



ON THE BRINK

THE TRAGEDY OF FOREST GOVERNANCE

A STATUS REPORT OF FOREST GOVERNANCE AND TOURISM IN NAGARHOLE,
BANDIPUR, MUDUMALAI AND WAYANAD FOREST AREAS OF SOUTH INDIA



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BANDIPUR, MUDUMALAI AND WAYANAD FOREST AREAS OF SOUTH INDIA

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ALL INDIA FORUM FOR FOREST MOVEMENTS

&

EQUATIONS

December 2012

DECEMBER 2012

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PREFACE



In 2006, when the The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 was passed, it created a landmark in the history of forest governance in India. The Act acknowledges the historical injustice that happened to adivasi and other traditional forest dwelling communities, and attempts to reverse this by ensuring that customary rights of forest governance are returned to these communities. When this radical change in forest governance was taking place, parallel efforts were also made by the Government of India to continue with dated and worldwide discarded models of exclusive as well as coercive governance regimes in Protected Areas ostensibly meant for wild life conservation. The combination of essentially incompatible forest related laws in the country ensure that it is the state which would retain all ownership and governance rights over forests and the principles of colonial 'eminent domain' would prevail.

A large number of overlapping legislations and the ensuing confusion is exploited by state agencies and various commercial entities to ensure the communities remain alienated from forests and from accessing their rights. The lack of systematic documentation of the impact of this on community forest governance further exacerbates this situation.

Tourism in the past few years has been increasing in forest areas. More recently, attempts have been made to club tourism regulations with those relating to forest governance, thus further complicating the issue. There is also a clear coterie of tourism industry-conservationists-politicians that has emerged. Tourism is also being seen as a market-based climate change mitigation tool. Therefore documentation on the status of tourism in forest areas would indicate to possible spaces where tourism could be used by state agencies to retain control over forests.

One of the regions witnessing planned attempts at consolidation of state power is the contiguous forests of Nilgiris Biosphere Reserve and its surrounding forests comprising Nagarhole National Park, Bandipur National Park, Mudumalai Wildlife Sanctuary, Wayanad Wildlife Sanctuary, Satyamangalam Wildlife Sanctuary and Biligiriranga Swamy Temple Wildlife Sanctuary in the states of Karnataka, Tamil Nadu and Kerala.

AIFFM and EQUATIONS bring a documentation on the status of forest governance and tourism in these forests, with the objective of creating an understanding of systemic processes that impinge on the rights of adivasi and other traditional forest dwelling communities. We hope that this will also help concerned groups and activists in developing a regional strategy for intervention.

AIFFM & EQUATIONS

December 2012



ABBREVIATIONS



- AAS – Adivasi Aikya Samiti
ACCORD – Action for Community Organisation, Rehabilitation and Development
ADSS – Adivasi Dalit Samara Samiti
AGMS – Adivasi Gothra Maha Sabha
AIFFM – All India Forum for Forest Movements
AKS – Adivasi Kshema Samiti
AMS – Adivasi Munnetra Sangam
BKS – Budakattu Krishikara Sangha
BRT – Biligiri Ranganatha Temple Wildlife Sanctuary
CDM – Clean Development Mechanism
CFM – Community Forest Management
CFR – Community Forest Rights
COP – Conference of the Parties-13
CORD – Coorg Organisation for Rural Development
CSS – Centrally Sponsored Scheme
CTH – Critical Tiger Habitats
CWH – Critical Wildlife Habitats
DEED – Development Through Education
DFO – District Forest Officer
DLC – District Level Committee
EFAs – Ecologically Fragile Areas
EPA – Environment (Protection) Act, 1986
EPR – Environment (Protection) Rules
ESAs – Ecologically Sensitive Areas
ESZs – Ecologically Sensitive Zones
FCA – Forest Conservation Act, 1980
FD – Forest Department
FDAs – Forest Development Agency
FRA – Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
FRC – Forest Rights Committee
GEF – Global Environment Facility
GIM – Green India Mission
IBWL – Indian Board for Wildlife
ICFRE – Indian Council of Forestry Research and Education
IHCL – Indian Hotels Company Limited
JFM – Joint Forest Management
JFMCs – Joint Forest Management Committees
KST – Kerala Scheduled Tribes (Restriction on Transfer and Restoration of Alienated Lands) Act, 1975
LIFT – Living Inspiration for Tribals
MoEF – Ministry of Environment and Forests
MTR – Mudhumalai Tiger Reserve
NAPCC – National Action Plan on Climate Change



NBR – Nilgiris Biosphere Reserve
NBWL – National Board of Wildlife
NEG – Nilgiri and Eastern Ghats
NFFPFW – National Forum of Forest People and Forest Workers
NGOs – Non-Government Organisations
NNP – Nagarhole National Park
NPs – National Parks
NTCA – National Tiger Conservation Authority
NTFP – Non-Timber Forest Produce
NWAP – National Wildlife Action Plan
PA – Protected Areas
PCCF – Principal Chief Conservator of Forests
PF – Protected Forests
PIL – Public Interest Litigation
REDD – Reducing Emissions from Deforestation and Forest Degradation
RF – Reserved Forests
RFO – Range Field Officer
SBSTA – Subsidiary Body for Scientific and Technological Advice
SDLC – Sub-Division level Committee
SHGs – Self Help Groups
TCP – Tiger Conservation Plan
TNPPF – Tamil Nadu Preservation of Private Forests Act, 1949
UNFCCC – UN Framework Convention on Climate Change
VF – Village Forests
VPC – Village Protection Committees
WLPA – Wildlife (Protection) Act 1972
WLS – Wildlife Sanctuaries
WWF – World Wildlife Fund

Note:

1 acre – 43560 sq. ft.

100 cent – 1 acre

1 ha – 2.47 acre

10 lakh – 1 million

1 crore – 10 million



INTRODUCTION

TOWARDS ENCLOSURE AND EXCLUSION :

I. FOREST GOVERNANCE AND WILD LIFE CONSERVATION IN INDIA

Prior to the advent of the East India Company and the subsequent establishment of the British Colony in India, there was no formal forest policy. Various princely states had different approaches to managing the forestry resources available in their areas. British rule, though, brought with it 'scientific' forest management, with a narrow agenda focused on sustained commercial timber production. This favoured a few commercially valuable species to the exclusion of all else, thereby providing regular profits to the colonial empire. However, this management practice, spurred by the economic interests of the age, was based largely on conjecture and blindly copied European production-based forestry models.

The basic colonial approach entailed 'reclaiming' forests as cultivable land and/or declaring those as state property, thereby curtailing rights of forest dwellers to areas with commercially valuable species. Clear-felling of vast tracts of forest was the favoured method of 'forestry operations', followed by complete closure to grazing and other human activities, such as collection of firewood, fodder, medicinal plants, bamboo, etc. The Forest Department (FD) was created in 1864 to oversee these operations. This assertion of state monopoly and the exclusion of forest communities, a process by which the British gradually appropriated forest resources for revenue generation, thus shaped the organizing principles of forest administration in modern India. Towards the end of the 19th century, the larger part of Indian forests was de facto in the hands of communities who used those, besides private individuals like zamindars and other landed gentry who benefited by colonial settlement operations. Today, state ownership has increased to more than 80% of the recorded forest area.¹

The first Colonial Forest Act was drafted in 1865, primarily for the colonial government to declare forests as state property, and carry out 'scientific forestry' to gradually replace existing mixed forests with monoculture of commercially valuable species. That 1865 Act was modified in 1878, as the colonial establishment found that people's rights were interfering with the clear felling of commercially valuable forests. The provisions were found to be too friendly to the traditional rights of forest people and not stringent enough in curtailing them. This was the reason underlying the division of forests into Reserved Forests (RF), Protected Forests (PF) and Village Forests (VF). The 1878 Act enabled the government to severely curtail traditional rights (called concessions in the Act) in the first two categories, on the basis that the Village Forests would meet the basic needs of village communities.

THE INDIAN FOREST ACT OF 1927,²

The colonial 1878 Act, the legislative foundation of the forest sector in independent India, became the fuller and more stringently exclusive Indian Forest Act in 1927. Commonly known as IFA, this act helps perpetuate state hegemony over forests. Critically, the Act gave state governments the power to divert forest land for other uses. Although the National Forest Policy of India (1952) criticized this clause, it did not change the law, leading to millions of hectares of forest land being diverted between 1951 and 1980. During this time period, 4.3 million ha of forests were lost.³ The 1927 Forest Act does not support people's participation in forest protection and management, and it does not promote social forestry either.

THE WILDLIFE (PROTECTION) ACT AND ADVENT OF CONSERVATION REGIME

Though the practice of reserving forest areas exclusively for protection of wildlife started in India during 1930s, it was not before 1972 that organised efforts at wildlife conservation would start—with the launch of the Tiger Project and adoption of a binding legislation in Wild Life Protection Act (WLPA). Since 1972, this legislation has been used to create a much-hyped conservation network that according to MoEF's 2011-12 annual report includes a total of 686 Protected Areas (18 designated biosphere reserves, 102 National Parks, 515 Wildlife Sanctuaries, 47 conservation reserves and 4 community reserves).

CHRONOLOGY OF FOREST POLICIES AND LEGISLATION IN INDIA:

BRITISH COLONIAL PERIOD:

- The Indian Forest Act, 1865
- The Indian Forest Act, 1878 (modified)
- The Indian Forest Policy, 1894
- The Indian Forest Act, 1927 (amended and modified)

INDEPENDENT INDIA:

- National Forest Policy, 1952
- Wild Life (Protection) Act, 1972
- National Commission on Agriculture, 1976
- Forest Conservation Act, 1980
- Environment (Protection) Act, 1986
- National Forest Policy, 1988
- Joint Forest Management, Circular, 1990
- The Biological Diversity Act, 2002
- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

giving primacy to conservation over commercial exploitation of forests. But at the same time, it also severely limited legitimate survival needs of communities residing in and around the PAs, and had been repeatedly used as an instrument for forcible eviction of these people—without proper resettlement. The Act provided for centralization of all management functions of the wildlife habitats in the hands of a bureaucracy that remained indifferent and unresponsive to the genuine biomass and livelihood requirements of the forest communities. A blanket ban on all human activities except tourism has not only led to increased misery of tribal and non-tribal poor traditionally dependent upon forests, but also escalating conflicts between the communities and PA authorities, and a sharp decline in public support for conservation.

After more than four decades of official conservation practices, it is clear that the WLPA led to the exclusion of millions and millions of ecosystem people continuing to depend on PA resources for survival. On the other hand it did not prove strong enough to fight pressure from commercial and industrial interests.

Indian PAs: no ecological rationale

More than scientific assessment of forest ecosystems and biomes, most of the Indian PAs got created purely through a legislative process. Though there were projects aimed at species or biodiversity conservation (like tiger reserves and biosphere reserves), the protected areas within these projects were all National Parks or Wild Life Sanctuaries—mere administrative units of the Forest Department. Demarcation of such units and subsequent inclusion of forest areas within their limits had been done according to provisions of the Wild Life Protection Act, but seldom did ecological imperatives back this process. Because it has no technical skill or scientific knowledge to generate cumulative data on forest ecosystems, the forest department declares forest areas as PAs at random. A PA notification may come in the wake of anything... media opinion, NGO lobbying, continued illegal felling of trees or poaching in a forest area. But in absence of scientific assessments of a forest area's total biodiversity content and a proper database on that forest area, how can one fix conservation priorities and decide effective protection strategies?

The Tiger Project

A look at the 'famous' tiger project and its gains after more than four decades of uninterrupted running brings home this point clearly.

Since 1972, 41 tiger reserves covering 63874.6847 sq. kms. of forest area⁴ have come up in various part of India (additionally, 5 PAs have received in-principle approval and another 6 protected areas have been proposed by NTCA for the creation of tiger reserves). Each of these reserves has a National Park as its core and Wild Life Sanctuaries (sometimes more than one) in buffer. But neither demarcation of core/buffer nor the notifications about NP/WLS follow any logical pattern. In several tiger reserves of India, the CORE or the so-called 'inviolable sanctum sanatorium' had blocks of severely degraded forest, plantations and permanent human settlements at the time of reserve creation. Because 'core areas' of tiger reserves usually have NP status, according to the stipulations of the Wild life Protection Act, the PA managers had to enter into pointless conflicts with the forest dwellers to evict them from the NP and to create 'inviolable' cores free from 'biotic pressure'! This happened in major reserves like Kanha, Bandhabgarh, Rajaji, Ranthambore, Dudhwa and Buxa. Instead of devising strategies in wildlife and habitat management, the PA managers had to get busy with eviction strategies.

Species or Ecosystem Conservation?

The official focus now shifts to 'conservation of whole ecosystems' instead of 'species conservation', as if these two are intrinsically different things. Biosphere Reserves came into being, guaranteeing conservation of contiguous biomes within a biosphere. But what constitutes a biosphere in the first place is as unclear as ever. Ideally, a biosphere should contain the ecological landscape of a given area in its entirety: all biomes and ecosystems in it including agricultural lands, water bodies and human settlements. 'Official' biospheres in India, however, mean nothing but the same rigmarole of core/buffer and NP/WLSs. Notification of Biosphere Reserves has no legal standing because the legislations have no provision for that.

Management plans for all types of PAs in India are based usually on old working plan data-- collected sometimes 50 to 75 years ago and seldom updated. One has to remember that all working plans of the forest department were primarily lumbering plans, and the working plan divisions have till today no system of studying or monitoring biodiversity content of a forest area. All management plans therefore deal with largely obsolete, inaccurate and insufficient data—more so with data on non-forest ecosystems. No plan for Indian PAs has followed anything remotely resembling a landscape approach, though the PA managers have now free access to classified Landsat data and GIS technology.

