

The Making of a Tiger Reserve

A Study of the Process of Notification of
Tiger Reserves





CREDITS

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LIST OF ABBREVIATION

BNHS	Bombay Natural History Society
CWH	Critical Wildlife Habitat
CTH	Critical Tiger Habitat
FD	Forest Department
FoC	Future of Conservation
FRA	Forest Rights Act
FRC	Forest Rights Committee
MoEF- MoTA	Ministry of Environment and Forests-Ministry of Tribal Affairs
NBWL	National Board for Wildlife
NTCA	National Tiger Conservation Authority
OTFD	Other Traditional Forest Dwellers
RTI	Right to Information
SC	Scheduled Caste
SRO	Special Regulation Officer
ST	Scheduled Tribe
TATR	Tadoba-Andheri Tiger Reserve
TCP	Tiger Conservation Plan
TR	Tiger Reserve
VEDC	Village Eco-Development Committee
WLPA	Wildlife Protection Act



INTRODUCTION

There are myriad dimensions to the issue of tiger conservation. These include tiger tourism, forest-people interactions, poaching and timber mafia in forests, and the inroads built into tiger habitats by tourism and developmental projects. Among other concerns, the present approach to tiger conservation has drawn some criticism for its emphasis on marking out areas with a non-democratic process, and at times, without giving due recognition to pre-existing rights in these places. It has been deemed as illegal the existence of communities living within those areas for generations. Of late, there are some policies, programmes as well as legal provisions that aim at a more sympathetic, inclusive, and socially justified approach to conservation. Chief among these is a legislation passed in 2006, The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act (commonly known as the Forest Rights Act or FRA), which recognizes rights of use and management of community forest resources and customarily occupied land for traditional forest-dwelling communities.

However, there are many complexities in the implementation and on-ground interpretation of this Act. There continues to be a widespread violation of the FRA in tiger reserves concerning relocation and notification of cores and buffer areas. The method by which the critical tiger habitats and the buffers of many of the legally defined tiger reserves have been declared seems to have fallen short of the mandated process, causing serious concerns and raising significant questions on the 'science' of it all.

Within this context, a need is felt to consolidate information on the process being followed on-ground and the degree of compliance to the legal provisions concerning how Tiger Reserves are being declared. These include an attempt to understand:

1. Within the core/CTH, how is it being established that co-existence is not possible and that presence of residing communities is leading to irreversible damage?
2. What are the criteria and information being used to delineate boundaries or to impose any restrictions of use?
3. In what manner are consultations (if any) and consent of local *gram sabhas* being obtained?
4. How are options of coexistence being decided in the buffer?

METHODOLOGY

The methodology includes a review of available information and field visits to two Tiger Reserve sites, namely, Tadoba-Andhari Tiger Reserve (in October 2013) and Melghat Tiger Reserve (in August and September 2013). Information was collected from local NGOs Khoj-Melghat and Paryavaran Mitra, Chandrapur, and All India Forum for Forest Movements (AIFFM) all of which have long-term experience of working in those areas. For the overview and analysis, updates shared in FoC¹ consultations, discussion on CFR-LA and FoC google groups, information shared by members of FoC on email, statements, reports, newspaper articles, and submissions were studied.

LIMITATIONS

- The fieldwork conducted for the two case studies in this study was limited and the study was based more on inputs shared by other field-based organizations.
- The present report gives a glimpse of the situation and is inadequate for a more nuanced analysis of complexities.
- Being extremely limited in regional coverage, it does not cover the diversity of existing situations within tiger habitats in India.

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¹The Future of Conservation in India is “a network of ecological and social organizations and individuals committed to effective and equitable conservation of biodiversity. FoC is not an organization, but a forum where organizations and individuals can meet, dialogue, and take joint actions.” (<http://kalpavriksh.org/index.php/conservation-livelihoods1/networks/future-of-conservation.html>)



WHAT DOES THE LAW PROVIDE?

Two laws of direct relevance to the process of notification of a tiger reserve are Wildlife Protection Act (1972) and The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act (2006), briefly explained below.

Wildlife Protection Act (WLPA)

WLPA was enforced in the context of declining wildlife of India (and has a precedent in the Wildlife Protection Act of 1912 which had different provisions). The Act establishes six schedules, which include different species of wild animals and birds providing them with different levels of protection. It also prescribes conditions for declaring an area as a National Park or a Wildlife Sanctuary. Through subsequent amendments, other categories of 'protected areas' of Conservation Reserve, Community Reserve, and Tiger Reserve were also added. The Act puts restrictions on habitation, grazing, and the harvest of forest produce in these protected areas.

The 2006 amendment introduces the category of Tiger Reserve comprised a core (or a Critical Tiger Habitat) and a buffer. Tiger reserves are to be notified by the state government based on the recommendations of the National Tiger Conservation Authority (NTCA), an authority constituted by the amendment. Relocation from the critical tiger habitats of such reserves can only take place under specific conditions including prior informed consent from the concerned gram sabhas.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act

As per the preamble, the objective of the Act (commonly referred to as Forest Rights Act or FRA) is to 'recognize and vest forest rights and occupation in forest land in forest-dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.'

The Act recognizes thirteen types of individual and community rights of forest dwellers and provides for a process for the legalization of these rights by setting up committees at the *gram sabha* level, sub-divisional level, district level, and state level. It also provides that no modification of such rights can take place without a prior process of recognition.

CONSIDERATIONS DURING THE PROCESS OF NOTIFICATION OF A TIGER RESERVE AS PER WLPA

2.1.1 The process as per WLPA 2006 Amendment

Core/ CTH	Relocation	Buffer
<ul style="list-style-type: none">Establishing by scientific and objective criteria that such areas are required to be kept inviolate for the purpose of tiger conservation.Doing the above without affecting the rights of the Scheduled Tribes and other forest dwellers.Notification by the State Government in consultation with an expert committee constituted for this purpose.	<ul style="list-style-type: none">Completing the process of recognition, determination and acquisition of rights.Establishing by the State Government that reasonable options for coexistence are not possible, through Gram Sabha consent and in consultation with an independent ecological and social scientist.Taking informed consent of the concerned Gram Sabha and the affected families.Providing facilities and land allocation at the alternative site.	<ul style="list-style-type: none">Consisting of the area peripheral to the CTH or core area, where a lesser degree of habitat protection is required to ensure the integrity of the CTH with adequate dispersal for tiger species.Aimed at promoting coexistence between wildlife and human activity with due recognition of the livelihood, developmental, social, and cultural rights of the local people.Determining the limits on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an expert committee constituted for this purpose.

2.1.2. How does FRA influence this process?

From the preamble and Section 4(2) of FRA, it is clear that recognition of rights needs to be a precondition before modification of rights. Yet for practical purposes, the extent to which it can be implemented will vary, as per our interpretation, with the following three situations:

- Where the acquisition of rights has already taken place before recognition of rights through the FRA.
- Where a TR has been declared but the process of modification of rights is yet to take place.
- Where an area is planned to be declared as a TR.

<i>Where the acquisition of rights process in a TR has already taken place before recognition of rights through FRA</i>	As FRA is applicable on all forest land including protected areas, claiming and recognition process should still be implemented and right holders should have a bearing on decisions concerning conservation and management of community forest resources falling within the Tiger Reserve. Modification of rights that took place without prior recognition is a violation of FRA.
<i>Where a TR has been declared but the modification of rights process is yet to take place</i>	Not only is prior recognition of rights under FRA required before any modification, but where forest rights exist, the modification process itself needs to acknowledge the existence of the whole range of rights recognized under FRA, and have a democratic process where the knowledge and experience of present communities are used.
<i>Where an area is planned to be declared as a TR</i>	From the preamble and Section 5, it can be interpreted that communities are empowered to make decisions for the conservation and management of natural and cultural heritage. This will imply that where eligible right holders exist, there needs to be involvement and consent of communities right from the beginning of the process of declaration of a PA, rather than ‘recognition’ being a small disparate legally mandated component of the action plan for a PA.

2.1.3. Policy level issues and ambiguities

The ambiguous nature of some of the terms used for critical tiger habitats such as ‘irreversible damage’, ‘inviolable’, and ‘coexistence’, have been pointed out by the Joint MoEF-MoTA Committee in their 2010 report on FRA implementation (see box). Such ambiguity increases the chances of subjective interpretations, and at times, deliberate misinterpretations of the legislation. While one needs to be wary of too much rigidity in terms of definitions, some general principles guiding the use of each term will be useful so that on-ground interpretations do not subvert the meaning.

Concerns have been raised about the finalized relocation protocol labeled ‘protocol/guidelines for voluntary village relocation in notified core/critical tiger habitats of tiger reserves. The finalized protocol ignores many of the submitted comments of civil society including FoC. Importantly, rather than being a joint protocol on CTH notification and relocation from CTHs, the present protocol covers only issues related to relocation. While the protocol mentions that recognition of rights of STs and OTFDs should precede relocation, how such rights and their record in official documents will

be useful to the villagers in the place of relocation, is unclear. The guidelines also do not explain what happens where there is scope for coexistence.

Ambiguity in terms used

In Chapter 7 of the MoEF-MoTA Committee Report 2010, concerns were raised about the ambiguity of a few terms often used for tiger reserves (although there the reference was to CWH, but the terms discussed are also valid for CTHs):

Irreversible damage: ‘this would be very difficult to objectively determine. If irreversible damage does occur then it would be too late to take conservation action. This term does leave room for a lot of interpretation and has the potential to cause confusion, result in unwanted modification of rights or resettlement of people and cause negative ecological impacts on wildlife and their habitat which can otherwise be avoided.’

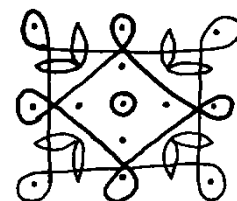
Coexistence: ‘Similarly the Act talks about ‘coexistence’ (Section 4(2)c) without defining it. This term is also subject to interpretation. How does one define and determine coexistence? And what about its temporal aspect: even if we can define and establish coexistence at a particular point in time, there is no guarantee that in the future this situation will continue. Human societies and wildlife ecology are dynamic and the equation and equilibrium between them are very likely to shift over the years.’

Inviolate: ‘Yet another example is ‘inviolate’, which commonly gets interpreted to mean ‘human-free’, leading to the presumption that relocation has to take place from all CWHs.’

In this regard, the FoC had recommended that it should be clarified - the term ‘inviolate’ does not mean only ‘no-use’ or ‘human-free’, but also includes ‘compatible uses’ that do not violate conservation objectives. This would help in the conservation of a larger area of wildlife habitat, given that in the Indian context, no-use areas would necessarily be few and mostly isolated fragments².

