Report of the Community Conservation Resilience Initiative in India

Community Conservation Resilience Initiative

Global Forest Coalition

sahjeevan

Country report on India
Community Conservation Resilience Initiative (CCRI)
June 2018

Authors: Souparna Lahiri (Part 1, Buxa-Chilapata and Tadoba Andhari), Swati Shresth (Part 2, Pastoral community of Banni Grasslands)
Assessment facilitation: All India Forum of Forest Movements (Buxa-Chilapata and Tadoba Andhari) and Sahjeevan (Banni Grasslands)

For more information: http://globalforestcoalition.org/resources/supporting-community-conservation/

Cover photo: Livestock in the Banni Grasslands. Swati Shresth/GFC

The production of this country report has been made possible thanks to the support of the Christensen Fund and the German International Climate Initiative (IKI). The German Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMUB) supports this initiative on the basis of a decision adopted by the German Bundestag. The participatory community assessments reflected in this report have been made possible thanks to the community members themselves, xxxx, and The Christensen Fund.

Disclaimer:
The information contained in the case studies in this report has been provided by the national group responsible. As such, the report does not necessarily reflect the opinion or position of GFC, its donors or other contributors.

Community Conservation Resilience Initiative in India

Part 1: Buxa-Chilapata and Tadoba Andhari

Part 2: Pastoral community of Banni grassland

Part 1: Forests and Forest Communities in India: CCRI assessments in Buxa-Chilapata and Tadoba Andhari

India is home to a billion people and represents a wide spectrum of biological, cultural and geographic diversity. The confluence of the Indo-Malayan, the Eurasian and the Afro-Tropical biogeographic zones makes India extremely biodiverse in its genes, species and ecosystems. It is one of the world's 12 megadiversity countries containing over 8.1 per cent of the world's biodiversity, 11 per cent of the world's flora, and 7 per cent of world's fauna.[i]

India has an equally varied cultural diversity. The Anthropological Survey of India has identified 91 eco-cultural zones in India inhabited by 4,635 ethnic communities, speaking 325 languages/dialects.[ii] Moreover, 67.7 million of the 220 or so million Indigenous-Tribal people in the world live in India. This makes India a country with amongst the largest indigenous–tribal population, constituting 8.08 per cent of the country's population, representing 461 tribes.[iii]

An estimated 147 million villagers live in and around forests and another 275 million villagers depend heavily on forests as an important source of livelihood. Additionally, 170,000 villages are inhabited on forest land. Livelihood security for this forest dependent population is critically linked to the rights, access and control over forest resources.

The erstwhile Planning Commission of India in its mid-term appraisal of the 9th Five Year Plan stated that forests provide sustenance – non-timber forest produce (NTFP), small timber, fuel wood and fodder - to more than 100 million forest dwellers, 54 million of them are tribals. Further, most forests are located in dry regions of low agricultural productivity, 78 per cent of which is located in 187 tribal and hilly districts.

Thus, around 400 million people in India, including tribals and dalits, depend on forests for their livelihood. Yet their tenure rights are insecure. Forest laws expressly deny them these rights since the time of their inception in 1865. The traditional rights and tenure of local communities provide for sustenance and non-timber values that are usually unrecognized by the state-owned and controlled forest management agencies. Centralized government regulation and control, together with inadequate recognition of local dependency and traditional rights, make it difficult to develop a sustainable forest governance system. They deny or limit their rights to fuel-wood and curtail their usufruct rights to NTFPs.

Legislations related to wildlife conservation and the establishment of national parks, tiger reserves and wildlife sanctuaries deny them access and habitat rights.

Forest Management Practices: from traditional to colonial

According to Buddhist literature, forests covered a large part of the geographical area of India in ancient times - 85 percent by some estimates. Sometime between 325 and 273 BC, Chanakya (Kautilya) formulated guidelines for the promotion of forestry in his *Arthashastra*.[iv] Protecting and maintaining forests, proper management of forest produce, and the establishment of new forests to augment the supply of forest produce were all discussed. Vedic literature indicates that ethno-biological knowledge was highly developed during this period. Among the non-Aryan forest tribes of India, the very identity of a clan member was rooted in the forest. This human-nature relationship led to the creation of a unique set of values and beliefs, which influenced lifestyles and the social order. The forest people derived their multi-dimensional economic, cultural, ecological and spiritual identity from the forest.

The forest dwellers saw themselves as trustees appointed by their god, responsible for preserving the forests for the benefit of future generations. Their communities formulated strict rules and regulations to manage and use forests, based on generations of experience. Livelihoods depended only on that amount of produce, including timber, regularly harvested from forests that could be replenished every year. The guiding principle appears to have been what we now call sustainability. It was not a mere coincidence that the British found vast areas of forest in prime condition as a result. Unfortunately, instead of respecting the knowledge and experience of these ecosystem people, and the harmony of their relationship with forests, the British saw them as an obstruction to commercial exploitation of forests.

Various princely states, prior to the advent of the Brirish, had different approaches to managing the forestry resources available in their areas. While no protection was afforded to forest areas in general, and rulers tried to encourage agrarian extension by remitting revenues and providing credit to peasants who cleared fresh land for agriculture, certain specific pockets of forests were protected as hunting areas (*shikargahas*)where no one was allowed to disturb the fauna and flora and, accordingly, these areas were well preserved.

There were some customary restraints on the use of trees, as in the sacred groves protected by the local communities. These groves existed all over the country, from the Garo and Khasi hills in the north-east to Pratapgarh and Banswada in Rajasthan, from near Gorakhpur in Uttar Pradesh to Coorg and Salem in South India. Many of them are still in existence.

With the growing demand for timber, the British began to take serious note of the potential of India's forests as a source of revenue. In 1800, the colonial powers appointed a commissioner to look into the availability of teak in the Malabar forests. In 1806, the Madras government appointed Capt. Watson as Commissioner of Forests to organize the production of teak and other timber suitable for building ships. In 1807, the royalty rights for teak were claimed by the East India Company. In 1840, the British colonial administration promulgated an ordinance called Crown Land (Encroachment) Ordinance targeting forests in Asian colonies, and vested all forests to the crown.

In 1855, Lord Dalhousie framed regulations for the conservation of forests across the entire country. Teak plantations were raised in the Malabar hills and acacia and eucalyptus in the Nilgiri hills.The Imperial Forest Department was established in India in 1864 and the Indian Forest Act of 1865 established the government's claims over forests. The colonial administration further enacted a far-reaching Forest Act of 1878, thereby appropriating all forests. This Act demarcated reserved and protected forests where all traditional rights were abolished in the former and in the latter some existing rights were accepted as a privilege but at the discretion of the forest department (FD) which could be taken away if necessary.

The basic colonial approach was to declare forests as state property and curtail the rights of the forest dwellers to areas with commercially valuable species. Clear-felling of vast tracts of forest was the method of 'forest operations', followed by complete closure to grazing and other human activities such as collection of firewood, fodder, medicinal plants, bamboo, etc. The Forest Department (FD) was created to oversee these operations. This assertion of state monopoly right and the exclusion of forest communities marked the organising principles of forest administration in modern India.[v] The history of modern Indian forestry was, therefore, a process by which the British gradually appropriated forest resources for revenue generation.

The Forest Act, 1878, together with the first public policy of 1894, thus changed the ownership pattern of India's forests. Towards the end of the 19th century almost 80 percent of the forests were owned by communities and private individuals. Today, state ownership has increased to 90 percent of the recorded forest area of a little over 67mha (million hectares).

Post-colonial forest legislations and policies

With 23.41 per cent of the geographical area recorded as forests, the post-colonial independent India followed the same colonial legislation, forest policy and Indian Forest Service controlled forest management with the policy of revenue extraction and forcible alienation of the forest communities at its core. The plunder of the country's forests continued more aggressively than before, as urban markets expanded.

The forest policy inherited from the British aimed to maximize the timber harvest for the state by using the Indian Forest Act, 1927 and the forest department guards to protect the forests from the people. The second phase, starting in 1976 and characterized by social forestry, secured the supply of forest materials for industry by meeting people's needs for fuel wood, fodder, and construction timber from outside the forest areas. Forest Development Corporations (FDCs) were established in almost all the states as public autonomous bodies with the primary responsibility of converting existing miscellaneous forests into high-value plantations.

The 1988 Forest Policy did open up the discourse on environment and conservation and initiated the concept of joint forest management with limited participation of communities under the control of the forest departments. The new policy treated forests first as an ecological necessity; second as a source of goods for use by the local populations, with particular emphasis on NTFPs; and third as a source of wood and other products for industry. The policy set the target to increase forest cover to 33 percent of India's land area. It advocated that this area be increased to two-thirds in the hills to prevent erosion and land degradation and to ensure the stability of these fragile ecosystems.

