



KUMBHALGARH: A FLAWED CONSERVATION STORY IN THE MAKING

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SUMMARY

Since 2011, the Kumbhalgarh Wildlife Sanctuary has been in the process of gradual expansion with attempts to change its status of conservation under the Wildlife (Protection) Act, 1972. This has laid bare emerging issues with respect to recognition of rights of local people, the takeover of common land from some villages around the Sanctuary, forced eviction attempts by the forest department and the flawed policy of tiger relocation within Rajasthan. This study is a preliminary attempt at documenting some of these violations.

This report is a part of a process to understand and document such violations in Protected Areas across the country. Two landscapes – Corbett-Pawagarh-Nandhaur and Kumbhalgarh have been chosen owing to a continued commitment with local groups in these places. At the same time, a detailed and continuing documentation process in mapping conflicts around protected areas is being carried out here: <https://kalpavriksh.org/our-work/conservation-livelihoods/protected-areas-governances/mapping-conflicts-in-protected-areas/>

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Abbreviations

CEC	Central Empowered Committee
CFR	Community Forest Resource
CWW	Chief Wildlife Warden
DC	District Collector
DCF	Deputy Conservator of Forests
EDC	Eco Development Committee
ESZ	Ecologically Sensitive Zone
FRA	Forest Rights Act or The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
FRC	Forest Rights Committee
IA	Interlocutory Application
IFR	Individual Forest Rights
JFM	Joint Forest Management
IA	Interim Application
KWLS	Kumbhalgarh Wildlife Sanctuary
MoEFCC	Ministry of Environment Forests and Climate Change
NP	National Park
NTCA	National Tiger Conservation Authority
NTFP	Non Timber Forest Produce
PA	Protected Area
SDO	Sub-Divisional Officer
SBWL	State Board for Wildlife
TR	Tiger Reserve
TRWLS	Todgarh-Raoli Wildlife Sanctuary
WLPA	The Wildlife (Protection) Act, 1972
WLS	Wildlife Sanctuary

Glossary

<i>Andolan</i>	Protest
<i>Dharna</i>	A demonstration
<i>Gram Sabha</i>	Village Assembly
<i>Gram Panchayat</i>	Village Council
<i>Gram Pradhans</i>	Village Head
<i>Gram Sevaks</i>	Village Level Workers
<i>Gauchar</i>	Grazing land or pastureland, legally recorded in revenue records
<i>Jal</i>	Water
<i>Jameen</i>	Land
<i>Jungle</i>	Forest
<i>Khatedari</i>	Private Agricultural Land
<i>Khasra</i>	Plot or survey number assigned to piece of land
<i>Panchayat Samiti</i>	Elected members of Village Council
<i>Rawla</i>	Palace and surroundings of the local Rajput chieftain appointed by a king
<i>Tamrapatra</i>	Copper plates
<i>Thikana</i>	Land under the control and jurisdiction of the king or princely state

INTRODUCTION

In early 2019, news reports announced the imminent final declaration of the Kumbhalgarh National Park, consisting of parts of the contiguous Kumbhalgarh Wildlife Sanctuary (KWLS) and Todgarh-Raoli Wildlife Sanctuary (TRWLS)¹. The notification of intent for creating the National Park was published nearly nine years ago². Subsequent to the initial notification, several villages held protests against its declaration, the most recent of which was held by the Raika community living around the Sanctuary in Sadri town of Pali district. Even as this debate raged on, local newspapers reported that the National Tiger Conservation Authority (NTCA) had constituted a committee to ascertain the feasibility of converting KWLS into a Tiger Reserve and that the committee had made a favourable assessment for creation of a tiger reserve in the area³. It is worthwhile to note that tigers had vanished from the area due to hunting in the 1960s and that the area is not connected to a tiger corridor!

The history of creation of protected areas in India and particularly in Rajasthan, shows that these protected areas have often been declared by violating procedures under the Wildlife (Protection) Act (WLPA), 1972, without adequate representation of the choices of local people, and their inhuman displacement and impoverishment⁴. The enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Forest Rights Act or FRA) has provided for recognition and vesting of existing rights of forest dwellers (within Wildlife Sanctuaries, National Parks and Tiger Reserves) and given an opportunity to explore co-management of protected areas with the help of local communities since it empowers *gram sabhas*⁵ of local villages to protect their biodiversity and to create and execute management plans that can be incorporated into the existing plans of the forest department.

Given that there were protests against the declaration, it was important to understand if procedure under the Wildlife (Protection) Act, 1972 (WLPA) and FRA for recording and vesting of rights is being followed, and if pre-existing rights have been taken into consideration and all possible arenas for co-existence and co-management are being explored, before the final declaration is announced by the State Government of Rajasthan. This study is an attempt to understand and explore the processes carried out to create the proposed Kumbhalgarh National Park and Tiger Reserve.

1 <https://www.patrika.com/udaipur-news/ranakpur-mouchela-mahavir-temple-will-remain-from-kumbhalgarh-national-4703726/>

2 <https://udaipurtimes.com/kumbhalgarh-wildlife-sanctuary-to-become-national-park/>

3 See: <https://www.hindustantimes.com/cities/jaipur-news/rajasthan-may-get-another-tiger-reserve-in-the-kumbhalgarh-area-of-udaipur-division-101633948867581.html>

4 (Lasgorceix & Kothari, 2009); (Fanari, 2019); (Rangarajan & Shahabuddin, 2006)

5 Sec 2(g) of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 defines a gram sabha as '...a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women.'

Objectives

Studies within India and the world over have proved that exclusionary conservation often leads to conflict between local communities that have been alienated, park management authorities and wildlife. Towards this, the FRA has emerged an important tool to integrate coexistence and co-management of our forests with local communities. However, as the implementation of the Act is quite dismal in protected areas, Kalpavriksh has been documenting the processes followed towards creation of protected areas, especially Tiger Reserves, to determine if procedures of recognition and vesting of rights under the FRA and possibilities of coexistence and co-management under both the WLPA and FRA have been followed in protected areas⁶. The declaration of the Kumbhalgarh Wildlife Sanctuary and its subsequent management in the following years has created conflict between the forest department and the local pastoralist Raika community⁷. The declaration of a National Park or Tiger Reserve will push the already precarious situation of local pastoralist groups and *Adivasis* to the tipping point.

Therefore, a need was felt to document and understand

- The processes followed under WLPA and FRA to ensure that rights of local people and wildlife concerns were addressed adequately
- Accessing the response of the administration towards the rights of local communities
- Efforts of local communities to protect and conserve biodiversity and wildlife.

Methodology

Kalpavriksh has been involved with research and advocacy with the Raika community in a few villages in Pali district⁸. This study is part of the process to understand protected area governance and management in the region. The first visit to some villages in Pali district was undertaken in 2011, facilitated by the Lokhit Pashu Palak Sansthan (a local NGO working with the Raika community). Following this, as the reports of the final declaration of the National Park surfaced, three field trips were undertaken from July 2019 to February 2020. Immediately after, newspaper reports and NTCA meetings revealed the plan to set up a Tiger Reserve, a field visit was carried out in October 2021 to investigate this further. Seva Mandir and Lokhit Pashu Palak Sansthan provided guidance and assistance in different phases of this study. Some members of the local communities within villages in Pali also provided help with the field visits and interviews. The team met and had in-depth discussions with forest officials responsible for the management of Kumbhalgarh Wildlife Sanctuary in Udaipur and Rajsamand.

⁶ Please see: <https://kalpavriksh.org/our-work/conservation-livelihoods/protected-areas-governances/mapping-conflicts-in-protected-areas/>

⁷ (Kohler Rollefson, High and Dry: Conservation cannot ignore pastoral rights, 2015)

⁸ (Tatpati & Ajit, 2019)



Meeting at Qila Kumbhalgarh Village

The team visited Qila Kumbhalgarh village of Gawar Panchayat, Koyla village of Sevantri Panchayat and Dudhaliya village of Vardara Panchayat (Rajsamand District) and Latada, Sadra and Joba villages (Pali district), Kharni Tokri, Guda Bhop Singh and Garasia Colony (Ghanerao Gram Panchayat) where discussions were held individually and in groups with the village members. In addition, meetings were held with the Sub-Divisional Officers (SDOs) of Bali and Desuri Tehsils and the District Collector (DC) of Pali in July 2019. The team reviewed literature and documentation provided by the office of the DC, Pali and Divisional Conservator of Forest (DCF), Udaipur. In addition, the team has also reviewed studies, academic papers and news reports on the Kumbhalgarh Wildlife Sanctuary.

Limitations

Since Kalpavriksh has been working with a few villages in Pali district, it was easy to access information within this district. The team could not concentrate much on the process in Rajsamand and Udaipur districts. The team has also not visited Todgarh-Raoli WLS and hence this report primarily considers the process in Kumbhalgarh Wildlife Sanctuary. Several important documents pertaining to settlement of rights processes were not available and thus we have had to rely on information supplied by the villagers in understanding issues of land alienation. The study is therefore a preliminary analysis of some of the issues pertaining to land ownership, recognition and vesting of rights and issues faced thereof in some villages of KWLS. In-depth understanding of such cases in Kumbhalgarh WLS is a continuing process. We have also not been able to delve into the ways in which communities have been conserving areas within the Sanctuary during fieldwork for this study, but these efforts will be documented in the future.

