

**Common Property Resources in Delhi:  
With Special Reference to the Bisagama Cluster**

by

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Indian villages in the shadow of expanding metropolitan centres exemplify the confrontation of a traditional past with the powerful trends of modernization and urbanization. This conflict is especially apparent on village common lands. Often considered artifacts of historic feudal relations, these lands and associated institutions have gone through a long process of transformation reflecting national economic and social changes as well as evolution according to traditional rules.

The following history of a group of villages, the Bisagama, in the northwest portion of the Union Territory of Delhi, illustrates some of these changes. The Bisagama is a natural cluster of twenty villages covering 24,558 acres of partially irrigated upland. The villages have a long history with the major land owning villagers identifying themselves with a common ancestor, Dabas, a Rajput who was the great-grandson of Prithvi Raj Chauhan, the Hindu ruler of Delhi in the late part of the twelfth century. The Dabas progeny do not call themselves Rajputs but identify with the Jats of Delhi. Bisagama was chosen for study because it is relatively removed from direct urban pressures and has had a lower demographic growth rate than most of rural Delhi. The focus is on the impact of changing political control over village common lands as the central government began to play a larger and larger role.

The contemporary setting of common lands in villages surrounding Delhi is one of crisis. The land hunger of urban Delhi constantly spills over to surrounding villages, creating a large gap between numerous demands over a shrinking resource. Political and social changes within the villages themselves, often instigated by the State in support of

traditionally disadvantaged groups, has further altered the historical ability to manage different needs and demands on the commons. These conflicts were dramatized in 1977 and 1978 when the villages rose up in protest over State plans to reallocate portions of the commons.

The transition from the village commons of the last century to the present scattered pieces of commons in villages in the shadow of an expanding metropolitan area involves two interwoven trends. The first is the demographic process of urbanization and population growth which increased the pressure on the commons. The second has been the partitioning and privatizing of the commons by the villagers in response to demographic, economic and political changes. Both of these trends must be understood if effective policies are to be developed to ensure that the remaining commons fulfill social goals and do not simply slide into poorly used wastelands.

In 1880, the villages surrounding Delhi accounted for nearly half of the territory's population. By 1980, they accounted for only 7% of the population with a considerable portion of this population working in the urban centre. The change in land use has been equally dramatic as the urban area has expanded from 13% to 41% of Union Territory from 1950 to 1980. These changes have had considerable impact on village commons in terms of their size, use and management. In 1880, village commons occupied 21% of rural land and were governed by a complex set of customs codified in the late 1800's. Over the last century this land resource has shrunk and been degraded.

In 1880 the average village in the Delhi Territory covered 1000 acres. Approximately half of this land was cultivated and another quarter was permanent or

temporary fallowed private land. The average agricultural land holding was 10 acres with a minority of the villagers from service castes with little or no land. Tenants, usually from the same tribe as the landlords, were common and cultivated 44% of the land in 1890.

With the exception of small pieces of land owned by the state the remainder (21% of the total land in the Delhi Territory) was owned in common by the village. With the exception of the compact residential area - the abadi - and water sources, the rest of the commons was usually lower quality land than what was under cultivation. It was used for fuel collection and grazing as well as a future resource to be privatized and put under the plow when the land owning families expanded. Political power over this land and its use was concentrated in the hands of the land owning families.

#### Urban expansion

India's urban population is growing at roughly twice the rate of its rural population. From 1950 to 1985 the percentage of the population living in urban areas increased from 17 to 25%. While the percentage of the total population living in urban areas is low by international standards, the absolute number of urban residents in most major cities has tripled since 1950. India now has the third largest urban population in the world. The population of Delhi, India's third largest metropolis, grew from 1,437,134 in 1957 to 5,768,200 in 1981. There has also been a proportionate increase in size of the urban area from 200 square kilometers to 616 square kilometers.

Delhi's increased population came from three major and diverse sources. First, partition brought more than 500,000 people to Delhi from what is now Pakistan. Some of these people settled in Delhi's villages, such as Punjab Khor in the Bisagama cluster, but the

majority settled in more urban areas. Second is the migration from backward regions of Rajasthan and Uttar Pradesh. And finally there has been the natural demographic growth of the ever expanding city. Very little migration, however, has taken place from Delhi's villages to the city.