²See ‘Proposed Guidelines on Identification of Critical Tiger Habitats, Coexistence and Relocation related to Tiger Reserves (in pursuance of the WLP as amended in 2006)’, submitted in September 2007, by Ashoka Trust for Research in Ecology and the Environment (Bangalore), Council for Social Development (Delhi), Himal Prakriti (Munsiari), Kalpavriksh (Delhi/Pune), Samrakshan (Delhi), SHODH (Nagpur), Vasundhara (Bhubaneswar), Wildlife Conservation Trust (Rajkot), WWF-India (Delhi).

PROCESSES BEING FOLLOWED - AN OVERVIEW



This section gives an overview of the general trends in compliance to community-related provisions of FRA and WLPA 2006 in the notification of tiger reserves.

Tiger conservation in Indian policy is not a new issue of discussion. It was taken up as a priority issue by the Government of India strongly with Project Tiger in 1973 through the establishment of tiger reserves. The fervor fizzled out in the 1990s and picked up policy attention again in the 2000s with the extinction of tigers from Sariska Tiger Reserve leading to the setting of the Tiger Task Force³ to investigate the reduction in tiger numbers and suggest preventive measures. Their report, *Joining the Dots*, discussed the reasons behind increasing threats to tigers, and suggested some major legal reforms. In 2006, the Wildlife Protection Act, the Indian legislation on wildlife protection, was amended to include certain provisions specific to tiger conservation. Primary among these provisions were the inclusion of tiger reserve as a legal entity for conservation, comprised of critical tiger habitat and a buffer, and setting up of a National Tiger Conservation Authority.

As of 2021, 51 tiger reserves have been notified in the country covering 18 states. The number increased from 28 in 2006 to the current number. A comparison of The Management Effectiveness Evaluation reports by the NTCA indicates that the number of tigers increased from 1411 in 2006 to 1706 in 2010-11 and 2967 in 2018-19. The area occupancy showed a different image with the area decreasing from 94000 sq. km in 2006 to 82000 sq. km in 2010 and 88,985 in 2018. Out of 39 reserves evaluated in 2010, 15 were rated very good, 12 as good, 8 as satisfactory, and 4 rated poor. In the 2018 report, of the 50 reserves, 21 were rated very good, 18 were rated good and 11 were rated fair.

It is worth noting that in this evaluation, indicators such as livelihood support to local communities, stakeholder participation, the effectiveness of public participation, village relocation planning, and dissemination of information to the public were part of the bottom ten. This reflects a serious and persistent gap in our management strategies, which continue to ignore the significance of local communities in such measures.

³ Vide notification no.6 (4)/2005-PT dated April 19, 2005 by the Ministry of Environment and Forests

3.1. AT THE CORE

Hurried process, misguided rationale

The declaration of CTHs started with rushed notifications in 2007, arguably to create such areas before the implementation of FRA could begin. On 17 November 2007, the National Tiger Conservation Authority⁴ asked all the states to set up expert committees to 'finalize and delineate core or critical tiger habitats of tiger reserves within 10 days of the receipt of this letter.' All relevant states complied by sending in proposals for core or critical tiger habitats. As a result, of the total 45 CTHs notified to date, 31 were already notified by the end of 2007 with several of them notified on 31 December 2007. It is not a coincidence that this is just one day before the FRA rules were notified, on January 1, 2008. It should be clear from this that no proper scientific or consultative process would have been possible in such a rush.

A newspaper article⁵ by tiger expert and NBWL member Valmik Thapar who was involved with the above notifications of core or critical tiger habitats, also admits this:

'Declaration of cores was done in a rush to insulate our tiger areas against the Forest Rights Act (FRA), which came into being before the end of 2007... A new core had been created overnight with little basis in science. In Ranthambore, Kailadevi Sanctuary became a core critical habitat encompassing 595 sq km with one tiger, 25,000 people, 40,000 livestock, and 44 villages. This makes up 53 percent of Ranthambore's CTH.'

From the legal clarifications that have been since given, it is clear that FRA is applicable in all areas including CTH. Therefore, if the objective of this rushed process was 'to insulate areas against the Forest Rights Act, the objective is legally speaking, lost. Moreover, the process can be called counter-productive because it drew antipathy from several quarters such as the local communities and natural and social scientists for its cavalier approach towards tiger conservation.

Yet, subsequent implementation of FRA is in some CTHs being completely discouraged with claims orally or through writing rejected with the justification that the area has already been declared inviolate.

⁴vide its circular No. 1501/11/2007-PT (Part) to all relevant states

⁵Thapar V. 2012, 'Tourism did not kill the tiger', Indian Express, 29 August



Source: Illustration by Divya for K. Sambhav, 2011, 'Misguided Rules', *Down To Earth*, March 15

3.2. SUBSEQUENT NOTIFICATIONS AMIDST PROTESTS

The process of notification of most of the subsequent tiger reserves is not entirely clear, and there was no local involvement in the identification of these areas. As a result, tiger reserve notifications have continuously met with local opposition, protests, and passing of *gram sabha* resolutions refusing cognizance of tiger reserves as such. Such protests have been seen in Sathyamangalam Tiger Reserve in Tamil Nadu, Kawal Wildlife Sanctuary in Andhra Pradesh, and BiligiriRangaswamy Temple Wildlife Sanctuary in Karnataka.

3.3. CARELESS RELOCATION

In practical experience, the process of prior recognition of rights before modification is not being followed. At best, a certificate from the Collector is being attached saying that settlement of rights process required under FRA is complete. This is not the same as the village undergoing the process of constituting FRC, filing claims, getting titles, etc. This non-compliance may be because of a lack of clarity at the interface of recognition of rights under FRA and modification process under WLP/ IFA.



Ambadiha relocation site for Simlipal Tiger Reserve, photograph by Ashish Kothari

Despite the legal provisions and the CTH relocation protocol delineating a step-by-step process, a survey carried out in 2011 by Kalpavriksh along with local CSOs in four tiger reserves (Simlipal Tiger Reserve in Odisha, Sariska Tiger Reserve in Rajasthan, Melghat Tiger Reserve in Maharashtra, and Achanakmar Tiger Reserve in Chhattisgarh) found that legal requirements for creating CTH or for relocation (even as per these flawed guidelines) were not carried out in these⁶.

Even the official NTCA relocation committee reports reveal violations in the process (as presented in Table 1).

⁶[Kalpavriksh 2011, Recognition of rights and relocation in relation to critical tiger habitats.](#)

Table 1

Legal Requirement	Relevant Provisions	Relocation Issues/ Violations
Prior recognition of rights	Section 38V(5)(i) of WLPA	No rights recognition happening
Documentary evidence of 'irreversible damage' and coexistence is not possible	38V(5)ii and iii of the WLPA	No reports of evidence/ basis used for establishing this
Informed consent from <i>gram sabha</i>	Section 38V(5)v of the WLPA	Mostly individual consent, no evidence of ' <i>gram sabha</i> consent' and 'informed' consent
Compensatory package	38V(5)iv of WLPA, a protocol for relocation from CTHs	Land option and compensation for actual assets not made available, Inconsistencies in package, Exclusion from lists
Stable livelihood and basic facilities in rehabilitated villages	38V(5)iv of WLPA	Insufficient water facilities leading to scarcity for drinking and irrigation

The table shows how the modification is being done without prior recognition of rights, *gram sabha* consent, documentary evidence of irreversible damage and coexistence not being possible, with inconsistencies in relocation package and lack of post-relocation monitoring. These issues, apart from raising serious questions on social justice aspects of our official conservation efforts, also contribute to the increased antipathy of local communities to official conservation efforts.

3.4. BUFFERING

As of the latest tiger estimation report of 2018, a total buffer area of 30686.98 sq km has been notified for 50 tiger reserves. The notification of buffers has been a contentious issue since these add more area into the effective tiger reserve and often include private lands, without there being a common understanding of the implications of the notifications on the existing land use. For the majority of the tiger reserves notified until 2012, some initial buffer notifications took place in 2010, and many more

were notified hurriedly in 2012 as a by-product of the proceedings of the tiger tourism case.

The tiger tourism case and more buffers

In the proceedings of the Ajay Dubey vs. NTCA case, it was brought to the notice of the Court that buffer areas around many critical tiger habitats had not been notified. On 24 July 2012, an interim order was passed ordering a temporary ban on tourism in Tiger Reserves, also directing all states to notify buffer areas for their Tiger Reserves within three weeks, and warning that failure to do so would invite initiation of contempt proceedings. Apart from raising a debate on tiger tourism, the interim interventions led to protests⁷ because of the danger of its leading to arbitrary circumvention of legally mandated procedures of *gram sabha* consultations, and of demarcation of areas where communities exercise various livelihood rights, including in revenue villages. Special Leave Petition on this matter of buffer notification has been filed by Kalpavriksh but is yet to be heard. In this regard, 2 NTCA members also wrote to NTCA in August 2012 expressing their concern and urging that the NTCA also lets the SC know of the inordinate haste with which states are notifying buffer zones without consultations and consent thus defeating the purpose.

As had been apprehended, the states once again scampered upon orders and large buffer areas of many tiger reserves were notified without due procedures. For instance, the CTH and buffer of three Tiger Reserves (Anamalai, Kalakad-Mundanthurai, and Mudumalai) have been notified in Tamil Nadu on 13 August 2012, the buffer areas of these three Tiger Reserves include or affect 314 villages, and it is clear that no consultation with the *gram sabhas* of these villages, as required under Section 38V (4) ii, could have been held in the short period in which the notification took place.

There are similar reports from Sariska Tiger Reserve in Rajasthan, Nandapha Tiger Reserve and Pakke Tiger Reserve in Arunachal Pradesh, and NagarjunasagarSrisailem Tiger Reserve in Andhra Pradesh. Cursory *gram sabhas* were held in a fraction of the total villages, rather than involving all affected villages.

It should be noted that most buffers notified include large tracts of non-forest land, including revenue village land, private land, and other revenue lands. For instance, the Bandipur Tiger Reserve buffer has 465.79 sq km of the revenue village area and only 118.27 sq km of notified forest area. Bhadra Tiger Reserve buffer has 134.33 sq km of notified forest area, 63.51 sq km of other forest areas, and 373.99 sq km of private and another revenue area.

⁷'Supreme Court's Order on Tiger Reserve Buffers Encourages Illegalities', Press Release by Future of Conservation Network, August 13, 2012

<http://www.fra.org.in/New/document/Buffer%20area%20SC%20order,%20press%20release,%2013.8.pdf>

As per WLPA 2006, notification of buffers requires consideration of livelihood, developmental, social, and cultural rights, which, since FRA had come to force, would require recognition of rights process under FRA to be completed before any such assessment. Yet, all buffers have been recognized without there being a completion of the rights recognition process in any of those.

