

## COMMON PROPERTY RESOURCES STATUS IN JHARKHAND: A CASE STUDY ON ORAONS COMMON PROPERTY RIGHT IN CHOTANAGPUR AREA OF RANCHI DISTRICT

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**Abstract:** In Jharkhand common property resources, are sources of livelihood and development for tribals. It's important to know the status, nature of common property resources of the tribal people especially of Oraons tribe and how they are using common property resources for their socio culture and economics upliftment. The doctrinal method is applied for the study of law, related to common property resources and mixed method for the case study in this paper. Tribal use common property resources at a primary level for livelihood and socio-culture development.

There is an urgent need to use common property resources or common land for economic wellbeing by the way of scientific process and innovation to tackle and cease the irrigation, drinking water problem and need water conservation and ground water recharge, livelihood generation through horticulture and sericulture, for betterment of life. Tribal people are custodian of natural resources and common property resources which is deep rooted in their old age customs and tradition, which prevail in a part of tribal land. There is need to implement the laws which are protector of common property resources passed by parliament in true nature and spirit, so that their essence, customary law and tribal identity can preserve.

**Keywords:** Common Property Resources, Sustainable development, Chotanagpur Tenancy Act 1908, Santhal Paragana Tenancy Act 1949 and Wilkinson rule, Oraons Tribe.

### INTRODUCTION

The trace of common property resources (CPR) were found in Indus valley or Harappa civilization, which is the oldest civilization of the world, flourished between 3300 -1900 BCE.

The great bath at Mohenjodaro was used for public bath which is one of the finest examples of common property resources and community management system. Common property resources contain all natural resources and they are meant for development of local people. Common property resources are owned by national, regional or local government or private individual or corporation as private goods, when they are owned by no one, they are open asses. In common property resources, community or member have clearly legal right to exclude, non-member of other area or other community people. (Ostrom. E., Hess.C, 2007). In economics term it is zero price, everyone can take as much as the available resources without paying a single penny and such resources are called common property resources. In pre British era common property resources were freely available to local people. Slowly and gradually, decline of community management system occurred due to state control

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over the common property resources. In the context of India, CPR is a source of livelihood of poor and marginalized people of rural area because most of the land is retained by high class society. The most dangerous animal in the world is human and it's destroying common property resources, tribal habitat, ecological balance and their rich cultural heritage in the name of development. The development is not only meant for the rich and elite people, development is also for lower ladder people. There is provision in Indian constitution to protect the environment and wildlife of the country and devaluation of power to local level for development of community and society. "Utilization of the local resource is quite fundamental to the development of the Panchayat Raj system. The Panchayat with the Gram Sabahs should be so organized as to identify the resources locally available for development in the agricultural and industrial sectors." (Mahatma Gandhi)

In state of Jharkhand (an eastern part of India State) utilization of CPR has been seen as strong determinants of development particularly of the primitive/tribal/indigenous communities. The tribal people are mostly related with primary occupations like farming, hunting, gathering and many more. The late 20th century brought a new era of federal-tribal relationships and a policy of self-determination in India. Indian Tribes are increasingly asserting control over their land, resources and governance of their communities, but in Jharkhand situation is bit different. '*Bota koi aur hai, katata koi aur hai, pista koi aur hai, khata koi aur hai*', the lines said by Dr. Namvar Singh perfectly fits into the situation of tribal people of Jharkhand. The tribes are basically a follower of animatims and animism, so they are nature lover and believe in sustainable uses of the available goods. "Sustainable development is development that meets the needs of the presents without comprising the ability of future generation to meet their own needs. Its contain within two keynotes: The concepts of needs in particular, the essentials needs of the world's poor, to which overriding priority should be given; and the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs." (World Commission on Environment and Development, Our Common Future, 1987)

Forest provide minor products, grazing ground, habitant and field for the shifting cultivation for the tribal people of India, in summarized way it provide right to use, right to development, right to management is given to tribal people through the scheduled tribe and other traditional forest dweller (reorganization of forest right) Act 2005. This law recognize the customary right of forest dwelling tribes and other traditional forest dwellers to land and other resources. According to this law village assembles must have a key role in deciding who has the right to forest resources.

