



A handbook on

Pastoral Communities and the Forest Rights Act

INDIA

———— DRAFT PUBLICATION CIRCULATED FOR COMMENTS ————



Centre for
Pastoralism

Cover photo courtesy Sahjeevan

This publication is intended for educational and awareness purposes,
and is free to be shared and distributed.



CENTRE FOR PASTORALISM, SAHJEEVAN 2021
www.centreforpastoralism.org

Publication design by Srishti Films
Srishti Manipal Institute of Art, Design and Technology
www.srishtimanipalinstitute.in

Table of Contents

INTRODUCTION ..1

PASTORAL MAP OF INDIA ..2

SECTION 1

PASTORALISM AND THE FOREST RIGHTS ACT ..5

SECTION 2

PROCESS FOR FILING OF PASTORALIST CLAIMS UNDER THE FRA ..6

A Forest Rights Act & Rights of Pastoral Communities ..6

B Role of FRA Institutions in Claims Filing and Recognition ..7

C Determination of Forest Rights and Claim Making ..10

SECTION 3

ANNEXURES ..15

ANNEXURE i - Case Studies ..15

ANNEXURE ii - A Brief Primer on Pastoralism ..24

ANNEXURE iii - State Wise List of Pastoral Communities in India ..28

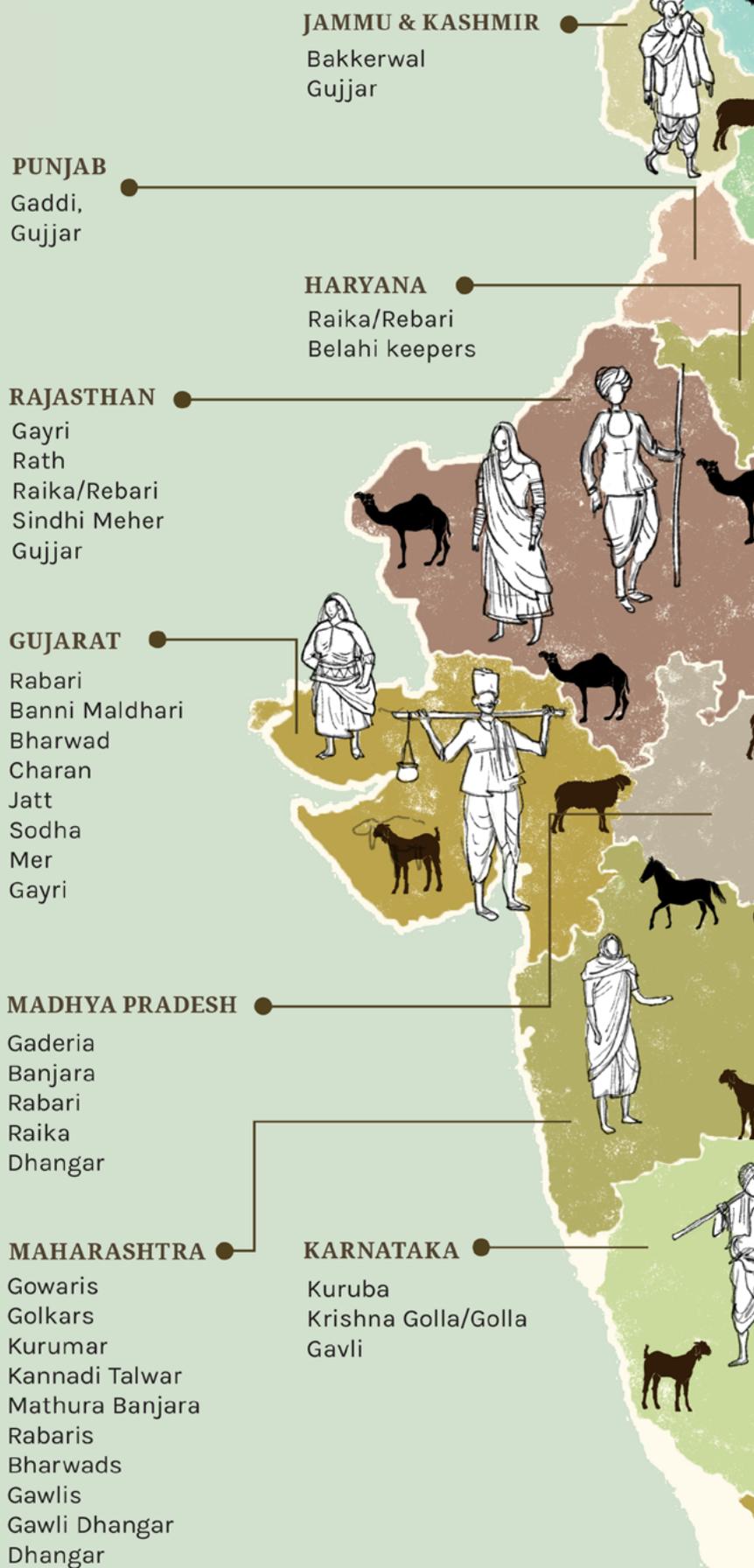
INTRODUCTION

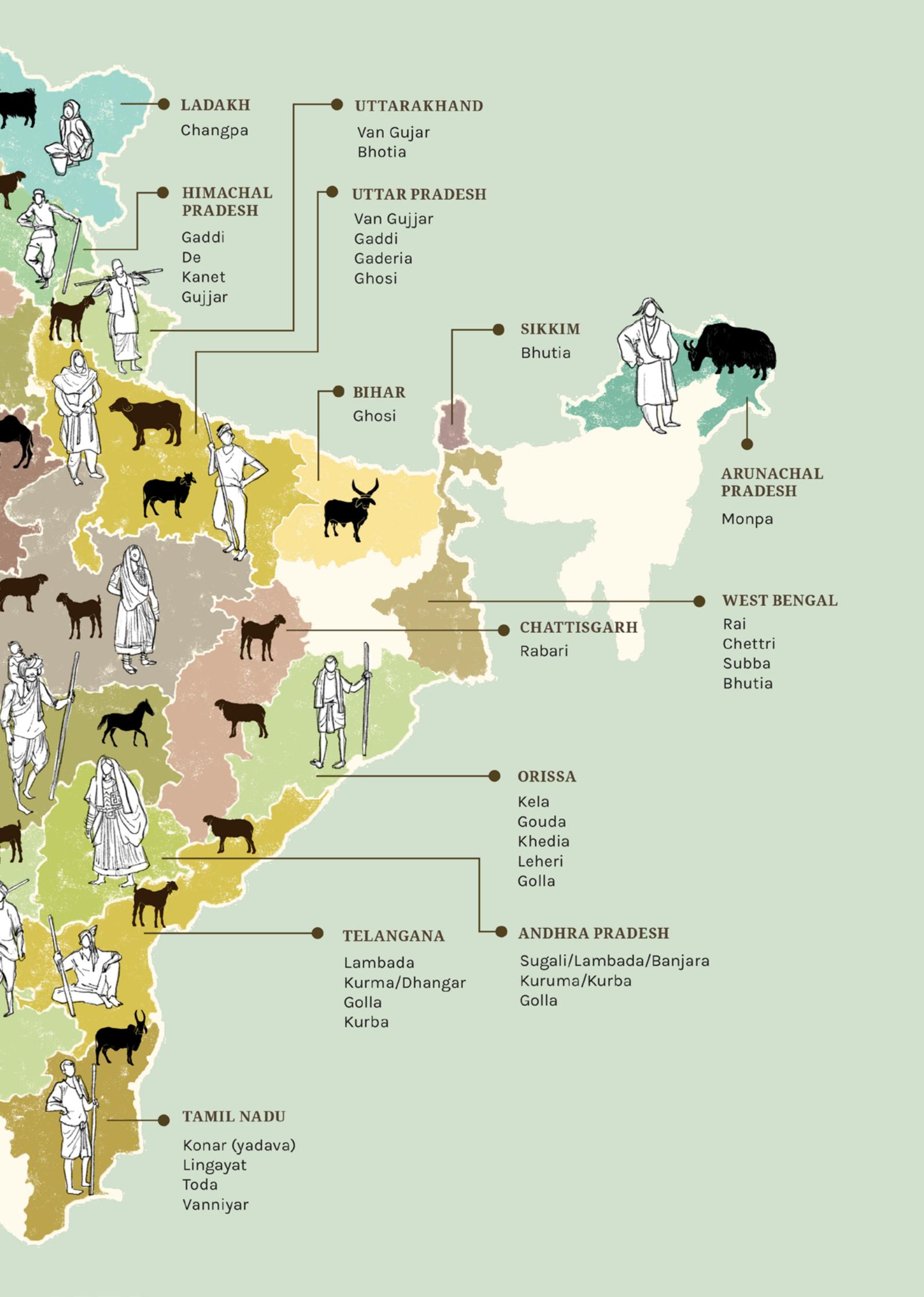
This booklet aims to facilitate the application of provisions of the FRA to secure rights of pastoral communities of India. Pastoralism as a practice involves the seasonally mobile management of domesticated animal herds via extensive grazing on common pool resources, with at least 50 percent of household revenues coming from this kind of animal husbandry. By this definition, pastoralism does not include intensively managed livestock (such as stall-fed dairies) or immobile households that manage a few animals that might be grazed on village commons, generating a small fraction of household revenues from their livestock. Importantly, pastoral communities are also commonly associated with particular breeds of animals, breeds that they have played a key role in developing. Unlike such systems elsewhere, India's pastoralism is largely agro-pastoral with complex inter-dependencies between pastoral and cultivating communities.

