Forest governance and implementation of REDD+ in India

A Policy Brief

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Ministry of Environment and Forests
Government of India

The Energy and Resources Institute

NORWEGIAN EMBASSY

www.teriin.org

Acknolwedgement

This paper was written as part of the project **Developing country participation in addressing climate change: Analyzing issues and options for implementing NAMAs and REDD** under the Program of Activities, Framework Agreement between the Norwegian Ministry of Foreign Affairs (MFA) and The Energy and Resources Institute (TERI), referred to in short as the Norwegian Framework Agreement (NFA). We would like to thank the Norwegian MFA for their support.

POLICY BRIEF

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Introduction

Forest governance in context to REDD+ is a complex issue as it involves the participation of multiple stakeholders and also holds diversified interests of individuals and communities across different scales such as local, national, and global, with unbiased decision-making by a group of policy makers, community representatives, government officials, and other experts and practitioners. Good governance is a form of political decision-making that emphasizes legality (rules to resolve conflicts), legitimacy (acceptance and trust by the public that ensure accountability), and participation (inclusiveness in decision-making process). The achievement of good governance is hinged on mutually supportive and cooperative relationships among different stakeholders such as the government, the private sector, and civil society.

Forest governance is identified as critical to the success of REDD+. Implementation of robust REDD+ strategy is possible through Community Based Forest Governance.

Forest governance is identified as critical to the success of REDD+. Implementation of robust REDD+ strategy is possible through Community Based Forest Governance. Historically, forest governance in India established towards the middle of the 19th century was mainly engaged in exploration, demarcation, reservation, and exploitation of forests for timber. The forest department, which was set up in 1864 under the Government of India with Dietrich Brandis as its first Inspector General of Forests, dealt with all matters related to forests (Sarap 2004). Thereafter, the Indian Forest Service was created in 1867 and Provincial Forest Service created in 1891 to provide link between Indian Forest Service and subordinate executive service. Following this, scientific forest management began in 1871. Over time, the forestry sector was adversely affected, not only by a rapid increase in human and livestock population, but also by inadequate investments and the transformation of forest land to non-forestry activities. Therefore, currently forests are natural resources of local, national, and global concern. Globally, the major issues in the forestry sector are biodiversity conservation and enhancing carbon sequestration. Simultaneously, the key national issues are achieving biodiversity conservation, recognizing and maintaining the ecosystem services, and ensuring a sustainable supply of forest products. Besides these, forests are under watch locally for the collection of Minor Forest Produce, providing a livelihood to billions, and as sacred grooves by indigenous communities. Other problems include inadequate public awareness of the ecosystem services of forests, undervaluation of forest contributions to GDP, technological gaps, insufficient funding, and lack of adequately trained "frontline" forest staff.

Hence, the Forest Policy, which emerged in 1894, was implemented to manage state forests for public benefit. Certain regulations of rights and restrictions of privilege ensured the use of forests by neighbouring population and not only for commercial purposes. In 1921, the responsibility of forest

management was transferred to the provincial governments, which was further confirmed by the Government of India Act 1935 (Anon 2006b). After independence, the 1894 policy was replaced by National Forest Policy 1952, which identified vital national needs. The policy aims at preserving one-third of its total land area under forest (Anon 1988).

In India, since the need for fuel wood, timber and other forest products exceeded the country's ability to sustain the quality forest, some major initiatives were taken by the Government of India to improve the structure and functioning of forest governance. The recommendations of the National Commission on Agriculture saw the creation of Forest Corporations for harvesting forest produce, the establishment of the Indian Institute of Forest Management to produce administrators to manage forest resources as business managers, the initiation of social forestry on village and forest land, the formulation of a National Forest Policy 1988, the creation of a separate Ministry of Environment and Forests, the initiation of Joint Forest Management, and the enactment of the Panchayat Raj (extension to Scheduled Areas) Act 1996.

Globally, there is a growing consensus that as a country moves towards full-scale REDD+ implementation, it will need to develop a REDD+ strategy, which would focus on building capacity to create measurable, reportable, and verifiable (MRV) emission reductions and most significantly, establish a robust forest governance mechanism, which will provide a platform for REDD+ readiness. Reducing Emissions from Deforestation and Degradation (REDD+) is a global mechanism that aims at sustainable forest management (SFM) through protecting forests and enhancing carbon sequestration. Primarily, REDD+ needs to have a carbon trading mechanism that would incentivize initiatives that contribute to reductions in emissions from deforestation and forest degradation or increasing the removals of CO_2 from the atmosphere through forest regeneration and protection. Policies and programmes will also be required to create economic incentives and management capacities to drive those reductions through improvements in forest management that is likely to be possible through Community Based Forest Management. Bilaterally, FRA 2006 has to play a key role in strengthening of community based forest management and in enhancing the income of forest dependent communities.

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Forest policy in pre-Independence India

Forest Act 1865: This was the first forest act under the new forest management regime of the British administration. This act provided power to the government to declare any land covered with trees or jungle as government forest by notification (Nath 1991 as cited in Sarap 2004). This facilitated the acquisition of forest areas that could supply timber to the railways without abridging the existing rights of the people. The forest in this act was defined as "land covered with trees, brushwood, and jungle". Restrictions were introduced on the collection of forest produce by the people living in and near forests. Timber, like teak, was declared as state property and trade on such timber was restricted. However, the existing rights of individual or communities were not touched in the Act, (Sarap 2004). This act has alienated people from their rights over natural resources.

