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DECENTRALISING GOVERNANCE OF NATURAL RESOURCES IN INDIA: LESSONS
FROM THE CASE STUDY OF THANAGAZI BLOCK, ALWAR, RAJASTHAN, INDIA

Maria Costanza Torri

COMMENT



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1

INTRODUCTION

Numerous developing countries have undergone some type of decentralisation reform in the management of natural resources.¹

In India, although some attempts towards decentralised governance in natural resource management were made during the setting up of the country's Constitution in 1950, the push of the first four decades after independence was clearly on centralised control and management by various arms of the central and state governments.² The 1990s, however, saw a significant thrust being given to decentralised management of natural resources. At macro-level amongst the factors which give impetus to the implementation of decentralisation strategies were donor influence, good governance agenda and the pressure to combine more accountable and cost-effective local service provision with the poverty alleviation agenda.

The emergence of arguments for decentralisation can be linked to the disillusionment felt in different quarters, in the ability of centralised governments to oversee the development process. Development theories that provided analytical support for a centralised state began to lose ground against other theories, which supported decentralisation as a component of their world view.³

Donor support for decentralisation – both administrative and democratic – is often articulated more as a practical remedy to past policy and project failures than as an ideological approach with theoretical underpinnings. Insofar as these can be teased out, they are obviously influenced by public

choice theories and the economic pressure on governments in the Structural Adjustment era. The World Bank argues that the rationale for decentralisation is similar to the rationale for 'liberalisation, privatisation and other market reforms' and makes an argument for political decentralisation on the grounds of economic efficiency, where public goods and services should be provided by the lowest level of government that can fully capture costs and benefits.⁴

The last major influence on the decentralisation agenda comes from a school of thought described as 'moral economy', more commonly known as 'populist'.⁵ Populism has greatly influenced the policy consensus on community management approaches. An important characteristic of populism is a shared vision of the past, where communities managed natural resources sustainably through their own rules. Decentralisation is regarded as essential in allowing the traditional management systems to survive. There is no distinction made between deconcentration and devolution, because the emphasis is that community management is enabled by autonomous, internally sustained and self reliant institutions. Such arguments, often backed up with a full critique of Western-scientist-colonial-patriarchal models of development, are not marginal; versions of this view are quite common among higher policy circles of the Indian State and amongst some donors.

Efforts to decentralise the management and governance of natural resources in India have taken different trajectories.

One form of decentralisation is 'administrative', through partnerships between line departments and user groups set up around a particular resource. Such initiatives are to be found in forest management, canal irrigation, tank irrigation and watershed development. They operate under various labels,

1 World Bank, World Development Report 2000/1: Attacking Poverty (Washington DC: World Bank, 2000).

2 A few states experimented with setting up a third tier, but these experiments were limited and impermanent.

3 Eric Lambin, Helmut Geist and Erika Lepers, 'Dynamic of Land-use and Land-cover Change in Tropical Regions', 2(3) *Annual Review of Environment and Resources* 205–241 (2003).

4 See World Bank, note 1 above.

5 Pari Baumann, *Panchayati Raj and Watershed Management in India: Constraints and Opportunities* (London: Overseas Development Institute, Working Paper No. 114, 1998), available at <http://www.odi.org.uk/resources/download/2177.pdf>.

such as 'joint management', 'co-management' or 'participatory development'.⁶

This type of initiatives are generally state-initiated partnership programmes which transfer some rights to arbitrarily limited resources (only degraded forests, or only surface irrigation, or maybe only check dam water) to user groups. These groups cannot be remotely called autonomous and have generally insecure tenure on the resource, which is further confounded by complexities of pre-existing rights and overlapping legislation. The user groups are more accountable to the funders and implementers than to the larger village community. This relates to the emphasis on heavy funding, which is neither sustainable in the long run nor conducive to proper (honest) governance in the short-run. In fact, the dependence on large funds often creates pressures to set unrealistic targets and then bypass participatory processes in order to meet them. It also biases resource use away from subsistence to commercial objectives.⁷

The alternative form of decentralisation is 'political' or broad-based devolution of all developmental and natural resource-related governance. This state initiated decentralisation took place under the 73rd Amendment Act has resulted in a 'de-concentration' of power in which the Panchayat becomes in the main an institution that drives the policies and programmes of Government. The term democratic decentralisation encompasses political, economic and administrative decentralisation. In simple terms it means providing a suitable legislative framework for the establishment of elected bodies of local self-government at the local level and transfer of power, functions, resources and authority from government agencies to such democratically elected local bodies.

A third form of decentralisation initiatives is a 'bottom-up' one, wherein several community-level and civil society actors have set up systems of community management of natural resources at the

village-level on their own. The Van Panchayats of Kamaon (Uttaranchal) fall in the latter category whereas the community-managed forests of Orissa that preceded JFM (Joint Forest Management) originated in a tradition that partly escaped and partly was rejuvenated.

In the past decade, an important body of knowledge has been generated regarding the structure and process of natural resources decentralisations around the world.⁸ The research examines the mix of stated and unstated goals of decentralisation, the myriad processes that have unfolded in each country's political and historical context, and the effects of those processes, particularly on poor resource users and on forests. It has principally aimed to understand the new institutional configurations and balance of power relationships emerging from decentralisation—or policies implemented in the name of decentralisation—in two key spheres: interactions between (a) central authorities and local governments⁹ and (b) among local governments and other local actors involved in or affected by forest management, particularly their constituents.¹⁰

There is a long theoretical literature on the advantages of decentralised service delivery. The benefits include better information revelation as citizen preferences are easier to perceive at the local level, improved accountability since it is easier to link the performance of local services to local political representatives.¹¹

6 Roger Jeffery and Nandini Sundar, *A New Moral Economy for India's Forests? : Discourses of Community and Participation* (New Delhi: Sage Publications, 1999).