There is a growing realization that these diverse communities spread across different regions of our country are more than just vulnerable, disenfranchised groups that are a vital part of our rich and diverse cultural heritage. They are valuable contributors to our economy and their forms of land use have great significance in the context of climate change adaptation and resource conservation. Unfortunately, pastoral communities have not been able to use the FRA to secure their rights to resources because of a lack of implementation of the FRA. We hope this booklet will serve to highlight the ways and means by which such implementation may be undertaken.

This booklet is in three major parts -- the first section provides basic information on pastoralism along with an explanation of the special factors that need to be addressed while processing pastoralist claim making under the FRA. A second section articulates the key provisions within the FRA that are applicable to pastoralism and the process of claiming pastoral rights along with the roles different institutions and authorities play in this process.. Lastly, a set of annexures provide case studies of best practices in the use of FRA provisions by pastoral communities in the form of a primer and a table articulating some key aspects of different pastoral communities and additional information on these communities and their spread across the country.

Pastoral MAP of INDIA





LADAKH
Changpa

UTTARAKHAND
Van Gujar
Bhotia

HIMACHAL PRADESH
Gaddi
De
Kanet
Gujjar

UTTAR PRADESH
Van Gujjar
Gaddi
Gaderia
Ghosi

SIKKIM
Bhutia

BIHAR
Ghosi

ARUNACHAL PRADESH
Monpa

WEST BENGAL
Rai
Chettri
Subba
Bhutia

CHATTISGARH
Rabari

ORISSA
Kela
Gouda
Khedia
Leheri
Golla

TELANGANA
Lambada
Kurma/Dhangar
Golla
Kurba

ANDHRA PRADESH
Sugali/Lambada/Banjara
Kuruma/Kurba
Golla

TAMIL NADU
Konar (yadava)
Lingayat
Toda
Vanniyar



Photo by Kalyan Varma



Photo by Ritayan Mukherjee



Sahjeevan archives



Sahjeevan archives



Photo by Hashmat Singh



Sahjeevan archives



Sahjeevan archives

Photographs of some of the pastoral communities in India.

*From top row, L-R:
 Kurba, Deccan region
 Changpa, Ladakh
 Rabari, Kachchh
 Bharwad, Saurashtra
 Gaddi, Himachal Pradesh
 Dhangar, Maharashtra
 Lingayat, Tamil Nadu*

PASTORALISM AND THE FOREST RIGHTS ACT

Accurate numbers are hard to come by but there are approximately 20 million pastoralists distributed over more than 50 distinct communities with a presence in most states in the country. Indian pastoralism occurs across three broad geographies – the Himalaya, the arid and semi-arid lands of Western India and large parts of the semi-arid Deccan Plateau.

One may well ask why pastoralism is important in this day and age of industrial agriculture and industrial animal husbandry. Here's why: **India has an estimated 74 million sheep, the third highest population of sheep in the world, managed entirely by pastoral communities. Up to half of India's 148 million goats, also in the top two or three numbers globally, are managed by pastoralists. Close to 20 percent of Indian dairies are stocked by cow and buffalo breeds developed by pastoral populations. Close to 40 per cent of India's domesticated animal population (73 of 179 breeds) have been developed by pastoral communities.** Extensively managed pastoral livestock populations make very substantial economic contributions to the agricultural sector by way of fertilizer provided to cultivating communities. Pastoralists and their livestock then are major contributors to our agricultural, meat, dairy and leather industries.

Historically, there have been resilient traditional and customary relationships between pastoral and settled communities that have been based on mutual benefit and adjustment with regard to the use of resources. There have also been larger areas of commons land that have been available to all concerned than is the case today. In the modern era the commons have been diminishing because of industrialization and infrastructure projects. Settled communities have begun, in many cases, to look upon pastoralists as 'backward' in their ways. The increasing use of chemical fertilizers has also reduced the extent to which settled communities depend on and value the manure gained by allowing pastoral herds to graze on their land. Agricultural residue, which was a part of pastoral herds' grazing resources, is increasingly being disposed of in other ways, such as by burning it. And finally, the declaration of reserve forests and large areas of wilderness as Protected Areas (national parks, sanctuaries, etc.) has meant that pastoral communities that traditionally visited these areas are now barred from entering them. These changes have led to increasing conflicts between pastoralists and authorities like the Forest Department, industrial units and agencies managing infrastructure projects. (This has been discussed in greater detail in annexure i)

PROCESS FOR FILING OF PASTORALIST CLAIMS UNDER THE FRA

This section is divided into five sub-sections, with notes on pastoralist rights under the FRA, the relevant authorities, the roles these authorities need to play in claim filing and recognition, and the processes that need to be followed by pastoralist communities in the filing of claims.

A Forest Rights Act & rights of pastoral communities

1. Provisions of FRA with respect to pastoral communities

The FRA makes specific provisions for securing rights of pastoral communities over their community forest resources and traditional seasonal resource access.

'FOREST LAND' as per Section 2(d) of FRA , denotes land of any description falling within any forest area and includes unclassified forests, un-demarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks.

Secondly, the seasonal use of landscape which in the case of pastoral communities is mostly 'forest land', has been defined as **'COMMUNITY FOREST RESOURCE'** in the FRA (Section 2 (a)).

Section 3 (1) (d) provides for other community rights of uses or entitlements such as to the fish and other products of water bodies, grazing (both settled and migration related) and traditional seasonal resource access of nomadic or pastoralist communities.

- **Apart from the seasonal resource access rights, pastoral communities can also claim other types of rights provided under Section 3 of FRA such as nistar rights - 3 (1) (b), rights of ownership and use of minor forest products - 3 (1) (c), management and conservation rights - 3 (1) i, and the right to intellectual property in the form of traditional knowledge - intellectual property 3 (1) (k).**

- **Many pastoral communities are settled in forests and protected areas and can stake claims for the conversion of their forest settlements into revenue villages as per section 3 (1) (h).**
- **There are also numerous cases of pastoral communities getting displaced from forest and protected areas without settlement of their rights and hence unlawfully. Such communities can claim the right to land and in situ rehabilitation as per section 3 (1) (m). This means that they must either be restored to the settlements from which they were removed or, if that is not possible, then given land elsewhere.**



Role of FRA Institutions in Claims Filing and Recognition

1. Gram Sabha

1.1 How to organise Gram Sabhas of pastoral communities?

The following options are suggested for organising Gram Sabhas depending on the mobility and access needs of the pastoral community concerned. Some of these approaches have already been used successfully in cases pursued.

