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Fact-Finding team finds grave violations of Adivasi rights in Nagarhole Tiger Reserve

in India - by Fact-Finding Report - 14/04/2023

All-India Fact-Finding Team observes grave violations of Adivasi rights in Nagarhole Tiger Reserve, even as PM 'celebrates' 50 years of 'Project Tiger'.

[Calls for immediate measures to uphold rights of Adivasis as per law and end evictions, intimidation and violence.](#)

'Celebrations' are a cruel way of marking not 50 years of Project Tiger and conservation through protected areas,

but 50 years of the torture of Adivasis, through one of the largest land grabs in 'independent India'.



A 6-member Fact-Finding Committee of activists, academics, researchers and journalists undertook a 4-day visit to the Nagarhole Tiger Reserve area from 8th to 11th April, 2023 on the call of Community Networks Against Protected Areas (CNAPA) and Nagarhole Adivasi Jammappale Hakku Sthapana Samiti (NAJHSS). The fact-finding team (FF) came to understand the status of compliance with various laws as well as the situation of Adivasis in the 'Protected Areas' and resettlement sites. The FF team interacted with many villagers at multiple locations as well as met with certain officials, including the Deputy Commissioner, Kodagu, Project Officer, ITDP and Director of Nagarhole Tiger Reserve. The team also met Prof. Muzaffar Assadi who helmed the



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High Court appointed Committee to inquire into the status of Adivasis in Nagarahole area and had made significant recommendations in 2014.

The fact-finding team included the following members:

- **Sricharan Behera** (Researcher and FRA Expert, Campaign for Survival and Dignity, Odisha)
- **Dhiman Chatterjee** (Member, Committee for Protection of Democratic Rights, Tamil Nadu)
- **Ashish Gupta** (Journalist and Co-ordination of Democratic Rights Organizations, New Delhi)
- **KP Suresh** (Columnist and Rural Livelihoods Expert, Mysuru)
- **Kamal Gopinath** (Freelance Journalist, Mysuru)
- **Meera Sanghamitra** (Member, Convening Committee, National Alliance of People's Movements – NAPM)

The FF team's visit started with meeting leaders of NAJHSS who informed that on 9th April 2023 they submitted a **memorandum to the President and PM of India (delivered through ACF, NTR), to counter the 'celebrations' of Project Tiger.**

The FF Team visited Nanachi Gadde Haadi village and interacted with a large number of women and men, who participated in the recent protests and padayatra (foot march) against forceful eviction from their ancestral lands, without recognition and settlement of their rights under FRA, 2006 and other protective laws. Notably, the padayatra saw participation from Jenu Kuruba (PVTG), Betta Kuruba, Paniya and Yerava Adivasi communities in March, 2023 pointing to the violation of their rights by the Government, in particular, by the Forest Dept and the Nagarahole Tiger Reserve (NTR) authorities.

The team also visited Nagamma, mother of Basava, a Jenu Kuruba Adivasi who was reportedly gunned down by Forest guards in December, 2021 (and later succumbed in Feb'23) on the false allegation of 'smuggling sandalwood'. We were informed that **in the last few years at least 8 Adivasi people have been shot dead by the Forest Dept officials** on different pretexts but there has been no criminal conviction in any of these cases nor any compensation to the families. We also visited Ranigate Haadi where the Adivasis informed that even after the grant of CFR title, the village was included in the expanded area of NTR without information and consent of Gram Sabha.

The team visited Shetalli relocation site where we met the families who were forcibly evicted from their forest lands in Bhogepura. The women from Hebbala relocation site (who were evicted from Machurkere Haadi) also narrated their woes to us of being cheated by the forest authorities. While they were promised to be provided three acres of land per family, the actual area is variably much less, which people informed to be between 1.5 to 2 acres and the quality of land is not productive and is water-logged. The free, prior and informed consent of Gram Sabha, in writing, has not been taken before relocation, which is a mandatory requirement as per Sec 4(2)(e) of FRA, 2006.

Villagers informed that forest land recognized or decided at SDLC/DLC level under IFR has been drastically and arbitrarily reduced than the actual large areas of claim under occupation and cultivation. **The Gram Sabha has been sidelined** and not informed before finally deciding the claims, which is also a violation of procedures of FR Amendment Rules, 2012. Clearly, the administration has not taken steps to verify the ground status and ensure rights as per FRA and R&R entitlements.

Before completion of mandatory process of relocation, the Adivasis' houses have been destroyed, their crops damaged, all the services delivery facilities have been stopped, they have been prevented from accessing their burial sites and sacred groves and an environment of fear was created by the Forest Dept and certain wildlife NGOs, to compel them to move out. This is a serious violation of human rights and legal procedures laid down in wildlife and forest rights legislations as well as SC and ST (PoA) Act, 1989. Again, no substantive steps have been taken by the administration to acknowledge and address these rights violations.

We also learnt that at least 27 adult men and 6 children have died between 2015 to 2023 in Hebbal. There has been no study undertaken by the Govt. to understand reasons for this large scale of deaths as well as physical and mental health conditions

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of the Adivasis. We were also shocked to know of the **precarious living and working conditions of Adivasis workers in coffee estates**. To break out from these chains of bonded slavery in coffee plantations, **nearly 30 families living across Line Manes (workers homes) have asserted their rights to their forest habitats by moving into Balekovvu and Nanachi Gadde Haadis and started living there since 3rd April 2023**. Nonetheless, we were informed that some of the NTF officials are creating an everyday climate of threats and fear for them. It appears that the forest dept, labour dept and district administration are completely neglecting the human rights of Adivasis.

