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Conservation regimes of exclusion: NGOs and the role of discourse in legitimising dispossession from protected areas in India

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ABSTRACT

In this article, we examine the discourses of NGOs participating in and sustaining India's conservation "regime of exclusion". We suggest that these NGOs utilise discursive technologies to produce forests and forest-dwellers in ways that legitimise racialised and caste-based exclusion from conservation spaces. We focus on two examples. First, we analyse a petition filed by conservation NGOs against India's Forest Rights Act (FRA), which recognises the customary forest rights of historically marginalised Adivasi and Other Traditional Forest-Dwelling communities. This petition was intended to delegitimise the FRA, and it prompted a court decision that could potentially displace approximately 1.19 million forest-dwelling families. Second, we analyse how conservation-induced dispossession in India is increasingly framed as "voluntary resettlement", which we suggest normalises and depoliticises dispossession and legitimises arguments against the FRA. Through these examples, we find that discursive technologies produce forests and forest-dwellers in ways that rely on and reproduce existing social hierarchies shaping access to land, resources, and power. We unpack the characteristics and motivations of this conservation regime; particularly the discursive productions through which conservation organisations position their "expert" forest claims above the claims of forest-dwelling communities, authorising the creation of "involute" conservation spaces through exclusion. Understanding discourse as the articulation of knowledge and power through which material realities come into being, we problematize the dominant understandings of conservation that underlie dispossession and the discursive technologies that legitimise it.

1. Introduction

In 2019, the Supreme Court of India passed a decision that could potentially displace over 1.19 million forest-dwelling families from their homes. The decision was put on hold a few months later, but the court case is due to be re-opened for further deliberation. This case is based on a petition filed in 2008 by conservation non-governmental organisations (NGOs) who were opposing India's Forest Rights Act, 2006 (FRA). While this petition has been under consideration, there have been consistent instances of dispossession of forest-dwellers from protected areas, often under projects termed "voluntary resettlement".

Under colonial-era resource governance, administrators established exclusive power to utilise and govern forest areas in India. Adivasi forest management systems were dismantled, and forest-dwellers were alienated from their lands (Sahu, 2021). For example, Das Gupta (2009, p. 228) shows how in pre-colonial Singhbhum (present-day Jharkhand), the livelihood practices of the Ho Adivasis blurred the "distinction

between forest and pasture". Colonial forest administrators viewed these practices as technically flawed and worked to gradually separate forests from cultivation spaces and communities such as the Hos from their customary lands (Das Gupta (2009). These resource regimes racialised forest-dwelling communities as "environment destroyers" while enrolling Adivasi populations and forests into the colonial state-making project (Bhukya, 2013; Fairhead et al., 2012). Such paradigms of extraction, centralised management, and racialised exclusion have carried forward into India's post-independence conservation regime, which is characterised by a complex and often contradictory legal and ideological landscape (Sahu, 2021). Wildlife conservation became anchored around creating inviolate conservation spaces, and many forest-dwellers were forcefully relocated from their ancestral dwellings based on newly-demarcated protected area boundaries (Rai et al., 2019).

The FRA was drafted in 2006 in response to mass mobilisations by forest-dwelling and advocacy groups. It is uniquely positioned to address the injustices caused by the lack of formal recognition of

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ancestral forest rights of both “Scheduled Tribes” (ST) and “Other Traditional Forest Dwellers” (OTFD) (Kumar and Kerr, 2012; Sahu, 2021). The constitutional category ST includes “geographically-isolated, ” historically marginalised Adivasi communities belonging to different ethnic groups; collectively, these groups constitute 8.6% of the national population (Bose et al., 2012; Chandramouli, 2013). OTFD is a heterogeneous category of non-Adivasi forest-dwellers – including dominant caste as well as landless or caste-marginalised communities (Sharma, 2018). The FRA allows these groups to file claims for formal rights recognition over lands they historically inhabited. This includes (a) *Individual Forest Rights* over forestland, (b) *Community Forest Rights* to manage and govern areas where these rights are recognised, and (c) *Community Rights* to access forest produce. It empowers local governance bodies, *Gram Sabhas*, by requiring their consent for development or extractive projects that could damage forests (Sahu, 2021). Despite some implementation gaps, forest-dwellers have successfully utilised the FRA to acquire rights and oppose socio-environmental destruction caused by state-sanctioned conservation and development projects (Rawat, 2019).

The FRA fundamentally challenged the exclusionary ideologies of the prevailing conservation regime (Kodiveri, 2018). It also threatened to disrupt resource extraction agendas. It, therefore, prompted strong opposition from private developers, local hardline conservationists, and individuals from the Forest Department (Bose et al., 2012; Fanari, 2019). Nine court cases opposing the Act were filed right after its passing (Campaign for Survival and Dignity, 2016). The most influential was a 2008 petition, filed by three NGOs – Wildlife First, Nature Conservation Society Amravati, and Tiger Research and Conservation Trust. These organisations all operate within India and staff some former members of the forest department and National and State Wildlife Boards. This petition represented broader sentiments among urban, caste-elite, well-networked hardline conservationists that conservation “is only possible if people are removed from wildlife habitats”, and that the FRA undermined this goal (Madhusudan et al., 2019). It suggested that the FRA was unconstitutional, and granting rights to forest-dwellers would be “anti-conservation” and destroy India’s forests (Wildlife First and ors. v. Union of India and ors., 2008).

In 2019, in a decision that appeared to side with the petitioners, the Supreme Court stated that all forest-dwellers whose FRA claims had been rejected could be evicted from their homes. During the 13 years between the FRA’s passing and this court ruling, 2,971,683 households had filed forest rights claims. Of these, 1,191,327, or 40%, had been rejected, and all these claimants could have been lawfully evicted if the ruling was implemented (Wildlife First and ors. v. Union of India and ors., 2019). Following the ruling, protests were organised across the country by forest-dwellers and solidarity groups. The central government responded by asking that state-level authorities should declare the legal procedures they had followed when rejecting FRA claims before evictions could occur (Rajagopal, 2019). Consequently, the Supreme Court put the eviction order on hold, but the case is still due to be re-opened for consideration. It is important to note that these responses did not attempt to defend the constitutionality of the FRA. Hence, while fierce pushback ensured that the petition has not yet directly resulted in evictions, the case helped institutionalise a conservation regime of exclusion. Large-scale dispossession was only temporarily withheld, and smaller-scale dispossession has continued.

Recently, conservation-induced dispossession has often taken place under the banner of “voluntary resettlement”. Voluntary resettlement projects typically focus on incentivising forest-dwelling communities to move out of protected areas in exchange for promises of development and resettlement packages (Gupta, 2021; Kabra and Das, 2022; Schmidt and Soltau, 2007; West, 2006). Yet, community resistance before and after resettlement has been documented in several cases, emphasising how voluntary resettlement efforts can resemble older forms of conservation-induced dispossession (Fridays for Future Karnataka et al., 2022; Kabra and Das, 2022; Rangarajan and Shahabuddin, 2006).