'Protecting' Wild Life

Organised mafia activities are common to many protected areas. Mafia activities take many forms: felling of commercially valuable timber trees, extraction and smuggling of precious medicinal and dye plants, poaching of wild animals (big mammals like the Rhino, Tiger, Bear, Elephant and smaller highly endangered species like the Musk Deer or Red Panda) and trading in their body parts.

Forest legislations in the country have not been able to make even a dent in the activities of the mafia-political groups-forest staff nexus. Instead, this nexus—the most pressing danger to Indian forests—gets stronger. During the last 10-15 years, several major scams—in timber and wild life - have been unearthed in various parts of the country. Buxa Tiger Reserve, demarcated a biodiversity hotspot in the extreme North-Eastern corner of West Bengal, lost about 10 sq. Km.s. of forest cover in 1998-1999 alone, as a result of a scam. P.A authorities issued false transit passes for illegally felled trees and timber coming from the Tiger Reserve was shown as timber from private forests.



In Madhya Pradesh, the forest minister and senior forest officers' involvement in large-scale illegal timber trade came to light in 1999; when it was found that prime Sal forests were being illegally felled under the guise of pest control. Many important PAs like Rajaji National Park in U.P, Nagarhole National Park in Karnataka, Palamou or Betla Tiger Reserve in Bihar and many other forest areas of the country report similar incidents.

In Rajaji National Park of Uttaranchal, it is on record that the local forest mafia killed about 8 forest Guards between 1996 -1999. What is off the record but common knowledge in the area is that the killings were the result of disputes over the share of the profits between the mafia and the guards.

Recent studies by N.G.O.s like Wild Life Protection Society of India and Environment Protection Agency, U.K, indicate that regular and organised trade in wildlife exists in nearly all forest areas and PAs.

Most poaching cases remain undetected or unreported at source, and forest officials are seldom eager to report poaching. Wildlife population figures are consistently manipulated and poaching data are suppressed. According to an informant, in Simlipal Tiger reserve, for every set of tiger pugmarks seen, 10 tigers were reported. International funding for PAs depend directly on increase/ decrease in population of indicator or keystone species, of which the most glamorous is the tiger. Organized poaching coupled with gross falsification of annual wild life census data could lead to extreme situations like tiger reserves without tigers: to wit, Sariska in Rajasthan and Panna in Madhya Pradesh both of which lost their entire tiger populations, and also Buxa and Sunderbans in North Bengal, where highly inflated figures for tiger populations had been posted by departmental authorities year after year.

Communities harassed

Villagers who oppose illegal felling of trees and poaching in PAs, and oppose corrupt practices of the forest staff get in many instances harassed by the Forest Department, and even had court cases filed against them. The best example of this was the notorious 2001 Bandhavgarh case; in which three Baiga tribal youth were arrested, tortured and made to 'confess' their involvement in the 'poaching' of a tigress. Independent investigations by National Forum Of Forest People and Forest Workers and local organisations revealed the existence of a highly organised poaching racket in the area, and exposed the frame-up against the tribal youths, whose only crime was to protest against misappropriation of eco-development funds by some forest personnel. Soon after the investigation, armed hoodlums backed by the local M.L.A and the Park Director attacked a village meeting organised by Bandhavgarh Sangharsh Samitee and NFFPFW. Apparently, the investigation and talks about future judicial enquiries made the local mafia panicky.

Villagers are kept out of protected areas and reserved forests by physical brutality and terror tactics. At the same time, over and over again, we see the state de-notifying areas of great ecological importance to accommodate so called 'development': destructive non-forest activities like building of large dams and reservoirs, mining, quarrying, major road building and establishment of industries.

Eco-development for management of conflicts

To 'manage' conflicts arising from termination of local people's rights to forest resource and to reduce the pressure on the protected areas, the strategy of special areas for eco-development and of a core-buffer-multiple use zones in parks has been generated. A PA is supposed to have an inviolate core area with complete protection, a protective buffer where there will be controlled use and a multiple use-zone where rural development schemes would be implemented to reduce the local demands for the PA resources. Eco-development schemes were devised 'to address impact of local people on PAs and of PAs on local people' (Government of India 2000b). They comprise non-forestry welfare activities to be undertaken by the PA authorities to reduce pressure on forests.

The emphasis is on improving both wildlife management and the living conditions of local people. However, it does not explicate on how the latter goal may be achieved.

Since 1988, when a new forest policy presented joint forest management(JFM⁵) as a participatory and inclusive forest management strategy, 'eco-development' was touted as a promising strategy for bringing people back into protected areas and making local people stakeholders/ partners in wildlife conservation and forest protection because it had been observed that the older strategy of keeping people out through 'guards and guns' no longer worked and that such harsh methods had given wildlife conservation a bad reputation, of being anti-people, and also because the JFM strategy of giving a share from timber revenue would nor work in Pas. People living in and around wildlife reserves need to be provided therefore with new economic resources or alternative means of survival as their access to the forest was severely restricted by the creation of the PA. Hence eco-development into as the package/strategy, which, even after the legislative scenario has changed drastically in last 10 years following the enactment of laws like Wild Life Protection Act (Amendment) 2006 and Forest Rights Act 2006, remains the sole 'participatory' tool for involving people in conservation programmes. In reality however, these strategies divert attention from the basic issue of the rights of these people to land, forests and forest produces, to regular livelihood/employment, etc.

In the initial part of the nineties experiments in eco-development were carried out in various PAs. Based on these projects the World Bank joined India in establishing eco-development as the main strategy for wildlife conservation. After a period of consultancy and investigation, a jointly financed Rs 300 Crore scheme for eco-development was agreed upon in 1996. The sum came as part-grant from the then newly set-up Global Environment Facility, and part loan from the World Bank. The actual work was to be carried out during a five-year period ('96-2001) in seven sanctuaries identified as having 'globally significant bio-diversity'. The seven areas were: Nagarhole National Park, Karnataka, Periyar National Park, Kerala, Gir National Park, Gujarat, Palamu Tiger Reserve, Bihar, Pench Tiger Reserve, Maharashtra-Madhya Pradesh, Buxa Tiger

Reserve, West Bengal and Ranthambore Tiger Reserve, Rajasthan. A look at what constitutes eco-development shows that it does not differ in any way from the prevalent forms of village/rural development. It consists of the same old schemes in the new and fashionable garb of 'eco' - of providing the basic infrastructure of roads, drinking water, schools, irrigation and income-generating activities. The situation is still worse in areas with tribal population.

Increasingly coercive, anti-people legislations

Undeterred by failures, conflicts and controversies, The Indian Government—backed by the strong wildlife lobby in the country—sought to make the WLPA harsher and more stringently exclusive. Fresh amendments to the Act (2003) not only do away with the provision for prior settlement of community rights before issuing a PA notification but also effectively block community access to all natural resources within PA limits, including water. The Act also gives PA managers unprecedented powers to evict anybody at will. Excerpts from the Act that follow elucidate this point further:

"PROTECTED AREAS" Insertion of new sections 18A and 18B

11. After section 18 of the principal Act, the following sections shall be inserted, namely: –
Protection to Sanctuaries

"18A. (1) When the State Government declares its intention under sub-section of section 18 to constitute any area, not comprised within any reserve forest or territorial waters under that sub-section, as a sanctuary, the-provisions of sections 27 to 33A (both inclusive) shall come into effect forthwith.

(2) Till such time as the rights of affected persons are finally settled under sections 19 to 24 (both inclusive), the State Government shall make alternative arrangements required for making available fuel, fodder and other forest produce to the persons affected in terms of their rights as per the Government records."

Destruction etc., in a Sanctuary Prohibited without a Permit

"29. No person shall destroy, exploit or remove any wild life including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the sanctuary, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the Board that such removal of wild life from the sanctuary or the change in the flow of water into or outside the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit:

Provided that where the forest produce is removed from a sanctuary the same may be used for meeting the personal bonafide needs of the people living in and around the sanctuary and shall not be used for any commercial purpose."

Power to remove Encroachment

"34A., (1) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Conservator of Forests may, -

Evict any person from a sanctuary or National Park, who unauthorisedly occupies Government land in contravention of the provisions of this Act;(b) remove any unauthorised structures, buildings, or constructions erected on any Government land within any sanctuary or National Park and all the things, tools and effects belonging to such person shall be confiscated, by an order of an officer not below the rank of the Deputy Conservator of Forests:

The WLPA 2003 and the Wildlife Conservation Strategy 2002 together negate the only positive aspect of the 1972 act, the Settlement of Rights process that was prior to notification of new Protected Areas. The Wild Life Strategy makes it extremely clear: "The settlement of rights in National Parks and Sanctuaries should not be used to exclude or reduce the areas that are crucial and integral part of the wildlife habitat."

Conservation Legislations: Contravening International Covenants

The WLPA, 2003 and the 2002 Strategy contravene all major international treaties, conventions and accords related to conservation and indigenous peoples:

ILO's policies stress the need to respect 'the aspiration of these (indigenous) peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages, religions, within the framework of the States in which they live' (ILO 1989).

Convention 107 (1957) also establishes firm principles regarding the forced relocation of indigenous and tribal peoples. Under article 12 of the Convention indigenous people cannot be relocated except according to national law for reasons of national security, economic development and their own health. If they are relocated, 'as an exceptional measure', they shall be 'provided with lands of quality equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development... Persons thus removed shall be fully compensated for any resulting loss or injury'. In 1989, the ILO developed a revised convention that further elaborates indigenous rights to land and territories and natural resources. In addition to recognising indigenous peoples' rights to land ownership, Article 14 states that 'measures



shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.' Article 15 of the Convention also notes: 'The rights of these peoples concerned to the natural resources pertaining to their lands shall be specifically safeguarded. These rights include the right of these people to participate in the use, management and conservation of these resources.'

The UN Draft Universal Declaration on the Rights of Indigenous Peoples is also forthright about indigenous peoples' rights to land. In Article 26 it notes: 'Indigenous peoples have the right to own, develop, control and use the lands and territories, including the total environment of the lands, air, waters, coastal seas, sea-ice, flora and fauna and other resources which they have traditionally owned or otherwise occupied or used. This includes the right to the full recognition of their laws, traditions and customs, land-tenure systems and institutions for the development and management of resources, and the right to effective measures by States to prevent any interference with, alienation of or encroachment upon these rights.'

Resolution 1.53 on Indigenous Peoples and Protected Areas, adopted at the World Conservation Congress in Montreal, October 1996.... In line with current understanding of the concept of sustainable development, as well as with the Convention on Biological Diversity, ILO Convention 169, Agenda 21, and the Rio Declaration on Environment and Development, WWF and IUCN recognise that:

- Protected areas will survive only if they are seen to be of value, in the widest sense, to the nation as a whole and to local people in particular;
- The territorial and resource rights of indigenous and other traditional peoples inhabiting protected areas must be respected by promoting and allowing full participation in co-management of resources, and in a way that would not affect or undermine the objectives for the protected area as set out in its management plan;
- Knowledge, innovations and practices of indigenous and other traditional peoples have much to contribute to the management of protected areas;
- Governments and protected area managers should incorporate customary and indigenous tenure and resource use, and control systems, as a means of enhancing biodiversity conservation.

In WCC resolution 1.53, IUCN has acknowledged that indigenous peoples have the right "to participate effectively in the management of the protected areas established on their lands or territories", and therefore agreements should be reached with them "prior to the establishment of protected areas in their lands or territories".

The Article 8(j) of the Convention on Biodiversity calls upon the Governments to: "respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;"

The 2003 Durban World Parks Congress, in response to proposals and demands by representatives of Indigenous Peoples, adopted several resolutions not only to recognize the people's role in the conservation/PA process, but also to ensure that people's rights and interests are safeguarded. The Durban Accord says that the World Parks Congress has accepted a 'new paradigm' for protected areas 'integrating them equitably with the interests of all affected people.' The Accord celebrates the conservation successes of indigenous peoples and expresses concern at the lack of recognition, protection and respect given to these efforts. It notes that the costs of protected areas are often borne by local communities. It urges commitment to involve indigenous peoples in establishing and managing protected areas and participate in decision-making on a fair and equitable basis in full respect of their human and social rights.

The Durban Accord Action Plan notes that development of the PA system must ensure that the system 'takes full account of the rights, interests and aspirations of indigenous peoples, as well as of their desire to have their lands, territories and resources secured and protected for their own social and cultural survival.' The Accord calls on the Conference of Parties of the Convention on Biological Diversity to 'ensure that indigenous and mobile peoples and local communities fully participate in the establishment and management of protected areas and that mechanisms are put in place to guarantee that they share in the benefits from these areas.' A section of the Action Plan relating to the recognition and guaranteeing of indigenous peoples' rights sets out three major targets:

All existing and future protected areas shall be managed and established in full compliance with the rights of indigenous peoples, mobile peoples and local communities.

Protected areas shall have representatives chosen by indigenous peoples and local communities in their management proportionate to their rights and interests

Participatory mechanisms for the restitution of indigenous peoples' traditional lands and territories that were incorporated in protected areas without their free and informed consent established and implemented by 2010.

A large numbers of measures were proposed to achieve these targets: the acceptance of the indigenous peoples' proposal for the establishment of a Truth and Reconciliation Commission on Indigenous Peoples and Protected Areas to investigate and redress past mistakes, that the GEF and World Bank ensure that their revised policy on indigenous peoples is fully consistent with indigenous peoples' rights, that governments approve the UN Draft Declaration on the Rights of Indigenous Peoples and ratify ILO Convention 169, recognise the rights of indigenous

peoples to their lands, territories and natural resources, review their conservation laws and policies to ensure their effective involvement and participation, that protected area authorities adopt measures, policies and practices which provide for the recognition of and respect for the rights of indigenous peoples and adopt mechanisms to involve them fully in the designation and management of protected areas and promote community conserved areas with their free, prior and informed consent.
daily survival.

