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THE STATE AND FOREST RESOURCES: AN HISTORICAL ANALYSIS OF POLICIES AFFECTING FOREST MANAGEMENT IN THE NEPALESE TARAI

The Tarai region of Nepal contrasts with the country's image as a mountainous Himalayan country. The incorporation of this region into the modern Nepalese state in the eighteenth century brought about a considerable transformation of the landscape and social composition of the region, which has been manifested in recent decades in contention among disparate social groups over the region's resources. This transformation was brought about through state policies to exert control over the Tarai's extensive forestlands, and of clearing them, eventually allowing land-hungry populations to settle there. In this paper, we examine the political and economic contexts and implications of these policies and explain their continuities and change. We review forest-related policies as they were adopted during various "eras" of Nepalese history: the unification period (1750s to 1846), Rana period (1846 to 1950), the transition period (1951 to 1960), Panchayat period (1961 to 1990), and post-Panchayat period (after 1990). We argue that these policies allowed the state to assert its sovereignty over the new territory, and that they were designed to strengthen the prevailing regime at particular times and to privilege the ruling elites to siphon off forest benefits in their favor. More recently local people have begun asserting their needs and rights. They also tend to problematize this historical expropriation in order to seek equitable solutions. More attention to their demands will help address existing tensions in the region and avoid potential conflicts in the future.

INTRODUCTION

The Tarai region—the plains area in the southern part of Nepal—contrasts with the image of the country as mountainous. It is one of Nepal's three ecological belts and its social landscape has evolved distinctly after the region was annexed to the Nepalese state during the second half of the eighteenth century. The region covers about 17 percent of the country's geographical area, but harbors almost a half of the country's population (CBS 2004). This article examines how the largely forested landscape with scanty settlements in the eighteenth century came to be transformed together with the formation and subsequent consolidation of the Nepalese state. Drawing on Barton (2001), we argue that an essential part of this transformation was an extension and entrenching of state sovereignty into the acquired territory through the appropriation of land (including forestland). This helps illuminate the unique way in which the Nepalese state was constructed in its periphery. We demonstrate that forest was a critical resource for the sustenance and, at particular times, the expansion of Nepalese state. We suggest that a sustained

aspect of state policy over the Tarai forestland was to generate resources for the ruling elites and for the consolidation of regimes that prevailed at a particular time. In the process, the region has undergone a substantial transformation in its social composition and landscape over the past two centuries and a half, now comprising a complex mosaic of social groups which compete over the region's resources. The political consciousness built up since the 1950s and especially the activist discourses of rights, equality, identity, or self-determination that received prominence in the post-1990 period have shaped the debates on the access to or control over forests. These debates have parallels with the ongoing constitutional discussions about the restructuring of the Nepalese state with a federal structure and especially the distribution of rights and responsibilities at various levels of governance. As a consequence, the governance of Tarai forest has in recent years become a source of tension and anxiety amongst forest users, policy makers, activists, and politicians. We conclude that the policies should be reoriented with greater attention to the diversity of the people-forest relation in the region and to local and particular demands that have been put forward.

Forests serve critical functions for an agricultural economy and at the same time represent a territory upon which the state or individuals exercise control. Forests provide fuelwood, fodder, timber, medicinal herbs or wild edibles and serve other ecosystem functions, such as erosion control or water regulation that are very important for a rural livelihood. It is especially so in Nepal, where about 60 percent of the population is directly dependent on farming for their livelihood and particularly to the poor that comprise 31 percent of the population, with a per capita income below NRs. 7,696 (US\$ 150) per year (CBS et al 2006: 122). While the poverty rate in the Tarai (27.6 percent) is slightly lower than that of Hills (34.5 percent) and Mountains (32.6 percent) (CBS et al 2006:7), the access to forest is important for many reasons. For instance, forest augments farm production through the supply of organic manure and other inputs, and it is important especially in the context of the Tarai's status as the bread basket of the country. The Tarai forests also supply timber, fuel wood, and medicinal herbs to the market and form a source of income and employment. However, a survey of Nepal's modern history—understood here to have begun with the country's unification into the centralized state in the eighteenth century—reveals that the control and use of forest was much more politicized than can be understood within the idea of environmental or economic functions identified just above. In this article, we demonstrate that a core part of state policy was to appropriate ownership over the forestland, convert it into agriculture or human settlement on an extensive scale, and allow land-hungry groups to settle there. By doing this, the rulers generated resources for themselves, consolidated the regime and considerably transformed the social composition and the landscape of the region.

This transformation was rendered possible after the unification of Nepal through the various phases of its political development. Present day Nepal consisted of about eighty small principalities before it was unified in 1769 by Prithvi Narayan Shah, the king of the hill principality of Gorkha, following a 25-year campaign. The period from 1769 to 1846 was aimed at stabilizing the political process and retaining the country's unity after a war with East India Company in 1814-16. The exploitation of peasants was at its height in this period (Stiller 1976). The internal feud among the ruling elites and difficult economic situation led to the rise of a family-based dictatorial rule of the Ranas in 1846. Land and forest were the main sources of revenue to finance the unification process and the luxurious lifestyle of the ruling elites. In 1951, the Rana rule ended after a political movement and armed uprising. For the next decade, there was uncertainty and a preparation for democratic political system. After a year's brief experimentation with a democratic system, a new form of rule called *Panchayat* system, a party-less, monarchy-guided polity, was imposed by the then King Mahendra in 1961. The *Panchayat* rulers emphasized modernization and development and curtailed political freedom. *Panchayat* rule lasted for three decades, until it was overthrown with a people's movement,

giving way to a multi-party democratic political system in 1990. Despite impressive economic growth after the political change, a 'people's war' was unleashed in 1996 by the Communist Party of Nepal (Maoist). This insurgency ended in 2006 with a toll of about 15,000 people, and the people's movement in 2006 subsequently led to the abolishment of the monarchy. With this political change, a constitutional assembly elected in 2008 set about drafting a new constitution, primarily focusing on "restructuring" the state into a federal structure and on the wide range of promises offered during the post-1990 period. Access to and control over forest and other natural resources have become an important aspect of the constitutional debate and are likely to remain so. In this article, we focus on the policies adopted after Nepal's unification by the different political regimes, and the continuities and changes in forest policies through the modern historical period, especially as they impacted on the forest resources of the Tarai and as they benefited some groups rather than others.

