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Forest Governance in Protected Areas: A Review of Laws and Practice | C. R. Bijoy

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Abstract

Decolonisation and democratisation of forest governance that was set in law through the Forest Rights Act in 2006, more than half a century after India's independence from colonial rule, is yet to actually dismantle the colonial regime despite almost two decades having gone by. The decisive shift from ~~fortress~~ forest conservation that criminalises, excludes and expropriates the rights of the forest peoples to the direct transfer of power to forest communities to govern forest is yet to manifest in letter and spirit in practice. However, having opened up the paradigm shift, there is no turning back despite the many impediments that the vested interests throw up from time to time. The travails that forest and forest people have gone through are recounted here.

The colonial forest legislations to legitimise the colonisation of India's forests and her peoples were consolidated under the Indian Forest Act of 1927 (IFA) [1]. The subsequent forest related legislations viz. the Wildlife (Protection) Act, 1972 (WLPA) [2] and the Forest (Conservation) Act, 1980 (FCA) [3] were built on this colonial mainframe. This colonial regime holds sway over forest governance, determining the behaviour and functioning of the Ministry of Environment, Forests and Climate Change (MoEFCC) and the State Forest Departments. This extends well beyond into the judiciary, the various arms of the State and the dominant class.

Forests were originally a state subject. It was brought under the concurrent list through the 42nd amendment to the Constitution in 1976. 'Forests' and 'protection of wildlife and birds', once the domain of the Ministry of Agriculture, got elevated and became a full-fledged Ministry of Environment and Forests in 1985. Climate Change was added to it in 2014. The MoEFCC today is tasked with protecting and conserving the country's natural resources – its biodiversity, forests and wildlife – and with controlling pollution.

On 12 December 1996, in the T.N. Godavarman v. Union of India in W.P. (C) No.202/1995 [4], the Supreme Court ordered that 'forest land' in Section 2 of the Forest (Conservation) Act, 1980 [5] 'will not only include 'forest' as understood in the dictionary sense, but also any area recorded as forest in the government record irrespective of the ownership of the land'. The Court also directed the State governments to constitute expert committees within one month to 'identify areas which are "forests," irrespective of whether they are so notified, recognised or classified under any law, and irrespective of the ownership of the land of such forest; areas which were earlier forests but stand degraded, denuded or cleared and areas covered by plantation trees belonging to the government and private persons'. With this, the definition of 'forests' went beyond what the governments notified as forests under the forest laws. The unclassed forests, largely community forests, outside the pale of and free from the colonial forest regime, got legally included now. Most forests in the north-east are community controlled and are unclassed forests [6].

Responding to an intervention application in the Godavarman case, the Supreme Court, in early 2002, asked the States 'what steps have been taken to clear the encroachments from the forest'. MoEFCC ordered the States [7] 'to evict ineligible encroachers and all post-1980 encroachers from forest lands in a time-bound manner' and in any case not later than 30 September 2002. Between May 2002 and March 2004, evictions were carried out from 1,52,4.0011 sq km of forest land, out of a total of 13,43,3.46622 sq km of 'encroachment' [8]. The resultant violent nationwide upheaval and resistance culminated in the enactment of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) [9].

In March of 2006, the environment ministry lost its monopoly over forests. The subject, 'All matters, including legislation, relating to the rights of forest dwelling schedule tribes on forest lands' was carved out from the subject of forests and allotted to the Ministry of Tribal Affairs (MoTA) through an amendment to the Government of India (Allocation of Business) Rules, 1961 [10]. Following this, the FRA [12] was enacted with MoTA as its Nodal Ministry to oversee FRA implementation and the State Tribal Welfare Department as the Nodal Department in the State entrusted with its implementation. Significantly FRA adopted the 1996 Supreme Court definition of forests, and defined 'forest land' as 'land of any description falling within any forest area and includes unclassified forests, un-demarcated forests, existing or deemed forests, protected forests, reserved forests, Sanctuaries and National Parks' [Sec.2(d) of FRA].

