

# Struggles for the right to live in forests declared protected areas in India

Experiences of Communities in Maharashtra, Madhya Pradesh and Chhattisgarh

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Experiences of Communities in Maharashtra, Madhya Pradesh and Chhattisgarh

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### Introduction

A model of aggressive "fortress conservation" pursued by forest officials and park managers, with support from international conservation NGOs and some industries, has been systematically displacing indigenous peoples and traditional forest communities in three of the Central Indian states: Maharashtra, Madhya Pradesh and Chhattisgarh. This has created long-standing conflicts and evictions from Tiger Reserves in particular.

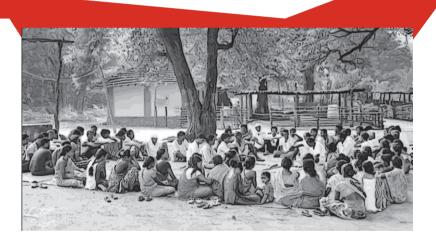
In September-October 2019 and then

by tigers in Central India, initiated an

a crucial environmental legislation.

MADHYA PRADESH CHHATTISGARH Several community meetings MAHARASHTRA in these states brought to light how the management and imposition of Protected Areas continue to violate the FRA and forest communities' rights. This publication aims to highlight some of these cases, again in 2020, organisations and activists where communities have faced associated with the All India Forum of Forest an absolute violation of their Movements (AIFFM) and other networks rights as Indigenous Peoples, with a presence in the forests inhabited their rights to their territories and livelihoods as well as their intensive campaign primarily to alert the rights to safety and a decent world outside the forests about this situation life without discrimination or and strengthen the Forest Rights Act (FRA) as oppression.

The Forest Rights Act (FRA) was supposed to put an end to top-down conservation policies and laws in India, many of them dating back to the colonial era. The legislation was to end the discrimination against forest communities and strengthen the authority of communities and their institutions, such as the **Gram Sabhas**, over their forests. Wildlife conservation practice and policy in India, however, continue to enclose the forest commons rightfully belonging to forest communities.



The violations are part of a deliberate and prolonged attempt by the powerful forestry bureaucracy and conservationist NGOs in India to undermine the FRA. Hundreds of communities who live in and around forests that the government has unilaterally declared National Parks or Tiger Reserves are particularly vulnerable. Several of them have already been forced to leave their territories.



#### Evicted families. Ph: AP

### What is FRA?

FRA, or the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) 2006 law is commonly known as the Forest Rights Act (FRA).

It is a landmark legislation passed by India's parliament in late December 2006. The law came into being in the wake of a countrywide mobilisation by forest communities and activists in 2005-2006, and sought to undo historical injustices of the long colonial era. Taking note of the anti-people, coercive and undemocratic nature of colonial forest legislations such as the Indian Forest Act 1927, as well as subsequent legislations such as the Wild

Life Protection Act 1972, the new FRA provides a framework for democratisation of India's forest governance, recognizing a wide range of forest peoples' rights, including that of secure land tenures and forest conservation under community control. The law allows both individual and collective rights at the community level; for instance, possession of homestead and agricultural lands is an individual right. while fishing is a communal, collective right.

Contrary to widespread perception abroad, evictions continue, in violation of the FRA, in the guise of 'voluntary relocation'. A February 2019 Supreme Court eviction order (put on hold for the time being) increases the threat for communities who continue to defend their right to live in the forest. The FRA provides for communities to seek legal recognition of their rights to the forest commons. The process, however, has been fraught with problems and delays. The 2019 Court order stipulates that all claimants whose claims have been 'finally rejected' have to be evicted. This increases the vulnerability of communities living inside Protected Areas (PAs).



Tribal meeting on forest rights, Madhya Pradesh.

### **The Gram Sabha** is the village assembly.

It can be formed at the hamlet level, at the 'gram' (village), and at the larger administrative unit known as 'Panchayat' (literally, a meeting of 'panch', or five community heads). Panchayats are elected bodies under the provincial/ state governments, while Gram Sabhas are village assemblies where all adult (18 and above) residents of the village can participate. As provided in the FRA, the Panchayat convenes the first meeting of a Gram Sabha. Once it is convened, the Gram Sabha becomes the nodal agency for forest governance.

'Adivasi' is a broad generic term applied generally to indigenous

### What are the Gram Sabhas, the Panchayat Samiti and **Adivasis?**

communities living in eastern, central and western India. It is not a legal category, and all Adivasi communities do not enjoy equal legal status in all parts of India. The 'Scheduled Tribes' are legally recognized Adivasi communities who are entitled to a number of privileges such as quota for government jobs, and special quota in government-run educational institutions.

Claims made by people living inside PAs have by and large been ignored by the authorities across India. This is true in particular if the claimants' villages had already been marked for relocation by park managers and the National Tiger Conservation Authority (NTCA), the central body that funds Tiger Reserves. This is an abject violation of the FRA.

### **Evictions**

Because the government now claims that all relocation is strictly voluntary and people agree to move out only upon receiving a compensation package, the question of 'relocation packages' assumes importance. While the FRA says that forest dwelling people evicted without relocation package (that includes monetary and/or land-forland compensation considered to be adequate by affected communities) prior to the enactment of the law can go back and reclaim their lands, Protected Area managers and the NTCA are busy devising 'relocation' strategies so that forests declared Protected Areas—in particular the Tiger Reserves can become completely human-free. Communities who do not live inside Protected Areas but need access to those forests for livelihood are also severely harmed.



