

Realities and Possibilities:

ORGANISING THE UNORGANISED

FOREST LABOURERS IN UTTARA KANNADA DISTRICT

LL.M Dissertation

Under the Guidance of

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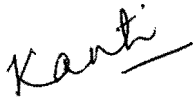
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DECLARATION

I, Ms. Kanti Joshi hereby declare that the dissertation entitled "*Realities and Possibilities: Organising the Unorganised Forest Labourers in Uttara Kannada district*" is the outcome of the research conducted by me under the guidance of Prof. Babu Mathew, National Law School of India University, Bangalore for the partial fulfillment of the requirements of the award of the Degree of Master of Law.

It is also declared that this work is original, except for such help duly acknowledged.

This work has not been submitted either in part or in whole, for any degree or diploma at any other University or Institution.



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Introduction

INTRODUCTION

In India, organized labour accounts for merely 9.4% of total workers, whereas unorganized labour accounts for 90.6%¹. This very bulk of the workforce emphasizes the need of addressing the gloomy state of affairs facing the unorganized sector. It is imperative to organize the social benefits for the 90 per cent of the workforces who are unorganized. They are also human beings and free citizens of a free country entitled to the same inalienable human rights as other citizens. Hence, it is important that special efforts are made in this direction. It is estimated that nine out of every ten of India's more than 317 million workers are in the informal sector where there is little or no protection for jobs and wages and working conditions are unregulated². In view of the large variety among the unorganized workers, the fact that clearly emerges from various experiments carried out to organize them is that there is no unique method of organizing the unorganized. Each case will have to be treated in a specific manner since the problems of organizing a particular category are different due to the nature of employment and the level of awareness and education of the workers.

This paper is an attempt to examine the state of forest labour in Uttara Kannada district in the light of their unorganized character and to present as to how these unorganized forest labourers can be organized.

¹ ORGANIZING THE UNORGANIZED WORKERS, 6 (Ruddar Datt ed., New Delhi: Vikas Publishing House, 1997).

² Little protection for home-based women workers,
<http://www.wisc.edu/uwcc/icic/daf-hist/country/india/Little-protection-for-home-based-woman-w1.html>

The map³ of Karnataka clearly shows the concentration of the forests in Uttara Kannada district. Hence, the forest related activities are one of the main occupations which provide a means of livelihood to many people in the district. That too, it is the unorganized forest labourers who draw attention at the first instance because of their very magnitude. There are a multitude of factors which has to be taken into consideration when attempting to organize them.

The majority of the workforce of the forest labourers in Uttara Kannada district operates in what is often called the unorganized or informal sector. These are workers who do not have a regular employer-employee relationship and who work under conditions of economic and social insecurity. At the same time their work is insecure, in that they are not sure of their earnings the next day. Suitable organizational arrangements would need to be developed to provide a minimum measure of social security for these unorganized forest workers⁴. Every social system must cater to the needs of its members to enable them to survive; it must have effective means of allocating and distributing resources⁵.

The Unorganised Sector consists of the thousands of illiterate and literate masses. They are employed in so many irregular and casual employments⁶. The *National Commission on Labour* observed certain difficulties in defining the unorganised labour. The Commission described the *characteristics* of this sector as follows:

- a) Ignorance and illiteracy
- b) Small size of establishment with low capital investment per person employed
- c) Scattered nature of the establishments and
- d) Superior strength of the employers operating singly and in combination.

³ Refer Annexure-A for the map of Karnataka. The map clearly shows the dense forest cover in the district.

⁴ Labour and Labour Welfare, <http://planningcommission.nic.in/fiveyr/8th/vol2/8v2ch7.htm>,
<http://shikshanic.nic.in/cd50years/g/12/H2/12H20701.htm>

⁵ Arbind Singh "Organizing street vendors" http://www.india-seminar.com/2000/491/491_arbind_singh.htm

⁶ Fazal Ahmad, LABOUR IN INFORMAL SECTOR 1 (Delhi : Manak Publications, 1999)

The above features depict the nature of the unorganised sector. Following details can be analysed on the basis of the above points.

a) **Casual nature of employment:** - This is a fact that the people do not get regular employment for their work. They get work for one or two days or for a few days only. There is no concept of regular or permanent work in the unorganised sector. Though the work in the forest is also seasonal in nature, most of the years, the forest labourers in Uttara Kannada district have work whole throughout the year except only for a month or two. Some work like the preparation of seedlings and other plantation related activities have to be done during the rainy season only.

b) **Ignorance and illiteracy:** - The people working in the unorganised sector are illiterate and ignorant. Therefore they remain unorganised in their work. They cannot foresee the strength of organisation. With the result they have to suffer with the problems of insecurity and the hazards of their work. They are also very easily satisfied if their day's basic needs are taken care of. The forest labourers think that as it is the only mode of their survival and there is no other alternative to earn their livelihood, they will have to bow down before the employer and are easily susceptible to exploitation.

c) **Scattered nature of the establishments:** - One of the most important features of the unorganised sector is that the work is not confined to one place. Rather it is spread over several areas. Consequently, the workers can't work at one place. The obvious motive behind it is to keep them disintegrated and unorganised so that, they cannot raise their voices unitedly against the employers or the management. Usually, as the forest labour requires some skill, the labourers end up doing the same kind of job throughout; like for example, the labourers working in a particular nursery are the same who have been working throughout

from so many years, and the labourers carrying out the logging works are also the same, but they work wherever and whenever there is work, but usually under the same supervisor or under the same Range Forest Officer who is responsible for the execution of the work.

Adequate levels of earnings, safe and humane conditions of work and access to some minimum social security benefits are the major qualitative dimensions of employment which enhance quality of life of workers and their productivity. Institutional mechanisms exist for ensuring these to workers in the organized sector of the economy. These are being strengthened or expanded to the extent possible. However, workers in the unorganized sector, by and large, do not have access to such benefits. Steps need to be taken on a larger scale than before to improve the quality of working life of the unorganized forest labourers.

These are the areas where workers work without any job guarantee. They have to work at the whims and wishes of their employers. The obvious reasons behind this are the acute poverty condition and the unawareness of the hazards of the unorganised sector. Despite all the talk on justice, equity and fair play, these workers continue to be victims of abject poverty, negligence and indifference for which the society and the state, as the agent of society, are to be collectively blamed⁷. Lack of awareness of minimum wages, paucity of employment, competition, threat of losing even the existing work, helplessness and lack of workers organisations are some of the reasons for their sad state of affairs. The positive feature of the informal sector, and the women who survive in it, is that with little access to capital, little support from the state and its planning process, these women generate employment and incomes for themselves⁸. How to

⁷ L. Mishra, "Organizing the Unorganized Labour : Myth, Reality and Possibility" 41(1) THE INDIAN JOURNAL OF LABOUR ECONOMICS, 54 (1998)

⁸ Jasmol Unni and Uma Rani, "Informal Sector: Woman In The Emerging Labour Market" 42(4) THE INDIAN JOURNAL OF LABOUR ECONOMICS, 628 (1999)

improve access to capital and productivities in the informal sector is the challenge for the future.

A close and continuous interaction with the poorest and the most deprived sections of the society, the working men, women and children in the unorganised sector will itself provide an in-depth insight into the realities of their lives. The first step is to identify the labourers who are unorganised and the problems that they face. Building a good database is imperative for monitoring the performance of informal sector, for improving the understanding of positive and negative aspects of promoting this sector, and for policy formulation⁹. Research is the anchor point for every activity which is to be conducted.

Various attempts to organize forest labourers

There is a lot of exploitation which can be countered only by collective efforts, hence, the need for organization. There have been attempts to organize the forest labourers in the district, but each has been to the achievement of a specific purpose, than to empower and organize the forest labourers. A suitable organizational initiation is necessary to contribute towards their well-being. This forms the core issue of this paper.

Co-operative Societies: There is the federation of Co-operative Societies which is involved only in logging work, and it is only the members who are involved in carrying on the work. So, can the scope of these societies be extended to involve the other categories of forest labourers also?

Self-help groups: The self-help groups have been the initiative of a person, which comprises of only the members of that particular community. Hence, it is

⁹ EMPLOYMENT PROMOTION IN THE URBAN INFORMAL SECTOR 178 (M.S. Ramanujan et al. eds., New Delhi : New Age International Publishers, 1998)

confined to only those people; thus resulting only in their empowerment and well-being. So, how many of the forest labourers can be reached by these self-help groups?

Karnataka State Daily Wages Employees Federation: As this group of people have the common objective to achieve, to regularize their employment with the forest department, it has been easier to organize and carry on their activities. Is unionization of forest labourers practicable?

Joint Forest Planning and Management (JFPM): For Joint Forest Planning and Management (JFPM), 'people's participation' in the regeneration of degraded forests is an integral goal. JFPM aims to alter the relationship into one in which the community has a bundle of user rights against a set of obligations. In this set-up, only those who are a part of the Village Forest Committee stand to gain; the forest labourers are not to be seen in the picture at all as they will have to earn their living only by the work that they do in each day.

All these are confined to only particular section of the labourers and so, a lot needs to be done for the welfare of the forest labourers who are still unorganized. The development of the district depends on the welfare of these forest labourers. There are many reasons why the forest labourers should be perceived positively and seen as an integral part of Uttara Kannada district.

They create employment: Forest provides them the bread and butter for their living. Many labourers, like the collectors of the Non-timber forest produce make their living on their own thus reducing the burden on the society.

They reduce poverty: At least by earning something, there is the situation where they do not have to starve. Their earning solely depends on their physical capacity and stamina.

They provide an important service: It is only with the help of the forest labourers that the rich natural resources of the district can be exploited.

They contribute to economic growth: When taken the economy of Uttara Kannada district, the contribution of the forest labourers is commendable.

They are a part of culture and tradition: From times immemorial, these people are dependant on forests for their living.

The Present work aims to study the conditions under which workers are employed as forest labourers in various activities related to forest produce exploitation and afforestation. Very few studies have been made on the forest workers. The present work deals at length to the various dimensions of work and domestic life of the forest workers. Most of the rural-based poor people are engaged as forest labour. It was found that very scanty literature was available and very few works had been done and that also on regional basis. This study would bring into focus some of the salient features of the forest labour as it exist in Uttara Kannada district as well as the appalling conditions of work in them. With this background, it is proposed to examine as to how these unorganised forest labourers can be organised.

Research Procedure

RESEARCH PROCEDURE

The whole study revolves around the issue as to how the unorganized forest labourers can be organized. Firstly, the study intends to describe and characterize forest labour in Uttara Kannada district as to how each of the numerous groups can be identified and enumerated. Their way of living was studied by taking a sample to understand the problems and challenges faced by them. Then it was proposed to analyze as to who is responsible for the existing situation of the forest labour. The research also intended to find an answer to the problems faced by them; it also examined as to whether the organization of the unorganized forest labour would better their lives; if so, what should be the nature of the organization in what working condition. The research also intended to study the feasibility of the existing organizations in the area.

CONTEXT

As the study is more of empirical nature, there is no specific theoretical framework that will inform the study. There are some studies about the unorganized sector in general and also about some specific sectors of informal labour which are referred to. The forest labour in Uttara Kannada district has not been studied or documented as yet. Hence it is an attempt to fill the gap with respect to forest labour.

Mainly, the information gathered from the interviews and observation form the basis of this study. It has been an attempt throughout the paper to examine the socio-economic conditions of the unorganized forest labourers from a legal perspective, as to what difference organizing them could make and to what extent law can be instrumental in the process.

Personal interest

The familiarity with the existing conditions drew the attention of the researcher towards the topic. The plight of these unorganized labourers has always been distressing.

The persons under study have been hesitant to express their opinion frankly; hence the familiarity has been an advantage. Rapport was established with the interviewees, in order to extract their opinions.

The labourers take time to understand and realize that they can express their opinions, and it will not harm them in any way; on the other hand, the officials of the departments express their opinions with the condition that it is 'off the record'. Same difficulty was faced during the collection of data also, when it came to the acquisition of certain documents.

RESEARCH QUESTIONS

The questions that have guided the research throughout are as follows:

- How can the unorganized forest labourers be organized?
- Who constitute forest labour?
 - How can the numerous categories and sub-categories of forest labour be identified and enumerated?
- What are the problems and challenges faced by them?
 - Are there any answers to these problems?
- Who is responsible for this depressing situation of the forest labour?
- Can organization of the unorganized forest labour better their lives?

The aim of the study is to assess the life of forest labour for evolving an action plan for organizing the unorganized labour; thus, improving the conditions of forest labourers.

The paper is based on evidence from the literature; review of project documents and files; extensive interviews with labourers, forest officials, contractors, beneficiaries; and field visits.

Application

The application of the present research may be categorized as **applied research** as the research methods are applied to the collection of information about various aspects of the phenomenon of forest labour so that information gathered can be used in the enhancement of understanding of this phenomenon.

OBJECTIVES

This research endeavor may be classified as **descriptive research** as it attempts to describe systematically the situation and the problems of forest labour.

Main objective

- To note how the unorganized forest labourers can be organized.

Sub-objectives

- To examine the position of forest labour in Uttara Kannada district.
- To identify various categories and sub-categories of forest labour.
- To find out the problems and challenges faced by forest labour.
- To explore the reasons for the present situation of forest labour.
- To examine the solution and the feasibility of the alternative approach.

Type of information sought

The information sought may be said to be both Qualitative and Quantitative; though the study is more inclined towards qualitative research.

It is **Qualitative** in the description of the observed situations, the historical enumeration of events and the analysis of data.

It is **Quantitative** with respect to the magnitude of the labour under study. The statistical data with regard to the number of persons employed in each of the kinds of employment tends to be quantitative.

THE STUDY DESIGN

All the persons of the district associated with the forest constitute the study population.

The study design is cross-sectional in nature, being designed to find out from a cross-section of labourers, and employers their experiences relating to nature of work and the nature of workers, so as to evolve the most suitable organizational set-up which can assure at least the basic social security to these unorganized forest labourers.

Sources of data

Data is collected both from Primary sources and secondary sources.

The primary sources, interviewing and observation are employed. The observation is non-participant and the interview is unstructured.

The observation is with regard to the life of the forest labour and the various works that they undertake.

The Interviews of the Labourers, Officials of the Forest Department, Office-bearers and Members of the Co-operative society and NGOs are conducted.

The secondary sources include the review of relevant discourses.

Academic literature - books, journals;

Fugitive documents- policy documents, action plans, administrative/ project reports, position papers, organizational files of the Forest Department, and the related documents on record with the Labour Co-operative Society.

Data Collection

Firstly, the labourers were approached in the area where they were carrying on the work to enable both to interview them and observe their situation.

Different classes of labourers were interviewed so that the differences in each of their situations could be brought out. For example, in the present study, the labourers working in the nurseries of the forest department, labourers working in the jungles, labourers who are members of the labour co-operative societies, were examined from a comparative perspective.

With regard to the persons who are dependent on Non-timber forest products (NTFP), the research report which has been prepared by an NGO is procured and relied upon for the purpose.

The data related to the number of people employed by the forest department has been procured; the working of the Labour Co-operative Society is analyzed in detail on the basis of the interviews and the available documents. It is examined as to whether it is a suitable alternative when compared with the other employments related to forest labour in the district.

Data analysis

This study involves less of statistics and is based on individual experiences. Hence, this aspect is taken into consideration while analyzing the data.

The setting

It is intended to study the forest labour in Uttara Kannada district; Different parts of the district were visited depending as to the area in which labour are engaged. It is the study of the forest labour as it exists in the district.

Measurement procedures

The interview method was used in data collection, as it is useful for collecting in-depth information. The interview is unstructured wherein an interview guide

was framed, within which the interviews were conducted. Interaction can bring even these aspects which a questionnaire will not be able to. More emphasis is laid upon the experiences of the population under study.

In this approach as the interview guide does not list specific questions to be asked of respondents, the comparability of questions asked and responses obtained was a problem; but even then this approach is favoured as it could elicit extremely rich information.

The research did not intend to quantify or measure the opinions and the information elicited but was used in furthering the knowledge and enriches the data-base; hence, this method was considered as the appropriate one.

SAMPLING

People

As the study population may be classified into various groups, each group being unique, the Non-Random/Probability Sampling design was employed.

With respect to the topic under study, each group has different characteristics; and the quantity of persons in one group also greatly differs from the other groups. Hence, the judgmental or purposive sampling was considered to be the most appropriate one. The persons who can provide the best information to achieve the objectives of the study were contacted.

As the study population was very large and as it was impossible for the researcher, within the constraints of time and money, to collect information from all the study population, a sample of the study population with the proposed sampling strategy was selected. They were contacted to explain the purpose of the study and its relevance and their agreement to participate in the study was obtained; and they were interviewed at their convenient place.

Processes

Each division of the department prepares the work estimate before the work is allotted, in which the labour component and the material component for each

kind of work is clearly laid down. A sample of any 5 estimates¹⁰ one from each division on file with the forest department was chosen for a detailed study. The labour component and the material component in each estimate were analyzed to find out the relative monetary terms; and as to whether a labour welfare provision can be inserted in the estimate itself? Can it be backed by legal provisions?

Following points have been emphasized in the present work of forest workers.

- Preliminary information have been collected regarding age, caste, literacy, marital status, nature of residence, family income and the compositions of households but only the relevant portion is included in the research paper, focusing only on the life of a person as a forest labourer and as to how it will determine the form of organization.
- Reasons for the selection of the present occupation and the conditions under which choice was made.
- Information about the working conditions, nature of work, workload, wages, job security available to the workers at their workplace and place of residence.
- Nature of employment: part time, full time, temporary, permanent/casual.
- Nature and form of relationship between employer and employee.
- Measurement of job satisfaction of the forest workers.
- Leisure and recreations of workers.
- The protective and welfare measures of the Govt. and the extent of these benefits for the cause of the workers.

¹⁰ Refer Annexure-B for the copy of an estimate prepared by the Forest Department. As all the estimates studied are almost the same, only one estimate is annexed herewith as a sample. The department can easily incorporate the social security provision in the estimate itself; it will provide for the poor unorganized forest labourers from immediate effect and also, will not be a burden as such on the forest department also.

Limitation

The forest Corporations, Karnataka State Forest and Industrial Corporation (KSFIC), Karnataka Forest Development Corporation (KFDC), Karnataka Cashew Development Corporation (KCDC) could not be examined due to the constraints of time and also, the research period being the slack season all the work was already over and no labourers were available who were working for these Corporations. Also, the fact is that the nature of work and the nature of workers are the same, and the fact of employment by the Corporations does not vary the position of the forest labourers much.

This research will contribute to the existing literature on unorganized labour. As the scope of forest labour is not yet defined, and it being at par with other sectors of unorganized labour, the study assumes relevance. Ultimately, the hopes are to improve the living conditions of forest labour in the district thus enabling the preservation of their human rights. The study hence will be located in the backdrop of the unorganized labour.

A close and continuous interaction with the forest labour that live in the jungles deprived of all the basic amenities itself provided an in-depth insight into realities of their lives.

The law enforcement machinery is inadequate; it lacks mobility and ground level realities and is ineffective. The law lays down one procedure, but the procedure followed in practice is totally different.

The legal process must be utilized for the purpose of bringing about change in the working and living conditions of the forest labour. It is therefore intended to provide some useful recommendations for organizational and policy development to increase the empowerment and material welfare of forest labour in Uttara Kannada district.

Chapterization

Firstly, the unorganized sector is introduced in brief with reference to the forest labourers. The Research Procedure which was adopted in carrying out this research follows it. The next chapter lays down the characteristics of the district so as to understand the peculiarity of the forest labourers and also their historical background so as to trace the evolution of the forest labour to its present state. The subsequent chapter seeks to present the various categories and sub-categories of forest labourers in the district.

As a next step, the areas wherein the forest labourers are unorganized are examined. It involves the employment of the forest department and the labourers who seek employment in the collection of Non-timber forest produce.

The various attempts of organization are emphasized in the next chapter. The aspect of Community Participation follows it. The legal provisions are analyzed in the chapter preceding the Conclusion.

The style of footnoting is uniform and consistent throughout the paper.

Chapter 1

The Background

THE BACKGROUND

These are dense green forests of Shirasgoav¹¹, Vanalli Panchayat area. These forests are a treat to the human eyes; A trekker's delight. These are treacherous jungles where one can lose his way and may take weeks to find his way out. Venturing into such dense forest is very dangerous and risky without able guidance. The forest labourers live here secluded from normalcy to earn their livelihood; and usually, it is the routine for the forest labourers in the district. Logging and other forest related activities are carried out in such places. The labourers come and reside in the jungles when there is such work to be done. It depends on the nature of work to be carried out. Since forest related activities are mostly seasonal in nature and also due to the reason that there is no labour problem, the labour is taken for granted. It is in such forests in Uttara Kannada district that the forest labourers have to work isolated from the rest of the world.

UTTARA KANNADA DISTRICT

Uttara Kannada is a district with a forest cover of 80% of the total land area. Due to the large area under forests the district is known as the '*Forest District*'. The district has a diversity of landscapes and flora and fauna (with a high level of endemic species in the evergreen forests), ranging from the Arabian Sea coast to the montane heights of 2000m¹². It lies between 13° 55' and 15° 31' latitude and 74° 9' and 75° 10' E longitude. It lies in the north-western corner of the state and is laced by a range of hills that rise almost steeply from the coastal strip to an average height of 500m, with some hills touching even the 800m mark and

¹¹ Visited on 9 May 2002; it is about 47 kms. from Sirsi.

¹² The Annual Administrative report for the year 2000-2001, Uttara Kannada Zilla Panchayat, Karwar gives the detailed description of the characteristics of the district.

above¹³. The annual precipitation is largely confined to the monsoon months of June to September. It ranges between 3500mm on the coast, rising to 4500-5000mm on the crest line and declines to 1000mm on the eastern plateau. It has a beautiful sea coast extending up to 144 Km, ever green Sahyadri mountain range, the plains, beautiful waterfalls, valleys, pleasant climatic conditions, varying life styles, culture and many attractive places of historical, sculptural, natural and religious importance¹⁴. This diversity not only provides challenges and opportunities for different livelihood responses but has also constituted a major challenge to centralized, uniform, scheme-driven approaches to forest intervention. Because of the high and internationally recognized biodiversity value of these forests the need to manage the interface between conservation of forests and the needs of local livelihoods is a complicated balancing act. In Uttara Kannada district, the welfare of most of the people has always been closely tied to the wellbeing of the local environment. They suffer if the level of well water falls drastically or if fuel wood is no longer available in the neighbourhood. They suffer if the streams are polluted and can no longer provide drinking water for their cattle, or provide them fish for an occasional meal¹⁵. Many of the people of the district depend directly or indirectly on the forest resources for a living.

Being united and maintaining harmony in the midst of diverse races, multiplicity of cultures, and assortment of geographical features has been the pride of the district¹⁶. Irrespective of the socio-economic differences between the communities, one factor that runs common between them all is the relationship they have with their environment predominated by the forests. This relationship is direct for most of the communities that live in close proximity to the forests, who depend on wide range of products for their livelihood, both in terms of

¹³ Suryanath U. Kamath, GAZETTEER OF INDIA, KARNATAKA STATE, UTTARA KANNADA DISTRICT 39 (V.B. Soobbaiah & Sons, Bangalore: 1985)

¹⁴ SIRSI TALUKA DARPANA 153 (A.K. Shastry ed., Sirsi: Modern Education Society, 1988)

¹⁵ Madhav Gadgil, ECOLOGICAL JOURNEYS: THE SCIENCE AND POLITICS OF CONSERVATION IN INDIA 145 (New Delhi: Permanent Black, 2001)

¹⁶ The Annual Administrative Report for the year 2000-2001, Uttara Kannada Zilla Panchayat, Karwar.

earning a living as well as consuming them in various forms. These communities collect wood, fruits, berries, fodder, seed, flowers, leaves, etc.

Geographical diversity is responsible for the growth of four¹⁷ different vegetation types found throughout the district:

- Ever green forest type, found mainly in Sirsi, Siddapur and the hilly eastern region of Honnavar, Kumta, Ankola and Karwar.
- Semi deciduous forest type, on the slopes of Ankola, Kumta, Karwar, Honnavar, Siddapur and Sirsi.
- Deciduous forest type, in Haliyal, Supa and Mundgod
- Humid deciduous forest type, in Ankola, Bhatkal, Yellapur, west Karwar and the coastal region of Kumta.

Kanara Circle (Forest Department of Uttara Kannada district) is the largest forest revenue earning Circle in India, producing timber and non-timber products for distribution all over India. Uttara Kannada used to be a forest administered district i.e. it did not have the usual civil administration structures. Historically and currently the forest department is considered to be the custodian of these large areas of land such that virtually all aspects of agricultural-based activity are dependent on a relationship with the Department. Because of the pre-eminent role of the Forest Department in Uttara Kannada the interface between forest user and department is a critical relationship. It impacts on individual livelihoods in diverse ways (from those who are 100% dependent on continued access to forests and its products to those whose livelihoods are indirectly dependent on the continued existence of forests). The Forest Department is also a major employer in Uttara Kannada and this also determines the form of relationships between itself and local people.

¹⁷ INDIAN FORESTRY: A PERSPECTIVE, 143 (ed., Ajay.S.Rawat, New Delhi: Indus Publishing Co., 1993)

The department earns huge revenue by engaging labour in various activities; the labour so engaged is unorganized to a great extent. But there is no social contribution whatsoever by the department. Even in the remote forests people have either been living traditionally or were brought by the Forest Department and settled there to ensure the availability of labour. Whenever there is necessity of labour, they are employed as there is no scarcity of labour; and the employer is not responsible at all. The people of Uttara Kannada require 8 thousand tonnes of small timber just for the new houses that need to be put up, in addition to large quantities of poles for fencing, agricultural implements, construction of bunds and so on¹⁸. Moreover, it makes no difference to them if the production is adequate over some much larger region, or if it is adequate but inaccessible to them. A common response of the Government to people's demands has been to provide subsidies. People of Uttara Kannada get subsidized fuel through the forest depots.

This very geographical characteristics and the fact of the majority of the land under forest cover makes it obligatory for the involvement of forest labour to a great extent.

The plight of the forest labourer in the district varies depending on the employer and the nature of work he does. The collectors of Non-timber forest products do not enjoy any of the social security provisions in case of any contingencies whatsoever. If the logging work is carried out by the Labour Co-operative Societies, some provisions of medical facilities, insurance etc., can be found in their bye-laws. But if they are employed by the Forest Department, there are no provisions, which provide for their welfare. This being the case, there are various

¹⁸ Madhav, Gadgil, K.M.Hagda, K.A.Bhoja Shetty, UTTARA KANNADA : A CASE STUDY IN HILL AREA DEVELOPMENT 21(Bangalore: Indian Institute Of Science, Centre for Ecological Sciences, 1986) Technical Report No. 18

employers and different kinds of work and the work of the labourers vary depending on the employer and the nature of work.

It becomes evident when explored that the experiences in Uttara Kannada district has been different from the other unorganized sectors. The situation of the forest labourers in Uttara Kannada district thus cannot be generalized as such in whole or with the Unorganized Sector because of its heterogeneity. This is due to the peculiar nature of the forest labour itself. There exist different categories and sub-categories among them and their circumstances vary accordingly. Each category has to be emphasized separately in order to understand the nuances of the sector of forest labour in Uttara Kannada district as a whole.

On one extreme there are the labourers who collect Non-timber forest products and to the other there are the workmen employed by the Forest department on Muster-rolls. In between these are the labourers/members of the Labour Co-operative Societies and the other labourers engaged by the Forest department and various other agencies.

The problems faced by the forest labourers are multifaceted. Where the labourers are forest dwellers, it becomes practically impossible to provide even the basic necessities like Education, health facilities there. Also, during the working season, entire family resides there. The advantage here is that there is no need of traveling; and the disadvantage is that they will not have any access to Education or Health facilities; hence, the related problems arise. The decreasing volume of work is another problem. Rainy season being the idle period, the labourers are susceptible to vices like drinking. There are a lot of dangers involved in works like felling of trees and honey extraction to the life of the labourers. Forest workers are employed only for the seasonal works, i.e. for the actual operational period. The other period they have to sit idle or engaged in other works for their means of livelihood. They are not aware of the programmatic and legislative provisions available for them. To sum up, some of the problems faced by the unorganized sector of labourers are evident in the case of forest labourers also.

HISTORICAL BACKGROUND

Man has been using the tree in his daily life for one or the other reason from times immemorial. Of 3910 square miles, the whole area of the district, 3548 square miles, or about ninety percent, was under forest before¹⁹. The role of the labourers varied according to the major use of the forests at that time. Man has made different uses of forests in different periods and accordingly labour was employed. The major uses of forests from ancient India to the end of the British rule can be traced in the following steps²⁰:-

Period/Major use of forest

2000 BC-300 BC

- (i) Meditation
- (ii) Religious studies
- (iii) Hunting

300 BC-650 A.D

- (i) Hunting
- (ii) Procuring of elephants
- (iii) Grazing by domesticated elephants

650 A.D. - 1700 A.D.

- (i) Hunting
- (ii) Shelter to victims of internal wars and foreign invasions
- (iii) Revenue to local rulers from sale of timber of selected species (Royal trees)

1700 A.D.-1850 A.D

- (i) Production of timber for building of fighting ships of the British Navy
- (ii) Reserves for expansion of cultivation

¹⁹ Suryanath U. Kamath, GAZETTEER OF INDIA, KARNATAKA STATE, UTTARA KANNADA DISTRICT 21 (V.B.Soobbaiah & Sons, Bangalora: 1985)

²⁰ J.B.Lal, INDIA'S FORESTS: MYTH AND REALITY 23 (Dahradun: Natraj Publishars, 1989)

1850 A.D.-1900 A.D.

- (i) Production of timber for railway sleepers and firewood for steam engines
- (ii) Reserves for expansion of cultivation
- (iii) Available lands for tea and coffee plantations
- (iv) Hunting

1900 A.D. 1914 A.D.

- (i) Regulated production of timber for commercial and social needs
- (ii) Revenue to Government
- (iii) Hunting

1914 A.D. 1918 A.D.

- (i) Production of timber and hay for war supplies

1918 A.D. 1940 A.D.

- (i) Regulated Production of timber to meet commercial and social needs
- (ii) Revenue to government

1940A.D -1947 A.D.