In this article, we apply a political ecology lens to analyse how this

petition and associated conservation approaches, such as voluntary resettlement, reflect and further an exclusionary conservation regime in India. Conservation practices in different parts of the world are shaped by colonial and postcolonial histories, agendas of development and extraction, patterns of racialised subject production, and spatial exclusion (e.g., Gupta, 2021; West, 2006; Ybarra, 2017). Within India, exclusionary conservation approaches and their impacts on the lives and livelihoods of forest-dwelling communities have been documented in different states (e.g., Bose et al., 2012; Das Gupta, 2009; Kabra, 2009, 2020; Rai et al., 2019). We add to this work by shifting focus onto the motivations and discursive technologies of actors *legitimising* a conservation regime of racialised and caste-based exclusion.

We use the phrase “conservation regimes of exclusion” to refer specifically to actors and approaches enabling exclusion through the production of *legitimate* versus *illegitimate* uses and users of forests (Li, 2014). This regime is a dynamic assemblage of actors including state officials, forest bureaucracy, local and international NGOs, donors, advocacy groups, private developers, and individuals with conservation expertise or interest (Duffy, 2006; Margulies, 2018). Our paper focuses on the active role certain conservation NGOs, such as the petitioners, play in this regime. Working together with other actors, urban caste-elite conservationists often “gatekeep” or “monopolise the discursive construction of ‘public interest’” – shaping what environmental or developmental issues are prioritised and how they are addressed (Baviskar, 2012, p. 172; Meshram and Rawat, 2023). Understanding discourse as the “articulation of knowledge and power” through which “social reality inevitably comes into being” (Escobar, 1996, p. 326), we focus on how discursive productions of these NGOs have helped legitimise and implement a regime of exclusion. The article discusses two examples that we suggest represent the mainstreaming of this regime. First, we analyse the 2008 petition filed by local NGOs, and the discourses they employ to oppose the FRA. Second, we analyse the broader discourses of NGOs involved in projects of “voluntary resettlement”, specifically around protected areas in the state of Karnataka. We examine how framing the dispossession of forest-dwelling communities as “voluntary” has rendered it an acceptable conservation strategy.

An array of arguments pertaining to forest-dwelling communities and conservation emerge through our analysis. Collectively, they depict a prevailing conservation regime that relies on discourses to authorise the production of inviolate conservation spaces, often through racialised, caste-based and spatial exclusion (e.g., Jahnvi and Satpathy, 2021; Lunstrum and Ybarra, 2018; Marijnen and Verweijen, 2016). Similar to development regimes in the region, this regime is grounded in interconnected colonial and post-independence agendas and structures of difference (Gupta, 2021; Levien, 2015). We show how the discursive productions of conservation NGOs differentiate claims to forests, producing forest-dwellers as “illegitimate” and contrasting them with “legitimate” forest users within the conservation regime. Recognizing the urgent need for effective and just biodiversity conservation, we seek to problematize the understandings and discourses that presently enable and mainstream conservation practices based on dispossession and exclusion.

2. Conservation regimes of exclusion

We use Li’s (2014) term “regime of exclusion” to refer to the “ideology, institutions, and actors” that constitute India’s dominant conservation regime (Kabra and Das, 2022, p. 44). Levien (2013) has similarly investigated “regimes of dispossession” producing large-scale development-induced displacement in India, while Kabra and Das (2022) have used the lens of regimes to critically examine dispossession for conservation. A focus on regimes emphasises how hegemonic conservation actors might legitimise and mainstream exclusion and dispossession as an environmental strategy. While dispossession resulting from conservation functions as “a political process mediated by states” (Levien, 2015, p. 147), NGOs are essential actors within these

regimes. Discourses that utilise and reproduce hegemonic framings of conservation spaces and their customary inhabitants can help strengthen exclusionary ideologies and institutions, often through claims of scientific expertise and objectivity (Escobar, 1998; Gupta, 2021; Kashwan et al., 2021; Sundberg, 1998).

Regimes of exclusion hinge on the production of illegitimate versus legitimate uses and users of land (Li, 2014; Brockington, 2002). They rely on discursive technologies, or “recurring configurations of narratives, imagery and discursive practices” that authorise “certain forms of knowledge, actors and modes of action while delegitimising and obscuring others” (Marijnen and Verweijen, 2016, p. 275). Discursive technologies can render dispossession natural by normalising categories such as wilderness, nature, and ethnicity (Gupta, 2021; Jahnvi and Satpathy, 2021; Marijnen and Verweijen, 2016). They construct powerful regimes of truth that appear unquestionable, with interventions being based on them “as if they were real” (West, 2006, p. 9). Importantly, these categorisations rely on and reproduce existing social hierarchies that shape access to land, resources, and power.

Similarly, the scientific language of biodiversity crisis and emergency can also sustain exclusionary governance regimes (Biermann and Mansfield, 2014). In India, contemporary crisis narratives revolve around megafauna species. For example, the need to conserve critically endangered tiger populations has fuelled a hegemonic ideology focused on creating inviolate conservation areas (Kabra and Das, 2022). Invoking scientific or managerial discourses can provide “experts” the authority to make decisions about conservation spaces and their inhabitants, rendering coercive practices legitimate “on the moral-ethical terrain of conserving biodiversity and wildlife” (Margulies, 2018, p. 188).

Rajangam and Sundar (2021, p. 18) argue that India’s mainstream conservation regime is “inherently another face of the development regime”. Relocation from protected areas is often justified as a model of “conservation-as-development”, where forest-dwelling communities are invited to relocate in exchange for development opportunities (West, 2006, p. xii; Gupta, 2021). Yet as we will show, these approaches depoliticise dispossession and intensify conservation-justified space-claiming and exclusion in the name of “public good” or “development” (Gupta, 2021; Jahnvi and Satpathy, 2021; Levien, 2015). At the same time, the state continues to authorise large-scale privatised infrastructural development and extraction in forest areas (e.g., Ramnath, 2023).

3. Discourses and the production of conservation subjects

The lens of regimes allows us to examine how the 2008 petition and broader “voluntary resettlement” projects are not isolated or new incidents but rather manifestations of deeply-rooted, racialised and caste-based exclusion that has characterised India’s development and conservation regimes throughout colonial and post-independence times (e.g., Gupta, 2021; Kabra and Das, 2022; Levien, 2013; Rai et al., 2019). The conservation regime uses discursive technologies that create naturalised “conceptual frames” to justify and normalise dispossession (Adams, 2020; Marijnen and Verweijen, 2016). An important component of these technologies is the “discursive gaze” that configures forest-dwellers as environment-harming and needing “modernisation” (Fairhead et al., 2012). These ideas visibly influence the present conservation regime, which perceives forest-dwelling communities and their management practices as inefficient and detrimental to the environment (Rajangam and Sundar, 2021).