The total area of the Union Territory of Delhi is 1,484 square kilometers. The threefold expansion of the urban area has led to a reduction in the number of villages from 304 in 1951 to 214 in 1981. The process has been described as the urbanization of village settlements or the creation of "urban villages" in the course of the growth of cities. "The villages are usually devoid of services, even though the new developments that surround them may be reasonably well served. Such villages are much in evidence in Indian cities: about 110 villages, with 250,000 people, have been engulfed by Delhi alone" (Habitat 1981). While the residential core, the abadi, of many of these villages survived the inclusion into the metropolis, most of the village commons and private agricultural land has been used for other purposes. The loss of substantial parts of village commons and agricultural land has also occurred in many of the remaining rural villages.

The Delhi Development Authority (DDA) was created in 1959 to acquire, develop and dispose of land in accordance with a Master Plan. Through compulsory acquisition, it acquired large amounts of land at agricultural market prices for future urban development. Much of this land was auctioned at higher prices for new residential and industrial land uses. While this produced substantial revenue it did not provide residential land for the poor. Through the 1960s about 50% of the land went to high income groups and 11% to the poor. The amount allocated annually to the poor declined from 55% in 1961-62 to 2%

in 1970-71. These policies coupled with rapid population increases have led to more than 1.5 million people living in squatter settlements, illegal sub-divisions, and temporary camping sites. It has also created strong pressures on surrounding villages for residences of workers in the urban sector.

#### Acquisition of Land for Non-agricultural Purposes

Land in the villages has been acquired from the village common lands for public purposes through the nineteenth and twentieth centuries by the British. In 1910, H.C. Beadon, the Settlement Officer noted, "If the land was utilized for a bund or other improvement which will be to the advantage of the owners then people gave this land willingly." After independence the Delhi Administration has acquired land from the common waste for new purposes. The following table illustrates the major appropriations of village commons by the DDA.

<u>Year</u>	<u>Acres</u>	<u>Compensation in Rupees</u>
1956-1957	974	
1957-1958	565	
1958-1959	1794	1,02,885
1962-1963	8752	9,60,15,282
1963-1964	5000	5,90,49,070

A major goal of the acquisition was to set up industrial estates in the rural areas to employ rural labour. Training institutes were set up and basic electricity, water and road infrastructure was provided. Unfortunately the industrial estates rarely flourished. At the same time the traditional support systems for rural artisans was fast dwindling and non-land owning castes found themselves increasingly dependent on the common lands for support as the overall demand increased and the availability diminished.

Another way by which rural areas moved towards urbanization was by the sale of sub-divided common land plots and the sale of agricultural land. Customarily village land was seldom sold to outsiders precisely because this would have led to the introduction of outsiders in the village proprietary bodies and thereby break the common decisions regarding the preservation of the common lands. Sale of agricultural land and abadi sites began as land prices escalated in the pre-1947 period, but in most of the villages it did not lead to any major break-up of the common lands. This was particularly so in the Bisagama cluster where the Dabas Jat clan land holders were particularly tenacious of their hold on the common lands and abadi sites.

#### Traditional Patterns of Land Ownership

In 1915-16, there were 387 villages in the Delhi Territory. In these villages 247,366 acres (73%) of land was private property, 72,972 acres (21%) were held as common holdings and the Government held the remaining 20,528 acres (6%). The status of common lands depended on the customs of the predominant tribe which held the land. In the north the Jats were excellent cultivators concerned with the common lands as prospective areas for the extension of cultivation. In the southern tracts the more pastoral Gujjars dominated and placed a higher value on commons for cattle raising. In general Jats were not averse to partitioning common lands if there was a threat of encroachment on them while the Gujjars favoured common ownership and consolidated grazing land.

Tenurial arrangements were based on the ancestral shares of land in the village. The principal of ancestral shares applied differently to three types of village communities - zamindari, pattidari and bhaichara. In the zamindari village a single owner held the land

and paid the revenue. The land was eventually inherited in shares by the sons and grandsons. In pattidari village the owners belonged to the same family and partitioned the lands among the branches of the family. In bhaiachara villages unrelated families held land and paid the revenue jointly according to the share of the land they held in the village.