It's sound good but this law is mostly ignored by the government. In the book *Legal Ground: Natural Resources Identify and the Law in Jharkhand* (Sundar, 2009) conceptualizes individual property vs. common property and the nature of

commercial exploitation from sociological and legal perspectives in the state of Jharkhand. She has critically brought out the distinctions between colonization and globalization, law and practices, customary and written laws. The tribal communities are specifically betrayed on land rights in the colonial and postcolonial policies of development. The legal methods are always in favour of the elites to alienate tribal land and to deprive them from forest products, which have gave birth to the slogan of ‘*jal-jangal-aur-jameen*’ among the tribals.

### **COMMON PROPERTY RESOURCES RIGHTS IN JHARKHAND**

‘Just like in a heaven everybody wants a piece of land’ (John Steinbeck) this quote is truly applicable in the case of Jharkhand. There are many agitations going on for the protection of common land, as tribal people, believes they have traditional and customary right over the use of common land apart for private property land. There are legislators, which talk about common property resources. Common property resources are protected through Chotanagpur tenancy Act. 1908, Santhal Paragana Tenancy Act 1949 and Wilkinson Rules but the provision of the Act was diluted for changing the nature of common property land through various amendment.

#### **CNT ACT 1908**

The Chotanagpur Act was enacted for Chotanagpur area of Ranchi District of Jharkhand. In the CNT Act they are three parts: Part I is the ‘Khewat’ or record of rights, which shows the order of rights in each plot of land; Part II is a record of Community Rights, also known as Khatian and Part III is the Village Note. It describes the social and economical organization of each village and also describes the power of each village headman regarding common property and resources.

In this act these people are known as, (1) MUNDARI *KHUTKATT* (original settler of the Munda tribes), (2) Oraon *BHUINHARI* (original settler of the *Oraons* tribes) and (3) Raiyats, (a) The Raiyats holding khuntkatti rights reside in non-Mundari areas, non-Bhuhinhari land. They are the descendants of the original village founders who have cleared the forests, (b) Raiyats not holding khuntkatti rights. The non-khuntkatti rights holding raiyats are other tribals and non-tribals.

In 1902-10 and 1927-28 surveys there are two type of land apart from private property. Uncultivated and common land are known as *gair mazura malik aur khas* land and second one are those land which were used for specific purpose such as graveyard, village, roads, *Sarana Sthal* are *gair mazura am*, these types of lands were considered to be community lands. In Jharkhand wasteland and forest land are largest part of common land and they are counted as *gair mazura khas* land and in short they are termed as *GM* land. During the settlement custom land was under the control of local communities they were recorded in the ‘*gair mazura khatas*’ of the superior tenure holders, than the zamindars of each

village of the Mundari khuntkattidars or bhuinhari villages. They use rights; reclaim right land, for cultivation with the permission of the concern community headmen.

In 1971 government initiated new survey; the aim was to change the ownership of common property land in the name of government form concerned village community head. Gm lands should be recorded as anabad Bihar sarkar. In 1981, and in 1984, the government attempted to defuse the agitation by conceding to most of these demands, but because it did not agree to record the names of Manki/Munda in the part I of CNT Act in the place of 'Bihar sarkar' so the tribal agitations are shelf going on to protect the right of tribal people.

### **S.P.T ACT 1949**

This Act is for Santhal paragona division and covers the geographical area of Rajmahal hills and the surrounding area of valley and plains. The major survey and settlement in this region was carried out between 1913 and 1918, and the special position of the *Munda/ Manki* was reflected in the khewat in placing their names. Three types of gair mazrua (gm) land were recorded: gm malik, which included waste and jungle lands, rivers, government '*bandhs*', and major roads; gm am (village roads and paths, public tanks, sacred groves, etc); and *gm makan*, for houses of non-agriculturalists. All resident settled *raiya*ts and *Ho raiya*ts had the right. The above laws were applicable to British Indian.