No existence of Coexistence

As a part of the Ajay Dubey vs NTCA case, MoEF was instructed on 29 August 2012 to prepare guidelines for conservation and management of core areas, buffer areas, and tourism in Tiger Reserves. Two members of the committee (constituted in September) had submitted notes of dissent to the MoEF on the grounds that the guidelines do not adequately deal with the subject of coexistence, the implications of buffer notification on resident communities and the detailed process to be followed in such notification. Their pleas remain ignored. Guidelines on coexistence must be framed as ensuring coexistence has been stated in section 38v(4)(ii) of WLPA as one of the main objectives of establishing buffer zones.

3.5. MANAGEMENT

Management of Tiger Reserves remains a top-down affair with little transparency. The Tiger Conservation Plan of many tiger reserves is either not finalized or is kept stored away from the public domain. According to the NTCA website⁸, as of 2020, 35 of 50 tiger conservation plans have been approved by the authority, with no status on the remaining 15, and only one of the tiger conservation plans, that of Nameri Tiger Reserve in Assam, was available for public access.

Despite FRA, local communities, even where they have recognition of CFR rights, have no say in the management of the tiger reserve. In BRT Tiger Reserve, which was one of the first tiger reserves to receive recognition of rights, there have been few attempts by the State to recognize the community's role in management, or in envisioning the landscape as a mosaic of Community Forest Resource areas. The buffer in BRT was notified without the involvement of local communities.

⁸<https://ntca.gov.in/tiger-reserves/#tiger%20conservation%20plan>

3.6. WHERE ARE WE NOW?

While villages falling within CTH are being treated as slated for relocation, tourism is being allowed in the cores (in the name of ecotourism). This raises questions on what is being defined as inviolate.

There is also a continuing absence of detailed/site-specific scientific studies establishing the area as a CTH. Independent research in tiger reserves becomes difficult because the access of researchers and civil society organizations to tiger Reserves is being curtailed by stringent conditions and penalties. In such a situation, the authenticity of information about the on-ground scenario in many such areas (about issues such as rights recognition, relocation procedures, participation of *gram sabhas* in forest governance, etc.) is unclear and based on media reports, which are at times giving contradictory information.

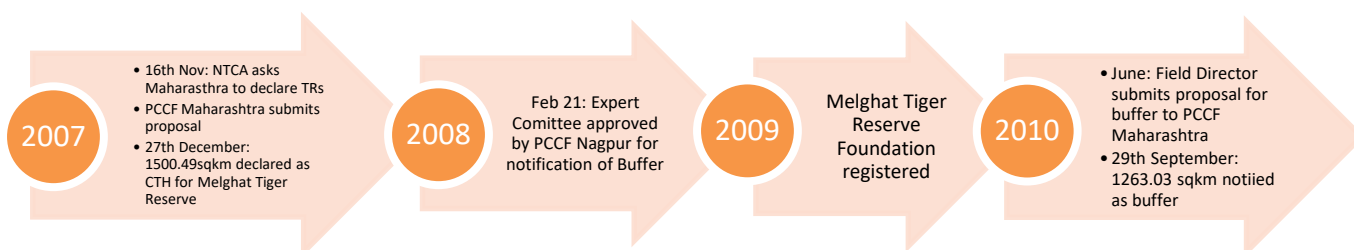
Because of the track record of how things have been happening, there is resentment among locals about conservation attempts, each action of PA authorities that becomes public attracting protests and opposition. In the midst of these, declarations of newer areas as tiger reserves continue, repeating many of the same mistakes as the ones before them. There is a continuing lack of clarity and on-ground conflict because of different positions on rights and offenses by different stakeholders.

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CASE STUDY I: MELGHAT TIGER RESERVE

The Melghat forests are situated in the Satpuda hills of central India in the Vidarbha region of Maharashtra. The area is a southern tropical dry deciduous type of forest. Apart from being host to a rich diversity of wildlife, the region is also home to a diversity of communities such as Korkus, Gonds, Gawlis, Balai, Halbi, Wanjari, Nihals, Burads, and Rathiya⁹.

Melghat is among the first nine project tiger reserves, declared in 1974. After WLPA 2006 amendment, the Critical Tiger Habitat was notified in 2007, followed by the notification of a buffer in 2010. At present, the notified core and the buffer of the tiger reserve together cover a total area of 2768.52 sq km spanning over the districts of Amravati, Akola, and Buldhana. At the time of their notifications, the core and the buffer had 22 and 118 villages respectively. This study is regarding the process followed in the notifications of the Critical Tiger Habitat and the buffer, with a focus on the implications of the notifications on the people living in this protected area.



⁹ Pande P and Pathak N, 2005, National Parks and Sanctuaries in Maharashtra-Reference Guide, Volume 2, Bombay Natural History Society (BNHS)

4.1. NOTIFICATION OF THE CRITICAL TIGER HABITAT

4.1.1. Nature of the area (in terms of legal category) comprising the CTH

The core was notified out of areas of Gugamal National Park (GNP) and 4 sanctuaries (Melghat, Ambabarwa, Wan, and Narnala). With the 2007 notification, in effect, the inviolate area increased from 361.28 sq km to a CTH area of 1500.49 sq km (see box 1).

Once an area is declared inviolate, many forest-related activities of residing people become more liable to curtailment. It should be noted that in sanctuaries there is a lesser degree of restrictions on human use of the landscape than there would be in an area declared an inviolate CTH. Moreover, the CTH notification even includes the non-forest area within Melghat, Wan, and Ambarwa sanctuaries, which had been left out earlier when the sanctuaries were notified. The implications of this inclusion of non-forest area (where earlier not even the restrictions of sanctuaries were present) into an inviolate notification are unclear.

Box 1: Quadrupling inviolate area through the CTH notification

In the area defined in the 1970s as a tiger reserve, only the area under GNP (361.28 sq km) was the 'core', and the area of 767.36 sq km forest and 21.39 sq km non-forest which formed the Melghat sanctuary was the buffer and tourism zone. There has been a restriction in Melghat sanctuary on bamboo harvesting since 1987, and on a collection of tendu leaves since 1991. Three villages from the sanctuary were rehabilitated in 2000 to Akot tahsil of Akola district, but 19 villages remain within the sanctuary. The area falling outside the GNP and Melghat sanctuary with 39 villages was the multiple-use area (469.75 sq km forest and 57.15 sq km non-forest). The three sanctuaries of Ambabarwa, Wan, and Narnala were also not included under the tiger reserve before the notification of CTH. Ambabarwa and Wan Sanctuary have three villages each with the sanctuary area for Ambabarwa including cultivation and *abadi* lands (inhabited areas) of three ex-forest villages and sanctuary areas for Wan including cultivation and *gaothan* area of seven ex-forest villages.

4.1.2. Criteria for determining the limits of the area under the present core

As per the provisions, scientific and objective criteria need to be used for establishing the core of a tiger reserve. The criteria used for Melghat are unclear as the proposal was not available for study. The consideration of a population of 20 tigresses needing an inviolate area of 800-1200 sq km has been mentioned in the proposal for buffer as well as the tiger conservation plan and can be assumed to have had a bearing on determining the core.

It is clear that all the existing notified protected areas (one national park and four sanctuaries) were wholly included within the CTH. It can thus be assumed that the prior legal status of the area as a protected area was the main basis of demarcation.

4.1.3. Ensuring that rights of Scheduled Tribes and other forest dwellers are not affected while establishing the core

As the notification of a CTH itself lends the area to have a specific kind of management plan which is enforced and pushed for, such notification itself leads to modification of rights, and under Section 4(2) of FRA would require prior recognition of rights. It is uncertain how it could be ensured that the notification of Melghat Tiger Reserve CTH did not affect the rights of STs and other traditional forest dwellers. At the time of notification of the CTH, 22 villages were located within its boundaries. Yet, there was no participation of villagers in the decision-making process for declaring the area as a core. While the FRA rules had not yet come to force at the time of notification of the CTH, the Act detailing its provisions had already been passed in 2006. Yet there was no consideration given to the Act, the rights it recognizes, or the provision 4(2) which mentions that any modification requires prior recognition of rights.

Since then, however, there has been limited implementation of FRA in Melghat. The official TCP gives some information on the status of the claims received till August 2011 (from 2009 onwards) in a table format (replicated below). The table does not provide information on whether the claims are filed for land under cultivation/occupation or community forest resource, whether these claims are for the area within CTH or in the buffer, why the rights have not been recognized, and what is the level at which the claims are pending (SDLC or DLC). Signs of progress were shown after 2016, when Rahu village, in the northern fringes of the Tiger Reserve was had their CFR claims legally recognized giving them control over 1300 ha land and in conjunction with the Panchayat Extension to Scheduled Areas (PESA) 1996, gave them ownership over 4500

ha of forests¹⁰. Another village, Madzizadap had its CFR claims over 3000 ha land recognized in 2019 after their claims were rejected five times between 2011 and 2016. Madzizadap falls in the notified core area of the Melghat Wildlife Sanctuary which is part of the core area of the Tiger Reserve¹¹.

Name of the division	Eligible claims	Forest land involved (ha.)
Sipna	300	522.76
Gugamal	32	66.016
Akot	95	155.977

As per an NTCA document (annexure of an NTCA meeting, made available on December 24, 2010), 28 villages within the CTH were planned to be relocated and a relocation plan for 16 villages has been submitted.

Up to 2021, 6 villages have been resettled with a collector certificate stating that the FRA process has been followed. While no relocation is taking place without consent from the relocating family, recognition of rights, as such, has not been completed in any of the villages in the CTH. Of the villages remaining within the CTH, 6-8 have filed CFR claims, which are pending. In June 2013, there was a rejection of a CFR claim from Madizadap village by SDLC citing the reason that rights are extinguished as the area falls under a sanctuary and was subsequently notified as a CTH¹².

To quote Kumara Bhagwati Sawalkar, who was staying in a village situated in the CTH, 'There were more livelihoods within village before TR was declared. We are considering relocation because of encouragement by FD but would like there to be the same conditions in the relocated sites as here. The village is divided. Some are interested in forest protection. Others have limited dependence on forest produce. Many people migrate out for labor. Govt schemes for welfare like Gharkul Yojana have stopped being implemented because they say the relocation process is ongoing. This is a problem for all, but especially for the ones who were intending to stay back.' It is thus clear that rights are being affected by the establishment of the core because of the constant passive pressure of relocation, whereas not all villagers may have been interested in being relocated (detailed notes on relocation are presented further on in the note).

¹⁰<http://vikalpsangam.org/article/how-forest-rights-made-this-maharashtra-village-atmanirbhar/#.X8eikGgzaMp>

¹¹<https://timesofindia.indiatimes.com/city/nagpur/grant-of-cfr-in-melghat-tiger-reserve-in-contravention-to-rules-says-dycf/articleshow/72374319.cms>

¹² Letter dated June 5, 2013 by SDLC, Dharni, received by Gram Sabha on November 15, 2013.

4.2. NOTIFICATION OF BUFFER

A buffer area of 1268.03 sq. km (920.65 sq. km forest, 347.38 sq km non-forest area) was notified in 2010.

