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Act (Panchayat Raj): Experiences, Issues, Challenges and
Opportunities with Special Reference to Uttar Pradesh

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Dr. Ram Manohar Lohiya National Law University,
Lucknow

Submitted by:-

Amit Rathi

Programme Officer

TISS, Mumbai

Panchayat Raj- Political empowerment amongst the Forest Dwelling Van-Gujjars.

Abstract

The existence of Gujjar pastoral transhumance is one of the best examples of symbiotic relations of these pastoralists with the forests and sedentary population spread over in the migratory routes. The Muslim Van Gujjars are a pastoral group living in the foothills of the Uttarakhand Himalaya, basically in Uttarakhand, Himachal Pradesh and Shivalik foothills in U.P are also known as buffalo grazers, follow transhumance between high altitude alpine meadows and forest foot hills without much diversification of subsistence strategy. The economy of Van Gujjars is completely based on milk production and supply of milk products along with providing genetically well-bred progenies of indigenous buffaloes to the hill people of Uttarakhand.

The Van Gujjars are well known for having evolved a resource management practice by utilizing the alpine grazing resources in summer and migrating to foot hill forests in winter. Henceforth, Van Gujjars have proved themselves very resilient; they have an intact social structures and mechanisms for mutual sharing of resources with the sedentary population. They also provide ethno-veterinary services to the local farmers, and their livestock also represents an encash able asset.

This paper will look at the relationship between the Van Gujjars and their forest base in a historical perspective from colonial rule to 'preserving the nature' and their forest rights, and further discuss how changing codes and rules of power affect the citizen-society-nature and forest relationship for the community. We will look back into history and see how a system of strict control and regulation of Van Gujjars as nomadic pastoralists without a permanent address, initiated during colonial time, has continued. We will further look upon how that historical unequal treatment and ostracism of Van Gujjar pastoralists has continued into the present. What is evident here is 'the forest' as a disputed space: a spot of power struggles, where forest dwellers are endangered with displacement in order to arrange for space, first for contemporary forestry and revenue generating property, and later for management of environment. The paper further looks at the most recent progress where the Van Gujjars now have attained domicile rights such as voters' rights and have been associated with Government facilities for education and health. It concludes by deliberating the new prospects and hopes for the community.

Introduction.

Van Gujjar tribe still follow their traditional way of life, they are nomadic water buffalo herders. They live year-around in the wilderness- never in villages- grazing their livestock on the foliage that grows in the forests and mountains of Northern India. The community spends winters, from October to April, in the Shivalik Hills- a low but craggy range that arcs through parts of Uttar Pradesh, Uttarakhand, and Himachal Pradesh. Amidst the thick forest, each Van Gujjar family settles into a base camp; every day, from their huts of sticks and mud, they roam over gnarled sedimentary topography, through a tangle of deciduous trees and bushes, feeding their buffaloes on the plentiful foliage.

In the month of March, however, heat begins to sear the Shivaliks. By mid-April, temperatures soar to 45 degrees. The creeks that snake through the range run dry. As though baking in an oven, the forest canopy turns brown. Leaves wither, die, and fall from the trees. The once-verdant hills go bald. With little left for their buffaloes to eat or drink, the Van Gujjars must move elsewhere to survive. They pack their entire households onto horses and bulls and hike their herds up to the Himalayas, aiming for high alpine meadows that are flush with grass throughout the summer¹.

They stay in mountains until autumn. Then, with temperatures plunging and snow beginning to fall, they retreat back down to the Shivaliks. By the time they reach there, usually in early October, they find the low hills bursting with life once again, the thick forest canopy regenerated over the previous months by the moisture delivered during the summer monsoon, the water sources recharged. With plenty to sustain their animals, they stay in the jungle- each family often returning to the very same hut that they occupied the previous winter- until springtime temperatures drive them back to the Himalayas. This migratory pattern-up in spring and down in autumn- has been practised by Van Gujjars for many, many generations.

