

Governing the conflicted commons: Democracy in the Indian tribal belt

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Abstract

This paper problematises the question of how policy-relevant knowledge is produced, how it can include concerns of all stakeholders, and how it informs political processes, by focussing on a specific case. To do so, it surveys literature on impacts of resource expropriation and processes of exclusion on indigenes in central eastern India. It examines how a shift to local democracy in recent decades can potentially facilitate inclusion of concerns of indigenes and the environment in natural resource governance within this resource-rich but poverty-stricken conflict zone. It argues that, in order to enable democratic resource governance, evidence-based knowledge must inform changes in institutional processes. It makes the case for a doctoral project being undertaken during 2012-15 that seeks to generate such knowledge. The project emphasizes the importance of understanding the relationship between decentralisation reforms and indigenous communities' rights and participation in natural resource governance, in order to enable inclusive governance in a conflict zone of economic, political, ethnic and ecological interests. This paper justifies why this knowledge is required and describes the methodological approach adopted to generate it. It also preliminarily identifies gaps in the political process, explaining why it is challenging for such research to facilitate better implementation even if it does feed back into more evidence-based policy.

Thus, this paper integrates key questions from the 'evidence in decision-making' stream into a specific case, highlighting the role of knowledge vis-à-vis power in enabling policy-relevant evidence to inform political processes. It aims to improve the manner of generation of such knowledge to include concerns of marginalised stakeholders, while acknowledging the challenge of creating an impact through such measures in a context where power rather than knowledge-based policy drives political processes. However, when applied, such knowledge contributes to sustainable development in globalised contexts wherein human dimensions of global environmental change find expression.

Topics: *Evidence in decision-making*

Keywords: *inclusive governance, democracy-building, indigenous communities, decentralisation reforms, natural commons*

The unwieldy but desirable union of form and content:
Background

How is policy-relevant evidence produced, does it include concerns of all stakeholders, and can it inform political processes? These are three important questions. In addressing them here, I first specify the ground as being concerned with natural resources governance in a recently-formed state of central eastern India, namely Jharkhand ('state' is often employed in this article, however, to refer to India and its government, i.e., the State). This immediately necessitates mention of certain preeminent aspects – the geographic focus is on a conflict zone of political, economic, ethnic and ecological interests. The region is endowed with vast natural resources, including forest and mineral reserves that attract attention from the state and mining companies. It is densely populated with poor indigenous communities who depend primarily on minor forest produce and subsistence agriculture for survival. It is also rife with conflict between the state and insurgents, although in practice anti-state actors as a category often includes anyone who questions or protests state activities (Prabhu 2004a). There is an obvious disjuncture between constitutionally-mandated policies and praxis, which tends to work against marginalised communities (Shah 2005). However, legal recourse is a rarely employed and largely ineffective strategy, due to tardy judicial processes and not least the everyday challenges of mere survival for most of those adversely affected, which very often negates long-drawn-out court battles as a viable option.

This leads to the second point, namely that of the stakeholders concerned. There is much at stake in this democracy-building context; the very founding of Jharkhand as a state in 2000, carved out of the resource-rich southern part of India's poorest state Bihar, was portrayed as a political solution to the loss of identity and political representation for diverse ethnic indigenous groups split up into minorities across various big states (in the tribal belt, which Jharkhand is a part of) at the time of Indian independence in 1947. However, a concern that has been flagged throughout is that the political will to push state creation gained traction not so much due to this purported purpose (which naturally had already had support from indigenous communities for decades), but rather as a consequence of commercial and political motives among the regional elite (Raichaudhuri 1992; Ahmad and Lahiri-Dutt 2006). Thus, in contrast to local community members, the mining lobbies (both private companies and state-owned ones with a regional presence but often national and international reach), political parties and the government (particularly the forest department) at both the centre and state level are powerful stakeholders, as are Maoist groups, albeit with less legitimacy (Department of Rural Development 1990; Chandramohan 1998; Corbridge 1991). Moreover, given the 'good governance' agenda that has been pushed to the fore 1990s onwards, international agencies and donor organisations such as the World Bank are also interested parties with potentially significant impact (Grafton 2000; Lambin 2003; World Bank 2001). And naturally given the focus on knowledge here, the role of researchers and relevant scientific bodies is pertinent to consider (Agrawal 2001).