Shareholders in all the three cases were known as biswadars, or holders of a part of twenty shares when the village lands were separated. The partition of the land in the village among sons in the zamindari village, among different branches of the family and among the different families led to the formation of Tarafs, Panas, Thoks and Thollas which represented the different divisions of the village. The primary division was the Taraf or the main sections of the land held by the sons in the [zamindari] village, among the heads of the related family groups in the [pattidar] village and the heads of the main families of the [bhaiachara] village. As the land got partitioned in time smaller sections were formed and these then were the panas, thoks and thollas.

The assets that were held jointly were referred to as Shamilat of the village. Sometimes the shareholders partitioned the common lands of the whole village and held them in common (unpartitioned) as between the different lineage groups described above. In general, shamilat land held by closely related lineage groups was of a higher quality and could be privatized and used for agriculture. It appears that the village as a whole felt it was best to divide the better quality, but potentially privatisable common land among lineage groups where the tradeoffs between common and private use could be discussed among a smaller and more homogenous group.

When the common lands were completely partitioned it changed the tenure of the



village from an imperfect tenure type to a perfect one in the eyes and terminology of the revenue collectors. This happened with the exception of the Zamindari tenure where the Zamindari Khalis (single owner) tenure of a village would become Zamindari Be-ilijmal. The Pattidari Ghair Mukammal village would become Pattidari Mukammal or Perfect Pattidari and the Bhaiachara Ghair Mukammal into a Bhaiachara Mukammal village. In the Bisagama cluster most of the villages were bhaiachara ghair mukammal villages and therefore most of them had land held in common or Shamilat Deh at the time of India's independence.

Village common lands were held in common by the whole village in shares. The shareholder or the biswadar had a share in the rights of ownership, management and use of five major components of "Rights of Common" - residential, communications, water, energy and pasturage. User rights were given initially to the service groups and tenants which later became legal rights by "prescription" or long stay in the village.

The inheritance of shares in the common lands were not dictated by the legal provisions of wills but by the customary law of each tribe and its clans. The British recorded these customs in the document of tribal customs or the Riwaj-i-am of the main tribes in each district. In the villages the Village Administration Paper recorded the village customs and usages. In other words there was one set of district customs and another one in each village. The cluster villages had their customs recorded in the Wajib-ul-arz but since these villages all belonged to one clan of Jats their customs had a degree of similarity.

These customs of inheritance of ownership rights in the common lands show a degree of oligopolistic protection devised to prevent the common lands from being partitioned, encroached by outsiders, protected from an unequal distribution of the income from the

common lands. Even the State's ability to grant a muafi or rent free tenure in any village was circumscribed by the custom of creating malik maqbuza or ownership rights in the privately owned land of the village without any proportionate share in the common land or common income.

After 1880, there was a trend towards greater division of common lands among the owners of the village in the Punjab as a whole. In Rani Khera for example the entry of outsiders in one family caused encroachment on the common lands of the village. To forestall further encroachment, the different families decided to partition the common lands among the different thoks or subdivisions of the village. Similarly in Kanjhawla, the main founding family, owners of the sub-section Pana Udiyan, separated its residential section from the main residential area of the village.

Table 1

Property Rights Arrangement: The Village Common Lands: 1880

Common Lands Category	Ownership Rights	Management Rights	User Rights
Shamilat Deh	Malikan Deh	Malikan Deh	Malikan Deh
Shamilat Deh			Sakin Deh
Shamilat Deh			Kamin Deh
Shamilat Pana	Pana Dar	Pana Dar	Pana Dar
Shamilat Pana			Pana Maurusi
Shamilat Pana			Pana Kamin
Shamilat Tholla	Tholla Dar	Tholla Dar	Tholla Dar
Shamilat Tholla			Tholla Maurusi
Shamilat Tholla			Tholla Kamin
Shamilat Deh	-	the village common land	
Shamilat Pana	-	the common land of a sub-section of the Village Proprietary Body	

Shamilat Tholla - the common land of part of a sub-section of the Village Proprietary Body  
 Pana Maurusi and Pana Kamin were the cultivators and the service groups attached to the particular Pana and were admitted these rights by the particular maliks of the Pana.  
 Tholla Maurusi and Kamin were similarly placed as regards the particular thollas.

