

Conservation Conflicts in Great Himalayan National Park

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ABSTRACT

India is among the few countries of the world that refers exclusively in their constitutions to the need for environmental protection (Sapru, 1998). The directive principles of state policy and the fundamental duties clearly express the national commitment to protect and improve the quality of the environment. The concern for environmental protection in India can be traced back to the period between 321 and 300 B.C. The ancient Indian law on environment protection is found in *KautilyaArthashastra* (Jasawl, 2008). Through number of verses *Arthashastra* has dictated measures for environment protection and animal welfare. In *Arthashastra*, *Kautilya* also prescribed some impingent regulations for environmental and animal welfare, the tribes could have also been given the rights over the natural resources in areas they inhabited (Deshkar, 2010). Biodiversity should be conserved both for its value as a local livelihoods resource and as a national and global public good' and equitable sharing of the costs and benefits of protected areas should be ensured at local, national and global levels World Parks Congress (IUCN, 2003).The Great Himalayan National Park (GHNP) in Kullu district of Himachal Pradesh was accorded the UNESCO World Heritage Site.The UNESCO World Heritage Site Committee at Doha in Qatar granted the status to the park under the criteria of "exceptional natural beauty and conservation of biological diversity" (The Hindu, 2014).Current strategies that developing countries are following to conserve biodiversity often focus on its global benefits, ignoring its local benefits. By doing so, these strategies not only fail to achieve local benefits, they also place at risk a global public good maintenance of the global gene pool. Conservation efforts in terms of local public benefits require specifying a production function that describes the relationship between the conserved species and the relevant ecological services (Maler, 1974; Smith, 1991).

Keywords: Great Himalayan National Park, Conservation, Biodiversity, Protected Area

GHNP- UNESCO World Heritage Site

GHNP was declared a National Park under the Wildlife (Protection Act), 1972, by the Himachal Pradesh government in 1999. A total of 832 plant species, representing 128 families and 427 genera, which cover 26 per cent of the total flora of Himachal Pradesh, have been recorded in the GHNP. It is also home to a number of threatened species, providing them with habitats critical to their survival. It supports self-sustaining populations of near-threatened, vulnerable and endangered species. According to Director of the Wildlife Institute of India, the park has been inscribed under category 10 of the World Heritage Convention that covers areas that “contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.” (The Hindu, 2014). The area of GHNP is 754.4 sq. km. It is bounded in the North - West by the Kunwar Wildlife Sanctuary, in the East by Rupi Baba Wildlife Sanctuary and Pin Valley National Park in the North-Eastern side. These four wildlife conservation areas comprise the largest and well preserved area of wildlife habitat in India and possibly in the Western-Himalayas (Gaston and Garson, 1991). The area encompasses four main valleys namely Sainj, Tirthan, Parvati, and Jiwa Valley. In consideration to the developing country it's hard to achieve norm of conservation where primary natural resources are necessary for the human survival and which are conserved in the National Park.

Conservation in Developing Country

This is possibly the most important matter of concern that needs to be answered, particularly under the India's Wildlife Protection Act 1972 which prohibits any kind of habitat use in a National Park (Pandey, 2007). The term Biodiversity conservation generally depicts the maintenance of global variety of species for number of reasons. There is world of difference between goals of global and local level of biodiversity conservation. Local conservation goals usually deviate from those planned by the international community. Dissimilarities between global and local norms of biodiversity conservation given in Table no. 1.1.

Table 1.1: Dissimilarities between Global and Local Biodiversity Conservation: Perceptions and Priorities

Global Biodiversity Values	Local Biodiversity Values
Profits and priorities for biodiversity management are shared by humankind	Specific groups have specific priorities as biodiversity values are tied to local culture.
Main focus on genotypes	Main focus on phenotypes
Focus on biodiversity in protected areas	Focus on biodiversity in multi-use landscapes
Follow the norms of conservation, with or without sustainable use	Perfect of sustainable use, with or without conservation benefits
Indirect-use and non-use values are primary concerns	Direct-use values as, or more important than indirect and non-use
Endemics and other rare species have priority	No priority for global endemics, only local species are considered
Wild and agricultural diversity treated separately	No clear boundary between agricultural and wild biodiversity

Source: Adapted from Vermeulen, 2004.

