

HISTORY OF THE INTERACTION OF NATIONAL AND STATE LAWS, POLICIES AND EVENTS IN THE KUMBHALGARH REGION

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YEAR	SPECIFIC EVENTS	GENERAL EVENTS
1884	The Assistant Conservator of Forests (Ajmer- Marwar region) conducts examination of forests lying in the western slopes of Aravallis. Prior to this, the Forests were under the control of local rulers.	
1887	Forest Survey of Marwar carried out. Proprietorship of forests transferred to the State.	
1906	A working plan for the forests is prepared for 40 years	Industrial forestry begins in the Kumbhalgarh region where timber is extracted for railways and <i>Acacia catechu</i> (<i>Khair</i>); whereas local uses for cutting trees and collection of NTFP for domestic use begin to be curtailed. On the other hand, conservation laws passed to regulate hunting, but only for some species.
1912	The Wild Birds and Animal Protection Act enacted.	
1927	Indian (Forest) Act enacted	
1935	The Wild Birds and Animal Protection Act amended to include Sec 11 in which the provincial government could declare any area as a Sanctuary for birds or animals and prevent hunting.	
1946	The working plan expires. Another is prepared but left incomplete, hence the previous plan is still followed.	
1951	The Rajasthan Wild Birds and Animal Protection Act enacted.	
1951	Rajasthan Forest Act passed which allowed for continuation of the traditional rights of locals over dry wood and grass.	Reserved Forests leased to private companies for timber extraction in the Kumbhalgarh region; meanwhile wide-spread hunting continues. Last tiger wiped out from the region in the 1960s.
1955	Working plan prepared for 1960-61 and 1969-70.	
1971	Kumbhalgarh WLS established under the Rajasthan Wild Birds and Animal Protection Act.	

1972	The Wildlife (Protection) Act (WLPA), enacted	
1980-81	Planned development of the KWLS begins with its inclusion in the Centrally Sponsored Schemes in selected Wildlife Sanctuaries and National Parks. 5 year working plan prepared for development of the sanctuary to function until 1985-86.	
1983	Wildlife Wing of the Forest Department takes control over the administration of the KWLS. Declaration of Tadgarh Raoli area as a Wildlife Sanctuary	
1984	Tadgarh Raoli Wildlife Sanctuary taken under Wildlife Wing of the Forest Department.	
1990	Rajasthan government issues order banning all livestock from forests. In July, the livestock of the Raika are seized, and protests are held. A change in government and forests are reopened but not the protected parts.	
May 1995	(Writ Petition (C) No. 337 of 1995, Centre for Environmental Law, World Wide Fund for Nature-India vs. Union of India and others) WWF files Petition in the Supreme Court of India. The main pleas are: 1. Central Government, State Governments and District Collectors should discharge statutory functions under Sec 19-25 of the WLPA 2. Enquire into and determine the existence, nature, and extent of rights in or over the land comprised within the limits of National Parks and Sanctuaries.	
1995	T.N. Godavarman Thirumalpad vs. Union of India and Ors; Writ Petition (Civil) No.202 of 1995; Supreme Court of India	
September 1995	Hearing on Writ Petition (Civil) No. 202 of 1995, T.N Godavarman Thirumalpad Vs. Union of India and others begins	
October 1996	Additional prayers filed in the WWF case on various other topics including Tiger Conservation, meetings of Wildlife Boards, Appointment of officials under WLPA, etc.	
December 1996	SC in the Godavarman case directs nine states to stop further encroachments on Reserved Forests.	

