

The Swallows India Bangladesh Working Papers 1

In the Jungle of Forest Rights

109 days with Van Gujjars, Himalayan activists, and the Forest Rights Act

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Svalorna 
Indien Bangladesh

Wildlife competes with some of our poorest and most exploited people
for pretty much the same thing—
a hope of survival.

M. D. Madhusudan, biologist

The animal [in the forest] is seen through the eyes
of the lover.
He understands that its life
and my life is the same.
He sees this from afar
and tells the hunter: Don't kill!
Don't kill!

Noor Ahmood, Van Gujjar singer

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Introducing the report

This report is the outcome of a four month internship in and about the forest and the intense politics that take place among trees. In a time when climate change affects the lives of most—and most callously the lives of the people who least contribute to it—the forest is described as a redemptive carbon sink that can trap the carbon dioxide we emit. On the contrary, in India as well as in Sweden, the wealth of the forest is projected as a profitable vault of uncut timber by strong commercial interests. A plantation, still, is a poor habitat for wildlife, and for the sake of Nature environmentalists go to the barricades under the banner of conservation. Wilderness must be protected, it is argued, as fences are raised around national parks and wildlife sanctuaries to save biodiversity. For the Van Gujjars, who live in the forests of the Central Himalayas with their herds of buffaloes, the wealth of the forest is the wealth of a home: a place of life and death, love and suffering, memories and meaning. The forest is also an indispensable source of building materials, fuel, fodder, and medicine for people living settled village lives as small farmers on the hillsides of the Himalayas. For me, the forest is something I always carry with me like so many other Swedes. Consciously or not the forest—in my case the leaf of the Cedar tree—makes my surname and is hard to escape as an identity marker.

From September through December 2012 I have been stationed in Dehradun in Uttarakhand, India, where I have worked together with the Society for the Promotion of Himalayan Indigenous Activities (SOPHIA). For two weeks I worked in the Uttarakhand hills with the Uttaranchal Youth and Rural Development Centre (UYRDC). These are both organisations that work with people whose lives are most strongly linked to the forest and whose lives therefore are most strongly affected by the politics that surround it. At the core of SOPHIA's and UYRDC's work is the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act*, a 2006 Indian legislation commonly referred to as the Forest Rights Act. The Act decentralises power over the forest to people who live there, people from whom power historically was taken by colonial and post-colonial might.

This report serves the threefold purpose to, first, document the work of SOPHIA and UYRDC (with an admittedly greater focus on SOPHIA as this is the organisation I have worked closest with). Second, to connect the work of SOPHIA and UYRDC with the vast academic debate on forests and forestry in India. NGO work and research often live in parallel universes and my wish is to bring the two together for a more comprehensive understanding of the problems that Van Gujjars and Uttarakhand hill villagers stand before. And, third, to more concretely look into the predicaments that surround the Forest Rights Act and its halting implementation. Before doing so, however, I will in broad strokes paint the socio-ecological landscape that Van Gujjars and hill villagers—and SOPHIA and UYRDC—live as part of, work in, and daily shape.

A view from the Himalayas

The people, politics, and problems that fill up the pages of this report are situated in a dramatic landscape. Part is made up of the Indo-Gangetic Plain; a huge but flat land area of fertile soils that stretches from Pakistan in the east to Bangladesh in the west and that has long been the epicentre of kingdoms, empires, and as of late a republic. The Indo-Gangetic Plain is fertilised by the Indus and the Ganges (from which it derives its name) and other mighty rivers such as the Yamuna that run from glaciers high up in the Himalayas. The Himalayas cut off the plain to the north before independent India reaches the boarder to China.

The majestic peaks of the Himalayas rise into the sky by the force of tectonic plates that form the Earth's crust. At one point in time, 54 million years ago or so, the Indian sub-continent crushed into Eurasia. This forced the two landmasses together and upwards with magma rising up from inside the planet to produce the world's largest mountain chain. In Hindu mythology the Himalayas are the abode of Shiva and the source of life in the plains. Gangotri and Yamunotri, the glacial sources of the holy rivers that fertilise the plains, are among the most sacred places for Hindus. Two of the holiest Hindu shrines, Badrinath and Kedarnath, are also located in the Uttarakhand Himalayas.

The Himalayas are reached from the south by crossing the Shivalik foothills that stretch beneath as a comb. In between the Shivaliks and the Himalayas rests the Doon Valley where Dehradun is located. Since 2000, when Dehradun became the capital of Uttarakhand, the town has expanded rapidly, but still it remains a wealthy city of the elite. During the British Raj, Dehradun and Mussoorie—a hill station approximately 30 kilometres north of Dehradun, overlooking the Doon Valley to the south and underlooking the 6,000 metre-high Bandarpoonch range to the north—were frequented by British officers wanting to escape the summer heat of the plains.

In Dehradun, India's most renowned public school, the Doon School, is located where former prime minister Rajiv Gandhi, among others, was educated. Many graduates of the Doon School continue to the I.A.S. Academy on the outskirts of Mussoorie to be trained to a place in the top-most layer of India's civil service. Others instead go on to the Forest Research Institute in Dehradun; a colossal imperial institute from 1906 where all forest officials in India's powerful Forest Department are trained. The monumental building literally impresses the might of the Forest Department on its visitors. Next to the F.R.I. is the I.M.A., the Indian Military Academy, that trains army cadets from across the country for service at the Indo-Tibetan Border.

Although undoubtedly a town of the elite, the class divide in Dehradun cannot be mistaken as the town also harbours the maids, cooks, and servants of the rich. Adding to this is a lively Tibetan exile community that followed the Dalai Lama to India in 1959 during the Tibetan Rebellion. Before settling in Dharamsala in Himachal Pradesh, His Holiness first established himself in Mussoorie.

Moving up and into the Himalayas the situation rapidly changes. As will become clear, life in the hills is difficult and the people living there struggle to survive through small farming. One of the most important sources for life in the hills is the forests that cover the Shivaliks and Himalayas. These forests and different people's relation to it is the focus of this report; and, more precisely, how the forest as a place has different meaning to different people. At the core of this text is the notion that the 'forest' as a space is contested. People with conflicting interests and with diverse purposes continuously give meaning to the 'forest' and try to make it a place that better coincides with their view of it.

The Agency & Forest Rights Programme

The report is written as part of the *Agency & Forest Rights Programme*. This programme is a joint undertaking by The Swallows India Bangladesh, SOPHIA, and UYRDC. These organisations, the programme activities, and the people involved are firmly positioned in the political ecology of forests and forestry in the Central Himalayas. More so, they have the explicit purpose of transforming this environment. The aim of the programme, as stated in Logframes and other development aid formats, is to empower communities in the region politically and economically to control the natural resources they depend upon. The means for doing this is the Forest Rights Act.

Society for the Promotion of Himalayan Indigenous Activities (SOPHIA)

SOPHIA has its office in Dehradun, Uttarakhand, while the organisation's operational coverage extends through the states of Uttar Pradesh, Uttarakhand, and Himachal Pradesh. SOPHIA is a small organisation run by the strong belief that levels of administration should be kept to a minimum. A large organisation, it is argued, has the tendency to start serving its own purpose, to cater and prioritise itself, rather than benefit the people it is working for. Hence, SOPHIA is a flat organisation where the four employees largely share work tasks although the organisation clearly revolves around the ethos of its founder Praveen 'Manto' Kaushal. Together with Praveen works Reena, who has main responsibility for finance and daily office work, and Moneesh and Nazim who spend most of their time on foot in the forests with the Van Gujjars. Moneesh is responsible for all contacts with Hindi-media and has a wide ranging network with government officials. Nazim provides the strongest micro-level relations with the Van Gujjar community.

SOPHIA was founded in August 1996 by staff from the Van Gujjar Programme of the Rural Litigation and Entitlement Kendra (RLEK). RLEK is another Dehradun-based NGO led by Praveen's father, nationally renowned activist Avdesh Kaushal who has both been decorated by the state and named 'Man of the Year 2003' by *The Week* magazine. RLEK was central to the political mobilisation of the Van Gujjar community in the early 1990s and SOPHIA was founded when RLEK by the late-1990s successively shifted its focus to other issues.

The Van Gujjars

The Van Gujjars are generally described as Muslim nomads who live by grazing their buffaloes and selling buffalo milk. Who the Van Gujjars are and how they live is described in detail by Pernille Gooch in her fascinating PhD dissertation *At the Tail of the Buffalo* (1998). It is hard to get a closer understanding of the Van Gujjars than what she provides after 21 months of field work in the community. However, the Van Gujjar community has changed in many ways over the 14 years since the publication of Gooch's book. In the following, I will briefly touch upon three phenomena to characterise this change: the Van Gujjars' relation to the forest as nomads as well as processes of marketisation and islamisation.

First, however, a brief note on the name 'Van Gujjar'. Until the early 1990s the Van Gujjars were simply known as Gujjars. Gujjars, both Hindu and Muslim, are found in Punjab, Haryana, and Jammu & Kashmir as well as in Uttar Pradesh and Uttarakhand where the pastoralist 'Van' Gujjars live. The Hindu Gujjars are considered a high caste and are well off agriculturalists. These Gujjars and the Van Gujjars have little in common except their name. As the Van Gujjars started to mobilise politically after 1992 they added the prefix 'Van' to their name—meaning 'forest' in Hindi—in a stroke of identity politics to distinguish themselves from other Gujjars. In the following I will refer to the community variably with their forest prefix and without it.

Nomadism

Today the Van Gujjar world geographically reaches through a narrow strip of land in the region known as the Garhwal; it extends from the forests around the Shivalik hills, demarcating the border between Uttar Pradesh and Uttarakhand, and north into the Himalayas of Uttarkashi district in Uttarakhand and the Shimla hills of eastern Himachal Pradesh. Van Gujjar livelihood is characterised by an annual migration with their buffalo herds from the forests in the plains, where they live during

the winters, to the Himalayan heights where they graze their buffaloes in alpine meadows during the summers. To move in this way to find pasture for animals is known as ‘transhumance’ which is a practice found throughout the world. In Sweden, for instance, it is found in the *fäboddrift* of old days where farmers would walk their cattle from farmhouses to their *fäbodar* in the summers to grow winter fodder on the pastures around the farm. This is a practice still widely in use in Norway where it is known as *seterdrift*.

