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The Great Indian Tiger Show

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Thirty-seven years since the Project Tiger, the decline in numbers is shocking – 1,827 tigers in 1972, only 1,411 today. Forest rights implementation has been sluggish with rampant violations and large-scale denial of rights, mostly by the forest bureaucracy, the revenue and tribal departments. An analysis of the legal provisions under various Acts reveals that none of the 39 notified Critical Tiger Habitats have obtained the consent of the forest dwellers and the gram sabhas, and are thus illegal. An elitist conservation policy, which has so far targeted only the tribals, has resulted in illegal encroachment and activities in the tiger reserves by the State.

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When one hears the growl that "tigers and humans cannot coexist", it does not mean that tigers are a teleported species from another planet. Or that tigers are to be teleported from planet earth to another planet uninhabited by humans. Or that the forest officials, the wildlifers and the tourists who seek to "closely" coexist with tigers are not humans. Or that tigers and humans have not coexisted thus far. The irony is that tigers and humans have to coexist now and in the foreseeable future.

Then why this repeated frantic proclamation that "tigers and humans cannot coexist"? It simply is a way of getting around to mean that the tigers, along with their habitats, are to be fully secured, enclosed and policed by gun-toting wirelessly wired forest officials. The tiger habitats are to be made enclosures for the exclusive delight of the prosperous tourists, mostly from the urban jungles, for whose "development" and "growth" the forests are tragically decimated. The tiger habitats surely will have within and around them all the simulated pleasures of urban jungles for the choosing at a formidable cost, including in its eco-fad "avatars" of really living it out as the "junglees".

But first kick out the traditional forest dwellers who live together with the tigers. The park officials and the self-proclaimed wildlifers who never cohabited with tigers will take over total control. They now want to be the only legitimate modern-day forest dependent community, in the name of tigers in this case, for their bona fide livelihood. This, even if the tigers vanished, as in Sariska and Panna (*Times of India* 2010), by introducing tigers so that they can still be retained as tiger reserves. The traditional forest dwellers living with the big cats who do not qualify to be "wildlifers" could certainly be considered to be menial servants to serve these "modern forest dwellers" and tourists. As a concession, the traditional forest dwellers can still perform their rituals; sing paeans and dance venerating the spirits, their ancestors, and the animate and inanimate elements of the forests – even into the wee hours of the night. The only difference is that it will now be for the exclusive pleasures of the visitors at whose feet they will be laying all their "cultures". If lucky enough, they could even be featured and distributed globally in glossy magazines and brochures, and in slick video clips as added frills to the thrills in India's greatest tiger show on earth! And a real live performing tiger in the fully dedicated park is any day better to feast upon than a once free and proud dead tiger nailed to the walls of their drawing rooms. This exclusive pleasure will be available progressively only to the few rich of the world. The rest of the world better be satisfied with the sightings in the numerous television channels.

Old Wine in New Bottle

What is on offer is the same old stale wine in a new bottle – the recreation of the exclusive royal hunting grounds of the shikari royalty of the past kingdoms or the imperial colonial empires, with the forest officials acting as their minions. Never mind that both the forests and the tigers are a casualty of the development juggernaut on the expressway of capital-driven hyper growth trajectory. More than 37 years after the launch of Project Tiger in 1973 with 1,827 tigers (as per the first tiger census of 1972), the tigers are down to 1,411 in 28 tiger reserves.

Keeping the forest and its inhabitants utterly unsettled and insecure has been the key to making assaults on them that much more easy in true colonial fashion. But the greatest impediment is the continued resistance by forest dwellers. The Ministry of Environment and Forests (MoEF) in its affidavit to the Supreme Court on 21 July 2004 in Writ Petition (Civil) No 202 of 1995 confessed:

> The rural people, especially tribals who have been living in the forests since time immemorial, were deprived of their traditional rights and livelihood and consequently, these tribals have become encroachers in the eyes of law… that the historical injustice done to the tribal forest dwellers through

> non-recognition of their traditional rights must be finally rectified…the State/UT Governments have failed to give any response… [and] have shown no progress in this regard…

This illegality of the states compounded with the abysmal failure of the judiciary bordering on collusion led to the political turmoil that forced the enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, now popularly known as the Forest Rights Act (FRA).

