PATHWAYS TO INSTITUTION AND RESOURCE SUSTAINABILITY: LESSONS FROM THE FOREST RIGHTS ACT IMPLEMENTATION IN INDIA

Dr. Smriti Das and Ms. Niharika Tyagi
Department of Policy Studies, TERI School of Advanced Studies, New Delhi
• Variable performance
• Individual and Community Rights
• In an Act that was an outcome of years of collective struggle, why were communities not claiming rights, community rights in particular?
• Were the communities disengaged from the forests? - the foresters’ narrative
• Why were claims rejected?
THE RESEARCH QUESTIONS

What factors enabled communities to negotiate rights effectively with the State?

How could we assess the institutional and resource sustainability where the communities had already received community claims?
Ostrom’s (1990) design principles adapted and a comprehensive set of indicators developed to study the successful community forest right (CFR) institutions.

The study framework factored the drawbacks of mainstream institutionalism and partially addressed the critique by factoring that the individual (and collective) choice is embedded in the socio-cultural and historical context.

The framework includes contextual variables (local and external) along with enriched institutional variables that account for historical association between the community and the resource.

Historical association factors the local and external context and seeks evidence of community collectivization in the past as an indicator for sustained interest in managing the commons.

Institutional analysis supplemented by vegetation analysis to interpret resource conditions.
## Indicators for Institution and Resource Sustainability

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<td>• Resource condition</td>
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<td>• Capacity of members</td>
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<tr>
<td>• Migration pattern</td>
<td>• Resource condition</td>
<td>• Contribution to resource development</td>
<td>• Decision making processes</td>
<td>• Negotiation and conflict resolution</td>
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### Community-Resource Interaction
- User boundary
- Historical association
- Awareness of resource systems and resource rights
- Property rights structure
- Nature of dependence
- Contribution to resource development
- Ecological restoration and resource monitoring

### Institutional Dynamics
- Rule System
- Monitoring mechanisms
- Sanctions
- Representation and participation
- Capacity of members
- Decision making processes
- Accountability
- Negotiation and conflict resolution
- Financial systems
- Risk preparedness
- Nested institutions

### External Factors
- Government agencies
- Market forces
- Civil society organizations/NGOs/Activists
METHODS

STUDY AREA

- Maharashtra (based on community claim status and resource coverage)
- Mendha Lekha (Gadchiroli district)
  - 105 HHs; Gond tribe; homogenous
  - Long history of forest struggle
  - CFR granted on 1809 ha in 2009
- Pachgaon (Chandrapur district)
  - 63 HHs; heterogenous with lower sub-tribes of Gonds, nomadic tribes and OBCs
  - CFR granted over 1006 ha of forestland in 2012

RESEARCH METHODS

- Household interviews (90 HHs)
- Semi-structured interviews with village leadership, Revenue and Forest Department officials and CSO representatives
- Life histories and Focus-group discussions
- Participatory methods- resource mapping, seasonality analysis, village timeline, transect walk
- Vegetation analysis- 12 & 10 nested plots in Mendha & Pachgaon respectively
  - Parameters studied: Density, frequency, abundance
  - Evaluation of dominant species, diversity and richness through Importance value index, Shannon-Weaver index and Margalef’s index respectively
  - Recall method for understanding change in resource condition
RESULTS- BIOPHYSICAL

- Forest type: Tropical deciduous
- People's Biodiversity Register: 600 and 236 species of plants in Mendha and Pachgaon
- High regeneration due to protection and effective management
  - Increase in Cleistanthus collinus and Diospyros melanoxylon species in Mendha and Diospyros melanoxylon in Pachgaon

<table>
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<th>TABLE 2</th>
<th>Importance value index (IVI) of dominant species in Mendha Lekha and Pachgaon</th>
</tr>
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<tbody>
<tr>
<td><strong>Mendha Lekha</strong></td>
<td><strong>Species</strong></td>
</tr>
<tr>
<td>Terminalia alata</td>
<td>19.25</td>
</tr>
<tr>
<td>Catunaregam spinose</td>
<td>12.40</td>
</tr>
<tr>
<td>Acacia catechu</td>
<td>8.24</td>
</tr>
<tr>
<td>Soymida febrifuga</td>
<td>7.13</td>
</tr>
</tbody>
</table>

*Since the bamboo forest in Mendha Lekha was closed for people's access and use during the period of the study, the table does not show bamboo vegetation in Mendha Lekha.
Both forests had high diversity and species richness.