- Many pastoral communities are residents of settled villages and migrate seasonally for grazing. In such situations the Gram Sabhas and Forest Rights Committees can be constituted in the villages of their residence, where they can file forest rights claims. It must be noted that the pastoral communities may live with other communities in the resident villages and hence it is necessary for the Gram Sabha to be formed with adequate representation of the pastoral communities.
- Nomadic and semi-nomadic pastoral communities that spend considerable time outside the place of residence can participate in the Gram Sabhas of local communities in the villages/hamlets where they are accessing forests.

The Gram Sabhas where pastoral communities as well as other communities are claiming rights should ensure in each of the above cases that the rights of nomadic or semi-nomadic pastoral communities are being recognised. Hence, in the process of claim making and recognition of a certain user group's rights, the Gram Sabha and FRCs should ensure participation of the other user groups and see that their claims are registered as well (Rule 4 of FRA).

2. Sub Divisional Level Committee (SDLC), District Level Committee (DLC)

The forest rights of pastoral communities often pertain to resource access areas spread over large patches of forest land and overlap with the rights and access of other pastoral or tribal/non-tribal communities. Therefore it is necessary to have a process of consultation among the different communities while determining their rights and processing claims. These consultations will take place mainly at two levels – within the same community and among different communities/user groups, and the DLCs are required to provide support to the community for organising such consultations. The DLCs of the districts concerned are required to facilitate filing of claims and ensure participation and representation of pastoral communities in the Gram Sabhas in both the situations mentioned above.

The DLCs and SDLCs are specifically and explicitly required to take a proactive role to ensure the recognition of pastoral communities' rights as per FRA and its Rules.

As per Rule 12 b (2) of FRA – 'The District Level Committee shall facilitate the filing of claims by pastoralists, transhumant and nomadic communities.'

The patterns of migration of many nomadic and semi-nomadic pastoral communities demand special coordination and intervention from these institutions since they would involve multiple administrative regions. As stated (in the preceding section) a pastoral community can claim rights over its migratory route through its resident Gram Sabha by intimating its respective SDLC and DLC. The latter will be responsible then for informing and facilitating claim filing and recognition through all the other concerned SDLCs and DLCs that fall en-route of the pastoral community claiming rights. Thus, for inter-district claims, the DLC where claims have been filed will be responsible for calling joint meetings with the other DLCs and Gram Sabhas concerned.

Considering the above points relating to pastoralists' mobility, it can be said that the entire process of rights recognition involves several rounds and levels of consultations since pastoral communities and their production systems cannot be treated in isolation. What is important to note is that the DLC will be primarily responsible for aiding and initiating these consultative processes.

2.1 How can the DLC ensure the representation of pastoral communities in the district level and sub-divisional level committees?

The DLC has to facilitate and ensure filing of claims by pastoral communities and recognition of their rights. It is not merely a matter of identifying the correct jurisdictions for claim filing in relation to patterns of residence and mobility. In many instances, again because of the semi-nomadic lifestyle of pastoralists, they simply do not feature in the Panchayati Raj Institutions. Because of this, they go unrepresented in the SDLC and in the DLC. Their absence in the institutional set-up can negatively affect the verification of their claims and evidence filed by them. Therefore the DLCs and SDLCs should ensure the participation of pastoral community representatives, specifically including PRI members from the pastoral communities, in the committees and decision making process.

3. SLMC-State Level Monitoring Committee

In addition to supporting the above administrative roles and responsibilities of the DLCs and SDLCs with specific respect to pastoral communities, the SLMC will ensure the following:

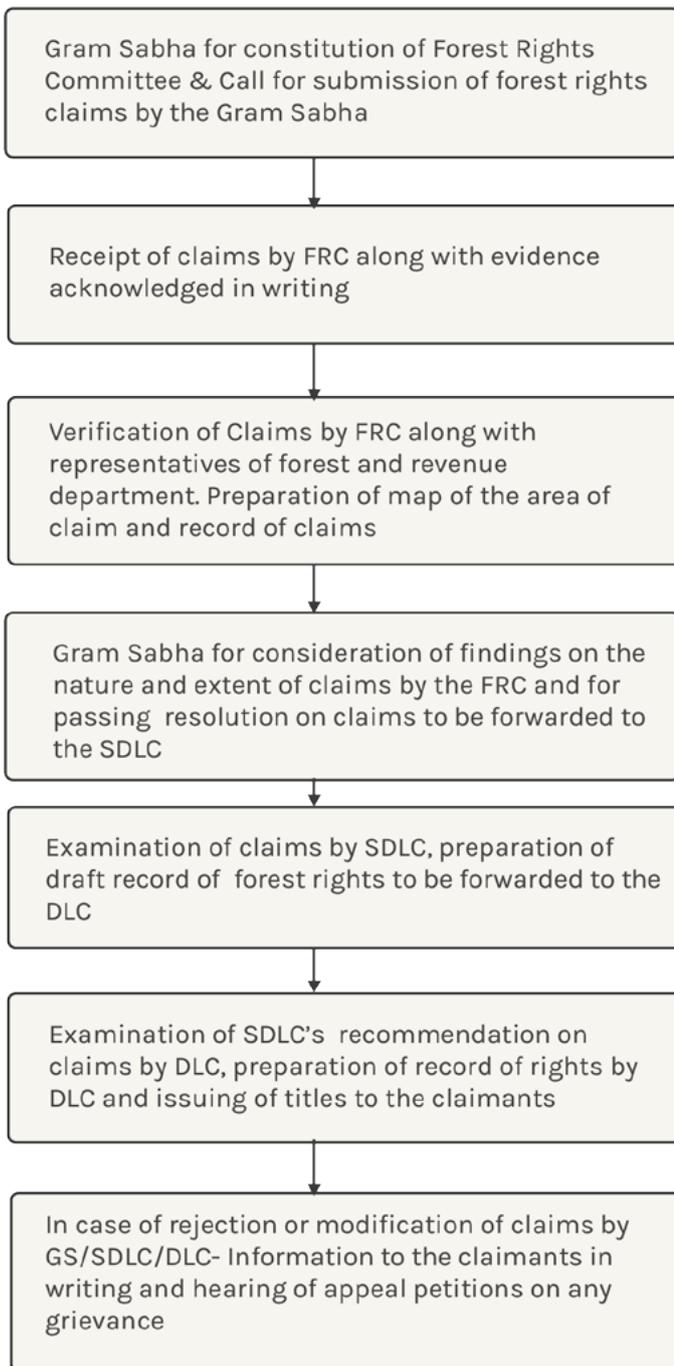
- A State Action Plan and related steps/mechanisms to formulate, implement and monitor it (with specific reference to the pastoral communities and their grazing rights)
- Awareness building and orientation for all government administrative staff (including the Forest Department) on the provisions of FRA and the pastoralists including the Guidelines of MoTA for implementation. Developing relevant IEC material for the same in regional languages. The idea that pastoralist claims represent difficulties and complexities must be replaced by an insight into their identities and the productive roles they play.
- The SLMC along with the State Tribal/Social Welfare Department must ensure appropriate coordination between the DLCs of different districts to facilitate the process of claims and determination of grazing rights of the pastoralists from different districts. Secondly, with regard to inter-state filing for communities practising cross-state migration, the SLMC must ensure interstate coordination among the authorities set-up under FRA as well as Tribal Nodal Agencies/Welfare Departments of the concerned states.
- The SLMC will ensure that Tribal Research Institutes are asked to compile government records and reports on pastoral communities which can be used as evidence in the claim making process.



