

Right of Adivasi Women over Natural Resources and Traditional Knowledge in the Light of Relocation for Conservation: A Case Study of Melghat Tiger Reserve, India

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CHAPTER 6: CONCLUSION AND RECOMMENDATION

6.1. An Overview of the Study

The present research intends to reflect on national and international legislation, policies and programs secure access and control of Adivasi women to natural resources and traditional knowledge that underpin their lives and livelihoods. It also attempts to analyze these policies and legislations implementations. Second, the study investigates through a case study the various livelihood practice agriculture, non-agriculture, and in relation with their dependence on several forest resources adopted by Adivasi women residing at the Melghat Tiger Reserve for livelihoods. It also attempts to study how relocation from Melghat Tiger Reserve has affected Adivasi women right to natural resources and traditional knowledge.

The literature questions the biodiversity conservation, the livelihood practices and strategies of communities living around the created Protected Area. Another debatable area questioned is the considerable dependence of village and forest communities on various forest resources that lead to deforestation and destruction of biodiversity. On one side there are wildlife protectionist who stresses the conservation of animals, forest and forest resource and on the other side, we have human right of the communities living in or near forest reserves that solely depend on forests for food, fuel and livelihood. However, the relationship between Adivasi women and nature is different. They use the natural resource for their livelihood and protect them as well, thereby taking care of the environment.

6.2. Conclusion

In an Indian context, though hundreds of studies have been carried out on dependence of forest, village communities on forest resources for their livelihood, very few have been focused on the gender dimension and the right of Adivasi women to natural resources and the Traditional knowledge. In this research, in the backdrop of relocation for conservation and after the enforcement of the Forest Right Act 2006 the rights of Adivasi women over forest resources and traditional knowledge have been studied and how relocation has affected these rights. To get more in-depth insight and to study the law in action, the Researcher applied her mind and conducted an in-depth empirical study and collected data, using the mixed method. The study was conducted at the Melghat Tiger Reserve, India.

An aspect of the many discussed was about the **international instrument** on the protection of wildlife and the right of Adivasi over natural resources and traditional knowledge and the lacunas in the international instruments. There is a common misunderstanding about the land and resource use of indigenous peoples, viewed as environmentally harmful, archaic, etc., contributing to violence against the occupations of indigenous peoples and conventional subsistence practices (e.g., changing agriculture, pastoralism, etc.).³⁹⁰ Conventional territory, lands and services control is not recognised as the base to define the extent of the rights of indigenous peoples under international law. Further non-recognition of the property rights of indigenous peoples and the social nature of these freedoms, in particular ,violence against Indigenous women and includes land access.³⁹¹

The researcher has highlighted the key findings of the research, specifically:

- Indigenous peoples are evolving as world policymakers. Second, within an analytical rationalist framework of international law, indigenous peoples have been able to assert their rights and partake in complex processes to establish international standards specific to their needs.³⁹²
- There is no single and uniform perspective on the term ‘indigenous people’ due to which there is a lack of implementation of these international instruments. not a single definition and identity of indigenous peoples is in international law. India's beliefs indicate resistance to the use of the word within their control based in part on the argument that the property was ancestral to all inhabitants within these nations.³⁹³
- No proper protection of Traditional knowledge and also right of indigenous people over natural resources, Unlike the Convention on biological diversity, there are no provisions in TRIPS whereby IPR applicants would be compelled to (a) reveal the geographical source of biological resources / Traditional Knowledge used in the innovation: (b) obtain the prior informed consent local communities who are the customary holders of the resources / Knowledge to access and use it. (c) Share the following commercial benefit with such communities. India and other developing countries have asked for amendments of TRIPS, particularly Article 27 so that

³⁹⁰ Birgitte Feiring 2013. *Indigenous peoples' rights to lands, territories and resources*. ILC, (Mar 18 2016) <https://www.landcoalition.org/sites/default/files/documents/resources/IndigenousPeoplesRightsLandTerritoriesResources.pdf>

³⁹¹ Phuntsok, Tashi, "Indigenous Peoples under International Law: An Asian Perspective" (2012). Electronic Thesis and Dissertation Repository. 943. (Mar 23 2016) <https://ir.lib.uwo.ca/etd/943>

³⁹² *Id*

³⁹³ *Id*

biopiracy can prevent. TRIPS also silent on what constitutes prior art, allowing developed countries to emphasize written evidence of prior art as opposed to oral evidence, leaving traditional oral Knowledge vulnerable to biopiracy.³⁹⁴

When researching the vital part of Indigenous / Adivasi women in turning the property into a subsistence for their families, gender norms still restrict their decision-making power in land use management and their land gains can be easily put at risk because they are generally not recognised by assets rights.³⁹⁵

Even though UNDRIP has widely hailed as a comprehensive, groundbreaking human rights document addressing the rights of indigenous peoples, however, as the analysis in chapter 4 demonstrates, In respect to the protection of rights of indigenous women, the UNDRIP contains several shortcomings and blind spots. Like other international human rights instruments, it reflects the bias of prioritizing civil and political rights and the subsequent inferiority of rights violations taking place in the sphere considered private. It also renders indigenous women inherently vulnerable, categorizing them with children and elders. Instead, the UNDRIP ought to have acknowledged that in most cases, women's vulnerability stems from the widespread gender discrimination and subjugation in society. Moreover, it turns a blind eye to the intragroup difference and oppression that also exists in indigenous communities.

The Indian Labor Organization accepted the Aboriginal and Native Peoples Convention 169 in 1989. It is the only legal international agreement pertaining to the State Parties Native peoples ' rights. This Convention recognizes the privileges of aboriginal peoples in independent countries to "exercise control over their own physical, social and cultural growth as far as possible" in certain regions. The Convention includes a section on land This section includes States Parties to recognize lands historically inhabited by indigenous peoples and to guarantee rights of ownership and security³⁹⁶

³⁹⁴ Kumar, Nithin V., Protection of Traditional Knowledge: International and National Initiatives and Possible Ways Ahead (February 28, 2012). <https://ssrn.com/abstract=2012724>

³⁹⁵ Strengthening Indigenous and Rural Women's Rights to Govern Community Lands Ten Factors Contributing to Successful Initiatives, (February 28, 2012). https://rightsandresources.org/wp-content/uploads/2019/05/Governance-Brief_RRI_Apr-2019.pdf

³⁹⁶ Wickeri, Elisabeth and Kalhan, Anil, Land Rights Issues in International Human Rights Law. Malaysian Journal on Human Rights, Vol. 4, No. 10, 2010; Drexel University Earle Mack School of Law Research Paper ; Fordham Law Legal Studies Research Paper No. 1921447. <https://ssrn.com/abstract=1921447>

The gist is “There should be a safeguard for Rights of peoples not exclusively occupied but have accessed the lands for their subsistence and traditional activities and have, through measures in appropriate cases.” The Convention provides the establishment of legal proceedings to settle land claims, defines rights over natural resources, safeguards against forced relocation, and provides a right of return and reimbursement for land lost either through the land (or at least equal quality and quantity) or cash.³⁹⁷

The U.N. General Assembly adopted Declaration on the Rights of Indigenous Peoples 2007 states that “*indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired*”.