The union government stalled the notification of the Act by a full year. But the newly created National Tiger Conservation Authority (NTCA) of the MOEF under the 2006 amendment to the Wildlife (Protection) Act 1972, also referred to as the Tiger Amendment, rushed in with an order on 16 November 2007 to notify "Critical Tiger Habitats" (CTHs). The order stipulated a process of constituting a two-member expert committee headed by a chief wildlife warden in consultation with the respective field directors of tiger reserves to delineate CTHs within 10 days of the receipt of the order. This process was itself in blatant violation of the Tiger Amendment under which the CTH was to be delineated and notified. Only the buffer area was to be delineated as per Section 38V, inserted by the Tiger Amendment. Not bothering about such legal niceties, 30,466 sq km of tiger reserves were notified as CTH[1] at break-neck speed to beat the notification of the Rules of the FRA on 1 January 2008.

Why was there such hurry? Did the MOEF think that this would be a sure way of denying forest rights to all those who are eligible under the FRA in the area notified as CTH – under the garb (though legally untenable) – that the CTH was notified before the FRA was operationalised with the notification[2] of its Rules? Or is it a deliberate attempt to at least create a contestation or conflict so as to subvert or delay or confound the recognition of rights under the FRA in these areas? Or is it because the ministry preferred the notification of inviolate areas through the CTHs under the Tiger Amendment rather than through the "Critical Wildlife Habitats (CWHs)"[3] under the FRA, where these *cannot* subsequently be diverted by the state or the central government for other uses (a demand that the adivasi movements succeeded to push in)? Section 4(2)(f)[4] of the FRA prohibits the state government, the central government or any other entity from diverting the CWH for subsequent diversion for other uses. There is no such prohibition under the Tiger Amendment!

Consistent Violations

Consider the evidence. Forest rights implementation has been sluggish with rampant violations of the prescribed procedures, and large-scale denial of rights, mostly by the forest bureaucracy, abetted by the revenue and tribal departments.[5] Rights recognition is particularly being delayed or denied in protected areas and more so in CTHs. By the end of 2008, an area of 26,749 sq km was notified as CTH by 14 tiger states[6] out of 17 under Section 38V of the Tiger Amendment (PIB 2008). There are at least 77,000 families living inside these tiger reserves. Only 3,000 families have been relocated till 2009 (*Tiger Link* 2010: 8). Undeterred by allegations of illegalities and violence, the MOEF scaled up the release of funds for illegal evictions and relocations from Rs 30 crore and Rs 41 crore during 2007-08 and 2008-09, respectively[7] to Rs 114 crore in 2009-10 (*Tiger Link* 2009:11) as central assistance funds. Forced evictions and relocations have either taken place or have been initiated in Buxa (West Bengal), Kanha and Panna (Madhya Pradesh), Nagarjunasagar-Srisailam (Andhra Pradesh) (Sehgal 2010), Simlipal (Orissa),[8] Sariska and Ranthambore (Rajasthan), Namdapha (Arunachal Pradesh), Nagarhole (Karnataka),[9] Corbett (Uttarakhand) (*The Hindu* 2010), Manas (Assam), Dampa (Mizoram) (*The Sentinel* 2010), Valmiki (Bihar), Achanakmar (Chhattisgarh), Tadoba Andheri, Pench, Melghat (Maharashtra) (Dash 2010) and others. At the same time, at least 43,636 hectares (ha) of forests were diverted for non-forestry purposes between April 2008 and December 2009 (Kohli et al 2010). This continues despite knowing that the enactment of the FRA requires that for all proposals for diversion, the rights of forest dwellers are completely settled and the consent of the gram sabhas obtained for such diversions.[10] The infamous Vedanta case in the Niyamgiri hills of Orissa is the only known instance[11] where the ministry had to reverse its decision of clearance for diversion for not having complied with these requirements (Saxena et al 2010).