However, the annual migration is not only meaningful to the Van Gujjars as a physical movement ensuring that their buffaloes have sufficient fodder. Rather, Gooch (2004: 129) describes, the Gujjars understand

the whole region [of the Gujjar world ...] as a large interconnected whole, where in summer the force of life itself moves from the dried out forest in the foothills up into the new fresh pastures in the mountains. After summer, life moves the other way back into the lowland where everything will be fresh and new after the monsoon, while the life in the alpine meadows will die, covered in snow. In this totality the Van Gujjar thus see the forest—their jungle—as an interdependent system *inclusive* of Van Gujjar and buffaloes. Here it is of importance that the Van Gujjar characterise their buffaloes also as *jangli*—and include them in the category of ‘wildlife’, i.e., life that is integral to the forest.

In this way the Van Gujjars see themselves not as different from the forest but as part of it.

That the Van Gujjars are nomads should not be understood as if they wander planlessly in the forests and have no home. The Van Gujjar world consists of two fixed points in the Himalayan landscape to which they return year after year; one place in the forest and one place in the hills that are interconnected by well-known paths of migration. The geography of their world, and their sense of home, is instead in conflict with the geography of the state. The Gujjar world is cut into three slices by the bureaucratically patrolled borders of Uttar Pradesh, Uttarakhand, and Himachal Pradesh. These states have refused Van Gujjars to belong as citizens as they do not continuously stay in any of the three regions. Thus, two geographical imaginations are at odds with each other where Van Gujjars constantly have been at the losing end.

Twenty years ago almost all Van Gujjars made the arduous and dangerous walk from the plains to the hills, which on average takes little less than a month. Every time they left the forests around April the forest guards of the Forest Department would tear down their huts and sell the building material to settled populations. When the Gujjars returned in September they would have to reconstruct their homes from scratch with building material they needed the forest guard’s permission to collect. This made transhumance almost unbearable besides having to bribe forest guards and coming to terms with settled communities along the migratory path. During recent years, in addition, paths that earlier were forest passes have in many cases become paved roads. Thus, heavy traffic at high and sometimes intoxicated speed makes walking the roads with buffaloes and bulls carrying house effects deadly hazardous. This has forced the Gujjars to walk certain stretches at night time to avoid accidents.

As a result of the increasing hardship of migration most Van Gujjars no longer take part in the annual passage. Crudely put, the Van Gujjars’ buffaloes are still nomadic while the Gujjars themselves are increasingly sedentarised. For the buffalos, and indirectly the Van Gujjars, the move between forest and meadow is essential to allow the ecosystems to recover sustainably. Therefore, today many extended families send their buffaloes with one family member while the others stay behind in the forest. Some families, too, are still fully nomadic while some no longer migrate at all. In the family of Noor Jamal, for example, (whom I met during a field visit to Timli *khol* and whom we can also briefly

meet in *At the Tail of the Buffalo*) the agreement is that all of his three sons walk together to the hills with their buffaloes each year. After they have reached the Shimla hills, where they stay during the summer months, the two older brothers, Jahoorhazan and Gulamnabi, walk back to the forest while the youngest brother, Mirhamza, stays with the buffaloes throughout the summer. In return, the two older brothers supply Mirhamza's buffaloes with fodder during the winter.

In the years preceding the Forest Rights Act it seemed as if the Van Gujjars were settling down and moving out of the forests on a large scale (Gooch 2004). However, the Forest Rights Act has opened a new window of opportunity for the Van Gujjars to continue life in the forest. Still, many Gujjars feel that a life outside the forest would give them more easy access to hospitals, schools, and markets which is a strong motivation to settle down. When asked, the Van Gujjars commonly reply that if they can choose between getting a plot of land or to stay in the forest they would choose land. This is rather confusing as they struggle hard for forest rights. First of all, one should remember that the question in itself is awkward; at present there are no plans of land reform in the region and as anywhere states rarely hand out land to people arbitrarily. If the question is put all the same (as it for some reason often is, gratuitously raising the hopes of the Gujjars), my interpretation is that the Van Gujjars (if they can be spoken of collectively in this case) do not themselves quite know where they stand; instead, they voice the option that seems most beneficial to them at the time they are being asked. As life in the forest is hard, the grass may also look greener in the agricultural field rather than on the forest pasture. Yet, history shows that at most points when the Van Gujjars have been offered or granted land they have chosen to remain in the forest and to lease the land they have received to someone else (see e.g. Gooch 1998: 153–154 on the issue of Pathri). The only hypothetical possibility to receive a future land title, furthermore, would require the political leverage that only the security of forest rights will give.

In addition to this, life in the forest is increasingly becoming more difficult for ecological reasons. The Van Gujjars tell that when they earlier had to lop only one tree to get fodder for two buffaloes, they now have to climb ten trees. There is also less grass and water in the forest. As a result, the Van Gujjars and their buffaloes must increase pressure on the forest ecosystems to survive. When the Gujjars are asked why the forest is deteriorating they enigmatically respond that 'it is the secret of Nature'. They also find little that can be done in the short term to improve the diminishing productivity of the forest.

From within a Western scientific discourse, it is clear that the forest ecosystems are deteriorating due to climate change. The people of Uttarakhand have long been used to the *jhari*; monthly week-long rains during the winter season (the Hindi word *jhari* roughly translates to 'array', as in a sequence of rainy days). Over the last fifteen years or so these rains have stopped. Consequently, water reservoirs in the forest do not fill up, grass does not re-grow as quickly after animals have been grazing, and lopped leaves are replaced more slowly than before. These climate changes, Nature's secret, force the Van Gujjars to transform their way of life.

In a personal reflection, Gooch (2009: 247) concludes that:

Perhaps it is time for the Van Gujjars to join the semi-nomadic pastoralists of the world, by combining a settled existence with its possibilities of education and diversification with transhumance for the animals. [...] This summer I visited a group of Van Gujjars in their camp in the alpine meadows of Uttarkashi. The migration up had been full of harassments and struggle and they were exhausted and ready to settle down. However, in a discussion about semi-nomadism, Dhummand, one of the men said: 'That would be much better than just settlement. That would be like having luck in both my hands!'

Milk marketing

In contrast to the ecological constraints to living in the forest, it has become a better economic alternative for the Van Gujjars in recent years to stay in the plains all year around—insofar as it is ecologically viable. When SOPHIA was formed in 1996 its focus was to assist the Van Gujjars with marketing of their milk. In the 1950s, the Van Gujjar economy transformed from a system of bartering with milk and ghee¹ to more and more becoming a monetised market exchange system. As this occurred, the Van Gujjars were caught in a vicious circle of dept-induced dependency on middlemen who bought milk from the Van Gujjars for low prices and sold it for large profits in the Dehradun markets. With SOPHIA's milk marketing programme, the Van Gujjars have become self-reliant producers in the dairy product market economy. SOPHIA documentation shows that in 1995, before the milk programme started, Van Gujjars received on average Rs 6.25 per litre milk. In 1996, as the programme begun, prices rose to Rs 9 per litre and today, in 2012, the milk sells for Rs 38. Out of this the Van Gujjars receive approximately Rs 36 depending on the quality of milk. This increase in prices has stayed well above the rate of inflation over the same period. All Van Gujjars who are part of the milk programme are today free from dept to earlier marketing middlemen.

Ten years ago, accordingly, Gooch (2004) noted that it had become much more profitable for the Van Gujjars to stay in the plains throughout the year in order to market their milk in Dehradun rather than to migrate to the hills (when it was possible with respect to fodder and water supplies as well as to permits). In the most recent years, however, domestic tourism and a rapid inflow of money into the hills of Uttarakhand and Himachal Pradesh have made high quality, ecological butter and ghee prices soar in these areas. This means that the Van Gujjars today are able to earn substantial amounts of money as they stay at their summer pastures. To refine their milk into butter and ghee has been a Gujjar practice for a long time to extend the milk's best-before date.

Even so, the process of marketisation has started to change the inner dynamics of the Van Gujjar community. For instance, Gooch (pers. comm., 2012) describes how the increasing integration into the market economy has changed gendered power relations within households. When she first met the Van Gujjars in the late 1980s, women often controlled their families' monetary savings. Today contacts with SOPHIA's milk programme and the milk market are kept by male Gujjars and this has meant that men increasingly control incomes. An example of this is that many Van Gujjar men today own motorcycles on which they travel through the forest and into town markets. To buy a motorcycle is a priority that husbands not always share with their wives.

Islamisation

Another process that is further transforming gender roles within the Van Gujjar community is an ongoing islamisation. The Van Gujjars are undoubtedly Muslims, offering their prayers to Allah and singing from the Quran in Arabic. It is problematic, however, to make a strict divide between Islam and Hinduism, as is often the case in India. Gooch (1998: 359) describes the Van Gujjar religion as a mix of mystical Sufi Islam and popular Hinduism where Allah is believed to be even in the rocks in the *raos*, the river beds along which the Gujjars live in the Shivalik forests. Remarkably, the Van Gujjars were supported by BJP, the Hindu nationalist party, during the 1990s (Gooch 1998: 360).

Today, missionary mullahs are moving up the *raos* insisting that the Van Gujjars should become more fundamentalist Muslims. Men should frequently visit the mosque and women should cover their faces

¹ Ghee is clarified butter where milk solids and water have been separated from butterfat. It is widely used in Indian cooking.

and stay secluded in the homes. As I visit Van Gujjar *deras* (their homes), the distinction is clear that I sit together with the men while Gujjar women often disappear behind the *dera's* kitchen partition. According to Praveen Kaushal, this was not the case twenty years ago. The mullahs who visit the Van Gujjars are part of the Deobandi movement who preach Wahhabism and are sponsored by Saudi Arabia. Potentially, their mission both furthers the subordination of women in the community and creates a divide among the Van Gujjar posing fundamentalist Islamist Gujjars against more moderate Muslims.

A history of SOPHIA

Although SOPHIA aims to work for indigenous populations of the Himalayas, the organisation's work has since its founding been closely linked with the Van Gujjars. From 1996 to 2001, the milk programme was SOPHIA's main concern. The Van Gujjars deliver milk to a central collection point in the town of Mohand, U. P., from whence a van owned by SOPHIA transports the milk to urban centres like Dehradun where it is sold out of the back of the van. Today, the milk programme is run in a structure external to the non-profit organisation SOPHIA as the revenue, although going back to the Van Gujjar producers, potentially can threaten SOPHIA's non-profit status.

SOPHIA's work is informed by a self-diagnosis process among the Van Gujjars where the community defines the work and priorities SOPHIA is to keep. In 2001, consequently, SOPHIA ran a health programme together with the Van Gujjar community. While addressing issues of health and family planning the programme set up women's groups where Van Gujjar women could discuss issues of health and family planning. More significantly they also came to discuss other issues they found important. In the groups, the women set aside money in a collective savings fund from which they could take women-only loans. Under the rubric of health the programme in this way worked to empower Van Gujjar women.