It is believed that the first Van Gujjars came to the Shivalik region, probably from Kashmir, some 1,500 years ago. No one knows what or exactly why, but some in the tribe say their people were invited by the local raja; he'd been travelling in Kashmir and was so impressed by the Van Gujjars. Their buffalo herds, and the high quality of their milk, that he asked them to come live in this kingdom. Today, an estimated 30,000 Van Gujjars still dwell in the wilderness, moving seasonally between the Shivaliks and the Himalayas. They still speak their native dialect, 'Gojri', which is a linguistic fusion of Dogri (a Kashmiri tongue) and Punjabi.

¹ Himalaya Bound by Michael Benanav.

Though changes are beginning to penetrate into their secluded forest realm- with severe cultural consequences in some places- the essence of their traditional herding lifestyle has remained largely intact through the centuries.

Although for Van Gujjars sense of honour, traditional lifestyle, and community are most important to their identity, they are a direct, pragmatic and realistic people who see the increasing pressures on their culture and lifestyle. They remain extremely confident and proud within their own community, yet they are frustrated by their powerlessness and their exploitation by outside forces. They refuse to give in or shed their values in order to take another path, but they see little hope of success within existing system as exploitive forces lined up against them. These realities have provoked much discussion in recent years spurred on by the escalating park and people conflicts.²

VAN GUJJAR PASTORALISM.

Through history the Van Gujjars have specialised and attuned pastoral production, based on milk buffaloes, to the mountain eco-system of the Central and Western Himalayas. One feature of the mountain environment to which they have had to adapt is the seasonal variability in climatic conditions and thereby in the growth of vegetation. This makes migration an ecological necessity. The transhumance of the Van Gujjars oscillates between two fixed points in their landscape of pastoral movement: the forests in the foothills and the forest in the high range adjacent to the *bugiyals*, the alpine pastures.

In between the two are the migration routes, with their halting places and the possibility of co-existence with settled populations for barter and for the use of agricultural residue for fodder. The Van Gujjar, have thus adapted their way of life to changes in the seasons and to the ecological zones at different altitudes of their forest and mountain environment, being at each time of the year in the zone that promises survival for them and their herds. Nomadism is thus a necessary survival strategy for them.

Through their transhumance the Van Gujjars see themselves as participating actively in the 'way of the land' and its cyclic vagaries, characterising themselves as the *aana-jaana-log*, the people coming and going by following the life of Nature (*kudrat*) that alternately provides green fodder in the foothills and in the *bugiyals*. In order to survive as pastoralists and in order to use the land in a sustainable way, the Van Gujjars thus have to maintain access to a landscape

² Community Forest Management in Protected Areas - Forwarded by Justice P.N. Bhagwati.

that allows them to be flexible. However, the opportunities for nomadic pastoralism along the altitudes are rapidly decreasing and many options for flexibility are now either severely curtailed or completely lost. Having a whole mountain landscape, spatially spread out, as a life-world, with no specific central point, as settled people have, has since colonialism made it difficult for the Van Gujjars to maintain the rights to the places and routes that are necessary for their livelihood. While nomads move in natural, stretched out landscapes, state authorities think in borders and boundaries.

For the pastoral Gujjar, this has meant a steady decline in the space they are allowed to use. Politics both before and after independence created new boundaries and restrictions for their movement. It has left pastoral communities such as the Gujjars in pockets within states with different policies, with the result that they, on their annual migration, have different sets of government officials to negotiate with, as well as different sets of legislation and rule to deal with.

In 2000, the hill districts of the large populous state of Uttar Pradesh were converted into a new state, Uttarakhand, thus creating one more border right through the Shiwalik foothills where the Van Gujjars have their winter camps. A Van Gujjar household may thus live in the Shiwaliks in the state of Uttar Pradesh during winter and migrate through Uttarakhand in order to end up either in the higher ranges of the state or in the neighbouring state of Himachal Pradesh for summer meadows. Another family may stay quite close by, but in the Uttarakhand part of the Shiwaliks, and move to the alpine pastures of Uttarakhand during summer.

