

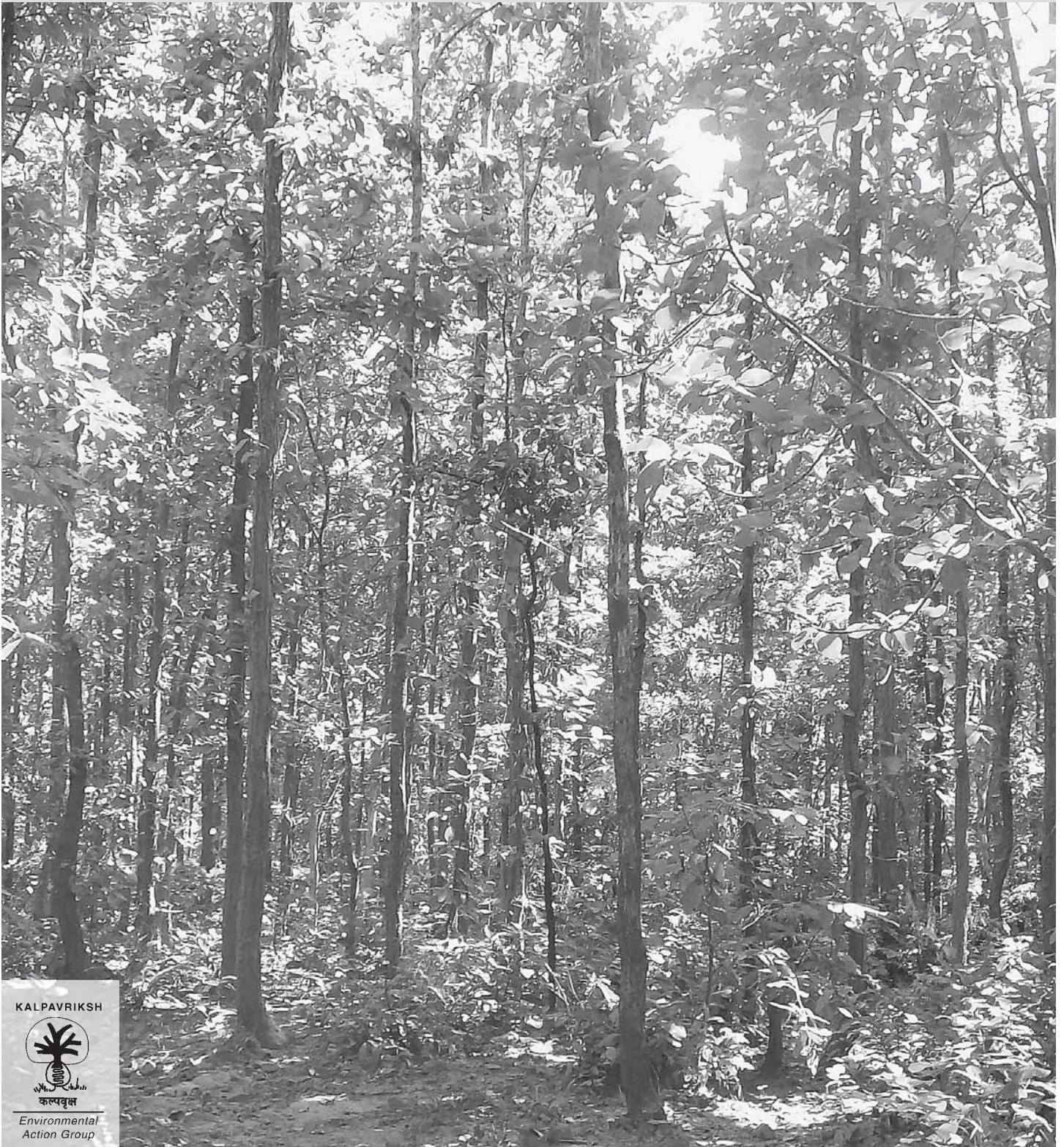
People In Conservation

Biodiversity Conservation and Livelihood Security

Volume 2

Issue 2

April 2009



KALPAVRIKSH



कल्पवृक्ष

Environmental
Action Group

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Editorial

At the outset allow me to introduce myself. I am Milind Wani and with effect from this issue I shall be taking on the editorial duties from the very able hands of Erica Taraporevala.