In all these political 'eras', the Tarai forest has attracted the attention of policy makers and politicians due especially to the abundance of *sal* (*Shorea robusta*) timber, which is very durable and expensive (see DFRS 1999). Accurate statistics on the change in Tarai forest in different periods is lacking. There was no inventory of Tarai forest before the 1960s, and the data for subsequent periods have different definitions of forest. Nevertheless, it is clear that forest area is consistently on the decline, simply because the governments promoted forest clearance in the Tarai until 1990 and there have been widespread encroachments. Karan and Ishii (1994: 38) reveal that there was 2.53 million ha of forest in the Tarai (including the Inner Tarai) in 1964-65, which was reduced to 2.03 million ha in 1978-79, i.e., with a deforestation rate of 1.4 percent per year. For the period from 1970 to 1990, deforestation in the Tarai was very high. For example, Zurick and Karan (2005: 225) reveal that the Tarai forest had been depleted by more than a quarter of its area in this period with a rate of 4 percent forest loss a year. In part, that is due to immigration and farmland clearing, but to a great extent the change results from the activities of the commercial timber industry. But after 1990, deforestation in the Tarai has slowed down. The Department of Forestry (DoF) under the Government of Nepal has estimated that in 2000/01, the 20 districts of the Tarai (including the Inner Tarai) contained 1.39 million hectares of forest, covering 41.5 percent of the land area. It further reveals that the deforestation rate during 1990-2000 was negligible (0.06 percent a year), and that in seven districts there was positive gain in forest cover. (DoF 2005:vii).

Forestry policy in the Tarai in the modern period

This section examines the forestry policies of Nepal as they were adopted in the various 'eras' of its modern history. There is virtually no documented evidence of the schemes for the use, management or trade of forest resources of the Tarai during the pre-unification period. Pre-unification rul-

ers depended primarily on the religious and folk perceptions of how forest or trees were to be valued and used, and they tended to prohibit tree felling in certain areas, such as around water bodies (Bhattarai and Khanal 2005). Except for the three principalities of the Kathmandu valley, these pre-unification principalities did not have significant participation in trading activities. However, the unification process generated demand for resources for the centralized state and for the rulers and nobility. For this, however, the Kathmandu rulers had to expropriate forest and other lands which were previously held under customary or indigenous forms of ownership and control (Regmi 1999a). With unification, they asserted the state sovereignty over these lands, by themselves assuming the role of administering land grants. When such authority was established, they were able to redistribute land to individuals in a way that was compatible with their interests. This “privatization” policy continued until the 1950s, when forests were nationalized (Hobley and Malla 1996).

Privatization of forests during the Unification period (1744-1846)

Although the process of Nepal’s unification was most intense in the latter half of the eighteenth century, the “unification period” began in 1744 when the king of Gorkha moved aggressively against other principalities, and it ended with the takeover of state power by the Rana rulers in 1846. This period marked the gradual development and consolidation of the military and administrative capacity of Gorkhali rule from Kathmandu, and ended with a massacre in 1846 that led to the rise of the Ranas. Control of the Tarai was the prime motivation for Prithvi Narayan Shah to initiate his ambitious unification process. Regmi (1999b) asserts that the principal objective in his territorial conquests was to control the Tarai and the trade routes between India and Tibet, which crossed through Kathmandu. The main revenue generating resources were elephants, herbs, timber and land. Therefore, Prithvi Narayan gave emphasis, after takeover of the Kathmandu valley, to the annexation of the eastern Tarai. The cash revenue from these areas provided a major portion of financial resources for the growing military expenditure and for the luxury goods required for the palace and the nobles (Regmi 1999a). In 1793, Kirkpatrick estimated the total amount of revenue obtained by the government of Nepal at between Rs. 2.5 million and Rs. 3 million. Of this, Rs. 300,000 to Rs. 400,000 was obtained from the export duties and profit on the sale of elephants alone (Kirkpatrick 1811 quoted in Regmi 1999a: 56). Timber revenue accounted for 40 percent of the total national revenue during this time (Bajracharya 1983:232). As other forest products were also sold, the total revenue from forest would have been much greater. Government used the unpaid and compulsory labor of the local people to gather these products, including the capture of wild animals such as elephants. Nor were people compensated for injuries and loss of life suffered as a consequence of such forms of forced labor, and were required as well to provide their own food and other necessities.

In the initial period of unification, much revenue was required to finance territorial expansion. As a result, export of timber and other forest products was intensified. But in the later period, especially after the war with the East India Company which ended in 1816, revenue was increasingly used for the lavish lifestyle of the ruling class. Imports of luxury goods from India increased. The financing for this lifestyle came primarily from the Tarai. For instance, in the timber export regulations of 1811 (Regmi 1999a) King Girban orders the export of timber from Chitwan to Calcutta and to build a temple in Banaras. The order states that timber should be transported from Chitwan to Tribeni by employing local laborers without pay. At that time, the people living in Chitwan were the Tharu, and they were put to work on an unpaid and compulsory basis. The misery of the Tharu is explained in another account for the districts of Bara, Parsa and Rautahat:

The peasantry are extremely nasty, and apparently indigent. Their huts are small, dirty and very ill calculated to keep on the cold winds of the winter season, for a great many of them have no other walls, but a few reeds supported by sticks in a perpendicular direction. Their clothing consists of some cotton rags, neither bleached nor dyed, and which seem never to be washed. They are a small, hard favoured people, and by no means fairer than the inhabitants of Bengal who are comparatively in much better circumstances (Hamilton 1819 as quoted in Regmi 1999a).

