

**PROPOSED GUIDELINES ON
IDENTIFICATION OF CRITICAL TIGER HABITATS,
CO-EXISTENCE, AND
RELOCATION
RELATED TO TIGER RESERVES
(IN PURSUANCE OF THE WLPA AS AMENDED IN
2006)**

Suggestions to the National Tiger Conservation Authority

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PART I INTRODUCTION

The Tiger is under severe threat from loss and degradation of habitat, depletion of prey, and poaching. It is clear that for sustaining viable populations of tigers at core sites and inter-connected meta-populations at the larger landscape level, critical tiger habitats need to be identified and given strong protection. Ideally these should have very little human presence or use, and be managed with the best of available knowledge.

The Tiger Task Force appointed by the Prime Minister has recommended a dual strategy of treating tiger breeding (“natal”) areas as inviolate with minimal human presence, and other areas with tiger presence with co-existence practices.

The Parliament then passed amendments to the Wild Life (Protection) Act in 2006, and set up the National Tiger Conservation Authority. This amendment reiterates the need for a combination of approaches, including the identification of “core or critical tiger habitats” which are to be kept “inviolate”, as also areas of “co-existence” in the larger landscape (Section 38V(4)). It mandates “voluntary relocation” from areas to be kept inviolate, and also specifies that rights of local people need to be respected in the entire process.

This amendment has opened up possibilities of improved conservation practices in Tiger Reserves, that are based on sound knowledge and understanding of ecological and social processes, and greater participation of local communities. However, there are some provisions that require interpretation without which there may be varying measures of implementation on the ground, and possible conflicts between the measures requiring strong conservation orientation and those protecting the livelihood rights of local people.

In order to facilitate the implementation of these measures in a way that reconciles conservation and livelihood imperatives, a group of organisations that have been working on these issues, would like to suggest the following as guidelines that the NTCA can use for **identifying core/critical tiger habitats or inviolate areas**, for **establishing co-existence options** in these or **buffer or peripheral areas**, and for **carrying out voluntary relocation**.

These guidelines are placed below for the NTCA’s consideration. **We would like to stress that the various parts below should be read in conjunction**, to avoid any misinterpretations, in particular because the fine balance between conservation imperatives and the need to secure livelihoods needs to be tread cautiously.

It should be noted that the provisions of the amended WLPA on these issues closely mirror those of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (STOTFDA). While this note is oriented towards the WLPA, therefore, it is also relevant to the STOTFDA, in particular to those provisions of the STOTFDA that the Ministry of Environment and Forests is mandated to work on. To this extent we expect that this note would also inform the implementation processes of STOTFDA.

PART II

IDENTIFICATION OF CORE/CRITICAL TIGER HABITATS OR INVIOULATE AREAS

It is critical that sufficient and appropriate inviolate spaces throughout the tiger’s range in India (inside and outside existing tiger reserves) are identified using the best available knowledge, experience and science. For the purposes of this note, “inviolate” areas are defined as areas with minimal or no human presence, where whatever human activities are carried out are in consonance with the wildlife values considered important for that area. These areas should have the potential to support high density of tiger prey and be large enough to be able to sustain several breeding tigresses, the key to maintaining viable core populations that can generate a surplus for dispersal and potential establishment of new breeding sites in other areas. These areas should also be connected by wildlife habitats (corridors) to other areas of potential tiger habitat to enable the tigers to disperse and establish their territories.

These areas should then be free of human settlements or with only minimal human settlements remaining, free of external disturbances including tourism, and free of or with minimal levels of biomass extraction including for the purposes of scientific management of tiger habitats with the participation of local people. This should be possible to achieve through continuation of existing livelihoods that are not in conflict with the pre-eminent focus on tiger conservation, changes in or alternatives to livelihoods that are in conflict (see Part III on “Co-existence”), or socially just, attractive, voluntary relocation and rehabilitation schemes (see Part IV on “Relocation”). *This also presumes that the necessary assessments to judge the impacts of human activities have been carried out, and that due processes of consent of local communities have been carried out* (both of these are mandated in the WLPA, see Parts III and IV below); the identification of core/critical tiger habitats has to be followed by a process of establishing these. The rest of the landscape can be managed for restricted and controlled multiple use (see Part III on “Co-existence”) in that it can be categorized as “tiger friendly” and porous to movement and dispersal of tiger and their prey.

The entire landscape needs to have effective anti-poaching and habitat conservation mechanisms that employ local people and involve their participation in planning and decision-making (as per Section 38V(4)(ii) of the WLPA).

Once identified, the boundaries, interfaces and perimeters of inviolate/core areas should be subject to real-time surveillance and control as an essential aspect of managing them. Joint efforts may include the interagency cooperation of the Wildlife Crime Control Bureau (WCCB), local staff and police, and in particular community groups who are a constant presence on the ground. Technological advancement can provide useful visual monitoring, security, and management support.

Protection of tigers in the TRs is important for economic reasons as well as ecological ones. Apart from water security provided by intact ecosystems, the abundance of tigers (and other wildlife, as also ecological features) attracts visitors to Tiger Reserves. If well managed to reduce adverse impacts, ecologically sound tourism can generate revenue streams for local residents and for the state’s Tiger Fund/Tiger Foundation (as described in WLPA, Section 38 X).