Name of Division	Reserve Forest Area (ha.)	Non-forest area (ha.)	Total area (ha.)	No. of villages
Sipna Wildlife Division MTR	31879.96	3622.14	35502.10	25
Gugamal Wildlife Division MTR	15261.13	2092.96	17354.09	14
West Melghat Division	22046.62	2337.46	24384.08	12
East Melghat Division Chikhaldhara	17508.85	4807.98	22316.83	23
Akola Forest Division	1932.43	15967.48	17899.91	35
Buldhana Forest Division	3436.50	5910.16	9346.66	09
Total	92065.49	34738.18	126803.67	118

4.2.1. Determining the limits of the area under the buffer and the scientific and objective criteria used

As per the official proposal for notifying the buffer area of Melghat.

The basis for identification of buffer - 'field exercise in January 2010 during carnivore sign survey and habitat monitoring, and taking into consideration the continuity of forest water bodies available in the area, villages in the locality, and the probable effect on the protection of core areas from illegal activities.

The following reasons were given in the proposal:

- The area is geographically located in the periphery to the core area of the Melghat Tiger Reserve.
- In 118 villages, the human population is 64318 and the cattle population is 30582, most of which has been co-existing with wildlife for many years.

- These villagers are regularly employed by the Melghat Tiger Reserve management for protection and wildlife-related activities.
- For grazing and other daily requirements, these villagers are dependent on surrounding forests.
- Consultations with the villagers show their consent in most of the villages.
- During the field exercise for monitoring the habitat of tigers, co-predators, and ungulates in January 2010, the carnivore signs were noticed in these areas.
- Proposed areas of the Akola and Buldhana division are included to strengthen the protection status of the core.
- The presence of administrative machinery of the Melghat Tiger Reserve in cooperation with respective forest divisions would be able to manage the proposed buffer as per the prescriptions for wildlife management.

4.2.2. Consultation with *gram sabhas* for determining the area under the buffer

As per the proposal for notifying buffer area of Melghat Tiger Reserve:

Out of the total 118 villages, 39 coming under Multiple Use Area since 1994 were already under the buffer zone. Consultation with these villages as well as with other newly identified villages was carried out. The majority of villages have agreed to the formation of the buffer zone. Seven villages are deserted, so no consultation was necessary.

Field observations in buffer area:

No minutes of such consultations are available in the public domain or were made available through RTI applications.

A few interviews in the buffer area reveal that there is little clarity among villages about the concept of buffer and core.

In the village of Navalgaon, which falls in the buffer, CFR titles have been granted but the compartment numbers mentioned correspond to agricultural land, instead of the forest land.

4.3. RELOCATION

Status of relocation (how many villages have been relocated after notification of TR, how many are partially relocated, and how many are slated for relocation)

Whether the process of recognition, determination, and acquisition of rights was completed?

Before the CTH notification, three villages were within the inviolate core of the project tiger reserve, namely Bori, Koha, and Kund, and were rehabilitated in 2001-2003 at Rajurgirwapur in Akot Tahsil of Akola District (See box for name of villages and number of families relocated).

Name of Village	No. of families relocated	Remarks on Relocation
Bori	19 families	Relocated in 2001-02
Koha	39 families	Relocated in 2002-03
Kund	34 families	
Vairat	37 families	The relocation process began in 2003 but was not completed. The process was resumed and completed in 2009.
Churni	33 families	
Pastalai	82 families	The village was proposed for relocation in 2003 along with Vairat and Churni but the families refused to move out. There has been constant pressure from FD on removing the village from the TR.
Dhargad	141 families	Relocated in 2011-12 opting monetary compensation (Option 1)
Barukheda	237 families	
Gullarghat	158 families	Relocated in 2012-13 opting monetary compensation (Option 1)
Amona	79 families	Relocated in 2010-11 opting monetary compensation (Option 1)
Nagartas	66 families	
Somathana (bk)	176 families	Relocated in 2013-14 opting monetary compensation (Option 1)
Somathana (kh)	248 families	

Kelapani	287 families	Relocated in 2015, families opting monetary compensation (Option 1)
Rohinkhindi	600 families	Relocated in 2017

Since the 2007 notification, the relocation process is ongoing in many of the villages falling under CTH, with around 13 families having been relocated. At the same time, it is also clear that some relocated villages like Vairat had indeed filed claims under FRA before relocation, but there were no titles prepared or distributed for the village. Both the TCP and the available village-level relocation plan¹³ acknowledge that claims under FRA need to be settled first. However, there is no evidence of the process has taken place for any of the villages relocated after FRA came into force (See below box for official information and field observations on the status of claims). In some cases, there is, however, a certificate issued specifying that the FRA process has been followed.

What is questionable is whether such certificates are sufficient for the recognition of rights envisioned and detailed under FRA, which has a process of *gram sabha* doing detailed listing and mapping of their rights, filing for claims, and getting titles from DLC. The certificates merely obscure the situation of how the existing rights are taken cognizance of during relocation. The question of how the rights get translated and what do the rights mean in the site of relocation linger. This becomes an important point both for the continuation of rights for the relocated people and the pre-existing rights of people living in and around the site of relocation.

Field observations in Melghat reveal that grazing rights exercised in CTH village Churni could not be exercised in relocation sites of Narsala and Ghatladki, forcing them to start buying fodder (even though they had asked for grazing rights during meetings regarding relocation, there is no grazing land available). The relocation is often accompanied by a shift in lifestyle (pastoralism to agriculture), which not many can adapt to. For lack of grazing options, people need to sell most of their livestock even though livestock forms an important component of life and culture of most of these resident communities, especially the pastoral Gawlis. Besides, the relocation itself can intrude over the rights of the people already existing in the relocation site as has happened in Ghatladki where relocation has led to inter-village conflict over customary access and allotted land.

¹³ The village relocation plan for Dhargad was available for the study

RTI information	In a response to an RTI query on whether the process of recognition, determination, and acquisition of rights is complete, it was reported on 24.12.2010 that proposals of relocation for 16 villages were submitted to NTCA on 28 January 2009. For 5 villages (Dhargad, Pili, Amona, Nagartas, and Barukheda) out of these 16, no cases of claims under the Forest Rights Act had been received till 14.12.2010. For the remaining villages, it was specified that 'claims have been received and process of recognition and determination of rights is going on. The certificate of these villages will be submitted as and when this process is complete.'
Khoj-Melghat	Although some villages within the CTH have filed claims under FRA, there has been an oral rejection of the claims filed in CTH citing the SC order stating that all rights are extinguished in a CTH. A CFR claim in village Madizadap falling under Melghat CTH was rejected by SDLC on 5 June 2013 citing a letter from Assistant Conservator of Forest dated 16.12.2011 saying that rights were extinguished in 1994 (even though villagers had attached grazing passes from 2007 along with the claim). In 2019, Madizadap finally had their CFR claims recognized over 3000 ha land.

4.3.1. The state government establishes that coexistence is not possible and irreversible damage in consultation with *gram sabha* and an independent ecological and social scientist

There is no study on coexistence or irreversible damage. A study on positive relocation impact on the ecosystem by Kishore Rithe has been cited in the TCP. The study assesses the biological impact of resettlement mainly based on the large line transect data collected by MTR staff during 2006 and 2010 from Bori, Koha, and Kund. It records the highest carnivore and herbivore signs in the shifted area and says that eight years after the resettlement of villages, the ecology at the resettled sites has been restored and started showing the outcome of the biological process in the absence of anthropogenic pressures. In his report, Kishore Rithe concludes that the relocation of three villages has had a positive biological impact on the conservation of tigers and tiger prey. The study says that future resettlement of the remaining villages from the core of the disturbed Melghat Sanctuary should be encouraged and expected that it would show similar benefits for tiger conservation in Melghat Tiger Reserve.

An overview of the conducted study reveals that the site selection may have been biased towards drawing certain conclusions. The study itself admits that some of the disturbed sites were ridgetops or plateaus where one would expect species diversity to be below. This is because these are sites where probably there is more incidence of sunlight and

drier conditions, enabling only those species that have favorable adaptations to survive. The undisturbed sites may be under a better-layered canopy with more ecological niches. A comprehensive analysis of the study would require more details (eg. how closely were the ecological indicators of disturbance monitored for both categories? where are the vegetation plots in undisturbed sites for a robust comparison? Were they put in the same time of the year?). Such details were not available in the TCP.

4.3.2. Taking informed consent of concerned *gram sabha* and affected families

As per the response of NTCA on December 24, 2010, to an RTI seeking information on consent: 'Yes, at the time of identification of the families, the consent letter from the head of the family was received in presence of senior members of the village. The villagers were explained the various options of relocation. They consented to relocate and chose option 1 or option 2 willingly'¹⁴. At the same time, there have been reports of people being made to sign on consent forms without knowing whether it was for cash or land package as well as neglect of resolutions passed by villages against relocation¹⁵.

There is no documentary evidence of *gram sabha* consent and it was clear from field observations and interviews that instead consent is mainly being obtained at the household level. Once a substantial number of families moves out, pressure is put upon the remaining households in subtle ways to relocate. The whole exercise of obtaining consent seems to create an illusion of choice whereas it is induced rather than voluntary relocation.

¹⁴ Option 1 and 2 refer to the options of cash compensation and land relocation as specified in the CTH relocation protocol.

¹⁵Kalpavriksh 2010, Recognition of rights and relocation in relation to Critical Tiger Habitats

Relocation- induced, not voluntary

No plans where no consent: If there was an actual option of staying back, it would be easy to know what the government plans are where there is dissent? For instance, in Churni, 5 families were recorded as being unwilling to relocate but the plan merely stressed continuing attempts to make them relocate voluntarily. In a village called Raipur in the CTH which is to be relocated, govt. schemes for welfare like Gharkul Yojana have allegedly stopped being implemented because the relocation process is ongoing.

It is important to understand what controls consent? This question was asked to Manohar Raghujikhadke who had been relocated to Narsala in 2012 (part relocation had taken place in 2011). He said that there were problems in the core village because of restrictions on access and use of forest produce, and lack of basic facilities of health and education. If the village was allowed to have these amenities and if their daily activities of forest use and grazing were not treated as 'illegal', it is quite possible that most families would have strongly resisted relocation.

Consent through division

Ganesh VitthalKhadke of Churni (relocated to Ghatladki) feels that there is a division between people that was created with the onset of the relocation discussions. Some people wanted to stay and some wanted to move. The implementing agencies can be well-aware of such differences of opinion and can exploit these to their benefit. For instance, a senior Forest official in Melghat Tiger Reserve disclosed, 'We are given a relocation plan for 18 villages and we have to follow it. At the same time, no relocation can take place without consent, which makes it tricky. The only way to do it is to first divide the village and get the agreeing half to move. The reluctant ones will then follow. Simultaneously, break their social network with neighboring villages. No village can survive too long as a stand-alone.'