The health programme was run by SOPHIA with funds from the Dutch aid organisation Simavi. Simavi, however, did not want to work with women's groups as a method. Instead they wanted to transform the programme into more charity based development aid based on community vaccination campaigns. As a result, SOPHIA withdrew from the partnership with Simavi in 2004. By that time the women's groups had already been dismantled under objection from Van Gujjar women. This sad outcome means that it is very difficult to work with a similar method in the community today, even if SOPHIA would want to.

In 2004, a partnership was instead set up with the Swedish Society for Nature Conservation (*Svenska naturskyddsföreningen*) and SOPHIA's work became more directed towards a rights-based approach. The focus on rights later became the explicit strategy of SOPHIA as it started to cooperate with The Swallows India Bangladesh in 2005.²

The rights-based approach mainly has two aspects; domicile rights and forest rights. Firstly, the state has refused to grant the Van Gujjars domicile rights as they do not live in one place throughout the year. Some Gujjars even cross the borders of three states as they move between forest and hills. The political geography of the Central Himalayas where the Van Gujjar world and the flat vision of the state stand against each other has left Van Gujjars without rights to vote, education, and healthcare.

² The first instalment was given in 2005, with cooperation resuming in 2007. Joint work on forest rights began in 2010.

SOPHIA's work aims to enable the Van Gujjars to claim their rightful place in the Indian democracy. This mainly takes the expression of receiving photo identity cards which allow the Van Gujjars to vote in state and national elections. Empowered as citizens with rights, the Van Gujjars are then able to use the institutions of democracy to improve their lives by their own capacity. For instance, the Gujjars are entitled to know what plans the government and Forest Department are making for them and what government programmes they are entitled to through the Right to Information Act. Also, with the right to vote, Van Gujjars become a strong political group that holds politicians accountable and from whom politicians want votes.

Secondly, since the Forest Rights Act was passed, SOPHIA has assisted the Van Gujjars, and increasingly other communities in the Himalayas, to file forest rights claims and to raise awareness in the communities about the rights granted under the Act.

Uttaranchal Youth and Rural Development Centre (UYRDC)

UYRDC was formed in 1986 in a region socially different from the Van Gujjar world albeit their geographical proximity. The history of colonial and post-colonial forestry in the Himalayan hills of Uttarakhand has made it all but easy for the settled population to survive. This history will be looked at in greater detail in a later chapter; suffice it to say that the villages today by and large are populated by women, elderly, and children. The difficulty of sustaining livelihoods in the hills has forced men to migrate to Rishikesh, Dehradun, and Delhi, or to enlist in the army to allow the family an extra income. In the eyes of UYRDC, the greatest challenge is therefore to create socio-ecological circumstances in the hills that allow young people to remain in the area.

In the late 1980s, UYRDC (working for 'Youth' and 'Rural Development' in 'Uttaranchal', which is another name for Uttarakhand; hence the name) formed on the initiative of Harpal Singh Negi by setting up a school in Narayanbagar village in Chamoli district. At this point there were no schools in the area and UYRDC enlisted local people who had attained higher education degrees as teachers. In this way, they argued, children in the area would get education and people unemployed yet educated would get jobs. The school has been successful and today has 150 students enrolled. Several former students of the school, having continued their studies in Delhi and other places, have returned to teach.

Under the guiding star of 'livelihood' UYRDC has engaged in a great number of projects with funding from numerous international aid organisations (for instance, USAID and Oxfam). Most programmes have in common to introduce modern technologies, such as poly-greenhouses, to farmers in the area; to bring farmers and scientists from local universities together in order to develop methods to increase agricultural outputs; and to connect farmers with domestic and global markets. Workshops, education, and machinery that the farmers can use are located to UYRDC's resource centre approximately 1.5 kilometres southeast of Narayanbagar.

One project in the early 2000s educated young blacksmiths in the region to produce polyhouses that were subsequently distributed to farmers. In this way a capacity to produce polyhouses was created in the community that can be used independently of UYRDC or funders. Farmers were then educated by scientists in how to use the greenhouses to cultivate cash-crops that increase incomes. A successful example of this is Subhash Badiyari who lives on the hillside close to the town of Gwaldam. He has five large polyhouses on his farm—in addition to the farm terraces where he cultivates between 50–60

different species by methods of permaculture—in which he grows geranium that is sold to the perfume and incense industries. This has increased his incomes more than four times, he explains.

Another project involved an endangered herb colloquially known as ‘kutki’ (*Picrorhiza kurrooa*) and farmers in the Deval block of Chamoli district, who live at altitudes around 2,700 metres above sea level. Kutki is a bitterly tasting plant that is endemic to the Himalayas and which has been used in Ayurvedic medicine to treat liver disorders. The aim of the project was to find a plant species that had the comparable advantage of only growing in the local area, to educate farmers to cultivate it, and to facilitate the farmers in finding a contractor who would buy it. UYRDC in this way brought together farmers, scientists, and a German company that imports kutki at a price around Rs 900 per kilogramme. One significant part in the programme was to receive a CITES permit (CITES being the Convention in International Trade in Endangered Species of Wild Fauna and Flora) to make the marketing of the product possible. Interestingly, the cultivation of kutki has made the plant more abundant and therefore prevented its threatened extinction for the time being.

The development ‘D’ in UYRDC can in light of this be understood in the rather orthodox sense of ‘development’ where development comes to mean modernisation, mechanisation, and marketisation. A danger with this conceptualisation of development is that the farmers in the region become dependent of frail global market linkages. A well-functioning production of geranium and kutki only sustains local livelihoods as long as these products are in vogue and demand in perfume shops in New Delhi and Ayurvedic clinics in Munich. On the other hand, it is fair to ask what the alternatives are?

In the time to come, UYRDC are initiating work on a post-harvesting programme for which they are rebuilding their resource centre at the time of writing. Post-harvesting means how to most efficiently process and recycle excess biomass from the harvest (such as haulms and husk) and to prepare fields for the forthcoming season by improving soil quality, etc. Also this work will bring together farmers and scientists through workshops and education. Furthermore, UYRDC are looking to the millet crops that have been cultivated in the region for a long period of time (such as finger millets) and how millets can be turned into a cash-crop with immediate financial benefits for the village farmers. Millets can be both ecologically, economically, and socially beneficial to the area: they require only small amounts of water to grow which make millet crops resilient to climate changes; millets have a high nutritional value compared to for example wheat and rice, which means that smaller land areas can be cultivated to get an equal nutritional output; and, millet roots reach deep into the soil which minimises risks for erosion and landslides. In this work, UYRDC can potentially gain much from a closer cooperation with the Millet Network India (MINI), which is a partnered network of The Swallows.

Hill villages and the forest

As a result of the intense male migration from the Uttarakhand Himalayas, the villages in the hills show rather peculiar demographic characteristics. At a meeting I attend in the village Maltura our team from UYRDC is met by thirteen smiling women; at a meeting in Nalgaon, thirty women and eight men attend. Migration from the villages has the consequence that women become responsible for almost all productive aspects of everyday village life. It is also village women who lead the process of filing claims to the forest through the Forest Rights Act.

Life in the Himalayas at present is unthinkable without the constant interaction between villagers and forest. Most houses, although more and more structures are now cast in cement, are made from stone, wood, and clay from the forest. Roofs are tiled with slate. Cattle graze in the forest and produce

manure that fertilises the terraced soils for agriculture. Women daily spend hours in the forest collecting grass and leaves for animal fodder. Bark from the bhimal tree gives strong golden fibres that make good rope and herbs are collected for medical treatment of both humans and animals. The forest is not least a source for fuel wood. Humans and forest in these ways shape each other; villages are constructed from forest material and as humans and animals utilise the forest, the forest ecosystem transforms.

However, the lion's share of Uttarakhand's forests is owned by the Forest Department and part of the watershed region in which UYRDC's work is based is enclosed as the Nanda Devi Biosphere Reserve. At present, villagers are allowed to collect materials from the Reserved Forests that surround their villages but they cannot cut trees or manage them. This means that the forest is continuously managed by the Forest Department through the lens of revenue with planting of high-rising pine trees and not for the benefit of village life. Although currently not a practical threat, the Forest Department can in theory at any time revoke the permit to collect forest materials and let animals eat the grass that grows between the pines. This was on the verge of happening in 1982 when the Government of India drafted a revision of the legislative framework regulating India's forests (Guha 1989: 212).

In response to the passing of the Forest Rights Act, UYRDC has taken on the task of raising consciousness about the Act and mobilising the people of four revenue villages to claim rights to the forests on which they depend. Thus, for UYRDC the Forest Rights Act has become a forceful means to make life in the hills of Uttarakhand less difficult for its inhabitants.

A brief history of Indian forests

It is hard to understand the Forest Rights Act and the deep conflicts that are manifest in it without briefly looking into the history of Indian forests. During the time of the Mughal Empire, and further back, India's forests were the undisputed home of people today variously called India's 'indigenous population', 'tribals', 'Scheduled Tribes', 'adivasis', or 'traditional forest dwellers'. The Mughal Empire was largely based on feudal relations where the Great Mughal through local rulers could tax land in return for privileges and protection. Although Mughal rule was largely decentralised with local *zamindars* collecting taxes, it in few cases had the capacity to enter the forests. Therefore, as the British through its East India Company (EIC) started to trade with the Great Mughal and local maharajas and sultans in the 18th century and gradually occupied land, claimed territory, and established colonial rule, the meaning of the forest as a space changed dramatically.

For the EIC, as a mercantile trading corporation, forests were a source for timber that could be exported to Europe to boost economic growth and spur its industrial revolution. The material prosperity Europeans still live in today must be understood in relation to the flows of energy and raw materials that have been constant from the former colonies to Europe over several centuries. As the dominant power shifted in India from the Mughal to the British Raj, the power to define the forest also changed. No longer was the forest predominantly a space for dwelling, a lifeworld imbued with meaning for the people living there, but forests turned into plantations, trees into timber, and local knowledge into scientific knowledge on 'sustainable yield' to ascertain future profits.

