Chapter Three

Common Property Resources and Institution: 
A Case Study of Van Panchayats in 
Almora District, Uttar Pradesh
Introduction

Recent years have witnessed an increasing accent on peoples' participation in both policy discourse at the national and international levels and non-official policy discourse at the level of local level institutions, voluntary agencies and non-government organisations. The introduction of Joint-Forest Management and Central Government order in the 1990 directing State Governments to encourage the involvement of village communities in the regeneration of degraded forest land can readily be interpreted as a major shift from state regulation to peoples participation in forest management. However we need to carefully perceive and interpret the claims of these legislations, their underlying limitations and analyse the extent to which these policies and administrative structures related to forest management have retained their colonial approach.

The forest policies and programmes not only defines the nature of forest use and management but also the property regime within which the resource is held. It also specifies the right to property & ownership vis-a-vis the resource. The early Acts of 1878 and 1894 illustrates the process through which a certain regime of property in forests (cooperative management) gave way to a different type of regime i.e. state ownership. To have a comprehensive understanding of this change in institutional matrix we need to took at these acts and policies which are instrumental not only in institutional change but also has its impact on the condition of the resource. Further policies are also a reflection of states' response to socio economic situation or a crisis condition and are thus primarily
guided by concerns as perceived by the state. In the context of the present study we need to look at the basic objectives underlying these policy prescriptions and its impact on the state of forestry in India.

Section I of the chapter therefore briefly traces the evolution of state policy towards forest management and discusses the politico economic context which informed the recent changes. It also critically analyses the national forest polices of 1952 and 1988 in the overall context of peoples’ involvement in forest resources. Section II studies Van Panchayats and critically analyses their institutional performance which are local level institutions for the management of forest in the Almora District of Kumaon Mandal Region of U.P. Hills.

SECTION I

Till the end of the 18th century, forest was treated by local dwellers and the Indian state as an open access resource. This did not imply that it should be used or misused by anyone with no restraints attached. It was effectively managed with the help of a complex range of rules and regulations woven around the socio-cultural milean as well as the economic activities of local communities. In fact the indigenous model of natural resource utilization were sensitive to the limits to which these resources could be used (Bandopadhyay & Shiva, 1988).

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1 It had been estimated that at least 80 percent of India's natural resources were common property before the state intervened in the name of scientific management (Singh, 1986).
According to Chhatrapati Singh (1986), forests come mostly under common property of ancient origin where resources were commonly owned by the village. Traditionally forest dwellers did not conceive their habitat as their property, common or private, and such a concept was alien to them. However the rulers within whose domain the land fell, claimed ownership even where they may not be claiming land revenue from the native people or interfering with them. This monarchical claim was exploited by the British to introduce the concept of common property over which the sovereign had absolute rights. This was justified in legal theory in the name of 'new act of the state jurisprudence' (Singh, 1986: 9).

With the establishment of British colonial rule in India there was a major change in the way the natural resources were being utilised. The resources of this country were linked with the direct and large scale non local demands of Western Europe. The ever increasing resource demands of the industrial revolution in England were largely met from colonies like India. The basic purpose behind the colonial exploitation was a state oriented forest management to utilise the forest in the service of the industry and army. This state control had various aspects. First the whole emphasis was on the state deciding what the forest stood for, who should use it and in what manner. Since the government became the owner of these resources, peoples’ access was being governed by the state as a concession. The entire process of expansion of state control over forests in India started about the same time that major transformations characterised the wider politico-economic scene. With the expansion of markets for several forest products Indian forest resources became economically
attractive. Forest soon became a major source of state revenue and forest management was closely linked up with the needs of commercial interest.

The process of state empowerment vis-a-vis people on the question of control over forest started in 1800 when a search party was sent to enquire into the availability of teak in Malabar forests and in 1806 dictated by imperial considerations the teak forests were reserved. This demand for timber was further intensified in the early years of the building of the railway network after about 1853. While great chunks of forest were destroyed to meet the demand for railway sleepers, no supervision was exercised over the felling operations. The following table shows the pattern of railway expansion in India from 1853-1910:

<table>
<thead>
<tr>
<th>Year</th>
<th>Kilo Miterage</th>
<th>Outlay (Rs. Million)</th>
<th>Net earning (Rs. Million)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1853</td>
<td>32</td>
<td>3.8</td>
<td>0.05</td>
</tr>
<tr>
<td>1860</td>
<td>1,349</td>
<td>266.6</td>
<td>3.0</td>
</tr>
<tr>
<td>1870</td>
<td>7,678</td>
<td>900.0</td>
<td>30.3</td>
</tr>
<tr>
<td>1880</td>
<td>14,745</td>
<td>1,285.7</td>
<td>63.9</td>
</tr>
<tr>
<td>1890</td>
<td>26,395</td>
<td>2,136.7</td>
<td>103.6</td>
</tr>
<tr>
<td>1900</td>
<td>39,834</td>
<td>3,296.1</td>
<td>164.5</td>
</tr>
<tr>
<td>1910</td>
<td>51,658</td>
<td>4,390.5</td>
<td>239.9</td>
</tr>
</tbody>
</table>


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2 British shipping industry turned towards Indian forest to meet their need for wood later the expansion of railways in India further increased the demand. An indication of escalating demand is provided by the increase in tonnage of British merchants ships (i.e. excluding the Royal Navy) from 1,278,000 tonnes in 1778 to 4,937,000 tonnes in 1860 (Leathart, 1982).
Initially it was done in an unplanned manner, however resistance from the tribals and the apprehension of fast depletion of forest by the British gave birth to the first forest-policy of 1854. The forest were declared a national asset and efforts were made to introduce what was called "scientific management" which was only a mode of getting higher revenue for the state. Railway requirements were the first and by far the most formidable of the forces thinning Indian forest (Cleghorn, 1860:60) To ensure a sustained availability of requirements of different railway companies for railway sleepers the Governor General called in 1862 for the establishment of a separate forest department. The imperial department was formed in 1864 with Dietrich Brandis as its first Inspector General of forest. However the task of checking the deforestation of previous phase and the consolidation of forest estimate could not be accomplished without the assertion of state monopoly right over forest. It was in this dual sense that the railways proved to be a watershed with respect to forest administration in India, the need was felt to start an appropriate department and for its effective functioning, an enactment of legislation to curtail the previously exercised unlimited right of users was required (Guha, 1993).

More systematic interventions and assertion of state monopoly was through the Indian Forest Act of 1865. The Act was made to regulate forest exploitation, management and preservation. It empowered the government to declare any land covered with trees, brushwood or jungle as government forest by notification, "provided that such notification should not abridge or effect any existing right of individuals or communities" (section 2). For the first time an attempt was made to regulate the collection of forest produce by the forest
dwellers. Thus the socially regulated practice of the local people were to be restrained by law (Kulkarni, 1987). The act was applicable only to forests which were under government control and no provisions were made to cover private forests. **This act marked the inception of formal state property in forests in India.**

In a conference of forest officers in 1874, a discussion was held on the defects of 1865 Act. The British themselves reversed a process which they themselves initiated viz, treating forests as inexhaustable and worthless and by doing so permitting the villagers to exercise right of users unhindered. In fact all the provisions of 1865 Act except the one pertaining to arrest were found to be defective. In section VIII of the Act, it was stated that "gives the one satisfactory power in the Act, and must be maintained in the new law, arrest without warrant is absolutely essential". The Act provided for a series of prohibitions but said nothing about the principles of managing the forest. In the colonial bureaucracy there was a considerable debate on the absolute control and ownership rights of the state and it was decided to treat the customary use of the forests by the Indian villager as based on "privilege" and not on "right". These considerations were to be incorporated in the new (1878) Act.

The Act of 1878 was more comprehensive than the earlier one. It created three classes of forest:

(a) **Reserved forest** consisting of compact and valuable areas and well connected to towns which would enable the department for sustained exploitation. In reserved forests a legal separation of rights was aimed for in order to ensure total State control. Though attempts at cordonning off certain species of forests had been attempted earlier, the first "Reserved
Forests" from which local users were excluded altogether were created after the 1878 act.

(b) In the second category the protected forest rights were recorded but not settled. "Protected Forests" were more or less a residual category after the entire non-cultivated land had been classified as being under reserved forests or within the Assi sal boundaries. Thus it included, among other things the omnibus category of "waste lands". The Act allowed the government to declare any part of the protected forests as reserved. This entailed another potential encroachment on the customary rights of local users. Infact the 14,000 square units of state forests in 1878 had increased to 56000 square miles of reserved forests and 20,000 square hectres of protected forests in 1890 (Guha, 1993: 134.)

(c) The category of "village forests" included a provision for the creation of forests for the exclusive use of villagers in the future. In practical terms, it meant the forests within the Assi Sal boundaries to which locals had free access. Even though this third category of forest i.e. village forest" were created, the option was not exercised in most parts of the country. People were notified to record their claims over land and forest produce in the proposed reserved and protected forests.

The Act imposed many prohibitions of forest use. Certain acts like trespass or pasturing of cattle were prohibited. Provisions were made to impose duty on timbers. Some provisions were also made for private forests. Acts like forest fires, felling of timber were declared as forest offenses and imprisonment and fines were also prescribed for these. Under the provision of 1878 Act, each
family of rightholders were allowed a specific quantum of timber and fuel, while the sale or barter of forest produce was strictly prohibited. This exclusion from forest management was therefore both physical, as it denied or restricted access to forest and pasture as well as social, as it allowed 'right holders' only a marginal and inflexible claim on the produce of the forest (Gadgil, Guha, 1992: 135).

The forest policy statement of 1894 also reasserted the principle of state monopoly over forests. The resolution declared that the sole objective with which the state forests were to be administered was to be public benefit. In some cases the public to be benefited were the whole body of tax payers, in others the people of the tract within which the forest was situated.

Forests were divided into four classes: (a) forests the preservation of which was essential on climatic or physical grounds, (b) forests which afforded a supply of valuable timber for commercial purposes, (c) minor forests and (d) pasture lands.

The above mentioned classifications were applicable only to forests under the management of the state. However some suggestions were also made for wastelands not declared as forests. It was categorically specified that the claims of cultivation were stronger than the claims of forest preservation and that whenever an effective demand for cultivable land could be supplied from a forest area it should be ordinarily granted without hesitation.

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3 One must distinguish between policy statements and legislative enactments. Whereas it is always possible to make conciliatory gestures in the former it is the latter which will actually be in operation (Gadgil & Guha, 1992).
The government thus gradually increased its control over the forest and the forest department was strengthened from time to time with a view to regulate people's right over forest lands and produce. There was a steady and considerable increase in revenue obtained from the forests. The table below indicate consistent increase in surplus account of the Forest department.

Table 3.2

Revenue and surplus of forest department 1869-1925

<table>
<thead>
<tr>
<th>Yearly average for the period</th>
<th>Revenue (Rs. million)</th>
<th>Surplus (Rs. million)</th>
<th>Per cent of column 3 to column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1869-70 to 1873-74</td>
<td>5.6</td>
<td>1.7</td>
<td>30</td>
</tr>
<tr>
<td>1874-75 to 1878-79</td>
<td>6.7</td>
<td>2.1</td>
<td>31</td>
</tr>
<tr>
<td>1879-80 to 1883-84</td>
<td>8.8</td>
<td>3.2</td>
<td>36</td>
</tr>
<tr>
<td>1884-85 to 1888-89</td>
<td>11.7</td>
<td>4.2</td>
<td>36</td>
</tr>
<tr>
<td>1889-90 to 1893-94</td>
<td>15.9</td>
<td>7.3</td>
<td>46</td>
</tr>
<tr>
<td>1894-95 to 1898-99</td>
<td>17.7</td>
<td>7.9</td>
<td>45</td>
</tr>
<tr>
<td>1899-1900 to 1903-4</td>
<td>19.7</td>
<td>8.4</td>
<td>43</td>
</tr>
<tr>
<td>1904-1905 to 1908-9</td>
<td>25.7</td>
<td>11.6</td>
<td>45</td>
</tr>
<tr>
<td>1909-1910 to 1913-14</td>
<td>29.6</td>
<td>13.2</td>
<td>45</td>
</tr>
<tr>
<td>1914-1915 to 1918-19</td>
<td>37.1</td>
<td>16.0</td>
<td>43</td>
</tr>
<tr>
<td>1919-1920 to 1923-4</td>
<td>55.2</td>
<td>18.5</td>
<td>34</td>
</tr>
<tr>
<td>1924 to 1925</td>
<td>56.7</td>
<td>21.3</td>
<td>38</td>
</tr>
</tbody>
</table>

Source: Stebbing III, p.620.
The policy was a response to the serious discontent among the agricultural classes caused by strict forest administration. Though the provisions were considerably in favour of the need of the villages, it cautioned that these should be met only "to the utmost point that is consistent with imperial interest." (Regional Archives Dehradun, list no. 22, File no. 244, circular no 22f, 19 Oct 1894, revenue & agricultural forest).

In 1927, an attempt was made to codify all the practices of the forest officials. The Indian Forest Act of 1927 was an attempt to further regulate peoples' rights over forest lands and produce.

The division of forest into: (a) reserved forests, (b) protected forests and (c) village forest, were kept as it was in the Act of 1878. Elaborate provisions were made to extend state control over forests as well as for taking over the management of private forests in certain cases. Forest offences like quarrying of stones, burning of lime or charcoal, collection or subjection to any manufacturing process or removal of any forest produce in any such forests and the breaking up for clearing for cultivation for building, for herding cattle or for any other purpose of any land in any such forest, were declared offences punishable under the Act and the rules made thereunder.

