

INTEGRATING COMMUNITY-BASED CONSERVATION AND LAND TENURE RIGHTS FOR SUSTAINABLE BIODIVERSITY MANAGEMENT IN INDIA

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ABSTRACT:

In light of India's changing sociocultural, economic, and environmental situation, this research article examines the complex interactions between community-based conservation initiatives and tenurial rights. Securing land and property rights is essential for reducing poverty, promoting gender equality, maintaining social stability, and ensuring sustainable resource usage. The study highlights the dynamic nature of the land tenure system and how it provides a foundation for community living.

This essay looks at how India's land tenure system has changed throughout time. It emphasises on the pre-independence Zamindari, Mahalwari, and Lyotwari systems, emphasising the role middlemen played in exploitation and the post-independence land reform programs implemented to grant greater responsibility to actual farmers. The historical context also includes prehistoric Indian land tenure systems, which show transitions from communal to private ownership. In parallel, the study looks at India's conservation history, from the creation of game parks during colonial times to the Wildlife Protection Act of 1972 following the country's independence. Concerns like the commoditisation of the environment and the eviction of indigenous communities are brought to light by the evaluation of fortress conservation and neoliberal approaches to conservation.

The study concludes by highlighting the possibility of combining CBC and tenurial rights to create a fair and long-lasting strategy for managing biodiversity in India. This proposed model seeks to reconcile the dual imperatives of conservation and community well-being by recognizing the continuum of ownership forms and utilizing indigenous knowledge. It also provides a way ahead for inclusive and effective environmental policy in the Indian context.

Keywords: Tenure rights, Community-based conservatism, Environment, Wildlife

INTRODUCTION

The land tenure system⁹⁰⁴ is described as a collection of recognised norms that regulate agricultural output and are modified to the demands of the prevailing socio-cultural, economic, natural, and political contexts, rather than as a set of immutable rights. It's best described as the institutional setting in which people live their lives. Secure land and property

rights are essential for preventing poverty and advancing economic growth, gender equality, social stability, and the sustainable use of resources. Neglectful land management usually leads to conflict, deteriorated land, and lost opportunities for socioeconomic development. Through a number of approaches, properly defined rights for landowners and users can assure safe tenure.

A "guarantee of title" usually refers to legal certainty, such as land title, precisely defined in a more statutory form, even though different governments recognise many alternative kinds

⁹⁰⁴ The term "land tenure system" refers to a set of established regulations governing agricultural output, shaped by prevailing socio-cultural, economic, natural, and political conditions. It is viewed as the institutional environment influencing individuals' lives.

of land title as genuine to varied degrees. Ownership Rights of Individual Land. This is a misrepresentation of the real situation and severely reduces the pool of people who can afford these "formal" property guarantees, especially those who are impoverished and live in rural areas. This range of ownership forms is recognised internationally as a continuum with varying rights, security, and responsibilities offered by each form.

LAND TENURE SYSTEM IN INDIA:

During their dominance over India, the British established a network of intermediaries known as "landlords" to collect rent from farmers on behalf of the government and keep a portion of the money collected. In India prior to independence, these intermediaries were primarily in charge of the land tenure system, though their roles varied from country to country. Prior to gaining independence, India had three different kinds of land tenure systems: the Zamindari, Mahalwari, and Lyotwari systems.

For the first two groups of farmers, the middleman, the zamindar, or village leader, was in charge of collecting rent. The third group of farmers paid the state rent directly, cutting out any intermediaries. Peasants were exploited through tenancy and intermediary control over land titles. After independence, land reform was initiated to remove middlemen and transfer ownership to actual farmers. The goal of land reform was to better benefit farmers by cutting out middlemen and changing the revenue system. India underwent many changes to its land ownership and revenue structures.

LAND TENURE SYSTEM; HISTORICAL CONTEXT:

Gradual changes were observed in the old Indian land tenure system, from common ownership to individual ownership. Because humans migrated in groups and no one individual owned the land—rather, it was dispersed to all members of the tribe—land was considered a gift from the natural world. The notion of private property first appeared once humans started engaging in permanent

farming. Agriculture was in a state of transition between settled agriculture and nomadic farming at this time.

The Vedic text makes it quite evident that land gifts were forbidden by the Vedas. Given that all property was owned by the commons at the time, giving land as a gift to anyone appeared improbable. But when Aryans began to settle in the Gangetic plains, it became apparent that there was a shortage of arable land, which increased the number of land exchanges. In Mauryan agriculture, there were two types of landholdings: the Rashtra type, which was formed by clearing forest lands with the help of tribesmen, and the Sita type, which was formed by clearing forest lands with the assistance of the state machinery in their internal functioning and administration.

