijt and Neera Kaul Shah (ed) *The Myth of Community: Gender Issues in Participatory Development*, Vistar, New Delhi, pg. 121-130.

⁵ *Annual Report of the Ministry of Environment and Forest, 2003-2004*, pg. 63.

framework. In this context an attempt is made to see whether JFM has been able to secure beneficial outcomes to the stakeholders within the broad imperatives of equity, efficiency and empowerment.

I

Constitutional Background to Forestry Development Policies:

The Indian Constitution is amongst the very few countries of the world that contains specific provisions on environmental protection⁶. The directive principles of state policy and the fundamental duties chapters explicitly enunciate the national commitment to protect and improve the environment. By the 42nd Constitutional Amendment, 1976, Article 48A was added to the Directive Principles of State Policy. It declares,

“The state shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country”. Article 51A (8) in a new chapter entitled ‘Fundamental Duties’ imposes a similar responsibility on every citizen *“to protect and improve the national environment including forests, lakes, rivers and wildlife and to have compassion for living creatures”*.⁷ These provisions highlight the national consensus on the importance of environment protection and

⁶ Shyman Divan and Armin Rosencranz (2001): *Environmental Law and Policy in India*, Oxford University Press, New Delhi, pg. 41.

⁷ Ibid, pg. 45.

improvement and lays down the foundation for the formulation of policies concerning environment and forests.

The Indian Constitution being quasi federal in nature, both the central and state government have had to play a reasonably demarcated role in the development of forests. The subject of forests was included in the state list. However, by the 42nd Constitutional Amendment in 1976, 'Forests' was moved from the state list to the concurrent list.⁸

Evolution of India's forest policy: An overview

Forests have played a special role in the economic life of the rural poor and this recognition was given empirical support by several key common property resource studies in the 1980s and 1990s. These studies established that trees are both a source of savings and security for the rural poor.⁹ Forest cover 20.55 per cent of India's geographical area¹⁰ and almost all are under state ownership. Until the 1980s, the focus of forestry was on commercial and revenue earning. There was a continued strangle hold of the bureaucracy in the management of forests and the policy frame was often formulated by the desk bound officials whose perceptions and sensitivities were

⁸ Ibid, pg. 47.

⁹ Common Property Resources are defined as those resources accessible to the whole community of a village and to which no individual has exclusive rights. N S Jodha (1986): 'Common property resources and rural poor in dry regions of India', *Economic and Political Weekly*, 5 July.

¹⁰ State of Forest Report 2001.

often far removed from field realities. There was no attempt to educate the peripheral population on the social necessity and consequential benefits in the matter of protection of forests nor any kind of a mass involvement.¹¹ Rapid deforestation had taken place as a result of the dual pressures from commercial exploitation and expanding population. This led to increasing degradation of forest and also of conflicts between the forest department and local communities.¹²

Traditionally, India's forests were managed to meet the needs of local communities and were governed by customary rules and regulations which had evolved over the centuries.¹³ However, this traditional framework of forest use and governance was overridden in the second half of the 19th century when the British saw the commercial value of India's forests and imposed control over them in the name of 'scientific forest management'.¹⁴ According to Ramchandra Guha¹⁵, a heated debate existed during this period between Dietrich Brandis, the first Inspector General of Forests and BH Baden Powell over the role of government in forest management and the rights of forest communities. Brandis contended that forests should be left under the management of communities, both for reasons of social

¹¹ S.B. Roy (1996): 'Introduction', in *Enabling Environment for Joint Forest Management*, Natraj Publishers, Dehradun, pg. 9-19.

¹² Ibid.

¹³ R Guha (1983) 'Forestry in British and post British India: a historical analysis', *Economic and Political Weekly*, 29 October and 5-12 November.

¹⁴ Ibid.

¹⁵ R. Guha (1996) 'Dietrich Brandis and Indian Forestry: A Vision Revisited and Reaffirmed' in Mark Poffenberger and Betsy McGean, *op cit*, pg. 86-100.

justice and for the practical purpose of avoiding social unrest that could result from the usurpation of forest lands by the state. Baden Powell on the other hand viewed forests as open access resources, with communities having neither the rights nor the capacity to manage them. Ultimately, as Guha states, Baden Powell's position prevailed and in 1878, the Indian Forest Department was created and vested with the power to oversee forest use, while emphasising commercial forest management.

In the years after India's independence, forests were viewed as raw material and sources of revenue for the country's economic development. The government issued a forest policy statement in 1952 that focused on 'national needs' but was quite unsympathetic to the needs of the forest fringe communities.¹⁶ It noted, "*The accident of a village being situated close to the forest does not prejudice the right of the country as a whole to receive the benefits of a national asset.*"¹⁷ Thus, it was seen that in the first three decades of independence, forest policies narrowly focused on commercial exploitation for the industry and the market.

In 1976, the National Commission on Agriculture¹⁸ was constituted *inter alia* to look into the problems of the forestry sector.

¹⁶ Government of India 1952. National Forest Policy Resolution dated 12th May, New Delhi: Ministry of Food and Agriculture, GOI.

¹⁷ Ibid.

¹⁸ B Vira (1995) *Institutional Change in India's Forest Sector, 1976-94: Reflections on State Policy*, Oxford Centre for the Environment, Ethics and Society (OCEES) Research Paper no. 5 Oxford : OCEES.

The NCA suggested replacement of mixed 'low value' forests with monocultures of fast growing commercial crops. It also suggested the creation of forest corporations to manage forests on business principles. The NCA also viewed local community's dependence on the forest as a major obstacle in the way of commercial forestry. To free forest lands for commercial forestry, it suggested that local communities needs should be met by a social forestry programme on non forest lands. To begin with attempts were made to assign the responsibilities of forest management to the local self government, i.e., panchayats during the 1980s under the community woodlot programme. Over a period of time, it was found that in most part of the country, these woodlot enterprises were not very successful. Panchayats was identified to be still a higher order of threshold in managing forest resources. Its perspective in managing the woodlots could hardly match with the needs of the poor strata of the village community who were in need of what the woodlots could produce. Thus it became apparent that the NCA strategy was not working!¹⁹ While on the one hand forests continued to get degraded, on the other, conflicts between local communities and the Forest Department continued to escalate.

¹⁹ Ibid.

Debates on Indian forest management policies:

Public policy making in a democracy involves the participation of the people in generating ideas, influencing public opinion and involving people's representatives in policy making through the medium of political institutions. In the evolution and shaping of India's forest policy, four important groups having a specific claim on forest resources have played their role in influencing the broad contours of forest policy. These four groups, as identified by Gadgil and Guha²⁰ include the 'conservationists', 'the timber harvesters', 'rural social activists' and 'scientific foresters'.

The first group of conservationists consisting of a select group of exhunters and naturalists has been overwhelmingly concerned with the protection of endangered species and their practical emphasis has been on the preservation of unspoilt nature. These groups of conservationists have argued that commercial forestry has contributed significantly to the decline of biological diversity and to an increase in soil erosion and floods. The conservationists have therefore argued in favour of an interventionist and powerful state as an indispensable protector of forests and wildlife.²¹

The second important group in the Indian forestry debate consists of those who view nature simply in instrumental terms and

²⁰ M Gadgil and R Guha (1996), 'What are forest for?' in *Ecology and Equity: The use and abuse of nature in contemporary India*, Penguin, New Delhi, pg. 148-175.

²¹ Ibid.

thus regard forest as a source of raw material. The timber harvesters, as Guha and Gadgil argues, have been content in allowing the state manage forests, so long as they were assured abundant raw material. With increasing deforestation and the withdrawal of subsidies to wood based industries, the timber harvesters have been lobbying hard for the release of degraded forest lands for commercial plantation.²²

The third group of what Guha and Gadgil calls 'rural social activists' are those grassroot organisations that work among forest dependent people for various welfare and developmental activities. These groups are vocal in their opposition to state control over forests. They have argued vehemently that commercial timber harvesting have seriously undermined local subsistence economies. Since early 1970s, these grassroot organisations have called for a complete reversal of forest management practices. These groups have argued that forest administration has colluded with forest based industries to extract more timber than the forests could bear and identifies the root cause of deforestation to the state policies of revenue earning, its bias towards the markets and industry and to the conversion of mixed forests into monocultures in the name of increasing productivity²³

The fourth group in the Indian forestry debate is the scientific foresters who in the past claimed a monopoly over scientific expertise in forestry conservation practices. Many, among these group conceived

²² Ibid.

²³ Ibid.

forest based communities as obstacles to rational forest management and therefore argued strongly in favour of state control over forests.²⁴

These four interest groups, as Gadgil and Guha observes, focused exclusively either on the ecological objectives of forest management or to subsistence or development objectives. While the group of conservationists and scientific foresters were 'primarily concerned with the maintenance and conservation of biological and genetic diversity, the timber harvesters were preoccupied with their concern for extracting forest resources, mainly timber for commercial purposes. The rural social activists on the other hand emphasised on the production of biomass for subsistence. The impact of the conservationists, scientific foresters and timber harvesters got manifested in the industrial thrust of state forestry policies that emphasised the need for commercial and revenue orientation in forest management practices.²⁵

This overall policy thrust, as Fernandes and Kulkarni²⁶ argued severely undermined the subsistence options by restricting access of villagers to forest areas and contributed greatly to deforestation and allied ecological degradation. Forest conflicts which had been endemic ever since the British laid claim to India's vast forest tracts, become even more intensive in post independence period. For instance, the

²⁴ Ibid.

²⁵ Ibid.

²⁶ W Fernandes and S Kulkarni (1983) 'Introduction' in *Towards a New Forest Policy*, Indian Social Institute, New Delhi.