C

Determination of Forest Rights and Claim Making

PROCESS OF CLAIM FILING



KEY ASPECTS OF CLAIM FILING OF PASTORAL COMMUNITIES UNDER THE FRA

- Gram Sabha should have representation & participation of pastoral communities
- The filing of claims should consider migratory pattern of pastoral communities
- FRC to ensure verification of claims in presence of pastoral community members or their representatives
- DLCs and SDLCs must take proactive role to ensure support to pastoral communities and Gram Sabhas for claim filing

1. Where should claims be filed in case for pastoral communities' claiming rights over their traditional migratory routes which might spread over administrative and territorial boundaries?

The filing of claims of pastoral communities will depend on their migratory pattern to some extent and thus on the formation of their Gram Sabhas. There can be three major situations that exist, though these must not be considered exhaustive.

Pastoral communities having claims within district boundaries can file their claims in the Gram Sabhas of their resident villages. In such cases the DLC shall facilitate filing of claims before the Gram Sabhas concerned (Rule 12B (2)) which can be done by holding consultations with the pastoral communities. With regard to cases falling within sub-divisional boundaries the SDLCs are required to coordinate the claim process (Rule 6 (h)).

Pastoral communities with claims on grazing and seasonal access across multiple districts within a state can file their claims in the Gram Sabhas of their resident villages. In such cases the DLC of the district concerned shall facilitate filing of claims before the relevant Gram Sabhas (Rule 12B (2)) and shall coordinate with other DLCs regarding the inter-district claims (Rule 8 (e)), which can be done by holding a joint meeting of the relevant DLCs to examine and process the claims. In such cases the DLC under whose jurisdiction the Gram Sabhas fall should convene the meeting with other DLCs.

Pastoral communities with claims on grazing and seasonal access across multiple states can file their claims in the Gram Sabhas of their resident villages. In such cases the DLC of the concerned resident/origin district shall facilitate filing of claims before the Gram Sabhas concerned (Rule 12B (2)) and shall coordinate with other DLCs regarding the inter-district claims (Rule 8 (e)), which can be done by holding a joint meeting of the relevant DLCs to examine and process the claims. Since such claims fall in multiple states the DLC should ask for support from the State Level Monitoring Committee. The State Level Monitoring Committee should coordinate with other State Government and State Level Monitoring Committees for recognising inter-state claims.



The DLC is required to give special attention on pastoral communities' rights over their seasonal resource access and traditional migratory routes which might spread over administrative boundaries

Pastoral communities having claims within district boundaries	Pastoral communities with claims on grazing and seasonal access across multiple districts	Pastoral communities with claims on grazing and seasonal access across multiple states
<ul style="list-style-type: none">▪ Claims to be filed in the Gram Sabhas of their resident villages▪ DLC to facilitate filing of claims before the concerned Gram Sabhas▪ DLC to facilitate coordination between SDLCs for inter subdivisional claims	<ul style="list-style-type: none">▪ Claims to be filed in the Gram Sabhas of their resident villages in the origin district.▪ DLC of the origin district, under which the Gram Sabhas come, to initiate coordination with other DLCs to process inter district claims	<ul style="list-style-type: none">▪ Claims to be filed in the Gram Sabhas of their resident villages in the origin district (s) of the state.▪ DLC (s) of the origin state to initiate coordination with concerned DLC (s) of other states with support from the State Level Monitoring Committee

2. Verification of Claims and Evidence Generation

The Forest Rights Committee (FRC) or FRC initiates the verification process. The FRCs of the Gram Sabhas where pastoral communities have claims can begin the verification by fixing a date for it and informing the claimants and the relevant authorities (Forest Department, Revenue Department). As per the Rules the verification proceedings should be carried out in the presence of representatives of the pastoral communities. Rule 12 (1) (c) requires the FRC to ensure that claims from pastoralists and nomadic tribes for determination of their rights, which may be through individual members, the community or traditional community institutions, are verified at a time when such individuals, communities or their representatives are present.

2.1 What type of evidence can be used by the pastoral communities while filing of claims ?

Section 13 of the Rules clearly lists out the types of evidence which should be accepted during claim filing. Few of the major types of the evidence mentioned, which can be of special significance with respect to pastoralists, could be-

- Government records, records available with the pastoral communities (for instance as per FRA, 13 (2)(a) grazing permits, nistar- etc), reports of reputed research institutes, maps, census having any information on the traditional access and use of pastoral communities of forest land.
- Statements of community elders (13(1) (i)).
- Physical evidence, for instance as stated in 13 (2)(b)- ‘traditional grazing grounds.... sources of water for human or livestock use, etc’
- Genealogy tracing ancestry to individuals mentioned in earlier land records or recognized as having been legitimate resident of the village at an earlier period of time; (13(h))

2.2 Where will this type of evidence be obtained from?

The SDLC and DLC are responsible for providing available records and information required by the Gram Sabhas to support claims. As stated in iii(a) of the MoTA Guidelines issued in 2012, ‘The District Level Committee should ensure that the records of prior recorded nistari or other traditional community rights (such as Khatian part II in Jharkhand, and traditional forest produce rights in Himachal and Uttarakhand) are provided to Gram Sabhas, and if claims are filed for recognition of such age-old usufructuary rights, such claims are not rejected except for valid reasons, to be recorded in writing, for denial of such recorded rights.’ (Usufructuary rights are rights arising from traditional use of a resource such as land.)

These should include state-specific revenue records, like Nistarpatrak, Wajib-ul-Arj and Naksha Vartan, etc. The state Tribal Welfare Departments (or other equivalent nodal department for FRA implementation) can engage the Tribal Research Institutes to compile evidence on customary and traditional rights of pastoral communities which can be used by the SDLCs and DLCs as well as by the Gram Sabhas.

The Guidelines of FRA, 2012 (i (g) and (h)) clearly state that the SDLC or DLC should not reject a claim accompanied by any two forms of evidence mentioned under Rule 13. Further it is stated that technology such as satellite imagery should be used as supplementary evidence and not to replace other evidence that has been submitted.



(The specific types of evidence that has been produced by the pastoral communities in the process of claiming their CFR, is expanded on in the Case Studies Section)

3. Mapping

The Forest Rights Committee is required to prepare a map delineating the area of claim. This can be a simple sketch map of the community forest resources showing recognisable landmarks.

4. Processing of claims and recording of rights by the Sub-divisional and district level committee (DLC)/Role of authorities

The SDLCs and DLCs are required to process claims recommended by the Gram Sabhas to prepare titles and record of forest rights (RoRs) for sharing with the claimants and the Gram Sabhas. The SDLCs and DLCs have to inform the Gram Sabhas about the progress of proceedings for processing of claims and the decisions taken at every stage.

ANNEXURES

Annexure i

A Documentation of Best Practices of pastoral communities and their experience with FRA.

Case Study I:

The Maldharis (pastoralists) of the Banni grassland which is located in the Kachchh district of Gujarat, are the first pastoralist group in India to have successfully filed for Community Forest Rights (CFR) under the Forest Rights Act.



*Community meetings being conducted.
Photo courtesy Sahjeevan*



BACKGROUND

The Banni is a 2500 sq km grassland that is categorised as a Protected Forest and has been traditionally accessed, managed and protected by the nomadic/semi-nomadic Maldhari pastoral community. Presently nearly 7000 families, mostly Banni Maldharis, spread over 48 villages in 19 Panchayats, reside in and thrive on the grassland along with their Banni buffaloes and Kankrej cattle. There have never been any internal boundaries in the Banni grassland and hence there is a vast overlapping of resource use and access.