Boratakheda village of CTH, which has not yet been relocated, is also divided into two parts. One wants to go, the other does not. According to a resident of Boratakheda, "People who have govt. service rather than forest-dependent livelihoods want to go, 75% don't want to go but a few of the literate ones who are more vocal speak out and say that the village will move."

There may be different reasons among those who do not want to move. Examples are:

Ramesh Basoom of village Raipur present in the core, 'It cannot be said for sure that the forests will be protected through relocation. They may just further degrade. And this is our *janambhoomi* (birthplace). The water of the plains will be hard for us to adjust to.'

According to one resident of Boratakheda, 'When we move out, we will lose our identity and social network. If there is an accident and I am lying unconscious on the road in a new village, nobody will pick me up and bring me back home as they do here.'

Such voices and concerns need to be heard and acknowledged.

4.3.3. Identification of people for resettlement

Has resettlement or alternatives package been prepared to fulfill the needs of affected people?

Have facilities and land allocation been provided at the alternative site?

As per the official response obtained through RTI, the survey of families for preparation of village relocation plan was done jointly by Forest Department, Revenue Department, Zila Parishad in presence of Sarpanch, Police Patil, etc, after prior notice to the villagers. The cut-off date for the identification of families was fixed as 31st July 2008

There is a time gap between the identification of families (which happened in 2008) and actual relocation which started in 2010 and is still incomplete in most villages. This leads to exclusion of several youth villagers who become older than 18 in the gap period and thereby claim a separate family package at the time of relocation. Because of this, in the relocation site of Ghatladki, one major issue is the allocation of land inappropriate for cultivation to around 40 people most of whom were minor when the initial lists were made, but had turned 18 by the time of relocation. These persons were made to sign a resolution: 'I got my land by lottery and will not request any change in allotment'. An example is Babu GobajiShaniware who lives in a rundown shack. He had no money for house construction as the money given (Rs.70000) was sunk in the construction of a well and has not been retrieved. The land that has been allotted to him for agriculture is between two *naalas* and the access road of another village runs through it. There was a scuffle (*maaramaari*) with persons from the other village. Consequently, he has been unable to engage in agriculture and has resorted to labor.

4.3.4. Facilities as a part of the relocation package

At the relocation site of Ghatladki (where mainly Churni folks have been relocated), wells are a source of irrigation and water, gas is the source of fuel. They have to buy fodder. There is a school up to Standard 4 and an ICDS *Anganwadi*. *Tur, moong, urad, jowar*, cotton, paddy, and soybean are grown.

It should however be noted that though such a relocation process serves as a model, it is not followed throughout, whereas a significant part of the overall relocation from the CTH may be carried out completely or more irresponsibly. There is a difference in the kind of packages offered in different villages. There are also cases when certain villages are only offered a cash compensation package, with the land relocation option not being made available.

Not all villagers were satisfied with the relocation package implemented but because of the slow trickling out of people from the village, the remaining people had to move. There are still cases where relocation is incomplete because of some families refusing to

move. An example is Mahadeo, Sarpanch of Churni village, who demands complete valuation of his house and property and is continuing to stay inside the village alone while others have moved out.

According to some, there were inadequate facilities at the relocation site. As per Kalavati Namdeo Rao Khadke, *Anganwadi* worker, Narsala, 'there were poor facilities in school, with people having to live like dogs. No school provided as part of relocation and some people signed on a resolution giving consent to this relocation because they are rich and can access the school in the city but the poor face the brunt of this relocation.'

4.4.5. Shift in the ways of living

Relocated villager, Ganesh Vitthal Khadke, feels that 'the environment and atmosphere here are different from the one in Churni. Ideally, we would have liked the same atmosphere but still had to move because there were too many restrictions in the Tiger Reserve.'

In the relocation site Narsala (where villagers from Churni and Vairat have been shifted) there has been a shift from a predominantly livestock-dependent livelihood to an agriculture-dependent livelihood. The villagers now grow soybean and *jowar*.

Opinion about relocation and quality of life after relocation was diverse. According to Manohar Raghuji Khadke and Saumitra Devi of Narsala (Vairat), *aamdani* (income) has doubled but *kharcha* (expenses) also doubled. In Vairat, hundred rupees used to stay inside their pocket for 8 days, here 500 rupees get spent in a day or two. They have had to sell their buffaloes because of a lack of fodder here. They also feel that diseases have increased since relocation. Still, there are some positive things about relocation: better access to development facilities like schools and roads, no fear of wild animals, and no water scarcity so better irrigation. Some persons also raised the issue of non-recognition of grazing rights after relocation. Fodder has to be bought except in cases of people with a lot of land. There is also inter-village conflict over customary access and allotted land (as cited earlier in the case of Babu Gobaji Shaniware).

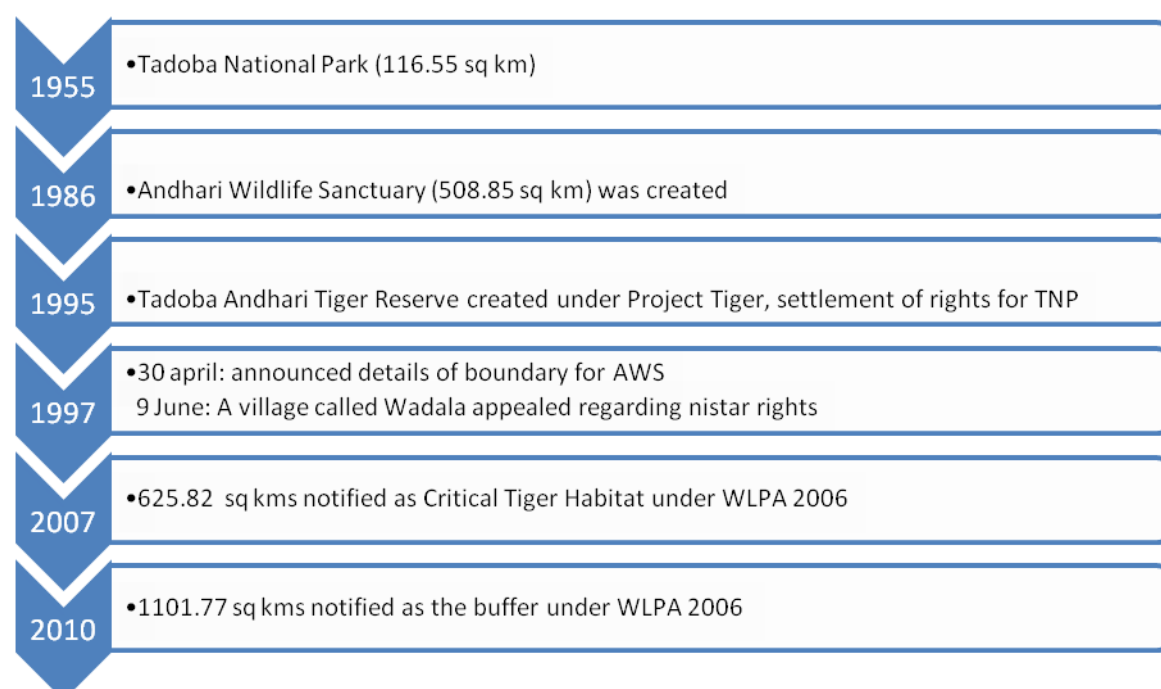
Overall, the relocation process has been inconsistent and has impacted the lives and livelihoods of the people in ways that may have far-reaching consequences. By dislocation of villages into smaller, far-flung sections, has in some ways changed the social fabric. At the same time, there is barely any accessible means for the villagers to seek support once the relocation has taken place.

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CASE STUDY 2: TADoba- ANDHERI TIGER RESERVE

Tadoba-Andhari Tiger Reserve (TATR) lies in the Chandrapur district of Maharashtra and has Southern tropical dry deciduous teak forests. The main floral species in the area are teak, *ain*, *bija*, *dhauda*, *haldu*, *salai*, *semal*, *tendu*, and bamboo. The main fauna is the tiger, leopard, sloth bear, *gaur*, *ratel*, Indian mouse deer, rusty-spotted cat, spotted deer, sambar, four-horned antelope, wild dog, flying squirrel, and boar.

The Tiger Reserve, created under Project Tiger in 1995, included Tadoba National Park as the core and Andhari Wildlife Sanctuary, as the buffer. However, over time, the area under protection has slowly increased. At present around 625.82 sq km comes under a declared critical tiger habitat and 1101.77 sq km under buffer, making it the second-largest tiger reserve in India. It has an estimated tiger population of 65 in the core and buffer areas according to a 2012 study¹⁶. Of the 7 villages in the core area, 5 have been relocated and 2 villages continue to exist inside the CTH, with 79 villages inside the buffer, in Chandrapur and Brahmapuri *tehsils*.



¹⁶<http://timesofindia.indiatimes.com/city/nagpur/Tadoba-Andhari-Tiger-Reserve-tiger-census-enters-final-phase/articleshow/29374745.cms>

5.1. SETTLEMENT OF RIGHTS PROCESSES BEFORE NOTIFICATION OF CTH

For settlement of rights in a National Park or a sanctuary, procedures prescribed in the WLPA 1972 are supposed to be followed. The core of the Project Tiger Reserve was the Tadoba National Park. The final settlement of rights from this was carried out sometime in 1995 and villages that were located inside were relocated.

A Collector was appointed to look into rights and concessions in Andhari Wildlife Sanctuary. The Collector, through his letter of 1988, had appointed SDO Warora as a special regulation officer (SRO) for this purpose. On April 30, 1997, the SRO issued a notice under Section 21 announcing details of boundary and announcing that anyone affected by this decision or who has asked for an inquiry into his rights should petition in 60 days. There is no information in the public domain of the final settlement of rights. However, it is known that one of the villages in the buffer, Wadala, filed an appeal on June 9, 1997, objecting to the inclusion of certain parts into the buffer stating that they had nistar rights over the area. To this, there was no response from the authorities to the village members¹⁷.

Thus, at the time of notification of the tiger reserves, the on-ground rights regime was already unclear because of problems in the process of settlement of rights in the National Park and the Sanctuary.

5.2. PROCESS OF CTH NOTIFICATION

5.2.1. Nature of the area (in terms of legal category) comprising the CTH

On 27 December 2007, 625.82 sq km TATR was declared as 'Critical Tiger habitat'. This notification included Andhari Wildlife Sanctuary (previously the 'buffer') as a part of the inviolate CTH or core¹⁸.

¹⁷ Records supporting this are being kept by Shankar Bardhe, Paryavaran Mitra, who lives in the village of Wadala.