Am much pleased to offer you, our April' 09 issue of **People in Conservations**. In this issue we try to cover a range of topics- from laws and policies to book review to CCAs.

We are all aware of the historic significance of December 2006. The Parliament passed the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (TFRA). This legislation marks the first time in India's history that a law has been passed recognising the rights of forest communities. We present you the findings of an exploratory study of the impact of the implementation of the Act in the forest areas of Sonitpur. The intention was to understand the possible implications for Nameri National Park, Sonai Rupai Wildlife Sanctuary and adjoining Reserved Forests as well as for beneficiaries of the Act. You can read about it in **One Year On... in Nameri National Park & Sonai Rupai Wildlife Sanctuary**. Next you will read a small report on the **NATIONAL DIALOGUE on SIX YEARS of the Implementation of the BIOLOGICAL DIVERSITY ACT 2002**.

World over there is a growing acknowledgement of the community's role in conservation. The term **Community Conserved Areas or CCAs**, as such sites are popularly known, has already become an important part of the Conservationists lexicon. Findings on preliminary explorations of the issue of conservation and livelihood security in South Asia vis-à-vis CCAs are presented in the section on **Community Conserved**

Areas. Here you will find interesting information in **South Asia: Towards an Understanding of their Conservation and Livelihood Security Values**. We have also included a list of **existing and proposed Community and Conservation Reserves** for your perusal.

This is the 62nd year since India declared itself to be a Socialist, Secular and Democratic Republic. As this newsletter goes to the press, most of India will be facing the 15th parliamentary election. Yet, despite so many years of representative parliamentary democracy, it cannot be said that democracy in India has deepened and become substantive. The reason is not far to seek. For all the claims of being the largest democracy in the world, power (economic, social and political) rests with a minority elite far removed from the trials and tribulations of the socially excluded, economically exploited and politically oppressed poor communities and working people. It is clear that while this remains the case, while communities and poor people remain disempowered, control of natural resource systems & hence their conservation will remain a far-fetched dream. We need to reverse this. It is towards such an endeavour that this newsletter remains committed.

In Solidarity!

Milind



1. Laws and Policies

1.1. Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (TFRA) - One Year On... in Nameri National Park & Sonai Rupai Wildlife Sanctuary

This study explores the diverse range of possible implications of the **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (TFRA)** in a state like Assam where indigenous political movements and high forest encroachments is prevalent. The objective of the study is to explore examples of positive elements of the Act, which could be used to inspire and educate other such initiatives, as well as to identify key issues of concern which may need either amendment in the Act or through clarifications from the State Government. The methodology that was followed mainly included conversations with many diverse stakeholders such as intended beneficiaries, ineligible claimants, Forest Department officers, NGOs working in the area as well as various individuals in the 'know' about the local situation.



Given the local context, understanding the following issues was important:

1. Is the true spirit of the Act (i.e. recognizing the historical injustice to forest-dependent communities and the forest rights of traditionally and currently forest-dwelling communities) applicable for Sonitpur?
2. What is the current composition of claimants under the Act?
3. Is the District Level Committee strong enough to accurately verify claims and reject those that are faulty?
4. What rights are people claiming under the Act?
5. Do claimants have a history of forest protection?
6. Can this Act be a way to resolve (once and for all) the lands rights issues in Sonitpur?
7. Given that land rights over a large fraction of forestland could potentially be allotted for non-forest uses, what would be its impact on elephant corridors, Nameri and Sonai Rupai as well as human-elephant conflict in the area?

Following are some key issues that need to be kept in mind when implementing the Act in the region:

1. Possible exclusion of non-tribal forest-dwellers from benefits under the Act,
2. Improper verification of rights and land demarcation,
3. Act is perceived as a "land rights Act",
4. Possible exclusion of conservation duties,
5. Fresh encroachment of forestland,
6. Impact of regularisation of occupation of forestland on Sonai Rupai and Nameri, intensity of human-elephant conflict;

The Forest Rights Act undoubtedly has a diverse range of impacts in the forest areas of Sonitpur when compared to other regions in India. While, the intention of the Act is to recognize the previously existing rights of forest-dependent communities (in many cases, where tribal communities are entirely dependent on the forest for their livelihoods), **the situation in Assam is significantly different**. Apart from agriculture on previously forested land, the forest-dependent communities in Sonitpur are not currently significantly dependent on forests for their bona fide livelihoods needs. The majority of forest-dwelling communities in Sonitpur are resident in forests only as an accidental by-product of an **Indigenous Movement for Political Autonomy**. In this regard, the cut-off date of 2005 for land occupation is simply too recent.