Forest Act of 1878: The Forest Act 1865 was amended with a new Forest Act in 1878 and some new provisions were made for the management of these newly acquired forests of the British administration. The forest act of 1878 reversed almost all provisions of the Forest Act of 1865 except the provision of "arrest without warrant". Some of the important provisions of the new Act were as follows: (a) any land whatsoever could be designated as forest (b) treatment of customary rights of the Indian villager was based on privilege and not on right, (c) a bar to addition of any further rights of people on Reserved forests, (d) conversion of protected forests into Reserved forests as and when required and (e) constitution of a third category of forests as Village forests. This act provided a great deal of flexibility to the forest settlement officers that resulted in large variations between different regions in terms of rights of forest dwellers (Guha 1983). Forests were classified into (1) reserved forest (2) protected forest and (3) Village forest. Several new provisions were also made to curtail the use of forest by local communities. Restrictions were imposed on activities like the collection of timber and grazing of cattle in these demarcated forests. This Act empowered the state with strong powers and curtailed the rights of individuals over the forest (Sarap 2004).

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The 1894 Forest Policy: The 1894 forest policy resolution made provisions for conversion of forest land for non-forest uses like agriculture.

Forest Act of 1927: A new Indian Forest Act was instituted in 1927 that incorporated few substantive changes over the 1878 Act and this remains the legislative basis for state forest management today. The Indian Government adopted the 1927 largely involved redrafting of some clauses of the Forest Act 1878. One major change is stated to be its reference to individuals and not individuals or communities while referring to rights on forests (Guha 1983). The forests taken over by the colonial government were often under community management, and their annexation by government alienated the people from their former common resources, leading to their over-use by the same people. Although the colonial forest policy provided that the declaration of an area as government forest should not abridge or affect any existing rights or practices of individuals and communities, who were given three months to contest reservation, in actual practice the illiterate communities were seldom able to do so. Thus, by the turn of the present century some 20 million hectares of land was brought under a category of forests called Reserve Forests. These were exclusively for the use of the Forest Department (FD) and the surrounding villagers had no rights other than those explicitly permitted by the state. Government Forests were divided by the British into 2 broad categories: Reserve forests and protected forests. The protected forests were also managed by the forest department but the people had certain rights within them such as collecting the Minor Forest Produce for household use. More than 90% of land legally classified as forests is today managed by the Forest Department. At the time of the country's independence in 1947, the areas under reserve and protected forests were 31 and 15 million hectares respectively. Since the net area under the control of the forest department has further increased to 67 million hectares through several means. First, after the abolition of the princely states and landlordism, all uncultivated lands under their control became vested in the state. The larger tracts were handed over to the forest department, generally as PF, and the rest were vested in the village panchayats, which are under the overall supervision of the Revenue Department.

Forest policy in post-Independence years

The 1952 Forest Policy was the forest policy declaration in independent India. According to the newly enacted Indian Constitution, forests were placed under the state list on which state legislatures have a primary right to make laws. Later in 1976, the Indian Forest Act was added to the Concurrent list of the constitution of India, giving the centre and states shared responsibility and control over forest matters. The responsibility of administering the forests lies primarily with the state government. The Indian Forest Service manning all bureaucratic positions, an all India Service which has traditionally looked up to the government of India that controls its recruitment and service conditions, the ideas contained in these policy pronouncements carry a great deal of weight. However, four factors have limited their implementation. First, these were all non-statutory and advisory statements issued by the Government of India, not backed by law. Secondly, actual implementation of forest projects and policies is under the control of the State governments, who may have different political compulsions to the Government of India. Thirdly, what are implemented in the field are generally, what is provided for in the budget and funded, and therefore many policy prescriptions requiring budgetary support may remain unimplemented, if not otherwise funded. Lastly, bureaucracy in India is quite powerful and its own predictions may act as a filter to what is demanded of it by governments. It is generally believed that the Forest Service emotionally identifies with the first two sets of policies, but has reservations about the 1988 policy and this has hindered its translation into action.

The 1952 Forest Policy was the forest policy declaration in independent India. According to the newly enacted Indian Constitution, forests were placed under the state list on which state legislatures have a primary right to make laws.

The Forest Policy of 1952: The Forest Policy of 1952 declared that village communities should not be permitted to use forests at the expense of national interest. It wanted forests to be used to produce valuable timber for industry and other national purposes. The Policy stated, "The accident of a village being situated close to a forest does not prejudice the right of the country as a whole to receive benefits of a national asset. The scientific conservation of a forest inevitably involves the regulation of rights and the restriction of the privilege of users depending upon the value and importance of the forest, however irksome such restraints may be to the neighbouring areas. Therefore the needs of the local population must be met to a reasonable extent, national interests should not be sacrificed because they are not directly discernible, nor should the rights and interests of future generations be subordinated to the improvidence of the present generation".

