

***RURAL DEVELOPMENT FORESTRY
NETWORK***

**POLICY, RIGHTS AND LOCAL FOREST MANAGEMENT:
THE CASE OF HIMACHAL PRADESH, INDIA**

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RESUMEN

El contexto general de cualquier trabajo de forestería en los Himalayas está dominado por descripciones de como los montes Himalayas están siendo erosionados hacia la bahía de Bengala. Las perspectivas simplistas de tipo causal que relacionan factores tales como la sobrepoblación, el uso aparentemente descontrolado de los recursos forestales y la degradación, con las inundaciones río abajo, han dado lugar a políticas y prácticas desapropiadas. La situación altamente compleja de los Himalayas no encaja en una explicación simplista, y cada región debe de ser considerada con respecto a su propio contexto histórico, social, físico y económico. Este artículo describe la evolución de los derechos forestales en los distritos de Kullu y Mandi en Himachal Pradesh, con el fin de demostrar la necesidad de comprender el contexto histórico del uso de los bosques antes de intentar intervenir en los sistemas locales de manejo de los bosques.

El uso dado a los bosques en un momento dado refleja los derechos de acceso formales e informales, así como la capacidad de los usuarios de afirmar sus derechos, o de forzar el acceso cuando no se les atribuyen derechos. Estos derechos, y las condiciones en que son ejercidos, proporcionan evidencias claves sobre las estructuras de autoridad locales, y la manera como los individuos y los grupos manipulan sus relaciones con el poder. En Kullu y Mandi, el establecimiento formal de derechos forestales en el siglo diecinueve ha conducido a una situación en la que los individuos pueden afirmar sus derechos sobre recursos forestales específicos. Pero por otro lado, esto ha acareado el rompimiento de toda censura colectiva sobre el uso excesivo de dichos recursos. Recientemente, en la India, el marco político dentro del cual la gente del lugar ejerce sus derechos ha empezado a cambiar. Los planificadores a nivel nacional han diseñado políticas, llamadas de 'manejo conjunto', que permiten el manejo colectivo de los recursos forestales. Los casos de estudio descritos en este artículo muestran como las poblaciones locales mismas han empezado a afirmar su acción colectiva sobre las necesidades individuales, de tal modo a poder proteger la base de los recursos forestales para el uso de todos los propietarios de la localidad.

RÉSUMÉ

Le contexte général de tout travail forestier dans l'Himalaya est dominé par des descriptions de l'échec économique de l'Himalaya se propageant vers le Golfe du Bengale. Des vues simplistes sur les relations de cause à effet, une utilisation apparemment incontrôlée des ressources forestières et une dégradation due aux crues en aval ont conduit à des pratiques et à des politiques inadéquates. La situation extrêmement complexe dans l'Himalaya ne se prête pas à une explication simple, et, en effet, chaque région doit être comprise dans le cadre de son propre contexte historique, social, physique et économique. Ce document décrit l'évolution des droits forestiers dans les districts de Kullu et de Mandi à Himachal Pradesh, pour montrer l'importance de la compréhension du contexte historique de l'utilisation de la forêt avant d'essayer d'intervenir

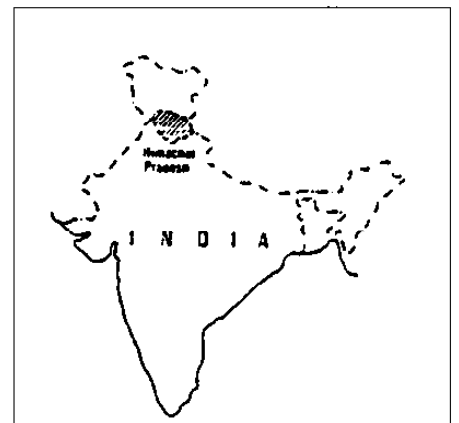
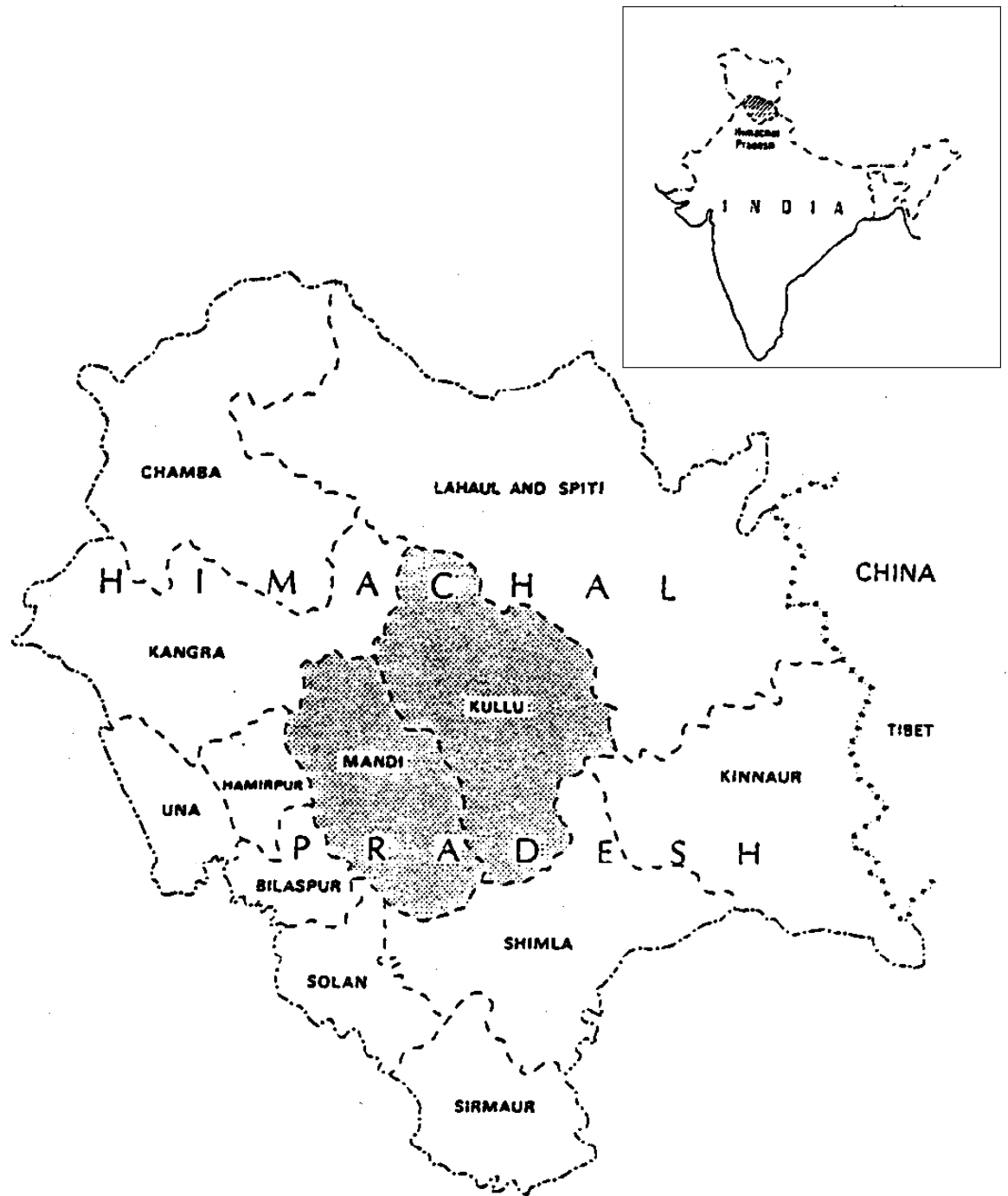
dans les systèmes locaux existants de gestion forestière.

