The State of Wildlife and Protected Areas in MAHARASHTRA
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5) Community Conserved Areas in Maharashtra
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It is now globally recognised that indigenous peoples (IP) and local communities (LC) have governed, used and conserved their territories for millennia. Such territories and areas are recognised to be amongst the richest and most intact ecosystems, on land and sea. Internationally, the diverse institutions and practices of IPs and LCs contributing to conservation are referred to by the umbrella term ICCAs, which refers to Indigenous and Community Conserved Areas. IUCN describes ICCAs as “natural and modified ecosystems, including significant biodiversity, ecological services and cultural values, voluntarily conserved by indigenous and local communities through customary laws or other effective means”.

These ICCAs include, among others, self-declared and strictly protected wildlife conservation areas, collective management of livelihood and economic activities, affirmation of spiritual and cultural values, customary law, and other aspects of sustainable socio-ecological systems and intricate systems of resource management of nomadic and pastoralist communities. Consequently, IP and LC territories and areas often overlap with government designated and managed protected areas with the latter alienating IPs and LCs and rarely taking into account local systems of governance, management and conservation. Research is now also indicating that local monitoring and control over resources, certainly in some cases, leads to better conservation of biodiversity.

The Global Environment Outlook 5 report also states that in the last two decades, while the global protected area (PA) numbers and coverage has gone up, biodiversity has declined at population, species, ecosystem and genetic levels. It recognizes lack of inclusive

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3 Source: http://www.iccaconsortium.org/
conservation governance as one of the major reasons for this and recommends greater recognition of ICCAs to address this decline. Similarly, the Strategic Plan for Biodiversity 2011–20, framed by Parties to the CBD at the 10th Conference of Parties in 2010 places significant importance on recognition of ICCAs in reversing biodiversity loss across the planet.

**Community Conserved Areas (CCAs) in India**

India has a rich history and tradition of conservation linked to the lifestyles and worldviews of the local tribal and non-tribal communities. Conservation processes at these sites are intrinsically connected to local socio-cultural, economic, ecological and political realities. Sacred sites and species, considerably reduced now, were once believed to be widespread across India. Estimates suggest there could still be 100,000 to 150,000 such sites remaining, ranging from a small group of trees to extensive landscapes. Such areas are referred to as Community Conserved Areas (CCAs) in the Indian context.

An attempt was made in 2009 to document some CCAs in India. This documentation included about 140 CCAs but pointed toward this phenomenon being more widespread, with the presence perhaps of hundreds more such initiatives covering a variety of ecosystems, including forests, marine and coastal areas, wetlands, individual species and sacred landscapes. Subsequently, more detailed documentation was taken up in Nagaland, Madhya Pradesh and Odisha, indicating that CCAs are set up and managed for a range of objectives and have different ecological and social contributions.

**CCAs in Maharashtra**

Maharashtra is biologically, geographically and culturally very diverse. Its bio-geographical regions are linked and have co-evolved with distinctive local cultures built around intricate traditional knowledge systems, nature-centric worldviews and lifestyles. Much of the forests included in the national parks and sanctuaries of the state are also traditionally home to such tribal and non-tribal communities. Over time, however, some traditional systems have broken down for various reasons, but many do remain. State conservation programmes have not taken into account the astounding cultural diversity that exists in the state and its role and significance for conservation.

Indifference of the state toward sustainable livelihood options such as pastoralism is leading to erosion of such ways of being. Both the biological diversity and associated cultural diversity is under grave threat due to Maharashtra’s escalating development profile based on rapid economic growth. This has led to displacement of local communities, destabilization of cultures and destruction of large stretches of forests, grasslands, rivers, freshwater inland wetlands, and coastal and marine areas.

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In this context it is important to understand CCAs in Maharashtra. In the absence of any serious documentation of CCAs in the state, anecdotal accounts indicate a rich tradition of conservation of ecosystems and habitat by the local communities. These include active protection and conservation by setting aside stretches of forests and water bodies, sustainable management of forests and other ecosystems, or collective struggles against strong commercial forces causing destruction of habitat and ecosystems. This article attempts to highlight some such examples with the hope that detailed documentation will be taken up before such sites are lost.

Fish sanctuaries in Maharashtra
Not much is known about the fish sanctuaries in the state, which protect many indigenous and endangered species of fish. The term “sanctuary” here is not to be mistaken for a legally designated sanctuary. These sanctuaries, referred to by different names in different areas, have no legal designation or recognition, but are traditional practices of people living around rivers to protect patches of rivers and fish from exploitation.