THE KUMBHALGARH-TODGARH LANDSCAPE

Kumbhalgarh WLS is a 610.528 sq. km area carved out of Udaipur, Rajsamand and Pali districts, while the Todgarh-Raola WLS is a 495.27 sq km area of Rajsamand, Pali and Ajmer districts. This landscape acts as an ecotone between hilly Aravalli Range forests and the Thar Desert to its west. The area is also known for species diversity of both flora and fauna. It is also a source of perennial streams which form rivers.



(Source: <https://sustain.round.glass/habitat/guide-kumbhalgarh-and-todgarh-raoli/>)

The landscape is home to tribal and non-tribal communities who have been living in the area for several generations and are dependent on it for their livelihood and sustenance. There are a total of 24 villages within the boundaries of the Kumbhalgarh Wildlife Sanctuary and 27 villages inside the Todgarh-Raoli WLS. Together, there are more than 250 villages around the periphery of the Sanctuaries. The communities living within and in the boundaries of the sanctuary comprises of tribal, namely Bhil, Meena, Garasia, and non-tribal groups like the Raika, Rajput and Meghwal. These communities are mainly dependent on livestock keeping, agriculture, collection of minor forest produce and also migratory labour. The villages depend on the forests for their day to day needs such as collection of non-timber forest produce, grazing cattle and livestock, timber for agricultural implements, firewood. Moreover, they have cultural and spiritual ties with the landscape.



A Raika herding his camel in KWLS

As stated before, the Kumbhalgarh landscape has several villages inside it as well as around its periphery. The landscape was used as a hunting reserve, commercially exploited for timber and finally declared as a protected area; and throughout this history various farming, herding and *Adivasi* groups have been residing in the landscape. The average land holdings are small, therefore agro pastoralism is the chief livelihood option. Studies show that agriculture and livestock rearing represent a substantial proportion of resources for wildlife, with wild herbivores like the Large Blue Bull (*nilgai*), Wild Boar, Sloth Bear and Langur raiding crops along the periphery of the WLS while Leopards, jackals and wolves raid livestock⁹.

⁹ (Chhangani, Robbins, & Mohnot, 2008); (Karanth, Jain, & Weinthal, 2019)

ENTANGLEMENT OF CATEGORIES AND PROCESSES

The Kumbhalgarh Wildlife Sanctuary was declared in the year 1971 vide Government of Rajasthan's Notification No. F/C (2) Rev. /F/7, dated 13.7.1971; under the Rajasthan Wild Animals and Birds Protection Act, 1951¹⁰ (See Annexure I).

Subsequently, the collectors of Pali, Udaipur and Rajsamand districts have re-notified the area of the Sanctuary in 1998, and therefore, it is currently spread over an area of 601.528 sq. kms¹¹. The Todgarh Raoli Wildlife Sanctuary was created out of 495.27 sq. km of Pali, Rajsamand and Ajmer districts vide Government of Rajasthan Notification No. 11 (56) Rev Group 8, dated 28.9.1983 under the provisions of the Wildlife (Protection) Act, 1972. The current area of the Sanctuary is 495.27 sq. km. Prior to this, the forests served as hunting reserves for the local rulers. The survey began in 1884, and the forests were transferred to the state in 1887¹². After Independence, parts of the forests continued to be used for commercial forestry operations till they were declared Sanctuaries. Post the enactment of the WLPA, the KWLS has been receiving funds for development under centrally sponsored schemes and it came under the wildlife department in 1983¹³. In 2007, the Kumbhalgarh-Todgarh Raoli WLS were chosen under the flagship 'Project Leopard' scheme of the Rajasthan State Government¹⁴. KWLS is under the administrative control of the Wildlife Division, Udaipur and TRWLS under the Rajsamand Forest Division. Out of the 35 blocks in the KWLS, 32 are Reserved Forests and 3 are Protected Forests (See Annexure II).

In early 2012, the notification of intent for developing the Sanctuary along with Todgarh Raoli wildlife sanctuary into a National Park was published (See Annexure III). In 2019, the intention to declare the area a National Park was publicised but before any steps were taken in that direction, the proposal for the tiger reserve was floated. Immediately after, the Ecologically Sensitive Zone (ESZ)¹⁵ Guidelines were published by the MoEFCC in 2011, the process for the declaration around KWLS was started by the Rajasthan Forest Department. It was kept on hold and restarted in June 2020, with a proposed draft being published for comments¹⁶. Currently, the Expert Committee on ESZs of the MoEFCC has asked the Rajasthan State Government to

¹⁰ Total area declared was not mentioned in the notification, however boundaries have been mentioned.

¹¹ Annual Plan of Operations for Kumbhalgarh WLS under Integrated Development of Wildlife Habitats (Centrally Sponsored Scheme), 2021-2022

¹² (Robbins, McSweeney, Chhangani, & Rice, 2009)

¹³ Management plan

¹⁴ <https://www.rajas.in/index.php/rajasthan-becomes-first-state-country-launch-project-leopard/>

¹⁵ An ESZ is an area declared under sub-section (1), read with clause (v) and clause (xiv) of sub-section (2) and subsection (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986. This zone is an area extending up to a maximum of 10km from the boundary of a National Park or WLS. It is meant to act as 'shock absorber' between areas where no conservation activity exists and areas of high conservation. It aims to reduce the pressure of destructive activities around protected areas by prohibiting certain activities such as mining and setting up of hazardous industrial units, while certain activities like construction of hotels and roads are regulated.

¹⁶ See: <https://moef.gov.in/wp-content/uploads/2019/10/kumbhalgarh.pdf>

collate and comment on the public representation received on the proposed notification for the ESZ¹⁷.

In September 2021, the NTCA sent an expert committee to investigate the feasibility of developing a tiger reserve in the landscape looking at the status of human settlements, habitats for tigers, landscape connectivity etc., in the landscape¹⁸.



Local newspapers announcing the proposed creation of the Kumbhalgarh National Park

News reports suggest that the committee has found the area to be suitable to establish a tiger reserve but has raised some concerns and suggested that certain steps may need to be taken¹⁹.

As per the map and information prepared by the Deputy Chief Wildlife Warden, Udaipur on 13th March 2011, the proposed Kumbhalgarh National Park (also called Aravalli National Park in the document), would comprise parts of the Kumbhalgarh Wildlife Sanctuary (KWLS) and Todgarh-Raoli Wildlife Sanctuary (TRWLS) (Annexure IV). However, as per a letter dated August 2019, addressed by the Deputy Conservator of Forests, Rajsamand to the Rajasthan State Assembly, 176.97 ha from Kotra block, 4465.57 ha from Majawda, Bokhada and Mamadev ki Bhuj and 9.84 ha from Sadri blocks have been removed from the proposed National Park area (Attached as Annexure V). The map of the revised area is currently unavailable. While this process was restarted in 2019, the news reports about the possibility of Kumbhalgarh developing into a tiger reserve began to appear in early 2020²⁰.

¹⁷ See: http://www.moef.gov.in/wp-content/uploads/2021/03/Draft_Minutes_45thECM.pdf
¹⁸ <https://udaipurtimes.com/travel-and-tourism/ncta-to-study-feasibility-of-tiger-reserve-in-kumbhalgarh/cid4256572.htm>
¹⁹ <https://www.msn.com/en-in/news/other/rajasthan-may-get-another-tiger-reserve-in-the-kumbhalgarh-area-of-udaipur-division/ar-AAPn7ND>
²⁰ See: <https://timesofindia.indiatimes.com/city/jaipur/can-kumbhalgarh-be-upgraded-to-a-tiger-reserve-ntca-to-raj/articleshow/74308935.cms>

From examining minutes of the State Board for Wildlife (SBWL) of Rajasthan²¹, it is likely that the initial idea to declare the area a Tiger Reserve was discussed in a meeting of the standing committee of the SBWL on August 30, 2016²². The then Chief Conservator of Forests (Wildlife), Udaipur proposed that the area be developed as a tiger reserve. This proposal was however rejected by the then Chief Wildlife Warden and the discussion also revealed that some expert members pointed out at the contingencies involved in the process. It is worthwhile to note that the concerns raised during the meeting were

- that tigers would not be able to disperse from the area in the future
- that there were no records of tiger presence in the area
- that the area had a low prey base, and
- that despite areas like Ramgarh Bishdhari Sanctuary, Mukundra Tiger Reserve and Dholpur Forests being connected to Ranthambore Tiger Reserve, there were no tigers there.

Thus, this proposal was laid to rest by the State Board of Wildlife by stating that, '...no new areas without tigers can be made Critical Tiger Habitats till success is achieved in Mukundra Tiger Reserve'.

A look into the figures on the tiger populations in the state of Rajasthan shows that it has increased exponentially in the last few years. In 2006, census data revealed that there were close to 32 tigers, which increased to 69 in 2018²³. Most of these tigers are concentrated in Sariska and Ranthambore Tiger Reserves. In fact, the level of success achieved is giving rise to a hitherto unforeseen problem, that of too many tigers occupying too little space, competing against each other²⁴! Initially, the government of Rajasthan seemed keen on developing areas around the buffer of Ranthambore into tiger reserves, since there were records of tiger movement in these areas and the feasibility of hosting spill-over populations could be tested there. The areas of Darrah, Jawahar Sagar and Chambal Wildlife Sanctuaries were declared as the Mukundra tiger reserve in 2013. The area does not have a resident population of tigers but is used as a corridor. The Rajasthan government planned to translocate tigers from Ranthambore Tiger Reserve and prepared a plan for the same in 2017, identifying an area within Mukundra to host the tigers. However, it changed this plan and the area identified later. The changed area did not have sufficient prey base and had many villages surrounding it. The management also built an 82 sq. km enclosure enclosing the entire periphery of the TR to prevent the tigers from straying into the villages and reintroduced herbivores from other areas into the enclosure. Eventually, since 2018, four adult tigers have been translocated to the area from Ranthambore Tiger Reserve. They bred and produced cubs. However, by 2020, all the cubs and all adult tigers except one were reported dead under mysterious circumstances²⁵. The NTCA has since not approved any more tiger translocations in Mukundra Tiger Reserve. It is

²¹ The state board for wildlife is constituted under Sec 6 of the Wildlife (Protection) Act, 1972. The duties of the Board as enumerated in Sec 8 include the selection and management of areas to be declared as protected areas.

