

Policy Perspective

Empowering or Encumbering? An insight into the impact of the Wildlife (Protection) Act of 1972 on Denotified, Nomadic, and Semi-Nomadic Tribes of India

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Abstract

The Wild Life (Protection) Act of 1972 has been instrumental in India's efforts to conserve its rich biodiversity. However, there are growing concerns about its impact on marginalized communities, particularly the Denotified, Nomadic and Semi-Nomadic Tribes (DNTs), who rely heavily on wildlife for their livelihood. This article examines the various effects of the act on DNTs, analyzing whether it empowers or hinders these vulnerable populations. Drawing on a comprehensive approach that includes a literature review, policy analysis, and fieldwork, the present study sheds light on the complex situation between wildlife conservation laws and the socio-economic realities of DNTs. It acknowledges the perspectives of DNTs, as this research suggests that policymakers roll out balanced conservation policies through a community-centric and bottom-up approach.

Keywords: Wildlife Protection Act, Denotified Tribes, Livelihood impact, Marginalised communities

1. Introduction

India is a country that boasts a rich cultural mosaic, with a diverse range of communities coexisting in harmony (Das, 2006). Unfortunately, some of these communities were historically marginalized under British colonial rule, such as the Denotified, Nomadic, and Semi-Nomadic Tribes (DNTs) (Bokil, 2002; Alam, 2023; Chatterjee, 2024). These groups were criminalized by colonial authorities, resulting in socio-economic exclusion despite their traditional nomadic lifestyles involving

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activities like street vending, entertainment, and small-scale trade (Gandee, 2020; Meena, 2021).

Independent India's commitment to conserving biodiversity is reflected in the Wild Life (Protection) Act (WPA) of 1972, which restricts activities like hunting, poaching, and habitat destruction as a means to protect the nation's rich biodiversity (Kunte, 2008). For generations, DNTs have been reported to have traditionally depended on wildlife for their sustenance and their livelihoods have been intricately linked to biological diversity (Ministry of Social Justice & Empowerment [MoSJE], 2022; Narayan, 2022). Many DNT communities, like the Sapera (snake charmers), Kalandar (sloth bear entertainers), Madari (monkey entertainers), etc., have played crucial roles in India's cultural heritage and traditions (Rahul, 2023).

While the WPA has ensured the humane treatment of animals, DNT activists argue that it has minimized the livelihoods of communities like the Kalandar, who used to perform with sloth bears in public spaces. However, mainstream communities view such performances as exploitative of animals, despite the lack of clear evidence of animal abuse by DNT communities, who had lived and worked closely with their animals as part of their communities, for generations (Pawar, 2021).

This article aims to provide an in-depth analysis of the complex and multifaceted situation between the WPA and the DNTs of India and investigates how the legal act shapes the livelihood of these tribes and impacts their traditional practices. The article also explores the effectiveness of conservation efforts and their impact on the socio-economic and cultural aspects of these communities. By examining the interplay between the WPA and the unique lifestyle of these tribes, this article offers valuable insights into the challenges and opportunities for sustainable development and conservation in the country.

2. Methodology

Participants from the Kalandar, Madari, and Sapera communities were included in the present study using a purposive sampling method, to assess the impact of the WPA on their livelihoods, as per the research objective. The investigation used a qualitative research design to collect data, which included semi-structured and in-depth interviews with community members. Focus group discussions and case study methods were also used to gather information. In addition, government reports, press releases, and other archives were considered for the study. Later, the narrative analysis method was employed.

3. The Wild Life (Protection) Act of 1972: A pillar of Indian wildlife conservation

The Wild Life (Protection) Act of 1972 (Act No. 53 of 1972) is a landmark legislation in India that serves as the foundation for wildlife protection and conservation

efforts. Enacted on September 9, 1972, this Act provides a comprehensive framework for safeguarding wild animals, birds, and plant species (Krishnan, 1973).

