

DECOLONIZING the COMMONS

EDITED BY S.N. BHISE



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S.N. Bhise



National Foundation for India
New Delhi



Seva Mandir
Udaipur

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National Foundation for India
New Delhi



Seva Mandir
Udaipur

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For

Dr Gisela Hayfa

honouring her work in India to connect grass-roots
action with the wider world of policy making



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Foreword

Common lands have been the mainstay of the poor, particularly of tribals, in their efforts to make both ends meet. In the urban elitist idiom, the word 'wasteland' is used to denote fallow, uncultivable, and unoccupied lands owned by the state. In the land records of Rajasthan, such lands are classified as *banjar kadim*, *gair mumkin*, *khara*, *khala*, *pahad*, *magra*, *gochar*, and even *charagah* under the title of *bilanam sarkar*. Under the Rajasthan Tenancy Act, 1955, all agricultural lands are owned by the state, and farmers have them under tenancy with the permission of the state. Lands falling under the title of *bilanam sarkar* denote government lands that are not under the tenancy of anyone. Out of these lands, certain lands are set apart as *charagah* (pasture) land of the village through a notification issued under the Rajasthan Land Revenue Act, 1956. Such lands are given over to village panchayats to manage and collect the usufruct. Traditionally, some concern, though lukewarm, has been shown by revenue officials and the local community about encroachment on *charagah* land. However, such concern, and the fact that encroachments on *charagah* lands are generally not regularized, have not prevented influential and not so influential villagers from encroaching upon such land. Other common lands are much more vulnerable to encroachment, facilitated by the willingness of the state to regularize such encroachments. Faced with massive encroachments and adverse political reaction to tough action against trespassers, the government keeps on advancing the cut-off date for the regularization of encroachments. This acts as an open invitation to villagers to further encroach on the common lands. There is thus a built-in premium on trespassing. The irony is that while law-breaking trespassers are rewarded through regularization, law-abiding citizens

are deprived due to loss of access to the common lands which fall under private ownership due to regularization.

Due to the rapidly increasing human and cattle population, already depleted common lands are further strained in meeting local needs of fuel wood, timber, and fodder. Unhindered and unregulated grazing beyond the carrying capacity of the commons affects its productivity and severely damages its regenerative capacity. Trespassing on cultivable common lands in the middle worsens the situation. This severely affects the livelihood of poor households and their ability to cope with the stress caused by droughts that regularly occur in this area. Poor households depend on the common lands for their supplies of subsistence goods such as thatching material, fuel wood, timber, fodder, etc. Rich households can get such goods either from their own lands or from the market. The deteriorating commons, therefore, affect poor households more than the rich households in the village. Well-off households, therefore, have no stake in protecting the commons and do not raise their voice against the trespassing on such lands. Indeed, they are often themselves trespassers. With increasing commercialization of agriculture, marginalization of small farmers, and agricultural labour in the marketplace, the commons appear to be the last place from where the poor will fight the battle for their survival. The size and quality of the commons is, therefore, crucial to their well-being and livelihood. Depleting the commons also greatly strains the social fabric of the village.

Seva Mandir has been involved in the development of natural resources through conservation and management in southern Rajasthan for over two decades now. The work in this regard began during the severe drought years of 1986–88 and has continued apace since then. The shift in government policy in the 1990s—towards the involvement of the local community in the management of local forests through Joint Forest Management committees—also strengthened Seva Mandir's work. The fieldwork for the development of natural resources, however, brought Seva Mandir face to face with the widespread problem of encroachment on the commons and the complexities of dealing with this issue. These complexities relate to the improper maintenance of land records, the nexus between encroachers and local influence wielders, ambivalent state land policies, laxity of law enforcement agencies, and social indifference and reluctance to take recourse to legal action for the protection of common property resources. The inability of the bureaucratic system

to factor in the social dynamics of local communities in their decision-making process also impairs their ability to proceed effectively against trespassers.

The present study *Decolonizing the Commons*, based on a multi-location action research project covering ten villages, and funded by GTZ, Germany, is a serious attempt to understand the problem of trespassing on common lands, advocacy for improved access, removal of encroachments, the understanding of social processes at work at the local level, and the working out of alternative approaches to conflict resolution. In view of the intricate social, economic, and political forces at work, no one could have guaranteed the success of the alternative approaches worked out through long-drawn-out negotiations with the parties concerned without involving the coercive instruments of the government. Success was achieved in five cases, while five cases resulted in failure. The experience brought out the importance of facilitation or intermediation by an outside agency, in this case an NGO, in the dialogue process and consensus building between the encroachers and the community. Seva Mandir's long presence in the area strengthened its credibility for mediating in the disputes and in mobilizing the community against the continuing encroachments. This is in stark contrast to the working of formal institutions such as panchayats, which act more as an extension of the state administration rather than as local self-governing institutions and are so highly politicized that their effectiveness in acting as neutral arbiters in settling local disputes is seriously compromised. They are unable to discharge even their basic custodial duty of protecting the commons on their own. For every village, there is well-defined pastureland in which the villagers have a stake. A village panchayat having jurisdiction over a group of villages is too remote to protect the common lands in all the constituent villages. The duty of protecting village pastures should instead be legally vested in a duly empowered local village committee headed by the ward panch.

The study also brings out vividly the power play involved in providing support to trespassers through the patron-client relationship. This disempowers the local community in its fight against trespassers. Sustained community action against encroachment results in limiting and even eliminating outside political support to the trespassers. Small trespassers often take shelter behind large and powerful trespassers. If an influential trespasser vacates his encroachment,

others also follow suit. The study documents the fascinating process of the successful removal of encroachments in five villages and the dynamics involved in community convergence, mobilization, social bargaining, dialogue, and incentives arrived at for the vacating of encroachments. This reflects Seva Mandir's style of working out a slowly evolving consensus rather than taking recourse to punitive legal action and the adoption of the social obligation approach rather than the rights approach. This led to the permanent solution of the problem in five villages through amicable settlements. There is a need for capacity building of village organizations such as the gram vikas committees and *samuh* or self-help groups for community mobilization on such issues. Community mobilization can check the problem of encroachment in the initial stages, when it is easy to do so. Large and old encroachments are more difficult to deal with at the local level even by a reputed NGO like Seva Mandir. This obviously needs the intervention of a formal government system at some stage.

What are the lessons thrown up by this micro study? The first and foremost lesson that emerges is that the problems of encroachment of the commons cannot be dealt with only by enacting a law against trespassing. The bureaucracy is too remote to be effective, and very much disinterested, in removing encroachments on common lands. They have no stake in the removal of encroachments from the commons. They need to be pressured to act in such cases. This is true also of panchayats, albeit to a lesser degree. Panchayats need to be given powers to remove encroachments from at least pasturelands and to levy fines on the trespassers. Strong advocacy is also needed to goad them into action. Community mobilization through third-party intervention by an NGO or through effective intervention of village-level institutions is also necessary. The local community is generally not inclined to raise its voice against encroachers in an effective way. Locals feel socially inhibited from doing so. The community, therefore, needs to be educated about the status of common lands as it exists on the ground and their rights on the commons.

The ambivalence in government land policy is another area of concern. The government has been allotting cultivable land to the landless for over five decades now and hardly any cultivable land has been left unoccupied for allotment. Common lands need to be preserved and developed for community use. The government should, therefore, stop regularizing the encroachments on common


lands. Over a decade ago, the state government amended the Rajasthan Land Revenue Act, 1956 to provide for a penalty of civil imprisonment up to three months for repeat trespassers. Due to the unwillingness of the state machinery to take recourse to this measure, its deterrent value has been lost. The emerging lesson is that timely yet mild action is more effective in dealing with trespassing than drastic legal action taken haltingly.

The development of the commons needs to be given priority for improving the livelihoods of the poor households as well as to improve their access to subsistence goods. The community would feel a greater stake in protecting common lands if such lands are developed and made productive. Depleted commons can hardly enthuse the community to protect and manage these lands. Investment in the development and management of the commons would have a positive impact on socially and economically deprived households. The government should consider various aspects of common lands such as access, production, conservation, management and institutional control, community participation, and protection de novo as a wider issue of natural resource management for sustainable development. There is a need for the convergence of various programmes of rural employment generation, development, and poverty alleviation regarding the development of the commons.

I am sure this path-breaking study by Seva Mandir would prove to be very useful to development planners, environmentalists, and activists alike. I commend GTZ for funding the study. I do hope that Seva Mandir will follow up the leads thrown up by this study.

M.L. Mehta

Former Chief Secretary
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Jaipur



About the Project and Acknowledgements

Seva Mandir is an NGO working in the tribal belt of Udaipur district, Rajasthan. Its main work is in the areas of natural resources development, water resources development, education, health, women and child development, and village-level institution building. Under natural resources development, Seva Mandir has been involved with the development of common property resources (CPRs), especially panchayat pasturelands (*charagah*) and forest lands, for the last two decades.

Today, though common property resources play a very important role in the livelihoods of the local people, they are becoming degraded due to various reasons. Even if attempts are undertaken to make people aware of the need to protect and develop these resources, the major hurdle is the problem of extensive privatization of these lands in the form of encroachments. Either no developmental activity is possible in such areas, or, even if it is possible, it takes considerable time and effort to resolve conflicts arising from the encroachments on public lands. However, Seva Mandir's experience of working on the regeneration of common lands does demonstrate that it is not only possible to resolve the conflicts, but also that the regenerated common *charagah* and forest lands have the potential of producing sustainable returns for the benefit of the local people. This was made possible by village institutions, which took on the responsibility of resolving conflicts through negotiations with encroachers, which often proved to be very prolonged and tedious.

The search for a way out of this impasse led us to undertake the present study *Decolonizing the Commons*, for which we were generously supported by the German Technical Cooperation (GTZ), New Delhi. Under this project some selected sites were taken up, where, in the

larger interests of the village, negotiations were carried out with the active participation of village groups and other village institutions—such as the gram vikas kosh committee (GVK), the forest protection committee (FPC), and the Van Utthan Sangh (VUS), a federation of FPCs active in the Jhadol block of Udaipur district—to get the encroachers to vacate their encroachments and to then develop the common lands.

The negotiations included discussion of certain points, such as making people aware of the importance of the use of common lands for the benefit of the entire village and the legal implications arising as a result of encroachments (i.e. the law regarding the same), including offering incentives, in whatever form the villagers thought was best, to the encroachers to get them to vacate their encroachments. Village communities decided to offer the incentives either in the form of cash to individuals for the losses suffered by them, or in the form of taking up further developmental activities in the village, or in the form of contributions to the common fund of the village institution in order to aid the efforts made in resolving the conflicts.

The present book is a compilation of ten such case studies that were carried out in panchayat pasturelands as well as forest lands. They describe in detail the process of negotiations that various village communities undertook with encroachers in order to get them to vacate their encroachments.

The results of the study are important since they clearly reflect the ground realities regarding the privatization of common lands in rural areas in general, and Udaipur district, Rajasthan, in particular. The concern and commitment shown by various village institutions in getting encroachments vacated through patient and skilful negotiations at their end has given us hope that people still have a stake in the protection and use of common lands. This study also shows us that the encroachment problem can be tackled in different ways with the active cooperation and involvement of the local people rather than by taking recourse to the regularization of encroachments from time to time on a piecemeal and ad hoc basis as has been the approach of the government so far. Indeed, this latter approach is causing greater harm to these common lands on which the poor are dependent for their survival and livelihood.

The studies were carried out under extremely difficult conditions, and the researchers spent a great deal of time in the field talking

with people and village committee members about the process of negotiations and also documenting the proceedings. We are also fully aware that the negotiations would not have been possible without the active participation, involvement, and understanding of these important issues by the village communities.

Seva Mandir takes this opportunity to thank everybody involved in the research project. We are grateful to all the researchers and village-level institutions who played very important roles in this project and who generously spared some of their valuable time to talk to our representatives.

The work documented in this book has been funded by many donors who have supported Seva Mandir since its inception. We gratefully acknowledge the role played by the Interchurch Organization for Development Cooperation (ICCO), the Evangelischer Entwicklungsdienst (EED), and the Ford Foundation, all of whom have encouraged us to stay with this agenda and adopt a variety of approaches such as the Environment Fund provision to tackle the problem of the privatization of community resources. The valuable experience we have gained over the years in the field of development work gave us the confidence to submit the project proposal to the German Technical Cooperation (GTZ), New Delhi, and we take this opportunity to thank them for funding the project. Significant among the other donors who have supported us in this work over the years are the European Commission and the Canada India Village Aid (CIVA), Vancouver.

We are also grateful to the National Foundation for India (NFI), New Delhi, who recognized the value of this documentation project and agreed to be our partner in publishing this book. Being a donor agency involved in development communication work, NFI is in a unique position to help disseminate the lessons learnt during the course of experiments carried out in the field of development work. Nandita Roy, senior programme officer, NFI provided invaluable support to help produce the book. Malini Sood, a freelance editor, helped with the editing of the book.

I would like to especially mention the contribution of Shri S.N. Bhise, head of the Natural Resource Department (NRD) at Seva Mandir, who not only guided the compilation of these case studies, but also helped in operationalizing the programme for decolonizing the commons.

We hope the case studies documented here will help and inspire those people and institutions who are struggling with similar problems in their own areas of operations.

Neelima Khetan
Chief Executive
Seva Mandir
Udaipur



Introduction

Seva Mandir, a non-government organization, has been involved in community development activities in six tribal blocks of Udaipur and Rajsamand districts, Rajasthan, since 1969. The work of the organization centres around programmes focusing on the enhancement of rural livelihoods, improvement of human capabilities in terms of basic health, primary education, and gender-just development, and the creation of autonomous village-level institutions capable of managing their own development.

Udaipur and Rajsamand districts are located in the Aravalli mountain range. The topography of the district features hills and undulating plains, which were once well covered with vegetation. The vast majority of the land in these districts is under state control in the form of forest, pasture, and revenue (*bilanam*) lands. These lands vested with the state have traditionally been the commons, upon which a significant proportion of the population depends for meeting its livelihood requirements. The region is inhabited by the tribal community; the Bhils constitute 37 per cent of the total population of the two districts. Traditionally, the tribals have had an integral relationship with the forests and the village common lands and depend on them for meeting their needs of fuel, fodder, and timber.

During the colonial period, these forests were owned by the feudal state but the management was vested with the local communities. The population at that time was small and dependence on agriculture was limited. As a result, the biotic pressure on these lands was limited. During the post Independence period, and with the initiation of the revenue and forest settlement operations, most of the forest areas were demarcated and put under the possession of the government. The forests were put under the control of the forest department and

the revenue lands came to be vested with the revenue department. The state imposed restrictions on the access to these areas by the local communities. The forests were mainly managed for the purpose of revenue generation for the state. Thus, the needs of the locals were accorded a lower priority by the government and the local communities became alienated from these commons. Commercial felling along with an increase in human and cattle population and the failure of the forests to regenerate, coupled with the breakdown of community management, resulted in the degradation of forests. During this period, agriculture became the main source of livelihood along with wage labour. The ever-increasing demand for agricultural land led the people to encroach on forest lands. The forests continued to be depleted both in terms of quality as well as quantity.

The common pastures of the village also met the same fate. During the process of revenue settlement, each village was allotted pastureland for grazing their cattle depending on the number of cattle it possessed. These lands are in the possession of panchayats now but most of them exist on paper only and have been encroached on. This has adversely affected the livelihood of the rural poor, who have traditionally depended on these pastures for survival.

Although these common lands over the decades have become severely limited in their ability to support rural livelihoods comprehensively, yet these are important for the ecological services they render in upland areas like Udaipur. Further, these commons still contribute towards subsistence goods such as fodder, grass, thatching material, fuelwood, etc. If one considers the land-utilization pattern of Udaipur district, it is evident that nearly 70 per cent of the total geographical area is under common lands and only 18 per cent of the land is under agriculture, which is mainly rain fed. The farming is thus subsistence oriented and the continuous process of upland degradation has affected the soil and water regimes of agricultural fields situated downstream. The subsistence farming in the wake of frequent droughts forces people to migrate in search of work to cities so as to offset food and income shortages. The extremely fragile natural resource base and the limited availability of alternatives locally to supplement household incomes merely reinforce the vicious cycle of degradation—with communities losing their stake in the management of commons and succumbing to the temptation of encroaching on these public lands. This loss of commons undermines the social fabric of the village.

Seva Mandir's Work on Land Development

Given this context wherein the well-being of the poor is closely linked to the enhancement of the productivity of natural resources, Seva Mandir initiated work on natural resource development. These interventions date back to 1986, when work was initiated through the development of private wastelands, to which access was relatively easy in comparison to public lands. Soil and water conservation activities and small lift-irrigation schemes were also taken up to increase the agricultural productivity of private lands.

In the following years, the work was extended to cover village commons such as panchayat pastures. In the meantime, a beginning was also made towards integrating other categories of lands, viz., forests in the purview of wasteland development efforts. The widening of the programme became possible due to a paradigm shift in the forest policy, which allowed for the participation of communities in forest protection under the joint forest management programme (JFM). The JFM guidelines, introduced in 1992, are of great significance in Seva Mandir's area of operations as about 42 per cent of the land is under forest. During this time, the organization also initiated work on developing entire village lands on a watershed approach under the directives of the National Watershed Guidelines.

Given the fact that the majority of the lands in this area are public lands, there is a need to look more closely at the issues of these lands and communal tenure. From 1986, Seva Mandir has been able to afforest 10,694 ha. However, of this coverage, work on common lands extends to only about 1,927 ha. (about 18 per cent of the total afforested area). This is anomalous given the fact that nearly 72 per cent of the land in Seva Mandir's operational area is under commons, which are thoroughly degraded, and that there exist facilitative guidelines providing for participatory development of these public lands.

Constraints to Common Land Development

The terms 'common land development' and 'community forestry' are in vogue in the context of natural resource development. All policy guidelines related to common land development, viz., JFM or

watershed guidelines are based on the presumption that common lands exist free of all contests and disputes and that these only require some resources and planning and some community efforts for their development. But the conditions on the ground belie this assumption. The common lands as they exist on the ground are highly contested and privatized. It was reported in a study of seventy-one villages in Rajasthan in 2002–03 that 69 per cent of the pasturelands are encroached (EERN Study, 2003, Seva Mandir). These findings are further confirmed by some micro-level studies and observations of different stakeholders across the state. But this reality hardly finds any space in policy discussions. The forest and revenue departments and the panchayati raj authorities choose to ignore this reality as it also somewhere reflects the inefficiency in the management of these lands on their part. This shying away from the reality helps no one and generally becomes one of the major reasons for the failure of the common land development initiatives.

The process of common land development becomes all the more complicated because of socio-political considerations and the conflicting motivations and visions of the different stakeholders. The local community (read different interest groups within a community), NGOs, political agents, local administrators, etc. view and treat common lands according to their own interests and outlooks. The same piece of land may represent 'hope of survival' for a landless tribal, or the prospect of making 'illegal money' for a local government official, or mean 'a budget-attracting proposal' for an NGO, or appear as 'a key to the vote bank' for political agents. More often than not, these contrasting motivations lead to the privatization of common lands, which seems to benefit all, at least in the short term. The immediate losers in this process are the poorest and the weakest sections of rural society, those who actually depend on that piece of land for their daily needs. Generally, they do not have any financial or political capital to develop or own it. So it is in their favour if this land is developed as common land with the help of an external agency and later on if the community can share the rights and responsibilities for its management. Communities can be created around the development of common lands with this process. Though it might sound easy, there are many debilitating factors, beginning with the fragmentation and conflicting self-interests within the community, pressure from local elites, complex administrative processes that make the pursuit of this romantic

notion of 'the common land for the common good' particularly tedious and time consuming.

Nevertheless, there will always be a few individuals and civil society groups who are willing to take up this arduous task of building communities around common lands. Though this process is long-drawn-out and fraught with innumerable complexities, it is also equally rewarding at the end when the goal is finally achieved. Such communities are sustainable communities, which shoulder the responsibility of their own development.

However, during the course of Seva Mandir's association with common land development, there are many instances where encroachments have been evicted under pressure from the community. Sometimes a threat by the community members to take legal action, or actually going in for legal action, has been fruitful. There are a few cases where community members have negotiated with the encroacher to have the land evicted, suitably compensating the encroacher after ascertaining his socio-economic condition. In the forest areas, the forest protection committees (FPC) have got the encroachments vacated after much persuasion and sustained lobbying with the forest department to initiate legal action against encroachers. These cases of successful negotiations, however isolated, provide a reason to believe that when the community is united and wants to develop its land, then it will come together to resolve the disputes in the status of common lands. In the last eighteen years of Seva Mandir's association with common land development, out of the total of around 100 common land sites that have been developed, encroachment related conflicts have been resolved on thirty sites. It is thus evident that all such negotiations and attempts at persuasion take a long time in mobilizing the community and often involve costs to the community in the form of legal action, investment in time and effort, etc. Until such time as the dispute is resolved, the development process loses its momentum and the village people suffer a loss in terms of having to forgo the benefits from these lands.

Decolonizing the Commons

To initiate development of common lands in the village, it is imperative that the ownership disputes are resolved. Left to itself, this process of vacation might take a long time and may often result

in conflicts between the encroachers and the rest of the community. There is a need for an outside agency to facilitate the process of negotiations between the community and the encroachers and to help resolve any conflicts that may arise as a result. The presence of such an agency would not only mobilize the community to deliberate on the issue but may also expedite the process of negotiations itself by way of providing incentives to the encroacher/community as the need may be. Seva Mandir has been working for many years with village communities on these tenure issues around commons and it felt the need to expedite the process of negotiations in villages and thereby hasten the process of common land development which otherwise may stretch over many years.

To pilot this idea, Seva Mandir initiated an action research project in ten villages with financial support from GTZ, Germany. In these villages, there were encroachments on forests/pasturelands and the community was interested in resolving these disputes. The research components included the process of documenting the causes of encroachments, compiling the socio-economic profiles of the encroachers, outlining the process of initiating common land development, and documenting the dynamics of negotiations carried out in the village to vacate the encroachments. The innovative aspect of the research project was the provision of an 'Environment Fund', which could be used to disburse incentives to the encroachers or to the community. The incentive could be in the form of cash to individuals to compensate for the loss suffered due to having to give up the encroachment, or in the form of incentives to village institutions as contributions to their common fund or develop any common asset that would benefit the entire village as a reward for the efforts made in resolving the conflict. The role of the project-implementing agency, Seva Mandir, was to facilitate these negotiations.

The objectives of the project can be summarized as follows:

1. To expedite access to common lands so as to benefit the local community.
2. To lobby for access to and development of common lands as per the prevalent government orders.
3. To establish alternative approaches to conflict resolution on matters related to natural resource management.

Description of the Sites

Of the ten villages selected for the study, eight were homogeneous tribal villages while the rest were mixed-caste villages. Six villages had encroachments on panchayat pasturelands, while four had encroachments on forest lands. The time period of the encroachments ranged from thirty years to four years. The number of encroachers ranges from one to sixty in various villages. Further, the encroachers are residents of the villages in most cases, except in the villages of Gadla, Bichiwada, Madla, and Turgarh, where outsiders had encroached. Successful negotiations were made in four panchayat sites and one forest area. Incentives were used in all five cases, though in two villages individual encroachers were not offered any cash incentives, while in the rest incentives were offered to the village group as a whole in the form of development of the asset. The period of negotiations was limited to one year.

Table 1. Common Land Area in Project Villages

S. No.	Name of village	Total common land area (ha.)	Total village area (ha.)	%age common land area
1.	Ranpur	302	472	63.98
2.	Sankhla	18	67	26.86
3.	Gadla (Kitawaton ka Vas)	261	363	71.90
4.	Shyampur	154	267	57.61
5.	Turgarh	387	597	64.82
6.	Adol	267	356	75.00
7.	Madla	674	890	75.73
8.	Kaliwali	353	553	63.83
9.	Bichiwada	401	636	63.05
10.	Gametiphala (Kheda Ghati)	195	349	55.87
		3,012	4,550	66.19

The narratives of some of the villages where disputes over encroachments were successfully resolved show that the development of common lands can be used as a platform to foster an institution. Moreover, community members initiated a dialogue on the removal of encroachments from the common lands once they witnessed the benefits of common land development in parts of the common lands reclaimed in their village. The discussions in cases such as Turgarh

and Adol also point to the difficulties of resolving these disputes, especially if the encroachers have access to the corridors of power. They could then continue to squat on the common lands, remaining above the law and defying social norms.

Table 2. Summary of Study Villages

Village	Type of common land	No. of encroachers	Negotiations Success Failure	Incentives
Madla	Forest	12	Success	Water-harvesting structure, development of 56 ha. of forest land
Turgarh	Forest	66	Failure	—
Shyampura	Forest	28	Failure	—
Bichiwada	Forest	3	Success	—
Adol	Panchayat pasture	10	Success	Development of pastureland
Kaliwali	Panchayat pasture	18	Failure	—
Ranpur	Panchayat pasture	26	Failure	—
Sankhla	Panchayat pasture	1	Success	Development of pastureland
Gametiphala	Panchayat pasture	11	Success	Cash to individual and development of pastureland
Gadla	Panchayat pasture	2	Success	Development of pastureland and cash

Trends in Negotiations and Outcomes

1. Facilitation by an outside agency

An important and noteworthy feature of the initiation of the dialogue process within a community and the subsequent negotiations over the removal of encroachments is the presence of Seva Mandir in all such cases. In none of these cases did the community on its own initiate steps towards the development of the commons by dislodging

the encroachers even though they were fully aware of the presence of the encroachments. This points to the need to have outside agencies such as NGOs that can play a role in the process of mediation and mobilization of the community around the issue. Left to the state, there would not have been any success in the resolution of these disputes with community support alone.

This apathy also reveals the prevailing disempowerment of formal institutions such as panchayats in the matter of taking any initiative for the restoration of these lands despite being their legal custodians. In the case of village Turgarh, where a substantial portion of the forest land is encroached on by as many as sixty encroachers, the ineffectiveness of the forest department in apprehending these powerful encroachers is revealed. This ineffectiveness appears particularly pronounced in the wake of successful and massive community mobilization and the involvement of community federations such as the Van Utthan Sangh and NGOs in building up pressure on the encroachers to vacate their encroachments.

2. Reasons for encroachments

Scarcity of land was cited as the main reason for encroaching on common lands. However, the tendency for people to encroach on public lands has many causes. For the poor it is a means to secure their bare subsistence and survival. There are others who are not so poor and they encroach in order to increase their land holdings. The second important reason that emerged was the lack of trust among the village group members, which created competition amongst them to secure encroachments on common lands. Approximately 22 per cent of the encroachers felt that if they did not encroach on the common lands, somebody else would beat them to it.

