

NATURAL RESOURCE MANAGEMENT AND PANCHAYATI RAJ INSTITUTIONS: THE SEVA MANDIR EXPERIENCE

Introduction

This paper discusses the status of natural resources and the Panchayati Raj Institution in rural and tribal areas. The geographical area of examination is the work area of Seva Mandir, a non-government voluntary organisation working in over 500 villages of Udaipur district. The context is of rural people living in the hilly tracts of the southern Aravali range. These tracts are located in the hinterland of Udaipur city in the northwest Indian State of Rajasthan. The paper would first, outline the status of natural resources and Panchayati Raj Institutions, drawing from Seva Mandir's experience in the field. It will then assess to what extent Panchayati Raj Institutions can address the problem of natural resources in the area of their jurisdiction.

Context

The villages in which Seva Mandir works constitute remote pockets of Udaipur district where most of the population is tribal and lives below the poverty line. The context of the poor in this region is defined by sharp structural constraints to improving livelihoods and achieving well being in terms of health, education and gender equity parameters. The area is characterised by a degraded natural resource base and lack of sufficient medical and educational facilities. Only about a quarter of the rural population here is literate.

The profile of natural resources in the area

In the rural areas livelihood is primarily agriculture-based. The livelihood resource base is degraded and the average land holding size ranges from around two bighas¹ to over ten bighas, the size of individual wastelands range from two bighas to over fifteen, and livestock ownership ranges from four to ten animals per household. Seventy-five percent of the

people practice rain-fed agriculture. Irrigation facility is limited, and is clearly indicated by the small proportion of farmers growing water-intensive crops such as sugarcane. Most households cannot meet their annual requirement of food grains from agriculture and, therefore, need to purchase food grains. However, this dependence on the market varies considerably between households, some being food-sufficient for up to eleven months and others for only six months in a year. On an average, about twenty-five percent of households have sufficient food for six months in a year and are heavily dependent on migratory wage-labor as a source of income. They work in Udaipur city or in the nearby soapstone and marble quarries as casual labour and stay away from the village for at least two weeks in a month. In addition to this segment, some households depend to a lesser extent on wage labor to supplement agricultural income. People from this segment tend to go for labor within the village or in neighboring villages; if they go far as Udaipur, they do not stay away from the village for very long.

The trajectory of the local common natural resource endowments in time shows that prior to 1947, property rights of villages were transferred either temporarily or permanently to individual subjects by feudal rulers who gained complete control over the village - its inhabitants and natural resources - as he represented the ruler. For their access to fuel, fodder and timber, people paid a tax to the *Jagirdar*. After 1947 the *Jagirdar* system was abolished and the State assumed the role of custodian of all natural resources and their produce. It extracted forest products for revenue purposes, and to promote industrial development. Being severely handicapped in terms of education and the skills relevant to the organised sector, the rural poor could not benefit from the development of the organised

¹ Bigha is a traditional measure of land area and is equal to 1/5th of a hectare.

sector. They continued to be dependent on the degrading natural resource base for their livelihoods. Instead of trying to compensate the rural people by providing new entitlements to the land resources in possession of the State, the State continued with custodial policies of forest management characteristic of the feudal/colonial era. Due to their growing numbers and the impoverishment caused by the reduced productivity of the resource base, the villagers were forced to over exploit the resources that remained. They resorted to cutting trees for income generating purposes and were also driven to encroach on public lands on an ad hoc basis.

Privatisation of land became more pronounced because there was value to owning private land - the commons being degraded or under State control. Such 'privatisation' was done, and continues to be done, not as entitlement but as favours by lower rung government officials, as it generates power and bribes for them. Apart from being made to feel obliged, these encroachments were to limit the ability of the rural people, as a collective, to claim rights on these resources. Further, these encroachments on public lands, without the application of any consistent principle also generated conflicts among villagers as it denied access to traditional users of the land and other potential claimants for "encroachments". Also, majority of the poor are excluded from any such benefits owing to their restricted access to patrons. This practice thus, contributes to the fragmentation of the communities on the economic, social and political axis. At present the ownership, management patterns and institutional arrangements for managing common lands are not aligned to the purpose of sustainable management of these lands. It has in effect destroyed a common and a community stake in the management of common property resources. The mismatch is the legacy of history and also of contemporary pressures in terms of different interests groups vying to gain access and control over these resources.