The people described by Hamilton were the Tharu, whose living conditions and even customs were profoundly affected by the government policies. They were not allowed to build good houses as government administrators or agents would ask for taxes. If taxes could not be paid, such houses were confiscated. Similarly, if they were seen to be wearing good clothes, government agents would harass them for not paying taxes or for making savings. Thus the Tharu did not build good houses and did not wear good clothes. The only way to consume the surplus was to organize feasts regularly and to spend in ritual ceremonies. This was done to avoid the taxes that were levied by local revenue functionary under the *jimidari* system. This system was introduced in the Tarai by the Ranas in 1861, under which *jimidars* and *patwaris*, the local tax agents within the *mauja* or the village, were given power to levy the taxes and use unpaid laborers. Attempts were made to abolish this system in 1953, after the political change in 1950. But the real legal provision for this abolishment of the *jimidari* system came in the Land Act of 1964 (Karky 1982; Regmi 1976). But the habit developed prior to 1950 in response to the revenue system persists to the present and the Tharu are seen by others as conspicuous consumers. Similarly, because the compulsory labor contribution was determined in the past (prior to 1950) on a family basis, the Tharu tried to reduce the labor burden by living in joint families. It is only after the early 1960s that rich Tharu began to

build good houses, to wear good clothes, and to reduce their family size by separation of sons from the main family.¹

In order to increase revenue, government imposed heavy taxes on people during the unification period. The burden of taxes was so high, especially in the Tarai, that people were not able to cultivate the land. For example, as Regmi (1999a: 32) writes, in Morang and other districts where large areas of waste land suitable for reclamation existed in the final years of the eighteenth century, several families were actually landless. They did not cultivate these lands as they had to pay a large amount of tax. Regmi thus argues that economic inequalities were much more pronounced in the Tarai than in any other region of Nepal. It is also a fact that high taxes led to 'voluntary landlessness' in the Tarai, especially among the Tharu. Many Tharu willingly remained landless because they could not pay the taxes to the *jimidar* (or landlords) to whom state had given responsibility to levy the tax. In Chitwan, these landless Tharu were called *bahariya*, and worked as attached laborers to the land cultivators (Tharu peasants cultivating land after paying the tax—Guneratne 1996). Landlords in turn met various obligations of these *bahariyas* because there was a shortage of labor.

During the unification period, the government did not have much cash to pay its officials. Administrators were required in the newly acquired territories, and there was great demand for military personnel and arms for new territorial conquests. The rulers therefore provided compensation in the form of land grants. For this, the state expropriated lands or forests kept under pre-state (customary or indigenous) forms of ownership and control. Among the land grants, *birta* was granted to the elite families, who did not have to pay taxes on their land. Another grant, called *jagir*, was made to army personnel and other functionaries as emoluments. The intention was not only to satisfy the nobility, but also to increase the revenue base by making such grants on forest or waste land which previously yielded no tax. Such policy inevitably entailed a loss of forest cover through the conversion of such lands into cultivation or settlements. The government further encouraged deforestation by providing three to four years of tax exemption on newly reclaimed land.

Forest clearance or conservation was also linked with the strategic requirements of the unification period. Forests were destroyed in some strategic locations to create settlements so that the new settlers could serve to restrict the entry of enemies (i.e., from British India). These settlements were generally the central places where settlements were necessary to be developed for expansion of cultivation and trade. However, dense forests were maintained in most other locations as a defense against intrusion from the south, in such a way that only a few trade routes were left open. For example, land grantees of Makwanpur were asked to maintain only one north-south track, whichever was the worst one, through the Churia forest and watch it so that no other routes were opened up (Regmi

(1999a: 40). This was based on the policy of that time to isolate the Kathmandu valley based on a line defense along the Churia hills. Local officials were asked to close the tracks by planting thorny bushes and installing pikes if any other routes were opened up.

During the late eighteenth and early nineteenth century, the government experimented with a new method of promoting land reclamation in the Tarai. Individual entrepreneurs were given on contract vast areas of land for reclamation and settlement. The contractor would pay a fee, which was then gradually increased every year. The contractor could then levy taxes of his own on the cultivators and settlers. This method was followed especially in the eastern Tarai, which explains relatively dense settlements in that part of the Tarai as compared to Western areas. High officials of the Government and other members of the nobility benefitted from this process and were allowed both to retain good land on their own and to raise taxes on other lands given to tenants for cultivation. In order to maximize revenue, the landowners changed the form of tenure from *adhiya* (half share of the produce) to *kut* (fixed rent). A vast majority of tenants who depended on cultivating land on *adhiya* had to pay high *kut* and to bear the heavy burden when the crop failed. This increased the debt burden on these tenant cultivators. Under the *kut* system, the highest bidders were given the land for cultivation, causing many of previous tenants to become wage laborers. They also started to work as bonded laborers because of the debt they could not pay to landowners (Malla 2001). This appropriation of high rent by the landlords and taxes by government made many tenants flee the country and settle in India. The unification period consolidated the Nepalese state by expanding its control over the newly acquired territories, primarily through granting land to elites, military personnel, and state functionaries in return for their loyalty. These policies, on one hand, attracted settlers to the eastern Tarai and on the other, placed huge burdens on the peasantry and promoted outmigration.

Continuation of privatization policy during the Rana Rule (1846-1951)

The Rana rule began after a member of military-aristocratic clan of Ranas—Jung Bahadur Rana—carried out a massacre of courtiers in 1846. Jung Bahadur instituted a "roll of succession" in which only his family members could become the prime ministers of Nepal, but that roll was amended as and when rival Rana members were able to do so. Nevertheless, the Tarai forest received newfound significance during the period of Rana rule, especially because of the expansion of the railway network in India and the development of cities in north India (Regmi 1988). The Ranas had to obtain the support of the British in India for their political survival in Nepal. One way to obtain this support was to allow British access to the Tarai's forest resources. The exploitation of the Tarai forest was also important for the Ranas to meet their lavish expenses. They continued with the "privatization" policy adopted in

1. This account is based on discussions held in 1996 with elderly Tharu living around the Chitwan National Park.

the previous period, but they redistributed the earlier land grants, especially to benefit their own family members. In addition, the Ranas systematized timber harvest and export with 'expert' inputs from British foresters, institutionalized hunting in Tarai forests as a particular form of diplomacy in order to cement their relations with the British, and promoted settlements in the southern part of Tarai. Such policies created hardships for people as they had to work as unpaid labor and became dispossessed of land.

The policy of land grants in the form of *birta* and *jagir*, thereby privatizing what otherwise was a public resource, continued vigorously under the Ranas in order to obtain the support of the elites for the regime. In addition, forests were given to religious institutions in a separate grant called *guthi*. Land grants were made so vigorously that, by the end of the Rana regime in 1951, about one third of the forestland was under *birta* tenure and three quarters of this land belonged to Rana families (Regmi 1999b; Mahat et al. 1986). Jung Bahadur granted himself as *birta* the whole land of the "new country" (*naya muluk*) in the western Tarai that Nepal received as a gift from Britain for its military support to subdue the Indian rebellion of 1857. In 1854 he decreed that *birta* owners could cut trees on their land. But *raikar* (land owned on a private basis and obtained by purchase) and *jagir* owners could not do that without permission from the government, which meant that they had to pay taxes or revenues on the trees they cut (Regmi 2002). This rule was changed in 1918 so that *birta* owners were only able to cut old and dry trees without permission from the state and were obliged to share the revenue with the government (Regmi 2002). This policy was essentially meant to benefit the *birta* owners, who were the ruling families.