This Act could be a mechanism to resolve, once and for all, a very long-standing and hostile conflict that has plagued not only forest-dwelling communities in Sonitpur but also forest management. It may be likely that further land occupation could cease once existing land rights are recognized. In this case, innovative

forest management techniques that garner community support (which currently does not exist) could be employed to regenerate some Reserved Forest areas and Sonai Rupai.



For details please write to Arshiya Bose at: arshiyabose.research@gmail.com.

1.2. A NATIONAL DIALOGUE on SIX YEARS of the Implementation of the BIOLOGICAL DIVERSITY ACT 2002

A NATIONAL DIALOGUE on SIX YEARS of the Implementation of the BIOLOGICAL DIVERSITY ACT 2002 was organised on the 3rd February 2009, Teen Murti Bhavan, New Delhi by Kalpavriksh in collaboration with GRAIN. This was part of a series of discussions being organised by the National Forum for Policy Dialogue. The National Forum for Policy and Dialogue (NFPD) works towards evaluating policies in formulation and providing inputs to the process, citing areas that need improvement and strengthening and identifying areas where policy formulation is required. To date 9 such dialogues by the Forum have already taken place in which various policies with respect to genetic engineering, children's rights, Right to Information Act, etc. have been examined.

Salient Features of the National Dialogue on six years of Biodiversity Act implementation:

1. The dialogue saw the participation from all levels of implementation of the Biodiversity Act: National level (NBA), State level (SBBs) and local level (local groups and farmers). Concerned civil society organizations were also present to deliberate on the concerns regarding the Biodiversity Act implementation. The Chairperson and Member Secretary of the NBA were also present.
2. Presentations were made on the current status of implementation of Biodiversity Act and it

was approached through two ways: NBA's view of its work and the analysis of the Campaign for Conservation and Community Control over Biodiversity.

3. A status report on the six years of the implementation of the legislation prepared by Kalpavriksh and GRAIN was also circulated to the NBA and all the participants.
4. Issues like access and benefit sharing, traditional knowledge, conservation of biodiversity and documentation were discussed in further detail. The NBA representatives and participants deliberated on the issues and looked at future actions (including organising meetings) on the same. Several critical concerns and issues related to the law and its implementation were shared with the NBA. .
5. An attempt was made to look at Biodiversity Act not only in the backdrop of the other national acts but also in the purview of the international regime of bio trade.
6. NBA chairman expressed interest in considering a brief note on concerns and issues concerning the biodiversity act which would be prepared by the group.
7. NBA agreed to the group's suggestion that local bodies should be consulted in areas where no Biological Management Committees (BMCs) have been formed before taking any decisions on access. Consultations with the BMC are mandatory according to the Biological Diversity Act, 2002.
8. NBA, on request from the group gave its word that no documentation will take place without adequate protection mechanisms in place. It would consider the suggestions from this group on the same.
9. It was felt in the meeting that the Biodiversity Act needs to be looked at in purview of the other acts and needs to be strengthened using the spaces provided in other laws like the Environment Protection Act.
10. Draft Guidelines on BMCs, would also need to be prepared and for this a separate discussion is needed, which the NBA is willing to organise along with the help of civil society organisations.
11. A follow up letter has been sent to the NBA and detailed proceedings have been prepared.

For more on this as well as getting a copy of the Kalpavriksh-GRAIN Status Report on 6 years of the law, please write to kalpavriksh.delhi@gmail.com.