3. Extent of encroachments

In all the ten cases, there emerges a relation between the extent of encroachments and the ownership of the land. While in all study villages around 26 per cent of the total forest area available is encroached, the proportion on pastures and revenue *bilanam* is 54 per cent and 100 per cent respectively. This points to the ease with which various categories of land can be encroached. While it is easiest to settle on revenue *bilanam* lands, it is relatively difficult to establish illicit claims to other categories of land.

Table 3. Level of Encroachment

S. No.	Name of village	Forest area (ha.)	%age area encroached	Pasture area (ha.)	%age area encroached	Revenue area (ha.)	%age area encroached	%age total common land area encroached
1.	Ranpur	237	45.57	24	47.83	41	100	34.00
2.	Sankhla	1	Nil	6	10.67	11	100	17.37
3.	Gadla (Kirawaton ka Vas)	160	Nil	20	10.00	81	100	22.59
4.	Shyampur	154	14.02	8	76.00	9	100	13.74
5.	Turgarh	96	100	0	0.00	291	100	64.82
6.	Adol	157	3.057	23	60.17	87	100	28.17
7.	Madla	57	25.44	0	0.00	617	100	70.95
8.	Kaliwali	0	Nil	28	100.00	325	100	63.83
9.	Bichiwada	143	16.45	75	12.80	183	100	33.98
10.	Ganetiphala (Kheda Ghati)	0	0	61	100.00	134	100	55.87
		1,005	26.71	245	54.13	1,779	100	47.90

A related feature is that while the actual percentage of encroachment is important, what is even more important is the fact that these encroachments tend to be scattered and hence foreclose public investment over a much larger area. This is illustrated in the case studies of villages Turgarh and Shyampura, where the encroachers have encroached on pockets of an entire forest block.

4. Economic status of encroachers

The annual income of the encroachers ranges between Rs. 2,000 and Rs. 76,720. Their average annual income is Rs. 19,924, which includes any income from the encroached land as well. According to a report (Ling, 2004), the average household income in rural Udaipur in 2002–03 was Rs. 13,234. So, the average income of encroachers is approximately 50 per cent more than the average rural income in the area. Likewise, if we calculate individually, we find that 62 per cent of the encroachers have an annual income that exceeds this average annual income of Rs. 13,234. These data suggest that though many of the encroachers would fall under the BPL¹ category, their income is more than that of other sections in the community

5. Utilization of encroached land

The most common uses of encroached lands are for grazing (42 per cent) and agriculture (42 per cent). These two uses depend heavily on the rains. In most of the cases, it was observed that agriculture was practised on encroached lands when the rains were sufficient and timely. Around 16 per cent of the encroachers reported using the encroached lands as temporary or permanent residences. Most of them used these lands as temporary residences for grazing their cattle in the summer or for agriculture.

6. Investment

The research study revealed that there are two important issues regarding the investment in different categories of common lands, i.e. pastureland and forest land: first, for land development and, second, for the construction of houses for temporary and/or

¹ Below Poverty Line

permanent residence. It was reported that encroachers have invested less on forest lands in general as compared to pasturelands. This may be due to the relatively stricter administration and vigilance exercised by the forest department on forest lands.

Approximately 86 per cent of the encroachers have invested in the development of the encroached land by fencing, levelling, building check dams, etc. It was observed that in only around 9 per cent of the cases did the encroachers invest more than Rs. 10,000. As these lands are mostly in hilly terrain, they require much larger investments before they can be put to any productive use.

7. Outcome of negotiations

The entire process required concerted efforts at negotiations between the village community and the encroachers and extended over a considerable period of time. Sometimes the gains made in the beginning were lost during subsequent rounds of discussions. This is well illustrated by the cases of villages Adol and Gadla, where the nature of the dialogue changed from being positive to being hostile. It is imperative for the facilitating agency to keep its hold during the entire process of negotiations and post-negotiations as sometimes the talks break down irretrievably if left exclusively to community initiative. This breakdown in dialogue within the community was observed in the case of village Kaliwali, where, when Seva Mandir took a back seat, the negotiations with the encroachers reached a stalemate.

The process of eviction also brought to light some interesting facts. The provision of attractive incentives to vacate encroachments tempted people in Kaliwali to disclose their encroachments on various categories of land, information generally not divulged by the villagers.

In some cases, as in Adol, the spin-off effect of the group energy mobilized around the eviction of encroachments succeeded in bringing other development issues to the forefront. The resolve of the village group in Adol to deal with the continued absence of a schoolteacher happened only after the launch of the process of community mobilization around the issue of the encroachments. This points to the fact that the momentum generated by discussions on one issue can be successfully transferred to other spheres of development. The issue of the transformation of values of panchayats

through the capacity building of informal institutions such as the gram vikas committee, *samuh*, etc. also gains support from this observation. However, trends contrary to this observation emerged in the case study of village Kaliwali, where the residents have kept their political preferences apart from their development leanings. The people in this village opposed the powerful encroacher Babru Maharaj, who along with his sons had encroached on their pasture; the residents kept him out of the development process but willingly voted for his son in the panchayat election.

The flexibility adopted by Seva Mandir in giving space to people to decide what is the best possible incentive in dealing with the problem of encroachment finally paid off. In villages Gametiphala and Gadla, the village groups successfully evolved incentive norms and got the encroachers to vacate the land without much delay. In Gadla, this flexibility allowed for an innovative approach to resolving the problem; the encroacher was offered the opportunity to close the door of his house facing the pasture (in order to prevent him from ever being tempted to encroach on the common land again) and instead use another door.

The cases of successful evictions of encroachments point to the fact that it is easy to dislodge a small number of encroachers, as in Gadla and Sankhla, rather than remove a bigger group, as in villages Turgarh and Ranpur. This also points to the ease with which pressure on a small group can be built up and sustained because of the limited lateral ties that exist among a small group in a village rather than in a big group. It is much easier to evict recent and newer encroachments than it is to remove older, more established encroachments, as revealed in the case study of village Gadla. This also illustrates that if the problem of encroachments is tackled in the initial stages, the chances of successful resolution are high. The trend observed in these cases is that once the more powerful and wealthier encroachers decide to vacate, the others also follow suit. This is seen in the case of village Adol.

8. Reasons for vacating the encroached land

Discussions with encroachers revealed that the most frequent reasons cited for vacating the encroachments were common welfare (42 per cent) and public pressure (40 per cent). It was observed during negotiations that both these factors affected the process of vacation

together. Once the community got together, it was able to assert its rights over the land; the encroachers, faced with the threat of social isolation/boycott and other kinds of social pressures, succumbed to the demands of the village community, thus yielding positive results. Likewise, when encroachers understood the economics of the entire (encroachment) process, they realized that it was a win-win situation for everyone if the land was developed as a common land. Compensation money, which was to be decided by the community institution, was not thought to be easily available by the encroachers, and hence for them this was not a motivating factor in the vacating of their encroachments. Other factors included intangibles such as individual reputations/egos and political ambitions.

Table 4. Reasons for Vacation

S. No.	Category	Percentage
1.	Public pressure	40
2.	Common welfare	42
3.	Compensation money	2
4.	Others	16
		100

9. Pre-conditions for maintaining the status quo over the reclaimed commons

It is essential to establish group norms for the management and usufruct sharing of the common assets developed, as in their absence all efforts at rehabilitating the land and bringing about community mobilization will be in vain. This observation gains ground in the light of the fact that in almost all the study villages with pastureland, the village panchayat had initiated its development several years ago but the investment could not be sustained as no norms were established for the management of the asset.

The establishment of norms for the management of common lands is not a guarantee in itself that the proposed lands will now be put to common use. The facilitating agency has to monitor closely whether these norms are actually being practised on the ground. This is a challenge for agencies such as Seva Mandir and village panchayats as it requires their commitment, presence, and intervention in the functioning of the village group on a long-term basis. This presence

of an outside agency is essential to ensure that the norms do not break down and that the common lands are not encroached upon again. This is illustrated in the case of village Sankhla, where Dhula who gave up his encroachment at the group meeting later changed his mind and encroached once again.

There are alternatives to the continued presence of an outside agency in the village as developed and experimented by Seva Mandir in the form of its gram vikas committee, which oversees the enforcement of group norms and has the authority to deal with violations.

10. Ambiguity in land records

It has been observed that there is no clear-cut demarcation of common lands, which creates a lot of confusion leading to intra- and inter-village conflicts. Out of the ten project villages, there was confusion about the boundaries of common lands in six villages, and in two villages this resulted in inter-village conflicts. These boundary confusions most often lead to encroachments on the common lands, and the village community cannot pressurize the encroachers until it is sure that they have occupied the common land. A case in point is village Madla, where thirteen individuals had encroached on the forest land that was contiguous with the forest land of the neighbouring village of Upli Sigri. When the village committee of Madla asked these encroachers to evict their forest land, they claimed that they were squatting on the forest land of Upli Sigri. This discussion went on for some time and finally the village committee of Madla decided to have a boundary demarcation. When the boundary between the forest lands of the two villages was being demarcated, it became clear that one of the encroachers had encroached on the forest land of Upli Sigri and the remaining twelve persons had encroached on the forest land of Madla. It was only after the land boundary had been clearly established that the village committee of Madla could negotiate with the encroachers in a firm and assured manner. Likewise, in village Adol, when the boundary was demarcated for the village pastureland, it became clear that one of the encroachers, who had been arguing that the land that he was occupying had been allotted to him, had in fact encroached on the pastureland and that the land actually allotted to him was adjacent to the pasture.

The roots of this problem lie in the past. In olden times, there were fewer people and resources were abundant. Two or more villages used the same forest and there were no conflicts as the needs of everyone were being fulfilled. But over the years conditions have changed; increased population and strong market forces have put a lot of pressure on the existing resources. Under these changed conditions, it becomes imperative to establish a clear understanding of the resource boundaries of villages, which can avoid a lot of confusion and conflict within the same village and also between neighbouring villages.

Likewise, land records are not updated and hence do not reflect the actual ownership pattern on the ground. It has often been observed that two departments stake claims over the ownership of the same piece of land. Rampant privatization of public lands and thereafter their regularization, especially in the case of revenue lands, has altered the situation and the land-recording system has not been able to keep pace with recent changes. Though the computerization of land records has started in Rajasthan, it is not clear whether the records are being simultaneously updated or not. It is important that this mess should be cleared up as soon as possible as it will give a clear picture to policy makers and implementers of the land status on the ground, and hence will allow developmental activities pertaining to these lands to be more pragmatic.

11. Ambivalent state policies

The contradictory orders from the government concerning the regularization of encroachments over common lands, on the one hand, and encouraging community forestry, on the other hand, disrupt even well-established common property regime systems. As illustrated in the case of village Shyampura, people who had given up their encroachments on forest lands in 1991, after Seva Mandir gave them incentives in the form of an irrigation project, have still kept open the option of reclaiming their encroachments if an order for their regularization is issued by the government. Thus, if these people decide to reclaim their erstwhile encroachments, the present JFM on this patch of forest might be threatened.

Another related issue is the lack of adequate compensation offered to people whose land is taken away by the state for any purpose. These people then resort to encroaching on common lands. This is

observed in the case of village Shyampura, where the *devsthan* department has taken over the private land of most of the encroachers. Thus, incentives offered to these people to vacate encroachments on forest lands only serves to dissuade them from accepting these as once they accept the incentives and vacate their encroachments, they are in effect rendered landless.

12. Role of civil society organizations

An external agent is required to make people aware about the significance of, and the rules and regulations regarding, common lands. It can assist the villagers in negotiating with different government agencies and help them understand their complex administrative procedures. Civil society organizations, due to their proximity and rapport with village communities, can play this role. However, there is a negative side to this as well. Various civil society organizations working in an area very often have very different motives, ideologies, and goals. With the leverage of work flexibility, these bodies might approach the same problem from totally different perspectives and adopt conflicting modes of operations, which can create confusion among the local communities. In district Udaipur, there are many NGOs working on the issue of common lands; these bodies may be divided into two groups based on their ideologies and actions. One group of NGOs, larger than the other group, is the proponent of the concept of '*Jan, Jangal Jameen Aandolan*' (People, Forest, Land Movement); it considers public lands to be the property of tribals and it sees no role for the forest department in the ownership and management of public lands. '*Jangal jameen apne aap ki, nahin kisi ke baap ki*' (The forest land is ours, it belongs to nobody else's father) is the slogan that conveys this ideology. This group also supports the notion of '*Naye nahin khedenge, purani nahin chodenge*' (We won't till new (public) land but we won't leave the old ones [encroachments]), which seems in accordance with the existing rules that permit the regularization of the encroachments done in forest lands before 25 October 1980. However, the problem arises when this ideology is translated on the ground, and more often than not, it seems to support the demand for the regularization of all the encroachments irrespective of the period in which they were done or the duration of their existence. It even encourages fresh encroachments. This ideology finds support among some villagers

as it immediately benefits them in seeking to procure individual incentives. But how sustainable this process actually is in the long term still needs to be debated. But the root cause as well as the solution to this problem both lie in the process of regularization. If quick and fair decisions are taken in the matter of the pending cases of encroachments, and if this process is frozen, then it will leave no legal loophole or scope or space for further encroachments.

Another group of NGOs, smaller than the first group, believes in working within the legal framework and developing common lands as community assets. As bringing together different groups with disparate interests in pursuit of a common goal in today's self-centred world, a world that privileges privatization and globalization, is a big challenge, there are only a few supporters and practitioners of this ideology.

However, it should be very clear from this discussion that civil society organizations need to brainstorm both individually and collectively, and also re-examine their own roles and motives in this process, and reach a common understanding in order to assist people in pursuing a common social cause benefiting all without creating any confusion and conflict among the various sections of rural society.

Lessons and Future Action

The major lessons that have emerged from the action research study carried out across the ten sites focus around the theme of extending institutional support to land governance at the village level, to efforts at policy advocacy on the anomaly of land governance programmes, to conditions under which the release of encroached lands is made easy, and to provide for the kind of incentive structure that can be invoked to deal effectively with encroachers.

The institutional support to deal with the problem can be extended at two levels in the village. The first way is by encouraging and strengthening local leaders and creating associations of villagers to effectively negotiate these concerns. This is an important lesson as in almost all cases the village institutions, with appropriate support from the organization, have been successful in vacating the encroachments. At another level, the organization needs to lay continuous emphasis on this issue and extend support to village

leaders and federations in bringing these issues to the notice of the relevant authorities. More importantly, the organization needs to monitor each stage of the process closely in order to ensure the sustainable management of common lands. Related to this is also the question of investing in the capacity of village institutions that can effectively address the entire issue of public land governance.

The efforts at policy advocacy, too, can be done at both the micro and the macro levels. At the micro level, members of the village federations need to be educated and supported in their efforts to resolve conflicts relating to land and boundary conflict locally, often by involving the local *patwari* or forest guard. At a more macro level, the cases of successful eviction as well as the failures of the process need to be discussed with the concerned government department in order to lobby for coherence in all land-related policies. It is also imperative to make the policy planners view and understand land as a social category and make them recognize the distortions around it, and accordingly provide for space to deal with these in a land development project.

The results of the enquiry into the reasons behind the encroachment of land and its vacation as revealed by the research study need to be shared widely with policy planners as well as with village groups so that appropriate compensation norms can be evolved for the genuine cases, rather than issuing ad hoc orders for the regularization of all kinds of encroachments.

There is an urgent need to educate the community members about the status of the common lands as they appear on the ground and corroborate the same with official land records. As pointed out by some case studies, this ambiguity leads to the disruption of community management of common lands.

Given the scenario where the majority of land in the area is public, the project has provided various insights into the nature of land relations and tenurial arrangements at the village level as well as indicated the way forward in initiating the development of these resources.

Conclusion

The case studies provide a clear understanding of the problem of encroachments faced in common panchayat *charagahs* and forest

lands and the possibility of dealing with this problem from a different angle instead of issuing periodic and ad hoc orders for the regularization of encroachments. The study brings out the significance of even small efforts and the effectiveness of even small steps towards creating institutions and social processes that can help resolve disputes over encroached lands. It is true that this approach may not always be successful, but it is equally true that it is important to have an open and frank debate on whether such efforts on the part of civil society are needed and whether some alternative and innovative approaches can be adopted.

Mamta Vardhan and Ashish Aggarwal

Decolonizing the Commons: A Case Study of Adol Village

Ashish Aggarwal, Rahul Bist and Mukesh Ameta

I. Introduction

The case study of village Adol shows that community lands can be a factor in bringing a community together and that the resulting social cohesion can be a critical factor in the process of development at the micro level. This case illustrates that the regeneration of community lands results in the rejuvenation of the community. It describes the changing social dynamics in the process of negotiations over the development of a community pastureland.

Around twenty-five years ago, Adol was divided into two groups due to a conflict over the issue of mismanagement of money during a social function. In due course of time, the situation deteriorated to such an extent that all social ties between the two factions of the village broke down. In 2000, with the intervention of Seva Mandir, a dialogue to discuss the development of common pastureland was started. It was found that leaders of the village along with certain other individuals had encroached over the pastureland. The work of developing the pasture and removing the encroachments necessitated a dialogue between the two groups so as to evolve a consensus. The leaders of the groups, due to their own vested interests, always resisted this dialogue.

But due to the spirited efforts of a few villagers and the Seva Mandir field staff, at least some members from both groups came together on a common platform, and the process of negotiations with the encroachers resulted in partial success. The encroachers were persuaded to vacate the 9 ha. of the area on which they had encroached, out of the total pasture area of 23 ha. Although all the villagers except the encroachers and their cohorts wanted to develop

the pasture, due to the social rift and lack of communication between the two groups, enough social pressure could not be generated to dislodge all the encroachers from the pasture. However, villagers believe that the development of this 9 ha.-patch of the pasture can be used as a lever to convince encroachers on the other part to also give up their encroachments. Moreover, once the encroachers on the second part of the pasture realize the benefits of developing the common land, it will be easy for the villagers to persuade them to vacate their encroachments as well. It is not uncommon for various stakeholders to reconcile their individual gains in favour of the collective benefit of the group in any work involving the development of a common asset. However, this case illustrates an example contrary to this norm. In Adol, the formation of a cohesive group followed as a result of initiating work on the common pastureland.

In the later part the narrative cites examples from some other villages to raise a few issues with wider implications for common land management. For instance, an economically and politically powerful person of the area has encroached on hundreds of hectares of public land in the nearby villages but the local administration and other stakeholders are unable to raise a finger against him. While powerful individuals continue to hold onto their encroached lands by manipulating the corrupt system, it is poor tribal peasants who are being persuaded to vacate the small amounts of land they have encroached. The case study of Adol village reveals the inherent contradictions between the development process and its goals, on the one hand, and its actual implementation on the ground, on the other hand, wherein the powerless bear the cost of development, while the powerful in collusion with the state machinery enjoy the maximum benefits, often remaining above the law and flouting social norms.

2. The Village

2.1 *Social Profile*

Adol is a revenue village situated in the Gorana zone of Jhadol block in Udaipur district. The village falls under the panchayat of Brahmanon ka Kherwara. Adol is located at a distance of 60 km. from Udaipur and 10 km. from Jhadol. It is situated on the banks of the river Mansi. It has an undulating topography. It is divided into nine *phalas* (hamlets), namely Kad phala, School phala, Parmaron

ki Gavadi, Heri Magri, Dala phala, Purana School phala, Pipli Magri, Phutia, and Deri Ghati. Adol is socially homogeneous, being inhabited by 202 Bhil tribal households. The major clans in the village are the Kasautias, Parmars, Kataras, Pargis, Tavors, Dhangis, Dungris, etc.

2.2 Resource Profile

2.2.1 Land

Adol has a total area of 356 ha. Seventy-five per cent of the village area is public land under various categories: forest land, panchayat land, and revenue land. The agricultural holdings are quite low at 0.5 ha. per household.

The common pastureland of the village is barren and degraded, and villagers do not get much fodder from it except during the monsoons. This land has been encroached upon by some villagers for the purpose of agriculture and grazing. This issue is discussed in detail later.

The classification of land in Adol as per the revenue records is as follows:

Table 1.1: Land Classification in Adol

Category	Area (ha.)
Forest land	157
Revenue land	87
Panchayat land	23
Agriculture land	89
Total village area	356

(Source: Revenue records)

2.2.2 Forests

Adol has 157 ha. of forest land, which has considerably degraded over the years and serves only as a source of fuelwood and fodder for the villagers. The forest was once reported to have been rich in bamboo, *safed musli* (*Chlorophytum borivillianum*), *karanj* (*Pongamia pinnata*), mahua (*Bessica latifolia*), *tendu* (*Diospyros melanoxylon*), and various other species of medicinal plants. Rampant exploitation over the years has depleted the forest of its wealth. As a result, the economic importance of the forest today has declined considerably.

2.2.3 Livestock

Adol has a livestock population of around 1,500. The average number of animals per family today is around seven, which includes draught cattle (bull, ox), milch cattle (cow, goat), and other animals (mainly poultry).

The cattle owned by the villagers is generally unproductive and used only for agricultural purposes. The villagers do not trade in any animal products, and therefore ownership of livestock makes a very limited contribution to the total family income.

Over the years Adol has witnessed a trend of declining livestock population, which is primarily because of scarcity of fodder and drinking water. The situation has been steadily worsening over the years, and it is becoming increasingly difficult to support cattle. The villagers face a tremendous problem of scarcity of fodder due to a decline in the quality and quantity of village grazing lands. Both the village pasture and the forests are in a degraded state, thus forcing the villagers to graze their cattle in far-off places. Those who have a large number of cattle take them to the other side of a hill, to a place called Golani Mahadev, a small temple on a hilltop surrounded by vegetation and trees. This forest is relatively better owing to its remoteness and also because it is considered sacred.

3. Livelihood

The economy of Adol is primarily dependent on agriculture and wage labour. Agriculture is one of the main sources of sustenance. The total agriculture land in Adol is 89 ha. The break up of agriculture land and cultivable land is shown below:

Table 1.2: Types of Agriculture Land

S. No.	Land	Category	Area (ha.)	Percentage of total agri. land
1.	Agriculture	Cultivable	67	75.28
		Non cultivable	22	24.72
2.	Cultivable	Irrigated	9	10.1
		Unirrigated	58	89.9

(Source: Patwari records)

The chief crops are maize, wheat, ginger, and mustard. The average size of landholdings per family is around 0.5 ha. Most of the agriculture land is rain fed, with only 13.4 per cent of cultivable land (or 10.1 per cent of total agriculture land) under irrigation. Irrigation is through open wells, using water-lifting devices. There are at present around twelve wells, installed with engines.

Due to the lack of irrigation facilities, agriculture is not able to support the livelihood of the village community for all twelve months of the year. This livelihood insecurity has resulted in the out migration of villagers to cities and towns in search of employment. On an average, at least two members from each family are forced to migrate for wage labour to sustain the family. Around 200 villagers work at the dam construction site over the river Mansi. The migration cycle begins in the winter, particularly after Diwali¹ (late October, early November), and ends just before Holi² (March), when villagers return home.

The village in general can be categorized as poor as only 20 per cent of the families have a secure livelihood.

4. Village History

The history of Adol dates back to around 200 years. No one in the village has any idea about how the actual settlement in the village began. Contemporary development activities in the village began in 1955 with the opening of a primary school. Adol was electrified in 1980. According to the villagers, Bherunath Sarnot, the *pradhan* of the village, got the first public hand pump dug in the village in 1985. Although Adol enjoys the advantage of being close to the tehsil headquarters of Jhadol, it has witnessed only limited development activity.

Seva Mandir began its work in Adol in 1982 with the launch of its education programme, followed by a health-awareness programme in 1988. Farm bunding was done under drought-relief measures. A self-help group with thirty women members is running successfully. Seva Mandir also promoted a village development fund or *gram vikas kosh* (GVK). The activities initiated by Seva Mandir have been

¹ A Hindu festival.

² A Hindu festival.

limited so far to two hamlets of the village, School phala and Kad phala. Efforts are being made to unite the whole village through the initiative of pastureland development.

5. Conflict and Social Division in the Village Group

Around twenty-five years ago, Adol was divided into two groups as a result of a conflict over money collected to sponsor Gavri, a local festival. Due to the extensive geographical spread of the village, and the large number of households, the responsibility of collecting money was shared by groups of hamlets based on their geographical location. One group consisted of the hamlets of Kad phala, School phala, Parmaron ki Gavadi, and Heri Magri (henceforth Group I). The other group included the hamlets of Dala phala, Purana School phala, Pipli Magri, Phutia, and Deri Ghati phala (henceforth Group II). After the money was collected, each group accused the other of misappropriating the funds. This created a rift, and all social ties between the two groups were cut. Since then both groups have celebrated their festivals and other social functions separately. They act as separate groups for all practical purposes, and each group is only concerned with the development of its own part of the village. The leader of Group I is Poonam Chand. Mangla Ram (*mokhi* of the village) and Mohanlal Dhangi (the present *sarpanch*) represent Group II.

6. Village Institutions

Adol falls under the panchayat of Brahmanon ka Kherwara. The *sarpanch*, Mohanlal Dhangi, belongs to Adol. The village has three wards; Jeevaji, Rajmal, and Devlibai are the ward *panchs* of these wards. Apart from the panchayat, a forest protection committee (FPC) was constituted in 1998 by the forest department, with members from all over the village. But the FPC never functioned properly on account of the rift in the village. The institutions initiated by Seva Mandir in the village include a women's self-help group and the *gram vikas kosh* (GVK).³

³ A village fund collected by putting aside a certain part of the wage labour earnings of villagers to pay for common purposes.

7. Status of Common Lands

Adol has a total land area of 356 ha. but a major chunk of this is public land. Almost all the available land (except for forest land) in the village is occupied. There is reportedly such severe land scarcity in the village that when a new building for the school had to be constructed it took considerable effort to find some vacant land. The impact of this scarcity of common land on the livestock population is evident in the form of fodder scarcity. While the village is facing scarcity of land for all the practical purposes, the need for grazing land is far more immediate and pressing. This scarcity of grazing land is the result of increased privatization of the village commons. Although the village forest is free from encroachments, the village pasture and common revenue lands are heavily encroached.

7.1 Revenue Land

Adol has a total of 87 ha. of revenue land. The extent of encroachments on this land is the maximum. The villagers use the encroached pieces of land for the construction of houses, digging of wells, agriculture, production of fodder and fuelwood, etc. The encroachment on this *bilanami* or common revenue land is not a new phenomenon in the village. It has been taking place for many years, and now almost all the common revenue land has been encroached upon. These encroachments have been done by all and sundry in the village. These lands for all practical purposes are used as private lands, and the chances of their being used as commons again are negligible. The encroachers have invested heavily in these lands in terms of money and labour and have been deriving continuous benefits from them. Since this land has been under the possession of some villagers for more than a generation, the encroachers have

Encroachments on the Riverbed

As all the available revenue land in Adol has been privatized, the people have started encroaching on the bed of the river Mansi that runs through the village. A resident of Adol, Heera/Dhula, has invested Rs. 1 lakh to dig a well and install a pump over it at a strategic location on the riverbed, where the well will not be submerged during the rains.

become economically and emotionally attached to it. Many farmers do not have any other land except these lands.

