

Forest-dwellers in trouble

Handwritten: 30/10/97

By Ashish Kothari

IN a recent order which displays amazing ignorance about the ground realities the Supreme Court has unwittingly condemned three million people and countless wild animals and plants to a future full of misery. Ironically, the order has come about in a petition filed by the World Wide Fund for Nature (WWF-1).

In 1996, the organisation requested the court to direct the State Governments to fully implement the Wildlife (Protection) Act with respect to the protected areas. Such protected areas (PAs), consisting of about 80 national parks and 443 sanctuaries at the last count, make up about 4.8 per cent of India's territory. They harbour the hub of what remains of our biological diversity and also perform critical ecological functions such as regulating the hydrological cycles, stabilising river catchments, protecting soil and maintaining land productivity. India's agriculture would be much the poorer if these areas do not exist and its climatic patterns much more erratic. And our rampaging industrial and commercial forces would have gobbled up these habitats if the Wildlife Act had not protected them.

The WWF's petition brought attention to the fact that the State Governments were neglecting the protection of the PAs. Very few PAs had adequate personnel, equipment and other resources needed for a proper management. In the last few years, the State Governments have also not hesitated to open up the PAs for commercial and industrial purposes or simply denotify them (e.g., the Darlaghat sanctuary in Himachal Pradesh and the Narayan Sarovar sanctuary in Gujarat, both denotified for setting up cement factories).

Among other things, most State Governments have been negligent in settling the rights of people living within or around the PAs.

The Wildlife Act prescribes that the District Collector, in consultation with the State wildlife authorities, must determine such rights and decide on their future. In the case of national parks, all human activities must cease. In the case of sanctuaries, certain rights can be allowed to continue, but only if they are shown to be of benefit to wildlife.

After hearing the arguments, the Supreme Court in August 1997 asked all the State Governments to complete these settlement procedures within one year. On the face of it, the order is a victory for conserva-

tionists, but in reality it is only likely to cause further problems. Indications of this are already available from the PAs of Madhya Pradesh, where the procedures have started under an earlier petition (Pradeep Krisher vs. Union of India) relating to only this State. Collectors have issued notices to the villagers within these PAs, and widespread resentment and hostility has followed almost instantly. The reason is simple: the villagers have taken the notices to be an attack on their right to reside in their traditional settlements.

Both the WWF petition and the learned

A recent Supreme Court order on Preserved Areas settlements has unwittingly condemned three million people and countless wild animals and plants to a future full of misery.

judges' order are devoid of any understanding of the ground reality. Over three million people live inside India's PAs and are heavily dependent on the local natural resources for survival. Over half of the country's PAs have settlements inside, and almost a two-thirds have rights or leases or concessions. However, the legal and administrative status of many human uses is unclear, especially since official records of the rights are poor.

Several customary rights are not recognised at all. In effect, even if the procedure for inquiry was to be done properly, it could be grossly unjust to the villagers.

But in the first place, the inquiry itself is shoddily done. In the Semarsot and other sanctuaries of Madhya Pradesh, only one notice per village has been sent and the people are asked to claim compensation within two months. As most villagers (largely tribal in these areas) cannot even read, they are easily misled into believing that these are eviction notices.

There have been only sporadic attempts by officials to clarify the situation: the Conservator of Forests (Wildlife) of the Raipur circle in Madhya Pradesh has put up posters stating that only willing residents will be resettled, for which Rs. 1 lakh and land will be provided per family. He has also committed himself to providing Reserved Forests for such resettlement is necessary! On the other hand, in some places well-meaning but legally unlettered social activists, who are the

only ones with a base among the people, are spreading the word that the process is the beginning of a mass displacement.

While the notices do not in fact mention eviction, this may well be the eventual outcome of such a process. Consider this: the notices issued by collectors in some areas such as Semarsot state that, once the final notification for the PAs is issued, no one will be allowed to collect any non-timber forest produce (NTFP) any more. For a tribal whose life and livelihood depends on NTFP such as fruits, gum, honey, leaves and thatch, this is like the government telling the

urbanites that it will continue to allow them to live in their houses, but prohibit the use of water, electricity, or the kitchen! For a majority of forest-dwellers, this would be tantamount to forcible displacement.

Judging by what is happening in Madhya Pradesh, here is the likely course of events in all the PAs: notices will be issued, people will mistake them for eviction orders or know that there are going to be even further curbs on their access to livelihood resources, murmurs of protests will build up to mass demonstrations, politicians will jump in with demands of denotification, latent conflicts between the forest staff and people will turn to violent clashes, villagers will start poisoning wildlife (get rid of the *raison d'être* for the PAs!) and collectors will throw up their hands at an increasingly unmanageable situation. Some of this are already happening: 20,000 tribals recently rallied in the Semarsot sanctuary, and a mass sit-in was organised in front of the State Assembly in Bhopal.

Indeed, if the conservationists think they have won a major victory, they had better think again. The eventual outcome of this process is going to be not just misery for several million people, but the destabilisation of the PA network itself.

The easiest course of action for district collectors will be to chop off portions of the PAs with settlements inside. A meeting of the Principal Chief Conservators of Forests

held after the court order in Delhi explicitly recognised this danger. It also warned that trying to force a settlement process in one year under the current circumstances would make the local people hostile to conservation attempts. They are dead right: in the Phoolwari ki Nal sanctuary, Rajasthan, a village sarpanch has already filed a petition in the High Court asking for the sanctuary notification to be quashed.

It may not be too late to retrieve the situation. The process for determining and settling people's rights in the PAs must be fully participatory. A team representing the villagers, the district administration, the Forest Department, the local NGOs and research groups should spend the next year determining the resource uses in each PA (and not just the rights recorded in official documents), analysing the indicators to assess the ecological impacts of these uses and then deciding on what activities can and cannot continue, depending on the conservation value of the area. Guidelines for doing this can be quickly framed to enable the teams to work in a systematic way.

It may be worthwhile trying out the process in a few PAs first, say one per state, and then use the lessons learnt for the rest of the country's PAs. Indeed, a group of NGOs has spent the last few months doing this in the Melghat Tiger Reserve, and their experiences would be invaluable to the other PAs.

Eventually a system of participatory or joint management of the PAs will have to be worked out, which builds up partnerships between all the forces who are interested in conserving the natural habitat and wildlife. Local people have to benefit from the PAs, if the crumbling mass and political support for conservation has to be revived. Only within such a context would it make sense to ask for increased powers, arms and personnel to guard the wildlife habitats.

The WWF has been requested to ask the court to set up such a process of settling rights, but so far it has been reluctant to do so. If it does not get off its high horse soon, it may well be remembered in the history of conservation as the group primarily responsible for intensifying the schism between people and the wildlife, and chopping up an already beleaguered protected area network.

(The author is Lecturer, Indian Institute of Public Administration, New Delhi.)