7 Stuart Corbridge and Sarah Jewitt, 'From Forest Struggles to Forest Citizens? Joint Forest Management in the Unquiet Woods of India's Jharkhand', 29(12) *Environment and Planning* 2145-2164 (1997).

8 Carol Pierce and Colfer Doris Capistrano, *The Politics of Decentralization: Forests, Power and People* (London: Earthscan, 2005).

9 Madhushree Sekher, *Indigenous Institutions and Forest Conservation: User-group Self-initiatives In India* (Bangalore: Institute for Social and Economic Change, Working Paper No. 140, 2004).

10 Sonali Pattanaik, 'Community Forest Management in Orissa', 1(2) *Community Forestry* 4-8 (2002); Charles Conroy, *Factors Influencing the Initiation and Effectiveness of Community Forest Management: A Discussion of Hypotheses and Experiences in Orissa* (New Delhi: Society for Promotion of Wastelands Development (SPWD), Project Report No.5, 2001); Nandini Sundar and Neil Thin, *Branching Out: Joint Forest Management in India* (New Delhi: Oxford University Press, 2001).

11 Stuart Corbridge and John Harriss, *Reinventing India: Liberalization, Hindu Nationalism and Popular Democracy* (Delhi: Oxford University Press, 2001).

While there is an array of theoretical reasons why decentralisation should be expected to improve governance, the empirical evidence has not been as supportive. Along a variety of measures; from performance, participation, democratic strengthening, and responsiveness to citizen demands, the empirical results of decentralisation have been mixed at best.¹² Rather than improving governance, some authors have found that decentralisation increases the opportunities for rent-seeking and corruption.¹³

Numerous case studies demonstrate that the purported benefits of decentralisation have typically been elusive, at least in part because the institutional changes implied by theorists have only rarely been implemented in practice.¹⁴ There is often a wide gap between discourse and action.¹⁵

In spite of a long theoretical tradition linking decentralisation to smaller government, based primarily on the North American example, recent empirical work has found a tendency toward larger government size as countries decentralise.¹⁶ The negative outcomes associated with increased decentralisation of service delivery includes the increased potential for elite capture, conflict over competition for new political resources opened at the local level, and exclusion of local minority populations.¹⁷

This new focus on decentralisation as a solution to the wide variety of development and governance problems in developing countries has been critiqued as overly simplistic.¹⁸ A number of researchers have

begun to question the underlying assumption that decentralisation alone will necessarily lead to improved local service delivery.¹⁹

Given the mixed results, there have been recent calls for empirical research that better links data collection, analysis and theoretical inquiry into the specific institutional conditions under which devolution of responsibilities in the management of natural resources is successful.²⁰

This paper addresses this need by analysing a case of community initiated decentralisation in natural resource management carried out through village organisations.

The aim is to contrast it with the state initiated decentralisation system carried out through the local administrative unit, the Gram Panchayat. The comparative advantages of PRIs and village institutions will be emphasised. Some conclusive remarks will be made on the importance of promoting more inclusive and democratic institutions which take into account the local needs and priorities regarding the management of natural resources and development interventions.

The analysis of the successful factors which enhanced the local resources management and of its main weak points can provide lessons for the community-based conservation initiatives in India and in other developing countries.

2 METHODOLOGY

The field research has been carried out subsequently between July and September 2008. The interviewees consisted of 35 households living in Bhaota and Bhikampura, two villages situated in the Thanagazi block, in proximity to the Sariska Tiger reserve. These villages have been chosen as they are

12 Harry Blair, 'Participation and Accountability at the Periphery: Democratic Local Governance in Six Countries', 28(1) *World Development* 21-39 (2000); Arun Agrawal and Clark Gibson, *Communities and the Environment: Ethnicity, Gender, and the State in Community-Based Conservation* (New Brunswick: NJ, Rutgers University Press, 2001); Jesse Ribot, Arun Agrawal and Anne Larson, 'Recentralizing While Decentralizing: How National Governments Reappropriate Forest Resources', 3(4) *World Development* 1864-1886 (2006).

13 See Corbridge and Harriss, note 11 above.

14 See Pierce and Capistrano, note 8 above; Jesse Ribot and Phil René Oyono, 'Introduction: Decentralisation and Livelihoods in Africa', 31(3) *Africa Development* 1-19 (2006).

15 See Ribot and Oyono, note 14 above.

16 See Corebridge and Harriss, note 11 above.

17 See Ribot, Agrawal and Larson, note 12 above.

18 See Corebridge and Harriss, note 11 above.

19 Arun Agrawal and Clark Gibson, 'Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation', 27(4) *World Development* 629-649 (1999).

20 See Ribot, Agrawal and Larson, note 12 above.

particularly active in the domain of community-based conservation, having successfully reforested communal lands and built numerous traditional earthen dams (johads).

In an attempt to select a representative sample of village society, parameters such as gender, age and economic conditions were taken into account. The economic background has been evaluated on the basis of the average monthly income and the number of livestock owned by the household of the interviewee. The age of the interviewees ranged between 23 and 74. Half of the interviewees were represented by villagers belonging to the ethnic group of the Gujjars, who are traditionally herders of cattle and the other half were villagers belonging to the Meena, a community in the area who practice small-scale agriculture and occasionally rears livestock.

Considering the difficulty to interview women, due to social and cultural norms which hinders the interactions with those who are considered to be 'outsiders' of the community, two-third of the interviewees were men.

Half of the villagers interviewed were selected using a snow-ball technique, according to which a person interviewed referred another one. In order to reduce the pitfalls associated with this sampling method, the latter was matched with a sample of ten randomly selected members of the community. These interviews were designed to gather information about the villagers' opinion about the local Panchayat and its ways of dealing with the development of local areas, paying particular emphasis on the issues of degree of democracy in the decision making processes and inclusiveness and participation at grass-roots level. These interviews also aimed to understand the functioning mechanisms of the Gram Sabhas promoted by TBS and to evaluate their contribution in terms of local livelihoods and participation in the management of natural resource in the area under study.