7.2 Forest Land

Adol has 157 ha. of forest land. The forests are presently in a degraded condition. Around twenty-five families from the village have marked their rights over the trees in an area of the forest locally called Golani Mahadev. Members of these families go there every year with their cattle after Diwali and return before Holi. They erect temporary huts (*wadas*) on their parts of the land and graze their cattle in the forest. Though there are no permanent encroachments on the forest land at the present time, it is highly likely that over a period of time, due to an increase in population and fragmentation of families, these *wadas* may become permanent settlements.

7.3 Community Pastureland (Charnot)

Adol has 23 ha. of common village pastureland. The pastureland is located in the hamlet of Phutia phala and for most part of the year it is barren, except during the monsoons when some fodder is available. The land is undulating and degraded. Barring some isolated patches, most of it is not cultivable and can only be used for the purpose of fodder and fuelwood production.

The pastureland has always been subject to unrestrained open grazing; as a result sustainable fodder returns from it are low. The process of encroachment over this land started around twenty-five years ago. There are as many as ten families who have encroached on substantial portions of the pastureland. Some of them have constructed houses, while some use the area for agriculture. However, most of them use the land to harvest grasses.

8. Encroachments over the *Charnot*

The idea of enclosing and developing the *charnot* was discussed for the first time in June 2001, during the time of drought. During this time, at the village meetings conducted by Seva Mandir, only villagers from Group I participated. Till then not many efforts had been made to bring both groups to the same platform. Although Seva Mandir's activities were restricted to School phala and Kad phala, yet villagers

from the other two hamlets of Group I, i.e. Heri Magri and Parmaron ki Gavadi, also participated in the meetings.

During these meetings, the villagers learnt about the concept of community pastureland development and the benefits it generates for the entire community if it is properly managed. Villagers from Group I agreed almost instantly to enclose and develop their pastureland. They were excited about the concept and thought that in this way they would be able to gain access to the *charnot* land which was being used only by certain individuals of Group II. Another reason why the villagers became interested in pastureland development was that they feared they might lose the land if it lay barren and unused. They harboured the suspicion that the land might be taken over by the government for the resettlement of people from neighbouring villages who were being displaced by the construction of the Mansi Wakal dam.

But the problem was that the boundaries of the *charnot* were not clear. Although no person from Group II attended these meetings, the *sarpanch* and a few other individuals who belonged to this group were supportive of the idea of initiating work on the pastureland. The site of the pastureland was then visited, and a map was prepared with the help of the *patwari*. The villagers started preparing a proposal to be submitted to the panchayat to seek its approval, as well as a proposal to Seva Mandir to initiate development work on the site in September 2001. At the *gram sabha* held on 2 October 2001, villagers from both the groups sought permission from the panchayat to initiate pasture development on the *charnot* land. Once the panchayat granted this permission, another village meeting was organized, at which sixty people were present. At this meeting they agreed to soon start work on the land. Meanwhile, certain members from the other group also started attending these meetings to discuss the development of the pastureland.

After the preparation of the site map, it became clear that there were encroachments on the site and that its development could not take place unless these were removed. Prior to this, the villagers had not been sure about the actual boundary of the pasture and had always taken the encroachments to be on revenue land or had believed that the land legally belonged to the people living there. With this new information coming to light, the process of developing the area came to an abrupt halt. Seva Mandir also made it clear that no development activity could be initiated on the site unless these encroachments were vacated.

It became clear at subsequent village meetings that the encroachments over the *charnot* had begun around twenty-five years ago. Interestingly, this period had coincided with the time when the village group was bifurcated. However, it cannot be said with certainty that the land had been completely free of any encroachments prior to that. Some families from Group I have encroached on this land. As the *charnot* falls within the geographical territory of Group II (Phutia phala), they relegated the rights of Group I over this piece of land after the conflict. Interestingly, most of the villagers did not know about the existence of the *charnot* land in their village.

8.1 Profile of Encroachers

It was confirmed at the village meetings that nine families of the village had encroached on almost the entire pastureland. These families included relatively influential and powerful families such as those of the present *sarpanch*, Mohanlal Dhangi, and the *mokhi*, Mangla Ram.

8.2 Process of Negotiations

On the initiative of the Seva Mandir field staff, it was decided to discuss the issue of vacating the encroachments on the pastureland through negotiations with the encroachers at monthly meetings of the village group. Some of the encroachers who had been attending the village meetings now started avoiding these and other village gatherings. The topic of the encroachment of the pastureland was added to the agenda of the monthly village meetings and the issue was discussed at every meeting. The discussions over the encroachments began in November 2001. Seva Mandir decided that the villagers should be informed about the advantages of having a productive pastureland in the village and that they should also be made aware about the social and ecological significance of common lands and the consequences of their privatization for the whole community.

The villagers in general had very limited awareness about the commons per se. Many villagers were not aware about the existence of *charnot* land, its legal status and custody, and how it could be developed for the common use. Seva Mandir gradually started increasing the tempo of the process by informing the villagers about common land, their rights over it, and associated legal issues. Stories

Table 1.3. Profile of Encroachers⁴ Before Boundary Demarcation

S. No	Name/Father's name	Area encroached* (ha.)	Period of encroachment (years)	Use of encroached land
1.	Mota/Naringa	1.5	25	4 huts, 1 well, agriculture
2.	Vesa/Nana	3.0	20-25	Hut, agriculture, grazing
3.	Heera/Dhula	2.5	5	<i>Beed</i> and approx. 200-feet <i>kot</i> (boundary)
4.	Nathu/Dhaka	1.1	10	<i>Beed</i> ⁵
5.	Shankar/Naringa	0.3	25	<i>Beed</i>
6.	Vesa/Deva	1.0	25	<i>Beed</i> and 100-feet <i>kot</i>
7.	Deeta/Deva	5.0	25	<i>Beed</i>
8.	Mangla/Panna	3.0	6	<i>Beed</i> and 300-feet <i>kot</i>
9.	Valu/Kura	0.5	10	<i>Beed</i> , hut under construction
		17.9		

(Source: Village meeting)

⁴ The actual encroachers on the pasture could be ascertained only after the demarcation of the boundary of the pasture. The profiles of the encroachers appear later in the study.

⁵ *Beed* is private wasteland, used for the purpose of collecting fodder and fuelwood.

of villages where Seva Mandir had successfully developed pastureland and created self-sufficiency in terms of grass were narrated to the villagers. The need to maintain the commons as commons was reiterated, and it was discussed how each household had an equal right of access to the village pasture, and how it did not belong to a select few in the village.

The leaders of Group II discouraged their followers from attending these meetings. As Mangla Ram was the local labour contractor for various government works, the villagers could not afford to be on bad terms with him, and hence followed his advice. Likewise, the *sarpanch*, Mohanlal Dhangri, who had supported the development of the *charnot* during public discussions, did not actually want this work to start as his family would have to forgo their encroachments on the *charnot*. Due to these factors, the villagers from Group II who had been attending the village meetings stopped doing so. This was a setback to the process of unifying the entire village for a common cause.

Hence it was decided at a meeting on 21 December 2001 that in order to create a conducive environment for resolving these differences, a bhajan *mandali*⁶ would be organized on 8 January 2002, which would bring all the villagers together on one platform.

8.3 Bhajan Mandali on 8 January 2002

The bhajan *mandali* was organized on the evening of 8 January 2002. The local staff of Seva Mandir also attended. A paraworker from the adjoining village of Talai was invited to describe the experiences of his village concerning the development and management of the pastureland.

People started gathering at 8.00 p.m., after dinner. Around thirty people, including six women, had gathered by 9.00 p.m. Certain individuals from Group II were also present, and a few of them were related to the encroachers. No encroacher was present at the gathering. The *mandali* was organized under a tree near the village temple. At 9.00 p.m. the programme began with a bhajan. Soon the villagers became involved and sang local songs, and some also danced. The entire atmosphere was charged. After forty-five minutes

⁶ A bhajan *mandali* is a social gathering where people sing devotional songs and also dance.

of singing, a break was given during which snacks were served and the issue of the pastureland was raised.

A Seva Mandir zonal worker informed the villagers about the benefits of developing the community pastureland. He told them that they could meet their requirements of fodder from the pastureland, that this would reduce pressure on the neighbouring forests, and that this could also become a source of funds for the GVK. He informed the villagers that the GVK of Adol had a small balance of Rs. 5,000 only, whereas many villages had GVKs running into lakhs of rupees as a result of such developmental activities. He also explained that if the villagers cooperated, they could avail of the employment opportunities generated by the development of their own village.

The paraworker from Talai was invited to describe the success story of his village. He explained how the villagers had got together and protected and regenerated the pastureland, which now sustains the livestock of the entire village. He also spoke of the increase in the GVK of Talai due to such developmental activities. He stressed that this had been made possible only because of the participation of the whole village.

The villagers were asked their opinions on this matter. Two villagers pointed out that their village was still not developed because the people were not united. They said that the teacher at the village school was not regular in his attendance, but still nobody questioned him. This started a discussion among the group, and the villagers decided that the entire village, rather than a few persons, would go and speak to the schoolteacher. The discussion was then brought back to the topic of the pastureland and its development. The villagers expressed their interest in the idea.

The Seva Mandir staff also explained the prerequisites for the development of the pastureland and told the villagers that no work would be carried out unless the land was completely free of illegal encroachments. It was also made clear that those living on the pastureland would be accorded full justice. The villagers were told that the onus of talking to the encroachers, convincing them to vacate their encroachments, and reaching a peaceful solution, was on the village group and that Seva Mandir could only guide them in this process.

This led to an intense discussion among the villagers. A few people were in favour of taking legal action against the encroachers, while others stated that first the encroachers should also be invited to attend

such meetings. They noted that encroachers generally avoid such forums. Some villagers were also aggrieved by the fact that one of the encroachers had agriculture land outside the pastureland, and yet he was residing inside the community land. Finally, it was decided to gain the confidence of the encroachers so as to begin negotiations with them. It was also decided that they should be invited to attend such meetings and should be involved in discussions regarding the search for options. The encroachers should be informed that they would also benefit from developmental activity and would be accorded full justice. It was also decided that such discussions should be organized in the future and that villagers would have to try and find other alternatives. The gathering came to a close at around 11.15 p.m. The villagers continued to discuss, in small groups, the pastureland issue till the end of the programme.

8.4 *Reactions to the Bhajan Mandali*

Although there had been no major participation from Group II in the bhajan *mandali*, still the programme had served its purpose. The villagers began to recognize the root cause of the problems facing their village and begun to discuss their common problems such as the rift in the village and the irregular attendance of the schoolteacher.

Soon the entire village became involved in the discussions on pastureland development. This led to suspicion and insecurity among the encroachers. They met their political patron, the village *sarpanch*. The *sarpanch* was covertly involved with the encroachers, and hence resisted any attempts at developing the pasture. But after the bhajan *mandali* meeting, he became more vocal against the removal of encroachments. Although the former *sarpanch* of the village belonged to a different political party and was a staunch opponent of the present *sarpanch*, he also promised all possible help to the encroachers in a bid to dispense favours to his supporters. The result of this political game of oneupmanship and rivalry was that the panchayat, which had initially been supportive of the development of the pastureland, was now not very forthcoming.

8.5 *Discussions at the Village Meetings of February and March 2002*

At the monthly meetings of February and March 2002, the villagers once again considered the problem and decided that they would fight

to free the *charnot* from the control of the encroachers. The villagers decided to talk to the *sarpanch* and the encroachers simultaneously. When the Seva Mandir field worker along with the villagers discussed the matter with the *sarpanch*, he refused to take any stand in favour of the encroachers as it jeopardized his official position. On the other hand, as more and more people in the village were in favour of developing the pasture, he could not go against the wishes of the entire village. However, he assured the villagers that he would extend his active support to the cause of development.

As the villagers' attempts to bring the encroachers to the village meeting met with little success, they decided to talk with each encroacher on a one-to-one basis. It was also decided to disseminate information about the pastureland to the families from Group II who were not attending the meetings so that more pressure could be built on the encroachers. The enthusiastic villagers who were fully convinced of the importance of developing the *charnot* started contacting more and more people. This led to discussions about encroachments in all the hamlets as well. Slowly, more and more villagers became interested in developing the *charnot* and the attendance at the village meetings increased.

8.6 Village Meetings in August and September 2002

By August 2002, after several rounds of talks and under mounting public pressure, some of the encroaching families decided to give up their encroachments on the condition that they should get the first priority as labourers once the work on pasture development began. The year 2002 being a drought year, the grant of this demand was a big incentive for these families. Moreover, most of these encroachers had not invested much in their lands. It was also clear to them that they would never get title to their encroachments on the pasture. The additional pressure posed by the presence of the Mansi Wakal dam oustees also prompted the encroachers to give in; they realized it would be better to develop the village pastureland, otherwise it might be used to resettle the displaced people from neighbouring villages. Out of the nine encroachers, five families agreed to vacate the pastureland, but the remaining four families—those of Vesa/Nana, Mota/Naringa, Deeta/Deva, and Mangla/Panna—were not ready to give up their claims on the land.

During the final stages of negotiations, the issue of the encroachments of Thavari Bai (wife of Vesa/Nana) and Mota/Naringa came up. The villagers considered their encroachments to be justified as these two families had been living on the encroached land for the past twenty years, and had invested heavily to make the land productive. In addition, these families had no alternative land in the village. Thavari Bai was a widow and had four children to support. Shankar/Naringa, the brother of the second encroacher Mota/Naringa, vehemently opposed the villagers' demand to vacate the encroachments. He showed a lot of concern for his brother. In fact, Mota did not appear at any of the meetings, and it was Shankar who fought on his brother's behalf at all the meetings. Convincing Shankar to persuade his brother to give up his encroachment became a major issue as he (Shankar) refused to listen to any arguments. When all the other encroachers agreed to leave their encroachments, Shankar came under tremendous pressure. Although he was given an assurance by Seva Mandir and the other villagers that no injustice would be done to Mota, Shankar was never fully convinced. Later it was discovered that Shankar was acting more out of personal concern rather than any concern for his brother's interests; during the division of land within his own family Mota had inherited the encroached land, while Shankar had inherited the family's legal land. Thus Shankar feared that if Mota was evicted from the encroached land, he would ask for his share of the family land.

Seva Mandir also made it clear that it fully appreciated the concern of the villagers for these two families and also understood the condition of the families. It was suggested that some alternative solution should be found which would allow Seva Mandir to provide help to these families, but the suggestions were to come from the villagers themselves.

Another issue that emerged during negotiations concerned the need to clarify the exact boundary of the pastureland. The villagers were not sure where the boundaries of the pasture and the revenue land lay. It was important to know this in order to differentiate between the encroachments on the pasture and those on the revenue land. Some families with encroachments on the periphery of the pasture were not sure how much of their encroachments were on the pasture; in general, they claimed that their encroachments were not on the pastureland but only on the revenue land. To clear all these doubts it was decided that the pastureland should be clearly

demarcated by the *patwari* and that *patthar gadhi*⁷ be done. Some of the villagers, accompanied by the Seva Mandir staff, went to the *patwari* and discussed the issue.

8.7 Boundary Demarcation of the Pastureland on 8 October 2002: Identification of Actual Encroachments

The dates of performing the boundary demarcation were postponed on two occasions due to the non-availability of the *patwari*. It was finally done on 8 October 2002. The village *sarpanch* pretended to help in the process, but he was not too happy with the proceedings. He excused himself from the village on the day the *patwari* was to demarcate the boundary of the pastureland. On that day some village members, the Seva Mandir staff, and the *patwari* went to the site with all the land records of the village. The *patwari* demarcated the *charnot* at various reference points. Finally, after the demarcation was completed, the boundary of the *charnot*, forest land, and revenue land became clear to those present. Two of the encroachers on the *charnot*, namely Mota/Naringa and Vesa/Nana, were found to have encroached on *bilanami* land instead of the *charnot*. The villagers were very happy to learn of this discovery. But it was found that three brothers, namely Ganga, Manji, and Mavji, whose land was thought to be outside the *charnot*, were actually inside. Thus, the process of boundary demarcation resulted in the identification of various categories of land and new encroachers. Now there were ten encroachers on the *charnot* land.

8.8 Meeting on 8 December 2002 and Submission of Proposal for Work

A village meeting was held in the school premises on 8 December 2002. It was decided at the meeting that out of 22.73 ha. of the pastureland, work on an area of 9 ha. (henceforth Part I) would be undertaken. This part was selected for development work as there were no permanent constructions on it. The encroachers on Part I, namely Heera/Dhula, Shankar/Naringa, Vesa/Deva, and Deeta/

⁷ In *patthar gadhi*, the local revenue officer (*patwari*) demarcates the boundary of the land with the help of relevant revenue maps and fixes certain reference stones over the boundary.

Table 1.4. Profile of Encroachers After Boundary Demarcation

S. No	Name/Father's name	Area encroached* (ha.)	Period of encroachment (years)	Use of encroached land
1.	Heera/Dhula	2.50	5	<i>Beed</i> and approx. 200-feet <i>kot</i> (boundary)
2.	Nathu/Dhaka	1.10	10	<i>Beed</i>
3.	Shankar/Naringa	0.30	25	<i>Beed</i>
4.	Vesa/Deva	1.00	25	<i>Beed</i> and 100-feet <i>kot</i>
5.	Deeta/Deva	5.00	25	<i>Beed</i>
6.	Mangla/Panna	3.00	6	<i>Beed</i> and 300-feet <i>kot</i>
7.	Valu/Kura	0.50	10	<i>Beed</i> , hut under construction
8.	Ganga/Kalu	0.04	25	One hut, <i>beed</i>
9.	Manji/Kalu	0.20	20	One hut, <i>beed</i>
10.	Mavji/Kalu	0.20	18	One hut, <i>beed</i>
Total		13.84		

* Approximate area

(Source: Village meeting)

Deva, were ready to vacate their encroachments. Two of the encroachers on Part I belonged to the *sarpanch*'s family, so there was a lot of pressure on him to convince his family members to vacate the encroachments. He undertook the responsibility of his family members. Finally, all the four encroachers agreed to give up their encroachments. The proposal to initiate work was forwarded to Seva Mandir. The total cost of fencing and soil and water conservation activities on Part I was estimated to be Rs. 111,500. The proposal was sanctioned by Seva Mandir.

8.9 Visits on 7 January 2003 and 8 January 2003

Before starting the work, it was decided to talk with the village group, especially with the encroachers, so that they would not create any trouble once the work began. During this dialogue it emerged that the encroacher Deeta/Deva (father of the *sarpanch*) had changed his mind and now did not want to give up his rights on the encroached piece of land. His son Naka had warned the villagers of grave consequences if they pushed his family to vacate their encroached part. On 7 January, when Deeta was contacted, he said that he had initially agreed to make a boundary wall around the *charnot* because he felt that after the work was completed, every encroacher would have the exclusive right to harvest grass from his erstwhile encroached portion. On this day the other encroachers could not be contacted as they were not available in the village.

The next day the Seva Mandir staff again approached the encroachers to inquire whether they were ready to forgo their rights over the encroached land. The general feeling in the village was that if Deeta/Deva agreed to vacate his encroachment, the other encroachers would follow suit. However, Deeta reiterated his stand of not giving up his encroachment. Thus Deeta's stand created a stalemate and stalled the development work. The *sarpanch* of the village (Deeta's son) could not be contacted as he was out of the village.

The villagers became angry with Deeta and his family as work on the *charnot* could not be started because of their adamant attitude. Their hopes of getting employment in a drought year, and fodder in subsequent years, were dashed. They put pressure on the *sarpanch* (Deeta's son) as he belonged to the same family and also because as the *sarpanch* it was his duty to keep the panchayat land free of

encroachments and develop it for the common good of all villagers. Under this pressure, Naka, brother of the *sarpanch*, who had earlier resisted the idea of developing the pasture, buckled and agreed to cooperate. However, despite mounting pressure, Deeta did not yield. This put the *sarpanch* in a dilemma, and he promised the villagers and Seva Mandir that he would convince his father to vacate his encroachment for the common good of the entire village.

8.10 Inauguration of Work on 4 February 2003

Getting an assurance from the *sarpanch* and his brother on 4 February, the villagers formally inaugurated the work. However, Deeta was unhappy with the turn of events. He cursed the villagers and the Seva Mandir staff, and then left the encroachment. The work on the development of the 9 ha. of pastureland eventually began on 17 February 2003, although Deeta is still not happy.

9. Points to Ponder in the Larger Context

As the people of Adol, with the help of Seva Mandir, were struggling to free the village pasture from the encroachers, the encroacher Deeta once complained during a personal conversation, '*Than to meri do bigha jameen ke pichey padya ho. Rao Saab ne hajaroun bigha jameen kabje mein kar rakhi hai. Wane koi kuch nahin kah sakta.*' [You are after my meagre two bighas of land, whereas Rao Saab (an influential man belonging to the erstwhile ruling family of the area) has encroached on thousands of bighas, but nobody dares to question

Illegal Regularization of Land Encroached by Outsiders

Certain outsiders, namely one Mahajan from the nearby village of Groana, and another person, a schoolteacher from the nearby village of Jhadol, have got 15 bighas and 50 bighas of village land regularized respectively in their names by illegal means. The people of Adol often complain about this in their discussions, but are helpless in tackling the problem. It is indeed an irony that, on the one hand, Adol is suffering from a paucity of land and, on the other hand, outsiders have managed to get land allotted in their names by manipulating the corrupt system. This raises a serious question mark about the basis of regularization of land in rural communities.

him.] On further inquiry it was found that around 1,500 bighas (as per the estimation of the villagers) located on the boundaries of three villages, namely Adol, Chataradi, and Velaniya, is under the control of Rao Saab and his family. All the hills and valley lands, irrespective of ownership, *bilanami* are de facto his private property. His family holds title to part of this land, but most of it is still largely encroached. He is financially and politically very powerful, with links in the corridors of power. The local administration is not sufficiently empowered to deal with his influence and clout. This points to the problem of anarchy prevailing in a democracy, especially in rural India.

10. The Challenges Ahead

In the negotiations concerning the pasture over the last one and a half years, villagers from both groups have come closer and buried the hatchet. Both groups have begun to hold common meetings, although participation is still low. The people derive a sense of collective achievement from the successful negotiations with the encroachers on Part I of the *charnot*. The entire village is engaged in the ongoing work of developing this pasture. This work has led the village to reunite after a long period of estrangement.

However, this is just a beginning. The people of Adol still face many challenges. Will they be able to sustain their new-found collective strength in the struggle to reclaim the other half of the pasture? This is the litmus test for their unity since the village will have to negotiate with a more powerful encroacher, Mangla Ram. Can this social cohesion and unity be transferred to other spheres of development work in the village? Will the village as a collective be able to demand accountability from individuals such as the schoolteacher, village institutions such as the panchayat, and development agencies such as Seva Mandir? Answers to these important questions will only be revealed with the passage of time.

The challenge before Seva Mandir is to sustain this process of group formation in the face of both internal and external threats so that the village group can function cohesively. This momentum can be sustained only if the organization installs proper monitoring mechanisms for the management of the asset being developed and educates the villagers about the norms of transparency, accountability, and equity.

Decolonizing the Commons: A Case Study of Kaliwali Village



Prakash Kashwan

1. Introduction

This case study of negotiations over the issue of encroachments on the pastureland of village Kaliwali attempts to demonstrate how access to, and the status of, natural resources like land and water are linked inextricably to each other. The process of negotiations in Kaliwali highlights the multiple stakes involved, and consequently the multiple positions taken by various actors at different points in time.

2. Social Profile

The earliest settlers in Kaliwali are supposed to be Rawats, hailing from Mandariya, located at present in the adjoining Sirohi district. Repeated attacks by Muslim invaders and British rulers threatened the dignity of the Rawats, who then migrated, disguised as tribals in order to prevent themselves from being traced and harassed. Such migratory Rawats were called the Rawat Meenas,¹ and are listed

¹ The Rawat Meenas have launched a campaign to get back the status of the Rawats. The state government is said to have declared its support to the Rawat Meenas in their movement to return to the fold of the Rawats, a caste that has been included among the Other Backward Community (OBC) group by the state government. A camp was organized in Kurabad on 12 April 2002 to receive applications from Rawat Meena families in nearby villages. Interestingly, if successful this step would mean losing out on the facilities, concessions, and reservations available to the scheduled tribes. Since the OBC category is already overcrowded by apparently more advanced communities such as the Patels and the Dangis in this region, perhaps the

among the scheduled tribes. In some other areas in adjoining villages such as Ramaj, Kaliwali, and Kasya, they retained their identity as Rawats. Those who migrated to the Kaliwali area belonged to the Burger subcaste of the Rawat caste. Almost 100 families out of a total of 108 odd families in the village belong to the Burger subcaste, and the remaining families belong to the Boojh and Maal subcastes.

The main hamlets in Kaliwali village are:

- Limbdi wala phala
- Magra wala phala
- Mala ra phala
- Bandiya ra phala
- Daba talai phala
- Pama talav phala
- Mahudi phala
- Kanjda magri

3. Status of Natural Resources

3.1 Forests

The area surrounding the village had been densely forested as late as twenty-five years back. The villagers say that they are scared of walking far away from their huts for fear of being attacked by wild boars and other wild animals. However, according to village elder Babru Maharaj, the villagers themselves sold off the entire tree stock in the form of fuelwood and small timber. Now trees are scarcely visible in the village landscape. As of now, there is no forest in the village of Kaliwali. Even according to revenue records, there is no forest land here.

3.2 Community Pasture

Kaliwali has a plot of community pastureland (27.65 ha.) and a very large area of revenue wasteland (*bilanami*) land that is generally used

Rawat Meenas do not expect any returns on this front. Still, the majority of Rawat Meenas are keen to return to the Rawat fold, obviously motivated by the prospect of gaining upward social mobility in the local caste hierarchy. However, a tiny minority of the community wants to continue being called Rawat Meenas and wishes to be treated as such.

as open-access grazing land by the villagers. However, since the government regularizes the encroachments on the revenue wasteland from time to time, almost all the revenue wasteland in the village has been encroached upon by the people. Some of these encroachers are from outside the village. Similarly, a large portion of the community pastureland has also been encroached. The private wastelands and occupied plots of common lands are used principally to meet the annual needs of fodder and fuelwood.