August 1997	<p>SC in the WWF case directed the states to:</p> <ol style="list-style-type: none"> 1. Submit status reports with regards to the process of determination of rights and acquisition of land 2. Issue proclamation under Sec 21 of WLPA in National Parks and Sanctuaries, within two months and complete the process of determination of rights and acquisition of land or rights within a period of one year. 	
August 1998	<p>The original notification of the WLS (1971) is repealed under provisions of section 26-A of Wildlife (Protection) Act 1972 by Collector Udaipur, Rajsamand & Pali in their revenue jurisdiction and notified by:</p> <p>Collector, Udaipur wide notification number F.39/1(4)Raj/96/2184, Dated 19th August, 1998.</p> <p>Collector, Rajsamand wide notification number F.12/17(8)Revenue/97/1369-1380, Dated 17th August, 1998.</p> <p>Collector, Pali wide notification number F.8/1(L)Revenue/98/3771, Dated 21st August, 1998.</p>	
November 2000	<p>The SC ordered in the WWF case that 'Pending further orders, no de-reservation of forests/sanctuaries/national parks shall be affected'</p>	
2000	<p>The Amicus Curiae in the Godavarman Case filed an application (IA no. 548 in Writ Petition No. 202 of 1995) against the commercial exploitation of national parks and sanctuaries.</p>	
14 th February 2000	<p>In the Godavarman Case, SC directs the respondents, namely State Governments and Union Territories to restrain 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.</p>	
March 2000	<p>SC order of 1996 got down to FD in Sadri. Hindi translation of order issued by the FD mentions 'grazing' as prohibited activity although original SC order did not mention it.</p>	
2000	<p>Raika from Jojawar file a case in the Rajasthan HC, stating that forest regulation were responsible for decline of the camel in Rajasthan and that they were not being allowed to graze camel in Kumbhalgarh Forests.</p>	

February 2002	SC in the Godavarman case directs CSs of Odisha, West Bengal, Karnataka, Maharashtra, Tamil Nadu, Assam, Madhya Pradesh, Chhattisgarh and Kerala to submit list of measures taken by them to prevent further encroachment, particularly in hilly terrains and NPs and Sanctuaries.	
9th May 2002	The Central Empowered Committee (CEC) is constituted under the Godavarman case.	
9th May 2002	SC ordered in the WWF case that, "...no permission under Section 29 of the Wildlife Act should be granted without getting the approval of the Standing Committee..."	
March 2003	The Rajasthan HC in the case filed by Raika from Jojawar gives a judgement saying that camels are an important animal and need a place to graze and ordered Eco Development Committees to grant customary pasture rights to camels from Jojawar.	
March-April 2004	Rajasthan FD refuses to issue grazing permits.	

<p>2nd July 2004</p>	<p>CEC orders all state governments (Chief Secretaries, PCCFs and CWWs) to implement the 2000 order of the SC in the Godavarman case through a letter. The letter enumerates ‘grazing’ as one of the activities strictly prohibited in PAs (not enumerated in original order). The letter also lists a number of instances where tree/bamboo felling, canal-digging, mining, underground mining, collection of sand/boulders, laying of transmission lines/optical fibre cable/pipelines, grass cutting, collection of minor forest produce, grazing, construction and road widening had been allowed without permission from the sc under the guise of park management. The letter goes on to request strict compliance so that none of the “prohibited activities” take place.</p>	
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<p>August 2004</p>	<p>Grazing permits issuing stopped completely in Kumbhalgarh as a result of the CEC letter.</p>	
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2004	<p>The Raika Sangharsh Samiti is formed. They write a letter to the CEC asking:</p> <ul style="list-style-type: none">· To enumerate in detail which activities are permitted and which prohibited in KWLS· To clarify to the Rajasthan government that it has not prohibited the Raika from grazing <p>They also approach the Rajasthan HC to clarify if its order of March 2003 in the Jojawar Raika case is still valid at which the HC refers the case to the SC.</p>	
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November 2004	<p>The CEC submitted its report in the Godavarman Case(IA No. 548). It recommended that certain clarifications be made by the court. The CEC wanted the court to clarify which activities were prohibited in National Parks and Sanctuaries and recommended that these activities be prohibited:</p> <ul style="list-style-type: none">· felling of trees and their removal· removal of bamboo or grasses for any purpose whatsoever· removal of corals and other sea forms from marine national parks and sanctuaries· construction of structures not for direct use for protection and management of habitats· removal of sand and boulders· survey, prospecting and mining· laying transmission lines, irrigation projects, power projects, etc· laying industrial pipelines for water, oil, slurry· mineral and oil exploration· dumping of garbage, sewage, waste, and industrial effluents[MT3]	
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<p>2006 I.A. No.1535 in I.A. No.548 in Writ Petition (C) No.202 of 1995 (Appln.(s))</p>	<p>PIL filed in SC on behalf of the Raika-Camel and livestock breeders and pastoralists for protecting their traditional grazing rights. The PIL also requested a clarification from SC if it meant a ban on Raika grazing in KWLS that had previously been allowed by HC in 2003.</p>	
<p>April 2006</p>	<p>SC orders CEC and State Governments to file responses by 13th July in the above mentioned case. [MT5]</p>	
<p>4th August 2006</p>	<p>SC hears the case. The CEC prepares a report about Raika land holdings and livestock numbers, attributing all other village cattle also to the Raika. It argues for regulated grazing and assessment of carrying capacity of KWLS by Chief Wildlife Warden.</p>	
<p>August 2006</p>	<p>SC in the WWF case again raised the issue of settlement of rights. It said that the matter of completing the process of determination of rights and acquisition of land or right as contemplated by the Act in respect of some of the National Parks and Wildlife Sanctuaries has still not been completed despite lapse of so many years.</p>	