The policy did acknowledge and recognize the close relationship between forest dwellers and the forests and advocated partnerships between the people and the FDs for better management and governance of forests. However, in real terms, not much changed in

favour of the forest communities. Colonial attitudes reflected in the earlier policies and legislations still predominated. The practice of shifting cultivation by the tribals was demonized and conscious efforts were made to reduce the dependency of forest people on forest resources. The concept of extending tree and forest cover through social and farm forestry emerged underlining the changing definition of forests.

The Indian Forest Act of 1927 continues to be the legislative foundation of the forest sector in India. It divided forests mainly into Reserved Forests (RF) and Protected Forests (PF), severely curtailing traditional rights (called concessions in the Act) in both categories. A third category of Village Forests (VF) was rovided to meet the basic needs of village communities. Since independence, several states have enacted their own legislation, while others have amended the Act to suit local needs. The Act gave state governments the power to divert forest land for other uses, leading to millions of hectares of forest land being diverted between 1951 and 1980. Concerned by the rapid rate of deforestation, the Government of India passed the Constitutional Amendment of 1976 (42nd Amendment), which made forests a concurrent subject. But by dividing the responsibility between the central and state governments, the law added to the ambiguity.

The Wildlife (Protection) Act, 1972 was significant in giving primacy to conservation over exploitation seeking to justify curtailing the legitimate daily survival activities of forest-dependent people in wildlife habitats, evicting them forcibly without proper resettlement, and centralizing the management of these habitats in the hands of a callous and unresponsive bureaucracy. It created the two major types of protected areas we see today: National Parks (NPs) and wildlife sanctuaries (WLS). Its blanket ban on all human activities, except tourism, is causing considerable suffering among the local people, who have been deprived access to the forests they depend on for survival, leading to conflicts between them and the Protected Areas (PA) authorities, and a sharp decline in public support for conservation. The Act has, thus, led to the alienation of thousands of local people who depend on PA resources for their sustenance and survival. But it has not proved strong enough to fight the pressure of commercial and industrial interests. Nor has it stopped the poaching of wild animals.

The Forest Conservation Act (FCA) of 1980 was the first legislative attempt to slow deforestation. It limited the power of state governments to de-reserve Reserved Forests or

divert forest lands for non-forest purposes without the permission of the central government. The Act also required state governments wanting to divert forest land for non-forest uses to identify an area of non-forest land of at least equal size for compensatory afforestation. In addition, a charge was levied. The Ministry of Environment and Forests (MoEF) was created in 1984 to monitor state compliance with the provisions of the legislation. The ministry has, however, proved a weak enforcer, however, and the record of compensatory afforestation in the states has been poor.

On the other hand, the forest bureaucracy interprets it in a narrow, copybook fashion, completely disregarding and riding roughshod over the legitimate survival and development needs of local communities. Villages are routinely denied basic amenities like roads and water supply pipelines. Forest and Taungya villages are denied schools and health centres as well. Yet large parts of protected NPs and WLS get denotified regularly for destructive activities like mining, quarrying and building large dams.

The threat of eviction loomed large over the forest people of this country ever since the promulgation of the 1972 WLPA and the 1980 FCA, but it never became so all–pervasive and palpable as the decade of the 1990s. Interpreting the Acts, the Supreme Court of India passed several interim orders to clear encroachment of forest lands. The latest of these orders dated November 2001 acted as the basis of the most draconian government orders of recent times issued by the MoEF. The government order quotes the Court order and instructs state governments and union territories to summarily evict all encroachers from forest land. Because the Court and MoEF define all land under the FDs as ‘forest land’, irrespective of the actual use of those lands, the government order was used to evict even traditional settlements in forest areas, including Forest/Taungya villages. This massive eviction drive of the communities prompted a countrywide protest by the forest communities which in turn resulted in a radical movement of the IPs and local communities for restoration of their rights and control over forest resources.

This radical movement across the forest areas in the country culminated in the Indian Parliament passing the historic Scheduled Tribes & Other Forest Dwellers (Recognition of Forest Rights) Act (FRA) in December 2006 which recognised and restored the traditional rights of the forest communities and kindled the hope of ushering in a decentralised governance enabling community led conservation practices in protecting forests and its

biodiversity. But, the implementation of the legislation through recording of both individual and community rights has been abysmally poor, basically due to the opposition from the forest bureaucracy.

The Ministry of Environment and Forests and Climate Changes, chooses not to recognise the FRA 2006 over joint forest management while implementing its own programmes such as the Green India Mission, or in its documents related to convention on biological divercity of UNFCCC. The controversial Compensatory Afforestation Fund Act, passed by the Indian Parliament in 2016 does not even mention FRA 2016 amongst other forest legislations.

The Community Conservation Resilience Initiative (CCRI)

There is increasing scientific and political recognition that conservation and restoration initiatives by indigenous peoples and local communities contribute significantly to biodiversity conservation and climate change resilience and mitigation. However, these initiatives face external and internal threats. There has been little participatory analysis of the forms of support communities themselves would like to receive to enhance the resilience of their conservation initiatives.

The aim of this initiative is to contribute to the implementation of the CBD's 2011-2020 Strategic Plan and Aichi Targets by providing policy advice on effective and appropriate forms of support for community conservation.

The initiative also aims to document and review the findings of bottom-up, participatory assessments in at least 20 countries of the resilience of community conservation initiatives and the support that should be provided to strengthen these initiatives. The assessment report is expected to significantly increased and more appropriate legal, political, financial and other forms of support for community conservation initiatives that reflect the recommendations of communities themselves. The CCRIt is expected to have a significant multiplier effect by building the advocacy capacity of indigenous peoples and local communities and by providing targeted advice to influential policy processes that can generate effective and appropriate support and an enabling environment for community conservation initiatives.

The CCRI Assessment sites in India

The community conservation resilience assessment was conducted in two forest areas with diverse history and impact of the State sponsored forest management. The first one is the Buxa-Chilapata (BTR-CPT) forest area in the Alipurduar district of the eastern Indian province of West Bengal located along the eastern Himalayan foothills bordering Bhutan. The second one is the Tadoba Andhari National Park and Tiger Reserve (TATR) falling within the limits of Chandrapur district of the province of Maharashtra, spread across three Gram Panchayats[vi] of Kolasa, Gatkolasa and Tolewahi.

The Buxa-Chilapati site is straddled between the Buxa Tiger Reserve and the Jaldhapara National Park. This is part of the Dooars forests spread across the three districts of Jalpaiguri, Cooch Behar and Alipurduar. Dooars refer to the narrow stretch of densely forested land along the Indo-
Bhutan border.The region is likely to have been covered by dense forest with swidden cultivation (*jhum*) being widely practiced by indigenous communities after clearing forest land. The British Government passed the Bhutan-Dooars Act in 1869 and declared this stretch of land “wasteland” and all forest resources government property. Under subsequent forest legislation – in 1878 and 1927 – the forests of the Dooars were declared reserved forest. All rights enjoyed by the forest communities until that time were either converted to concessions or privileges. As a result, the access of forest-dwelling communities was severely curtailed and such communities declared as encroachers on forest land. Forest dwelling communities had access to certain number of concessions and privileges only upon payment of a fee or the provision of free labour for forest work. Grazing livestock, collecting fodder and wood for fuel were curtailed.

The Buxa forest region, located around 180 km from the nearest town of Siliguri, is known for tiger, leopard, elephant, clouded leopard, Himalayan black bear, gaur, pangolin and python. Jaldapara National Park, in Alipurduar, is home to a great diversity of flora and fauna. It is home to the great Indian one horned rhinos. Chilapata forests form an important elephant corridor between Buxa Tiger Reserve and Jaldapara National Park. The Chilapata forests forms a stretch which joins the Buxa forest division with the Jaldapara National Park along the east bank of Torsa river and serves a corridor for wildlife in this region. The CCRI site is situated between two rivers – Sankos in the east and Torsa in the west.

Buxa-Chilapata was one of those forests which the British foresters boasted of. Originally grassland and Sal forests in stony highlands, the area was irreversibly altered when the colonial foresters moved in around 1865 and banished the indigenous swidden agriculturists like the Rabhas. The Forest Department viewed the practice of swidden farming by local communities to be a major threat to the success of scientific forestry. On grounds of preventing the loss of forests from fire,
agriculture in forest land was prohibited, and the forest–dependent communities were pushed out of reserved lands. Forest–dependent communities had cultivated cotton on shifting cultivation (*jhum*) lands; this was prohibited and they were subsequently permitted only to cultivate jungle land with bushes, shrubs and short trees (*jhar*).