3.3 *Water*

Kaliwali is fortunate as far as water availability is concerned. Two anicuts have been built in a series by the irrigation department. In a year of normal monsoons, water is available in the anicuts throughout the year. However, no planned irrigation facilities have been provided by the irrigation department, as a result of which only the farmers owning land in the vicinity of the anicut have access to irrigation. Some people have also encroached on the land alongside the anicuts and exposed the anicut beds. When water levels decline, these lands are used as agricultural lands. This has caused some anguish among those who do not benefit from the anicut waters. Some of these people also complain that the encroachments around the anicut area have also blocked the pathways to the anicuts so that cattle no longer have access to drinking water. Among those benefiting most from the anicut water are Rajputs from the neighbouring village of Kurabad who have got some cultivable land in this village.

4. Livelihood

Even if the Rawat Meenas are determined to separate their identity from that of the tribals, their livelihood is exactly the same as that of the Bhils and the Meenas. They are marginal farmers, barely managing to eke out a living from their small landholdings, which range between 2 to 4 bighas. They also keep cattle, sheep, and goats for the purposes of milk supply, agricultural operations, and manure production. They also derive some income from the sale of goats and sheep wool. However, a very sizeable proportion of the cash income of the people of Kaliwali comes from working as masons or construction labourers in Udaipur, Kurabad, and other nearby towns.

Kaliwali is home to some fifty expert masons and 100 construction workers, who are generally away on work during the daytime and return home only in the late evening. This also means that most families do not focus their efforts on enhancing their income either from agriculture or animal husbandry. However, at present the villagers do not find it easy to undertake intensive agriculture and animal husbandry to the exclusion of all other occupations.

Seva Mandir has installed a lift-irrigation system covering thirty families in Kaliwali. The selection of families to be covered under the lift-irrigation scheme was done on the basis of the villagers' suggestions. Also, a detailed hydrological survey was conducted to determine the viability of taking water to the fields of farmers proposed to be covered under the scheme.

5. History of Land in Kaliwali

Kaliwali used to be administered by the Batheda *thikana*² under the *jagirdari* system of land administration. Some village elders still remember the hardship they suffered in those days. Crops could only be harvested after a representative of the *jagirdar* had assessed them. At the time of Independence, there were only sixteen *khatedars* (legal landowners) in the village. Even then, the amount of common land held by villagers in Kaliwali was more than sufficient for the inhabitants' needs. Babru Maharaj, village elder and former president of the village group, says that this land was 'earned' by those sixteen families who had toiled long and hard in the scorching heat to provide assistance to the settlement officer. In lieu of this hard labour, the village had been granted a huge expanse of land. This actual as well as felt abundance of land within the village in the past had led to some significant events.

5.1 *Sharing the Common Land with the Neighbouring Village of Chottiya*

Some fifty years ago, the residents of Kaliwali decided to provide permanent grazing rights on 5 ha. of common grazing land (a part of the revenue wasteland of Kaliwali village as per the revenue

² *Thikana*: the house or court of the local landlord, usually the dominant Rajput in the village.

records) to the nearby hamlet (now a separate village) of Chottiya. The reason behind this generous offer was the common lineage shared by the inhabitants of both villages. This plot of land is used by the people of Chottiya to graze their cattle, even when the people of Kaliwali are engaged in serious land disputes. However, taking advantage of such a communal arrangement for cattle grazing, some people from Chottiya have made encroachments on the land.

5.2 Allowing Outsiders to Cultivate Land in Kaliwali

Around fifty years ago, Rajputs from the nearby town of Kurabad requested the people of Kaliwali to let them cultivate some land in their village. The village elders of Kaliwali agreed to let the Rajputs settle on their land.³ During the last thirty years or so, the Rajputs have been able to make their settlements permanent and have built houses and dug wells on this land. (Some of them may even have got their settlements regularized using their contacts with government officials.) In addition, individuals⁴ who are aware of the history of land settlement in the region argue that most of the land settlement officers were Rajputs. Wherever they went to conduct settlement operations, they stayed with the influential Rajput householder in the area. In the process, the Rajputs were able to get lands adjoining perennial streams or other water bodies. This explains the presence of the Rajputs' fields on land along the major stream in Kaliwali. Two anicuts were constructed nearby in due course. Thus, the Rajputs have abundant resources at their disposal, and they have benefited most from the construction of the twin water-harvesting structures in the village.

However, the Rajputs from Kurabad are not the only outsiders who have acquired land in Kaliwali. As of now, people from four villages have occupied some part of the common land in Kaliwali. These villages are Navalsinghji ka Guda, Kurabad, Parmada, and Ramaj.

5.3 Decision to Save the Common Land from Encroachment

Some villagers were aware of the need to preserve their common land as commons even as late as twenty years back. All the villagers

³ Young people observe that 'the old-timers would gift away the common land within the village boundaries to outsiders for just a "bottle".'

⁴ Mr Mohan Dangi runs Prayatan Samiti, an NGO based in Udaipur.

got together and arrived at a decision to not encroach on the expanse of common land falling between two designated points, specifically between Limbda wala magra and Phooti Bawdi, an area of around 100 ha. as per ocular estimates. This plot of land includes both RWL as well as a sizeable portion of *charnot* land. A formal written agreement was signed by all the villagers. However, as a result of weak enforcement by the village community, encroachment on this plot could not be prevented, and at present most of this land has been encroached. People have built houses, developed cultivable plots, and dug wells on this very plot of common land.

The seriousness of the encroachment problem is reflected in a popular saying in the village, that 'only the *her* (the seasonal stream beds) are free of encroachments'. Apparently, all the families in the village (excluding only five families) have encroached on some part of the village commons.

Three or four families have recently encroached on the community pastureland, arguing that they have been compelled to do so because of lack of sufficient land. Interestingly, even while several encroachments had taken place on the village commons during the last two decades, it was only after these fresh encroachments occurred that the village group (after repeated prodding from Seva Mandir) started talking about the problem of encroachments in a serious manner.

6. History of Collective Action in the Village

6.1 *The Grain Bank*

Some forty years ago, the villagers of Kaliwali came under the influence of a visionary Rajput, Shambhu Singhji Maharaj, from Kurabad. He used to stay at the Jhameshwara Mahadev temple in the Jhamarkotra area. Shambhu Singhji had taken upon himself the task of reforming the Rawat community, who he believed were Rajputs by descent but had mixed with and lived like tribals (the Meenas). Inspired by this belief, he made serious efforts to work with the Rawats of the surrounding villages and bring about social consciousness among them. He was also convinced about the value of community action in preparing for bad times like droughts or famines. In addition to working towards introducing changes in the lifestyle of the Rawats, Shambhu Singhji also motivated the

villagers to set up a grain and fodder bank. Accordingly, the villagers contributed 70 *mun*⁵ of grain and 100 *pula* of fodder on a per family basis in 1949. A village elder, Babru Maharaj, a saint who is not averse to meddling in worldly affairs, says that fodder and grain worth several hundred rupees was deposited by the villagers with another village elder, Hira Ba. But the villagers never again saw their deposits in the fodder and grain bank.

6.2 *The Jati Panchayat and the Peti*⁶

The institution of the jati panchayat still survives in Kaliwali. Village elders like Hira Ba and Babru Maharaj are members of the jati panchayat, and feuding villagers (as well as outsiders) frequently approach them to help resolve their disputes. The income generated by penalties imposed on offenders is supposed to be deposited in the *peti*. Other village income, such as that raised from the 'taxes' levied by villagers on trucks and tractors carrying sand or mud out of the village, is also supposed to be deposited into this *peti*. However, the accounts of the *peti* seem to be in total confusion, and this situation has created mistrust among the villagers.

7. Seva Mandir's Interventions

Seva Mandir has been working with the villagers for the last twenty years. The focus has been to help the community build its capacities and strengthen its livelihood sources. Seva Mandir has laid a great deal of stress on building the village group, comprising the male and female adult population of the village. Babru Maharaj had been appointed the group leader by the villagers.

8. Pastureland Development

After having worked on the private land development activities in the village, Seva Mandir motivated the villagers to undertake the development of the community pastureland. Under the leadership

⁵ A *mun* in this region corresponds to 25 kg.

⁶ *Peti*, literally box, contains the treasury of the jati panchayat and is kept in the custody of a village elder, Hira Ba in the case of Kaliwali.

of Babru Maharaj, the villagers approached the *patwari*⁷ and got copies of the necessary land records and also managed to get approval from the gram panchayat⁸ to develop the pasture. Just before the proposal could be sent to Seva Mandir for approval, some members of Babru Maharaj's family encroached on the plot proposed for development. The village group requested Babru Maharaj to persuade his sons to give up the idea of encroaching on the community pastureland, but he did not pay any heed. Instead, he defended his sons by asking the villagers if any other land was available for them to occupy. Following this incident, Babru Maharaj was removed from the position of group leader, and has been denied participation in the interventions taken up by Seva Mandir. The villagers had also decided to socially boycott Babru Maharaj and his family, but many of the group members can be seen smoking marijuana⁹ at Babru Maharaj's place during leisurely evening gatherings. The wedge created between the group members and the family of Babru Maharaj is fairly evident from the fact that Maharaj and his two brothers have been kept uninformed about the process of building a community platform in the middle of the village. However, just before the breakdown in the unity of the village group, Babru Maharaj's son fought the elections held for the much-coveted seat of *sarpanch* and was supported by the entire village of Kaliwali along with the neighbouring Rawat villages. In the end, however, Babru Maharaj's son lost the election by a narrow margin of seven votes.

Seva Mandir installed a lift-irrigation system in 2001, which is benefiting thirty farmer families in the village. As per the original plans, Babru Maharaj and his family were also to be a part of the group benefiting from the lift-irrigation project, but since they had encroached on the village pasture and had refused to abide by the norms of maintaining a no-grazing status in a private *chak*, he and his family were excluded from the list of families who were to be benefited by the scheme.

⁷ The *patwari* is the village-level revenue official who is responsible for keeping land records at the village level; he also collects land revenue.

⁸ The village council (panchayat) owns the pastureland. Its approval is mandatory before any land development activity on this category of land can be undertaken.

⁹ The smoking of marijuana is widely prevalent among the villagers.

9. Encroachments

As mentioned earlier, there were only sixteen landowners in the village at the time of Independence. Since then the population has increased many times and therefore the land available for cultivation is insufficient. Babru Maharaj's father and his three brothers owned some 150 bighas in the village at that time. These four brothers produced thirteen sons between them, and the land was equally divided between the next generation. These thirteen cousins in turn produced thirty-eight sons in all. As all thirteen cousins and their descendants are alive today, this means that the land would be divided among fifty-one claimants, which would mean an average landholding of 3 bighas each. Given the hilly topography of the village, each of these claimants might not be lucky enough to get a piece of cultivable land in his share. Thus, there arose the obvious need to encroach on a fresh piece of land as the size of the family increased with each generation. This has resulted in large-scale encroachments in the village. However, most of the encroachments have been made on rocky and hilly terrain.

9.1 *Tradition of Collective Encroachments*

Kaliwali also has a culture of making collective claims on large plots of common land (revenue land as well as pastureland). There are a number of cases in the village where a group of people have taken possession of a large plot of land and managed it as a collective encroachment. Some ten years ago, the gram panchayat made a big enclosure of the size of 36 ha. on revenue wastelands. Eighteen families from the hamlets of Mala ka phala and Khirni ka phala encroached on this entire enclosure. At the village meeting, where the encroachments of all the families were listed, these people said that collectively they had encroached on some 20 bighas of land, when in fact they have encroached on the entire 36 ha.-plot that was enclosed by the gram panchayat.

Similarly, as stated earlier, two and a half years ago when the village group decided to enclose the remaining portion of the *charnot* land in the village, the relatives of Babru Maharaj (sixteen families in all) encroached on the entire plot of the pastureland by marking the *charnot* with stone markers.

10. Negotiations for Vacating the Encroachments

Since the issue of encroachments has been taken up with the village group during the last one and a half years, several interesting things have come to light.

10.1 Role of the Village Group

For almost six months, Seva Mandir expected the village group to take the initiative and call the *patwari* to the site and demarcate the boundaries of the pastureland. However, the village group wasted a number of months in the name of collecting funds to call the *patwari* to the site. After that they passed the buck on to the *patwari*, saying that he was not ready to come to the site. Later it became clear that the key people on the village development committee and the village group had never made any sincere efforts to call the *patwari*. One of the critical factors to which this lack of interest can be attributed was that these very same people feared that they would also be forced to vacate their own encroachments. In fact, at a crucial meeting held on 24 September 2002, seeing that some kind of compensation was being offered to those who had agreed to vacate the encroachments on the pastureland, a few of the active village committee members declared that they also had their encroachments on the pastureland.

10.2 Key Players Go Missing

It also came to light that the village group members who had been spearheading the movement to vacate the encroachments had never taken some very important people of the village into confidence. While Seva Mandir had been asking the villagers to approach the panchayat, the group did not even approach the *upsarpanch* in the panchayat, who hails from Kaliwali itself. In the end, when the moment of final negotiations arrived, all the committee members and the active village group members could not speak a single word against the encroachers. The fact that Seva Mandir had been taking the village group members associated with the organization to be truly representative of the whole village may have been a critical mistake. Instead, had Seva Mandir chosen to proactively organize such negotiations on its own initiative, the organization might have been able to resolve the dispute more quickly.

10.3 *The Patwari's Visit Does the Trick*

While nothing significant had been achieved by consulting with the village group for more than a year, a single visit to the pastureland site by the *patwari* ignited the whole issue in such a manner that a large meeting took place the very next morning.

10.4 *The Final Countdown*

After realizing that the village group members were not quite serious in calling the *patwari*, the Seva Mandir team visited Kaliwali on 21 September 2002 to ask them for their final word on the whole issue. A few villagers, including one of the village elders Bhim Ba, were asked to approach the *patwari*. A decision was taken to approach the *patwari* the very next morning.

However, when the villagers went to the *patwari*'s home the next morning, he said that he was too busy to go to the village. After a few hours, a senior Seva Mandir staff member, the Girwa block secretary, visited the *patwari* and requested him to pay a visit to the village. The *patwari* said that an article in the *Shaksharta Sandesh* newsletter, published by Seva Mandir, had shown him in a poor light. The block secretary convinced the *patwari* of the good intentions of Seva Mandir, and he finally agreed to visit the site on 23 September.

Seva Mandir representatives and around twenty villagers, including those from the encroaching families, accompanied the *patwari* to the site. While approaching the site, the *patwari* asked Seva Mandir to call the *upsarpanch* to the site as the gram panchayat's representation was a must during such visits. A young man was sent to call the *upsarpanch* to the site but he refused to turn up. On his visit to the site, the *patwari* advised the villagers against wasting precious resources on developing the encroachments on the pastureland as there were no provisions to 'regularize' encroachments on *charnot* lands. The group walked across the site to locate the permanent reference points to fix the boundaries of the pastureland. The revenue map indicated that some of the earlier *patwaris* had marked, in pencil, a few encroachments on the village revenue map. The *patwari* informed the group that by identifying the handwriting he could tell that these encroachments were at least eight years old.

As the group was returning from the site, it had to face the wrath of the *upsarpanch* and another villager, Shankarji, who objected to the *patwari* being called to the site without a wider consultation

among the villagers. After a long verbal duel, dominated by the *upsarpanch*, it was decided to have a meeting of the entire village on the community platform the next morning. The villagers also decided that nobody should go out of the village for work the next day.

Further, when the group stopped by the house of Babru Maharaj, he along with his son Sohan declared that they did not fear being jailed if it came to that, but they were determined to protect their encroachments on the pastureland. They also said that everybody else in the village had enclosed their encroachments on the commons but that they had kept their encroachment open for the cattle of the entire village to graze there. However, Babru Maharaj and Sohan were also persuaded to attend the meeting scheduled for the next morning.

11. Meeting on 24 September 2002

The village group meeting was held on the 24th of every month. In the past, similar meetings in Kaliwali had been characterized by a lack of interest among the larger village community and were marked by poor attendance. However, 24 September was a different occasion altogether. A few villagers, including the *upsarpanch*, had gathered as early as 7.30 a.m. When the Seva Mandir team reached the spot a short while after that, they found that all the bicycle riders were being stopped near the community *chabutra*. Within an hour the platform was full of people (many of whom had been rarely seen at previous village group meetings). Among the participants were Babru Maharaj, the *upsarpanch* Khemaji, Shankarji who works in the Jhamarkotra mines, Sohan, son of Babru Maharaj, Nanda Ba, Pura Ba, etc. It was made clear at the very beginning of the meeting that any possibility of future interventions by Seva Mandir in the village depended on how the village worked towards restoring its community pastureland. The following issues were discussed at the meeting:

11.1 The Peti Accounts

At the beginning of the meeting, people discussed the fact that a large number of people from outside Kaliwali had occupied land in the village and that some of them had also paid money to the village. It was decided to record the names of all those who had received money in exchange for allowing people to settle in the village. When

this was being done, people said that all the public monies, including the *peti*, must be accounted for. For this purpose, Hira Ba was invited to the meeting. The process of recalling and recording the petty amounts that were supposed to have been deposited in the *peti* was a long one, but in the end a sum of more than Rs. 10,000 was accounted for.

11.2 Opening Up the Cattle Paths

Babru Maharaj complained that villagers had encroached on the common land all around the water bodies in such a manner that no cattle path had been left open. He demanded that the cattle path be opened up. Everybody immediately agreed to the idea but no time-bound action plan was worked out to achieve this goal. Similarly, everybody present also agreed that the approach to the Mataji Mandir, located on a hillock in the middle of the village, should be opened up.

11.3 Cultivating the Petakasht Land

Babru Maharaj also raised the issue of the anicut beds being cultivated by a few people in the village. He demanded that the *petakasht* land be cultivated on a rotation basis so that everybody could benefit from this common property. However, this proposal did not receive any support at the meeting.

11.4 Vacating the Encroachments by Outsiders

Finally, when it came to the issue of vacating the encroachments on the common lands, those present described to each other how people from other villages like Chottiya and Kurabad had been fighting among themselves over the ownership of land in Kaliwali while the real owners of the land (that is, the people of Kaliwali) had been reduced to mere spectators. People planned to go in a large group and evict the outsiders. In the midst of this flow of rhetoric, a list of such people was made. Eighteen encroachers from other villages were identified to be occupying land in the village. After all this, Gopa, a resident of Kaliwali, dared those present at the meeting to go to the site and remove even a stone of the encroachments made by the powerful outsiders. Everybody agreed that this would not be an easy task and that this project should be taken up as a long-term goal.

11.5 *Vacating the Encroachments by the Villagers*

The villagers discussed the fact that even within the village ownership of *beeds*¹⁰ made out of encroaching on the revenue wastelands should be rationalized. For this, a huge list of families facing a real scarcity of land was prepared and people spoke of 'allotting' 5 bighas of *beed* land to all such deserving families. Babru Maharaj took the lead in suggesting the names of such needy families. The most interesting part of this exercise was that as everybody involved seemed keen to get a share for their own families, they almost forgot the real issue at hand. However, this list turned out to be too unwieldy to be of any practical use. This was followed by listing the families according to the family head, and it was suggested that each large family be 'allotted' 5 bighas of land. This proposal was opposed by the family members of Babru Maharaj himself, who said that a 5-bigha plot of land distributed among four or five brothers would amount to nothing. In the end, it was decided that for the time being the families having encroachments on *charnot* land should be provided alternative land within the village, preferably on plots that were not claimed by anybody. Thus, vacant plots of revenue land were identified for relocating those having encroachments on *charnot* land. The encroachers present at the meeting were asked whether they wanted to shift to the proposed locations. Some of them agreed while some said that the proposed plots were either not sufficient or were already encroached upon by other people.

11.6 *Site Visit*

At this time, around 4.00 p.m., the people decided to visit these spots. One significant thing that occurred during the site visit was that people going around the village commons dismantled the encroachments of a family from the neighbouring village of Chottiya. They burned down the fence enclosing a part of the revenue wasteland in Kaliwali.

11.7 *Final Decisions*

Following the site visit, the villagers again gathered on the community platform and took the following decisions:

¹⁰ Private pastureland plots

- The community pastureland would be developed at any cost.
- Those having encroachments on *charnot* land were asked to finalize the locations to which they would like to shift. Village leaders said that once the encroaching families agreed, the entire group would invite the *patwari* to the village and ask him to register the encroachments of these people on the new locations. Shankarji volunteered to bear the expenses for anyone who could not afford to pay the *patwari*'s fees.
- The encroachers said they would hold consultations among themselves before giving their final word on the relocation of their encroachments.
- A period of ten days was given to the encroachers to take a final decision on the whole issue.

It was clear that for the first time the entire village had come together on a common platform. This indicates the need to associate the entire village with Seva Mandir interventions on a more systematic basis rather than leaving it to the village committee and a few active people. As for the community pastureland, a few important people in the village, including the *upsarpanch*, are taking an interest in the whole process and they have promised to do whatever it takes to develop the community pastureland as a community enclosure. Additionally, the positive attitude of the *patwari* also raises hopes that this issue might be resolved in the near future. The fact that the region is facing a severe drought and that crops have been completely destroyed by the lack of rains, coupled with attacks by *phadkas* (grasshoppers), would only help in motivating the villagers to work towards developing their own community resources.

12. Present Status

In the last week of September 2002, when the encroaching families had been allotted vacant plots of revenue wasteland as a substitute for their encroachments on the community pastureland, some people have once again encroached on the pastureland. Moreover, now they have started constructing stone boundary walls around the plots of pastureland on which they are encroaching. Hence, the issue has still not been resolved.

The remaining villagers, including the *upsarpanch*, have decided to approach the *tehsildar* and the district collector to demand action

against the families who are adamant on keeping their encroachments on the pastureland without paying heed to the efforts made by the village group.

13. Conclusion

Although the negotiations in Kaliwali could not lead to the successful eviction of the encroachers, the case itself offers some useful pointers in the direction of the complex problem of common land management by village communities.

From the case of village Kaliwali, it appears that the problem of encroachment on pastureland cannot be resolved without talking about the status of other village lands. It seems like a huge effort to first mobilize the villagers around the issue of common land development, and then to persuade a section of them to give up their claims, while the others continue to squat on some other category of public lands.

It is evident from the case that all the villagers are implicated in the process of illicit privatization of public lands, and since they are all stakeholders it is difficult to dislodge the claims of one group of encroachers without also dragging the others into the dialogue. The result of this complex situation is that people in the village are reluctant to raise the issue and prefer to maintain the status quo, as witnessed in Kaliwali.

The case points to the need to initiate a debate in the policy arena and at the village level about the nature of public lands, their tenure, and arrangements for community management. The initiative of taking on this task will have to come from an outside agency like Seva Mandir, which does not rely on either the villagers or the state as they are stakeholders in the process.

Decolonizing the Commons: A Case Study of Shyampura Village

Mamta Vardhan and Suresh Sharma

1. Introduction

The village of Shyampura is located 80 km. to the south of Udaipur city. It is a revenue village under the Bichiwada panchayat of the Jhadol (Phalasia) Panchayat Samiti. The village comprises 130 households and is divided into two major parts, namely, Shyampura Kala (100 families) and Shyampura Vada (thirty families). The entire village is inhabited by tribal communities belonging to different *gotras* (clans); Vada phala is home to the Dagasas, Wahias, etc., while Kala phala is mainly home to the Angari clan.

2. Social Profile

Shyampura derives its name from Hapura, the tiny hamlet from which it emerged some 200 years ago. The present-day residents of Shyampura are the fifth-generation descendants of the first settlers. The village was inhabited by the Angari clan which hailed from Chittorgarh and settled in Kolyari, a town 20 km. away from Shyampura. The Wahias came from Nala, a nearby village, and settled in Shyampura some 150 years ago. Thus the village was settled by two families, one belonging to the Angari *gotra* and the other belonging to the Wahia *gotra*. According to information gathered during village discussions, the names of these early settlers were Kikaji Angari and Kauaji Wahia. Kikaji Angari, the first settler, made his home in the fertile valley and was followed by Kauaji Wahia. The descendants of Kikaji Angari comprise thirty-two distinct families, and the Wahias have also branched out into thirty-two families. Some

other clan groups such as the Laurs, Vaderas, Kasotas, Dungis, Bamors, and Dagachas, came to live in the village as a result of marital alliances.

At the time of these early settlements, the village landscape consisted of thickly forested hillocks and sparse agricultural lands. Habitations were few and far between. There was an abundance of biomass resources and people practised slash-and-burn agriculture. However, with an increase in population pressure and in the absence of proper management, these resources have been degraded over the years.

3. Land Use in Shyampura

The village has considerable area under forest. As per the forest settlement record, Shyampura village has rights over the forest block

Table 3.1: Land Use Pattern in Shyampura

Total area (ha.)	267
Forest	154
Land under pastures, tree groves, and culturable waste	22
Barren land including current fallow land	23
Net sown area	55
Gross sown area	57
Area sown more than once	2
Gross area irrigated	7

(Source: District Census Handbook, 1991)

of Chittora, as do the neighbouring villages of Amlia, Turgarh, and Tundar.

An area of 100 ha. (shared by the villages of Turgarh and Amlia) was enclosed as plantations by the territorial division of 1984–85. An additional 37 ha. of land were developed by Seva Mandir in 1992 under JFM. In 2001, an area of 29 ha. was also brought under JFM with the Vada phala residents.

Shyampura does not have a pastureland. As per group discussions in the village, whatever untitled revenue land (*bilanami*) existed was lost by the 1980s through encroachment and subsequent *patta*¹

¹ *Patta*, a title allotted to a landholder declaring the security of its tenure by the state.

allotments. In 1976, some *bilanami* land was also allotted to families who had adopted permanent family-planning measures.

The forest land in Chittora, adjacent to the village, had earlier been encroached on by an influential Brahmin family of Bichiwada, in 1969. On the basis of a complaint lodged by the people of Shyampura, legal proceedings were initiated to evict this encroachment; the case went on for seven years and the encroacher was finally evicted after a long-drawn-out court battle.

The forest area of Shyampura is part of the catchment of the water reservoir constructed by Seva Mandir during the drought of 1987. In order to prevent siltation of this structure, it was essential to improve the condition of its watershed by undertaking soil and water conservation works in its catchment area. This was not possible under the existing forest policy. However, after a shift in forest policy in 1988, space opened up for NGOs to contribute to the rehabilitation of forest land on behalf of local communities under the auspices of JFM. Therefore, in 1991, a proposal to undertake the development and rehabilitation of forest land on the left bank of the water reservoir was submitted to the forest department. A village forest protection and management committee (VFPMC), comprising members of all households of Shyampura, was constituted to take up the protection of forest land.

However, when the forest department sanctioned the rehabilitation of the forest land, it was discovered that the proposed area housed encroachments by people from Shyampura and Amlia. Of these nineteen encroachments, seven people had got land titles in the forest in 1972, while the others were continuing to till the land in the hope of getting titles in the future. All these encroachments were done prior to 1972.