- (i) Production of timber in very large quantities for war supplies.

1944 A.D 1947 A.D.

- (i) Revenue to government
- (ii) Regulated felling to meet social and industrial demand.
- (iii) Grazing by cattle.

After 1947, various forest policies were formulated as and when felt necessary. But, none of them till date, have laid emphasis on the aspect of forest labour even though it is of great significance. The growth of a forest policy in India was extraordinarily slow²¹. There were many mitigating factors at first. Those responsible for the management of affairs had no difficulty in procuring all their requirements from the forests. The great continent appeared to hold

²¹ E.P. Stabbing, THE FORESTS OF INDIA VOL -1, 61 (New Delhi: A.J. Reprints Agency, 1982). The article 'the stages prior to the development of a forest policy' has traced this development.

inexhaustible tract covered with dense jungles. Their contents were unknown, but there was no apparent necessity for their detailed exploration even had this been a possibility. In such a situation, when the forest products were mainly used for self-consumption, people exchanged labour amongst themselves. As the society developed, when slowly commercialisation crept in at par with the increasing population, the forest products were used more and more to satisfy the needs of the people.

The Forest Department had been officially created in 1865 as a result of an over-exploitation of the forest, which had satisfied private interests. In order to control the forest, the state had to promulgate laws and the Forest Department had to take charge of its management on the condition of economic self-sufficiency. From the late nineteenth century the demand for wood had increased considerably and since some forest areas had already been exhausted of the best trees the forests had to imagine a more rational system of levying²². The forest department performing all the tasks by itself was impossible even to think of; so began the hiring of labour for performing various tasks and slowly a system of forest produce exploitation evolved. As and when necessary, notifications were issued to carry out the work, the procedure to be followed, etc. But, the aspect of labour, though it is indispensable is nowhere given due consideration that it deserves.

Evolution

With the death of Tippu in 1799 in a crucial war with the British, Uttara Kannada came under direct British rule. There is a long history of struggles against the

²² INDIAN FORESTRY: A PERSPECTIVE, 149 (ed., Ajay.S.Rawat, New Delhi: Indus Publishing Co., 1993)

Forest Department in Uttara Kannada. The British imperialism, to satisfy its commercial as well as industrial needs, made serious inroads into the forest²³.

The Pre-Commercial / Pre-Capitalist Stage:

As far as forest land was concerned, it was more or less taken for granted that ownership was with the king or the feudatory chief of the region. Once forest land was converted into garden, proprietary rights could be given.

Initial Stage, 19th Century:

Commercialization of forests received a major thrust with British entry into the region. The officer has been appointed to the Forest Department as a Sub-Assistant Conservator, and placed in charge of the depot and saw-mills. By this arrangement, there was always an experienced European in constant attendance, and the risk of any serious damage occurring was lessened by the certainty of an earlier detection of anything going wrong; and not the least benefit derived from this arrangement is that the district forest officer was thereby enabled to devote more time to this legitimate forest duties, the onerous nature of which may be inferred from the fact that the yearly forest revenue from the Kanara District exceeded 3 lakh of rupees²⁴. Cutting of trees without permission was made penal in betta lands which were allotted to the garden owners. While green leaves, small timber, firewood, etc., were allowed for own use, they could not be used for sale or barter. Timber for house construction was supplied to locals at one-eighth to one-fourth of market price, but they could not cut it themselves for free use. The first legislation was the government Forest Act, 1865, which empowered the government to declare any forest as government forest. The Kanara

²³ N. Balakrishnaraj et al., "How are we doing? Criteria used by village forest institutions to ascertain their progress" SUB-GROUP ON STUDY OF VILLAGE FOREST INSTITUTIONS UNDER THE NATIONAL RESEARCH NETWORK ON JOINT FOREST MANAGEMENT 7 (April 1998) The report lays down in detail the history of forest policies and management in India and the need for Village Forest Institutions with regard to traditional system and why they have broken down, British policy and practices, Indian policy and practices among other things.

²⁴ E.D.M.Hooper, "Yallapur Saw-mills in North Kanara", 4(3) INDIAN FORESTER 44, (1879)

Gazetteer²⁵ has in some detail described the working of the forests then. Forest officers decided what trees were to be cut, numbered and kept a register on them along with details of their size, etc. The marked trees were girdled to kill them, especially in the case of teak. This girdling seasons the timber and makes it lighter for transport due to drying up of moisture. A couple of years following the girdling and marking operations the trees are felled and extracted. The felling and transport is carried out by a piece worker and a carting contractor or else both operations are given out on contract to a logging contractor²⁶. Contractors tendered to cut the trees and carry the timber to government wood stores. The superintendents of the stores also further checked the quantities brought by the contractor, arranged the timber in lots, and disposed of them to dealers or private persons at auction or private sales. The role of contractors was crucial, for it was they who actually arranged to get the trees cut through labour, though supposed to be done under the watch of forest officials. The contractors belonged mostly to upper castes or communities particularly those with trading background. In hauling the logs to the wood stores, different techniques were employed in Uttara Kannada above the ghats and below the ghats. Above the ghats labourers from communities like Vaddars, Dheds, Marathas, Lambanis, Siddis and Muslims worked as wood cutters and timber carriers, carrying them from forests and loading them on to sturdy bullock carts in teams, and taking them to wood stores. Below the ghats, the movement was mainly through rivers down to wood stores established at the mouth or rivers. Before, logging, trees were usually girdled by cutting through the sap into heartwood, which killed the trees. They were finally cut after two or three seasons, by which time they became dry and lighter making them easy for handling. Due to the undulating terrain, elephants took the role of bullock carts here. They not only carried the logs to rivers they even guided them downstream.

²⁵ GAZETTEER OF THE BOMBAY PRESIDENCY 15(1) Kanara District 25 (Karwar: Sagardap Publications, 1991) (Facsimile Reproduction Originally printed in 1883)

Forest Management and Local impact - Early 20th Century

The period since the last decade of the 19th century upto about 1939 could be considered separately though it was basically still a part of the initial stage of commercialization. Though steps were taken towards this and even some working plans were evolved in the last quarter particularly since about 1885, they took concrete shape and implemented on a more extensive scale only since the first decade of the present century²⁷. The working plans were formulated for each working circle and for blocks within circles on the basis of which the trees were to be cut. Thus evolved the present system of execution of works by engaging the labourers by the forest department.

It is an attempt to trace the role of labour in the life of a tree; from planting a seed till the time it reaches the depot ready for utilization. There are different categories of labour in the utilization of a tree. First, labour is used in the nurseries for afforestation activities; in the forests, different non-timber forest products are collected from the trees; logging is carried out and the wood is classified as fuelwood or timber and accordingly has to be stacked in the fuelwood depots or timber depots, ready to be utilized as the needs require. The labour plays a very important and significant role in this regard and hence, the well-being of the forest labourer cannot be undermined.

²⁶ T.K.Mirchandani, "Kanara Forasts", 47(2) INDIAN FORESTER 65 (1941)

²⁷ M. V. Nadkarni Syad Ajmal Pasha and L. S. Prabhakar, POLITICAL ECONOMY OF FOREST USE AND MANAGEMENT IN THE CONTEXT OF INTEGRATION OF A FOREST REGION IN TO THE LARGER ECONOMY 41 (Bangalora: Ecology Economics Unit Instituta for Social and Economic Changa, Rasearch Project Saptambar 1987)

Chapter 2

Forest Labour

FOREST LABOUR

A Forest labourer may be defined as a person who is dependent on the forests for his livelihood; the labourers may be migratory labourers, forest dwellers, part-time agricultural labourers or forest labourers who perform the activities of forest produce exploitation and forest protection and afforestation also consisting of the collectors of Non-timber forest products.

NATURE OF FOREST LABOURERS

The nature of the forest labourers in the district varies; though they cannot be rigidly classified into different categories, the observation broadly brings forth the following kinds of labourers in the district.

- **Migratory Labourers-Only** when there is work the labourers from the neighbouring areas migrate. Usually, these people are engaged because of their expertise in activities like felling of huge trees.
- **Forest dwellers-** Some people reside in the forest itself secluded from the urban lot. Some tribes like Siddi, Kunabi, and Gonds have their habitat in the forest. They reside and work there.
- **Part-time agricultural labourers-** These people stay in one particular place; and wherever there is work, for that time period, go and stay there till the work is over or else, if it is a distance which is nearby, then go from their place itself. They work in the forest when there is work and during the rainy season, they go in search of agricultural work.
- **Forest Labourers-** These people depend only on the forests for their livelihood. Whole throughout the year, they are engaged in the forest related and forest based activities only. The whole family will not be residing in the

jungles, but only those competent to work go and stay in the places where the work has to be carried out.

Depending on the situation and necessity the roles may vary or interchange.

But the fact which becomes evident at the outset itself is that, labour is a very important and indispensable component in utilizing the natural resources of Uttara Kannada district.

NATURE OF FOREST LABOUR

The development of the nature of work of the forest labourers can be traced under the broad division of the work under these two categories.

1. Forest Produce exploitation
2. Forest Protection and Afforestation

Forest Produce exploitation- As long as the forests occupied a considerable part of the area, their produce was considered the free gift of nature, like air and water; man took it, used it, and even destroyed it without let or hindrance. Thus, **Forest Utilization** is the oldest branch of forestry²⁸.

The working environment consists of a lot of hazards, which are dangerous many a time. The work of Forest produce exploitation may be distinguished as

- *Timber-* Works like logging, felling of trees may be classified under this category.

Logging work:

First, the forest department personnel mark the trees to be removed in a particular area and the area is handed over to the agency, for logging operation. The trees are felled and logs and firewood are prepared; these are transported to the assigned Government depots, for public distribution. The Government with an intention to facilitate the poor and protect the natural forest, offers subsidy on

firewood and firewood has to be sold to the public at a rate fixed by the Forest Department. All these operations involve direct labour work, both skilled and unskilled. Logging work particularly is very hard, labour consuming, requires heavy energy consumption and results in back bone injuries and other body ailments.

Logging involves different activities by different persons. Lack of coordination among the workers at various levels results in high cost of extraction and low returns. Therefore, it is necessary to ensure proper coordination at various levels to achieve the desired results. To sum up, it can be safely stated that the amount to be invested in the training of forest workers and providing them with improved tools can definitely be compensated by the savings of wood along with their Status²⁹. In addition to this, this programme will also help in the betterment of the living conditions of thousands of poor forest workers who are living under substandard conditions.

- o *Non-Timber*- It involves the collection of various forest products which are termed as Non-Timber Forest Products.

Forest Protection and Afforestation- With the gradual increase of population, more land was required for the production of food for man and domestic animals, and this was taken from the forest area. Reckless cutting and burning consumed more forest and a time came when it appeared doubtful whether the natural woodlands could continue to yield the required produce for any length of time. This caused proprietary ideas to develop; people claimed the ownership of forest lands, proceeded to protect them against outsiders, and thus developed that branch of forestry which is called Forest Protection.

²⁸ SCHLICH'S MANUAL OF FORESTRY, VOL. I 2 (Delhi: Periodical Experts Book Agency, 1990)

²⁹ K.R. Ramanathan, TRAINING OF FOREST WORKERS- PROBLEMS AND SOLUTIONS 310 Proceedings of Second All India Logging workshop cum Seminar Organized by the Logging Training Centras Project, Ministry of Agriculture, (Srinagar: Govt. of India, September 1972)

By degrees it was found that mere protection was not sufficient, that steps must be taken to enforce a more efficient treatment and to limit the extraction of produce to what the forest was capable of producing; in other words, to determine the annual or periodic production, and to regulate the yield accordingly. Thus the branch which deals with the Preparations of Forest Working Plans sprang into existence.

A **Working Plan** is a written scheme of management aiming at continuity of policy and action and controlling the treatment of a forest. In short it is an instrument of forest management. It is the conventional instrument of planning in forestry. Working plan tries to answer four fundamental questions in forestry, viz., how much, how, where and when to carry out the felling in a given forest to satisfy the given objectives of the management. Secondly working plan helps direct the forest development towards and tries to achieve the sustained production and yield from the forest under the plan. Preparing the working plan needs consideration of various factors such as the trained staff and availability of adequate personnel, availability of labour, level of available skills, material and equipment, status of infrastructure development, facilities of transportation, demand of the market for the expected produce, and so on³⁰. Something more was, however, required. With the increasing demand it became evident that the ordinary natural regeneration could not keep pace with the rate at which the mature trees were removed. It became necessary to assist regeneration by artificial means, either by arranging the cuttings so as to favour and assist natural regeneration, or by sowing and planting. Moreover, the young trees required special tending so as to produce the most useful description of produce. In this way a fourth branch of forestry was developed called **Silviculture**.

As time went by, forests rose in value; they became articles of exchange or sale, and it was found necessary to devise a system of readily ascertaining their value. This produced another branch called **Forest Valuation** or Forest Finance. But, the

disappointing aspect is that in none of these areas, even the slightest consideration is not given to the labourers who are the foundation of all these activities. Though there is enough scope to provide for the poor unorganized forest labourers, there is no will to so provide for them on part of the respective authorities.

The following chart lays down the number of persons employed as forest labourers in the district by the various employers.

EMPLOYER	NO. OF PERSONS EMPLOYED
Forest Department ³¹	16817
Labour Co-operative Society ³²	8493
Non-timber forest Produce	3500
Karnataka State Forest and Industries Corporation (KSFIC)	9000
Karnataka Forest Development Corporation(KFDC)	1000
Karnataka Cashew Development Corporation(KCDC)	2000
Total	40810

This table is not exhaustive; it does not include many of the forest labourers. This may be emphasized as follows:

Forest department

The employees employed under the muster rolls are not covered in this. There are about 600 persons who are employed on muster roll. It includes only the labourers calculated as per the requisite man-days for the execution of the different works by the Forest Department.

³⁰ A.R.Maslakar, MANAGING THE FORESTS 79 (Dahradun: Jugal Kishora,1983)

³¹ Annual Administrative Report 2000-01, Karnataka Forest Department, Kanara Circle, Sirsi

³² Office of the Registrar, Co-operative Societies, Karwar

The district also has many tourist spots like the White water rafting in Kali River in Dandeli, Devbagh beach resorts in Karwar, etc. In such tourist places also, a considerable amount of labour is involved which is not covered.

Labour Co-operative Society

Though the above table gives the number of members, there are a lot of others who are employed if the work is in abundance. Even the non-members of the society are employed, if the work so demands. There is also the category of nominal members, who are also not included in this.

There are some people who are employed by the department or by the forest labour co-operative societies; like Durga Manju Naik and his group. He maintains the buffaloes that are used in forestry operations³³. It requires five people to maintain four buffaloes. He earns Rs.500-Rs.700 on an average wherein more than Rs.300 is spent on the buffaloes itself. The problem which is causing a lot of concern is the biting of a kind of flies to the buffaloes because of which it is becoming difficult to maintain the buffaloes in the jungles. To the places where the vehicles cannot go, the buffaloes are trained to get the logs.

Non-timber forest produce

The exact figure of labour engaged in this field will be more because, though employed or not the non-timber forest products are used for self-consumption to a great extent all-throughout the district.

Corporations

Even the administrative reports of the respective Corporations do not provide for the number of labourers engaged by them. So, it has been calculated by approximations with the help of the people well-versed in the field.

Thus, the difficulty is the calculation of the labourers itself, as they do not have any visibility and hence, cannot be precisely identified.

In the past, foresters have given very much more thought to the planning and management of their crops than of their labour forces. But they are now beginning to realize that men pose more problems than trees and, moreover, problems which are often more urgent³⁴. Since forestry typically involves hard manual work in relatively remote places to yield a product having a relatively low value which is therefore especially sensitive to cost increases, it is obvious why forest enterprises all over the worlds are paying a great deal of attentions to mechanization and to the training and social conditions of their workers.

A comprehensive legal policy in this regard will have to critically appraise, analytically and through field studies, the nature and implications of the stakeholders in question; that is the forest labourers under the present study. Hence, a proper understanding in this regard is very essential.

ROLE OF FORESTRY IN DEVELOPMENT

Forestry in India constitutes a significant element of the national economy. The service rendered by forests is vital in the life of the Nation. The term, forestry means planned economy for the fullest development and use of the forests best to serve mankind³⁵. Land, labour, capital and organization are the four well recognized economic factors of production whose full employment is necessary for the maximization of national wealth and prosperity. The general welfare of a nation depends directly upon the degree of sound and planned use of available resources³⁶. There is not the least doubt that the forestry sector holds the key to the future progress and prosperity of the country and could serve as a strong

³³ A glimpse of the logging activity involving the buffaloes can be had from Annaxura- C.

³⁴ D.R. Johnston, A.J. Grayson, R.T. Bradley, FOREST PLANNING 443 (Dehradun: Natraj Publishers, 1978)

³⁵ G.K.Bishwas, Forest Administration in India (Allahabad: Chugh Publications, 1988.)

lever for development. Forestry, occupies a more favourable place so far as capital and revenue contribution is concerned³⁷. The role of the unorganised sector in terms of its contribution to employment and national income is gaining attention especially in the developing countries. Inclusion and quantification of such activities will obviously increase the share of the unorganised sector manifold³⁸.

There is no doubt as to the fact that Forestry is very important in the development of a nation; and the 'development' in the true sense of the term makes it imperative to improve the condition of the forest labourers; by which only progress can be achieved. The forest labourers can raise their demands only by organising themselves, because if a single individual revolts against the system, there is nothing much that can be done and he himself will be under the threat of losing his work also. Development always will have to begin from the lowest rung; if the conditions of the forest labourers in Uttara Kannada district are improved, automatically most of the other problems will fall into place and the district also will be able to contribute more for the State.

³⁶ V.K.Seth, "Forestry in India as a lever for Development", 99(3) INDIAN FORESTER, 135 (1973)

³⁷ K.N.Mishra, "Role of forestry in Economic development of India", 93(6) INDIAN FORESTER, 224 (1967)

³⁸ N.Lalitha, "Woman In The Unorganised Manufacturing Sector In India: A Sectoral Analysis" 42(4) THE INDIAN JOURNAL OF LABOUR ECONOMICS 641(1999)

Chapter 3

Unorganised Forest Labourers

UNORGANISED FOREST LABOURERS

The two categories of labourers who are unorganized to a large extent in Uttara Kannada district are:

- Labourers employed by the forest department
- Labourers who collect the Non-timber forest produce

The problem is that the same provision cannot be made applicable to the different varieties that are existing. In Logging, only the labour related issues have to be taken care of, wherein it will have to be devised as to how the existing conditions can be improved; in non-timber forest products, the issue of traditional and customary rights also has to be taken into consideration. The question of forest department is totally another aspect. In the areas which are under the control of the Government and wherein the Government is realizing the profits, it has to be reasonable. It is not justifiable, not humane when the forest department derives so much of profits only on the basis of the hard-life of the forest labourers.

The helplessness of the poor forest labourers must not be exploited by the State itself. If the prevailing laws are not implemented, then the very purpose for which the laws are implemented fails. For the same quantum of work, if somebody else somewhere can get better living conditions, even he deserves it.

MAIN ISSUES

The **main issues** which can be emphasized in organizing the unorganized forest labourers are:

Identification and Enumeration of the unorganized workers

Unorganized labour is concentrated overwhelmingly in rural areas and their workplaces are scattered and fragmented. The forest labourers work in such places that it will take days together to carry out the task. It is a very onerous task to identify them. There has to be awareness among the workers in this regard. Only when the labourers understand that their development is possible only by this method, the task becomes easier. Identification of the forest labourers is the first step towards organization. The identification of the forest labourers who work for the forest department comparatively becomes easier when compared to the labourers of the Non-timber forest produce.

Identification and Enumeration of the Role of NGOs, Universities, Research Groups and Individual Animators

It is extremely important to accept the fact that the government and its functionaries have their limitations and cannot do everything that needs to be done in this area. At best the government can act as a promoter, facilitator and a catalytic agent and can promote and encourage NGOs, social animators, self-help groups, thrift and credit groups, etc., who can supplement and complement the role of the government in the task of social mobilization and organization. It can also create a climate conducive to the organization of the unorganized and support and protect the NGOs and other social activists who are engaged in organizing the unorganized. Presently, in Uttara Kannada district, there are no labour oriented NGOs who are engaged in the task.

The labourers who are engaged by the forest department need the assurance that they are going to be benefited and in no way harmed if they organize themselves. In case of the labourers who collect the non-timber forest produce, there is the need for an initiative by which they can be organized.

Conceptualizing the objectives of organization

Within each broad group as also sub-groups there are common objectives for which an organization is needed. Unorganized labour may not be in a position to correctly exercise their option and go in for a particular type of organization which should be in their best interest. There are different types of organizations. It cannot, therefore, be prescribed for different target groups in a mechanical and stereotyped manner. The functioning of the co-operative in case of the usual forest labourers and the functioning of the co-operative with regard to the non-timber forest products will have to be different. The co-operative of the non-timber forest produce has to concentrate also on the aspects of processing and marketing; whereas, the labourers of the forest department will have to lay more stress on as to how to get the best bargain and in developing the skill and personality of the members.

Orientation and training of bureaucracy

The single most important constraint inhibiting the organization of the unorganized is the threat perception associated with the process of organization itself. Providing the poor, deprived, unorganized and, therefore, disadvantaged the opportunity to organize themselves is only conceding to them something which is basic to their need as gregarious human beings so that they, like other human beings, can realize their inalienable human rights and the fruits and benefits of development and progress which were hitherto denied to them.

The success of a co-operative also depends on the attitude of the bureaucracy. If it is conducive, then it ensures the well-functioning of the co-operative.

Before deciding the nature of the desirable organization, it becomes imperative to examine the realities of the unorganized forest labourers.

FOREST DEPARTMENT AS EMPLOYER

Originally the protection which the owner of the forest could give to it was sufficient to guard it against mischief and interference. This proved no longer sufficient, and the owner appealed to the State for help. It was also found that certain forest lands were of special importance to the community as a whole, either on account of their produce, or for climatic reasons, or on account of the protection which they afforded to the soil of the forest and to adjoining lands. To regulate these matters, the State had to pass laws which are known as Forest Laws and Regulations³⁹. With the development of Political Economy it was asked whether, and to what extent, forests need be maintained in a country, whether the State, as such, should hold the forests or whether their maintenance might be left to private enterprise. Thus, a further branch called Forest Policy was created. It deals with the social and economic aspect of forestry, and considers especially the duties which the State has to perform as regards forests, so that they may, in the highest possible degree and the most economic manner, meet the demands which are made on them in the interests of the community as a whole. The task of Forest Policy is of considerable extent, being practically a summary of conclusions based on the experience gained in the exercise of the several branches of the forestry business.

The forest policy of any government can be studied at different levels through various types of sources. The annual Administrative Reports as well as the Forest Department Proceedings tell the story of the evolution of the field situation when the law, which reveals the philosophy of the policy, is confronted by the field realities, and may have to be adjusted if not completely transformed⁴⁰.

³⁹ SCHLICH'S MANUAL OF FORESTRY, Vol. I 2 (Delhi: Periodical Experts Book Agency, 1990)

⁴⁰ INDIAN FORESTRY: A PERSPECTIVE, 140 (ed., Ajay.S.Rawat, New Delhi: Indus Publishing Co., 1993) The article of Dr. Marlene Buchy, University of Paris, Quest for A Sustainable Forest Management: A Study of the Working Plans of North Canara District (1890-1945) has dealt in detail on this aspect.

Though the forests are governed by various forest policies regarding the different aspects, in Uttara Kannada district, when it comes to the activities to be undertaken by the department, with respect of labour to be employed, mainly the Karnataka Forest Accounts Code and the Kanara Privilege Act are relied upon.

On an average, the forest department has engaged more than 15000 labourers in any given year to carry out various operations.

The following table⁴¹ gives the magnitude of the labour employed only by the forest department and the revenue derived there from.

KARNATAKA FOREST DEPARTMENT-KANARA CIRCLE						
EMPLOYMENT GENERATED DURING 2000-01						
Sl.No	Division	No of persons Employed				Employment Generated in Man Days
		SC	ST	Others	Total	
1	2	3	4	5	6	7
1	Haliyal	172	39	722	933	112,382
2	Honnavar	1,106	653	4,593	6,352	127,077
3	Karwar	1,388		4,558	5,946	292,620
4	Sirsi	87		1,659	1,746	403,714
5	Yellapur	473		1,367	1840	158,787
	TOTAL	3,226	692	12,899	16,817	1,094,580

⁴¹ Annual Administrative Report 2000-01, Karnataka Forest Department, Kanara Circle, Sirsi

The revenue realized by the forest department comprises of the profit derived from various operations that are carried on by the Forest Department.

For Comparison, the revenue realized in the Circle for the last five years is shown below:

Sl.No.	Year	Amount allotted	Revenue realized
1	1996-97	Rs.54,32,80,000.00	Rs.61,68,39,341.41
2	1997-98	Rs. 63,83,29,000.00	Rs. 70,04,16,441.57
3	1998-99	Rs. 74,60,00,000.00	Rs. 59,62,17,132.00
4	1999-2000	Rs. 68,61,00,000.00	Rs. 49,13,07,742.00
5	2000-2001	Rs. 93,28,00,000.00	Rs. 52,00,67,595.00

It is totally unjustifiable when the department derives such huge profits to undermine the welfare of the labourers.

In Uttara Kannada district, the operation of the Forest Department is based wholly on the Forest Accounts Code. Para 125⁴² of the Forest Accounts Code specifies the following methods by which work may be carried on. Each work is discussed in detail as to how it has to be carried out and who is responsible.

“125 - The following shall be the method for carrying works”.

1. By tender contracts;
2. By piece work system;
3. Through petty cash payments;
4. By Employment of Daily Labour on nominal muster rolls.

⁴² Refer Annexure- D for the amendment to the Forest Accounts Code. The amendment lays down in detail not only the various methods by which a work can be carried out by the forest department but also, many other details which are necessary for the functioning of the department in the course of getting its work done.

The inconsistencies in these methods were brought out during the course of the interactions; the disappointing situation of these unorganized forest labourers also became more glaring.

EXPERIENCES

During the course of the interactions, the common aspects expressed both by the employer and the employee is as follows:

When some ground realities are expressed, they do not want to identify themselves, the employers (officers) say it to be 'off the record'; and the employees (labourers) fear losing their existing jobs also. So, in the narration, the opinions are laid down without the name of the interviewee, but have been acknowledged in the footnotes wherever found appropriate.

Both laid emphasis on the point that the labour welfare measures need to be incorporated so that it is adopted in practice and is strictly enforceable.

There was agreement on the fact that the prevailing situation is not satisfactory from both the sides.

The officers readily consented to the replacement of the present system with that of the co-operatives; whereas, there was lack of awareness in this regard among the labourers.

While the employers tried to suggest various remedies and its practicability, the labourers were of the view that they had to accept the prevailing situation as they had no other alternative than to work on daily wages to earn their living. Organizing them would be an arduous task as there was nobody who would take the initiative in this regard.

It was found that the existing law and the prevailing practice were totally different.

PRACTICES

The two types of labour found in the district are agricultural labourers and forest labourers. The main difference is the tenural difference between these. As the forests are state owned, it becomes obligatory on the State to consider it as organized, but is not happening. In Uttara Kannada, the labour requirement is huge throughout the year and is not season restricted, it is both labour intensive and labour oriented⁴³.

Till today, Government has not identified what kind of work is carried on by what kind of workers. First, the labourers have to be identified and classified⁴⁴.

The forest labourers may be, unskilled heavy mazdoors, Unskilled light mazdoors, or skilled mazdoors.

The forest accounts code specifies the different kinds of work. Same practice is followed even after the amendment to the Forest accounts code.

There is no work security at all irrespective of the number of days they are employed. It solely depends on physical health and physical stamina of the individual. There is no target fixed, and the work is not quantified.

In the nurseries, the labourers have been continuously working for the past so many years, but they have no job security or any other such provisions.

Nirmala Patil, aged 42 yrs., has been working since 1987 in the Kalave nursery; all round the year. Many other girls like Girija, Shailaja, Renuka and Veda are also employed who come from the nearby villages to work. They are paid Rs. 30 per day. There were instances wherein some contingencies had occurred during the course of the employment, but even then they have to attend to it themselves, and there is no assistance whatsoever from the employer.

⁴³ Mr. G. Satish, Joined in 1987, presently Deputy Conservator of Forests, Wild life division, Dandali. He has a rich experience serving in Canara Circle. Served from 1995-97 in Honnavar, and from 1997-2000 in Yallapur; both as Deputy Conservator of Forests.

⁴⁴ Mr. A.C. Kashavmurthy, Joined in 1981, presently Deputy Conservator of Forests, Mangalora division, Mangalora. Has 10 yrs. experience in Uttara Kannada district. Served as Assistant Conservator of Forests, Sirsi, Deputy Conservator of Forests Honnavar and Deputy Conservator of Forests, Yallapur.

On record, the work has to be allotted on 'piece contract' basis, but, in practice, they are employed on the basis of daily wages, where the contractual relation is clearly evident. But, nowhere can the factor of their employment be traced on record.

As per the Forest Accounts Code, work has to be allotted through petty cash payments in nurseries, but is employed on daily wages because multiple tasks can be assigned and qualitative work can be taken. Under-wage payment is prevalent and the labour is not paid satisfactorily.

On record, the head mazdoor is the employer, department is not the employer. As per the code, head mazdoor should see that proper wages are paid and also ensure that work is done. Department is not the direct employer. Even in Logging, same procedure is followed and payment is done as per cubic metre. The head mazdoor pays his gang of labourers in cash and so, the employment cannot be traced. There is no consideration for any contingencies, no laws are implemented and Social Security is nil.

On record, the department is not directly responsible at all in such employment, because they are not employed on muster rolls. The head mazdoor is responsible. But, in practice, the department is the direct employer and the labourers are employed on daily wage basis. No record is maintained as to who has done what work. Old age cannot be covered because there is no record of their employment, only skilled labour is necessary so even the labourers who are more than 60 yrs. old are employed.

The payments are made in cash and so there can easily be misappropriations. There is no enforceability in the normal course to check whether the proper payment is made or not.

Government is not taking any responsibility of the labourers.

The Guard⁴⁵ whose job is closely associated with the life of the forest labourers also strongly feels that it is a very difficult life for the forest labourers. Compared to the work that they do, they are paid very less.

