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# Centre right to champion vision where roar of the tiger and voices of tribal communities are heard in harmony

*The path forward is not one of eviction, but of empowerment and partnership, ensuring that both tigers and tribes thrive in the forests they collectively call home*

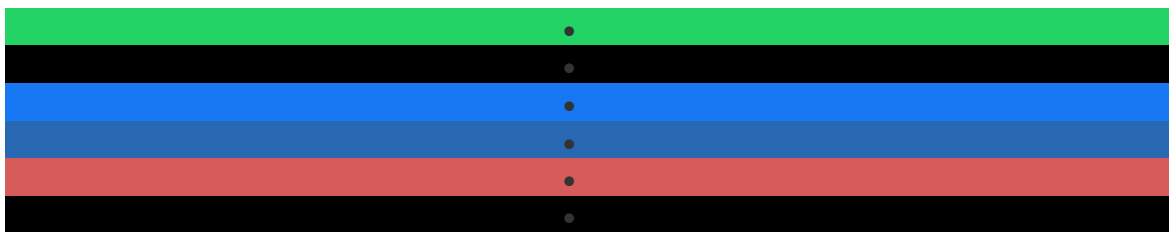


A tigress in Bandhavgarh Tiger Reserve, Madhya Pradesh. Sourabh Bharti via iStock

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In the dense, dappled light of India's tiger reserves, a silent but profound conflict unfolds. It is not a clash between humans and wildlife, but a tension between two well-intentioned imperatives: the urgent need to protect the country's endangered biodiversity and the constitutional duty to secure the rights and dignity of those who have called these forests home for centuries. For too long, the narrative of conservation has been one of exclusion, where the creation of protected areas often meant the dispossession of forest-dwelling communities. However, a pivotal shift is underway, championed by the Union Ministry of Tribal Affairs (MoTA), which seeks to reconcile these dual goals through the rigorous application of law and ethics.

A recent policy brief from the MoTA, titled *Reconciling Conservation and Community Rights* and a subsequent directive to the Union Ministry of Environment, Forest and Climate Change (MoEFCC) lays down a groundbreaking framework. It unequivocally states that the relocation of villages inside tiger reserves must be a measure of last resort, undertaken only when it is voluntary, scientifically justified, rights-compliant, and grounded in equity and dignity. This position, as reported by *The Hindu*, challenges outdated conservation models and firmly roots India's strategy in its own legal and constitutional soil.

### **Legal bedrock: FRA and WLPA in concert**

At the heart of this new paradigm are two powerful legislative acts that, rather than being in conflict, are designed to work in tandem: The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) and The Wildlife (Protection) Act, 1972 (WLPA).

The FRA was a historic piece of legislation enacted to correct the “historical injustice” inflicted upon forest dwellers by recognising and vesting their rights over forest land and resources. It was never intended to be subservient to conservation efforts. In fact, Section 4(2) of the FRA establishes a formidable procedural fortress against arbitrary displacement. It mandates that no rights-holder can be relocated from a Critical Wildlife Habitat (CWH) unless:

- The process of recognising and vesting all their rights is complete.
- Free, Prior, and Informed Consent (FPIC) has been obtained from the Gram Sabha.
- Coexistence has been proven to be infeasible through credible, peer-reviewed scientific evidence.
- The relocation is entirely voluntary, and a comprehensive rehabilitation package that secures livelihoods and cultural integrity is provided.

Similarly, the WLPA, particularly after its amendment, echoes this sentiment. Section 38 V(5) states that tiger conservation plans cannot adversely affect the rights of Scheduled Tribes or other forest dwellers, except if their presence causes “irreversible damage” to the tiger reserve and that too, only after all other alternatives have been exhausted.

Together, these laws create a “rights-first, science-based, and consent-driven” paradigm for conservation. They dismantle the presumption that people are always a threat to wildlife and establish that the burden of proof for relocation lies with the state, not the community.

### **Five pillars of ethical conservation**

The MoTA's policy brief translates this legal mandate into five inviolable policy principles, each grounded in constitutional morality and judicial precedent.

1. **The rights-based approach:** The FRA is not a welfare scheme but a legal recognition of substantive rights. The state has an affirmative duty to protect these rights, which are inextricably linked to the fundamental rights to equality (Article 14), life and livelihood (Article 21), and self-governance in Scheduled Areas (Article 244). Any curtailment is a serious constitutional matter, permissible only upon demonstrating an overwhelming ecological necessity.
2. **Community self-determination:** The Gram Sabha is the supreme decision-making body in this process. As per the PESA Act, 1996, and the Fifth Schedule of

the Constitution, the Gram Sabha must be the primary authority to deliberate and decide on matters of settlement or relocation. This embodies the principle of subsidiarity—that decisions affecting local lives should be taken at the lowest competent, democratic level.