After Independence government of Bihar took new initiations and amended the Santhal paragona Act. *Singhbhum* is one of the few districts of the state where a revision survey has been completed, between 1958 and 1965. Gm lands, which earlier were recorded under the name of the *Munda/Manki* or *pradhan*, were recorded as government lands. *gm am* became '*anabad sarva sadharan*' while *gm malik* became '*anabad Bihar Sarkar*'. This means that the government, rather than the *Mundas/Mankis*, now has the right to settle this land for cultivation or use it for any other purpose and the old age tradition, custom and community practice has been demolished.

### **WILKINSON RULE**

In the Singhbhum, Britishers were not able to suppress the *Hos* revolt in 1834, than British agreed to their traditional system of governance and land right. Ho tribal heads were Maniks which was custodian of 3 to 12 villages. They were made police heads and the collectors of the government dues, also had power to pronounce judgment in the petty civil and criminal cases in their areas. The Munda (village head) exercised authority in his village as a police officer subordinate to the Manki and assisted him.

In the survey of 1913 and 1918, Munda/Manki was placed after the first 'secretary of state of council' in Khewat. There are following types of Gair Mazrui land that were recorded. (1) Gair Mazrui Malik, which included waste and jungle lands, rivers, government lands and major roads (2) Gair Mazrui Am include village roads and paths, public tanks, sacred groves. All residents settled raiyats and Ho raiyats had the right to graze animals in the jungle, on wastelands, as well as the right to reclaim village jungle and wasteland within the village with the permission of the headmen. The new survey was conducted in Singhbhum in 1958 and 1965 and state took over the common village lands.

### **METHODOLOGY**

This article is part of intensive research work of junior research scholar on sustainable development of tribal area. In this research two types of methods have been followed, first one is doctrinal research for the study of law regarding common property right in Jharkhand, specially related to Ranchi District.

Second method is a mixed method both qualitative and quantitative data, collected through primary and secondary sources. Primary source of data collection- Observation Method; Participant and Controlled observation, Field Survey; Interview Method; Personal interview, Group interview and Case study method. Two different sets of questionnaires will be designed for the purpose of this study: questionnaire schedules (village schedule) will be designed for group discussions to collect data on overall village profile: Household (HH) schedules will be designed to take direct individual interview. The HH questionnaire would cover questions related to pasture, watershed, land, forest, resources management and also other questions. Additional information on overall situation relating to common property resources and their uses for livelihood, sustainable development and ecological restoration will be collected through individual case studies.

### **A CASE STUDY OF HISARI, CHAULI**

#### **History of Oraons in Study Area/Chotanagpur Area**

The Oraons are known by different names in Chotanagpur region and some of them are Uroan, Kurux, Kurukh, Kunruk, Oroan, Kishan, Kunha, Kunhar, Kunk, Kunna, Kuda, Kola, Morva, Dhangar, Kurka, Kudkali but government of India notified them as Oraons tribe. There are a lot of hypotheses regarding the origin of these people, some historians believe they are Dravidians.

'*Dravidian Origins and the West*' (Lahovary, N. 1963). Historians trace their roots from Indus valley civilization and there are similarities between their culture

and customs. Due to attack and different calamities they migrated to west coast of India at Karnataka region, Madhya Pradesh, then they came to Rohtashgarh of Bihar, where they made a huge Rohtashgarh fort. They stay there for short period due to invasion by the Mughals and regional dynasty, from there they were divided into two flocks, one went to the Rajmahal area in Santhal Paragana region and made their residence place at plate of river Ganga and another came to Chotanagpur area of the Munda region. But with the migration of Oraon tribe to the area, the Mundas raised a strong objection. It was decided that the dispute will be settled by a music and dance competition between the two tribes.