The MOEF has also not been keen to initiate the process of declaration of CWH under the FRA as it is in CTH. Neither is the ministry eager to notify CTHs as CWHs which would then prohibit diversion for any other purpose in the future. These days it is the minerals that top the chart. The internal colonisation requires state-sponsored offensive against its own laws and democratic governance, and at a great cost to the forest, wildlife and people.

MoEF: A Threat

The 25,551 sq km of tiger forests in 2007 rapidly expanded by 22% to 32,878 sq km of core area or CTH[12] in just three years. The number of tiger reserves jumped from 28 to 39 and are spread over 17 states. More CTHs are in the making with the approval of the proposal to notify Biligiri Rangaswamy Temple (BRT) wildlife sanctuary in Karnataka as a CTH close on the heels of the approvals in Sunabeda in Orissa, Pilibhit in Uttar Pradesh and Ratapani in Madhya Pradesh. The ministry has also asked the Tamil Nadu government to send its proposal for notifying Sathyamangalam wildlife sanctuary as a CTH.[13] Two more, Nagzira-Navegaon and Bor, have also been proposed in Maharashtra (*Asian Age* 2010). The inhabitants of the BRT are opposing the CTH notification (Gandhi 2010) while the neighbouring inhabitants of Mudumalai CTH and its surroundings are resisting the "illegal" CTH and non-recognition of forest rights.[14] Further, the buffer zone now covers 11,029 sq km in just 13 CTHs while the remaining 26 are yet to figure out their buffer zones. When Project Tiger got fast-tracked, its budget too jumped from a mere Rs 12 crore on an average every year during 1972-2004 to Rs 202 crore during 2009-10 (*Stripes* 2010: 2). Project Tiger surely means money and more of it in the future.

Further, the legal provision for declaring an area "inviolate for the purpose of wildlife conservation" since 1 January 2008 is Section 4 (subsections 1 and 2) of the FRA. It overrides the CTH provision in

the Tiger Amendment. Therefore, all the CTH notifications since this date are illegal. The continued insistence of the MOEF and the forest and wildlife bureaucracy of the state governments in violating prevailing laws by continuing to declare CTH under the Tiger Amendment and not CWH under the FRA indicate an unrelenting confrontationist position. They have also not operationalised the provision for the creation of "conservation reserves" on "any area owned by the government" and "community reserves" on "private or community land", a legal space already opened to them by the 2002 amendment to the Wildlife Protection Act,[15] where local communities through their representatives are to be involved in strengthening forest and wildlife protection. Their recalcitrant conduct and continued defiance of all forest and wildlife related laws have reached a zenith that it can well be argued that they have become a threat to the forests, wildlife and forest dwellers, and that they should be discharged of these duties.

The Tiger Law

The Wild Life (Protection) Amendment Act, 2006 (No 39 of 2006) came into force on 4 September 2006 within months of the submission of "Joining the Dots" – a damning report of the five-member Tiger Task Force in 2005, to the prime minister. This Task Force was constituted by the prime minister in response to the sensational scandal of tigers existing only in records and not in the forests of Sariska where a whopping Rs 2 crore per tiger was spent in 2002-03 for their upkeep and safety as compared to only Rs 24 lakh per tiger elsewhere. Ironically, increased allocation of funds did not keep the tigers from vanishing. The authors of this report were certain that the contemporary approach of guns, guards and fences is simply not the answer and that the increasing conflict between the forest and wildlife bureaucracy with those who coexist with and share the tiger's habitat was a sure recipe for disaster for both conservation and wildlife. The Wildlife Protection Act, in typical colonial fashion, superimposed as it is on the archaic colonial Indian Forest Act, treats the protected areas as an area under "occupation" and its inhabitants as subjugated people at the mercy of the forest bureaucracy. This colonial legacy has proved to be disastrous for forests, wildlife and forest dwellers. Negotiating peace through rectification of "historic injustice" and establishing a democratic process of recognition of rights as a prelude to the establishment of effective participatory democratic decision-making and forest governance became a possibility with the enactment of the FRA and the Tiger Amendment. However, this needs to be nurtured and developed over time.