Chipko movement²⁷, the most celebrated of forest conflicts brought into sharp focus a wide range of issue concerning the country's forest policy. Central to this popular movement alongwith a wide spectrum of forest based conflicts in the tribal districts of Bihar, Orissa, Madhya Pradesh and Andhra Pradesh²⁸ were two questions in the forestry debate. First, was the issue of state control over forest lands and secondly, on the nature of commercial orientation of forest policy in contrast to subsistence orientation.

Against this background, there was a need felt for radical restructuring of forest policy that met the objectives of natural resource conservation on the one hand and local livelihood and welfare on the other. These two objectives were no longer seen as incompatible but rather as integrated and mutually reinforcing. The 1988 National Forest Policy completely reversed the earlier objectives of forest management and stressed on management of forests for meeting local communities needs. This paradigm shift in forest policy was also a result of the changed priorities and goals of development.²⁹ The reconceptualization of development from development as economic growth and material prosperity to sustainable development called for recognizing the limits of state control over forest resources and hence

²⁷ Opcit, 20.

²⁸ Roger Jeffery and Nandini Sunder 'Introduction' in *A New Moral Economy for India's Forests?: Discourses of Community and Participation*, Sage, New Delhi, pg. 14-15.

²⁹ Ibid.

the need for participatory management. In 1990, based on the new forest policy objectives and encouraging results from some pioneering experiments in community based forest management, most notably Arabari experiment in West Bengal³⁰ and Sukhomajri in Haryana³¹, the government started the JFM programme. A central government circular dated 1st June, 1990, directed all states to involve local communities in the protection and management of degraded lands.

II

The gradual recognition of the limitations of state intervention in ensuring sustainable resource management has led to a shift from direct state management to a greater reliance on community participation.³² This shift is a result of the belief that sharing responsibilities of management with primary user groups would ensure sustainability of the resources by encouraging more prudent practices. Further in a context where government owned the resources but did not have the managerial capacity nor the commitment to manage these resources, community involvement would result in regulated use and conservation. Community involvement is thus seen as an answer to the need for improving effectiveness in natural

³⁰ Ibid.

³¹ K C Malhotra and Poffenberger (ed) (1989) ' Forest regeneration through community protection: the West Bengal experience', Proceedings of the Working Group Meeting on Forest Protection Committees, Calcutta, June 21-22.

³² M Sarin.

resource management.³³ This argument on the positive outcome of community involvement is based on considerable theoretical and empirical research which have demonstrated that it is possible, *but not necessary*, for groups of individuals jointly using the same common pool resources to achieve relatively efficient outcomes.³⁴

The ideas of democratic governance and human development are also reflected in the recent concerns of local resource management.³⁵ Studies on common property resources have pointed out the importance of these resources to the poor, especially poor women, for sustaining their livelihood. Policy recommendations from these studies have called for greater involvement of socially and economically marginalised people in decision making over the use of resources that affect their livelihood.³⁶ Over and above the utility based concerns for efficiency, there is also the emphasis on the involvement, inclusion and participation of local communities in their resource management as steps towards their empowerment and equity.

Participation of local communities in resource management have been attempted through co management strategies whereby 'the government assign group rights to a specific territory, provide technical guidance on resource management practices and help create

³³ E Ostrom (1996) *Governing the Commons: The Evolution of Institution of Collective Action*. Cambridge University Press.

³⁴ Ibid

³⁵ Ibid.

³⁶ op cit, 12.

a more positive economic environment for cooperation'.³⁷ According to Ostrom, co management can be interpreted as a form of co production whereby the state utilizes inputs from the community (like labour for monitoring, felling, replanting and conservation of forests) in conjunction with other inputs from the state (like technical expertise, legal recognition) to co produce an outcome (resource management).³⁸

In the forestry sector, the JFM as a co-management programme sought to develop partnership between local people and forest departments to manage forest areas jointly and provide state approved access for the local communities to nearby forest areas, besides encouraging them to protect forests from free grazing and other illegal activities by outsiders. In consonance with the objectives of the National Forest Policy, 1988, the JFM programme seeks to achieve efficiency in forest management and equity and empowerment for forest based communities. The JFM programme has been a relatively successful experiment in many parts of India. According to the Annual Report of the Ministry of Environment and Forests for 2003-2004, the JFM programme has been adopted in 28 states, covering an area of 17.3 million hectares and involving 8 million families.³⁹ It has brought about a positive change in the relationships between local

³⁷ Ibid.

³⁸ E Ostrom (1996), 'Crossing the great divide: Co production, Synergy and Development', *World Development* 24: 1073-1087.

³⁹ Annual Report of the Ministry of Forest and Environment, 2003-2004, pg. 63.

communities and forest officials, besides improving the conditions of forests.⁴⁰

But many studies have questioned the ability of JFM to address the larger normative goals of equity and empowerment. Any assessment of the performance of JFM need to recognise how effective it has been in achieving the institutional objectives for which it was launched. Successful working of JFM would depend on the capacity and aspirations of communities and also on the response of the forest bureaucracy to this new participatory agenda. Reviews of JFM have pointed out that sustainability of these institutions depend on both formal institutional designs and also to informal factors like the nature of communities and the commitment of front line bureaucracy to JFM. In this context an attempt is made to examine how these formal and informal institutional factors determine the outcome of JFM at the field level.

Institutional Context of JFM:

Participatory management had existed for several years in different forms in many states and these efforts were institutionalised with the launch of the JFM programme in June 1990. The successful Arabari experiment in West Bengal⁴¹ and Sukhomanjri in Haryana⁴² and lessons drawn from traditional resource management systems like

⁴⁰ Ibid.

⁴¹ *opcit*, 31.

⁴² M Sarin 'From Conflict to Collaboration: Institutional Issues in Community Management' in Proffenberger and McGean (ed), *op cit*, pg. 165-209.

the Van Panchayats in Uttaranchal, the 'Kans' of Uttara Kanada, the sacred groves in the Himalayas, the 'Orans' in Rajasthan, the 'Shamilat' forests in the Punjab, the supply and safety forests in Mizoram and the "Cumindad' lands in Goa⁴³ found its echo in the JFM resolution of 1990. The Arabari project in southern West Bengal, which started in the 1970s, was based on involving communities in the protection of degraded forest lands dominated by sal. In return for protecting the sal forests, the forest department agreed to give villagers a 25 percent share in the timber revenue from the final harvest. By the end of 1989, community based forest protection committees were protecting 152,000 hectares of forest land spread over 1,250 forest villages in that area.⁴⁴ In another successful experiment, the Hill Resources Management Society in Sukhomajri in Haryana showed how it is feasible to enlist cooperation between local communities and the forest department.

Encouraged by these innovative experiences, the JFM resolution directed state forest departments to experiment with collaborative management systems. JFM emerged as an 'intermediate' arrangement between 'pure' state forestry and 'pure' community forestry. The two principal stakeholders in the JFM system thus included the state, as represented by the functionaries of the forest department at the field level and communities, usually grouped together as a collective

⁴³ Ibid.

⁴⁴ opcit, 31.

decision making body. The JFM resolution also identified voluntary agencies and NGOs as catalysts and intermediaries in JFM.⁴⁵ Under JFM, the Forest Department and the village community enter into an agreement to jointly protect and manage forest land adjoining villages and to share responsibilities and benefits. The village community is represented through a body specifically formed for the purpose. These are known by different names in different states⁴⁶but most are commonly referred to as Forest Protection Committees. As mentioned earlier 28 states have adopted the JFM system. Some of the common features of the JFM notifications in different states include-

- (a) All resolutions provide user groups with usufruct rights only. They clearly note that land is not to be allocated or leased. This means that ownership of the land remains with the government- only management responsibility is shared with the community.
- (b) The resolutions generally recommend village level committees as functional management groups.
- (c) Priority is been given to equity and gender issues in the new institutional structure and functions. JFM resolutions have made provisions for women's involvement in JFM project.
- (d) In terms of the structures recommended for community management organisations, the resolutions vary. In Orissa,

⁴⁵ Ibid.

⁴⁶For example, in Andhra Pradesh they are known as Vana Samaraksha Samitis and in Haryana as Hill Resource Management Societies

panchayats is suggested as the management unit, while the Bihar resolution suggests village development committees.

- (e) Most state resolutions allocate non timber forest products for community use; timber sharing arrangements vary from fuel wood in Bihar, timber for subsistence use in Orissa and upto 60 percent of net commercial timber revenues to participating communities in Rajasthan.⁴⁷

With the approval of state JFM resolutions, a great deal of grassroot organisations for forest protection and management has taken place in many parts of the country. Based on its working, researchers on community forest management have observed that several questions in state resolution need further classification. These includes:

- (a) relationship between forest management groups and local governance bodies, ie. Panchayati Raj institutions⁴⁸ and
- (b) the institutional options of working either through existing traditional institutions where it exists or by creating new ones.⁴⁹

Relationship between JFM and PRI:

Studies on community forest management have observed that small homogenous groups having socio-economic uniformity are more

⁴⁷ op cit , 4, p. 66.

⁴⁸ Ibid.

⁴⁹P K Das 'Development of People's Institution in Joint Forest Management: Assumptions, Realities and Opportunities' , *Indian Journal of Public Administration*, Vol. XLIX, No. 2, April-June 2003, pg. 157-170.

efficient and effective in facilitating group decision making and action. In this context, there is some concern that grassroot forest management committees may not fit well within the system of Panchayati Raj and linking them to panchayats may undermine their independence and effectiveness. This concern arises from the experience that if JFM groups are observed by a village panchayat, then small groups comprising of less powerful communities within the larger panchayat may lose their authority to the traditional elites.⁵⁰ Moreover, the past experience of the social forestry programme indicates that in many cases panchayats had difficulties in effectively managing community woodlots.⁵¹ As pointed out in many researches, there needs to be a clear clarification in the relationship between local forest management groups and the Panchayati Raj institutions.