Given this context and these stakeholders, the third point that naturally emerges is what makes this exercise significant, which is the fact that these are exceedingly common circumstances (Soja 1989; Ostrom 2007). Indeed, across emerging economies, natural resource governance has been plagued with similar issues, and since the 1980s there have been widespread attempts to address them through decentralisation reforms (Agrawal *et al* 2008). A wide body of literature examines their significance based on empirical studies of these complex contexts which abound in today's globalised and globalising economy (Forsyth 2003; Grajales 2011). Another significant set of strands takes up in abstraction the core questions of the nature of governance and the governance of nature, political and environmental subject-making, and state-society relations (Li 2007; Goldman *et al* 2010). There also exists research that interweaves these discourses, reading empirical data through the lens of classical social theory and building more empirically-informed

contemporary social theory (Agrawal 2005, Lund 2011). What these strands have in common is their insistence at a 'situated' environmental science, that does not divorce environmental explanation and politics. Yet any significant improvement to the status quo is perpetually blocked by a variety of hurdles – inertial dynamics strengthened by elite with vested interests, short-term profit-driven thinking – in short, the political economy of governance. In most such contexts, scope for external intervention is limited, fraught with political implications, complicated by lack of familiarity with regional nuances, and lacking both a platform and effective backing. What does make it essential, however, is the very real fact of ongoing deprivation, human suffering, environmental degradation and generally unsustainable outcomes of various undemocratic processes.

Opinion is divided on what such external intervention should entail. It can take the form of advisory services to governments, who often lack technical expertise and accurate inputs regarding ground realities, and seldom sufficiently prioritise attention to the nitty-gritty of policy execution or the extent of resources required. It can also take the form of empowering local communities, who are usually the most adversely affected stakeholders but play the least determining role in decision-making processes. This includes channelling their local knowledge and proactively taking their views into consideration in planning, as well as integrating them into the technical language of the government, which has considerable implications for their awareness of and inclusion in the execution of activities (World Bank 2007). Notably, little of this leaves it up to local communities to actually determine the form of what occurs with regard to natural resource governance; rather, it tries to facilitate their having a say in the content to some extent. Which comes roundly back to the initial point of departure: how is policy-relevant evidence produced, does it include concerns of all stakeholders, and can it inform political processes?

The argument put forward in this paper is based on the premise that, in order to be truly inclusive, both the content and the form of natural resource governance must be such that communities indigenous to the region are able to exercise their stake. One of the important consequences of such an approach is that it necessitates treating decentralisation as more than merely deconcentration of power. It ensures that, in practice as in definition, decentralisation connotes a devolution of power to the regional and local level, and that local governance institutions take their cue as much from existing community practices based in traditions and contexts best known to the local population as they do from standard models of institutional governance transferred top-down from the centre and state governments (Nathan *et al* 2007). This naturally requires context-specific understanding of indigenous communities' manner of resource use, both in terms of their dependencies and resource management; but furthermore, to successfully wed the bottom-up with the top-down, this knowledge must have uptake within forms of local governance that maintain some degree of uniformity by way of institutional process (Davis 2005).

Unfortunately, such a premise is closer to an ideal than to reality. It can, however, be justified by showing its irreplaceability for inclusion of all stakeholders' concerns, as opposed to just those promoted by powerful lobbies such as private corporations or government departments. Therefore, this paper probes the Jharkhand context for examples of the failure of decentralisation reforms to take into consideration the existing patterns of resource use by indigenous communities and their underlying basis (Dreze and Sen 1996). It is implied that this is not specific to Jharkhand – while particulars obviously vary across contexts, there is broad congruity in the relevant literature on similar failures in comparable contexts. But to establish the occurrence of this failure and instantiate it is little more than stating the apparent to those familiar with critiques of decentralisation reforms. Here, this simply constitutes the background