Evergreen trees colonised the empty spaces rapidly as the forest fires got "controlled", and the foresters came to realize that they could not have new Sal plantations unless the fire motif was re-introduced. Thus, came the famous Taungya system of plantation, and the banished "fire-setters" were brought back to the forests as forest villagers. The Taungya offered a solution in more senses than one. Ecologically, it brought the much-needed fire component back to the Sal and Teak forest systems. Socio-politically, it offered a compromise, a temporary solution to the problem of increasing tribal unrest in the forest areas.

The Tadoba-Andhari Tiger Reserve (TATR) lies in the district of Chandrapur, located at the eastern edge of Maharashtra. The extent of the total area of TATR is 625.40 km² out of which Tadoba National Park (TNP) comprises 116.55 km² while Andhari Wildlife Sanctuary (AWS) covers 508.85 km². TNP forms the core northern zone of TATR while AWS consists of two ranges Moharli and Kolsa, which form central and southern zones of the TATR respectively.

Tadoba National Park which was established in 1955 as the first national park of Maharashtra. In 1931 it was declared a sanctuary and a game reserve in 1942. A total of 116.55 sq. km was declared as part of the Park. In 1986, Andhari forest was declared as Wildlife Sanctuary and was merged with Tadoba National Park in 1989. The Andhari Wildlife Sanctuary consists of two ranges Moharli and Kolsa, which form central and southern zones of the Tiger Reserve respectively. The National Park derives its name from local tribal god "Taru" whereas the Andhari River flowing through the forests gives the

sanctuary its name. Andhari Wildlife Sanctuary along with Tadoba National Park forms the composite area of Tadoba-Andhari Tiger Reserve. The Tiger Reserve was established in Februrary, 1994.

Tadoba-Andhari Tiger Reserve has southern tropical dry deciduous forest. Fairly large area is dominated by *Tectona grandis*. The main associates of Teak (*Tectona grandis*) are Bija *(Pterocarpus marsupium),* Dhaora *(Anogeissus latifolia),* Ain *(Terminalia tomentosa),* Mahua *(Madhuca indica),* Tendu *(Diospyros melanoxylon),* Salai *(Boswellia serrata),* Sehna *(Lagerstroemia parviflora)*. Bamboo grows naturally and grassland covers a limited stretch of the forests.

Widlife includes Tiger *(Panthera tigris)* and major management is geared towards its conservation. Other carnivores include Leopard *(Panthera pardus),* Striped hyaena *(Hyaena hyaena),* Wild dog *(Cuon alpinus),* Jungle cat *(Felis chaus),* and Desert cat *(Felis sylvestris ornata)*. Rusty spotted cat *(Priobailurus rubiginosa),* Jackal *(Canis aureus)* and a Wolf *(Canis lupus)* occur in the western fringe of TATR. Sloth bear *(Melursus ursinus)* also occurs in fairly large numbers. Major herbivores in TATR are Gaur *(Bos guarus),* Sambar *(Cervus unicolor),* Chital *(Axis axis),* Barking deer *(Muntiacus muntjac),* Nilgai *(Boselaphus tragocamelus),* Chowsinga *(Tetracerus quardricornis),* Wild pig *(Sus scrofa)* and Langur *(Presbytis entellus).* There are three endangered species of reptiles namely, Marsh crocodile, Indian Python and Common Indian Monitor.

The Communities

The Buxa-Chilapata forests site is inhabited by indigenous Rabha, Mech, Garo, Drukpa and Jharkhandi communities and people of Nepali origin. They are spread across the forest region, settled in forest villages.

As the colonial forestry developed in the Dooars, which was sparsely populated, the problems of a shortage of a supply of labour arose with respect to forest work. For skilled work, like sawing, and constructing buildings and bridges, arrangements were made to obtain labour from Nepal. In forest compartments that were to be opened for exploitation, new roads were constructed by workers from Bihar.[vii] The indigenous swidden cultivators were first allowed to settle on forest lands under the provisions of the *Taungya* Act 1894 (GoB 1928). Under this Act, temporary settlements in the forests were established,

generally close to work sites. By 1897, there were 76 forest villages in the forest areas of the Dooars. Constant exploitation and hardship led to an exodus of most workers from the forest villages in the Dooars and only few remained after 1902. To arrest the outflow of workers from the forest areas, permanent forest villages were created and by 1904, a large number of households were allowed to settle in forest villages. The Buxa-Chilapati site is today dotted with such permanent forest villages where the indigenous and local communities reside.

The TATR is inhabited by Gonds, a central Indian tribe with strong connection to nature worship. Since 1931 when Tadoba was declared wildlife sanctuary and through 1995 when the Tadoba-Andhari National Park was declared a Tiger Reserve, the Gonds have been facing the threat of eviction and displacement from their traditional habitat being constantly pushed for relocation outside the National Park and Tiger Reserve. All the six villages which were part of the CCRI and the assessment, are Gond villages.

The Methodology

The CCRI assessment was carried out covering mainly sixteen forest settlements in the two selected sites where the process of FPIC was initiated at a very early stage following which an assessment team for each of the sites was formed. The members of the assessment site went through a brief capacity building workshop and also participated in the country capacity building workshop. The assessment followed the methodology of resource mapping, focussed group discussions including in particular with women, and collecting and recording oral testimonies and evidences, especially from the community elders. The assessment team also used references from forest working plans, available literature, media reports and articles related to important local events and struggles.

Each of the sixteen villages, 10 in Buxa-Chilapata and 6 in TATR, prepared village level resource map demarcating, agricultural land, degraded land, water bodies, community forests, territorial limits, tree species and wildlife corridors. These were compared with available working plans. The villagers also identified areas of economic activity including NTFP collection, fuel, firewood and building repair wood and bamboo collection.

The assessment teams incorporated learnings and findings from resource maps, oral testimonies and evidences, summaries of group discussions and inputs from women in to a

field report prepared by Lal Singh Bhujel, Sundarsing Rabha and Mumtaz Rabha from Buxa-Chilapata site and Satish and Nishant for TATR site. The Initial reports were first discussed with the assessment teams and then checked with villager elders in small community meetings.

The summary report prepared was placed for discussion in both the sites in village level meetings. Additional points and suggestions, especially on the issue of traditional rights, filing of community claims under FRA 2006 and current status of villages within TATR core zone and that of the relocated ones were separately discussed and recommended to be included in the final report. The final set of recommendations emerged out of the deliberations of the assessment teams.

In both the sites, the assessment teams included two women members and two village elders apart from at least one village level community representative from each of the villages from the CCRI sites.

Customary Rights &Traditional Practices

Rabhas, traditionally practiced swidden agriculture and knew the controlled use of fire to preserve the biodiversity of land and forests. Their traditional expertise was used by the colonial foresters and Indian forest departments to nurture and regenerate forests in the Chilapata-Buxa area. When Rabhas and other indigenous communities were brought back to work in the forest sites, they were given plots of land for cultivation and homestead, and permission to keep a small number of
draught and milch cattle. They were permitted to grow fruits trees and cultivated vegetables, practiced intercropping in between the lines of saplings in plantation coupes. There was no restriction on the size of agricultural holding or the number of cattle per household. In 1912, rules were framed by the Forest Department to limit the size of each agricultural holding to five acres and to one pair of plough bullocks and two milch cows for each household. Each registered household had to sign an agreement with the Forest Department. The title of the agreement was “Agreement for Forest *Jagir* Villages.”[viii]

Under this agreement a person could cultivate land in an area specified by the agreement free of rent as service (*jagir*) only so long as he performed certain duties and strictly observed certain rules. The land right was not alienable, and the grantee or his successor

was allowed to cultivate the land as long as their services were required by the Forest Department. The tenant and his dependents had to ensure that they were available for a specified number of days to undertake forestry work
without payment. In addition, village households needed to be available when called
upon for work. The wage rate paid for these additional days of work was much lower than the wage received by workers in cultivable land (*jote*) settlements. The number of additional days and quantum of work to be assigned to each household was prescribed by the Divisional Forest Officer (DFO). This system of labour contract was commonly known as the *beggar (forced labour)* system. A
limited usufructuary right to collect wood for fuel and poles, and fodder, for home consumption was allowed to each household. Cattle were meant to be stall–fed. Grazing in forest areas was permitted only after paying a fee. Grazing was strictly prohibited in all forest areas closed by order of the
Forest Officer. Any trespass by cattle was severely dealt under the Cattle Tresspass Act or Indian Forest Act. Although grazing cattle was restricted for forest village inhabitants, timber merchants were allowed to graze their cart–animals for free.