²² See: [0_0_05_Oct_2016_172643670_minuts_StandingcommitteeofSBWL.pdf \(forestsclearance.nic.in\)](#)

²³ (Jhala, Qureshi, & Nayak, 2020)

²⁴ See: <https://ranthambhorenationalpark.in/blog/number-of-tigers-crossed-100-rajasthan-problem-abundance>

²⁵ See: <https://www.newindianexpress.com/nation/2020/aug/20/alarm-bells-ring-as-kota-reserve-loses-4-big-cats-2185849.html>

important to note that experts had warned against the development of Mukundra Tiger Reserve as a tiger habitat, and it was created without the mandatory recommendation of the NTCA²⁶.

It is important to keep this background in mind when one considers the Government of Rajasthan's present decision to develop Kumbhalgarh Wildlife Sanctuary into a Tiger Reserve. Despite the earlier refusal of the State Biodiversity Board, the Rajasthan forest department made its intention to declare Kumbhalgarh Wildlife Sanctuary a tiger reserve public in late 2019, and has actively been sending proposals to the NTCA regarding the same²⁷. It is worthwhile to note that officials in-charge of the KWLS are looking at its development into a TR as a means of obtaining revenue for 'conservation'²⁸.

The NTCA first discussed the proposal in its meeting held on January 31, 2020. NTCA and Rajya Sabha member from Dungarpur, Rajasthan, Mr Harsh Vardhan Singh proposed that Kumbhalgarh be developed into a Tiger Reserve²⁹. This was taken up by the NTCA in its 18th meeting held on December 28, 2020, where it asked the state government to put up a proposal³⁰.

In September 2021, the NTCA constituted a committee to look at the feasibility of rehabilitation of tigers to the area, as well as the conditions in and around the protected area, landscape connectivity, boundaries, and human dwelling around the area³¹. According to news reports, the Committee has recommended phase-wise expansion of the area of KWLS, by including both KWLS and TRWLS and creating an 'inviolable zone' by relocating 20 villages from inside this area.³²

The process to issue the final notification of the proposed National Park, the Ecologically Sensitive Zone, and the hurried push to declare the area a tiger reserve overlapped each other and there is no clarity today on the state government's plans to notify the area; whether the National Park will be declared first, or the plan has been completely abandoned in favour of the tiger reserve. In the light of the example of Mukundra Hills Tiger Reserve, it is important for the state government and the NTCA to state their reasons for backing a proposal that was definitively vetoed by the State Board of Wildlife (SBWL) in 2016. All the concerns raised by the then SBWL remain, with a clear example of the failure of the creation of and relocation of tigers from Mukundra Tiger Reserve.

²⁶ See: <https://www.dailymail.co.uk/indiahome/indianews/article-2307735/Tigers-endangered-Rajasthan-government-green-lights-reserve-ignoring-wildlife-regulations.html>; <https://timesofindia.indiatimes.com/city/jaipur/ntca-puts-a-temporary-ban-on-mukundra-tiger-shifting/articleshow/63523497.cms>

²⁷ See: <https://timesofindia.indiatimes.com/city/jaipur/kumbhalgarh-tiger-reserve-proposal-gathers-steam/articleshow/71748087.cms>

²⁸ Personal communication with forest officials during field work.

²⁹ See: https://ntca.gov.in/assets/uploads/Meeting/Minutes/Minutes_17th_meeting.pdf

³⁰ See: https://ntca.gov.in/assets/uploads/Meeting/Minutes/18th_NTCA_meeting_minutes.pdf

³¹ See: <https://timesofindia.indiatimes.com/city/udaipur/panel-formed-to-explore-viability-of-tiger-reserve-in-kumbhalgarh/articleshow/84692114.cms>

³² See: <https://timesofindia.indiatimes.com/city/jaipur/kumbhalgarh-todgarh-raoli-face-challenges-in-becoming-tiger-turfs/articleshow/88783582.cms>

WILDLIFE, PEOPLE AND COURTS

The initial notification of the KWLS in 1971 included parts of Reserved Forests and non-forest land as well. The Management Plan of 2003-2013 for the Wildlife Sanctuary enumerated various rights such as farming in certain plots, access to water sources like wells inside the area, grazing (access roads and areas determined) and lopping rights, use of access roads, places of worship, timber for tools and houses, collection of dry wood as firewood, NTFP etc., which were settled for some villages and individuals. These uses continued to be permitted by the forest administration after the enactment of the Wildlife (Protection) Act, 1972.

The curtailment of people's rights over the KWLS Sanctuary began in the 1980s³³. It coincides with the enactment of various international and national policies that began to place greater emphasis on conserving national parks and sanctuaries as places devoid of any human interaction. The effect of human developmental activities on global biodiversity were beginning to be noticed and that meant that even subsistence and *bona fide* livelihood activities of local communities began to be curtailed. In KWLS, the brunt of these orders was faced by the herding Raika community as well as the *Adivasi* population, both of which are dependent on the forests for their livelihood. Periodic interventions by the forest department in KWLS, including creations of plantation areas, have cordoned off various parts of the forests for herders and foragers over the years. In India, the Joint Forest Management (JFM) scheme (and the subsequent eco-development scheme in protected areas) while on the one hand recognising the importance of local communities in management of natural spaces, also sought to reduce their 'dependence' on forest resources³⁴. In KWLS, a petition by the eco-development committee of a village led to another complete grazing ban in 1999. This was challenged in the Rajasthan High Court by the Raika and the court restored their grazing rights in 2003³⁵. It even asked the eco development committee to allow the herders to exercise their customary grazing rights inside the KWLS.

The State Government of Rajasthan continued to issue grazing permits amidst these periodic bans. However, since 2004 grazing has become completely illegal inside the WLS because of two important Writ Petitions filed in the Supreme Court of India in 1995³⁶. These writs and subsequent orders passed by the Supreme Court have played an important role in curtailment of rights of local people and have stymied the potential to develop co-management and coexistence strategies within protected areas, including in KWLS³⁷.

³³ In (Kohler, Rollefson, 2014), the author describes how grazing came to be banned from parts of KWLS in the early 1980s by confiscating cattle and camels found grazing inside the KWLS.

³⁴ Any new rules of the forest department trickle down to the level of the village. In this case, age-old relationships established between graziers and villagers began to be questioned by members of the JFM Committee. In an interview conducted with an agricultural family in Rajpura village (Madigarh Panchayat, Desuri Tehsil, Pali district), they recalled that a Raika family who camped in their fields and grazed their camels in the surrounding forests for several years, were banned from the village by JFM committee members in the 1990s.

³⁵ (Dutta, 2007)

³⁶ (Kohler-Rollefson, 2015)

³⁷ For a detailed study on these writ petitions, orders issued under them and the effect of these orders over protected areas in India, please read (Khanna, 2008).

1. Writ Petition (C) No. 337 of 1995 (Centre for Environmental Law, World Wide Fund for Nature (WWF)-India vs Union of India)

The petitioners in this case sought the discharge of statutory functions under Sec 19-25 of the WLPA by the Central Government and the State Government (represented by the District Collectors), of inquiring into and determining the existence, nature, and extent of rights in or over the land within the limits of National Parks and Sanctuaries. The petitioners were of the view that State administrations were neglecting the issuing of final declarations of Protected Areas (before the issuing of which the process of determination of rights of local people must be completed). Owing to this, human population within the PA increased and it led to more land being converted for residential, agricultural and grazing. At the same time State governments could also use the area for commercial purposes including construction of large infrastructural projects like roads, which caused habitat fragmentation and destruction. In 1997, the Supreme Court ordered those final notifications for all PAs were to be issued within two months of it passing the order, and the complete process of determination of rights and acquisition of land or rights should be done within a period of one year from the order. With this order, final notifications for several Sanctuaries and National Parks were hurriedly declared by states in 1998, without carefully looking into the extent of rights within these areas; or to avoid the settlement of rights process, by de-notifying areas occupied by revenue villages within protected areas. The boundaries of the KWLS were similarly redrawn in 1998. However, the final notification for the entire PA has not been made available for public scrutiny³⁸. In 2003, Section 25A was added into the WLPA by a notification dated 1-1-2003. It provided for the Collector to complete the process of determination, inquiry, and the acquisition of rights in a National Park or Sanctuary within a period of two years from the publication of the notification of intent. However, the notification of intent does not lapse if this is not completed. Further, as per Sec 18A (added via notification dated 20-1-2003), when the State Government issues the notification of intent, the provisions of Secs 27 to 33A (the area is taken under the Wildlife wing and the control of the Chief Wildlife Warden) immediately come into effect over the area. Thus, given the fact that local people are not made aware of such notifications, and that the boundaries of these areas are unclear to local people in the absence of any documentation the area is controlled and managed as a Protected Area and there is greater restriction of movement and access of rights of local people. Because of this, the actual boundaries of KWLS as well as the nature and extent of rights is hazy, creating a situation where parts of the Sanctuary used by villagers for generations can be cordoned off by forest authorities without any prior notice to local users.