Source: The Jamabandi, Village Settlement Papers, of 1880.

### The Cluster

In villages both in the Punjab and in Delhi before independence, the right to manage common lands belonged to the village proprietary body for two reasons. Firstly, because the revenue collection and payment of the cesses and any other transactions of the village was managed by the proprietors who settled with the State and secondly, because the common lands were those lands which the village proprietary body had not divided among themselves but had kept them in joint possession in shares with the intention of partition in the future.

The managing committee consisted of the heads of families or heads of groups of families sometimes elected too. The common lands were so arranged that the indivisible land and other resources were kept in common for the entire village. This was generally true of the Shamilat Deh or the Village Commons. All the villages in the Bisagama cluster had a joint abadi and rules made to prevent the partition of the abadi. The sub-section common lands like those in the Pana or Tholla Shamilat belonging to sub-sections and was therefore under less pressure for privatization or leasing. Increasing grazing pressures were also a concern and fees for use by non land owners were introduced by 1910 in a number of the villages in the cluster.

Any income from the Shamilat was distributed and managed by the Managing Committee. The right of any member of the proprietary body to inspect and audit the accounts (bujharat) was an integral part of the right of village shareholder of the commons. The joint control over the Shamilat Deh helped to maintain unity in matters related to conservation and usage practices even though the various sections of the proprietary body kept private lands, and, in some cases even their sectional common land interests fairly separate.

Kanjhawla, the second largest village in the cluster, had two major sections. One was the Founder Pana or Founder Family group and the other consisted of the groups of families which had been originally invited by the Founder Family. These two major sections maintained a joint control over the village via the commonality of the Shamilat Deh. Since the agreement was to never partition this land neither section could force the issue of privatization. They preempted conflict by disallowing any share of the common lands being gifted or sold to outsiders or transferred within the village and by banning the sale of residential plots to outsiders.

Villages like Kanjhawla preserved the village institution of the shamilat by the use of three guidelines: (a) reducing the possibility of conflict by not allowing any partitioning of the abadi, the commonly owned residential area of all villagers; (b) laying down clear rules in the case of joint transactions and (c) making a distinction always between the members of the proprietary body and the others in the village.

The 1880 records for Kanjhawla demonstrates the different types of shamilat land.

Composition of Shamilat Deh Kanjhawla 1880 (acres)

Johad	ponds	8.75
Rasta	pathways	13.65
Rajbah	canal	14.28
Dhana	field channels	3.53
Abadi	residential site	26.59
Chah	well	0.03
Sadak	roads	4.15
Banjar	uncultivated land	0.43
Pana	cultivable land	377.00
Tholla	cultivable land	114.00

Source: Jamabandi Record 1880.

Grazing land and banjar kept for cattle needed to be kept in compact plots to avoid cattle roaming over the cultivated plots. Most large villages kept compact blocks of common land for grazing. Keeping grazing land in common within a group and separated from the direct control of other groups made much sense in a large village, because the number of users would be large, and policing and detection of infringement would have been impossible unless a smaller group controlled the user facilities.

Where grazing land could be used for long fallow cultivation and the village was comprised of unrelated families, the grazing lands were often partitioned among the different families. This was common in large villages where the families were not even remotely blood-related as in Gheora where there was no Shamilat Deh for the village except in the abadi which could not be partitioned. Gheora's twin village of Sowda only had Shamilat Deh for grazing as it was smaller and exhibited a greater degree of cohesion among the families.

Clear rules were enunciated and imposed by the village management body, primarily to restrict the use of common lands by certain sections such as non-proprietors. For

example, a malik or proprietor could graze his cattle on the common grazing grounds but a non-malik had to take permission and in some cases also had to pay grazing fees. This restriction helped keep a check on the cattle. Grazing fees were not described in the 1880 documents but were noticeable by 1910. One major reason was to charge for use of the grazing area by those whose cattle had obvious commercial importance unrelated to the village agriculture. Similarly no non-malik was allowed to cut trees from the shamilat and the rule was applied to the proprietors who had to take permission to do so. But since a non-malik could cut a tree he planted, he was not allowed to plant a tree in the shamilat.

