COMMON LANDS : THE FORGOTTEN AGENDA

Agricultural land had always been the prime focus of any change which was implemented or planned in the rural areas. The government efforts to raise agricultural productivity focused on getting more and more land under the plough, in the early period lasting till the mid 60s, and changed towards using modern HYV technology since then. As far as service-oriented non-governmental organisations were concerned, the effort was to make this technology function in an efficient manner by covering gaps in the governmental efforts. The focus of other organisations resisting the 'green revolution' was to seek alternatives to this modern technology and to experiment with and demonstrate the use of more benign ways of enhancing productivity of agricultural land. The radical social movements were demanding a proper redistribution of land in an equitable manner. Basically, most of the efforts towards rural development or transformation of the rural society have centered around private agricultural land.

While not underplaying the role of proper redistribution of private agricultural land, in fact insisting on it, it needs to be pointed out that the people in the rural areas, especially the poor, are crucially dependent on common resources. Common resources like fuelwood for cooking, grass for fodder and minor forest produce as a source of both food and employment, etc., provide the rural poor with income, employment and direct sustenance. There has been a clear trend in the decline in terms of access of the poor to these resources. This alienation has occurred due to the reduction in the physical extent of the area from which these resources were available and/or because of the declining productivity of the lands. These, in turn, occurred due to an increased intervention of market forces which encouraged the over-exploitation of resources, harvested for local subsistence earlier, for far away marketplaces. Also, due to the breakdown of traditional value systems, which had often (directly or indirectly) encouraged resource conservation, technological change made it physically easier to over-exploit these resources. Apart from these factors, the increasing centralization of power and inappropriate public policies which were determined in a top down manner along with increased population pressure also had an adverse impact on these common resources.

The need of the hour is to revitalise these resources and seek to make them community assets. Any efforts to revive the lands from which these resources are available without considering norms of equity would lead us into a situation where income disparities would further increase as the rural rich would monopolize the produce. In their current degraded state, such lands are of no interest to the rural rich but would be of great interest if revived as they have linkages with private property. For example, cattle graze on community pastures and thus reduce the pressure on agricultual land to grow fodder crops. Obviously, in a situation where private property is unevenly distributed, there is the danger of the rich usurping the produce of the commons, once they are developed.

The continuing participation of the rural poor in developing, maintaining and distributing the produce from common lands should be ensured if we want to make them into community assets. In fact, common resources should be treated as community assets and simultaneously, there should be an equitable distribution of the private assets, especially the agricultural land. This would ensure both sustainability and productivity of these assets.
THE STATUS OF UNCULTIVATED LANDS IN INDIA

The breakdown by category of India's approximately 320 million hectares of land is shown in the table given below. The proprietorship of uncultivated land in India at the time of British occupation varied in accordance with the historical and political conditions prevailing in each province. Despite its complexity, it broadly approximated to two types.

The villages in western and southern India contained a number of individual cultivators. While the Rajputs claimed all areas which were not cultivated (Ribbenroad 1906: pp. 86-121), the cultivators were apparently answerable to a local village headman, who was in charge of the uncultivated lands of the village. Anyone wanting to extend cultivation could apply to the headman, and obtain land without difficulty.

In the other type of village, one family claimed to be the owner or landlord of the entire area. The uncultivated portion of the village was the common property of this group, which (over time) came to consist of several families. This proprietary body would allocate tenants to cultivate its land and those who were standing could graze their cattle on the 'shamat' (the term used in north-west India for commons) of the landlord, as long as they did not cultivate it.

The two systems of land settlement evolved by the British, Ryotwari and Zamindari, were based on the above understanding about village proprietorship in India. Uncultivated lands become government property in western and southern India, but were generally settled as part of the zamindari estate in eastern and northern India.

In Ryotwari estates, all wasteland, except that allotted for village use as grazing land, remained as government property. There were some local variations, though, in the Western Ghats, certain patches of woodland or grass-bearing lands were attached to each cultivator's landholding, and were allowed to form part of his holding under a stipulation that this could not be cultivated or separately alienated.

It is on record that grazing was considered secondary importance in settling the area of village commons in the 19th century (Barden-Powell 1931). Plough cattle were the chief, and only the cattle which were kept in those days and these were stall-fed. The uncultivated commons inside the village were retained in the Ryotwari provinces, and in the Central Province not so much for pasture, but for land which in future could be brought under the plough.

When forest reservation began, the village uncultivated land was not touched, but the unoccupied and ownerless land outside the village was declared as government land and then reserved as per the provisions of the Forest Act. People who had legal or customary usufructuary rights, forests were classified as protected forests. As the turn of the century, the areas under reserved and protected forests were 20 million hectares and 2.4 million hectares respectively (Siebling 1926). In addition to these two categories, there were private forests (distinct from private groves), i.e. lands shown as having trees in the revenue records, but settled with individuals like zamindars.