Two group discussions were also carried out in order to complement and cross check the data previously collected in the individual interviews with members of two different randomly selected villagers. In order to facilitate the interaction between the members, the groups consisted each of 10 villagers who were

not previously interviewed. The age of these villagers ranged between 32 and 68 years old, the majority of whom being men (13 out of 20). The main topic addressed in these groups was the perceptions of the villagers on the local Gram Panchayat and on decentralisation in the domain of natural resources management more in general. Questions regarding the functioning mechanisms and the effectiveness of the Gram Sabha promoted by TBS in the villages have also been explored.

In an attempt to compensate for the lack of cultural and linguistic background that can only come with long-term commitment in a specific community, four local interpreters belonging to the same ethnic group as the interviewees were employed. Two of them, recruited with the support of the District Rural Development Agency, a governmental organisation in the Thanagazi block and of Tarun Bharat Sangh (TBS).

The interpreters were field workers with previous professional experience among villagers of the Thanagazi block. Being aware of the fact that translation from different backgrounds may facilitate access to different social groups, two English speaking villagers were also recruited. Moreover, to protect respondent privacy, we ensured that interpreters assisting in translation lived in different villages from the interviewees. All the interviews were recorded and transcribed in the local language. These scripts were subsequently translated into English and the two versions were compared for data triangulation.

Additionally, open-ended in-depth interviews have been carried out with five field workers of Tarun Bharat Sangh and with six community leaders in the village.

3 STUDY CASE: THANAGAZI BLOCK AND COMMUNITY-BASED WATER CONSERVATION

The block of Thanagazi in the Alwar District of Rajasthan is located in a drought prone zone whose economy remains static at a subsistence level.

Rainfall of 300-700 mm/year, varies from highly concentrated (June-September) to practically non-existent during the rest of the year.

The Alwar district lies in the Aravalli mountains 400 km southwest of New Delhi, in the Indian desert state of Rajasthan. The dense forests that covered this zone were an integral part of the local rural economy until the 1930s when the colonial government completely abolished the communal rights to forest land and instead allowed timber companies to exploit their resources.²¹ The Aravalli mountains were stripped of the timber that protected their thin soil from the fierce erosion of the annual monsoon. Consequently, rivers dried out and the groundwater level fell. The region's agricultural potential was seriously affected. In the 1980s, rural communities of the Alwar district cultivated only 30 per cent of the entire land area and out of this only nine per cent was irrigated.²²

The development activities previously carried out by the Government did not succeed in effectively solving the problems of this area. During the 1980's and especially in 1985, the block of Thanagazi suffered an extreme drought which heavily affected its development and the living conditions of the local communities.

The case study that we will analyse represents an example of the third form of decentralisation initiatives, that is to say a 'bottom-up' one, wherein several community-level and civil society actors have set up systems of community management of natural resources at the village-level on their own.

Local communities, with the support of TBS, a local NGO, have built numerous structures around the sanctuary as well as inside the reserve itself. The members of TBS identified the lack of natural resources as the main cause of poverty. In their discussions with the villagers and elders, they explored ways of tackling drought and erosion and

learned about the *johads*²³, a traditional water harvesting structure used in the past. The community based resources management initiative has had considerable success. Currently, the work of the TBS covers 700 villages in the Alwar district, parts of Jaipur and Sawai Madhopur districts. In these areas, nearly 7,000 water bodies of varying sizes have been either newly created or restored.

Although the construction of the new *johads* and the restoration of those fallen into obsolescence represents the main activity of the TBS, this activity constitutes just a part of the strategy of the restoration of the local ecosystem in Sariska. To attain the objectives of regenerating the ecosystem the development of traditional water storage structures has been used as a starting point in order to carry out reforestation in forest areas both on private and community land.

This institution at village level, even though it has been established by the Panchayat Raj Act, is nevertheless different from the Gram Sabha constituted by the TBS in Thanagazi block. According to Indian legislation the Gram Sabha constitutes the smallest democratic structure within the village. The Gram Sabha must coordinate its decision-making process and its intervention with the Panchayat. The villagers in Sariska are aware of the importance of an institution which should be the expression of the community as a whole. Every household of the community is supposed to take part in the meetings and all decisions are taken according to the democratic principle of consensus.

The Gram Sabha is formed as follows: firstly the public meetings and *padyatras* (marches) through the villages are organised by the TBS activists in a specific region. Then, the village community is mobilised by a local leader and encouraged to form a Gram

21 See Forest Survey of India, State of Forests Report (Dehradun: Forest Survey of India, Ministry of Environment and Forests, 1997).

22 See Government of India, The Constitution (Seventy-third Amendment) Act (New Delhi: Ministry of Law, Company Affairs, Government of India, 2003).

23 The *johads* are mainly crescent-shaped earthen embankments approximately 5 m deep, with an area of 100-200 sqm, which are built across a sloping catchment to capture the surface run-off water which then percolates into the soil increasing the ground water. This traditional water harvesting system had been used in Rajasthan for hundreds of years but many fell into disrepair during the 20th century due to the increasing role of the State in water management, resulting in the weakening of village-level water management institutions and practices.

Sabha. Finally, some villagers chosen by the community are allocated the task of facilitating the mobilisation of the resources within the community both in working and financial terms.

The constitution of such a village institution has been at the basis of community-based conservation in this region. A villager explains: 'The Gram Sabha succeeded in establishing itself as a village institution, thanks to its capacity to be an apolitical organisation, representative of the whole community in the real sense of the term. Every family of the village found its place within the Gram Sabha, without prejudices of caste or status'.

The leadership of the Gram Sabha is not based on caste and class criteria. The leaders inside the Gram Sabha are often villagers who belong to the scheduled tribes trained by TBS. Their role consists of directing the meetings, and helping and guiding the villagers in the implementation of conservation initiatives. Personal qualities such as honesty and commitment towards community development play an important role in the choice of the leaders within the Gram Sabha.

