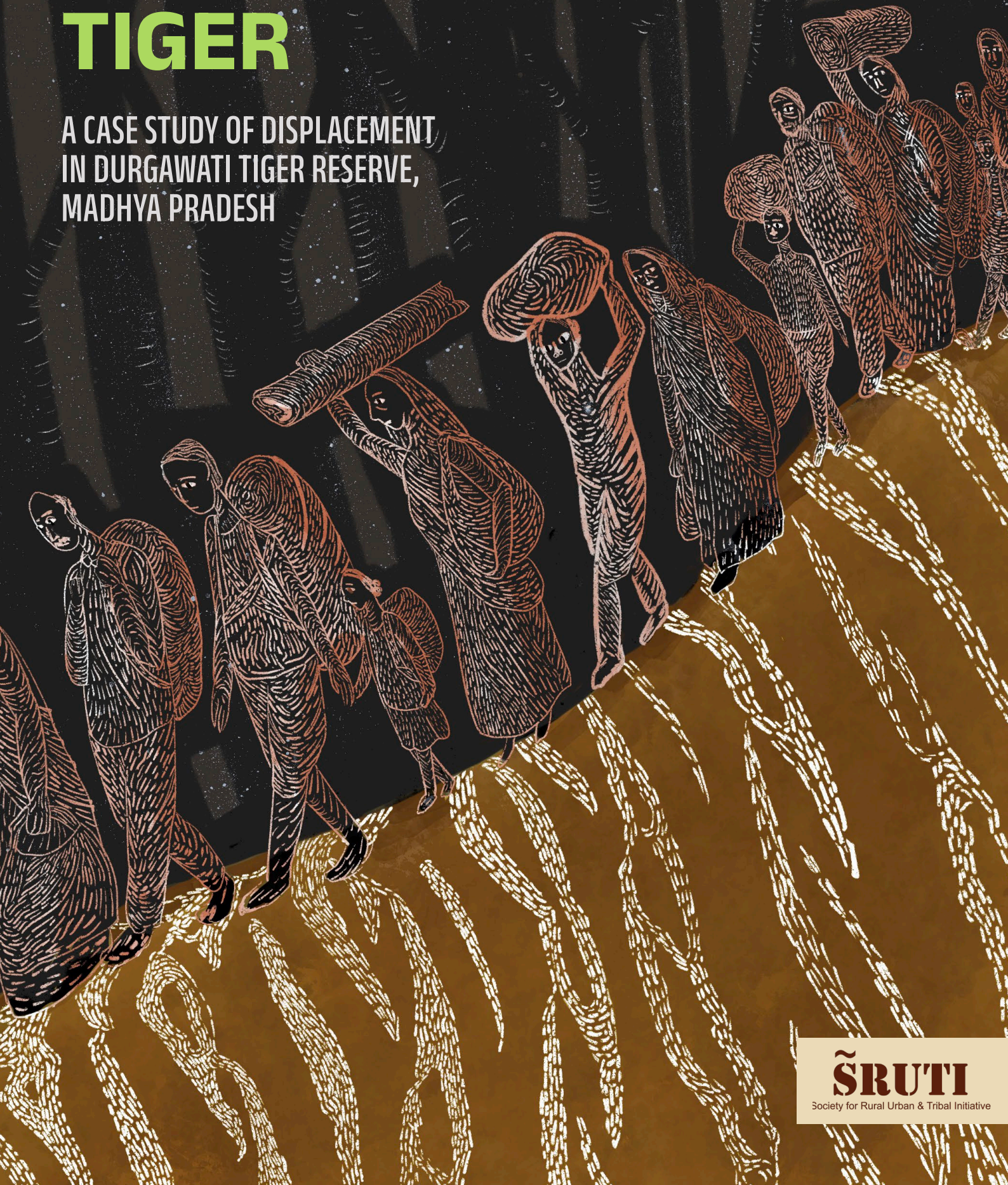


IN THE NAME OF TIGER

A CASE STUDY OF DISPLACEMENT
IN DURGAWATI TIGER RESERVE,
MADHYA PRADESH



ŠRUTI

Society for Rural Urban & Tribal Initiative

Title of the Report
**IN THE NAME OF TIGER: A CASE STUDY OF DISPLACEMENT IN
DURGAWATI TIGER RESERVE, MADHYA PRADESH**

Published in November 2024 at New Delhi by
SRUTI (Society for Rural Urban and Tribal Initiative)

SRUTI and its fellows believe that directional social change and sustainable economic development can be achieved by empowering oppressed & vulnerable communities. By equipping people at the grassroots to build and access a society based on the values of justice and equity, a life of fulfilment, dignity and respect can be achieved for all.

Authored by
Hamza Tariq, Mangla Verma , Sanjana Srikumar and Vipul Kumar

Layout & design
Mythri Babu and Manoj Murali

Print and Production
Insight Print Solution, New Delhi

We look forward to your feedback and comments on our report.
You may direct all correspondence to:

**SRUTI -Society for Rural Urban and Tribal Initiative,
303/4, Sona Apartment, Kaushalya Park, Hauz Khaz,
New Delhi - 110016**

Email: core@sruti.org.in

Website: <http://www.sruti.org.in/>

Tel: 011-26569023, Fax: 011-26964946

IN THE NAME OF TIGER

A CASE STUDY OF DISPLACEMENT IN DURGAWATI
TIGER RESERVE, MADHYA PRADESH

Authored by

Hamza Tariq
Mangla Verma
Sanjana Srikumar
Vipul Kumar

Published by

SRUTI
(Society for Rural Urban and Tribal Initiative)

SRUTI

Society for Rural Urban & Tribal Initiative

TABLE OF CONTENTS

Acknowledgement	06
Introduction	08
Scope of the Report	09
Methodology	10
Structure of the Report	11

PART A RIGHTS OF FOREST DWELLING COMMUNITIES & TIGER CONSERVATION

CHAPTER 1

FOREST LAWS & POLICIES - CONSERVATION AS A TOOL FOR STATE CONTROL OF FORESTS 13

- Colonial Forestry - The beginning of State Control over forests 14
- The Indian Forest Act 1927: Continuing the colonial legacy 16
- Forestry in Independent India: Invisibilizing people and its impact 17
- The Wild Life (Protection) Act, 1972:
Intensifying the displacement of forest dwelling communities 19
- The Forest (Conservation) Act, 1980 :
Forest diversions & displacements 21
- T.N. Godavarman Case:
A misadventure leading to more displacements 22
- Forest Rights Act : Vesting rights in forest communities 23
- Status of Forest Rights Claims and dismal
implementation of FRA 2006 27
- Afforestation as way of displacing tribals 28
- Forest (Conservation) Amendment Act, 2023 30

CHAPTER 2

PROJECT TIGER & NTCA - FORTRESS CONSERVATION AND FOREST RIGHTS 37

- The Fortress Conservation Model 39
- Beyond the Number Game: A Critical Assessment of Project Tiger 41
- Unscientific and Undemocratic approach to tiger conservation 46
- Birth of NTCA and FRA 2006 49
- NTCA Guidelines 2010 51

CHAPTER 3

A CASE STUDY OF THE VEERANGANA DURGAWATI TIGER RESERVE, MADHYA PRADESH 57

○ The Dual Reality of Madhya Pradesh	58
○ Tenurial Insecurity- Orange Area Conflict	60
○ Weakening of Forest Clearance Regime: Forest diversion in the recent years	64
○ Status of Forest Claims	65
○ Compensatory Afforestation Fund Act (CAMPA) : Continuum of Systemic Corruption	66
○ Private Investment in Forests	67
○ Relocation of forest dwellers from Tiger Reserves	68
○ Case Study on Displacement in Veerangana Rani Durgawati Tiger Reserve	70
○ Key Findings of the research team: Displacement due to introduction of 'charismatic' animals	71
○ Lack of clarity about quantum of compensation	73
○ Problems with the 'Family'	75
○ Violation of Law and Judicial Orders	78

CHAPTER 4

THE SOCIO-ECONOMIC COST OF TIGERS 88

○ Historical Context	89
○ Current Demographics	90
○ Changing Land Use and Privatization	94
○ In the Name of Tiger	95
○ Disrupted economic ties to forest land	96
○ Sustainable practices	98
○ State infrastructure and Social Security Systems	99
○ Social and Cultural Lives	100
○ Women's Lives	101
○ Uncertain Futures and the Anxieties of Displacement	102
○ Conclusion	104

Acknowledgement

We extend our heartfelt gratitude to everyone who contributed to the creation of this research report, *In the Name of Tiger*, which examines the rights violations and displacement experienced by adivasis and other forest dwelling communities under exclusionary conservation policies.

Our deepest thanks go to the entire SRUTI team, particularly Shweta, Satyam, Saurabh, Kamal, Asha and Tejasvita for their invaluable guidance in navigating the intersectional issues of land, forests, and people's rights. As many of us come from legal backgrounds with limited exposure to the lived realities of indigenous communities, their support was instrumental in orienting us to the systemic injustices perpetuated by certain laws and policies. SRUTI's facilitation of field visits, handholding during the research process, and assistance in refining the scope and direction of this work were crucial to our understanding of these critical issues.

We are immensely grateful to Shomona Khanna and CR Bijoy for their detailed feedback on the legal and structural aspects of this report. Their willingness to provide incisive insights within such short notice was both surprising and deeply encouraging for our team of young lawyers and researchers. Their guidance enriched the quality of our analysis and elevated the report's depth and rigor.

Special thanks to Anil Garg for sharing his knowledge on land and forest rights, providing both a broader perspective and specific insights into the context of Madhya Pradesh. His expertise helped us navigate complex legal frameworks and historical narratives that have shaped the struggles of *adivasis* and other forest dwelling communities.

We would also like to extend our sincere gratitude to Kavya Chinda, whose efforts during the first stage of fieldwork played a crucial role in setting the foundation for this report.

We owe a debt of gratitude to the grassroots organizations, sangathans, and their leaders, whose firsthand experiences were essential to this research. A special mention must be made of Virendra Bhai and Maan Singh Bhai, whose contributions went beyond mere interviews; they educated us on the ground realities of rights violations and played a pivotal role in facilitating primary data collection.

Finally, we dedicate this report to the countless individuals and communities who continue to fight for their rightful place in the forests they have nurtured and protected for generations. Their resilience and stories of struggle are the foundation of this work, and we hope it serves as a step toward justice and inclusive conservation.

The Research Team _____

Introduction

With growing concerns and debates around climate change, Tigers (*Panthera Tigris*) have found their reputation as the 'charismatic megafauna' at the centre stage of various deliberations around ecology, biodiversity and wildlife conservation. There is a larger consensus that campaigns to save tigers are vital for the long-term preservation of ecology and wildlife affected by its extinction. In this background, policies based on unscientific, exclusionary approaches seek to justify the displacement of Indigenous peoples, ironically in the name of conservation, from the very forests and ecosystem that they have preserved for centuries.

India, as the custodian of 70% of the world's tiger population, thus finds itself in a paradoxical situation. While the nation prides itself on its role as a protector of the magnificent tiger, this alleged conservation success story has come at a significant social cost- that is, the systemic marginalization of *adivasis* and forest-dwelling communities.

This approach is contrary to settled law and policy, that have recognized the historical injustice committed on *adivasis* and forest-dwelling communities, including misguided conservation strategies that have sought to commercially exploit forests and alienated indigenous people from their ancestral land and habitat. In fact, recently, the National Tiger Conservation Authority (NTCA) issued a directive to all tiger-bearing states to relocate Adivasi communities, which can result in the displacement of approximately 90,000 families, or around 400,000 people, from their land and habitats in the name of tiger conservation.¹ In fact, the National Commission for Scheduled Tribes has taken cognizance of the issue, and sought a report from the NTCA on the issue.

Scope of the Report

This report seeks to critically assess the cost of tiger conservation policies on the lives of forest-dwelling communities and whether the policy adheres to the scientific and inclusive principles laid out in the legal framework. The report also attempts to examine the extent to which these policies result in rights violations and the alienation of adivasis and other indigenous forest-dependent communities.

The case study of the ongoing displacement of *adivasis* and other traditional forest-dwelling communities for the Veerangana Durgawati Tiger Reserve in Madhya Pradesh illustrates the broader issue of tiger conservation being implemented through administrative directives and guidelines, in a manner that is contrary to hard-fought constitutional and legal rights. For instance, one critical theme explored is the gap between the state's claims of "voluntary relocation" and the ground realities of forced displacement. This study emphasizes that the inclusion of local communities is not merely a best practice but a legally binding obligation that is routinely ignored by the authorities.

Methodology

The research followed a qualitative design with a case study approach, focusing on the Damoh region as a microcosm of the broader issues surrounding Tiger Conservation and its impact on forest-dwelling communities. The data collection process was conducted over a period of eight months from January 2024, during which the researchers engaged in multiple field visits, interviews, and focused group discussions. The field work included visits to villages Oriamal, Sarra, Rijkudi, Alohi, Nargua Mal, Jhalon (where the researchers met persons displaced from Ukarpar and Jamun), Anchalpura, Manjgawa, Bamnoda and Richkudi in Damoh district and Putdehi and Jhamara in Sagar district. The following methods were employed for data collection:

1. Scoping Visit and Initial Consultations

The research began with a scoping visit to Damoh, where the researchers conducted preliminary interviews with local communities and rights defenders. Feedback from experts during this phase helped narrow down the research focus to the Damoh case study.

2. Interviews

In-depth interviews were conducted with key stakeholders, including members of forest-dwelling communities, rights defenders, and legal experts. The interviews aim to capture the personal narratives and experiences of displacement and insights into the broader legal and policy context.

3. Focused Group Discussions (FGDs)

FGDs were held with community members to explore the collective experiences of displacement and marginalisation. These discussions also provided a platform for understanding the social and gendered impacts of displacement.

4. Document Analysis

Research also involved the analysis of legal documents, government reports, and previous research studies to contextualise the findings from the field. This analysis helped in drawing connections between broader conservation policies and their localised impact in Damoh.

Structure of the Report

The analysis was conducted in two phases, corresponding to the two parts of the report:

Part A of the Report

Rights of Forest Dwelling Communities and Tiger Conservation

This part critically examines the legal, policy and administrative landscape that governs conservation in general and tiger conservation in particular. Chapter 1 explores the history and consequences of conservation laws, analyzing their role in marginalizing forest-dwelling communities. Chapter 2 specifically focuses on tiger conservation, offering a critical review of the otherwise celebrated Project Tiger. This section delves into the narrative of its “success,” questioning whether the project has genuinely been inclusive or whether it has systematically overlooked the rights and welfare of affected communities.

Part B of the Report

Case Study of the Veerangana Durgawati Tiger Reserve

The second part of the report outlines the case study of the ongoing displacement for the Veerangana Durgawati Tiger reserve and narrows its focus to a specific region, providing a detailed case study to understand the ground realities of conservation policies. Chapter 3, therefore, outlines the violations of rights and procedural safeguards in this process, and the social impact of the displacement.



PART A RIGHTS OF FOREST DWELLING COMMUNITIES & TIGER CONSERVATION



Chapter 1

Forest Laws & Policies - Conservation as a Tool for State Control of Forests

India's forests have long been a source of cultural, spiritual, and economic sustenance for its indigenous communities, often referred to as *adivasis*. These communities, deeply connected to the land, have historically been seen as natural conservationists, embodying a harmonious relationship with forests and wildlife. However, this symbiotic relationship was disrupted by colonial and post-colonial interventions that redefined the management and ownership of forest resources. The British colonial regime introduced the concept of demarcating and controlling forests through a series of laws, ostensibly for conservation but fundamentally aimed at exploiting forests as economic commodities. These legal frameworks marked the beginning of a systematic alienation of indigenous communities from their traditional lands and habitats. Despite constitutional recognition of adivasi rights post-independence, laws and policies often perpetuated this exclusion, contradicting the spirit of justice and equity. In asserting control, the government labelled forest-dwelling communities, who have lived in these areas for generations, as encroachers. The following sections of this Chapter explain how this narrative framed the rights of these communities as conflicting with forest conservation efforts, and amongst other things, undermined the traditional community-based conservation practices that are vital for the forest ecosystem's survival and sustainability.²

Colonial Forestry - The beginning of State Control over forests

During the pre-British era, rural or forest-dwelling communities had largely unrestricted access to and use of forests and wastelands near their villages. In the early period of British rule, up until the mid-nineteenth century, there was rampant exploitation of forests to meet military demands, build railway networks, and export teak wood. This era was marked by a disregard for forest conservation, with a focus on expanding agriculture and clearing forests to increase land revenue for the British. Despite this exploitation, local communities continued to exercise their rights to forest use without restriction.³

However, after the severe deforestation of this period, the colonial administration recognized in 1862 that India's natural resources were not inexhaustible. This realization led to the establishment of a department to ensure a sustainable supply of wood for the railways. Consequently, the first Imperial Forest Department was set up in 1864, tasked with curbing the deforestation of previous decades and consolidating forest estates. Achieving this required the assertion of state ownership over forests. It was in this context that the Indian Forests Act of 1865 (later replaced by the more comprehensive Indian Forest Act of 1878) was enacted, marking the first time the previously unlimited rights of village and tribal communities to use forests were curtailed.⁴

The 1878 Act allowed the British government to establish a monopoly over forests by falsely claiming that villagers' customary use of forests was a 'privilege' rather than a 'right,' granted at the discretion of local rulers. This led to the Indian Forest Act of 1878 vesting absolute ownership of forests in the British government.⁵ It is worth reiterating that none of these legislations define forests, but merely regulated the nature and extent of control and use of land claimed by the government. The 1878 Act, thus, enabled the State to acquire and designate valuable forest tracts as reserved forests for commercial exploitation, prohibiting local use and resulting in the loss of control by forest dwellers over their habitat. Protected forests, a second category under the Act, permitted local use but retained ownership with the government. The third category, village forests, was designated for villagers' use but was largely unimplemented. The restrictions and bans on forest use imposed severe hardships on rural communities, plunging them into poverty and depriving them of their traditional means of survival. The Indian Forest Act of 1878 slowly became a focal point for protest and resistance amongst the tribal and other forest-dwelling communities.⁶

The Indian Forest Act 1927: Continuing the colonial legacy

The Indian Forest Act, 1927 (IFA 1927) was a mere re-enactment of the Indian Forest Act 1878, retaining all the major provisions of the earlier Act. This legislation is still in force today, with many amendments made by State Governments in the course of time.⁷ It is through this legislation that the State Governments since independence have notified forest land as Reserved or Protected forests taking over ownership from communities residing in these areas for generations. The Act set out the process for notifying and acquisition of any government-owned forest land, wasteland, or any land as a reserved forest, protected forest, or village forest.⁸ Reserved forests are the most restricted category, with the government enjoying proprietary rights over them and most uses of the forest by locals being prohibited unless specifically permitted.⁹ The government has ownership rights over protected forests too, but most uses by locals are allowed unless prohibited.¹⁰ Village forests, on the other hand, are those reserved forests where the government assigned the local community powers to manage the forest.¹¹

In the name of creating Reserved or Protected Forests for imperial purposes, the British government summarily evicted or relocated forest-dwelling communities from their habitats without their consent or compensation, and suppressed their traditional cultivation practices. The Act also enabled the government to take away the customary rights of forest-dwellers to use and manage the forests (as forests) surrounding their settlements. For instance, reservation of forests without recognizing Adivasi settlements or cultivation was documented for Jhabua District of western Madhya Pradesh.¹² In fact, the Madhya Pradesh Forest Department itself acknowledges this historic form of injustice in categorical terms. In a note presented at the Geo-Spatial World Forum 2011,¹³ the Madhya Pradesh Forest Department explained the impact of the Indian Forest Act on the tribal communities in the following words -

“When Britishers started consolidating colony’s forests, to feed precious timber to their shipbuilding and railroad industry, without caring for the rights of the forest-dwelling tribes, there were rebellions.... This forced them to bring the Indian Forest Act of 1927 having provisions for notifying their intention to reserve certain forest areas and to seek claims of forest dwellers on any land included therein. ... But due to the barrier of language, lack of literacy, hand-to-mouth existence, cumbersome and expensive legal system and colonial interests, colossal injustice prevailed in the process which adversely affected the lives of forest dwellers. The plight of the forest dwellers continued even after independence as the Indian Forest Act is still in force.”
(Emphasis supplied)

Forestry in Independent India: Invisibilizing people and its impact

The government’s exclusionary approach to forests continued in independent India. Although the colonial Indian Forest Acts of 1878 and 1927 laid down elaborate procedures for notification and acquiring lands as Protected or Reserved Forests, including the recognition and settlement of pre-existing habitation, cultivation or forest use and ownership rights. In reality, the procedures were violated by both the colonial and the post-independence authorities. The inherent bias of the law towards appropriating forest resources for the state, the strong bias against continuance of access and use of forest resources by the indigenous communities, and the complete disregard for procedures laid down in the law were at the root of these injustices.