Evicted people have to live in plastic sheets. Ph: Survival

ACCORDING TO NTCA's official data,

**FAMILIES** 

**IN 751 VILLAGES SPREAD ACROSS 50 TIGER RESERVES IN INDIA** 

have been evicted

SINCE THE INCEPTION OF THE **GOVERNMENT'S "TIGER PROJECT" IN 1972.** 

**OUT OF THESE, MORE THAN** 44,000 FAMILIES, APPROXIMATELY

**ARE STILL WITHOUT** relocation packages.

The FRA has been systematically attacked not only by the forestry bureaucracy and mining and other industries, but also by conservation groups. Organisations like WWF, Conservation International, Wild Life Protection Society of India, Wild Life Trust of India and Satpuda Foundation among others, continue to pursue a conservation model that excludes communities.







People who live in the forested areas of the central Indian uplands are **particularly at risk**. The area has several famous tiger tourism zones, such as Kanha, Bandhavgarh, Pench, Tadoba and Achanakmar. There is also a significant overlap of tiger-bearing forests with mining concessions. It is important to underline that the relocation programme run by the NTCA is increasingly financed from the **CAMPA** money—money that mining companies and other 'development' promoters are required to pay as compensation for the forests they destroy. The linkages between mining, deforestation, and displacement as part of 'fortress conservation' (parks without people) are rarely exposed.

Forest communities, many of whom are indigenous peoples, such as the Gond and the Baiga, are the true custodians of the land. They have protected forests not only as tiger habitats but as intricate life support systems which also provide habitat for tigers. Many examples show that the FRA can play a pivotal role in a decentralised, bottom-up and autonomous process of conservation - a process that is likely to also deliver much greater protection against outside destruction of forests. Communities in India depending on forests have been protecting forests against outside destruction for generations. Deliberately excluding them from conservation programmes must end now, as well as the continuing violence and evictions in the name of 'conservation'.

Gram Sabha. Ph: Sricharan Behera.

### What is CAMPA?

**CAMPA stands for Compensatory** Afforestation Management and Planning Authority, an ad-hoc body originally set up by India's Supreme Court, in connection with the Forest Conversation Act 1980.

It seeks to regulate deforestation through providing an elaborate regulatory mechanism for diversion of forests for non-forestry purposes. **Compensatory Afforestation** (CA) is a legally obligatory plantation programme that is funded by the companies (officially termed "developer agency") using forest land for doing anything not considered as "forestry". Besides money for CA, the company also has to pay the "net present value" (NPV) for the entire ecological quantum of the forest area being diverted, including the values of ecosystem services.

There are also other kinds of payments such as for **Catchment Area Treatment** (CAT) in case of hydropower projects and the Penal CA, in case of non-compliance of obligatory compensatory afforestation targets. All these programmes and payments taken together are now known by the generic term compensatory afforestation. often loosely called CAMPA.

Over the years, CAMPA funds have swelled. For more than a decade now, the powerful forest bureaucrats of India have been using CAMPA money



for many activities other than plantations. Despite protests by activist groups and communities who pointed out that deforestation cannot be monetarily compensated and that such huge sums of money in the hands of the forest bureaucracy would only further undermine community access and control enshrined in FRA 2006, the Government

introduced a new law. This **Compensatory Afforestation** Fund Act 2016 (CAF Act) legitimises the use of CAMPA money for a host of activities other than plantations. One of the additional activities for which CAMPA funds can be used are evictions of forest dwellers from forests declared as protected areas.

### **Individual land titles:** Ripping apart collective forest use

Since 2008, apparently in compliance with a particular provision in the FRA, state governments in India have started issuing individual land titles, called Patta, to forest dwellers. However, this was at best a half-hearted and largely insincere process that undermined the key provisions of community forest governance in the FRA, besides ignoring relevant guidelines.

The FRA requires that a Gram Sabha meeting is convened to set up a Forest Rights Committee (FRC) at the village level. This Committee is then tasked with managing the issuance of Pattas and processing of all kinds of claims for various forest rights in accordance with FRA. In reality, Panchayats and/or local level bureaucrats have often set up FRCs without convening a Gram Sabha.

For instance, in Amadup Forest Village, Gaurela subdivision, Bilaspur district, the FRC was formed at the Panchayat Level, and people had no information about it and only the FRC president was aware about the claims recognition process. This is illegal under the FRA rules of 2012 which state that "the Gram Sabha shall elect from amongst its members

a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committees."1

There have been other irregularities. The forest department has repeatedly conducted surveys to determine the extent of agricultural land owned by the forest dwellers, without holding public consultations (which is another requirement of the FRA). Disputes over the forest department survey results are common. In some cases, forest dwellers have received their titles without even signing any claim form, in a completely un-democratic process. Others have been given individual titles for much less land than what they informally own and claimed.

It is important to recall that the recognition of rights as mandated by the FRA goes far beyond titling. In most cases, forest dwellers are not aware that the titles received are only a tiny part of the process of recording their wide range of rights recognized under the FRA. Many people have not even received these individual titles, the majority of whom are from the Particularly Vulnerable Tribal Group (PVTG) community of the Baiga.

Published in Gazette of India, (Extra), Part II, Section 3 (i), dated 06.09.2012

### **Categories** of Protected Areas in India

A **National Park** is a strictly conserved area which criminalises all kinds of forest access (sometimes even entry) by communities. There are also marine national parks in India.

A Wildlife Sanctuary is also a conserved area funded largely by state governments.