for arguing that the relationship between decentralisation reforms and indigenous communities' resource use bears detailed examination. Moreover, the knowledge thereby generated is of critical import for the production of policy-relevant evidence (Corbridge *et al* 2004). This is the schema based on which my doctoral project aims to examine precisely this relationship, and it is completed by considering the issue of how the knowledge thus generated can inform political processes (Rayner and Malone 1998). This will ultimately make decentralisation reforms more inclusive and effective. This last is no easy task, especially in a conflict zone where democratic processes have not so much broken down as continued their historical absence (Bates 1985). Moreover, as has been convincingly argued with respect to Indian states, and in particular recently-formed ones such as Jharkhand, the political processes of representative democracy are vastly removed from the process of policy-making, making the context a peculiar one where the successful application of democratic tools to bring in progressive policies often co-exists at a disjuncture with the complete lack of political agency on the part of the general populace in actually being able to bring those policies to bear on the contexts they rally hard to alter (Tillin 2011). In other words, partial enfranchisement coexists with a lack of entitlement (Appadurai 1984).

Form and content – a troubled marriage:

What decentralisation reforms lack in Jharkhand

Local democracy has a chequered history in India. Community-based local institutions (for decision-making) existed for centuries prior to British rule, during which they were used to extract revenue from villages and underwent a series of complex alterations due to colonial influence (Sen 2008). Post-Independence, their existence, albeit weakened, continued but with non-justiciable status under the Indian Constitution, which came into effect in 1950. Subsequently, the landmark 73rd Constitutional Amendment of 1992 conferred constitutional status on rural local governments, marking an official end to the virtual control state governments exercised over local body elections during the interim four decades. Even so, given the federal structure of Indian polity, rural local self-governance bodies (panchayats) are allowed financial power largely at the discretion of their respective state legislature, within an intra-state three-tier governance structure where they comprise the bottom tier, i.e. the village level.

The situation is even more complex when considering Jharkhand, carved out of the resource-rich part of India's poorest state Bihar in 2000, and a classic case of a state requiring democracy-building measures. In 2011, Panchayati Raj Institution (PRI) elections were held after a gap of 32 years (instead of the maximum five specified in 1992!), under a progressive piece of legislation called the Panchayat (Extension to Scheduled Areas) Act 1996 (or PESA), which extends local self-governance to tribal districts. One such district, West Singhbhum, is the empirical focus of my doctoral project – a conflict zone of commercial mining interests, political instability, dense but rapidly decreasing forest cover, and displacement and dispossession of poor indigenes, who constitute the majority of the district's population (Verardo 2003; Yorke 1976). Tribal policies have failed to address the economic and demographic transformation in post-Independence politics in the region (Corbridge 1988; Karlsson 2003; Li 2002). Despite India's policy of affirmative action and self-determination for marginalised peoples (Constitution of India 1950), structural differences in income generation perpetuate their poverty (Kijima 2006). Ironically, while its exploitative history has birthed political opportunism such as insurgent activities by Maoist groups that cater to middle-class interests, a breakdown of law recently led the Indian government, confuting Maoists with tribals (or adivasis), to wage war against its own poor (Roy 2010).

It is in this charged context that India's Joint Forest Management (JFM) programme, in accordance with the objective of increasing national forest cover from 11% to 33%, has since 1990 functioned as state support to community initiatives in managing public forests, a key resource for the adivasis as well as the forest department (Ministry of Environment and Forests 1988; Rangachari and Mukherji 2000). In Jharkhand, 10,903 Village Forest Management and Protection Committees (VFMPs) have been constituted under JFM, covering 21,560 sq km of forest area (Government of Jharkhand 2010). These committees, in general known as Joint Forest Management Committees (JFMC's) across states, have overlapping functions with PRI's that are the subject of ongoing legal debate in recent years. The answer varies in practice, but the juxtaposition of traditional local self-governance bodies with those in charge of managing natural resources begs the question of who is in control and what is at stake (Hill 2006). Panchayats vary from being tools of good democratic practice to facilitators of institutional corruption and elite capture. JFMC's, though partnered by the forest department, have a basis within local communities that varies from strong to virtually non-existent. They represent a technology of government that allows communities access to non-timber forest produce (NTFP) while securing protection to timber for the forest department to exercise its monopoly over commercial forest resources. There is a natural tension between these different interests and approaches, but the picture is far from rosy because there is a different 'view from below' with strong roots in recent history apparent in the literature, and forests are only part of the resource governance puzzle.

