

Press Release

Forest Rights Act in Protected Areas of India- Report

All efforts towards recognition of rights and co-existence within Protected Areas under Forest Rights Act are actively obstructed, resulting in routine violation of the Act

15th November 2017, NEW DELHI: It is more than ten years since India attempted to ‘undo the historical injustice’ towards the Scheduled Tribes and other Traditional Forest Dwellers by enacting the Forest Rights Act in 2006. As per a report published in 2016¹, the implementation of the Act is so slow that only about 3% of its total potential has been. The implementation is especially poor in Protected Areas (PAs).

A new report currently under finalization analyses the status of implementation of FRA in more than 30 Protected Areas (PAs) in India sheds light on these gross violations, and a continuation and strengthening of the now globally much criticized, “guns and guards” based approach to conservation. The findings of the report were presented at India International Centre (IIC), New Delhi in a meeting on the “Status of Implementation of Forest Rights Act in Protected Areas” organised by All India Forum for Forest Movements (AIFFM), Ashoka Trust for Research in Ecology and the Environment (ATREE), Kalpavriksh and Vasundhara. About 70 participants representing local community members from over 32 PAs, civil society actors and researchers covering over 13 states attended the meeting. The community members and activists also shared experiences and presented testimonies from their areas.

The report and the testimonies reveal that implementation of FRA in PAs has been virtually non-existent and claims filed under FRA lie pending in most PAs, some for as long as since 2009. *“Whatever little progress has been made towards implementation of FRA in PAs or exercising such rights has been because of local struggles. People involved in these struggles are however routinely subjected to physical violence, false police cases, being labeled as left wing extremists, among other atrocities”* said Devjit Nandi of Navrachana, Chhattisgarh.

The already sputtering process of FRA implementation in PAs has in fact come to a complete standstill in Tiger Reserves (TRs) since March 2017 with an order by the National Tiger Conservation Authority (NTCA), which disallows recognition of rights under FRA in Tiger Reserves *“The NTCA order is an attack against our culture and our tradition. This is anti-Constitutional and the NTCA have no right to stop the implementation of an Act passed by the Parliament by an order. This is denial for our existence. The order needs to be withdrawn as soon as possible, it is creating fear among all of us”*, asserted J.K. Thimma, member of Bubakattu Krishekara Sangha (BKS), Jenukuruba tribal, Nagarhole Gaddi Hadi, of Nagarhole Tiger Reserves. *“After years of restrictions and hardships, finally we were told early this year by the district administration that our rights have been recognized. We were excited and preparing to draft management, tourism and conservation plan and hoped to benefit ourselves and the tiger population through our plan...but then we were told by the district administration that NTCA order does not allow our rights to be recognized...this is complete injustice. Dozens of resorts by outsiders are earning large sums of money in our backyard while we struggle to even live with dignity”*, said Shankar Bharde, Paryavaran Mitra, Wadala village, Tadoba Tiger Reserve.

In many PAs where rights have been recognized, the report has highlighted that the people are being stopped from exercising those rights by the PA authorities. The report also documents the issues associated with relocation. Although FRA specifies conditions under which local communities can be

¹CFR-LA, 2016. Promise and Performance: Ten Years of the Forest Rights Act in India. Citizens’ Report on Promise and Performance of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, after 10 years of its Enactment. December 2016. Produced as part of Community Forest Rights-Learning and Advocacy Process (CFR-LA), India, 2016 (www.cfrla.org.in).