Forests were, therefore, often designated arbitrarily, regardless of whether they actually fit the definition of a forest. In addition to actual forests and large areas of tree plantations or woodlots, the designation encompassed common lands, agricultural and pastoral areas, grasslands, wetlands, streams, rivers, lakes, coastlines, mangroves, arid and semi-arid regions of Western Rajasthan, the saline desert of Kutch in Gujarat, the Himalayan cold desert and high-altitude pastures. Even forest lands that are repurposed for non-forest uses, such as mining,

hydropower projects, industrial estates, townships, highways, and airports, remain listed as 'forests' in government records.¹⁴

The Indian government thus, continued notifying large tracts of government owned, private, zamindari or princely forests as Reserved or Protected Forests without adequately enquiring into the presence of forest-dwellers and their cultivations or customary forest use rights of tenants as required by the IFA, 1927.¹⁵ In some instances, even revenue department lands were notified as Protected/Reserved Forest in the absence of a proper survey and settlement.¹⁶ For instance, a notification of a Protected Forest from Jharkhand (erstwhile Bihar state) in 1955 explicitly stated that -

"the nature and extent of rights of private persons in or over the forest lands have not yet been enquired into and recorded...such enquiry will occupy lengths of time as to endanger the rights of Government".¹⁷

This incomplete or faulty settlement of forest boundaries and land rights meant that in many states, with the status of land being unclear, the Revenue Departments have routinely encouraged new cultivation in 'their' lands and granted 'pattas' (land titles) on such lands while they were also being claimed as 'forest land' by the Forest Departments. Consequently, these patta-holders were deemed to be 'encroachers' by the Forest Departments. This has led to a peculiar land tenure problem called the orange areas dispute in states like Madhya Pradesh and Chhattisgarh. Anil Garg in his publication "Orange Areas: Examining the Origin and Status", 2005, explains the Orange Area conflict in Madhya Pradesh and its impact:

"The Orange Area amounting to 12,274 sq.km. land is disputed and claimed by both the Revenue and the Forest Departments. As a result of its ambiguous status, thousands of tribals have lost their homes and lands since 1958. On the whole, the Forest Department has been tardy in completing the de-notification proceedings as per section 34 A of the Indian Forest Act, 1927 and the Revenue Department has been lazy in updating its records pertaining to the transfer and retransfer of the said land..".¹⁸

As per latest India State of Forest Report (ISFR) 2021, around 7,13,789 sq km or 21.71% is the total forest cover¹⁹ of the country.²⁰ The recorded forest area²¹ is a bit more, 7,75,288 sq km or 23.58% consisting of 4,42,276 sq km reserved forests (57.05%), 2,12,259 sq km protected forests (27.37%) and 1,20,753 sq km unclassified forests (15.58%).²² The unclassified forests are largely community forests, for instance most forests in the north-east are owned by the local communities.²³

The Wild Life (Protection) Act, 1972: Intensifying the displacement of forest dwelling communities

Continuing the colonial legacy of restricting rights of people in the garb of 'conservation', the enactment of the Wild Life (Protection) Act, 1972 (WLPA, 1972), further aggravated the distancing of forest dwellers from their land. While the Act banned hunting of wild animals (with only a few exceptions), and provided a legal framework for the protection of various species of wild animals and plants; it also marked the beginning of a more centralised control over forests which were till now under the control of the state governments. The Act provided for the creation of protected areas within the forests by creating national parks and sanctuaries which further displaced and criminalised the forest dwelling communities. As per the latest data, there are 106 National Parks and 573 Wildlife Sanctuaries in India currently.²⁴

The WLPA, 1972 provides for the procedure through which State Governments can notify forests as Sanctuaries (Section 18) or National Parks (Section 35) and the procedure for acquisition and settlement of rights by the Collector, of any person in the land being notified as a Sanctuary or a National Park (Sections 18-26A and 35). In general, once the claims of affected people are finally settled, no rights are permissible in the national parks and only rights that are expressly permitted are allowed in sanctuaries, which have also declined over the years.²⁵ The WLPA, 1972, however, provides that till the rights are finally settled, the State Government shall make alternative arrangements required for

making available fuel, fodder and other forest produce to the persons affected.²⁶ In case the Collector admits the claim of an affected person, he may exclude such land from the limits of the Sanctuary, allow the continuation of any right of the person or may proceed to acquire such land or rights from the person affected on payment of such compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR, 2013).²⁷

The procedures of rights recognition and settlement process laid down in the WLPA 1972 have largely not been complied with leading to illegal eviction and relocation of more than 600,000 forest dwellers.²⁸ In most cases, the first notification of the Protected Area by the State Governments has been treated as the final notification without settling the rights of the communities residing in these areas.

The WLPA, 1972 was amended in 2002 which introduced the concept of conservation reserves on government lands which act as buffer zones between national parks and sanctuaries,²⁹ and community reserves on private or community lands,³⁰ as protected areas. Since 2011, there has been a significant increase in the designation of community reserves, particularly in the Northeastern states of Arunachal Pradesh, Nagaland, Manipur, and Meghalaya, which account for approximately 204 out of the 214 community reserves nationwide. Notably, vast stretches of forest in these states were traditionally managed by local communities and remained outside the jurisdiction of the forest department. However, once these forests are designated as community reserves, governance shifts from local village councils to the forest department. According to forest rights activists, this transition disrupts the lives of local residents and is viewed as a backdoor attempt by the forest department to assert control over these regions.³¹

The 2006 amendments to the Wildlife Protection Act (WLPA) of 1972 led to the establishment of the National Tiger Conservation Authority (NTCA) to oversee the management and protection of tiger reserves. Prior to this, tiger reserves operated as an administrative category under Project Tiger, making them vulnerable to arbitrary decisions by the forest bureaucracy. The amendment formalized the process for notifying tiger reserves, requiring state governments to do so on the NTCA's

recommendation, based on “scientific and objective criteria.” Importantly, it mandated that this process must not infringe upon the rights of Scheduled Tribes and other forest dwellers and required consultations with Gram Sabhas and expert committees.³²

The Forest (Conservation) Act, 1980:³³ Forest diversions & displacements

The 42nd Amendment to the Constitution in 1976 transferred the subject of forests and wildlife from the State List to the Concurrent List, making control of forests more centralised. It was argued that such a step was necessary to rein in the State Governments who were mindlessly diverting forests for non-forest purposes. The environment ministry had estimated that between 1950 and 1980 around 45,000 sq km of forests were diverted by the States for agriculture, infrastructure, mines, dams, etc.³⁴

It was in this context that the Forest (Conservation) Act, 1980, now known as the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (VSESA, 1980) was enacted as a regulatory regime for forest diversion for non-forest purposes in order to balance conservation needs and judicious use of forests to serve the national interests, primarily development and infrastructure. The VSESA 1980, made it compulsory for States to take the Centre’s permission before diverting forest land for non-forest purposes, including those from protected areas.³⁵ While post-1980, the forest diversion for non-forestry purposes declined, the diversion continued, being justified in the name of national interest. As a result, the rejection of proposals for forest clearance is extremely rare. According to an analysis, less than one per cent of proposals for forest clearance were turned down by the MoEFCC between 2014 and 2020. The analysis indicates a significant increase in the rate of environmental clearances specifically for forest-related proposals since 2014. Government data shows that from 1975 to 2014, 84.68 percent of proposals submitted to the MoEFCC were either approved or pending approval. However, between 2014 and

2020, this figure rose to 99.3 percent.³⁶ Therefore, rather than conducting a thorough evaluation that considers the ecological costs and benefits, as required by the National Forest Policy of 1988, forests are still being diverted in a careless, hurried, and negligent manner.

Since the enactment of VSESA, in 1980, forest communities across the country have been protesting against the diversion of forests as it led to the displacement of millions and threats to their livelihoods. Conservationists and environmentalists have also opposed these VSESA-based forest diversions, leading to numerous court cases to protect forests and prevent unjust displacements.

T.N. Godavarman Case: A misadventure leading to more displacements

A Public Interest Litigation (PIL) filed in the Supreme Court in 1995, known as the *T.N. Godavarman Thirumulkpad vs Union Of India & Ors.*,³⁷ regarding large-scale illegal timber felling in the Nilgiris, Tamil Nadu led to a series of decisions that restricted the rights of tribal communities residing in forests.

In 1996, the Supreme Court expounded the definition of “forest land” in Section 2(1) of the VSESA, 1980, to include not only areas traditionally understood as forests but also any land recorded as forest in government records, regardless of ownership.³⁸ Before this ruling, the VSESA, 1980 applied to “any reserved forest” and “any forest land” regardless of legal status, but was primarily enforced for forests designated under the IFA, 1927, and similar state laws. To oversee forest diversions approved under the VSESA, 1980 by state and union governments, the Supreme Court established the Central Empowered Committee (CEC).³⁹ It was expected that the CEC would restrain the state and central governments, which were often accused of favouring forest diversion for “development” over conservation. However, the process for forest clearance was streamlined to expedite approvals, mostly favouring diversion. The Supreme Court also directed state governments to form expert committees within

one month to identify areas considered “forests”—regardless of legal status, ownership, or notification—and areas that were previously forests but have since been degraded or cleared, as well as plantations.⁴⁰ These committees were expected to submit their reports within a month, but this has not been completed even after nearly three decades.⁴¹

In early 2002, responding to intervention applications in the Godavarman case, the Supreme Court inquired about the steps taken by states to clear forest encroachments.⁴² Taking advantage of the court’s directive not to regularise encroachments without its permission, the Central Government ordered state governments to evict “all ineligible encroachers and post-1980 encroachers.”⁴³ This led to the removal of thousands of people from 1.5 lakh hectares within just 18 months. The eviction drive sparked a nationwide struggle, eventually leading to the enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA).⁴⁴

Forest Rights Act: Vesting rights in forest communities

The Preamble of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA 2006), acknowledges the *historical injustice* faced by forest dwellers. It notes that the forest rights of these communities on their ancestral lands and habitats were not adequately recognized during the consolidation of state forests, both in the colonial period and in independent India. This lack of recognition resulted in significant injustice to the forest-dwelling Scheduled Tribes and other traditional forest dwellers (STs and OTFDs), who are vital to the survival and sustainability of forest ecosystems. The FRA 2006 aims to address these injustices by recognizing and vesting forest rights and land occupation to forest-dwelling STs and OTFDs who have lived in these forests before 13th December 2005.⁴⁵ It also seeks to address the longstanding insecurity of tenure and access rights for these communities, including those displaced by state development projects.

The FRA 2006 adopts the Supreme Court's 1996 definition of "forest land," which includes any type of land within a forest area, such as unclassified forests, un-demarcated forests, existing or deemed forests, protected forests, reserved forests, sanctuaries, and national parks.⁴⁶ It recognizes all customary and traditional forest rights—both individual and community—on all types of forest land, including those within Tiger Reserves.⁴⁷ The FRA 2006 mandates that the Gram Sabha democratically determine and demarcate the forest rights vested within their local jurisdiction.⁴⁸

FRA 2006 broadly recognizes both Community Forest Rights (CFR) and Individual Forest Rights (IFR) including rights to land, water bodies, and access to forest resources for communities that are dependent on forests for bona fide livelihood needs. This helps in securing the tenure and livelihoods of forest-dependent communities. The Act also recognizes the community's right to conserve or protect forest resources that they have been traditionally protecting, and gives access to biodiversity and traditional knowledge.⁴⁹ FRA 2006 also mandates that there shall be no eviction or displacement of any STs and OTFDs from forest land under their occupation till the recognition and verification procedure is complete under this Act.⁵⁰ It further provides safeguards against displacement of STs and OTFDs, who occupied forest land before 13th December, 2005 and provides the right to in-situ rehabilitation including alternative land where they have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation.⁵¹

Gram Sabhas play a central role in the implementation of the Act. No project of the government or a private entity in the forest can be implemented without the approval of the Gram Sabha which is constituted by all adult population in a village. They are involved in the identification of beneficiaries, verification of claims, and overall decision-making related to forest rights. This strengthens local governance and ensures grassroots participation in decision-making.⁵²

Niyamgiri case: Role of Gram Sabha empowered by FRA 2006

The most notable example of the FRA 2006 being used to protect forests from the VSESA 1980 is the Niyamgiri case⁵³ in Odisha where the primacy of the Gram Sabha in safeguarding the customary and religious rights of STs and OTFDs was reiterated by the Supreme Court. In 2013, the Supreme Court upheld the obligation of Grama Sabhas functioning under the FRA 2006 to safeguard and preserve the traditions and customs of the STs and OTFDs, their cultural identity, community resources etc., and directed the

Gram Sabhas of the Dongaria Kondh and Kutia Kandha *adivasis* to consider the proposed diversion of 660.749 hectares of forest land for bauxite mining by Odisha Mining Corporation Ltd. This proposal had previously received final forest clearance under the VSESA 1980, which had been revoked by the MoEF, leading to the court case. After the Supreme Court's judgment in April 2013, the Gram Sabhas refused to give their consent, leading to the cancellation of the forest clearance and the preservation of the Niyamgiri forests.

'Critical Wildlife Habitat' (CWH) under FRA 2006

Further, FRA 2006 also introduced the concept of 'Critical Wildlife Habitat' (CWH), a new category within the protected area framework. CWHs are designated areas that must be kept inviolate for wildlife conservation, meaning areas that should be protected from being harmed, violated, damaged or degraded in any manner.⁵⁴ It does not mean areas that should be free from human habitation or denial of access. FRA 2006 mandates that Expert Committees on the basis of scientific and objective criteria⁵⁵ establishes "*that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threaten the existence of said species and their habitat*" and "*the State Government has concluded that other reasonable options, such as, co-existence are not available.*"⁵⁶

Further, FRA 2006 provides for certain safeguards for protection of the forest rights of the forest rights holders in the CWHs of National Parks and Sanctuaries, when their rights are either to be modified or resettled for the purposes of creating inviolate areas for wildlife conservation. No exercise for modification of the rights of the forest dwellers or their resettlement from the National Parks and Sanctuaries can be undertaken, unless their rights have been recognized and vested under FRA 2006, a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities and fulfils other requirements of such affected individuals and communities as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR 2013) and the free informed consent of the Gram Sabhas to the proposed resettlement and to the package has been obtained in writing.⁵⁷

Further, once a CWH is designated and forest dwellers are resettled as per the process detailed above, these areas cannot be later diverted for non-forest purposes under the VSESA, 1980. This makes CWHs unique as the only forest category legally protected from being repurposed for non-forest activities.⁵⁸ The MoEFCC, responsible for identifying and notifying CWHs, drafted guidelines in 2007 and 2011 which were withdrawn amidst opposition from forest rights groups. MoEFCC finally issued CWH guidelines in January 2018, which were directly sent to the states 'for action' without soliciting public comments.⁵⁹ These guidelines are violative of FRA 2006 provisions as it appears to have substituted the free and informed consent of the gram sabha, about the resettlement and the package, in writing (required under Rule 4(1)(e) of FRA 2006) with a public hearing of all stakeholders. The guidelines mandate the formation of an expert committee, including a representative from the Ministry of Tribal Affairs (MoTA), to conduct extensive and transparent consultations with all stakeholders following the issuance of a public notice. The proceedings of these consultations must be documented, with particular attention to recording objections and their underlying reasons. However, the guidelines do not provide any mechanism for addressing the objections raised during these consultations.⁶⁰ MoEFCC has neither notified any CWH nor has the Ministry of Tribal Affairs (MOTA) completed the process of recognition and vesting of forest rights under the FRA 2006.⁶¹

Status of Forest Rights Claims and dismal implementation of FRA 2006

More than fifteen years since FRA 2006 became operational, its implementation has been largely dismal. Claims for community forest rights have largely been overlooked and multiple studies assessing the impact of the FRA 2006 have attributed its poor implementation to several factors, including an absence of political will at state and national levels, lack of effort to build capacity at all levels and diversion of community forest resources for conservation and development projects, without the consent of the gram sabhas, and without settling the claims under FRA 2006.⁶²

There also seems to be some confusion between lack of clarity as to whether the Community claim refers to Community Forest Resource of the Forest Rights Rules or claim for Community Rights. Community Forest Resources refer to the area within the traditional or customary boundaries of a village or the seasonal landscape traditionally accessed by the community. This area is traditionally protected, regenerated, conserved, and managed by the community for sustainable use. Thus, Community Forest Resource Rights are granted to Gram Sabha and not to individuals. Community rights, on the other hand, include specific rights such as Nistar rights over minor forest produce, grazing, fishing, and traditional resource access for nomadic and pastoralists.⁶³

On February 13, 2019, in a matter pertaining to the constitutionality of FRA 2006, the Supreme Court of India directed the states to evict those FRA claimants whose Individual Forest Rights (IFR) claims were rejected by July 2019. With regard to Madhya Pradesh specifically, the court observed that “426105 claims have been filed by STs and 153306 claims have been filed by OTFDs. Out of the above, 204123 claims of STs and 150664 claims of OTFDs have been rejected.” It asked the state why “after the rejection of the claims, which have attained finality, eviction

has not been made” and directed it to “ensure that where the rejection orders have been passed, eviction will be carried out on or before the next date of hearing.”⁶⁴

After a huge outcry following the order, which would have led to eviction of around 10 Lakh people, the Ministry of Tribal Affairs (MoTA) filed an application before the Court for modification of its order. The application stated that the procedure adopted for the rejection of FRA claims had not been strictly adhered to and hence, the eviction order was put on hold by the Supreme Court on February 28, 2019. Studies have also shown that FRA claims have been rejected nationwide in violation of FRA 2006 provisions including not providing the claimant a reasonable opportunity to present their case and rejection orders not being communicated to the claimants thus taking away the opportunity to file appeals against the rejection orders within the stipulated time period provided under the FRA 2006.⁶⁵

Afforestation as way of displacing tribals

Under the VSESA 1980, whenever forest land is converted to non-forest land use for residential, commercial, mining and industrial purposes, an equivalent area of non-forest land or twice in extent of the area being diverted in case of degraded forest has to be taken up for compensatory afforestation.

In its order in TN Godhavarman, Supreme Court observed that lot of funds received by states for compensatory afforestation remain un(der)utilised and directed the setting up of a compensatory afforestation fund in which all the contributions towards compensatory afforestation and Net Present Value (NPV) of land had to be deposited.⁶⁶ However, the Comptroller and Auditor General (CAG) in a 2013 report on compensatory afforestation revealed that there exists “*serious shortcomings in regulatory issues related to diversion of forest land, the abject failure to promote compensatory afforestation, the unauthorised diversion of forest land in the case of mining and the attendant*

*violation of the environmental regime.”*⁶⁷ Besides, the erstwhile Compensatory Afforestation Fund Act, 2016 (CAMPA 2016) had many shortcomings including, abysmally low rates of actual afforestation efforts on the ground, while the funds received were invested in a non-transparent and arbitrary manner. Besides, in many cases of forest diversion as well as identification and takeover of land for compensatory afforestation, vesting of rights under FRA 2006 or taking the consent of the gram sabha, as mandated by the August 2009 circular of the MoEFCC.⁶⁸

The Compensatory Afforestation Fund Act, 2016 (CAMPA 2016) was passed to manage the funds collected for compensatory afforestation which till then was managed by ad hoc CAMPA. The structure of funding and implementation under the Act is entirely opposed to the structure of forest governance established by the FRA. Under the Act the forest bureaucracy dominates the National and State level CAMPA Authorities with no representation to tribal and forest dwelling communities.⁶⁹ Like the predecessor compensatory afforestation statutory measures, even CAMPA 2016 does not mandate seeking the consent of gram sabhas over compensatory afforestation measures, and hence facilitates the deprivation of the forest dwellers and tribals of their livelihoods and land.

A report, *“Impact of Compensatory Afforestation on Land & Forest Rights: Interim Report”* released on 14 November 2017 stated that plantations carried out under CAMPA in 10 states were in violation of the VSESA, 1980 and the FRA 2006. It stated, *“An analysis of 2479 CA (Compensatory Afforestation) plantations in 10 states downloaded from the e-Green Watch website of the MoEFCC shows that over 70 per cent of these plantations have been set up on forest lands instead of non-forest lands.”* The Community Forest Rights- Learning and Advocacy (CFR-LA), a forest rights group, during their study, also found instances where plantations under CAMPA were set up on land either claimed or given to individuals or communities under the FRA.⁷⁰

A 2016 report auditing the implementation of the FRA after 10 years of its coming into force states that *“numerous conflicts have emerged due to forced plantations, particularly on shifting cultivation lands of PVTGs in Odisha and Telangana.*

*These include areas where forest rights under FRA have been recognized and those where such recognition is still pending. MoEFCC, through the state Forest Departments, continues to promote afforestation on lands used traditionally for shifting cultivation through Central policies like the National Mission for Green India, MGNREGA and CAMPA. Such plantations are carried out without the consent of the local communities and lead to food insecurity, distress migration, physical displacement, loss of agricultural biodiversity and traditional knowledge of the local communities."*⁷¹

Forest (Conservation) Amendment Act, 2023

The Forest (Conservation) Amendment Act, 2023 (FCA 2023) seeks to dilute the expanded definition given to forest by the Supreme Court in Godavarman case, increasing swathes of land that can be diverted to non-forestry purposes. The amendment has specifically narrowed the Act's coverage to two types of lands (a) Areas officially declared or notified as forests under the IFA, 1927 or any other relevant legislation and (b) Lands not falling under the first category but recorded as forests in government records since October 25, 1980.⁷² The States have been given one year to prepare a consolidated list of such forests under the Van (Sanrakshan Evam Samvardhan) Rules, 2023. This is problematic as huge tracts of forest land which were recorded as 'forest' after abolishing of Zamindari system and could not be notified as forest under the IFA, 1927 due to administrative reasons, are now exempt from the purview of VSESA, 1980.

Further, FCA 2023 exempts certain categories of land from being covered under the provisions of VSESA, 1980. These include forest lands alongside rail line or public road providing access to a habitation, a rail and roadside amenity up to 0.10 ha; area under tree plantations that are not part of the Recorded Forest Area; forest land within 100 kms of the international border or Line of Control for projects designated as projects of national importance or linear projects; and upto 10 ha for security related infrastructure; and defence related projects or camps for paramilitary forces or public utility projects not exceeding five ha in a Left Wing Extremism (LWE) affected area. For these, land use

can be changed from forest to non- forest without following the detailed forest clearance process laid down under the FCA. Even compensatory afforestation would not be required to be carried out in these cases.⁷³

The FCA 2023 amendment is an attempt by the government to implant a fast-paced externally induced economic growth in the forests riding roughshod on forests and forest dwellers. It is in line with the government's attempt to have contradictory and conflicting takes on environmental concerns to suit its own interest. Perhaps an example would bring out better the duality of the government's view on forest and conservation. In the India State of Forest Report (ISFR 2021), the biennial national forest cover report published by the Forest Survey of India, even plantations on the road, rubber, coffee or tea plantations and even patches of trees have been included as forest cover.⁷⁴ This has been done to satisfy domestic policy, offset international climate change targets and comply with the Supreme Court's jurisprudence laid down in T.N. Godavarman Thirumulkpad vs Union Of India & Ors. batch of decisions. While on the other hand FCA 2023 has exempted large swathes of forest land (28% of the Country's forest cover is outside the recorded forest area as per the Survey and hence, will be exempted) from the purview of legal protection to promote exclusionary industrial and business interests.



ENDNOTES

1 CR Bijoy, 2024, "NTCA Demands Relocation of Nearly 4 Lakh Forest Dwellers From 54 Tiger Reserves", The Wire, available at -, <https://thewire.in/environment/ntca-demands-relocation-of-nearly-4-lakh-forest-dwellers-from-54-tiger-reserves>, (last accessed on 25 August, 2024).

