

Declining Powers of Van Panchayats: A Case For Empowering Community Based Conservations Programs

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ABSTRACT

Van Panchayats embody the struggle for community rights and democratic representation. Established after a prolonged battle against colonial rule, they were initially designed as people-based forest management institutions. However, their effectiveness has been undermined by increasing centralization and near-complete subordination to the forest department. This paper examines the transition of Van Panchayats, particularly following the introduction of the Joint Forest Management Program, and compares it with the provisions of the Forest Rights Act, 2006. The excessive bureaucratization imposed by successive regulations has rendered Van Panchayats ineffective. It argues that Van Panchayats remain underutilised despite their potential to contribute significantly to conservation and development activities. To realise their potential, a comprehensive policy shift is necessary. This includes restoration of functional autonomy to Van Panchayats, reduced interference of the forest department, and adequate budgetary provisions. The paper advocates for the revival of Van Panchayats as a means to achieve a people based model of forest conservation and sustainable development.

Introduction

Van Panchayats came into existence after a long struggle against the British for forest rights in Uttarakhand (Agrawal, 1999). From considerable freedom as a democratic setup in the colonial era to now being subordinated to the forest department, Van Panchayats have seen a steady decline in their autonomy and power. This tendency toward the centralization of conservation and forest utilisation has been dominant worldwide. However, growing literature on environmental conservation emphasises that a democratic and people-based strategy for conservation efforts is the best way to achieve sustainable growth (Zhang, Xiao, Cao, Zheng, Guo, Gong, & Wei, 2020). Before the British introduced land settlement in India, the people of Uttarakhand had practically unlimited access to nearby forests as well as wastelands. Local kings

and administrators considered the forest area their territory but did not restrict or tax the personal consumption of forest products (Atkinson, 1884). Traill's settlement, for the first time, demarcated village boundaries and land ownership, but personal use of the forest was still not regulated. This also meant the exploitation of the forests by petty contractors. However, due to the lack of transportation methods, this was almost inconsequential. Later, the Indian Forest Act of 1865, modified in 1878, identified forest areas of value to the British and made provisions to control human activity in them. The forest rights of villagers were still preserved to a large extent, and these reserved forests were away from human habitation. The British identified land by its usage: all private land used for cultivation was termed Naap, while the rest was called Benaap. In a series of legislations, the British placed all Benaap land in the reserved category, which included all forest land and non-cultivated land used for grazing. By the end of the second decade of the 20th century, people had virtually lost all rights in these forests. A struggle to reclaim these rights ensued in Kumaon, with leadership from figures such as Pandit Govind Ballabh Pant, forcing the government to recognize community rights in the forests. To this end, the Kumaun Panchayat Forest Rules of 1931, under the Scheduled Districts Act of 1874, were established, officially recognizing the traditional system of forest management.

Methodology

This paper analyses various policy documents and existing works concerning Van Panchayats. A vertical analysis of the developmental trajectory of Van Panchayat Regulations is done and the pattern of change is observed. Further, various newspapers, websites, and research articles related to forest conservation are referred to locate the existing and potential utility of the Van Panchayats.

Establishment and Composition of Van Panchayats

To understand the changed circumstances under which Van Panchayats now operate, it is imperative to review the regulations from their inception. According to the rules of 1931, villagers would write a letter to the deputy commissioner explaining the purpose of the Van Panchayat. It was an entitlement. Two or more people residing in the area for more than 12 years could apply for the formation of the Van Panchayat, but two-thirds of the people should agree to the proposal. Between 3 and 9 panchayat members were elected, who then elected a Sarpanch among themselves. The term of an elected Van Panchayat was 3 years, which, according to the new 2005 rules, now stands at 5 years, extendable by six months by the collector. Now, five adults from the concerned revenue village can apply for the establishment of a Van Panchayat with the agreement of half the people in the village. The new rules have thus decreased the number of votes required to establish a Van Panchayat, which is a welcome step (Uttarakhand Forest Department, 2024).