Most importantly this Act started with the assumption that the common land which the forest and the people cohabit is the property of the government and that the latter is entitled to its forest produce. (Singh, 1986:10) According to this Act no one can claim a right to property in forest land merely because he is domiciled there or even if his ancestors had lived there for centuries. Nor do such people have any rights over forest produce. Vide section III of this forest Act it is stated that, "the Government may constitute any forest or wasteland &
over which the Govt has a proprietary right, or the whole or any part of the forest produce as a reserved forest...'. The same attitude is reflected in Baden Powell's argument for the absolute control and ownership right of the state over all common land, whether inhabited or not (Baden Powell, 1895).

Till 1935, the forest Acts were enacted by the Government of India. The British Parliament through the Government of India Act 1935, created provincial legislature and what is known as the dual system of Government came into operation. The subject of forest was included in the provincial list under the Act (item 22). Thereafter several provinces made their own laws to regulate forests most of which were within the framework laid down in the 1927 Act.

While critically reflecting on the forest policies of British India, it can be stated that the regulations enacted during the period represented the first disruptive intrusions of the modern state and of capitalism in the subsistence economy of the local people. The colonial state intervention in natural resource management led to conflicts over vital renewable natural resources like water and forests and induced new forces of poverty and deprivation. As major thrust was on cultivation, vast tracts of forests were being eroded, dislocating the forest-dwellers from their survival economy. It came in conflict with local peoples' age old rights and practices related to natural resources utilisation. More importantly it led to institutional change with the ascendancy of state property in forest resulting in gradual erosion of traditional cooperative arrangements.

It is often stated that the major problem with forest policy was severe paucity of funds. For long Forest Services were an extension of the department of agriculture or revenue and gained independent status much later. The responsibility for the exploitation of forest was often left to private enterprises.
since government did not have the means or even the desire to take it up. In fact when the creation of the forest department was under discussion in the 1860s, one of the main objections that were raised against Brandis, the then Inspector General for forest was that a forest department was bound to be unprofitable and would be a burden on the colony’s exchequer. After the creation of the forest department the suspicion remained and the department always had to prove conclusively that it was making profits. Thus the forest department had to put its main emphasis on commercial exploitation of the forests rather than on maintenance and improvement. (Pouchepadass, 1995)

This also reflects the approach the Indian state had towards forests. It was at best a legal administrative category serving the interests of the colonial state. Hence peoples’ participation or community participation in the management of forest was totally over looked by the imperial Govt. In fact the state and peasants, according to Bandopadhyay and Shiva had two non-interactive structures. The state represented the industrial urban use of the forest and partisan science while the villagers represented harmony with nature and a symbiotic relationship with forests (Pathak, 1992: 13). One authorised spokesman of state forestry summed up in the following manner the official thinking in 1865. "The state alone, which does not die can be concerned about the future of society and assume the task of raising these great plants which take

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4 See Badopadhyay and Shiva, 1986, 1987b, 1988. Akheleshwar Pathak does not agree with this categorization and rightly considers it as the major drawback in all their work. Since they do not see structures as interacting, the relationship of peasants with the state become asociological. He further reiterates that while Guha corrects this by locating chipko movement in the historical social setting of the peasant society in Uttarkhand, he reduces the relationship between the state and the peasants to binary categories. Pathak sees it as multiple relationship. (for details see Pathak, 1992: 14).
centuries to grow. With the overpowering dominance of the state, other community structures were gradually eroded and the traditional conservation and management systems around the forest declined. The state itself was quite lukewarm about the constitution of community forests. Simultaneously, British land policy serving the interest of rich farmers and the ruling classes worked towards the increasing differentiations of the peasantry and the decline of communal institutions. The peasants on the other hand lost his autonomy and being dislocated from his land was pushed into the vortex of the market economy. The incentive to preserve and conserve their own resources declined and the dispossessed users relinquished the sense of responsibility which had hitherto bound their interests to maintain the forests. Illegal felling of trees were rampant signifying a slow but significant process of ecological decline.

Colonialism had thus much to gain for itself by destroying the existing institutional arrangement that governed village life. This institutional vacuum along with the attendant poverty of people at the village level resulted in immense resource destruction. The former political and economic cohesion of village got disintegrated and lost their ability to exercise control over the action of the residents with respect to natural resource use as authority system declined. The essence of village life was a structure of authority and control, encompassing both permission and restraint within which all communal

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6 This was the major tendency in the overall colonial policy. Voelcker, a consulting chemist to the Agricultural Society wrote - "the tendency of our system of government has to a considerable extent been to break up village communities, and now for the most part they are heterogeneous bodies rather than communities, (quoted from Gadgil & Guha, 1992: 143-144). Similar acts of resistance can also be seen in Scott's study of villages in Indo China. In details see James Scott, "Weapons of the Weak Everyday forms of Peasant Resistance".
activities took place. One would argue that the very purpose of a village life was to serve as a locus of control and cooperation such that the welfare of the group would be enhanced. The village was therefore an economic and social unit of great importance to the use and management of land and related natural resources (Bromley, 1991: 18). The disintegration of the important role played by villages can be traced to the introduction of new land laws, the related intrusion of urban interests into the rural village, the opening up of external trade and markets and the centralization of revenue and judicial administration leaving the village panchayats with little or no formal role. The essence of colonial administration was to harness the political power of the village to secure legitimacy for the alien power of the grassroots. It became necessary to undermine the existing authority system so that it would be responsive to the interests and imperatives of the colonial administration. This was quite obvious vis-a-vis the forest policies enacted during the period. Thus the institutional arrangement imposed by the colonial administration on the villages’ social, political and economic life were to: (a) encourage the cultivation of those crops which were of interests to the colonial administration, (b) provide tax revenue to support the administration and (c) undermine indigenous institution, structures and processes to strengthen and serve the interests of the colonial administration. These transformation essentially destroyed the village as an autonomous decision making unit which was of course the very purpose of those imposed institutional changes. The colonial forest policies had both economic and political manifestations, both of which endured in the tangible form of degraded land and related natural resources.
It can therefore be argued from the ‘commons’ perspective that the real tragedy of the commons is the process whereby indigenous property rights get undermined and deligitimized. This destruction of local level authority system is the principle cause of natural resource degradation, especially in the Tropics.

With independence there was hardly any change in the centrist approach and the position of people in relation to forests. It was merely an extension of the colonial policy. It is interesting to note that the national government of free India in its resolution on Forest Policy (1952) declared that the "Underlying fundamental concepts in the colonial forest policy still hold good because maintenance of the physical condition of the country necessitates state control". 7

The forest resolution of 1952 stressed the fact that the forest policy would be based on paramount national needs. It laid down that the claim of communities living in and around forest should not override national interests. It stated that "local use should at no event be permitted at the cost of national interests" and that national interest should not be sacrificed because they are not greatly discernible. It retained the concept of ‘reserved forests’ now justified in the name of national needs and placed them under the exclusive control of the state. Although the policy did accept the category of ‘village forests’ to serve the needs of people in surrounding areas it did not grant them the right to manage.

As during the British rule, the approach of the state continued to reflect a lack of faith in the capacity of people to manage or protect their forest and were seen as a major threat to forests.

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As in the 1894 statement, in the 1952 Act there is an enumeration of objectives without any examination of how far these aims could be conflicting, both at the national and local levels. Thus the main thrusts of the policy were six fold vis-a-vis the need for: (a) balanced and complementary land use, (b) checking denudation, (c) afforestation, (d) increased supplies of fuel, grazing, small timber and other forest produce required for defense, communications and industry and (f) the need for the realisation of maximum annual revenue in consistent with objectives (a) to (e). However it was not seen how far objective (f) was compatible with (a) to (e) especially in a welfare state (Guha, 1993).

The 1952 policy also changed rights and privileges to "rights and concessions". The rights (nishtar) have rarely been communicated to the people since their list was kept with the Divisional Forest Officer. What the forest dwellers needed from the forests which they have preserved for centuries was thought of as a concessions from the state which already owned all the forests.

The unquestioning acceptance of colonial norms, especially with regard to the usurpation of state monopoly right has characterised post colonial policies to this day. Even in 1978, the then 1GF blandly stated: "The year 1855 was a memorable year in the history of Indian forestry. For in that year, Lord Dalhousie, the then Governor General of India enumerated for the first time of outline of a permanent programme of forest administration. His proclamation laid down the ruling principle of management of 'state forest' namely that timber standing on a state forest was state property to which individuals or communities had no rights or claim (Gupta, 1978:14).

In the post 1947 situation, the growing needs of the industry and centralised exercise of the state power were the focal driving forces guiding
policy formulation which was later reflected in the 42nd amendment. In 1976, the 42nd amendment established centres control on forests. The subject of forest was transferred from the State list to the Concurrent list. This resulted in diminution of state power and enhancement of centres power over forests. Henceforth any major decisions regarding forest are to be taken by the Centre.

Hence there has been a marked degree of continuity in approach between the colonial and post colonial forest policies, though the dominant interests behind the formation and execution of state policies have deferred. For example, while in the pre 1947 period forests were seen as a source of strategic raw material crucial for imperial interests, in the post independence period it has been for commercial and industrial interests. In both cases it has been at the expense of the forest communities. The organic like between the policies of the both the period have been manifested in several ways. *First* what Guha says is the between the "theory" and "practice" of forest policy. (Guha, 1993) Though the needs of the rural communities have been explicitely recognised and articulated in the populist rhetoric of many policy documents, the actual implementation of policy has invariably concentrated on realising the productive functions of the forest. *Secondly* the methods used by forestry legislation and management to realise the goals of forest policy have been remarkably invariant in the two periods under review. Changes in the latter period have been more in the nature of modification and additions rather than established colonial practices.

However in 1988 for the first time since independence, it was declared by the state that forests were not to be commercially exploited for industries but must contribute to the conservation of soil and environment and meet the
subsistence needs of the local people (see Appendix). The declaration of the policy was the consequence of a number of factors. The population pressure had increased and so were the local needs with no visible alternative to meet the fuel and fodder requirements emerging in large parts of the country. The post independence scenario along with the pressure of local needs and support of some enlightened foresters resulted in the emergence of forestry protection groups. "The apparent failure of forest policing and the emergence of 'participation' as an almost unavoidable policy option and the increasingly significant counter vailing power exercised by these local level groups resulted in the declaration of a new policy initative " (Chopra, 1995).

The 1988 policy emphasised the environmental protection and conservation role of forests. It stated that organised industry must meet its needs from private lands and focused on 'participatory management' of forests. In a sense it was a small beginning in its attempt to create and foster an enabling rather than a policing role of government. This was quite apparent from a circular issued from the Ministry of Environment and Forests to State Forest Secretaries in June 1990 which gave guidelines for the involvement of village communities and voluntary agencies in the regeneration of degraded forests. (For Official order, See Appendix).

The policy document thinks it necessary that for forest management "the forest communities should be motivated to identify themselves with the development and protection of forests from which they derive benefits." The implications of this document are powerful and wide reaching in support of Joint Forest Management strategy which it considers are centered on the needs of forest communities. In order to help ensure community participation, the
document spells out the needs for forest department to work out the operational mechanisms by which forest communities are given usufructory rights on regenerating forest lands. It also encourages forest department to enlist the expertise of local NGOs to serve as interface between forest agencies and communities. The highlights of the programme guideline vis-a-vis the involvement of village communities can be summarised as follows:

- **developing partnerships**: between communities and forest departments, facilitated by NGOs when helpful.

- **access and benefits**: only to organized communities undertaking regeneration with equal opportunities based on willing participation.

- **rights to usufruct**: all non wood forest products and percentage share of final tree harvest to forest communities.

- **10 year working scheme**: Microplans detailing forest management, institutional and technical operations should be developed by community management organization with local foresters.

- **funding**: from FD, social forestry programmes for nursery raising, with encouragement to communities to seek additional funds from other agencies.

The 1988 policy also laid down that forest based industries should meet its raw material needs by establishing a direct relationship with farmers rather than depending on forests, which would henceforth be maintained primarily for ecological functions and for meeting the subsistence needs of the people. It therefore seemed that a two pronged strategy with reliance on market and on local institutions for alternative needs were to be followed.
In other words it states that both peoples’ and industrial requirements should be attended to but all of them should be governed by the principle of environment stability (2.2). However while putting peoples and industrial requirements on par, it calls only the latters national needs (2.1).

Though the new policy has been positive in approach than the earlier document there has been a great amount of ambiguity and even contradiction concerning the three actors involved viz, the people, the state and the industry. A positive point of the present policy is that it does not openly accuse the people of being the main destroyer of forests as the National Commission of Agriculture 1976, the draft policy of 1984 and other documents had done. The new policy has removed many anti-people statements and recognises the symbiotic, relationship between the tribal people and forests (46). It suggests that to protect forest, people should be provided with alternatives such as remunerative prices for MFP (minor forest products) and development of forest villages on par with revenue villages. At least indirectly the policy document recognizes the failure of the state to preserve forests, control timber smugglers and contractors and that forest dwellers alone can preserve forests.

However the policy reflected certain internal contradictions. For examples Para 4.3 of the policy suggests to distribute forest produce to the people from government depots which amounts to banning the entry of the people to forest lands. This can be criticized on three grounds. First it takes away the fundamental and age old rights of the people to gather usufruct. Further Indian forests are not uninhabited wilderness. There are people living inside forests who under the new dispensation have to travel miles outside their habitat to the government depots to buy essentials which so far they got free. Second, the new
scheme further strengthens the authority of local government officials in harassing the forest dwellers. And third, given the poor condition of state funds, the scheme would not be able to get enough subsidy and hence supplies are unlikely to be available at a price that the poor can afford.