It is pertinent to note that the Tiger Amendment was introduced in the Parliament just after the FRA[16] was introduced in 2005. The build-up contrived by the elite conservationists and wildlifers with the misplaced "tiger versus tribal" debate to thrash the FRA had lost credibility. The urgency for recognition of rights in all forest lands, including in the protected areas, through a democratic process, had gained legitimacy in the corridors of power such as the then United Progressive Alliance and the Joint Parliamentary Committee constituted to examine the draft bill, the most critical element in recognising rights.[17] It was natural that certain elements of the FRA, especially the democratic and participatory process of decision making, got transplanted into the proposed amendment to the Wildlife Protection Act in 2006 when progressive forces, particularly the left parties, introduced it as an amendment in the Parliament with popular support on the floor of the House. They demanded the dismantling of the absolute power of the forest department to define the tiger reserve. The compromise was the introduction of the elements discussed below.

The Tiger Amendment[18] created the NTCA (Section 38 K-X) and the Tiger and Other Endangered Species Crime Control Bureau (Section 38 Y-Z). The NTCA is entrusted to oversee the tiger reserves, until then an administrative category created under Project Tiger, but now a legal category created through a democratic process and "on the basis of scientific and objective criteria" thus removing the arbitrariness and autocratic decision-making process that the forest bureaucracy is notorious for.

Section 38V pertains to the "Tiger Conservation Plan". Read in its entirety, all the clauses under this constitute the various elements of the Tiger Conservation Plan which are statutorily required to "ensure the agricultural, livelihood, development and other interests of the people living in tiger bearing forests or a tiger reserve" (Section 38(V) 4). While this section provides the explanation for what constitutes a CTH, Section 38(V) 5 is the operative clause for the declaration of tiger reserves. The latter is defined as an explanatory note added at the end of Section 38(V) 4 as

consisting of two parts (i) the CTH, and (ii) the buffer zone. The CTHs are to be established in national parks and sanctuaries for keeping them free of human intervention ("inviolate") without affecting "the rights of the Scheduled Tribes or such other forest dwellers…in consultation with an Expert Committee." Buffer area is an area created peripheral to the CTH to promote

> co-existence between wildlife and human activity with due recognition of the livelihood, developmental, social and cultural rights of the local people wherein the limits of such areas are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee...

The operative provision of Section 38(v)5 classifies CTH into two typologies, namely, (a) those where there is "voluntary relocation on mutually agreed terms and conditions", and (b) all others, meaning thereby, where relocation is not voluntary. In the case of a CTH where relocation is voluntary, the provision requires that the terms and conditions should be mutually agreed upon between the State and the affected forest dwelling communities and further requires that these mutually agreed terms and conditions must "satisfy the requirements" laid down in clause (i) through (vi) of Section 38(v) 5. In the case of all others where relocation is not voluntary the provision is worded in prohibitory language such as "*no* Scheduled Tribes or other forest dwellers *shall be* resettled or *have* their rights adversely affected for the purpose of creating inviolate areas for tiger conservation unless…", and then lists clauses (i) through (vi) of Section 38(v) 5. The language is clearly mandatory and prohibitory in nature, brooking no exception at all "*save as*" those CTHs where relocation is voluntary (described above).

The question then arises that if conditions (i) through (vi) in Section 38(v) 5 are applicable to both, those who opt and do not opt for voluntary relocation, then why create the classification at all? While one can speculate on why the law makers made this classification, what matters is whether conditions (i) through (vi) are mandatory in both cases of relocation, and whether these are to be carried out prior to or after the declaration or notification of the CTH. This becomes amply clear if one were to examine these conditions:

(i) completion of the "process of recognition and determination of rights" prior to the acquisition of these rights;

(ii) obtaining the "consent of the Scheduled Tribes and such other forest dwellers in the area" by the government that "the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of tigers and their habitat";

(iii) obtaining "the consent of the Scheduled Tribes and other forest dwellers inhabiting the area" "that other reasonable options of co-existence, are not available". This is to be done "in consultation with an ecological and social scientist familiar with the area";

(iv) preparation of the resettlement package (*not* mere cash compensation) "providing for livelihood for the affected individuals and communities" (not just the affected individuals but also communities) as per the National Relief and Rehabilitation Policy;[19]

(v) obtaining both "the informed consent of the Gram Sabha concerned, and of the persons affected" for this resettlement package; and

(vi) ensuring that "their existing rights shall not be interfered with" until the resettlement package is fully in place.