Land grab or conservation? The case of Koyla

Koyla village forms part of the Sevantri Gram Panchayat of Kumbhalgarh Tehsil in Rajsamand District. Consisting of 150-200 households, the villagers say that it was established at least 500 years ago and was under the Roopnagar Thikana of the Udaipur Maharaja. It has a mixed population of different village communities, including graziers and *Adivasis*. The primary means of occupation is agro-pastoralism and wage labour.

³⁸ The Environmental Information System (ENVIS) website (<http://wiienvis.nic.in/>) hosted by the Wildlife Institute of India and sponsored by the Ministry of Environment, Forests and Climate Change (MoEFCC), is a public database of protected areas in India. It is supposed to host all the notifications of protected areas within India.

Settlement versus Recognition of Rights

The WLPA has outlined the process of acquisition of rights for creation of a protected area³⁹. However, expansion of already existing protected areas seldom carry out this process, as was highlighted in the petitioners in the writ mentioned above. Even in cases where pre-existing forest land is bought under a Protected Area (PA), the process of settlement on that land as per the Indian (Forest) Act, 1927 is not carried out in accordance with the law. In the few instances that it has been carried out, it has curtailed daily activities like grazing, fishing, collection of minor forest produce, use of access roads or activities linking livelihood and cultural practices like shifting cultivation, logging trees for timber needs of local resident and dependent communities, as well as their resident status on forest land, by a government appointed officer. This policy of takeover of land into the forest estate continued after independence, where the State took control over feudal private forests, princely and zamindari areas etc. on the one hand for revenue and created 'protected areas' under the WLPA for conservation of biodiversity, on the other. It delegitimized India's rich recorded history of local traditional knowledge and practices associated with conservation. Therefore, as more and more land came to be consolidated under the forest estate, customary rights and practices of these communities came to be extinguished or modified. The term, 'settlement of rights' is thus associated with the premise that views forest land as State property, where it is the sole authority to determine and regulate local people's use of forests (and therefore their overall well-being, culture and livelihoods).

The FRA was enacted with the objective of finally putting in place a framework for recording traditional rights that have existed on forest land and to vest them in the rightful claimants-including over previously and newly declared National Parks, Wildlife Sanctuaries and Tiger Reserves. The process outlined in the FRA recognizes that rights on ancestral lands were not adequately recognized in the consolidation of state forests during the colonial period as well as in independent India. More importantly, it recognizes that forest dwelling and dependent people are important for the survival and sustainability of forests, thereby placing them at the forefront of management, governance, and decision-making over community forest resources. It allows for the village/settlement (in case of small/unrecorded/unsettled *padas* or *tolas*) assembly (*Gram Sabha*) to initiate the process of determination of rights of people depended on local forests instead of an externally appointed Settlement officer. Thereafter, it allows local and district level committees to complete the recognition, vesting and recording of rights process. Therefore, the entire process of recognition of rights as laid down in the FRA must effectively replace the settlement of rights processes of the Indian Forest Act, 1927 and the Wildlife Protection Act, 1972.

When the Wildlife Sanctuary was notified, around 50-80 hectares *khatedari*⁴⁰ (private agricultural land) was taken into the WLS. The villagers state that they received no compensation for this land, and that the land still features under the Record of Rights of the Revenue Department. Some years later, the *gauchar* land of the village had also been fenced off by the forest department for plantation purposes. The villagers tried to bring this issue up with

³⁹ See: <https://kalpavriksh.org/wp-content/uploads/2018/07/WLPAwithAmndmtActs2003N2006.pdf>

⁴⁰ A Khatedar is the owner of the land. Khatedari land is recorded in the name of the owner in the revenue records.

the district administration in 2017 when they attended the *Aapki Sarkar Aapke Dwaar* initiative⁴¹ of the state government. However, their case was not taken up for hearing⁴².

The villagers are of the view that the forest department gradually seems to be fencing off more and more land belonging to the village. Being legally prevented from going into the Sanctuary for grazing, use of access roads or collection of minor forest produce, they are stall feeding their cattle. Coupled with this, they have also observed drought years becoming more frequent, due to which agricultural output is suffering. They also believe that since the Sanctuary was declared and their lands were taken by the wildlife department, the incidences of leopards and wild boars entering their village boundaries, carrying away cattle and destroying agricultural fields have increased.

2. Writ Petition (Civil) No.202 of 1995 (T.N. Godavarman Thirumalpad vs. Union of India and Ors)

In 2000, the *amicus curae* in this case filed an Interim Application against the commercial exploitation of National Parks and Sanctuaries. Subsequently, in February 2000 the Supreme Court restrained State Governments from ordering the removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses, etc from any National Park, game sanctuary or forest. This order was largely forgotten until two years later, when the Central Empowered Committee (constituted in 2002⁴³ by the Supreme Court to assist it in matters related to this case) sent a letter to state governments to ensure that it was being followed. This letter listed activities that were 'prohibited' in National Parks and Sanctuaries (many of which were not included in the court's order), including tree/bamboo felling, canal-digging, mining, underground mining, collection of sand/boulders, laying of transmission lines/optical fibre cables/pipelines, grass cutting, collection of minor forest produce, grazing, construction and road widening. The letter stated that these activities had been previously allowed by the park management despite the Court order. It went on to request strict compliance so that none of these prohibited activities could take place. This letter of the CEC has been used by local wildlife departments to prohibit all forms of activities inside National Parks and Wildlife Sanctuaries, including existing 'settled' rights and concessions.

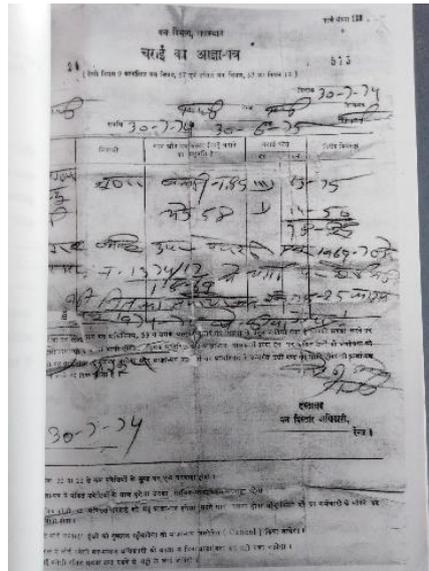
Subsequent to this CEC letter, KWLS officials banned grazing from the Sanctuary. Before this, the forest department would issue grazing permits (with a fixed fee) to graziers.

⁴¹ State governments usually carry out campaigns such as these in rural areas to make civil services available to citizens at their place of residence where various departments of the government provide information of several schemes and where villagers can put forth various grievances which are tried to be resolved on the spot.

<https://sampark.rajasthan.gov.in/SiteGallery.aspx?enc=S2V5PTYmQWxidW1OYW1IPVNhcmthciUyMEFwa2UIMjBE2FyLSUyMFVkyWlwdXllMjBEaXZpc2lvbg==>

⁴² In a meeting held on the 25th of July 2019 with the team, the District Collector of Pali acknowledged that such conflicts exist. He was of the opinion that the conflict is exacerbated since *gauchar* land has changed ownership in the past between the Forest Department and Revenue Department. However, he was also firm that in the case of KWLS, the forest department would only include the area of the Sanctuary into the proposed National Park. Therefore, the actual process of determination, extent and inquiry into such conflicting rights and claims have not been carried out in the public hearing process.

⁴³ See: <https://www.forests.tn.gov.in/document/legislations>



Grazing receipt issued by the Forest Department in KWLs

Following this ban, some members of the Raika community in Pali district formed the Raika Sangharsh Samiti and wrote to the CEC, seeking clarification on activities that were ‘allowed’ and ‘prohibited’ within KWLs. The CEC submitted a response to the SC in November 2004 and asked the court to clarify on prohibited activities in protected areas. In 2006, the Raika filed an Interim Application⁴⁴ in the Godavarman case before the SC, asking it to clarify whether the traditional grazing rights of the Raika would be allowed inside the KWLs. In reference, the Raika submitted an order of the Rajasthan High Court issued in March 2003 in reference to the Eco-Development Committee prohibiting grazing of camels in the forests of KWLs under its management. This IA was taken up by the SC in April 2004, and it ordered the CEC and state government to file their responses. In August 2004, the CEC placed before the apex court a report about Raika land holdings and livestock numbers, attributing cattle and ruminant holdings of the entire village to just the Raika community. The report argued for regulated grazing and assessment of carrying capacity of KWLs by Chief Wildlife Warden. In September 2006, the CWW and the Principle Chief Conservator of Forests (Rajasthan) prepared a report for determining carrying capacity of KWLs. The report recommended that grazing not be allowed in KWLs to protect the last remaining stretches of the Aravalli with unique biodiversity. This matter and the report were not given its due hearing in the apex court and the Raika eventually withdrew their petition⁴⁵. On the other hand, the Supreme Court is yet to clarify its stand on the effects of its February 2000 order and how it was read by various local wings of the wildlife department. In 2011, tribals from Kerala sought a modification of the order⁴⁶, with reference to extraction of non-timber forest produce from a WLS. In July 2011, the SC passed an order granting specific as well as general relief to these applicants and further directed that the tribal applicants have access to the State Legal Services Authority if they so desire. The SC disposed the case while, ‘...giving liberty to the applicants to approach the Notified Authority under the FRA and it is for the notified authority to consider their applications and to take appropriate

44 I.A. No.1535 in I.A. No.548 in Writ Petition (C) No.202 of 1995

45 (Kohler-Rollefson & Rathore, 2021)

46 IA No. 2637 in WP 202/1995

decisions in accordance with law.’ This order has remained unappreciated by the local forest departments.