Deforestation and violation of wild life habitats: tourism and other development

There are 96 National Parks and 509 Wildlife Sanctuaries in India, covering 15.7 million ha, which is about 4.78% of the geographical area of the country. About 20% of India's forests fall within the Protected Areas network.

While the WLPA is used to randomly restrict subsistence level users from entering forests, it nonetheless retains space for promoting tourism activities that often cause permanent damage to a wild life habitat.

Section 28(d) of Wildlife (Protection) Act 1972 (WLPA) gives power to the Chief Wildlife Warden of a State to grant permit to enter or reside in a sanctuary for tourism purposes. Through an amendment in 2003 specific regulatory measure were introduced in the Act under Section 33 (a). This section prohibits construction of commercial tourist lodges, hotels, zoos and safari parks inside a sanctuary except with the prior approval of the National Board of Wildlife (NBWL).⁶ According to Section 5C WLPA the task of the NBWL is to promote the conservation and development of wildlife and forests. It has been constituted by the Central Government with effect from 22.09.03.⁷

The report of the Tiger Task Force "Joining the Dots", a team constituted in 2005 by the National Board for Wildlife for reviewing the management of Tiger Reserves have commented strongly on ill effects of unregulated tourism in tiger reserves. According to the report "While tourism itself remains unchecked, so does the impact of tourism on the reserves. The most basic data that should be calculated for each park is the carrying capacity of the parks and the delineation zones where tourism is permitted and where it is banned". Their recommendations include issues such as: "Each protected area must have its own tourism plan that should indicate the area open to tourism in the reserves; tourism activities should not be allowed in the core of the national parks and the tiger reserves; there should be a ceiling on the number of visitors allowed to enter at any time in a given part of the reserve. The ceiling has to be decided by the field director of the park keeping in mind the carrying capacity of the habitat and the availability of facilities, transport and guides". The recommendation also states "Wildlife tourism should not get relegated to purely high-end exclusive tourism." The report refers to The National Wildlife Action Plan (2002-2016) that says "ecotourism must primarily involve and benefit local communities and the first benefits of tourism activities should flow to the local people".⁸

THE FOREST CONSERVATION ACT (FCA)

The Forest Conservation Act (FCA) of 1980 was the first legislative attempt to slow deforestation by controlling government behaviour. It limited the power of state governments to de-reserve Reserved Forests or divert forest lands for non-forest purposes without the permission of the central government. The Act also required state governments wanting to divert forest land for non-forest uses to identify an area of non-forest land of at least equal size for compensatory afforestation. In addition, a charge was levied. The Ministry of Environment and Forests (MoEF) was created in 1984, to monitor state compliance with the provisions of the legislation.

Contrary to its mandate to ensure more effective forest conservation, this legislation has also caused and continues to cause immense deprivation and suffering to millions of forest people across the country. Villages are routinely denied basic amenities like roads and water supply pipelines. Forest and Taungya (forest workers') villages are denied schools and health centers as well. Yet large parts of protected NPs and WLS still get de-notified regularly for destructive activities like mining, quarrying and building of large dams. The threat of eviction had loomed large over the forest people of this country ever since the promulgation of the 1972 WLPA and the 1980 FCA. The Supreme Court of India passed several interim orders to clear encroachment of forest lands. The May 2002 MoEF order is easily cited as the most draconian government order concerning forest in recent times. This order directs state governments and union territories to summarily evict all encroachers from forest land. Because the Court and MoEF define all land shown in state forest departments' records as 'forest land', irrespective of the actual use of those lands, the government order can be (and is being) used to evict even traditional settlements in forest areas. As a result, the Forest Conservation Act of 1980 has turned more than 20 million forest people into encroachers, even though it has not stopped the ongoing large-scale deforestation, and destruction of forests in so-called developmental need.

The Forest Conservation Act (FCA) has the potential to regulate tourism development in forest areas. However, certain provisions in FCA – namely Section 2(ii) and 2(iii), have been used for allowing tourism related activities in forest land.

According to Section 2(ii), "notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing any forest land or any portion thereof may be used for any non-forest purpose".

Most state governments have interpreted tourism as a forest related activity that is related to or ancillary to conservation, and through such an interpretation "misused" the Act to allow tourism. This has resulted in the spread of tourism activities on forest land. Except for some very recent developments, the Central Government has not invoked its powers under this section to regulate tourism in forest areas.

According to Section 2(iii) of FCA, any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government. This section is ambiguous



pointing to a loophole by which tourism and tourism related operations can enter forest areas. In certain cases it can also be used to stop tourism related development in forest land. The writ petition⁹ filed by the Nagarhole Budakattu Hakku Sthapana Samithi and others, in 1996 against the State of Karnataka and M/s. Gateway Hotels and Gateway Resorts Ltd was against State Government leasing out 56.41 acres of forest land to M/S Gateway Hotels and Gateway Resorts Limited, a division of the Taj Group of Hotels. The initial permission to the project was granted in violation of the rules of the FCA and the WLPA. A single Bench of the Karnataka High Court allowed the plea and directed that the possession be reverted to the State Government. Aggrieved by the order the respondents appealed in the High Court. The division bench of the High Court set aside the earlier judgement and allowed the appeal with some conditionalities. Aggrieved that this implied a post facto clearance by the Central Government under the FCA, Nagarhole Budakattu Hakku Sthapana Samithi and others, filed a Special Leave Petition before the Supreme Court of India. The Supreme Court reserved judgement until the decision of the Central Ministry of Environment and Forest regarding clearances was at hand. In 1998, MoEF rejected the application of M/s. Gateway Hotels and Gateway Resorts Ltd under the FCA and the project was stalled.

The National Wildlife Action Plan (NWAP) 2002-2016 states under in its policy imperatives that the Plan cannot be executed in isolation and wildlife conservation cannot be restricted to National Parks and Sanctuaries. It states therefore *“Areas outside the protected area network are often vital ecological corridor links and must be protected to prevent isolation of fragments of biodiversity which will not survive in the long run. Land and water use policies will need to accept the imperative of strictly protecting ecologically fragile habitats and regulating use elsewhere.”*

In section III (5.2) 1, the NWAP states, *“All identified areas around Protected Areas and wildlife corridors to be declared as ecologically fragile under the Environment (Protection) Act, 1986”*. As per section XI (5.2) of the Plan this task was to be completed by the MoEF by the year 2004. The NWAP further states *“Extend ‘Ecologically Fragile’ status under EPA 1986 to adjoining areas of PAs, ‘crucial wildlife corridors’ and to all Biosphere Reserves, World Heritage Sites, Ramsar Sites and other areas notified under international conventions and treaties.”*

Section 9 of the Wildlife Conservation Strategy 2002 states *“Lands falling within 10 km. of the boundaries of National Parks and Sanctuaries should be notified as eco-fragile zones under section 3(2)(v) of the Environment (Protection) Act and Rule 5 Sub-rule 5(viii) & (x) of the Environment (Protection) Rules”*. The Indian Board for Wildlife (IBWL), the apex advisory body in the field of Wildlife Conservation in the country, in its XXI meeting in January 2002 resolved *“lands falling within 10 km. of the boundaries of National Parks and Sanctuaries should be notified as eco-fragile zones under section 3(v) of the Environment (Protection) Act and Rule 5 Sub-rule 5(viii) & (x) of the Environment (Protection) Rules”*¹⁰. Recent research commissioned by the Ministry of Tourism itself¹¹ and other recent research by Karanth and Defries (2010) indicate that tourism establishments have mushroomed and continue to exist within immediate periphery of most National Parks.

The Supreme Court and ESAs

In response to a Writ Petition (No. 460) (Goa Foundation v/s Union of India) filed in 2004, the Supreme Court in its order dated December 4, 2006 gave specific directions on declaration of an area of 10 km around Protected Areas as ESAs. Most state governments had not responded to the earlier orders/directions of the Court. The order clearly stated the need to notify the areas within 10 km of the boundaries of wildlife sanctuaries and national parks as Ecologically Sensitive Areas with a view to conserving forests, wildlife and the environment, and to give due regard to the Precautionary Principle¹². Presently, state governments are in the process of submitting their responses to the Supreme Court. Only Goa had sent its proposal to the National Board of Wildlife for its approval. But recently Haryana, Sikkim, Chattisgarh, Assam, Karnataka and Gujarat have also sent in their proposals to the MoEF. After all these plans are submitted by the state governments, they are sent to the Supreme Court for final approval. This matter is still pending with the Supreme Court.

The point is that despite apparent safeguards within existing ‘forest’ legislations, deforestation and ecologically harmful activities like commercial tourism and unrestricted urbanization continues in and around the designated PAs. On the other hand, communities who have now a legitimate right over forests often arbitrarily and illegally included in PAs, continue to be denied access to forests which act as their survival base.

The so-called participatory policies, for instance JFM, promoted by the forest department did nothing to undo this gross injustice; in fact they helped perpetuate it.

CHANGE IN LEGISLATIVE REGIME: WLPA AMENDED 2006 AND FOREST RIGHTS ACT 2006

WLPA amended 2006 and mainly Forest Rights Act, 2006 (FRA), however, marked a real watershed in the history of forest communities’ struggle in India. For the first time in the history of Indian forests, the Government of India through the Scheduled Tribes and the Other Traditional Forest Dwellers (Recognition of Forest Rights), Act (2006) admitted that *“forest rights on ancestral lands and their habitat were not adequately recognized in the consolidation of State Forests during the colonial period as well as in independent India resulting in historical injustice to the Scheduled Tribes and other traditional forest dwellers who are integral to the very survival sustainability of the forest ecosystem.”*¹³

After a prolonged struggle by forest communities and civil society groups in the wake of forest communities being evicted as encroachers as per the WLPA 1972 and FCA 1980, and heated debate in the Indian Parliament, this Act was passed to recognize and vest the forest rights and occupation of forest land in 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. The significant provisions of the 2006 Forest Rights Act include:

- Tenurial security and unimpeded access to forests for forest dwellers.
- Right to hold and live in forest land under individual or common occupation for habitation or for self-cultivation for livelihood.
- Right of ownership and access to collect, use and dispose of minor forest produce that has been traditionally collected within or outside village boundaries.
- Right to govern community forest resources
- Other community rights of uses or entitlements such as fish and other products of water bodies, grazing and other traditional resources accessed by nomadic or pastoralist communities.
- Rights of settlement and the conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests (whether recorded, notified, or not) into revenue villages.
- Right to protect, regenerate, conserve or manage any community forest resource that they have been traditionally protecting or conserving for sustainable use.
- Right of access to biodiversity and community rights to intellectual property and traditional knowledge related to biodiversity and cultural diversity

This Act empowers the Gram Sabha¹⁴ (the traditional village assembly) to play the pivotal role in ensuring the rights of forest dwellers and also in decision-making, planning and management. Functioning of the Gram Sabha is vested with the village-level Forest Rights Committee (FRC) (recording of rights part) and with forest management/government committee (forest governance part).

According to the Act, all forest rights vested through Forest Rights Act can be modified only in critical wildlife habitats established with full informed consent of the concerned Gram Sabha. Such critical wildlife habitats have to be identified in areas where it is clearly established that co-existence of human and wild life is not possible and there is no other alternative. Free and informed consent of the Gram Sabha will also be necessary in regard to any future resettlement of people using the CWH, and other consequences.

The Act overrides any other forest act in terms of implementation and interpretation. The Forest Rights Act is a step in the right direction not only in restoring wrongfully taken away age-old rights to forest communities, but also in protecting, conserving and ensuring sustainable use of forests and natural ecosystems. However, even though it came to force in January 2008, implementation has so far been very poor, primarily due to overt opposition from forest department which does not want to an end to its hegemonic control over forest areas. Officials of the Forest Department together with big wildlife NGOs have been trying to pose umpteen obstacles to this Act from the very first day. This is the reason why the Forest Department still recognizes the Joint Forest Management Committees – the Forest Protection Committees (FPCs) in their official documents and reports, instead of Committees formed by Gram Sabha for forest management purposes as per the Forest Rights Act 2006.

While Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) does not specifically mention tourism or such commercial/industrial activities, Section 5 of FRA empowers holders of forest rights to stop any activity that has detrimental impact on the wildlife, forest, biodiversity of the area and negatively affects their natural heritage and culture. With ample examples of negative impacts of tourism on environment and lives of local communities, Section 5 of FRA needs to be interpreted for making Grama Sabha approval mandatory for tourism and other development projects.

The WLPA 2006 provides that relocation and or eviction of communities using and residing in Protected Areas cannot be done without Gram Sabha consent, and until the rights settlement process has been completed.

II. THE PRESENT STUDY OF FOUR PAS IN SOUTH INDIA:

The Western Ghats, a mountainous ridge running parallel to the west coast of India's peninsula, has a rich history. They are believed to be 150 million years old, and have seen variations of climate that have helped shape the geology and soils of the hills.

It extends along the west coast of India, covers an area of 160,000 square kilometres¹⁵ and is one of 34 global biodiversity hotspots for conservation¹⁶ (the Western Ghats and Sri Lanka are the two on the Indian subcontinent, the third being the Himalayas).¹⁷ The Western Ghats, also known as the Sahyadri Hills stretch for 1,600 kilometres along the west coast of India, interrupted only by the 30 kilometres long Palghat Gap, through the states Kerala, Tamil Nadu, Karnataka, Goa, Maharashtra and Gujarat. About 60% of the Western Ghats is in the state of Karnataka.