The distinction between maliks and non-maliks was strictly maintained but it does not appear as if the tenants or the kamins received unfair treatment. Tenants, both the occupancy tenants and the tenants-at-will were in a fairly strong position in the matter of land cultivated even in the last part of the century. They cultivated about 44% of the total land cultivated in Delhi's villages. The service groups or kamins were part of the village economic system not directly through the production system on cultivated land but by the jajmani system which was the main channel whereby the landless caste could have access to the produce of the land and the facilities of the common lands. Both these groups made full use of the abadi sites given to them.

#### Change in the Categories of Use of Common Lands:

In pre-independence Punjab and Delhi, common lands were used by and large for cultivation, grazing in the banjar, residence, ponds or johads which received the run-off water from fields and the residential areas, canals, wells, roads and pathways, gitbads or places of general use, compost dumps and bone dumps, cattle pens and cremation or burial

grounds.

Cultivation of the sub-section or Pana common lands, however, was more frequent than cultivation of village shamilat. The reason for the difference was that in the pre-independence period the Punjab Tenancy Act of 1887 prevented the malikan deh from acquiring occupancy tenant rights in the common lands cultivated by them. The rent on such leased land whenever it was allowed to be cultivated went to the income of the village for the revenue payments of the village jointly in the form of shares of each revenue payer.

The Panchayati Raj Act of 1954 gave among other roles to the Gaon Sabha the right to lease land from the common lands of the Gaon Sabha. A bhumidar could be given a lease of land from the common lands for five years on short lease and till that time he could have the status of an asami. If he reclaimed the land for cultivation then his rent was 50% of the rent prevailing in the village. Further, he was allowed to become a leaseholder for another two years. Ultimately the asami on such leased land could acquire the rights of the bhumidar.

The idea behind the Gaon Sabha being allowed to lease the land owned by it was that co-operatives would be set up with the leased land whereby improved cultivation practices could be possible. None of the leases for cultivation have been to cooperatives. Thus the lease policy has led to the creation of a large number of marginal farmers whose agricultural incomes still remain below the poverty level. In some cases the land remains uncultivated banjar for want of supportive resources. The income from such leases to the Gaon Sabha could not have been of any consequence. In 1960-61 for example the Gaon Sabhas in Delhi's villages earned about Rs. 16,421 which was only 6% of the total income of the

Gaon Sabhas.

The amount of common land used for cultivation has not changed very much in the cluster over the years. In 1880, 8 or 15 villages leased 841 acres of shamilat for cultivation. In 1980 the same number, but not identical villages, leased 459 acres. Another 139 acres have also been distributed to marginal farmers below the poverty line.

The major use of banjar common land was for grazing near the abadi. In 1880 there was 2409 acres of banjar common land which was half of the common land and ten percent of the total land in the cluster. By 1983 this declined by 67% to 798 acres.

Approximately one third of this has been brought under cultivation and the rest used for other purposes. The decrease in banjar land per person has been even more dramatic - declining from 0.36 acres per person in 1880 to 0.013 in 1980. Given the increasing number of cattle and buffaloes the utility of banjar land for anything more than exercise grounds has dropped tremendously.

In the period prior to 1947, the residential area was kept compact and in joint control. The abadi was seldom partitioned or owned separately from the rest. No malik had the right to alienate but they could generally mortgage or gift it. Non-maliks were specially not allowed to either mortgage, sell or gift the house or the plot on which it stood. The area surrounding the abadi was shown as wooded on early maps of the villages. There were special rules which prevented the cutting of trees in the abadi.

These earlier rules regarding joint control and a surrounding tree belt have been severely altered with the constant extension of the abadi beyond the traditional Lal Dora (a red line marking the boundary on official maps) since 1954. In the cluster, the area of the



abadi increased from 147.63 acres in 1880 to 349.82 acres in 1980. The 136% increase in size is considerably less than the 225% increase in population. From 1951 to 1981 the number of occupied houses increased by 127%. Much of this increase resulted from the government policy of providing house sites for the poor, homeless and scheduled castes. This usurpation of power to distribute the abadi was one of the major reasons why the traditional Maliks agreed to the partitioning and free sale of abadi plots.