In a complete departure from the colonial order, the habitation level Gram Sabhas became the statutory authority to protect, regenerate, conserve and manage any community forest resource [Sec.3(1)(i) of FRA]. They are empowered to protect the wild life, forest, biodiversity, adjoining catchments area, water sources and other ecological sensitive areas, and habitat from any form of destructive practices affecting their cultural and natural heritage. They are to ensure that the decisions to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with [Sec.5 of FRA].

MoEFCC, in its 2009 report to the FAO [12], concluded that FRA 'assigned rights to protect around 40 million ha of community forest resources to village level democratic institutions The fine-tuning of other forest-related legislations is needed with respect to the said Act.' Over half of India's forests at a minimum were to be transferred from the oppressive colonial regime to a community-centric non-centralised democratic regime, ushering in the much needed democracy in the forests. As on 30 September 2024 [13], the forest area recognized under FRA was 77,125.371 sq km. This was just 19 percent of the MoEFCC estimate of 40 million hectares. The actual recognized area is much less as there are overlapping areas amongst many community rights.

Forests and forest rights

Forests are forest and waste lands declared as forests by the state governments. Forest is declared under the provisions of the IFA 1927, or the corresponding State Forest Acts. Apart from actual forests, plantations, common lands, agricultural and grazing lands, grasslands, wetlands, streams, rivers, lakes, sea coasts, mangroves, arid and semi-arid regions (as in western Rajasthan), salt desert (of Kutch in Gujarat), Himalayan cold desert and high pasture lands were also declared forest. These laws list out prohibited activities; the accused can be arrested and punished with fines and imprisonment. This not only criminalised the forest dependent peoples and most of their life sustaining activities for generations, but also made them encroachers in their own home lands. India's first National Forest Policy of 1952 [14] emphasised production-forestry but made no mention of regularising the rights of forest dwellers. It was only in the National Forest Policy, 1988 that 'the symbiotic relationship between the tribal people and forests' was recognised. It stated that 'a primary task of

all agencies responsible for forest management, including the forest development corporations should be to associate the tribal people closely in the protection, regeneration and development of forests as well as to provide gainful employment to people living in and around the forest.' These were to be done 'while safeguarding the customary rights and interests of such people' [15].

21.71 percent of the land area of India (7,13,789 sq km) is notified as forests. But 23.58 percent of the land area (7,75,288 sq km) is the recorded forest area. It consists of 4,42,276 sq km Reserved Forests, 2,12,259 sq km Protected Forests and 1,20,753 sq km unclassed forests. Only permitted rights of forest dependent communities, whether residing on forest lands or outside, can be enjoyed in Reserved Forests. The State Government can assign Reserved Forests to any village-community and may cancel such assignment. All forests so assigned are called Village Forests. This is rarely done. The rights of forest dependent communities are allowed unless prohibited in Protected Forests. The Forest Department can modify, regulate or extinguish these rights in due course. The trend officially has been to progressively restrict rights even while legally and illegally extracting income from forest dwellers, expanding the area under the Protected Area regime of WLPA and continuing forest diversion for non-forestry purposes under FCA. However, there has been a transition from primarily extraction of timber to that of its minerals, both over-ground and underground, water and to the burgeoning ecotourism sector of the leisure industry.

The 29th Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1987-89, recommended a framework to address the rights of Scheduled Tribes over forest land and settle disputed claims across India. MoEFCC issued circulars on 18 September 1990 [16] providing guidelines for the regularisation of pre-1980 claims, restoration of pattas, leases and grants which were illegally cancelled, and conversion of all forest villages into revenue villages. These were largely ignored by the States.

The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 [17] recognised 'the ownership of minor forest produce' [Sec.4(m)(ii)] in Scheduled Areas notified under the Fifth Schedule of Article 244. The Scheduled Areas cover 11.3 percent of the total land area in ten states [18] and 5.7 percent population of the country; 53 percent of its population are Scheduled Tribes who constitute 35.2 percent of the total ST population of the country.