Jahnvi and Satpathy (2021, p. 331) show how land grabbing in India relies on intersections of “gender, caste, indigeneity, region and religion”. These intersections shape the very concept of who can possess land and resources – and thus who can be dispossessed. Similarly, conservation regimes of exclusion depend on discursive technologies to construct a certain kind of nature/land worth protecting, the subjects it must be protected from, and ways to protect it. Discursive production

involves the “repeated citation” of existing notions of difference or otherness (Sengupta and Harris, 2022, p. 61; Nightingale, 2011; Sundberg, 2004). Hence, “politically loaded social construction(s) of multiple forms of difference” among people and places can be deployed and naturalised through discourse (Lunstrum and Ybarra, 2018, p. 116).

Scholars have shown how racialised understandings of forest-dwelling communities produce them as “encroaching” or “environmentally destructive” and legitimise their dispossession from protected areas (Cronon, 1996; Neumann, 2004; Ybarra, 2017). Environmental governance approaches that reconfigure landscapes also reinscribe identities of caste and race – such that nature and space are “enrolled in processes of creating difference” (Nightingale, 2011, p. 155; West, 2006). In India, the regime of exclusion consistently pushes for “inviolable” conservation spaces, depicting Adivasis and OTFDs as “encroachers” who interrupt the achievement of this goal and must therefore be resettled (Kapoor, 2009; Kodiveri, 2018; Sahu, 2021). These productions devalue local environmental knowledge and reproduce discriminatory social structures. Ranganathan (2022) emphasises that the discourse of “encroachment” is a form of racialisation – whereby particular people are marked as “out of place” and subjected to control or removal (Mollett and Faria, 2013). Within India, encroachment discourse “becomes especially caste-charged”, reinforcing “perceived qualities of illegality and criminality” assigned to Adivasi and caste-marginalised communities and naturalised by colonial logics and present regimes (Ranganathan, 2022, pp. 267, 270). We use the term “racialisation” to discuss both race and caste in the context of India’s conservation regime – as simultaneous axes of oppression that are not collapsible into each other but deploy similar logics (Ranganathan, 2022, pp. 267, 270).

Importantly, the social identities at stake in conservation include those of the conservationists themselves (Sundberg, 2004). Discursive technologies that shape whose presence and knowledge are seen as “out of place” in conservation landscapes also rely on contrasting productions of who is “in place”. In this paper, we shift attention from the experiences of forest-dwelling communities onto those actors and ideas that enable their dispossession and exclusion. This emphasis is crucial to understanding how present conservation approaches function, and how discursive technologies grant legitimacy to elite actors and institutionalise their environmental understandings (Baviskar, 2012). These understandings enable differentiation along intersecting caste-based, racial, and land relations and the consequent dispossession of Adivasi and caste-marginalised communities.

4. Methodology

We utilise a two-part analysis to uncover the role of discursive technologies in enabling and legitimising conservation regimes of exclusion and rendering them incontestable. First, we unpack the arguments made over 183 pages in the 2008 petition “Wildlife First and ors. versus Union of India and ors.” The events that unfolded after this petition and the consequent court ruling established the apparent success of its arguments. We manually coded and organised these arguments into themes and then utilised critical discourse analysis to examine how they delegitimised the FRA through particular constructions of forest-dwelling communities and conservation. Second, recognizing the petition as representative of a broader mainstreaming of exclusionary approaches, we focus on the “voluntary resettlement” approach that has gained popularity among India’s conservation actors. We draw attention to the discursive reframing of conservation-induced displacement as “voluntary”, which we argue has further normalised the regime of exclusion and thus strengthened and legitimised arguments such as those of the petitioners. We analyse the discursive productions of NGOs involved in implementing voluntary resettlement projects, particularly in Karnataka, where these projects have been ubiquitous. After identifying these organisations, we searched through their websites to find, manually code, and then analyse 34 news articles,

reports, videos, blog posts, and public talks where these voluntary relocation projects were documented, justified or celebrated.

Critical discourse analysis is an approach that examines how “structural relationships of dominance, discrimination, power and control” are upheld and legitimised by language and text (Wodak and Meyer, 2009, p.10). Waitt (2005, p.175) emphasises how Foucauldian conceptualisations of discourse can help geographers analyse how texts and “discursive formations articulate regimes of truth” that naturalise ideas about social difference and place. We make use of critical discourse analysis to uncover the underlying perceptions, understandings, and motivations of the conservation regime of exclusion, and how these become produced as naturalised facts about conservation and forest-dwellers. We draw attention to conservation NGOs and their dominant role in the production of shared understandings that become inseparable from material realities – in this case, the exclusion of forest-dwelling communities (see Escobar, 1996).

In the following sections, we first analyse the 2008 petition as an influential discursive technology and expression of the conservation regime of exclusion. We then apply this same lens to the broader framing of dispossession as “voluntary resettlement”.

5. Discursive technologies in the 2008 petition against the FRA

In this section, we examine the petition “Wildlife First and Ors. Versus Union of India and Ors¹” as an example of how certain conservation NGOs use discursive technologies to legitimise exclusion (Baviskar, 2012; Kabra and Das, 2022). We suggest that the petition’s key arguments are representative of the ideas that underlie the broader conservation regime of exclusion and receive state and judicial support.

5.1. Presenting the FRA as invalid

The central argument of the petition is to declare the Forest Rights Act “unconstitutional” on the grounds that it violates the petitioners’ fundamental rights to life and environmental security. As the petition states, “... the impugned [Forest Rights] Act is unconstitutional ... as there is no fundamental right greater than the right to life with ecological and environmental security to sustain it” (Petition, p. E).

When the petitioners make a claim to the forest as a resource that sustains their *own* rights, this hinges upon denying those very rights to forest-dwellers. Hence, the petitioners appear to recognise the right “to life and environmental security” as it applies to urban and elite lives – explicitly at the cost of the right to life, self-determination and economic and ecological security for forest-dwelling communities. Further, the NGOs declare that the FRA was only passed in parliament for short-term political gains, calling the decision:

“... a trend to grant immunity to people violating the law for narrow political gains without keeping in mind the national interests ... valuable natural assets of the nation are being distributed in the name of correcting historical injustice to persons who have encroached upon forest land for their personal gains” (Petition, p. 131; see also p. 102).

The petitioners draw on colonial and post-independence racialised understandings of forest-dwellers as “encroachers” and customary practices of shifting cultivation, forest produce and firewood collection, grazing, and forest management as “unlawful” and destructive (Petition, p. 76; Rai et al., 2019). By pitting the “personal gains” of forest-dwelling communities against “national interests”, conservation actors intentionally other Adivasi and OTFD communities and suggest that the FRA grants them “undue privileges” (Meshram and Rawat, 2023). Moreover, the claim that the FRA serves “narrow political gains” erases the long-standing community-led and advocacy efforts involved in bringing about the Act.

While the petition questions the constitutionality of the FRA, it was followed by an intermediate application in 2014, which suggests that the FRA implementation process is “flawed” and benefits several “bogus claimants”, distinguished from “genuine claimants” (Kodiveri, 2018, p. 48). This framing allows the petitioners to implicate rejected FRA claims and further render all forest-dwellers undeserving of rights. It erases the fact that high rejection rates stem from bureaucratic complexity and lack of political will (Rawat, 2019). Kodiveri (2018) shows how this strategic and discursive shift eventually influenced the court decision to evict rejected claimants. Several conservationists later spoke out against the hardline arguments in the petition and the logical inconsistency between questioning the FRA’s claim-determining procedure and yet calling for evictions based on this same process (Countercurrents, 2019).