In the rules for the establishment of forest villages it was explicitly stated that forest village dwellers were to be considered tenants–at–will and would be allowed to stay as long as required for forest work. Households identified in excess of the approved strength for a felling series were immediately shifted to deficit areas or were forced to leave the villages in which they lived. Forced eviction and displacements were common in the forest villages. This constant insecurity coupled with free or forced labour continued till the 1980s.

The communities of Tadoba-Andhari enjoyed Nishtar rights under the Indian Forest Act 1927 including cultivation on their agricultural land, grazing and collection of NTFP and minor forest produce like tendu leaves, bamboo and mohua seeds and fishing. Since 1968, grazing has been limited to the sanctuary area, collection of NTFP and minor forest produce including tendu leaves has been barred from the National Park and Tiger Reserve completely. Dead and fallen timber is allowed to be collected from the sanctuary area only.

After the notification of Tiger Reserve in 1994, much of the traditional rights enjoyed by the communities here are extinguished. The survival, mainly depends on one-time agriculture and bamboo cutting work. That work of bamboo cutting, off late, has drastically

come down. The habitat and traditional rights of Kolsa, Botijhari and villages close to the core zone are severely curtailed with the noose of relocation of the villagers hanging since the last two decades.

Current situation, community conservation and livelihood crisis

“The Indian Forest legislation and policies never facilitated community conservation initiatives. Rather they have an adversarial relationship where communities are seen as encroachers and blamed for degradation, deforestation and poaching. The conservation policy has always been a state imposed one”, says Satish, a young Gond community leader from Kolsa village of TATR. Till late 1960s and early 1970s, the forest communities, with their limited rights and at the discretion of the forest officials, were still able to survive, struggle and cope with their livelihood crisis. But with the enactment of the Wildlife Protection Act 1972, the indigenous and local communities of both the CCRI sites went in to a full-blown livelihood crisis. The notification of National Parks and Tiger Reserves barred access to the most productive part of the forests in terms of NTFP and minor forest produce. Cattle and livestock have drastically reduced due to loss of grazing ground and natural fodder. Women have to travel long distances to collect fuel wood and fodder.

As Prabha Kujur, from Kodalbasti forest village in Chilapata, narrates, “Our parents and grand parents toiled day and night to grow, nurture and conserve these forests. They were not paid a penny and today we are the victims of conservation. Our rights to conserve and protect and our right to livelihood are violated. As we starve, the forest department hire outside labour for forest work. As we lose access to our forests, we do not get NTFPs from the plantations all around. Felling of natural forests has made the wild animals like elephants attack our crops, our villages. Women are afraid to go inside the forests due to the harassment of forest guards and the security forces roaming in our forests”.

The Chilapata-Buxa communities, in the aftermath of the enactment of the FRA 2006, started claiming forests in and around their village territories, under their jurisdiction and governance of the Gram Sabha (village council), initiated community patrolling of the forests and planted saplings of indigenous varieties in patches where natural forests were felled. But, lack of political support, non- implementation of FRA 2006, financial support and threat and intimidation from the forest department have forced them to abandon these initiatives temporarily.

Being the indigenous inhabitants of the forests, the Rabhas of Chilapata-Buxa have very close cultural ties with the forests; their symbiotic relationship with forests and nature, though defined by the enclave system of colonial forest management and the Indian forest legislations, continued in spirit as generations grew up nurturing and caring for the forests. As departmental works became unavailable to the communities due to being contracted out to outsiders, National Park and Tiger Reserve severely restricted their access to forests and their agriculture becomes insecure to elephant raids, the forest villages, since the 1970s, faced increasing livelihood crisis. But, they never resorted to illegal logging, never attacked a single elephant. On the other hand, the communities confronted timber mafia, protested against the timber mafia- forest department nexus and opposed felling of natural forests in coupe cutting and cultivation of monoculture plantations.

Box

It was a late winter night of January 2010 when forest officials along with police entered the forest village of Kurmai in Chilapata-Buxa area and knocked at the door of Sundarsing Rabha, a 21-year-old Rabha community leader. The police came to arrest him on charges filed by the forest department for taking active participation and facilitating the proclamation of community forests under the Kodalbasti Gram Sabha. The sleepy village soon wake up and the women of the village rushed to his house and formed a cordon between Sundar and the police resisting his arrest. The women refused to budge and the police and the forest officials had to relent and go back. Sundar was subsequently slapped with non-bailable warrants and had to take bail. But, police harassment and flak from the forest officials is not new for this young Rabha leader ever since he decided to emerge himself in the struggle for the well-being of his community and the rights of forest villagers in Chilapata Buxa area. Sundar today faces 13 cases and currently, is the co-convenor of the North Bengal Forum of Forest People & Forest Workers, the organisation of the forest communities of the hills and plains of North Bengal and a member of the Central Coordination Committee of the All India Forum of Forest Movements (AIFFM).

In Khairbari forest village, the Gram Sabha opposed coupe felling without its consent and did not allow any felling till the DFO sought the permission of the Gram Sabha in writing and initiated a consultation with the villagers. The patrolling team of Kodalbasti and

Salkumar forest villages confronted the timber mafia, and stopped illegal timber transport, even when they were threatened and beaten up.

In January 2010, more than 500 forest villagers took control of a 2,985-hectare forest tract on the outskirts of Jaldapara Wildlife Sanctuary, falling under the Kodalbasti Gram Sabha, by putting up a notice board of the Gram Sabha declaring it as their own forest and announcing that' no one would be allowed to conduct any activity in the area without the permission of a Gram Sabha they had formed.' The Gram Sabhas then stopped the FD from felling trees and other regular forestry operation. The forest officials held meetings with the villagers to try to settle the issue but no solution was reached between them. As a reaction to the incident the local police, backed by the Forest Department, lodged false cases against the movement leaders.

While the TATR community of Gonds continue with their livelihood crisis and most of them work as wage labourers outside in the city apart from their rain-fed once a year agricultural activity, they still manage to hold on to their conservation ethos; they have never been accused of felling trees and in the last 10 years poaching activity in the Reserve has come down as they keep a close watch on outsiders and potential poachers. The women still worship their gods such as "Tarudeo" and "Baradeo" before going in to the forests. The sacred abode of Tarudeo, located deep in to the core zone is almost out of bounds for the Gond community here. But, still they manage to visit their sacred groves at least once a year during late January.

Box

Bhagwanpur is a new village of the relocated villagers from TATR. Being on the territorial forest of Tadoba Andhari, the nature of the land use has not changed and therefore, the villagers have not received either any tenurial rights or rights over the land and the surrounding resources. The agricultural land provided as part of the rehabilitation package has proved to be unproductive. The forest department roped in a pulp and paper making company, provided seeds of eucalyptus on loan with a buy back arrangement. But, this arrangement proved to be loss making for the villagers, other than depleting the water table. The villagers refused to pay back the loan and uprooted the eucalyptus plantations. "We have decided to reforest the area with our own native species and fruit bearing trees", said

Thekram, “but neither the forest department or any other government agency is willing to support us”.

The TATR communities are still struggling to initiate their own conservation practices, established their Gram Sabhas (village councils[ix]), and have claimed community rights over their forest resource following the enactment of FRA 2006 while rejecting forcible relocation without settling their rights and invoking FPIC. During the last 10 years, they have forced the forest department to restore their basic rights and amenities in providing water, school and child care facilities and electricity connection. But, they have to pay heavy price. Their protests were met with police suppression. Around 144 community members from Kolsa village were arrested and put in to jail. Their protests continued and the forest department and the local administration were forced to restore the basic amenities and the protesters were released after three days.

The Bara Deo festival in the outskirts of Doni village, is the biggest traditional festival of nature worship of the Gonds of the entire Gondwana region comprising areas of Maharashtra and Madhya Pradesh. The festival begins on the first full moon day of May each year where the deity of Bara Deo is worshipped on the Mahua tree. The festival also includes the worship of tiger, and other flora and fauna of the surrounding forests of TATR.

As Kantabai points out, that the TATR communities are in the process of revisiting and reviving their traditional conservation practices, where the “Energy of Creation”, a symbol depicting the unification of a male and female with their offspring, epitomises that process. This process will essentially try to bring together all communities residing in the core and buffer zone and those which have been relocated in to new areas. “The conservation movement will be stronger in the way”, says Kantabai.

Threats and problems faced

The communities are currently facing the threat from expansion of national parks and tiger reserves, forced relocation, felling of natural forests, monoculture plantations and loss of access to community forests.

Rain-fed one-time rice cultivation (with dangers of crop raiding by elephants and wild pig), loss of departmental works, decreasing NTFP and minor forest produce because of the presence of monoculture plantations, and/or no access to NTFP/minor forest produce have led to increasing livelihood crisis.