MoEFCC acknowledged in its affidavit of 2004 [19] in the Godavarman Case that 'the historical injustice done to the tribal forest dwellers through non-recognition of their traditional rights must be finally rectified'. FRA 2006, in its preamble, recognised that the forest dwelling Scheduled Tribes and other traditional forest dwellers have been residing in such forests for generations, but their rights were not recorded, their forest rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State forests during the colonial period and in independent India resulting in historical injustice, that they are integral to the very survival and sustainability of the forest ecosystem, that it has become necessary to address the long standing insecurity of tenurial and access rights and that their rights include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring their livelihood and food security

About 200 million people living in and around forests fully depend for their livelihood on forest resources and 190 million livestock out of 530 million livestock fully depend on forests either by direct grazing or by harvesting of fodder [20].

Protected Area and forest rights

The Protected Area regime through the WLPA 1972 creates enclaves of National Parks and Wildlife Sanctuaries within the forests. Community Reserves and Conservation Reserves were introduced in WLPA through an amendment in 2002. Its 2006 amendment added yet another statutory category, the Tiger Reserves. More categories such as elephant reserves and wildlife corridors have been added administratively though not yet by law.

All rights of forest dwellers are to be determined, extinguished, settled and vested in the State government in National Parks and Critical Tiger Habitat of Tiger Reserves in order to make them inviolate - meaning free or safe from injury or violation. Permitted rights may be enjoyed until revoked in the Wildlife Sanctuaries and Buffer Areas of Tiger Reserves, which over the years declined. Community Reserves, private and community lands entrusted for wildlife conservation, and Conservation Reserve, uninhabited government lands outside National Parks and Wildlife Sanctuaries entrusted for wildlife conservation, are the other two categories under WLPA. WLPA also enumerates offences and prescribes punishment.

As of July 2023 [21], National Parks increased eighteen fold from 5 covering 2,403.24 sq km to 106 National Parks (44,402.94 sq km or 6.22 percent of forests), Sanctuaries increased twelve fold from 59 covering 10,738.27 sq km to 573 Sanctuaries (1,27,197.55 sq km or 17.82 percent of forests) since 1970. Together they cover 5.44 percent of the total land area or 25.03 percent of forests. No precise figures on the number of people displaced from Protected Areas are available. Outdated figures of about three decades ago range from 1,00,000 to over 6,00,000 [22]. Most, if not all of them, have been displaced without the recognition of their rights and consequently, without any just compensation as can be surmised from the 2004 affidavit of MoEFCC to the Supreme Court mentioned above.

From only nine in 1973 encompassing 9,115 sq km, Tiger Reserves increased to 55 in number in 18 States carved out from within the Protected Area of an area of 77,052.53 sq km of which 42,514.0036 sq km is the Core Area or Critical Tiger Habitat (CTH) and 34,297.41 sq km the Buffer Area.
Being the jewel in the crown, Tigers and Tiger Reserves receive considerable attention on a variety of grounds. Launched in 1973, Project Tiger, an ongoing Centrally Sponsored Scheme of the MoEFCC, introduced Tiger Reserves. India now claims to be home to three-quarters of the global tiger population. Initially an administrative and management category Tiger Reserves became a statutory category through an amendment to WLPA in 2006.

As of 2018, there are 2,808 villages in CTHs. The Environment Ministry stated in the Lok Sabha that as on 12.07.2019 there were 57,386 families in the CTHs of whom 42,398 families remain in 50 Tiger Reserves after relocating 14,441 families (25.17 percent) [23]. By 2020, the figure had increased to 18,493 families in 215 villages [24]. According to NTCA there are about 591 villages comprising 64,801 families residing in core areas [25].

The Paradigm Shift

Paradoxically, the paradigm shift from the colonial to a democratic and conservationist frame in law actually began with the amendment to WLPA 1972 in 2006, popularly called the tiger amendment. The introduction of FRA in the Parliament on 13 December 2005 and the consequent heated debate within and without the Parliament led to the WLPA amendment to be framed from within the FRA framework so as to be harmonious. The tiger amendment was passed on 3 September 2006. The Parliament passed FRA within months in Decembe 2006.

The Tiger Reserves were to be created through a democratic process 'on the basis of scientific and objective criteria' thus removing the 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 then 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 onl voluntary relocation on mutually agreed terms and conditions. The Buffer Area, peripheral to the CTH, is to promote coexistence between wildlife and human activity duly recognising livelihood, developmental, social and cultural rights of the local people. Its geographical limits are to be determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee.