The Ranas also assigned the role of colonization of Tarai forests to *zamindars* (local government functionaries), who also collected taxes. Ranas also liberalized regulations related to crimes, slavery, and indebtedness as an additional inducement for hill people to shift to the Tarai. For example, criminals and runaway slaves who reclaimed wasteland in the Tarai were pardoned and given freedom. Debtors who did so were also given a grace period to repay the loan. Due to such a policy, Gurung (1999) mentions that 76,000 *bighas* (approximately 55,000 ha) of forestland was reclaimed in 1897 in two districts of Kailali and Kanchanpur by 346 families from the hills. However, due to the inhospitable climate and malaria infestation, hill people were hesitant to migrate to the Tarai. Thus the Ranas encouraged Maithili, Bhojपुरi and Abadhi speaking communities to expand their farms and for Indians to settle in the Tarai. If the Indians moved in with families, they would be given free agricultural land, home sites and building materials (wood). Some of them were also appointed as *zamindars*, though the preference for this position was given to hill migrants. These policies were meant to generate revenue for the state by expanding cultivation and levying high taxes on agricultural land. This led a section of the Tharu population to remain landless (*bahariyas*) and to

work for landlords.

The dense forests of the Tarai were also used by the Ranas for hunting, especially as Ranas were themselves "game enthusiasts" and were keen to invite British elites to join their hunting parties. Every year, the nobility of Kathmandu spent their winter in the Tarai, mainly engaged in hunting (Mishra and Jefferies 1991: 22). A huge number of local people had to provide their services on a compulsory basis during these hunting expeditions. Very large hunting trips were also organized for the British because the Ranas had to maintain cordial relationships with them. Landon (2001: 252) mentions the burden on local population caused by these hunting trips. The setting up of the camps, arranging food, providing escorts during the hunting, driving the elephants, and driving the wild animals towards the hunters would require a large number of people. The impact of these hunting trips on the local people was thus enormous. An elderly Tharu, who also saw and experienced the Ranas, reported in our interview that at least one person from a household was required to work for such hunting trips on a compulsory basis. The food required for these trips were also locally arranged, except for items that were not available in the locality. Similarly, every household had to provide a healthy goat and good rice for food. This was a big burden on the local Tharu population (Adhikari et al 2006). But the Ranas declared rhinoceros as a royal game animal, giving it a measure of protection, and prohibited the people from killing wild animals even if the latter destroyed their crops and livestock. The hunting in the Tarai forest was thus designed to favor the ruling class at the expense of the local population.

The Rana rulers wanted to maximize revenue with the export of forest products. This was a continuation of past policy, but it was pursued more vigorously after Jung Bahadur came to power. The 1850s saw a greater demand for *sal* timber in India due to its urbanization and industrialization (Regmi 1988). To obtain more revenue, the first Rana prime minister abolished the *ijara*² system in favor of *amanat*,³ in which salaried people handled the logging and export of timber. Regmi mentions that *kathmahals*⁴ were the linchpin of this new system in the Tarai. These officers were spread throughout the Tarai and were supervised from the central level. The government experimented with several schemes of harvesting and export, and established saw mills, built railway lines and dredged rivers to facilitate timber export (Gaije 2009 [1975], Regmi 1988). The trade of timber and other forest produce benefited only the ruling class in Nepal and the business people from India. The role of the common peasantry was to help this trade (for example, by harvesting forest products), often without pay. They remained impoverished as they could not

2. A system in which individuals were contracted out by the government in order to perform specified functions.

3. A system of mobilising salaried personnel to undertake public works.

4. An office established for the management of the timber trade from the Tarai and Inner Tarai districts.

benefit from their own resources.

The Ranas wanted to systematize tree felling and export and to maximize revenue from the Tarai forests. They solicited British expertise in the 1920s in order to reorganize forestry operations. For this, J. V. Collier, a Deputy Conservator of the Forest Department of India, was deputed to the Nepal government in 1923. After Lord Dalhousie's Forest Charter of 1855, India's Forest Department had already evolved as a forerunner throughout the British Empire in combining the environmental functions of the forests to the industrial, settlement and budgetary imperatives of the state (Barton, 2001). Accordingly, Collier emphasised large-scale clear felling for the sale of timber and for the expansion of the area under cultivation (2001[1928]: 252). Collier proposed large-scale and extensive clearings, the development of settlements, and the reduction of timber wastage. Similarly, the granting of large parcels of forestland to kin members of ruling elites, military personnel and the nobility led to the conversion of the traditionally managed, community-owned woodlots into the private property of the absentee landlords. These conversions were carried out with the compulsory labor of the indigenous people (like the Tharu and others) and the fields left for cultivation by tenants. Land grants thus wiped out indigenous management practices and were detrimental to the community management of resources (Bhattarai et al 2002).

Thus the main focus of forest policy during the Rana period was to raise revenue from the reclamation of forestland, to earn revenue from forest produce, and to maintain good relationships with the British. The rulers appropriated extensive areas of forest and cultivated lands and the unpaid labour of the peasantry, reducing the latter to serfdom. They grossly abused their power and prerogatives to amass wealth and to live in luxury, in ways that "no oriental despot matched . . . in terms of arbitrary taxation" (Amatya 2004). Each Prime Minister took at least 25-30 percent of the state revenue, while 95 percent of the peasantry was landless and depended on share-cropping or rent (ibid: 330-1). The landlessness partly explains the exodus of *pahade* groups eastward to Darjeeling, Sikkim, Bhutan and Burma. The excessive exploitation by the Ranas, therefore, set the stage for radical groups to emerge with egalitarian ideals and to wage an armed rebellion against the regime.