4. Encroachments on Land: Process and Motivations

As per discussions with the village community, the reason most often cited for encroachment on forest land is that the 'people with foresight' decided to claim some part of the forest land as private land, and over the years they established rights over patches in the forest. Another plausible reason for encroachment (and it appears to be quite valid) is that family size has been increasing, and in order to accommodate grown-up sons, fathers encroached on either forest

Rising Pressures: Declining Commons

Hakra/Goma had 11 bighas of land in Shyampura and four sons, each with a share of 2.7 bighas. To meet the needs of his growing family, he encroached on 6 bighas in the forest thirty years ago. In turn, his sons produced a total of six sons between them. The grandsons, though poorly endowed in terms of land, are not landless. They cannot thank their grandfather enough for his foresight.

or revenue land. Thus, all the revenue land in the village was usurped completely by the 1980s.

Another reason for encroachment in Shyampura is that the land of some people in the village had come under the notification of the temple trust of a temple located in Bichiwada. No compensation was offered to the people who had lost their land in this manner. Thus, they encroached on forest or revenue land, justifying this as compensation for the loss they had suffered.

It is interesting to know why some residents of Amlia, a neighbouring village, took to occupying forest land in Shyampura. While most of the encroachments were done by the people of Shyampura, some people from Amlia village also bought encroached land from Shyampura encroachers. Two influential persons from Amlia—Hurji/Sardara Vadera and Arjun/Mangla Vadera—encroached on forest land in 1996 owing to their kinship with a forest department employee, a local cattle guard. Despite several attempts by the Shyampura VFPMC to evict these encroachers, the status quo has been maintained, and at times the encroachers have even resorted to threatening the members of the VFPMC with dire consequences. The connivance of the local forest department staff has further worsened the problem of encroachment, with it spreading to several of the nearby forest patches.

The ease with which encroachment on various categories of land is regularized is determined by the ownership pattern of the land by the various state departments. The easiest to be regularized is revenue (*bilanami*) land, followed by forest land. Thus, almost all inhabitants of Shyampura who have encroached on *bilanami* land have *pattas*. In fact, at present there exists almost no revenue land in the village.

The process of encroaching on forest land is also quite intricate. The encroachers usually cut down a few trees in order to clear land

for cultivation. The forest department official at the beat level issues a penalty to the encroacher, which mentions a forest offence (usually felling of trees). The encroacher gets a receipt for paying up the penalty, which he construes as proof of his settlement over the land. Every few months the forest official extorts money from the encroachers, which is of course not on record. The encroachers have admitted to paying amounts as high as Rs. 7,000, while the receipts in their possession mention only Rs. 50. Thus, in the hope of getting a secure tenure, petty corruption at the village level thrives. A patron-client nexus between the forest official and the encroacher is established, with the encroacher paying a large amount of money to squat illegally. The tentative and insecure nature of this tenure restrains him from investing in any sort of land development measures, with the result that the quality of the land steadily deteriorates. In many cases, the encroacher is silenced by the fact that he is implicated in this process and hence he does not complain against the excesses of the officials of the forest or revenue department.

5. Eviction of Encroachers by Seva Mandir

The negotiations that were underway between the encroachers and Seva Mandir at the time of initiating forest rehabilitation under JFM included the following conditions: that the encroachers would limit their encroachments by not claiming more land, would refrain from tilling these lands, and would forgo their habitations. It was also agreed that the VFPMC would take on the social responsibility of protecting the area against any fresh encroachments. This arrangement also had a provision to give incentives to those people who agreed to abide by the agreement in the form of water rights from an irrigation project to be taken up by Seva Mandir. The encroachers acceded to these clauses, and accordingly withdrew their hutments from the forest land and stopped cultivating their fields in the forest.

In the irrigation project commissioned by Seva Mandir, there were twenty-seven beneficiaries, of whom five had encroachments on the proposed JFM site, while one had a land *patta* of his encroachment in the forest. The five beneficiaries of the irrigation project kept their promise, and for several years even the non-beneficiaries of the lift-irrigation scheme did not till their land or allow their cattle to graze in the encroached forest land.

There have been no instances of fresh encroachments in the area. As decided, the status of the patch of forest protected under JFM was that of de facto commons, with the community exercising social control against new encroachments. However, the encroachers had decided that their encroachments would become private land in the event of any order being issued by the government for the regularization of pre-1980 encroachments.

At present, leaving aside the beneficiaries of the lift-irrigation scheme, all the other encroachers use the land in the forest to grow maize and pigeon pea. Some of them with fields in the streams also grow paddy. However, the returns from this land use are minimal as these encroached lands are marginal in size.

6. Socio-economic Profile of the Encroachers

All the twenty-eight encroachers in the forest block of Chittora are from the average economic class of the village. Of these, six encroachers are beneficiaries of the lift-irrigation scheme who have become relatively more prosperous. They are also the members of Seva Mandir's village group and have foregone the use of encroached forest land for cultivation.

Of the twenty-eight encroachers (Annexure I), twenty-five are from Shyampura village and three are from Amlia village.

The profile of the encroachers of Shyampura reveals that out of twenty-five families, eleven have been given title to forest land, 24.95 bighas in area, while fourteen families have no title to forest land and have encroached on 34.75 bighas.

Out of these encroachers, eleven encroachers who possessed land to the tune of 30.92 bighas in Shyampura have been dispossessed of their land as it belongs to the *devsthan* department as per the revenue record. In fact, these were the eleven encroachers who had encroached on the forest land as they had no alternative. The encroachment by these families constitutes the bulk of the land encroached by the residents of Shyampura.

Thus, the profile of the encroachers in Shyampura reveals that the majority of the encroachments are due to reasons of need. Indeed, the case of farmer Hurmal/Savji Vadera of Shyampura clearly illustrates how he stands to lose at both ends if he gives up his encroachments in the forest, as his entire land title in the village is

under the claim of the *devsthan* department. On the other hand, the claims of the prosperous beneficiaries of the Seva Mandir lift-irrigation scheme to the encroached land, despite already having irrigated land, can be described as greed. But as these families are not using the encroached lands for cultivation, they are de facto commons. However, the claims of the Amlia encroachers are completely deliberate, and seem to be part of the larger phenomenon of the privatization of commons.

The two Amlia encroachers have the maximum area (32 bighas) under encroachment, out of the total encroached area of 74.75 bighas. One of them has, in fact, bought this land from a resident of Shyampura. The other encroacher is closely related to a petty forest department official and has used his clout to squat illegally. Indeed, his brazen claim has been the inspiration behind a spate of thirty-two new encroachments by Amlia villagers in the forest block of Chittora, but outside the customary boundary of Shyampura. Both the encroachers from Amlia are rich peasants, with sufficient resource endowments, including 12 bighas of irrigated land in their village.

7. Investments by Encroachers on the Land

The people who have secured tenure on the forest lands which they have encroached have made significant investments in these lands as is evident from Annexure 1; two of the farmers have dug wells in the forest. The other encroachers have not made any substantial investments, but have carried out some stone bunding to facilitate the cultivation of upland maize, pigeon pea, and paddy. However, the returns from these investments are not too significant.

8. The Way Ahead: Give and Take

It is clear that while there are encroachments in the forest of Shyampura—by both residents of the village as well as by outsiders—it would be a folly to judge them on the basis of a common yardstick. Some encroachments, especially those by the Amlia people, are examples of the rule of ‘might is right’ and smack of a deliberate forest department–encroacher nexus. But the other encroachments by Shyampura residents are driven by need, being the result of a

deeper socio-economic process underlying the dynamics of land administration in the village.

Negotiations to stop this illicit privatization of common land call for an iron hand, amounting to the eviction of powerful and elite encroachers, on the one hand, and also requires the initiation of a dialogue with poor and needy encroachers, on the other hand. Negotiations with poor and needy encroachers will have to focus on making available alternative livelihood options to them, as well as concentrate on the development and dissemination of optimal land-use strategies for the encroached land in accordance with its capability so that it can bring in higher returns.

However, there is also a third approach—that of forcibly evicting all encroachers—but this solution will have wider consequences in terms of provoking social unrest. Such an approach would also not do justice to most encroachers who have lost their land to the *devasthan* department and are hence in a precarious condition. Although Seva Mandir has provided alternative livelihood options for six encroachers, this has been successful only to the extent that they have desisted from cultivating the upland encroachments but have not forsaken their claims to them completely.

In a dialogue with encroachers in May 2002, some prominent members of the VFPMC, Shyampura and Seva Mandir paraworkers suggested that the encroachments of the Amlia people in their forests should be removed. However, the people with little land in the village were not too enthusiastic about any such action. In general, the discussion with the village community to find the way forward revolved around the following strategies:

1. Eviction of the Amlia encroachers from the forest as they are neither needy nor pro-conservation.
2. Thinking about alternative livelihood strategies for the encroachers from Shyampura.

Subsequent dialogue revealed that for Strategy 1 to operationalize, a strong intervention from the forest department will be needed. Also, the process can be a long-drawn-out one, with an uncertain outcome, given the clout of the encroachers as well as the past record of limited breakthroughs achieved by the forest department in such cases.

In line with Strategy 2, dialogue with the encroachers was resumed and many alternatives and incentives for the development of the encroached land (if vacated) were put forth. Discussions on

options such as provision of irrigation infrastructure, investment in farm bunding, etc. also took place. There were also deliberations on the provision of incentives to the village community as a whole if they successfully negotiated with the encroachers to give up their encroachments. However, these deliberations were limited by the fact that the landholdings of the encroachers were of poor quality.

After a series of discussions, the encroachers weighed the pros and cons of the various options before them. They finally came to the conclusion that though the incentives seemed attractive, and though the idea of retaining the commons as commons was worth considering, their social condition vis-à-vis their landownership prohibited them from accepting the alternative option of vacating the encroachments. Community members were receptive to the idea of maintaining the commons as commons, but were also constrained to some extent by the consequences that would no doubt result if they agreed to the encroachers' demands.

As most of the encroachers have land in the village which comes under the *devsthan* department (25.92 bighas out of the 34.14 bighas they own), and since even the tenure of this land is uncertain, they do not want to forsake the security of having land elsewhere even if it is encroached. Also, they seem to harbour a hope that some day their forest land encroachments may be regularized. This uncertain tenure on *devsthan* land coupled with their extremely small holdings compels them to hold fast to their forest land encroachments. The overarching factor which forces these encroachers whose lands have been notified under the *devsthan* department is the fear that if they vacate their forest encroachments they will teeter over the edge and become landless. This concern emerged during discussions with the encroachers as well as the village community; they stated that any incentives offered to them today would not be able to offset the cost of losing the land altogether.

So strong is their hope that the encroached forest land will be regularized that even the beneficiaries of the lift-irrigation project who are now prosperous do not want to give up their claims on the forest lands once encroached by their forefathers.

9. The Efforts Made

The efforts made by the VFPMC, Shyampura to secure the vacation of the Amlia encroachments are commendable. Traditionally, the

forest block of Chittora has been shared by the villages of Shyampura, Amlia, Turgarh, and Tundar. The forest block is quite extensive in its spread. The village of Shyampura is very small in comparison to Amlia. The people of Amlia also have a very notorious reputation, with many residents having the dubious distinction of being renowned thieves. When Shyampura embarked upon JFM and the protection of forests with the backing of Seva Mandir, its people gained in confidence and challenged any violations, especially by the Amlia people, of the forest protection norms set by the VFPMC. Since the VFPMC was unable to contain the constant transgressions by the Amlia offenders, it sought the active help of the forest department at the behest of Seva Mandir.

Thus, the people of Shyampura were furious when the people of Amlia encroached on their territory some five years ago. However, since the encroachers are powerful people, eviction is possible only if and when the forest department steps in. To achieve this, the VFPMC has been visiting the forest department officials at the beat, range, and division levels on various occasions. During the course of the present study, these efforts were resumed with greater enthusiasm, and the Assistant Conservator of Forest (ACF) and the Divisional Forest Officer (DFO) in the Udaipur division have been approached with requests to initiate quick and prompt action against the encroachers.

The offenders have been booked under forest offences and have been summoned to the ACF court. The eviction order for them has arrived, thanks to the interest shown by the DFO and his subordinates. However, as often happens with the forest department bureaucracy, the orders have yet to be translated into action. The VFPMC, Shyampura has approached the DFO to facilitate the operationalization of the eviction orders, but nothing had happened on the ground as of July 2002. The ranger is a new incumbent, unfamiliar with the area, and has been dawdling, but one hopes that the delay is unintentional. Any more delay in the matter might take the offenders to court, where the case may drag on for many years, and the status quo be maintained. The VFPMC members are enthusiastically following up the matter and expect that the forest department will move quickly. Meanwhile, the DFO transferred the local cattle guard at whose behest the Amlia people had been encroaching on the forest land in Chittora.

Apart from seeking justice through legal action, there is also a need to carry further the negotiations with the Amlia group in order to strengthen dialogue, facilitate the process of eviction, and ultimately to put the encroached land under commonly shared resource-management norms.

10. Conclusion and the Lessons Learnt

The Shyampura experience illustrates, first, the constraints of community-based natural resource management options such as JFM at the policy level, particularly their formulation and operationalization. Second, it also points to the limitations of a project of this nature at the level of the community itself. At the policy level, the shortcomings relate both to the normative framework adopted by the JFM resolution, under which rights are granted to formal institutions such as VFPMCs, negating the role of traditional spaces and undermining negotiations already in place at the local level. At the time when the Shyampura VFPMC was constituted, the claims of the neighbouring users could not be addressed due to stringent membership norms. Further, the policy assigns the responsibility of protecting forests to the communities; however, it denies them the much needed authority to deal with the problems that they encounter while they discharge their duties. The community in this case has been at a crossroads in dealing with the powerful encroachers from Amlia. The issue of insecure land tenures at the level of any JFM arrangement, as well as other land settlement/redistribution plans at the village level, is also at the core of the problem of illicit encroachments. In Shyampura, on the one hand, the encroachers do not have any agriculture land and thus their claims to illicit encroachments on forest land are valid. On the other hand, there are wealthy encroachers who do not want to forgo their encroachments as long as the option of their ad hoc privatization remains open. This problem needs to be resolved at the local level through negotiations so that effective resource-management arrangements between communities sharing a common resource catchment can emerge and work effectively.

Further, the case study of Shyampura also illustrates the consequences of the process of illicit encroachments—how it benefits only a few people and that too only in the short run. In the long

run, due to insecure tenure the encroachers tend to lose out on account of rent seeking by petty government officials as well as a decline in land productivity as they are unable to invest in the land due to tentative tenurial arrangements. Also, the people who encroach on land leave nothing very valuable for the future generations as this land is subject to fragmentation and poor management on account of its consistent suboptimal use and low investment.

There is also the issue of ambiguity at the policy level, which by keeping open the option of encroachments by remaining silent, subverts, albeit indirectly, any attempt on behalf of the community to introduce common land management, as the temptation to privatize these lands is far greater than the cost of keeping them as commons. But some agencies apart from the state will have to invest in the rehabilitation and related social costs of maintaining a status quo over common land resources in the village as they not only benefit the poorest but also the larger society at the macro level.

Finally, there is also a need to discuss the nature of incentives to be provided to the very needy who squat on these lands. These people have no other resources on which to fall back, and they are often on the brink of becoming resourceless in the material sense and losing their identity as farmers and agriculturalists.

Annexure 3.1: Details of Encroachment on Forest Land in Shyampura

S. No.	Name of Family	Name of hamlet	Beneficiary of lift irrigation	Allotted land	Encroachment in forest (bighas)	Investment in forest	Title	Land in village (bighas)	Depth
1.	Bhera/Kana Dagasa	Kala		1.5	0.75	One well	1.5		
2.	Bada/Kana Dagasa	Kala		1.5	0.75	Nil	1.5		
3.	Nanji/Kana Dagasa	Kala		1.5	0.75	Nil	1.5		
4.	Vesa/Kana Dagasa	Kala		1.5	0.75	Nil	1.5		
5.	Puna/Kana Dagasa	Kala		1.5	0.75	Nil	1.5		
6.	Chunilal/Kana	Kala		1.5	0.75	Nil	1.5		
7.	Kadva/Amra Angari	Kala	Yes	7.0	3.0	Nil	3.0		5.0
8.	Vaja/Sava Dungi	Vada		6.0	3.5	One well	Nil		
9.	Dubla/Amra Angari	Kala	Yes	2.0	2.0		4.0		
10.	Rata/Bhera Dagasa	Kala	No	0.75	0.25		0.5		
11.	Mana/Vaja Dungi	Vada	No	0.2	1.0		0.37		0.37
12.	Lalu/Bhera Wahia	Vada	No	Nil	3.0		8.0		0.8
13.	Naval/Bhera Kasota	Vada	No	-	1.5				0.75
14.	Waga/Bhera Kasota	Vada	No	-	2.0				0.75
15.	Babulal/Anadas Kasota	Vada	No	-	5.0				0.75
16.	Hakra/Goma Angari	Kala	Yes	-	2.0		7.0		
17.	Vakra/Goma Angari	Kala	Yes	-	2.0		7.0		
18.	Hurmal/Savi Vadera	Kala	No	-	5.0				5.0

contd.

S. No.	Name of Family	Name of hamlet	Beneficiary of lift irrigation	Encroachment in forest (bighas)	Investment in forest	Title	Land in village (bighas)
				Allotted land	Not allotted		
19.	Rama/Nathu Vadera	Kala	No	-	3.0	1.0	5.0
20.	Shantilal/Nathu Vadera	Kala	No	-	3.0	1.0	5.0
21.	Nana/Huka Vadera	Kala	No		1.0	1.0	5.0
22.	Kanti/Huka Vadera	Kala	No		1.0	1.0	
23.	Wala/Savji Angari	Kala	Yes		0.75	4.0	
24.	Nathu/Amra Angari	Kala	Yes		4.0	4.0	
25.	Chunilal/Katra Wahia	Kala	No		1.5	0.8	2.5
26.	Hurji/Sardara Vadera	Amlia	-				
27.	Chatra/Mangla Vadera*	Amlia	-		16.0	12.0 and well	
28.	Arijun/Mangla Vadera	Amlia	-		16.0	10.0 and well	
Total				24.95			

* Bought from Hema/Sava of Shyampura at Rs.13,000 for 10 bighas.

Decolonizing the Commons: A Case Study of Madla Village



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1. Introduction

Madla village falls under the Madla panchayat. The village comprises eight phalas: Mala, Kheda, Talab, Vajadarah, Naivela, Dara, Moldara, and Kharariya. A pukka road, built recently, comes right up to the panchayat bhavan of the village. Madla has 300 tribal households.

The terrain is very hilly, with houses built on hilltops far from each other. Rain-fed agriculture, mainly subsistence, is the primary occupation of most villagers. People grow maize as the monsoon crop. Paddy is grown extensively in fields mostly situated in streams. People migrate to Udaipur city and the neighbouring state of Gujarat for four to six months in a year. The presence of a daily bus service to Udaipur, which leaves in the early morning and returns in the late evening, facilitates the regular movement of people seeking casual employment.

Madla has one *balwadi*, a village library, six non-formal education centres run by Seva Mandir, and a government middle school. The village also has two flour mills and three small grocery shops. Eight households have electricity connections. There is a health subcentre in the nearby village of Jamun. The villagers access the small townships of Madri and Phalasia for their market requirements.

2. History of Village Settlement

The origins of Madla's settlement can be traced to seven families who migrated to the area from Atrosaba in Gujarat about seven generations back. They comprised four Bhagora families and one

each of the Ahari, Kharadi, and Katara clans. Initially, these seven families settled down in two phalas—Dara phala and Khardai phala—the hamlets with relatively greater plain land. Over time, as the population expanded, the village grew into six distinct phalas. About fifty years ago five families of the Bhagora clan from the neighbouring village of Upli Sigrī migrated to Madla and settled down on *bilanami* land, mostly in Mala phala. Today, of the 280 odd families in the village, the Bhagoras comprise 150, Aharis fifteen, Kataras thirty-five, and Kharadis twenty-five, with the rest spread among the Dama, Damor, Chauhan, Vadera, Khokaria, Laur, Modia, and Kasota clans. The Bhagora migrants from Upli Sigrī are still centred in Mala phala and consist of fifty families.

3. Land Use in Village

The total geographical area of Madla is 884 ha. Of this, 56.56 ha. is classified as forest land. The forest land falls in forest block Som II, and the people of Upli Sigrī and Madla have usufruct rights to the patch. The majority of the forest land is located on the northern boundary of the village, across the river. Revenue lands account for approximately 241.08 ha., with no *charnot* land. The remaining land, approximately 214.32 ha., is classified as private landholdings.

4. Initiatives of Village in Common Land Management

Thanks to the initiative of the villagers and the efforts of Seva Mandir, the protection of forest lands has become a key consideration in village development. Since the early 1990s the Madla *samuh* has taken a proactive approach to preserve existing forests and protect them from illicit felling and encroachments. From 1991 to 1996, the village *samuh* was quite effective in meeting this goal. Fines were levied on those found cutting down trees. These varied between Rs. 50 for those carrying wood on camelback to Rs. 25 for individual fellers. Efforts were also made to regulate the influx of cattle grazing into the forest area. Formal efforts by Seva Mandir led to the formation of a dedicated forest protection committee (FPC) in the village. Women were made a part of this committee, and the system of fines and forest guarding was reinitiated. *Kesar* sprinkling was also carried out to allow the forest to regenerate naturally. Under the initiative

of the FPC, the villagers have also attempted to evict encroachers (of both Madla and Upli Sigri origin) from the forest lands. Villagers have tried to persuade the Upli Sigri encroachers to vacate their forest lands. On their own initiative, approximately forty villagers united and tried to forcefully evict the encroachers. However, their attempts failed when the Upli Sigri encroachers questioned the actual boundary of Madla's forest lands. Debate over the boundary resulted in a scuffle and forced the Madla villagers to seek a permanent solution to the problem of encroachment on forest land by the Upli Sigri residents.

5. Encroachments in the Village: The Present Situation

Most of the revenue land and some area of the forest land of the village have been encroached. While the encroachments on revenue land are difficult to delineate because of the proximity of the two kinds of land, the encroachments on forest land are quite clearly discernible as the forest lies on one end of the village and only a few families have encroached on it. Interestingly, while encroachments on revenue land in Madla have been done by the residents of Madla itself, Madla's forests have been encroached by the Upli Sigri migrants residing in Madla.

The encroachments on unclassified revenue lands were done twenty to thirty years ago, and today there exists no unclassified revenue land in the village. However, not all the encroachers on this land have *pattas*. The Bhagora migrants from Upli Sigri residing in Mala phala had originally come to settle on unclassified revenue land, to which they gained *pattas* during the revenue land settlement held in 1980.

Of the twelve known encroachments in Madla's forests, eleven have been done by migrants from Upli Sigri village now settled in Mala phala in Madla. The part of Madla's forest land encroached on by residents of Madla hailing initially from Upli Sigri and some families of Upli Sigri is called Laboha ka magra. Several of the Mala phala residents claiming forest lands in Laboha ka magra started the process seven years ago. Although the residents of Mala phala are now officially the residents of revenue village Madla, the people of Madla still refer to them as people hailing from Upli Sigri who settled in Mala phala. These people continue to have landholdings and other assets in Upli Sigri also, even though they had migrated to Madla

a generation or two back. Six encroachers are families now settled in Mala phala but who originally hail from Upli Sigri, while six encroachers are residents of Upli Sigri.

The encroachments of the Upli Sigri residents seem to be in the customary forest boundary of Madla village, while those of some Mala phala residents are just on the fringes of forest and revenue lands within Madla. The quarrel related to encroachments in Madla springs from the fact that the Madla residents resent the advance of the Upli Sigri people on forest land traditionally belonging to Madla, with the backing of some powerful local communist leaders. As the boundary of the forest between the villages of Madla and Upli Sigri is not clear, the Madla people are unable to exert pressure on the encroachers from Upli Sigri to vacate them.

6. Motivations for Encroachments

Location was the determining factor for the Upli Sigri villagers in deciding to encroach on Madla's forest lands. Madla's forest lands are separated from the Madla settlement by a river. Upli Sigri village borders the Madla forest land (which is particularly rich in natural resources) on the other side of the river. It was thus a natural and relatively convenient process that the Upli Sigri villagers should expand on this common land without regard to the village's official and natural boundaries. Similarly, the location of the river also served to discourage the Madla villagers from encroaching on their village forest lands. In order to do so, they would have had to cross the river. The encroachments by the Upli Sigri residents were being done at the behest of a movement seeking to privatize forest lands, spearheaded by a local NGO. Research into the conduct of this NGO indicated that on several occasions it had got the villagers receipts issued by the forest department, which the people were led to believe was a record of their encroachments having been regularized. In fact, these receipts were merely fines issued by the forest department to these people for committing forestry offences.

The encroachments on forest land also got an impetus when some communists and NGOs abused the villagers' hopes regarding land regularization and took advantage of their lack of awareness about land regularization laws. They support the ideology that all land belongs to all people and hence the people have the right to till and

reside on any land. In the late 1980s and 1990s, some NGOs encouraged the Upli Sigri and Madla encroachers to expand into common forest lands. The NGOs falsely suggested to the encroachers that land regularization was a real and immediate possibility. This hope further motivated the encroachers, and gave a real impetus to the establishment of permanent settlements on encroached land and also led to fresh encroachments.

On the other hand, the decision to encroach on unclassified revenue lands was motivated chiefly by the hope of having the land regularized. Typically, the government is more likely to regularize revenue land rather than forest land. Madla's villagers encroached on revenue land by extending the boundaries of their actual landholdings, and also by randomly choosing sites on revenue land to settle. Past government acts of regularizing common revenue land gave the Madla villagers hope that regularization would also eventually occur on their lands.

The encroachment by the Upli Sigri inhabitants on Madla's forest land remains a contentious issue in the village. The people of Madla want information on the boundary which demarcates their resource boundary from that of Upli Sigri, and with this information in hand they hope to persuade the Upli Sigri encroachers to vacate if they are indeed occupying Madla's forests. On the issue of encroachment on forest land by the Mala phala residents, the village community of Madla is confident that they will be able to evict these once the boundary demarcation becomes clear.

7. The Way Out

Fortunately, the Madla villagers have come to recognize the importance of developing common forest lands. To this end they want to free their forest land of all current encroachments. Efforts in this direction are ongoing. In 2001, the Madla villagers proceeded to enlist the assistance of the forest department in evicting encroachers from their forest land. Despite assurances from the forest officer and meetings at the Jhadol office, the forest department was not forthcoming following its promises to evict encroachers and to demarcate the exact boundaries of Madla's forests. The local forest committee got in regular contact with forest officials to clarify the limits of Madla's forests. This clarification of forest boundaries would provide the

Madla villagers with the moral and legal rights to ask encroachers to vacate the village forest lands.