Securing Rights. Ensuring Grassroots Conservation

The Forest Rights Act defines ‘community forest resource’ (CFR) as customary common forest land within the traditional or customary boundaries of the village to which a community had traditional access or a pastoralist community used ‘seasonally’. This resource can be a reserved forest, protected forests or protected areas like National Parks and Sanctuaries. An individual belonging to the Scheduled Tribes or Other Traditional Forest Dwellers can claim certain rights over the CFR or other rights including the right to live and hold forest land under individual or common occupation for habitation or self-cultivation for livelihoods, ownership, collection, and sale of NTFP, grazing and seasonal resource access by pastoralists among others.

The Act empowers forest dwellers to protect and conserve forests and biodiversity over which they have traditional rights and create plans for the equitable and sustainable conservation and management of their forest resource and these plans need to be integrated with the management plans of the forest department. Since the FRA recognises and vests forest rights over these areas with forest dwelling Scheduled Tribes and other forest dwellers, notwithstanding anything contained in any other law time being in force, the process to determine and vest rights with forest dwelling communities in protected areas is mandatory under the FRA.

(See: Secs 2 (a), 3, 4 and 5 and Rule 4 (e,f) of the Forest Rights Act and Rules respectively)

Restrictions on Grazing⁴⁷

In KWLS, the CEC letter based on the Supreme Court order has especially affected the local Raika community who have been bearing the brunt of grazing bans and the arbitrary fines imposed on them by local forest guards. The members of the Raika pastoralist community have corroborated that over the years, there have been several conflicts regarding access to forest land for grazing as well as alleged takeover of village commons by Sanctuary authorities in the area. Villagers have reported that gradually, several areas inside the Sanctuary have been cordoned off and fenced for the creation of nurseries and afforestation plots. These conflicts stem from an inadequate understanding and misdirected application of the laws as well as orders of the Supreme Court. All subsequent Annual Plan of Operations of KWLS state that ‘... in compliance of orders of Supreme Court of India...the villagers are not allowed to exercise existing rights in Sanctuary area.’ As told by a senior retired forest official who oversaw KWLS, although grazing has been banned since 2004, the forest department has been earmarking areas for grazing within the Sanctuary ‘mutually with the pastoralists’ where they have to pay annual

⁴⁷ A more detailed analysis of restrictions on grazing has been provided in (Kohler Rollefson, Camel Karma: Twenty Years Among India's Camel Nomads, 2014); (Robbins, McSweeney, Chhangani, & Rice, 2009) and (Tatpati & Ajit, Raika Women Speak: Articulations from Four Villages Around Kumbhalgarh Wildlife Sanctuary, 2019)

penalties for accessing these areas, whereas earlier, there were legal grazing permits. The official stated that the amount is 'pre-decided' in each range. However, a Range Forest Officer in KWLS stated that there is no 'fixed penalty' provided under the Indian Forest Act, and the fine therefore depends on the extent of damage caused to the forest as assessed by the forest official or guard who apprehends these prohibited activities.

Interpretation by the Revenue Department

The official position of the Forest Administration on recognition and vesting of rights in Protected Areas has been that rights have already been settled during the consolidation of the forest estate and that these rights cannot continue after the order of the Supreme Court passed in 2000. This line is followed by district administrations as well. A report on the Public Hearing organised by the District Collector of Pali to investigate the determination of nature and extent of rights over the proposed NP was published on March 19, 2015⁴⁸. These hearings were held on September 10 and 11, 2014. The report gives details of the claims made and the type and extent of compensation claimed by the claimants. It gives details of 65 claims, some of which are for grazing rights, collection of timber, firewood and other NTFP (from *Gram Sabhas* and other groups⁴⁹). In each of these cases, the District Collector has held that the claim is made on forest land, which was declared as a WLS on July 13, 1971 and that the settlement of rights process has already been completed for the same on August 21, 1998. The collector further goes on to say that since the claims are over 'non'-forest activities', which are prohibited in Protected Areas by the SC order, these existing rights stand extinguished. The report also says that the authority to permit these activities does not lie with the DC but with the Chief Wildlife Warden under Sections 27, 33 and 35 of the Wildlife Protection Act⁵⁰. It is rather interesting that while such bona fide livelihood claims are being considered as 'non-forest' activity by the District Collector and have been deemed not permissible, two temple complexes falling within the proposed National Park (NP), the Muchalla Mahavir Jain Temple Complex and the Ranakpur Temple Complex) have been allowed to continue to occupy, manage and maintain the entire complex.

⁴⁸ The copy of the report is available with the author.

⁴⁹ One of the claims is made by a group of Dalit women calling themselves the "Dalit women of Godwar". These are a group of landless women from around Sadri town who have been using forest land to collect dry and fallen branches for firewood and collect NTFP.

⁵⁰ This premise is based on selective reading of the provisions of the WLPA.5q1 It is quite clear that the process of determination of rights inside NPs and WLSs, the provisions of Sections 19 to 26A are applicable, where the State Government appoints a 'Collector' (in case of KWLS, the District Collector) to inquire into and determine the existence, nature and extent of rights, and he can pass an order admitting or rejecting the claim *in consultation* with the Chief Wildlife Warden.

THE IMPLEMENTATION OF THE FOREST RIGHTS ACT IN KWLS

As explained above, in the maze created due to various pronouncements on protected areas by the Supreme Court and the processes followed on ground, ambiguity on local processes of rights verification continues; despite the FRA, a legislation passed to give direction to the determination, recognition and vesting of rights process across India.



Consultation on issues of Grazing and Access to Forests held in Bali (A town in Pali district of Rajasthan)

In Rajasthan, the initial focus on implementation was on tribal settlements in Pali district but process followed was illegal. Very early on in the first phase of Implementation right after it was enacted, the Tribal Welfare Department (the nodal agency for implementation of the Act) created a state-wise list of 'eligible' claimants and only those claimants were allowed to file claims under the Act and that too, within a stipulated period. A large *dharna* was organised against this by various civil society groups and community members from across Rajasthan,

only after which claim forms were made freely available for all claimants in the state⁵¹. Even after this victory, there seemed to be an underlying understanding amongst all government agencies that FRA was only meant for tribal communities and other communities had nothing to do with it, and the focus primarily was on IFR claims⁵². Both the forest as well as revenue departments were under the impression that the Act was brought in to “regularize illegal encroachments” on forest land⁵³.

In KWLS, the implementation of the FRA began with the creation of Forest Rights Committees (or FRCs, which are to be elected by gram sabhas under the FRA), which were created for villages without the actual involvement of local people in the process. In an earlier interaction with Kalpavriksh, local people were unaware about the existence of the FRA or of the functioning of the FRCs and the claiming process seemed like it was driven *suo motu* by forest officials and lower-level functionaries of the district administration like the *gram pradhans* and *gram sevaks* without any involvement of the local people⁵⁴. In villages where social organizations worked, the focus on community mobilization ensured that the claims were filed by villagers themselves. At the same time, the work carried out on claiming community rights for villages in and around the Sanctuary has been negligible⁵⁵. These villages have heterogenous populations of Other Traditional Forest Dwellers who were asked to provide evidence of 75 years of ‘occupation’ of forest land rather than proof of residence and dependence⁵⁶.

This general apathy and lack of understanding of the Act continues to be displayed by revenue officials involved in the implementation. During the study, the team spoke to the Sub-Divisional Officers of Bali and Desuri Tehsils under Pali District. The sub-divisional officer in Bali pointed to lack of evidence provided by local communities with their claims for community forest land as one of the major hurdles in implementation and titles to the FRA⁵⁷. The SDO of Desuri when asked about claims under the FRA clearly mentioned that he was unaware about the provisions of the Act and that all the claims under FRA were decided upon by the Forest Department. He also consulted the Assistant Chief Conservator of Forests Sadri to ask him about the FRA while being interviewed and reiterated the opinion that community claims could only be filed by villagers who had already received IFR titles since the FRA was only applicable to those who ‘resided’ on forest land.

As of 2021, the Rajasthan government has started yet another drive to file claims under the FRA. The entire process has now been made online and the claims can only be filed through the

⁵¹ (A National Report on Community Forest Rights Under the Forest Rights Act; Status and Issues, 2012). The dharna was called the *Jangal, Jal, Jameen Andolan*.

⁵² (Pathak Broome & Wani, 2011)

⁵³ This attitude is prevalent more than 10 years after the Act has been implemented. In an interview with a former forest official in-charge of the KWLS, the officer claimed that there were no rights left to be recorded within the Sanctuary because they had already been settled, that no villages existed within the Sanctuary and that any ‘encroachers’ will be evicted with the eventual declaration of the National Park whereas *khatadari* land holders will be compensated.

⁵⁴ Ibid

⁵⁵ Only two villages have so far filed community forest rights claims within the Sanctuary. The claim of one village was rejected (A National Report on Community Forest Rights Under the Forest Rights Act; Status and Issues, 2012) and the claim of another was submitted to the District Collector of Pali since it was not accepted by the SDO. This claim is now untraceable and the village was asked to file the claim again.

