

**Stream 2: WOMEN'S WORK IS WORK:
A FEMINIST PERSPECTIVE ON THE COMMONS AS PROCESS.**

Soma KP and Richa Audichaya, India

Commons- A gender perspective

Wholism is an increasingly significant feature in the narrative of the Commons. Yet, often it is understood in dimensions of a 'de-commoned' or 'un-Common' universe. Commons and commoners in the Indian context are a 'living tradition' and form a significant section of the population, where more than 70 % are dependent on the primary sector. Households with a higher level of poverty have a greater dependency on the commons since it is a cash free economy and since they have embedded ways of managing natural resources that allow them to subsist on very little. While economists view these societies in somewhat dismissive ways, commons are a basis for livelihoods and determine the life rhythms of the majority of the population in India, especially for those sections that are living on the margins of the economy. Development planners seek to draw commoners into the 'fold' of the modern economy to enable them to gain benefits from development, but pay little heed to the fact that commons is a way of life and that the processes of development has placed those dependent on the natural heritage and their intertwined ways of life under threat by assuming that the commons and their inhabitants or dependant populations need a paradigm shift to a more 'civilized' way of life. Embedded in the ecology of the commons - the inherently diverse forests or the grasslands or the water bodies etc. – are multiple traditions that live and sustain themselves and the lives around them based on a symbiotic reciprocity of nurturing and replenishing, the knowledge and practices which have evolved over centuries of being and doing.

Women have been at the centre of these communities practicing and nurturing the commons as well as their communities. Practicing the tasks of- reproduction, of survival based on subsistence and sharing of resources, of nurturing based on an ascribed gender role. In a 'Commons' sense, these practices emerge from a tradition of giving, based on a principle of receiving and in turn creation of 'abundance'. While eco-feminists celebrate these roles as those which come 'naturally' to women by virtue of being the birth giver and therefore naturally accorded the status of caregiver, other feminists view these assigned roles as socially constructed. The degree of acknowledgement and focus accorded to women and their contributions to the nurturance of societies has varied across regions and cultures, however in the current thrust towards a capitalistic, patriarchal and hierarchical socio economic structure of society characterized by oppressive control over labour and the domination of nature and of women's work and labour. Their work in the household or on the fields, in the forest, grazing of cattle or foraging for fuel, food, water or grasses is neither considered as "work" in the current paradigm nor is it remunerated or accorded dignity even minimally by way of ensuring security or entitlements for women. The rampant prevalence of violence against women across societies is an expression of domination and a means for controlling women's labour and their capacities, much as the domination of nature and the development of technologies for the purpose (mining/lumbering / trawling) is an imperative for the domination of nature by the patriarchal mode which characterizes capitalism. Even where women have been central to the production and social relations the incidence of violence has only increased as these societies are increasingly exposed to worlds and cultures of destructive capitalism.

In India where a large portion of the region comprises a semi arid terrain, scrub and grasslands dominate the landscape. Grazers and herders, often nomadic, distributed across the semi arid terrain constitute a significant part of the population, and a significant portion of the land mass is pastoral and found across the width and breadth of India from the Himalayas to the Western deserts, and the Plateau regions of the South. Tribal societies comprise about 8.2 % of the population of India, being a majority population of about 75 districts across the country. They have foraged, hunted and gathered from the forest lands and have had centuries of learning to evolve ‘a way of life’ that harmonizes their needs with those of nature. Yet today more than half the tribal population lives in poverty, according to the Planning Commission.