Working

The Van Panchayat was free to draft a working plan and get it approved by the commissioner. Villagers had the freedom to specify their requirements, such as rights related to forest use by nomads and pastoralists, intellectual property, and traditional knowledge rights of the community. A Van Panchayat could remove a member if necessary. The Sarpanch would inform the deputy commissioner, who would consult with the people who had the right to vote and then decide on the issue. Removal of the Sarpanch was, however, not mentioned. Since 2001, the SDM has replaced the deputy commissioner, and in 2005, provisions for the removal of the Sarpanch were also included.

Rights and Powers: A Steady Decline

The status of Van Panchayats was initially equivalent to that of a forest official in terms of their power. A Van Panchayat could allocate permits for various forest activities and fine individuals for rule violations. With the agreement of the commissioner, a Van Panchayat was empowered to sign any agreement for the management and conservation of forests. They could employ guards for patrolling based on requirements and availability of funds. Van Panchayats had powers to regulate rights, grant permissions, and extract forest products. They could also sell these products, although the sale of resin was reserved for the forest department. Income from the sale of resin was divided between Van Panchayats and the forest department, with most of this income used for forest conservation and the remainder for the community's common use. An important feature of these regulations was that Van Panchayats were kept free from the jurisdiction of the forest department. Initially, they were responsible for protecting the forest, preventing encroachment, and safeguarding against wildfire. Many new responsibilities, such as building boundary pillars, closing 20% of the forest for grazing, and ensuring greenery around water sources and catchment areas, have been added, but no provisions for technical upgrades, finances, and training of people exist. This is not an exhaustive account of the 1931 regulations, but it provides a brief overview of how the people of Kumaon Commissionery secured their rights in the adjoining forests through what Amartya Sen calls Public Action. Furthermore, the functioning of these Van Panchayats was democratic to the extent allowed by colonial rule. This condition should have improved further after independence, given the Gandhian influence on the national movement. However, this was not the case. These regulations remained intact until the 1976 regulations were framed under the Forest Act of 1927. With additions to the role and responsibilities of a Van Panchayat, these regulations increased the role of the forest department in Van Panchayat operations. For any punishment or fine above Rs 50, a Van Panchayat had to obtain prior approval from the DFO. Similarly, it was now delegated to the forest department to prepare a working plan for Van Panchayat forests, with the Chief Conservator approving the plan made by the Conservator of the area. Thus, one of the most important powers of self-legislation

was taken away from Van Panchayats. The flexibility in spending power of a Van Panchayat was also reduced by setting ceilings on various expenditures, with half of the funds allocated to the forest department for developing and conserving forests.

After the state of Uttarakhand came into existence, a new set of rules was promulgated in 2001 and revised in 2005. These rules also followed the Joint Forest Management (JFM) program that was being implemented nationwide. Converting the Van Panchayat Committee into a JFM committee saw a significant loss of autonomy for Van Panchayats. While earlier only a special officer could be appointed by the government to supervise a Van Panchayat, the new regulations required the Patwari, Forest Range Officer, ACF, DFO, Conservator of Forests, SDM, DM, Commissioner, along with the Sarpanch and Van Panchayat Management Committee, to collectively manage these village forests. More administrative tiers have been added, making the idea of people-based forest management redundant due to the complete loss of autonomy. The complexity of the decision-making and implementation process has made Van Panchayats subservient to the Forest Department. The new rules, however, added a provision for reserving half the seats for women (4 out of a maximum of 9), including one for an SC or ST community member and another for a male from the SC or ST community. This is a delayed yet welcome step, but it still does not effectively address social differences. For example, only well-off and influential people or their family members are elected and sometimes nominated as Sarpanch due to the ceiling of two terms for a person. There could have been provisions for the reservation of a Sarpanch seat for SC/ST communities on a rotational basis.