From the First plan in 1952, emphasis was placed on the conversion of 'low' value mixed forests into 'high' value plantations of commercial species such as teak and eucalyptus. Forestry at that time meant raising trees to achieve a sustained yield of timber in perpetuity. Exotic species were introduced to create man-made forests. Of the 670 million rupees spent on afforestation during 1966-74, roughly 560 million rupees was for production forestry alone (Saxena 1997). There is much greater emphasis on man-made forests, in which a diverse forest ecosystem was converted by government into a single-species timber mine. The foresters became the main agents of reducing the diversity of forest species. The forest policy during the colonial period was also commerce-oriented, and this orientation persisted for about a century from 1875 to 1976 and for Forest lands up to 1988.

The National Commission on Agriculture 1976: NCA recommended that forest corporations should be created to attract institutional finance. There should be a change over from the conservation-oriented forestry to more dynamic programme of production forestry. The future production programme should concentrate on clear felling of valuable mixed forests, mixed quality forests, and inaccessible hard wood forests and planting these areas with suitable fast growing species yielding higher returns per unit area. With reference to meeting tribal demands for fruit and medicinal herbs from forest lands, there have been no special measures, which could directly contribute to the upliftment of the tribal economy (Saxena 1997). The programmes executed were essentially the forest development programmes, which benefited the tribal only indirectly, by creating wage-earning opportunities.

By the mid-seventies, it became clear that if the demands of the forest dependent people were not met then it would be impossible to save the forests. This was then sought to be achieved through a social forestry programme on village and private lands. It is significant that social forestry was not tried on forest lands, except on a small scale in SIDA projects in Bihar and Orissa, since such lands were, as in the past, used for producing timber. In order to reduce pressure on forests, the NCA recommended growing trees on lands accessible to village people. Its report stated that "Free supply of forest produce to the rural population and their rights and privileges has brought destruction to the forest and so it is necessary to reverse the process. The rural people have not contributed much towards the maintenance or regeneration of the forests. Having exploited the resources beyond the sustainable limit of the forest, they cannot in all fairness except that somebody else will take the trouble of providing them with forest produce free of charge. One of the principle objectives of social forestry is to make it possible to meet these needs in full form readily accessible areas and thereby lighten the burden on production forestry. Such needs should be met by farm forestry, extension forestry and by rehabilitating scrub forests and degraded forests. Thus, social forestry was seen by the NCA as a programme that would release industrial forestry from social pressures. Forest lands were still to be used for production of commercial timber, but in order to keep people out it was necessary to make them produce what they consumed free of charge using village lands to draw some of the pressure away from forest lands.

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Forest Conservation Act 1980: In 1980, the central government reasserted some of its control over forest based resources because the 1980 Act restricts the state government's power to de-reserve a forest, and it restricts the use of forest land for non-forestry purposes without the prior approval of the central government. It is important to note that the Forest Conservation Act of 1980 has been problematic for a number of reasons and has achieved little improvement in the conservation of India's forest. For instance, there are only six regional offices for the entire country, due to which the government's monitoring programmes continue to be one of the major drawbacks (WWF 1999). For the first time, the Act emphasized on the social and ecological importance of forest resources. However, there has been little effort to empower the users of the Act. The restrictions by Forest department have led many conflicts among the local people and the Forest department officials.

National Forest Policy 1988: National Forest Policy 1988 was a paradigm shift in the forestry sector. The new forest policy framed in 1988 radically

differed from the previous policies of independent India. The 1988 Forest Policy stated, "Forests were not to be commercially exploited for industries, but were meant to conserve the soil and environment, and meet the subsistence requirements of local people prioritizing environmental stability than to earn revenue. Deriving direct economic benefit from forests was subordinated to the objective of ensuring environmental stability and maintenance of ecological balance. It discouraged monocultures and promoted mixed forest. The focus shifted from 'commerce' and 'investment' to ecology and satisfying basic needs of the people such as providing fuel wood and fodder, and strengthening the tribal –forest linkages." Para 4.3 of the new policy reads, "The life of tribals and other poor living within and near forests revolves around forests. The rights and concessions enjoyed by them should be fully protected. There domestic requirements of fuel wood, fodder, Minor Forest Produce, and timber should be the first charge on forest produce." Similarly, Para 4.6 of the policy states "With regards to the symbiotic relationship between the tribal people and forests, a primary task of all agencies responsible for forest management, including the Forest Development Corporations (FDC), should be to associate the tribal people closely in the protection, regeneration and development of the forest as well as to provide gainful employment to people living in and around the forest. While safeguarding the customary rights and interests of such people, forestry programmes should pay special attention to undertake integrated area development programmes to meet the needs of the tribal economy in and around the forest area, including the provision of alternative sources of domestic energy on a subsidized basis to reduce the pressure on the existing forest areas." The policy stressed the importance of NTFPs and states in Para 3.5 that "minor forest produce should be protected, improved and their production enhanced with due regard to generation of employment and income". Referring to supplies to industry, the first part of Para 4.9 stated: "As far as possible, forest based industry should raise the raw material needed for meeting its own requirements preferably by establishment of a direct relationship between the factory and the individuals who can grow the raw material by supporting the individuals with inputs including credit, constant technical advice and finally harvesting and transport services". It is also stated in the same Para "the practice of supply of forest produce to industry at concessional prices should cease. Industry should be encouraged to use alternative raw materials. Import of wood and wood products should be liberalized". Para 4.3.3 determined that production forests, which were in the past used exclusively for timber, while meeting national needs should also be oriented to narrowing the increasing gap between demand and supply of fuel wood. Para 4.4.2 bans the giving of mining leases without a proper mine management plan appraised from the environmental perspective and enforced by adequate machinery. Therefore, there has been a complete change in the policy orientation towards forests and the new policy recognizes the ecological value of the forest and identifies the stakes of its primary stakeholders, the forest dependent communities.