The labourers and the people are very co-operative with the department; so, there is no such problem.

CAUTIOUS APPROACH

All the labourers do not deserve to be protected under the common umbrella.

Only in some kinds of work, it becomes imperative to grant protection without fail. In the Afforestation activities, the work undertaken is excavation, raising of nurseries, loading and unloading of sapling, planting works, watch and ward.

In the extraction of forest produce, there is the extraction of major forest produce like timber, poles, firewood, teak thinning; and also, the collection of minor forest produce is included. Majority of work is carried on by heavy unskilled mazdoors where during loading, unloading of the produce, fractures and other minor injuries are common. Social security may be given only to the activities of extraction of forest produce.

One of the views is that the labourers can become self-dependent; the primary concern being that one has to keep earning. Government can help to form self-help groups; can create avenues for labour to thrive in their life⁴⁶. Labourers must be infused with the motive and create incentives with knowledge and technique analyzing the market and the need.

The social contribution of the Government is nil; the officers are of the view that as the department itself is sinking, it cannot take any responsibility. If the labourers are made permanent, everybody will start claiming which will be a great difficulty. Labour Management is the most difficult thing. It is very difficult to manage a life. It is a fluid thing. At least they are employed without any

⁴⁵ Mr. N.M.Naik, joined in 1982, has served throughout in Uttara Kannada itself.

environmental hazards; also, the forest department is equipping them with skills- Knowledge is Power. In the department, each is assigned jobs, for ex., the watchman's job is indispensable.

One of the officers also felt that the need for any labour welfare measures was never felt as the socio-economic conditions in the district was comparatively better.

RECTIFICATIONS

Payment should be assured for the quantum of work at par with the existing rates. Work could be given even in nurseries like labour co-operative societies. It is better if that system is evolved. There is no problem in implementing the social security measures; there is no possibility of misappropriation and it can be easily enforced⁴⁷. The basic Social Security provisions can be and should be enacted in the code. Labour Welfare provision can be inserted in the estimates itself⁴⁸. The department can insist that all those who work for the department have to be insured.

There are no labour oriented NGOs in the district. Though they are very crucial and vital in the functioning of the labourers, the forest labourers have been the ignored lot and there have been no effort whatsoever to encourage them.

The practices in the Forest Accounts Code clashes with the policy and the law of the land. The best relief that can be provided is to enable to develop the identification and give them the visibility which can be done only by building up of the records. As no complaint has been received no action has been taken in this regard by the department. Visibility is most important when it comes to providing relief to the unorganized sector.

⁴⁶ Mr. P.P Banerjee, A.C.F Karwar has been in service since Nov. 1977. He characterizes the forest labour as Unpredictable, Indefinite and temporary.

⁴⁷ Satyanarayan Hegde, R.F.O Hulakal, joined in 1981

⁴⁸ Vinay Luthra, Conservator of Forests, Canara Circle, Sirsi.

The labourers are paid as per the SSR (Sanctioned Schedule of Rates). Whereas, they are liable to be paid more as per the Minimum Wages Act.

Instead of permanency, the labourers have to secure an independent status and seek financial security.

Development of the Private Unorganized Sector⁴⁹: A Rolling account can be created in each division wherein 10% of the total amount in the estimate can be deposited in a Bank account or as fixed deposit which will earn interest and can be used for the benefit of the forest labourers when necessary. At the end there will be substantial amount, by which considerable welfare measures can be undertaken. The labourers must not be made to run around seeking work, they must have some assurance regarding their work. Rules should be enabling, any rules which are beneficial to the worker without imposing more burden on the State should be acceptable. The Labour Officer has to check whether the measures are incorporated or not.

In his 'Law in the Modern State', Leon Duguit observed: "Any system of public law can be vital only so far as it is based on a given sanction to the following rules: first, the holders of power cannot do certain things; second, there are certain things they must do"⁵⁰.

In the context of Uttara Kannada district, when considered the role of the forest department, not the formulation of positive policies in the best interests of the labour, but the violation of the laws resulting in the exploitation of the labour are evident. In spite of the existence of the Contract Labour (Abolition and Regulation) Act 1970 still a lot of practices can be found with regard to the employment of the forest labour which is in violation of these.

⁴⁹ Shyam. K. Savanur, Karnataka Forest Department- Legal Section

⁵⁰ Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 225.

NON-TIMBER FOREST PRODUCE (NTFP)

The forests are one of the major forms of natural landscape and are the most important natural resources of the world⁵¹. They provide for the living of a lot of forest labourers. Across the entire district, the poorer families are more dependent on NTFP (Non-timber Forest Produce) income, i.e. a greater proportion of their income is derived from NTFP. The importance is all the greater for these groups as the absence of NTFP income could result in pushing these already marginalised families below the subsistence levels.

This aspect of the study is mainly based on these two reports:

- Pandurang Hegde, Balachandra Hegde, Narasimha Hegde, *STUDY OF NON-TIMBER FOREST PRODUCE IN UTTARA KANNADA DISTRICT*, (Prakruti: Sirsi, October, 2000) : It is an extensive, all-embracing study spanning for a period of two years in the selected five clusters in the district. It covers the ground realities and also various theoretical aspects. The study emphasizes the various aspects involved in the Non-Timber Forest Produce with brilliance. Hence, it was decided to rely on this project report for the purposes of the present study.
- Pandurang Hegde, *STUDY OF NON-TIMBER FOREST PRODUCTS (NTFP) IN THE TROPICAL FORESTS OF WESTERN GHATS*, (Prakruti: Sirsi, April, 2000)

While in the case of other employers, basic understanding of the issues and the existing situation was obtained from the field study and the interactions with different people in the field, in the case of NTFPs, the reports were instrumental in fulfilling the purpose.

The discussion with Mr.Pandurang Hegde, the author of these reports was also of immense help. It gave a clear view of the present position of the Non- Timber Forest Produce in the district.

In the early part of post independence era, it was emphasized on policing of forests with control measures being reinforced during the process. The right to collect fuelwood, dry twigs, fodder etc. is often viewed by the people as their customary and inalienable right due to their centuries old traditions of forest dependency⁵². Non Timber Forest Products (NTFP) are the integral part of the life of villagers of Uttara Kannada. All communities and economic groups residing in the district collect Non Timber Forest Products. However, the items, type of use and availability varies with the varying forest types and communities.

The dependency on the forests by forest dwelling communities is more for consumption needs than commercial needs. All communities, irrespective of caste / community collect forest products to meet their consumptive needs.

THE PREVALENT SYSTEM

The inconsistent system that is prevalent in the extraction and exploitation of Non-Timber Forest Produce with respect to the forest labourers may be described as follows:

Contractor System in NTFP:

The collectors, invariably forest dwellers, who form the base of this system, sell this produce to the local sub-agent. In many villages the sub-agent, appointed by the contractor is a petty shopkeeper or a hawker. They provide credit facility to the collectors, with the assurance that all the NTFP material is sold to the sub-

⁵¹ G.B. Singh, FOREST ECOLOGY OF INDIA 1 (Jaipur: Rawat Publications, 1987)

agent. Thus, the person to whom the collector can sell is predetermined. The credit facility provided by the sub-agent is very crucial to the cash-strained household economy of the poor harvester. He is aware of the cheating practices adopted by the sub-agent. Many times the agent gives a lower price on the pretext that the quality is not good or that the processing has not been properly done. Other means of exploitation adopted by the sub-agent are the use of fraudulent measurements or weights. Unfortunately, the collector is not in a position to withhold the produce for a long time due to his cash needs. In many cases, there is the problem of storage space as well as the perishable nature of the product. This also forces the collectors to sell their products at low rates. They are not in a position to spend time and money to carry the NTFP to the nearest town or market.

Sub-agent: He is a very strong link in the market chain of NTFP. He is appointed by the contractor to collect NTFP on behalf of the contractor, who has the authority to collect NTFP. Usually the sub-agent gets his commission for collecting the produce from the contractor. In addition to this commission, the sub-agent exploits the vulnerable collector. As mentioned earlier, the collector is given credit facility with high interest rates and forced to sell at a lower price to the collector. The sub-agent is invariably a local businessperson, a shopkeeper, or a petty trader, so he is conversant with the people who are involved in collection of Non Timber Forest Products for several years. It is very difficult to bypass this sub-agent by the collector. The sub-agent's working strategies are so deep-rooted that his mechanism of collecting factual reports and intelligence reports are accurate. Aware of this omnipresence of the sub-agent the collector has to succumb to the arm-twisting tactics adopted by the agent.

⁵² Pia Sathi and T.P Singh, "Village Resource Development as an incentive to sustain the Joint Forest Management Programme" 127(11) THE INDIAN FORESTER 1215 (2001).

In spite of the dominant presence of the sub-agent, some collectors sell certain NTFP to the 'smugglers' or to people who offer a higher price for their produce. More than the collector, the person who buys the produce is at the risk of being caught for keeping stock of a particular NTFP without legal sanction. This is the existence of the black market in the NTFP trade. This kind of black market exists only for those items which have high market value, for example *Uppage* and *Murugalu*. The black market offers a higher price for the collector.

Contractors: The contractor is the one who obtains legal sanction from the KFD to collect NTFP. The method of auctioning of NTFP every alternate year for each particular range is followed by the Karnataka Forest Department. The contractors bid in the auction to get control over high value NTFP like *Uppage*. However, in order to safeguard the interest of contractors there are many instances where the contractors form 'rings' among them and restrict the rise of prices in tenders. The formation of 'rings' among the contractors is a clever strategy to keep the price of NTFP at a low level. They do not allow the rise in prices; the 'ring' decides the price payable for the NTFP. This is another way of controlling the price of NTFP by contractors.

Auction by Karnataka Forest Department: The State Forest Department auctions the commercial NTFPs once in two years. Normal auctioning proceedings are followed and one who bids the highest gets the tender or contract for that season. The auction is conducted forest range-wise. The Village Forest Committee areas are excluded from the auction. The price bidden is a kind of tax or royalty to the Karnataka Forest Department to be paid by the contractor for the NTFP collected from that particular area and is not the actual price of the NTFP. The market price of NTFP will be several times higher than the bidding price. Once the contractor gets the tender for a particular NTFP, he is legally eligible to collect, store and sell this produce in the region.

Fixing of prices: The contractor determines the price of the various NTFPs and the Forest Department has no say in this matter. The price fixed for a single NTFP may vary from region to region and from one contractor to the other at a given time. It also differs depending on the availability. However, in actual practice, the price fixed by the contractor varies marginally from one range to another.

Quantity: The quantity collected in a range forest area is recorded by the Karnataka Forest Department. It is an arbitrary number given by the contractor to the Karnataka Forest Department and has no relation with the actual amount collected. This is because the Forest Department does not verify the figure given to them by the contractor, leaving plenty of room for manipulation.

Other NTFPs not auctioned by the Karnataka Forest Department - The Karnataka Forest Department auctions the major NTFPs available in that region. However, there are several other commercially important NTFPs in that region which are not auctioned by the Forest Department. Coupled with the ignorance of the primary collectors, many contractors have taken advantage of this situation. It has been noted that the same contractors who have been given the licenses for collection of NTFP auctioned by the Forest Dept., are also involved in the collection of non-auctioned commercial NTFP claiming the authority of their licenses to do so. This goes on with the connivance of the Forest Dept. officials in several areas.

Illegal traders: Illegal trading of NTFP takes place in two ways - 1) The illegal traders directly collect the product from the forest, and 2) The illegal traders approach the primary collectors offering a higher price than those fixed by the legal contractor. Traders involved in direct collection usually collect the products that are banned for collection by the Forest Department or used by the ayurvedic

pharmacies such as *gulmavu* (*Machilus macarantua*), *dhoopa* (*Veteria indica*), *dalchinni chakke* (Bark of cinnamon trees) etc. The second type of trader purchases mainly high priced NTFPs like *Uppage* from the primary collectors and sells these outside the state.

Collection pattern by the authorised contractors: The contractor, to whom KFD has auctioned the NTFP, recruits many sub-agents throughout the area allotted to him by the Forest Dept. For some of the major commercial NTFPs, the number of sub-agents appointed will be more than 75 per range forest area. The primary collectors have to sell their products only to these sub-agents who in turn pay the price for the NTFP as fixed by the contractor. For this purpose, the contractor gives the sub-agent cash in advance and he gets a commission from the contractor on every kilogram of product collected.

Collection pattern by the unauthorised contractors: These contractors either directly purchase the products from the collectors or recruit agents to purchase certain highly priced NTFPs. There may be many such contractors in a single region. Usually they pay little more than the price fixed by the legal contractor. In certain cases, due to the intervention of the illegal contractor, the authorised contractors are forced to hike their collection prices.

Local dealers: Apart from authorised and unauthorised contractors, there are some local dealers who purchase some of the NTFPs directly from the collectors. Although they do not have any legal sanction to do so, they operate in a very small region. The local dealers purchase the NTFPs that are popular such as honey, cane and bamboo artefacts, wild vegetables, fruits and roots as well as medicinal plants. These products are sold to other neighbouring villages where these products are not available and to tourists where the village is located near a highway.

Ayurvedic pharmacies/Traditional medicine men: Ayurvedic pharmacies train people in the identification and harvesting methods of medicinal plants; these people then collect these products directly from the forest. This act is itself illegal since there is no permission to collect barks, roots, and leaves from the forest. In case of traditional medicine men in the village, collection of the products is done as and when they require.

In spite of all these illegal practices, inconsistencies, the same situation is continuing with the rich becoming richer and the poor forest labourers remaining as they are.

POLICY ON NTFP

There is no definite policy on NTFP, though the Government of India has briefly addressed this issue in its National Forest Policy of 1988 (NFP), which says the following on minor forest produce:

“Minor forest produce provides sustenance to tribal population and to other communities residing in and around the forests. Such produce should be protected, improved and their production enhanced with due regard to generation of employment and income.”

With regards to rights and concession, the National Forest Policy states that since the life of tribal and other poor living within and near forests, revolves around forests, their rights and concessions should be fully protected and that their domestic requirements of fuel wood, fodder, minor forest produce and construction timber should be the first charge on forest produce. It has also stressed that similar considerations should be given to scheduled castes and other poor living near forests after determining the carrying capacity of the forest areas concerned.

While addressing the issue of safeguarding the customary rights of tribal, the National Forest Policy suggests that the forestry programmes should focus on the following:

“One of the major causes of degradation of forest is illegal cutting and removal by contractors and their labour. In order to put an end to this practice, contractors should be replaced by institutions such as tribal co-operatives, labour co-operatives, government corporations, etc.

Protection, regeneration and optimum collection of minor forest produce along with institutional arrangements for the marketing of such produce.”

This is the outline for NTFP policy at the national level. The respective State Governments are supposed to evolve their own policies and laws based on this principle.

NTFP Policy in Karnataka

The picture is the same in the state as well. There is no policy on NTFP in the state or laws that have direct consequence on NTFP - its collection, processing and marketing. Several legal documents have some rules regarding the extraction of certain NTFP such as The Karnataka Forest Manual⁵³, The Karnataka Forest Act, 1963 and The Karnataka Forest Rules, 1969.

In all the provisions relating to NTFP, it speaks only of the traditional and customary rights of the people, but no act speaks of the labour engaged in the collection of the NTFP and the implications thereto.

The collection of Non timber forest products in some cases are very risky; there may be a threat to life or limb of the labourer; for example in Honey collection, wherein the labourer has to climb huge trees and extract the honey, such minor injuries are common. In most of such activities to be carried out in the jungles, the contingencies are bound to arise; and the practice is such that the employer is

not at all responsible, though it might have happened in the course of the employment itself. Presently, the importance accorded to the Non-timber forest products is increasing. Hence, there is need to evolve a proper system which is in the best interest of the labourers.

There is no basis on which the Tenders that are granted can be justified.

There are a lot of studies on Non Timber Forest Products. But, none of them is from the perspective of the labourer. The aspects relating to their socio-economic dependence is given more importance and some others concentrate on the marketing issues. The present study limits itself to only the prevalent system with respect to labour and the issues that arise therein.

Issues:

At present, there is no complete inventory of any NTFP species available in natural forests and therefore there is no information about how much a particular NTFP should be harvested annually. As a first step, therefore a complete inventory will have to be undertaken, so that it can be allocated on the basis of justice and equity and also the rights of the labourers are also upheld.

There is no proper supervision/ control over harvesting methods. In many cases, over-exploitation can be seen, which can be stopped only by evolving a proper system.

If NTFP is given its due credit it can be so enabled as to play a significant role in the contribution to the economy and also, the labourers can also be secure.

The need of the hour is to evolve a policy structure with respect to the Non-Timber Forest Products, and to abolish the prevalent Contract system.

⁵³ Refer Annexure-E for an extract of the Karnataka Forest Manual. It gives a detailed description of the Forest Privileges granted to the people of the Uttara Kannada district with respect to the Non-timber Forest Products.

The best solution with respect to the Non-timber forest products would be to first take a complete inventory of the various kinds of Non-timber Forest Products along with the traditional rights of the respective people in the areas.

NEED TO ORGANIZE

The only solution?!

The only way by which the labourers can improve their existing situation is to form an organization among themselves. As they are not employees itself, forming an Union will not serve the purpose; whereas, considering their nature of work, organizing them into co-operatives will be the appropriate option, wherein even the labourers can directly earn the fruits of their labour.

Even though the National Forest Policy laid down years back that the contractors should be replaced by the co-operatives, still, there is no change at all in this regard, and the same practices have been continuing resulting in the exploitation of the unorganized forest labourers.

If all of these are organized under the co-operative system, the co-operative can decide according to the available nature of work as to what kind of work has to be carried on by the members during which part of the year. If all the labourers are brought under the common umbrella, it will be easier and beneficial to both the labourers and also the forests in the long run. It will be a favourable facilitation in the allocation of the work and also the operation of the work.

Though in the formative stages, the labourers may be mere employees, after being equipped with the necessary skills, and the basic education, they can work towards their own betterment as can be seen in the case of some of the Labour Co-operative Societies. As only the societies have the provision to provide facilities for their overall development of the personalities, which is the essence, and also the Social Security Provisions, they seem to be the only alternative.

The problem of the overlapping nature of the work can also be solved in this manner. It can also help in skill development of the individual as a lot of activities require expertise.

In both the areas of the labourers engaged by the forest department and the labourers engaged in the collection of the non-timber forest produce, it has to be developed from the incorporation; once they are formed, most of the worries of the labourers will be taken care of as it only them who are aware of their problems and as to what provisions could equip them with the best solution for their betterment and well-being.

The department can allot works to these co-operatives also as it now allots to the existing co-operative societies with respect to logging activities.

Some external agency has to be instrumental in the whole process; otherwise, where the situation is such that, the illiterate and ignorant masses are not even aware of their rights, and are exploited to a great extent, these forest labourers organizing themselves will be a distant dream.

The existing co-operatives can be instrumental and help the formation of the organizations of the forest labourers in the other areas also.

The co-operative set-up has to be evolved taking into consideration the peculiarities of the field; with regard to NTFP, the people who have the traditional rights may be the special members and the other labourers who collect the NTFP members. Once such a set-up is established, most of the concerns will be taken care of. But, it will be possible only if the present system is abolished.

Chapter 4

Organising the poor

ORGANISING THE POOR

Since we are a democracy governed by the rule of law whatever change we wish to bring about can only be done through the process of law. The legal process must, therefore, be utilized for the purpose of bringing about change in the working and living conditions of the unorganized forest labourers. Permanent redress of the wrongs committed and injustice meted out to numerous aggrieved individuals who are otherwise poor and indigent and, therefore weak and defenseless lies in organizing them into viable groups or collectivities; such organization can take many forms such as trade unions, co-operatives and associations, but more important than the form is the context against which an organization is formed, the people who form it, their ethos, culture and conviction, the message and philosophy that the organization seeks to convey and the objectives that it seeks to fulfill.

Justice Rama Jois, Chairman, Souharda Sahakari Samvardhana Samithi (SSSS) and a veteran jurist said⁵⁴, "A defective law can be made effective if the implementing people are good and similarly a good law could be made ineffective if the implementing people are bad. Where there is good understanding and mutual co-operation amongst people there will be no need for a king or a magistrate or police in the society". Karnataka Souharda Sahakari Act is based on similar ideology.

The Labour Co-operatives are the organizations of Labourers engaged in forestry works, registered under Co-operative Societies. These societies aim at providing whole time and gainful employment to its constituent members. By this, the

⁵⁴ Karnataka Self-reliant Co-operatives mast, NEWSLETTER FROM CO-OPERATIVE DEVELOPMENT FOUNDATION 3(10) Oct.2001.

labourers will have collective bargaining power. By and large the members of these Co-operative Societies are from scheduled caste/Tribe, backward class and weaker section. Mr. Charles Howarth, supporter of Cooperatives in England suggested that cooperatives can improve if all the members obey a code of conduct; a co-operative society was formed on October 24, 1844 under the name of "Rochdale Equitable Pioneer Society"⁵⁵. The Rochdale principles lay down the basic ingredients of Co-operation⁵⁶. All these ingredients are evident in the functioning of the forest labour co-operative societies in the district.

What distinguishes a co-operative enterprise from other forms of business organizations is that a cooperative is no "Sleeping partners", concept. Its implication is when a person becomes a member of a cooperative organization; he must actively participate in the organizations. His participation is in building the financial management and business is the cardinal cooperation business principle. The participation is the essence. The financial strength of a cooperative depends upon how much its members contribute in the form of share capital and deposits. It is the responsibility of its members to develop and strengthen and finance of their society.

REASONS FOR THE FORMATION OF EXISTING ORGANISATION

Two stages can be traced with respect to the situation with respect to Forest Co-operatives in the district; before 1989 and after 1989.

Before 1989-

There were Labour co-operatives in the district from as early as 1955-1960; but, these labour co-operatives to get the forest work had to fight it out with the private contractors. There was a lot of competition among them too. Some fake

⁵⁵ ROLE OF CO-OPERATIVE STRUCTURE IN VILLAGE DEVELOPMENT 45 (ed.,Jai Prakash, S.K. Srivastava, R. Singh, New Delhi: Mohit Publications, 1999)

societies also existed and in some of the societies, only the influential members had the grip over the societies. It was difficult for the officers of the forest department to allot the work as there were a lot of pressures.

After 1989-

The Administrative Communication⁵⁷ made the Conservator of Forests of the Kanara Circle to initiate the existing Labour Co-operative Societies to organize themselves into an Association so that the mal-practices may be stopped and only the genuine Co-operatives could be granted work. Accordingly, the Association was formed. After the forest department allots work to the association, work is divided among the member societies depending on the preferences of the respective societies. When allotting the work, the previous work experience and their record of work are taken into consideration.

UTTARA KANNADA DISTRICT LABOUR INSTITUTIONS WELFARE ASSOCIATION

This Association was founded in the year 1990 to provide a forum for collective effort of Labour Co-operative Societies of the District. This Association is registered under Karnataka Societies Act 1960. This society aims at organizing the member societies, Creating awareness among members for economic upliftment, Co-ordination among Labour Co-operative Societies to avoid unhealthy competition, Making the members aware of the rules and regulation and procedures of various work awarding agencies, and training them to follow

⁵⁶ The Rochdale Principles of Co-operation are: Open, voluntary membership, Democratic Control, Limited return if any on equity capital, Net surplus belongs to user-owners, Education and Co-operation among Co-operatives.

⁵⁷ Refer Annexure- F for the full text of the Administrative Communication of the Central Government which was instrumental in the formation of the Association. The Conservator of Forests, during that time, Mr. Ram Mohan Ray played an important role in stimulating the Co-operatives and in formulating a system which ensured the smooth functioning of the Association.

these imparting skill development training to the members of labour co-operative Societies to increase their earning power.

This association has been successfully working towards the fulfillment of the above aims and objectives.

- Labour Societies are engaged in Logging works since past 25 years. Presently there are 45 Forest Labour Co-operative Societies. All these are solely dependent on the forest work for survival.
- The Govt. has recognized the need to encourage these Labour Co-operative Societies and has been helping in the form of financial support through Co-operative Department in the form of share Capital, Managerial subsidy etc.
- The Govt. of India has directed the state Governments to abolish private contract in forestry operations vide their No. 7-13/89 F.P.dated 14-6-1989. In this letter they have clearly stated that forestry operations should be got done through either Forest Corporations or Labour Co-operative Societies, and Tribal Co-operative Societies. It is clear that they have treated Labour Co-operative Societies at par with Forest Corporation in respect of awarding works.
- The Govt. of Karnataka has issued Government Orders from time to time to facilitate awarding of logging works to Labour Co-operative Societies.
- The Labour Co-op. Societies are doing good work. They have been executing the logging works allotted to them to the entire satisfaction and up to the expectations of the Forest Department. Because of the good working of Labour Co-operative Societies the Public Distribution system of fire wood is running smoothly.

Due to this department has been successful in stopping pilferage of Government revenue and eventually revenue recovery has been up to full potential.

- ▶▶ The past experience shows that the labour co-operative societies have proved their capability by prompt execution of works. The Conservator of Forests, Kanara circle has confirmed it through his appreciation.

- ▶ Running of Firewood Depots for public Distribution is a sensitive task. Any disruption or irregularity might have sparked off public outrage. In the past the Labour Societies have been working competently to serve the general public well.
- ▶ If for any reason, the Labour Co-op. Societies are deprived of Logging working the work force i.e., members of Labour Co-operatives face unemployment and eventual starvation.

A proper logging organization is essential to make the departmental working a success. Such an organization would increase the wood productivity and decrease the logging costs making timber and pulpwood available at a cheaper rates. It will also aim at increasing the operational efficiency of a forest worker by introducing improved logging techniques coupled with improved logging tools and mechanized logging equipment⁵⁸.

PROBLEMS

In spite of vast potential, the forest labour Co-operatives have not made any appreciable impact and have remained as one of the weakest link in the chain of co-operatives in our state. This may have been due to varied problems, internal as well external, being faced by labour co-operatives, which require thorough investigation. The problems being faced could be grouped under three main sub-headings i.e. Organizational, Operational and Managerial.

⁵⁸ Y.R.Sathi, NEED FOR A PROPER LOGGING ORGANIZATION 208 Proceedings of Second All India Logging workshop cum Seminar, Organized by the Logging Training Centres Project, Ministry of Agriculture, Govt. of India at Srinagar, September 1972.

Organizational problems-

1. Viability:-

Proper size - in terms of membership, area of operation and business operations etc., - is very vital in ensuring adequate volume of business and efficient use of professionally trained staff. Roughly speaking, a primary labour co-operative society should have above 50 worker members and business operations of at least Rs.5 lakh annually. There should be adequate membership, area of operations and enough work contracts to provide work to all members continuously and earn surplus. Now the situation is such that even to get the work which the societies are legally entitled to, they have to struggle and fight for the allocation of logging for the Forest Labour Co-operative Societies. The societies have to get the allocation renewed every year; presently, the Government Order specifies that 50% of the logging work in the district has to be allotted to the labour Co-operatives.

2. High Rate of Dormancy:-

Labour Co-operatives have very high level of dormancy. There is a need for the state Governments to formulate positive/supporting policies to help develop the Forest Labour Co-operative Societies. The existing order has to be renewed every year, and there is no positive response from the State Government whatsoever for increasing the capability of these Labour Co-operative Societies.

3. Lack of Diversification:-

Majority of Labour Co-operatives, engaged in forest works, lack adaptability to diversify their activities as and when need arises, due to saturation point reached in the traditional activities. Major portion of works of unskilled and skilled nature are combined together by work-awarding agencies which the societies find difficult to execute for want of technical competence. Work awarding

agencies feel reluctant to award such work to these societies. Similar problems are experienced with regard to various forest coupes not allotted to them or the work of felling of trees have reached a saturation point. Therefore, forest labour co-operatives should plan in advance for diversification and adaptability to new situation and challenges. They should also make constant efforts to update and improve the technical skills of their members. Presently, the situation is such that the workload itself is coming down comparatively to a great extent. There is also the need for the Labour Co-operatives to branch out and cover the other fields also.

4. Lack of Co-operation among labour Co-operatives vis-à-vis other Co-operatives:-

There has to be effective linkage and co-operation of working arrangements at the vertical as well as horizontal level of different tiers of the set-up vis-à-vis other sectoral Co-operative structure, ensuring unity of purpose and oneness.

Labour Co-operatives have also to give and take in terms of services from other sectoral co-operatives. The industrial co-operatives may provide them better quality of tools and equipment and in return purchase various products like timber award construction contracts for housing and other sectors their factories, office buildings etc. housing societies may get their construction co-operative societies. All type of co-operatives needs to work in unified manners, i.e. There should be give and take in terms of services etc., This will also avoid any undue competition and will enable the co-operatives to concentrate more on the labour welfare measures and in strengthening the organization which will ultimately result in self-sufficiency of the labourers.

5. Organization of State and District Federations:-

A federated set-up helps in strengthening the working of societies by exercising proper supervisions technical guidance and support services like securing work contract, promotional and development services etc., Experience has shown that in the states where a well developed federal structure exists there has been a marked development of forest labour co-operatives, and labour contract and construction co-operatives e.g. Maharashtra Haryana, Punjab etc.

There is an urgent need for organization of labour Co-operative Federations at district and state levels. While initiating action in this regard emphasis for closest co-operation among various tiers may be emphasized.

Operational problems

1. Inadequate Government Support: -

Although the government of India and some of the state governments have made commitment in terms of their pronouncements and programs to promote and develop the labour co-operatives, its implementation varies from state to state and gives a very dismal picture in most states.

Various recommendations of Govt. of India to provide facilities to labour Co-operatives have not been implemented.

It has been observed that departmental officials at various levels, particularly in the forest department, P.W.D., Corporations, etc, are apathetic to labour co-operatives and have soft corner for private contractors and other vested interests. More often they create problems for the societies instead of helping them. The Government policy and executive orders for encouragement of labour co-operatives are not implemented seriously and constant review not made. State Government's assistance towards society's capital formation too has not been up to the satisfaction. As members of labour co-operatives are from weaker sections

of society, they can not afford adequate capital formation. The state government should supplement capital mobilization by adequate share capital contributions.

2. Lack of Share Capital Loans to members:-

Larger working capital is required for undertaking large construction contracts to provide continuous work, and procurement of machinery equipments which the labour co-operatives are lacking. It is almost impossible for labour co-operatives to build up owner funds adequately through share capital.