As the pressure to bring more area under government control increased, lands under shifting cultivation or landholdings, like beta lands in Coorg used for supporting arecanut plantations, were also declared as forest lands. But a prescriptive and existing right to the use of uncultivated lands was recognized under law even after declaration of these lands as forest lands. Even today, almost half of forest land in Coorg is under shifting cultivation practices.
The difference in revenue land systems in the south and the north continued even after independence. In the south, uncultivated lands are still considered to be a government property, known as C&D lands in Maharashtra and Karnataka, as 'parobe' in Tamil Nadu. In Andhra Pradesh, although orders have been issued for transfer of uncultivated lands to the panchayats, these orders have not been implemented in many places, and thus these uncultivated lands are mostly under the control of the government. And from this pool, the state has been allotting land to the poor.

In the north, after the abolition of the zamindari, all uncultivated lands became vested in the state. Where there were large tracts, these were handed over to the Forest Department, and the rest were vested in the village panchayats, which were under the overall supervision of the Revenue Department. Their use by the panchayat is regulated by local Acts, like the Revenue Codes, the Panchayat Acts, and various manuals. Initially, panchayats were free to lease out these for temporary cultivation, but those powers were withdrawn when the programme to lease out these lands to the poor started in the early 1970s.

Trends in land allocation and use

In the 19th century, up to two-thirds of the land in India was under community control (R.C. Singh, 1986). Privatization and government appropriation have been the two main processes which have reduced this proportion. Although there was much regional and local variation even at independence, large areas remained under community control, especially in tribal belts. However, since independence, survey and settlement operations have diminished these areas. Land settlements carried out in the last 40 years have recognized communal tenure only in the northeast Indian states.

In parts of Bihar, there is a dispute between the Revenue and the Forest Departments regarding the exact status of tribal forests, called Krushakati forests, the former regards them as communal land whereas the latter considers them now as forest-property. In other tribal areas, communal ownership, control and management may exist in practice but has not been recognized by the formal legal system (Roy Burnien, 1987). There is no provision under the Indian Forest Act for recognition of community rights; only the rights of individuals are recognized.

During the last two decades, much of that part of common land that is cultivable without substantial investment to improve its productivity, has been allotted to the rural poor. About 600,000 hectares of cultivable wastelands were distributed to the poor during the 3rd and 4th Plans, under a centrally sponsored scheme (GOI 1985).

Other land allotted includes 1.78 million hectares, made available when land holding ceilings were introduced (GOI 1965; 1973), and perhaps an equal amount of government wasteland. In addition, 1.87 million hectares of Bhoojan land was taken over by the state governments, of which 0.9 million hectares have been distributed, mostly in Bihar, Orissa, UP, and MP (GOI 19S6, 126). The total allotment of degraded lands has been in the order of 3 to 8 million hectares.

Wherever agriculture was possible, land that had not been allotted has usually been either encroached upon, or has had earlier encroachments regularized. Accurate estimates of the areas involved are very difficult because of the illegal nature of much of the use, and because revenue records have not been updated. In the 30 years, from 1950 to 1980, land categorized as cultivable wasteland declined from 16% of the area for which records existed to 9%, while the cultivated area grew from 42% to 46% of the total and the area classified as forest rose from 15% to 22% (Farmer 1974, ISAN 1957). Much of the common land that remains is of low productivity and is likely to remain uncultivated.

Appropriation and Access

The boundaries between different lands under different tenure regimes are often not clearly demarcated, especially for lands far from the village centre. Access can be controlled by the legal owner in almost all cases, but the large boundaries and low resource value per area make it impractical to be guarded in most cases. The settlement process of the British, as well as later revisions after independence, often missed the local distinctions in land classification so that many well-defined local resources such as pastures, ponds and forests, were simply classified as state revenue land. Although CPRs are usually a minor portion of the total village resources and have been privatized in many areas, the remaining village CPRs can be a source of considerable conflict, often requiring settlement through the legal system.

Both forest and revenue lands have historically been common property resources. Sequences of exclusion and appropriation have varied. Often, these lands have been open access lands, where all can use a resource freely, whereas in some places these can be used only by a community or group.

The state has complete and exclusive rights to trees in Reserve Forests (40 million hectares in 1985-87), and private owners of land (theoretically) have complete and exclusive rights to trees on their land (though in practice, government regulations restrict what they can do). There are many overlaps and combinations of state, community and individual rights in between.
In Protected Forests (22 million hectares), people have rights of collecting fuel wood and other subsistence items. The colonial forest policy provided that the declaration of an area as forest should not abridge or affect any existing right or practice of individuals and communities. These rights (of collecting firewood, timber and other products) are fairly extensive, well-documented in Forest Settlement Reports, and have not been curtailed by the successive state governments.

However, there is much evidence to show that people's access to forests, and their ability to exercise their rights in practice have deteriorated widely for a variety of causes. Deforestation means that for many the forest is now farther away, increasing the burden of collection. In addition, large areas of forest have been cleared to make way for plantations of industrial tree species; and long-term agreements with industry to provide supplies of wood have been superimposed on local rights in other areas. Uncertainty on the part of local people as to their rights and difficulties encountered by Forest Departments in exercising control, often results in excessive use so that many areas, used to meet local needs, are degraded. Nationalization of minor forest produce, though undertaken with the intention of safeguarding the interests of the producers, has adversely affected their interests by disrupting the trade in these produce in ways which have reduced the income of the gatherers.