#### The Reduction of Village Commons in the Bisagama Cluster

In fifteen of these villages the area devoted to Shamilat deh or the village commons was 4740.8 acres or approximately 25% of the total area of 18,634 acres of the villages. In 1980 there remained 2293 acres of common lands or only 12.5% of the total village land. The decline varied from 1.5% as in one village in the cluster to as much as 86% in another. In about half the total number of villages the decline was by as much as 66% to 86% and in another five villages the decline was between 21% to 33%. The three major reasons for the shrinkage in the area of village common lands in Delhi as well as in the cluster are partition among the proprietorial groups, some encroachment by individuals and allotments of land made by the Delhi Administration as a part of Poverty Eradication Programmes.

Partitioning of common lands and the privatization of common lands has been taking place ever since 1915 but after the Land Reforms Act of 1954 the Gaon Sabha could not prevent much of the encroachments on the joint lands simply because the traditional power of the maliks had reduced or they were the main encroachers and therefore could not be prevented by the other members of the Gaon Sabha whose influence was and is still feeble. Some of these actions were brought to the notice of the Delhi Administration and litigation

has been going on for some time. However, even when the court cases have been decided the actual implementation has been tardy or has called for police intervention.

The population of the cluster grew relatively slowly until after Independence. The following table shows the significant and sustained increase in population of the Bisagama cluster. The growth rate since Independence is only two thirds of the average growth rate for rural areas of the Union Territory of Delhi.

Population Growth Rates by Decade in the Bisagama Cluster

Decades	Annual growth rate
1891-1951	0.47%
1951-1961	2.17%
1961-1971	3.93%
1971-1981	2.97%

The result of this sustained population increase has been a drastic decline in the cultivated and common land per capita. The cultivated land per capita in the cluster has fallen from 1.11 acres in 1880 to 0.35 of an acre in 1980. The banjar or the village waste has fallen from 0.36 acres in 1880 to about 0.0133 acres per capita in 1980.

The demographic expansion under these conditions led to the pressure on the common lands and simultaneously to the breakdown of the jajmani system under which the relation of the different groups cohered; thereby creating conditions in which the common lands crisis was generated even before the Delhi Land Reforms Act of 1954 was passed. Clearly the economic tensions boiled over when the two pieces of legislation transferred the onus of management from the maliks of the villages to the duly elected Gaon Sabha.

The Panchayat Act of 1954, Anti Poverty Schemes, and Land Acquisition

A major change occurred with the Delhi Land Reforms Act and the Village

Panchayat Act of 1954. The effect of these two Acts was to level the land holders of all categories to that of bhumidars with equal representation in the village decision making body the Gaon Sabha. It also diffused ownership rights over the common lands from land owning, revenue payers to a wider group which not only does not pay revenue but often have little to do with agriculture.

The Gaon Sabha has an executive body, the Gram Panchayat, which is substantially different from the lineage representatives from landed families which made up the traditional village panchayat. The members of the Gaon Sabha are all those who were on the electoral rolls of the parliamentary constituency and not from the class of maliks alone. The members of the executive body are not from the heads of the families of maliks but are either elected or nominated by the Chief Commissioner of Delhi. The Chief Commissioner also has the right to reserve seats for women and scheduled castes on the Gram Panchayat. This is important, for the number of scheduled castes in the executive body depends on the proportion which the population of the Scheduled Castes in the area of the Gaon Sabha bears to the total population of the area. For the cluster as a whole, scheduled castes constituted 23.8% of the population in 1981. This means that most Gram Panchayats must have at least one member from among the scheduled castes if the number of the panchayat was five and two if it was ten.

User rights have in most cases been converted into outright private ownership of the leased Gaon Sabha land. Therefore, the trend set by the Land Reforms Act has been to break up the common lands and to release such land from the control and regulation of the Gaon Sabha. This has closed several options otherwise open to the Gaon Sabha for the

conservation of grazing and forest land or for the plantation of waste land with trees.