Tekpowale kund (tank) is located in Mangaon village near Pune, upstream of the Panshet reservoir, on a mountain stream called Kadkuna Nadi. Tekpowale villagers zealously protect the mahaseer fish in it as they consider it sacred. The source of the stream is also considered sacred (devasthali). Strict regulations are in place for protection of the devasthali, the kund and the fish. The kund is not used for any other purpose but as a source of drinking water, women are not allowed at the kund, and fishing is prohibited. The villagers consider the kund to be the source of their life from time immemorial and discourage outside visitors to the kund. They are also reluctant to share information about the kund and stories of misfortune befalling those who ignore the regulations are plenty.

Walen kund on River Kali in the Mahad region of the Konkan is about 100 yards long and is flanked by a rocky gorge on top of which is located the temple of Goddess Vardayini. The kund houses many indigenous and endangered species of fish like shindas, kolas and the Deccan mahaseer. As per legend, the depth of the pool is unfathomable and the generous offerings made to the temple were taken to a grand temple under water by the priest. Strict rules and regulations were followed. Construction of a major highway passing by the kund has now made it easily accessible, bringing about socio-cultural changes and eroding many regulatory customs. The only one that remains today is the prohibition on fishing.

These sanctuaries offer a glimpse of the traditional ways of protecting rivers and their inhabitants. Many such sites have, perhaps, been lost forever because of various dams built over the state’s rivers while others continue to face immediate danger from roads, dams, and pollution. An immediate need is documentation and recognition without external impositions and interference in local sentiments, norms and systems.

Sacred groves in and around Bhimashankar WLS
Sacred groves are stretches of forest traditionally protected by local communities for their religious or cultural significance. These sacred groves can range in size from a cluster of trees to hundreds of hectares and are common in most parts of India.

The sacred groves in the western part of Maharashtra are called Devrai or Devrahati whereas in eastern Maharashtra, the Madiya tribe calls them Desyudi. Nearly 2820 sacred groves have been documented in the state\textsuperscript{17}.

Bhimashankar WLS is located in the northern Western Ghats in Pune and Thane districts. This 131 sq km sanctuary was officially notified in 1985\textsuperscript{18} and includes about 14 sacred groves\textsuperscript{19}, including a large grove surrounding a Shiva temple, which is one of the twelve Jyotirlingams in India. This grove is the origin of River Béma, an important river of the Krishna Valley. The Mahadev-Koli tribe and a smaller population of Katkaris and Dhangars inhabit the sanctuary and its surrounding region. Villages located in and around the sanctuary often have one or more sacred groves dedicated to the local deity, called ban or devacha ban (God’s forest). Most of these groves are between one and six hectares in area. The most common deity is Vander (forest god), also known as Bhairavnath, Bhairoba or Kalbhairavnath. These groves are either managed collectively, by a clan or a family in the village.

Many taboos and restrictions surround these groves. These include prohibition on tree cutting and fuel wood collection, and often on livestock grazing as well. Fuel wood may be collected from the grove during festivals or ceremonies in the grove itself. Entry of women in temples and groves is prohibited in most cases. Religious ceremonies, offerings and other cultural festivals take place in these groves. In most sacred groves, the annual Jatra or Saptab is conducted during the month of March–April (Chaitra). Rituals related to agricultural cycles such as during paddy transplantation and harvesting are also performed as a symbol of gratitude to nature and deities. Despite their small size these groves support important local biodiversity and are often sources for local water bodies.

Over the years, there have been numerous changes in the groves in this area. Rudimentary temples in most groves have given way to concrete constructions. Some of the groves have reduced in size while in others only the concrete temple stands. People attribute these changes to the erosion of the belief system. Older people believe in the tradition of the grove more than the younger generation. There is an urgent need to document and recognize these groves while retaining community control over them and initiating dialogues with the community members on social, cultural and ecological value of these groves. Providing incentives could be one way to encourage continuation of this ancient tradition.

**Community conservation in forest ecosystems and security of tenure**

Described below are efforts of Mendha, Baripada, Nayakheda and Pachgaon villages, representing many similar villages in the state. Mendha and Baripada are iconic examples of CCAs, quoted globally for their efforts at local development and biodiversity conservation. For long, both these villages conserved forests used by them but owned by the government. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 or the Forest Rights Act

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\textsuperscript{19} Ibid
(FRA) provided them an opportunity to gain legal security to their access and governance rights over these forests. Panchgaon and Nayakheda in Amravati and Chandrapur districts, respectively, started conservation efforts after their legal rights over surrounding forests were recognised under the FRA. Thus, community empowerment and biodiversity conservation here are a direct outcome of legal recognition of collective rights.

**Case study of Mendha Lekha, Gadchiroli**

Mendha-Lekha, located in Gadchiroli district, is home to 400 people, all belonging to the Gond tribe. On 15 August 2011, Mendha's legal rights and responsibilities to use, manage and conserve the 1,800 ha of forests falling within its customary boundary were recognized as community forest resource (CFR) under the FRA. However, the struggle of the village towards self-determination and protection of its forests had already started in the late 1970s while resisting a hydroelectric project in the region. The project was cancelled in 1985 but the resistance transformed into a strong movement toward self-rule based on tribal cultural identity and control over traditional lands and resources. Subsequent internal discussions led to decisions toward self-empowerment and self-determination leading to social, cultural and environmental changes.

