

Press Release
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Violation of human rights in conservation in India: Rubbing salt on the wounds of tribals and forest dwellers

Nineteen countries of Asia and Africa are coming together to address the illegal wildlife trade during Global Wildlife Programme (GWP). GWP is being jointly organised by India with World Bank and United Nations Development Programme on the 2nd of October 2017. In a Ministry of Environment Forests and Climate Change (MOEFCC), Government of India Press Release¹ on 29th September 2017 announcing the inauguration of GWP, Dr. Harsh Vardhan, the Union Minister for MOEFCC has claimed that “*India is playing a leadership role in management of wildlife through involvement of local communities*”. He then goes on to say “*Five crore people living around national parks and sanctuaries are working as partners in environment conservation*”. Such statements made mainly to impress a global audience are far removed from the ground reality of official conservation in India.

India has consistently practiced one of the most repressive regimes in wildlife conservation in the world. Almost all its national parks and sanctuaries have been established in classic fortress conservation model, ignoring the concerns and rights of the local communities. Atrocities, oppression, coercion and fear stalk the tribal and non-tribal local communities whose lands and forests have been converted into tiger reserves, national parks and sanctuaries without their consent. The controversy over the shootings in Kaziranga is still fresh in people’s memory.² While the global consensus is towards sharing of or handing over conservation responsibilities to the local communities as stewards of biodiversity, India’s conservation establishment remains deeply centralized, top down and exclusionary. Violations of human rights and constitutional rights in wildlife conservation, particularly tiger conservation, are rampant.

It was to atone for the historical injustices meted out to the forest communities of India by forest and conservation laws, policies and practices that the Forest Rights Act (FRA) was enacted by the Parliament in 2006. The FRA attempts to undo this injustice by vesting forest land and resource rights to the scheduled tribes and other traditional forest dwelling communities in all forest areas including Protected Areas. It also lays down an elaborate institutional mechanism for recognizing and recording those rights. These rights include the right to use, manage their traditional forests as Community Forest Resource (CFR); and rights to protect their cultural and natural heritage, including wildlife, biodiversity and sources of water from all internal and external threats. FRA provides for creation of Critical Wildlife Habitats (CWH) in all PAs and specifies that rights recognised under the FRA within CWH may be modified or concerned communities relocated, provided it has been scientifically proved that co-existence is not possible and continuation of those rights would lead to irreversible damage to species and habitat. CWH are to be constituted, with the full informed consent of the concerned

¹ <http://pib.nic.in/newsite/PrintRelease.aspx?relid=171254>

² <http://www.bbc.com/news/world-south-asia-38909512>

communities. FRA also requires that no displacement from protected areas of any kind can take place without first recognizing the forest rights of the local communities. If anything, the claims about the “people oriented” conservation in the country should have meant effective implementation of the FRA, including using its provisions towards co-existence and collaborative or shared governance of PAs.

On the contrary, as the preliminary data emerging from a study being carried out as part of national CFR Learning and Advocacy process reveals, there are few protected areas where claims filed under the FRA, particularly the CFR Rights have been recognised. Even where recognized, exercising these rights has been extremely difficult. In fact on 28th of March 2017, the National Tiger Conservation Authority (NTCA) issued a letter stating that no forest rights under the FRA can be recognised in the Tiger Reserves (TR).³ This was seemingly done to deny a particular fishing community in Totladoh near Pench Tiger Reserve in Maharashtra its legal right of fishing. The District Level Committee for implementation of FRA in the region was about to formally recognize this right when it was stopped because of this letter. Since then even in protected areas where otherwise the recognition of rights process had finally begun, has come to a grinding halt. Despite much opposition the NTCA letter, issued in blatant violation of FRA, has not been withdrawn thus hindering recognition of rights in TRs and other PAs.⁴

Despite the provisions in the FRA about no relocation without recognition of rights, relocation of vulnerable tribal and non tribal communities continues under coercion, fear or force. Instances of such relocation include forest department razing down Rajanacha and Bajjadhap villages occupied by the Baiga community -a particularly vulnerable tribal group-located in Boramdeo Wildlife Sanctuary in Madhya Pradesh in 2013. Incidentally, these villagers had already been relocated multiple times before, first to make way for bauxite mining by Vedanta and then for creating a Tiger Corridor. Debrigarh village was relocated without proper compensation from the core of Debrigarh wildlife sanctuary in Odisha in April 2017. Forced relocation from Achanakmar TR in 2009, from Barnawapara WLS between 2011-2013, and from Boramdev WLS in 2012 (all in Chhattisgarh); from Melghat TR in Maharashtra between 2007, 2011/12, 2017; from Kanha TR in Madhya Pradesh in 2013; from Chondaka WLS in 2008, Satkosia wildlife sanctuary in 2017 and Simlipal TR (all in Odisha); and Amchang WLS in Assam in 2017; are just a handful of such examples. A cursory look at the website www.landconflictwatch.org reveals 27 ongoing conflicts relating to protected areas, almost all of which link to displacement and evictions of communities. Many more conflicts remain undocumented. Even as these unjust relocations continue, some states like Odisha and Kerala are proposing relocation of all local communities living within all PAs. In fact, the funds established from the monies received from the user agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value and all other amounts under the Forest (Conservation) Act, 1980 in lieu of the forests diverted for non forestry purposes (or CAMPA funds) have been approved to be used for relocation of people from