In areas where Adivasis have been resettled or evicted, it has been observed that there hasn't been full compliance with all provisions of the FRA. [Sec 4(2)(f)]. Unfortunately, the role of the ITDP is not towards ensuring the compliance of FRA, but more towards resettlement, in connivance with the Forest Dept. People also shared serious concerns on the role of certain wildlife NGOs like LIFT, WCS, Wildlife First in misguiding and pressurizing the Adivasis living within Nagarhole Tiger Reserve to go out of the sanctuary. We were told that some of these NGOs also forced Adivasis to sign on blank papers or withdrew SHG membership of Adivasi women for asserting their legal and democratic rights. These are serious charges that must be inquired into fairly and action taken by authorities against the concerned NGOs, based on inquiry.

The DC, Kodagu and the PO, ITDP heard out the FF team, but kept stating that there are no 'pending claims'. However, in multiple villages, Gram Sabhas have no information of the said 'rejection' [as per FRA Amendment Rules, 2012 Rule 12A (6), (7), (10)]. Any decision regarding change, modification or grounds of rejection must be intimated in writing to the Gram Sabha. No other authority has the power to take a final decision on the claims, without the knowledge and approval of the Gram Sabha. When questioned about the continued violations, the DC kept pointing to the role of the Forest department while seemingly absolving his responsibilities as per law.

The FF team met with the Co-ordinator, ITDP at Madikeri who informed us, based on a written document, that 24 CFR titles have been issued within Nagarhole Tiger reserve. But the communities within NTR have fully denied it and have asked the official to list the 24 villages and show them the 24 CFR titles given to them.

This only goes on to show the gross failure of the authorities in creating awareness, empowering Gram Sabhas and ensuring rights under FRA and other laws. After intense discussion, they assured us that they would ensure compliance with laws and would undertake a detailed review and even visits to the concerned area, subsequent to the Karnataka Assembly elections.

The FF team also met the Director of Nagarhole Tiger Reserve at Hunsur. The team raised the issue of forceful eviction of people from villages in the Tiger reserve. The Director said that the department has Gram Sabha resolutions of people 'consenting' to relocation, while community members and leaders whom the FF team met refuted this saying, "*there was neither any Gram Sabha done nor was our consent sought. Rather we were pressurized, cheated and physically attacked when we resisted evictions.*" However, after raising these concerns with him, he assured that there will be no threat or violence henceforth to Adivasis, when they assert their legal rights or return to their forest habitats. He said he would look into all complaints brought to his notice, including killing of Adivasis by the Forest Department and ensure necessary action.

Prof. Muzaffar Assadi, who met a delegation of the FF team, said that the non-implementation of the Committee's recommendations, which were endorsed by the Karnataka High Court, tantamounts to contempt of Court. He shared that coffee growers are encroaching into Nagarhole tiger reserve to the extent that 3 out of 10 ranges inside Nagarhole are today occupied by coffee growers, even as Adivasis live in bonded labour like conditions in the same estates.

It is pertinent to mention here that the fact-finding team faced harassment and intimidation by the local police, with the intention of preventing the team members from meeting the villagers and visiting the villages inside Nagarhole Tiger Reserve.



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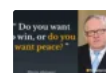
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This attitude of the police towards an all-India team, intact in fact vindicates the experience of constant harassment and threats faced by the Adivasis from the Forest Dept and police, for asserting their legal and democratic rights.

The Fact-Finding Team shall come up with a detailed report based on our visit soon. However, we place this interim statement before the authorities, concerned citizens and media and call attention to the following immediately.

- 1. Recognition of the community tenure of habitat rights of the Jenu Kuruba and other Adivasis in the Nagarahole Forests.**
- 2. Full compliance with all provisions of FRA 2006 and provisions laid down thereunder, including and SC & ST (PoA), 1989.**
- 3. Authorities must abstain from any forcible eviction of adivasis, especially without full settlement of claims, rights and due process under FRA and other laws.**
- 4. The Forest authorities and civil administration must not resort to any form of intimidation or violence on Adivasis who wish to return to their original villages or organise for their legal rights to live in and access forests, in a democratic way.**
- 5. For those who wish to remain at the relocation sites based on fully informed and voluntary consent, full facilities including cultivable land of 3 acres, housing units and other amenities must be provided. The CFR rights of these families must also be protected as per law.**
- 6. Strict Legal action against those accused of planning and executing the killings of Adivasis by the Forest Dept officials / staff [under criminal law and SC & ST (PoA) Act], exemplary compensation to the affected families to be given immediately and permanent livelihood support, as per the choice of each family.**
- 7. Implementing the recommendations of the Assadi Committee, as directed by the High Court of Karnataka.**

The historical injustice on Adivasis continues to be perpetuated in the name of protected areas, reserve forests, tiger and elephant reserves, completely negating the culture and practice of co-existence. We call for an end to this colonial and violent model of fortress conservation that has been criminalizing Adivasis for living in their habitats and pushing them into bondage and dispossession. It is indeed a cruel irony that the Prime Minister who visited Mysore three days back, for 'celebrating' 50 years of the 'Project Tiger' did not have a word to mention about the Adivasis who have been sustaining the forests and wildlife since generations.

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Farewell to Sasi etta, brother K.P. Sasi