

## **COMMUNITY FORESTRY: ARISING ISSUES**

Community forestry has unfolded several of the issues concerning the local populace and their strong interrelation with the forest ecosystems in the Himalayas. Though traditionally, the attachment of the rural people inhabiting in the Himalayan ecosystem with the forest has been registered when the market systems were weak to reach out to these far flung communities. Most of the livelihood needs depended on the forest resources. There have been different phases when different aspects in forestry have a landmark shift in management, resource allocation and administration of the forest and its resources. Van panchayats are one of such institutions, which have a history of institutional forestry management from the past one century. Of late, the governments have also understood the importance of such institutions and with a fact that it is impossible for the forest department to manage the whole forests in the state with meager staff strength of approximately 4000. Now that each village can have its van panchayat has given a further push to community forestry but lead to certain discrepancies too.

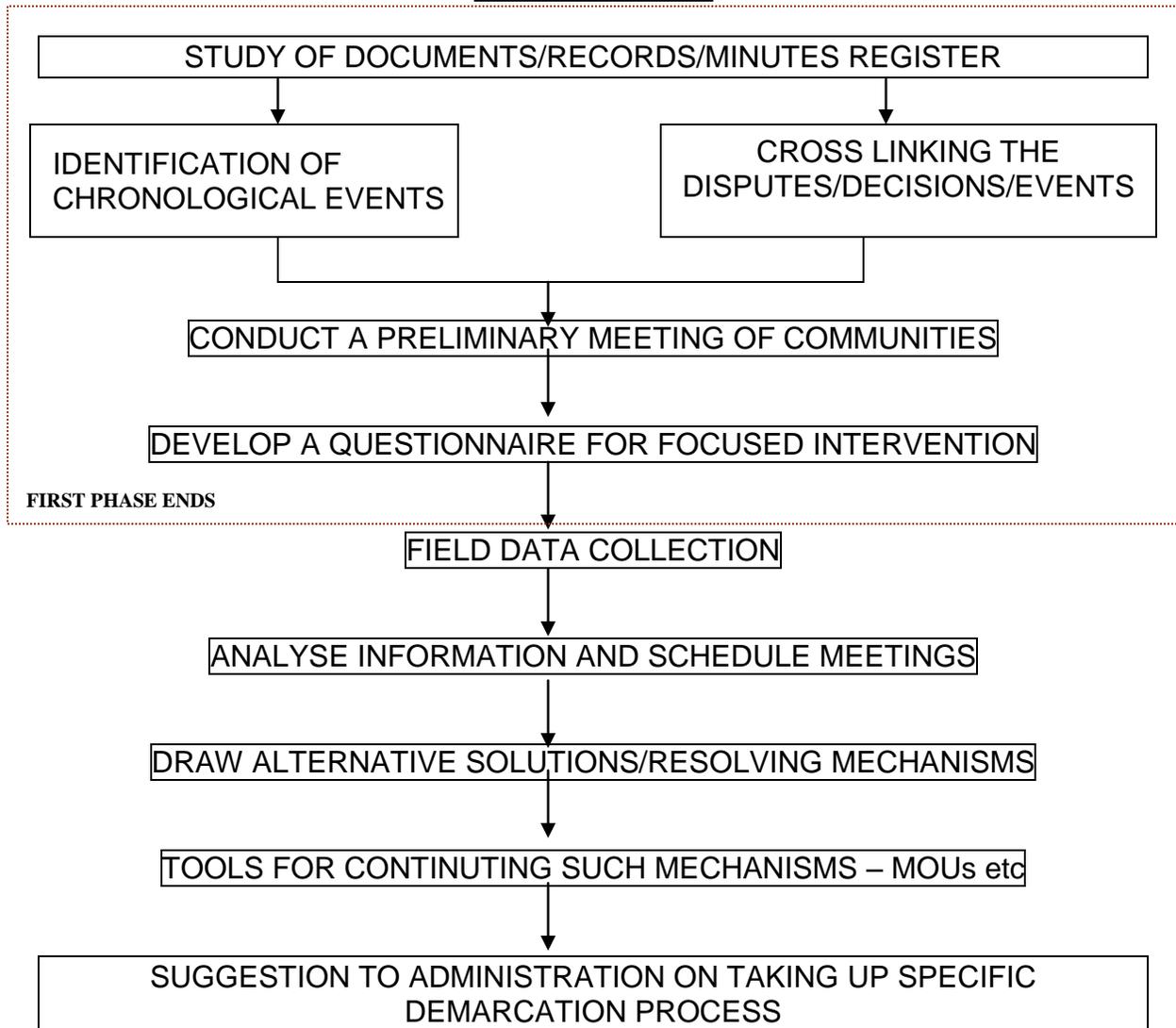
The management of van panchayats is effectively being headed by the ex-servicemen of the region who return from services to their homelands to spend rest of their life. The strength it gives is enormous, one is that these personalities are much more disciplined, have basic managerial skills and are ready to take the challenges.