The area is extraordinarily rich in biodiversity. Although the total area is less than 6 percent of the land area of India, the Western Ghats contains more than 30 percent of all plant, fish, herpetofauna, bird, and mammal species found in India - over 5,000 flowering plants, 139 mammals, 508 birds and 179 amphibian species. Like other biodiversity hotspots, the Western Ghats has a high proportion of endemic species. At least 325 globally threatened species

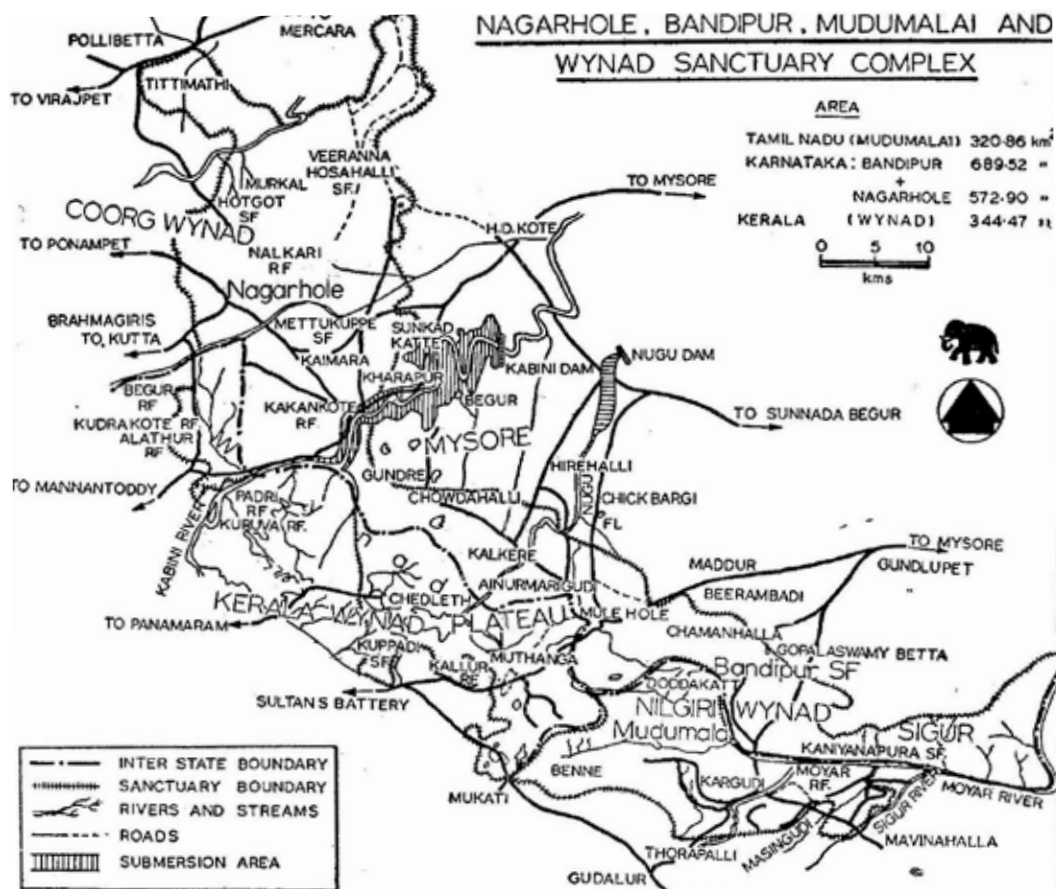


occur here. The region also has a spectacular assemblage of large mammals and is home to several nationally significant wildlife sanctuaries, tiger reserves, and national parks. The Western Ghats contains numerous medicinal plants and important genetic resources such as the wild relatives of grains (rice, barley, *Eleusine coracana*), fruits (mango, garcinias, banana, jackfruit), and spices (black pepper, cinnamon, cardamom, and nutmeg).¹⁸

In addition to rich biodiversity, the Western Ghats is home to diverse social, religious, and linguistic groups. There is high cultural diversity of rituals, customs, and lifestyles in the region including a significant population of adivasis and other forest dwellers. The ecosystem provides important services for human well-being, such as clean air and water, flood and climate control, and soil regeneration, as well as food, medicines and raw materials – and the dependency on it for livelihoods, cultural and spiritual sustenance is high.

In this region lies the contiguous forest areas of Nagarhole, Bandipur, Mudumalai and Wayanad. These along with Satyamangalam Wildlife Sanctuary and Biligiri Ranganatha Temple (BRT) Wildlife Sanctuary form the largest continuous stretch of forest areas in South India which is rich in its history, biodiversity and where the majority of the adivasi communities live.

The current study focusses on the four Protected Areas¹⁹ of Nagarhole, Bandipur, Mudumalai and Wayanad also referred to by the State at Rajiv Gandhi Tiger Reserve, Bandipur Tiger Reserve, Mudumalai Tiger Reserve and Wayanad Wildlife Sanctuary. Below is map of the region.²⁰



METHODOLOGY

This study was undertaken by a team of researchers representing AIFFM, EQUATIONS and a senior activist from Wayanad. It was envisaged that the study process would facilitate the coming together of various organizations and movements on the issue of forest governance. The research format conceived of was action research, where outreach, mobilization and research went hand in hand. The culmination of this research process, was a regional consultation where all groups met during the course of the study were present to formulate a strategy for the future in the context of the findings of the study.

The field visits for the study were undertaken between September 20 – October 1, 2012 and the consultation was conducted on December 21 – 22, 2012 at Gudalur, Tamil Nadu. (The consultation report is annexed as Annexure I)

OBJECTIVES OF THE STUDY WERE:

- To document and assess the status of forest governance in the study area
- To help mobilise on the issue
- To understand linkages between forests, forest governance and tourism in the study area

TERMS OF REFERENCE FOR THE STUDY WERE:

- Status of implementation of the FRA in the NPs and WLS – settlement of rights of the forest dwellers.
- Condition of the forest dwellers in and around the PAs including the Tiger Reserves.
- Major violations as per the FRA and the WLPA in the PAs.
- How far have the Critical Wildlife Habitat (CWH) guidelines applied; whether Critical Tiger Habitat (CTH) guidelines and implementation violate the CWH guidelines and the provisions of FRA.
- How far have the NPs, WLS and CTHs benefited the conservation of forests, wildlife and biodiversity - data on forest land diverted, shrinkage in forest land, poaching, impact of tourism, biodiversity loss, regeneration.
- Identification of and interaction with groups and individuals active in the struggle for the rights of the forest dwellers in the PAs.
- Intervention, if any, of the political parties - the panchayats and other local bodies.
- Views of the forest department on the need for creating more PAs in the current context.
- The logic extended by the conservation groups.
- Status of tourism and its interactions with the Forest Department in the NPs and WLSs.

The research team met the following categories of people during its visit.

- Village Communities
 - Elected Representatives
 - People's movements
 - Non-Government Organisations (NGOs)
 - Park Directors/Park Administration
 - District Administration
 - Representatives of political parties
-

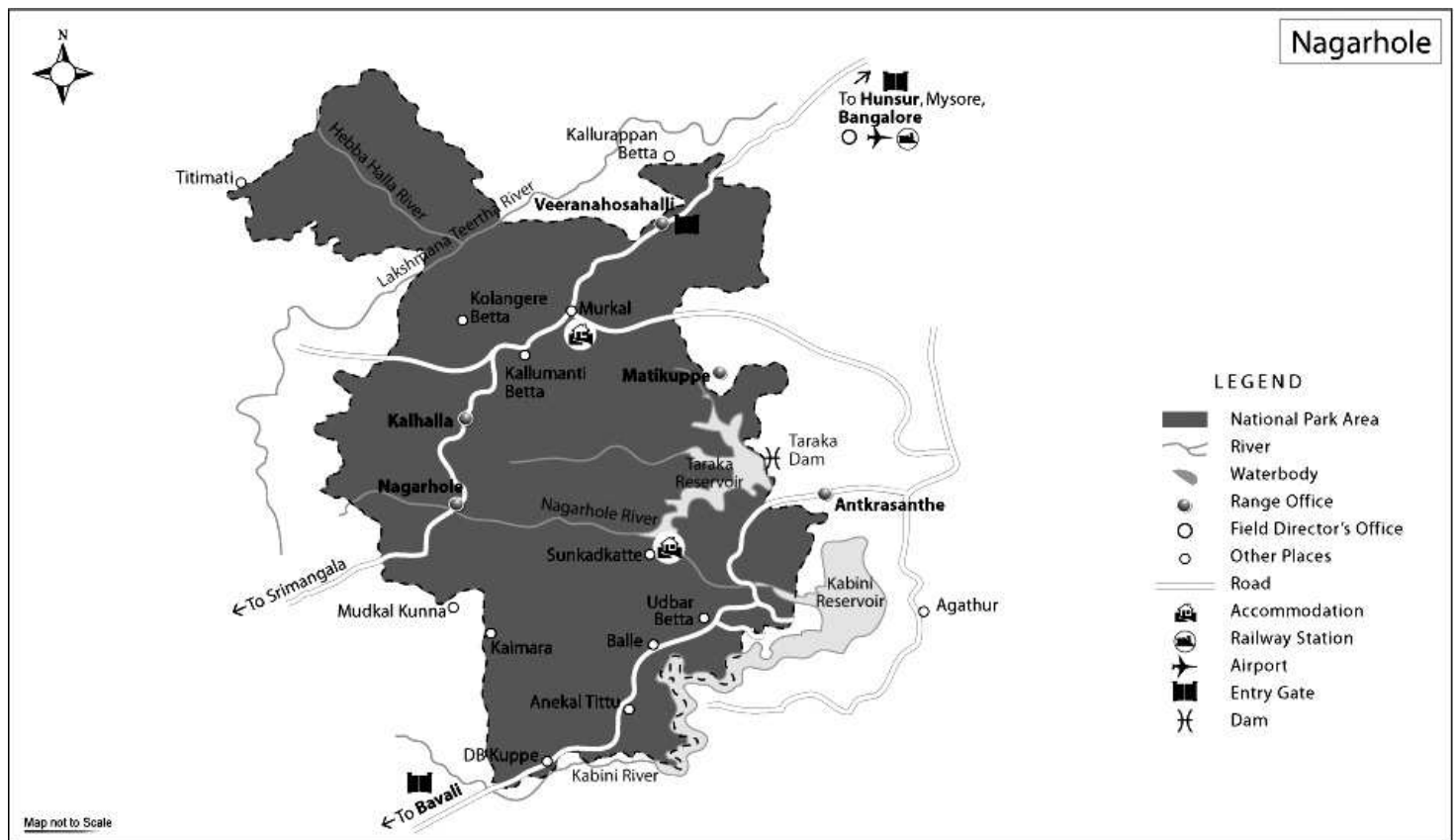
CASE STUDIES

CASE STUDY I: NAGARHOLE

ABOUT THE REGION

The Rajiv Gandhi National Park (known more popularly as Nagarhole National Park (NNP)), which was a Wildlife Sanctuary from 1955, was declared as a National park in 1983 and later notified as a Tiger Reserve in 2008 - 2009. The total area of the Tiger Reserve is 1205.76, with the core area being 643.35 sq. kms. and the buffer area being 562.41 sq. kms. The Park is located in the Kodagu and Mysore districts of Karnataka²¹.

As reported to the Lok Sabha on December 12, 2011, 45 villages (1353 families) live in the core area and 86 villages (16896 families) in the periphery of NNP²². Below is a map depicting the core area of the NNP.



<http://thelastwilderness.org/destination/nagarhole-tiger-reserve/6/>

HISTORY OF FOREST GOVERNANCE

Rajiv Gandhi National Park was declared a Tiger Reserve in 1983. The first round of displacement from the Tiger Reserve took place in the early 1990s, when about 350 adivasi families were forcibly evicted. As was the case at the time, there was no compensation for loss of land and livelihood. According to the people living in and around NNP, between 1999 – 2002, another 250 families were relocated. In the early 2000s, about 50 of the relocated families received 1 lakh as compensation for being displaced. Of these, 27 were permanent employees of the forest department.

Since 2008, the National Tiger Conservation Authority (NTCA) has increased the amount of compensation to Rs. 10 lakhs per family. According to the Centrally Sponsored Scheme (CSS), each family as well as each adult son and daughter in the family is eligible for the Rs. 10 lakh compensation, more often than not resulting in a family receiving 40-50 lakhs. These large sums entice people to accept the package and leave the forests. Where money does not lure the local communities, promise of cultivable land and new pucca homes does. In many instances where people have accepted the cash compensation package, they have ended up labourers in the coffee plantations in the Kodagu district.

This is because adivasi communities do not have the skills to manage money such that it can be used for their livelihoods since their worldview is linked with the forests and agriculture rather than with capital. Therefore in effect like in most cases this so-called 'voluntary relocation' becomes a sham.

At the rehabilitation sites, the quality of houses built by the forest department is poor, with houses collapsing within 2 years of it being built. In other cases, basic necessities like houses have not been provided for, but the people have been given cattle. Adivasi communities who did not use fertilizers in the past are now forced to use them to improve immediate productivity of the land, therefore affecting the soil. Some of the lands have already become barren, due to excessive application of chemical fertilisers. The people of Shettahalli reported that in the early 2000s, 10 people died within the first year of being displaced including 1 child.

The formation of the core and buffer areas of the Tiger Reserve has not followed the procedure as mandated by the WLPA, 1972, according to which:

1. Scientific studies need to be conducted to identify the core and buffer areas
2. Co-existence needs to be proved before displacement
3. Gram Sabha consent is required before declaration of core and buffer

However, in accordance with direction received from the Supreme Court in the case of Ajay Dubey vs. National Tiger Conservation Authority & Ors. (SLP (Civil) No (s). 21339/2010), the Park officials have declared core and buffer areas without taking into consideration the impacts of this on the local communities and the decisions of the Gram Sabhas. In fact there has been an attempt to declare an Eco Sensitive Zone (ESZ) in a 5 km radius around the Park. The N. Belthur panchayat has received a letter from the forest department asking it to pass a resolution that the panchayat is willing to be within the ESZ and that they will cease all agricultural activities and grow forests on their lands. A copy of a similar resolution already taken by Antarsanthe panchayat was attached to the letter. The Gram Sabha has decided that it will not pass any such resolution, as they are against the creation of an ESZ in the region.