An outcome of this kind of a ground situation is

that now, even when the state has completely changed its approach to these lands and is inviting village communities to come together and take over management of these lands, there is no ground level spontaneous upsurge in response. More specifically take the example of Joint Forest Management. This progressive policy of the State is now nearly ten years old. During these 10 years, only five village groups have had land actually allotted to them for plantation and protection in our area of work. While that speaks something of the states' actual readiness (and not stated) to hand over the controls, it is equally interesting to see what happened on those five sites. Of these five, three sites (of 50 hectare each) had numerous encroachments by the villagers. On one, after along drawn negotiation, and lift irrigation scheme for them, the encroachers finally withdrew. On the second, the divisions within the village around this land were even tougher and work had to be stopped as soon as it was started. After nearly 5 years now, there are signs that the villages may again try and come together. On the third site, the villagers could not get the encroachments vacated and went back to the Forest Department, with a request that a fresh site may be allotted to them which does not have any encroachments. The above experience is being listed merely to illustrate how complicated has the situation on the ground become where only changing the overall policies is now not enough.

In this present context of natural resource, it is then worthwhile, to realise that an attempt to create a stake for rural people in their natural resource base requires that the terms of trade or the opportunity cost of managing the resource, turn in favour of this kind of effort. At present because of the highly degraded nature of the resource base the short-term incentives for investing in these lands are less attractive than what is provided for by entering into the labour market as wage earners.

Thus there are multiple constraints surrounding the issue of natural resources: low productivity, poor and inequitable access to land leading to livelihood insecurity, social relations in rural areas becoming increasingly patron- client centred around state

functionaries and political authorities who have little, if any stake, in the proper management of lands. In addition to this, the State's stand on the issue is somewhat loosely defined. This in effect, irrespective of its stated goals, ends up serving the interests of powerful segments of society.

The State and the Panchayati Raj experiment

Panchayati Raj Institutions (PRIs) were originally conceived as people's institutions to countervail the State. These village councils were supposed to represent the needs of local community vis-à-vis the State administration and also provide a measure of local self-governance. The positive potential of this conception was perhaps its undoing. For those who are familiar with the initial phase of Panchayati Raj in Rajasthan, it is said that just when the Panchayats were coming into their own in terms of having the authority to respond to local needs, their growth was stalled. The different agencies of the State succeeded in slowly emasculating the vitality of these institutions. This trend was to manifest itself in the mid sixties. Over the years into the seventies, the frequency of Panchayati Raj elections declined. The successive incumbent governments felt hesitant in calling for elections for fear that they would suffer from an anti-voting against incumbency.

Notwithstanding recent developments through Constitutional Amendments, the expectations generated by professed commitments to decentralisation seem to have been belied for several reasons. Despite the claims made by the State that Panchayat elections are free from mainstream party politics of the country, the fact remains that offices of the Panchayat are fought for along party lines and are very much integrated in the political structure. This consequently has meant that benefits, too, flow down to the people along party lines and loyalties flow up along the same lines. As a result the PRIs of today are more an extension of the state rather than being people's institutions.

The status of the structures put in place in an effort to ground this institution reveals the performance of the PRIs.

A major change in the 73rd constitutional amendment was the introduction of regular Gram Sabhas twice a year. It was thought that this would help shift information, decision-making and power to the people and not just to the Panchayat functionaries. Gram Sabhas are supposed to be forums where both beneficiaries and the benefits were to be decided upon. The Gram Sabha, comprising all citizens registered in the electoral rolls, was introduced with the objective of decentralising governance and development activity by increasing the participation of the community, inculcating values of transparency and accountability in the panchayats, and giving these bodies of self governance more power and autonomy.

However, data and documentation for the past five years show that Gram Sabhas are often not held on stipulated dates. In most of the Gram Sabhas the attendance is extremely low, with only 20-30 people of the Panchayat population participating. Most people claim that their disinterest stems from the fact that they do not benefit from these meetings since the decision-making regarding the selection of beneficiaries is concentrated with the Sarpanch and Sachiv. In order to complete the minimum attendance levels required, the signatures and attendance figures of the meetings are manipulated by using dummy signatures. In the year 1999, the "Year of the Gram Sabhas", four Gram Sabhas were held. In the last Sabha quorum stipulation was also waived. In any case, the Sarpanches are often not too concerned even if the Gram Sabha does not have the requisite quorum since the quorum stipulation does not hold true for Gram Sabhas called the next time, after the first, did not fulfil this condition. Further the agenda for discussions in the last year were given by the State. In some of the Gram Sabhas, it was experienced that subjects such as the status of pasturelands were not discussed, though a part of the agenda. The Sachiv conducting the forum mentioned that the Patwari records stated that the land was free of encroachments and that they should ensure this status at the earliest. Neither from the people present nor from the government machinery there, was there an effort to deliberate on this issue.

In the same Gram Sabha, the issue of forming a committee to monitor the work of Government officials at the village was treated with great indifference. The Sachiv suggested that there be a group of five people on this committee, which should necessarily include one woman, one person from the SC and one from the ST. The Up- Sarpanch keeping these categories in mind suggested names, a couple of them who were not even present at the Sabha. This was more or less a general trend, in most Gram Sabhas that were attended. Such instances suggest that people have poor stake in Gram Sabhas and that these platforms have limited influence on issues that are substantive to the village community. Therefore the chief mechanism created by the State for ensuring accountability of Panchayats – the Gram Sabha – has not turned out to be for real.