Where Is the Consent?

Delineating an area for notifying it as CTH first requires identifying whether there are rights holders in the tiger bearing areas, whether their activities threaten the existence of tigers and whether they can coexist (presumably without carrying on those activities that are identified as causing threat to the tigers). Therefore, conditions (i) to (iii) constitute the first three logical and sequential steps to be followed in identifying and proposing an area to be notified as a CTH. Any other method to demarcate CTH is simply impossible under the Tiger Amendment and all the instances where these are not followed are plain violations of the law.

As stated earlier, the state government has to delineate an area based on the recommendation of an expert committee and in "consultation with an ecological and social scientist familiar with the area". It has to then determine whether the activities of the inhabitants in that area impact sufficiently as to cause a threat to "the existence of tigers" and that coexistence is not possible in that area which then is to be proposed as a CTH. Once it is identified that there are rights holders in the area, then their *consent* (not just consultation) is required in arriving at whether their activities adversely threaten tigers as well as whether they can coexist with tigers irrespective of whether they opt for voluntary relocation or otherwise. Therefore *consent* of the gram sabha is mandatory for determining the area intended to be notified as CTH. All notifications till date that have not obtained these two consents are in effect a violation of the law, and hence illegal.

While "consultation" with an expert committee constituted for the purpose is necessary when the state initiates the statutory process, for the purpose of declaration and notification of a CTH the "informed consent" of the affected persons is mandatory (Section 38(v)5 (ii) and (v)) and prior to declaration of any CTH. Therefore, all the notifications of CTHs across the country that have not followed this procedure are illegal and ultra vires of the Wildlife Protection Act (1972) as amended in 2006. It can safely be assumed that all the 39 CTH notifications by the 17 states are in violation of the Wildlife Protection Act and therefore illegal. Completion of recognition of forest rights has not been reported from any tiger reserve till date. Instead, the process itself has not been initiated in most cases, and where initiated it has been vitiated by violation of the procedures as prescribed under the FRA. Illegal relocation has been reported in a large number of cases as mentioned earlier. Given this situation, it is doubtless that the notification of buffer zones is vitiated besides not having complied in letter and spirit with the requisite "scientific and objective criteria in consultation with the concerned Gram Sabha". This is precisely the cause for the unrest in tiger forests endangering both the forest dwellers and the tigers.[20]

Tracking Tiger Reserves

What is widely known is that the forest dwellers, particularly the adivasis, who

share a common habitat with the tigers, need to be relocated if tigers are to be saved. However what is often glossed over is that bigger forces, including the various arms of the State, have illegally encroached upon this common habitat of the tribals and tigers. This is something which the elite conservationists, wildlifers, forest officials and indeed the central and state environment and forest ministries fail to decry, as compared to their passion to relocate tribals from the tiger forests. Reeking in illegality, the deceptions overflow unhindered down to the bottom.

In Rajasthan, 13 hotels were located within 500 metres in the Ranthambore tiger reserve. Similarly, Sariska had five such hotels operating illegally. Moreover, two hotels of the Rajasthan Tourism Development Corporation, one each in Ranthambore and Sariska, exist within the protected area (CAG 2006).

The State Empowered Committee on forests and wildlife management in its August 2005 report considered the possibility of involvement of forest staff with poachers. In Kalakad-Mundanthurai of Tamil Nadu, nine private estates (23 sq km) are illegally allowed to exist inside. A private company holds 3,390 ha of land under lease in the core area since 1929 despite having violated the conditions of lease in November 1987 itself, when it cleared 101 ha of catchment area of the Kusangaliar River.

In Dudhwa of Uttar Pradesh, 126 ha of forestland are illegally occupied by the railways and the central paramilitary forces manning the Indo-Nepal border, the Shashastra Seema Bal. The reserve management handed over a 25-bed dormitory and 12 *tharu* huts to the UP Tourism Development Corporation violating the orders of the Supreme Court prohibiting and severely restricting such diversions for commercial and other purposes.