The tribe which would lose would have to leave the area. The fight continued for seven days and seven nights in which the Oraons came out victorious due to the possession of a special musical instrument, Mandar which the Mundas did not have. However, after winning, the Oraons asked the Mundas not to leave and stay together peacefully. But the Mundas did not agree. They kept their word and migrated to Khunti (Gaunjhu, 2014).

Tribal population is 26 % of total population of Jharkhand and population of Oraons are 8.2 % of total tribal population (Census, 2011). According to Rameshwar Oraon population of Oraons are near about 32 % of tribal population.

### **HISARI, CHAULI**

In the foothills of Chotanagpur plateau the study area situated, in the district of Ranchi, Ratu block, of Jharkhand is a part of 2 Gram Panchayat area. These villages are surrounded by non-perennial south *Koel* River and have rich fertile land. The surfaces of these areas are tanrs (highland) and dons (lowland). Geologically this area is comprised of Archean granites, gneisses and schist. These areas experience good climate condition due to higher elevation despite of Capricorn passing through this region. Relative humidity also remains low, so summer season is also not uncongenial. December is the coldest month with minimum temperature of 10.30°C and May is the hottest month with maximum temperature of 37.20°C. Average annual rainfall of the district is 1375 mm and more than 80 percent precipitation received during monsoon months. In these areas are dominant soils covering are Alfisols followed by Inceptisols and Entisols.

### **DATA ANALYSIS**

#### **Hisari**

In Hisari village 212 families are residing and village has a 1134 population of which 570 are male and while 564 are female. Scheduled tribe populations in

this village is 489, rest are Hindus, Muslims and Christians (Converted Tribal). Table 1 and Figure 1 show uses of common property resources of village.

TABLE 1

<i>Particular</i>	<i>Total no family</i>	<i>No of Family using CPR</i>
Forest Product	212	150
Wood for Fuel	212	0
Irrigation depends on River	212	180
Depend on other pump	212	32
Sarhul Festival	212	180
Karam Festival	212	200

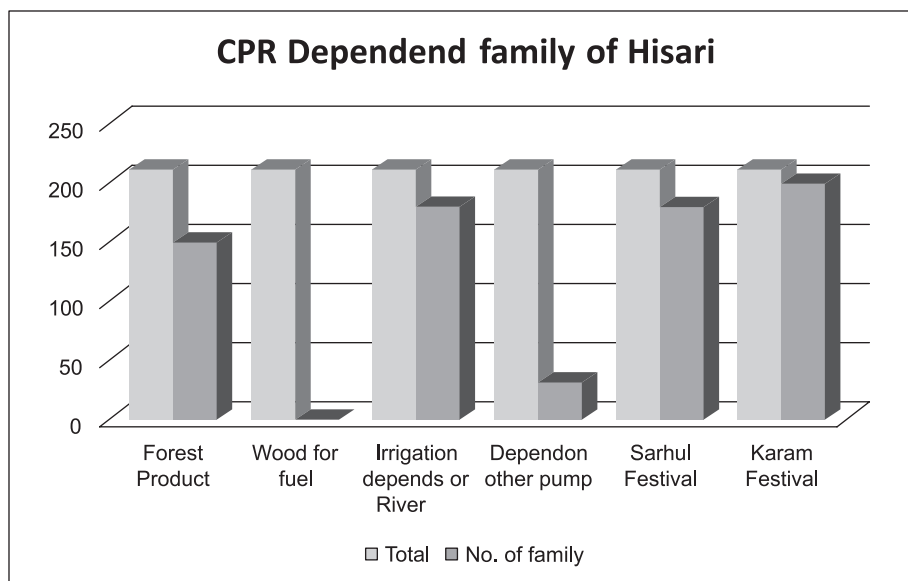


Figure 1

### Chauli

This village is adjacent to Hisari village and they share common boundaries with one another, south koel river demarcate the boundary of eastern part of the village. This village is culturally and economical attached to Hisari village.