Table 1: Land Use in India, Madhya Pradesh and Rajasthan-2000-01 (% to Reported Area)

Land Use Categories	India	M. P.	Rajasthan
1. Forests	21.1	28.0	7.6
2. Land Not Available For Cultivation	13.9	10.2	12.6
a) Under Non Agriculture Use	7.7	5.8	5.1
b) Barren and Unculturable	6.2	4.4	7.5
3. Other Uncultivable land other than Fallow	9.1	5.4	19.2
a) Miscellaneous Tree Crops	1.1	—	0.004
b) Pastures and Other Grazing	3.5	5.3	4.9
c) Culturable Waste	4.5	0.1	14.3
4. Net Area Sown	46.1	49.0	46.3
5. Fallow	8.1	3.4	14.3
Total Reporting Area	100	100	100

Source: CMIE (2005), Agriculture, Centre for Monitoring Indian Economy, Mumbai. As quoted in Shah A: Protection & Regeneration of Common Pool Resources- Estimating the Economic Value, Foundation for Ecological Security; Document 21A, March 2009

Several such tribal societies have had a matrilineal history believed to be embedded in the belief system of the centrality of women in the maintenance of the synergistic relationship (e.g. Khasis in North East State of Meghalaya, the tribals in Sirmor District of Himachal Pradesh in Northern India, etc.) Other tribal societies however have established patterns of survival and sustenance in less egalitarian structures that are increasingly veering towards rigid patriarchal modes of governance even as they are compelled to increasingly contend with the onslaught of mainstream development.

In all these situations the tasks of maintaining a relationship with the natural resource commons continues as a source of life sustenance and livelihoods for survival - the forests for food and gum and foliage; food and dyes etc, and wood; the grasslands for food and spaces to graze and feed cattle, to maintain moistures in water bodies, to settle and move through; to take from the undergrowth and add to in manure. Taking from nature/commons has been informed by the need to replenish towards maintenance of balance based on seasonality. (e.g. the movement of groups from one land to another). *Jhuming* and Nomadism have followed such a rhythm across space and time.

The knowledge and history, the lives and seasonal vagaries of pastoral communities and indigenous people has extensively been documented in recent times. Much of this documentation, however, is based on the stories of men and informed by a patriarchal and capitalist mindset. This has meant a foregrounding of certain activities practices and processes over others; of capturing experiences that portray and foreground particular aspects of the economy and the relationships embedded therein, of highlighting specific values that create images of a certain lifestyle and choices over others – an attempt to validate the legitimacy of a world embedded in greed over need, of dominance and competitiveness as a natural attribute -while ignoring others that are the bedrock of multitudes of communities but do not serve the purpose of accumulation of capitalist modes of production.

Some recent attempts to document the stories of these communities especially from a gender and inclusion/marginalization focus, illustrate the nuance of their existence, highlight experiences of the means by which communities sustain their lives and livelihoods in simple yet intertwined modes of existence with nature; narratives and analysis of marginalization in sites of displacement or climatic crisis, struggles against the onslaught of destructive development and aggressive industrialization etc. In all of these it is invariably women's experiences that bring forth the nuance, their articulations that inform the protests and the women themselves at the forefront in agitation. As they seek to redress their issues before an increasingly resistant state, it is also they who are easy targets to the masculine aggressive power of the crony capitalist developers of industry, urbanization etc. working in allegiance with the state.

The 'Commons' as space and across time as 'culture' and 'lifestyle' have been integral to their ways of doing, knowing and being. The space of the commons defines and is defined by an infinite intertwining of their existence as entities embedded within these realms. The commons of their cultural existence is ascribed by the rhythm of nature and of its manifestations and their implications on their survival and sustenance needs. Their rhythm and nuance is best unraveled from the oral histories and traditions that are communicated folklore and symbols- markers of the rhythm. The appearance of new leaves on a particular species of plants forecast the possibility of a good monsoon, or a bird or a flourish of fruit flowers on a mango tree. Commons economies from a gender perspective represent a daily cycle of balancing needs for survival and care with processes of abundance and scarcity. While several economies seek to rediscover or re-imagine the commons as a way of life, societies in several regions of the global south has managed to sustain a life based on the commons – as a set of principles and rhythms defined contextually but also universal in its moorings in ideology of sharing and abundance.