**Tiger Reserves, or Critical Tiger Habitats** are areas reserved for conservation of highly endangered **Indian tigers. A Tiger Reserve** typically comprises a National Park and a number of Wildlife **Sanctuaries. All Tiger Reserves** and National Parks are fully funded by the central government. It is allowed to relocate humans in areas declared as Tiger Reserves or Critical Tiger Habitats (although the prior, informed consent of the communities is required), as well

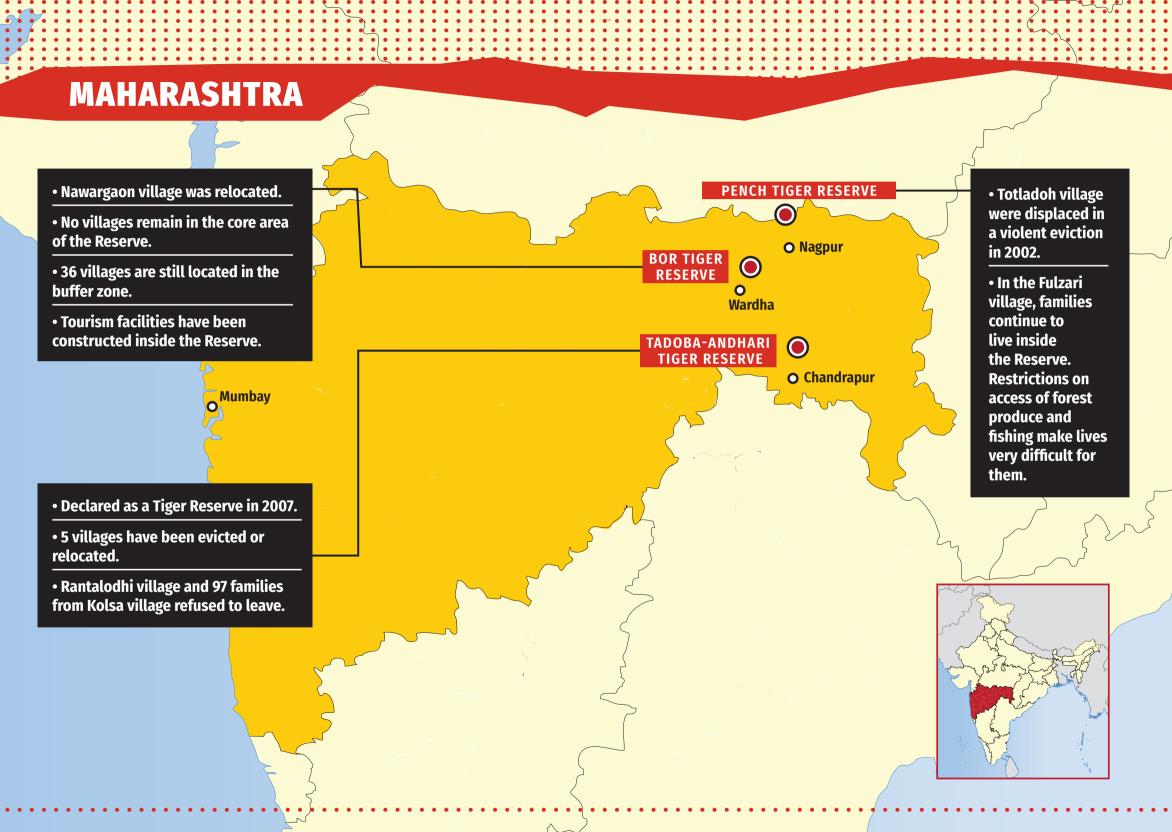
as to change the vegetation in the interest of conservation. Although communities have the right to stay in these areas, forest guards routinely arrest, fine and beat forest peoples, a strategy to push families into foregoing their rights and move elsewhere.

**Eco-sensitive zones** restrict activities in designated areas of ecological value.

In Community Conserved **Areas** forest officers decide if communities are capable of conserving their own forests.

**Critical Wild Life Habitats (CWLH)** are inviolate areas set up with full community consent, according to the provisions of FRA. Not a single CWLH has been set up in India up until now.





### **Tadoba-Andhari Tiger Reserve (TATR), Chandrapur district**

The Tadoba National Park and the Andhari Wildlife Sanctuary were formally declared as a Tiger Reserve, the Tadoba-Andhari Tiger Reserve (TATR), in 2007. Their respective core areas were additionally declared Critical Tiger Habitat.

Five of the six villages within the Tiger Reserve -Kolsa, Botezari, Palasgaon, Jamni and Ramdegihave been either partially or fully evicted/ relocated. Rantalodhi village and the remaining 97 families of the Kolsa village refused to leave. They continue to live inside the reserve, though Rantalodhi village is threatened with relocation.

A member of the Panchayat Samiti of Kolsa village, under condition of anonymity, explained that following their refusal to relocate, forest department officials started putting pressure on them to agree to the relocation. The approximately 90 villages that live in the newly redrawn buffer zone (a 'buffer' forest area usually rings the 'core' or critical tiger habitat), said that the buffer (surrounding the TATR) was demarcated without their consent or involvement. Inclusion of villages in the "buffer" meant that community-held areas, including scrub forests and pastures, became out of bounds for the villagers who used those for

various purposes. Some villagers mentioned that the concerned Gram Sabhas never met to discuss the demarcation.

#### **Persecution and criminalization**

On 15 December 2011. a leading activist from the community organisation Vidharbha Jungalwasi Adhikar Bachao Sanghathan (Save the Vidarbha Forest Dwellers' **Rights Organization**, VIABS) was detained along with two villagers from Kolsa village. Criminal cases were filed against them and they were kept in custody for 3 days without any information as to why they had been arrested. Upon being released on bail, it came to their knowledge that they had been arrested in relation to activities which had happened three months earlier.

According to the activists, on the evening of 18 September 2011, forest officials asked Kolsa villagers to hold a meeting regarding the relocation of the village from the Tadoba-

Andhari Tiger Reserve. The villagers requested that the meeting be held the next morning instead, which the forest officials refused. Police officers lodged complaints against some villagers on grounds of interference with government officials carrying out their work. It should be noted that both the Forest Rights Act and the Wildlife Protection Act state that relocation processes can only be carried out after the concerned Gram Sabhas agree.

The villagers confirmed that the forest officials then attempted to break community resistance by luring some families into relocating. In the firstphase of the relocation that followed in 2007. only 49 families left the village, while 97 families remained inside the Reserve.