The planning process has also been made unnecessarily complex and exclusionary. The DFO creates a composite plan for five years for all Panchayati forests, and then all Van Panchayats must create a micro plan under the supervision of forest officials based on that composite plan. After extensive involvement of forest officials, this plan is put to a vote by the right holders. It then goes to the ACF for final approval. This approval process, as well as the strict guidelines for making micro plans based on composite plans, is completely against democratic principles. Even the removal of a member or Sarpanch of the management committee is done by the SDM after considering the views of the locals. This aspect has not changed since colonial times and remains completely undesirable.

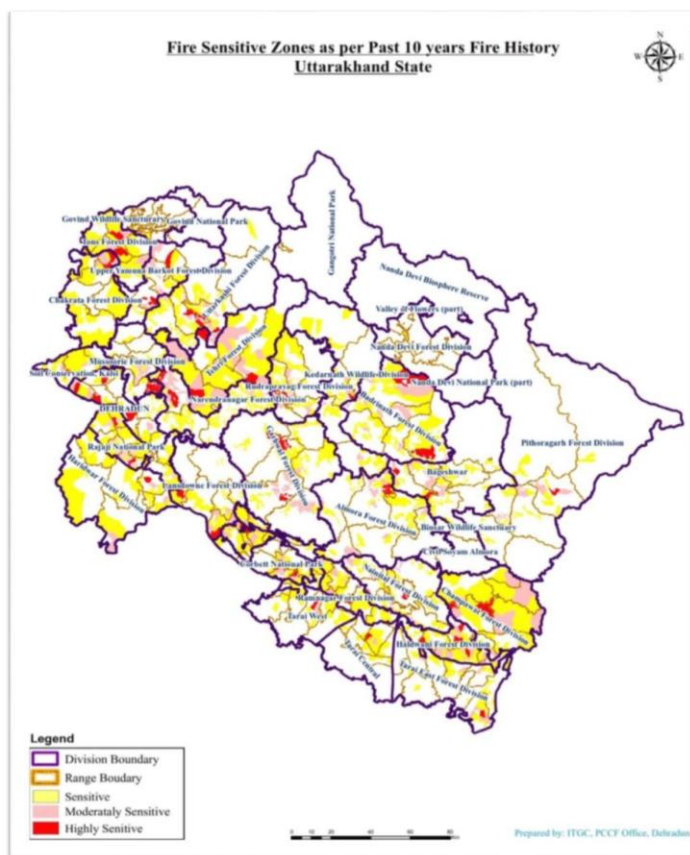
Why Reve the Van Panchayats

There has been a considerable change in the approach to conservation since the time Van Panchayats came into existence. Previously, people were often seen as polluters harming the forest to meet their needs, and strict control over their activities was deemed necessary. Now, most national and international agencies, as well as academicians, find it essential to engage

people in conservation efforts while maintaining their traditional rights. The revival of Van Panchayats could address this need. A case for this can be made under the following heads:

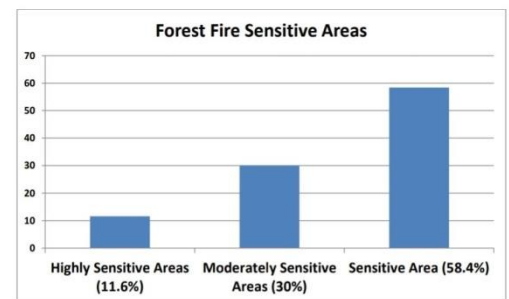
Forest Rights Act 2006

Chapter 2 of the FRA 2006 identifies a multitude of rights for forest dwellers, such as the right to hold and live on the land, community rights like nistar, ownership, access and collection rights, and the right to protect, regenerate, conserve, or manage any community forest resource (FRA Rules Book). It also provides for access to biodiversity and recognition of traditional knowledge and rights. Individual rights under this act are