The nationalization and populist policies of the transition and Panchayat periods

This section discusses the forestry policies of two periods: the transition period (1951-60) and the Panchayat rule (1961-90). Though distinct politically, these periods share a certain continuity of forestry policies. The forests brought under private control during the Rana period were initially nationalised, and subsequently brought under a populist program (Hobley and Malla 1996). These and several other policy measures were taken after the downfall of the Rana regime in February 1951. This political change came with a promise of multi-party democracy and a new constitution

(Shaha 1996), and in the main converted the Nepalese people from serfs into citizens (Amatya 2004). After nearly two centuries of seclusion, the change allowed Nepal to "open" to the outside world, rendering feasible the exchange of people and ideas. However, a part of these achievements, especially a polity based on multi-party democracy, received a set-back as King Mahendra removed the elected government in December 1960. It led to a three-decade long *panchayat*⁵ regime within which the king became all-powerful, banned political groups, and curtailed civil liberties to a significant degree (Joshi and Rose 2004). Nevertheless, the end of the Rana regime involved a modernising mission insofar as it negated the feudal appropriation of resources and, to a large extent, the arbitrary exercise of state power. Written laws and policies became essential in the post-1951 period and state institutions like the bureaucracy and the judiciary began to recruit personnel based on merit and academic qualification. The idea of planned development was cherished after the political change (Joshi and Rose 2004), and the forestry sector became part and parcel of state planning. Private forest was nationalized in 1957 through the Private Forests Nationalization Act. This policy marked an end to discretionary granting of large parcels of forests to elites, which had been common in the past two centuries. This also helped in bringing back a small part of forests in the Tarai which had been granted to elites but not cleared for cultivation. The government identified forests as national property, portraying itself as a public trustee of the resource. This "statisation" fitted environmental imperatives with the industrial, settlement or budgetary objectives of the state, pursued primarily under the rubric of "national interest" (Blaikie and Springate-Baginski 2007; Barton 2001). This policy, however, has been criticized for alienating and dispossessing the local people from the forest resources upon which they depended and is held responsible for the widespread forest destruction that followed (e.g., Gilmour and Fisher 1991; Hobley and Malla 1996).

Panchayat rule instituted a much more systematic regulatory approach with a number of specific laws related to development, conservation and utilization of forest resources. The initiation of five-year periodic planning and the forestry planning that followed implicitly assumed that the state was the agency responsible for supplying the forest product-related needs of the people. The planning converged on the idea of developing settlements and cities in certain areas of the Tarai and supplying by the state agencies the timber and fuelwood needed both in Kathmandu and the new towns. The creation of the Timber Corporation of Nepal (TCN), the Fuelwood Corporation, Forest Products Development Board and the plantation projects in Jhapa, Sarlahi and Banke districts indicates the state's preference for state owned parastatals to the creation of local institutions or market mechanisms through

5. *Panchayat* refers to a party-less system of government (1961-1990) under the direct rule of the King. It also refers to the representative units—National, Zonal, District and Village *panchayats*—that constituted the levels according to which popular representation was organized.

which forest products could be raised, owned and traded. TCN sold timber only to selected customers at a fifth to a third of the market rate and was abused by officials working in it (Ghimire 1992). Similarly, the plantation schemes were obsessed with “fast growing species”, such that the climax *sal* forests in Sarlahi, Jhapa and Banke districts were replaced with exotic species. The introduction of alien species jeopardized critical environmental functions and led to the denial of the multiple products needs of local people. These schemes proved flawed in that these badly predicted future needs: fuelwood and timber as a source of energy or electric poles for the cities were increasingly replaced with alternatives such as concrete or metal for the electric poles, and kerosene and petroleum for urban domestic energy needs. In the period from 1950 to 1970, forest industries were also established in the Tarai. Donors also supported these industries, and alliances developed between the Forest Department, local elites and donors (Malla 2001, Pravat 2006, Skar 1999). These industries were mainly saw mills, wood processing plants (seasoning of wood and application of preservatives in poles), and products from wood (like *catechin*—Kattha—from the wood of *Acacia catechu* locally called Khayar tree, and production of matches), oil extraction plants and furniture factories. Some industries were established in the Tarai which basically used raw materials from the hills. For instance, resin and turpentine industries, which used resin from pine trees (*Pinus roxburghii*) which are found in mid hills, were established. These industries were owned mainly by elites, who could depend on forest bureaucrats to give extra-legal permission to cut trees and exploit other forest resources and to overlook their illegal extraction of forest products (e.g., more than the official quota). The factory owners would give forest bureaucrats a share of the benefits they would make from the extra legal activities. Donors give financial and technical aid to the projects producing raw materials for these industries. This led to the monopolizing of benefits by government bureaucrats and local elites, while peasants were not able to take advantage of these policies to gain access to forest benefits.

With the nationalization of forests, the state was conceived as the exclusive agency to protect forests from the people. Two key approaches emerged: the first, strict protection of forests as sanctuaries, and the second, protecting forests with use of force and coercion. Many protected areas were declared (commencing with the Mahendra Mriga Kunja (literally deer park, but it was meant as a Rhino sanctuary) for protection of both flora and fauna in their natural habitats. By 1984, five national parks and wildlife reserves⁶ had been established in the Tarai. Around 3000 sq. km. of forests of the region were protected prior to 1990. On the other hand, the Forest Act of 1961 and Forest Protection (Special Arrangements) Act of 1967 adopted the “fortress” approach to the conservation of

6. Chitwan National Park (932 sq km), Bardia National Park (968 sq km), Shukla Phanta Wildlife Reserve (305 sq km), Koshi Tappu Wildlife Reserve (175 sq km) and Parsa Wildlife Reserve (499 sq km) (CBS, 2003: 100-101).

public forests and the use of force was employed to deter tree felling. Patrolling with armed forest guards in the Tarai became the norm.

In the late 1960s and early 1970s, Nepal was seen as a country facing massive environmental degradation (Eckholm 1976). The alarm created during this time is captured in the Theory of Himalayan Degradation (Ives and Messerli 1989), which emphasized population pressure on land, deforestation, decline of farm productivity and further deforestation leading to soil erosion and land degradation in the form of landslides and river cuttings. The flooding in the Tarai and in the Gangetic plain in India and Bangladesh was linked with deforestation in the hills of Nepal. This concept led to emphasis on forest conservation in the hills (Guthman 1997). As a result, policies formed during this period emphasized forestry programs in the hills and neglected the Tarai. For example, the National Forestry Plan of 1976 (DoF 1976) stated that the forestry administration was almost wholly engaged in the Tarai in the past, and the absence of Department of Forest presence in the hills was identified as one reason for the deterioration of hill forests and widespread landslides. But the Churia range in the Tarai also received some attention as it was also a source of sedimentation leading to river bed rising and flooding in rivers flowing to the Tarai. Accordingly the Churia Forestry Development Project was implemented with support from the German Government. The overall focus of the government in the *Panchayat* period was to develop the Tarai as an important region of cereal grains and commercial crops. The concern again was on national development rather than on meeting the aspirations and basic needs of the Tarai people (Bajracharya 1983). On the other hand, this theory of “environmental degradation” increased state control on Tarai forests (Gilmour and Fisher 1991). But the government did not gain the trust of the common people who had been the guardians of the Tarai forests (Malla 2001). As a result, deforestation increased rapidly.