The hallmark of Mendha’s success lies in its local institutions and the principles with which they function. The gram sabha, represented by all adult women and men, is the main decision-making body in the village. Decisions taken by consensus and in a transparent manner are implemented through oral yet strong social rules.

All government and non-government activities in the village can only be carried out after permission from the gram sabha, which is itself supported by a number of other village institutions. Amongst the most significant actions taken by the village in recent times has been declaring all village land (community or privately owned) as village owned under the Gramdaan Act of Maharashtra. The intention is to prevent land alienation under distress. A comprehensive forest management strategy was developed including need-based extraction and sale of forest produce such as bamboo, establishment of no-go zones for wildlife protection and drafting a village biodiversity register.

Village development and forest management activities are linked to the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) so that all villagers have employment throughout the year, ensuring zero distress out-migration. Through these institutions and systems the village has been able to ensure effective village and forest governance leading to security of livelihoods, financial security, food security, secured access to natural resources, and cultural and ecological security.

**Baripada, Dhule**

Baripada village, located in Sakri Block of Dhule district, is inhabited by 100 households.

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22 Chowdhary, K. (2016). Field notes collected during on-site research in Dhule, Maharashtra.

of the Kokna tribe. Spread over 300 ha, the village is surrounded by 482 ha of forest. Protected by the people for last 25 years, the forest supports rich and diverse vegetation and wildlife.

By 1990 the forest around Baripada had degraded due to illegal felling and exploitation of forest resources by people of Baripada and the surrounding villages. Extraction and sale of timber was the only livelihood option available in this poverty-ridden area. With forests turning barren the ground water started depleting. Between the late 1980s and early 1990s, one third of the wells in the village had dried up and people had to sometimes walk up to four kilometres to get drinking water. The meagre livelihood options included subsistence agriculture, manual labour and extraction and sale of forest produce. Livelihoods related distress out-migration was common.

Under the guidance and leadership of Chairtram Pawar (who came back to the village from Pune to become the sarpanch after completing his education), the villagers realized that their well-being was directly dependent on the well-being of the forest. They formulated rules to protect the forest and improve the social condition of the village. This included a ban on commercial firewood extraction, vehicles entering the forest, unregulated grazing, and brewing and consumption of all kinds of alcohol. Local forest guards were appointed, education for all children was made compulsory, and fines were imposed for breaking the rules. Through shramdaan (voluntary labour) and previous knowledge of water conservation, the villagers built small check dams to hold rainwater and prevent soil erosion.

Since 1991, Baripada has undergone a huge transformation. The village, which was once water-deficient, now meets all its annual needs and benefits many villages downstream. People cultivate a diversity of crops throughout the year. Wildlife populations have revived and this is now being monitored by students from local colleges. Baripada’s legal rights over their forests under the FRA were recognized in 2016.

**Nayakheda village in Amravati**

Located in Parawada Block of Amravati district, Nayakheda village, like other forest areas in this area was well forested till a few decades ago. According to the local people, unregulated extraction over a period of time led to ‘the forest going bald’. In 2008, Nayakheda and neighbouring villages filed for CFR rights under the FRA.

The mobilization toward filing these claims led the youth in the village to initiate a number of social and ecological processes, including forest protection and plantation through voluntary labour. Finally, after receiving legal titles over their CFR in 2012, all gram sabhas organized meetings to discuss the management of the forest and formulated a set of rules and regulations. These included setting aside of areas for soil and water conservation and wildlife protection, protection from fire, controlling unregulated and/or illegal use.

Negotiations with the state government led to the government passing a resolution to make such villages a priority for implementation of all government schemes and programmes in this area. Consequently, implementation of government schemes, especially MNREGA, has led to the creation of livelihood opportunities within these villages, significantly reducing out migration. Conservation efforts have led to regulated extraction of resources and livestock grazing, leading to increased forest covered and wildlife sightings.

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Pachagon, Chandrapur

Pachagon is a small village located in the Gondpipri taluka of Chandrapur district. 72% of the population here belongs to the Gond tribal community. Livelihood mainly depends on subsistence farming and sale of bamboo and other forest produce. According to the villagers, prior to receiving a legal title over their CFR in 2012, it was difficult for a majority of people in the village to support their livelihoods. In the absence of any usufruct rights over forests, constant harassment by the forest department and distress out migration was common.

Since 2012, the gram sabha has been taking all village and forest related decisions. The villagers follow over 115 rules and regulations relating to forest protection and patrolling. These are related, among others, to fines for violations, bamboo harvesting and management, no go zones to ensure wildlife protection, gram sabha functioning, and extraction of forest resources for personal consumption.