The Forest Conservation Act of 1980, in effect, transferred much of the control over forest lands from the states to the centre, but needed the approval of central government for de-reservation of forests or the use of any forest land for any non-forest purpose. However, the manner in which forests and forest lands were managed remained the responsibility of states, under the terms of the Indian Forest Act.

Under the Indian Forest Act, state governments may assign the rights of grazing over forest land as a village forest to any village community. However, in December 1988, amendment to the Forest Conservation Act extended the requirement for Central Government approval to any state government action which assigned any forest land to any private person or organization not owned, managed or controlled by government. This has cast doubts on the validity of the large numbers of village forest agreements, and of the variety of other leasing and benefit-sharing arrangements that exist between state governments and local communities.

The amended Forest Conservation Act also places the same restriction of prior approval on the planting on forest lands of non-forest crops. As this term has bearing on plants, palms and medicinal herbs, concern has been expressed that growing certain tree and medicinal plant species, the produce from which figures prominently among that covered by usufructuary rights, may be discouraged.

Many of what are known as "undassled forests" (13 million hectares) are village or community forests with various forms of group access. On privately owned land, there are quite often state restrictions on felling trees of certain species. On all tenures of lands, extra-legal appropriation is widespread.

Revenue lands comprise two categories: government wastes which are owned but the government but used by the community; and grazing lands which are vested in village bodies. There is little de facto distinction between the two categories, as both are used for grazing, and are generally considered degraded. They are also referred to as common or community lands. It has been estimated that on the average, there are about 20 hectares of such lands per village, but there is much regional variation as well as variation between neighbouring villages (Chambers et al. 1989).

Tenure rights governing the use of land may be affected at one or more of the following levels:

1. customary or traditional rights at the social custom level (e.g. village grazing rights);
2. administrative orders regarding the use of lands (e.g. Forest Department rules concerning collection of headtax fees);
3. court rulings regarding existing legislation;
4. state and national legislative status regarding rights over lands; and
5. constitutional law regarding citizens' rights on land (C. Singh 1985).

Conflicts over use-rights occur because there is a discrepancy in the rights at two or more different levels. In practice, the rights and practices which determine who has access to and can appropriate and use revenue lands are generally a matter of convention.

DRAFT PAPER ON THE NATIONAL POLICY ON COMMON PROPERTY LAND RESOURCES

The National Wastelands Development Board in the Ministry of Environment and Forests, Government of India, set up a Policy Advisory Group on Distribution of Benefits from Common Lands. The Ministry asked a sub-group to draft a paper on the subject of common lands, their development and management (including equitable distribution of the benefits of the development), bringing out the issues for policy and practice.

The following extract from the paper prepared by the sub-group contains its essentials:

National Policy for Common Property Resource Lands

In view of the accelerated shrinkage and degradation of CPRLs, owing to a variety of forces as explained earlier, it is expedient and desirable to decide upon a National Policy which, with the involvement of people in planning, implementation and management, and backed by public system support (viz., legal, administrative and financial) will lead to protection and development of CPRLs at the highest level of productivity on a sustained basis.

Objective

The basic objective of the National Policy is to provide support to the people and their production systems through restoration, protection and development of common property resources lands.

Goals

In order to achieve this objective, the policy sets out the following goals:

- Meet all the biomass needs of the community, in terms of grazing, fuelwood, small timber, thatching material, medicinal plants, etc.
- Income and employment support to the poor at times of vulnerability.
- Support the sustenance of farm animals and thereby complement the private resource for agriculture.
- Contribute the minimum natural vegetation for ecological health.
- Support the agencies and institutions responsible for management of CPRLs in discharging their responsibilities efficiently and equitably.

Requirements

The existing common lands must be fully protected and their productivity enhanced to meet the rising demands of the community so that the interest of the people to manage them is sustained. It is also necessary that CPRLs are clearly demarcated and assigned and used by a particular village that was traditionally depending on it.

Protection

Privatisation of CPRLs should be stopped, exceptions may be made only for very special considerations of policy. Government department and public sector requirements of land from CPRLs should be carefully vetted. The encroachments on the CPRLs should be demarcated on the ground described in records. The state should have adequate legal authority to prevail upon the panchayats and other local bodies for the protection of CPRLs, even to the extent of disqualifying the office-holders of these bodies, who themselves do or allow encroachments or are negligent otherwise in protecting common lands.

Accountability should be enforced on all those who are expected to protect the CPRLs. Incentives/disincentives may be provided to this end.

Productivity

Inputs of science and technology (S&T) should be applied to enhance the productivity of CPRLs, in quantity and variety consistent with the folk needs of the community.

Appropriate scientific and technological options should be placed before the village community (gram sabha and its committees), together with implementation packages and costs for the village people to take a decision on the scope, scale and phase of its programme and its management. Particularly in common lands in semi-arid and arid regions, the technological inputs must be directed towards controlling erosion and conserving soil and water. An integrated micro-management plan could perhaps be
prepared for CPRLs at the village level, on watershed basis. This micro management plan should be put to the village community and its committees - broadly on the analogy of the village forest committees in joint forest management programmes or the village level committees envisaged in the 1st June 1999 policy letter of the Environment Ministry, governing the use of degraded lands by village communities.