Forest rights are to be determined and recognized [Sec.38V(5)(i) of WLPA], consent of forest dwellers in consultation with an ecological and social scientist familiar with the area that their activities or their presence impact the wild animals causing irreversible damage threatening the existence of tigers and their habitat has to be obtained [Sec.38V(5)(ii) of WLPA], consent of forest dwellers in consultation with an independent ecological and social scientist concluding that no reasonable options of coexistence are available has to be obtained [Sec. 38V(5)(iii) of WLPA], a resettlement or alternative package providing for livelihood has to be prepared [Sec.38V(5)(iv) of WLPA], the consent of the Gram Sabha concerned and the persons affected to the resettlement programme has to be obtained [Sec.38V(5)(v) of WLPA], and their rights are not to be interfered with until the facilities and land allocation at the resettlement location are provided [Sec.38V(5)(vi) of WLPA].

With the passage of FRA, a number of additional important legal provisions got into the legal frame. The first is that FRA prohibits eviction before the determination and recognition rights [Sec.4(5) of FRA] [26]. The second is that contravention of any provision of FRA and its Rules concerning recognition of forest rights by any authority or Committee or officer or member is guilty of an offence under this Act to be proceeded against and punished with fine which may extend to one thousand rupees [Sec.7 of FRA]. Moreover, the forest dwelling Scheduled Tribe in case of a dispute relating to a resolution of a Gram Sabha or the Gram Sabha through a resolution is to issue a notice of not less than sixty days to the State Level Monitoring Committee headed by the Chief Secretary to take action on the offence; only if the notice is not proceeded with, can the court be approached. Additionally, an amendment in 2016 to the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 brought 'interference with rights' including forest rights as defined in Sec.3(1) of FRA

under its purview as atrocity. The third is that the creation of inviolate areas – Critical Wildlife Habitat (CWH) – requires 'a secure livelihood for the affected individuals and communities and fulfils the requirements' in the relevant laws and policies of the Central Government [Sec.4 (2)(d) of FRA]. The fourth is that 'no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per the promised package' [Sec.4(2)(f) of FRA], and the fifth is that, for the first time in any law, any part of Protected Area that is notified as CWH shall not be subsequently diverted by the State Government or the Central Government or any other entity for other uses [Proviso in Sec.4(2)(f) of FRA].

With the FRA slated to get operationalised with the notification of its Rules on 1 January 2008, the newly constituted National Tiger Conservation Authority (NTCA) shot out an order on 16 November 2007 granting the Chief Wildlife Wardens just 13 days time to submit the proposal for delineating CTHs, each with an area of 800–1000 sq km. 26 Tiger Reserves in 12 States were notified under Sec.38 V of WLPA without complying with its provisions, within a month by the year end. Of the 25,548.54 sq km notified, 23,444.93 sq km or 91.77% was CTHs. Only Simlipal in Odisha had a Buffer Area as required by law. It was much later in 2012 that Buffer Areas began to be added after the Supreme Court rapped NTCA and gave them three months time. The disregard of both WLPA and FRA continues within the forest and wildlife division till date.

WLPA prohibits all relocation except 'voluntary relocation on mutually agreed terms and conditions' which satisfy the requirements as laid down in the law. Recognition of rights under the FRA must be completed. These rights are then acquired by the State as per prevailing laws of acquisition of land and rights which is the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR) [27]. 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 required 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 [The First Schedule], a subsistence allowance for a year, a onetime 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 [The 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 [The Third Schedule].

Contrary to the laws, both the Environment Ministry and the State governments try to limit their liability to what are provided for in the Revised Guidelines for the Ongoing Centrally Sponsored Scheme of Project Tiger, 2008 [28] and its subsequent additional guidelines [29]. A paltry compensation of Rs.10 lakhs revised in April 2021 to Rs.15 lakhs per family is offered as the central government share, as cash or relocation/rehabilitation package. This forms part of modifying or settling their rights only and not a substitute for the total compensation, resettlement and relocation as required by law. The rest is the responsibility of the State governments. On top of all these illegalities, what is diligently done is to ensure that signatures are obtained from the affected families that they opt for relocation. These are now officially made 'voluntary relocation' as required by law.