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Participatory Forest Management in India

Following the mandate of National Forest Policy, 1988, the Government of India has issued guidelines for regularization of eligible encroachment and conversion of forest villages into revenue villages in 1990. Consequently, ten

states have regularized 367,000-hectare forest land but the process was stopped due to order of Supreme Court by putting ban on de-reservation of forests. Simultaneously, the Government of India initiated the process of people's involvement in the conservation, management and protection of forests with benefit sharing mechanism on the principle of 'Care and Share' through Joint Forest Management (JFM) in 1990, that was so called the "The JFM 1990 Resolution".

Joint Forest Management is a concept of developing partnerships between fringe forest user-groups and the forest department based on mutual trust and jointly defined roles and responsibilities with regard to forest protection and development. In JFM, the user (local communities) and owner (Government) manage the resource and share the cost equally; however, it is difficult to generalize the JFM concept and approach in the light of variations across the nation with respect to geography, resource base, socio-economic status, cultural diversity, and pressure on forests. The JFM programme is another initiative by the Government of India to involve the forest dwelling communities in the management of forest since 1990 and has been implemented by most State Governments in India.

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JFM programme has generated many positive outcomes in different locations (Anon 2005). It has improved protection and increased the availability of Minor Forest Produce and fuel wood in many places. In some places, JFM institution is not functioning well (Anon 2010). The experience of implementation of JFM in different states reveals that the whole concept remains to be institutionalized. The essence of the programme is the empowerment at the grass root level. However, necessary decentralization has not been attempted in the forest department. Nor, any change has been noticed in the hierarchical structure. Further delegation of power and decentralization of authority are yet to take place at various levels. Entry point activities have not been able to stimulate the local villagers to participate fully in the developmental activities. In many areas, people have been found to demonstrate withdrawal system, once entry point activities have been completed and the periodic input intervention by the department is either withdrawn or made irregular. Examples of Arabari in West Bengal, Harda in Madhya Pradesh and so many other places point out this fact that villagers are not prepared to participate voluntarily in the overall developmental activities without regular intervention from the different agencies. They need to be given input at regular interval in the form of some employment generation schemes, plans, etc. by the forest department. Such psychological and financial bathers have inhibited the sustainability of the entire JFM programme (Anon 2010). Absence of clear-cut relationship between JFM committee and the existing village panchayat has made the smooth progress of entire JFM process quite difficult in many places. Because of absence of productive functional relationship between the JFM bodies and the Panchayats in the wake of increased decentralization of powers to the Panchayat Raj Institutions (PRI) through the 73rd Constitutional amendment, lot of problems are coming to the fore (Anon 2010). The Ministry of Environment & Forests, Government of India has sent an advisory to the State Government to place JFMCs under Panchayat Raj Institutions. PRI has the legal backing of the Constitution of India while JFM institution lacks it. Mere advisory from Government of India cannot resolve the conflicts of interests between JFMCs and PRI.

Status of Joint Forest Management Committees (JFMCs)

More than 106000 JFMCs were managing more than 22 million hectare forest with benefit sharing mechanism on the principle of care and share. Currently, more than 118213 JFMCs are managing around 23 million hectares of forest in the country (FRI 2011). The JFMCs are largely involved in the plantation and other forestry activities and getting benefits of wages as workers. The mechanism of benefit sharing of 'minor' and 'major' forest produce has not been translated largely from government circulars to the action. The empowerment of Gram Sabha with ownership of minor forest produce (MFP) under Panchayat Raj (Extension to the Scheduled Areas) Act 1996 has created conflict between JFMCs and Gram Sabhas. Status of JFM varies across the country such as in Uttar Pradesh and Uttarakhand JFM rules are under section 28 of IFA, in Uttarakhand, all Van Panchayats are covered under JFM programme and governed by Van Panchayat Rules 2005, unlike in Jharkhand JFM rules under section 28 of IFA are under process, unlike in Andhra Pradesh, a chapter on Community Forest Management needs to be included in the AP Forest Act 1967, whereas in states like Gujarat, Maharashtra, Tamil Nadu and Haryana forests are managed as per the Societies Registration Act, Karnataka follows the legislation under section 31-A of Karnataka Forest Act and rest of the states like Bihar, Chhattisgarh, Madhya Pradesh, Goa, Himachal Pradesh, J&K, Orissa, Punjab, Rajasthan, West Bengal and Kerala are working under the guidelines notified under JFM.

As per the provisions of the FRA 2006, the sizable area which is around 35–40 million hectare (Anon 2008) is likely to fall under the category of Community Forest Resource (CFR) where forest dwelling communities will exercise the community forest rights to protect, regenerate, and conserve CFR.

