

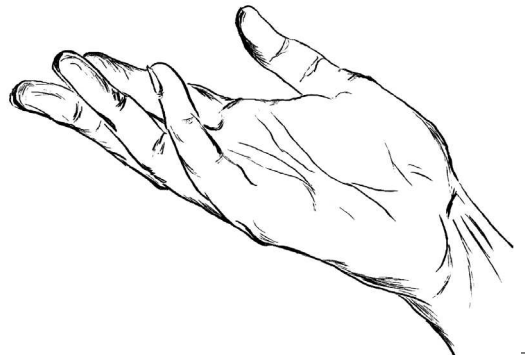
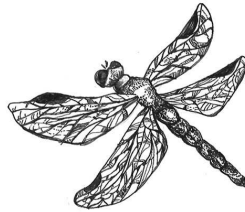
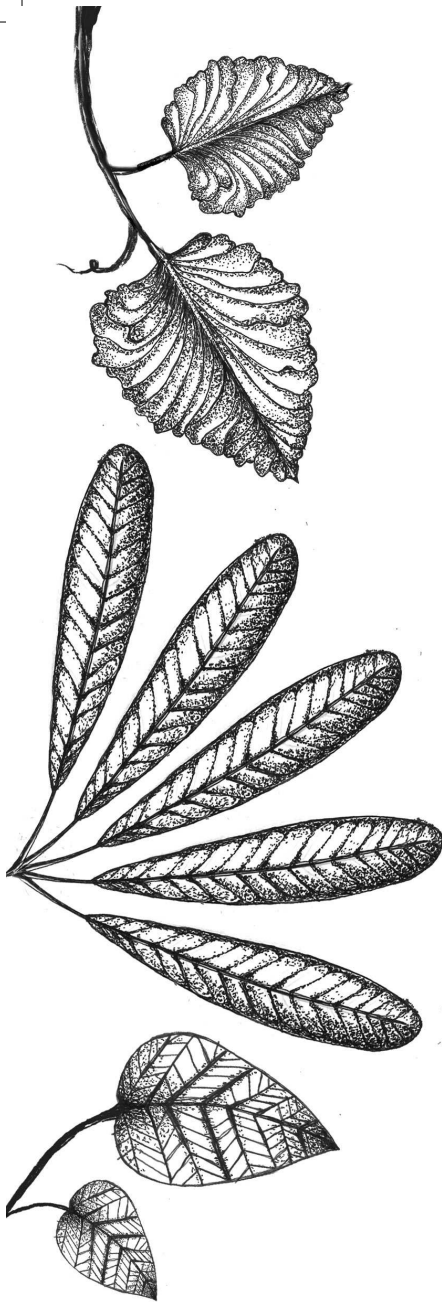


NATURAL JUSTICE

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Forest Governance at the Interface of Laws Related to Forest, Wildlife & Biodiversity

WITH A SPECIFIC FOCUS ON CONFLICTS
& COMPLEMENTARITIES WITH
FOREST RIGHTS ACT



About the Study

Forests in India are a contested space with different rights holders and stake holders adhering to differing perceptions. Legislation including the Indian Forest Act (IFA)¹, the Wildlife Protection Act (WLPA), Forest Conservation Act (FCA), Biological Diversity Act (BDA) and Scheduled Tribes and Other Forest Dwellers (Recognition of Rights) Act² (FRA) controls different aspects of forest governance such as access, management, decision-making authorities and support.

While looking at laws related to forest governance, there is often a tendency to get into discussion about or analysis of any one Act in isolation. Since different Acts have different (at times even contradictory) provisions, there are spaces for subjective interpretation, conflict, and ambiguity which are being used differently by stakeholders with different perspectives and objectives. Moreover other laws, like the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (LARR), though not directly concerned with forest governance, because of their overarching scope also impinge on issues of forest governance.

The operation of law in the forests is rife with contradictions and through highlighting them this note will seek to provide an objective lens through which we can attempt to understand the nature of contestation that gets configured within a legal landscape. An objective of this study is also to explore how these can be reconciled, if at all, in order to delineate a clearer picture. Each law mentioned in this note addresses multiple objectives and legal interests. The divergent legal, social, cultural and environmental interests that are protected and articulated through these legislations provide the framework within which contestations and contradictions take place.

1 The abbreviation for this Act (and other Acts) is used interchangeably with the name of the Act in this document. The list of all abbreviations is also provided at the end of this note.

2 The Act is also popularly referred to as Forest Rights Act.

This study is an attempt to understand the legal situation relating to forest governance at the interfaces of various laws, and to assess how they reinforce or contradict each other. Where conflicts are found, the note will seek to locate them between the laws that govern India's forest area with the intention to unpack the contradictions and corroborations that exist in this area. Unlike the preceding acts relating to forest governance, the FRA was promulgated with the explicit mandate of setting right "historical injustice"³. Hence the other Acts need to be critically evaluated in the context of a major paradigm shift that the FRA brought into the realm of forest governance.

However, it is also important to state at the outset that some concerns that are being raised in this note as points of conflict are being considered as such because the FRA has largely not been uniformly implemented in both, its letter and spirit. Unfortunately, there have been many cases of on-ground subjective interpretations that violate the FRA. It is important to have more clarity on these spaces of subjective interpretation or misinterpretation. This note, without making any claims to being conclusive, is one such attempt.

3 Very briefly, the "historic injustice" mentioned here refers to aspects of the colonial legacy and exclusionary paradigms— both of which stress on the need for separating tribal people from the habitat they live in, for the purpose of achieving conservation or extractivist goals – as reflected in pre-and-post-independence laws relating to forest governance.



Scope of the note

While the study is an attempt to look at the different forest related laws together, it has not been possible to bring into consideration all laws that would be relevant, limiting the study to only six laws; Indian Forest Act (1927), Wildlife Protection Act (1972), Forest Conservation Act (1980), Biological Diversity Act (2002), Scheduled Tribes and Other Forest Dwellers (Recognition of Rights) Act (2006), and Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (2013)⁴. There is also a greater focus on looking at the provisions of these laws vis-à-vis the Forest Rights Act rather than the differences between these Acts.

One limitation of this study is that it does not discuss forest governance in ‘scheduled areas.’ The fifth and the sixth schedule of the Constitution, and the Panchayat Extension to Scheduled Areas (1996) (PESA) have provisions for decentralised forest governance and they have had a significant impact in certain regions of the country. There are also laws at the regional or state level (such as the Chhota Nagpur Tenancy Act) which influence forest policies. Although such state level laws, as well as national legislation like the Environment Protection Act (with provisions such as Environmental Clearances and Eco-Sensitive Areas), influence forest governance by playing an important role in determining what activities are allowed, facilitated or restricted in the forested area, they have not be considered here. The dominant areas where contestations play out have been identified as:

- **Decision making:** Decision making in forest areas needs to be understood in terms of the inter-relationships between institutions set up by these laws and their roles, responsibilities, composition and powers. This enquiry strives to identify issues that emerge from the multiplicity of institutions and decision-making power centres. While some provisions cause functions to overlap, others dilute the roles, responsibilities and powers of institutions. This note will also attempt to map the uneven power structure that these laws have historically enabled, often leading to increased state control in forest areas, in the light of the paradigm shift towards localised control that the Forest Rights Act, 2006, provides for.

⁴ Also known as LARR, it was notified in the gazette dated September 27th, 2013 and came to force on January 1, 2014. Effectively this Act marks the annulment of the colonial legacy of the Land Acquisition Act, 1894.

- **Management and Governance:** Given that these legislations continue to be at work simultaneously, it is important to understand where decision-making powers actually lie within the spectrum of laws that this note deals with. Such powers, vested in multiple institutions at different levels, effectively control who manages and governs the forest space, and how.

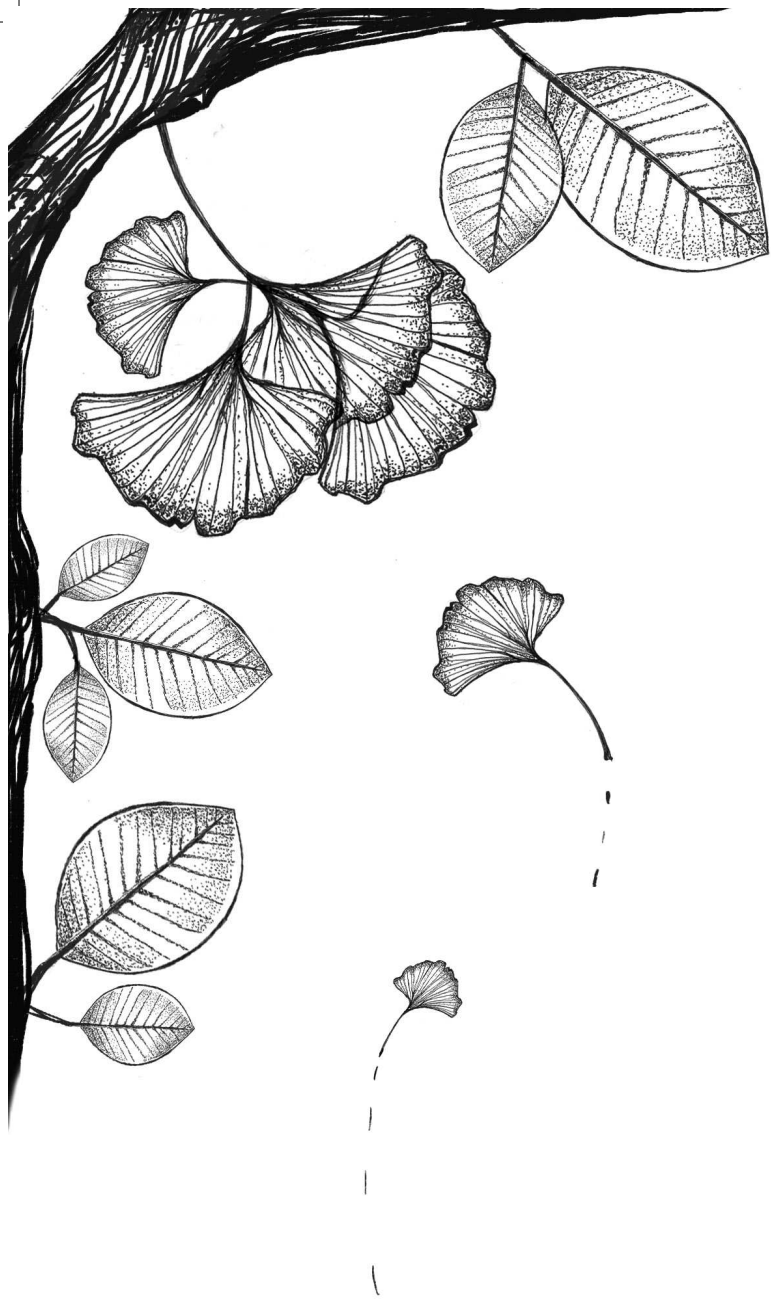
Management and governance decisions have an effect on:

- The zonation and legal categorisation of the forest area;
- Conservation of resources and wildlife;
- Use of and access to such resources;
- Use of forest land for non-forest purposes⁵; and
- Criminalisation of certain activities understood as offences within these laws.

5 According to the Forest Conservation Act, 1980, “non-forest purpose” means the breaking up or clearing of any forest land or portion thereof for-

- (a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;
- (b) any purpose other than reforestation;

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.