relocated, relocations continue in most cases in violation of those conditions, using divisive methods, coercion or induced voluntarism by restricted access to basic amenities, among others. *“In fact procedures under FRA are being used as a tick mark exercise to ensure that relocation can take place. Mostly individual rights are settled and not right to use, manage and conserve or CFRs. This is mainly to subvert the FRA provisions and to ensure that relocation can be forced by showing that FRA processes have been completed”* said Souparna Lahiri of All India Forum for Forest Movements (AIFFM). *“On the same day we got CFRs the authorities pressurized the gram sabhas member to sign the papers on relocation. With false promises of land, the majority of the families of Jamunagarh village signed the papers for relocation. Others are still fighting inside, before and after CFRs recognized nothing has changed”* says Telanga member of the Simlipal Surakshia Manch (SSM) of Munda adivasi Jamunagarh village, Simlipal Tiger Reserve. The report and participants testimonies also pointed out that these relocations violate the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (LARR 2013), as compensation for the vested forest rights under FRA is not being given to the tribals and forest dwellers. *“Wildlife protection act of 1972 provides acquisition of land for sanctuaries and national parks under section 23, 24, 25, 25a and 26. On the basis of these provisions and according to section 24 of land acquisition act 1894, land acquisition for sanctuaries and national parks took place. To compensate these acquisitions rehabilitation package 1 and 2 was adopted. Clearly the legal basis of these 2 packages lies in the provisions of land acquisition act 1894. Even after the enactment of the new LARR 2013, the Government continues to follow the old compensation packages. The acquisition, if at all carried out, must be under the new Act”* said Satyam Shrivastava from SRUTI.

The report mentions that despite the amendments in the Wild Life Protection Act of India in 2006 emphasizing co-existence practice in the TRs and FRA providing provisions and opportunities to do so, such efforts were found only in 3 out of 30 PAs. Even here it was mostly the effort of the local people and civil society organizations without support from the forest department. This includes, Shoolpaneshwar Wildlife Sanctuary in Gujarat where until November 2016, CFR rights of 58 villages have been recognized on about 40,000 hectares of forest land. Many of these villages already formed CFR management committees and atleast 12 villages have earned substantial income by harvest dead and dried bamboo. These villages have also drafted village development and forest conservation plans. In Bilgiri Rangaswamy Temple sanctuary (BRT) the Soliga tribe has collectively drafted a Tiger conservation plan, which also remains unaccepted and unrecognized according to the report. *“Out of 61 podu 30, CFRs were recognized in 2013, we collectively prepared a tiger conservation plan but since then the remaining CFRs have not been recognised, pending signatures from the FD”* said C. Madegowda, Zilla Budakattu Girijana Abhivruddhi Sangha, BRT Tiger Reserve.

India has been facing international flak for having one of most retrogressive and repressive conservation regime in the world. The 2016 Report of the UN Special Rapporteur (Rights of Indigenous People) on Conservation and Indigenous people’s Rights singles out India for special mention *“In India, Adivasis and tribal peoples have been evicted from tiger reserves for decades, often without any form of reparation. This continues to occur despite the Forest Rights Act of 2006, which only allows displacement from "critical wildlife habitats" if scientifically determined that the habitat is being damaged irreversibly and that co-existence is not possible. The Forest Rights Act stipulates that even then, displacement can only be carried out after obtaining free, prior and informed consent. In practice, however, displacement from protected areas continues across India through a combination of misinterpretation, coercion, and inducement. Reportedly, tribal peoples have faced prosecution for "offences" in protected areas, such as the traditional practice of collecting honey”*. One of the authors of the report agrees with this poor assessment of India’s conservation practices. *“There is little evidence of any change in the actual practice of top down, exclusionary and atrocity & human rights violations based PA governance and management in India, and little efforts towards recognizing people’s own knowledge and practices related to conservation. We hope this report will highlight the issue and lead to some assessment, evaluation, reflection and dialogue towards a positive change”* says Neema Pathak Broome, Kalpavriksh.

The report as also the participants in the meeting concluded that the enactment of the FRA could not put a stop to the recurring incidents of violation of human rights, including forced or induced relocation or even blatant evictions of people, including from areas where they have filed claims or are in process of doing so. There are almost no efforts towards co-existence and collaboration with local people in conservation governance despite FRA and WLPA providing for the same. *“Conservation should cease to mean more enclosures, rights denial and displacement. It is time to realize that conservation could only happen through the active agency of the forest communities, through democratic participation of adivasis and other forest dwellers”* said Soumitra Ghosh of Uttar Banga Van-Jan Shromojivi Mancha.

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