Work labour and production

In a landscape of economic actors and terrains where the processes of living (not just production) are closely linked with the realm of access and abundance/scarcity, much of the tasks performed are directly derived and essential to sustaining selves, society and the natural environment in a continuum. Thus foraging/collection, seeding and growing, nurturing and preserving etc are integral to the economic functions of these societies, as are the activities undertaken to cook and process, clean and store, nurture and care for those in the community as well as others, as well as for nature and all its elements and other species and elements in the natural environment. The symbolic processes that accompany these activities, flowing from the cycle of performance of such activities in the rhythm of nature are integral to their lives in the celebration of this abundance as well as in the celebration and reiteration of their presence among them- the symbiotic embedded-ness rather than separation from the elements as the 'other'.

The 'commons' as a holistic entity defines society as much as it does the natural heritage. As the abundance of nature occurs in its continuity and intermingled unity, so too did society as an entity that emerged for the security and sustenance of humans among. While the emergence of societies is varied across space, the 'family' as a unit has emerged with the emergence of the paradigm of private property, and that prior to this concept and the emergence of the family have existed societies that have organized in multiple ways to provide a means and purpose to their social presence through the sharing of natural and caring processes that are necessary to the survival of humans and to the nurturance of nature¹. Women as the pro-creators were the means for identifying the parentage of the progeny, and thus matriliney was the natural state, with men as a community supportive to the needs and nurturance of themselves, of women and of children in the commune that coexisted as a group. There are even today such societies that are so organized based on this principle. The birthing of children while attributed to an individual woman was a community event, caring of offspring and of all others was a function of the entire commune or clan based on that which they could source from nature and its abundance and procure for themselves through various means- hunting, gathering, foraging and processing.

As the needs of communities evolved and the size of communes grew, and with it the knowledge of seeding and managing the produce for their sustainability grew, so did the notion of establishing the identity of the 'seed', the progeny with that of the 'parent' – an instinct to establish the masculine lineage as well as to appropriate it as a claim, from where emerged the concept of organization as a family, and of clans and territory in the patrilineal claim. Thus family is an institutional manifestation of the process of de-commoning and privatization of labour on the one hand and of establishing ownership over the unit so formed as a family, and securing a territory then to sustain their needs as exclusive of others thereby creating privilege and competition in production and consumption. Through such processes the nature of human organization and the relationships with other elements is also then defined as interconnected but exclusive, mutual yet competitive, with collaboration as the means to resolve differences and conflict.

In these early historical societies women's position was one of dignity since it was the basis of assurance of life itself. This continues to be a tradition even as the societies evolve into exclusivist nuclear and joint forms. However this role that women performed became the means by which women could be confined and assured a security and sustenance in times of vulnerability even as men took it upon themselves to be the 'provider' without adequately realizing the need for sustainability and nurturance in the performance of that role. The creation of binaries between the roles of men and women of the inside and the outside, the provider and the dependant also evolved from this era of the evolution of families as the primary unit of production. Prior to this, societies existed in a community that shared and lived off resources that they were equally responsible for, the organization of the community was not homogenous- there were hierarchies as we find even now as older and male members receive priority and privilege in decision making, in the acquisition of benefits etc. thus patriarchy in fact pre-dates family as an institution, and the existence of societies was marked by a variation within communities – by age, by sex, by lineage, by physical attributes etc. Hence all work too was not valued equally, nor did it lead to the creation of equal privilege for all based on the value of their work- the question of how work that predominantly fell into the domain of women came to be undermined even in pre-family societies is a separate debate; that the performance of such work for subsistence for nurturance was accorded importance is borne out from the acknowledgement of women as 'closest' to 'nature' or 'most knowledgeable about needs of household'.

Today, despite the significant shifts in tribal societies under the influence of the oppressive, dominant mainstream; one still finds acknowledgment of women's rights to community resources, even though their rights are curtailed in the realm of individual household rights to land, a system that has emerged emulating the practices of non-commoners whose cultural settings are embedded in notions of private property. This did not render such work to be as significant to the clan or community as did other forms required to sustain its sustenance and existence. Being of the routine, repetitive and invisible nature it tended then and now to be relegated to the realm of routine and expected, and was increasingly confined to the realm of women.