¹⁸ Vide notification number WLP 10-07/CR 297/F-1 dated 27 December 2007

5.2.2. Criteria for determining the limits of the area under the present core

As the TCP for TATR was not available, criteria for determining limits of the area are unclear, but it seems that the previously protected areas with differing degrees of protection (Tadoba National Park and Andhari Wildlife Sanctuary) were included as a part of the inviolate CTH or core.

5.2.3. Ensuring that rights of Scheduled Tribes and other forest dwellers are not affected while establishing the core

It is uncertain how it could be ensured that the notification of the CTH did not affect the rights of STs and other traditional forest dwellers. The notification increased the 'inviolate' area by more than five times. Thus, by including an area with residing villages into a classification that is legally termed as inviolate, the CTH notification in itself led to the modification of rights. Yet, before notification, the villages falling under the area were neither informed nor was their consent sought.

Since its notification as a CTH, there has been a severe restriction on staying in the core and consistent efforts at relocation. Although only five villages are directly present, the CFR area of many other villages falls under the CTH. No grazing is allowed in the CTH now. Additionally, the Tadoba temple has been an old sacred space for many of the resident's people. Access to the site was curtailed after the notification of the CTH. This access has been allowed again recently for the villages which filed for recognition of CFR rights.

Owing to misinformation about the non-applicability of FRA in the core, individual as well as community claims are almost absent in most of the villages. A part of Rantalodhi and Palasgaon have been interested in filing CFR claims but have been struggling to move ahead with the process.

There is a Special Tiger Protection Force for ensuring that illegal activities in forests, especially related to tiger conservation, should not take place. Villagers feel that there could be more local involvement in such a force, rather than employing persons from outside. There is also a question of what does 'inviolate' mean, and for whom? While all the present villages are being relocated from CTH, tourism-related activities continue, with a cement paved road being built in the core of Tadoba for the safety of tourists¹⁹.

¹⁹ Times of India 2013, 'Paved road in Tadoba raises eyebrows', October 18, <http://timesofindia.indiatimes.com/city/nagpur/Paved-road-in-Tadoba-raises-eyebrows/articleshow/24306933.cms>

5.3. PROCESS OF BUFFER NOTIFICATION

5.3.1. Determining the limits of the area under the buffer and the scientific and objective criteria used

Reportedly, the initially proposed buffer (proposed on August 14, 2007) around Tadoba included 133 villages, with a 1153.94 sq km area, including forested land of 69,099 hectares and non-forested land of 46,295 hectares. After initiating the process of creating a buffer around the TATR, a special committee under the principal chief conservator of forests had on April 24, 2009, cleared a proposal and sent it for ratification to the Ministry. A buffer area comprising an area of 976.26 sq. km. was notified by the Government of Maharashtra²⁰ on 22nd August 2012 and later on an area of 125.51 sq. km. under the management of the forest Development Corporation of Maharashtra, West Chanda was added through a resolution²¹ by the Government of Maharashtra dated June 13, 2014, bringing the total buffer area to 1101.77 sq. km.

5.3.2. Consultation with *gram sabha* for determining the area under the buffer

A field visit by SHODH in 2012 to some of the villages that fall in the buffer zone brought out that many of the villages that fall under the buffer did not know of the notification. *Gram sabha* consultations before notification were held only in a few villages. Villages like Mohadi, Jamsala, Wasera, Singadzari were not even aware of any consultations organized by the forest department in this regard, which is mandatory.

The notification of the buffer was amidst local opposition²². In response to information sought under the Right to Information (RTI) Act regarding the *gram sabha* meetings for declaration of buffer, the TATR field office has provided resolutions of 12-gram panchayats, all of which indicate their unwillingness to be included in the buffer area in 2008. In 2008 the range forest officer (RFO) in Chichpalli had reportedly held consultations with villages like Pahami, Zari, and Peth to find if the villagers were willing for relocations after the area was declared as a buffer. The villagers had refused to accept the proposition²³. Villages like Mamla, Vaygaon, NimbadaChak, and Walni

²⁰ Vide notification number WLP-2012/CR-256/F-1

²¹ Vide resolution number FDC 2013/CN No. 63/F-5

²² <<http://www.dnaindia.com/india/report-maharashtra-finally-notifies-buffer-zone-around-tadoba-tiger-reserve-1379161>>

²³ Ghate R 2013, An update on the implementation of the FRA in the TadobaAndhari TR, PA Update, February, 101, Kalpavriksh

were emphatic about their unwillingness to be included in the buffer area (the unwillingness was endorsed by the *gram sabha*).

The resolution, of a village situated in Chimur taluk in Warora subdivision of Chandrapur district, reasons that inclusion in the buffer may lead to restrictions on the exercise of their forest rights such as NTFP collection, grazing, access to sacred sites, and social gathering sites, and would also lead to discontinuation of compensation for livestock depredation and crop damage by wild animals. According to Shankar Bharde of Paryavaran Mitra, 72 of the 79 villages refused to be included in the buffer. Only two villages consented, and the remaining were doubtful. During a field visit in 2013, villagers of Sitaram Peth were asked about the reasons for villages rejecting the buffer. They explained that in the consultation that took place 3-4 years ago, although they were told that the declaration would lead to no bans, they still refused because they did not/could not believe what the officials said. Such local inference of a buffer notification being necessarily a hindrance to local livelihoods is a serious concern and needs to be understood based on the history of implications of official notifications on local people (also see Main Findings).

Yet, amidst local opposition, the buffer area was notified, with little information given to the villagers of what implications it would have on them. There was also no intimation given to local people regarding the final notification of the buffer, of which they only came to know through newspapers.

5.3.3. Promoting coexistence between wildlife and human activity with due recognition of the livelihood, developmental, social, and cultural rights of the local people.

In the summer of 2012, gates were put up at the buffer, and restrictions were imposed on the collection of NTFPs like *mahua*, bamboo, and firewood²⁴. Increased occurrences of cattle depredation have been reported by the visited buffer villages of Wadala and Ghosri and are linked, by some, to the buffer notification. Such incidences exacerbate human-wildlife conflict and have become one of the reasons for local opposition to buffers. The compensation amount for livestock loss is much lesser than the actual cost of livestock, while the process for asking for compensation involves a lot of paperwork, medical expenses, the investigation into each such incident by a government committee, a *panchanama*, and several other procedures during which officials ask for bribes.

²⁴ Reported in FoC Consultation on FRA and PAs, 11-12 August 2012, New Delhi

As per newspaper reports and interviews with forest officials, notification of buffers has also led to more inflow of funds for village development programmes. A village eco-development programme in some of the villages has been ongoing even before the notification of the village²⁵. The funds usually go to an Eco development committee. Field visits however indicate that not all villages feel content with being passive recipients of a development scheme and would like a more active role in deciding what village activities the funds are used for. From the village of Wadala, which had also filed for CFRs, it was reported that the present VEDC (Village Eco-Development Committee), constituted two years ago, is making decisions regarding what activities can be undertaken without consultation with the full *Gram Sabha*. Because of this, it was felt that many proposed activities/products such as sound-amplifying systems for public events under the scheme do not directly correspond to the needs of the village, while many other potential activities are required for conservation and livelihoods are being ignored.

Unfair rejection of a CFR claim

Wadala-Tukum village, located on the western boundary of the Tadoba National Park, filed a CFR claim in January 2013. Notices were sent to concerned departments (including FD) for joint verification, but FD did not come so no joint verification of CFR boundaries could take place.

The claim has been rejected by SDLC in March 2013 giving the following reasons:

- Wadala village lies on the border of Tadoba Andhari Tiger reserve in the buffer zone.
- The area claimed under CFR rights falls under the Tadoba Andhari Tiger Reserve and any human activity in the area is liable to irreversibly affect wildlife, exacerbate man-animal conflict (since cattle grazing will be carried out and the area claimed under CFR has many natural water bodies which host wild animal populations, especially carnivores, all year round) and interfere with the main objective of the Tiger Reserve, i.e., to protect and conserve the tiger and its habitat.

This was information received through RTIs.

On 3.5.2013, *Gram Sabha* appealed to DLC regarding this decision, on the following grounds:

- Rejection is in violation of FRA, so the rationale is illegal

²⁵ As per the project tiger website, ecocodevelopment programmes are going on in 10 villages situated on the periphery of the Reserve. Individuals of the 6 villages of Andhari Sanctuary are engaged on a rotational basis for 3 months as a part of the patrolling forces for curbing illegal activities (3 village youth).

- They are not in accordance with the ground situation, without support, onesided
- There have been some special provisions for buffer management, in the official management document, which were not considered before rejection
- The village has a letter from the collector allowing them a continuation of nistar rights.
-

On 8.5.2013, a show-cause notice was issued by the Collector to SDO/SDM. In response, the SDM has forwarded the same note of rejection to the collector. On 17.10.2013, *Gram Sabha* has written once again to the collector to work on the appeal and pass the CFR claim. At the time of writing this paper, there is still no progress on receiving recognition of CFR rights in Wadala. Forest official, Gajendra Narwane, Deputy Director (buffer) for TATR, says that Wadala does not fall in buffer, falls in territorial division.

Meanwhile, the process of recognition of community rights in the buffer is meeting many challenges. The project office of the Tribal Development Department, which is mainly responsible for disseminating information regarding individual and community rights under FRA, reportedly, conducted only a few workshops on FRA in the region. This has resulted in the filing of only a small number of individual claims and even fewer community claims from the villages in the buffer area²⁶. Among these, while some individual claims under FRA have been granted in some villages in the buffer area, none of the community claims have been accepted²⁷. The process of filing CFR claims in the buffer is being facilitated by Paryavaran Mitra. The process began with claims being filed for Wadala in January 2013. Subsequently, CFR claims for Ghosri and Sitaram Peth (650 ha.) have been filed. While the claim for Wadala has been rejected by SDLC on unfair grounds (see box), the other two are awaiting a response. However, as mentioned earlier, since the time of filing claims, their access to the sacred sites within the TATR has been given back to them.

²⁶Ghate R 2013, An update on the implementation of the FRA in the TadobaAndhari TR, PA Update, February, 101, Kalpavriksh

²⁷ Reported in FoC consultation on FRA and PAs, 11-12 August 2012. New Delhi

5.4. RELOCATION

At the time of notification, 6 villages Botezari, Kolsa, Jamni, Ramdegi, Rantalodhi, and Palasgaon existed within the CTH. The first phase of the relocation process began with the relocation of the Kolsa and Botezari villages. In 2007, nearly 79 families of Botezari village and 49 families of Kolsa village were relocated to Bhagwanpur village. The remaining 97 families in Kolsa village refused to move and remained within the Tiger Reserve. In the second phase of relocation, the villages of Jamni and Ramdegi were relocated from the Reserve. Around 200 families of the Ramdegi village were relocated in 2013²⁸ and 222 families from Jamni village were relocated in 2014. Out of the 222 families, 108 families opted for the cash package of INR 10 lakh, and the rest 114 families opted for the second package as per the National Tiger Conservation Authority (NTCA) guidelines for relocation from a tiger reserve²⁹. The relocation of Palasgaon village from the Tiger Reserve was completed in July 2019³⁰.