2. CCA South Asia

2.1. Towards an Understanding of their Conservation and Livelihood Security Values

2.1.1. Introduction

In the last few years there has been an increased interest in community conservation and its significance in the big conservation picture. The Fifth World Parks Congress, organised by the World Conservation Union (IUCN) in September 2003 in Durban, South Africa, strongly stressed the central role of communities in conservation, by respecting their customary and territorial rights, and vesting them with decision-making authority. The biggest breakthrough was the recognition of CCAs as a valid model for conservation¹. The Seventh Conference of Parties of the **Convention on Biological Diversity (CBD)**, held in Kuala Lumpur in February 2004, had governments all over the world committing to move towards participatory conservation with the recognition of community rights. One of the main outputs was a detailed and ambitious **Programme of Work (POW)** on Protected Areas, which incorporated provisions on 'Governance, Participation, Equity and Benefit Sharing'. The POW requires all countries to recognise various governance forms for protected areas, including CCAs. Since the CBD is a legally binding instrument for signatories, the POW is of great significance in making countries identify, recognise and support CCAs².

South Asia, a region comprising seven countries (Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka) with an area of 42,916,000 sq. km., is a repository of some of the world's most important terrestrial and marine biodiversity 'hotspots'. It also contains one fourth of the world's human population. Complex inter-relations between humans and nature have characterized this region for tens of thousand of years, evolving diverse, sophisticated cultures and knowledge systems. Combined with high demographic growth, patterns of 'development' that mirror the paths of rapid economic growth and industrialization have created massive challenges for the conservation of biodiversity and wildlife. Appropriate laws and



policies towards 'effective' conservation, therefore, play a key role, and will remain critical for the future.

It is then important to deepen the understanding of the CCA phenomenon with respect to the types and status of CCAs that can still be found in the South Asian region, or are newly emerging. It is also important to analyse these initiatives, distil and discuss lessons learned and policy implications. Needless to say, this cannot be achieved without bringing together community representatives, government officials, NGOs, and individual experts to discuss the case-study learnings, and work out a regional plan of action.

The following section provides case-studies with a brief overview on laws/policies supporting or hindering CCAs in these country (strengths/weaknesses etc.), and on progress towards implementing the CBD. This is based on findings of research team comprising of representation from five South Asian countries - Pakistan, Bangladesh, India, Sri Lanka and Nepal. The research team met with a range of stakeholders ranging from the local communities at the sites, to people in the prominent conservation NGOs, government officials and some members from the Advisory Committee.

2.1.1.1. CCA SA –Case Study from India

Site: Nagavalli, Tumkur, Karnataka

The village of Nagavalli, a *panchayat* head with seven villages under its jurisdiction, is situated in Tumkur district in the state of Karnataka, approximately 76 kilometres northwest of Bengaluru.

Nagavalli houses a population of slender loris (*Loris tardigradus*); a small nocturnal primate found only in India and Sri Lanka and is listed under Schedule I of the Indian Wildlife Protection Act 1972. It has also been declared Endangered by the 2004 IUCN Red List,

¹ www.iucn.org/themes/wcpa/wpc2003/index.htm

² www.biodiv.org/meetings/cop-07/default.asp

which indicates that the animal is at a very high risk of facing extinction in the near future. It is usually, 6 to 10 inches long and weighs from a 100 to 300 gms. It has pencil-thin limbs, a small vestigial tail and large saucer-shaped eyes. Slender loris survives predominantly on insects but also consumes shoots, leaves, flowers, eggs and nestlings. It is an arboreal animal, living on trees and has slow and stealthy movements that allow it to move unnoticed through foliage. Its habitat ranges from swamps and tropical rainforests to dry scrubby areas like Nagavalli.

In 1996 a group of children from the village found two slender loris sleeping in a cluster of bamboo and informed their teacher, Mr. Gundappa B.V., of this discovery. Gundappa realised that this was an endangered animal and decided to work proactively towards studying and protecting it. With the help of two wildlife groups - **Wildlife Aware Nature Club (WANC)** and Maduka – Gundappa has tracked, studied, and disseminated information about the primate.

In addition to Nagavalli the loris is found in a few other surrounding villages. Locally called 'kaard papa' or 'child of the forest', this animal is not harmed, captured or hunted by the villagers. However, other human activities have indirectly had a negative impact on the population of slender loris. These impacts include habitat loss caused by clearing land for agricultural purposes, and fatalities caused by coming into contact with electrical wires and increased incidents of road kill due to the widened Tumkur-Mysore highway. The school children of Nagavalli, who study under Gundappa and are part of Maduka, are the most enthusiastic local people involved in the conservation activities. However, most of these children do not continue working with the club after they leave school. Apart from this there does not seem to be any other sustained local community involvement in the conservation of the animal so far, although they are not averse to the idea.