Community Forest Resource (CFR)

As per the provisions of the FRA 2006, the sizable area which is around 35-40 million hectare (Anon 2008) is likely to fall under the category of Community Forest Resource (CFR) where forest dwelling communities will exercise the community forest rights to protect, regenerate and conserve CFR. Such forests if managed, protected, and regenerated by the communities would affect the forest governance in these areas, so far done by the State Forest Department. There are several other examples in India where local communities have been formally recognized and empowered to govern and manage the forests of their villages, or where they have self-initiated Community Based Forest Governance systems (CBFG), these include some areas of Chota Nagpur region of Jharkhand, several thousand Van Panchayats In Uttarakhand, a large area in North-East and several thousand community forest protection initiators in Orissa, Maharashtra and other states. Potential of CFR areas are likely to overlap with JFM and areas managed by Eco-Development Committees. There is therefore urgent need to think about trajectory of forest governance as a whole and the location of community managed systems within this and their relationship with the forest department and other agencies.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

The enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 popularly known as Forest Rights

Act (FRA)2006 further broadened the conflict between JFMCs and Gram Sabhas by empowering GSs with the ownership of MFP and right to protect, regenerate and conserve Community Forest Resources (CFR) (Anon 2006) & (Anon 2006a). JFMCs and GSs have overlapping jurisdiction on forests. The central government has also issued an advisory to the State governments in 2011 to put the JFMCs under the Gram Sabha. GS do not have a legal tool for the protection of forests therefore FRA authorizes Gram Sabha to take assistance of any government department as Forest Department has powers under Indian Forest Act, 1927 and State Forest Acts. The GS also lack capacity to conserve and manage forests scientifically, in spite of having traditional knowledge only (Anon 2010).

Following the mandate of National Forest Policy, 1988, the Government of India has issued guidelines for regularization of eligible encroachment and conversion of forest villages into revenue villages in 1990 (Anon 1990) and (Anon 2004). Ten states have regularized 367000-hectare forest land (Sharma 2009). The process was halted due to order of Supreme Court in 2001 by putting ban on de-reservation of forests. Huge numbers of forest dwellers were left away from the regularization of eligible encroachment process. So, the Central government came with legislation named as 'The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006' popularly known as Forest Rights Act 2006 to recognize the tenure and occupational rights of forest dwellers. The GS has been empowered with authority to recognize rights and conservation of Community Forest Resources (CFR). The Forest Rights Act was the first act enacted in independent India that addressed the question of community ownership of MFP and rights and management/governance of forests at the legislative level. The FRA 2006 is being implemented in India for last 3 years with the help of rules framed for its implementation. Until now, more than 1.23 million titles have been recognized covering 1.6 million hectare forest land. Most of the titles are individuals except 6559 community rights (Anon2011). The implementation of FRA 2006 is slow with respect to recognition of other rights such as community rights, conversion of forest village into revenue village and the right to protect, regenerate, and conserve community forest resources. The implementation of FRA has tended to focus on individual rights to cultivate and live, in fact FRA makes significant contribution towards changing forest governance from being exclusively state cantered to being much more community centred and democratic. At the outset, by setting individual land rights of those who have been historically cultivating or living in forest land, the FRA tries to break the encroacher-eviction conflict cycle for the last time. This would secure the tenure and basic rights of the forest dwellers, enabling them to focus on managing and protecting the uncultivated landscape falling within the Community Forest Resource (CFR).

Ten states have regularized 367,000-hectare forest land (Sharma 2009). The process was halted due to order of Supreme Court in 2001 by putting ban on de-reservation of forests.

FRA provides a statutory procedure for recognizing Community Forest Resource and Community Forest Rights. Equally important, the rules framed for the implementation of FRA provides statutory basis for protection of CFR and other forest where rights are recognized under FRA. It also creates room for co-management of protected areas and section 5 of FRA empowers Gram Sabha and community to protect, regenerate, and conserve CFR (Sharma 2009). The question of forest governance and the role of community are

enormously complicated to begin with. The FRA attempts to address this question along with land rights of forest dwellers. The rules framed for the implementation of FRA does not provide the mechanism of the Community Based Forest Governance as mandated in the legislation. Rights, powers, and responsibilities given to local communities on such scales must be accompanied by clear rules and mechanism how those responsibilities will be discharged, and what happens when they are not carried out. The rules do not provide mechanism for sustainable harvest of MFP, requirement of democratic and fair forest governance within GS and its accountability for non-performance (Anon 2007a). The National Forest Policy 1988 changed goals and priorities of forest management admitted that the local forest dependent community is the legitimate stakeholder and recommended community participation in forest regeneration (Anon 1988). Subsequently, there has been a clearer shift in the State Policy towards recognizing that the rural communities have right to manage and govern their immediate environment as seen in 73rd amendment of the Constitution, the PESA, and the statement made in the National Conservation Strategy, National Environment Policy and the National Biodiversity Action Plan. The FRA 2006 takes first national level legislation step to recognize this right and setting in motion this process of devolution and democratization in the context of forest use and management (Anon 2007) & (Anon 2007a). The rules framed for the implementation of FRA are inadequate. Section 12 of FRA empowers Ministry of Tribal Affairs in the Central Government of India to frame rules for the implementation of FRA in the spirit of its preamble.