Today too we find that although women remain the holders of realms of knowledge related to food and tubers, related to herbs and healing practices to a greater extent, aware and capable of foraging and gathering and agriculture and other work informed by a legacy of gained skills and knowledge, this work is relegated to the realm of invisibility and lack of recognition. And yet women within commons dependant households are also likely to be the last to be drawn out of these symbiotic relationships to work in other avenues of employment due to the inherent demand for their work to fulfill basic needs and nurturance tasks, even as men from their communities are likely to move towards external opportunities of labour. Such work of foraging, fetching, of processing and nurturing become the burden of women by virtue of their nature of roles in relation to household- binaries emerge in the realm of the household and the community. Binaries of the classification of work- as subsistence value work is assigned to women and women pursue it based on their conviction of its value; while men even from these same communities aspire to accumulate and gain market value through wage labour or other forms of market linkages. From binaries of the nature of work- embedded or market inspired- emerge hierarchies of value accorded to such work and to its reward. Wage and market work emerge as a system of labour- such labour is invariably performed for the 'outsider' - a contractor or a local person with allegiance to the outside world, for motives other than subsistence or sustenance- and most likely due to monetary benefit derived from such labour. Their likelihood to be drawn into the market system is higher among men due to the lesser extent to which they are embedded in the work related to their natural commons, and to the creation and nurturance of commons' ethos. This may account for the reasons why such societies have been prone to adoption of mainstream practices and cultures too, as the men then begin to dominate decision making and rule making spaces that determine the terms of engagement with each other and with the outside/other world of the market.

Recent debates about the need to acknowledge women's work as work by compensating for such work through financial measures of compensation has found resonance in India among some policy makers in India as with the position of western liberal feminists view. While this may seem like an altruistic goal, it in fact detracts from the dignity of such work on the one hand by treating it like one more case for a handout to women- and be done with it. Such work while being embedded in the cultural ethos of the commons and sharing of nurturance and sustainability and creation of abundance is negated by this view as a commodity to be remunerated but not necessarily shared, confining such care to the domain of women. It allows such work of care, nurturance and provisioning from the rich natural heritage around them to be labeled as women's work; thus essentializing and instrumentalizing such work into a gendered category, while ignoring the social and cultural edifice embedded therein.

The response of the women's movement to this proposal also reflected these and several other legitimate concerns, namely: who is going to assess the amount of compensation/remuneration and its form for work

done for the community/family? What are the yardsticks that would be applied for this assessment? The concern being that any yardstick adopted would in all likelihood be drawn from the context of capitalist and patriarchal positions since that is the pre-dominant view of dealing with such issues. Care and nurturing work necessary for the sustenance of communities is unlikely to receive attention; instead an ignorance of the synergies required and processes and knowledge realms that come into play and are nurtured in the process would seldom be considered in such debates.

In managing food for the household for instance women would make discrete decisions about what to collect and how much ; and likely to opt in favour of that which is greater in abundance and likely to replenish more quickly and more easily as opposed to those foods such as particular herbs and tubers and roots and inner barks which would be useful as crisis foods, in times of ailments or there is risk to abundance, when there is unlikely to be a quick replenishment for seasons that are more difficult to find food or fodder. These discrete choices are seldom recognized or understood for their role in maintaining a balance in the use and replenishment cycles of natural resources and would therefore not enter the forecasting of food needs or crisis management.

And yet one often finds planners bureaucrats and functionaries of state programmes, immersed in the delivery of their particular recipe of development doles and packages lament the fact that some of these communities do not seem to exercise foresight or appreciation for a planning approach to deal with their problems , they do not save for the crisis nor hoard for a buffer during times of crisis. A feminist perspective would reveal that being in sync with the cycles and rhythms of a natural environment that they have related to and synergized with for centuries, the compulsion to hoard is contradictory to the principles of sharing, of caring nurturing that such communities have imbibed; that receiving from the abundance is a function also of ensuring that needs (and not wants or greed) define the extent of extraction, to allow for others and for themselves to be able to depend on the availability for another occasion. **The simplicity of needs is woven into a fine texture of relationships of receiving and reciprocity so that the need for hoarding and conflict may not arise.** And if that were to arise there are also norms for its redress that communities have been known to adopt.