³ <http://www.downtoearth.org.in/news/community-forest-rights-in-critical-habitats-face-hurdle-due-to-lack-of-legal-roadmap-57602>

⁴ <http://kalpavriksh.org/index.php/environment-development/research-analysis/13-home/418-petition-against-national-tiger-conservation-authority>

protected areas⁵. This is despite opposition from civil society actors who contended that these funds should be utilized for facilitating co-existence and hence more democratic forms of conservation in PAs.⁶

In complete contrast to the Union Minister's statement, India remains one of the last and most powerful bastions of exclusionary conservation, led by a powerful forest bureaucracy and a self-serving conservationist lobby. Powerful commercial interests have emerged around wildlife tourism leading to sprouting of illegal resorts belonging to rich and powerful while local communities' rights under FRA are sidelined. India is seeing an increased militarization of protected areas by arming field staff with guns and overtly unstated "shoot at sight orders" in protected areas like Kaziranga and Corbett national parks. The conservation landscape in India is full of millions of small mutinies, as local people reel under the oppressive regime imposed upon them without their consent and knowledge.

Environmentally and socially just and practical alternatives exist, underpinned by laws such FRA and Panchayat Extension to Scheduled Areas (PESA) Act. This however requires the powerful conservation establishment to respect the law of the land and to work with the forest communities. There are ample examples in the country to show how the forest dwelling communities are indeed using these rights to conserve and protected their forests.⁷ More than 10,000 tribal and forest dwelling communities have been protecting forests and wildlife in Odisha. Hundreds of communities protect forests in Jharkhand, West Bengal, Gujarat, and Maharashtra. Many of these have in the recent times claimed CFR rights and are currently in the process of drafting management and conservation plans, including with support from the state government agencies. The Indian forest bureaucracy has so far been the biggest obstacle to the recognition of collective forest rights of these communities⁸. Communities who have already started protecting and managing their forests- can they not be the stewards of the tigers, the elephants and the forests? Can forest bureaucracy not work with them? A landscape approach must be based on recognition of rights and respect of those rights. Dr Harsha Vardhan talks about inclusionary conservation and partnership without mentioning the fundamental legal provisions of the FRA with which such a partnership can be achieved with the people living in high biodiversity value areas.

The draft National Wildlife Action Plan (NWAP) 2017-31, which is to be released at the Global Wildlife Programme has also come under criticism precisely for not taking into account the FRA. On the contrary it continues to propagate forest department controlled programmes such as ecodevelopment and Joint Forest Management (JFM) for seeking community support in Protected Areas. Unlike FRA, ecodevelopment and JFM do not address the issues of resource use, management and conservation rights of the local communities.⁹

⁵ <http://www.ukcampa.org.in/Docs/CAMPA%20Act%202016.pdf> (see Section 6 (d))

⁶ <http://www.kalpavriksh.org/images/LawsNPolicies/letter%20of%20protest%20against%20more%20funds%20for%20relocation%201%20july%202013.pdf>

⁷ <http://www.epw.in/journal/2017/25-26/special-issues/biodiversity-conservation-and-forest-rights-act.html>

⁸ http://www.atree.org/sites/default/files/reports/Promise_and_Performance_Report.pdf

⁹ <http://www.epw.in/journal/2016/40/commentary/draft-wildlife-action-plan.html>

It was in light of all the above that on October 6th, 2016, a group of wildlife scientists and conservationists wrote to the then Minister of MoEFCC, calling upon him to ensure that the Forest Rights Act is respected by the Ministry. They pointed out that “disregarding the Forest Rights Act or undermining it will greatly damage environmental protection in the country.”¹⁰ This letter was further supported by 40 international conservation agencies.

We request Dr. Harsh Vardhan to kindly stop paying lip service to the inclusive and democratic conservation practices in the country and work towards effectively implementing the powerful provisions of the FRA at all conservation sites, including PAs, to start a new chapter in landscape based, inclusionary conservation in the country. It is only through strong local support can India continue to be one of the biodiversity hotspots of the world.

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¹⁰ <https://forestrightsact.com/2016/11/01/forest-rights-are-vital-to-conservation-conservationists-to-environment-ministry/>