The Convention and the Declaration also stress the need for participatory dialogue and for free, prior and informed consent to make decisions on land occupied by indigenous peoples, particularly when consideration is being given to the relocation of peoples from land, but without special mention of the right of indigenous women.³⁹⁸

Although women are especially susceptible to harm or decline of the communal land and natural resources and often discriminated against on the basis of gender, the alternative is not merely to promote women's individual land rights. A new analysis of the rights of indigenous women beneath CEDAW expresses this concern³⁹⁹: “*Introducing individual land titling systems... fails to take account of the demands of indigenous women themselves, who have emphasized the importance of collectively held indigenous territories in the preservation and development of their collective identity and the very survival of their peoples. Finally, evidence from around the world shows that introducing individual land title systems in indigenous lands, which can be sold and mortgaged, does not alleviate poverty, but rather facilitates the loss of land of the entire community and directly undermines indigenous strategies to preserve their livelihoods.*”

Research shows thoroughly the different risks associated with land individualization for indigenous women: “*Within customary systems of common property, balancing the rights of*

³⁹⁷ *Id*

³⁹⁸ Wickeri, supra note 401

³⁹⁹ KAMBEL ELLEN-ROSE, A GUIDE TO INDIGENOUS WOMEN'S RIGHTS UNDER THE INTERNATIONAL CEDAW, (2nd ed. 2012)

the individual and the group in an equitable manner may be a challenge [...]. Women's access to the common property is often indirect, through male relatives [...]. This form of secondary access may serve to protect and maintain minimal rights for women under two conditions: (a) as long as they are married/and their husband is alive, and (b) for as long as the common property is not individualized".⁴⁰⁰

Therefore, if the common property becomes individualized, Those who become titleholders can often be men, thus weakening the limited privileges enjoyed by women under traditional arrangements.⁴⁰¹

In addition, instead of seeing the rights of indigenous women as purely individual and contrary to collective rights, it is significant to highlight and encourage complementarity of individual & collective human rights—as reciprocal protections on equity.⁴⁰² In decision-making within customary structures, however, the equity should also be upheld, and Adivasi Women need to take steps to make the changes needed. The plurality of indigenous women sees them as members of families, and their security is sturdily interlinked through their societies overall condition and welfare. Although land rights under international treaties are not explicitly defined more thoroughly in this Convention or elsewhere in the centre, international law does not guarantee indigenous women's right to land and natural resources.⁴⁰³

Indigenous people's rights and aboriginal women's rights overlap quite obviously because the interests of indigenous people struggle with oppression and marginalization problems. Likewise, aboriginal women's issues are also about gender discrimination [and] the misunderstanding of indigenous peoples, so they have multiple layers of prejudice. Even when it comes to land rights, access to natural resources and traditional knowledge, which is

⁴⁰⁰ ILC & CAPRI, *Securing Access to Common Property in a 'Modernizing world'*, (2008).

⁴⁰¹ Wickeri Supra note 371

⁴⁰² Wickeri, Elisabeth and Kalhan, Anil, *Land Rights Issues in International Human Rights Law*. Malaysian Journal on Human Rights, Vol. 4, No. 10, 2010

<https://www.landcoalition.org/sites/default/files/documents/resources/IndigenousPeoplesRightsLandTerritoriesResources.pdf>

⁴⁰³ *Id*

a crucial issue for indigenous peoples, indigenous women are usually discriminated against for issues such as owning property within their own societies as well.⁴⁰⁴

Traditional knowledge's gender aspects are widely unrecognized. The general awareness of women is not well known. Consequently, strategies and frameworks centred on formal knowledge systems may exclude their traditional knowledge. While women play key roles in traditional medicinal knowledge trade production and promotion policies and procedures have to tackle enduring gender-based obstacles that prevent women from earning income from traditional knowledge (such as constraints to inheritance and property ownership) and accept them as rightful participants in policy dialogues. Where decision-making is focused on property rights institutional structures that discriminate against women, at that time, it is not possible to define women as participants.⁴⁰⁵

Sustainable development multinational frameworks advocate that women should be fully involved in environmental policy-making. They acknowledge women's valuable role in the protection and fair usage of biotic resources, as well as the value of agricultural biodiversity and traditional knowledge. Gender focal point of sustainable development policies and programs has to be accompanied through creation byways to track the effect of growth and ecological rules on women.⁴⁰⁶

International law and policy instruments generally recognise responsibilities to encourage equal and equitable the distribution of benefits from access and use of biodiversity and traditional knowledge. There are no specific provisions in international legal agreements which equally recognise the rights of women to share benefits. Nonetheless, reviewing the current international human rights instruments and the association with their CBDs and others related international tools demonstrates that women have the right to a fair and just

⁴⁰⁴ Victoria Tauli-Corpuz Indigenous Women's Rights Are Human Rights, (Feb 12 2018) Cultural Survival Quarterly Magazine <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/indigenous-womens-rights-are-human-rights>

⁴⁰⁵ Heather Gibb, *Gender Dimensions Of Intellectual Property And Traditional Medicinal Knowledge* UNDP Regional Centre in Colombo 2007 (Nov 23 2016) https://www.undp.org/content/dam/aplaws/publication/en/publications/environment-energy/www-ee-library/biodiversity/gender-dimensions-of-intellectual-property-and-traditional-medicinal-knowledge/Gender_IP_and_TKM_Final_27_Apr07.pdf

⁴⁰⁶ Brendan, T. and Aguilar, L. (2007). *Mainstreaming Gender Equality and Equity in AS Governance*. IUCN: Costa Rica. pp.101, <https://portals.iucn.org/library/sites/library/files/documents/2007-078.pdf>

proportion of the aids resulting from access and use of biological resources and traditional knowledge.⁴⁰⁷

The CBD notes the significance of the role of women in biodiversity conservation and economic development. This requires the equitable and equal distribution of profits from exposure to and use of genetic resources in the context of its purposes. This allows policies to make greater use of traditional knowledge and to encourage fair participation in return for their expertise between aboriginal and local communities.⁴⁰⁸

The CBD regulations, coupled with commitments under CEDAW provide a firm basis for governments to take steps in the fields of participation and benefit-sharing and traditional knowledge in order to ensure parity of class. Developing the law and policy on CBD compliance and in particular, the rules on Prior Inform Consent should be worked out from a demographic viewpoint and mutually agreed on terms and advantages derived from exposure and use of biological tools and traditional knowledge.⁴⁰⁹

CEDAW members and CDBs are required, either for the reasons or as a consequence of the implementation of access and value sharing law and policy, to ensure that discrimination against women does not take place. As most of the CBD's members are also parties to CEDAW, talks should be conducted to bring gender into Access and profit Sharing and conventional information governance and to establish international law and policy to preserve the traditional knowledge relevant to biodiversity. Efforts are desired to organize nationwide, and international advisory progressions in order to achieve these objectives. These must be sponsored with the assistance of the international community and planned and assisted by specialists in gender relations.⁴¹⁰