Most of primary labour co-operatives do not have adequate machinery, equipment and trained staff to enable them to compete with the private contractors by executing work in accordance with the specifications and time schedule. This discourages them from undertaking skilled work contracts.

Therefore, the state Government should give sufficient financial assistance/loan/subsidy to acquire equipment and machinery and working capital loans for construction. Apex and district co-operatives federation should also be adequately assisted.

3. Inadequate concessions and facilities:-

The department of Co-operatives, Ministry of Agriculture Government of India had advised secretary, Incharge (Co-operation) of all the state governments and Union Territories to implement the recommendations of National Advisory Council on labour Co-operatives. More than 11 years have passed and state is yet to implement most of the recommendations. The Union Ministry for Agriculture and Rural Development has set-up a National Advisory Council on Labour Co-operatives at the center to look into the working of labour co-operatives and implementation of government policies. In order to avoid repeating the things we experienced in past, it is suggested that state Advisory Boards on labour co-operatives be formed to see the implementations of the policies at state level.

Furthermore, there is need for specific budgetary allocation in state plans for labour co-operatives.

Management problems

1. Lack of General Awareness among the Members:-

A very large percentage of labour co-operatives membership is un-educated or semi-educated. They lack vision and perception, are tradition bound, conservative and superstitious, and even reluctant to join a labour co-operative, not sincere to their duties and often fail to extend their full loyalty. The sole remedy lies in having educated and enlightened membership, well aware, ever vigilant and responsible to their duties and rights. Office bearers and employees of the federations/societies need to be fully matured and worthy of handling the situations in stormy weather.

2. Absence of Professional Management:-

Labour Co-operatives (specially primary) have neither the resource nor perhaps the will to appoint professionally trained staff both in co-operative practices and technical and management skills, resulting in inefficient management and at times dormancy of the organization.

Furthermore, due to lack of competent and technically qualified personnel, many a times, societies are not in a position to execute works satisfactorily. Professionally and technically qualified persons not only overcome the handicap of incompetent members and office bearers but also succeed in ensuring efficient management, which is so vital for success of a labour co-operative.

3. Unhealthy Competition of Contractors:-

An over-riding limitation of labour co-operatives as a whole is that of unfair competition faced from private contractors as also the fake societies and

influential sections of membership having grip over the affairs of societies. The contractors, who are often sympathized by the officials, adopt several unfair practices and are at an advantage against the societies. Vested or interested contractors very often prove more dangerous as they take away much of the benefits available to labour co-operatives from various sources and by managing preferred treatment in official dealings. Clear-cut instructions in favour of labour co-operatives and their strict compliance may ease the problem considerably.

RECOMMENDATIONS

1. Entrustment of Government works:-

Karnataka State Government issued orders to enable registered Labour Co-operative societies to enter into the execution of the works of P.W.D. with certain concessions. The same may be made applicable also in the case of other Government Department works. If such orders are issued, Labour Co-operative Societies can take up these works both in Urban and rural areas. Such provision will help the rural unemployed and under employed persons who can become members of Labour Co-operative societies. Such provision minimizes the exploitation of the rural labourers by private contracts. Since Public Works Department (PWD) works are few in rural areas, the Labour Co-operatives are not much benefited by the said existing provision. However if this provision is extended to cover other departments and other Government agencies, Labour Co-operatives can take up transportation, construction and material handling etc., by involving rural labourers.

2. Exemption from payment of Earnest Money Deposit (EMD):-

The Labour Co-op. societies are exempted from payment of Earnest Money Deposit. This is not being followed by the work awarding agencies. So the Labour Co-operative societies have to invest part of their working capital

towards Earnest Money Deposit. In most cases this working capital is borrowed sum. Therefore proper directions may be given to the concerned to effect the concessions granted to Labour Co-operatives.

3. Preference to Labourers Co-operative Societies over Private Contractors:-

In the event of calling tenders, for the works for which are not allotted to labourers co-op. societies, due preference should be given to Labourers Co-operative Societies over private contractors. That is if a society is ready to execute the particular work at a rate equal to or below the rate of private contractors, the work should be entrusted to the society. Here it is noteworthy that the Labour Co-operative with skilled workers as members have executed the work maintaining high standard of quality.

4. Financial Assistance for working capital:-

It is very difficult for labourers Co-op. Societies with limited share capital, to raise necessary finance toward working capital. Also the interest charged by the banks is quite a burden. So, necessary arrangements may be made for need based financing. That is at least 50% of the value of work on hand may be made available as interest free loan to the Societies. Or at least necessary financial assistance may be made available on soft term like concessional rate of interest.

5. Assignment of work bills to Banks:-

It is our experience that formerly the Forest Department was giving their consent to assign the work bills to Banks and the Societies could raise loans against the securities of these. But now the department is not giving their undertaking to assign the work bills and hence the Banks refuse to finance without security.

So the concerned Departments should continue to give undertaking for assignment of work bills.

6. Vehicle & Equipment purchase/hire:-

Forest Labourers Co-op. Societies face problem in procuring vehicles for transportation of timber and fire wood, and building materials etc. So necessary provisions be made to finance for purchase of vehicles and the purchase of vehicles by the societies may be subsidized. Or the hire charge paid by the society may be subsidized.

7. Income Tax Exemptions:-

Labour Co-operatives are expected to pay Income Tax under section 194C or Income Tax and then get the same refunded under Section 80 (P) VI of Income Tax Act. As members of Labour Co-operative are basically illiterate the procedure involved in securing refund of income tax paid is not only cumbersome, but beyond their intellectual capabilities. As a result, a large portion of Labour Co-operative's funds are blocked.

So Government may consider grant of exemption to Labour co-operatives from payment of income tax.

EVOLUTION OF A CO-OPERATIVE SOCIETY

In the year 1959 some labourers of Sirsi Taluka thought of collective action against exploitation by the contractors. So with the help of the guidance of social workers, they formed a Co-operative society of Labourers. This society was registered with special Deputy Registrar, L.C. & V.L.K.R. Belgaum on 15.5.59. The Society was started with a membership of '11' and share capital of Rs. 600/-.

Objects of the society:-

The object of the society is to elevate the economic and social standard of its member labourers by providing continuous and gainful employment. The idea is to avoid exploitation, unemployment and under employment of the members, and increase their earning power.

To achieve this objective the society may undertake contract for construction, forestry operations, and also manufacturing and trading activity.

Membership:-

The membership of the society is open to 'adult' labourers, both skilled and unskilled. The persons interested and committed to the ideology and objects of the society may also become members as sympathizers. However, number of such members shall not exceed 1/6th of total membership. The total membership as on today is 47⁵⁹.

Ordinary Members				Sympathizers		Total
Scheduled Caste		Others				
Men	Women	Men	Women	Men	Women	
117	29	246	18	61	6	477

The Government of Karnataka is also member of the society with share capital contribution of Rs. 10,000/-.

Area of operation:-

Area of operation of the society for the purpose of enrollment of members is limited to Sirsi Taluka. However, to pursue the aims and objectives of the society works may be undertaken anywhere in the state of Karnataka.

Funds:-

The funds of the society consists of share capital contribution form members, and deposits of members, the progress over last 5 years in given in Annexure-I. Presently the working capital is Rs. 13.25 lakhs.

⁵⁹ Refer Annexure-G for the consolidated statement of the Registrar of Co-operative Societies, Karwar regarding the position of the Forest Co-operative Societies which depicts the present position.

Management:-

The management of the society vests with a Managing committee elected by the members themselves in the A.G.M. The term of such elected directors is 3 years. The Managing committee consists of ten members including reservation for one lady, one scheduled caste member and a nominee from the District Central Bank. These directors shall elect the chairman among themselves.

Activities:-

The Society is undertaking both civil construction and forestry works. The society has got registration as class-I contractor with Karnataka P.W.D. So far the society has executed construction works for Central Co-op whole sale stores, primary land development Bank, Agriculture Produce Market Committee, Karnataka Housing Board and University of Agricultural Sciences and Forest and other Departments of Government of Karnataka. The Society has executed logging works (Lumbering & transport) for Forest Department.

Achievements:-

The Society is striving hard to attain the objectives. The following are some of the achievements in this direction.

Employment:-

By and large the society has been able to provide continuous and gainful employment to its members.

Skill Development:-

The society has conducted several training programmes to impart necessary training to the members to improve their skill, thereby improving their productivity and earning power.

Medical Aid:-

The Society provides free medical facilities to the members and their family.

Insurance:-

All the members of the society are covered by accident insurance from G.I.C. of India.

Sustenance Allowance:-

During the period in which the members do not get enough works, the society provides Sustenance Allowance, which shall be recovered in installments from the wages to be earned in future.

Education:-

The Society provides scholarships to children of members who are studying in schools.

Futur plans:-

In addition to the continuance of present line of activity, the Society proposes to enter into th area of Non-Timber Forest Produce. The society propose to introduce gradual mechanization of lumbering operations.

Rather than being pretentious about trying at once to solve all the problems of all the people, strong co-operatives will concentrate on winning and sustaining the allegiance of their members by relentlessly pursuing purposes for which they patronize it⁶⁰. Cooperative can make a significant difference to those who cooperate, and co-operation can occur as often as needed, if only we knew the best way of co-operating.

INTERACTIONS

The interactions with the persons associated with the Forest Labour Co-operative Societies enabled to understand the actual functioning of the Societies.

Members

In Shirasgoav about 25 people were engaged in loading the timber; the head of the gang of labourers was Rama Yenku Gowda, whose group is totally dependent on Forest to earn their livelihood. Most of them are members of Co-operative Society. The Head takes the responsibility of getting the work done.

⁶⁰ Tushaar Shah, CATALYZING CO-OPERATION 27 (New Delhi: Sage Publications, 1996)

They earn Rs.80 per day on an average; payment is made on the basis of cubic metre; and loading is done according to trips. The wages are fixed according to the nature of their work. These labourers have been doing the same work from ages. They have received Medical, insurance and all the help available from society whenever necessary. Except the three rainy months, they work in the jungles all throughout the year. The only grouse of a labourer was that was unable to get beedis in the jungle! Same has been the response from almost all the members like Puttu Huliya Gowda who heads another group of labourers and also, others.

Supervisors

The supervisors, Umesh Shankar Naik and Seetaram Naik, who also reside in the jungles itself when there is work to supervise and guide the labourers also opine that it has been their routine and cite their experiences of successfully carrying out the operations even in the toughest situations.

Office- bearers

Mr. R.N.Naik, Chairman, Co-operative Society, Basgod, Ankola, makes a distinction as to the conditions prevailing before the formation of Labour Co-operative Society and after the formation of the Labour Co-operative Societies.

Before the formation of the Labour Co-operative Societies, the Forest Department called for tenders and there was a lot of competition among the private contractors. Once a person got the tender, as he was not sure, that he himself would get the tender next time too, the attitude was to take as much as you can. This resulted in the deterioration and the over-exploitation of the forests to a great extent. After the formation of the Labour Co-operative Society, the logging activity has been systematized. One can be assured that he will surely be rewarded for his efficiency and is also, assured of the work. This change has resulted in the conservation of the forests as only the dead and fallen trees are exploited and strict care has been taken to exercise due diligence. The only problem is that all the efforts of the society is spent in ensuring that they get a

proper percent in the allocation of the work as every year it has to be renewed. The Forest Labour Co-operatives have a great potential and if provided the opportunity, they can branch out to other fields like the Non-timber forest products also.

Mr. R.J.Naik, Backward Class Labour Co-operative Society, Chipgi, Sirsi.

He has been the forest contractor from 1972; formed the co-operative society in 1985. Before, the Forest department used to give contract; then used to take an area by tender. Both the area and later the product derived were sold independently of either profit or loss. Even then, used to attend the contingencies of the labourers, now engage only members. Before the formation of the society, even the green trees were cut, now only dead and fallen trees that are marked by the personnel of the forest department are cut.

The difference is that previously, the profit and loss margins varied between the two extremes, it was high profit or high loss; no loss now, only the percentage of profit differs. In the prevailing conditions, the prevailing social security provisions provided by the labour co-operative societies are sufficient. Comparatively, they are provided with enough facilities. Depending on the area and type of work, the payment is decided, so that even the society does not suffer. There is no problem of availability of labour right now. When there is no work, the labourers go to others finding work; there is no compulsion that they have to work under the same employer. Proper accounts are maintained regarding the work carried out by the labour co-operative society and the payments made.

Mr. M.V. Joshi, Chairman, Uttara Kannada Labour Institutions Welfare Association, Sirsi, Chairman, Sirsi taluka labourers' co-operative society, Sirsi, traced the evolution of the Labour Co-operatives in the district and the problems that have been faced by the association.

The Labour Co-operative Society exists in the district from 1955-1960. The Labour Co-operatives began to undertake forest work from 1960. Upto 1989 June, there was hardly 5% value for timber compared to what it is now. Then, the Labour Co-operative Society used to compete with other private contractors wherein the Government granted a subsidy of 17 ½ % to the Labour Co-operative Societies, for the involvement of labour and their welfare in 1977; and later in 1984, this system was removed. In 1989, the Central Government passed a Government Order abolishing Government Contracts. Work allotment to societies on the basis of Scheduled rates began thereafter. When there was open negotiation by the Committee to the Labour societies, there was mal-practice and no healthy atmosphere.

To prevent unhealthy competition, as per the proposal given by the then Conservator of Forests, the Government formulated a policy which is being followed even now in the allocation of work to the Labour Co-operative Societies. The department allots the work to the Association, and in the meeting, different areas are allotted to different societies taking into consideration their past experience and performance. In 1991, there were 19 societies wherein work was allotted to them. The members of the societies are assured of the work and are provided all the requisite facilities.

The Challenge-

Upto 1996, there was sufficient work as there were many submersion areas wherein the logging had to be carried out. After 1997, total workload came down to 50% of what was there earlier. If the same thing continues and the work goes on decreasing, labourers dependant on forest work will suffer, and their life will become miserable. The Co-operative societies have skill and knowledge with regard to forestry operations. The over-matured trees may be exploited, so as to meet the market demands and also to provide enough employment to the labourers. When the labour society has enough work, the local labour are

employed, smuggling of timber is stopped, the department benefits as the work is carried out at a much lesser cost, and so everybody stands to gain. As there is presently no work to the existing members to their full potential, it is the poor forest labourers who suffer.

FUTURE COURSE OF ACTION

Mr. Bhaskar Hegde, Kageri, Director, National Federation of Labour Co-operative Ltd., New Delhi.

The National Federation provides for personal accident insurance at a concessional rate with the reduced premium. The tie up with the New India Assurance Company can be provided only through Labour Co-operative Society. Government should provide opportunities so that the Forest Labour Co-operatives can make optimum use of their potential. There are many other alternatives, like the nurseries can be given to co-operatives.

Earning power has to be increased. In order to bring about a Social change, there is a need to develop the skill.

Only because a person's earning power is less, he will ask his son to join.

Productivity is also important, not only activity.

Labour Co-operatives should take the responsibility to increase the skill of the workers. So far, providing gainful employment has been the thrust.

From now, the labour Co-operatives have to move on towards the overall development. They have to work as multipurpose Co-operatives. The whole outlook has to be changed.

At least self- help groups have to be provided with credit facilities.

Logging methodology has been changing. Workers have to adapt and work accordingly. Each and every part of the tree has to be made useful.

Not replacement, but mechanization has to be introduced. In the district, it has to be made a ground reality. It must not be to replace men, but to assist people to work more efficiently.

Even in the context of NTFP, for example, Uppage is being dried in the old method itself, no expertise in processing, thus there being no value addition. Over that there is the health hazard of it affecting the skin. There is the waste of resources in some places wherein fuel efficient measures have to be introduced. Hence, the need of the Labour co-operative Society to provide for NTFP processing. Because of the over-exploitation, in the near future, work will come down drastically.

Hence, Modern technology has to be introduced for the survival and also for the betterment of the forest labourers.

Through the Kanara Forest Privileges Rules, the people were entitled to levy produce for their own use. They were not allowed to sell any produce. This restrictive measure, which can be easily defended with conservationist arguments, points out that no local trade has ever been encouraged or allowed. However it was difficult for the foresters to legitimate their stringent restrictive policy: on the one hand people were not allowed to use the forest as a means of livelihood, some of them even suffering economically from the rules, while on the other, outside contractors and well-off local people were enriching themselves from the forest wealth, by selling the timber outside the district. It is one of the major causes which resulted in the depletion of the forests⁶¹. Many people had the impression of being deceived and lost their respect towards the authorities, which would make it more and more difficult for the foresters later on to protect the forest⁶².

⁶¹ M.V.Naḍkarni et al., *THE POLITICAL ECONOMY OF FOREST USE AND MANAGEMENT* 127 (New Delhi: Sage Publications, 1989)

⁶² *INDIAN FORESTRY: A PERSPECTIVE*, 155 (ed., Ajay. S. Rawat, New Delhi: Indus Publishing Co., 1993)

The National Commission on Agriculture had examined the question of the role of forest contractors in the exploitation of forests. It came to conclusion that the system of forest contractors has been harmful not only to the forests but also to the forest labour. The National Commission on Agriculture therefore recommended that an early step should be taken to promote the formation of forest labourer's co-operative societies to replace the contractors in forest exploitation progressively. This would create a direct interest in the people in the utilization of forests and make them partners in the business and develop a sense of belonging.

The formation of these labour co-operatives stopped the degradation of the forests at least in the field of logging and such activities to a great extent. The labourers also have some responsibility on them towards the environment. If the environmental degradation continues, some day might come when the labourers also might not find any work; apart from the destruction and depletion of the natural resources. Hence, the labour and the sustenance of the economy have to go together.

Labourers are enjoying fair and better wages, and enjoy annual bonus and voting rights. No one can take more than one share and each shareholder has one vote. In spite of experience the Forest Labour Co-operative movement has a lot of scope for improvement. Economically speaking they have not been truly beneficial. Forest Labour Co-operatives movement is however, socially desirable. It has helped the tribal labourers to organize, learn to participate collectively and earn better wages and share profits. Forests have also benefited because over exploitation and illicit fallings are checked. The society members are also assured work. Some societies have done commendable work of distribution of profits, providing medical facilities, school books, and fees for member's bright children, agriculture tools and utensils, etc., through the bonus. But some

have bungled and brought the movement itself in disrepute. The so-called sponsors of the society used the movement for their own betterment, socially and politically, and succeeded leaving the poor labourer as they were before, mere wage earners⁶³. It is therefore felt by many who had worked with Forest Labour Co-operatives that the system needs suitable modifications to make it more effective.

The Karnataka Societies Act 1960 under which these Societies are registered itself, has some basic loopholes which have paved the path for exploitation of the Labourers in some cases. The Karnataka Souharda Sahakari Act 1997 seems to be more compatible and conducive to the well-being of the member-labourers of the Co-operative.

The formation of the Uttara Kannada district Labour Co-operative Institutions Welfare association has been the first attempt to organize the unorganized forest labourers in Uttara Kannada district. At the time of its formation ten years back, it was a commendable effort; but in the present scenario, it has to get a new outlook as in terms of the difference it has made to the member labourers, it has not achieved much due to a multitude of reasons. Nevertheless, the efforts which are in the right direction need a vision for the future.

⁶³ A.R.Maslakar, *MANAGING THE FORESTS* 150(Dahradun: Jugal Kishora, 1983)

Chapter 5

Added Organisational Efforts

ADDED ORGANISATIONAL EFFORTS

Though confined to small groups, the other forms of organization that exist in the district are the self-help group and the Karnataka State Government daily wage employees' federation.

Importance of voluntary action

It is now well realized that in view of the vastness of the size of the country, wide geographical, topographical, demographic and socio-cultural variations, a sizeable magnitude of the problem and unfulfilled basic needs of the people, efforts and initiatives of the government cannot have the desired impact making it imperative to complement these with those of NGOs/Voluntary Organizations. The latter work for and live with the people at the grassroots level: they have a flexibility of structure and operations as also teams of experienced and dedicated volunteers who can communicate better and reach out to the people in a natural and spontaneous manner. Some states like Maharashtra, Gujarat and Rajasthan already have a long tradition and culture of voluntary work and much of such voluntarism is rooted deeply in the freedom movement and directed against the accumulated ills of society such as fads, taboos, superstitions, etc⁶⁴. Based on this premises it has to be ensured that

- (i) labour is not employed in sub-human conditions;
- (ii) labour is not subjected to unfair practices in terms of payment of wages, discharge, dismissal and termination of employment;
- (iii) wages paid are fair and reasonable and aim progressively to reach the level of living wage;

⁶⁴ L. Mishra, "Organising the Unorganised Labour : Myth, Reality and Possibility" 41(1) THE INDIAN JOURNAL OF LABOUR ECONOMICS, 59 (1998)

- (iv) Minimum security is provided against risks such as injuries and accidents at work, sickness, maternity, invalidity and old age.

The following organizations exist only because of the voluntary attempts of certain individuals whose efforts have resulted in the well-being of many of the unorganized forest labourers.

SELF- HELP GROUP

It is said that self help is the best help. If they have the will, then even the labourers can find a way by themselves. It is apparent in the case of the community called 'Siddis' who mainly live in the midst of the forest to earn their living. It was formed by the initiative of one Krishna T Siddi, who is the director of the *Siddi Grameena Abhivridhhi Sanghas*. He is based in Gullapur, of Yellapur taluk. There are about 28 such Sanghas in the district of Uttara Kannada. Each area has such a Sangha.

The Sangha which was studied was the Siddi grameena abhivridhhi sangha, Shirasgoav. Due to economic reasons, the sangha could not be registered. There are about 15 families with about 100 people. These people collect the Non-timber forest products (NTFP) for daily wages and give it to the tender holders. There is no adequate price for labour. They even work as part-time agricultural labourers in the nearby fields of the land-holders. This Sangha mainly helps its members during the times of crisis. Each family saves a minimum Rs. 10 per month. Proper accounts are systematically maintained regarding the contribution of each person. It is collectively saved in a nearby bank and in case of contingency made use of. Each one helps the other even in daily affairs. One day in a week is kept aside for Shramadhana. One person from each family goes to the stipulated

house that day, and that house members can get any work done which requires help from many people.

Once in every month, there is a meeting whereby the Secretary of the main Sangha comes and participates in the meeting. As most of them are illiterates, the Secretary takes down the proceedings of the meetings. He motivates and inspires the members of the Sangha to carry out various activities.

By their own efforts, as there is no school nearby, they have built a School near their homes. The school was run during the beginning five years by the Sangha itself and persistently after submitting the reports about the functioning of the school, now from five years, it is a government school. Presently, the strength of the school is 11 with a teacher.

Bella Siddi, aged about 83 years was the one who came first to the area and settled down. And it is his extended family which stays as one group and has settled down. This may be the main reason for the success of the Sangha.

They believe in the principle of "If we save money, money will save us" and hence have been acting accordingly.

This has enabled them to carry out so many things; there is the Stree Shakti Sangha which empowers women, there is the office of the Sangha which is a tiled building with about 1000 tiles and there is the anganawadi; all of which have been come into existence and have been functioning successfully only because of the initiatives of the Sangha.

Even though the efforts are commendable and appreciable to a large extent, the limitation has been that it is mostly confined to the community; only recently, efforts are being made to include even the other poor labourers in the vicinity.

**THE KARNATAKA STATE GOVERNMENT DAILY WAGE EMPLOYEES
FEDERATION, HUBLI**

This federation⁶⁵ covers the whole of Karnataka with units in each taluks.

Presently, about 600 forest workers are on muster roll in the Forest Department in Uttara Kannada district.

There is an office bearer of the federation in each district. Once in a month, meetings are held in Hubli which is attended by the President of Taluks and districts.

Yearly Rs.100 is collected from each member out of which Rs.25 towards Education, Rs.25 as Medical fee, Rs.25 for Group Insurance and Rs.25 as Membership fee.

In Hubli, in a land of 2 ½ acre, the Union has a college which offers diploma courses, computer courses and the office of the Union. Children of the members can be admitted without donation to these courses. There is also a hospital wherein the medical facilities are provided to the members.

As there is group insurance, a minimum sum of Rs. 1000 is usually given in case of injuries, and in case of death, a sum of Rs. 5000 is granted to the victim.

To keep the members aware and well-informed of the on-goings in the sector, it is intended to start a magazine within 4-5 months.

There is the Mahamandala okkoota in the district; anybody can join the mahamandala. If anybody comes with their problems, then every attempt will be made to take them into the fold of the mahamandala and solve their problems.

The movement 'jana andolana' was evolved to solve the problems in the villages; in which there are Grama sahayakaru, gram panchayat servants, gruha rakshaka dala, dalapathis as various functionaries.

⁶⁵ Mr. Ramash Gaonkar, President, Uttara Kannada district, spoke at length regarding the functioning of the Union. The President of the State Government Federation is Dr. K.S.Sharma, who has been instrumental in the formation of the Union.

Even the daily wage workers and plantation workers are asked to attend, but they never attend.

In 1995, one person lost his life driving away elephant; though he could not get any substantial help from the department, union helped him to a great extent.

In Kumta range of Honnavar division, where a car accident occurred last year the Union helped the employee to a great deal.

During the course of plantation activities in Hulekal range Sirsi division, while loading a truck, accidentally log fell on four people sitting on the lorry; one expired and three were hospitalized.

The wages are paid according to the Sanctioned Schedule Rates and not on the basis of the Minimum Wages Act. Presently, they earn Rs. 77.30 per day.

In the beginning years, organization was very difficult and the federation took its shape only after facing a lot of hardships. But, the formation of the federation was worth the entire struggle as it got fruitful returns. To a certain extent their job demands for the purposes of protection of the forests to carry on surveillance duties during night also.

Before the formation of the Union, the employees had to face lots of harassment by the officials. One work was specified, but they were made to do a multitude of tasks. Even the wages were not paid properly. After unionizing, there are no such problems now. Many cases have been solved amicably.

Compared to the other labourers, the position of these labourers who are employed on muster-rolls seems to be more secure; as there is a record of employment and also, they are fighting for their rights through the Union, their employment will be regularized in the near future and then, they can claim all the benefits of the government employee.

It is on workers in organized industry, especially large industry, that trade unions lavish their attention. Union membership figures show that 40 per cent of

members are in manufacturing industry, and another 25 per cent in transport and communications. Only 10 per cent of the membership is in agriculture, forestry and fishing.

Neglected labour cannot hope to earn a decent living except through self-help. Neither favourable legislation nor protestations of help by the government can produce any result. It is only by collectivizing into trade unions that they can have a better life. Trade unionism will be necessary even to ensure observance of statutory guarantees. A union leader in a modern fertilizer plant summed the problem up this way: We have twice as many contract labourers as permanent workers. We man the process, while they perform all the manual jobs. This is beginning to erode our bargaining power. It is we who have become dispensable and peripheral. If we go on strike, officers can man the process. It is the contract labourers whom they cannot do without⁶⁶.

The unions have restricted themselves to permanent labour in large industry, ignoring the multitude of working people who are in far greater need of succor. The problem, however, is not merely that union attention is not directed to where it is most needed. It is also that the labour movement is working on behalf of a clientele which is small and shrinking in both absolute and relative terms.

The task of organizing forest labourers may be daunting, but certainly not impossible.

⁶⁶ E.A Ramaswamy, *A QUESTION OF BALANCE LABOUR, MANAGEMENT AND SOCIETY* 44 (Delhi: Oxford University Press, 1992)

Chapter 6

Community Participation

COMMUNITY PARTICIPATION (Instance of JFPM)

Causes for the origin of Joint Forest Planning and Management:

The description of Uttara Kannada and its history shows that-

It is a unique biodiversity rich forest area;

The degradation of forests has taken place mainly due to the policy of satisfying commercial interests pursued by the State and

The conservation practices of the communities have eroded as the legitimacy of all customary and community rights have been denied by the State.

It is in this context that the Western Ghats Forestry and Environmental Project was initiated in 1991. The Karnataka Forest Department implemented the Western Ghat Forestry Project funded by British Department For International Development (DFID), United Kingdom in Uttara Kannada as a core activity. In Kanara Forest Circle the project was implemented from the year 1992⁶⁷. The project aims to assist the long term conservation of the biodiversity of the Western Ghats and to find ways, on a sustainable basis, to assist those whose livelihoods depend on the forests.

Much of the project's activity is focused on the establishment of a participatory approach to the joint management of degraded areas of reserved forest. This was termed Joint Forest Planning and Management (JFPM) and operates under a Government Order issued in 1993. JFPM is the useful approach that enables the local people to participate in planning, take part of the responsibility for management, and share the fruits of their labour⁶⁸.

Conceptually Joint Forest Planning and Management (JFPM) seeks to develop partnerships between local institutions of forest dependent villagers and state

⁶⁷ M.H. Swaminath, "Silvicultural Options in the management of Western Ghat Forests" 36(1) MY FOREST 9 (2000).

⁶⁸ Emmanuel D'Silva, B. Nagnath, "Bahroonguda: A rare success story in Joint Forest Management" 37(6) ECONOMIC AND POLITICAL WEEKLY 551 (2002).

forest departments for sustainable management of forest resources on the basis of sharing benefits and responsibilities.

Theoretically, JFPM is programmed to serve several purposes like:

Environmental: (a) to protect and maintain the already existing but fast depleting forests, (b) to encourage regeneration of the already degraded forest lands for increasing green cover.

Economic: (a) to efficiently manage the local forest and water resources, (b) to offer the directly forest dependent population a means of subsistence and income generation.

Socio-Political: empowerment of the local communities for decision making in forest use, by bestowing upon them their usufruct rights over forest lands.

The central idea is to transform the age-old authoritative and policing role of the forest department in relation to the local communities around forest areas into that of a facilitator.

Karnataka's JFPM GO states that the "Village Forest Committees should not become an extension of the Forest Department", but should "be strong village bodies, having functional autonomy and independent bargaining power".

The fact that in almost 50 percent of the VFC villages, the already marginalized sections of the community are getting left out of the JFPM process is a matter of serious concern. The Village Forest Committee (VFC) leadership is dominated by the landed elite with a danger of their using JFPM to appropriate control over additional forest resources for increasing their political and economic power while further reducing the access of the marginalized to forests for meeting their basic needs.