The sustained social pressure on the encroachers to vacate their encroachments on forest lands already seems to be bearing fruit. At the *samuh* meeting in May 2002, ten of the twelve encroachers willingly promised to move out of their encroachments provided they were allowed to harvest their last crop following the oncoming rains. This has given a real impetus to the FPC's efforts to cordon off their forest land and undertake plantation work under JFM with support from Seva Mandir. Also, renewed efforts are being made to persuade all the encroachers from Upli Sigri to vacate.

Under sustained pressure from the community, the forest department officials from the forest range and beat, along with the *patwari* of Madla, decided to demarcate the forest boundary on site on 24 June 2002. About 100 villagers from Madla and Upli Sigri were present on the occasion. The villagers from Upli Sigri were armed and ready, prepared to react if anything went against their interests. The officials were able to locate the boundary stones along the extreme ends, but confusion prevailed over the boundary line running between these two far points. A precise demarcation of the boundary was required in the centre as the encroachment of one family, that of Amra/Nanu, was located right there. For this, the *patwari* records of the Upli Sigri *patwari* were also required. Thus, the *patwari* of Upli Sigri was summoned on 4 July. The *patwari* of Upli Sigri also came to the site along with the *patwari* of Madla and forest officials on the designated day. The revenue maps of both villages were matched and the boundary dividing the forests of both villages was laid out. After this, it was found that the encroachment of Amra/Nanu lay in the Upli Sigri forest, while the encroachment of Dhula/Nathu lay in the forest of Madla. The villagers persuaded him to vacate and were relieved to find that the controversy was over. The other ten encroachers also decided to vacate and gave a written undertaking to this effect at the village meeting. Now the Madla villagers are eager to enclose the reclaimed land as a plantation under JFM.

8. The Efforts Made: Give and Take

Discussions on the economic status of the eleven encroachers who gave up their land, and the kind of incentives, if any, which should

be provided to them in exchange for this, are to be held at upcoming meetings with the villagers.

In subsequent meetings with the Madla *samuh*, the proposal to alleviate the water requirements of the Mala phala residents who had vacated the encroached forest land came up. The Mala phala residents wanted a water-harvesting structure near their hamlet which would ideally meet their demand for water for bathing and drinking water for cattle. The site was selected by the Mala phala people, and the proposal to construct a medium-size structure has been sanctioned. Apart from this, the village also prepared a proposal to develop their forests under JFM and submitted this to the forest department. Both these measures should serve as incentives for the Madla people to maintain the status quo over the commons and manage them for the collective benefit of all residents.

9. Conclusion

Madla is a case where negotiations with the encroachers proved successful, resulting in the reclamation of forest land. Later the people were successful in developing this forest patch under JFM so as to benefit the entire village. The case study shows that it is important to initiate a dialogue to reclaim such lost lands, and if a consensus is reached, the commons can be restored for collective gains. The case gives hope and reason for not abandoning the dialogue over reclaiming public lands and emphasizes the need to raise this issue with both the villagers as well as the state.

Another lesson that can be drawn from the case of Madla village is that once the land is restored as commons, it should be put under some sort of community-management regime lest it once again becomes an open-access resource and is lost to the community. In this case, the decision of Seva Mandir and the village community to put the forest under JFM is a wise move.

The problem of encroachment could be resolved easily as the squatters had alternatives in either Madla or Upli Sigri, but the moot question that remains is whether the Madla villagers are satisfied that the encroachers were outside their boundary. The same consciousness needs to be awakened among the residents of Upli Sigri so that the entire contiguous patch of forest can be protected in an integrated way.

Decolonizing the Commons: A Case Study of Turgarh Village

Mamta Vardhan and Suresh Sharma

1. Introduction

The village of Turgarh falls in Amiwara panchayat, in Jhadol, and is located 70 km. from Udaipur. The village has a total of 199 households, of which thirty-two belong to the Patels and the rest belong to tribals. Tribal households are located in the hamlets of Nala, Bhagora, Baima, and Kharadia.

Seva Mandir has been working in Turgarh since 1982, beginning with an adult education programme. Thereafter, individual plantations, farm bunding, and health programmes have been implemented in the village.

The land-use pattern of Turgarh reveals that forest land constitutes 227 ha., *bilanam* constitutes 127 ha., and private holdings amount to 210 ha.

2. Encroachments in Turgarh

Encroachments have taken place in the unclassified revenue and forest lands of Turgarh. While the revenue lands have been encroached on by the residents of Turgarh, the forest lands have been encroached on by people from neighbouring villages. The entire revenue land in the village has been encroached, and the encroachers have received *pattas* for most of it. The forest land is also heavily encroached.

Turgarh has rights in the forest block of Chittora, Compartments Nos. 5 and 6. About 50 ha. of the forest land was enclosed by territorial division in Compartment No. 6 in 1995. However, this enclosure was sabotaged by the people of Tundar in 2001, as the VFPMC of Turgarh had not been formed at the time. This area now

houses some thirty encroachments by the people of Tundar, made as late as 2001.

Compartment No. 5 has an area of 46 ha., over which the villages of Upla Dhala and Turgarh have rights. In this compartment the problem of illicit encroachments is rampant, with about sixty-six encroachments (both old and new) by the people of Upla Dhala and Amlia. The Amlia encroachments were done in two batches, first by twenty-three families in 1991 and later by forty families in 1998.

Encroachments in the forest of Compartment No. 5 began in 1990, when some families from Amlia encroached on the land. Threatened by the entry of the Amlia people in their forest, twenty-seven Upla Dhala families followed suit. A fight broke out between the two groups, and the Upla Dhala villagers gave in. Thus, the people of Amlia gained a stronghold in the forest. However, three families of Upla Dhala were patronized by the Amlia encroachers and allowed to squat in the forest. These include the chairperson of the VFPMC, Upla Dhala. These three families of the Upla Dhala encroachers are well-off, with an average holding of 11 bighas of irrigated land in the village, in addition to an average encroachment holding of 21 bighas in the forest. Meanwhile, in 2000, about ten families from Turgarh also encroached on land in Compartment No. 5 by buying off the land encroached on by the Amlia encroachers.

Table 5.1: Details of Encroachments by Upla Dhala Villagers

	Name	Encroachment		Village title		Details
		Year	I and			
1.	Rupji/ Bada	1998	30 bighas	18	Well	Chairperson of VFPMC, Dhala; has connections with the police department
2.	Bika/ Thavara	1998	10 bighas	10	Well	
3.	Mana/ Thavara	1998	25 bighas	5	Well	Government job

3. Eviction of Encroachments

The efforts to evict the Amlia encroachers from the forest of Turgarh were initiated by the chairperson of the VFPMC, Turgarh, Ditaram,

along with some members, by filing complaints with the local forest department staff against Babulal Vadera, a powerful man who was building an earthen dam inside the forest area with the help of machines. Babulal Vadera, who is also a local communist leader as well as the executive head of an NGO, had encroached on a substantial area of the forest; in addition he was patron to about sixty-five other encroachers. Following up on the complaint by the VFPMC, Turgarh, the local forest department staff tried to persuade the encroachers, and especially Babulal Vadera, to vacate the area, but to no avail.

After the efforts to establish a dialogue with the encroachers failed, the forester from the beat, Phalasia issued a warning to fourteen encroachers from Amlia on 13 November 2001. On 14 November, the ranger, Jhadol seized the JCB machine (an earth excavator) and drew up cases against sixty-two encroachers under the 1991 Schedule, to be summoned before the court of the Assistant Conservator of Forest (ACF). The ACF court issued orders of eviction to all the encroachers in March 2002. However, these orders were not served by the local forest department staff for fear of reprisals. It was discovered that the evictions in this case would only be possible if the forest department and the community joined hands. The community could be mobilized by the local NGO.

Meanwhile, the first summons of the encroachers was held on 27 May 2002, and the second hearing was scheduled for 4 June. The VFPMC members were compelled to constantly run between the various levels of the forest department for support. They also petitioned the Divisional Forest Officer (DFO) to issue instructions for disposing of the case on a priority basis. The DFO visited the village on 31 May and heard the grievances and complaints of the villagers. He also instructed the range and beat staff to lodge complaints against the local NGO with whose support the construction of the check dam inside the forest boundary had been done. He promised to give a hearing to all the cases by 25 June and stated that the encroachers would be evicted within one week of the close of the court hearing. The notice issued in March 2002, which had remained unserved till May, was now finally served on this day when the people of Turgarh brought up the matter.

While all this activity was going on at the official level, the construction of the check dam in the forest went on unhindered, right under the nose of the local forest department staff, much to the

chagrin of the local people. Even after the notice had been served, Babulal Vadera had still not been evicted, while the forester of the area had got himself transferred to escape the wrath of the mighty encroacher. When the ACF started to summon all the sixty-five encroachers, and before the process could be completed, the ranger in charge was transferred. (It is uncertain whether this was done on a routine basis or whether it was deliberate.)

Meanwhile, because of much movement at the ground level, Babulal Vadera started issuing threats to some of the prominent leaders of the VFPMC who were opposing the encroachments. Some of these people, who had been engaged in the cause of maintaining common lands on their own personal initiative, had already backed out of participating in such an overt campaign. Instead, they have opted for softer options such as a wait-and-watch policy or a win-over-one's-opponents strategy. Some of them have expressed their discomfiture over the forest department's stand in the matter, that is, that while the department knows of the encroachments, it has done precious little to prevent these and has now even buckled under the pressure of the encroachers. These people question why the onus of protecting the forest should fall on the VFPMC (in such trying conditions) when the forest department itself does not show a great interest in undertaking such a task. This is a clear case of transferring to the VFPMCs the responsibility of protecting the forest areas but without granting them commensurate rights and institutional backing to bring the offenders to justice.

The case is being dealt with by the ACF court. Although the legal proceedings are being carried out, it is a slow process fraught with uncertainties, such as a change in the department staff or threats issued by encroachers. The case has been revived after many months only because the interests of the VFPMC representatives are involved and because of the support of the DFO. Eviction notices were issued to all sixty-five encroachers in October 2002. However, evictions on the ground have not taken place. The encroachers appealed to the Collector's court in October, and the forest department is trying to get the appeal declared null and void. If they succeed in doing this, then perhaps the actual process of eviction may finally begin.

In November 2002, the NGO team leading the negotiations with the VFPMC members and the local forest department staff received a threat. Babulal Vadera even booked a FIR against Seva Mandir

workers and village committee members alleging that the latter had fomented up a people's agitation against him.

The case has been stirred up repeatedly by the VFPMC, Turgarh and was later followed up by the local network of the VFPMC, the Van Utthan Sangh. As this case requires the coming together on a common platform of like-minded people using the forest area, local federating processes have emerged; the inhabitants of Shyampura, Turgarh, and Upla Dhala have come together as a collective to fight the menace of encroachment. Despite the coming together of both the department and the community, it is quite difficult to identify the forces still at work which are capable of subverting the collective efforts, as is evident from the presence of encroachers in the area and the threats being issued to frontline members of the Van Utthan Sangh.

This is one of the more difficult cases of encroachment on forest land. People say that if this case is dealt with successfully, then not only will the sixty-five other encroachers be evicted but also that it would have long-lasting implications for limiting future encroachments in Jhadol tehsil, as well as instilling confidence in the power and effectiveness of a people-led conservation movement running against the current.

4. Conclusion

If success can be achieved in negotiations with such powerful encroachers, it will have a wider impact on encroachment cases on other forest areas as well and will result in their smooth facilitation. But the stalemate has only served to highlight the inability of the state to protect its lands, in turn undermining the attempts of informal institutions such as forest protection committees to take up the cause. This factor also weakens the strength and effectiveness of community mobilization in dealing with the problem of encroachment on forest land.

Decolonizing the Commons: A Case Study of Bichiwada Village

Kulranjan Kujur and Vimal Chand Jain

1. Introduction

Bichiwada revenue village is part of the Bichiwada panchayat in Kherwada tehsil, Udaipur district. It is situated at a distance of 20 km. from the Kherwada tehsil headquarters. Kesariyaji, the nearest township, is at a distance of 9 km. from the village.

The village terrain is undulating and is strewn about with small hillocks, which have little vegetal cover. There are twenty-five small nullahs (small seasonal streams) in Bichiwada. These nullahs drain into the Uberkhed river, which enters the village through Ghodiawada and Karji villages. Bichiwada has forty-six wells and five small ponds.

2. Social Profile

Bichiwada was settled about 200 years ago. Two brothers, Mana and Magra, are considered to be the first settlers. The initial settlement took place on top of the hillocks near the Hanuman temple. This place is now known as Bala phala. Later on, due to an increase in the village population, the settlement spread to Reda phala, Talab phala, and Jhapri-Phatak phala. The Dholis settled in Bichiwada in the 1950s.

In the 1960s, due to an increase in population, a need for more land arose. As most of the land in the Bala, Reda, Talab, and Jhapri hamlets was already under cultivation, the villagers started looking for other places. As a result, the village settlement spread to Chouki phala, Nalwa phala, and Hagol phala, which were earlier uninhabited. It was during this phase of expansion that the villagers encroached

on a substantial part of the forest land, community pastureland, and revenue wasteland. A few families from Bichiwada also settled in neighbouring villages such as Garnala and Kesarpura.

Members of the Meena-Bhil tribe are the principal inhabitants of Bichiwada. Out of the 218 households in the village, 212 belong to this tribe. The remaining six households belong to members of the Dholi community, who earn their livelihood mainly by playing musical instruments. The inhabitants of Bichiwada are primarily dependent on agriculture and animal husbandry for their livelihood and sustenance. Agriculture is generally rain fed. A significant number of people migrate in search of employment after the harvest of the monsoon crop.

3. Development Interventions by Seva Mandir

Seva Mandir has been working in Bichiwada since 1978, beginning its association with the village by establishing two adult literacy centres. It has constituted a *samuh*, a village-level institution, and is working with 180 out of the 218 households in the village. The group is moderately active. Its members meet on the 25th of every month to discuss various social and development issues facing the village. Seva Mandir has also constituted a women's group to create a platform where issues relevant to women can be adequately addressed.

Seva Mandir has taken up numerous development interventions in Bichiwada, such as adult education, non-formal education, the *gram vikas kosh* (village development fund), silvi-pasture development, anicut construction, watershed development, health education, women and child development activities, agriculture extension, and thrift groups. While the interventions pertaining to education have led to an increase in the literacy levels in the village, the interventions pertaining to the development of natural resources have benefited the livelihood systems of the inhabitants. All these interventions, working in tandem, have sensitized the village community on various social and development issues.

4. Status of Village Lands

The total geographical area of Bichiwada is 573.42 ha. Of this, 48 per cent of the land is public, held by the panchayat and the

revenue and forest departments. The remaining land is under private control.

Table 6.1. Land Classification in Bichiwada Village

Land classification	Area (ha.)
Private land	296.31
Revenue wasteland	80.00
Community pastureland	47.80
Forest land	149.31
Total	573.42

(Source: Village revenue records)

4.1 Panchayat Land

Bichiwada has two patches of community pastureland that add up to 47.80 ha. One of these patches is situated in Nalwa phala and the other is situated in Bedi phala. Both patches were encroached on by villagers during the 1960s and the early 1970s.

Today settlement has taken place on these patches. In many pockets within these patches people have constructed houses and are raising crops. However, most of the land, even though it is encroached, is not enclosed and is presently being used by the villagers for grazing

4.2 Forest Land

Forest land constitutes 26 per cent (149.31 ha.) of the total geographical area of Bichiwada. Historically, the people of Bichiwada have been dependent on the forest for their livelihood and sustenance. Additionally, forests have played an important role in the socio-cultural sphere of village life. Most seasonal streams bear the names of forest trees or wild animals.

After Independence, due to an increase in population pressure, the demand on forests for fuelwood, fodder, and timber along with the demand for cultivable land increased significantly. The encroachment and degradation of forests followed a time frame and process similar to that undergone by pastureland. The forest land that borders the pastureland was encroached. With reference to the tar road that passes through Bichiwada, most of the forest land to the north of it is highly encroached, while the forest land to the south of it has very few encroachments.

The forest patch to the south of the tar road borders Chorai, a neighbouring village. The forest department developed this patch in 1994 under the JFM programme. During the process of developing this patch of 50 ha., a few encroachments within this patch were removed. Subsequently, three patches of forest which were contiguous to the patch under JFM were also developed. Of these, two were within the revenue boundaries of Chorai village. The forest department constituted a village forest protection committee (VFPC) to protect these plantations.

The village community of Bichiwada had put in place a forest protection and management system. They used to appoint two or three watchmen to guard the forest area during the rainy season and to protect the grass regenerated during the monsoons. An entrance fee was charged from each household wanting to collect grass. The sum thus collected was used to pay the wages of the watchmen and the surplus was deposited in the village fund. This system was operational till 1999.

In July 2000, a young man from Bichiwada was murdered by unknown assailants. The people of Bichiwada suspect that the assailants belong to Chorai village. To avenge the killing, some inhabitants of Bichiwada resorted to arson and looting in Chorai. A fallout of this incident was that most of the community leaders of Bichiwada became entangled in a legal case. They were behind bars for quite some time. They are now engaged in fighting a criminal case registered against them, which has been a drain on their financial resources. Seeing the village leadership in disarray, five households which had encroachments on this forest patch seized the opportunity to restake their claim on the relinquished encroachments. The heads of these households are:

- Nathulal/Hanja
- Vijay Pal/Mohan Lal
- Mohan/Moga
- Kalu/Limba
- Ramji/Naga

These families have prevented other villagers from harvesting grass from the forest patch. The village community leaders believe that these persons also have connections with Shri Daya Ram Parmar, minister of state for tribal welfare, government of Rajasthan. Once when the village leaders approached these persons and remonstrated with them

about the privatization of common land, these persons threatened to get the village leaders embroiled in another legal suit. Since the village leaders were already engaged in a resource-sapping legal case, they were in no position to resist this privatization on their own.

Seva Mandir officials urged members of the village community to take a firm stand against this privatization of common land and suggested that they should approach the forest department. The villagers decided to approach the range forest officer, Kherwada. They were able to meet the range officer only on their fifth visit, after four earlier attempts to meet him had failed. Due to pressure from both the village community and Seva Mandir, the range officer did visit the forest site but he stopped short of resolving the problem. In his meeting with the village community and the encroachers, the range officer's stand was that as long as the 'encroachers' did not take up any construction, fencing, agricultural cultivation, or illicit felling in the forest land, the forest department would have no objection. He further suggested that the issue of grass management and sharing should be settled by the villagers themselves. This official attitude further demoralized the village community.

Compared to the village forest land to the south of the tar road, the forest land to the north is more heavily encroached. In the forest land to the north of the tar road, the encroachments have occurred in pockets. The patch near the community pastureland is heavily encroached, while the remaining land is relatively free of encroachments. This forest land, which borders Ghodiawada village, is in a highly degraded state and has three encroachments. These encroachments belong to the following people:

- Wala/Dalla
- Shivram/Haliya
- Surajmal/Haliya

While these three encroachers are inhabitants of Kesarpura, a neighbouring village, their parents are from Bichiwada. These encroachments are relatively new, only about five years old. In none of these encroachments have the encroachers taken up construction, fencing, or agricultural cultivation.

4.3 Revenue Land

Revenue land comprises 80 ha. of the total geographical area of Bichiwada. All of this land is under encroachment. People have

constructed houses and are raising crops on this land. Since encroachments are generally regularized in due course of time, such lands are most vulnerable to encroachments.

5. Efforts by Seva Mandir to Decolonize the Commons

Bichiwada was selected as a project site for the project 'Decolonizing the Commons' in December 2001. Although discussions with the village community over the decolonization of the commons had been initiated long before, the interaction on this issue between Seva Mandir and members of the village community became serious only after the selection of Bichiwada under the project.

But before discussing the project, it is worthwhile to relate some important experiences of the watershed development programme that had a bearing on Seva Mandir's efforts to decolonize the commons.

Seva Mandir started development activities under its watershed development project in the village in November 1999. Prior to implementation, a thorough topographical survey of the village was undertaken. The topographical maps produced as a result of this survey were superimposed over the revenue maps to generate a hybrid map giving information on both topographical and landownership patterns in the village. A Participatory Rural Appraisal (PRA) was conducted simultaneously for the generation of resource information. However, the information for these two resources, i.e. hybrid topographical maps and PRA maps, did not match. Since the guidelines of the Council for Advancement of People's Action and Rural Technology (CAPART), sponsor of this project, stipulated that PRA maps be used for the preparation of operational work plans, these maps, and not the hybrid topographical maps, were used.

On the PRA maps the villagers had demarcated only the patch to the south of the tar road as forest land, while the patch to the north of the tar road was demarcated as pastureland. Seva Mandir left this forest land out of their work plan as prior permission from the forest department was required to work on it. Work on the forest land designated as pastureland to the north of the tar road was initiated. During the course of this work, Seva Mandir discovered that there were some encroachments on this patch. Although soil and moisture conservation treatment work had already been taken up on this land for silvi-pasture development work, especially fencing,

nevertheless it was imperative that the encroachments should be vacated.

To this end, the Seva Mandir staff began talks with the community to vacate the encroachments. Seva Mandir realized that while it was difficult to persuade all the encroachers to vacate their encroachments, the community could be convinced to take up silvi-pasture development work in the patch of the community pastureland near Ghodiawada village, where only three households had encroachments. As this part of the pasture shared a boundary with Ghodiawada village, it was imperative to involve the residents of this village before undertaking its development. This was important as the inhabitants of both Bichiwada and Ghodiawada were using this land for open grazing.

Based on an analysis of the prevalent situation of land in the village, the Seva Mandir staff felt that it would be impossible to get the encroachments vacated from the revenue land as well as from the heavily encroached patches of the community pastureland. In any attempt to decolonize the commons, optimum results could only be achieved if the following two issues were addressed:

1. Persuading the encroachers on the community pastureland to vacate their encroachments and to solicit the support of the inhabitants of Ghodiawada village for taking up silvi-pasture development on it.
2. To get the encroachments vacated from the forest patch to the south of the tar road, where five households were not allowing others to harvest grass from the forest, by facilitating the joint working of the village community and the forest department to resolve the issue.

These issues were discussed in detail at the monthly meetings of the village community. However, the encroachers avoided attending these meetings. In January 2002, a meeting was held to resolve the problem of encroachments on the community pastureland. Fortunately, at this meeting the three encroachers were present along with the leaders of Ghodiawada village. The village community negotiated this issue with them. They finally agreed that in lieu of vacating their encroachments, they would receive every year about 100 bundles (300 kg.) of grass more than the others.

After the people of Bichiwada agreed to this condition, the boundary of the pastureland around the two villages of Ghodiawada and Bichiwada was demarcated. It was decided to seek the

permission of the panchayat for undertaking the silvi-pasture development of this land. The panchayat readily granted permission. As per Seva Mandir work norms, the patch where community pastureland development work is to be undertaken needs to be verified by the *patwari*, the local revenue official. During the process of verification, it was revealed that the proposed patch was not a community pastureland at all, but instead was forest land. The patch of pastureland for which the panchayat had given permission was actually adjacent to this patch and was in a highly encroached condition. Since the proposed land was forest land, and not community pastureland as had been assumed, the village needed to take permission from the forest department.

The representatives of the village community then met the forest officials in the range office and requested them to grant permission for taking up plantation work on this patch of forest land. They also informed the officials that soil and moisture conservation works, which included check dams and contour trenches, had already been done on the land. The range office officials told the villagers that only the divisional forest officer (DFO) could grant such permission.

Since work had been done in the forest land without the permission of the forest department, the range forest department officials visited the site and submitted a preliminary report to the DFO. Within Seva Mandir, the news that the soil and moisture conservation work had been carried out in the forest land, albeit inadvertently, without the permission of the forest department, made the watershed programme administrators anxious. They approached the DFO and shared this information with the department. The DFO and Seva Mandir then deputed a joint committee to visit the site and submit a report. This team visited the site in late February 2002 and a report was prepared on the nature and extent of the works undertaken in the area and also the extent of encroachment on this forest land. The forest department took into account the fact that the work had been carried out in the area due to inadvertence, without any mala fide intentions. However, it issued instructions that Seva Mandir should desist from carrying out any development work on this land without the permission of the department.

The village communities can gain access to forest land to undertake development work by submitting a proposal to the forest department under the provisions of the state JFM resolution. Seva Mandir is making attempts to formalize a new FPC for the village.

It is also seeking the active support of the forest department towards this end. On 17 May 2002, it facilitated the constitution of a new VFPC congruent with the guidelines of the new state JFM resolution. This committee was vetted by the village *gram sabha* at its general meeting held on 20 June. The proposal for the registration of this committee was submitted to the forest department. The VFPC has been registered. Seva Mandir now intends to develop a micro plan for the development of this forest patch (to the north of the tar road). It also intends to seriously pursue the vacation of encroachments on the other patch (to the south of the tar road).

5. Outcome

This case points to the ambiguity existing in land records at the ground level, and their implications for the management of land. As a result of this ambiguity, the work carried out under the watershed programme on forest land stands null and void, and as of now the community has no legitimate right to protect it in the absence of permission from the forest department. In addition, the case also raises questions about the general lack of awareness among villagers about the tenure arrangements regarding various categories of land. As a result, the villagers continue to illicitly possess public lands. The encroachers on all categories of land seem to have benefited from this generally chaotic condition of land-governance mechanisms, as is evident from this study. This calls for systematic efforts on the part of the state to harmonize land records suitably so that such cases are not repeated.

Decolonizing the Commons: A Case Study of Gametiphala Village

Kulranjan Kujur and Vimal Chand Jain

1. Introduction

Gametiphala is a hamlet of revenue village Khedaghati under Balicha panchayat. The village has two main hamlets, Khedaghati and Gametiphala. The village is situated in the southern part of Udaipur district, towards Ahmedabad, and is located at a distance of 25 km. from Kherwara tehsil and 10 km. from Dabaycha. The village is connected to Dabaycha by a fair-weather road.

The landscape is undulating, with hillocks all around. The area has very poor vegetation cover. Common natural resources in the area have been depleted due to intense human and animal intervention. However, the people have protected their private lands to meet their requirements of fodder and fuelwood.

2. Social Profile

The village is 150 years old and was first inhabited by the Garasia community. At that time, the vegetation in and around the village was abundant and wild animals were found in the forests of the area. Population pressure led people to clear away the vegetation and settle in the area, in the process destroying natural resources.

In due course of time, other communities such as the Meena and other castes providing specialized services such as leatherwork also settled in the village. They were provided lands and were allowed to reside in other hamlets or phalas.