3. **Equity and non-regression:** Relocation cannot lead to a regression in the quality of life. The principle of substantive equality demands a “like-for-like or better-than-before” restoration of living standards. This goes beyond one-time cash compensation to encompass long-term social and economic security, ensuring that the triad of life, livelihood, and heritage remains intact and is enhanced.
4. **Scientific determination and transparency:** The claim that a specific village is causing “irreversible damage” must be backed by independent, peer-reviewed ecological assessments. These assessments must be made public and subject to scrutiny. Relocation cannot be based on arbitrary assertions or convenience; it must be a scientifically validated last resort.
5. **Accountability and constitutional morality:** Every official involved bears a fiduciary duty to act in good faith. Conservation cannot be used as a pretext for dispossession. A robust architecture of transparency, including public dashboards and independent audits, is proposed to hold authorities accountable, with provisions to invoke legal consequences for violations.

## **Two pathways: Coexistence or voluntary relocation**

The framework presents two clear, community-led decision pathways, moving away from a one-size-fits-all diktat.

### **Option 1: Continuation and coexistence**

Many communities may choose to remain and exercise their rights through Individual Forest Rights (IFRs), Community Forest Rights (CFRs), and Habitat Rights. The policy brief outlines a robust plan for this scenario:

- **In-situ development:** Ensuring access to civic infrastructure like healthcare, education, and digital connectivity without forcing displacement.
- **Participatory conservation:** Mandating the inclusion of Gram Sabha representatives in Tiger Conservation Foundations and Eco-Development Committees, fostering genuine co-stewardship.
- **Livelihood diversification:** Investing in eco-tourism, non-timber forest produce value chains, and biodiversity monitoring, turning communities into official guardians of the forest.
- **Cultural-ecological stewardship:** Integrating indigenous knowledge into modern conservation strategies, recognising that these communities have been the original conservationists.

This model challenges the myth that human presence is inherently detrimental to wildlife. There is growing global evidence that community-led conservation can be highly effective.

### **Option 2: Voluntary relocation**

If, after a rigorous process, the Gram Sabha voluntarily opts for relocation, the framework ensures it is done with justice and dignity. Key measures include:

- **Comprehensive compensation:** Land-for-land of equivalent value for IFRs, and monetary compensation based on the Net Present Value (NPV) of ecosystem services for CFRs, deposited into community-managed funds.
- **Livelihood restoration:** A minimum five-year support period with guaranteed employment opportunities in eco-restoration or tourism within the reserve.
- **Cultural access agreements:** Legally ensuring continued access to sacred groves and cultural heritage sites.
- **Strong monitoring:** A Participatory Monitoring Committee and a national GIS-based Relocation Dashboard to track outcomes and grievances in real-time.

### **A national imperative**

The MoTA's directive is a timely intervention. As India's tiger population shows encouraging signs of recovery, the pressure on habitats and the communities within them has intensified. The old model of "fortress conservation"—where forests are cleared of people to create pristine wilderness—is not only ethically and legally untenable but also ecologically short-sighted. Forest dwellers are not mere residents; they are repositories of traditional knowledge and often the most effective frontline defenders against illegal logging and poaching.

By insisting that relocation be a rare, voluntary, and exceptionally well-justified act, the MoTA is upholding the soul of the FRA. It is championing a vision where the roar of the tiger and the voices of the tribal communities are not pitted against each other but are heard in harmony. It reaffirms a powerful truth: ethical conservation is just conservation. In aligning the protection of India's natural heritage with the empowerment of its forest people, the country can demonstrate to the world that biodiversity stewardship and human dignity are, and must always be, two pillars of the same constitutional covenant. The path forward is not one of eviction, but of empowerment and partnership, ensuring that both tigers and tribes thrive in the forests they collectively call home.

### **From Fortress Conservation to forest partnerships**

The future demands a decisive shift from exclusionary "fortress conservation" to a rights-based, participatory model. The immediate priority is the joint notification of a National Framework for Community-Centred Conservation by the MoTA and MoEFCC, creating uniform, legally sound protocols for all tiger reserves. This must be operationalised by appointing a Compliance and Social Safeguards Officer in every reserve to uphold the FRA and ensure genuine FPIC.

Transparency will be forced through a public, GIS-linked National Dashboard, tracking relocation and coexistence outcomes in real-time. Annual independent audits will hold agencies accountable, while piloting "Coexistence Demonstration Models" will generate evidence for community-led stewardship. The ultimate goal is to make voluntary relocation a rare, scientifically justified exception, firmly establishing that protecting India's wild heritage is inseparable from empowering its forest communities.

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*Views expressed are the author's own and don't necessarily reflect those of Down To Earth*