Yet much of the negotiation of their lives/lifestyles and livelihoods are conducted in limited realms of 'compensation' and 'rehabilitation' packages.

One often hears comments from state officials and other 'development workers' that some "communities do not seem to have foresight in saving and hoarding as a buffer against future risks. A commons and feminist analysis of the issue would reveal that being embedded in cycles of receiving from a natural environment of abundance and driven by the simplicity of need such communities have refrained from a culture of accumulation since abundance and not scarcity inform their needs. The problem then lies not in their unwillingness to hoard or accumulate but in the processes that pose a threat to the sustenance of abundance on which they depend. **"Work" from a feminist commons lens then needs to incorporate the categories of actions and processes undertaken in a context from natural abundance and shared processes of production to benefit the entire realm of wellbeing.** It has a constructionist and embedded character.

Labour on the other hand is a compulsion deriving from the absence of abundance and the sense of scarcity in the realm of the commoner, that compels him/ her to seek such tasks that may allow returns to accrue to the individual irrespective of the way in which performance of such tasks may

impinge upon nature and on other beings. And irrespective of the fact that the performance of such tasks may itself be destructive of the very elements that have enabled survival and sustenance. **Labour then is alienated from goals of sustainability and ‘life’ orientation; it is embedded in –isms of mechanistic production (as opposed to subsistence production), productivity and profit (3 Ps) and its performance.**

Another stream of discussion emanating from the above is the attempt to establish a ‘value’ to the tasks that are thrust on women by virtue of gender relations as freely available labour – tasks of supervising or monitoring or ensuring procedural diligence in the performance of tasks for delivery of services by state programs for instance. Such attempts to assign women these tasks stem from an undermining of care and nurturing and subsistence provisioning roles, based on the fact that these are tasks that are unaccounted and often invisible. This too reflects a bias towards those monetized processes of quantifiable value as a good or service while commons dependent communities such as tribals have acknowledged the roles that women perform as the ‘backbone of the economy’. They are unwilling to translate that recognition into an inclusion in rights in the realm of individual and household. So too in the assumption of women undertaking a monitoring and supervision role for delivery of state services lies a presumption of women’s subservience rather than a recognition of their contribution to care giving and management of their environment. And one wonders then the extent and means by which women ‘subsidize’ family, community and state and market in the performance of these roles and tasks as well as contributing to the process of production.

Work viewed as labour ignores the processes ensuing, reviewing the output in isolation, removing the work from a mooring – a social, a cultural context. It renders labour a factor in production, invisibilizing the worker and the social relevance and ecological imprint of its work. The women’s movement has agreed for a recognition of such work not as ‘women’s work’ but work that is significant to the well being of societies. Feminists also argue for a sharing of such work and the rewards there of – be they in economic terms or in the embeddedness of social relations that their performance entails. Recent arguments that women’s entry into new realms of work beyond the binaries may lead to less care and nurturance are located in a gender biased framework; such work could as well be shared and would then enable men and women to contribute more holistically towards building nourishing societies.

The development paradigm as it manifests in the realms of interface with commons dependant commoners bears stark evidence of the adverse outcomes and pitfalls and contradictions of the process that ensues.