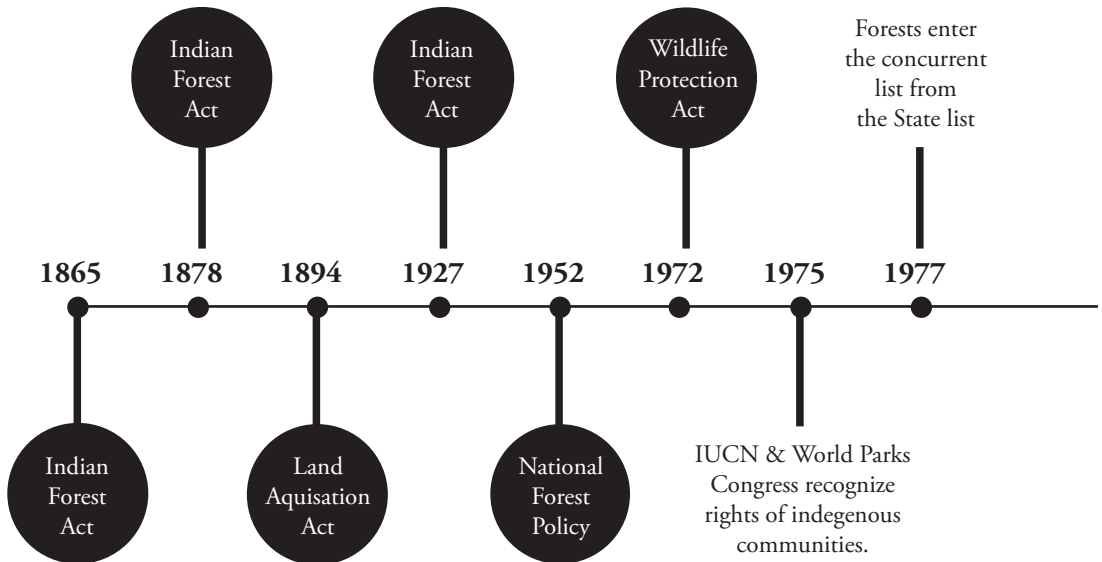
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Context

According to the Forest Survey of India, 2009, nearly one-fourth (23%) of India's land surface is under forest cover. Estimates for the number of people dependent on forests in India vary from 200 to 350 million⁶. During the long association of such people with the forests in their surroundings, various social, cultural and economic aspects of their lives have been linked with their habitat, along with evolution of practices for managing them for the natural resources they provide.

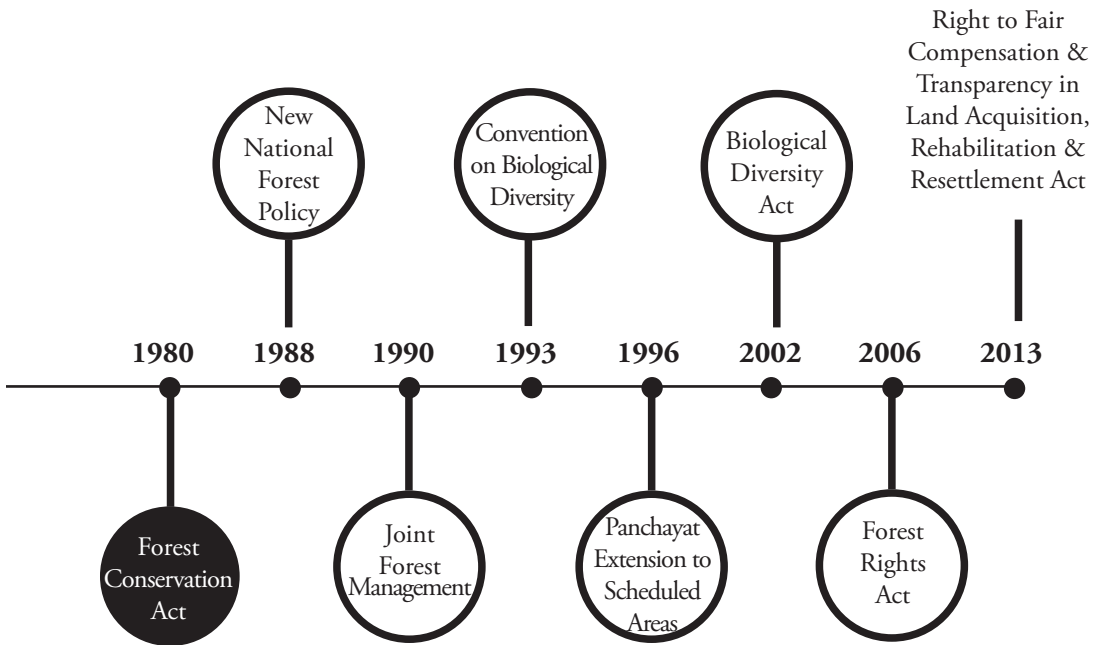
HISTORY OF FOREST LAW

A TIMELINE OF LAWS THAT HAVE SHAPED FOREST GOVERNANCE IN INDIA



⁶ 275 million (as per World Bank 2006), 200 million (as per Sarin & Springate-Baginski 2010), 250-350 million people partially dependent on forests (as per Poffenberger and McGean 1998, p. 260).

While on the one hand, people-to-forest interactions are influenced by what is legally allowed or restricted, on the other hand, the dependence of people on forests in their day-to-day lives has at times driven changes in legislation to accommodate such links.



Prior to independence, the laws imposed by the British on forest dwellers were aimed at achieving easier administration and control over areas under forest cover. The most significant of these laws were the Indian Forest Act (passed in 1865, 1878 and 1927) which brought all forest resources under the direct control of the state⁷. Since independence, the National Forest Policy (1952) ranked the ‘national interest’ in forests higher than the interests of local communities. While there has been legal acknowledgement in 2006 that ‘historic injustice’ was meted out to forest dependent people during consolidation of forests as government property, to date the Government has not redrafted the Indian Forest Act; and the colonial Act, with a few amendments, continues to hold sway. Since the 1970s, the central government has shown a greater interest in forests. The Indian government has passed many laws with the stated objectives of preventing deforestation and of conserving biodiversity, starting with the WLPA, 1972.

The conservation policy of India focuses upon creating a large number of **Protected Areas (PAs)** with the stated objective of checking habitat fragmentation. A significant aspect of this approach to conservation has been its premise that in places of biodiversity value, human disturbance should be restricted as much as possible⁸. The implications of such a policy for the local communities include denial of rights to natural resources and land, collapse of customary institutions, break up of social networks, weakening of cultural identity, enforced illegality, popular unrest, etc.⁹

In 1977, ‘forests’, as a subject for legislation was moved from the State list to the Concurrent list, and in 1980 the Forest Conservation Act was passed by the central government. Under this law, diversion of forest land for projects¹⁰ requires prior sanction by the Ministry of Environment and Forests (MoEF). However, in practice, most projects are granted forest clearance either without addressing conservation concerns, or else subject to conditions which are, subsequently, barely fulfilled by the

7 Although the IFA classifies forests as Reserved, Protected and Village Forests, the last category (Village Forests) has been, for all practical purposes, dysfunctional.

8 While India’s conservation policies admit that conservation requirements should be based upon two factors, biological value and the alternative land use demands, they also argue that, biodiversity value remaining constant over time, people’s demand for resources can change and be mitigated. This justification has been used as the basis for the entire design of the present protected area network. Protection of the biological diversity of any given area has been the only consideration, while the number of forest dwellers in that region and the socio-economic impact of such “protection” on them has been ignored completely (Kothari et al 1995).

9 See West and Brechin 1991; Colchester 1994; Colchester 2004 for further details.

10 i.e. for non-forest purposes.

proponents and hardly monitored by appointed authorities. Hence, the Act is often cynically referred to as the Forest *Conversion* Act, and not surprisingly so.

At the international level, there has been, since 1975, a certain shift in conservation policy and perspectives; a shift which is reflected in statements issued by International Union for Conservation of Nature (IUCN) and World Parks Congress, calling for a more inclusive model of forest conservation – a model which respects rights of the indigenous people on the forests that they live in. In December 1993, the **Convention on Biological Diversity (CBD)** came into force. This is a legally binding international agreement between the countries that ratified it. It has three stated goals: conservation of biodiversity; its sustainable use; and fair and equitable sharing of benefits arising from it. A parallel shift in national policy in India was much delayed¹¹– and it was only in 1988 that the **National Forest Policy (NFP)** was introduced. It stated that the interests of forest dependent people need to be protected. It also paved the way for the MoEF to issue, in 1990, a set of guidelines on **Joint Forest Management (JFM)** to be practised by the state **Forest Department (FD)** with local people.

Although the concept of Joint Forest Management was introduced through a circular and not an amendment, it has been implemented in many forest areas of India. The concept was introduced for promoting ‘participatory’ practices in the management of forests, involving both, the Forest Department (FD) and local communities. However, it has been criticised for denying decision-making powers to the local communities. With the main powers for drawing up and implementing plans being retained by the FD, the forest dwellers’ role has been reduced to that of paid labour.

Subsequent to the introduction of Joint Forest Management, the Government of India passed the Biological Diversity Act in 2002 and the Forest Rights Act in 2006. The BDA is an umbrella legislation governing access to and conservation and sustainable use of biological resources, while the Forest Rights Act recognizes “historic injustice” committed towards traditional forest dwellers and provides for remedial action. The FRA, with the Ministry of Tribal Affairs or MoTA as its nodal agency has a stated objective of legal empowerment of forest dwelling communities and paving the way for a more democratic-governance-based model of forest conservation. It must be noted that concerns regarding possible negative impacts of some of its provisions, such as those of recognising Individual Forest Rights, have also been raised by some civil society groups.

11 This is not to say that there was no acknowledgement of forest dwellers in Indian forest policy. The category of village forests in Indian Forest Act, the fifth and sixth schedule of the Constitution, the recognition of Van Panchayats in Uttarakhand as a managing institution, and the Chhota Nagpur Tenancy Act are examples. However, overall, the Indian forest Act and the ‘rule’ of the FD has dominated the governance scene as the primary controlling agency until recently.

In this context, it may be argued that the new Act, viz. the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR), seeks to modify/abridge the eminent domain principle [see **Box A**] in India by limiting the scope of what constitutes ‘public purpose’ and specifying that land may be acquired by the State only for the listed purposes. What impacts this might have on issues of forest governance, conservation concerns, community livelihoods and interests of various other stakeholders also needs to be explored.

As seen above, different Acts vary in terms of their provisions, the issues being addressed and the approaches to managing, governing and conserving forests. They also differently impact interests of the main stakeholders in forest governance (local communities, FD, project proponents). There are spaces for subjective interpretation, conflict, and ambiguity which are being exploited by stakeholders in different ways.

Box A: What is Eminent Domain?

Eminent Domain is a legal concept that runs like a red thread through all questions and concerns relating to land acquisition in the country; especially those about land acquisition by the government. This concept is based on the British precept of all land belonging to the Crown, and was incorporated into Indian law in the form of the Land Acquisition Act, 1894.



It is part of the colonial inheritance, and was not revoked after independence. In general terms, the doctrine postulates that the Sovereign State has the right to acquire private land, usually upon payment of compensation. In other words, it negates the need for obtaining the land-owner's 'consent' in the process of land acquisition. Scholars have argued that the doctrine of eminent domain is inappropriate for the way that property rights have been traditionally held in India, and is incapable of being reformed for socially inclusive purposes, for which property rights were originally included in the Indian Constitution.

The doctrine of Eminent Domain can be read into the Indian Constitution only through its 44th Amendment. This Amendment deleted Article 19(1)(f) and Article 31 which had, until then, recognized the right to hold property as a Fundamental Right (which may not be taken away by the State unless there is a 'reasonable restriction' on the right), and inserted in their place Article 300A, which in effect lowers the status of the right to property to that of a 'constitutional' right, thereby allowing for property to be acquired by the State without granting the owner the right to question its 'reasonableness'. One cannot help but note the irony that while the intent behind the 44th Amendment was to allow the State to acquire land from monopoly holders to facilitate equal distribution, the reality is that land is now being acquired from the poorest Adivasi and scheduled caste communities and given to large private companies.



A brief overview of forest-related laws

The six main laws that will be discussed in this note have had, or are beginning to have, many implications for the ways in which forests are governed, managed and controlled. The Objects stated for each of these laws are presented below. It should be noted that the Statement of Objects is merely the officially given list of objectives and may not reflect the inherent complexity of the Act.



Indian Forest Act, 1927

To consolidate the law relating to forests, the transit of forest-produce and the duty that can be levied on timber and other forest-produce.

Wildlife (Protection) Act, 1972

To provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country.



Forest (Conservation) Act, 1980

To provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Biological Diversity Act, 2002

To provide for conservation of Biological Diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto.





The Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006

To recognize and vest the forest rights and occupation of forest land by forest dwelling scheduled tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; to provide for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

To ensure a humane, participative, informed and transparent process for land acquisition for industrialisation, urbanisation and development of essential infrastructural facilities; and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement.