There are two provisions of the Amended Forest Conservation Act which need to be taken into notice. First, it bans assignment or lease of forest land to the people and second it prohibits plantation of horticulture crops, palms, oil bearing and medicinal plants on forest lands unless prior permission of the Government of India has been taken. Thus the section 2(iii) of the Forest Conservation Act (after its amendment in 1988) reads as follows: "No state government or other authority shall make except with the prior approval of the central government any order directing that any forest land or any portion therefore may be assigned by way of lease or otherwise to any private person or to any other authority, corporation, agency or any other organisation not owned, managed or controlled by the government. This new section contradicts section 28 of the Indian forest Act which states:-

Formation of village Forests-(1) The state government may assign to any village community the rights of govt. to takeover any land which has been constituted a reserve forest or declared a protected forest or is a forest belonging to the government and may cancel such assignments. All forests so assigned shall be called ‘village forests’.

The new amendment thus nullifies the entire concept of village forests provided for in the Indian Forest Act. The rationale for keeping section 28 of the
Forest Act was the realisation that villages can better protect forests which are close to the village and only land far away from habitation was to be brought under Government control. In pursuance of the powers given to States under this section, some states had transferred forest areas to village bodies for protection and management. With this Rule becoming null and void, the existing legal basis for encouraging peoples’ participation has been marginalised.

Similar ambiguous position exists regarding species choice. The new Act as has been stated, discourages planting of horticulture crops, oil bearing plants, palms and medicinal herbs on forest lands. Terming it as non forest use", the intention behind this enactment is laudable. It is well known that despite the Forest Conservation Act of 1980, many states have been diverting with impunity forest lands for non forest purposes and therefore making it a cognizable offence will be a check on these states. Similarly many forest departments have been growing horticultural and other species on forest land in the name of afforestation. These abuses and contraventions seem to have been committed under pressure from the industrial and commercial lobby. These amendments are therefore meant ostensibly to counteract this pressure and preserve the ecological balance.

However the amendments also reveal the existing gap between the decision makers and the rural poor. The commercial interests misuse the afforestation programme by cultivating fruit and other trees. But many forest dwellers have been using the same scheme to rebuild their community resources and have been able to avoid improverishment caused by industrial clear felling. For the industry, these schemes are a source of quick profit, while people require them for their survival (Fernandes, 1989).
The amendment when read with section 2 (iii) gives rise to a suspicion that usufruct based trees like ber, mahua, neem, karanj, jamun would not be permitted now. By having a single definition of "non forest use" and by imposing a blanket ban, the amendment makes it impossible for the people to get forest land or to grow fruits, fodder, fuel and medicinal plants which they need for their survival. On the other hand, the forest department will be able to afforest land and use it exclusively for industrial species that are of no use to the people. Already a large number of usufruct oriented trees have been replaced by monocultures of teak eucalyptus and pines. This contradiction seems to have been caused by the fact that the decision makers are conversant with the industrial interests but not sufficiently in touch with the rural locals.

Further the policy reflects two things. First, the tendency of the Govt to have exclusive monopoly rights to management and ownership over forest lands both reserve and non-reserve. Secondly, there seems to be a lack of trust in people whose forest related activities they implicitly consider as being destructive. Hence while stating the need to involve them in environmental regeneration the decision makers find it necessary to preserve forest from the people by restricting grazing, collection of MFP, shifting cultivation etc. The policy expresses the concern for ecology but read with other provisions and the Act, it appears that environment is being used as a new excuse to keep people out of forests, just as "vital industrial needs" were considered enough of a justification to deny legitimate aspirations of the poor in the past. (Fernandes, 1989) By denying to the people any role in forest management and share in forest produce it reduces the concept of participation to a mere rhetoric. These tend to define forest people interaction as a zero sum game; forest can be

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protected only when people lose and any gain to the people is at the cost of forest protection. In this scenario both tend to lose. The challenge is to convert this into a win-win game.

This is where the local level institution and voluntary sector has to play a role. What is required is not merely implementation of the present policy. It is crucial to create a new people-oriented alternative to deal with specific local based needs and problems. There is no doubt however that these local institutions do have limitation created by the resolutions which do not grant them an autonomous status. Due to loopholes in the legal framework which are abstract and confusing further complicates the process. Despite all these what is required is to strengthen the community based institutions by encouraging peoples’ participation. The alternatives in favour of the marginalised have to emerge from the people themselves.

However going beyond the policy prescriptions of the state, in actual terms the success or failure of states effort to preserve forest and afforest land is also dependnt on the nature of relationship that exists between forest dwellers and the forest. This relationship is not a tangible one but an expression of dependence on forest, relationships within the community and their relationship within the state. However this relationships keep on changing according to the changing needs. Akhileshwar Pathak in his recent study contends that relationship of the state to forest dwellers cannot simply be characterized as exploitative’ or explained in the language of the moral economy. Relations change vis- a-vis the resource endowments of forests, adaptive strategies of the state and forest dwellers and the multiple dimension in which the state is negotiated (Pathak, 1992: 104). In fact there are different ways in which people deal with
state power as articulated through the institutions of the state. This so also because of the dual nature of the Indian state. First, as a part of the political economy imperatives it effectively promoted deforestation. Local people had to adjust to the depletion of resources. Now the state talks of environment and afforestation in the interests of the people. The burden of conservation or preservation again has to be borne by the people by restricting their access to the forest area. The approach of the state which tries to claim legitimacy by talking of declining forest cover, soil erosion and the depletion of fuelwood and fodder has been coercive and manipulative.

At the same time the state also appears to be benevolent. In drought years the state supports by initiating relief work as happened in the Panch Mahal districts of Madhya Pradesh. Even in the construction of the Narmada dam, both the facets were apparent. On one hand the state favoured modernisation by building the dam instead of preserving forests and then it accommodates the demands of the evicted persons for land for agriculture by opening up forest land. This duality is recognised by the peasant or the local people who then relates to the state in multiple terms. Thus the local people uses various strategies and methods to negotiate with the institution of the state. When we are talking of local people it is not merely the individuals per se but also informal and formal local institutions which come to terms or negotiate with the state power. The local people uses "multiple strategies, appeals to be allowed to survive if it helps, pilfers and sabotages behind the scenes, make demands if the opportunity arises and if nothing works". (Scott, 19)

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However it is to be noted that with the rise of new and alternative production activities and social relationships, the relationship of the state and the forest has also changed. With the growth of population and the "inability of resources to sustain the population" (Pathak 1992: 121), there has been considerable changes in the patterns of resource use. This is not to maintain that people have totally been alienated from the forest as a category. He has only become partly alienated. The domination of the state through the village elites in a stratified peasant society alienates him. If he finds himself isolated from a section of the forest (e.g. reserved forests) he finds himself in direct relationship with other parts of the forests (e.g. village forests). Thus forests have come to acquire different meanings for the people, it has acquired multiple images. Because of the domination of the state, forests especially Reserved forests have become a symbol of domination itself and the subservience to state power has alienated the peasants.

Thus over a period of time not only the nature of the Indian state has changed vis-a-vis forests but also peoples' response to state and their relation with the forest has also undergone a drastic change. The dominating role of the state as an institution have resulted more dependency and conflict than development.

By 70's therefore, it was realised that without the direct involvement of people or without peoples' participation it was not possible to implement sustainable development schemes especially in connection with natural resource

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9 Agricultural practices have changed once people were restricted to enter the forest land. Previously people use to practice agriculture on forest land, this changed to doing agriculture on a part of the land and further changed to doing agriculture on plantations.
management. Rising awareness about organizational and structural processes which negatively influence or further lead to the degradation of already scarce natural resources have led to the evolution of community based rural resource management schemes through state support. Further due to the failure of project based on centralized, top down planning strategies there have been concentrated efforts for decentralization and in particular devolved or deconcentrated organizational forms with the involvement of local institutions in state supported programmes. Decentralization is therefore seen as a means for enabling a more two way local centre dialogue in programme planning, formulation and implementation.¹⁰

SECTION II

The section is a case study of forest management in the Panchayati forest areas of Almora district in Uttar Pradesh. The institution of Van Panchayats in three different blocks of the district were selected. All the three are located at different attitudinal gradients have varying physical conditions and the number of villages under the jurisdiction of the Panchayat also differ.

Location Description

The Kumaon\textsuperscript{11} region lies in the Central Himalayan region and covers an area of 21,035 sq. kms comprising about seven percent of the total geographical area of U.P. It is bounded by Chamoli, Pauri and Bijnor districts on the North West and in the South and South West lie the districts of Pilbhit, Bareilly, Moradabad and Rampur. River Kali in the East separates Kumaon from Nepal. It comprises of three administrative districts of Almora, Nainital and Pithoragarh.\textsuperscript{12} Consisting of 12 tehsils, these three districts form the Kumaon division with its headquarters at Nainital. Almora district itself consists of three tehsils of Bageshwar, Ranikhet and Almora, 14 development blocks (Vikas Khand), 3795 villages and a total population of 836617 persons as per 1991 census. The area and population statistics of the region are as follows:--

\begin{itemize}
\item The name ‘Kumaon’ or ‘Kumanchal’ has been derived from ‘Kurmi’ a place near Champawat in Pithoragarh district and ‘anchal’ meaning area. (For Details see Atkinson, 1886: 238 and 403.
\item The present administrative divisions of U.P. Himalayas into eight districts took place in 1961 whereby Garhwal was divided into Chamoli and Garhwal and Almora district into Almora and Pithoragarh. The historical sequence of the formation of political and administrative division in Himalayas Region areas as follows (a) 1815 to 1861 - Kumaon province and the Garhwal state; (b) 1829 - Garhwal Princey state, Dehra district and Kumaon (c) 1838 - Garhwal Primely state, Dehradun, Garhwal distt and Kumaun distt. (d) 1901 - Tehri Garhwal State, Dehradun distt, Garhwal distt, Almora, Nainital (e) 1947 - Tehri Garhwal, Dehradun garhwal, Almora, Nainital (f) 1961 - Uttarkashi Dehradun Tehri Garhwal, Chamoli, Garhwal Almora, Nainital and Pithoragarh. This division of Garhwal and Kumaon was based on the principle of administrative convenience and cost effective management of law.
\end{itemize}

\textsuperscript{11} The name ‘Kumaon’ or ‘Kumanchal’ has been derived from ‘Kurmi’ a place near Champawat in Pithoragarh district and ‘anchal’ meaning area. (For Details see Atkinson, 1886: 238 and 403.

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Table 3.3

Area and population of Kumaon Himalayas

<table>
<thead>
<tr>
<th>Name of District</th>
<th>Area Total</th>
<th>Km²</th>
<th>Population Total</th>
<th>(1981) Rural</th>
<th>No. of Villages</th>
<th>Total Population 1991</th>
</tr>
</thead>
<tbody>
<tr>
<td>Almora</td>
<td>5385</td>
<td>5347.3 (99.29)</td>
<td>772994</td>
<td>726679 (94.01)</td>
<td>3795</td>
<td>836617</td>
</tr>
<tr>
<td>Nainital</td>
<td>6794</td>
<td>6711.1 (98.78)</td>
<td>113311</td>
<td>819205 (72.59)</td>
<td>1927</td>
<td>1540174</td>
</tr>
<tr>
<td>Pithoragarh</td>
<td>8856</td>
<td>8820.31 (99.60)</td>
<td>479600</td>
<td>452547 (94.36)</td>
<td>2272</td>
<td>566408</td>
</tr>
<tr>
<td>Total Kumaon</td>
<td>21,035</td>
<td>14778.51 (70.25)</td>
<td>2385705</td>
<td>1998431 (83.8)</td>
<td>7994</td>
<td>2,433,199</td>
</tr>
</tbody>
</table>

Source: Census of India (1981) and (1991)
Note: Figures in Parenthesis show the percentage of total geographically.

Geographically, Kumaon can be classified into following zones in a south to north sequence on the basis of cultural and physical factors:

a) Bhabar and Tarai - the undulating foothill tracts
b) Siwalik - the outermost forest belt of lower ranges.
c) Himachal - the inhabited zone of Lesser Himalayas
d) Himadri - the high altitude zone of Greater Himalayas
e) Darma - Johar - the trans Himalayan dry valleys

The Lesser Himalayan zone rises in elevation from 1000 m to 3000 m above the sea level and constitute the principal habited zone primarily due to less severe climate. Almora district is located in this intermediate zone.
Natural Vegetation

In mountainous areas, the elevation, soil and ecology brings about a vertical differentiation of the vegetation. Even in Kumaon owing to complex geological formations, it is not unusual to find different types of vegetation. The forests in the Lesser Himalayan region of Kumaon can be broadly classified into following zone (Joshi 1983: 252-553).

i) Subtropical Pine Forests which occur in extensive patches between 1000m-2000m wherever edaphic and climatic conditions are suitable.

ii) Temperate forests which can be classified according to altitude in different categories.

a) Pine Forests between 1400m-2000m interspersed with low level Oak. Pine usually occurs as the exclusive species and is found almost in all geological formations.

b) Temperate moist deciduous forests - between 1800-3000 m and includes a good number of broad leaved species, principally banj Oak (Quercus leucotrichophora). Another species of Oak i.e. tilonj (Quercus dilatata) is found between 2000m-2600m. It is being replaced by ‘banj’ on dry ridges. ‘Kharsu’ Oak (Quercus Semecarpifolia) forests grow above the tilony zone.

The three types of Oak forests constitute the bulk of the broad leaved forests of the Himalayan zone of Kumaon with ‘Chir Pine (Pinus roxburghii) representing the main conferous species.

In the higher attitudes of Greater Himalaya (i.e. 3000m-4000m) one finds wide variety of alpine vegetation like rhododendron. One of the characteristic
features is the presence of mosses and ferns with various type of shrubs. Alpine Pastures are usually found above 3500m, an elevation to which the tree limit often exceeds in Kumaun (Pawil, 1960; 104). Here the vegetation is replaced by scrubs, herbs and cushion plants and the growth is not continuous but are found concentrated in isolated patches.