Similarly to patterns that scholars have demonstrated in other contexts, the petitioners utilise markers of difference to support their contestation of the FRA and forest-dwellers’ rights (see Lunstrum and Ybarra, 2018; Mollett and Faria, 2013). They, for instance, argue that “... the environmental security of the nation is much more important than the livelihood of a small section of the society ... larger good of the nation must prevail over narrow personal interests of a small section of the public” (Petition, p. 135). This constructs a “nation” that does not include the forest-dwelling subject; and a conservation regime of exclusion that is not of concern to, nor concerned by, the interests of forest-dwelling communities. Through these discursive technologies, forest-dwellers become produced as “encroachers” not only in their customary lands but also within dominant imaginaries of the “nation”.

Such discursive constructions have long played a fundamental role in shaping developmental and environmental priorities in India and elsewhere. They have also influenced ideas of a legitimate “public” and, consequently, of citizenship and belonging. Regimes of exclusion justify the appropriation of the lands of certain populations in the name of the “larger public interest” of development or conservation (Kapoor, 2009, p. 58; Levien, 2015). The petition’s construction of a “nation” or “public” whose interests stand in opposition to forest-dwellers’ rights underscores how the conservation regime reproduces colonial and post-independence forest and development frameworks of belonging. This, in turn, offers increasingly “sophisticated ways of legitimising exclusion” and naturalising dispossession (Basu, 2019, p. 84; Jahnvi and Satpathy, 2021).

These ideas allow conservation actors to assert the morality of their claim to forests while contesting the right of forest dwellers to do the same (see Baviskar, 2012). In this way, the petition resembles a series of recent environmental public-interest litigations that have shifted the “moral sphere” of environmental governance away from the interests of poor, caste-marginalised or forest-dependent communities and onto elite agendas (Basu, 2019, p. 77; Baviskar, 2012). It also exemplifies what Baviskar (2012, p. 172) has called a “collaboration between the upper courts and bourgeois environmentalists” with different motivations, that in turn can shape how conservation issues – and broader national interests – are prioritised and addressed.

5.2. Producing forest-dwelling subjects

As suggested above, the petition hinges on racialised, othering productions of forest-dwellers to legitimise a conservation regime of exclusion. The petitioners seek to delegitimise fundamental aspects of a forest-dwelling subject’s identity while fabricating others. For instance, they portray an ever-expanding forest-dwelling population with an ever-expanding demand for forest produce, concluding that their presence within forests cannot, under any circumstances, be sustained:

“... we have a large population with an insatiable appetite for agricultural land and forest produce. Therefore even if the entire forest available is distributed among the landless and poor, it would be insufficient to meet even a fraction of the demand ... this is a clear fraud on the Constitution and the law abiding citizens of the country” (Petition, p. 58).

¹ Hereafter: “Petition”.

This reference to “landless” forest-dwellers negates long histories of inhabiting and caring for landscapes that constitute alternative signifiers of Adivasi ownership of land and the forest. At the same time, it alludes specifically to those within OTFD communities who may have been rendered “landless” by caste structures that have historically restricted caste-marginalised communities from ownership and access to land and public resources (see [Sreerekha, 2012](#)). This “link between land, caste and power” is increasingly visible in present-day contestations over land and forests – between forest-dwellers and the state or private actors, and among forest-dwelling communities themselves ([Nielsen et al., 2020](#), p. 790). Landless and low-income forest-dwellers often face the most drastic impacts of dispossession ([Kabra, 2020](#)). In singling out the “landless and poor”, and thus economically vulnerable or caste-marginalised forest-dwellers, as “insatiable”, law-violating, and outside the bounds of national belonging, the petitioners echo and reinforce colonial-era racist depictions of criminality as biologically inherent to Adivasi and Scheduled Caste communities ([Ranganathan, 2022](#); [Solanki, 2016](#)).

The petitioners contest the identity of forest-dwelling communities on multiple grounds. For example, they show support for policies of the colonial forest administration, claiming that they recognised “genuine” forest-dwellers’ rights. This downplays the violent and exploitative histories of colonial and post-independence resource and development regimes ([Gupta, 2021](#); [Kabra and Das, 2022](#)). In this way, the petitioners are able to discursively fabricate an Adivasi or OTFD subject who has not been historically marginalised, rendering the FRA unnecessary:

“In most cases, persons including tribals who have been able to establish their title and occupation were protected and their rights were recorded ... Therefore it is not correct to generalise that the rights of tribals and of other traditional forest dwellers were totally overlooked in the past” (Petition, p. 29; see also p. 86).

Just as dispossession may be legitimised through the production of a forest-dwelling subject who was not sufficiently marginalised, it is also justified through the fabrication of a forest-dweller who is no longer sufficiently “tribal.” The petitioners claim that “[t]he tribal communities who have taken agricultural way of life and have been exposed to market forces have a totally different lifestyle, which is similar to lifestyle seen in any remote village in rural India” (Petition, p. 86).

The production of forest-dwelling communities as “ordinary villagers” erases any need or justification for the special protections granted to indigenous or resource-dependent communities, allowing proposals to simply relocate them elsewhere ([Li, 2000](#)). The petitioners make such claims by reducing forest dependence into purely economic terms. This erases the relationships these communities may hold with the forests they have inhabited for generations – of agency, identity, territory, community and more ([Li, 2014](#)). In this way, the conservation regime delegitimises the notion of Adivasi tenurial and resource rights and “naturaliz[es] their dispossession” ([Ybarra, 2017](#), p. 36).

While producing Adivasis or STs as no longer “genuine tribals”, the petitioners contradictorily deploy their “tribal” subjectivity to deny the rights of OTFDs. The petitioners draw a sharp distinction between STs and OTFDs, portraying the latter as not traditionally forest-dependent and thus unsustainable – a claim that further legitimises their exclusion and categorises certain forest-dwellers as even more undeserving of tenure and resource rights ([Li, 2000](#)). They state that “[t]he inclusion of ‘other traditional forest dwellers’ as claimants of the rights under the impugned Act will further dis-empower and exploit the genuine tribals” (Petition, p. 88). The petition further questions the rights of the OTFDs by arguing that it “cannot be expected of [OTFDs] to protect the forests on the ground that they are used to living in harmony with nature and would not exploit the forests” (Petition, p.57).