As a consequence of the boundaries, members of the former group face more difficulties during movement and are seen as impostors, not having a permanent state belonging. This happens every time to migrating Van Gujjars from Uttar Pradesh, who are stopped from going to their summer pastures in Uttarkashi in the state of Uttarakhand.

As regards their occupation, the Van Gujjar community may be regarded as more of an exception than as a rule among pastoralists of the world, as they rely almost entirely on their herds for their livelihood. Most pastoralists have a tendency to pursue more general subsistence strategies, raising at least some crops along with their animal husbandry and thereby spreading the risks. That the Van Gujjars have managed to survive as strict pastoralists may be understood on the basis of their place in a localised North Indian exchange system, grounded on communal specialisation.

Access to natural resources has been regulated by the system, so that different occupational groups have extracted specific natural resources as their main means of livelihood, and where all the products have been available for the society as a whole, as part of local systems of exchange. The physical environment of this part of the Himalayas is highly diversified. This created an economy, where groups of people were involved in 'regular transactions at different levels'.

The pastoral groups must therefore be seen as essential constituents of the larger socioeconomic system of the region. Of all these groups Gujjars were the only group who were full-time pastoralists and whose 'extensive migratory movements took them to fairly remote areas' and who 'possessed neither a permanent house nor cultivated land'.

VICTIMISED BY CONSERVATION

Today it is due to a large extent the Government's conservation policies that hamper Van Gujjars movements. New rules of conservations entail that Gujjars can be stopped on the road close to their goal and barred from entrance after having performed the whole migration. Similarly, they might be denied entrance to the foothills when they return in autumn.

A unified legislation regarding management and protection of wildlife was passed in India in 1972. 'The Wildlife (Protection) Act 1972' deals with wildlife protection through the establishment of protected areas as well as regulation / prohibition of hunting and control of trade in wildlife products. Once declared a protected area, all human activity inside is banned (except from a public servant on duty or any person permitted entrance by the authorised officer). This entails that local forest users lose all their traditional rights. They are no longer allowed to collect anything from the forest and they are even barred from just entering it.

In 1983 the Uttar Pradesh Government notified its intention to amalgamate three former sanctuaries into a large national park, the Rajaji National Park, under the Wildlife Protection Act because of what was conceived as, 'increasing pressure on forest and wildlife in this delicate ecosystem.' The main incentive for the park has been to protect the Asian elephant that here reaches its north-westernmost extension in India. The Van Gujjars who have their camps within the proposed park area during winters were threatened with eviction. They were conceived by both forest and wildlife authorities, and by local 'nature lovers,' as constituting the most serious threat to the delicate ecological balance of the park as well as to its wildlife.

All official policies were aimed at making them leave the forest and settle down, in order to survive as petty agriculturists. The conflict that followed attracted massive media coverage. In the national debate on people and parks the 'colourful Van Gujjar' (as they were often presented by journalists) came to represent the 'victims of conservation'. In this conflict the Van Gujjars were supported by Rural Litigation and Entitlement Kendra (RLEK) a local NGO and in 1996, they presented the *Community Forest Management in Protected Areas*, CFM in short. According to the plan the Van Gujjars should be allowed to actively participate in the management and conservation of the park area in order to secure the survival of their livelihood together with the sustainability of the forest ecosystem.

The plan was much discussed both in the media and through workshops and it also gained the attention of politicians. However, the plan was ahead of its time and it was not possible to realise it in practice within the regulations of 'The Wildlife (Protection) Act,' which banned human activity within the park. As a result, the participatory process of community forest management never really started.

What happened was also that the issue was fast used up through all media coverage, where 'Van Gujjars' were generally essentialised as 'simple people' living 'in harmony with nature'. This approach, while perhaps appropriate for short term gains, tended to simplify the whole issue while leaving out many of the political as well as contextual complexities and power struggles involved. It also disguised 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.