In 1991, India's liberalisation policy boosted the mining sector (Areparampil 1996). Exploitation by coal, iron and related industries has adverse environmental impacts (Tiwary and Dhar 1994; Singh *et al* 2007). But the Indian state appropriates land for industry without contextualized negotiation, undermining adivasi cultures based in land-related livelihood patterns (Prakash 1999, 2007). Displacement of adivasis, often violent, accompanies this (Meher 2003; Padel and Das 2010). Land encroachment has historically placed adivasis at a structural disadvantage, with their migration induced by loss of access to subsistence resources (Bates 1985; Zurick 1999). Traditional commons, or shared natural systems like forests, are being converted to private property by invoking a nature versus culture relationship that restricts access and control, with local communities paying the price for private gain from such commodification (Caduff and Randeria 2010). This creates land alienation for adivasis, including loss of rural natural commons (Sharan 2005). Such loss causes breakdown of inclusionary structures for joint resource use, deepening poverty and forcing migration (Feeny *et al* 1990). Adivasis, including the particular tribe called the Ho my project considers, prefer to remain on their land, but the impact of changing access to commons has led to migration as 'the last option' in recent decades (Gupta 2009).

Clearly, then, there is research that suggests with little doubt that decentralisation far from ensures equitable and inclusive resource governance in Jharkhand. Currently, governance frames political processes without achieving substantive citizenship for adivasis (Tillin 2011). Historical and postcolonial legislation results in 'multiple orders of state law' (Sundar 2005a), instead of recognising customary land tenure, arguably a prerequisite for direct democracy through tribal institutions (World Bank 2007). Unsurprisingly, then, adivasis stay away from the state, preferring an alternative sovereign structure, customary institutions, a sacral polity, and other forms of a local political economy that socially produces the state as a cultural imaginary (Shah 2007, 2009; Rao 2005). But the state's treatment of adivasis dooms such attempts to 'produce locality' (Appadurai 1996). Limiting such an alternative 'capacity to aspire' in subaltern populations can result in apathy or violence – here it aids Maoist propagation of anti-state violence (Appadurai 2004). A 2008-09 national report in India omitted a commissioned chapter on governance in tribal districts (Kirpal 2010). This chapter highlights progressive legislation that enables adivasis to self-govern in regions they inhabit, revealing "a damaging mix of

misgovernance, alienation and violent insurgency” by state authorities against them (Dandekar and Choudhury 2010). Proof of such anti-democratic censorship politicises the discourse, showing that poverty among adivasis is an effect of wider, subsuming socioeconomic systems (Harriss 2007).

Arranged marriage?

How decentralisation reforms can be made more inclusive

Politics of poverty and exclusion require a relational approach that situates the “effect of social categorisation and identity” in the inequality of economic and political relations (Mosse 2010). The argument in favour of decentralisation is that devolving relevant powers to a representative, inclusive local body will lead to efficiency and equity gains in resource management (Smoke 2003; Chambers 1994). This implies an empowered, accountable managerial entity. However, as instantiated in Jharkhand, this is a rarity in forest decentralisation reforms, which are often detrimental to the livelihoods of the poorest and do not go beyond de-concentration of power (Ribot *et al* 2010; Agrawal and Ostrom 2001).