II.1. Concepts and guidelines for identification, mapping and monitoring of inviolate spaces:

1. The tiger’s potential range in India is about 300,000 km². Depending on various ecological, social, and economic factors, one can envision a target for inviolate spaces to be about 10 to 20% of this area (these areas will be a mixture of completely inviolate areas [human-free] and areas which are minimally used by people, uses that do not drastically and negatively impact the breeding, survival and dispersal of tigers), which amounts to 30,000 to 60,000 km². Assuming on average, a moderate tiger density of 5 tigers per 100 km², these areas alone could support between 1500 to 3000 tigers, and there could potentially be many more tigers outside such areas in landscapes where appropriate steps could help tigers survive. The minimum size of each inviolate area can be based on prey-density potential of the area, and other relevant factors to ensure that at least up to 20 adult breeding tigresses are able to establish their territories in a contiguous area.
2. The Priority 1 and 2 Tiger Conservation Units or Landscapes¹ identified under previous scientific assessments by WWF, Wildlife Conservation Society and Save the Tiger Fund should be the first cut for selecting landscapes in which to create inviolate spaces. The habitat evaluation exercise being carried out by WII should also be taken into account. Attempts should be made to identify and establish such inviolate areas across the biogeographical zones to ensure that full diversity of extant tiger habitats is represented.
3. Within each such landscape, core sites can be identified through an exercise involving institutions and individuals with a track record of working on large mammal ecology and conservation in that tiger

A Tiger Conservation Unit is defined as¹ “a block or cluster of blocks of existing habitats that contains, or has the potential to contain, interacting populations of tigers”. The entire landscape of natural habitats over which tigers may disperse and become established is included in a TCU. It is not limited to, or contained within, protected areas alone. Ref: "Securing a Future for Tigers in the Wild", WWF, <http://assets.panda.org/downloads/securingafuturefortigersinthewild.pdf>.

landscape and in partnership with national and local NGOs, local communities, and the State Forest Departments. Examples² of NGOs/institutes include the Wildlife Institute of India and World Wide Fund for Nature for the Terai Arc, the Centre for Wildlife Studies, Centre for Ecological Sciences of IISc, Nature Conservation Foundation and ATREE for the Western Ghats, Nature Conservation Foundation, ATREE and Aaranyak for Eastern Himalayas-Assam, conservation partners of Centre for Wildlife Studies and the Wildlife Institute of India in Central India. At each landscape level, appropriate levels of *panchayati raj* institutions and community organizations/networks that are already working on ecological issues, should be involved. The criteria for each such proposed inviolate space should be:

- i. Existing high tiger prey density or potential for sustaining high prey density (presence of productive areas such as riparian forests, riverine grasslands, patches of grassland within forests, swamps, mixed deciduous forests with palatable browse and fruit species and so on). These sites should preferably be located in all the TCUs.
- ii. Strong evidence (from existing data on densities derived from photographic capture-recapture, occupancy surveys, direct sightings, indirect evidence from scats, pug-marks, oral testimonies of local community representatives) on breeding tiger populations that exist at present or were present till very recently.
- iii. Strong landscape connectivity with other tiger habitats in the Tiger Conservation Unit or Landscape (including in trans-boundary areas).
- iv. Limited number of settlements and resident human population, and low levels of human intervention and extraction of resources.

4. Identification, mapping and notification of inviolate spaces is a necessary condition for securing tiger Reserves. Following an identification survey, perimeter marking mapping, sign boards and notification, monitoring and evaluation measures must be put into place. Such steps are essential to ensure the integrity of wildlife populations in these areas, and should be taken up by teams that include local community members, staff from MoEF, NGOs, local officials from the State Government, Tiger Fund/Tiger Foundation (as specified in WLPA section 38 X), along with support of researchers and photographers, with the goal of identifying Best Management Practices and the local adaptations needed.

National Parks and Wildlife Sanctuaries that form part of existing and proposed Tiger Reserves could be taken up on first priority for identification of such sites.

PART III

ESTABLISHMENT OF CO-EXISTENCE OPTIONS

III.1. Prerequisites

This part deals with Section 38V(4)(ii) of the amended WLPA, which deals with the “buffer or peripheral area” of a tiger reserve, within which “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, where the limits of such areas are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee constituted for the purpose”. The term “co-existence” is also referred to in Section 38V(5)(iii): “the State Government, after having obtained the consent of the Scheduled Tribes and other forest dwellers inhabiting the area, and in consultation with an independent ecological and social scientist familiar with the area, has come to a conclusion that other reasonable options of co-existence, are not available”.

This part attempts to lay out the process that should be followed in order to arrive at co-existence options for communities inhabiting Tiger Reserves (TR). Presumably these will apply to those parts of the TR that do

² These are only indicative examples and not meant to be exhaustive or preferred over other relevant NGOs/institutes.

not constitute “inviolable areas” as defined in the WLPA and referred to in Part II of this note (though it may also be relevant in situations where some human presence remains within such “inviolable areas”).

The process of establishing co-existence options is presumed to be preceded by two processes:

1. Settlement of rights;
2. Establishment of what impacts the activities of people within the tiger habitat are having, especially whether they are causing irreparable damage to tigers and their habitats.

It is further presumed that these two steps have been carried out according to standard principles that include openness/transparency, participation, equity, scientific robustness, and so on³. An independent monitoring process to judge this should be put into place.

III.2. Co-Management

An essential pre-requisite for the establishment of co-existence in TRs (or other categories of PAs for that matter) is the meaningful involvement of local communities in PA management. This requires a move towards collaborative management of PAs, for which some limited provisions are available in the WLPA in the form of Sanctuary Advisory Committees. It is proposed that this clause may be used to initiate a move towards collaborative management. Placed below are steps that the NTCA should require individual TRs to take, towards this end. The existing law does not explicitly require these steps to be taken, however we assume that this is the intent and spirit of Section 38V(4)(ii) which requires “consultation with concerned Gram Sabha” for identification of buffer/peripheral areas, and of Section 38O(1)(h) which mandates the NTCA to “facilitate and support the tiger reserve management in the State for biodiversity conservation initiatives through eco-development and people’s participation as per approved management plans”. Thus, each TR should incorporate these progressive elements in its functioning, for which NTCA may need to help with generating necessary capacity and attitudes.