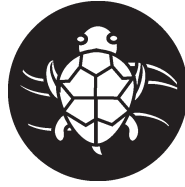




INDIAN FOREST ACT, 1927

This Act (with its predecessors passed in 1865 and 1878) gives the central government powers to declare any forest land or wasteland as Reserved, Protected or Village forest. Upon notification as “reserved” all previously recognized rights are extinguished (Section 9) except for the claims filed under a set procedure. The filed claims are reviewed and if considered valid, the Forest Settlement Officer (FSO) ensures “the continued exercise of the rights so admitted” (Section 15). In Protected Forests (PFs), the state government can close any portions of forest if it feels that the remaining forest is sufficient for existing forest communities to exercise their legal rights. The category of Village Forests (VFs), in which forests are to be managed by villagers, require prior declaration as Reserved Forests (RFs).

The Act has been criticized for its “reductionist” treatment of the well-being of communities by thinking of their association with forests in terms of rights that could be ‘settled’ as well as its underlying assumption that forests are state property (Ramanathan, 2004). The category of VFs has seldom been operationalised. The use of forests for commercial and expansionist state interests using this Act caused massive destruction of forests in the Himalayas, Central India and Western Ghats (Joint MoEF-MoTA Committee, 2010). The reservation process for forests under the IFA is considered to be one of the first that resulted in alienation of the forest-dwelling communities from their ancestral rights to their customs and to the land.



WILDLIFE (PROTECTION) ACT, 1972

This law was enforced in the context of declining numbers of wildlife in India (and has a precedent in the pre-independence Wildlife Protection Act of 1912 which had different provisions). The Act establishes six schedules which provide differing levels of protection to the species of wild animals and birds listed in them. It also prescribes conditions for declaring an area as a National Park or a Wildlife Sanctuary. Through subsequent amendments, other categories of 'protected areas', Conservation Reserve (CR), Community Reserve (CmR) and Tiger Reserve (TR) were also added. The Act puts restrictions on human habitation, on livestock grazing and on the harvesting of forest produce in these protected areas. The amendment to the WLP Act passed in 2006 introduces the category of TR, which is comprised of a core area (also called Critical Tiger Habitat (CTH)) and a buffer area. TRs are to be notified by the state government based on the recommendations of National Tiger Conservation Authority (NTCA), an authority constituted by the WLP Act 2006 amendment. Relocation of forest dwellers from CTHs of such reserves can only take place under specific conditions including obtaining **prior informed consent** from each of the concerned Gram Sabhas.

The 1972 Act pushes for a model of conservation that is based on a centralized and exclusionary system of control (Lasgorceix and Kothari, 2009). Lacking a comprehensive procedure for the settlement of rights, the Act has also often led to artificially induced displacement. At present the protected area network covers 5% of India's geographical area. In preserving the biological value of areas, this model has at times proven to be successful, with evidence of a higher level of species diversity in areas of strict protection (Karanth et al., 1999; Nagendra, 2008). However, at the same time, neglect of local considerations has driven a wedge between the FD and the local communities (Joint MoEF-MoTA Committee, 2010). This has also paved the way for many forcible evictions and displacement of forest dwellers.



FOREST (CONSERVATION) ACT, 1980

The FCA explicates, in the objects and reason (section), its objective of controlling large scale deforestation. The Act requires that the state government must take prior approval from the central government before de-reserving any forest patch for non-forestry activities. A national level committee called Forest Advisory Committee (FAC) is empowered to recommend or turn down requests for clearance, for different project proposals.

Though, initially, the FCA was able to control the large scale diversion of forest land for industrialization, it has not been able to keep up with the pace of diversion activities which has increased in leaps and bounds since 1990. Documents obtained by Kalpavriksh from the MoEF, under the Right to Information Act (RTI), and an analysis by the Centre for Science and Environment, reveal that of the total forest land diverted since 1980-81, about 50% has been diverted after 2001-02; and of the 1.5 lakh hectares of forest land diverted for mining in the same period, over half has been in the last decade (Kohli and Menon 2011: CSE 2011).



BIOLOGICAL DIVERSITY ACT, 2002

The Act came to force for fulfilling India's commitment as a signatory to the international Convention on Biological Diversity (CBD) and is intended to regulate conservation, use and access to biological resources. The BDA mandates the creation of Biodiversity Management Committees (BMCs) at village level, State Biodiversity Boards (SBBs) above them, and a top-level National Biodiversity Authority (NBA). It also provides for the declaration of areas being conserved for agricultural or wildlife biodiversity as Biodiversity Heritage Sites (BHS).

The Rules for operationalising the Act, promulgated in 2004, have been criticized for their failure to empower communities in decision-making, and for the reduction of their role in recording local knowledge and in assisting the state and national level boards to grant permission for the use of biological resources and associated knowledge (Kalpavriksh and Grain, 2009).



THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

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

However there is potential for conflict between the present forest governance and management model followed by the state FDs, and that provided under this Act because of lack of proper delineation of roles and responsibilities and sharing of powers.



THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013

This Act was passed in order to create a progressive legal framework for the process of land acquisition, to replace the one embedded in the colonial Land Acquisition Act, 1894 (LAA). The new Act covers all categories of land, including that classified as forest land. This new legal framework seeks to specifically address the following aspects of land acquisition which were missing in the prior colonial version:

- to provide a clear definition of ‘Public Purpose’;
- to ensure the rehabilitation and resettlement of those affected through such land acquisition;
- to ensure transparency and participation in the process of land acquisition; and
- to re-evaluate the manner and amount of compensation given in the process of land acquisition.

While a definite improvement on the colonial legislation, the new Act nevertheless has the potential to dilute the impact of the Forest Rights Act by restricting the decision-making power of the Gram Sabha. It also adds a new layer of complexity to the existing systems and institutions created by the multiplicity of laws that apply in forest areas.

LARR moves forward with respect to doing away with vague terminology like ‘public interest’, ‘benefits largely accrue to the general public’, ‘useful to general public’, etc., which pervaded previous versions of the Act. However the definition of some terms remains injudiciously wide. Moreover, Section 2 also provides residuary powers to the government to notify “any infrastructure facility” as public purpose.

One example of the breadth of the definition is the inclusion of “project for project affected families”¹² as part of public purpose. While on the one hand, one may say that

¹² The words used in the LARR Act – “project for project affected families” occur under Section 2(c). One can only hazard a guess about what this circular articulation, could mean!

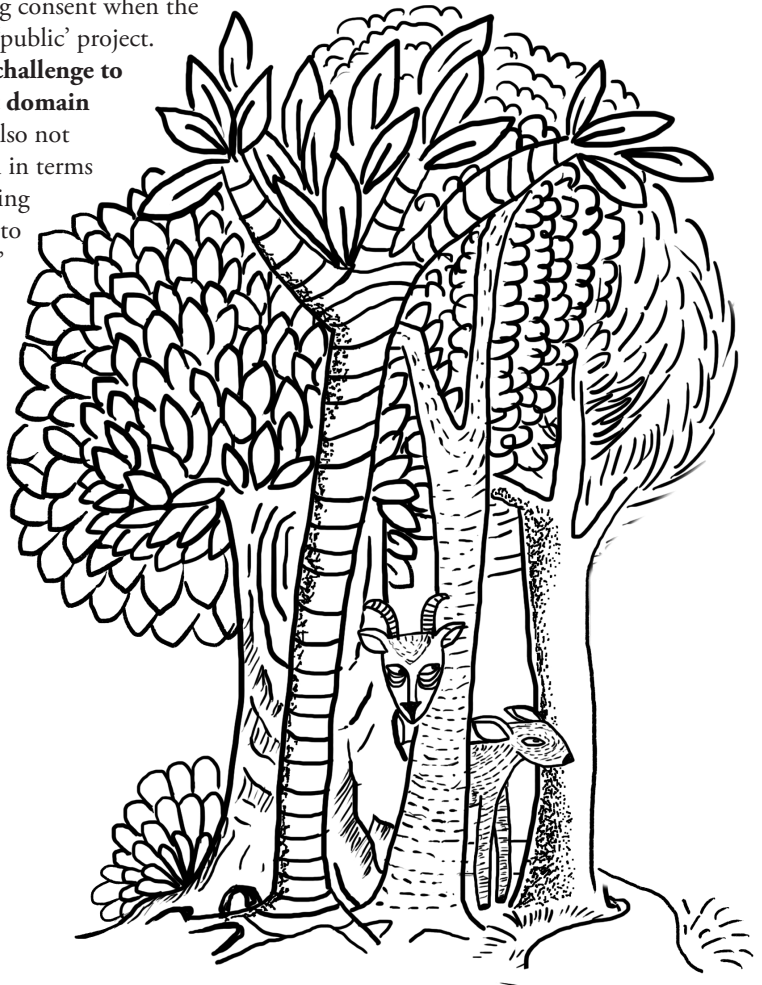
this provision recognizes the need for land to resettle displaced persons, the absurdity of displacing one forest dependent community to resettle another, and the ensuing conflicts - which is a frequent occurrence - seems to have escaped the law makers.

On the other hand, given that some activities deemed as 'public interest', for example tourism in forested areas, can be undertaken by private companies as well, and that too under the definition of public purpose, such undertakings smack of complete disregard for the rights of forest dwelling persons and communities, who could, under this Act, be legally displaced.

What is however relevant from the point of view of eminent domain, is that there is no requirement for obtaining consent when the State acquires land for a 'public' project.

Hence, there is no real challenge to the doctrine of eminent domain within the LARR.

It is also not clear what would happen in terms of requirement of obtaining consent if the State were to acquire land for a 'public' project but later transfer the said land to private parties for commercial purposes, as has in fact been sometimes done in the past in India.



Which law governs what part of the forest?

There was no legal definition for the term “forest land” in Indian legislation until 1996, when a Supreme Court judgement¹³ stated that forest land includes “all areas that are forests in the dictionary meaning of the term irrespective of the nature of ownership and classification thereof”. The present document will also use the term “forest land” in that context, unless explicitly mentioned otherwise. Here it is important to note that not each of the discussed laws is applicable to all forest land, and some of these may apply to areas extending beyond forest land. WLPAs, for example, would include Sanctuaries and National Parks on marine and desert Protected Areas, and BDA would cover biodiversity across the entire country. Figure 1 is a diagrammatic representation¹⁴ where different shapes indicate different Acts of law, with Table 1 explaining the jurisdiction and scope of each of the specified laws. While it will not be possible for this note to explore in depth the ambiguities of area of jurisdiction within each law, the ambiguities at the interface will be briefly discussed in this document.

13 Supreme Court order on 12 December 1996, in T. N. Godavarman Thirumulkpad Vs Union of India, and Environmental Awareness Forum, Jammu and Kashmir Vs State of Jammu and Kashmir.

14 Please note that the area under each shape is not to scale and this is an extremely simplified representation of boundaries. There are many grey areas in the jurisdiction for each law, as well as conflicts at their interface.

Figure 1: Diagrammatic representation of areas of jurisdiction for various laws related to forests, wildlife and biodiversity.