**Land Resources and Agrarian Relations**

Land as a private property or common property resource has emerged as a social, economic and political institution in the Himalayas. Not only land provided the means of subsistence but it remained as a catalytic factor in maintaining political power balances and socio economic status in the hill societies.

Despite the limited availability of arable land in the region agriculture is the main occupation. According to the relative location of arable areas in higher and lower elevations there are two types of agriculture in the mountainous Kumaon, known as ‘upraun’ or those located in higher elevation and ‘talaun’ the cultivated tracts in the lower levels. Accordingly the methods of agriculture, cropping patterns and other aspects considerably differ in these areas.

In the hills, the land tenure system was inherited by the British. It was observed that three fourth of the villages were hissedari i.e. wholly cultivated by the actual proprietors of the land, from whom the revenue demand was perforce restricted to their respective shares of the village assessment. The remaining villages were divided into (a) those in which the right of property was recognized in earlier recipients of land grants (dating from the period of Gurkha rulers) while the hereditary right of cultivation remained with the original
occupants (*called Khaikar*) i.e a handful of villages owned by a single individual. Here too, individual tenants (*called Khurnee*) had easy terms owing to the favourable land man ratio. According to Guha, the most important land owners depended not on any legal right but on the actual influence they exercised over village societies. Government revenue and certain customary fees were collected by the elected village representatives, the *Padhan*, who reported to *Patwari*, a higher revenue official Gradually much of the class of *Khurnee* merged with that of *Khaikar*. The Khaikar differed from the Hissedar only in that he could not transfer the land and had to pay a fixed sum as *malikhana* to the proprietor. Thus in British settlement every ‘hissadar’ was treated as the proprietor of certain cultivable area. People were encouraged to extend their cultivation into new areas (or waste land) adjoining their fields as ‘nayabad’ land (newly cultivated land). This ‘nayabad’ land was also put under the ‘hissadari’ right. Consequently the number and area of *hissadari* agriculture gradually increased. Technically every hissadad had to pay a share of village land revenue and he was free to exchange or sell his arable land and can be allocated to others. Thus he was a cultivating proprietor with full ownership rights.

As majority of the agrarian population are owner cultivators, around 80 percent of the total population farms largely with the help of family labour. It is to be noted that in the hills, it is women who do the cultivation of land. According to 1981 census 97.19% of the female workers are cultivators. The existence of low proportion of non workers is a characteristic predominantly found in the entire mountainous region.

There is however an absence of sharp inequalities in land ownership and this perhaps is the basis for the sense of solidarity within the village community.
Reflecting a strong sense of clanship, peasants often derive their caste name from the village they inhabit. The institutional expression of this solidarity is the village Panchayat (Guha, 21). Every adult member of the ‘clean’ (upper) caste have a voice in the hill panchayat, however Doms can also invoke the authority of the Panchayat to settle their affairs. Even today, Gram Panchayats as well as Van Panchayats are dominated by upper caste members like Brahmin and Thakurs.

_Caste Stratification_

The society in rural Kumaon is basically a stratified one which is divided and subdivided into a number of categories which are hierarchically ranked. The two broad categories in which the society is divided is Bith and Dom which corresponds in the broadest sense to the distinction between the ‘clean’ and the ‘unclean’. The category Bith is differentiated into Thul-jat or (Asal) and Khasi. This corresponds to the distinction between ‘immigrant’ and ‘indigenous’. The largest ethnic stratum consists of Khasa or Khasiya which compromise the traditional peasantry. (Guha, : 12).

There are Brahmins (Baman) and Kshtriyas (Rajput) among both Thuljat and Khasi. However Thuljat ranks higher than Khasi. For example Thuljat Rajput rank higher than the Khasi Brahmin. Thuljat Brahmins are themselves not undifferentiated being divided into Chauthani and Pachbiri, the Chauthani ranking highest among the Brahmins in Kumaon (Sanwal 1976:2).

In Kumaoni social structure political and economic factors determine the position which a given category was to occupy in the system as a whole. Following a ‘conquest theory’ many scholars (Guha, Sanwal, 1976; Turner,
1931) view Doms as the original inhabitants who were conquered and enslaved by the Khasas. The Khasas were later subjugated by later immigrants from the plains who gradually occupied ritual status and political power.

Further in an agrarian society the nature of productive organisation is very closely associated with the ownership, control and use of land. In traditional Kumaon the control and use of land was governed by very complex tenurial arrangements which reflected not only the economic position of individuals and groups, but also their social position in the broadest sense of the term. Similarly, their work pattern or the distribution of occupation was also an important aspect of the social system in which they lived. (Sawal, 1876 : 85).

Traditionally those who held superior rights of control over land did not engage in its actual cultivation. The actual cultivators of the land were linked by various rights, duties and obligations to those who controlled the land, either by living on it or from a distance. Thus the control and use of land provided the basis for an elaborate and hierarchically organised division of labour.

Thus the basic distinction between Bith and Dom was an economic one. The Bith had rights of various kinds on the land, the Dom had none. Further among the Bith themselves, the distinction between Thuljat and Khasi were clearly reflected in titles to the land. The superior tenures were invariably held by the Thuljat whereas the Khasi were generally undertenants. In fact the distinction in tenurial status served to underline the distinction between Thuljats, Khasis and Doms.

In contrast to the plain, in hills, caste restrictions and other rules of orthodox Hinduism are absent. Brahmins customarily are meat eaters and there exists a great deal of informal interactions between the high and low castes. The
opening of the economy under the British rule and commercialization facilitated status mobility and in integrating the inequities of the system. Over a period of time therefore Khasas have merged with the Thuljat.

While studying this region the basic question which comes to the fore is why did deforestation take place in this area

Although vast tracts of forest lands were cleared in the Tarai to make more land available for agriculture, this has not been the case in the hilly region of the districts. There has been hardly any substantial net increase in the total area under agriculture in the last thirty years. However it is true that that ‘common’ and government lands have been encroached upon or alloted (till 1980 under the Nayabad Act) for agriculture but equivalent (or perhaps even more) private lands have been abandoned for cultivation either because of migration or due to soil erosion.

The argument that is provided claims that the depletion is due to the large human and live stock population now living in the Himalayas Since 1947 the population in the three hill districts have grown enormously at a rate comparable to the rest of the state of Uttar Pradesh. While the figures may seem to suggest that population density in the hills is low, this is illusory (141 persons per sq. km). Much of the land is not suitable for agriculture and large parts of the hill districts are under forest cover in comparison to the rest of the state. Because the hill economy is based on agriculture and there is an acute shortage of arable land in the hills, comparable population growth leads to severe pressure on land based resources. The growth in population and the increase in the number of towns and markets have resulted in a greater pressure on the overall resources in the
districts especially the forest resources which are integrally implicated in the agricultural livelihood of the population.

However, to stress on population problems and market forces as the single main factor for causing environmental stress is to reduce or ignore other factors which influence such conditions. Moreover, no weightage is given to institutional arrangements in the local communities. Researchers claim that increasing population increases the number of individuals who depend on a given resource system. Increasing pressure on resources lead individuals to exploit resources. The implicit assumption is that villagers suffer from a basic inability to reduce consumption to match supply. It can be counter argued by saying that in all villages of the hill districts there are institutions and they mediate the effects of factors such as overpopulation and market forces which may contribute to resource degradation. Successful functioning\(^\text{13}\) of institutions can regulate resource use even in the face of population pressure and regular market interventions. Indeed, the obvious characteristic of institutions is that they constraint human behaviour.

If we focus only on the relationship between resources and overpopulation we should then expect that none of the forests in Kumaon should be in a good condition because the region is overpopulated whether we consider the density of population in different districts or we focus on the rate of growth of population. For e.g. there has been an overall population growth of 16.77% in the District of Almora. In Almora itself there are a number of villages where

\(^{13}\) Functioning of institutions refer to institutions which have effective rule arc for resources use in which the observance of the rules monitored, where rule breakers are sanctioned and there are mechanisms to resolve disputes.
large area of forest land is available for each household but the forest cover is poor. Conversely, in a number of villages where the condition of forest is good or excellent, there is relatively high pressure on the resource. Secondly, if we consider market pressure as another factor resulting in resource degradation and take distance from a major town or road head where resources such as fodder and fuelwood can be sold, as an indicator for the strength of market use, it does not hold much sense in the case study areas. There seems to be no systematic relationship between market pressures and resource condition.

Degraded Panchayat forests of Guna and Chautara villages in Lamgara block of Almora district is located as far as 10 kms from the nearest market centre and nearly about 4 kms from the village. On the other hand, in Khatyari village (Block - Hawal bagh) forests are in an excellent condition and are located approx. 1-0.5 kms from the market.

No doubt there are also empirical evidences putforth by research which arrive at conclusions diametrically opposite to the one discussed above. At the same time empirically evidences cannot be ignored either. Therefore we need to focus on other factors that may also further or hinder a good natural resources condition or the management of these resources. For example and I argue that it is the presence of local level institutional arrangement that prevents over exploitation of forests and pastures. The absence of well designed and regularly

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14 Few of the villages sell fodder or fuelwood from the 'common' in the market. Although fodder and fuelwood can be purchased, market prices are high enough and markets are distant enough to prevent most villagers from buying fodder and fuelwood. Because markets are far away, villagers are seldom able to sell firewood or fodder. The firewood that is sold in the markets is taken there by individuals who own some means of transport-usually a truck or a tractor. However if there were no enforcement mechanism preventing tree felling there will possibly be an increase in the amount of firewood & fodder making way to the market.
enforced institutional rules in villages or strong policy interventions by the government to change local patterns of resource use affect resource management and therefore resource conditions. Thus ecologists and resource economists primarily tend to focus on population levels and suggest that as population increases, resource conditions worsen. On the other hand social scientists usually carry out case studies that attempt to relate institutional arrangements to resources condition. In the proceeding section of this chapter while analysing the case studies we will try to focus on the interplay of other factors that affect management of community forests by local level institutions like physical conditions of the resource, pressure of more than one village under a van panchayat, caste factors etc.

Before going into details of the functioning of Van Panchayats it is necessary to trace the history of institutional management of forests in the area and why there were and have been institutional changes and what induced such changes.

_Institutional history of forest management in Kumaon_

_Pre-British Period:_

Prior to the advent of the British in Kumaon, forests were considered as one single entity on which the hill dwellers were depended for their basic survival. The demarcation of forests vis-a-vis property rights and ownership were absent. Even the criteria of common property as a legal notion was an alien concept to the world view of the villagers. This is not to mean that there was an absence of collective management. It was customary in nature and therefore were not formalised through the kind of legislation and paperwork that
came to characterize British control over forests after 1860 (Srivastav, 1995: 18). The dependence of the hill peasant on forest resources were institutionalised through a variety of social and cultural mechanisms. Through religion, folklore and tradition the village communities had drawn a protective ring around the forests. In the region under study there existed a system of conservancy that took various forms. Often hill tops were dedicated to local deities and the trees around the spot were regarded with great respect, a phenomena which exists even today. While these sacred groves testified to the role played by traditional religious beliefs in the preservation of nature, on the other hand it was an informal management practice that regulated the utilisation of forest produces by the community. (Guha, 1995: 1940) Further in many patches of oak forest there existed customary limitations on users. For example there were rules prohibiting lopping of leaves in the hot weather. While the grass cut by each family was strictly regulated. Undoubtedly this situation was facilitated by the near total control exercised by villages over their forest habitat. This was compounded by autonomy and trust of the village society on community solidarity.

The Colonial Period:

The presence of the British in the Kumaun, beginning from the 1815 can be treated as a convenient point of departure for delineating the history of the relationships between agriculture and forests and the dependence of hill dwellers on forests. The first impact of British interest in forests which resulted in a significant administrative step in the forest history of colonial Kumaon was perhaps Traills 1823 revenue settlement which is popularly known as Assi Sal bandobast. This is because the year 1823 coincided with the year 1880 according
to the local calendar. Apart from addressing issues of revenue in the settlement, village boundaries were demarcated within which each villager could exercise rights of pasture and wood cutting on forest and waste land. Thaplas or terraced land were reserved for timber and bamboo requirements of the govt. A proclamation was also issued prohibiting the felling of sal from the 'thaplas'. However Traill's settlement made no arrangements for conservation of forests.

For the British forests were primarily a commercial and economic resource. Between 1855 and due to the tremendous demand of the railway sleepers, they brought under their control most of the forests in Kumaon, nearly sixty percent of the entire land area and in the process limiting and proscribing customary subsistence rights that villagers possessed. As discussed in detail in the previous section of this chapter, the colonial state through a system of commons management and an administrative policy and legal system redefined the property rights of the people. This was based on commercial profit rather than local system of sustainability and social labour. In the process the colonial state redefined relations with the tree, rivers, pastures and the community.