Based on the experience of the working of JFM the Tenth Plan document recommends certain steps to be adopted in the institutional design of JFM. It advocates entrusting suitable forest patches to well defined user groups with a transparent Memorandum of Understanding (MoU) that defines the roles and responsibilities of the JFM committees and the Forest Department. The plan document also asserts the need for security of tenure and legal backup to JFM committees.⁵² Independent registration of existing informal village

⁵⁰ Ibid.

⁵¹ Ibid.

⁵²B. S Padmanabhan 'For Sustainable Solutions' in *Frontline*, April 8, 2005 .

associations and JFM committees under appropriate formal law is thus significant. In this context with the Societies Act or Cooperative Societies Act provides options taking into consideration the comparative merits and demerits of both Acts.

Need for a uniform institutional framework

With the introduction of JFM, one of the major issues confronting its implementation is on whether to work through existing traditional institutions where it exists or through newly created ones. Much before the introduction of JFM, many forest villages across the country initiated informal local institutions for the purpose of village level decision making towards protection of forest resources. Most of these informal institutions emerged out of local initiative and among groups which had a strong economic dependence on forests. As the local contexts differed from place to place, there remained diversity among these institutions in terms of formal rules and regulations and also of leadership structure.⁵³

An attempt has been made to impose a uniform institutional framework with the introduction of JFM. The arguments concerning such an attempt are based on the following concerns. First, the existing institutions are viewed to be too 'traditional' to be able or willing to take on 'modern' forest management tasks. Secondly it is

⁵³ *Op cit*, 4.

viewed that the traditional management systems is controlled by rural elites and hence may not be able to serve the marginalised majority. Thirdly, while the goals of forestry is to achieve equity and make forestry projects more gender sensitive, women are virtually excluded in the traditional community management system. Hence, for achieving intra group equity and also inter village equity in terms of access to forest resources, external intervention from forest department and NGOs becomes necessary.

However, research findings have shown that in many cases, informal institutions have shown more efficiency in forest protection than newly constituted formal institutions. For instance, in Orissa, informal forest protection committees have produced more efficient outcomes and have protested against bureaucratic interference in their functioning.⁵⁴ Further many traditional systems of forest management have often been ignored or summarily dismissed as forest departments in most states are keen to implement JFM schemes. Yogesh Gokhale's study of two districts located in western Ghats in Karnataka revealed that JFM schemes seeking to place degraded lands under cultivation neglected the dependence of the local people on 'Kans' – sacred groves – present in both districts.⁵⁵ Many studies have therefore concluded that there need to be some flexibility

⁵⁴ Joe Human and Manoj Pattanaik (2000) *Community Forest Management*, Oxfam Publication, New Delhi, pg. 58.

⁵⁵ Yogesh Gokhale, 'Reviving Traditional Forest Management in Western Ghats: Study of Karnataka', *Economic and Political Weekly*, July 31, 2004, pg. 3556-3559.

in state prescriptions of rules and regulations depending upon the local context without diluting the concerns for equity and empowerment.

Nature of Communities

Homogenous groups within which distributional conflicts are absent or minimal are expected to manage a local resource in a more effective and uncontested manner.⁵⁶ Literatures on rural development have shown that social capital⁵⁷ embedded in participatory groups is central to equitable and sustainable solutions to local resource management. Despite these insights, policies on JFM neglect the fact that village communities are often highly stratified in terms of assets and patterns of social inclusion and exclusion. One effect of this at the operational level is that none of the state JFM resolutions specifics suitable guidelines and mechanisms to ensure increased access of landless households or marginalised farmers to the forests or the forest usufruct. The resultant mismatch between JFM goals and local realities turns JFM into an instrument of forest control for use by the rural elite.⁵⁸ In a social cost benefit analysis of JFM in Jharkhand, Sanjay Kumar argued that JFM has succeeded in halting forest

⁵⁶J Pretty and Hugh Ward 'Social Capital and the Environment' in *World Development*, Vol. 29, No. 2, pg. 209-227.

⁵⁷ By social capital is meant the knowledge, status, solidarity, networks and other resources available to the groups for effective participation.

⁵⁸ Sanjay Kumar, 'Does participation in Common Pool Resource Management Help and Poor? A Social Cost Benefit Analysis of JFM in Jharkhand, India', *Development and Change*, Vol. 30, No. 5, pg. 763-782.

degradation but its poverty reduction objective has not fully been achieved. He shows that JFM reflects the social preference of the rural non poor and that the poor are net losers over a forty year time horizon.

The issue of involvement of women in JFM has received widespread attention. There seems to be an agreement in principle for the inclusion of women in JFM from both instrumental reasons as well as reasons of social justice and equity. Over the years JFM resolutions in many states have made provisions for women's involvement in projects undertaken. Yet what comes across from the studies done on JFM programmes is that their participation is confined to formal procedures. Many of them have pointed out that these policies are preoccupied with questions of formal representation, assuming that once women get into general bodies and management committees they would be able to bring their experiences and knowledge into these forums. However they do not account for the fact that women might not be able to adequately participate because they feel inhibited or even intimidated in such settings. Traditional norms and mores of the community usually do not include in the list of acceptable behaviour the inclusion of women in village councils or assemblies and they have different notions of 'proper' roles of women, which do not allow for their effective participation. It is assumed that once provision for participation has been made, people would participate. No thought is

given to how a community is not a homogenous entity but is made up of people whose roles are determined by social and cultural factors.⁵⁹

Commitment of Front Line Staff:

Most of the day to day administrative work within the state forest department takes place at the forest division and below and it is these levels of the bureaucracy that new strategies are implemented. The role of the field level bureaucracy is critical, since these are the members of the forest department who interact frequently with the clients of the agency and influence the way in which the community views the bureaucracy. Under traditional state forestry, the field staff of the forest department interact with local people as controllers and policemen. They wielded enormous power over public resources with no concomitant commitment or accountability to forest dependent villagers. The JFM agenda envisages a radical change in the role of the field level bureaucrat, who is now expected to facilitate community activity and encourage the local population to participate in the management of state forests.⁶⁰ According to Poffenberger, this process of transition is a difficult one as empowering local groups requires the forest department to give up some of their authority. This requires a

⁵⁹ Madhu Sarin (1998): 'Community Forest Management: Whose Participation...?' in Irene Guijt and Neera Kaul Shah (ed) *The Myth of Community: Gender Issues in Participatory Development*, Vistar, New Delhi, pg. 121-130

⁶⁰ Subhabrata Patit, 1996, 'Indian Forest Department in Transition' in Poffenberger and McGean (ed) *op cit*, pg. 220-229.

strong political commitment to the devolution process on the part of the bureaucracy. This commitment is particularly important for the field bureaucracy who are the actual implementers of the JFM policy.

In a study on the attitudes of the field level bureaucracy on participatory forest management strategies, Bhaskar Vira⁶¹ identified a set of factors that may lead to the acceptance of JFM by field level bureaucrats and another set of reasons why these functionaries may reject or be ambivalent towards JFM. According to Vira, functionaries at the front end of the administrative structure may accept JFM if they find out that it promotes cooperation and reduce local level conflict over the use of forest resources. Further if by introducing shared management regimes over forest lands which previously was open access and outside the control of the department, the regeneration of forests under JFM and the reclamation of areas which were degraded would serve to increase the territorial influence of the local bureaucracy.

Vira also gave the following reasons why the field level bureaucracy may reject or be ambivalent towards JFM. First, given their long history of conflict and mistrust, both forest bureaucracy and village communities may be reluctant to enter into management partnership with each other. Secondly, field officials may reject JFM if

⁶¹ B Vira (1999) 'Implementing Joint Forest Management in the Field: Towards an Understanding of Community Bureaucracy interface' in Roger Jeffery and Nandini Sunder (Ed), *Op cit*, pg. 254-275.

they have a static conception of power, in which any increase in the level of control that rests with the local population is perceived to reduce the authority of the bureaucracy by a corresponding amount. According to Hobley⁶², if the officials believe that access by the local population is the key reason for the degradation of forests, then they may support strategies that may increase the authority of the department rather than diluting or 'softening' its control. Thirdly, many studies have suggested that the system of corruption is deeply entrenched throughout the administrative hierarchy and as such increased scrutiny by local communities under participatory management may reduce the scope for such activity and this may be one of the reason for field level bureaucrats to reject the JFM agenda. Fourthly, many field studies have concluded, that the day to day operations of the forestry agency have resulted in alliances between foresters and local elites which work to the disadvantage of the poorest members of the community. One of the implications of implementing JFM is a greater concern for equity and the needs of the rural poor and the field staff may be unable to adopt the participatory approach if this agenda conflicts with the interests of locally powerful individuals and groups.

In a case study of the West Bengal experience of JFM, it was found out that the work situation is one of the dominant factors for

⁶² M Hobley and K Shah (1996), *What Makes a Local Organisation Robust? Evidence from India and Nepal*, London Overseas Development Institute.

behavioural motivation of the front line bureaucracy. In West Bengal, the front line staff of the Forest Department and their union played a progressive role in supporting JFM. They facilitated the dialogue between the forest department and villagers for a collaborative style of forest management by organising workshops, seminars and forestry week. The basic reason for such support for participatory approach by the field level bureaucracy was that their work became more dangerous due to violence from villagers and simultaneous accusation by senior officials for rapid degradation of forests. During the 1970s there were many confrontations between villagers and foresters throughout the state over illegal felling of timber resulting in the killing of several foresters. It was under such a context of their work environment that the local field bureaucracies were motivated to support any policy that would improve their work situation.⁶³

To sum up, the success of JFM programmes depend to a large extent on the nature of interaction between rural communities and field bureaucrats. Failure to implement JFM may be either because the community is unable to form successful collective action strategies or because the local bureaucracy adopts an anti-participatory attitude. The study of the attitude and motivation of both communities and the bureaucracy becomes important to clearly understand the dynamics of

⁶³ K C Malhotra and Poffenberger (ed) (1989) ' Forest regeneration through community protection: the West Bengal experience', Proceedings of the Working Group Meeting on Forest Protection Committees, Calcutta, June 21-22.