Measures towards collaborative or joint management would include:

i. Evolve guidelines to centrally involve local communities in planning and managing PAs (and surrounds/corridors, as appropriate), in partnership with the Forest Department and other relevant departments. Ecodevelopment (defined as ecologically sound development) would be one component of this. These guidelines would complement the relevant sections of WII’s Guidelines for Management Planning of PAs.

ii. Initiate pilot projects for such participatory/joint management of selected PAs and surrounds (as recommended in the Report of the Environment and Forests Sector for the 11th 5 Year Plan), and subsequently expand the models thus evolved into other areas. Some of the past eco-development sites (such as Kalakad Mundanthurai in Tamil Nadu and Periyar in Kerala), or others where local communities and NGOs are well organized and already involved in conservation activities (such as Biligiri Rangaswamy Temple Sanctuary in Karnataka), could be taken up as pilot sites. The initial sample should as far as possible be biogeographically and culturally representative, also keeping in mind the state of readiness amongst local officials and communities. Continuous research and monitoring would help to derive lessons from these cases, for use in other areas.

iii. Create institutions for joint or participatory management, as per the National Wildlife Action Plan and the Final Technical Report of the National Biodiversity Strategy and Action Plan, and as partly provided for in the Wild Life Protection (Amendment) Act 2002 (Section 33B on “Sanctuary Advisory Committees”). An important role that such institutions could play is to bring about adaptive management by monitoring the capacity of ongoing management through appropriate criteria and indicators, and chronicling and feedback processes, from various sources

[Note: Such institutions were recommended in the 9th Plan: ‘It is proposed that for each wildlife reserve a Management Committee, having representatives of panchayats of all the villages located within and around

³ A separate note on the process that should be followed for settlement of rights and assessment of human impacts is at Annexure 1. Note that this will need to be linked to the process of establishment of rights under the STOTFDA, which may have its own rules or guidelines.

10 km radius of the reserve is formed. The Committees should be involved both in the finalisation of the ecodevelopment strategy for the area and implementation of the management plan for the wildlife reserve' (Report of the Working Group on Wildlife for the IX Plan (1997-2002), MoEF, May 1996, pg. 33). Unfortunately this recommendation was never implemented. Once again in the ongoing process for the preparation of the 11th Plan, joint management of PAs has been recommended as an exploratory step in some PAs, with appropriate joint management institutions (Report of the Steering Committee on the Environment and Forests Sector for the XIth Plan (2007-12), Planning Commission, Govt of India, March 2007).

iv. Evolve an action plan to provide a series of incentive and benefit-sharing measures (such as those listed below) to encourage local community members and other citizens to participate in wildlife conservation in PAs, including encouragement of traditional or new conservation beliefs and practices already prevailing in the communities.

v. Organise, at each existing TR, dialogues with local populations, with the aim of understanding their perceptions and difficulties, initiating participatory management processes dealing with these difficulties, redressing grievances and generally provide feedback to TR management. Set up a regular forum for such dialogues, to meet at least once in the 6 months for the entire TR, and more frequently in individual settlements.

vi. Plan and implement anti-poaching and anti-wildlife trade measures with local communities, through appropriate local institutions.

vii. Create monitoring and redressal mechanisms, through or with local community institutions, that deal with situations where the establishment of rights is misused, e.g. by vested interests who might attempt to alienate the lands vested in forest-dwellers, or for carrying out fresh encroachments.

III.3. Co-Existence

Beyond a progression towards collaborative management, the steps for bringing about co-existence within PAs and in surrounds (including corridors with tiger presence) include:

Step 1

The results of the evaluation of human impacts (positive, negative, and neutral), on habitats are shared with local people using established principles and methods of public disclosure. It is worth noting here that the more participatory a process for evaluation that has been carried out, the more people will already be aware of and be party to the results that emerge. In some situations local communities may themselves carry out such assessments, with or without outside help, and present their results to the public; these assessments need also to be considered in the next steps.

Step 2

A two pronged process will be used by TR management for determining options people are willing / in a position to exercise in order to mitigate negative impacts and promote positive impacts of their activities on habitat(s).

(i) A process of consultations will be initiated to determine people's options for mitigating adverse impacts and encouraging positive impacts;

(ii) Based on this a rapid exercise will be undertaken to determine if there are additional options and how such options can be operationalised.

Such a process is expected to generate a shelf of livelihood activities (including details of operationalising these) that are beneficial to or do not have adverse impacts on wildlife habitats, as also activities that could be incentives for conservation.

The determination of such conservation compatible livelihood options will be based on the following principles:

- Sustainability of livelihoods
- Existing or potential human capacity
- Ecological impacts

- Conflict or conflict resolution potential
- Equity of linked processes and outcomes

Detailed guidelines for deriving such livelihood options through participatory processes would presumably form a part of the BCRLIP, a project currently being designed by the MoEF (and administered by the NTCA) and should be adopted for this process as well.