Different land tenure systems existed during the Gupta period⁹⁰⁵, as evidenced by land award inscriptions. These consist of: (a) Nividhams, which are perpetual land endowments; (b) Nivi dharma aksayanai, which are perpetual income endowments that the recipient cannot alienate; and (c) Aprada dharma, which denotes that the recipient has all rights to the property in question but is prohibited from making additional gifts of it and is limited to using the income and interest from the endowed. The primary accomplishments of the Delhi Sultans during the Middle Ages were the systematization of agricultural exploitation and the increase in land revenue.

The land was divided by the Delhi Sultans into three categories: a) iqtaland, or land granted to officials as iqtas; b) khalisaland, or land under the Sultan's rule, the royal family being supported by the land's revenues; and c) inam land, also known as wad land or madad-i-maash, or land given to religious leaders. During Akbar's rule, land was classified into four groups for assessment purposes:

⁹⁰⁵ Land award inscriptions during the Gupta period delineate different land tenure systems. Notable categories include Nividhams (perpetual land endowments), Nivi dharma aksayanai (perpetual income endowments with restrictions), and Aprada dharma (restrictions on making additional gifts).

The British used three different revenue settlement systems: a) polaj, which was land that was farmed annually and was never left fallow; b) paratior parauti, which was land that had to be left fallow for a while in order for it to regain fertility; c) chuchar, which was land that had to be left fallow for two or three years; and d) banjar, which was land that had to be left fallow for five years. After gaining independence, the Indian government took three different steps to pursue land reform with a social goal: reducing the amount of land owned, streamlining the land tenure system, and changing the tenancy system.

LEGISLATION OF LAND TENURE:

➤ First Five-Year Plan

The Zamindari Abolition Act was actually passed in the early 1950s, and it was intended to do away with the landlord system. In its five-year plan, the Planning Commission of India unveiled a national strategy governing tenancy regulation. First Plan, the first national policy proposal for tenancy reform, suggested that wealthy landowners remove tenant farmers and let individual cultivation on their land up to a state-specified maximum. Additionally, it is suggested that the lessee of non-reusable land be given the ability to use the land as long as they pay a fixed fee that is greater than the land's lease price.

The definition of "private management" is administration by the proprietor or a member of their family. It was stated that "owners of land not exceeding family ownership as smallholders" should be taken into consideration, although there was no clear definition of small- and medium-sized farms given. There are two types of land that small and medium-sized land owners own: privately managed land and land that is openly rented to tenants. Landowner lessees whose land was below the cap, however, had only little protection. It was suggested that the rent payment ceiling should not surpass 20% to 25% of his gross income, and that the lease term

might be renewable for an additional five to ten years.

➤ Second Five-Year Plan

Three components have been added to the notion of "self-development" in order to effectively safeguard renters and establish some degree of consistency throughout federal states: cultivation, personal supervision, and personal work risks. It is suggested that the maximum rent be determined as a multiple of the land income and that the product rent be converted to cash rent. Tenants of non-reusable land should be allowed to purchase ownership at a fair price at the moment of acquisition, according to the second suggestion. Furthermore, it should be permissible to provide installment payments that fall between 20 and 25 percent of the resident's entire income.

➤ Third and Fourth Five-Year Plans

Tenancy rules' predicted influence on tenant welfare was not as great in the third plan, according to an analysis of the actions made in the first and second planning periods. As a result, the Third Plan stipulates that granting ownership to the greatest number of tenants should be the ultimate objective. The Third Plan offered no suggestions about the transfer of ownership of non-reusable small farm property to tenants, even if it was thought suitable to do so. However, the State It recommended that the issue be investigated and suitable solutions decided upon in view of these current circumstances.

Even after the third period, the renters' circumstances did not get any better and remained precarious. The Fourth Draft states that "all leaseholds shall be unrenovable and permanent, except in the case of landowners engaged in national defense and landowners with disabilities" in order to protect the security of leasehold and sublease leasing. It was suggested that actions be taken, such as announcing that the rental time should be restricted to three years and subject to

extension. Plans were created to guarantee complete possession of the homesteads where the farmers, artisans, and cultivators erected their dwellings.