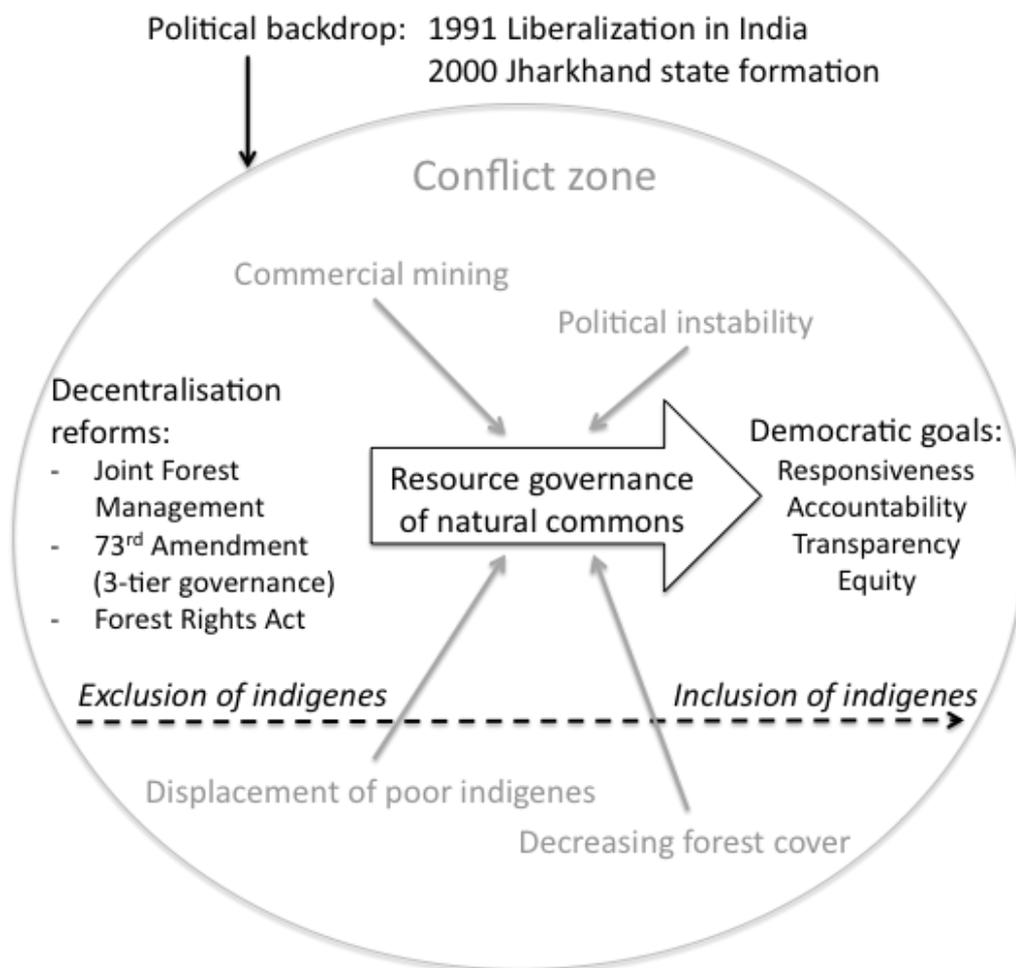


Figure 1: Representation of relationship between democratic decentralisation reforms and indigenous communities’ inclusion in resource governance of natural commons in a conflict zone

The use and management of natural resources must be situated within broader historical power struggles (Jewitt 2008). To enable self-governance, basic structures affecting peoples’ access to land, forest, water and other rights must be transformed, and prior access restored (Sundar 2005b, Saravanan 2009). Democratic practice can address the militarism rampant in Jharkhand

(Drèze 2000). At root, this requires facility, involvement, and equity (Drèze and Sen 2002). Constructive constitutionalism can empower adivasis to turn conflict arenas into opportunities to press claims for social change in their favour (Dasgupta 1997); e.g. the Forest Rights Act 2006 (FRA) respects adivasi relationships with land, water and forests as the basis of their subsistence economy (Prabhu 2004b). Localizing and indigenizing democracy can enable community autonomy over resources through authoritative multi-level institutions (Drèze and Sen 1996; Chatterjee 1993; Dasgupta 1990). Through understanding the complex relationships and power dynamics at play, my project aims to identify how to enable democratic decentralisation in natural resource governance. Figure 1 illustrates the approach described.