An indicative list of activities, in addition to livelihood activities, that are likely to emerge from such a process or that should be encouraged include:

- Recognition and encouragement to traditional practices of restrained resource use and abstinence, or pro-active protection measures, which help in conservation;
- Rewards and public honours for commendable work in conservation or in harmonising livelihood and wildlife conservation objectives; incentives (as appropriate, and not necessarily financial) to protect wildlife on cultivated lands, pastures, village tanks and other water bodies, and other human-dominated ecosystems (both private and common);
- Biomass and water resource rights for *bonafide* use (now provided for under the Scheduled Tribes and Other Forest Dwellers Act 2006, for a section of ecosystem dependent communities but not all of them), within the ecological limits of the area, especially for traditional communities who voluntarily maintain lifestyles in harmony with nature;
- Compensation or remuneration for ecosystem benefits where natural sites are actively conserved/managed by communities; sharing of payment for ecosystem services to PAs, with communities
- Financial, legal and other assistance for community conserved species;
- First charge for employment in local conservation- and development-related activities; (as recommended by various 5-year Plan documents, for landless and poor people)
- First charge on benefits from the buffer zone, and on biomass removed for management purposes from PAs (as per Section 29 of Wild Life (Protection) Amendment Act 2002);
- Ecologically sound developmental activities, as far as possible in consonance with local traditions and cultural values (e.g. in education and health);
- Share from tourism revenues and other sources;
- Financial/technical support for conservation and sustainable resource use practices or for alternatives to destructive resource use practices;
- Empowerment to enable participation in local decision-making including in relation to PAs, e.g. recognition as honorary wildlife warden/ committee member for district;
- Returns from intellectual contributions such as new discoveries of taxa, information about the uses of flora species and non-consumptive uses of various fauna species.
- Employment in or sharing benefits of restoration of degraded areas, or plantations converted back to natural vegetation.

III.4. Monitoring and Evaluation (on whether co-existence is working or not?)

The Tiger Foundation to be formed in each tiger range state (as stipulated in Section 38X of the WLPA) and PA Advisory Committees (as stipulated in Section 33B of the WLPA) could be means of monitoring this entire process. There needs to be coordination with the state level monitoring committees envisaged under the STOTFD Act, which would then be relevant for all NPs also where rights are established.

PART IV

RELOCATION

This Part sets out the desirable practices relating to unavoidable displacement from those parts of Core/Critical Tiger Habitats (WLPA) or Critical Wildlife Habitats (STOTFDA) inside Protected Areas (PAs) that are identified as “inviolable spaces” for conservation of key species, including inviolable areas within tiger reserves under Section 38V of the amended WLPA, or inviolable parts of Critical Wildlife

Habitats under Section 4 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (STOTFDA) 2006. It is assumed that prior to considering people’s relocation as a conservation strategy, a robust process will be followed for identification of inviolate areas, based on sound ecological reasons (as laid out in Part II above). It is assumed further that within such areas, all attempts will be made to examine co-existence options in consultation with local communities, as spelt out in these two legislations (as laid out in Part III above). Once again, this must be based on robust ecological criteria, focusing on the conservation values of the PAs, and keeping in mind social and economic constraints.

At the end of this process it may emerge that there are some parts of a particular tiger reserve or other PA that require relocation of people for creation of completely inviolate spaces for key species or for the continuation of essential ecological processes. In this scenario, all attempts should be made to carry out people’s relocation in an open, transparent, participatory, consultative, socially just and efficient manner. Both the WLPA as amended in 2006 and the STOTFDA explicitly require that relocation be voluntary; Section 38V(5) of the WLPA requires “informed consent of the Gram Sabha and of the persons affected” for relocation, that “resettlement or alternative package has been prepared providing for the livelihood for the affected individuals and communities and fulfils the requirements given in the National Relief and Rehabilitation Policy”, and that “the facilities and land allocation at the resettlement location are provided under the said programme”.

The following sections lay down the key lessons from experience of people’s displacement from PAs, and outline the best practices relating to rehabilitation packages and processes for such unavoidable displacement.

IV.1. The Current Policy Framework

Until recently, a majority of the cases of relocation of people (especially STs) from PAs were financed in accordance with the provisions of a Central Government scheme called the Beneficiary Oriented Scheme for Tribal Development (BOTD), implemented by the Union Ministry of Environment and Forests (MoEF). However, other schemes of the MoEF, like the Development of National Parks and Sanctuaries Scheme (DNPS) and the Ecodevelopment Scheme have also been used in some instances, especially in cases where the displaced communities belong to non-ST categories (Bhadra WLS is one such example). In this situation, typically the Centre finances the land acquisition component, while the state government finances the resettlement and rehabilitation component. In both types of situations, the main nodal agency at the centre is the Project Tiger Office (now the NTCA) at the MoEF, and the Forest Department at the state level.

IV.2. The BOTD Package of the MoEF

Under the BOTD scheme, the State Forest Department of the relevant state, represented by the management of the PA from which displacement was to take place, was usually the authority entrusted with carrying out the resettlement and rehabilitation exercise on the ground. Typically, a Relocation Plan was developed by the Forest Officer in charge of the PA, and village displacement and resettlement was carried out using the Relocation Plan as the base document.

As part of the resettlement and rehabilitation package, every male above the age of 18 years was considered a separate family and was entitled to compensation worth Rs. 1 lakh, as detailed in Table 1.