The result of the conflict over conservation was that the Van Gujjars lost out and the Forest Department and the concept of conservation prevailed. In the end the forest also lost out. Today, the forest is in many places in a much more deplorable state than it was years ago at the start of the conflict over conservation. However, all the publicity initially resulted in a stalemate between the Forest Department and the side supporting the Van Gujjars, with the result that the latter were not immediately evicted from the park area.

However, during the last 25 years more than 1300 nuclear families, earlier living in the Rajaji National Park during winter, have gradually been settled on land in two colonies namely Pathri and Gaidikhata in Haridwar outside the Rajaji Park. As a consequence of the earlier mobilisation for their case, they have, in most cases, not been downright evicted from the park, rather they have been persuaded by forest officials to leave and take the land offered. This they did, as they were told that no other alternative really existed. However, with the introduction of the new Forest Rights Act, the Van Gujjars have started seeing continued pastoralism in the forest as a possible alternative for the future. What was not possible in the 1990s through the *Community Forest Management in Protected Areas* might be achieved now with the new Act.

Struggle for Civil Rights

At the start of the conflict over conservation, the Van Gujjars were, marginalised by earlier policies towards pastoralists. This position was very strongly expressed by Van Gujjars:

What kind of life do we have here? There is nothing much in our life. First, the janglaat (Forest Department officials) takes everything from us. Whatever we earn is not ours. If people in the town earn just a few rupees, they are earning it for themselves. They do not have to give it to anybody else, but we have to give it to the 'janglaat'. Then, we do not have rights (haque-hakook) that other people have, like the right to vote. That is why nobody comes to the forest to ask us for votes, as it happens in other places, and then they can ask for things for giving their votes. Last, we do not have ration cards. We always have to pay the full price for kerosene, flour and sugar. All this is because we do not have any address. We do not have any settled life. We just have to move here and there.

What these pastoral Gujjars also did not have was education. None of them could read and write, something which gave them few choices when it came to alternative ways of securing a livelihood. As a result of the mobilisation in the 1990s, however, most Van Gujjars were enrolled in the voters' list, the first step of gaining full domicile rights. Except that, being nomads without a fixed address, their names were later gradually removed from the list by officials coming to check, who did not consider a hut in a state forest to be a permanent address.

A problem was also that the officials came in August when most of the Van Gujjars were in the hills. Furthermore, according to the Van Gujjars, villagers were instrumental in removing their names from the list for village council elections, fearing that their political participation might threaten local power structures.

While in the 1990s, RLEK was the main voluntary organisation working for the Van Gujjars, during the 2000s Society for Promotion of Himalayan Indigenous Activities (SOPHIA) (originally a daughter organisation of RLEK, but now an autonomous entity), in 2004 SOPHIA prepared a participatory action plan for Van Gujjar rights and conflict management.

The aim of the scheme started by SOPHIA was to build capacities in the community so that they themselves could manage conflict situations in the future. This action plan was subsequently incorporated in the form of a project, 'Community Participation for Conflict Management'. To empower themselves and ensure rights to land and livelihood, the Van Gujjars expressed that they needed domicile rights, policy advocacy, lobbying and education.

It should be stressed that important for them were also linkages with the government and government services for education, health and veterinary support. It is a victory that the educational centers were set up inside the forest where the children live, thus acknowledging the Van Gujjars right to stay in the forest. Earlier, their destiny had been decided by rules and laws they themselves could not read, something which had always given cause for disempowerment in encounters with officials.

Now all Van Gujjars are included in the voters' list, and they are aware of the procedures to ensure that they do not again lose their right to political influence. There is evidence that the Van Gujjars are now establishing political presence as voters, and that the political visibility and influence of the Van Gujjars has been enhanced. At the local village level, the Pradhans (elected village headmen) now have to pay attention also to Van Gujjar community issues.