Women's involvement must be safeguarded at all levels of access and profit-sharing and traditional information regulation, to ensure that the CBD's objectives of access and benefits sharing are achieved. It involves law and policy planning, design and implementation of initiatives and services. Women must also be given the freedom to negotiate contracts and participate in benefits. The capacity-building of the national authorities, regulatory bodies

⁴⁰⁷ *Id*

⁴⁰⁸ Brendan, Supra note 379

⁴⁰⁹ *Id*

⁴¹⁰ *Id*

and judiciary and enforcement agencies involved will be needed to ensure equitable opportunities for women and justice. It will also include national and international financing contributions.⁴¹¹

As discussed earlier in **Chapter 5** which dealt with the **national legislation** on the protection of wildlife and the right of Adivasi over natural resources & traditional knowledge, the researcher has observed That development, prosperity and resources will also be far better utilized by Adivasi women, if they obtain independent rights over their resources. The one aspect that speaks to productivity and social welfare is two ways of reasoning regarding women's rights to natural resources; the other is women's fight for equality and social justice⁴¹². The first thought is the neo-liberal agenda, whereas the battle for equality, dignity and social justice is the real struggle of women that must be the main outline for women's rights fight on the forest resources. However, the context of the rights of women living in and around the forest and that of settled agriculture is not the same. There are vast resources and community control in the forest, thus social and community control can be achieved more in the forest.

Though our Constitution promulgated “equality before the Law” in Article no 14 and “Prohibition of discrimination on the grounds of religion, race, caste, sex and place of birth” in Article 15, yet Adivasi women have been denied her equal share in all the natural resources and property and especially land. After independence, the forest was nationalized, and the new Indian Government continued the colonial legacy inside the forest, and thus the entire forest region was kept out of land reform policies. The forests have transferred to the colonial Forest Department in the name of managing the forest, and thus it became the biggest landlord of this country against the very much spirit of the Constitution. The lands acquired from big landlords were the lands that have brought under land reform policies. However, due to the lack of political will to implement this significant legislation, a chunk of land was appropriated by the landlords. The forest reform policies adopted by the Indian Government, revenue laws and the personal laws are base on discrimination against, landless, cultivating women agricultural force, women collecting Non-Timber Forest Produce inside the forest. Women were neither recognized as “cultivators,” nor “gatherers” of food. Hence,

⁴¹¹ *Id*

⁴¹² Swati Shedage, Women and forestry RASHTRIYA KRISHI Volume 9 Issue 2 December, 2014 49-5 (May 15 2016) http://www.researchjournal.co.in/online/RKE/RK%20Eng%20%20%209%20%282%29/9_49-50.pdf

no place has been given to women in any of the forest reform laws or any other laws of the forest to protect their social-political-economic rights over livelihood resources. As Art 21 of the Constitution of India speaks about the right to livelihood, and with not recognizing the right of Adivasi women to forest resource on which they depend for livelihood is a gross violation of Art 21.

However, it was for the first time any special legislation “**Forest Rights Act 2006**” has been enacted to protect the people and forest resources by granting more control to communities, but this legislation also spells very little for women control of a large in the forest area. It is for the first time that particular Act talks about the rights of the forest people, and this legislation has recognized the equal rights of women in forest area both in individual and community rights. The Act is not very vocal on the various provisions of the rights of women separately. It is now a challenge on how to use these provisions in favour of women making them stronger so that they take a more extensive control over the forest resources through this legislation. The only way via which the right of Adivasi women to the forest can be recognised was from the community forest rights (CFR).

Sadly, community forest rights have not even gained any traction in all the countries because forest department fails to offer community rights and because people, civil society groups or officials are unaware that these rights are being given. Also, State governments have not properly publicised or even internalized the Community provisions on forest rights. The groundbreaking provisions of the FRA on community right the harsh reality is that the communities do not have any knowledge of it.⁴¹³ Seeing that community forestry rights at all levels are severely lacking, it is important for all States with emphasis, especially on community forest rights to enforce the FRA in the second phase. MoTA and MoEF have to consider the responsibility that they neglect the protection of collective forest rights

Adivasi women are deprived of securing succession rights over the ensured forest titled land under the Forest Rights Recognition Act (FRA), 2006, due to inherent limitations in customary norms of tribal societies. The gender parity has reduced to a cliché. A new legal space has been created under the FRA, ensuring the registration of forest land titles jointly in the name of both the spouses in the case of married persons.

⁴¹³ Women’s Livelihoods Emerging Opportunities in Forest Economies of India Uma Ramaswamy 2014, http://www.pwescr.org/PWESCR_Women's%20Livelihoods%20Report_19-3-2015.pdf

These forest land rights are heritable. However, no justifiable inheritance laws are in place for making a claim by an Adivasi woman on a par with man. The FRA is a legal tool to recognize forest land rights of Adivasi and other traditional forest dwellers over forest lands. However, the new legal space created through the FRA can only ensure the joint titles, and woman titleholder can enjoy the land during her lifetime.

The women successors of either of the spouses have debarred from negotiating for justice and claiming equity in inherited property rights on a par with their countermen in the family. A glaring gap in the policy and legal framework in the country exists in the context of Scheduled Tribes. The British idea of private property disrupted the practice of common ownership and increased conflicts in the Adivasi community, while also eroding their relationship with nature.

Thus, there is no way Adivasi women could seek justice within the State or non-State traditional Adivasi forums to get equal right on a par with men if an Adivasi woman died intestate. Unfortunately, the British or post-colonial legal policies have neither eliminated the gender bias in the property rights nor could recognize the collective community concept of resources without individualizing the cultivations on the name of land survey. Although the Hindu laws would not apply to Scheduled Tribes, the general principles of justice and equity should make them apply. Thus, this issue must figure in the eye of the current debate on conflicting personnel and constitution, laws which are abrogating the equality and fairness. Even though there are provisions made explicitly under the PESA for the representation of women in the decision-making process and special reservation has to be made for women under the Act. However, during the field study, though women are elected as Sarpanch on the village, all the decision would lay

The patents can not, on different grounds, secure the rights of traditional knowledge under national laws. First of all, the individual inventor can not be named. Furthermore, plant ownership is foreign to tribal traditions. The creativity and inventiveness requirements needed can not be achieved. Community rights to traditional knowledge, i.e. wild food rights, health history, traditional customs and practices, traditional ecosystems, seed saving methods, and so on, are needed. The defence of traditional knowledge under the IPR system is still a

grey area. In order to preserve traditional knowledge, a *sui generis* scheme should be adopted.⁴¹⁴

To conclude the gender dimension over the right to traditional knowledge, the research has established that women are the support system to preserve and protect traditional knowledge. Given the unequal division of labour and decision-making power , women are one of the primary sources of traditional knowledge of forestry plants.