Table 1: The Rehabilitation Package under the BOTD Scheme

Expenditure Heads	Specified norms (Rs. per family)
Land Development (for 2 hectares per family)	36,000
House construction (on 5,000 sq. feet of land per family)	36,000
Community facilities	9,000
Fuel and fodder plantation	8,000
Pasture development	8,000
Transport of household goods	1,000
Cash incentive for shifting	1,000
Miscellaneous expenses	1,000

IV.3. Main Strengths of the BOTD Package

The BOTD package is significantly better in many respects than earlier packages adopted in R&R projects across the country since Independence. It has the following advantages, which usually work in favour of the displaced households:

1. Land for all: The BOTD package does not suffer from the obvious lacunae of "land for land" type compensation packages, which have had a history of marginalizing the most vulnerable strata of rural society, particularly the landless. All adult males, as well as female-headed households, are entitled to 2 hectares of land at the relocation site. This compares favourably with the provisions of the National Policy on Resettlement and Rehabilitation (NPRR 2004, which enjoins upon the state to give land to displaced people *subject to its availability*, and allows for cash compensation in case land is not available).
2. Quantum of land: Also, by identifying each adult male as a separate family, the package may succeed in allocating to each extended household a quantum of land sufficient to meet basic livelihood needs. Of course, the net impact on the displaced people depends upon the size of their original operational holdings before displacement.
3. Tenure issues: Getting legal ownership of land is also likely to improve security of tenure for the relocated people, many of whom are classified as encroachers inside the Sanctuary. This, *ceteris paribus*, is likely to have a positive impact on the willingness of displaced households to invest in land improvement measures.
4. Common Property Resources: By making financial provision for development of fuel and fodder lots at the relocation site, the BOTD package recognizes at least in part the importance of forests and commons to the livelihood of the poor (especially for Adivasis, pastoralists and women). Accordingly, it seeks to re-establish access to these resources at the relocation site through development of alternative sources of fuel and fodder.

IV.4. Major Lacunae of the BOTD Package/Process

However, against these strengths of the R&R package and its implementation, some major gaps and weaknesses need to be positioned, in order to ascertain the net impact of the package.

1. The resettlement and rehabilitation (R&R) package offered under the BOTD scheme arbitrarily fixes the upper value of compensation payable to each household at Rs 1 lakh. This does not take into account the original income level and livelihood pattern of the household being displaced. Thus, there is no guarantee, *a priori*, that the package will be able to compensate adequately for lost livelihoods. For instance, the BOTD rehabilitation package has been administered to the Sahariya of Kuno Wildlife Sanctuary as well as the households displaced from the Nagarhole National Park in Karnataka. No prior assessment was made of the pre-displacement livelihood in any of the above cases.
2. With the application of a generic package such as the BoTD under varying field circumstances, it cannot be ensured that the package compensates each family for loss of various livelihood resources and is adequate for recreating livelihood at the new site. In case of Kuno, for instance, the amount earmarked for 'land development' activities was used by the Sanctuary Management to pay for clearing and deep ploughing of land, and removal of stones and boulders. Given the prevailing cost structure in this region, the earmarked amount left little or no surplus for provision of irrigation facilities, and for a range of soil and water conservation measures that were necessary for enhancing productivity of the degraded land allotted to displaced families.
3. The Forest Department is usually unable to evolve effective coordination mechanisms with various departments of the district administration to access the financial and human resources available under other state agencies and schemes for the benefit of the displaced households. Thus, isolation of the displaced households from the mainstream development processes tends to continue, despite spatial relocation to a less remote location.
4. The BOTD does not require any role to be played by community institutions in guiding and monitoring the process of rehabilitation and helping the displaced people to cope smoothly with relocation-related problems. There is no obligation on the Forest Department to garner support from specialized

government and non-government agencies that could help in community mobilization and institution building work.

5. Very often, Forest Department staff are not trained to handle the complex array of tasks associated with successful rehabilitation of an entire community. The BOTD scheme makes no provision for expert advice and support to the PA Management, or for training and capacity building of the Forest Department staff to acquire the necessary skills.
6. The rehabilitation package envisages a primarily agriculture based livelihood for the displaced households, irrespective of what the people's livelihood was prior to displacement. As a result, the displaced households often are ill-equipped to handle the transition to mainly farm-based livelihoods. Even if transition to agriculture-based livelihoods is deemed desirable by both the PA management and the people, the latter need to be supported intensively through training and capacity-building as well as financial inputs for sustainable farming, which the BOTD package does not provide for.
7. Poor quality of agricultural land at the relocation site, and the lack of proper investment in soil and water conservation often make the situation worse, since the land given to the displaced people is unable to generate adequate output to meet even their subsistence requirements.
8. Loss of access to NTFP and of income from NTFP sale are not compensated in the rehabilitation package. Consequently, the displaced households lose a vital source of cash income, nutrition and raw materials, and no provisions are made to provide non-forest based alternatives to these resources. Unlike some other rehabilitation packages elsewhere in India, the BOTD package contains no provisions for establishment of non-farm, non-forest livelihood options, including trade and micro-enterprises. This usually results in a decline in income, rise in food insecurity and risks associated with high dependence on casual wage work.

The rapid and bewildering range of changes set into motion by displacement and relocation puts enormous strain on the coping capabilities of the displaced people. Few support mechanisms – tangible or intangible – appear to be in place to help the displaced people, given the legal and policy environment and the administrative machinery governing resettlement and rehabilitation. Grievance redressal seems to hinge on the ability of the displaced people to manipulate the system to their own advantage. By definition, the most vulnerable among the displaced people do not have the social, political and economic clout to leverage the system in their own favour, and for them, redressal, if any, depends almost entirely on the goodwill and efficiency of some key officers in the implementing agencies. The systems governing resettlement and rehabilitation do not have any in-built checks and balances for providing necessary support for livelihood restoration, and few if any provisions for handling the socio-cultural and psychological impacts of displacement. The few successes observed in R&R in India appear to be the result of ad hoc and arbitrary factors, of which the most important one is the presence of one or more “good” officers.