This situation is further exacerbated by the loss of grazing ground and lack of availability of natural fodder leading to 70 to 90 percent decrease in livestock and cattle.

Women who go in to the forest to collect fuel wood and fodder are facing harassment from both the forest guards and security forces.

The forest departments, while not recognising the FRA 2006, are channelling various government schemes, benefits and funds through the Panchayats and the Joint Forest Management Committees (JFMCs) and not Gram Sabhas, leading to nepotism and creation of wedge between and within the communities.

Complete lack of recognition of FRA 2006 and recording of community rights over forests is severely hampering the communities' own initiatives to manage and govern their forests and the autonomy to define their needs and way of life.

Communities' own initiatives to formulate their own rules and practices, patrolling of forests, stopping of the felling of natural forests and initiatives to restore their own forest lands are facing flak from the forest departments and government officials. The timber mafia is intimidating the communities and many community leaders and forest dwellers are slapped with multiple cases by the police.

Currently the communities' traditional relationship and cultural ties with the forests are at stake. The forests are no longer seen as a viable entity by the younger generation leading them to opt for other employment and livelihood options outside the realm of their traditional habitat, forests and territories. The very ethos of conservation is at stake.

The traditional role of women, even in case of the matrilineal Rabha community is changing. With the invasion of patriarchal values, the customs and traditional practices during festivals and in marriage are changing. With men increasingly taking decisions,

women are more and more sucked in to household responsibilities and child rearing. Though, the Rabha women are still involved in agricultural activities and fuelwood collection, it only increases their work load and hours of work.

While the political parties and leaders are doing the least in ameliorating the lives and conditions of the communities, their electoral practices, and seeing the communities merely as vote banks, is driving a wedge within the communities.

Recommendation from the assessment

The communities very strongly feel and are struggling for the immediate implementation of the FRA 2006 as passed by the Indian Parliament, in not only recognising their rights but recording them and upholding the role and power of the Gram Sabha.

While both in Chilapata-Buxa and Tadoba sites, the communities have already taken initiative to take control over their forests, formal recording of rights and allowing the Gram Sabha to function will have a multiplier effect on the community conservation initiatives and facilitate the process of community control over and decentralised, democratic governance of forests.

The rights of communities within the Tadoba-Andhari national park and tiger reserve should be immediately settled and following the provisions of the FRA 2006 their consent taken before any decision on relocation is taken and settlement plan is prepared.

The livelihood crisis that the communities are undergoing at present, could be addressed largely with the recording of their tenurial rights over land and community forest resources. The communities also feel that the governments should allow, support and facilitate restoration of their forests according to their traditional wisdom and knowledge, requirements of local needs benefitting both the communities and wild life leading to protection of both forests and biodiversity.

There is a very strong opposition that exists against plantations ruining their livelihood, health, ecology and economic value of the forests.

Government of India should recognise and respect the UNDRIP and in that spirit, implement the related provisions of the FRA 2006 and PESA (Panchayats Extension to Scheduled Areas Act, 1996) to recognise their autonomy and the power of the Gram Sabha.

Governments' and related agencies' support through funds and developmental schemes should be channelled through related and responsible committees formed under Gram Sabhas only.

Women from the communities strongly feel that their traditional rights and security should be ensured while accessing the forests to collect fuel wood, NTFP or minor forest produce.

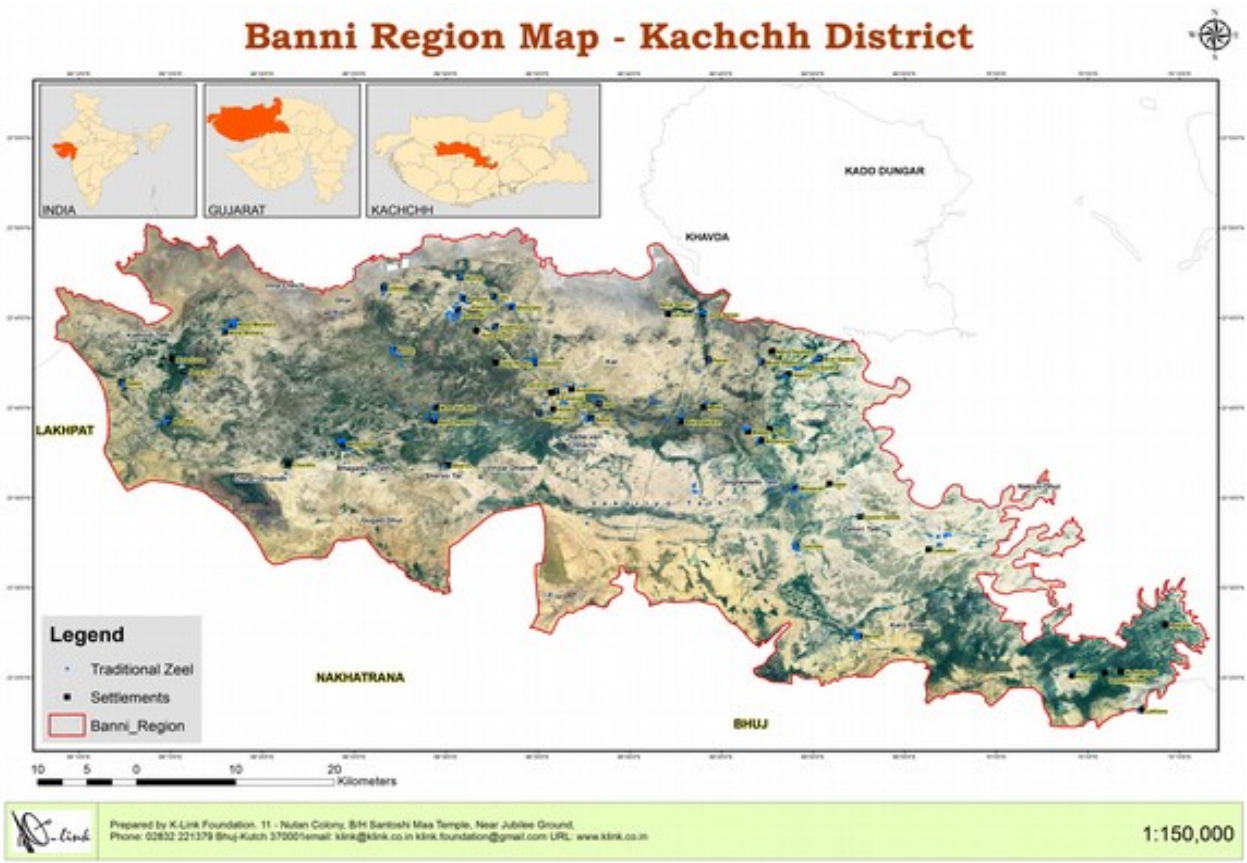
Women also felt that basic amenities and facilities leading to women and child care, education and drinking water need vast improvement and they should be part of the of the decision making process for such village level development plan for sustainable development of the forest communities.

Women have also voiced their opinion that the formation and strengthening of the Gram Sabhas will also strengthen their participation and role in decision making process regarding the well-being of the community and conservation initiatives.

Part 2: Community Conservation Resilience Initiative of Pastoral community of Banni grassland

Kachchh district, Gujarat, India

The Banni Grassland in the Kachchh (Kutch) District of Gujarat state in western India is the home of numerous plant and animal species including Banni buffalo. During princely rule, this grassland where allocated to pastoral communities to graze and breed their animals and in return they used to pay grazing tax to Kachchh rulers. More than 7000 families, 95 percent of them are Muslim pastoral communities and rest are Hindu Meghwal artisan communities lives in 48 villages covered in 19 Panchayats in Banni. Banni Grassland once considered as largest and finest tropical grassland in India was declared a protected forest in



1955, though control of land never been transferred to Forest Department from Revenue department as survey and settlement process was not carried out by concerned authority. Therefore, during princely rule, decision on utilization and management of Banni Grassland as commons were taken by traditional leaders of pastoral communities, however, after the

notification of 1955, governance of Banni grassland was taken away from pastoral communities though neither Revenue Department nor Forest Department has taken full ownership of Banni Grassland, rather dual ownership between Revenue Department and Forest Department created more confusion among pastoral people living in Banni.

Banni Grassland: A Unique Bio-cultural Landscape

Banni grassland, emerged from the sea as a result of tectonic activities, received soils from the rivers flown from Bhuj mainland and ends in Greater Rann of Kutch. Soils deposited by the rivers and the wind, made the land of Banni richer enough that is could generate diverse grass species, once reported up to 40 grass species, mostly palatable with saline grass species. This grassland attract around 240 migratory birds in the wetland of Banni known as *Chhari – Dhandh*, a sauces shaped wetland which is recently declared as Conservation Reserve by the state government. This grassland produces and supports Banni Buffalo, a unique species bred and conserved by the traditional knowledge held by the pastoralists of the grasslands.