➤ Fifth Five-Year Plan

The Fifth Plan encompassed the suggestions made by a dedicated task force tasked with evaluating advancements in land reform matters. Next, in its report, the National Agriculture Commission (NCA) recommended the following:

- NCA reiterated that property rights are granted to all tenants, with the exception of small landlords and special cases; a complete ban on tenancy could only be achieved if there was a large-scale migration of population from agricultural to non-agricultural lands. Additionally, it suggests that renters should apply for financing from state governments or financial institutions and that pricing should be lower than market rates. Tenant farmers should also be acknowledged as such, registered, and entitled to appropriate protection.

➤ Sixth Five-Year Plan and After

Many regulations had been passed by the time of the Sixth Plan, but their execution seemed to be problematic. The Sixth Plan placed a strong emphasis on steps to guarantee the efficient application of the approved policies in order to accomplish this goal. States were given a deadline for completing land reform initiatives. Additionally, it advised states without statutory measures to swiftly enact new ones within a year in order to transfer property rights to all tenants (1981–1982). Throughout the 7th Plan period, recommending the implementation of Federal State legislative measures to guarantee tenant rights remained a prominent concern. The first three plans generated the most significant land tenure legislation, and their implementation was thereafter given top priority.

COMMUNITY BASED CONSERVATION:

"Peoples' participation" and "community-based conservation"⁹⁰⁶ are already commonplace phrases, and both national and international conservation organizations are giving this strategy more attention locally. These days, there are many instances of community-based initiatives that aim to preserve and sustainably use animals, protected areas, forests, wetlands, grasslands, and other regions rich in biodiversity by providing financial incentives. The substantial reliance of community-based conservation on centralised bureaucratic entities for planning and implementation, however, continues to pose a challenge.

People who live in and around protected areas and wildlife management programs have seen negative consequences on their food security and quality of life as a result of the transfer of "Western" conservation practices to developing nations. Local residents have been forced to leave their settlements without being given enough space to find other sources of employment and income, national parks have denied local people access to resources, and plans to relocate indigenous peoples have had disastrous results. Locals have much less incentive to conserve resources when they are denied use, and the methods used to manage wildlife and protected areas are no longer viable.

"Community-based conservation" and "peoples' participation" are two alternative techniques that involve local communities in the management of wildlife and protected areas, and they have become popular due to the grave conservation crisis. However, because of its narrow reach and reliance on centralized bureaucratic entities, community-based conservation remains a problematic strategy.

Long before the British landed on these shores, India had a centuries-long tradition of

⁹⁰⁶ A conservation strategy emphasizing local community involvement in the management of wildlife, protected areas, and biodiversity, often employing financial incentives. The effectiveness of this approach has been challenged by its reliance on centralized bureaucratic entities.

conservation. In the Mauryan Period, when emperors like Chandragupta Maurya maintained a forest service under their administration to make sure that trees weren't cut down without the necessary authorization, there are some of the oldest records of conservation efforts in India. Ashoka also had a separate area on the pillars on which his edicts were written that forbade cutting or burning of forests and hunting of animals that would not be edible. On the other hand, India's conservation policies started to take on the current form only when the Europeans arrived and during the colonial era.

Many of the princely state rulers and the British were keen hunters. In the 1800s, they established game parks—reserved forest areas—under the Imperial Forest Department⁹⁰⁷, not for conservation but for hunting. This led to a sharp decline in the number of these flagship species in India as well as in their natural range. Once found throughout the nation's northwest plains, species like the Asiatic Lion were now restricted to the state of Gujarat. Once prevalent throughout the Northern Plains all the way to Peshawar, the Indian One-Horned Rhinoceros were now restricted to the North-East and their numbers were steadily declining.

Following independence, it became clear that more needed to be done to conserve India's rich but at the time seriously threatened biodiversity. The Indian Wildlife Board was established in 1952 to oversee wildlife conservation initiatives in India⁹⁰⁸. The board also issued a historic decree in 1956 that converted all of the country's surviving game parks into either national parks or sanctuary areas. Another important piece of legislation that marked a turning point in Indian conservation efforts was the Wildlife Protection Act, which was passed in 1972. It was the first law to protect wildlife and granted state governments the power to

designate any area as a national park or wildlife sanctuary in order to prevent extinction and promote environmental protection.

