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NTCA Demands Relocation of Nearly 4 Lakh Forest Dwellers From 54 Tiger Reserves

C.R. Bijoy

21/Aug/2024 5 min read



The Wildlife Protection Act prohibits all kinds of relocation except those done 'voluntarily' on 'mutually agreed terms and conditions'.



Camera-trap image of a tiger. Photo: Pakke Tiger Reserve



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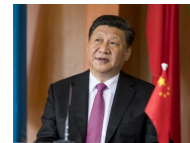


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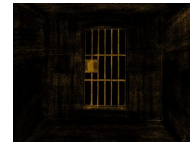
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More than 89,800 families from 848 villages, mostly belonging to the Adivasi community that is entitled to forest rights, are to be summarily relocated from Critical Tiger Habitats (CTHs) or the core area of 54 tiger reserves. The National Tiger Conservation Authority (NTCA) directed all 19 tiger-bearing states on June 19, 2024 to relocate them on a 'priority basis', calling for action plans and regular progress reports. NTCA has cobbled up available figures on the number of families in CTH who have been relocated and are yet to be relocated (see table below).

This would mean uprooting nearly 4 lakh forest dwellers considering an average household size of 4.44 people (**as of 2022-23 for rural areas**). This is intended to make the CTHs 'inviolable' – not harmed or damaged – as per Section 38V(4)(i) of the **Wildlife Protection Act (WLPA) 1972**. Unlike the general population, they are mostly denied public facilities and services because their habitations are forest settlements that have not been converted into revenue settlements despite an **Environment Ministry's 1990 order** to do so. This is now a legal requirement and right under the **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006** (FRA).

This could be among the largest displacements ever in the world for wildlife conservation, that too for the protection of a single wildlife species, the Tiger. The exact number of people residing in the core area is as yet unknown. The **Union environment ministry stated in the Lok Sabha** that as on July 12, 2019 there were 57,386 families in CTHs, of whom 42,398 families remain in 50 Tiger Reserves after relocating 14,441 families. By 2020, **the figure of the displaced** rose to 18,493 families in 215 villages. Now NTCA has confirmed that 25,007 families or 1.11 lakh forest dwellers have been relocated from 251 villages.

Status of village relocation from Tiger Reserves as on 27.05.2024

Sl. No.	State	No. of Tiger Reserves	No. of Villages in the notified Core (CTH)	No. of Families in the notified Core (CTH)	No. of Villages relocated from the notified Core (CTH) since the inception of the Project	No. of Families relocated from the notified core (CTH) since the inception of the Project	No. of Villages remaining in the notified Core (CTH)
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					Tiger	Tiger	
1	Andhra Pradesh	1	17	1,232	0	0	17
2	Arunachal Pradesh	3	8	450	0	0	8
3	Assam	4	7	1,085	0	0	7
4	Bihar	1	0	0	0	0	0
5	Chhattisgarh	3	132	10,599	0	249	126
6	Jharkhand	1	35	5,070	0	0	35
7	Karnataka	5	113	7,003	32	1,175	81
8	Kerala	2	0	0	0	0	0
9	Madhya Pradesh	6	165	18,626	109	9,058	56
10	Maharashtra	6	83	12,310	62	8,590	21
11	Mizoram	1	2	463	1	452	1
12	Odisha	2	14	468	5	325	9
13	Rajasthan	4	111	15,045	17	2,918	94
14	Tamil Nadu	5	63	4,701	6	588	57
15	Telangana	2	50	3,370	0	0	50
16	Uttar Pradesh	3	16	4,369	0	0	16
17	Uttarakhand	2	18	1,420	17	1,410	1
18	West Bengal	2	14	3,597	2	242	12
	TOTAL	54	848	89,808	251	25,007	591

Source: Annexure I of letter of Dr.G.S Bharadwaj, Addl. DGF (Project Tige Secretary NTCA, National Tiger Conservation Authority, New Delhi, D.O. NTCA dated June 19, 2024

Nearly 2.5 lakh of the 4 lakh now scheduled for relocation are from the

central Indian tribal belt of Madhya Pradesh, Rajasthan, Maharashtra and Chhattisgarh. These states, with some of the largest tribal populations, have large parts notified as Scheduled Area under the Fifth Schedule of Article 244. This is to bring them under the cover of special constitutional protection along with the village self-rule through the Panchayat (Extension to Scheduled Areas) Act, 1996.

Laws trampled

But the WLPA specifically prohibits NTCA from issuing any directions that will 'interfere with or affect the rights of local people particularly the Scheduled Tribes' [Section 38(O)]. FRA too prohibits removal of any forest dwellers from forest land till the recognition and verification of forest rights are completed [Section 4(5)]. Violation of any provision of FRA is an offence [Section 7 of FRA]. Interference with forest rights is now an atrocity [Section 3(1)(g)] under the **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), 1989**.