- This science and technology input function would need that research institutions and agricultural universities be given specific responsibility to take technological packages to the community at village level (more or less like the strategy of extension and provision of services and supplies for the green revolution from the 1960s).

- Any gaps in S&T should be identified, in order to sponsor R&D work to meet the same.

- Grazing in the CPRLs should be regulated by the community. This may include imposition of grazing fees and rotational grazing, wherever feasible. Measures to encourage stall-feeding and upgrading of livestock may be promoted and adopted.

- A portion of the revenue generated from the CPRLs should be re-invested for sustainable development and management.

**People’s Participation**

- Formation of user groups may be promoted for the management of CPRLs.

- The village community/user group should be involved in planning, regeneration and management of CPRLs, including distribution of benefits.

- The principle of equity in access and usage regulation must be enforced.

- Voluntary agencies and NGOs of established credibility and commitment may be involved as an interface between Government and the local community for the management and development of common lands. They should, however, act as facilitators, rather than implementers.

**Training and Documentation**

Orientation programme for legislators, panchayat members as well as government implementers should be organised to emphasise the need, relevance and scope for protection and development of CPRLs.

Documentation of case studies and success stories of government officers, research organisations and NGOs, as also critical analysis of failures, may be encouraged for drawing lessons.

Technical problems and constraints surrounding community management may be studied through an action-oriented research.

**Financial Support**

The objective, and goals of the National Policy on CPRLs, cannot be achieved by merely making funds available on a substantial scale. The support to the people and their production systems, which the development and efficient management of CPRLs could provide, would fully justify the investment.

At the village level, however, many activities can be implemented without full-time employees which a government department would generally need. Monitoring and execution by village communities (without the usual procedures of filing tenders or contracts even for small jobs), combined with social audit at the village level, would probably reduce the costs considerably and also make-up for the efficiency of execution.
In December, 1988, the Government of India introduced a new Forest Policy. Apparently, it had an 'ecological' thrust. It also rejected the emphasis on revenue-generation and industrial wood production from natural forests. One of the major objectives of this policy was to create a massive people's movement (especially with the involvement of women), and to minimise the pressure on existing forests.

To implement this policy objective, the Ministry of Environment and Forests issued a notification in June, 1980 to the state forest secretaries, setting out the new policy on involvement of village communities in the regeneration of degraded forest lands. The program was supposed to be implemented with an arrangement between the voluntary agencies / NGOs, the village community and the state forest department. Hence, it was called Joint Forest Management (JFM). After the Central Government’s notification, eleven state governments have passed their own resolutions or notifications to achieve these objectives, so far.

Before going into the details of JFM, it will be more appropriate to have a closer look at the concept of people's participation in the forestry sector, during the last 15 years.

In 1976, National Commission on Agriculture (NCA) blamed the forest dwellers alone for the disappearance of forests in its review of the forestry sector: “their rights and privileges have brought destruction to the forests and so it is necessary to reverse the process.....the rural people have not contributed much towards the maintenance or regeneration of the forests. Having over-exploited the forests, they cannot (in all fairness) expect that somebody else will take the trouble of providing them the forest - produce free of charge.” The NCA suggested two new opposite directions of forestry development:

- a greater emphasis on production forestry through establishing a Forest Development Corporation (FDC);

- a programme of social forestry to deal primarily with fuelwood and fodder production for the rural poor.

Reforestation of degraded forest lands, community and private lands through people's involvement, especially of women and poor for production of fuelwood, fodder and small timber, has been in India's policy documents since 1976 and has been the most important objective in various social forestry projects, being implemented by the states through donor’s assistance (SIDA, NORAD, World Bank, etc.).

During the early phases, various independent studies of social forestry have indicated that the major beneficiaries have been the large farmers on one hand and pulp and paper industry on the other. Acute shortage of fuelwood and fodder continues to persist. Forest Department has established large Nurserys, primarily of Eucalyptus and Acacia for distribution to farmers. Eucalyptus and Acacia have been selected not because the poor farmers want it for fuel and fodder but because they are easier and cheaper to raise; they are non-browsable, and have a ready market. In reality, farm forestry has become a subsidised programme for the bigger farmer. They have collected thousands of free saplings, many have converted their agriculture lands into Eucalyptus plantations because of higher profits.

One of the objectives of social forestry is “afforestation of Panchayat lands and village waste lands by creation of community wood lots and village forests”. But in reality, in most of the cases, village forest land has been cleared and covered by commercial species. Thus, it has not only helped the socio-economic development of the urban and rural but has also accelerated the process of pauperisation of the rural poor. Very few states/officers have realised the importance of attitudinal and behavioural changes which should precede SF programmes. So the programmes have degenerated into a kind of Forest Department’s normal plantation. The “social content” was missing. These not only included the knowledge about flora and fauna but also about what the different sections of people know and practice; about the needs of the people, process of change in the social composition of labour and social relations of production, consumption and saving habits of the people, their management experiences and management norms, decision-making process and the community power structure. Hardly anywhere has the S.F. programme been evolved, keeping all these points in view.