Research on institutional analysis of long lasting common property resource (CPR) institutions has identified a number of design principles characterizing robust, self governing institutions⁶⁹. The most important of these are:

- A viable and defined social unit of organization;
- Clearly defined boundaries of the physical resource to be managed;
- Capacity to develop organizational norms and rules and to impose sanctions against violators;
- Transparency, respect for equity and accountability of the leadership to the general body
- Conflict resolution mechanisms;
- Autonomy in internal functioning.

Strengthening the sustainability of Village Forest Committees would have a long-lasting impact on joint planning and management of forests.

EXECUTIVE IMPEDIMENTS

The past years of experience with JFPM in Uttara Kannada district as implemented by the Karnataka Forest Department leaves much to be desired. While JFPM programmes have engendered significant interest and general awareness in forest management from rural communities in the project areas, JFPM has neither made a serious dent in forest degradation or deforestation, nor has it benefited local communities significantly, whether in subsistence or income terms.

The main reasons for this, which have emerged from various discussions, studies, consultations and independent reviews, are:

⁶⁹ N.C. Saxena et.al., WESTERN GHATS FORESTRY PROJECT- INDEPENDENT STUDY OF IMPLEMENTATION EXPERIENCE IN KANARA CIRCLE 50 (May 1997)

Decentralization⁷⁰- the decision making has been restricted to protection aspects which are for foregoing the benefit from the protected patch, and resolution of conflicts within different segments of the village and with neighbouring villages. The segments negatively affected are usually the women specifically from the marginal groups. These groups cope with the changes by either shifting to a less efficient forest product or shifting the pressure to other forests which are not being protected under JFPM. This need not be so if the voice of marginal groups is specifically incorporated in the decentralized decision making.

Recognizing diversity- the assumed homogeneity of village communities does not hold good. What is acceptable under a specific socio-economic and ecological condition may be totally rejected under another set of conditions⁷¹. Hence a single or a given number of models will not succeed. Each and every area has its own specific conditions and will need area specific treatment or model⁷². The communities are fragmented by caste, land-ownership, and cattle ownership and also between tribals and non-tribals. Their use of forest resources and the intensity of the usage also vary. At the implementation stage the project has forced the forest dwellers to 'participate' in commercial forestry activities. It has evacuated poorest people from their food growing land. It has violated human rights by denying people access to their survival base. The instances where the landless people have been negatively affected are-

- i) Eviction of encroachment of forest lands used for cultivation both by the landless as well as the land owners. If JFPM comes to be seen as a guise for eviction, the development of the partnerships with communities and of the funded project as a whole could be jeopardized. A number of people evicted in a fashion are landless, who have cultivated these lands for years and have very few other options.

⁷⁰ Arvind Khara, "ODA's Review of Participatory Forest Management" 10 (1996)

⁷¹ Abhijit Ghosh, "Sustainability of Joint Forest Management in India" 26(1) SOCIAL CHANGE 88 (1996)

- ii) An important element of survival of landless people is to depend on animal husbandry and NTFP collection. Under JFPM, grazing is banned in the protected patch with the result that the landless people have to take the livestock to distant forest patches for grazing.

Resource orientation- the objective of the forest department continues to be to generate more revenue. The plantation orientation of management within JFPM also tends to focus the attention of the communities on the terminal timber value from the plantation from which they will get a share. Hence it is doubtful if the JFPM is making a transition in the forest management from revenue orientation to resource orientation. The DFID funded forestry project puts the blame of forest destruction on the forest dwellers. It ignores the larger economic and political process that is the primary cause of destruction of tropical forests. The project envisages people's participation; however in practice, it restricts access to forest resources. The project is the continuation of commercial forestry into the tropical forest. The aid is attached with strings⁷³. The most disastrous string is the perpetuation of commercial forestry through this project.

Decentralized Planning- the major instrument of decentralized planning is through micro planning for JFPM. The process of micro planning has been seriously affected by JFPM plantations following their own course, independent of the fact whether the micro plan has been prepared or not and whether it recommends such a plantation. The little involvement of people in planning of the forest areas outside JFPM is sought to be corrected through Site Specific Planning. In most of the cases, the landless people have been isolated from the Village Forest Committees. Due to heavy workloads, lack of time and marginalization from community affairs, they have not been able to participate

⁷² Irshad A Khan, "Forest Policy and Institutional Framework" 10 (4) WASTELANDS NEWS 23 (1995).

in the activities of the General Body. There has been a lack of transparency with regard to the VFC fund management and functioning of the VFC. People voiced a need to be included and informed about the income and expenditure of the VFC fund and various other activities including micro-plan preparation, selection of JFPM plots, selection of species, etc⁷⁴. Its impact in terms of desire for a forest protection and group organization is evident. Changes from uncontrolled exploitation to protection and regeneration are taking place. There does not seem to be specific plan to address issues of equity, employment and livelihood enhancement within the scope of the program. This is evident in the case of forest labourers, particularly landless; there does not seem to be a specific plan for their development under the program.

New Silviculture- there has to be a shift in the silvicultural methods which have so far been oriented towards a single-species technical package. In addition to fuelwood and fodder, the people of Uttar Kannada have been using the forest for leaf manure, medicinal purposes, food products, raw material for pursuance of caste occupations and sale of NTFP as income generation activities. The silvicultural practices which specifically incorporate these requirements have to be assimilated in the implementation process of the project. Implementing the project has led to monoculture plantations which have eroded the biodiversity of the tropical forests in the Western Ghats, in addition to harming local people. The project proposal clearly mentions that the project will take the villagers opinion in afforestation. The VFC exists on paper. It has asked Karnataka Forest Department to plant indigenous species, but the opinion was ignored. The

⁷³ Bharat Dogra, DEVELOPMENT OR DESTRUCTION- A STUDY OF UTTAR KANNADA DISTRICT, KARNATAKA 16 (Delhi: Kulshrashta Printers, 2000)

⁷⁴ SOCIAL IMPACT ASSESSMENT OF THE WESTERN GHATS FORESTRY PROJECT (KFD/ DFID) in Karnataka with a focus on the JFPM Programme, Study conducted by Outsach Bangalora 3 (1998)

villagers were told that by planting acacia, the VFC will be able to earn money within a short period, and become self-reliant⁷⁵.

Restrictions on NTFP collection: the NTFP rights are auctioned to the NTFP contractors and the VFC members have not been given any rights to collect the NTFP including in the JFPM areas. Effective conservation and management of NTFPs is viewed as a means of improving the rural economy and the livelihood and well-being of indigenous societies that rely on NTFPs for both subsistence and cash income⁷⁶.

Support activities: the micro plans are covering many developmental and economic activities of the village which need very huge financial assistance and support from various line departments. The VFC's inability to get the support of other developmental departments and the KFD's inability to provide the necessary financial help is causing frustration in the minds of the VFC members and other NGO bodies. The activities and the quantum of financial support available to VFCs vary from village to village and there is no definite criterion to address the support activities.

POLICY IMPEDIMENTS

In the policy itself, there are many gaps which need to be filled. The exploitation of the people will be continued as there is no legal backing in the instances of violations through which redress may be sought. Some of the impediments may be listed as follows:

⁷⁵ Pandurang Hægda, *COMMERCIALISATION OF TROPICAL FORESTS OF WESTERN GHATS- A CASE STUDY OF WESTERN GHAT FORESTRY PROJECT*¹² (Sirsi: Parisara Samrakshana Kandra, 1995)

⁷⁶ S.Suryaprakash, *AN ECONOMIC ANALYSIS OF NON- TIMBER FOREST PRODUCTS IN THE TRIBAL ECONOMY IN THE WESTERN GHATS REGION OF KARNATAKA* 7 University of

- ▶ Lack of clear and adequate rights over forest produce; should any person currently using forest land or forest products be given rights over the forest? Should rights be based on reference to historical documents? Should the granting of rights be limited to communal rights of Scheduled Tribes recognized under the Fifth and Sixth Schedule of the Constitution as distinct communities?
- ▶ Lack of sufficient autonomy in day-to-day management and no transparent guidelines for ecological sustainability;
- ▶ Lack of attention to existing rights and privileges leading to confusion and often aggravating intra-village inequities in forest access;
- ▶ Lack of security of tenure and sustainability of institutions due to the programmatic and project-dependent and funding-oriented nature of implementation;
- ▶ Focus on only degraded forest department lands leading to only partial coverage of the public lands used by villagers⁷⁷.
- ▶ The issue of establishment of the legally cognizable rights of tribal and local peoples over forest land and forest products.
- ▶ Even if a State government extends privileges over forests to local peoples, these privileges may be curtailed by oppressive actions of state forest department personnel⁷⁸.

LEGAL STATUS OF VILLAGE FOREST COMMITTEE

The VFC has no legal status. They are registered only in the Forest Department; The VFC instrument is problematic and represents an oversimplified view of the

Agricultural Sciences, Bangalore (1999) The report examines the various aspects of the issue of NTFPs and its role in the economy.

⁷⁷ Sharatchandra Lala, "The Concept of Participatory Forest Management, its Rationale and Implications for Karnataka" http://www.panchayats.org/dnrm_reports.htm

⁷⁸ Shyam Divan, Armin Rosencranz, ENVIRONMENTAL LAW AND POLICY IN INDIA 318 (Oxford: Oxford University Press, 2001)

corporate nature of rural society⁷⁹. Some basic issues are regarding, what are its role vis-à-vis Panchayat bodies? Will the present office bearers continue in perpetuity or will the new ones take their places? How will they be appointed or elected?

There is little clarity among VFC members and management committees about the user rights and benefits attached to VFC membership, there is even less clarity about the obligations of members. VFCs may be given some power to compound offences so that they can check illegal removals by their own village people or by outsiders.

There is no clarity whatever about how sanctions against non-co-operating members will operate nor is there any provision to exclude or penalize members who willfully violate VFC norms. The responsibilities assigned to VFCs by the GO include protection of not only the JFPM patches but also other surrounding forests from encroachments, unregulated grazing, fire, illicit cutting, smuggling of forest produce and poaching of wild animals. There is no mention of sustaining or creating durable livelihoods.

A person's ability to realize the potential value of his or her property depends on the nature of rights and the extent to which rights can be protected; therefore, the legal status of the VFCs becomes very significant.

The ultimate aim of the JFPM should be to create VFCs as robust, self-governing and self-managing organizations capable of managing forest resources in a responsible manner. It is possible only if the VFCs are accorded the legal status.

The focus of the Joint Forest Planning and Management Programme has been the conservation of the forests. In the whole of this, the landless forest labourers are totally undermined; hence though it is the organizational effort, it does not contribute much to the unorganized forest labourers.

⁷⁹ Amit Mitra, Maristta Corraa, OXFAM SUPPORT PROJECT UTTARA KANNADA 80 (New Delhi: Oxfam Trust, 1997)

To sum up, organization of the unorganized is not an end by itself; it is a tool, an agency, an instrumentality of change for something better, higher and nobler. More specifically it is an outlet through which the insatiable yearning of the human beings for food, water, air and light, freedom to a clean, safe and congenial existence has found expression through the ages. This is suspended task which requires years of intensive planning and preparation involving considerable suffer and sacrifice, patience and tolerance, moderation and restraint which can be partly injected through proper, education and orientation, but has to be largely self-propelled and self-driven⁸⁰. Our workforce has to be productive if our economy has to be competitive and it cannot be productive unless it is literate, skilled and aware on the one hand, and healthy, contented, motivated and stable on the other. How can we have such a workforce if core labour standards are not observed and if labour rights continue to be violated? It is in this sense that the market forces cannot afford to alienate the labour force as also violate the rights of labour if they have to withstand the onslaughts of global competition. They cannot afford to depress wages as low wages would mean low calorie food, low level of nutrition, low productive energy and low productivity⁸¹. They cannot afford to make people work under forced or compulsory conditions as that would stifle individual initiative and motivation for work; they cannot afford to ignore the basic requirements of a safe, clean and congenial workplace which is synonymous with decent work and the latter is synonymous with productive employment.

⁸⁰ L. Mishra, "Organising the Unorganised Labour : Myth, Reality and Possibility" 41(1) THE INDIAN JOURNAL OF LABOUR ECONOMICS, 66 (1998)

⁸¹ Lakshmidhar Mishra, "Can Globalization And Labour Rights Coexist?"44(1) THE INDIAN JOURNAL OF LABOUR ECONOMICS, 11 (2001)

Chapter 7

The Legal Framework

THE LEGAL FRAMEWORK

The legal framework is of crucial significance because the objectives of the project cannot be achieved if the law obstructs or makes the achievement of such goals impossible. The law sets the stage for action and defines what is permitted and prohibited in terms of management, resource utilization, organizational set-up, administration and benefit sharing⁸². Under circumstances of intensified competition, the productive potential of that system can be seriously enhanced by listening to the voice of women and men at work. These men and women at work in the forests can make their voice heard only through organizing themselves. Hence the need for law to be instrumental in organizing the unorganized forest labourers.

Categorization of laws

In the context of unorganized labour, laws can be divided into three categories: (a) labour laws, (b) tenancy laws and (c) social welfare laws. The years before and after independence have witnessed the introduction of a spate of well drafted comprehensive legislations such as Payment of wages Act, Minimum Wages Act, Pledging of Children Act, Employment of Children Act, Child Labour Act, Beedi and Cigar workers Act, Contract Labour Act, Bonded Labour System Act, Interstate Migrant Workmen Act, Building and Other Construction Workers Act, etc. Most of them are protective and anti-exploitative in character and are enacted with the objective of improving the socio-economic conditions of the poor. Yet, unfortunately the processes of law which are intended to protect and safeguard the interests of the poor, the deprived and the disadvantaged sections of society are sometimes used against them while those who violate the

⁸² Chhatrapati Singh, *INDIA'S FOREST POLICY AND FOREST LAWS* 165 (Dehradun: Natraj Publishers, 2000)

provisions of the law often escape with impunity. Unable to counteract the unjust and oppressive legal system and to give vent to their frustration and indignation the poor often suffer silently and stoically.

The implementation of these laws is also fraught with severe limitations and problems. The law enforcement machinery is inadequate: it lacks mobility and, therefore, exposure to ground level realities and is ineffective. Sectors like brick kiln, stone quarries, bamboo forests, minor forest produce, etc., are so vast, scattered and fragmented that the enforcement of laws aimed at improving the economic conditions of workers in these sectors becomes extremely difficult⁸³. In effect, the law enforcement machinery is unable to provide them any timely relief. There are also attitudinal problems which are often not positive and supportive of action at the grassroots level.

The existence of numerous layers and sub-layers for filing of claims in the event of non-payment or delayed payment, and the computation of dues, recovery and eventual disbursement add to the woes of the poor and the disadvantaged who, being illiterate, enumerate and resourceless, do not have the time, energy and patience to wait for an inordinately long period to get the desired relief as per the law.

Constitutional framework

Article 21 provides for the right to life and livelihood. This means that the state cannot deprive the local people of resources in case their life and livelihood depend upon them. It must be noted that in the forest areas the livelihood of the people, specially the tribals, does depend upon the availability of forest resources.

⁸³ L. Mishra, "Organising the Unorganised Labour : Myth, Reality and Possibility" 41(1) THE INDIAN JOURNAL OF LABOUR ECONOMICS, 55 (1998)

Minimum wages

A statutory provision of minimum wages for employments has been included in the schedule to the Minimum Wages Act, 1948. However, its coverage and implementation has been inadequate and the actual wages on the ground are often much lower than those fixed by the appropriate Governments under the Act. While the tendency to fix minimum wages at unrealistically high levels should be checked, implementation of wages once fixed should be ensured. While machinery for enforcement of the Act has been strengthened over the years and is also envisaged in the programmes included in the Plan, it is desirable that a greater role is played by the workers' organizations, non-governmental voluntary organizations and organized trade unions in ensuring implementation of minimum wages, instead of solely relying on the official enforcement machinery. Fixation of minimum wages is the starting point to attain the target of living wages. Level of wages below which no worker should be paid is decided by fixing wages and the upper wage level is decided by the capacity of the industry to which lies between these two limits can be considered as a fair wage and the of attaining such a fair wage is the most popular one. The fulfillment of this concept depends on various factors, such as, the productivity of labour, the prevailing rates of wages, of National Income and its distribution and the place of industry in the economy of the industry.

By means of the Minimum Wages Act, Government may fix a minimum piece rate, a guaranteed time rate and an overtime rate. For these different types of employment, different classes of work in the same adolescents, children and apprentices, for different localities and for hourly rates, day rates, monthly rates, etc. the minimum rate of wages may be fixed on the basis of -

(1) basic rate of wages plus cost of living allowances, (2) basic rate of living allowances plus the cash value of the concessions in respect commodities at concessional rates or (3) an all inclusive rate allowing cost of living allowance

and the cash value of concessions⁸⁴. The cost of the cash value of concessions may be computed in accordance with of the above factors applicable to the locality of the workers concerned. The concerned department may also fix, (1) the number of hours of work which usually constitute day inclusive of one or more specified intervals; (2) provide rest days (3) provide for payment of overtime rates for work on a day of rest.

Once the Minimum Wages have been fixed, it is up to be paid to the workers who are employed and also to take steps to enforce it.

The unorganized forest labourers are not even paid wages according to the Minimum Wages Act; the distressing fact being that the labourers are not even aware of that.

International Labour Conference

In 1998, the International Labour Conference approved a Declaration on Fundamental Principles and Rights at work with a follow-up mechanism that seeks to fill some of the gaps and to focus attention on the four internationally recognized core principles⁸⁵:

- Freedom of association and the “effective recognition of the right to collective bargaining”;
- Freedom from forced labour;
- The “effective abolition of child labour”; and
- Non discrimination in employment.

Banding together in organizations has always been a way for people to enhance their security, whether at their workplace or within their community or nation. Freedom of association is essential for this and the right to collective bargaining makes freedom of association effective in the world of work.

⁸⁴ N.R. Nair, “Rationalisation of wages in forestry”, 96(6) INDIAN FORESTER, 9 (1970)

⁸⁵ International Economics Policy Briefs, www.iia.com.

Translating the ILO's goal of decent work for all women and men into reality is only possible when the people directly concerned have a voice in defining what the concept of decent work actually means for them and how to achieve it⁸⁶.

UNORGANISED WORKERS BILL

KARNATAKA UNORGANISED WORKERS WELFARE BILL 2002

The basic flaw in this Bill is that it does not cover the Forest Workers in the Schedule which lists out the kinds of employments to which it applies. Even in other aspects, it seems to be offering only promises to the silent and long suffering unorganized workers⁸⁷. There has been a great amount of publicity given to the Bill, claiming that it will regulate the working conditions of all unorganized workers and provide them social security. But the Bill is actually only an enabling legislation which says that the government may and not shall provide these benefits where is the need for a legislation which only says that the government may provide benefits without actually placing an obligation on it do so?

First of all, the Bill applies only to the 68 employments that are specified in the Schedule, why cannot it simply apply to all workers to make it truly universal?

The Statement of Objects and Reasons indicates that the Bill is concerned not only with regulating the employment and conditions of work of unorganized workers like working hours, leave rest, holidays, overtime work, terminal benefits and minimum and equal wages, but also security and welfare measures to improve their living conditions. It also envisages creation of a welfare fund establishment of welfare boards for administration of welfare and social security schemes: setting up of a social security Authority (SSA) for giving policy directions and levying, collecting and administering contributions to the fund

⁸⁶ Follow up to the First Global Report, www.ilo.org

⁸⁷ Kathyayini Chamaraj, "Mera Promise of Social Security" DECCAN HERALD, Friday, March 2002

from employers, workers and others. The weakest point in the Bill is that the bureaucrats seem to be only concerned about setting up the administrative machinery for providing the benefits. But they seem to exhibit a sense of ennui when it comes to applying their minds to decide which of the benefits and how exactly these are to be delivered.

PROTECTION OF RIGHTS OF UNORGANISED SECTOR WORKERS BILL, 2002

In contrast, the draft **Protection of Rights of Unorganized Sector Workers Bill, 2002** submitted by the Centre for Education and Communication (CEC) New Delhi, to the 2nd Study Group on Umbrella Legislation for Workers in the Unorganized Sector of the National Commission on Labour, 2000, has a rights based approach which actually mandates that certain benefits shall be provided to all workers without exception and not be left to the whims of bureaucrats. It also takes a larger view of the problems faced by unorganized workers, such as their very Right to Employment and Right to Resources, especially in the context of globalization. It also guarantees their Right to Minimum and Equal wages and Special wages for special work the Right to Organize and Bargain Right to Social Security and Right to Training and Education. The National Centre for Labour (NCL) aims, not only to provide an anchoring for the diverse organizations, but more importantly to articulate the need for institutionalized norms of welfare which can apply to the unorganized sector as a whole⁸⁸.

The Bill expressly lays down under Section 4(2) that “the Board shall take steps to protect the historical and traditional rights of the Forest workers and forest produces gatherers...”

Section 9 provides for the Right to Social Security.

⁸⁸ Supriya Roy Chowdhury, “Organising the Unorganised” THE HINDU, Feb 7, 2002.

The recognition of the forest labour itself will take a lot of efforts. All forms of employment with regard to forest labour have to be brought under one roof; which regulates the relation of the labourer and the employer.

Section 11 deals with the Composition and Constitution of the Boards. It will be very difficult for one Board to take the responsibility of the whole of the labourers in the unorganized sector in the district. Each sector involves its own technicalities which will have to be given due consideration. So, if a body is created in each of the departments which employ unorganized, and the Board is given the power to supervise, then the task will be simplified and also, easier. It will be easier to allocate the funds in this regard.

And the general board constituted under the Bill can take care of only those labourers like domestic workers etc., wherein usually the employer will be the individual and the employment can be regulated only through some such Board. Only a co-ordination between the various departments will enable the successful enforcement of such a set-up. The bulk of the workforce is that it becomes very difficult to manage and provide for the whole lot.

The very attempt to do some thing for the unorganized has to be commended.

SOCIAL SECURITY

The protection which society provides for its members, through a series of public measures, against the economic and social distress that otherwise would be caused by the stoppage or substantial reduction in earnings resulting from sickness, maternity, employment injury, unemployment, invalidity, old age and death: the provision of medical care, and the provisions of subsidies for families with children.

Perhaps what emerges most forcefully is that social security for the unorganized sector cannot be reached by centralizing and standardizing schemes, but rather by letting a hundred flowers bloom and encouraging workers themselves to take

more of an initiative⁸⁹. These workers remain weak and vulnerable, partly because they are unorganized, hence isolated and powerless. The provision of social security can itself be a means that would lead the unorganized sector workers to organize and become empowered. Security of needs like health care, food, housing and child care, is empowering for vulnerable unorganized sector workers and helps to alter their bargaining position in the market. The methods and instruments chosen for providing social security tend to contribute to the state of organization among the workers. Centralized, non-participatory systems tend to be disempowering, while decentralized, locally controlled, locally funded programmes lead the workers to organize themselves. Perhaps, as social security schemes run further out to the unorganized sector workers they will organize and become part of the mainstream.

The value of human labour is determined by commonsense, compromise and judgement and as yet, there is no scientific or theoretical basis for determining this. In a free labour market wages get fixed, primarily by the inter-action of supply and demand and also by other social factors such as, cost of living, local competition for labour and relatively by the community on various occupations. But in the present times, free labour conditions seldom exist. On the other hand, now, wage scales are influenced by Trade power and State Regulation. Even under such a set up, disciplines such as Work Study, and Incentive Schemes could be applied successfully for determining a logical aiming at the target of equal pay for equal work.

As such there is an urgent need intervention in the regulation of wages in forestry since forest labour in the country is unorganized and is vulnerable to exploitation.

⁸⁹ THE UNORGANISED SECTOR: WORK SECURITY AND SOCIAL PROTECTION 28 (ed., Ranana Jhabwala, R.K.A Subrahmanya, New Delhi : Sage Publications, 2000)

Social security in the unorganized sector

At the international level too, the International Labour Organization recognized for the first time in 1986, the need to address the question of how better to assist in all respects, the masses of the unorganized workers lacking adequate social protection.

First, it was found that the unorganized sector is not a homogeneous category.

Second, a major obstacle to introducing contributory social insurance schemes for the unorganized sector is the difficulty in identifying the employer.

Third, unlike the organized sector where steady and regular employment is a given fact, unorganized sector workers need employment security, income security and social security simultaneously.

Fourth, the needs of these workers vary from those of the organized sector.

Basic Approach to Development:

The people who are the ultimate end users of development should be able to articulate their basic needs and concerns like literacy, basic education, health, hygiene, sanitation, drinking water, food and nutrition, lighting, ventilation, etc., in a natural and spontaneous manner without any orchestration. Thus, planners, policy formulators and implementers need to recognise this reality and proceed to create a climate or environment, which enables the target groups of development to raise their demand for a particular product⁹⁰.

The utilization of the legal benefits by the poor depends on the availability of legal services and that of a variety of historical, sociological, cultural and economic constraints. When all these factors are taken into consideration, the legal provisions fall into place automatically.

⁹⁰ L. Mishra, "Organising the Unorganised Labour : Myth, Reality and Possibility" 41(1) THE INDIAN JOURNAL OF LABOUR ECONOMICS, 56 (1998)

Conclusion

CONCLUSION

In the words of Swami Vivekananda, "What we want is progress, development, realization". Progress and development is the distant dream in Uttara Kannada if the lives of the forest labourers that is inter-twined with the environment is not taken care of. There are times when the formulations of problems are more urgent than their solution. Only after the problems are formulated, the solution may be arrived at.

It is necessary to outline the issues that are actually at stake in the forest question. There are three⁹¹: (a) justice to the people, forest dwellers and non-dwellers (b) justice to nature and (c) justice to coming generations, so that natural resources are available in the long run. Duties and rights can be ranked. Any sound moral or legal theory will demonstrate that our immediate obligation is more binding than our remote obligations. In the context of Uttara Kannada district, the immediate obligation is the organization of the unorganized forest labourers.

Ultimately, it all boils down to the point that there must be alleviation of poverty. Towards the achievement of this greater goal, various issues have to be addressed. From the viewpoint of Uttara Kannada district, as the forests play an important role in the livelihood of people, and contributes so much to the economy, it will be unjustifiable if the unorganized forest labourers who are instrumental in the process are subject to exploitation.

Importance of social security and social protection

The importance of social security and social protection on the whole has never been felt more acutely than now. Security is a multifaceted perception and

⁹¹ Chhatrapati Singh, COMMON PROPERTY AND COMMON POVERTY: INDIA'S FORESTS, FOREST DWELLERS AND THE LAW 7 (Delhi : Saga Publications, 1986)

phenomenon. It implies health and safety at the workplace; means guarantee for a stable flow of income and easy access to public services. It also means secure income in old age or during ill health and protection against contingencies of many sorts. It encompasses the right to organize and defend one's rights. It also means right to freedom from violence, tyranny and oppression. Social security is the very foundation of a decent society; it is the primary source of social legitimacy. The unorganized forest labourers cannot be deprived of this.

Inadequate Social Security Provisions

With globalization, more flexible labour markets, restructuring of the formal sector and the swelling of the informal sector a growing number of people and workers in particular are left unsupported by mainstream forms of protection. Such insecurity breeds fear, impoverishment and socially irresponsible behaviour while preventing people from realizing their potential as workers and members of the society⁹². These are disastrous trends, which, unless grappled with timely corrective action, are likely to spread chaos.

To provide adequate Social Security Provisions to the unorganized forest labourers of Uttara Kannada district, establishment of the suitable Co-operative set-up seems to be the appropriate solution.

Need for Collective Representation of Interests

To start with, in the context of internationalization of production and segmentation of labour market and a growing sense of insecurity we need to emphasize and re-emphasize that both workers and employers need representational social security and that collective representation of interests is vital for conflict resolution and conflict managements. We need to emphasize that respect for freedom of association and collective bargaining rights provide the basis for building such representational security, which is vital to grapple with the contemporary global challenges and opportunities.

By establishing a Co-operative set-up, all these rights will vest in the unorganized forest labourers.

Recognition of Basic Human rights

Many instances are evident wherein the basic human rights of the forest labourers are being violated. Attempts have to be made in this regard so that, each person can live his life as a human being in the true sense of the term.

Linking employment Policies with Social Protection

Linking labour market, employment policies and social protection is the need of the hour; it is also a formidable proposition. It is not easy to strike a balance between the two sets of policies meant for (a) promoting employment by creating new jobs; and (b) providing social protection by transferring a portion of the affordable income to the sick, the invalid and the disadvantaged/handicapped who cannot earn a decent living as other normal people.

All these factors reiterate the same fact of the necessity to organize the unorganized forest labourers.

Finally above all else, it must be the endeavor to recapture the most desirable elements of the Indian tradition: genuine diffusion of power down to the local communities and respect for nature as a human habitat; basically, there must be respect for the fellow human beings by each person. And it can be accomplished only if Law is instrumental in the process.