The solution to the problem of environmental degradation was sought by fitting it within *Panchayat* “democracy”. It was acknowledged that the government was unable to effectively undertake the role of forest conservation and management on its own, and that it was essential to seek people’s cooperation in forestry programs. With donor support, the participatory forestry policies were adopted in the late 1970s. The involvement of *panchayats*, especially the village *Panchayats* (i.e., lowest political units) in forest protection was conceived in the National Forestry Plan of 1976, and was materialized through the promulgation of *Panchayat* Forest and *Panchayat* Protected Forest Rules in 1978. In case of *Panchayat* Forest, government could give a maximum of 125 hectares of its degraded forest land (waste land or only with stumps) to a village *Panchayat* for reforestation for the interest of the communities. *Panchayat* Protected Forests were the forest given by government to village *panchayats* to be protected and managed by them. A maximum of 500 hectares of forest could be given to a *panchayat* as *Panchayat* Protected Forest.

In both cases, the politicians supporting the *panchayat* system and involved in the village *panchayat* were given power to manage and use these forests. This granted some rights of forest use to the local people through *panchayat* leadership that was politically and ideologically subservient to the centralized political establishment, but was nevertheless elected by local people. The introduction of participatory forestry through such local political institutions focused also on hills forests rather than the Tarai. In both these categories the progress in the Tarai is very low as is shown in the Figure 1. By the mid-1980s, it was understood that these policy changes did not allow the full participation of local people, as the rights and duties were vested in local politicians. The Master Plan for the Forestry Sector (MPFSP 1989) adopted “community forestry” as a principal “primary program” with a commitment of almost half of the budgetary outlays for entire forestry sector. As we will discuss below, this program did not make good progress in the Tarai.

The indigenous population of the Tarai also suffered due to the policy of resettlement. Until the 1950s, the climate of the Tarai was considered unfriendly and hostile for the hills people and was particularly infamous for malaria, although many indigenous communities have long been settled in the region. A malaria eradication program supported by the U.S. government from the late 1950s through the 1970s, and the

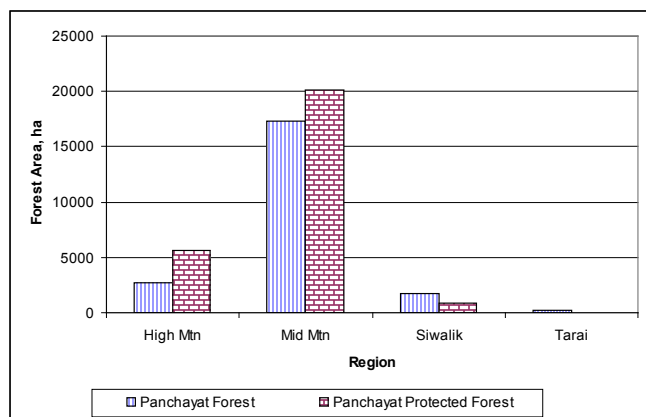


FIGURE 1: STATUS OF PANCHAYAT AND PANCHAYAT PROTECTED FORESTS (1986)
SOURCE: DEVELOPED FROM MPFSP, 1988: 191-192.

establishment of the Nepal Resettlement Company (NRC) in 1964 resulted in the rapid migration of hill people into the Tarai. The basic aim of the NRC was to distribute land to disadvantaged groups such as the landless, flood and landslide victims, refugees and immigrants of Nepali origin returning from other countries, mainly Burma. However, in reality, only the supporters of the *Panchayat* system obtained the land and a much greater area was encroached on illegally (Pokhrel 1995). During 1964-1974, NRC distributed 77,700 ha of forestland in the Tarai, and an additional 237,600 ha of forestland were encroached upon (see Donovan 1978). Because of this, the area of commercial forests in the Tarai was

reduced by more than 20 percent in the ten years from 1964 to 1973, from 1,344,000 ha in 1964 to 1,067,000 ha in 1973 (Browning 1974). Figure 2 shows the planned acreage for forest clearance and the number of families migrated under the scheme. Some families of indigenous people like the Tharu who had opted to remain as landless laborers also got some land from the resettlement program. However, many of them did not want to own land in their name because of the fear of being taxed. These Tharu, however, remained landless laborers, and in many cases as bonded laborers (Guneratne 1996).

A particular version of nationalism promoted during the *Panchayat* period also influenced the resettlement and forestry policies. The need to establish a Nepali identity as different from Indian identity and the need to come out from the Indian shadow was the driving force of state-sponsored nationalism. The increased migration of population from India was also taken as a threat to Nepali identity and to the *Panchayat* system. For example, former Foreign Minister S. Upadhyay

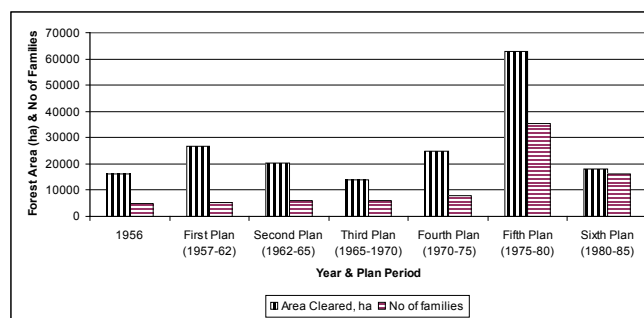


FIGURE 2: FOREST CLEARANCE AND HUMAN SETTLEMENT IN NEPAL TARAI
NOTE: FIGURES FOR THE FIFTH AND SIXTH PLAN PERIOD ARE TARGETS.
SOURCE: DEVELOPED AFTER FAO (1999).

(1991) recalls a diplomatic spat that ensued between Nepal and India after people in Gorakhpur in India tried to establish settlements in the forestlands within the Nepal border. This perhaps explains the haste with which protected areas were established in the Tarai; doing this would provide a justification to avert any settlement intrusions from India. The Tarai community was not considered truly faithful in promoting Nepali identity as these communities were considered in the eyes of the politicians and planners close to the Indian community. To counter this perceived threat the government not only encouraged hill to Tarai migration, but also selectively promoted the resettlement of ex-army personnel along the border even at the cost of the forest with the aim of counteracting any threats to Nepali identity (see also Ghimire 1992 and Gurung 1999).