The constitutional safeguards through the Seventy Third Amendment and the pervasive use of affirmative action to enable women and members of the scheduled caste and tribes to participate in these forums has corrected some of the biases associated with the earlier system. In terms of the profile of the people in Panchayats today there is a change, with a number of first timers from marginal sections of society getting elected. The hope was that with the earlier vested interest groups being eased out, the panchayats would become more pro-poor. However, a recent (as yet unpublished) study conducted by UNNATI, Ahmedabad, in fifty Panchayats of fifteen blocks reveals that thirty percent of the benefits channeled through the Panchayats have gone to ninety percent of the people while seventy percent have been cornered by the remaining ten. The latter is the affluent and more powerful section in the village.

The introduction of reservation for women was envisaged to be the harbinger for women's emancipation and was to bring with it the advantages of the so-called "feminisation of rural political spaces". This would have meant changes in the value systems within these institutions and also the articulation of alternate agendas. Neither of the two appears to be happening. A study of women headed Panchayats underway in Seva Mandir reveals that

the level of corruption in these Panchayats is as high as in any other. Even in terms of the agenda nothing has changed. While some of the elected women PRI representatives, especially the Sarpanches, do seem to have become more confident, articulate and powerful individuals, it is difficult as yet to understand the wider contribution of this to women's concerns at large.

The capacity of the State to control the Panchayats reflects itself in many ways. There are formal ways in terms of the sanctioning of State development programmes and there are informal ways based on the power of interpreting and applying a maze of rules that can constrain the freedom of elected leaders. A most recent example of the so-called 'people's institutions' being actually controlled by the State has been the process of deciding reservations in Panchayats where it has become a 'State controlled lottery'. It is only a month before the election that the government declares which seats will be reserved for SC, ST and women candidates. These PRIs are supposed to be deliberating and deciding upon their representatives based on performance and merit. But in actual fact, the reservations decide who can contest and who cannot. Consequently, even if a Sarpanch has worked very well, if his Panchayat and his ward get announced as being women positions for the next time, there is no way that he can continue building upon his good work, or that people may choose him even if they want to. The documentation at the organisational level helps infer that this trend will lower the motivation and the stakes of Panchayat functionaries in working to any long term pro-poor agenda.

Another feature to "empower" Panchayati Raj Institutions is the schemes to be implemented by the Panchayats. These schemes are generally prescribed by the State and are mostly individualistic in nature, and necessitate selection of few from the larger community. For instance, schemes like Indira Awas Yojana. Community based funds like Jawahar Rojgar Yojana (JRY), are under the disposal of the Panchayat functionaries. These funds are invested in assets like chabutras, school boundary walls, and

link roads and also to pay bribes for accessing other benefits, as this money is not subject to State audit. The state officials also influence the decisions regarding utilisation of these funds. These investments however, do not critically influence people's lives. The Panchayat approximately gets Rupees 2 lakh, at the maximum, annually, under JRY to cater to development needs of the entire Panchayat. Other benefits from the Member of Parliament Area Development Fund or the Drought Relief Programme are available to the panchayats. However, these benefits are not assured on a continuous basis and to get these benefits for the constituency, the Sarpanch has to entail bribing and giving commissions to the Government officials and political party representatives, who control the decision-making regarding the distribution of the benefits across the Panchayats.

Thus the nature of benefits disbursed through the panchayats seems problematic. For one, the distribution of individual benefits in an already stratified community further exacerbates the existing fragmentation. Two, given that the funds like JRY are utilised for one time events, which are less meaningful to the people given their context, these incentives do not result in their coming together/ in forming stakes, by experiencing the benefits of co-operation.

Given that, Panchayati Raj Institutions continue to be dependent on the State for funds and authority, greater decentralisation and devolution is definitely desirable, but the issue is not only that of powers to Panchayats vis-à-vis the State. It is much more that of devolution of powers and resources from the Panchayats to the poor. It is this latter category of devolution, which needs to be ultimately and simultaneously tracked. The evidence of the last five years, however, does not suggest that either greater devolution of powers to Panchayats or changing the people in the panchayats is necessarily resulting in greater devolution to the poor and marginalised.

The case of Village Chirwa, in Badgaon Block is illustrative of the need to track the processes of the Panchayat. This village experienced the benefits of work of the Integrated Watershed Development

Programme, for rainfed area, assisted by the World Bank. The programme included work on individual and common lands. The project gained recognition as a success story in terms of the work accomplished.