National Wastelands Development Programme

National Wastelands Development Board (NWDB) was set up in May, 1985. The original plan was that it would bring five million hectares of land annually under fuel and fodder plantations, thus developing a people's movement for afforestation. But the organisational initiative, taken up by the central government has not fared well. The NWDB has failed to achieve its objectives. The area planted annually has been well below two million hectares; people's participation has been very limited and the species planted continue to show a commercial rather than a community bias.

The programme also gets affected due to the lack of access to land. The original idea was a radical change in Land and Forest Management. Various degraded areas, currently under the control of Forest and Revenue Departments, would be made available to individuals, communities and organisations for afforestation. But, due to the absence of such an enabling legislation, the Board's ambitious programmes of fuel and fodder plantation have remained largely unrealised.
Recently, NWDB is also bifurcated. NWDB is now supposed to develop revenue and non-forest lands and function under the Ministry of Rural Development. A new Afforestation and Eco-development Board will develop degraded forest lands and adjacent areas of National parks and sanctuaries and will function under the Ministry of Environment and Forests.

**Tree Patta Scheme**

As part of social forestry and rural development, a ‘tree patta’ scheme has been jointly evolved by the NWDB and the Ministry of Rural Development. The scheme involves access to common land for afforestation purposes. The patta holder has been given access to land with usufruct rights of trees and grasses grown on the land. The scheme has not taken off as land was not available.

Security of land tenure and a sound base of land records are necessary conditions for the poor to take to tree plantation. Other related issues are legal problems in harvesting and sale of trees, market imperfections, etc., which the scheme itself contains several clauses which could make it unpopular among the poor. These are:

1. The beneficiary does not get a secure ‘patta’ for the first two years, while he establishes the plantation with his own labour. This adds to his uncertainty.
2. Government decides which trees to plant and when to harvest.
3. The beneficiary is not free to sell his produce in the market. He can sell only to the Forest Department.
4. The farmer cannot fence his plot nor put up a temporary but for protecting the trees.
5. There is restriction on the numbers of trees planted by the beneficiaries.
6. Forest lands are excluded from the purview of the scheme.
7. Several departments are involved in selection of the land.

The only uncontrolled right patta holders is the usufruct of trees for subsistence, but this alone is of little attraction to poor families where they have similar rights to collect dead branches, top branches and pick up wild fruits from trees on government land and protected forests.

**Salient Features of JFM Notification**

1. The programme should be implemented under an arrangement between the voluntary agency, the village community (beneficiaries) and the state forest department.
2. No ownership or lease rights over the forest lands should be given to the beneficiaries or to the voluntary agency.
3. The beneficiaries should be entitled to a share in usufructs to the extent and subject to the conditions prescribed by the state government in this behalf.
4. Access to forest land and usufructary rights should be only to the beneficiaries who get organised into a village institution, specially for forest regeneration and protection.
5. Areas to be selected for the programme should be free from the claims (existing rights, privileges, concessions) of any person who is not a beneficiary under the scheme.
6. The beneficiaries should be given usufructs like grasses, tops and tops of branches and minor forest produce. If they successfully protect the forests, they may be given a portion of the proceeds from the sale of trees, when they mature.
7. The selected site should be worked in accordance with a working plan duly approved by the state forest Department.
8. There should not be any grazing in the forest land protected by the community.
9. Ailing with trees for fuel, fodder and timber, the village community is permitted to plant such fruit trees as would fit in with the overall scheme of afforestation.
10. Cutting of trees should not be permitted before they are peps for harvesting. The forest department also should not cut the trees on the forest land being protected by the village communities, except in the manner prescribed in the working plan (prepared by the forest department).
11. The benefit of people's participation should go to the village communities and not to commercial or other interests.
12. The forest department should closely supervise the works.

There is a need to analyse and review these resolutions and notifications by the other state governments. Although there are variations at the state level, the basic pattern of the scheme is similar.
COMMON RESOURCES: REDUCED AVAILABILITY AND ACCESSIBILITY

Let us begin by stating what common resources are. They are those resources over which no individual exercises ownership rights but are accessible to the people, either individually or collectively. Such resources are available from community pastures, community forests, wastelands, common dumping and threshing grounds, watershed drainages, village ponds, rivers, rivulets as well as their banks and beds and the coastal seas.

Over time, a rapid decline of such resources is visible as more and more of these have either been privatized or nationalized. As far as the local people (those living in the restricted special area around the resources) are concerned, both these processes have the same result, i.e., the alienation from a resource that they were benefiting from. In the case of privatization, a defined body (whether an individual or a company) occupies the area from which these common resources were available. Access of the local people is also cut off due to nationalization of the resource or the state acquiring the relevant area. Both state control and privatization of the area from which the common resource was available can occur either to exploit the same resource that the local people were using or for some other purpose. For example, an area which was being used by the local people to graze their cattle may be handed over to an entrepreneur or to a state agency either to grow grasses and fodder for selling in the market or for the purpose of mining a particular mineral. Here, in these two processes, the control and ownership of the resource change (i.e., redefined use rights) may occur or one leading to a change in the nature of use - use itself (i.e., from grazing lands to mines). The alienation of the local people occurs in both cases, though the extent may vary in different cases.