The resettlement policy of the *Panchayat* period significantly changed the social composition of the Tarai, especially by a continuous rise of the share of its population in the post-1951 period. In the 1952/54 census, the Tarai had 35.2 percent of Nepal’s population but its share increased to 46.7 percent in 1991 and 48.4 percent in 2001 (MOPE 2003: 7). The *pahade* (hill) groups comprised just 5.9 percent of Tarai



A TYPICAL SETTLEMENT OF MUSAHAR IN MAHOTTARI. THE SHORTAGE OF FIREWOOD HAS LED TO THE BURNING OF RICE STRAW FOR WARMTH DURING WINTER.

PHOTO: JAGANNATH ADHIKARI

population in 1952/54, but they increased to 31.7 percent in 1991 (Gurung 2004: 430) and to 35 percent in 2001. The migration was intense during 1971-81, when the Tarai population increased with an all-time high of 4.11 percent per year, against the overall rate of 2.66 percent for the country (MOPE 2003: 8). The continuing increase of *pahade* groups in the Tarai was resented by *madhesi* (plains) groups. In the 1960s, for instance, a group called Tarai Liberation Front (TLF) was established for armed resistance. However, three successive heads of the TLF were killed by the government security forces during 1963-9. The legacy of this martyrdom is valorised within the militant *madhesi* groups that have emerged in the 2000s (see Gautam 2007).

Similarly, the Tarai forests also bore the brunt of the referendum in 1980.⁷ To finance the campaign for the *Panchayat* system, the Tarai forest was extensively used to generate resources or given open access status for a while. It is difficult to ascertain precisely the extent of forest destruction or the funds raised. But one source claims that for the 1980 referendum alone, timber worth rupees one billion was extracted to generate resources to win votes in favor of the *Panchayat* system, which was supported by the king. The *Panchayat*

political workers were permitted to fell trees and earn money as an incentive to support the political system. Many of them profited greatly through this process. Most *Panchayat* leaders had a stake in the referendum, and they wanted to retain their political workers in a campaign “support the supporters” (*karyakarta bachau*) for their own success. Some political leaders were notorious for clearing the forest (Jha 1993). During the referendum, a large number of Indian merchants and contractors were employed for the extraction of timber. The license for the export of timber was taken from Kathmandu by politicians supporting *Panchayat* politics, who subcontracted the work to Indian merchants. At that time, it was usual to find saw mills along the border but on the Indian side with advertisements saying, “Nepali *sal* timber is available here”. In a group discussion among the elderly Tharu in Thori area of Chitwan in 1996, it was revealed that huge piles of less useful logs and tree branches were still seen inside the forests, which were the remnants of the forest destruction done during the referendum time.

It is clear that during the four decades after the political change of 1951, government policies made significant alterations in the social composition and the landscape of the Tarai region. The government policies adopted for two centuries prior to 1950 had encouraged the immigration of caste groups from north India, especially in search of land,

7. This referendum allowed people to choose between a “reformed *panchayat* democracy” and “multi-party rule.”

pastures, and for tree-felling and logging work carried out on an extensive scale. In the post-1950 period, however, it was the hills groups who were actively encouraged to settle in the Tarai. The indigenous groups, such as the Tharu or Dhimal, remained at the losing end as the newcomers were more vigorous in claiming control over land. As the modernization project of *panchayat* succeeded to some extent in extending state rationality to frontier areas, these three groups found themselves opposed to each other in manifold ways. The full range of contention among these groups is not explored here, but we try below to present briefly how the particular social composition and spatial spread of these social groups have served to resist the otherwise successful community forestry program in Nepal.

Troubles in community forestry program: the Post-Panchayat period

The restoration of multiparty democracy after the popular movement of 1990 provided a level of freedom and citizens' rights unprecedented in Nepal's history. This allowed marginal groups to put forward and articulate their demands. But there had been a rapid change in the political set-up after 1990 and the period is denoted here simply as the "post-*panchayat* period." The forestry policies of this period are primarily based on the Master Plan for Forestry Sector (MPFS) (MPFSP 1988), which indeed became meaningful only after the promulgation of the Forest Act, 1993 and Forest regulations, 1995 (HMG 1993; 1995). The main forestry program of the post-*panchayat* period is "community forestry" (CF) within which the local people are entrusted with the rights and responsibilities of the use and management of forest resources. The CF is considered a very successful program; with it, forest destruction was reversed, and barren lands extensively reforested. The success of the CF program was achieved in the hill areas, but it experienced several problems in the Tarai.

The CF was not promoted in Tarai as much as in the hills. For example, of about 14,000 community forestry users groups (CFUGs) formed within CF by 2004, only about a thousand were from the Tarai. Moreover, only about six percent of the total forest area in the Tarai is under CF, while nationally, this is about 24 percent (Bampton et al 2004: 318-319). The MPFS did not, with regard to management regimes, distinguish among the ecological regions, and the Forest Act, 1993 stipulated a common framework for all of them. Even when local communities wanted community forests, many of them had to "capture" it forcibly from the government (Dhurgana and Bhattarai 2005). Similarly, the government introduced a new policy in 2000, which stressed the development of collaborative forestry schemes in the Tarai (MFSC 2000). This new scheme provided greater authority to the Forest Department and other district stakeholders at the expense of the local communities, and reduced their access to and control over the forest. This has led to a form of stalemate in forestry development in the Tarai region, though collaborative forestry has not received any significant momentum until now.