Traditional women's knowledge can play a significant role in attaining sustainable development results. Therefore, continuous and concentrated efforts should be made to make it easier for women's details to be integrated into broader development efforts. When implementing policies, national governments and policy defining agencies need to increase women's gender-based involvement in order to their contribution to the traditional knowledge system.⁴¹⁵

Identification, documenting and distribution of women traditional knowledge; support for improving emerging women's information networks; and provide a Forum to sharing knowledge among women and formal sciences through a pledge from government and development partners to link specific research to traditional knowledge of the women.⁴¹⁶ Recognition of traditional knowledge similarly comprises, of the opportunity for the women to generate revenue from their traditional knowledge and to recognize their rights over traditional knowledge and not to be exploited in measures which take away their ability to practice their skills. It is not just the documentation of their traditional knowledge but women's right to traditional knowledge from generation to generation.⁴¹⁷

There are several laws and policies in India, with its feudal societal backgrounds, such as land regulations and rules on inheritance, which have to be changed for true equality between men and women. With only limited rights to resources and similarly minimal involvement,

⁴¹⁴ S. Vedavathy Displaced and Marginalised Protecting the Traditional Knowledge, Customary Laws and Forest Rights of the Yanadi Tribals of Andhra Pradesh (nov 28 2016) <https://portals.iucn.org/library/sites/library/files/documents/SPE-Pop-540-003.pdf>

⁴¹⁵ Ramphale, M. 2004. "Women's Indigenous Knowledge Building Bridges Between the Traditional and the Modern" In Woytek, R., P. Shroff-Mehta, and P.C. Mohan (Eds). Indigenous Knowledge Local Pathways to Global Development. World Bank, Africa Region - Knowledge and Learning (AFTKL), Washington, DC. <https://agroforestry.org/overstory-back-issues/112-overstory-160-womens-indigenous-knowledge>

⁴¹⁶ *Id*

⁴¹⁷ *Id*

even trying to protect women's intellectual heritage would be futile in the political processes that determine their interests.⁴¹⁸ It is the need of the hour to recognize traditional knowledge as a 'gendered science,' that will benefit to legitimize and support Adivasi women's rights over TK.

The major part of empirical research conducted for the thesis is about the Adivasi woman's dependence on forest resource for livelihood is dealt with in detail in chapter 5, part 1. To get detailed knowledge about dependence on forest resource for livelihood researcher conducted an in-depth field study at Melghat Tiger Reserve, India. Nearby 30 questioned were formed to get the details about the utilization and the dependence on forest resource for livelihood. How, when, where, and how much Adivasi women depend on forest resource was discussed in detail in chapter 6, part 1.

6.3. The outcome of Empirical Findings

Adivasi woman's dependence on forest resource for livelihood has dealt in detail in chapter 6 part 1. To get detailed knowledge about dependence on forest resource for livelihood researcher conducted an in-depth field study at Melghat Tiger Reserve. Nearby 30 questioned were framed to get the details about the utilization and the dependence on forest resource for livelihood. How, when, where and how much **Adivasi women depend on forest resource for livelihood** has discussed in detail in **Chapter 6 part 1**.

Socio-economic-ecological factors: The significant finding of the present study begins with a socioeconomic (and ecological factors) analysis of the respondents from the village is around the Protected Area – Melghat Tiger Reserve. The level of education in villages is an essential indicator in any assessment of agricultural employment conditions and trends. Quite importantly, the literacy level or the educational attainment of the villages studied is shallow due to factors like unavailability of the school, unaffordability, far away distance, etc. Moreover, being the populated tribal region, the focus is more on engaging in economic activities like farming rather than education.

As mentioned, the studied region is a tribal belt, and more than nine-tenths respondents are both being marginal or small farmers and farm labourers. Moreover, the field data suggest

⁴¹⁸ Indrani Barpujari, A GENDERED PERSPECTIVE OF INDIGENOUS KNOWLEDGE(May 20 2013)
https://genecampaign.org/wp-content/uploads/2014/07/A_GENDERED_PERSPECTIVE_OF.pdf

that the expenses made for the production of crops do not guarantee the maximum or expected crop yield outcome. Expenses made to produce the crops depend on the quality or fertility of land, land location, size of land, water facilities available, type of crop, seeds quality, amount of fertilizers and pesticides required, etc. However, majority respondent stated that they engage in agriculture for 4- 5 month only and produce the crops of household purpose. The majority of respondents have very less land.

Livelihood and forest resource dependence: One of the most important objectives of the present study is to understand the livelihood strategies of Adivasi women and their dependence on various forest resources. In the studied villages, Adivasi women have adopted several livelihood options; however, risks, uncertainty, and threats attached to those options are quite high. Risks, uncertainty, and dangers, in this context, are described as the unavailability of formal and village level jobs, corruption and biases in job allocation by officials or contractors. Flawed implementation of projects and late payments, high chances of wild animal attacks while accessing forest boundary area for excretion, crop-raiding by wild animals, migration, highly frequent drought-prone situation, high chances of getting caught, fined or jailed, etc. by officials during the extraction of forest resources. Chapter 6 focuses majorly on the degree of dependence of forest resource on livelihood by Adivasi women. In this chapter, researchers have tried to establish the correlation between the various attributes of respondents and their dependence on several forest resources for day to day basis for livelihood purpose.

Respondent's dependence on forest resources is directly proportional to their present need for survival, future savings, unavailability of subsidiary occupation, and type of transactions with the formal institutions. Field data suggest that the dependence of forest, Adivasi women are quite high for products that carry high consumptive and market value like firewood, Sagwan, teak, other timber products, bamboo, tendu Patta, Mahua, birds, honey, reptiles, aquatic species, and other consumables. Similarly, the extraction of forest products mostly takes place in the buffer area of the forest while the extraction of a few forest products like Mahua and consumable vegetables takes place in the core Area. Noticeably, bribing officials through monetary and non-monetary means for the extraction of forest products is quite common in this region. On the other hand, under extreme pressure from the higher authorities and other intelligence reports, the officials fine the respondent when caught while extracting the forest resources.

As mentioned that one of the essential aspects of this study is to understand the level of dependence between forest resources and livelihood. Findings suggest that more than 80% of the respondents *enormously depending* on products that carry a high market value while *moderately* and *slightly* dependent on products that are direct consumable for themselves or their domesticated animals. Similarly, the dependence of respondent is high on products like Sagwan, Mahua, honey, bamboo, teak, other timber products, consumable vegetables, bamboo shoots, and Safed Musali that are technically obtainable outside the forest area but with great difficulty and expense.

Restriction on forest resource:

Field data suggest that the immediate impact on Adivasi women after restrictions imposed by officials is the inaccessibility of the forest resources that were easily accessible earlier, insufficient forest consumptive products in their meals, rise in household expenditure to purchase consumptive products directly from the market, substantial decline in the income generation methods, increase in the total household expenditure. Restriction on cattle grazing in forest spaces and its impact on the respondent has emerged as one of the major issues in this study. There are several reasons cited by the respondents over the restriction of cattle grazing like:

- ✓ the non-compensatory approach of officials when wild animals kill villagers' domesticated animals,
- ✓ the constant rise in the population of wild animals and their frequency of visits in and around the village,
- ✓ humiliating treatment by officials if villagers are caught in the forest, taking cattle's into the custody and imposing fine on villagers, etc.