ORIENTATIONS & MOBILISATION

From 2011 onwards the Banni Breeders Association (BPUMS-Banni Pashu Uchherak Maldhari Sangathan) had begun a dialogue with the government authorities regarding their rights over Banni. After several rounds of discussion and

*Community meetings being conducted.
Photo courtesy Sahjeevan*

awareness building, the Maldharis themselves reached a major decision: that the Banni will be used as a common resource and will be claimed as community forest resources. In 2012 they undertook a mass rally demanding that FRA be implemented with regard to the area.



GRAM SABHA AND FRC FORMATION

The pastoralists themselves decided to organise Gram Sabhas and initiate the formation of FRCs to submit their claims as per the provisions of the FRA. In November 2013, Gram Sabhas began forming Forest Rights Committees at the village level. 48 villages formed their FRCs and submitted resolutions to the SDLC and DLC. This process was preceded by several rounds of discussion at the community level and even with the district administration. Since Maldharis form the bulk of the local population, the FRA Gram Sabhas formed were largely homogeneous in nature.

Since the process was going to be similar for the Gram Sabhas of each hamlet and these hamlets were, on the other hand, scattered across a large area, the GSs decided to form a Maha Gram Sabha (collective of Gram Sabhas) for easier coordination and consultation. The Maha Gram Sabha served as an umbrella institution throughout the process of claim filing and recognition.



FILING CLAIMS

The first step undertaken by the Gram Sabhas and by FRCs was determination of rights, resource mapping and determining access and use-overlaps.

The FRCs asked Sahjeevan, a non-governmental organisation, for help in carrying out resource mapping. Several meetings were organized at the village level with various groups and a mapping was undertaken of seasonal access to different grazing areas.

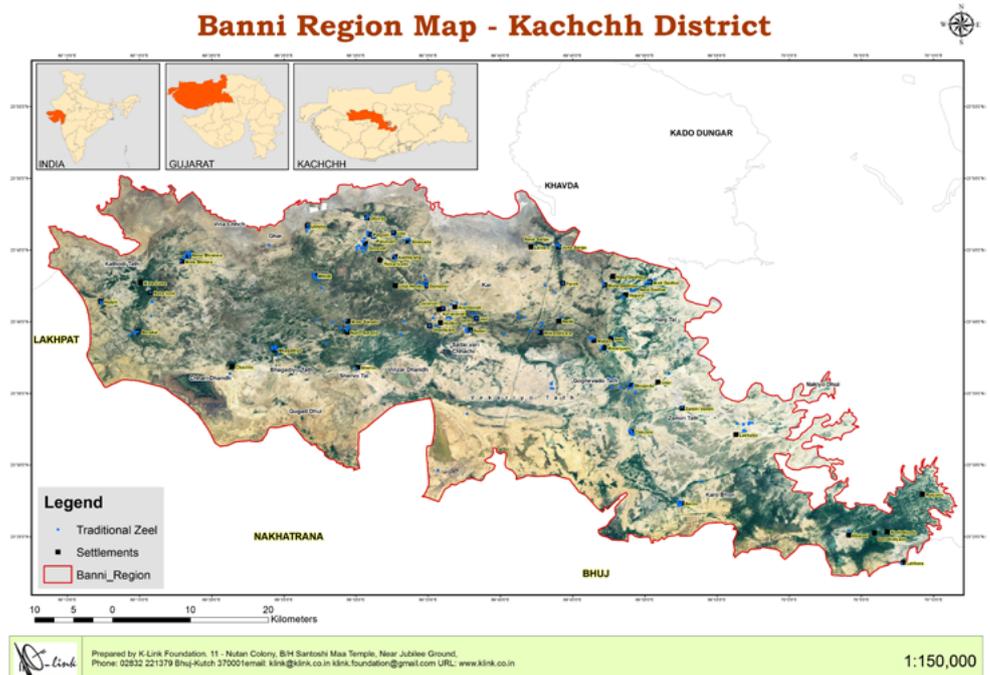


*Resource mapping with community members.
Photo courtesy Sahjeevan*

In the interim, there were orders from the district administration to officially form FRCs and thus in 2014, claims were prepared and filed as per the FRA.

The Secretaries and Presidents of all Gram Sabhas came together to discuss how the claim filing should take place – a single claim over the entire Banni grasslands or a set of claims. After many rounds of consultation it was decided that each Gram Sabha would prepare and file its CFR claim. However, the demand and format for each would be similar and they would, ultimately, all be passed through the Maha Gram Sabha.

The claims were approved by the Gram Sabhas and Maha Gram Sabha and were submitted to the SDLC. In this manner, 48 claim files were prepared from their respective Gram Sabhas and passed in the Maha Gram Sabha.



*Map of settlements within Banni.
Map courtesy Sahjeevan*

The Gram Sabhas claimed the following rights under FRA

1. Nistar Rights under FRA 3 (1) (b): Habitat rights, grazing rights, rights over water resources, rights over natural resources for livelihood generation in the Banni grassland.
2. Non-timber forest produce (NTFP) rights under FRA - 3 (1) (c): The collection of minor forest products such as honey, gum, grass, fodder, medicinal plants, firewood and charcoal making in drought conditions, etc.
3. The following community rights were claimed:
 - a.) Rights to the use of water resources, fishing, drinking water for humans and animals over various wetlands, etc.
 - b.) Grazing: Grazing and seasonal resource access rights under (3) (1) (d) for animals over 2500 Sq. km
 - c.) Pre-agricultural communities' grazing and habitat rights over the Banni grassland.
4. Management and governance rights under section 3 (1)(i) of FRA that provides for the right to protect forests and biodiversity
5. Conversion of forest villages to revenue villages under FRA- 3 (1) (h): A demand was made to convert all 53 forest villages into revenue villages
6. Rights to access to biodiversity as well as community rights to intellectual property and traditional knowledge related to biodiversity and cultural diversity under FRA- (3) (1) (k) including conservation, protection and development of native/indigenous livestock breeds such as the Banni buffalo, Kankrej cattle, Kachchhi horse, indigenous sheep and goat breeds, the Kachchhi donkey etc. This further included access and benefit sharing rights in relation to the economic benefits of these breeds.
7. Other traditional rights if any under 3 (1) (L)

The claim making and hence recognition happened at two levels. All Gram Sabhas recognised their CFR over the Banni grassland and secondly, access of other villages/user groups in the periphery of their villages.



*Meetings with SDLC
Photos courtesy Sahjeevan*



ROLE OF STATE AND DISTRICT LEVEL ADMINISTRATIVE INSTITUTIONS- DLC, SDLC AND STATE GOVERNMENT

The Banni case expresses the combined efforts of both community-driven institutions like the Breeders Association and a responsive, functional state administration.

The importance of the DLC assuming suo motu responsibility in claiming and recognising pastoral communities' rights is highlighted. In 2012 the Government of Gujarat issued a GR for the implementation of FRA in Non-Scheduled Areas of Gujarat. Within a year, the Collector of Kachchh issued resolutions for the formation, in a campaign mode, of SDLCs, DLCs and Gram Sabhas in villages which had forest land. Another significant step was the District Collector's appointment of the District Social Welfare Officer as the Nodal officer for FRA in the district. The SDLC was instrumental in organising the required number of meetings and consultations with the Gram Sabhas.

It must be mentioned, however, that even though the claim process is complete and 48 claims were approved by the SDLC and the DLC, official recognition of the pastoralists' CFR rights is yet to be given and the Gram Sabhas are yet to receive their titles. The successful pursuit of the process and its acceptance by the administrative machinery provides a clear blueprint; its incomplete status represents an omission that must be speedily resolved.

Case Study II:

Claiming and Recognition of pastoral rights across administrative and territorial boundaries in Multhan tehsil, Kangra district of Himachal Pradesh



BACKGROUND

Himachali pastoralism, like mountain pastoralism more generally, is premised on spending the summer and monsoon grazing in high altitude pastures, while winters are spent grazing forests in the Himalayan foothills. Up to four months of the year are spent moving between these summer and winter grazing grounds. While on migration, herders graze their animals along roadsides, in village commons and on forest lands. In 1999 the Dhauladhar Wildlife Sanctuary was notified and from 2008, restrictions on grazing became more severe. More than 700 sq. km. of the 1000 sq. km. of the Sanctuary had been common grazing land that served not only 200 agro-pastoralists (shepherding-based households of Multhan) but 600 other pastoral families that had used the land for their summer grazing for many centuries.