This process has been visible over a long period, especially since the last 150 years or so, with the increased interference of the state in the local economy. This can clearly be seen in the case of forests. The Forest Act 1865, passed by the British government, alienated some of the traditional rights of the people. There is a clear trend in the declining access of the people to forest resources due to the various laws and policies enacted by the British and the Indian state after independence. This is clearly brought out by the changing terminology used by the authorities defining people's access to forest resources. The terminology changed from people's rights to concessions to privileges with time, showing the increased control of the state over forests.

Along with a decline in the physical extent of the area from where these common resources were available, a breakdown of the institutions governing the local use of the resources also took place. Such institutions determined the principles under which these resources were harvested. They existed either by law or convention. These common resources whose distribution, protection, and development was undertaken can be termed as common property resources (CPRs), i.e., any set of resources whose protection, distribution and development or any of these activities, alone or together, is managed by a set of users in a spatially restricted and defined sense should be treated as CPRs, wherein all users have co-equal use rights.

Here usufruct (use right) was associated with a particular group which may or may not have, or even require, ownership rights over the area from which the resource is extracted. The institution decided the contributions required for the maintenance of the resource, set up rules regarding use and distribution as also decided punishments for those breaking such rules. Many of these institutions have not been able to survive in the present social order [which has appropriated the resources that they governed], and consequently over-exploitation and degradation of the common resources has taken place. To quote Chopra et al., 1990 "The strength of the Van Panchayats of Uttar-Khand..., a traditional source of authority, made forest management easy,... that the Panchayats were strong, not only in the enforcement of rules relating to forest management but in other spheres too". At the present moment, even though the Van Panchayats have been legally recognized, degradation of forests under their control is widespread because of the manner in which the state has created laws and procedures which inhibit resource conservation and its use.

People can still collect common resources from various sources but there are only a few visible people's institutions that undertake development of these areas. The ownership and control of these areas has gone into the hands of various government departments, specifically the forest department and the revenue department, while some come under the purview of the village panchayats.

Various estimates about the extent of such lands have been made. To give a rough idea, common access of some sort is available to the people in about one-fifth of the geographical area of India (Chopra et al., 1990). According to them, common property on land comes to 21.55% of the total geographical area. (We have to keep in mind that this estimate has been based on the land-use data and that there have been significant encroachments meaning that this is an overestimate. This has been accepted by the authors.) They define the total land (from which common resources are available) as a sum of:

LAND & PEOPLE
## LAND WHERE COMMON RESOURCES ARE AVAILABLE

<table>
<thead>
<tr>
<th>State</th>
<th>Part of owned land to which CPR may be held</th>
<th>Fellows other than current</th>
<th>Cultivable Waste</th>
<th>Pastures &amp; other Grazing Lands</th>
<th>Protected &amp; Unclassified Forests</th>
<th>Total CPR Area</th>
<th>CPR as Percent of Geographical Area</th>
<th>Per Capital CPR Area in Hectare</th>
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<td>260</td>
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<td>1.56</td>
<td>0.09</td>
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<td>T.N.</td>
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<td>343</td>
<td>160</td>
<td>429</td>
<td>379</td>
<td>10.69</td>
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<td>0.25</td>
</tr>
<tr>
<td>Tripura</td>
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<td>765</td>
<td>1144</td>
<td>13.02</td>
<td>0.25</td>
<td>0.25</td>
</tr>
</tbody>
</table>

*The figures in these columns are expressed in 1000 hectares. Notes: N.A. stands for not available. Dash stands for negligible.

1. That part of land which though officially classified as privately owned allows partial common access.
2. Cultivable wastes and fallsows other than current;
3. Common pastures and grazing lands;
4. Protected and unclassed forests.

Partial access has been assumed only to owned land which is uncultivated as is barren/marginal land. Partial or complete common access is permitted to fallsows other than current, cultivable wastelands and pastures and other grazing lands either by law or convention. No access to reserve forests has been granted either by law or by use, but local communities have had access to protected forests, and unclassed village forests, both by law and more significantly by convention.

### Common Resource Lands

1. **Fallow other than current** implies all lands which were taken up for cultivation but are temporarily out of cultivation for a period of not less than a year and not more than 5 years.
2. **Cultivable wastes** includes all lands available for cultivation whether not taken up for cultivation or taken up for cultivation once, but not cultivated during the current year and last 5 years or more in succession.
3. **Pastures and other grazing lands** cover all grazing lands, whether they are permanent pastures and meadows or not. Village common grazing lands are included in this.

### Causes of depletion and degradation

Common resources have been declining both in...
quantitative and qualitative terms, i.e., the area available to the local people to extract those has diminished and so has the productivity of the area over which some sort of rights of the local people still exist. For example, with the advent of the market and modern technology, coastal fisherfolk, who were earlier harvesting the fisheries for the local market and self-consumption, have lost out to trawler fishing. Nowadays, most of the catch is being exported. The salters, using nets to drag the ocean floor, destroy a lot of fish needlessly. This has caused a reduced catch for the traditional fisherfolk as well as the amount of the catch and its quality have declined.