In this section, several issues about the location of the village were expressed. The major issues that emerge from the data are the inaccessibility of forest roads to the ordinary villager's increases their household expenditure, because of proximity to the boundary of MTR the chances of getting attacked by wild animals are higher, villagers are deprived or denied of essential resources, and conflict with officials over reservations during the emergency. Though there are several issues of their village location, however, an advantage of getting availed the alternative primary resources is also mentioned.

The chapter describes the impact of restrictions on respondent over-extraction of forest resources. Restrictions over-extraction of forest resources created through formal laws on the

forest, village communities created a rift between them. Existing field study reveals that the implementation of restrictions has always been carried out unethically, while, expecting villagers to participate in forest conservation programs. The direct impact of restrictions on Adivasi women resulted in a sudden increase in household expenditure and substantial decline in the income generated by selling forest resources in the market resulted in the migration of villagers to other cities in search of jobs. Selling domesticated animals in the market has become a frequent phenomenon as grazing in the forest area is restricted. Similarly, inaccessibility of forest roads to the villagers leads to an increase in transportation cost.

Knowledge about the law: Now, in the studied villages, the respondents were asked about the knowledge and awareness of forest rules/programs/ policies. It is worth noting that due to the remote location of the village, high illiteracy among the Adivasi women, no or low level of interaction between officials and villagers, the illicit interest of officials to keep the villagers uneducated makes respondent report profoundly unaware about the forest rules/ policies/ programs. However, the respondents reported that they are aware of few government schemes meant for the welfare of their community. As mentioned, the village location, literacy level, and level of interaction between officials and villagers play an imperative role in the awareness of forest laws/ programs/ policies. In addition to this, other important factors like ‘social composition’ and ‘community dynamics’ define and influences the level of interaction between them. Drawing clues from the field, the information flow of formal rules/ programs/ policies from officials to villagers depends on various factors such as the importance of village location, over-exploitation of forest resources beyond the interests of officials, pressure of implementing formal rules on officials, illicit interests of officials, and the participation or involvement of villagers in various formal programs. It was quite shocking that even though the villages are asked to relocate the respondent did know nothing about the law and claims to be filed under FRA 2006.

Implementation of Forest right Act: As per the data collected from the field, not a single respondent knew about the claims to be filed under Forest Right Act 2006. Moreover, as per the RTI filed by the researcher about the Act on individual claims and community claims filed, claims granted and claims under the figure of women. As per the reply received from the Forest Department of MTR, not a single claim was a file under the community claims. Moreover, in Virat and Churni village, no claims under the FRA 2006 was filed. Moreover,

the remaining five villages only As per the reply via RTI only 95 individual claims was allotted in Semadoh, seven individual claims in Pili, 17 individual claims in Makhala, four claims from Kelpani and 20 claims from Something Kh. The relevant Forest department provided no details of how many claims filed. There were **NO COMMUNITY CLAIMS** made under the reason that it declared as Core Area under Critical Tiger Habitat and no claims were filed under Core Area. (See Annexure IX and Annexure X)

Table 17 No. of claimed granted under FRA in 5 villages

| Name of Village | Number of households | Individual Claims under FRA granted | Percentage |
|-----------------|----------------------|-------------------------------------|------------|
| Makhala | 258 | 17 | 7% |
| Pili | 108 | 7 | 6% |
| Semadoh | 407 | 95 | 23% |
| Kelpani | 218 | 4 | 2% |
| Somthana Kh. | 113 | 20 | 18% |

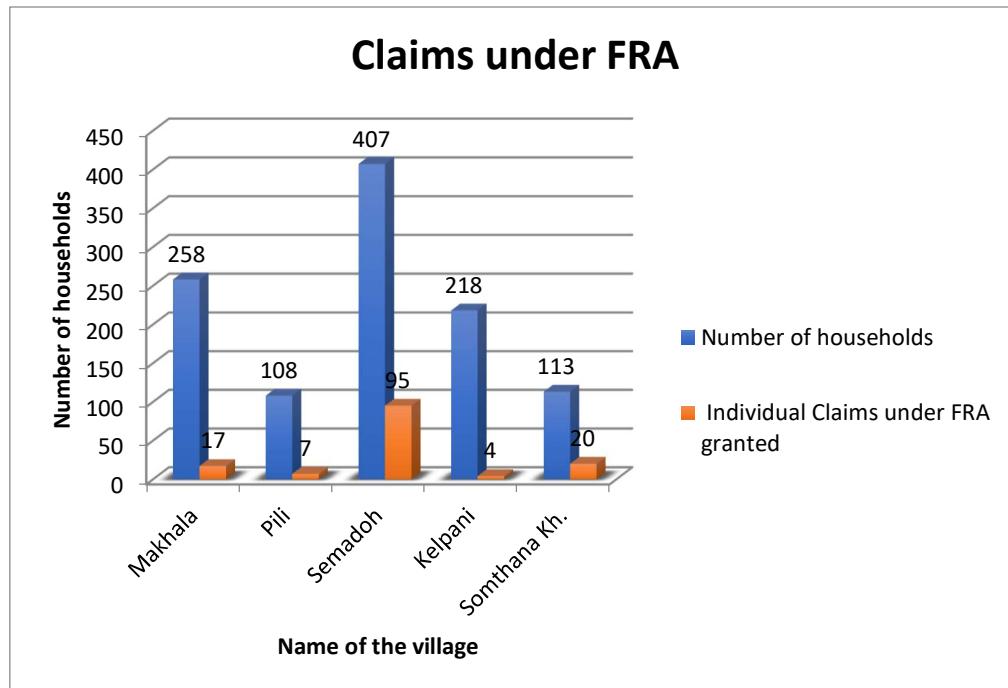


Figure 46: Claims under FRA

If we see at the above table, it is apparent that some individual claims granted are far less than the number of homes. And **not a single claim was made in the name of women**. Moreover, with no community claims allowed there a complete infringement of the Adivasi women's right to natural resources.

Another section of empirical research was about the Traditional Knowledge and use of traditional knowledge in using the forest resource discussed in detail in Chapter 5 section 2. In this part, the researcher has led field study about the traditional knowledge of Adivasi women about the forest resources at MTR. The division of this chapter is parted in 3 sections. The first part dealt with the traditional knowledge about the vegetation from the forest, the second part discusses the traditional knowledge method of Fishing, and third part studied the traditional knowledge of different medications used by the Adivasi women in day to day life. Adivasi women use the traditional knowledge as medicines which have that much of capability to cure the slot bear attack also. The uses of this traditional knowledge of forest resources for medicinal uses do amount to a **right to health** care. The subsection of the said chapter also dealt with the use of traditional knowledge in fishing and use in vegetation. The Adivasi women use the vegetation and fishing for preparing meals for the whole household which is their **right to food**.

One of the most significant facets of the research was about the necessity of relocating for conservation and impact of the relocation of conservation is discussed under chapter 2 and chapter 6 section 3.