The National Forest Policy 1988 changed goals and priorities of forest management admitted that the local forest dependent community is the legitimate stakeholder and recommended community participation in forest regeneration (Anon 1988).

Community based forest governance is based upon the following principles:

- Democratization has to include decentralization to the community of forest user groups.
- Democratic decentralization of power and governance requires operational autonomy for the lower level entity (such as community) within a transparent regulatory framework.
- Safeguard against elite capture at the local level are necessary to enable them to protect the community and individual rights and resources.
- Monitoring the sustainable use of resources and enforcing norms by the government to conserve these resources.
- State support will be required by many communities in any decentralized system for forest protection, conflict resolution between the GS and the JFMCs, technical knowledge for harvesting, resource mapping and monitoring, marketing and trade of Minor Forest Produce.
- Local forest governance and management must be nested within larger landscape, enabling sustenance of ecosystem functioning, corridors for movement of wildlife and genetic flow and other functions and benefits that are external to the community.
- The shift to the community-based management not only involves devolution of power but also requires changes in rights, responsibility, and structure of institution and attitude of the governing bodies.
- Besides this, the government must play a pro-active role in ensuring that the interests of the weaker sections of the society are safeguarded and no elite capture takes place.

- National level framework should be flexible enough to adapt to regional variation accomplishing the overall goals.

Based on these principles, Community Based Forest Governance institution at village level may be set up headed by the Gram Sabha / Panchayat Raj Institution under the following options such as:

1) **FRA and PESA Areas:** The CFR management committee can carry out functions on behalf of the GS/PRI. The CFRMC should be an elected democratically constituted body of the GS/PRI for a period of 5 years (Anon 2010). Minimum 50% members should be women and president must be amongst member of Scheduled Tribes Forest Dwellers or Other Traditional Forest Dweller.

The following may be the rights, responsibilities and powers of Community Based Forest Governance:

The CFR management committee can carry out functions on behalf of the GS/PRI. The CFRMC should be an elected democratically constituted body of the GS/PRI for a period of 5 years (Anon 2010).

- GS/PRI is responsible for ensuring fare access to right holders who have rights under the community forest rights and provide reasonable access for meeting needs of other members of GS as well as those of external right holders such as nomads.
- GS is primarily responsible for ensuring sustainable use of forest produce including minor forest produce.
- GS is authorized to make rules regarding use, harvesting, protection, and regeneration of CFR.
- CFRMC office bearers are vested with powers to prevent forest offences and penalize violators.
- GS regenerates revenue, receive, and spend grants for its forest related activities.
- GS should be encouraged to prepare Community Forest Management plans with a technical support of State Forest Department.
- GS has an option of merging CFRMC with Biodiversity Management Committee, or any other existing natural resource-related committee existing in the village.

Further, there is need to amend Indian Forest Act 1927 and Wildlife Protection Act 1972 to assign authority to GS/PRI for preventing offences related to biodiversity. The role of state forest departments (FD) is also crucial for the success of Community Based Forest Governance. The role of forest department (FD) is as under:

- FD may be responsible for providing protection and technical support to the GS /PRI.
- FD may be empowered to carry out monitoring i.e. the extent of compliance with sustainable use and conservation regulations in community based managed areas.
- It may also be responsible for taking action on any violation.
- FD will continue to exercise additional powers to implement regulatory provisions of Wildlife Protection Act 1972 and other forest related state level Acts.
- Greater interaction of foresters with forest dwellers and ensuring their all-round economic and social development, involving them at all stages

of planning and implementation of forestry programmes run by FD, and supporting their own planning and implementation of community based forestry programmes.

- Increasing focus on understanding and managing complex ecosystems conserving range of native biodiversity, rather than mega fauna species and conserving endangered flora and fauna.
- The Community Based Forest Governance must aim for ensuring livelihood within sustainable use and conservation framework, and ensure the tenurial security on forest land for their occupation and habitation rights.
- Community Forest Resource Management Committee (CFRMC) under GS should be the most appropriate institutions along with technical support of FD.

2. **Non-PESA and FRA Areas**: This will follow existing JFM structure with following changes:
   - JFMC at village level not Panchayat level
   - Chairman will be elected from the village
   - Sarpanch/Gram Pradhan – Patron
   - FD would provide technical support from within the committee
   - Gram Sabha may appoint Forester/Forest Guard as Members
   - Village forests may be notified under IFA and assigned to JFMCs

FD will continue to exercise additional powers to implement regulatory provisions of Wildlife Protection Act 1972 and other forest related state level Acts.

3. **North East states**:
   - Community Based Forest Governance is for community owned and Government owned forests.
   - Role of Forest Department FD will be to provide protection and technical support to the GS /PRI.
   - FD may be empowered to carry out monitoring i.e. the extent of compliance with sustainable use and conservation regulations in community based managed areas.
   - It may also be responsible for taking action on any violation.
   - FD will continue to exercise additional powers to implement regulatory provisions of Wildlife Protection Act 1972 and other forest related state level Acts and adjustment as per the need of specific NE state.
   - Mandatory Management Plan is for Private forests.