L'utilisation actuelle de la forêt est le reflet des droits d'accès formels et informels, et de la capacité des utilisateurs de la forêt à imposer leurs droits ou à forcer l'accès quand ils n'ont pas de droits. Les droits et leur exercice fournissent des témoignages importants des structures de l'autorité locale et de la manière dont les individus et les groupes manipulent les relations du pouvoir. A Kullu et à Mandi, l'établissement formel de droits forestiers au dix-neuvième siècle a eu pour résultat la capacité des individus à faire valoir leurs droits à l'utilisation de ressources forestières particulières mais a aussi conduit à l'effondrement de toute condamnation en matière de surexploitation des ressources. Au cours de ces dernières années, en Inde, l'ensemble du cadre réglementaire dans lequel les populations locales ont exercé leurs droits a commencé à changer avec ceux qui instaurent des réglementations au niveau national établissant des politiques qui prévoient une gestion collective des ressources forestières connue sous le nom de 'gestion commune'. Les études de cas décrites dans ce document montrent comment les populations locales elles-mêmes ont commencé à imposer une action collective dépassant les besoins individuels afin de protéger la base des ressources forestières et en permettre l'utilisation par toutes les populations locales possédant des droits forestiers.

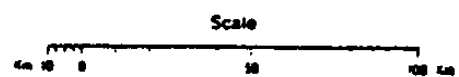
MAP 1 Himachal Pradesh — Kullu & Mandi Districts



MAP 1 Himachal Pradesh — Kullu & Mandi Districts



International boundary	-----
State boundary	-----
District boundary	-----



INTRODUCTION

The general context for any forestry work in the Himalayas is dominated by eco-doom descriptions of the Himalayas eroding into the Bay of Bengal. Simplistic causal views that link overpopulation, seemingly uncontrolled use of forest resources and degradation to downstream flooding have led to inappropriate policies and practices. The highly complex situation in the Himalayas does not lend itself to a simple explanation, and indeed each region needs to be understood in terms of its own historical, social, physical and economic context.

This paper¹ describes the evolution of forest rights in Kullu and Mandi districts in Himachal Pradesh² (see Map 1) to show the importance of understanding the historical context of forest usage before trying to intervene in existing local systems of forest management.

Current forest use is a reflection of formal and informal rights of access, and the ability of forest users to assert their rights or force access where they have no rights. Rights and their exercise provide important evidence of local authority structures, and the ways in which individuals and groups manipulate relationships of power. In Kullu and Mandi, the formal settlement of forest rights in the nineteenth century has led to individuals being able to assert use rights over particular forest resources but has also led to the breakdown of any collective censure for the over-use of resources.

In recent years, in India, the whole policy framework in which local people have been exercising their rights has begun to change, with policy-makers at the national level drawing-up policies which allow for collective management of forest resources, known as 'joint management'. The case-studies described in this paper show how local people themselves have begun to assert collective action over individual need in order to protect the forest resource base for the use of all local forest right-holders.

Evolution of Forest Policy

India was the first country in the British empire to adopt a forest policy. The need for regulation of forest areas arose out of the demands to supply timber for infrastructural development across British India as indicated by the following extract from an 1862 despatch from the Government of India to the Secretary of State:

‘But so long as the supply of timber in the country was generally sufficient for the

¹ Information presented here is drawn from fieldwork carried out in Kullu in 1991 for ODA. The views represented are those of the author and do not necessarily reflect the policies of the Overseas Development Administration.

² Himachal Pradesh was constituted as a Chief Commissioner's Province in 1948, with the merger of 26 princely hill states, among them Mandi, and 4 Punjab hill states, among them Kullu. This historical difference helps to account for minor legal and administrative differences, including differences of land tenure classifications which persist into the present. Further hill territory was transferred from the Punjab in 1966, and in 1971, Himachal Pradesh was accorded full statehood within the Indian Union.

public works in hand, the question of forest management did not present itself to the Government as one calling for earnest consideration. Latterly, however, while the supply of timber has been steadily diminishing from want of proper conservation, the demand both for State and private purposes has been rapidly increasing and the enormous requirements of the different railways for sleepers has especially brought the matter into very prominent notice and has now made the subject of forest conservancy an important administrative question' (quoted in Gordon, 1955:326).

The first attempt to bring forest lands under the purview of state ownership came in 1865 under the Government Forest Act. However, this Act was not fully implemented and a new law was drafted and passed in 1878 as the Indian Forest Act. This Act defined several categories of forest which form the basis of current legal definitions of forest land. The most important category was reserved forests which were to be managed for timber production and silvicultural improvement.

The second broad category of forests was called protected forests in which rights were allowed, but there were some restrictions on felling of particular tree species, for example deodar (*Cedrus deodara*) in Kullu and the State of Mandi.

