

Paradox of protection: Ecological preservation and human rights in reserved forests

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The Indian Forest Act, 1927 empowers the State to declare large tracts of land as “reserved forests”. While from the government’s perspective, this is an attempt to safeguard national ecological assets, the legal framework adversely impacts traditional forest dwellers through the loss of homes and livelihoods. In this post, Rishabh Jain seeks to balance the two perspectives and proposes a way forward that is rooted in coexistence.

India’s legal regime of protected and village forests reflects a long struggle to reconcile ecological preservation with human rights. At the centre of this tension is the act of reservation, which shows the State’s authority to notify large tracts as “reserved forests” under the Indian Forest Act, 1927. While on the one hand, this confers the strongest form of legal protection, on the other, it also results in the displacement of residents – often recast as “encroachers” – even when their connection to the land spans centuries. In this post, I seek to balance the perspective of the forest-dependent communities with the government’s rationale.

State’s efforts to safeguard national ecological assets

When a land is declared as “reserved”, it means that customary rights to cultivation, residence, grazing and forest produce no longer exist unless it is expressly agreed to during the time of reservation. Due to this, villages that have pre-existed for generations suddenly become illegal settlements, thereby

adversely impacting people through loss of homes and livelihoods. From the State's viewpoint, this is essentially done to safeguard national ecological assets.

Reserved forests form the backbone of India's biodiversity strategy as they harbour wildlife, protect watersheds, and constitute carbon sinks that are required for climate commitments. If there is unregulated habitation, it can lead to a risk of fragmentation and deforestation. This co-existing of civilisation with these forests, especially in the modern era, would inevitably destroy forests. This is the thought process behind reserving forests.

Governments have constantly cited population increase, and agricultural and industrial activities as pressure around forest edges. The growth of settlements in most reserves is gradual and forms a process known as "creeping encroachment", which gradually swallows forest corridors. Without reservation, States worry that under-protected areas would be incapable of sustaining populations of wildlife and ecological processes. Therefore, eviction can be seen as a regrettable yet inevitable mechanism that is used to avoid the irreversible ecological damage.

Displacement of traditional forest dwellers

The Forest Rights Act (FRA), 2006¹ sought to correct the historical injustice to scheduled tribes, along with other traditional forest dwellers. This grants individual title rights up to 4 hectares of cultivated forest land, community rights to forest produce and management, and lastly, protection from eviction until claims are decided. However, governments acknowledge FRA's aims but argue that implementation must balance conservation imperatives. Some conservationists believe the FRA, if poorly administered, could regularise widespread encroachment, leading to deforestation. State forest departments have also stressed that false claims clog the system, and unless strictly scrutinised, the law may encourage opportunistic land grabs.

For communities, the FRA is a lifeline since it provides recognition that their presence is legitimate and not encroachment. However, poor implementation undermines the very premise it stands for.

Several claims are rejected for lack of documentation, rejected claimants continue to face eviction threats, and the hearings are carried out without much effort.

For instance, in 2025, **large scale eviction** drives took place in the Paikan and Doyang reserved forests in Assam. Thousands of homes were demolished and subsequently the families were displaced. The district administration contended that this was necessary to protect forest boundaries and mitigate ecological degradation, and that they had legal backing through court directives. Similarly, in **Karnataka and Chhattisgarh**, tribal hamlets inside reserves like Nagarhole and Achanakmar were removed to create inviolate spaces for wildlife conservation. Again, the government defended this by labelling these evictions as necessary for tiger habitats, and the exercise was supported by Project Tiger funds.

The same has also been witnessed in cases brought before the Supreme Court of India. In **TN Godavarman Thirumulpad versus Union of India**, the definition of “forest” was broadened and there was a ban on felling. Apart from this, eviction was ordered to prevent rampant deforestation and enforce centralised conservation. Like in the case studies discussed above, locals’ histories were not taken into consideration, and they ended up being displaced. Another such case was **Wildlife First versus Union of India**, wherein the states were directed to evict several people whose FRA claims were denied. This was justified by the government in the name of the law to stop the loss of forests, even though the actual denial was due to the poor administrative procedures, thus leading even genuine claimants to face dispossession. Later, due to large-scale outcry and concerns being brought up with even the UN, the order was stayed.

All the referenced cases reflect deficiencies in the due process that aggravate injustice. Due care should be taken not to evict anyone under FRA until the claims are fairly determined. However, in reality, the adjudicatory processes are marred by bureaucratic obscurity, excessive burden of evidence, and sham proceedings. Citizens usually have no documentary proof required by the government, and they often use oral history or communal acknowledgment.

Thus, even real inhabitants are not recognised and are denied the necessary remedies that are affordable.

Forced removal of inhabitants often entails crushing of homes, schools and community areas without consideration of alternative place of living or sustenance. Basic necessities are denied to families without which subsistence is not possible. To most of the tribal communities, the forest is not just a source of resources, but a cosmological reference point, and eviction is a cultural dismembering.

Examples of community-based management models

From a conservation perspective, eviction-first approaches may be counterproductive. Communities that are alienated and regarded as “enemies”, possess less incentives to collaborate in protection. Displaced populations can enter forests either secretly, which causes them to fight with forest guards, or become an adversary of conservation schemes. Conversely, in the case of rights security and the recognition of stewardship, the community usually becomes the strongest guardian of biodiversity. The root of the problem is not the presence of human beings, but the lack of structures that can synchronise local livelihoods with the conservation objectives.