It is small size village in which 62 families are residing. This village has population of 351 of which 174 are female and 177 are male. Scheduled tribes population is 271 among 129 are male and 142 are female, rest are Hindus, Muslims and Christians. Their common property projection shown through bar diagram, in Table 2 and Figure 2.

TABLE 2

<i>Particular</i>	<i>Total no family</i>	<i>No of family Using CPR</i>
Forest Product	62	55
Wood for Fuel	62	0
Irrigation depends on River	62	58
Depend on other pump	62	5
Using own pump	62	58
Sarhul Festival	62	58

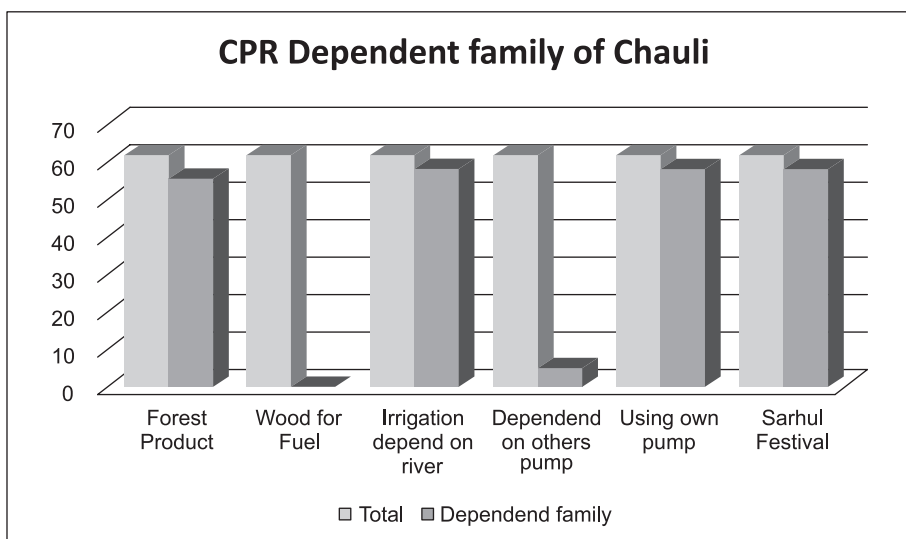


Figure 2

The villagers of Hisari and Chauhi are dependent on common property resources for minor forest products, irrigation for agriculture and socio culture event like *Sarhul* and *Karam* festival.

Oraons communities are relies on environment for treatment of diseases. They are invariably based on the use of medicinal herbs found in the region. Their household items as mats, cots, wooden stools, baskets, cushions, rope, mortar and pestle and oil presses, hunting implements such as bows and arrows, slings, spears and swords, fishing tools such as baskets, traps of various kinds are made of bamboo, fishing nets are made of twine, umbrellas are made with the handle, ribs of bamboo covered with *Gungu* leaves. Even the hooded waterproof coat is made of the *Gungu* leaves. All these are made from forest products which are part of common property resources.



These communities are connected through each other with social gathering and cultural activity and these activities are mostly organized on common property and they are *Sarhul Puja*, which is celebrated with blossom of *Sal* flower, the *Karam* festival is classified as an agricultural festival, it is associated with productivity and fecundity. *Dhumkuria* (Youth Dormitory) is a place where younger girls and boys practice dance in the night.

In this village common property resources are used for only socio-cultural development and not for economic development because of land dispute due to lack of awareness of technology. For villagers main problem is climate change issue, according to them due to climate change, the life line of village, the seasonal river, south *koel* gets dried most of the time due to this irrigation is not possible for poor economical people, higher income people got water through use of submersible pump in the river bed, so the total agricultural yields are not less but individual yield is invariant because of their economics condition, which leads to migration from the village to outside in the search of jobs and better way of life. New generation started migrating in nearby cities for education which leads to decline in their socio-culture. In this tribal village land and forests are one of the hot and burning sensation issues. For the development of villagers, government planning irrigation system and water conservation in common property for their social, economical and sustainable development.