As far as common resources over land are concerned, reduction in area varying from 30% to 50% has been noticed in different states since 1960. The principal causes of this degradation are:

1. POPULATION GROWTH : both human and cattle, in a situation of absence of technologically inputs into common lands to improve production of biomass requirements.

2. DEVELOPMENT FORCES: monetizing the rural economy: neglect by those whose dependence on common lands was reduced as a result of changes in the rural economy.

- urban influences, diluting the sense of community obligations
- breaking up of communities into families and families into individuals, resulting in the gradual disappearance of values attached to common lands, and consequent indifference towards the same.

3. PUBLIC INTEREST: the growing public campaign against the land reforms of the 1970s and late anti-poverty programmes launched from 1980s led to a large-scale distribution of common lands to individuals for cultivation.

- Indifference of public authorities to protecting the common lands encouraged encroachments on a large scale.

- velvet and assigning of common lands in part, without any bazaar and other bodies ceased the informal authorities of the village elders and of traditional institutions.

- more and more needs started competing with the traditional ones, consequent to the implementation of development plans (e.g., common lands diverted to kilns, public works, habitations, etc.)

- abolition of grazing tax, jades, compulsory labour for maintenance, etc., induced adverse and poor upkeep of common lands. In many cases the lands lost their power of regeneration because of over-exploitation.

4. TECHNOLOGICAL CHANGES: it encouraged changes in land-use and in turn led to privatization.

- promted the state to grab most of the benefits, depriving the village communities from having a fuller share.

5. ENVIRONMENTAL STRESS: drought and floods aggravated degradation of these lands.

6. OTHERS: The right to utilize the produce of the common lands of a particular village, by neighboring villages, has resulted in an indifference of the former to manage its common lands on a sustainable basis.

**Contribution of Common Resources to the Sustenance of the Poor**

It is clear that the common resources form an important part in the economy of the poor. In a way, they allow some support to the lowest poor households in the villages by the availability of these community assets. The dependence of the comparatively better-off sections in the villages on these resources is relatively less. This is because of the degraded state of these resources. Since the poor have limited options, their dependence on common resources is crucial for their livelihoods. Apart from that, in a situation in which available common resources also provide employment and income through the collection of these resources which can then either be sold or consumed directly or be processed and then used. We can clearly see the importance role of these resources in the case of dry regions of India in the table adapted from Joshi, 1990.
EXTENT OF PEOPLE'S DEPENDENCE ON CRS (COMMON RESOURCES)
IN DRY REGIONS OF INDIA 1.

<table>
<thead>
<tr>
<th>State (With number of districts &amp; villages)</th>
<th>Household Categories</th>
<th>Fuel Supplies (%)</th>
<th>Animal Grazing (%)</th>
<th>Employment per Household (%)</th>
<th>Annual Income per Household (%)</th>
<th>CR Income proportion (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh (1,2)</td>
<td>Poor</td>
<td>84</td>
<td>-</td>
<td>139</td>
<td>534</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Others</td>
<td>13</td>
<td>-</td>
<td>35</td>
<td>62</td>
<td>1</td>
</tr>
<tr>
<td>Gujarat (2,4)</td>
<td>Poor</td>
<td>68</td>
<td>92</td>
<td>196</td>
<td>774</td>
<td>18</td>
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<td></td>
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<td>14</td>
<td>80</td>
<td>185</td>
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<td>Poor</td>
<td>-</td>
<td>83</td>
<td>185</td>
<td>649</td>
<td>20</td>
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<td></td>
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<td>-</td>
<td>20</td>
<td>34</td>
<td>170</td>
<td>3</td>
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<tr>
<td>Madhya Pradesh (2,4)</td>
<td>Poor</td>
<td>74</td>
<td>79</td>
<td>183</td>
<td>733</td>
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<tr>
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<td>34</td>
<td>52</td>
<td>386</td>
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<td>Maharashtra (3,6)</td>
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<td>128</td>
<td>557</td>
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<td></td>
<td>Others</td>
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<td>27</td>
<td>40</td>
<td>177</td>
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<tr>
<td>Rajasthan (3,6)</td>
<td>Poor</td>
<td>71</td>
<td>84</td>
<td>193</td>
<td>770</td>
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<td></td>
<td>Others</td>
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<td>38</td>
<td>61</td>
<td>413</td>
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<tr>
<td>Tamil Nadu (1,2)</td>
<td>Poor</td>
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<td>-</td>
<td>137</td>
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<td>22</td>
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<td></td>
<td>Others</td>
<td>-</td>
<td>-</td>
<td>31</td>
<td>164</td>
<td>2</td>
</tr>
</tbody>
</table>

1. Based on village/household data from study villages reported by Jodha (1966)
2. Number of sample households from each village varied from 20 to 36 in different districts. “Poor” are defined to include agricultural labourers and small farmers (less than 2 hectares of land equivalent). “Others” include large farm households only.
3. Fuel gathered from CRSs as a proportion of the total fuel used during three seasons covering the whole year.
4. Animal unit grazing days on CRSs as a proportion of total animal unit grazing days.
5. Total employment through the CR product collection.
6. Income mainly through CR the product collection. The estimation procedures underestimated the actual income derived from CRSs.
7. CR income as percentage of the income from all other sources.