2. Comparison Table

Highly Sensitive Area = 327207.6 ha
 Moderately sensitive Area = 331761.2 ha
 Sensitive Areas = 343767.3 ha



Source: Uttarakhand Forest Department

(https://forest.uk.gov.in/uploads/downloads_details/1630480773.pdf)

The report claims to use scientific and technological tools such as ISRO's Geo Imaging portal BHUVAN, pre-fire alerts from the Forest Survey of India (FSI), and fire-related alerts

disseminated by the Information Technology and Geo-Informatics Centre (ITGC), which receives alerts from NASA. Despite these measures, various news reports cite the government admitting damage to over 1,000 hectares of forest area due to fire alone in 2024 (The Hindu, 2024; Newslaundry, 2024, etc.). Data up to 2022, available on the website of the Forest Department, reflects the same issue.

Year	Incidents No. in RF	Incidents No. in Civil Soyam/ Van Panchayat	Total Incidents	Affected RF Area (Ha)	Affected Civil Soyam/Total Van Panchayat Area (Ha)	Area Affected (Ha)	Evaluation of Losses (In Rs.)	Human Death	Human injury
1	2	3	4	5	6	7		9	10
2013	177	68	245	274.45	109.6	384.05	439387		
2014	405	11099999	515	729.33	201	930.33	2357707	1	7
2015	332	80	412	585.65	115.96	701.61	794356		
2016	1330	744	2074	2826.25	1607.5	4433.75	4650000	6	31
2017	500	305	805	727.24	517.4	1244.64	1834000		1
2018	1498	652	2150	2657.14	1822.9	4480.04	8605375		6
2019	1641	517	2158	2202.35	779.2	2981.55	5592587.5	1	15
2020	73	62	135	68.33	104.36	172.69	456855	2	1
2021	1835	978	2813	2552.55	1391.33	3943.88	10603439	2	3
2022	1566	620	2186	2526.14	898.91	3425.05	8925638.5	2	7

Source: Uttarakhand Forest Department

https://forest.uk.gov.in/uploads/downloads_details/1688718292.pdf

It is revealing that the mention of local people, including Van Panchayats, in both documents is only in passing. No proper mechanism or rulebook is available for effective local engagement. There is no concrete roadmap for planning and preventive measures. Locals, along with available forest department workers, are the first responders at the outbreak of a fire. Many locals are involved in fire mitigation efforts, but the only tools available to most of them are green branches from trees. Many have lost their lives or been injured during these efforts (The Hindu, 2024). Many women from the Van Panchayat are often the first responders.

The above table also shows that 100 to over 1,800 hectares of Van Panchayat forest land have been affected in various years up to 2022. This underscores the need to empower the Van Panchayats with funds and authority to better control forest fires. In cases where fires are started

by individuals, engaging locals in preventive measures and granting them the power to punish offenders could serve as a more effective deterrent.

Eco-Tourism

The Uttarakhand Tourism Policy 2023 aims to achieve a total economy of USD 10 billion, skill development for 1 million workers, and employment for 2 million people, of which 30% are to be women by 2030 (Tourism Policy 2023, p. 16). This document identifies eco/rural tourism as a key sector for growth and development. Under the chapter "Community and Local Development," it highlights hill communities, farming communities, and art and craft communities as having the potential to attract tourists. This encompasses almost all of Uttarakhand, except the plains, which make up only 14% of the total geographical area and have their own potential as tourist destinations. The document emphasizes inclusivity and sustainability, among other markers, as ideals for tourism activities. It is clear from the policy that community engagement is a crucial aspect of the growing tourism sector in Uttarakhand. However, the policy does not provide a detailed plan for achieving this target. Van Panchayats, with their constitution and operations, embody the ideals of inclusivity, sustainability, and community participation. Given the autonomy and powers discussed earlier, they have significant potential to act as facilitators for the eco-tourism sector in Uttarakhand. Evidence of this is seen in the "Himalayan Arc" initiative in Sarmoli Village, Pithoragarh District, which has been a community-based home-stay program run by local families since 2004. According to its website's homepage, this tourism is "nature-based, people-centric, and committed to social justice" (<https://www.himalayanark.com/>). The Van Panchayat of Sarmoli Village has played a leading role in the successful implementation of this program. It is also important to note that activist Malika Viridi, who has served multiple times as the Sarpanch of Sarmoli Van Panchayat, played a pivotal role in the success of the Himalayan Arc (see Tiwari, 2023; Stevens & Satterfield, 2024). Van Panchayats have demonstrated their potential as a robust medium for community-based sustainable tourism. What is needed is to provide them with the necessary resources and autonomy.