The insistence on production (scale/ volume), productivity (efficiency) and profit imply that work/ labour must only be remunerated, the opportunity for shared compensation being limited (coops). That in the quest for productivity and scale there may be environmental and social spin offs is seldom a concern. The investment in dams and consequent conversion of common spaces and communities to agrarian regions and actors may reap benefits for some and allow greater accumulation of surplus but its impact on lives and livelihoods of people in commons dependant occupations is seldom considered, as is the impact of such concentration on other regions of erstwhile sharing. Regions where people had a free flow of resources and determined the use and distribution of such resources are now rendered increasingly vulnerable to the delivery of ‘services’ of water and food on terms determined by the market and state,

with erstwhile commons communities becoming increasingly dependent, their self reliance and capacity to restore and replenish rendered redundant.

Forest dwellers and grazers/ herders are increasingly marginalized in their spaces as their territories are allocated to developmental uses (eg. Urbanization, tech parks, industrial use) and the institutional processes for their management and sharing are divested from their control. Such a 'harnessing' of people's work as "labour" and appropriation of the natural heritage as sites and inputs for industry and urbanization may reap benefits of monetary returns and apparent improvement in quality of life in short run; but can hardly compensate for loss of a paradigm and a way of life. An instrumentalization of the processes and means of life can only imply an increasing distress and looming crisis for people and nature in the long run.

Commons and the State

The Indian Constitution as the basis for the accordance of citizenship and rights plays a significant part today in how rights are negotiated and what frames the discourse on rights citizenship and development. Embedded in the framework of citizenship as an individual right, the Constitution views all citizens as individual rights holders and therefore its entire framework is geared to the recognition of individual rights and duties and its enactments too serve to address these individual rights. **In the legacy of colonial rule the pre-eminence to state as controller of resources through the principle of 'eminent domain' and the priority to individual rights over community rights, on the other, create a complicated scenario of entitlement that negate the significance of centuries of ownership and management of resources by communities.** Rights of the commons dependent communities such as forest dwellers and fishing communities and nomadic tribes etc were claimed and acknowledged based on centuries of practice and reciprocal arrangement and sharing patterns over the centuries. **With the increasing pressure on land and other resources due to the demands of development and the increase in population, and an increasing reliance on individual rights and legal decrees the rights of such communities have been threatened to a point where they are compelled to conform to a regime that is alien to their traditional practices and systems.**

The perspective that current trends in development represent constrain commons and commoners in several ways as evident in the nature of policies being proposed that seek to institute centralized management frameworks on the one hand while espousing rhetorics of community participation. This section we focus on the policies of Rajasthan State to illustrate the shift into a commodified regime and its implications for commons and commoners.

The policies for **water sector for instance increasingly promote a privatization of waters based on the 'user pays principle', removing water from the status of a commons – a pond, a river, a lake or a stream that people could access and claim to have common rights over- and rendering it a commodity even for communities that have managed and claim centuries of 'ownership of those water resources in their vicinity.** Wells are now means of water privatization as are deep bore wells, irrespective of the fact that the water resources drawn are from a common pool of subsurface reservoirs. Lakes and water bodies are claimed as private properties even as the Supreme Court seeks to restore them from a private to a commons domain through a recent judgement. The state through the principle of 'eminent domain' can determine the use of such water and its supply to distant urban areas, denying local populations of water resources in their vicinity. Deals are made with corporations who invest in these water projects to garner a

perennial share in the flow of water through pipelines even as the villages in the regions from which it is derived are rendered dry and devoid. While arguments are made that the water policy contains provisions for community participation, these are either tokenistic (as in the Rajsamand Lake water supply scheme to Udaipur city) or instrumentalize communities into formulation of rules and collection of revenues for water use at local levels (as in the case of the Aapni Yojana –a drinking water supply scheme in Churu District of North Rajasthan). The processes of decision making are increasingly removed from the commoners in the vicinity of the resource, and that symbiotic relationship of sustainability is broken, compelling erstwhile commoners to now consider such resources as state property, and therefore beyond their access, except through plunder or theft or the largess of the state. In villages which had an assured source of water for much of the year and maintained the balance between varied sources through a judicious mix of uses, they are now compelled to depend on the state and its water supply systems to allow them a supply for their use and to pay for the same. The shift in paradigm is even more stark for those at the more marginalized levels of society as they neither have a say in decision making nor can they afford to pay for a resource that was hitherto freely available and must therefore curtail their assets to the changing availability of access to water.