'The increasing intensity of natural-resource use fostered by colonialism', ecologist Madhav Gadgil and historian Ramachandra Guha (1989: 144) argue, 'was accompanied, too, by equally dramatic changes in forms of management and control.' Particularly after the Revolt of 1857 forestry became a

primary objective for the colonial government. Timber was used for export, to build ships, and to supply timber for sleepers in the expanding Indian railway network. In particular the demand for timber soared during the two world wars. Consequently, the imperial state placed large areas of forest in the hands of its Forest Department to manage and control forests. This could be done by writing the European liberal idea of private property into colonial law and declaring forests British property. The hallmark of this process was the 1927 Indian Forest Act which still to this day regulates India's forests. The enclosure of the forest, which perhaps is comparable to the enclosures of the commons in 16th to 18th centuries Britain, in an instant made the people living there encroachers on the land of the Forest Department. As trespassers on someone else's property the forest dwellers could be evicted from the land.

From plantation to conservation

As India gained independence in 1947 the focus on commercial forestry intensified. 'As enshrined in the National Forest Policy of 1952', Gadgil and Guha (1992: 194) describe,

the exclusion of local communities from the benefits of forest management is legitimized as being in the 'national interest', namely that the 'country as a whole' is not deprived of a 'national asset' by the mere 'accident [*sic*] of a village being situated close to a forest'.³

The Forest Department still today controls as much as 23% of India's land area (Shahabuddin 2010: xiv) while the Indian Planning Commission at the same time estimates that around 100 million people are dependent on the forest for their survival (Kabra 2009: 250). These people are still encroachers on state land.

Thus, the tale of India's forests does not end here. Post-independence India has seen a large debate referring to the severe degradation of forest land, loss of biodiversity, and threats to wildlife that have resulted from intensive forestry and national 'development'. India today has a population density of over 300 persons per square kilometre and along with processes of urbanisation and modernisation, with the construction of dams, roads, mines, and the intensification of industrial agriculture and other development projects, the vast migration areas of wildlife such as Indian elephants, Bengal tigers, Asiatic lions, and greater one-horned rhinoceroses have diminished rapidly. While these great mammals are emblematic to environmentalist concerns also other essential parts of ecosystems are threatened. A case in point is the Western Ghats where The Swallows' partner organisation Save the Western Ghats Movement, through the discourse of conservation, struggle to regenerate biodiversity and protect the fragile mountain ecosystems.

In response to this discussion, environmental historian Mahesh Rangarajan and human ecologist Ghazala Shahabuddin (2007: 5) argue that 'First, conservation *without* parks is unthinkable. Areas free of permanent human settlement or biomass extraction are indispensable as refugia for representative species and ecosystems. They are also integral to any larger, more holistic approaches to land and water management.' To produce 'people-free zones' or 'inviolable areas'—spaces where wildlife supposedly can live free from human interference—has also been the active policy of the Forest Department. From 1969 to 2001 the total area of land defined as national parks and wildlife sanctuaries in India increased from 0.5% to 5% (Rangarajan 2001).

³ Gadgil and Guha mark 'accident' as a misprint ('*sic*') as it is of course no accident that villages are situated close to the forest, keeping in mind the close relations between village and forest life described above.

In relation to this argument, it is necessary to ask some intermediary questions. First, is *wildlife* actually wild if we keep it in a park carefully managed and monitored by scientists? Indeed, can ‘wilderness’ be created by humans and still be ‘wild’? Second, what makes the human species, *Homo sapiens*, so special as not to qualify as ‘nature’ to be preserved in a park? Third, by fencing the forest and patrolling a border on the ground, what are we actually enclosing? Anthropologist Tim Ingold (2005: 507) asks if we are in fact containing ‘nature’ in these enclosures: what about the sky, he asks, ‘or the birds that fly in it. You cannot enclose the clouds, the wind and the rain, or the water of flowing rivers, all of which are essential to life.’

Ultimately, and this is a point that Rangarajan and Shahabuddin (2007: 367) later raise in response to their initial bold statement, history shows that the ecosystems that conservationists want to conserve in parks many times were produced by people living there. What happens, then, when these people are forcefully moved out of the parks to create an inviolate zone for wildlife? The argument of people-free zones itself rests in the false assumption that humans stand outside of nature, that culture is the opposite of nature. In the case of Van Gujjars, Pernille Gooch (2009: 244) describes how the Gujjars in mass media coverage often have been ‘essentialised as “simple people” living “in harmony with nature”.’ This may have benefited their cause in the short term, she argues, but it simplifies the

contextual complexities and power struggles involved. It also disguise[s] the fact that people like Van Gujjars do not ‘live in nature’. Rather they relate to their environment through pastoral production and as such they change it. The landscapes of forest and alpine pastures traversed by pastoral Gujjars during transhumance are thus anthropogenic, cultural as well as natural, and created through agrarian relations.

In less academic terms, the image of the Van Gujjars as living *in* the forest (not as part of it) is deeply problematic. Rather, by letting their buffaloes graze both in the forests in the plains and in the meadows of the Himalayas the Van Gujjars live *in relation to* nature and in so doing they transform it. Thus, if the Van Gujjars are removed from their ecological context in the name of conservation, the ecosystems to be preserved are not likely to exist much longer.

In response to their own statement, Rangarajan and Shahabuddin therefore come to share the conclusion of biologist M. D. Madhusudan (2005: 4894). ‘[W]ildlife competes with some of our poorest and most exploited people for pretty much the same thing’, Madhusudan writes, ‘—a hope of survival.’ While the protection of wildlife and biodiversity is essential, how is this possible without instead threatening the extinction of socially and ecologically marginalised people?

This contradiction is clearly exemplified in the Uttarakhand hills. Siddharth Singh Negi, who is responsible for UYRDC’s work on the Forest Rights Act, asks me rhetorically in a conversation: how can the village populations’ collection of forest materials be regarded as more damaging to the forest than the government’s plan to enclose the Pinder River in a tunnel to create a run-of-the-river hydroelectric dam? This is the scheme to construct the 252 megawatt Devsari Hydroelectric Dam in the valley where UYRDC works. All the same, it is the village people who are fenced out of the forest.

It is estimated that between 10–20 million people (about double the population of Sweden!) have been forcefully displaced due to conservation (Agrawal and Redford 2009: 4). Strange enough, the social impact of conservation-induced displacement has only recently attracted attention among scholars (e.g. Sharma and Kabra 2007; Kabra 2009; Shahabuddin 2010). The opposite is the case of the closely related phenomenon of development-induced displacement. It is estimated, in comparison, that somewhere between 100–200 million people have been resettled against their will since 1980 because of development projects (Agrawal and Redford 2009: 2). This phenomenon has also attracted much

wider media attention in India, be it the protest movement against the dam construction in the Narmada Valley in the late 1980s and early 1990s or the recent ‘redevelopment’ of the Yamuna river bank in Delhi to build an eight-lane express highway and the 2010 Commonwealth Games village. To do this 400,000 people living in river bank slums were displaced between 2004 and 2009 (Subramanian and Raghav 2009). Other examples include the ‘Beautification of Madras’ in the late 1990s when slum areas were largely demolished and people resettled, and the 2007 Nandigram violence where poor farmers in West Bengal protested against the communist government’s attempts to forcefully acquire land for a Special Economic Zone.

In fact, conservation-induced displacement was the issue that first sparked SOPHIA’s formation. In 1992, the Van Gujjars were walking south from the alpine meadows to their winter camps in the Shivalik hills. As they were about to enter the forest the group of Gujjars were stopped by forest guards. A new Protected Area, a ‘people-free zone’ to protect the endangered elephant, called Rajaji National Park had been made out of the Van Gujjars’ winter home. Thereby, the Van Gujjars and their buffaloes were not allowed to enter the forest. Along with the Van Gujjars this year were Praveen Kaushal, who later would form SOPHIA, and Pernille Gooch, who did field work for her PhD dissertation during this time.⁴ To advocate the Van Gujjars’ claims Praveen’s father Avdesh Kaushal and RLEK assembled the media. This time the Gujjars’ struggle was successful and they were finally, after 15 days, allowed to enter the forest. By that time, however, the buffaloes had started to die from thirst and starvation in the name of nature conservation.

From displacement to participation?

The conflict between conservationists and forest dwellers raise important questions. In her book *Conservation at the Crossroads*, Ghazala Shahabuddin (2010) asks how India’s endangered ecosystems are to survive in the 21st century without endangering the survival of socially marginalised people. That this is the great challenge to India’s failed conservation policy of forced human resettlement is also recognised by Sharma and Kabra (2007). It cannot be a question, they argue, of whether wildlife or humans should be protected: both must hold true in light of India’s democracy.

From the standpoint of a Swedish activist it is indeed confusing, to say the least, that protection of biodiversity—conservation—has become one of the fiercest targets of the global indigenous peoples’ movement. This is a critique that at times even poses organisations like the World Wide Fund for Nature (WWF; formerly the World Wildlife Fund) and the Wildlife Conservation Society (WCS) as organisations with colonial legacies where people in the so-called Global North travel to the Global South to save it from ecological ruin (Brosius 2007).

The alternative called for instead of conservation by displacement is conservation by participation. Rather than assuming that marginalised humans cannot coexist with nature (eco-tourists seem to thrive in peaceful coexistence with nature in the parks), the false dichotomy of culture vs. nature must be overcome: humans do not live in or out of nature but always in relation to it. The idea of community-based conservation is that people who have long lived in the forest have developed knowledge about it through trial and error. If their practices would not work by being ecologically unsustainable, they would not have survived until now (Shahabuddin 2010: 103).

⁴ For the full story of this incident see Gooch (1998)

Bahar Dutt, Rachel Kaleta, and Vikram Hoshing (2007) give the fascinating example of the Jogi-Nath. The Jogi-Nath are snake-charmers who live in the states of Haryana, Rajasthan, Uttar Pradesh, Madhya Pradesh, and in parts of Gujarat and Punjab. The community is in many ways similar to the Van Gujjars. The Jogi-Nath are semi-nomads, they depend on the forest for their livelihood, they have a low level of formal education, they are socially and economically marginalised, and they have been subjected to resettlement programmes forcing a change in their means of livelihood. Also, both the Jogi-Nath and Van Gujjars are in many ways people at the outskirts of modern society who have found themselves at the centre of the conservation debate.

As snake-charmers the Jogi-Nath are dependent on keeping snakes to maintain their living as street entertainers. However, in 1972 the Wildlife Protection Act was enacted in India to prevent a large ongoing trade in skins, hides, and ivory, etc. that was threatening India's wildlife. Under the Act, the Jogi-Nath were prohibited to collect snakes and therefore came to pay the price for a trade in which they had no part. In their study, Dutt, Kaleta, and Hoshing find that their survey is a revelation regarding the Jogi-Naths' 'knowledge of snake species and the role they [the Jogi-Nath] play in the rural economy. As many as 73 per cent of the snake-charmers in the age-group 18–35 practised their traditional occupation even three decades after their profession was declared illegal' (246). As such, the Jogi-Nath proved to have great knowledge of how to treat snake bites—what herbs to use for bites from what snake species—and they also had great skill in catching snakes in agricultural fields.