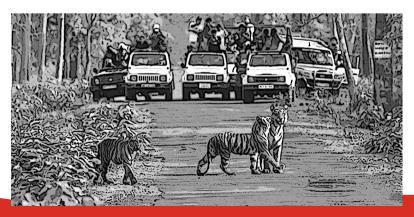
The fact that the 2007 relocation process in Kolsa was not successful shows the absence of prior community consent for the relocation. Besides, the authorities failed to commission studies to demonstrate why co-existence of humans and wildlife was not possible. Such studies are required under Section 4 (c) of the FRA. The 97 families that remained, in fact, are living proof that coexistence with wildlife is possible. Another violation is that the settlement of rights process required under section 4 (a) of the FRA has not yet been completed: families who relocated from Kolsa are yet to receive their individual and collective community titles.

### Bor Tiger Reserve, Wardha District

Nawargaon village was located inside Bor Tiger Reserve. Forest department sources claim that the villagers agreed to a voluntary relocation process and that families received the promised compensation and relocation package<sup>2</sup>. As of now, no villages remain in the core area of the Reserve, although 36 villages are located in the buffer zone. During meetings in 2020, villagers confirmed that the Forest Rights Act (FRA) has not been implemented in the Bor Tiger Reserve. In fact, many villagers were not

aware of either the obligations the FRA places on government authorities or how the FRA strengthens forest community rights. For example, villagers noted that Gram Sabhas had not been convened in the course of what forest department sources called 'voluntary relocation'.

The entire Reserve and the buffer zone are also under the management of the state irrigation department, because the land is also part of a dam and reservoir complex providing water for irrigation. This happened mainly because the Bor forests were declared a Tiger Reserve much later than the dam was built. Of late, the Reservoir has been opened up for tourism, and an eco-tourism complex has recently been built in the buffer area of the reserve. **The opening up of such** areas for tourism calls into question the motives of pressuring communities living inside the Reserve to relocate, citing the designation of the area as Critical Tiger Habitat, when at the same time, a tourism facility is constructed inside the Reserve. Villagers also mentioned that tourism provides very few employment opportunities to them.



**Tourism in the Tiger Reserves.** 

http://forestsclearance.nic.in/writereaddata/ 0\_0\_20\_Aug\_2016\_143751673\_recomm\_PartIV.pdf

## Pench Tiger Reserve, Nagpur District

There were two villages in the core area of the Pench Tiger Reserve. Villagers from the Totladoh village were displaced in a violent eviction in 2002, while in the Fulzari village, families continue to live inside. According to villagers who are now residing in the New Totladoh village, in the buffer area around the Tiger Reserve, they were evicted without notice and have yet to receive compensation.

#### Restrictions on access of forest produce and fishing inside the Reserve make lives very difficult for them.

Theirs were fishing villages—artisanal fishing is now recognized as a community right under the FRAbut since the eviction, they have been facing severe problems in exercising their right to fish. The villagers have been subject to untold atrocities at the hands of forest officials, including arrests, physical abuse, and attacks with lathis and pellet-guns. The economic pressure is severe as there are no viable options to ensure their livelihood. Only a few families practice agriculture. Many do not have land, and those who do, are left with land that is not tillable. Villagers also mentioned that the land they were moved to in 2002 is still identified as 'forest' and the status of the village has not been changed to a 'revenue village'. This, in turn, causes problems to them as they are unable to access many government schemes and services as long as the village is not classified as a 'revenue village'. 1960

The Totladoh village goes back to the late 1960s when people were brought in as labourers in forestry and for the construction of a dam on the Pench River. Many of the people who settled in Totladoh village came from villages that had been or were being submerged by the dam. According to local sources, at least 8 villages were submerged by the dam, almost entirely, and villagers were left without rehabilitation or compensation for losing their land and homes; only a few received meagre amounts in compensation. Once the dam construction work ended, some workers returned to their native land, while many of those whose villages had been submerged, stayed back, hoping to find employment in maintenance work on the Totladoh dam, after which the village is named. As promised work opportunities started to dwindle, people started fishing in the reservoir.

1980

By the early 1980s, fishing had become the primary source of income for many. In 1985, the fisheries department began to collect royalties on catches. With the help of Tukaram Thakur, a veteran freedom fighter and a resident of Totladoh village, villagers formed a cooperative in order to prevent arbitrary royalty collection and injustices against people. However, after his death, the situation began to worsen.

1990

In 1990, the forest department, without giving prior notice to the villagers, began to demolish houses in Totladoh village, citing the imperatives of more robust tiger conservation. Authorities also put a ban on the sale of fruits and vegetables to tourists, which was a source of local income. They subsequently issued a ban on fishing in 1995, under the Wildlife Protection Act. Such activities were henceforth termed illegal. The move was opposed by the villagers who continued fishing.

2002

The struggle continued for years, until April 2002, when the Nagpur Bench of the Bombay High Court pronounced that three settlements had encroached on the forest and they needed to be demolished and evicted. A huge police force comprising paramilitary commandos demolished the Totladoh huts after first blocking all the gates of the Pench National Park. The villagers were forcibly removed from their own houses and had to make a living on the streets, until pressure from activists and civil society organizations led the revenue department to grant some land to the 315 evicted families, on which a new village called New Totladoh village was set up in 2002.

Life in the village is difficult, as many still do not have a source of livelihood. The villagers mentioned that the land is not tillable and there is no source of water for irrigation. Many continue to be harassed by forestry department officials when they go to the Pench Tiger Reserve. Many have been subjected to violence. The villagers have filed a claim for community fishing rights from the Totladoh reservoir in 2010, but such rights are yet to be formally recorded.

On top of this, the concerted efforts of several conservation NGOs, forest department officials, local political groups, a section of media and the National Tiger Conservation Authority (NTCA) resulted in preventing the claim for the community forest right to fish in the reservoir to move forward.