In 1893 all waste lands were notified as protected forests and this can be considered as an effective step towards the conservation of forests. These wastelands were under the management of Forest Department but here the rigour of control was less severe. The forest of 'C' class was left out for the use of village people and concomitantly the Kumaon forest circle was constituted. (Rawat, 1983: 211-212) For administrative purposes, the forests and Kumaon Division were divided chronologically into following divisions (Pant, 1922: 15).
The State could however extend its right over forests only by limiting villagers’ access and use rights in the resource. The Imperial forest department protected state forests from trespassing, unauthorized tree felling and grazing. Further certain traditional forest management practices were abolished. For example, the burning of pastures and forests was traditional in the hills and it was believed that its burning at certain seasons thus helps in the growth of grass and also prevents accumulation of dry leaves on the ground, which made it slippery and risky for human as well as for animals. In 1917 the British abolished this practice and departmental burnings were introduced against which there were resentments. The British policy of protection from fire was to reduce the period of strict fire protection to the minimum and thus reduce the

<table>
<thead>
<tr>
<th>Forest Division</th>
<th>Year</th>
</tr>
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<tbody>
<tr>
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</tr>
<tr>
<td>Ranikhet</td>
<td>1871</td>
</tr>
<tr>
<td>Garhwal</td>
<td>1886</td>
</tr>
<tr>
<td>Tarai Bhabhar</td>
<td>1886</td>
</tr>
<tr>
<td>East Almora</td>
<td>1893</td>
</tr>
<tr>
<td>North Garhwal</td>
<td>1893</td>
</tr>
<tr>
<td>Central Almora</td>
<td>1903</td>
</tr>
<tr>
<td>Haldwani</td>
<td>1911</td>
</tr>
<tr>
<td>Ramnagar</td>
<td>1911</td>
</tr>
<tr>
<td>Pithoragarh</td>
<td>1912</td>
</tr>
<tr>
<td>West Almora</td>
<td>1925</td>
</tr>
</tbody>
</table>
possibilities of accidental or incendiary fires. Against this encroachment by the state on their traditional rights and autonomy, the villagers protested incessantly. They took resort to what Scott has called "every day forms of resistances", as well as more active resistance. Guha describes and traces in detail the more active and militant form of protests by the peasantry in Kumaon. (Guha, ) For example in 1916 owing to incendiarism, 24,300 ha of forest was burnt around Nainital in 1916. In 1921 there were 317 fires in Kumaon Division afflicting more than 828.80 sq. kms of forest. It ruined one million hectares of forest, 150 thousand resin channels and 24,3700 kg of resin, destroyed over 100 thousand flourishing trees and young crops resulting from 25 years of patient tending (Robertson 1936). In July 1921 alone, about 113, 400 ha of reserved forests in Kumaon Division had been burnt down. Faced with the prospect of increasing and unmanageable peasant protest, the government was forced to look into the demands of the peasant. In an attempt to solve the problem in 1922, the govt. was forced to appoint the Kumaon Forest Grievances committee to look into the demands of the local population.

The Kumaon Forest Grievance committee reclassified forests into class I and class II forest, According to Guha (1985) Class I contained forests of little or no commercial importance and class II containing forests stocked with Chir, sal, deodar and other commercially viable species. Class I forests were transferred to the Revenue Department and Class II forests were retained by the Forest Department.

Under the continual pressure of the local population, and following the recommendations of the committee, the state passed the Van Panchayat Act (Forest Councils Act) in 1931 which permitted villagers to create community
managed forests from the forests controlled by the Revenue Department. The rule facilitated collective action by villagers and any two villagers could apply to the deputy commissioner of the district to create the panchayat forest\textsuperscript{15} out of revenue department forests falling in the village boundaries. Even today the institutional rules in the forest panchayats in Almora are powerfully influenced by the Van Panchayat Act of 1931. This statute thus frames rules that villagers create to manage the forest. Thus the institution of Van Panchayat came into being as a result of prolonged conflict and interactions between the state and the local communities. Inspite of the changes introduced by the Govt. incidents of large scale burning continued upto 1935 or so. The table below gives the data regarding breach of forest laws during 1926-1937, following the recommendations of the Kumaon Grievances Committee Report.

Table 3.5

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases</th>
<th>Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1926-27</td>
<td>1919</td>
<td>3661</td>
</tr>
<tr>
<td>1927-28</td>
<td>1992</td>
<td>3786</td>
</tr>
<tr>
<td>1928-29</td>
<td>2545</td>
<td>3482</td>
</tr>
<tr>
<td>1929-30</td>
<td>2675</td>
<td>6019</td>
</tr>
<tr>
<td>1930-31</td>
<td>2511</td>
<td>4500</td>
</tr>
<tr>
<td>1931-32</td>
<td>2534</td>
<td>5514</td>
</tr>
<tr>
<td>1932-33</td>
<td>2629</td>
<td>5968</td>
</tr>
</tbody>
</table>

Source: Annual Progress Report of the Forest Department, Kumaon circle for the years mentioned.

\textsuperscript{15} Currently atleast a third of the village residents must apply to form the village Panchayat.
There was a significant change in the institutional arrangements in the use and management of forests from the colonial period to the present; from informal indigenous arrangements guided by social norms and customs catering primarily to the local demands to a situation which was characterized by extreme central control and governance in the use of natural resources and finally where now exists participatory institutions guided by the broader framework of state rules and regulations.

The basic rationale behind the demand for changes in institutional arrangements is the recognition that existing arrangements have potential gains uncaptured. Agents advocating such a change realize and foresee that by altering existing arrangements they could capture gains that could not be obtained under institutional status quo or under the existing arrangement. Further the agents afflicting a change do so in the expectation to be better off than the existing situation and this can happen when the benefits from the change exceed the costs of such a change. In pre colonial India, the essence of village life was a structure of authority and control embodying both permission and restraint within which all human activities took place. With colonization much of the political and economic structure was under stress as the focus of the administration was to harness the political power of villages to secure legitimacy for the alien power. It undermined the existing authority systems with an authority system that would be responsive to the interests and imperatives of the colonial administration.

Apart from political and economic needs of the imperial regime, new technological intervention created conditions for the demand for new institutional arrangements. The imperial demand for change in the institutional arrangements was thus guided by (a) establishment of political legitimacy and (b) socio economic imperatives.
Thus the nature of political regime as Elinor Ostrom proposes, in which the local institution which guides resource utilization in villages are set, becomes important in explaining institutional change. The interest and the demands of that regime then determines such change.

The nature of the colonial state was extremely coercive and manipulative acting on behalf of the market to seek the interests of the dominant class in the society, the capitalists, the ruling elites and the landed peasants. This was not an exception in the Kumaon region which was characterized by extreme central control to curb the relations of power, influences and authority of the village republics to amass the timber wealth of the region. North thus analyzes the state within the framework of a wealth maximizing ruler who trades services i.e. protection and justice for revenue. Further the supply of institutional arrangements in the form of colonial state administration also depended on the capability and willingness of the political order to provide such a change.

Analyzing institutional change, Margaret Levi points out that change is most likely when there is an increase in the effectiveness of individuals seeking change and a decrease in the blocking power of individuals whose interests are served by the current institutional arrangements. This explanation can be applied to a certain extent in the emergence of Van Panchayats in Almora. Whether there was a decrease in the blocking power of the colonial state was doubtful but there was heavy loss of revenue to the state because of conflicts between the local population and the administration and the activities of the Raj were being affected. Changes in resource endowments and entitlements introduced by the British came in conflict with local peoples’ age old rights and practices related to natural resource utilisation. Due to uniformity in experience facilitated by the
homogenous nature of the hill society, local response were generated in regaining and retaining control over local natural resources. To counteract these local responses which were quite sporadic in nature, state had to bear heavy revenue loss. The cost of enforcement was very high. Further if an arrangement depends only on coercion for the successful implementation of its policies, the costs of enforcement will unsupportably be high. For the colonial state the cost exceeded the benefits of change that they had introduced. For example in the Resolution of the Forest Department dated 21st Nov. 1922, the annual progress report says "This committee was constituted last summer to enquire into the causes of the discontent widely entertained by the hill people against the forest policy of Government in Kumaon. Before the enquiries on which the report was founded could be carried out, a grave outburst of lawlessness occurred resulting in many acts of willful setting of fire to forest.... the immediate direct loss of revenue caused by fires amounted to 3 1/2 lakhs of rupees". Further the state had to engage more staff to maintain the class II forest (Reserved forests) and in fact the 1911 and 1917 forest settlements had cost some Rs. 4,65,526. At times it was difficult for the administration to control the situation and the govt. was forced to form Forest Grievances Committee for Kumaon in 1921. A situation was so created that a change in arrangement was essential from the colonial govt's point of view.

Moreover the situation or condition of relative economic scarcity, socio cultural dislocations with the breakdown of relations of power, influence and authority, created conditions for relative autonomy of the forest dwellers to alter the existing situation of authority and repression.
We have already discussed that it was through conflict and continuous interactions between the state and the local communities that Panchayati forests and consequently Van Panchayats came into existence. However it should be noted that institutional change is not propelled by only persons who are directly affected by such changes. Governments have their own interests in mind in creating the kinds of institutional arrangements they do. When the state could not counteract with the peoples responses and which in any case had meant heavy loss of revenue for them did they pass the 1931 Van panchayat Act. Further with its dual image the state also wanted to reinforce its political legitimacy in the region and therefore emphasized in the conservation of forests in Kumaon. It expressed that peoples discontentment resulted in frequent forest fires grazing and lopping. This led to the destruction of forest and that the states primary concern was the conservation and development of forest areas in Kumaon.

For the maintenance of institutions peoples cooperation or compliance is very important. The colonial state lacked this cooperation of the forest dwellers. This withdrawal of compliance then created conditions for institutional change. It enhanced the bargaining power of those who no longer comply or devalues the coercive resources currently in use. Scott in his study of "Weapons of the Weak" asserts that one of the most important weapons for actors who are in a relatively less powerful position is the ability to withdraw compliance. On the other hand it reduces the effective power of those who enforce institutional rules. Taking recourse to a functionalist explanation that a phenomenon can be explained by the effects of the phenomena, it can be said that conditions following state regulation of forests in Kumaon region viz, commercial exploitation of forests, dislocation of forest dwellers, degradation of forests and consequently peoples'
protests, created a situation for a relative decentralization of state power by giving autonomy to respective village in the maintenance of their forests.

Due to the enforcement and imposition of state regulations with no participation of the local people in the decision making process, broke down and eroded the incentive mechanisms which otherwise were embedded in the functioning of village societies. There was no incentive for the people either in form of economic gains or social status or autonomy to comply with rules. An arrangement based on reciprocity and mutual consent was replaced by autocratic rules and dictatorial functioning. Further in a traditional society which is depended on its natural resources, institutional arrangements are formed to ensure efficiency in allocation and distribution of goods among the actors i.e. it is generally based on the concept of equity. The consequence of the arrangement was the gradual disappearance of tree cover because of (1) commercial interests of the govt and (2) lack of incentive and assurance from the state led to free riding by the local community in the civil and soyam lands. This was more so because in the civil and soyam land there was a lack of clarity of who owned the trees," converting it to a open access resources. Hence, we can see that due to institutional arrangement till 1920s, common property resources were being converted to open access regime. This change of property rights regime without any socio economic and political considerations further led to a situation that peoples basic needs for fuel fooder were not being met resulting in conflicts and insurgencies. All these condition further induced demands for institutional change as arrangement by the people of the region.

One needs to stress the kind of institutional change that was being demanded. The forest dwellers all through out wanted to regain and retain
control over natural resources. The manner in which resources were used and managed was not through formal rules but were also governed by informal norms and codes of conduct that have evolved or handled down through generations. In this sense institutional arrangements reflected conventions of behaviour that had evolved in the society. The institutional rules thus facilitated coordination among people. The demand was thus for relative autonomy of the forest dwellers where they could frame rules and regulations in accordance with the local needs and sustainability of the resource. The demand for institutional arrangement as that of Van Panchayats in Kumaon was determined by the dimensions of culture that structured relationships that have been transmitted from the past. (David Feeny, 1988).

Van Panchayats in the U.P. Hills were born out of conflicts and compromises that followed the settlements and reservations of forests in the hills at turn of the last century. The first government approved Van Panchayat was thus formed in Uttar Pradesh hills in 1921 -- A Van panchayat Niyamavali enacted under the section 28 (2) of the Indian Forest Act 1927 provides broad guidelines for the supervision and management of forests under the control of Van Panchayats. Earlier these rules were framed in Schedule District Act 1874 in 1931. These rules have been periodically revised and the last resolution was in 1976. Further revision to these rules were proposed in 1989, however there have still not been implemented for details regarding changes in Forest Panchayat rules of 1931, 1976 and 1983 (See Table 3.13).

The Van Panchayats were formed even before the government accepted the recommendation of the Forest-Grievance Committee of 1921. They were known as "latt Van Panchayats" the literal meaning, being the Van Panchayats wielding a lot of muscle or physical power. Vishwa Ballabh, 1995 Van Panchayat, Seminar. No 406.
**Van Panchayat Act**

The Van Panchayat Act prescribes how Panchayats can be formed and impose duties on village Panchayats. The objective is to protect the forest areas and ensure that the forest products are being distributed among the right holders in an equitable manner. The main function of Van panchayats are as follows:

a) To develop and protect forests by preventing indiscriminate felling of trees and to fell only those which are marked for by the forest deptt. and are useful from the point of view of silviculture.

b) To ensure that there is no encroachment on Van Panchayati land and that no rules are being violated that are being enacted under Kumaon and Sodic Land Act of 1948 and that no land should be encroached without prior permission for agricultural practices.

c) To construct and fix boundary pillars and to maintain them 18(c).

d) To carry out the directives of the Sub-Divisional Magistrate in developing and protecting forests. 18(a)

e) To distribute its produce amongst right holders in an equitable manner. 18 (e)

f) 20% of the area of the forest must be closed for grazing every year.

**The Punitive Powers**

a) They can levy fines upto Rs. 50 with the prior approval of the Deputy Commissioner (later revised upto Rs. 500).

b) They can seize intruding cattles and impound them under the cattle trespass act of 1871.

c) They can forfeit the weapons of the offender.
The Administrative and financial powers

a) They can sell grass, fallen twings and stone slates to local people.

b) They can auction trees up to the value of Rs.5000 with the approval of the District Magistrate and Divisional Forest Officer. Auction above Rs. 5000/- is done by the Forest Department.

c) The income realised from resin, timber and fees is distributed as follows.