There are 252 households in the village, spread across five phalas (hamlets): Khedaghati, Meghwal Basti, Maragia, Homopada, and

main Gametiphala. The inhabitants are mostly from the Meena, Garasia, Meghwal, Kalal, and Panchal castes.

The major occupation of the villagers is agriculture. Due to non-availability of water for irrigation, people are able to grow only the monsoon crop. After its harvest, most men migrate to Gujarat in search of labour, leaving behind the women to take care of children and cattle. In Gujarat, the men generally work on cotton and groundnut fields and in brick kilns. They earn a daily wage of Rs. 40 in agricultural fields and Rs. 50 in brick kilns.

Gametiphala has a few informal institutions such as the conflict-resolving committee, the *qadira*, comprising mainly village elders, and the bhajan *mandali*. All conflicts in the village are collectively resolved by the *qadira*. The bhajan *mandali* organizes gatherings during the festivals of Navratri and Purnima and on other similar occasions.

3. Development Interventions by Seva Mandir

A formal village institution, the *samuh*, was constituted by Seva Mandir in 1981. Out of 252 households, 187 households of the Gametiphala cluster are members of the group. Seva Mandir is in the process of extending the membership of the group to the remaining households. The group is responsible for initiating discussions regarding the development of the village and other important matters.

Seva Mandir's association with Gametiphala is outlined below:

- 1990: Non-formal education centre opened in the village.
- 1990: Ten farmers selected for the Individual Plantation Programme.
- 1992: Seva Mandir intervened in the village through the health programme.
- 1994: Bathrooms constructed for four families.
- 1996–97: Village group and village development fund formed in the village.
- 1998–99: Gram Vikas Kosh (GVK) committee elected. 182 households members of GVK.
- 1998: Jan Shikshan Nilayam, village library was set up in the village.
- 1999: Farm bunding was initiated in the village with twenty-three farmers.
- 1999: Women's group was formed in the village.
- 2000: A self-help group was initiated in the village.
- 2001: Construction of a non-metal road connecting the village with the metal road.

In its engagement with the village community, Seva Mandir has laid emphasis on sustainable management and the development of the village commons. It has made efforts to persuade villagers to give up their encroachments on the commons. Further, it has emphasized the importance of settling disputes through continuing discussion and deliberation. These efforts have resulted in a debate among members of the village community regarding the management of the village commons. Seva Mandir is hopeful that soon villagers will relinquish their encroachments on the community pastureland and will opt for its development as a common resource.

4. The Status of Common Lands

The village has 18 ha. of pasture and 134 ha. of revenue land. This brings about 50 per cent of the total area of the village under public ownership.

Table 7.1. Land Details of the Village

Forest	Pasture	Revenue	Private	Total area
0	18 ha.	134 ha.	154 ha.	306 ha.

The pastureland has two parts; one part belongs to Gametiphala and the other half to Khedaghati, as decided at the time when the village was settled. The revenue land in the village is completely encroached, and is being used for the purposes of agriculture and habitation.

Since the beginning of the village settlement, some hundred years ago, there were disputes between the Garasias and the Meenas regarding the use of land for cattle grazing. As the Garasias were the first to settle in the area, most of the lands were in their possession. Hence, there was limited land available for the Meenas to graze their cattle, and their animals used to graze on the lands belonging to the Garasias. This led to regular disputes between the two groups.

To resolve the conflict, a *qadira* was called. It was decided at the meeting that the land for grazing should be divided into two parts to avoid any conflicts in the future. Both groups agreed to the decision. One part was given to Gametiphala and the other half to Khedaghati. Since then both hamlets have been at peace.

Later on the government converted the land into pastureland and the ownership of the land was given to the panchayat. But because of the traditional rights of some people, i.e. Bajra, Natha, Dharma, Soma, and Ragu, over the area, the land continued to be used by them as decided by the *qadira*.

There was tremendous pressure on this area due to animal and human intervention, and this led to degradation of the land. The slope of the plot is high and it is covered with rocks, which makes it unsuitable for cultivation. Only after the monsoons does vegetation growth take place, and cattle can be grazed for one month in the area.

5. Initiative for Developing the Pasture

The villagers had submitted a proposal for the construction of a weir structure on the rivulet for water storage in order to address the problem of drinking water for cattle and water for irrigation. The site where the structure was to be constructed lay downstream of the pastureland. The Seva Mandir technical staff recommended that before undertaking the construction of the weir, the catchment area should be treated with soil and water conservation work in order to check siltation of the weir.

Accordingly, the villagers were informed about plans to develop the area. As this land was in the possession of some members of the village community as decided at the time of the settlement of the pasture, it could not be developed without their consent. Therefore, the rest of the villagers decided to hold a meeting with them. The issues of taking up soil and water conservation works in the proposed area and sharing the proceeds of grass harvesting from it were raised at the village meeting, where the five people who had encroached on the area were also present. The encroachers agreed to support the work of soil and water conservation in the area, but were not amenable to sharing any grass proceeds from the area.

When Seva Mandir was informed of this situation, it refused to accept the terms and conditions laid down by the encroachers. Seva Mandir said that as the land is common land, it should be developed for the benefit of the entire village. The Seva Mandir block staff developed strategies to get the plot vacated without any disputes. The field staff concluded that it would be a mistake to give any incentives

to the encroachers to vacate the common land. They felt that doing so would send a wrong message and that this might encourage people to undertake fresh encroachments in order to make demands for incentives. The field staff decided that giving incentives should be the strategy of last resort in the matter of getting the area vacated, even though the GTZ project provided for an environment fund which had an incentive component.

6. The Process of Negotiations

The village meeting is held regularly on the 27th of every month. The eviction of the encroachers from the pasture was included in the agenda of the meeting. However, due to the absence of the encroachers from these meetings, no decisions could be taken regarding the contested land. The field staff was in constant touch with the villagers to bring the matter to the table. Thus, there was tremendous pressure from Seva Mandir on the villagers to resolve the problem.

6.1 *The Village Meeting of 27 July 2002*

It was decided at this meeting that the villagers along with the encroachers should be present to resolve the issue. The secretary of Kherwara block, the block coordinator, and other Seva Mandir staff were also present at the meeting. But due to a death in the village, the meeting was postponed to the following month. On this day, the Seva Mandir staff along with the other villagers visited the disputed site to find out the details about the land. Out of the total pastureland, 7.5 ha. belonged to Gametiphala and it had been encroached upon by ten people of the hamlet. This encroachment is not fenced and the land is used by villagers for grazing. The part of the pasture belonging to Khedaghathi is about 10 ha. in area and it has been encroached upon by seven people.

According to the villagers, the pasture was divided into two parts to accommodate the two social groups in the village, Gametiphala and Khedaghathi. As a result of this revelation, the Seva Mandir block staff and the villagers decided that initially the part belonging to Gametiphala should be developed. It was felt that the development of this part would act as a demonstration to the inhabitants of Khedaghathi, and that they would then also think about developing

their own part of the pasture. Finally, it was decided that a meeting should be held on 9 August 2002 at which all the encroachers should be present in order to resolve the issue.

6.2 *The Village Meeting of 9 August 2002*

At this meeting about half the village and the ten encroachers of Gametiphala pasture along with the *sarpanch* and other village leaders were present in order to reach a consensus regarding the development of the pastureland. The villagers were enthusiastic about taking a decision regarding the commons. The Seva Mandir staff, including the block secretary, the block coordinator, and other field staff, were also present to guide the villagers during the decision-making process.

The meeting began with the Seva Mandir block coordinator talking about the history of Seva Mandir's relationship with the village and the development activities carried out. He also spoke about the GVK and other common assets, saying that these belonged to the entire village. The villagers were also told about the importance of social cohesion and unity in the development of the village. Later the discussion shifted to common land development and the benefits from it. The villagers were told about the GTZ environment fund and how it could be used in the village for vacating the encroachments on public lands, thus restoring their status as the commons.

At first the villagers were reluctant to offer any incentives to the encroachers for vacating the land. After a long discussion, they were finally convinced about the need to offer incentives to the encroachers for vacating their encroachments on the commons. The villagers agreed that the encroachers had traditional rights over the land and that they had been protecting the area for quite a long period, hence incentives should be provided to them. It was left to the discretion of the village group to decide the amount of incentives to be offered to the encroachers. The villagers decided on a figure of Rs. 2,500 per encroacher, taking into account the investments made by them in developing and protecting the area. However, it was decided that the encroachers would have to undertake some physical work on their private lands. It was also decided that out of the total amount to be paid to each encroacher, Rs. 500 would be contributed towards the village development fund. The encroachers were free to decide what physical work they wanted to do. The encroachers agreed to the

proposal and decided to erect farm-bunding structures on their agricultural fields, which would contribute to increasing the productivity of their land.

Later on, the documents required to implement the aforementioned terms, as per the Seva Mandir norms, were drawn up. The villagers, under the guidance of Seva Mandir, prepared the following documents:

- The encroachers, declaring that they are vacating the encroached land and that in future they would not have any rights over the land, wrote a memorandum of understanding (MoU). All the ten encroachers signed this.
- All the encroachers also signed a proposal on behalf of all of them for the construction of farm bunds on their private lands and agreed to contribute Rs. 500 towards the village development fund from the incentives given to them for vacating the area.
- A proposal to develop the village commons was prepared and signed.
- A letter of approval from the panchayat to develop the area with support from Seva Mandir.

The villagers also prepared a list of thirteen members who would be responsible for the protection of the area after the completion of the physical activities. They also prepared a list of 177 families who would receive benefits as a result of developing the area. Thus, after a consensus had been reached between the village group and the encroachers, Seva Mandir granted financial sanction to undertake the development of the area.

6.3 The Eleventh Encroacher

As the work of developing the Gametiphala pasture was underway, another problem arose. One of the villagers, Arjun Singh, possessed agricultural land adjacent to the pasture. In the process of cultivating his own land, he had also encroached on a part of the pastureland.

As the boundary of the common land had been demarcated, Arjun Singh was requested by the villagers to give up his claim to the pastureland. Initially, he refused to do so. The people then called a meeting and it was decided that he should also be offered some incentives similar to those offered to the other encroachers. However, Arjun Singh did not agree to this proposal, as he was cultivating the encroached land. But under pressure from the entire village, he finally

agreed to give up his encroachment. He was also instructed to undertake farm bunding on his private land in order to qualify for receiving the monetary incentive. After these negotiations had been successfully concluded, work on the disputed site finally began. Now there were eleven encroachers on the site who had been persuaded to give up their encroachments. The villagers told the encroachers to complete their individual farm bunds before the work on the pastureland was finished.

6.4 *The Final Conflict*

As development work on the pastureland was underway, another conflict arose. The work of fencing the area to demarcate the pastureland from the other lands was ongoing, and this resulted in the separation of the revenue village of Khedaghati from the nearby village of Jayra.

On one part of the pastureland there is a small patch of teak trees in an area of about 0.5 ha. When work started on this part, a villager from Jayra claimed rights over the patch. The people of Gametiphala requested him to vacate the piece of land as the land was in their possession. However, he refused to do so and threatened dire consequences if he was forced to vacate the land. Because of this stalemate, work on the site ceased.

The people decided to resolve the impasse through dialogue. They informed the *patwari* of the region about the matter and sought his assistance in demarcating the boundary of the two villages. The *patwari* visited the site and was informed that the disputed patch belonged to Khedaghati. But the encroacher from Jayra did not budge from his stand, and the work on the site remained at a standstill. Finally, both parties decided to resolve the matter peacefully. The people of Khedaghati called a meeting to discuss the issue.

At the meeting it was decided that as the encroacher from Jayra village is a marginal farmer and has been protecting the patch, he should be given some leeway. No one had destroyed the patch of teak trees because of the protection accorded by him. Therefore, keeping in mind the sustainability of the developed common land and the encroacher's initiative in protecting the teak trees, the land in question should be given to him. This was a win-win situation for both groups; the encroacher was provided with the land and the villagers were assured of its protection by the encroacher once the

area was developed. The dispute was resolved peacefully and the work on the site was completed without any further delay.

7. Outcome

The eleven encroachers finally agreed to vacate their encroachments on the pasture and it was developed with financial support from Seva Mandir.

The benefits that accrued to the villagers as a result of reclaiming the pasture were manifold. A short-term benefit of the project was to generate employment for the people. In total, 4,611 labour days were generated from the work, which benefited 252 households of the village. The long-term benefits will accrue in the form of availability of fodder and fuelwood from the area. The villagers realized that if there is normal rainfall, then the area has the potential of producing 1,500 kg. of fodder every year. The farm-bunding structures constructed by the encroachers on their private lands would be beneficial to them in the long run by improving the productivity of agricultural lands through the retention of soil and water in the area.

The table below shows the amount sanctioned for the project and the actual expenditure for developing the area.

Table 7.2. Incentives Extended to Encroachers on Pastureland in Gametiphala

S. No.	Expenditure head	Amount sanctioned (in Rs.)	Actual expenditure (in Rs.)
1.	Physical activity (fencing and soil and water conservation activities)	225,000	215,160
2.	Monetary incentives given to encroachers (11 in number), Rs. 2,500 each	27,500	27,500
	Total	252,500	242,660

The other benefit of developing the pastureland was an increase in the corpus of the village development fund. The amount has been

deposited in the bank account of the GVK. The contributions to the village development fund came from two sources, as shown in the table below:

Table 7.3. GVK Contributions Under Pasture Development

S. No.	Source of collection	Amount collected (in Rs.)
1.	10 per cent from the labourers engaged at the site	24,200
2.	20 per cent from the encroachers	5,500
Total		29,700

The encroachers constructed farm bunds to be eligible to receive their incentives. The following is the list of encroachers along with the volume of work done by them on their private lands.

Table 7.4. Incentives to Encroachers in Gametiphala

S. No.	Name of the encroacher	Total cost of work (in Rs.)	Farmer's contribution (in Rs.)	Actual payment (in Rs.)
1.	Mitha/Bajra	5,158	2,658	2,500
2.	Jiva/Walji	3,914	1,414	2,500
3.	Khemraj/Natha	3,220	720	2,500
4.	Thawra/Natha	2,640	140	2,500
5.	Arjun Lal/Thawra	3,102	602	2,500
6.	Walji/Natha	3,000	500	2,500
7.	Dinesh/Mitha	2,772	272	2,500
8.	Basu/Dharma	3,746	1,246	2,500
9.	Fatha/Dharma	3,515	1,015	2,500
10.	Ramji/Soma	3,924	1,424	2,500
11.	Nana/Ragu	2,911	411	2,500
Total		37,902	10,402	27,500

8. Conclusion

The efforts of the villagers combined with the strong determination of the Seva Mandir staff encouraged the villagers to seek a collective

resolution to the problem of encroachments of the commons. As a result of continuing dialogue, the village institution as a whole has been strengthened. The village people participated actively in resolving the issue and exhibited a rare flexibility in arriving at locally acceptable solutions to very complex problems. This flexibility could be put into play as a result of the strong backing provided by Seva Mandir, encouraging the villagers to take their own decisions, but at the same time being there to monitor their implementation. In addition, Seva Mandir has been successful in leveraging the incentives for the development of both private and common lands in the village, at very little extra expense. The value of the work carried out by the encroachers on their private land far outweighs the value of the monetary incentives that they received. The development of the pasture in Gametiphala has had another welcome effect; people from Khedaghathi have come together and approached Seva Mandir for help in developing their own pasture as well.

Decolonizing the Commons: A Case Study of Gadla Village

Narendra Jain

Encroachment is one of the major hurdles in the development of commons. To remove encroachments from a pasture requires a lot of time for discussion; it demands patience, sustained negotiations, and social action by the village community. Sometimes the village community takes legal and social action for the removal of encroachments. Sometimes the village community arranges an alternative plot of land at another place in the village as an incentive to the encroacher for vacating the encroachment. The kind of approach adopted by the village community in dealing with encroachers depends on a number of factors. This often depends on the money and labour spent by encroachers to make these lands productive, as well as the economic and social status of the encroachers themselves.

Location

Gadla is a hamlet of Kitawaton ka Vas (KKV) revenue village under the Gejvi panchayat in Jhadol tehsil. It is located about 85 km. from Udaipur. (As the hamlet of Gadla functions practically as an independent village, it is referred to as a village in the subsequent text.)

Village Details

There are a total of 125 families in the revenue village KKV. Of these, 100 families reside in Gadla and only twenty-five live in KKV. All the residents of Gadla are tribals (ninety-six are Gametis and four are Garasias), while all the residents of KKV are Rajputs.

Gadla is subdivided into four sub-hamlets, namely Sim phala, Imli phala, Bhagora phala, and Bachla phala. Imli phala is the biggest sub-hamlet and Bhagora phala is the smallest sub-hamlet. There are thirty families in Sim phala, thirty-five families in Imli phala, twelve families in Bhagora phala, and twenty-three families in Bachla phala.

According to information gathered at the village meeting, the village is nearly 400 years old. Before Independence, the village comprised families of Kitawat Rajputs, and there were only four or five families of Bhagora tribals. The Rajputs were well off and had good relations with the *jagirdars* and the state. Later, the number of houses belonging to the tribals increased, and they settled in a hamlet called Gadla.

Table 8.1: Details of Household and Caste Composition in Gadla

Hamlet/village	No. of households	Caste composition
Kitawato ka Vas (KKV)	25	Rajput
Gadla		
Sim phala	30	Gameti, Garasia Gameti Gameti Gameti
Imli phala	35	
Bhagora phala	12	
Bachla phala	23	
Total	125	

The main occupation is agriculture. Daily wage labour and animal husbandry supplement the villagers' income. People migrate to adjoining towns and cities like Kelve, Amet, Udaipur, and Rajsamand in search of labour. They also migrate to far-off places in Gujarat for longer periods.

A non-formal education centre run by Seva Mandir has been in operation since 1994. There is also a Rajiv Gandhi Pathshala, opened three year ago, which provides schooling up to the fifth standard to around fifty children.

There is no hospital and subcentre in Gadla. The government runs one subcentre, located in Gejvi, for eleven villages. The villagers have to access facilities either in Ogna (11 km. away) or in Jhadol or Udaipur.

The village approach road is non-metalled. Buses are available from Birothi (3 km. away) for Ogna. Oda and Ogna are the nearest towns from where buses are available for Udaipur, Jhadol, Kherwara,

and Gogunda. These are also the nearest towns for marketing. There is no electricity in Gadla. Post and telegraph facilities are available at a distance of 2 km.

There are natural boundaries on two sides of Gadla. To the north of the village, forested hills define the village boundary. In the south, the Wakal river demarcates the village boundary. The adjoining villages are KKV village in the north and Kolyari Ghati in the south.

Development Interventions by Seva Mandir

Seva Mandir entered Gadla in 1982 with an adult education programme and opened a literacy centre in the village. Some families did individual planting on their private lands in 1986. Later, in 1992, a community centre was built. At the same time a lift-irrigation system was also installed. A 100 families did field bunding in the drought year of 2001.

Five or six years ago Seva Mandir initiated a financial institution, the *gram vikas kosh* (GVK), in Gadla. Individuals or villagers in this GVK deposit a percentage of the external assistance received (10 per cent for, community works and 20 per cent for private works). At present, the GVK has a corpus of Rs. 5,672.

Discussions at the village level on a proposal to develop the pastureland have continued for the last three years. The development process has been delayed due to the presence of encroachments.

As mentioned earlier, Gadla is a hamlet of revenue village KKV. The total area of the village (including Gadla) is 363 ha., out of which 160 ha. belong to the forest department. The total land that falls under Gadla hamlet is not clearly identified because encroachments and private landholdings are spread all over the village. The data as per the 1991 Census are given below:

Table 8.2: Land-Utilization Pattern in Kitawaton ka Vas (KKV) Village

Type of land	Area (ha.)
Forest	160
Culturable wasteland (including fallow land)	32
Unirrigated land	68
Irrigated by source	7
Area not available for agriculture	96
Total area of village	363

(Source: District Census Handbook, District Udaipur, 1991)

The Status of the Village Common Lands

Detailed discussions were held in Gadla regarding the status of all lands. It was observed that all families in the village have their encroachments.

The land on which they have encroached is of all types, i.e. forest land, pastureland, and revenue land (*bilanam*). The majority of people have their encroachments on revenue land as they believe that after a few years the land on which they have encroached will be regularized by the government. (They also pay bribes to the *patwari* or to the range forest officer to enter their names in the records as encroachers. These records show the age and year of encroachments, and this information is important during the process of regularization.)

The duration and size of the encroachments varies from family to family. The duration is from two to more than forty years. The area encroached upon also varies, from 0.50 bigha to 20 bighas or more because the size of the encroachment depends on both the availability of and the need for land at the time of encroachment.

The village pasture is situated near the Wakal river, which passes through the village. A part of the pasture adjoins the river. The land is stony and has a moderate slope. There is no vegetation; only a few *khair* trees are visible. About fifteen or sixteen years ago, the panchayat had built a loose stone boundary wall, but it has been completely destroyed because of neglect.

The total area of the village pasture is 9 ha., and it is situated in Sim phala. Of this, around 1 ha. is encroached by two persons. One of the encroachers belongs to the village, while the other encroacher is a Katodi (originally from Maharashtra)¹ from Oгна. The local person has constructed a house on the encroached area and has started cultivating a part of this land. The Katodi has built only a straw hut.

¹ The Katodi tribe is originally from Maharashtra. Nearly thirty years ago, contractors who gather *kattha* (catechu) from the forests brought them to the area as they specialize in its collection. Most of the Katodis have settled in the villages near the forests. They rank among the most deprived sections of the community.

The Initiative to Develop the Pasture

When Hakra/Nana began to encroach on the pasture in 1998, Mangla Ram (Anudeshak) raised the matter at the village meeting. He stated that this was a process of initiation of encroachment on the pasture, and that if the villagers did not stop it, then in a few months the whole pasture would be encroached. He raised the matter regularly at village meetings. With the help of some people he prepared the proposal for the regeneration of the pastureland. In 2000, when most families were ready to begin the work for regeneration, they submitted the proposal to Seva Mandir. The discussion of the proposal at the zonal meeting, the site visit, and participation in village meetings by the *van sahayak* and the zonal worker were continued in 2001. The zonal staff mainly emphasized the need to strengthen the village *samuh* to enable it to take active part in the regeneration of the pastureland and the removal of encroachments. They also discussed the matter at block meetings, and the block team visited the site. Finally, thanks to the efforts of Mangla Ram, in June 2002 the encroachers were ready to vacate their encroachments.

The Process

Negotiations were begun in January 2002. Three to four meetings between the encroachers and the villagers were held till April 2002. At these meetings, the villagers put pressure on the encroachers to vacate their encroachments.

At the village meetings, it emerged that the two encroachers were significantly different from each other. The first encroacher, Hakra/Nana, also had other private lands outside the encroached area. The private land he had was nearly 12 bighas. When we discussed the reasons that led him to encroach on the pasture, he said that:

1. His agricultural fields are adjacent to the pastureland. However, his house, where his family lives, is located 2 to 3 km. from his fields. For proper watch and ward, and also for managing irrigation during the night, he needed a house near his fields.
2. His family at present consists of twelve members (six brothers and three sisters). The land they have is not enough to sustain them. So there was need for additional land also.

The other encroacher is Rupa Katodi. He came to the village five or six years ago in order to harvest fish from the Wakal river. He has no land in the village and is totally dependent on wage labour and fishing. He harvests the fish from pits and ponds adjoining the river and sells his catch in the nearby villages and in Oгна. This activity lasts for only a few months, and during the rest of the year he depends on wage labour. He built a hut in the pasture two years ago as he had no alternative land. He told us the reasons that led him to encroach on the land:

1. The land is near the river. It is easy for him to harvest and collect fish.
2. It is not possible for him to come daily from Oгна (9 km. from Gadla) for fish harvesting. So he needed a house in Gadla itself.
3. He is old and poor. It is difficult for him to purchase land to construct a new house.

At the village meeting of June 2002, detailed discussions regarding the removal of encroachments were held. Both the encroachers were present at the meeting. Hakra/Nana said that if the village agreed to build a boundary wall by leaving his house just outside the wall, he was ready to leave the agricultural fields. The villagers decided to accept Hakra's offer. However, they noted that at present the door of his house faced the pasture. This may lead to a temptation on Hakra's part to renew the encroachment. The villagers said that they were willing to leave his house outside the boundary wall provided he closed the door facing the pasture and opened another door facing away from the pasture. Hakra agreed with the decision made by the *samuh*.

The *samuh* also discussed the issue of encroachment with Rupa Katodi. Rupa said that he was willing to remove his encroachment if the village provided him with space for constructing another temporary hut and also allowed him access to labour employment during the regeneration of the pasture. The village *samuh* agreed with Rupa's views and consented to both his demands.

In July 2002, the *samuh* placed a proposal before Seva Mandir for the regeneration of the pasture. Seva Mandir provided around Rs. 2 lakhs for the regeneration. After the sanction had been granted, a training cum meeting programme was organized in the village to discuss the process of regeneration of the pasture and the quality of work required. In November 2002, when the construction of the

boundary wall began, the encroacher Hakra/Nana put forward a proposal that if he were to get Rs. 4,000 (the amount he had spent on the construction of his house), he would vacate the house. He said that he would use this money to rebuild his house on private land.

Conclusion

In Gadla, both the encroachments were fairly recent, being not more than four years old. Also, the process of encroachment and the discussions on the need to regenerate the land began almost at the same time.

When a few people in the village started encroaching on the pasture, the other villagers thought that if they did not stop the process of encroachment, the whole pasture would be taken over within a few months. After a village meeting, they decided that the enclosure and regeneration of the land was the best way to prevent new encroachments from taking place as well as help to strengthen the village community in undertaking the task of vacating the existing encroachments.

In both cases, the villagers did not rely on money to bring about the vacating of the encroachments. According to them, the use of money as a negotiating tool would only serve to increase the process of encroachments in the village.

In both cases, the villagers allowed the encroachers to put forward their own views and made an effort to understand their problems. This consideration and flexibility in approach displayed by the village *samuh* during the negotiation process also played an important role in getting the encroachments vacated.

Decolonizing the Commons: A Case Study of Sankhla Village

Narendra Jain

Village Profile

Sankhla is situated 72 km. to the south-west of Udaipur. It is a revenue village of Atatia panchayat in Jhadol tehsil. The nearest village with access to facilities and transport is located 2 km. from Sankhla. Dadmia, Pema Devi ka kheda, Uchalati beri, Baltari kheda, and Bansdia are the neighbouring villages. Sankhla is linked with other villages by kaccha road. No bus transportation is available in the village.

The total population of Sankhla is 185, divided across thirty-two households. The majority of the people are Rajputs. Gametis, Garasias, and Meghwals are also found in the village, but they are few in number.