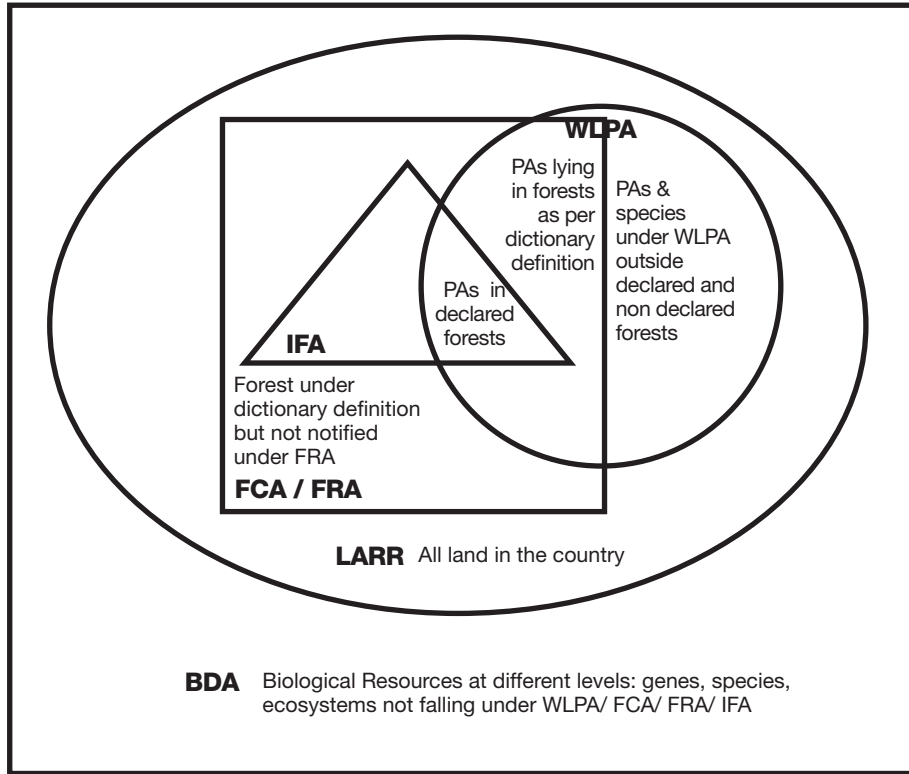


TABLE 1: SCOPE AND JURISDICTION OF VARIOUS LAWS RELATED TO FORESTS, WILDLIFE AND BIODIVERSITY

Shape	Act	Scope	Implication
Rectangle	BDA	For biological resources	Wider jurisdiction on ‘biological resources: plants, animals and micro-organisms or parts thereof, their genetic material and by-products (excluding value added products) with actual or potential use or value but does not include human genetic material.’ The scope thus goes much beyond just forest lands with a focus on access, management and conservation of all biological resources

Shape	Act	Scope	Implication
Ellipse	LARR	For all 'land' in the country	Jurisdiction on all land, whether classified as 'forest' or not; but does not include wildlife or other biological/genetic resources under the WLPA, BDA.
Square	FCA, FRA	For 'forest land'	Jurisdiction over land declared as 'forest' by Forest Department, and all land under dictionary definition of forest.
Circle	WLPA	For 'protected areas' and protection of certain species	Jurisdiction on forest and non forest areas for protection by delineating an area as Sanctuary, National Park, conservation reserve, community reserve or tiger reserve, and specific species-protection. This implies that areas which may be 'forest land' but are not declared in any of the categories of 'Protected Area' will fall outside the jurisdiction while non forest land such as desert or marine ecosystems could be included.
Triangle	IFA	For 'any forest land or waste land' being declared under the Act as a category of forest	Jurisdiction on land declared by state government as 'reserved', 'protected' and 'village' forests.

Who will decide?

(Of institutions set up under different laws)

One question that is often asked by various stake holders is: **What are the institutional structures provided legally for decision-making regarding forests in India?** With so many different laws operating in the same space, the answer is not very simple. It is made even more complex by the contexts and rationales with which different laws were passed at different points of time.

Within this tangle of laws, there are also differences in approach (ranging from complete centralization, to participatory roles, to decentralization), so that while according to IFA and LARR, the primary governing institution is the MoEF, with forests marked as property belonging to the state government, as per FRA, it is the Gram Sabha (GS) that is empowered to protect the wildlife, forest and biodiversity and to ensure that decisions taken by it are complied with. Table 2 gives a brief overview of different committees and positions of power envisioned under different Acts.

TABLE 2: INSTITUTIONS WITHIN DIFFERENT ACTS FOR HANDLING DIFFERENT ASPECTS OF FOREST GOVERNANCE

LEVEL	ACT	IFA	WLPA	FCA	BDA	FRA	LARR
	VILLAGE LEVEL	IFA	Defines no institution except that, where VF is declared, village community is the local institution with rights of government (but, notably, powers of such a village community can be revoked by the FD). Defines 'Forest Officer' (Section 2(2)) as any person or officer appointed by the state government to fulfil purposes of the Act.				
BDA					BMCs are to be constituted by local bodies (Municipalities and Panchayats). BMCs should exist at village level, block level and district. The purpose specified is promoting conservation, sustainable use and level of documentation of biological diversity (Section 41).		
FRA						Gram Sabha is the primary local institution which constitutes the Forest Rights Committee (FRC) for filing claims, and later on, a committee for protection and conservation of natural and cultural heritage under Section 5, Section 3(1)(i) and rule 4(1)e.	
LARR						The role of the Gram Sabha is limited to consultation during public hearings. Consent of Gram Sabha is required only in Scheduled Areas.	
BLOCK LEVEL	FRA					Sub-divisional level Committee (Section 6(4)) to examine Gram Sabha resolutions, to prepare a record of rights and to forward it to DLC for final decision).	

DISTRICT LEVEL	IFA	WLPA	FCA	BDA	FRA	LARR
	FRA					District Level Committee (Section 6(5)) to consider and finally approve the record of rights and to dispose of petitions against decisions of SDLC.
LANDSCAPE LEVEL	WLPA	Community Reserve management committee (36D) (for conserving, managing and maintain a CmR), Conservation Reserve management committee (36B) (to advise Chief Wildlife Warden(CWLW) to conserve, manage and maintain the CR), Advisory committee (33B) for sanctuary (for rendering advice on conservation and management of the sanctuary), Tiger Conservation Foundation (38X) (to facilitate and support their management for conservation of tiger and biodiversity and, to take initiatives in eco-development with involvement of people in such a development process.				
	BDA			State Government, in consultation with Central Government may frame rules for conservation and management of Biodiversity Heritage Sites, in accordance with the provision for Biodiversity Heritage Sites (BHSs) within the Act.		
	FRA				Central government (through MoEF) in consultation with an Expert Committee, for the provision of Critical Wildlife Habitats (CWHs) within the Act. No explicit mention of management authorities for CWHs but since these are part of the PA, it could be assumed to be the PA managing body. No institution is explicitly mentioned for the area over which habitat rights of Particularly Vulnerable Tribal Groups (PVTGs) and pre-agricultural communities are recognised.	
	LARR				No institution is mentioned under this law. Social Impact Assessment (SIA) team is appointed, covering the entire area of project as well as impacts on families affected by the project. The 'Expert Group' makes recommendations on whether the project should be continued or shelved. Project level committee decides all matters of rehabilitation and resettlement.	

(Note: Here landscape refers to areas declared at a level different from the administrative-political boundaries level of blocks, districts, states.)

STATE LEVEL	IFA	WLPA	FCA	BDA	FRA	LARR
	WLPA		CWLW to control, manage and maintain all sanctuaries (Section 33); Collector to determine rights in a WLS and a NP; State Board for Wildlife (Section 6(a)), Steering Committee (Section 38U).			
	FCA		Nodal officer of the State Government- to process and forward proposals to Regional Committee/ MoEF (Rule 6(3)). Regional empowered committee (Rule 4, FCA 2004) - to decide forest diversion up to 40 Ha.			
	BDA		State Biodiversity Board (Section 23) - (a) to advise state on biodiversity conservation, sustainable use and equitable sharing of benefits; (b) regulate requests for commercial utilization or bio-survey and bio-utilisation of any biological resource by Indians; (c) perform such other functions as may be necessary under the Act or prescribed by the State			
	FRA			SLMC (Section 6(7))(to monitor the process and submit reports and returns to Nodal Agency as required).		
	LARR				SLMC to monitor processes. LARR Authority to settle disputes. Commissioner of R&R is the final authority on rehabilitation.	

(additional beyond-state (regional) level for FCA)

NATIONAL LEVEL	IFA	WLPA	FCA	BDA	FRA	LARR
	WLPA		Director of Wild Life Preservation and such other officers as may be necessary (Section 3), National Board for Wildlife (Section 5A) to promote conservation and development of wildlife and forests, National Tiger Conservation Authority (Section 38L) for protection of tigers and tiger reserves, Wildlife Crime Control Bureau (Section 38Y) for taking measures for issues related to wildlife crime.			
	FCA		MoEF (Forest Conservation Division) is decision-making institution, Advisory Committee (Section 3), also referred to as Forest Advisory Committee or FAC, for advice regarding grant of approval and any other matter related to forest conservation referred to it by the central government.			
	BDA		NBA headed by a Chairperson [to regulate access to biological resources to outsiders, transfer of such information to outsiders, and application of IPRs for knowledge based on the same (Section 18(1))].			
	FRA		MoTA, except for CWH where decision is made by MoEF.			
LARR	MoEF is the final authority on granting clearance to the project.					

Some of the concerns regarding the existing institutional lacunas are:

Roles, responsibilities and composition of institutions set up under different Acts are different: As can be seen from the above table, both IFA and WLPA hardly recognize the local village community as an institution for management and governance (such recognition is only visible in the category of VF under IFA, and CR in WLPA). Under the FCA, it is primarily the FD structure that makes recommendations for making decisions on whether or not a diversion project can be implemented¹⁵. Under the BDA, some roles and responsibilities are assigned to the local 'biodiversity management institutions' but their main purpose is to help the state level and the national board in granting permission for use of natural resources and associated knowledge. Primary powers of decision-making lie with the SBB and the NBA. Under the FRA, the Gram Sabha and the Forest Protection Committee (FPC), constituted by the Gram Sabha from within the village, has the right to protect forests, wildlife and biodiversity and to preserve natural and cultural heritage from destructive activities. Under the LARR, there is some recognition of the role of the Gram Sabha, especially in Scheduled Areas; however, this is mostly consultative, and most of the responsibilities and decision-making powers are entrusted to the state and central governments.

How these institutions relate to each other is not clear: This is especially true about the relation of an institution set up under a subsequent law, such as committee formed as per Rule 4(1) (e) under the FRA for the conservation and management of the forest, to a committee set up under an earlier Act such as the BMC under the BDA. In such cases, what will be the status of forest management committees set up under earlier policies and programmes? In a single forest dependent village, committees such as Joint Forest Management Committees (JFMCs), Eco-Development Committees (EDCs)¹⁶, Van Panchayats (VPs), BMCs, and committees under Section 4(1)(e) of the FRA or self-initiated community forest protection institutions may exist. The LARR has also created a plethora of new institutions, including LARR Authority, State Monitoring Committees, SIA teams and units etc., creating confusion, on the

15 In 2009, a circular was passed by the MoEF requiring, among other things, Gram Sabha consent and prior recognition of rights over the forest land being proposed for diversion under FCA. However the circular has hardly ever been implemented, and in fact, it has recently even been diluted, with exemption for linear projects.

16 Eco-development committees are committees formed under the village eco-development programme initiated in Protected Areas in India in 1990s. The main purpose was to reduce direct dependence on forest resources in Protected Areas by providing alternative means for the same needs.

one hand, about the interaction between the authorities specified within the Act responsible for acquisition and those responsible for rehabilitation; and on the other hand, about interaction between these new institutions and pre-existing ones like the District Collector and the Gram Sabhas and Panchayats. Can one supersede another, where they overlap? It is also not clear as to how these committees can communicate with each other.

Difference in the extent to which institutions are provided:

There is also a difference in these laws in the extent to which institutions are provided at different levels (local to regional); for e.g., while there are PA level, state level and national level institutions under WLPA for managing Protected Areas, in case of the FRA, an institutional support structure beyond the Gram Sabha for managing and protecting community forest resources is lacking (although the Act does provide different levels of institutions for the process of recognition of rights).

Conflicts at the interface of forest management and governance

In addition to the confusion regarding institutions, related and additional issues arising at the interface are revealed upon focusing on management, governance and conservation issues laid down in different Acts. Table 3 explains provisions for different aspects of forest management, conservation and governance under different Acts.