The dilemma of displacement is not just India centric. Conservation globally has struggled with this, with exclusion of human beings being a prerequisite in ecological preservation. Experiences from Africa and Latin America show that eviction-driven conservation often produces long-term resentment and even ecological decline. Conversely, the management models that are community-based can reinforce and strengthen ecological and social impacts.

Empirical research from multiple regions substantiates this distinction. Comparative studies of eviction-led conservation in parts of sub-Saharan Africa indicate that forced displacement from protected areas often generates long-term hostility and friction towards conservation authorities. This also leads to a weakening of community cooperation and increased illegal extraction due to the

loss of local stewardship. Exclusionary conservation models have been shown to displace environmental pressures rather than eliminate them, while simultaneously eroding trust between the State and the local communities (Brockington and Igoe). Forced removals, in such contexts, often undermine conservation objectives by alienating populations that earlier functioned as informal custodians of forest ecosystems (Agrawal and Redford)

In contrast, evidence from Latin America and parts of Africa suggests that community-based and co-management regimes are frequently associated with stronger conservation outcomes alongside improved security of livelihood. Comparative assessments of forest governance demonstrate that community-managed forests have performed, as well as, or better than, strictly protected areas in preventing deforestation, while also delivering positive social outcomes (Porter-Bolland) These findings indicate that conservation approaches that integrate secure tenure, participatory governance, and shared responsibility, can enhance ecological resilience without compromising social justice.

Within India as well, such examples of more balanced approaches exist. For instance, participatory mapping of community forest rights has enabled the elimination of disputes in states such as Odisha because it helps in defining boundaries and legitimising claims. There have also been relatively improved results to voluntary relocation of tiger reserves in parts of Madhya Pradesh when families were given land, housing and livelihood in resettlement colonies. These programmes, as far from perfect as they are, show that with the help of rehabilitation and consent-based relocation, it is possible to develop legitimacy, which cannot be achieved with forced eviction.

Towards a more balanced approach

The challenge, then, is not to choose between eviction and unrestricted settlement, but rather to undertake institutional reforms that accommodate legitimate rights, while ensuring the environment is not compromised. This requires finely tuned governance rather than blunt instruments. Most importantly, it requires building trust. Communities should feel that conservation

can coexist with their lives and livelihoods, and governments should realise that eviction, unless accompanied by justice, is disastrous to ecological aspirations in the long term. An ethical course of action must be based on the fact that forests are ecological commons and living environments. Reservation must remain a conservation device, but at the same time, it should be moderated by protective measures for humans to avoid arbitrary dispossession.

To achieve this, I propose a three-step solution plan:

Enhance rights awareness and follow due processes: The adjudication of FRA claims ought to be done in participatory processes with time limits and easily noticed appeals. In case of oral or customary evidence, authorities ought to use non-strict documentary standards. Conservation petitions presented to the courts ought to be accompanied by evidence that due process has been adhered to before the approval of removal orders.

Reconceptualise rehabilitation and relocation: This is specific to situations where relocation is inevitable. If such is the case, then the State should facilitate rehabilitation. This should not just be a token compensation; rather, it needs to be through means such as secured land titles, livelihoods that are viable, and provision of houses, education, and healthcare. The resettlement process should be formulated in consultation and involvement with the affected communities so that relocation is not imposed upon anyone.

Establish co-management arrangements: States must consider forest dwellers as allies rather than adversaries. Forests can be administered by joint forest management bodies and village forest committees that will have legal powers to carry out forest administration. The committee will consist of people at the grassroots level as well as representatives from various communities. In addition, such a committee can also help in implementing the above two proposed solutions by facilitating both consultation and implementation procedures. Such arrangements could dramatically reduce illegal deforestation, control fire in forests, and enhance protection of wildlife.

Concluding thoughts

The dilemma of displacement through forest reservation encapsulates the broader paradox of environmental law in general: protecting fragile ecosystems without perpetuating social injustice. The locals and the government both have legitimate arguments on the two ends of the spectrum. While the government's fear of losing forests is genuine, so is the pain of the communities uprooted. This is why a balanced approach is needed, not by choosing one over the other, but by considering the three-step solution proposed as a means of coexistence. By embedding reservation rights and making relocation humane, India can move to a reality where forests are protected not against people, but with them.

The views expressed in this post are solely those of the authors, and do not necessarily reflect those of the I4I Editorial Board.

Note:

1. The Scheduled Tribes And Other Traditional Forest Dwellers (Recognition Of Forest Rights) Act, 2006.

Further Reading

1. Brockington, Dan and James Igoe (2006), "[Eviction for Conservation: A Global Overview](#)", *Conservation and Society*, 4(3): 424-470.
2. Agrawal, Arun and Kent Redford (2009), "[Conservation and Displacement: An Overview](#)", *Conservation and Society*, 7(1): 1.
3. Porter-Bolland, Luciana (2012), "[Community managed forests and forest protected areas: an assessment of their conservation effectiveness across the tropics](#)", *Forest Ecology and Management*, 268: 6.