## **CURRENT ASSIGNMENT**

Timeline of events in the Van Panchayats depict a complex nature of issues and which are beyond the control of legal procedures and its interrelationship with certain developmental procedures that either raise the level of conflicts or reduce them. The timeline of events describes the historical events that transformed the dispute and leading towards different dimensions of dispute in space and time. Moreover it also highlights several of the past settlements that took place during different times and the impact of those.

Apart from the community involved in dispute there has been involvement of state officials like patwari, tehsildar, forest officials, SDM and DM. These arrangements have clearly been depicted in the timeline event and show several limitations and how much time consuming these out-of-house processes are. The manner in which the dispute is progressing from past several decades, there seems to be no end to it, rather it seems that whosoever files a petition at the first instance will be able to drag the other person/party into the court and a little satisfaction in terms of gaining a mental advantage over the other. This is not a win-win situation and will continue to drag as long as a focused dialogue and understanding of the issue is attempted. HCFC has been involved in several such efforts in the past while working with van panchayats on issues of forestry advocacy and training. The SDM, Gairsain Tehsil requested HCFC to intervene into the matter and resolve it through the social process as no solutions have come forward with the standard process of complaints and litigation in the courts and administration.

## **METHODOLOGY**



## TIMELINE OF EVENTS (LANGTAI - PAJYANA DISPUTE)

The timeline of events is based on available documents, estimates and dialogue with the communities engaged in this dispute.

Background to development of habitation areas : -

- Social relationships among the two villages was strong.
- Both the villages enjoyed benefits from *bharari mine* due to ease of access to the site and control was better administered.
- Probably in the beginning existence of equitable benefit sharing of slate mining was due to common control of resources.
- Afterwards the dispute to have separate control on *bharari mine* emerged.
- As *bharari mine* was located within the reserved forest boundary, none of the two villages could appeal for singular control over resources in the mine i.e. slate
- Thus conflicts emerged when both the villages started blocking the access ways to the *bharai mine* within the revenue boundaries of these villages.

**20.09.1926**

### 1937: Ebbetson Settlement

Bhatoli tok<sup>1</sup> was special to both the villages as it offered better access & control over Bharari mine. In this settlement “bhatoli tok” was registered within the boundaries of langtai.

### After 6 Years, 1943

People of pajyana objected & filed an application to mark *bhatoli tok* in its own boundaries.

According to Po settlement records, Pajyana’s rights were registered for the following in bhatoli tok:

- fodder;
- access pathways;
- grazing

In order to have control over bhatoli tok, conflicts started intensifying and resulted in the following:

- Increase in conflicts over pathways & access.
- Especially in winters two groups indulged into violent fights because during these months the access pathways passing through the tok became more important as these were used by the villages for Oak leave collection and grazing.

**1950 (7 years later)**

Probably a similar kind of conflict occurred during this time.

### 1957: Tarmeen Settlement (14 years later)

- At the very inception of this settlement, village boundary demarcation took place, dotted lines were converted to solid line and civil forest was included within village boundaries.
- Old Van Panchayat areas are properly demarcated. Hence no conflict existed.
- No Settlement took place after 1957.

---

<sup>1</sup> Distinct part of a larger settlement

- In the intervening period traditional understanding/agreements for use of commons emerged, developed and were working till 2003.
- Post 2003, a targeted formation of V.P under Government Order took place. As the whole process was based on achieving government targets, a quick but weak campaign followed. This resulted in boundary conflicts.
- A tense situation prevailed due to regular conflicts – not allowing to use the access ways and damage to boundary pillars was a regular occurring phenomenon.
- In 1957 settlement also, disputed *bhatoli tok* was marked within Langtai's boundary. No action was taken on Pajyana's earlier appeal in 1957 settlement (link with 1943)
- But due to regular instances of fights, *bhatoli tok* was registered within the boundary of Pajyana. But this was not declared publicly.

#### 21.11.1958 (15 years later)

Pajyana filed an appeal with A.R.O. office (Pauri) indicating that Langtai is blocking the pathways and is indulging in boundary disputes.

