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Protected Areas, Covid 19 and people's rights

in Environmental Protection – by Meenal Tatpati – July 24, 2020

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Raika pastoralists graze inside Kumbhalgarh Wildlife Sactuary_@Meenal Tatpati

As India went into a lockdown to prevent the spread of the Covid 19, we witnessed a different kind of opening-up of our Protected Areas. As we worked from home, we were greeted with reports of several controversial projects being given a go-ahead in and around some of the most biodiverse regions, ironically by the Standing Committee of the very same board which is mandated to ‘...promote the conservation and development of wild life and forests...’ [1] in the country. The decision to open up these areas was taken over video-conferencing with no representation of experts.

While there was justifiable outrage at this decision from all quarters of the Indian public, another seemingly innocuous circular was passed by the Ministry of Environment Forests and Climate Change (MoEFCC) shortly after the lockdown was announced, which went relatively unnoticed.

On the 6th of April, the MOEFCC issued an advisory [2] to Chief Wildlife Wardens of all states to ensure that immediate preventive measures were taken to stop the transmission and spread of the Covid 19 virus from humans to animals and vice-versa in protected areas. This was done because a tigress in a New York zoo had reportedly tested positive for the novel corona virus after being infected through an asymptomatic employee who was caring for her [3]. The advisory was passed to ensure that there is a reduction in human-wildlife interface through restriction of movement of people to National Parks, Sanctuaries and Tiger Reserves.

Given that there was a nation-wide lockdown, the influx of tourists in this peak season was already curbed. However, what the advisory also mentioned was that the movement of staff,

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tourists and villagers inside and around Protected Areas was to be restricted. While this may seem like the Ministry was proactively ensuring the safety of our wildlife population, this circular and the events that took place across several protected areas because of it, exemplify the policy interventions in our protected areas that have consistently eroded at environmental justice in these areas through the past several decades, and continues till date.

According to the government's own data, protected areas (including National Parks, Wildlife Sanctuaries, Conservation Reserves and Community Reserves[4]) cover a little more than 5% of the total area of the country[5]. Contrary to popular belief, these areas are not pristine wilderness but are ancestral domains of Scheduled Tribes and several other communities like fisherfolk, pastoralists and Scheduled Caste communities whose primary livelihood dependence is on nature in these areas. According to a statement given by the Minister of Environment, Forests and Climate Change in 2017, five crore people live around protected areas[6].

Their lives and interrelated social, cultural and economic aspects have become intricately linked with these biodiverse spaces, owing to a long and historic association. In many areas, communities have devised sustainable conservation practices of resource use. This is owing to the long and experiential interaction with ecosystems governed by spiritual or ethical beliefs and customary practices[7]. Historically, these communities had enjoyed a certain degree of freedom towards the use, access and management of natural spaces. However with colonial rule, State intervention in the day to day life of these communities increased, strengthened through legislations and policies that facilitated stricter control of the State over land and resources[8]. With increasing State control, age-old customary practices of resource use of communities began to be curtailed, and there was enormous upheaval in the control and custodianship of such ecosystems. This affected the autonomy that communities previously enjoyed, their rights became 'privileges' and their ancestral occupation of land began to be looked at as illegal 'encroachment'.

Independent India chose to adopt the same policies, with the focus shifting towards industrialisation on the one hand, and greater 'protection' of wildlife and biodiversity on the other. The enactment of the Wild Life Protection Act of 1972 (and its amendments in 1986, 1991 and 2003) along with existing laws like the Indian Forest Act, 1927 brought about complete alienation of such communities from natural ecosystems. Along with commercial forestry, Wildlife Protection now began to be used for curbing and criminalising customary forest use rights including collection of non timber forest produce, grazing, fuelwood collection, hunting and gathering as well as certain agricultural practices such as *jhum* cultivation, pastoralist lifestyles, and other traditional ways of sustaining livelihoods. This was in addition to the poor status of recording of land and rights records. Several other marginalised communities have over the years also occupied such areas under various compulsions and processes over decades.