1) Zilla Parishad is given 20% for creating and maintaining infrastructure

ii) Gaon sabha is given 40% for local development schemes if approved by Block development committee

iii) the remaining is to be ploughed back by the forest department for maintenance and development of Panchayat rules.

The villagers however feel that through the Act, the bureaucracy exercises excessive control over Forest Panchayats. Bureaucrats on the other hand believe that in the absence of central control, villagers would clear fell the entire forest (Pers. Comm. 1994). Nonetheless in analyzing the rules it is quite clear that these rules, while making the Panchayats responsible for proper management of the forests, deny to it necessary authorities which seem to be vested with the revenue and forest officials. For instance in section 17 of 1976 Niamavali it is stated that before a watchman or any other paid staff is kept by the Panchayat previous approval of the Deputy Commissioner (DC) is necessary. An offence involving a sum of Rs. 50/- can be compounded only with the previous approval of the Deputy commissioner. Similar permission is required if the seized property (stolen timber etc.) is proposed to be sold.
Thus the administrative control over the Panchayat is still with the Deputy Commissioner, whereas the technical control has been given to the forest department. Despite such centralisation there is hardly any staff available within the revenue or forest department to dispose of requests from the Panchayats. The administrative support is very poor, which inhibits the enthusiasm of the Panchayats in effective functioning. The rules and lack of infrastructure seem to constrain rather than encourage democratic functioning of the Panchayats.

Since the study areas are all situated in Almora District, their resources management institution have been subject to similar administrative and bureaucratic rules. Nonetheless there exists difference in their functioning, one is more successful than the other. We can infer that government regulations do not create variation among the study Panchayats. In an attempt to correlate others factors which affect management, we will also examine rules framed by these Panchayats. Following Ostroms framework we will examine rules under Use Rules, Monitoring, sanction and arbitration rules.

Case Studies

The case study villages are mostly subsistence oriented and are mostly depended on agriculture. However in the recent years they have been incorporated into the cash economy. These links are established through cash crops, especially potato, temperate fruits and soya been. People also get enrolled in military services or are wage labourers in nearby market centres. There has been a high rate of migration in villages like Khatyari which is located adjoining the main township of Almora. Poverty as well as access to information on alternative source of livelihood has further exacerbated the tendency to migrate.
and induced a "money order" economy.

Several other general features characterized the units that I have examined. The resources relatively lie close to the village. The fodder and fuel-wood that are extracted from the local resource system are primarily used for consumption and subsistence needs. Only rarely do the resources make their way to outside markets. Village residents struggle to exclude "outsiders. 17 from using their forest. This implies that the collective legal ownership rights which villagers exercise in forests may be attenuated 18 to varying degree. Generally villagers invest little labour or capital in local resource system 19 although they sometimes do contribute to the maintenance of the resource. 20

The three Van Panchayats that have been studied are in Khatyari village (Hawalbagh Block) Guna Chautra (Lamgara Block) and Chitreshwar (Chaukhutia Block). The details of the Van Panchayats are as follows:

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17 Outsiders may be villagers from other villages. They may also be traders from towns looking for cheap fuelwood in village commons or even village pastoralists who are not authorized to extract benefits from the community resource.

18 Attenuation of Property rights refers to an inability to exercise the right to fullest extent. See Eirik J. Furubotn and Svetozar Pejovich eds. 1974. "The Economics of Property Rights", Cambridge. Mass: Ballenger Publishing Company, p. 4-6. All property rights are attenuated to some extent especially when the exercise of the right conflicts with the welfare of other individuals or of the community.

19 We can however find exceptions to the pattern in the case of common irrigation institutions. In some instances villages contribute their labour and use locally available materials to create commonly owned and controlled resources.

20 The maintenance of the resource system may either require its physical improvement or mechanism to prevent its over use. Monitoring and guarding the use of resource and sanctioning rule breakers are also a form of maintaining the resource.
Table 3.6
Details of studied van panchayats, Almora

<table>
<thead>
<tr>
<th>Van Panchayat</th>
<th>Villages under Jurisdiction</th>
<th>Block</th>
<th>Tehsil</th>
<th>Year of formation</th>
<th>Area of Panchayati forest</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Khatyari</td>
<td>Hawalbagh</td>
<td>Almora</td>
<td>1994</td>
<td>82 (ha)</td>
</tr>
<tr>
<td>B</td>
<td>Goona Chautra</td>
<td>Lamgara</td>
<td>Almora</td>
<td>1936</td>
<td>60 (ha)</td>
</tr>
<tr>
<td>C</td>
<td>Gairarh Bhainar Bairti Selagari Pan</td>
<td>Chaukutia</td>
<td>Ranikhet</td>
<td>1933</td>
<td>110 (ha)</td>
</tr>
</tbody>
</table>

Van Panchayat - A

Profile of Village: Khatyari (Hawalbagh Block, Tehsil Almora)

- Total area of village (ha): 303.93
- Total population and number of households: 1480 (317)
- Nearest Town (in kms): Almora (1 km)
- Forest area (ha): 138.41
- Area not available for cultivation (ha): 0.40
- Cultivable Waste including Gaucher and groves (ha): 78.51
- Unirrigated area (ha): 86.61
- Distance from the Panchayati forest (in Kms): (4-6)

The Khatyari village in the Hawalbagh block of Tehsil Almora falls under the jurisdiction of Van Panchayat ‘A’. Comprising of 317 households, it has relatively a large population of 1480 people in comparision to other villages in
the area. The main occupation of the people is agriculture. However being an urban village and located very near to the township of Almora (0.5 - 1 km) it has several secondary occupations. For example people are engaged in Dairy business, military services, or are petty shopkeepers. A good percentage also works as wage labourers in the town. The tendency to migrate to the plains among the male members of the household is quite high. This is due to (a) lack of employment avenue in the local area, (b) exposure and knowledge of alternative economic engagements. (c) poor economic conditions and agriculture is not subsistence oriented because of less availability of land. Due to non availability of of male workers women do majority of the work both in domestic sphere as well as in agriculture. However in Khatyari village quite a few women (approx 25) are educated upto the graduation level and are either teachers, clerks in the town.

It is a mixed caste village comprising primarily of Harijans and Thakurs. Most of the agricultural land is owned by the Thakurs and Harijans are mostly sub tenants. This is a phenomena which is typical in the entire region as caste in linked with land holding status. However there is no class distinction, though caste factors do play a significant role in formal bodies like village panchayats, Van panchayats etc and in social ceremonies like marriage.

The total forest area (reserved), according to 1981 census is 138.41 (ha). According to land record notification dated 26-1-77, area under panchayati forest is 537 acres (approx 214 ha). Situated approximately 4-6 kms from the village, the forest is comparatively far off from the settlement. The collection of fuel and fodder is primarily done by women in groups. On an average a woman spends 5-6 hours a day to collect usufruct.
The forest is not very dense even though the forest area is relatively big, natural vegetation is chirpine. Being far away from the village makes monitoring a difficult task. However for the purpose of collective functioning the forest area is divided into two parts and monitored separately.

Formation of Van Panchayat

The Van Panchayat for Khatyari village was formed on 9-6-1944. Prior to the formation, the present Panchayati forest area was under civil and soyam lands and the resources were being shared by 10 villages. Monitoring and coordinating these villages were extremely difficult as none of these had defined status vis-à-vis the forest and therefore had no stake in maintaining the resource condition. This resulted in illegal tree felling and unlimited resources extraction. Khatyari village faced the maximum problem of fuel and fodder though it was located nearest to the forest area than the rest of the villages. Due to its location near to the urban township, there was an absence of natural vegetation around the village and hence the dependence of the villagers on the forest was maximum. It lead to conflicts, intra and inter village rivalries and eventually a case was filed by all the 10 villages in the court of Sub Division, Magistrate to demarcate the forest area. Due to logistical reasons, the case was won in favour of Khatyari and subsequently, Van Panchayat was formed.

There are 9 members in the executive committee of the Samiti. Who were nominated. The tenure of the members are for 5 years though they may be re-appointed. The nominated members have social and economic status in the village. Of the 9 members six are Thakurs and three are Harijans. Even though women are the most active and visible beneficiaries as far as collection and
utilization of resources (especially NTFP) are concerned, there exist no women member in the committee. This is due to subdued role assigned to women folk traditionally. Further women tend to work 16 to 18 hours a day and this particular village is no exception. This however unables them to attend even Panchayat meetings which are normally held during the day. From the Minutes Book of the last meeting held in Khatyari village, dated 15-7-94, out of three hundred members only one women attended the meeting. The composition of the Executive Samiti are as follows:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Designation</th>
<th>M/F</th>
<th>Occupation</th>
<th>Land holding (Nali)</th>
<th>Caste</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>President</td>
<td>M</td>
<td>Shop (dhaba) + Agriculture</td>
<td>60 Nali</td>
<td>Thakur</td>
</tr>
<tr>
<td>2</td>
<td>Member</td>
<td>M</td>
<td>Driver + Agriculture</td>
<td>25 Nali</td>
<td>Thakur</td>
</tr>
<tr>
<td>3</td>
<td>Member</td>
<td>M</td>
<td>Clerk</td>
<td>20 Nali</td>
<td>Thakur</td>
</tr>
<tr>
<td>4</td>
<td>Member</td>
<td>M</td>
<td>Shop, Ex Serviceman</td>
<td>32 Nali</td>
<td>Thakur</td>
</tr>
<tr>
<td>5</td>
<td>Member</td>
<td>M</td>
<td>Wage labourer Dairy</td>
<td>40 Nali</td>
<td>Thakur</td>
</tr>
<tr>
<td>6</td>
<td>Member</td>
<td>M</td>
<td>Agriculture</td>
<td>60 Nali</td>
<td>Thakur</td>
</tr>
<tr>
<td>7</td>
<td>Member</td>
<td>M</td>
<td>Agriculture Ex Serviceman</td>
<td>10 Nali</td>
<td>Thakur</td>
</tr>
<tr>
<td>8</td>
<td>Member</td>
<td>M</td>
<td>Wage labour</td>
<td>15 Nali</td>
<td>Thakur</td>
</tr>
<tr>
<td>9</td>
<td>Member</td>
<td>M</td>
<td>Driver</td>
<td>25 Nali</td>
<td>Thakur</td>
</tr>
</tbody>
</table>

Source: Panchayat Record Book, Khatyari, block Hawalbagh

From the Panchayat records it was found out that the influential positions like the post of President in the Panchayat have always been held by the upper
caste. Interestingly this has been accepted unanimously irrespective of caste composition of this village. Eventhough, caste differentiation is not so rigid, but according to few Harijan residents of the area, certain decision like distribution of timber in the case of dry trees appointment of watchmen etc, Thakurs tend to dominate since they are in a majority in the Samiti. However a lot depends upon the President of the Samiti.

At present the Van Panchayat has been able to function quite effectively. This is primarily due to three reasons (a) role of leadership (b) involvement of local people (c) requirements of the people have been dealt with equitably.

Van Panchayat - B

<table>
<thead>
<tr>
<th>Table 3.8</th>
<th>Profile of Guna and Chauntara Village, (Lamgara block, Tehsil Almora)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Guna</td>
</tr>
<tr>
<td>Total area of village (ha)</td>
<td>43.30 (ha)</td>
</tr>
<tr>
<td>Total population and number of household</td>
<td>28 (3)</td>
</tr>
<tr>
<td>Nearest Town (Kms)</td>
<td>26 km</td>
</tr>
<tr>
<td>Forest area (ha)</td>
<td>10.93 ha</td>
</tr>
<tr>
<td>Area not available for cultivation</td>
<td>2.02 (ha)</td>
</tr>
<tr>
<td>Cultivable waste including Gaucher and Waste land</td>
<td>18.62</td>
</tr>
<tr>
<td>Unirrigated area</td>
<td>11.73 (ha)</td>
</tr>
<tr>
<td>Distance from the Panchayati forest</td>
<td>1.05 km</td>
</tr>
</tbody>
</table>

Van Panchayat ‘B’ is shared by the two villages of Guna and Chauntra which are in Lamgara Block, Tehsil Almora. The total area of both the villages
constitute 88.22 (ha), of which Guna has 43.30 (ha) and Chountara has 44.92 (ha) and therefore are of similar size. The villages are small in size and the population according is relatively less i.e. Guna has population of 28 person and Chautra it is 36 and thus they have 3 and 10 households respectively. The primary occupation of the people is mostly agriculture. However a few are also in military or are wage labourers in nearby towns or they migrate to plains.

While Guna is a mono caste village consisting only of Schedule Caste, Chauntara is composed of both Brahmins and Thakurs. There exists inter and intra village rivalries and caste conflicts on the issue of land holding and distribution of benefits from forest resource.

There are seven members in the Panchayat Samiti. Members are from both the villages and presently sarpanch is from Guna. The caste compositions of the members are as follows there are 3 Brahmins, 3 Thakurs 1 scheduled caste and 1 mixed caste. Even though caste factor is not a decisive factor in the functioning of Panchayats in the hills but it is important to mention that the higher caste members who are in majority dominate the Samiti.

The functioning of the Panchayat has been affected due to legal disputes between villages on illegal felling. Though there are members from both the villages there are more representatives (6) from Chautra. As a result the members of this village who are also from the upper caste have a advantageous position whenever any decision is being taken. Because of this inequity, there has been no coordination among these villages. Therefore instead of solving disputes among themselves they have taken recourse to legal procedures. This lack of trust among members is reflective on the fact that there are 80 cases of illegal felling which are pending in the district court. Further village factions and
disputes about leadership have recently thwarted some management efforts.

