



A look at Project Tiger, 50 years on

The Indian government's violations of the Wildlife (Protection) Act and the Forest Rights Act have exacerbated conflicts in tiger reserves between the forest bureaucracy and forest-dwellers, ultimately endangering India's tigers and the people who coexist with them

FULL CONTEXT

C.R. Bijoy

In 1973, Project Tiger introduced India's tiger reserves, whose status has since rapidly ascended. From an administrative category constituted and administered by the forest bureaucracy, tiger reserves became a statutory category in 2006. Today, they are hailed worldwide as India's conservation success story, especially in this age of climate change.

The origins of Project Tiger

In 1972, India enacted the Wildlife (Protection) Act (WLP), which introduced new spaces within notified forests called 'National Parks', where the rights of forest-dwellers were removed and vested with the State government. It also created 'Wildlife Sanctuaries', where only some permitted rights could be exercised. Project Tiger was the result of this development.

There were nine tiger reserves in 1973 over 9,115 sq. km; today there are 54 in 18 States, occupying 78,135.956 sq. km. Critical Tiger Habitats (CTH) cover 42,913.37 sq. km, or 26% of the area under National Parks and Wildlife Sanctuaries. As of 2022, the camera-trap method indicated there were 3,1673,925 tigers in India. The government created the CTHs to vouchsafe a part of India's forests for tiger-centric agendas. Beyond each CTH would be a Buffer Area – a mix of forest and non-forest land. But even though the latter had an inclusive, people-oriented agenda, the overall 'fortress conservation' approach to protecting tigers displaced people who had coexisted with tigers for generations.

A change of operations

In 2005, Prime Minister Manmohan Singh appointed a five-member Tiger Task Force to crack the mystery of vanishing tigers despite spending huge money on them. They found the approach of using guns, guards, and fences not effective in protecting tigers, and that the increasing conflict between the forest/wildlife bureaucracy and those who coexist with the tigers was a recipe for disaster. The group asserted that "the protection of the tiger is inseparable from the protection of the forests it roams in. But the protection of these forests is itself inseparable from the fortunes of the people who, in India, inhabit forest areas."

So, in September 2006, Parliament amended the WLP to create the National

Tiger Conservation Authority (NTCA) and a tiger conservation plan. To ensure that CTHs remained inviolate; the Act only modified forest-dwellers' use of the forest – mostly tribals – and planned to relocate them if required. Four months later, the government also enacted the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, also known as the FRA. The FRA recognised all customary and traditional forest rights on forest land, including in tiger reserves. Under the Act, the habitation-level Gram Sabha was to democratically determine and demarcate the forest rights that the FRA recognised. The Gram Sabhas became the authority to protect, conserve, and manage forests, wildlife, and biodiversity within their customary and traditional boundaries. As a result, the FRA secured the livelihoods of at least 20 crore Indians in 1.79 lakh villages.

Importantly, the FRA introduced a 'Critical Wildlife Habitat' (CWH), like the CTH under WLP, with one difference – once a CWH had been notified, it couldn't be diverted for non-forest purposes.

The government planned to notify the FRA Rules on January 1, 2009, and operationalise the Act. But on November 16, 2007, the NTCA gave the Chief Wildlife Wardens 13 days to submit a proposal to delineate CTHs of around 800-1,000 sq. km each. As a result, the government ended up notifying 26 tiger reserves in 12 States as per Section 38 (V) of the WLP, without complying with its provisions. Of the 25,548.54 sq. km thus notified, 91.77% encompassed CTHs. And except for Simlipal in Odisha, the CTHs had no Buffer Area. (They were added in 2012 after the Supreme Court rapped the NTCA and set it a three-month deadline.) Today, India bears the brunt of this error.

India's basis for CTHs

Originally, tiger reserves were to be created in a democratic process and "on the basis of scientific and objective criteria". The tiger conservation plan was similarly required to "ensure the agricultural, livelihood, development and

other interests of the people living in tiger-bearing forests or a tiger reserve." The basis for the CTH is evidence of the irreversible damage to wildlife that human activities have wrought. With this in mind, the Indian government has a responsibility to ascertain whether forest-dwellers and tigers could reasonably coexist. If not, it needs to modify the forest-dwellers' rights accordingly and relocate them if necessary. Only then can a CTH be established without affecting "the rights of the Scheduled Tribes or such other forest dwellers". Similarly, the Buffer Area outside the CTH is to promote human-animal coexistence while recognising the livelihood, developmental, social, and cultural rights of the local people. Its geographical limits are to be determined on the basis of objective criteria with inputs from the concerned Gram Sabha as well as an expert committee.

The problem is that all of India's tiger reserves have been notified without meeting these requirements. The government hasn't obtained informed consent from forest-dwelling Scheduled Tribe communities and other traditional communities. The result: both tigers and forest-dwellers have been trapped in a tough spot.

Relocation and rehabilitation

The WLP only allows "voluntary relocation on mutually agreed terms and conditions" satisfying requirements in the law. Once the FRA recognises people's rights under it, the State acquires those rights according to the terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act 2013. No relocation can happen without the consent of the affected communities. The LARR also requires the rehabilitation package to provide financial compensation as well as secure livelihoods to those relocated.

Under the LARR, the government needs to compensate relocated people by paying them twice the market value of the land, the value of assets attached to the land including trees and plants, a subsistence allowance for a year, and a one-time financial assistance for relocation. It also needs to provide building materials, belongings, cattle, and a one-time resettlement allowance. Each family is to be provided land and a house. The resettlement plan also includes the provision of alternative fuels, fodder, and non-timber forest produce resources on non-forest land, electric

connections, roads, drainage and sanitation, safe drinking water, water for cattle, grazing land, ration shops, panchayat buildings, post offices, a seed-cum-fertilizer storage facility, basic irrigation, burial or cremation ground, anganwadis, schools, health centres, veterinary service centres, community centre, places of worship, and separate land for tribal institutions.

However, the Union and State governments have limited themselves to provisions in the 2008 Revised Guidelines for the Ongoing Centrally Sponsored Scheme of Project Tiger 2008 and subsequent guidelines. This entails a compensation of ₹10 lakh – revised in April 2021 to ₹15 lakh – as a cash or relocation/rehabilitation 'package'. This is not a substitute for the total compensation, resettlement, and relocation as required by the law.

As of 2018, there were 2,808 villages in CTHs. The Union Environment Ministry stated in the Lok Sabha that as on July 12, 2019, there were 57,386 families in these CTHs, of which 42,398 remained inside 50 tiger reserves.

Tigers versus people

Tiger reserves experience the most resistance to the recognition of forest rights.

In March 2017, the NTCA refused to recognise rights under FRA in the CTHs "in the absence of guidelines for notification of critical wildlife habitat", which the Environment Ministry was to issue. Both the WLP and the FRA require forest-dwellers' rights to be recognised inside CTHs. The Environment Ministry issued the guidelines in January 2018 and NTCA withdrew the ban order two months later.

The FRA provides for 13 basic government public utilities (as described earlier), each of which can fall up to 75 trees over forest land smaller than one hectare. The Gram Sabha's consent is mandatory for such diversion of land. But on October 28, 2020, the Environment Ministry insisted that the National Board for Wildlife, a statutory body under WLP, must issue a wildlife clearance if these diversions are from National Parks and Wildlife Sanctuaries. The law, however, only requires such clearances for projects that also require environmental clearances, none of which these public utilities are.

With further increase in tigers and tiger reserves, and tiger corridors to link them up, India's tiger terrain is set to become a hotspot for conflict.

C.R. Bijoy examines natural resource conflicts and governance issues.

THE GIST

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