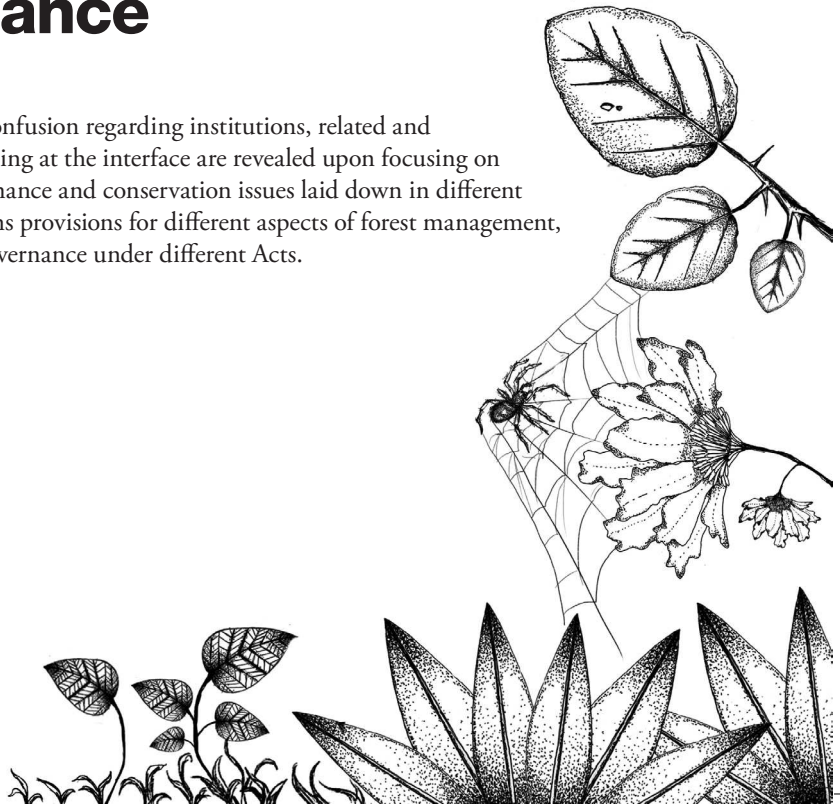


TABLE 3: MANAGEMENT AND GOVERNANCE PROVISIONS UNDER DIFFERENT ACTS

	IFA	WLPA	FCA	BDA	FRA	LARR	<i>AREAS OF POSSIBLE CONFLICT (or on-ground subjective interpretation).</i>	
Scope	For 'any forest land or waste land' being declared under the Act as a category of forest.							
Provisions for zonation of forest land for management/conservation		For 'protected areas' and protection of certain species						
			For 'forest land' (declared as 'forest' by FD or falling under dictionary meaning of 'forest')					
				For 'biological resources'				
					For 'forest land' (declared as forest by FD or falling under dictionary meaning of forest)			
						All land including 'forest land'		
							<i>Scope for subjective interpretation is limited; hence possible conflict, too, is limited.</i>	
		RF, PF, VF						
			NP, WLS, TR (CTH/ core and buffer areas), CR and CmR					
				No specific provision				
					BHS			
					Community forest resource (CFRe), Critical Wildlife Habitat (CWH), 'Habitat' rights for PVTGs and pre-agricultural groups.			
					No specific provision			
						<i>Scope for on-ground subjective interpretation in some cases, regarding what rules apply in a forest area where zones under different Acts overlap, such as in case of RF-CFRE, or TR-CFRE or CTH-CWH or BHS-CFRE.</i>		

	IFA	WLPA	FCA	BDA	FRA	LARR	<i>AREAS OF POSSIBLE CONFLICT</i>
Use and Access of forest resources	Whether user rights are to be allowed or not in RF or PF is decided by Forest Settlement Officer. Activities like trespassing, grazing, felling, lopping or burning trees, fishing, removal of forest produce etc. are prohibited under Section 26. State Govt. has control of timber and other forest produce in transit by land or water (Section 41). Only for the category of VF does the village community have managing functions of FD and even these can be revoked by the FD.						
	In general: prohibition on hunting specified wild animals, and prohibition on picking, uprooting, etc. of specified plants except by STs collecting plants for bonafide personal use. NP: Before final notification, all rights with respect to land need to be vested with the state government. No grazing, destruction, exploitation or removal of any wildlife (including forest produce) is allowed. WS: The collector can acquire rights claimed, or allow these to continue (in consultation with the Wildlife Warden (WLW)). Rules laid down by Chief WLW have to be followed. CmR: decisions on access and resource use to be made by the CmR Management Committee. CR: decisions by CWLW in consultation with CR Management Committee. TR: core or CTH to be kept 'inviolable' without affecting rights of forest dwellers, whereas the buffer or peripheral area has 'lesser degree of protection'; NTCA has powers to disallow activities but as per Section 38 (O) (2) "no such direction shall affect rights of local people, particularly the Scheduled Tribes".						
			De-reservation of forest land, use for non-forest purpose, assignment for lease, and clearing for re-afforestation are not allowed without prior permission of central govt. (i.e. MoEF).				
			No person other than ones from local communities can obtain a biological resource for commercial exploitation or for bio-utilisation, except by prior intimation to SBB. In case of non-citizens of India or non-resident citizens of India, permission is to be sought from NBA. BMC can levy collecting fees on any person accessing or collecting any biological resource for commercial purposes from areas falling within its territorial jurisdiction. However, it doesn't have the power to grant or revoke permission.			Subject to conditions of eligibility, Scheduled Tribes and other traditional forest dwellers are vested with individual and community forest rights including rights to cultivation, grazing, collection of forest produce, traditional knowledge, conservation and management, etc. 'Right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected from within or outside village boundaries' are also included (Section 3(1)c). Gram Sabhas, village level institutions and holders of forest rights are empowered under Section 5 to ensure that the decisions taken by the Gram Sabha to regulate access to community forest resources and to stop any activity which adversely affects wild animals, forest and biodiversity are complied with.	

	IFA	WLPA	FCA	BDA	FRA	LARR	AREAS OF POSSIBLE CONFLICT
Use and Access of forest resources (continued)						Where community forest rights have been granted under FRA, and land is acquired, compensation is given as a share of the family in the common resource.	
						<i>On-ground conflicts, where there is a difference between provisions of FRA and those of other Acts, although there have been MoTA clarifications that FRA, being a subsequent law, should prevail; e.g., in the following cases: 'Forest offences' under IFA vis-à-vis 'forest rights' under FRA; in PAs, restrictions on use and access under WLPA vis-à-vis exercise of rights under FRA, in CRe areas also recognized as RFs: regulation and management by FD vis-à-vis regulation and management by Gram Sabha.</i>	

	IFA	WLPA	FCA	BDA	FRA	LARR	<i>AREAS OF POSSIBLE CONFLICT</i>
Protection/conservation/ecological sustainability: decision-making and provisions	State government has the power of regulation and prohibition, (on any forest or waste land) of clearing land for cultivation, firing and pasturing where necessary for ecological protection, preservation of public health or protection of lines of communication and transport (under Section 35).						
			CWLW makes rules for a National Park and (with the help of Advisory Committee) for a WLS; for CR, decisions by CWLW on advice of CR Management Committee (36B); for CmR, CmR Management Committee prepares and implement management plan (36C); for TR, 38(O), NTCA approves and evaluate state level management of tiger reserves; steering committee at state level and of Tiger Conservation Foundation at TR level ensures protection and conservation of tiger, co-predators and prey animals within the tiger range states.				
			Restrictions on diversion are with the view of 'checking further deforestation'. For state government requiring prior central govt. permission, non-forest purpose 'does not include any work relating or ancillary to conservation, development and management of forests and wildlife' (Section 2, explanation). Apart from recommendation for project approval, the Advisory Committee is also required to address any other matter related to conservation of forests which may be referred to it by the government.				
			The stated purpose of the institutions provided (BMCs, SBB and NBA) and of establishing BHS is to promote conservation, sustainable use and documentation of biological diversity.				
			Gram Sabhas, village level institutions and holders of forest rights are empowered under Section 5 to protect wildlife, forests and biodiversity; to ensure that adjoining catchment areas, water sources and other Ecologically Sensitive Areas (ESAs) are adequately protected; to ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved and protected from any form of destructive practices affecting their cultural and natural heritage.				
					Not specified		

	IFA	WLPA	FCA	BDA	FRA	LARR	AREAS OF POSSIBLE CONFLICT
Diversion for non-forestry and 'public' purposes	Decision making powers for de-reserving forest land rest with the State government (this changed with enactment of FCA in 1980).						
		Recommendation of NBWL is required in case of diverting forest land in PAs					
			State government requires prior approval of central government (MoEF) based on recommendation of advisory committee. As per July 2009 circular, forest clearance process includes a requirement for documents showing completion of rights recognition process and Gram Sabha consent to proposed diversion.				
				Not specified			
					Procedural encumbrances of FCA are not applicable for diversion of forest land for public utilities specified under Section 3(2); Section 5 empowers Gram Sabha to stop any destructive practices affecting ecological and cultural heritage; CWH areas, from which rights holders have been relocated for purposes of wildlife conservation, shall not subsequently be diverted by the state govt., central govt. or any other entity.		
					Only consent required is that of 'landowners', and that only where a private company is involved. Gram Sabha consent need not be taken, once a project is approved by the MoEF.		
						<i>Greater clarity required on following:</i> <i>Where government approves diversion, can Gram Sabha block it using FRA Section 5? Also, can government overrule decision of Gram Sabha using Eminent Domain clause?</i>	

	IFA	WLPA	FCA	BDA	FRA	LARR	AREAS OF POSSIBLE CONFLICT
Rights modification by the State	Settlement of rights procedure is to be carried out by the Forest Settlement Officer.						
		Section 24 and 35 of WLPA provide for the acquisition of rights in a NP and WLS. For a TR, specific process of rights modification in CTH through voluntary relocation is given in Section 38(v)5.					
			Not Specified				
				Not Specified			
					Under Section 4(2) of FRA, rights in CWHs of NPs and WLSs may be modified or resettled; but this is only possible under some specific conditions, including getting Gram Sabha consent.		
						CFR rights are valued in monetary terms and the amount paid as compensation. FRA rights need to be settled before acquisition can take place.	
						<i>There needs to be a legal clarification that prior 'settlement' of rights under IFA or WLPA does not supersede or substitute rights under FRA. Violations are taking place in the absence of such a clarification (see Box E).</i>	

	IFA	WLPA	FCA	BDA	FRA	LARR	AREAS OF POSSIBLE CONFLICT
Handling Offences	Power to compound offences (all activities prohibited under Section 26 are offences) lies with any forest officer empowered by the State Government through notification (Section 68).						
	Power of entry, search, arrest and detention lies with CWLW, Director and other authorized officers. Contravention shall be punished with imprisonment up to three years, fine up to Rs.25,000 or both. Stricter punishment prescribed for offences related to core of TR, hunting in TR or altering TR boundaries (Section 50-58).						
				Contravention of provisions of Section 2 (prior permission for diversion) will be punishable by simple imprisonment for a period extendable to 15 days. Offences committed by responsible authorities and government departments shall be liable to be proceeded against and punished accordingly (Section 3B).			
				Penalties of imprisonment and fine for persons and companies for research transfer, application for Intellectual Property Rights and other specified biodiversity-related activities without prior permission or in contravention of directions of NBA/ SBB as provided. Offences are cognizable and non-bailable (Section 55-58).			
				Under Section 5, Gram Sabha makes CFRe level rules and makes sure they are complied with. Under Section 7, contravention of provisions concerning recognition of rights, or commission of an offence under the Act is liable to be proceeded against and punished with fine. Under Section 8, a court will take cognizance of an offence only where either a villager in dispute with a Gram Sabha resolution, or a Gram Sabha in dispute with a higher authority, through a resolution, gives a notice of at least 60 days to the SLMC.			
						Not specified	

From a review of the table, the following main contradictions in forest management and governance emerge at the interface of laws:

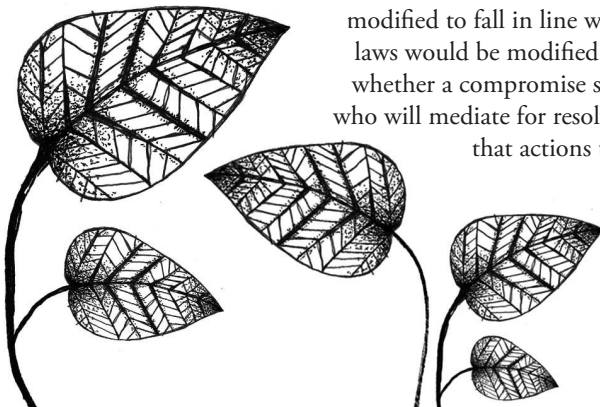
1. Activities of forest dwellers prohibited or banned under one law, are recognized as rights in another

Since several activities considered as offences under IFA or as restricted activities under WLPA are recognised as *rights* under FRA, there needs to be clarity on how forest offences are to be dealt with, and by whom, in cases where the rights recognition process has not been initiated, or not completed yet. In the absence of such clarity, conflict such as the incidents of restrictions mentioned in Box B, can be expected to arise repeatedly.