In a petition sent to the Minister of Environment Forests and Climate Change, several wildlife researchers, lawyers and activists stated that there is absolutely no evidence so far of humans beings being able to infect free-ranging wild animals. The only reported case is of a captive tiger which is housed in a restricted area and exposed to fairly close contact to humans. Both of these conditions do not apply to our protected areas. In fact all available evidence suggests that this virus doesn't very efficiently transfer into animals. [9]

However, the model of conservation that India follows today, stems from the western concept of creating wilderness spaces, that sees wildlife separate from people. This has seeped deep into the consciousness of the wildlife bureaucracy, and we have adopted a model of conservation through dispossession. Estimates suggest that over 100,000 families have been displaced over the last three or four decades from protected areas[10].

Immediately after this circular was issued, the administration of Rajaji National Park in Uttarakhand created a 'critical zone' surrounding 30 kms of the park and completely stopped the movement of the Van Gujjars, a pastoralist community who have been living in and around the Park. Furthermore, several quintals of milk that the Van Gujjars sell in

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diaries in nearby cities like Haridwar, was overturned and destroyed by the forest officials in a bid to prevent the Van Gujjars from reaching the cities!^[11] After this incident was reported and followed up with by local groups including the Van Panchayat Sangharsh Morcha, a meeting was held on the 28th of April under the chairmanship of the Chief Secretary of Uttarakhand and top forest officials^[12]. The minutes of the meeting however record that the meeting was held to 'prevent the spread of Covid 19 amongst the Van Gujjars'! The decisions taken included banning transmigration of the community towards the upper *bugyals* (alpine pastures) in the season, enumeration of their families and numbers in a particular forest division by the divisional forest officials to ascertain that they do not leave their *deras* (camps), and periodic thermal screening of the Van Gujjars, thereby providing no relief to the community!

These decisions are reminiscent of the colonial narratives used to describe the Van Gujjars as 'lawless and wild' herdsmen, somewhat separate from the villagers that they come in contact with, whose movement thus needed to be controlled^[13].

Subsequent to this, the Rajaji administration allegedly demolished the *deras* of some Van Gujjar families in the Asa Rodi range of the park and several Van Gujjars and officials were injured in the altercation that followed, including women and minors. Several of them were taken into custody. Their FIR against forest officials was not registered by the local police station, but the FIR filed by the forest department makes several claims against the community including attempt to murder, rioting and disrupting public peace^[14]!

Similarly, there were reports of Tharu Adivasi women from villages inside Dudhwa National Park in Lakhimpur Khiri district of Uttar Pradesh being stopped from collecting firewood and NTFP for sale from the forests during lockdown. The villagers also allege that the forest department created trenches around the villages, thereby creating a boundary between the villages and the forests^[15].

In Maharashtra too such incidences continue to happen. In Melghat TRs Sipna Wildlife Division, buffalo's belonging to a villager inside the buffer zone were impounded and his son who was grazing the cattle also taken into custody. In the buffer zone of Tadoba Tiger Reserve too, several villagers have written to the Collector alleging that the local DFO has prevented them from carrying out agricultural activities and also destroyed their crops during this period, saying that they are encroaching on a wildlife corridor.

It is important to note that according to Sec 38 (V) of the Wildlife (Protection) Act, the buffer of a Tiger Reserve is to be '...identified and established...where a lesser degree of habitat protection is required to ensure the integrity of the critical tiger habitat with adequate dispersal for tiger species, and which aim at promoting *co-existence* between wildlife and human activity *with due recognition of the livelihood, developmental, social and cultural rights of the local people*'. Thus, there is no legal basis for declaring a 'critical zone' around Rajaji National Park, or digging trenches in Dudhwa National Park, or stopping local farmers and pastoralists from accessing the buffer zones of Melghat and Tadoba for their livelihoods.