In Uttaranchal, the construction of resorts, time share buildings and residential houses between the state highway and along the Kosi River from Ramnagar to Mohan and up to Marchula in the Corbett tiger reserve continues unabated. The UP irrigation department and Uttaranchal Jal Vidyut Nigam illegally encroached 60 ha. The Manas National Park of Assam issued five wireless sets to the non-governmental organisation Manas Maozigoneri Eco-Tourism Society to carry out protection duty of the park which was both irregular and unauthorised.[21] The forest department here was caught with 93 illegal arms in violation of Arms Act attracting penalty and seizure of the arms.

Contamination from toxics, pollution, etc, due to pilgrimage at Sabarimala and Mangala Devi temples, and the hotels and boat services run by the Kerala Tourism Development Corporation (KTDC) continues in the Periyar tiger reserve of Kerala. Neither are environment impact assessments of industrial activities within 25 km of the reserve carried out as required under the Environmental Protection Act (CAG 2006).[22] Illegal activities like quarrying and sand mining have been reported within the reserve by the Travancore Devaswom Board (TDB) at Sabarimala and for strengthening the Mullapperiyar Dam by the Tamil Nadu Public Works Department (TNPWD). The 2.09 sq km Pachakanam Downton estate owned by private parties defies acquisition. An area of 32.4 sq km of forestland is leased to the TNPWD for constructing the Mullapperiyar Dam. The KTDC continues to hold 0.09 sq km of land despite the lease having expired in 1996. Similarly another 0.03 sq km is held by the Kerala Labour Welfare Fund Board to run a Holiday Resort though the lease expired in 2003 (ibid).

In the core zone of the Rajiv Gandhi (Nagarhole) National Park in Karnataka, 68 sq km has been converted into a tourism zone in violation of the Wildlife (Protection) Act, 1972. The 3,568 sq km Rajiv Gandhi Wildlife Sanctuary of Andhra Pradesh, a tiger reserve since 1983, earned Rs 5 crore each from the AP Transmission Corporation for laying 400 KV lines and from the Uranium Corporation of India for exploration of uranium and other atomic minerals in the sanctuary (CAG 2006).[23] During 2001-06, the revenue earned was Rs 13.30 crore (including from bamboo plantations and timber) as compared to Rs 1.91 crore spent under Project Tiger. Nearly 955 ha within the core area are now with the irrigation department for the construction of the Srisailam Hydro-electric Project, and in turn, it has allotted 124 ha to the revenue department and 15 ha were leased out for commercial and non-commercial purposes to private parties amongst others. The irrigation department illegally occupied another 360 ha of forestland. The Standing Committee of National Board of Wildlife approved the proposal of the state government for the exploration of uranium and related minerals in 2004, a proposal rejected earlier in 1999 for conservation reasons, diverting 2,000 ha of land within the reserve,

and 447 ha outside the reserve, both falling under the eco-sensitive zone of the reserve.

However, a comprehensive compilation and assessment of such violations and their status has neither been done nor is readily available, including from the MOEF. This is a rare instance where some of the violations in a few tiger reserves that were examined as samples got reported in the audit reports of the Comptroller and Auditor General (CAG) at the time when the Tiger Amendment was enacted.[24]

Caught within the vicious grip of a colonial forest legacy, which is now getting refurbished by the powerful forces of capital-led conservation strategies and forestry arrangements, including the vast investment avenues being opened up in the name of carbon sequestration to combat climate change, carbon trade and Green India Mission, the wheels of decolonisation of the legislative framework which had begun to move, are bound to grind to a halt. A complete overhaul is required of the forest legislations and the grotesque structures they have created to democratise forest governance focused on conservation and sustainable livelihood. Otherwise, the small gains made by the Tiger Amendment and the FRA in democratising forest governance in the legal arena cannot be realised on the ground. Yet these can also be legitimate instruments for popular mobilisation to push forward for changes.

NOTES

1 See "List of Core and Buffer Areas of Tiger Reserves in India", notified under the Wildlife (Protection) Act, 1972, as amended in 2006 (as on 6 April 2010) in *Stripes* (2010), p 21.