The second part of the question about the **impact of relocation on Adivasi women** is discussed in **Chapter 6, part 3**. To get its detailed view, the researcher conducted a field study of two villages which was relocated from MTR after the implementation of the Forest Right Act 2006. The move was stressful, both culturally and economically, for Adivasis women who have largely disconnected from the outside forest. The change was difficult since a largely non-pecuniary system to a cash-dominated one and a geographically secluded cultural life to a society in which other societies began to assert themselves. Freely available means of subsistence such as water fuel foodstuffs, medicinal plants and natural resources are

often to be substituted by buying of these products from marketplaces, which lead to severe exploitation.⁴¹⁹

The class of the new land provided is a significant aspect of land-based relocation. The new territory became destroyed. The productivity of these lands' ranges from decent to very poor and circumstances may happen in which the land at the time of relocation was not even cultivable. The quality of grasslands and food is critical for populations that depend on livestock. There are often no arrangements for grassland or forests. In the migration cycle, cattle accidents are also quite common and can contribute to income loss.⁴²⁰

To put the concluding remark of a field study on the impact of relocation on Adivasi women can be followed as:

NO common property resources:

Adivasi women have access to soil, forestry, water, oceans, fisheries, cattle, grasslands and other common property services to sustain livelihoods and provide increased security against the risk of poverty. Since women have no rights to these resources, the loss of access to these facilities constitutes a violation of their right to livelihood.

Because of no access to land and to other common property resources has caused a disturbance in productive activities which they typically undertook at houses, such as animal husbandry, kitchen farming, fishing, poultry, small business, etc. Food, fodder and wild vegetation were gathered by women for the home, they lost their income generated from the forest and other common property services and other non-farm tasks such as art, cottage and animal husbandry. There are often severe losses for women as well as for Adivasi communities who rely heavily on minor forest products or freshwater products from their previous place because relocation does not have the similar type or grades of resources. It affects the day to day economy of the Adivasi and also faces issues such as diet, as well as the market economy and, in particular, forest-produced earnings. Immediately living in some other social atmosphere, with the other beliefs and influences, can be terrifying. they lose their ancient cultural sites and traditions (including natural holy places); however, they know

⁴¹⁹ Antoine Lasgorceix, Ashish Kothari, Displacement and Relocation of Protected Area: A Synthesis and Analysis of Case Studies, Economic & Political Weekly EPW decEMBER 5, 2009 vol xliv no 49, (June 23 2016) <http://www.rlarrdc.org.in/images/Displacement%20and%20Relocation%20of%20Protected%20Area%20A%20Synthesis%20and%20Analysis%20of%20Case%20Studies.pdf>

⁴²⁰ *Id*

that they cannot get to Gram Daivat as they used to do. Now you have a long journey to do your routines.

The deficit of resources leading to loss of livelihoods and marginalization:

It became clear that displacement amounted in unemployment due to less job availability. Traditional activities, including forestry, farming and basket making etc. are impossible, either because raw materials are not accessible once the land or water supply has been depleted, or because the client has scattered due to the break-up of the communitarian network. As a result, the Adivasi woman finds that they need to work for unqualified, often inconsistent wages.

➤ Lack of sanitation facilities:

Sanitation is a significant problem-specific at the relocated site to women. Thus, they were forced to go to the plot of the neighbouring village had usually kept for meadow as there were no toilet, no forest, and no fields.

➤ Loss of traditional knowledge usage of natural resources:

The Adivasi woman's in the villages' believe that it is their customary right to access to the forest. They lacked their inherent study function for the production of traditional knowledge due to their relocation. In villages surveyed, the Adivasi women are not happy with their new habitations. As the relocation village is far from the forest due to which the women have lost the knowledge based on the forest resources. Due to non-availability of forest resources and access to these resources of traditional knowledge amounts to gross violation of the right to livelihood right to health, right to health and the right to cultural rights.⁴²¹

The researcher would like to point out the news of Sep 2017 on the Melghat Tiger Reserve agitation by Adivasi after failed relocation. The Adivasi have felt that the lack of facilities in the relocated sites is a violation of the rights of the Adivasi. In September last year, hundreds of Adivasi from Amola, Barukheda, Somathana Khurd, Somthana (one of the 5 villages were researcher conducted field study), Gulerghat, Nagarata and Kelpani (one of the 5 villages were researcher conducted field study), who were relocated from the Melghat Tiger Reserve,

⁴²¹ (May 26 2016) <http://ncwapps.nic.in/pdfReports/Development%20Induced%20Displacement%20of%20Women.pdf>

returned to their base village in Melghat Tiger Reserve from where they were relocated place. These villages were rehabilitated in Akot and Tevara talukas of Akola district. However, after the rehabilitation, the administration of the forest did not provide them with an alternative to basic needs and services of roads, electricity, water, health, school, employment, agriculture. So the question of living for these families has become severe. After rehabilitation, so far 228 people of these eight villages have died due to various reasons.

Even after non-fulfillment and after continuous demand by NCST for revision of the package from 10 lakh to 20 lakh, livelihood support for 3 years, Job guarantee and 4 hectares of land , the Adivasi of Melghat again tried to enter the forest by force and in conflict of forest department and Adivasi had an end result by injury 50 policeman and 19 Adivasis seriously injured.

Each family of rehabilitated villages is given a compensation of Rs 10 lakhs. It can help 10 lakhs as everyone who is above 18 years of age. However, this remuneration could not reach the tribal family in time. The relocation done by the administration is out of the rules, and lack of proper planning is implementation. Adivasi farmers have become landless due to lack of agricultural land in exchange for agricultural land for tiger project and non-rehabilitation. Adivasi farmers should give least five acres and landless Adivasi 2.5 acres of land to providing agricultural land in alternative land. Basically, they lack coordination. This is the biggest objection to health services in these villages, which are not provided correctly. The Adivasi who have been relocated from Melghat is in very trouble situation. It is unfortunate that the Adivasi left their native village and relocated to the new place by having faith in the government, but they also do not show courtesy to provide basic amenities and services to them. Many have died due to lack of health care in the relocated villages. So Adivasis are frightened and in other way curse why they left their forest, which meant life to them. While looking at the above situation, it can be said there is a gross violation of the right of Adivasi women over natural resources and traditional knowledge due to relocation for conservation. In the name of conservation, the rights of Adivasi are not taken into considerations. And with relocation, they are denied the right to natural resources and Tradition knowledge.

6.4. Recommendation

For the conservation of wildlife and biodiversity, the researcher would like to recommend a midway between the Rights of Adivasi under Community Conserved Area where they go in harmony, wildlife at large, and the Rights of Adivasi and Adivasi women as well.

In the first few years of the new millennium COMMUNITY, CONSERVED AREA (CCAs) has burst upon the global conservation scene As the idea of "protected area" has become popular for a whole century, CCAs have been the one significant development. CCAs are also classified as the Native Protected Area, biocultural places, parks and many other not new characters. It is an age-old for the indigenous peoples and local communities to conserve sites and species. Nevertheless, the fact that these conservations are in many respects similar to traditional 'Protected Area' administered by the government has only recently been accepted.⁴²² The VIIth Conference of Parties to the Convention on Biological Diversity⁴²³ and the IUCN World Parks Congress⁴²⁴ were two actions supporting the Community Conserved Area.