To fulfill the target of conservation formation of PAs is often accompanied by clarifications which have a natural prejudice against local communities. These solutions were often neglecting the customary rights of native of that particular area. Poverty and biodiversity conservation are linked in many ways. Biodiversity conservation and poverty reduction could not only go hand in hand, but would be equally reinforcing. To maintain the equity between poverty reduction and biodiversity conservation is tough task in developing country. Moreover, it could be avoided or at least significantly reduced by introducing some rather basic policy reforms. These reforms could improve the well-being of all interested parties—rich and poor, public and private (Perrings and Gadgil, 2003)

In a nutshell, global biodiversity conservation is dependent upon local people supporting and becoming directly involved in conservation initiatives. In developing countries and those where there is a fundamental association with the natural world, this would enable local communities to make a living whilst utilizing their knowledge in preserving their environment, as well as reducing the impact of proposed restrictions on their activities. It is important that such projects are planned with future sustainability for both local communities and biodiversity in mind. All the methods set up in the Eco-development project and WSCGs in GHNP were expected to contribute considerably to find answer to this important question of conservation in developing country as all of them made genuine efforts towards sustainable livelihoods of the rural poor in a participatory mode to reduce their dependencies on the Park's natural resources.

Conservation Conflicts in GHNP

The conflict between conservation and livelihoods and between larger and local interests has become an integral part of conservation experiences in the most parts of the world (Chhatre and Saberwal, 2005). It is assumed that human presence and pressure creates a serious threat to the biodiversity of a particular region. The negotiations around the creation of the Park started in 1984. Several authorities joined the negotiations in the intervening years, most notably local and state politicians, acting as conduits between state and society. The new boundaries that were put in place in 1999 were rejected by the people and negotiated through elected representatives, leading to a severe loss of authority and legitimacy for the Forest Department that was responsible for enforcing the new boundaries (Chhatre, 2003).

After fifteen years, the Park was formally demarcated in 1999. The state government issued the final notification for the Park. The Indian Wildlife Protection Act requires the state governments to “acquire” or “settle” the rights of local populations before notifying an area as a National Park. Acquisition of rights via legal process is known as “settlement of rights”. It takes place either by providing monetary compensation or by providing alternative land. Legal rights in the GHNP are the rights which were recorded by the forest department in the forest settlement of 1886 and comprise rights of timber distribution and collection of a wide variety of minor forest produce and grazing livestock. The document in which they are mentioned is popularly called Anderson’s Settlement Report of 1886a.

Conservational Policies and Practice in GHNP

Chhatre and Saberwal (2005) have examined conservation politics and practice as they have played out in the Park over the past two decades. By this analysis, the scenario they have seen considers the Park’s experience in two larger contexts:

- i) Electoral politics that result in the politician’s support for villagers and others restricted access to the protected area.
- ii) States current development orientation, which aspires to change the state into the electrical power house of the country by building 300 medium and large power projects.

According to the regulations, besides cases involving more than 10 bighas of forest land, an FIR has also to be lodged with the police in offences like tampering with boundary walls and erection of a permanent structure. Further, encroachments in a protected wildlife area will always require the registration of an FIR and there will be no compounding. Additional Chief Secretary, Forests, Sudipto Roy said the task force set up for the purpose from the state level to the divisional level was on the job and all the cases would be dealt with as per the regulations. The task force at the

divisional level comprising the DFO, the DSP and the Tehsildar was ensuring coordinated action for the removal of the encroachments (Lohumi, 2011a).

Case Study

“Special DFO Encroachment has been appointed to deal with encroachment issues.”

Mr. Z-1 was a Forest Officer in GHNP’s Directorate office, had given information regarding the special appointment of DFO encroachment on 2010 to deal with the rising encroachment issues. He told as per state government order less than ten hectare encroachment cases would be handled by the forest department and more than ten hectare cases would jointly undertaken by revenue, forest department and police.

Case Study

“Tirthan valley has the largest number of encroachment cases.”

Miss A-2 was working as assistant officer in GHNP directorate. She informed that at present 40 encroachment cases from Tirthan Valley were on session’s court trial. Though there might be cases from Sainj and Jewanal Valley, but officially only cases from Tirthan Valley were registered. DFO encroachment and its team were on investigation in the other valleys.

Anderson’s Report

The settlement of rights in GHNP took place on the basis of a report on the rights in forests prepared by Alexander Anderson over a hundred years ago (Anderson, 1897). The Anderson’s Settlement Report is the only available document on the basis of which the local people have been exercising their rights in the area which is now constituted as the Great Himalayan National Park. In this report names the villages and the type of resource use rights they were entitled to being mentioned against each forest. The reports proclaimed these rights to be attached with the ownership of agricultural land. The main drawback of the report was that the landless were not considered right-holders in this report, though they were the main dependents on the forest resources in the absence of any other means of livelihood (Kumar, *et al.*; 1999). On the basis of Anderson’s report of 1886, 314 households were granted monetary compensation and alternative grazing areas were provided to those claiming long-standing rights to graze alpine meadows. In Anderson’s report, the collection of morels were also not listed, so no compensation was provided to those who were dependent on morel mushroom collection for their livelihood. With the passage of time, a number of non-right-holders also gained access to the resources of the Park area. Up to 1998, about 4,000 to 6,000 herb collectors and 20,000 to 30,000 sheep and goats have been going into the Park due to the unregulated system. The biodiversity of the Park was threatened due to open access to the resources (Pandey, 2007).