In a recent analysis in Indiaspends, it has been pointed out that between 2014 and 2020, the Environment Ministry has approved 278 projects in and around Protected Areas, with a whopping clearance rate of 87%! ^[16]. While on the one hand we continue destroying a large part of our natural heritage, we are also dispossessing thousands of traditional communities living around these areas. The examples mentioned above are just some of the incidences of violation of rights of forest dwellers emerging out of protected areas during the covid 19 induced lockdown, which have already been reported in regional and independent news media. There could be several more unreported cases.

In 2017, at the Global Wildlife Programme event organised by MoEFCC with the World Bank and United Nations Development Programme, the environment Minister had claimed that India was playing a 'leadership role in management of wildlife through involvement of local communities'.^[17] However, even as this piece is being written, neither the decision on providing clearances under lockdown nor the Covid 19 advisory has been rescinded by the Ministry, despite local and civil society opposition. As we debate the issue of mega

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developmental projects in these areas, the future of both the protected areas and the people living in and around these areas is uncertain. Even after the enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, coexistence and co-management models have not been truly adopted on the ground in Protected Areas. Unless we adopt a new model of conservation involving local communities, the future of our protected areas remains grim and uncertain.

Written by Meenal Tatpati of Kalpavriksh, Pune. She can be reached at meenaltatpati01@gmail.com

The incidences in protected areas reported here have been shared by local groups.

[1] Please see Sec 5C of Wildlife (Protection) Act, 1972 for details about the National Board for Wildlife (NBWL).

[2] Letter number F. No. 8-32/2020 WL titled 'Advisory regarding the containing and management of COVID-19 in National Parks/Sanctuaries/ Tiger Reserves' dated 6th April 2020.

[3] <https://www.dnaindia.com/india/report-after-tiger-tested-positive-for-covid-19-in-ny-centre-issues-advisory-for-tiger-reserves-across-india-2819996>

[4] These are legal categories of Protected Areas under the Wildlife (Protection) Act, 1972. Tiger Reserves are carved out of National Parks and Sanctuaries.

[5] http://www.wienvic.nic.in/Database/Protected_Area_854.aspx

[6] <https://www.indiablooms.com/health-details/W/3023/india-to-host-global-wildlife-programme-to-address-illegal-wildlife-trade.html>

[7] This map <https://kalpavriksh.org/cca-map/> is an attempt to highlight conservation efforts by various such communities across India.

[8] Gadgil, M. & Guha, R., (1993). This Fissured Land: An Ecological History of India 1st ed. Delhi: Oxford University Press

[9] <https://kalpavriksh.org/wp-content/uploads/2020/07/PETITION-ON-THE-ADVISORY-REGARDING-CONTAINING-COVID-19-IN-PROTECTED-AREAS.pdf>

[10] Lasgoreceix, A., Kothari, A. (2009, December 5-11). Displacement and Relocation of Protected Areas: A Synthesis and Analysis of Case Studies. *Economic and Political Weekly*, 44(49), pp. 37-47.

[11] Newsreport in Amar Ujala, Haridwar edition, 8th April 2020.

[12] Minutes of meeting organised under the chairmanship of the Chief Secretary of Uttarakhand on 28.04.2020.

[13] Gooch, P. (2009). Victims of Conservation or Rights as Forest Dwellers: Van Gujjar Pastoralists between Contesting Codes of Law. *Conservation and Society*, 7(4), 239-248

[14] <https://www.downtoearth.org.in/news/forests/uttarakhand-van-gujjars-allege-forest-officials-assaulted-women-probe-underway-72036>

[15] <https://www.downtoearth.org.in/blog/forests/how-covid-19-made-forest-rights-battle-tougher-for-tharu-women-71750>

[16] <https://www.indiaspend.com/environment-vs-economy-indias-flawed-logic-that-exposes-it-to-covid-19-like-infections/>

[17] <https://www.indiablooms.com/health-details/W/3023/india-to-host-global-wildlife-programme-to-address-illegal-wildlife-trade.html>

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