⁵⁶ (A National Report on Community Forest Rights Under the Forest Rights Act; Status and Issues, 2012)

⁵⁷ The Sub-divisional Level Committee (The SDO is the Chairperson) is tasked with providing forest and revenue maps and electoral rolls to the gram sabhas in Rule 6(b) of the FRA Rules. Therefore, it is the duty of the SDLC to support people with documentatu

Panchayat offices. There is no clarity on re-evaluation of rejected claims or correction of faulty titles (*See: Too little and illegal: The plight of Adivasi women in KWLS*)⁵⁸.

Thus, the lack of understanding of roles and legalities involved in the process as well as the interplay of various orders and rules under different laws have confused the process of FRA implementation in the KWLS. In the absence of that clarity, the Forest Department is keen to declare the area as free of claimants and move ahead with the process of converting the area into a Tiger Reserve.

Too little and illegal: The plight of Adivasi women in KWLS

Paunibai⁵⁹ is an elderly widowed member of the Garasia colony settlement of Ghanerao Panchayat (Desuri Tehsil, Pali District). The village is situated inside the KWLS. Like many settlements of the Garasia tribes in the area, she recalls the history of her marital village. As a wandering warrior tribe, the Garasia were much sought after by local rulers to settle around the boundaries of their *rawlas* to protect the estate from other minor estates. The Ghanerao *thikana* settled some of their ancestors who were from the forests of Mount Abu, near the Kumbhalgarh forests. Their oral history suggests that the extent of the land given to them was noted in a *tambra patra*⁶⁰ by the local ruler but since they did not have fixed dwellings, they gave it to the ruler for safe keeping. Over time, some of their kith and kin from other *rawlas* also made Garasia colony their home.

Paunibai's father-in-law cultivated about 4 hectares of land around the village. Her father-in-law had four sons. Pauni bai recollects the gradual restrictions placed on farming, collection of NTFP, grazing their goats and using access roads after the sanctuary was declared under the WLPA. While farming was only practiced for subsistence earlier, the restrictions of collection of NTFP and grazing and the changing nature of the economy made them rely on income from crops. But with no real ownership over their lands, they were under constant threat of eviction. Around 2004-2005, the officials of the Sanctuary began to threaten them with eviction. Around the same time, some people from a local organisation⁶¹ started mobilizing people in the area to demand that their rights been recognized over the forests that they had resided in and occupied for generations. Paunibai recalls joining the *Jal Jangal Jameen Andolan* to make claim forms under the FRA available for all. Eventually, her husband filed the claim. When they finally received the title, it came as a huge disappointment. The title was only issued in the name of her husband and one male child as a dependent (she has six children). Her name did not feature in the title⁶². The *khasra* numbers of the land for which they had received the title was not mentioned and the title was received over only 0.8 hectares of land. Her husband and son have passed away, and Paunibai fears that her brother-in-law will take over the land that she has a

⁵⁸ The District Collector of Pali in a meeting with the team informed the team that all claims would have to be filed again and only via the online portal. He was not aware about the processes to be followed for correction of titles already issued under the FRA).

⁵⁹ Name changed to protect privacy.

⁶⁰ These were copper plates inscribed with details of land grants given by local rulers.

⁶¹ <http://www.astha.ngo/>

⁶² Under Sec 4(4) of the FRA, the title has to be issued as a joint title in the name of both the spouses in the case of married couples and in the case of households headed by a single person, in the name of the single head.

right over. The forest department officials meanwhile continue to harass her and refuse to recognize her claim and legal right over the land belonging to her father-in-law. She remains in the same precarious situation as before, without her rights being recognized and in fear of being evicted, either by her own family member or by the forest department.

Forced evictions



Kharni Tokri Village situated inside KWLS

Kharni tokri is a Bhil settlement of Ghanerao Panchayat. Around 20 families reside here and trace their ancestry to the rule of the princely state. The settlement is located deep inside KWLS, with no access to the Ghanerao Panchayat except through a *kaccha* route from the sanctuary. The village has no electricity, no piped water supply, no school or Public Health Centre for years. The villagers are constantly engaged in a battle with wild boars and other herbivores, which frequent their fields and destroy standing crop. A few families have received titles to their individual cultivated land and homesteads, but they are faulty, much like Paunibai's title. The villagers reported that they were living on the edge of penury, with no legal ownership, no facilities, no tenurial security and a constant sense of fear of wild animals. In 2019, the villagers reported that the forest department officials came to their village and told them about the plan to relocate tigers from other areas into the forest. The officials reminded them that they were encroachers on forest land and would not receive any compensation once a Tiger Reserve was formed in the area. On the contrary, if they relocated, the Forest Department would be willing to provide them all the facilities. After this meeting, four families who were being pressurized to relocate, shifted into Guda Bhop Singh settlement of Ghanerao with their relatives. The constant harassment of the forest department and the lack of security have been playing large in the minds of the local people on the one hand, coupled with an uncertain future of relocation on the

other. The villagers who have stayed back have observed that no compensation has been provided to the families who moved, the forest department has not provided any details of relocation of the village, added to which, they have not allowed any facilities to develop in Kharni Tokri.

In general, the institutional infrastructure of implementation of the FRA to provide proper ownership titles to the existing adivasi settlements and recording of community rights over forest land of surrounding villages in the KWLS landscape continues to be poor and largely driven by colonial attitudes towards management and ownership of forest land. In this scenario, the creation and expansion of protected areas further exacerbates the suffering of local communities who are faced with severe access to resources that support their livelihoods. The refusal to record these rights shows that the forest department and revenue departments would like to quietly do away with people's rights and reign in control over the WLS.

Attitude of the forest department

Protected areas are fully under the control of the wildlife wing of the forest department so much so that in processes that must involve the district administration, it relies on information provided by the forest department in all matters pertaining to a protected area. As seen through the examples above, the KWLS is no different.



Concretised boundary wall with concertina wires being constructed along the periphery of KWLS

Around the same time that the NTCA committee arrived in KWLS to carry out its survey, the forest department handed out survey forms to the heads of *panchayat samitis* and local resort owners seeking 'feedback' on the proposed tiger reserve (Annexure VI). During the team's field work, it was revealed that *panchayat samiti* members were filling the forms up themselves and that local villagers had not come across the forms at all. The local newspapers carried various articles revealing that resort and hotel owners around KWLS were happy and pleased with the

idea of the tiger reserve due to the revenue it would bring. However, none of these articles carried any reactions from local communities.



A recently completed Herbivore Enrichment Enclosure and Rescue Centre built near Modia (Ranakpur-Sadri Road)

The senior management of the Forest Department is very keen to go ahead with its plans to convert the WLS into a TR. This was amply stated in interviews conducted with officials where the sole idea to develop a tiger reserve was that it would provide adequate funds for the conservation of the area, bring in more revenue and develop the area as a potential tourism hotspot. Currently, the sanctuary receives funds to the tune of around 65 lakh rupees from both the State and the Central Integrated Development of Wildlife Habitat scheme⁶³. A large part of the funds for 2021-2022 has been spent on constructing a taller cement and concertina wired boundary wall around the Sanctuary and developing 'herbivore' enrichment centers to breed herbivores⁶⁴. These developments have further restricted the movement of herders and *Adivasis* in that area. This is reminiscent of the steps taken before the development of Mukundra Tiger Reserve. The forest officials are clear that 'encroachment' from within the WLS will have to be removed to make way for the tiger reserve. This reveals the overall poor implementation of the FRA in letter and spirit around the KWLS.

⁶³ (Annual Plan of Operation for Kumbhalgarh Wildlife Sanctuary under Integrated Development of Willdlife Habitats (Centrally Sponsored Scheme) 2021-22, 2021)

⁶⁴ (Annual Plan of Operation for Kumbhalgarh Wildlife Sanctuary under Integrated Development of Willdlife Habitats (Centrally Sponsored Scheme) 2021-22, 2021)

CONCLUSION

Overall, the situation of land rights of local communities in KWLS is quite unclear and remains unresolved. Restrictions placed on communities' access to resources, unresolved takeover of land that according to villagers is under their control, coercion by forest department officials to evict the villagers and the onslaught of wild animals on farmlands, cattle and dwellings have created a very tense situation around the WLS.

In such a scenario, the continued onslaught of expansion plans of the boundaries of the protected area by placing stricter categories of control over the area and bringing in a carnivore is bound to raise severe conflict. It has already been established in cases where tiger relocations have been planned that the local situation of uncertainty relating to rights and tenure and wildlife conflict create a tinderbox waiting to erupt into serious conflict. Besides, the welfare of the tigers in such an environment is severely compromised.

It is therefore imperative that the forest department halt its expansion activities in the area immediately. At the same time, efforts need to be directed towards active facilitation of filing individual and other claims over communal use of the forests by the communities living inside and outside the WLS under the FRA; there should also be an inquiry into already distributed faulty titles. Immediate hearings on the status of land conflict between the revenue and forest departments need to be simultaneously carried out with local villagers being able to place their demands forthwith. Eventually, a management plan that looks at the carrying capacity of the forests of the WLS, with the active ownership and involvement of the local community needs to be drawn. This will ensure that an effective and grassroots management model of a wildlife sanctuary can be developed to be used in other protected areas across India.