Another factor which has created complications in the management of forests is the intrusion of private property. For example, if a person is a resident of X village but owns land also in Y village, he becomes a rightholder of benefits of both the villages and their community forests. The person in this sense tries to misutilise the resource. Further the incentive for him to maintain the forest is also very low, as there exists an alternative source. He may however be extracting most from the forest which is located nearest to his own resident. This effect of PPR on CPR thus affects the management of Van Panchayat.

Table 3.9
Profile of Villages Under Panchayat 'C':

<table>
<thead>
<tr>
<th>Name of the Village</th>
<th>Total area of village (ha)</th>
<th>Total population of households</th>
<th>Nearest Town in Km.</th>
<th>Forest area (ha)</th>
<th>Unirrigated land</th>
<th>Cultivable waste including Gaucher and Groves (ha)</th>
<th>Area not available for cultivation (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geharh</td>
<td>109.27</td>
<td>476 (89)</td>
<td>Dwarhat (25)</td>
<td></td>
<td>41.28</td>
<td>59.49</td>
<td>8.50</td>
</tr>
<tr>
<td>Bhainar</td>
<td>25.50</td>
<td>40 (8)</td>
<td>Dwarhat (14)</td>
<td></td>
<td>9.71</td>
<td>14.98</td>
<td>0.81</td>
</tr>
<tr>
<td>Bairti</td>
<td>300.69</td>
<td>787 (157)</td>
<td>Dwarhat (5)</td>
<td>28.73</td>
<td>87.01</td>
<td>173.21</td>
<td>11.71</td>
</tr>
<tr>
<td>Selagari</td>
<td>33.18</td>
<td>91 (21)</td>
<td>Dwarhat (5)</td>
<td>7.69</td>
<td>15.79</td>
<td>8.09</td>
<td>1.21</td>
</tr>
<tr>
<td>Pan</td>
<td>205.99</td>
<td>421 (73)</td>
<td>Dwarhat (2)</td>
<td>47.75</td>
<td>50.18</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
The Panchayat forest is being shared by 5 villages of Gehrar, Bhainor Selagari, Pan, and Bairati. The Van Panchayat forest is located at an altitude '1475m above sea level and is about 22km from Ranikhet. The forest cover is very dense consisting mostly of chirpine and Oak which are uniformly spread. Formed in 1933, Panchayat is 62 years old and is the longest standing Panchayat among the study areas.

We can see from the table that of the five villages, Gehrar, Bairati and Pan are relatively bigger than Bhainor and Selagari and that is why they have been merged with these villages as far as sharing of forest is concerned. The area under Panchyati forest is about 110 ha. All these 5 villages are homogenous in terms of caste composition i.e they all belong to upper caste, Brahmins. However among them are subdivisions of Brahmins. Only exception is bairati which have few houses of Schedule Caste population.

The villages have a subsistence based economy and people are mostly engaged in agriculture and selling of fruits which are locally grown. Every household in these villages have land holdings and they possess milch cattle and in Bairati they also earn their livelihood by selling milk products.

If one looks at the distance of these villages from the nearest towship, (i.e. Dwarhat) it is unequal. Some are more close to the resource than the other For. e.g. Gehrar is on the main road linking Ranikhet and Chaukhutia while Bhainar is amidst the main forest area. One can assume that those villages which are nearer to the resource will exploit more than those which are relatively far away. These asymmetry in location is countered by demarcating the forest into five divisions and each village is expected to take care and monitor and regulate the activities of its users. Further there is a coordination of behaviour of the
actors supplemented by an assurance mechanism that the violators would be punished if he or she trangress rules framed by the Panchayat.

Moreover, the forest cover being very dense, the resource available to its users are in abundance and therefore the problem that generallyh occurs in asymmetrical location does not arise. Consequently the rules and regulation are relatively flexible. For example, there is no regulation for collection for fuel wood except they cannot cut thick twigs. This means subtractibility of a unit of resource will still leave enough for others.

It is to be noted that in a traditional village society there exists informal consensus and understanding regarding each others relative economic position. This is more so in a hill society where there is limited availability of arable land. In Bhainar which is situated amidst the forest and has less arable land than the rest of the villages is more dependent on the forest resource and tends therefore to extract other items than usufruct like fruits, medicinal herbs, tree barks etc. This economic asymmetry is also taken into consideration while administering natural resources.

**Van Panchayat**

Formed in 1933, this Van Panchayat is 62 years old and is the longest standing Van Panchayat in the area. There is an equal representation of members in the Samiti in proportion to the total population of the village. At present there are 8 members, 2 each from Gehrar Bairati and Pan and 1 each from Bhainar and Selagari.

There is an equal representation of members in the Van Panchayat Samiti. Every village has its own Panch or member. From among these member a
Sarpanch is then being chosen or nominated by the members of the Gram Sabha which comprises of members from Gehrar, Bairati and Pan. Rules are being made with the consent of all the members representing their respective villages. Other factor being similar like caste, average economic position, the bigger villages tend to dominate the jurisdictional and decision making process. Members holding influential positions like the Sarpanch or the President of the Van Panchayat are always from the three villages of Gehrar, Bairati and Pan. This is apparent from the Panchayat record of the last 20 years.

### Table 3.10

<table>
<thead>
<tr>
<th>Year</th>
<th>Village</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>Gehrar</td>
</tr>
<tr>
<td>1979</td>
<td>Gehrar</td>
</tr>
<tr>
<td>1983</td>
<td>Pan</td>
</tr>
<tr>
<td>1988</td>
<td>Bairati</td>
</tr>
<tr>
<td>1993</td>
<td>Gehrar</td>
</tr>
</tbody>
</table>


However, here the forest management is otherwise quite loose. Rules are not being stringently followed and enforced. Two reasons can be put forth for this phenomena. *First* there exists abundance of resource and therefore the need to enforce is quite low. The element of scarcity, uncertainty and risk being quite negligible further endorses it. *Secondly*, informal rules & norms in the form of religious practices and customs further reduces the necessity to implement formal rules excepting those which are related directly to regulation and monitoring of resources use.
Of the three study areas it can be inferred that in the case of extreme scarcity and abundance of resources, the stake to implement effective management practices are very low. In a situation of extreme scarcity, the maintenance of resource units still does not leave enough for others. In fact the maintenance costs exceed the benefits that is to be extracted from such efforts. Inversely the same applies in cases where resource are in abundance. In fact Van Panchayats have been found most effective in areas which have optimal resources condition and there is a need to maintain the existing situation. Here the extraction of ‘X’ unit of resource will affect the quantity left for other users. Hence a balance has also to be maintained between extraction and regeneration of resource units.

Apart from socio-economic conditions, we will also examine the rules framed by all three study Panchayats and see whether there are any co relations between resources condition and the type of rules that are framed and implemented.

*Use Rules*

The type of rules that are grouped under this category are basically operational rules for taking fodder from the community forests. It specifies who can withdraw benefits from the forest, how much fodder can be extracted, the way it is to be extracted and the obligations users must fulfill to retain their membership or as beneficiaries. In all the cases except in one i.e. in Goona village, users must be residents of the village. In Guna who has a land holding in the village, he/she is allotted the rights to harvest benefits from the forest resource.
In all the three Van Panchayats, rule specify how fodder can be extracted from the resource system. These rules however differed in the rights that they conferred on the users. The user in villages under Van Panchayat ‘B’ and ‘C’ have equal rights without references to their contribution in maintaining the resource. However they can buy and sell rights among themselves. In Khatyari village under Van Panchayat ‘A’, their rights to resource are in lieu of the effort that they have invested in the maintenance of the resource (by construction of boundary walls of the forest area and by helping in planting trees)

The institutional rules not only specify who has the right to resource use and how these rights can be used by them they also specify the quantity of resource that can be extracted from the resource system. Fodder from the forest constitute a renewable resource. To ensure regular annual supplies and the continued health of the forest, it is therefore essential to match extraction levels to regeneration. The villages under all these three Van Panchayat have thus attempted to match supply and withdrawal by assessing fodder growth during the year, fixing the withdrawal limit below the annual regeneration by using simple methods. In villages of Panchayat ‘A’ and ‘C’, users can cut grass from the forest only for a specific number of months in the year. In both these Panchayat villages the area is closed from Jan-June for regrowth. Panchayat officials issue pass which are valid for three months. In Khatyari it is charged for Rs. 50 while in villages under Panchayat ‘C’ it is Rs 20 depending upon economic condition

21 To assess regeneration, Panchayat officials visit forest compartments before opening them to the villagers. The officials make an eye estimate of the total amount of fodder bundles available. They open the forest for limited grazing or grass harvesting. The total number of animals that can graze or bundles of grass that can be extracted depends on initial estimates by the Panchayat officials. The forest guard monitors and enforces the Panchayat decision.
of the people in general. All villagers can extract specific and more or less equal amount of fodder. Only one person per household, either male or female can go only once a day to the forest. Further only one headload of fodder is permissible per person. Since the forest is shared by five villages in the Panchayati forest 'C', to maintain further balance and coordination it is specified that a person can only collect twigs and leaves which fall under a single tree cover. It is interesting to note that these rules also take care of specific needs of the villages and there are provisions for the same. For example, in VP 'C' if a person has more animals and therefore needs more fodder he can use a pass of person who at present is not staying in the village. He however pays the fee in his name and thus can collect fodder.

In Guna and Chautra if there is surplus fodder or if users meet their requirement from adjoining Civil and Soyam land in which they have usufructory right and hence do not need extra fodder from the Panchayat forest, the fodder is then auctioned and given to the highest bidder. Fodder is then resold among other members of the village. But Panchayat records document reveal that the same three or four individuals repeatedly make successful bids for the right to buy fodder. The Brahmins and Thakurs who are also economically well off individuals in the village were instrumental in the creation of the forest Panchayat. They have their own hold in the society and also manipulate the provisions that are framed. They designed the rules that guide fodder extraction from the Panchayat forest. Moreover the numerical superiority of Brahmins in Guna & Chautra village have also guaranteed them effective control over the Panchayat. This fact remains the same in all the three study Panchayats. The dominant caste and class in a multicafe Panchayat has more
say which however is not only overt but it is implicit in the implementation of rules as well as in its creation.

When the immediate as well as future need of the users are met, the incentive to cooperate is most. This is quite apparent in Khatyari village where the condition of the resource is only optimal and therefore sustainability in maintenance and utilisation is required which in turn requires peoples participation. This can only be effective or can be mobilised if there is enough incentive for the users. The use rules in this village i.e. Khatyari have been so created which not only takes care of its resource condition but also the general and specific needs of the residents. For instance it has already been mentioned that in this village which is more near to the township than the resources system, dry wood is not always easily available. Further the villagers have to traverse 4-5 kms to collect them. Hence there is a provision that after lopping whatever wood is left it is given to all the right holders. For collection of fuelwood, a fee of Rs 1 is charged per person and only headhold is allowed to control resource extraction. Further the Panchayat collects dry logs from the jungle which have fallen or have gone dry. This is kept as a stock for crisis situation. As immediate availability of wood is a problem, in the case of death, marriage or religious ceremonies the household concerned can purchase these logs by paying the requisite quantity to the Sarpanch who has the authority to sell wood from trees which have gone dry or falls naturally like in thunder storms. However in all the three study Van Panchayats for community festivals there is a provision for extra wood which are collected and distributed for this purpose. Thus if the demand and supply of resources are met, the incentive to cooperate is quite high.
We can draw the following conclusions that there is difference in use rules both contentwise as well as in the nature of implementation. The difference is primarily based on the (a) physical condition of the resource (b) local needs (c) socio economic condition of the local dwellers. At the local level there are cases of successful rule design to use resources sustainably and equitably. But such cases are not ubiquitous. If forest management is not delegated to the local level, the local institutions in my case, the Panchayats may not be able to use resources efficiently, sustainably or equitably. The local users and managers have many advantages over centralized governments and bureaucracies in creating the rules that may match supply with demand. They have greater information about themselves, about their needs and about their resources. However they may choose not to use their capacity to create rules that promote sustainability and equity. And even if such provision are there it gets affected because of economic factors like resource condition, social status and caste class factors and at time due to lack of institutional effort to enforce it effectively.

**Monitoring**

Even though there may be use rules which are appropriate to the resource condition and for the target group, the effectiveness of such rules are dependent on the compliance to such rules. More often than not the problem of ensuring compliance to rules for using resources is acute in all the study areas. Violations of these use rules occured quite routinely, though they may not always be reported. This is quite apparent from the number of violations that have been reported in the last 10-15 years.
The table 3.11 shows that VP 'C' has the largest number of rule violations. According to the sarpanch it is difficult to coordinate five villages. As VP 'A' manages only one village and due to resource scarcity its monitoring is strict and therefore one finds the least number of violations under VP.

Table 3.11

Rule violations in studied panchayat areas

<table>
<thead>
<tr>
<th>Year</th>
<th>Van Panchayat A</th>
<th>Van Panchayat B</th>
<th>Van Panchayat C</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of Violations</td>
<td>Number of Violations</td>
<td>Number of Violations</td>
</tr>
<tr>
<td>1975-78</td>
<td>44</td>
<td>136</td>
<td>104</td>
</tr>
<tr>
<td>1979-82</td>
<td>38</td>
<td>91</td>
<td>161</td>
</tr>
<tr>
<td>1983-86</td>
<td>24</td>
<td>95</td>
<td>57</td>
</tr>
<tr>
<td>1987-90</td>
<td>36</td>
<td>42</td>
<td>72</td>
</tr>
<tr>
<td>1991-94</td>
<td>15</td>
<td>30</td>
<td>46</td>
</tr>
<tr>
<td></td>
<td>1989</td>
<td>80</td>
<td>1987</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1989</td>
</tr>
<tr>
<td>Total</td>
<td>157</td>
<td>474</td>
<td>525</td>
</tr>
</tbody>
</table>

Source: Van Panchayat Record Books, Yearwise as mentioned.