The forest history of Kullu and Mandi districts highlights some of the major debates surrounding forest policy at the end of the nineteenth century, and which continue to have an important bearing on implementation of current policy and practice. These policy debates were fuelled by various reports including an influential policy document arising from a report on the improvement of Indian agriculture, written by Dr Volcker; this had a major impact on the direction of Indian forestry. Interestingly, Volcker's conclusions were that forest policy should 'serve agricultural interests more directly'. In reply to this observation in a 'Review of Forest Administration in British India' the Government stated that:

'The sole object with which State forests are to be administered is the public benefit. (A)nd the cardinal principle to be observed is that the rights and privileges of individuals must be limited, otherwise than for their benefit, only in such degree as is absolutely necessary to secure that advantage.'

The Government defined four broad categories of forest:

1. Forests the preservation of which is essential on climatic or physical grounds
2. Forests which afford a supply of valuable timbers for commercial purposes
3. Minor forests
4. Pasture lands

In the detailed definition of these categories it becomes obvious that commercial interests were not to override the interests of local people:

`The needs of communities dwelling on the margins of forest tracts consist mainly in small timber for building, wood for fuel, leaves for manure and for fodder, thorns for fencing, grass and grazing for their cattle and edible forest products for their own consumption. Every reasonable facility should be afforded to the people concerned for the full and easy satisfaction of these needs... It should be distinctly understood that considerations of forest income are to be subordinated to that satisfaction.'

SETTLEMENT AND EXERCISE OF RIGHTS IN KULLU AND MANDI

The development of the various categories of forest land in Mandi and Kullu districts have important implications for current land usage. Contrary to indications from other areas of India (Guha, 1984) the process of settlement of rights in Kullu and Mandi did not result in the termination of local people's rights, but rather their acceptance and formalisation. The process of forest settlement commenced in 1866 in Kullu and later followed the classifications laid down under the Indian Forest Act of 1878. Forest settlement in the State of Mandi began much later and ended in 1917 with a Settlement report written by H.L.Wright, a Forest Officer. It followed a similar pattern to the Kullu settlement; although the history of land tenure in Mandi State is quite different from that of Kullu. Decisions about the proportion of land to be placed under the reserved or protected category were guided in part by the provisions of the 1878 Act. Debate surrounding the definition of these different categories of forests was fierce and are ably summed up by Mr. Hope in the debate on the Forest Bill (Government of India Gazette of 30th March 1878, quoted in Anderson, 1886:4):

`There exists throughout India a vast mass of forests which are not reserves and for the most part never can be ... mostly because they have other purposes to fulfil and are needed for the current use of the people grazing of their cattle, the thatching, repair and construction of their houses, and even (in some cases) the fertilization of their fields and the eking out of their slender meal, and to ensure with this view the provident and reasonable exercise of rights, the existence of which is not disputed, appears to be as essential a part of forest conservancy as the formation of reserves and the nursing of gigantic trees...'

Kullu

Thus for Kullu the Punjab government decided that the bulk of forests were to be placed under the protected category with very small areas constituted as reserved:

`The Kulu deodar forests are not on ridges far away from cultivation, but are in the immediate vicinity of villages. They are the daily resort of the people for the pasture of their cattle, for timber for their houses, for fuel, fodder, manure and agricultural implements. There would not be much difficulty in reserving 150 square miles of rai and tos forests in Kulu, which lie high up away from cultivation, but difficulties arise when the waste to be reserved is just what the

people require for the supply of their daily wants.' (Anderson, 1886:5)

These views were reinforced by other eminent forest officers, such as Ribbentrop (quoted in Anderson, 1886:5):

`What is required is the closure of larger areas of deodar-producing land, and there lies the difficulty, for these forests extend down into the permanent grazing-grounds, are mostly situated just above the villages, often honey-combed by cultivation, and yield the first spring crops of herbs and young branches, which are of great importance to the often very badly wintered herds and flocks.'

This debate about the extent of land to be reserved continued with some advocating limited rights for local people and others arguing for more extensive rights with a provision for their increase over time. Mr Lyall, the Revenue officer considered that:

`...it would not be fair to the zamindars or their descendants to convert each man's free right of pasturage into a right to graze only a fixed number of cattle, which number could not expand, however, much his family increased or his circumstances improved.' (quoted in Anderson, 1886)

The argument between the Settlement Officer for Kullu, Alexander Anderson, and eminent members of the Forest Service continued and is recorded by Anderson in his discussion of the extent to which local people's rights should be extinguished in forests close to their villages. Anderson (1886:7) believed that it would be wrong to commute local people's rights:

`It is scarcely necessary to touch on the proposal to commute the rights under Section 15 by cash payments. The people are dependent on these rights for their very existence, and the extinction of the rights would be most unjustifiable expropriation.'

The outcome in support of local people's rights, rather than making them privileges to be rescinded at will, ensured that the area of land brought under reserved forests was small. This was accepted by the Punjab Government in 1883: `The Government of India has accepted the proposal of the Local Government that the bulk of the demarcated forests shall be treated as protected forests, such restricted areas as the Forest Settlement Officer and local Forest Officers may agree upon being treated as reserves on the understanding that this procedure will be carried out in an accommodating spirit.' (quoted in Anderson, 1886:7).

Settlement of rights of local people in these different categories of forest areas in Kullu was concluded in 1886 by Anderson. The detailed settlement report still forms the basis for current legitimization of village-level rights. The decision to place most of the forest area under the protected category led to the final classification of forest land areas into four types based on a recommendation by Schlich (Inspector General of Forests).³

³ Forests in Kullu and Mandi were placed under the following categories:

- Reserved forests
- Demarcated protected forest Class I
- Demarcated protected forest Class II

The differences between the categories of forest was based on their timber utility. Reserved forests were created in areas remote from habitation where there were limited or no rights, or in areas close to villages where there was sufficient other forested land available for use by local people. Good quality forests with a large number of rights were not reserved but placed in the protected category, thereby ensuring that local people were still able to exercise their rights. Class I forests were generally those remote from habitation containing valuable timber species such as deodar; rights were clearly defined in these forests. Class II forests were considered to be less valuable commercially and thus greater numbers of rights were permitted. Class II forests differed from undemarcated forests in that grazing rights were clearly defined and the land could not be alienated for cultivation. Undemarcated forests close to habitation were considered to be a land resource available for cultivation and a supply of grazing and tree product needs.

The jurisdiction of the Kullu foresters included a land area under the control of the Rai of Rupi, a local ruler. He was awarded control of the undemarcated 'waste', a ruling which has since led to the large scale allocation of land by the Rai to those whom he favoured. This right was only rescinded in 1977, prior to which period villagers state that much of their undemarcated grazing land was allocated to private individuals either under the right of *nautor*⁴ or as favours.