CCAs cover all over the world

There is no clear idea of the Area covered by CCAs around the world. Some scholars estimate "CCA cover across the world to be 420 million ha of jungles (11% of the world's total), the CCA cover under community possession or management could double soon due to increasing policies of decentralization".⁴²⁵ "Of this, about 370 million ha is described to be under some level of community conservation administration."⁴²⁶ At the point when different environments (wetlands, marine zones, fields, deserts, etc.) that would be under CCAs, and the sheer size of this preservation, exertion gets noteworthy. For example, Ferrari⁴²⁷ estimates, the Philippines itself operates below coastline activities in more than 500 coastal

⁴²² Protected Area Programme Vol 16 No 1 COMMUNITY CONSERVED AREA 2006 (Oct 23 2016)
https://www.iucn.org/sites/dev/files/import/downloads/parks_16_1_forweb.pdf

⁴²³ 7th conference of the parties to the convention on biological diversity (COP-7) Kuala Lumpur, Malaysia; 9-20 February

⁴²⁴ CCAs in the Outcomes of the 5th World Parks Congress (WPC), 2003 (Oct 23 2016)
<https://www.iucn.org/theme/protected-Area/about/congresses/world-parks-congress>.

⁴²⁵ White Andy & Alejandra Martin, who owns the world's forests? *Forest tenure and public forests in transition*. Forest Trends (2002)

⁴²⁶ Pathak, N. (ed) 2009. *Community Conserved Area in India - A Directory*. Kalpavriksh, Pune/Delhi.

⁴²⁷ Maurizio Farhan Ferrar , *Rediscovering community conserved Area in South-east Asia*, 16(1)PARKS Community Conserved Area (2006) https://cmsdata.iucn.org/downloads/parks_16_1_forweb.pdf

destinations. Comparable enormous numbers are accounted from the islands in the South Pacific and marine regions. Neema Pathak directory on CCA in India, recommends the nearness of thousands of CCAs spread over a wide range of biological systems.⁴²⁸ Oviedo⁴²⁹ estimates that one-fifth of the Amazon is maintained by indigenous controlled territory (IPA) and ecosystems that refute the global frightening and desertification and that this is numerous whiles greater than officially protected areas.⁴³⁰ A portion of the IPAs he records are a few billion hectares in dimensions. Large area and quantities of Community Conserved Areas are additionally detailed as of the Southern African locale.

Sri Lanka:

The most political influences in Sri Lanka are the State's large-scale landholding and limited opportunity for collective participation in the statute. Therefore, it is impossible to trace many of the typical CCAs structures clear in the literature on the field. In fact, although community projects have been accepted by the law, CCAs endure existing across a number of habitats. It is very evident wherever there is still resource requirement.⁴³¹

It is exciting to follow the Sri Lankan house garden model performed on private land that contributes significantly to conservation. The home garden model is also called the Kandyan. Kandy district (Central Wet Zone) has a high prevalence of Home Gardens. These home gardens of the Kandy District border the forested Area by planting various timer, multispecies, fruit tree etc. as a multi-layer structure to the forest⁴³² They are well recognized and operates as an active buffer zone between Jungle and multiple used areas, along with playing the role of a functional interface between the two. The home gardens cater to a considerable share in the country's timber requirement, thereby relieving pressure on the natural forests. Thus, on the one hand, the gardens provide a refuge for a multitude of species in addition to reducing the pressure on the natural forests.

⁴²⁸ Pathak Broome, Neema & Bhutani, Shalini & Rajagopalan, Ramya & Desor, Shiba & Vijairaghavan, Mridula. (2012). CCAs in India - A Legal Review.

⁴²⁹ *Id*

⁴³⁰ Supra 368

⁴³¹ Bhatt, S., N. Pathak Broome., A. Kothari and T. Balasinorwala. 2012. Community Conserved Area in South Asia. Case Studies and Analyses from Bangladesh, India, Nepal, Pakistan and Sri Lanka. Kalpvriksh, New Delhi.

⁴³² *Id*

These recommendations are built on the previous field study done by various authors and reports of IUCN. Based on the existing literature⁴³³ and case study on different Community Conserved Area all over the world, the researcher has drafted guidelines on how a Community Conserved Area should be and other related strategies relating to it.

COMMUNITY CONSERVED AREA can be described as "*existing, managed landscapes with substantial biodiversity, ecological and related cultural values voluntarily preserved by customary law or other effective means by indigenous peoples and local communities.*"⁴³⁴

This ecosystem includes 3 crucial aspects:

Community: A community can be defined as:

*"A group of people who share similar values and/or connection which might be related to common natural resource base (ecosystem and species), geographically, culturally and historically related. A community need not be a monolithic group."*⁴³⁵

'Communities' can be a whole village or group of people, including Adivasi and other forest dwellers.

Conservation: conservation, means "*preservation of the biodiversity and wildlife.*" The conservation via sacred place, like totally untouched to restricted utilization of resources.⁴³⁶

Area: "*Area is a particular geographical region of indefinite boundary (usually serving some special purpose or distinguished by its people or culture or geography).*"⁴³⁷

Case studies on sacred groves indicate that these small patches of forest are one of the essential parts in the survival of biodiversity. In fact, natural sacred sites are protected

⁴³³ Managing Protected Area: a Global Guide edited by Michael Lockwood, Graeme L Worboys and Ashish Kothari Earthscan, London, 2006, and Bhatt, S., N. Pathak Broome., A. Kothari and T. Balasinorwala. 2012. Community Conserved Area in South Asia. Case Studies and Analyses from Bangladesh, India, Nepal, Pakistan and Sri Lanka. Kalpavriksh, New Delhi

⁴³⁴ Indigenous and Community Conserved Area: A Bold New Frontier for Conservation (Dec 21 2016) <https://www.iucn.org/es/node/5328>

⁴³⁵ Pathak, N. (ed) 2009. *Community Conserved Area in India - A Directory.* Kalpavriksh, Pune/Delhi.

⁴³⁶ Pathak N, Community Conserved Area in India An overview, (Dec 21 2016) https://www.iccaconsortium.org/wp-content/uploads/2017/06/CCADirectory-India_Overview.pdf

⁴³⁷ Id

through traditional community-based management practices that do not require government intervention.⁴³⁸

CCAs should be seen less as a concept to be defined and more as:

“a philosophy of biodiversity conservation based on transparency and participation, a philosophy that is open to a vast array of approaches in which, at any given time and place, the local context would determine the most appropriate approach towards conservation.”⁴³⁹

➤ **Following norms can be well-thought of CCAs:**

Communities (as defined above) involved in the effort composed of an identified group of people. “The communities involved are deep ethically, culturally, economically and spiritually connected and reliant on the conservation area. The affected communities are the stakeholders or participants in decision-making and implementation of decision the societies in question have developed frameworks for their goals (institutions, laws, processes). Regardless of the initiative's goals, actions contribute to one or more natural ecosystems and organisms being preserved or enhanced. The effort takes place within a locally identified limit.”⁴⁴⁰

The people involved have strong moral, environmental, or spiritual connections with the Protected Area, and they rely on it for their livelihood. The groups involved are the major players in decision-making and among the major players. The communities involved have set up rules (institutions, regulations, processes) to achieve their goals. Regardless of the initiative's intent, interventions are aimed at maintaining or enhancing one or more natural ecosystems and wildlife within the initiative. The action takes place within a territorial frontier⁴⁴¹.