IV.5. Best Practice Principles for Unavoidable Relocation from PAs

Some important lessons can be culled from existing experiences for unavoidable displacement and relocation exercises arising due to conservation or development projects in the future. Some of these best-practice principles are outlined below:

IV.5.i. Package-related Best Practices

1. Budgetary provision must be made for an independent baseline study of existing livelihoods and socio-cultural features of the community to be displaced, so that data from this study can form the basis of a customized, site-specific R&R package.
2. If the baseline surveys show that agriculture is the mainstay of all or most of the displaced people, then land-for-all must be an integral part of the rehabilitation package (with special provisions for the minority that is dependent on non-agricultural occupations such as fisheries and crafts). Moreover, it must be ensured that land given to the displaced people is cultivable, and proper title deeds are given to the head of the household at the time of resettlement. All other provisions of the R&R package outlined in Section 8(III), 10, 11, 12, 13 and 14 of the Orissa R&R Policy 2006 can be adopted as they stand.

3. If any pastoral communities are being displaced or are losing access to the Protected Area, special livelihood packages (not necessarily farm-based) must be designed keeping in mind their skills, economic practices and lifestyle.
4. The rehabilitation package must be customized so as to help the displaced people to at least **restore** their pre-displacement levels of income and asset-holding. This can be done in two parts – the first (the compensation component) should aim at **replacing** pre-displacement sources of livelihood, with the consent of the displaced people. The magnitude of expenditure on this component will depend on valuation of existing assets (including common property resources) during the baseline survey.
5. The second part (the rehabilitation component) should aim at **re-creating** sustainable livelihood opportunities, which should be, as far as possible, similar to the pre-displacement livelihoods to minimize transition-related stress. From past experience of PA displacements from Bhadra, Satpura, Kuno and others, it emerges that the **minimum rehabilitation package** should not be less than Rs.5 lakhs per family, and this should be supplemented through dovetailing with schemes of other departments and agencies.
6. Loss of livelihood and income from commercial extraction of NTFP and aquatic produce (like fish) must be compensated through alternative income generating options. These can include rights to sustainable NTFP use and sale at the relocation site, or micro-enterprises (like dairy, poultry, petty trade and others).
7. The relocated families should be provided with credit and logistical support for obtaining agricultural inputs and fodder for livestock in the interim period, so as to ease transition to the new site⁴. Moreover, budgetary provision should be made for financial support to each displaced family for at least one year, to help them tide over the interim period when new livelihoods are being established (precedent for this can be found in Orissa's R&R Policy of 2006, which provides for payment of displacement allowance of Rs.2,000 per month per family for a period of 1 year).
8. Continued access to culturally important sites within the PA should be allowed, with appropriate regulations to ensure that conservation values are not compromised.
9. Budgetary provision must be made in the R&R package for independent monitoring of the R&R exercise. The aim of this should be to assess and oversee the consultation processes, monitor and evaluate the relocation itself, and provide critical guidance to the authorities and the concerned villagers. This would help to ensure effective R&R, and will also ease considerably the work of the implementing agency i.e. the Forest Department.

IV.5.ii Process-related Best Practices

1. The collection of authentic, detailed **baseline data** is critical to the entire process of relocation, and therefore, a time-bound baseline study must be carried out or authenticated by a competent, independent agency. Precedent for this can be found in Clause 4(e) of Orissa's R&R Policy (OR&R 2006).
2. A comprehensive **communication plan** for awareness creation should be formulated and executed in the affected area. The detailed modalities of this exercise that include involvement of civil society will be notified by the Government. The cost of implementation of this communication plan should be borne by the project(s). (This clause again follows OR&R 2006)
3. Based on the findings of the baseline study, a detailed **Relocation Plan** must be formulated prior to initiating displacement, consisting of village-wise microplans covering each household, as well as details of cross-cutting work across villages. Operational Manuals for micro-planning have been developed by a number of development agencies in India, including the District Poverty Initiatives Project in various states, the Karnataka Watershed Development Project and the India Ecodevelopment Project. These Manuals, containing detailed steps to build social capital and an integrated plan for livelihood improvement, can be adapted for the present purpose.
4. The Relocation Plan must set out in detail a **menu of livelihood options**, devised in partnership with community-based institutions of the displaced people. The livelihood options should be based on their existing skills and preferences, resource availability at the resettlement site, ecological sustainability, economic viability and socio-cultural norms.

⁴ Precedent for this can be found as far back as the immediate post-Independence period, when *taccavi* loans were given to the migrants from Pakistan to help them re-establish livelihoods in India.