It was later revealed that the NTCA had issued a directive in which such claims cannot be processed in Critical Tiger Habitat areas, following aggressive



lobbying by local conservation groups. It has been pointed out by villagers and activist groups that NTCA has no legal jurisdiction to arbitrate in matters related to claims admitted under Forest Rights Act (FRA), and the withholding of the Community Forest Rights title is manifestly illegal.

The lobby from conservation groups has been using the media in maligning and vilifying the villagers—it has been alleged that the Totladoh people are poachers-, making unsubstantiated claims that they are involved in killing tigers. Protests by villagers have been met with more **repression** by the authorities. A number of villagers were arrested, beaten up and falsely incriminated.

### **Critical Wildlife Habitats guide**

In October 2019, the Government of India issued guidelines to create Critical Wildlife **Habitats** in various **National Parks and Sanctuaries. According** to clause 5 of the guidelines, the Chief Wildlife Warden of the States would approve **Government-notified Expert Committees for** identification of Critical Wildlife Habitat (CWH) in National Parks or Sanctuaries.

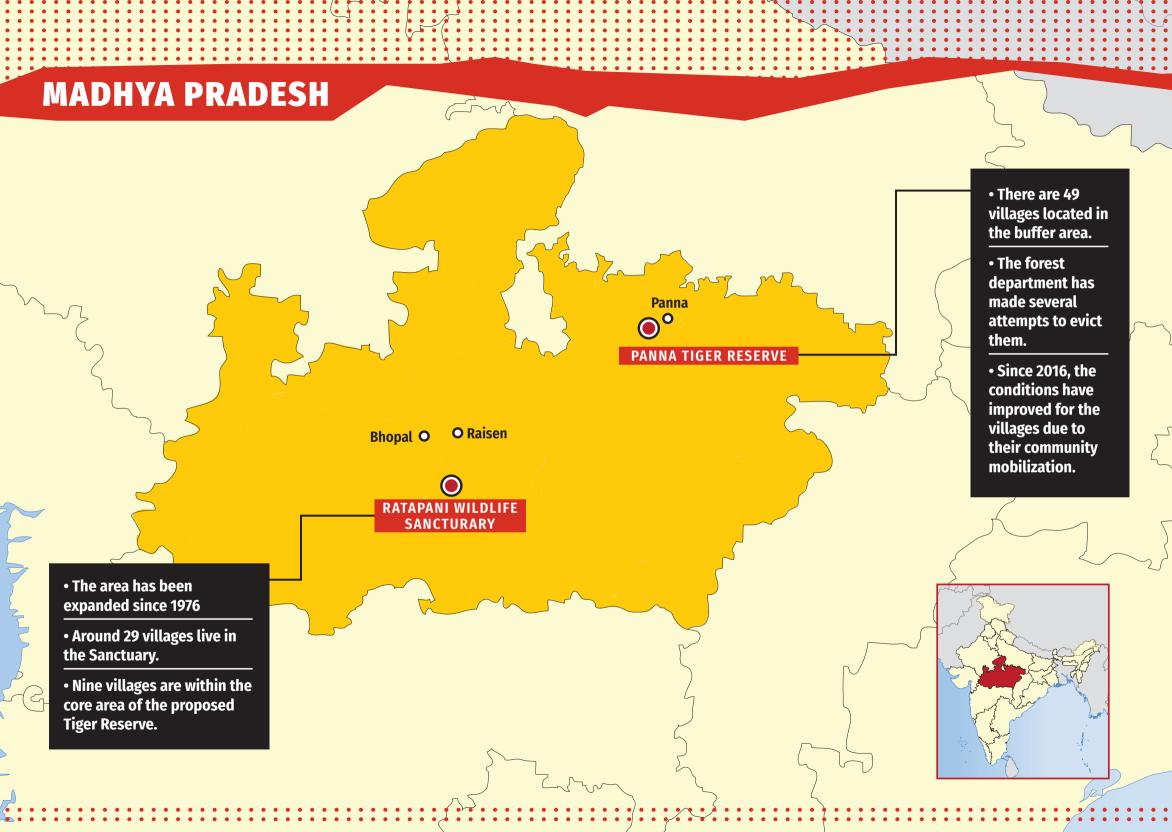
In Maharshtra, at the time of compiling this report, there are 49 Sanctuaries and six National Parks, and 55 separate expert committees were formed, with 'local representatives' and 'experts' as members. The Expert Committee's main task was to assess the conservation-related information of those areas, including human 'impacts'.

Forest communities, forest rights activists

and movement groups opposed the move to finalise CWH areas because the process of recording forest rights under the Forest Rights Act has not been initiated, let alone completed, in most Protected Areas in Maharashtra.

A civil society group went to court opposing the Critical Wildlife Habitat process, and the process is kept in abevance due to a court intervention. The group has written to the state tribal department, which is the agency responsible for the implementation of the Forest Rights Act. The group is seeking intervention from the tribal department to ensure implementation of the Forest Rights Act in Protected Areas and secure the rights of pastoralist communities affected by the Critical Wildlife Habitat proposals.





## Panna Tiger Reserve, Panna District

There are 49 villages located in the buffer area of the Panna Tiger Reserve. There has been no mention of consultations with the Gram Sabhas of any of these villages regarding the demarcation of the buffer zone<sup>3</sup>.

Kota-Gunjapur village was one of the first villages to be proposed for relocation from the core area of what is now the Panna Tiger Reserve, but the community members unanimously rejected the move. They continue to live in the area declared as Tiger Reserve. The forest department has made several attempts to evict them. Failing to do so, they have closed all access roads to the village with boundary fences and gates to restrict the entry and exit of villagers. The officials also restricted their access to basic facilities, such as electricity. However, since 2016, the conditions have improved immensely due to successful community mobilization.