- Species richness (Margalef Index): Mendha- 7.47; Pachgaon- 4.62
- Shannon Weaver Diversity Index was found to be slightly less in Pachgaon as compared to Mendha Lekha: 2.46 in Pachgaon and 2.74 in Mendha Lekha
- While Mendha had history of forest protection and management; community-initiated forest management was recent in Pachgaon
- Low population pressure; high per capita forest availability- 3.42 hectares in Mendha Lekha and 4.04 hectares in Pachgaon
RESOURCES MANAGEMENT PRACTICES

• Community initiated forest management system
• Strict protection and management regime; robust monitoring system
  • Mendha: bamboo plot closed for two years;
  • Pachgaon- strict rules; for eg: they did not cut a bamboo clump having less than eight bamboo poles, and harvest was always undertaken approximately 15 cms above the ground to maintain the plant’s regenerative capacity
• For natural regeneration of forest, both villages demarcated about 10 percent of the forest as sacred groves (Devrai)
• Regular vegetation assessment for nursery planning, plantation, protection and regeneration
• In Mendha, the community conserved major species and those that had reduced in number, such as Terminalia bellerica, Syzygium cumini, and Phyllanthus emblica; Pachgaon focused on bamboo regeneration and plantation

Villagers explaining resource management system in Mendha Lekha
## FINDINGS - COMMUNITY CHARACTERISTICS

<table>
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<tr>
<th>Socio-economic variables</th>
<th>Mendha Lekha</th>
<th>Pachgaon</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total households</td>
<td>105</td>
<td>63</td>
</tr>
<tr>
<td>Total population</td>
<td>475</td>
<td>224</td>
</tr>
<tr>
<td>Primary source of income</td>
<td>Agriculture</td>
<td>Forest based labour</td>
</tr>
<tr>
<td>Secondary source of income</td>
<td>Labour</td>
<td>Agriculture</td>
</tr>
<tr>
<td>Average land holding (in hectare)</td>
<td>1.28</td>
<td>1.01</td>
</tr>
<tr>
<td>Average annual income in INR (USD)</td>
<td>44916 (654)</td>
<td>80408 (1171)</td>
</tr>
<tr>
<td>From primary source in INR (USD)</td>
<td>27583 (401)</td>
<td>61094 (889)</td>
</tr>
<tr>
<td>From secondary source in INR (USD)</td>
<td>17333 (252)</td>
<td>19324 (281)</td>
</tr>
<tr>
<td>From NTFPs in INR (USD)**</td>
<td>10667 (155)</td>
<td>No income</td>
</tr>
<tr>
<td>From livestock in INR (USD)</td>
<td>56071 (816)</td>
<td>7678 (111)</td>
</tr>
<tr>
<td>Migration</td>
<td>No migration</td>
<td>Return migration</td>
</tr>
</tbody>
</table>
COMMUNITY CHARACTERISTICS...

- **Community cohesiveness** - Cooperation based on mutual trust in Mendha; Resource centrality brought community together in Pachgaon.

- **Culture and belief systems** - Traditional institutions moderate in Mendha; weak in Pachgaon.

- **Leadership and Social network** - Charismatic Gandhian leader in Mendha; effectively networked. Youth led institution in Pachgaon, believes in collective leadership for better transparency and accountability. Strong CSO network and support to both institutions.

- **Migration** - Almost nil in Mendha; reverse migration in Pachgaon.
FINDINGS - COMMUNITY-RESOURCE INTERACTION

• **User group**- well defined; clear rules on use, access, sale of produce, inclusion/exclusion of users, monitoring and conflict resolution in Mendha. Pachgaon institutions still evolving rules.

• **Historical association**- Mendha’s history of *nistar* and non-violent struggle towards tribal self-rule and conservation. Prolonged struggle with FD. Pachgaon traditionally dependent on forest for livelihood but at receiving end of FD hostility and denial of access. Disenchantment with JFM model and unequal power relation in both villages.

• **Awareness of resource systems and resources**- Sound understanding of resource in Mendha. Meticulous planning for resource management as part of CFR. Villagers aware of *nistar* rights in Pachgaon.

• **CF’R’R promise**- realized in a long-drawn process with immense CSO support in filing claims and in institution and resource planning.

• **Property rights structure**- *De jure* rights with CFR- right to protect, regenerate, conserve and manage. Potential for livelihood support in high risk/low productivity areas.

• **Nature of dependence and contribution**- In addition to high livelihood support (direct and indirect use benefits), income through harvests; reinvestment in resource development.

