Joint Forest Management: Critical Issues

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The Joint Forest Management circular that took the National Forest Policy (1988) as its basis for people's involvement in the development and protection of forests, issued more than 18 years ago, has failed in its attempt to utilise forest wealth to improve local livelihoods. The structure of the JFM is skewed towards the forest department and needs to be balanced with equal opportunities and rights to the participating communities.

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During the course of the current year, strong debates have so far been articulated over national legislation on the historic land and resource rights of many tribal people living in scheduled areas. More importantly, though more than 18 years have passed since the issue of the Joint Forest Management (JFM) circular by the central government, pursuant to which the JFM programmes are currently spanning around 30 states, yet most committees participating in JFM fail to tap the potential of forests to improve local livelihoods (World Bank 2006: xv). The current JFM model does not fully recognise the unique needs and characteristics of forest-dwellers, including tribals, who are among the poorest groups in the society (ibid: xvii).

Key Issues

As is well known, the forest policy in 1988 brought about a radical change by shifting the focus from revenue generation to conservation with a view to securing the subsistence needs of the local communities. The National Forest Policy (NFP) 1988 declares, "The life of tribal communities and other poor living within and near forests revolves around forests. The rights and concessions enjoyed by them should be fully protected. The domestic requirements of fuelwood-fodder-minor forest produce and construction timber should be the first charge on forest produce" (SPWD 1988:3). The implementation of the forest policy of 1988 was actuated by the government of India's resolution in June 1990 (the JFM circular), which in legal parlance, is not binding on the government (Kashyap 1989; Lindsay 1994; Khan and Pillai 2002; Upadhyay 2003),[1] but this paved the way for the "involvement of village communities and village assemblies in the regeneration of degraded forest lands" (Upadhyay 2003: 3629). Three years after the JFM circular was issued, an expert group (EG) was set up under the aegis of the National Afforestation and Eco-Development Board (NAEB) in 1993 to examine the issues related to the people's participation in forest management. The EG met nine times and submitted their recommendations after three years.

Despite over 18 years of implementation of the JFM programmes, some critical issues that reduce the project's thrust, need to be highlighted. Why is it that the share of benefit to the community in many states from JFM forests is still based on the net income from commercial timber and bamboo despite the EG's recommendation that the computation should be based on the gross income and not on net income? Why are many JFM states still running without the Village Forest Development Fund although the EG recommended the setting up of the same? Why is the share of net/gross benefit to the community from commercial timber and bamboo still very low or nil in some states and why are the potentially valid claims of benefit-sharing for a section of the people largely unresolved? Why is the communities' rights on non-timber forest products (NTFPS), the most sensitive aspect of JFM, still neglected in most of the JFM states? Why are the community members of JFM forests treated simply as collectors of non-timber and price takers in a monopsony market controlled by the forest department rather than as sharers of revenue, as specified in the JFM programmes?

Delusion and Reality

As regards the first issue, the net income from harvesting of commercial timber and bamboo of JFM forests is calculated from gross income minus the operating costs of such harvesting. The operating costs not only cover the basic cost of timber and bamboo harvesting but also include other benefits to staff, office maintenance cost and other ancillary costs attached to the office under which such JFM programmes are implemented and these costs can be challenged legally (Upadhyay 2003: 3630). In their recommendations the EG clearly mentions that it is difficult to ensure transparency in reckoning the departmental expenses and the Forest Protection Committees (FPCS) have a say in such matters

(SPWD 1988:7-8). They remark that the net income as a starting point of computation of benefits is a controversial issue. Therefore, they recommended, "whenever monetary benefits are intended for the FPCs, the computation should be based on gross income and not net income" (ibid: 8). The World Bank (2006) points out a number of anomalies in deriving the net income of JFM forests. The key anomalies are: (a) costs used in deriving the net returns to communities are based on administered forest department averages rather than on actual costs by divisions or blocks; (b) while calculating net returns, the JFM states do not try to stumpage estimates to charge the resource user; (c) costs are based on government production and marketing systems which are more inefficient than comparable operations in the private sector (ibid: 48). At present, communities have little space to engage in direct timber marketing and neither state provides mechanisms for JFM committees to easily engage in commercial timber marketing for nominated species outside of government structures with its inherent restrictions and opaque revenue sharing systems (World Bank 2005: 56). These net benefit schemes in most of the JFM states provide a narrow or marginal benefit to the forest fringe communities reflecting poor commercial opportunities to them. The current fiscal system of JFM in India is described as highly regulated, with high transaction costs which focus on a narrow range of revenue generation (ibid: 71). However, such net proceeds of benefit-sharing schemes in most of the JFM states in India fail to benefit the main stakeholders from JFM forests.