The Gram Sabha meets twice monthly, except during the harvesting period. The meetings are more frequent before the period of the monsoons, when the villagers need to carry out repairs to the johads. If problems or urgent issues arise, additional meetings can be called by the villagers. The collective worship that takes place on a monthly basis every *gyarasi* (11th day of the lunar cycle) is another opportunity of meeting within the village community. Here important issues concerning the community are raised and discussed, albeit in an informal way by the members of the community.

The Gram Sabha is composed of at least two adult members (one male and one female) from each household. However, all villagers can attend the meetings irrespective of age or gender. The Gram Sabha has its own office and an office administrator maintains the records of all meetings organised in the village. It meets once a month and issues are discussed and revisited, if necessary until a consensus is reached.

On average, about 75 per cent of the members attend the Gram Sabha's meetings, with equal participation from men and women. In 1999, a decision was taken to declare a traditional village holiday on days when the Gram Sabha is convening to make it possible for the maximum number of people to participate. Outsiders (including government, industry, NGO representatives, etc.) are occasionally invited to discuss their plans and programmes with the villagers. The Gram Sabha also functions as a dispute resolution body for small village-level disputes. For larger conflicts, a meeting of elders from 32 surrounding tribal villages is called.

The Gram Sabha promoted by TBS in the Thanagazi block establish the rules for the equitable distribution of the work of the construction and repair of the johads, organises the reforestation initiatives and defines the regulations for the use of the common resources. Once the conservation initiatives have been accomplished, this village institution establishes also the rules concerning an equitable distribution of the benefits among the different households. The Gram Sabha elects the Council of the Village to meet twice monthly. Their brief is to carry out all decisions taken within the Gram Sabha and verify that they have been implemented effectively. The regulations, which are oral, are based on the consensus of all the households of the village. The villagers, members of the Council included, are subject to these regulations.

Some oral regulations include forest and natural resources management. The Gram Sabha also decides what activities will be assigned to other sub-committees within the village based on interests, responsibilities and capacities. In carrying out forest related responsibilities. Forest-related activities carried out by the Gram Sabha include regular monitoring of the forests, and punishing those who breach forest protection rules.

The local communities through the Gram Sabha, establish a clear procedure for the mobilisation of resources within the village. Expenditure is finalised and the community establishes the conservation actions to be implemented and set an agenda. The financial implications are debated several times during these meetings.

The Gram Sabhas promoted by TBS in the Thanagazi block also carry out a number of village development and welfare activities. They focus on equitably distributing the costs and benefits of development projects and programmes amongst the villagers. The Gram Sabhas have also been a strong force in coordinating the efforts of the local non-governmental organisation TBS in offering various above-mentioned forestry protection or development programmes.

4

THE CRITERIA OF COST AND BENEFIT SHARING

The role of Gram Sabha is to establish the rules for the equitable distribution of the work of the construction and repair of the johads, organise the reforestation initiatives and define the regulations for the use of the common resources. Once the conservation initiatives have been accomplished, this village institution establishes also the rules concerning an equitable distribution of the benefits among the different households.

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The period which precedes the construction of a johad or other conservation measure, can become protracted. For instance in the village of Kakardki Dhani, more than 10 meetings were necessary to decide the extent of contribution to the work force that each household of the village needed to provide.

The main objective of the Gram Sabha before the construction of a johad is to ensure that the whole village can benefit equally from the project. The majority of the johads are built on communal land: in the case of a johad constructed on a private plot,

the cost is shared between the families who own the land and who are also the direct beneficiaries of the water which will be collected. The distribution of water depends on the quantity stored, on the extension of the cultivated land and on the number households in the village.

5

THE ESTABLISHMENT OF REGULATIONS AND SANCTION MECHANISMS

The local communities in the Thanagazi region decided to control the number of livestock to reduce the pressures on vegetation in the forest around their villages.

The grazing of livestock only takes place in specific zones (gochars). In these lands the villagers are allowed to collect fodder only during the monsoons, when there is full availability of grass.

The cutting of trees and of branches has also been forbidden by the Gram Sabha. Only the withdrawal of dry wood and leaves is allowed. Arjun Gujjar, a villager of Bhaonta explains: 'The Gram Sabha established that no one can go to the forest with an axe. The wood can be cut by hand: it must therefore be dry wood or small branches'. The community regulations establish clearly the quantity of biomass that the villagers, according to the periods and the seasons of the year, are allowed to collect without disrupting the balance and the resilience of the ecosystem. The villagers decided to form a patrolling group in the forest areas close to the villages to reduce grazing, cutting of wood and poaching.

This spirit of self-discipline represents the pillar of all community-based conservation activities in the Thanagazi region. The system of reporting the transgressors to the Gram Sabha and the penalising of these actions have been reinforced. An individual who witnesses an infringement and omits to report it, is considered, according to the regulations of the Gram Sabha, to be twice as guilty as the transgressor himself.

The most usual sanction, inflicted by the Gram Sabha consists generally in the payment of a fine. Sometimes it involves public humiliation. For example the person being punished has to eat from the dog bowl for an established number of days or is made the object of mockery by the other villagers. Only in rare cases, where the infringement is particularly grave, can the sanction go as far as expulsion from the community.

The villagers are greatly aware of the importance of gaining and maintaining the respect of the other members of the community to which they belong. A preserved forest represents a potential way of gaining the respect of the community, whereas its degradation leads to dishonour and even to dismissal from the community. The fear of social exclusion is a preventative measure that ensures the acceptance of the decisions and the regulations adopted by the majority of the members within the Gram Sabha. The adherence to the rules is achieved by the social boycott which is in itself a form of non violent resistance (*satyagraha*).

This form of social control in the resource use is reinforced by the devotional faith of the villagers towards the divinities. We can note how some villagers in the Thanagazi region interpreted for example the lack of water as an indication of the rage of the divinities whose abode was previously in the forest disturbed by the deforestation.