Harvesting and sale of bamboo is currently the major source of income for the villagers. Both men and women are engaged in bamboo harvesting under the guidance and supervision of the gram sabha. Harvested bamboo is stored, graded and auctioned. Revenue thus earned is deposited in the gram sabha account and used for payment of wages and forest management activities. Profits are distributed to all villagers once a month. Ten percent of all wages are retained by the gram sabha to be given in the four months when no bamboo can be harvested. Of the total area of 2486.90 acres, 85 acres is strictly protected and managed as a critical zone for wild, including tigers, which are regularly sighted here.

Threats and challenges to CCAs

Lack of recognition and policy support

CCAs in Maharashtra continue to face a number of threats, internal and external, as is the case elsewhere in the country too. Amongst the various reasons for this is the fact that there is little documentation and no recognition of their social and ecological value.

Threats from the dominant economic model and industrialisation

Even before CCAs are identified, documented and recognized, they are disappearing or are threatened by mining, hydro-electricity and irrigation projects, urban expansion, industrialisation, special economic zones, industrial corridors, highways and roads, and other development projects.

Wider market forces and modern lifestyles are changing aspirations and rendering traditional value systems ineffective amongst the youth. The modern system of education does not inculcate respect for local values and rubbishes the knowledge systems that formed the basis for traditional conservation.

Lack of recognition and supportive policy environment for CCAs

The FRA, which was enacted in 2006, is the first forest related legislation in India which accepts the injustice done to forest-dependent communities when forest land and resource rights were denied to them. It announces that such communities already have such rights and these only need to be recognised and vested, and lays out a process by which to do so.

Benefits of such legal recognition are evident from the examples of villages mentioned above. However, the implementation of the

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Act itself has been tardy in most parts of the state and its immense potential for developing inclusive conservation strategies remains untapped. This is particularly true in case of PAs where local communities continue to face relocation under the assumption that they cannot be partners in conservation.

On the other hand, other ecosystem types, like marine and coastal ecosystems, have no law such as the FRA. A number of legal provisions exist which could lend support to CCAs in such cases, but most of these have serious limitations. For instance, in 2003, a category of community reserves was added to the WLPA, which could have helped provide much-needed legal backing to CCAs. It has unfortunately, remained restrictive, as among others, it prescribes institutional structures which would entail greater control by actors outside the conserving communities. The Biological Diversity Act could provide support through Biodiversity Heritage Sites but no such sites have been declared in Maharashtra yet.

**The way ahead**

Worldwide experience has indicated that chances of long-term conservation and livelihood benefits are higher where communities have legal rights of ownership or where they have gained *de facto* control. Proper implementation of the FRA in India and assertion of rights by local communities under its provisions, along with other supportive laws such as Panchayat Extension to Scheduled Areas (PESA) Act, Biological Diversity Act and MNREGA, shows the above to be true. It also shows that such laws create opportunities for conservation for the local people where they did not previously exist. These rights-based legislations have given voice and power to the local communities who otherwise felt defenceless in the face of mining, hydro-electricity and irrigation projects, urban expansion, and industrialisation. Hundreds of villages across Maharashtra have already claimed CFR rights and thousands more could claim the same in the future. Effective implementation of these legislations and appropriate support from government and non-government actors could lead to local communities conserving a large part of the state’s forests while ensuring their own well-being. Similar laws need to be enacted for ecosystems other than forests.

In addition to the legal support mentioned above, support is often sought by the communities for the following:

- Documentation highlighting the role of CCAs in ensuring cultural and ecological security.
- Recognition and consideration of CCAs during the environment and forest clearance processes for development projects.

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• Supporting, where desired, local processes for formulation of management plans, strategies and monitoring systems (in line with traditional knowledge and practices).

• Assistance in obtaining and adapting locally appropriate and sustainable technologies and practices for enhancing livelihoods, and where appropriate, linkages with consumers and sensitive markets in order to generate financial resources, including through community-based tourism.

• Capacity building in basic accounting, marketing, management and leadership skills

• Assistance in tackling wildlife related damage to crops, livestock, and property, through traditional and new methods of resolving conflicts.

• Facilitating community exchange programmes for people-to-people knowledge sharing, generation and transfer.

• Incorporation of community-based approaches into relevant conservation schemes, action plans, policies and programmes, including acknowledgement of and mechanisms to include provisions of FRA and PESA within these.

All supportive actions extended to the communities should be with their free prior informed consent (FPIC) and in case of documentation, monitoring, etc., should be done by them or with their involvement. Supportive processes should be with the intention of strengthening local processes and institutions to become more robust, rather than imposing systems and institutions which render local processes and knowledge powerless.