Joint Forest Management (JFM) continues to be implemented in the region and most villages have both Village Protection Committees (VPC) and Forest Rights Committee (FRC), with the FRC largely playing a post office role for filing individual claims and none of the other rights as reposed by the FRA devolved to it.

Communities met, shared that adivasis have never caused destruction of the forests and that traditional food, agriculture and health practices have always been sustainable. They mentioned that adivasis have always respected the forests as they are dependent on them for food, shelter, medicines and other daily life needs. The destruction of the forests began with the forest department cutting down the forests and replacing them with plantations like that of Acacia which has destroyed the biodiversity of the area. All this has had further impact on the climate influencing the quality of air, soil and water, ultimately negatively impacting agriculture.

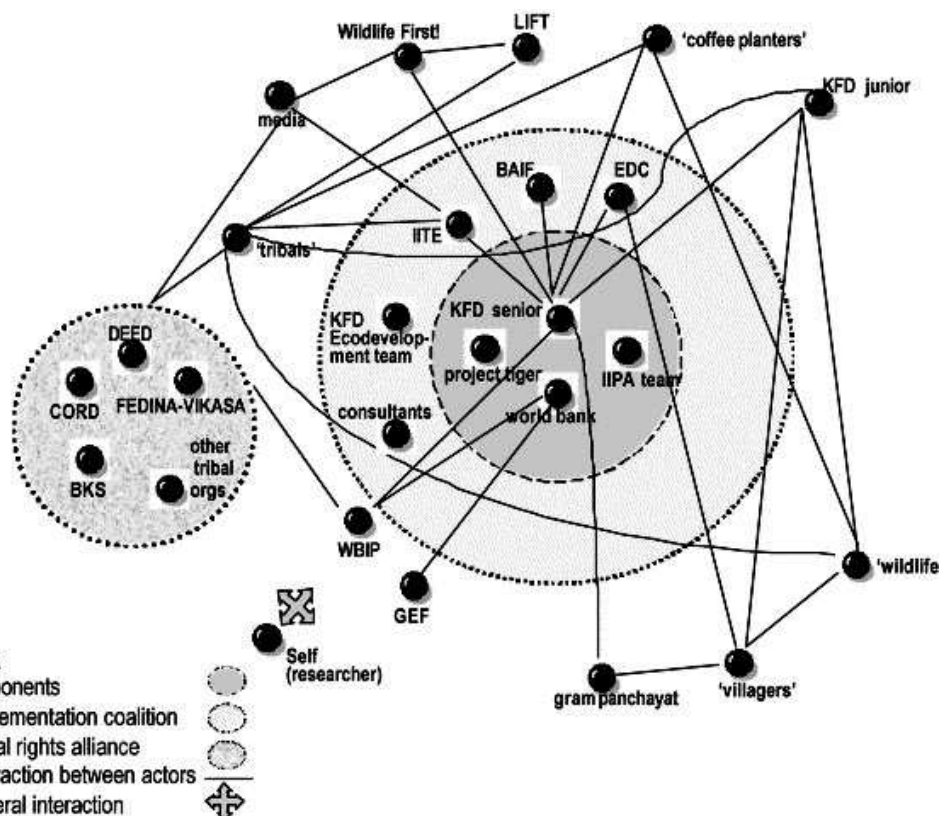
Nagarhole has been a site for experimentation of tiger conservation for many wildlife biologists, conservationists and conservation organisations. Tiger conservation research as we know it today has its roots in the research carried out by Dr. Ullas Karanth in the forests of Nagarhole. The adivasi claim that several tigers have died as a result of tranquilliser overdose or its after effects. After the tiger revives from the effects of the tranquilliser, it is sluggish for 4-6 hours. If it is attacked during this time, it is unable to defend itself and has therefore died due to injuries.

The villages in and around the Park continue to be harassed by the forest department. People continue to live in fear because of false cases regularly filed by the forest department against the villagers.

According to one community leader, it is important that the government focusses on the improvement of life, livelihood, culture, health, conservation of the forest and education.

The practise of bonded labour continues to thrive in the region, especially in Kodagu district. Landlords take away the ration cards, voter IDs and other important documents of labourers on the pretext of keeping them safe. However, the ration is collected by the landlords who then portion this out to the labourers. Wages are low, not given in a timely manner or not paid at all as they are adjusted against loans taken.

The adivasi communities have traditionally cultivated inside the forests without



A diagram of the interactions of different players in the Nagarhole Tiger Reserve Region²³

clearing them. A system of agriculture called 'kittane bittane' is practiced where the crops are cultivated between the trees.

Yet, over the past 2-3 years, the forest department has curtailed agriculture in and around the Tiger Reserve in an attempt to allow the forests to 're-generate'. Therefore many patches of land used for agriculture seem overgrown with bushes and like forest land.

CURRENT STATUS

Malladhaadi – This hamlet is part of the N. Belthur panchayat. It was submerged in 1974 when the Kabini dam was built and the village was rehabilitated to its present location by the government, which is located inside the core area of the NNP. Attempts were made to remove the hamlet from the core area, but the majority of the families have resisted this. While 10-12 families have accepted to be rehabilitated and have moved to Sheththalli and another 12 families are now in Solleपुरa, 93 families continue to remain in the hamlet.

The hamlet faces significant amount of man-animal conflict, with the main impact on agriculture. The ragi, paddy, pulses and vegetables that are grown, are distributed among the families in the hamlet itself and not sold. Ever since there was an intention to notify NNP as a Tiger Reserve, the forest department has been putting pressure on the people of the region to not grow crops which attract animals. They have also generally limited the amount of land that the people cultivate and have forced them to leave their land fallow, which is now overgrown with trees. The motivations behind this and the impact are visible today. When the people have filed claims under the FRA, these lands left fallow are not being recognised. Only those lands which seem to be cultivated have been granted to the people.



Villages caged in with electric fences

The people used to collect NTFP like gooseberries, fruits and other medicinal herbs, which they used to sell for money. This has been stopped by the forest department. They are now only allowed to collect and sell moss that grows in this forest and has a market as it is used in the dyeing industry. The people collect much less fire wood at a time since large quantities attracts the ire of the forest department. The biodiversity in the forests was much richer before the declaration of the Tiger Reserve in the late 90s, early 2000s. The people used to harvest NTFP in a sustainable manner.

The panchayat provides drinking water, housing and other amenities only to the hamlets outside the core area of the Tiger Reserve, therefore there is no government run school in the hamlet. An NGO supports a school which has 14 students and 1 teacher. When the people cut bamboo for building the school structure, a case was filed, which is still going on in the local court. The biggest problem that the hamlet faces is the solar fencing that the forest department has put all around the park. The hamlet is therefore fenced in which gives the people a feeling of being imprisoned in their own village. Further, many people from the hamlet have been injured as they have accidentally touched the fence as it is not visible in the dark.

Forest Rights Committee has been formed with 10 men and 5 women, which meet every month. All minutes are well maintained. 100 rights applications have been filed but only 70 have been approved. While the papers are ready, the villagers have not accepted them as the amount of land recognised for each person is much less than what they claim is theirs. Despite the communities stating that the rights have not been accurately recorded, once these papers were ready, deep trenches were dug by the forest department all around the hamlet, making it difficult for the movement of the people. This further impacts the community forest rights of the hamlet, a claim for which has been filed. The rights paper that was prepared mentions the hamlet to be that of village N. Begur, when in actuality it is a hamlet of N. Belthur.

Udboor Haadi– This village has seen multiple relocations and displacements. The last time they were displaced was when the Kabini dam was built. Waters reached their doorstep and though the village itself was not submerged, the access road was and they had to therefore abandon the hamlet and have since lived where they currently are. The village did not receive any compensation or rehabilitation for this. Today they are being asked to move from here as the forest department claims that it is in the core area of the Tiger Reserve.

The hamlet which is a Jenu Kuruba hamlet, traditionally a collector community and not a farming community, are not allowed to collect NTFP anymore to sell in the market. This has affected their livelihood significantly. Most of the people in the hamlet work on coffee plantations for daily wages in the neighbouring Kodagu district.

A hamlet level Forest Rights Committee has been formed and claims have been filed. There are 38 families in the hamlet, but land owned by 15 families was surveyed by the forest department, quoting the reason that the others did not have voter cards. The papers on individual rights

records the community as being Erava and not Jenu Kuruba and the people have therefore not claimed the papers. Amount of land recognised is also much less than what is rightfully theirs.

Sunkanakatte

This village was relocated by the forest department 35 years ago and were resettled as a hamlet in Antarsanthe, which today comprises of 60 households. The forest department's justification for the relocation was that the adivasis were causing harm to the forests and therefore had to be relocated outside the forest areas. However, the people of Sunkanakatte are of the opinion that the biodiversity of the forests was much better before they were relocated as poachers of animals and trees were much more cautious when there were villages inside the forests.

At the time of relocation of the village, the forest department had granted permission for each family to cultivate 1 acre of land, which was not recorded in any formal manner. However about 4-5 years ago, the forest department reclaimed the land and disallowed farming. Today, when the village filed individual claims (54 claims have been filed) under FRA, their claims were rejected on grounds that they were not cultivating the land. Community rights to community resources inside the forests have also not been granted.



Garbage in Udboor Haadi thrown by tourists. This is on the periphery of the core



Sunkanakatte settled in the Antarsanthe Panchayat 35 years ago. The community's original homes were inside the forests

Shettahalli

With the declaration of the Tiger Reserve, and the ensuing relocation of villages from the core area, the forest department has identified lands of Shettahalli to create a colony for those displaced. Currently 119 families from different hamlets have been settled in this colony. Of these, 100 families were displaced from Kaankankote in 2007. People of both Shettahalli and the resettlement colony have been allowed NTFP collection from the nearby forests for use but not for sale. The people of Shettahalli reported that State atrocities towards adivasis has been high. Hamlets have been burnt. The people alleged that more recently Majanakuppe Haadi was burnt down by the forest officials in an attempt to evict the haadi as they were unwilling to be displaced. They continue to live there as they have refused to leave their homes and land. The people also reported that women have been sexually assaulted. Another example of atrocities is the case when some people from GM Haadi who went to collect NTFP have been tortured and false cases have been filed against them. Though there is a high prevalence of bonded labour the State claims that only 18 cases have been recorded. They have been warned against joining and participating in adivasi struggles, which if not heeded to would result in cases being filed against the adivasis. The people have therefore been coerced into silence.



The original Shettahalli village where the colony for rehabilitated people is has been created

Nallikere panchayat

The Nallikere panchayat covers 3 villages and 9 hamlets: Villages - Nitooru, Kotagiri, Hathugattu Aranya and hamlets - Kolihaadi, Quartershaadi, Thatekere haadi, Moorkallu, Kumberkatte, Betteguchi, Kolengere. This panchayat is located in the Kodagu district of Karnataka. The adivasi communities living in the hamlets work on the coffee plantations owned by the Kodava community. A total of 122 claims for individual rights have been filed. The office bearers of the panchayat who are non-advasis claim that they were unaware of the community rights. The panchayat is not allowed to conduct any development work or create any infrastructure including schools and medical centres in the adivasi hamlets as they are inside the Nagarhole Tiger Reserve.

Nagarhole Haadi

Nagarhole Haadi is a hamlet of 60 families. Until now 48 families have filed claims for individual rights. The survey has been completed and GPS markings have also been made. However, the land rights papers have recorded much less land than the claim filed for. People have therefore refused to take the papers. Now the people have filed claims for community rights, the map of which includes all the areas that were

traditionally used. terms of access to basic entitlements, the school is 8 kms away. Transportation is a problem as the hamlet falls within the boundaries of the core area of the Tiger Reserve.

Status of FRA implementation

1. In H.D. Kote district, a total of 8180 individual rights claims have been filed, out of which 4780 claims have been accepted. A total of 1680 claims for community rights have been filed but none of them have been accepted.
2. In many hamlets, officials from the forest department have filled in Forms A and B on behalf of the people, without following due process. Area of land cultivated and forests used by the communities were randomly recorded and much less than was actually used.
3. GPS is used to measure land for the settlement of community forest rights. The government states that as they do not have the necessary equipment, they are unable to process these claims. GPS is needed for individual rights also, yet, the surveyors were bribed by some of the other forest dwelling communities who have received more land than they are entitled to.
4. The adivasi communities have not been part of the measuring of land and they have opposed the process adopted. For e.g. in one instance, a person who owned 7 acres of land and had 2 adult sons, was not given any rights. Instead the two sons were given 3.5 acres each. The family has refused to accept the rights granted. At Kakkabe, only the watcher and guard of the Tittumatti range conducted the survey.
5. The problem at Nagarhole is doubled with it being a Tiger Reserve. Once the papers of individual rights have been prepared, the hamlet is caged in as deep trenches are dug around it.
6. As a result of leaving the land fallow based on orders by the forest department, these lands have become overgrown with bushes. During the surveys for the FRA, instead of recording use as reported by the people, the forest department has only considered land currently under cultivation as land being used. The papers granting individual rights have therefore recorded land much less land than that which has been cultivated in the past. For e.g. in one of the villages, 3 hamlets own a total of 610 acres. 116 claims were submitted but only 27 claims were surveyed amounting to only 150 acres.
7. Evaregudha Haadi is 2 kilometres inside the reserve forest area. The community has submitted 42 applications for individual rights and only 17 applications have been accepted.
8. Many of the adivasi communities were under the impression that securing community rights was enough and that there was no need to



The village has declared the rules under FRA and displayed them at the entrance of the village

- claim individual rights – this is especially important in the context where people have moved from the interior parts of the forests to the periphery and whose claims for community rights do not ensure land for agriculture and homestead.
9. In the Kodagu part of Nagarhole, many of the adivasi communities work on the plantations owned by the Coorgs. In one of the Panchayats, while individual claims have been approved and sent to the Sub-Division Level Committee (SDLC), community claims have not been filed. The panchayat members whom the research team spoke with, feigned ignorance about community rights. Yet, it was clear that they were not in favour of adivasi communities receiving their rights as this would change the hierarchical dependency that exists in the region.
 10. There is little information on the status of FRA implementation in the context of those adivasis who are living in the plantations for decades now but who might have been living in the region much before the settlers (plantation owners) came.
 11. While there is a provision for training of communities on FRA, there have been only 3 such programmes conducted in Kodagu district since 2006. There is a clear intention to keep communities in the dark about all the aspects of the Act.
 12. In Kodagu district some people have received individual rights for 2-5 acres of land. However, many of the adivasi communities are landless and are therefore do not benefit from the Act.
 13. One of the challenges in filing claims for individual rights is the cost involved (the people need to submit a caste certificate as part of the process. If they do not already possess a certificate and it has to be made, large sums are needed to be paid as bribe), which is limiting. Though there is a provision that the district administration should provide financial support for people to put together supporting documents, this is not being done.
 14. Though the individual rights that have been granted are much less than what people are entitled do, some have decided to accept them as they fear that they would lose even this piece of land that they have received rights for.
 15. 34 CFR claims are ready to be distributed. But all of them have issues in them e.g. name of the hamlet /land measured is incorrect.