2 The Rules were notified on 1 January 2008.

3 Section 2(b) of the FRA 2006 defined "critical wildlife habitat" as "such areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after open process of consultation by an Expert committee, which includes experts from the locality appointed by that government wherein is representative of the Ministry of Tribal Affairs shall also be included, in determining such areas according to the procedural requirements arising from subsections (1) and (2) of section 4."

4 Section 4(2)(f): No settlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package: Provided that the critical wildlife habitats from which rights holders are thus relocated for purposes of wildlife conservation shall not be subsequently diverted by the state government or the central government or any other entity for other uses.

5 For instance, see the "State of Implementation of the Forest Rights Act – Summary Report", available at http://www.forestrightsact.com/component/k2/item/15.

6 In the states of Andhra Pradesh, Arunachal Pradesh, Assam, Karnataka, Kerala, Jharkhand, Madhya Pradesh, Maharashtra, Mizoram, Rajasthan, Tamil Nadu, Uttarakhand, Orissa and West Bengal.

7 Tiger Conservation Plans, 18 December 2008 available at http://www.pib.nic.in/release/rel_print_page.asp?relid=45855.

8 "223 tribal families to be shifted from Similipal Tiger Reserve core area", available at http://www.odishatoday.com/district/tribal_families_to_be_shifted_130809-6548245154875.html.

9 State of Implementation of the Forest Rights Act, Campaign for Survival and Dignity, available at www.forestrightsact.com/component/k2/item/download/39.

10 Diversion of forestland for non-forest purposes under the Forest (Conservation) Act, 1980 – ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 vide F No 11-9/1998-FC (pt) of Ministry of Environment and Forests, Government of India, dated 30 July 2009 available at http://www.envfor.nic.in/mef/Forest_Advisory.pdf.

11 The decision of the ministry was awaited (at the time of writing this paper) on the Posco project where too the majority of the review committee members found violations of a number of laws including the FRA.

12 Of which Valmiki (Bihar) 840 sq kms and Sanjay-Dubri (Madhya Pradesh) 831 sq km were yet to be notified as CTH as on 6 March 2010.

13 See the letter of the MoEF dated 15 July 2010 to the Tamil Nadu chief minister available at http://moef.nic.in/downloads/public-information/Tamil%20Nadu%2015.07.10%20Proposal%20of%20a%20Tiger%20Reserve.pdf

14 See "Struggle against Forest Bureaucracy in Tiger Reserves; Massive Demonstration in Tamil Nadu", available at http://www.forestrightsact.com/statements-and-news/48-struggle-against-forest-bureaucracy-in-tiger-reserves-massive-demonstration-in-tamil-nadu

15 The amendment No 16 of 2003 received the assent of the president on the 17 January 2003 and is available at http://envfor.nic.in/legis/wildlife/wild_act_02.pdf

16 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest) Act, 2006 (No 2 of 2007) came into force on 29 December 2006.

17 For a discussion on the debates and its background, see Bijoy (2008).

18 For the full text of the amendment see http://www.forests.tn.nic.in/Legislations/graphics/THE%20WILD%20LIFE.pdf

19 The NTCA issued a Format for Preparation of Village Relocation Plan from Core/Critical Tiger Habitats in February 2008. This too does not make any reference to these conditions. This guideline is available at http://projecttiger.nic.in/whtsnew/format_relocation_plan_pt.pdf

20 For a detailed discussion on contested politics and subversion of democratisation of management of natural resources, see Taghioff and Menon (2010), pp 69-76.

21 The approval for this was not obtained from the competent authority, nor was the NGO authorised by the government to carry out protection duty of the park (CAG 2006).

22 See Kerala Audit Report (Civil) for the year ended 31 March 2006, Volume I, Chapter 3.

23 See Andhra Pradesh Audit Report (Civil) for the year ended 31 March 2006, Volume I, Chapter 3.

24 Extracted from the state audit reports of the CAG for the year 2005-06 when sample audit was made of one Tiger Reserve for some of the states, available at http://saiindia.gov.in/cag/sites.

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