This feeling of religious devotion has been an important element in the conservation of natural resources in the Thanagazi region because it encouraged the villagers to increase the vegetation in the proximity of the johads, planting trees such as the peepal and the banyan. These plants, which are associated with the cult of the divinities, bestow on the villagers a sense of dignity and holiness. The use of cultural and religious symbols is a way of reinforcing the sense of identity and cohesion at community level. The religious faith that inspires the villagers has the power to catalyse their energies, to increase their optimism and confidence in the good results of their conservation efforts.

6

PROMOTING GENDER EMPOWERMENT?

Despite the positive aspects of the Gram Sabhas promoted by TBS, an important aspect that needs to be emphasised is that in several villages the participation of women in the Gram Sabha is still limited. It is still considered improper, from a cultural point of view, for women to attend meetings where the male presence is predominant. This is in accordance with the lower status of women within these tribal societies. The opinions expressed by the men at the time of the meetings are generally considered as the expression of the whole household. For this reason some villagers feel that, since the men participate in the Gram Sabha meetings, it is not necessary for the women to attend them.

It is important to underline that women's marginalisation is not one-dimensional, that is, caused only by gender. It is, instead, an outcome of the intersection of the subordination conferred by caste, class and ethnicity, as well as gender.²⁴

This is especially so in Indian villages, which are highly stratified by caste, class, ethnicity and gender. In Indian rural contexts, therefore, women are likely to be disadvantaged additionally because of their caste and class locations. The higher the stratification of society, the more layers upon women, and hence the more difficult it is for them to be involved in participatory processes. Gender inequality limits actual participation even when women are not formally excluded. The means by which women are excluded may echo and reinforce hegemonic gender norms, as well as replicate patterns of gendered exclusion that have wider resonance.

It is extremely important to encourage the women to play a major role in the management of the natural resources and to reinforce their position in the process of decision making within the village institutions through a process of empowerment.

²⁴ See Agrawal and Gibson, note 12 above.

This complex and delicate process could possibly be enhanced through the constitution of feminine organisations and other initiatives to enhance woman empowerment.

7 A COMPARISON BETWEEN THE PANCHAYAT AND THE GRAM SABHA

Although the institution of Panchayat is not new in Indian rural society, its character and its composition have been subjected, during these last years, to considerable changes. The new Panchayat in Thanagazi became active on 2 October 1991, the day of Gandhi's birthday and represented 40 small villages of the block.

At a structural level, the Panchayat is a political institution, in contrast to the Gram Sabha which is an organism of representation at village level. The candidates to the Panchayat have an electoral constituency at both geographical and socio-political level.

The political corruption took new shape after the introduction of decentralisation. Re-articulated as instruments of politics, a number of political parties became interested in using Panchayats to secure 'vote banks' and increase their influence in rural areas. Some favours are guaranteed to those that are part of this 'bank' and the reciprocity of favours helps to create and nourish a culture of quid pro quo at a social level.²⁵

This prevents the Panchayat from being institutions capable of bringing consistent changes in the

conditions of life of the villagers. The setting up of elections to choose local representatives at Panchayat level does not guarantee in itself equity in the benefit sharing and the prioritising of the needs of social groups within the local community.²⁶

A Panchayat representative in Haripura also complains about the way of the functioning of the Panchayat and affirms: 'Small villages like ours don't have a political weight inside the Panchayat when compared to the bigger villages. The latter benefit more easily from funds for the purchase of collective facilities, such as the water pump'.

Bribes and sometimes menaces and physical violence are used to acquire and to maintain a dominant position in the Panchayat and at the same time to establish links of patronage. This patronage has as its main consequence the abuse of power, unequal appropriation and a diverted use of resources.

The control that is exercised over the Panchayat by the political parties and the corruption mechanisms present in this local institution, explains the lack of participation of the villagers, the majority of whom remain sceptical of the effectiveness of the Panchayat in improving their lives.

The representative of Haripura village in the Panchayat affirms: 'concerning the development issues, the results of the Panchayat are mediocre. It is the dominant peasantry that play the dominant role at the time of the elections in the council. The council controls the distribution of the public subsidies and represents a springboard to the ambitious who wish to make a career in politics'.

The villagers take little or no part in the Panchayat meetings and their presence is occasional even when the important issues for the village are debated. Therefore, the quorum of ten per cent established by the law is rarely reached in the majority of the villages and the president of the Panchayat (sarpanch) often uses different strategies in order to formally reach the required quorum.

According to Indian law, a third of the seats of the Panchayat must be reserved for the lower castes and

²⁵ Rao Ramakrishnan et.al., *Panchayati Raj And Natural Resources Management: How To Decentralise Management Over Natural Resources*, National Synthesis Report, (London: Overseas Development Institute, 2002); Madhu Sarin, *Devolution As A Threat To Democratic Decision-Making In Forestry? Findings From Three States In India* (London: Overseas Development Institute, Working Paper No. 197, 2003).

²⁶ See Sunder and Thin, note 10 above.

the scheduled tribes.²⁷ However these villagers have not got the necessary authority either to express their points of view against the influential members of the local elite or to efficiently sustain their rights of participation in the decision making process of the Panchayat. The economic constraints and the unequal social structures prevent these weaker sections of society from officially putting forward their requests.²⁸

Gender is also a factor that determines exclusion or inclusion to Panchayat activities. Women participate considerably less than the men to the Panchayat and the social factors that limit the engagement of women in public life are generally consistent with the very low levels of literacy and information which they have. This rigid patriarchal structure prevents the women taking active part in political life. Most of the women possess only a very limited knowledge of the functioning of the Panchayati Raj institutions and most of them are illiterate and subject to the social taboos and to patriarchal values. These beliefs hinder a democratic debate process and don't allow for an equitable consensus inside local institutions such as the Panchayat.²⁹

The weakness of the Panchayat in the decision making process can also be interpreted in structural terms. The Panchayat decision making process is influenced by the civil servants of the administrative block. At formal level decisions are made by the sarpanch after the approval of the majority of Panchayat members, a fact which presupposes a degree of internal consensus. In practical terms, the civil servants of the block interfere in the Panchayat decisions, since they work in conjunction with the Panchayat members on numerous issues. It also happens that the other Panchayat members, out of fear of disappointing the president, (who is generally a powerful man) tend to agree with his decisions. In this way, the democratic process of decision making within the Panchayat is often only a façade and a formality.³⁰

27 Neera Singh and Prakash Nayak, *Adaptive Community Forest Management: A Case Of Dhani Panch Mouza Jungle Surakshya Samiti, Orissa* (Bhubaneshwar: Vasundhara Publishing house, 2003).