Second, though the EG recommended the setting up of the village forest development fund – which was to be created by earmarking 25% of the revenue collected from the forests – some states (like West Bengal, Jammu and Kashmir, Orissa, Punjab and Tripura) have not yet created the fund. The EG's recommendations state that although formal development institutions like the panchayati raj already exist to attend to these needs, to ensure sustainability of the source of income, the conservation and development needs of the forests must be fulfilled at first with the fund depository created by the village development fund (op cit: 8). But states like West Bengal, Jammu and Kashmir and Nagaland do not provide more than 25% of the net sale proceeds from the harvesting of commercial timber to the beneficiaries of JFM forests, nor do they keep a common fund from the sale of net proceeds of harvesting for village forest development works. The JFM states like Bihar, which do not distribute any sale proceeds of timber among the beneficiaries of the village forest management and protection committee (VFMPC), deposit one-third of income from such sales in the village development fund. Field evidence also suggests that villagers participating in JFM expect some tangible economic returns from the forests in the near future. Villagers do not distinguish between organisational boundaries; they see the local forest officer as the representative of the government and expect him to help in local development needs (Tiwary 2004).

Benefit-Sharing

Third, the share of net/gross benefits of commercial timber and bamboo products is also discriminatory to the forest fringe communities in JFM states. In the absence of a national policy, the ratio of share between community and state for JFM states differs from one another. Although, it is over 18 years since the central government issued the JFM circular, yet the share of benefit to forest fringe communities in some states (like West Bengal, Kerala, Nagaland and Himachal Pradesh) are 25% or even less. In Kerala, for example, the Van Samrakshana Samiti (VSS) is entitled to only 10% of the harvested forest produce from VSS forests. They do not benefit from the sale proceeds of timber as it is not distributed among the forest fringe communities in states like Punjab and Bihar. Moreover, the potentially valid claims of benefit-sharing from people, whose lives revolve around forests, live outside forest protection committees/ village forest committees/VSSs but they are from the same geographical area of JFM forests and their claims are still largely unresolved (Upadhyay and Upadhyay 2002), although the JFM circular of 1990 which follows the full text of NFP (1988) declares to do so.

Fourth, the most sensitive aspect of JFM is the people's right to NTFPs (Misra 1998:234). Despite the NFP's (1988) declaration that the domestic requirements of tribal communities and other poor people living within and near forests for fuelwood-fodder-minor forest produce and construction timber should be met and that they should be the first to take charge of forest produce, most of the JFM states do not provide such rights to them. Moreover, forest communities are not permitted freely to use and sell some nationally listed non-timber forest products (like *kendu*) whose marketing transactions are controlled by the state forest department and forest communities are primary collectors with only a passive role in the collection and marketing (World Bank 2006: 44). Even in selling non-nationalised non-timber medicinal plants like anola, mahul patta, mahua seeds, archer, the primary collectors take passive roles in the collection and marketing. Even in states like Bihar the managing committee of VFMPC provides such forest products to the village people only at market prices.

Finally, it is said that NTFPs come under the monopolistic and restrictive trade practices of the forest department (Misra 1998:234). For many timber and non-timber product species with commercial value, the market systems are still largely dominated by a restrictive legal and regulatory framework (World Bank 2006: xviii). In selling national species of high economic value like *kendu*, though state marketing corporations or licensed traders or societies are working under the state forest department, the forest fringe communities are simply collectors who are pure price takers in a monopsony market rather than sharers of revenue as specified in the JFM agreement. Both in collection and marketing, the role of collectors of such products, the poor forest fringe communities, is passive. They are often paid less than the daily wage rate (World Bank 2006: 44-47). In West Bengal, for example, the entire *kendu* so collected has to be deposited with the West Bengal Tribal Development Corporation, through the local Large Adivasi Multi-purpose Society (LAMPS) and LAMPS pay the members, an approved tariff, for their individual collection according to the resolution of the government of West Bengal (SPWD 1988: 174). But there are instances of the agents of LAMPS in West Bengal receiving 100% or more than 100% profit on the collection price of *kendu* leaves, the most valuable NTFP per unit (in rupees) of the area, collected by the poor forest fringe communities, who are obliged to sell it legally to the former (Sarker and Das 2007: 84-87).

Thus, the present JFM programmes across the country neither grants de jure security rights to the forest fringe communities participating in the programmes, nor does it provide them de facto livelihood opportunities so that the tribal communities and the other poor living within and near the forests, whose lives are revolving around forests, might be fully protected according to the declaration of NFP (1988). So, the community forest management system, which started its journey during the early 1990s with great slogans and assurances of managing forests "with the people", has failed to fulfil its commitment.

NOTE

1 Although a few states such as Assam, Uttarakhand, and Uttar Pradesh have linked JFM policy to state legislation, it is not followed by most of the states in India (see World Bank, 2006, p 19).

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