“Sarve Jana: Sukino Bavanthu”

⁹² Lakshmidhar Mishra, Can Globalization And Labour Rights Coexist? 44(1) THE INDIAN JOURNAL OF LABOUR ECONOMICS, 10 (2001)

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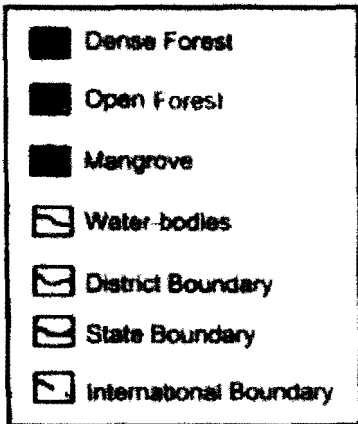
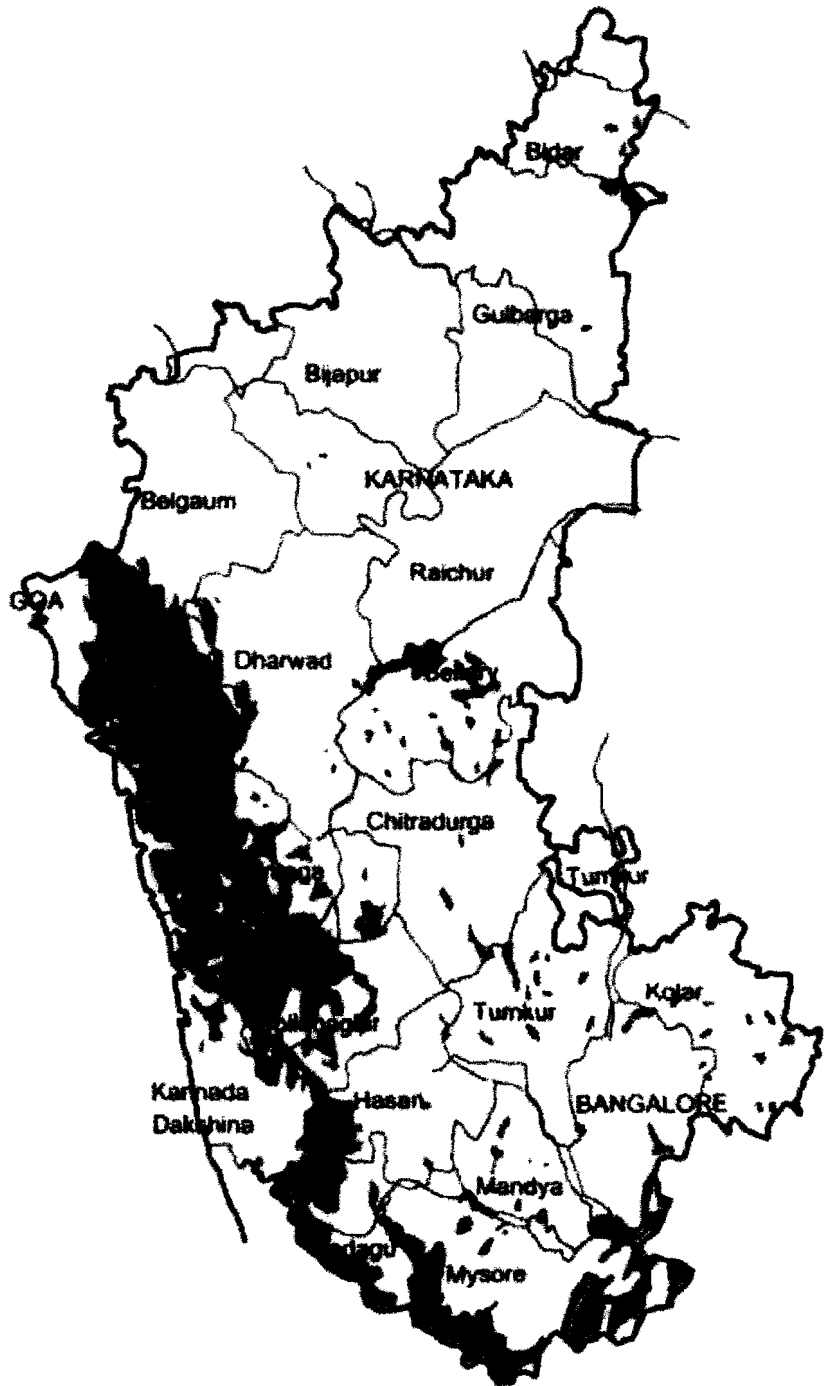
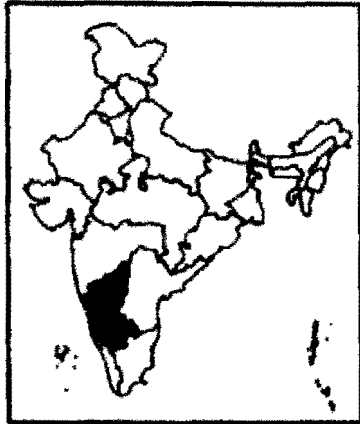
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Annexure A

Map of Karnataka



Annexure B

Copy of an estimate

OFFICIAL MEMORANDUM:

Sub: Estimates of Karwar Division.

Ref : Letter No. A3/BGT/CR-35/2001-02 dt: 7/3/2002
of the Deputy Conservator of Forests, Karwar.

2) Sl. No. 8 - 8 - (a) - Financial Powers - Special Powers.

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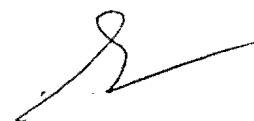
In the circumstances reported by the DCF, Karwar & as recommended by him, the sanction is hereby accorded for the following estimates.

Sl. No.	Plantation	Location	Area (Ha.)	Amount	Budget head
1	2	3	4	5	6
KARWAR RANGE					
780/ 2001-02	Advance work for raising fuelwood plantation (2001 rains)	Katar FS-35A1A	40.00	279400	02-Cultural Operation-141- works
781/ 2001-02	Raising plantation during 2001 rains	Katar FS-35A1A	40.00	165800	02-Cultural Operation-141- works

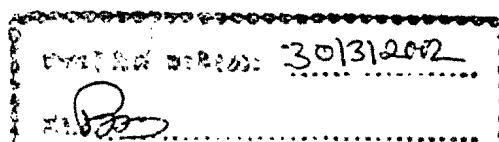
The expenditure is debitable to the head of account as mentioned above (Column No.6) during the year 2001-02. The work should be got executed according to the procedure laid down in the Karnataka Forest Account code & circular instructions issued from time to time.

The amount sanctioned in the estimate for each work are only indicative not actual, while charging the amount the actual work done in the field should be taken into account after getting the work check measured without exceeding the estimated amount. The amount should be restricted to the allotment.

Wherever rootstocks are available there should not be excavated pits, such root stocks should be protected with soil working through WATCHERS. The pits should not be excavated below the trees. Maximum works should be got done through the watchers engaged for the area.


Conservator of Forests,
Kanara Circle, Sirsi.

- ⇒ Communicated to the DCF- KARWAR along with sanctioned estimates.
- ⇒ Copy forwarded to the ACF- KARWAR along with sanctioned estimates.
- ⇒ Copy forwarded to the RFO- KARWAR along with sanctioned estimates.



(6985)

KARWAR FOREST DIVISION ESTIMATE

- 1) Name of work: Advance work for raising of 2001 range plantation during the financial year 2001-02
 2) Range: Karwar 3) Location: Karwar F.S. 35A1A 4) Extent: 40 Hec.
 5) Species: Acacia 6) Perimeter: 3500 Rmt 3000 7) No. of Pits: 40,000 Nos.
 8) Espacement: 3mtr x 3mtr 9) Previous S.O. No. & Date.
 10) Present S.O. No. & Date: 780/2w1-02 dated 20/1/02 11) Amount Sanctioned: 2,99,400/-
 12) Budget Head: FDE-33-Cumrs 02-200

Sl.No	SSR I.No	Particulars of works	Qty	Rates	Amount
1	63 b)	Clearance of undergrowth scattered type, low density areas, without burning heaping and reburning or removal of the debris outside make the area suitable for planting.	30 Ha.	826.00 Ha.	24780.00
2	64 a)	Preparation of stakes and delivery to planting site.	40000 staked	89.70 /1000	
3	64 b)	Aligning and staking	40000 Nos.	99.36 /1000	
4	64 d)	Excavation of pits of size 45 cm x 45cm x 45cm in hard laterite soil areas (1000 pits + 113.75cum)	40000 pits	3.83 /pit	153200.00
5	64 d)	Excavation of Cattle Proof Trench of the following size in hard laterite soil areas. or power fencing or barbed wire fencing 1.50 Mtrs. on top, 1.00 Mtr at bottom 1.00 Mtr. depth. 1.00 + 1.5 ----- x 1.00 x 3000 = 3750 3250	3250 3750 Cum	31.20 cum	101400.00 117000.00
6		Purchase of implements and rounding of.		L.S	20.00 120.00
				Total	295100.00

CERTIFICATE

- 1) Certified that the rates adopted in this estimate are the sanctioned schedule of rates of Kanara Circle for the year 2001-02.
- 2) Certified that the works included in this estimate have not been included in any of the estimate sanctioned during the year 2001-02.
- 3) Certified that the above works are included in the Annual Plan of Operation Programme of works, Action Plan of this division for the year 2001-02.

"Certified that the estimate is scrutinised by me & the works provided therein are essential"

Asst. Conservator of Forest,
Karwar Sub-Division, Karwar.

Countersigned for Rs. 2,95,100/-
(Rs. Two Lakhs Ninty Five Thousand One Hundred Only)

S.O.No.
Sanctioned for Rs. 2,95,100/-
(Rs. Two Lakhs Ninty Five Thousand One Hundred Only)

Conservator of Forests,
Kanara Circle, Sirsi.

7318/1

279400/-

RANGE FOREST OFFICER
KARWAR

Deputy Conservator of Forests,
Karwar Division, Karwar.

S. O. No 780/2w1-02
Sanctioned for Rs. 279400/- Two
Rupees lakh seven only nine
thousand four hundred
only
Conservator of Forests.

**KARWAR FOREST DIVISION
ESTIMATE**

1) Name of work: Re-planting of 2001 rains plantation during the financial year 2001-02.

2) Range: Karwar

3) Location: Katar F.s. 35A1A

4) Extent: 40 Hec. ✓

5) Species: Acacia

6) Peripher: ³⁰⁰⁰~~2600~~ Rmt.

7) No. of Pits: 40,000 Nos.

8) Espacement: 3mtr x 3mtr

9) Previous S.O.No & Date:

10) Present S.O.No & Date: 784/2001-02 dt. 30/3/2002

11) Amount Sanctioned: 165800/-

12) Budget Head: FDF-03-other.

Sl.No	SSR I.No	Particulars of works	Qty	Rates	Amount
8)	64[c]	Refilling pits 40000Nos. Of size (0.45x0.45x0.45 mtr)	3640 cum	3.67 /cum	13359.00
9)	66	Loading & Unloading charges for PBS. a) 5"x8"	40000	57.90 78.30 /1000	2716.00 3132.00
10)	67	Transportation of polythene bagged seedlings in hired truck from nursery to plantation site (dist) 11Kms. a) 5"x8"	40000	217 251.00 /1000	8680.00 10040.00
11)	68[g]	Conveyance of PBS in 3Kms. distance. a) 5"x8"	40000	389.30 /1000	15572.00
12)	69[a]	Planting of PBs in refilled pits & consolidation. a) 5"x8"	40000	234.55 /1000	9382.00
13)	66	<u>CAUSALITY REPLACEMENT</u> Causality replacement 10% at the original planting.			
	66	loading and unloading charges for PBS. a) 5"x8"	4000	57.90 78.30 /1000	271.00 313.00
	67	(a) Transportation of 5 * 8" PBS. a) 5"x8"	4000	217 251.00 /1000	868.00 1004.00
14)	68	Conveyance of PBS in hilly terrain area over a a) 5"x8"	4000	389.30 /1000	1557.00
15)	69	Planting of PBS in hilly refilled pits a) 5"x8"	4000	234.55 /1000	938.00
21)	76(a)	Ordinary bharav by the soil around the plants to a radius of 50 cms. and earthing up of the loosened soil with the help of pickaxe at the collar region.	20000 Nos.	776.3 /1000	15526.00
22)	76(b)	Saucer bharav by earthing of plants with semi circular slanting saucer slope, scraping of grass and weeds 50cms. Around the plant, loosening of boulders, if any & soil with the help of pickaxe, arranging the loosened soil circular fashion at the lower side of the plant against the slope and removing of earth and formation of slanting earthing up 8cms. Diameter & 36cms. depth at a deep & point in hard soil area.	20000 Nos.	1382 /1000	27640.00
23)	73	Clear weeding by cutting all weeds flush to the ground retaining of important economic species which are directly interfering with the main crop in areas with the heavy weed growth of Eupatorium, solanum etc. First weeding	40 Ha.	510.40 /Ha.	20416.00

Sl.No	SSR No.	Particulars of works	Qty	Rates	Amount
24)	62	Grass cutting flush to the ground in high density mechanised areas.	24 Ha.	850.80 /Ha.	20419.00
		Second weeding	16 Ha.	377.75 /Ha.	6044.00
25)	40(a)	Cleaning firelines & fire tracking 5Mtr.wide.	6 Km	301.85 /Km.	
	(b)	Resweeping & reburning			
26)	Pg.8	Engaging two unskilled heavy maz door for watch & ward the plantation From 15-6-2001 to 31-3-2002.	290 days	75.30 /day	21837.00
27)	RQ.	Providing & fixing RCC.plantation board including writing charges.	each	500 /-	500.00
28)		Other miscellaneous items.			75.00
Total Rs.					168000.00
Per Ha.					4200.00

CERTIFICATE

- 1) Certified that the rates adopted in this estimate are the sanctioned schedule of rates of Kanara Circle for the year 2001-02.
- 2) Certified that the works included in this estimate have not been included in any of the estimate sanctioned during the year 2001-02.
- 3) Certified that the above works are included in the Annual Plan of Operation Programme of works, Action Plan of this division for the year 2001-02.

"Certified that the estimate is scrutinised by me & the works provided therein are essential"

RANGE FOREST OFFICER
KARWAR

Asst. Conservator of Forest,
Karwar Sub-Division, Karwar.

Countersigned for Rs. 168,000/-
(Rs. One Lakh Sixty Eight Thousand Only)

Deputy Conservator of Forests,
Karwar Division, Karwar.

S.O.No.
Sanctioned for Rs. 168,000/-
(Rs. One Lakh Sixty Eight Thousand Only)

Conservator of Forests,
Kanara Circle, Sirsi.

S. O. No 784/2501-02
Sanctioned for Rs. 165800/- One Lakh
Rupees Sixty five thousand eight
hundred

Conservator of Forests,
Kanara Circle, Sirsi

22

The Conservator of Forests,
Kanara Circle,
S I R S I.

Sir,

Sub:- Submission of estimates for raising
plantation during 2001 rains in
Karwar range.

Ref:- 1. Your office letter No.A2/CR-34/KWR/
2001-02 , dated 4-8-2002.

2. This office letter of even number
dated 25-2-2002.

-oo00oo-

14/9/2001

The additional information relating to CPT around the
plantation raised during 2001 rains of Karwar Range has
already been submitted under this office letter cited
Sl.NO.(2) above. I therefore request you to sanction the
estimate of 2001 rains plantation raised in Katar F.S.35A1A
over an area of 40 Hac. in karwar range, and communicate
to this office early.

Handwritten notes, 305

A2
6 MAR 2002

Yours faithfully,

Deputy Conservator of Forests,
Karwar Division, Karwar.

G.2-3.

Handwritten stamp with text: 9055, 6/3/02

1374
6/3

REFERENCE ON LETTER NO. A3/BGT/CR- 35/2001-02 DATED 26/07/2001 OF
THE DCF-KARWAR.

No.A2/CR-34/KWR/2001-02


O/o CFKC, Sirsi- date: 3/08/2001

Sub: Submission of estimates for raising plantation
during 2001 rains in Karwar Range.

O

The DCF has submitted the estimate for raising plantation during 2001 rains in Katar FS-35A1A over an area of 40 Ha. in Karwar Range for sanction. On perusal of the estimate, it is observed that the periphery of the said plantation is 2600 Rmt., whereas RFO has proposed CPT around the plantations for 3000 Rmt. The discrepancy in between periphery and excavation of CPT should please be examined and submit detailed report in the matter. Further he has also proposed 100% hard soil rate for CPT works, this may also please be examined and report as to whether the area in question is containing hard laterite soil. The report in the matter should please be submit to this office early so as to finalise the estimates submitted by him.


3/8
o/l Conservator of Forests,
Kanara Circle, Sirsi.


4/8/2001

A3/BET/CR-35/2001-02 dt 23/2002

SUBMITTED :

Sub: Estimates of Karwar Division.

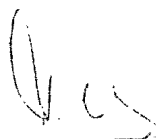
****O****


The DCF-Karwar has submitted the following estimates of Karwar Range for sanction.

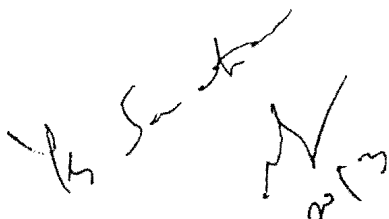
Sl. No.	Plantation	Location	Area (Ha.)	Amount	Budget head
1	2	3	4	5	6
KARWAR RANGE					
A 1 779 780	Advance work for raising fuelwood plantation (2001 rains)	Katar FS-35A1A	40.00	279400	02-Cultural Operation-141-works
B 2 780 781	Raising plantation during 2001 rains	Katar FS-35A1A	40.00	165800	02-Cultural Operation-141-works

1. The works proposed in the estimate are as per the APO approved from this office & the rates adopted are as per sanctioned SSR of this Circle.
2. The area proposed in the estimates have been already included in the APO for the year 2001-02 under 02-Cultural Operation, which was approved from this office.
3. While submitting the estimate, it was mentioned that the periphery of the plantation area is 2600 Rmt. and CPT is done in 3000 Rmt. The question of excavation of 3000 Rmt. CPT as against the periphery of 2600 Rmt. does not arise. Hence the DCF-Karwar was requested under this office letter of even no. dated: 03/08/2001 to report the actual length of the CPT excavated in the field. Now the DCF in his letter dated: 14/9/01 has reported that the length of the CPT is 2600 Rmt. and periphery of the plantation area is 3000 Rmt. But wrongly shown as 3000 Rmt. CPT. Further he has stated that the soil of the plantation area is laterite.
4. Per hectare cost of the plantation is 11130 as against the approved cost of Rs. 10000/-

In view of the above orders are solicited as to whether above estimates may be sanctioned.


A.A.


A-2 Section.



Annexure C

Glimpses of forest labour



Where tomorrow?

These forest labourers live in such tents in the midst of the jungles to earn their livelihood.





Cutting of the dead and fallen trees.



Buffaloes being used in logging activities.



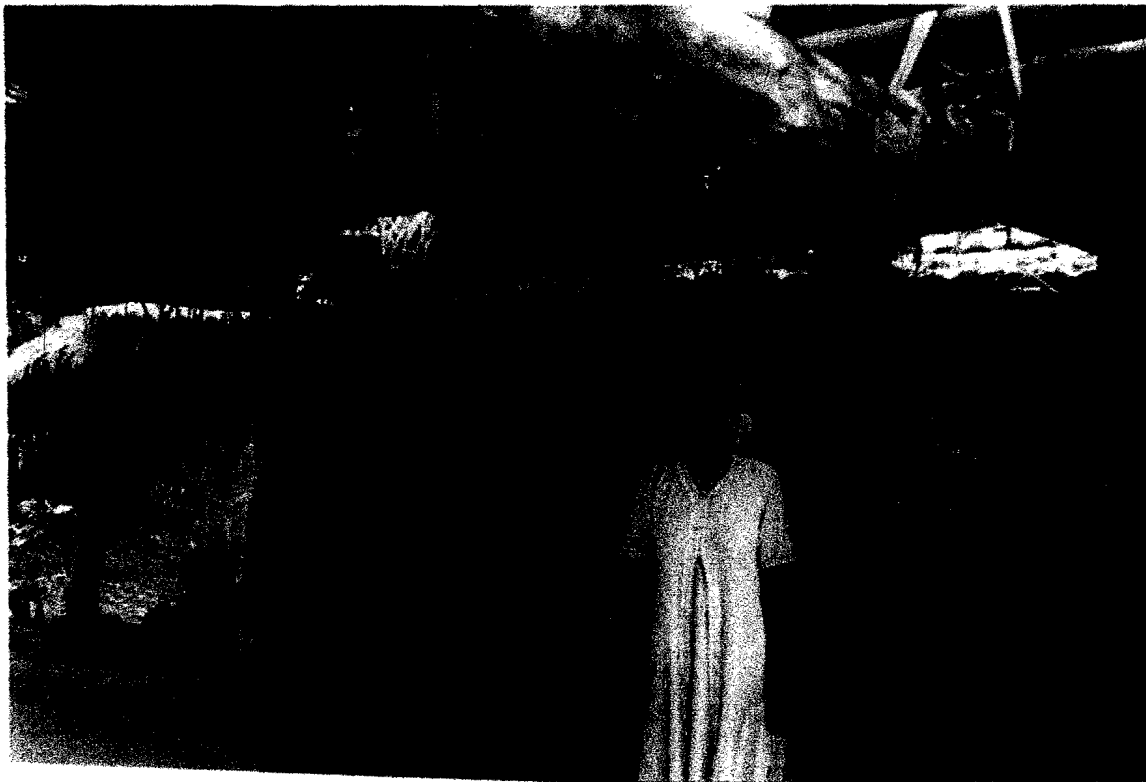
Loading of the timber produce.



Fuelwood depot where the subsidized fuelwood is distributed.



Nursery where the plants are raised.



Siddi tribals of Shirasgoav.

Annexure D

Amendment to the Forest Accounts Code

GOVERNMENT OF KARNATAKA

No.AHFF-2-FFI

Karnataka Govt. Secretariat,
M.S. Buildings
Bangalore-1, Dated 13th Oct. 1987

NOTIFICATION

Government hereby makes the amendments to the Karnataka Forest Accounts Code as in the appended Statement.

These amendments shall come into force with effect from 1.11.1987.

This issues with the concurrence of the Finance Department vide its U.O. Note No. FD-961-Expr.IV/87 dated 11.9.1987.

By order and in the name of the
Governor of Karnataka.

Sd./ - K.Hiriyanna.
Under Secretary to Government,
Animal Husbandary, Fisheries and
Forest Department.

To,

The Compiler, Karnataka Gazette, Bangalore for publication in the next issue and making available 200 copies of the printed notification to this Department.

Copy to:

The Accountant General, Audit & II, Bangalore.
The Principal Chief Conservator of Forests, Bangalore.
The Chief Conservator of Forests(GI)., Bangalore.
The Chief Conservator of Forests (Devi). Bangalore.
The Additional Chief Conservators of Forests.
The conservators of Forests (All) : Through the chief.
The Dy. Conservators of Forest (All) : Conservator of Forests (GI).

Section Guard File.
Weekly Gazette,
Spare Copies

SSC. 2610
Comp. By.

ANNEXURE - II TO GOVERNMENT NOTIFICATION OF AHFF-2FFI-87
13th October 1987.

“34. Annual Plan of operation:

1. There shall be an Annual Plan of operation prepared in respect of each forest Division. The annual Plan of operation should be prepared for both Plan and Non-Plan respectively. The Plan of Operation should give details of the various works which are proposed to be taken up in the Division. During ensuring year based on the prescriptions of the working implemented under different budget heads. While including the works in the plan of operations spill over works of the previous year should be given first priority and only after providing for all the spill over works, fresh works should be proposed. The instructions issued by the higher officers from time to times should also be kept in a view while preparing the plan of operations. The plan of operations should be limited to the budget head allotment indicated to each division under various heads accounts both plan and non-plan for the year.
2. In respect of any additional allotment provided during the course of the year under any scheme under plan or non-plan, supplementary plan of operations should be prepared and got approved separately.
3. The Deputy Conservator of Forests shall submit the plan of operations in respect of his division by 20th April of the year. The Conservator of Forests shall scrutinize the Plan of Operations submitted by the Deputy Conservator for Forests with reference to the allotment for the year and approve the Plan with such modifications as he may consider necessary and communicate the same to the respective Deputy Conservator of the Forests before the 30th of April of the year.

The plan of operation and estimates should be submitted by the Range Forest officers to Deputy Conservator of Forests through the Asst. Conservator of Forests by 10th of April of the year.

4. The conservator of Forests may call for a meeting of the Deputy Conservator of Forest during the last week of April to discuss/finalise the plan of operation.

No forest works shall be executed without the approval of the plan of operations by the conservator of Forest. How ever pending approval of the plan of operation, spill over works which are proposed in the plan of operation may be executed.”

- (2) After para 68 of the Karnataka Forest Accounts Code, the following shall be added:

“All LOCs issued by the Conservator of Forests to the Deputy Conservator of Forests shall expire on the 31st March of the year. No. cheques shall be issued after this date. The Dy. Conservator of Forests shall intimate the Conservator of Forests & the Accountant General, the total cheques drawn figures for the month of March by Telegram or Muddam on the 1st of April. He shall also intimate the number & date of the last cheques issued in each of the cheques Book in use by him.”

- (3) For para 104 of the Karnataka Forest Accounts Code, the following shall be substituted:

“Muster rolls:”

Muster rolls shall be maintained either by the Forest Mali/Forest Guards/duly following the procedure prescribed in the forest Accounts Code. Disbursement of wages, however, shall be made by the Forester/Range Forest Officer furnishing the necessary certificate of disbursement and recording the progress of the output.

Muster roll in Form No.FAC 9 must be prepared daily by the subordinate deputed for the purpose. It should be delat with in accordance with the instructions laid down below:-

There should be a separate Muster Roll for each item of work which has been separately estimated for. The Muster Rolls should not be kept in duplicate, the Father's name of each labourer and the name of his village also should be noted (with surname) if any.

(2) Entries in the Muster Rolls should be made neatly and clearly in ink. If mistake is made, it could be neatly be scored out and the correct entry be made above it under the dated initials of the officer concerned”.

- (4) For para 117 of the Karnataka Forest Accounts Code, the following shall be substituted:

“117 - CHECK MEASUREMENTS”

- (i) The Forester will be responsible for execution the works for which advances are given to him by the Range Forest Officer. He shall also be responsible for the payment t the head Mazdoors and Mazdoors commensurate with the quantity and quality of the works carried out according to the sanctioned estimate d and to obtain necessary vouchers and acknowledgement for having disbursed the same. He shall also make necessary entries in the measurement book/field not book of the various items of work carried out for which payments are to be made. The Range Forest Officer before accepting the voucher from the Forester and before giving him further advances should check measure 100% of the works carried out by the Forester with reference to the sanctioned estimate. If it is found that either the quantity or the quality or both are not commensurate with the payment made with reference to the sanctioned estimate & recorded measurements, he shall accept the voucher only to the extent of the work which is actually turned out and for the balance, the forester is responsible. If there is any dispute between the Forester and the Range Forest Officer on this account, the Deputy Conservator of Forests shall be the final authority to decide.
- (ii) The Forester shall also be responsible for supervision of the works entrusted to the tender cum contractors and to piece worker under agreement in his jurisdiction. He shall record detailed measurement of the works done under the

various contracts. He is primarily responsible for the detailed measurements recorded in the FNB/MB in respect of Forest works.

- (iii) In respect of the works entrusted to the tender contractors and piece workers, no payment shall be made unless the works are check-measured hundred percent by the Range Forest Officers.
- (iv) In respect of civil works including buildings, bridges, roads, earth work for plantation etc., under tender contract and the works carried out under piece rate system, the primary responsibility for supervision will be of the Range Forest Officer who shall also record the measurements of the work done in MB/FNB. The Assistant Conservator of Forest shall check measure hundred percent of works in respect of quality and quantity with reference to the sanctioned estimate before making payment by the Deputy Conservator Forests.
- (v) The Range Forest officers Being the main executing authority in respect of all works in the Range in primarily responsible for the timely operations to be carried out in respect of the various works and to ensure that the quality and the quantity of work are in accordance with the sanctioned estimate and payments made are commensurate with the work done.
- (vi) The Asst. Conservator of Forests and the Deputy Conservator of Forests should frequently inspect/supervise and guide in all the Forest operation that are in progress and they are also responsible for the quality of the works carried out in their divisions. The Asst. Conservator of Forests particularly should inspect the work spots invariably when important items of works like pitting, refilling, planting, and weeding, manuring etc., in progress to ensure the quality of works.
- (vii) In respect of the works executed by the Range Forest Officer through the PCP or NMR either directly or through the Foresters, check measurement to the extent of twenty five percent of the quantum of each work should be done by the Asst. Conservator of each work after the works are carried out. Special attention should be given for works like pitting, digging of trenches and other similar works and check measurement of such works should be done before pits and trenches are filled and planted. Similarly works like weeding, manuring and soil working should be immediately check measured to avoid any dispute about the quality of each work done. The Asst. Conservator of Forests is responsible for timely check-measurement of the works and for any inferior quality of works which are allowed to be carried out by the Range Forest Officers for want of timely check measurement of works, he is directly held responsible.
- (viii) The Dy. Conservator of Forest should check 10% of all the works in the Division, duly recording the assessment of the quality and quantity of work in the NB/MB under his dated signature and plantation journal. During the course of check measurement if any variation is noticed, the responsibility on the concerned Asst. Conservator of Forest shall also be fixed.

- (ix) In respect of all works executed through the Range Forest Officers either directly or through the Forester of the Range, the measurement of works either by the Asst. Conservator of Forests or by Dy. Conservator of Forests, it is found that there are deficiencies either in the quantity the Deputy Conservator of Forests shall take action to recover the value of the work which is charged in excess and also initiated disciplinary proceedings against the concerned Forester or Range Forest Officer or both if necessary for misappropriation of Govt. funds . however, any dispute regarding the quality and the measurement of the works will be referred to the conservator of Forests, who shall immediately either inspect the area himself or through any officer who is not directly concerned with the work and take a final decision in the matter. The decision of the conservator of Forests in this regard shall be final.
- (x) For all payments made by range Forest Officer he should check measure 100% of the works carried out and Asst. Conservator of Forest 25% before making payment through cheque. In respect of payment made by Asst. Conservator of Forests, the Range Forest Officer should check measure 100%, Asst. Conservator of Forest 50%, and Deputy Conservator of works costing more than Rs. 25,000/- before making payment.

All payments made by Dy. Conservator of Forests, through cheque, Range Forest Officer 100%, Asst. Conservator of Forests 25% and Dy. Conservator of Forests 10%. However in respects of all civil works the Asst. Conservator of Forests has to check measure 100% in addition to check measurement by Range Forest Officer by 100%.

- (5) For para 121, the following shall be substituted:

"121-preparation and sanction of Estimates".

1. No work should be taken up for execution without the sanction of the estimate for works proposed to be carried out based on the plan of operation.
- a) In preparing the estimates only the current forest schedule of rates as sanctioned by the Conservator of Forests for the year must be taken into consideration except in the case of Civil works where the PWD schedule of rates have to be applied.
- b) Each estimate should have the following particulars.
1. The details of measurement.
 2. An explanatory report explaining the necessity and utility of the work.
 3. Specification showing the nature and particulars of the work and the description of the materials to be used.
 4. The abstract of cost.

