

AIFFRS Perspective on Pastoralism

Case study of Himalayan Region

Background:

The Himalayas – from the highest to the foothills – (the Terai), have been the traditional terrains that the pastoralist communities have been traversing and inhabiting over centuries. The special lifestyle – social, economic, cultural – of the pastoral communities engaging with local communities has helped define the ecological outcomes of hostile landscapes in particular and a somewhat sustainable anthropogenic footprint in the natural, forested landscapes which they traverse.

Because of their mobile lives there has been little by way of public investments for health, basic income and other forms of social security. More often than not approaches are applied that aim to sedentise the community creating other type of issues within the community itself. These pastoralist communities have contributed significantly to the social, economic and cultural lives of the mainland, mainstream communities –and have made significant contributions to the milk, meat, wool, leather, dung and NTFP economies that they have participated in. However policies that ignore this contribution push them to the margins. The community, because of its very way of life and living, has a different type of requirement from society at large and thus their issues are distinct in discourses on justice, rights – social, cultural, livelihood – and policies keeping their wellbeing in focus have to be addressed very differently from those related to sedentary communities.

Over the last couple of decades these nomadic / pastoralist communities are faced with the following obstacles/ challenges:

1. There are growing restrictions on traditional grazing areas;
2. Their habitation within traditionally grazed areas is being removed;
3. They are being relocated to areas without consultations with the community;
4. Atrocities by Forest dept and police filling innumerable false cases resulting in forceful eviction.

The above challenges are destroying their life fabric and pushing them towards uncertain lives and thus, in effect, also negatively impacting ecological balance.

The Forest Rights Act 2006 was the first Act in India which puts their rights into a more comprehensive perspective which would allow them to live with dignity. However, even after 12 years of this Act having been passed by the Parliament of the country, successive governments have not taken concrete steps to put in place the appropriate mechanism to ensure that these rights are established and recorded; on the contrary most claims submitted by pastoralists and other forest dwellers have not been accepted or have been summarily rejected.

Relevance of Pastoralism and CFR in Himachal and Uttarakhand

The States of Himachal Pradesh and Uttarakhand are situated in the catchment of major rivers. The forests as renewable natural resource play an important role in the silt detention, lowering the intensity of rain water and also provide quality water for drinking and agriculture purposes.

The society in general and local people in particular, is greatly benefited to a large extent by the tangible and intangible gains from this renewable natural resource. However it is important to know the exact nature of this forest resource. In Himachal, out of a total geographical area of 55,673 sq Kms, Land with the Forest department account for 37,033 sq Kms or 67% of the land mass. However out of this 16,376 sq Kms or 44% of the forest land and 29% of the total land mass is either alpine pastures or permanently covered with snow as this land is beyond what is called as the 'tree line'. Himachal Pradesh has more than 1.5 lakhs pastoral families of Gaddis and Gujjars. In Uttarakhand forest area accounts for 71 per cent of the land. Of this according to recent estimates, there are 6,069 Van Panchayats managing 405,426 hectares of forests (13.63% of total forest area) in Uttarakhand. Most of these have been carved out of civil (protected) forests under the jurisdiction of the Revenue Department. The area under each Van Panchayat ranges from a fraction of a hectare up to over 2,000 hectares. The state is home to five tribes, namely, Jaunsari, Tharu, Raji, Buksa and Bhotiyas. In terms of population Jaunsari tribe is the largest tribal group in the state. Among these tribes, some of them reside in remote hilly tracts across the state. They form three per cent of the whole population. Apart from Scheduled Tribes, other forest dwellers just like the Van Gujjars, whose rights are well within the purview of the FRA, also reside on the brink of several protected forest areas of the state, with many members of the community facing eviction by the forest authorities.

Customary grazing patterns of both herders and cultivators reflected both horizontal and vertical access to pastoral resources in the mountain commons. Such institutions of usage were designed over the years by constant and mutual adjustment during different seasons in the year and in pastures spread over varied elevations. Consequently the institutions of transhumance provided insurance against specific risks and preparation against general uncertainty prevailing in the Himalayas. The gains from such practices were shared by the commoners, both cultivators and herders. These usages were relatively untouched by outside influences till the nineteenth century. External factors began to exert pressure when change in the political economy in the northern plains affected the character of risk and changed the nature of uncertainty. Further, growth in numbers of both humans and animals in the herd altered the ecological balance on the commons. Thus began the erosion of customary institutions which regulated herding and agricultural practices in the mountains.

The system of pasturing in the Himalayan Alps - the *Dhar in Himachal and Bhugiyal in Uttarakhand* - is a complex phenomenon and cannot be discussed in a truncated manner. Each *Dhar, Bhugiyal* has its local name and more or less a recognised boundary. They can also be classified as summer, autumn and spring pastures. Each one is in some way complementary to other pastures within a mountain range and these collectively complement pastures in another location higher or lower. There is then a sequence according to the season in which it is used. Through this complexity there is one commonality - the grazing - which draws them in together into a system of grazing where all segments are inter-related in a complicated time and spatial pattern. This is what pastoralists do when they connect the pastures laterally across a mountain range with others in the range and vertically down a river system, through transhumancing. In the process the shepherds link the pastures to two ecological patterns - the Natural and the Anthropological. Transhumancing is thus the interface between nature and human use. Hence anything that de-stabilises the institutions of transhumance affects the pastoralist's relation to the Himalayan eco-system negatively.

The Forest rights Act 2006 provides potential for the pastoralists to develop a rights based access framework that can protect their customary rights to forests and related pastures.

Actions proposed

- a. Claim filing process to be initiated in the official place of residence of the pastoralist. This can be ascertained from Adhar card, Voter id or other proof of residence available with the pastoralist. If even this is not available then the process of establishing place of residence can be ascertained from Gazetteers and other documentary proof of the community. Given the nature of practice of rights of the community, the community can decide whether to file CFR claim in name of the community or in the name of the individual pastoralist. The reason for this being the presence of absentee 'pastoralists' who have a pastoral permit but sell the permit to others who practice pastoralism as they themselves have given up their traditional practice. While filing the claim: care has to be taken to record not just the flock of the residential community but also those who come there for a part of the year (specifying the time when they come).
- b. Route mapping – the community outlines the route they travel on, the points where they remain stationary and the number of days spent at each location. The claim filing process needs to record the number of flocks at each location. The route will have two basic points. It will begin from the point of residence to the point of return (back to residence). The two locations are those where the pastoralist spends the maximum time (winter, summer).
- c. Management plans – At each location, the specific benefits enjoyed by the pastoralists need to be noted down. This will be part of the management rights enjoyed by the pastoralists and hence any decision taken in these locations that affect these rights will entail that the pastoralists are consulted before such decisions can be taken (if at all). Eg. of this include watering holes, fodder availability etc.

Only one claim needs to be filed, responsibility is with the DLC in the home location to do the following.

- a. Intimate all other relevant districts along the pastoral route about claims emanating from his district.
- b. Find out from other districts about claims of pastoralist within the CFR title region from where the pastoral is filing his claim.
- c. Need for inter State coordination to settle claims of pastoralists in other States of the country, concerned SLC's to coordinate.

From the above two principals were made clear

- a. The initiation of claim filing process is with the gram sabha
- b. The DLC is the recognition authority to ensure that all provisions of the Act are complied with.

The above of course implies that the essence of the act is adhered to, namely recognition of historical injustice done to forest dwellers and forest dependent communities.

A training and capacity building team needs to be set up comprising of members active in the FRA process in the States of Himachal, Uttrakhand and Saharanpur.