As a result, Dutt, Kaleta, and Hoshing argue that this is knowledge that can be used for conservation purposes. It is knowledge that can be used to save snakes from human habitations, in education, in biomedicine, and not least does great potential exist for capacity building to allow the Jogi-Naths' participation in monitoring of good snake husbandry. Why would not the knowledge of, for instance, Van Gujjars have similar potential for participatory conservation?

Nevertheless, it is important to remember that that which is variously called traditional/local/indigenous/vernacular/agro-ecological knowledge is not necessarily good *per se*. Our image of alternative knowledges is many times romanticised and we should remember that certain knowledges can be beneficial but also counterproductive for conservation. Even so, Shahabuddin (2010: ch. 4) concludes that community-based conservation projects in India on average have been beneficial to preserve biodiversity, and also in other parts of the world. She adds, however, that all wildlife cannot be preserved and biodiversity cannot be fully conserved or regenerated without a combination of community-based conservation and people-free Protected Areas for large mammals. 'The reason', she argues, 'is that large mammals require large amounts of biomass—whether animal prey or vegetation—and also a diversity of juxtaposed habitat types. These can be met only within large continuous patches of natural habitat' (114). That the coexistence of tigers and humans under such conditions is made impossible, however, is not because of some survival-of-the-fittest competition between forest-dwelling or settled communities and tigers. Rather, it is because both people and animals have been at the losing end of social relations (such as development interventions) that have pushed them into ecological spaces so small that both species cannot survive from the same resource base.

Moreover, local knowledge is not a pristine set of unchanging wisdom but is always subject to change. Shahabuddin notes, accordingly, that with increasing modernisation and market linkages for forest dwellers, priorities shift and 'traditional' knowledge is generally lost. This is indeed a phenomenon which can be exemplified by the Van Gujjars. With the increase in income that has come from SOPHIA's milk marketing programme the Van Gujjars are today able to buy consumer products that they earlier were unable to purchase. The Gujjars buy Thumbs Up and Mirinda cold drinks and cell

phones, they change the way they dress, and as was noted earlier many male Gujjars today ride carbon-exhausting motorbikes through the forest.

The process of market integration has therefore also started to integrate Van Gujjars to ‘modern’ consumption lifestyles: what was earlier necessary to retain from the forest may today be possible to buy from the market. Moreover, with increasing incomes from milk marketing, priorities have shifted among the Van Gujjars to keep a larger number of lactating buffaloes. Whereas buffaloes earlier—as is described by Gooch in her dissertation (1998)—were an integral part of the family who were deeply mourned when they died, economic incentives today exist to replace non-lactating buffaloes with animals who give milk.⁵ A recent phenomenon, furthermore, is that the Muslim Gujjars buy cows cheaply from Hindus in the hills and sell them profitably in the plains to butchers. During my time in Dehradun this has even put Gujjars in legal trouble vis-à-vis the Uttar Pradesh Cow Slaughter (Prevention) Act.

It is indeed a paradox that an organisation aiming for the promotion of indigenous activities (as in ‘Society for the Promotion of Himalayan Indigenous Activities’—SOPHIA) draws the group it is working for into the market economy and ‘modern’ society and thereby transforms their ‘indigenous’ lifestyle into ‘modern’ consumerism. However, it is more likely that the Van Gujjars would not at all have been able to remain as pastoral forest dwellers without the support of SOPHIA. Rather, they would have been displaced from the forest and been forced to settle by the Forest Department. SOPHIA’s work can in this light be understood as work that makes a transformation of Van Gujjar livelihood more smooth and humane.

Ultimately, mourning the loss of Van Gujjar ‘indigeneity’ would mean falling into the trap of romanticising culture as something pristine and internally homogenous that has never changed. Such a contained entity has, of course, never existed. If the Van Gujjars want to buy Bajaj scooters and risk diabetes from excessive sugar consumption—who are we to judge?

Participatory governance—without governance

Furthermore, human ecologist Asmita Kabra brings up another troubling problem with community-based conservation in a personal conversation with me: the issue of corruption in natural resource management. This is a topic most notably covered by Paul Robbins in the article *The Rotten Institution* (2000). Most Van Gujjars currently live in the forest under permits issued in 1937 to their grandparents by the Forest Department (who legally owns the forest). The permits state a location where the Gujjars are allowed to dwell and the number of buffaloes they are allowed to keep. As the permits have been inherited over generations, however, the Van Gujjar families we meet today share the space and number of buffaloes that the original permit holders were allotted. The fifteen grandchildren of the original holder are therefore not allowed to keep more buffaloes than their grandparents were alone.

This issue makes the situation unattainable for the Van Gujjars. To survive they must keep more buffaloes than the Forest Department permits and they must also lop trees that the Forest Department have prohibited from lopping. For a sustainable use of the forest at least 1/3 of the canopy must be left on the trees. The Van Gujjars, living in a too small circumscribed space, must many times clear-cut the

⁵ This should not be overstressed, however; buffaloes are still deeply cherished by the Van Gujjars

trees. Having been pushed into smaller and smaller spaces, much like the endangered elephants with whom they share the forest, the Van Gujjars cannot live sustainably and their livelihood is threatened.

In turn, the Forest Department's forest guards are happy to allow the unsustainable use of the forest in return for bribes in milk and ghee. In the valley where UYRDC works, in comparison, Siddharth Singh Negi describes that it is not uncommon for timber contractors to start felling trees after twilight without formal permit from the Forest Department. Still, the logging is done with the silent consent of bribed forest officials. The same strategy is of course unattainable for the local population who have no chance of paying the bribes.

The question is: how is it possible to opt for participatory conservation methods and new forms of governance in natural resource management when governance itself is corrupted? Participatory governance stumbles on the fact that there is no governance to make participatory.

In spite of this, the last two decades have seen a huge forestry experiment in India with the aim of making the command of the Forest Department more participatory. Joint Forest Management, JFM for short, began with success in West Bengal in the 1970s when a framework for resource use, management, and resource sharing was created for every village. Through Forest Protection Committees (FPCs) communities were let into the realm of Forest Department rule (Shahabuddin 2010: ch. 6). Fruitful ecological and economic results in West Bengal made the World Bank offer \$65 million USD in the early 1990s to make JFM a national strategy.

JFM has had mixed results after its large-scale implementation—in Uttarakhand, as will soon be described, it has been a complete disaster—where the Forest Department has been reluctant to let go of control. Also, Shahabuddin (2010: 146) notes, the Indian Forests Act has never been amended with respect to JFM. The entire project has therefore been undertaken through state government orders which leave full formal control of Reserved Forests in the hands of the Forest Department. In many ways, JFM can be described as a top-down implementation of 'participation' humbly signed by the World Bank.

In the hills of Uttarakhand

The text this far has mainly drawn on examples from the Van Gujjar world. However, the history of Indian forests is, perhaps more plainly than elsewhere, bizarrely readable in the landscape of the Uttarakhand hills. In these hills the history of forests and forestry has been particularly tumultuous with strong commercial interests in the mountain forests resulting in fierce conflicts between state and people. As Uttarakhand is the region where both SOPHIA and UYRDC work the history of its forests will be looked at more in depth.

UYRDC is based in Narayanbagar, a hill village overlooking the Pinder River that gushes between the grey-clad Himalayan hills. Standing by the Pinder riverside and looking up the hill slopes the abundance of pine trees is striking at first sight. The forests of Uttarakhand have since the mid-19th century been dominated by Chir pine that was planted by the colonial Forest Department. These pines have largely outcompeted different Himalayan oak species. While Chir grows straight and tall and thus provide excellent timber, its needles are useless for fodder compared to the broad leaves of oak. The only use villagers find of the pines is to mix needles with cow dung to produce mulch which improves the soil (still, pine needles are not better for this purpose than other available biomass) or to make needle beds for the cattle to rest upon. Whereas the commercially valuable pines today reach

high into the sky they were planted under periods of great social conflict. This history is thoroughly described by Ramachandra Guha in the landmark *The Unquiet Woods* (1989).

The state Uttarakhand, that exists today, was carved out of Uttar Pradesh in 2000; as such it is divided into the western Garhwal and eastern Kumaon division, also incorporating Dehradun, Haridwar, and Udham Singh Nagar districts in the plains. People in what used to be the Uttar Pradesh hills long struggled to form Uttarakhand to increase popular control over natural resources. This struggle is directly linked to the early 19th century when the EIC began to claim territory and forests in Kumaon and the eastern part of Garhwal which became known as British Garhwal. Tehri Garhwal in the west remained a princely state with support from the British where British policy only reached slowly. The meaning of the forest therefore changed more rapidly in Kumaon and British Garhwal as the forest turned into a space for commercial forestry. This transformation, yet, occurred over a long period of time as it aggravated people in the region who protested by putting the forest on fire. If the forest did not belong to them, they argued, it did not belong to anyone and better went up in flames.

The speed with which the forest transformed in Uttarakhand is striking. Between the three wars years 1916–1918, four lakh⁶ sleepers were supplied from Kumaon alone. During a later war year, 1940–41, the same number of sleepers was supplied in one single year. Between 1910–1920, furthermore, the number of resin channels tapped in Kumaoni pines increased from 2.6 lakhs to 21.35 lakhs (Guha 1989: 45–48). Resin was used to commercially produce turpentine and rosin. The peasant protests against this use of the forest forced the imperial government to withdraw formal control over almost 50% of the areas they had previously seized by appointing the Kumaon Forest Grievance Committee in 1921. The resolve became a reclassification of forest land that, in a derived form, still demarcates ownership of Uttarakhand's forests.

The Forest Department, as of a census in the late 1990s, controls 68.92% of the forest (Jena *et al.* 1997 cited in Sarin 2001: 3). A second class of forest called Civil and *soyam* cover 16.78% and is formally under the jurisdiction of the Revenue Department.⁷ Civil and *soyam* forests were land that had remained unclassified by the EIC in 1893 and were declared 'wasteland' belonging to the state. This was done disregarding of whether land actually had tree cover or not (Sarin and Gairola, undated). As civil forest, this land should be managed by the *gram sabhas*, the village people, and is often divided among villages under customary boundaries. Foresters often describe Civil and *soyam* forest as heavily degraded (e.g. Chauhan *et al.* 2001: 115). The people who depend on the area, in contrast, instead regard it as 'the only surviving village commons' (Virdi 2008: 3).