INTERVENTIONS BY DIFFERENT STAKEHOLDERS

People's Mobilisations

The Nagarhole region has had a long history of resistance against the state and its policies. The 80s especially saw a lot of mobilisation around issues of land and labour. The issue of labour has strongly been raised in and around the Nagarhole National Park especially in the Kodagu district due to the bonded labour like situation which existed in the coffee plantations. There are 3 big dams (Kabini, Nugu, Taraka) built in this region, which has caused significant displacement. Along with impacts on livelihoods, there has been impacts on the health of the communities and access to basic rights like education and housing. Displacement from the Nagarhole National Park started in the 1970s. Rehabilitation has not been done in keeping with the lifestyle and realities of adivasi communities. Progressive laws like the FRA have come much later and the communities have had to struggle to get recognition of rights that were not honoured in the past.

- Out of this mobilisation, there are today 5 important civil society organisations working in and around the Park:
- Budakattu Krishikara Sangha (BKS)
- Coorg Organisation for Rural Development (CORD)
- Development Through Education (DEED)
- FEDINA - VIKASA
- Nisarga Foundation

Issues like the construction of a resort by the Indian Hotels Company Limited (IHCL), the formation of the Tiger Reserve have been raised. A Public Interest Litigation (PIL) was filed in the High Court of Karnataka demanding that all families who have been repeatedly displaced by the various dams and the creation of the Tiger Reserve receive land in compensation for what they have lost. A survey was conducted and a list of 3000 families was submitted during the course of the hearings of the case. The PIL was filed in 1999, with the High Court issuing a positive order in 2011, wherein the 3000 families identified will receive land.

NGOs

Soon after the compensation for people displaced due to the formation of the Tiger Reserve was announced, an NGO was set up by some conservationists to facilitate the process. Living Inspiration for Tribals (LIFT) is headed by ex-forest ranger Chinappa. Another organisation, Bharatiya Girijana Sikshana Samasthe was also formed by Ullas Karanth and Chengappa, both conservationists. This organisation researches on tribal language.

Before 2008, when the compensation for being displaced was Rs. 1 lakh per family, LIFT got a commission from of Rs. 10000 for every family they successfully rehabilitated. This was deducted from the compensation amount to be paid to the family.

IMPACTS OF AND LINKAGES BETWEEN TOURISM AND FOREST GOVERNANCE

In the context of tourism impacts on adivasi communities, two scenarios were presented by the people - either that there is no direct interaction of the tourism industry on the communities or there are negative impacts. In the region around the Kabini reservoir where the jeep and boat safaris are conducted, the people have found that there is a negative impact. Due to the safaris, the forest guards are over cautious about people entering the tourism zone (which is claimed not to be a part of the core zone of the Tiger Reserve and therefore need not be inviolate). The reason they do this is that they believe that with human movement in the tourism zone, animals, especially the tiger will not roam around freely, affecting the sighting of the animal to the tourists. Tourists are told that the core area of the Tiger Reserve has to be free of human intervention, however, they do not know its boundaries. Therefore if tourists see any adivasi collecting firewood or is even seen in the forests during the safari this is reported to the forest department. They also take photographs of the people they have seen who are then harassed by the forest guard.

In the case of the boat safari, very often boats have destroyed nets laid by the fisher people thus causing high monetary loss.

The villagers shared that animals are provoked to ensure that the tourists experience is maximised. This has altered the behaviour of the animals and is also a cause in increasing man-animal conflict in the region.

Land alienation is another important impact of tourism in the region. The first resort to be built in the region was in 1990. However, increasing popularity of wildlife tourism has over the past 10 years led to an increase in the number of resorts and lodges in the region leading to the commercialisation of land. The villagers claim that only 10% land has not yet been sold in the region.

The dalit communities for e.g. are very antagonistic towards the tourism establishments in the region. In some resorts there is overt casteism being practised on the campus as people from the dalit community are given traditional jobs like cleaning bathrooms and toilets.

Once the Nagarhole forests were declared a Tiger Reserve, people living inside the forests were displaced and restrictions imposed on those living in the periphery of the forests. An important economic activity – grazing of cattle - was banned as was the collection of fire wood for the local communities who include adivasi and dalit communities. Along with collection for consumption, collection of NTFP to sell in the market and also for medicinal purposes was an important activity for the adivasis, which also was banned. Over a period of time, adivasi communities have moved to settled agriculture by clearing a small patch of forests for farming. However, not all adivasis have legal entitlements to these lands which has depended on first the king/emperor who ruled the region, the British and now the Forest Department.

Owning cattle for milk was another important activity of the people in the region. With the forests being closed to grazing, many of the people have had to over a period of time, reduce the cattle head they owned as they cannot afford to purchase fodder in large quantities.

Dalit communities have traditionally not been allowed to own land. They have been earning their livelihood as agricultural labourers. Since the boom of tourism in the region, several companies/individuals have purchased land to construct resorts or for farm houses. This has reduced the area under agriculture significantly thereby impacting the dalit communities who have now have to seasonally migrate out of the region in search of work.

The panchayat is entitled to collect taxes from commercial enterprises in its jurisdiction. The N. Belthur panchayat, which is where the majority of the tourism development is, has maintained land transactions and tax details in a systematic manner.



A well known resort on the banks of the river Kabini



A gated resort on the banks of the Kabini

Below is a list of tourism establishments in the jurisdiction of the panchayat, as per details collected during the visit:

SL.NO.	NAME OF THE RESORT	SELLER	BUYER	DATE OF TRANSACTION	SURVEY NUMBER	PRICE	LAND	TAX PAID TO GRAM SABHA
1		Madayya	Property gifted to the sons.	5.11.2004	55/P2	90,000,00		Not given
2	Cicada	A. Ashok, Karapura Village	M.S Keshav (Kabini river plantation)	16.10.2006	60/1, 57/1, 57/2, 60/4	7,50,000	Total 23,204 sq ft, converted Agriculture land to Non agriculture land	72,339
3	Bush Betta		Saad Bin Jang	1.04.2008			Temporary 6090 sq/ft, permanent 2240 sq/ft	1,13,441
4	Ant Hill Development Pvt Ltd		Sheshadri	10.07.2009	60/3		4 acres	Not given
5	Kabini Holiday Homes Pvt Ltd	T.G Ramesh S/o T.G Govindan (Gift)	T.G Ramesh (Gift by father)	04.03.2010	56/122, 55/P2	604800	2 acres and 5 guntas	Not given
6	Water Woods	Sri Sundaraj Karapura Village	Sri Ram	13. 10.2010		5,16,772	4 acres and 13 Guntas	40,140
7	Jungle Lodges and Resorts			30.4.2011			19.35 Ha	Not given

According to CORD, in the Kodagu district there are 850 homestays. They also said that several big firms from Mumbai are looking to invest in the region including the Club who are known for their timeshare holidays. The forest department has been giving clearances for the same.

In terms of governance of forests, the adivasi communities feel antagonistic towards the forest department as tourists are allowed to enter the forests by paying a small fee just to see the tiger and elephant, but people who have been living there for centuries and whose lives are dependent on the forests are made to leave them.



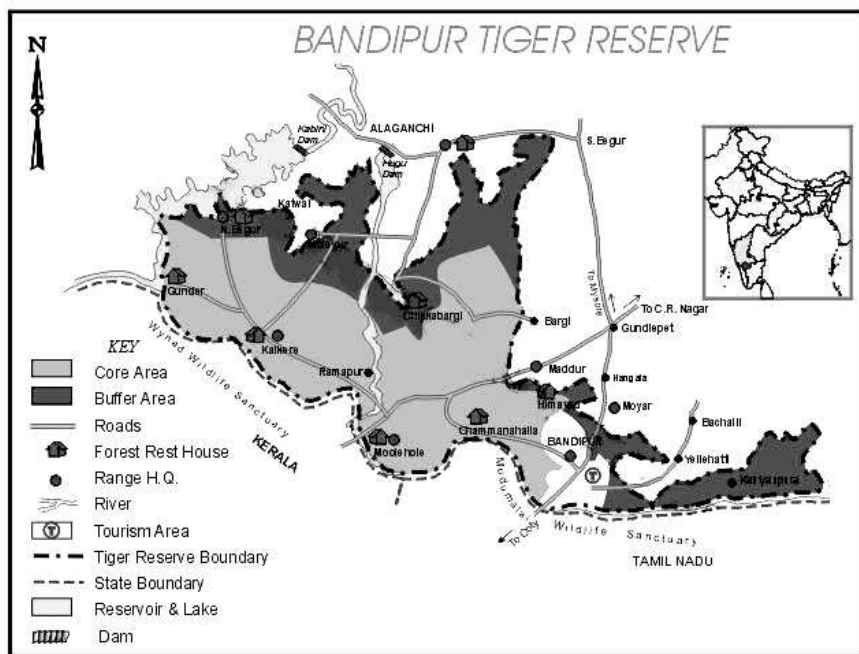
CASE STUDY II: BANDIPUR

ABOUT THE REGION

Bandipur spread over Mysore and Chamrajnagar districts, is part of the contiguous forest areas of Nagarhole, Mudumalai and Wayanad. While it was declared a Tiger Reserve in 1973, the core area of 872.24 sq. kms. was notified on December 20, 2007. The buffer area is 584.06 sq kms. making the total area of the National Park 1456 sq. kms. There is a national highway cutting through the reserve, which connects Karnataka and Tamil Nadu. According to the NTCA, there are no villages inside the core area. People reported that there are 20 hamlets on the periphery of the National Park, some of whom are facing the threat of eviction due to the proposed elephant corridor (discussed in the next section).

HISTORY OF FOREST GOVERNANCE

Like Nagarhole, the adivasi communities living in Bandipur are: Bettakuruba, Jenukuruba, Yerava and others. They have been the traditional custodians of the forest. The history of dispossession of adivasi communities is similar to that in the other PAs. However, in the recent years, there has been concerted efforts to further marginalise the adivasi communities in this region. According to the NTCA web page on the illegal Bandipur Tiger Reserve²⁴, the core area is mentioned as 523 sq kms, buffer as 357 sq. kms taking the total to 880 sq kms. Compare this with what the NTCA claims as being notified in December 2007 and it seems that what was the total area of the Tiger Reserve as declared in 1973 has been notified as the core and an additional area carved for the buffer. Incidentally, the notification of the core area came 10 days before the FRA was passed, which indicates that the government passed this declaration so that as much forest land may be outside the purview of the FRA. Though the government claims that there are no villages inside the core area, the people claim that there are 13 hamlets inside.



<http://projecttiger.nic.in/bandipurmap.htm>

Adding another layer of conflict to the issue of the Tiger Reserve, is that of the elephant corridor. People have been resisting the inclusion of their villages in the corridor and while admitting that elephants do go through the region, the area currently demarcated is wider than what the elephants use and is therefore inaccurate. The people have shared that it seems that the forest department's motivation is to create more and more inviolate spaces.

Citing the National Board of Wildlife's (NBWL) decision of 21st January 2002 and the Supreme Court's order of December 6, 2006, Bandipur National Park notified its Eco Sensitive Zone in October 2012. The ESZ covers a geographical area of 479.18 sq kms and there are 123 villages inside the Zone. That a process to declare the ESZ was known to the villagers but there was complete confusion on the implications for this on their lives. For e.g. some villagers were of the opinion that they would not be able to collect firewood for consumption. The forest department has not taken any steps to clarify what the implications for local communities would be, seeming to imply that they would then be able to continue to enforce restrictions on the activities of the local communities.

CURRENT STATUS

Baratvaadi Haadi

This hamlet is located on the periphery of the Bandipur Tiger Reserve. They have been relocated here after being displaced twice before. Forest Rights Committee has been formed. Several of their cultural practices have faded away because of repeated displacement. Today this hamlet does not have very many linkages with the forest anymore. The village has filed for CFR.

Maguvinahalli

This is a Jenu Kuruba village. This village has seen displacement twice before coming to the present site from the Gowrikal Betta region. At the time of resettlement each family was given 1 acre of land. While this village was displaced from Gowrikal Betta, one Siddiqui from Bangalore has purchased 38 acres of land and has



The villagers receive rotten rice infested with worms through the PDS

developed the property as a mango orchard. However, out of the 34 families who received land, only 12 have received pattas for the same. Community resources like graveyards are within the Bandipur Tiger Reserve and they do not have access to the same anymore. While some people have been allowed to go to the traditional spaces, this is done in an ad-hoc manner, with many who are not allowed to go. There used to be a school here, which was shut down 2 years ago. The hospital is 8 kms away. Transportation is a problem as there are no buses which ply to this village. The Jenu Kuruba community have been gatherers and hunters and do not practice agriculture. With the creation of the Tiger Reserve, this community has been most affected. With no space to collect forest produce, they have reached abject levels of impoverishment.