- The A.R.O ordered an enquiry into the matter. The Amin was asked to conduct the inquiry and submit the report.
- On 02.12.1958 Kalam Singh Rawat (*Settlement Amin*) submitted the inquiry report to A.R. O. and clarified that though the disputed *bhatoli tok* is shown in Langtai's boundary in *sadiq settlement* but the *Po settlement* described Pajyana's rights for grass cutting, access pathways & grazing land. Settlement maps also depict pathways from pajyana entering into Langtai's boundary. [link to 1943]
- Pajyana's appeal that there must be independent use of pathways and access was acknowledged and adjudged right.
- To resolve the dispute, *amin* marked temporary pathways in the map. It was proposed to the ARO that these pathways be marked with permanent ink.

#### 26.05.1959 (16 years later)

Damage and dismantling of boundary pillars was also very common in the ongoing dispute in the disputed area. During the winter period between 1958-59 a similar incident took place, which came into the knowledge of government officials. Government took a serious stand and ordered for repair of the same by both the groups.

On 26.05.1959 the damaged boundary pillars were repaired in the presence of government officials.

#### 1960 (Administrative Changes)

Formation of District Chamoli and inclusion of Chandpur Patti as an integral part of the district.

**1964 (21 years later) – Turning Point in the history of Community Forestry** shift in control and administration had implications on the working of van panchayat

The Class I Reserve Forests, which were under the direct control of Revenue Administration and were also used by both villages for their needs were transferred to Forest Department and obviously the control and administration of forests.

Prior to 1964, the immediate villages of Silpatta, Doltu, Chorda, Sirana & Malsi formed their van panchayats over an area of 774 hectares in the Reserved Forest (class I) which reflect their objective visioning towards local resources.

Due to regular indulgence in conflicts, the villages of pajyana and langtai lost the opportunity to form their van panchayats in reserve forest like their surrounding villages did. Now these villages are living in a serious constraint of depending on their common but very limited resources within their boundaries. Pressure on commons and low land availability has also become a push factor in the whole dispute among the two villages.

### 1992

This year Langtai Van Panchayat was formed within its revenue boundaries

**1996** (Uttarakhand enjoyed exemption from Supreme Court Order but the people were not informed about this)

The Hon'ble Supreme Court imposed a ban on mining in reserve forests. The forest department officials followed the Supreme Court order and imposed ban on the *bharari mine*. People's livelihoods suffered impacts due to this decision.

The fact that Uttarakhand was kept out of purview of the imposed ban on slate mining was not disclosed to the people. Langtai took advantage of the situation, it imposed ban on slate mining in reserve forest. This ban was for applicable for the surrounding villages. Several other disputes emerged in the reserve forest area and forest department officials intervened into the matter later.

**2003** (Uttarakhand Government Issues an order to form van panchayats in each revenue village)

- As a result of a government order facilitating the formation of van panchayats in each revenue village, van panchayat of *pajyana malla* was formed.
- Action is taken in favour of an appeal made by pajyana that bhatoli tok be included in pajyana, which was included in langtai village map according to 1937 settlement. Moreover this was almost a forgotten issue by the current generation. [link to 1943 & later]
- In this regard, information from the land record office was never shared with any of the villages
- Despite disputes, with the passage of time, a traditional management principle developed in *bhatoli tok*.
- It was only when the boundary demarcation process for newly formed pajyana started; it came into the knowledge of the current village leadership of both the groups that the disputed *bhatoli tok* is marked within the boundary of pajyana van panchayat. [1957]
- On one hand, Langtai refuses to step back from the traditionally developed practices and on the other Pajyana declined to part away with any agreement on its boundary.
- The boundary and traditional conflicts turned into a matter of saving personal pride. The nature of conflicts reaches an extreme i.e. from allegations on each other to occurrence of violent instances among the two groups. Finally the matter is pushed to administrative and legal systems.

### 23.07.2003

Langtai files a complaint against newly formed pajyana van panchayat in SDM court stating that pajyana has encroached upon langtai's van panchayat which also comprise land of schedule castes. [link to 2003]

### 30.08.03

- Pajyana files an application for erecting pillars and boundary demarcation

- In the intervening period both the groups got actively involved in gathering evidence in favour of their claims from the record office and several other sources.
- On 09.09.03, a representative from Pajyana obtained a boundary record from Pauri. This record was only presented before the S D M on 07.09.2005 (after approximately one and a half year later)

## 2004

The year 2004 was a period of peace as nothing adverse happened in view of the past events.

### 20.01.05

A requisition in S D M office to conduct an inquiry over boundary disputes among van panchayats of pajyana malla, silpatta and langtai.

### 21.01.05

- On pajyana van panchayat's requisition, an investigation was conducted by FPI<sup>2</sup> alongwith local patwari in local forest area. [link to 30.8.03]
- FPI gave a stay proposal to SDM on rights of both the groups over land between *tolu udiyar to do bata*

### 12.02.05

A violent incident among the two groups in the disputed area

A report filed against 13 people of pajyana. Till 10.02.2006 the matter was heard in the court of Class I Magistrate (Karnprayag) and finally got dismissed.