FRA was passed after the IFA, the WLPA, the FCA and the BDA. The definition of forest land provided by it includes reserved forests and protected areas. Where the process of recognition under FRA has been completed in a given forest area, many activities earlier labelled as forest offences have come to be recognized as forest rights. While in some parts of the country there are instances of FRA being used in successful on-the-ground assertion of rights for decentralised decision-making on forests, there are also many reports of conflict. These conflicts arise where penalties are imposed on forest dwellers under some of the outdated legal provisions, for the exercise of what the community now considers as their legal rights under the FRA. For instance, as per IFA, the sale and transit of forest produce is under control of State FD, whereas FRA recognizes rights of forest dwellers to disposal of minor forest produce. As a consequence, there have been some cases of clashes and confusion over who has the power to issue transit permits (the forest dweller or the FD?). A recent amendment to FRA rules resolves this conflict by clarifying that the transit permit regime will be modified and given by Forest Rights Committee and that MFP collection will be free of all royalties, fees and other charges. Despite the amendment, FD continues to use the out-dated definition of offence (see **Box B**, case of village Hosapodu in Biligiri Rangaswamy Temple (BRT) Wildlife Sanctuary and Tiger Reserve, Karnataka).

Similar confusion also arises at the FRA-WLPA interface:

Who will decide whether the forest rights would be subsequently modified to fall in line with PA laws, or whether the PA laws would be modified to accommodate forest rights, or whether a compromise solution would be worked out? And who will mediate for resolving these conflicts? While it is true that actions under outdated laws, when brought up in prosecution, are deemed



as illegal in Courts of Law, it must be realised that it is not always possible to take these cases to Court, considering the day-to-day struggles for survival for most forest dependent communities. As such, conflicts that are not taken to their logical conclusion tend to fester; and there still exists a state of ambiguity about what is legal and what is not.

Meanwhile, a draft amendment to IFA cleared by the Union Cabinet in 2012 increases the limit of fine for compounding forest offences from Rs. 50 to Rs. 10,000. However, the concept of what constitutes a forest offence has changed and will further evolve as FRA is implemented. In view of this, the draft IFA amendment may be yet another avenue for contradictions, clashes and miscarriage of justice.

The FRA and LARR diverge in some of their provisions, as shown in from the above table; and when read together, it appears that the LARR dilutes the decision-making powers of the Gram Sabhas under Section 5 of the FRA. This provision gives the Gram Sabha the power, inter alia, to protect the forest and to ensure the preservation of their habitats from destructive practices. While the scope of this section is wide and remains unclear, it has been interpreted to mean that the Gram Sabha's consent would be required for any activities that curtail the said right. This view has been borne out by the judgment of the Supreme Court in the Niyamgiri case (*Orissa Mining Corporation v. MOEF on 18th April 2013*) where the Court, drawing from several sources, including the FRA, required that the Gram Sabhas of the affected villages should to give consent for the project to go through.

The LARR, however, requires no consent of the affected persons for public sector projects. If the project is a private or public-private partnership, only in scheduled areas is the Gram Sabha's consent needed; in all other cases, it is only the 'landowners' whose consent must be sought. It is unclear whether holders of community forest rights will constitute 'landowners' and therefore, whether their consent will be required prior to acquisition. A host of new institutions have been set up under the LARR, with little or no representation of members of the communities that will be affected.

Box B: Examples of Rights and Offences

Rejection of claims filed under FRA: In Madizadap village in Melghat Tiger Reserve and Wadala village in Tadoba Andhari Tiger Reserve, CFR claims were rejected in 2013 citing prior settlement of rights processes and rights affecting tiger conservation (under WLPA) as reasons for rejection¹⁷.

Obstructions in exercise of recognized rights: In May 2013, in BRT Tiger Reserve, Karnataka, a range officer confiscated honey which had been collected by the Gram Sabha of Hosapodu village in Chamarajanagar taluk in exercise of their CFR rights which had been formally recognized in 2012 (Madegowda et al 2013). Only after the Gram Sabha appealed to the Court, claiming ownership of the honey under Section 3(1)(c) of the FRA, was the honey returned to the interim custody of the Gram Sabha by means of court orders re-iterating that the Gram Sabha has been empowered to collect minor forest produce for their livelihoods¹⁸.

2. How the forest is managed: Conflict resolution between plans made by the Gram Sabha and those of the FD

Section 3(1)(i) and Section 5 of the Forest Rights Act mandate the rights holders to protect, regenerate and manage the forests within their jurisdiction. Objectives of the village forest protection committee formed under the FRA are the same as those of the FD. But where villagers themselves feel a need for external support to be able to prevent all kinds of offences in the forest, how will they get it and from whom? And which offences, if any, will be dealt with by the FD?

Conflict would especially arise in a situation where the management practices of the village committee – such as forest fires, shifting cultivation, coupe felling and plantation (see **Box C** for examples) – contradict those of the FD. The 2012 FRA rules also carry forward this confusion by not explicitly clarifying whose plans would be

17 As reported by Purnima Upadhyay, Khoj (Melghat) and Vijay Dethé, Paryavaran Mitra, Chandrapur for Melghat and Tadoba respectively.

18 Information on the Hosapodu incident and the court order was provided by Archana Sivaramakrishnan (Keystone Foundation) and Mahadesha on behalf of the Hosapodu Gram Sabha.

modified: the FD's working plans or the Gram Sabha's management and conservation plans¹⁹. Similarly, there is a need for clarification on relative penalising powers of the FD and forest rights holders in case of forest offences. As per Section 5 of the FRA, where communities get CFRs (Community Forest Rights), the nature of forest offences and the way to deal with them can be determined by Gram Sabhas. The Indian Forest Act, on the contrary, bestows on the officials of the FD overriding powers to penalise all such so-called "offenders". In areas where plans for CFRe (Community Forest Resource) that are managed by Gram-Sabha and FD-managed forests lie adjacent to one another, severe conflict often arises over management visions or strategies. Most importantly, as mentioned earlier, where the process of recognition of rights under FRA is yet to be completed, it is still not clear what the process of dealing with situations of perceived offence in the eyes of one or other penalising agency (FD or the Gram Sabha), might be.

Box C: FD working plans and Community Forest Rights

A potential conflict in ideology is brewing in the BRT Wildlife Sanctuary (Karnataka). After recognition of CFRs, some of the resident Soligas are of the view that to better manage the forests, the customary litter fires should be reintroduced. Igniting such fires (under certain customary rules) was the traditional way of managing forests, and had been suppressed by the FD when the area became a part of the Sanctuary. In case such a decision on the reintroduction of litter fires is taken by the community, there could be conflicts with the FD since fire is banned under the PA laws.

In Dindori district of Baiga Chak region in Madhya Pradesh, villagers are resisting the coupe felling operations of the FD, insisting that these operations are leading to degradation of the forest. While Forest officials insist that it is a part of working plans and cannot stop, the villagers insist that as the forests are part of their Community Forest Resource (CFR) (for which they have also received titles), no such plan can be implemented without Gram Sabha consent.

19 Section 4(1)(f) mentions (on functions of the Gram Sabha): 'integrate such conservation and management plan with the micro plans or working plans or management plans of the FD with such modifications as may be considered necessary by the committee.' This is being variedly interpreted as modification of Working Plan, and as modification of Gram Sabha plan by different stakeholders.

In Kachchh (Gujarat) the FD's working plan, drafted in 2009 for the Banni grassland, has met with stiff local resistance from the Maldhari community traditionally living in the area. The working plan recommends closing off the area to grazing and planting grass species there. The Maldharis have opposed implementation of the plan on the grounds that they were not consulted and insist that grazing cannot be controlled in this manner by humans. To avoid intensifying the conflict, FD has reportedly replaced some barbed wire with trenches, but has refused to revoke the working plan. For a long time, Maldharis of Banni had been attempting to file CFR claims but the necessary infrastructure had not been in place. Until March 2013, the Gujarat Government had been limiting implementation of FRA to Scheduled Areas whereas the Banni grassland falls outside such areas. In February 2014, after a long process of local consultations, 44 out of the 52 Gram Sabhas filed CFR claims over 2400 sq km of Banni grasslands in Kachchh in February 2014.

Similar confusion lies at the interface of the FRA with the WLPA. There has been no legal amendment asking for revision of Protected Area management plans or the planning process for areas where rights are recognized under FRA, leading to conflicts and lack of clarity. The conflicts could be especially sharpened where the boundaries of a designated CTH and a Community Forest Resource overlap.

Conflicts could also potentially arise due to the newly promulgated LARR, where for instance, the Social Impact Assessment (SIA) team is required to consult the Gram Sabha on the list of landowners and 'affected families', and is also required to look at the list prepared by the District Collector, which might show a different set of names, so actual landowners could be sidelined, giving rise to conflict.

3. Rights modification: who decides on the extent of the modification?

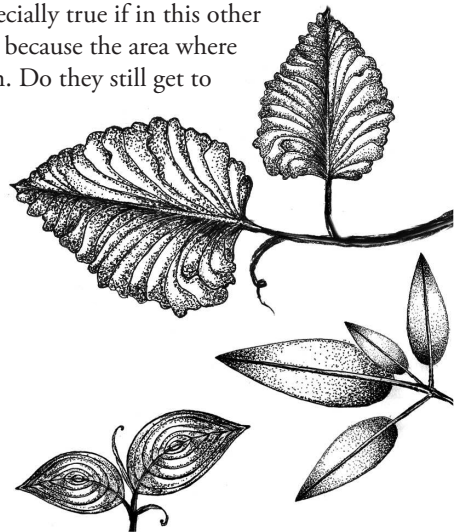
Although there have been provisions for settlement/acquisition of forest rights in IFA and WLPA, no national legislation recognized the full range of customary forest rights prior to the passing of the FRA. The process for recognition of rights specified in the FRA is to be initiated by the Gram Sabha and facilitated by Sub-divisional Level Committee (SDLC) and District Level Committee (DLC). There seem to be, at present, four types of procedures for recording rights in forests.

One relates to the settlement of rights under IFA by a forest settlement officer; a second similar one pertains to acquisition of rights in National Parks and Sanctuaries under WLPA by the district collector; a third one exists under WLPA, as amended in 2006, for modification of rights in Critical Tiger Habitats (CTHs), and a fourth similar one exists under FRA for modification of rights in Critical Wildlife Habitats (CWHs) (see **Box D** for a note on CTHs and CWHs). FRA (Section 4(5)) also specifies that no modification of rights can take place without prior recognition.

With such differing, yet connected, provisions, certain questions are thrown up about the exercise of rights. In the discussion that follows, the main focus is on modification of rights in Protected Areas rather than in RFs/PFs, since there are many more areas being declared PAs than RFs/PFs (most of which were declared much earlier). Conflicting treatment by the different laws may give rise to a variety of challenging situations:

Where the settlement/acquisition of rights process has been completed before enactment of FRA:

As the settlement and acquisition before FRA can be considered as a part of the processes that led to the historic injustice, rights should be recognized under FRA even where these processes may have taken place if the forest dwellers satisfy eligibility conditions. However, there are on-ground situations where previous settlement of rights is considered enough to deny such recognition under FRA. Thus, as things stand, there is a need for a more explicit official clarification that recognition of rights under FRA is a process that will be applicable even in areas where there has been prior 'settlement' of rights under other Acts. It becomes important to resolve this conflict as settlement of rights under the WLPA is often based on existing records of rights which have often been incompletely documented and are not a true reflection of the land tenure and customary occupation and use. Specifically, a concern arises about what rights can be recognized where people have been already relocated to another site as part of the settlement/acquisition process. This is especially true if in this other area they are unable to fulfil the eligibility conditions because the area where they had their customary rights has been lost by them. Do they still get to claim rights at site of relocation? And how?