5. Estimates should be prepared in the standard format (Form FAC 83) with all the date. Where necessary, estimates must be accompanied by Maps and plans.
- c) Range Forest Officers are to prepare and submit the estimates for sanction with necessary date. They are responsible for the facts mentioned their in & it should be easily possible from the records to fix up responsibility on the persons for correctness of the date.
 - d) One comprehensive estimate should be prepared for one work. No estimate work should be split in order to bring it within the sanctioning power of any Officer. For example if in a locality 100 ha. Of plantation has to be raised under a scheme one comprehensive estimate only should be prepared for the entire area i.e., block is the unit for each estimate.
 - e) In case of plantations works, the estimate should include all operations upto the formation and maintenance during the first year. This will include demarcation, fencing, advance works like pitting, planting, wooding, spill working, manuring, fire tracing and watch and ward etc. In respect of the building works and other civil works, the estimates shall be prepared for the whole work.
 - f) The estimate for the work prepared by the Range Forest Officer shall be scrutinized by the Asst. Conservator of Forests and submitted to the Dy. Conservator of Forests. If the estimate is within the competence of the Dy. Conservator of Forests for sanction, it shall be submitted in triplicate; if it is within the competence of the Conservator of Forests, the estimates shall be get up in quadruplicate and if it is within the powers of the Chief Conservator of Forests/Addl. Chief Conservator of Forests, it shall be in 5 copies. Each sanctioning authority shall maintain a register of sanction of estimates in its offices and give a separate serial number for each financial year irrespective of the scheme; each copy of sanctioned estimate shall be en faced with Rubber Stamp of the authority sanctioning the estimate. There should be provision to enter the serial number, Head of Account, and amount sanctioned. Copies of the estimates sanctioned by the Dy. Conservator of Forests shall be sent to the Conservator of Forests, and a list of sanctioned works shall be submitted to the Accountant General (Audit-II) every month along with the Accounts. Copies of all sanctions should be sent to the Accountant General (Audit-II) as and when the orders or issued by the competent authority.
 - (g) In case of works sanctioned under the estimate which spreads over two or more years, the Range Forest Officer should indicate the amount required for expenditure in each of such different financial years to enable the Deputy Conservator of Forests to allot funds to the concerned works"

(6) For para 122 of the Karnataka Forest Accounts Code, the following shall be substituted:

"122-Sanction of schedule of Rates"

Schedule of rates for each kind of work generally executed should be prepared annually for each Circle. The schedule of rate for the ensuing year should be sanctioned before 31st March of the year preceeding the financial year by the Conservator of forests of each Circle.

i) A committee consisting of the following officers shall be constituted for each Circle for sanctioning the schedule of rates:-

1. Conservator of Forests of the Circle - Chairman.
2. All the Dy. Conservator of Forests of the Circle - Members

The Conservator of Forests may co-opt not more than two officers not below the rank of an Assistant Conservator of Forests ad Members. He may also invite officers from the P.W.D. and Registered Forest Contractors if found necessary during the meeting of the Committee.

ii) The Schedule of rates should be prepared an basis of the rates prevailing in each locality and necessary analysis of the rates for each description of work may be carried out giving due weightage to the varying conditions and such details of analysis shall be kept on record. For arriving at the schedule of rate for new items of work, a test work should be conducted in the presence of an Officer below the rank of Assistant Conservator of Forest and the Committee shall sanction the rates on the data sheet prepared.

(a) The Conservator of Forests shall be the competent authority to sanction schedule of rates for each Circle every year.

(b) Due to any extra ordinary circumstances, if sanction to schedule of rates for each Circle every year.

(c) Copies of the sanctioned schedule of rates should be sent to the Principal Chief Conservator of Forests and Account General. Copies of the Schedule of Rates should also be sent to the Deputy Conservator of Forests who in turn will distribute the same among the Assistant Conservator of Forests/Range Forest Officers.

The Principal Chief Conservator of Forests as soon as the receipt of sanctioned schedule of rates from the Conservator of Forests shall review the same and correct any in the schedule of rates of different Circles, as far as possible. The copies of the sanctioned schedule of rates of the Circles may be supplied to the Forest Contractors on payment of Rs. 50/- per copy.

(d) The schedule of rates should be reviewed every year by the Committee and revised whenever it is found necessary.

(e) In respect of the units, other than the territorial Forest Circles, the concerned Conservator of Forests of the respective wings shall follow the same

procedure for sanctioning the schedule of rates in respect of their jurisdiction".

(7) For para 125, of the Karnataka Forest Accounts Code,

The following shall be substituted:

"125 - The following shall be the method for carrying works".

1. By tender contracts;
2. By piece work system;
3. Through petty cash payments;
4. By Employment of Daily Labour on nominal muster rolls.

(1) By Tender Contracts:

The following works shall be executed on Tender Contacts:

Building, Bridges, Roads, Earth work for plantations and other Civil works costing above Rs. 25,000/-. In case no tenders are received even after two consecutive calls or rejected due to higher rates or valid reasons the work may be got done by piece of works systems Procedure for execution of works by tenders shall be as per procedure prescribed in the Forest Code.

(2) The following works shall be executed by piece work system.

- a) Seedlings, Soil Working, Fire line, cleaning, Fencing thinning, and other cultural operations.
- b) Supply of Yard manure, red earth, sand, collection of seed etc., required for nursery and plantations works etc.
- c) Extraction including preparation of Sandalwood in depts.

Piece work system is that in which only a rate is agreed upon subject to ceiling provided in the sanctioned schedule of rates without referring to the total quantity of the work to be done or the quantity to be done within the given period.

Under this system sanctioned works where the quantum of work in each category can be conveniently distributed into several units for getting the works done expeditiously by entrustment of piecework. The Deputy Conservators of Forest are empowered to entrust the work up to a limit of Rs. 25,000/- to each piece work contractor. Assistant Conservator of Forest in charge of sub-divisions is empowered to entrust works up to a limit of Rs. 10,000/- each work under intimation to the Deputy Conservator of Forests subject to the conditions that no piece work contractor shall be entrusted more than one unit of work at the same time. The agreement shall be executed in a prescribed form

(Form). Copies of agreements for works costing more than Rs. 50,000/- should be sent to the Accountant to be followed.

Immediately after the check measurement is done by the Asst. conservator of Forest/Deputy conservator of Forest, the acceptance of the measurement by the piece work Contractor should be obtained on the spot in the FNB/MB. The bills in the prescribed form (Form FAC-85) for the payments to the piece work shall be in triplicate, the original being sent to the Accountant general along with the monthly accounts, the duplicate copy being retained in the Deputy Conservator of Forest office and the triplicate to be sent back to the Range Forest Officer after payments.

If the Deputy Conservator of Forests is not satisfied with the progress of the work, he may at any time cancel the piece work contract and entrust the work after giving one week's notice without any compensation, and the balance works may be entrusted to any other piece worker. No earnest money or security is required to be deposited by the piece worker for the execution of works in this system.

3. Through petty cash Payments (PCP)

(a) Under this system, sanctioned works with required close supervision by the Departmental Officers may be got done at the SSR (Sanctioned schedule rates) through a gang of labourers and payment made to the Head Mazdoor based on the quantum of work turned out. It is the responsibility of the Head Mazdoor to get the work done and distribute the wages to other labourers in respect of the work turned out as and when the payments are made by the department. Even though the Head Mazdoor is authorised to receive the payment from the Department and to distribute the same to the labourers engaged, the Head Mazdoor is responsible for proper distribution of the wages to the labourers as per quantum of work done and to render accounts of the labourers engaged by him. Further mark will be entrusted to the Head Mazdoor unless he renders accounts of the lab users engaged by him in respect of the previous work and unless it is satisfied that the wages in respect of the previous work has been distributed to the labourers properly.

The Forester incharge of the work should ensure that the above are complied with and he should also record past tenant to this affect in the voucher.

(b) Each PCP should not exceed Rs.5,000/- at a time PCP should be prepared in triplicate, the original being stamp receipted. The following categories of the works may be executed through this system. (1) Planting (2) Manuring, (3) Spraying (4) Watering (5) Sowing of seeds (6) Transplantation (7) Soil Working (8) Seeding (9) Filling up of the polythene bags (10) Thorn fencing (cyclogiacal) alignment and stacking; preparation of nursery beds, mixing of ingredients heaping and burying, fire tracing an other silvicultural works involving close supervision.

The Assistant conservator of Forests is empowered to issue cheque upto Rs.10,000/- at a time for the works carried through piece work system as well as on petty cash payments. In respect of works carried on piece worm system, the Asst. Conservator of Forests shall make payment after the bills are admitted by the Dy.

Conservator of Forests. In respect of works carried out on petty cash payment system, the Asst. Conservator of Forests shall himself admit the bills and make payments.

However the Assistant Conservator of Forests is not empowered to draw funds on self cheques for the disbursement in respect of the above cases.

(iv) By employment of Labour on Muster Rolls

(a) Such of the works where close supervisions is called for and which cannot be executed through any of the systems discussed above may be get executed by employing Mazdoors by maintaining nominal Muster Rolls. However it is essential that the output of work should commensurate with the total wages paid for the work. MMRs (Monthly Muster Rolls) may be adapted in respect of such works where the quantity of work turned out is not succceptivble of measurement such as watch and ward watering, Fire Watching, Anti Poaching Squads etc.

(8) For para 201 of the Karnataka Forest Accounts Code the following paragraph shall be substituted "201-Forest Advance.

(a)(i) Advance to executive subordinates to carry out the works during the month may be paid by the Deputy Conservator of Forests after assessing amount of such advance. The funds indents will have to be obtained from the Range Forest Officers in the prescribed form No. FAC 69 and advances to be paid should be arrived at after through scrutiny of all the items contained in the fund indent. All the fund indents are to be submitted by the Range Forest Officers through the Assistant Conservator of Forests. The Deputy Conservator of Forests while paying the Forest Advances to the Range Forest Officers shall ensure that such advances are towards sanctioned estimated works only. No advance should be give in respect of any un-sanctioned works. If for any reason, it is absolutely necessary for the Deputy Conservator of Forests to pay advance towards any un-sanctioned works, he shall obtain the prior permission of the Conservator of Forests explaining the circumstances leading to such action and at the same time, take all necessary action to see that relevant estimates are get sanctioned by the competent authority. In case of any failure on the part of the Deputy Conservator of Forests in this regard, i.e., either advancing money in respect of "Un-sanctioned works or not taking expeditious action in obtaining anctions to such estimates, unless such sanction of estimates is beyond the competence of Deputy Conservator of Forests, the Dy. Conservator of Forests shall be held responsible for such action or in action.

(ii) However, as and when the and Vouchers are rendered by the Range Forest Officers in respect of such un-sanctioned works, the Deputy Conservator of Forests should not reject such vouchers merely for the rension that the relevant estimate is not sanctioned.

The Deputy Conservator of Forests shall limit the advance to Rs. 15,000/- each time. No further advance shall be granted till the Range Forest Officer renders accounts along with the vouchers for the previous advance. Further, advance can be granted only to the extent of the amount for which account with vouchers are submitted.

- (iii) In exceptional cases, where it is absolutely necessary the Deputy Conservator of Forests may sanction forest advance exceeding Rs. 15,000/- but not exceeding Rs. 25,000/- after obtaining prior approval of the Conservator of Forests.
- (iv) The Range Forest Officer is also permitted to pay cash advances to the Foresters under his control to the extent not exceeding Rs. 2,000/- at a time in respect of the works check measured by the Range Forest Officer duly obtaining necessary acknowledgements thereof. No further advances shall be given to the Forester until the accounts and vouchers for the previous advance are rendered by the concerned Forester.
- (v) The accounts to be rendered and the records to be maintained by the Forester are detailed in Appendix '5' of the Karnataka Forest Accounts Code

(b) (i) In territorial Ranges and in other special units where the Foresters are in charge of the sections, the PCP and MMR Systems shall be adopted and the works got executed by giving advances to the concerned Foresters upto a limit of Rs. 2,000/-. However, in exceptional cases where it is not considered expedient to grant advance to the Foresters, the Deputy Conservator of forests may permit the Range Forest Officers to execute the works directly. In respect of Units where the Range Forest Officers have no Foresters under them, works in such cases may also be got executed directly.

(ii) The responsibility for the clearance of the advance primarily vests with the disbursing officers i.e., Range Forest Officers and Foresters.

However, the Deputy Conservator of Forests are also reasonable for the prompt adjustment of all the advances made to their subordinates. All advances should be cleared by the end of the month end for the failure the Deputy Conservator of Forests shall institute necessary disciplinary proceedings against the conceived failure recovery of the same promptly. It is the responsibility of the Range Forest Officer to obtain the relevant vouchers for all the advances under the Foresters under their charge before fresh advances are given and to see that all the money advanced to the Foresters are adjusted either by work done or by recovery at the end of the month and incorporate all the vouchers in the Range Accounts along with the vouchers for which payments are made by them directly.

(iii) The Deputy Conservator of Forests should see that the advances are controlled in such a manner that at the end of the month there should not be any heavy cash balance with the Range Forest Officers. The maximum amount of advance in cash with the Range Forest Officers should not be more than Rs. 500/- at the end of the month.

(iv) The accounts rendered by the Range Forest Officers for the advances given during the month should be scrutinised in the Division office. The vouchers which are otherwise in order should be incorporated in the Division accounts. While rendering accounts to the Accountant General, a certificate about the satisfactory execution of works should be recorded.

(v) No advance should be made to the Contractors and payments shall be made for work actually done.

(9) Para 202

Para 203

and

Para 204

of the Karnataka Forest Accounts Code shall stand Deleted

Sd/-

Under Secretary to Government
Animal Husbandry, Fisheries and
Forest Department.

10. After Form FAC-82, the following Form shall be inserted.

Para 121.

Form FAC - 83

PROFORMA FOR ESTIMATE

Brief Description of works -----

Sl. No. of item	Specification/Details of work.	Quantity	Schedule or rate per unit	Amount	Remarks
1	2	3	4	5	6

.....
RANGE FOREST OFFICER

RANGE

KARNATAKA FOREST DEPARTMENT

Piece Work Agreement

I/We.....
Contractor is hereby agreed to execute the under mentioned piece work in accordance with the conditions noted below in consideration of the payment being made for the quality of the work executed at S.R. _____ when any materials for the works are provided by the Government such materials and the rates to be paid for them shall be as provided in the Schedule 'A' hereto.

The rules and orders regarding _____
have been read by me and I agree to carryout _____
works in full conformity with the rules and ordered to hold myself responsible for the proper observance.

Name of work:

Signature of the Contractor.

"The above agreement is hereby accepted
by me on behalf of the governor of Karnataka"

DEPUTY CONSERVATOR OF FORESTS

_____ DIVISION

Original/Duplicate/Triplicate
CONTRACT CERTIFICATE

No. _____

Date: _____

Division

Forest Range/Sub-Division/Division

Bill Received No.

Dated

Cash Book

Vr. No.

Dated:

Scheduled Docket No.

Head of Account

Name of Work (As per sanctioned estimate)

Name of contractor and full address

Reference to agreement No. _____ dated _____

____ Certified that the measurements were taken by me on _____ and recorded on Page _____ of measurement Book/FNB No. _____ and that the work is satisfactorily executed.

CONTRACTOR

Officer in charge of work

Certified that the measurements were checked by me on _____ and found correct. The work is satisfactorily executed.

Certified that the quantities of materials shown in column 3 of Account II have been actually brought to site of the work and the contractor has not previously received any advance in this security. These materials are of an imperishable nature and are all required by the contractor for immediate use on the work in connection with items for which rates for finished works have been agreed upon. A formal agreement signed and executed by the Contractor is recorded in the office.

Range Forest Officer/Assistant
Conservator of Forests/Deputy
Conservator of Forests

... Contd...

MEMORANDUM OF PAYMENT

	Total value of work done or supplies		
1.	Net amount to be held in reserve _____ per cent is _____ balance		
	<u>Deduct accounts</u>		
	(a) Amount of previous payment as in the Office Cash Book Vs. No. _____ Dated _____ S.D No. _____ _____ Amount adjusted towards cash advance recovery of		
	b) Payments _____ cost of store or other materials supplied now made recovery of amount creditable to his/other work. Amount paid on this bill by check/cash.		
5.	Balance being unpaid value of work done hold in reserve.		
	TOTAL		
6	Net amount due to or from Contractors		
	Unadjustment items		
	Advance to contractor for materials brought site (as detailed) which value of Government supplied.		
	Total amount adjusted		

CONTRACTOR'S SIGNATURE

....Contd.....

Received Rs. _____ in words _____

_____ by cash and by adjustment of payment as per memorandum

(In final settlement of all demands)

Witnesses:-

1.

2.



Dated Signature of Contractor

Dated. _____

Cash Rs. _____

Date. _____ Initial of Officer making payment.

Dated. _____

Range Forest Officer,
Asst. Conservator of Forests/
Deputy Conservator of Forests.

...Contd.....

Items of work (grouped Unit. Under Sub-heads & Sub-works of the estimate).	Previous measurement		Present measurement			Total upto date		Remarks
	Qty.	Cost	Qty	Rate	Cost	Qty	Cost	

Royalty to be deducted _____

Rupees (in words) _____

Annexure E

The Karnataka Forest Manual

GOVERNMENT OF KARNATAKA



THE KARNATAKA FOREST MANUAL

(Approved by the Government of Karnataka, vide

G.O. No. AFD-181-FAD-69, dated 13th February, 1976)

Compiled by :

N. V. RAMACHANDRA CHETTY, M.Sc., A.I.F.C., I.F.S.,

Deputy Conservator of Forests (Headquarters),

Bangalore

1976

CHAPTER X

(i) FOREST PRIVILEGES

(i) Preliminary

120. (1) In the erstwhile Bombay presidency pertaining to North Kanara, Dharwar, Bijapur and Belgaum Districts, the general policy regarding grant or curtailment of forest privileges was as under :—

In its management of Forests, the ease and contentment of the people was an object of greater solicitude to Government than the realisation of revenue and while no relaxation of precautions necessary for the conservation and reproduction of the timber and firewood supplies could be permitted and the Forest Officers must be vigorously supported in resisting un-authorized encroachments, Government had no desire to increase their forest revenue by the curtailment of concerned privileges or of local supply or by the levy of excessive charges for grass and other minor forest produce. The benefit of any revenue so obtained would be altogether insufficient to countervail the hard-ship and irritation that would be caused were the rayats unduly pressed in the matter of obtaining rabbit and firewood, grazing for their cattle or grass for thatching and other house-hold purposes (R. 650 of 26th January 1891). Privileges for each District were sanctioned by Government. The Conservator of Forests were authorised to order a temporary extension of forest privileges. The Divisional Commissioner was authorised to order temporary withdrawals of privileges. The collector of the District could suspend or withdraw such privileges temporarily in special cases where authorised by privileges codes or rules for each District (R. 8885 of 3rd October 1910). Privileges were granted as a matter of

favour, not right and were clearly defined in terms as exact and precise as possible and were granted for a definite period with a view to guarding against privileges growing into rights and to secure the distinction between privileges and rights (R. 2232 of 12th April 1888 ; G.I. 652 F. of 19th July 1888 vide R. 5016 of 27th July 1888 and G.I. 509 F. of 7th June 1889 vide R. 4619 of 3rd July 1890). The Government had reserved their proprietary rights by granting privileges including revision, curtailment or discontinuance of privileges. In addition to the general privileges special privileges were also granted to the above Districts as provided in B.F.M. Vol. III.

In the erst-while Mysore State the privileges were granted to the people at the time of settlement of the forest area and issue of Notification under Section 17 of the Mysore Forest Act 1900 from the Reserve forests. Privileges regarding cutting of fodder grass, grazing and removal of dead wood for fuel etc., from the District Forests were also granted. In addition, rules regarding special privileges for Malnad Rayats in the Districts of Shimoga, Chickmagalur, Mysore and Hassan were framed by Government conceding timber and other forest produce to the cultivating rayats. Further, the rules regarding enjoyment of certain privileges in Kansa and Soppinabettas were also there. These provisions were embodied in the Mysore Forest Manual 1957.

The privileges enjoyed by the people of Coorg area with regard to timber, firewood and other forest produce as granted by the Ex-Rulers of Coorg in Banu lands, Paisari, Cardamom geni leases, Jamma Malais, Devarkadu and Urudves, etc., were detailed in the Coorg Forest Manual. These privileges are continued subject to certain modification as would be issued by Government of Karnataka from time to time.

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The privileges enjoyed by the people of the erst-while Madras Presidency in Kollegal and South Kanara District with regard to Kumki lands, assessed Kans and Government waste lands within 100 yards of assessed lands included in warg land etc., as embodied in the Madras Forest Manual 1940 are continued subject to certain modifications as would be issued by the Government of Karnataka.

The various privileges that were existing in the integrated areas of the State prior to Re-organisation of State as per the Departmental Manuals referred to above have been pooled and generalised into two categories viz., (1) General Privileges and (2) Special privileges for the purpose of this chapter. The special privileges for North Kanara District and the Malnad Rayats in the Districts of Shimoga, Chickmagalur, Mysore and Hassan existing prior to the re-organisation of the State have been modified and common rules issued under Government Order No. AFD-255-FAD-69, dated 19th November 1971.

120. (2) Village communities in the neighbourhood of a Forest will naturally depend more on the forest for their domestic and agricultural needs. Such uses however should be properly regulated and in no event be permitted at the cost of National interests. The scientific conservation of forest inevitably involves the regulation of rights and restrictions of the privileges of the user, depending upon the value and importance of the forest, however irksome such restraint may be to the neighbouring communities.

121. The privileges sanctioned for the several districts of the State are grouped under :

- (i) Special privileges sanctioned for each district and
- (ii) general privileges common to all districts.

122. Officers of the Forest and Revenue Departments serving in forest areas have to make it a point of satisfying

themselves that villagers know and exercise their forest privileges properly. Copies of the various privileges in the local language of the District concerned should be distributed through local Officials and organisations like Block Development and Village Panchayats and also through individuals who can assist villagers to become familiar with their forest privileges.

123. The privileges are intended to be exercised as a matter of favour and not of right and are subject to withdrawal at any time by the State Government. It is also open to the State Government to modify, curtail or discontinue the privileges whenever considered necessary. Ordinarily revision of privileges will be done when it is held to be desirable. At that time the local Revenue and Forest Department Officers shall submit to the Government through the Divisional Commissioner and Chief Conservator of Forests (General), detailing as to why such and what changes are proposed. The privileges can be suspended or withdrawn temporarily by either the Divisional Commissioner or the Chief Conservator of Forests (General) in consultation with the Divisional Commissioner.

124. With a view to guard against privileges developing into rights, it is desirable to permit privileges over a definite period at the end of which the question should be re-examined for continuance of the privileges for further period or otherwise.

125. The sanctioned privileges are to be enjoyed

- (a) free of charge,
- (b) by forest villagers,
- (c) within limits of the forest villages,
- (d) in open forest,
- (e) without permit or special permission from forest officers,

except where exceptions are mentioned under the respective privileges to be mentioned hereafter.

126. Produce removed in exercise of any privilege should not be sold or bartered.

127. Removal of forest produce under the privileges is restricted to the quantity which an individual can carry away himself i.e., by headloads only for which no permits are required except where specifically stated.

Privilege holders are however, permitted to take carts into the forests under free permits issued by the authorised forest officers by the Divisional Forest Officer for removal of material such as earth, stones, fallen leaves and grass in specified areas, for the removal of deadwood specially permitted by the Divisional Forest Officer with a view to reduce the fire hazard and small timber and branch wood if specially authorised by the Conservator of Forests under the privileges.

128. Every person who enjoys forest privileges is bound to furnish information regarding the forest offences when it comes to his notice and also to assist the Forest Officers and Police Officers as envisaged under Section 105 of the Karnataka Forest Act 1963.

129. For the purposes of the Chapter 'Forest Privileges':

(a) 'Forest village' means a village in which there are reserved or protected forests constituted under the Karnataka Forest Act 1963,

(b) A 'Forest Villager' or an 'Inhabitant of a forest village' means a person who is permanently resident in a forest village, or who is the actual cultivator of land situated in such a village,

(c) 'aboriginal or hill tribe' includes persons who are residents of forest tracts and who depend entirely on manual

labour for their living and usually eke out their subsistence by labour in the forest and by collection of forest produce such as Soligas, Jenukurubas, Kadukurubas, etc. The actual class of such types will be identified and notified from time to time by the Government.

(d) 'Open forest or unclosed forest' means forest which is open to grazing and to the exercise of other forest privileges,

(e) 'closed forest' means forest closed by order of competent authority against grazing and the exercise of other forest privileges.

(ii) Special privileges

130. (i) These privileges apply to the removal of the Forest produce by cultivating ryots and villagers for their **bona fide** use and whose total annual income does not exceed Rs. 1,200.00 (Rupees One thousand two hundred) and who permanently reside in the areas specified in the districts.

(ii) 'Agricultural implement' includes ploughs, harrows, clod-crushers, hoes, seed-drills, mamtihandles, gudli and pick-axe, and other similar implements used in agriculture.

(iii) 'Agricultural purpose' includes fences, hedges, dams, cattle-pens, farm-sheds, pendals, smallhuts, machans and stock-floors erected in connection with growing or harvesting agricultural crops.

North Kanara District

131. A. (1) These privileges shall apply to the whole district.

(2) These privileges shall not affect the existing general privileges in the districts and protected forests, nor will they affect any existing privileges of owners of gardens in their

soppinabettas or privileges in the Kans. But nothing herein contained shall prevent a district forest from being placed under special protection under Provisions of Section 33(2)(ii) of the Act.

(3) Ryots shall not fell, lop or otherwise damage under these privileges any of the trees of the reserved species specified in Schedule 'A' annexed to this book on page 148.

(4) Application for the grant of timber for the purposes of construction, Renovations or extensions or repair of houses shall lie with the Divisional Forest Officer who may sanction the issue of timber upto a maximum of 4 cubic metres (140 Cft.) of species listed in Schedule 'B' annexed hereto on page 151 at the rates detailed therein from the nearest Government Timber Depot to an eligible applicant not more than once in five years depending on the availability.

(5) Application for the grant of bamboos, small timber and junglewood for the purpose of making agricultural implements or for agricultural purposes shall lie with the Range Forest Officer who may sanction the grant of a reasonable quantity not exceeding 5 cart loads of the material applied for from species other than reserved species and other than immature and sound trees which could be used as timber to an eligible applicant from the district Forest nearest to the land occupied by him at the following rates, viz.,

(i) Junglewood and small timber at the rate of Rs. 0.50 per cubic foot or Rs. 10 per cart load ;

(ii) Bamboos at the following rates :

Hebbiduru or Dowgas—Rs. 8.00 per 100.

Medars—Rs. 5.00 per 100.

Sheeb—Rs. 3.00 per cart load.

Dead bamboos—5.00 per cart load.

(6) Application for the grant of dry firewood shall lie with the Range Forest Officer who may issue a permit to an eligible applicant for not more than 5 cart loads per year at the prescribed rate. The amount shall be paid in advance with the application. The firewood shall be collected and removed from the district forest nearest to the land occupied by the applicant. Permit for firewood shall be issued for the species other than the reserved species and other than immature and sound trees which could be used as timber.

(7) Every application shall be in the Form No. 32 and shall be accompanied by a certificate from the Tahsildar about the annual income of the applicant and shall be made through the concerned Forester who will verify the requirements of the applicant and correctness of the application and submit it to the Divisional Forest Officer through the Range Forest Officer for sanction.

(8) A certificate to the effect that the timber granted to an applicant has been made use of for the purpose for which it was applied for shall be furnished by the concerned Forester within a period of six months following the removal of timber from the Depot.

131. B. (1) The inhabitants of forest villages may remove 'Karvi' (*Strobilanthes callosus*) in head-loads or cart-loads for agricultural purposes from all open forests.

(Karvi removed for non-agricultural purposes will be charged at 00.03 Paise per head-loads and 00.25 paise per cart-load under permit or licence rules).

(2) Bona fide cultivators may cut and remove, from any Reserved forest in their villages or in the neighbourhood of their villages, and with the previous permission of the Round (Section) Officer, barren Sago and other palms for water courses and other agricultural purposes.

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(2) Bona fide cultivators may cut and remove, from any Reserved forest in their villages or in the neighbourhood of their villages, and with the previous permission of the Round (Section) Officer, barren Sago and other palms for water courses and other agricultural purposes.

(3) Bona fide cultivators, may if creepers are not available in the forest set apart for the exercise of their privilege, cut and remove creepers for agricultural purposes in any other unclosed Reserved forest, provided that—

(i) they shall obtain permits from a Forest Officer for the purpose ; such permits shall be issued free for creepers and at the seigniorage rates for canes ; and

(ii) the concession shall be limited to the period from the 1st November to the 31st May.

(4) Canes and all kinds of grass used for making baskets, chatais, brooms, etc., will be allowed free to all villagers for bona fide domestic use but not for sale or barded.

(5) In order to afford protection from wild animals, the following concessions are allowed to the people of North Kanara District :

Any bona fide resident of North Kanara District who has been granted a gun licence by the District Magistrate for protecting crop and cattle shall be entitled to hunt vermin only in all kinds of forests within a radius of 5 kilometres from his agricultural land during the crop season, i.e., from 15th June to 31st October under general authority and thereafter he should obtain the necessary permission from the Forest Officer concerned if he wishes to shoot vermin within a range of 5 kilometres around his agricultural land.

Strip grants.

131. C. (1) (i) Strips will be granted around inhabited and cultivated areas in the interest of public health and preservation of crops from devastation by wild animals. Strip clearance around cultivation will be permitted in all forest areas. In the case of strip-clearance, 75 trees per hectare will be retained un-felled.

Note.—(a) Ordinarily, no strips should be granted where a road carrying sufficient traffic borders on a habitation or cultivation. Such cases should be decided by the Divisional Forest Officer on the merits of each case. He should take the width of the road and the traffic on it into consideration while deciding such cases.

(b) In order to prevent erosion by flood water strips should not be granted below the high flood levels of nallas and rivers.

(ii) In cases where the cultivated area consists of a number of occupancies only some of which adjoin forest land, the occupants may exercise these privileges jointly or according to such agreements as they may make among themselves, save in any portion of such forest land as may be separately demarcated and assigned to any individual in consideration of the payment of assessment.

(iii) No strips should be granted to lands assigned for 'Betta' or 'Bane'.

(iv) The coastal areas under the revised working Plans for Casuarina plantations should be excluded from strip grants.