The third class of forest is perhaps the most interesting. This is *Van Panchayat* forest which is a form of community forest management unique to the Uttarakhand hills. Van panchayats, forest councils, were legally established in 1931, carved out of Civil and *soyam* land (then called Class I Reserves), and entitled village communities to manage forests under their own control. As of the 1990s, van panchayats control 13.63% of Uttarakhand's forests.

The van panchayats control land ranging from less than one hectare to more than 2,000 hectares and they were from their establishment in 1931 to the early 1970s independent of the state in most regards except for regulating the logging of pine. The van panchayats regulate the collection of fuel wood, fodder, pasture and Minor Forest Produce (MFP)⁸ and the councils have had the power to punish

⁶ One lakh = 100,000

⁷ *Soyam* is a term for these forests from Tehri Garhwal

⁸ Minor Forest Produce is further discussed below

encroachment, illegal logging, and damage made to the forest in the panchayat area. As a result, the van panchayats have largely been beneficial to forest conservation (Sarin 2001: 5).

Even so, it was only after the 1970s that the number of van panchayats began to increase as it had remained bureaucratically difficult to form councils. Beside the van panchayats, therefore, the forests—reserved or civil—continued to be managed communally by informal panchayats, often called *lath* (stick) *panchayats* or by women’s groups, so-called *mahila mangal dal*. Lath panchayats have existed since pre-British times as village councils that through unrecorded rules manage the customary forest areas of villages. The entire community usually shares usufruct rights but the panchayat has the power to punish use that contravenes its rules. Protection and regeneration of the forest is usually seen to be by dividing the forest into sections where the character of use shifts from year to year (Agrawal 2001). Mahila mangal dal, in comparison, are networks of women across neighbouring villages. As women are the primary users of the forest they organise in such networks and communicate with van panchayats and participate in NGO and government programmes to manage the forests. The result of these practices, consequently, has been that while informal use and management of forests remain an intrusion on Forest Department land it is regulated by informal village councils. Thus, Reserved Forests, Civil and *soyam* forests, and Van Panchayat forests are often used by the same community according to customary boundaries that have existed since long before the arrival of the British.

Trying to understand this historical process, Arun Agrawal (2005) shows how the shift in meaning and purpose of the ‘forest’ occurred in Uttarakhand at the turn of the 20th century and how conflicts broke out and were finally resolved. He argues that the imperial government transformed the significance of the ‘forest’ by creating knowledge about it in terms of sustainable yield and other statistical figures that served the purpose of commercial forestry. With the creation of institutions for local governance—van panchayats—formed on the basis of customary practices, this knowledge was increasingly used to manage the forest by the local people as part of the new institutions. In this way the people living in the hills began to work for a forest management that was beneficial for commercial forestry. The people, he argues, were through the discourse of commercial forestry and decentralised institutions enrolled as caretakers of the forest for the purpose of sustainable logging. Over a longer period of time the conflicts were thus quenched in Uttarakhand.⁹ While it is indeed a neat argument, people’s dependence on the forest for their survival still forces them to ‘trespass’ on the land of the Forest Department and to use the forest for interests other than that of the Department.

With independence in 1947 the Indian government enhanced the commercial use of the hills. The Sino-Indian War of 1962 spurred the government to expand the road network in the hills to enable the army’s mobilisation at the Indo-Tibetan border. With roads, however, the formerly impenetrable hills and forests further opened up for commercial forestry and mining. In Uttarakhand this had the effect that sources of fuel wood and fodder diminished and that deforestation caused erosion and increased flood risks. The intense extraction of biomass in the hills thereby threatened people’s livelihoods.

The increasing danger and hardship of living in the hills famously set off a strong social movement in Uttarakhand, known as the *Chipko Andolan*; the tree hugging movement. The movement that was active from 1973 to 1981 was sparked by an incident in Reni village, Chamoli district, where women villagers stopped the Forest Department from felling trees. In so doing, they claimed that local people ought to be employed in forestry and that the trees were theirs, as it had become more and more

⁹ Agrawal’s idea is based on Michel Foucault’s notion of ‘governmentality’. Agrawal describes the process in the Himalayas as ‘environmentality’.

difficult to survive in the deforested hills. Guha (1989) demonstrates how the struggle for local livelihood has been maintained from the forest fires through Chipko; a process that he in a 1998 epilogue to *The Unquiet Woods* extends to the movement for an independent Uttarakhand state. The potential claiming of forest rights must obviously be understood in this historical context.

Chipko has many times been identified as a women's movement. Women, it is argued, have the strongest links to the forest and they are the ones who collect forest materials. More so after many men have had to migrate from the region. The movement has therefore been described as eco-feminist claiming that Women and Nature both have been oppressed and that the struggle for gender and environmental justice cannot be separated. This argument makes eco-feminism quite apart from other forms of feminism as it in broad strokes essentialises both women and nature. However, Guha shows without hesitation that all such claims are deeply problematic:

People in general, and environmentalists in particular, have put their own interpretations on the movement, regardless of whether these interpretations can bear up to historical truth or scholarly scrutiny. The Chipko andolan remains possibly the best-known and certainly the most widely misrepresented ecological movement in the world. (197)

On the one hand, men had a much larger role in the movement than is commonly assumed and it was also not primarily an environmentalist struggle. Guha writes:

It seems clear from the description of different Chipko agitations that the role played by external ideologies is a severely limited one. Villagers see Chipko as a fight for basic subsistence denied to them by the institutions and policies of the state. (176)

With hindsight, the outcome of the Chipko movement was rather dubious. Chipko was subsumed in the global conservation discourse posing wildlife and nature against humans. The hugging of trees was interpreted as if Chipko activists protected the trees-in-themselves rather than wanting to keep them for their own livelihood. The shift in Indian forest policy from plantations to conservation that was discussed above coincides with the Chipko movement in the 1970s and early 1980s. In 1972 the Wildlife Protection Act was passed that sets the frames for creating national parks and wildlife sanctuaries to preserve India's wildlife. In 1981 the mighty Forest Conservation Act halted development programmes (such as building roads, dams, and schools) if they require any land demarcated as forest by demanding the consent of the central government. Also, the hill areas became regulated under the Tree Protection Act—a direct referent to Chipko (see Guha 1989: 178)—where for the first 15 years all tree felling above 1,000 metres was prohibited, and in 1995 extended to the limiting altitude of 2,500 metres under political pressure from the Forest Department. Still, from 1,000 metres and above the individual owner of a tree must ask permission from the district magistrate (usually in an office far away from the actual tree) to cut it.

These acts all further centralised power over the forest and did little to improve the lives of people living in the hills. The protesters whose lives were threatened by deforestation in the 1970s in our day instead have a hard time accessing the forest for the complete opposite reason: conservation. Uttarakhand today stands out with between 16% to 20% of its area classified as Protected Areas where humans are not allowed to enter—four times the national average (Sarin and Gairola, undated: 38).

Around the time of Chipko the van panchayats of Uttarakhand also started to transform with their authority to communally manage and control forests successively diminishing. This process peaked in the late 1990s with the JFM initiative. In Uttarakhand, the World Bank's standard JFM structure which had been used in other states was imported completely overlooking the van panchayat institutions of managing forests. When van panchayats refused to enlist in the programme, known as

Village Forest Joint Management (VFJM) in the state, the Van Panchayat Rules were instead changed so that the panchayats had to comply (Virdi 2008).

The two most substantial effects of VFJM were, firstly, a large curtailment of the van panchayats' independence. A revision of the Van Panchayat Rules allocated 40% of all income from the panchayat forest to the Forest Department; a further 20% was directed to the district government while the remaining 40% was to be kept with the van panchayat. At the same time more power was vested in the *sarpanch*, the panchayat chairperson, who had to work jointly with an officer of the Forest Department. To use the panchayat's remaining 40%, the panchayat now needs the permission from both the sarpanch and the forest official at district level. For people living in remote villages the costs of travelling to the district magistrate has many times started to outweigh the benefits of receiving the panchayat's allocated funds. Hence, this top-down 'participatory' initiative principally acted to raze the well-functioning structure of van panchayat community forestry.

Malika Virdi (2008: 4), who is sarpanch of a van panchayat in Pithoragarh district in the north-eastern corner of Uttarakhand, described her panchayat's view of VFJM in a World Bank Tribunal. In the written transcript of that statement she argues that:

The Rules that now govern our Van Panchayat are essentially forcing the Van Panchayats to conform to working in the [World Bank] project mode. No longer subtle in its approach, the new Rules now reduce right holders not just to 'beneficiaries', but to wage labourers or mere manager[s], at best. Instead of devolving greater authority and decision making control to autonomous self governing institutions, now the forest guards are being placed inside them for extending the Forest Department's control over their functioning. This shifts the accountability of these institutions from villagers to the Forest Department, threatening their sustainability and further diluting communal property rights.

Secondly, the JFM structure was such that a van panchayat had to correspond to one single village. This had been proven most effective by earlier World Bank experience. In Uttarakhand the van panchayats have often consisted of between six to ten villages who together have managed a common forest area. With VFJM, these forests were fragmented into single village parcels. This meant that one village would receive forest land with large resources for collecting MFP or with good conditions for grazing livestock while another village would receive an area with only Chir pine which they are not allowed to cut. A once functioning institution for governing a common forest was thereby destroyed causing bitter conflicts among neighbouring villages.

It is in this situation for people of the Uttarakhand hills that the Forest Rights Act has opened up a new space for action. The Forest Rights Act can be used by the settled hill populations, who depend on the forest for survival, as well as by the Van Gujjars who actually live among the trees. As nomads the Van Gujjars have stood outside the history of van panchayats and forest fires. However, as they migrate between the forests in the plains and the meadows in the hills each year the Van Gujjars become entwined in the socio-ecological complexities of hill history of forest dependence and management.

Along their migratory path the Van Gujjars must halt and find pasture or fodder for their buffaloes. Bartering with milk and ghee in return for fodder is one possibility; yet, the halting places are at the same time the farm land of settled populations. As such, these places are spaces of potential conflict. In relation to this SOPHIA argues that their future work with forest rights must include both settled populations and the Van Gujjar community. If the forest rights claims process brings these communities together under the shared concern for forest rights it will minimise potential conflicts and

increase the mutual respect for the rights of the other. Possibly, this will also be beneficial for the conservation of the forest.