Further, such discriminatory distribution of the common lands has led the erstwhile owners of the malikan deh to demand partition of Gaon Sabha land and also to ask for the extension of the abadi. Such extension of user rights has led to some of the erstwhile maliks to take refuge in the poor cultivator category to be able to obtain plots of common land on lease. In some cases the bhumidars prefer to surrender a portion of their agricultural land and acquire a plot from the Gaon Sabha reserved for residential purpose with a view to sell the plot at the high market value prevailing.

The Act of 1954 states that "All rights of an individual proprietor or proprietors pertaining to waste lands, grazing of forest, produce from forests, of fish from fisheries, lands of common utility such as customary common pasture lands, cremation or burial grounds, abadi-sites, pathways, public wells, tanks and water channels, or khaliars whether covered by an existing contract between such proprietor or proprietors and any other person or not shall with effect from the commencement of the Act be terminated in accordance with the provision of sub-section (2) and the said contracts, if any, shall become void with effect from such commencement." Further, these rights in common would be transferred from the individual proprietors and groups of proprietors to the Gaon Sabha or any person or authority appointed by the Chief Commissioner.

The Gaon Sabha was not just a representative body of the village residents or community but the micro-unit of the State. It represents therefore not only the aspirations of the land owners, or that of the village community alone but also the instrument of the State to execute economic and social policies of the State which itself is dictated by the political

party in power.

The legislation had the effect of creating tension in the villages and of the desire to partition the common lands wherever it was possible. Wherever such partition was not possible there was usually a combination of deterioration in the condition of the common lands and other property resources as well as encroachment.

When the Government acquired 565.2 acres of village common lands in Delhi in 1957-1958, it noted that people were encroaching on common lands as the panchayats were ineffective in controlling these actions. 458 suits were filed to recover 150.9 acres of Gaon Sabha land from "encroachers". Only 82 suits were decided and decreed in favour of the Gaon Sabha.

The next major surge of village common land acquisition occurred in the 1970's when the Delhi Administration allocated land to economically weaker sections under Poverty Alleviation programmes. The aim was to improve the earning capacity of the landless by giving them agricultural land and to provide them with house sites in the extended abadi. In 1975-76 the Delhi Administration leased about 2500 acres of land to the landless labourers and harijans. The entire amount of land was obtained from the common lands of the villages. In the same year 4,638 house sites were also allocated in what was known as the extended abadi outside the Lal Dora or the line which had demarcated the residential site of the villages from their agricultural land.

In three groups which were the target of government "poverty elimination" schemes were scheduled castes, homeless within the villages, and families identified to be below the poverty line. While there is a significant amount of overlap between the three groups,

different approaches were used for each target group. The pressure for anti-poverty related land allocation has grown with the increasing number of households below the poverty line, especially scheduled caste households who traditionally had little land rights in the villages. While the total population of the cluster villages rose by 95% between 1961-1981 the number of scheduled castes rose by 148%. The number of homeless households, agricultural labourers, and marginal farmers also increased substantially over the same period.

This pattern of growth meant several things: (a) the numbers who did not have land increased significantly and came to represent a quarter of the total population in the cluster which meant a larger proportion of the people had different ideas about the traditional utility of maintaining common lands; (b) it also meant a growing demand for land by people who have nothing to do with agriculture but continue to reside in the villages; (c) a growing demand for living space in the villages; (d) it also means the growth in the number of those who have marginal units of land to cultivate and that too, without the means to make improvements in productivity of either land or man.

Land Allotments in Bisagama by the Delhi Administration

1975 to 1986

Allottee	House Plot	Agricultural Plot
Non Scheduled Caste	1301	159
Scheduled Caste	608	195
Total Plots	1909	354
Total Acres	15.72	363.25

The programs for scheduled castes were based on political representation in the Gram Panchayat, the provision of housing sites and agricultural land. House sites for scheduled

castes formed 31% of the total allotments given out of the common lands since 1959. In addition, 55% of the agricultural land given out of the common land was provided for the scheduled castes.

The identification of families below the poverty line is done on the basis of annual income below Rs. 3,600. In the cluster 2,895 families were declared below the poverty line during the decade 1975-1985. Agricultural labourers formed 56% of the total while the marginal and small farmers formed 33% and 10% respectively of the total. The allotment of housing sites and agricultural lands have been on the basis of the poverty line.

