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Karnataka

Development's shadow: How Karnataka projects impact Adivasi land

The situation of Adivasis in Nagarahole National Park and Tiger Reserve warrants the state government to rethink its governance in protected areas and revise its policies of eco-tourism.



Image for representation

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“You are entering our ancestral land, respect it,” read a board posted outside the Nanachi gate of Karnataka’s Nagarahole Tiger Reserve on August 9. The succinct message, put up in Virajpet taluk, Kodagu, by Adivasis living in the Reserve, asserted their rights over the land and forests.

Incidentally, the board went up outside the Nanachi gate on World Indigenous Day (August 9). It not only highlighted the dismal implementation of the Forest Rights Act in Karnataka but also drew attention to the state falling short of recognising and upholding the rights of Adivasis and Other Traditional Forest Dwelling (OTFD) communities.

The Scheduled Tribes and Other Traditional Forest Dweller (Recognition of Forest Rights) Act 2006, or the Forest Rights Act (FRA), which came into effect on December 31, 2007, provides individual and community rights. While individual rights permit members of Scheduled Tribes (ST) and OTFDs to inhabit and cultivate in the forest areas, community rights are possessed by the entire community with access to minor forest produce, water bodies, nistar, and grazing. The FRA also has a third category wherein individual and community rights co-exist.

A case questioning the legislation’s legal validity—Wildlife First v Union of India—is pending with the Supreme Court. The case holds the key for forest governance and the rights of OTFDs and Scheduled Tribes (ST). A key issue the verdict is expected to address is whether the FRA stands in conflict with or complements other regulatory legislations like the Wildlife (Protection) Act, 1972 and the Forest (Conservation) Act, 1980. The case has seen constant delays, with hearings regularly adjourned. The next tentative hearing date is October 14.

Against this backdrop, it is essential to look at the status of the FRA. This article will lay special emphasis on Karnataka because of the recent developments in the Nagarahole Tiger

Reserve (NTR) and Western Ghats where Adivasis and OTFDs are facing the brunt of ineffective rehabilitation policies and its implementation at the ground. The situation of Adivasis, especially Jenu Kuruba, Betta Kuruba, Kurumba, and Yerava communities in Nagarahole National Park and Tiger Reserve warrants a rethinking by the state government over its governance in protected areas and a revision of its policies of eco-tourism.

Conservation and eco-tourism policies in the protected areas not only endanger biodiversity and wildlife but also attenuate human-wildlife conflict by depriving the rights of local communities. The foremost threat is the eviction of Adivasis and OTFDs owing to the rejection of land claims under the FRA. This is in contrast to the General Comment 7 (1997) of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), which defines forced eviction as, “[T]he permanent or temporary removal against the will of individuals, families, or communities from their homes or land, which they occupy, without the provision of, and access to, appropriate forms of legal or other protection”. The evictions in Nagarahole and in other protected areas are taking place without complying with international standards. The rehabilitation and resettlement of the local communities is yet to happen in a just and fair manner.

A statement by the Union Minister of State for Tribal Affairs Durgadas Uikey, said that Karnataka has received a total of 2,89,236 Individual Forest Rights (IFR) claims, out of which 15,772 are pending for settlement. As on July 30, Karnataka has a rejection rate of 89.23% with regard to individual claims under FRA. The percentage of rejected IFR claims is 43.48% and 73.55% in Kodagu and Mysuru districts respectively.

Ineffective implementation of the FRA in Nagarahole National Park and in other national parks of the state need to be understood in the context of growing pressure of development

projects, such as the Goa-Tamnar Transmission Project (GTTP), Sharavathi Pumped Storage Project (SPSP), and the Hubli-Ankola railway line. The intrusion of the state in the protected areas and designated national parks for the purposes of eco-tourism and developmental projects raises questions about the nature of development that the state is pursuing by disturbing the ecological equilibrium of the Western Ghats.

In the ongoing protests and resistance in Nagarahole National Park, the local communities have asked these questions to the Forest Department and the state government. The central questions revolve around the nature of 'development' such as the Sakleshpur land conversion plan and Kaiga Atomic Power plant expansion in the protected areas of Western Ghats. This is not to say that the local communities are averse to development, but it shall not be at the cost of forests, ecological equilibrium, and the rights of ST and OTFD communities.

The state should proceed with the projects only after having ready answers to the hows (participatory/non-participatory) and whys (ecology/economy based) rather than taking up the developmental works only based on the what component (maximisation of benefit).

Redefining development

No state can initiate any action on the rejected claims under FRA when the matter is pending in the Supreme Court. Until then the status quo has to be maintained and the state shall refrain from evicting the Particularly Vulnerable Tribal Groups (PVTG), Adivasis, and OTFDs from their habitat. The approach of the state shall be humane and sensitive to the needs and aspirations of them.

As far as Karnataka is concerned, it would do better to implement the Muzaffar Assadi Committee report on

rehabilitation of PVTGs in Nagarahole. The Committee report submitted to the High Court in July 2014 advocated a participatory rehabilitation process for the residents, along with effective implementation of FRA. The report also recommended enhancing the representation of Adivasis in local governments and legislatures.

The state can set up an independent commission to verify the authenticity of the rejected claims along with timely constitution of FRA cells in 18 districts, as the Union Ministry of Tribal Affairs has approved the proposals. The sub-judice nature of the case does not come in the way as the Supreme Court itself asked the state governments to reverify the authenticity of the rejected claims. If the need be, state governments can submit a request for setting up of independent commissions. This is crucial for the states to establish better connection with the local communities, as such initiatives have potential to strengthen the trust between the state and local communities.

For Adivasis, the philosophy of 'development' is qualitatively different from that of the neo-liberal extractive mode. The state needs to acknowledge, appreciate, and recognise it to refine its policies on development and accommodate the alternative ideas that are sustainable in terms of ecology and economy. The state's current rehabilitation policies seems to facilitate the eviction of local populace solely based on monetary compensation rather than a comprehensive rehabilitation effort that involves land, livelihood, and security.

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Views expressed are the author's own.