In the recently conducted Panchayat elections in U.P Van Gujjars participated actively. One of the Gujjar was candidate in the elections. One Abdul Kareem contested the elections along with twelve other candidates from 'Ganeshpur Mohand' village panchayat which lies in Shivalik foothills in Behat constituency of Saharanpur district of U.P on Uttarakhand and U.P border where Van Gujjars generally resides in winters. Extensive campaign was carried by Van Gujjar community for their candidate. The community showed huge excitement during the whole election process. Though Gujjar candidate was defeated in the elections but it was a good learning experience for the Van Gujjar community. There are few factors which played important role like illiteracy, lack of awareness, lack of unity among Van Gujjar community. Another important reason was misuse of wealth by other wealthy candidates which is more prevalent these days in Panchayat elections especially by the winning candidate Rao Gulsanawar, who holds the milk market in that particular area and was unconditionally supported by the ruling Samajwady Party.

Van Gujjars are now establishing political presence as voters, and that the political visibility and influence of the Van Gujjars has been enhanced. An example of this is that politicians from various political parties conducted empowerment rallies with the Van Gujjars during last assembly elections and Lok Sabha elections in U.P.

Van Gujjars have further finally realised other domicile rights, previously denied to them as nomads, such as, photo identification cards, ration cards and inclusion in the family register. Van Gujjars have thus now gained most of the rights and benefits that they were missing twenty-five years ago. This means that after the Forest Dwellers' law is introduced they must be better prepared to exercise their rights than they were at the start of the conflict over conservation.

CONCLUSION

The fact that the Van Gujjars have largely maintained their culture and self-dignity against all odds is commendable in itself. Their deep attachment and intimate knowledge of the forest could be utilised for the benefit of the outside world and certainly has the potential to be used in the protection and preservation of the forest. Traditional cultural values condemn poaching and destruction of the environment. The homogenous nature of the community and the high place that honour and respect play in Gujjar society have ensured that traditional values and practises have remained largely intact. These values are supported by the strong religious sentiments of the community, which merges concepts of nature and divinity, so that respect for one automatically leads to respect for the other³.

Over the centuries the Van Gujjars have depended entirely upon the forest for survival. Van Gujjars, thus see the forest as a symbiotic system to include Van Gujjar and their buffaloes. During the colonial rule in the nineteenth century, the Britishers used cultural stereotypes for pastoralists, listing them below agriculturists on the evolutionary scale, and including them in 'nature', the 'wilderness' and the 'wasteland'. As the forest was removed 'out of the category of wasteland' and became the ordered property of the state and managed by the Forest Department, it could no longer include people-or their cattle-as anything but intruders.

With the concept of nature conservation, cementing the dualism between productive landscapes and protected nature, people were, at least in theory if not always in practice, barred from even entering the forest. Through the Forest Right Act, new possibilities now exist for repairing the split between people and nature. This can be done, not by people such as the Van Gujjars becoming part of nature, but rather through 'socialised forests' where people are included in the management, sustainability and conservation of the nature from which they gain their livelihood.

Nomadic pastoralism has been looked at in evolutionary terms and it has been seen as an outdated form of production. However, there are now new calls for sustainable pastoralism as expressed by The World Initiative for Sustainable Pastoralism (WISP): 'Mobile pastoralism is clearly a viable and modern livelihood, and people are reverting to ways of living which a generation ago were thought to have disappeared'. With climate change and an increasingly vulnerable Himalayan landscape, sustainable pastoralism might still be a viable mode of production. Pastoralists gather wealth, such as milk, wool or meat, from scarce and scattered

³ Traditional wisdom in natural resource management- The only way to conserve by RLEK, page no. 204- 205.

resources. They are flexible, they walk and they know when it is time to give a depleted resource rest for recuperation while moving to new pastures. They are also very important for maintaining the biodiversity in the alpine pastures through grazing, and can be so in the foothills if they are allowed to plant and conserve local species of fodder trees.

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. There are already signs that such a change is taking place. People stay back in the foothills during summer while the buffaloes are taken to the alpine pastures by relatives. With forest rights, this could be done in a much more orderly fashion.