September 2006	The CWW and PCCF prepare report for determining carrying capacity of KWLS. The report recommends that grazing should not be allowed in KWLS In order to protect one of the last remains of Aravalli biodiversity.	
December 2006	FRA Bill passed by Parliament.	
October 2006	SC in the WWF case ordered that if responses to the determination and acquisition of rights from National Parks and Sanctuaries are not filed within three weeks, the court will proceed with to hear matters assuming that no response is to be filed.	
January 2007	FRA is enacted.	
January 2007	SC in the WWF case the NBWL to submit a report in six weeks on difficulties that state governments had expressed for finalisation of settlement of rights and relocation.	
September 2007	SC in the Godavarman Case with reference to the report of the CEC (A no. 548 in Writ Petition No. 202 of 1995) allowed for certain permitted activities in National Parks and Sanctuaries and disposed the IA. However, it did not say anything about how its order of 2000 was being interpreted by FD in various states and the matter remains pending.	
November 2007	SC in the WWF case, on receiving no response from NBWL, observed that several procedures were to be completed under the WLPA, before a National Park and Sanctuary could be declared, that a large number of people needed to be rehabilitated and that the NBWL should file a report about actions to be taken for completing requirements under Chap IV.	

July 2011	<p>In response to the SCs order on IA No. 548 in WP 202/95, IA No. 2637 in WP 202/1995 was filed by tribals from Kerala seeking modification of the order, with particular reference to extraction of NTFP from a WLS.</p> <p>The court passed an order granting a specific as well as general relief, and further directed that the tribal applicants would have access to the State Legal Services Authority if they so desire.</p> <p>‘Application is disposed of 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 decisions in accordance with law.’</p>	
November 2011	Intention to declare KWLS and TRWS as Kumbhalgarh National Park by State Government	
January and February 2012	Proclamations issued by Collectors of Pali, Rajasmand and Udaipur	
2012	<p>Rallies in Sadri against the declaration of the National Park.</p> <p>Many gram sabhas also send resolutions demanding implementation of the FRA and against the notification of the National Park.</p>	
10th September 2014	DC Pali, SDM, Desuri and ACF Sadri do spot verification of claims	
11th September 2014	DC Pali holds Public Hearing to dispose claims	
March 2015	DC Pali submits report of observations on the claims received.	
August 2016	SBWL Rajasthan deliberates on CWW’s proposal to declare KWLS as a tiger reserve.	

February 2019	News reports stating that FD finally set to declare KNP start appearing in Rajasthan.	
June 2019	News reports stating that KWLS to be developed as a Tiger Reserve appear in Rajasthan	
10 th February 2020	NTCA asks the CWW to investigate the possibility of developing KWLS as a TR	
June 2020	The draft ESZ notification for KWLS is published by the MoEFCC	
January 2020	NTCA and Rajya Sabha member from Dungarpur, Rajasthan, Mr Harsh Vardhan Singh proposed that Kumbhalgarh be developed into a Tiger Reserve.	
September 2020	13 gram sabhas send resolutions to the MoEFCC to make the ESZ process more democratic and inclusive.	
December 2020	NTCA asks Rajasthan State Government to forward a proposal to declare KWLS as a tiger reserve	
September 2021	A committee constituted by the NTCA to examine the feasibility of converting KWLS into a tiger reserve visits the KWLS.	