In the realm of land the state's 'eminent domain' allows it to determine the course of development to acquire and allocate pieces of land considered necessary and required by industry of various kinds- including cement plants and oil- to be established in the state. Towards this end the state may acquire and allocate land at a price it considers reasonable by compensating the individual erstwhile owner according to current market rates. Invariably it will be the elite, whose dependency on the common land is minimal due to their capacity to acquire private resources, who is in the know or is likely to be a co-sponsor of such industrial activity who will acquire the lands through processes of coercion at a low rate and from the original owner and then sell the same to the government for the assigned industry, capitalizing on the market. This has occurred on a significant scale in the tribal areas for instance where a loophole in the legal provisions allows for the conversion of tribal lands to the non-tribal on the pretext of land use change. In the process the commoner – the indigenous person –who may be unaware of these provisions and legislations due to minimal exposure to the legal structures, loses the land at a pittance to then be rendered landless on the assurance of only a small margin of money compared to what he would otherwise be entitled to.

In the context of location of SEZ and tech parks and urbanization projects too such acquisition of large stretches of land used by nomadic communities for trans-humance and by tribals for varied purposes have been rendered to the project of development. **A consequence of these trends has also been the dislocation of traditional reciprocal relationships between nomads and sedentary agricultural communities who now no longer need the manure due to access to chemical fertilizer. The nomadic groups however are compelled to seek out new routes along highways at high risk as their traditional routes are dissected by new pathways and hurdles of development such as dams and institutional sites-factories, industrial complexes etc.** Given the urban and primarily agrarian mindset of planners, the commons based population and its needs for access and use is seldom a consideration.

The recent ruling by the Supreme Court to protect Water Bodies and Grazing lands from encroachments and to restore these has led to a spurt of activity from the state to identify demarcate and restore these bodies, which have often been encroached for dwellings and other uses. While the enactment seeks to secure these commons to ensure their access to commoners and traditional users, the adverse

interpretations of this ruling are also becoming apparent with grazing lands being demarcated by the revenue departments in the states, as a means of providing protection on the one hand, but such an exercise is also a delimiting exercise as it does not allow the commons to be viewed flexibly but as a finite space, the demarcation of which will free the remaining open lands for other use conversions to meet the needs of developmental projects.

On the other hand are policies of the state such as the Forest Rights Act and the PESA Enactment which are the outcome of the demands from people's movement and civil society debates. These policies seek to invoke the rights of communities that have lived in the forests and of indigenous peoples to their lands as well as to the sovereignty over their resources and their governance. Although limited and even blind in their content with respect to gender respectively, both these legislations are designed to address traditional community rights and ensure claims for these communities that have lived with the forests and natural resources as their backbone. Yet the implementation of these has met with all kinds of resistance from the state, and even now the effort to bring them into operation has been limited to serve the purpose of the state's agenda for extension of decentralized governance and individuation of rights. **The conceptual basis of these enactments embedded in the principles of commons is all but ignored, even as these communities grapple for a foothold in the new dispensations on the law. The implementation of the Forest Rights Act is almost exclusively focused upon the individual claims and in its implementation empowers the forest department to declare the bonafide of the commons claimant on the basis of ever having been declared an encroacher- an irony of the process!** Although the law does not empower the Forest department with such a provision, the Tribal Department with its lack of perspective and realization of its authority to enable tribal and forest dwellers to claim their rights hitherto unjustly denied, yet the tribal department seeks to refer to the forest department which has already terrorized forest dwellers in its regime before sanction of such rights.