The landscape of Banni however has been experiencing a multitude of changes. One of the most destructive has been in the introduction of the exotic and highly invasive *Prosopis Juliflora*, to prevent salinity ingress from the sea. *Prosopis Juliflora* has now spread to almost all parts of the grasslands at the cost of local and endemic vegetation. Along with the introduction of this invasive species, the state also constructed seven minor dams upstream of the Banni grasslands. This has changed the drainage of the area and prevents water flow through the grasslands and stops flushing out of surface salinity leading to increasing salinity in the area. These highly disruptive interventions in a unique but poorly understood ecosystem, has had a profound impact on the communities that inhabit this ecosystem. Their livestock no longer have the nutritious vegetation that have nourished them for centuries. In fact, cattle have perished when they have ingested the pods of *Prosopis* in periods of distress. The Maldharis have used their experience to shift to keeping buffaloes which are hardier, produce milk with higher fat content, and can survive the ingestion of Prosopis.

This shift is a testament to the capacity of pastoralists to adapt to different challenges, including changes to their ecosystem- even when these are human created.

Traditional knowledge and customary use

Pastoralist of the Banni have a rich traditional knowledge that ranges from ethnoveterinary practices, methods of water harvesting, conservation and sustainable use of the Banni grasslands. They also have tremendous knowledge of grassland ecosystem. They categorize grazing patches based on different criteria like soil type, distance of water bodies, periodicity and quality of drinking water for animals, grasses, shrubs, trees cover and diversity, topography of land and surface of movement, wind flow, size of grazing patch, and distance from villages.

Grazing has been managed using customary norms. While there is no official demarcation of village boundaries, pastoral communities have always agreed on traditional grazing boundaries of their villages. These boundaries are based on ecological decisions, like situation of grazing area, growth of grasses, availability of water to prevent overgrazing and allow grasses to attain maturity. Being situated in a semi-arid region with high variability of rainfall, pastoral communities collectively negotiate grazing rights and routes. According to their belief, the grasslands are a gift of nature and meant for animals. Indeed, the pastoralists of the Banni take immense pride in the fact that their cattle are free to roam and graze according to their will instead of being restricted to systems of stall-feeding.

In times where rainfall is deficient in some parts, livestock from those areas are given access to grazing territories with better rainfall. They maintain that in areas where rainfall is subject to a high degree of spatial variability, mobility is an ecological necessity. Mobile pastoralism provides a highly efficient way of managing the sparse vegetation and relatively low fertility of dryland soils. Pastoralists accept the variability of productive inputs (pasture and rainfall) and adapt their social and herding systems accordingly. The Maldharis claim that pastoral livelihoods provide the best utilization and conservation of commons. This runs contrary to mainstream notions of intensive production through infusion of large amount of capital and technology that never teaches sharing of resources, instead exploits resources for maximum profit till they are exhausted.

Community Conservation Initiative

During the animal fair in 2008, pastoralists of Banni articulated need of organizing themselves. In 2009, pastoralists of Banni came together to form Banni Pashu Uchhecrak Maldhari Sangathan (BPUMS) or Banni Breeders' Association. More than 1200 pastoralists from all 48 villages of 19 Panchayats of Banni are members of BPUMS. BPUMS aimed to revive pastoral livelihoods. They were instrumental in setting up of two cooperative Dairies in the region. Today, having more than 100000 animals, mostly Buffalo and Kankrej Cattle of Banni produce around 1 lakh liters of milk every day to both dairies and sell high quality animals to farmers in Gujarat and other states. They were also successful in getting the Banni buffalo registered as distinct breed of the country.

The BPUMS approached Sahjeevan to build an understanding on the Forest Rights Act and its implication for the Banni Grasslands. This was in response to the Forest Department staking its claim over the grasslands in 2009 when it announced a Working Plan to manage this Protected Area. This plan aims to restrict grazing, fragment and enclose the grasslands into working circles. According to the community, this working plan completely lacks an understanding of ground realities and the ecology of the grassland. BPUMS invited other civil society leader working on the FRA to build their knowledge on FRA and advocate for community rights.

The community is also keen to highlight the biodiversity of the grasslands to counter the mainstream notion that grasslands are wastelands, economically and ecologically. The BPUMS has also collaborated with research organizations to establish a research station in Banni to document and monitor biodiversity of the grasslands. The community aims to use this research in advocacy efforts in the future.

Along with Sahjeevan, they have also initiated a grassland regeneration and community management program to counter the threats posed by *Prosopis Juliflora*. The success of this initiative demonstrates the efficacy of grassland regeneration by the pastoral communities themselves. The communities are also preparing their own conservation and management plans for the villages in collaboration. Sahjeevan has played a facilitating role in organizing participatory mapping exercises that represented traditional grazing practices of pastoralists, bio-physical conditions, existing faunal and floral biodiversity. The first such conservation plan by the community was prepared by Dadhhar Panchayat. Similar exercises

are done for 13 villages. They have also initiated forming Forest Rights Committees, an essential component of the FRA to ensure they have the institutional mechanisms in place while they struggle to gain community forest rights. 47 such committees have already been formed.

CCRA in Banni

Methodology

The assessment in the Banni Grasslands was facilitated by Sahjeevan. Sahjeevan has partnered with multiple individuals and organizations to implement this project. The project design exercise started with the relevance for Sahjeevan to be involved as a facilitator to this assessment. There was collective recognition of the fact that despite its long presence in the region and working closely with the community, the organization had mostly interacted with elders. Banni is known for its patriarchal culture and this has meant that the dominant voice of the community has been that of the male elders. Women and youth have hardly had an opportunity to influence Sahjeevan's perspective or the FRA initiative. The CCRA provided an opportunity to the NGO to improve inclusiveness in their consultations with the community. The assessment methodology therefore involved many more women and increase discussions with women, youth, the marginal and non-pastoral groups.

The assessment involved three communities known as Sindhi Maldharis. Traditionally they have been livestock breeders and herders. These are:

a) Jat maldharis
b) Haleptora maldharis
c) Mutwa maldharis

The three communities represent different geographical areas of the Banni. They are mostly buffalo breeders and herders. The Jat Maldharis reside in the south west of Banni, while the Mutwas reside in the north-west and the Halepotras reside in the central region of Banni. The territories are not clearly earmarked and often people of one community can be found in villages/hamlets dominated numerically by another community.

The Jats live in low lying areas of Banni which get flooded in the monsoon season. During this period, they migrate to Halepotra and Mutwa territories. The livestock kept by these communities move across each other's territories freely and conflicts have hitherto been resolved using norms of customary governance.

None of these communities have any formal rights on the grasslands since all villages in Banni remain un-surveyed and they find themselves living on what is identified by the State as 'Protected Forest Land.' Historically, the Maldharis were given grazing rights by the princely ruler of Bhuj in lieu of taxes and claim they retain customary rights to these lands.

Assessment Process

The project was introduced to the BUMPS and the community during a series of meetings and their Free Prior Informed Consent was sought. Once this was granted, a planning workshops with other civil society organizations, researchers, government officials and the community were held in BMUPS offices. This was followed with a series of consultations with the community, including separate ones with women and youth. A few focus areas emerged from these discussion:

- History of the community and resource use,
- Natural resources, especially the wildlife, water bodies, and vegetation, that surround the villages and the villager's dependency on accessing these resources for a livelihood,
- Traditional governance system of common natural resources,
- The nature of income and livelihood generation activities.
- Developing indicators and criterion for the assessment.

One of the most interesting revelations during these consultations was the knowledge that women had on issues of pastoral care and nature of grasses available to their cattle. Given, they rarely venture out of their homes and villages, it is often assumed, including by village elders that do not have knowledge on grasses and pastures. However, the women revealed through their own informal networks and communication, they also have a deep knowledge of grazing territories and the health of pastures of their village. The youth also had its own views about their futures, the grasslands and they desire to be part of the mainstream without losing their sense of identity as pastoralists.