JFM and its successful implementation. The role of the forest bureaucracy is crucial to meet the goals of equity and conservation as enshrined in the JFM programme. The field level bureaucracy, unfamiliar with the basic principles upon which stable, durable and democratic local institutions need to be founded, may be the main stumbling block in implementing the JFM programme and in sustaining it. Particularly in areas where there are no strong surviving traditions of community organisations, the forest bureaucracy has the all important task of creating appropriate community institutions for empowering and nurturing communities in forest protection and management. Given this enormous task on the shoulders of the forest bureaucracy, there needs reforms in forest department orientation, training, internal institutional structure, decision making processes and management priorities. If forest departments can learn to play the role of guide, facilitator and technical advisor, they can nurture the development of strong, autonomous local institutions.

CHAPTER – IV

Forest Governance and People's Participation : A Critical Analysis of Assam

The goal of development is to build human capabilities and enlarge human choices. Economic growth is one of the essential means towards achieving development but holistic and participatory development requires much broader policy interventions. It requires good civic governance and participatory institutions that ensures informal structures of civil society to play an important role in supporting formal processes and ensuring accountability and transparency and further cementing community relations and creating trusts.¹ In a break from previous work on development which considered 'people' as a hindrance to 'efficient' and 'rational' use of resources,² current thinking on development and governance champions the role of community participation in managing and conserving natural resources.

The discourse on development and governance in Assam and other north eastern states has been intertwined within the larger political context of migration, ethnic conflicts and underdevelopment. The heavy dependence of the people on the

¹ Good civic governance emphasizes on the importance of non governmental and grassroot self help organizations and informal processes in accelerating development efforts. The Mahbul ul Mah Human Development Centre (1999) *Human Development in South Asia 1999: The crisis of Governance*, Oxford University Press, Oxford.

² The National Commission on Agriculture, 1976 and the draft Forest Bill legislation, 1980 was based on the assumption that the real cause of deforestation were the people. This view first originated in the Report of the Club of Rome.

environment and land and the shortage of natural resources have resulted in the hardening of ethnic identities, the large scale encroachment of forest lands and have also resulted in exclusive claims to livelihoods.³ In the light of previous experiences with development strategies evolved out of earlier conceptualizations of development, new strategies have recognized the importance of institutionalizing good governance practices⁴ like public community partnership, whereby public agencies and local communities cooperate in the management of a given natural resource, each partner bringing agreed resources, assuming specified responsibilities and with defined entitlements.

At the official level, in the forestry sector, Joint Forest Management (JFM), as a co-management programme has been adopted by the Assam government in conformity with the central government guidelines on JFM and the National Forest Policy, 1988. In 2002, the state government constituted a committee consisting of experts on forestry and wildlife to draft the Assam Forest Policy. The committee in its report recognized the limitations of state management of forests and laid emphasis on the need to

³ Walter Fernandes 'Development, Environment and the Livelihood of the poor in the North East' in *Social Action* Vol. 53 July-September, 2003, pg. 242-255.

⁴ There are some new initiatives on good governance in Assam particularly at the district level. The Tezpur initiative with the avowed objective of creating user groups, self help groups (SHGs), participatory community development is an example. Jayanta Madhab 'Governance and Public Welfare in the North East', *Dialogue*, Vol. 5 No. 4, 2004, pg. 39-43.

involve local communities in forest regeneration, maintenance and protection.⁵

This chapter attempts to review the policies that have had a bearing on contemporary problems confronting the forestry sector in Assam and also an attempt to understand the institutional arrangements put into place to manage forests at the micro level. In the first part of the chapter, an attempt is made to draw conclusions from the impact of two colonial policies, viz., the British forest policy and the British wasteland grants on the state of forest governance practices in the state. It then proceeds to undertake a brief overview of the state of forestry in post independent period within the larger political economy of development. The Supreme Court ban on timber logging in 1996 is a landmark development on the political economy of the state. A brief attempt is therefore made to look at the impact of this ban on the people of Assam.

The National Forest Policy, 1988 and the JFM resolution 1990 marks a radical departure from traditional experiences with forestry development. In the second part of the chapter an attempt is made to analyse the role of institutions, viz., traditional self governing institutions and Panchayati Raj in various forestry development programmes. The JFM are in an experimental stage in Assam. An attempt is therefore made to understand the institutional support system and operational constraints of JFM in

⁵ *Joint Forest Management Update, Society for Promotion of Wastelands Development, New Delhi.*

the context of its operation in the state. This exercise would mean an understanding of –

- a) The types of problems experienced in managing people's involvement and analyzing it in terms of their perceptions, motivations and attitudes.
- b) The existing social groups harnessed for implementing JFM and also the relationship between groups and the forest department staff
- c) The approaches and procedures followed to involve the rural communities while initiating the project and its implementation.

These insights have been drawn from the working of the forestry sector in Sonitpur East Forest Development Agency in Assam's Sonitpur district. Data has been collected from secondary sources as well as interviews conducted with the forest officials directly involved with JFM programme.

I

Colonial Legacy of Forest Governance: British Forest Policy and British Wasteland Grants

Ever since Assam passed into the sphere of British colonial rule, the province like other parts of India was subjected to fulfilling the imperial needs of the British empire. Construction of railways, maritime expansion and military requirements necessitated the exploitation of India's forest wealth. Prior to the coming of the

British the association of the indigenous population with the forest was confined to collection of wood for house building, boat building and other materials of daily necessity including fuel logs, thatch reeds and canes. The cultivated lands were occupied by the peasants and the land other than that was mostly regarded as communal land.⁶

The British Forest Policy was primarily formulated to earn as much revenue as possible even at the cost of wanton destruction of Assam's forest wealth. Taxes came to be levied on a number of forest products like lac, rubber and elephants. The system of auctioning timber mahals to the highest bidder was also introduced. Under the system the tax on timber was framed out of the highest bidder and the farmer was allowed to manage the tracts of forests granted to him without any condition.⁷ Another important aspect of the British Forest Policy was the importance it attached to agriculture over preservation of forest resources. The British policy aimed at bringing the vast tracts of wasteland under tillage to augment the resources of the government and to increase agricultural productivity. In 1832, circulars were issued inviting settlers to Assam through respective collectors from the populous district of the then East Bengal, viz., Decca, Tipperah and Mymensing offering wastelands rent free for a term of years after which settlement would be made for the portion brought under

⁶ Rajen Saikia *The Socio Economic History of Assam*, Manohar Publication, New Delhi, 2004, pg. 130.

⁷ S.D. Goswami *Aspects of Revenue Administration in Assam*, pg. 113-114.

cultivation. Assam's forest thus came under new pressures with the influx of settlers from East Bengal (now Bangladesh). These settlers shared the common British assumption that settled agriculture was a far more productive and stable means of forest use. In the twenty years ending 1950, the immigrants from East Bengal had turned around 1.5 million acres of forest into settled agriculture.⁸

The colonial forest policy also attempted to introduce an element of exclusion even to the erstwhile communally owned land of the province if they were found to serve imperial commercial interests. Thus, on the pretext of revenue earning and commercial interests the British established proprietary rights and declared forests as reserved under the provisions of different forest laws. This proprietary rights of the state on the forest areas which was established by the British was later taken over by the Indian forest department at independence.⁹

When the Britishers took over Assam, the province had vast tracts of wasteland.¹⁰ Attempts were made to make generous grants of wastelands to any one who would engage to bring such land under cultivation with the primary condition that the grantee would successfully bring under cultivation one fourth, one half and three fourth of the allocated area by the expiration of the third, sixth and

⁸ H.K. Barpujari (ed) *The Comprehensive History of Assam*, Vol. V, pg. 48.

⁹ B. Datta Ray and K Alam (ed) *Forest Resources in North East India*, Omson Publication, New Delhi 2002, pg. 198-205.

¹⁰ Wasteland are those tracts of land which were uncultivated, unsettled and therefore accruing no revenue to the imperial Government B Datta Ray and K Alam (ed) *op cit*, 9, pg. 195-205.

ninth year, after which he would be entitled to hold the land in perpetuity on the payment of land revenue as decided by the state.

The beginning of tea cultivation heralded a new epoch in the management of wastelands in the state. With a view to encourage the growth and expansion of tea industry, the British government offered land on terms under the Wasteland Grant Rules of 1838, Old Assam Rule of 1854 and New Lease Rules of 1876. With the exception of lands settled for special cultivation under the New Lease Rules of 1876, land granted under the older set of rules was either wholly or partially revenue free. The owners of these lands had permanent, heritable and transferable rights. Moreover, the ceiling of such grants was adjusted from time to time to attract more and more speculators to take up wastelands. As a result, applications were frequently made for several thousand acres by parties (mostly tea cultivators) who had neither the means nor the intention of bringing more than a few hundred acres under cultivation.¹¹

The tea industry relied initially on a large quantity of charcoal as a source of fuel. Large areas of the Grants under forest were used to supply the requirements of wood for fuel and other purposes like manufacturing wooden boxes for packaging tea. The tea planters held a dominant financial and political leverage in

¹¹ Richard Tucker 'The Depletion of India's forests under British Imperialism. Planters, foresters and peasants in Assam and Kerala' in Worster (ed) *Ends of the Earth*, Cambridge, 1988, pg. 126

colonial days and along with the Forest Department monopolized the control and exploitation of the rich forest wealth of the state.