The right of *nautor* gave farmers access to wasteland to expand their cultivation:

'The peasant proprietors of the kothi have a right to ask to be allowed to extend their cultivation in the waste of the kothi, and government has a right to refuse to permit it where it may seem necessary to refuse in the interest of forest conservancy, of the preservation of the hillsides from land slips or of the grazing rights of individuals. Otherwise, permission is given, and the peasant who breaks up the land becomes the proprietor without any payment of any price or of any rent charged other than a demand equivalent to land revenue.' (Lyall, 1891, quoted in Singh, 1953)

Mandi State

At the time of forest settlement Mandi was a Princely Hill State, which led to several important differences between forest land tenure in Kullu and Mandi. The current geographical area covered by Mandi district includes the former Mandi and Suket States; each had different forest settlements. However, the nature of the settlement is very similar. The rights as recorded are listed in Appendix A.

The different land tenure structures arise out of different ownership structures. In Mandi, large areas of land were given as *jagirs* to members of the ruling family. They employed tenant farmers to manage their land, and exacted payment in half the crop. However, both tenant farmers, and

Undemarcated protected forest Class III

⁴ Nautor is an ancient right whereby landless people are allowed break fresh agricultural land in common land areas. The land is allocated to the landless by village elders, usually undemarcated (Class III) land.

farmers who owned their land all shared the same rights of usufruct in forest lands. In Mandi these rights were known as *bartan*⁵, and the rightholders as *bartandar* (Emerson, 1917:1).

Under the terms of the settlement *bartans* were only recorded in areas designated as protected forests, and not in undemarcated forests; exercise of rights in these areas 'will be governed by existing custom' (Emerson, 1917). The Settlement Officer considered the recording of *bartan* rights to be essential to protect *bartandars* against those who had no rights illegally using the forest. This continues to be a concern commonly stated by local people, to the author during village visits, in Kullu and Mandi: without enforceable legal rights it is difficult to protect forest resources against those who have no usufruct rights.

The actual recording of *bartans* was carried out 'when the people of a whole *ilaga* or group of villages were present'. The chances of omissions or errors were thus greatly reduced, while the people were given full opportunity and encouraged to ventilate their views' (Emerson, 1917:2). It would appear that great care was taken to ensure that the rights recorded represented the actual use and needs of the users at that time. *Bartandars* had responsibilities to protect the forest against degradation:

'...the principle on which Bartans are admitted is that the Bartandars are responsible for the protection of the forest in which they enjoy their Bartans. They are held responsible that no outsiders graze, that no trees are cut without permission, and that the forests are protected against fire.' (Beotra, 1926:10)

The history of forest demarcation begins earlier than this first settlement with a demarcation carried out in 1889 by Maynard, Counsellor to the Raja. Two classes of forest were created: *siyan* or demarcated; and *bartan* or undemarcated.

The *siyan* forests were considered to be reserved and closed to rights 'not so much for the sake of forest conservancy, as for the provision of shooting preserves for the Raja, or as shelter belts for the old forts' (Wright, 1917:9). It was considered that this classification was inadequate because it took insufficient account of the needs of local people. Demarcation had to begin again.

The reasons for differences in forest areas now seen between Kullu and Mandi are clearly spelt out by Wright in his settlement report. Since the process of settlement started some 40 years later in Mandi, *nautor* allocations were virtually uncontrolled over this period:

'...with the result that every ridge of moderate gradient has cultivation at intervals along its slopes, and in most nallahs (streams) all the warmer aspects have been taken for cultivation, while only the colder places have been left as forest.' (Wright, 1917:10)

As a concomitant to this, more areas of agricultural land were in close association with forest areas, making it impossible to restrict rights in these areas:

'It will be realised, therefore, that such of the forests as adjoin cultivation are

⁵ Bartan also means a 'relationship involving material prestations and mutual support between households at important life-cycle rituals' (Parry, 1979:318).

intimately connected with the life of the people and that any extensive scheme of closure is out of the question, for not only do the forests ... form the main grazing ground, but the people rely upon them for fodder and bedding for their cattle and manure for their fields.' (Wright, 1917:10)

Therefore more forest land was left undemarcated than in Kullu. However, the demarcation carried out by Wright attempted to redress this apparent imbalance by demarcating more areas of fir, spruce and pine forest; user rights were still permitted in these demarcated forests and followed the pattern of settlement carried out in Kullu.

In undemarcated forests all the rights allowed in demarcated forests were permitted in addition to the right of breaking land for cultivation. As in Kullu where a similar right persists, this has led to dissension and dispute between local people, the Revenue and Forest Departments, as to whether such breaking of land is now legal.

Trees on private land, according to the Mandi-Suket Gazetteer of 1904, belonged to the Raja. However, under the terms of these forest settlements it was decided that the land-holder should be given these trees for a nominal price. The reasons for this are interesting and again show a respect for local rights and a rational approach to forest conservancy by local forest officers:

‘In the course of recording rights, it has been noticed that people claim such trees as their own, supporting their statement by the fact that the land on which such trees are standing have already been assessed to their fullest capacity for product and further that the portion of the field over which trees throw their shadow and for which land revenue is realised does not yield any outturn. In the opinion of Mr Singh as the people have already in the past years tried to protect and reserve their trees against destruction and to allow the continuance of the same spirit which will eventually engender the feeling of respect for the protection of trees leading ultimately to the interest of Forest Conservancy ... only a lenient view in this connection should be taken.’ (Beotra, 1926:17)

Thus at an early stage, rights to trees on private and state land were clearly defined with the principle objectives of meeting state needs for timber, and meeting local needs for forest products.

Structure of Forest Protection

Local systems for management and regulation of forest access existed prior to the British formalisation of management in either Kullu or Mandi. The *Negis*, revenue collectors, used to have extensive powers over distribution of forest products, for example they were allowed to allocate up to 40 pine trees for new construction or repair to existing buildings. These powers were considered to be too extensive by the settlement officers and were curtailed.

Rakhas, local forest guards, predate the imposition of British forest management and protection systems, but their position was recognised by the Forest Department and their knowledge of forests and local rights drawn on to devise the forest settlements for both Kullu and Mandi.