This framing homogenises OTFD communities, depicting them all as relatively dominant groups who will “cheat” or “corner the benefits” of the FRA (Petition, pp. 87, 91, 96, 147). It glosses over the intersectionality and diversity of OTFD identities, erasing the caste- and

class-marginalised populations within this category and their customary relationships with forests. The FRA recognises groups as OTFDs if they have resided and depended primarily on forestlands for three generations prior to 2005 and can provide 75 years of evidence of this ([Sahu, 2021](#)). These groups often face higher rates of rejection due to misinterpretations of this requirement. Indeed, as per the court’s eviction order, 65% of the FRA claims filed by OTFDs were rejected, compared to 29% of claims filed by STs ([Sharma, 2018](#); [Wildlife First and ors. v. Union of India and ors., 2019](#)). Ultimately, the petitioners’ emphasis on distinguishing OTFDs from STs serves as a tool to delegitimise the rights of all forest-dwelling communities ([Kapoor, 2009](#)).

These discourses of forest-dwelling subjects as undeserving of forest rights are accompanied by a pattern of viewing forest-dwellers as “primitive” and “uncivilised”. This echoes racialised portrayals produced by colonial administrators, demonstrating that “colonially inflected assumptions” shape how subjects are produced and perceived in postcolonial conservation contexts ([Sengupta and Harris, 2022](#), p. 61; [Bose et al., 2012](#)). While these constructions reflect a “colonial discursive gaze” toward forest-dwellers ([Fairhead et al., 2012](#)), they also rely on structures such as caste, class, and space to produce difference. Thus, the regime of exclusion positions the resource claims and interests of currently dominant conservation actors over those of forest-dwellers.

It is important to note how the construction of a bad, law-violating, resource-exploiting forest-dweller simultaneously constructs a good, law-abiding, resource-protecting subject of the conservation regime. This observation echoes examples from other regions. [Ybarra \(2017\)](#), for instance, shows how the Guatemalan conservation regime mapped criminality onto the bodies of the indigenous Q’eqchi Maya community and national park boundaries onto their territories. This produced the community as encroachers in the lands they had always lived and laboured in, enabling a distinctly racialised dispossession that privileged conservationists’ understandings of the forest ([Ybarra \(2017\)](#)). The creation of such binaries utilises neo-Malthusian narratives that discursively single out the “landless and poor” or “undeserving” forest-dweller as morally inferior, illegitimate, and unsustainable. In doing so, the petitioners depict a bias that is not only racialised but also evidently caste and class-based. The petition thus relies on and reproduces deep-rooted social stratifications to legitimise the regime of exclusion (see [Neumann, 2004](#); [Ranganathan, 2022](#)).

5.3. Producing conservation spaces

The petition reflects particular understandings of conservation in its arguments against the FRA. For example, the FRA formally establishes “Community Forest Rights” to collectively manage and govern forest areas. Under dominant conservation models, such alternative community-based practices are rarely recognised ([Kashwan et al., 2021](#)). The petitioners contest community forest rights by arguing that “... the inclusion of protected areas within the term community forest resource ... would destroy the conservation regime” (Petition, p. 112). By stating that the FRA will lead to the “destruction of the remaining forests,” (Petition, p. 27) the petitioners claim that granting forest-dwellers legal rights to inhabit and cultivate their customary lands would be an “illegitimate” use of forestland. This is contrasted with their preferred, “legitimate” use of forests for the creation of inviolate protected areas. As articulated in the petition, “... the subject forest is limited only to protecting, propagating and managing the forests and not for creating interest in or distributing forest land for non-forest purposes such as ... for creating tenural rights” (Petition, p. 22).

The conservation regime’s calls for dispossession are motivated by a racialised notion of “remaking wilderness” through the production of inviolate spaces ([Rai et al., 2019](#)). The petitioners emphasise the dangers of habitat fragmentation as settlements within the forest obstruct the vision for undisturbed forests (Petition, p. 69). These productions invite processes of dispossession, restructured resource rights, and reduced decision-making power for forest-dwellers ([Brockington, 2002](#); [Li, 2014](#);

Ybarra, 2017). Hence, they can reproduce violent histories, where landscapes have been made inviolate through the erasure and forceful removal of communities that customarily inhabited and cared for them (Adams, 2020; Barбора, 2017; Cronon, 1996).

The construction of inviolate conservation areas renders forest-dwellers environment-destroying encroachers in such spaces and racializes them as incapable of preserving the forest (see Mollett and Faria, 2013; Ojeda, 2012). In the context of Indonesia's Sulawesi island, Li (2014) shows how such racialised productions allowed forest-dwelling groups to legitimately be stripped of their access to land. Discourses that privilege inviolate conservation spaces can thus make "certain kinds of violence morally defensible" (Neumann, 2004, p. 821) and have historically helped legitimise and enact exclusion and violence towards forest-dwelling communities in different areas of the world (see Ojeda, 2012; Rajangam and Sundar, 2021).

However, it is important to note that these productions keep the forest open to its ideal user – the urban-dwelling, caste-elite "expert", consumer or protector. The petitioners position the use of forests by the conservation regime against the recognition of customary rights, reproducing dichotomous imaginaries of human-nature relationships within which overlapping uses or users of forests are not recognised (Peluso and Vandergeest, 2011). These approaches embody conservation imaginaries that produce "expert" entitlements to nature that simultaneously dispossess those who do not fit into the dominant imaginary (Ybarra, 2017).

6. The production of dispossession as "voluntary resettlement"

An analysis of the petition shows how regimes of exclusion have been institutionalised, and the key role discursive technologies play in legitimising the dispossession of forest-dwellers. Evictions from protected areas have been rampant in India since the 1970s. Yet, it is difficult to estimate the actual scale of this dispossession, as no formal documentation exists, indicating how casually it has been carried out (Lasgorceix and Kothari, 2009). Recently, as conservation-induced dispossession has – rightfully – evoked harsh criticism, the regime has attempted to distance itself from visibly coercive and violent histories of conservation (Kabra and Das, 2022; Schmidt-Soltau and Brockington, 2007). One way to achieve this has been to discursively reframe dispossession from protected areas as "voluntary". Between 2005 and 2019, an estimated 14,441 forest-dwellers' families were "voluntarily" relocated from tiger reserves across the country (Kabra and Das, 2022). We argue that the positioning of dispossession as "voluntary resettlement" works to render conservation-induced violence and exclusion less visible, through the apparent moral logic of "choice" (Witter, 2013). The prevalence of this framing in mainstream conservation in India is integral to legitimising arguments advocating for dispossession, such as those made in the petition.

Voluntary resettlement is framed as a "paradigmatic shift from the previous history of displacement from protected areas" in colonial and post-independence India (Sarma and Barpujari, 2020, p. 33). Similarly to what Milgroom and Spierenburg (2008) found in Mozambique's Limpopo Park, NGOs position it as a modern, win-win solution for development and conservation:

"When done with transparency, setting the expectations right and building trust, it is a win-win situation for both people and wildlife. While people get to live better lives with access to education, jobs, health benefits, our forest ecosystems thrive naturally" (Rao, 2020).