Forests in post independence era

The post independent period brought the region into a new geo-political reorganization of seven constituent states. With the advent of the British rule, along with the Brahmaputra valley, the bulk of the hilly areas were also brought either under the direct rule or as protectorates of the British. The majority of the hill areas particularly the present Arunachal Pradesh, Nagaland and Mizoram were kept under the 'exclusive zones' popularly known as Inner Line Areas. In post independent period, the forest rich tribal inhabited hills and plain areas were given special constitutional recognition through Schedule VI of the constitution. Under the provisions of Schedule VI, autonomous district councils were created in different states of the region. In Assam, the autonomous council areas were created in the tribal inhabited areas through the provisions of Schedule VI. These autonomous councils were created to protect and promote customary traditional laws including rights and privileges over the forests and its resources and the overall forest management in the council areas.¹² Following independence forests in the region came to be distinguished along four categories :

- a) **Notified forests:** These forests are owned, controlled and managed by state or autonomous district councils. This

¹² Op. cit. 10, pp. 195-205.

category of forest include Reserved Forests, Proposed Reserved Forests, Protected Forest and conservation/protected areas like wildlife sanctuaries, national parks and biosphere reserves.

- b) **Unclass state forests:** Forests are under the control and management of state or autonomous councils but used by the tribal communities for all practical purposes.
- c) **Clan/ Community forests:** These forests are owned by tribal clans or communities and managed and regulated by the clan/ community under the overall control of autonomous district councils.
- d) **Private forests:** These are owned and managed by individual or families.¹³

Political Economy of Development and Forests

In the years following independence, in line with the development priorities set by the planners for a top down technocratic development model, forests came to be seen as sources of raw material and commercial revenue earning. This priority was best exemplified by the 1952 Forest Policy with the legacy of British forest policy firmly in place. In Assam, the plan period saw indiscriminate use of forest resources for various forest based industries like saw mill, paper mill and plywood factories. The state also witnessed large scale smuggling of timber exerting a great

¹³ Ibid.

strain on the depleting forest resources of the state. The illegal logging of valuable trees along the Assam Nagaland border in Jorhat Golaphat Sibsagar sector and also along Arunachal Assam border in Sonitpur district have resulted in the large scale destruction of forest in the state. Rapidly vanishing forests and the scarcity of raw materials have led to the closure of the Ashoka Paper Mill at Jogighopa, the Shellac factory at Chaparmukh, the Hardboard factory at Panikhaity and plywood factories of Upper Assam.¹⁴

Ecological roots of ethnic conflict and the issue of forest encroachment

For the indigenous communities in the state, the environment as understood as land, forests, biodiversity and water resources have always been an important source of livelihood. The rapid increase in population in Assam caused by large scale influx of people from Bangladesh and Nepal have put immense pressure on the supply of land. Walter Fernandes¹⁵ has pointed out that the high dependence of the population on land is one of the main reason for social tensions in the state and it has laid the foundation for Bodo Adivasi and Bodo Assamese conflict and tensions in the 1980s. Bodo extremist groups, for instance, permitted the poaching of endangered species and the felling of trees in the Manas Tiger Project in the heydays of militancy in the 1980s and early 1990s.

¹⁴ Op. cit. 10.

¹⁵ Op. cit. 3.

According to Gurung,¹⁶ the loss of forest lands is the result of not only the coming of refugees from East Pakistan in 1947 but also due to the continued influx of Nepali and Bangladeshi immigrants in post independence period. Encroachment of forest lands have therefore become a serious political issue having ramifications on the wider context of forest governance in the state.

In May 3, 2002, the Ministry of Environment and Forests (MoEF) issued a directive to evict 'all illegal encroachment of forest lands' in various states/ union territories before September 30, 2002.¹⁷ While the Assam government carried on evictions in different parts of the state, it was later forced to stay the eviction pending orders from the Supreme Court.¹⁸ However, there are some serious problems in the definition of 'encroachers' in the MoEF circular. This becomes evident from the following situations encountered in Assam.

- a) There are lakhs of tribals and adivasis who have traditionally and customarily cultivated lands before the notification of these lands as state owned forests under various laws but whose rights are not enquired into because of a faulty survey and settlement process. Hence they donot have title deeds for their lands and are labeled as 'encroachers'.

¹⁶ Tejimala Gurung 'Displacing the Displaced: The Nepalis in North East India' in C Joshua Thomas (ed) *Dimension of Displaced People in North East India*, Regency Publication, New Delhi, 2000, pg. 149-158.

¹⁷ Circular No. 13-1/90 FP of Government of India, Ministry of Environment and Forest.

¹⁸ Report prepared by Kalpavriksh dated November 8, 2001.

- b) In Karbi Anglong and North Cachar hill districts of Assam, lands which have been under shifting cultivation for generations have been notified as forest lands. Many communities who have been cultivating these lands for generations under rotational rather than settled cultivation are often treated as 'encroachers' as per the records.
- c) There are a number of cases where pattas/ grants/ leases have been issued to people at various points of time by a proper authority of the Government (e.g. the Revenue Department). But the 'status' of these lands is under dispute between different departments. Very often lands have changed hands between various departments and the tiller of the land has not been consulted or informed. Many such people are recorded by the forest department as 'encroachers'.¹⁹

There remains ambiguity with regard to the definition of encroachment in the MoEF circular. Any government order or policy which have an impact on tribals and forest dependent populations need to reflect an understanding of both constitutional provisions and other policy directives regarding the rights and livelihood of tribals and the governance practices in tribal areas. The issue of encroachment of forest lands is a highly complex and vexed issue in the state of Assam. The role of grass root forest protection committees therefore becomes crucial in identifying encroachers

¹⁹ Ibid.

and informing forests officials about such encroachment. But before that a clear cut definition of encroachment should be arrived at taking the views and consultation of grass root institutions into consideration.

Timber ban in North East India and its Socio-Economic effects

Taking cognizance of the extensive deforestation in the north-east region, the Supreme Court on 12 December, 1996 passed a historic judgement against the cutting of trees in the region.²⁰ To conserve the country's declining forests the apex court laced its judgement with an interim order banning the felling of trees and all wood based activities in the concerned states. The order also directed all state governments in the region to constitute within one month an expert committee to identify all forests irrespective of its class or ownership; all saw mills, veneer or plywood industries operating in the state and to assess the sustainability of the forests qua the timber needs. Till these requirements were complied with, the felling of trees in and removal of timber from the region was suspended except for those required for defence or other 'government purposes'. The Supreme Court further banned the inter state transportation of forest products. In Assam, following the Supreme Court ban, the state government went a step further banning inter district transportation of timber within the state,

²⁰ On a 1995 civil writ petition no 202, filed by JN Godavarman Thirumulpad against the Union of India and others with respect to the cutting of trees in Jammu and Kashmir and Tamilnadu the Supreme Court extended its judgement to the north eastern states.

besides closing down saw mills and plywood factories till their owners could give satisfactory explanation regarding their sources of raw materials.

Though the Supreme Court order is concerned with the protection of forests, the real issues revolve round the use of resources and the struggle for rights over these between competing users. Many studies on the impact of the Supreme Court judgement reveal that indigenous communities have been adversely affected by this ruling. In fact, in most parts of Assam, the entire rural economy revolves around forests. Forest is not only central to agriculture but the income derived there from in turn feeds the market and other economic activities. In Pabhoi range of Sonitpur district where the rate of deforestation is the highest in the country, there has been a drastic slide in its economy which finds reflection in the depression of wages, rising unemployment and high incidence of student dropout from schools and colleges.²¹ Notwithstanding the green concerns that provided the ecological underpinning of the Supreme Court order, the decision banning the extraction of timber has also affected ecology adversely. For instance, forest dwellers to sustain their livelihood have reverted to shifting cultivation, charcoal burning and even removing and selling barks of trees, practices that are no less destructive to the

²¹ Report Prepared by Biswanath College of Agriculture, Assam Agriculture University, 2004.

environment than felling trees.²² Wood based industry was one of the few areas of manufacturing that was developed in the region. With the Supreme Court's ban on logging, this sector has stopped production activities. There is one opinion that the state governments of the region should approach the Supreme Court to reconsider its ban on logging on the grounds that both people's livelihoods and good forest management are dependent on the growth of wood based industry and to lift the ban with the condition that scientific systems of forest management will be instituted by both communities and private and individual owners of forests. However, there is other section that believes that the Supreme Court's decision has had a positive environmental impact and its overturning should not be sought.²³

II

Traditional Self-governing Institutions and Forests

Community forest management has a long tradition in the north eastern region of India. Unlike in most parts of the country where forests were exclusively under state ownership and management, in the north-east, individual families, groups of families, clans and traditional community institutions like the anchal samitis, village councils, village development boards, village durbars, syiemship durbars, doloiships and nokmas managed

²² Tiplut Nongbri 'Timber Ban in North East India: Effects of Livelihood and Gender' in *Economic and Political Weekly*, May 26, 2001, pg. 1893-1900.

²³ Dev Nathan, 'Hill Economies of the North Eastern Region: Emerging Challenges and Opportunities', *Economic and Political Weekly*, Vol. XL, No. 25, July 18, 2005.

forests depending upon the ownership patterns of forests. The Mizos, for instance, had a long tradition of establishing village safety reserve forests and the Khasis and Jaintias had a long tradition of sacred groves or sacred forests. The coming of the British brought along with the Brahmaputra valley, the hilly areas of the region where communal management of forests survived with varying degrees of effectiveness.²⁴

In the post independent period, the tribal communities of the region were accorded special constitutional safeguards under the sixth schedule of the constitution which intended to provide a measure of autonomy to the hill tribes to manage their affairs in respect to some specific subjects. The Autonomous District Councils (ADCs) were constituted to preserve tribal customary practices and also to allow these communities to participate in the management of their affairs in accordance with their traditional customary laws. These councils have law making powers and also executive powers in certain specified matters mainly relating to the management of land and forests resources which is largely owned by the communities rather than the government.²⁵

The self governing traditional institutions emerged in response to the needs of each tribal society and developed a system of governance that served the needs of maintaining social order and ensuring collective economic activities. Through these institutions

²⁴ B Datta Ray and K Alam (2002) *Forest Resources in North East India*, Omsons, New Delhi, p. 13.