Internal threats and challenges

Pastoralism in Banni, as in regions across the country is in a state of flux. While livelihood opportunities have increased after establishment of dairies, there has also been an erosion of their traditional rights over their lands. The community identified several changes that might undermine their identities, livelihoods and self- sufficiency:

- The incentivization of milk with high fat content has had a perverse impact on pastoral culture and practices. Their primary identity as breeders of high quality livestock is changing as most communities have now becomes milk producers. Worryingly, the focus on milk production has led to a dilution of knowledge of breeds and breeding practices which selected species for highest adaptation capacity to extreme conditions.
- The incentive to produce more milk is introducing new practices including the purchase of fodder and water from external markets for their animals, especially in summer months. This is undermining the traditional self-sufficiency of the community and many villages are now completely dependent of piped water supplied by the state and private providers.
- Pastorals have also stopped migrating to other parts of the state in summers and this has slowly led to weakened relationships they used to have with farmers of Gujarat. Manuring by livestock was essential to the traditional farming practices of Gujarat.
  The increasing number of animals kept for milk production might cross the carrying capacity of the local vegetative resources. The community needs to discuss limits in herd size and the benefits of extensive pastoral systems over intensive livestock keeping systems.
- Traditionally the pastorals of Banni have kept a higher percentage of cows than buffalos. Given the retreat of grasses with the spread of Prosopis, high profits of buffalo milk and declining trade in bulls and bullocks, it is not tenable to keep cows anymore. The number of Banni buffaloes have increased significantly in recent years. This is a high-risk strategy compared to keeping two species of animals which protected pastoral livelihoods even if disease or adverse conditions impacted either of the two species.

- During the extensive consultations, it was clear that since the BBA is undisputedly the voice of the community, it needed to be more inclusive. It should represent economically less powerful as well as youth and other marginalized communities.

External Threats

There was unanimous consensus on the challenges identified by the community.

- One of the biggest problems facing the community is the ambiguity of tenure. Formally, the villages inside the grasslands remain un-surveyed villages and the community does not have any formal tenancy rights to their lands or resources.
- At the same time, customary rights not recognized by the State. Pastoralists have grazed their animals on Banni grasslands for generations and they have records of having paid a tax to erstwhile princely state. These customary rights, however, remain unrecognized by the present-day State.
- Invasion of *Prosopis Juliflora* is a serious threat to survival of the grasslands, biodiversity and communities that inhabit it. It has already displaced local vegetation over large swathes of land in Banni depriving both domestic and wild grazers of their food.
- The community also notes increasing salinity levels over the years. The erection of check dams in and around the Banni means that the seasonal rivulets which used to flush away salinity no longer flow. The build-up of salinity in soils has impacted growth of grasses and local flora.
- Increasing tourism and road infrastructure are also a threat to the grasslands. The white Rann of Kutch lies next to Banni and is a major tourist attraction. It draws large crowds that leave behind a lot of pollution in their wake. The roads to the Rann pass through Banni and there are considerable number of incidents of road kill of wild animals including the Indian fox, deer, reptiles and birds which play a vital role in maintaining ecological balance.
- The recent political changes in India have also caused distress to the pastoral communities. It is become increasing hard to pastorals to move with their animals, since they are harassed by cow vigilantes who accuse them of carry animals to the

slaughter houses. This has impacted bullock trade, seasonal migration as well as welfare of animals.

Recommendations

The community had several recommendations that arose during consultations of the Assessment.

- ***Recognition of Community rights on forest lands.***
  Pastoral communities have been keepers and conservers of Banni grasslands for long. Their traditional ecological knowledge and community norms have played a vital role in conserving the natural resources. Policies that restrict their access to these lands will be harmful to the community as well as to the ecological resources.

- ***Reinvigoration of traditional common land management norms***
  The community should revive the traditional norms of use and conservation of the grasslands. Given the changing circumstances, it is also necessary to frame new norms where necessary.

- ***Re-establish the weakened traditional trade and non-trade relationships between farmers and pastoralists.***
  With restrictions on the movement of pastoralists with their animals, the male offspring of livestock have been left with little economic value. This has affected the pastoral livelihoods and accelerated the dependence on the milk economy. It is essential to advocate for policies that help re-establish the economic value of male animals and their importance in traditional agricultural practices.

- ***Input from ecologists to determine ecological***
  The banni is a unique eco-system. Conservation practices of the past have viewed it as a wasteland that must be made more productive or made ‘greener’. The community wants the researchers it has invited to communicate the importance of grasslands and of grazing to the health of grassland ecosystem.

- ***Development of livelihood opportunities around pastoralism***
  Given the increasing demand for dairy products, establish centers which can help with value addition activities such as making cheese and delivery of milk to urban centers around Banni.

- ***Help BBA form an ecological wing***

Following the ecological research being undertaken recently by ecologists, it is recommended that the BBA form an ecolofical wing. Young Maldharis be recruited to into an ecological wing to carry on essential monitoring and documentation on ecological changes. This can be done involving youth that are already active with the research being carried out.

Table 1. Community Determined Indicators and Recommendations of Maldharis of Banni Grassland

Components of the ICCA	Factor evaluated by the community	Community-determined indicator	Past and current status	Community Recommendations
Identity of the community				
Who comprises the community	Different Communities collectively known as Maldhari	Living or being born in Banni Grassland which comprise in 19 village panchyats and 48 villages	Pastoralists have lived on this grassland for 500 years. It is the second largest tropical grassland in Asia. Grassland ecosystem has been changing drastically. The villages remain un-surveyed.	The villages should be surveyed to demarcate boundaries. At the same time community should have community forest rights according to the FRA.
Natural Foundations of the community				
Pasture	The health and well-being of communities and their livestock depend on the health of the pastures and palatable grasses.	Regeneration of indigenous grass species such as Jinjvo, Mandhanu and Dhaman.	There was 40 different types of grasses were noted in past, however many important palatable grasses declined.	Removal of *Prosopis Juliflora* is necessary to allow natural grasses to grow
Forest	Banni is the tropical natural grass land, it is not forest	Presence of indigenous trees (accesia nilotica, salvadora percika) Community still able	Only few indigenous species exist, have been replaced by Prosopis as most dominant species	Removal of Proposis Juliflora is necessary for other vegetation to grow.

Components of the ICCA	Factor evaluated by the community	Community-determined indicator	Past and current status	Community Recommendations
	technically but traditionally had wooded areas between grass lands	to collect non-timber forest products		
Wildlife	Presence of wild animals can be confirmed by tracks, scat, marking and sightings.	Presence of birds, desert fox, wolf Nilgai, wold boar and chinkara deer in wilderness areas with good grasses for herbivores	Many important wildlife species like Wolf, Chinkara are decreasing from Banni, and available only few individual. Grassland is also deteriorated due to invasion of *Prosopis Juliflora*.	Need to be control on illegal hunting and cutting of native trees and shrubs to maintain wildlife population in Banni.
Temporal and spatial cycles	Seasonal internal migration by Jat Pastoral group; and outside migration in drought by most of the pastoral communities of Banni	Seasonal traditional grazing practices are maintained by each Panchayat/village and respective communities in Banni. In addition, communal management system is also maintained during varied rainfall in Banni.	Earlier during lean period, most of the pastoral communities used to migrate with their animals for 4-5 months and comeback after rainfall to Banni; But, since after secure market of milk and regular availability of fodder through purchasing, conflicts over resources has resulted in migration getting limited. There's also illegal encroachment from outsiders.	Settle conflict over resources sharing customary norms, shared to manage their grassland with traditional practices. Illegal encroachment in Grassland and pressure from livestock outside the Banni also create problems.
Traditional resource	Availability of fodder	Availability of water in	All villages used and maintain their	Some of villages still willing to

Components of the ICCA	Factor evaluated by the community	Community-determined indicator	Past and current status	Community Recommendations
use	and water in various seasons.	traditional harvesting system and regularity in water supply by government.	traditional water harvesting system (*virda and zeel*) however only 100 *zeel* are still in use out of 254, rest are completely shifted in government water supply	use traditional systems and these should be strengthened. Government should government supply systems as a lot of people prefer that.
Ecosystem resilience	Ecosystem should recover from droughts and floods, as well as seasonal fluctuations. Presence of wildlife.	Regeneration of different types of grasses in low, medium and high rainfall situation. Presence of wildlife.	Wildlife populations have declined, due to Prosopis invasion, local vegetation has suffered.	Community to understand climate change, removal of Prosopis so that there is enough fodder for livestock and other animals.
Socio-cultural foundations of the community				
Indigenous knowledge and management system	Indigenous traditional knowledge on breeding, livestock to address needs to livestock. Maintaining health of grasslands.	Breeding practices, high quality livestock, ethno-veterinary practices, be able to determine health of ecosystem.	In past part, breeding and medical care are still followed. After the setting up of dairies, modern methods are also being used. traditional practices for health care,	The community wants access to modern breeding and dairying practices. However, they also want support for traditional methods.