1. **Hunting Prohibition:** The Act strictly prohibits hunting wild animals, with exceptions granted only under specific circumstances.
2. **Scheduling System:** The Act classifies animals and plants into six schedules, assigning varying degrees of protection based on their rarity and conservation status.
3. **Protected Areas:** The Act empowers the creation of sanctuaries and national parks to provide safe havens for wildlife and their habitats.
4. **Regulation of Trade:** The Act regulates trade in wildlife products, including trophies and animal articles, to combat illegal poaching and trafficking.
5. **Institutional Framework:** The Act establishes a central and state-level administrative structure for wildlife management, including the National Board for Wildlife and State Boards for Wildlife.

4. DNTs and their dependence on wildlife

The DNTs, are Indian communities that have been factually marginalized. These communities have primarily relied on wildlife for their survival to enhance their traditional practices. For instance, the Sapera community, also known as Jogi Nath or Sapela, found primarily in Central and Eastern parts of the country, is known for its traditional livelihood of snake charming. They use their skills to handle snakes and entertain people during festivals and other events (Singh, 1998b).

Similarly, the Kalandar community, also identified as Qalandar, Qalandar Faquir, and Bhaluwala, engage in the traditional practice of sloth bear dancing. This practice involves training and performing with sloth bears, which are now a protected species in India. The Kalandars have been historically known for their close relationship with bears, and they have been performing with them for generations (Singh, 1998b).

The Madari community, also termed Bazigar or Bandar Wala, participates in monkey dancing as their traditional livelihood. They train and carry out performances with different species of monkeys. Monkey dancing involves training monkeys to perform tricks, which are then showcased during festivals and other events (Singh, 1998a).

These traditional livelihoods have been an integral part of these communities for generations, and they have been passed down from one generation to another. Significant changes in laws and attitudes towards animal welfare resulted in almost a ban on these practices in the country. As a result, many of these communities have struggled to find alternative sources of livelihood, which has led to an identity crisis as a community and further marginalization.

5. Case Studies: Voices from the Grassroots

5.1 *Loss of livelihood: Qalandar community*

The Qalandar community in Uttar Pradesh faced a significant setback when the WPA banned bear dancing, which had been their traditional livelihood for ages. The community had relied on sloth bear dancing as a primary source of income. Their skills were limited to bear handling, making it arduous for them to find new opportunities, especially since most members of the community lacked formal education. Overnight, they lost their primary source of income and faced severe financial insecurity, which was compounded by social stigma. However, the Qalandar community did not give up and showed great resilience by engaging in skill development programs, and advocacy efforts, and received economic support. Some members were able to transition successfully to new livelihoods, but sustained assistance is still needed for long-term prosperity. Unfortunately, some members were not able to do so. To address this problem, it is suggested that solutions such as skill development programs, micro-finance, and free educational access should be implemented to empower them towards new livelihood opportunities. This case highlights the need to address the complex intersection of cultural heritage, conservation, and livelihood sustainability for marginalized communities.

5.2 *Adapting livelihoods: Sapera community*

The Sapera community in West Bengal is known for their traditional occupation of snake charming. For generations, they have earned their livelihood through this unique skill. However, the WPA, which was introduced to protect endangered species, banned this practice, leaving many members of the community without a source of income. Some members of the community continued to pursue snake charming through legal loopholes, others had to find alternative occupations to make ends meet. Some turned to be an ethnomedicine practitioner and exorcists, while others resorted to wage labor and construction work. Despite the challenges they faced, the community showed remarkable resilience and adaptability in the face of changing circumstances. The transitions made by the Sapera community highlight the need for sustainable solutions to support marginalized groups affected by conservation legislation. It is important to address the economic impacts of such laws and ensure that affected communities are not left behind. By providing alternative livelihood options and support for skill development, we can help ensure that they can adapt to changing circumstances and thrive in the long term.