Villagers sharing their opinion about the Elephant Corridor issue and FRA

Kanniyanapura Colony

This is predominantly a Soliga adivasi village. As the name suggests, it is a colony of a village which was in the interior forests of Bandipur and who have been displaced and settled at the current location, just inside the Tiger Reserve. Recently this village has been identified as being within the elephant corridor and there are attempts to further displace them outside the Park boundaries. The traditional places of worship are deep inside the forests, where they are not allowed to go.

The community is not able to access any of the resources that they have been dependent on for centuries like roots, leaves, fruits, herbs and firewood. Though in the buffer area of the Tiger Reserve, where such restrictions are not legal, they have been imposed for the past 2-3 years. The people are now demanding that they not be removed from their current lands and that they receive titles to these. They also want access to places of worship and other community resources which are inside the forests along with access to NTFP for consumption.

This village is located not far from the area of tourism development. The villagers say that they were removed from inside the forests as the forest department claims that it is because of the adivasi communities that the smaller animals are being killed for their meat. The villagers however say that the resorts sell and consume deer meat and not the adivasis. While it is true that in the past adivasi communities did consume deer meat, it was done in a sustainable manner. Since the enactment of the WLPA, there is fear in them, because of which they have stopped this practice. The forest department in an attempt to 'regenerate' animal habitat, is trying to convince village communities to not grow food grains but such trees as are beneficial for wild animals.

This village has been allotted 200 acres, which the village is yet to receive. The community is struggling to get this land. They feel that they do not need the FRA if they get the promised 200 acres as the process for FRA is much more complicated.

Manchahalli

This village of 21 families and its forests are in the Karnataka – Tamil Nadu – Kerala border and is within the buffer area of the Bandipur Tiger Reserve. Like all villages in the region, the communities in this village have traditionally been gatherers and have depended on the forest. With the loss of access to forests, it has affected their food intake, and often eat only 1 full meal a day, if at all. This village was also relocated from within the forest areas (they do not know why they were displaced the first time) to where they currently are. There is a move to remove from here as well, as the forest department claims that the village lies within the elephant corridor. However, the villagers do not want to go as there are still some forests in the buffer areas where they are able to collect NTFP. However, even this is not an easy task as the forest guards and watchers harass them if they are even seen in possession of a sickle or axe. The places of community worship and graveyards are inside the forests and they do go and visit them regularly. When asked about the status of biodiversity of forest areas, the people shared that the forests were healthy and rich while they were living inside. As they do not go often they are not sure about the status today. With a consistent fall in rains in buffer areas, the villagers shared that the fruits and roots that used to be available have reduced. There is no school in the hamlet but there is one bus that comes to the hamlet everyday.



A small hamlet relocated from the core of the Tiger Reserve and settled far away from the road having limited access to the forests and development

Chikayalchetty

This is a Soliga hamlet also on the borders of Karnataka and Tamil Nadu. About 45 years ago, the landlords of the village needed people to guard their crops in the night from attacks by wild animals. This community which was living in the neighbouring Bachahalli in Tamil Nadu and involved in animal husbandry were hired for this purpose. As families in Bachahalli were large and the number of animals small, some of the people worked as day time labourers on the lands of the landlords. Eventually, they settled down in the lands near the village thus forming this hamlet. Today only 5 of the original families who moved here today own land (3.5 acres per family). This region used to have thick forests, but over the years large tracts of forests were either lost to the landlords who converted them for agricultural purposes or for construction of resorts and farm houses.

This hamlet is located in the far corners of Chamrajnagar district and access to basic amenities like health (hospital is 8 kms away) and education is difficult and worsened by the fact that there is no bus which comes to this hamlet. Since the people have moved away from their place of origin, depletion of natural resources and access to existing natural resources being cut off, no one in the hamlet knows traditional systems of medicines which existed in the past. When there are no rains, work is affected as they are primarily agricultural labourers. During such times, the forest department give people from the hamlet the job of clearing lantana from the forests. They are paid Rs. 200 per day for this. NREGA is also not being implemented. Depending solely on agriculture is not feasible as land holding is small, there is repeated failure of monsoons and the presence of large herds elephants in the area, which trample upon the crops in the night. Collection of NTFP is not an option as access to the forests is restricted. Working as labourers in the region or seasonal migration is the only way out. Some women role incense sticks and earn Rs. 27 for a bundle for 1000 sticks. Though the gram sabha is conducted once a year, no records for it are maintained. One of the people from the hamlet was a Mandal panchayat member who had started construction of houses using government schemes for people of the hamlet. However all have not yet received these. The majority of the children from the hamlet do their basic schooling at the VGKK hostel in B.R. Hills and go to Baachanhalli for their higher studies.

The hamlet has filed a claim for community rights but they have not received it. Claims for individual rights have not been applied for as if CFR is recorded, it would automatically result in recording of ownership of lands individually.

Kunagehalli

The original adivasi hamlet was located in the Gopalswamy temple region, which is today in the core of the Tiger Reserve. The hamlet was displaced in 1962 and were brought to the present location, which falls in what is today carved into the buffer area. The village has 52 households with a total population of 260 people. Only 5 families own land with the highest land holding size being 2 acres.

Several people from the hamlet work as bonded labour in Kerala or Kodagu, but this practice continues to stay hidden. There is a crises of livelihoods as people do not own land, and there are not enough livelihood opportunities in their village. In case of daily wage earnings, the men earn Rs. 150 – 200 per day depending on the nature of work and the women earn Rs. 100 per day.

Traditional community spaces like the graveyards and other places of worship are located inside the forests. The forest department has restricted access to forests for collection of NTFP and firewood.

Most families have ration cards. The nearest schools are at Gopalpuram which is at a distance of 2 kms from the hamlet. There is a government school with classes from 1 – 8 and a private school with classes from 8 – 10. The nearest hospital is at Gundlupet. With the practice of traditional systems of medicine affected due to lack of access to the required resources and the hospital being far away from the hamlet, access to basic health care is a serious issue. There is an acute shortage of drinking water, and people need to collect water from nearby fields. Very often the owners of the fields are not willing to share their water and when they do allow only limited access.

While the Kanegala panchayat, under which jurisdiction the hamlet falls, receives funds for development work, none of this reaches the hamlet as it falls under the buffer area of the Bandipur Tiger Reserve and would also be declared as being part of the ESZ. The hamlet has received intimation from the forest department that they are to be relocated as the core area of the Bandipur Tiger Reserve is going to be expanded. The people however, are unwilling to be relocated.

Man-animal conflict has been on the rise in the hamlet. A year ago, 2 individuals were attacked by a leopard, one of whom died and the other person sustained injuries. Stipulated compensation was not paid, citing that the 2 people were inside the Tiger Reserve. Standing crop is also destroyed by herds of deer and/or wild boar.

The hamlet has also been harassed by the forest department. A bribe of Rs. 50 has to be paid to the forest watchers to collect NTFP, which if not



The colony that was constructed by the government. However the people have not been given agricultural land

done results in false cases being filed by the forest department against the people. Recently, a total of 12 false cases and arrests have been made (Kunagehalli – 2, Karemalla Hadi– 4 people, Chenne Katte – 2 people, Gundekere – 1 person, Melekamana – 1 person, Maddur - 2 people). One person who was collecting grass to make broom sticks was fined Rs. 350. In another instance an adivasi boy who was bringing back a dead rabbit from the forest was fined Rs. 25000 and a false case has been filed.

In the context of FRA, individual rights have not been applied for. Community rights have been applied for, but they have not received their titles.



Youth of Maddur Colony prefer going to Kerala to work as labourers in the plantations there as they do not own land in their village

Maddur Colony

There are a total of 145 families belonging to the Betta Kuruba, Soliga and Jenu Kuruba communities in the colony. Families from 3 hamlets who used to be inside the forests were relocated here about 50-60 years ago and that is how the colony was formed.

The Soliga families own a total of 500 acres, while the Jenu Kuruba and Betta Kuruba communities do not own land. When the people were brought to the colony, they were not given any land. The Soliga families simply captured revenue land and started cultivating it. They therefore do not have pattas for these lands. They have been struggling to get these pattas from the government. As an outcome some people have received pattas. However, 2-3 families have been allocated land in one patta.

The Jenu and Betta Kurubas have traditionally collected NTFP from the forests for their food as well as for products which are traded in the market. With limited access to the forests and as is the case of many hamlets in the region, several of the non-land owning families migrate to Kerala where they work either as agricultural or manual labour in coffee plantations. The landowning communities grow ragi and rice.

Some are also engaged in floriculture. To highlight the atrocities committed by the forest department, the villagers narrated an example when about 20-30 outsiders went into the forests accompanied by adivasis as guides. When the forest department staff caught this party, the outsiders were let off and the adivasis were arrested and physically tortured. About 7 people from this colony work as watchers in the Maddur reserve forest. The forest department also routinely hires people from the colony for routine maintenance work.

Hamlet level gram sabhas are not conducted. The village leader seems to be unaware of the functions of the panchayat and that the formation and functioning of hamlet level gram sabhas have been mandated under the FRA.

STATUS OF FRA IMPLEMENTATION

Like in the other PAs, FRA has not been implemented in the Bandipur area. Except for a few villages which have been battling the elephant corridor issues, there is a lack political mobilisation of the people, therefore limiting the ability of the people to negotiate with the government. CFR have been filed in some villages but they have not been settled. There are fewer individual rights filed.

INTERVENTIONS BY DIFFERENT STAKEHOLDERS

There does not seem to be much intervention of any organisation in the Bandipur region. BKS has done some work in the past and Jagruti is currently working on the issue of FRA. Other than this, some organisations have tried helping communities with alternate sources of income like tailoring, but these have not been found to be sustainable.



People from cities like Bangalore and Mysore and have built farm houses in the buffer areas of the Tiger Reserve

In terms of information, it is only NGOs and other movements who are the source of information. Since there is not much mobilising in the region, the level of information on issues like Panchayati Raj, FRA is low. Those hamlets who have been involved in past resistances continue to be the few who

are well versed with the law, about their rights and are the only places where the state is being challenged.

It seems like none of the political parties have worked in this area in any significant way.

LINKAGES BETWEEN TOURISM AND FOREST GOVERNANCE

There are 15 resorts in the buffer area of the Bandipur Tiger Reserve all of whom own pattas to their lands. Apart from this, large tracts of land have been sold to outsiders though resorts have not yet been constructed. Some individuals have also purchased land, built cottages, which are used as farm houses for family holidays. There are no resorts in the core area of the Tiger Reserve. The resorts play loud music causing disturbance to people and animals. Lack of adequate waste management has been that effluents are either let out into the air through burning or into nearby water bodies, thus polluting the air and



High end tourism in Bandipur Tiger Reserve



A watch tower in the premises of one of the resorts



Road leading to the resort is better paved than the road leading to the village



Women of Bhaaratavadi Haadi sharing their Experiences of project tiger

water in the region. There is a social impact of tourism that is being experienced in those areas of the buffer where majority of the resorts are. For e.g. there have been some instances of murder of outsiders on properties of resorts in the past. Recently an adivasi girl was allegedly raped by some tourists staying at a resort.

While the resort has promised jobs for the local communities, only about 4-5 boys have been hired from the vicinity of the resorts. During the ban on tourism in Tiger Reserves between July – September 2012, they had moved to Ooty, Tamil Nadu to work in hotels there.

Some of the hamlets who have been struggling for land rights have been angered by the fact that the government has been claiming that there is no land in the buffer areas of the Tiger Reserve that can be acquired and given to the people. Yet, the land deals for resorts have continued unabated. People in these hamlets said that they would be willing to embark on a massive struggle if they were not given land.

The forest department claim that it is the adivasis who are killing deer for their meat. However, people from the hamlets maintained that deer meat is served in the resorts and it is they who are killing the deer. Since the tourism industry in the area is in cahoots with the forest department, no action is taken against them and the blame is wrongly shifted to adivasi people.

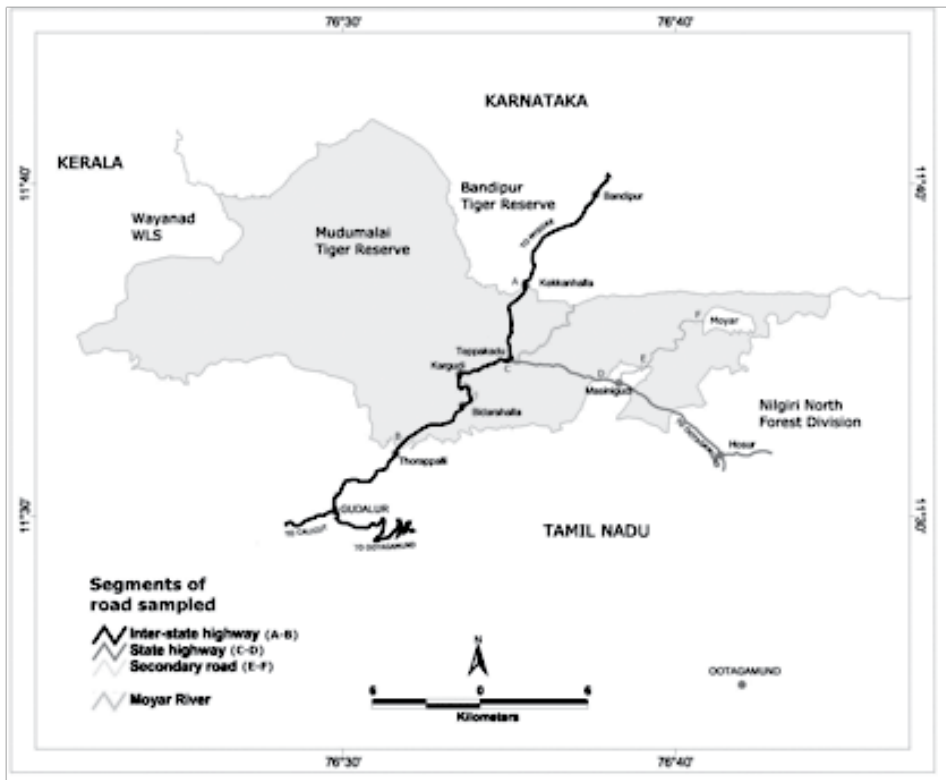
Another aspect of tourism that has evoked a great sense of betrayal and anger against the forest department is the religious tourism in the Gopalswamy temple. This temple is located in the core area of the Tiger Reserve. Tourists regularly visit the temple in large numbers. However, the adivasis who have been relocated from inside the core area are not being allowed to go into the forests to their traditional places of worship. However, these communities have not raised this issue with the authorities as they are afraid of the backlash.