²⁵ *Ibid.*, p. 213.

forest use practices were developed to minimize conflicts between users, while ensuring the sustained availability of critical resources. Timber, fodder and shifting cultivation practices were regulated and conserved through rules which were monitored by user groups. However, these traditional self governing institutions have undergone certain changes in their operative mechanisms over the years. Customary regulations on felling of trees have been frequently violated which have resulted in severe degradation of community and village owned forests. Further it has been found out that lack of adequate resources and trained technical manpower have been the main constraints for better management of forests under the control of the autonomous district councils. Private and clan forests have therefore become victims of over exploitation as there is no restriction or often violation of restrictions on the felling of such forests.²⁶

The question of community participation occupies an important place in the governance structure of traditional self governing institutions. However, it has been observed that tribal elites in most cases capture and control these institutions to the virtual exclusion of the marginal majority.²⁷ While the goals of forestry as defined by the National Forest Policy, 1988 is to achieve

²⁶ *opcit*, 24.

²⁷ For instance, in the functioning of the traditional institutions of 'Dorbars' in the state of Meghalaya, Patricia Mary Mukhim writes that this institutions do not involve non tribal residents in decision making but impose their diktat on all the resident within their localities. This has given resentment among non tribal. Patricia Mary Mukhim, 'State of Governance in Meghalaya', *Dialogue*, Vol. 5, No. 4, pp. 97-112.

equity and empowerment and specially take care of issues pertaining to gender like participation of women in forestry conservation practices, in many of these traditional community management systems, women are virtually excluded from the decision making processes.²⁸

Panchayati Raj Institutions and Social Forestry

The National Commission on Agriculture had suggested in 1976 that local communities' needs should be met by a social forestry programme on non forest lands. Through the community woodlot programme, Panchayati Raj institutions were assigned the responsibility of managing and implementing social forestry projects. Assam is one of the two states in the north east region to have both Autonomous Councils under the sixth schedule as well as the 73rd amendment in operation. The Assam Government promulgated the Assam Panchayati Raj Act, 1994 with effect from 5th of May 1994 in which a Goan Panchayat is constituted with population of its territory being not less than six thousand and not more than ten thousand. Even the forest villages and tea garden areas fall within the purview of this Act. The Assam Panchayati Act significantly deals with social forestry. Under Section 19, the

²⁸ The rich spectrum of cultures in the region has within it considerable variation with regard to kinship, class and gender relations among different socio cultural groups. Inter and intra group relations are affected both by traditional hierarchies and the social stratifications that have emerged in modern times. Tribal women have greater economic independence and freedom of movement but there are communities where women are excluded from community decisions in traditional self governing institutions. Sumi Krishna, 'Gendered Price of Rice in North Eastern India', *Economic and Political Weekly*, Vol. XL, No. 25, June 18, 2005, pp. 2555-2562.

functions of Gram Panchayat is described and its sub-section (V) states –

- 1) Planting and preservation of trees on the sides of roads and other public land under its control.
- 2) Plantation of fire wood trees and fodder development
- 3) Promotion of farm forestry and development of social forestry.

Sub section (ii) of Section 49 of Anchalik Panchayat and sub section 8 of section 90 of the powers of Zilla Parishad deals with social forestry, fuel plantation and fodder development, management of minor forest products raised in community lands and the development of wastelands.²⁹

Social forestry projects in Assam like elsewhere in the country was started by the forest department (as part of donor assisted development project) and managed by Panchayati Raj institutions. Accordingly, the forest department selects a common area in a village, signs an agreement with the village statutory panchayat, takes the land over to plant seedlings, supervises the early growth of the plantation and then seeks to turn it over to the statutory panchayat, which would guide the trees to maturity, harvest them and allocate the proceeds.

Studies conducted to review the progress of social forestry have revealed many shortcomings in implementing this project through Panchayati Raj institutions. In spite of the institutional

²⁹ Saponti Borthakur, 'Village Panchayats and the Governance in North East India', *Dialogue*, Vol. 5, No. 4, pp. 149-169.

arrangements to promote social forestry, many studies have pointed out that social forestry programmes tend to represent forestry development priorities such as fuelwood and timber rather than user wants like fodder and thinning. Second, to the extent that panchayats do in fact manage woodlots, their operations reflect the views of the village elites who control them rather than meet the needs of the poorer strata who are most in need of what the woodlot could produce. Thus, panchayats see woodlots as income generators more than as resources to meet public needs; they would prefer to auction off the produce often to outsiders who can pay the best price rather than to distribute it free or at a subsidy to villagers.³⁰

Joint Forest Management in Assam: Some Reflections of its working in Sonitpur East Forest Development Agency.

Joint Forest Management Guidelines: The real thrust of forest policies in post independence period was to cater to the interests of industries and to generate revenue by the forest department at the expense of the rights and needs of forest dwellers and tribals.³¹ The National Forest Policy of 1988 and the subsequent JFM guidelines of June 1990 breaks a new path as for the first time it specifies the rights of the protecting communities over forest land. In this context, CH Hanumantha Rao observes that the single most

³⁰ M. M Deka (2002) *Joint Forest Management in Assam*, Daya Publishing House, New Delhi, pg. 37.

³¹ Walter Fernandes and S Kulkarni (1988) : *Towards a New Forest Policy*, Indian Social Institute, New Delhi.

important factor accounting for the positive impact of forestry development in different parts of the country is community participation and decentralization of programme administration made possible under the new guidelines.³²

The JFM guidelines seeks to achieve

- a) Ecological sustainability in terms of increase in forest cover, prevention of deforestation and the protection and regeneration of degraded forest.
- b) Economic sustainability in terms of increase in crop, fodder and increased employment and sustainable livelihood opportunities.
- c) Social sustainability in terms of equity, people's participation, sustainable functioning of village level institutions and the improvement in the status of women and weaker sections of society.

Following the lead of many Indian states and more particularly the successful Arabari experiment in south western West Bengal, the Amakatra village and Jhabua experiment in Madhya Pradesh and the Sukhomajri experiment in Haryana, the Assam government passed a resolution acknowledging the need for communities to play an important role in the management of forests. The resolution proposed the creation of Forest Protection and Regeneration Committee where beneficiaries acting as members

³² CH Hanumantha Rao 'Preface' in *State of the Indian Farmer : A Millennium Study*, Department of Agriculture, Government of India, New Delhi.

of such committees shall be allowed, as a measure of incentive, usufructs subject to the observance of certain conditions. Some of the salient features of the JFM order include –

- a) The area under the protection of such committees shall be limited to 5 hectares per beneficiary for natural regeneration and 2 hectares for intensive planting.
- b) The divisional forest officer shall select the beneficiaries for consultation of the Forest Protection and Regeneration Committee in consultation with the local panchayats.
- c) The beneficiaries shall be identified from amongst the economically backward people of homogeneous groups living in the vicinity of the forest concerned. Each family will be considered as one unit beneficiary and only those families will be eligible for becoming members of such committees.
- d) The concerned Gram Panchayat shall extend necessary support and help to such committees to ensure their smooth and proper functioning. Committed NGOs/VAs living close to the forest selected for protection, regeneration and afforestation may be associated as interface between Forest Officer and village communities.
- e) No ownership or lease right over the forest land will be given to the beneficiaries or the NGOs/VAs.
- f) Forest area selected for JFM should be worked out in accordance with approved working plan/ worked scheme.

- g) No grazing to be permitted in the forest land under JFM. No agriculture or cultivation should be permitted in the forest land.
- h) Under natural regeneration taken up under the scheme the beneficiaries will have to protect the forest for at least 5 years to be eligible for sharing of usufructs under this programme. No time bar has been specified for sharing of usufructs in case of artificial regeneration.
- i) The surplus out of the harvest from silvicultural thinning and main fellings after meeting the bonafide needs of the beneficiaries shall be sold by the Forest Department. The beneficiaries will be entitled to 50 per cent of the net-receipts for silvicultural thinnings and 25 percent for main felling.³³

JFM in Sonitpur East Forest Development Agency³⁴

In the present study an attempt is made to examine the role of people's participation in Sonitpur East Forest Development Agency in Assam's Sonitpur district. This is done to understand the operational constraints in implementing community participation programmes in the state. People's participation has been conceptualized on the basis of the following indicators.

- a) Awareness among men and women
- b) Participation of the common members in the JFM meetings

³³ 'Assam Joint Forest Management Order', Society for Promotion of Wastelands Development, New Delhi.

³⁴ Based on Report Prepared by Chief Executive Officer Cum Divisional Forest Officer, Sonitpur Social Forestry Division, Biswanath Chariali, Sonitpur, Assam.

- c) Participatory approach followed by government officials and project staff
- d) Social equity
- e) Gender issues
- f) Conflicts in distribution of benefits.

Brief Profile of Sonitpur East Forest Development Agency

Sonitpur East Forest Development Agency covers eight reserve forest areas in Assam's Sonitpur District. The district is known for its diverse and most extensive lush forest cover but of late it has experienced the highest rate of deforestation in the country. The spatial distribution of different forest types from 1994 to 2000 show that very valuable forest cover area is being converted to agricultural land. The reduction in total forest cover was observed to be 145-144 sq.km (2.88%) from 1999 to 2000.³⁵ In view of this massive deforestation, JFM programmes have been operationalised since 2002. The following are the JFM committees under Sonitpur East FDA.

³⁵ P S Roy and PK Joshi (2003) *Forest Cover and Assessment in North East India: Issues and Policies*, Indian Institute of Remote Sensing, Dehradun.

J.F.M.C. under Sonitpur East F.D.A.