The Forest Rights Act

The *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act* was enacted under fervent debate in the last days of 2006. The Act was the result of a long struggle from so-called tribal activists throughout India. The law is meant to redress the ‘historical injustice’ that Scheduled Tribes and forest dwellers have been exposed to. The Act does this by conferring land rights to people who either have the status of Scheduled Tribe or people who through documentary proof can show that they have lived in or been dependent on the forest for at least three generations or 75 years. ‘For the first time in India’, Ghazala Shahabuddin (2010: 188) notes, ‘the issue of forest conservation now occupies the political mainstream because of its significance for social justice.’

As one can suspect, the Forest Rights Act has not been uncontroversial. The Act allows forest dwellers land rights also when land is situated within a Protected Area, such as a national park or wildlife sanctuary. Hence, biologists, ecologists, and environmentalist activists are afraid that the Act will contribute to further loss of biodiversity and particularly to the extinction of the tiger (e.g. Madhusudan 2005). To get around the critical issue regarding the tiger the Wildlife Protection Act was amended at the same time as the Forest Rights Act was passed. This amendment created a new form of Protected Area called Critical Wildlife Habitat (CWH) into which the Forest Rights Act cannot reach. The Ministry of Environment and Forests could thereby declare India’s 28 tiger reserves CWHs in January 2008 (Shahabuddin 2010: 190; Indian Express News Service 2008). A CWH, however, cannot be made out of land where forest dwelling people already hold forest rights.

Furthermore, the Forest Rights Act has been looked at with disdain by forest guards and other officials of the Forest Department. The Act suddenly changes the geometries of power in the forest and the forest guards, with long academic training in forest conservation, see ‘their’ forest slip away. The Forest Rights Act also puts an agonising finger straight into the sore spot of corruption surrounding Protected Areas. Although the Act will never be able to completely stop corruption in natural resource management, a Van Gujjar with legal rights to the forest does not have to bribe a forest guard in order to let her buffalo graze in it. In this way, the Forest Rights Act aims to integrate forest dwellers to the system of land rights enjoyed by other Indians.

One of the greatest problems that is commonly raised concerning the framing of the Act is the unlimited time frame for implementation. The governments’ sub-divisional and district level committees that are responsible for deciding on forest rights claims have no set time limit for when decisions must be made. This means that the committees, with or without pressure from the Forest Department, can postpone decisions time after another *ad infinitum*.

On the positive side, is the fact that forest rights claims always must be made in the joint name of spouses. At a time when gendered power relations are changing—in the case of Van Gujjars with regard to islamisation and marketisation—and more generally as land use patterns change with transitions from agro-ecological farming methods to cash crop monocultures, women many times lose control over agricultural practice and produce, and over incomes. The Act requirement of granting forest rights in the joint name of spouses thereby has the potential to legally empower women as decisions over land cannot be made without women consent (of course this does not stop men from

getting their will through by violence or other forms of gendered coercion). The Forest Rights Act at least legally has the capacity to counteract processes of furthering disempowerment and subordination of women in families and communities.

Who can claim forest rights?

So, who is legally entitled to make a forest rights claim? The Act states that a forest rights holder should be a person who ‘primarily reside[s] in the forest’. To ‘reside’, however, does not necessarily mean that you wake up, eat, and go to sleep inside the forest but that you are dependent on the forest for your livelihood. In other words, this qualifies people who cultivate forest land, keep it for grazing, or who collect MFP to file a claim. Still, to be ‘dependent’ on the forest means that it is essential for your survival and that you do not only use it for commercial production. A forest rights holder can, nonetheless, sell crops, milk, or MFP if this is her or his only source of income.

To be entitled to make a forest rights claim, furthermore, you must either belong to a Scheduled Tribe (which is a list kept by the central government) and the area for which you file the claim must be registered as belonging to the tribe; or, you can claim to be an ‘other traditional forest dweller’. To do this you must provide documentary evidence that your family has resided in the forest for 75 years. This time limit is calculated from the 13 December 2005 and persons filing claims must still be in possession of the land at the time of making the claim.

The Van Gujjars have long struggled to be included in the list of Scheduled Tribes, and were at the verge of becoming so in the late 1990s, but today only classify as other traditional forest dwellers. Since the Van Gujjars’ permits were handed out in 1937 the permits in most cases do not qualify as proof of 75 years of dwelling (13 December 1930 being the limiting date). It has therefore been one of SOPHIA’s highest priorities to assist the Van Gujjars in gathering evidence to file their forest rights claims.

Individual vs. communal forest rights

Forest rights claims can take two forms; a community can either decide that its members are to file individual claims (individual corresponding to a family unit) or the community can file claims to a common area. For the Van Gujjars the decision has been straight forward to file individual claims. Until now Van Gujjar families live in the forest in separate *deras* with adjoining land where the buffaloes graze. In most cases this is land for which each family holds an individual permit. Individual forest rights therefore best match the Van Gujjar geography.

In the hills where UYRDC work, both options remain viable. UYRDC has nonetheless decided to work with communities for communal forest rights, subsequently leaving it up to each village to decide whether or not to proceed with individual claims.

In both cases, the application procedure remains the same. However, the practice of filing communal claims meets many difficulties that individual claims do not. One of the most basic intricacies that UYRDC has come across is that the community must come together and decide that they want to file claims. Obviously, villages are in most cases no Edens of internal harmony. Some families are better off using more forest land according to custom while poorer families have less say when it comes to land use and land access. This distinction is also structured by caste. If the community receives

communal forest rights, it remains unclear how these structures of power will be affected and how the commons will be governed. Still, the history of community forest management that has existed since pre-colonial times in Uttarakhand makes claims of the well-known ‘tragedy of the commons’ theory (where humans would routinely degenerate common land due to mechanistic self-interest) seem like a bad mimic of an ostrich with its head stuck in the sand.¹⁰

Secondly, many neighbouring villages are today often in dispute with each other as van panchayats have been fragmented during VFJM. Also, difficulties of sustaining livelihoods often make people change what land they use for what activities. For example, the village Baikot in the Pinder Valley has for the last 35 years cultivated land in a Reserved Forest area which used to be within the customary boundary of the neighbouring village Swan Talla. To do this they have cleared the forest where the residents of Swan Talla used to graze their cattle. When it comes to the forest rights claims process, Baikot has not used the land for more than half of the 75 years needed to be granted rights while Swan Talla did not use the land as of 13 December 2005 and nor will be at the time of filing their claims. So, is it possible for either village to file claims to the land?

If Baikot files claims which are declined they will very explicitly be encroaching on land of the Forest Department. If Swan Talla, on the other hand, files claims (perhaps by maintaining that the land has been under dispute) it is hard to see that claims go through as the village used the land when it was forest whereas it today is cleared land with constructed terraces for agriculture.

Filing claims

The process of filing forest rights claims is established in detail in the rules that accompany the Act. First, the *gram panchayat*, which is the elected village council of a *gram sabha*, convenes. The gram sabha corresponds to all members of a village, hamlet, or forest settlement. At this meeting a *Forest Rights Committee* (FRC) is elected consisting of ten to fifteen persons. The FRC must include at least 1/3 Schedule Tribe members or other traditional forest dwellers and 1/3 women. The FRC then produces a map demarcating the boundaries of the area to which the community or individual community members will file claims. This map making is a process that I have been witnessing during field visits to Maltura and Nalgaon villages in the Pinder Valley. The map and a statement saying that the community intends to protect forest and wildlife; social and natural heritage; and water sources in the area are then filed to the government’s sub-divisional and district offices. The map is finally digitised by government staff with satellite data.

Once this is done, the panchayat asks its electorate to file individual forest claims where this is community’s decision. These claims are filed with documentary proof of the claimant’s right to the forest.

¹⁰ ‘The tragedy of the commons’ was promoted by Gareth Hardin in the 1960s and repeatedly pops up in natural resource governance debates. In current scholarly debates, the theory is under heavy criticism as people cannot be reduced to the self-interest maximisers that the theory demands. Instead, it is argued, we humans have the capacity to cooperate and form informal institutions through which the commons are locally governed—although not without conflict.

The rights

The Forest Rights Act recognises several quite far reaching rights. The most important of these rights are, firstly, the right to occupy a defined area of land. This can, as described, either take the form of individual rights or communal rights. Individual rights can be granted for land up to four hectares. From land to which you are legally entitled you cannot be evicted. As previously stated, this also includes land titles that exist within Protected Areas unless the gram sabha has accepted an earlier resettlement in writing.

Secondly, forest dwellers can receive rights to Minor Forest Produce. MFP includes ‘bamboo, brush wood, stumps, cane, tussah, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like’ (FRA, Section 2[i]). This right is generally claimed by the community as a whole and also refers to MFP that has been ‘traditionally collected’.

Thirdly, forest dwellers can claim the right to graze animals on forest land on a seasonal basis. This of course directly applies to a nomadic pastoralist community like the Van Gujjars.

Fourthly, the Forest Rights Act strongly recognises the right—and obligation—of forest rights holders to protect forest and wildlife. Thus, the gram sabha receives the legal right to set up rules to protect and conserve wildlife, forest, and biodiversity; to manage, regenerate (for example by planting native trees, grasses, or shrubs or to allow natural regeneration); and to sustainably use forest resources (FRA, Section 5). In theory, this implies that the gram sabha can stop the Forest Department from planting commercial trees or non-native species on common lands (in the case of community rights) and private lands (in the case of individual rights).

This means that the Forest Rights Act reverses many pre-existing power relations: when the Forest Department earlier has been able to displace forest dwellers in the name of conservation, forest dwellers can now protect forests from the Forest Department.

Fifthly, the Forest Rights Act can grant a forest dweller rights to ‘in situ rehabilitation’. This means that if you have previously been displaced unwillingly you are allowed back to your ‘traditional’ land. For this to happen you must be able to show that you have been illegally evicted and that you have not been provided any kind of compensation during the resettlement.

Lastly, the Act can grant rights to ‘traditional’ methods of forest use such as shifting cultivation, the use of religious and burial sites, and to collect timber to build traditional types of houses, etc.

Implementation and its dilemmas

As one can imagine from the rather far reaching rights that the Forest Rights Act extends—and the power it at the same time takes away from the Forest Department and individual forest guards—there have been many obstacles in the implementation process. In many states, the state government has simply not initiated the implementation process. This is done either by continuously postponing decisions on forest rights claims or by systematically rejecting claims by insisting on the lack of certain evidence. Also, the Van Gujjars have many times experienced a lack of awareness about the Act and its Rules from the side of governments and implementing committees, even three or four years after the enactment of the Forest Rights Act, SOPHIA’s director Praveen Kaushal explains.