In all the villages there have been instances as has been reported by officials and residents that villagers illegally entered the Panchayat forests cut grass and leaf fodder from trees, grazed their animals and in some instances even felled trees. Their activities occurred in violation of rules and in spite of the
presence of guards who could discover and report them to Panchayat which would then try to force them to pay fines. The records while documenting high levels of abuse, underestimate the extent of illegal grazing and cutting. The guards are often absent from the forest and even when at the posts they cannot monitor all the compartments of the Panchayat forest simultaneously. The community forests are too large and dispersed.

However if the infractions are at a very small scale and most of the rule breakers are discovered and sanctioned, resource system need not be affected. It is only when the rules are not enforced or monitored and violations not sanctioned that institutions become meaningless as guides to behavior.

In Khatyari village the Panchayat members realize that unless resources use is effectively monitored, mere creation of rules have no purpose. The guards appointed by the Panchayat ‘C’ were monitored by the Panchayat itself. Since it is a very big forest area and is shared by five villages the entire forest is divided into compartments, and the guards are assigned different compartments to watch. It is therefore easier in this case to monitor the guard than the villages. The Panchayat generally dismissed guards and refused them a salary if they found rule violation levels to be very high. They would resume the guards salary and reinstate him only when he promised to improve his performances. Thus institutional incentives were being created for the guards to monitor the users.

The Panchayat in Khatyari village solved the problem of who would monitor the monitor by involving all villagers in monitoring. They forced the users and who in turn monitored the officials. At each level incentives were created for reporting violations in Panchayat meetings. For instance if a member
of the Panchayat or his family members are discovered in the forest illegally grazing cattle or cutting fodder, an open meeting of the village would be summoned where the member could confess his crime and pay a fine. The confession is as potent a deterrent as fines. Thus by involving the villager and by providing incentives at all level, the problem of who would monitor the monitor was solved.

It is interesting to note that in most of the cases where van panchayat has been found relatively more efficient, the villagers use counter infringement strategies to force individuals to reduce their levels of rule violations. When the Panchayats or the villagers discover that rule infractions had increased their response was not to step up their own level of infringements in order to make violators reduce rule breaking. Instead the Panchayat and the users took other steps to ensure that the level of rule violations would be reduced. They attempted to improve the efficiency of monitoring and tried to create or impose more strict sanctions.

In Panchayat ‘B’ most of the records of rule breaking were connected with inter caste disputes in the village between the upper and lower caste. It seemed that the Panchayat dominated by Brahmin used its control over Panchayat forest as a way of dominating the Harijans. Instances of rule breaking by Harijans were more mentioned in Panchayat records with regularity. But from records, it appeared as if Brahmins never broke rules. Such lop sided reporting and enforcement could only increase rule deviance and resource degradation.

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22 Ostrom calls it ‘trigger strategies’, ‘Governing the Commons’, 186.
Sanctioning

In all the three village institutions, the villagers have created rules for sanctioning the violators. There are various mechanisms employed by the Panchayats to enforce sanctions. Offenders are either asked to give a written apology or a public apology, imposed fines, cutting implements such as scythes, are confiscated, and their offences are at times being reported to government officials. The sanctions that are being imposed depending on a number of factors; the severity and nature of the offence, the economic status of the offender, whether the person is known to be a trouble maker, the attitude that the rule breaker displays towards the Panchayat and its authority and so forth. The purpose of the sanctions is as much to punish somebody for an offence that was committed as well as to uphold the authority of the Panchayat in issues of resource use.

In the context of forest Panchayat the latter is more important as they have no formal or legal powers to automatically impose sanctions as rule breakers. If the users openly flout their authority by breaking use rules and disregard Panchayat directives to pay fines the panchayat will find it difficult to maintain Panchayat forest. Thus the panchayat often excuse even repeat violators from paying fines imposed on them if the offender is willing to tender a written apology. Such an apology reinforces the authority of the Panchayat to manage the forest and to punish other individuals who commit infractions of rule.

Even though the Panchayat have no legal authority to impose sanctions on villagers who break use rules interestingly most of the villagers pay fines that the panchayat impose on them. This may be for two reasons one, that the study
areas are closed traditional societies which enforces societal pressures like social boycotts or ostracism on offenders as punishments. Fines in that sense becomes more of a symbolic gesture of the offender that he has accepted his mistake and a mark of authority for the Panchayat. Not paying the fines will further isolate him socially and that is considered a more severe punishment than paying for his offence. Secondly fines constitute a significant section of the income of the Panchayat. It is seen that income from fines are significant for all the successful panchayats. This was quite obvious in the case of Khatyari village. It also follows then that effective sanctions are necessary for successful institutions.

Arbitration

All the three panchayats also act as arbitrators of disagreement that arise over the imposition of sanctions on rule breakers and for interpretations of rules and disputes over the creation of rules. In this capacity they often reduce or excuse fines, allow villagers to influence the dates as to when the different forest compartments may be opened for grazing by animals or for removal of fodder and so forth.

The continued authority of the Panchayat despite their lack of formal power lies in the relative power position of different actors if the panchayats chose to take to court any of the users who break rules. Even if the panchayats do not have formal legal power to extract fines from rule breakers, in a court of law its word carries greater weight than that of an ordinary villager, since it has been created by a statute of law. Further in major disputes with users, there are number of villagers who will the support the interpretation of events presented by the panchayat Samiti. Finally the panchayat is likely to have more
funds than an ordinary user to fight law suits. These factors imply that unless the user who violated rules is influential and wealthy, he will find it worthwhile to settle the small fines that the panchayat imposed on him rather than go to the court.

**Conclusion**

In this chapter I have discussed the nature of the Indian State vis-a-vis the forestry sector. In tracing the trajectory of states response from the colonial period to the present it was seen that the basic institutional demands of the state remained the same. However in the 1970 because of economic, and political factors and forced by the development imperatives it was realized that the participation of people is necessary for the restoration of forest resources by creating local institutions to manage their own resources in accordance with the needs of people.

Which studying Van Panchayats it is inferred that the management is quite low where the resources are scarce or abundant. The resource condition affects the incentive to cooperate. Further where the Van Panchayat manages two or more villages it creates problem of coordination in the functioning of Panchayat than where the panchayat forest are used by a single village. It is quite difficult to establish coordination among five villages as in the case of V.P. ‘C’ than where there is a single village like in V P ‘A’. Moreover caste, class i.e. caste composition of villages also play an important in the exercise of institutional practice. Rivalry among residents are relatively low in a mono caste village. However this not a very dominant factor.

Thus successful institutional design must also solve the problems of collective action at various levels from creation of rules for using resources,
effective monitoring of use rules, sanctioning of violators who break rules and arbitration of dispute among monitors, users and managers. It is therefore necessary to examine the institutional design that guides resources use. We have not stressed on administrative and bureaucratic rules as in all the three study areas they are exposed to same set of statutes and rules. The variance in the functioning of panchayats is then due to factors other than the state policies.
### Table 3.12

Comparision of different forms of forest management in Kumaon region

<table>
<thead>
<tr>
<th>Institutional Framework (Characteristics)</th>
<th>Civil Forests Under Revenue Management</th>
<th>Civil Forest under Forest Management</th>
<th>Revenue Forests under Forest Management</th>
<th>Forest under Panchayat Management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present Condition</td>
<td>Highly degraded</td>
<td>Chirpine has been planted in the last 15 year covering about 10-15% of the area</td>
<td>Tree density is between 40-50%. It is better at higher altitudes</td>
<td>60-70% of the area is under trees, although there is a great deal of variation from Panchayat to Panchayat.</td>
</tr>
<tr>
<td>Encroachments</td>
<td>High</td>
<td>Encroached land is not transferred to the forest dept.</td>
<td>Few Except in Tarai</td>
<td>Negligible</td>
</tr>
<tr>
<td>Grazing Practice</td>
<td>Open throughout</td>
<td>Grass can be cut any time of the year. Grazing is controlled in closed areas because of the choice of species, boundary wall and a watchman</td>
<td>Open throughout the year except in such areas which are closed</td>
<td>Grazing is generally closed during the rainy season. Grass can be cut after obtaining a pass once or twice in a year. Grazing in other months are discouraged if fodder trees have been planted in the area. As this is effective only in some places, Panchayats also prefer to plant non browsable species.</td>
</tr>
<tr>
<td>Exploitation</td>
<td>Uncontrolled</td>
<td>Trees are less than 10 years of age. Lopping is discouraged although such instructions are often ineffective.</td>
<td>Felling of trees above 100 m is banned since 1979, in lower reaches mostly industrial and commercial species like sal, poplar, eucalyptus and pine have been planted</td>
<td>Trees are sold to the villagers on a subsidized basis. Often there are allegations or bias in allotment of trees.</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Effectiveness</td>
<td>No action is taken or reported. These cases are tried under the public Premises Act, takes a lot of time and result in few convictions</td>
<td>Indian forest Act is not applicable hence deterrent action is not possible</td>
<td>Action both administrative and judicial is generally prompt and effective.</td>
<td>Consensus and social sanctions are most effective than judicial action. Fines are imposed by the Panchayat, although legal penalties are often paid by the offenders.</td>
</tr>
<tr>
<td>Management input from people</td>
<td>Nil</td>
<td>After passing a resolution to transfer such lands to the forest department there is little involvement of people.</td>
<td>Is not sought under the present scheme of things</td>
<td>Requires intensive supervisions and monitoring from Panchayat. Peoples' involvement varies from passive support to active involvement in protection and distribution of produces.</td>
</tr>
<tr>
<td>Benefits to villagers</td>
<td>Small quantities of grass after the rains</td>
<td>Pradhan gets a contract for civil works. People will start getting fallen twigs after few years.</td>
<td>Rights of the people are recorded. Grazing and fuelwood collection is permitted, except in areas which are under closure.</td>
<td>The benefits depend on the total area of the forests and its management. They get grass and sometimes fuelwood at a subsidized rate.</td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Benefit to Govt.</td>
<td>Nil</td>
<td>Ecological benefits are not fully established through plantation of pine, although area has started looking green.</td>
<td>Conventional benefits, although revenue has started developing because of ban of commercial felling of green trees above 1000 m</td>
<td>Income from sale of resin is used for all kinds of purposes like fulfillment of target under small saving and minor development works</td>
</tr>
</tbody>
</table>
Table 3.13

Changes in the forest panchayat rules of
1931, 1976 1983 and 1993

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Punitive Action</td>
<td>Panchayat had</td>
<td>Panchayat cannot impose fine.</td>
<td>Same as in 1976. Except the compounding fee has been increased to Rs.100</td>
<td>Case can be compounded for up to Rs. 500 as assessed by administrative official</td>
</tr>
<tr>
<td></td>
<td>powers to fine upto</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rs.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Management of Panchayats Funds</td>
<td>The entire income</td>
<td>Only 40% to the resin income</td>
<td>Out of the total income, only upto Rs. 600/- per annum is available to the Panchayat, at least 50% of this is to be spent on development of forests in the area</td>
<td>VPs to use revenue from Panchayati fund under DMs supervision</td>
</tr>
<tr>
<td></td>
<td>of its Panchayat</td>
<td>is theoretically available to the Panchayat, of the rest 20% is to go to the Zila Parishads and 40% is to be spent by Forest Deptt for maintenance and Development of Panchayat Forests. In practice even the 40% part is not readily given to the Panchayat it has been deposited in long term accounts</td>
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<td>was at its disposal</td>
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<tr>
<td>Distribution among right holders</td>
<td>The Panchayat was free to make its own rules to ensure equitable distribution</td>
<td>The Panchayat can sell fallen fuel and grass to the right holders. If it wishes to sell more than one standing tree for the bonafide domestic use of right holders permission of the DFO is required</td>
<td>Fallen fuel and grass can be given to the right holders. The Panchayat can allot one tree to a family for domestic use keeping in view the overall position of the forests. If the right holders house is damaged, he can be given two additional trees free of cost</td>
<td>No change</td>
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<tr>
<td>Commercial sale</td>
<td>No restriction</td>
<td>In actual practice all commercial sale is done by the Forest Deptt after a written reference from the DM and the DFO. It often results in deterioration of timber.</td>
<td>It would require the approval of Divisional Commissioner after the recommendation of the Forest Panchayat Dev. Officer.</td>
<td>Produce values upto Rs.5000 can be sold by VPs. Forest Produces to be auctioned after DM's approval.</td>
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<td>Tapping of resin</td>
<td>The forest dept. tapped resin for the Panchayat</td>
<td>Although rules permit tapping of resin by the Panchayat in accordance with the rules of the forest at deptt, in actual practice this work is done by the contractors approved by the Forest Deptt. The Panchayat is not consulted nor is it aware of the royalty deposited by the contractor</td>
<td>The Panchayat is empowered to tap and sell resin under the supervision of Panchayat Forest Dev. Officer, provided actual tapping is done by the trained staff.</td>
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<td><strong>Right to slates and stones</strong></td>
<td><strong>No restriction</strong></td>
<td><strong>The Panchayat can make local sale of slates and stones for the bonafide domestic use of the villagers</strong></td>
<td><strong>No specific rights are with the Panchayat, although restrictions exist in some districts.</strong></td>
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<td><strong>Organisational structure</strong></td>
<td><strong>Same as in 1976</strong></td>
<td><strong>The Sub-Divisional Magistrates have been given the powers of Panchayat Forest Officers within their jurisdiction. They exercise administrative control over the Panchayats. Their inspection notice read more like auditors report and lack of developmental perspective.</strong></td>
<td><strong>Role of the SDMS have been restricted to the initial constitution of the Panchayat. Rest of the power have been given to a District Forest Pachayat officer who would be a Forester.</strong></td>
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