Where the acquisition of rights process in a PA is to take place after enforcement of FRA:

In such a scenario, it is clear that prior recognition of rights under FRA should be put into process before settlement/acquisition. What is not clear is how the recognition will be useful where subsequent modification of rights is going to take place.

As per FRA, no modification of rights can take place without prior recognition. This will imply that the process of acquisition of rights under WLPA/IFA should also be preceded by recognition of rights under FRA. It is observed that generally this provision is not being followed in relocation from CTHs. At best, a certificate from the district collector stating that settlement of rights process required under FRA is complete is being used by the state FD to show compliance to required processes. This is not the same as the village undergoing the process of constituting a Forest Rights Committee (FRC), filing claims, getting titles, etc.

Such non-compliance may be because of lack of clarity at the interface of recognition of rights under FRA and modification process under WLPA/ IFA. The range of rights acknowledged by the FRA process is much broader than the ones being settled/ acquired under other Acts. Besides, the modification process under FRA stipulates that Gram Sabha consent be obtained, in addition to other conditions it imposes, and thus is more democratic. Keeping the preamble and the provisions of FRA in mind, it is felt that not only is prior recognition of rights under FRA required before any modification, but where forest rights exist, the modification process itself needs to acknowledge existence of the whole range of rights recognized under FRA, and to go through a democratic process where the knowledge and experience of present communities is recognized.

Where an area is planned to be declared as a PA after enactment of FRA:

In these cases, while there may not be an explicit requirement for Gram Sabha consent and recognition of rights before declaration, going by the preamble and Section 5 of FRA, communities are empowered to make decisions on conservation and management of their natural and cultural heritage. This will imply that where eligible rights holders exist, there needs to be involvement and consent of communities right from the beginning of the process for declaration of a PA, rather than treating 'recognition' as a mere small and disparate component of the action plan, legally mandated for a PA.



Box D: Critical Tiger Habitats (CTH) and Critical Wildlife Habitats (CWH)

DIFFERENCES

CTH is defined under WLPA 2006, whereas CWH is defined under FRA 2006.

Purpose of CTH is tiger conservation whereas the purpose of CWH is wildlife conservation. This indicates the difference between a single-species based approach to conservation, and one based on biodiversity conservation.

PRE-CONDITIONS FOR RELOCATION FROM CRITICAL HABITAT AREAS

CTH merely requires 'informed consent' of Gram Sabha for rights modification, while CWH requires "free informed consent of Gram Sabha obtained in writing."

CTHs require *recognition, determination and acquisition* of land and forest rights, while CWH requires *recognition and vesting* of forest rights.

There is no restriction on how utilisation of an area, once declared as a CTH, may subsequently be modified, while CWH areas from which relocation has taken place, cannot be diverted subsequently by the state government, central government or any other entity for any uses other than wildlife conservation.

SIMILARITIES

Both are marked out of NPs and WLS.

Both are defined as areas that may possibly be maintained inviolate on the basis of scientific and objective criteria.

For the purpose of making the critical habitat area inviolate, both require evidence of irreversible damage and of co-existence of villagers with wildlife not being possible, along with Gram Sabha consent.

Box D: continued

These are two similar-sounding concepts introduced, by two different laws with widely differing objectives, at around the same point of time. Yet neither act makes a reference to the other. While many CTHs have been declared, no CWH has been notified to date as no guidelines have been issued for the purpose. Neither have any detailed guidelines on co-existence been provided, nor a clear definition of the term 'inviolate'. The Future of Conservation Network (FoC), a civil society coalition, recommends that 'inviolate' should not necessarily be understood as 'no-use' or 'human-free', but should include 'compatible uses' that do not violate conservation objectives. This would help in the conservation of a larger area of wildlife habitat, given that, in the Indian context, no-use areas would necessarily be few and mostly isolated fragments.

A set of draft CWH guidelines were made public on 4 May 2011 and a few organisations (on behalf of FoC) had submitted comments on the same to the MoEF on 3 June 2012. As of March 2015 there are no guidelines fully covering notification and management of a CTH. A protocol for relocation from CTH of Tiger Reserves was finalised in 2011 by the MoEF. The protocol has drawn criticism for not sufficiently addressing concerns regarding contradiction with the FRA in letter and in spirit.

It is clear from the preamble of the FRA that the process of recognition of rights under FRA is an independent process which needs to be followed on all forest land since other processes do not consider the full gamut of rights. But there have been instances of violation where the state or central government has stated that prior settlement of rights is reason enough to not fully engage in the FRA process (see **Box E**). There have also been problematic statements in the Action Plans on FRA (as in the case of Bihar) surmising that rights recognition in NPs and WLSs is not required, or will need explicit clarifications (as in the case of Kerala).

The draft WLPA amendment 2013 further adds to the confusion. Despite this being the first amendment to the Act after FRA came into force, the process for acquisition or settlement of rights provided in WLPA continues to remain largely unchanged, failing to recognize the provisions of the FRA. It introduces a provision for Gram Sabha consultation only where land falling under Scheduled Areas is to be notified as a WLS or NP and not all land under the forest, as the FRA stipulates. Further, it provides that in the case of a WLS that is located in a Scheduled Area, plans are to be prepared in consultation with the concerned Gram Sabhas. If FRA is read along with WLPA, the provisions for such consultation hold not only in Scheduled areas, but in all PAs where traditional forest dwellers reside, irrespective of the location of these PAs²⁰.

20 Kalpavriksh, 2013, Submission to the Standing Committee regarding the WLPA Amendment, Sept 14 http://www.kalpavriksh.org/images/LawsNPolicies/KVsubmission_WLPA2013Amendment14Sept2013_revised.pdf

Box E: Concerns regarding process of declaration of core and buffer areas of Tiger Reserves

Concerns have been raised regarding violation of the provisions of FRA and WLPA in the notification of core and buffer areas of many TRs in the country. This started with the rushed notification of several core/critical tiger habitats in 2007, triggered by an NTCA circular dated 16 Nov. 2007, directing that notification be accomplished 'within 10 days of the receipt of the letter'. Out of the approximate figure of 41 CTHs notified to date, 31 CTHs were notified by the end of the same year, several being notified on 31st December 2007. It is no coincidence that this was just one day prior to 1st January 2008, the day on which the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act came into force, with its Rules notified. It is clear that a "case by case scientific study" or a meaningful manner of obtaining consent or carrying out consultation with local communities, as required by the Act, would not have been possible during such a rushed process. NBWL member Valmik Thapar who was involved with the above notifications of core or critical tiger habitats, has admitted in an article²¹ that: 'Declaration of cores was done in a rush in order to insulate our tiger areas against the Forest Rights Act (FRA), which came into being before the end of 2007. A new core had been created overnight with little basis in science. In Ranthambore, Kailadevi Sanctuary became a core critical habitat encompassing 595 sq km with one tiger, 25,000 people, 40,000 livestock and 44 villages. This makes up 53 per cent of Ranthambore's CTH.' An interim order of the Supreme Court (dated 24 July 2012) in the matter of the tiger tourism case (Ajay Dubey versus NTCA and others) ordered all states to notify buffer areas for their tiger reserves within three weeks. Not surprisingly, recognizing the danger of such a time-frame leading to sidelining of legally mandated procedures of Gram Sabha consultations and detailed site-specific studies on co-existence could be achieved, as required prior to demarcation of buffer zones, there were protests against this order. As a part of the court proceedings, a set of guidelines was prepared on cores, buffers and tourism. These have received criticism for not adequately dealing with the subject of conservation and management in the notified Tiger Reserves, and especially, with attempts at co-existence. There is no final judgement in the matter till the time of writing this paper. In the present situation of ambiguity, there have been protests²² against incidents of declaration of Tiger Reserves without any consultation with or consent from Gram Sabhas in many parts of India, including Sathyamangalam Tiger Reserve in Tamil Nadu, Kawal Wildlife Sanctuary in Andhra Pradesh and Biligiri Rangaswamy Temple Wildlife Sanctuary in Karnataka.

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

22 Sambhav Shrivastava 2012, Dhar 2012, FoC press release http://www.fra.org.in/New_document/Buffer%20area%20SC%20order,%20press%20release,%202013.8.pdf

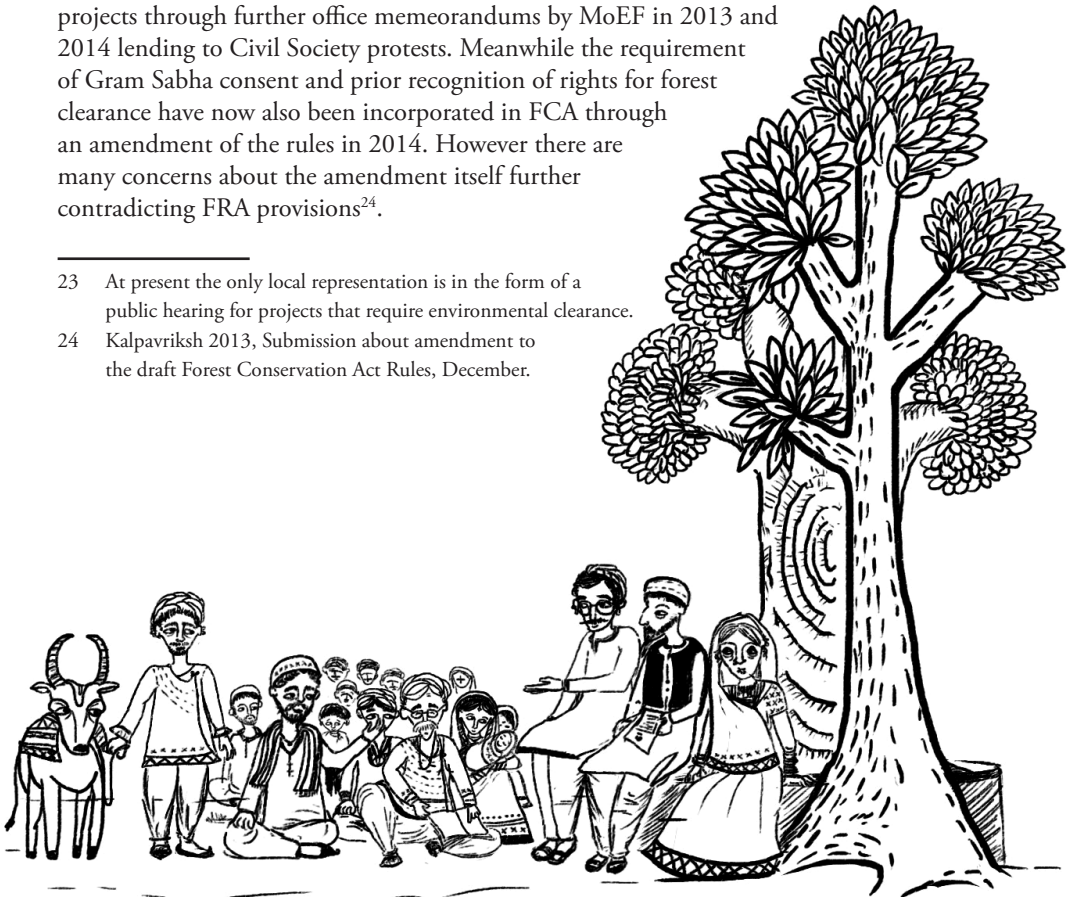
4. Forest Diversion: Whose decision?

The power to decide whether or not to divert forest land for projects lies primarily with the central government (MoEF) assuming that all forest land is 'government' property. As per FCA, the decision is entrusted to the MoEF based on recommendations by the FAC committee, which has no local community representative²³ on it. This contradicts Section 5 of the FRA which empowers the Gram Sabha to protect the forests, wildlife and biodiversity from any destructive activity. Continued reposing with MoEF of exclusive decision-making powers on forest diversion issues also contradicts recognition of 'inalienable' rights under FRA, if these can be taken away or encroached upon using some other Act without the Gram Sabha being allowed to have any say in the matter.

A clarification was issued by MoEF in 2009 to ensure that the forest clearance process complies with the FRA, but this was seldom followed in granting clearances. The requirements within this circular have been subsequently relaxed for several kinds of projects through further office memorandums by MoEF in 2013 and 2014 leading to Civil Society protests. Meanwhile the requirement of Gram Sabha consent and prior recognition of rights for forest clearance have now also been incorporated in FCA through an amendment of the rules in 2014. However there are many concerns about the amendment itself further contradicting FRA provisions²⁴.

