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Prabhat Sharma

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## How India's nomadic communities fight for land rights and gender justice

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*Nomadic Indigenous Peoples and the Law by Indrani Sigamany analyses how nomadic communities in India navigate land dispossession, gendered injustices and administrative barriers. This excellent book offers ground-level insights and asks critical questions about the limits of rights-based frameworks and legal reforms to bring about justice for mobile indigenous communities, writes Prabhat Sharma.*

*Nomadic Indigenous Peoples and the Law: Self-Determination, Land Rights and Gender Justice in India.* Indrani Sigamany. Routledge. 2026.

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# Law and historical injustice

Considering the layered history of development-induced displacement in India from the colonial times to today, one can situate Indigenous groups (*Adivasis*) firmly on the **other side of development**. Although people belong to tribe now comprise less than eight per cent of the population, they make up 40 to 50 per cent of the communities who are displaced. Among these are mobile and nomadic indigenous communities who are more vulnerable, as their mobility patterns are at odds with the governmentality of the state. Conservation policies (like the **Forest Act of 1927** and the **Forest Conservation Act of 1980**) are most often at odds with the rights of persons inhabiting these forests, and other factors come into play within tribal groups, such as gender.



*The book departs from other works that centre formal legal recognition by focusing on mobile and nomadic communities, who*

*are often overlooked.*



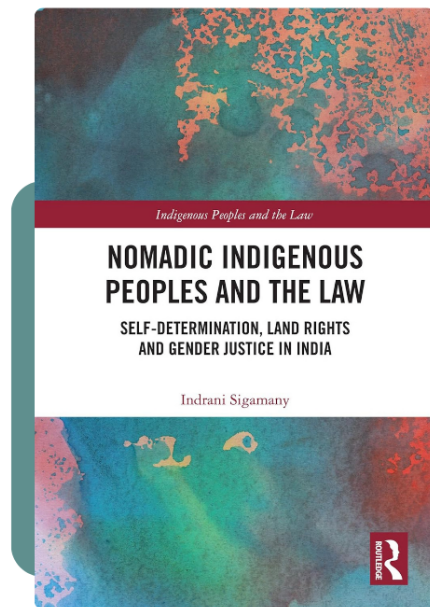
It is these nuances that Indrani Sigamany's book *Nomadic Indigenous Peoples and the Law* try to unravel. Her work is situated between three main scholarly conversations: first, global Indigenous land rights and law (see [Anghie, 2023](#); [Mutua and Anghie, 2000](#)); forest law and Adivasi dispossession in India (see [Gadgil and Guha, 1992](#); [Galanter, 1968](#)); and feminist political ecology (see [Agarwal, 1992](#); [Xaxa, 2004](#)). The book departs from other works that centre formal legal recognition by focusing on mobile and nomadic communities, who are often overlooked. Sigamany employs a **critical theory approach** and an **Indigenous-positionality approach**, with a deep engagement with the **Forest Rights Act (FRA) 2006**. The book argues that advancing substantive rights is crucial, but access to justice is mediated by other factors like administrative injustice.

Chapter one undertakes an evolution of forest-based legislation from colonial to post independence times focusing on how these acts **transformed common forest lands into state property** and **criminalised shifting cultivation practices**. These legislative actions have had a devastating impact on indigenous communities. Sigamany points to the inconsistency of, and contradiction between, the growing international legal instruments on Indigenous rights and land laws (for example, the **UN Declaration on the Rights of Indigenous People 2007**), and the national experience of tribal and indigenous communities (54). The author argues that although the FRA was enacted to undo the “historical injustice,” its

implementation is fraught with administrative barriers, legal incompatibilities, and political tensions, which ultimately limit the transformative potential of the act. Thus, she questions whether the promise of justice is being realised through FRA, and whether administrative justice delivers for indigenous communities. Chapter one traces the historical trajectory of forest-based laws, and the proceeding chapters probe how these manifest in the experiences of the mobile communities.

## Is all land god's land?

Mobile indigenous peoples, who are usually pastoralists move with their herds through specific grazing corridors, and these corridors may not agree with the boundaries of the nation-state. Maldhari herders of Mera district, Gujarat ("Mal" means livestock and "Dhari" means owner) migrated through Afghanistan in the past, but after independence, they were limited to the borders of India and thus, their usufruct rights (the right to use and enjoy communal lands for the grazing of the herds) shrank. Being nomadic, they do not own any land; they have a saying that "all land is god's land", rejecting ideas of individual property ownership.