Strengthening institutions for a robust decentralized forest governance mechanism to achieve mandate of REDD+

Local institutions play a significant role in forest conservation and its sustainable use, especially when market forces are putting tremendous pressure on natural resources. The institutions at the local level to deal with forests include: Joint Forest Management Committees (JFMCs a large number in Sonbhadra, Uttar Pradesh), Community Forest Management groups (a large number in Orissa), Van Panchayats (Uttarakhand), traditional village level institutions/ Village Councils (schedule VI area); Biodiversity Management Committees, Forest Committees set up under rule 4 of FRA etc. Self Help Groups /Common Interest Groups have also been set up at the village level to promote forest-based livelihood activities. Although, JFMCs has certain limitations such as

tenurial insecurity, inadequate silvicultural development, restricted harvesting and market access but set up of JFMCs has also helped in regenerating forests and meeting local and indigenous needs. Panchayat Raj Institutions (PRIs) are constitutionally mandated bodies for decentralized development planning and proceeding at the local level. The Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides for individual rights as well as empowers community with Community Forest Rights, including the right to protect, regenerate, and manage Community Forest Resource (CFR). The Gram Sabhas has been given the responsibility to set up institutions to ensure this (4e of Rules). Strengthened Gram Sabhas can only withstand the decentralized governance of forests. Informed Gram Sabhas would further establish better coordination and linkages across different institutions at the local level and improved liability of such institutions.

Gram Sabhas needs to set up a Village-level institution for protection and management of forests. This would not only help in strengthening the GS, but would also help in necessary union of resources and integrated planning at the village level that would surely benefit all stakeholders. Leadership provided by the committees of the GS and the Self Help Groups would contribute to strengthening of Gram Sabha. Livelihood activities and enterprises as well as protection of forests have often been effectively addressed at the cluster level/sub-landscape level, led by federations of SHGs/Common Interest Groups (CIGs) and federations of forest committees. The GoI would therefore encourage federations of thematic committees/groups such as JFMCs/CFM/VPs/FRA committees etc., as well as livelihood promotion groups like SHGs/CIGs to plan for forest protection, conservation, and livelihood activities. However, making of such federations needs to be the decision of communities and their respective Gram Sabhas.

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Revamping JFMCs: As an institution, the JFMC must be conventional and contribute to decentralized forest governance. The sole responsibility of JFM should be to empower the community on the one hand while securing sustainable forest management. To allow greater decentralization of decision-making, transfer of power, and adequate support, the following steps would be helpful to reform the JFMCs:

1. The JFMC will be set up by the Gram Sabha. Its constitution and processes need to be harmonized with the provisions as laid out in the State Panchayat and PESA 1996 legislation. The JFMC, as a committee of the Gram Sabha, must be given power to protect and manage as well as derive benefits from forests. The GoI will also examine provisions of the Indian Forest Act to provide power of forest officer to such a committee in order to strengthen it.
2. The JFMC must be provided resources and necessary skills to carry out and achieve its mandate.
3. Silvicultural management of the area assigned to JFMC must be as per the plan approved by the Gram Sabha, following the technical approval by the Forest Department.
4. Forest Department's role would be to provide demand-based support, as required according to the need of the Gram Sabha and its mandated committees to strengthen decentralized forest governance leading to sustainable management of the forests.

Revamping FDA: The current Forest Development Agency (FDA) structure and its role needs to be revised in order, to make the FDA a primary institution in contributing to decentralized forest governance and providing valuable services for forest conservation and improved livelihoods of people living in and around the forests that would further achieve poverty eradication and enhancing carbon sequestration.

1. The FDA at the district /division level will be chaired by the elected representative such as the Zila Parishad president which would help in program convergence with the Panchayat Raj institutions.

   The FDA at the state level will be chaired by the elected representative such as the Minister of Forest.
2. The executive body of the FDA would have elected representatives from clusters/wards, comprised of revamped JFMCs. Such clusters could be formed at sub-block, sub-range, and range or sub-landscape/ landscape level.
3. Federations of the Committees of Gram Sabha would also be represented at the district /division level.
4. SHGs/UGs and their federations occupied in forest-produce-based enterprise would be represented at the division level/district level FDA.
5. Representation of civil society organizations would be ensured.
6. Representation of line agencies particularly Rural Development, Agriculture, Livestock, Fisheries, Horticulture, Revenue, Drinking water, Health, Tribal Welfare, and Education will be secured. All the Government officials will be ex-officio members and would not have voting rights.
7. The CEO of the FDA will be the DFO.

The FDA at the district /division level will be chaired by the elected representative such as the Zila Parishad president which would help in program convergence with the Panchayat Raj institutions.

The function of the FDA will be to facilitate demand-based planning and implementation of forest conservation and community development by the local bodies mandated by Gram Sabha. It will need to create partnerships with local NGOs/CBOs, academia, PRIs, research, and training organization, people's representatives, media, and Government line agencies to carry out its function and to strengthen forest governance.

In order to carry out the above functions on ground, the FDA, as an institution would need to be strengthened with capacity building through skill/ knowledge support, sourced on contractual basis and adequate infrastructural support will be provided for this.