Voluntary resettlement projects for wildlife conservation have been prevalent in the state of Karnataka since 2000, where they have been implemented in Kudremukh National Park, Bhadra Tiger Reserve, and Nagarhole Tiger Reserve, often with the support of the state, local NGOs, and global funders (e.g., Gupta, 2021; Karanth et al., 2001). For example, the international NGO Wildlife Conservation Society (WCS) collaborated with the state government and local NGOs to initiate the

Karnataka Tiger Conservation Project in 2001. It appears to be one of the earliest ventures where conservation NGOs formally pursued voluntary resettlement in the country:

"We noted with concern that although conservationists are often very vocal about the ill effects of reserve fragmentation, they have offered few solutions to this problem ... Therefore, in this project, voluntary resettlement was actively pursued as a permanent solution to resolve human-wildlife conflicts and to reduce habitat fragmentation" (Karanth et al. 2001, p. 31).

These initiatives are generally mandated by the Forest Department and the National Tiger Conservation Authority. Yet, the conservation NGOs we analyse in this section have played an essential role in their implementation – justifying the need for resettlement through their positioning as "experts", identifying which settlements to relocate, "hand-holding" resettled communities, and occasionally securing private funding for these projects (e.g., Karanth and Karanth, 2007). Together, the converging discourses of state and non-state actors legitimise "voluntary" dispossession and make it materially possible.

NGOs implementing resettlements have justified their efforts with statements such as "... [i]t is ... likely that displacement to protect biodiversity will be a miniscule proportion of all human displacements in the region" (Karanth and Karanth, 2007, p. 48). This argument glosses over the massive material and emotional impact of dispossession on those experiencing it and serves to normalise displacement. As Jahnavi and Satpathy (2021, p. 335) suggest, in instances of displacement from customary lands, "an individual is not simply dispossessed of property but also of labour, social and cultural capital", while the "brutalities of identity hierarchies get perpetuated and extended". Yet, as "voluntary" resettlement projects in India and Mozambique have shown, monetary resettlement compensations do not account for these more-than-material losses that are invisible to conservation authorities (Witter and Satterfield, 2019).

Conservation NGOs involved in resettlement projects from Karnataka's protected areas further erase the drastic effects of displacement by claiming, similar to the 2008 petition, that forest-dwelling subjects do "not have strong cultural notions of owning land" (Karanth and Karanth, 2007, p. 51). As a result, they can suggest that "[i]ncentive-driven resettlement projects offer a valid alternative to coercive displacement" (Karanth and Karanth, 2007, p. 48). While they draw this distinction, what is the line between incentivisation and coercion? Since the passing of the FRA, the conservation regime has "used a combination of coercion and incentives" to produce support for resettlement – presenting "volunteering" to relocate as beneficial, and refusal to do so as a potentially harmful decision (Kabra and Das, 2022, p. 56; Lasgorceix and Kothari, 2009). Under these projects, forest-dwelling communities may be encouraged to give up their lands in exchange for cash and new livelihood opportunities posited to bring development (West, 2006). Yet, as Levien (2015, p. 150) has noted in the context of development projects in India, "when a state notifies a farmer that it seeks to acquire their land, the potential use of violence backs this intent; regardless of any compensation that might be offered, unless farmers have the right to refuse, land acquisition is fundamentally coercive" (see also Fanari, 2019). That is, such models achieve dispossession through "coercion, material compensation, and normative persuasion" (Levien, 2015, p. 150). Thus, as Schmidt-Soltau and Brockington (2007) show with resettlements from the Korup National Park in Cameroon, it can be difficult, if not impossible, to uphold a distinction between "voluntary" and "involuntary" resettlement (see also Witter, 2013).

Even if particular resettlement cases are indeed voluntary and some forest-dwelling families want to move out of the forest, it is concerning that this has been mainstreamed as a replicable conservation model that represents an entire community's interests (see Schmidt-Soltau and Brockington, 2007). Karnataka's Bhadra Tiger Reserve, for example, is often portrayed as a successful example of voluntary resettlement (Kabra, 2009). However, this resettlement project was shaped by

multiple factors specific to Bhadra, including better land quality at resettlement sites and the predominance of OTFD groups among those relocated (Rangarajan and Shahabuddin, 2006). Utilising it to justify a universal conservation model legitimises potential coercion and violence elsewhere. In Bhadra, too, some groups resisted resettlement for 26 years (Lasgorceix and Kothari, 2009). Meanwhile, in Nagarhole Tiger Reserve, Jenu Kuruba Adivasis have faced dispossession despite long-term protests. In fact, they insist that conservation NGOs and the Forest Department blur the distinction between coercion and incentivisation (Fridays for Future Karnataka et al., 2022).

6.1. Racialised productions of forests and their users

Similarly to the petition, “voluntary relocation” relies on discourses that produce forests and their users in ways that reinforce existing identity hierarchies. The rationale that legitimises resettlement involves both arguments about scientific approaches to conservation and claims that the conservation regime is “seeking ‘improvement’ (or development)” for forest-dwelling communities (Gupta, 2021, p. 66).

Through these discourses, NGOs also produce good versus bad forest-dwelling subjects. For example, they separate the bad “encroachers” who “graze illegally inside the park” and refuse to relocate from the good “encroachers” who express their willingness to move in response to incentivisation (Bhargav, 2004, p. 39). This production of the “good encroacher” becomes entangled with the construction of the “non-genuine” forest-dweller who can and must be evicted, as discussed above.

Paralleling patterns in Mozambique and Tanzania (Milgroom and Spierenburg, 2008; Weldemichel, 2022), a key narrative justifying resettlement is an emphasis on the poor quality of life inside the forest, exemplified by discourses centred around lack of development and landlessness. Conservationists cite a “genuine, voluntary demand for resettlement from tribal people” (Desai and Bhargav, 2010, p. 1). Reports from the Nagarhole and Mudumalai Tiger Reserves state that “[t]he constant danger from elephants and other wildlife, lack of basic amenities ... lack of educational and job opportunities, hardships of living isolated in the forest, etc. has resulted in these people wanting to move out of these settlements” (Desai and Bhargav, 2010, p.14). Likewise, descriptions about relocations implemented in Wayanad Wildlife Sanctuary reference the aspiration of tribal people “to be part of mainstream society and avail amenities of a modern economy” (Bindra, 2020).

The NGOs emphasise positive “development” experiences in their voluntary relocation reports. They contrast new settlements and livelihoods to the ones communities had in the forest, highlighting how “resettled families will [now] be able to access various socio-economic services” (Desai & Barghav, 2010, p. 9) and how they “had no clue about farming a few years ago” but are now “model farmers” (Machaiab, 2018). The organisations quote resettled forest-dwellers with statements such as “I would want everyone to move out of national parks, it is what is best for people and animals” (Iyer, 2019).

Discourses of voluntary resettlement models depict forest-dwelling communities as othered – “these people” – requiring “civilising” and modernisation while invisibilising the articulations of the communities themselves. For example, an NGO involved in resettlement efforts in Karnataka, called Living Inspiration for Tribals (LIFT), explains in an interview:

“The tribals can get developed outside the forest. Inside they were living inhumanly. Here they have proper houses to live in ... They can be civilised and live in families. Inside the forest anyone used to sleep with just about anyone. Isn’t this what we mean by development?” (Sethi, 2004).