## Nomadic Indigenous Peoples and the Law

Self-Determination, Land Rights and Gender Justice in India

By Indrani Sigamany

Maldharis conventionally had a communal way of living. But these traditional practices were nearly eliminated with the coming of the dairy development initiative, the **White Revolution** in 1970. Their grazing lands also shrank due to sale of *gauchar* (pastoral) lands by the government to the private individuals and industries and violations by private individuals. All these losses of lands also had a gendered consequence, as it increased the workload of Maldhari women. For example, women now have the new task to gather fodder in addition to cooking and laundry. Women also lost the control of marketing the milk produce because of the encroaching dairy cooperative, thus losing their economic independence. Sigamany then looks at the Dhangar pastoralists of Ahmednagar, Maharashtra and illuminates how the economic foundations of their pastoral life were altered because of erosion of *gauchar* lands integration into capitalist markets.



*Traditional gairan (grazing fields) were re-allocated to private individuals and industries by the government, giving meagre compensation to those who were displaced.*



Traditional *gairan* (grazing fields) were re-allocated to private individuals and industries by the government, giving meagre compensation to those who were displaced. The Government also declared their grazing field an Indian conservation area. These case studies expose India's neoliberal capitalist system, in which the needs of the economic elite supersede those of tribal communities left marginalised and unprotected by the state (84). Only some take a legal route to assert their land rights, with many barriers to accessing the required knowledge and resources. Maldharis favoured political action, but Dhangars were introduced to the necessary legislation by an NGO (85), and the book reveals the key role of NGO support in seeking redress.

## Nomadic women and struggles for self-determination

Chapter three problematises the gender within Indigenous communities, arguing that tribal women face double discrimination of being tribal and female within an oppressive patriarchal culture. Whenever there is a threat to forest-based livelihood and loss of lands, it is experienced more acutely by women, as their productive and reproductive roles are closely interlinked with forest lands. Based on the case studies of Raika camel herders and settled Adivasi Forest community of Bhasla of southern Rajasthan (87), where active struggles for their lands were led by women, Sigamany unpacks the dichotomy of dual representation of women as victims and of women in control of their lives.

Chapter four attempts to broaden the frame by bringing in self-determination of tribal communities. By taking the examples of people who make a living from producing **tendu patta** (a type of cigarette) and their struggle against displacement, Sigamany shows how legislation is used to access justice. She showcases, how through NGO support and mobilisation, communities tried and succeeded to gain control over the tendu trade and transitioned from labourers to owners via a cooperative model. Similarly, in Amba village, communities were threatened with displacement when a survey order was passed which could change the status of and prohibit them from inhabiting it. The process became important as **Gram Sabha** (the general governing body of Gram Panchayat, a basic governing institution in Indian villages) participation was undermined and **free prior and informed consent (FPIC)** was not taken. The author terms this an example of “administrative injustice”. The lack of commitment by the administration has harmed forest communities and has ultimately complicated the use of legal mechanisms for forest rights (137).



## *Can rights-based frameworks coexist with market-led growth?*



Sigamany's book is an excellent critical reflection on the debates surrounding mobile indigenous peoples and their land rights, illuminating the contested nature of justice and how it is negotiated at ground level, either politically or legally. However, there are some areas which merit reflection. For example, can **rights-based frameworks** coexist with market-led growth? There are also questions that arise from the tensions between collective rights of the indigenous communities and individuality of women. For example, while collective land titles are seen as an emancipatory response, they can also reproduce internal and gendered hierarchies regarding participation in decision making and control over resources.

Nevertheless, her scholarship stimulates us to broaden our horizon regarding access to justice via rights-based frameworks and most importantly, it rejects the binary framing of laws as being either futile or emancipatory. As she argues, substantive rights like FRA are a welcome tool to secure legal redress for land violations, but it must be strengthened with other factors like administrative justice. This book will appeal to scholars and students of gender studies, human rights law and Indigenous studies, and it invites further research on the intersection of justice, mobility, and

conservation governance.

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***Note:** This review gives the views of the author and not the position of the LSE Review of Books blog, nor of the London School of Economics and Political Science.*

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