23 At present the only local representation is in the form of a public hearing for projects that require environmental clearance.

24 Kalpavriksh 2013, Submission about amendment to the draft Forest Conservation Act Rules, December.



LARR claims consistency with other laws, yet it does not make special provisions for a separate and more restricted definition of public purpose in Scheduled Areas or in forest areas where the Forest Rights Act is applicable. The provisions for obtaining consent relate only to land owners, while leaving out those who do not own land but for whom the land is the only means of livelihood, who constitute a much larger section of the affected people. Further, given the reality of shifting boundaries of acquired land and the amorphous numbers of families affected, it is feared that the 70/80 percent figure²⁵ may not translate in a fruitful manner in the field. In addition, there are apprehensions that given the entrenched patriarchal structures, the decision whether or not to give consent may leave out the women's voices, making it a 'gendered consent'. Moreover, there is also a lack of provisions for rehabilitation of those who do not hold rights under Forest Rights Act and for those whose rights are being processed, or those held in the procedural and bureaucratic system. The situation has been further complicated by the new land ordinance (see **Box F**).

25 Requirement of consent is of 70% of the landowners in case land is being acquired for a public private partnership, and 80% of the landowners in case of a private project. The landowners here refers to persons defined under sub-clause (i) and (v) of Section 3(c), as persons who have lost land or immovable property, those whose rights under the FRA have been lost, and those whose land assigned by the State have been lost.

Box F: Land Ordinance

On 31st December 2014, a land ordinance was passed amending LARR. The ordinance has the following fetures:

a. Exemptions provided for five sectors –

- i. National security or defence, including preparation and production;
- ii. Rural infrastructure;
- iii. Affordable housing;
- iv. Industrial corridors; and
- v. Infrastructure and social infrastructure projects.

Projects in these sectors can be notified by the government as being exempt from –

1. requirements of consent from landowners;
2. conducting a Social Impact Assessment (including verification of titles by the SIA team) and evaluation of public purpose; and
3. provisions made under the Land Acquisition Act 2014 to avoid acquisition of multi-cropped, irrigated land with concern for food security.

b. The Ordinance makes it more difficult to hold government officers accountable for criminal offences under the Act, by mandating that courts can take cognizance of the offence only after prior sanction from the government.

c. Where earlier, it was required that land that had been acquired, but remained unused for a period of five years, be returned; this duration has now been changed to “period specified for setting up of any project or for five years, whichever is longer.”

d. The executive has been given more power by omitting section 105, which required that any notifications under the Act be placed before Parliament for approval.

Discussion

To understand the influence of these laws on forest governance it is important to bear in mind the changing context, and what set of values become predominant at different points in time.

Changing models of conservation

The language used in the text of the WLPA, 1972, as also observation of the way the Act has been implemented; indicates the priority for keeping high-biodiversity areas free of most human uses, with little space for co-existence. Criticism for such a fortress approach coming from various people's movements, and an international policy pressure for the need for more inclusive models, especially as India is a signatory of the Convention on Biological Diversity, could have been the reasons for an increased acknowledgement of the local community's role in recent laws and amendments. Examples of a more inclusive approach are the constitution of Biodiversity Management Committees under BDA, the addition of categories of Community Reserve and Conservation Reserve in the WLPA, 2002, and the condition that Gram Sabha consent be obtained, as also the requirement to establish that co-existence is not possible before relocation of any villages from CTHs in WLPA, 2006. At the same time, none of the Acts other than the FRA acknowledge that *'the forest dwelling scheduled tribes and other traditional forest dwellers are integral to the very survival and sustainability of the forest ecosystem'* or recognize their right to protect, conserve and manage forest, wildlife and biodiversity.

There is thus a clash in the approaches to conservation, with the role of local communities within conservation-related decision-making differing from Act to Act. The context in which PAs and settlement of rights was introduced in WLPA, 1972, differs from that of the process of recognition of rights prescribed under the FRA. The approach of conservation through co-existence is still not widely accepted, with some arguing that it doesn't sufficiently protect the interests of wildlife. Because of this, there is a certain amount of opposition to the idea of amending the older laws to bring them in line with the FRA, a subsequent piece of legislation. At the same time, there are others who argue for a need to revise the FRA to clarify its non-applicability in PAs.

Many agree that there is indeed no lack of clarity, and argue that FRA, being a subsequent law, would supersede contradictory provisions in earlier legislation. However, the inherent objectives and nature of each of these laws lend themselves to subjective interpretation on the ground, requiring procedural clarity and, possibly, amendments. While the present ambiguities provide a space for creative manipulation

and differential interpretation of Acts and clauses by different stakeholders, they also create huge on-ground conflicts between local communities and the Government, and may even exacerbate processes of historic injustice acknowledged in the preamble to the FRA. The two very different kinds of approaches to conservation cannot be implemented simultaneously within the same geographical and socio-economic spaces. There is thus a need for reconciling the conflicts where they exist, and eliminating the ambiguities through legal revisions, guidelines and effective implementation.

Different visions of Governance/ management: Centralised vs. devolution

Another essential difference between these Acts is the degree of significance of, or attention given to, centralized or decentralized governance²⁶. The decision-making powers for forests vary from being the mandate primarily of the state government (IFA), to centre/ state (WLPA/FCA), to centre/ state/ community (BDA) to primarily community (FRA). There are also different levels of representation (from participation to more concrete 'rights', from consultation to consent) and different degrees of devolution of power. There has been, for some time now, an acknowledged need for a more consultative and democratic process of forest governance replacing the former centralized decision-making.

While FRA talks about related aspects such as empowerment of the Gram Sabha, it becomes very difficult to implement such decentralization in the present situation of lack of clarity of relative roles and powers of FD and Gram Sabha. For instance, the requirement of the consent of the Gram Sabha for forest diversion was, earlier, rather unclear, and required a clarification through a circular by MoEF in 2009. In the case of TRs, Gram Sabha consent is at present a legal requirement, not for the declaration of the area in the first place, but only for subsequent modification of rights for the purpose of relocation from a CWH. In the same way, there is no legal requirement for drafting protected area management plans and FD working plans in consultation with, and with the consent of, local communities. And this, despite the involvement of local communities being essential for a democratic process (even if not legally required), right from the outset of the process, from identification of area proposed for declaration as a PA, to modification of rights, and planning for PA management, to monitoring the implementation of management plan.

In recent times, there has been a rise in the number of conflicts, where local communities have stood their ground against loss of livelihoods arising from

26 Another Act which would require attention in this context is PESA.

undemocratic decision-making related to forest lands. This decision-making is often in relation to declaring restricted areas, or diverting forest land for development activities, and the conflicts have at times escalated to violence and human rights violations. If the provisions of FRA were being truly implemented taking into consideration the provisions of the Act in the letter and in spirit, these conflicts might not have arisen.

For effective decentralization, and to resolve conflicts at the interfaces, the following amendments are required:

- IFA needs to be amended to provide for a greater role for the Gram Sabha in forests from conception of plan for conservation to management and monitoring;
- WLPA needs to be amended to provide for a greater role for the Gram Sabha in the formulation and implementation of PA management guidelines, and in the process of declaration of a PA, and that of modification of rights;
- FCA needs to be amended to provide for a greater role for the Gram Sabha in negotiating and deciding on forest diversion.

Towards landscape level approach:

An approach to conservation and management that goes beyond small areas and administrative boundaries and focuses on a landscape and natural boundaries has been emphasised for some time by both national and international scientific studies²⁷. Yet at present an articulation in Indian policies regarding both, the need for such an approach and the functional unit for the same, is lacking. Such an approach would need to consider the mosaic of bio-cultural units that form a landscape, look at cumulative strengths and vulnerability and be organised on principles of co-existence and decentralised governance mentioned above.

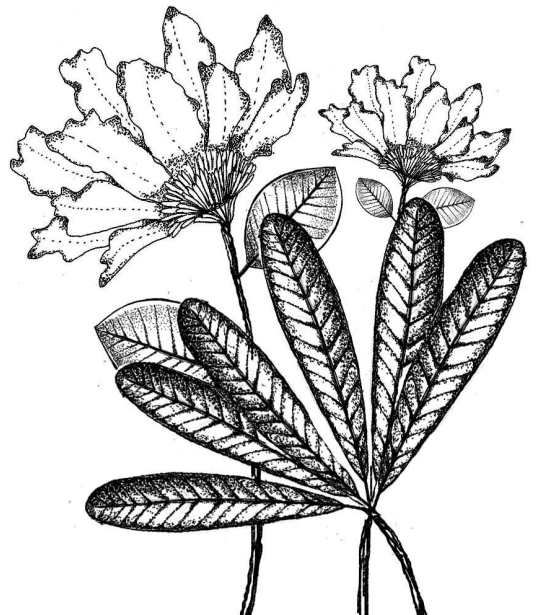
While FRA has the potential of strengthening decentralised governance at the level of the Gram Sabha or the traditional institution, there would still be a need for a supportive mechanism for coming together of these Gram Sabhas as larger clusters for effective conservation and management and a holistic landscape level approach, rather than being confined to 'patches'. Additionally, for visualisation of concerns and potential at a landscape level, it becomes even more important to resolve these

27 <http://www.thehindu.com/sci-tech/energy-and-environment/human-intervention-hindering-tiger-movement-in-country/article5361856.ece?homepage=true>

conflicts and ambiguities and come to a common understanding/ acceptance of general principles. Crucial among these principles would be:

- an integration of traditional and modern knowledge;
- facilitation of decentralised and informed governance; and
- observations and action at levels defined not by political and administrative but by bio-cultural boundaries.

Hence there is an urgent need for conceptualisation of such an approach and support for the same through policy and law.



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Abbreviations

BDA	Biological Diversity Act	FRA	Forest Rights Act or Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act, 2006
BHS	Biodiversity Heritage Site	FRC	Forest Rights Committee
BMC	Biodiversity Management Committee	FSI	Forest Survey of India
BRT	Biligiri Rangaswamy Temple	FSO	Forest Settlement Officer
CBD	Convention on Biological Diversity	GS	Gram Sabha
CFRe	Community Forest Resource	Ha	Hectare
CFR	Community Forest Rights	IFA	Indian Forest Act, 1927
CmR	Community Reserve	IUCN	International Union for Conservation of Nature
CR	Conservation Reserve	JFM	Joint Forest Management
CTH	Critical Tiger Habitat	JFMC	Joint Forest Management Committee
CWH	Critical Wildlife Habitat	LAAR	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (2013)
CWLW	Chief Wildlife Warden	LA	LAAR Authority
DLA	Department of Legal Affairs	LAA	Land Acquisition Act, 1894
DLC	District Level Committee	MoEF	Ministry of Environment and Forests*
EDC	Eco-Development Committee	MoTA	Ministry of Tribal Affairs
ESA	Ecologically Sensitive Area	NBA	National Biodiversity Authority
FAC	Forest Advisory Committee		
FCA	Forest Conservation Act, 1980		
FoC	Future of Conservation Network		
FD	Forest Department		
FPC	Forest Protection Committee		

* The NDA govt. has renamed this ministry to Ministry of Environment and Forests and Climate Change.

NBWL	National Board for Wild Life	VF	Village Forest
NDA	National Democratic Alliance	VP	Van Panchayat
NFP	National Forest Policy	WLPA	Wildlife Protection Act, 1972
NP	National Park	WLS	Wildlife Sanctuary
NDA	National Democratic Alliance	WLW	Wildlife Warden
NFP	National Forest Policy		
NTCA	National Tiger Conservation Authority		
PA	Protected Area		
PESA	Panchayats (Extension to Scheduled Areas) Act, 1996		
PF	Protected Forest		
PVTGs	Particularly Vulnerable Tribal Groups		
RF	Reserved Forest		
RTI	Right to Information		
SBB	State Biodiversity Board		
SDLC	Sub-Divisional Level Committee		
SIA	Social Impact Assessment		
SLMC	State Level Monitoring Committee		
ST	Scheduled Tribe		
TR	Tiger Reserve		
UPA	United Progressive Alliance		

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