The villagers have been able to access benefits under the Pradhan Mantri Awas Yojana (a central government scheme for free rural housing), despite objections by forest officials, with the help of a local organization named Prithvi Trust; the concerned government agency could be convinced that depriving people from the benefits of the scheme would be unjust as well as illegal. Proper roads have been built inside the village and 36 families have built permanent houses, while facilities for the remaining 10-12 houses are under construction. Other facilities have been built, such as an Anganwadi, a common library which also serves for storing food grains, depending on the season. The Anganwadi is managed by two employees from the community, with support from the rest.

#### Kota Gunjapur village. Ph: News18



After SC rap, MP notifies buffer zone in Panna reserve. The Economic Times, August 2012: https://tinyurl. com/bdczsbkd

The majority of the families have set up gardens where they can plant food crops. This not only saves time and money to the villagers (from avoiding going to the market to buy produce), but also ensures good food quality. The surplus from the gardens are used for exchanges with other community members. This has helped the community to move towards self-sufficiency and food sovereignty; it has played a role in improving intra-community relations; and it has also allowed them to achieve the complete eradication of child malnutrition cases in the village.

The community has also been successful in regenerating the underground water table. There is one lake and 11 wells inside the village, which are for common use. Prior to 2015-16, these used to be dried out and the villagers had to go for water to another village, Jardhoba, which is 4 km away. Their efforts to recharge the water table and efficient use of it, has allowed the community to have sufficient water throughout the year. This also gave them the opportunity to harvest food crops twice a year.

In the current scenario,









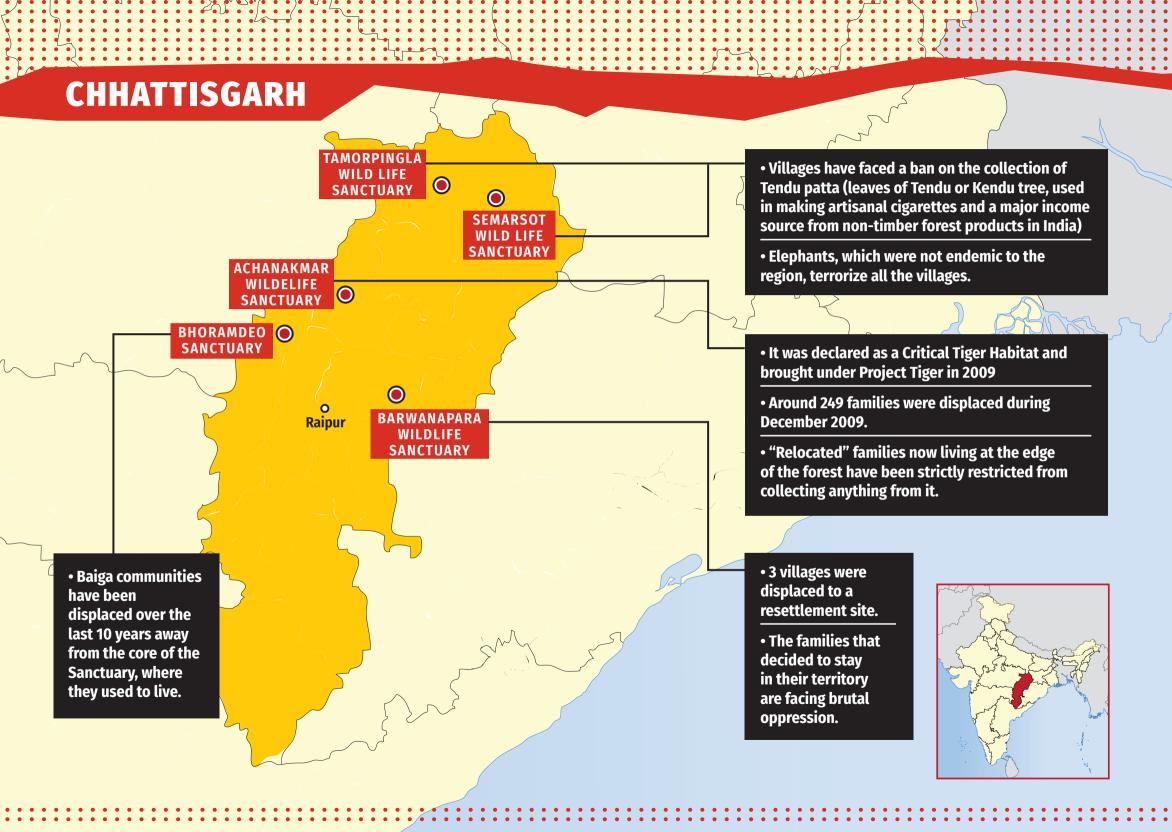
Community water harvesting, Kota Gunjapur village. Ph: NewsClick

where forest dwelling communities are being evicted from their forests for the creation of wildlife spaces without people, Kota village stands as an example. They, together with many others, prove that communities are able to maintain a harmonious relationship with the forests and wildlife.

### Ratapani Wildlife Sanctuary to Tiger Reserve, Raisen District

The area of the Ratapani Wildlife Sanctuary has been expanded since 1976. Due to the presence of tigers having been recorded in and around the area, conservation NGOs as well as the state Wildlife department have proposed to turn the Wildlife Sanctuary into a Tiger Reserve. Such a change from Sanctuary to Reserve would imply additional restrictions on community use of the forest.

Around 29 villages live in the Sanctuary. Of these, nine villages are within the core area of the proposed Tiger Reserve. According to sources, one of the villages in the core area, Dantkhow, has been relocated while the relocation of three other villages is in process. There are no reports suggesting that the consent of the Gram Sabha has been taken.



### **Semarsot and Tamor** Pingla Wild Life Sanctuaries, Sarguja District

The Semarsot and Tamor Pingla Sanctuaries, used to be game reserves. These used to be exclusively designated for hunting purposes for the former Maharajas (royalty) and were later declared Sanctuaries in the erstwhile Madhya Pradesh, today's Chhattisgarh.