In Community Conserved Area there should be a demarcation of the Area like inviolate zone, grazing area, area for extraction. Somewhat like the model of Srilanka CCA.

⁴³⁸ Bhagwat, S.A. and Rutte, C. *Sacred Groves: Potential For Biodiversity Management*. Frontiers in Ecology and the Environment, 4: 519-524. (2006), doi:10.1890/1540-9295(2006)4[519:SGPFBM]2.0.CO;2

⁴³⁹ Pathak Supra note 439

⁴⁴⁰ Id

⁴⁴¹ Worboys, G. L. (2015) ‘Concept, purpose and challenges’, in G. L. Worboys, M. Lockwood, A. Kothari, S. Feary and I. Pulsford (eds) *Protected Area Governance and Management*, pp. 9–42, ANU Press, Canberra. (Dec 20 2017) <http://press-files.anu.edu.au/downloads/press/p312491/pdf/CHAPTER2.pdf>

➤ **Community Conserved Area objectives:**

1. Protection of wildlife: First and foremost, the object of Community Conserved Area for the protection of wildlife. Like Velas, Maharashtra village protects turtle.
2. Conservation and preservation of resources: Communities facing severe shortages of fuelwood, food, household timber, medicinal plants should begin efforts to preserve and maintain the local environment in a sustainable manner.⁴⁴²
3. Support customary land management practices: Allowing indigenous people to manage land according to their own practices can strengthen traditional practices that help conservation.⁴⁴³
4. Traditional knowledge: Protecting, preserving and continuing the Traditional knowledge for conservation and sustainable living.
5. Combating external threats to sustainability: imminent pressures from development or industrial powers, or displacement from the resource / forests where the communities depend on the resources for the livelihood. Mendha village in Maharashtra, the Chipko Movement (against timber logging).⁴⁴⁴
6. Religious feelings: Species-related religious beliefs, spiritual places, and other components. Examples involve sacred groves such as the village of Ajeevali in Maharashtra, Bishnois wildlife conservation in Rajasthan.⁴⁴⁵
7. Obtaining financial benefits: To financially benefit from accessing new markets for the products and experiences available because of it. Many CCAs are increasingly based upon ecotourism. For example, Morachichicholi, Pune.⁴⁴⁶
8. Securing sustainable access to livelihood resources: For fuel, food, medicinal plants, and shelter materials, several indigenous peoples and local communities rely on their CCAs. One of the crucial motivating factors for preserving them is the need to ensure safe access to these services. CCAs are the last resort and protection program for many communities in periods of environment, economic and political uncertainty or extreme resource scarcity.⁴⁴⁷

⁴⁴² Pathak Supra note 379

⁴⁴³ *Id*

⁴⁴⁴ Pathak Supra note 379

⁴⁴⁵ *Id*

⁴⁴⁶ A handbook for the Indigenous and Community Conserved Area Registry, UNDp (Oct 21 2019)https://stg-wedocs.unep.org/bitstream/handle/20.500.11822/9260/-A%20handbook%20for%20the%20Indigenous%20and%20Community%20Conserved%20Area%20Registry-2010ICCA_Handbook.pdf?sequence=2&isAllowed=y

⁴⁴⁷ *Id*

➤ Rule and regulation for the functioning of Community Conserved Area

To achieve the goals, all CCAs have some regulations and rules. Nevertheless, surveillance systems can vary from being very strict about relaxing. The rules and procedures can differ between highly well-developed and not reliable. They may be less well-defined but well known.⁴⁴⁸ Based on the existing Community Conserved Area in India, the researcher has outlined the brief idea of how the basic rule and regulation of CCA should be for achieving its object and its smooth functioning.

➔ Rules and regulations

As the Community Conserved Area is basically base of the faith or religious system as with time passed the communities then themselves made few rules and restrictions to be followed for better conservation. Every community have a different set of rules depending on their area and current situation. And as per requirement, these rules can be changed the demand of the time accordingly. The researcher would like to cite the example of Dhani Panch Mauza in Orissa, to ensure regeneration of forests, absolutely no extraction was initially allowed.⁴⁴⁹ However, the rules accommodated some local needs through regulated extraction once the forests were regenerated. Likewise, in some instances, the laws for lower-income groups are modified.

Communities maintain the data in cases for rules and their violations. Some of the rules for the smooth functioning of the Community Conserved Area are enumerated below⁴⁵⁰:

- Extraction would be depending upon the availability of resources.
- No extraction by outsiders as well as regulated extraction by the community.
- Permission for extraction of resources.
- No continuous or controlled / seasonal fishing / shooting and NO hunting.
- No commercial timber activity.
- Restrict the use of local resources to meet resident needs.

⁴⁴⁸ Pathak N, Community Conserved Area in India An overview, (Dec 21 2016) https://www.iccaconsortium.org/wp-content/uploads/2017/06/CCADirectory-India_Overview.pdf

⁴⁴⁹ Dhani Panch Mouza, Case Study 2009, (Oct 20 2019) <https://kalpavriksh.org/dhani-panch-mouza/>

⁴⁵⁰ Pathak supra note 379

- Demarcation of the areas like grazing area, inviolate area, restricted areas for few activities.
- The village can decide on the number of animals per household.
- Controlled and fair water allocation, e.g., not water-intensive crops grown.

➔ **Supervising Structures**

The Community Conserved Area is basically on the belief system, so most of the time, there is a traditional belief and which required very less supervision. As most of the people are scared to violate the traditional belief system might bring misfortune.⁴⁵¹

For keeping an eye on the Community Conserved Area, the patrolling by rotation by the communities can be used.

➔ **Fines and punishments**

Fines for violations⁴⁵²:

- Fines will rely on the economic value or interest that the group attributes to the article that is unlawfully procured.
- Seizure of items like knives, fishing nets, livestock compounding that extends into restricted Area for grazing.
- Community restrictions that prevent the person or family from engaging or barring from marriage relationships to any community meetings or events.

d. Conflict Resolution

Intra-community disputes that occur within the party are often settled due to the application of the laws or for other purposes. Only when the community's internal cohesion and cohesiveness are weak, or the disputes are brought outside the society under exceptional circumstances. The gram sabha or a council of respected elders usually resolve these disputes.⁴⁵³

⁴⁵¹ *Id*

⁴⁵² Pathak N, Community Conserved Area in India An overview, (Dec 21 2016) https://www.iccaconsortium.org/wp-content/uploads/2017/06/CCADirectory-India_Overview.pdf

⁴⁵³ *Id*

6.5. Scope for Further Research:

The present thesis has covered several new aspects, perspectives and critical contemporary issues surrounding the right over natural resources and traditional knowledge of Adivasi women in Melghat Tiger Reserve. There still exists further scope for research. The research can be focused on the effect on Adivasi and Adivasi communities post-relocation all over India. A clear picture can be seen by doing a pan-India Research on the Right of Adivasi community over natural resources and traditional knowledge within Protected Areas and the same village after the relocation. Also, a detail case study can be done on Community Conserved Areas at the local level or at a pan-India level.