Community meetings being conducted.
Photo courtesy Kisan Sabha, Baijnath



GRAM SABHA AND FRC FORMATION

In Himachal Pradesh, the FRA was initially implemented only in the Schedule V areas – Lahaul, Spiti and parts of Chamba district, and it was later extended to the whole state. In 2014, FRCs began to be formed.

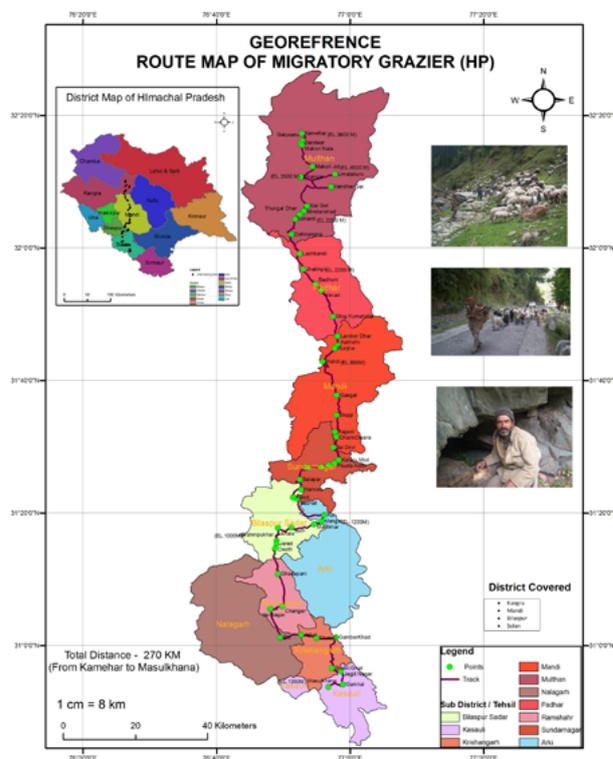


DETERMINATION OF FOREST RIGHTS AND CLAIM MAKING

When the pastoral communities started filing claims in Multhan, they involved not just the local stakeholders from the 28 Gram Sabhas but also the other dependent households from various districts whose summer grazing was located in Multhan. This was used strategically to strengthen the case for the collective management of the community resource through multiple stakeholders. A list was prepared of all people from different districts that accessed the area in question with details of the time of year when they accessed it. A similar list was prepared

for the local shepherds from Multhan with the list of the forests that they use for the winter grazing.

Thus the resource mapping consisted of the documentation of grazing areas, routes and halts of nomadic shepherds. One of the major challenges they faced while filing cross-boundary pastoral claims was deciding on the Gram Sabhas with which to file claims and the procedure for getting them passed by all Gram Sabhas that they accessed while on migration. In Multhan they decided to file claims from the Gram Sabhas they were residents of and recorded the entire migratory routes used while on migration, including places they halt at. Therefore, the Gram Sabha where the shepherds were originally resident received and verified the claims and forwarded them to the SDLC. This entire resource mapping was done with the shepherds as primary respondents.



*Route map of grazing migration
Map courtesy Kisan Sabha , Baijnath*

Since this was the first attempt in the country involving the filing of inter-DLC claims for pastoral nomadic communities, a meticulous documentation was undertaken of not just the grazing areas but also the route that they take, with a focus on where they halt and what water resources they use while moving. Additionally a list was also made of the Gram Sabhas, FRCs, SDLCs and DLCs that all those villages/forests fall under.

A number of multi-stakeholder meetings took place and matters such as boundary demarcation, nature of rights, etc. were discussed thoroughly at this stage of pre-claiming and claiming of pastoral rights to prevent tensions amongst stake-holders surfacing at a later point.

For example, Bada Gran Gram Sabha decided the boundaries with regard to the area that they would graze themselves and that which they would allow the shepherds to graze on. The Gram Sabha in Bara Bhangal Village decided to grant only grazing rights and not the right to herb collection to the shepherds coming from outside.

In Rulling Gram Sabha, the facilitators held joint consultations with different groups and then with all the

groups together. These included discussion and negotiation among communities forming the Gram Sabha at Rulling and also with those who came from elsewhere to graze their animals there in the summers – even those communities that did not actually stop here but passed through while moving towards other summer grazing areas. Besides this, they also held consultations with Gram Sabhhas of the areas that residents of Ruling used for winter grazing. The entire process took almost two years but was pursued successfully in accordance with the democratic and communitarian spirit of pastoralism and FRA.



EVIDENCE AND DOCUMENTS

In Himachal Pradesh, they used the *Wajib-ul-Arj* (record of customs) to prove the communities' historic access and use of the resources they were filing claims for. In Karnathu Gram Sabha, as supporting documents for evidence, an old Working Plan copy of the relevant Forest Division (Palampur) and a copy of Anderson's 'Forest Settlement of 1887' was also furnished.



*Claims being submitted to SDLC
Photo courtesy Kisan Sabha , Baijnath*



ROLE AND FUNCTIONS OF ADMINISTRATIVE INSTITUTIONS

It is not every household or Gram Sabha's responsibility to send the inter-SDLC and inter-DLC claims to multiple platforms, rather it is the DLC's responsibility. The pastoral communities in and around Kangra, made use of this legal provisions of FRA; Rule 8 (e) that states one of the functions of DLC is to 'co-ordinate with other districts regarding inter-district claims.'



TITLE TO THE COMMUNITY FOREST RIGHT

The nature of community rights in pastoral context is two pronged – it is held by community but practiced individually. The titles issued were in the name of all the permanent residents of the concerned Gram Sabha and most significantly mentioned that 'Seasonal Access and use rights of Nomadic and Pastoralist communities within the Community Forest Resource area shall be respected by the Gram Sabha under section 3(1) (d) and (i) of the Act. The Gram Sabha and such user communities shall jointly decide rules for regulating access for sustainable use of the area under section 5 of the Act.'



Annexure ii

A Brief Primer on Pastoralism

Pastoralism as a practice involves the seasonally mobile management of domesticated animal herds via extensive grazing on common pool resources, with at least 50 percent of household revenues coming from this kind of animal husbandry. By this definition, pastoralism does not include intensively managed livestock (such as stall-fed dairies) or immobile households that manage a few animals that might be grazed on village commons, generating a small fraction of household revenues from their livestock. Importantly, pastoral communities are also commonly associated with particular breeds of animals, breeds that they have played a key role in developing.

Unlike such systems elsewhere, India's pastoralism is largely agro-pastoral with complex inter-dependencies between pastoral and cultivating communities. To varying degrees, but across all pastoral systems in India, pastoralists are invited by cultivators to pen their animals on fallow fields or ahead of the monsoon (kharif) and/or winter (rabi) crops. For the duration that they provide these services, pastoralists graze their animals on both agricultural residue and village commons. At other times of the year, they graze their animals in vast expanses of alpine meadows, thorn forests, mangroves and tropical grasslands or simply along the roadside as they migrate between seasonal grazing grounds. At the heart of Indian pastoralism, there is the need to access a wide variety of vegetation forms on various kinds of lands, including private lands, village commons, forest lands and unclaimed "wastelands".

Accurate numbers are hard to come by but there are approximately 20 million pastoralists distributed over more than 50 distinct communities (provide hyperlink to the list of communities), with a presence in most states in the country. Indian pastoralism occurs across three broad geographies – the Himalaya, the arid and semi-arid lands of Western India and large parts of the semi-arid Deccan Plateau. Animal management follows a very different logic in each of these. Within the Himalaya, herders spend the summers and monsoons at high altitudes, grazing their animals on highly productive alpine pastures. Their winters are spent grazing scrub forests in the Himalayan foothills, and the time in between is spent migrating between the two, often over distances exceeding 200 kilometers. Animals are penned on farmers' fields in the wintering areas. Apart from this, many herding communities own private land that family members cultivate as a separate income source.