Among all Protected Areas in Chhattisgarh, forest rights over homestead and farmland have only been recognized in a few cases inside the Semarsot Wild Life Sanctuary. But even in Semarsot, villages inside the so-called core of the Sanctuary have faced a complete ban on the collection of Tendu patta (leaves of Tendu or Kendu tree, used in making artisanal cigarettes and a major income source from non-timber forest products in India). Although the State Government promised Rs2000 per person annually (around 28 US dollars) to compensate the Tendu collectors, the payment was only made once.

The Tendu ban hit communities really hard. The ban, moreover, is entirely illegal—the Forest Rights Acts allows collection of all kinds of forest





**produce**, excepting for large timber, and such rights cannot be curtailed but for under specific provisions of the law, and definitely not without community consent.

In Durgai village, inside the Semarsot sanctuary, the continued depredation by wild elephants forced three families to leave. Elephants, which were not endemic to the region, had of late started migrating mainly from the forests of the neighbouring state of Jharkhand. Communities in Chhattisgarh had no communal knowledge or experience of living with elephants. Raids by wild elephants therefore continue to terrorize all the villages here: Ramkola, Khairwar, Rajwar, Baranga, Paitka, Chokoi, Badwari,

Adchoka, Injani, Khond, Kesar, Chatauli, Newar (Pasand), Badhagai, Khond and Patauli.

The Ramkola villagers, who live inside the Tamor Pingla Wild Life Sanctuary, are yet to receive official land titles under FRA, while the park administration has acquired land for building an elephant rescue centre. This land includes village commons such as nistar (forests where communities have customary access and rights). 4000 trees were cut during the construction.

### **Bhoramdeo** Sanctuary, Kawardha District

Baiga communities (according to the state government, Baiga is a 'particularly vulnerable tribal group'), have been displaced over the last 8 to 10 years because the forest department has "relocated" them to plain areas, away from the core of the Sanctuary, where they used to live. **Promises** of compensating each family with 10 lakhs (almost 14 thousand US dollars), new houses, schools and better medical facilities, were made. None of these materialised.

Tawanrjhol was the first village to be displaced. It comprised 16 households with arable land in nonforest areas, not under the jurisdiction of the park authorities. Hazur Baiga had 3 acres (approx. 1.2 hectares) of land in his village. The whole land which was under his name, has been used by the forest department for construction of a pond for wild animals without his consent.

### **Achanakmar Wildli**fe Sanctuary (AWLS), Mungeli District

Achanakmar Wildlife Sanctuary, which spreads over an area of 551.552 square kilometers, was declared as a Critical Tiger Habitat and brought under Project Tiger in 2009, primarily as an attempt to pre-empt the implementation of FRA in the area, and also to expedite relocation of communities living inside. It is also the habitat of a Baiga tribe, who have lived in this region for centuries.

According to the revised guidelines issued by the National Tiger Conservation Authority for all Project Tiger areas in India, state forest departments have to identify and demarcate new human-free inviolate spaces inside Critical Tiger Habitats and relocate villages from such areas within a time frame, through providing a better relocation package. The forest departments are also required to settle the forest rights of communities living in these villages. These

guidelines were strongly contested by grassroots groups who pointed out that relocation from Critical Tiger Habitats is only possible in cases where the tiger habitats have been declared also as Critical Wildlife Habitats, in compliance with the FRA. Besides, they also pointed out, relocation from Critical Tiger Habitats is also subject to Gram Sabha consent.

In Achanakmar Tiger Reserve, the Chhattisgarh forest department has consistently violated even these guidelines. It has not provided better relocation packages and is not settling the forest rights of the Baigas, as mandated by the Forest Rights Act of 2006.

In Achanakmar, out of the 25 villages living in the core area of the Tiger Reserve (prior to its declaration as a Tiger Reserve, Achanakmar used to be a Wildlife Sanctuary) 6 forest villages - Jalda, Kuba, Bokrakachhar, Bahud, Bakal, and Sambhar Dhasan- with around 249 families, were displaced during December 2009. Inhabitants were largely Baiga, followed by Gond, another tribal group, and pastoralist communities such as Yadav. Villagers were promised a fixed compensation package of Rs 10 lakhs (1 million Rupees or approx. 13,000 US dollars) and basic facilities in the new settlements: 5 acres of agriculture land for each household (approx. 2 hectares), houses, school, better healthcare infrastructure and livelihood opportunities.



However, when the 'relocation' process was over, the new facilities were not ready and each household was given only a petty amount of Rs.5000 in cash (approx. 68 US dollars) and Rs.45,000 (approx. 616 US dollars) in their bank accounts, which many had to open afresh in order to receive the money.

The 'relocated' families now living at the edge of the forest have been strictly restricted from collecting anything from it, including fuelwood. The Baigas say that they have no livelihood options outside the forests and are now being forced to work as construction workers in urban areas. The land they were given is of poor quality, and does not

really support farming. Furthermore, this 'relocation' was done unilaterally and without complying with the FRA regulations of 2006.

Following a sustained campaign by groups organised under the banner of All India Forum of Forest Movements, 16 villages in Achanakmar adopted a resolution against the illegal relocation attempts, on 6th November 2020. The resolution demands an independent review of the status at rehabilitation sites, including livelihood options, housing, access to forests, education, health services and others. Based on the outcomes necessary steps should be taken and only then should the next phase of the rehabilitation be taken up. They also demanded that all FRA claims, specifically those related to community rights, should first be acknowledged and settled before any further displacement takes place. Further, the officially recognized right of the Adivasis and other forest dwellers to access natural and forest resources should be upheld.

# Barwanapara Wildlife Sanctuary, Mahasamund District

Established in 1976, the Barwanapara Wildlife Sanctuary covers 245 kms2 and hosts 24 villages inhabited by Kondhs, Saura and Binjhwar tribes, among others.