• **Ecological restoration**- Presence of functional Working Plan Committee, Bamboo Workshop/Biodiversity committee; systematic management plan; regeneration + plantation; patrolling; fire lines; NTFP sale restricted.
FINDINGS - INSTITUTIONAL DESIGN

- **Rule Systems** - Well crafted rules; strong equity considerations; nested institutional structure; multiple committees with strong accountability mechanisms
- **Monitoring mechanisms** - Mix of formal-informal systems; shared norms and trust; capacity building; Gram Sabha vested with tremendous powers
- **Sanctions** - Graduated sanctions; Nyay samiti and Gram Sabha with sanction powers
- **Representation and Participation** - Vibrant Gram Sabha; active participations by members (both men and women)
- **Capacity of members** - Active participation by women and youth; external support for resource management; well-administered financial management system; livelihood enhancement skills. Pachgaon replicated many of the institutional processes from Mendha
- **Decision making and accountability** - Powerful Gram Sabha; consensus-based decision making; financial audit/social audit in plan; transparency in financial processes
- **Negotiation and Conflict resolution** - Mendha leveraged leadership, cohesiveness and expert guidance; Pachgaon replicated many of these processes.
• **Risk preparedness** - Grain and cash bank; interest free loans

• **Nested institutions** - Close association between village development and resource institutions

**Nested institutions in Mendha Lekha**

**Nested institutions in Pachgaon**

**Decision making process in Mendha Lekha**

1. **Gram Sabha** (Discussions regarding a subject matter are floated in the Gram Sabha)
2. **Study Circle** (examines the subject matter and finds out all the possibilities)
3. **Gram Sabha** (following recommendations of study circle, decisions are taken with consensus. In case of disagreement, subject re-examined in study circle)
4. **Implementing Agency** (when consensus is reached, Gram Sabha assigns responsibilities to the Implementing agency)
**FINDINGS - ROLE OF EXTERNAL AGENCIES**

- **Government Agencies**: relation matured from confrontation to dialogue. “This is our forest, so today we prepare the working plan and inform the Forest Department. We cannot wait for them to plan for the village”. The community’s non-violent struggle for self-rule had earned it reverence not only from the State agencies but also from other extreme outfits that did not interfere in village matters. On the contrary, Pachgaon continues to face conflicts with FD. Positive relation with Revenue Department, who also believed that grant of CFR positively impacted village development.

- **CSOs**: significant role in mobilizing for CFR, technical handholding, capacity building.

- **Market forces**: approached through Gram Sabha; competitive e-tendering for sale of forest produce; sale of NTFPs restricted.
DISCUSSION

- Pattern in success
  - Community association with resource; resource centrality
  - Visionary leadership with sustained expert support and guidance—helped to initiate a favorable rights-based discourse and helped steer sustainable institutions with effective negotiation skills and resource management capacity

- Mendha:
  - Strong normative basis—ideas of self-governance and consensus-based decision making
  - CFR created a new opportunity to realize some of these ideals and CSOs leveraged this opportunity at the right time, also mediating procedural difficulties

- Pachgaon:
  - No evidence of strong community initiative; but strong history of dependence and long drawn struggle with FD over forest access and loss of livelihood
  - Community discontent over loss of control leading to subversive ways to acquire rights
  - Effective mediation by CSO leader—resulting in a deliberative governance struggle and a resource management regime
  - High perceived collective benefit in revival of forest led to cooperation with FD on some aspects
DISCUSSION...

- Institution and Resource Sustainability
  - Both villages showed good forest and robust institutions; built on normative idea of self-governance, inclusion and equity
  - Institutional rigor and democratic governance processes
  - Long-term support of the community, as illustrated through their trust in consensus-based decision, despite its high-cost
  - Active youth participation (in Pachgaon) marked a maturing institution that was gradually attempting strong accountability mechanism

- The findings offer counter-narrative to the claim that grant of forest rights will lead to fragmentation and loss of forests
DISCUSSION...

• Findings conform to established design principles like clearly demarcated user and resource boundary, graduated sanction, conflict resolution mechanisms, monitoring system and nested enterprises (Wade 1988, Ostrom 1990, Agrawal 2003)

• At the same time, they signify the role of cultural continuity, adaptability of rule systems to socio-cultural and environmental changes, democratic processes, accountability, and risk preparedness

• The study villages also demonstrated successful resource management practices, substantiated by good standing resource with high species richness, diversity and abundance

• We attribute this to resource management practices. However, we also see better livelihood diversification in Mendha and relatively high pressure on Pachgaon forest. The latter’s response to this is that there is an active plantation strategy to substantially improve the forest health.
CONCLUDING WORDS ON CFR/FRA

• CFR is not just about the granting of rights but the commitment to sustain collective efforts for equitable resource outcomes. If the perceived collective benefit of institutional participation is high, the chance of collective mobilization for CFR will be high. The challenge that would remain is of process mediation.

• Overall, CFR provisions still holds immense promise in balancing the power dynamics in India’s forest governance. Thus, there is a need to identify all institutions with similar characteristics and actively expedite implementation of the community resource right provision of the Act.
THANK YOU!