NTCA, it seems, is beyond the law; after all it is the custodian of tigers numbering between **3,167 and 3,925**, occupying approximately 78,135 sq kms that includes 42,913 sq kms of CTHs. The utter awe that tigers evoke amongst the judiciary over the Tiger Reserves emboldens NTCA to be contemptuous of the laws.

The arbitrary manner with which Tiger Reserves, an administrative category under Project Tiger launched in 1973, were determined and notified continue well beyond 2006 when they became a statutory category through an amendment to the WLPA. The amendment, often called the tiger amendment, not only conceived NTCA, but also outlined a clear reasoned, scientific, democratic and open procedure to define, demarcate and notify Tiger Reserves. But this did not deter the colonial forest regime that lords over the forests and all that it contains, from doing what it wants.

On November 16, 2007, the NTCA gave the Chief Wildlife Wardens just 13 days to submit a proposal to delineate CTHs. Twenty-six tiger reserves were notified in 12 states, covering an area of 25,548.54 sq kms, at breakneck speed in less than a month before the end of December that year. It left no space for complying with the legal requirements for demarcation and notification. NTCA continued to validate the non-compliance with the tiger amendment in the rest of the Tiger Reserves that have now risen to 54.

The Tiger Reserves were to be created through a democratic process on the basis of scientific criteria, thus eliminating arbitrariness. The Tiger Conservation Plan is required to 'ensure the agricultural, livelihood, development and other interests of the people living in tiger bearing forests or a tiger reserve'. CTHs have to be established without adversely affecting 'the rights of the Scheduled Tribes or such other forest dwellers and in consultation with an expert committee' and creation of inviolate areas permits only voluntary relocation on mutually agreed terms and conditions.

In March 2017, the NTCA issued an illegal order banning the recognition of any rights under FRA in the CTHs 'in the absence of guidelines for notification of critical wildlife habitat (CWH)' which the Union environment ministry was to issue. Both WLPA and FRA require forest-dwellers' rights be recognised inside CTHs. Unlike the CTH, which can be diverted and decimated for non-forestry activities under the Forest (Conservation) Act, 1980, the CWH, a provision under FRA, once notified, cannot be diverted. Under judicial pressure, the Union environment ministry issued the guidelines in January 2018 and NTCA withdrew the ban order two months later.

Rights recognition is the poorest in Tiger Reserves across the country. The forest bureaucracy's staunch resistance, despite existing laws, continues unabated – all in the name of protecting tigers.

Relocation made 'voluntary' and fobbed off

Officially, 251 villages with 25,007 families (1.11 lakh forest dwellers) have been relocated 'voluntarily' with some sort of relocation package. Contrary to the laws, both the environment ministry and the state governments try to limit their liability to what is outlined in the **'Revised Guidelines for the Ongoing Centrally Sponsored Scheme of Project Tiger, 2008'** and its subsequent **additional guidelines**. A paltry compensation of Rs 15 lakh, revised in April 2021 from Rs 10 lakh per family, is offered as the Union government's share, as cash or relocation/ rehabilitation package. This forms only a part of modifying or settling their rights, not the total compensation, resettlement and relocation as required by law. The rest of the responsibility lies with the state governments.

WLPA prohibits all kinds of relocation except those done 'voluntarily' on 'mutually agreed terms and conditions'. Recognition of rights under the FRA is to be followed by the acquisition of these rights. The applicable law on acquisition of land and rights is the **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013** (LARR). Consent of the affected communities is mandatory for relocation and the rehabilitation package. The rehabilitation package must provide a secure livelihood to those relocated, not just financial compensation. All facilities must be provided at the relocation site before any rights are interfered with.

LARR requires the payment of fair compensation to all affected families [Sec.3(c)] that includes twice the market value of the land, value of assets attached to the land, including trees and plants (first schedule), a subsistence allowance for a year, a one-time financial assistance for shifting the family, building materials, belongings and cattle, and a one-time 'resettlement allowance'.

Each family is to be provided land and house [second schedule]. The resettlement plan [Sec.41 (5)] includes provision of alternative fuel, fodder and non-timber forest produce resources on non-forestlands, electric connections, roads, drainage and sanitation, safe drinking water, water for cattle, grazing land, ration shop, panchayat building, post offices, seed-cum-fertiliser storage facility, basic irrigation, burial or cremation ground, Anganwadi, school, health centre, veterinary service centre, community centre, places of worship, and separate land for

traditional tribal institutions. In addition, forest rights on non-timber forest produce and common property resources, and use and livelihood rights to such forest or common property in the area close to the place of resettlement are to be ensured [third schedule].

Ironically, the Gram Sabhas are now the statutory authority to protect, conserve, regulate and manage the forest, wildlife and biodiversity in such forests on forest land within the traditional or customary boundaries of the village. That includes those Tiger Reserves areas within these customary boundaries. The all-round boundless disregard for laws is not just appalling, but a threat indeed to tigers and tribal communities.

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