## **DISCUSSION ON DEVELOPMENT OF THE VILLAGE THROUGH CPR**

### **Planning, Process and Implementation for Village Development through Community Participation**

Sustainable development of village through common property resources is ensured by active participation of local communities in planning, execution and monitoring of water conservation and water resources management through low structure construction. The steps follow for development of villages is as: Hamlet level discussion: Rapport building, Participatory rural appraisal: Social and resource mapping, exposure visit and training: Vision Village meeting: a continuous activity village development council formation and linkage with Panchayat,

Identification of feasible sites and beneficiaries, Maintenance and management of structure, topographic survey: Contour mapping of submergence, L-section of stream, C-section of stream, Technical designs and cost-estimate, treatment plan and budget, Approval of treatment plan and budget, implementation, participatory monitoring and supervision.

### **Protection and Conservation of Water Resources on Community Property**

Common land of village use of water conservation, through construction or renovation of percolation tank, low height recharge structure, masonry check dam

on *Koel* River, underground recharge pit renovations, gully plugs to cover maximum area for recharge to help in to increase the water table of the area.

### **Use of Various Types of Agriculture Practices for Livelihood Development on Common Property for Pilot Study**

In rural area people depend on agriculture for their employment or they migrate to another city to work as laborer. To stop the migration, we need to utilize the common property, for enhancing economy of the area and individual development. These can be done through demonstration of various livelihood options at the local level. They are following: Horticulture demonstration, vegetable demonstration, Nadep composting demonstration.

### **Fisher and Sericulture Development in Village, for Economic Development**

The village is surrounded on three sides by seasonal river south *koel*. If they built check dam and embankment on the river, there will be availability of water throughout the year which is beneficial for Pisciculture, which provides great economy support to the local people of the village. This village is surrounded by Mulberry leaf near the river, which is also the source of economy and earning if the sericulture is practiced with community participation.

### **Protection of CPR**

The time has come to protect the common property resources from the real estate businessman and land mafia; their greedy eyes are always looking for common property resources for vacant land to convert this type of land with the help of corrupt bureaucrat officers for construction of flat. In Ranchi district, there are numerous news regarding disappearing of *Dobha* (water body) and capturing of *Sarna Sthal*. Community need to stand against these types of hooligans and land mafia to save the common property resources.

### **Implication of Tribal Related Law**

The right to fair compensation and transparency in land acquisition, rehabilitation and resettlement Act. 2014, this law contain provision regarding the prior consent of the concerned *Gram Sabha* before land acquired. Scheduled tribe and other traditional forest dwellers (recognition of forest right) Act. 2004, in this Act there is provision of village assemble, who decide who has the right to forest resources. Chotanagpur areas come under PESA Act. because it fall under fifth schedule, so it required that Panchayat be consulted before land is acquired in the tribal areas for development project and also before the resettlement or rehabilitation of people affected by such project. There are number of laws for the protection of common property and tribal rights only needs implication of the law in true sense.

## CONCLUSION

Earlier Indian people known as snake charmer in the western world but after seventy year of independence, Indian prove themselves in each and every field from technology to defense and yoga to education but tribals had paid heavy price for the development. The tribal land, custom were put on the shelve for the development of few people. In Jharkhand tribal people blessed with immense natural resources such as forest, fertile soil, river, rivulets minerals, etc. there is need for preserving the natural resources as well as their judicious use to turn the people from poverty to progressive society. Biodiversity conservation and sustainable development method should be imparted to the people. Need to preserve their old age common property resources custom; it is gifted with old age which is an existence from time immemorial. There is an urgent need to blend scientific technology and old traditional custom in order to protect and preserve their tribal identity.

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