In a guide to the act, the Scheduled Tribe ‘Campaign for Survival and Dignity’—a campaign affiliated with The Swallows’ partner organisation Keystone that works in the Nilgiri hills of Tamil Nadu—highlights several other impediments to the rights recognition process. For instance, the Campaign fears that the government will impose unfavourable gram sabha and panchayat structures on them to manipulate the process even if they declare their own sabhas. In the Pinder Valley this has also been the case. Harpal Singh Negi and Siddharth Singh Negi describe that the Uttarakhand government has asked the chairpersons of gram panchayats to list names for FRCs. When the listed persons later have been asked they have not known that they are part of such a committee or even that there exists such a thing as the Forest Rights Act. Moreover, once the FRCs have been established the government refuses to redo the registration. The work of filing forest rights claims in the Pinder Valley therefore has to follow the FRC structures set up by the government.

Furthermore, the Campaign for Survival and Dignity argues, the eligibility criteria for claiming rights are rather weak and it is many times difficult to provide documentary evidence to have resided in a place for 75 years. Even more so when forest dwellers often belong to the lowest social strata and remain illiterate. The Campaign thereby concludes that the Act simply is a tool in their struggle but no solution in itself.

On 12 July 2012 the, as of writing, latest set of guidelines to the Forest Rights Act were distributed to all state governments from the Ministry of Tribal Affairs (GOI 2012). Addressing all state Chief Secretaries it sets out:

As you are aware, the historic legislation ‘The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act’ had been enacted in 2006 with the objective of remedying the historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers of the country. However, even after the lapse of more than four years of its implementation, the Ministry has observed that the flow of intended benefits of this welfare legislation to the eligible forest dwellers remains constrained.

The Ministry of Tribal Affairs then goes on to identify many of the problems that the Campaign for Survival and Dignity brought to light as the Forest Rights Act was enacted. For example, smaller habitations not formally part of any village have many times been left out of gram sabhas as they have convened at panchayat level. The rights of forest dwellers to MFP have also not been recognised; the Forest Department has, for instance, in several cases imposed external restrictions on MFP by demanding transport permits, charging fees and royalties from sales, and excluding some products recognised under the Act as MFP to allow forest corporations to extract these for high-profit sale. Furthermore, forest dwellers’ rights to protect, regenerate, and conserve forests have not been recognised, and although the Act states that a claimant cannot be evicted from land while the forest rights claim process is ongoing, many forest dwellers are harassed and threatened by eviction for proposed development projects.

Looking to the actual content of the Forest Rights Act, its implementation is not uncomplicated for the Van Gujjars. Being a nomadic community the Van Gujjars can hardly prove that they have resided continuously in the forest for 75 years; rather, they can prove to have been dwelling in the forest for six months per year and for six months in the hills. Thus they are eligible to file forest rights claims to the forest for six months and to the meadows in the hills for six months. However, as the migratory patterns of Van Gujjars have changed over the last two decades the picture becomes problematic.

Today many Van Gujjars do not transhume but rather send their buffaloes with other community members to the hill pastures. Praveen Kaushal estimates that 5–10% of the Van Gujjar families that

SOPHIA works with do not migrate at all any longer and have not done so for the last ten to twenty years. Thereby, these Gujjars have lost the possibility to claim forest rights in the hills. If they get rights to the forest in the Shivaliks, therefore, they will still be evicted from the forest by the Forest Department when April comes as they only have legal rights for six months. Then, the question is: where will they go?

The same problem also exists within many Van Gujjar families. For example, within a family of say three brothers, two of the brothers may migrate to the hills together with the third brother's buffaloes while the third brother stays back to watch over their *deras* in the plains. This means that the third brother and his wife cannot file claims to hill land.

This issue has been discussed at length by SOPHIA and the Van Gujjars and until now no satisfactory solution has been found. Although many Van Gujjars will only be able to get forest rights for six months, still, the Van Gujjars argue that this is a better option than to have no rights at all. The Forest Rights Act, therefore, cannot fully be implemented according to its purpose in the Van Gujjar community. The Act is too insensitive to the local systems of power that exist among forest dwellers and forest guards and also to social transformations that have taken place in the last decades to allow the Van Gujjars to survive in the forest.

In this way the Act suffers the same fate as many development aid tools such as Logframes and monitoring systems. The Act is in many ways a too squarely shaped, too simplistic model into which complex social and ecological realities do not quite fit. The written paragraphs of the Forest Rights Act are a one size fits all, seeking to redress the situation of *all* India's tribals and forest dwellers; yet, in contrast to nylon stockings the paragraphs do not stretch very well.

In the hills of Uttarakhand, finally, when I take part in UYRDC meetings with village people, I realise that one big challenge remains. This is to inform, motivate, and mobilise people to file claims. The people's history of involvement with governmental legislation—having seen the walls around the forest grow taller and taller—largely seems to have caused resignation and left people submissive to the Forest Department. A great challenge for UYRDC is therefore to encourage people to file claims and increase consciousness of what the Forest Rights Act in fact grants them. A recurring argument of motivation from the side of UYRDC as village meetings are held goes: 'Remember Chipko—then the forest was yours! Look at the pines—how many times have you wished they were oaks and you were there with your sickles?'

References cited

- Agrawal, Arun. 2005. *Environmentality: Technologies of Government and the Making of Subjects*. Durham: Duke University Press.
- , and Kent Redford. 2009. 'Conservation and Displacement: An Overview.' *Conservation and Society* 7(1): 1–10.
- Agrawal, Rakesh. 2001. "'Lath" Panchayats: Fading Away.' *Economic and Political Weekly* 36(1): 20–22.
- Brosius, J. Peter. 2007. 'Reflections on Conservation, Development, and Exclusion.' In *Protected Areas and Human Displacement: A Conservation Perspective*, edited by Kent H. Redford and Eva Fearn, 106–112. Bronx: Wildlife Conservation Society Working Paper 29.

- Campaign for Survival and Dignity. Undated. 'A Guide to the Forest Rights Act.' Pamphlet, Campaign for Survival and Dignity (New Delhi).
- Chauhan, D. S., B. P. Bhatt, A. K. Negi, and N. P. Todaria. 2001. 'Forest and Forestry: Status, Constraints & Scope.' In *Garhwal Himalaya: Nature, Culture & Society*, edited by O. P. Kandari, and O. P. Gusain, 93–124. Srinagar, Garhwal: TransMedia.
- Dutt, Bahar, Rachel Kaleta, and Vikram Hoshing. 2007. 'The Hunter and the Hunted: Conservation with Marginalized Communities.' In *Making Conservation Work: Securing Biodiversity in this New Century*, edited by Ghazala Shahabuddin, and Mahesh Rangarajan, 241–263. Delhi: Permanent Black.
- FRA. 2007. 'The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.' *The Gazette of India* 2(1): 1–9.
- Gadgil, Madhav, and Ramachandra Guha. 1989. 'State Forestry and Social Conflict in British India.' *Past & Present* 123(May): 141–177.
- . (1992) 2000. 'This Fissured Land: An Ecological History of India.' In *The Use and Abuse of Nature*. Delhi: Oxford University Press.
- GOI. 2012. 'Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – Guidelines Regarding.' Guidelines to The Chief Secretaries of all State Governments (except Jammu & Kashmir, Punjab, Haryana and Delhi) and The Administrators of all Union Territories (except Lakshadweep), Government of India Ministry of Tribal Affairs, No. 23011/32/2010-FRA [Vol.II (Pt.)], 12 July.
- Gooch, Pernille. 1998. *At the Tail of the Buffalo: Van Gujjar Pastoralists between the Forest and the World Arena*. Lund: Lund Monographs in Social Anthropology 6.
- . 2004. 'Van Gujjar: The Persistent Forest Pastoralists.' *Nomadic Peoples* 8(2): 125–135.
- . 2009. 'Victims of Conservation or Rights as Forest Dwellers? Van Gujjar Pastoralists between Contesting Codes of Law.' *Conservation and Society* 7(4): 239–248.
- Guha, Ramachandra. (1989) 2005. 'The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya.' In *The Ramachandra Guha Omnibus*. Delhi: Oxford University Press.
- Indian Express News Service. 2008. 'Eleven More Tiger Reserves Now Out of Bounds.' *Indian Express*, 1 January.
- Ingold, Tim. 2005. 'Epilogue: Towards a Politics of Dwelling.' *Conservation and Society* 3(2): 501–508.
- Kabra, Asmita. 2009. 'Conservation-induced Displacement: A Comparative Study of Two Indian Protected Areas.' *Conservation and Society* 7(4): 249–267.
- Madhusudan, M. D. 2005. 'Of Rights and Wrongs: Wildlife Conservation and the Tribal Bill.' *Economic and Political Weekly* 40(47): 4893–4895.
- Rangarajan, Mahesh. 2001. *India's Wildlife History: An Introduction*. Delhi: Permanent Black and Ranthambhore Foundation.
- , and Ghazala Shahabuddin. 2007. Introduction to *Making Conservation Work: Securing Biodiversity in this New Century*. Delhi: Permanent Black.
- Robbins, Paul. 2000. 'The Rotten Institution: Corruption in Natural Resource Management.' *Political Geography* 19: 423–443.
- Sarin, Madhu. 2001. 'Disempowerment in the Name of "Participatory" Forestry? Village Forest Joint Management in Uttarakhand, India.' *Forests, Trees and People Newsletter* 44(April).
- , and Geetha Gairola. Undated. '4 Uttarakhand: From Rights Holders to "Beneficiaries"?' Chapter from unknown publication, received from UYRDC, Narayanbagar, Chamoli District, Uttarakhand, India.
- Shahabuddin, Ghazala. 2010. *Conservation at the Crossroads: Science, Society, and the Future of India's Wildlife*. Delhi: Permanent Black.

- Sharma, Arpan, and Asmita Kabra. 2007. 'Displacement as a Conservation Tool: Lessons from the Kuno Wildlife Sanctuary, Madhya Pradesh.' In *Making Conservation Work: Securing Biodiversity in this New Century*, edited by Ghazala Shahabuddin, and Mahesh Rangarajan, 21–47. Delhi: Permanent Black.
- Subramanian, Samanth, and Krish Raghav. 2009. 'The Economics of the Games.' *Live Mint and the Wall Street Journal*, 26 October.
- Virdi, Malika. 2008. 'World Bank Tribunal.' Statement of the *sarpanch* of Sarmoli Jainti Van Panchayat, Pithoragarh district, Uttarakhand, World Bank Tribunal, 7 October.