WANC along with the support of Maduka seeks to make conservation a high priority in the village to ensure long term protection of the loris in this area. The two groups are still finalising what methods should be adopted to achieve this. There were plans to declare the area a Community Reserve but this process has been stalled due to technical difficulties. WANC believes that assigning Nagavalli the status of

an official protected area would inculcate a sense of pride amongst the villagers and local politicians and this could translate into proactive support to protect the primate.

The slender loris conservation efforts at Nagavalli and the surrounding villages is a highly praise worthy effort by Mr. Gundappa who is helped in his efforts through proactive external guidance and well-accepted but transitory local support. Through the efforts of WANC and Maduka this initiative might one day find a larger and stronger base of local support.

Written by Persis Taraporevala based on information gathered from field visits to Nagavalli on the 24th of December 2008 and on the 20th of February 2009, a phone interview with Mr. Gundappa in January 2009, a case study written by Ameen Ahmed from the CCA Directory (2009) edited by Neema Pathak and an article by Upadhye, A.S. called 'This village has an unusual friend' from the The Sunday Times of India, Times City (Bangalore).

For further details write to:

Persis Taraporevala

Email: persis.taraporevala@gmail.com

Mr. Gundappa B.V

Phone Number: 094486 17529

Email: bvgundappa@gmail.com

Ameen Ahmed

Wildlife Aware Nature Club

Ghouse Buildings, Horpet Main Road

Tumkur 572 101

Tel: 0816 2271643

Cell: 98800 00973

Website: www.wanc.org

Email: tumkurameen@gmail.com

savewildlife_ameenindia@yahoo.com

2.1.1.2. CCA SA –Case Study from Bangladesh, Nepal and Sri Lanka

Bangladesh

Sites include Koi Bhullo Dham temple, Hazrat Baizid Bostangi (RA) Dargah where turtles are protected in Chittagong, community protected forest in Baghchari

(*Danabindhu Karbari Para*), *Rangamati*, and a Heronry and Bird Protection site in Pochamari

1. Emerging Issues - Some of these are initiatives and may not qualify as CCAs per se. There is however a need to acknowledge and support these initiatives. The Forest Department does not see the relevance of CCAs. There are certain categories of forest that give space for CCAs (eg. mauja). However, the Forest Department does feel that declaring CCAs could be a ruse to grab land. According some officials spoken to history does not show that wildlife is safe in the hands of the communities.

Nepal

Sites include Tau Daha, a 5-hectare sacred lake and wetland, Diyaledanda and Godavari Kunda Community Forests, and Bajra Barahi Religious Forest:

1. Emerging Issues- There seemed to be general consensus that this was indeed a good time to promote the concept of CCAs, particularly in the context of the formation of the new government that is looking to support new and innovative ideas significantly in the area of governance. However, as a result of the situation that arose by the declaration of Khumbu as a CCA in the Sagarmatha region, it was strongly felt that CCAs need to be more clearly defined along with criteria. The difference between already existing Conservation Areas and CCAs needs also to be clearly brought out. There might also be need for a clarification that CCAs may not necessarily be a new category but are more a governance type. The process by which an area is declared a CCA is extremely important and all relevant stakeholders including relevant government agencies need to be kept in the loop during such a process.

The Forest Act that supports Community Forests and the formation of **Community Forest User Groups (CFUGs)**, and the Buffer Zone By-laws are very progressive legal & policy mechanisms and would be perhaps the most relevant for the recognition of CCAs in Nepal. The idea of 3-4 CFUGs coming together for the purposes of tourism or the development of a micro-enterprise could very well be used to constitute a CCA. Some CFUGs in the higher hill areas may also qualify as CCAs. Other relevant areas to qualify as CCAs could be wetlands and Religious Forests that are a category under the Nepal Forest Act.