2 Ramachandra Guha, 1983, *Forestry in British and post-British India: Parts I & II*, Vol. 18 (Issue No. 44) Economic and Political Weekly 1883.

3 *Id.*

4 *Id.* at 1884.

5 *Id.* at 1884.

6 *Id.* at 1885.

7 States such as Odisha, Tamil Nadu, Kerala etc have enacted their own forest laws using the IFA 1927 as a template, with some variations. For instance, the Kerala Forest Act does not have a category for protected forests.

8 Chapters II, III and IV of Indian Forest Act, 1927 (IFA, 1927).

9 See Sections 11, 12, 15, 16, 23 - 26 of IFA, 1927

10 See Sections 30, 32, 33 and 34 of IFA, 1927

11 See Section 28 of IFA, 1927

12 Amita Baviskar, *Fate of the forest: Conservation and tribal rights*, Vol. 29 (Issue No. 38), Economic & Political Weekly 2493-2501

13 Anil Oberoi, *Forest Dwellers Land Mapping System*, note presented at the Geospatial World Forum, held at Hyderabad on 18-21 January, 2011.

14 C.R. Bijoy, 2024, *Unravelling forest conservation*, Mongabay, available at <https://india.mongabay.com/2024/04/commentary-unravelling-forest-conservation-the-battle-over-the-forest/> (last accessed on 15 November, 2024)

15 See Ramachandra Guha, *Forestry in British and post-British India: Parts I & II*, (Vol.18, Issue No.44), Economic and Political Weekly 1883; R. Guha and Madhav Gadgil, "State forestry and social conflict in British India", Vol. 123, Past and Present, pp 141-177.

16 See Madhu Sarin in *Laws, Lore and Logjams*, in IIED's Gatekeeper Series 2005 (see Box 2, pp. 4-7) where she shows that "55 per cent of Orissa's supposed 'forest' area is under the jurisdiction of the Revenue Department, and [often] is not recorded as 'forests'. Consequently, the Revenue department has been using it for different purposes for 30-40 years". Further, "about 40% of even Reserved Forest is 'deemed' to be so without any survey or settlement" (Sarin, op.cit.)

17 Protected Forest notification No. C/F-17033/55-2180 of 1st July 1955 (Bihar Gazette).

18 Anil Garg, *Orange Areas: Examining the Origin and Status*, National Centre for Advocacy Studies (2005), p.3.

19 As per the India State of Forest Report 2021 (ISFR, 2021), Forest cover includes all lands more than one hectare in area having a tree canopy density of more than 10 percent. The forest cover reported in the ISFR does not make any distinction between the origin of tree crops (natural or manmade) or tree species, and includes all types of land irrespective of their ownership, land use or legal status. Thus all tree species including bamboo, fruit bearing trees, coconut, palms etc and areas including forest, private, community, government or institutional land meeting the above criteria have been termed as forest cover. See Chapter 2, India State of Forest Report, 2021, Forest Survey of India, Ministry of Environment, Forest and Climate

Change, Government of India, pp 20, available at - <https://fsi.nic.in/isfr-2021/chapter-2.pdf> (last accessed on 12 September 2024).

20 See Press release issued by the Ministry of Environment, Forest and Climate Change, Government of India, July 2023, available at - <https://pib.gov.in/PressReleasePage.aspx?PRID=1941073> (last accessed on 12 September 2024).

21 Recorded Forest Areas are all areas recorded as forests in government records and include Reserve & Protected Forests constituted under the Indian Forest Act 1927 and its counterpart state acts, as well as areas recorded as forests in the revenue records. See Chapter 2, India State of Forest Report, 2021, Forest Survey of India, Ministry of Environment, Forest and Climate Change, Government of India, pp 37, available at - <https://fsi.nic.in/isfr-2021/chapter-2.pdf> (last accessed on 12 September 2024).

22 See Press release issued by the Ministry of Environment, Forest and Climate Change, Government of India, March 2022, available at - <https://pib.gov.in/PressReleaselframePage.aspx?PRID=1806315> (last accessed on 12 September 2024).

23 C.R. Bijoy, 2024, *Unravelling forest conservation*, Mongabay, available at- <https://india.mongabay.com/2024/04/commentary-unravelling-forest-conservation-the-battle-over-the-forest/> (last accessed on 15 November, 2024)

24 See the National Wildlife Database Centre of Wildlife Institute of India (WII), Ministry of Environment, Forest and Climate Change (MoEFCC), available at - https://wii.gov.in/nwdc_aboutus (last accessed on 12 September 2024).

25 C.R. Bijoy, 2024, *Unravelling forest conservation*” Mongabay, available at- [https://](https://india.mongabay.com/2024/04/commentary-unravelling-forest-conservation-the-battle-over-the-forest/)

india.mongabay.com/2024/04/commentary-unravelling-forest-conservation-the-battle-over-the-forest/ (last accessed on 15 November, 2024) [aspx?PRID=1941073](https://pib.gov.in/PressReleasePage.aspx?PRID=1941073) (last accessed on 12 September 2024).

26 Sections 18A (2) and 35 (3B), WLPA, 1972.

27 See Section 24 and 25A of WLPA, 1972.

28 Prachi Salve, 2014, *Tribals Account For A Third Of Communities Displaced By Large Projects*” IndiaSpend, available at - <https://www.indiaspend.com/tribals-account-for-a-third-of-communities-displaced-by-large-projects-11821> (last accessed on 20 August 2024).

29 See Sections 36A and 36B, WLPA, 1972.

30 See Section 36C and 36D, WLPA, 1972

31 Shuchita Jha, 2022, “Community reserves: Are they forest department’s backdoor entry into North East India”, Down To Earth, available at - <https://www.downtoearth.org.in/forests/community-reserves-are-they-forest-department-s-backdoor-entry-into-north-east-india-85242> (last accessed on 5 November, 2024)

32 Section 38 V (4) of WLPA, 1972.

33 The Forest (Conservation) Amendment Act, 2023 has changed the name of the Act, from the Forest (Conservation) Act, 1980 to Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

34 See “Minister of Environment and Forests’ statement regarding steps taken by the Government for regularizing forest land being cultivated by the farmers in Lok Sabha”, 2005, published by MoEFCC, available at - <https://pib.gov.in/newsite/ereelcontent.aspx?relid=9130> (last accessed on 25 September 2024)..

35 Section 2(1), VSESA, 1980.

36 Prajakta Joshi, 2020, *Since 2014, less than one percent forest clearances were rejected by the MOEF, find analysts*, Indie Journal (2020), available at - <https://www.indiejournal.in/article/since-2014-less-than-one-percent-forest-clearances-were-rejected-by-the-moef> (last accessed on 5 September 2024)

37 Writ Petition (Civil) No. 202 of 1995, Supreme Court of India.

38 *T.N. Godavarman Thirumulkpad vs Union Of India & Ors.*, Writ Petition (Civil) No. 202 of 1995, Supreme Court of India, Judgment dated 12.12.1996, available at - <https://main.sci.gov.in/jonew/judis/14617.pdf> (last accessed on 29 August 2024).

39 *Id.*

40 *Id.*

41 Himanshu Nithaware, 2024, *"Centre reveals forest records after 28 years; seven states miss deadline"*, Down To Earth, available at - <https://www.downtoearth.org.in/forests/centre-reveals-forest-records-after-28-years-seven-states-miss-deadline-95581> (last assessed on 29 August 2024).

42 Intervention Application No. 703, in *T.N. Godavarman Thirumulkpad vs Union Of India & Ors.*, Writ Petition (Civil) No. 202 of 1995, Supreme Court of India, order dated 23.11.2001.

43 Letter dated 03.05.2002, from the Inspector General of Forests, Ministry of Environment & Forests, Government of India, to all the States/UTs, available at - https://mpforest.gov.in/img/files/Prot_New79.pdf (last accessed on 29 August 2024).

44 C.R. Bijoy, 2024, *"Unravelling forest conservation"*, Mongabay, available at- <https://india.mongabay.com/2024/04/commentary-unravelling-forest-conservation-the-battle->

[over-the-forest/](#) (last accessed on 29 August, 2024).

45 Section 4(3) of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

46 Section 2(d) of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

47 Section 3(1) of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

48 Section 6(1) of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

49 Section 3(1) of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

50 Section 4(5) of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

51 Section 3(1) (m) of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

52 Sections 5 and 6 of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

53 *Orissa Mining Corporation v. Ministry of Environment & Forests* (2013) 6 SCC 476, Supreme Court of India.

54 Section 2(b) and 4(2) of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

55 Section 2(b) of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

56 Sections 4(2) (b) and (c) of Scheduled

Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

57 Sections 4(2) (a) to (f) of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

58 Proviso of Section 4(2) of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

59 https://wildlife.punjab.gov.in/act_rulepdf/1649153458.Guidelines%20for%20notification%20of%20Critical%20Wildlife%20Habitat%20in%20NP%20and%20WLS.pdf

60 Ishan Kukreti and Shruti Agarwal, 2018, "Critical Wildlife Habitat guidelines issued; NTCA order superseded", available at - <https://www.downtoearth.org.in/governance/critical-wildlife-habitat-guidelines-issued-ntca-order-superseded-59934> (last accessed on 05 September 2024).

61 C.R. Bijoy, 'Democracy In The Forests: The Governance That Is To Be', 17/1 Law, Environment and Development Journal (2021), p. 20, available at <http://www.lead-journal.org/content/a1702.pdf> (last accessed on 05 September 2024).

62 Simrin Sirur, 2024, "More than 15 years on, implementation of Forest Right Act is lagging, new report finds", Mongabay, available at - <https://india.mongabay.com/2024/04/more-than-15-years-on-implementation-of-forest-right-act-is-lagging-new-report-finds/> (last accessed on 05 September 2024) and Himanshu Nitnaware, 2024, "Lack of political will, forest department opposition driving poor implementation of FRA, claims study", Down To Earth, available at - <https://www.downtoearth.org.in/forests/lack-of-political-will-forest-department-opposition-driving-poor-implementation-of-fra-claims-study-94053#:~:text=FRA%20is%20poorly%20implemented%20in,forest%20departments%2C%20the%20study%20said> (last accessed on 05 September 2024)

63 See Tatpati, M. (Ed). (2015). Citizens' Report 2015: Community Forest Rights under the

Forest Rights Act. Pune, Bhubaneswar and New Delhi: Kalpavriksh and Vasundhara in collaboration with Oxfam India on behalf of Community Forest Rights Learning and Advocacy Process, available at - <https://vasundharaodisha.org/upload/pdfFile/b58e91509cdd997483c14c88aadbf36.pdf> (last accessed on 12 November 2024).

64 Manu Sebastian, 2019, "SC Orders Eviction Of Nearly 10 Lakh People Whose Claims As Forest Dwellers Were Rejected", LiveLaw, available at - <https://www.livelaw.in/top-stories/sc-orders-eviction-forest-dwellers-tribes-whose-claims-under-forest-rights-act-stand-rejected-143060> (last accessed 05 September 2024)

65 Nihar Gokhale, 2019, "As Supreme Court Stays Eviction Of 9.5 Million Forest Dwellers, Here's How States Illegally Rejected Land Claims", India Spend, available at - <https://www.indiaspend.com/as-supreme-court-stays-eviction-of-9-5-million-forest-dwellers-heres-how-states-illegally-rejected-land-claims/> (last accessed on 05 September 2024).

66 Naveen Kumar, 2023, "Compensatory Afforestation: Highlights And Challenges", available at - https://www.livelaw.in/articles/compensatory-afforestation-highlights-and-challenges-231379#_ftn1 (last accessed on 05 September 2024).

67 Report of the Comptroller and Auditor General of India on Compensatory Afforestation in India, Ministry of Environment & Forests, 2013, available at https://cag.gov.in/uploads/download_audit_report/2013/Union_Compliance_Civil_Compensatory_Afforestation_21_2013.pdf (last accessed on 05 September 2024).

68 Circular dated 03.08.2009 of the MoEFCC for "Diversion of Forest Land for Non-forest purpose under FCA 1980 - Ensuring compliance of FRA 2006", available at [https://forestsclearance.nic.in/writereaddata/public_display/schemes/981969732\\$3rdAugust2009.pdf](https://forestsclearance.nic.in/writereaddata/public_display/schemes/981969732$3rdAugust2009.pdf) (last accessed on 05 September 2024).

69 Community Forest Rights-Learning and Advocacy Process (CFR-LA), 2015-2017, "Community Forest Rights At A Glance", available at -<https://kalpavriksh.org/wp-content/uploads/2018/07/CitizenReport20152017English.pdf> (last accessed on 05 September 2024).

70 Ishan Kukreti, 2017, "In 10 states, compensatory afforestation violating forest rights and conservation laws", available at - <https://www.downtoearth.org.in/forests/in-10-states-compensatory-afforestation-violating-forest-rights-and-conservation-laws-59122#:~:text=Plantations%20carried%20out%20under%20Compensatory,a%20report%20titled%20%E2%80%9CImpact%20of> (last accessed on 05 September, 2024).

71 CFR-LA, 2016, "Promise and Performance: Ten Years of the Forest Rights Act in India. Citizens' Report on Promise and Performance of The Scheduled Tribes and Other Traditional Forest

Dwellers (Recognition of Forest Rights) Act, 2006, after 10 years of its Enactment. December 2016", produced as part of Community Forest Rights-Learning and Advocacy Process (CFRLA), India, 2016 (www.cfsla.org.in), available at - https://rightsandresources.org/wp-content/uploads/2016/12/Promise-and-Performance-10-Years-of-the-Forest-Rights-Act-in-India_December-2016_Community-Forest-Rights.pdf (last accessed on 05 September 2024)

72 Section 4 of The Forest (Conservation) Amendment Act, 2023

73 *Id.*

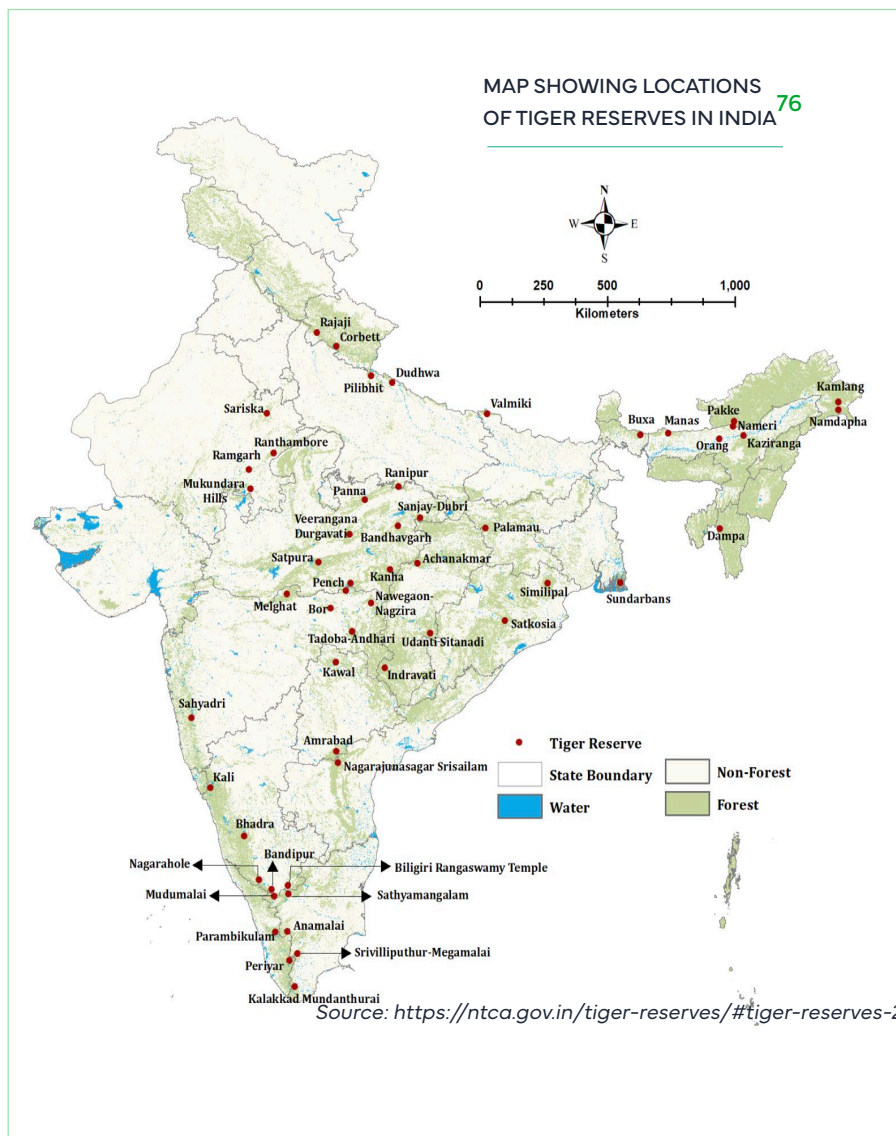
74 See Chapter 2, India State of Forest Report, 2021, Forest Survey of India, Ministry of Environment, Forest and Climate Change, Government of India, pp 20, available at - <https://fsi.nic.in/isfr-2021/chapter-2.pdf> (last accessed on 12 September 2024).



Chapter 2

Project Tiger & NTCA - Fortress Conservation and Forest Rights

Project Tiger was launched in 1973 with 9 tiger reserves covering an area of 16,339 sq. km with a population of 268 tigers.⁷⁵ Over the last five decades, this number has now increased to 28 Tiger Reserves, encompassing 37,761 sq. km of land in 17 States or just over 1.14% of the total geographic area of the country, with an estimated population of 1,498 tigers.



In 2023, India celebrated 50 years of Project Tiger with the achievement of crossing 3,000 and doubling the figures in a decade along with boastful inhabitants of 70% of the world's tiger population.⁷⁷ Conservationists across the globe cheered and celebrated this achievement. and India's success story on tiger conservation was applauded and reported globally.

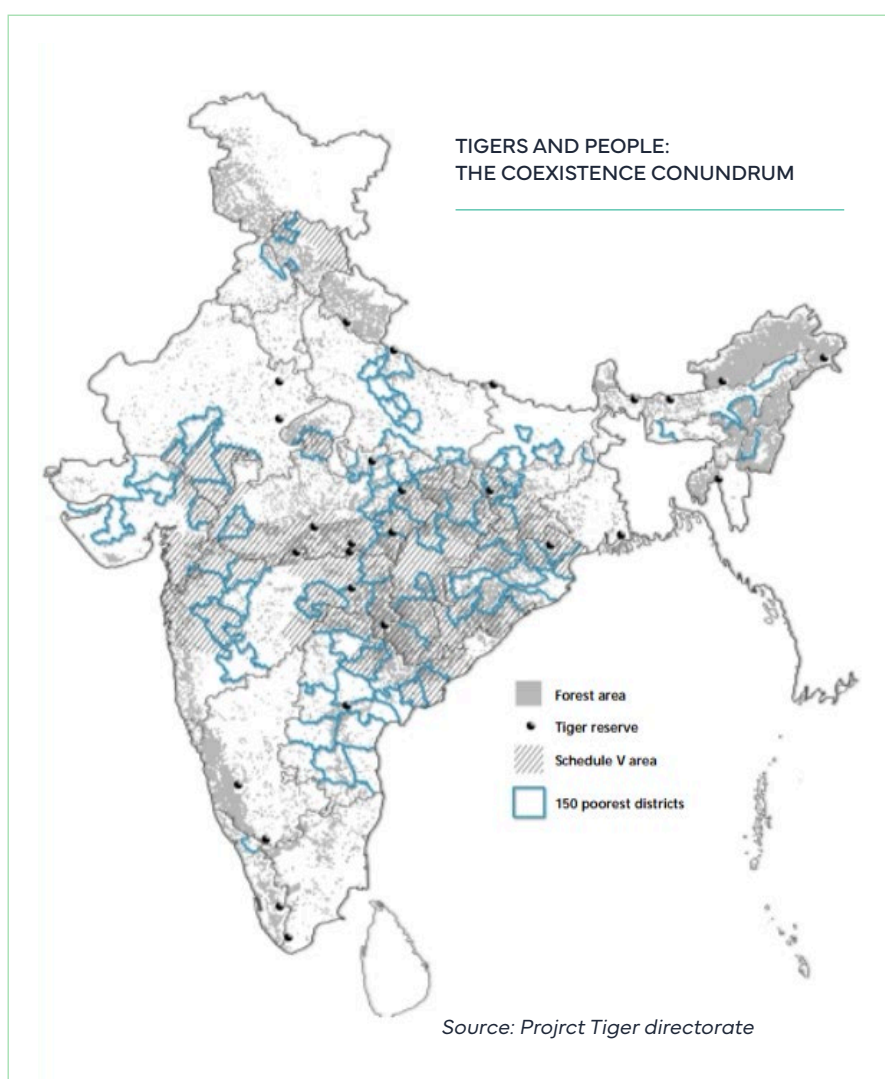
The Fortress Conservation Model

Tiger conservation in India by establishing numerous tiger reserves, has historically followed an exclusionary model, also referred to as the '*Fortress Conservation Model*'- that is, a model that seeks to protect natural resources by drawing a strict boundary around them and excluding human activity.⁷⁸ This model is rooted in the colonial practice of creating protected areas by fencing off forests, without considering the rights and livelihoods of the indigenous people who have coexisted with these ecosystems for generations. The creation of these reserves often involved displacing local communities, branding them as '*encroachers*', and denying them access to the very land and forests they had protected for centuries.

The exclusionary nature of conservation policies in India is evident in the expansion of tiger reserves into areas traditionally inhabited by *adivasis*. Most of these areas are located in Fifth Schedule regions i.e. areas scheduled under the Fifth Schedule to the Indian Constitution, which were constitutionally designated to protect the rights of indigenous communities. In fact, in its landmark report titled '*Joining the Dots*' the Tiger Task Force emphasised on this overlap and notes that,

*"the 150 poorest districts of India; the fact that these are also constitutionally designated Schedule V areas (areas primarily inhabited by tribals); and the fact that these are prime "tiger districts"*⁷⁹

The Map in the report depicting this overlap is reproduced below:



Thus, despite the progress made by the Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) and the FRA 2006, the expansion of tiger reserves has systematically encroached upon the lands of adivasis and forest-dwelling communities- through a process of criminalization and exclusion of these communities from decision-making.