28 See Pattanaik, note 10 above.

29 See Rama Krishnan et al., note 25 above.

30 See Sarin, note 25 above.

Government regulations have established some measures to control the accountability of the representatives of the Panchayat in the exercising of their functions. In the main, there are two mechanisms that should assure the accountability of the representatives of the Panchayat: the right of revocation from the political mandate and the right to appeal to a superior authority, such as the legal authority and the Department of the administrative block of Alwar. The right of revocation is established by the law of the Rajasthan state that allows the other members of the Panchayat to exercise this right against a representative previously elected. This legal mechanism can nevertheless only be exercised when a member of the Panchayat achieved at least half of his mandate and it requires the support of half of the electorate for the revocation of the mandate.³¹

In Rajasthan, the right of revocation cannot be exercised by the electorate but the other members of the Panchayat do have this right. To be valid, an action of revocation must be sustained by at least one half of the representatives. Besides this measure, the appeal to a superior authority is also established. The Magistrate or the high commissioner of the District has the authority to dismiss or to suspend a representative of the Panchayat who is not able to accomplish his task efficiently. In Rajasthan the control committee at Panchayat level is an additional mechanism to guarantee the credibility of the Panchayat. The objective of the committee is to supervise the work of the Panchayat and its members. Although the committee is not invested with formal powers, it has the prerogative of informing the Gram Sabha of any possible irregularities. Nevertheless, this mechanism is very rarely used in the Panchayats of Sariska.

The villagers in Sariska hardly take any action against the representatives in the Panchayat. Therefore, the increasing discontent towards it does not necessarily lead to any action against the representatives. The preoccupation with daily survival, the dependence from an economic and social point of view and the fear of being socially excluded or punished, hinder the use of the mechanisms that should assure the effective

31 See Singh and Nayak, note 27 above.

functioning of the Panchayat. The corruption of the local authority is another element that often explains why the control mechanisms are not effective. The attempts of the villagers to appeal to a superior authority against their representatives in the Panchayat fail because the civil servants do not take into consideration their complaints but in effect support unconditionally the president of the Panchayat.

Unlike the Panchayat, the Gram Sabha is characterised by a more flexible, open and informal functioning structure. The villagers establish the regulations to conserve their resources and they follow the implementation of development activities, taking into account the different needs of the members of the community. Gram Sabhas work with a higher degree of transparency and democracy in the process of decision making and benefits sharing. As a consequence, they have succeeded in mobilising the village resources and in making the villagers of the Sariska region cooperate towards common objectives.

For the Gram Sabha to work efficiently it must use the social homogeneity and depth of the social and moral ties that unite its members. It aims to limit the conflicts between the members of the village community. There is a link between the Gram Sabha structure and the one of the community that it represents. The Gram Sabha in Sariska is a village institution that functions, as far as possible, through the principles of consensus and unanimity. The Gram Sabha, not being recognised as a formal institution by the government, has a greater autonomy and is not obliged to follow bureaucratic procedures whilst implementing its interventions.

With regard to funds and the subsidies, the Panchayat depends exclusively on the government; while the Gram Sabha, through the constitution of the village funds, the Gram Kashes, have the autonomous means to implement its own development initiatives, albeit they have been reduced to date. These institutions are based on tradition and on the local culture and are strongly rooted in the village social identity. The Gram Sabha is thus a mechanism of empowerment and reinforcement of the community identity at village level. It allows the households of the village to be

actively involved in the questions of interest and common utility.

The Gram Sabha becomes the forum where the communities can make decisions and debate the questions that involve them directly, according to their priorities, their logic and their needs.

Unlike the Panchayat, the Gram Sabhas have been developed and promoted by the villagers with the support of TBS. Their goal is to build up unity and inclusion within the community and to facilitate the involvement of all its members. The resolution of conflicts is facilitated through the intervention of TBS which help mediating between the different groups inside the Gram Sabha.

The decisions that are taken by a restricted number of members, as happens regularly in the Panchayat, rarely gain the confidence of the other villagers who question their fairness and objectivity, especially on decisions which involve benefit sharing between community members. Within the Gram Sabha, the villagers try to represent as far as possible the different interest groups at village level - in particular, with regard to women. The role that women play in the implementation of community-based conservation initiatives, thanks to their ecosystem knowledge, is gradually gaining a collective recognition which is reflected in their increased participation in the decision-making processes of the Gram Sabha.

Even with the technical and financial support of the TBS the community involvement is not always achievable unless the local leadership, expressed through the Gram Sabha and possibly other village institutions, take the initiative and the majority of the household agrees with its decisions. The impact of community-based conservation efforts had not been uniform and in some villages had been greater than in others. The different kind of collective consensus achieved inside the Gram Sabhas, the capacity of its members to create an agreement on the basis of a real dialogue and equitable benefits sharing, can partially explain the variations in the village initiatives.

However the mobilisation of the local communities is not always easy to achieve as different

communities present different socioeconomic characteristics and different resource use patterns. It can complicate the process of decision making and the achievement of a consensus at community level and can necessitate the constant presence of outside institutions such as TBS to facilitate the negotiation process.

The Gram Sabha can be considered the expression of the local will to manage and conserve natural resources. Every Gram Sabha, although constituting an independent and autonomous unit at village level, is in constant contact with the TBS. The links between these two organisations facilitate an exchange of information and experience which support village development initiatives.