As of 2020, Rantalodhi is now the only remaining village in the core, which has also been proposed for relocation with land diversion process for their rehabilitation already having been begun through the Deputy Director of the Tiger Reserve³¹. Officials of TATR have mentioned that all the claims of the five villages located inside the reserve were settled and that FRA is not applicable for these villages as the area has already been declared as 'inviolable'³². It is not clear how non-applicability of FRA was assumed, or how claims were settled. However, due to the unfavorable terms of the relocation process and non-settlement of rights, around 97 families from Kolsa refused to relocate in 2007 when the process for their relocation was carried out. The families have time and again asked for their rights to be recognized while the administration has continued to apply pressure to the families to relocate. The situation has often become tense with

²⁸<https://www.landconflictwatch.org/conflicts/village-residents-allege-forecefull-relocation-from-tadoba-tiger-reserve-in-maharashtra>

²⁹<https://www.thehindubusinessline.com/economy/policy/tiger-conservation-maharashtra-villagers-get-first-instalment-of-rehab-package/article20403336.ece1#>

³⁰<https://timesofindia.indiatimes.com/city/nagpur/palasgaon-relocated-out-of-tadoba-core/articleshow/70353479.cms>

³¹ Proposal for land diversion no. – FP/MH/REHAB/39365/2019-ranthlodhi

³²Ghate R 2013, An update on the implementation of the FRA in the TadobaAndhari TR, PA Update, February, 101, Kalpavriksh

the officials resorting to illegal arrests of community activists who have voiced their opinions against their relocation³³.



Rehabilitation from Tadoba-Andheri Tiger Reserve 2012. Source- Ashish Kothari

Several issues have been reported about the relocation.

In 2009, 19 rehabilitated families moved back to the original site and staged demonstrations regarding the poor rehabilitation conditions³⁴. Some of the protesting families were reportedly arrested for this³⁵.

- Fieldwork of November 2013 revealed that villagers of Jamni have been moved out but the alternate land provided to them overlaps with the land where nistar rights of another village are being exercised because of which people of Jamni were living in shacks.
- There was also an issue of conflicts within villagers of Navalgaon since part relocation had been carried out with INR 1 lakh package, and part with INR10 lakh package.



Anti eviction notice in Tadoba. Source: Ashish Kothari

³³ <https://www.downtoearth.org.in/news/village-in-tadoba-andhari-reserve-wants-forest-titles-not-relocation-35555>

³⁴ <http://www.dnaindia.com/mumbai/report-19-rehabilitated-families-return-to-tadoba-1258711>

³⁵ Reported on 23-24 June 2010 in an FoC consultation in Delhi

How villagers have been forced to move in the name of voluntary relocation - Kolsa village

On December 15, 2011, Sarang Dhabekar, an activist and part of the Vidharbha Jungalwasi Adhikar Bachao Sanghathan (VJABS) was called to the Chimur police station in Chandrapur district where he was handed a notice summoning him to the Ramnagar police station. He was subsequently detained along with two other villagers from Kolsa village and cases were filed against them under Sections 110, 353, 506, 504, and 34 of the Code of Criminal Procedure (CrPC); they were kept in custody for three days without being informed about the reasons for arrest. On receiving bail, it came to their knowledge that the arrest was made in relation to activities that had happened three months earlier on September 19, 2011.

According to local sources, on the evening of September 18, 2011, forest officials had asked the people of Kolsa village to hold a meeting regarding the relocation of the village from the Tadoba-Andheri Tiger Reserve. The villagers requested the forest officials that the meeting be held the next morning but it was met with refusal. It was then that, police complaints were lodged against some villagers on grounds of interference with government-related work. The Forest Rights Act and Wildlife Protection Act state that relocation processes can only work after an agreement with the *gram sabha*.

In another instance, the villagers confirmed that the forest officials attempted to play divide and rule tactics to lure some families to relocate. It began with four families from the village who were convinced individually to relocate. This came after 49 families were relocated in 2007, however, the rest of the 97 families refused to relocate.

The fact that the relocation process in Kolsa in 2007 was not successful goes to show that the prior consent of the communities had not been taken. Section 38 V 5 (v) of the Wildlife Protection Act states that the free informed consent of the communities to relocation needs to take place for the processes to be carried forward. The question arises that if rules had been adhered to by the forest officials, why did only half the village relocate? There have been no studies to prove that coexistence was not possible, which is required under Section 4 (c) of FRA. This has been proven wrong by the fact that the remaining 97 families are remaining in coexistence with wildlife in the Tiger Reserve. Another violation of the relocation process as stipulated under Section 4 (a) of FRA is that the settlement of rights process has not been completed. This reveals the socio-economic problems that the villagers have to face in addition to being removed from their homes in the name of voluntary relocation.

CASE STUDY 3:

UNDERSTANDING THE TIGER CONSERVATION PLAN

It is legally required for each tiger reserve to have a Tiger Conservation Plan (WLPA, 38V(3)) for proper management of the area.

The provisions mention the following specific requirements for the TCP, relevant to local communities:

- While preparing the TCP, the **agricultural, livelihood, developmental, and other interests of people living within the forests need to be ensured** (Section 38(v)(4))
- Such a plan needs to talk about **ecologically compatible land uses** in the tiger reserves and the areas linking one protected area or tiger reserve with another for addressing the livelihood concerns of local people to provide dispersal habitats and corridor for a spill-over population of wild animals from the designated core areas of tiger reserves or tiger breeding habitats within other Protected Areas.

METHODOLOGY

This section is based on a study of the Melghat Tiger Conservation Plan for Critical Tiger Habitat, January 2013. The TCP for Melghat is not easily available to people outside the Forest Department. On an interview with the CCF, we were able to access the TCP for the core area but the TCP for a buffer, if existing, has not been shared despite repeated requests.

The TCP was reviewed with the following questions in mind:

- Does the tiger conservation plan include features for ensuring livelihood, developmental and other interests of people living within the forests?
- Does the tiger conservation plan talk about ecologically compatible land uses in the tiger reserves and the areas linking one protected area or tiger reserve with another for addressing the livelihood concerns of local people to provide dispersal habitats and corridor for a spill-over population of wild animals from the designated core areas of tiger reserves or tiger breeding habitats within other protected areas?

OBSERVATIONS

Overall, the review revealed the following

Agricultural issues

The plan nowhere talks about taking any steps towards promoting, supporting, or facilitating environment-friendly agriculture or protecting existing agrobiodiversity.

Even though the impact of pesticide poisoning on water sources is mentioned, there is no talk about attempts at promoting and revitalizing organic agriculture. Besides, even the acknowledged issue of pesticide poisoning is not included in the assessment of the major threats to the reserve (on page 51 of the TCP).

Our existing local agrobiodiversity is severely under threat because of shifts in the agricultural pattern. Concerns regarding loss of existing agrobiodiversity and associated loss of local knowledge and management practices are nowhere acknowledged in the TCP.

Livelihoods

The approach towards supporting livelihoods lacks appreciation of existing means of forest-dependent livelihoods and focuses primarily on the conventional approach of employment in tourism and construction programmes.

The dependence on forests for grazing and firewood is acknowledged but there is all effort to completely eliminate this demand. There is little effort to explore what may be the compatible levels of human use. For supporting livelihoods, there is only some mention of involving people as employees in tourism and as laborers under construction programmes. Even in the activities carried out under 'ecotourism' there is very little attempt at involving the local communities in managing homestays or village level resorts for empowering them to use it as a source of livelihood.

Traditional Knowledge

The link between conservation and traditional ecological knowledge or the value of the forest as a learning space for local people is completely absent.

It is interesting that while talking about the significance of the area for conservation, 'indigenous korku' is mentioned as an explanation and as the best example of 'sustainable living in the vicinity of the forests'. It also says that the tribal population of work, nihals, and gaolis have valuable 'indigenous ethnobotanical knowledge' and 'a diverse and rich cultural heritage. This becomes a contradiction when in their strategies, there are few coexistence plans within the official documentation and the primary focus is on steadily relocating the entire population. The plan mentions that the

area is important 'from a medicinal plant conservation point of view' yet the strategies for conservation have little attempts at understanding the traditional and local knowledge about medicinal plants. While forests are living spaces and learning spaces for the local communities, while talking about recreation and education, the focus is again on tourism and outsiders.

Rights or Crimes?

Even though the plan is fairly recent, there is no mention of FRA when it comes to allowing forest resource use for subsistence

It should be noted that the 'resource dependence' section in the TCP claims that rights of ownership over NTFP under PESA do not include rights in national parks and sanctuaries as per a circular dated 29/12/1997 since 'extraction of NTFP's are based on the nature of settlement and the rights that are admitted as also the requirement of wildlife management as provided in the Wildlife (Protection) Act, 1972'. It goes on to say any rights previously granted are 'stayed' as per the 2000 Supreme Court order and the 2002 clarificatory circular. This becomes a concern because even if the rights-scenario under PESA may be unclear, rights under FRA clearly include protected areas, and previous processes of settlement of rights cannot be considered sufficient as these formed a part of the historic injustice referred to within the preamble of the Act. Therefore, by mentioning previous inhibitory regulations and neglecting FRA altogether, the TCP does not deal with the rights regime accurately or justifiably.

Grazing and NTFP collection are mentioned as problems that need to be dealt with. The focus is to remove this pressure by shifting people to alternate livelihood generation activities such as road repair, construction of loose boulder structures, etc. However, it is felt by many that the bias towards shifting people away from forest-based livelihoods may not always work in the favor of conservation or livelihoods. It is also mentioned that FRA has encouraged encroachment and the conservation-related provisions of the Act have not been implemented. As per our understanding, this is caused not by the Act but by the abuse of the Act and a highly flawed interpretation of the Act. Yet there is no acknowledgment of the official or State's role in this process or any suggested corrective measures to ensure proper implementation.

Contradictions about an 'Inviolable' Area

The plan admits that there is no study of correlation of tiger population with biotic pressures such as human use and cattle grazing, yet seems to base the entire plan on the assumption that it is the local human use of forest resources and grazing that needs to be curtailed for the tiger species to be conserved.

For future management, the area of CTH has been divided into three zones: the national parks/ sanctuaries protection zone, the sanctuaries eco-restoration zone, and the eco-tourism zone. In the first of these, which is supposed to be the most inviolate while local activities such as grazing and NTFP collection are completely prohibited to make it free

of human disturbances, operations such as *nalla* bunding, meadow development, and coupe felling of trees (such as teak, *palas*, *haldu*, eucalyptus, *dhawda*, *ain*, and other non-fodder species) are planned to be undertaken.