India is currently among the nations with the highest biodiversity relative to their landmass. Even though India only accounts for 2.4% of the world's surface area, it is home to 8% of the planet's biodiversity. More than half of the world's aquatic plant species, 47,000 plant species, and over 96,000 animal species call it home. Approximately 20% of India's total land area is thought to be covered by forests. India is home to four areas that are known as biodiversity hotspots—regions that are teeming with diverse species. India must endeavor to manage its natural resources effectively going future, given the country's rich biodiversity and its significance on a worldwide basis.

The challenge in managing India's abundant biodiversity and natural resources stems from the country's second-largest and fastest-growing population. This implies that the country's already finite land may soon run out of capacity to accommodate its enormous population. Furthermore, India's GDP and living standards continue to rank it in the bottom third of all nations. India's enormous population is gradually moving from rural to urban areas, contributing to pollution and necessitating future land purchase and violation.

MULTIPLE CONSERVATION APPROACHES:

But first, let's look at why, historically, fortresses and neoliberal conservation strategies have not been the most successful when applied in India. a method of conservation and preservation founded on the scientific conviction that it is detrimental to biodiversity and animal welfare. Therefore, the goal of Fortress Conservation is to establish protected areas free from detrimental human influences so that biodiversity and wildlife can flourish. The creation of wildlife networks and corridors, which link these protected areas and encourage genetic variety through dispersal, is a recent development in the area.

⁹⁰⁷ Established during the colonial era, this department focused on managing reserved forest areas, initially created for hunting purposes, leading to a decline in flagship species and their natural habitats.

⁹⁰⁸ A landmark legislation in India, granting state governments the authority to designate areas as national parks or wildlife sanctuaries, aiming to prevent extinction and promote environmental protection.

The earliest type of conservation in India is called fortress conservation, which was extensively employed to create national parks and protected regions following the country's independence. Certain conservation programs have been successful in increasing the number of animals that were at the risk of going extinct because of overhunting, including the Gujarati lion and the single-horned rhinoceros of the Northeast of Asia. Although the populations of these species decreased sharply after independence, the fort's protection may have been successful, the Indian populace, particularly the tribes and indigenous peoples who had been uprooted from their families, fiercely opposed it.

residences and ancestral grounds to allow for the development of these parks. Furthermore, as was already indicated, the majority of these indigenous tribes lost their means of subsistence because they frequently depended on the materials found in these parks for their livelihoods. This was mostly because, during a period when India's GDP was already low and the country was suffering from high levels of poverty, the elite of Indian society had already uprooted and deprived these communities of their means of subsistence.

Neoliberal conservation, which links environmental preservation with economic growth, has been more prevalent in India in recent years. This strategy, which primarily takes the form of ecotourism, seeks to use economic markets to advance both financial growth and conservation. Ecotourism initiatives, which are frequently concentrated near national parks, give paying tourists the opportunity to see wildlife in its native settings while also giving indigenous populations that have been uprooted by conservation efforts a means of subsistence.

Neoliberal conservation⁹⁰⁹ has substantial disadvantages in spite of its lauded

advantages. The strategy has a tendency to commodify nature, moving the emphasis from safeguarding the environment to its commercial exploitation. Experiences that are marketed as safari-style trips shift the focus from preservation to profit. Local people are further marginalized when they are denied access to resources and cultural sites that are essential to their heritage, even though they are frequently forced off of their native lands for major resort developments. Locals are barred admittance into reserves, causing dissatisfaction, while tourists are granted free access.

On the other hand, community-based conservation (CBC) shows promise as a solution to India's conservation problems. Based on the interdependence concept, CBC respects the deep environmental knowledge that indigenous peoples have and does not relocate communities or provide alternate means of subsistence. These communities become essential to conservation efforts by utilizing local customs to guarantee resource use that is sustainable. By enforcing regulations such as seasonal hunting bans and restrictions on the usage of certain regions for resource utilization, locals actively participate in the protection of protected areas.

In Nagaland, the Lemsachenlok organization is a shining example of a transformative movement that proves the effectiveness of CBC. Within a 10-square-kilometer communal forest, 350 families collaborated in 2010 to establish the Yaongimchen communal Biodiversity Conservation Area (YCBCA). Prior to this initiative, the community had experienced declining water levels, deforestation, and wildlife extinction. The YCBCA corrected environmental damage, halted all hunting operations, and created a thriving sanctuary for a diversity of species after four years of deliberate thought and concentrated labor.

909 An approach linking environmental preservation with economic growth, commonly manifested as ecotourism in India. This strategy seeks to leverage economic markets for both financial growth and conservation, providing

paying tourists the opportunity to observe wildlife while offering a means of subsistence to indigenous populations displaced by conservation efforts.