Once again, these actors build support for particular understandings of conservation by producing deeply gendered, caste-based, and racialised subjects, i.e., “tribals” as primitive and promiscuous. Their objective of “inspiring” and “civilising” tribals, then, is entrenched in

deeply uneven power relations that position the conservation regime as knowing what is best for forest-dwellers (Fairhead et al., 2012). These understandings are necessary to consider when regimes of exclusion invoke the need for development.

The structural violence of othering forest-dwelling communities can be seen in the processes legitimising and implementing “voluntary resettlement”, as well as in the processes that unfold after dispossession takes place. Kabra’s (2009, 2020) analysis of conservation-induced dispossession in Madhya Pradesh’s Kuno Wildlife Sanctuary shows how caste and class dynamics affect resettlement decisions as well as experiences of dispossession. The communities “resettled” from Kuno have included Sahariya Adivasis and some Parihar and Kushwah communities who are categorised as OTFDs. Post-resettlement, the shift from forest-dependent livelihoods to unpredictable sources of income such as wage labour intensified poverty. Families without access to caste/class-mediated social networks or financial resources faced a more “tortuous process of resettlement and rebuilding livelihoods” (Kabra, 2020, p.788).

At the same time, the conservation organisations attribute the struggles of some resettled communities to their lack of “hard work”. This implicates those complaining about resettlement as lazy, allowing the actors implementing resettlement to erase their own complicity in creating challenging work conditions and separating communities from their customary lands and practices. In a video describing relocation from Nagarhole Tiger Reserve, WCS-India interviews resettled community members who become co-opted into this dominant discourse. One interviewee states that “[w]e just have to work hard. Just because we came from forest doesn’t mean that we should sit and do nothing ... If we show laziness it will be a wrong example to our kids ... Those who work hard this is the best option they can get” [sic] (WCS-India, 2020). Failed resettlement efforts are also blamed on forest-dwellers’ “laziness” in reports about relocation from the Bhadra Tiger Reserve. The NGOs admit that “[o]nly 15 out of the 60 who were resettled here have managed to make good from their compensation package” (Jayalakshmi K, 2018) but are quick to add that “[t]hose who have put in hard work and patience have reaped the benefits. Others have succumbed to the temptations of big money – sold out and gone to the cities, or squandered it” (Jayalakshmi K, 2018).

While the regime claims that “voluntary resettlement” is intended for the benefit of forest-dwellers, racialised productions enable NGOs involved in these projects to delegitimise forest-dwellers’ demands, experiences, environmental knowledge, and ability to make decisions about their futures. They also erase the need to assess experiences of resettlement, and how these may be differentiated. For example, organisations discussing the success of the voluntary resettlement process in the Bhadra Tiger Reserve dismissed any concerns the communities may face, stating that “[t]he general human tendency to complain makes it difficult to objectively measure whether the resettled people are ‘happier and more satisfied’...” (Karanth and Karanth, 2007, p. 55).

Similarly, in the Nagarhole Tiger Reserve, an evaluation report stated that “overall, on the basis of interactions with beneficiaries on the ground, there are no serious shortfalls even though some complaints exist” (Desai and Bhargav, 2010, p. 11). The conservation regime of exclusion thus limits forest-dwellers’ agency simply to being incentivised into resettling, homogenising and often negating their actual lived experiences. Presenting resettlement as an unquestionable “win for conservation” can thus be understood as an inherently violent approach because it centres the objective of creating inviolate, uninhabited conservation spaces that, in turn, become produced through coercion and dispossession (e.g., Brockington, 2002; Lunstrum and Ybarra, 2018). Such projects are discursively distanced from colonial histories of conservation and dispossession through their framing as a solution for both conservation and forest-dwellers. Yet, “voluntary resettlement” can be understood as a discursive technology that reinforces rather than challenges the conservation regime of exclusion by depoliticising dispossession and rendering it incontestable.

7. Claiming expertise to claim the forest

The 2008 petition and narratives of voluntary relocation depict the active role of conservation NGOs in producing environments and environmental subjects in ways that legitimise their claims over the forest and its “proper” uses (Sundberg, 1998). As we show in previous sections, certain NGOs deploy racialised difference to produce Adivasi and OTFD communities as environment-harming, and their practices and forest claims as illegitimate. This in turn justifies the continued creation of “inviolate” protected areas through dispossession (Lunstrum and Ybarra, 2018). Importantly, actors in India’s conservation regime scarcely include or employ people from forest-dwelling communities in decision-making roles – these are typically occupied by urban, caste-elite, formally-educated actors with access to caste hegemony and national and global ideological and financial networks (Meshram and Rawat, 2023).

Discussing the example of Karnataka’s Kudremukh National Park, conservation NGOs claim that “the encroached land is now free and in the care of the forest department” (Bhargav, 2004, p. 41) and that dispossession and resettlement have thus resulted in “[p]aradise regained” (Bhargav, 2004, p. 38). This framing suggests that the forest becomes “paradise” only by removing “encroaching” forest-dwellers from their customary homes, and that only certain actors are capable of managing this “regained” landscape. These discourses utilise a “wilderness imaginary” of a landscape that was once devoid of human inhabitation – erasing the fact that most protected areas have been inhabited by forest-dwelling communities for generations (see Cronon, 1996). They also establish a claim, by forest “experts”, who assert their scientific expertise to justify conservation-induced dispossession. For instance, reports on resettlement from the Nagarhole Tiger Reserve state:

“Data from long term scientific monitoring has established that Nagarhole [tiger reserve] supports a very high density of tigers and prey close to their potential carrying capacity ... [this is] one of the most valuable meta populations in the country which perforce requires to be conserved as an inviolate area free from all incompatible human activities” (Desai and Bhargav, 2010, p. 7, p. 7).

“Unscientific exploitation and commercial harvesting of our forests for non-timber forest produce (NTFP) is degrading and browning our forests ... Unscientific, over-exploitation of medicinal plants by contractors in the name of tribal welfare was also an unpleasant reality witnessed by me” (Phadnis, 2020).

In this way, the conservation NGOs contest the capabilities of forest-dwelling communities to practice conservation and the legitimacy of decentralised forest governance. They attempt to establish decision-making space for conservation “experts” by depicting the democratisation and decentralisation of forest governance as “illegal”. For example, they portray the Gram Sabha as “incompetent, untrained and unsuitable” (Petition, pp. 118–119). Not only do these discursive productions delegitimise forest-dwellers’ customary knowledge and practices, but they also privilege the conservationist subject as being *exclusively* capable of understanding and thus protecting forests. The petition thus states that the “determination of the rights to be vested under the Act ... requires special skills and ... representatives of the people cannot perform the impugned function effectively” (Petition, pp. 137–138). Likewise, it suggests that “[t]he procedure of determination of forest rights is against the principles of natural justice and all known principles of law. The Gram Sabhas will be determining the nature and extent of the rights of its members and of itself, which is illegal” (Petition, p. D).