(v) For the purpose of strip privilege the following species are considered to be reserved :

1. Sandalwood (*Santalum album*).
2. Teak (*Tectona grandis*).
3. Rosewood (*Dalbergia latifolia*).
4. Khair (*Acacia catechu*).
5. Matti (*Terminalia tomentosa*).
6. Nandi (*Lagerstroemia lanceolata*)*.
7. Honne (*Pterocarpus marsupium*)*.
8. Karimuttal (*Ougenia dalbergiodes*)*.

* When they exceed 90 Cms. in girth at breast height.

(2) Classification of forest areas

(i) For the purpose of strip grants, the Forest areas of North Kanara District are classified into the following groups :

1. Kans (i.e., evergreen forest) and coastal taluks ; and
2. All other forest areas.

(ii) **Width of strip-clearance in Kans (evergreen forests) and coastal taluks.**

(a) In Kans, strip-clearance will be permitted up to 80 metres around habitations where one half of the strip will be allowed for clearfelling. Strip-clearance around cultivation will be permitted up to 40 metres only.

Note.—As Kans are necessary for preservation of water in the soil and preventing of denudation, strips in Kans should be granted only in essential cases and their clearance regulated so as to prevent erosion.

(b) In coastal taluks, strip-clearance will be permitted from 80 metres to 160 metres around cultivations provided that—

(i) the grantee shall plant the necessary number of additional trees to make up the maximum number of 75 trees per hectare, if after clearance by the Forest Department the number of trees in the strip is less than 75 per hectare ;

(ii) the additional trees planted by the grantee according to (1) above would belong to grantee ; and

(iii) the planting of the additional trees should be done by the grantee within one year of clearance by the Forest Department.

(iii) **All other forest areas.**—Strip-clearance shall be permitted from 80 metres to 160 metres around habita-

tions, of which clearfelling will be restricted to the first 40 metres to 80 metres and 40 metres around cultivation.

Note.—Strip-clearance shall be permitted in the forest areas of Gund plateau and Nersol and other steep slopes provided that the clearance is regulated to prevent erosion.

(iv) **Initial limit of strip-clearance.**—In all cases where strip-clearance is allowed for more than 80 metres, strips of only 80 metres should be allowed in the first instance. They may be extended upto the maximum limit stated, provided the extra width of the strip is necessary and the strip already granted duly cleared by the Forest Department has been maintained by the grantee clear of undergrowth for a period of at least 2 years.

(v) **Strips in respect of fallow and cultivable land.** No strips should be granted in respect of fallow lands and cultivable waste lands unless such lands have been brought under cultivation for at least three consecutive years. However, when such lands are brought under cultivation, permission may be granted for removal of undergrowth until the strip is given.

(vi) **Period of clearance of strips.**—The strips granted shall be initially cleared by the Forest Department as expeditiously as possible, but within a maximum period of two years. The Department will also undertake a second clearance in the second year after the initial clearance. Thereafter it shall be the duty of the grantee to keep the strip clear of undergrowth.

(vii) **Burning and cultivation of strips.**—(a) **Burning** of the strip for two kilometres around habitations may be allowed in all forest areas, except in Kans, once in every three years. The burning will be arranged by the Forest Department in consultation with the villagers and it shall be carried out by themselves, it being regarded as their

responsibility to save all the trees standing within the burning limits from destruction from fire.

(b) (i) Bare areas of Minor forests may be burnt by the villagers every year in April or May, care being taken to see that the fire does not spread to the adjoining forests.

(ii) If there be Teak plantations within the areas to be burnt, care should be taken by the Forest Officers to protect them when the burning is done, as mentioned above.

(c) Planting of trees including fruit trees will be permitted in strips.

(d) It is advisable to grow grass in the strip area; but if a grantee wants to undertake cultivation, it will be allowed, except on slopes, provided that steps are taken to prevent soil erosion and that no additional strip is asked for, only for this purpose.

(viii) **New Plantations.**—No new plantations will be made within such maximum limits for strip-clearance as have been laid down in the respective groups.

(3) Rules relating the grant and maintenance of strips.

(i) The application for strips should be submitted to the Range Forest Officer concerned. Along with the application, the applicant should attach:

(a) record of rights in the prescribed Revenue forms, and

(b) a certificate from the Tahsildar concerned that the applicant has been continuously cultivating the land for a period of three years and that the area under cultivation is not less than 2 hectares.

(ii) The Range Forest Officer, on receipt of the application with the necessary documents as mentioned above, should examine the strip applied for. If the strip contains only bamboos and shrubs, he should immediately demar-

cate the strip on the ground and refer the matter to the Divisional Forest Officer within a period of three months in order to enable the Divisional Forest Officer to permit the applicant to clear it of undergrowth in order to serve the purpose for which the strip is applied for. If on the other hand, the strip contains tree growth he should first demarcate the strip on the ground and thereafter reserve 75 trees per hectare. He should, therefore, make the valuation of the remaining trees to be cut and submit the complete case to the Divisional Forest Officer for his further orders.

(iii) The application, received as above must be submitted to the Divisional Forest Officer with all details within a period of 3 months at the latest.

(iv) The Divisional Forest Officer, on receipt of the cases from the Range Forest Officer, should advertise the sale in the ensuing monsoon and sell these strips standing after imposing suitable conditions whereby the entire tree growth along with the bamboos and shrubs would be cleared within a period of one year and the surface fire-traced without causing damage to the standards reserved.

(v) No extension for the clearance of strips should be given under any circumstances and if any work is left unfinished by the contractor, it should be done departmentally at his risk and cost.

(vi) The strips so cleared should be made available to the applicants for the exercise of concessions hereafter indicated, but the clearance of undergrowth should be carried out by the Divisional Forest Officer during the second year of its initial clearance departmentally, if necessary by rate auction.

(vii) The Range Forest Officer should send fortnightly progress reports to the Divisional Forest Officer with respect to the applications received for the clearance of the strips. The Divisional Forest Officer should watch the progress and see that the time table laid down for the submission of

the complete information by the Range Forest Officer is strictly adhered to by him.

(viii) The Divisional Forest Officer should maintain a strip-register in which he will record all the relevant details about strips cleared in a proforma prescribed by the Conservator of Forests.

(ix) With respect to all old strip cases handed over by the Revenue Department to the Forest Department, a separate register should be maintained by the Divisional Forest Officer in a prescribed form approved by the Conservator of Forests.

(x) The Divisional Forest Officer should submit to the Conservator of Forests, a quarterly report of the number of strips asked for and the progress made in their disposal. They should submit a consolidated list of strips to be sold during the year to the Conservator of Forests along with the list of annual coupes due for sale for his information so as to reach him by the end of April. The strips should be sold in auction sale or by tenders in the same manner as the annual coupe.

(xi) Before the strips are made available for the exercise of privileges, an agreement should be got executed in a prescribed form and a deposit of Rs. 50 should be taken.

(xii) The strip grantee is entitled to enjoy the following concessions in the strip :

(a) He may demarcate the strip with a temporary fence of brushwood, bamboos, etc.

(b) He may remove from the area earth and stone for agricultural purposes and deadwood for firewood provided in doing so, the reserved trees are not damaged in any way.

(c) He may remove unreserved trees other than standards for **bona fide** agricultural purpose with the permission of the Divisional Forest Officer.

(d) He may collect honey from the trees in the strips.

(e) He may, in the strip, cultivate pepper and grow exotic trees such as Eucalyptus. He may also grow fruit trees (edible and economic importance) provided the growth of the standards is not interfered with.

(f) He may enjoy the usufruct of the trees planted by him in the strip.

(g) He may introduce the improved varieties of grass in the strip provided the reserved trees are not damaged. He may graze his own cattle to the exclusion of others in the strip.

(xiii) The strip grantee shall be required to abide by the following conditions :

(a) He shall reserve all the trees reserved as 'Standards' by the Forest Department.

(b) He shall preserve and protect the boundary trees and will maintain the boundary marks of the strip in the manner prescribed by the Divisional Forest Officer.

(c) He shall preserve all demarcation plates showing the forest boundaries and all trees to which the plates have been attached.

(d) He shall keep the strip cleared of undergrowth with effect from the third year successively for a period of five years failing which the clearance will be done departmentally and the cost incurred would be recovered from him. On his failure to pay the amount, the same will be recovered as an arrear of land revenue.

(e) He shall plant trees to make up 75 trees per hectare within one year of the grant of the strip.

(f) He shall necessarily cultivate the land around which the strip is granted continuously for a period of at least ten years, unless he is prevented from doing so for reasons beyond his control which will be determined by the

Divisional Forest Officer in consultation with the Deputy Commissioner.

(g) It should be clearly understood that the strip area is a Reserved forest in charge of the Forest Department and any offence committed in the area will be dealt with under the Act.

(xiv) The strip grantee shall assist the Forest Department—

(a) in extinguishing fires,

(b) in detection of forest offences, and

(c) generally in rendering assistance to the Forest Department officials when called upon to do so.

(xv) If the strip-grantee commits a breach of any of the conditions mentioned above, the concessions granted in the strip will be withdrawn without giving any notice. The cancellation of the concessions and termination of the agreement for any reason shall not relieve the strip-grantee from any liability incurred before the termination of the agreement. The deposit of Rs. 50 tendered by the grantee shall be forfeited to Government, in the event of any breach of conditions or cancellation of the grant.

(xvi) The Chief Conservator of Forests will watch the working of these concessions and report to Government from time to time and at least once a year, i.e., on or before 1st July every year on the advisability of continuing these concessions or the necessity of withdrawing them in the interest of preserving the natural assets of the Forest Department after holding consultations with the Deputy Commissioner, North Kanara.

D. Permission to dig trenches to prevent rain water from entering fields.

An occupant of paddy or garden land may be allowed to dig a trench in the adjoining forest land at his own

expense if this is necessary to prevent the rainwater coming into his field or garden from the slopes above. Permission for digging a trench should be obtained in writing from the Range Forest Officer who will specify the alignment and size of the trench. If any trees are growing on the alignment and the applicant-cultivator wants to purchase them, they may be sold to the applicant at the seigniorage rates provided that if the number of trees is large and composed of valuable species, the Range Forest Officer may arrange for removal by the Department.

E. Grant of land for cultivation of fruit trees

(i) (a) Blank areas with gentle slopes (5° to 10° slopes) in Minor Forests in North Kanara District may be given for raising plantations of fruit trees under Sanads subject to the conditions under which they are being given at present for such purposes. Government however, has directed that changes as indicated below should be effected in this procedure :

(a) The Deputy Commissioner should issue Sanad, as per Government orders for all grants from the areas already notified by the Forest Department for fruit tree planting. No fresh area will be leased.

(b) The maximum area granted under these orders to any one grantee should not exceed 4 hectares.

(c) The Sanad areas must be planted up within 3 years, but extension can be given for not more than another 2 years by the Deputy Commissioner. The minimum number of trees to be planted will be 100 per hectare. This may, however, be relaxed by the Deputy Commissioner in suitable cases for reasons to be recorded in writing.

(ii) Reserved trees, if any in these plots should remain in charge of the Forest Department.

(iii) No grazing shall be allowed in the land, but the permit holder will be allowed to cut the grass.

(iv) 2/3 of the area assigned should be utilised for cultivation of fruit and/or fuel trees and 1/3 kept closed for encouraging grass protection. The area under grass should be seeded if necessary.

(v) **Slopes for Cashew-nut cultivation.**—In North Kanara district, land on steeper (more than 10° slope) slopes which is denuded and open may be leased out for planting Cashew nut, imposing suitable conditions.

F. Privileges open to gardeners in protected forests assigned to them as 'Bettas'.

(i) **Definitions.**—For the purpose of these Rules, the term 'Gardener' means the person in actual possession of the spice garden whether as owner or tenant and 'Garden' means the spice garden.

(ii) The gardeners may exercise in the Protected forests assigned as Betta to the garden or group of gardens of which they are the gardeners, the following privileges:

1. They may graze their own cattle.

2. They may cut grass for their own use.

3. They may erect buildings and cattle sheds sink wells, dig water channels, clear paths, erect thrashing-floors or sugarcane mills, store grass, straw, grain, betel-nuts or manure or grow young plants in a nursery or make any other improvements thereon for the better cultivation of the garden to which they are assigned or its more convenient use for the purpose aforesaid, subject to the restriction hereinafter mentioned.

4. They may burn under-growth and Lantana taking due care to prevent the spreading of fire to Reserved forests.

5. They may remove for their own bona fide use, but not for manufacture, sale or barter, clay, earth and stones.

6. They may use the area for cultivating pepper or betelnut subject to the restrictions hereinafter mentioned.

7. They may remove for their own use, but not for manufacture, sale or barter, any kind of forest produce in the said Betta, subject to the following restrictions: They shall not—

(i) lop or in any way injure any trees or saplings of Teak, Sandalwood, Rosewood, Ebony and Halmaddi except with the permission of the Divisional Forest Officer; and

(ii) fell any living trees of the species mentioned in the annexed schedule without the previous permission of the Divisional Forest Officer.

(iii) Any gardener who requires, for his own use for a bona fide agricultural purpose or for the construction and repair of his house situated in or adjacent to the garden to which the Betta is assigned, any tree of the kinds mentioned in the annexed Schedule must apply in writing to the Divisional Forest Officer, who shall, if satisfied that the demand is reasonable, grant permission to cut and remove the trees required on payment of a royalty as assessed by Government from time to time.

Note.—Such applications for grant of permission to cut trees in Betta will ordinarily be entertained by the Divisional Forest Officer between 1st June and 30th September every year.

(iv) Any gardener of a garden or group of gardens to which Betta is assigned may, with the previous permission in writing of the Divisional Forest Officer, cut within the

Betta assigned, trees of the kinds mentioned in the annexed Schedule free of royalty, if such trees—

- (i) come in the way of cultivated crops,
- (ii) obstruct any water course,
- (iii) overhang any buildings; or

(iv) come in the way of any approach-road passing through the Betta assigned.

(v) **Suspension of privileges when abused.**—Whenever the Deputy Commissioner is of the opinion that the privileges conferred above, have been or are being abused to such an extent as to justify the suspension of such privileges, he may, subject to the general control of the Divisional Commissioner, suspend the exercise of all or any of the said privileges by any or all of the gardeners of a garden or a group of gardens or by their servants; or may permit their exercise on payment of such fees as he may deem reasonable.

(vi) **Gardeners bound to preserve Reserved trees, in Bettas and to report any damage to or loss of such trees.**—Every such gardener shall preserve all Teak, Sandalwood, Ebony, Rosewood and Halmaddi trees and saplings thereof growing in the Protected forest assigned as Betta to the garden or group of gardens of which he is the gardener and shall forthwith report to the nearest Forest Officer any damage to, or loss of, any such tree or sapling, from any cause whatsoever.

(vii) **Gardeners not to permit or abet cutting etc., of Reserved trees in Bettas.**—No such gardener shall knowingly or wilfully permit or abet the cutting, lopping, injuring appropriating or removing any such tree or sapling by any other person.

(viii) **Construction of residential houses in Bettas—**

(a) If any gardener wishes to build residential houses in Betta land or to use the Betta land or any part thereof for

purposes unconnected with agriculture, he should obtain previous permission of the Deputy Commissioner. Applications for such permissions shall invariably be acknowledged by the Deputy Commissioner, who may, after due enquiry, either grant or refuse the permission applied for.

(b) The area so permitted to be used for non-agricultural purpose shall not exceed 10 acres in each case.

(c) The gardener shall not be entitled for extra Betta land in lieu of the area so permitted to be used for the above mentioned purpose.

(d) When any land is thus permitted to be used for non-agricultural purposes as above, the Deputy Commissioner shall, subject to the orders of the Government, disafforest the same and grant it on recovery of conversion fine in addition to the new assessment which may be leviable under the provisions of Land Revenue Act and Land Revenue Rules.

(ix) **Cultivation of Betta lands.**—Cultivation of Betta land under Sub-rule F(ii) (6) shall be subject to the following conditions:

(a) No extra Betta lands shall be given in lieu of the area utilised for such cultivation or for maintaining the garden, if any, grown therein.

(b) When the land so cultivated is 5 acres or less, the gardener will be entitled to cultivate it without paying any upset price but, he will pay such assessment to Government for such lands as may be fixed in accordance with the Land Revenue Act and Land Revenue rules. But, where the extent of land so cultivated exceeds 5 acres, an upset price equal to the value of the land before cultivation will be levied. The upset price in such cases shall be fixed by the Revenue Department. The land so cultivated will be granted to the gardener as per land grant rules after disforestation.

(x) Principles to make up the deficiency of Betta lands.—

(a) In the up-ghat taluks, in cases where Betta lands are below the standards requirement (not due to clause (ix) above) and if suitable lands in Protected forest are available, the deficiency shall be made up to 8 hectares of Betta land per hectare of garden land.

(b) In the below-ghat taluks (not due to Clause (ix) above) it would not be possible to allow additional Betta lands due to paucity of suitable lands in protected forests. However, wherever suitable forest lands are available, these should be assigned to Bettal-nut gardens as Betta lands.

(xi) Maintenance of Betta lands.—(a) Both the Forest and Agricultural Departments should advise the gardeners on better methods of maintaining Betta lands and lopping Soppu, so that the requisite green manure is obtained from as small area as possible.

(b) The gardeners should be made to realise their increased responsibility on their part in the maintenance of Betta lands in proper condition, in view of the liberal concessions they are permitted to enjoy.

(c) A minimum of 100 trees per hectare of which at least 50 trees should be of the reserved kind of not less than 30 to 45 centimetres diameter at breast height should be maintained, evenly spaced in the Betta area.

(d) In case the number of trees per hectare is below 100, the gardener should plant and rear at his own cost in the Betta area as many trees of suitable species as required to make up the required number of reserved and other trees as prescribed above.

(e) If, after 5 years, the above minimum number of trees are not grown by the gardener, he would be liable to pay a penalty of Rs. 25 per hectare. Failure on the part of the gardener to make up the deficiency will entitle the Forest Department to plant up the required number of trees

in his area and the cost of planting being limited to Rs. 125-00 per hectare, shall be borne by the gardener. The gardener shall be entitled to one-third of the trees planted, including reserved trees for his own use, free of cost, or 30 percent of the value of timber if the Government decides to take it.

(f) For such of the gardeners who undertake the planting work referred to in (d) supra, the Forest Department would arrange to supply at cost price the required number of seedlings and saplings.

(xii) Division of Betta.—(a) In many cases, the gardeners enjoy common rights over Betta lands assigned to their holdings. This has not only resulted in the utter negligence in the maintenance of Betta lands but has also given room for constant litigation and quarrels between holders. In such cases, the Betta land assigned should be divided on the basis of area of garden belonging to such holders according to fixed ratio as far as possible, taking into consideration the adjacency or proximity of the Betta land assigned to the respective cultivators of garden.

(b) On the day to be notified by the Deputy Commissioner, North Kanara District in this behalf, all rights of gardeners on such betta lands where at present more than one gardener have got common rights shall be deemed to be extinguished, in order to enable the Assistant Commissioner concerned to divide such Bettas, among the gardeners concerned, in the manner hereinafter provided.

(c) The Assistant Commissioner, hereinafter called the Betta Division Officer, shall obtain information regarding (i) the details of area of spice-garden cultivated by each such gardener, (ii) the total area of Betta land survey-number-wise held by them together on the notified day, (iii) if such gardeners agree to divide the Betta by mutual understanding, the particulars of the same i.e., the sketches showing the garden-survey-numbers held by each and the

Betta area agreed to be divided between them and (iv) if they have not come to any such settlement, the sketches showing the garden-survey-numbers cultivated by each gardener and the Betta lands enjoyed by them on the notified day.

(d) Thereafter, the Betta Division Officer shall divide the Betta land among the gardeners in the fixed ratio (i.e., 4 hectares of Betta land to every hectare of garden land), as far as possible, taking into consideration the agreement, if any, of the gardeners.

(e) The decision of the Betta Division Officer regarding such division shall be final.

(f) The gardener to whom the Betta land is assigned under Clause (d) above shall be entitled to enjoy the privileges conferred on him as per sub-rule F(ii) above in respect of the garden lands to which the Bettas are so assigned.

(g) The cost involved by the Department in the Division of Betta land should be borne by the concerned gardeners proportionately as determined by the Betta Division Officer and in case of default in the payment of cost by the gardeners, it shall be recoverable as an arrear of Land Revenue.

(h) A copy of the order passed by the Betta Division Officer, as above, shall be forwarded to the Forest Settlement Officer for effecting necessary changes in the records.

(i) In future, if the spice-garden lands now held by particular gardener are transferred to others, either in part or whole, by sale or family division, as the case may be, such a transaction should be reported by the gardeners concerned in writing to the Deputy Commissioner who will then take action to further divide the Bettas between the successor-holders proportionately as laid down in the above rules.

ANNEXURE

Schedule referred to in sub-rules F (ii) (iii) and (iv)

- | | |
|-------------------------------------|------------------------------|
| 1. Balge or Naviladi or Banagi | (Vitex altissima) |
| 2. Karimuttal or Kullu-honne | (Ougenia dalbergiodes) |
| 3. Shivani | (Gmelina arborea) |
| 4. Hirda or Alale | (Terminalia chebula) |
| 5. Honne | (Pterocarpus marsupium) |
| 6. Jhall or Jalari | (Shorea taluura) |
| 7. Matti | (Terminalia tomentosa) |
| 8. Nandi | (Lagerstroemia lanceolata) |
| 9. Phanas or Halasu | (Artocarpus integrifolia) |
| 10. Wonte or Vatehuli | (Artocarpus lakoocha) |
| 11. Bokli or nanja | (Mimushop elengi) |
| 12. Heddi or Yettiga | (Adina cordifolia) |
| 13. Sagdi or Kendala | (Schleichera trijuga) |
| 14. Godhunishe or Bilwara | (Albizzia odoratissima) |
| 15. Holematti or Torematti | (Terminalia arjuna) |
| 16. Sampe | (Flacourtia montana) |
| 17. Haiga or kabsi | (Hopea wightiana) |
| 18. Manjuti | (Adenanthera pavoniana) |
| 19. Surahonne | (Calpophyllum tomentosum) |
| 20. Hebbalasu | (Artocarpus hirsuta) |
| 21. Jamba or Jambe | (Xylia xylocarpa) |
| 22. Mashu or phudgus | (Alseodaphne semicarpifolia) |
| 23. Kavanchi or goje | (Bridelia retusa) |
| 24. Kalamb or Kadvala | (Stephegyne parivfolia) |
| 25. Siris or Bage | (Albizzia lebbek) |
| 26. Bellatte | (Albizzia procera) |
| 27. Genasu or Kharsing | (Stereospermum ylocarpum) |
| 28. Hongal, Kindal, Hunal or Buluve | (Terminalia paniculata) |
| 29. Dadsal or Thadasal | (Grewia tiliefolia) |
| 30. Dindal or Dindiga | (Anogeissus latifolia) |
| 31. Womb or Hessare | (Saccopetalum tomentosum) |

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|--------------------------------------|--------------------------|
| 32. Devadaralalor Kalgarige | (Chukrassia tabularis) |
| 33. Devadar pendra or
Gandagarige | (Cedrela toona) |
| 34. Mhowra or Kadnippe | (Bassia latifolia) |
| 35. Mula or Ippe | (Bassia longifolia) |
| 36. Bobbi or Irai or Hole Honne | (Calophyllum wightianum) |

132A. **Bijapur District.**—(1) Removal of 'Karvi' (*Strobilanthes callosus*) on permits for agricultural purposes shall be permitted at the rates fixed by the Chief Conservator of Forests (General) from time to time.

(2) The 'Medars' in Bijapur district who manufacture baskets, etc., from bamboos and who are members of a Co-operative Society will be given bamboo at the rates fixed by the Chief Conservator of Forests (General) from time to time, provided the Assistant Registrar, Co-operative Societies of the District certifies the Societies' requirements and the Medars do not sell the bamboos so obtained to outsiders.

132B. **Dharwar District.**—(1) (i) Collection of fallen dead-wood except Rosewood, Teak and Sandalwood up to 15 cms. in diameter for the gatherer's domestic purposes only.

(ii) Extraction by any cultivator whose land adjoins Reserved Forest, of wood and bamboos from the forest within 40 meters of his field for construction of 'Mala' or for fencing purposes provided Teak, Sandalwood, Rosewood, Honne, Matti and Nandi are not taken.

Note:—(1) In the case of Mavinkop village, the limit of the forest strips for the exercise of the above privilege is extended to a maximum of 90 meters and permission granted to clear the undergrowth on those strips.

(2) **Bona fide** cultivators of Mavinkop village may, free of charge, cut and remove bamboos for fencing purposes

from any open forest within 2 kilometers from cultivated fields provided that—

(i) they shall obtain passes from the Forest Officers for the purpose;

(ii) the concession shall be strictly limited to the period from 1st November to 31st May.

(2) (i) Removal by all forest villagers and the villagers of the 56 non-forest villages named below, of thorns in head-loads or cart-loads for agricultural and domestic purposes only.

(ii) Carts will be allowed to go off the recognised tracks within 400 meters of the area of supply in open areas but only along recognised tracks in closed areas.

(iii) Free permits for removal of thorns in cart-loads should be obtained by the villagers who are entitled to them, from the Round (Section) or Depot Officers as and when required from 1st November to 30th June each year.

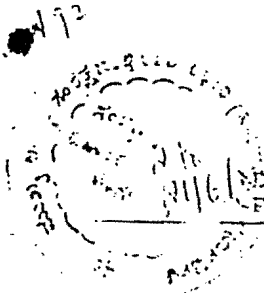
(iv) For the purposes of this concession, the following species of thorns are allowed to be removed:

- | | |
|--------------|--------------------------|
| 1. Chadurang | (Lantana Camara) |
| 2. Churan | (Zizyphus rugosa) |
| 3. Dowga | (Bambusa arundinacea) |
| 4. Gazkai | (Caesalpinia bonducella) |
| 5. Godehi | (Zizyphus xylopara) |
| 6. Hedjali | (Acacia latronum) |
| 7. Khari | (Randia malabarica) |
| 8. Kharigida | (Randia dumetorum) |
| 9. Kavali | (Carissa carandas) |
| 10. Pargi | (Zizyphus oenoplia) |
| 11. Shambi | (Acacia pennata) |

Annexure F

Administrative Communication of the Government, 1989

(2)



No. 7-13/89-F.P.
Government of India
Ministry of Environment and Forests
Department of Environment, Forests and Wildlife
Parjavarani Bhavan, CGO Complex, B-Block, Vth floor

Lodi Road, New Delhi.

Dated: 11/6 June, 1989

To

The Secretary
Forest Department,
Government of

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K

Subject:- Elimination of contract system in
collection and harvesting of forest
produce.

Sir,

Cy to
all C.O.
11/6

Forestry operations are an important source of employment to the rural people, especially the tribals. In order that the tribals and other people get full benefits from forestry operations it is essential that intermediaries like forest contractors are completely weaned away from such activities. This issue has been considerably debated in the past in various fora like the Central Board of Forestry, which in 1980 and 1984, had resolved that all forms of contract systems in forestry operations should be eliminated under a definite time-bound programme. The National Forest Policy, 1988 reiterates this view and stipulates that contractors should be replaced by institutions such as tribal cooperatives, labour cooperatives and government corporations.

2. While a number of States/UTs have taken steps to entrust forestry operations to Forest Departments, Forest Corporations and tribal/labour cooperatives yet the agency of forest contractors continues in use in some States. The issue was, therefore, discussed afresh in the Conference of Forest Ministers on 11-12 May, 1989. Based on the

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recommendations of the said Conference the following guidelines are issued for scrupulous observance:-

- (i) Contract systems should be completely eliminated from forest working. Existing contracts, if any, for collection and harvesting of forest produce (other than leases to forest based industries) should not be renewed after their expiry. These should be replaced by Forest Corporations, labour and tribal cooperatives and Forest Departments.
- (ii) Federations of labour and tribal cooperatives, public sector institutions should be utilised for marketing of non-wood forest produce/products. Institutions like TRIFED should be fully used for marketing support.

It is requested that this Ministry be kept informed of the action taken/proposed to be taken on the above.

Yours faithfully,

(K.M. Chadha)

Joint Secretary to the Government of India

Copy for information and necessary action to:-

1. Principal Chief Conservators of Forests, (All States/UTs)
2. Managing Directors, Forest Development Corporations (all)

(K.M. Chadha)

Joint Secretary to the Govt. of India

Annexure G

Statement of the Registrar of Co-operative Societies

ಪ್ರಕೃತ ಸಂಪನ್ಮೂಲ ಸಂವಿಧಾನ ಅಡಿಯಲ್ಲಿ ಕೆಲವು ಪ್ರಮುಖ ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆಗಳ ವಿವರ.

- 1) ಪ.ಪ್ರ. ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ. 842.
- a) - ಈ ಯೋಜನೆ ಕೆಲವು ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ. 767
- b) - ಈ ಯೋಜನೆ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ. 75
- 2) ಪ.ಪ್ರ. ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ. 78.
- a) - ಈ ಯೋಜನೆ ಕೆಲವು ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ. 45
- b) - ಈ ಯೋಜನೆ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ. 33
- 3) ಪ.ಪ್ರ. ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ. 8493.
- 4) ಪ.ಪ್ರ. ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ. 30.76 ಲಕ್ಷ.
- ಈ ಯೋಜನೆ ಸಂರಕ್ಷಣೆ. 9.65 ಲಕ್ಷ.
- 5) ಪ.ಪ್ರ. ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ. 31.25 ಲಕ್ಷ.
- 6) ಪ.ಪ್ರ. ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ. 32.64 ಲಕ್ಷ.
- 7) ಪ.ಪ್ರ. ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ. 107.79 ಲಕ್ಷ.
- 8) ಪ.ಪ್ರ. ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ. 474.88 ಲಕ್ಷ.
- 9) ಪ.ಪ್ರ. ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ. 5.15 ಲಕ್ಷ.
- 10) ಪ.ಪ್ರ. ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ. 530.00 ಲಕ್ಷ.
- 11) ಪ.ಪ್ರ. ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ. 56
- ಪ.ಪ್ರ. ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ. 8.43 ಲಕ್ಷ.
- 12) ಪ.ಪ್ರ. ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ. 22
- ಪ.ಪ್ರ. ಸಂಪನ್ಮೂಲ ಸಂರಕ್ಷಣೆ ಮತ್ತು ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ. 4.27 ಲಕ್ಷ.