On one hand, the forest bureaucracy in both the pre and post-colonial periods allowed game laws which allowed the killing of animals leading to the extinction of several species (including full or near extinction of big cats like Asiatic Cheetahs and Tigers). On the other hand, the Forest Department was given the responsibility of demarcating, managing and conserving forests. The indigenous people or natural conservationists who led several struggles against various outsiders including kingdoms and colonisers who exploited forests or threatened wildlife, are today facing the worst form of alienation and displacement, despite constitutional protections and safeguards they created for themselves through centuries of struggle.

Beyond the Number Game: A Critical Assessment of Project Tiger

The tiger has a deep-rooted history of coexistence with humans in India, woven into the fabric of folklore and mythology across the country's diverse cultures and regions. These majestic creatures have long been central to many stories, but their relationship with humans has also been marked by conflict. Over 80,000 tigers were killed between 1875 and 1925.⁸⁰ At the dawn of the 20th century, India's tiger population was estimated to be 40,000.⁸¹ By the tiger census conducted in 1972, this number had plummeted to 1,827 tigers.⁸² Colonial policies, such as game laws

and “Big Game Hunting,” along with rampant poaching, rapid deforestation, and the expansion of agriculture and construction, were major factors in this dramatic decline. The introduction of forest bureaucracy under the colonial regime, including the IFA 1927, was ostensibly aimed at forest conservation and management. However, these efforts often protected animals such as elephants, who were seen as supporting the forest economy, and aimed at hunting of big cats, who were seen as detrimental to this economy.⁸³

In fact, during the colonial period, forest bureaucracy actively organised and participated in the hunting and killing of tigers and other large mammals. For the British, the tiger symbolised India itself, and their brutal treatment of the animal reflected their imperial domination of the subcontinent. Tigers were hunted using various cruel methods—buffalo calves were used as bait, tigers were shot from tall hides known as machans, or from howdahs atop elephants, surrounded by large entourages of elephants and beaters. Tigers were killed while mating, resting in their lairs, or even portrayed as dangerous man-eaters, reinforcing a narrative that justified their slaughter.⁸⁴ Unfortunately, after independence, India’s forest bureaucracy continued colonial-era practices, including permitting the hunting of tigers and other wildlife species. Colonial laws like the Wild Birds and Animals Protection Act of 1912 and the Bengal Rhino Preservation Act of 1932 remained in effect but offered little protection, as hunting rights and licences were still readily granted by the government.⁸⁵ Ironically, when India enacted the WLPA in 1972, which explicitly banned the hunting of wild animals, the task of protecting big cats was assigned to the same authorities who had previously been issuing hunting licences, contributing to the animals’ near extinction.

Project Tiger emerged as part of the broader process of undermining the inalienable rights of indigenous communities neatly garbed as a conservation model. Launched in 1973 by the MoEFCC, Government of India, the initiative aimed to safeguard tigers and their ecosystems by creating a new administrative category within the existing National Parks and Wild Life Sanctuaries under the WLPA 1972. Under this scheme, specific areas were designated as tiger reserves, managed and maintained under the Project Tiger framework, often sidelining the traditional

rights and roles of local forest-dwelling communities. Later in 2006, Chapter IVB was added to WLP, 1972 which set up the National Tiger Conservation Authority (NTCA), a statutory body to supervise Project Tiger and other conservation efforts. The 2006 amendment empowered the state governments to notify tiger reserves on recommendations of the NTCA by identifying core or Critical Tiger Habitat (CTHs) and Buffer Zone areas in National Parks and sanctuaries.⁸⁶ This change elevated Tiger Reserves from an administrative category to a statutory one under the WLP, 1972. This shift had significant implications for the rights of forest dwellers and introduced legal consequences stemming from the notification of Tiger Reserves, including the application of criminal law provisions for violations. Today, CTHs cover an area of 42,913.37sq km or 26% of the region under National Parks and Wildlife Sanctuaries.⁸⁷

In 2023, India celebrated 50 years of Project Tiger, achieving the milestone of surpassing 3,000 tigers, doubling the population within a decade, and housing 70% of the world's tiger population. Ironically, this was also the year India recorded its highest tiger mortality rate, with 173 deaths in a single year, a fact that received little attention.⁸⁸ Media coverage largely focused on the rise in tiger numbers, giving the impression that the entire 50-year period was a success. However, the population growth of tigers is a relatively recent trend and overlooks the increasing deaths of both tigers and humans. The celebration of this achievement has obscured the project's failures over most of these five decades, diverting attention from the need for a systematic, scientific evaluation of 50 years of unscientific, undemocratic, and sometimes unlawful conservation practices.

A key question arises: is reaching 3,000 tigers truly worth celebrating? From the perspective of saving tigers from extinction, especially in the last decade with improved monitoring and scientific methods like translocation, the achievement is notable. However, when compared to the estimated 40,000 tigers a century ago, alongside the immense financial, ecological, and human costs borne by forest-dwelling communities, it becomes necessary to critically reflect and reassess our conservation policies.

Timeline for Project Tiger & displacement of forest dwelling communities



2006

The tiger population in India hit a record low of just 1,411 tigers. The Wildlife Protection Amendment Act, 2006 came into force constituting the NTCA making Tiger Reserves a statutory category under the WLPA, 1972.

FRA 2006 was passed by the Indian parliament on 18th January 2006 but became operational only in 2008 with the promulgation of rules under the Act.

2009

A cheetah reintroduction workshop was organized by the Government of India with scientists and experts from Wildlife Institute of India and Cheetah Conversation Fund among others. In late 2009, as a part of Project Cheetah, the MOEF approved a detailed survey of seven potential reintroduction sites and three holding sites for captive breeding across four states Rajasthan, Gujarat, Madhya Pradesh and Chhattisgarh.

2019

57,386 families in CTHs, of whom 42,398 families remain in 50 Tiger Reserves after relocating 14,441 families.⁸⁹

2020

The figure of the displaced rose to 18,493 families in 215 villages.⁹⁰

2022

The Union Minister of Environment stated that African cheetahs would be reintroduced from Namibia to Kuno Wildlife Sanctuary and that the Indian Government was also attempting to translocate another 12 cheetahs from South Africa⁹¹

2023

50 Years of Project Tiger - India's tigers have more than doubled since 2006, reaching 3000.

The highest number of Tiger Mortality in a single year - 270 Tiger Deaths.

2024

89,800 families from 848 villages, mostly belonging to the Adivasi community are to be summarily relocated from CTHs or the core area of 54 Tiger Reserves.

NTCA directed all 19 tiger-bearing states on June 19, 2024, to relocate them on a 'priority basis', calling for action plans and regular progress reports⁹²

Unscientific and Undemocratic approach to tiger conservation

The Forest Department, both under British rule and in post-independence India, not only failed to protect wildlife but also often facilitated a developmental regime that led to widespread deforestation, displacement of indigenous communities, and the destruction of natural ecosystems. The Sariska Debacle of 2004, where an entire tiger population was wiped out due to poaching, serves as a stark reminder of the Forest Department's landmark shortcomings apart from the ongoing challenges in wildlife conservation and dealing with accentuating the problem of man-animal conflict. Similarly, five tiger reserves with zero tigers had received a "good" rating from the Wildlife Institute of India.⁹³

The Tiger Task Force Report titled "*Joining the Dots*," published in 2005, critically examined India's tiger conservation strategies, particularly in light of the crisis at the Sariska Tiger Reserve along with other reserves, where the entire tiger population was wiped out.⁹⁴ The report marked a turning point by questioning the prevailing unscientific and anti-people approaches to conservation, offering a more integrated and inclusive perspective. Some of the key findings questioned the conservation and forest management policies. For instance, the report underlined major scientific failures in terms of :

Scientific failures as reflected in the 'Tiger Task Force Report'

1.

Overemphasis on Numbers: The report highlighted the heavy reliance on tiger population numbers as the sole indicator of conservation success. It argued that this narrow focus on counting tigers, often through methods like pugmark tracking, overlooked broader ecological and social factors essential for sustainable conservation.

2.

Neglect of Habitat and Prey Base: The Task Force highlighted that scientific approaches often prioritised tiger numbers without adequately addressing the health of habitats or the availability of prey. This oversight, it argued, weakened the overall ecosystem, making tiger populations more vulnerable.

3.

Failure to Integrate Local Knowledge: The report criticised the exclusion of indigenous and local knowledge systems in conservation planning. It pointed out that scientific approaches often disregarded the valuable insights and sustainable practices of local communities, who had lived in harmony with these ecosystems for centuries.

Similarly, the report which was supposed to be a turning point in India's Conservation policy also did not mince words in calling out its anti-people approach. This includes the following observations:

1. Exclusionary Conservation

The Task Force strongly criticized the "fortress conservation" model, which sought to protect tigers by excluding people from protected areas. It argued that this approach was not only unjust but also ineffective, as it alienated local communities who could be valuable allies in conservation efforts.

2. Human Displacement

The report questioned the ethics and efficacy of displacing indigenous and local communities from their ancestral lands in the name of conservation. It highlighted the social and economic hardships caused by such displacements, which often led to increased poverty and conflict rather than better conservation outcomes.

3. People as Partners, Not Threats

The report challenged the prevailing narrative that framed people, especially those living near tiger habitats, as threats to wildlife. Instead, it emphasised the need to view these communities as crucial partners in conservation, advocating for their involvement in decision-making processes and management of tiger reserves. The Report stated:

*"The protection of the tiger is inseparable from the protection of the forests it roams in. But the protection of these forests is itself inseparable from the fortunes of people who, in India, inhabit forest areas"*⁹⁵

The "Joining the Dots" report delved into the tiger vs. human debate, questioning the rigid dichotomy that pitted wildlife conservation against human welfare. The Task Force argued that this false binary was detrimental to both tigers and people. It stressed that long-term conservation success could only be achieved by addressing the socio-economic needs of the people living in and around tiger habitats. The report called for a balanced strategy that would ensure the survival of both tigers and the people who share their habitats.

Birth of NTCA and FRA 2006

On 4th September 2006, within months of the submission of the "Joining the Dots" Report by Tiger Task Force in 2005, to the Prime Minister, the Wildlife Protection (Amendment) Act, 2006 (WPAA 2006) came into force, amending WLPA 1972. This created the NTCA which was entrusted to oversee the Tiger Reserves, which were till then an administrative category under the Project Tiger and thus were prone to the autocratic and arbitrary decision making of the forest bureaucracy. The Amendment laid down the process of notifying Tiger Reserves by the State Government on recommendation of the NTCA.⁹⁶ The State Government prepares a Tiger Conservation Plan and notifies a core or Critical Tiger Habitat (CTH) area of National Parks and sanctuaries, and a buffer/peripheral area, based on 'scientific and objective criteria' and without affecting the rights of the Scheduled Tribes or such other forest dwellers.⁹⁷ As per the WLPA, 1972 while notifying the CTHs, the State government has to take the consent of the forest dwelling communities in that area, in consultation of ecological experts that the impact of their presence in the area will cause damage and threaten the existence of tigers,⁹⁸ and that the State government 'has come to a conclusion that other reasonable options of co-existence, are not available'.⁹⁹ These provisions emphasize the need to safeguard the rights of local communities during the notification of Tiger Reserves and ensure their involvement in the decision-making process. State governments are required to "protect the agricultural, livelihood, developmental, and other interests of people residing in tiger-bearing forests or tiger reserves." If resettlement or any impact on their rights becomes necessary, it must be carried out with the consent of the affected communities and accompanied by an appropriate relief and rehabilitation package.

These democratic and participatory processes and the acknowledgement of the rights of the forest dwelling communities in the Tiger Reserves was made possible as the Tiger amendment was introduced in the Parliament just after the FRA 2006 was introduced in 2005. However, the stark difference in the manner in which these two pieces of legislations have been implemented after being passed by the parliament, is very telling of the inherent bias of the State towards the forest dwelling communities and their role in conservation and the State's enthusiasm in asserting control over the land and its natural resources.

While the FRA 2006 came into force in December 2006, it was stalled for a year and made operational by the notification of its Rules in January 2008. On the other hand, while the WPAA 2006 came into force in September 2006, by November 2007 an order had been passed to notify 'Critical Tiger Habitats' (CTHs) within 10 days of the receipt of the order, through a process stipulated in the Order, which was in violation of the WLPA 1972 provisions itself. A total of 31 Tiger Reserves were quickly notified, covering 2,925,202 hectares, yet this process blatantly ignored the statutory requirements of Section 38V of the WLPA 1972. In many instances, the core and buffer areas were simply combined and declared as Critical Tiger Habitat (CTH), without properly designating a separate Buffer Area.¹⁰⁰

Experts suggest that this haste shown by the Ministry may be on two accounts - either the Ministry saw this as a way to obfuscate the rights of the forest dwelling communities residing within the CTHs, as operationalising the FRA 2006 would have vested the rights on forest land on the communities bringing an end to the forest bureaucracy's hegemony over Tiger Reserves. The second reason suggests that perhaps the MoEFCC preferred the notification of inviolate core areas for Tiger Reserves as CTHs under the WLPA 1972 rather than 'Critical Wildlife Habitats' (CWHs) under the FRA 2006 which are also inviolate areas of National Parks and Sanctuaries.¹⁰¹ The reason for this preference is that while the CWHs notified under the FRA 2006 cannot be diverted by the Central or State governments for any other use, the CTHs notified under WLPA 1972 have no such restrictions and can be diverted for other uses.¹⁰² Interestingly, in 2019 and 2020 the Standing Committee of the National Board for Wildlife (SC-NBWL), which is headed by the Minister, MoEFCC, had approved diversion of 325 hectares and 595 hectares respectively in prime

tiger habitats for infrastructural projects such as roads, railways, pipelines, transmission lines etc. This number has increased to 770 hectares of tiger habitat being diverted by mid 2021.¹⁰³ This is also evidenced by the many violations seen in Tiger Reserves in the name of tourism, and industrial activity that have been overlooked by the State.¹⁰⁴

NTCA Guidelines 2010

The NTCA Guidelines issued in 2010 for ‘voluntary village relocation in notified core/critical tiger habitats of tiger reserves’,¹⁰⁵ dilutes safeguards provided under WLPA, 1972 and FRA 2006. It presumes that no coexistence is possible in the core zones or CTHs and states that it has been established on the basis of scientific knowledge that in the case of tigers, a certain inviolate zone is required where co-existence is not possible. This it assumes is enough to comply with the provisions of Section 4(2)(b) of FRA 2006 which necessitates that the concerned agencies of the State Governments should establish in exercise of their powers under WLPA 1972 that the activities and presence of people can cause damage and threaten the existence of the wildlife and Section 4(2)(c) of FRA 2006 which mandates that the State Government has to conclude that other reasonable options such as coexistence are not available, before modification or resettlement. Further, the Guideline perpetuates an erroneous understanding of ‘inviolate zones’ which are not meant to be areas that should be free from human habitation or any activity, but areas that should be protected from being harmed, violated, damaged or degraded in any manner. The Clause 5.6 of the guidelines provides for this in the following terms:

“It has been established on the basis of existing scientific knowledge that an area of 800-1200 sq.km. of inviolate core/critical habitat is required for a viable population of tiger. Section 38V 4(i) of the Wildlife (Protection) Act, 1972, as amended in 2006, specifically provides for establishing the core/critical tiger habitats on the basis of scientific and objective criteria, in consultation with an expert Committee, without affecting

the rights of the Scheduled Tribes or such other forest dwellers. Therefore, under section 4(2)(b) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, the field authorities / Field Director of a Tiger Reserve may identify the core/critical tiger habitat as per section 38V 4(i) of the Wildlife (Protection) Act, 1972, using the criteria of 800-1200 sq.km., which has to be notified by the State Government in consultation with an expert Committee constituted for the purpose. The latter takes into account the impact of biotic disturbance on tiger resulting in man-tiger conflicts, besides underlining the need for such minimal area of inviolate space for tiger where no coexistence is possible.”

Under this guideline, two options are given in the core area for resettlement: cash of Rs. 10 Lakhs for those who opt to establish themselves under mutually agreed terms and conditions; or relocation/rehabilitation. As per the guideline relocation is voluntary and done only if people are willing to move.

However, studies have shown that rights recognition is the poorest in Tiger Reserves across the country.¹⁰⁶ Official reports indicate that 251 villages, comprising 25,007 families (around 111,000 forest dwellers), have been “voluntarily” relocated under a limited compensation scheme. Both the environment ministry and state governments, however, tend to restrict their obligations to the guidelines set out in the 2008 “Project Tiger” scheme and its later updates. The Union government provides a compensation package as their share of Rs 15 lakh per family (revised from Rs 10 lakh in April 2021) as either cash or a relocation package, but this only partially addresses the issue of resettling or compensating forest dwellers. The state governments bear the remaining responsibility for relocation and resettlement.

The FRA 2006 requires recognition of the rights of forest dwellers, which must be followed by fair acquisition of those rights under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR 2013). The consent of affected communities is mandatory, and the rehabilitation package must ensure a secure livelihood, not just financial compensation. Adequate facilities must be provided at relocation sites before any rights are affected.

The LARR 2013 stipulates fair compensation, including twice the market value of the land, compensation for assets like trees and plants, a subsistence allowance for a year, and financial assistance for shifting. It also mandates provision of land, housing, and essential services at the relocation site, such as fuel, water, roads, schools, healthcare, grazing land, and access to non-timber forest products. Moreover, livelihood and resource rights in the resettlement area must be safeguarded.¹⁰⁷

As evidenced in Part B of this report, focusing on the Damoh region of Madhya Pradesh, the creation and notification of new Tiger Reserves have resulted in significant rights violations for forest-dwelling communities. These communities have been subjected to illegal evictions without the proper settlement of their rights, as guaranteed under the FRA 2006 and the WLPA 1972.

On June 19, 2024, the NTCA instructed all tiger-bearing states to relocate Adivasi communities, all of whose forest rights recognised and vested under FRA 2006 are yet to be demarcated and titles issued. This directive could result in the displacement of approximately 90,000 families, or around 400,000 people, from their forest land and habitats in the name of tiger conservation.¹⁰⁸ It would mark one of the largest conservation-driven displacements of Adivasi communities in the name of protecting the Tigers. Although these displacements are officially labelled as 'voluntary relocations', in reality, they are forced land alienation. For those affected, who have been denied their rightful land ownership, this process is deeply traumatic and tragic. The story of Munni Dhandekar and her family depicts the plight of those who are falsely portrayed as having voluntarily agreed to relocate.¹⁰⁹

As outlined in Chapters 1 and 2 of this section of the report, the history of forest and wildlife conservation in India—particularly concerning tigers—has been characterized by the State's consistent disregard for the rights of forest-dwelling communities and its blatant neglect of legal procedures and safeguards. This trend persists even after the enactment of the NTCA and the FRA 2006, which were intended to protect the interests of these communities. Over eighteen years later, the case study of Damoh in Madhya Pradesh, detailed in Part B of this report, serves as a stark reminder of the State's questionable intentions toward the rights of *adivasis* and its purported commitment to conservation.

ENDNOTES

75 International Union for Conservation of Nature and Natural Resources, *Review of Tiger Reserve Assessment Reports* (2005), Union Ministry of Environment and Forests (Project Tiger), available at https://wii.gov.in/images/images/documents/mee/Review_TR_Assessment_Report.pdf (last accessed 5 Dec 2024).

76 Source: National Tiger Conservation Authority (NTCA) website, available at <https://ntca.gov.in/tiger-reserves/#tiger-reserves-2> (last accessed on 05 September 2024).

77 Ministry of Environment, Forest and Climate Change, *Achievements of the National Tiger Conservation Authority in the Year 2023* (29 Dec 2023), Press Information Bureau, available at <https://pib.gov.in/PressReleseframePage.aspx?PRID=1991620> (last accessed 5 Dec 2023).

78 Nitin D. Rai & Ors., *Beyond Fortress Conservation- The long-term integration of natural and social science research for an inclusive conservation practice in India*, 254 Biological Conservation 108888 (Feb 2021).

79 Report by Tiger Task Force, *Joining the Dots* (2005), Government of India, available at https://ntca.gov.in/assets/uploads/Reports/Joining_the_dot.pdf (last accessed 5 Dec 2024).

80 Nanditha Krishna, *A Brief History of the Tiger in India* (18 Jul 2020), <https://www.newindianexpress.com/opinions/2020/Jul/18/a-brief-history-of-the-tiger-in-india-2171281.html>.

81 Joining the Dots, Report by Tiger Task Force, Pg 70 "E P Gee, one of the first naturalists to document India's wildlife followed, suggesting that India had 40,000 tigers at the turn of the century, which he said were down to 4,000 in 1965."

82 Nanditha Krishna, *A Brief History of the Tiger in India* (18 Jul 2020), <https://www.newindianexpress.com/opinions/2020/Jul/18/a-brief-history-of-the-tiger-in-india-2171281.html>.

a-brief-history-of-the-tiger-in-india-2171281.html.

83 VR Mandala, *The Raj and the Paradoxes of Wildlife Conservation- British Attitudes and Expediencies*, 58(1) The Historical Journal 75 (March 2015).

84 Susie Green, *Tiger Tiger* (16 May 2019), History Today, <https://www.historytoday.com/miscellanies/tiger-tiger> (last accessed 5 Dec 2025).

85 See Kavya Chimalgi, *History of Hunting in the Indian Subcontinent* (April 2010), available at <https://thelastwilderness.org/wp-content/uploads/2016/08/History-of-Hunting-in-the-Indian-Subcontinent-Kavya-Chimalgi.pdf> (last accessed 5 Dec 2024).

86 Section 38V, WLPA 1972.

87 Bijoy CR, *A look at project Tiger, 50 Years on*, (10 January 2024), The Hindu, available at https://www.researchgate.net/publication/377296892_A_look_at_Project_Tiger_50_years_on_2_The_Hindu_January_10_2024 (last accessed 6 Dec 2024).

88 See National Tiger Conservation Authority, Year wise trend of tiger mortality events recorded for the period 2012-2024, <https://ntca.gov.in/tiger-mortality/#year-wise> (last accessed 4 Dec 2024).

89 CR Bijoy, *NTCA Demands Relocation of Nearly 4 Lakh Forest Dwellers From 54 Tiger Reserves*, The Wire, August 20, 2025, <https://thewire.in/environment/ntca-demands-relocation-of-nearly-4-lakh-forest-dwellers-from-54-tiger-reserves>, Accessed on August 25, 2024.