A number of arguments have shaped the CF versus collaborative forestry debate with regard to the Nepalese Tarai. As was discussed earlier, the southern part of the Tarai was cleared of forest during Rana rule or the unification period, and thereby has a longer history of settlement. The groups who settled in this part of the region are the *Madhesi* (plains people), who established themselves close to the forest. Later, as forests were destroyed and new people, mainly from hills, settled in that newly reclaimed land, the earlier settlers like the *Madhesi* found themselves further away from the remaining forest land. This is mainly because of the post-1950 policy of forest clearance and settlement. Under community forestry, the hill people (*pahade* groups) become privileged simply because they now happen to be close to the forest area, which mostly lies in the foothills of the Siwalik hills (Baral and Subedi 1999). It is also argued that handing over forests to nearby communities would reward these settlers and encroachers and set a wrong precedent for other areas (JTRC 2000). A large population is thereby deprived of using the same forest resources (Takimoto 2000; IDA 2003). The government foresters and *madhesi* activists argue that the "hill model" of CF is inequitable and inappropriate for the Tarai and want collaborative forestry to be in place. Another argument has been that the Tarai communities are internally too heterogeneous to provide them with the cohesion necessary for the collective activity required for successfully managing CF programs. Similarly existing policies and laws are not clear as to how forest product needs of the southern Tarai residents (sometimes called "distant users") are to be fulfilled. Forestry officials also exhibit a desire to take back the departmental authority extinguished under the CF policy. A study has revealed that land allocated for CF in the Tarai is degraded as compared to Protected Areas and National Forests (Nagendra 2002). As the community forest in such cases is in poor initial condition, it will take time and effort to make it productive. The institutional set up for CF in the Tarai is also leading to degradation of forest and the siphoning of benefits to local elites and government agencies. This seems to occur in resource-rich CFs (Iversen et al 2006). As a result, the benefits of CF in the Tarai have not reached the common people.

Beyond the above arguments, the Tarai forests have become a rich site of contention amongst politicians, bureaucrats, activists, local communities and development agencies. These groups also employ the newfound freedoms of the post-*panchayat* period and occasionally use the forest as a referent in discussions about the restructuring of the Nepalese state. The Federation of Community Forestry Users, Nepal (FECOFUN) is a forerunner in engaging in mass mobilization to press community claims over forest resources. Since the mid 1990s, it has collaborated with a dozen other organizations to form a Tarai Community Forestry Action Team (TECOFAT) which foiled several attempts by the government to introduce programs that aimed at giving forests to multinational companies. For example, TECOFAT has successfully foiled the government's attempt in the early 1990s to bring

a Finish multinational company to manage forests in Bara. TECOFAT was formed as an alliance of people interested to have community forests and of NGOs supporting them in this endeavor. Similarly, FECOFUN has been actively encouraging local people in the Tarai to claim community forests, as the government is slowing down the process of handing over community forestry to its users. In a few cases, FECOFU has also encouraged people to declare the forest they use as community forest and use it accordingly (Dhungana and Bhattarai 2005).

In the later half of the 2000s, *madhesi* groups have become increasingly vocal and assertive, and at times militant, in asserting their rights. They have also organized into a collaborative forestry federation, which has placed counterclaims on the government, thereby seeking to counterbalance FECOFUN influence. In more recent activist discourses, the *madhesi* groups project themselves as autochthonous by claiming their origin in the region and by projecting *pahade* groups as alien and “colonialists”. By doing this, they claim privileged rights over resources. The Tharu have similarly been waging movements in the past couple of years. They see themselves as victimized by *pahade* and *madhesi* settlers and seek to redress historical injustices. Tharu groups in western Nepal have also started levying a “tax” on timber transportation, by referring to ILO convention 169. The recent activist attitudes tend to justify a group’s claims over material and “symbolic” resources by creating a story or “myth” of its origin in a territory.

This recent activist posturing is likely to continue for some years to come, but it hardly responds to how the local people would benefit from the rich forests of the Tarai. The activist attitudes have characteristically been elitist, constructing problems and offering solutions that serve those who are socially well-placed. The government plans for Tarai forest management have been in disarray and the forestry department has failed to win the goodwill of the people. The ongoing process of constitution-making is keenly observed by civil society and other groups, especially on the sharing of rights and responsibilities between the different layers of government. However, forestry issues have become sidelined in recent years, as larger political problems have received priority. A dominant form of political negotiation has been through the use of muscle power and to seek a “bargaining solution,” rather than engaging in rational deliberations involving the multiple stakeholders. How forest resources of the Tarai will be governed and managed will primarily depend on the ways in which the new constitution will settle the competing demands of several stakeholders and on the ways in which rights and responsibilities will be determined for different layers of society. As the authority from above is resisted in activist, indigenous and other localizing discourses, it is essential to pay greater heed to the demands and needs of local people in order to craft solutions that work. Constitutional and other reforms are less likely to be effective unless they are properly founded on legitimacy built up from below.



PREPARING TIMBER FOR SELLING.

PHOTO: MANI RAM BANJADE

CONCLUSION

In this article, we examined the policies of the Nepalese state regarding the use and management of forest resources of the Tarai region of Nepal. We were particularly concerned with how the state became entangled with the control of forestland and the distribution of forest benefits among social actors. We maintained that forestland served as a site upon which the new centralized state extended and entrenched its sovereignty since the eighteenth century, and thereafter used the forest to serve several other objectives of the state. The discussion on policies was organized according to the major "eras" defining Nepalese history and in reference to the continuities and change over time. An enduring goal of the governments was to consolidate the particular regimes, and it was realized by satisfying powerful groups through land grants. Forests provided the resources needed for the expansionary mission and for the increasingly demanding royal household, but at the expense and misery of peasants and tenants. After 1950, however, policy approaches took diverse paths and were a response to environmental concerns. The political change of 1990 brought in an entirely different environment within which previously marginalized social groups became assertive and, at times, militant. Currently, the governance and management of forest resources of the Tarai rests on the determination of constitutional arrangements and on the activist articulations about the rights of disparate groups.

The Tarai forest has always been attractive to political elites, primarily because forest and land resources are still significant part of country's economy and people's livelihoods. Moreover, as the economy of the country is still to take off in terms of industrialization and non-farm income within the country, forest and land, especially of Tarai, are still attractive resources. Politicians, activists and development agencies are therefore keen to construct their constituency in relation to forest and land resources. The militant character of Nepalese politics in the post-1990 period has allowed these groups to adopt similar strategies. For this, they construct forest narratives with reference to larger political critique about Nepalese history. Accordingly, the demands about a group's rights and title over forest have become more troublesome and confrontational in recent years. These demands are likely to be politically charged until a broad understanding and compromise on the equitable settlement of rights and obligations between the disparate social groups emerges. This essentially requires an understanding of the full scope and political implications of the socio-cultural diversity of Nepal and demands an astute approach to managing that diversity. The realization of environmental or economic functions of forests necessitates a consensus on equitable ways to utilize forest resources, which is best achieved through constitutional reforms and social deliberation. This requires greater attention to local social contexts and the development of localized solutions.

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