These discourses not only position these NGOs as “expert” conservationists but also as experts in implementing “voluntary relocation”. In this way, hardline actors establish themselves as an indispensable part of the conservation regime. Desai and Bhargav (2010, p. 2) thus declare

that “[t]he major motivation efforts of a sincere local NGO and its sustained efforts at hand-holding the resettled people ... has played an important catalytic role in ensuring a decent transition for tribal people” (Desai and Bhargav, 2010, p. 2; see also Karanth et al., 2001, p. 3).

Li (2014) depicts how the entities assembling land for a particular purpose – such as conservation – may not acknowledge their own role beyond being outside experts. Similarly, these NGOs position themselves merely as intellectual outsiders, failing to recognise their role in exercising control and discursive authority as elite upper-caste, urban-dwelling actors. Their discursive productions invisibilise the assemblages of power and land that legitimise particular conservation understandings and claims to the forest (Adams, 2020; Li, 2014). In the case of “voluntary resettlement”, NGO representatives declare that previous projects offer supporting evidence for future ones, taking the form of “... real world experiments in displacement for achieving conservation” (Karanth and Karanth, 2007, p. 53).

The conservation regime of exclusion is a complex of actors, including states, local and international NGOs, donors, forest bureaucracy, private industrialists, conservationists, wildlife tourists and more. In assembling conservation regimes of exclusion, these actors may have different understandings of land and its legitimate use, human-nature relationships, and conservation objectives (Duffy, 2006; Li, 2014; West, 2006). They may also have differing motivations towards producing conservation paradigms. While private entities may be interested in capital accumulation, states may seek control over conservation areas, and NGOs may be motivated by their understanding of conservation as tied to inviolate natures. NGOs’ invocations of scientific expertise and “tribal development” to legitimise dispossession and voluntary relocation projects must thus be examined alongside their justification of exclusionary practices and dismissal of the concerns and interests of affected communities. These discourses reproduce “stereotyped racial narratives and hierarchies within the conservation regime” (Kashwan et al., 2021, p.4), positioning dominant understandings and “expert” claims to the forest over those of forest-dwelling communities.

8. Conclusion

In this article, we have depicted how hardline NGOs discursively produce and sustain India’s conservation regime of exclusion. These NGOs have actively deployed difference to produce forest-dwelling subjects and forests in ways that legitimise racialised, caste-based exclusion and dispossession. Further, through their own position as caste-elite, urban “experts”, these actors occupy a power/knowledge nexus that serves to mainstream their discursive productions and conservation interventions (Escobar, 1996). How conservation actors perceive forest-dwelling communities shapes the ease with which they can make generalised claims about what a community needs and dismiss resistance to resettlement. This makes it necessary to critically examine claims that exclusionary conservation interventions can be “socially just” (Bhargav, 2004, p. 41).

The organisations we analyse claim that only (elite) “experts” should have the right to access, manage and protect forests. They simultaneously delegitimise the notion of granting forest rights to Adivasi and OTFD communities under the FRA, displaying a “deep fear of the poor and of their claims to resources” (Peluso and Watts, 2001, p. 8). The conservation regime that rejects the claims of forest-dwelling communities is thus motivated by a strong and defensive claim of its own – one that appears threatened by the notion that those who live inside the forest may be able to claim or conserve it with more legitimacy than those living outside it (see Petition, p. 26). Importantly, the ideas underlying the 2008 petition and voluntary resettlement serve to reproduce old exclusionary tropes that position forest-dwelling communities as the primary threat to Indian ecosystems. The regime thus distracts from, and shows notably less hostility towards, large mining and infrastructure projects rapidly expanding across India’s forests (Meshram and Rawat, 2023).

We have emphasised discourse as a technology through which regimes of exclusion produce forests as a resource for conservation and invisibilise customary relationships to land (Li, 2014; Marijnen and Verweijen, 2016). While our focus has been on certain NGOs, conservation regimes of exclusion are constituted by several different state and non-state actors. Although these actors hold differing motivations, their converging discourses and approaches legitimise dispossession as being “for the benefit of the public” or serving a broadly-defined national purpose, such as conservation or development (Levien, 2015). Resettlement projects framed as “voluntary” or “win-win” – in India, Mozambique, Tanzania or elsewhere – need to be examined for how discursive productions may be delegitimising or displacing certain populations and their resource claims, while legitimising others.

As we have shown, discursive technologies also play a crucial role in upholding fundamental understandings of race, caste, and the nation (see Neumann, 2004). The FRA’s provision that Adivasi and OTFD communities can legally claim ownership and rights over forests appears to threaten not only the regime’s vision for conservation but also the hierarchies that this regime is built upon. While legitimising dispossession, the conservation regime of exclusion reproduces the deep-rooted racial, caste-based structures that determine the right to possession and national belonging in India (Jahnvi and Satpathy, 2021; Solanki, 2016).

We do not seek to portray the regime as incapable of evolving. Recently, some of these NGOs have changed their stance on exclusionary approaches. WCS-India, for instance, states that they no longer advocate for voluntary resettlement, with their director recently declaring that “[w]e are moving with the times ... The old generation had its own style” (Martin, 2022). This signals a welcome acknowledgement and potentially positive shift among conservation actors now prioritising co-existence-based and collaborative approaches.

However, for decades, productions made by hardline NGOs helped normalise and depoliticise dispossession as a conservation strategy and institutionalised approaches such as “voluntary resettlement” in India’s conservation regime. While the examples we present in this paper focus on past discourses of a small group of NGOs, they are representative of a broader regime. Although NGO discourses are gradually shifting, a conservation regime of caste-based and racialised exclusion remains institutionalised by policymakers, states and judicial actors. This is demonstrated by how the 2019 court ruling was only temporarily put on hold, how voluntary resettlement remains not only a normalised but celebrated conservation strategy (e.g., National Tiger Conservation Authority, 2020), and how urban, caste-elite actors continue to play a hegemonic role in conservation.

Our analysis remains motivated by the need for these conservation actors to take accountability for the discursive and material impacts their interventions have had, and continue to have, on forest-dwelling communities. Ample evidence now speaks to the effectiveness of rights-based biodiversity conservation approaches that, instead of dispossessing and delegitimising forest-dwelling communities, recognise their forest and land tenure rights (see, e.g., Mollett and Kepe, 2019; Kashwan et al., 2021). In India, the Forest Rights Act already lays powerful groundwork for collaborative and effective conservation. Proper implementation of the FRA can empower forest-dwellers and Gram Sabhas to resist the effects of the ongoing dilution of other environmental laws, which makes forests available for large-scale privatised extraction (Ramnath, 2023). Thus, conservation actors striving to make a positive shift could work to reinforce and support – rather than attempt to challenge – the implementation of the FRA, for the interlinked benefit of biological diversity and forest-dwelling communities.

As implied by our analysis, NGOs could be well-positioned to redirect their ideological, political and economic support to these kinds of alternatives to coercive conservation (Kashwan et al., 2021). We thus invite a dismantling of the prevailing regime of exclusion and concrete steps away from managerial, top-down approaches that deploy difference; towards practices that prioritise care and solidarity with

forest-dwelling communities.

Declaration of competing interest

The authors have no conflicts of interest to declare.

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