The *rakhas* were charged with drawing up lists (*jamabandi*) of *bartandars* which were then used in the settlement. According to Wright's settlement report such lists were in existence before British forest management was instituted. The *jamabandis* also detailed those who had grazing rights and the fees they should pay for particular types of forest rights.⁶

The *rakhas* were retained by the British in their forest protection role until such time when the Forest Department had sufficient forest guards of its own. It was decreed that management of demarcated protected and undemarcated forests should be:

'...through the agency of the *negis* (headmen) of the *kothis* who would be responsible for their proper management, while the Forest Department would merely control the action of the *negis*; the latter would grant trees to the people in accordance with the rules, assisted by the *rakhas* who are paid by the *kothis*. It is intended that the first class forests will be managed exclusively by the Forest Department without the assistance of the *rakhas*. This will probably not be possible in all cases without a larger establishment, and it may for a time be found necessary to utilize the services of the *negis* and the *rakhas* in the management of the more isolated and less valuable 1st class forests.' (Anderson, 1886:39)

From discussions at village-level it appears that the position of *rakha* no longer formally exists, although in several instances villagers have appointed one of the village as a forest guard and pay him a monthly wage.

Forest Rights in Kullu and Mandi

Although there were differences in the way the settlements were carried out in Kullu and Mandi, the rights admitted were similar in nature.

Anderson's Settlement (1886:36) allowed an extensive list of rights. The rights to cut grass, to remove medicinal roots, fruits, flowers, dry fallen wood, except deodar (*Cedrus deodara*), walnut (*Juglans regia*), box (*Buxus* sp) and ash (*Fraxinus* sp), to cut bamboos, and to take splinters of deodar and kail (*Pinus wallichiana*) stumps, were allowed in all forests without permission. These rights were described in full detail for each forest separately. The names of trees and shrubs that could be cut or lopped without permission were specified: the times during which manure leaves, whether dry or green, could be taken were fixed; paths through each forest were indicated in detail; the *thaches* (upland grazing areas) or places where sheep were penned were named, and the times during which they were used were specified. The lopping of certain tree species had special conditions attached, for example kail, chil (*Pinus roxburghii*) rai (*Abies pindrow*), tos (*Picea smithiana*), may be lopped only to a specified height. Deodar was not given to right-holders under any circumstances. However, under recent practice storm-damaged deodar is permitted for use for building materials.

⁶ Miscellaneous fees were levied for the exercise of forest *bartans* and were collected by forest *negis* (locally appointed officials). The most common of these fees were *Banoli* and *Jungal ka Rakm*. They covered different types of use - for example fees were charged in one area from people who grazed their buffaloes in a particular part of the forest; or for the preparation of agricultural tools; or in other places for the collection of firewood. Thus Settlement was formalising a system of fees for user already in existence.

As all these rights were and are appendant to cultivated land the right-holders are described not by individual names, but by the name of the hamlet. Tenants were also able to exercise those rights associated with the land they cultivated. Those without land or a tenancy did not have any rights in demarcated forest land but had to rely on undemarcated areas to satisfy their needs. Usage of these lands would continue only as long as other local people permitted. Appendix B lists all the rights permitted in demarcated forests.

The settlement of rights by a revenue officer as opposed to a forest officer appears to have moderated the effects of the 1878 Indian Forest Act. Anderson acted in a way to ensure that local people's rights were not unduly abrogated and were sufficiently flexible to allow for future change. This was in accordance with Government of India recommendations issued in 1883 (Anderson 1886:15):

‘...it was laid down that the record of rights should show as accurately as possible the extent of the rights now existing in the forest and the conditions under which and the localities in which they may be exercised; and that, while allowing a moderate increase or modification of the existing rights of the indigenous population, the record should prevent the indefinite growth of rights beyond what is now found to exist.’

Anderson identified several ‘great’ rights which were allowed to increase:

- ! the right to manure leaves, dry and green
- ! the right to building timber
- ! the right of grazing

Perhaps the most important and lucrative ‘great’ right still in operation today is the right of every land-holder to receive timber at reduced rates for the construction and repair of housing and other buildings. Land-holders are also permitted to remove free all kail, chil and fir uprooted by snow or other causes. Timber thus acquired may not be sold to others and must be for the right-holder's own use (Aggarwal, 1949). The breakdown of the joint household system and increasing population has led to increased demands for timber, and in some areas has led to the degradation of forest areas close to villages. Aggarwal in his working-plan of 1949 suggests that it would be ‘more equitable to insist on the local right holder paying a price for his trees which should, as far as possible, cover the cost of reproducing the timber which he consumes’.

Much discussion recently has centred on the curtailment of these rights in particular for timber. However, any attempts by the Forest Department to regulate timber rights has led to political uproar and a rapid reversal to previous practices. Although, under the terms of the original settlement provision was made to ensure that no rights were permitted to become injurious to the condition of the forest:

‘If the existence of rights as admitted would endanger the existence of the forest a limitation must be placed on the exercise of those rights ...’ (Anderson, 1886)

However, application of these rights has continued to be bound by the rules laid down in the nineteenth century and has not been allowed to evolve with the changing economic, political and

social environment.

FORESTS IN THE TWENTIETH CENTURY

The period between the beginning of the twentieth century and the end of the Second World War was marked by massive exploitation of the forests to supply the infrastructural needs of India and the British empire. Timber exploitation was carried out by contractors and regulated by the Forest Department.

The two world wars placed unsustainable demands on the forests of Kullu and Mandi for timber. During the Second World War the forests were overcut above and beyond the prescriptions of the working plans, leading to large areas of denudation which required investment and regeneration.

Post-Independence

In 1948, most of the Princely States merged into what is now known as Himachal Pradesh. Thus bringing all forests under one central controlling authority - the Chief Conservator of Forests. After 1948 more rigorous management was imposed and demarcation of forest boundaries was placed high on the agenda (Bhati, 1990:3). However, reports indicate a large degree of uncontrolled logging under contractors (Tucker, 1982:121) to meet the rapidly expanding demands for raw material for pulp and building materials. It would appear, at this time, that local right-holders were unable to prevent outsiders from over-exploiting their forest resources.

The expansion into new areas of unexploited forest was helped by the massive road-building programme. Most forest areas of upper Kullu were inaccessible prior to 1950 when the first all-weather road was constructed up the Beas River gorge and into the Kullu Valley (Tucker, 1982:122).