Matchmaking 101:

Gathering and using evidence towards inclusive decision-making

There is a great deal of ongoing research and political debate about recent legislature such as PESA and FRA and its implications for institutions such as JFMC's and PRI's and for the rights of tribal communities and individuals. But equally, there is evidence through journalism (e.g. Tehelka), popular Indian journals (e.g. Economic and Political Weekly) and fact-findings by civil society groups (e.g. Campaign for Survival and Dignity), that progressive policy-making in recent years has not translated into sufficient positive impact through actual implementation. For instance, the ongoing scandal over allocation of coal blocks that threatens to bring down the current Prime Minister has dominated press headlines in India – assigning of mining rights to private companies by the government is one of the prime factors that has led to dispossession of land for indigenes and remains a controversial topic in terms of legality and legitimacy. Different actors examining such effects are interested agents in their own right: state forest departments safeguard their interest in timber and other commercial forest produce over which they exercises a monopoly; the Ministry of Tribal Affairs, Ministry of Mines and Ministry of Environment and Forests are government bodies that are only critical of the role of the government in a strictly delimited sense and have their own targets; and civil society organisations often have agendas determined by factors such as their international donor base and the domains they prioritise work in. All these actors – interested agents in their own right – have some degree of influence in pushing their agendas through political processes, and serve as vehicles to promote evidence in line with their convictions. An important role assumed in part by researchers in such a setting becomes to bring the concerns of marginalised stakeholders into such political discourse through the directed generation of knowledge, or what has been called “politically-oriented social epistemology” (Fuller 2002). This is particularly important in conflict zones such as the study district, where inclusion is not guaranteed due to largely dysfunctional democratic processes.

In gathering evidence for inclusive natural resource governance in Jharkhand, then, it appears important from the existing literature and institutional framework to consider the following questions in line with already existing policies: What is the influence of resource allocation on adivasis now, in terms of socioeconomic indicators and their own perception? How can the adivasis and village panchayats construct self-governed communities with easy access to land, forest and water, and an opportunity to maintain their own way of life, as mandated by Acts framed within the provisions of the Indian Constitution? Do adivasis advocate a feasible middle ground between conservation and exploitation of natural resources and the commons, and if so, what approach do they have in mind? And if not, why? How can institutional processes of resource governance prioritise fair allocation of and access to land, forests, water and mineral wealth to all citizens? Importantly, to identify feasible choices, these issues must be addressed in a language and manner familiar to the communities concerned (Blaikie 1999). The same logic applies, however, when communicating the outcomes of such an exercise to the institutions

responsible, including both government implementation agencies as well as policymakers in a position to tweak policies for better realisation of stated objectives and guiding principles despite the oft-observed disjuncture with implementation.

In line with this argument, my project aims to achieve two things: to examine the relationship between decentralisation reforms and indigenous communities' rights and participation in natural resource governance; and to identify how to enable inclusive governance in a conflict zone of economic, political, ethnic and ecological interests. In Jharkhand as elsewhere, when dealt with appropriately, these factors contribute crucially to realising sustainable development in the globalised context within which the human dimensions of global environmental change find expression. Table 1 illustrates the methods that I intend to employ with the Ho tribe in West Singhbhum district.

Table 1: Summary of project methods

Objective	Research questions	Data required	Methods
1) To assess the relationship between decentralisation reforms and indigenous communities' rights and participation in natural resource governance;	1a) How do Hos regard and interact with natural systems, which they have traditionally used as commons?	Knowledge of historical and recent Ho - resource interactions	Archival research Literature review
		Current Ho - resource interactions	Min. 30 in-depth interviews, 10 focus-group discussions with Hos Participant observation
	1b) What is the impact of decentralisation reforms on Hos' interactions with natural resources?	Knowledge of decentralisation reforms and policy context	Literature review; decentralisation and governance policy background
		Views of Hos on how reforms impact their access to resources Coping strategies of Hos due to lack of access to natural resources	Min. 30 in-depth interviews and 10 focus-group discussions with Hos (as above); min. 10 in-depth interviews with Ho migrants; participant observation
2) Identify how to enable inclusive governance in a conflict zone	2) What are the determinants of inclusive natural resource governance, and how can they enable it?	Empirical examples of proximal and underlying determinants of inclusion and exclusion	Min. 20 key informant interviews at village, block and district levels Participant observation including village forest committee meetings; field data from Objective 1
		Means to address determinants of inclusive / exclusive governance	Data analysis using triangulation approach and peer validation

The crucial question remains as to how the evidence emerging from this can find its way into the decision-making process to actually create a positive impact. This paper has attempted to explicate the issues involved and convey an initial sense of the specific details; the research process is bound to add deeper insight to these reflections as it unfolds over the next three years.

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