Sri Lanka

Sites include Mitrigala Forest and Salaga forests where portions of forestland have been given to the Buddhist monks on lease by the Forest Department for meditation purposes

Emerging Issues- Despite the fact that the majority of land in the country is state owned there are some innovative and interesting CCAs/Community initiatives in the country. Perhaps of significance are forests that have been given on lease to Buddhist monks for the purpose of meditation. Although, the monks have made it very clear that they have no role to play in the management of these areas, it is accepted by all that the presence of the monks deters any illegal activity in the area. Conservation is thus happening by de fault. However, there is also a view that the taking over these forests for meditation is a ruse to grab land. Significant is also the fact that in Sri Lanka, the dependence of local communities on forest resources is less as compared to the other South Asian countries. Even more significant is the fact that most of the timber and other requirements of people are met through home gardens. Home gardens although not classified as CCAs per se, do play an extremely important role in offsetting conservation in forests. Sri Lanka does not have indigenous communities anymore and hence the forest dependence is low. Also noteworthy is the fact that most of the conservation activities are donor/govt driven.

For detailed country visit report draft please write to Tasneem Balasinorwala at just.tasneem@gmail.com.



2.2. List of existing and proposed Community and Conservation Reserves -2009

In 2002, two new categories of Pas, **Community Reserves and Conservation Reserves**, were added in the **Wildlife Protection Act (WLPA)**. These two categories were introduced with the intention of making conservation more participatory. Exactly how participatory is the process of declaration & management in these site is still being explored. In the meanwhile, following is the list of CSR that have been declared or proposed to be declared so far.

Community Reserves

No.	Site	State	District	Area (Sq Kms)	Source
1	Kadalundi-Vallikkunnu	Kerala	Vallikunnu & kadaludi Panchayat, Kozhikode	1.5	http://kerala.gov.in/web_journal/binoy.htm
2	Keshopur-Miani	Punjab	Miani, Keshopur, Matwa, Dalla and Magarmudian villages in Gurdaspur District	3.15	http://www.wii.gov.in/nwdc/community_reserves.htm
3	Lalwan	Punjab	Garshankar Tehsil, Hoshiarpur,	NA	http://www.wii.gov.in/nwdc/community_reserves.htm

Conservation Reserves

No.	Site	State	District	Area (Sq Kms)	Source
1.	Jayamangali Blackbuck CR	Karnataka	Maidenahalli	NA	Govt No: FEE 342 FWL 05 (notification number)
2.	Bankapur CR	Karnataka	Bankapur village, Shiggon Taluk, Haveri District	0.59	http://www.hindu.com/2008/01/25/stories/2008012555190700.htm
3.	Jhilmil Jheel CR	Uttaranchal	Left bank Ganga, Chindiyapur Forest range, Haridwar Forest Div	37.83	http://www.wii.gov.in/nwdc/cr.htm
4.	Asan CR	Uttaranchal	Near Dhalipur, 38 kms from Dehradun, confluence Yamuna hydel canal and River Asan.	NA	http://www.wii.gov.in/nwdc/cr.htm
5.	Borgad	Maharashtra	Nashik	3.49	http://www.wii.gov.in/nwdc/cr.htm
6.	Chhari Dhand Bird CR	Gujarat	80 kms south west of Bhuj near	80	http://www.birdwatch.co.uk/website/content/view/1546/32/
7.	Saraswati Plantation	Haryana	Kurukshetra, Kaithal,	44.53	http://www.wii.gov.in/nwdc/cr.htm
8.	Bir Bara Ban	Haryana	Jind,	4.19	http://www.wii.gov.in/nwdc/cr.htm
9.	Potter Hill CR	Himachal Pradesh	Shimla	NA	FFE-B-G(8) 3/2007 (notification number)
10.	Tiruppadai-marathur CR	Tamil Nadu	A temple in Tiruppadaimaradur within 10 km of Kalakad mundanthurai tiger reserve.	0.0284	www.forests.tn.nic.in/WildBiodiversity/cr_tcr.html

Compiled by Persis Taraporevala & Neema Pathak, Kalpavriksh

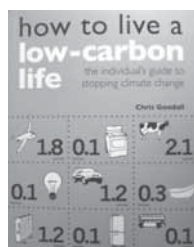
Note: If you know of any ssuch sites that have been proposed or declared as CRs please write to neema.pb@gmail.com or persis.tarapurwala@gmail.com.