The new era of modernisation and socialism placed different pressures on forest departments. In Kullu the right of *nautor* continued to be implemented by the revenue authorities and led to large-scale allocation of Class III land to landless or marginal farmers. The increasing pressures on Class III lands which were supposed to act as a buffer between village needs and timber production forests were becoming unsustainable. Although these pressures were recognised by the Forest Department, agreements between villager and Forest Department to better manage local forest resources were not effective.

Modernisation and a changing political and economic climate also led to changes in the management and utilisation of forests. The Indo-China war in 1962 had a major impact on timber exploitation in Kullu district. As a result of the war many roads were constructed in previously inaccessible areas of Kullu, further opening up large areas of forest for exploitation (Tucker, 1982). Mechanised felling was introduced in Kullu leading to over-exploitation and massive regeneration difficulties.

Other changes in the local economy notably the fruit and tourism industries also placed increasing

and unsustainable demands on the forests both for raw materials and for expansion of cultivated land.

Emergence of Social Forestry

The changing face of forestry in India triggered by the National Commission on Agriculture in 1976 forced a reappraisal of forest management for local needs. The NCA recommended the introduction of social forestry with an emphasis on the supply of local people's basic needs for fodder, firewood and construction timber. This was mirrored in the objectives of the Fifth Five Year Plan (1974-79) where emphasis was placed on farm forestry to provide fodder, firewood and timber.

The world energy crises of the early 1970s also served to focus international attention on the apparent firewood crisis in the third world. This led to an explosion of internationally-funded social forestry programmes throughout the third world. In India, large programmes were funded by the World Bank, SIDA, ODA and others, all focused on the supply of basic needs for rural people through tree-planting on village and private land.

This reorientation in approach focused attention on 'wastelands' and brought about a whole host of interventions, including the creation of the National Wastelands Development Board. However, the need for adequate consultation with local people about resource-use was still not fully understood. Social forestry schemes were heavily technocratic and target-oriented and often did not respond to local need.

The past decade has seen a slow shift in emphasis based on the failure of social forestry to supply local needs, and protect remaining forest areas. In conjunction with the failure of social forestry came a growing realisation that forest lands can be sustainably managed only if the users are involved in their control and protection. The emergence in several Indian states of joint management processes spearheaded by forest departments and NGOs has led to a change in responsibility and control for forest land management. Users, in partnership with forest department staff, now decide how local resources are to be managed.

Joint Forest Management

Joint forest management is a relatively recent concept that has its foundations in nearly two decades of social forestry practice. Over the past 15 years four hundred million dollars were spent on establishing social forestry programmes (Poffenberger, 1990), most of this funding has been directed towards tree-planting on private lands, and unsuccessful woodlots on common and government land. This lack of success was mainly due to poor or no communication with users of common lands, and misperceptions of local needs. This led to inappropriate species selection, and planting of land already under different forms of management.

However, despite these mistakes the objective of social forestry - to provide resources to meet local needs - placed villagers on the agenda of forestry practice. Although there was limited interaction with local people there was a real change in the approach of forest departments to

users of forest resources. The success of the various innovations in West Bengal, Orissa and Haryana,⁷ among others, has led to the passing of an important resolution by the central government Ministry of Environment and Forests, encouraging cooperation between state departments, NGOs and local people in forest management. The Resolution outlines guidelines for the development of legally binding working arrangements between the various parties involved in managing India's forest resources.

In Kullu and Mandi social forestry initiatives have been restricted to small village plantations, nurseries and on-farm tree-planting. In areas of Kullu where forests and local rights are extensive there has been little local interest in conventional forms of social forestry. However, there are some interesting local initiatives emerging to protect natural forest from the predations of timber smugglers and agricultural encroachers.

Local Forest Management Initiatives in Kullu

Village-level Institutions: Formation and Representation

Local forest management initiatives in Kullu take several forms, but most have arisen out of local concern that forests are degrading and so it is becoming more difficult to meet local needs. Although most of the villagers have rights in local forests, in some areas it is no longer possible to exercise these rights due to the poor forest resource base. The following case-studies describe different types of local organisations that have been formed to protect local forest areas. In some cases these organisations have been formed as a result of local initiative, in others as a result of external programmes, such as the World Bank funded National (Umbrella) Social Forestry Programme.

Village-level organisations have been set up through various agencies, including the Block Development Office. These organisations include *mahila mandals* (women's groups) and *yuvak mandals* (youth groups). Many of the mahila and yuvak mandals are registered under the Societies or Cooperatives Acts, and have a formal structure including payment of membership fees, office bearers and rules. In most cases these organisations operate informally, but members state that it is important to have a formal constitution to give them credibility in the wider political arena.

Village mandals have provided an effective organisational structure for collective action, and have been able to bypass traditional leadership structures and also gained direct access to bureaucracies and development assistance. Although as yet the institutional and legislative framework does not give them sufficient support to enable active protection and management of forest resources.

⁷ For discussion of these programmes see the following reports prepared by the Ford Foundation: Malhotra & Poffenberger, 1989; Poffenberger, 1990; Poffenberger *et al*, 1990; Moench, nd; Dhar *et al*, nd; Pathan *et al*, nd.

Mahila Mandals

In terms of forest protection capability the mahila mandals (women's groups) have shown themselves to be the most effective. In Kullu district over 150 mahila mandals have been established some of them working well, representing the interests of the whole village, and some ineffective, monopolised by a few wealthy women for their own gain.

The range of initiatives taken by these groups varies according to local problems and their capacity to deal with them. However, they have acted as a focal point for the Forest Department's social forestry programme, and have been supported in their actions by members of the social forestry staff. The following example indicates the power of collective action by a group of committed women.

Kumar Hati Gaon Case Study

This mahila mandal was formed in 1990 and registered with the sub-divisional magistrate. The women of this village decided initially to form a mahila mandal to take advantage of the loans from government. However, more recently, the mahila mandal provided the necessary structure from which to oppose encroachment of village grazing lands, Class III land. Several households from a neighbouring village had encroached common grazing land and planted orchards. Members of the mahila mandal broke down the fence and uprooted the fruit trees and reestablished the land as a village resource. In this case the mahila mandal were successful, but when another household encroached more village land with the support of the panchayat leaders, the women were unable to take any action. Even an appeal to the Forest Department to evict the encroachers from Forest Department land failed. As with most of these areas of encroachment onto Class III land the Forest Department is unwilling to take the offender to court as most actions go in favour of the encroacher and not the Forest Department.

The mahila mandal said that if they won against the second case of encroachment they would continue in their fight to protect their village resources. However, the mahila mandal were critical of the Forest Department and said that they needed legislative support in order to be able to protect their village lands.

