

India's Pastoralists demand their Forest Rights !

**Under the Scheduled Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act 2006**

For their livelihoods, for biodiversity and for food!



LIFE Network

India is home to a large number of pastoralist communities that include the Bakkarwal of Kashmir, the Van Gujjar of Uttarkhand, the Gaddi of Himachal Pradesh, the Raika, Gujjar, Sindhi Muslims and Rajputs in Rajasthan, the Maldhari of Gujarat, the Gowlis and Dhangars of Maharashtra and Karnataka, the Toda, Konars and Bargur Lingayat in Tamil Nadu, Attapatty goat keepers in Kerala and many many more.

The Forest Rights Act

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, popularly known as the Forests Rights Act (FRA), was enacted in 2007 through the Ministry of Tribal Affairs to correct the 'historic injustice done to forest-dwelling communities'. Its purpose is to provide tenurial security to traditional forest dwellers and it provides individual forest-dwellers with forest rights to live in and cultivate forest land that was occupied before 13 Dec 2005 and grants community forest rights to manage, protect, regenerate the forest under section 3(1)(i) and to own and dispose minor forest products from forests where they had traditional access. Under the Act, pastoralist communities can also claim rights as traditional forest dwellers under Sections 4 (1), 3 (1)(d)). However, up to date, no pastoralist group has successfully obtained community rights to their customary grazing areas under this Act.

This is a documentation of the various hurdles that prevent the implementation and which need to be overcome for the sake of the livelihoods of pastoralists, for the sake of sustainable food production, for the conservation of India's native animal breeds, and for the maintenance of eco-systems and wild biodiversity.



1. Denial of existence of Act and lack of awareness, capacity-building and interest of forest officials

While the Ministry of Tribal Affairs is the nodal agency, it does not have the machinery to push through the implementation. The Forest Department generally does not support implementation of the Act and some of its higher officials of Forests even deny its existence. The lower level staff does not cooperate without having the endorsement and orders of the higher level officials. Furthermore, there are confused messages whether FRA is applicable to sanctuaries and national parks, and whether seasonal users such as pastoralists are eligible for FRA.



2. Absence of awareness among pastoralist communities

The overwhelming majority of pastoralists are not aware of their rights under the Act. In the few cases where they have applied for their rights, this has been due to the support and involvement of NGOs.

3. Procedural difficulties.

Claiming rights is a demanding, time consuming and intensive process that can take several months. It is beyond the scope of pastoralists to engage in this effort. Apart from that, much of the documentary evidence that is required is simply not available, such as proof of having used or grazed in the forest for three generations. This evidence is virtually impossible to provide, except in exceptional cases.

4. Requirements of mobile livestock keepers not taken into consideration

Pastoralist communities usually depend upon several forest locations in more than one village panchayat; therefore there is a need for recognizing their multi-locational grazing rights cutting across panchayats, districts / states under the Forest Rights Act.



5. Writ Petition against the implementation of FRA

In some states, such as Tamil Nadu a writ petition has been filed against the implementation of the FRA. This situation is causing hardships to 'Malaimadu' cattle herders in Srivilliputhur squirrel sanctuary where they have to pay heavy fines whenever sanctuary authorities notice them grazing inside forests.

Related problems of pastoralists

1. Withdrawal of penning permits.

Some pastoralist communities pen their livestock in the forest during the night. Traditionally they have had penning permits that provide them official permission by the Forest department to do so. But these have been withdrawn in the case of the Bargur Hill cattle breeders in the Bargur region (Erode District) of Tamil Nadu, as well as the Malaimadu cattle keepers in Cumbam region of Tamil Nadu. This development is leading to disruption of livelihoods and massive sale of livestock.

2. Joint Forest Management Plans interfere with customary use

Under Joint Forest Management (JFM) programmes, the Forest departments draw up management plans without involvement or consultation of local people and ban grazing, for instance in the *Banni* grazing lands in Gujarat and some locations in Tamil Nadu.

3. Taking over Revenue Forests and excluding pastoralists :

There are also cases of revenue forests being taken over by the forest department and subsequent exclusion of pastoralists from grazing as practiced over many generations. The *Banni* grasslands in the Kutch region of Gujarat are a case in point.

4. Extraction of penalties and bribes

In the absence of the FRA being implemented, the Forest Department officials continue to extract fines from pastoralists for grazing in the forest. These fines are decided arbitrarily. There are many cases where pastoralists are taken into custody and forced to sign blank papers to be later blamed to have been hunting, cutting timber or setting the forest on fire.

5. Proliferation of invasive species

Many poisonous and invasive species have proliferated in forests, including *Prosopis juliflora* in *Banni* grazing lands in Kutch (Gujarat) and in Rajasthan as well as *Lantana camara* in Bargur forests of Tamil Nadu. In the Nilgiris, Eucalyptus plantations have been planted in former grasslands which interfere with grazing. The Forest Department should make an effort to eradicate these invasive species and conserve the original grassland ecosystem.

1. Relocation to inadequate situations

In cases where pastoralists have been evicted and relocated, this has been into settings that are not favourable for them. The Van Gujjars from Rajaji National Park are a case in point. Another example is provided by the Gujjar pastoralists from the Sariska Tiger Reserve near Alwar in Rajasthan who were relocated into villages in the plains without forest or common grazing grounds. This means total loss of livelihoods and of a valuable food production system.

As signatory of the United Nations Convention on Biological Diversity (CBD), and host of its 11th Conference of Parties (COP 11), the Indian government is obliged to implement Article 8j of the CBD which obliges signatory countries to “**subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices.**”

Our demand:

Pastoralists have received global recognition by another UN agency, the Food and Agricultural Organization (FAO) as “guardians of biological diversity” (FAO, 2009). We therefore strongly request that the Government of India's Ministry of Forest and Environment address the above mentioned issues in order to comply with Article 8j of the Convention on Biological Diversity and to enable livestock keepers to claim their grazing rights so that they can continue contributing to food security and biodiversity conservation.

¹ FAO. 2009. *Livestock keepers guardians of biodiversity*. Animal Production and Health Paper. No. 167. Rome <http://www.fao.org/docrep/012/i1034e/i1034e00.htm>

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