After the completion of the five-year contract period, the Chirwa Panchayat took custody of the village pastureland. Eventually, the pastureland in control of the Panchayat was cut into plots and issued to eleven people in the community who by virtue of the receipts given, had individual ownership of these plots. The Upsarpanch responsible for this deal, is a very powerful member of the community, both politically and economically. Presently the village is embroiled in a legal tussle over this issue. The verbal protests are limited to a certain faction of the community who acknowledge that they initially protested as they did not directly benefit from this privatisation. However, a lot of people in the community are supportive of them and assist indirectly by way of small grants to take care of the expenses incurred in this process. The courts recently passed a decree that this act was illegal. It is interesting to note that this village largely constitutes of the of the Brahmins and the tribals, the former being educated and mostly employed in Government and private enterprises in Udaipur. However, all the power, money and contacts did not encourage a visible protest at the village level.

The Sarpanch (under reserved candidature), of Chirwa, was on the verge of resigning as the receipts given to the eleven people, were bearing her signature. She happened to be an illiterate and was unaware of this deal for sometime. There is now some effort to prove her innocence in the court of law. This then reiterates our idea that devolution of power to PRIs cannot be assumed to mean devolution of power to the people at large. Additionally, there is need to dwell on the conditions in which commons can be retained as commons- only a physical effort at rejuvenating the pastures (ignoring the social context and the political dynamics of the community) as in both Godach (initially) and Chirwa villages seemed inadequate.

Work on Common Property Resources would essentially require co-operation of the community as a whole. This then necessitates large resources and also a larger time frame (given the social fragmentation and the extent of physical degradation of these resources), so that the minimum level of cohesion required for sustainability can be engendered. In the case of Nayakheda cluster, of Godach Panchayat, all the six charnot lands were fenced off by the Panchayat under the Nehru Rojgar Programme, in the mid 1980s. The powerful panchayat functionaries had privatised most of the enclosed land and in some cases, people had to pay money to access this area. The people of the community who thus had poor stakes in this resource, then slowly appropriated the stones in the boundary wall and sold them. With no exceptions, by 1990s all these lands lay barren.

In 1991 a programme to regenerate these lands was initiated by Seva Mandir and the people. The issue of privatised lands in the charnot area was dealt with – in a few cases this process was easy as the families felt that the amount of penalty paid to the Patwari was not cognisant with the benefits they were getting. It was probably also easy as they knew that regularisation of encroachments on charnot land was very difficult. In case of a chak, that had been appropriated by the powerful mine owner people broke the boundary walls of the chak and rebuilt it themselves. They later got plantation and water conservation work done and also a pucca boundary wall built around the chak with the help from Seva Mandir and the Government in an effort to establish their collective identity on the pasture land. In another instance the encroachee was compensated with some land and a house through the Panchayat scheme, as the encroachee was poor.

These dialogues were in process till 1995. Seva Mandir was associated with the group through this past decade and participated in these negotiations for change. These investments of time period of association, asset building, supporting leadership were critical in spearheading the change in the contested domains. Simultaneously, a watershed

project was undertaken to keep the element of cohesion alive. The investments / resources for creating these assets at Rs.7000/hectare while higher than the Government Department's average norm of Rs.4000 per hectare, was still the minimum that was needed to regenerate the lands.

These investments explained the regeneration of stakes of the community in the resource and the continued interest inspite of low returns (compared to their needs) in the short run.

Conclusion

The point that the Panchayati Raj experiment and the common property natural resource issue have driven home again is that building strong village communities is not just an act of legislation. The State on its part has attempted to introduce an innovative structure for self-governance. However, the social base on which it has attempted to do so in itself is weak and cannot support the innovation. Consequently, many progressive ideas of the last decade or more do not appear to have lived upto their expectations on the field level – whether it be Joint Forest Management, or Watershed Development or Panchayati Raj. Altogether, policy prescriptions have to be located closer to the ground. It is clear that the pace of decentralisation must be in sync with the pace at which the social base can absorb the responsibility for self-managed development. What are required are not just macro policy prescriptions, but a certain level of discretion, flexibility and closeness to the ground aimed towards examining the extent to which power can be devolved for achieving effective ends.

A greater task lies ahead, that of constituting social solidarity and efficacious local institutions, for people at grassroots to avail - the opportunities of development being furthered by the new policies. The strategy for development should be to concentrate on building social ties, organic leadership and above all on capable and autonomous village institutions. The challenge is to make social conditions conducive to participatory development. For the people, the task at hand is to eschew short cuts and favours and

come together as an institution, to occupy the space being created for them to participate in the process of development. Unfortunately, these are tasks, which require a long-term perspective and not merely a five year time perspective which most Panchayats, and Governments seem to have.

This is where the institutions of Civil Society, with their advantage of continuous relationships with the

village community, with the principles that drive them, and with localised efforts have a role to perform- as institutions which can provide an alternative paradigm for people to experience and consolidate their collective identity. This further will translate to investments in Civil Societies for them to actualise their potential given their problems and constraints.

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