In Western India and the Deccan Plateau, pastoral movement is more closely aligned to rainfall events, with herders ranging far and wide during the hot season. During this time they often provide penning services to other communities ahead of the monsoon when they return to their home bases.

The pastoralists of the Deccan are dependent on agri residue to a much greater extent than those in the

arid and semi arid regions of Western India, where there is far greater dependency on the commons. Another key difference is that pastoralists in Western India own little or no agricultural land. They are largely landless unlike their Deccan counterparts who have some land holdings and traditionally practice subsistence farming when they return from their migratory travels in the monsoons.

Among the better known pastoral communities are the cattle-herding Gollas and Kurumas shepherds of Andhra Pradesh; Kurba and Dhangar shepherds of Karnataka; Maldharis, Rabaris (cattle, sheep and goats) and Bharwad (sheep and goats) of Gujarat; Raika/Rabari (camel, sheep and goats) and Gujjar of Rajasthan; Gaddi (goat and sheep) and Gujjar (buffaloes) of Himachal; the Bakkarwaals (sheep and goats), Gujjar and Changpa (buffaloes) of Jammu and Kashmir and the Brokpas (yak) of Arunachal Pradesh.

Contributions

One may well ask why pastoralism is important in this day and age of industrial agriculture and industrial animal husbandry. Here's why: India has an estimated 74 million sheep, the third highest population of sheep in the world, managed entirely by pastoral communities. Up to half of India's 148 million goats, also in the top two or three numbers globally, are managed by pastoralists. Close to 20 percent of Indian dairies are stocked by cow and buffalo breeds developed by pastoral populations. Close to 40 per cent of India's domesticated animal population (73 of 179 breeds) have been developed by pastoral communities. Extensively managed pastoral livestock populations contribute to the agricultural sector by way of fertilizer provided to cultivating communities. Pastoralists and their livestock then are major contributors to our agricultural, meat, dairy and leather industries.

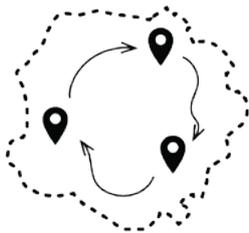
Pastoralism and Conservation

There is growing evidence that pastoral communities contribute to biological diversity, contrary to the widespread assumption that pastoralism and grazing in general is responsible for wide-spread degradation. The reality is that pastoralists have been grazing certain landscapes for decades and the rich biological diversity we associate with the Himalayas, Western India and the Deccan is almost certainly linked to, if not derived from, this history. Blanket decisions to curtail grazing in these landscapes will likely have myriad consequences, and few of these are well understood.

Conflicts over natural resources

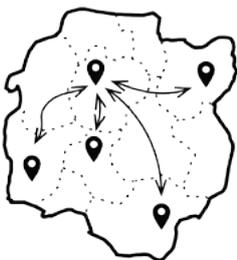
Historically, there have been resilient traditional and customary relationships between pastoral and settled communities that have been based on mutual benefit and adjustment with regard to the use of resources. There have also been larger areas of commons land that have been available to all concerned. In the modern era the commons have been diminishing because of industrialization and infrastructure projects. Settled communities have begun, in many cases, to look upon pastoralists as 'backward' in their ways. The increasing use of chemical fertilizers has also reduced the extent to which settled communities depend on and value the manure gained by allowing pastoral herds to graze on their land. Agricultural residue, which was a part of pastoral herds' grazing resources, is increasingly being disposed of in other ways, such as by burning it. And finally, the declaration of reserve forests and large areas of wilderness as Protected Areas (national parks, sanctuaries, etc.) has meant that pastoral communities that traditionally visited these areas are now barred from entering them. These changes have led to increasing conflicts between pastoralists and authorities like the Forest Department, industrial units and agencies managing infrastructure projects.

Patterns of Pastoral Mobility



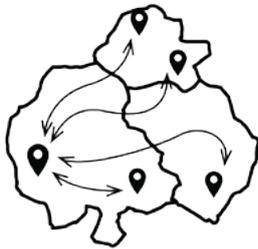
1)

WITHIN DISTRICT- A large number of pastoral communities fall in this group. Some of these take their animals to graze at the periphery of their village and may even come back home every day. Others leave their village and roam within the district periphery living a nomadic life. The Changpas of Ladakh, the Maldharis and Fakirani Jats of Kutch, Lambada of Telangana, and Kurba of Karnataka are examples of such communities.



2)

WITHIN STATE- These communities typically leave their villages, travel across multiple districts within a given state and return to their native villages before the monsoon. Dhangars of Maharashtra, Kurma or Kurba of Karnataka, Bharwad and Rabaris of Saurashtra, Vagdiya Rabari of Kachchh, Van Gujjars of Uttarakhand, Gujjars of J&K, and some Gujjars, Gaddis, Kanets, Kinnauras and Brokpas, fall in this group.



3)

CROSS STATE- Some communities travel across state boundaries in search of forage for their animals. The Raika of Rajasthan might travel through Maharashtra, Madhya Pradesh and Chhattisgarh before returning to Rajasthan, a migration that covers over 2000 kilometers. Similarly, Rabaris of Kachchh-Gujarat travel for part of the year in Maharashtra, Madhya Pradesh, Karnataka, Telangana and Andhra Pradesh. Some Himalayan herding communities also cross state boundaries, including some Gaddis and Gujjars of Himachal Pradesh and some Van Gujjars of Uttarakhand.

Identity

Government departments find it difficult to define pastoral communities and sometimes place them in differing administrative categories across different states or at times even within a state. This inaccurate categorization itself further leads to a lack of administrative knowledge and experience with regard to them. This then manifests as limitations and a lack of clarity in policy interventions with respect to pastoral communities. The Department of Animal Husbandry and Dairying deals with pastoralists in largely the same fashion as it deals with other livestock keepers. The Tribal Department mostly administers and engages with those pastoral communities who belong to Scheduled Tribes.

There is no single social categorization of pastoralists, with pastoralists Some such as the Rebaris and Raikas are classified as Other Backward Caste (OBC), although Rebaris within the Gir Forest are Scheduled Tribes (STs); The Kurumas are classed as Backward Castes (BC); the Dhangars as Nomadic Tribe (NT); the Bharwad, Gaddi Bakarwaal and Changpa as Scheduled Tribe. Within Himachal Pradesh, the Gaddi shepherds from Chamba are classed as Scheduled Tribe while the Kanet and Kinnaura shepherds have no particular social categorization. These identities are also in transition , since many communities, such as the Gujjars of Rajasthan and Dhangars of Maharashtra are engaged in demanding ST status.