Now that we have analysed the comparative advantages of the Gram Sabha promoted by TBS we will investigate how the latter can be included in the decentralisation agenda and how it can interact with the Panchayat. Do the Gram Sabha created in the Thanagazi block and the Panchayat can complement each other or they are mutually exclusive? How their advantages can be combined?

8

PANCHAYAT ET GRAM SABHA: WHAT POSSIBLE COEXISTENCE?

A problem that is related to the local institutional structures is represented by their coexistence. Panchayats and Gram Sabhas have different objectives, different functioning mechanisms and competences.

Watershed management is one of the functions in the domain of the Gram Panchayat in the XIth Schedule. Panchayats are in fact meant to develop a plan for the management of all the natural resources within their boundaries. However, the jurisdiction of the Gram Panchayat is too macro to include the management of micro-watersheds such as the johads. There is therefore clearly a need for community-based organisations to manage watersheds at a local

level with a community negotiation of costs and benefits.

It is also a concern that the political and administrative boundary of a Panchayat and the natural boundary of watershed rarely overlap. This would mean confusion in, and a disadvantage for, areas where the watershed does not overlap with the Panchayat, where there is no provision for watershed committees or associations.

Few people involved in the debate over decentralised natural resource management would dispute the value of democratic decentralisation per se, or argue that PRIs have absolutely no role to play in natural resource management. After the experience of Rajasthan and some other States, a general feeling has developed country-wide that all the State legislatures have failed to take cognizance of the profound implications of constitutional status given to the PRIs as institutions of self governance.³² It is also believed that role of Panchayats still continues to be of 'implementing agencies' of pre-conceived schemes, passed on to them with tied up funds, mainly under centrally sponsored schemes and some schemes under the State Plan.

The difference of opinion about the role that PRIs should play (operational issues aside) relates more to beliefs about the process of local empowerment and development. Community institutions should play an increasingly important role in the development of natural resources. The processes necessary for the evolution of these institutions should come from the grassroots level. However, the support from the government and from other institutions at national or international level can be a determining factor.

At the moment the main difficulty is represented by the fact that the Panchayat is certainly a too large unit for the management of many natural resources while the Gram Sabha does not have an officially recognised status. How can the advantages of each be combined to give the Gram Sabha operational flexibility in management, as well as some rights-based leverage on the State?

³² See Sunder and Thin, note 10 above.

Although the legal empowerment process is a decisive element for the involvement of the villagers in the further conservation-based actions, no serious attempt has been made up to now in this direction. At national level, it is necessary to develop an appropriate political and administrative framework through which village institutions can be created and developed. There is a decided lack of effective decentralisation and community empowerment in the Panchayat Raj system and financing for the development of local communities is controlled by countless civil servants and central agencies.

The gap between the Gram Sabha promoted by TBS and the Panchayat should be reduced through the opening of a dialogue. The NGOs involved in natural resource management activities, whether this is watershed, wasteland, water or forest based, have been relatively slow in forging working alliances with Panchayats. Many NGOs work with Panchayats simply because they cannot avoid doing so, but have no active program or ideology of support.

If a more inclusive relationship were to be promoted, the Gram Sabha could have access to the different government funds available through the Panchayat. The latter, being state-controlled, could be therefore a link between the public and private financial institutions. Cooperation between these two institutions would be desirable in order to negotiate more effectively with the government and to gain increased resources for the implementation of projects in the villages.

The contribution to the watershed development fund at the watershed level from project funds has been dispensed with, leaving only a community contribution to fund the watershed development fund. This covers ongoing maintenance. For example, user groups are now expected to pay for using water for irrigation, grazing lands, etc., whereas earlier the emphasis was on ensuring proper benefit-sharing arrangements. These payments are supposed to form the ongoing income for the Panchayat.

The flow of funds has changed substantially as well. Earlier guidelines allowed Watershed Associations/Gram Sabhas to express their point of view over approving action plans and the disbursement of

funds to the different user groups or community organisations. The control still rests with the Gram Panchayat at present.

9

DISCUSSION AND CONCLUSIONS

The comparative analysis between Gram Panchayat and community organisations such as the Gram Sabha raises several interesting questions about institutional design and implementation that have dogged the debate on decentralised resource governance in India in recent years:

- Does decentralisation mean complete handing over of resource ownership?
- Should the local organisation be a Gram Panchayat or a user group?
- Should implementation be an across-the-board legislated (top-down) kind or gradual, bottom-up kind?

The question of who should receive powers is a key issue of debate in both theory and practice and as such is discussed below as one of the central themes in decentralisation. The choice of authority is indicative of the goals of decentralisation (maintaining central control, appeasing political allies, reinforcing certain authorities over others, etc.) as well as of the conception of democracy, particularly regarding the role of participation, deliberation, and/or local decision making.

In the PRI versus community organisations or user-groups debate the recent trend is towards arguing that this is not an either-or question, that both institutional forms have their own advantages and niches, and what needs to be done is to work out the appropriate division of responsibilities and appropriate 'linkages' between them.³³

³³ See Baumann, note 5 above; Rama Krishnan, note 25 above.

The Gram Sabha in Thanagazi block is not organised in user groups because all village residents are members. They have played their role in management and conservation of resources without any external funding.

Their strength, however, lies in having:

- a size that is workable (typically single village),
- sufficient autonomy (at least in the past), and
- capacity to generate financial resources of their own (the forests, from which they can even sell produce, and the power to levy user fees).

As previously shown in the paper, the Gram Panchayats lack all three characteristics.

The advantages of Gram Panchayat-type structures (statutory, democratic, citizenship-based, broad mandate) can be captured; indeed, a commitment to democratic decentralisation requires that these have to be incorporated. This requires that PRIs are reformed to address the lacunae in their design in terms of roles, autonomy, size, and fiscal powers, shifting from implementing development programmes conceived at the top to autonomous planning, development and regulation.