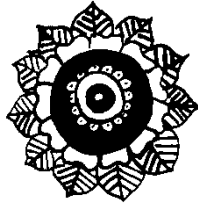
In the restrictions to be imposed in this zone (regarding the entry of people grazing), there is no discussion on how FRA may interact with IFA to change the prohibitions and permissions. These points in the management of the zone show that the Forest Department (FD) sees no contradiction between WLPA offenses and FRA rights and considers these all as penalties and illegal activities. This is different from our interpretation of the Act, according to which continuation of customary access and resource use rights is not illegal simply because of the 2000 judgment and needs to be viewed under FRA.

CONCLUDING POINTS

The observations mentioned above point to a continuation of an official approach towards tiger conservation which

- Neglects local forest use and local ecological knowledge. Consequentially, it is unable to come up with livelihood strategies that would try to reconcile conservation objectives with livelihood needs in a manner sensitive to existing relationships.
- Does not address agricultural issues of the need for organic agriculture and for supporting agrobiodiversity for the overall conservation of the ecosystem.
- Has contradictions in its approach of treating the CTH as an inviolate area. If indeed it is to be interpreted as a no-use and no-intervention zone, works such as coupe felling and tourism should not be allowed. Instead, these are a substantial component of the management strategy.
- Turns a blind eye to the change in rights regime because of FRA and continues to treat forest use within the CTH as illegal.

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MAIN FINDINGS

There is a huge inconsistency in on-ground interpretations of the legal provisions for notifying a Tiger Reserve. While there are many spaces within the law for better reconciliation of conservation and livelihoods, there is little attempt or intention to consider FRA or Section 38(V) of Wildlife Protection Amendment Act 2006 in the process of notification of tiger reserves in a meaningful manner.

From the previous sections, the following things are evident

7.1. NOTIFICATION OF CRITICAL TIGER HABITATS DOES NOT FOLLOW REQUIRED PROCESSES AND LEADS TO MODIFICATION OF RIGHTS

Notification of an area as CTH in itself is a modification of rights, as it increases the 'inviolate' area (in the examples studied, the area increased by 4-5 times). Yet, no processes of consent or consultation are being followed at the time of notification of CTH, only at the time of relocation. These notifications have been in violation of the Wildlife (Protection) Act, 1972 (as amended in 2006) and Forest Right Act, 2006. The mandated procedure of using scientific and objective criteria, exploring first possibilities of coexistence and prior rights recognition seems to be crudely ignored and bypassed. The timeframe usually being followed makes a mockery of the legally required process. It is apparent that neither the critical tiger habitats have been demarcated based on any "case by case scientific study" as required by Section 38V(4) of the Wild Life (Protection) Act nor have the concerned forest dwellers been consulted, or their consent has taken on this demarcation, and no attempts have been made to assess possibilities of coexistence with the local communities.

The process started with the rushed notifications of several core/critical tiger habitats in 2007 and continues to date. Most of the present official plans ignore this illegality of the initial CTH notifications itself and grant that legitimacy!

7.2. INADEQUATELY SENSITIVE APPROACH TOWARDS RELOCATION, MANY UNRESOLVED ISSUES IN THE PROCESS

Problems with the present relocation processes are multifaceted:

Undoubtedly the present process of relocation is illegal. While no relocation is taking place without consent from the relocating family, recognition of rights, as such is not being completed in any of the villages in the CTH before relocation. Defense/rationale given by the Forest Department³⁶ for not completing FRA procedures before relocation includes that FRA processes are under MoTA and not MoEF, that it is not their fault that the villagers have not filed for rights recognition, that the department is time-bound by the Project Tiger plans to create inviolate CTHs, and that all relocation is purely voluntary. Such defense statements do not justify willful negligence, absence of due diligence, and non-application of mind evident in these cases, on the part of the Forest Department.

The relocation needs to be understood as mostly induced rather than voluntary since a collection of strategies have been used to give them a 'Your-days-are-numbered-here' feeling to pressurize them to move³⁷. These strategies include disruption of social networks (admitted as a strategy by an FD official himself), penalizing access of road, discontinuing the issuance of ration cards, or threats that they should take the cash fast before the well of monies dry up and before the government starts using other strategies to move them out.

Rarely ever is consent taken at the *gram sabha* level before initiating the relocation process. The general practice has been to first take consent from a few willing families, and once the whole slow process of getting the village to move is over, obtain a certificate specifying *gram sabha* consent.

The present relocation schemes disrupt the property inheritance customs of the villagers (in relocation, only sons above 18 years of age get a separate compensation package, while the minor sons are included with the father).

In many cases, the very different physical environment of the relocation site also leads to an abrupt shift in livelihood patterns, which many cannot cope with. Also, in many cases of relocation, there has been a consequent ambiguity over rights in the relocation

³⁶As per an interview with the DFO of Sariska Tiger Reserve on 4th January 2012

³⁷ Elaborated in the Melghat Tiger Reserve case study

sites causing conflicts with the existing villages. A particular concern related to this is the lack of constant monitoring and follow-up after relocation has taken place.

The decisions of relocation can be labeled as neither coerced nor voluntary as these become compromise states carefully or rashly calculated by different individuals for themselves and their families. These decisions of moving and staying cannot be in any case removed from the history of a protected area, which has for decades treated the residents as 'slated for relocation' or obstacles in the path of conservation. Nor can the decisions be removed from the future the people envision for themselves, which would ideally hold lesser restrictions on agriculture, more connectivity, and more land under ownership. Yet to be able to move towards a more democratic model of conservation and governance, it becomes important that such decisions are based on a knowledge of the various available options and more importantly, knowledge of the implications of their decisions.

7.3. COEXISTENCE ENVISIONED IN BUFFER NOT HAPPENING

As per WLPA 2006, buffers are areas aimed at 'promoting coexistence between Wildlife and human activity with due recognition of the livelihood, developmental, social and cultural rights of the local people.

The areas that were previously considered as 'buffers' under Project Tiger have now been included in the notified Core/Critical Tiger Habitat' leading to notification of additional large patches of forest/non-forest land including agricultural and revenue land 'buffers'. These buffers have a significant human population. For encouraging coexistence, the whole process of including village lands in a new conservation regime needs to be more democratic and consultative, taking on board the various issues and learnings from residing communities. That such processes are not being followed at present is evident:

- i. On the ground, the process of buffer notification has been rushed, without any existence of guidelines on coexistence, without determination of 'livelihood, developmental, social and cultural rights' and little evidence of meaningful consultation with all affected *gram sabhas*. Even where there are some namesake consultations, there is no clarity on how cognizance of their response is taking place.
- ii. In the post notification scenario, rejections of CFR claims and misinformation of non-applicability of the recognition of rights process continue. The only recorded CFR titles in a Tiger Reserve (except BRT) are being recognized in the non-national park, non-sanctuary part of the buffer rather than seeing as the whole of the buffer as a space for coexistence.
- iii. Far from encouraging local communities to formulate their plans, management of buffers continues to have the patronizing approach of considering resident

communities as 'targets' or beneficiaries on which externally designed programmes and plans need to be imposed.

7.4. CONTINUED NEGLECT OF LOCAL COMMUNITIES, INCREASING APATHY TO OFFICIAL CONSERVATION EFFORTS

The data shows that the primary focus so far has been in carrying out relocation and restrictions rather than exploring the possibilities of coexistence. While there is a protocol on relocation from CTHs, there are still no guidelines on the delineation of CTHs, which could include exploring possibilities of coexistence in CTHs.

In such a situation, local protests against Tiger Reserve declarations are³⁸ outcomes of not having a comprehensive plan for coexistence and failure in holding appropriate consultations with the concerned *gram sabha* communicating to them the benefits, costs, and role of rights modification for conservation. Such protests or opposition needs to be understood within the history of implications of conservation policy on forest dwellers' well-being.

Although 'participation' and 'social dimension' within conservation have become popular words, there is no effective participation in decision-making. There needs to be a special focus on exploring how coexistence can be achieved through the active involvement of local communities in the process of making a conservation plan.

7.5. WAY FORWARD

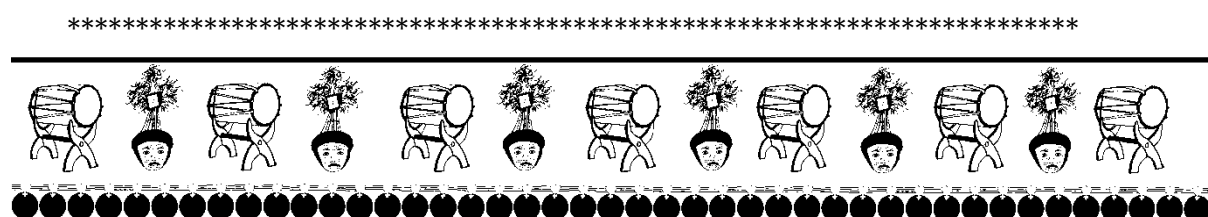
Overall, it is evident that the step-by-step process described under WLPA for establishing a tiger reserve and carrying out relocation was not followed with due diligence. On the contrary, it has been considered, primarily, as a procedural encumbrance. Insufficient acknowledgment is given to the existing relationships of the communities residing in these areas for decades and centuries with their surrounding forests and with each other. With such continued neglect of local communities, as well as disregard of the letter and spirit of FRA, our present model of conservation fails to achieve social justice. At the same time, it also loses out on building upon the wealth of

³⁸ Example: The *gram sabha* resolution from a TATR village rejecting creation of the protected area or the protests against declaration of Sathyamangalam Tiger Reserve in Tamil Nadu.

local knowledge and management practices that could help in more effective conservation.

The powers of the *gram sabha* in decision-making regarding activities that influence forest conservation and management, and their natural and cultural heritage need to be fully recognized. Consent and participation should not be mere buzzwords as identification, demarcation, and governance of Tiger Reserves have serious implications on the life and livelihoods of millions of people living in and around these reserves, their statutory rights, as well as on conservation. It is important that consultations with local people are not cursory; they are a process of active engagement and respecting their opinions. In particular, such consultations need to be carried out with full *gram sabhas* (with prior information on the date of the consultation as well as the matter to be discussed in the local language), and not just with a few members of the Panchayat or randomly chosen people. A transparent monitoring mechanism needs to be in place to ensure that valid issues raised by *gram sabhas* or individual villagers are not ignored or overruled.

The need for strong measures for tiger conservation would be best served by bringing on board traditional and local communities who have been living in these habitats for generations, including their knowledge, experience, and expertise. Both modern and traditional knowledge need to be included from the beginning of the process. This will require viewing tiger conservation at a landscape level and taking into account *in an integrated manner* the critical issues of recognition and settlement of rights, coexistence, development and livelihood needs of the local people, conservation and management by the local people, and relocation. Such a knowledge-based and democratic process of conservation will also align with what is envisaged and legally mandated under the WLPA amendment 2006 and FRA 2006.





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