The Government of India will also support capacity building of the local community institutions as a long-term measure to help them effectively protect, regenerate and manage forests and commence forest-based livelihood enterprises. Sustainable forest management (SFM) and forest produce utilization will require good skills and knowledge in inventorization, adaptive silvicultural practices, sustainable NTFP harvesting, value addition and marketing, and monitoring of impacts. Traditional Knowledge, forestry science, Information, and Communication Technology will promote capacity-building initiatives.

The Government of India will support development of youth cadres as Community Foresters to take the charge at the local level. Support of the Forest Department, research institutions, universities/colleges from local area and NGOs would help develop this cadre of Community Foresters. These

youths who will provide support in community-based forest conservation, community livelihood enhancement and change monitoring etc. These youth will also act as a bridge between the community and the service providers like the Forest Department. NGOs and Process Support Groups would help in strengthening of institutions at various levels, from local (hamlet/village level) institutions to the State bodies. This will ensure representation of NGOs in decision-making bodies at different levels.

The Government of India also identifies a new role for the Forest Department. The engagement of community institutions in facilitating field actions will require sensitization of the Forest Department officials and front-line staff. The Forest department would act as an "enabler" in addition to its statutory role in protection and management of forests. The Forest Department will also need to ensure compliance with technical prescriptions as per the Micro Plan. It would be essential to respond to the community institutions in providing greater support in "protection" in case of sensitive areas. The technical knowledge of the department will come to the front to assist developing quality planting material, designing eco-restoration programs, pilot testing of climate change adaptation measures, creating an enabling regime that helps farmers and communities to plant, protect, and harvest trees/forests without having to incur huge transaction costs. The frontline formation of the department currently suffers from serious limitations such as lack of frontline staff. The GoI will support the recruitment process by focused advocacy and even provide financial support for salaries of frontline staff for a limited period. Capacity building of frontline staff, on a regular basis, to carry out the emerging role will be given high priority. Teams of Subject Matter Specialists at the level of revamped FDAs could bring in new knowledge and skills. The arenas include Information and Communication Technology (including RS/ GIS capabilities), community mobilization, watershed/soil moisture/ water harvesting; hydrogeology, finance, ecological restoration/ REDD issues etc. The GoI will support strengthening of the Range Offices inter alia developing them as forest and wildlife resource centre (with library, documentation, map room, GIS, and MIS cell facilities). This support could also be availed of by the partner agencies working in the sub-watershed /sub-landscape. Infrastructure support in terms of enhanced mobility and communication at forest Range and Section level will enhance the rapid response needed for forest protection, fire protection, control of crop-raiding wildlife, etc. India has 18 about 1 million recognized schools and some 10,000 colleges. Programs such as the National Green Corps (NGC) coordinated by MoEF, NCC and NSS, and many other initiatives taken by NGOs have shown a great deal of potential to engage school and college students and teachers in monitoring natural and restored forests and other landscapes as well as in actual "greening" activity which would arise a sense of responsibility among the local people to conserve the natural resources.

The Forest Department will also need to ensure compliance with technical prescriptions as per the Micro Plan.

Conclusion

Although, FRA 2006 has already empowered community with ownership of MFP but the communities are still, sharing less than 10% of total turnover of MFP which is in the tune of 27 billion US $ per annum. States like Madhya

Pradesh, Chhattisgarh, Orissa, and Uttar Pradesh have taken proactive initiatives for enhancing the income of forest dependent communities and building capacity of community through value addition, processing and marketing of MFPs (Sharma 2009). Public Private Partnership (PPP) model for helping the communities with respect to value addition, processing, and marketing of MFP will definitely enhance their income. Community Based Forest Governance strengthened by FRA 2006 is certainly the productive future of Indian Forestry. Rules framed for the implementation of FRA 2006 are inadequate and need to be thoroughly revised in order, to formulate additional rules to provide mechanism for sustainable harvest of MFP, enhancing income of forest dependent communities and for the recognition of CFR. The dynamic change in forest governance from participatory approach of forest governance (JFM) to Community Based Forest Governance will be an explicit transformation of power across the nation. This has evolved the new term JFM+. The plus stands for more empowered JFMCs. JFM+ will be JFM constituted at village or hamlet level and will be represented by chairman elected from the village or Sarpanch-Patron, if where applicable. JFM+ will be assisted by the forest department for capacity building to protect and conserve the resources by providing technical support and use of forest legislation. In JFM+, the JFMCs will work under the Gram Sabhas in the Panchayat Raj Institutions. The power from the forest department will be decentralized to the PRIs, which are proposed to work in co-ordination with the JFMCs. The management plan for JFM+ will incorporate both scientific and traditional knowledge, which could be used in resource management with regular flow of funds. The benefit sharing will be based on the principle of "care and share" mechanism. The JFM+ concept not only nourishes the JFM but also enhances the intensity of good governance under PRIs to promote sustainable management of forest in addition to improving livelihoods of local people who are dependent on forest for their bona fide livelihood needs providing a strong platform for REDD+ to emerge in India. Moreover, the CBFG briefly, is a process to achieve the mandate of REDD+ in India. Henceforth, this would result in poverty eradication and will support livelihood of the indigenous groups dependent on the forest land and resources for their basic needs.

Public Private Partnership (PPP) model for helping the communities with respect to value addition, processing, and marketing of MFP will definitely enhance their income.

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