YCBCA CONSERVATION:

The Indian state of Nagaland's Yaongimchen Community Biodiversity Conservation Area (YCBCA) demonstrated observable progress in its conservation endeavors in 2018. Because hunting is strictly prohibited within the YCBCA, animals that were in decline in 2010—like hornbills and barking deer—saw a notable resurgence over the course of eight years. More than 85 different kinds of birds, including the critically endangered Amur Peregrine Falcon, as well as 15 different species of frogs, leopards, otters, and other animals, call this area home.

The local community and the non-governmental organization Lemsachelok worked together to spearhead the project, which was successful in prohibiting a wide range of detrimental activities within the nature reserves. Strict prohibitions against hunting, logging, fishing, and trapping helped to preserve and restore the biodiversity of the area.

But even with these successes, the community still faces difficulties. Local families' main means of subsistence before the YCBCA was founded was hunting and shifting farming. These activities became less effective under the new community nature reserve policy, which led the community to look to the government for alternative livelihood support. Communities have asked for help, but are waiting on approvals, so they are stuck in their designated zones while they wait for the support they need to live sustainably.

Furthermore, the Community-Based Conservation (CBC) initiative has limitations in the Indian context despite its overall success. The program anticipates that local groups will continue to pursue customary means of subsistence, such as shifting cultivation or hunting, until those activities are judged unsustainable.

Communities are also influenced by financial incentives to switch from environmentally friendly practices to more profitable ones. The

initial objective of protecting ecosystems may be trajectoryed from by the cultivation of crops that harm the environment in the name of profit. Notwithstanding these obstacles, the YCBCA is a prime example of the potential achievements of community-led conservation efforts and advocates for a careful balancing act between culture, urbanization, and sustainable practices in India's changing landscape.

CONCLUSION

This study highlights the critical role that secure land and property rights play in reducing poverty, promoting gender equality, maintaining social stability, and promoting sustainable resource exploitation by analyzing the complex interactions between community-based conservation projects and tenurial rights in India. The changing land tenure system is examined against the backdrop of historical events and post-independence land reforms, where it is portrayed as a dynamic framework for communal living.

The historical account follows the land tenure systems in India prior to independence, emphasizing the role that middlemen played in the Zamindari, Mahalwari, and Lyotwari systems as exploitative parties. Subsequent land reforms constituted a dramatic change after independence, with the goal of empowering real farmers by doing away with middlemen. The shift in prehistoric Indian land tenure systems from communal to private ownership is further revealed by the historical backdrop.

Concurrently, the study explores the history of conservation in India, including everything from Game Parks during the colonial era to the Wildlife Protection Act of 1972. Analyzing neoliberal and fortress conservation strategies critically raises issues with environmental commoditization and indigenous community displacement.

The study's conclusion advocates for the peaceful coexistence of tenurial rights and community-based conservation (CBC) in order

to create a just and long-lasting plan for managing biodiversity in India. The suggested approach acknowledges many types of ownership and makes use of indigenous knowledge in an effort to balance the needs of conservation with the welfare of the community. It aims to create an all-encompassing framework for environmental policy that is specific to India.

The success of the Yaongimchen Community Biodiversity Conservation Area (YCBCA) in Nagaland serves as an example of the shift to CBC. For eight years, the YCBCA demonstrated observable conservation successes, including the recovery of species like barking deer and hornbills as a result of a tight hunting prohibition. A flourishing refuge for a variety of animals was made possible by the joint efforts of the Lemsachelok organization and the local community to impose limitations on activities that were destructive to the reserves.

The community still faces difficulties, though, since the new conservation policy makes traditional subsistence methods like hunting and shifting agriculture less viable. The study recognizes the limitations of CBC in the Indian setting, where communities may give up on sustainable practices due to shifting demography and financial incentives.

The study's findings highlight the necessity of a sophisticated strategy that combines CBC and tenurial rights in order to successfully negotiate India's complicated conservation and community development environments. As evidence of the potential effectiveness of community-led projects, the YCBCA provides insightful lessons for developing inclusive and successful environmental policies that strike a balance between tradition, urbanization, and sustainable practices in the dynamic environment of the country.

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were granted denuded lands to reforest, as well as more recent reforms in China, which now has the largest area of afforestation/forest restoration in history (see Robbins and Harrell 2014; FAO 2010).