NTCA issued an order in March 2017 to the chief wildlife wardens of tiger range states barring the recognition of rights under FRA in the CTHs. NTCA has no authority to issue such an order. This violated the provisions of WLPA under Sec.38V and FRA that requires rights recognition in tiger reserves. The reason for the ban was stated as the absence of guidelines for notification of CWH under FRA, which MoEFCC was to issue. MoEFCC had drafted CWH guideline in 2007 and revised it in 2011 though not issued because it fulfilled neither WLPA nor FRA. MoEFCC issued the guidelines belatedly in 2018 [30] under pressure from the Court. NTCA withdrew its earlier ban order in March 2018 [31]. But rights continue to be denied in CTHs. And no CWH has been notified till date.

Continuing the disregard for the laws [32] NTCA yet again directed all 19 tiger-bearing states on 19 June 2024 to relocate on a 'priority basis' all the remaining families of the 89,80 families from 848 villages, over 4 lakh people, from 54 Tiger Reserves who were to be relocated. 25,007 families from 251 villages were already relocated. What remain are 64,801 families from 591 villages from 52 Tiger Reserves [33]. This time, the NTCA directives have raised a storm of protest and condemnation by the forest dwellers, conservationists and environmentalists, activists and lawyers.

Finally, FRA unambiguously and categorically negates the rights-exclusion-centric core of the IFA and WLPA decisively in all forest areas traditionally and customarily accessed by forest communities. This includes, without any exception, the Protected Areas. Not only this, the forest bureaucracy is divested of the powers to protect, conserve, regulate and manage the forest, wildlife and biodiversity in such forests, whether notified or not as forests, to the Gram Sabhas of forest dwellers.

(Author: C.R. Bijoy examines natural resource conflicts and governance issues)