5. The Relocation Plan must take into account the **carrying capacity** of the relocation site, as well as existing livelihoods of the host communities, so as to avoid resource over-utilization and conflicts with the host communities.
6. Formal approval of the *Gram Sabha* of each village to be displaced should be obtained for the Relocation Plan. Again, best practices on how the participatory consultations are to be carried out can be adopted/adapted from existing guidelines framed by various development agencies like the World Bank and the Biodiversity Conservation and Livelihood Improvement Project (BCRLIP). These guidelines set out methods for reaching out to all sections of the community in question, particularly sections that have the greatest ecological impacts, and sections that are the most vulnerable within the community.
7. Formal, written consent of at least two-thirds members of the Gram Sabha must be taken regarding their satisfaction with the **resettlement site** earmarked for them, and of a similar proportion of members of the Gram Sabha(s) of host villages at this site. The views of ethnic minorities, if any, must be taken into account specifically, and they should be given due representation on the RPDAC.
8. The participation of the District Collector and all relevant line departments in the R&R process must be ensured from the very beginning. Involvement of other government departments must be ensured through appropriate institutional arrangements, so that their schemes and resources can be leveraged for re-establishing livelihood of the displaced people. To promote such coordination, institutional arrangements (following the OR&R 2006) like the District Compensation Advisory Committee (DCAC) and the Rehabilitation-cum-Periphery Development Advisory Committee (RPDAC) should be formed. Adequate representation should be made for women, tribals and other vulnerable groups, representatives of the host community, as well as NGOs and civil society groups, on these forums. These institutions should work in collaboration with the PA management committee, if any, in the area.
9. It must be ensured that **distribution of agricultural land** follows certain norms:
 - a. The entire agricultural land at the resettlement site must be surveyed by an inter-departmental team (including representatives of the Revenue and Forest Departments) and classified into good/average/poor/non-cultivable categories using regular techniques of cadastral mapping. Alternatively, private agencies can be contracted to carry out surveys (to speed up the process through use of modern techniques like satellite imagery).
 - b. The level of land development inputs for individual agricultural plots must be decided according to the findings of the cadastral survey – for this, norms and guidelines devised by the Parthasarathy Committee (2005) for watershed development programmes can be used as benchmarks.
 - c. In case of differentials in quality of land at the relocation site for the same village, allocation of land to each household should be made on a proportional basis⁵ to ensure equitable distribution.
 - d. Allotment of individual plots should be made in a transparent manner, in the presence of the entire adult population of the village, using an impartial system like lottery.
 - e. Initial or temporary allotment of land must be made immediately at the time of relocation, and following due process, these allotments can be made permanent after settlement of objections and grievance redressal.
 - f. The status of land at the relocation site should be converted speedily from forest land to revenue land. It should be ensured that title deeds to land plots (agricultural as well as homestead) at the relocation site are provided to each displaced family in a time-bound manner.
10. It must be ensured that **critical facilities are in place** at the relocation site before people are moved there, including adequate land/water and access to natural resources. Some facilities such as housing may be put into place during the relocation, with the involvement of the people to ensure that they are involved in designing and building what they are most comfortable with⁶.

⁵ For example, if there are more fertile lowland plots as well as less fertile upland plots, then each household should receive plots in both stretches. There is precedent for this in the case of Kuno sanctuary (where this is perhaps the single most important factor distinguishing between the relatively better-off and worse-off households), as well as much earlier, in the post-Partition rehabilitation in the early 1950s. This is a practice that was followed even as far back as the 1950s, when resettling the refugees from Pakistan after the Partition, and can be adopted to modern conditions easily.

⁶ The relocation of Dhain village from Satpura Tiger Reserve, Madhya Pradesh, clearly showed the importance of both these aspects. Non-availability of adequate water and lack of preparation of the land made available for cultivation, created serious problems for over a year; on the other hand, people were happy with the housing facilities because they had been part of making them.

11. At the relocation site, it should be ensured that as far as possible, people from particular districts, blocks, Panchayats and villages are moved in **contiguous blocks**, to minimize disruption of community linkages due to migration to a new area. It should be ensured simultaneously that the weakest sections (including STs, SCs and the landless) are given priority in allocation of good quality land and infrastructure facilities.
12. It should be ensured that adequate **capacity building support is provided to the displaced families** to help them acquire necessary skills and capacities. Involvement of specialized non-government agencies with expertise in community mobilization, agriculture development, natural resource management, livelihood promotion, enterprise development and other related areas must be ensured prior to relocation. Involvement of specialists (including NGOs) should also be ensured to provide emotional and psychological support to the displaced families to cope with transition-related trauma.
13. Mandatory **training, capacity building, exposure and sensitization of Forest Department staff** and others involved in R&R should be conducted at recognized training institutions⁷.
14. **Extended timelines:** To ensure that relocation is voluntary and transition to new livelihoods at the relocation site is smooth, work on community mobilization, social capital formation and livelihood planning activities with the community needs to begin much before physical resettlement takes place. Further, the relocated families must be supported for at least 4 to 5 years after resettlement through training and capacity-building inputs for rebuilding and sustaining new livelihoods. All these imply medium to long term involvement of government and non-government agencies.
15. Once informed consent has been obtained from the community, **the process of relocation should start within a year**, to prevent delays, uncertainties and other complications like influx of non-genuine households to corner resettlement benefits.
16. The government, prior to displacement, must enter into a legally enforceable **formal contract** with the relocatees, setting out the precise terms and conditions and time frame under which R&R will take place, as well as the specific responsibilities of each relevant government department.
17. There should be provision for **time-bound grievance redressal**, and for compensation to the people in case of faulty implementation or delays. Grievance redressal mechanisms should be provided at the level of the resettlement site (panchayat/block), district and state. Appropriate institutional mechanisms can be modelled on the lines outlined in OR&R 2006. A state-level Council on R&R must be established, with an independent officer allocated as Member-Secretary to look into all R&R related grievances speedily. In case of all R&R-related complaints at any level (local, district or state), a written response in the local language should be provided to the complainant within 30 days of making the complaint, pending which the complaint should be deemed as reverting to the next level of grievance redressal authority.
18. Any displaced household that is not provided with appropriate redressal (in line with the written R&R contract and with inputs of independent monitoring agency) will reserve the right to initiate **legal proceedings for breach of contract**, or to **return to its original site**.
19. Regular **independent monitoring** of the process of land acquisition and R&R must be carried out by an independent agency. Monitoring parameters should also include the ecological impact of the R&R at the resettlement site as well as the vacated site inside the PA.
20. If the displaced population is losing **special provisions/guarantees**, for instance in Scheduled Areas, the same provisions/guarantees should be re-instated at the resettlement area even if this area does not already have such provisions. This would apply to people shifted from Scheduled Areas to non-Scheduled Areas, where they should get the same privileges they would have got at their original site. It would also apply to scheduled tribes and other traditional forest dwellers relocated after December 2006 (when the STOTFDA was enacted), who should get the equivalent rights on forest land and to forest resources at their resettlement site as they would have been eligible to in their original sites.