The other major programmes directed toward families below the poverty line are subsidies and low interest loans for the purchase of milch animals, agricultural loans, and service activities. From 1966 to 1977 the cattle population decreased by 40% and the buffalo population grew only marginally. Between 1977 and 1982 conditions changed substantially and the buffalo population grew at an annual rate of 10% while the cattle increased at an annual rate of 1.5%. A large percentage of these animals were purchased by landless or near landless with government subsidies and loans who previously had no right to use the village commons for grazing. The increased population has increased pressure on the remaining banjar lands as well as any other fodder and space. The following table illustrates the preference for milch animal schemes for all eligible groups.

<u>Group</u>	<u>Households below poverty line</u>	<u>Government Schemes</u>		
		<u>milch animals</u>	<u>agr. loan</u>	<u>service activity</u>
Agricultural labourer	1626	1248	16	133
Marginal farmer	981	794	39	122
Small farmer	288	145	50	0

(Source: DRDA Registers in block offices).

### Conclusions

The experiences of the Bisagama cluster of villages demonstrate the impact of demographic, economic and political changes on village common lands surrounding Delhi. In 1880 villages common lands constituted 21% of the total village land. The rights and management were controlled but not monopolized by the land owning households to complement their agricultural practices. In the northern areas of Delhi agriculturally oriented Jat castes dominated while in the drier and less irrigated south mixed animal raising and rainfed farmers by Gujars was more important. Village commons were demarcated for different uses such as grazing, residences, agricultural and water sources. More valuable common land which could be used for agricultural or grazing was often partitioned among more homogeneous lineage groups so that the tradeoffs between different uses could be agreed upon more easily.

From 1880 to 1954 a portion of the commons was partitioned among landed households primarily to meet the increasing need for agricultural and residential land of new households. Some tenants and service castes also developed rights through sustained use. In the 1950s, the expansion of urban Delhi began to impinge on rural villages. Village



commons and in some cases whole villages were purchased by the Delhi Administration for urban use.

In 1954 the Delhi Administration drastically changed the status of village commons. All residents, rather than just land owners, were given equal rights to village rights such as the commons. In addition to having proportional representation in the Gram Panchayat, the interests of the poor and previously disenfranchised were promoted through directives from the Union Territory government who essentially had control over major Gaon Sabha decisions. Village common land was allocated according to a variety of poverty-oriented norms for residential housing and agricultural plots. Although the total amount of land allocated was relatively small, the usurpation of power over village land was resisted by the traditional land owning families. While violent demonstrations and innumerable court cases were the most visible forms of resistance, the most important change has been a trend towards legal privatization and illegal encroachment by the landed families.

By 1981 only half of the original village commons remained. Most of better quality land has been converted to agriculture through privatization or government allotments. Grazing land in all the villages are now severely degraded and produce very little grass. Village Pradhans now refer to the lands as wastelands rather than grazing lands because so little grass is left. The effectiveness of common surface water resources such as open wells, ponds and canals have also been reduced from lack of maintenance and increased use of another common resource - groundwater. Most pumpsets are privately owned and represent a significant privatization of water resources which were once managed as a common property.

The halving of the common land area and the many fold increase in human and animal populations severely limit the potential of village commons to serve as complementary resources to agriculturally based economies. Few of the recipients of agricultural land can effectively farm them and most of the new milch animals received under government schemes get little nourishment from the village commons. The expansion of urban employment and demand for products such as milk present a new role for village commons. Rather than supporting an agricultural system dominated by landed families, they now provide relatively cheap residential space, fuel and building materials for landless households.

The 1954 laws seriously weakened village management of common resources. The new Gram Panchayat and centrally mandated and funded programmes have replaced the traditional leadership but do not have firm ideas on how the remaining commons should be managed. One major historical lesson is the importance of matching specific users groups with certain resources so that they can enforce rules and alter them when the needs of the users change. While the legitimate users and most important uses of the commons have changed radically over the past century, the present mix of central programmes and non-existent local management needs to be re-evaluated.

New approaches to land allocating and land using programmes, such as dairy farming and reserved grazing lots, must be developed and implemented by the Union Territory government if the commons are to play a positive role for both the villages and the region.

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