3. Book review

Definitive Guide to Reduce one's Carbon

Footprint - *an analysis of the carbon cost of western lifestyle and practical alternatives for controlling emissions*

Reviewed by: Anuradha Arjunwadkar.



How to live a low-carbon life: the individual's guide to stopping climate change

Author - Chris Goodall

Published by Earthscan, (£14.99)

"Increasingly, it is our day-to-day way of life that is causing the continued rise in (atmospheric) carbon dioxide and other warming gases" writes Chris Goodall – who goes on to analyze how carbon is emitted through our actions, directly and indirectly, and how this emission can be controlled. He presents factual data and analyses pertaining to emission levels in the United Kingdom, and effective ways of reducing them.

Since the Industrial Revolution, the world economy has been burning huge quantities of fossil fuels, giving rise to large-scale emissions of harmful gases. These trap solar heat, which results in changes in world climate. The earth can absorb no more than 3 tonnes of carbon dioxide emissions each year for every person on the planet, if we are to keep temperature and rainfall change within tolerable limits. Western lifestyles are currently responsible for an astounding 12.5 tonnes per person, 6 tonnes being direct emissions and about 6.5 tonnes being indirect ones. The author shows how informed use of power, careful selection of products for consumption and judicious use of appliances can lead to cutting down direct emissions to about 3 tonnes per person, and almost completely eliminate indirect ones.

The extent of air travel in which a person engages is the primary determinant of how much carbon he or she is responsible for. A study reported in the book showed that the top 10% of travellers was responsible for 42% of all transport-related emissions (mostly from

flying). At the other extreme the lowest 20% travellers emitted only 1% of the total carbon. Flying is thus shown to be the biggest single part of the world's most important problem, and Chris urges us, as responsible individuals, to resolve firmly to cut out all air travel except in emergencies, for the sake of the climate of the planet, and for the survival of the human species.

One can find well-researched data, analyses and recommendations about heating homes, cooking food, travelling over varying distances in owned, leased, shared and public vehicles running on different kinds and combinations of fuel, using computers and home appliances, and buying food and other items, in this book. Alternative power sources useable at home have also been discussed.

Though the average per capita emissions in India are far lower than the European levels, they are considerably higher in the case of those among us who are economically well-off, and whose lifestyle approaches that of western populations, and they would be well-advised to take responsible steps to live a low-carbon life.

Though a South Asian reader would need to gather and analyze data pertinent to his own region, he could pick up a number of tips and valuable insights from reading this title.

4. New Publications from Kalpavriksh

1. Community Conserved Areas in India – A Directory

A Directory of efforts or practices of local rural communities at conservation of biological diversity being referred to as Community Conserved Areas (CCAs) is now available for circulation. The Directory hopes to contribute towards gaining a deeper understanding

on conservation, livelihoods, peoples' rights and development, through a series of case studies and analysis of ground situation in different states of India. This 800 pg compilation includes 140 case studies from a diversity of ecosystems, communities, and kinds of efforts from 23 states.

You can book your copy now at a contributory amount of Rs. 500 per copy.

2. Nought Without Cause - (Almost everyone's guide to the *Underlying causes of deforestation and forest degradation* in the era of neoliberal globalization)

The survival of forests in India is today at a grave risk. To protect them successfully will require a breaking out of the siege of the predatory model of economic development that our country has adapted. It is hoped that this volume will be useful to anyone interested in protecting the natural heritage of our country.

You can book your copy of **Nought Without Cause** at a contributory amount of Rs. 100 per copy.

People In Conservation — Biodiversity Conservation and Livelihood Security

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Editor: Milind Wani

Advisory Members: Neema Pathak

Editorial Assistance: Anuradha Arjunwadkar, Persis Taraporevala, Sharmila Deo

Cover Photograph:

Illustrations: Ram Chandran, Madhuvanti Anantharajan

Published by: Kalpavriksh, Apt. 5 Shree Dutta Krupa, 908 Deccan Gymkhana, Pune 411 004

Phone: 91-20-25675450, Tel/Fax: 91-20-25654239

Email: kvoutreach@gmail.com

Website: www.kalpavriksh.org

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