This clearly demonstrates the contribution that these resources are making in the livelihood of the poor. The government has initiated various programmes to provide employment or create assets for them, but these programmes do not seem to be very successful in helping the target groups. We should look towards the common resources in continuing support to the poor. Increased productivity and restrained use are important, even crucial, for this support.

It becomes crucial that a mechanism is needed whereby the poor can regain access and control over the common resources once they are revitalized. Institutions of collective use need to be created in this purpose in such a manner that the access to the common resource is controlled by the local user group. It is only when these are seen as community assets that there would be an initiative for their protection and development. i.e., these should become common property resources. This will call for a devolution of power by the state to the local people and the creation of suitable support structures to such institutions of common property resource management.
This is a list of some useful and interesting works on Common Property Resources.

ARTICLES

- Damodar: a system of tank management for equity - S.T.S. Reddy
- Management and use of CPR in Tamil Nadu, India - Bhaike, Hairass & Pain
- Common property land resources in Gujarat: some findings about their size, status & use - S. Iyengar EPW June 24, 1990.
- CPR management in South Indian Villages - R. Wade.
- National policy paper on common property land resources - draft paper, National Wastelands Development Board.
- Common property land resources in Gujarat and their development Wasteland News August - October, 1990.
- Tanks: Major Problems in Minor Irrigation - Uma Shankar, EPW, September 28, 1991. (EPW is Economic and Political Weekly of India)

REPORTS

- The management of common property natural resources: some conceptual and operational fallacies - D.W. Bromley, M.M. Chepau World Bank Discussion Papers 37.
- Community level CPR management systems: summary report - Development Alternatives.
- The people, the state and participatory management of common and public natural resources - A. Damodaran, Technical report No. 82 CES, Indian Institute of Science.
- Peoples' participation in the management of natural resources, technical report No. 52, CES, Indian Institute of Science.

BOOKS

- Participatory development people and CPR - Kanchan Chopra et Sago, 1990.
- The control of resources - Pratap Desgupta, Oxford University Press, 1982.
ORIENTATION PROGRAMME ON ISSUES OF THE COASTAL POOR

During August 5-6 at Ongole, Andhra Pradesh, PRIA conducted an orientation programme on Participatory Research for the activists of Society for National Integration through Rural Development (SNIRD). These activists planned to participate in the Eastern Coast Research March to study the Coastal poor and fisherfolk. Twenty six activists of SNIRD participated in this two day programme. As a follow-up, a Coastal Research March was planned along with coast lines of the Prakasam district, A.P., during September 14-22, 1992.

TRAINING ON PARTICIPATORY LAND STUDY

During August 19-22, PRIA conducted an orientation programme on Land Study for the activists of Akhil Bhartiya Samaj Seva Sanshan, Manikpur. Twenty two activists participated in this four day programme.

WORKSHOP ON ALTERNATIVE LAND MANAGEMENT

During 17-20 September, PRIA organised a four day workshop on 'Alternative Land Management' for Ekta Parishad workers at Prayag, Allahabad. Seventeen Ekta Parishad members from 17 districts of Madhya Pradesh participated. Because of their sustained struggle, people have got access and control over land, but now the question is what to do with this land: use modern HYV seeds, chemical fertilisers or take the path of sustainable agriculture. As we are working towards social change, we have to search for alternative agricultural practices. With this basic focus, the objective of this workshop was to develop a common understanding about why alternative are required, then, move on to the existing alternatives and how they can be implemented in local environment. Most of the participants, actively involved in land struggle, clearly articulated their learning needs and plan of action for the next five months. As a follow up, it was decided that participants would visit some successful experiments, take initiative to plan alternative agriculture with people's participation, and regularly exchange ideas. During mid February, the group will meet again for the second phase of this programme.

PR TRAINING ON COASTAL RESEARCH STUDY

During October 11-13 at All India Catholic Union Federation Hall, Madras, PRIA conducted the second phase of Participatory Research Training for the groups associated with Coastal Poor Research Project. The objectives of this programme were the collective analysis of the data, information collected during the research study and preparation of a future plan. Twenty two participants from Andhra Pradesh and Tamil Nadu, who participated in the research study, attended this programme. After an in-depth analysis of the data and information gathered during the study, it was decided to prepare a comprehensive report in English and a brief booklet in English, Tamil and Telugu. Coastal Poor Development Action Network (COPDANET) will follow up this process.

WORKSHOP ON DROUGHT

During October 16-17, PRIA organised a workshop on 'Drought: its causes and long term mitigation' in Delhi. This was a part of Pria's ongoing involvement in this issue. The basic focus of this workshop was to discuss and analyse the present regional situation. How present development pattern perpetuates the drought, understanding of long term drought mitigation strategy. Twenty eight participants from Bihar, Orissa, Maharashtra, Madhya Pradesh, Gujarat, Rajasthan, Karnataka, Uttar Pradesh attended this programme. As a follow-up, groups will study the situation and its impact at the micro level and interact with local, regional NGOs, People's Organisations, sensitive individuals, etc. to develop a collective understanding and action on this issue that drought is not merely a natural event, it is linked up with various other issues.

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