Sl. No.	Name of the range	Name of the J.F.M.C.	Name of the R.F/location	No. of Beneficiary	Registration	Date
1	Borgang	Kalaguri	Behali	30	NAC/SE/01	22-07-02
2	Borgang	Bihmari	Behali	115	NAC/SE/02	22-07-02
3	Borgang	Thandapani	Behali	50	NAC/SE/03	22-07-02
4	Diplonga	Morisuti	Naduwar	30	NAC/SE/04	22-07-02
5	Diplonga	Hatipati	Naduwar	14	NAC/SE/05	22-07-02
6	Diplonga	Salaikhati	Naduwar	13	NAC/SE/06	22-07-02
7	Pabhoi	Madhupur	Biswanath	33	NAC/SE/07	22-07-02
8	Gohpur	Sonapur	Gohpur	40	NAC/SE/08	22-07-02

Source:- Report of Sonitpur Forest Development Agency (2000-2004 to 2006-2007).

In the 8 JFM committees under Sonitpur East FDA, Thandapani JPM Committee under Borgang range of Behali Reserve Forest and Salaikhati JFM Committee under Diplonga range of Naduwar Reserve forest were selected for the study. The study was conducted on the following hypothesis-

- a) People's participation would be higher in the villages with homogeneous composition of the population and lower in villages with heterogeneous composition.
- b) People's participation would be higher when equity dimensions of generated benefits are fulfilled.

Socio economic profile of Thandapani and Salaikhati JFMCs:

Thandapani JFMC which was constituted in July, 2002 falls under Behali Reserve Forests which was formed in 1917. There was no tradition of informal forest protection committees in the region

and the Forest Department enjoyed sole monopoly in the collection of revenue from timber logging, collection of sand gravel and thatch and other minor forest produce. Encroachment of forest land started since 1967 and by 1984, 10,000 hectares of area under the reserved forest witnessed illegal occupation of encroachers. While the population of Thandapani JFMC comprises of the plantation labour origin families belonging to the Chawtali Hindu Caste, the adjoining areas comprises of Nepali immigrants and caste Hindu Assamese population. Majority of the people are dependent on forestry activities but with the Supreme Court ban on the felling of trees, the population has to depend upon fire wood collection and different minor forest produce and agriculture for their livelihood.

The Salaikhati JFMC falls under the Diplunga Reserve Beat under Naduar Reserve Forest which was constituted in 1978. The Naduar Reserve forest is covered by natural forest along with artificial regeneration plantations in the degraded areas. With the creation of the Nameri National Park, a portion of the Naduar Reserve forest was handed over to the wildlife division of Tezpur. The Salaikhati JFM Committee comprises of families belonging to the Karbi Scheduled Tribe Community while the adjoining areas are populated by people of tea plantation labourers, Bodo tribals and Assamese caste Hindus.

Some findings in the working of JFM Committees in Thandapani and Salaikhati:

i) Encroachment and deforestation: Thandapani and Salaikhati have of late witnessed massive encroachment of forest land by both indigenous communities and also by people displaced by ethnic conflicts in lower Assam (many Bodo families from lower Assam have settled down in Pabhoi Reserve Forest) and also settlements of immigrants from Bangladesh and Nepal. This has resulted in the large scale occupation and clearing of forest land to agriculture and the felling of valuable trees in the forest. Added to this is the menace of timber smuggling aided by grassroot level leaders, contractors and forest officials in the range. Since the formation of J.F.M., these committees have been assigned duties of identifying and informing concerned forest officials of new encroachments and steps for eviction. However, in the absence of a clear definition of encroachment at the official policy level, it becomes difficult for both forest protection committees and the forest department to carry out eviction orders.

ii) Participation of members in the meetings of JFM: Two meetings were held in each JFMCs since its creation and Participatory Rural Appraisal exercises was started since 2003 through group discussions between the forest officials and the villagers on the issues of village development, deforestation and agriculture. Transact walk were also carried out by the forest

officials along with villagers to conduct a study on the physiography of the project area. However it was observed that the level of participation among the common male members were generally low. Moreover, the participation of women in the meetings was low inspite of the fact that women were aware about the formation of JFM committees. Women showed their inability to participate on account of tradition and custom followed by illiteracy and male domination.

iii) Conflicts in the distribution of benefits: The various natures of conflicts were found between a) beneficiary versus non beneficiary families b) intra beneficiary groups and c) inter village conflicts. The major form of conflicts within the village was noticed mainly between the beneficiaries and non beneficiaries which was the result of the in built violation of equity norms as the JFM project intended to give usufructs to the beneficiaries of the project. Further the JFM project have not come out with any alternative programme of directly benefiting various groups of non beneficiaries.

It has been observed that in the case of Thandapani and Salaikhati, more than one village have their rights in the same forests which have hindered the proper coordination of the JFM Committees. Another point of conflict is over the ambiguity of forest boundaries. It has been found out that a large part of reserve forest is not convergent with the boundary of revenue village which has

acted as an impediment to the smooth coordination of the activities of the forest, revenue and rural development departments.

iv) Relationship between Forest Department and Communities:

It was observed that there exists mistrust and hostility between the Forest Department staff and the local communities. While forest officials feel justified in enforcing the law, locals are agitated at being denied resources which they claim are justly theirs. It has also been found out that there is lack of frequent contact between the Forest Department officials and the village leadership as well as the prospective beneficiaries.

v) Nature of Communities and its impact on the functioning of

JFM: The population of Sonitpur district is highly heterogeneous both in terms of class and caste composition. Of late a new class of local entrepreneurs and owner contractors have emerged in the rural areas who besides felling trees illegally also purchases trees from poorer families. Those with sufficient resources have even established their own mini saw mills (though small in size to those in the towns). These group of local-entrepreneurs enjoy sufficient political clout and protection and hence engage the local unemployed youths to take up illegal timber trade. A conclusion can therefore be drawn that JFM programmes have been launched without a proper evaluation of the economic condition of the people involved in it. Both Thandapani and Salaikhati experience bears

ample testimony to it. Most of the inhabitants of Thandapani and Salaikhathi village remain unemployed during the winter season due to lack of agricultural work. In this season they depend on the nearby forest to get work. They cut trees from the forest and sell it to the local timber entrepreneurs to sustain themselves. Violating rules of JFM therefore becomes common and the illegal timber trade continues to flourish.

In spite of the setting up of the JFM Committees in 2002, the modalities of the partnership have not yet been fully operationalised, though partnership in the form of usufructs sharing has emerged. But this is not equitable or sustained as the people's contribution in the protection and its management is minimum. Locals are more concerned about their rights of taking benefits and always feel unconcerned about the upkeep and sustained yield of these forests. Further the limited capacity of government agencies to enter into a dialogue with the rural people regarding their resource rights and responsibilities has constrained the resolution of resource management conflicts and problems.

To summarize the entire study, the following shortcomings of the Forest Department were observed:-

- 1) Forest Department hesitates to talk to locals
- 2) They lack trust and have no faith on the locals
- 3) Lack of dependability on local leaders
- 4) The low credibility of forest staff.

The deficiencies of the local community were

- 1) Heterogeneous groups
- 2) Economic disparities
- 3) Professional disparities
- 4) Low standard of education
- 5) Encroachment of forest land and
- 6) Rivalries among households in a village or among villages.

Tribal Communities of the north eastern region have a long tradition of self governing institutions. In Assam, the two sixth schedule Districts of Karbi Anglong and North Cachar Hill Autonomous Districts are multi tribal inhabited districts where more than ten different communities with a considerable population size is recorded. In the past these tribal communities through their self governing institutions devised a system of rules and rights to ensure the survival of forests. These indigenous management systems took a diversity of forms, reflecting on the flexibility required to adopt the dynamic environment in which these communities lived and thereby enabling communities to bear uncertainty and share risks.

Over time, however, with the changes in values and incentives following the penetration of markets and greater demand for forest produce there also emerged greater incentives for individuals within these communities to break customary sanctions like those on the felling of trees. In the process these self governing institutions have become less effective in enforcing rules of prudent

forest management practices. Statistics reveal that 13% of North Cachar Hills is under forest cover against the state average of 25.8%.³⁶ This implies that there is widespread deforestation in the region. Not denying the critical role played by the market, bureaucracy and timber traders in exploiting the vast natural resources of the state, these local institutions in the past played a crucial role in mediating the interests of external and socio economic forces and thereby managing forests sustainably. Recent attempts at forging partnership between the state and local communities through JFM seems encouraging, since it has elements of equity and empowerment concerns as its agenda. But JFM may also tend to bring with them a tendency to impose a uniform structure. This uniformity and rigidity may undermine traditional management systems that adapted to a highly diverse social and physical environment.

One of the most aggressive large scale deforestation in the foothill region of Eastern Himalayas has been found to take place in Sonitpur district of Assam. In view of this loss of forest cover induced by unsound management activities, the Assam Government, following the lead in many states, operationalised JFM programmes. Since its inception, these community management programmes have not achieved the desired outcomes. In the present study of Sonitpur East Forest Development Agency, it was found out that JFM has yet to take deep roots in a region where there

³⁶ F:/SUBHASH/MEDIA/PUBLICAT/Assam report(1).doc.

exists no effective traditional management systems to protect and manage forests effectively. Added to it is the high dependence of the local population on the depleting forest resource base with no alternative livelihood practices. Further, the inability of the Forest Department to forge effective partnership with the local population has made JFM to still remain in its nascent stage of operationalization.

Identifying the reasons for the success of Forest Protection Committees in West Bengal, Malhotra and Poffenberger³⁷ have noted the following key features of the success story

- a) Legitimizing community's role in the management of forest through issue of government orders.
- b) Emergence of an appropriate socio political climate/ three tier Panchayat Body that can be the foundation of an effective community movement of forest management
- c) Internalization of JFM concept by the Forest Department officials at different levels
- d) The forging of a qualitatively new relationship between the Forest Department and local people.