In recent years, a case was filed in the district court in Kullu in 2007 by affected families of the ecozone region of GHP. 70 families were there to file a case for compensation. Out of the 70 applicants, 54 have got the claim on 17 May 2008. The amount came to Rs 44,272 which was very little as compared to their rights that had been snatched after the formation of the Park (GHNP Director Office).

Case Study

“Why is the Government blindly following Anderson’s Report?”

Mr. Y was a 34-year old man who was working as a porter in GHNP. He was associated with BTCA (an NGO in the GHNP range). He told all the people in the Ecozone area wondered how the Government could follow the Anderson Report so blindly. According to him, they all suffered by the formation of the Park. Only a few people living in a nearby area got the monetary compensation. The government said that the report had not mentioned mushroom collection, so they did not get any compensation. The government did not think about their livelihood. For most of the people it was only a source of income. Villagers claimed that for their compensation, out of 70 people only 54 were given any money.

Drawbacks of Indian Forest Acts

The 1891 Census Report arranged different castes according to their traditional occupations, and forest tribes were assigned a separate category from that of agricultural and pastoral castes (Xaxa, 1999). Millions of people including Scheduled Tribes lived in and near forest lands, but had no legal right to their homes, lands or livelihoods. Only a few government officials had all the power over forests and forest inhabitants. This resulted in a conflict between government and people. This relationship of tribal with forests began to be disturbed during the British era when huge areas of forests were regularly harvested for commercial purposes. After India gained independence in 1947, most of the forests were nationalized. The matter of tribal people’s rights in those forests has been loaded with argument and is central to political and development policy questions in India (Mitra and Gupta, 2009).

India’s forests are governed by two main laws, the Indian Forest Act, 1927 and the Wild Life (Protection) Act, 1972. The Indian Forest Act, 1927, India’s main forest law, had nothing to do with conservation. It was created to serve the British need for timber. As per the Indian Forest Act, 1927 at the time a “forest” is declared, a single official (the Forest Settlement Officer) is to enquire into and “settle” the land and forest rights people had in that area. These all-powerful officials did nothing and recorded only the rights of powerful communities. As per the Act, the government had rights to declare any area to be a reserved forest, protected forest or village forest (Government Report, 2006).

The Wild Life (Protection) Act, 1972 refers to the protection of wild animals and plants and for matters related to their protection. It extends to the whole of India, except the state of Jammu and Kashmir, which has its own wildlife act (Anon, 1998). It allows any area to be constituted as a “protected area”, namely a national park, wildlife sanctuary, tiger reserve or community conservation area. As per these laws, the rights of the Schedule Tribes who depended on these protected areas were to be settled by a ‘forest settlement officer’. His job was to listen to the claims of the people, which when forwarded and then if found valid, the people either continued in their occupation or denied them and gave compensation to the same (Government Report, 2006).

Conclusion: Failure of Conservation Policy in GHNP

The concept of conservation and development has always been contradictory. Like the rest of the conservation programs in the country, GHNP is also facing the same problems. Politically dominant rural electorates can exercise a huge influence on conservation policy and practice. This insight is well understood in the analysis of conservation politics in advanced industrial democracies but has been overlooked in developing nations (Chhatre and Saberwal, 2005).

Perrings and Gadgil listed the few reforms that should be there in conservation policy:

- Consolidating the international institutional architecture to allow more systematic trade in global environmental services.
- Regulating incentives to reward local communities for their conservation efforts—and to hold accountable actors who create negative externalities.
- Extending the Global Environment Facility’s portfolio and resources to support local conservation efforts that yield global public benefits.
- Complementing current large-scale conservation efforts with a decentralized strategy that co-locates production and conservation areas, and puts area management rights and responsibilities in the hands of the local authority.

Narrowing the gap between “Paper-Parks” and those natural areas that are being effectively managed is the greatest challenge to the world conservation community (Milne and Eidsvik, 2010). Here the question arises, will economic well-being contribute to the biodiversity conservation of the GHNP? No doubt, the center and state government has launched many eco-development plans, MPPA, Eco-tourism and WSCGs. All these alternative income-generation activities have to be supported with a range of other measures and incentives besides economic incentives including effective policy and legislation, tenure security, empowerment, collaborative management, etc. Economic incentives in the form of alternate income generation were found to be usually inadequate and unsustainable. Hence, the work on alternate income generation around GHNP

needs to be supported with other measures that promoted participation of communities with respect to resource management.

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