90 <https://www.downtoearth.org.in/news/wildlife-biodiversity/tigers-and-tribals-conservation-project-displaced-18-493-families-in-48-yrs-73732>

⁹¹ Esha Roy, (20 August 2022). "Cheetahs from Namibia set to reach in Sept: Union Minister Bhupender Yadav". *The Indian Express*

⁹² CR Bijoy, *NTCA Demands Relocation of Nearly 4 Lakh Forest Dwellers From 54 Tiger Reserves*, *The Wire*, August 20, 2024, <https://thewire.in/environment/ntca-demands-relocation-of-nearly-4-lakh-forest-dwellers-from-54-tiger-reserves>, Accessed on August 25, 2024.

⁹³ Vijay Pinjarkar, *Five Tiger Reserves Have Zero Tigers Yet Get Good Rating*, *Times of India* (1 Aug 2023), available at <https://timesofindia.indiatimes.com/city/nagpur/five-tiger-reserves-have-zero-tigers-yet-get-good-rating/articleshow/102294634.cms>.

⁹⁴ Report by Tiger Task Force, *Joining the Dots* (2005), Government of India, available at https://ntca.gov.in/assets/uploads/Reports/Joining_the_dot.pdf (last accessed 5 Dec 2024).

⁹⁵ *Id*, at p vi.

⁹⁶ See, Section 38 V (4) and (5) of Wild Life (Protection) Act, 1972.

⁹⁷ See, Section 38 V(4)(i) of Wild Life (Protection) Act, 1972.

⁹⁸ See, Section 38 V(5)(ii) of Wild Life (Protection) Act, 1972.

⁹⁹ See, Section 38 V(5)(iii) of Wild Life (Protection) Act, 1972.

¹⁰⁰ C.R. Bijoy, 'Democracy In The Forests: The Governance That Is To Be', 17/1 *Law, Environment and Development Journal* (2021), p. 20, available at <http://www.lead-journal.org/content/a1702.pdf> (last accessed on 05 September 2024).

¹⁰¹ Section 2(b) of FRA 2006 defines 'Critical Wildlife Habitats' as detailed in Chapter 1.

¹⁰² C.R. Bijoy, 'Democracy In The Forests: The

Governance That Is To Be', 17/1 *Law, Environment and Development Journal* (2021), p. 20, available at <http://www.lead-journal.org/content/a1702.pdf> (last accessed on 05 September 2024).

¹⁰³ Vijay Pinjarkar, 2021, "Tiger habitats overlooked in rush to grant nod for infra projects", *Times of India*, available at - <https://timesofindia.indiatimes.com/city/nagpur/tiger-habitats-overlooked-in-rush-to-grant-nod-for-infra-projects/articleshow/84840063.cms> (last accessed on 12 November 2024).

¹⁰⁴ See *The Great Indian Tiger Show*, C R Bijoy, *Economic & Political Weekly*, January 2011, Vol 46, No. 4, pp. 36-41.

¹⁰⁵ Can be accessed on, https://ntca.gov.in/assets/uploads/guidelines/Village_relocation_guidelines.pdf

¹⁰⁶ Bijoy, CR, *Unravelling Forest Conservation*, *Mongabay*, <https://india.mongabay.com/2024/04/commentary-unravelling-forest-conservation-the-battle-over-the-forest/> Accessed on August 15, 2024

¹⁰⁷ Bijoy, CR *NTCA Demands Relocation of Nearly 4 Lakh Forest Dwellers From 54 Tiger Reserves*, *the Wire* <https://thewire.in/environment/ntca-demands-relocation-of-nearly-4-lakh-forest-dwellers-from-54-tiger-reserves> Accessed on August 25, 2024

¹⁰⁸ CR Bijoy, *NTCA Demands Relocation of Nearly 4 Lakh Forest Dwellers From 54 Tiger Reserves*, *The Wire*, August 20, 2024, <https://thewire.in/environment/ntca-demands-relocation-of-nearly-4-lakh-forest-dwellers-from-54-tiger-reserves>, Accessed on August 25, 2024.

¹⁰⁹ Kavitha Iyer, *India's Man-Tiger Conflict & The Trauma Of Illegal Relocation*, *Article 14*, February 19, 2021, <https://article-14.com/post/india-s-man-tiger-conflict-the-trauma-of-illegal-relocation>, Accessed on August 14, 2024.

PART B CASE STUDY OF THE
VEERANGANA DURGAWATI
TIGER RESERVE



Chapter 3

A Case Study of the Veerangana Durgawati Tiger Reserve, Madhya Pradesh

Madhya Pradesh occupies a significant position in India's ecological and socio-political landscape. Enriched with abundant natural resources and perennial rivers like the Narmada, Tapti, Son, Betwa, Shipra, and Chambal, the state ranks first in the country in terms of total forest area. It boasts the largest recorded forest area (RFA) in India, spanning 94,689 sq. km., which constitutes 30.7% of its geographical expanse.¹¹⁰ This includes 61,886 sq. km. of Reserved Forests and 31,098 sq. km. of Protected Forests—both the largest in the nation.¹¹¹

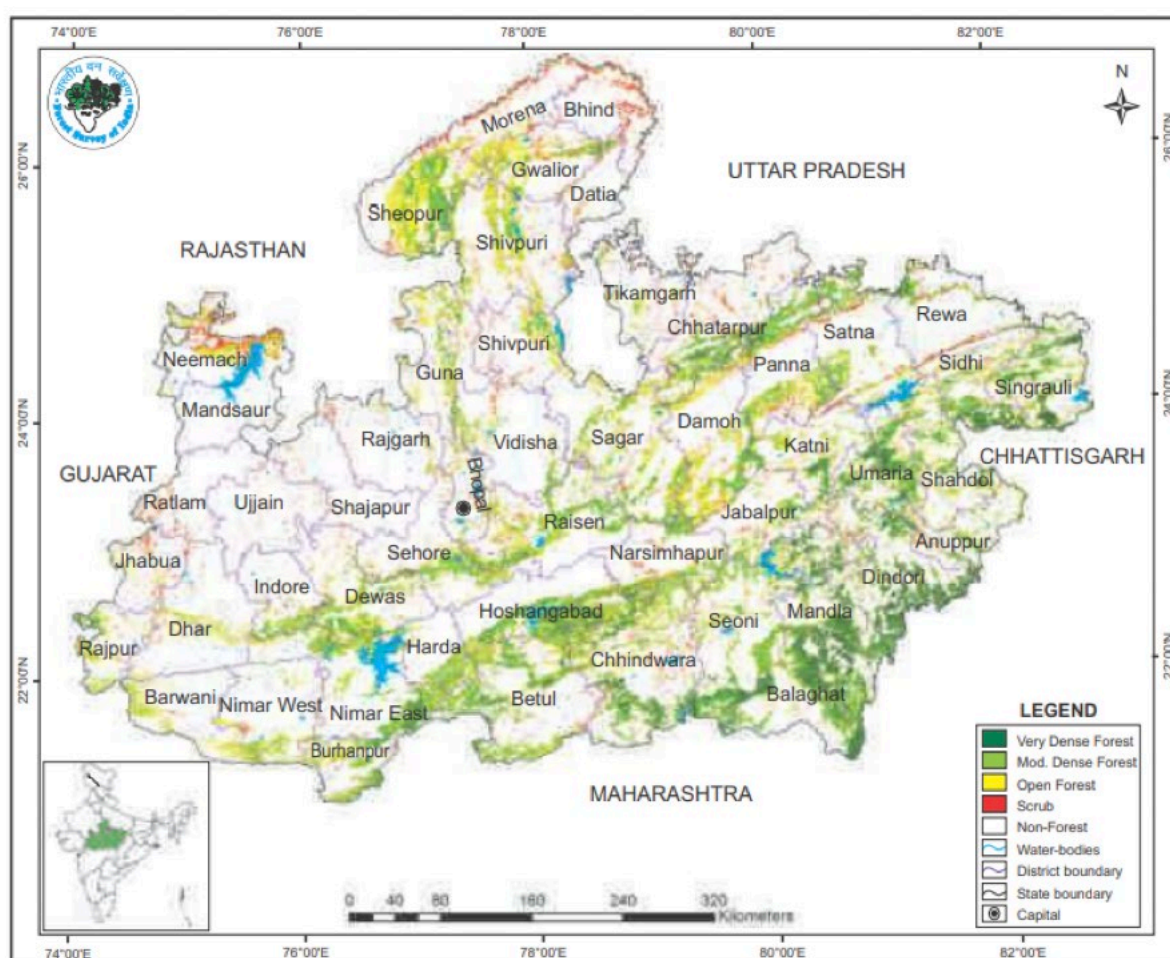
With six tiger reserves covering 6,117.26 sq. km., and a population of 526 tigers as per the *All India Tiger Estimation 2018*, Madhya Pradesh has earned the title "Tiger State of India." The state also hosts 10 national parks and 25 wildlife sanctuaries, constituting 3.51% of its geographical area, along with 19 eco-sensitive zones. Despite these ecological riches, Madhya Pradesh faces critical challenges in balancing forest conservation with the rights of its indigenous communities.¹¹²

The Dual Reality of Madhya Pradesh

While Madhya Pradesh is rich in natural resources, it is also home to the largest population of indigenous people in India, many of whom live in dire socio-economic conditions. As per the 2011 Census, Scheduled Tribes (STs) constitute 21.1% of the state's population, with 15.3 million people residing in 3.1 million households. The state has 50 districts, of which 21 are tribal districts, and the largest area under the Panchayats (Extension to Scheduled Areas) Act (PESA) 1996. PESA aims to empower tribal communities by granting them self-governance over their resources, but the gap between policy and practice remains glaring.¹¹³

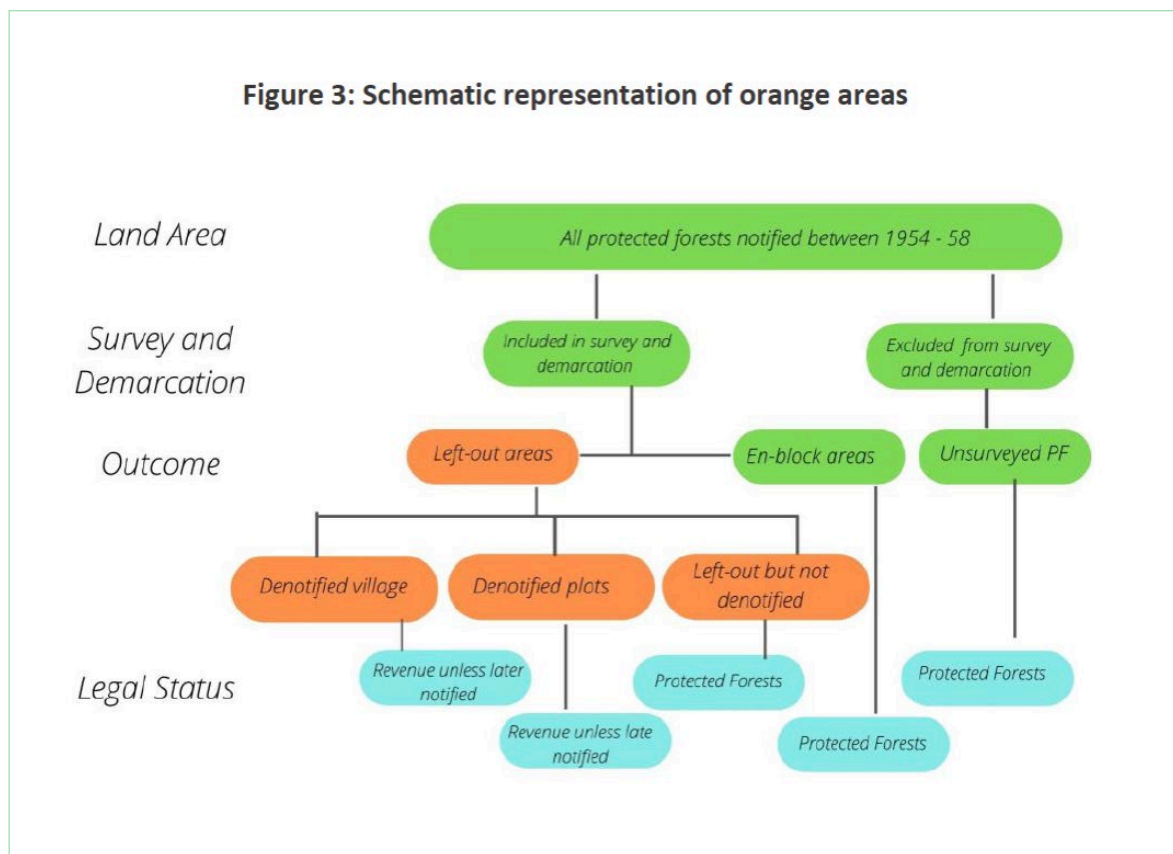
Madhya Pradesh also leads the country in revenue from mining, with 394 operational mines.¹¹⁴ However, the wealth generated from these resources has not translated into improved living standards for its indigenous people, highlighting a paradox of exploitation and exclusion.

FOREST COVER MAP OF MADHYA PRADESH 115



Tenorial Insecurity- Orange Area Conflict

Figure 3: Schematic representation of orange areas



For over six decades, a significant portion of villages in Madhya Pradesh and Chhattisgarh has faced a unique land tenure issue known as the “orange areas” dispute. This longstanding conflict has left hundreds of thousands of hectares of forestland without adequate legal protection. As per the India report of the World Resources Institute, “Overlapping claims by the state revenue and forest departments to 1.2 million hectares of land in the central Indian states of Madhya Pradesh and Chhattisgarh (Garg 2016) have impacted at least 1.5 million families (ELDF 2018) that depend on land resources for food, fuel, and income. This lack of tenorial clarity as to whether land is revenue land or forest land is known as the “orange area” issue in the two states, previously unified as Madhya Pradesh”.¹¹⁶

Madhya Pradesh

Chhattisgarh

Note: Jhabua, Alirajpur, Mandsaur, Neemuch, Morena, Sheopur, Khargone, Barwani, Khandwa, Burhanpur, Guna, Ashoknagar, Jabalpur, Katni, Bilaspur, Mungeli, Bastar, Kondagaon, Surguja, Surajpur and Balrampur are all independent districts today.

Legend:

- State boundary
- District boundary
- Districts impacted by the orange areas issue
- () Number of totally de-notified villages in the district

Scale: 0 75 150 300 450 km

More than 70 percent of the districts and nearly 50 percent of the villages in present day Madhya Pradesh are affected by the orange area issue.

In 2020, the task force appointed by the MP Government to resolve the issue, suggested the following steps towards:

- All farmers who received leases should receive titles. Because the farmland is classified as a forest, titles could be processed under FRA, 2006

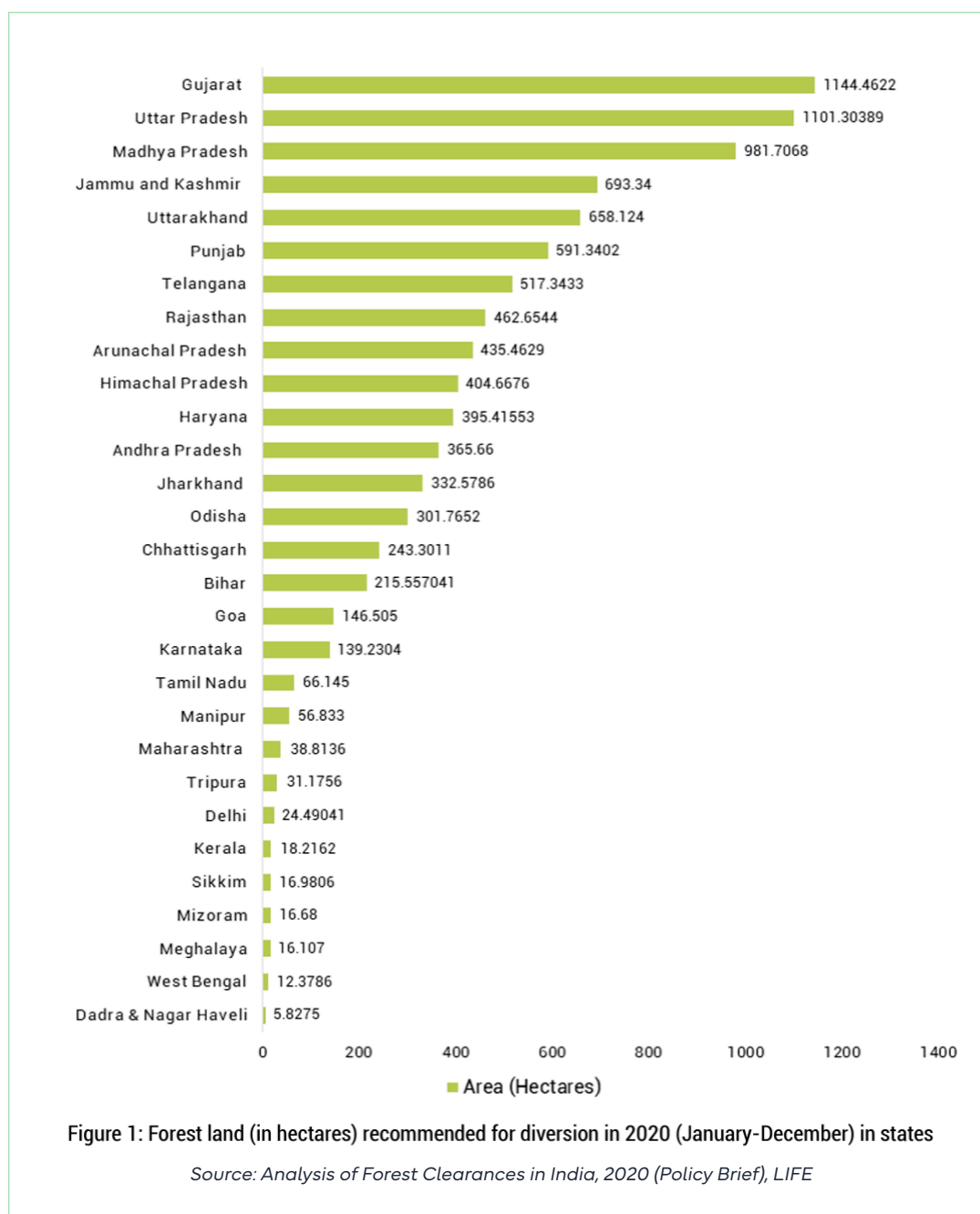
- In cases where people don't have the documents, the state government could process revenue land titles by holding consultations with the Government of India. Such a consultation is necessary because the VSESA, 1980, the Centre's approval is mandatory when forest land is diverted to non-forest uses. (The FRA 2006 is exempt from this requirement).

- If titles cannot be given, the farmers should be paid compensation in lieu of the land.

Once the suggestions of the task force are implemented it would help reduce tenurial insecurity amongst the forest dwellers.

Weakening of Forest Clearance Regime: Forest diversion in the recent years

Apart from the tenurial insecurity caused to the forest dwellers due to the orange area conflict, the government's effort to weaken the forest protection regime is also excluding forest dwellers from large swathes of land by diverting those for non-forest purposes. As per the Union Government's own admission in the Rajya Sabha,¹¹⁷ more than 90,000 hectares (ha) of forest land has been diverted for non-forest purposes between 2018-2023 with Madhya Pradesh holding the notorious distinction of being the state with the highest amount of forest land diversion (around 19,000 ha).



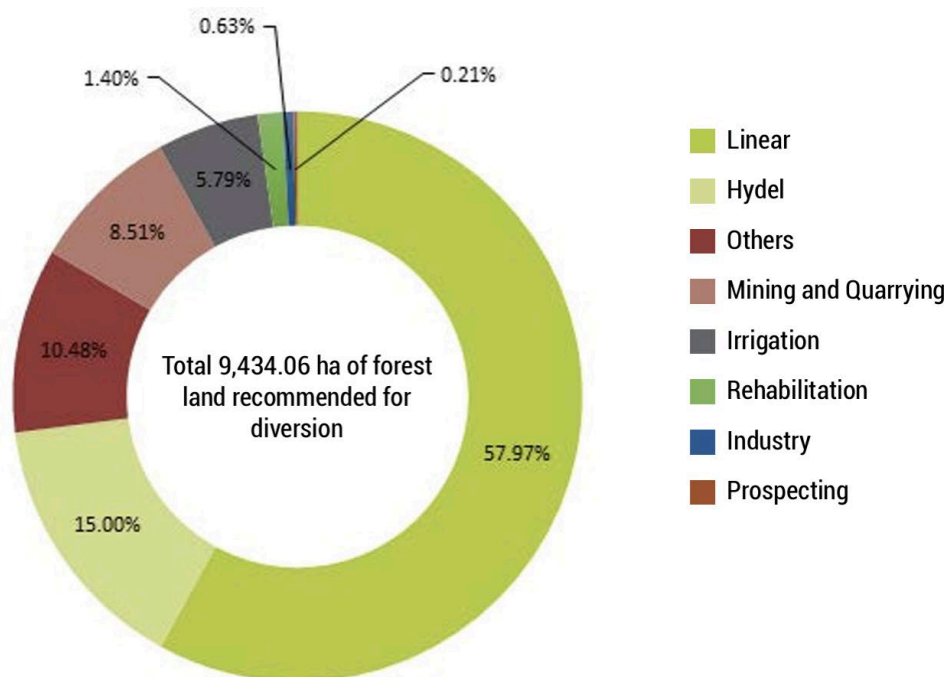


Figure 3: Category-wise forest land (in hectares) recommended for diversion in 2020

Source: Analysis of Forest Clearances in India, 2020 (Policy Brief), LIFE

Status of Forest Claims

To simplify the process of filing of fresh claims and that of review of claims, the Madhya Pradesh government launched an online portal called MP Van Mitra. Instead of making the claim process easier, transparent and effective, the Van Mitra has led to a lot of confusion amongst the claimants and has, in some cases, led to rejection of rightful claims.¹¹⁸

Due to the low internet literacy amongst the inhabitants, they have to rely on the MP Online kiosk operators to help them fill up the claims application. Not only do these operators unfairly charge money from the claimants when the service was supposed to be provided by the government free of cost, the operators also end up mixing documents relating to different claims which results in eventual rejection of these claims. The portal is often not functioning or is shut down for one reason or another. Further, the claimants are not able to timely check the updates regarding the status of their application due to delay in the information being updated on the portal. Even when updates on the claims are available, for applications that have been rejected, no reasons are specified for such rejections. This is in teeth of the Guidelines on the implementation of the FRA, 2006 which mandates that claims cannot be rejected without giving the reasons in writing. There have also been discrepancies with regard to land allotted in the case of individual claims. RTI data shows that the portal has only led to extremely high rejection of claims and that the process of appeal functions in a non-transparent and shoddy manner.¹¹⁹

Despite the CFR areas, if any, being vested with the Gram Sabha, the Forest Department still retains substantial control over these areas. Specifically, the Forest Department had fixed a target for Tendupatta collection without considering the needs and aspirations of forest dwelling communities. Even where IFR or CFR have been approved, there exists a large gap between the land for which forest rights were claimed and which was finally recognised. While almost everyone the research team spoke to during our field work in the area, were unaware about the status of their IFR and CFR claims, if any, even in cases where claimants knew that their claims had been rejected, the reason for rejection was not conveyed to them. Further, there was no awareness of

the appeal process under FRA. This goes against the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 (FRA Rules) clause 12A(3) and clause 12A(5) which specifically provide that no claim shall be rejected without giving the claimant a "reasonable opportunity to present anything in support of his claim" and that rejection or modification of a claim shall be in person communicated to the claimant to allow him to file an appeal.