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References

[1] Indian Forest Act of 1927, https://www.indiacode.nic.in/bitstream/123456789/15385/1/the_indian_forest_act%2C_1927.pdf [https://www.indiacode.nic.in/bitstream/123456789/15385/1/the_indian_forest_act%2C_1927.pdf]
[2] Wildlife (Protection) Act, 1972, https://www.indiacode.nic.in/bitstream/123456789/1726/1/a1972-53.pdf [https://www.indiacode.nic.in/bitstream/123456789/1726/1/a1972-53.pdf]
[3] Forest (Conservation) Act, 1980, https://www.indiacode.nic.in/bitstream/123456789/19381/1/the_forest_%28conservation%29_act%2C_1980.pdf [https://www.indiacode.nic.in/bitstream/123456789/19381/1/the_forest_%28conservation%29_act%2C_1980.pdf]
[4] T.N. Godavarman v. Union of India in W.P. (C) No.202/1995, https://main.sci.gov.in/jonew/judis/14617.pdf [https://main.sci.gov.in/jonew/judis/14617.pdf]
[5] See Forest (Conservation) Act, 1980 refers to 'any reserved forest' and 'any forest land' in Section 2.
[6] Bijoy. C R. Forest Rights in the North East. Inching towards Exclusion, Economic and Political Weekly, Vol. 54, Issue No. 45, 16 Nov, 2019, https://www.academia.edu/40954344/Forest_Rights_in_the_North_East_Inching_towards_Exclusion [https://www.academia.edu/40954344/Forest_Rights_in_the_North_East_Inching_towards_Exclusion]
[7] Ministry of Environment & Forests, Letter No.7-16/2002-FC dated 3 May 2002, https://mpforest.gov.in/img/files/Prot_New79.pdf [https://mpforest.gov.in/img/files/Prot_New79.pdf]
[8] Lok Sabha Starred Question No. 284 answered on 16.08.2004, Regularisation of encroachments on forest land, https://eparlib.nic.in/bitstream/123456789/520066/1/2276.pdf [https://eparlib.nic.in/bitstream/123456789/520066/1/2276.pdf]
[9] Bijoy, C R. Forest Rights Struggle: The Making of the Law and the Decade After, 13/2 Law, Environment and Development Journal, 2017, p. 73-93, http://www.lead-journal.org/content/17073.pdf [http://www.lead-journal.org/content/17073.pdf]
[10] Government of India (Allocation of Business) Rules, 1961, https://cabsec.gov.in/writereaddata/allocationbusinessrule/completeaobrules/english/1_Upload_1368.pdf [https://cabsec.gov.in/writereaddata/allocationbusinessrule/completeaobrules/english/1_Upload_1368.pdf]
[11] Ministry of Tribal Affairs & UNDP. Forest Rights Act, 2006. Act, Rules and Guidelines, https://tribal.nic.in/FRA/data/FRARulesBook.pdf [https://tribal.nic.in/FRA/data/FRARulesBook.pdf]
[12] Ministry of Environment & Forests, Government of India. Asia Pacific Forestry Sector Outlook Study-II, Country Report, 2009, p.89, https://moef.gov.in/wp-content/uploads/2019/06/Pacific.pdf [https://moef.gov.in/wp-content/uploads/2019/06/Pacific.pdf]
[13] Ministry of Tribal Affairs, Government of India. Monthly Progress Report ending 30 September, 2024, https://tribal.nic.in/downloads/FRA/MPR/2024/(A [https://tribal.nic.in/downloads/FRA/MPR/2024/(A])%20MPR%20Sept%202024.pdf
[14] Union of India. National Forest Policy, 1952, https://indiankanoon.org/doc/59409913/ [https://indiankanoon.org/doc/59409913/]
[15] Ministry of Environment and Forests. National Forest Policy, 1988, https://mpforest.gov.in/img/files/Policy_NFP.pdf [https://mpforest.gov.in/img/files/Policy_NFP.pdf]
[16] Department of Environment, Forests & Wildlife, Ministry of Environment, Forests & Climate Change, Government of India. FP (1), FP (2) and FP (3), Circular No. 13-1/90-FP dated 18.9.90, https://prsindia.org/files/bills_acts/bills_parliament/2005/bill53_2007010153_MOEF_Guidelines_of_1990.pdf [https://prsindia.org/files/bills_acts/bills_parliament/2005/bill53_2007010153_MOEF_Guidelines_of_1990.pdf]
[17] The Provisions of The Panchayats (Extension to The Scheduled Areas) Act, 1996 https://tribal.nic.in/actRules/PESA.pdf [https://tribal.nic.in/actRules/PESA.pdf]
[18] Scheduled Areas have been notified In Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana. The proposal for notification of Scheduled Areas in Kerala consisting of 2133 Villages, 5 Gram Panchayats and 2 Wards of 2015 is pending with the Union Government
[19] Tribal Welfare Department, Government of Telangana. Training For All (TFA), Intensive Training Program (ITP), Training Course on Recognition of Forest Rights Act, (undated),