In those parts of the buffer where there are fewer resorts which are family owned cottages, the communities have reported that they have not faced any trouble. They have shared that the visitors tend to keep to themselves, very rarely visiting the hamlets and even when they do, it is non-intrusive.



ABOUT THE REGION

Mudumalai Wildlife Sanctuary was declared in 1940 covering an area of 62 sq. kms. as an extension of the Bandipur National Park²⁵. It was declared as a Tiger Reserve under the WLPA in 2008 with a core area of 321 sq. kms. and buffer area of 367.59 sq. kms.²⁶. However, the process as laid out in the WLPA, Amendment 2006 has not been followed. Therefore several forest rights groups in the region consider the Tiger Reserve to be illegal. The Mudumalai Wildlife Sanctuary located in the Nilgiris District forms part of the Nilgiris Biosphere Reserve. Currently the demarcation of an Eco-Sensitive Zone is being proposed around the Tiger Reserve.



http://threatenedtaxa.org/ZooPrintJournal/2010/March/baskaran_figs.htm

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The Nilgiris District

The Nilgiris district, located in the west of Tamil Nadu, shares borders with Karnataka in the north and Kerala in the south and south-west. It has a total population of 11 lakhs with an adivasi population of 28000. The Nilgiris comprises of four well-defined ecological regions -
 The Nilgiri plateau
 The Sigur plateau
 Nilgiri-Wayanad
 The South Eastern slopes

The Sigur Plateau

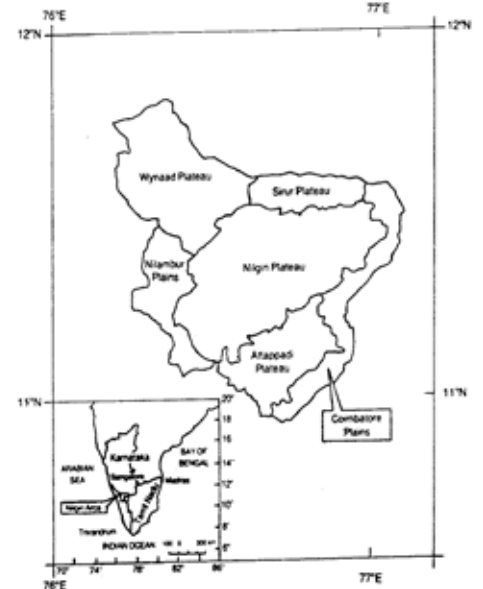
The Nilgiris district, in which the Sigur Plateau is located, is unique in that over 56% of land area in the district is classified as forest. Of the

remaining area, almost 32% of the land area is under cultivation. This means that approximately 81,000 hectares of the district has some form of agriculture or the other²⁷.

The Sigur Plateau is at the confluence of the Nilgiris Biosphere Reserve and the Eastern Ghats, forming an important link between the Eastern Ghats and the Western Ghats to maintain diversity of populations of elephants and tigers, as also other populations of smaller mammals.²⁸ It is spread over parts of the Moyer river basin on the northern slopes of the Nilgiris hills and south of the Moyer River. Data on the spread of the plateau vary from 281.25 sq. kms.²⁹ to 448 sq kms³⁰ to 778sq kms³¹. The Plateau is located to the east of the Mudumalai Wildlife Sanctuary. It gets its name from the Sigur river which originates near Ooty and joins the Moyer river. The Sigur plateau is significant since it links to the Moyer Valley and the Moyer river. The Moyer river is a natural boundary between Mudumalai and Bandipur.

During the pre-colonial period, it was a major population centre as it is located at the tri-junction of the Tamil plains, the Mysore plateau and the Wayanad area. 5 major rivers flow through the plateau: Moyer, Sigur, Avarahalla, Kedarhalla and Gundattihalla.

As the plateau is located in a rain shadow region of the district, it is characterised by low rainfall with poor soils. Agriculture was practised on limited land, along the banks of the 5 rivers flowing through the plateau with some dug canals irrigating paddy fields. An attempt to cultivate the land with commercial crops was attempted by the British, which did not succeed. Before the forests became reserved, the area was open for grazing by pastoralist communities like the Badagas and used by groups of people from the Nilgiris and Coimbatore. In the early 1950s hydro-electric projects were established on the Sigur plateau. The period soon after saw a spurt in agriculture due to which the region today faces water shortages.



Map 1 Biophysical Zones of the Nilgiri Area.

Location of Sigur Plateau in the region

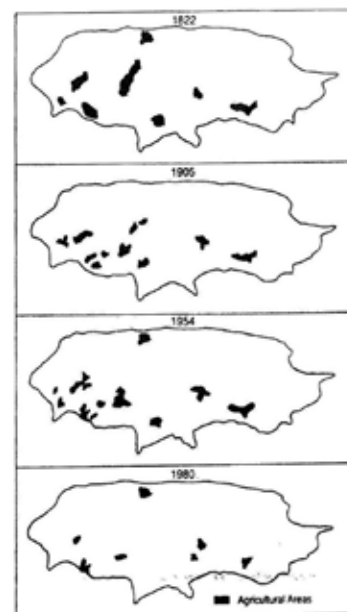
To summarise, the region has seen a decrease in agriculture, formation of the Mudumalai Wildlife Sanctuary and subsequently Tiger Reserve, water shortages, drying up of perennial rivers and increased scrub land³². The presence of the Sanctuary and Tiger Reserve on the plateau has led to an increase in tourism in the area.

Below is an image depicting the change in land use patterns and a table showing ecological change in the Sigur Plateau³³.

Estimates put the population in the Sigur Plateau at 18,000 to 20,000. There are two main administrative units located at Masinagudi and Sholur. Masinagudi Panchayat consists of the villages of Vazhithottam, Moyar, Singara and Masinagudi. The population of the Masinagudi panchayat is 8,577 according to the 2001 census. The Sholur panchayat has a population of 11,297 as per the 2001 census. The village of Bokkapuram is a part of the Sholur Panchayat.

YEAR	LAND USE	COMMUNICATIONS & SETTLEMENTS	LEGAL CATEGORIES	WATER RESOURCES
1812	Six patches of dryland agriculture. Teak forests in west & sandal trees in east.	Few settled villages. Many abandoned villages. Routes to Wyanad, Mysore Coimbatore & Nilgiris	Lands under local control	Perennial streams, Minor irrigation works in disuse
1905	Coffee estates towards west.	One trade and communication settlement	Most of the plateau as reserved forest	Few perennial streams
1950	Increase in grazing.	Unprecedented growth of township	No change	Hydroelectric schemes initiated
1990	Decrease in agricultural area. Increase in scrubland		Wildlife sanctuary declared (60 km)	Two perennial streams become seasonal

Ecological Changes in the Sigur Plateau



Change in land under agriculture

There are many adivasi communities, predominantly Irulas, Kurumbas, and Sholigas living in this region, who have close linkages with the neighbouring states. There are large population of non-tribal people, as also an influx of immigrants from Kerala, who have set up businesses along the Bangalore-Ooty highway, in Masinagudi and in Bokkapuram.

Gudalur and Pandalur Talukas

Gudalur is a taluka headquarters in Nilgiris District, Tamil Nadu. Pandalur another taluka headquarters was part of the Gudalur taluka. The total area of Gudalur and Pandalur is 1,24,800 acres.

The area was ruled by three rulers before the arrival of the British: Vallavanoor, the leader of the Panniyas, Nelliarasi, another adivasi ruler, and the Nilambur Kovilagam, a kingdom based in present-day Kerala. Subsequently, the Nilambur Kovilagam conquered the other 2 areas adding about 1,00,000 acres to their existing holding. However, as per the Malabar Tenancy Act, 1969, the Kovilagam's holding was 80,087 acres. This is known as 'Janmom Land'³⁴.

On December 18, 1845, the Kovilagam leased part of this land to Manjushree Plantations for a period of 99 years. Over the next few years, nine other major estates (and several smaller ones) were given leases on the rest of the land. By 1969, approximately 50,000 acres were leased. Since the lands were perpetual leases, the Kovilagam retained direct control over only a small portion of the Janmom land. The estate lands were used for tea, coffee, and other cash crops, though a significant part (in most estates the majority) remained under forest and natural vegetation. At a later date (according to a 2002 PUCL report, these figures are as on 27.11.1974³⁵), the breakdown of estate lands was as follows:³⁶

NO.	ESTATE	CULTIVATED AREA	UNDER - DEVELOPED AREA	TOTAL
1	Woodbriar Estate	381.68	466.27	847.95
2	Sussex Estate	744.10	393.24	1137.34
3	Rousdanmalai Estate	57.01	803.54	860.55
4	Non Such Estate	701.18	1135.64	1836.82
5	Malayalam Plantation	733.65	528.15	1261.8
6	Periya Sholai	331.93	1027.63	1359.56
7	Co-op. CWS	278.41	362.06	640.47
8	Tea Estates India	1490.27	4489.75	5980.02
9	Manjushree Plantation	3673.73	16001.28	19675.01
10	Glenrock	2895.33	3560.68	6456.01
11	Silvercloud	428.98	1478.50	1907.48
12	Others	7927.92	2109.78	10037.7
	Total	19644.19	32356.52	52000.71

In 1969, the Janmom Lands (Abolition and Conversion into Ryotwari) Act was passed to settle these lands (Details of the Act in the next section).

The following adivasi communities are the original inhabitants of the region: Paniyar, Kurumbar, Irula, Mullukurumar, and Kattunayakans. In Gudalur taluka their population is 7000³⁷. Another community which has been living in the region are the Mountaaden Chettys. During the 1960s, Malayalees from Kerala settled in the Gudalur-Pandalur region. Therefore the region has seen a series of settlers who are the land owning class and who have subjugated the adivasi communities.

HISTORY OF FOREST GOVERNANCE

Below are 5 important legislations/issues that form the backdrop of resource ownership in the Sigur Plateau.

Tamil Nadu Preservation of Private Forests Act, 1949

The TNPPF is an Act to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein and for certain other purposes. This enactment imposes restrictions and conditions on the use of the private forest – for instance, the private forest owner needs to obtain a clearance from the Forest Department before felling a tree on the land declared as a private forest. It also protects any customary rights that communities may have in the form of access to minor forest produce, access to burial sites or scared groves within a private forest.

However, there is currently a limited interpretation of the Act, which is restricted to construction on private forests land. The aspect of upholding customary rights of communities finds no place in its implementation today. Below is an example of the nature of interests that have found resonance with the State.

In 1991, there was intense agitation against this Act in Gudalur. Subsequently, the administration gave in writing that there would be no restrictions on construction and transfer of land for small farmers, for whom Panchayat approval would suffice. However, in 2008, in the context of the Elephant Corridor issue, the legality of all construction and transactions post-1991 were questioned and considered void. It was in this context (and that of The Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) of 1969) that T.N. Godavarman Thirumulpad accessed the High Court and then Supreme Court for recourse.

Another example of abuse of this Act is the case of Thiruvalnagar village. This was a village of about 300 dalit households with each family owning upto 1.5 cents of land. This colony was demarcated as private forest land and people were evicted from here since construction was not allowed after the cut-off date of 1991. However, since the enactment of the FRA, these forms of evictions have stopped.

Janmom Lands (Abolition and Conversion into Ryotwari) Act, 1969

This Act was enacted to settle the titles of Janmom land. It was placed in the 9th schedule of the Indian constitution with the aim that no amendment be made to this Act. Out of the total 80087.74 acres, 28,087.03 acres have been settled and 52000.71 acres are yet to be settled. There are 4 important sections in this Act:

Section 8: Under this section, jenmis (holders of the original Janmom land) are entitled to pattas for lands that they or their employees are cultivating.

Section 9: Under this section, tenants of the original jenmis are entitled to pattas for lands that they or their employees are cultivating. To receive these pattas, the tenants must show that they were enjoying the land in 1969 and had been doing so for a continuous period of three years before.

Section 17: This section, later to prove the most critical to Gudalur's land situation, empowers the government to renew or terminate leases that have been taken on Janmom land. However, there is no provision for the grant of pattas on land that comes under this section.

Section 53: This section empowers the Settlement Officer to decide whether an area in the Janmom lands should be included in government forests.

Below are details on how the lands were settled ³⁸:

LAND SETTLED	ACRES
Ryotwari Patta granted U/s 8, 9 and 10	7769
Poramboke U/s 8, 9 and 10 of the Act	1587.2
Ryotwari Patta U/s 14 and 15 - Buildings	230.4
Plantation lease covered U/s 17 of the Act	41768.4
Assessed waste, unassessed waste under process	6650.76
Estate covered U/s 8	9153.98
Forests U/s 53	12928
Total	80087.74

As is evident in the table above, about half the land was brought under Section 17, making this land the target for large numbers of encroachment. This has caused the rights of the original adivasi inhabitants and small land holder communities like the Dalit community to be violated.