Compensatory Afforestation Fund Act (CAMPA) : Continuum of Systemic Corruption

Instances of CAMPA plantations being set up on land either claimed or set up about across literature and in our field areas. This is a serious violation of section 4(5) of FRA 2006, which provides that no ST or OTFD "*shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.*" The Asian Centre of Human Rights report states that in the middle of during COVID-19 lockdown, funds from the CAMPA Fund were used to carry out afforestation on the lands and habitations of indigenous peoples even before the adjudication of their claims. Amongst multiple other instances of CAMPA funds being used in violation of the FRA 2006, it points to the to the order issued by MoEFCC¹²⁰ allowing States and UTs with over 75% of their land under forest cover to carry out compensatory afforestation in other States or Union Territories (UTs) which have degraded forest land or land banks.¹²¹ In pursuance of this order, In September 2020, State Government of Madhya Pradesh offered to carry out afforestation on 650 sq km of its degraded forest land to enable forest land diversions in Andaman and Nicobar Islands.¹²²

The Compliance Audit Report of the Comptroller and Auditor General of India for the year ended 31 March 2021 (Environment, Public Works, Energy and Industries Departments)¹²³ points to multiple shortcoming and legal violation in the use of CAMPA funds by the state of MP.¹²⁴ These include "*expenditure of 53.29 crore on ineligible activities which could not be linked to any of the activities envisaged for Compensatory Afforestation*",

expenditure of . 29.58 crore on “plantation of teak which was a commercial activity not permissible under Compensatory Afforestation.” The audit report further found that “in 678 land diversion cases that Self-monitoring Reports had not been obtained by the Department from the User Agencies. This indicated inefficient monitoring and indifference towards restoration of damages to the ecology and environment on account of diversion of forest land.”

A recent report shows that between 2018-2023, out of the Rs 55,000 Crore transferred to the state governments for compensatory afforestation, only Rs 22,466 crore, just about 40 per cent of this amount, had been allocated for afforestation works. The rest of the money is sitting idle in state government accounts. Further, unlike the diverted forests, land for compensatory afforestation are often not contiguous, but spread over multiple locations. Furthermore, government usually provide degraded, barren lands for compensatory afforestation. The plantation sites are often also high biotic pressure areas, meaning nearby human habitations or cattle use it for their own purposes.¹²⁵

It’s important to note that the concept of compensatory afforestation is itself flawed and scientific and cannot make up for the loss of the forest, as has been accepted by the government before Parliament as well.¹²⁶ A forest has thousands–of species of flora and fauna living in a complex “ecological mix”, with natural nutrient cycling processes that “cannot be restored by creating monoculture plantations”,

Private Investment in Forests

The research team heard time and again during our fieldwork that the government has leased forest to private companies. This seemingly must have been done under the 2019 guidelines approved by the MoEFCC for tripartite agreement between an industrial house, an acceptable NGO of repute and local forest department for plantation on degraded forests. These guidelines were issued after previous attempts to incorporate such guidelines in 2004,¹²⁷ 2016 and 2018¹²⁸ saw vocal opposition from the tribal affairs ministry, Supreme Court appointed Central Empowered

Committee (CEC)¹²⁹ and civil society organizations,¹³⁰ amongst others for ignoring tribal rights and favouring private interests in the name of increasing forest productivity and to be in express violation of the in violation of FRA 2006 and PESA, 1996.

In 2020, the MP forest department mooted a similar proposal, to hand over degraded forest to corporates for afforestation. The proposal seemed to have been shelved but is part of a long line of attempts both at the State level¹³¹ and the Central level to open up forest for the private sector.¹³²

Despite the opposition to private-run plantations, the Central Government recently notified Green Credit Initiative¹³³ and the Carbon Credit Trading Scheme¹³⁴ that encourages the replacement of government and community-governed forests by private plantations as part of India's climate-change commitments.

Relocation of forest dwellers from Tiger Reserves

On 19 June 2024, the National Tiger Conservation Authority vide its letter¹³⁵ directed all 19 tiger-bearing states to relocate forest dwellers on a 'priority basis', calling for action plans and regular progress reports. As per experts,¹³⁶ this relocation-bound to be among the largest displacements ever in the world for wildlife conservation- would entail a relocation of 4 lakhs forest dwellers including 2.5 lakhs from from the central Indian tribal belt of Madhya Pradesh, Rajasthan, Maharashtra and Chhattisgarh. The letter provided data on the status of village relocation from Tiger Reserves for all 19 tiger-bearing states. As per the data, provided below, Madhya is ranked 3rd from top among the states with regard to the number of forest dwellers bound to be displaced in this exercise.

Status of village relocation from Tiger Reserves as on 27.05.2024 for Madhya Pradesh

6

No. of Tiger Reserves

165

No. of Villages in the notified Core (CTH)

18,626

No. of Families in the notified Core (CTH)

109

No. of Villages relocated from the notified Core (CTH) since
the inception of the Project Tiger

9,058

No. of Families relocated from the notified core (CTH) since
the inception of the Project Tiger

56

No. of Villages remaining inside the core (CTH)

9,568

No. of Families remaining inside the core (CTH)

This chapter, along with the next, aims to provide an on-the-ground perspective of how the 'relocation process'—or rather, the forced displacement—is unfolding in one of the six tiger reserves in the state.

Case Study on Displacement in Veerangana Rani Durgawati Tiger Reserve

On 20.09.2023, the Governor of Madhya Pradesh in exercise of powers under Section 38V(iv)(ii) of WLPA, 1972 vide a gazette notification notified the Nauradehi (Wild Life) Sanctuary and Veerangana Durgavati Sanctuary into a Tiger Reserve, and christened it as the Veerangana Rani Durgavati Tiger Reserve. The previously notified eco-sensitive zone of Nauradehi and Veerangana Durgavati sanctuaries and the surrounding forest areas have been included in the notified buffer area.

The notification enumerates the villages falling in the core area and those falling in the buffer area and for the former specifies the area of already relocated villages and the area of the villages to be relocated. These already relocated villages also consist of those that the forest department has been relocating for different purposes atleast since 2009. The need for the Tiger Reserve's expansion has led to a target of displacing a total of 90 villages around the sanctuary. The six villages to be displaced in the core zone of Nauradehi Sanctuary span three districts: Patna Mohali, Ghana, and Malkuti in Narsinghpur, Khapra Kheda in Sagar district, and Sarrabarai and Munali Kheda villages in Damoh district. As per a news source, 22 out of the planned 90 villages have already been displaced.¹³⁷

Key Findings of the research team: Displacement due to introduction of 'charismatic' animals

A few of these 22 villages could be amongst the 23 villages which were supposed to be relocated, under a Wildlife Institute of India (WII) led project initiated in 2009, for re-introduction of cheetahs in the Nauradehi Sanctuary in a 150 km enclosure which was to be built in Sagar district within 700 km proposed to be declared as core area for cheetah reintroduction and the remaining as buffer area. This project is one of many, amongst governments long ongoing attempts to introduce/re-introduce various 'charismatic animal'¹³⁸ species. Damoh and the surrounding areas have been an important site for many such projects. This specific project aimed to relocate these 23 villages purportedly inhabited by 800 families and referred to some guidelines to project the cost of relocation to be 80 crore (or 10 lakhs per family). As there are no separate guidelines governing quantum compensation for cheetah (re)introduction, it seems that the NTCA relied on its guidelines governing Project Tiger¹³⁹ and the MoEFCC issued National Rehabilitation and Resettlement Policy, 2007¹⁴⁰ for deciding the quantum of compensation.

The project stalled in 2014 but not before atleast 15 villages had already been relocated¹⁴¹ and there were plans to relocate 10 more villages by 2021. The initiative came to a halt after the Supreme Court, while hearing a challenge (Centre for Environment Law, WWF-I vs. Union of India, WP (C) No. 337/1995) against the translocation of lions from Gir National Park in Gujarat to Kuno National Park in Sheopur, MP under Asiatic Lion Reintroduction Project, stayed the plan by imposing a ban on importing Cheetahs.

With regard to displacement caused due to introduction - reintroduction of 'charismatic animals', the research team saw another such instance in Nauradehi. In 2020, on an application

(Centre for Environment Law, WWF-I vs. Union of India, I.A. No.192/2017 in WP (C) No. 337/1995) was filed by the NTCA to resuscitate the plan to import cheetahs, the Supreme Court lifted the ban and appointed a three member committee to guide the NTCA in the initiative. On the direction of the three-member committee, WII conducted a site visit and assessment of Nauradehi Wildlife Sanctuary along with 5 other sites in Rajasthan and Madhya Pradesh. In its 2020 report, WII referring to the 2010 attempt, observed that Nauradehi Wildlife Sanctuary was one of the priority sites for cheetah reintroduction and that back in 2014 *"15 villages have been [already] relocated with plans of additional 10 (or 12) villages to be relocated in 2021"*¹⁴²

The plan to introduce cheetahs was finally formally resuscitated by the Union Government and rechristened Project Cheetah. The purported goal of the Project is to *"improve and enhance the livelihood options and economies of the local communities"* and to *"contribute to the global effort towards conservation of the Cheetah as a species"*.¹⁴³ Since then, 20 cheetahs have been brought from Namibia and South Africa to Kuno National Park.¹⁴⁴ Supreme Court intervened (Centre for Environment Law, WWF-I vs. Union of India, IA 192/2017 in WP 337/1995) when at least 8 of the 20 Cheetahs brought passed away and directed the Union Government to take steps to consider spreading out the Cheetahs to other sites previously assessed as suitable for hosting the species instead of keeping all of them at one site i.e. Kuno National Park.¹⁴⁵ Since then, work has started to relocate the Cheetahs to Nauradehi on the basis of the WII 2020 report.¹⁴⁶

It is important to mention that amongst the various actions that the WII had suggested were *"Chain link fencing of the area [230Km long] in the Sanctuary"*.¹⁴⁷ As per the report, this fencing will at least require the 7 villages including Boma, Deolpani, Ankhikheda, Patna, Jamun, Khapa, Singhpuri to be relocated. Further, it was suggested that as part of prey augmentation for the Cheetahs 1000 Cheetals, 500 blackbucks and 200 Chinkara be translocated to the Sanctuary. Most of the population in the area is Below Poverty Line and heavily relies on forest produce for sustenance and livelihood.

The surrounding villages were not informed about any of the translocation/introduction/reintroduction of the animals and its effect on their own lives. With the introduction of lions,

cheetahs and the other animals required for prey augmentation, the possibility of animals crop raiding, attacking livestock and animal-human conflict increases substantially. Further, some of the animals being introduced like blackbucks consume mahua fruit and other forest produce which were minor forest produce and a source of livelihood for the forest-dwelling population but since the introduction of animals, restrictions were imposed on collecting it.

Lack of clarity about quantum of compensation

It is clear that Scheduled Tribes and forest-dwelling communities are entitled to the protection of both the LARR, 2013 and the FRA 2006.¹⁴⁸ The former governs the quantum of compensation, and the statutory right of rehabilitation should not be defeated by administrative guidelines such as those issued by the NTCA.

There is a lack of clarity about the methodology used for deciding the quantum of compensation given under each of these. The fact that the State has been displacing people by giving them a compensation amount which goes against the LARR, 2013 is accepted even by the State Government in the Vidhan Sabha- as late as December 2014, the State had been displacing people from the Nauradehi Sanctuary on the basis of the Madhya Pradesh State Industrial Land and Industrial Building Management Rules, 2008 instead of the then in force LARR Law.¹⁴⁹ From field work it seems that displacement from villages falling under the Tiger Reserve happened in 3 phases until now, however this could not be conclusively verified.

As per testimonies the first phase of relocation began in 2014-15, during which each family unit was offered a compensation package of Rs. 10 lakhs. However, the criteria used to define and count a single unit were deeply flawed, an issue that will be discussed later. According to field testimonies, the research team learned that after a few years (though the exact timeline remains unclear), the compensation amount was reportedly increased to Rs. 15 lakhs. However, news reports citing government officials

refute this claim. As of 2019, when at least 25 of the 72 villages within the sanctuary had been relocated, only Rs. 10 lakhs per family unit were provided for resettlement, and even this amount was disbursed only in cases where claims were settled—a rare occurrence in villages falling within the Nauradehi and Durgawati Sanctuaries.

The Rs.10 lakh compensation was released by the government in the following manner: an initial amount of Rs. 1 lakh was deposited directly into the individual's account, while Rs. 3 lakhs were placed in a fixed deposit for three years. The remaining Rs. 6 lakhs were kept in a joint account with the district collector. This portion of the compensation could only be transferred to the individual's personal savings account after purchasing a house or land.

For revenue villages, at least on paper, two options were provided to each family unit. Under the first option, the entire Rs. 10 lakh amount would be deposited in one go if the Panchayat submitted a proposal for this disbursement. Under the second option, individuals could request an evaluation of their land, house, or other assets, with compensation determined by the collector based on the assessed value. However, this second option existed only in theory. Across the 12-15 villages surveyed during our fieldwork—whether classified as revenue or forest villages—every resident reported receiving a flat Rs. 10 lakh, irrespective of the value of their land, trees, or assets.

Moreover, until at least 2019, even withdrawing this compensation was fraught with restrictions. Many reported that they were required to obtain permission from the Forest Department to access their own funds, further exacerbating their challenges post-relocation.¹⁵⁰

Through a notification issued in 2008,¹⁵¹ Madhya Pradesh has laid down the guideline for the process of relocation of

villages from Protected Areas, including Tiger Reserves, in 2008. The notification relies on the National Rehabilitation and Resettlement Policy, 2007 and similarly has the provision to monitor the relocation process by the State level monitoring committee and District level implementation committee. Hence, the state guidelines are open to the possibility of the '*package amount*' exceeding those provided by the NTCA guidelines i.e. Rs. 10 Lakhs (which increased to 15 lakhs in 2021).¹⁵² This is relevant as the main grouse of mostly everyone the research team spoke to on the field was that Rs. 10 lakh (or even Rs. 15 lakh) will not even afford them 1 acres of land for farming, let alone the amount of land they had access to previously.

Further, the NTCA guidelines as well as the National Rehabilitation and Resettlement Policy, 2007 stipulate that families should be given a choice: financial compensation or direct help from the Forest Department with housing, land, community facilities etc. No such choice was given to anyone we came across. Everyone was offered money and made to agree to relocate through threats and pressure.

Problems with the 'Family'

Under FRA 2006, WLPA 1972, NTCA guidelines, as well as the National Rehabilitation and Resettlement Policy, 2007, 'family' is taken as a unit for the relocation, rehabilitation and compensation purposes. As per the extant law (NTCA guideline and the 2007 Policy), the package is distributed 'per family'.

The NTCA vide these guidelines, clarified that *“the following will be treated as separate families even if they currently live together:*

1.

A major (over 18 years) son irrespective of his marital status

2.

Unmarried daughter/sister more than 18 years of age

3.

Physically and mentally challenged person irrespective of age and sex

4.

Minor orphan, who has lost both his/her parents

5.

A widow or a woman divorcee”

Under the 2007 Policy, once the affected area has been notified, *“a baseline survey and census for identification of the persons and families likely to be affected”* has to be conducted.

Multiple people the research team spoke to have confirmed that the forest department has been using a survey conducted in 2014 for the purpose of relocation and hence for deciding the beneficiaries of the relocation package. Those who were minor when the survey was conducted, but since then have turned major are a separate 'family' unit, but have not been recognised as such. The research team came across multiple such instances. As per popular narrative in the village, this problem was even brought to the 2019 Assembly election candidates and the villages seemingly gave them a representation that every adult resident should be treated as a separate family for the purpose of the relocation package, but nothing has happened since then. Even women who have since the time of survey become widowed/ divorced informed the team about the hard time they had to go through in the due process of claiming the package amount as the forest officials were insisting on the husband to be present.

The example of Kamlabai (name changed), who is amongst one of the 8 families that still remain in Anchalpura in Mangdupura Gram Panchayat, Tendukheda, Damoh, brings this out clearly. She is a woman in her 50s, with both her major sons having migrated to work as construction workers outside Damoh. Her husband, who had mental health issues, has been missing for the last 3 years. Despite running from pillar to post, she is still awaiting the disbursement of the package amount.

Violation of Law and Judicial Orders

Section 4(2) of the Forest Rights Act (FRA) 2006 and Section 38V(5) of the Wildlife Protection Act (WLPA) 1972 mandate that forest rights holders can only be resettled from Critical Wildlife Habitats (CWHs) or Critical Tiger Habitats (CTHs) of tiger reserves after their land rights claims have been recorded and recognized.

In practice, however, **Individual Forest Rights (IFR) and Community Forest Rights (CFR) claims remain largely unsettled across the villages surveyed during our fieldwork.** Most residents are unaware of the status of their claims, or the reasons for rejection of their claims, which are further violations of FRA 2006. The introduction of the Van Mitra App has further compounded these issues, creating additional confusion and uncertainty in a process already plagued with systemic inefficiencies and delays.

The FRA 2006 and its accompanying Rules outline a participatory, bottom-up approach to rights recognition, designed to be accessible and rooted in the traditional dispute resolution mechanisms of tribal communities. However, the **Van Mitra portal undermines this framework by introducing a technology-driven, opaque system.** Decision-making power is effectively shifted to extra-statutory personnel, such as kiosk operators, who lack the accountability and legitimacy required to handle such a sensitive and crucial process.

This transition not only bypasses the community-centric ethos of the FRA 2006 but also exacerbates existing barriers to justice for forest dwellers, effectively sidelining their rights in the name of administrative expediency.

Under Section 38V(5) of WLPA 1972, it is mandatory to provide evidence that a community is causing irreversible harm to wildlife and that coexistence is impossible. However, the

NTCA has consistently failed to meet this requirement. During the fieldwork, the research team found that there were no instances where such evidence was presented. This aligns with the findings of the NGO Survival International, which reported that they are

“yet to find a single example of Forest Department officials collating this proof, discussing it with the Gram Sabha, and showing that coexistence is impossible.”¹⁵³

Additionally, ***the requirement for free, prior, and informed consent from affected forest dwellers and Gram Sabhas, as mandated by Sections 38V(4) and (5) of the WLPA 1972, is being blatantly violated. The law obligates the forest department to clearly explain the consequences of Critical Tiger Habitat (CTH) notifications, evidence of irreversible habitat damage, and resettlement programs in a vernacular language accessible to the community.*** Yet, our field research indicates that these procedures are systematically ignored.

Villagers consistently reported being unaware of Gram Sabha meetings or their purpose. When such meetings were convened to ostensibly discuss and approve relocation plans, they were perfunctory at best. Communities were hastily gathered, asked to raise their hands, and photographed—without any meaningful discussion or explanation in a language they could understand. **These staged proceedings were then falsely presented as evidence of community consent.**

This pattern of behavior starkly highlights the systemic violation of legal safeguards. Rather than ensuring genuine participation and consent, these so-called “voluntary relocations” are coercive and in direct conflict with the established legal procedures.

The notion that consent for relocation is ‘fair,’ ‘free,’ and ‘voluntary’ could not be further from reality. Villagers consistently face threats, harassment by the forest department, and systematic denial of basic facilities. For instance, the Gram Sabhas of 12 revenue villages located in the core zone of the Nauradehi Tiger Reserve passed a resolution on August 16, 2023, opposing the notification relocating these villages to the reserve’s buffer zone. In their resolution and subsequent letters, the Gram Sabhas highlighted the severe consequences of the relocation

notification, including the termination of essential government services such as the Primary Health Centre, Government Higher Secondary School, Government Tribal Hostel, and the AYUSH Medical Department. Furthermore, the notification imposed a ban on the sale and purchase of land, further restricting the villagers' autonomy. The letters demanded the immediate restoration of these basic facilities and the removal of the restrictions impacting their daily lives.

These 12 villages have sought legal recourse through W.P. (C) 2506/2024, 26110/2023, 29150/2023, 8691/2023, and Appeal Petition 1734/2023, all pending adjudication in the High Court of Madhya Pradesh at Jabalpur. The villages have challenged the relocation notification dated September 20, 2023, on the grounds that it violates the provisions of WLPA 1972. Responding to these challenges, the High Court directed the maintenance of status quo.

However, despite the court's directive, the forest department continues to interfere with villagers' possession of their land. Reports indicate ongoing obstruction, such as halting the construction of wells and fencing of agricultural fields, further exacerbating the community's hardships which is both inhuman and blatant contempt of the High Courts Order.

Regarding the completion of rehabilitation facilities and *land allocation—requirements outlined in the NTCA guidelines, which mandate that “handholding” for newly relocated families must be ensured, and committees should be established at both the village and district levels to oversee the process—* almost everyone the research team met have been left to navigate these challenges on their own. *The 2007 rehabilitation policy further specifies that when large numbers of families are affected, social impact assessments (SIAs) must be conducted, and necessary infrastructural facilities must be provided in the resettlement areas. Particularly in cases where Scheduled Tribes (STs) are displaced in significant numbers, a comprehensive Tribal Development Plan is required.*

From our understanding, **no Social Impact Assessment (SIA) has been carried out**, let alone reviewed by an independent, multidisciplinary expert group with proper representation of STs and Other Traditional Forest Dwelling Communities (OTFDs). Furthermore, **no government officer has been designated as the Administrator for Rehabilitation and Resettlement (R&R)**, leaving affected communities without the necessary support for effective rehabilitation, as mandated by law.