Generally there is a high level of arbitrariness in the decision making process of the Panchayat, which makes it difficult for the villagers to understand how the choices are made, how the options and the possibilities have been evaluated and according to which criteria the funds are allocated. The administrative process should be simplified so that the villagers can understand the system and be made aware of the institutional mechanisms. Moreover, the existing institutional mechanisms should be improved to highlight the role of the representatives of the Panchayat.

The missing link has been the active participation of the entire village community, particularly the weaker sections. There is legal provision in Panchayat Raj for regular meetings of the village community or the Gram Sabha to discuss all important issues. The Gram Sabha designated by the Panchayat Raj is supposed to play an important role

in preparing village plans and deciding development priorities in the village. But in most villages this active and important role of the Gram Sabha designated by the Panchayat Raj has not been fulfilled in reality. As shown in the paper, in many villages, Gram Sabha meetings have been reduced to a mere formality. The representative of Gram Sabha gets together a few people whom he knows and passes that off as a Gram Sabha meeting.

The empowerment of the Gram Sabha could allow the village community to play an active role in the determination of their own development objectives so that they can be the guardians of democracy at grass-roots level. Only a fully empowered Gram Sabha can achieve the skills necessary to counterbalance the Panchayat. If adequate controls are not set and verified, the Panchayat tends to become what can only be described as 'Panchayat of the sarpanch', that is to say an institution which serves only the minority.

Decentralisation is not just about transferring or devolving certain (existing) rights and responsibilities from one institution to another, but also changing mindsets about what governance is for.³⁴

On the face of it, the motivation behind the 73rd Amendment and the PR Acts that followed it is clear—creating democratic and decentralised levels of government and handing them as many functions and powers as possible. In reality, however, the motivation is limited to decentralising developmental activities rather than enabling democratic self-governance at the sub-state scale. Thus, although all states have passed the required legislation, the details of this laws and their implementation leave much to be desired.³⁵

34 Sharachchandra Lélé, 'Beyond State-Community and Bogus 'Joint'ness: Crafting Institutional Solutions for Resource Management', in Michael Spoor eds, *'Globalisation, Poverty and Conflict: A Critical Development' Reader* 283-303 (Boston: Kluwer Academic Publishers, 2004).

35 John Farrington, Cathryn Turton and Andrew James, *Participatory Watershed Development: Challenges for The Twenty-First Century* (New Delhi: Oxford University Express, 1999).

Most states have diluted the list of functions to be handed over,³⁶ have often assigned the functions at the higher (district- or block/taluka-level) rather than village level, and moreover have not amended the subject legislations at all, thus undermining the notional powers given to the Panchayats, as the state agencies such as Forest Department, Revenue Department and Irrigation Department continue to exert ownership and control as before.

A genuine participatory development at the grass root level cannot be considered without reference to the political framework in which local institutions operates. Recognising the importance of both social and political capital enables a better reflection on the appropriate institutional mandate of the Panchayat and the Gram Sabha in the management of local resources.

To promote community-based conservation initiatives through village organisations, the legislative frame should be appropriately integrated in order:

- to define the legal status of the natural resources that should be managed at community level;
- to define and to recognise the access and use rights and the concessions to the different user groups, taking into account the local communities needs;
- to empower the community institutions such as the Gram Sabha with the legal powers necessary for the conservation of resources;

The community-initiated efforts are of course not flawless in their design.³⁷ In particular, gender

participation, which is still very limited, is a major issue. The case study shows how the presence of women in the decision-making process of the Gram Sabha is almost non-existent. In order to safeguard the interests of the poor, therefore, it may be necessary for the government or NGO to 'enable participation' by the communities on specific issues. Gender issues may also require similar interventions in the event that male-dominated institutions are unwilling to share roles and responsibilities with women.

The political economy (broadly conceived) also operates at the local level. So-called village or even hamlet-level 'communities' in India are mostly heterogeneous in their cultural identities and occupations and hierarchical in their social and economic organisation.

This poses an enormous challenge to any effort that seeks to truly democratise decision-making. This also points to the need for judicious campaigning/capacity-building, monitoring and incentive creation from higher levels of the state. Thus, building a movement for decentralisation from state to village has to go hand-in-hand with building a movement for giving voice to marginal communities and marginal concerns, such as environmental concerns, within village community.

On the one hand, the long history of centralised control and patron-client politics militates against an immediate acceptance of decentralised governance at the bottom, because people are used to having the larger state take care of their resources. Movements in favour of decentralisation will require careful nurturing.³⁸

It is necessary to draw up and implement new legislation in a gradual way, providing the necessary controls to prevent or reduce the mechanisms of ecological exploitation and the adoption of inappropriate resources uses within local community. Reforming PRI systems such as the Panchayat would be essential. Supporting a few progressive state governments to experiment with these kinds of approaches may be a feasible strategy.

36 For instance, the Karnataka Panchayat Raj Act 1993 does not mention minor forest produce, only vaguely talks of fuel plantations and fodder development and development of social forestry.

37 Naresh Kumar, Nitin Saxena and Yoginder Alagh, *Alleviating Poverty Through Participatory Forestry Development: An Evaluation of India's Forest Development and World Bank Assistance* (Washington D.C: Operations Evaluation Department, World Bank, 1999); Craig Johnson and Tim Forsyth, 'In the Eyes of The State: Negotiating A 'Rights-Based Approach' To Forest Conservation In Thailand', 30(9) *World Development* 1591-1605 (2002).

38 See Corebridge and Harriss, note 11 above.

The strengthening of the Gram Sabhas such as the ones promoted by TBS can play an important role in strengthening grassroots democracy. Some voluntary organisations, such as TBS have been working actively for strengthening Gram Sabhas and for increasing the village involvement. As a result of their efforts, some successful examples of the active and purposeful functioning of Gram Sabhas, such as the ones in Thanagazi are already available.

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