### 14.02.05

- Langtai filed an application in SDM office regarding the matter of boundary dispute between van panchayat langtai and pajyana malla
- Langtai complained against pajyana's false allegations on eight people.

### 15.02.05

- S D M issued an order, thereby restricting the use of resources in disputed van panchayat.
- Sarpanch Pajyana honoured the SDM order whereas langtai's sarpanch did not.

### 17.02.05

- Once again a violent incident took place.
- On the same day Pradhan, Gram Panchayat Silpata gave a requisition to SDM office for maintaining law and order arrangements.
- SDM ordered a necessary and urgent action to be taken by FPI.

### 20.02.05

- Site visit by local patwari after violent incidents.

---

<sup>2</sup> Forest Panchayat Inspector

- Agreement between both groups over dispute on use of pathways in a general meeting in Langtai
- Around 96 people including prominent people of both the groups were present in the meeting & were signatories to the agreement. Among all present, 40 of them were women.

#### 10.03.05

Complaint lodged by Deewani Ram against four people of pajyana for using abusive language, hurting the caste identity and threat to kill.

#### 11.03.05

SDM issues an order for fresh demarcation to be carried out by *nayab tehsildar / FPI*

Amin Bachi Ram Dimri posted for the task and 18.03.2005 finalized as a deadline.

#### 19.03.05

Demarcation process completed by *nayab tehsildar/FPI* alongwith Amin but Langtai remains unsatisfied. [link to 11.03.05]

#### 11.04.2005

Order issued restricting the use of resources in disputed area till final decision

#### April - May, 2005

No such event / inquiry took place during this period

#### 07.06.05

Sarpanch Pajyana obtained a copy of duplicate boundary map, Ebbotson Settlement mauza (pajyana and langtai) and rvayati boundary (dated 28.06.1941) from Pauri Land Management Office and submitted in SDM court [link to 30.08.03]

SDM issued an order for site demarcation by Tehsildar based on the available records.

Langtai has been pursuing *kashtkari* in disputed land from past.

Plead that additional time be given, mentioning that additional papers have been requested from Pauri.

A copy of the decision by ARO (in 1959) submitted which was in favour of langtai.

#### 14.06.05

Ranjit Singh on behalf of all villagers of Langtai filed an application to SDM that Pajyana Van Panchayat demarcation be suspended as it can raise serious disputes. [link to 7.6.05]

Additional time will be required by langtai for filing their record of rights

#### 23.06.05

- S D M called for a meeting of both the groups at his office
- Suggestion for equitable distribution and usage of disputed area discussed

- Both groups agree to the suggestion
- An order issued by SDM stating that a site investigation be conducted by tehsildar and accordingly resolve the same

### **July 2005**

This was a period of peace as nothing adverse happened in view of the past events.

### **11.08.2005**

The Tehsildar review the investigation but none of the villager is ready to understand and intervention of court.

Orders issues to maintain peace and order situation

### **28.08.2005**

Both the Sarpanch's asked to abide by the above issued orders

### **31.08.2005**

Application filed in SDM office regarding boundary dispute and demarcation of langtai

### **09.12.2005**

Deewanoo Ram's dispute emerged [link with 10.3.05]

### **14.12.2005**

Deewanoo Ram files a complaint in District Magistrate Court.

Files case against 7 people of pajyana

### **January 2006**

Nothing unusual happened during this month

### **10.02.2006**

Judgement by the Magistrate (Karnprayag) on case filed by Langtai stating that all the 13 people were not found guilty. [link to 12.05.05]

### **12.02.2006**

Review on Deewanoo Ram dispute by Patwari, Silpata

### **12.03.2006**

Following the judgement of Magistrate (Karnprayag), Pajyana filed an application with a copy of judgement in the SDM office. SDM issued an order to fix a date for investigation after 25<sup>th</sup> April 2006 and inform both the groups. [link 10.02.06]

### **17.03.2006**

Complaint lodged by pajyana van panchayat Sarpanch and others in District Magistrate's Office against people of langtai regarding encroachment and mining in van panchayat land.

Tehsildar is asked to submit the investigation report on the matter to the SDM following which the DM is briefed.

#### **April to June 2006**

Nothing unusual happened during these months.

#### **21.07.2006**

SDM conducts a meeting with both the groups  
Advise for resolving dispute through social process

Finally HCFC sets in dialogue process with the administration and the two groups. District administration is willing to extend process support to the team and look forward for diagnosis of the problem and solutions thereafter.