Additionally, both the NTCA guidelines and the 2007 rehabilitation policy outline a monitoring and implementation process, which includes a State Level Monitoring Committee, headed by the Chief Secretary, and a District Level Implementing Committee, headed by the District Collector. These committees are responsible for overseeing the rehabilitation process. However, during the fieldwork, **no one appeared to be aware of the existence of these committees. There were also no signs of the legally mandated grievance mechanisms, including the Rehabilitation and Resettlement Committee, in place.** This absence further underscores the lack of accountability and oversight in the rehabilitation process apart from blatant violations of legal mandates.

Encroachment by the Forest Department was a widespread issue across the villages visited during our fieldwork. The research team learned that for years, the Forest Department has been attempting to occupy fallow lands, erect fences, and introduce commercial plantations of trees like Bamboo and Eucalyptus, replacing native species such as Sal, Teak, Tendu, and Mahua. This has caused significant harm to the local ecosystem. In some cases, the Forest Department took over fields belonging to local residents for these plantations, and people had to reclaim their land.

One specific instance involved the Forest Department occupying a family's land, citing a violation (the exact violation was not clarified). The department imposed a fine of Rs. 20,000 to return ownership of the land, which the family could not afford to pay. As a result, the land was repurposed for use as a nursery or plantation. The team also encountered testimonies of informal land transfers by the Forest Department to third parties in exchange for money although this could not be verified and would require more investigation.

Across several villages, there were numerous instances of the Forest Department interfering with people's fields. In addition to directly occupying land, the department was preventing people from bringing tractors into their fields and restricting the construction of fences around farms to protect crops from wild animals, such as deer and wild pigs. This led to substantial crop damage. In some cases, people were fined for collecting stones or firewood from nistar lands to build farm fences, as these materials are considered minor forest produce.

The situation was further complicated by a lack of awareness about the role of the revenue department in compensating for crop damage caused by human-wildlife conflict. As a result, people were left without support, while **the Forest Department's encroachment and restrictions continued to adversely affect their livelihoods.**

The Forest Department has been restricting access to forests by fencing areas or digging up barriers to prevent entry, and imposing limitations on the collection of minor forest produce such as gravel (used for fencing farms), Mahua, Tendu, root vegetables, and medicinal plants.

People are also being prevented from entering or exiting nistar lands and denied access to grazing areas for their

livestock. In many areas, especially where there is contestation over buffer zones, Community Forest Rights (CFRs) are not being recognized.

According to the Forest Rights Act (FRA) 2006, unless claims have been fully processed, it is legally impermissible for the Forest Department to infringe upon the existing rights of local communities. Under Section 4(5) of the FRA and Section 3(1)(g) of the SC/ST Prevention of Atrocities Act, there is an embargo on the violation of existing forest rights or the displacement of forest dwellers until claims have been completely disposed of.

Furthermore, the research team also witnessed the massive omission of providing people with basic entitlements. For instance, the team noticed that a lack of residence proof for relocated individuals is causing significant barriers to accessing essential government services, including Anganwadi, Public Distribution System (PDS), and voter registration. The team also made a note of violations of fundamental socio-economic rights, for instance, children were unable to attend school, and many families were forced to return to their original villages to collect their PDS rations.

Displaced people have also lost access to minor forest produce, which is crucial to their livelihoods, accounting for 20-40% of their income and serving their daily needs for sustenance, healthcare, and firewood.¹⁵⁴ These instances highlight the interconnected violations by the government, both in terms of commission—by criminalizing forest dwellers—and omission—by failing to implement policies that safeguard their fundamental rights.

In conclusion, the ground realities starkly contradict the government's claims of 'voluntary relocation.' The forced and unlawful displacement of villages within the Nauradehi

Sanctuary has been blatantly illegal, breaching numerous laws and policies, including the Forest Rights Act (FRA), the Wildlife Protection Act (WLPA), the guidelines of the National Tiger Conservation Authority (NTCA), the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (or LARR Act and the National Rehabilitation and Resettlement Policy of 2007). These displacements have been carried out under coercion, bypassing the necessity for informed consent from the affected villagers and failing to prove that coexistence with wildlife is impossible. These actions amount to illegal evictions that violate legal protections intended to uphold the rights and livelihoods of forest-dependent communities.

Such disregard for due process not only erodes the trust between the State and local communities but also raises serious ethical and legal concerns about conservation practices, particularly in the villages that will be impacted by the recent NTCA notification. Ensuring justice and adherence to the law must be at the core of any future conservation efforts to prevent the continuation of these injustices.



ENDNOTES

110 Time of India, *10 Indian States with the largest Forest Cover*, updated on 24.04.2024, can be accessed on

<https://timesofindia.indiatimes.com/travel/destinations/10-indian-states-with-the-largest-forest-cover/photostory/107742249.cms#:~:text=Madhya%20Pradesh%20boasts%20the%20largest,Satpura%2C%20Panpatha%2C%20and%20Pench>, Accessed on 22nd November 2024

111 India State of Forest Report, 2019, vol.2 Madhya Pradesh can be accessed on

<https://fsi.nic.in/isfr19/vol2/isfr-2019-vol-ii-madhya-pradesh.pdf> Accessed on 22nd November 2024

112 Ibid

113 *Demographic Status of Scheduled Tribes of India*, Accessible on Internet Archive from the link

<https://web.archive.org/web/20150404184230/http://www.tribal.nic.in/WriteReadData/userfiles/file/Demographic.pdf> Accessed on 22nd November 2024

114 Numbers are provisional count based on Mineral Conservation and Development Rules (MCDR) returns for mineral production for fiscal year 2023-24, Available at <https://mines.gov.in/webportal/nationalmineralsscenario>. Accessed on 21 November 2024.

115 See Chapter on Madhya Pradesh, India State of Forest Report, 2019, Forest Survey of India, Ministry of Environment, Forest and Climate Change, Government of India, pp 146, available at <https://fsi.nic.in/isfr19/vol2/isfr-2019-vol-ii-madhya-pradesh.pdf> (last accessed on 12 September 2024).

116 Map Tenure: Enabling Tenurial Clarity For Orange Areas Of Central India, WRI India, available at <https://files.wri.org/d8/s3fs-public/maptenure-technical-note.pdf> (last accessed on 8 Nov 2024).

117 MINISTRY OF ENVIRONMENT, FOREST AND

CLIMATE CHANGE RAJYA SABHA UASTARRED QUESTION NO. 537, Available at <https://sansad.in/getFile/annex/262/AU537.pdf?source=pqars>

118 Shuchita Jha, 2023, "*IFR review: Madhya Pradesh's Van Mitra portal a tool to re-reject forest right claims, RTI data shows*", Down To Earth, available at - <https://www.downtoearth.org.in/forests/ifr-review-madhya-pradesh-s-van-mitra-portal-a-tool-to-re-reject-forest-right-claims-rti-data-shows-87880#:~:text=On%20February%2013%2C%202019%2C%20in,20%20states%20of%20the%20country>. (last accessed on 05 September 2024).

119 *Id.*

120 Available at, [https://forestsclearance.nic.in/writereaddata/public_display/schemes/252036798\\$11%20423%202011%20.pdf](https://forestsclearance.nic.in/writereaddata/public_display/schemes/252036798$11%20423%202011%20.pdf)

121 Available at <https://www.iwgia.org/en/documents-and-publications/documents/publications-pdfs/english-publications/607-achr-compensatory-afforestation-evicts-tribals-covid-report-2022-eng/file.html#:~:text=In%20Telangana%2C%20the%20Forest%20Department,Tribals%20During%20Covid%2D19%20out>

122 Indian government wants to strip even the Andaman Islands of their environmental protection, The Scroll, dated 09.04.2021, available at <https://scroll.in/article/991827/indian-government-wants-to-strip-even-the-andaman-islands-of-their-environmental-protection>

123 Available at <https://cag.gov.in/hi/audit-report/download/119596>

124 'Misuse' of forest money: Madhya Pradesh diverted Rs 167 crore from CAMPA funds, The Newslandry, dated 27.02.2024, available at <https://www.newslandry.com/2024/02/27/misuse-of-forest-money-madhya-pradesh-diverted-rs-167-crore-from-campa-funds>

125 An Express Investigation – Part Four | Compensatory afforestation neither compensates nor forests: 60% funds unused, The Indian Express, dated 05.03.2023, available at <https://indianexpress.com/article/express-exclusive/express-investigation-compensatory-afforestation-funds-unused-8479513/>

126 India Shining! Precious forest land wiped away for 23,716 industrial projects, Rediff, dated 03.06.2016, available at <https://www.rediff.com/money/special/special-india-shining-forest-land-wiped-away-for-industrial-projects/20160603.htm>

127 Despite warnings, Indian government wants to take help from private industries in reviving forests, The Scroll, dated 24.07.2019, available at <https://scroll.in/article/931494/despite-warnings-indian-government-wants-to-take-help-from-private-industries-in-reviving-forests>

128 Tapasya and Nitin Sethi, *Modi gov't unlocks forests for business, a pursuit that began in 2015*, The Reporter's Collective, dated 20.09.2023, available at <https://www.reporters-collective.in/trc/forest-conservation-part-two>

129 Private plantation scheme shot down by SC panel back on Govt table, The Indian Express, dated 15.01.2020, available at <https://indianexpress.com/article/india/private-plantation-scheme-shot-down-by-sc-panel-back-on-govt-table-6216924/>

130 Forest panel bats for pvt plantations as compensation, The Down to Earth, dated 09.01.2020, available at <https://www.downtoearth.org.in/forests/forest-panel-bats-for-pvt-plantations-as-compensation-68719>

131 Private companies to get degraded land for forest harvesting, The Economic Times, dated 15.09.2015, available at https://economictimes.indiatimes.com/news/economy/policy/private-companies-to-get-degraded-land-for-forest-harvesting/articleshow/48969310.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

medium=text&utm_campaign=cppst,

132 Private funds for Madhya Pradesh forests: Beware of legal concerns, warn experts, Down to Earth, dated 22.10.2020, available at <https://www.downtoearth.org.in/forests/private-funds-for-madhya-pradesh-forests-beware-of-legal-concerns-warn-experts-73906>

133 Available at <https://egazette.gov.in/WriteReadData/2023/246825.pdf>

134 Available at <https://beeindia.gov.in/sites/default/files/CCTS.pdf>

135 Dr.G.S Bharadwaj, Addl. DGF (Project Tiger) & Member Secretary NTCA, National Tiger Conservation Authority, New Delhi, D.O. No. 15-3/2008-NTCA dated June 19, 2024

136 C.R. Bijoy, The Wire, 21.08.2024, available at <https://thewire.in/environment/ntca-demands-relocation-of-nearly-4-lakh-forest-dwellers-from-54-tiger-reserves>(last accessed on 05 November 2024).

137 Ankit Pachauri, The Mooknayak, dated 20.12.2023, available at <https://en.themooknayak.com/tribal-news/protests-escalate-as-tribal-villages-face-displacement-from-nauradehi-sanctuary-in-madhya-pradesh>

138 Charismatic megafauna/animals are species that are large—in the category that they represent—with symbolic value or widespread popular appeal, and are often used by environmental activists to gain public support for environmentalist goals. See, <https://www.sciencedirect.com/science/article/abs/pii/S000632072030848X>

139 See Unstarred Question No 1814, 2023, on Rehabilitation Of Tribal People, Ministry Of Tribal Affairs, Lok Sabha available at <https://sansad.in/getFile/loksabhaquestions/annex/1711/AU1814.pdf?source=pqals> (last accessed on 05 November 2024).

140 National Rehabilitation and Resettlement Policy, 2007, Ministry of Rural Development,

available at https://www.centralcoalfields.in/hindi/indsk/pdf/employ_land/land_rules/natl_rehab_restltmnt_plcy_2007.pdf (last accessed on 05 November 2024).

141 Assessment of cheetah introduction sites and proposed actions- Technical note , Wildlife Institute of India, available at https://wii.gov.in/images/images/documents/publications/cheetah_introduction_technical_report_2021.pdf (last accessed on 05 November 2024).

142 Ibid

143 Action Plan for Introduction of Cheetah in India, Wildlife Institute of India, available at https://wii.gov.in/images/images/documents/publications/action_plan_cheetah_introduction_jan_2022.pdf (last accessed on 05 November 2024).

144 Press Release by Ministry of Environment, Forest and Climate Change, Posted on July 16, 2023. available at <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1939948> (last accessed on 05 November 2024).

145 Supreme Court urges Centre to transfer cheetahs to another location, The Hindu, dated 20.07.2023, available at <https://www.thehindu.com/sci-tech/energy-and-environment/eight-cheetah-deaths-in-under-a-year-does-not-present-a-good-picture-supreme-court-tells-centre/article67101725.ece> (last accessed on 05 November 2024).

146 NTCA, WII endorse Nauradehi as ideal for cheetah home-II, The Times of India, dated 09.09.2023, available at <https://timesofindia.indiatimes.com/city/bhopal/ntca-wii-endorse-nauradehi-as-ideal-for-cheetah-home-ii/articleshow/103523719.cms> (last accessed on 05 November 2024).

147 Assessment of cheetah introduction sites and proposed actions- Technical note , Wildlife Institute of India, available at https://wii.gov.in/images/images/documents/publications/cheetah_introduction_technical_report_2021.pdf (last accessed on 05 November 2024).

148 Land Rights of Scheduled Tribes, Ministry of Tribal Affairs, <https://pib.gov.in/PressReleasePage.aspx?PRID=1579747> (last accessed on 8 Nov 2024).

149 The Economic Times, *Madhya Pradesh government still adhering to old land acquisition rules*, dated 11.12.2014, available at <https://m.economictimes.com/news/politics-and-nation/madhya-pradesh-government-still-adhering-to-old-land-acquisition-rules/articleshow/45474873.cms> accessed on March 2024

150 ७२ में १२ गांव पूरी तरह से विस्थापित, शेष गांवों के लिए आए ४३३ करोड़ रुपए, Patrika, dated 05.03.2019, available at <https://www.patrika.com/sagar-news/in-72-villages-12-villages-were-completely-displaced-433-crore-rupee-4229042>

151 Notification issued by Joint Director, Project Tiger, Ministry of Environment and Forests, Dated June 12, 1995, Available at https://mpforest.gov.in/img/files/Circular_Village_Relocation_Guidelines.pdf

152 Response from Ministry of Tribal Affairs, Lok Sabha, Unstarred Question No. 1814, Available at <https://sansad.in/getFile/loksabhaquestions/annex/1711/AU1814.pdf?source=pqals>

153 Illegal evictions from India's tiger reserves, Survival International, available at <https://assets.survivalinternational.org/documents/1894/illegal-evictions-from-indias-tiger-reserves.pdf>

154 Tribals derive 20-40% of their annual income from MFP. The MFP sector has the potential to create about 10 million workdays annually in the country. Almost 60% of the annual collection of MFP takes place during April- June. As the peak harvest season of MFP coincided with the lockdown period, the indigenous peoples struggled to sustain their forest-based livelihood.



Chapter 4

The Socio-Economic Cost of Tigers

The systemic creation of false binaries between environment conservation and human rights of forest-dwelling populations is visible in the ongoing displacement for the Veerangana Rani Durgawati Tiger Reserve. At its core, the displacement emanates from a failure to conduct any meaningful assessment or any consideration of the social and human cost of such an endeavour. The authors attempt to outline these costs through a mix of primary sources including field work observations, fixed group discussions and interviews conducted over the course of three visits, as well as secondary data available in the public domain. The field work included visits to villages Oriamal, Sarra, Rijkudi, Alohi, Nargua Mal, Jhalon (where we met persons displaced from Ukarpar and Jamun), Anchalpura, Manjgawa, Bamnoda and Richkudi in Damoh district and Putdehi and Jhamara in Sagar district.

Historical Context

The affected districts of Damoh, Sagar and Narsinghpur primarily form part of the area that was historically described as Gondwana land, the land of the Gond tribals, which includes a Satpuda Plateau, a portion of the Nagpur plain area and the Narmada Valley.¹⁵⁵ The Gond tribals are notified as Scheduled Tribes in several States including Madhya Pradesh.¹⁵⁶ The ruling class is known as Raj Gonds, and they ruled Middle India from the 14th to 18th centuries.¹⁵⁷

The residents of the villages we visited have generationally been involved in farming the land they were on. They have lived in the same village for as many generations as they are aware of. There was a lot of reference to this history of Gond self determination over their land. SS, a local leader, spoke of the

history of the Gondwana land, and particularly Rani Durgawati's reign which opposed British rule. In Richkudi, in particular, elderly Raj Gond leaders narrated oral histories of their presence in the region. Rani Durgawati was frequently referred, who came from a Rajput family in Uttar Pradesh and got married to Dalpat Sahai s/o Sankar Sahai Raghunath Sahi of the Mandala State in Gondwana who was an adivasi. Tales of her valour in resisting British rule were frequently cited. They described themselves as the first residents of the land and told stories of the struggle to maintain their autonomy throughout British rule, and the expectation that Indian independence would restore their control over their historical lands. However, the area largely remains poor and their forest rights are largely not settled.

Current Demographics¹⁵⁸

In Damoh, about 19.48% of the population of the District is Scheduled Caste while 13.15% is Scheduled Tribes.

Percentage share of population of SCs and STs in Damoh district

	Scheduled Caste	Scheduled Tribe
Total	19.48	13.15
Male	19.62	12.81
Female	19.33	13.52

The sex ratio of Damoh is 910. By contrast, the sex ratio among the Scheduled Tribes population is 962. The Scheduled Tribes population is mainly concentrated in Tendukheda tahsil (29.24 percent).

The literacy rate of the district is much better than the national average as well as the State average. The gap between male and female literacy rate is 20.05 percent in the district.

However, the gap between male and female literacy rate among Scheduled Tribes population is 14.3 percent in the district (78.35 percent for males and 64.05 percent for females).

Gender wise breakup of the literacy rate of Damoh			
	India	MP	Damoh
Total	74.04	70.06	83.98
Male	82.12	80.5	89.84
Female	65.46	60	77.53
Gap in male-female literacy rate	16.66	20.5	12.31

The economic prospects of the district are not very promising. As per the Census 2011 data, 54.55% of the population could not find any economically productive work in the year 2010-11 while a whopping 43.54% of the inhabitants work as agricultural labourers.

Distribution of workers by sex in four categories of economic activity in the District, 2011

	Category of Workers					
	Non-worker Percentage	Worker (main + marginal workers) Percentage	Cultivators	Agricultural labourers	Household industry workers	Other workers
Persons	54.55	45.45	19.95	43.54	11.73	24.79
Male	44.44	55.56	25.29	40.40	6.05	28.26
Female	65.65	34.35	10.45	49.12	21.82	18.61

Note: Census defines the following terms as is given below

Work _____

Participation in any economically productive activity with or without compensation, wages or profit.

Main Worker _____

Worked for 6 months or more in the annual year.

Marginal Worker _____

Worked for less than 6 months in the annual year.

Non-Worker _____

Didn't work at all in the annual year

Further, as per the Census data, 156 villages do not have primary schools and out of these villages, children of 128 villages have to travel less than 5 kms. for schooling, 26 villages at a distance of 5-10 kms. and two villages at the distance of 10+ kms. Out of a total 1176 inhabited villages of the district, 710 villages are deprived of middle school. There is no degree college located in the district. Similarly, 149 villages have the facility of a hospital available within 5 kms. while the inhabitants of 267 villages have to cover a distance of 5-10 kms. and 745 villages have this facility at a distance of 10+ kms. As regards the PHC facility, 1161 villages do not have a PHC facility in the village itself.

The demographics of Sagar district are also similar. Sagar has an ST population of 9.3% of the total population. The sex ratio of the district is dismal- at 905, while it is 916 for the ST population. The literacy rate in the total population is 76.46 per cent in the district.

The percentage of total workers of the district is 42.30 per cent of which 32.76 per cent are main workers and 9.54 per cent are marginal workers. There are 57.70 per cent non-workers in the district.

There are 80 villages without electric power supply facilities in the district. Out of total 1901 inhabited villages of the district, 1153 villages are deprived of middle school of these 973 villages avail the facility of middle school at a distance of less than 5 kms., 151 villages at a distance of 5-10 kms. and 29 villages at a distance of 10+ kms. Similarly, there are 1885 villages in the district which have been devoid of hospital facility and 1879 villages do not have PHC facility in the village itself.

On the other hand, in Narsimhapur, the sex ratio is 920. The average literacy is 86.7%. Scheduled Tribes comprise 13.4% of the population. In Narsimhapur district out of total population, 477,818 were engaged in work activities. 75% of workers describe their work as Main Work (Employment or Earning more than 6 Months) while 25% were involved in Marginal activity providing livelihood for less than 6 months. Many people reported going to nearby towns to work as seasonal migrant labourers for as little as Rs. 200-250 per day for labour.

It is, therefore, clear that these districts comprise a significant proportion of Scheduled Tribes population. There also is a general dearth of access to infrastructure such as education and primary health, as well as a lack of employment opportunities. These existing vulnerabilities are enhanced in the face of the threat of ongoing and upcoming displacement.

Changing Land Use and Privatization

The villagers reported using a form of rotating agriculture, where a field was laid fallow every few years to allow the land to rejuvenate. It was reported that the Forest Department would frequently attempt to introduce plantations of Eucalyptus causing severe damage to the native landscape, and the land had to be reclaimed by locals. People reported protesting this privatization.

The research team was repeatedly informed during fieldwork that the government has leased forest land to private companies. People experienced this loss of control over their land, and viewed the displacement as the government displacing people from their land and handing it over to private companies. The private sector also largely planted trees that are not local and therefore, cause strain on the local ecosystem and could enhance man-animal conflicts.

During the field work in Narwagamahal, the team saw high tension cable wires running through the land. During rains, animals or people grazing animals often get electrocuted as a result.