In 2010, the Chattisgarh government planned to displace all these villages, and three -Rampur, Latadadar and Nawapara- were marked to go first. To provide housing, agricultural land and other basic facilities, an amount of Rs 13.5 crorel (1,849,315 US dollars) was needed. Because the Sanctuary has not been notified as a Tiger Reserve, the economic resources available for the relocation activities have been taken from both, the central government (Rs5.40 crore /73,972 US dollars) and the CAMPA funds (see What is CAMPA?), a scheme which is supposed to be used for reforestation activities (Rs 29.83 crore / 408,630 US dollars)4.

The three identified villages were relocated. According to the Minister of Forests, each "beneficiary" of the "relocation project" received Rs 50,000 (685 US dollars) as cash incentive, besides a house of 250 m2 on a plot of 500 m2 and access to basic services like roads, schools, an Anganwadi centre (rural child care centre), community centre, electricity, public toilets and drinking water.<sup>5</sup> However, according to information gathered during a visit to Rampur in July 2018, basic necessities like water, access to livelihood, etc. are **not available.** Despite several applications submitted to the forest department, the villagers did not receive any assistance and they now wish to return to their home village in Rampur. No written and informed

Information given by Minister of Forests in Chhattisgarh Assembly on 17th July 2013

Information from State Assembly Report, 15th to 19th July 2013

consent was taken by the forest department for the relocation. "The families got rehabilitated without having a clear understanding of their forest rights under the Forest Rights Act, and no official meeting was held at the Gram Sabha level; hence the local people got pressurized to leave their place", said a local activist.

On 15 January 2018, the Forest Department officials entered the reoccupied Rampur village and physically assaulted members of tribal families, harassed women, and destroyed the devsthal (sacred site), with the aim to forcefully evict them. The police have been complicit with the Forest Department in preventing the submission of a First Information Report by the forest dwellers, against the atrocities and the forceful eviction carried on by the forest rangers.

## Rehabilitation status of Shrirampur village

The forest department has resettled those displaced from Rampur village in a resettlement site, 45 kilometres from Rampur and hailed it as Shrirampur. Villagers were also resettled in Nayapara and Latedadar post displacement. All these villages are situated in Kasdol, which has made it difficult for villagers to access social welfare schemes which entitled them to benefits in Mahasamund District.

The resettlement site of Shrirampur has a population of 435 people, 212 of them being tribals. On entering the site, a sprawling temple greets; it is the largest structure in the village. The land looks barren with a solar water pump in the centre, an Anganwadi Centre and houses identical to one another, all painted green in colour set in rows like forest department quarters.



Protest against Relocation from the Barnawapara Wildlife Sanctuary, 2017. Ph: The Times of India.

The villagers were enticed with an offer of 6 hectares of land in return for 1 hectare of land. Around 5-5.5 hectares was given to each adult son. It is pertinent to note here that adult daughters were given nothing.

Moreover, the land is unfit for agriculture as it is not cultivable, neither irrigable nor fertile. There is no water for irrigation. The solar pump provides water for all purposes in the village. The villagers are angry that they had to leave their flat irrigable, cultivable and extremely fertile land for this barren land. Most of the family members have been forced to migrate to other places. Many villagers wish to go back to Rampur and join the 12-13 families who are still there.

#### **Intimidation and Atrocity** in Rampur Village

The families that decided to stay are facing brutal oppression: they are being threatened by the forest department officials for the last 3 years to vacate their houses unless they want to be put behind bars.

The villagers are not allowed to bathe in the pond in the village. They are furthermore disallowed access to tendu patta, mahua, and other forest produce which they ought to be allowed to use. If they try to acquire forest produce in a clandestine manner. it is seized from them and they are beaten in turn. The compensation of Rs. 2000/- (27 US dollars) as has been declared in return for not picking tendu patta has also been denied to the villagers.

Rajkumar, an Adivasi residing in the Rampur village, was arrested in the area in February 2018 because he was protesting

against evictions. On 14th January 2018, men from the forest department entered his house and started kicking, punching and abusing him. When his wife and children tried to rescue him. they were beaten up as well. An unconscious Raikumar was then taken to the hospital, before a complaint was registered against him and he was shown to be arrested by the police. He was again intimidated to sign documents which he could not read, for he is illiterate. The entire family is terrorized.

When Rajkumar's wife Amrika came back to her house at around 5am, she found that her house had been broken into. the lock of her cupboard broken, and Rs. 5000/-(68 dollars) along with 8 grams of gold and 2 nosepins were stolen. These constituted the entire savings of the family.

### **Findings in Brief**

It can clearly be observed that the official prejudice against the tribal and non-tribal forest dwelling communities continues to exist. In the Protected Areas covered during the fact-finding visits on which this publication is based, the forest administration continues to treat forest communities as mere "disturbances" which it believes should be removed in the interests of wild life conservation. Despite, and in explicit violation of, the FRA the socalled conservation actions in the Protected Areas only alienate indigenous forest communities further from their land, instead of acknowledging their historic and lawful role in conservation.

The major issue in all the **Protected Areas is the lack** of adequate livelihood opportunities for the communities, something that is relentlessly compounded and aggravated by often illegal official restrictions on use of forest produces, forced or involuntary relocation and finally. displacement without proper compensation to those being displaced. Besides these direct threats faced by communities located inside forests that have been declared **Protected Areas. indirect** threats include vested political and economic interests putting the livelihood of thousands living in and around the **Protected Areas in serious** 

jeopardy: extractive industries and other development activities taking place in the vicinity of Protected Areas, illegal timber felling. unrestricted tourism.

The status of implementation of FRA in the Protected Areas has also been uniformly very poor as communities continue to struggle to exercise their traditional rights to the use of forest produce. Primary documentation of the causes and issues in the Protected Areas as well as proper collation of the necessary documents is also a necessity as in many areas, lack of documents have hampered the livelihood and sustenance of the communities.