Thus, the success of JFM would depend on how the government creates participatory spaces in all fields of governance. As the West Bengal model depicts, social mobilization from below and political will from above have jointly contributed to the success of JFM projects in the state. The forest bureaucracy was quick to respond

³⁷ Mark Poffenberger and Betsy Mcgean (ed) *Village Voices, Forest Choices: Joint Forest Management in India*, Oxford University Press, Delhi.

to this new participatory agenda and provided all institutional support for its effective implementation. Comparing the experience of FPCs in Bengal, the Assam experience offers strikingly contrasting pictures on the overall state of forest governance in the state. The forest bureaucracy is yet to respond effectively to the new initiative to institutionalize good governance practices. Added to it is the complex nature of political economy of the state embedded in a culture of administrative corruption, violence and ethnic strifes. Participation at the grassroots is yet to make inroads in the absence of social mobilization from below in development activities and the siphoning off of development funds by a contractor politician and bureaucracy nexus.

Effective management in the future will more likely depend on nurturing social ties and communications. Improving communication between the state and communities is the most critical element in building trust among all those who share management responsibilities for protecting the forest resources. Further, partnership would require transparency and accountability, for lack of effective communication and joint decision making process would create a situation of mutual distrust and violation of rules for the protection and regeneration of the forest resources.

CONCLUSION

The discrediting of the conventional definition of development as economic growth and the adoption of new definitions of sustainable human development have reinforced the importance of people's participation in the development process. Experiences with state management of CPRs exposed the limitations of state intervention and showed that the state has a distortionary and inefficient presence in many areas particularly concerning rural development. With the gradual recognition of plurality of actors in the development process, the role of the state is visualized in terms of supporting and strengthening institutions that promote effective participation of communities in decision making processes that affect their livelihood. Participation in the development context is therefore seen as an empowering process, which enables local people to make their own analysis, to take command, to gain confidence and to make their own decisions.

In the present study an effort is made to review different institutional arrangements for managing CPRs. Three systems, namely, privatization, centralization and user group managed systems were identified. It was observed that CPRs managed or controlled privately or through a centralized agency cannot produce the desired outcomes within the broad imperatives of people's participation as defined in terms of equity, empowerment and democratic governance. Private property systems exclude the poor and the marginal sections of society who derive

maximum sustenance capacity from these resources. Further, the problem of over exploitation and consequent degradation is always present in privately managed CPR systems. Experience with nationalization of natural resources has also been unproductive in most cases. As the Indian states' management with forest shows, unsupervised and self seeking bureaucracies often tend to indulge in corrupt practices as they have no real stakes in the conservation of local resources. Centralization of India's forests has therefore miserably failed resulting in over exploitation, alienation of the users from the resources, illegal encroachment and the degradation of rich forest wealth.

Prior to the establishment of state control over forest by the British colonial authority, in many regions of the country, the relationship of local communities with natural resources reflected a combination of individual, family, kinship and common basis of ownership and occupancy rights. The people's relationship with the commons was based on customs and traditions that evolved over many centuries and generation of access and use. As Ramachandra Guha¹ pointed out, people had an intrinsically intimate and reverential attitude to the land and on the strength of this, they had developed a protective ring around the forest, through folklore, religion and tradition. However, with the establishment of state control, these traditions either collapsed in some regions or survived with varying degrees of effectiveness as in the hilly

¹ R. Guha (1983) 'Forestry in British and Post British India: A Historical Analysis', *Economic and Political Weekly*, 29 October and 5-12 November.

regions of north east India or the Van Panchayats in Uttarakhand. Most of these traditional institutions were fairly effective in regulating resource use to prevent unsustainable exploitation and were also effective in preventing encroachment through informal measures, though encroachment did occur in a few cases.²

An increasing number of scholars have therefore advocated collective management of CPRs through self governing institutions. However, even if there are a few instances where village communities have protected and conserved such forests, we can hardly generalize from this experience. It would be too simplistic and naïve to assume that communities would manage natural resources by themselves as values and incentives have changed over time with the growth of individualism. For instance, there is a greater market for forest produce, and hence greater incentive for influential individuals to break customary sanctions. Further we cannot take for granted that once the forests are handed over to the communities, they would be used sustainably. In the earlier times, this was easier for people because they did not have to cope with the pressures of commercialization and population as of today. It is in this context partnership between the state and local communities seem more encouraging.

The concept of JFM therefore represents a combination of state property and common property rights regime. While members have a

² Satyajit Singh (1997), 'Collective Dilemmas and Collective Pursuits: Community Management of Van Panchayats in the UP Hills', *Mimeo*.

right to exclude people from other villages and to a share of forest produce and its benefits, the government reserves the right of ownership and retains the authority to exclude certain land uses like cultivation and to control the disposal of certain products like timber. The bundle of property rights belongs exclusively neither to the government nor to members, but is distributed between the two. As such JFM has emerged as what M.V. Nadkarni calls '*an interesting experiment in social engineering*.'³ It is under this context of the implementation of JFM that an attempt is made through this study to understand some of the important factors determining the success and failures of JFM in different parts of the country.

Success stories of conservation through JFM programmes were found to be locally specific and were therefore not widely generalizable. As Madhu Sarin⁴ argued smallness of size and homogeneity of social composition were the factors that facilitated the efficient management of resources by community institutions. In the context of the successful Sukhomajri experiment in Haryana, Sarin identified caste and class homogeneity and the evolution of a cooperative mechanism through which concentrated efforts of a team of government officials, consistent institutional, technical and financial support by government and

³ M.V. Nadkarni (1996) 'Forest, People, Economics', *Indian Journal of Agricultural Economics*, Vol. 51, No. 1 &2, January-June 1996, pg-20

⁴ Madhu Sarin (1996) 'From Conflict to Collaboration: Institutional Issues in Community Management', in Mark Poffenberger and Betsy Mcgean (ed) *Village Voices, Forest Choices: Joint Forest Management in India*, Oxford University Press, New Delhi, pg .165-209

international agencies contributed to its success. The Van Panchayats of Uttarakhand also provide an example where class and caste homogeneity and the historical and ideological legacy of participation in the Sarvodaya and Chipko movement have contributed in no small measure to the formation of local institutions for the effective management of natural resources.

In contrast to the Van Panchayats of Uttarakhand, the West Bengal experience of JFM provides many answers to understand the dynamics of successful conservation practices. The villages of West Bengal are characterized by considerable heterogeneity with respect to caste, class and ethnic groups. However, the success of Forest Protection Committees (FPCs) in West Bengal were attributed to a conducive environment for rural development and grassroots democracy and also to the inspirational leadership of the state forest bureaucracy in the spread and functioning of protection committees. Poffenberger and Mcgean⁵ have identified the following features of the success of FPCs in West Bengal-

- a) No additional funding has been required for these schemes. In fact, Forest Department employees have devoted considerably less time and effort to organizing FPCs than they previously devoted to policing.

⁵ Mark Poffenberger and Betsy Mcgean(1996), 'Introduction' in Mark Poffenberger and Betsy Mcgean (ed) *op cit 4*, pg.30

- b) The benefits of FPCs have cut across both ethnic and political boundaries. FPCs have been successfully formed in villages with tribal, non tribal and mixed populations, as well as in villages owing allegiance to the Congress and Communist Party of India (Marxist).
- c) The experience of the FPCs has further undermined the conventional wisdom, on which much forest management has been hitherto based, that timber is the main produce of the forests. Thus the regrowth of Sal has facilitated the emergence of a large diversity of plants.
- d) The experience of FPCs points to a qualitatively new relationship between the Forest Department and local people.

However, experiences with JFM in other states have been mixed and there still remains skepticism about the 'participatory' nature of JFM, as to how much of real management power is invested in the villagers and whether the state forest departments truly take on only monitoring, technical and advisory roles. As the experience with JFM in Assam's Sonitpur district demonstrated, decentralization is only in terms of resource use and even in the usufruct rights of forests, the state forest department has retained substantial power, as in case of the sale of timber. However, this experience is not uniform and success stories in

some states like those in Andhra Pradesh⁶ reflect greater village participation in those areas.

In the working of JFM programmes in the Sonitpur East Forest Development Agency, it was observed that the forest department was yet to forge genuine partnership with local communities in protecting the depleting forest resources of the region. The relationship of the forest bureaucracy and local communities was one of mistrust and hostility towards each other. While forest officials felt justified in enforcing the law, locals were agitated at being denied access to resources which they claimed were justly theirs. Lack of frequent contact between forest department staff and local communities, the heterogeneous nature of communities in terms of class, caste and ethnic groups and also the heavy dependence of local communities on the depleting forest resource base in the absence of alternative livelihood practices have adversely affected the functioning of the newly formed JFM Committees.

The complex nature of the political economy of the state embedded in a culture of corruption, facilitated by the channelizing of development funds and programmes through democratic institutions established by the 73rd Amendment have also had a bearing on the working of participatory programmes like JFM. Further, the problem of encroachment of forest lands has posed a serious challenge to effectively implement JFM schemes. Given the centrality of land to local politics, the

⁶ Emmanuel D'Silva and B Nagnath (2002), 'Behroonguda: A Rare Success Story in Joint Forest Management', *Economic and Political Weekly*, February 9, pg. 551-557

Assam government has periodically 'regularized' encroachment or given title deeds to encroachers. The problem of encroachment has to be therefore looked at in terms of an unproductive agricultural base and also in terms of the large scale migration and internal displacement of people affected by ethnic conflicts in the recent past. Without viewing agriculture and forestry together in the region and resolving the land issue, attempts at community participation in the forestry sector through JFM programmes alone are unlikely to be successful. Advocates of community participation have argued that development should be decentralized and the task of determining local developmental priorities should devolve on institutions of local self government, because these can better represent and fulfill the aspirations of the people. However, as the present study found out, ground reality is infinitely more complex and unpredictable and community participation can be truly achieved only when an ideal environment is created through supportive roles played by both the state and local communities.

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