Annexure II: Status of forest land in Kumbhalgarh WLS⁶⁵

S.No	Name of the Range	Name of Block	Legal Status	Area in Hectares
1	Kumbhalgarh	Kotra	Reserved	1305.85
2		Dhana	Reserved	2217.19
3		Areth	Reserved	323.31
4		Palar	Reserved	2505.79
5		Jhilwara	Reserved	2010.25
6		Ghatra	Reserved	1580.67
7		Roopnagar	Reserved	900.18
8		Dholia	Protected	451.43
9		Seventri	Reserved	513.06
10		Umarwas	Reserved	1285.24
11		Bassi	Reserved	870.38
12		Diwer	Reserved	254.20
13		Piprallu Mann	Protected	98.50
14		Kumbhalgarh Fort	Protected	195.81
15	Sadri	Bijapur	Reserved	8010.35
16		Sewari	Reserved	6049.61
17		Latara	Reserved	3565.79
18		Sadri	Reserved	3800.27
19		Mandigarh	Reserved	2102.19
20	Desuri	Ghanerao	Reserved	2102.19
		Ghanerao (Guda Bhapsingh Jagir)		
21		Desuri	Reserved	1880.40
22		Bagol	Reserved	3928.90
23		Kot	Reserved	1296.50
24	Bokhada	Bhanpura	Reserved	998.56
25		Malgarh	Reserved	491.92
26		Magga ka Mal	Reserved	2296.93
27		Majawada	Reserved	1084.96
28		Bokhada	Reserved	1432.29
29		Mamadeo ki Buj	Reserved	1948.32
30		Umarna	Reserved	459.51
31		Semud	Reserved	897.42
32		Bisma	Reserved	496.67
33		Padrada	Reserved	1624.84
34		Kadech	Reserved	346.43
35			Protected	289.08
				61052.80

⁶⁵ Data from Management plan of Kumbhalgarh Wildlife Sanctuary (2003-2013).

Annexure III: Notification of intent (National Park) published in local newspapers

कार्यालय जिला कलक्टर एवं जिला मजिस्ट्रेट, पाली
 दिनांक/संख्या/2012/464

उद्घोषणा (प्रोक्लमेशन) :-
 दिनांक : 2 फरवरी 2012

शुद्ध राजस्थान सरकार की अधिसूचना संख्या एक 3(6) वन/2011 दिनांक 30.11.2011 जो राजस्थान राजपत्र के विशेषक भाग-1 (ख) पृष्ठ 493-94 पर दिनांक 07.12.2011 को प्रकाशित हुई है के द्वारा वन्यजीव (सुरक्षा) अधिनियम 1972 (1972 का केन्द्रीय अधिनियम-53) की धारा 35 की शक्तियों का प्रयोग करते हुए राज्य सरकार द्वारा अनुसूचित में वर्णित सीमाओं के अन्तर्गत आने वाले पाली, उदयपुर एवं राजसमन्द जिलों की भूमियों को उनकी परिस्थिति की प्राणी जातीय, वन एवं स्थानीय भू संरचना संबंधित नैसर्गिक एवं प्राणी शास्त्रीय महत्व को ध्यान में रखते हुए वन प्राणियों के संरक्षण, वृद्धि एवं उनके विकास तथा पर्यावरण को संरक्षण प्रदान करने के उद्देश्य से राष्ट्रीय उद्यान (नेशनल पार्क) घोषित करने के विचार (इन्टेंशन) की घोषणा की है जिसे भविष्य में "कुम्भलगढ़ राष्ट्रीय उद्यान" के नाम से जाना जाएगा। उक्त अधिसूचना में प्रकाशित अनुसूची निम्नानुसार है-

अनुसूची

उत्तरी सीमा :- करमल चौगहा से कामलीघाट चौगहा तक जाने वाली पक्की सड़क के दक्षिण में वनखण्ड भगोड़ा के दक्षिणी भाग को सम्मिलित करती हुई इसी वनखण्ड की पूर्वी सीमा जो जिला पाली एवं राजसमन्द को भी सम्मिलित करती है, के साथ-साथ जहाँ तक वह वनखण्ड बाघाना (आरक्षित वन) से जाकर मिलती है। वनखण्ड बाघाना (आरक्षित वन) की उत्तरी सीमा ग्राम बाघाना की सीमा तक।

पूर्व सीमा : ग्राम बाघाना के पास वनखण्ड बाघाना (आरक्षित वन) की पूर्वी सीमा के साथ-साथ वनखण्ड छापली (आरक्षित वन) की पूर्वी सीमा के साथ, वनखण्ड दिवर (आरक्षित वन) की पूर्वी एवं दक्षिण सीमा, वनखण्ड कोट (आरक्षित वन) की पूर्वी सीमा, वनखण्ड उमरवास (आरक्षित वन) की उत्तरी एवं पूर्वी सीमा, वनखण्ड सेवन्दी (आरक्षित वन) की पूर्वी सीमा धोलिया (रक्षित वन) की पूर्वी सीमा, वनखण्ड रूपनगर (आरक्षित वन) की पूर्वी सीमा, वनखण्ड शीलवाड़ा (आरक्षित वन) की पूर्वी सीमा, वनखण्ड पालर (आरक्षित वन) की पूर्वी सीमा, वनखण्ड आरेंट की पूर्वी सीमा (जिसमें वनखण्ड कुम्भलगढ़ का किला भी सम्मिलित रहेगा), वनखण्ड द्याण (आरक्षित वन) की पूर्वी सीमा, वनखण्ड कोटड़ा (आरक्षित वन) की पूर्वी सीमा, वनखण्ड भानपुरा (आरक्षित वन) की पूर्वी सीमा, वनखण्ड मालगढ़ (आरक्षित वन) की पूर्वी सीमा, वनखण्ड मग्ग का माल (रक्षित वन) की पूर्वी सीमा, वनखण्ड मजावड़ा (आरक्षित वन) की पूर्वी सीमा, वनखण्ड बोखाड़ा (रक्षित वन) की पूर्वी सीमा, वनखण्ड मामादेव की वृद्ध (आरक्षित वन) की पूर्वी सीमा।

दक्षिणी सीमा :- वनखण्ड मामादेव की वृद्ध (आरक्षित वन) की दक्षिणी सीमा जो ग्राम कोरवा, पांच बोर तक जाती है।

पश्चिमी सीमा :- ग्राम कोरवा के पास से वनखण्ड मामादेव की वृद्ध (आरक्षित वन) की पश्चिमी सीमा होते हुए वनखण्ड बोखाड़ा (रक्षित वन) की पश्चिमी सीमा, वनखण्ड मजावड़ा (आरक्षित वन) की पश्चिमी सीमा, वनखण्ड लाटाड़ा (आरक्षित वन) की दक्षिणी एवं पश्चिमी सीमा के साथ-साथ वनखण्ड सादड़ी (आरक्षित वन) की पश्चिमी सीमा, वनखण्ड धाणेरवा (आरक्षित वन) की पश्चिमी सीमा, वनखण्ड देसूरी (आरक्षित वन) की पश्चिमी सीमा, वनखण्ड बागोल (आरक्षित वन) की पश्चिमी सीमा, वनखण्ड कोट (आरक्षित वन) की पश्चिमी सीमा, वनखण्ड जोजावर (आरक्षित वन) की पश्चिमी सीमा, वनखण्ड भगोड़ा (आरक्षित वन) की पश्चिमी सीमा ग्राम गुडगांगा तक।

और चूंकि उपरोक्त अधिसूचना में कुम्भलगढ़ राष्ट्रीय उद्यान क्षेत्र के संबंधित जिला कलक्टर पाली, उदयपुर व राजसमन्द को अधिनियम की धारा 19 से 26-क (दोनों सम्मिलित मात्र धारा- 24 की उप धारा (2) के खण्ड (ग) को छोड़कर) की कार्यवाही करने के निर्देश दिए गए हैं। अतः मैं नौरज के पवन जिला कलक्टर एवं जिला मजिस्ट्रेट पाली वन्य जीव (सुरक्षा) अधिनियम- 1972 की धारा -21 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए एतद द्वारा उद्घोषणा करता हूँ कि अधिसूचना की उपरोक्त अनुसूची में वर्णित प्रस्तावित "कुम्भलगढ़ राष्ट्रीय उद्यान" में सम्मिलित जिला पाली के क्षेत्र में जिन व्यक्तियों/संस्था/विभाग/ अन्य के जो भी अधिकार विहित हैं, वे इस उद्घोषणा के जारी होने की तिथि से 2 (दो) माह की अवधि में अपने दावे अपोहरताधिकारकर्ता के समक्ष प्रस्तुत कर सकते हैं। उक्त दावे निर्धारित प्रपत्र (सलगम फॉर्म 9) में अधिकारों की प्रकृति तथा विस्तार का पूर्ण विवरण अंकित करते हुए आवश्यक अभिलेखों तथा मुआवजा राशि जो चाहिए गई है के साथ प्रस्तुत करें। बाद गुजरने मियाद कोई दावा स्वीकार नहीं किया जाएगा। प्रस्तावित "कुम्भलगढ़ राष्ट्रीय उद्यान" में उक्त अधिसूचना में अंकित अनुसूची में वर्णित सीमाएं जो पाली जिले के निम्न राजस्व ग्रामों से निकलती हैं का आंशिक या सम्पूर्ण भाग (जैसा भी स्थिति हो) क्षेत्र सम्मिलित है।