Although most households in the village are represented on the mahila mandal, some women have not joined because they are not prepared to become involved in litigation against encroachers and in some cases against timber smugglers.

The lessons to be learned from these experiences are:

- ! Women, as forest users, can form powerful groups for the protection of forest areas.
- ! Legislative support for these groups is essential if they are to continue to be effective protectors of forest land.
- ! A threat to resources used by women in the support of their livelihoods gave the group a common and unifying purpose.

Yuvak Mandals

As with mahila mandals the yuvak mandals (youth groups) vary in effectiveness and enthusiasm. Some have been able to plant and protect small areas of forest, but mainly they are involved in welfarist type work for example helping poorer villagers with house construction. Membership varies between 20-40 and is invariably made up of young men. Generally meetings are held once a month and in some cases minutes are kept. Some of the more active groups in Kullu have encouraged other groups in neighbouring villages to start up.

Bajaura Case Study

The initial impetus for the formation of this yuvak mandal came from the Block and a small loan was given to a group of young men to buy cooking utensils. These they hired out for marriages and festivals and thus were able to pay back the loan and start small-scale village programmes for poorer people.

They have raised a small plantation of *Robinia pseudoacacia* and pay a forest guard to protect the trees from free-grazing cattle. The guard is paid Rs 300 per month from membership fees and other money they earn from selling vegetable seedlings.

Although the mandal said that the right-holders and users of the resource had been consulted there were no representatives on the mandal from poorer households. When plantations of this nature are undertaken it is usual for the Forest Department to contact the panchayat who then pass a resolution stating which land is to be planted. Normally there is little or no discussion with the current users of the land leading in several cases to massive conflict between users.

In this instance widespread damage had been caused to the plantation by several households whose livelihood depended on livestock and having access to adequate quantities of grazing land. When much of the close village grazing land was put under trees this led to direct confrontation between these households and the rest of the village. Since there had been no consultation with all the users there was no opportunity to resolve this obvious conflict. This case was further complicated as some of the users were not considered to be right-holders.

Village Development Committees

Village Development Committees (VDCs) were set up under the World Bank Umbrella Social Forestry Project. One of the major problems with these committees has been their lack of representation of local forest users. The committee has a statutory composition of one woman (a representative from the local mahila mandal) representatives from scheduled castes, the panchayat leader, forest guard, and members of the gram sabha. The VDC is the body that decides what land is to be allocated for social forestry plantations, and who is to carry out plantation and protection. They approach the panchayat for a resolution to allow areas of undemarcated forest to be used for plantation. In the case described below the committee composition did not reflect the guidelines laid down and as a consequence was a more effective organisation.

Rujak Gaon: Case Study

This is a middle altitude village of 40 households (70% Rajput, 30% low caste—Lohar and Kohli). Crop production is mainly maize, wheat and barley, with some pulses and rice grown in limited areas. Many households have taken land out of maize and wheat production and put it under apples, as they say there is greater potential income from apples. This area has been relatively slow to adopt apples for several reasons: previously there was no road so contact with the apple-growing areas of Kullu Valley was limited; for several years the village elders would not permit apples to be grown as they said that the land would become barren; and finally many people thought that if they planted fruit trees on their land the government would take their land away. Having watched the success of farmers in Kullu Valley, farmers in this area are now prepared to take the risk of long-term investment of land and labour in a crop which may be destroyed by the vagaries of climate.

Households, in this village, produce sufficient food from their own land for 6 months of the year and purchase their remaining requirements, using money from paid labour for the Forest Department or Public Works Department. Some household members also migrate to Kashmir for work. Women also supplement household incomes through shawl weaving.⁸

Over the last 15 years it has become increasingly difficult for households to secure their firewood and fodder needs. Since this is an area of relatively poor agricultural land, private grass production is also low, and therefore these villagers rely heavily on forest lands (Class III and II) for the provision of their fodder needs. Much of their Class III grazing land has now been reallocated under the *nautor* policy to households with no land or less than 5 *bighas* (1 acre is equivalent to 12 *bighas*). The difficulty in obtaining sufficient fodder has led to a reduction in each household's livestock holdings.

The village is remote from forests where they have rights for firewood and timber, and grass production in these forests is low. Women were forced to go daily to the forest to collect firewood, an eleven hour round trip, and so they agreed it was necessary to create a local firewood and fodder resource to reduce the time and physical difficulty involved in securing their household needs.

With the help of the Umbrella Social Forestry Project and the social forestry staff of the Forest Department, this village formed a forestry committee to organise, plant and protect an area of Class III undemarcated forest. As with many of these local initiatives it arose out of local need. However, committee membership did not follow the guidelines set out under the social forestry project, instead one member from each of the 40 households sits on the committee, both women and men.

The village allocated an area of Class III land for the plantation and planted mulberry (*Morus* sp), *Robinia pseudoacacia*, and horse-chestnut (*Aesculus indica*) for fodder and firewood as a byproduct, and deodar for timber. The plantation is protected by all the households. Anyone caught cutting grass or trees is given a warning. Members of the committee have told other villagers that it is a sin to cut trees and hope that this will be sufficient reason to prevent people from illicitly cutting in the plantation.

⁸ One shawl takes a woman one month to make, which she sells for Rs 1500. For each shawl she needs 1 kilo of wool at a cost of Rs 500.

Various rules have been enacted by the committee to regulate use of the plantation: grass is harvested on one day during the months of September to October by one member of each household. The amount of grass cut is regulated only by the quantity each person is able to harvest.

By demarcating an area of Class III undemarcated forest with a plantation the villagers say they are able to protect this area against illegal users who had no rights to graze or cut trees, and members of other villages who were attempting to encroach Rujak Gaon's Class III land.

There are several lessons from this study:

- ! A common need was identified by the villagers and united them for action.
- ! They were able to protect the area against illegal users, by using the plantation to demarcate village land.
- ! There was a framework for action provided under the Umbrella Social Forestry Project.
- ! The organisational structure for plantation and/or management of an area of land should be determined by local people and not dictated by external norms.
- ! Any plantation or forest area to be protected must be close to the village to ease protection and to provide products close to households to ease the labour burden of women.
- ! Species choice must be determined by local people (men and women, poor and rich) to fulfil their needs.