Annexure iii

State and Union Territory list of Pastoral communities in India

Gujarat			
PASTORAL COMMUNITY	ADMINISTRATIVE CATEGORY	DISTRICTS	REMARKS
Rabari	OBC	Kachchh, Devbhumi Dwarika, Jamnagar, Rajkot, Surendranagar, Bhavnagar, Porbandar, Sabarkantha, Banaskantha, Botad	1. Sub types include Bhopa, Sorathiya, Kachchhi and Dhebariya, Vagadiya Rabari 2. Gir, Barda and Alech forest are ST and remaining are OBC
Banni Maldhari	OBC	Kachchh	
Bharwad	ST/OBC	Kachchh, Devbhumi Dwarika, Jamnagar, Rajkot, Surendranagar, Bhavnagar, Porbandar, Sabarkantha, Banaskantha, Botad	1. Sub types include Motabhai and Nanabhai Bharwad; 2. Gir, Barda and Alech forest are ST and remaining are OBC
Charan	General	Junagadh, Jamnagar, Devbhumi Dwarika, Kachchh	
Jatt	OBC	Kachchh, Bharuch, Jamnagar, Bhavnagar	Sub types include Fakirani, Daneta and Garasiya Jatt
Mer		Porbandar	
Sodha	General	Kachchh	
Gayri	General	Dahod, Jhalod	

Rajasthan

PASTORAL COMMUNITY	ADMINISTRATIVE CATEGORY	DISTRICTS	REMARKS
Gayri	OBC	Southern Rajasthan (Mewar)	
Rath	OBC	Ganganagar, Bikaner	
Rebari/Raika	OBC	Bikaner, Nagaur, Jodhpur, Jaisalmer, Barmer, Jalore, Pali, Sirohi, Jhallawar, Banswara	Some of them migrate to MP, Maharashtra, Gujarat and Haryana
Sindhi Meher	None	Jaisalmer, Barmer	
Gujjar	OBC	Northan Rajasthan	

Telangana

Lambada	ST	Jagtial, Jogulamba, Kamareddy, Karimnagar, Mahabubabad, Mhabubnagar, Mancherial, Medak, Nagarkurnool, Nalgonda, Nirmal, Nizamabad, Peddapalli, Rangareddy, Rajanna sircilla, Sangareddy, Siddpet, Suryapet, Wanaparthi, Waranagal (R), Yadadri	In Andhra Pradesh they known as Sugali/ Banjara etc
Kurma/Dhangar	OBC	Jagtial, Jogulamba, Kamareddy, Karimnagar, Mahabubabad, Mhabubnagar, Mancherial, Medak, Nagarkurnool, Nalgonda, Nirmal, Nizamabad, Peddapalli, Rangareddy, Rajanna sircilla, Sangareddy, Siddpet, Suryapet, Wanaparthi, Waranagal (R), Yadadri	In Karnataka they known as Kurba and in Maharashtra as Dhangar
Golla	OBC	Jagtial, Jogulamba, Kamareddy, Karimnagar, Mahabubabad, Mhabubnagar, Mancherial, Medak, Nagarkurnool, Nalgonda, Nirmal, Nizamabad, Peddapalli, Rangareddy, Rajanna sircilla, Sangareddy, Siddpet, Suryapet, Wanaparthi, Waranagal (R), Yadadri	
Kuruba	OBC	Nagarkurnool, Kamareddy, Rajanna sircilla, Nizamabad	

Andhra Pradesh

PASTORAL COMMUNITY	ADMINISTRATIVE CATEGORY	DISTRICTS	REMARKS
Lambada/ Sugali/ Banjara	ST	Kurnool, Ananthapur, Chittoor, Guntur, Prakasam, Nellore, Kadapa	In Telangana known as Lambada
Kuruma/Kurba	OBC	Kurnool, Ananthapur, Chittoor, Guntur, Prakasam, Nellore, Srikakulam, Kadapa	In Karnataka known as Kurba
Golla	OBC	Kurnool, Ananthapur, Chittoor, Guntur, Prakasam, Nellore, Srikakulam, Kadapa	Also found in AP, Telangana, Orrisa

Arunachal Pradesh

Monpa	ST	Tewang and West Kameng	
-------	----	------------------------	--

Karnataka

Kuruba	OBC	Mysore, Belgaum, Bhagalkot	
Krishna Golas/Golla	SC		
Gavli			Pastoralists/Farmer

Tamilnadu

Konar (yadava)	BC	Virudhunagar	
Lingayat	BC	Erode	
Toda	ST/PVTG	Nilgiri	
Vanniyar		Theni	

Odisha

PASTORAL COMMUNITY	ADMINISTRATIVE CATEGORY	DISTRICTS	REMARKS
Kela	ST	Nayagadh, Khudha, Puri, Bargadh, Cuttak, Kendrapada, Balasur	Intrastate pastoralists. Coastal areas include pig pastoralism (not necessarily nomadic in nature). Many fishing communities have taken up pig pastoralism
Gouda		Ganjam, Gajpati, Raygadha, and Nayagadh	Interstate pastoralists migrate to Andhra
Khedia		Sundargadh	Pig Pastoralists
Leheri		Sundargadh	Pig Pastoralists
Golla	OBC	Ganjam, Gajpati, Raygadha, Nayagadh, Khurdha	

Himachal Pradesh

Gaddi	ST	Kangra, Chamba	
De	ST	Kinnaur, Simla	
Kanet	OBC	Kangra, Mandi, Kullu,	
Gujjar	ST	Sirmor, Chamba, Kangra, Mandi, Kullu	

Uttarakhand

Van Gujar	OBC	Haridwar, Dehradun, Paudi Gadhwal, Tehri Gadhwal, Nainital, Udham Singh Nagar, Uttarkashi, Rudraprayag	
Bhotia	ST	Uttarkashi, Pitthoragarh	

Ladakh

PASTORAL COMMUNITY	ADMINISTRATIVE CATEGORY	DISTRICTS	REMARKS
--------------------	-------------------------	-----------	---------

Changpa

ST

Jammu and Kashmir

Bakkarwal

ST

Throughout the state

Gujjar

ST

Throughout the state

Madhya Pradesh

Gaderia

Banjara

OBC

Rabari

OBC

Dewas, Khandva, Bhopal, Indore, Betul

Originally from Kachchh, Gujarat

Raika

OBC

Dewas, Khandva, Bhopal, Indore, Betul

Originally from Southern Rajasthan

Dhangar

Maharashtra

Gowaris

ST

Gondhiya, Nagpur, Bhandara, Vardha

Golkars

NT
(category C)

Gadhchiroli, Chandrapur

Kuruma

NT
(category C)

Chandrapur

Kannadi Talwar

NT
(category C)

Kahmednagar, Nashik, Ahemadnagar

Mathura Banjara	NT (category C)	Yavatmal, Washim	
Rabaris	OBC (In Gujarat)	Melghat region	Originally from Kachchh, Gujarat
Bharwads	no category	Melghat region	Originally from Saurashtra, Gujarat
Gawlis	NT (category C)	Wardha, Amravati	
Gawli Dhangar	NT (category C)	Kohlapur, Sangli, Satara	
Dhangar	NT (category C)	Throughout the state	

Chattisgarh

Rabaris	OBC (In Gujarat)	Melghat region	Originally from Kachchh, Gujarat
---------	---------------------	----------------	-------------------------------------

Uttar Pradesh

Van Gujjar	OBC	Saharnpur, Bijnor	
------------	-----	-------------------	--

Gaddi

Gaderia		Throuout the state	
---------	--	--------------------	--

Ghosi

Bihar

Ghosi

Sikkim

PASTORAL COMMUNITY	ADMINISTRATIVE CATEGORY	DISTRICTS	REMARKS
Bhutia		North district and west district	

West Bengal

Rai		Kalimpong, Darjeeling	
Chettri		Kalimpong, Darjeeling	
Subba		Kalimpong, Darjeeling	
Rai		Kalimpong	

Punjab

Gaddi, Gujjar		North Punjab	Originally from Himachal Pradesh
---------------	--	--------------	----------------------------------

West Bengal

Raika/Rebari		Karnal, Hissar	Originally from Rajasthan
Belahi keepers		Panchkula	



Please note that this list has mainly focused on pastoral communities of mainland India solely due to the compiling team's constraint in accessing information.

This is not to discount the rich diversity and presence of the pastoral communities in the north eastern states.

Published by Centre for Pastoralism, Sahjeevan - 2021

www.centreforpastoralism.org

Centre for Pastoralism, Sahjeevan
175 - Jalaram Society, Vijay Nagar
Hospital Road, Bhuj-Kachchh
Gujarat 370 001
P: +91 2832 251814

Regd. Society no.Guj/245/Kutch
Reg. Public Charitable Trust no.
F-421/Kutch