क्र.सं.	नाम जिला	गांव का नाम	तहसील	क्र.सं.	नाम जिला	गांव का नाम	तहसील
1	2	3	4	21	पाली	माण्डोगढ़	देसूरी
1	पाली	सांभरिया	देसूरी	22	पाली	अलसीपुरा	देसूरी
2	पाली	नया गांव	देसूरी	23	पाली	गुडा जाटान	देसूरी
3	पाली	गुडा देवडान सोलंकिमान	देसूरी	24	पाली	सादड़ी	देसूरी
4	पाली	सांसरी	देसूरी	25	पाली	राजपुरा	देसूरी
5	पाली	पनोला	देसूरी	26	पाली	जूणा	देसूरी
6	पाली	गुडा दुर्जन	देसूरी	27	पाली	गुडा गोपीनाथ	बाली
7	पाली	कोट सोलंकिमान	देसूरी	28	पाली	मालारी	बाली
8	पाली	गुडा किलियान	देसूरी	29	पाली	बिलिया	बाली
9	पाली	कालर	देसूरी	30	पाली	लाटाड़ा	बाली
10	पाली	पगर तलाव	देसूरी	31	पाली	सादड़ा	मारवाड़ जंक्शन
11	पाली	काकिलावाप	देसूरी	32	पाली	बांसौर	मारवाड़ जंक्शन
12	पाली	बागोल	देसूरी	33	पाली	गुडा गांगा - I	मारवाड़ जंक्शन
				34	पाली	गुडा गांगा - II	मारवाड़ जंक्शन
						करमाल	मारवाड़ जंक्शन

Annexure IV

Area of KWLS and TRWLS proposed to be constituted as Kumbhalgarh National Park			
DISTRICT	FOREST BLOCK	AREA (Hectares)	WILDLIFE SANCTUARY UNDER WHICH THE AREA FALLS
Udaipur	Mama Dev ki Bhuj	1948.3200	KWLS
	Bokhara	1432.2900	KWLS
	Majawda	1084.9600	KWLS
	Magga Ka Mal	2296.9300	KWLS
	Malgarh	491.9200	KWLS
	Bhanpura	998.5700	KWLS
Rajsamand	Kotra	1305.8500	KWLS
	Dhana	2217.1900	KWLS
	Aareth	323.3100	KWLS
	Kumbhalgarh Kila	196.00	KWLS
	Palar	2505.7900	KWLS
	Jheelwara	2010.2500	KWLS
	Roopnagar	900.1800	KWLS
	Dholiya	451.4300	KWLS
	Sewantri	513.0600	KWLS
	Umarwas	1285.2400	KWLS
	Dewair	1717.2030	TRWLS
	Chapli	2164.4063	TRWLS
	Baghana	1392.9620	TRWLS
	Pali	Kot	1296.5000
Bagol		3928.9000	KWLS
Desuri		1880.4000	KWLS
Ghanerao-A		2102.1900	KWLS
Ghanerao-B		289.0800	KWLS
Sadri		7127.5900	KWLS
Latada		3565.7900	KWLS
Jojawar		3339.7900	TRWLS
	Bhagoda	2357.745	TRWLS
TOTAL		51123.8463	
		511.238463 Sq. km	

Annexure V: DCF Letter to State Assembly

कार्यालय उप वन संरक्षक, वन्य जीव, राजसमन्द

sadhana shikhar road, phone & fax no. 02952-220096 email dcf.wl.rajsamand@gami.com

—: संक्षिप्त नोट – प्रस्तावित कुम्भलगढ़ राष्ट्रीय उद्यान :-

अरावली पर्वत श्रृंखला के मध्य स्थित कुम्भलगढ़ वन्य जीव अभयारण्य तथा टाडगड़-रावली वन्य जीव अभयारण्य के पाली, राजसमन्द व उदयपुर जिले के भू भाग को उनकी पारिस्थितिकी, प्राणी जातीय, वन एवं स्थानीय एवं भू संरचना संबंधित नैसर्गिक एवं प्राणी शास्त्रीय महत्व को ध्यान में रखते हुए वन्य प्राणियों के संरक्षण, वृद्धि एवं उनके विकास तथा उनके पर्यावरण को संरक्षण प्रदान करने के उद्देश्य से वन्य जीव (सुरक्षा) अधिनियम 1972 के धारा 35 की शक्तियों का प्रयोग करते हुए "कुम्भलगढ़ राष्ट्रीय उद्यान" के इन्टेशन घोषणा राज्य सरकार की अधिसूचना संख्या एफ3(6) वन/2011 दिनांक 30/11/2011 जो राजस्थान राजपत्र के विशेषांक भाग 1(ख) पृष्ठ 493-94 पर दिनांक 07/12/2011 को प्रकाशित हुई। (आदेश की प्रति संलग्न एने.-1)

अनुसूची में वर्णित सीमा विवरण के अनुसार निम्नानुसार जिलेवार वन क्षेत्र सीमा में आते हैं :-

1. जिला पाली	—	258.78 वर्ग किमी.
2. जिला राजसमन्द	—	167.28 वर्ग किमी.
3. जिला उदयपुर	—	82.52 वर्ग किमी.
योग	—	508.60 वर्ग किमी.

जिसमें अभयारण्य वार वन क्षेत्र निम्नानुसार हैं :-

1. वन्य जीव अभयारण्य कुम्भलगढ़	—	401.51 वर्ग किमी.
2. वन्य जीव अभयारण्य रावली टाडगढ़	—	107.09 वर्ग किमी.
योग	—	508.60 वर्ग किमी.

यह क्षेत्र कामलीघाट-करमाल चौराहा सड़क से दिवेर की नाल, देसूरी की नाल, कुम्भलगढ़, घाणेराम, राणकपुर-बोखाड़ा सड़क, सादडी से लाटाड़ा के मध्य स्थित हैं।

जिला कलक्टर की शक्तियां :-

वन्य जीव (सुरक्षा) अधिनियम 1972 के धारा 19 से 26 क (दोनों में सम्मिलित धारा 24 की उपधारा (2) के खण्ड (ग) का छोड़कर) के तहत विधिवत प्रक्रिया अपनायी जाकर दावों/आपत्तियां आमंत्रित कर "कुम्भलगढ़ राष्ट्रीय उद्यान" की परिसीमा से किसी क्षेत्र को बाहर रखे जाने के संबंध में किये गये दावों को सम्पूर्णतः स्वीकार करने एवं निस्तारित आदेश प्रसारित करने की शक्तियां दी गयी हैं, जिसके अनुरूप जिला कलक्टर राजसमन्द द्वारा दिनांक 25/11/2013 को, जिला कलक्टर उदयपुर द्वारा दिनांक 18/09/2015 को तथा जिला कलक्टर पाली द्वारा दिनांक 19/03/2015, 20/07/2015, 19/08/2016 व 11/06/2019 को अपने आदेश से प्राप्त दावों/आपत्तियों का निस्तारण किया गया है।

धार्मिक स्थलों संबंधित दावों के निस्तारण में जिला कलक्टर ने वर्णन किया है कि "दावेदारों द्वारा प्रस्तावित कुम्भलगढ़ राष्ट्रीय उद्यान की सीमा में आने वाले उक्त धार्मिक स्थलों पर आने जाने एवं अन्य गतिविधियों, यथा पूजा अर्चना, भजन संध्या आदि अनुमति जारी किया जाने का क्षेत्राधिकार अधोहस्ताक्षकर्ता को नहीं होकर वन्य जीव अधिनियम 1972 की धारा 27, 28, 33 तथा 35 (8) प्रावधानों के अन्तर्गत मुख्य वन्य जीव प्रतिपालक राजस्थान जयपुर में निहित हैं। मुख्य वन्य जीव प्रतिपालक राजस्थान जयपुर के पत्र क्रमांक एफ4 (ट) विविध/मुवजीप्र/2015/1224 दिनांक 20/02/2015 के अनुसार प्रकरण में मुख्य वन्य जीव प्रतिपालक के स्तर पर कार्यवाही आपेक्षित होने से उक्त अनुशंषा के साथ उक्त प्रकरण निस्तारित किया जाता है। (प्रति संलग्न एने.-2 व 3) राष्ट्रीय उद्यान की परिसीमा से किसी क्षेत्र को बाहर रखे जाने के संबंध में किये गये दावों को सम्पूर्णतः स्वीकार करने एवं निस्तारित आदेश प्रसारित करने के लिये जिला कलक्टर अधिकृत हैं।

फीड बैक फॉर्म
प्रस्तावित टाइगर रिजर्व कुम्भलगढ़

दिनांक 11/01/21 रेंज सतलुग
नाम प्रताप लिंग लाल गाव का नाम उम्र 20 व्यवसाय खेती

1. आपको जंगल से कोई लाभ मिल रहा है, जैसे ईंधन की लकड़ी, चारा, औषधीय पौधे, और फल इकट्ठा करना या अपने पशुओं को चराना?
हां

2. क्या आपने अपने गाँव और उसके आस-पास कोई जंगली जानवर देखा है? यदि हाँ, तो किस जानवर को अधिक बार देखा जाता है?
बिल्ली, भालु, कछुआ

3. क्या आपके क्षेत्र में पिछले कुछ वर्षों में जंगली जानवरों की आबादी बढ़ी या घटी है? यदि हाँ, तो कौन सा जानवर?
बिल्ली, कछुआ, भालु

4. क्या आपने जंगल में या अपने गाँव में कोई बाघ और तेंदुआ देखा है? यदि हाँ, तो कब? अगर नहीं तो क्या पुराने समय में कभी देखा गया है, कोई घटना है?
हां तेंदुआ

5. क्या आपको लगता है कि बाघ और तेंदुआ मनोवैज्ञानिक या आर्थिक रूप से आपके लिए खतरा हैं? अगर हाँ, क्यों? क्या कोई घटना है?
हां

6. क्या आपको बाघों और उनके संरक्षण कार्यक्रम के बारे में कोई जानकारी है?
हां

⁶⁶ A copy of the form is available with the author.

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