https://www.mcrhrdi.gov.in/images/twd/ITP-RoFR/ITP-%20RoFR%20-Trainee%20Material.pdf [https://www.mcrhrdi.gov.in/images/twd/ITP-RoFR/ITP-%20RoFR%20-Trainee%20Material.pdf]
[20] Indian Council of Forestry Research and Education, Ministry of Environment and Forests, Government of India. Forest Sector Report India 2010, 2010, Dehradun, p.xi.
[21] EIACP Programme Centre "Wildlife & Protected Areas Management", Protected Areas of India, https://wiienvis.nic.in/Database/Protected_Area_854.aspx [https://wiienvis.nic.in/Database/Protected_Area_854.aspx]
[22] Lasgorceix, Antoine and Ashish Kothari. Displacement and Relocation of Protected Areas: A Synthesis and Analysis of Case Studies, Vol.XLIV No.49, Economic and Political Weekly, 5 December 2009, https://www.researchgate.net/publication/260468351_Displacement_and_Relocation_of_Protected_Areas_A_Synthesis_and_Analysis_of_Case_Studies [https://www.researchgate.net/publication/260468351_Displacement_and_Relocation_of_Protected_Areas_A_Synthesis_and_Analysis_of_Case_Studies]
[23] Lok Sabha Unstarred Question No. 3405, 12.07.2019, https://sansad.in/getFile/loksabhaquestions/annex/171/AU3405.pdf?source=pqals [https://sansad.in/getFile/loksabhaquestions/annex/171/AU3405.pdf?source=pqals]
[24] Kukreti, Ishan. Tigers and tribals: Conservation project displaced 18,493 families in 48 yrs, Down to Earth, 09 October 2020, https://www.downtoearth.org.in/news/wildlife-biodiversity/tigers-and-tribals-conservation-project-displaced-18-493-families-in-48-yrs-73732 [https://www.downtoearth.org.in/news/wildlife-biodiversity/tigers-and-tribals-conservation-project-displaced-18-493-families-in-48-yrs-73732]
[25] Bijoy, C.R. NTCA Demands Relocation of Nearly 4 Lakh Forest Dwellers From 54 Tiger Reserves, The Wire, 21 August 2024, https://thewire.in/environment/ntca-demands-relocation-of-nearly-4-lakh-forest-dwellers-from-54-tiger-reserves [https://thewire.in/environment/ntca-demands-relocation-of-nearly-4-lakh-forest-dwellers-from-54-tiger-reserves]
[26] FRA does not have any provision for eviction. State law for eviction is to be applied. As of June 2024, eviction of claimants whose claims under FRA are rejected has been kept on hold by the Supreme Court vide order dated 28.02.2019.
[27] Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, https://www.indiacode.nic.in/bitstream/123456789/19895/1/the_right_to_fair_compensation_and_transparency_in_land_acquisition,_rehabilitation_and_resettlement_act,_2013..pd [https://www.indiacode.nic.in/bitstream/123456789/19895/1/the_right_to_fair_compensation_and_transparency_in_land_acquisition,_rehabilitation_and_resettlement_act,_2013..pdf]
[28] National Tiger Conservation Authority, Ministry of Environment, Forests & Climate Change, Government of India. F. No. 3-1/2003-PT, Revised Guidelines for The Ongoing Centrally Sponsored Scheme of Project Tiger, February 2008, https://ntca.gov.in/assets/uploads/guidelines/revised_guidelines_css_pt.pdf [https://ntca.gov.in/assets/uploads/guidelines/revised_guidelines_css_pt.pdf]
[29] National Tiger Conservation Authority, Ministry of Environment, Forests & Climate Change, Government of India. No. 15-4/2010-NTCA (Part-III), Additional guidelines for the ongoing Centrally Sponsored Scheme of Project Tiger relating to new components, 28 November 2011, https://ntca.gov.in/assets/uploads/csspt-guideline/3.Addl_%20guidelines.pd [https://ntca.gov.in/assets/uploads/csspt-guideline/3.Addl_%20guidelines.pdf]
[30] Wildlife Division, Ministry of Environment, Forests & Climate Change. F. No. 1-23/2014 WL, Guidelines for Notification of Critical Wildlife Habitat, 4 January 2018, https://tribal.nic.in/downloads/FRA/Concerned%20Laws%20and%20Policies/Guidelines%20for%20Notification%20of%20Critical%20Wildlife%20Habitat,%202018.pdf [https://tribal.nic.in/downloads/FRA/Concerned%20Laws%20and%20Policies/Guidelines%20for%20Notification%20of%20Critical%20Wildlife%20Habitat,%202018.pdf]
[31] Conferring rights in Core/Critical Tiger Habitats of Tiger Reserve, National Tiger Conservation Authority, Ministry of Environment, Forests & Climate Change, 12 March 2018, https://tribal.nic.in/downloads/FRA/Implementation%20of%20FRA%20in%20Protected%20areas/CWH-10%20Conferring%20Forest%20Rights%20in%20CHW%20dated%2012.03.2018%20_%2028.03.2017%20.pdf [https://tribal.nic.in/downloads/FRA/Implementation%20of%20FRA%20in%20Protected%20areas/CWH-10%20Conferring%20Forest%20Rights%20in%20CHW%20dated%2012.03.2018%20_%2028.03.2017%20.pdf]
[32] Vats, Sukriti. How the NTCA Defied the Tribal Ministry, its Own Officials to Order Massive Displacement of Tribals For 'Conservation' , The Wire, 04 November 2024, https://thewire.in/environment/ntca-conservation-displacement-tribal-ministry [https://thewire.in/environment/ntca-conservation-displacement-tribal-ministry]
[33] Bijoy, August 2024, op. cit.

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