⁷ For instance, the diploma course on R&R organized by IGNOU, New Delhi, the World Bank's Non-Lending Technical Assistance (NLTA) to the GOI on land acquisition and R&R.

PART V

OPERATIONALISING THESE GUIDELINES

There are significant issues of the capacity needed amongst TR personnel, other government agencies, local communities, and civil society organizations involved with all the processes described in this document. Since existing levels of capacity among TR personnel to undertake such a process may be very limited, the NTCA might need to consider innovative institutional arrangements in order to undertake these processes. One possibility is for each TR to enter into a MoU with a professional agency (whether an NGO, an academic institution, or a consulting firm) that can provide the technical support necessary to implement this range of steps. TRs can possibly find the resources to this via existing Plan funds with the NTCA or even a small aided project.

It is also possible that resources for such processes may be accessed from the Ministry of Tribal Affairs, particularly in view of the imperative to implement the STOTFD (RFR) Act 2006, elements of which are present in these processes as well.

We would also stress that the more participatory the process can be, the more it would be possible to pool in the human, technical, and financial resources of various sections of society, and the greater the available range of skills and knowledge needed to implement the above measures.

SUGGESTED PROCESS FOR CARRYING OUT SETTLEMENT OF RIGHTS AND DETERMINATION OF IMPACT OF HUMAN ACTIVITIES IN PROTECTED AREAS

The WLPA 1972 mandates that people's rights within protected areas (PAs) be settled. In the case of sanctuaries this could mean continuation or extinguishment of rights, and in the case of national parks, their extinguishment.

Given that the settlement process has still not been completed in very many PAs, it is therefore important to even at this stage lay out some guidelines that will ensure that the settlement process is carried out with requisite robustness and sensitivity.

The amended WLPA (2006) also contains a provision to determine the impact of local communities inside proposed tiger reserves; in particular, to determine whether the "impact of their presence upon animals is sufficient to cause irreversible damage" that "threaten the existence of tigers or their habitat". Some guidelines are also needed to implement this provision.

This note lays out some broad guidelines towards achieving the above.

Principles

1. All traditional and ongoing activities of local communities need to be considered in the settlement and impacts assessment process.
2. The entire process must be open, transparent, and participatory, with local communities in particular having full access to it, and employing the synergistic use of modern scientific knowledge and local scientific and experiential knowledge.
3. Particular attention must be on marginalized sections of communities, including women, landless, socially marginalized, and so on.
4. The conservation values of each PA need to be kept as a priority in the determination of how resource uses and activities are to be treated (i.e. established and continued as rights in unchanged form, continued as rights in modified form, or acquired/extinguished with the provision of compensation and/or alternatives).
5. The entire process should be completed in 18 months from time of commencement in the case of each settlement/community, failing which, communities will be entitled to appropriate compensation.

Steps

1. Issue, through the Settlements Officer, published and oral proclamations asking for claims of rights throughout the PA and surrounds, targeting each local settlement and each nomadic/distant user of the PA's resources. Provide adequate time (at least 3 months from the time of proclamations being issued in each settlement) for people to respond. All proclamations and claims forms should be in local language(s). Ensure that claims forms are made available to each family, at government expense.
2. Pro-actively document, through the Settlements Officer and with the help of civil society organizations, educational institutions, government officials, and *panchayat raj* institutions, all resource uses and activities of local communities (resident and migratory) within the PA, regardless of whether they are previously recorded in any document or not, and regardless of whether the communities make a claim for each of these.
3. Classify these into traditional/customary and new activities.
4. As a first step, record all traditional/customary resource uses as rights (subject to changes during the steps below).
5. Determine, employing competent ecologists for the purpose, over a process of a year with seasonal variations, the impacts of each of the activities. For the purposes of this process, well-accepted indicators and thumb-rules (including those used or developed by communities) need to be used to assess and describe the impacts, even as longer-term impact studies are initiated. The precautionary principle needs to be used in cases of extreme lack of knowledge or uncertainty about impacts.

6. Determine: (a) which activities can continue unchanged given that they are beneficial for or neutral to the key conservation values of the PA; (b) which activities can continue but with some modifications to make them beneficial for or neutral to the key conservation values of the PA; (c) which activities need to be curtailed or stopped as they can cause irreversible damage⁸ and cannot be modified to reduce their damage.
7. Work out measures to encourage activities in 6(a) above, and to modify or provide alternatives for activities in 6(b) and (c) above.
8. Provide feedback to communities on no. 6 and 7 above, in terms understandable to them, and provide a chance for comment and feedback that may help modify the results. Such feedback needs to be given in public hearings held in each relevant settlement or with each nomadic group coming in from outside.
9. Issue a final settlement order, which provides details of the process followed, the reasoning for treating resources uses in different ways as per the steps above, and a clear statement of the rights that will continue in unchanged or modified manner, specifying who will enjoy these rights and conditions if any.
10. Periodically (say, once in 5 years) update the record of rights, including through fresh assessment of the impacts of the activities that are recorded as rights, and taking on board any new activities that may have come up since the earlier settlement.

The full process above needs to be carried out by a committee set up under the Settlement Officer, with representatives of civil society organizations, the PA authorities and other relevant government officers, and representatives from local communities (or alternatively, by the Joint PA Management Committee envisaged in Section III on Co-existence). All relevant sources of knowledge including from scientific organizations, PA authorities, local communities, and other civil society groups, needs to be brought to bear on the process.

⁸ Where the damage is such that the species/resource or the habitat of which the species/resource is a part, cannot come back to their original or healthy viable status.