Forest Protection Committees

There are several instances of local initiatives to protect areas of forest close to villages. In some cases villagers have set up forest protection committees (FPC) composed of influential individuals who are able to enforce protection of an area against other villagers who are degrading the forest. In one area of Kullu where there is a large amount of illicit timber felling and smuggling several FPCs have been formed to try and stop these activities. Although these FPCs have only recently started operating the one formed from the mahila mandal in the case cited above has had some degree of success. However, in all the villages where illicit felling is a problem local people say that they need legislative support to strengthen their control.

Some instances were cited by villagers where FPCs have been formed by those involved in the black market as a way to 'legitimise' their activities. In one village the FPC decides who is to be allocated timber under the timber distribution rights, gains permission from the Forest Department and then sells the timber onto the black market on behalf of the 'beneficiaries'.

The lessons to be learned from these experiences are:

- ! Committees may be coopted and used by people for illicit purposes.
- ! A common need to prevent an illicit activity may act as the unifying factor.
- ! Action by local people alone unsupported by legislation is insufficient.

CONCLUSIONS

It becomes apparent from this brief analysis of the history of forestry in India and in Himachal Pradesh that understanding the social and political history of change is essential before meaningful interventions can be made in the current institutional structure.

Village-level organisations responsible for protection and management of local resources have broken down in the face of individual user rights. Settlement of rights on individuals had several results: there were now a series of known rules which could be allowed or rescinded by the Forest Department depending on how the rights were being managed at local level. But probably the most profound effect of formalisation of rights was to remove any existing local collective control of forest in favour of the rights of individuals. This made it more difficult for collective census to operate against individuals who are abusing their rights. As a British official said with reference to allowing individual rights of user:

`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.' (Voelcker, 1897:16 quoted in Guha, 1983:1885)

In the case-studies discussed the need for collective action only becomes apparent when the whole village is threatened by its lack of easy access to forest resources. However, it is also apparent that it is only through the power of collective action that individual abuse of forest resources can be stopped.

From this brief review of some mandals and committees in Kullu, it becomes apparent that there is potential to work with and strengthen some of these village organisations. But in most cases they need skills and experience in negotiation, conflict resolution, encouraging participation and discussion with all forest users, and a breakdown of some of the more hierarchical and non-participatory structures.

It is important not to impose a view of what is an appropriate institution. In many cases organisations will arise out of a felt need, as was the case with some of the mahila mandals formed to protect areas of forest. Generally these institutions built around a specific cause will be

stronger than those where there is no particular solidarity between the organisation members. As has already been noted there is little point in promoting collective action in those villages which are highly factionalized or divided over resource use. Interventions must always be sociologically and biophysically appropriate.

The need for on-going support by an external agent is apparent from the case-studies where dispute arbitration required the intervention of the Forest Department. It also underlines the need to understand how local rights are now being used and abused, and means by which local people can address these abuses.

Although there is a need of support from the Forest Department, it is important that local organisations eventually take on responsibility for their actions to reduce dependency on external agents. This is particularly the case in Himachal Pradesh where reliance on government to resolve difficulties has led to the dissipation of village level decision-making processes. Experience from Nepal shows the importance of encouraging user groups to form networks to exchange experience and to create an informal support system (Gronow and Shrestha, 1991).

The recent Central Government Resolution on Joint Management has prepared the way for state-level action, giving local people authority and reasserting their rights in forest land. This differs from previous social forestry programmes where usufruct rights were unclear and authority for protection was not vested in village organisations. In Kullu lack of clarity about user rights is not a great problem as it is in other areas of India. However, although users have clear legalised rights the power to enforce their rights and prevent outsiders or indeed insiders from abusing these rights is lacking. The challenge now is to provide local people with the necessary authority to take responsibility for managing their rights and improving their forest resources.

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APPENDIX A

User Rights admitted in Demarcated Protected Forests Mandi and Suket States

- ! Grazing for cows and bullocks, buffaloes, sheep and goats, ponies and mules
- ! Firewood
- ! Grass cutting for fodder and thatching
- ! Timber for building purposes
- ! Timber for upkeep of temples
- ! Cutting of brushwood and thorny shrubs
- ! Collection of fallen leaves and needles
- ! Lopping of trees for fodder
- ! Collection of fruits, flowers, leaves, edible seeds, medicinal roots and honey
- ! Cutting of nirgals of hill bamboos for `kiltas' and baskets
- ! Collection of torch-wood
- ! Collection of resin and deodar-oil for medicinal purposes
- ! Wood for burning dead
- ! Collection of earth and stone for building purposes
- ! Cremation grounds
- ! *Thaches* (grazing areas) inside the forests
- ! Right of way and water
- ! Leaves and bark for tanning
- ! Charcoal for agricultural implements
- ! Trees and fuel for religious festivals and ceremonies
- ! Timber for *tans* (huts erected in the fields to watch the crops)
- ! Berberis for *dahay* (basket where hill bamboo is not available)

(Source: Beotra, 1926:9)

APPENDIX B

User Rights Permitted in Demarcated Forests Kullu

1. to graze cattle (except buffaloes), sheep and goats at the times given in the record when any limit in time has been imposed;
2. to take trees—
 - ! for agricultural implements and domestic utensils;
 - ! for the construction and repair of dwelling-houses, cattle and grass sheds, and other agricultural buildings;
 - ! for the construction and repair of temples and of dwellings attached to temples;
 - ! for the ark of the deotas (village gods) and other such purposes;
 - ! for the bier and the cremation of the dead;
 - ! for fuel and charcoal for smithy purposes;
 - ! for tanning;
3. and to take the following articles of forest produce—
 - ! grass of all kinds for fodder, thatching, rope-making and other domestic and agricultural purposes;
 - ! flowers, ferns, plants for medicinal, domestic and agricultural purposes;
 - ! brushwood for fencing and other purposes;
 - ! branches of trees of certain kinds for fodder, manure, hedges, and for making charcoal and ropes at the times given in the record when any limit in time has been imposed;
 - ! fallen leaves for manure at the times given in the record when any time in limit has been imposed;
 - ! leaves and bark of certain trees and shrubs for tanning, incense, rope-making, medicinal and other such purposes;
 - ! splinters of stumps of trees of certain kinds for torches and the manufacture of oil;
 - ! bamboos for basket-making and other purposes;
 - ! stones, slates, earth, clay, limestone for building, plastering, for the manufacturing of earthen vessels, mill-stones and other purposes;
 - ! wild honey.

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