Table 9.1: Household and Caste Composition of Sankhla Village

S. No.	Group	No. of households	Subcaste
1.	Rajput	19	Solanki, Sisodia
2.	Gameti	4	Kapaya
3.	Garasia	5	Bhagora
4.	Meghwal	4	Meghwal
Total		32	

According to the residents, the village is nearly 400 years old. Before the settlement of the village, the land in this area was in the possession of the Sankhlas (a subcaste of the Jain community) and they collected the revenue. Later the cultivators were allowed to settle in the village. As the land belonged to the Sankhlas, the village was named after them.

Village Institutions and Development Interventions

No developmental activity has been initiated in the village by any NGO in the past. According to the information gathered at village meetings, around ten or twelve years ago there was an effort to start a literacy centre in the village by Seva Mandir, but the centre had to be closed in one year because of low attendance.

At present, a village-level institution (*samuh*) initiated by Seva Mandir is functioning in the village. Seva Mandir began the institution-building process around ten years ago, but all the families in the village still do not participate in it. The attendance at village meetings (held on the 10th of every month) continues to be poor, even though there are only thirty-two families in the village.

The *gram vikas kosh* (GVK), the financial institution at the village level, was initiated by Seva Mandir in 1992 with the objective of empowering the village people to take responsibility for their own development. Villagers contribute a fixed percentage of the total cost of developmental activities to the GVK. There are no funds in the GVK as so far no developmental activities have been sanctioned and initiated by Seva Mandir in Sankhla.

Livelihood

Like most of the adjoining villages, agriculture and animal husbandry are the main occupations in Sankhla. Three Rajputs from the village are in government or other services. Daulat/Naval Singh is a peon in Patwar Mandal, Jhalawar. Shri Ratan Singh retired as a driver in 1999 from the irrigation department. Hir Singh is a teacher at the Rajiv Gandhi Pathshala, Sankhla.

In addition to the Rajiv Gandhi Pathshala, there is another school up to the fifth standard in the village. For higher studies the people send their children to Ognā or Atatia. There is no hospital in Sankhla. Medical facilities (an ayurvedic hospital and a government dispensary) are located in Ognā. For serious illnesses and major treatment, however, people prefer to go to Udaipur. Sankhla does not have a post office, electricity, and telephone and transportation facilities, but these are available in Atatia and Ognā, which are located 2 km. from the village.

The Dadmia dam is located next to the village, and Sankhla is

linked with the irrigation canal network of the dam. In the monsoons when the dam fills with water, the overflow causes damage as the excess water is deposited in agricultural fields and low-lying areas of the village. Sankhla is often cut off from the neighbouring villages during the rainy season.

The most common animals found in the village are the cow, buffalo, goat, and camel. Only one or two families keep poultry. Due to the availability of water and fodder in the village, buffaloes are the preferred livestock option. There are a total of 140 to 150 animals in the village. All animals are of local breeds.

Agricultural land in Sankhla is 41 ha. (as per the 1991 Census). Out of the total land available for agriculture, more than 70 per cent is irrigated through canals, and the villagers are able to harvest both kharif and rabi crops from these fields. Some farmers also grow vegetables and green fodder during the summer. In the kharif season they mainly grow maize, black gram, rice, and cow pea. During the rabi season the main crops are wheat, gram, and mustard.

Land Profile

The total geographical area of Sankhla is 67 ha. Of this, the forest area is only 1 ha. Though there is a large forest patch near the village, it falls within the boundaries of the adjoining village.

Table 9.2: Land Profile of Sankhla Village

S. No.	Category of land	Area (ha.)
1.	Total area	67
2.	Forest	1
3.	Irrigated land	18
4.	Unirrigated land (including fallow land)	23
5.	Culturable wasteland (including pasture)	13
6.	Area not available for cultivation	12

The average landholding in Sankhla is 5 to 7 bighas. All families in the village have land except one person (Mohan Garasia). He hails from Teja ka Vas village in Kotra and had settled in the village just four years ago. He is still in the village and earns his livelihood by performing labour on others' fields. Hari Singh has the maximum land (40 bighas) in the village.

The Status of Lands

According to discussions at the village meeting, most families in Sankhla have their land titles in order, i.e. they all have permanent *pattas* and *jamabandis* (legal records). They cultivate crops and graze their animals on their own lands.

Only four families in the village have encroachments on public lands (revenue and pastureland), and the total area of the encroachments is only 6 bighas. There is no encroachment on forest land.

Three people, namely Taktha Singh, Guman Singh, and Khuman Singh, have encroachments on revenue wasteland. The area on which they have encroached is nearly 5-bighas, and the encroachments are more than ten years old. They have built individual cattle sheds to keep their animals.

One person, Dhula/Natha Gameti, has an encroachment on the village pastureland (0.5–1.0 bigha). His house adjoins the pasture, and he uses the encroached land for threshing crops, to store fuelwood, and for crop cultivation. This encroachment is also ten years old. Twenty years ago he had initially encroached on this land, but at that time the panchayat had vacated his encroachment. At the same time, the panchayat also built a boundary wall and undertook soil and water conservation and plantations on the plot. Ten years after this, Dhula/Natha Gameti re-encroached on the land as the panchayat had neither developed the land nor initiated any management system with the villagers for the protection of the pasture.

The Contested Land

The total area of the Sankhla pastureland is 6.25 ha. The site is located near the Dadmia dam, and the irrigation channel passing through the pasture divides it into two unequal parts. On one side (left) of the channel, there is good vegetation. This patch is free of encroachments. On the other side of the pasture, the land is stony and has less vegetation. On the rear of the plot, near the boundary wall of the pasture, is located Dhula/Natha Gameti's encroachment of 1 bigha. One half of the encroached land is used for agriculture and the other half is used for threshing crops and to store wood.

The encroacher, Dhula/Natha Gameti, is a rich person by local standards. He has 20 bighas of private land in the village, and the

entire area is irrigated. He harvests two to three crops from these fields. He also has a large livestock holding (two buffaloes, eight goats, four cows, and two bulls). At present, there are seventeen members in his family.

According to information gathered at the village meeting, it appears that Dhula/Natha Gameti and three or four other families in the village, including that of the *sarpanch*, belong to the Congress party. Other families are supporters of the BJP. The *upsarpanch* supports Dhula/Natha Gameti in holding on to his encroachment.

The Process

For the last three years Seva Mandir has been involved in strengthening the village *samuh* and had started discussions for the removal of encroachments. Site visits and land demarcation exercises were undertaken. The village *samuh* completed the records required for the sanction of work on the pastureland. They also got permission from the panchayat to undertake regeneration work.

Dhula/Natha Gameti was not a part of this process. He did not attend the village meetings. In June 2002, he wrote a letter to Seva Mandir requesting them to stop the work of removing the encroachments from the pasture. He also threatened to shoot the local leaders if they went ahead with the proposal. Keeping in mind past experiences with his family in land-related disputes, the following suggestions were made by villagers at the village meeting held in June 2002:

1. First, the boundary wall and soil and water conservation works on the left patch of the pasture should be completed. This patch is free of encroachments. During the period of physical work, they would provide wage employment to Dhula, and he may start coming to the village meetings. This work would also help to protect the area from new encroachments.
2. Second, nobody would approach Dhula directly or individually. Instead, the villagers would combine and approach the *patwari* and the *tehsildar* for the removal of the encroachment.

The matter was discussed at great length at the village meeting. At the next village meeting, in July 2002, some people did not agree to the proposal to develop the pasture in two parts. They argued that

if work was started on the left patch, which is free of encroachments, then this might create permanency for the encroacher on the other patch. If the latter refused to vacate the encroachment, then it would be difficult to proceed. Some people were in favour of developing whatever land was available free of encroachment. There was a proposal that the village group should put pressure on Dhula to get the encroachment vacated.

In August 2002, due to the pressure exerted by the villagers, the *sarpanch* and the *upsarpanch* gave an assurance to the village committee that the panchayat would provide support to the village committee in its struggle to secure the vacating of the encroachment. The assurance of the panchayat helped to strengthen the position of the village committee on this matter. It was hoped that the continuous pressure exerted by the village committee and the panchayat on Dhula would forced him to vacate the land.

At the October 2002 meeting, Dhula stated that if Seva Mandir would provide complete assistance in the digging of a new well and carry out soil and water conservation works on his fields, he would agree to vacate the encroachment. This demand involved a lot of money. The villagers discussed the matter at the next village meeting. Nobody was willing to negotiate on the terms put forward by Dhula, which the villagers termed unreasonable. It was decided at the meeting that a few people would meet the panchayat and request them to exert pressure on Dhula to vacate the land.

In November 2002, after the removal of the encroachment, the village committee again forwarded the proposal regarding the regeneration of the pastureland to Seva Mandir. They also undertook the responsibility, in writing, of ensuring that Dhula would not create problems during and after the regeneration of the pasture.

In February 2003, Seva Mandir sanctioned a sum of Rs. 78,500 for regenerating the land. After the training of the village committee in this matter, the work of constructing a loose stone boundary wall was initiated on 16 February.

Decolonizing the Commons: A Case Study of Ranpur Village

Narendra Jain

Introduction

Ranpur village was selected for this project in order to study the status of encroachments on the pastureland and to examine the issues that emerged during the process of negotiations for the removal of encroachments. This also includes the legal status of land and land-related issues in the village. The exercise was part of an action research effort, with the following main objectives:

1. To expedite the access of the community to common property resources;
2. To understand different approaches to conflict resolution, especially in matters related to natural resource management.

Location

Ranpur is a revenue village and is part of Gejvi panchayat in Jhadol tehsil. It is located about 79 km. from Udaipur city. It is situated on the Oda–Ogna road, and is 9 km. from Ogna and 6 km. from Oda.

Village Details

There are a total of 146 families in Ranpur. The village is divided into seven hamlets mainly on the basis of caste, namely Pichla phala, Bodria phala, Khata bora wala phala, Libra wala phala, Khair phala, Sand wala phala, and Pilak phala. All householders are Rawat tribals.

The sole exception is one family from the Jain community, whose members run a shop in the village.

Table 10.1: Household and Caste Composition in Different Hamlets of Ranpur Village

Name of hamlet	Household	Subcaste
Pichla phala	9	Pichla
Bodria phala	24	Bodria, Vadera
Khata bora wala phala	18	Vadera
Libra wala phala	24	Vadera
Khair phala	21	Khair
Sand wala phala	15	Vadera + 1 Jain
Pilak phala	35	Vadera
Total	146	

There is no hospital or subcentre in Ranpur village. The nearest subcentre is in Kyaria village, which is located 3 km. from Ranpur. For medical treatment people mostly go to Ognā.

There is one non-formal education centre in Ranpur, which is run by Seva Mandir. There is also one government middle school in the village.

The main occupations of the villagers are agriculture and animal husbandry. Apart from these, wage labour, shopkeeping, carpentry, and house construction are the other livelihood options.

The average landholding in Ranpur is 1.72 ha. The minimum landholding is 0.86 ha. and the maximum landholding is 10.75 ha. There are no landless individuals in the village.

Only two families, namely the families of Homa/Rupa and Luma/Rama, have irrigated land in the village. These two farmers raise irrigated crops in both seasons. All of the other families in Ranpur have unirrigated land, and hence depend only on rain-fed agriculture. Maize is the main crop in the kharif season. Other kharif crops grown in the village are rice, *chawla* (*lobia*), *urad* (black gram), *tuar* (pigeon pea), *til* (sesame), and groundnut. Mustard and gram are the main rabi crops.

Animal husbandry is the second most important livelihood activity in Ranpur. Villagers mostly rear animals such as cow, goat, buffalo, and bull; they also raise poultry. The average number of livestock per family is thirteen or fourteen animals. Goats constitute the largest group of animals. All animals are of local breeds.

Most people also migrate due to their small and unproductive landholdings and the absence of alternative livelihood options in the village. Insufficient rainfall leads to an increase in the rate of migration. The majority of people migrate for a short duration, i.e. seven to fifteen days, to nearby cities and towns. Daily commuting over long distances is also prevalent in the area. The villagers leave their houses in the early morning and return home at night. Some people migrate for medium durations (more than fifteen days to three months). Such migration is to far-off places like Gujarat and takes place mostly in groups. Very few people migrate for longer durations; in such cases the whole family migrates. At present, 10 per cent of Ranpur residents have migrated to Kelva (a marble-mining centre) for the medium duration to work in the mines.

History of Village Settlement

The village settlement of Ranpur is nearly 350 years old. Three persons of the Vadera caste (a subcaste of the Rawat tribals) migrated from Malpur village in Jhadol tehsil. Two of them settled here and established the village. The third person settled in Kyaria, a neighbouring village. Later on, some tribals from other places also came and settled in Ranpur. At present the majority of the families belong to the Vadera caste.

Villagers stated that when Ranpur was established, continuous water flowed from the Ramkunda temple in Ogha to the village through a nullah. Due to this, it was called Ran, which locally means 'recipient of water from (Ramkunda)' and -pur (village).

Association of Seva Mandir with Ranpur

Seva Mandir's association with Ranpur dates back to 1986-87, beginning with the launch of an adult education campaign and continuing with other programmes such as farm bunding, lift irrigation, individual plantations, etc.

Seva Mandir has also developed village institutions such as the village *samuh* and the *gram vikas kosh* (GVK) or village fund for institutional strengthening and the self-empowerment of local residents. The village *samuh* is quite old, and has received a number of training

programmes from Seva Mandir. The corpus of the village fund is around Rs. 5,000.

The demand by the villagers for land development activities began a few years after the entry of Seva Mandir.

Table: 10.2: Land Status of Ranpur Village

Type of land	Area (ha.)
Forest	237
Culturable wasteland (including fallow land)	52
Unirrigated land	121
Irrigated land	3
Area not available for agriculture	59
Total area of village	472

(Source: District Census Handbook, District Udaipur, 1991)

Land Details

The total geographical area of Ranpur village is 472 ha. Nearly 50 per cent of the total area is forest land.

It is observed that most families in the village have encroached on different categories of land. The land on which they have encroached is mostly revenue land. These encroachments are between two to more than fifty years old. Many encroachments have been regularized by the government and permanent *pattas* (titles) have been issued to the encroachers. Thus, most people believe that after a certain period of time they will all get permanent *pattas* from the government. It is also observed that most encroachers pay a fixed amount of money to the *patwari* for not taking any legal action and for assistance in the regularization of their encroachments.

The forests are situated to the west of the village and are clearly demarcated by pillars (nos. 68 and 69) erected by the forest department. Sand wala phala is the nearest hamlet to the forest. People use the forest land to collect minor forest produce and for open grazing. There is no encroachment on the forest land.

There are two pasture plots in the village. One plot, Pasture I, adjoins the Bhujnera forest area. The area of this pasture is 13.70 ha. Another plot, Pasture II, is situated in Khair phala, which lies in the northern half of the village. This plot adjoins the Wakal river. The area of this pasture plot is 7.43 ha.

More than twenty-five families have encroached on the pastureland. The duration of these encroachments varies from two to more than twenty years. Out of these, fifteen families have constructed houses on the land and have spent a lot of money and time in converting the wasteland into productive agricultural fields.

Status of Selected Sites and Process of Negotiations

Due to the demonstrable effects of pastureland development in neighbouring villages such as Kada, Jwaria, and Ajaipura, some socially active villagers like Kishan Lal, Jalam Chand, and Anopji took the lead in starting discussions about the need to regenerate the pastures in Ranpur.

The proposal was discussed at the village meeting and it was decided that without the removal of the encroachments from the pasture, this land could not be regenerated. This issue was discussed at the village meetings for nearly two years. In 2001 these active leaders of the village along with a few other *samuh* members went to the Seva Mandir zonal meeting and invited the zonal worker and the *van sahayak* (the forestry paraworker at the zonal level) to come to Ranpur to help the residents in resolving the issue.

After understanding the matter and paying a site visit along with the villagers, the Seva Mandir staff told them to collect the revenue records and the trace map from the *patwari*. At the same time, the staff began a survey to compile a list of the names of persons who had encroached on the pasture, their wealth status, the duration of the encroachments, etc. The list of encroachers along with the areas on which they had encroached is given in Annexure 1. (The area encroached is a rough estimation.) From the survey it appears that almost all the pastureland has been encroached.

A similar exercise was done for Pasture II. This pasture adjoins the Khair phala and most of the encroachers also belong to the same hamlet. Two encroachers, namely Mana/Nana and Gula/Nana, had constructed houses on the pasture. The house of Mana/Nana is near the pasture boundary, while the house of Gula/Nana is in the middle of the pasture. All encroachers are also using the encroached land for agriculture.

Nearly one year after this process was begun, more than half the villagers agreed to submit a formal proposal to Seva Mandir for the regeneration of the pastureland.

During the site visit by the Seva Mandir block team, it was suggested that further discussions should be held with the encroachers on the subject of vacating the encroachments and to offer them the benefits of the development of the common land, which might tempt them to vacate the encroachments. Kishan Lal fixed the date for the next village meeting, to which all the encroachers were also invited.

Only a few encroachers attended the village meeting held in February 2002. These encroachers were not ready to vacate the land. The encroachers of Pasture I argued that the land which they have encroached upon is not the pastureland; instead they argued that the particular land belonged to the revenue department. They also claimed that the forest department, when enclosing the forest land during the construction of the boundary wall, had made a mistake and had also included the pastureland within the forest boundary.

The villagers did not agree with the arguments put forward by the encroachers and decided to meet the *patwari* in Ognā. They also called for another meeting to discuss the revenue record. This time only a few encroachers attended the meeting and they continued to maintain that these records did not prove that the encroached land was a part of the pasture. Detailed discussions were held regarding the position of the pasture and the location of the encroachments. The villagers, the Seva Mandir zonal team, and the Seva Mandir block staff said that the forest department had enclosed the area on the basis of forest pillars, and that the demarcation was correct. The encroachers maintained that the matter could not be resolved without a site visit by the *patwari*. Finally, a village meeting was called, at which the *patwari* and the surveyor from Seva Mandir would be present to demarcate the area. The date of the meeting would be decided at the convenience and availability of the *patwari*. After discussions with the *patwari*, the date of 11 June 2002 was fixed.

The villagers informed the other residents as well as Seva Mandir about the proposed date of the meeting. The Seva Mandir zonal worker met the *patwari* earlier on the morning of the appointed day and reminded him about the meeting. But the *patwari* left his office for Jhadol. It appeared that some encroachers had put pressure on him to not attend the village meeting.

After discussions in the village, the Seva Mandir team met Narayan Singhji, forest range officer, for clarification and land demarcation. He helped the team trace the forest land boundary, locate the position of forest pillars, and determine the area of the

pastureland on a trace paper. After this, the team matched the area in Ranpur village by taking the forest pillars as the basis for demarcation. It was clearly observed, in the presence of thirty-five to forty villagers, that the forest department had indeed enclosed the area as per their demarcation and that the encroachers had encroached on the pastureland. In meetings held in June 2002, after the land demarcation exercise had been completed, it was decided that the encroachers should now arrange for a meeting in one or two days and should put their proposal before the villagers regarding the vacation of encroachments and the regeneration of Pasture I.

At the same meeting, discussions were also held for the regeneration of Pasture II. The villagers said that they would arrange a separate meeting with the encroachers and that the final decision regarding the removal of encroachments and the regeneration of Pasture II would be intimated to Seva Mandir on 25 June.

At the village meeting, the encroachers on Pasture II stated that they would not vacate the encroachments. They said that they had been living there for many years and had invested a lot of labour in constructing houses and developing agricultural fields. They stated that all the encroachments would remain as they were and that nobody would vacate their lands.

The encroachers on Pasture I subsequently said that they were ready to vacate their encroachments on the condition that first the villagers should get Pasture II cleared of encroachments. They also said that it was unfair to expect them alone to vacate their encroachments.

It is also apparent that most families in the village are related to the twenty-six encroachers on Pasture I and Pasture II. Thus, they are not taking an active interest in bringing about the vacating of the encroachments. The villagers also think that if they get the land vacated, they would need to resettle the encroachers in other places in the village, which would be difficult. The removal of encroachments would also mean an increase in the pressure on other commons and private land.

In the meantime, a lift-irrigation project was proposed by the *samuh* in Ranpur, where benefits from irrigation were being accrued by twenty-nine villagers.

The Seva Mandir staff once again took up the matter of vacating the encroached pasture with the *samuh*. After deliberations there was unanimity among the villagers that those people who had encroached

on Pasture I, and who are living there in houses that they had constructed and who are cultivating the encroached land, should not be disturbed as they have been in possession of the land for a very long time and have no other source of livelihood. But the *samuh* agreed that the villagers should try to get the encroachments vacated on Pasture II. However, till the end of the project the encroachments could not be vacated. Seva Mandir has withheld the installation of the lift-irrigation scheme in the particular area where the pasture is located, and which will benefit few of the encroachers.

The case study of Ranpur village shows that there is a need to provide information to villagers regarding the legal framework governing the land. The Rajasthan Land Revenue Act of 1956¹ clearly states that encroachments on pastureland cannot be regularized. Nevertheless, most people in Ranpur continue to believe that there is a possibility of regularization, and thus do not vacate their encroachments.

¹ Rajasthan Land Revenue Act 1956 (Act No. 15), Chapter 6, Rules nos. 92, 93.

Annexure 10.1: List of Encroachers on Pasture I of Ranpur Village

S. No.	Name of encroacher	Status	Area (bigha)
1.	Deeta/Kheta	House, Agriculture Field (AF)	3.00
2.	Maji/Hakra	House, AF	3.50
3.	Jora/Dheera	AF	1.75
4.	Vasa/Bhera	AF	1.00
5.	Varda/Vesa	AF	2.00
6.	Shankar/Homa	AF	2.75
7.	Nana/Vesa	House, AF	3.00
8.	Megha/Bhera	House, AF	4.50
9.	Shankar/Bhera	AF	2.50
10.	Kala/Bhera	AF	1.75
11.	Nana/Mega	House, AF	2.00
12.	Nola/Homa	House, AF	3.00
13.	Naka/Homa	House, AF	3.50
14.	Heema/Jeta	House, AF	3.00
15.	Khema/Jeta	House, AF	4.75
16.	Mangla/Vala	House, AF	2.00
17.	Sava/Lala	House, AF	2.50
18.	Udna/Makna	House, AF	3.75
19.	Taju/Makna	House, AF	3.00
Total		53.25	

Annexure 10.2: List of Encroachers on Pasture II of Ranpur Village

S. No.	Name of encroacher	Status	Area (bigha)
1.	Bhima/Phula	AF	2.00
2.	Mana/Nana	House, AF	3.00
3.	Vela/Nana	AF	2.00
4.	Gula/Nana	House, AF	4.50
5.	Virma/Panna	AF	1.50
6.	Megha/Bhaga	AF	2.50
7.	Panna/Hakra	AF	3.00
Total			18.50



Glossary

Balwadi	Preschool nursery
Banjar kadim	Entered as wasteland in revenue records in all settlement operations
Beed	Wasteland not fit for cultivation
Bhajan mandali	Village group singing devotional songs
Bilanam sarkar	Unallotted government wasteland
Chabutra	A platform used for village meetings
Chak	Enclosure generally referring to grassland
Charagah	Pastureland
Charnot	Pastureland
Chawla	Cow pea
Devsthan	Government department for managing religious endowments
Phala	Hamlet
Gair mumkin	Land not fit for cultivation but which may be allotted
Gochar	Pastureland
Gotra	Clan
Gram sabha	A meeting of the village called by the village council (panchayat)
Gram vikas kosh	A community fund created by villagers with the help of Seva Mandir
Jagirdar	A chieftain under the feudal system who represented the maharana (king) of Mewar over a specific area and/or village
Jamabandi	Revenue record
Karanj	A tree yielding non-edible oilseeds
Katha	Extract from the heartwood of the khair tree

Kesar	Saffron
Khair	A tree
Khala	Stream or nullah
Khara	Saline
Khatedar	A person in whose name ownership of land is legally recorded in government revenue records
Magra	Hill
Medbandi	Farm bund
Mokhi	Traditional village headman
Mun	Measure of weight corresponding to 25 kg. used in villages
Pahad	Mountain
Panch	Elected representative of a small village unit or council (panchayat) under the Panchayat Act
Patta	Certificate/title of legal landownership
Patthar gadhi	Boundary marking
Patwari	Government revenue officer
Petakasht	Submerged area used for cultivation after the water recedes
Peti	Iron box
Phadka	Grasshopper
Pradhan	Elected head of a development block
Pula	Bundle of grass
Qadira	Village council
Safed musli	A medicinal plant
Sahayak	Assistant
Samuh	Village group created by Seva Mandir
Sarpanch	Elected head of village council (panchayat)
<i>Shaksharta Sandesh</i>	Quarterly publication of Seva Mandir on education
Tehsildar	Government revenue officer
Tendu	Tree leaf used as a wrapper for <i>bidi</i> (country cigarette)
Thikana	In feudal system of governance in the Mewar kingdom, a small unit under the charge of a chieftain representing the maharana (king)
Til	Sesame
Tuar	Pigeon pea
Upsarpanch	Deputy head of village council (panchayat)
Urad	Black gram
Wada	Temporary settlement

These studies embody some of the fruits of the substantial work being done by Seva Mandir among rural communities in the tribal areas of Udaipur. The Indian village is no longer eternal or unchanging, and we get vivid insights into the forces at work in the rural communities described here. The work of Seva Mandir is based on the view that social regeneration cannot be successfully achieved without patient and careful attention to the social reality. It is informed by a strong social commitment without being utopian.

Andr  Bet ille

One of India's best-known sociologists

The three volumes, *Land, Community and Governance*, *Decolonizing the Commons*, and *The Waste Land: Making of grass-roots leaders* brought out by Seva Mandir, will have a very valuable impact on the social science discourse in India in at least three different ways. First, they will bring back a concern with the internal dynamics and external drivers of the Indian village. Since the big debate between Ambedkar and the Gandhians on the character of the Indian village, understanding the village, and how it is changing, has become a major challenge for the social sciences in India. These volumes offer many insights on the village that will problematize these understandings. Second, the studies provide detailed documentation of the locus of power within both state and society that must be taken into account by any development discourse in India. These ethnographic insights, given through village narratives, undermine not just conventional academic wisdom on the state's role in development but also highlight the potential of civil society in this field. The facts presented in this collection need theorizing since they may seem personalized, but they are not insignificant and will not go away. Third, the books underline the value of personal narratives as an important source of data on the workings of the social processes. This form has often been treated as too subjective, but is, in actual fact, a great source of insights into the calculus of the agents who make and respond to the world. These are insights that are invaluable for any initiatives that seek to build a better India.

Peter Ronald deSouza

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Land, Community and Governance, *Decolonizing the Commons* and *The Waste Land: Making of grass-roots leaders* form a part of a series of books co-published by Seva Mandir and National Foundation for India to capture the experience of Seva Mandir to make land serve the economic and political interests of the rural poor.



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