Indigenous Knowledge and Resources

The use of traditional and indigenous knowledge to achieve sustainable development has gained significant attention in recent decades. Van Panchayats and their members operate with a combination of policy guidelines and indigenous knowledge of local forests (Chauhan, Negi, Chamola, & Todaria, 2011). Social fencing employed by Van Panchayats has proven effective in forest protection (Ballabh, Balooni, & Dave, 2002). Many of these Panchayati forests are rich in herbs and medicinal plants unique to their specific geography (Kapkoti, Lodhiyal, & Lodhiyal, 2014). A systematic framework for indigenous knowledge systems is still emerging, and Van

Panchayats have the potential to bridge the gap between people and government to implement such systems. We have already observed the integration of ethno-medicine and cultural tourism. This approach could also extend to disaster management, water management, agriculture, and food management (see Stevens & Krishnamurthy, 2022).

Moreover, Van Panchayats have the potential to become key players in government development projects involving community land. While there have been instances of Van Panchayats opposing land acquisitions for such projects, these cases remain unresolved due to a lack of relevant laws or regulations, resulting in ambiguity (Land Conflict Watch, 2024). This issue is however beyond the scope of this paper as many more agencies and institutions like Gram Sabha, Government or Private Agency of Concern etc., are involved.

Discussion

Multiple studies have highlighted the loss of autonomy experienced by Van Panchayats and have argued for the need to empower them. The imposition of Joint Forest Management provisions and the conversion of Van Panchayat committees to JFM committees have further subjected these institutions to bureaucratic control and oversight by the forest department. Issues such as inadequate representation of SC/ST communities and an inequitable distribution of power and resources (e.g., concessions to landless individuals) have plagued Van Panchayats. Even with the new management, which has encroached upon nearly all democratic rights of the people, no effective solutions to these issues have been proposed. Bureaucratizing a democratic institution is problematic in itself, but it is compounded by the fact that increasing numbers of studies have found that this shift has rendered Van Panchayats less effective and diminished public trust in them. One significant issue is that Van Panchayats have been excluded from various government schemes and programs related to community land or forests. Although new legislations such as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, have made provisions for granting near-complete autonomy to village-level Forest Rights Committees within the gram sabha, Van Panchayats have been systematically disempowered. There are numerous areas where Van Panchayats could be effective, and some of these are identified in this paper. Policy-level interventions with a fresh approach that aligns with current needs will help Van Panchayats become effective tools for community-based conservation rather than mere relics of history. A detailed framework is still needed to guide such a policy shift and understand the interaction of this institution with other regional actors.

Conclusion

In their current form, Van Panchayats are hindered by bureaucratic complexities and a lack of democratic participation. Historical and contemporary legislative changes have resulted in

increased centralization and excessive control by the forest department, undermining their effectiveness and eroding public trust. Van Panchayats have the potential to play a significant role in forest conservation, eco-tourism, and the application of traditional knowledge. A policy shift that grants Van Panchayats full democratic control over Panchayati Forests at the village level, with minimal interference from higher levels, will create an interface where government policies and traditional conservation methods can work together. This approach will not only empower local communities but also contribute to regional sustainable development.

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