5.3 *Co-existing livelihoods: Madari community*

The Madari community, a group of semi-nomadic performers in the state of Punjab, has been practicing the traditional art of monkey dancing for generations. However, with the enactment of the WPA, their livelihood was put in jeopardy. This posed a significant challenge for the Madari community, as displaying public acts related to monkeys was their primary source of income and cultural identity. Despite this

setback, some members of the community decided to adapt to the changing times by diversifying their livelihoods. They explored alternative sources of income such as selling colored stone amulets, wage labor, e-rickshaw driving, or masonry. This transition highlights the community's resilience and ability to adapt to changing circumstances. Although some members of the Madari community continued to practice monkey dancing by using domesticated monkeys, the reduced demand due to modernization prompted further diversification. The community's ability to navigate new paths and ensure sustainable livelihoods beyond traditional practices is truly admirable. Therefore, this case emphasizes the importance of providing tailored support to facilitate transitions and ensure the economic resilience of communities in evolving socio-environmental landscapes. Thus, the example of Madaris infers if significant support is provided to them, communities can overcome challenges and adapt to changing times while preserving their cultural heritage.

6. Policy analysis and recommendations

The Wild Life (Protection) Act of 1972 has played a crucial role in India's efforts towards wildlife conservation and protection. However, the Act's strict regulations have had an unintended negative impact on marginalized communities, particularly the DNTs, who have historically relied on biodiversity for their livelihoods and cultural practices. The Act's provisions, which prohibit practices like bear dancing, snake charming, and monkey dancing, have significantly affected the socio-economic status, leading to economic instability and social marginalization of these communities.

The recommendations for mitigating the adverse effects of wildlife conservation laws on DNT communities in India encompass several important aspects. Firstly, it is essential to involve and engage with representatives of DNT communities in policy-making processes. The aim of this is to understand their traditional practices, cultural significance, and socio-economic dependencies on wildlife. Additionally, community-tailored livelihood diversification programs should be implemented through a bottom-up approach. These programs would provide vocational training, skill development workshops, and access to micro-finance for entrepreneurial ventures. Efforts to preserve this rare cultural heritage while promoting sustainable tourism initiatives are also recommended. This can be achieved by leveraging and documenting cultural performances, storytelling, and traditional craftsmanship to provide economic opportunities while maintaining cultural identity.

Additionally, educational programs should be developed to raise awareness among DNT communities about wildlife conservation laws. These programs should emphasize alternative livelihood options and sustainable practices. Financial support, subsidies, and grants should be provided to facilitate the economic transition of DNT communities towards alternative livelihoods. This should be complemented by mentorship programs and access to markets. Collaboration and a sense of cooperation are essential between government agencies, non-profit organizations, academia and local community leaders for successful policy implementation. This would leverage resources, expertise and community networks.

During implementation, continuous monitoring and evaluation of interventions are essential to assess effectiveness and make necessary adjustments. The study recommends socio-economic indicators, cultural preservation, and ecological impact should be the areas the policymakers should focus on. These recommendations aim to ensure equitable and inclusive conservation efforts. To conclude, balancing conservation imperatives with the socio-economic well-being of marginalized DNT communities is crucial. A prompt reaction from the administrations and other involved stakeholders is expected regarding this alarming situation before the cultural identities of these communities get wiped out.

7. Conclusion

The Wild Life (Protection) Act of 1972 is a crucial legislation in India's conservation efforts. It provides a comprehensive framework to safeguard a diverse range of species and habitats. However, the stringed-ness of the Act has unintentionally marginalized certain communities, particularly the DNTs. These communities have relied heavily on wildlife for their traditional livelihoods and cultural practices. The case studies presented highlight the significant impact of conservation laws on DNT communities. They face significant challenges in transitioning away from traditional practices that have been banned by the Act. Despite these obstacles, DNT communities like the Qalandar, Sapera, and Madari have shown resilience and adaptability. Their success underscores the potential for sustainable livelihood transitions with the right support mechanisms in place.

The study recommends community engagement and consultation. It's necessary to integrate the voices and concerns of DNTs into policy-making processes. Additionally, livelihood diversification programs tailored to the specific needs of DNT communities and efforts to preserve cultural heritage and promote sustainable tourism are essential for fostering economic resilience and cultural continuity to strike a balance between conservation imperatives and the socio-economic well-being of marginalized communities. By implementing these recommendations, India can scale up in mitigating the adverse effects of wildlife conservation laws on DNT communities. It will advance the overarching goals of biodiversity conservation and significantly contribute to the goals set by the United Nations to reach sustainable development.

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