In an attempt to enable communities to claim their rights over the commons, efforts have been made to enhance the space for negotiated participation of communities in collaborative arrangements for watershed development and wasteland development by several organizations. These efforts are few and far between and have little impact on the overall approach of the state to acknowledge the entitlements of the commoners to the commons. Issues of community rights to commons are also further complicated by the fact that 'community' is a ubiquitous term that masks deep fissures of inequity within social groups of a homogenous feature such as caste or occupation. **Recent attempts to address rights of communities to the commons and formulation of a commons policy in Rajasthan to address the problem of state authority over land through an enactment to decentralize commons governance is likely to have to contend with the same shortcoming, as it does not provide for redress of inequities among local communities, nor does it recognize women as actors and decision makers in the governance and management of the commons.**

The commons are a living space and a social entity for those whose lives are intrinsically embedded within their context, apart from the benefits derived for societies and environmental benefits thereof. . An alienation from the commons has led to increased distress and migration, increased violence and increased displacement from traditional occupations and locations with negligible options and frameworks available for resettlement. About 70% of the displaced population due to the processes of development in the past 30 years are yet to be resettled and/or compensated. The large majority of these populations are tribal indigenous people, whose lives and livelihoods are left in disarray. It is the role of the state to acknowledge and plan for the entitlements of these communities such that threats in the

Niyamgiri region, where a global corporation seeks to undertake Bauxite mining or the oppression of people threatened by displacement from Jagjitsingnagar where POSCO seeks to install the corridor to the Port for its industries does not occur. Fortunately the courts have provided an interim reprieve for communities to be consulted prior to any such developmental action is undertaken in their vicinity, but the ramifications of threat and marginalization are still very evident.

References

1. Aier Anungla; Women and Commons: Engaging with Gender Justice; Vocabulary of commons; Anita Cheria and Edwin (Ed.) Foundation for Ecological Security (January 2011); pp. 167 - 178
2. Guha R and Madhav Gadgil; This Fissured Land; An Ecological History of India; University of California Press; 1993
3. Guha R and Madhav Gadgil; Ecology and Equity; The Use and Abuse of Nature in Contemporary India; Routledge; 1995
4. Shrivastava Aseem and Ashish Kothari, Churning the Earth; The making of Global India; Penguin Books India; 2012
5. Kavoori Purnendu S.; Pastoralism in Expansion, The Transhuming Herders of Western Rajasthan, Oxford University Press, 1999
6. Agarwal Bina; Gender and Green Governance, The Political Economy of Women's Presence Within and Beyond Community Forestry; Oxford University Press; 2010
7. Agrawal Arun; Greener Pastures, Politics, Markets, and Community among a Migrant Pastoral People; Oxford University Press, 1999
8. Ramdas Sagari R. & Nitya S. Ghotge; Whose Rights? Women in Pastoralist and Shifting Cultivation Communities: A Continuing Struggle for Recognition and Rights to Livelihood Resources; Women's Livelihood Rights, Recasting Citizenship for Development, Sumi Krishna (Ed.), Sage Publications (2007) pp. 41-61
9. Cheria Anita & Edwin, Towards a Vocabulary of Commons; Vocabulary of Commons, Foundation for Ecological Security, 2011
10. Mies Maria and Vandana Shiva; Ecofeminism; Kali for Women; 1993
11. The Panchayats (Extension to the Scheduled Areas) Act, 1996, Ministry of Tribal Affairs, Government of India
12. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Ministry of Tribal Affairs, Government of India
13. State Water Policy (New), Government of Rajasthan - <http://rajasthan.gov.in/rajgovresources/actnpolicies/State%20Water%20Policy.pdf>
14. Draft, Rajasthan Common Land Policy 2010, Department of Rural Development and Panchayati Raj, Government of Rajasthan

15. Supreme Court of India Judgement in dismissal of a Civil Appeal filed against the state of Punjab arising out of a Special Leave Petition (Civil) CC No. 19869/2010
16. Kanchi Kohli-Bauxite Mining in Odisha, Niyamgiri gets some time to breathe, India Together, 16th May 2013
17. Shrivastava Dr. Ginny, Tribals Losing Their Land, A study of Tribal Land Alienation in Rajasthan, Astha Sansthan, 1998