In the Name of Tiger

The introduction of big animals such as cheetahs and tigers also creates fear about the future and the ability to continue subsisting on the land. While there were animals who would frequent the fields earlier, introducing animals that are not endemic to the area and the introduction of 'dangerous' animals creates fears of increased conflict and damage to agriculture and property. There is, therefore, also a fear of losing the right to self determination over forest lands that have historically been occupied by them. In Nargua village in Tendukheda block of the Damoh district, which was now to fall under the buffer zone of the tiger reserve, we observed continuous fields without any walkways. The increased man-animal conflict now meant that rice is largely printed in one big stretch. Restrictions on fencing and tractors also made it difficult for people to protect their harvest.

Residents of Ukarpar note that people who have left "voluntarily" with packages have not left of their own volition. Rather, they have been chased away with the threats of unleashing tigers on the land. DT r/o Jhamra (name changed) reports that people are being stopped from going into the forest in the name of the tiger.

On the other hand, the villagers have historically lived in co-existence with the animals. Villagers of Ukarpar and Putdehi reported that animals would frequent their fields at night- including foxes, monkeys and nilgai. In Putdehi, residents said they fence their field with shrubs but have never used barbed wire or other damaging boundaries. The residents also were largely unaware of any government schemes for compensation in case of damage to their fields. They explained that the absence of network and cell connectivity also prevents access to information about government schemes.

Disrupted economic ties to forest land

Most of the villagers we spoke to depended on forests for tendu, bel, amla, achar, mahua for seasonal fruits. They also had fields where they would grow chana, gehu etc and use the forests for sustenance in the intervening months. The forest produce was also sold and would provide additional income for their subsistence. They would graze their animals in the forest. There was also an issue of water, so they could only grow two crops in a year. But the forest produce was abundant. In Richkudi, the forest land is lush and provides the villagers with shade and firewood for cooking. There also is an abundance of natural water sources, which sustain their drinking water needs and that of visitors during marriages and other festivities. Historically, the residents have relied on the forest for sustenance and the forest produce is still plenty. However, even in the existing set up, forest dwellers largely do not profit from their labour. Many of the villagers we spoke to said that they would collect tendu leaves for sale to the forest department at the rate of Rs. 400, but that it was finally purchased by the department at a reduced rate of Rs. 300 per stack.

Persons who are displaced are finding that the relocation packages are insufficient for them to build a life in a town or a village where they no longer have access to land or to forest produce.

For instance, KS (name changed) was displaced in 2022 from Jamun village. He reported that prior to displacement, he was a landowner. But after displacement, he did not receive land for land and received only a one-time package of Rs. 15 lakhs. Today, he goes to the neighbouring district (Jabalpur) to do plying/seasonal agricultural labour and stacks tendu leaves to sell at low prices to the forest department.

Similarly, RG (name changed) reported that his family was displaced in 2016. He is an elderly man who has lived his entire life in Kusmi Village of Sarra Gram Panchayat, Tendukheda, Damoh. He reported that his family had over 5 acres of land, but they were displaced with a package of Rs. 10 lakhs. After considerable difficulty, they have been able to acquire 2 acres of land to sustain themselves.

The economic reality of this displacement also motivates those who stay. In Ukarpar, only 8 families remain on the land. We spoke to two women who each live alone, as their sons and daughters-in-law have already received packages and moved to relocation sites. One of them, MB (name changed), a Gond adivasi woman, has exhausted all paperwork in order to receive a package but has not yet received it. She tills her land alone, in the absence of any tractors. The electricity in the village has also been cut off to encourage people to move out. However, she refused to leave without 'land for land.'. She asks, *"what will we eat if we leave our land?"*

Her friend, KB (name changed) has not received a package as her husband has been missing for years, and she was entitled to a package jointly in both their names. She said that she has been tilling the land since the beginning of her marital life, since her husband was mentally unsound. She grows 2 crops on her land as well as fruit-bearing trees. She also collects tendu leaves from the forest, and forest wood for cooking. By contrast, the package would not offer her even one acre of land. She is aware that those who have received packages have not had any substantive rehabilitation, but she rues that life in the village is now lonely and untenable in the absence of basic facilities.

People in the core villages such as Sarra and Kusumi have been demanding 'land for land' as well as compensation for their trees and crops. They are also concerned about losing access to the ample grazing land in the forest. However, landless people are largely willing to take relocation packages and move.

In Putdehi, the women who stayed insisted that a package of Rs. 15 lakhs was insufficient to rebuild their

life and relocate. Some expressed the fear that people have accepted relocation packages because they have never received Rs. 15 lakhs at once earlier, but they don't have the awareness to know that it would be inadequate to build a new life in a town or city. However, the ones who moved were also aware of this economic reality. M (name changed), a resident who was in the process of leaving, said: *"If the government chases you away, what can you do?"* clearly alluding to a coercive element to the proposed relocation. People in Putdehi expressed the fear that severing their connections with the forest would force them to depend full time on daily wage labour. Villagers displaced from Lagra stated that they had better earning there due to access to forest produce. Now, they are forced to engage in labour apart from seasonal crops grown in their fields. They also stated that moving further away from the forests, their fields were hotter due to lack of shade, as well as a lack of adequate water for farming. We spoke to two brothers from Lagra, who were attempting to make a new claim in the adjoining forests to replace the forest area they historically had access to.

Sustainable practices

MSY (name changed), a resident of Sarra village who has been organizing against the displacement lays stress on the organic and sustainable forms of agriculture in these areas, which do not require pesticides due to the abundance of black soil. He stresses that the ecological conservation of the area is tied to the traditional knowledge of the adivasi communities in the area, and that should be emphasized instead of the introduction of tigers. He asks, *"What benefit has the tiger brought to the area? Our benefit is visible every rabi and kharif season?"* The locals also stress that the area is not the kind of thick, lush jungle that would support tiger conservation.

Throughout our field work, women expressed that they would be stopped by the forest department from collecting firewood, though to a lesser extent than men. They also stated that they collected tendu, acchaar and fruits from the forest in a manner that was sustainable and without damaging the trees.

Villagers we spoke to insisted that the adivasis have historic ties with animals and a history of co-existence, and that they are better placed to protect the forest land- *"We are the first inhabitants of this land, we know how to protect the forests. On the other hand, the forest department is not even aware if the land they have notified is theirs (referring to the orange area conflict)"*.

Anil Garg, an advocate with expertise in land laws, stressed that the State, which purported to protect animals, was the same State that had enabled the destruction of wildlife through hunting laws, even after notifying national parks such as in Kanha. He stresses that the result of this alienation of forest dwellers from forests is that they no longer rise to protect the forest in cases of forest fires, whereas historically adivasi populations have been instrumental in preserving forest areas.

State infrastructure and Social Security Systems

Lack of basic infrastructure, while simultaneously cutting people off from their economic ties with the forest has meant that people are often struggling with new cycles of poverty. People displaced from Ukarpar and Jamun village, Tendukheda block, Damoh moved without a proper relocation package. The lack of residence proof is causing problems for accessing government services like anganwadi, public distribution systems, voter registration, all of which are over 10 km away from their new residences. Children are unable to go to school.

CM's Jal Jivan Mission's implementation has been stopped in the villages which have been included in the notification, and electricity has been cut off in villages where displacement is nearly complete in order to coerce people into moving.

In Aloni, the villagers rely on wells and do not have any tap water. However, they have a school until VIIIth grade and an Anganwadi centre, which is critical to their social security.

In Richkudi, villagers reported that there was a lack of teachers in the area and therefore, their children lacked access to quality education. They were, therefore, worried about the future of their children when forced away from their traditional forms of sustenance.

People in Sarra have expressed concern about this relocation. This script has already played out for some villagers who were displaced from Lagra in 2015. Villagers said they were helpless but to accept compensation because the villages were fully emptied out. We met two brothers, who had relocated to Bamnoda after Lagra was included in the core zone. They expressed that Bamnoda provided access to better roads, electricity, and connectivity. The villages covered under the core zone vide the 2023 notification have infrastructure facilities including hospitals, Public Works Department roads, schools etc, and therefore, there are concerns about relocation in these villages.

Social and Cultural Lives

Forests are not just the site of the economic activity of these villages. It is the centre of their cultural lives. The villages we visited largely comprised communities of Raj Gond tribals. Many of the villagers, who were already displaced, expressed their loss of cultural ties. Residents from Ukarpar, for instance, described that their burial grounds, their *kuldevi* (family goddesses) and sacred sites were in the adjoining forests. They no longer had access to these sites. The 8 families that remain there as well as the families who have been scattered have lost access to their community during festivities. In Putdehi, around 200 families had left and around 52 families remained. Many of the houses were broken as people scrambled to take their belongings. In Jhamara, only 21 of some 150 families remained.

The residents of many of these villages- particularly in Aloni, Putdehi and Richkudi- reported that they worship Badedeo, a Gond ancestor in amorphic forms, who is worshipped through

saajh trees. They also worship Kher Mai/Kheri Mai, whose temples are located within the village and Phulki Ma, who is worshipped in the forest. R (name changed), of village Putdehi stated that they would lose access to their heritage if they are compelled to leave. They visited the forest 4-5 times a year for seasonal festivals and worship. Relocation required culturally appropriate sites for continued access to forests for rituals and worship. Some people reported that they had moved their *kuldevi* or their family god with them and placed them in a nearby forest at the site of their relocation in Bamnoda. However, they had lost access to land where they had been living in Lagra for countless generations. A local leader said, *"Our community is tied to the land. We worship nature. We have nothing except our land. We are sustained by the forest. If today, we are separated from the forest, we won't sit quiet. Especially in Nauradehi, there are many villages that are tied to the forest and miles away from any administration, any government service"*

Women's Lives

In the field work, the research team saw very few women participating in public meetings about the incoming displacement. The women who were present largely covered their heads, showing the deep influence of Sanskritization in these belts. In Richkudi, though the tribal deities continued to be worshipped, there was also an influence of caste-Hindu practices and a consequent purdah culture that had taken root. However, in Putdehi, we received insights from a women's fixed group discussion. The women reported very long days of work, starting with housework at 4 am, then going to the field and taking care of cattle and only concluding their day at about 8 to 10 pm. Children are looked after at the anganwadi centre, or smaller children are taken with the women to the fields.

Putdehi has a school until VIIIth grade. However, some women in the village had stayed at a hostel in Maharajpur and studied till XIIIth grade. While the women in the village, mostly Raj Gond *adivasis*, were well aware of their rights under the FRA 2006, they stated that they rarely found out about Gram Sabha meetings. Men would visit Jhamara for work and may happen to be there when a Gram Sabha meeting was going on.

Uncertain Futures and the Anxieties of Displacement

Anxiety permeates a large portion of the conversations. Residents of Sarra village stressed that their population will die out if they are forced to move out of the jungle, since their elderly have not seen anything outside the forest environment. The introduction of tigers have created fears about severing access to the forest and traditional ways of life, accompanied by the increasing State restrictions designed to coerce villages to “voluntarily” move out of the villages to be relocated. Many ask, “where will we go if they displace us?” There is a fear that villages in the buffer zone will eventually be moved to the core zone and people are grappling with the uncertainty about what the future holds. Women and elders expressed anxiety about the future of their children, in the absence of the social structures that sustained childcare and their education in traditional forms of farming that they have practiced for generations. With lack of education or access to vocational training, many people expressed the anxiety that they would be pushed to exploitative forms of daily wage labour. They also expressed worries about the lack of access to land where they could build houses, teach their children or conduct marriages and ritual ceremonies. The ongoing and upcoming cycles of displacement, therefore, create anxiety about the future and uncertainty about the sustainability of their traditional ways of life.



ENDNOTES

155 Shamrao Koreti, Socio-Cultural History of the Gond Tribes of Middle India, 6(4) International Journal of Social Science & Humanity 288 (2016).

156 Ministry of Tribal Affairs, State Wise List of Scheduled Tribes, available at <https://tribal.nic.in/ST/LatestListofScheduledtribes.pdf>

157 Shamrao Koreti, Socio-Cultural History of the Gond Tribes of Middle India, 6(4) International Journal of Social Science & Humanity 288 (2016).

158 Census of India 2011, Madhya Pradesh, Series 24, Part XII A - District Census Handbook, Damoh, available at <https://censusindia.gov.in/nada/index.php/catalog/694>; Census of India 2011, Madhya Pradesh, Series 24, Part XII A - District Census Handbook, Sagar, available at <https://censusindia.gov.in/nada/index.php/catalog/744>; Census of India 2011, Madhya Pradesh, Series 24, Part XII B - District Census Handbook, Narsimhapur, available at <https://censusindia.gov.in/nada/index.php/catalog/731>.

Conclusion

The findings of this report underscore the deep and systemic injustices faced by *adivasis* and other forest dwelling communities in the name of tiger conservation and broader wildlife preservation efforts. These injustices stem not only from state actions but also from the foundational design of laws and policies on forest and wildlife conservation that have historically prioritised control over empowerment, exclusion over inclusion, and regimentation over coexistence.

Laws, by their very nature, can serve either as tools of subjugation or as instruments of recognition and empowerment. Our assessment of legal frameworks and policies affecting *adivasis* and other forest dwelling communities reveals that when laws are created without the involvement of the primary stakeholders—those who have lived in harmony with nature for generations—they fail both the people and the ecosystem. Policies rooted in exclusionary and unscientific approaches to conservation have proven detrimental to both human rights and biodiversity.

Post-independence legal developments such as the Wildlife Protection Act of 1972 and the Forest Conservation Act of 1980, entrenched these colonial practices, continuing the systemic alienation of forest-dwelling communities. Meanwhile, progressive laws such as the Panchayats (Extension to Scheduled Areas) Act 1996 and the Forest Rights Act 2006, have been systematically undermined through poor implementation and deliberate omission. The state's simultaneous fortification of forests and failure to enforce rights-protective laws reveal a calculated design rather than a coincidence.

The flawed premise that humans and wildlife cannot coexist, which underpins many contemporary conservation policies, contradicts historical evidence. *Adivasis* and other forest dwelling communities have long demonstrated sustainable coexistence with forests and wildlife, serving as stewards of nature rather than threats to it. This false presumption, however, has its roots in colonial forest demarcation practices, which sought to displace communities under the guise of conservation to facilitate exploitation of natural resources. It is now evident in the manner in which inviolate zones of Tiger Reserves are identified and Critical Tiger Habitats notified under the WLPA 1972.

In examining cases such as the recent notifications around the Durgawati Tiger Reserve, Madhya Pradesh it becomes evident that what is presented as voluntary relocation of forest dwelling communities by the NTCA, often constitutes illegal and forced displacement. *adivasis* and other forest dwelling communities, already deprived of their legal and customary rights, are subjected to further displacement without accountability. Forest departments, empowered by regressive policies, operate with impunity, committing rights violations under the pretext of conservation.

For instance, our research into the resettlement and relocation of forest dwellers in the Nauradehi Sanctuary starkly contrasts the government's claims of 'voluntary relocation'. The forced displacement of villages has been conducted in violation of several key laws and policies, including the Forest Rights Act (FRA) 2006, Wildlife Protection Act (WLPA) 1972, LARR 2013 and the National Rehabilitation and Resettlement Policy of 2007.

One of the primary violations concerns the failure to recognize the Individual Forest Rights (IFR) and Community Forest Rights (CFR) of forest dwellers, a prerequisite under the FRA 2006 and WLPA 1972 before any resettlement can occur from Critical Tiger Habitats (CTHs). Despite the legal mandate, these claims remain largely unsettled, and most villagers remain unaware of their claim statuses. The introduction of the Van Mitra App further exacerbates these issues by replacing the FRA's community-based, participatory approach with an opaque, technology-driven process that undermines transparency and accountability.

Additionally, Section 38V(5) of the WLPA 1972 requires evidence that a community's presence is causing irreversible harm to wildlife before any relocation can occur. However, people reported a complete lack of any discussion with them or the Gram Sabhas on the feasibility of coexistence. People also reported being unaware of meetings, and any so-called consent was obtained through hasty, coercive procedures—contrary to the law. These meetings, purported to approve relocation plans, were conducted in a manner that lacked transparency, with no proper discussion or consent in a language the villagers understood, thus rendering the process a sham. This is a blatant violation of the requirement for free, prior, and informed consent from the affected villagers and Gram Sabhas. Moreover, the government's claim of 'fair' and 'voluntary' consent is undermined by the threats, harassment, and denial of basic services faced by people in affected villages including encroachment by forest department on fallow land for commercial plantations.

In addition, restrictions on access to minor forest produce, grazing lands, and nistar lands continue to worsen villagers' livelihoods. Forest dwellers are being denied essential resources, such as Mahua, Tendu, and firewood, which are crucial to their daily sustenance and income. The legal protections under FRA 2006, which prohibit such encroachments until claims are fully processed, are being systematically ignored. The lack of effective rehabilitation and resettlement under the LARR 2013 also constitutes a significant violation.

The forced relocation of villages in the Nauradehi Sanctuary represents a direct violation of numerous legal provisions meant to protect the rights of forest-dependent communities. These unlawful displacements, carried out under coercion and without informed consent, amount to illegal evictions. The actions of the Forest Department, which have consistently bypassed established legal procedures, not only undermine the rights and livelihoods of the affected communities but also damage the ethical foundation of conservation practices.

The rights of *adivasis* and other forest dwelling communities are not concessions granted by the state—they are pre-constitutional, inalienable rights recognized and guaranteed by the Constitution. Yet, the continued subjugation of these communities, constituting 8.6% of the population, reflects a broader failure of state policies. The persistent denial of basic rights, the degradation of living standards, and the alienation of communities from the forests they have nurtured are not accidental; they are direct outcomes of deliberate state omissions and commissions.

For conservation to truly succeed, it must move beyond the colonial paradigm of exclusion and control. It must acknowledge and restore the rightful role of *adivasis* and other forest dwelling communities as natural custodians of biodiversity. Justice, accountability, and an inclusive approach to conservation are not just ethical imperatives—they are essential for the health of our forests, wildlife, and humanity itself.











Society for Rural Urban & Tribal Initiative

IN THE NAME OF TIGER

A CASE STUDY OF DISPLACEMENT
IN DURGAWATI TIGER RESERVE,
MADHYA PRADESH

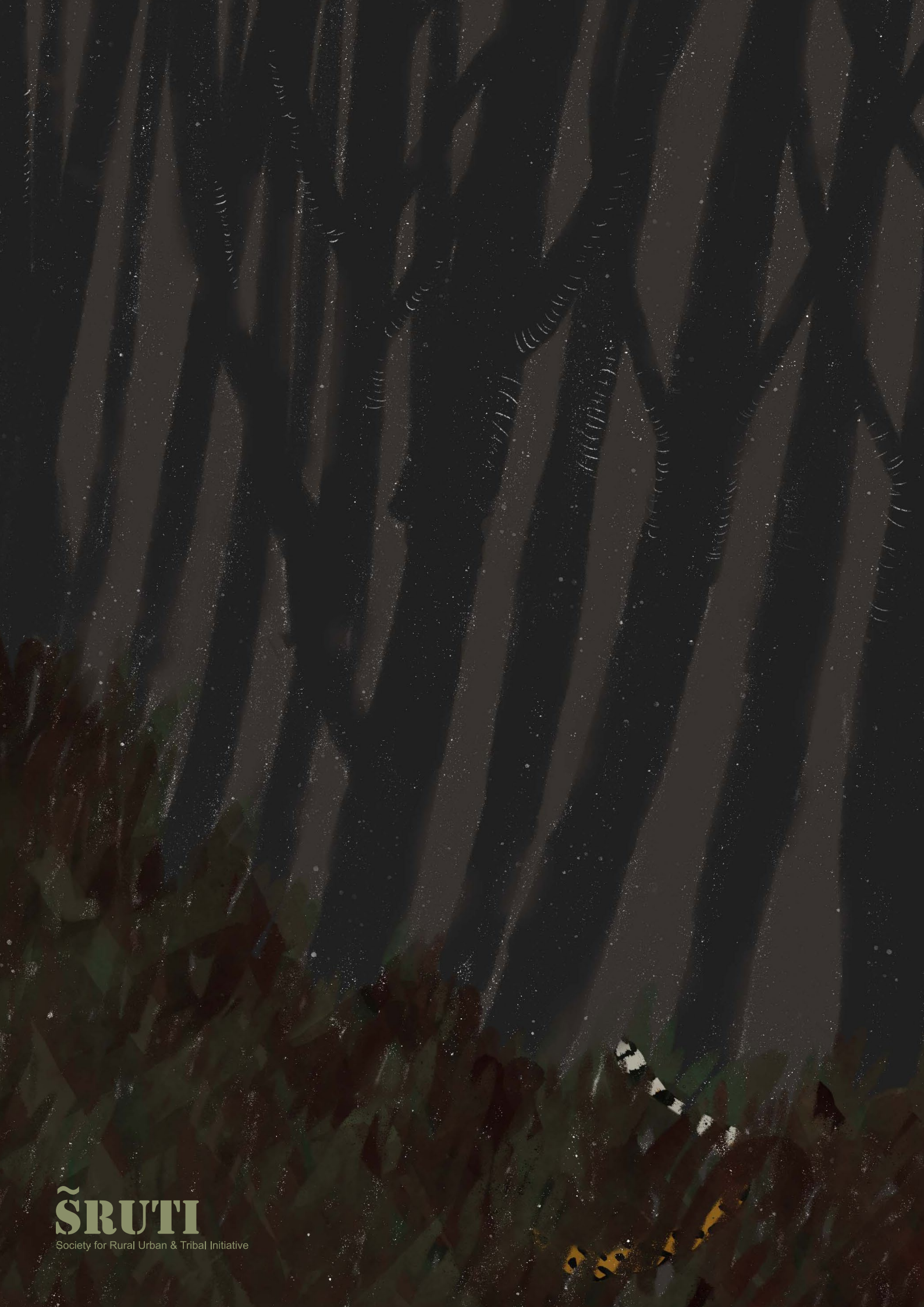
We look forward to your feedback and comments on
our report. You may direct all correspondence to:

**SRUTI -Society for Rural Urban and Tribal Initiative,
303/4, Sona Apartment, Kaushalya Park, Hauz Khaz,
New Delhi - 110016**

Email: core@sruti.org.in

Website: <http://www.sruti.org.in/>

Tel: 011-26569023, Fax: 011-26964946



~
SRUTI

Society for Rural Urban & Tribal Initiative