Components of the ICCA	Factor evaluated by the community	Community-determined indicator	Past and current status	Community Recommendations
	BBA provides leadership to community to develop their management and governance plan	Village/Gramsabha level management systems and common management systems are working.	Community trying to continue their traditional management systems through existing law and act.	Approval of CFR claims will strengthen communal rights. Traditional institutions can co-exist with new institutions required by FRA.
	Transfer of indigenous knowledge to future generations	Enthusiasm of new generation to learn traditional knowledge	In comparison with the past, youth are less interested in learning indigenous skills and knowledge	Proper documentation of indigenous knowledge.
Social justice and conflict resolution	Dominant groups should work with marginal groups.	All communities having equal access to natural resources.	Equal rights to access to and use of pastures and water exist among communities and their customary lands	Panchayats/gramsabhas need to empower through community management rights
	Control over the common land and internal conflict resolution	Conflicts were resolved internally.	There was strong internal conflict resolution systems, but this grip on this system loosened. Dominant groups are establishing enclosures.	Panchayats/gramsabhas need to empower through community management rights. Remove all private enclosures.
Institutional assets	Presence of a strong body to advocate for community's welfare.	Reach of association, strength and liaising power with government	Strong institution of Banni Breeder's Association has enabled collective voice and institution has build strong relation	It should come more effective, and inclusive.

Components of the ICCA	Factor evaluated by the community	Community-determined indicator	Past and current status	Community Recommendations
			with state and other agencies.	
Diversity of local food system	Availability and quality of local food products	No scarcity of food for any community or group	Banni is the common grassland, so there is no private agricultural land for agricultural. Milk and its produces are the only food sources. These are also primary trading and livelihood sources of grains and vegetables from the neighbouring agricultural areas. However, recently some of people are doing illegal (private) agricultural with cash crop and fodder.	Continue to strengthen the dairy system. Revive old relations with farmers and system of barter and exchange.
Economic foundations of the community				
Livelihoods	Livestock rearing is main source while, charcoal making, tourism and handicrafts provide supplementary source	Communities should be able to earn enough through specific activity or mix of the existing opportunities.	After registration of Banni buffalo breed selling price get high, price of milk also get doubled due to dairies, now there is regular and ensured milk market. There is also good network to sell famous handicrafts of the area	Banni Breeders association can help for livestock marketing, as well Banni milk can develop as Organic milk.
Access to resources	Land ownership and community	Villages should have access to grazing and water sources	Whole Banni 2500 Sq.km is the common, but recently some area came	Common ownership within 19 Panchyats and 48 villages under

Components of the ICCA	Factor evaluated by the community	Community-determined indicator	Past and current status	Community Recommendations
	management control over Banni		under private enclosures by local people. Traditional water harvesting system is no longer adequate for increasing number of cattle.	the FRA, Removal of private enclosures, reviving traditional water harvesting systems, improving piped water supply.
	Revenue status of villages	Benefits of government schemes and facilities.	People are not eligible to access/get benefits of government schemes	Government should survey the area and recognise villages.
Political and institutional foundations of the community				
Decision making bodies and processes	Effectiveness of the traditional decision making systems	Efficiency on conflict resolution process at village and cluster level, while negotiation strategy and power of association	Village panchyats are the immediate decision making body at village level while Breeders Association is the empowered body by Panchayat and community to dialogue with state over legal issues.	Village Panchayats, BBA and the FRCs should be made more inclusive. There can be separate bodies of women who can also provide inputs towards important decisions.
Relationship with external institutions and actors	Relation with Government and government institutions, NGOs etc	Support from government for strengthening institutions, livelihood services, conservation activities	There is ongoing struggle and negotiation with various agencies of the State for CFRs under the FRA.	BBA should continue their negotiation with the government to gain rights for the community.
Customary means of dispute resolution	Effectiveness of Panchayat level	Most of legal disputes are resolved at community level,	Despite the official judicial system, the community still prefer to solve their	Need to empower traditional systems within existing legal

Components of the ICCA	Factor evaluated by the community	Community-determined indicator	Past and current status	Community Recommendations
	conflict resolutions as well performance of leaders	with active involvement of community leaders	problems through the community Panchayat system	rights.
Legal foundations of the community				
Customary norms of behaviour and resource use	Norms and principles between same community and different community	No conflict within communities over grazing or access to resources.	Conflicts over resources are usually solved at the community level.	It is necessary to sustain this norm.
Relevant local, national and international laws and policies	Effective implementation of FRA, Biodiversity Act.	Awaiting to issuing CFR titles by local authority under FRA, 2006	The community claims that CFR rights must recognize with access, utilisation, management and governance.	Gramsabha/Village level FRCs need to be empower.
Overlaps, gaps or conflicts between legal systems	Conflict between Forest management lows and customary laws	Dispute on implementation of Banni working plan by forest department and violation of rights under FRA by implementation of Banni WP	Conflict with forest department on implementation of working plan and violation of community rights.	Instead of working plan community will develop their own governance and management plan.
Community-defined terms and conditions for engagement of	Implementation of Development projects through	Fodder supply in scare city time, water supply and other village development scheme	Community decided which kind of projects community likes to implement, they would like to ensure participatory	Any development plan need to ensure community participation as well ecological and landscape

Components of the ICCA	Factor evaluated by the community	Community-determined indicator	Past and current status	Community Recommendations
external actors	various government agencies and other institutions	through village panchyat and through other resources.	implementation and they want their control over implementation and management.	situation.

Conclusions

Recognition of community rights on forest lands is essential to the survival of the communities and their environments. These communities have traditionally been custodians of their landscapes and their ecological knowledge and cultural norms have played a significant role in conserving the natural resources. Policies that restrict their access to these lands will be harmful to both the community and the ecological resources.

The livelihood crisis that the communities are undergoing at present could to a large extent be addressed by the recording of their tenurial rights over land and community forest resources. While all three communities have already taken the initiative to take control of their forests, formal recording of rights and allowing the Gram Sabhas to function will have a multiplier effect on the community conservation initiatives and facilitate the process of community control over and governance of forests.

The communities, in collaboration with local NGOs, also assert that the Government of India should recognise the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and in that spirit, implement the related provisions of the FRA 2006 and PESA (Panchayats Extension to Scheduled Areas Act, 1996) to recognise their autonomy and the power of the Gram Sabha. Governments' and related agencies' support through funds and development schemes should be channeled through related and responsible committees formed under Gram Sabhas only.

There is a need to reinvigorate traditional common land management norms, and support the formation of new norms and their institutionalisation wherever necessary. The Indian State should facilitate the restoration of landscapes according to communities' traditional wisdom and knowledge, requirements and local needs, benefitting both the communities and wildlife

and protecting forests and biodiversity. In the pastoral areas, it is critical to re-establish traditional trade and non-trade relationships between farmers and pastoralists.

Women from the communities strongly feel that their traditional rights and security should be ensured while accessing the forests to collect fuel wood, NTFPs or minor forest produce.

Women have also voiced their opinion that the formation and strengthening of the Gram Sabhas will help to strengthen their participation and role in decision-making processes regarding the well-being of the community and conservation initiatives.

Finally, the communities would benefit from assistance accessing their rights with respect to forests, instituting norms, and education about related issues. For example, in the Banni grasslands, the community has asked a group of ecologists and social scientists (RAMBLE-Research and Monitoring in the Banni Landscape) to study how the pastoralists have changed in response to changes in their immediate political, social, economic spheres.

Women at a participatory mapping exercise during CCRA consultation.

Readying the traditional water harvesting Veerda for the rains. Traditionally, Veerdas supply the grasslands and livestock with water

A prize willing Banni buffalo bull.

i TPCG and Kalpavriksh,2005. *Securing India's Future: Final Technical Report of the National Biodiversity Strategy and Action Plan*. Prepared by the NBSAP Technical and Policy Core Group, Kalpavriksh, Delhi/Pune.

ii Singh, K.S. 1992. *People of India: An Introduction.* Anthropological Survey of India, and Laurens and Co.,Calcutta.

iii Anon. 1998. Adivasi/ Indigenous Peoples in India – A Brief Situationer. South Asia Regions, New Delhi.

iv Jha, L.K. (1994). *India's Forest Policies*, Ashish Publishing House, New Delhi, p. 15, 17

v Arnab Kumar Hazra, *History of Conflicts over Forests in India: A Market based Resolution*, Liberty Institute, New Delhi, 2002

vi Panchayats are the lowest tier of elected local bodies

vii Govinda Choudhury, Land Tenure and Forest Conservation in the Dooars of Eastern Himlayas, *Review of Agrarian Studies* vol. 5, no. 1, January–June, 2015

viii Ibid pg 67

ix A representative body of all adults of a village or hamlet